ACTIVITY REPORT
Nepal

National UPR follow-up meeting
5-6 April 2018

Timeline for UPR engagement in the current cycle

Last UPR 04/11/2015
Follow-up
Mid-term reporting 05/2018
National Consultation 05/2019
National Consultation 05/2019
Drafting period 01/2020
NGO submission 19/03/2020
NGO report drafting
Advocacy
Next UPR 11/2020
1. Introduction

On 5 April 2018, some 90 participants joined the National UPR follow-up meeting, co-organised by the NGO Coalition for the UPR in Nepal,¹ National Human Rights Commission [NHRI], The Lutheran World Federation, FIAN Nepal and UPR Info, with the generous support of the Delegation of the European Union in Nepal. CSO representatives active on a diverse range of human rights issues, from both urban and rural parts of the county, joined the event together with officials from the Government, the National Human Rights Institution and UN agencies, all of which actively contributed to the agenda.² UPR Info lead the first session on good practices of how to develop an effective mid-term report and shared examples of productive multi-stakeholder cooperation in the follow-up phase. Particular emphasis was put on the need for the CSO mid-term report to reflect the rich diversity of the population of Nepal, and to leave no one behind in the national UPR process. The following day, civil society representatives presented the draft mid-term report to the diplomatic and donor community at a briefing session hosted by the EU Delegation.

The specific objectives of the meeting were to:

❖ Raise awareness among national UPR stakeholders about progress in implementing 2nd cycle UPR recommendations, and identify solutions to obstacles;
❖ Enhance the quality of the CSO joint mid-term report;
❖ Position CSOs as legitimate implementation partners to the Government.

The event was the third step in a series of UPR activities undertaken by UPR Info and its partner organisations in Nepal under the umbrella of the In-country Programme.

¹ The coalition consists of the Informal Sector Service Centre (INSEC) as the secretariat; Women’s Rehabilitation Center (WOREC); Nepal Durban Review Conference Follow-up Committee (DRCFC); Children as a Zone of Peace (CZOP) and Beyond Beijing Committee (BBC). In addition, around 200 NGOs and civil society members are associated to NGO Coalition
² See Annex 1
2. Activity overview

2.1. National UPR follow-up meeting

The workshop was opened by welcome remarks from Subodh Raj Pyakurel, INSEC; Sabita Pokharel, WOREC; Krishna Kumari Waiba, DRCFC; Madhav Pradhan, CZOP; Honorable Mohna Ansari, National Human Rights Commission; and Hans Fridlund, UPR Info. The interventions contextualised the meeting by introducing the mechanism and speaking to the importance of a mid-term event to reinvigorate the national UPR momentum. Representatives of national CSOs and coalitions informed about the consultation process that preceded the drafting of the report. It was noted that local level actors must be strengthened to allow them to effectively contribute to the UPR, and that national CSO coalitions must fully involve indigenous peoples and persons belonging to minorities in their work.

In the first session, Mr Hans Fridlund, UPR Info, introduced the mechanism to newcomers and shared good practices of how to structure, publish and popularise a mid-term report. To bolster the legitimacy of the report, the need to collect information through inclusive consultations was underlined. He noted that the data collected at mid-term also contributes to CSO submissions for the third cycle, adding further incentive to comprehensive consultations. In discussing sustainable implementation of human rights recommendation, the presentation also outlined key steps in the formation of a National Mechanism for Reporting and Follow-up (NMRF).
Stakeholders at the meeting agreed that such a body would contribute to deepen the partnership between the Government, National Human Rights Commission, and CSOs.

The segment lead by Mr Phanindra Gautam, Joint Secretary at the Law and Human Rights Division, Office of the Prime Minister and Council of Ministers, proved a highlight of the day as it resulted in a rich exchange with participants. In his introduction, Mr Gautam alluded to the Government’s action plan for UPR implementation and stressed the need for a long-term strategy which harmonises implementation efforts at local, district and central level. He pointed at the new constitution and the move from a unitary to a decentralised political system as two factors which had to be taken into consideration in the follow-up phase. In highlighting national UPR progress, he mentioned implementation efforts in the areas of education and housing, while acknowledging that the lack of disaggregated data hampered effective monitoring and evaluation. Questions and comments from CSO participants related to, among other issues: the need to legislate against bonded labour; ending discriminatory practices against Dalits, including untouchability; gaps in the Citizenship Act; the need to improve the economic situation for Dalits; compatibility between the constitution and the National Human Rights Action Plan; and ways to actively involve CSOs outside the capital in consultations on draft legislation. There was a general agreement that while legislation may be in place, enforcement is not always satisfactory. In closing, Mr Gautam welcomed the exchange and suggestions made by participants. He urged them to approach him with concrete recommendations that he could convey to relevant Government bodies. Finally, he paid tribute to the work of CSOs, and stressed the need for stronger partnership between civil society and Government rto accelerate UPR implementation.

Mr Kapil Aryal, National Coalition for the UPR, introduced the draft CSO mid-term report to the plenary. He informed about the consultative meetings conducted in Morang, Janakpur, Kathmandu, Pokhara, Dang, Surkhet, and Dhangadi, thus covering all seven provinces of Nepal, bringing together representatives from local CSOs, National Human Rights Commission, Government, sexual minorities, religious minorities, Dalit community, Madhesi community, indigenous peoples, journalists, lawyers, freed bonded labourers. In providing an overview of progress and shortfalls in the implementation phase, he also noted the challenge of assessing whether vague recommendations had been fully, partially or not implemented.
After lunch, Mr Som Subedi, National Human Rights Commission, urged CSOs to conduct UPR monitoring as an inclusive exercise respecting the views of different segments of civil society. He outlined how the Commission works with the Government to advance implementation and highlighted their work related to realising recommendations related to gender violence, child rights, Chhaupadi, Kamlari and social rights. In the joint Q&A session with Mr Subedi and Mr Aryal, participants raised the need for the CSO mid-term report to not shy away from criticising the lack of progressive implementation. The discussion addressed the importance of reporting rape cases as a flagrant violation of human rights and the need to develop laws in a gender-neutral manner. Some participants regretted that the draft CSO mid-term report had not been shared earlier which would have allowed them to meaningfully prepare their feedback at the meeting. Mr Aryal recognised the issue and appealed to participants who felt that their concerns were not adequately reflected in the draft to share their input in person or through e-mail.

In the final presentation of the day, Ms Chiaki Ota, Office of the High Commissioner for Human Rights (OHCHR), introduced the mandate and role of OHCHR in the UPR. She explained that as OHCHR does not currently have an office in Nepal, they collaborate closely with UNDP and other UN agencies in the country. She also noted that Nepal is a member of the UN Human Rights Council, and pledged in their candidacy to implement supported UPR recommendations. In this light she welcomed the CSO mid-term report as a timely exercise to hold the Government accountable to their human rights commitments. In a presentation packed with good country examples of how OHCHR supports implementation, Ms Ota informed about the UPR Trust Fund, which enables technical assistance in the realisation of UPR recommendations. Within the context of Nepal she used a series of examples to illustrate how UN entities have contributed to UPR implementation, including:

- The report Mapping Progress of Women’s Rights in Nepal, prepared by UN Women, which highlights UPR and treaty body recommendations related to women’s issues in Nepal, and the status of their implementation; and
- Support by the Rule of Law and Human Rights Programme of UNDP to the National Dalit Commission to conduct a study on the implementation status of UPR recommendations related to caste based discrimination, untouchability and the Dalit community in Nepal.
At the subsequent press briefing, the organisers informed 10 media outlets, including radio, on the discussions that had taken place during the meeting, and the preliminary findings of the draft report. Representatives from the press expressed their interest in receiving the final CSO mid-term report and to be invited to future events.

2.2. Diplomatic briefing

On 6 April 2018, the EU Delegation graciously hosted a diplomatic briefing which gathered 26 representatives from Denmark, Germany, Switzerland, United Kingdom, Danish Institute for Human Rights, UNDP, UNFPA, UNHCR, UN Women, IOM, the National Human Rights Commission and civil society. The objective of the briefing was to introduce voices from national civil society organisations to the diplomatic and donor community, and share the initial findings of the draft CSO mid-term report. In her welcoming remarks H.E. Veronica Cody, Ambassador at the EU Delegation, highlighted that Nepal is at a politically historical conjuncture with a new constitution ready to be implemented, a new federal system, and 43% of women in parliament. As such, she said, the current climate is conducive for pushing the human rights agenda forward.

Following the presentation of the draft report by Mr Kapil Aryal, the discussion addressed overarching positive and challenging themes. In this context civil society representatives noted that while several laws have been enacted and amended, enforcement remains weak. Diplomats were keen to know about implementation levels as such information would be useful in their dialogues with the Government. It was also suggested that the report included a comparison with recommendations made in the first cycle and a strong methodology chapter that justifies how different ratings were made. A request was also made to the drafters of the report to develop a mid-term factsheet which would provide an at-a-glance overview of progress. It was moreover stated that the report, to be legitimate, must reflect experiences lived by the entirety of the diverse population in Nepal, including persons belonging to minority groups and indigenous peoples. The vibrant discussion was conducted in a very positive spirit and participants looked forward to receiving the final report.
2.3. Achievements

The workshop succeeded in:

✓ Providing a formal forum for discussions on implementation levels of 2nd cycle UPR recommendations made to Nepal;
✓ Bringing together representatives from the Government, civil society, National Human Rights Commission, UN agencies, media and other stakeholders to share information and reinvigorate the UPR process in Nepal;
✓ Collecting feedback to the report from stakeholders which previously had not been consulted;
✓ Sharing good practices related to the methodology, structure and publishing of UPR mid-term reports;
✓ Sharing good practices on how to contribute to effective implementation of human rights recommendations, including information on key components of a National Mechanism for Reporting and Follow-up; and
✓ Informing media about how they can engage with the UPR and sharing preliminary findings from the CSO mid-term report, thus involving them in the national UPR process.

2.4. Lessons learnt

It will be important to clearly explain the methodology behind rating recommendations as either fully, partially or not implemented in the report. As repeatedly stressed during the two days, the report must be based on a participatory process inclusive of diverse groups in Nepal. Were this not to be done, it would undermine its credibility and legitimacy. It is also essential that the report is translated to local languages so that it becomes accessible to the public. In order to facilitate a productive exchange of views in future activities, background documents must be shared well in advance.

3. Way forward

It is critical that the feedback to the CSO mid-term report is included in the final version. When published, the report should be disseminated to all relevant stakeholders and through various channels including written and social media, radio and public meetings. The potential of introducing the findings of the report at the Human Rights Council should also be explored.
4. Testimonies

Ms Tika Dahal
Vice President, National Federation of the disabled Nepal

What will you take away from today’s workshop?
I was pleased to see that Persons Living with Disabilities and gender equality both were offered sub-chapters in the draft CSO UPR mid-term report. The technical expertise provided by UPR Info in their presentation was very useful for as we have limited knowledge about the UPR process. The information shared will help us to build our internal capacity.

How will you continue your UPR work after today?
We will provide input to the draft report. We will also have to engage with the Government to advocate for implementation of recommendations related to access to health and education for people living with disabilities as well as those related to violence against women living with disabilities. Such exchange is important for us to be informed of progress ahead of the next review.

Ms Krishna Kumari Waiba
Durban Review Conference Follow-up Committee

What will you take away from today’s workshop?
Several additional issues need to be reflected in the draft CSO UPR mid-term report. We as an organisation look forward to contributing with information on the human rights situation for indigenous peoples and minorities and stress the intersectionality of human rights issues.

How will you continue your UPR work after today?
DRC-FC has worked with the UPR since the first cycle in 2011. We will continuously follow-up on progress through consultations with grass-roots organisations. At the same time, we have colleagues that are engaged in international advocacy activities at the UN level. As a result of the Government presentation today, we have asked for a follow-up meeting with the Office of the Prime Minister.
Mr Praveen Kumar Yadav  
Federal Human Rights Coordinator, Terai Human Rights Defenders Coalition

What will you take away from today’s workshop?
We have not previously been consulted in the mid-term reporting process, but I was glad to hear diverse voices at the workshop today addressing human rights issues facing Dalits, Madhesis, Tharus and Janjatis. I saw that the Government of Nepal has noted the recommendation to ratify OPCAT. However, in August 2018, torture will be criminalized by law. The Government should be able to implement this important recommendation which provides guidelines for investigation of torture cases.

How will you continue your UPR work after today?
A separate consultation lead by the National Human Rights Commission is needed to consolidate views of national human rights defenders in the CSO UPR mid-term report. This is critical to make it a participatory process that results in an effective report.

Mr Bhakta Bishwalkarma  
National Chairperson, Nepal National Dalit Social Welfare Organization

What will you take away from today’s workshop?
I have learnt about the UPR follow-up process and how important it is to undertake follow-up for each cycle. I am fully committed for such initiatives.

How will you continue your UPR work after today?
I will take part in a wider coalition and try to form a specific coalition for Dalit people which are the most marginalized and excluded people in Nepal. I think, cooperation and collaboration with UPR Info is essential for backing us.
**Annex 1: Agenda**

### National UPR follow-up meeting

5 April 2018  
Kathmandu  
Hotel Himalaya

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<th>April 2018</th>
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<td>8:30 – 9:00</td>
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<td>9:00 – 9:30</td>
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<td>Objective</td>
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| Opening Remarks | • Government of Nepal [TBC]  
| | • Ms Mohna Ansari, National Human Rights Commission  
| | • Mr Subodh Raj Pyakurel, Chairperson, Coalition for the UPR  
<p>| | • Mr Hans Fridlund, Programme Manager, UPR Info |
| 09:30 – 10:30 | Session 1: Good practices of multi-stakeholder cooperation in UPR implementation |
| Objective | To share good examples and practices of how cooperation between Government, National Human Rights Commission and civil society has fostered an enabling environment for sustainable implementation of UPR recommendations. |
| Facilitator | • Mr Hans Fridlund, Programme Manager, UPR Info |
| Q&amp;A | 15 minutes Q&amp;A |
| 10:30 – 10:45 | Coffee Break |
| 10:45 – 12:00 | Session 2: Presentation of UPR implementation efforts undertaken by the Government |
| Objective | To provide participants with an overview of implementation efforts undertaken by the Government since Nepal’s 2nd UPR in 2015 with an emphasis on i) achievements, challenges and involvement of national stakeholders in the implementation of 2nd cycle UPR recommendations, and ii) planned measures to strengthen UPR implementation ahead of the 3rd UPR of Nepal. |
| Facilitator | • Government of Nepal [TBC] |</p>
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<th>Time Slot</th>
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<td>12:00 – 13:15</td>
<td><strong>Session 3: Presentation of joint CSO UPR mid-term report</strong>&lt;br&gt;<strong>Objective</strong>: To provide participants with an overview of the joint CSO UPR mid-term report with an emphasis on i) assessed implementation levels, achievements and challenges in the implementation of 2nd cycle UPR recommendations, and ii) ways of supporting the Government in the continued implementation process ahead of the 3rd UPR of Nepal.&lt;br&gt;<strong>Facilitator</strong>: Mr Kapil Aryal, National Coalition for the UPR&lt;br&gt;<strong>Q&amp;A</strong>: 30 minutes Q&amp;A. Government representatives will have received the joint CSO UPR mid-term report ahead of the validation meeting and can provide further information, ask for clarifications or suggest changes to the text.</td>
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<td>13:15 – 14:15</td>
<td>Lunch</td>
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<td>14:15 – 15:00</td>
<td><strong>Session 4: The role of the NHRC in the UPR implementation phase</strong>&lt;br&gt;<strong>Objective</strong>: To provide participants with insights into how the National Human Rights Commission can work as a bridge builder between Government and civil society in the UPR implementation process.&lt;br&gt;<strong>Facilitator</strong>: Ms Mohna Ansari, National Human Rights Commission&lt;br&gt;<strong>Q&amp;A</strong>: 15 minutes Q&amp;A</td>
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<td>15:00 – 15:45</td>
<td><strong>Session 5: The role of OHCHR in the UPR</strong>&lt;br&gt;<strong>Objective</strong>: To provide participants with insights to how the Office of the High Commissioner for Human Rights (OHCHR) support national stakeholders in the follow-up phase.&lt;br&gt;<strong>Facilitator</strong>: Office of the High Commissioner for Human Rights&lt;br&gt;<strong>Q&amp;A</strong>: 15 minutes Q&amp;A</td>
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<td>15:45 – 16:00</td>
<td><strong>CLOSING CEREMONY</strong>&lt;br&gt;To end the session and thank stakeholders for their continued commitment to optimising the UPR.&lt;br&gt;<strong>Closing Remarks</strong>:&lt;br&gt;  - National Human Rights Commission&lt;br&gt;  - Mr Subodh Raj Pyakurel, Chairperson, Coalition for the UPR&lt;br&gt;  - Mr Hans Fridlund, Programme Manager, UPR Info</td>
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<td>16:30 – 17:00</td>
<td><strong>PRESS CONFERENCE</strong>&lt;br&gt;  - Ms Mohna Ansari, National Human Rights Commission [TBC]&lt;br&gt;  - Mr Subodh Raj Pyakurel, Chairperson, Coalition for the UPR&lt;br&gt;  - Mr Hans Fridlund, Programme Manager, UPR Info</td>
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