



Human Rights e-Newsletter

National Human Rights Commission of Nepal



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NHRC Shows Concern on Transitional Justice Mechanisms

Lalitpur: The NHRC Chairperson Justice Kedar Nath Upadhyay has sent a letter to Prime Minister Dr. Baburam Bhattarai with regard to the formation of Truth and Reconciliation Commission (TRC) and Commission on Inquiry on Disappearances (CID) by the Government. In the letter, the Chairperson has urged PM Bhattarai to adopt internationally approved provisions in the soon-to-be formed Commissions.

Perceiving the development made in the army integration process as the positive indication, Chairperson, in the letter sent to PM Bhattarai, has said that the efforts as such would turn out to be a milestone for peace, constitution making, human rights, good governance and democracy.

Claiming that the draft Bills isn't the matter of consensus reached among the major political parties alone, Chairperson Upadhyay has opined that the discussion would be deemed appropriate with the concerned parties including the human rights groups, civil society, conflict victims, and journalists with regard to the formation of these commissions.

For full text of letter go to pg.4

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Progress and Achievements of NHRC, 2001-2012

(A comparative report in brief)

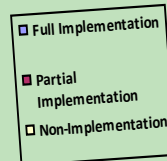
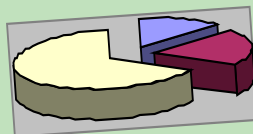
| S.N. | Description | Progress and Achievements of NHRC as the Statutory Body (From May 2001 to June 2006) | Progress and Achievements of NHRC as the Constitutional Body (From July 2007 to December 2011) | | | | | No. in Total | |
|------|--|--|--|------------------|------------------|------------------|-------------------|--------------|--|
| | | | 2064/2065 (2007) | 2065/2066 (2008) | 2066/2067 (2009) | 2067/2068 (2010) | 2068/2069 (2011)* | | |
| | | | | | | | | | |
| 1. | Registered Complaints | 6508 | 1137 | 677 | 403 | 345 | 151 | 2713 | |
| 2. | Monitoring Work | 401 | 394 | 194 | 229 | 179 | 42 | 1038 | |
| 3. | Investigation Work | 193 | 728 | 77 | 217 | 311 | 109 | 1442 | |
| 4. | Decision on Complaints/Completed | 1232 | 376+28 | 546 | 780 | 597 | 105 | 2432 | |
| 5. | NHRC Decisions and Recommendations | 151 | 73+11 | 82+5 | 172+82 | 146+12 | 35+1 | 619 | |
| 6. | Promotional Work | 186 | 101 | 185 | 134 | 206 | 151 | 777 | |
| 7. | Collaborative Works (Government, CSOs and INGOs) | | 113 | 126 | 220 | 172 | 150 | 781 | |
| 8. | Publication | | 30 | 18 | 32 | 22 | 7 | 109 | |
| 9. | Press Statements | 97 | 12 | 81 | 56 | 34 | 8 | 191 | |
| 10. | Organizational Status and Strategic Planning | Central Off.- 1 Regional off.-4 Contact Off. 5 | Central Off. 1, Regional Off. 5, Sub-Regional Off. 3, Strategic Planning 20108-2010 (completed) and Strategic Planning 2011-2013 (Running) | | | | | | |

Source: Various NHRC Annual and Bi-Annual Reports of NHRC 2001-2011 * Bi-annual Report 2011

Status of Implementation of the NHRC Recommendations

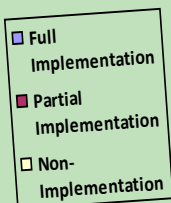
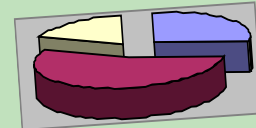
Statutory Commission

Full Implementation 08%
 Partial Implementation 32%
 Non-Responded 60%



Constitutional Commission

Full Implementation 28%
 Partial Implementation 55%
 Non-Responded 17%



Source: Government of Nepal, Office of the Prime Minister and Council of Ministers
 Letter of Reference: May 24, 2011

NHRC Focuses on Reconciliation and End of Impunity

Lalitpur: The National Human Rights Commission has perceived positively the environment for the dialogue and consensus built in the national political circle for peace and constitution making following the recent decision dispensed by the honorable Supreme Court.

In this context, the NHRC, through the press release, has welcomed the latest developments made in the formation of Truth and Reconciliation Commission (TRC) and Commission of Inquiry on Disappearances (CID) to address the incidents of armed conflict period pursuant to the lines drawn in the Comprehensive Peace Accord (CPA). It is well known that the NHRC has made its clear stance before the Government of Nepal and political parties on the matter concerning such commissions to be independent, fair and competent, the press release states.

The press release reads that the formation of independent and powerful commissions intended to reconcile on political matters is important from the perspective of transitional justice that paves ways to find facts for delivering justice to the victims and dragging the perpetrators to justice in society by seriously examining the incidents of human rights violations and crime against humanity during the decade-long insurgency.

However, the government's unilateral decision to withdraw cases and blanket amnesty to offenders before the TRC is brought into action is against human rights and also tantamount to injustice to the victims, the press release says.

It is stated in the press release that the NHRC, in course of its action pertaining to the respect, protection and promotion of human rights as mandated by the constitution, has sent a large number of recommendations to the government

for the provision of compensation to the victims and legal action against the perpetrators upon conducting monitoring and investigations on the cases of insurgency period. However, if some serious cases against human rights and crime against humanity are settled on "Forgive and forget" basis at political level without any reconciliation, prosecution and victims' consent, it will be a serious mistake in the long run, the press release further reads.

The NHRC has urged the government to bring the ordinance to form the high-level TRC and CID by categorizing the cases withdrawn by the government after the Comprehensive Peace Accord.

The NHRC has also assured all the concerned that it will always keep vigil on the matter, play a positive role to establish peace and constitution in the country, create an environment for reconciliation and end the culture of impunity.

NHRC Asks GoN to Provide List of Case Withdrawal

Lalitpur: The NHRC, by sending the letter to the Office of the Prime Minister and the Council of Ministers, has sought the detailed information with regard to 349 withdrawal cases to which the Government of Nepal has given the decision.

In the letter, the Commission has forwarded the request to the GoN to make the detailed report available covering the information about the plaintiffs, offenders, fact of the case, court in which the case was registered or the police

station in which first information report (FIR) was registered and date of its registration.

The Commission has requested the GoN to make detailed information available within 15 days.

Govt. Urged to Guarantee Peace with Security Beef Up

Lalitpur: The NHRC, issuing a press release, has condemned the incident of bomb explosion targeted to the sit-in program organized by the Mithila State Action Committee including the civil society, intellectuals, journalists, and professors of Janakpur. The bomb was reported have exploded at Ramananda Chok, Janakpur

at around 10 am in the Monday morning in which four people lost their lives and 28 others sustained injury.

The NHRC has, therefore, urged the Government to launch the fair investigation over the incident in order to identify the perpetrators and drag them to justice. It is also appealed to the

government for the provision of effective treatment to the injured.

At a time when the new statute was about to come into effect, the occurrence of such incident was unfortunate and saddening. The NHRC has, therefore, appealed to the Government to beef up security so as to ensure the peace and security of the citizens

Give impetus to Investigation on the Killing of Journo Poudel: NHRC

Lalitpur: The recent incident of killing of yet another journo Yadav Poudel by an unidentified group has drawn the attention of the National Human Rights Commission. The Jhapa based journo Poudel was a correspondent of the Avenues Television and Rajdhai Daily.

Condemning the killing, violence and attack on the journalists in recent days, the National Human Rights Commission has appealed to the Government to launch fair investigation to unearth the truth with regard to the incident, take legal action against the accused and

provide immediate relief to the families of the victim.

Following the incident, therefore, the NHRC Regional Office, Biratnagar has been deployed for monitoring the entire episodes of the incident.

Detention Centre Monitored in Morang

Morang: The NHRC Regional Office, Biratnagar has monitored the detention center (custody) of the District Police Office, (DPO) in Morang on April 7, 2012.

The team also met with Head of Morang DPO to collect information about their efforts to improve the condition of the detention center.

The monitoring team has focused on the physical condition of the custody including the arrangement of shelter, food, water and sanitation including medical treatment facility provided by the authorities to the detainees under custody.

Having observed the poor physical condition of the detention center, the Regional Head Neupane urged the concerned authority to pay serious attention to improve the custody management of the district.

The NHRC conducts infrequent surprise visits aimed at monitoring the physical condition of the detention (custody) and the facilities provided to the detainees and inmates in the district.

Development Actors Trained on HRBA to Development



NHRC Secretary Bishal Khanal inaugurating the training on HRBA to Development organized for development agencies of the government

Photo: Purushottam

Kavre: The NHRC organized a three day Human Rights Based Approach (HRBA) training workshop for the development actors responsible to work with the local development, women's development, child development and health care system working as government representatives at district level in the central region. The training workshop was based on the NHRC curricula on HRBA.

The trainees were trained on how human rights values and standards can be integrated into different types of development initiatives both at policy and implementation level. In addition, the participants were acquainted with how to integrate human rights values and standards at various stages (around 12 stages) of development activities. They were also made familiar with their role to follow and implement National Human Rights Action Plans of the Govt of Nepal.

Inaugurating the training, NHRC Secretary Bishal Khanal said that as enshrined in the Article 1 of the Vienna Declaration and Programme of Action - 1993, promotion and protection of human rights is the first responsibility of the government. The government agents, therefore, are responsible to contribute to the protection and promotion of human rights.

Giving brief overview of various approaches of development in the past, Mr. Secretary observed that HRBA being the recent approach that focuses on sustainable human development. He added that once the government or the state seems to be unwilling to protect, promote and respect for human rights, the NHRC, as an oversight agency, raises its finger at the unfulfilled state obligations. This program is, therefore, directed to support the government towards fulfilling human rights obligation of the state by way of educating the development actors of the government in the field.

Addressing the program, NHRC Director Bed Prasad Bhattarai said that until recently, having the developmental efforts remained untouched by the human rights based approach, human rights of the communities was acutely dormant.

Director Bhattarai, therefore, stressed on the developmental works to be enthused from the human rights perspective. He added that it is the responsibility of all to make the developmental initiatives and efforts human rights oriented, inclusive and non-discriminatory.

25 participants representing various government agencies including the District Development Committees, District Public Health Offices, District Education Offices, Women and Children's Offices, district level NGOs, from the districts of Central Development Region. The training was organized with the technical support extended from the Govt. of Finland.

Kaski: The NHRC Regional Office, Pokhara organized the orientation entitled Human Rights Based Approach to Development (HRBA) from 14th to 19th May, 2012. The main objective of the training was to integrate human rights concerns into development initiatives, to enhance human rights culture in society and to address the issues of development from human rights perspectives. The series of training was held in various districts of West region including Baglung, Pravat, Myagdi and Mustang districts.

During the program, three separate papers were presented each one by NHRC Member Gauri Pradhan, NHRC Regional Director Yagya Adhikari and Chief District Officer. The presentation contained National Human Rights Action Plan as well.

177 participants representing various districts including the Chiefs and representatives of government development agencies participated in the training.

Docudrama 'Munni' Screened at NHRC

Lalitpur: 'Munni', a docudrama scripted centrally on human rights violations, was screened amidst a program held at the NHRC.

Based on a true story, the docudrama recounts the budding love story of a Dalit youth and the so-called upper caste girl. The couple later elopes and ties themselves in a knot. Unfortunately, their marriage is plotted and given a devastated turn eventually by their relations.

The docudrama, therefore, sends the message that the Dalit and the so-called upper caste in wedlock have to endure human rights violations in society.

Following the narrowcasting of the 24-minute long docudrama, the NHRC officials had

pointed out features in various aspect of the docudrama that need improvisation and provided their suggestions.

Responding to the queries and suggestions, the scriptwriter Bijay 'Bisfot' expressed his happiness to have received the constructive criticism on the docudrama from the NHRC officials.

Chairperson Upadhyay, Member Ram Nagina Singh, Secretary Bishal Khanal and other NHRC officials were present at the narrowcasting program of the docudrama.

Sunil Timilsina, Bijay Bisfot and Radheshyam Bishowkarma are the producer, scriptwriter and the director of the docudrama Munni respectively.

Local Youths Trained on Human Rights

Morang: NHRC Regional Office, Biratnagar has organized the Basic Human Rights Training focusing the district level youths of Sunsari district.

With the objective to make the participants aware of the human rights issues the training session entailed comprehensive discussions on the differentiation between human rights violations and crimes. The training also focused on the contribution from the side of the individuals with regard to the realization of human rights both in conflict and normal situations.

25 participants including 15 males and 10 females took part in the training.

NHRC Correspondence to the Prime Minister on Transitional Justice Mechanisms

(The NHRC showed concern on Transitional Justice Mechanisms.
The text of communication to the Prime Minister is as follows)

Excellency,

April 17, 2012

The successful accomplishment of army integration of UCPN (Maoists) into the Nepalese Army as a part of peace process and the preparedness to make the constitution before the stipulated deadline seen in the political circle is indeed positive indication. For this, the role of the present Government under your leadership remains commendable. I firmly believe that the efforts as such would prove to be a milestone for peace and constitution making including human rights, good governance and democracy.

The draft Bills on the high level Truth and Reconciliation Commission (TRC) and the Commission on Inquiry on Disappearances (CID) is also the example of recent preparedness of the Nepal Government as one of the endeavors thrived towards peace process under your leadership. In this concern, since the National Human Rights Commission (NHRC) has been lobbying for both the Bills since 2046 BS (1989 AD), it is obvious that the attention of the NHRC has been drawn towards this. However, the NHRC is yet unaware about what the Nepal Government under your leadership is doing in this regard and what kind of Bill is going to be endorsed. I would, therefore, like to remind your Excellency that the former government had consulted with the NHRC with regard to the formulation process of the Draft Bills.

Having undergone through the internal conflicts, various countries in the world have formed the TRC and the CID during the transitional period. Undeniably, these Commissions bear their own significance. In our country, though these Commissions were conceptualized via the Comprehensive Peace Accord (CPA), truths to be unfolded would fade away in the dearth of time if delayed further. This will subsequently inhibit frustration among the victims and their families who are searching for justice for so long. Also, certain elements in society would be successful to suppress the truth relating to some incidents thereby resulting in the utility deficit of the commissions. Though there is a delay in forming these Commissions there would be some rooms left for contentment if these commissions could be made competent and powerful under legitimate set-up.

In the past, Nepali society remained divided some being islanded on the side of Government, some on the rebellion CPN (Maoists), some on the side of the then King and some on the side of the agitating parties. The very truth, however, is that thousands of victims, their families killed by both conflicting parties, persons involved in crimes, tortured, disappeared, displaced and those whose properties are confiscated as well as the alleged perpetrators have to endure the same destiny this way or that way in the same society and the same country. Therefore, no one can pull on in peace and harmony as in the present environment in which there exists bitterness and suspicions between the conflict stricken victims and perpetrators in reconciliation, feeling of insecurity and trust deficit. The formation of such mechanisms as the TRC, the CID and the peace committees needed to remove the emotional cleavage full of resentment and to re-establish new form of trust and bond between the conflict affected families and the perpetrators, therefore, has its own importance and relevance.

The past wound of conflict would be healed only when the victims' stories are listened to, perpetrators are allowed to explain about their indulging in human rights violation under special circumstances and to repent over their deeds, truths unfolded by the state, the state's guarantee in impeding to the repetition of human rights violation including the provision of compensation and reparation to the victims and their families with regard to the violation of human rights during the conflict period. This will indeed give power to the victims and their families to forgive and forget to some extent. As is known, TRC will have a great role to play in all these endeavors as vital substantive mechanism.

However, the ordeal of the conflict wouldn't limit up to the victim persons or the families or the kin alone. It is apparent that its affect

and consequences would have impact all over within a vicious circle. It is, therefore, necessary that the environment is created for mutual respect, harmony and reconciliation among the victims affected directly and indirectly from the conflict in the scenario where these victims-turn-general citizens are now divided into various society, community, regional based, caste based having aligned to various political parties. Owing to the lagging in this, today, ethnic, communal, secessionist powers have emerged to have remained as a challenge to the national integrity and sovereignty. Therefore, it is necessary that the proposed TRC should be flexible, comprehensive, competent, and powerful and also at par with the international standard that can incorporate from national reconciliation to social, ethnic, communal reconciliation.

Indeed, the TRC alone cannot shoulder up the responsibility of peace and reconciliation. It is perceived that the local level peace committees formed in the past couldn't play the effective role as anticipated. Therefore, it is clear that such committees may be strengthened so that their working systems are improved through necessary changes made in their structure.

Similarly, it is necessary that the determination of reparation or compensation to the conflict victims and legal provisions for their distribution should be clear and transparent. The organizational structure of committee on the distribution should be as per the established standards. As of today, the civil society has speculated that political parties have distributed relief to a few conflict victims and to other scandalous persons in the name of conflict victims just on the ground of their political inclination. Such an act would be eventually inquired into. Whatever it is, the provision should be made without leaving any room for undue approval of such untoward incidents.

Keeping in mind the aforementioned usefulness of the TRC and its value for making strong foundation for human rights, rule of law and democracy, a civilized culture and society before the world community, the NHRC has kept its vigil on such superfluous experiment ever since.

At times, such TRC established as a party-sponsored tool in the name of peace process and reconciliation remains as a mere functionary under the cover of political parties and the government whose image is bleak in the matters of human rights.

After making separate arrangement to throw shadow on the incidents or the cases of human rights violations of armed conflict period, there could be attempts from the side of the political parties or the government to make exceptions in the working field and system of the TRC with an intention to sideline such issues. Under such circumstances, it would be almost impossible for the TRC to gain trust and confidence in national and international level.

Apart from this, the NHRC has expressed its views with regard to the other necessary concerns on the proposed Bill from time to time. In short, the TRC should be fair and independent. The appointment, service condition and termination of the office bearers of the TRC should be in accordance with the autonomy endowed to the Commission.

Similarly, the TRC should be given wider working areas and mandate but it should not be harnessed with the mandate for the blanket amnesty and recommendations. The tenure for the TRC should be neither too long nor too short but it should be given adequate time to accomplish the given task. The state should make the provision for the protection of the office bearers, staff and assistants, victims, witness and consultants. The TRC should submit its report to the legislature parliament and also make the report public as the norm. There should be legal provisions for the implementation of the suggestions provided through the report.

Lastly, the proposed final Bill prepared by the Nepal Government is not the matter of the consensus reached among the political parties alone.

It would be deemed appropriate to present the Bill once before the concerned parties including the human rights groups, civil society, conflict-affected society, journalists and other concerned stakeholders allowing them to have discussion for their comments on the formation of these Commissions. In this regard, though dialogues were held on the then draft Bills four years ago, the NHRC is still unaware of the recent changes made in the present Bill.

Sincerely,
Kedar Nath Upadhyay

There could be substantive changes in the Bill. Nevertheless, I would like to put forward my request to your Excellency if you consider further consultation with the stakeholders concerned for the suggestions and comments on the draft Bills, the NHRC would be pleased to make necessary arrangement for that purpose.

(Translated into English by NHRC)
For electronic version of the letter visit NHRC website:
http://www.nhrcnepal.org/nhrc_new/docnewsletter/1188311696Letter%20to%20PM%20on%20Transitional%20Mechanisms.pdf

Consultation Held on the Formulation of Draft Exhumation Guidelines



HR Officer Shaym Babu Kafle presenting the paper on the updated Draft of Exhumation Guidelines

Photo: Umesh Rana Magar

Lalitpur: The NHRC Member Gauri Pradhan has said that at a time when the exhumation of dead bodies has been accomplished in the recent past, the decision of the government to form the Truth and Reconciliation Commission (TRC) was good news and thus the delivery of justice to the victims would tap impetus now as anticipated.

Speaking at a program held on national level Consultation on the Draft Exhumation Guidelines – 2012, Member Pradhan said that, in this context, the NHRC has prepared draft exhumation guidelines which would be useful during three phases of exhumation ranging from pre, during to post exhumation processes.

The formulation of the guidelines exhumation, he said, would fulfill the need of a crucial instrument for those in exhumation mission thereby facilitating the process as per the set standard. All engaged in the exhumation can use the guidelines, he added.

On the occasion, presenting the paper on draft exhumation guideline, Shaym Babu Kafle, NHRC HR Officer and the Coordinator of the draft formulation committee said that in the process of conceiving the draft two regional and a larger national level consultation were held pursuant to the articles 132 and 163 of the Interim Constitution - 2007, NHRC-Act 2012, NHRC complaint handling and in line with the standard set forth in international human rights instruments and practices.

Addressing the program, Former NHRC member Sushil Pyakurel said that the successful Godar

exhumation accomplished was a milestone as part of the human rights action endeavored in transitional period.

Dr Harihar Wasti, Forensic Expert from Tribhuvan University Teaching Hospital noted that the concept of having the exhumation guidelines is the result of the long term effort to bring out the document at par with the international standard. Upon its endorsement, therefore, any concerned authority can use these guidelines as per necessity, Dr Wasti said.

Elucidating the differentiation between the excavation and exhumation, he ruled out not giving the victims' family members any access to the exhumation site particularly for the reason that their presence is inevitable for the ante mortem data collection.

He also made it clear that the security personnel and the Commission of Inquiry on Disappearance (CID) may use the guideline as vital substantive instrument as and when necessary. He, however, urged the NHRC to take the prudent decision in forming the committee on exhumation mission.

Ram Kumar Bhandari of Committee on Network of Families of Disappeared urged the Exhumation guideline to be in line with the truth seeking UN resolutions. He also emphasized that psychosocial counseling be necessarily provided prior to launching the exhumation.

He added that it is not wise to include the family members in the exhumation committee keeping in mind the stigma that they would undergo but keep them updated with the every phase of the exhumation.

Resma Thapa, the representative of International Center for Transitional Justice said that guidelines should be not only in for the exhumation purpose of war-time or post war-time but also for peace era. Given the sensitivity of the exhumation, the access of families' of victim to the exhumation site should be considered discretionary, she urged.

Thok Prasad Shiwakoti of the Office of the Attorney General said that his office was concerned about the documentation for reference point. He, however, mentioned

that exhumation should include the other objective of evidences.

Adding that the budget for exhumation to be allocated by the government, he raised his concern with regard to the ambiguous "as per law" in the clauses of the would- be endorsed draft exhumation guidelines.

Tej Man Shrestha, the NHRC HR Officer informed that under the circumstances of the Truth and Reconciliation Commission coming into action, the NHRC continues its regular monitoring activity as mandated. With regard to exhumation, the national watchdog as a catalyst may cause the cases to be taken up through the committees formed including the concerned players.

Advocate Anita Sapkota said that the new concept of 'trauma counseling' should also be given space in the draft exhumation guidelines having its centers in different parts of the country.

Member Ram Nagina Singh, in his closing remark, said that 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.

Adding that though there is limitation in everything in law necessarily, he said that litigation has to get to a conclusion eventually.

Thanking all the participants of the program, Member Singh concluded that the National Human Rights Commission would review the suggestions and comments offered during the consultation and give final shape to it in due time.

Advocates Om Prakash Aryal, and Tika Ram Pokhrel, (Center for Victims of Torture - Nepal), Bharat Adhikari (Child Workers in Nepal), Bijay Biswokarma (Human Rights Alliance), Jiban Rijal (Special Scientist) and Dinesh Jha (Senior Scientist) - National Forensic Science Laboratory, Dr. Rijen Shrestha, Suresh Suraj Shrestha of Archeological Department, Superintendent of Police Prabhakar Shah and Police Inspector Prabhu Dhakal also shared their views and input on the draft exhumation guidelines.

Consultation held on Legislation relating to Mentally ill Persons

Lalitpur: Chairperson Justice Kedar Nath Upadhyay has said that since mentally ill persons cannot articulate their problems all by themselves, their grievances and human rights often go unheard.

Addressing the interaction held on Mental Health Draft Legislation -2012, the Chairperson said that its high time that the draft legislation was brought into action with the concerted efforts garnered from all for safeguarding the human rights of the mentally ill persons who comprise huge section in society.

Considered as the most stigmatized, discriminated and misunderstood health problems worldwide, the right of people suffering form mental illness among others needs to be prioritized with due attention, the Chairperson added.

In this regard, the NHRC as the oversight agency, basically conducts monitoring on the physical conditions and facilities of hospitals, jails and asylums and it invites or even summons the representatives of the concerned stakeholders and offers suggestions process-wise, if deemed required, the Chairperson stated.

At the outset, unveiling the establishment of the Collective rights Division at NHRC, Surya Deuja threw light on the objective and rationale of the program.

At the program, Dr. Surendra Man Sherchan, the Officiating Director of the Patan Mental Hospital presented the paper on the Mental Health Draft Legislation – 2012.

During the program, the participants lamented that having the human resource crunch, the mental health services are available only in the city capital and a few major cities.

Urging the stakeholders to ponder on the ground realities, the participants said that the bitter truth is that mentally ill people are abandoned or even kept in jails instead of rehabs. Many people suffering from mental illness are said to have committed suicide.

Considering the existing legislation to be incomplete, unscientific, inhuman, derogatory and non-gender sensitive, the participants, in unison, urged to have intensive brainstorming on this with the monitoring and supervision carried out in the first place.

Lamenting on the provisions enshrined for the mentally ill people in the Interim Constitution of Nepal – 2007 just for the name sake, the participants strongly urged the legislation to have virtuous lines drawn on safeguarding the fundamental human rights of mentally ill people that uphold their dignity with paramount concern.

The participants drew the conclusion that the rights to access and equality to care and treatment of mentally ill citizens is the need of the hour. The state actors and non-state actors must see that the treatment and rehabilitation of the mentally ill people are made available in the safe and secure environment instead of jails. They also unanimously urged to pay attention to the prevalent treatment-gap of the mentally ill people as well as the security of their personal property.

As per the global finding, 1% of the total world population is said to have been suffering from mental health. In Nepal, 280 thousand people are suffering from severe mental illness whereas 360 thousand people are estimated to have been suffering from some sort of mental health problems.

In this context, the national health policy draft was drawn in 1997 and the mental health legislative Act was ready by 2000 and 2007 respectively. There are international instruments such as Universal Declaration of Human Rights, Alma Ata Declaration UN Resolution 1991 for



Participants sharing their views at the consultation held on Mental Health Draft Legislation-2012 at NHRC Office, Lalitpur

Photo: Umesh Rana Magar

“

Considered as the most stigmatized, discriminated and misunderstood health problems worldwide, the right of people suffering form mental illness among others needs to be prioritized with due attention

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mentally ill people and above all UNCRPD was drawn in 2006 to which Nepal became a party in 2009.

Dr. Harihar Wasti of TUTH, Indira Dahal of Law Ministry, Representative of Women's Rehabilitation Center (WOREC), Rajendra Panta of Nepal Medical Council, Matrika Deokota of 'Koshish', Advocate Dhan Bahadur Shrestha, Padma Raj Joshi of the Annapurna Post, Jaga Nath Lamichhane, Badri Nath Koirala of National Planning Commission, Padam Koirala of Prison Management, Ram Lal Shrestha of mental health service center, Tirtha Bastola of National Human Rights Association, Bharat Adhikari of CWIN, Nawraj Baral also shared their view during the program.

NHRC Recent Publications



NHRC Recommendations to the GoN up to 12th April, 2012 (Officewise and Thematically) - At a glance

| S.No. | Thematics | N'gunj | B'nagar | L'tpur | J'kpur | Butwal | D'gadhi | Pokhara | K'tang | Jumla | Total |
|-------|--------------------|--------|---------|--------|--------|--------|---------|---------|--------|-------|-------|
| 1.1 | ICCPR - Killings | 38 | 21 | 76 | 43 | 52 | 44 | 57 | 13 | 13 | 357 |
| 1.2 | ICCPR - Others | 1 | 0 | 5 | 0 | 0 | 0 | 5 | 0 | 1 | 12 |
| 2.1 | ESCR - IDPs | 0 | 1 | 20 | 0 | 0 | 6 | 5 | 0 | 0 | 32 |
| 2.2 | ESCR - Others | 2 | 0 | 4 | 0 | 1 | 1 | 2 | 0 | 0 | 10 |
| 3.1 | CAT - by State | 12 | 0 | 13 | 2 | 2 | 7 | 3 | 2 | 1 | 42 |
| 3.2 | CAT - by Maoists | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 2 |
| 4.1 | CED - Disap'rances | 29 | 0 | 22 | 4 | 5 | 8 | 4 | 0 | 4 | 76 |
| 4.2 | CED - Abductions | 2 | 0 | 2 | 2 | 1 | 0 | 0 | 0 | 0 | 7 |
| 5 | CEDAW | 0 | 2 | 3 | 9 | 0 | 3 | 0 | 0 | 0 | 17 |
| 6 | CRPD | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7 | CERD | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 8 | CRC | 1 | 1 | 2 | 0 | 5 | 0 | 4 | 0 | 0 | 13 |
| 9 | MWs and Others | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | | 85 | 25 | 148 | 60 | 66 | 69 | 81 | 15 | 19 | 568 |

Though the complaints on the CRPD and MWs have been lodged at the NHRC, no recommendations have been made while a number of monitoring, investigation have been carried out. The Commission had recommended the human rights friendly terms to be used in the Tribhuvan University Examination Admit Cards. Similarly, the Commission, upon receiving the complaints via other organizations, had shown its concern over the issues of migrant workers based in Iraq, Yemen, UAE, India, Qatar, Libya, Malaysia and Afghanistan etc and launched investigation in coordination with government and non-government institutions in Nepal.

Ghimire and Jha to be Conferred with Dayaram Memorial Human Rights Honor

Lalitpur: The National Human Rights Commission has decided to honor Durga Ghimire, the Chairperson of ABC-Nepal and Journalist Chandra Kishor Jha with Late Dayaram Memorial Human Rights Honor - 2012.

Durga Ghimire is associated with the social development field for a long time whereas Chandra Kishor Jha is a freelance journalist in the field of human rights, social justice and social inclusiveness.

The awardees will be felicitated on the occasion of the NHRC Anniversary Day on May 26, 2012.

Late Pariyar, an employee of the NHRC, was shot by the police in Janakpur 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.

Special Rapporteurs Commence Research

Lalitpur: The Special Rapporteurs presented their conceptual framework of their respective research study themes before the Chairperson Justice Kedar Nath Upadhyay and Commissioners amid a program held at the NHRC on April 12, 2012.

Addressing the program NHRC Chairperson Upadhyay said that the Special Rapporteurs should comply with research norms and produce credible reports by quoting the resources of the information used in the report.

At the programme, briefing the Rapporteurs about contemporary human rights tools and benchmarks, which were indispensable for the thematic approach and conceptual clarity, Member Gauri Pradhan made presentation focusing on the expectation of NHRC from the Rapporteurs.

On the occasion, Member Ram Nagina Sing pointed out that Special Rapporteur should be very sensitive towards their assignment as their reports will be liable to guide or otherwise misguide the NHRC in its mission to respect, protect, promote and investigate the complaints related to these thematic issues in future.

The three thematic Special Rapporteurs, who took their offices at the NHRC recently, have commenced the performance of research study on stipulated themes viz. Convention on the Elimination of Racial Discrimination (CERD), Convention of the Rights of Child (CRC) and Covenant on the Economic, Social and Cultural Rights (ESCR).

HR Defenders trained on mediation skills

Kanchanpur: the NHRC Regional Office Dhangadhi organized the three day training on mediation skills on human rights issues in Mahendranagar.

The sole objective of the training was to develop coordination between the representatives of the state actors, stakeholder organizations including human rights NGOs and the NHRC staff members and enhance their capacity in the field of mediation on the reconciliation activity on the human rights issue by remaining within the periphery of law.

Focusing on the stages, processes and necessary skills of mediation, the training sessions entailed various activities including theoretical approach, group discussion/ interaction and plays among the participating trainees.

Advocate Sudeep Gautam, the NHRC Director Subarna Karmacharya, The Deputy Director of NHRC Regional Office, Dhangadhi Dr. Tikaram Pokhrel provided the training.

Urging for the provision of training with the length of 5 to 7 days, the participants stressed that the NHRC ought to conduct Training of Trainers (ToT) in order to produce the in-house trainers in the days ahead.

29 participants from Kailai and Kanchanpur districts representing the District Administration Office, District Bar Association, Court, District Police Office, Women and the Children Office, human rights organizations including the Law Professionals participated in the training.

Effort on Conflict Prevention

Morang: The NHRC Regional Office Biratnagar monitored the human rights situation immediately after it received the information about the possible conflict between the local residents and the staffs of the Nepal Police at Amahibelha-1, Sunsari on April 10, 2012.

The commotion erupted between the local people and the police following the alleged mistreatment perpetuated by the latter. While monitoring the incident, therefore, the NHRC team helped bring the situation to normalcy through its instantaneous intervention.



NHRC team monitoring on the sudden commotion between the local residents and the personnel of law enforcing agency in Sunsari district

Photo: NHRC Regional Office, Biratnagar

Coordination among Stakeholders Hauls Priority on HR Situation in Jumla

Jumla : The NHRC Sub Regional Office, Jumla organized an interaction among the local government agencies including the security agency, different occupation holders, and representatives of political parties, NGOs active in the zone. The objective of the program was to bring about coordination and collaboration among the stakeholders on the working procedures to address the common issues on human rights in the area.

During the program, the participants raised their deep concern on the ineffective working system of the local administration, widespread impunity, domestic violence, food insecurity, untimely demise of a pregnant women, pervasive child marriage and polygamy among others.

Addressing the program, Hon. Chief Judge Shree Khemraj Sharma from Appellate Court Jumla said that the subject of human rights is broad and essential in all arenas, but it could not be achieved without good governance and rule of law.

At the program Chief District Officer of Jumla, Shree Purna Prasad Neupane, district president of NGO Federation Shree Durga Prasad Pandey, the representative of civil society Shree Surpananda Hamal also shared their views on human rights situation in the area.

At the program, 32 participants of all the sectors participated. The NHRC Sub Regional Head Jhankar Bahadur Rawal presented the paper on the Commission's mandates, working system and jurisdiction.

Monthly Status of the NHRC Decisions(April, 2012)

The National Human Rights Commission, in course of its action, has finalized a number of cases under various themes. These include abduction - 7 cases, administrative justice -18, Torture-9, ESC Rights - 6, Killing -1, Discrimination 1 and Disappearance case -5. Of these, 1 case pertaining to the administrative justice is declared dismissed this past month.

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