

**Statement by Rt. Hon. Nayan Bahadur Khatri, Chairman,
The National Human Rights Commission, Nepal at the
61st Session of the Commission on Human Rights,
13 April 2005**

Mr. Chairman,

At present, Nepal is passing through a difficult time in terms of serious challenges on the protection of human rights of the Nepalese people. While the ongoing armed conflict in Nepal for the past nine years has no doubt been the prime reason for the deteriorating human rights situation in the country, the situation after the declaration of the state of emergency on February 1 2005 has presented more challenges to the Nepalese people in the exercise of their basic rights. The suspension of fundamental rights, arrests and preventive detention of political leaders, human rights activists, journalists, and others, as well as restriction on the movement of several people including two NHRC Commissioners created a difficult situation for our Commission as well. This was in addition to the human rights violation issues such as disappearances, illegal detention, killings, abduction, recruitment of child soldiers and blockades etc., that the Commission was already dealing with. In response to the new situation, the Commission on 3rd February called upon the government to be conscious of the responsibility under all circumstances, even at a time of emergency, towards multi-party democracy and human rights protection, as per the essence of the Constitution of the Kingdom of Nepal 1990 and fulfill its responsibility to protect human rights of the Nepalese people as a state party to all major human rights treaties and conventions. It also requested the Government to create a situation to allow for the exercise of the constitutional right to participate in peaceful political activities and ensure the safety of human rights workers.

The obstacles we are encountering in our work are being dealt with through extensive discussions with the Government, on a case by case basis. We are persisting in our efforts in the difficult time and are hopeful that there would be improvement in the situation in coming days.

After February 1, our attention was drawn to some reports that NHRC/Nepal was becoming ineffective. While we certainly appreciate the concerns expressed by our friends and well-wishers inside and outside of Nepal about our Commission, I would like to emphasize that NHRC has continued to function in accordance with its mandate amidst the challenging environment.

Similarly, a number of reports and statements were made by various national and international organizations on the deteriorating human rights situation and international involvement to address the situation. In this regard, I would like to draw the attention of this august gathering to the Memorandum of Understanding (MoU) signed only a few months ago in December 2004 by the Office of the High Commissioner for Human Rights and His Majesty's Government of Nepal, on providing technical assistance to NHRC to enhance its monitoring and investigating capacity. Therefore, we are of the opinion that with the enhanced capacity, effective monitoring of the human rights

situation can best be done through the efforts of NHRC and the vibrant human rights community in Nepal. We have also come to know that a new MoU has been signed a few days ago between His Majesty's Government and the Office of the High Commissioner to monitor the state of human rights in Nepal. While we are yet to study the terms of the MoU, we are very much hopeful that the Commission will continue to receive support from the Office of the High Commissioner to carry out its mandate, as ultimately, the monitoring and evaluation of human rights is only possible if internal mechanisms such as national human rights institutions are supported and strengthened to do so.

NHRC-Nepal has been in the forefront not only in continuing its efforts to carry out its mandate in light of the present situation but has also increased its tempo by intensifying its monitoring and investigation works. As part of increasing our outreach throughout Nepal, our first regional office was opened in mid-western Nepal in November last year. Our second regional office was established in eastern Nepal only a week after the declaration of the state of emergency and the third regional office is going to be established in western Nepal very soon. We visited the political leaders under house arrest and several detention centers including military barracks, ascertaining the fate of the detainees and political leaders. As part of our expanded monitoring program, our monitoring and investigation officers have held interactions with all sectors of civil society in over 30 districts so far, with more missions to be undertaken in the coming days.

The Nepalese Commission as an independent and autonomous institution has not only spearheaded efforts to protect the rights of the Nepalese people, but has also undertaken several initiatives for a peaceful resolution of the conflict. The UN High Commissioner for Human Rights visited Nepal in late January this year and strongly supported the NHRC's endeavor to call upon the parties to sign on a Human Rights Accord as a first step towards the resolution of the conflict. We were greatly encouraged by the visit of the High Commissioner, who not only lauded our efforts but also pledged continued support of the OHCHR to NHRC-Nepal.

I would like to take this opportunity to express my sincere appreciation to the entire international human rights community for its continued support and assistance to the Commission in its activities. We would like to recall the concerns raised last year on the human rights situation in Nepal. Subsequent efforts made in cooperation with the OHCHR and His Majesty's Government of Nepal has been encouraging for the Commission to carry out its mandate. However, the challenge still persists, as the implementation of the commitment made by the government is less than satisfactory.

The support extended by the international community for the Commission's capacity development, the expansion of its outreach in different parts of Nepal and in particular, the support extended by the Office of the High Commissioner for providing the Commission with technical assistance are vital not only for our Commission's development, but also for the Commission to stand as an independent and autonomous institution to carry out the crucial task of monitoring and investigating human rights violations amidst the ongoing conflict situation.

I Thank You Mr. Chairman