Still we wait!
The Imperative to Implement International Decisions on Gross Human Rights Violations

Between 2008 and 2019, the United Nations Human Rights Committee (quasi-judicial body monitoring the implementation of the International Covenant on Civil and Political Rights), rendered 25 decisions (also called "Views") on applications lodged by individuals or groups of individuals against Nepal. The applications concern cases of:

- Torture and other forms of inhumane or degrading treatment
- Unfair trial
- Enforced disappearance
- Extra-judicial killings
- Sexual violence
- Forced child labor

The violations concerned took place between 1999 and 2011. In all the cases, the Human Rights Committee found Nepal responsible for multiple violations of its international obligations.

Among others, the Human Rights Committee declared breaches of:

- the right to a remedy
- the right to judicial personality
- the prohibition of torture
- the right to personal freedom
- the prohibition of forced labor
- the right to life
These violations affected 84 persons, of which:

- 37 Men
- 47 Women
- 64 Children
- 20 Adults
- 58 Indigenous
- 26 Non-indigenous

In all these cases, the Human Rights Committee indicated the measures of reparation to be adopted to grant redress to these people.

Such measures include:

- Translate the Committee’s decisions into Nepali and have them widely disseminated.
- Provide educational support.
- Provide adequate compensation.
- Ensure the necessary and adequate psychological rehabilitation and medical treatment free of charge for the victims.
- Bring domestic legislation on torture, slavery, enforced disappearance and statutes of limitation in line with international standards.
- Investigate the facts of the cases concerned and ensure that perpetrators are prosecuted and sanctioned with commensurate penalties.
- In cases of enforced disappearance, search for and establish the fate and whereabouts of the victim, releasing the latter if still alive and, in the event of death, handing over the mortal remains to the family.
As of today…

With regard to compensation, only three victims received an amount of money (approximately 1500 US$ each). This is by no means commensurate to the gravity of the harm suffered.

The legislation on enforced disappearance, torture and the corresponding statutes of limitations has been amended, but it is not yet in line with international standards.

Nepal submitted information to the Human Rights Committee (HRC) on the progress of implementation only on 7 cases. In no case did Nepal engage in a regular and sustained follow-up dialogue with the Committee. The average grade assigned to the level of implementation of the different measures is C, namely “actions taken do not implement the recommendations”.

Victims who received compensation
- 3

Victims who did not receive compensation
- 81

Decisions translated into Nepali
- 16

Decisions not translated
- 9
Nepalese authorities systematically turned down victims’ attempts to meet and discuss the subject of implementation in the respective cases.

Since the beginning of their struggle for justice:

- 6 victims are suffering from chronic diseases or are in critical health conditions
- 4 are more than 70 years old (current life expectancy in Nepal)

How much longer will they have to wait?

Non-implementation of international decisions on gross human rights violations not only perpetuates injustice and re-victimizes people, but it also undermines the international legal order and the rule of law, conveying the dangerous message that a State can breach its international undertakings without consequences.

Prompting Nepal to respect its international obligations is an urgent imperative. Please, call on Nepalese authorities to:

- initiate without delay a dialogue on the subject of implementation with victims and their representatives and with the Human Rights Committee.
- indicate the specific authorities that are in charge, as well as a tentative timeline for the implementation of each measure of reparation.
- implement as a matter of first priority the measures concerning medical treatment and psychological rehabilitation.

For more information:
www.trialinternational.org
www.hrjc.org.np
http://www.advocacyforum.org/