



e-Newsletter

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National Human Rights Commission - Nepal

Human Rights in 2012.... The Year That Was

Working Group on Prison and Detention Center Mgmt called on NHRC: Suggestions facilitated

types of governmental systems
the condition of the jails in 1

NHRC holds Consultation on Consumer Rights

that the normalcy solution such as bringing in fuel from the
in fuel supply will neighbouring country China or else the existing
restore within a situation of free for all would take a terrible

Seminar Held on the Protection of the Rights of Migrant Workers (MWs) - 2012

which started way back since the 1950 Treaty with India. He stated that foreign employment is one of the objectives of the current plan to address the overall employment and safe foreign employment of the labor force.

Expressing concern on the remittance invested

NHRC Shows Concern on Transitional Justice Mechanisms

Progress and Achievements of NHRC, 2001-2012
(A comparative report in brief)

S.N.	Description	Progress and Achievements	Progress and Achievements of NHRC as the Constitutional Body (from July 2007 to December 2011)	Yes/No	Yes/No

Human Rights Situation Monitored Nationwide
Practice of Sudden Strike (Bandh) Denounced: Communal Harmony in Jeopardy, NHRC

12th Anniversary of the National Human Rights Commission
Government Committed to Respect, Protect and Promote Human Rights: Prime Minister

NHRC and Govt. Joint Interaction on:
One Year after UPR Recommendations

Human Rights Institutions (NHRIs) possible time. He, however, noted that the effort for drawing necessary law remains yet

Harnessing HR Offenders with Promotion, Mockery of Rule of Law: Chairperson

Chairperson Justice Kedar Nath Upadhyay has expressed outright indignation over the promotion granted
Expressing solidarity to the campaign launched by the families of the victims, he also urged the stakeholder parties to respect
Secretary Sharma said it is indeed difficult task in such a country like Nepal.

NHRC Accomplishes Investigations upon 323 Complaints by Various Missions

NHRC to Host International Conference on the Rights of Migrant Workers

Nepal Police. The comprehensive discussion was held on various problems faced by the migrant workers both at home and receiving countries.

Kathmandu Resolution-2012 Adopted: Combined Effort Stressed for Human Rights of Migrant Workers

64th Int'l Human Rights Day

Government Serious on the Protection of Citizens' Rights: Prime Minister
He flayed the Government for bringing the Commissions with blanket amnesty other than the conceptualized Truth and Reconciliation registered cases must take their own course with due process.

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Special Missions accomplish Investigation upon Backlog Complaints

LAITPUR: Following the two phases of investigation missions upon complaints, the NHRC central office recently deployed seven investigation missions in various districts of the country to investigate upon the backlog complaints registered with the NHRC offices in the past. The missions were in the field from December 27, 2012 till January 11, 2013.

Provisioned by the Constitution, the complaint handling is one of the major functions of the NHRC, the NHRC strategic plan followed by the annual work plan for the current fiscal year 2069- 70 (July 2012 - June 2013), the NHRC has considered the investigation as priority activity for the year. The investigation on the complaints, most of which are the backlog complaints lodged during the period of armed conflict (1996- 2006), is taken as the NHRC's special effort leading to the settlement reached at its initiative.

Apropos the above context, therefore, the NHRC deployed seven investigation missions comprising two human rights investigators in each mission from the Centre, Regional and Sub-Regional Offices. The missions were deployed in the southern districts including Saptari, Siraha, Dhanusha, Mahottaari, Sarlahi, Rautahat, Bara and Parsa.

During the investigation, each mission met

with the Chief District Officer of the district, representative of the village development committee, chiefs of security agencies, victims' families, witnesses, civil society members and political party leaders among others.

The missions also visited the incident sites and met with the victims, alleged perpetrators as well as witnesses in the course of on-the-spot investigation and obtained information on the status of the complaints registered.

District wise Investigation Status	
Saptari	92
Siraha	125
Bara & Parsa	53
Dhanusha	40
Rautahat, Sarlahi & Mahottari	24
Total	334

As per the complaints registered at the NHRC, the types of the cases included extra judicial killings, disappearance, abduction, property seizure, internal displacement, violence against women, administration of justice, torture and rape.

Expediting the finalizing of the backlog cases, therefore, the NHRC missions have accomplished the work of field investigations upon 334 complaints in the southern districts during this past month. In this way, out of

4198 pending complaints, investigation has conducted on 334 backlog complaints as per the preset target of the Missions. The NHRC has planned to field other missions from the centre to the regional offices in the near future where the complaints are found pending, according to Secretary Bishal Khanal.

The investigation mission also visited the prison in Bara district in order to carry out inspection on the condition of the jailbirds serving their terms on various charges.

Meanwhile, the NHRC team deployed from Nepalgunj Regional Office has monitored the protest programs launched by the local media and the residents against the Government's move to thwart the investigation over the murder of journo Dekendra Thapa. It is learnt through the monitoring report that the irked media sector, denouncing the government's move, therefore, demanding the judicial proceeding to take its course in which five Maoists cadres who have already admitted their involvement in the spine chilling murder of scribe Thapa.

The investigation missions comprised the Officiating Director Buddha Narayan Sahani Kewat, Human Rights Officers Surya Bahadur Deuja, , Bir Bahadur Budha Magar, Shyam Babu Kafle, Basudev Bajagain, Bhim Prakash Oli, Jiban Neupane, Geeta Kumari Dahal, Badri Prasad Subedi, Kamal Thapa Tshetri, Divye Jha including the staff members Ajit Thakur, Mandira Shrestha, and Khimananda Basyal.



NHRC Missions comprising human rights officers conducting on-the-spot investigations on the complaints in different parts of the districts in south

NHRC writes to Prime Minister: Concerns expressed on the Security of Journos and Rights Activists

LALITPUR: The National Human Rights Commission has written to Prime Minister Baburam Bhattarai expressing concerns over recent attacks on journalists and rights activists in various parts of the country.

In the letter dispatched on January 31st, 2013, the Commission has said that although the Prime Minister has been reiterating that the government is fully committed to providing security for media persons and human rights workers, reports of violence against journalists have been pouring in from various parts of the country. Following this, the complaints relating to the threatening perpetuated on the media persons and human rights activities have been registered at the

Commission resulting in to rouse concern over such a worrisome situation, the letter says.

Citing the reports regarding the displacement of journalists of Dailekh district and thrashing of journalists in Kavre district, the letter has mentioned that the organization working in the field of human rights has registered the complaints at the Commission stating that their lives are amid growing insecurity due to the intimidation hurled to them.

It has further cited a report from 'Reporters without Borders' that ranked Nepal very low on a list of countries where media persons are often at high risk.

The letter further says that it is shameful as well as downright deplorable that if such a situation should arise despite guarantees of the fundamental right to speech and freedom of expression enshrined in the Universal Declaration of Human Rights (UDHR) -1948, International Covenant on the Civil and Political Rights – 1966 and the Interim Constitution of Nepal - 2007.

The Commission has, therefore, warned that the current situation could see the country sliding into anarchy and urged the government to create an environment conducive for overall improvement of human rights situation in the country, says the letter.

NHRC urges not to thwart Judicial Proceeding

LALITPUR: The National Human Rights Commission is seriously concerned over the news report published in various media regarding the obstruction caused to the judicial proceeding into the murder of Dailekh based journalist Dekendra Thapa as per the press release issued on January 9, 2013.

The complaint in connection with the murder of Journo Thapa was registered at the Commission on August 6, 2007. Thereafter, further investigation process was advanced upon

identifying his dead body through exhumation process at the NHRC initiative, the press release says.

In this regard, unveiling the involvement of the Maoists Cadres in the murder of scribe Thapa, the Commission had recommended to the Government of Nepal on July 21, 2008 for the provision of relief, compensation and reparation to the family members of the victim and the legal action against the perpetrators, reads the press release.

Since the obstruction caused to the probe is unlawful, the Commission has urged all the concerned stakeholder parties to be serious in this matter.

The Commission has also urged all the concerned parties to render support in investigation process without any hindrances, immediately implement the NHRC recommendations and respect the free press.

Dailekh Incident, an Untoward Episode: NHRC

LAITPUR: It is saddening to observe the dispute between the ruling and the opposition parties regarding whether or not to advance the legal proceeding of the murderers of journo Dekendra Thapa as per the prevalent criminal law, as per the press release issued by the NHRC, according to the Press release issued by the Commission.

Underestimating the local situation, the statement of the ruling party and the tendency of the opposition party to obstruct the leaders of United Communist Party of Nepal (Maoist) to enter into the district to attend the district convention is found responsible for inviting the situation of confrontation, as per the preliminary report of the incident.

At the same time, it is reprehensible to have found the vandalizing of the office belonging to the UCPN (Maoist) due to the agitating circumstances ignited by the police intervention on the peaceful demonstration and general people.

Equally deplorable is the abusing of the media persons and vandalizing of the local communication house involved in the movement demanding the action against the murderer of scribe Thapa, reads the press release.

The press release has updated that the NHRC team has proceeded to the district headquarter of Dailekh for further investigation on the latest development of the incident.

The Commission has, therefore, urged all the concerned parties for the arrangement of the appropriate treatment to be provided to the injured of the Dailekh incident, to protect the lives and properties and create an environment conducive for the human rights activists to discharge their duties without any undue panic, advance or to cause advance the investigation and court process with regard to the murderers of Dekendra Thapa through legal proceeding and also to give a logical end to the existing political impasse through dialogue, says the press release.

Monitoring conducted on the Death of Prison Guard

SINDHULI: National Human Rights Commission had deployed a team to monitor the death of guard Niraj Devokota of Sindhuli district jail on January 2, 2013. The team had consulted with the concerned stakeholders and collected the information regarding the incident of death of Devkota. The incident took place at the time of scuffle between the inmates in which the guard Devkota reportedly died due to the beating of the inmates.

The relatives of the victim including the political parties staged the protest program accusing the slack prison administration, police and the district administration to be the reason behind the death of deceased Devkota.

They have demanded to suspend the security personnel on duty, appropriate compensation to the victim's family, transfer of CDO and DSP including the effective measures to be taken

for the impediment to the recurrences of such incident in future.

During the protest, demonstrators vandalized in District Administration Office, District Development Office, Survey Depart and the Court, as per the monitoring team. The team has submitted its report to the Commission for further action.

NHRC Letter to Prime Minister on Security of Journos

Excellency,

January 31, 2013

Your Excellency is aware how important the conducive environment is for journalists and human rights activists to discharge their duties independently for the protection and promotion of human rights of general people.

Despite the fact that Your Excellency has been reiterating full commitments to provide security for media persons and human rights workers, reports of violence against them have been pouring in from various parts of the country. It is indeed nonconforming. Since, the complaints have been registered at the Commission in connection with the growing insecurity among the journalists and human rights activists, it has become the matter of special concern of the Commission, thus.

It was reported some days ago that journalists of Dailekh were displaced, and journalists were beaten up in Kavre. Following this, the complaints had been registered at the Commission regarding growing insecurity amongst them. Also, the organization working in the field of human rights has registered complaint at the Commission relating to the growing insecurity due to the threatening hurled to them. Besides, international organization 'Reporters' Without Borders' has exemplified Nepal as one of those countries where media persons are often at high risk

It is absolutely deplorable that if such a situation should arise despite guarantees of the fundamental right to speech and freedom of expression provisioned in the Universal Declaration of Human Rights (UDHR) -1948, International Covenant on the Civil and Political Rights – 1966 and the Interim Constitution of Nepal - 2007.

Indeed, such a worrisome situation is the indicator of the deteriorating human rights situation of the country. The government should be cautious in this matter and improve the current situation lest it could see the country pushed into anarchy.

Since such occurrences are unusual and unpardonable from human rights perspectives, the Commission requests Your Excellency to create an environment conducive for overall improvement of human rights situation in the country.

Kedar Nath Upadhyay
Chairperson

Interaction on CERD Hauls Priority



NHRC Deputy Director Durga Khadka presenting her paper in the interaction program on Convention on the Elimination of Racial Discrimination held in Dhading district

DHADING: As laid out in the NHRC Strategic Plan, an interaction-cum-orientation program was held in the district of Dhading on the Convention on Elimination of Racial Discrimination (CERD).

The sole objective of the program was to disseminate the knowledge based publications of human rights promotion, bring about awareness about the caste based discrimination and to inculcate effort in helping launch the movement against racial discrimination. Other objectives were to conceive the future plan thereby involving the stakeholders in broader discussion in order to identify the challenges in the field

of rights against the caste based discrimination, empower the people against the violation of rights of Dalits and untouchability.

Meanwhile, the NHRC team also met with the concerned stakeholders in the district individually as well as in groups in course of collecting the information with regard to the existing racial discrimination in the district.

Prior to the interaction, Deputy Director Durga Khadka and Officiating Head of the Promotion and Advocacy Division Samjhana Sharma presented their papers separately which was followed by comprehensive discussion among the participants on various stipulated themes regarding the issues of rights against racial discrimination.

The participants, while placing their comments, suggested that the NHRC take such program extensively in other parts of the country. They urged the NHRC to provide its coordinating role in launching the movement against racial discrimination along with the monitoring conducted on the rights violations on the basis of caste.

Citing the defunct of the Civil Code 2020, the participants unanimously urged to promulgate the effective laws to deal with the issues of

racial discrimination. They were of the view that since impoverishment is the by-product of the discrimination, the state authority must, first of all, deviate their attention towards alleviating poverty from society.

It was learnt during the program that ICR had launched the economic and social programs having the Dalits as the target groups in 30 different districts, the report says.

Fifty participants including the district judge of Dhading District Court Sahadev Bastola, Chief District Officer, Representatives of the Nepal Police, government and non-governmental organizations, leaders and representatives of the political parties, social workers, intellectuals, teachers and media persons among others.

National Dalit Social Welfare Association had extended their coordination and support in organizing the interaction program.

It can be recalled that the lines in the Interim constitution of Nepal - 2007 have the provisions that no person shall, on the ground of caste, descent, community or occupation, be subject to racial discrimination and untouchability in any form. Such a discriminatory act shall be liable to punishment and the victim shall be entitled to compensation as provided by the law.

NHRC, Pokhara Office to host Regional Conference of HR Defenders: Resolutions adopted

KASKI: The NHRC Regional Office, Pokhara adopted seven point resolutions on the Western Regional Conference of the Human Rights Defenders amid an interaction held on January 21, 2013 on overall human rights situation in the region and emerging challenges lying ahead.

At the program, brief presentation was made on the UN Declaration on the Human Rights Defenders, importance of special rapporteur and Human Rights Defenders Guidelines 2009.

Broad discussions were held on the challenges and emerging threats perpetuated on human rights defenders from the state and non-state actors. The participants also came up with identifying the existing problems of human rights defenders. They stressed on the importance of the protection of human rights defenders for sustaining human rights culture and rule of law in the country.

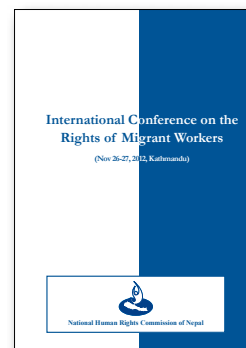
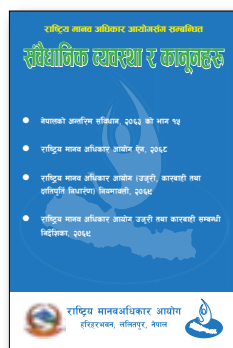
Following are the seven point resolution passed during the program:

1. *To appeal to the responsible government agencies to effectively follow the UN Declaration on the Human Rights Defenders-1998 and Human Rights Defenders Guidelines-2012 under the circumstances that the human rights defenders are in vulnerable situation in the present transitional scenario.*
2. *Focusing on the pervasive transitional period and growing culture of impunity; appeal to the concerned organizations to draw the attention of the Nepal Government for special initiative towards guaranteeing the rule of law in order to protect the human rights of women human rights defenders, senior citizens, human rights activists, Dalit rights activists, vulnerable children in armed conflict, disability rights defenders and child rights.*
3. *To Forward request to the National Human Rights Commission for human rights education up to the rural level via promotional programs and arrangement of one human rights defender for each Village Development Committee.*
4. *To Express commitment to fulfill the responsibility and also to fully comply with the code of conduct laid down in the guidelines of human rights defender.*
5. *To request and help organize / conduct the special programs mainly focusing on the protection of the rights of persons with disabilities in coordination with the NHRC Pokhara and Radio Nepal.*
6. *Since it is the duty of all human rights defenders to make the NHRC strong and effective, the Assembly hereby expresses its commitment do so.*
7. *It is not appropriate to use the term compensation for the facility provided by the state in the event of death or casualties of a person. The assembly believes that loss of human is irreplaceable and cannot be compensated. Human rights defenders are encouraged to better use the term justice delivered with reparation as the relief, instead.*

At the program, Regional Director of National Human Rights Commission Yagya Prasad Adhikari, SCNHRC Consultant Bikram Tuladhar and vice president of Nepal Bar Association Ram Prasad Ghimire presented their papers. Similarly, human rights defenders of Dhaulagiri and Gandagi Zone of western region presented the paper on overall situation of human rights. Bibek Shrestha of regional police office Pokhara, Officer Ramesh Gautam of District Administration Office Kaski, senior human rights activist Teknath Baral, coordinator Nandakala Nepal from Women human Rights Defender network spoke on the occasion.

Altogether 35 participants from different districts of western region participated in the program.

NHRC Recent Publications



Book on Fair Trial Released: Experts Argue over Bleak Judiciary Process including Fair Trial

KATHMANDU: Chairperson Justice Kedar Nath Upadhyay has warned that chances of a fair trial are doomed due to the existing vacuum in the apex court with early retirement of justices.

Releasing the book 'A study on Investigation based Fair Trial' brought out jointly by the National Judicial Academy and Informal Sector Service Center (INSEC), Chairperson Upadhyay remarked that provision of only six justices in lieu of 24 sitting justices as per the quota is sure to cause undue stagnation in the fair trial process.

'The government is rather oblivion in setting up the infrastructure for a fair trial, let alone provide legal assistance for those who cannot afford it,' the Chairperson said.

Even when incumbent justices are retiring one after another, the government has remained tight fist to appoint justices to the vacant SC posts. With Constituent Assembly going defunct, the appointment has become a legal constraint in the present scenario as there is provision that they should be endorsed through a special

parliamentary hearing, added the Chairperson.

Underlining the need to ensure a fair trial for everyone at the courts, the Chairperson said 'The accused have the right to know the charges filed against them before they are tried in a court.'

Speaking at the program, Raghav Lal Baidhya, Executive Director of the Academy said 'The situation is worse when quasi-judicial authorities are given the right to hand out sentences to the accused for up to 15 years using their discretion.'

In spite of the SC's recommendation for orientation and training programs for officials at such authorities last year, the government has done nothing in this regard, lamented Mr. Baidhya.

Tika Ram Bhattarai, the newly elected vice-president of Nepal Bar Association, said that fair trials is almost a nightmare in the country. 'Police often launch arrest spree without warrants and intimidate during interrogation to make the accused admit the offense whatsoever. Sadly enough, there is no mechanism to monitor their activities as such,' he said.



Participants at the launching program the book entitled 'Study on Investigation based Fair Trial' organized at NHRC

Mentioning that the book is the first of its kind in the country, Mr. Bhattarai said that it will help improve the judiciary system of the country.

The book comprehensively discusses about international laws, precedents and fair trial practices in comparison with the existing national legal provisions.

News in Brief

NHRC Regulations including two other Guidelines Adopted

LALITPUR: National Human Rights Commission has adopted the regulations namely NHRC (Complaints Handling and Compensation Determination) Regulations-2069. Similarly, two more guidelines viz. NHRC Complaints Handling Guidelines and Communication Management Guidelines have been adopted on January 31st, 2013. Adoption of these legal documents consistent with the new constitutional provisions and the NHRC Act will ease the handling of complaints registered at the Commission. The documents are now ready for dissemination.

Half Yearly Review Meeting held

BHAKTAPUR: The NHRC concluded its Half Yearly Review Meeting on January 28, 2013.

Inaugurating the meeting, Chairperson Justice Kedar Nath Upadhyay underscored the need of qualitative rather than quantitative deliveries and urged all NHRC staff members to deviate their attention towards this.

Speaking on the occasion, Member Justice Ram Nagina Singh said that we ought to assess the implementation of the commitments expressed during the annual work plan meeting held in Dhulikhel in August 2012.

Member / Spokesperson Gauri Pradhan said that although the Commission had to work amid a number of difficulties in the past, it has tapped its momentum with many of its endeavors fulfilled in recent days.

Secretary Bishal Khanal presented the review detail of the NHRC accomplishments of the first six month of financial year 2069/70 B.S.

During the meeting, Sadhna Ghimire, National Project Manger of the Strengthening the Capacity of National Human Rights Commission Project threw light on the achievements made so far by the project and presented the future work plan to be accomplished in the days ahead.

On the occasion, John Pace, the Quality Assurance and Review Advisor, commended the significant role played by the Commission for the protection and promotion of human rights despite several challenges lying ahead.

In the three day meeting held from January 27-28, 2013, the division heads of the NHRC Central Office and the Heads of the Regional and Sub Regional Offices presented the progress reports of their respective offices.

During the meeting, the plans and policies were laid down for the forthcoming six month period of the financial year 69/70.

Consultation on HR Reference Manual for Teachers

BHAKTAPUR: The National Human Rights Commission organized a consultation meeting on the Human Rights Reference Manual for teachers on 25th January 2013 at the Department of Education, Sano Thimi, Bhaktapur.

The program was organized with the objectives to collect the inputs from the concerned stakeholders like Curriculum Development Centre (CDC), National Centre for Education Development (NCED) Janak Siksha Samagri Kendra, Office of the Controller of Examinations (OCE), representative from Finland Embassy, teachers and journalists among others.

At the program, speaking as the chief guest of the program, Director General (DG) of Department of Education Dr. Lava Dev Awasthi emphasized on the orientation to the teachers of all levels regarding human rights.

The program was attended by fifty participants including the Department of Education and other academia. During the program, Director Bhattarai proposed the Department of Education to publish the book in collaboration.

The program was organized at the support extended from Finland Embassy.

Advocacy taps Impetus on Transitional Justice

KASKI: NHRC Regional Office, Pokhara, organized a workshop on Transitional Justice was organized on December 9-11, 2012. Participants of cross-sections of the society representing from various organizations attended the workshop in which they shared their opinions and comments on transitional justice in the country.

The objective of the program was to enhance the knowledge of the participants on human rights concept and development, conceptual clarity on victim justice system, transitional justice and NHRC initiative, and transitional justice in Nepalese context. The program also focused on having the overview on transitional justice, TRC Bill and its functions.

The participants, prior to the discussion session of the workshop, expressed their expectation to have the interaction on Transitional Justice and the recurrences of the incidents in the transitional period, NHRC mandates in ongoing transitional phase and NHRC responses to the victims voice.

NHRC Regional Director Yagya Prasad Adhikari, Judge of appellate court Dilliraj Acharya, constitutionalist Dinesh Tripathi, Ram Prasad Ghimire from Advocacy Forum, and senior human rights activist Charan Prasai delivered their lecture on the stipulated themes.

During the discussion session, the participants came up with various opinions and comments. They said the victims could get relief if the NHRC



Trainers and participants pose for a group photo during a program on Transitional Justice organized in Pokhara, Kaski district

teams would visit and listen to the grievances and problems of the victims. They stressed on the NHRC presence in all parts of the country.

Participants unanimously expressed that the justice delivery would expedite only when the NHRC intervenes over the past incidents of rights violations. They also stressed on increasing activities and participation of women to help them realize their status in the peace process.

At the program, it was also emphasized that the role of the local peace committee in rural level be revitalized and the problems of the victims be addressed.

Transitional justice doesn't always mean to have the investigation over the war time incidences and to give continuity to the justice delivery to the conflict-victims and punish the perpetrators. In real sense, justice should be always victim-centered approach; the participants echoed the experts' quotes during the workshop, the report says.

Participants comprising the representatives form civil society, human rights activists, lawyers, journalists including the conflict victims and their family members attended the program.

Woman Human Rights Defenders trained on Human Rights



Trainers and woman human rights defenders at the training held on human rights in Khotang district

KHOTANG: The members of the women human rights network of Khotang district attended two day training on human rights on January 8 -9, 2013. The objective of the training was to enhance the capacity of women human rights defenders with the knowledge of basic human rights and the provisions set forth in the international human rights instruments.

First day of the training kicked off with the participants placing their expectation on learning

more and more about basic human rights, jurisdiction of NHRC, women's rights, violence against women (Act and Punishment - 2066), gender discrimination, right to health, and the legal provisions made for the women's rights including the monitoring and investigation on the incidents of human rights violation.

The training mainly focused on the discussion on human rights, Universal Declaration of Human Rights (UDHR) - 1948, International Convention on the Civil and Political Rights - 1966 (UNICCPR) and its Optional Protocol Presentation was made on the general aspects of human rights which was followed by group discussion on the women's human rights.

The training was facilitated by Lok Nath Ghimire officiating head of the NHRC sub-regional office Khotang, and Purnamaya Tamang, the district president of the network for the women human rights defenders and DSP Rajeev Basnet.

The following day, the recap of the presentation of the day one training was made which included the overview on the Convention on

the Elimination of all Form of Discrimination against Women-1979, Violence against Women (Act and Punishment - 2066). The participants then had broad discussion on the Convention on the Elimination of Racial Discrimination-1984, rights of human rights defenders and the crime and investigation as well as report writing.

The participants had comprehensive discussion on the stipulated themes of the training. The participants then involved themselves in on-the-spot study of the monitoring and investigation on the incidents of human rights violation in the area in which they actively took part. DSP Rajeev Basnet facilitated the training on the crime and investigation. Adding the significant role of the civilians in pledging support in crime investigation, DSP Basnet said that the security agency is always alert in minimizing the rate of crimes in the district.

The participants thanked the NHRC for organizing the training.

Law Scholars Visit NHRC: Interaction held on NHRC Activities

LAITPUR: A group of 42 students accompanied by the law faculty of University of Sydney and Kathmandu School of Law (KSL) visited the Commission on January 22, 2011. The delegation led by Professor David Kinley of attended the interaction organized at NHRC during its visit.

At the outset, welcoming the group of law scholars, NHRC Secretary Bishal Khanal made the presentation with brief elucidation on the mandates, functions of the Commission including the major activities accomplished in the recent past. The presentation was followed by an interaction session in which he responded to the queries posed by the scholars on diverse issues. The questions included on the compliance of the legislation by the Government and the state accountability to implement the NHRC recommendations, NHRC outreach and the resource crunch such as the shortage of staff.

Secretary Khanal, responding to a dozen of queries and concerns raised by the visiting law scholars, threw light on the diverse areas of NHRC intervention including complaint management policy to mitigate backlogs and avoid delays, political nexus with crime and relation of NHRC with other national human rights institutions.

With regard to the query on "Naming and Shaming" of the violators of human rights, Secretary Khanal said that the Commission is very serious about it and will exercise this power as well at the appropriate time. Torture being a non-derogable offense, however, the recommendations have been sent to the government on the torture related complaints registered at the NHRC, he clarified.

On being asked about the whether the Commission having power equal to that of the court, the decision dispensed by the Commission is treated as binding or not, Secretary Khanal said that though the NHRC bears power equal to that of the court and it, being neither a judiciary nor a quasi judiciary body, doesn't adjudicate law. Process-wise, the NHRC sends in the recommendations to the Office of the Prime Minister forwards to the concerned ministries and subordinate offices.

Regarding the outreach of the NHRC, he said that the Commission has expanded its offices in different parts of the country accessible for the grassroot level people.

At the program, Dr. Yuvaraj Sangraula of Kathmandu School of Law, making his observation on the NHRC efforts made both in the past and present, said that the protection and promotional activities of the rights watchdog such as NHRC is not isolated from vicious circle of politics. Come what may, he added, the natural course of legal procedure should not be obstructed, he observed. He also added that standing at the forefront amid floating criticism, NHRC has done remarkable works as an oversight agency.

Ms. Camille Couter, the law scholar of



NHRC Secretary Bishal Khanal making a presentation at a program organized during the visit of Australian law scholars to NHRC

University of Sydney thanked the NHRC for organizing the interaction program on behalf of the team comprising of the students and faculty members of Australia and Nepal.

Towards the end, Professor David Kinley observed that the scholars are benefited from the presentation. He said that human rights issues in Nepal are educative to all those who work for human rights. He extended his thanks to the NHRC for organizing the program.

Prof. Irene Baghoomians of University of Sydney, Prof. John Pace, Quality Assurance and Review Advisor of UNDP, NHRC Director Subarbna Karmacharya, NHRC Deputy Director Durga Khadka and other NHRC staff members were also present in the program.

Monitoring on CPA continues in East

KHOTANG: NHRC Sub-Regional Office, Khotang has monitored the status the Comprehensive Peace Accord (CPA) implementation status in District. The team comprising the Officiating Head Lok Nath Ghimire of NHRC and the support staff Gyanendra Khadka conducted monitoring on the incidents of human rights violations including the displacement and property seizure during the decade long insurgency period, as per the report sent from NHRC office, Khotang.

During the monitoring, the NHRC monitoring team met with the government officials and political party leaders in order to obtain the information about the district level implementation status of CPA and human rights condition.

Violent activities continue to take place even the country is gradually undergoing peace process. The commitment, as provisioned via CPA like returning of confiscated land and property to the rightful owners, provision of relief to the conflict affected people have not been translated fully into action. It is learned that 128 persons, who have lost their lives in armed conflict, have received relief out of 133. Similarly, twenty injured have got relief fund and the status of ten disappeared citizens is still unknown. In the district, only 140 families have got relief among 400 and yet a number of kin of injured and disappeared have not got any relief and more than 10 people have not been able to return to the home of their habitual residence with their land still disowned.

Ten year long armed conflict and the popular People's Movement 2062/2063 Republic Democracy, including the restoration of peace which is a historic change in Nepal. Peace agreement between CPN (Maoist) and Nepal Government was signed on 5th Mangsir 2063 with the virtuous lines drawn in the CPA for the respect of the sentiments of the people thereby creating environment for the enjoyment of human rights in full.

National Human Rights Commission

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