

**Ms. Kyung-wha Kang
United Nations Deputy High Commissioner for Human Rights
Statement to the Media
20 April 2011, Kathmandu**

I would like to welcome you all to this press briefing today. May I take this opportunity to thank the Government of Nepal for the cooperation it has extended to me during my visit. Over the past three days I held discussions with the Prime Minister, political leaders, the Minister of Peace and Reconstruction, members of the Constituent Assembly, the Attorney-General, Army Chief, representatives of the National Human Rights Institutions and members of civil society. I am grateful for the warm welcome I received and for the very useful and important insights that I have been given regarding the human rights situation and evolving peace process in the country.

Three years on from my last visit to Nepal, I am pleased to see that the peace process has progressed and that political consensus on important issues has been reached, despite ongoing challenges. There is still some way to go to accomplish all the tasks assigned through the Comprehensive Peace Agreement, including of course the promulgation of the new Constitution. But the commitment to a sustainable peace shown by all the major political parties is reassuring. I was impressed by the Prime Minister's vision of strengthening national institutions and self reliance in the area of human rights.

In my meetings I have discussed the steps forward that Nepal has taken. OHCHR is particularly encouraged by the active participation of the Government, members of civil society, national human rights institutions and other actors in Nepal's first submission to the Universal Periodic Review process this January. OHCHR looks forward to working with the Government, NHRC and civil society on follow up to the many important recommendations made.

I have also discussed the areas where progress is still needed, and where human rights concerns need to be addressed, for there to be sustainable peace in Nepal.

Of great importance is the need to address the claims of thousands of conflict victims who continue to seek truth and justice. Nepal has committed to establishing transitional justice mechanisms to confront and address both the causes and the conduct of the ten-year conflict. The establishment of the Disappearances Commission and the Truth and Reconciliation Commission can provide solutions through criminal justice,

truth seeking, reparations and institutional reform. Passing the laws to establish these mechanisms in Nepal is both necessary and urgent.

In this regard, I welcome the progress being made towards the adoption of these bills, but I urge all parties to ensure that these laws fully comply with international human rights standards, in particular by ensuring that they do not grant amnesty for serious human rights violations.

I must stress, however, that these mechanisms cannot replace the regular criminal justice system. It is an obligation of the Nepal state – of all states – to undertake investigations and prosecutions of all cases of serious violations of human rights and international humanitarian law, both during and since the conflict. It is deeply troubling that to date no-one has been held accountable for crimes committed during the conflict, and I raised several important cases with both the Army Chief and the UCPN-M party, represented by Deputy Prime Minister Krishna Bahadur Mahara. I urge all concerned parties to make addressing the concerns of all victims a top priority.

The Constitution-making process also offers an historic opportunity to address the root causes of societal strife, enshrine protection mechanisms for all rights, and address longstanding discrimination and social exclusion.

I note the efforts of the drafting Committees to date towards strengthening constitutional protection of all human rights in Nepal. At the same time, there are a number of draft provisions that do not protect basic rights, such as the right to equality – for instance the unequal provisions for men and women to acquire and pass on citizenship to their children. I was pleased to discuss this issue with the National Women’s Commission and other women’s rights activists as well as with members of the Constituent Assembly, and I fully support their campaign to address this problem.

Another concern I have focused on during my visit is discrimination on the basis of caste, as well as against Madheshis and other minority groups.

The pending adoption of the new Caste-based Discrimination and Untouchability Act in line with international standards provides an opportunity to improve the legal framework for the fight against discriminatory practices that leave Dalits trapped in a cycle of marginalization and sometimes violence. Effective implementation and enforcement of the law by the police and civil service is also needed to ensure access to justice and right to an effective remedy for victims.

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A good constitution and good laws will not by themselves guarantee the enjoyment of people's rights. Effective accountability mechanisms are vital, including a strong independent judiciary with sufficient power to hold the Government to account, and human rights institutions, such as the National Human Rights Commission and National Dalit Commission that can adjudicate complaints of human rights violations.

To this end, I hope the new laws providing a strong legal basis for an independent, effective and autonomous NHRC and NDC will be adopted shortly, with the amendments necessary to ensure their consistency with international standards.

In closing, let me reiterate OHCHR's full commitment to continuing its work in support of the Government of Nepal, the national human rights institutions and civil society organisations, and in accompanying the people of Nepal in this historic process of securing peace, democracy and human rights.