



Remarks by Richard Bennett
Representative of the UN High Commissioner for Human Rights, in Nepal
At the 2nd National Convention of
Campaign for Human Rights & Social Transformation (CAHURAST)
8 March 2009, Kathmandu

Rt. Hon. Prime Minister Pushpa Kamal Dahal 'Prachanda'; Mr. Bishnu Pukar Shrestha, Chairperson of CAHURAST, Hon. Kedar Nath Upadhyay, Chairperson of NHRC, human rights defenders, representatives of the media, friends and colleagues:

Thank you for inviting me to speak today. I extend the best wishes of the Office of the High Commissioner for Human Rights - Nepal for the success of the 2nd National Convention of the Campaign for Human Rights and Social Transformation (CAHURAST). It is also good to be able to come and meet CAHURAST representatives from all over Nepal who have gathered here.

Today, March 8, is International Women's Day. This year's theme is *Women and Men Unite to End Violence Against Women and Girls*. The responsibility for ending violence is at least as much men's as it is women's. I would like to recognize the women here today and to offer my solidarity for women's equality and for an end to all violence against women and girls.

The name of CAHURAST, linking human rights with social transformation, indicates the focus of your organization. In many societies where human rights are denied, fulfilling them does indeed require a social transformation. The vision that many have of a new Nepal is the same as the vision of fulfilling all human rights for all in Nepal and is key to the long term success of the peace process.

A human rights based approach involves empowering rights-holders to claim their entitlements. Therefore, it requires participation of people at the grass roots level. And effective participation needs to be well-informed if it is going to be meaningful. Accordingly, human rights awareness and education is critical. Equally, awareness and strong organization is necessary to demand that duty-bearers meet their obligations and are accountable for them.

I am aware that CAHURAST focuses on economic, social and cultural rights (ESCR). I would like to make a couple of observations. First, I think it is important always to recall the universality and interdependence of all human rights. The realization of ESCR such as food, shelter, access to health care and education can only be achieved within the framework of civil and political rights, while civil and political rights, on their own will not deliver development and improvements to social

conditions that enable people to live with dignity and in reasonable comfort. To put it simply, poverty and impunity must be addressed together.

One distinct feature of ESC rights relates to the responsibility of the primary duty bearer – the state. International standards recognize that ESCRs cannot always be fulfilled tomorrow. Torture can and must stop today; freedom of speech must be assured now and next week, a free and fair election could be held this year. But it will take little longer to achieve free universal primary education or accessible and good quality health care. Therefore, the Covenant requires States Parties, including Nepal, to undertake steps, to the maximum of its available resources, with a view to achieving progressively, the full realization of the rights in the Covenant, by all appropriate means, including particularly the adoption of legislative measures. These requirements are worth studying closely.

A cross cutting imperative in all the treaties that establish human rights standards is non-discrimination. Whether the rights to be protected, respected and fulfilled are civil and political, or economic, social and cultural, discrimination must be eliminated. Equal respect for all human beings is the watchword of the human rights field.

OHCHR-Nepal recognises that discrimination and violations of ESC rights were one of the root causes – and also a consequence – of the conflict. We have assessed that ensuring the ESC rights of poor and marginalised individuals is one of the crucial element of the peace process and we have refocused our programmes in this direction.

We are:

- Supporting efforts to improve accountability for acts of discrimination
- Strengthening the capacities of the Government and civil society to address discrimination and promote ESC rights
- Supporting efforts to make national institutions more representative of Nepal's population
- Supporting activities to ensure respect for housing and land rights.

Enhancing accountability for discrimination and violations of ESC rights will first require a solid analysis of existing laws and then a clear description of how those laws can be used more effectively to ensure respect for the right of all Nepalis to not be discriminated against. We plan to launch reports on this 'justiciability' of ESC rights, along with another report on access to justice for members of marginalized groups, during 2009.

Our activities to strengthen the capacities of civil society, national institutions and the Government are wide ranging. We are now working with the Dalit and Women's Commissions, along with the National Foundation for Indigenous Nationalities, to identify the areas in which they require technical assistance. Of course, we are already working with the National Human Rights Commission (NHRC) in this area, and we expect our partnership will grow more swiftly after the signing last month of *Guidelines for Cooperation*. Just this week we organised a workshop in Biratnagar, on developing indicators that will be used for monitoring, promoting and protecting

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ESC rights in the Nepali context, with many participants from the NHRC, along with civil society. This workshop will soon be duplicated in western regions. We are also supporting the NHRC's plan to coordinate a national working group on ESC rights.

In recent months the thematic group has been devoting considerable time to supporting civil society organisations that will travel to Geneva for the Durban Review Conference (DRC) in April 2009, or have carried out activities here in Nepal related to the Conference. This includes support for an upcoming workshop in which opinions will be collected to be delivered to the Conference in Geneva.

OHCHR-Nepal believes that one of the successes of Nepal's peace process is the establishment of quotas for members of marginalized groups in the country's institutions, including the Nepal Police – after consultation with these groups. However, fixing quotas on paper will not result in increased representation on the ground. Thus, we will continue to monitor the implementation of these quotas and to advocate for inclusion of members of these groups, and women, in national institutions.

Finally, our ESC group will be working with UN agencies and national partners on the Housing Land and Property Project, which is supported by the UN Peace-Building Fund. Its aim will be to create a programme to address issues related to (rural and urban) land, housing and property rights, and to establish a compendium of relevant laws. Already, particularly in our Far-West Regional Office, we have been working closely with Haliyas, ex-Kamaiyas, Kamalaris and landless people on issues of land and housing, as well as on their right to food.

Last, but certainly not least, I would like to congratulate the members of CAHURAST for organising your 2nd National Convention. I wish you a productive and enjoyable meeting and look forward to opportunities to meet again in the future.

Thank you.

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