

HRC 31 Agenda Item 6

Speaker: Sini Maria Heikkila

NGO: Jubilee Campaign

Title: Nepal UPR Adoption

Date: March 2016

Thank you Mr President.

Jubilee Campaign together with Christian Solidarity Worldwide congratulates Nepal on its promulgation of the new constitution and the commitment it affirmed to protecting human rights during its UPR review in November 2015.

However, we are concerned that the recommendations made at the UPR review by Spain and USA encouraging Nepal to alter Section 26 of its constitution that currently curtails religious freedom did not enjoy Nepal's support.

Although the Nepali delegation stated at its UPR that 'full' religious freedom is guaranteed in the new constitution, Section 26(3) of the Constitution is inconsistent with international human rights law as it limits the freedom of the individual to convert from one faith to another and the freedom to peacefully express and share their faith with others. Nepal is a state party to the ICCPR and Article 18 of the ICCPR includes a person's freedom to have or to adopt a religion or belief of his choice.

In a recent joint statement by UN rights experts, Heiner Bielefeldt, the Special Rapporteur on freedom of religion or belief, highlighted that "The right to conversion has the status of unconditional protection under international human rights law."

The right to freedom of religion or belief is of particular importance in Nepal as the country makes the transition from a Hindu monarchy to a secular democratic republic.

Mr. President, we urge Nepal to amend Section 26 of the new constitution to ensure that it reflects in full the requirements of the ICCPR and of Nepal's own Treaty Act 1991 and to guarantee the right to choose and change one's religion or belief, and the right to choose not to believe in a religion.

We also encourage Nepal to extend standing invitations to the UN special procedures.

Thank you Mr. President.