

National Human Rights Commission Calls for Minimum Immediate Steps for Human Rights Protection

By BIPIN ADHIKARI

As a part of the minimum immediate steps for human rights protection, the National Human Rights Commission has also asked the government to grant it whatever facilities it may require to carry out its functions. It has claimed for a provision of legal action against those who deliberately provide false or misleading information to the Commission.

The Commission has demanded that the government should ensure the security of the staff or other representatives of NHRC and, of such persons who may have provided it with information, testimony or evidence of any kind. It has asked the government to ensure that any ill-treatment, intimidation, threat or reprisal or any other form of interference by anybody with the work of NHRC is subjected to legal action and appropriately punished.

The support of the government to the Commission is thought to be necessary to ensure an effective system of witness protection with adequate resources to render it effective. The public officials on whom the Commission has to rely should also be required to report violations within their management structure and report to NHRC where no other remedies are available or effective. That means that public officials shall

not suffer administrative or other penalties because they have reported that an alleged human rights has occurred or is about to occur.

The Commission has very rightly said that it needs an assurance of free movement throughout the country for its representatives without prior notice, including to all places suspected of being places of detention. An assurance that the integrity and inviolability of the Commission offices, premises and vehicles and materials of any kind shall be respected is also important. That also means respect for confidential communications (whether oral or in writing).

With these and many other important calls the Commission urged the government to immediately ensure that all decision-making levels in the armed or security forces are aware of these reaffirmed undertakings and their implications for their behaviour to ensure compliance with human rights, as well as to ensure co-operation with the staff or other representatives of NHRC.

The statement by Dr Bhekh Bahadur Thapa, the Minister for Foreign Affairs and the Leader of the Nepalese delegation at the 60th session of the UN Commission on Human Rights, without responding to the concerns shown by the Commission reiterated that "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 to ensure the enjoyment of human rights by its people."

Dr Thapa said that "while the brutal terrorist violence on the part of the so called Maoist continue, security forces have been utmost cautious and sensitive to protect the human rights of the people." His

point of view was that "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."

On behalf of the King's government, Dr Thapa pronounced some significant steps that he said are underway in Nepal: reaffirmation of the commitment of the government to the implementation of interna-

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tional human rights conventions and humanitarian laws; strengthening of the National Human Rights Commission, implementation of national human rights action plan; effective functioning of human rights cells in the security agencies; resolute efforts to safeguard human rights of its people and taking actions against any violation; and close cooperation with UN Human Rights Commissioner and Special Rapporteurs to safeguard the human rights.

The global war on terror is dominating discussion at this year's meeting of the U.N. Human Rights Commission. Innocent civilians, including children, continue to be among the main victims. The priority of Nepal government is protecting itself from a critical Swiss resolution planned to be moved with the tacit support of Nepal's important donor countries.

No doubt there is unity in the world that terrorism should be countered, but there is also no controversy on the rule that this should be done while striving to uphold basic principles of human rights.

Like other countries facing armed conflict, Nepal was also asked to reflect carefully on how it has sharpened its contribution to the protection of human rights in counter-terrorism strategies, as well as to reflect upon the quest for justice for the victims of gross violations of human rights.

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The speech of Dr Thapa is not an honest appraisal of the situation for many critiques. The government is responsible not only for the direct acts of omissions of its own officials but also for any failure to take effective measures to prevent these crimes from being committed by non-state actors, including any members of the Communist Party of Nepal (Maoist). ■