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HUMAN RIGHTS COUNCIL: NGOs hold event on the need for greater international action on chronic human rights situations, with a focus on Nepal

(Geneva, Hong Kong, Kathmandu, July 9, 2012) Advocacy Forum and the Asian Legal Resource Centre held a special event at the United Nations Human Rights Council in Geneva on July 4, 2012, to discuss the need to develop the Council's ability to address chronic human rights situations in a way that enables tangible and sustainable improvements. Providing a platform for this discussion was supported by Human Rights Watch, the International Commission of Jurists and the International Service for Human Rights. The experience of Nepal, notably in view of the recent closure of the Office of the High Commissioner for Human Rights' (OHCHR) Nepal office, viewed by many as a flagship field presence at its peak, was used to illustrate and assess the challenges faced by the international human rights system in translating "crisis intervention strategies" into concrete, lasting advances such as the strengthening of national mechanisms and institutions to enable effective protection of human rights.

The panel and discussion was attended by state representatives, UN officials and members of civil society. It opened with a presentation on the "toolbox" available to the Human Rights Council to address country situations. While recent developments, such as strong Council action on Syria were highlighted, it was noted that suggestions made by the UN High Commissioner for Human Rights in her 2009 Annual Report, as well as by States and civil society during the 2011 Human Rights Council Review concerning improved responses to emergency and chronic human rights situations, had led to few concrete outcomes.

During the discussions, the importance of using international vetting of soldiers taking part in UN peace-keeping missions was underscored as being an important tool to improve respect for human rights by the military.

Speakers also highlighted how the challenges faced by the OHCHR's Nepal office reflect those faced more widely by the international system when it attempts to address chronic, endemic and systemic human rights problems as opposed to emergency situations. It was noted that despite significant resources, the office struggled to convert its initial gains into a strategy to effectively assist Nepal in tackling long-term structural issues, such as the need for police reforms and action against impunity. Ultimately, its effectiveness dwindled, in particular after the closure of its regional offices and the reduction of its mandate in 2010 under a renewed agreement with the government, until it ceased all activities on December 8, 2011, with few tangible systemic and institutional improvements having been achieved.

This has resulted in a monitoring gap, at a time when Nepal's political and constitutional future looks bleak. Limited implementation of its recommendations and concerns about the newly adopted NHRC Act curtail the NHRC's independence and mandate and cast serious doubt over its capacity in this regard.

The gains made concerning local civil society's ability to work on human rights, as well as the protection provided to victims are also put at risk following the departure of the OHCHR from Nepal. Amid the current context of a protracted political stalemate, a constitutional vacuum and increasing identity-based divisions between communities and the potential deterioration of the human rights situations that these entail, such a monitoring and reporting gap is of serious concern. The urgent need for the appointment of a senior international human rights adviser to Nepal was emphasized.

The panellists also expressed particular concern about the lack of progress in the investigation and prosecution of hundreds of documented cases of conflict-related human rights violations. Commitments to establish transitional justice mechanisms have been used as a pretext to justify inaction concerning cases through the regular criminal justice system, despite the Supreme Court ruling to the contrary. Recent suggestions by the government that it may establish such mechanisms through ordinances raises serious questions concerning these mechanisms' independence, sustainability and ability to deal with cases in line with international standards.

The example of Nepal shows how important it is to develop the international human rights system's toolbox concerning chronic and structural human rights situations. As such, the panellists called for a thorough assessment of the role, strategy and legacy of the OHCHR's Nepal office.

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