



**OHCHR-Nepal**

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**Excerpts from presentation, attributable to Lena Sundh**

I am very pleased to be here in Nepal, having the honour of representing the High Commissioner, Louise Arbour, in your beautiful country. I am also very pleased to have arrived at a time, not least when there is a real possibility to ensure that human rights abuses are a thing of the past in Nepal, and that discrimination and social exclusion will not be a part of the future. Nepal is at the threshold of a transition, and this is a time of opportunities. The High Commissioner said in her recent statement, when she welcomed the November 8 decisions, saying that they:

“set the foundation for a peace process and democratic transition in which the protection and promotion of the human rights of all Nepalis must be central. It is essential that the parties translate their commitments into meaningful actions to end abuses”.

Against this very positive and hopeful background I would like to make a few points:

**Human rights and the peace process**

The November 8 decisions include important provisions regarding human rights. I very much welcome the commitment of the parties to the promotion and protection of human rights in all aspects of the peace process is essential, and we expect the comprehensive peace agreement to reflect this.

OHCHR-Nepal will do its utmost to support these endeavours, including through its monitoring work which the parties have requested.

The way we see our work is that we will support in any way we can the process at the national level and we will also work very actively to continue

monitoring human rights in districts across the country and also work in other ways to promote the respect for human rights at the district level. I must say, personally, that that is something I feel very strongly about, not least from my own experience in other countries. It is very often that particularly the international community, but also media and human rights organizations, focus on what is happening in the capital, that we do not pay adequate attention to what is happening outside of the capital. I would like to assure you that OHCHR will continue its work at the district level. We have teams in each of the 5 development regions and there the human rights officers will continue to travel to the districts and work with civil society, local authorities and with the parties to build on the peace agreement.

### **The rule of law**

The rule of law is the foundation of protecting human rights, through the peace process and for the long-term in Nepal. There must be professional and effective policing by the state police force in districts across the country. The independence of the judicial system must be respected by government and all political actors. Both the police force and the judicial system must be adequately resourced.

### **Ending impunity**

Impunity must be brought to an end if people are to trust in the rule of law. This means, nobody can be above the law. It also means that those responsible for the past serious must be brought to account. To build sustainable peace, action must be taken to clearly show that nobody can get away with human rights abuses in Nepal, least of all those in a position of power or tasked with responsibility to protect human rights.

### **Disappearances**

Disappearances remains one of the main concerns of OHCHR-Nepal. The November 8 decisions stated that a commission of inquiry will be established to resolve outstanding cases of disappearances. OHCHR-Nepal reiterates its call that this commission must be credible, competent, impartial and fully independent.

### **Truth and reconciliation commission**

The decisions also indicate that the parties intention to establish a truth and reconciliation commission in Nepal, to assist the task of dealing with past human rights violations. This is a very positive initiative. But I would reiterate the cautionary words of the High Commissioner, from her recent statement, when she said that “To be effective, it is essential that the commission be independent and impartial, and be established only after widespread public consultation as to its mandate and the composition of commissioners. At the same time, it is important that there also be prosecutions for serious human rights violations in order to restore community trust in the rule of law and prevent abuses in the future”.

### **National Human Rights Commission**

I believe that the strong emphasis on human rights in the November 8 decisions and, hopefully the comprehensive peace agreement, shows a commitment by the Nepali leadership to promote and protect human rights throughout the peace process.

To this end, there is also a need for a strong, independent and impartial National Human Rights Commission. It is essential that new Commissioners are selected through a transparent and consultative process according to international standards, because this is the only way to ensure that the NHRC will be credible.

### **Wider civil society**

Wider civil society – organizations representing women, Dalits, Adhivashi-Janajati communities, Madhesis, sexual minorities and many other particular communities - will also have a very important role to play in ensuring that Nepali people who have been traditionally marginalised and left out of political processes and decision-making are able to fully participate in this transition process in Nepal. Proper representation of Nepalis from all backgrounds will be the ultimate test of democracy. Ultimately, it is the only way to ensure that the human rights of millions of Nepalis, who have felt themselves to be left out until now, can be guaranteed.

### **Women and representation in the peace process**

I would like to emphasise the importance of women being included in the peace process. I look around here and see a few women, but I think we should all remember that women are at least 50% of the population. There are certain provisions in the decisions and also, as I have seen from what has been discussed, in the peace agreement about women. Particularly from protection point of view, seeing women as victims of sexual abuse and obviously that is important to make sure that that is dealt with. But it is also very important that we recognise the necessity that women participate as actors. I think that in many countries, and generally when you move into a process like this, it is being more and more recognized, that if you want to have sustainable peace, you need really to have all your population, you need to have the different communities, and you also need to have women involved as actors. If I look at the UN context in regard to gender issues and women, this importance of women being involved is recognised by the General Assembly and by different organs of the United Nations. But in the year 2000, the UN Security Council also adopted resolution 1325, which strongly recognises the importance of having women involved in processes like this. You are now at the threshold of this kind of process and I think it is very important to make sure that women will be included.

### **Media**

The media will continue to play an essential role. Freedom of expression, and a free media was at the heart of the *Jana Aandolan*. Political parties, and government must recognise this and take every step to ensure that media professionals and media houses are able to operate without hindrance or political pressure or intimidation. They have a vital role to play in ensuring that the people's right to information is guaranteed throughout all phases of the

transition. This also places special responsibility on the media to report accurately.

### **Nepali human rights NGOs**

Nepali human rights NGOs are at the forefront of human rights promotion and protection, at the national level and especially in districts across the country. OHCHR-Nepal has worked closely with our Nepali NGO partners since we began work here in May last year, and I recommit our Office to this partnership. It is essential that all parties respect the role of Nepali human rights defenders throughout the peace process.

### **Conclusion: challenges ahead**

There will be many challenges throughout this peace process. We know from experience that there will be ups and downs, and times when setbacks seem to threaten the process. I can tell you that this is normal in peace processes. By respecting the human rights of all Nepalis, the parties can contribute to establishing an environment that is conducive to implementing all the elements of the transition: preparing for elections; civic education and peaceful political campaigning; Constituent Assembly elections; and Constitution making. This is why it is so essential that human rights are central to the peace process.

OHCHR stands ready to work with all Nepalis to help make this a reality. I am very pleased to be here in Nepal to lead a team of dedicated human rights workers at OHCHR, and to work with our many partners.