

## **Kathmandu Declaration- 2007** **Adopted by the Fourth National Consultation of** **Women Human Rights Defenders**

Participation of more than 500 participants representing 75 Districts on Fourth National Consultation of Women Human Rights Defenders, held in Kathmandu on 29 - 30 November 2007 (13-14 *Mangsir* 2064 B.S.) actively engaged in the areas of movement on women's health rights, women's land rights, housing rights, rights of sexual minorities, women's rights over natural resources, movement against Violence Against Women, rights of *Dalit* women, rights of women living with HIV/AIDS, rights of women working in informal sectors, rights of minority and marginalized women, rights of indigenous, ethnic and *Madhesi* women, rights of *Madhesi Dalit* women, rights of women in bonded labor, women with disabilities, and, rights of single women (widow);

Respecting the human Rights and fundamental Freedom ensured by the Universal Declaration of Human Rights 1948; International Covenant on Civil and Political Rights 1966, International Covenant on Economic, Social and Cultural Rights 1966; International Convention on Elimination of All Forms of Discrimination Against Women 1979, ILO Conventions on Equality, International Convention Against Racial Discrimination 1965, Vienna Declaration and Plan of Action Plan, Beijing Declaration and Plan of Action 1995; and the United Nations Declaration on Human Rights Defenders 1998;

Emphasizing the need of special efforts for the protection and promotion of human rights of women and bringing the women's rights into practice in pursuant to the international commitments of human rights;

Realizing the fact that women human rights defender's inability to establish themselves as human rights defenders and their contributions found disregarded due to superstitious values, belief and practices nurtured by patriarchal social structure; and therefore, they continue to face additional risks;

Calling the attention of the United Nations as well to the need of immediately formulate appropriate mechanisms to make accountable to state and non-state actors in relation to treatment of Women Human Rights Defenders because non-state actors such as family, society, religions institutions, multi-national companies, armed groups apart from the state are responsible for causing additional challenges to Women Human Rights Defenders;

Stressing the need of acknowledging the roles of Women Human Rights Defenders in all forms of movements of protection and promotion of human rights; assurance of people's freedom; peace building and institutional development of democracy;

Acknowledging the substantial roles of Women Human Rights Defenders for fostering a society committed to human rights through the identification of risks faced while carrying out tasks about the protection and promotion of human rights and fundamental freedom;

Calling the attention of state regarding women's rights to equality as ensured by the Interim Constitution approved and adopted through Interim Parliament formed through the mandate of "People's Movement- II", respecting the declaration against the practice of untouchability in the country, and recognize women's reproductive rights as fundamental rights in the constitution, and calling attention to the commitment of state to ensure the right to education, health and employment of all citizens by formulating laws;

Highlighting the fact that it is the moral responsibility of the democratic government and political parties to abide by and implement the "Public Proposal on Women's Rights" approved by the restored parliament on 30 May 2006 (16 *Jestha* 2063 B.S.) to fulfill practical necessities for bringing into reality;

The Declaration states:

1. Since state is responsible to protect and promote the universality, indivisibility and interdependence principles of human rights, we request the state to foster an appropriate environment to comply with and implement accordingly.
2. We demand with all concerned parties to ensure an appropriate atmosphere for the protection and promotion of rights of Women Human Rights Defenders who have been facing additional risks in present context of deteriorating condition of human rights as a result of increasing impunity and criminal activities.
3. As the protection and promotion of human rights can be only ensured in a democratic system, we recall that the movement for democracy has successfully achieved through the participation of political parties, civil society, human rights organizations, reporters, lawyers, and members of professional federations, labor unions, women, *dalits*, disabled, ethnic groups, sexual minorities along with all segments of society; we demand with the democratic government established through the power of people's movement to immediately address the issues related to marginalized communities of the country.
4. Demonstrating solidarity to peaceful movement being launched by the women for democratic republic and fully proportional participation of women, we express commitment for success of movement.
5. We demand the development and implementation of mechanism that ends all forms of social, economic, cultural as well as physical violence along with domestic violence against women through formal system.
6. Internalizing the fact that the participation and responsibility of Women Human Rights Defenders in every political movements of the country has been significant, we appeal with all concerned parties to ensure inclusive and proportional participation of women in all structures of the state.
7. We urge with the parties concerned with the Comprehensive Peace Accord signed between the CPN-Maoists and the Government of Nepal on 21 November 2006 (*Mangsir 5, 2063 B.S.*) for its sincere enforcement and effectiveness.
8. We urge for the announcement of inalterable date of election to constituent assembly since the constituent assembly can assure the sovereignty of people, political stability and sustainable peace.
9. We demand for an immediate special arrangement for the protection of human rights of the citizen and the security of women in the context of increasing human rights violation in *Terai* due to rampant killing, violence, abduction, torture, etc.
10. We demand to immediately remove the obstacles arisen while addressing the fundamental concerns of women during the process of associating against discrimination and exploitation; joining in the movement for equal rights, and process of issuance of citizenship certificates to children under their mother's name.
11. We demand for immediate disclosure of the status of disappeared persons during the period of conflict.
12. We appeal with the government and political parties to implement the United Nations Security Resolution 1325 during the peace process.

13. We condemn all types of killings for their involvement while carrying out the activities for the protection of human rights, and demand to take action against culprits through the formation of a mechanism by the state and assuming its responsibility against such acts.
14. Since the violence based upon gender violates human rights, we demand to immediately stop the acts related to discrimination, misconduct, torture and murder because of their sexual orientation and sexual identity of individuals; and we demand with the state party to make arrangements for the protection of the freedom of sexual orientation of individuals by formulating a mechanism to address such forms of violence. We demand for immediate formation of a statutory mechanism to ensure the identity of third gender by accepting the fact that they are also citizens of the country.
15. We demand with the state to constitute a High-Level Investigation Commission on Violence Against Women, with the jurisdiction of hearing and recommending actions for ending all forms of Violence Against Women.
16. Internalizing the fact of our involvement of protection, promotion and appropriate utilization of natural resources, water, forest, land and bio-diversity, we demand for the statutory arrangements for establishing women's access to control over resources by ensuring their rights on all natural resources.
17. Concluding the fact that the mechanisms of the state and its policies have not been able to address the special needs of citizens with disabilities and women among such communities; we demand for proportionate representation along with special rights in every structures, policies, rules and the implementation mechanism to be formulated on the special needs of women with disabilities.
18. Calling the attention of government to the fact that the sustainable peace can not be achieved in the country without women's participation, we strongly appeal for equal participation of women in all constitutional commissions to be formed and for restructuring the existing commissions accordingly.
19. Accepting the truth that the participation of Muslim, *Badi, Raji, Dom, Batar, Chepang, Raute, Kisan* along with other minorities is of utmost importance for New Nepal, we demand to ensure their representation based on population along with women's proportional participation of these groups.
20. Internalizing the fact that women from tribal groups, ethnic groups, *Madhesh* and *Karnali* areas are discriminated by the existing structures of the country, we demand to immediately formulate the implementation mechanisms through statutory provisions to ensure fully proportional participation in state restructuring process.
21. Internalizing the fact that women from different castes, classes, areas and language groups are continuously marginalized, we demand for statutory provision along with implementation mechanism to ensure their proportional representation in all the structures of nation.
22. Respecting the labor of women involved in informal sector and accepting the important aspect of their contribution in national economic policy, we demand to ensure the rights of women by formulating a provision to include women's works into the gross domestic production with a recognition of women's contribution as productive work.
23. Accepting the fact that the right to housing is also a human rights of women and it is the responsibility of the state to ensure such rights, we demand for legal provisions that ensures legal rights of all homeless women along with its immediate implementation through an appropriate mechanism.

24. We demand for policy formulation followed by immediate implementation for fulfilling the needs of trafficking affected women by taking the matter seriously by the state that it is the responsibility of the state to ensure their rights.
25. We appeal to immediately make arrangements for medication, treatment and care of women living with HIV/AIDS without any discrimination.
26. Acknowledging the contribution of women migrant labors to the economy of the country, we demand for setting up the bilateral agreement with the recipient countries and ratify the International Convention on the Rights of Migrant Workers and their Families to ensure their rights and to end the exploitation, injustice they may face in the course of foreign employment.

Adopted on 01 December 2007 (15 *Mangsir*, 2064 B.S.)