

Workshop on «Update of the Human Rights Situation in Nepal»

Organized by the Swiss Federal Department of Foreign Affairs
Geneva 18 April 2006

Summary of the Chair Ambassador Thomas Greminger

Introduction

Committed to the promotion of human rights and the protection of civilians in armed conflict, Switzerland felt the need to provide a platform for an update on the human rights situation in Nepal. Given its record as a small, neutral country with no interest at stake, it was Switzerland's intention to conduct an all-party exploration of the present situation. Unfortunately His Majesty's Government of Nepal did not accept the invitation to share its views and analyses. Switzerland will however convey the conclusions of this gathering to HM Government.

Objectives of the Workshop

In my opening remarks I listed the objectives of the Workshop from the perspective of the Swiss foreign ministry.

Firstly, we wanted to allow for an exchange of all reliable information available in order to get a full picture of the human rights situation in Nepal. Only based on a solid overall assessment should conclusions for improving the human rights situation be drawn. Secondly, we wanted to look for synergies between the defence of human rights and peacebuilding. We started with an assumption that both monitoring and defending human rights will create the necessary space for a meaningful peace process in Nepal. At the same time we believed, that more than ever a peace agreement is necessary in order to protect civilians and to avoid grave human rights violations. Thirdly, we intended to identify further actions in order to improve the human rights situation substantially and of stopping the current cycle of violence.

I am very grateful to the participants for their interest and their important contributions, particularly the speakers and participants from Nepal. I appreciated their decision to leave the country in these difficult times, in order to share their views and assessment with us.

Conclusions

Based on afternoon's interventions and discussions I would like to draw some conclusions:

1. *The Human rights situation in Nepal gives rise to serious concerns*

There is a consensus among the participants that the current human rights situation in Nepal is a reason for nourishes concerns. In the last two weeks six protestors were

killed and more than 1600 participants were in peaceful manifestations seriously injured and hospitalised. Many speakers alluded to the excessive use of force by security personnel. The lack of freedom of movement and the curtailing of civil liberties was underlined. Numerous persons throughout the country had been arrested, threatened, and intimidated for exercising their right to peaceful assembly.

It was mentioned that freedom of expression and freedom of association are threatened by restrictive ordinances. These restrictions are perceived to be curtailing the space for human rights work in a significant manner.

A strong case has been made about the culture of impunity being at the root of the excessive use of violence and on-going human rights violations, many of which are directed against women and persons belonging to minorities and Dalit communities. Human right defenders referred to the numerous cases that have been documented; however virtually no case has been brought to court. Against this backdrop of lacking accountability many participants stressed the urgent need for the establishment of reliable and effective mechanisms to ensure the protection of victims and respect for human rights and international humanitarian law, for instance by shedding light on the fate of disappeared persons.

2. Democracy must be re-established

Many participants felt that the armed conflict can be solved only by the recognition of the sovereignty of the people. The King of Nepal should accept this reality and move accordingly. It was urged that a meaningful dialogue between the seven political parties, His Majesty's Government and the CPN / M should start immediately.

Many insisted that a national dialogue should take into account the main concerns of all sides. This would include the restoration of the House of Representatives, a constituent assembly as well as national elections. Some of the participants mentioned that democracy has to be brought back to the local level: to the village community as well as marginalized and discriminated groups that need to have a voice in an inclusive and just peace process.

3. Strong link between the peace process and the human rights situation

Many of the participants pointed out that the promotion of peace and respect for human rights are inextricably linked. Negotiations on the implementation of human rights commitments could bring the parties to conflict together. At the same time, peace is an essential precondition for safeguarding and promoting human rights. There was a general understanding that all armed actors must fully respect human rights and international humanitarian law at all times. Human rights should be prominent in any substantive peace agreement among the parties to the conflict. It has been acknowledged that a road map to peace has to tackle both human rights violations linked to the conflict, the curtailing of civil liberties and structural human rights violations. Coordination among governments is needed in order to promote effectively peace. One speaker suggested that the Communist Party of Nepal Maoists should sign a Memorandum of Understanding on human rights, and has urged them to stick to their commitments on multi-party democracy in the 12-point MoU.

4. *Appeal to the international community to take action*

The representatives of the Nepali civil society and international NGOs called on the international community to consider immediate measures, if the democratic movement continues to face repression and violence. These measures could include targeted sanctions, such as visa restrictions or the freezing of assets, in a coordinated manner. Many participants insisted that human rights violators in the Royal Nepalese Army and the police should be banned from participation in UN peacekeeping operations. It was also suggested that the situation in Nepal should be put on the agenda of the UN Security Council.

Participants strongly emphasised that the recommendations of the various special procedures of the UN Commission on Human Rights which have visited Nepal must be fully implemented. Some recalled the item 19 resolution on Nepal passed by the CHR last year as providing still the appropriate benchmarks for measuring the human rights situation in Nepal. Others referred to the newly established UN Human Rights Council which will provide an opportunity to examine the further development of the situation.

A number of participants suggested that His Majesty's Government should be urged to ratify the Rome Statute of the International Criminal Court as a matter of priority.

Finally all participants concurred on the crucial importance of the continued presence of the OHCHR Mission, which fulfils its mandate effectively in a difficult environment.