

Transitional Justice in Nepal

Excellencies and Distinguished Delegates,

Namaste!

I am Yagya Prasad Adhikari, Director, National Human Rights Commission Nepal

National Human Rights Commission of Nepal presented the 3rd cycle of the Universal Periodic Report (UPR) on the overall human rights situation of the country. The report covers overall human rights situation of the country and the implementation of the recommendations provided in the 2nd cycle on November 2015.

The UPR report has been jointly prepared by the National Human Rights Commission (NHRC) in collaboration with National Women Commission (NWC) and National Dalit Commission (NDC). In this regard the commission was robustly engaged in making the UPR process more participatory, inclusive and effective prior to submitting the UPR reports to the Human Rights Council. The nationwide such as national, provincial, district wise and thematic workshops and consultations were held with various stakeholders in a bid to incorporate diverse human right concerns.

Situation of Transitional Justice in Nepal

The Comprehensive Peace Accord (CPA) concluded between the Government of Nepal and the then CPN Maoist on 21 November, 2006 formally ended the 10 years long armed conflict. According to CPA Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons to address the conflict era cases were established but those commissions did not function effectively within its 4 years of formation. The Council of ministers has approved the amendment Bill of the act for the submission in the federal parliament. After the end of the term of the officials of TJ mechanisms, a recommendation Committee was formed to recommend members for the Commissions and working now on TJ mechanism.

Recently four international human rights organizations including Amnesty International made their conclusion that Nepal became unsuccessful to fulfill the commitment to provide justice to the victims of human rights violation through TRC. The organizations of the conflict victims appealed for the amendment of the law in line with the decision of Supreme Court of Nepal and recommendations made by the NHRC. The Government of Nepal informed that the amendment of the act is going on with the consultation of the victims as per the directive order provided by the Supreme Court of Nepal but the demand of the victims have not been addressed yet.

Recommendations

- Amend the existing TRC Act for the effective functioning of transitional justice, in accordance with the decision of the Supreme Court and recommendations of the NHRC and in line with SDG 16.
- Implement the NHRC recommendations with the formation of effective implementation mechanism as the question has been raised in the national and international sector on the accountability of the state due to non implementation of the NHRC recommendations.
- To ensure that for survivors and witness to come forward to TJ Mechanism