Janakpur/ National Human Rights Commission (NHRC) on February 15, 2011 concluded the suspended exhumation mission upon finding the remains of the total five dead bodies on the banks of Kamala River in Godar VDC – 3 of Dhanusha district.

The exhumation at the suspected burial site has been successfully concluded by following the internationally recommended standards and procedures and the support extended from the local administration and the police. The investigation team including the international forensic experts resumed the exhumation at suspected grave site on February 13, 2011. The human remains were unearthed on February 14, 2011 and the mission was concluded on February 15, 2011. 6 trenches and 2 blocks were dug out during the entire process of exhumation.

After the complaint was lodged at the Commission with regard to the disappearance of Sanjeev Kumar Karn, Durgesh Laav, Jitendra Jha, Pramod Narayn Mandal and Shailendra Yadav, the NHRC investigation had unveiled the fact that the victims were buried at the bank of Kamala river in Godar VDC of Dhanusha district after they were allegedly killed by the security force in October 2003. Thereafter, the Commission had decided to exhume the dead bodies at the suspected burial site on August 12, 2010. In the process, a total of 58 trenches, 9 extensions and 2 blocks had been excavated at the burial site and the human remains of fives dead bodies were dug out along with a few bullet cells.

The entire skeletons of total 4 dead bodies were exhumed whereas the fourth one was found with the upper portion of skull partially missing. The investigation conducted so far shows that the victims were believed to be blind-folded and allegedly executed on the spot prior to their burial. Upon the preliminary test of the human remains unearthed, they have been sent to Helsinki University, Finland and National Forensic Laboratory, Nepal for further DNA test. The recent human remains discovered will also be sent through Nepal Police as per the procedures and process adopted earlier during the test of the human remains of other four dead bodies.
Dialogue Held with GOs & NGOs on Trafficking: An OSRT/ NHRC Initiative

Lalitpur / Member Justice Ram Nagina Singh has said, “Trafficking is outright against humanity. In this regard, all the concerned organizations including GOs / NGOs and other development partners are proactively working from their side but unfortunately the problem still persists. We must, therefore, inculcate efforts among all the concerned to deviate their greater attention towards the remedial solutions to the problems and mitigate such black spot from the Nepalese society.”

Member Singh said this as the chair of the programme Consultative Dialogue Programme on Trafficking in Persons (Especially on women and children) organized on February 24, 2011 by NHRC Office of the Special Rapporteur (OSRT / NHRC) on the process of preparing the National Report on trafficking. The objective of the programme to assess the general situation and emerging trends of status of trafficking in Nepal, to critically review the status of anti trafficking act, foreign employment act and other related directives and policy guidelines.

Dr. Govinda Subedi presented the paper on the national report on Trafficking in Persons Specially on Women and Children to be prepared by the OSRT / NHRC.

Secretary Bishal Khanal called upon all the representatives of the organizations combating trafficking in the country to have the activities and data base information organized and included in the report. There has been nexus between the foreign employment and trafficking and thus the comprehensive discussion be held both on national and transnational trafficking, unveiled secretary Khanal.

Special Rapporteur - Ms Padma Mathema said that despite having the law and mechanism, the legal response has always been a challenge with regard to the implementation concerning trafficking. Prosecution and protection side would be the main agenda as a way forward, thus. She urged that the implementation side will be taken into account with greater attention to evoke the sense of duty among the implementation authorities. She envisaged that the report would invite a lot of exercise for monitoring and review as a head start. Also, she went on to inform that upon merging of cumulative data and information with analytical approach, the report would be finalized for the dissemination of the National Report-2010.

Deputy Attorney General Puspa Raj Koirala of the Government of Nepal said, “Nepal is indexed in tier 2 with regard to trafficking. In such scenario, the non-governmental organizations have the equal responsibility to that of the security authorities. In this regard, Anti Trafficking Act was drawn in 2064 BS which paves the way for delivering punishment to those who lure the aspiring employees in foreign land and offer hazardous employment to them, yet the criminals involved in such defrauded act are left scot-free.”

He also emphasized that the government should build the environment to establish the labor attaché segment in the embassies to address the problems that crop up in foreign land.

Mr Arun Poudel of Nepal Rugmark Foundation said that although the recommendations are made, at the end of the day, the question arises as to who the implementation authority is. He urged that if ever the legal punishment is delivered to the culprits, it may also be included in the report which might serve as case study. The report must also have the content that might work as a preventive and advocacy tool, he stressed.

Uma Tamang of Maiti Nepal said that prior to having the report finalized, the NHRC should work with the potential stakeholders such as ministry of foreign affairs, home ministry, labor ministry and ministry of women and children and Social welfare as well as women’s Commission among others. She added that the mapping is needed for internal trafficking.

Representing the Women’s Rehabilitation Center (WOREC, Nepal), Ms Rupa Shrestha stressed that media report on trafficking be made as one of the vital primary resources for the report.

Special Rapporteur - Ms Padma Mathema, concluding the session, called upon all the concerned organizations to provide the feed backs on the report. Since this is not the report of NHRC alone, other concerned organizations and agencies also to take the ownership for the implementation, obstacles and challenges that come in the way of combating trafficking, urged Mrs Mathema.

The participants of the programme comprised of the representatives from the Office of the Attorney General, National Women’s Commission (NWC), and Central Child Welfare Board, NCCR-Bhrikutee Mandap, AATWIN, MOWCSW, WOREC, Ministry of Labor and Transport

Continues on page 5
Lalitpur / An interactive dialogue programme was organized at NHRC on 7th February, 2011 on the first draft report of the Indigenous and Tribal Peoples Convention, 1989, ILO-169 prepared by the Government of Nepal.

The objective of the programme was to obtain the feedbacks from the representatives of the concerned stakeholder organizations on the 61 pages draft report prepared by the Government. During the programme, NHRC Member Justice Ram Nagina Singh, as the chair of the programme, said that NHRC is ever ready to fulfill its duties apropos the rights and indigenous and tribal citizens.

Member Singh, however, expressed his frustration that though there has been constitutional provision with regard to the right of freedom and right to equality, the Commission is bound to remain as a mute spectator as the action is said to take place as per the law and we never know if such law is promulgated.

Secretary Bishal Khanal said that the periodic report on ILO Convention-169 is practically forwarded to the Commission for NHRC input whether or not the report prepared by the ministry of local development (GoN) reflects the HR related pictures of Nepal as a party to the Convention.

The Commission has been holding on the report drafting process in line with the ratification and post accession implementation status of the Convention. Since Nepal hasn’t formally submitted the report for over two years, the ILO committee of 20 independent experts on the Application of Commendations and Recommendations (CEACR) will review the report towards the end, it is learnt.

Dr. Chaitanya Subba threw light on the heritage rights and users’ rights and also emphasized that the NHRC will to bear the responsibility towards the protection of the rights of indigenous communities in the event of the violation of their rights guaranteed by the ILO Convention-169.

Deputy Director Achyut Acharya informed that the rights of indigenous and tribal citizens remained underprivileged since it could not be mainstreamed in Nepal’s context. Therefore, it is needed that ILO 169 and CERD must be defined whether or not they are permanent, said Director Acharya.

A number of participants from various indigenous organizations spoke on the occasion. They comprised of the 53 representatives from various agencies and organizations, human rights workers including NHRC officials.

Nepal state ratified the ILO Convention on August 22, 2007 and as per the Article 38 of the Convention, it came into enforcement from September 14, 2008 onward.

The exhumation team headed by Member Gauri Pradhan comprised of former NHRC member Sushil Pyakurel, Dr. Harihar Wosti, Forensic Anthropologist Dr. Udo Kenjer (Germany) including Nepal Police, Archeologists, Forensic experts and the official representatives of the Commission and the UN Office of the High Commissioner for Human Rights (OHCHR).

The Commission has expressed heartfelt thanks to Government of Nepal, Nepal Police, Human Rights organizations and human rights workers, civil society, media, OHCHR, local residents, laborers and specially the victims’ family members for their kind support extended for the justice delivery for protection of rights of victims. Lastly, the Commission has also appealed to all for the same kind of support in the movement of justice delivery for the protection of human rights of victims in future as well.

Continued from page 1

Exhumation Concluded: Remains of...
Worsening HR Situation in Western Region Causes Worries

Kaski / Human rights situation in western region of the country remained yet worrisome with untoward incidents of human rights violations and excesses sporadically taking place in the region. The order of the departmental action was, however, issued against five police personnel by appellate court in connection with the incidents of beating. In this regard, earlier the NHRC regional office had sent the recommendation of action to be taken against the accused and the compensation to the victim Kamal Pun of Mygdi district who was reportedly inflicted injury from the beating of accused police personnel.

In another incident, the conflict victims have accused that the n o n - g o v e r n m e n t a l organizations have embezzled the aid collected to support the conflict victims. They made the allegation of the misuse of the fund in an interaction programme held in the district. Similarly, in a clash erupted between the school management committee and the teachers of Mahendra Jyoti Higher Secondary School situated in district headquarter of Gorkha, students were beaten and chased away by the YCL cadres in district headquarter.

In another incident, Tika BK, 13, was thrashed by the guardian of helpless children in Lamjung district. The victim has sustained serious injury all over her body.

Likewise, it has been found that the sub-health post of the Chitre VDC of Parbat district has been acutely suffering from the lack of necessary health services due to the absence of assistant health worker in the post.

Human Rights Protection Activities: Western Region

<table>
<thead>
<tr>
<th>S.N</th>
<th>District</th>
<th>Date of Investigation</th>
<th>Thematic Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Myagdi</td>
<td>January 30 – February 4, 2011</td>
<td>A weeklong investigation was carried out with regard to the complaint registered at NHRC western regional office on the incident of the death of Jhilke Nepali of Arthunge VDC, Ward – 4 of district on March 28, 2004. Late Nepali was killed with the bullet shots on his way back home.</td>
</tr>
<tr>
<td>2</td>
<td>Myagdi</td>
<td>January 30 – February 4, 2011</td>
<td>The investigation was also conducted on the complaints with regard to the incident of the death of Sukman Gurung, the chairperson of Khudi VDC of Myagdi district. Late Gurung was killed by the bullet shots of the security forces during the protest program organized by the communist party demanding the resignation of Girija Prasad Koirala on the ground of the Lauda scandal. The compensation against the loss has been sought through the investigation over the complaint registered.</td>
</tr>
<tr>
<td>3</td>
<td>Myagdi</td>
<td>January 30 – February 4, 2011</td>
<td>Yet another investigation in connection with the death of Purna Bahadur Fagami, the residents of Dana VDC of Myagdi district was carried out. Late Fagami was killed by the Nepal army personnel on April 2, 2005, as per the complaint.</td>
</tr>
<tr>
<td>4</td>
<td>Myagdi</td>
<td>January 30 – February 4, 2011</td>
<td>The complaint with regard to the incident of black shoot smeared on Rudra Bahadur KC of Ghatan VDC, Ward 6 of Myagdi district by YCL cadres on February 12, 2008. Investigation is underway.</td>
</tr>
<tr>
<td>5</td>
<td>Myagdi</td>
<td>January 30 – February 4, 2011</td>
<td>Another investigation was carried out with regard to the complaint on the killing of Purna Bahadur BK of Ghatan VDC, ward-6 of Myagdi district. The accusation is labeled against the CPN Maoists for the killing of Late BK with the demand of compensation to the victim and action against the accused as per the complaint.</td>
</tr>
</tbody>
</table>

The NHRC Regional Office Pokhara organized a series of human rights promotion programmes such as Appreciative Inquiry to Develop HR Commitments, Basic Human Rights Training with the active participation of the NHRC office, Pokhara and Butwal, representatives of government and security authorities, political parties, the local organizations and mothers group.
Dhangadhi: Reports from far western region paint bleak picture of human rights situation in the area for the last couple of months. The indefinite ‘Chakkajam’ called from January 19, 2011 against listing of loan exemption and load shedding was brought to normalcy after the intervention of the police. The bandh called by teachers in Kanchanpur has been withdrawn and the teaching-learning process has been resumed as usual. The agitated teachers had demanded the disbursement of their salary which was due for four months. Meanwhile, 36 Kamalaris are learnt to have been emancipated at the initiation of Freed Bonded Women Laborer Development Forum, Kailali. However, a local journalist is reported to have perpetually received the criminal intimidation such as death threat over the phone. Likewise, the Nepalese commuting through Indian boarders have been perpetually harassed and misbehaved by the personnel of Indian Custom Department. Farmers appeared to have faced problems due to the price of paddy still being undetermined in the region. The cases of human rights violation such as the evacuation of the couple from the VDC in Baitadi district on the accusation of inter-caste marriage, death in the cowshed due to the ill-culture of ‘Chowpadi’ (The practice in which females are kept in cowshed during the entire period of their menstrual cycle), extortion and padlocking of the shops by political party workers in Kotila VDC in Baitadi district, sit-in programme in front of the transport management office by the transport workers demanding the route permit in their favor, Declaration of movement by the nationalist rights movement committee in Kailali district to end sex-trade of Badi women have been reported. The whereabouts of the director Nawaraj Chaulagain of Dipayal based public service commission office is still unknown.

On human rights promotion side, the NHRC far western regional office organized an interaction programme on the protection of human rights of consumers among the concerned stakeholders on January 21, 2011. Objective of the programme was to share the information about the human rights of consumers and motivate the stakeholder authorities to be more responsible than ever towards the protection of human rights of consumers through the programme.

At the programme, the commitments were made unanimously to provide the service in simple, swift and transparent manner.

The participants of the programme comprised of the representatives of the agencies and organizations working in the field of consumer rights in Kailali district and government authorities.

Investigation of HRs violations in far western region

<table>
<thead>
<tr>
<th>Address</th>
<th>Case / Incident</th>
<th>Investigation status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tikapur, Kailali</td>
<td>Displacement</td>
<td>Investigation accomplished</td>
</tr>
<tr>
<td>Balia- 1, Kailali</td>
<td>Deprivation of job</td>
<td>Investigation accomplished</td>
</tr>
<tr>
<td>Bhajani 1, Kailali</td>
<td>Disappearance</td>
<td>Investigation accomplished</td>
</tr>
<tr>
<td>Dhangadhi Municipality</td>
<td>Retirement given by the office</td>
<td>Investigation accomplished</td>
</tr>
<tr>
<td>Kanchanpur, Suda- 5</td>
<td>Murdered by the unidentified group</td>
<td>Investigation accomplished</td>
</tr>
<tr>
<td>Kanchanpur, Tribuwan Basti-1</td>
<td>Deprivation of Teaching</td>
<td>Investigation in final phase</td>
</tr>
<tr>
<td>Baitadi, Gujar -6</td>
<td>Threat by Maoists</td>
<td>Investigation in final phase</td>
</tr>
<tr>
<td>Baitadi, Bhatna – 1</td>
<td></td>
<td>Investigation Accomplished</td>
</tr>
</tbody>
</table>

In this connection, the consultation meeting on Internal Migration and Trafficking in entertainment sector was also organized on 18th Feb-2011 with the concerned NGO dealing with rights of women employee in the entertainment sector.

Dialogue Held ...


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Consultative Workshop on Strategic Plan Held in Biratnagar

Biratnagar / The Commission is in the concluding phase of the process of preparing the strategic plan for 2011-2013. In this context, a regional level strategic plan formulation consultation workshop was organized in Biratnagar on March 7, 2011 with the participation of various organizations and the stakeholders.

The objective of the workshop is to make the works of the commission effective in a new manner. At the workshop, the status of the implementation of the NHRC strategic plan 2008-2010 was also assessed.

The participants suggested increasing the human resources at the commission, equal treatment and equality should be maintained with the people of the sexual minorities, defining the human rights in the context of Nepal, paying attention to reducing the environmental degradation, including human rights education in the school and college curricula for raising human rights awareness.

On the occasion, Chairperson Justice Kedar Nath Upadhya said that the works of the commission have not been able to tap momentum due to the political instability and uncertainty in the country.

Report on Child Rights Protection Policies Reviewed

Lalitpur: The Commission has reviewed and submitted its recommendations and suggestions on the draft report on child rights protection policies prepared by the Ministry of Women and Children & Social Welfare, GoN.

The Commission, by incorporating the amendments and suggestions, has forwarded the draft report to the division of national policy on child rights protection 2067 on February 13, 2011.

Likewise, representing the child rights related organizations in the country, the CWIN had forwarded the draft report on child rights protection policies to the Commission to be implemented in the schools.

The Commission, therefore, worked upon the draft report in the meeting held and forwarded it on February 16, 2011 along with the amendments and suggestions by requesting the GoN to formulate the policies in this regard and implement in the schools accordingly.
Lalitpur: The Chairperson Justice Kedarnath Upadhyay said that the removal of the terms “Autonomy” and “Independence”, provisioned in accordance with Human Rights Commission Act 2053 is a sheer mistake.

Speaking at the programme held with the representatives of the donor agencies on February 8, 2011, the Chairperson said that the support extended by the donor agencies to enhance and strengthen the Commission has been significant.

Since “All constitutional bodies are automatically independent and autonomous” as furnished in the line in general comments of the constitution, Chairperson urged that even though these terms are removed from the Constitution, the NHRC is independent and autonomous in nature and under no condition the compromise can be made on autonomy and independence of the Commission.

Underlining the need of the NHRC to have more efficient workforce facilitated with adequate resources in order to address the issues of human rights in national level, the head of OHCHR-Nepal, Jyoti Sanghera said that it is beyond the control of the NHRC to overcome the serious challenges such as resolving the HR Act and the staff management. Member/Spokesperson Gauri Pradhan said that it is not at all adequate to address the present context and fulfill the expectations of the stakeholders due to the year-long crippling staff management row and the lack of resources in the Commission. Member Pradhan also offered his view with regard to the appropriateness to maintain the transparency of the activities in various fields of human rights and the investment incurred in such fields through donor agencies.

Since “All constitutional bodies are automatically independent and autonomous” as furnished in the line in general comments of the constitution, Chairperson urged that even though these terms are removed from the Constitution, the NHRC is independent and autonomous in nature and under no condition the compromise can be made on autonomy and independence of the Commission.

Secretary Bishal Khanal made a presentation on the Commission’s activities and achievements achieved during the past one year which included the Commission’s mandates, major activities, complaints registration and investigation, exhumation, monitoring on the international instruments, promotional activities, training on strengthening the capacity, coordination and collaboration as well as the challenges ahead.

Presenting the paper on Strengthening the Capacity of National Human Rights Commission project (SC-NHRC), John Pace, the Quality Assurance and Review Adviser affirmed that the performance of the project is encouraging and thus it is appropriate to give continuity to it.

United Nations Development Programme (UNDP) head Robert Piper said that the people in general have great expectations from the Commission and it sure is going to increase in coming days as well. Reckoning the thousands of decisions dispensed by the Supreme Court still waiting to be implemented, he also expressed his disappointment over the same implementation status of the NHRC recommendations.

The participants of the programme comprised of the representative Ambassadors of various donor countries including France, Australia, Switzerland, UK, European Union including the NHRC office bearers and staff.
A one day seminar was organized jointly by the NHRC and conflict period book publication committee on February 6, 2011 in Manathali, Ramechhap.

At the programme, the incidents of the violation of human rights and excesses perpetrated during the conflict period in Ramechhap were comprehensively recounted from the side of the conflict period book publication committee. Following the discussion, all the participants of the programme were requested to put forward their feedbacks and suggestions with regard to the publication of the book to be published in short future. In this regard, the Commission has been constantly extending its support for the publication of the book from the very beginning. It was learned at the programme that apart from the Commission, OHCHR, INSEC, Advocacy Forum and ICTJ have also expended their support for the publication.

A total of 226 people were killed and 25 people have been disappeared during the conflict period in Ramechhap district alone. There are 643 people who underwent the ordeal of beating, torture and inhumane treatment. The data reveals that 398 people have fallen the victims of displacement whereas 175 people were victimized of abduction, alleged detention and house arrest. There are 130 incidents of property confiscation and the damage as per the data.

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On the whole, the conflict victims across Ramechhap district number around 2000 enlisted so far as per conflict period book publication committee.

Commitments from the participants:

All the participants present in the seminar forwarded their opinion that the book publication, which is going to be an exemplary work in the country, would indeed facilitate the would-be formed Truth and Reconciliation Commission and the Commission on the enforced Disappearance in their work in future. Director, Bed Prasad Bhattarai said that the initiative as such will help the delivery of justice to the victims and the Commission, as always, will be ever ready to render its support under its jurisdiction.

Speaking at the programme, OHCHR representative Badar Farooque, Chairperson of INSEC Subodhraj Pyakurel, District Judge Kailash KC, Executive Director of Advocacy Forum Mandira Sharma, Chief District Officer Baldev Giri, Pushpa Raj Poudel of CPN (Maoists), Lekh Bahadur Karki of Nepali Congress and Tel Prasad Kandel of CPN (UML) unanimously expressed their commitments toward the protection and promotion of human rights and the publication of the book.

The participants of the programme comprised of Bed Prasad Bhattarai, the Director of the Commission, Chief District Officer, Superintendent of Nepal Police and the Armed Force, Chiefs of the government offices situated in the district, Subodh Raj Pyakurel, the Chairperson of INSEC, Mandira Sharma, the Director of Advocacy Forum, Badar Faroque of OHCHR, and the representative of the major political parties of the district including CPN (Maoist), Nepali Congress as well as and CPN (UML).
Lalitpur: The Chairperson Justice Kedarnath Upadhyay has said “We have to make the smooth passage for the logical conclusion of the peace process from our side. In this regard, the longstanding visualized mechanism to form Truth and Reconciliation Commission (TRC) and Commission on Enforced Disappearance still remains immaterialized resulting in the non-implementation of so many recommendations made during the conflict period. The Government is apparently under the impression that upon realizing the formation of such important Commissions furnished in the CPA, so many recommendations related to the issues such as prosecution of the accused of human rights violations would be addressed one after another. But we have different opinion. All those cases expected to be addressed once and for all but the Government revoked those cases. Amid such scenario, we are pursuing with our mandated duties. There are plenty of cases which have been partially implemented with the compensations provided to the victims but the prosecution side remains still dismal.”

Speaking at the discussion programme held among the students and faculty members of Kathmandu School of Law during their visit to NHRC on February 28, 2011, the Chairperson Upadhyaya said, “Political instability breeds a lot of problems related to human rights. Therefore, until and unless we have a stable political situation, implementation of human rights would not be effective. There is a kind of ‘horse-trading’ political situation now. Therefore, upon the new constitution being drafted only, the stable and accountable government can be imagined which would be apt in fulfilling the international obligations of human rights.”

“We are glad that you have chosen NHRC as one of your study tour destinations. We will be happy to help you with any kind of information you want,” assured the Chairperson.

Shedding light on the objective to visit NHRC, Mrs. Geeta Sangroula, Academic Director of Kathmandu School of Law said “The visiting group of KSL comprising of both national and international students are privileged to have got this opportunity to enrich and broaden their learning horizon with NHRC visit experience” She, on behalf of the visiting group, extended her thanks to the Commission for providing moral support, and human rights materials to the group.

At the programmes, following the presentation on the NHRC mandates, functions and other activities Secretary Bishal Khanal responded to the queries posed by the visiting team members on diverse issues. The questions include the NHRC participation in constitution making, classification of complaints, efforts made on the implementation of recommendations, MoU between NHRC India and Nepal on human trafficking including monitoring on human rights situations.

Special Rapporteur Mrs Padma Mathema, Deputy Director among others were also present in the programme. Human Rights Officer Suresh Malla facilitated the programme.