



Office of the High Commissioner for Human Rights



UN High Commissioner Navi Pillay – Interaction with Civil Society 19 March 2009, UN House, Kathmandu Talking Points

I am very happy to be here today to meet with representatives of civil society. Of course I am aware of the vibrant civil society that exists in this country, and of the central role that many of you played not only in bringing OHCHR to Nepal but also in keeping the flame of human rights burning throughout the conflict and indeed in doing so much to foster the peace process. While the context has changed immensely since the conflict was raging in 2005, the partnership between yourselves and my Office is required more than ever in this post-conflict phase, and I look forward to even closer collaboration in the years ahead.

In my recent annual report to the Human Rights Council on the situation in Nepal and the activities of my office, I noted the substantial progress made since the signing of the Comprehensive Peace Agreement. Equally, I stated that the challenges that lie ahead remain as daunting as those that have been surmounted already.

I would like to reassure our colleagues in national institutions and civil society that a key concern of OHCHR-Nepal is to ensure that no 'protection gap' will develop and that, buttressed by strong constitutional guarantees, respect for the human rights of all Nepalis will grow. Recognizing the need to consolidate the peace and to support those working for a 'new Nepal', we have refocused our programmes to address fundamental human rights issues that lay at the root of the conflict, and which regrettably continue today, especially discrimination, lack of access to social, economic and cultural rights and impunity. However, we are also prepared to react appropriately – as we have in the past – in case the human rights situation suddenly deteriorates.

At the moment our focus is very much on the promotion and protection of human rights defenders, including strengthening the capacity of civil society organisations and the development of effective protection mechanisms. OHCHR is undertaking training programmes for human rights defenders in all five regions of Nepal, often jointly with NGOs and the NHRC. OHCHR-Nepal also plays a lead role in the European Union's Working Group on Human Rights Defenders, which is developing initiatives to strengthen the protection framework and is utilizing a list of emblematic cases of incidents targeting human rights defenders to identify patterns, draw-up recommendations and undertake advocacy with the Government by national and international partners. Among these human rights defenders are journalists. According to reports, respect for the work of the media and for the right to freedom of expression have decreased in recent months. OHCHR-Nepal will continue to support journalists, both to strengthen their understanding of human rights and to make their working environments more secure.

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Undoubtedly, providing security for human rights defenders is directly linked to ensuring accountability for past and current human rights violations. This is not only the case in Nepal, but worldwide. Until governments take meaningful steps to implement their promises to end impunity there will be no safety for those courageous individuals who devote themselves to seeing that the human rights of all persons, including members of marginalized communities and the poorest of the poor, are accorded the same respect as those of the rich and powerful.

In Nepal, the challenge – as we have all seen – is immense. This is one statistic that I'm sure you know by rote, but one that deserves repetition whenever possible: no one has been prosecuted for a human rights violation committed during the conflict, despite myriad recommendations in numerous reports issued by our various organizations. Not for the hundreds of individuals confirmed disappeared in Bardiya district or for the dozens disappeared in Bhairabnath Barracks or for one 15-year-old girl tortured and killed by the army in Kavre.

So what do we do – throw our hands up in the air? No, we must continue reaching out, to one another and to individuals and organizations outside of our usual circles, in Nepal and beyond, who are committed to social justice and who are possible advocates for our human rights issues. We must continue to advocate – publicly and behind closed doors, in Nepal, Geneva and New York, to ensure that the Government lives up to its human rights obligations. I would encourage all of you in this room to work with partners beyond your usual circles, including the NHRC and other national human rights institutions. Until someone is held accountable for past violations, serious crimes like the killing of journalist Uma Singh and of businessman Ram Hari Shrestha will continue and the peace process will be at threat.

Unfortunately, as you are all too aware, it is often women human rights defenders, such as Laxmi Bohara of Kanchanpur District, who are the targets of those who are emboldened by the climate of impunity and the absence of the rule of law, and it is essential that particular measures are taken to safeguard women human rights defenders. Through its public reporting and advocacy at the local, national and international level, my office will continue to urge the Government to take the steps necessary for the protection of human rights defenders.

Two days from now we will mark the International Day for the Eradication of Racial Discrimination. This comes just one month before the international conference to review the commitments made in Durban to end racial discrimination, and I know that some of you have been working hard to prepare input for the Review Conference, with the support of my Office here. Significant steps have been taken in Nepal to eliminate caste-based discrimination; however measures such as the declaration outlawing untouchability must be accompanied by the application of existing laws against discriminatory practices and – again – accountability for those who commit human rights violations.

I believe that there is general agreement that discrimination was one of the root causes of Nepal's conflict. Since the ceasefires were signed in 2006, major steps have been taken to end discrimination, including the election of a much more representative governing body than the country has ever seen, and the creation of quotas in the civil service. Giving historically marginalized groups, and women, their rightful places in national institutions is essential but equally important is that these communities see changes in their daily lives, that there is respect for all their rights, including economic, social and cultural rights, and that they have access to the justice system when those rights are violated. Many of you are now playing important roles informing members of these groups about the current constitution-making process and further supporting their efforts to ensure that their human rights are fully respected in the new constitution.

OHCHR-Nepal's thematic group on ESC rights is now drafting two reports relevant to these issues: the first on the justiciability of ESC rights, the second on access to justice for members of marginalized communities, and we look forward to sharing our findings with you in order to move forward in the promotion and protection of ESC rights in the context of Nepal.

Finally, while human rights defenders and offices like mine engage with duty bearers at senior levels to ensure that they meet their human rights obligations, creating a strong human rights culture in Nepal, as elsewhere, will require at the same time a "bottom up" approach. This is one area where OHCHR is ready to support the lead of civil society organisations: in raising the awareness of people at the grassroots level so that they are empowered to demand respect for their rights from local officials and security forces. If we work hand-in-hand we will reach a point when the voices of the people, supported by all of us, become too loud for authorities to ignore. I look forward to seeing that day arrive in Nepal.

Thank you.