

MINORITY YOUTH: TOWARDS DIVERSE AND INCLUSIVE SOCIETIES

## **10th session of the Forum on Minority Issues**

Office of the United Nations High Commissioner for Human Rights

Dates: 30 November and 1 December 2017

Venue: Room XX of the Palais des Nations, Geneva, Switzerland

### **Remarks by Basant Kumar Kushwaha, Non-Resident Madheshis Association**

Hon'ble Chairman Mr. Kurdi, Distinguished Guests and Delegations of this 10<sup>th</sup> Session of the Forum on Minority Issues being held in Geneva,

On behalf of people of Nepal, and international president of the Non-Resident Madheshis Association representing the Madheshi community worldwide, I would like to thank you for this opportunity to present our views and recommendations, that I am informed, will be brought to the Human Rights Council at its 37th session. As distinguished participants know, this Forum on Minority Issues was established pursuant to the Human Rights Council resolution 6/15 of 28th September 2007 and therefore we are thankful to Human Rights Council for providing such a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities.

Only last month, on 16<sup>th</sup> October, my country Nepal was elected to the Human Rights Council (UNHRC) by the UN General Assembly to a three-year term beginning 1<sup>st</sup> January 2018. Nepal has been elected as a member for the first time since creation in 2006 of HRC, the United Nations body responsible for the promotion and protection of all human rights around the globe, and it is a matter of honour for us. But the million dollar question is: how can a government that does not care about protecting human rights and ensuring justice for ***its own citizens*** care about protecting the human rights of others?

After a decade long civil war, which resulted in killing of 17,000 and disappearance of 1300, most of them youths, Nepal has yet to make any progress in giving justice to victims of war crimes committed both by the state and the Maoist rebels. Truth and Reconciliation Commission (TRC) formed to investigate the killings and disappearances during the civil war has already registered more than 62,000 cases so far, but the Nepalese Government is reluctant to pursue investigation and has not made much progress since it was promised 11 years ago, in the peace deal of November 2006.

With the end of the civil war in 2006, the Nepalese Government targeted youths of Madheshi and other minority communities, demanding their rights in the upcoming

constitution and killed hundreds of them.<sup>1</sup> Dozens of cases of extrajudicial killings of the Madheshi youths were investigated and reported by even OHCHR in 2010.<sup>2</sup> As a result, the Nepalese Government forced to close OHCHR offices in the Terai/Madhesh and refused to extend the mandate of the United Nations Mission in Nepal (UNMIN) in 2011. With only the government's torments and torture and no opportunities left behind, and no one to even watch, millions of youths have been forced to leave the country to work mainly as labourers in the Gulf and East Asian countries in equally distressing conditions. Today more than 4 million, mostly youths, have migrated out of Nepal. That makes one-third of total work-force of the country.

Some of them have returned to Nepal in an attempt to make the condition better in their own homeland, seeking equitable rights, opportunities and justice. But the state agencies have been very brutal to them. One of the well-known cases is of Dr. C. K. Raut, a PhD from Cambridge University who worked as a scientist in the USA. He has become a youth-icon, on whom millions of people in the country have pinned their hope today. He returned to Nepal six years ago in 2011, leaving all his luxury and comforts, to work for the rights of suppressed, disadvantaged and minority people, through peaceful means following the non-violent principles of Buddha and Gandhi. But the Nepalese Government has repeatedly arrested and jailed him, just for giving lectures and speeches to indigenous peoples.<sup>3</sup> He has been arrested for more than 15 times, jailed for several months, and has been, most of the time, placed under house-arrest.<sup>4</sup> His books, videos and websites have been banned by the Government of Nepal.<sup>5</sup> Thousands of his supporters have been arrested,<sup>6</sup> hundreds of fake cases have been filed against them, and more than a hundred people have been badly injured from the government's use of indiscriminate and excessive force on peaceful mass assemblies. No media and no local human-rights bodies are allowed to speak about them and their programmes, as they too are targeted by the government for covering any news related to them. International human rights organisations including Amnesty International,<sup>7</sup> Human Rights Watch<sup>8</sup>

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<sup>1</sup> International Crisis Group, "Nepal's Troubled Tarai Region", Asia Report No. 136, 9 July 2007, URL: <https://www.crisisgroup.org/ne/asia/south-asia/nepal/nepal-s-troubled-tarai-region>; Jason Miklian, "Nepal's Terai: Constructing an Ethnic Conflict", PRIO Paper, 20 July 2008, URL: <https://www.prio.org/Publications/Publication/?x=7300>

<sup>2</sup> OHCHR, "UN Report: Investigating Allegations of Extra-Judicial Killings in the Terai," 23 September 2010, URL: <http://un.info.np/Net/NeoDocs/View/1237>

<sup>3</sup> OHCHR, Bulletin 2015/1, pg. 9, January-June, 2015; **United Nations Human Rights Council (UN-HRC)**, *Universal Periodic Review*, November 2015, URL: [www.ohchr.org/Documents/Issues/IEMinorities/BulletinJanuary\\_June2015.pdf](http://www.ohchr.org/Documents/Issues/IEMinorities/BulletinJanuary_June2015.pdf); **UN Resident and Humanitarian Coordinator for Nepal**, "Nepal Monthly Report - October 2014," October 31, 2014, URL: <http://un.info.np/Net/NeoDocs/View/4691>; **UN Resident and Humanitarian Coordinator for Nepal**, "Nepal Monthly Report - September 2014," September 30, 2014.

<sup>4</sup> **Asian Human Rights Commission**, "Police intrudes Dr. Raut's privacy and security keeping him under **24 hours surveillance**," AHRC-STM-105-2015, July 3, 2015, URL: <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-105-2015>

<sup>5</sup> **Asian Human Rights Commission**, "Police going berserk in Nepal's Terai," AHRC-STM-123-2015, July 29, 2015, URL: <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-123-2015>

<sup>6</sup> **Asian Human Rights Commission**, "NEPAL: Mass arrests on eve of SAARC summit," November 29, 2014, URL: <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-201-2014>

<sup>7</sup> **Amnesty International**, "Nepal: Authorities must unconditionally release CK Raut with immediate effect," 17th October 2014, Index number: ASA 31/007/2014, URL: <https://www.amnesty.org/en/documents/asa31/007/2014/en/>; **Amnesty International**, "Nepal: Dissenting Voices at Risk," 5th December 2014, Index number: ASA 31/008/2014, URL: <https://www.amnesty.org/en/documents/asa31/008/2014/en/>

<sup>8</sup> **Human Rights Watch**, "Nepal: Drop Sedition Charges against Madhesi Activist: Arrest of CK Raut Violates Free Speech Rights," 14th October 2014, URL: <http://www.hrw.org/news/2014/10/14/nepal-drop-sedition-charges-against-madhesi-activist>

and Asian Human Rights Commission (AHRC)<sup>9</sup> as well as other national governments<sup>10</sup> have repetitively appealed to the Nepalese Government to ensure Dr. Raut's freedom of expression and rights to peaceful assembly, demanding his release as well as droppings of all of charges filed against him. But the Nepalese Government, in the lack of enough international pressure and strict measures against impunity, has not listened to them and continued violent brutal suppression of youths and activists in Nepal. Only in the peaceful protests against the promulgation of Nepal's discriminatory constitution in 2015, which Madheshis have rejected, the Nepalese Government killed more than 60 people.<sup>11</sup>

Most recently, Dr. Raut was arrested on 2nd February 2017 and tortured in police custody for 86 days for organising peaceful mass-rallies on 18th January 2017 to celebrate the Martyrs' Day, attended by an estimated quarter a million people throughout Madhesh/Terai. For this, the Government of Nepal also issued orders to freeze all of his properties and bank accounts, leaving his pregnant wife and two little children in jeopardy.<sup>12</sup>

Even this week, 10 of his supporters were arrested by Nepal Police, from peaceful rallies marking Anti-Racism Day on 26<sup>th</sup> November and for advocating for "right to reject" in the upcoming election.

With such unabashed brutal suppression on their most popular icon, and in overall on the whole of the minority and disadvantaged community, by the Nepalese Government, and the inaction of the international community and particularly the United Nations on this issue, youths are feeling helplessness and their resentment for the state is ever growing and the chances of them being radicalised and resorting to violence and another civil war is ever increasing.

Nepal has been a signatory to 24 international human rights-related conventions and treaties,<sup>13</sup> including those related to civil and political rights; economic, social, and cultural rights; rights of the child; rights of persons with disabilities; the elimination of discrimination against women; the elimination of racial discrimination; and against torture. Therefore, the United Nations and the international community should come

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<sup>9</sup> Asian Human Rights Commission, "Immediately release Doctor Chandra Kant Raut who have been confined into illegal and arbitrary confinement," Urgent Appeal Case: AHRC-UAC-132-2014, September 13, 2014.

URL: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-132-2014>

<sup>10</sup> UK Parliament, "Nepal: Human Rights Written question - 11243," October 16, 2015, URL: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-10-09/11243> ; "European envoys' meeting with Nepalese activist sparks furore," Yahoo News, January 27, 2015.

URL: <https://in.news.yahoo.com/european-envoys-meeting-nepalese-activist-sparks-furore-112004627.html>; "EU rejoinder regarding press reports on a meeting with Dr. CK Raut," Embassy of France, February 11, 2015, URL: <https://np.ambafrance.org/EU-rejoinder-regarding-press> ; "India courts radical Madhesis from Nepal," The Hindu, January 29, 2016.

<sup>11</sup> Human Rights Watch, "Like We are Not Nepali", <http://ehrp.org/joint-letter-on-h-res-128-from-coalition-of-non-governmental-organizations/>, 2015.

<sup>12</sup> Asian Human Rights Commission, "Dr. C.K. Raut's properties and bank accounts frozen and passport annulled by the government," April 11, 2017, <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-024-2017>

<sup>13</sup> <http://undocs.org/en/A/72/347>

forward strongly to protect freedom of expression, movement and peaceful assembly and to stop brutal suppression of the Madheshi and other minority communities in Nepal from the state and its agencies, to make a conducive environment for youths to live and work in their own homeland, with a sense of security and dignity.