



# Human Rights e-Newsletter

## National Human Rights Commission of Nepal



NHRC DAY SPECIAL

• Harihar Bhawan, Lalitpur, Nepal • Volume 7 • Issue 12 • June, 2012

12th Anniversary of the National Human Rights Commission

### Government Committed to Respect, Protect and Promote Human Rights: Prime Minister



PM Dr. Baburam Bhattarai making the NHRC publication public at a function held on the occasion of NHRC Day. Also seen are the UNDP Resident Representative Robert Piper, NHRC Chairperson Upadhyay, Chairperson of NGO Federation Dr. Nerta Timalina and Chairperson of NWO Siekh Chand Tara respectively.

Photo: Post Bahadur Thapa

Lalitpur: Prime Minister Dr. Baburam Bhattarai has said that the Nepal Government is fully committed to the respect, protection and promotion of basic rights of the general citizens guaranteed by the Interim constitution of Nepal -2007 including the Universal Declaration of Human Rights (UDHR) and the spirit of the international human rights instruments.

Addressing at a function organized to mark the 12th Anniversary of the National Human Rights Commission, PM Bhattarai said 'We have been seriously working with various national and international communities on establishing the much talked transitional justice mechanisms - Truth and Reconciliation Commission (TRC) and the Commission on Inquiry on Disappearances (CoID).

Lauding the work of the NHRC for the protection and promotion of human rights in the country, he said that the government has been asking the concerned agencies to implement the NHRC recommendations exploiting all resources available. In this regard, the government has so far spent 90 million rupees within the financial year 2067/68 while implementing over 600 issues related to the relief and compensation to the victims of human rights violations said, PM Bhattarai.

“ This year, a total of 583 cases have been resolved by the NHRC and 143 were forwarded to the government. Ever since the establishment of the NHRC, 9,221 complaints have been filed, out of which 3,664 have been resolved. ”

On the occasion, PM Bhattarai made public 9 thematic reports on human rights and the annual report on Child Rights-2011. Speaking on the occasion of the 12th Anniversary of the NHRC, Chairperson Justice Kedar Nath Upadhyay urged the Government to

immediately work out for the establishment of the TRC and CoID.

The chairperson said 'Whatever the data of the past or the subsequent variation found in the present scenario may be, there hasn't been any substantive difference in the environment of human rights violations, killings, abduction and the feeling of insecurity.'

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## Common Efforts, Need of the Hour to Do Away with Torture: DPM Gachchedar



Deputy Prime Minister Bijay Kumar Gachchedar addressing a program held at NHRC on the occasion of 15<sup>th</sup> Int'l Anti Torture Day

Photo: Umesh Rana Magar

**L**alitpur: Deputy Prime Minister and Home Minister Bijay Kumar Gachchedar has said that though the Interim Constitution of Nepal – 2007 has recognized torture as a punishable crime, the incidents of crimes are still sporadic.

Speaking at a programme organized by the NHRC to observe the 15th Year Against Torture Day, DPM Gachhadar expressed commitment to guarantee human rights of the people and work towards making torture a criminal offence.

DPM Gachchdear confirmed that Anti Torture Bill would be tabled in the parliament anytime soon. He, however, urged that torture as a menace in society can be stopped only when the common efforts are inculcated from the side of all.

He, expressing his solidarity, said that the government is committed to implementing the CAT to guarantee the human rights of people.

Speaking at the program, Chairperson Justice Kedar Nath Upadhyay said that the incidents of torture won't be stopped unless the society accepts them as crimes.

He pointed out the necessity that the message has to go to every member in society that torture is a punishable crime.

At the program, Inspector General of Police, Rabindra Pratap Shah informed that the police department has 'human rights cell' since long in order for preventing the possible human rights violation from the side of the police.

'Nepal Police has never institutionalized torture. Instead, it has taken action against police officers who have violated human rights in the course of executing their policing duties,' he said.

“ Government is committed to implementing the CAT to guarantee the human rights of people. ”

Chairperson of Informal Sector Service Center (INSEC), Subodh Pyakurel said that it is not good to point the finger at the state only for making the country torture free. The citizen also should bear the responsibility in this regard, Mr. Pyakurel stressed.

“Thousands of people are suffering from psychological problems due to the torture of one kind or another meted out to them. So, transformation is needed in the sector of education, health and security to break the existing tradition of torture,” he said.

Speaking at the program, the Chairperson of Advocacy Forum Mandira Sharma expressed her anxiety over the sporadic incidents of torture even after the Government has accepted torture as a punishable crime.

Adding that the act of eliminating torture should not depend upon the Article provisioned in the constitution only, she said that emphasis must be given to the right against torture enshrined in the constitution and its effective implementation.

The Executive Director of CEVICT, Jamuna Poudel elucidated that zero tolerance is the only way out to prevent torture and such an act should be treated as the criminal offences.

Pointing out the necessity for psycho-social methodology for the rehabilitation of the victims of torture, she appealed to DPM Gachchdear, the chief guest of the program, for the free distribution of medicines to the victims of torture.

Nepali Congress Leader Gopal Man Shrestha said that torture is everywhere in Nepali society be it psychological or physical. “Jails should be rehabilitation centres, however the overcrowded jails are torturing inmates further with poor facilities,” Shrestha said adding, “Population has increased so has crime. However Jails are the same as they were 50 years ago.”

The function was organized in collaboration with National Women's Commission, National Dalit Commission, Nepal Police (Human Rights Cell) and other human rights organizations including Advocacy Forum, CWIN Nepal, CVICT, CAHURAST, INSEC, INHURED International, FOHRID, HURON, HURFON, WOREC, PPR Nepal. This year's slogan is Criminalize Torture, End Impunity.

## Role of Stakeholders in Torture Prevention Stressed: Criminalizing Torture Hauls Priority

**K**aski: A one day interaction program entitled the Role of Stakeholders in Torture Prevention concluded in Pokhara on July 27, 2012 which was jointly organized by NHRC Western Regional Office, INSEC and Advocacy Forum on the occasion of the 15th International Day in Support of Torture Victims.

Shedding light on the objective of the program, regional coordinator of Advocacy Forum, Sarala Pandey said that the stakeholders should take proactive initiative for the relief, rehabilitation, compensation and justice of torture victims.

Speaking on the occasion, Kaski district

police chief Sailesh Thapa Chhetri stressed on bringing changes in social and traditional cultures in order to prevent culture of torture. Having the human rights cell instituted in the department, there is no such policy for the police personnel to indulge themselves in torture, he informed.

Likewise, district attorney Khadka Bahadur KC said that stakeholders must register petition on cases after duly identifying the facts. He also said that the rights seekers should take care of their duties as well.

Similarly, conflict victim Krishna Kumari Gurung said that during the armed conflict she was detained by Nepal Army for 45

days in the barracks during which she faced despicable torture. She still suffers from denial of justice and compensation.

Speaking on the occasion, senior human right defenders Teknath Baral, District Bar Association Chairperson Kamal Aryal, Coordinator of Network for Peace Surendra Thapa Magar, Battalion Chief of Armed Police Shambhu Upreti, Conflict Victim Manumaya Chhetri, Krishna Dhungana, Krishna Prasad Adhikari, DSP Yagabinod Pokhrel and media persons Govind Subedi, Purna Ghimire, Kamal Subedi stressed on criminalizing torture.

## Police opens fire at Civilians: Monitoring conducted

**M**orang: The NHRC Regional Office, Biratnagar has monitored the human rights situation following an incident in which the police were said to have opened fire at the civilians at Kakadvitta, Jhapa. The news of the incident was published in various local newspapers. According to the news source, the police personnel from Area Police Office (APO), Kakadvitta had indiscriminately

opened fire resulting in injury to a woman, Sarita Limbu and a child, Dipak Batar.

In course of monitoring, therefore, the team met with the APO In-charge, the injured persons, local residents and Armed Police Force (APF) Officer based in Kakadvitta. The team found that the injured persons had returned home after receiving treatment in

hospital and the alleged perpetrator are suspended from the duty following the internal investigation from the District Police Office. The NHRC, Regional Office has been keeping its vigil on the actions to be taken by the government.

## Proposed Landfill Site Monitored in Morang

**M**orang: A mission from the National Human Rights Commission, Regional Office, and Biratnagar visited the proposed landfill site in various Village Development Committees (VDCs) to

be constructed by the Nepal Government of Morang District. Upon receiving the complaints alleging that the land field site would violate human rights of indigenous and local community, the monitoring team

met with the local people, government authorities and the project implementation officials to gather information on the issues of right to health, sanitation and environment. The monitoring is underway.

## NHRC Monitors the Situation of Fire Victims of Siraha



Victims of fire at Siraha placing their problem before the NHRC monitoring team.

Photo: NHRC Janakpur Office

**J**anakpur: The NHRC has deployed a three member monitoring mission including Buddha Narayan Sahani - Chief of NHRC Regional Office, Janakpur, Officers-duo Kailash Kumar Siwakoti and Jivan Neapane for follow up monitoring on the incident of fire that broke out at Aurahai, Siraha. Team took to the incident spot and carried out monitoring on the aftermath situation of fire that gutted down several houses leaving 461 families homeless on June 16, 2012.

In course of its action, therefore, the team met with the members of committee of fire-victim, local police, representatives of the non-government organization and victims and collected the information about the relief including food, shelter, and necessary medicines to be provided to the victims. During the monitoring team has collected the information through interaction, discourse and personal conversation

## NHRC Urges Release of Nepalese Held Captive in Afghanistan

**L**alitpur: The media reports on Nepalese held in captivity in an Afghan city Bagram has drawn the NHRC's attention. NHRC has, therefore, corresponded to the Afghanistan Independent Human Rights

Commission to find out and tell the truth with regard to captives for about one and half month in a guest house in Afghanistan.

Following the media reports, NHRC has

also appealed to the Afghanistan Human Rights Body to create appropriate environment for the safe return of the 10 Nepalese who were reported to have been taken hostage at a guest house in Bagram City of Afghanistan.

## Attention drawn to Disable Friendly Footpath

**L**alitpur: While the road expansion drive is in full swing in Kathmandu Valley, the NHRC has corresponded to the stakeholder authorities drawing their attention towards building the disable friendly infrastructures including the footpath (Sidewalk).

Valley Town Development Authority (KVTDA), Kathmandu Metropolis KMC), Lalitpur Sub-Metropolis and Bhaktapur Municipality have been written to respect and take into account the rights of persons with disabilities while constructing infrastructures of public use.

Stakeholders, including the Kathmandu

Citing the United Nations Convention on

the Rights of Persons with Disabilities (UNCPRD), to which Nepal is a party, and the Protection and Welfare of the Disabled Persons Act, 2039 (1982), NHRC has called on the authorities to raise the footpath for the easy access available to the persons with disabilities including the users of wheelchair and white cane.

## NHRC Staffs trained on Financial Management

**K**avre: The National Human Rights Commission conducted comprehensive Financial Management Training for its staff from 2 to 4 June 2012 in which twenty seven Senior Officers and Administration & Finance Staff took part. The three day training was first of its kind organized by NHRC and supported by SCNHRC Project following recommendations made by audit teams in the past to address gaps in the financial management within the office.

The objective and the rationale of the training was to enhance the capacity of the incumbents on financial management, to orient admin / finance staff on the prevailing government laws and practices relating to procurement, tax and VAT, to share the best practices and provide guidance to increase the efficiency and effectiveness of administrative and financial tasks of the organization, to share audit issues, requirements and timely reporting of financial expenditures vis-à-vis implementation of programme activities.

The training was held by way of training kits containing standard framework of guidelines, best practiced systems, case studies and multi-media presentation. The

participatory method was adopted during the entire training program in which all the participants proactively took part.

The majority of the participants perceived their immediate expectation as a refresher for enrichment of their knowledge in related field.

Citing the training program as the first of its kind, most participants opined in unison that the training was very much reinvigorating as well as rejuvenating in the related field. A few participants, however, came up with the view that assessment of the participants need to be done at the time of planning.

They also adjudged the methodology taught in the program as an instrument that would



NHRC Senior officers and Admin/Finance Staff participating in a training held on Financial Management System

Photo: Umesh Rana Magar

support them to contemplate the challenge in financial management system. The participants unanimously suggested that the program as such should be conducted on regular basis.

The training was supported by UNDP Strengthening the Capacity of National Human Rights Commission Project.

## Training held on Monitoring and Investigation Report Writing and Leadership Development in West



Participants and the resource persons taking a group photo after attending a training entitled proposal, report writing and leadership development held in Pokhara, Kaski district

Photo: Regional Office, Pokhara

**K**aski: NHRC Regional Office, Pokhara organized training on proposal and report writing training for its staffs, interns and the representatives from government, non-governmental organizations and civil society sectors as per the work plan laid out in the NHRC strategic plan. With the

active participants of the trainees, the training session lasted for two days as planned.

The main objective of the training was to enhance the capacity of respective staff members in order to make their daily work much easier. It was envisioned that this type of training would build the overall capacity of

respective staffs and hence encourage them to work more effectively than ever.

Mr. Bikal Kumar Sherchan (National Leadership Development Centre, Kathmandu) and Mr. Kishan Gurung were the resource persons of the training. Mr. Sherchan facilitated the sessions related to leadership development of both organization and individuals whereas Mr. Gurung focused more on Proposal and Report Writing Session. The opening and closing ceremony completed in a formal ceremony chaired by Mr. Yagya Prasad Adhikari, Director of NHRC regional office Pokhara.

According to the participants, the two day training was effective and useful. They mentioned that this type of training is very helpful to build capacity and skill for each and every staff who are interested and involved in human rights issues. Participants also mentioned that the discussion regarding arts and skill in proposal and report writing together with its worldwide practices would further enhance the individual skill of each professional.

30 participants proactively took part in the training.

# World Day against Child Labor Observed: Joint Collaboration against Child Labor Stressed



NHRC Chairperson Upadhaya giving signature against child labour at a program held at NHRC

Photo: Shree Ram Adhikari

**L**alitpur: The NHRC Member Gauri Pradhan has said that the world Day against Child Labour is the day to analyze the achievements and review the challenges of the past year and also to make new roadmap to fight against child labor.

Addressing the program organized to mark the Day, member Pradhan said that the outcome was not as per expectation to combat against child labor. The achievements are made in diminishing the worst form of child labor to certain extent, however.

He urged the Government and all stakeholders to formulate transparent policy and to launch joint collaboration to control the child labor.

In this concern, he commended the concerted efforts of former CA Member Shanta Chaudhari to protect the rights of Kamalari.

At the program, ILO Country Director, Mr. Jose Assalino shared the status of the child laborers in Nepal and indicated economic development as the key factor to reduce the child labor. He also added that the government alone cannot control the booming child labor unless it coordinates and collaborates with all the concerned stakeholders for such holistic mission.

Similarly, another speaker Ms. Shanta Chaudary, social activist and former CA Member, who had spent ten years of her life as a Kamlari, provided a clear overview of the situation of Kamlari in Nepal. She also shed light on humiliation she had to face as being an illiterate CA member. She flayed the political parties and leaders for not letting the marginalized and disadvantaged communities mainstream in the development.

UNICEF Deputy Representative Dr. Will Parks said that child labor affects children physically, mentally and prevent them to enjoy their child rights. He added that media has an important and effective role to bring about the view in considering the issue of child labor. He drew attention of all institutions and organizations to work in collaboration and coordination to stop child labor.

Joint Secretary of Ministry of Labor and

Employment Mr. Krishna Dawadi illustrated that children are used in household chores in the families.. He revealed that the government would be formulating a master plan in order to eliminate the child labor by the end of the year 2016.

At the program Mr. Chij Kumar Shrestha , Country Director of World Education shared his experiences in eradicating child labor through the means of education. Senior journalist Kunda Dikshit delivered his welcome remarks on the occasion. Participating journalists posed their queries during the program. Responding to one query, Member Pradhan said that using of children in media for the best interest of the child sometimes is not considered as the violation of child rights.

Towards the end of the program, along with other speakers and participants, Member Pradhan participated in the signature campaign against child labor.

Program was jointly organized by NHRC, ILO, UNICEF, World Education and Government of Nepal.

In another program, NHRC Chairperson Justice Kedar Nath Upadhyay and Commissioners Ram Nagina Singh also provided their signatures on campaign against child labor at NHRC on the occasion.

## Policy is Necessary for Alternative Care of Children: Gauri Pradhan

**L**alitpur: 'If we protect the child today, the child will be the protector for us tomorrow,' NHRC Commissioner Gauri Pradhan said this while leading the second plenary session of the program on policy dialogue on alternative care of children.

Commending the work of Save the Children at Kailali and Achcham, Member Pradhan pointed out that Village Child Protection Committee (VCPC) is one of the effective mechanisms to cognize the local agencies about the alternative care of children.

He urged the government to recruit child rights officer from the government budget in all 75 districts. He also requested all child care homes to give special attention to the girl children.

Reminiscing his past involvement in child rights protection through CWIN, Member Pradhan said that reintegration and reunification of the child in family and society was the alternative care of children. He urged the government agencies and all stakeholders for formulating the prototype policy related to alternative care of the children.

During the second plenary session Dilli Guragain (Save the Children), Shree Shankar Pradhanang (SOS Children Village), Nawajeet Karmachrya (TDS), Biswa Khadaka (Maity Nepal), Tarak Dhital (CWIN) presented the papers on child rights governance and child protection, family strengthening and family based alternative care, ensuring quality institutional residential care and alternative care for girls at risk respectively.

Member Pradhan remarked that all of the presentations have equal weight and importance facilitating the complete picture of the alternative care of children that would help the concerned to formulate policy relating the alternative care of the children.

During the program participants from NGOs, INGOs, Child Clubs, Academicians, Students, Government Staffs and other members of the civil societies raised their queries and concerns.

The two day program was jointly organized by the Central Child Welfare Board, UNICEF, Save the Children and SOS Children Village.



## Statement delivered by Hon. Chairperson Justice Kedar Nath Upadhyay

The National Human Rights Commission is celebrating its 12th Anniversary today. On this occasion, I heartily welcome Rt. Hon. Prime Minister including all our guests to the celebration organized to mark the Day.

Established amidst the conflict period, the responsibilities of the Commission have remained full of challenges since the very beginning as is known by all. The compliant registration remained dormant in the beginning due to the fear of vengeance from both the conflicting parties viz. Maoists and the State. Subsequently, the number of complaints against human rights violations and abuses perceptibly increased after the landmark signing of Comprehensive Peace Accord (CPA). Nonetheless, there has been unprecedented decline in the number of complaints within the past 2 to 3 years. There were 353 complaints lodged on human rights violations beginning Baisakh 2068 ( May, 2011) till the end of last Chaitra ( April, 2012) while 109 monitoring and 286 investigations have been accomplished. During this period over 583 complaints have been finalized. Of these, recommendation on 143 complaints have been sent to the Government of Nepal.

Since the establishment of the Commission, over all among 9,221 complaints registered at the Commission, the decisions have been dispensed and finalized on 3, 664 complaints. Some of these include the policy recommendations to the Government of Nepal (GoN) whereas some pertain to the case based recommendations. Until recently, the number of recommendations comprising the both reaches 817 in total. Similarly, in addition to the complaint handling and recommendations, the Commission has accomplished 1, 439 monitoring missions and 1, 635 investigations for the last twelve years.

Apart from the complaint handling, investigation, decision-making as well as recommendations, the Commission has been conducting various nature of activities in the field of promotion of human rights including the awareness raising programs on human rights. The Commission has accomplished 777 different natures of promotional activities whereas it has facilitated its collaboration and participation in 781 programs organized by the governmental and non-governmental organizations.

The Commission has been issuing press releases on the issues related to the public concern and the enjoyment and protection of human rights from time to time. The Commission has so far issued 288 press releases. In a nutshell, aforementioned are the ones accomplished by the Commission for the last twelve years. Any one willing to have the detailed information with regard to the NHRC activities can obtain it from the concerned department of the Commission.

Whatever the data of the past or the subsequent variation found in the present scenario may be, there hasn't been any substantive difference in the environment of human rights violations, killings, abduction and the feeling of insecurity. Needless to say, human rights violations were perpetuated optimum from the side of the State followed by the CPN (Maoists) in the past. In the present scenario, the cadres associated with political parties and the person or the groups linked with crime world are found to be involved in the incidents of crime. The main reason behind such uncontrolled crimes are the continuity of the deep rooted culture of impunity beginning the conflict period, withdrawals of cases against the accused by the Government and

obliviousness to take legal action against the accused as per the NHRC recommendations. On the one hand, this has encouraged the small arms trade to flourish in the country in an illicit and unseen way. On the other hand, the incident of killing of a Very Important Person (VIP) in broad day light has become simply possible. The brutal killing of Hon. Justice of the Supreme Court is just one example only. At times, the nexus between the police and the criminals together with the criminals being more in action than the Police Administration seem to have made the Law and Order and the Administration acutely helpless. I urge your Excellency to keep the above in pinnacle and take appropriate step to safeguard the environment of the protection and promotion of human rights in the country.

The Commission is well aware about the efforts made by the Government in making the constitution and availing momentum for peace process. The drafting the statute through the Constituent Assembly and the contentious issues emerged thereof was perceptible and natural. However, the failure to reach the political consensus to resolve these problems eventually leading to the dissolution of the Constituent Assembly is indeed unfortunate. We are at the crossroads and bewildered by the lagging of the major political parties including entire political circle to sketch the common mapping against such unpredicted result. Such a situation is very challenging for human rights. I, therefore, request your Excellency to take an initiative to give an end to such impasse as soon as possible.

The CPA has been a blueprint for peace, security and transitional justice in the country. As is known, the monitoring on whether or not the above is implemented has been bestowed upon the Commission. Accordingly, the Commission has been making the monitoring reports public from time

to time. Although, there have been some positive efforts made towards transitional justice leading to conflict transformation and peace process, there has been delay in the formation of the Truth and Reconciliation Commission (TRC) and Commission on the Inquiry of Disappeared (CID). Problems of addressing the seized properties to be handed over to the rightful owners and the spine chilling problems of displaced persons and the conflict victims have altogether remained unresolved as yet. Instead, sidelining all these problems, the political parties have enjoyed their 'power' in the Government one after another after the People's Movement. Not to mention, the Government in power has time and again declared martyrs without any set standard or base and pronounced the compensation in the name of Martyrs' families prioritizing it on the basis of access or congeniality to the respective political party. Since, such an act is outright discriminatory and against the norms and values of human rights, there needs to be the adoption of legal provision for this. I would also urge for the absolute transparency with regard to the standard to be laid out in this regard.

Last but certainly not the least, it is discernible that the Commission is concerned over the implementation of the commitments made by Nepal to the international human rights instruments and the National Human Rights Action Plan (NHRAP) for human rights of the Nepalese people. There are still many issues and concerns raised by the different state parties during the review of the Universal Periodic Review Report submitted to the UN Human Rights Council that remain unaddressed by the Government. Enactment of National Human Rights Commission Act-2068 and the Act for Ending Untouchability and Racial Discrimination-2068

12<sup>th</sup> Anniversary of NHRC

are some of the commitments fulfilled among many issues that the Government had expressed commitment for the implementation. I would like to draw the attention of the GoN to the issues like gender justice, transitional justice, torture, enforced disappearance, extra-judicial killing, state of impunity to which government hasn't fulfilled its commitment. At the same time I would humbly urge your Excellency for the prompt and resolute implementation of the NHRAP.

Before concluding the remarks, I would like to extend my heartfelt thanks to Rt. Honorable Prime Minister and other distinguished guests for attending this programme despite busy schedule and also expect such cooperation in future as well.

Thank you!

*Continued from pg. 1*

## Government Committed to...

The main reason behind such uncontrolled crimes are the continuity of the deep rooted culture of impunity beginning the conflict period, withdrawals of cases against the accused by the Government and obliviousness to take legal action against the accused as per the NHRC recommendations, the Chairperson reiterated.

Slamming the government for offering clemency to some of the wartime criminals, the Chairperson said that such a tendency has gladden politically protected criminals. This is the reason why a High Profile Individual is being killed in broad daylight.

He added that problems of addressing the seized proprieties to be handed over to the rightful owners and the spine chilling problems of displaced persons and the conflict victims

have altogether remained unresolved as yet. Instead, sidelining all these problems, the political parties have enjoyed their 'power' in the Government one after another after the People's Movement.

Speaking on the occasion, UN Resident and Humanitarian Coordinator Robert Piper said that the departure of OHCHR over recent months has placed additional burdens and expectations on the Commission's shoulders.

'Today, at a crucial time in Nepal's transition and with the added burden of OHCHR's departure, the Commission is operating with barely 35% of its staff in place. These perennial staffing problems of the Commission need to be resolved once and for all, Mr. Piper urged.

Delivering the welcome speech, NHRC secretary Khanal said that at times the activities of the Commission literally gets stagnant with only 35 percent of the total work force.

He also drew the attention of the Government towards inadequate space availability in the existing building and the infrastructures that are not disabled and senior citizens friendly.

On the occasion the Chairperson of the NGO Federation Dr. Netra Timlasina and the Chairperson of the Women's' Commission Seikh Chand Tara also delivered their speeches.

This year, a total of 583 cases have been resolved by the NHRC and 143 were forwarded to the government. Ever since the establishment of the NHRC, 9,221 complaints have been filed, out of which 3,664 have been resolved.

## NHRC Awarded Ghimire and Jha with Dayaram Memorial Human Rights Honor



*Mrs. Durga Ghimire, the HR activist receiving the Dayaram Memorial Human Rights Honour from Prime Minister Dr. Baburam Bhattarai at a function held on the occasion of NHRC Day*



*Human Rights Activist Chandra Kishore Jha being felicitated by Prime Minister Dr. Baburam Bhattarai at a function organized at NHRC on the occasion of the 12<sup>th</sup> Anniversary of the NHRC*

*Photo: Post Bahadur Thapa*

**L**alitpur: NHRC felicitated human rights activists Durga Ghimire of ABC -Nepal and Chandra Kishore Jha with the Dayaram Pariyar Memorial Human Rights Honor – 2012 amidst a function held to mark the 12th NHRC Day.

Ms. Durga Ghimire, the Chairperson of ABC-Nepal has been associated with human rights and social development

field for a long time whereas Chandra Kishore Jha is a freelance journalist in the field of human rights, social justice and social inclusiveness.

Late Pariyar, an employee of the NHRC, was shot by the police in Janakpurdhham on March 24, 2006 while discharging his duties. He breathed his last while receiving treatment at TU Teaching

Hospital on March 28, 2006.

'Late Dayaram Pariyar Human Rights Honor' has been established from this year onward to honor the person or institution for their contribution made in the protection and promotion of human rights in the country.

The Anniversary of NHRC falls on May 26<sup>th</sup> every year. The Day was marked in June this year due to unavoidable circumstances.

# 'Inter-Generation Dialogue' Essential: Chairperson



NHRC Commissioner Ram Nagina Singh, Former NHRC Member Gauri Shanker Lal Das, NHRC Secretary Bishal Khanal and Kamala Parajuli, the Chairperson of 'Sankalp Nepal' among others at a program held at NHRC on the occasion of the World Elder Abuse Awareness Day

Photo: Umesh Rana Magar

**L**alitpur: NHRC Chairperson Justice Kedar Nath Upadhyaya has said that it would be essential to start an inter-generation dialogue in order to protect the rights of the senior citizens.

Addressing a workshop program on the occasion of World Elder Abuse Awareness Day, the Chairperson said that the inter-generation dialogue is necessary due to the emerging cleavage between the new generation and the elder generation resulting in various problems on the part of the elder generations.

The Chairperson added that the senior citizens have been facing various social and economical stress emerged in society. It is the social obligation of all, therefore, to render their support with sincere propensity to help them get rid of such problems so that they can lead comfortable life in society.

On the occasion, NHRC Commissioner Ram Nagina Singh said that the prevalent Act with regard to the senior citizens is incomplete and these acts must be made rights-oriented without any reservation.

"The elderly citizens are compelled to lead an abandoned and a lonely life as a result of misunderstanding among family

members. They may land up in geriatric homes for shelters," said Ram Nagina Singh.

"The government has made several efforts with respect to the problems facing the elderly, but has failed to implement them effectively," said Member Singh. He added that strong legal provisions are needed to punish those who abuse senior citizens.

The Former NHRC Member Gauri Shanker Lal Das said that the elderly citizens are facing the problem of discrimination in the family but they hide such occurrences due to the prestige of the family.

The Chairperson of Informal Sector Service Center (INSEC) Subodh Pyakurel said that the geriatric homes should be treated as the knowledge center. He also added that the school level curriculum should be incorporated with the lesson on senior citizens so that the new generations would know what an old age is.

The joint Secretary of the Ministry for women and Children, Surya Prasad Shrestha said that though the senior citizen allowance is entitled after the person attains the age of 60, the allowance is given only when the person attains the age of 70 which is unfair.

The trend of embezzling the senior citizen

allowance at some VDCs level has to be stopped, he stressed.

The participant of the program Parthiwaswar Prasad Timilsina said that as the number of elderly citizens are growing day by day, the burden of economic and social problems is also on the rise. Government ought to bring the plan-wise program in order to curb this problem.

Ganesh B.K. of Human Rights Alliance said the senior citizens are the living history from whom the nation can gain many things through their experience and knowledge.

At the program, Bijay Bahadur Swar of National Federation of Transport Business said that the transport system of our country is not senior citizens friendly towards which we got to brainstorm to give them some relief while traveling.

Adding that the discount rate in travel far is not yet provided to the senior citizens, he said that the concerned stakeholders can have discussion on this to reach the solution any time.

During the program Kamala Parajuli, Chairperson of 'Sankalp Nepal', Ambika K.C, General Secretary of National Senior Citizens Federation. Manohar Upreti of 'Aging Nepal', Master Krishna Murari Gautam 'Chattyang Master' delivered their speeches throwing light on the problems faced by the senior citizens and the possible solutions.

The World Health Organisation says abuse of the elderly is a problem that exists in both developing and developed countries but is typically underreported. Around four to six per cent of the elderly experience some form of maltreatment at home, it said. The organisation further said maltreatment of senior citizens will become more pervasive in many countries as the population ages.

Status Report on Elderly People in Nepal on Health, Nutrition and Social Status -2010, conducted by the Geriatric Centre Nepal, stated that most senior citizens in Nepal live with lifelong poverty, deprivation, poor access to health care and inadequate diet. Although the state provides Rs 500 per month to senior citizens as social security allowance, it is not enough for the elderly to maintain their life standards.

## Monthly Status of the NHRC Decisions (June, 2012)

The National Human Rights Commission, in course of its action, has finalized a number of cases including 19 cases on ICCPR and 3 disappearance cases in the month of June, 2012. Similarly, 2 Cases on ICCPR and 1 Case on Convention against Torture (CAT) have been dismissed while recommendations have been sent on 13 cases on ICCPR, 5 cases on CAT and 12 cases of Disappearances this past month.

## Interaction on Rights of Senior Citizens Held in West



Participants at a program held at Pokhara on the occasion of the World Elder Abuse Awareness Day

Photo: Regional Office, Pokhara

**K**aski: Coinciding the World Elderly Abuse Awareness Day, the NHRC Regional Office Pokhara organized a program entitling the "Present Situation of the Senior Citizens and the Challenges They are Facing." The program was held in collaboration with the Senior Citizens Concern Committee ( Kaski ), Natural and Social Development Committee ( Kaski ) and Radio Sarangkot on June 15, 2012. The Chief District Officer Mr. Chet Nath Bhattarai was the chief guest of the program.

At the program, Krishna Prasad Baral, Coordinator of the Senior Citizens Concern Committee of western region, senior citizen Tek Nath Baral, Basanta Prasad Parajuli of Geriatric Home, Professor Raghu Nath Adhikari of Prithvi Narayan Campus, Ram Prasad Subedi, Coordinator of Human Rights Alliance of Kaski district, Shiva Khakurel of INSEC, Journalist Rajesh Parajuli of Hurja Daily, Director Yagya Prasad Adhikari of NHRC Western Regional Office shared their

views while Human Rights Officer Badri Prasad Subedi presented the paper during the program.

The sole objective of the program was to bring about the mass awareness about the rights of the senior citizens, to draw attention of the stakeholder agencies towards the situation of the rights of senior citizens, to build coordination and collaboration among the stakeholder agencies and for the implementation of the senior citizens Act 2063.

During the program, comprehensive discussions were held on the protection of the rights of the senior citizens and their social security. The participants unanimously opined that such a program was a rare happening in the region which is a positive step that would indeed evoke the conscience of the concerned government agencies to evolve the program framework.

The participants mainly focused on the problems faced by the senior citizens. It was revealed during the program that the senior citizens have been facing the problems of helplessness, loneliness, disease, mental and economical stress including the physical and mental ill-treatment perpetuated on them by their near and dear ones.

Elderly citizens have also been suffering from the household economic burden as the younger generations used to be away from home for want of employment. A few of them were found to be abandoned so that the family members have to no longer provide food, clothing and even shelter to them.

In this concern, the state has made the provision

of the senior citizen allowance, but due to the unavailability of the citizenship, many senior citizens are deprived of this provision. It was revealed that at some VDCs the senior citizen allowance was embezzled by their own kin.

Participants also stressed strongly on the implementation of the Senior Citizens Act -2063. In addition, it was also discussed that the senior citizens should be provided with the discount facility or exemption on travel fare.



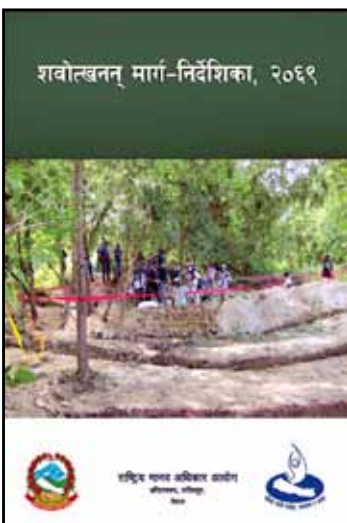
News in the vernacular dailies published on the occasion of the World Elder Abuse Awareness Day in Pokhara

Photo: Regional Office, Pokhara

Above all, since the senior citizens are the bank of knowledge, they should be at least kept away from ill-treatment, the participants concluded their views.

At the program, among the total 61 participants, 16 of them comprised the female participants representing various government agencies, non- governmental organizations, hospital and media.

## NHRC Adopts Exhumation Guidelines - 2069



**L**alitpur: NHRC has adopted the much needed Exhumation Guidelines – 2069 from 18 Jestha 2069, which is a milestone as a part of human rights action endeavored in transitional and other situation. The guideline was formally released by Honorable Prime Minister Dr. Babu Ram Bhattarai on the occasion of NHRC's 12th anniversary.

While developing the guidelines, regional and a national level consultation were held in Kathmandu and Butwal. The guideline maintains the NHRC complaints handling in line with the standard set forth in international human rights instruments and practices, according to Shaym Babu Kafle, NHRC HR Officer and coordinator of the draft formulation committee.

Exhumation guideline would fulfill the need of a crucial instrument for those in exhumation

mission thereby facilitating the process as per the set standard. Findings of the exhumation with regard to the extra judicial killing perpetuated by the state players would be the evidence in the court for the justice delivery, says the press release issued by the NHRC.

The concept of having the exhumation guidelines is the result of the long term effort to bring out the document as per international practices and standard. The security personnel, proposed Commission of Inquiry on Disappearances (CoID) and other concern stakeholders may use the guideline as vital substantive instrument as and when necessary, reads the press release.

The Office of the Prime Minister has sent a letter on July 31, 2012 to the Ministry of Home, Defence and Nepal Police for the implementation of the guidelines.

## An Overview of Human Rights Situation in Western Development Region

**K**aski: Human rights situation in the districts of this region remained unsatisfactory this past month as well. Although the incidents of human rights violations and abuse were reported less than those of the past, people in general suffered maximum from natural disaster. The life of region was threatened from the perspective of human rights due to the intermittent strikes called in the region. The life of people continued with the suffering garnered from the existing impunity and lack of rule of law.

The natural disaster took place on May 5, 2012 in Vurjung river of Machapuchre V.D.C of Kaski district. The deluge that occurred all of a sudden in Seti River has caused heavy loss of human and property. Large number of people of that area has become homeless and many people have been missing till date. Highly affected children from age 4 to 14 are in 10 in number. Among them, some of them are rendered homeless. They have been injured and now face the lack of education, health, guardianship. The state does not seem to be active in providing rescue and relief. The state needs to address the problem by launching rescue and also by providing proper relief for the affected people and

compensation to those who have lost their family members.

The general people underwent the ordeal of the impact of strike organized in the region by various groups including Brahman Samaj Nepal, Kshetri Samaj, Thakuri Samaj, Dasnami Samaj, Dalit Sewa Sangh and Ethnical Mukti Samaj. The strike had adverse impact on various sectors such as industry, office, education including transportation.

The normal life of people of this region had been paralyzed due to the strike called in different phases of time. Similarly, the people living in this area were deprived of various basic rights of citizens such as right to education, freedom of movement, freedom to business and involve in various occupation.

For instance, Amar Singh High School of Pokhara had decided not to entertain the re-enrolment of the student who had failed. Consequently, the student opted suicide as the last resort. .

Due to the lack law and order, various kinds of crimes occurred in the area this past month such as theft and murder. Similarly,

in Tangli Chowk, Kuwapani - 3 of Gorkha district, an octogenarian of 86 years, Kunta Thapa was hacked to death by some thieves.

Due to the lack of scientific and proper morgue, there is a problem of keeping dead body in Western Regional Hospital. It has literally affected surroundings including the wards, lab, administration section of the hospital and which has violated the right of people to live good environment.

Though there is sufficient law for the rights of senior citizens and their social security, they are compelled to live in vulnerable condition. The state needs to take care for the implementations of the law regarding the senior citizens before their life turns miserable.

Similarly, the detainees at detention centers also do not seem to have enjoyed their basic human rights. The state authorities have to pay their due attention to this. The rule of law, on the other hand, appeared to have gone to dogs due to the political transition of the state. The violation of the civil, political, economic and social rights of the people has also increased this month.

## Journalists and HR Defenders Trained on Human Rights in Kalikot

**J**umla: NHRC Sub- Regional Office, Jumla organized a human rights training for the human rights defenders and the journalists active in the area.

The objective of the program was to the enhance the capacity of the local journalists, human rights workers representing the various local level human rights organization including the government offices. The program also aimed at spreading the knowledge of human rights minimizing the problems of human rights, that the general people are facing.

A total of 35 participants from Jumla and Kalikot including the media persons, representatives of the human rights organizations and government offices participated in the training program. 6 participants Jumla representing from Radio Karnali FM, Radio Nari Awaj, Radio Nepal ( local correspondent ) and INSEC ( district representative ) participated in the training while 29 participants from Kalikot representing from Dalit Sewa Sangh, ECARDS,

Federation of Nepalese Journalists, New Kamali FM, News 24 local correspondent, local media person, members of civil society, Inter Party Women's Networking, Women's Rights Protection Networking, NEFIN, Teachers Union, District Police office, District Administration Office, Women's Development Office, District Development Office, Health office, district Education Office, Red Cross and Federation of Commerce and Industry participated in the program. Inaugurated by the Chief District Officer, NHRC Sub Regional head Jhankajr Bahadur Rawal, Chairperson of Nepal Bar Association Hikmart Bahadur Bista and



Trainees and the Resource Persons taking a paragraph after the training program on Human Rights organized in Kalikot in West

Photo: Sub Regional Office, Jumla

Chairperson of Federation of Nepalese Journalist Kali Bahadur Malla facilitated the training.

At the end of the program, the participants were awarded with the certificate of their participation in the training.

## Evicted Squatters Still at Lurch: Knock the Door of NHRC

**L**alitpur: A delegation representing the Land Rights Forum from Surkhet, Bardiya and Kapilvastu districts has met with the NHRC office bearers and presented a memorandum with their demand to have them meted out by the Government at its earliest.

Since the landless squatters have been rendered high and dry due to the demolition drive launched by the government in mid rainy season, they came to knock the door of NHRC to seek help for their settlement elsewhere.

Meanwhile, the government was appeared to be oblivion and insensitive in taking action on the issues related to the evicted landless squatters as per the NHRC's monitoring report, human rights organizations report and the media report.

NHRC has been incessantly urging the government time and again to deviate its attention towards providing human rights friendly alternative management before removing the squatters but to no avail. NHRC, therefore, has urged the



Representatives of the Land Rights Reforms presenting the memorandum to the NHRC Member Gauri Pradhan at the NHRC during their visit to the NHRC

Photo: Umesh Rana Magar

government to resolve the issues related to the evicted landless squatters by making "National Action-Plan."

Following this, the NHRC has also recommended to the government to resolve the squatters issues with the arrangement

made for the relief materials supplied to them including food, clothing and shelter before their life turn miserable for want of appropriate shelter.

## Show Responsibility towards the Country and the Citizens: NHRC

**L**alitpur: The attention of the Commission has been drawn to the incidents of violence, killings, abduction, sky rocketing price hike of the commodities, shortage of fertilizer, political intolerance and chaos, arson at Tribhuvan University, road accidents and natural disaster in the country.

NHRC, therefore, has urged the Government to immediately control the incidents of criminal offences such as violence, killing and abduction and ensure the people's right to live with freedom.

The country now is facing the ordeal of sky rocketing price hike of the daily commodities. The Commission has also urged the government to find out the causes of the unnatural price hike and advance the

action so that the general citizens are relieved from such a difficult situation.

At the same time, the peasants are suffering due to the scarcity of fertilizer. This would not only have the impact on the livelihood of the peasants but also production of food grains would be decreased. NHRC, therefore, has urged the government to make the necessary arrangement for the availability of the fertilizer in a simplified way.

NHRC has also urged the leaders and cadres of the political parties not to indulge in unnecessary disputes and chaos but to be patient and responsible towards the country and the people.

Its time now that the Government came up with the traffic laws to bring about awareness

among the commuters in order to prevent road accidents.

NHRC has also urged the Government to provide relief to the flood and landslide victims, to make necessary arrangement of the medicines and appropriate rehabilitation and also to initiate necessary preparation for the prevention and control of the natural catastrophe before it is too late.

NHRC has urged the government to end the existing menace of impunity and the dispute over the pending issues of state restructuring and federalism. The Commission has also urged all the stakeholder parties to sort out the prevalent political impasse in the country through dialogues and consensus.

## Interaction held on the Occasion of NHRC Day

**K**aski: NHRC Regional Office, Pokhara organized an interaction program on the occasion of 12th anniversary of NHRC on 31 Jetha, 2069. The main objective of the program was to observe the anniversary with a lot of fanfare and the exchange of the greetings among the stake-holders in the area.

97 Participants attended the program representing from various agencies. The chief of the security head of government agencies from district, leaders of political parties, human rights activists, representatives of NGOs, journalists and general people attended the program.

During the interaction, it was discussed that a large number of people are still deprived of human rights education and other services. The participants, therefore, stressed that the NHRC activities have to be focused on these areas in coming days. Yagya Prasad Adhakari, the regional director of NHRC presented the activities of the NHRC on the occasion.

## Archiving of HR Violation Cases Launched at NHRC

**L**alitpur: Recently, NHRC has established an archive of human rights violation cases as one of its wings in the NHRC premises with modern facility. The archive is established aiming to protect and preserve the records of the violations of human rights incidents and NHRC documentations on the violations of human rights. The Archive is expected to provide required information on the incidents of human rights violations investigated and followed up by NHRC in the past to the concerned stakeholders, victims and their families as and when needed.

The archive basically would work as a repository of the resolved cases of human rights violations and remedies recommended by the NHRC on those cases. Out of around 10,000 complaints of human rights violations received at various NHRC offices during past 12 years, only half of them are resolved.

All the resolved files have been managed in the archives.

The Asia Foundation has provided logistic support for the archives by providing fire-proof cabinets, necessary electronic devices and technical assistance.

Currently, the archiving unit has been advancing the data base and archiving the documents as per the case management and archiving procedure. The data base would provide the information in both chronological and alphabetical orders in terms of the registration as well as the name of victims. This initiative was primarily aimed at improving the records management system.

The archive management has classified and managed all the resolved cases on thematic basis. The themes are based on the core - international conventions of human rights.

The data will be available at the NHRC website in the near future as per the NHRC



Fire proof cabinet installed at the NHRC archiving division

Photo: Umesh Rana Magar

rules. NHRC has been working on it throughout the year and hopes to complete the data entry in next few months. The NHRC also expects that the stakeholders and persons concerned would be able to receive the information of resolved cases without any delay.

## Glimpses of NHRC Day



Photo: Post Bahadur Thapa & Umesh Rana Magar

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e - Newsletter publication supported by SCNHR/ UNDP Project

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