

Govt. Urged to end Dilly Dallying in Establishing Transitional Justice Mechanism

Lalitpur: Prime Minister Jhulanath Khanal has pledged to have the bills related to Truth and Reconciliation Commission (TRC) and Commission on Enquiry on Enforced Disappearances endorsed through parliament at the earliest. Speaking at the programme organized to mark the 11th Anniversary of NHRC, PM Khanal also assured that the new NHRC bill would be discussed in the parliament for endorsement with amendments made as per the HR standards set by the Paris Principles.

At the programme, Chairperson Justice Kedar Natha Upadaya said, 'The challenges of human rights augmenting one after another in the aftermath of the cessation of hostility and the default to the formation of mechanism for peace process during the transitional period have deepened the frustration among the victims of conflict and their family.'

He said, 'Even after the elapsing 4 years of Comprehensive Peace Accord (CPA) the Commission on Enquiry on Enforced Disappearances and the Truth



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and Reconciliation Commission are neither formed, nor confiscated property during the period of conflict was returned

to the rightful owners and nor the problems of displaced persons were resolved which altogether is a reflection of the

ineffectiveness of the state.'

The Chairperson added that if these issues are kept unaddressed, there is possibility of reemergence of untoward occurrences such as violence and killings. Expressing his dissatisfaction over the withdrawal of criminal charges by the government, the Chairperson said that the Nepal Government's stand on impunity had been questioned nationally



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and internationally as fair and free investigation on the criminal charges against a Minister holding the Office could not be made

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NHRC to Review Law on Criminal Penal Code



Expert Gunnidhi Neupane presenting the paper on Criminal Penal Code

Lalitpur: Member Justice Ram Nagina Singh said that the criminals of any sort should not be given undue relief. Drawing the attention of the participants to both judiciary and quasi judiciary system, Member Singh also threw light on the cases filed during the insurgency period which, he said, would be taken care by the TRC but at the same time he expressed his bewilderment as to who would look into the cases filed before the armed conflicts. Member Singh also emphasized to ensure the rights of the senior citizens to be provisioned in the would-be reformed draft bill.

NHRC is all set to review the Bill on Criminal Penal Code. Some of the provisions in the Code are found to be contradicting with the National and International human rights standard and thus the Commission has urged to amend the provisions before they are endorsed through the Parliament.

The Expert Gun Nidhi Neupane presented the paper on the draft bill. The expert Neupane was learnt to have studied and prepared the report taking into consideration whether or not the domestic laws tend to contradict with the international laws. The expert has also done

comparative studies of various international instruments. Mr. Neupane pointed out a number of provisions that contradicted with the human rights standards.

It can be recalled that the draft bill was submitted to the then Nepal Government way back in 2034 BS for reformation of criminal justice administration but wasn't brought into enforcement then.

Representing the gender minority groups, Manisha Dhakal said 'The conservative outlook and notion of gender discrimination have curtailed our freedom of expression and

movement in the society. At times, we also become the victims of rape and violence or sexual harassment. The current bill should ensure our rights as equal to those of other citizens.' She also underlined the need of exclusion of clauses in the law that further stigmatizes the third gender people.

CA member, Sunil Babu Pant urged that the discriminatory Act should be reformed thereby removing the unfriendly words. He wondered as to what makes the people in power stop in doing so. He, therefore, appealed to the Commission to hold a special programme on the third gender community in this regard.

Shashi Upadhyaya of Protection Forum, Tirtha Bastola of National Human Rights Academy, Sarita Gyawali of NHRC also spoke on the occasion.

The participants of the programme comprised of the representatives of various human rights organizations, HR activists, Legal professionals, CA members and Security personnel.

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Govt. asked to end...

possible. The latest comment given by the Home Minister with regard to the withdrawing of the criminal charges is many times worth denouncing, said the Chairperson.

According to NHRC Member/Spokesman Gauri Pradhan, only eight percent of the recommendations were fully implemented until last year. However, as per the report sent to NHRC by the Office of the Prime Minister and Council of Ministers, the recommendations, most of which were in a state of non-implementation until last year,

have seen some progress. 28 percent (121 of the total 464) recommendations is claimed to have been fully implemented, enumerates the report.

Making remarks a remark on the Government report, Chairperson Upadhyay said that the Commission is yet to verify and ascertain whether or not the victims have received the relief and the perpetrators are subjected to legal actions.

Ms Jyoti Sanghera, Head of the Office of the High commissioner for Human Rights in Nepal (OHCHR-Nepal) said, 'It is both necessary

and urgent that the Commissions under the transitional justice mechanism are established at the soonest which would pave the way to address the conflict related issues. We hope the mechanism-related bills will soon be endorsed and adopted consistent with the international human rights standards taking into consideration amendments forwarded by human rights community and victim groups.'

Stating that mechanism cannot replace the regular criminal justice system, she added that it is the state obligation to

undertake the investigation and prosecution of all human rights violation cases that took place during and after the conflict.

Denouncing Home Minister's recent statement of possible withdrawal of cases of human rights violation committed during the armed conflict, she said such an action would only promote culture of impunity and anarchy.

Bijul Biswakarma, Chairperson of National Dalit Commission (NDC) and Netra Timilsina, President of NGO Federation also spoke on the occasion.

Bandhs Cripple Normal Life in Kathmandu Valley and Elsewhere: NHRC Conducts on-the-spot Monitoring

Kathmandu: NHRC Monitoring teams conducted on-the-spot monitoring on human rights situation during the series of Bandh programmes organized by various parties and ethnic organizations on different dates.

One day strike enforced by the Nepal Federation for Indigenous Nationalities (NEFIN) after a considerable intermission left normal life affected in the Kathmandu valley on May 13, 2011. The strike was called to establish their demands including incorporating federal democratic republic and secularism in the new constitution, implementing the 20-Point Agreement reached between the Nepal Government and NEFIN as well as making

called by Chhetri Samaj- Nepal.

The Samaj had their demands placed forth on the issues such as to have their community enlisted in indigenous communities by removing the term categorized as "others" in the Interim Constitution. They voiced to have the proportional representation on the basis of the population representing the caste. They also came up with the demand to safeguard the national integrity from being split into pieces at the cost of communalism. They also urged to have the reservation exclusively for the poor and marginalized people. Warning of the unprecedented civil war, the Samaj also urged to sustain the communal harmony among

miscreants at Gwarko at 9 AM. Narayantar, Jorpati area remained tensed as a group of miscreants attempted to create chaos by burning tyre where a person was nabbed by the security personnel, it was learnt. 6 persons were reportedly nabbed at Balaju by the Metropolis security contingency. The protestors under custody were said to have been deprived of food.

The examinees from distant places suffered as they had to walk to the examination center. Likewise, since Baneswar was declared restricted area, the demonstrators associated with the parliamentarian club were found attempting to slip into the area defying the restriction.

The Monitoring team from the NHRC central office took to the streets around New Baneswar where a sit-in programme was organized by the Rastriya Prajatantra Party as a symbol to alert the CA to build constitution in compliance with the norms and values of democracy. A rally led by party supremo Kamal Thapa took to the street en route to New Baneswar which was averted into a sit-in programme. The security contingencies were widely mobilized around CA hall being declared as restricted zone. The means of public transportations were brought to absolute halt due to the protest programme.



Glimpses of Bandha Activities captured by the NHRC monitoring teams



public a preliminary draft of constitution guaranteeing the rights and welfare of indigenous nationalities.

A few arrest sprees were made with five men and 3 women protestors nabbed by the security at Chabahil and Baneswar crossroads as claimed by the Bandh organizer. However, the security personnel didn't resort to manhandling the arrestees, it is learnt.

Though the strike had impact on the life of people, the ambulance, press vehicles, doctors' vehicles, tourist bus including essential services were given unhindered access during the Bandh.

The monitoring team carried out monitoring on HR situation during another Valley Bandh

the diverse communities in the country.

A few vehicles were vandalized accusing the commuters of defying the Bandhs. However, miscreants were reported to have belonged to the group other than Chhetri Samaj. A van belonging to Teaching hospital was also vandalized at Balkumari area. 24 people were nabbed by the security during the strike.

The monitoring team deployed by the NHRC central office carried out monitoring on yet another Bandh programme called on Jestha 10, 2067 CPN (Maoists, Matrika faction).

Though the Bandh remained peaceful with the free movement of the ambulance, Tourist buses and Press vehicles, a taxi was set ablaze by some unidentified

Similarly 31 women protestors were nabbed by the police from the restricted zone. The women protestors were inflicted with some bruises and scars due to the Lathi charge of the Police, as per the monitoring team.

On being asked on the phone at 8:30, 'The Bandh was enforced to exert pressure for constitution building,' said the party supremo Matrika Prasad. Around 9 PM a massive arrest spree was made around Ratna park area including Bharat Dahal, the party spokesperson. In this regard, the NHRC team had carried out monitoring having constant contact with human rights unit and HP Thapa, the person in charge of Bandh. The team had carried out monitoring in coordination with OHCHR and other human rights organizations.

Over all, the situation remained peaceful with the security forces deployed at all sensitive locations. However, the right to freedom of movement was found violated as the public transportations couldn't ply to and from the usual destinations due to the strike. Similarly, the general people were observed to have suffered as the purchasing of daily supplies was hindered due to the effect of Bandhs.

It is the universal principle that one should respect the rights of others while enjoying her /his own. The Commission consistently holds interaction with the parties in protest in order to discourage the strikes and Bandh of extreme nature called against the universal principle.

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Forceful Imposition of Bandh is against People's Human Rights: Chairperson

Katmandu: NHRC Chairperson Justice Kedar Nath Upadhyay said that right to life is paramount of all other rights. Other rights are merely the branches. One among these rights is the "Right to Freedom of Movement." The chairperson pointed out that if such crucial rights are violated, there will be no meaning of life.

Speaking at the interaction programme on the Right to Freedom of Movement, organized by the NHRC, Chairperson said that NHRC is concerned about the violent Bandhs in which the damage is caused to the private and public properties and sometimes the life of the people. It is against humanity and humanity is always above human rights. Bandhs should be peaceful and disciplined for whatever cause it is called. The state should be reasonably stern for the unforgivable crimes committed during Bandhs.

'Though there are Acts to ban Bandhs as such we must not keep harsh feeling about the Bandhs as long as very much essential services given access without any hindrances for which the state should firmly speak,' emphasized the Chairperson.

Hon. Khadka Parasad Biswakarma, the Tourism Minister and Guest of Honour of the programme said that basically the Bandhs are enforced to have objectives fulfilled. 'In such scenario, the state should control the activities of the miscreants in the name of Bandhs. Minister BK said, the Government is one step ahead in building the mechanism to have the dialogue with the Bandhs organizers for addressing their legitimate demands. This will discourage the parties to resort to enforcing Bandhs of violent nature,' speculated Minister



Biswakarma.

At the programme, the Head of OHCHR Jyoti Sanghera said, 'Do we call such Bandhs as rights that interferes others' critical rights?' Illustrating the recent Bandhs in Egypt, Ms Sanghera said, 'Those Bandhs are legitimate and justified if enforced peacefully and eventually supported by the majority of the people to have their grievances meted out. Underlining the legitimacy of the Bandhs, Ms Sanghera added that imposing violent Bandhs interfering the rights of others is something that is not tolerable.' She also urged that such cohesive imposition of Bandhs should be discouraged with the Act.

At the programme, Human Rights Officer Mr. Shree Ram Adhikari made comprehensive analysis on almost all aspects of Bandhs and its relation to human rights and humanity through his presentation. The presentation illustrated some of the rights are non-derogable as per the Interim Constitution of Nepal - 2007 which are freely enjoyed during

the state of emergency and also at the time of war or insurgency. He urged that it is undeniably necessary for all to be cognizant about this.

During the programme, Secretary of the Chamber of Commerce said that deficit in targeted revenue from tourism is in a dismal state due to the immature policy of the Government resulting in the price hike. As a consequence common citizens have to eventually bear the loss this way or that way.

Similarly, Mr. Subodh Pokhrel, the Chairperson of INSEC said that it is sad that major parties have breached the commitment not to call Bandhs during tourism year 2011. He was of the opinion that there should be law that compels the Bandh organizers to bear any loss caused during the Bandhs."

Likewise, Mrs. Naina Kala Thapa, the Chairperson of National Women's Commission said that the parties did have the political objective whenever they called Bandhs but in recent days the Bandh is called by any

party, any time for any cause.

Politicians Niranjana Thapa of Rastriya Prajantantra Party, Rajendra Pandey, the politburo member of CPN (UML), Anand Prasad Dhungana, the Central Committee Member of Nepali Congress, Ekraj Bhandari - the Maoist leader unanimously agreed that Bandh curtails the rights of citizens. However, they did not express any commitment to declare "No More Bandh" from their respective parties.

After Mr. Adhikari's presentation participants Chandra Singh Gurung- NEFIN, Suprabhat Bhandari -the representative of the Guardian Association of Nepal, Shreekanth Baral- Air Service Operation Association, Kiran Gupta -Advocate of FWLD, Kul Raj Ghimire, Sanat Acharya, Ang Phutti Sherpa- Chairperson of the Mountaineering Association of Nepal, Chandrakala Gurung- NEFIN, Hari Ram Baral - Chairperson of Tour Guide Association including other persons also offered their remarks during the programme.



Speech Delivered by Hon. Chairperson Justice Kedar Nath Upadhyay on the Occasion of the 11th Anniversary of the NHRC

Today, coincidentally, there remains just a day to end our long awaited moments to have new constitution drawn up through Constituent Assembly. The Rule of Law and the achievements earned through the historic People's Movement-2 are to be institutionalized through the Constitution only. In this regard, it is widely known that the Commission has been incessantly making its concerted effort for making human rights friendly constitution that would serve as the foundation to ensure human rights and to assign obligation and accountability concerning human rights. But presently, the doubt looms large with the feeling of uncertainty among the people if at all the tenure of the CA is further extended yet with the failure to draft the constitution within the timeframe extended in the same way as it had happened before due to the differences in principles on the constitutional issues and lack of serious discussion to sort out the contentious issues through consensus. Commission, therefore, sincerely urges all the parties not to give such an inaction and morbid situation again in the days to come.

The NHRC was established amidst the conflict period and thus it has been bearing the legacy of the problems of that phase ever since. Most of the complaints registered at that time remained undecided and another challenge of the Commission is that the employees, once formally recruited at NHRC, have been obliged to linger and sustain on contract.

With regard to ending the old complaints registered till the past year, 6013 of them remain still pending. In its 11 years tenure, the NHRC has sent 439 recommendations on the complaints. Besides, the Commission has made 25 recommendations to the Government of Nepal on policy matters. In this way, the total number of recommendations has reached to 464. I would also like to inform that altogether 346 cases have been decided this year along with recommendations on 53 cases. The status of the Compliance on the recommendations made until last year was; full compliance on 8%, partial compliance on 32 % and 60% non-compliance. But just yesterday, we are informed by the Office of the Prime Minister and Council of Ministers about the implementation status of the NHRC recommendations which indicates that 121 (28%) recommendations have been fully implemented, 241 (55%) have been partially implemented and the rest 77 (17%) still awaits their implementation. It is positive trend that the aforementioned Office has shown interest towards implementing the recommendations received from the Commission. The commission is yet to verify and ascertain whether the victims have actually received the relief and the perpetrators are subjected to legal actions.

The number of complaints registered this year is 338 which is less than 109 of the last year. Most of these complaints are related to the incidents occurred during the insurgency period. Unlike the complaints registered in insurgency period, the complaints registered after the Comprehensive Peace Accord (CPA) are mostly against non-state entities. Generally, it is the responsibility of the state regarding such complaints for the protection of human rights of the citizens but the state appears to be dispirited as well as ineffective to play the role in this regard. The Commission has commenced investigations in some cases and even recommended

against security personnel who are found guilty in executing the person after taking under their control and even inflicted torture on the victims in custody that led them to death.

Impunity has been the most alarming of all the problems faced by the Commission in recent days. Though NHRC-Nepal cannot play the role of opposition or NGO, it is of serious concern in national and international level that there hasn't been any conducive environment and fair investigation and prosecution of the cases in which the Minister holding the Office is charged against crime. Further the statement of another responsible minister of the Government to withdraw such cases depicts the government of Nepal's attitude towards impunity. Doubtful situation like this would evidently make the commitment of government of Nepal on human rights meaningless. Having been in power in different phases of time, the major political parties have withdrawn criminal cases which need to be reviewed in the context of nexus between politicians and criminals or vice versa. We can't help but simply predict that the question might arise over the decision to withdraw the cases from the perspective of norms and values of human rights and international humanitarian laws. On top of that, dilly dallying in forming the Truth and Reconciliation Commission as per the CPA and before that the political culture of withdrawing of the cases that are expected to be settled by the TRC have given enough room to raise question on the justice and prosecution in remaining cases against the accused involved in human rights violations. The issue raised with regard to the withdrawing of cases directly related to political cause is to be sorted out and to have them remained within the demarcation through policies and process internalizing the national and international standard of human rights.

The challenges of human rights augmenting one after another in the aftermath of the cessation of hostility the default in the formation of mechanism for peace process during the transitional period has deepened the frustration among the victims of conflict and their family. Even after the elapsing 4 years period of CPA the Commission on Enquiry on Enforced Disappearance, the Truth and Reconciliation Commission are neither formed, nor confiscated property during the period of conflict was returned to the rightful owners and nor the problems of displaced persons were resolved which altogether is a reflection on the ineffectiveness of the state.

Lastly, today, at this hour of history in such a crucial decision making moment, we are waiting with big hope and confidence of important achievement from the Constituent Assembly. At the last moment, whatever decision our senior politicians would take, we are confident that they will assure the interests of all Nepalese and their descendants for long prosperity and also ordain the peace and harmony among different castes and communities strengthening their mutual relationships. Now I end with hopes and confidence in solidarity with all in the mission to protect, promote and respect human rights of the people. With this note, I, once again, thank you all for joining us in the event of the Commission.

Thank you!

NHRC Felicitates Newly Elected Officials of Federation of Nepalese Journalist (FNJ)

Lalitpur: Felicitating the 23rd newly elected office bearers of Nepal Journalists Federation at a programme held at NHRC. The Chairperson Justice Kedar Nath Upadhyay said 'Whenever the media writes on the issues of human rights, it eventually serves as a catalyst to safeguard

violations. Instead, the accused persons roam about scot-free. It is mainly because of the intermingling of crime with politics which is worth million times condemning, said the Chairperson.

Expressing the concern over the negative role played by the

fruitful tenure of the newly elected NFJ team, Member Singh said NHRC and media have moved on hand in hand as the voice of voiceless and will continue the journey likewise in pursuing the duties from their respective side.

Congratulating the newly elected

Communication Officer Bhanubhakta Acharya said, 'NHRC has cherished the long-term relationship with NJF. We are very much anxious to see as to how newly elected members of NFJ, in the days ahead, go with the role in cultivating pressure on the implementation



Chairperson Justice Kedar Nath Upadhaya and Member Justice Ram Nagina Singh with the newly elected officials of NJF

human rights. Media, therefore, plays the role of human rights defenders in the society.'

Commending the role played by media in everyday life as the fourth body of the state, the Chairperson said, 'At times, the life of journalists is exposed to danger for they expose human rights violators or their criminal acts through media reports. Some have sacrificed their lives and become the victims of beastly act of the perpetrators. The journalists Tekendra Thapa, Prakash Shah, and Birendra Shah and Uma Singh who sacrificed their lives in pursuit of dedication to duty are a few examples. 'Their names will be held with high esteem forever,' said the Chairperson.

Although the media society is doing its utmost to reveal the truth with regard to human rights violations and excesses, yet the situation is acutely worrisome due to the culture of impunity. Media persons write about the person/s accused but no substantive action is taken against those involved in HR

media at times and the consequent human rights violations taking place, the Chairperson hoped that newly elected NJF team would be exceptionally sensitive towards such inevitables. The Chairperson also expressed his hope that the NJF will avail with ample coordination and well established system in the days to come.

'As the saying goes, 'United we stand, divided we fall,' NHRC and the media society should work in collaboration in a pragmatic way to jointly achieve the milestone,' assured the Chairperson.

At the programme, congratulating the NJF Member Ram Nagina Singh urged that media persons should bear mind the self-esteem of the victims while printing the sensitive news. It would indeed be laudable on the part of media persons provided they use human rights friendly words in their write ups, urged Member Singh.

Wishing good luck for the

NJF team secretary Khanal said 'Media does the work for the protection and promotion of human rights. We sincerely anticipate that we keep on moving with the existing collaboration for significant works of national interest and for the welfare of the people. We hope that the new office bearers leave no stone unturned to achieve their objectives. We are also ready to extend our support to the media as and when necessary,' said secretary Khanal.

Mr. Om Shreatha the general secretary of NJF said, 'Since the concept of press freedom has been the agenda for a long time now, we won't compromise on it at any cost. The newly elected team expresses its commitment to take the issues of people's interest. One of our issues is that free lancer journalists will have their grievances given priority from now on.' He expressed his expectation with regard to significant collaboration from the side of the NHRC in all of their endeavors.'

of NHRC recommendations which remain helplessly dormant ever since.'

During the felicitation, newly elected President Shiva Gaunle said 'In a feat to accomplish our minimum duties in our utmost capacity as a critic, we might be critical even towards NHRC at times.' Mr. Gaunle, therefore, urged not take it otherwise if it ever happens so. 'We have no other place to go to but to knock the door of NHRC asking for collaboration,' said Mr. Gaunle.

Mr. Gaunle assured that NHRC recommendations will not be treated not just a simple piece of news but a concern to be treated with exceptionally susceptibility. He concluded that only when the culture of impunity is put to an end and the rule of law established can we value the price of democracy.

The felicitation programme was attended by the Chairperson Upadhyay, Member Ram Nagina Singh, Secretary Bishal Khanal and the staff members of the Commission.

Mediation an Essential Way Out for Solving Disputes: Chairperson



Participants interacting in mediation programme held in Karve

Kavre: NHRC Chairperson Justice Kedar Nath Upadhyay said that mediation as the alternative dispute resolution (ADR) can help a great deal to reduce human rights violation. Mr. Upadhyay was concluding three-day training on human rights mediation organized by the NHRC central office for its staff members.

Speaking at the opening ceremony of the training, Member Gauri Pradhan stated that mediation is presumably the

best way to reach the reasonable conclusion of any disputes - be it human rights or any other disputes. Member Pradhan speculated that learned skills and knowledge on mediation will be essential assets with the NHRC workforce to protect the rights of the citizens via mediation.

During the programme, Secretary Bishal Khanal said that the training is organized as per the need of the staffs and this would be rewarding in terms

of resolving many human rights disputes across the country especially in remote villages where the petty human rights violations occur in everyday life.

NHRC Directors, Deputy Directors, Human Rights Officers and Human Rights Officers participated in the

The NHRC has the mandate at its disposal to adopt any effective measures in the event of the occurrences of human rights violations. Mediation has been and will be the best tools to stop or at least minimize human rights violations in the first place. In this context, NHRC had performed mediation



training. The three-day training comprehensively focused on the different mediation skills and steps in relation to human rights violations.

which subsequently led those parties or groups in protest to open the road blockade and call off Bandhs on numerous occasions.

HIV Survivors want Opportunity in Far West, NHRC Monitoring Reveals

Doti: The team deployed by NHRC Dhangadhi Regional Office carried out monitoring on the status of HIV Aids infected persons and their rights across Doti district of far western region from May 4 - 27, 2011. Doti district is far behind from geographical perspective. So it is observable that the people of this district are almost deprived of Economic, Cultural and Social Rights (ESCR).

Having lowest source of income and least opportunity of employment, the people go to Indian metropolitan cities to earn their bread. These people are very much vulnerable of being infected from HIV positive through the unprotected physical relation and the use of non-sterilized injection. As per the data published by some NGOs operating in the district, mostly the children are being infected knowingly or unknowingly and

this has been the cause of concern and worries now.

During the Monitoring, the NHRC team also conducted interaction and discussion on the aforementioned issue with the concerned stakeholders in the district. The team has found 93 infected reaching the total of 761 till 2010. 292 males, 418 females and 33 children are respectively infected from HIV AIDS as per the data made available to the NHRC through various sources.

As of today, 44 HIV infected persons have lost their lives in Doti district alone. The district has 3 Voluntary Counseling and Testing Centers and 1 hospital where ART (Anti-Retroviral Therapy) facility is available as per the on-the-spot monitoring of the NHRC regional office, Dhangadhi.

In was also found during the monitoring that there are

numerous non-governmental organizations operating in the district. They are CDF, NAVA Kiran Plus, Doti Plus, Laliguras, Sewa Samaj, Yakta Samaj, CARE Nepal, Deep Jyoti and Shrijansil Samaj. However, many programme on HIV were said to have been suspended due to the lack of funds with these organizations, revealed the NHRC monitoring report. .

In this concern, as per the strategic plan of the government, Government of Nepal(GoN) has brought out the HIV and AIDS Strategy 2006-2011 in line with the Millennium Development Goal (MDG) to reduce the risk of HIV transmission in Nepal by 2015. The major approach adopted by the government in combating HIV and AIDS has been its commitment to work in collaboration with both government and non-governmental organizations in a

multi-sectoral and decentralization.

The team interviewed some of the HIV infected in the district during the monitoring. As per the HIV survivors, they want opportunities rather than empathy. Some survivors have proactively involved themselves in the awareness campaign for the opportunities to the survivors.

It is recommended that provided the meetings and programmes held in coordination with the DACC-District AIDS Coordination Committee, it would be one of the positive steps to ease the sufferings of the HIV survivors to a great extent, says the report.

Doti district ranks parallel to the districts of Bajura, Achcham and B a j a n g h in Human Development Index (HDI) as per the district public health information.

Dalit Movement in Nepal is vibrant: Bangladeshi Dalit Rights Defenders

Lalitpur: A delegation of Dalit rights defenders from Bangladesh attended a discussion programme at NHRC on 1st Ashad, 2067 during their exposure trip to Nepal

During the programme, Mr. Rizwan, the team leader of Bangladesh Delegation briefed about the status of the Dalits in Bangladesh. He also shed light on the objective of the visit to the NHRC, Nepal.

Mr. Rizwan informed that out of 17 crore of the total population, 6 - 7 million people involving in different professions belong to the Dalit community in Bangladesh. As per Mr. Rizwan, 30 communities represent the Hindu community and as many as 15 hundred thousand out of 56 hundred thousand of total Dalit populace are in the profession of sweepers, widely known as Harijan. He informed that since the Dalit issue is a new one, Awami League, the present political party in power has made Dalits communities issue a clear agenda. In this regard, the NGOs are in the forefront in raising the issue of Dalits in Bangladesh, said Mr. Rizwan. He, however, pointed out that, started in 1996, the Dalit



Members of Bangladeshi Delegation along with NHRC Officers

movement in Bangladesh is not as vibrant as in India and Nepal.

During the programme, it was made known that the Dalits of Bangladesh have placed, among others, 5 point demands viz. job guarantee, education for Dalit children, allowance to sustain their profession and shelter.

He, on behalf of the delegation, expressed his inquisitiveness about the NHRC initiatives with regard to the issues of Dalits and how other NGOS replicate the modality to raise the issue of Dalits in the country.

Responding to the queries of the

Delegates, Secretary Bisahl Khanal briefed about the status of untouchables in Nepal. He mentioned that Nepalese constitution (Interim Constitution) has the provision that no one shall be discriminated on the basis of race, color, caste and creed. He also briefed about the major areas of intervention on various human rights issues with the mandates provisioned by law of the country. He elaborated how NHRC follows the procedures of monitoring, investigation and decision making for recommendations requiring reparation to the victims and punishment to the perpetrators. He informed that the NHRC conducts advocacy and dialogue

programme in collaboration with CSOs for policy formulation and as of today, the NHRC has been successful in the area. He also threw light on the civil service act, reservation and positive discrimination.

On being asked about whether or not the NHRC is an independent institution, Secretary Khanal said that it is independent in nature and the certain correction in the NHRC bill is underway through the Legislature Parliament of Constituent Assembly.

Extending thanks to the NHRC, Mr. Rizwan said "The visiting group of Bangladesh is immensely privileged to learn about the NHRC initiatives regarding the Dalit community in Nepal and expressed his hope to share them back home." He, on behalf of the visiting group, extended his thanks to the Commission for sharing the experiences and for providing moral support to the Delegation.

The programme was moderated by Communication Officer Bhanubhakta Acharya. The participants of the programme comprised of the members of Dalit organizations from Bangladesh the officers of NHRC.

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Bandha Cripple...

Meanwhile, the National Human Rights Commission has issued the press release regarding the impact of protest programmes. As per the press release, the Commission has been incessantly carrying out monitoring on the human rights situation during the Bandh programmes such as Nepal Bandh, Valley Bandh and Bandhs enforced by various political parties, professionals and ethnic organizations in the region and districts from time to time leaving their impact on the general life of the people. The

teams of the Commission have met with the Bandh enforcing leaders and cadres during monitoring on the human rights situation at various place of the valley and urged them not to make such Bandhs unlawful and violent.

During the monitoring, it has been found that the general people have been deprived of basic human rights such as rights to health, rights to education, right to access to justice, right to freedom of movement, right

to do the profession and business including many other rights. At few places, the police have nabbed the persons who were claimed to have been the organizers of Bandh. Since such programmes as enforced, protests and demonstration discard human rights of the general people, the Commission has appealed through press release to the organizers of such Bandh or strike to hit upon the remedies to reach the conclusion through talks, dialogues and consensus that would, in real

sense, protect and promote human rights.

The Commission has also urged the Government of Nepal to build the environment for the protection and promotion of human rights by bringing those involved in activities against human rights during the Bandh or those who incite others to involve in enforcing Bandhs through violent activities, threats and panic among the general people.

Glimpses of Human Rights Situation in West

The works related to protection of Human Rights: In this period, 7 cases of Human Rights violations were investigated in different areas of Lamjung and Parbat District, whose descriptions are as follows:

Investigation:

S.N.	Place of	Date	short description of the case
1	Lamjung	2068/01/15-2068/01/20	About the case of teacher Muktinath Adhikari who was killed by the Maoists in 2058/10/03
2	Parbat	2068/01/27-2068/02/02	Killed by Army
3	Parbat	2068/01/27-2068/02/02	Killed by Army and police
4	Parbat	2068/01/27-2068/02/02	Killed by CPN(Maoist)
5	Parbat	2068/01/27-2068/02/02	Forcefully displaced by Maoists by padlocking the house
6	Parbat	2068/01/27-2068/02/02	Forcefully displaced by Maoists padlocking the house
7	Parbat	2068/01/27-2068/02/02	Forcefully displaced by Maoists

Monitoring:

Monitoring has been carried out as furnished in the table below:

S.N.	Place of Investigation	Date	Short Description of the incident
1	Kaski	2068/01/28	Monitoring was carried out on the Human Rights Situation monitoring during the strike organized by Kshetri samaj in Dahulagiri and Gandaki zones
2	Parbat	2068/01/28	Monitoring was carried out on the Human Rights Situation monitoring during the strike organized by Kshetri samaj in Dahulagiri and Gandaki zones

The Details about the complaints registered at the NHRC Office in West

S.N.	Date of Incident	Date of Case Registration	Specification of HR violation	District	no. of cases	Alleged Perpetrator
1	Not Specified	2068/01/08	Civil Rights	Kaski	1	Local Administration
2	2068/01/10	2068/01/15	Torture	Parbat	1	Police
3	Not Specified	2068/01/25	Disappearance	Gorkha	1	Police
Total No. of cases registered in this period:3.						

NHRC Regional Office Pokhara has sent 7 Nos. of case files which are already investigated. Here are the details:

S.N.	Case No.	Full Name & address of the victim	Date of incident	short brief of the case	Requested follow up for central office
1	428/175	Sahadev Majhi along with 156 households of Shibalaya VDC ward No. 2&3, Parbat District	2058	Land has been captured and used by Durgadal Gulma of Thethen Royal Nepal Army	To be decided
2	780/447	Kamal Bahadur Pun, Myagdi	2065/03/31	Torture inflicted by Nepal Police	To be decided
3	902/436	Kamala Gahatraj, Kaski	2067/03/04	Displaced	To be finalized
4	470	Sharmila K.C., Kaski		Child Rights	To be finalized
5	224/5	Khas Bdr. Gurunng, Kaski		Right to property	To be finalized
6	198/102	People of Bhimad V.D.C., Kaski		Telephone lines and the cordless telephones destroyed and looted by the then Royal Nepal Army	To be finalized
7	83/80	Buddhi Bdr. Shrestha along with 38 people Tanahu	2062/10/15	Houses and huts demolished by Municipality	To be finalized

Glimpses of HR Activities in East

Investigation:

S.N.	Place of Investigation	Date	Short Description of the case
1	Hardiya V.D.C.-08, Bara District	2011/05/06 2011/05/09	Unlawful Killing Case no 4275 About the case of Jamuna Singh who was arrested and killed by Nepal Police in 2007 August 30

▶▶Continues on page 10

Thakurdwara Declaration 2011-5-24

Organized by the NHRC Regional Office, Nepalgunj a Workshop /Review Meeting on over all situations of human rights of Mid-west was held among the human rights workers, media persons, and legal professional at Tahkurdwara in Bardia district.

Having reviewed the human rights violation and excesses during the conflict period, justice delivery to the victims, action against

the accused and the aftermath situation of law and order, professionalism maintained among human rights defenders, their protection and challenges, constitution drafting process, human rights friendly constitution, thematic issues of human rights and their enjoyment, therefore, an 8-Point declaration entitling "Thakurdwara Declaration 2068/2/10." has been drawn up.

- Whereas the victims of human rights violations of conflict period have not been delivered with justice and the perpetrators have not been subjected to legal actions as yet, the immediate formation of the transitional justice mechanisms shall be treated as inevitable.
- Since the existing law and order situation has appeared to be ineffective, the government is to take substantive step in order to end impunity by bringing the persons involved in criminal activities in the name of armed outfits to justice and ensure the citizens' right to life in fearless environment
- Human rights workers, legal professionals and media persons shall be enthused to have their self-criticism, norms and values for their implementation. Likewise, legal mechanisms shall be built for the duties, functions, rights and protection of human rights defenders and implement them accordingly.
- Effective implementation of the state obligation shall be deemed with regard to the services and facilities to be enjoyed by the citizens facilitated under the policies and programmes of the Government.
- Meaningful public participation shall be ensured in human rights friendly constitution building on the basis of democratic norms and values in the context that there has been the lack of wider public participation in the constitution making process.
- Sense of accountability has been decreasing among the law enforcing agencies and the political parties. Hence, the local authorities, political parties including the party wings shall bear the accountability and guarantee the responsibility and Rule of Law towards the citizens.
- The Stakeholder shall commence the collaborative movement to end the prevalent discrimination and all the other forms discriminatory practices in society.
- Law shall be promulgated for its effective implementation that prohibits the strikes and Bandhs of all forms which leave serious impact on the life of general people.

Signatory Representatives:

Sunil Kumar Shrestha, President, Appellate Court bar Association
Shukrarishi Chaulagain, President, Nepal Journalist Federation
Madhu Dawadi, Regional Team Leader, CWIN
Bal Krishna Chaudhary, Regional Coordinator, RRN
Basanta Gautam, Regional Coordinator, Advocacy Forum
Bhola Mahat, Regional Coordinator, INSEC
Ganesh Regmi, President, Nepal Human Rights Association
Maimuna Siddique, Acting President, Fatima Foundation
Krishna Lal Bhattarai, Chairperson, Human Rights and Social Transformation Movement

Suresh Kumar Gautam, Secretary, National Human Rights Alliance
Dinesh Chaudhary, Regional Secretary, NGO Federation
Prakash Uapadhyay, Regional Coordinator, HIMRIGHTS
Iswari BK, Central General Secretary, Dalit Sewa Sangh
J. Pandey, Media person, Kantiopur Daily
Shreejana Acharya, Media Person, Kantipur Television
Uma thapa, media person, Nepal Samacharpatra Daily

Observer

Murari Prasad Kharel, Regional Deputy Director NHRC, Nepalgunj Office.

▶▶ Continued from page 9

The Details about the registered cases this period:

S.N.	Reg. No. of the case	Date of Case Registration	Specification of HR violation	Name and Address of Victim	Alleged Perpetrator
1	407	15th April 2011	Torture	Deep Narayan Rajak, Dhanusha	Police
2	414	17th April 2011	Administrative Justice	Blue Diamond Society, Parsa	Person
3	415	17th April 2011	Administrative Justice	Amarendra Kumar Singh, Sarlahi	Police
4	417	17th April 2011	Compensation	Renuka Thokar, Makawanpur	State
5	423	18th April 2011	Administrative Justice	Bhulli Khatun, Sarlahi	District Police Office
6	426	18th April 2011	Threat	Gagandeb Baitha, Rautahat	Police
7	427	18th April 2011	Administrative Justice	Dilmaya Khadka, Mahottari	District Administration Office
8	429	20th April 2011	Administrative Justice	Hmekumari Ghimire, Mahottari	District Administration Office
9	443	5th May 2011	Threat	Suresh Pd. Yadav, Dhanusha	Unknown
10	451	9th May 2011	Illegal Detention	Harendra Raya Yadav, Rautahat	District Police Office

NHRC Winds up Final Phase of Consultative Workshop on 4th Strategic Plan (2011-13)



Kathmandu: Member Justice Ram Nagina Singh said that in the history of the Commission, the office bearers have remained in the commission for over eight years now and comparatively the work so far has not been accomplished as per the expectation.

Speaking at the National Level Consultative Workshop on NHRC's 4th Strategic Plan (2011-13) held in Kathmandu, underscoring "Live and let live" as the maxim of human rights, Member Singh stressed on the rights pertaining to the food, shelter, education, health and peaceful environment.

'With regard to the relegation of its status from A to B, the OHCHR has clearly mentioned that the NHRC should not be punished for the mistake it has not committed. In the event of downgrading, therefore, the state should be responsible and not the NHRC,' clarified Member Singh. Reckoning the cases of the insurgency period, Member Singh said that there will be no meaning of the existence of the Commission if would-be constituted TRC is made handle the cases of the conflict period.

Member Singh also expressed his concern on the consumer rights and the rights of senior citizens to be incorporated without any obliviousness.

Director Subarna Karmacharya delivered the welcome address whereas the SCNHR Head Hemang Sharma shed light on the significance of the programme. The programme was facilitated by HR Officer and Head of Planning Division Tej Man Shrestha.

At the programme, Former Minister Nirajan Thapa opined that over all lead of the Commission should be taken up by the fair personality. The state should be serious to fulfill the needs of the Commission and adhere to its directives which hasn't happened in reality. If so, the law enforcing actors must come forward, the political parties must express their commitments on the issues of human rights through their party manifesto, speculated the Minister.

Former NHRC Member Gokul Prasad Pokherel said that the Commission should prepare and maintain the standards for the task that it accomplishes. The office bearers must also work out in maintaining harmony among the workforce and increase the resources to transform the commission into an effective institution and to produce quality service. He opined that a work group would be a good idea to mitigate the problems and crises in the event of emergencies.

Former NHRC Member Kapil Shrestha said that the issues of

human rights are never obstructed by cultural, ideological and religious barriers. Human rights are the identity of a civilized society. Therefore, at no cost should the issue of human rights be constricted. Instead, we must tend to have zero tolerance for impunity, brutalization and discrimination. 'The Commission must look back to realize the shortcomings and weaknesses it has encountered in the past so as to prepare its strategic plan which could be fruitful in the sense of materializing it. Having termed human rights and democracy as two huge assets of the country, Mr. Shrestha said that the state in such a position that it can't help but make the Commission an independent body at par with Paris Principles recognized by UN General Assembly.

At the programme, Dr. Baikuntha Aryal, the senior consultant said that, issue wise, NHRC should be proactive rather than reactive. 'If needed, procedural change would be instrumental for the HR awareness and education reaching out to the grassroots level. Likewise, collective rights may be prioritized equal to the rights of individuals. The Commission, as a National Rights Watchdog, should build coordination mechanism with concerned stakeholders such as the state actors, NGOs, INGOs and CSOs so as to see whether or not the state obligations are fulfilled with regard to the international commitment. In this way consensus can be built through exploiting all options out of idle situation leading to risk mitigation' observed Mr. Aryal.

Som Luitel, representative of Nepal Bar Association suggested that 5 - 10 years strategic plan would be better as in the practice. Opining about the mission of strategic plan to have reflected the objectives, Mr. Luitel said that advocacy for HR friendly constitution mentioned in the Strategic Plan as one of the main objectives is laudable.

Rajendra Pandey, Politburo member of CPN (UML) said that for the long term achievement out of the current Strategic plan, there arises the question of budget. He, therefore, suggested that the NHRC may have no option but acquire the budget from the government as per the demand arisen through the Plan conceived. Mr. Pandey added that NHRC should realize the risk of human rights violations in the proposed federal states prior to implementing the plan.

NHRC has so far prepared consecutively three strategic plans and implemented since its inception. Incorporating many issues including ESC rights and Transitional justice in priority, the forthcoming 4th Strategic plan is all set to be finalized for implementation.

Training Held on Team Excellence Through Appreciative Inquiry

Kathmandu: Coinciding the 11th Anniversary day of the Commission, NHRC Central office conducted a training entitling "Team Excellence through Appreciative Enquiry" in Kathmandu from 27-29 May, 2011. The objective of the programme was to enhance the moral of the workforce in their day to day life and to bring about effectiveness in the activities of the Commission.

Manager (SCNHRC), Division Heads, Officers, Security Chief, Assistant level staff including the SCNHRC staff members participated.

The training sessions, based on participatory approach, included various themes. At the outset, the lessons on active listening and dialogue. The session also included conveyed the message such as "one should learn as to how to learn."

irrelevant. Importantly, the participants worked on the 4-D cycle namely dream, discover, design and destiny.

"It is not the resources that limit our decision but it the decision that limit our resources." Was one of the fascinating parts and parcel of learning the participant could ponder on. Feedback exchange session was quite useful and moving for the participants. Also stimulating

Commission has left the staff members to be dispirited at times. However, the activities of the Commission continue relentlessly. In this regard, The three day training turned out to be instrumental to further boost up the morale of the NHRC family to be proactive not only in office hours but also beyond.

On the whole, it is hoped that the training as such will inculcate enthusiasm among the



Senior consultants duo Mr. Dhruba Acharya and Sahadev Mahat facilitated the training in which Secretary, Directors,



Following this was identifying the positive strength in individuals and organizations thereby making the weaknesses

was the circle of interest zone and effect zone.

The ongoing brainstorm in the



participants to be positive and proactive whatever they do, wherever they go.

Stakeholders Benefited Through HR and Fair Trial Training

Chitwan: The National Human Rights Commission provided a training-cum-workshop programme from April 27-29, 2011 on Human Rights and Fair Trial to the Stakeholders involved in the promotion and protection of Rights of detainees. The Programme, as indicated in the Detention Project of OHCHR, was organized as one of the series of events for the promotion and protection of the rights of the detainees with an emphasis on quasi-judiciary bodies which investigate, files, adjudicate and also give verdict/decision on the charged cases, with a view to enhance the knowledge about the Human Rights and Fair Trial process.

The participants of the programme comprised of the

representatives from HR community, national park officials, forest officials, Nepal Police and Nepal Army. A total of 41 participants participated in the training programme.

The participants said that the training came at a time when the necessity was sensed for it. As per the participants, it was very much relevant to their daily work. The seemed to have increased conceptual clarity on Human Rights and fair trial upon the participation in the programme. Heterogeneous combination of participants with broader participation of concerned stakeholders was lauded at the programme.

The participants also pointed that more practical than

theoretical session would serve as an energizer for the role play during the training session. Suggesting considering the selection process under the gender balanced selection criteria for the future programme, the participants expressed the need of more demand driven activities with other dynamics, if any.

On the whole, the participants appeared to have enriched the knowledge and skills through the training with regard to human rights and Fair Trial process. The Commission, on the other hand, had had its outreach and network with local organization developed via training/workshop.

Towards the end of the training programme, the participants expressed their unanimous wish to have the follow programme or the prototype programme in future that would further brush up their knowledge in the related field. They also expressed the need for the expansion of network with the local NGOs.

At the closing ceremony of the training, Chairperson Justice Kedar Nath Upadhyay gave away the certificates to the participants.

HR Bulletin publication supported by SCNHRC Project

Editors : Nawin Chandra Gurung, Bhanubhakta Acharya and Kailash Kumar Shiwakoti



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>

Please send your feedback about the NHRC HR Bulletin to nhrc@nhrcnepal.org