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FOR HUMAN RIGHTS IN NEPAL**



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Restore human rights to the heart of the peace process, says OHCHR

One year after the signing of the Comprehensive Peace Agreement (CPA), human rights have been marginalized and subordinated to political considerations, according to a report released today by OHCHR-Nepal. They must be restored to the core of the peace process. Failure to accord the necessary attention to human rights in the process risks engendering further violence and deepening social divisions.

The new report documents the main human rights concerns of the past year, noting that respect for human rights has diminished and that protection of the right to life has been eroded, with more than 130 civilians killed between January and October 2007. Some 60 of those individuals were killed in criminal acts by armed groups, most of them since May, and a further 29 were killed as a result of police action, including some in circumstances amounting to excessive use of force.

In an environment where the State is failing in its obligation to provide security to the population and an environment upholding the rule of law, activities of armed groups have increased substantially, particularly in the Tarai. Increasing abductions, assaults and threats by cadres of the Communist Party of Nepal (Maoist), CPN-M, and the recent killing of journalist Birendra Sah have also had a serious impact on the human rights situation, undermining the CPN-M's commitment to human rights. The rights not to be arbitrarily detained and to physical integrity have also been violated at times by State authorities, including through torture and ill-treatment of criminal suspects.

Because of deeply engrained impunity, State agents, CPN-M cadres and others responsible for threats, abuse and violence, frequently act as if they are above the law. Increasing political interference in the work of the police, including pressure to release suspects implicated in violence and abuse, is also sending the wrong message. The report notes that ending impunity is a pressing priority and recommends ways that the Government of Nepal can demonstrate that there will be accountability for past and on-going human rights violations and abuses.

OHCHR acknowledges that the authorities are facing complex challenges in the peace process and that some progress has been made. The appointments of the five commissioners to the National Human Rights Commission (NHRC) is an important step towards the NHRC developing into a credible, effective and independent institution; to that end, OHCHR is increasing its support to the NHRC. Steps have also been taken to address the participation of traditionally marginalized groups in the Constituent Assembly elections process. The 2006 Citizenship Act and the issuing of citizenship to more than two million individuals are also positive steps. The introduction of quotas for the Civil Service and police forces are also important measures which now require implementation. But OHCHR's report shows that a more comprehensive and inclusive approach is needed to address discrimination and participation. Lack of progress in improving women's representation and participation is particularly worrying.

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Notwithstanding the postponement of the CA elections, the Government must take further concrete action to promote and protect the human rights of women and historically marginalized groups, including by ensuring their equal participation in the peace process and beyond. The realization of economic, social and cultural rights, such as access to education, health, food, water, land, shelter and other basic needs, intimately linked to discrimination in Nepal, is a key to sustainable peace.

OHCHR's report concludes with a set of recommendations (attached), to the Government, CPN-M, political parties, marginalized groups and others involved in protests, to the media and to armed groups. The report was submitted to the Government and the CPN-M for comments. Appended to the report are comments provided by the Government, which has challenged some of OHCHR's findings, as well as the Office's objectivity on certain issues. OHCHR will be responding to the Government's comments. It remains deeply concerned about the deteriorating human rights situation.

“Increasing respect for human rights should be a key dividend of the peace process, as called for by the people of Nepal in last year's Jana Andolan,” said Richard Bennett, Representative of the UN High Commissioner for Human Rights in Nepal. “The current climate of diminishing respect for human rights is a warning to all parties that concerted efforts are needed now to reverse the downward trend. Commitments to human rights by the Government of Nepal and by the CPN-M are welcome and necessary but are not sufficient; they must be translated into tangible actions and results.”