



NHRC *e-bulletin*

Dignity, Equality and Justice for all
Official news bulletin of National Human Rights Commission

Volume 5

Number 5

13 JUNE 2007

Kathmandu

Nepal

NHRC Staffers pursue stakeholders for appointment of Commissioners



NHRC staffers briefing Speaker Nembang, Chief Justice Poudel, Ex-PM Deuba CPN Maoist leader Dr. Bhattarai, NWPP Chairman Rohit Foreign Minister Pradhan, CPN UML leader Bohara, NSP (Annadi Devi) leader Tripathy and NC leader Koirala for immediate appointment of Commissioners.

KATHMANDU

The staff of the NHRC took initiatives for immediate appointment of the Commissioners at the NHRC according to the Paris Principles by approaching the Chief Justice, Speaker, ministers, lawmakers and leaders of the political parties.

In separate meetings with Chief Justice Dilip Kumar Poudyal and Speaker of Interim Legislature Parliament Subash Nembang, on May 23 and May 25 respectively, the staff

members requested them to take initiatives towards the immediate appointment of the Commissioners. The Commissioners are appointed by the Constitutional Council. Chief Justice and the Speakers are the ex-officio members of the Constitutional Council.

The staff insisted on the consideration of the Paris Principles as a guiding factor in the appointment process in order to maintain the status of the autonomous and independent constitutional body.

Expressing concern both the Chief Justice and the Speaker assured their commitments towards the issues raised by the staff of the Commission.

On a separate occasion, the staff of the NHRC met with former Prime Minister Sher Bahadur Deuba to apprise him of the activities of the NHRC and press for appointment of the Commissioners. Dr. Prakash Sharan Mahat and Dr. Minendra Rijal, Members of Central Committee of Nepali Congress (Democratic) contd... 2

US Asst Secy of State visits NHRC

LALITPUR

US Assistant Secretary of State for Democracy, Human Rights and Labor, Barry R. Lowenkron paid a courtesy visit to the office of National Human Rights Commission on June 1.



Lowenkron and Mathema at NHRC Hqrs

Officiating Secretary Padma Mathema and other staff of the Commission briefed him about the activities of the NHRC.

Lowenkron was of the view that there should not be anymore delay in the

appointment of the Commissioners at the NHRC.

He told the staff members of NHRC that he shared his views on the impending appointment of the Commissioners with the Prime Minister Girija Prasad Koirala when he called on the latter.

According to the US Asst Secretary, the PM Koirala has expressed his commitment towards the appointment of Commissioners soon. Lowenkron assured the continued support of US government for the protection and promotion of human rights in Nepal.

NHRC observes 7th Anniversary Day

LALITPUR

National Human Rights Commission (NHRC)-Nepal observed its seventh anniversary on May 27.

No guests were invited and no formal celebrations were organized this year on its anniversary day. However, a press conference was organized where five vacant chairs were kept to symbolize the vacancies of the post of Commissioners. The NHRC is without Commissioner for past 11 months. Traditionally Prime Minister, Chief Justice, Speaker of the House of Representatives, lawmakers, diplomats, human rights defenders used to grace the occasion as chief guest and guests.

However, a press conference was organized at the headquarters of NHRC to mark the occasion where Annual Report of the NHRC was released.

On the occasion, the NHRC released its report on HR situation in a press conference.

Addressing the press conference, Padma Mathema, Officiating Secretary of the Commission demanded immediate appointment of the Commissioners.

The Commission is without Commissioners after the then Commissioners resigned on July 25, 2006 in the wake of changed context.

Stating that nearly one thousand files, containing investigation on human rights violation and abuses by various parties, are waiting for the Commissioners for necessary actions, she told the media that the absence of the Commissioners has created the situation of technical difficulties to bring the perpetrators into justice. The victims are also not in a position to get the compensations, she added.

National Human Rights Commission

Harihar Bhawan, Lalitpur.Nepal
 Phone : 00977-1-5010015 (Hunting Line)
 Fax : 00977-1-5547973, 5547976
 Email: nhrc@nhrcnepal.org Website : http://www.nhrcnepal.org

Editorial Board:

Murari Prasad Kharel Bimal Babu Khatri
 Vidhu Prakash Kayastha

Judiciary always alert to ensure right to liberty: SC Justice

LALITPUR

The National Human Rights Commission (NHRC) organized an interaction on “Study on Right to Life, Liberty and Equality and the Response of the Supreme Court in light of International Human Rights Instruments” on May 17, 2007.

Speaking on the occasion, Justice Anup Raj Sharma of the Supreme Court, said that the apex court was active during the period of Emergency and had registered 450 writ petitions of *habeas corpus* during the period which, contrary to the findings of the report, reflected that the judiciary was functioning its normal duty even during the adverse situation to ensure person’s right to liberty.

Appreciating the study as an effort to remind judicial officials to implement international human rights instrument, Dr Ram Krishna Timilsena, Registrar of the Supreme Court underlined the need for a comprehensive study to include more areas of rights rather than confining the study to right to life, liberty and property.

Advocate Madhav Koirala, the consultant of the study, who made the presentation of the study at the outset of the interaction, defended the limitation of the study.

Proposing a vote of thanks Justice Khil Raj Regmi of the Supreme Court, expressed hope that the interaction will stir up the judicial sector to implement human rights instrument in practice.

Justices of the Supreme Court Bal Ram K.C, Sharada Shrestha, Sharada Prasad Pandit and Top Bahadur Magar were among the participants in the interaction.

There were more than three dozen participants representing the Appellate Courts, District Courts, Nepal Bar Association, Pro-Public, FWLD, NNDSWO apart from the representatives of UNDP, OHCHR, ROJ, NHRC and CDNHRC.

NHRC Staffers pursue...

were also present during the meeting with Deuba.

They had separate meetings with Foreign Minister Sahana Pradhan and Information and Communication Minister Krishan Bahadur Mahara.

Likewise, the staffers held series of meetings with Sushil Koirala and Dr. Ram Baran Yadav, Vice President and the Dy Sec Gen of the Nepali Congress; Amrit Kumar Bohara, Member of the Standing Committee of Communist Party of Nepal (UML); Dr. Babu Ram Bhattarai and Dina Nath Sharma, Central Committee Members of Communist Party of Nepal (Maoist) and Hridayash Tripathi, Secretary General of Nepal Sadbhawana party (Anandi Devi),

Similarly, they also appraised the activities of NHRC and the problems faced by the office of the NHRC in the absences of the Commissioners to Narayan Man Bijukchhe, President of Nepal Workers Peasants Party(NWPP); President Amik Sherchan, Sec Gen Ghanashyam Sharma Poudyal and Central Committee member Dipendra Shrestha of Jan Morcha Nepal and Pashupati Shamsher JBR, President of Rastriya Prajatantra Party in separate meetings.

The leaders of the political parties have extended their support to the staff members of the NHRC towards their endeavor in pressing demands to the concerned authorities for the immediate appointment of Commissioners.

During the meetings, Padma Mathema, Officiating Secretary of the NHRC told the Heads of the Constitutional Bodies and the leaders of the political parties that the NHRC cannot take decisions on the files of human rights investigations and also it cannot send recommendations to the concerned authorities to take necessary actions in the absence of Commissioners. As a result perpetrators are not getting punishment and the victims or families of the victims are not getting any form of justice, she added.

She also reminded them that the Comprehensive Peace Accord signed by Government of Nepal (GON) and the CPN (M) on 12 November 2006 provides mandate to the NHRC to monitor and investigate on the issue/incidents of human rights violation and abuses.

Likewise, the staff of NHRC discussed with the members of Human Rights and Social Justice Committee (HRSJ) of Interim Legislature on June 4, 2007. The members of HRSJ Committee expressed their commitment to raise the voice in the floor of the house for the early appointment of Commissioners at the Commission. The NHRC staff also met with the President Subodh Pyakurel and Gen Sec Dr Gopal K Shiwakpti of the Human Rights Home on June 3, 2007 to appraise them of the issue of appointment of the Commissioners.

Glipses of NHRC investigation monitoring



NHRC Team monitoring HR situation in Bhimphedi Jail, Makwanpur



NHRC Team talking to HR Violation victim' families in Kavre district (above and below)



NHRC continues monitoring and investigation of HR cases

LALITPUR

The Office of the National Human Rights Commission has continued protection related activities by undertaking monitoring and investigation tasks at various places across the country.

A team from Western Regional Office, Pokhara was mobilized to Gulmi district on 24 May to investigate the backlog cases of human rights violation and abuses.

Similarly, a team was deployed to Manang and returned to the Pokhara Regional Office on 23 May after conducting a week-long monitoring which focused on child rights issues. The team visited various villages of the district to meet teachers, local leaders of various political parties, members of the civil society, representatives of NGOs and CBOs, and representatives of GON and security personnel to gather facts about the condition of child rights

situation in the district.

The Pokhara Regional Office conducted human rights monitoring during the strike launched by teachers' organizations. The teachers affiliated to different organization had closed the school across the country from May 17 to May 28 by placing various demands related to their professional rights with the Government of Nepal and the school management. They had also locked the Regional Education Directorate and the District Education Office in Pokhara to press for the fulfillment of their demands.

The regional office also conducted monitoring on the scuffle among teachers' organizations which had taken place on May 27 in the premises of District Education Office. The NHRC Headquarters had conducted human rights monitoring during the closure of schools in Kathmandu valley. In the course of monitoring, Officers of the Commission

sought necessary information from teachers, school management and the government officials.

A team of NHRC Headquarters visited Makawanpur District in order to conduct monitoring and investigations based on complaints lodged at the NHRC.

During the visit in Makawanpur, the team investigated the complaints of human rights violations and abuses and conducted promotional programs.

A separate team from the headquarters conducted human rights monitoring and investigation in Kavrepalanchowk district.

NHRC Officers from Central Office visited Nakkhu Jail on May 25 and 21 to monitor the strike launched by the detainees of the jail and the family members of detained respectively.

They also visited the detention center at Dillibazar on May 30.

NHRC Biratnagar RO organizes training to media person in eastern region

DHANKUTA/BIRATNAGR

The Eastern Regional Office, Biratnagar organized a four-day "Human Rights and Media Workshop" in Dhankuta from May 27 to 29, 2007 in Dhankuta.

The training aimed at the capacity building of journalists and HR activists based at Dhankuta, Terhathum, Bhojpur and Sankhuwasabha of the eastern region giving them more exposures on issues and practices of human rights principles and effective media coverage of the issues relating to human rights.

Prior to the training the NHRC Biratnagar RO conducted media monitoring from May 14 to May 15 at



Participants of the training

Dhankuta district. The monitoring team visited different media houses and held an interaction with dozens of journalists based at the district in order to gather information related to media and human rights.

The NHRC Biratnagar RO also conducted a one-day workshop on "the Role of Journalists in the Protection of Human Rights" on May 21, 2007 in Biratnagar. The 20 journalists who completed the basic journalism course offered by Nepal Press Institute

Biratnagar Regional Office participated in the workshop.

NHRC expresses concern over school closure, abduction and violence

LALITPUR

The Office of National Human Rights Commission issued a press release on 24 May 2007 expressing concern over the issue of indefinite school closure across the country.

The press release stated, "The Interim Constitution of Nepal 2007 has guaranteed the right to education as fundamental rights of the citizen. Likewise, International Convention on Rights of the Child 1989 to which Nepal is a party, and other international human rights treaties have also ensured the right to education. In such a condition, the Office of NHRC appeals to the government, agitating party, school management and other concerned stakeholders to make a conducive environment to resume teaching and learning activities at schools immediately by respecting the right to education."

Likewise, the NHRC Office issued a press release on May 14 showing concern over the complaints registered at its Office regarding the

abduction of a person from Bara and appealed for the immediate release of the abducted person. Similarly, the NHRC had also issued a press release on May 10 in order to make public the facts about the violent incident that had taken place at the premise of District Administration Office (DAO) on May 8 at Dhangadi. The press release stated that Tharuwan National Mukti Morcha and CPN(M) affiliated Young Communist League (YCL) assaulted the Administrative Officer of the DAO and the security personnel of the DAO.

The NHRC has also taken the note of the incident that took place in Padma Kanya Campus (a women college) of Kathmandu in which members of YCL had assaulted the students of the Campus.

Stating that such kinds of acts are the violation of the Comprehensive Peace Accord which the GON and CPN (M) had signed on November 21, 2006, the NHRC has appealed to all concerned to stop violence in order to guarantee the rule of law and uphold human rights.

Rights groups demand immediate ratification of ILO Convention 169

LALITPUR

The NHRC organized a workshop on the Indigenous People's Rights and International Treaties on 5 June 2007.

Representatives of organizations working for the rights and well being of indigenous nationalities have demanded that the Government of Nepal immediately ratify the International Labour Organization (ILO) Convention (No. 169) concerning indigenous and tribal peoples.

They have urged the Government to ratify the Convention to prove that the state is committed and sensitive towards guaranteeing the rights of the indigenous people and nationalities.

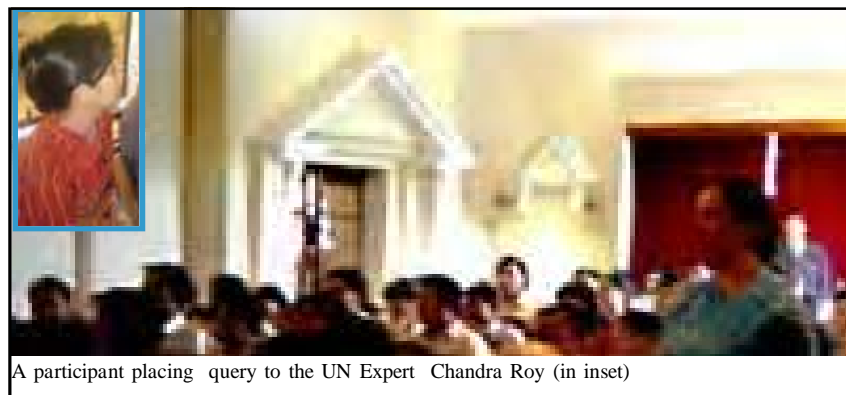
Speaking at the workshop, the participants said the Indigenous and Tribal People's Convention 1989 guaranteed the rights and well-being of the indigenous and the nationalities.

Chitra Lekha Yadav, Deputy Speaker, said the Government should give serious attention towards resolving the problems of Madhesi, Janjatis, dalits, women and other disadvantaged community so as to make *Loktantra* for all and forever.

Sharad Chandra Neupane, Assistant Resident Representative of the UNDP, said as proportionate development was not possible without becoming inclusive; the problems



Dy Speaker Yadav, Mathema of NHRC and Neupane of UNDP



A participant placing query to the UN Expert Chandra Roy (in inset)

of the indigenous nationalities should be taken into consideration as the pre-condition for the overall development of the country.

At the program chaired by Officiating Secretary of the NHRC, Padma Mathema, Murari Prasad Kharel, Dy Director, Lucky Sherpa, Chairperson of Himalayan Indigenous Peoples Women's Network, and Ram Bahadur Magar, General Secretary of Nepal Federation of Indigenous Nationalities, said the Convention should be ratified immediately. The Regional Coordinator for UNDP's Indigenous Peoples Program in Bangkok Ms Chandra Roy gave a presentation about indigenous peoples rights and the work that the UNDP is doing to promote the rights of the indigenous peoples.

Similarly, the Regional Office Nepalganj of the National Human Rights Commission organized a day long interaction program on rights of indigenous people in Nepalganj. There were more than 40 different participants representing organizations including those working for Dalit rights, the National Federation of Indigenous Nationalities, religious organizations, women's rights activists, and other human rights organizations and activists in Banke district. Chandra Roy, made a presentation on the issues of indigenous peoples rights. Participants raised questions about the rights of indigenous peoples and minorities which were answered by Ms Roy, Murari Kharel and Bed Prasad Bhattarai. Participants expressed the view that the program was productive and timely considering that the country was heading towards Constituent Assembly.

NHRC RO Organizes Training on Human Rights Monitoring

DANG

The NHRC Mid-Western Regional Office, Nepalgunj conducted one-day training on Human Rights Monitoring to representatives of HR NGOs of Districts of Banke and Dang at Lamahi on May 30.

The training program was facilitated by Bed Pd Bhattarai, Regional Director, Tek Tamrakar, NPM of CDNHR, Mohan Lal Acharya, Protection Officer and Suresh Malla, Promotion Officer.

The participants benefited from the presentations by the trainers on the functioning of the NHRC, Constitutional Assembly and HR defenders and their roles, HR Monitoring Process, HR aspect of election of the Constituent Assembly (CA) monitoring, CPA monitoring and Report writing skill tools and techniques respectively.

Speaking at the closure of the training program Ms Sajida Siddiqie, development worker, said that the one day training program organized by NHRC was fruitful and hoped that the participants would be using the knowledge learned in multiplying it to the grassroots level and also expected that NHRC will also take such programs to the grassroots level.

There were 31 participants; 19 from Banke and 12 from Dang representing various organisations in the training program.

Interactions on issues of HR situation

LALITPUR

The Mid- Western Regional Office, Nepalgunj held an interaction program in the district headquarters of Dailekh on ' Incidents of human rights violation and the situation of human rights in the district after the implementation of Comprehensive Peace Accord (CPA)' on June 7, 2007. More than 50 persons representing civil society, journalists, humans rights activists, intellectuals, lawyers, various political parties, Dalits, Janajatis, women and victims participated in the program.

Participants raised the issues of displaced person return, property captured by then Royal Nepal Army (now Nepal Army) and CPN-M during insurgency period, caste discrimination in the district headquarter of Dailekha, threats, domestic violence and other problems of human rights in the district.

NHRC Regional Office, Nepalganj organized an interaction program on "Role of stakeholders in investigating cases to end impunity" also in Banke district.

Likewise, a team from the NHRC Headquarters organized an interaction in Birjung on May 30 with representatives of political parties, representatives from professional organizations, journalists and human rights defenders in order to assess the HR situation of Parsa district. Murari Prasad Kharel, dy director of the NHRC briefed the participants on efforts of the NHRC towards promotion and protection of human rights in the country. He also made it clear that the NHRC is facing various problems and challenges in the absence of the Commissioners.

Similarly, a team of the NHRC Headquarters organised an interaction in Hetauda on the current situation of human rights in the country. The judges of the appellate court, legal practitioners, HR defenders, representatives of civil society and the journalists participated in the program.