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Your Excellencies,

### **Questions from Human Rights Council Elections Pledging Event 2020**

On 9<sup>th</sup> September 2020, Amnesty International and the International Service for Human Rights held an online pledging event for candidate States to the Human Rights Council for the membership term 2021-2023.

This year's event, had around 250 online attendees and an overwhelming number of questions posed to candidates, providing an opportunity for candidates to present their visions for membership and to engage with a range of stakeholders on their human rights commitments and pledges.

We thank you for your participation in the event. With the goal of furthering dialogue, as well as improving adherence to Council membership standards and accountability, as articulated in UN General Assembly resolution 60/251, please find below the questions addressed specifically to Nepal as well as questions for all candidate States.

The questions, as well as your responses, will be shared on ISHR's website. We request that you please send your responses to Maithili Pai at [m.pai@ishr.ch](mailto:m.pai@ishr.ch) by 9th October 2020.

#### **Questions posed to Nepal:**

1. *The International Commission of Jurists and Advocacy Forum, Nepal (Question posed during event):* "What are Nepal's plans in regards to amending the Enforced Disappearance Enquiry, Truth and Reconciliation Commission Act, as required by the 2015 ruling of the Supreme Court and in line with international legal standards?"
2. *Jeremy Sarkin, NOVA University Lisbon:* "Presently the two transitional justice mechanisms in the country are having difficulties and the victims are very dissatisfied with progress. In that context why should Nepal be elected to the HRC when the government has not solved the issue

of amnesty and other matters related to its transition even though the Supreme Court ruled on the unconstitutionality of amnesty in 2014?”

3. *Conflict Victims Common Platform*: “When does Nepal plan to implement at the domestic level its commitments at international forums to adopt credible processes to address human rights violations in armed conflict and ensure justice to the victims?”
4. *Human Rights Watch*: “In its 2017 run for the Human Rights Council, Nepal pledged to respect the Human Rights Commission and judiciary, & pursue a credible transitional justice process. Instead, it has stood for impunity. Will the government move beyond rhetoric and invite UN special procedures before the HRC vote?”
5. *TRIAL International*: “Among others, two UN Special Procedures (i.e. the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-recurrence) requested to carry out a visit to Nepal respectively since 2006 and 2012. The government of Nepal has not responded to these requests. Is there a plan to submit a reply and to ensure that these visits can be carried out as soon as possible?”
6. *TRIAL International*: “Between 2008 and 2020, the HRC rendered decisions on 25 individual complaints against Nepal, finding the State responsible for gross human rights violations and indicating measures of reparation. As of today, none of the Committee's decisions has been fully implemented. How do you plan to ensure the prompt implementation of the Committee's decisions on individual complaints?”
7. *Blue Diamond Society (Question posed during event)*: “While the government has made progress regarding rights to citizenship, its efforts to strengthen and improve other rights such as education, employment, health, marriage equality, etc. for LGBTIQ+ people remain stagnant. Under the proposed citizenship bill, transgender people require medical proof when seeking to amend their citizenship cards. Why hasn't the Nepali Government developed laws and policies that are inclusive of sexual and gender minorities and shield them against any future threats, in line with the Constitution, Supreme Court decisions and recommendations received as part of the UPR?”
8. *Children as Zones of Peace National Campaign, Nepal*: “How do you assure best interest support to the children who need special protection? Is Nepal ready to form a child rights commission or manage a provision of the ombudsman? What would be your role to establish a child ombudsman system for the member states if you are elected?”

9. *International Media Support*: “How will Nepal tackle the structural causes of violence against journalists through a gendered lens & provide for protection from threats, attacks and harassment in attempts to stifle press freedom?”
10. *ICT Germany*: “What are Nepal’s commitments and measures to protect refugees of Tibetan origin in your country, long-time staying and newly arriving through the government of Nepal?”
11. *Ranjeeta Siwal*: “For a country pledging the membership of HRC for a second consecutive term, Nepal has not submitted its periodic review to the treaty bodies including CCPR and CAT. Can Nepal commit to deliver more?”
12. *Advocacy Forum, Nepal*: “Why is the First Information Report not registered by the Nepal police and the investigation process not carried out independently in cases of human rights violation? Why does impunity continue in Nepal?”

**Questions posed to all candidate States:**

13. *Jacob Blaustein Institute for the Advancement of Human Rights (Question posed during event)*: “the financial crisis affecting the UN has led to many human rights activities being cut back and impeded. If elected, will you pay your assessed dues on time? And will you provide additional unearmarked voluntary funds to fill the gap?”
14. *Latter Day Saint Charities*: “How will your contribution to the HRC support, strengthen and sustain families, enabling economic growth and social stability?”
15. *Permanent Mission of the Czech Republic to the United Nations*: “If (re)elected to the HRC, how would you tackle the issue of non-cooperation between countries and HRC mechanisms (e.g. not enabling visits by Special Rapporteurs)?”
16. *Permanent Mission of Australia to the United Nations*: “In 2018, Australia led the development of an HRC Incoming Members Pledge. The pledge reaffirms the commitment of HRC members to the obligation in resolution 60/251 to “uphold the highest standards in the promotion and protection of human rights” and “fully cooperate with the Council”. Among other things, the Incoming Members Pledge confirms the need to:
  - Cooperate in good faith with the Council, its mechanisms and the OHCHR;
  - Address human rights concerns on their merits;
  - Engage in a spirit of self-reflection, in good faith and in a transparent manner;
  - Work in cooperation with civil society, including ensuring a safe and enabling environment for civil society, free from reprisals and intimidation.

Since 2018, nearly two-thirds of incoming members have endorsed the pledge. Would you be willing to endorse the Incoming Members Pledge if elected?”

17. *Human Rights House Foundation*: “Is it appropriate that HRC members repeatedly abstain on country-focused situations addressed by the Council as a position of principle?”
18. *CIVICUS and Human Rights Advocates*: “Do you support the participation of NGOs in the HRC? How will you engage with civil society in your role as an HRC member?”
19. *The Swedish Federation for LGBTQI Rights and the World Benchmarking Alliance*: “Given that more than 92% of SDG targets are linked to specific provisions of international human rights instruments, how do you plan to connect human rights and the 2030 Agenda during your mandate in order to strengthen the role of the Human Rights Council and the implementation of human rights for all?”
20. *Human Rights Watch*: “More than 150, 000 people have been forcibly disappeared and arbitrarily detained in Syria. What role can your country play to deal with this issue at the HRC?”
21. *Attendee wishing to remain anonymous*: “ In 2021, the Syrian conflict will enter its 10th year. Accountability and the ability investigate human rights abuses remains essential. Will your country vote in favour of the renewal of the mandate of the Commission of Inquiry on Syria as part of your country's pledge to protect and promote human rights at the HRC?”
22. *Human Rights in China*: “Does your government uphold the principle of universality of human rights—that every human being, with no exception, regardless of national conditions, is equally entitled to a set of fundamental, non-derogable rights?”
23. *Institute for NGO Research*: “How do you plan to tackle politicization and disproportionate focus on some human rights issues while others go ignored?”
24. *Women Working Group*: “What is the best progress your country has made in implementing covenant human rights related to handling a pandemic?”
25. *Dr Virginia Marshall, the Indigenous Peoples Organisation*: “What is your recovery planning for post COVID 19 including for Indigenous Peoples? What are your three priority goals?”
26. *Defence for Children International*: “Global efforts are needed to free detained children. The UN Global Study on Children Deprived of Liberty found at least 1.5 million are locked up each year. How will you work to uphold child rights in your role as an HRC member?”

27. *Permanent Mission of the Netherlands to the United Nations*: “What actions will you take as a member of the HRC to ensure the human rights of all persons are protected, including minorities and other persons in vulnerable positions, such as women and girls, religious minorities and LGBTI persons?”
28. *Permanent Mission of the Republic of Poland to the United Nations*: “The latest rise of violence against religious communities and people belonging to religious minorities remind us in a tragic way that the freedom of religion as a fundamental human right is in danger and that hatred towards religious groups may lead to mass persecution including killings of people solely on the grounds of their religion or belief. What specific measures or initiatives regarding freedom of religious belief does the State plan to pursue during its mandate as an HRC member?”
29. *Anonymous attendee*: “What will your country’s engagement be on the climate change issue?”
30. *Andres Bello Catholic University, Venezuela*: “Venezuela has experienced a clear deterioration in the human rights situation in recent years. What would your country do in this regard?”

We look forward to hearing from you.



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