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Elections to fill vacancies in subsidiary organs and other elections: election of members of the Human Rights Council

Note verbale dated 8 June 2020 from the Permanent Mission of Nepal to the United Nations addressed to the President of the General Assembly

With reference to the candidature of Nepal for re-election to the Human Rights Council for the term 2021–2023, the Permanent Mission of Nepal to the United Nations has the honour to transmit herewith a statement on the contributions and voluntary pledges and commitments of Nepal, pursuant to General Assembly resolution [60/251](#) (see annex).

The Permanent Mission of Nepal has the further honour to request that the present note verbale and its annex be circulated as a document of the General Assembly.

* [A/75/50](#).



Annex to the note verbale dated 8 June 2020 from the Permanent Mission of Nepal to the United Nations addressed to the President of the General Assembly

Candidature of Nepal to the Human Rights Council, 2021–2023

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

I. Background

1. Nepal has presented its candidature for election to the Human Rights Council for the term 2021–2023, which will be held in New York in October 2020.
2. Nepal is an inclusive democratic nation striving for socioeconomic development and prosperity. Nepal's commitment to the protection and promotion of human rights is total and unequivocal. Nepal believes in an inclusive and integrated approach to democracy, development and human rights and considers them as essential characteristics of a democratic society. To strengthen the national implementation of human rights commitments, Nepal has adopted a wide range of legislative, institutional, policy and administrative measures and integrated provisions of international human rights norms into its national laws and policies.
3. Nepal's uniquely successful, home-grown and nationally owned and led peace process presents a successful example of the transformation of armed conflict into peaceful and democratic political order. Nepal is now well set on the path of sustaining peace, achieving social justice and delivering good governance, development and prosperity in a federal democratic republican system of governance.

II. Promotion and protection of human rights at home

A. An inclusive, democratic and human rights-based Constitution

4. A country's journey of promotion, protection and respect for human rights and fundamental freedoms begins at home. Nepal's democratic Constitution is founded on universally recognized human rights and fundamental freedoms, equality, non-discrimination and such other principles as an inclusive multiparty democratic polity, pluralism, an independent judiciary, the separation of powers, checks and balances, the rule of law, accountability, proportional representation, periodic elections, representative government and social and economic justice.
5. The Constitution of Nepal guarantees a comprehensive set of civil and political, as well as economic, social and cultural, rights drawn from the Universal Declaration of Human Rights and other international human rights instruments to which Nepal is a State party. To put those fundamental rights enshrined in the Constitution into practice, Nepal has enacted 16 different implementing legislations.
6. The mixed electoral system with a provision for positive discrimination has ensured the inclusive representation of women and disadvantaged communities in the political and policy process. The free, fair and impartial elections of federal, provincial and local governments held in 2017 with a record turnout of voters have ensured an overall representation of women at 41 per cent in the elected bodies.

B. Independent and impartial judiciary

7. Nepal's independent judiciary remains the guardian of the Constitution and custodian of human rights and fundamental freedoms. Nepal's judiciary has maintained its independence and impartiality and has delivered landmark verdicts in favour of protecting the fundamental human rights of the people.

C. Independent national human rights institution

8. The National Human Rights Commission is an independent national human rights institution with an "A" category accreditation. The National Human Rights Commission Act, 2012, fully conforms to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and provides the legal foundation for the Commission to function as a powerful watchdog for human rights in the country. The Commission is mandated to monitor the human rights situation and ensure respect for and promote and protect human rights, and is competent to launch inquiries and investigations into cases of human rights violations. It can recommend legal or departmental action against the perpetrators and recommend compensation to the victims and other remedial measures as may be required.

9. In addition, the Constitution guarantees the establishment of various other independent and empowered constitutional commissions, such as the National Women Commission, the National Dalit Commission, the National Inclusion Commission, the Indigenous Nationalities Commission, the Madhesi Commission, the Tharu Commission and the Muslim Commission. These commissions work for the promotion and protection of the rights, interests and well-being of the respective communities.

D. Transitional justice mechanisms

10. To deal with the outstanding issues of transitional justice with regard to the incidences that occurred during the armed conflict (1996–2006), two separate independent commissions, namely the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons, have been established. The mandates of the commissions have been extended, and new commissioners have been appointed as per the recommendations of the independent selection committee. The transitional justice mechanisms are now functioning independently to fulfil their mandates. The independence and impartiality of the commissions are guaranteed, and adequate resources for these commissions have been ensured. Nepal has reaffirmed in every appropriate occasion that the transitional justice process will be guided by the Comprehensive Peace Agreement between the Government of Nepal and the Communist Party of Nepal (Maoist), the directives of the Supreme Court, relevant international commitments, the concerns of the victims and the realities on the ground. As a country that steered a uniquely successful peace process, Nepal has the requisite capacity and political will to conclude the transitional justice process in an equally unique and credible manner.

E. Gender equality and empowerment of women

11. Equality and non-discrimination make up the cornerstone of the Nepali constitutional and political process. Nepal adheres to a rights-based approach to promoting the social, economic and political empowerment of women. The Constitution ensures the right to lineage and equal rights in parental properties and

family matters and guarantees the sexual and reproductive rights of women. Sexual minorities (lesbian, gay, bisexual, transgender and intersex persons) in Nepal enjoy all the fundamental rights enshrined in the Constitution.

12. Women's right to participate in all structures of the State on the basis of proportional representation has been guaranteed. It is mandatory for the Federal Parliament and the provincial assemblies to have at least one-third, and for the local governments to have at least 40 per cent, representation of women. Either the Speaker or the Deputy Speaker of both houses of parliament must be a woman. The President and Vice-President of the country must be of opposite gender or from different communities. Nepal now ranks among the leading countries that have achieved higher gender parity in the parliamentary, provincial and local elected bodies, with 41 per cent overall representation of women. Gender empowerment indicators stand at a higher level than in the past.

13. The labour laws of Nepal strictly prohibit discrimination on grounds of gender and guarantee equal pay for work of equal value. Violence against women is punishable by law, and victims are entitled to compensation from perpetrators. Fast-track court proceedings are applied in the cases of human trafficking and sexual abuse. Provisions for positive discrimination and reservations have resulted in a significant rise in women's participation in civil service and other public sector employment opportunities, including in security agencies. The proportion of property ownership by women and their participation in income-generating enterprises have increased significantly in recent years.

14. Investment in women has resulted in a significant reduction in maternal and child mortality rates and an increase in the school enrolment of girls, including those from Dalit and disadvantaged communities. Nepal has fully integrated the Sustainable Development Goals, including Goal 5, into its periodic and annual plans, policies and programmes.

15. Nepal is a pioneer country in having introduced and implemented a gender-responsive budgeting system since 2007/08. This system of investing in targeted programmes and tracking public expenditures from a gender perspective constitutes an essential part of plans and programmes. The allocation for the system in the federal budget reached 38.6 per cent in 2018/19.

16. Nepal prepared and implemented a national action plan on Security Council resolutions [1325 \(2000\)](#) and [1820 \(2008\)](#). The preparation of a second national action plan is at the final stage, with the active participation of all stakeholders, including provincial and local governments.

F. Rights of the child

17. Nepal is a party to the Convention on the Rights of the Child and has ratified its two Optional Protocols, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. Nepal has given utmost priority to the issue of the welfare and protection of children. Nepal enacted a comprehensive act on children in the early 1990s, which was further amended and updated in 2018, that ensures the rights, equality and inclusion, and addresses the development needs, of children. The implementation of mandatory and free education for all children up to the basic level and of free education up to secondary school has produced impressive results. Students with disabilities and indigent students are entitled to free higher education. School children are provided with monthly scholarships, a daily meal and other incentives for increasing enrolment and retention in school.

G. Right to information

18. Nepal believes that ensuring citizens' right to information is critical for promoting good governance and accountability. As a matter of fundamental right, every Nepali citizen can seek and obtain information of public importance. An independent National Information Commission has been established to protect and enforce this right and promote proactive disclosure. A vibrant and independent media and an active civil society have further contributed to the enjoyment of the right to information by all.

H. Right to privacy

19. Nepal believes in the sanctity of an individual's privacy and considers the right to privacy as an important element for the enjoyment of freedom. The Constitution regards a person, abode, properties, documents, correspondence and matters related to the character of an individual as private affairs and hence inviolable. The Individual Privacy Act, 2018, recognizes the genetic identity, sexual orientation, sexual life and other related information of an individual as personal and regulates the use of private information stored in public entities and liability in case of breaches.

I. Right to employment

20. Nepal recognizes the right to employment as a fundamental right. To implement the right, every citizen between 18 and 59 years of age has been guaranteed by law a minimum of 100 days of employment in a fiscal year. The Prime Minister Employment Programme has been under implementation since February 2019, under which all registered unemployed citizens are assigned jobs as per their qualification and area of interest. They are also provided with the necessary vocational skills and training if needed. In case the minimum guaranteed work is not available, unemployed citizens are entitled to receive a specific amount of subsistence allowance.

J. Right to social security

21. The Constitution provides the right to social security as a fundamental right. A detailed legal framework has been enacted to implement this right. The law provides social security protection to eight different clusters of people, including senior citizens, indigent, incapacitated and helpless persons, helpless single women, persons with disabilities, citizens unable to take care of themselves, and children and people belonging to ethnic groups on the verge of extinction. All Dalit women, single women above 60 years of age and all senior citizens above 70 years of age are entitled to monthly allowances from the State.

22. In addition, Nepal has introduced a contribution-based social security scheme since 2018. The employer and employee contribute a certain portion of their income to the Social Security Fund, which is utilized to cover medical, health and maternity benefits, disability and accidental death benefits, and dependent family and old-age benefits. The Government plans to extend the scheme to cover the informal sector as well.

K. Diversity management and social justice

23. Nepal presents a mosaic of ethnic diversity living in peace and harmony for centuries. Nepal attaches great importance to the protection of the rights of indigenous people. The Constitution of Nepal consolidates inclusive democracy and provides for the proportional representation of indigenous people, women and Dalits, among

others, in all structures of the State. State policies are directed at uplifting economically and socially backward indigenous communities with special provisions in education, health, housing, food security and employment. In 2007, Nepal ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO).

L. A vibrant civil society and the media

24. Nepal's democratic space allows for the functioning of an independent and free media and a vibrant civil society. The Constitution of Nepal guarantees full media freedom, which includes print, electronic and online media. Nepal considers the media and civil society as important partners for strengthening a democratic and accountable government and enlarging the space for freedom. A large network of non-governmental organizations and other civic institutions function across the country from the local to the national level and enjoy full operational freedom.

M. Human rights integrated into national development plans

25. Nepal has been implementing periodic plans for balanced and inclusive development. The fifteenth five-year periodic plan (2019–2023) has been formulated with an objective of ending poverty and graduating from the least developed country status at an early date, achieving the Sustainable Development Goals and reaching the status of middle-income country by 2030 with a vision of “Prosperous Nepal, happy Nepali”. The plan integrates a human rights approach to development and adheres to the spirit of “leaving no one behind”. Human rights, inclusion and social justice are fully integrated into the plan.

N. Implementation of human rights action plans

26. Nepal is one of the pioneer countries to formulate and implement national human rights action plans since 2004. Presently, the fifth national human rights action plan (2019–2024) is under implementation. The plan has been harmonized with national development policies and plans, with a provision for a mechanism for monitoring and reporting. This endogenous effort has positively contributed to mainstreaming the agenda of protecting and promoting human rights at the national level.

III. Constructive engagement at the international level

A. Strong faith in multilateralism and the universality of human rights

27. Nepal's faith in multilateralism, with the United Nations at its centre, is inspired by her strong commitment to the principles and purposes enshrined in the Charter of the United Nations. Nepal firmly believes in the universality of human rights and considers that all human rights are indivisible, interdependent, interrelated and mutually reinforcing, and that they merit balanced treatment and equal emphasis. Nepal considers the Human Rights Council and its mechanisms as important forums for cooperation and dialogue for the promotion and protection of human rights.

B. Adherence to international human rights norms

28. Nepal is a State party to 25 international human rights-related instruments, including seven out of nine core human rights conventions. A State party to the

Second Optional Protocol to the International Covenant on Civil and Political Rights, Nepal has abolished the death penalty. Nepal upholds the right to life and dignity of every individual as sacred. Nepal has ratified 11 ILO conventions that are directly related to human rights, including seven out of the eight fundamental conventions. Nepal is one of the few countries to have ratified the Indigenous and Tribal Peoples Convention.

29. Nepal maintains a good track record in fulfilling its reporting obligations and has regularly submitted periodic reports on the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women, among others, and is committed to implementing the recommendations made by the respective committees or bodies.

C. Constructive role in the Human Rights Council

30. Currently a member of the Council (2018–2020), Nepal has been playing a constructive role in the Council to promote and strengthen dialogue and cooperation. Nepal remains actively engaged with the United Nations human rights mechanisms. Nepal's independent outlook on human rights is guided by the principle of objectivity, impartiality, non-selectivity and cooperation. Nepal also served as the regional coordinator of the Asia and the Pacific Group in the Council for 2019.

D. Country visits of Special Rapporteurs

31. Nepal remains constructively engaged with the special procedure mandate holders of the Human Rights Council. The Special Rapporteur on the human rights of migrants, Felipe González Morales, visited Nepal from 29 January to 5 February 2018. Likewise, the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonovic, visited the country from 18 to 29 November 2018. The reports presented by both mandate holders were helpful in further strengthening protection measures for Nepali women and migrant workers.

E. Planned implementation of universal periodic review outcomes

32. Nepal regards the universal periodic review system as an innovative tool for peer review and the sharing of best practices in the field of human rights. During the second review, in 2015, Nepal accepted 152 recommendations out of 195 and took note of the remaining 43. Those recommendations have been sincerely implemented with specific action plans. Nepal looks forward to a productive dialogue in the upcoming third review, in January and February 2021.

F. Over six decades of contributions to United Nations peacekeeping operations

33. The existence of peace is a prerequisite for the enjoyment of all human rights. As part of its commitment to the Charter of the United Nations, Nepal has been contributing, for over six decades, to United Nations peace operations and hence to the cause of peace and human rights in conflict zones.

34. Currently, Nepal is the fourth largest troop- and police-contributing country. A total of 73 Nepali peacekeepers have made the ultimate sacrifice in the line of duty, while 66 peacekeepers have become disabled. Nepal's contribution to international peace and security has earned wide recognition and acclaim. Nepal has endorsed the Action for Peacekeeping initiative and the voluntary compact on preventing and addressing sexual exploitation and abuse of the Secretary-General and remains fully committed to the implementation of the Kigali Principles on the Protection of Civilians.

G. Migration

35. The Global Compact for Safe, Orderly and Regular Migration has rightly put the human rights of migrants at the centre and created a framework to make "migration work for all". Nepal supports promoting international cooperation on migration issues for the benefit of all countries of origin, transit and destination. Nepal played an active role during the negotiation and adoption of the Compact. Nepal believes that regional consultation processes, such as the Colombo Process for Asian labour-sending countries and the Abu Dhabi Dialogue among the Asian labour-sending and labour-receiving countries, are useful forums to advance cooperation in the areas of labour migration and address common issues through dialogue.

IV. Voluntary pledges and commitments

36. In the context of the above and in line with Nepal's full commitment to the protection and promotion of human rights, Nepal makes the pledges outlined below.

37. At the national level, Nepal will:

(a) Make meaningful efforts towards the effective realization of fundamental rights enshrined in the Constitution;

(b) Strengthen the capacity to implement international and regional human rights instruments, including the Universal Declaration of Human Rights, to which Nepal is a State party;

(c) Pursue the 2030 Agenda for Sustainable Development putting at the centre the motto of "leaving no one behind";

(d) Make every possible effort in addressing, through transitional justice mechanisms, the cases related to the violation of human rights during the conflict period;

(e) Ensure the independence of the judiciary for the protection of human rights;

(f) Foster the growth and development of a free media;

(g) Continue to maintain a conducive environment for the operation of human rights defenders and civil society organizations;

(h) Strengthen the institutional capacity of the constitutional commissions to ensure good governance;

(i) Strengthen the National Human Rights Commission in the protection and promotion of human rights;

(j) Fully enable all the constitutional commissions to fulfil their mandates effectively towards ending discrimination and creating an inclusive, just and prosperous Nepali society;

(k) Implement and adhere to the accepted recommendations of the universal periodic review;

(l) Conduct human rights-related capacity-building and training for law enforcement officials and public prosecutors;

(m) Continue to fulfil reporting obligations under the international human rights instruments to which Nepal is a State party and implement the recommendations;

(n) Continue to increase investment in education, health, sanitation and antenatal and neonatal care and reduce child and maternal mortality rates.

38. At the international level, Nepal will:

(a) Contribute to the work of the Human Rights Council on the promotion and protection of human rights;

(b) Cooperate and constructively engage with the human rights treaty bodies, special procedure mandate holders and other mechanisms of the Human Rights Council;

(c) Offer its full support to the Office of the United Nations High Commissioner for Human Rights in fulfilling its mandates;

(d) Cooperate with all relevant stakeholders to promote and protect human rights universally;

(e) Work in the spirit of partnership and collaboration with all stakeholders for the realization of universal human rights;

(f) Extend its support to United Nations agencies, programmes and funds that can facilitate the promotion and protection of human rights;

(g) Participate actively in the global initiatives on the implementation of the 2030 Agenda for Sustainable Development in the interests of the neediest;

(h) Support and actively participate in the universal periodic review process as a unique peer-review mechanism;

(i) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(j) Continue promoting the universality, indivisibility, interrelatedness and mutually reinforcing nature of human rights;

(k) Promote an inclusive, transparent, rules-based and equitable multilateralism.