



**Statement by Hon. Ramesh Nath Pandey,
Minister for Foreign Affairs,
Leader of the Nepalese Delegation at the 61st Session of the
United Nations Commission on Human Rights**

**High-Level Segment
Geneva, 15 March 2005**

(Check against delivery)

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Mr. Chairman,
Madame High Commissioner,
Excellencies,
Distinguished delegates,

I would like to begin by extending congratulations to you, Mr. Chairman, on your unanimous election to the Chair of the 61st session of the United Nations Commission on Human Rights. I wish also to assure you of my Delegation's full support to your successful steering of the Commission.

Mr Chairman,

We attach great importance to the work of the commission in steering our course towards the progressive realisation of the lofty goals of respect for fundamental human rights for all. The commission would be true to its cause and principles if we can make contribution to assure that to all without distinction. It is in this context that the work of the Commission has been ever widening and deepening. We have noted that like last year this year's Agenda of the Commission cover wide range of human rights issues. As the scope of human rights has broadened and deepened, the complexities and the challenges have also increased immensely demanding fresh approaches and initiatives. The practice of holding high-level segment of the meeting provides us with an opportunity to deliberate on human rights issues from a comprehensive perspective and to come with realistic policy recommendations for ensuring the enjoyment of human rights by all.

As a member of the UN Commission on Human Rights, Nepal has been participating actively in all its deliberations. Our efforts will be to lay stress on the Commission's role in enhancing its credibility, legitimacy and balance and in contributing to the progressive realization of all human rights. In doing so, my delegation will continue to work in close cooperation with other members of the Commission, the Office of the High Commissioner for Human Rights and human rights bodies for the completion of difficult and challenging tasks before the Commission. Nepal would like to engage itself with the commission in a constructive and cooperative spirit. It is our firm conviction that the Commission should be a forum for dialogue and cooperation and should embrace a cohesive approach among its member states.

Mr. Chairman,

Nepal has always placed unequivocal commitment to the inalienable rights of the people enshrined in the Charter of the United Nations and in the Universal Declaration of the Human Rights. We have also exhibited our strong commitment to various international human rights and humanitarian instruments and are committed to fulfilling our international obligations.

We firmly believe that human rights are universal, indivisible and interdependent and therefore, remain interrelated in their attainment. We also firmly hold the view that it is important for us to create an enabling atmosphere to ensure the full enjoyment of human rights and fundamental freedoms to all people. The glaring disparity in the living conditions manifest in the widening gap between the haves and the have not and the destitution of many and the opulence of the few in the society are the major challenges for the fulfilment of basic rights of the people. It is, therefore, incumbent on us to enhance social justice and equal opportunity to all, which is indispensable for the enjoyment of all human rights.

Mr. Chairman,

When I speak about the status of human rights in my country, I would like to draw the attention of this august body to the escalating violence and the indiscriminate terrorist atrocities perpetrated by the insurgents over the past nine years that have seriously undermined the basic rights of the people. The terrorist violence has taken such a heavy toll that the right to life and security - so basic and fundamental to every other right of the people, have been gravely endangered. The brutal attacks and the savagery inflicted by the terrorists on the innocent civilian population have no parallel in the history of Nepal. Over the last nine years, about 11,000 people have lost their precious lives, many more have been rendered homeless, thousands orphaned or widowed, and countless people have been forced to live in an atmosphere of constant threat and intimidation from abduction and extortion. Even old ones, sick and mourning people are not spared by the terrorists from their brutality. Young girls, minors and children have been forcefully recruited as child soldiers by the terrorists. These innocent young children are deprived from their basic rights to education, basic right to care, and the basic right to their own future. These atrocities and systematic human rights violations by the terrorists are unprecedented in a nation known in the world for peace, tolerance and harmony. Their wanton destruction of educational, transport, communications, administrative and other infrastructure across the country is there for all to see. I have outlined these facts to show how ruthless they have become. Their summary and extra-judicial killings, maiming, causing torture in most heinous ways to terrorise the general people, and an utter disregard to the basic principles of human rights have sought to shake and break the otherwise peaceful and concordant Nepalese society, all in the name of imposing a monolithic dictatorship.

The magnitude and the gravity of the threat posed by the insurgency were too great for the nation to ignore. In order to rescue the nation from the abyss of political instability and the unabated terrorism, the country had to make a difficult choice and a hard decision, commensurate with the seriousness of the problem it was facing. His Majesty the King, as the symbol of the national unity and the custodian of the Constitution of the Kingdom of Nepal, which was drafted as a consensus document by all political parties, had a constitutional duty and obligations to stop this downward spiral of the country and to restore security and stability in the ultimate interest of the nation. The Royal decision of February 1 this year was the last resort to effectively ensure the security of the nation, restore the tethering confidence and alleviate the continued hardships and sufferings of the people, and create an atmosphere conducive for reenergizing multiparty democracy and the rule of law. It is therefore that the State of Emergency has been imposed with due respect for the non-derogable rights. It has been imposed as a dire necessity, while maintaining its compliance with the relevant human rights provisions. It is of temporary nature and as such it is being continually relaxed.

I would like to underscore that democracy, rule of law and the promotion and protection of all human rights and fundamental freedoms are values that we hold dear as they are essential foundation for, and building blocks of, a democratic, open and progressive nation. Peace and security are the necessary conditions for upholding democracy and human rights and together they constitute our fundamental preoccupations. Right to life and security has the first priority over other rights. The ruthless killings and unspeakable atrocities perpetrated by the insurgents have put at stake the very sacrosanct character of all human rights. On this, we see the meeting of minds between His Majesty the King and the international community. The choice before us is clear. It is between a peaceful democratic Nepal and a ruthless, unstable and totalitarian rule in Nepal. Nepal has consistently called for and is committed to the negotiated solution to the insurgency based on patriotism and multiparty democracy, but the rebels have refused to come to the negotiating table. Therefore, we look forward to greater understanding, sympathy, support and cooperation from the international community.

Mr. Chairman,

Respect for human rights, human values and fundamental freedoms are the keys to human progress and human civilization. Let me stress here that Nepal has always been open and cooperative with the international community in this regard.

We are fully aware of how onerous its responsibilities and obligations are in upholding these principles and standards. We are committed to our human rights obligations even in the extremely difficult situation at present. Our security personnel have to fight against deadly insurgency, which has hardly any qualms about blatantly violating basic human values. In carrying out their onerous responsibilities, the security forces have been more scrupulous than before to the observance of human rights of the people. Aberrations and violations, whenever reported or suspected, have been investigated and those found guilty have been brought to justice. HMG is committed to continuing it with clarity and vigour. Equally important is HMG's commitment to strengthen the independence of National Human Rights Commission, an independent statutory body, to carry out its mandated tasks of promoting and protecting human rights, including investigations and monitoring the cases of human rights violations. We are committed to ensuring its independence, impartiality and continuity. We firmly believe that the Commission plays a significant and constructive role in the protection and promotion of human rights of the people. I believe that the Memorandum of Understanding that has been recently signed between HMG and the OHCHR will further contribute to strengthening the institutional capacity of NHRC in the discharge of its functions. In this connection, I would like to recall the recent visit of the Madame High Commissioner to Nepal at the invitation of the National Human Rights Commission of Nepal. The visit was important, which provided us with an opportunity to share views on various human rights issues and to have firsthand understanding and deep appreciation of the difficult situation Nepal is passing through at present owing to the insurgency.

We have also extended invitations to various special procedures and thematic mechanisms of the Commission to visit Nepal. In pursuance of this, the Chairman and the members of the Working Group on Enforced or Involuntary Disappearances visited Nepal in December 2004 to have a first hand knowledge and understanding on the alleged cases of enforced disappearances. We hope that the visit helped the Working Group to have deeper understanding on the issue and the efforts being made by HMG to improve the human rights situation in the country. Similarly, in keeping with our professed practice of open interactions with the international community, we have extended invitations to the Special Rapporteur on torture and the Special Representative of the Secretary General on IDPs this year.

Mr. Chairman,

At this Commission's session last year, Nepal had pronounced its firm commitment to implement its human rights obligations and I wish to reiterate here once again the commitment and the continuation of the progress made since then. That reaffirmation symbolizes Nepal's deep faith and commitment to our international obligations and reflects the efforts to augment our own national legal and institutional capacities for their effective implementation. In this regard, HMG has undertaken various measures to strengthen institutional mechanisms to implement its commitments. The establishment of Dalit Commission, National Women Commission and the National Foundation for the Development of Indigenous Nationalities (NFDIN) reflect our strong commitment to protect and promote the rights of the disadvantaged and marginalized sections of the society. Moreover, National Human Rights Promotion Centre, which was set up last year, has now been actively engaged to coordinate and facilitate with HMG bodies and security agencies on human rights issues. The human rights cells have been established at the division and brigade levels and they are being set up at the battalion level. The Royal Nepalese Army, Armed Police Force and Nepal Police are now operating from the Centre to outposts, with clear-cut human rights manuals and directives. HMG has also been striving for additional separate detention centres and improvement in the condition of detention centres. Records and other arrangements are made to facilitate access to detainees for the relatives and the members of National Human Rights Commission, while such access has already been provided to the ICRC. Plans are also underway to set up additional rehabilitation centres for the erstwhile insurgents in all five-development regions of the country and equip them with skill development training facilities in order to help them resume a normal life. Similarly a three year national human rights action plan has been initiated.

In order to give further momentum to the monitoring of human rights in a coordinated and effective manner in line with last year's human rights commitment, His Majesty's Government is putting in place an institutional

mechanism of a high level human rights protection committee of the senior most officials of all the concerned ministries under the leadership of the Attorney General with a mandate to further coordinate and follow up the speedy implementation of the human rights related actions by the Government.

As party to many major UN international human rights treaties, and conscious of our international treaty obligations, Nepal has been submitting its periodic national reports for consideration by the core human rights treaty bodies. In 2004, the respective Committees considered our national reports as per obligations under the Convention on the Elimination of all Racial Discrimination (CERD) and the Convention on the Elimination of all Discrimination Against Women (CEDAW). This year in May, our national report on the Convention on the Rights of the Child (CRC) is scheduled to be considered, and another report under the Convention Against Torture (CAT), which has already been submitted, is due for consideration by the concerned Committee.

I wish to reiterate here that the session of the Commission should concentrate its work on the promotion of core human rights issues in a manner worthy of its cause. We should collectively make efforts to avoid double standards in dealing with the human rights issues. The commission should not be a forum to name and shame countries particularly the ones that are smaller without due regard to the ground realities. Nepal has always firmly believed that the country resolutions should be the last weapon for the worst cases of human rights violations, and should be considered only after all other options have been exhausted.

We would also like to stress the fact that the economic, social and cultural rights should be given the prominence that they deserve because of the fact that non-fulfilment of these rights would provide breeding grounds for poverty and other crimes, and most importantly terrorism. Therefore, we will be actively participating and sponsoring thematic resolutions that aim at promoting the conditions for the effective enjoyment or economic, social and cultural rights.

Likewise, my Delegation emphasizes that the Commission should delve deeper into the issue of terrorism and human rights, in view of the deep and deleterious impact that terrorism has made even on the enjoyment of the most basic of human rights, such as the rights to life, liberty and security. Additionally, issues such as extreme poverty and its impact on the effective enjoyment of human rights, right to development, the rights of the child, women's rights and the rights of the indigenous peoples, dalits, migrant workers are other issues where we should exhort the session of the Commission to devote more of its time.

In conclusion, I have outlined various policy measures, institutional mechanisms, and plans and programmes initiated by HMG in the field of human rights, which manifest Nepal's total commitment and relentless efforts to protect and promote the basic rights and fundamental freedom of its people and also reflect HMG's unequivocal commitment to meeting Nepal's international obligations. The effective implementation of our commitments depends on our ability to effectively put down the insurgency and restore peace and security in the country for which I appeal for greater international understanding and solidarity. The larger threat of terrorism on enjoyment of human rights should not escape from our attention. We will do our best on our part, and I am confident all members would not shy away from helping us help ourselves in this noble mission of creating a terror-free, democratic, transparent and humane society in Nepal.

I thank you, Mr. Chairman.