



# e-Newsletter



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## NHRC-Nepal and NHRC-Qatar sign a 10-point MoU to ensure the rights of Nepalese Migrant workers



Chairperson Justice Anup Raj Sharma of NHRC-Nepal and Chairperson Dr. Ali Bin Smaikh ASI- Marri of NHRC-Qatar shaking hand after signing a 10 pt deal in Qatar

Human Rights Committee – Qatar, Qatar Foundation and Chiefs of Human Rights Division, Ministry of Internal Affairs - Qatar. The discussion held with the Qatari Ministry of Internal Affairs focused on resolving problems of migrant workers and their complaints.

“ The bilateral agreement could be a milestone for the protection and promotion of human rights of migrant workers.”  
-Chairperson

On the occasion, a Memorandum of Understanding (MoU) was signed on 16th November, 2015 between the National Human Rights Committee Chairperson Dr. Ali bin Smaikh al-Marri and the Nepalese counterpart NHRC – Nepal Chairperson Justice Anup Raj Sharma amid a function held in Doha.

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**DOHA:** A three member team led by Chairperson Justice Anup Raj Sharma including Human Rights Officers Kalpana Jha and Kamal Thapa Kshetri reached Qatar on November 14, 2015 at the invitation of National Human Rights Committee of Qatar.

During the three day visit, the team met with the Nepali representatives associated with various professions and occupations and had discussions with regard to the existing situation of Qatar based Nepalese migrant workers. During the visit, the team also held discussion with the National

## Govt urged to implement the Commitments expressed in UPR Session on Human Rights Situation

**LALITPUR:** The National Human Rights Commission has positively taken the commitments expressed by the government about human rights situation in Nepal during the 23rd Universal Periodic Review (UPR) session of the working Committee of the United Nations Human Rights Council (HRC) held on 4-6 November, 2015. The representatives of 81 member states were present in the meeting.

Out of 196 recommendations made by the UN member states during the UPR session, Nepal government has accepted 148 for immediate implementation, put 30 recommendations under consideration and rejected 18 recommendations. Government would review the recommendations under consideration prior to the 31st session of UN Human Rights Council, it is learnt. The commission has welcomed the commitment of the government’s pledge provide financial

autonomy to the commission as per the Paris Principles.

“ Out of 196 recommendations made by the UN member states during the UPR session, Nepal government has accepted 148 for immediate implementation, put 30 recommendations under consideration and rejected 18 recommendations.”

Nepal government has made commitments to timely present the periodic reports on human rights conventions of which Nepal is a party, eradicate child marriage, criminalize socio-cultural injustices and assured to make necessary amendment to the acts related to child labor in accordance with human rights principles.

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## Social Justice and HRs Committee of Legislature Parliament and NHRC Officials discuss on Deepening Humanitarian Crisis and Volatile Human Rights Situation



Photo: Janak Raj Bhatta, Central Office

Officials from Social Justice and Human Rights Committee of Legislature Parliament And NHRC Officials at a discussion held on growing Humanitarian crisis in Tarai- Madhes

**KATHMANDU:** A discussion program was held between Social Justice and Human Rights Committee of Legislature Parliament and NHRC Officials at the Legislature people on humanitarian crisis faced by the general people due to the blockade. At the discussion, drawing serious attention of the government toward hardships faced by the general people due to the shortage of

medicine, petrol, diesel, kerosene oil and LP gas following the undeclared blockade of Indian authority, NHRC Officials drew attention of the government through the Human Rights Committee of Legislature Parliament to find out the solution to the problem.

On the occasion, expressing serious concern over the arson and vandalizing of vehicle laden with medicines and ambulance ferrying the sick person, the commission has said that such an act is against the international norms and values of human rights and urged the agitating parties to advance their protest program in peaceful manner to evade undue infringement of human rights of other general citizens.

Speaking at the discussion program, Chairperson Justice Anup Raj Sharma Said that the commission has monitored the human rights situation before and after the release of constitution and would continue

monitoring in the days to come. Underscoring the growing shortage of essential goods and services, artificial shortage of commodities and black marketing due to the blockade, Chairperson Sharma drew attention of the government and the concerned parties towards the situation and asked to make necessary initiative to control such immoral act.

Citing the commission's initiative made in international level with regard to the humanitarian crisis emerged in the country through ongoing invisible blockade, Chairperson reiterated that the government and protesting parties need to be sensitive in this concern and hold meaningful dialogue to put an end to the agitation.

Similarly, the commission has expressed serious concern over the incidents of pervasive human rights violation and abuse of inhuman nature in Morang, Sunsari, Parsa and Saptari districts in recent days.

## Madhesi Front Leaders called on the Commission, Discussion held on Crisis Ridden Terai and Deteriorating Human Rights Situation

**LALITPUR:** The NHRC Officials and Madhesi Front Leaders held a talk on the current situation in Tarai-Madhesh. At the talk held at NHRC, apprising to the commission about the worsening situation emerged in the Tarai-Madhesh, Madhesi Front leaders urged the commission to issue directives to the government to stop indiscriminate thrashing of general people, use of date expired tear gas shells, open fire targeting at chest and head of the demonstrators and using excessive force during the protest program in various districts in Tarai-Madhesh.

The Front leaders said that the delay in resolving the crisis was because of the talk held without any agenda and lack of seriousness towards their demands. They urged to find out the solution to the problem through meaningful dialogues at the earliest. They, however, denied the involvement of their party cadres in the alleged arson and vandalism caused to vehicle ferrying medicines and ambulance while they urged the commission to investigate into the incident to discover the factual truth.

Underscoring the increasing police excesses on peaceful protest, the Front leaders drew the attention of the commission toward possible deterioration of existing social harmony if the problem is not solved immediately.

On the occasion, saying that no law allows shooting at chest and head of the agitators, Chairperson Sharma urged the police administration to exercise the rights enforced under local administration act and take action only after the arrest.

He reiterated that the violation of the rights and duties on the part of anyone is against the international norms and values of human rights.

Adding that the commission has taken seriously the incidents of human rights violation in various districts of the country, Chairperson Sharma drew the attention of the government toward finding the way out



Photo: Janak Raj Bhatta, Central Office

Top brass UDMF leaders and NHRC Officials holding discussion on human rights situation in the districts of Terai

to the problem through meaningful dialogue and consensus.

At the program, the Front leaders Laxman Lal Karn, C.K. Lal, Ashok Kumar Rai, Amaresh Narayan Jha, Devendra Yadav, Rajendra Prasad Shrestha, Manish Kumar Suman, Radha Kumari Kayastha and NHRC Commissioners were present.

## Government urged to finalize Bill on National Reconstruction Authority

**LALITPUR:** The National Human Rights Commission has expressed serious concern over the pitiable condition of the quake survivors of the earthquake of 25<sup>th</sup> April, 2015 due to the deprivation of their basic facilities related to right to shelter, health, education and livelihood.

The commission has been monitoring the situation of the quake survivors by establishing human rights mobile camps in association Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation in worst-hit districts declared by the government. The monitoring has observed that the human rights situation of the quake survivors has become extremely difficult due to cold weather, fuel shortage, inflation, black market and shortage of essential goods. The commission has, therefore, drawn the attention of the government to solve the humanitarian crisis faced by the quake survivors by making necessary rehabilitation arrangement.

The monitoring has observed that many quake survivors haven't been issued identity cards yet, compelled to live under temporary shelter made up of thin tarpaulin and deprived of government assistance Rs. 15,000/- as an immediate relief. The monitoring has also observed that the life of quake survivors has been hit hard due to the shortage of most essential daily consumable goods including medicines, food grains and clothes following the agitation of Madhesh based parties. Similarly, the organizations and agencies working actively in the field of disaster management have gone slack citing the fuel crisis that has also caused the crisis to further bulge up. The life of quake survivors living under poverty line has become extremely measurable due to the shortage of consumable goods.

The monitoring has observed that the life of quake survivors has become worse in mountain districts of Rasuwa and Gorkha

due to last week's rainfall followed by snowfall with the chillness stepping in recent days. A few quake survivors especially pregnant women, new mothers, children and elderly citizens are compelled to take shelter in temporary makeshifts under open sky. They are learnt to have been suffering from health related problems such as cold and cough and fever due to cold weather, as per the monitoring. The school going children clad with thin clothes have been forced learn in cold classrooms of the school, the monitoring unveils.

The Commission has, therefore, drawn the attention of the government to give the final shape to the draft-bill of the National Reconstruction Authority and establish it at its earliest. The Commission has also appealed to the government, national and international non-governmental organizations for the immediate relief needed to save children, women, senior citizens and persons with disability from chillness, the monitoring report says.

## The Commission to investigate into the Incident of Unclaimed Dead Bodies

**LALITPUR:** The National Human Rights Commission has expressed serious concern over the incident of dispute over the three unclaimed dead bodies which were said to have been intercepted by the local residents while ferried by a rickshaw for cremation at the bank of Dudhmati river situated near Basbitti VDC towards the north of Janakpur municipality. The incident was being monitored by the NHRC Regional Office Janakpur while the United Democratic Madhesh Front party organized a human chain along the postal highway on October 1, 2015.

The preliminary report of the monitoring has found additional four dead bodies buried at the bank of the same river which were later exhumed following the interrogation with the two rickshaw pullers ferrying the dead bodies.

Meanwhile, the monitoring team has rescued two rickshaw pullers and one helper with the help of the DMF party and other political parties to save their lives amid the dispute arose over the dead bodies found on rickshaws.

The NHRC monitoring team has kept seven dead bodies at Janakpur Zonal Hospital safely on the night of 1st October 2015 and begun the collection of factual information coordinating with the political parties and police administration in order to bring the situation into normalcy in Dhanusha after

the dispute arose. The NHRC central office has also deployed the team to further investigate into the incident.

The Commission has urged the political parties and the police administration to extend necessary support to help create conducive environment for the investigation process prior to the factual information being made public to evade the emergence of untoward situation.



Rickshaw laden with unclaimed dead bodies in Janakpur.

Photo: Regional Office, Janakpur

## Govt, Agitating Parties and Int'l Community appealed to pledge resolve ongoing Humanitarian Crisis

**LALITPUR:** The National Human Rights Commission has drawn the attention of the government, agitating parties and international community by publicizing a letter on humanitarian crisis and human rights situation in the country.

The letter issued by the NHRC has pointed out the growing humanitarian crisis caused due to the blockade at the Indo-Nepal border including the infringement of the right to life, child rights, right to health, right to education, social and cultural rights, freedom to practice any profession, or to carry on any occupation, right to food and women's rights.

The NHRC has sent the letter to the Asia Pacific Forum of NHRIs (APF), International Coordinating Committee (ICC) and UN Office of the High Commissioner for Human Rights (OHCHR).

Underlining the adverse impact left due to the humanitarian crisis on the enjoyment of rights guaranteed by the Constitution of Nepal and international human rights instruments to which Nepal is a party, the NHRC has urged the Government of Nepal, Tarai Madhesh based agitating parties, international communities and all the concerned to address the existing humanitarian crisis and human rights situation.

## Monitoring and Investigation Missions deployed in Tarai-Madhesh

**LALITPUR:** In the wake of continuous agitation by the Madhesh centric political parties, the commission has expedited monitoring on humanitarian crisis and overall human rights situation in various crisis ridden districts of Tarai- Madhesh.

In this regard, the commission has been closely observing the situation in Madhes with the report publicized with its findings from time to time. Demonstrators are found violent at the places considered as hot spots for staging the protests. The banda organizers have been reportedly involved in the act of pelting stones, burning tyres, vandalizing the means of transportation including the public properties while the security force has been using excessive force, the report says.

Earlier, commission had 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. The commission had also urged that the security forces 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 live fire arms.

Similarly, the Commission had met the then prime minister and had recommended him to reach out to the disgruntled parties and address their concerns in time to avoid any untoward situation. The Commission, through its statements released on various occasions, had urged both the government and the protesters to resolve their differences through meaningful dialogue to give an end to the prolonged political limbo in the country.

The report says that the shortage of fuel and very essential goods and commodities has crippled life across the country following the undeclared economic sanction imposed by India.

Meanwhile, the commission has deployed various monitoring and investigation missions in 11 crisis ridden districts of Siraha, Saptari, Sunsari, Morang, Jhapa, Dhanusha, Mahottari, Bara, Parsa, Sarlahi and Rautahat. The teams comprising Deputy Directors, Human Rights Officers and Assistants from the NHRC central and regional offices will remain in field and take the stock of information on the incidents of alleged human rights violations and abuses on the ground.

## Spare Innocent Children from using in any Event of Political Nature: NHRC

**LALITPUR:** By issuing press release, the National Human Rights Commission has expressed serious concern over the use of children in programs like banda, protest program and assembly in recent days. The frequent use of children in such programs is unfortunate despite the law has prohibited such act, the press release says.

As per the press release, the umbrella organization of educational institutions including Private and Boarding Schools' Organization Nepal (PABSON), National Private and Boarding Schools' Organization Nepal (N-PABSON) and student unions had demonstrated by forming a human chain in protest against the violation of rights caused by the ongoing Tarai/Madhes agitation and the unsanctioned blockade imposed by India.

'The Commission would like to draw the attention of the concerned authorities towards the possible risk due to the repeated mobilization of children in programs of political nature that would jeopardize the rights of child,' the press release says.

The press release mentions that the commission has urged the organizations and political parties not to use the children in any of their events to pave ways for children's unhindered learning in an environment free from fear.

The press release was issued in the wake of the protest organized by forming a human chain by using the children of various schools in the valley. The students

had encircled the 27- KM long Ring Road with human chain formed representing various Kathmandu based schools.

Using children in programs like banda and strikes is against the United Nations Convention on the Rights of the Child (CRC), 1989 and the Children's Act, 1992, the press release further reads.

Meanwhile, it was learned that human chain was formed stretching from Singha Durbar till UN house, Pulchok on 30<sup>th</sup> November as a sign of protest against the ongoing blockade imposed by India at Indo-Nepal border. The participants of the demonstration comprised the people of cross section of society including political

alliance, human rights activists, civil society members, youth organizations and writers among others.

The organizers submitted a memo to the UN General-Secretary through UN Office in Nepal, stating the problems facing Nepal and Nepalese following the economic blockade.

Citing the imposition of economic embargo as a malicious act against international laws, the participants of human chain urged the UN can't turn its deaf ear to burgeoning humanitarian crisis in Nepal. They also urged the government and Madhes-centric parties to hold meaningful talk and reach to the consensus at their earliest.



Human chain formed by the general citizens including human rights activists, youth organizations, writers and political party alliance as sign of protest against economic sanction imposed by India.

Photo: Janak Raj Bhatta, Central Office, Lalitpur



Human chain formed by school children demanding the initiative of the government to begin a talk in diplomatic level to end the humanitarian crisis that paves ways for the right to life and right to education

# Implementation Status of the NHRCP and Future Strategies reviewed, Stakeholder provide Feedbacks

**PALPA:** Representatives of the stakeholder agencies discussed at a program organized on the implementation status of the National Human Rights Action Plan (NHRAP), prevalent challenges and the future strategic plan of actions in Tansen, Palpa on 27<sup>th</sup> November, 2015.

Organized by NHRC Sub Regional Office, Butwal in coordination with the District Administration Office, Palpa district, the program was chaired by Chief District Officer Prem Lal Lamichhane.

At the program, Deepak Jung Dhvaj Karki, Deputy Director of NHRC Sub Regional Office, Butwal shed light on the implementation status of key objectives prioritized under NHRAP (2071-72 – 2075/76). During the presentation, Dy. Director Karki enumerated the formulation of 18 thematic concerns with regard to human rights including the commitment of the Government of Nepal (GoN) to ensure the national and international commitments towards human rights in practical term, to internalize the Human Rights Based Approach to Development in all service providing sectors with an aim to develop the human rights culture from the grassroots level.

Stressing on the formulation of the development programs by keeping the human rights based approach at the core of plans and programs, he stressed on empowering of both rights holders and those assigned to discharge duties. He also laid his emphasis on providing human rights education based on accountability. ‘NHRC is mandated with the responsibility to monitor the implementation status of the NHRAP and thus the necessary initiative



NHRC Dy. Director Dipak Jung Dhvaj Karki presenting on NHRC findings on the implementation status of the NHRAP through monitoring conducted by the NHRC at a program held with the development actors in Palpa district

Photo: Sub Regional Office, Butwal

is all in the pipeline to develop the monitoring indicators in collaboration with the government agencies concerned,’ he said.

Speaking as the chair of the program, CDO Lamichhane briefly elucidated the report of the DAO and said that he is duly responsive towards the rights of child, women’s rights of marginalized populace including consumers rights with a great deal of determination and persistence. He also expressed his commitment to publicize the progress report on the implementation status of the NHRAP through latest information sharing system available with his office. He added that he would do his utmost to prevent and control the pervasive black marketeering following the shortage of essential goods and commodities.

The participants of the program decried the challenges lying before the implementation of the NHRAP and recommended that the service providers of various government

offices hone their skills and knowledge in order to the implement NHRAP of the GoN, to document and develop the information system, to develop the indicators for effective monitoring and to call regular meeting of district monitoring and coordination committee.

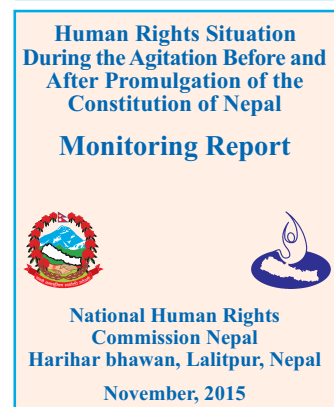
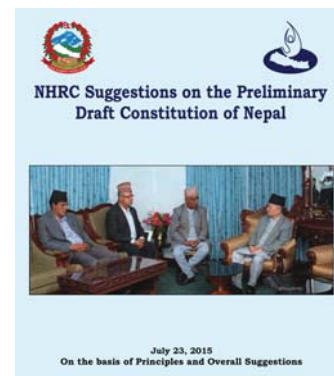
At the program, 50 participants comprising the Chief District Officer, District Education Officer, District Public Health Officer, Chiefs of the District Police Office, Nepal Army, District Child Welfare Officer, chiefs and representatives of the district based government offices, local level Peace Committee including Chief of Child and Women Development Officer were present.



Participants representing the development actors at a program held on the mplmnttion status of the NHRAP in Palpa district

Photo: Sub Regional Office, Butwal

## Recent NHRC Publications



# NATIONAL HUMAN RIGHTS COMMISSION'S KEY CONCERNS AND URGENT APPEAL REGARDING HUMANITARIAN CRISIS AND ITS IMPACT ON HUMAN RIGHTS IN NEPAL

## 1. Introduction

The National Human Rights Commission of Nepal (NHRC-Nepal) is deeply concerned over the ongoing obstruction in the border points between Nepal and India amidst final phase of constitution drafting process which was eventually promulgated in Nepal on 20 September 2015 through the Constituent Assembly.

The shortage of petroleum products including fuel, cooking gas, medicine, food and essential goods has crippled life in the country as businesses, hospitals, schools remain virtually shut. The reason for these prevailing circumstances is the protracted protests in the Tarai. International communities including EU, UN OCHA, UNICEF and the US Embassy in Kathmandu have already warned of an impending humanitarian crisis in Nepal.

The NHRC-Nepal had met the then Prime Minister and recommended him to reach out to the disgruntled parties and address their concerns on time from human rights perspectives in order to avoid any untoward situation. Furthermore, the NHRC-Nepal has time and again urged the government and all concerned parties to demonstrate high seriousness towards the deteriorating human rights situation of the country through its statements, press release and press conference on various occasions.

The NHRC-Nepal has visited 24 districts from Jhapa to Kanchanpur to monitor the situation on the ground and NHRC-Nepal has already publicized its findings of the situation of Terai Madhesh. The humanitarian crisis of Nepal has been reflected in recently completed hearing of Universal Periodic Review (UPR) of Nepal in the deliberation of State delegate and recommendations from more than 70 countries. NHRC has also expressed its grave concern towards the deteriorating situation of the victims and affected population from the devastating earthquake of 25th April 2015 as the relief and construction work has been halted due to ongoing crisis.

However, this unofficial, but very obvious obstruction on fuel and other goods in the border points between Nepal and India has already pushed the country to the brink of a massive humanitarian crisis.

## 2. SITUATION ON THE GROUND

### Right to Life

Ongoing situation of humanitarian crisis has badly affected in the realization of the

rights guaranteed in the Constitution and the International Covenant on Civil and Political Rights (ICCPR), to which Nepal is a state party which specifically urge the state that no one shall be arbitrarily deprived of his or her life. Among 50 persons killed during the agitation from Terai-Madhesh parties including 32 persons by security force by the security forces and 9 police personnel by agitating parties. There were two bus accidents only this week resulting in the deaths of dozens of passengers.

### Economic, Social and Cultural Rights

The new Constitution of Nepal has incorporated economic, social and cultural rights in the new Constitution reflecting many of the guarantees enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Nepal is a state party. However the ongoing humanitarian crisis has further deteriorated the situation of economic, social and cultural rights from bad to worse. The European Union last week urged India to ensure essential supplies get through to Nepal, saying the blockade only hurts Nepal which is still recovering from the April-May earthquakes. Key impact in the economic, social and cultural rights due to ongoing agitation and obstruction in the border side has been highlighted as follows:

### Right to Education

Despite the overwhelming commitment from Government and political parties, the commitment for making "Children as Zone of Peace" has been adversely impacted by present crisis. UNICEF estimates that more than 1.6 million children have been deprived of schooling over the past two months. According to the press statement issued by UNICEF, in Parsa district schools functioned only for 5 days out of 122 and 160,000 students have been deprived from the right to education.

### Child Rights

The UN Convention on the Rights of the Child (CRC) to which Nepal is a state party. The article should also include the principle that the best interest of the child shall be the primary consideration in all actions, laws and policies concerning children. However, ongoing humanitarian crisis have pushed the children and their vulnerabilities.

### Right to Work

The ICCPR and other core human rights instruments has called the member state to guarantee the right of everyone to the enjoyment of just and favourable conditions of work, in particular the right to safe working conditions. However, ongoing

humanitarian crisis has adversely affected the employment sector of Nepal followed by closing of the existing industries and employment creating business. Employment prospects have diminished nationally, forcing hundreds of thousands more to consider job migration to India, the Gulf and Malaysia.

### Right to Health

The biggest victim of the current crisis is public health. Essential supplies including medicines remain severely impacted by the blockade. Doctors are beginning to complain of an acute scarcity of life-saving medicines as well as inadequate supply of oxygen cylinders. The humanitarian crisis has adverse impact on realization of rights including right to health, life saving medicines, essential goods as well as vital social services have been disrupted, hospitals have run out of essential drugs and supplies. Therefore, state and concerned parties should be responsible towards core human rights of the larger population that's why essential goods, such as food and medicines, should not be used as tools for political coercion.

### Right to Food

The fuel crisis caused by the blockade has cut the food supply chain, causing shortages in all parts of the country. The right to food as laid out in article 36 would benefit from explicit references to the quality of food, nutrition and food security, as per international standards. NHRC strongly believes that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development.

### Right to Housing

Article 37 of the Constitution of Nepal provides the right to housing. However, the present crisis is contributing to further deterioration of vulnerable situation of the people of Nepal including victim of the devastating earthquake of 25th April this year. The reconstruction of damaged house and infrastructures haven't started yet and winter is approaching soon which will adversely affect in transportation of construction materials and humanitarian organizations working in Nepal have already warned the potential worse situation due to ongoing blockade amidst the protest in Terai- Madhesh area of Nepal.

### Women's Rights

The women have to spend so many days in the line of petrol and cooking gas with vain hope as disruption in the regular supply for more than two months have pushed the

situation of women into more vulnerable situation. The limited access of women to over-crowded public transports to go and return for their work is adversely affected. It will have long term impact in general health and reproductive health of Nepali women.

#### Cultural Rights

Shortage of fuel has deprived the cultural rights of the large number of population due to disrupted transportation at the height of Nepal's national festival season, preventing millions from travelling to ancestral homes.

#### Development

Industries, whatever Nepal has or had, are another casualty of this stupefying fuel saga. They have been forced to shut down their operations because they have failed to receive raw materials which traditionally come via or from India. Or, they are shutting down because there is simply no fuel to run the machines. This situation has stalled industrial activities causing further reduction in the production of essential goods as well as loss of employment. Blockade of trucks carrying containers from India and other third countries has caused Nepalese businesses incur millions of dollars in delay and holding fees alone, severely straining the business community.

### 3. HUMANITARIAN CRISIS AND ITS IMPACT ON HUMAN RIGHTS

Nepal has been reviewed by the UPR Committee where Government of Nepal presented its report highlighting Nepal's efforts towards fulfilling its international obligations and commitments on the issues of human rights, update the status of implementation of the recommendations including the update after first UPR cycle, achievements, and challenges. During the recent UPR session, High Level Government Delegation from Nepal had also highlighted the situation arising in Nepal from the obstruction of essential supplies at the border points between Nepal and India.

Nepal and India have ratified core human rights treaties including the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). Similarly, both countries have contributed in the adoption of number of Declarations, Principles and Resolutions for the protection and promotion of human rights. For instance, India has voted in favour of a crucial UN Resolution adopted by the Human Rights Council 27/21 on *Human rights and unilateral coercive measures* which express strong concern at the negative impact of unilateral coercive measures on human rights, development, international relations, trade, investment and cooperation.

Key points incorporated in the Resolution includes:

- Under no circumstances should people be deprived of their basic means of survival
- Necessity of examining the wide range of impacts of unilateral coercive measures on international humanitarian and human rights law, as well as on the economy, peace, security and social fabric of States,
- Condemns the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems
- Highlighting the need to monitor human rights violations associated with unilateral coercive measures and to promote accountability
- Establishing a special procedure, within the context of the Human Rights Council, on the impact of the application of unilateral coercive measures on the enjoyment of all human rights,
- Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,
- Recalling also article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides that, inter alia, in no case may a people be deprived of its own means of subsistence,

Similarly, the report of the Office of the High Commissioner on Human Rights (OHCHR) and the report of the Secretary-General submitted to the General Assembly on human rights and unilateral coercive measures have also reiterated these points very explicitly.

Furthermore, the Conference of the Government of Non-Aligned Countries have vehemently opposed and condemned coercive measures or laws, including unilateral; economic sanctions and other intimidating measures and request States applying these measures or laws to revoke them fully and immediately.

To sum up, most of the documents including UN Charter, international law, international human rights law, International humanitarian law reaffirm that a coercive nature of extraterritorial effects obstruct the efforts of state towards creating an environment for the enjoyment of all human rights, including civil and political rights; social, cultural and economic rights; and the right to development.

#### States Duty on Human Rights beyond the Border

States have the duty to avoid causing foreseeable human rights harm in other countries. States have an unambiguous baseline legal obligation, in other words, to respect and not undermine human rights beyond their borders.

#### 4. Appeal of the NHRC-Nepal

1. NHRC-Nepal calls upon the international community to take all necessary measures to end the humanitarian crisis that Nepal and its people are facing.
2. NHRC-Nepal calls upon concerned parties to have constructive dialogue and negotiation with aim to stop adopting, maintaining or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States.
3. NHRC-Nepal strongly recommends that there should be respect and strict adherence of principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions, and to commit themselves to their obligations and responsibilities arising from relevant provisions of the international law and human rights instruments to which they are parties.
4. NHRC-Nepal requests all mandate holders to conduct monitoring and documentation of the adverse impact associated with the present humanitarian crisis of Nepal in the context of ensuring the accountability of those responsible for the human rights violations.
5. NHRC-Nepal requests the United Nations High Commissioner for Human Rights, in discharging his functions in relation to the promotion and protection of human rights, to pay due attention and give urgent consideration to the present humanitarian crisis and its impact on human rights in Nepal.
6. NHRC-Nepal calls upon Government of Nepal to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, and to provide all necessary information requested by him or her.
7. NHRC Calls the Terai- Madhesh based protesting parties to transform the method of their ongoing protest respecting civil, political, economic, social and cultural rights of the larger population of Nepal and resolves the problems through constructive and meaningful dialogue with the Government of Nepal so that there wouldn't be any reverse impact from the severe humanitarian crisis in Nepal.

#### NHRC all set to take Additional Fresh Staff on Board

LALITPUR: The result of the written examination of Administrative Officer, Account Officer and Human Rights Officer has been announced for the fulfillment of the vacancies lying at the commission.

Permanent recruitment process was entertained by the Public Service Commission at the request of the Commission. Complied with the Paris Principles, the laying vacancies will be fulfilled anytime soon.

The staff management has been long pending issue since the inception of the commission under the then National Human Rights Commission Act, 2000. The commission functioned 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.

However, soon-to-be completed recruitment process of staff will be a major breakthrough not only for the enhancement of the capacity of NHRC with regard to its function but also for wider protection and promotion of human rights including overall human rights system in the country.



## Review Meeting concluded, Progress on Plans of Actions analyzed



Photo: Janak Raj Bhatta, Central Office, Lalitpur

NHRC Officiating Chairperson Justice Prakash Osti along with the NHRC staff members during the review meeting held on annual work plan of the NHRC

**LALITPUR:** National Human Rights Commission concluded its review meeting of its progress made against planned activities for the fiscal year 2014/015. The review meeting was held from 14<sup>th</sup> to 15<sup>th</sup> October, 2015.

Speaking at the inaugural session of meeting, Officiating Chairperson Justice Prakash Osti said that the meeting held with main focus on four objectives of the work plan will be fruitful for the protection and promotion of human rights in the country.

He added that timely consultation will explore NHRC priority areas for future program and contribute to tie up NHRC program in line with NHRC Strategic Plan (2015-2020). He further said that Government of Nepal could not allocate budget as per the demand due to earthquake. Officiating Chairperson Justice Osti also said that he is interested to listen more from regional and sub-regional heads about the annual progress report.

At the meeting, Commissioner Sudeep Pathak elucidated on the outcome of annual activities a few of which could be met while

a few wouldn't be fulfilled as the set action plan. Commissioner and Spokesperson Mohna Ansari said that Commission has to focus on the complaints mechanisms. She asked to ponder on as to why NHRC has low number of complaint registered in these days.

Commissioner Govinda Sharma Paudyal said that NHRC plans and activities are based on NHRC slogan and we need to analyze whether or not our activities are in line with NHRC slogan and its strategic plan.

Acting Secretary Mr. Bed Prasad Bhattarai underscored the need to review and assess the accomplishments made by NHRC on the stipulated timeframe. He also opined that time has come to evaluate the short-term and long term effectiveness of the commission's activities carried out for the protection and promotion of human rights.

At the program, Policy, Research and Planning Division Human Rights Officer Jaya Shor Chapagain made an analytical presentation on annual progress activities report of central, regional and sub-regional office.

In his presentation, he also disclosed about the expenditure in percentage in the breaking laid out for the fiscal year 2015/016 for all regions.

## Human Rights Defenders trained on Human Rights, HRs Message Board handed over

**LALITPUR:** The NHRC organized an orientation-cum-training on human rights among the human rights defenders on 20<sup>th</sup> November, 2015.

The objective of the orientation program was to impart human rights skills and knowledge to the executive committee members of Nepal Manab Adhikar Sahabagita, human rights defenders, lawyers including the law scholars working under internship program at NHRC.

Speaking at the program, NHRC Acting Secretary Bed Prasad Bhattarai said that orientation aims to train and familiarize the human rights defenders with human rights skills and knowledge as part of the promotional activities mandated through the constitution. He expressed his hope that knowledge and skills gained at the training would be instrumental for the participating human rights defenders to work for the protection and promotion of the general denizens of the country.

At the program, Surya Bahadur Deuja, Head of Promotion and Advocacy Division

explained about the conceptual background of human rights and the mechanisms to protect human rights.

Elucidating briefly on principles of human rights including universality, independent, indivisible, inalienable and non-discrimination, Mr. Deuja also threw light on ICCPR, ESCR, CERD, CEDAW, CRC, CAT, and UNCRPD including the Paris Principles.

Human Rights Officer Hari Prasad Gyawali provided all the details about the NHRC functions, mandates, overall working system on human rights including recent human rights related activities such as monitoring on human rights situation of the earthquake survivors and ongoing reconstruction efforts.

The Head of Collective Rights Division Bir Bahadur Budha Magar elucidated the conceptual clarity with regard to collective rights and the mechanism to promote collective rights. Realization of collective rights as the vital rights signifies the protection and promotion of human rights as a whole, he mentioned.

At the program, Mr. Tej Bahadur Yaksho Limbu, the Chairperson of Nepal Manab Adhikar Sahabagita made his presentation on the organization. Following the presentation, thanking the commission, Mr. Limbu read out the letter of memorandum.

At the end of the program, chairperson of Nepal Manab Adhikar Sahabagita was handed over mini hoarding boards with human rights message developed by the commission.



NHRC Promotion and Advocacy Division Head Surya Deuja presenting on the human rights instruments at an orientation program held with the HRs defenders

Photo: Janak Raj Bhatta, Central Office, Lalitpur

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## NHRC Nepal...

PROMOTION

The 10-point agreement signed between two rights bodies is expected to enhance bilateral cooperation with regard to the protection of the rights of migrant workers.

Prior to the signing of the bilateral agreement, the Commission had held consultation with the Ministry of Labor and Employment, Ministry of Foreign Affairs, Department of Foreign Employment, Foreign Employment Promotion Board, Consular Service Department and the representatives of the organizations and agencies working in the field of Safe Migration including National Network for Safe Migration.

Addressing the meeting attended by high level officials of Nepal and Qatar, al-Marri said that he would recommend his government to ensure security and promote human rights of Nepali migrant workers. On the occasion, Chairperson Sharma said that the bilateral deal has paved ways for a favorable condition with the Qatari authorities to coordinate and share information about the migrant



NHRC team including the chairperson Justice Anup Raj Sharma and Human Rights Officer Kamal Thapa Khatri at a program held with various professionals in Qatar prior to signing of the 10-pt deal with Qatari counterpart in Qatar.

Photo: Qatar based Nepalese NRN

workers. Underlining the guarantee of human rights of the migrant workers as per the laws of Qatar, Chairperson Sharma said that the bilateral agreement could be a milestone for the protection and promotion of human rights of migrant workers. Following the signing of the bilateral deal, Chairperson Sharma also said that the NHRC would establish a separate desk in Nepal to respond complaints of the workers and their families and would accordingly recommend the National Human Rights

Committee for the implementation. The agreement is valid for four years and both the signatories can renew it in mutual consent. The necessary framework is all set for the implementation of the agreement.

On the occasion, Maniratna Sharma Acting Nepalese Ambassador of Qatar based Nepalese Embassy and Laxman Bahadur Basnet, General Secretary of South Asia Regional Labor Council were also present. There are around 400 thousand Nepalese migrant workers based in Qatar.

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## Govt urged to...

On the occasion, Nepal government has also vowed to fulfill the commitments to ensure the rights of indigenous peoples including minority and marginalized communities, end all forms of discrimination, ensure special rights to victims of natural disaster including earthquake, bring improvement in prison management, prevent and control human trafficking, redefine domestic violence, review the limitation delineated for complaint registration on the cases of rape, immediately investigate the incidents of extra-judicial detention and killing, comply with the UN Principles with regard to the use of force, put an end to impunity and investigate the cases of caste based discrimination perpetuated on Dalits among others.

Similarly, the commission is confident that the government would review the recommendations put under consideration and implement them prior to the report submission in the forthcoming 31<sup>st</sup> session of the HRC. The commission has urged the government to address serious cases of human rights violations through transitional justice mechanisms, implement supreme

court verdicts, effectively implement the National Human Rights Action Plan (NHRAP), hold dialogue with all marginalized communities, investigate into the complaints on the incidents of highhandedness against media and human rights defenders, ensure the freedom of expression and impede discriminatory process between male and female with regard to the issuance of citizenship, make free and qualitative education available to all, maintain classified data on the persons with disabilities and collaborate for the protection of human rights of migrant workers among others.

The Commission has once again urged the Nepal government to effectively implement the commitment expressed in the 23<sup>rd</sup> session of the working group of HRC. The Commission has also drawn the attention of the government toward advancing the implementation of the conclusions and recommendations provided during the last UPR session on priority basis.

The UPR report was jointly prepared by the National Human Rights Commission in collaboration with two other entities namely National Women Commission (NWC) and National Dalit Commission

(NDC). NHRC believes that UPR report was a great help to the Government report. Prior to the submission the report to the Human Rights Council, Geneva in March, 2015, NHRC was robustly engaged in making the UPR process more participatory, inclusive and effective. The nationwide thematic workshops and consultations were held with various concerned stakeholders in a bid to incorporate diverse human rights concerns with special focus on 9 core UN conventions to which Nepal is a party. Besides a national level consultation was held with the representatives of the government bodies including the Office of Prime Minister and Council of Ministers, Office of Attorney General including the development partner agencies.

The Universal Periodic Review (UPR) is a unique process which was introduced in 2006. It involves a review of the human rights records of all 193 UN Member States once every four years. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situation in their countries and to overcome challenges for the enjoyment of human rights.

## NHRC participate in ASEM Conference on Global Ageing and Human Rights of older Persons and NHRI Special Session, Separate Convention on Senior Citizens urged



Photo courtesy: NHRC Korea

Team including the Chairperson Anup Raj Sharma and Dy. Director Dipka Jung Dhvaj karki at ASEM Conference on Global Ageing and Human Rights of older Persons and NHRI Special Session held in Korea

**LALITPUR:** The team of National Human Rights Commission led by Chairperson Justice Anup Raj Sharma including Deputy Director of NHRC Sub-Regional Office Dipak Jung Dhvaj Karki participated in ASEM Conference on Global Ageing and Human Rights of Older Persons and NHRI Special Session held on 26-28 October, 2015 in Seoul, South Korea.

The conference mainly focused on the vital rights that ensure the rights of senior citizens. They included the right to health, discrimination on the basis of age, protection of income, right to employment, right to self-determination, access to health services, social exclusion and right against ill-behavior.

At the conference, discussions were held and steps were identified to be taken for the collaboration in regional and

international level for the protection and promotion of human rights of senior citizens.

New challenges have emerged due to the growing number of senior citizens together with the increment in birth rate and life expectancy worldwide and therefore emphasis was laid at the conference to take appropriate steps by the nations in order to ensure life standard and dignity

of senior citizens with the provisions duly enshrined in human rights instruments including the Universal Declaration of Human Rights (UDHR).

The conference also stressed on making the rights of senior citizens not only confined in policy making level but also involving them in development programs from rights based approach.

The participants also stressed on strengthening the knowledge and skills of experts and non-governmental organizations for appropriately addressing the improvement of the rights of senior citizens and their sentiments. Participants also stressed on extensive lobbying and dialogues through education to bring about change in general perspective about the senior citizens and creating sound environment for the active livelihood in

order to keep their health fit despite aging. At the program, suggestions were put forth to develop the productivity of senior citizens and to adopt flexibility with regard to the procedures of their retirement.

At the program, the participants representing Asia Pacific expressed their opinion for the need of separate convention that would ensure the rights of senior citizens. They also stressed on the pivotal role to be played by the National Human Rights Institutions while they stressed on their proactive engagement in UN Open Ended Working Group on Human Rights of Older person.

It is expected that various dimensions of human rights of senior citizens and best practices followed by experts in this concern will be fruitful in formulating the future programs with regard to the protection and promotion of the rights of senior citizens in the stipulated Strategic Plan of 2072.

The National Human Rights Commission expressed its commitment for the active participation in helping establish convention that would address this concern and also to play significant role in UN Open Ended Working Group On Human Rights of Older person.

Organized jointly by the National Human Rights Commission of Korea and Korean Ministry of Foreign Affairs, the conference was participated by 200 participants of 45 nations including the representatives of member states of ASEM, Human Rights Institutions, experts, academia and international non-governmental organizations among others.



Participants at a ASEM Conference on Global Ageing and Human Rights of older Persons and NHRI Special Session held in Korea

Photo courtesy: NHRC Korea

## NHRC accelerates Monitoring Activities on Rights Situation of Quake Survivors in Gorkha District

PROTECTION

Photo : Regional Office, Pokhara



Chief of Regional Office Pokhara Samjhana Sharma And Human Rights Officer Khim Lal Subedi at a meeting held with the CDO of Gorkha district during monitoring

**GORKHA:** The NHRC Regional Office, Pokhara has expedited monitoring on overall human rights situation in Gorkha district, the epicenter of the earthquake that hit the nation on 25th April, 2015. The team took to the field from 4 till 9 October, 2015.

The monitoring has observed that the relief and rehabilitation activities have been deeply stagnant due to the current situation emerged due to the difficult situation arose following the release of new constitution.

The team comprising the Regional Head of NHRC Pokhara Office Samjhana Sharma, Human Rights Officer Khimlal Subedi and Office Helper Sagar Raut has monitored Civil and Political rights, Economic, Social and Cultural rights, collective rights and the rights of conflict victims affected from the devastating earthquake.

During the monitoring the team met with the government officials, representatives of the political parties, civil society, human rights workers, legal professionals, media persons and the chiefs and representatives of the organizations and agencies working in the field of human rights and took the stock of the information.

The monitoring has found that besides heavy loss of human, physical properties including schools, the local residents have to bear the

brunt of the burden in day to day activities and livelihood due to the delay in the establishment of National Reconstruction Authority. The children are forced to learn under temporary thatched huts which is not child rights friendly.

The general citizens of Barpak, Larpak, Gumda and Sauryapani still endure the lack of electricity because the damaged electricity line has not been repaired till date. Similarly, they are deprived of quality health services due to the lack of adequate human resource in the local health posts. Many earthquake survivors haven't been provided with much needed psycho-social counseling.

The monitoring has observed that most of the developmental works have become almost dormant due to the lack of clear policy of the government to give the final shape to the ordinance regarding the National Reconstruction Authority. Above all, the monitoring has found that pregnant women, children, senior citizens, person with disabilities are mostly affected due to the lack of proper rehabilitation.

Though, the district based organizations and agencies under protection cluster were found to be active in making child friendly safe space, female friendly safe space, psycho social counseling and transit home

of the victims of earthquake, the incidents of suicide, violence against women and sexual assault were found on the rise.

Conflict victims were found to be particularly inquisitive about the work of the newly incepted Truth and Reconciliation Commission (TRC) and Commission on the Inquiry of Enforce Disappearance (CIED). They came up with the view that program ought to be livelihood based rather than relief based.

During the interaction with the victims of armed conflict, they urged the frequent visit of the commission with its recommendation to the government with regard to their grievances of both past and present. Meanwhile, the monitoring team has recommended that the attention of the concerned be drawn to the reconstruction of the damaged infrastructures including the educational institutions. Besides, ample coordination between the district based human rights mobile camp with the human rights workers, the team has also recommended that the awareness raising programs including monitoring on rights violations within short intervals.

### Pay heed to hardships endured by General People

**LALITPUR:** The National Human Rights Commission is seriously concerned over the hardships endured by the general people due to deteriorating basic human rights situation following the banda in Tarai-Madhesh region. The prolonged banda has caused obstruction to the supply of petroleum products for the last two months.

The Commission has drawn the attention of the Government of Nepal including all the concerned parties to fulfill the civil and political rights including the economic, social and cultural rights of the people since the adverse impact is left by the banda on education, health, employment including right to food and shelter apart from people's right to freedom of movement.

The Commission has also urged all the concerned parties to resolve the crisis as soon as possible through dialogue and consensus to give an end to the obstruction at the bordering areas on humanitarian ground and human rights.

National Human Rights Commission  
Harihar Bhawan, Lalitpur, Nepal  
Phone: 00977-1-5010015/16/17  
Hot Line: 00977-1-5010000  
Fax : 00977-1-5547973, 5547976  
Email: nhrc@nhrcnepal.org  
Website: <http://www.nhrcnepal.org>



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Editors:

Nawin Chandra Gurung  
Surya Bdr. Deuja Kailash Kumar Siwakoti

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