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At the First Human Rights Defenders Forum South Asia 2006

**“Promoting Asian Solidarity for Peace and Democracy:
Strengthening the Role of Human Rights Defenders in South Asia”**

8 June 2006

Dear Members of Forum Asia, Human Rights Defender colleagues,

It is a great pleasure to be here with you today. I would like to congratulate Forum-Asia for initiating this timely event. Ian Martin has asked me to convey his best wishes and solidarity to you; he cannot be here with you today as he has been called by the Secretary-General to assist in Timor-Leste.

Nepali human rights defenders have faced extraordinary challenges throughout the 10-year conflict, and have worked intensely and with great courage in the past 16 months. But now is not a time to rest on your laurels, and this period of political transition offers both opportunities and challenges for the protection and promotion of human rights.

Of course it is Nepali human rights defenders who are the experts on the historical lessons and current situation of your country. Since May last year, when our Office was established, we have learned lessons that are relevant for how we can work together in the times ahead.

I am certain that the greatest asset we at OHCHR-Nepal have developed in our short time in your country is the strong relationship we have with Nepali human rights defenders and the wider civil society. This relationship, an honest and open relationship aimed at maximizing the effectiveness of the work of all our organisations to protect human rights in Nepal, will continue to be at the centre of our strategy at OHCHR-Nepal.

A great lesson of the past 16 months has been the importance of a vibrant civil society and media. Both in the context of the armed conflict, and the threat to democratic rights, the unwavering commitment by civil society and the media to insist that human rights be upheld in Nepal demonstrated the significance of these independent voices. A vibrant, diverse civil society, and a free and fearless media will continue to be essential in the transition period ahead.

It is also essential that human rights defenders maintain their independence from the political process, and defend the human rights of all Nepalis. Human rights are not

political, they do not pertain to only one group or other of society, and a shift in political power must not lessen our vigilance as human rights defenders.

An important development we have witnessed over the past 16 months, and perhaps most of all throughout the *Jana Andalon*, is the rising tide of awareness of and commitment to human rights by the wider Nepali community. The expressions of social solidarity, of the aims for a more inclusive society which does away with ingrained discrimination, offer great hope and opportunity for human rights in the future. Discrimination on the basis of caste, especially against Dalits, and ethnicity must be tackled in the new Nepal. Discrimination against women, often multiple discrimination as it is added to caste or ethnicity-based discrimination, also needs to be systematically addressed. We have seen some positive developments from the Parliament in recent days, but the work must take place at all levels of society, and be sustained, if change is to be real and permanent and experienced in the everyday lives of Nepalis.

Equally the new government has made strong commitments to human rights since coming to power after the April *Jana Andalon*. These commitments must be seen through, in terms of policy and action. The CPN-Maoist has continued to commit itself to human rights standards in its statements and agreements – its leadership must ensure that its cadres at the community level understand these commitments and fulfill them. Even if difficulties arise in the political process, there must be no backing away from these commitments to protect human rights by any party.

OHCHR-Nepal is waiting to see precisely what role is asked of it and Nepali human rights defenders in terms of monitoring the ceasefire. While there has been established the Code of Conduct for Ceasefire reached between the Government of Nepal and the CPN (Maoist), it is essential that the parties move ahead rapidly to establish a credible and strong mechanism to monitor the ceasefire. This must include an effective mechanism for reporting and dealing with violations of the ceasefire, in order to ensure that problems which occur at the local level are dealt with quickly and fairly before they blow up into larger or intractable problems.

Another key issue for human rights defenders, seeking to consolidate the rule of law in the transition period and for the longer term, is that of accountability for past violations. The Government has been quick to establish the Rayamajhi Commission, related to events from 1 February 2005. However, the issue of longstanding disappearances has not yet been adequately addressed. OHCHR-Nepal released on 26 May a report of investigation into arbitrary detention, torture and disappearances at the Maharajgunj barracks in Kathmandu, in 2003-2004. This report detailed the horrific treatment of prisoners held at the armed forces barracks, and the disappearance of 49 people. OHCHR-Nepal has had no response from the armed forces or the government to this report. Human rights defenders, and families of the disappeared, continue to call for action to resolve all outstanding cases of disappearance. Families should not have to wait any longer to see a thorough and credible process initiated by the State to determine the fate or whereabouts of all those who disappeared in the context of the conflict.

The issue of accountability for violations committed during the conflict has wider implications. Our Office has begun the process of sharing information about the experience of implementing what are known as transitional justice measures in post-conflict societies through workshops here in Nepal. Prosecutions, assistance to

victims, truth commissions, institutional reform: these are some of the measures which Nepalis could consider as you develop an approach to addressing the consequences of the long conflict and to rebuilding a society based on respect for human rights and the rule of law. It is important now that Nepalis have an open discussion about what measures are needed here – this discussion itself must be inclusive, and especially bring in people from marginalized and discriminated against communities, and women. One of the important lessons from other countries which have come out of conflict, is that such transitional justice measures, in order to be effective, need the active engagement of members of civil society at all levels.

The hopes of Nepalis are very high, with constant calls on leaders to ensure that the political process ahead respects the aspirations for a fairer society, one that respects the human rights of all. Fulfilling these hopes will require commitment and hard work from Nepalis from all walks of life. The human rights community of Nepal, with its regional and other international friends, must remain vigilant and maintain its integrity and independence. We will all need to work hard to ensure that the ceasefire process is effective as a step toward a permanent end to hostilities in Nepal and that the political process respects and protects the human rights of all Nepalis.