

NEPAL

Summit for Democracy – Written Statement

General Introduction

Nepal, as a strong believer of democracy, expresses its full commitment to the democratic system and institutions characterized by multi-party competitive polity, federal republican system, periodic elections and universal suffrage, separation of power, checks and balance, independence of judiciary, protection and promotion of human rights and fundamental freedoms, individual liberty, press freedom and the rule of law. Nepal has made full commitment to establishing a society founded on the proportional inclusive and participatory principles and has demonstrated progress, through affirmative measures, in increased-participation of women, indigenous communities, *Dalits*, *Madhesi*, *Tharu* and persons with disabilities and other minority groups.

Free and fair election constitutes one of the important pillars of a functioning democracy. In order to ensure improved access to reliable election-related information and to dispel misinformation, the Government facilitates dialogue and working relationship among political parties, the Election Commission and civil society on a regular basis.

Human Rights

Nepal considers that human rights are fundamental rights. It believes in universality of human rights and considers that all human rights are indivisible, interrelated, interdependent and mutually reinforcing. Nepal has incorporated most of the international human rights norms and values as fundamental rights in the Constitution.

These include civil and political as well as economic, social and cultural rights such as the right to live with dignity, right to freedom, right to equality, right to communication, rights relating to justice, right of victim of crime, right against torture, right against preventive detention, right against untouchability and discrimination, right relating to property, right to freedom of religion, right to information, right to privacy, right against exploitation, right to clean environment, right relating to education, right to language and culture, right to employment, right to labour, right relating to health, right relating to food, right to housing, rights of women, rights of child, rights of Dalit, rights of senior citizens, right to social justice, right to social security, rights of consumer, right against exile, and right to constitutional remedy.

Nepal's human rights agendas are progressive, forward looking and people-centered. The Federal Parliament has enacted and amended different legislations for the implementation of these rights. We have been implementing the SDGs as important elements for creating an enabling condition for the promotion and protection of human rights. Nepal attaches high importance to the fulfillment of basic needs of the people to ensure their dignity and comprehensive security.

Right to life is the most fundamental of all rights. This is a prerequisite to enjoy all other rights and freedoms provided by the national laws and international instruments. National plans and programs have been designed and are being implemented to address these legitimate needs of the people, by aligning them with the SDGs.

Equal right to women, gender and religious minorities and disadvantaged groups

Nepal adheres to the principles of equality, non-discrimination and respect for dignity of individual and endeavours with full commitment to ensure not only *de jure* equality but also its *de facto* realization. The Constitution guarantees right to equality before the law and right to equal protection of law.

Discrimination on any ground is prohibited.

Nepal is committed to ending all forms of discrimination against women and the Constitution has guaranteed the rights of women. Equal right to ancestral property is also guaranteed by the Constitution. Concrete legislative, policy and programmatic interventions have been put in place to eliminate harmful traditional practices, such as, child marriage, dowry, witchcraft and *chhaupadi*.

The Government is bringing legislation to punish perpetrators of acid attacks and rape. Victims will be duly compensated. We will enhance women's access to foreign employment, ensuring their safety, security and welfare. We will also work with destination countries to create conditions that protect workers from trafficking and exploitation.

In addition, the Government is committed to economic empowerment of women through concrete policies including affirmative action.

Nepal is a secular State. The constitution fully ensures religious freedom to all people and prohibits discrimination of any form on the ground of religious faith. Every person is free to choose, adopt, profess or practice religious belief. However, conversion by force or undue influence or inducement is prohibited to ensure full enjoyment of religious freedom by every religious denomination.

The Constitution specifically provides for the rights against untouchability and discrimination against Dalits and ensures specific rights of Dalits.

Nepal has a vibrant civil society and community of human rights defenders. They are functioning freely and independently across the country to promote human rights and fundamental freedoms. As a watchdog on transparency and accountability issues, our civil society has complemented the Government's efforts on corruption control, maintenance of rule of law and good governance. Nepal has been pursuing participatory approach in every process of development and ensures inclusive dialogue with all stakeholders, including minority groups and civil society.

Human Trafficking

Nepal is serious about the problem of trafficking of women and girls and all forms of gender based violence. It has been taking a number of legislative, administrative and judicial measures in this regard. As the problem of human trafficking is transnational in nature, international cooperation is important to

curb this problem. Being a party to the Palermo Protocol, Nepal has taken initiative to amend the existing human trafficking legislation in line with the Protocol within a year.

Transitional Justice

Nepal firmly reiterates its commitment to resolve the issues related to transitional justice in accordance with the spirit of the Comprehensive Peace Accord, rulings of the Supreme Court, relevant international commitments, concerns of the victims and ground realities. Two independent commissions - the Truth and Reconciliation Commission (TRC) and the Commission on Investigation of Enforced Disappeared Persons (CIEDP) - have been investigating the allegations of human rights violations during the conflict era.

With a view to amending the TRC Act in compliance with the Supreme Court ruling of 26 February 2015 and concerns of the victims, the Ministry of Law, Justice and Parliamentary Affairs is preparing an amendment Bill in consultation with the victims of the conflict and other stakeholders. The Government of Nepal is committed to strengthening the capacity of these Commissions in order to enable them fulfill their mandates effectively.

Anti-Corruption Measures

Nepal firmly commits to address the issues of corruption. It has pursued a policy of zero tolerance against corruption. Being a State Party to the United Nations Convention against Corruption (UNCAC), Nepal has been implementing the Convention by framing a separate UNCAC Implementation Strategy and Action Plan. Relevant policies, legislative and administrative frameworks are being aligned in line with the UNCAC. Independent constitutional and statutory

oversight mechanisms have been functional. Necessary arrangements have been made to strengthen public finance management system.

Climate Change

The Constitution guarantees right to live in a clean and healthy environment to every citizen. Moreover, compensation to the victim is provided for any injury caused from environmental pollution or degradation. The Constitution directs the State to take appropriate measures on advance warning, preparedness, rescue, relief and rehabilitation in order to mitigate risks from natural disasters. Accordingly, Nepal has taken requisite policy, legal and institutional measures.

Nepal submitted its enhanced Nationality Determined Contribution (NDCs) last year as mandated by the Paris Agreement on Climate Change. We are preparing an ambitious Long-Term Strategy, committing to a net-zero emission by 2045. We will also implement gender-responsive and climate resilient adaptation plans in all 753 Local Levels by 2030.

As a country prone to natural disaster and climate vulnerability, Nepal has adopted legislative, policy and institutional frameworks to address disasters and climate related risks at the federal, provincial and local levels. Following the devastating earthquakes of 2015, the Government mobilised domestic and international resources for the reconstruction of public and private buildings, infrastructures and cultural heritages. So far, about 80 percent of such infrastructures have been reconstructed and within the next year, the remaining reconstruction works will be completed.

Fight against disinformation and hate speech and protection of freedom of expression

Nepal is fully committed to protecting freedom of speech and expression, right to communication, right to freedom of religion, right to information, right to privacy, as ensured by the Constitution and law. Nepal considers that hate speech is a menace to democratic values, social stability and peace. It generates intolerance and hatred, which can be demeaning and divisive. In order to maintain harmony among people of various castes, tribes, religions and gender, incitement to caste-based or communal hatred or discrimination or practice of untouchability or any act of disrespect of certain profession, defamation, contempt of court, incitement to an offence or on any act which may be contrary to public decency or morality is prohibited by law.

The Bills on Electronic Transactions Act, Media Council, Information Technology and Mass Communication are under consideration of the Federal Parliament. The Government of Nepal is committed to protecting the rights and freedoms ensured by the Constitution, including remedy against hate speech.

Tackling hate speech is the responsibility of the government institutions at all levels, communities, the private sector, civil society, social media and every individual. In today's digital age, the new generation of digital citizens must be aware of the value of social harmony and tolerance. They must stand up against hate speech and reject it with a view to creating a peaceful, harmonious and stable society.

Nepal is fully committed to curbing false information and spreading rumours. It is prohibited and punishable offence by law. If any public entity/officials provide misinformation, he/she is also liable for punishment under law.
