

Address by Rt. Hon. N.B. Khatri, Chairman, NHRC to the Development  
Partners  
28 September 2005

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Excellencies and Distinguished Development Partners,  
Respected Ladies and Gentlemen:

It is a pleasure to welcome you to the National Human Rights Commission in this follow-up meeting to review the ongoing activities of the Commission and the challenges faced by it in the present situation. As most of you might recall, we had a similar meeting in September last year followed by a meeting six months later in March this year. As six months have gone by since March, we feel that it is time to once again share information and apprise our development partners about the activities of the Commission.

Fundamental rights of the Nepalese people continue to be violated and abused with increasing incidents of illegal arrests and re-arrests, along with noticeable restrictions in the media and peaceful assembly and in the exercise of freedom of expression and opinion. While the Commission considers the unilateral ceasefire by the CPN (Maoist) as a positive step, it has also called upon the Government to reciprocate with steps of its own. The unilateral ceasefire of the Maoists is also questionable as they have continued abducting and extorting civilians. Only a few days ago, two major violent clashes were reported between the parties in conflict thereby further undermining any prospect for a genuine ceasefire. At the same time, the use of excessive force by security personnel on political demonstrators has also drawn our attention and we have raised this issue with the government as well. The Commission is relentless in its efforts towards building consensus for a human rights approach in conflict mitigation and has once again initiated its call for both the parties in conflict to sign on a joint ceasefire document as well as the Human Rights Accord drafted by the Commission as a first step and a confidence building measure for any viable peace process.

In April, the Commission's activities came under scrutiny following its participation in the 61<sup>st</sup> Session of the Commission on Human Rights and other meetings held in Geneva. In the meetings, NHRC-Nepal presented details of its activities, the challenges faced by the Commission in the area of human rights protection and the human rights situation at that time. The international community supported the initiatives undertaken by the Commission in the extremely difficult situation and called upon the government to restore multi-party democracy in Nepal while maintaining the independence of the NHRC as per the Paris Principles.

A Memorandum of Understanding between His Majesty's Government of Nepal and the United Nations Office of the High Commissioner for Human Rights was also signed at that time, leading to the establishment of the UNOHCHR Mission in Nepal. We believe that the Commission and the Mission can work together in many areas and in this regard a working modality needs to be developed to facilitate mutual cooperation at the field level. The Mission can also play an important role by exerting moral pressure on the parties in conflict to respect and adhere to human rights principles and international humanitarian law.

We shared our experiences with the OHCHR delegation which visited Kathmandu in the end of June and held in-depth discussions with the delegation while apprising them of the human rights situation in Nepal and the activities undertaken by the Commission at present. We have recently received the report of the delegation and are studying and seriously considering the recommendations included in it.

As the Commission completed five years of its existence and the tenure of the previous team of NHRC Chairperson and Commissioners ended in the end of May, a new team assumed office on 30 May 2005. Concerns were expressed by national and international community about the future of the Commission and its continued independence and autonomy. It was unfortunate that statements of non-cooperation were also issued by some human rights organizations of Nepal. The Commission immediately sought out to allay the concerns and issued detailed explanations emphasizing that the new Commission would not be affected by the changes in the appointment process as its mandate remained the same. It also requested to all concerned that any judgment on the new Commission should be based on its performance in the months to come. Soon after their appointment, the members of the Commission affirmed their commitment to impartiality, independence, equality, transparency and the pursuit of these principles in carrying out the statutory obligations of the Commission.

The Commission, fully aware of the gravity of this situation, as well as the increasingly difficult human rights situation in the country, has responded by significantly stepping up its efforts and intensified its monitoring, investigation and promotion works. Several reports on findings of the Commission related to major incidents of violations and abuses perpetrated by the parties to the conflict have been made public. Details of our activities in these areas will be provided at a greater length in the presentation that will follow shortly.

While also being mindful of the importance of public legitimacy, NHRC has increased cooperation with civil society in general and the human rights community of NGOs in particular. We believe that it is in everyone's interest to work together and consolidate efforts for human rights protection and promotion in view of the increasing expectations of the Nepalese people from both civil society and the NHRC to protect their rights from violations and abuses.

Excellencies and distinguished development partners,

I would like to take this opportunity to inform that the Commission participated in the 10<sup>th</sup> Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions held in Mongolia in August. NHRC-Nepal is to continue as one of the four representatives of the Forum to the International Coordinating Committee of National Human Rights Institutions for the next two years.

Apart from the regular meetings we have had with the representatives of the international community in Nepal, we also recently welcomed the Special Rapporteur on Torture and provided an overview of the situation particularly related to torture issues. Such visits and interactions are crucial as we continue in our struggle to raise the issue of human rights in the difficult circumstances that we are in.

In conclusion, on behalf of the Commission and on my own, I would like to express our sincere appreciation to the international development partners and our esteemed stakeholders for the continued support to the Commission, which is more crucial for us than it has ever been and look forward to your continued support in the future as well.

Thank You