

**English Translation of the Address by the Rt. Hon. Chairman of the National  
Human Rights Commission, Nayan B. Khatri, on the occasion of the 56<sup>th</sup>  
International Human Rights Day**

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Rt. Hon. Prime Minister,  
Excellencies and Heads of Diplomatic Missions,  
Resident Representative of the United Nations Development Program,  
Respect Ladies and Gentlemen:

On the occasion of the 56<sup>th</sup> anniversary of the International Human Rights Day, I would like to thank everybody participating in this program.

On December 10, 1948 the United Nations General Assembly adopted the universally accepted principles on human rights in the form of the Declaration, which imparted the message that dignity, equality, and the inalienable rights of all members of the human family was the fundamental basis for freedom, justice and world peace.

Due to the fear of the destructive impact of world wars, the adoption of the Declaration was also inspired by the idea that people of the world should not fall victims to such wars ever again. The Declaration had already given the warning more than 56 years ago that any type of governance based on division and oppression, and that which ignored values inherent in human beings such as freedom and dignity, could give birth to rebellion. As a result of a disregard for the implementation of the Declaration, rendering it only as a pleasant sounding mantra, countries have not only been mired in internal conflicts, but feelings of hatred, animosity and vengeance have disrupted social systems as well. While leading the world community through the adoption of a document such as the Universal Declaration of Human Rights, why has it not been possible to establish peace in countries facing internal conflict?

In our country Nepal as well, an almost decade-long violent conflict has not only led to the loss of more than ten thousand lives but the social system and the system of governance have also been disrupted. The utter disregard of the lives of ordinary people and ill-treatment to them has resulted in disappointment, anger and flight from the conflict and this has presented the possibility of the conflict's impact on the nation's sovereignty itself.

On one hand, there is increasing prevalence of irresponsible behavior within His Majesty's Government's institutions, coupled with a disregard of the rule of law and increasing deficiency in the effectiveness of democratic institutions. On the other hand, the CPN-Maoist, relying on its armed forces, is increasingly showing its violent nature. The very right to life of the ordinary people has been taken away; even the protection of other rights is not possible in such a scenario. There is little consideration of humanitarian principles among the parties in conflict and the country is thus stuck in the storm of fear and terrorism.

On this occasion, while we have to think about how to rid ourselves of this inhuman situation created by the violence and terror we have come to face on a daily basis, we also have to identify and analyze reasons as to why such a situation has developed and undertake sincere efforts in eradicating such causes that have resulted in the conflict in the country.

Nepalese brothers and sisters are tired of calling for peace. There have been several endeavors for peace but all such endeavors are city-centered and sincere efforts have not been undertaken towards actively taking the voice of the people in the rural areas. Issues such as fulfilling or meeting the minimum necessities of the people, providing humanitarian relief and assistance, and rural development should not be placed in the backburner. The development of an environment of confidence at the grassroots level can also assist in dealing with bigger problems. As such, I would also like to request for the attention of His Majesty's Government in that direction.

On one hand, the National Human Rights Commission has a legal responsibility to protect and promote human rights, while on the other hand it has a challenging role to play in establishing peace in the country. We wish to make Commission a shield that protects the human rights of the helpless people and we are committed on our efforts. The minimum human rights standards are under no conditions subject to negotiations. It is for such a reason that in all efforts for peace, human rights issues should have the highest priority. Another important issue is that the serious violations of human rights and international humanitarian law cannot be dealt with in a light manner; the Commission wishes to remind to the parties that it requires the pursuance of established procedures.

We are aware that in the present situation, human rights protection of the Nepalese people is not possible without the commitment of the respective institutions of His Majesty's Government towards the rule of law, along with the responsible role of the CPN (Maoist). It is in this context that the National Human Rights Commission has for the past one year repeatedly called upon His Majesty's Government and the CPN (Maoist) to sign on the "Human Rights Accord" proposed by the Commission to both the parties. It is a matter of concern that both sides have not shown much interest on this issue. I would therefore like to request to all political parties, civil society and the international community to take measures for creating a positive outlook in both the parties regarding the Human Rights Accord.

Respected Ladies and Gentlemen:

In the very difficult times that we are passing through, the Commission has received the assistance and goodwill from everyone. The Commission, which had started from zero four years ago, has been able fully construct its physical infrastructure. After Nepalgunj, we will soon have our regional offices in Biratnagar and Pokhara. We are making our nationwide monitoring work in a more systematic manner. We have just received information that the long-awaited Memorandum of Understanding between His Majesty's Government and the United Nations Office of the High Commissioner for Human Rights is being materialized and the Government from its part has signed the Memorandum of Understanding. We are encouraged by this news and the Commission is confident of

receiving assistance from everyone as always in the Commission's extensive monitoring work in the future.

The National Human Rights Commission came into existence as the conflict was growing and was established as a result of the efforts and pressure applied by human rights activists, civil society and the international community. The tenure of the Chairperson and Commissioners of the Commission is almost coming to an end. It is now up to civil society to make an unbiased assessment of the Commission's activities during this period. We shall respectfully accept such an assessment.

We have been greatly encouraged by the presence of the Rt. Hon. Prime Minister and other dignitaries in this program today. I would also like to draw attention to the fact that the condition of the absence of Parliament has negatively impacted on the protection as well as promotion works. The second and third annual reports of the Commission could not be presented to Parliament. It is a matter of concern that the fourth annual report of the Commission could also be facing the same fate. The involvement and direction of the representatives of the people is most necessary in the protection of human rights. Furthermore, the absence of Parliament has also impacted on the future of the Commission. The tenure of the Chairman and the Commissioners is coming to an end in six months. As per the Human Rights Commission Act, 1997, the absence of one vital member in the Recommendation Committee for the appointment of the Chair and the Commissioners also impacts on the appointment process. In this regard, the Commission has already informed the Rt. Hon. Prime Minister of the situation in a letter dated 2 December 2004. We are confident that the attention of the Rt. Hon. Prime Minister will be seriously drawn towards this issue.

Respected Ladies and Gentlemen:

Human rights, democracy and the rule of law are complementary to each other. This aspect is also enshrined in the Constitution of the Kingdom of Nepal. For this reason, we believe that human rights issues should not be looked into separately from all these issues, but be considered as a part of the whole. While requesting sincere efforts from everyone in this regard, I once again express my gratitude to all of you present here to celebrate international human rights day today.

As always, I am confident that the National Human Rights Commission will continue to receive support and assistance from His Majesty's Government, political parties, human rights organizations, civil society, media and from the international community.

Thank You.