

## NEPAL

### CAT A/49/44 (1994)

138. The Committee considered the initial report of Nepal (CAT/C/16/Add.3) at its 179<sup>th</sup> and 180<sup>th</sup> meetings, on 21 April 1994 (see CAT/C/SR.179 and 180), and adopted the following conclusions and recommendations:

#### A. Introduction

139. The Committee commends the Kingdom of Nepal for its timely report. The report was scant on detail and did not follow the guidelines of the Committee (CAT/C/4/Rev.2). It was, however, supplemented by additional information provided during the oral introduction.

#### B. Positive aspects

140. Nepal is taking positive steps to meet its obligations under the Convention and has in place the democratic institutions necessary to do so. This is all the more impressive in the light of the lack of economic resources that the country has.

141. The Committee notes that Nepal is currently considering legislation incorporating a crime of torture into its domestic law and is also enacting a compensation scheme.

#### C. Subjects of concern

142. The Committee is concerned that the proposed definition of torture is not as wide as that required by article 1 of the Convention.

143. The Committee is also concerned that the capacity to collect the data necessary to carry out its reporting functions under Article 19 of the Convention may also be lacking.

144. The Committee is also concerned to note that several cases of police maltreatment of prisoners and asylum-seekers have been reported by non-governmental organizations and the Special Rapporteur of the Commission on Human Rights on questions relating to torture, but no evidence has been produced of criminal prosecution of such officers.

#### D. Recommendations

145. The Committee recommends that an additional report setting out in full answers to the questions raised by the Committee, and any other pertinent information to be prepared by Nepal be forwarded to the Committee within 12 months. Such additional report is to follow the guidelines laid down by the Committee.

146. The Committee encourages Nepal to enact legislation incorporating the definition of torture

as contained in the Convention as soon as possible, together with ancillary compensation legislation.

147. The Committee also recommends that a vigorous programme of education be undertaken with police officers and border guards, so that they may more readily understand their obligations as agents of the State pursuant to the Convention.