KATHMANDU: The National Human Rights Commission of Nepal is all set to host an international conference on cooperation between the national human rights institutions (NHRIs) for the protection and promotion of the rights of migrant workers in the Asia Pacific region. The major objectives of this event are to identify key issues and challenges with regard to protecting the rights of migrant workers. The other objective is to make necessary recommendations to the stakeholders, government and other regional human rights institutions.

The two day international conference, which is scheduled to begin from November 26 - 2012 in Kathmandu, is expected to involve around 50 participants from NHRIs of fifteen different countries of Asia and the Pacific region and the representatives of the Government.

The role of the NHRIs of the region is exceptionally pivotal in protecting the rights of migrant workers. The conference, therefore, will be the platform to have discussion on various rights protection related issues of the migrant workers that would pave ways for necessary coordination, cooperation and collaboration among the NHRIs of the region.

Meanwhile, in the backdrop of the approaching conference, the NHRC had organized interaction program with various government authorities including Home Ministry, Ministry of Foreign Affairs, Foreign Employment Department, Foreign Employment Promotion Board, Immigration Department, chiefs and representatives of Nepal Police. The comprehensive discussion was held on various problems faced by the migrant workers both at home and receiving countries.

The participants in the interaction program raised concern to give key priority to the problems and challenges faced by the migrant workers in the present scenario, the contribution made by the migrant workers in national economy, efforts inculcated from the side of the Government and non-government organizations, awareness raising program and the role of the foreign employment agencies. During the program, stakeholder representatives suggested that NHRC raise the discussed issues in the forthcoming conference.

Similarly, the NHRC organized interaction program with various non-governmental organizations active in the field of migrant workers, professional organizations, human rights workers, journalists and the office bearers of the Nepal Foreign Employment Association.
Ten Point Resolutions Adopted at the National Conference

The National Human Rights Commission organized the first ever national conference for the human rights defenders who are relentlessly dedicated for the protection, promotion and realization of human rights. Two hundred human rights defenders representing from all 75 districts of the country participated in the conference held in Lalitpur on October 8 and 9, 2012.

The National Human Rights Commission has been organizing training in collaboration with various national and international organizations on regular basis for the capacity development of the human rights defenders. Accordingly, responding to the comments and suggestions provided by the human rights community, therefore, the draft on the human rights defenders guidelines - 2069 as well as the guidelines on human rights coordination and collaboration - 2069 were prepared and presented during the conference for discussion.

Similarly, human rights experts presented the concept papers on various themes such as impunity and transitional justice, the status of the IESCR in Nepal, national human rights action plan of the Government of Nepal, collective rights encompassing child rights, rights of persons with disabilities, rights of gender minorities, rights of senior citizens, rights of indigenous communities, rights of migrant workers, status of the domestic violence against women in Nepal, Human Rights Based Approach (HRBA) to development and policies including the overall situation of human rights in all five regions of Nepal. Upon having the comprehensive discussion, thus, the following resolution was unanimously passed in the conference.

1. The national conference, upon having discussion on the draft presented, appeals to the Commission to immediately endorse and issue the Human Rights Defenders Guideline - 2069 after making necessary review on the suggestions provided. It is also appealed to all the concerned parties to make special arrangement along with the necessary mechanism for the protection of human rights defenders.

2. The National Conference appeals to the National Human Rights Commission for the issuance of the Human Rights Collaboration and Coordination Guidelines-2069 after making necessary amendment on the draft, if any, as per the discussion.
3. Thanking the Government of Nepal for the commitment expressed towards human rights in international level, the National Conference specially appeals to the NHRC to initiate for the development and implementation of the national level laws and mechanisms.

4. The situation is such that the conflict victims are still deprived of their rights to truth, justice and reparation as because the conceptualized transitional justice related the Truth and Reconciliation Commission and the Commission on the Inquiry of Disappeared as TJ mechanisms as outlined in the CPA and Interim Constitution are not yet formed even after six years of the Comprehensive Peace Accord (CPA) subsequently signed upon the end of the decade long internal armed conflict in Nepal. The National Conference, therefore, puts forward the demand before the Government of Nepal to initiate for the immediate formation of the independent, fair and autonomous high level commissions consistent with the international standards. Likewise, the TRC and the CoI/D related ordinance presented before honorable President also proposes the blanket amnesty to the grave violations of international human rights and humanitarian laws which is against the international norms and practices with respect to transitional justice. The National Conference, therefore, urges all the parties not to issue such an ordinance or cause to issue such an ordinance. Similarly, this conference demands not to grant any amnesty under any circumstances to the persons accused of war-crime and crime against humanity.

5. The National Conference expresses its outright disapproval over the case withdrawal and granting of promotion to the accused perpetrators of serious human rights violations against the NHRC recommendations and the delay in the formation of the Commissions to be formed as per the provisions enshrined in the CPA. Likewise, the National Human Rights Commission would like to draw the attention of the Government of Nepal including other stakeholders to actively work out to end the pervasive culture of impunity in the country by addressing both past and ongoing violations and adhering to the Rule of Law.

6. The National Conference also appeals to the Government to bring the accused of human rights violation and to book and fully implement the NHRC recommendations.

7. In the context that Nepal has become the party to the International Covenant on the Economic, Social and Cultural Rights - 1966, it is appealed to the government to make necessary initiative for the ratification of the Optional Protocol to the IESCR by making arrangement of the necessary mechanism in an environment where people can enjoy all rights. Similarly, the National Conference urges to ensure the collective rights of Dalits, indigenous communities, Madhesi, minority communities including the rights of development, protection and participation of women, children, senior citizens and persons with disabilities who have been compelled to live in marginalized state of affairs for centuries.

8. The National Conference also appeals to the Government for lobbying and implementation of the National Human Rights Action Plan of the Government of Nepal. The National Conference also urges all the concerned to integrate and implement the concepts of Human Rights Based Approach in policy making and implementation level in order to eradicate inequality in the distribution of resources including the national resources, stagnation in development field and the existence of the impoverishment mainly due to the conflict in the country.

9. The National Conference appeals to the Government of Nepal to evolve the national mechanisms incorporating women's rights, child rights, rights of persons with disabilities, rights of indigenous communities provisioned in the international human rights instruments to which Nepal is a party and expedite for the practical implementation of those rights.

10. The National Conference, thanking the National Human Rights Commission for organizing the national conference involving the human rights defenders from across the country, urges the NHRC to organize such a conference within the interval of every three years at the least. Similarly, the National Conference strongly demands the Government and the NHRC to establish the NHRC contact offices in all 75 districts in order to build coordination between the human rights defenders and the stakeholder authorities for promoting and strengthening national human rights protection system in Nepal for the realization of all human rights for all that would help carry out monitoring in practical term on the implementation of the commitment expressed by the government for the respect, protection and compliance of human rights in community level.

October 9, 2012

www.nhrcnepal.org
AITPUR: In a feat to settle down the backlog complaints registered with the NHRC offices in the past, the NHRC has continued its investigation work by deploying missions in various districts of the country.

As enshrined in the constitution, the complaint handling is one of the major functions of the NHRC. The NHRC strategic plan followed by the annual work plan for the current fiscal year has considered the investigation as the highest priority activity for the year. Most of the backlog complaints were lodged during the period of armed conflict (1996-2006).

Apropos the above context, therefore, the NHRC deployed 8 investigation missions comprising two human rights investigators in each mission from the Centre, Regional and Sub-Regional Offices. The missions were deployed in the districts of Sunsari, Jhapa, Morang, Kapilvastu, Nawalparasi and Rupandehi where the large number of complaints were filed.

During the investigation, each mission consulted with the Chief District Officer of the district, representative of the village development committee, chiefs of security agencies, civil society members, former CA members, political party leaders among others.

The missions also visited the incident sites and met with the victims, alleged perpetrators as well as witnesses and had on-the-spot interaction to obtain information on the status of the complaints registered.

The types of the cases as per the complaints registered at the NHRC included killing, torture, disappearance, displacement, property confiscation, violence against women, fair trial, administration of justice and explosion among others.

In order to expedite the finalizing of the backlog cases, ipso facto, the NHRC missions have accomplished the work of field investigations upon 317 complaints in the eastern and central region and 85 complaints in the western region during this past month. In this way, out of 4600 pending complaints, investigation has been conducted on 402 backlog complaints following their settlement accordingly.

These investigation works have been regarded as a fruitful undertaking and the NHRC has planned to field other missions from the centre to the regional offices in the near future where large number of complaints are pending.

The investigation missions comprised the Deputy Director Kosh Raj Neupane, Deputy Director Dipak Jung Dhawaj Karki, Human Rights Officers Shyam Babu Kafle, Basudev Bajagain, Badri Subedi, Jyoti Ghimire, Sarita Gyawali, Manju Khatiwada, Kalpana Jha, Gita Kumari Dahal, Jeevan Neupane, Arjun Koirala, Chandra Kant Chapagain including staff members Mandira Shrestha, Kiran Ghimire, Shambhu K.C. and Ajit Karn.
Restrain Using Excessive Force on Citizens: NHRC

LALITPUR: The attention of the NHRC has been drawn to the incident of the use of excessive force to disperse the peaceful sit-in program organized by the families of the disappeared and human rights defenders in front of the Prime Minister’s residence.

The sit-in program was organized to create pressure on the concerned government and stakeholder authority to publicize the names of the disappeared citizens and to protest against the promotion of army officers implicated in the disappearance of several individuals at Bhairav Nath Battalion.

The monitoring mission deployed by the Commission has witnessed that a few demonstrators and security personnel have sustained injuries.

The Commission, therefore, has appealed to the Nepal Government to make necessary arrangement for appropriate treatment to be given to the family members of the disappeared citizens, human rights defenders and security personnel who have sustained injury in the clash.

The Commission has urged the Nepal Government to respect and ensure the fundamental rights of the citizens to place their demands in peaceful way. Similarly, the Commission has also urged the concerned stakeholders to keep aloof from the activities that would prompt violence of any sort while placing the demands.

The Commission has also appealed to the Government of Nepal once again to fully implement the recommendations sent by the Commission and ensure that the persons implicated in gross violation of human rights brought to justice and to end the culture of impunity.

NHRC to remained open during Festival Holidays

LALITPUR: Like past years, the National Human Rights Commission remained open during Dashain and Tihar holidays. Keeping in mind the possible occurrence of human rights violations, the NHRC offices remained open from 11 AM till 2 PM everyday in order to entertain the complaint registration and likewise, the monitoring and investigation activities continued as usual.

Similarly, a ‘Rapid Response Team’ (RRT) had been deployed at the NHRC central office for the monitoring of the incidents of the serious human rights violations and abuses.

Note: Hot line of the RRT 50-10-000 was on round the clock.

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At the program, Member Ram Nagina Singh, Member Gauri Pradhan and Secretary Bishal Khanal solicited the comments and suggestions as to how the international conference can be made fruitful for the protection of the rights of migrant workers.

Speaking at the program, NHRC members said that NHRIs could play an effective role through cross-country cooperation and use their network to communicate migrant workers’ issues between neighboring and human resource-rich countries, transit and labor destinations.

Member Ram Nagina Singh stated that the convention on the rights of migrant workers was issued way back in 1990 which was signed by the 35 countries. However, so many destination countries are yet to ratify this instrument. He, however, clarified that hopefully the international conference will focus on the rights of migrant workers on the whole in destination countries in particular.

He envisaged that the conference would prove to be a milestone for the promotion and protection of the MWs during which the Kathmandu Declaration on the rights of Migrant workers may be adopted.

The NHRC Member also said that international human rights and migration experts representing various governmental and non-governmental organizations will be invited as keynote speakers. “This is an initiative to safeguard the rights of migrant workers through common efforts,” said Member Gauri Pradhan. He claimed that both Nepal and destination countries had so far given little attention to address the legacy of the rights of around 3 million Nepali migrant workers and the plights they continue to face.

Meanwhile, at a program held with the professional organizations, Human Rights Officer Surya Deuja, the Head of Collective Rights Division, shed light on the objective and the rationale of the discussion program.

Speaking at the program, Som Luitel, Chair of the Safe Migration Network, citing the rights of migrant workers as multi-sectoral, said that the would-be held international conference would be the platform to have the rights of migrant workers mainstreamed.

Bal Bahadur Tamang, president of the Nepal Association of Foreign Employment Agencies and Kamal Tamang - Secretary General of the Nepal Association of Foreign employment agencies also put forward their suggestions to be raised during the international conference.

At a time when very few countries have ratified the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families-1990, it is envisaged that the conference would be an opportunity to draw attention towards the plight of migrant workers leading the concerned government of the Asia Pacific region to conceive regional mechanism to combat the ever growing challenges faced by the migrant workers. Some participants suggested that the bilateral agreement would be the only way out to work on the legal remedy to address the problems faced by the migrant workers especially in the destination countries.

A working committee for the event has been formed in coordination with Director Bed Prasad Bhattarai in which Directors, Deputy Directors, division heads would remain as members.
MYAGDI: In the scenario of Environment, Education and Health, Employment and Labor Rights being considered as the fundamental rights under ESC rights by the Interim Constitution of Nepal – 2007, the NHRC Regional Office, Pokhara held four day training on October 2-5, 2012 on the Capacity Development Strategy for the Protection and Monitoring of ESC Rights in the district.

Now that the all rights are considered equal regardless of their nature and status, ESC rights is treated no less than civil and political rights and accordingly one can even knock the door of the court for remedy to the violation of ESC rights.

During the training, the participants were provided the training on the roles and mandates of NHRC for the protection and promotion of human rights, conceptual clarity on ESC Rights, myths surrounding ESC Rights, Monitoring Legislation and Policies related to these rights, monitoring violations through cases and specific events /incident, monitoring violations through courts justifiability of ESCR and strategic litigation, utilization of indicators to monitor ESC rights (with especial focus on right to food, housing, health, education, work and social security), National Human Rights Action Plan (NHRAP) and its implementation status, introduction to monitoring budgets in relation to ESC rights, international mechanisms to monitor ESC rights, role of NHRls in monitoring ESC rights and developing strategies and applying methods to national context.

The training was provided by Director Yagya Prasad Adhikari of NHRC Pokhara Office, constitutional expert Bipin Adhikari and sub regional Director Deepak Jung Dhoy Karki of NHRC Butwal Office.

During the training, while performing group works, participants shared their experiences which was followed by the comprehensive discussion over whether or not the government officials and the service providers of the government agencies have complied with the ESC rights thereby respecting human rights. The training was learned to have helped the participants from the government agencies realize their responsibilities towards ESC rights.

Towards the end, the participants expressed their expectation that the Commission conduct such training in other parts of the region in the days to come.

The participants of the program comprised the representatives from District Administrative Office, District Development Committee, District Public Health Office, District Education Office, Municipality, Chief and representative of the District Food Corporation among others.

The training was held with the technical support provided by the UNDP Strengthening the Capacity of National Human Rights Commission (SCNHRC) Project.

KASKI: The NHRC Western Regional Office Pokhara organized two day training on human rights on November 2-3, 2012. The objective of the training was to enhance the capacity of the local level human rights defenders with the knowledge and skills of human rights. The training also aimed at facilitating the skills and knowledge to the human rights defenders so that they can facilitate or mentor the training held by other organizations.

The training package consisted of various themes including the concept and principles of human rights, Universal Declaration of Human Rights (UDHR, 1948), UN Declaration on Human Rights Defenders as per the international laws, newly adopted human rights defenders guidelines – 2069, good governance and human rights, collective rights and challenges, human rights audit and it’s challenges, National Human Rights Action Plan (NHRAP) and its implementation.

During the training, the participants were active and curious to know about all spheres of human rights. Upon having comprehensive discussion therefore, the participants provided their comments and suggestions at the end of the training. They urged the Commission to continue providing such training in other parts of the country in the days ahead, help build and strengthen district/local level network, organize awareness raising program and other human rights related programs in the rural areas from time to time.

Forty four trainees including the representatives of civil society, law professionals, human rights workers, staff members of the Commission and media persons among others participated in the training.

The training was held with the technical support provided by the UNDP Project for Strengthening the Capacity of National Human Rights Commission (SCNHRC).
KATHMANDU: Chairperson Justice Kedar Nath Upadhyay has stressed on the necessity of the arrangement where young generations could use skills, knowledge and experiences handed over by the senior citizens for the development of the country.

Speaking as a chief guest at a workshop entitling “Rights of Senior Citizens,” organized in the capital, the Chairperson said provided that the new generations look after the elderly members of the family, they can learn the skills and experiences useful for their life.

The Chairperson also added that the problems faced by the senior citizens are also on the rise with the pace of time. He, however, opined that the government alone cannot solve the problems and thus the support from the side of all is needed for the same.

Speaking on the occasion, Member Ram Nagina Singh said that the need of the hour is that the international provisions and best practices with regard to the rights of senior citizens ought to be implemented in Nepal. Though there lie various challenges and obstacles, there wouldn’t be any problems provided we have the will power to introduce the provisions and best practices being practiced in foreign lands with regard to safeguarding the rights of senior citizens, Member Singh stressed.

He informed that the NHRC has decided to communicates the recommendations to the Government for the amendment to be made in the Senior Citizens Act, 2063 and Senior Citizens Regulations, 2063 from human rights perspectives upon consulting with the concerned stakeholders.

Speaking on the occasion, Padma Raj Bhatta - Acting Secretary of the Ministry of Women, Children and Social Welfare stated that the special wards have been established at Bharatpur, Patan and Kirtipur keeping in mind the special treatment needed for the senior citizens and this arrangement would be expanded across the country in the days to come.

Stating that NRS four thousand as the financial support for the treatment of the senior citizens is not at all sufficient, he said that the survey program would be launched with the objective to assess the condition of the senior citizens across the country.

Speaking on the occasion, Surya Prasad Shrestha, the Social Security Chief of the Ministry of Women, Children and Social Welfare said that the senior citizen allowance to be disbursed to the senior citizens has often been swindled by the Secretary in some VDCs. The concerned authority is now alert and working towards helping the allowance reach to the targeted group, he said.

He added that the geriatric homes are operated without meeting the required standard. The Ministry, therefore, was all set to develop the standard.

Dr. Gauri Shanker Lal Das, the newly elected president of the Federation for the Senior Citizens and the former NHRC Member said that the voice has been raised for the welfare of the senior citizens since long, there have been a lot to be done for the satisfactory achievement in this sector, though.

Presenting the concept paper on the stipulated theme, Surya Bahadur Deuja, the Head of the Collective Rights Division (NHRC), elucidated on the NHRC initiatives with regard to the promotion and protection of the rights of senior citizens in line with international human rights instruments.

Prior to the commencement of the workshop, a morning rally was organized from Nepal Academy to the streets of Kathmandu. The rally went to the thoroughfares of the city including Ghantaghar (Time Square), Peace Park and converged into a gathering at Nepal Academy. The participants of the morning rally comprised the Minister Badri Prasad Neupane of the Ministry of Women, Children and Social Welfare, NHRC Member Ram Nagina Singh, the NHRC Staff members including the officials of the Federation for the Senior Citizens among others.

The program was jointly organized by the NHRC, Ministry of Women, Children and Social Welfare and National Federation for Senior Citizens.
JANAKPUR: NHRC Regional Office.

JANAKPUR: NHRC Regional Office, Janakpur inaugurated the human rights resource center amidst a function held at its premises on October 2, 2012. NHRC Member Gauri Pradhan was the chief guest of the program whereas acting Director of Regional Office Buddha Narayan Sahani chaired the program.

Member Gauri Pradhan, as the chief guest of the program, said that human rights resource center at Janakpur is the fourth out of five other centers established in various regions of the country. The opening of the resource center would help the visitors study, search and enrich their knowledge in all spheres of human rights including their ESC rights.

‘With the advent of neo-technological innovation in the 21st century, we live in a global village now. The people of this era are fortunate enough to take advantage of learning through technology such as internet. The HRRC as the platform for the dialogue and discussion will, therefore, effectively help for the promotion of human rights far and wide,’ Member Pradhan added.

Throwing light on the rationale and objective of the establishment of the human rights resource center under the purview of NHRC, acting Director Buddha Narayan Sahani, as the chair of the program, delivered the welcome speech. He said that the resource center is designed to help broaden the horizon of learning on human rights with free access to information technology (IT) supported resources for all the stakeholders and general people alike. He said that the human rights resource centre has come into being for the benefit of the people of all walks of life and thus the Commission urges all the stakeholders to make it a platform for the dialogue and discussion.

Thanking all the participants of the program, Director Shahani said that though it is in a small scale now, the Commission will do its optimum to suffice the HRRC with all necessary resources and materials in the days to come.

Lauding the establishment of the first ever human rights resource center in the region, the invitee guests and the participants of the program expressed their happiness and said that it is the milestone in the field of human rights. The chief Judge of the appellate court Tej Bahadur K.C. said that it is significant achievement for the people like judges, law professionals, students and the people of all walks of life. Expressing his wishes, Mr. K.C. said that it will be platform for having discussion, sharing of knowledge through debates on the human rights related issues.

Tej Bahadur K.C - Officiating Chief judge of the appellate court, Mahesh Pudasaini, the district judge of the district court Dhansuha, Parmeswar Parajuli - office chief of the district court, representatives of the political parties including the human rights defender Bijay Dutta were also present as the guest s of the inaugural session of the resource center. Similarly, representatives of the various government offices, academic institutions, civil society, and human rights defenders among others participated in the program.

The Human Rights Resource Centre is established with the support provided by the UNDP project for Strengthening Capacity of National Human Rights Commission (SCNHRC).

Interaction Held on the Rights of Senior Citizens

JANAKPUR: An interaction program on the situation of the rights of senior citizens was held at the premises of the NHRC regional office, Janakpur on October 2, 2012.

Chaired by the Officiating Director Buddha Narayan Sahani, the program proceeded with the presence of Member Gauri Pradhan as the chief guest.

Ramratan Mishra, Chairperson of the Senior Citizens Welfare Society and other participants were present at the program. Similarly, chiefs and representatives of various government agencies, civil society members and human rights defenders also participated in the program.

During the program, comprehensive discussion was held on the situation of the rights of the senior citizens. They threw light on the rights provisioned for the senior citizens by the Interim Constitution of Nepal- 2007. They, however, lamented over the rights provisions enshrined in the constitution being inappropriate or neglected. They raised their concern that the senior citizens are not provided with the social security and senior citizens allowance. Similarly, there is a lack of national networking and lack of awareness among the senior citizens. They are not aware of the facilities to be provided by the state. Arguing that there is no appropriate law, they said that the Commission ought to take a lead to exert pressure on the government for the rights of senior citizens.

At the program, Member Gauri Pradhan said that the senior citizens are in the lurch so far as their rights are concerned. The government, therefore, has to bring program with regard to the rights of senior citizens, he observed. He added that the Commission has its own stance for the welfare of the senior citizens that the amendment on law be made if so necessary for their welfare.

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