



OHCHR-Nepal

Lena Sundh

Representative in Nepal of the High Commissioner for Human Rights

**On the occasion of the 58th International Human Rights Day
10 December 2006**

Distinguished guests, friends,

I am honoured to be with you today, representing the United Nations High Commissioner for Human Rights, Louise Arbour, for this 58th International Human Rights Day – at the end of a year that has been momentous for Nepal in many ways.

Human rights day gives us an opportunity to reflect on the achievements in defending and promoting human rights in the past year, and take stock of the challenges that are before us. The recent signing of the Comprehensive Peace Agreement has formally brought an end to the 11-year conflict. I would like to begin by remembering the victims of human rights abuses throughout the conflict, especially those who were killed or disappeared and those whose lives have been wracked by terrible violence. As human rights workers, as human beings, we must not forget them. We must not flag in our efforts to help the families of those killed and to help restore the lives of those who survived. We must continue to work for change to address the causes which led to these human rights violations, so that such violations never occur in Nepal again.

The High Commissioner has committed her Office to support the peace process through the monitoring of all human rights aspects of the Comprehensive Peace Agreement. OHCHR-Nepal will give priority to its monitoring activities in the regions and districts, especially those districts where the human rights situation is more volatile. Nepalis in all parts of the country, and from all communities, have the right to live free of human rights abuses.

In addition to our monitoring work, OHCHR-Nepal will focus on three issues in the transitional period that we believe must be addressed in order to ensure that there will be no human rights abuses in Nepal in the future.

Firstly, impunity must be ended, especially for serious human rights abuses. Those who hold positions of power and public responsibility must be accountable to the public, not least State security forces. It is essential to create a new culture within the security forces, including any new or reformed security forces, of being accountable before the law, to ensure that there is no repetition of human rights violations. During the conflict, serious abuses were committed by both sides, and there will be dangerous consequences for future human rights protection if these are merely

swept under the carpet – supposedly in the interests of peace. In order to play its proper role in a democratic society, the security sector, charged with maintaining law and order, must be accountable before the law. Accountability starts with dealing with past abuses from the conflict, by both sides: investigating them, conducting prosecutions and holding those responsible to account.

Second, there must be a well functioning law enforcement and criminal justice system. Nepal Police must be redeployed to posts in communities across the country, and carry out their duties in a professional and effective manner in order to re-establish the rule of law. Providing security through civilian policing is among the most important of the State's human rights obligations. The Nepal Police is called upon to fulfill this State responsibility at an historic juncture, and they must be well-resourced and properly trained. The criminal justice system must also function in a strong and independent manner, and be accessible to all Nepalis, including those who traditionally have difficulty gaining access to justice, such as Dalits and the rural poor. Women victims of sexual violence must also have the full protection of the law, and the obstacles they currently face to accessing the justice system must be removed.

Third, it is essential to address longstanding discrimination against and social exclusion of Nepalis such as Madhesis, Dalits, indigenous peoples, communities such as Badis, groups such as ex-Kamaiyas, people with disabilities and sexual minorities. It is not an easy task to address and change such deep seated discrimination. It cannot be completed overnight. However, by acknowledging the problem in the Comprehensive Peace Agreement, the parties have opened the way to change. This commitment must be followed up with practical measures during the transition to ensure that those peoples who have been traditionally left out of the political process are able to participate equally in the shaping of the new Nepal.

The international theme chosen by the High Commissioner, Louise Arbour, for this year's Human Rights Day is poverty. As the High Commissioner wrote in an article published in newspapers around the world for Human Rights Day, "Poverty is frequently both a cause and a consequence of human rights violations. Poverty means not just insufficient income and material goods, but also a lack of resources, opportunities, and security which undermines dignity and exacerbates the poor's vulnerability. It is also about power: who wields it, and who does not, in public life and in the family."

In Nepal, one of the poorest countries in Asia, there is a direct link between discrimination and poverty for millions of people – discrimination creates obstacles for people to have access to opportunities and resources. The State has an obligation to take immediate and long term measures to eliminate discrimination and so address one of the root causes of poverty. For example, the situation of women in Nepal clearly varies depending on which community they belong to. But one thing that all women have in common is that they have less power than the men from their respective communities. As the United Nations Security Council Resolution 1325 sets out, it is essential that women play an active role in peacebuilding initiatives after conflict. Women must be represented in decision-making bodies at all levels of society, from the village to the national level. By addressing this deep seated

discrimination against women, Nepal can also take a major step towards fully utilising its human resources to tackle the problem of poverty.

OHCHR-Nepal will work with the incoming Government, and civil society organisations representing marginalised communities in Nepal, to assist in the development of measures that can begin to eliminate discrimination in Nepal and so contribute to eradicating the causes of poverty.

To our partners, Nepali human rights defenders in communities across the country, I would like to highlight that you have achieved so much since the last Human Rights Day. I congratulate you. We will continue to strengthen the partnership that has developed since OHCHR-Nepal began its activities. There will be many challenges ahead but it is essential that we all work together to ensure that the protection and promotion of human rights remains central to the peace process.

Thank you.

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