



e-Newsletter



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Violent Protests reported across Tarai, Concern expressed on Volatile Social Harmony

LALITPUR: Acting Chairperson of NHRC Prakash Osti has said that the excessive force used by the security force on the peaceful demonstration organized in various parts of the country is against human rights.

Addressing a program organized with the human rights activists at NHRC on 24th August, 2015, Acting Chairperson Osti said that and security forces ought to employ force as a last resort and in full accordance with the standards set forth under international law for maintaining public order, including the guidelines governing the use of fire arms.

On the occasion, Commissioner Sudip Pathak said that the Commission has been seriously

monitoring the incidents of violence escalated in various parts of the country. He urged the police administration and the protestors to restraint in order to protect the right to peaceful protest.

Commissioner/ Spokesperson Mohna Ansari said that the Commission has been closely monitoring the protest programs organized in various parts of the country. She condemned the use of force on peaceful agitation that cost the life of people and properties. She also expressed concern over the formation the retaliation group and the failure of district level state mechanism to maintain law and order.

Speaking at the program, senior human rights activist Charan Prasai said that the tension sparked following the police firing at the demonstrators. He added that communal harmony is appeared to have been jeopardized in the area where the protests programs are organized by various parties and groups.

NHRC Officials meet Prime Minister Koirala

KATHMANDU: The National Human Rights Commission (NHRC) called on the Prime Minister Sushil Koirala and urged to take meaningful initiatives to resolve the current political crisis in the country.

During the meeting held at the Prime Minister's residence, Baluwatar, the NHRC Officials expressed concerns over latest political developments, current protests in the Tarai-Madhes region including situations of human rights, peace and order situation there.

In response, the Prime Minister said he was working to solve the ongoing problems through dialogues and consensus. NHRC Chairperson Justice Anup Raj Sharma and Commissioners duo Prakash Wasti and Sudeep Pathak were present at the meeting.



PM Sushil Koirala (left) hold a meeting with the NHRC Officials led by Chairperson Justice Anup Raj Sharma (third from right), at his residence in Baluwatar, on Wednesday, September 2, 2015.

Photo Courtesy: PM's Secretariat

The Prime Minister said that all problems could be resolved through cooperation, teamwork and consensus.

Meanwhile, the NHRC delegation also apprised the Prime Minister of deployment of monitoring teams to monitor ongoing protest programs at various parts of the country.

He also urged all the concerned to be alert in time before country heads towards confrontation. He stressed on inculcating concerted efforts to sustain social harmony in the violence prone area NHRC can play pivotal role to urge the security force and protesting parties to restraint, he added.

Dalit rights activist Padma Sundash said that dalits are in favor of constitution making. Adding that Baneshwar incident was unfortunate, he urged the NHRC to look into the matter of peaceful protest being suppressed.

Another Activist Dipendra Jha said that Bhardaha incident was unfortunate which has almost deterred social harmony in the area. He condemned the social media to have gone free for all for the situation to worsen in the area.

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Institute Probe into Kailali Incident, maintain Restraint

PROTECTION

LALITPUR: The Commission has been seriously concerned over the incident of killing of seven security personnel and two year old baby in Tikapur area following the incidents of clashes escalated over the demarcation of the proposed federal states in the preliminary draft constitution – 2015.

Expressing deep sorrow over such inhuman act, the Commission has urged the Government of Nepal (GoN) to institute an impartial probe into the incident and drag those involved in such spine-chilling act into justice. The Commission has also urged the GoN to make an arrangement to provide appropriate relief and compensation to the families of the deceased and free and effective treatment to the security personnel, demonstrators and general citizens who succumbed to injury in the incident.

In this concern, issuing a press release that Commission has reminded that though the Universal Declaration of Human Rights-1948 (UDHR) and the International Covenant on Civil and Political Rights-1966 (ICCPR) have ensured the right to identity of a person or community, the movement launched for such rights needs to be peaceful.

‘Agitation launched through violence and weapons cannot bring about peace, survival and sustainable identity. The Commission, therefore, urges all the protesting parties be observant towards this and maintain restraint,’ the press release says.

Requesting to identify the accused involved in the incident and to drag them into justice, the Commission has also urged all the concerned to be sensitive and to maintain social harmony. The Commission has urged the discontent protesting parties to put forward their demands in peaceful manner on the one hand while on the other, the security bodies are urged to not use excessive force that would cost human lives and properties, says the press release.

The Commission has also urged all the concerned to avoid the kind of expressions and speeches that would instigate the demonstrators to further deter the situation at this critical hour and seek the solution to the problem through dialogue and consensus, the press release reads.

Meanwhile, the Commission has mobilized a monitoring team toward the incident spot to monitor the situation from the ground. Given the fact that the government has decided to deploy Army henceforth, the Commission has urged all the concerned to maintain high alert and comply with the norms and values of human rights and to ensure each activity to be as per the existing law of land so that no situation should emerge in which the citizens’ rights are violated.



Photo: Janak Raj Bhatta, Central Office

NHRC Chair Justice Anup Raj Sharma and Commissioner Prakash Osti at a discussion held with the Tharu CA Members on the political crisis emerged in the districts of mid and far west of the country

Discussion held between NHRC Officials and Tharu Lawmakers, NHRC Initiative urged for All-Party-Meeting to resolve Crisis

LALITPUR: The NHRC Chair Justice Anup Raj Sharma has expressed his commitment that the Commissions will not compromise to fulfill the obligation to protect human rights.

Addressing a meeting held between the NHRC Officials and the Tharu Lawmakers representing various parties on the current human rights situation of the country, Chair Sharma urged to ensure the right to participation in peaceful protest, right to assembly and demonstrate, right to live in peaceful environment and to respect and protect the human rights at any cost.

Expressing deep sorrow over the loss of lives and properties in the incident of Tikapur, Kailali during the protest, Chair Sharma urged the concerned authorities to inculcate concrete efforts to guarantee peace and security and help bring normalcy in the area.

On the occasion, the NHRC Chair Sharma, Commissioners duo Prakash Osti and Govinda Sharma Paudyal and the Tharu Lawmakers of various political parties Surendra Chaudhary, Ram Janam Chaudhary, Tejal Chaudhary, Janak Raj Chaudhary, Aman Modi and Gopal Dahit discussed on the issues related the demarcation of proposed federal states of Tarai including Tikapur incident that led to difficulty caused to the life of general citizens and the cases of human rights violation in the area.

At the discussion, the Tharu Lawmakers drew the attention of the Commission to

address the demands of Tharu community in new constitution and worsening human rights situation following the imposition of curfew in various districts of Tarai including Tikapur. They said that curfew clamped in the area and widespread arrest spree by the security force has left harsh impact on the life of general citizens in the area.

Similarly, they expressed deep concern over the misbehavior perpetuated to women, youth fleeing the homes of their habitual residence, apathetic notion of the Ministry of Home Affairs, forged cases filed against the youths, arson and vandalizing of the houses and properties of the CA Members, and the tight lipped Administration over the deteriorating social harmony. Accusing the administration of not handling the situation wisely, the Lawmakers urged NHRC to call an all-party meeting to peacefully resolve the ongoing crisis.

Meanwhile, monitoring teams led by Commissioners Sudip Pathak and Commissioner Mohna Ansari have been mobilized in Banke, Bardiya, Kailali and Nawalparasi, Rupandehi, Kapilvastu and Dang districts respectively to monitor human rights situation. The Commission has been incessantly monitoring human rights situation in Rautahat, Sarlahi, Saptari, Mahottari, Siraha and Dhanusha districts. Yet another monitoring team led by Commissioner Govinda Sharma Paudyal has proceeded to eastern districts including Morang, Sunsari, Jhapa and Ilam to monitor human rights situation.

Concern expressed over the Incident of Killing in Surkhet, resolve Crisis through Dialogue

LALITPUR: NHRC is seriously concerned over the incident of protest program staged against the demarcation of proposed federal states in a few districts of Far-West. It's unfortunate that two persons were killed while many succumbed to injury when police opened fire at the demonstrators in Surkhet district.

Expressing grief over the death of victims, the Commission has urged the government to provide effective treatment to the injured.

As per the monitoring report, the police opened fire at the demonstrators while the latter resorted to arson and vandalism and damaged public vehicles, political party offices, and private properties. The Commission has therefore urged the police, district administration and protestors to restraint and not to make the protest program further violent.

The general strike organized in protest against the demarcation of proposed federal states in a few districts has violated the right to freedom of movement, freedom to practice or carry on any profession or occupation, as per the report.

The Commission has urged the government to resolve the crisis through dialogue and consensus in order to surmount ongoing critical situation of the country.

The Commission has expressed confidence that the protestors would organize with their protest program in peaceful manner. The Commission has also urged not to violate the rights of others while enjoying the right of their own.

The Commission has also urged the Government of Nepal to ensure sustainable peace and security of the citizens in the country.

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Violent Protests ...

On the occasion, Indigenous Rights Activist Shanker Limbu said it's high time that the Commission stepped up for effective monitoring specially in areas identified as hot spots. He also stressed that state has the prime role to prevent violence in the first place.

Human Rights Activist Gangadhar Adhikari said that some elements are taking undue advantage of the protest program. Before it is too late, NHRC needs to ponder deeply on the ongoing situation and conduct monitoring in violence prone areas, he added.

UDMF Leaders Called on NHRC, Discussion held on Crisis-ridden Situation in Tarai-Madhesh



NHRC Officials with the delegation comprising the senior leaders of UDMF at a discussion held on the current political crisis in Tarai Madhesh
Photo: Janak Raj Bhatta, Central Office

LALITPUR: A discussion was held between the NHRC Officials and the leaders of United Democratic Madhesi Front (UDMF) with regard to the protest program such as banda, strikes and the loss of lives and properties including the incidents of human rights violations at a time when the nation is heading towards drafting a new constitution. The Commission also drew the attention of the UDMF Leaders towards the agitation sporadically taking place in various parts of the country.

During the discussion, NHRC Chair Justice Anup Raj Sharma expressed concern about the objective of the protest program and urged the protesting parties to restraint and keep the agitation harmonious. Chairperson Sharma said the NHRC has been effectively monitoring the ongoing movements from the ground and that would be continued in the days to come.

At the program, Senior Vice-president of Tarai Madhes Democratic Party Hridayesh Tripathi accused the government of unnecessarily using force against the peaceful movement.

Vice-President Tripathi also urged to pay appropriate respect towards the families of those who have attained martyrdom.

Co-chair of Sadbhawana Party Laxman Lal Karna said the government should use force and weapons cautiously. He expressed his commitment to keep the movement peaceful.

Senior leader of Tarai Madhes Sadbhawana Party Ram Naresh Raya urged the government to move ahead in line with the agreement reached with Madhes parties in the past and not to behave in such a way that Madhesi people feel discriminated. He further said the police and administration should stop misbehaving with women and children. Leader of Federal Socialist Forum Ashok Rai said that force used with weapons is not mightier than peaceful movement.

At the program, Commissioner and Spokesperson Mohna Ansari briefed about the ongoing monitoring in various districts of the country. Commissioners Prakash Osti, Sudip Pathak, Govinda Sharma Paudyal and Acting Secretary Bed Prasad Bhattarai were also present.

Rights Activist Krishna Gautam urged that agitation as such should be led by a particular political party. Party leaders must be identified and issued directives to them to make their protest peaceful. NHRC needs to bring the protesting party and security agency to one place and urge them to find out solution to the problem through dialogue and consensus, he added.

Senior Human Rights Activist Dinesh Tripathi lamented that there is a huge trust deficit which is a basic ingredient of constitution making. Constitution making process seemed to have been hijacked and

in such situation Constituent Assembly needs to be empowered, he added. He urged that the NHRC speak about the use of lethal weapons for crowd control. Urging the Commission to seriously intervene in this regard, he suggested that solution can be found only through dialogue and mutual consensus.

Meanwhile, the Commission has deployed a number of monitoring teams in various districts across the country to monitor the ongoing protest programs and aftermath of the violence and the cases of human rights violation on the ground.

Alternative to Banda Program urged

LALITPUR: The NHRC is seriously concerned on the violent protest program that has hit hard the life of people across various districts including Jumla, Surkhet, Saptari, Kapilvastu, Dhanusha, Rupandehi, Siraha, Kailali, Kanchanpur.

Expressing grief over the incident of death following the protest program, clashes and stampede in Surkhet and Saptari districts, the Commission has urged the government to provide appropriate relief and compensation to the families of victims.

The Commission also drew the attention of the government to make the arrangement of free treatment to those who have been injured during the protest program and undergoing treatment in hospital.

‘The Commission would also like to draw the attention of the concerned parties to find the alternative to banda and search for solution to the problem through dialogue and consensus since the life of people has been hit hard due to their movement being brought to grinding halt and the closure of offices, educational institutions and factories following the protest program, the press release issued by the Commission says.

The press release says that health workers involved in the treatment have also been thrashed by the police and the Commission urges not to resort to such act. Banda has violated the freedom of movement of people and to practice any profession and carry on any occupation.

‘The Commission urges the Administration to restraint and not use force on the peaceful demonstration and sit-in program. The Commission also urges the protesting parties to organize the program in peaceful manner. Though the measures were available to control the protest, excessive force is learnt to have been used causing casualties in a few districts which is a sensitive matter,’ the press release further reads.

The Commission has drawn the attention of all concerned parties including the government to restraint and comply with the basic principles of human rights and to institute fair probe into incident to evade the possible loss of life and properties due to such nature of protest program in future.

The Commission has also urged all the concerned parties including the government to resolve the crisis through dialogue and consensus.

Child falls Prey of Murder in the Name of ‘Sacrifice,’ Stern Legal Action urged against such Spine-Chilling Act

NAWALPARASI: The National Human Rights Commission has been seriously concerned over the murder of 10-year-old Jeevan Kohara (also known as Sonu) of Kudiya-4, Marchahawa in Nawalparasi district. The boy was learnt to have been gruesomely hacked to death while a local shaman performed rituals including sacrifice to save the life of a local Kodai Harijan’s ailing son Bijay at Marchahawa, 20 KM far from the district head quarter.

‘Killing of a boy in superstitions that his sacrifice will cure illness of another is punishable by law. The Commission, therefore, urges the government to take stern legal action against the culprits involved in the dreadful act and immediately make appropriate relief and compensation available to the family of the deceased,’ the Commission has said in the press release issued following the incident.

‘Such an incident proves that the Nepalese society is still in the clutches extreme superstitions. The Articles 6, 8, and 27 of the Convention on the Rights’ of Child (CRC) have the provision on the right to life of children. This apart, the Government of Nepal (GoN) has expressed its commitment in the CRC including various other International Conventions and their

Protocols, Declarations and Work Plans with regard to the protection and promotion of the right of child,’ reads the press release.

The GoN and organizations and agencies working in the field of rights of child need to launch campaigns to bring about awareness from village to village in order to stop the repercussion of such incidents in society engulfed with pervasive ignorance. Likewise, parents and guardians need to keep vigil on the whereabouts of their children and their actions at home, at society or at school and also inform the Police immediately in the case of missing of their child,’ the press release further says.

The press release also says that though the children are considered as the zone of peace, the corporal punishment including the discriminatory practice at schools could be the prime cause for the loss of the children’s life.

The Commission has drawn the attention of all the concerned authorities to promulgate stern laws by revamping the existing laws wherever necessary to control the inhuman and gruesome act. It may be noted that the Parliament has of late endorsed the Witchcraft- (Crime and Punishment) Act – 2071.

Concern expressed on Police Raid on Budhathoki’s House

LALITPUR: The NHRC is seriously concerned on forceful police raid on the house of journalist Gopal Budhathoki, the editor of Sanghu Weekly based on a report published in it. The family members of Budhathoki were learned to have been panicked and inflicted with mental torture by the police administration during house raid.

Issuing a press release, the Commission has said that it is illegal to arrest someone merely on the basis of the news published and it is against the press freedom, norms and values of constitution and democratic culture.

Since the step taken against editor Budhathoki is an outright disrespect to personal protection, privacy, and human dignity of a person, the Commission would like to draw the attention of all the concerned authorities towards this. In this regard, the Commission has written to Nepal Police today demanding information in written.

Coordination Meeting held in Khotang

KHOTANG: NHRC Sub-Regional Office, Khotang organized a brief meeting with the district based lawyers, journalists, civil society members on 16th August, 2015. The objective of the program was to enhance coordination among all the stakeholders for the broader protection of human rights in the area.

At the meeting, HRs Officer Janker Bahadur Rawal briefed about the role of Commission and urged journalists, lawyers and civil society members to extend their support to help improve human rights situation in the area.

President of Nepal Bar Association of Khotang, Narayan Das Rai expressed his commitment for the continuous support to work with the NHRC. Similarly, President of Federation of Nepalese Journalist, Daman Rai said that the Commission should play effective role for the protection and promotion of human rights. He also came up with the concern that victims are denied justice as the recommendations by the Commission have not been implemented by the concerned authorities of the state.

Use of Children in Protest denounced, comply with Law

LALITPUR: Issuing a press release, the Commission has expressed serious concern on the use of children in banda and protest rallies against the demarcation of proposed federal states in various districts of the nation including Jumla district.

‘The use of children in a protest program in half-nude condition in Jumla in pursuit of autonomous Karnali region on August 15, 2015 is utterly against the rights of child,’ the press release says.

Though the children are prohibited to use in stage-in program, demonstration including assemblies, the use of innocent children in such events has been on the rise in recent days. The use of innocent children in protest programs and writing slogans on their half-nude body is against the rights of child and thus the Commission urges the

Bandh enforcers not use the children in the protest program of any sort, the press release reads.

The Commission has also drawn the attention of all the concerned to ensure the rights of child keeping in mind the risk they would face lest the protest as such would turn violent.

‘It is indeed unfortunate to use innocent children to fulfill the political interest. The Commission urges all the concerned to ensure not to use the children in anyway and create the environment for smooth teaching and learning process at schools,’ says the press release.

‘The rampant use of children in rallies by ignoring the perspective that the children are the zone of peace is condemnable act. The Commission draws the attention the

government to take necessary action against the individuals using children in the events like banda (strike) and protest rallies under any pretext. The use of children in the events like banda and protest program is against the Convention on the Rights of Children (CRC) and Children Act, 2048 (1992),’ the press release further reads.



Half-nude children being used in the demonstration organized during the protest program in Jumla district

Jumla endures Unrest, Citizens’ Basic Rights violated

JUMLA: The NHRC Sub Regional Office Jumla monitored the strikes and sit-in program organized by different political parties in Khalanga Bazar, Jumla. The demonstrators affiliated to various parties were demanding a separate federal state inclusive of all districts of the Karnali Zone in the draft Constitution of Nepal – 2015.

The demonstration turned more violent and destructive when the demonstrators burnt down most of the local government offices. They also misbehaved with the Human Rights assistant duo Rajendra Neupane and Krishna Narayan Shreshta.

On the third day of the strike, the security forces opened fire and tear gas and one demonstrator Hari Bahadur Kuwar died from the gunshots. During the demonstration all shops, market, educational institutions were closed down for over a week and curfew was clamped by the Local Administration following the sporadic



Chief of Sub Regional Office, Jumla Shree Ram Adhikari taking the picture of the clash between Police and demonstrator nearby CDO office in Khalanga Bazar, Jumla

violence. Such demonstration and *Bandh* has crippled life of the people in the area and basic human rights of the local people have been violated, said Chief of the NHRC Jumla Sub Regional Office Shree Ram Adhikari. The monitoring report has been

sent to the NHRC Head Quarter, Mr. Adhikari added. Meanwhile, amid the imposition of curfew, the demonstration has been withdrawn by the political parties when government publicized the decision to make Karnali a separate federal state.

Human Rights Situation Monitored in East

KHOTANG: NHRC Sub Regional Office Khotang has monitored the human rights situation in banda program organized by the Federal Socialist Forum in 10 different districts in East on the issue of demarcation of federal states in the draft Constitution of Nepal – 2015. The monitoring team deployed in Diktel, Khotang has found that free movement of the people was brought to halt, educational institutions, industries and the markets areas were shut down. However, no incidents of human rights violations were reported during the banda program.

During the banda, NHRC monitoring team comprising the Regional Chief Jhanker Rawal and Assistant First Loknath Ghimire met with the organizers of Banda, local security agency chiefs and the district administration and collected the information on the ongoing banda program. The team also interacted with the local media about the reporting of the banda.

The life of people has been hit hard by the Banda following closures of the vehicular traffic, educational institutions and market supplying the daily commodities due to

banda called in 10 districts including Okhaldhunga, Ramechhap, Udaypur, Khotang, Bhojpur, Sankhuwasabha, Dhankuta, Dolakha and Sunsari.

‘We are trying to propose before the party about the alternative of the Banda culture to have our demands met out and to evade difficulty faced by the general people,’ Member and district vice president of the Federal Socialist Forum Mohan Gurung and District Secretary Prem Kumar Rai were quoted as saying during the monitoring.

Publicize Whereabouts of Victims of Enforced Disappearances

PROTECTION



Human remains of five youths killed in Dhanusha, Janakpur after they were disappeared at the hands of security forces during the armed conflict period

LALITPUR: Every year, August 30, since the signing of the Comprehensive Peace Accord (CPA) in 2006, the International Day of the Disappeared is marked to commemorate the memory of disappeared persons. A large number of people had fell the victims of enforced disappearance from the side of both conflicting parties during the armed conflict in Nepal that lasted for almost a decade.

On the occasion, a program was organized at the Commission to commemorate the memory of those disappeared during the conflict period and to exert pressure on the

disappearances, the right of victims to truth, justice and to reparation. The families of the victims have been enduring psycho social syndrome as because the whereabouts of their beloved ones hasn't been made public for a long time now.

In this regard, though the Commission has investigated the cases of enforced disappearances and publicized the names of the perpetrators, they haven't been prosecuted as per law. Such obliviousness of the concerned parties has helped the state of impunity to go deep rooted in the country.

In this concern, the Commission, pursuant to its mandates bestowed by the constitution, had conducted investigation over the cases of enforced disappearance at its initiative based on the complaints received on various occasions. The investigation following the international practice has revealed the spine chilling truth with regard to the serious violation of human rights.

On the occasion, a documentary on the Godar Exhumation was screened. It is expected that screening and dissemination of the documentary would contribute to help the movement of those struggling for justice.

The International Convention for the Protection of All Persons from Enforced Disappearance affirms unequivocally that

International Day of the Disappeared -2015

concerned to publicize the whereabouts of the missing persons.

In this regard, the Truth and Reconciliation Commission (TRC) and Commission on the Enquiry of Disappeared Persons (CEoDP) have been established to address the cases including the enforced disappearance. In this regard, the Commission has drawn the attention of the concerned from time to time towards the Act related to these vital commissions to be at par with the international standard.

On the other hand, the prevalent law hasn't criminalized the act of enforced disappearance nor has the Government of Nepal signed the Convention related to enforced disappearance until today.

Yet the Commission is of the view that it is inevitable that there needs to effective state mechanism to punish the persons involved in the act of enforced disappearances and provide justice to the victims of disappearances and their kin. Such mechanisms ought to ensure right of any person not to be subjected to enforced

protecting disappeared persons and their families and strengthening the guarantees provided by the rule of law including investigation, prosecution, justice and reparation.

Background of the Godar Exhumation:

A complaint was lodged at the Commission by one of the victims' family member Mr. Jay Kishor Labh in connection with the disappearance of Sanjeev Kumar Karn of Janakpur Municipality, Ward-10 of Dhanusha district, Durgesh Labh, Jitendra Jha (alias Machchali) of Ward- 4, Pramod Narayan Mandal of Kurtha VDC-1, Shailendra Yadav of Duhabi VDC- 7 on October 8, 2003 after they were arrested by the security force from Kataiyachauri situated at Biswakarma Chok of Janakpur Municipality, Ward- 4 of Dhanusha district. With regard to this, as per the decision drawn on January 29, 2008, the Commission had recommended to the Government of Nepal (GoN) for the legal action against erstwhile Senior Superintendent of Police Chuda Bahadur Shrestha, Superintendent of Police Kuber Singh Rana, Major Anup Adhikari of Dharapani Army Barrack of Number 9 Field Battalion, and the Chief District Officer of Dhanusha District Rewati Raj Kafle upon confirming their alleged involvement in the incident of Human Rights violations including extra judicial killing on the basis of the investigation conducted by the NHRC.

As of today, the Government of Nepal has provided NRs. three hundred thousand each to the victims' families and additional NRs. one hundred thousand entitled to the conflict victims as the relief and reparation on the basis of the NHRC recommendations. Similarly, NRs. 40,000/- each has been provided to the victims' families by the Government at the presence of the Commission on July 20, 2014 enabling them to perform the last rituals.

the use of enforced disappearance is illegal under any circumstances, including war, internal political instability or any other public emergency. The Convention entered into force in 2010, and has been signed by 93 and ratified by 50 states, and provides a sound foundation for fighting impunity, protecting disappeared persons and their families and strengthening the guarantees provided by the rule of law including investigation, prosecution, justice and reparation.



Photos of victims of disappearances during the decade long armed conflict in Nepal

For full report, visit NHRC website

NHRC Mobile Camps commence Monitoring in Earthquake-hit Districts

PROMOTION

LALITPUR: The National Human Rights Commission has established human rights mobile camps in 11 earthquake affected districts at its initiative to monitor human rights situation of the earthquake affected people. Coordinated by the Commission, the mobile camps have been established in collaboration with Federation of Nepalese Journalists, Nepal Bar Association and NGO Federation of Nepal. The camps have been incepted in the most affected districts declared by the government that include Rasuwa, Nuwakot, Dhading, Makawanpur, Sindhuli, Sindhupalchok, Dolakha, Ramechhap, Gorkha, Kavrepalanchok and Okhaldhunga.

The Commission will thereafter take appropriate decision based on the reports produced by the monitoring team. The monitoring team will monitor with priority given to earthquake affected children, women, senior citizens, marginalized community and person with disability.

The teams will monitor the rights situation related to education, food, shelter, health and sanitation, social security and rights against discrimination. The teams will also assess the disaster management, transparency, accountability and good governance. The necessary training has been provided to the members and facilitator



NHRC Offices and the Members of Human Rights Mobile Camp at the closing of the orientation/training held prior to the commencement of the mobile camp monitoring activities

The arrangement has been made to monitor human rights situation of the earthquake affected people in Kathmandu, Lalitpur and Bhaktapur under the purview of the Mobile Camps Operation Committee located at the Central Office Lalitpur. Monitoring will be advanced by the district based mobile camps operation committee comprising five members including one facilitator. Monitoring will also be conducted by 15 trained volunteers in each constituency of the district.

The volunteers will be mobilized from door to door to monitor the impact left on the rights of the earthquake victims and their solution as per the decision of the district based mobile camp operation committee.



Participants at the training Session

selected for the district based mobile camp operation committee.

The arrangement has been made to receive the complaint with regard to the cases of human rights violation and other from village to village by the contact office established at the district headquarter.

The first mobile camp was inaugurated by ringing the bell as virtuous beginning in earthquake ravaged Sindhupalchok district at 11:56 on July 8, 2015, the same day the earthquake had hit the country following 1 minute prayer for the deceased to rest their soul in peace. The commission has expanded mobile camps with the establishment of 14 other camps in earthquake affected districts.

Shift Landslide affected People to a Safe Place



LALITPUR: The National Human Rights Commission has urged the government to shift the landslide affected people from Lumley, Bhadauretamagi and Dhikurpokhari of Kaski district to a safe place. The Commission has drawn the attention of the Government towards shifting of the human settlement following the death of 35 people as well as the missing of the people in those places due to the landslide leaving the place unsafe for human settlement.

The Commission has also urged the government to immediately make the arrangement of relief and compensation to the victims' families that suffered human casualties and the loss of properties and to make the arrangement of free treatment to the injured undergoing treatment in various hospitals in Pokhara.

Urging the concerned authorities to manage the carcasses of dead animals in the area of incident to evade possible outbreak of epidemics, the Commission has drawn the attention of the authorities to identify the places which is at risk of landslide and step up the preventive measures to evade further loss of life of the people and properties.


The Commission has also urged the Government of Nepal and concerned parties to make immediate arrangement of the safe human settlement to those living in the vulnerable places in Kaski and other districts of the country due to the continuous landslide.

Recent NHRC Publication

National Human Rights Commission

Brochure



Human Rights Mobile Camp

Harihara Bhowan, Pulchowk, Lalitpur
 Phone: 00977-1-5010015/16/17
 Hotline: 00977-1-5010000
 Fax: 00977-1-5547973, 5547976
 Email: nhrc@nhrcnepal.org
 Website: <http://www.nhrcnepal.org>

Malik Family of Siraha delivered with Justice



Members of Malik family taking water from the public well at the presence of the Police in Siraha district, Southern Nepal Photo: RO Janakpur

SIRAHA: Pramila Malik and her family members of Dhangadhi VDC, Nayanpur Ward 3 of Siraha, who were facing the deprivation of using water from public well, have been able to use water easily from well now.

Having learnt from various media reports about the deprivation faced by the Malik family to use water from well situated in front of the house of Ram Avatar of the same village, Regional Office of the Commission, Janakpur had stepped up the situation monitoring. The monitoring team met with the members of the Mailk family, Local Police and Local Administration and

held discussion about the truth with regard to the Malik family being debarred from using water from well since ages. The Commission urged to allow the Mailk family to use water from well in unhindered manner. The Commission has also urged that the villagers can't protest against the use of water.

Upon the Commission urged not to debar the Malik family from using well water, they have been allowed to use water at the presence of the Local Development Officer, Local Administration, Local Dalit Human Rights Defenders.

The Malik family was debarred by the so-called upper caste people from taking water from the public well all by themselves since 2007 BS. The practice was such that the others would fill water in aluminum utensils of the Malik family. They would, in turn, provide bamboo made baskets, trays and fans to those helping filling up water for them. Similarly, they were compelled to go to the bricks factory 3 KM far from their habitual residence for bathing.

It is clear that discriminatory practice such as untouchability is still pervasive in a few districts of Nepal specially debarring Dalits from using water from source.

The Commission, therefore, has cautioned the concerned authorities to oversee the deprivation of the use of water for the Mailk family including Dalits, to allow to use water from the public well built in the private property and not to let loose social harmony through discriminatory practices on the basis of caste.

It is obligatory on everybody's part to eradicate the age-old social discrimination including untouchability from society. Such a practice is unlawful as per the Interim Constitution of Nepal – 2007, international law and principles.

The Commission has issued directives to all the concerned authorities to implement or cause to implement the Racial Discrimination (Crime and Punishment Act 2068).

Dalit Rights Activists slam Police Atrocities, knock the Door of NHRC

LALITPUR: The Joint Dalit Political Movement Committee visited the Commission and submitted their concerns demanding the inclusion of the concerns related to Dalits and marginalized people in the would-be endorsed Constitution of Nepal.

During their visit, Dalit rights activists registered a complaint demanding investigation over the use of excessive force by police in their demonstration. They said that upheaval first took place when the security force came up with excessive force during their peaceful agitation. They sought the help of the Commission to look into the matter of repression in which the policemen involved in beating dalit rights activist Kamala Hemchuri while they were holding demonstration on August 4, 2015.



Dalits rights activists representing various organizations and agencies at a discussion held with the NHRC Officials at NHRC Photo: Janak Raj Bhatta, Central Office

Former Constituent Assembly member Binod Pahadi, dalit rights activists Ganesh BK, Kamala Hemchuri were among the 26 injured when police resorted to lathi charged them during the agitation organized to ensure rights of dalit community in the

draft constitution of Nepal- 2015, leader of the agitation Ganesh BK said.

He also said that a video showing police atrocity has been handed over to NHRC urging it to protect rights of dalit community.

Images of Monitoring conducted on Protest Programs in various Districts in Tarai-Madesh

Monitoring teams were led separately by Commissioners Mohana Ansari and Sudip Pathak

PROTECTION



Joint Monitoring Team deployed in Curfew-hit Tikapur and Kailali

PROTECTION

KAILALI: NHRC Regional Office, Dhangadhi has monitored the human rights violation of the citizens in Dhangadhi and Tikapur due to curfew clamped by the local administration for a long time following the protest program the protest program and the incidents of killing of seven security personnel including a two year old baby. Ever since the panic is looming large in the area due to the worsening peace and security situation in Tikapur and surrounding places. Speculations are made that the peace and security including long preserved communal harmony would be jeopardized if the situation keeps on persisting in the area. Continuous efforts have been made to evade the situation to worsen leading to violation of human rights in the area.

The Commission has therefore organized a meeting at its initiative and coordination among various political parties, professional organizations and agencies, human rights



Regional Chief Mohan Dev Joshi briefing at a program held on joint monitoring in Dhangadhi, Kailali

Photo: Bidesh Ram Chaudhary, RO Dhangadhi

defenders and cross section of society. The meeting has made the decision that joint monitoring will be launched to oversee whether or not the protest program are

held in compliances with law, to discuss with the administration for the duration of the imposition of the curfew, to obtain information on the legal course going underway with regard to the incidents that took place from 7-24 August, 2015 and to help sustain peace and harmony in the violence prone areas through various programs such as interaction, discussion and talks with the protesting parties, security force and the local administration.

The monitoring committee comprises NHRC, Federation of Commerce and Industries, Tharu Nagarik Samaj, Informal Service Sector (INSEC) Kailali District Bar Association, CWIN, Federation of Nepalese Journalists, Women Human Rights Defenders,, it is learnt through the report form the NHRC Dhangadhi Office, Kailali.



NHRC Officers during the on-the-spot monitoring in Kailali district in West

Photo: Bidesh Ram Chaudhary, RO Dhangadhi

Resolve Crisis through Dialogue and Consensus

LALITPUR: The National Human Rights Commission has expressed serious concern on the incidents of human rights violations following the banda and protest programs organized on the issue of demarcation of proposed federal states in the districts of Tarai-Madhesh for a long time.

Issuing a press release, the Commission has said that though the Constitution and the international human rights law have provided the right to participation in peaceful protest, the use of sticks and domestic weapons, pelting stones, arson and vandalism, the use of innocent children in the demonstration, killing and injury altogether have worsen the human right situation in the country which is against the principle of human rights.

‘The Commission has found that human casualties and injury have been caused to the people during such protest program when the security force resorted to open fire in the hospital area. The Commission,

therefore, would like to draw the attention of the government and the protesting parties to immediately stop such act and resolve the problem through dialogue,’ the press release says.

The press release says that innocent children have been widely used in the protest program and some of the children have succumbed to injury. It is reminded to all the concerned that the use of children in any program or event as such is against the Convention on the Rights of Child (CRC).

The Commission draws the attention of all the concerned parties to spare the children from using in the demonstration under any pretext and create the environment for the smooth operation of schools in unhindered manner, to ensure the rights of child lest they could face the risk if used in the protest programs. It is against the Convention on

the Rights of Child and Act related to Children – 1948, the press release reads. Similarly, the Commission also urges all the concerned parties to create environment for the unhindered supply of daily commodities and to ensure the protection of the rights of consumers, freedom of movement, freedom to engage in any occupation or to engage in employment, industry and trade. The Commission also urges the concerned to make the protest program in peaceful manner, not to use excessive force and to stop rampant arrest spree, the press release further says. .

Article 20 of the Universal Declaration of Human Rights-1948, Article 21 of International Covenant on Civil of Political Rights and part (b) of Sub Article (3) Article 12 of the Interim Constitution of Nepal have provided the freedom of peaceful assembly. The Commission calls on all the concerned not to violate the rights of others while enjoying such rights.

Monitoring conducted on Protest Program in Baglung

PROTECTION

KASKI: The NHRC Regional Office Pokhara has monitored the Banda Program organized in Baglung district by various political parties, various professional organizations and representatives of various women organizations and civil society among others demanding the correction in the proposed federal states in the draft Constitution Nepal – 2015.

The monitoring team comprising the Regional Chief Samjhana Sharma, Human Rights Officer Jyoti Prasad Ghimire and Assistant First Khimlal Subedi has found that the life of general people has been hit hard by the banda program following the closure of the educational institutions, vehicular traffic, industries and factories including the market areas.

The monitoring has also found that banda has violated the rights provisioned by various international human rights instruments and the Interim Constitution of Nepal, 2007. The Kaski based NHRC office urged the banda enforcers to resolve the problem through dialogue and consensus.



Photo: RO Pokhara

A mass gathering held in Baglung demanding to withhold the partition of Baglung district in the draft Constitution of Nepal

Meanwhile, it was learnt that the central level political party leaders have agreed to meet out the demand set forth to withhold the partition of Baglung district while

delineating the proposed federal states and thus the band was called off accordingly. However, no major incidents were reported though the protest program lasted for a couple of weeks.

International Day of the Disappeared-2015 observed in Jumla

JUMLA: The Chief of NHRC Sub Regional Office Jumla Shree Ram Adhikari has said that the NHRC has been using all options and resources to find out the whereabouts of the disappeared persons.

major challenge and such a practice is promoting the state of impunity.

At the program, Chief District Officer Dipendra Paudel appreciated work accomplished by the NHRC for the protection and promotion of human rights. He added that Jumla was the most effected district during the conflict and expressed hope that days wouldn't be that far when everyone receives justice.

The participants representing the NGOs, chiefs of the government offices, local human rights defenders, political parties and media among others took part in the program.

At the program, Mr. Adhikari responded to the queries and concerns raised by the participants. According to record of the NHRC Nepal, 842 people from the State and 152 from Rebellion (Maoist) side have gone missing during the decade long armed conflict.

International Day of the Disappeared -2015

Addressing a workshop program organized by Nepal Red Cross Society of Jumla in coordination with NHRC Jumla Sub Regional Office on the occasion of Int'l Day against Enforced Disappearances on August 30, 2015, Sub-regional Chief Adhikari shared the recent handing over of the human remains of five youths killed in the armed conflict to the concerned relatives in Janakpur, Dhanusha.

Presenting a paper on Human Rights and Situation of Disappeared and Role of State, he also highlighted the role of NHRC and Disappeared Commission to find out the truth and whereabouts of the missing persons.

He came up with the voice that implementation of the NHRC recommendations sent to government was in a very dismal state. He said that legal action against the perpetrators has been a



Jumla Shree Ram Adhikari presenting a paper at the Workshop on Rights and Situation of Disappeared and Role of State

Photo: NHRC SRO Jumla

NHRC all set to get Additional Staff, Recruitment Process underway

LALITPUR: Established under the National Human Rights Commission Act, 2000, the National Human Rights Commission operated by the temporary staff on board. Ever since, the staff management has been long pending issue since its inception. The problem seriously emerged after the NHRC was elevated to a constitutional body.

For over a decade since its establishment, NHRC worked with less than 40% of human resources as the recruitment process initiated under prevailing NHRC rules were impeded by the Supreme Court ruling that indicated serious impediment to NHRC functions in fulfilling its mandates. On other hand, most of the existing positions remained vacant and majority of the incumbent staff under contractual services endured low morale due to uncertain future career prospects.

Similarly, the NHRC surmounted the challenges like the enactment of NHRC Bill, staffing issue, low level of implementation of recommendations including the concern raised by various international communities regarding NHRC's cooperation and collaboration with civil society organizations, maintaining NHRC's "A" status to be conferred by the ICC Accreditation Committee.

Keeping in mind the increasing workload and outreach of the commission across the nation with a total of 164 posts, 101 in central and 63 in regional offices, permanent recruitment process has been expedited and written exam has been held by the Public Service Commission at the request of the Commission. Complied with the Paris Principles, therefore, the Commission is to get a good number of permanent staff for the fulfillment of vacant positions.

It will be a major breakthrough not only for the enhancement of the capacity of NHRC in its operational scenario but also for the improvement of the wider protection and promotion of human rights including overall human rights system in the country.

NHRC attends the 20th Annual Meeting and Biennial Conference of the APF of NHRIs



Delegation including Chairpersons, Chiefs and Representatives of various NHRIs of Asia Pacific Forum during closing of the 20th Annual Meeting and Biennial Conference of the APF of NHRIs held in Ulaanbaatar, Mongolia from 26-28 August, 2015.

LALITPUR: NHRC Chairperson Justice Anup Raj Sharma attended the 20th Annual Meeting and Biennial Conference of the Asia Pacific Forum of the National Human Rights Institutions held in Ulaanbaatar, Mongolia from 26-28 August, 2015.

The conference focused on preventing torture and protecting the rights and dignity of people held in detention. At the conference, key note speakers elucidated on the role of NHRIs to prevent torture and other forms of ill-treatment and also on the Optional Protocol to the Convention against Torture (OPCAT) and monitoring. These apart, various human rights concerns in the Asia Pacific region were raised and discussed in the three day long day conference once in two years. These included the enhancement of the capacity of the NHRIs in their respective countries, newly emerged human rights concerns and the strategies to abate human rights

violations taking place intermittently in the region and trans-national human rights issues including human trafficking etc.

At the conference, Michel Forst, UN Special Rapporteur on the Situation of Human Rights Defenders led the session on the role of NHRIs to protect human rights defenders and NHRIs at risk when they protect and promote human rights. Various sessions of the conferences proceeded with the presentation by the NHRIs representatives of various NHRIs under the Asia Pacific Forum.

Around 150 representatives from NHRIs, government and civil society organizations and UN Agencies from across the Asia Pacific attended the conference. Chairperson Justice Anup Raj Sharma was among the Chairpersons and Chiefs and representatives of various NHRIs of Asia Pacific region to participate in the conference.

Interaction on Coordination and Collaboration held in Kaski

KASKI: The NHRC Regional Office Pokhara organized an interaction on coordination and collaboration with district based various NGOs and Civil Society for the protection and promotion of human rights in the district. At the program, chiefs and representatives of the various organizations and agencies and civil society expressed their commitment to pledge support to the Commission for all NHRC

activities related to the protection and promotion of human rights.

The participants also urged in unison that the Commission to be firm in its work deliveries mandated by the constitution. 'The Commission ought to play the role of a guardian of the human rights organizations and civil society for the respect, protection and promotion of human rights,' urged the participants.

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