

**Statement by Hon. Dr. Bhekh B.Thapa, Minister for Foreign Affairs and the Leader of the
Nepalese Delegation at the 60th Session of the UN Human Rights Commission
(Geneva, 18 March 2004)**

**Mr. Chairman,
Mr. Acting High Commissioner,
Excellencies,
Distinguished delegates,**

I would like to begin by extending warm congratulations to you Mr. Chairman, for your unanimous election as the Chairperson of the 60th session of the Human Rights Commission.

May I also send our warm greetings and hearty congratulations to Justice Louise Arbour on her appointment as the UN High Commissioner for Human Rights and wish her every success in the High Office. Our deep tribute goes to late Mr. Sergio Viera de Mello, former UN High Commissioner for Human Rights and his brave colleagues, who became the victim of terrorist bombing in Iraq last year. The heinous terrorist atrocities, however, will neither shake the resolve of international community nor deter it from its humanitarian mission.

As a member of the UN Human Rights Commission, let me stress here that my delegation will continue to work in close cooperation with other members of the Commission, the Office of High Commissioner for Human Rights and human rights bodies for the fulfillment of the challenging task before the Commission.

Mr. Chairman,

Respect for human values, human rights and fundamental freedoms, is not only the basic pillar of human progress and prosperity, it is also an indispensable foundation for peace and stability. The Universal Declaration of Human Rights in 1948 was a seminal step towards mankind's resolute vision for creating a free and fair society based on the inherent dignity and value of the human being. Since then, many significant developments have taken place in the human rights field, including the setting up of new human rights standards and their implementation mechanisms. In this context, the World Conference on Human Rights held in Vienna in 1993 was yet another milestone in giving a sharper focus to and a comprehensive perspective on human rights. We wish to reiterate here the clarion call of the conference to ensure all human rights to all, as human rights are universal, interdependent and indivisible. Human rights now encompass practically every facet of human life, covering the broad spectrum of political, economic, social, cultural, gender, ethnic, equity and development aspects.

Nepal attaches great importance to the Commission on Human Rights. It is the principal UN body for discussion on the whole ranges of human rights issues in a cooperative spirit. We wish to underline that cooperation, dialogue and understanding should be the hallmark of the

Commission in order to render it more effective in its works. This spirit and a constructive approach, rather than confrontationist approach, should be our guidepost in order to promote the cohesiveness and cooperative atmosphere in the Commission. We must work towards the goal of protecting human rights in a manner that promotes confidence and cooperation among the member states.

We have noted that this year's Agenda of the Commission cover arrays of human rights issues. They are Civil and Political Rights, Economic, Social and Cultural Rights. The others include the Right to Development, Rights of Women, Children, Indigenous Peoples, Minorities, Refugees, Displaced Persons, Migrant Worker's Rights, National Human Rights Commission, Terrorism and Human Rights, and many others.

The practice of holding high level segment of the meeting and the Interactive Dialogue mechanism with the Special Rapporteurs and the mandate holders are indeed important features of the Commission. We welcome these initiatives, because we believe that they go a long way towards forging an atmosphere of understanding and cooperation and also promoting a dialogue between the country concerned, members of the Commission and the mandate holders.

As the scope of human rights has broadened and deepened, the complexities and challenges for their unhindered and effective enjoyment have also increased. The traditional challenges such as poverty and lack of capability have now been further multiplied with the onslaught of new challenges brought about by unprecedented form and process of globalisation.

The deadly menace of international terrorism, with a heavy toll on the life of innocent people, has also put up an unprecedented challenge to the full enjoyment of human rights. Several terrorist acts in various parts of the world, following the September 11 attacks, and the most recent dastardly terrorist act in Madrid last week and in Baghdad yesterday, clearly show that international terrorism knows no boundaries and it has no respect for the basic human rights principles.

My own country Nepal has been the victim of such terrorist violence for the last eight years. Violence, intimidation, maiming, killing, summary executions, kidnapping and displacement of the thousands of innocent civilians have seriously undermined the efforts of His Majesty's Government of Nepal to ensure the enjoyment of the human rights by its people. While the brutal terrorist violence on the part of the so-called Maoists continue, security forces have been utmost cautious and sensitive to protect the human rights of the people. The security forces are working hard to generate a sense of confidence and security among the people at large, and to protect the right to life and liberty of the citizens. Barring occasional individual aberrations, the security forces are operating with maximum restraint in their mission to provide security and to win the hearts and minds of the people. While investigations have been initiated against alleged violations, actions have been taken against those found guilty of violations.

If the situation in Nepal has been complex and challenging, it is not because of the lack of initiatives and commitments from the Government. Rather, it is largely because of and in response to the threats and violence created and sustained by the Maoists. I would like to urge

the international community to look at the situation in Nepal from this perspective. It may also be necessary to stress here that it is the fundamental duty of the state, or for that matter of any state, to ensure first and foremost the life, liberty and security of the people. The Government has to take due actions when frontal attacks are launched and when terror is spread in the far-flung areas with extreme ferocity and cruelty. But we are aware and committed to ensuring with utmost sincerity that even in responding to the threats posed by the insurgency; we keep the respect for human values and human rights uppermost in our mind. Because, we know that protection and promotion of human rights will not only ascertain the respect for human values and freedoms, but will also ensure long term peace and prosperity in the country. It is essentially because of the confluence of this long term national interests, sublime principles of respect for human rights, and our own commitment to international norms and treaties that we are sincere in and sensitive to the respect for human rights, even at a difficult time we are going through, at the moment.

In the similar vein, anchored in our firm conviction that all problems should be resolved through peaceful means, His Majesty's Government has shown utmost flexibility for the solution to the problem through dialogue. Even when the Government went an extra mile with most open mind as well as with most accommodative positions, they walked out of talks twice in one pretext or the other. And they have once again resumed their vicious acts of terrorism on the innocent civilians discarding even the minimum of civilized behaviour. While still remaining open for dialogue to resolve the current problem peacefully, His Majesty's Government has put forward a road map for political and socio-economic transformation of far reaching importance to the country. His Majesty's Government is also preparing for a free and fair election as soon as possible to transfer power to the elected representatives of the people, besides bringing an end to the conflict and searching for lasting peace. This has been indicated by His Majesty King Gyanendra Bir Bikram Shah Dev during his address in Nepalganj last month and has been reiterated by the Prime Minister.

Mr. Chairman,

Respect for and adherence to the fundamental principles of human rights constitute one of the basic pillars of the Constitution in the country. Nepal has also become party to all the major international conventions. Adhering to these commitments, HMG has accorded high priority to human rights agenda in its plans and programmes. With the objective of implementing Nepal's human rights commitments and engendering the human rights culture amongst its people, His Majesty's Government of Nepal has now finalized the National Human Rights Action Plan. The Action Plan is a realistic and serious document which seeks to bring improvement in various aspects of the human rights through further consolidation of civil and political rights as well as social and economic rights as per international norms and constitutional provisions. Similarly the rights of, the indigenous people, Dalits, people of special ability, senior citizens, women and children have been reinforced with proactive measures. It also charts out legal reforms, judicial administration and management, prison management, labour and employment, conflict management and institutional strengthening for the promotion of human rights.

For the protection and promotion of rights of vulnerable and marginalized groups of the society and the acceleration of their mainstreaming process, His Majesty's Government has taken resolute steps through targeted programmes and institutional mechanisms. The Government has constituted independent commissions to promote the well-being of women, Dalits, minority nationalities, and disadvantaged sections of the population.

His Majesty's government of Nepal has particularly laid stress on building and strengthening capacity of national human rights institutions. The National Human Rights Commission, established in 2000 as an autonomous statutory body, has made significant contribution in raising the level of general awareness on human rights violations and sensitizing authorities on issues relating to human rights. We have also recently set up a Human Rights Promotion Centre in the Office of the Prime Minister, with the objective of coordinating and facilitating activities of the Government agencies, for the protection and promotion of human rights in the country and for the fulfillment of Nepal's commitments to various international human rights instruments. Human rights cells have been set up in all the security agencies to inculcate human rights perspectives, to promote advocacy and awareness programmes, to prevent violations and to take action to preserve the sanctity of human rights of citizens.

Our national institutions, however, need to be strengthened in view of their resource and capability constraints. We look forward to working with the international community for strengthening the capacity of national mechanisms, especially in their human resources development, monitoring and capacity building.

We greatly value the work of the UN Human Rights Commission in safeguarding and promoting the human rights of individuals around the world. We look forward to continue to work with the Commission for better human rights conditions in Nepal and elsewhere. In this connection, I would like to express our appreciation of the value of the work of the Special Rapporteurs on specific issues and like to extend invitation to them to visit Nepal at mutual convenience.

We are also conscious of our obligations to International Human Rights Treaties. In keeping with our treaty obligations, we have already submitted three of our National Reports to the relevant Committees for consideration. They are the National Reports on the Convention on the Elimination of all Discrimination against Women, (CEDAW), the National Report on the Convention on the Rights of the Child, (CRC), and the National Report on the Convention on the Elimination of all Racial Discrimination, (CERD).

I am happy to state that the relevant Committees have already considered our Reports on the CERD, and CEDAW. The CRC report is scheduled for consideration next year. Meanwhile, two other National Reports on the Convention against Torture (CAT) and the Convention on the Civil and Political Rights, (ICCPR) are at the last stage of preparation.

Mr. Chairman,

I would like to reiterate that despite the tremendous challenges and constraints we are facing today in Nepal, HMG will make every effort for and remain committed to the promotion and

protection of human rights of its people. On behalf of His Majesty's Government of Nepal, I wish to pronounce some significant steps that are underway in Nepal:

- Reaffirmation of our commitment to the implementation of international human rights conventions and humanitarian laws,
- Strengthening of national human rights institutions,
- Implementation of national human rights action plan,
- Effective functioning of human rights cells in the security agencies, and
- Resolute efforts to safeguard human rights of its people and taking actions against any violation,
- Close cooperation with UN Human Right Commissioner and Special Rapporteurs to safeguard the human rights

These are challenging tasks, but we will be resolute in our efforts to fulfill these responsibilities. In this endeavor, we look forward to receiving greater understanding and enhanced level of support and cooperation from the international community.

I wish the 60th session of the Commission a success.

Thank you.