



**Statement by Richard Bennett  
Representative of the United Nations High Commissioner for Human Rights in Nepal  
Delivered at the 8<sup>th</sup> Anniversary of the National Human Rights Commission  
26 May 2008, Kathmandu**

Excellency Prime Minister Mr Girija Prasad Koirala; NHRC Chairperson Hon Mr. Kedar Nath Upadhyay ; other NHRC commissioners; Excellencies and other distinguished guests, representatives of human rights organizations, members of the media, and friends:

First, on behalf of OHCHR, I would like to extend heartfelt congratulations to the NHRC on the occasion of your 8<sup>th</sup> anniversary. Over a period of little more than 12 months some important steps have been taken to place the Commission on a sound footing: it has been recognized as a constitutional body in the Interim Constitution; a draft law spelling out the Commission's specific functions and powers under the constitution is in progress; new Commissioners have been appointed and have begun their important work; it has regained its 'A' status among its peers at the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights, and it has almost completed a new 3-year strategic plan.

These developments will assist the Commission in undertaking its formidable tasks as Nepal enters a new phase in its transition towards a society that I hope will embrace human rights as the cornerstone of its new democracy.

It is now beyond dispute that National Institutions (NIs) that conform with the Paris Principles are instrumental for the protection and promotion of human rights at the national level. They are an indispensable part of a strong national human rights protection system, along with an independent judiciary, a properly functioning administration of justice, a representative national parliament with a standing human rights committee, and strong and dynamic civil society organizations, including among others human rights defenders and a vibrant, independent media.

There are many ways that NIs contribute to national human rights protection systems. They can play a crucial role in addressing critical human rights issues such as summary executions, torture and arbitrary detention, in part by ensuring that victims have a remedy. They can take a lead in the fight against impunity and the strengthening of the rule of law. In countries emerging from conflict, including Nepal, NIs have an important role to play in ensuring accountability for past crimes, developing transitional justice strategies and fostering national reconciliation that heeds human rights. NIs can play a central role in ensuring that vulnerable groups are protected from discrimination. They can be at the forefront of ensuring that national legislation is in conformity with international human rights standards, including in the important area of law enforcement and the administration of justice so that the system provides protection, redress and effective remedies. And of course the role of NIs helping the State to realize economic and social rights should never be underestimated – I am very pleased to note that the new strategy of the NHRC includes this one of its priorities.

NIs are also institutions that can help ensure the application of international human rights norms at the national level. Thus they have a permanent relationship with the mechanisms of the international human rights system – the Human Rights Council, Treaty Bodies and Special Procedures, as well as OHCHR.

Turning to Nepal, for some time OHCHR, including the High Commissioner when she visited in January last year and the Deputy High Commissioner a few months ago, has assessed that tackling impunity and discrimination should be central to the Government’s efforts to consolidate the peace process and my Office stands ready to assist in this regard, especially through partnerships with others such as the NHRC.

This week Nepal will take a major step with the convening of the Constituent Assembly. I welcome the fact that the NHRC is already planning to make a contribution to the constitution-making process, not only through seeking to ensure that the constitution contains strong and effective human rights provisions but also by helping to make the process as participatory as possible. NHRC and OHCHR are already discussing one very timely proposal: the creation of a district-level programme to hold consultations on human rights and the constitution. I should like to emphasize that, as the fundamental law, the Constitution has immense significance for the protection and promotion of human rights, throughout its text, not only in the chapter on rights and freedom and also through the limitation of exceptions and in the manner of its interpretation.

Here in Nepal, as well as in other countries and at the regional level, OHCHR is strengthening its partnership with NHRC. We hope to work with the Commission on many if not all the issues that I have referred to. Our partnership will be expressed largely through a new Memorandum of Understanding and a second phase of the CDNHR project starting in July, in collaboration with UNDP. We also welcome cooperation with other partners that are working with the NHRC, such as the European Union. I have said this before and I will repeat it – a key measure of the success of OHCHR’s presence in Nepal will be the degree to which a sustainable national human rights protection system is built, with the NHRC at its core, and which is permanently linked to the international human rights system. We very much look forward to working even more closely with the NHRC in coming months.

Now let me turn to some of the issues faced by the NHRC. The ICC’s Accreditation Sub-committee noted among other things that “financial systems should be such that the Commission has complete financial autonomy”. The Sub-committee’s guidelines state that provision of adequate funding by the state should, as a minimum include: a) the allocation of funds for adequate accommodation, at least its head office; b) salaries and benefits awarded to its staff comparable to public service salaries and conditions; c) remuneration of Commissioners and d) the establishment of communications systems including telephone and internet. The Sub-committee will again consider this issue in October. The Sub-committee also encouraged the NHRC to strengthen its interaction with civil society organizations and it is indeed essential that the Commission has support, both moral and real, from civil society if it is to successfully address Nepal’s human rights challenges.

I would also like to take this opportunity to mention two more things that I believe are important for the strengthening and effectiveness of the NHRC and where

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the responsibility lies with the Government: passing of the enabling law that I referred to earlier and the implementation of the Commission's recommendations.

Finally, the recent elections have shown that women are key architects in the making of a new Nepal. They turned out in large numbers to vote and we have an impressive list of women in the CA. And yet every morning newspapers narrate stories of horrific crimes against women with little evidence of enough being done to punish the criminals. Even though it is desirable that Nepal develops comprehensive legislation on domestic violence which can capture all the specificities of this crime, there are enough provisions in existing laws to prosecute the cases of crimes against women. The seeming lack of action on domestic violence suggests that Nepal could be held accountable for doing too little to combat violence against women.

There is no doubt that OHCHR and the NHRC strive towards a common goal - realizing human rights. By working closely together we have a good chance of turning that goal into a concrete reality in Nepal.

Thank you.