



**Economic and Social  
Council**

Distr.  
GENERAL

E/C.12/2007/SR.3  
8 May 2007

Original: ENGLISH

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 1 May 2007, at 10 a.m.

Chairperson: Mr. TEXIER

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Second periodic report of Nepal (E/C.12/NPL/2; E/C.12/NPL/Q/2 and Add.1; HRI/CORE/1/Add. 42)

1. At the invitation of the Chairperson, Mr. Paudel, Mr. Paudyal and Mr. Upreti (Nepal) took places at the Committee table.
2. Mr. UPRETI (Nepal), introducing his country's second periodic report (E/C.12/NPL/2), said that, to ensure objectivity, the report had been prepared in consultation with both Government and civil society stakeholders. Even during the difficult period following the decade-long conflict, Nepal had remained committed to upholding its human rights obligations. Following the success of the people's movement of April 2006, a historic step had been taken on 21 November 2006 to end the conflict through the signing of a Comprehensive Peace Agreement between the Government of Nepal and the Communist Party of Nepal (Maoist). The Agreement addressed the political, economic and social transformation of Nepal in the context of conflict management and provided, inter alia, for the unrestricted enjoyment of human rights, the restitution of property, the safe and dignified return of internally displaced persons and the establishment of a National Peace and Rehabilitation Commission. It included a commitment to end all forms of feudalism, develop and implement a programme of socio-economic transformation, formulate policies for land reform, and guarantee rights relating to education, health, housing, employment and food security. Furthermore, it provided for the continuation of the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR), which had been mandated to monitor the human rights situation in Nepal, and was recognized as an important component of the peace process. The Government had consequently agreed to extend the mandate of OHCHR in Nepal for two years.
3. Another outcome of the ongoing peace process had been the promulgation on 15 January 2007 of the Interim Constitution of Nepal, which recognized and protected the main economic, social and cultural rights contained in the Covenant. The Interim Constitution also established the State's responsibility to ensure a more inclusive democratic system to address the social exclusion of disadvantaged groups, including women, Dalits, indigenous people and Madhesis. In that connection, an amendment had been made to the Interim Constitution aimed at ensuring a system of proportional representation and an updated delimitation of constituencies.
4. Several steps had been taken to strengthen the implementation of the Covenant in Nepal: the National Human Rights Commission had been elevated to the status of a constitutional body, and a number of laws concerning the establishment of the National Women's Commission, the National Dalit Commission and the National Academy for the Uplifting of the Indigenous People and Nationalities in Nepal had recently been enacted. In addition to carrying out activities

for the advancement of the individuals in question, those institutions routinely performed monitoring activities and published their reports. A large number of NGOs working in Nepal contributed directly to realizing the rights contained in the Covenant.

5. Despite the fact that Nepal was a developing country and was subject to severe resource constraints, economic, social and cultural rights were treated on a par with civil and political rights. Nepal's commitment to protecting and promoting human rights had led in 2004 to the formulation of a National Human Rights Action Plan, which had identified 12 areas of concern, including women's rights, children's rights, legal reform, education, health and labour. A human rights component was currently being incorporated into the Interim Development Plan 2007-2010.

6. Improvements in the justice system included the adoption of a five-year strategic plan to make justice generally accessible through the simplification of court procedures and the introduction of alternative forms of dispute resolution. The Ministry of Law, Justice and Parliamentary Affairs was in the process of harmonizing domestic laws with international human rights instruments and was conducting training courses on human rights laws for law enforcement and justice personnel.

7. Nepal was in transition following a decade-long conflict, and human rights were at the centre of its current peacebuilding process. Arrangements had been made for the return of internally displaced persons, as well as to provide them with free credit to refurbish their homes and to set up small income-generating enterprises. A completely revised national policy on internally displaced persons had been adopted in February 2007 that was in keeping with United Nations Guiding Principles on Internal Displacement and with international standards. Moreover, a new Ministry of Peace and Reconstruction had been established to facilitate the overall peace process and reconstruction effort.

8. The Government had adopted strict measures aimed at curbing the practices of untouchability and the ill-treatment of Dalits and had recently declared Nepal free of such practices. The Country Code (Muluki Ain) explicitly prohibited any kind of discrimination on the basis of caste and had recently been amended to widen the definition of discrimination and to increase the penalty for discriminatory acts to three years in prison.

9. The Government of Nepal had been paying considerable attention to the rights of asylum-seekers. Despite operating under severe economic hardship, Nepal had demonstrated a high-level of receptivity to refugees and had, for many years, provided shelter to more than 107,000 Bhutanese refugees and to more than 15,000 Tibetan refugees, whose rights had been duly respected.

10. To end discrimination against women and to protect their rights, a new act for the establishment of gender equality had been promulgated, which was aimed at removing all pre-existing discriminatory provisions in domestic law. The House of Representatives had adopted a resolution intended to increase women's political representation by reserving 33 per cent of posts in all sectors and at all levels for women.

11. Nepal was committed to upholding the rights of workers, both Nepalese workers in the country and Nepalese migrants working abroad. It had recently joined the International Organization for Migration (IOM) and had taken steps to ensure that Nepalese migrants working abroad enjoyed economic, social and cultural rights through bilateral agreements with various countries. Of the nine International Labour Organization (ILO) Conventions to which Nepal was a party, two had been ratified in 2002 in implementation of the Committee's recommendations following the consideration of Nepal's initial report (E/1990/5/Add.45). Those were ILO Convention No. 29 concerning Forced or Compulsory Labour and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Moreover, the Government had set up a task force to study the implications of ratification of three other ILO Conventions, namely, No. 87, No. 105 and No. 169. With regard to social security, special programmes providing monthly allowances had been set up for elderly persons, widows and disabled persons of all classes and castes throughout the country.

12. The Government of Nepal remained committed to protecting and promoting the rights of children and was taking steps to prevent the recruitment of children as soldiers and to rehabilitate those who had been recruited. It was also in the process of implementing legislation aimed at eliminating child labour in Nepal. Child marriage was prohibited by law, and awareness-raising campaigns had been carried out to discourage that practice. Nepal had become a party to many international and regional instruments to control and prevent trafficking of women and children for sexual exploitation and had formulated, amended or reformed domestic laws and devised action plans accordingly.

13. In order to address comprehensively the issue of poverty in Nepal, the Tenth Plan had been implemented since fiscal year 2002/03 in Nepal, giving priority to economic growth, social-sector development, good governance and inclusive social justice. Strategies had been directed towards achieving effectiveness through the establishment of an effective role for women and disadvantaged groups in the development process. The Poverty Alleviation Fund was implementing community-based programmes in 45 districts and had assisted more than 76,000 poor households. The Government had also undertaken several income-generating programmes targeting the rural population, as well as programmes to increase food production and ensure food security.

14. In the area of health, progress had been made in preventing tuberculosis and in combating diarrhoeal diseases. Mother and child health had been recognized as a major component of primary health care in Nepal, giving rise to the expansion of health services in rural areas. The Family Health Division had been created under the Department of Health in order to implement various maternal and reproductive health-care programmes, notable among which was the family planning programme. Over the past several years, contraceptive use had become increasingly widespread throughout the country.

15. Since the prevalence of HIV/AIDS was low in Nepal, efforts had tended to focus on prevention. To ensure a multisectoral commitment to the epidemic, a National AIDS Council had been established and the international community was working closely with the Ministry of Health and Population and the National Centre for AIDS and Sexually Transmitted Disease Control to coordinate a sector-wide approach.

16. The Interim Constitution guaranteed education as a fundamental right of every child. All children were entitled to receive primary education in their mother tongue and to a basic quality education free of charge. Various programmes, including the provision of stipends, aimed at expanding and ensuring access of all school-age children to quality primary education, were being implemented. Funds were also being allocated for improving the school environment and for providing school meal programmes in the poorest districts.
17. The Government was committed to promoting and protecting human rights and would continue its efforts to strengthen legislative, administrative and institutional mechanisms in order to fully realize the rights contained in the Covenant. He looked forward to receiving the Committee's valuable input, which would further consolidate the Government's efforts in that direction.
18. The CHAIRPERSON invited members of the Committee to raise questions in connection with items 1 to 12 of Nepal's replies to the list of issues (E/C.12/NPL/Q/2/Add.1).
19. Mr. ATANGANA asked whether Nepal had addressed concerns expressed by the Committee against Torture in its concluding observations (CAT/C/NPL/CO/2) regarding the independence of the judiciary, in particular the non-compliance with court orders by members of the security forces. He would appreciate information on the progress made with regard to plans to establish special tribunals to handle special cases. Regarding the justiciability of economic, social and cultural rights, he requested examples of specific cases in which individuals had directly invoked the Covenant in court.
20. Ms. BRAS GOMES said that Nepal's declaration that it was free of discrimination tallied with its legislation, but not with its practice, since untouchability reportedly still existed in the country. She asked whether the Government had established any positive discrimination measures geared to the specific situation of the Dalits.
21. In the area of women's rights, she welcomed the establishment of the National Women's Commission and the provisions contained in article 20 of the Constitution, but expressed concern about the representation of women in public service. She asked whether the quota system introduced to ensure their representation was working properly and, if not, what steps were being taken to remedy the situation.
22. Nepal had a tradition of hosting refugees on humanitarian grounds and, according to the Office of the United Nations High Commissioner for Refugees (UNHCR), a census of refugees in eastern Nepal was under way. She therefore wondered why the State party had not acceded to the 1951 Convention relating to the Status of Refugees. If it did not intend to accede to that instrument, perhaps it might then consider the adoption of national legislation to protect the rights of refugees.
23. Mr. RIEDEL said it was clear from the delegation's opening statement and the written replies to the list of issues that Nepal was making an effort to ensure the realization of economic, social and cultural rights. However, clarification was nevertheless required on a number of

points. He asked why articles 33 (h) and (o) of the Interim Constitution mentioned some but not all economic, social and cultural rights. He also enquired whether such rights had been taken into account in the strategic plan relating to the judiciary, what benchmarks had been established for the plan, and how it was proposed to achieve them.

24. The information provided in the second periodic report in response to the Committee's concerns regarding the attention paid by the National Human Rights Commission to economic, social and cultural rights was not comprehensive. He also queried the statement in the written replies to the effect that the right to collective bargaining and social security should be respected. The Committee wished to know how such rights were implemented and, where shortcomings existed, what improvements could be made.

25. Following up on Mr. Atangana's comments, he enquired what mechanisms were available to facilitate access to the courts, and whether alternative procedures for the settlement of disputes existed.

26. Lastly, he expressed the hope that Nepal would support the idea of an optional protocol to the Covenant.

27. Mr. RZEPLINSKI asked what role the victims of the massive human rights violations perpetrated by both Government and rebel forces would play in the process of national reconciliation that had recently commenced. One of the causes of the conflict had been widespread corruption in Government circles. He asked what efforts had been made to combat corruption, how they dovetailed with the national reconciliation process, and to what extent judges and courts in the provinces were truly independent.

28. He further enquired what protection the Government provided against discriminatory practices relating to property and based on social origin and political and religious beliefs in those parts of the country still controlled by Maoist insurgents.

29. More information on bilateral and international agreements, including with political and commercial organizations, would be welcome. How did they protect the basic rights of Nepalese citizens, in particular against economic exploitation by international companies?

30. Noting the time limit for the filing of rape charges, he asked whether offences committed within the family environment, including murder, were subject to similar time limits.

31. In December 2006, the Supreme Court had issued an order that Dalits should have equal access to water in Kathmandu. He enquired what progress had been made with the implementation of that order, and what were the practical results of recent amendments to civil and criminal legislation relating to Dalits.

32. Mr. SADI said it would be unrealistic to expect the State party to fulfil all its obligations under the Covenant given the current situation resulting from 10 years of internal conflict, widespread poverty, a large number of ethnic minorities and a deep-rooted caste system. The report gave the impression that everything was perfect, but that was certainly not the case.

33. As for the written replies, they were too general in nature and lacked detailed information on specific measures adopted to implement policies and legislation. A number of noble objectives were referred to, but what interested the Committee was how such objectives were accomplished. A case in point was the caste system: its abolition would not in itself suffice, and the Committee wished to know what was being done at the grass-roots level to tackle the problem.

34. Furthermore, there were several references in the documents before the Committee to Nepalese case law, but none of them seemed to be of direct relevance to the Covenant.

35. Mr. TIRADO MEJIA said that the State party's new legislation was a positive development and he hoped that the implementation of such legislation would keep pace with its enactment. He asked what was meant by "indigenous nationalities" (E/C.12/NPL/2, para. 20) and whether the distinction between the latter and "ethnic communities" entailed any differentiation in treatment and possible discrimination.

36. He was surprised by the number of court cases involving witchcraft mentioned in the report, which might be considered to be gender-based discrimination. What legislative measures existed to tackle the phenomenon?

37. Referring to the peace process, he stressed the importance of establishing the truth as part of national reconciliation efforts; failure to do so could have serious consequences.

38. Ms. WILSON while commending the Government's considerable efforts since the end of the conflict to improve economic, social and cultural rights, expressed concern about the situation of internally displaced persons. She sought clarification regarding the statement in the written replies to the effect that the national policy on displaced persons adopted in 2005 was being reviewed in the light of the changed political context. How successful had the policy been in terms of the reintegration of displaced persons? What measures were planned for the future? According to the Committee's sources, many children had been displaced and their schools destroyed. She asked what steps were being taken to ensure their access to education and to rebuild schools for them.

39. Mr. ZHAN Daode said that, as a neighbouring country, China had a particular interest in the welfare of the Nepalese people. He asked the delegation how it viewed the future of Nepal, and in particular achievement of the stability required for the realization of human rights. Other countries emerging from situations of conflict found that difficult.

40. According to the report, around 80 per cent of the population depended on agriculture for their livelihood, and agricultural output accounted for almost 40 per cent of gross domestic product (GDP). Realizing the economic, social and cultural rights of that sector of the population would therefore be a great achievement and should be accorded priority. Had any measures been adopted along those lines? Such measures should include greater investment in agricultural infrastructure with a view to increasing agricultural output.

41. Ms. BARAHONA RIERA said that Nepal faced many problems, a fact acknowledged in the report. She considered the introduction of legislation with greater emphasis on respect for human rights to be a major achievement. In that connection, she welcomed the State party's close cooperation with OHCHR. She wondered how changes in legislation would be reflected in the national human rights action plan.

42. She asked what powers were vested in the National Human Rights Commission and what funds it had been allocated; what was its status vis-à-vis the Government; and what role it had played in drafting the report.

43. Following up on a question by Mr. Tirado Mejía, she sought clarification regarding the status of indigenous nationalities under the new Constitution and legislation. She asked what rights they enjoyed, and whether they had title to land, which was relevant to the poverty issue.

44. She commended the Government's various measures to address gender equality, and requested clarification on the autonomy and funding of the institution established to oversee its policy in that respect. She also wished to know whether the laws on gender equality were being implemented, and whether there were plans to amend legislation that discriminated against women, or to ensure that there were laws specifically dealing with the offence of violence against women, or addressing equal rights in inheritance and in obtaining nationality or divorce.

45. Mr. KERDOUN said that, in the light of how recently the Comprehensive Peace Agreement between the Government and the Communist Party of Nepal (Maoist) had been concluded, he wished to know what effects the 10 years of civil conflict continued to have on the Nepalese population in the difficult period of reconciliation, and whether obstacles remained to the economic, social, political or legal development of Nepalese society as a whole. The peace agreement was a step in the right direction, but other measures were needed. He wondered whether any support, aside from monetary, was being provided to the victims of Nepal's civil conflict, as that was a crucial element in the reconciliation process.

46. Mr. MARCHAN ROMERO requested clarification on whether persons from different ethnic groups and nationalities in Nepal enjoyed equal legal status regardless of their social class or caste under the new Interim Constitution of Nepal. While the State party had described itself as a multi-ethnic country in the core document (HRI/CORE/1/Add.42, para. 3), the information it had provided seemed to indicate a multiclass approach.

47. In the same document, it was stated that Nepali was the country's official language, and that other languages were considered as national languages. In that regard, he wished to know whether speakers of languages other than Nepali could use their own language when they had recourse to a court and whether they had access to legal assistance in their own language.

48. In the light of reports of illegal confiscation of property and forced displacement of indigenous persons from their land, he would welcome clarification on the legal status enjoyed by indigenous peoples in Nepal, especially vis-à-vis their ancestral lands, which were essential to their cultural identity.



49. Mr. DASGUPTA commended the Government of Nepal on its inclusion of important human rights-related provisions in the Comprehensive Peace Agreement and the Interim Constitution. The international community hoped that Nepal would attain the political stability and sustained economic growth it sought, and progressively achieve its goals in relation to the promotion and protection of economic, social and cultural rights.

50. He would welcome clarification on the extent to which Nepal was free of the practice of untouchability, as claimed in its second periodic report (E/C.12/NPL/2, para. 103), since the recent establishment of the National Dalit Commission, for example, suggested otherwise.

51. Mr. PILLAY wondered whether the mandate of the National Human Rights Commission, which currently related to civil and political rights, would be extended to economic, social and cultural rights, in view of the fact that the Commission was now considered a constitutional body and the latter rights were provided for under the Interim Constitution. The Committee had already encouraged the extension of the Commission's mandate in its concluding observations on the State party's initial report (E/C.12/1/Add.66).

52. He would welcome information as to why the National Human Rights Commission's recommendations to the Government of Nepal were apparently being ignored, and clarification on the procedure for the appointment of Commission members, since most of them were from the Executive branch, a problem that must be addressed.

53. He requested examples of how the prohibition of untouchability and caste-based discrimination had been enforced under the Interim Constitution and criminal law, and statistics on the number of prosecutions and convictions. There had been reports, for example, of caste disparity in access to water.

54. Ms. BONOAN-DANDAN said she welcomed the declaration that the National Human Rights Commission had recently been elevated to the status of a constitutional body, but wondered why that declaration had been so long in coming and why the Commission was not operating. She also wondered on the basis of what criteria its members were selected and why no chairperson had yet been appointed to it.

55. The issue of regional disparities in Nepal had become a critical concern; it was one of the reasons for the conflict in the country and the focus of a number of demonstrations and rallies. She would thus welcome clarification on the level of autonomy enjoyed by regions in addressing their own development needs and whether they had budget allocations to that end.

56. Noting the information on the political marginalization of the Madeshi people of the Terai region of Nepal, who made up a substantial part of the country's population but millions of whom reportedly did not have Nepalese citizenship, she said it was urgent to address their demands, given the recent surge in violence and the alarming figures on women, children and elderly persons killed in that region. She would welcome information on the efforts being made to ensure that the Nepalese police force exercised minimum force in its attempts to stabilize the situation there. Furthermore, she wished to know what percentage of private armies had been disarmed to date, as their disarming was important to prevent violence from erupting in the run-up to Nepal's impending elections.

57. She wondered to what extent Nepal's distressingly heavy reliance on foreign aid, with its outstanding loans reportedly amounting to more than 40 per cent of the country's GDP, affected its development strategy, and how the Government could ensure that that situation did not undermine its commitment to ensuring economic, social and cultural rights. She would welcome reassurance that the strict conditionalities imposed upon Nepal in relation to foreign aid did not exacerbate social conditions and poverty, and wished to know what percentage of foreign aid was earmarked for poverty alleviation programmes.

58. Lastly, with regard to Nepal's membership in the World Trade Organization (WTO), she hoped that Nepal's trade negotiators would bear in mind the country's treaty obligations regarding the promotion and protection of economic, social and cultural rights.

The meeting was suspended at 11.50 a.m. and resumed at 12.15 p.m.

59. The CHAIRPERSON invited the delegation of Nepal to reply to Committee members' questions on articles 6 to 9 of the Covenant.

60. Mr. UPRETI (Nepal) said that as a least developed country which had recently emerged from a decade-long civil conflict and was currently on the road to peace and stability, Nepal still faced a number of challenges to the full implementation of its treaty obligations under the Covenant. Nevertheless, his Government had been striving to ensure that all sections of society could enjoy economic, social and cultural rights.

61. Mr. PAUDEL (Nepal) said he appreciated the interest shown by the international community, through the Committee, in Nepal's promotion and protection of the economic, social and cultural rights of its people; the dialogue with the Committee had helped his Government to determine its position and identify shortcomings in ensuring those rights.

62. Replying to a question on the independence of Nepal's judiciary, as Nepal had explained to the Committee against Torture at its thirty-fifth session, the judiciary had been independent even under the previous Constitution and under the direct rule of the King. The Interim Constitution, too, ensured such independence and made the judiciary accountable to the people.

63. The provision for recourse to special courts or tribunals was limited to a particular category of cases, typically involving corruption. Access to justice had been improved: whereas economic, social and cultural rights had not been legally enforceable under the previous Constitution, the courts had recently demonstrated their independence in numerous cases by issuing directive orders to the Government, with particular reference to the environment.

64. Regarding the question of positive discrimination, the Constitution made explicit provision for the adoption of laws favouring special groups or communities in need, and legislation was currently in the process of amendment or formulation.

65. On the refugee issue, while Nepal was not a party to the 1951 Convention relating to the Status of Refugees and had no specific legislation in that regard, it hosted very large Bhutanese and Tibetan refugee communities on humanitarian grounds, observing high standards consistent

with those of international human rights instruments. UNHCR was in the process of updating its census of those living in refugee camps in Nepal and the resulting data would be helpful to his Government and to other international agencies working in the country.

66. On the question of whether economic, social and cultural rights were adequately covered under article 33 of the Interim Constitution, it should be noted that such rights were effectively addressed by many other provisions of the text, as well as being incorporated in the Directive Principles of State Policy conducive to the achievement of those rights.

67. Under the new Interim Constitution, the National Human Rights Commission had become a constitutional body with extended powers and functions, whose members were appointed and whose independence was ensured by the Constitutional Council. Its mandate included monitoring all the human rights obligations devolving upon the State under the international instruments to which Nepal was a party. In accordance with constitutional requirements, the Commission had been duly consulted, and its comments reflected, in the preparation of Nepal's second periodic report.

68. The need to establish a Truth and Reconciliation Commission, as provided for in the Constitution, was today widely recognized in Nepal. While such a commission would doubtless be established in the near future, the focus was currently on measures to meet immediate needs of victims.

69. As mentioned by members of the Committee, corruption was a serious problem in the country and constituted a major impediment to development. The Government was pursuing a strong anti-corruption policy through the Commission for the Investigation of Abuse of Authority and the Prevention of Corruption Act. The latter was in line with the United Nations Convention against Corruption, which Nepal had signed and was in the process of ratifying.

70. On the law of limitations, the statutory time limit for the prosecution of rape was currently 35 days, although there was no limitation in the case of murder. However, the Government was conscious of the need to review the situation relating to rape, and he was hopeful that new provisions consistent with international standards would be adopted.

71. There was a strong commitment in Nepal to the abolition of the caste system. It was officially prescribed by the Constitution, and the political and judicial authorities had demonstrated their resolve to make Nepal a caste-free State. Discrimination against Dalits was a punishable offence and in a number of cases had incurred financial sanctions. It was undeniable that social stigma remained a problem, but its effective elimination was taken very seriously.

72. The question of discrimination against minority groups was a complex one in a multi-ethnic and multinational society like Nepal, where more data were required and where the problem was often compounded by issues of definition and translation. Nevertheless, the State had recognized that minorities needed special treatment, and the Constitution included provision to that effect.

73. Concerning the rights of farming communities, special programmes existed to cater for the specific needs of the agricultural sector, including assistance to the rural poor under poverty-reduction programmes. Agricultural communities represented some 80 per cent of the population and modernization of the sector with funding from - for example - the World Bank and the Asian Development Bank was crucial to the country's development efforts.

74. On the gender question, discriminatory laws were in the process of being amended with a view to eliminating discrimination against women. Concerning violence against women, a draft law was currently in preparation that would provide a legislative mechanism to combat such abuse. Finally, a law adopted in 2006 placed women on a par with men by allowing them to transfer citizenship to their children.

75. Concerning minority languages, the Interim Constitution clearly stated that all mother tongues spoken in Nepal had the status of national languages. Nepali remained the official language, but national languages could be employed in local bodies and offices.

76. Regarding reliance on foreign aid, Nepal naturally depended on assistance from the international community and from major donors for its development efforts. However, its foreign aid policy ensured that such assistance was used in a systematic and people-centred manner, with priority being given to the social sector to improve the lot of the poor, particularly in remote areas. Its poverty elimination programme was currently receiving increased support from the World Bank, and the effect of its foreign aid policy was to promote the realization of human rights in the country.

77. Mr. UPRETI (Nepal), developing his colleague's remarks on the Truth and Reconciliation Commission, said that the Comprehensive Peace Agreement made specific reference to the need for such a commission to address the question of impunity and gross human rights violations, including extrajudicial killings, disappearances and abductions. It was a clearly established right in international law that the victims of such abuses and their families, many of whom had been forced to take refuge in neighbouring countries, had the right to know the truth. The Government, in accordance with constitutional provision, was engaged in building consensus and carrying out wide-ranging national consultations with a view to the establishment of a Truth and Reconciliation Commission to carry out its mandate over a period of two to three years. As to why no legal framework had yet been drafted or appointments made, it had to be understood that achieving consensus among a coalition of eight political groups with diverse perceptions and positions was a sensitive and time-consuming exercise. It was hoped that agreement would be reached in the near future and that, with the technical, financial and diplomatic support of the international community, Nepal would be able to advance in the peacebuilding process.

78. Mr. PAUDYAL (Nepal) underlined that rebuilding the nation following the 10-year conflict was a difficult and costly undertaking, which would require time and the involvement of the whole society. Nepal could however rely on the resilience of its people and the goodwill of the international community, and he was therefore optimistic that peace and the re-healing process could be sustained. As the post-conflict phase proceeded, it remained to prepare for the holding of a Constituent Assembly to frame a Constitution that would map out the country's long-term future.

The meeting rose at 1 p.m.