



OHCHR-Nepal

Lena Sundh

**Representative of the High Commissioner for Human Rights
in Nepal**

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Distinguished guests, friends,

I am here in Birgunj this weekend to see for myself the situation in one of the towns in the Terai affected by violence in recent weeks, and to better understand human rights concerns here. I would first of all like to express my sincere condolences to the victims of the violence and to the families of those who died. As you know, OHCHR-Nepal and the High Commissioner for Human Rights herself, who visited Nepal in January, have been extremely concerned about the violence and the many deaths and injuries that have occurred. I note that those who have been protesting have succeeded in gaining the attention of the Government of Nepal and I would insist that only peaceful means should be used to advance their concerns.

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 throughout Nepal. OHCHR-Nepal will continue to give priority to its monitoring and preventive protection activities in the regions and districts, especially those districts where the human rights situation is more volatile.

My office has given the highest priority to monitoring the situation in the Terai. Our mobile teams have been investigating abuses which have occurred throughout the region. They have also been attempting to defuse tensions and prevent abuses and violence through dialogue and advocacy with local authorities, police and protest organisers. That is why I am particularly happy to be addressing this meeting on human rights in the peace process that brings together political parties, the Madheshi People's Rights Forum, other civil society representatives and journalists. It is essential that different stakeholders enter into a dialogue at the local level, as perceptions about what actually happened during the days of protest vary considerably, including what happened, why, how and under whose responsibility.

OHCHR's activities during the Terai unrest were carried out in the broader context of OHCHR-Nepal's work to advocate for an end to discrimination and for appropriate representation for all excluded groups in the peace and electoral processes.

It is essential to address all social exclusion and longstanding discrimination against any Nepalis, including Madhesis, Dalits, indigenous peoples, communities such as Badis, groups such as ex-Kamaiyas, people with disabilities and sexual minorities. Granted, 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 ongoing transition process to ensure that those peoples who have been traditionally left out of the political process are able to participate equally in shaping the new Nepal.

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

OHCHR-Nepal is also focusing on two other crucial issues in the transitional period that we believe must be addressed in order to ensure that there will be no further human rights abuses in Nepal.

First, impunity must end, especially for serious human rights abuses. Those who hold positions of power and public responsibility must be accountable to the public, not least the State security forces. It is essential to create a new culture within the security forces, including any new or reformed forces, of being accountable before the law, to ensure that human rights violations are not repeated. 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 particular, the whereabouts of all those who disappeared must be clarified and those responsible held accountable.

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 credibly and impartially, conducting prosecutions with appropriate judicial safeguards, and holding those responsible to account. But it also means probing new violations that may have occurred. This is why it is important that there be an impartial investigation into the deaths, injuries and destruction of property that have occurred in the Terai since 19 January.

Second, there must be a well functioning law enforcement and criminal justice system. Providing security through civilian policing is among the most important of the State's human rights obligations. The Nepal Police is called upon to fulfil this State responsibility at an historic juncture, and in order to do so 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 had 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 — the obstacles they currently face to accessing the justice system must be removed.

There are many challenges ahead. Journalists and human rights defenders have played a crucial role in advocating for human rights, and I am particularly disturbed that they have been among the targets of the recent violence and threats. They must be allowed to work without hindrance.

The partnership between OHCHR-Nepal and human rights defenders has been particularly important for us, and without them we would not be able to do our work. We will continue to strengthen this partnership that has developed since OHCHR-Nepal began its activities. It is

essential that we all work continue to work together to ensure that the protection and promotion of human rights remains central to the peace process.

Thank you.