



**Remarks by Richard Bennett  
Representative of the United Nations High Commissioner for Human Rights in Nepal  
At a Programme to Mark Human Rights Day and the 60<sup>th</sup> Anniversary of the  
Universal Declaration of Human Rights (UDHR)  
Organised by the National Human Rights Commission (NHRC)  
10 December 2008, Kathmandu**

Hon Prime Minister of Nepal, Pushpa Kamal Dahal ('Prachanda'); Hon Chief Commissioner of the NHRC, Kedar Nath Upadhyay; NHRC Commissioners; Excellencies; Colleagues from the United Nations and the human rights community; Members of the Media; and Friends:

The UDHR, which was adopted sixty years ago by the United Nations General Assembly, may have had more impact on mankind than any other document in modern history. It has been published in more than 300 languages and is known to people in all nations. Its principles are echoed in the constitutions and laws of more than 90 countries.

The Declaration has become a beacon of hope for those who aspire to a world where every woman, man and child is treated equally and with dignity. Visionary, yet fundamental, its universal goals and principles are able to inspire people worldwide, from individuals who have barely heard of it to people whose lives have been devoted to translating the Declaration's messages into reality on the ground.

Nevertheless, as the High Commissioner says in her statement today, we are still a very long way from achieving the goals the Declaration lays down and States' political will to fulfill their obligations lags lamentably behind their pledges. Therefore, we must continue to advocate for its enduring principles and introduce it to new audiences and new generations, who can be inspired by its vision and who will hold States to their commitments.

Human rights are at the heart of the United Nations' work and it is our policy that all our programmes in every country in which we work, including Nepal, should be based on human rights principles, including the principles of non-discrimination and accountability. Much progress has been made in Nepal's peace process. Longer term success will depend on how well human rights are observed and in this respect Nepal faces some formidable challenges. Will the businessman on the Terai be confident that the police will take effective action against the armed group that tries to extort money from him, threatening abduction or worse? Will political leaders insist that their cadres, including those in youth wings, obey the law and respect State institutions? Can Dalit parents be sure that their sons and daughters who study hard will find the jobs they are qualified for? Are the thousands displaced by the insurgency able to return to their lands or rebuild their lives? Will those in the army responsible for the seizure, torture and murder of a 15 year old girl be brought to justice? These are a few of the human rights questions that will test the leadership of this country as it navigates the tricky route from conflict to durable peace.

OHCHR-Nepal is now focusing on three areas: (i) Supporting and strengthening national institutions, such as the National Human Rights Commission (NHRC), as well as civil society; (ii) Helping to tackle impunity and establish accountability for past and ongoing human rights violations, including by investigating disappearances, helping to strengthen the rule of law, both through the legal framework (including the Constitution) and through supporting respect for human rights within the security forces; and (iii) Addressing discrimination, including in the context of enjoyment of economic, social and cultural rights, especially by historically marginalized groups and women. I would like to note that today marks the climax of the annual 16 day campaign of activism against gender violence.

Nepal's very good record of promoting the UDHR and ratifying the international human rights treaties that flow from it deserves to be acknowledged. Ultimately, however, human rights must be promoted and protected domestically by an effective national human rights system. It should include independent and effective national institutions such as the NHRC as well as others like the National Women's Commission, the National Dalit Commission and the National Foundation for the Development of Indigenous Nationalities, laws that are in harmony with international standards and the constitution, overseen by an independent judiciary and a parliamentary human rights committee, an active and free media and, last but not least, a vibrant civil society, including human rights defenders, especially women defenders, that are respected and well protected. In this context, it is vital that the alleged murder of Laxmi Bohra, an active human rights defender, be thoroughly investigated and the perpetrators be penalized. Human rights defenders are the conscience keepers of a society and the State need to defend the defenders. My office is ready to continue to support the strengthening of such a protection system.

Mr. Prime Minister, the NHRC is a very important institution in Nepal. It should be a critic and a conscience. Its credibility largely depends upon the confidence it enjoys among the people and the support it has from the government. Among its roles is that of making recommendations to the Government on a number of human rights issues – treaties, laws and individual cases among them. However, I have been informed that the recommendations of the NHRC to the Government frequently do not receive a response. I appreciate that the Government may choose not to act on every one of the Commission's recommendations but it is important that all recommendations of the NHRC are taken seriously and responded to in an appropriate manner. For example, if the Government feels that additional information is required, then this should be communicated to the NHRC.

From time to time, I have heard some speak of overlap, or of duplication, between OHCHR and the NHRC, or even with civil society. This perception is false. OHCHR, NHRC and civil society have complementary roles and are allies in protecting and promoting human rights at this stage of Nepal's transition. As mentioned, my office is committed to supporting the development of an effective national human rights system. Our recent re-focusing of priorities reflects the importance that OHCHR attaches to this process. It is clear that the human rights challenges currently facing Nepal are sufficient to engage us all. We must cooperate and be well coordinated. In recent months the scope of our work with the NHRC has broadened and deepened – the poster that you see here today is one example of that. We are collaborating more than ever both at the national and regional levels to ensure respect for human rights and to supporting NHRC in its' efforts to promote and protect human rights.

I would like to commend the NHRC on some recent achievements, including speaking out on disappearances and on impunity, hosting the recent conference for national human rights institutions of South Asia on child rights and convening a workshop on access to justice.

My Office was heartened by the commitments to human rights expressed by the Prime Minister in his address to the UN General Assembly in September. Some developments since then are encouraging, such as the drafting of new legislation to create a commission of inquiry on disappearances, recent efforts regarding the liberation of Haliya bonded labourers and the promise made last week to release under age soldiers. But there are also some worrying signs – among them the recent withdrawal of 349 cases from the courts, lack of accountability for any of the serious incidents of violence that have taken place since the signing of the CPA, serious threats to public security by armed groups in certain Terai districts and some abusive activities by youth wings. OHCHR encourages the Government to address these issues, as well as to rapidly establish the Commission of Inquiry on Disappearances, to move forward on a land reform commission and the Truth and Reconciliation Commission and to redouble efforts to address discrimination and improve economic, social and cultural rights.

Mr Prime Minister, ladies and gentlemen, it is time to transform the aspirations of the UDHR into reality for all Nepalis. Today, and over the past days, there are many events all over Nepal designed to raise awareness of the UDHR such as a film festival, a concert, a UDHR song, a photo exhibition on prisons and rights of detainees, human rights stalls, a marathon against impunity and the release of this new UDHR poster to name a few. No matter how willing duty bearers may appear to be to turn the principles of the Declaration into reality, experience shows us that it is essential for people to know their rights and to assert them, so that, as today's joint statement of the Special Procedures mandate holders puts it, they can claim – "It is my right!"

On my side, I will pledge that OHCHR-Nepal will continue to work alongside the Government, national institutions, civil society and others to complete the unfinished business of ensuring respect for the human rights of all Nepalis, of promoting dignity and justice, for as long as the Office can continue to play a useful role.

Thank you.