



Statement by Richard Bennett
Representative of the United Nations High Commissioner for Human Rights in Nepal
at the opening ceremony of the 14th General Assembly of the Informal Sector Service
Centre (INSEC), 5 January 2008, Kathmandu

Honorable Chairman of the NHRC Mr. Kedar Nath Upadhyay, Chairperson of INSEC, Mr. Subodh Pyakurel, General Secretary Mr Kundan Aryal, Distinguished guests, Colleagues and Friends:

Thank you for inviting me for this opening ceremony, and congratulations to INSEC for successfully completing another year as one of Nepal's foremost human rights organizations. I look forward to a year of fruitful collaboration between INSEC and OHCHR-Nepal in 2008.

The slogan for this year's General Assembly is "CA Election for Sustainable Peace and Democracy". It is important to stress that elections are essential to lay the foundation for this 'new' nation. However, holding polls will not alone guarantee that the Nepal which emerges after the vote will be significantly different from the one that preceded it. Even holding what are judged to be successful CA elections might not in itself ensure sustainable peace and democracy. There are other pre-requisites and at their heart is human rights. In fact, I would say that what is needed is what OHCHR-Nepal argued in its December report, Human Rights One Year After the Comprehensive Peace Agreement – returning human rights to the centre of the peace process. And I note that INSEC itself has a project called "Sustainable peace through the protection and promotion of human rights".

What does putting human rights at the centre of the peace process mean? Of course one thing it means is protection of and respect for democratic rights. For example the right to freely express opinions, through the media – which has been increasingly under attack from various quarters in the past year – through public assemblies and rallies, and in all other forms. Obviously respect for these democratic rights are central to the CA elections, so that all political actors and individuals should be able to campaign free of fear and intimidation. The rights of the population to vote and to engage in the entire elections process must also be respected. In particular, women should have access to information and should be able to vote without duress.

In the context of elections, OHCHR-Nepal has been stressing the need to ensure the equal, and effective, participation of members of all historically marginalized groups so that the results of the voting will reflect their significant presence in Nepali society. In this regard, it is urgent that further dialogue be held with marginalized groups to ensure that their right to participate is guaranteed in the election process. To date, some dialogues with these groups have not been fully inclusive and the agreements reached have not been satisfactorily implemented.

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However, this alone won't be enough. To ensure sustainable peace and democracy, these marginalized groups must be fairly represented in all state institutions. OHCHR welcomes recent moves by the Government of Nepal to ensure inclusiveness, such as in recruitment of new police officers, but many more such policies need to be instituted – and all of them must be monitored to ensure implementation.

A peaceful Nepal will be a country in which those who commit serious offences, including human rights abuses and violations, will be held accountable for their actions. There is one telling statistic that I don't think we can repeat enough – no one has been prosecuted in a civilian court for human rights violations or abuses committed during the conflict.

Yesterday, I told the Peace Ministry that the rush to create a Truth and Reconciliation Commission by the 23rd of January risked undermining the effectiveness and credibility of this unique opportunity to bring about closure on the past with truth and justice. In order for a TRC to be effective and legitimate, broad nationwide consultation among all stakeholders – especially victims and their families – is essential. I understand that January 23 is the deadline set in the 23-point agreement, but it will come too soon to permit effective consultations and OHCHR has suggested to the Minister for Peace and Reconstruction that that agreement should be amended if necessary to extend the consultations.

Accountability also means that individuals will be held responsible for any ongoing human rights violations. In that regard, we have urged the Government to, inter alia, pass legislation to criminalize torture and disappearances as soon as possible, and to ensure that such legislation meets international standards.

Finally, without security there will be no sustainable peace or democracy. Today, in parts of Nepal, particularly the Tarai, people have fled their homes and are scared to return. Political actors do not dare launch their elections campaigns for fear of attacks. We all know that a prerequisite to holding free and fair elections is an environment where the population is free to vote and to participate in the election process without fear or intimidation. The political parties' commitment in the 23-point agreement to creating local bodies is of crucial importance to establishing conditions of public security in the districts and villages essential for the election. Of course the State must fulfill its responsibility of providing security to the population free of political interference and with full respect for human rights.

This includes security for human rights defenders, including members of INSEC, many of whom are in the room today, who continue to work on the frontlines throughout the country. These individuals must be free to work free of threats and intimidation, and secure in the knowledge that if they are threatened, the Police will respond to such threats in a timely and effective manner. OHCHR will continue to work with others to provide support to individuals and organisations that defend human rights.

Thank you again for inviting me to speak and very best wishes for your General Assembly.