



**OHCHR-Nepal**

**Lena Sundh  
Representative in Nepal of the High Commissioner for Human Rights**

**11 February 2007**

Distinguished guests, friends,

I have come to Janakpur this weekend to see for myself the situation in one of the towns in the Terai affected by violence during the last few weeks and to better understand the human rights concerns here. I would first of all like to express my condolences to the victims of the violence and to the families of those who died. As you know, OHCHR-Nepal, and the High Commissioner for Human Rights herself has been extremely concerned about the violence, the many deaths and injuries that have occurred. We hope that current initiatives to hold talks will help to restore calm, and the ways can be found to address the concerns which have been raised in the context of the protests and which are central to the peace process.

The High Commissioner has committed her Office to support the peace process through the monitoring of all human rights aspects of the Comprehensive Peace Agreement throughout Nepal. OHCHR-Nepal will continue to give priority to its monitoring activities in the regions and districts, especially those districts where the human rights situation is more volatile. And to that end I would like to inform you that we will soon be opening a sub-office in Janakpur.

My office has given the highest priority to monitoring the situation in the Terai these past few weeks. Our mobile teams have been investigating abuses which have occurred throughout the Terai. They have also been attempting to defuse tensions and prevent abuses and violence through dialogue and advocacy with local authorities, police and protest organizers. These activities have been organized in the broader context of OHCHR-Nepal's work to advocate for an end to discrimination and appropriate representation for all excluded groups in the peace and electoral process.

It is essential to address longstanding discrimination against and social exclusion of Nepalis such as Madhesis, Dalits, indigenous peoples, communities such as Badis, groups such as ex-Kamaiyas, people with disabilities and sexual minorities. It is not an easy task to address and change such deep seated discrimination. It cannot be completed overnight. However, by acknowledging the problem in the Comprehensive Peace Agreement, the parties have opened the way to change. This commitment must be followed up with practical measures during the transition to ensure that those peoples who have been traditionally left out of the political process are able to participate equally in the shaping of the new Nepal.

OHCHR-Nepal will work with the incoming Government, and civil society organisations representing marginalised communities in Nepal, to assist in the development of measures that can begin to eliminate discrimination in Nepal.

OHCHR-Nepal is also focusing on two other crucial issues in the transitional period that we believe must be addressed in order to ensure that there will be no human rights abuses in Nepal in the future.

Firstly, impunity must be ended, especially for serious human rights abuses. Those who hold positions of power and public responsibility must be accountable to the public, not least State security forces. It is essential to create a new culture within the security forces, including any new or reformed security forces, of being accountable before the law, to ensure that there is no repetition of human rights violations. During the conflict, serious abuses were committed by both sides, and there will be dangerous consequences for future human rights protection if these are merely swept under the carpet – supposedly in the interests of peace. In particular the whereabouts of all those who disappeared must be clarified and those responsible held accountable.

In order to play its proper role in a democratic society, the security sector, charged with maintaining law and order, must be accountable before the law. Accountability starts with dealing with past abuses from the conflict, by both sides: investigating them, conducting prosecutions and holding those responsible to account. But it also means investigating new violations which may have occurred, including those which have been documented during the recent protests in the Terai.

Second, there must be a well functioning law enforcement and criminal justice system. Providing security through civilian policing is among the most important of the State's human rights obligations. The Nepal Police is called upon to fulfill this State responsibility at an historic juncture, and they must be well-resourced and properly trained. The criminal justice system must also function in a strong and independent manner, and be accessible to all Nepalis, including those who traditionally have difficulty gaining access to justice, such as Dalits and the rural poor. Women victims of sexual violence must also have the full protection of the law, and the obstacles they currently face to accessing the justice system must be removed.

There are many challenges ahead. Journalists and human rights defenders have played a crucial role in advocating for human rights, and I am particularly disturbed that they have been among the targets of the recent violence and threats. They must be allowed to carry out their work without hindrance.

The partnership between OHCHR-Nepal and human rights defenders has been particularly important for us, and without them (you?) we would not be able to do our work. We will continue to strengthen the partnership that has developed since OHCHR-Nepal began its activities. There will be many challenges ahead but it is essential that we all work together to ensure that the protection and promotion of human rights remains central to the peace process.

Thank you.