



# e-Newsletter



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## HUMAN RIGHTS IN 2013...

NOTICE

### Special Missions accomplish Investigation upon Backlog Complaints

LALITPUR: Following the two phases of investigation missions upon complaints, the NHRC central office with the Chief District Officer of the district, representative of the village development committee, chiefs of security agencies, victims and 4198 pending complaints, investigation has been conducted on 334 backlog complaints as per the preset target of the Missions. The NHRC has set up a centre in the district where the investigation is being conducted.

### Truth and Reconciliation Commission, just Complimentary to Criminal Justice: NHRC

LALITPUR: National Human Rights Commission (NHRC) Chairperson Justice Kedar Nath Upadhyay announced the importance of Truth and Reconciliation Commission (TRC) proceeding, the role of TRC is revived.

### NHRC Comments On TRC related Ordinance – 2069

EVER since the then Maoists declared the war on February 13, 1996 until the signing of the Comprehensive Peace Accord (CPA) on November 21, 2006, thousands of people have become the victims of human rights violations. Contrarily, even after six years of CPA, the Transitional Justice Mechanisms haven't been instituted resulting in the further suffering to the victims.



### Justices Speak on the Use of Writ Jurisdiction for Human Rights Protection



Similarly, also stressed at the workshop the effective implementation of the Habeas Corpus and the writ jurisdiction for the personal freedom of the individuals and the matters that significantly contribute towards the protection of human rights.

### 13<sup>th</sup> Anniversary of the NHRC

### Government Feeble in Implementing Rule of Law: Chairperson



Gauri Pradhan said that it has become difficult to bring the violators of human rights to justice for obvious reason that the culture of impunity is deep.

### 16<sup>th</sup> Int'l Day in Support of Victims of Torture Revamp the Torture Act – 1996: NHRC

LALITPUR: NHRC Chairperson Justice Kedar Nath Upadhyay has said that the government of all parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987 and on

Mr. Kakri opined that if concerted effort can be inculcated among the NHRC, Home Ministry and other concerned authorities towards collaboration, it would pledge support for the prevention and control of ill culture of torture.

## ...THE YEAR THAT WAS

### Consultation on Mid-term UPR Report:

Institutionalizing HRs achievements is a must: Member Pradhan



### Consultation on Mid Term UPR Report:

Stakeholders provide Inputs for the Report

LALITPUR: While the National Human Rights Commission is in full swing in reporting with special focus on the implementation of the 9 core conventions to which Nepal is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987 and on victims and witnesses and so on so forth. They also emphasized that the plans and

### NHRC Concludes Monitoring on HR Situation of Nepalese Migrant Workers Overseas

LALITPUR: The National Human Rights Commission has concluded its monitoring mission on the HR situation of Nepalese migrant workers abroad. Foreign labor migration is a

### NHRC Concludes Nationwide Monitoring on CA Election

LALITPUR: At the backdrop of the CA election approaching at the threshold, the Office of the National Human Rights Commission has been incessantly monitoring the CA election related activities nationwide.

### Government committed to Human Rights: Khila Raj Regmi



Secretary Bhattachari, on behalf of the NHRC and all Nepalese, shared his deep sorrow with entire human rights and peace loving world community over the sad demise of South African anti-apartheid leader and

IN THIS ISSUE

CONTENTS	PAGE
Fast-unto-death .....	2
Unhindered health services .....	2
Tenants submit Memorandum .....	3
Right to Health .....	4
Police asked to settle .....	4
Drag those thrashing .....	4
Incident of Abuse .....	4
Right to Information .....	4
Representatives of Security .....	5
Implementation Status of UPR .....	5
Suggestions provided on .....	6
Stakeholders urged for .....	6
Decision of the Court .....	6
Indigenous Women trained .....	7
Safeguarding of the Rights .....	7
Ensure the Protection .....	8
Incident of Racial .....	8

Fast-unto-death staged by prof. Dr. KC

## NHRC urges to respect the Citizens' Right to enjoy Health Services

**LALITPUR:** The Office of the National Human Rights Commission has expressed concern over the uncomfortable situation emerged due to the incident of fast-unto-death staged by Prof. Dr. Govinda KC of Tribhuvan University Teaching Hospital (TUTH) with his seven points demands put forth.

stakeholder parties on January 16, 2013 to sort out the problems through talks.

In this concern, the Commission has been incessantly monitoring the health condition of Prof. Dr. KC and the inconvenience caused to the health service seekers through the activities of the agitating doctors.

As per the findings of the monitoring, the health condition of Prof. Dr. KC is deteriorating and common people's right to get medical treatment at government hospitals is being acutely affected due to the protest program organized by the doctors.

In this regard, it is observed that Article 25 of the Universal Declaration of Human Rights-1948 (UDHR), the rights provisioned through

people have been discarded due to the ongoing protest program of the doctors. Similarly such activities are downright against the professional dignity as per the 'Consumers Protection Act- 2054 BS' and 'Essential Service Act -2014 BS.' It is, thus, necessary to internalize the universal norm not to violate the rights of others while enjoying own rights.

Since the present protest program staged by the doctors is against the professional dignity and human sympathy, the Commission urges all the doctors to end such form of protest programs and to diverge them with due adoption of constructive measures.

The Commission, once again, urges the concerned health workers, the Government of Nepal including concerned stakeholders to be alert in time towards the unprecedented consequences due to the activities that tend to cause serious damage on the people's right to health as the basic human rights, to seek the solution to the problem through talks at the soonest, to save the life of KC and to protect the people's right to enjoy health services without any obstruction.



Dr. Govinda KC staging fast-unto-death to have his demands met out by the Government

It can be recalled that, prior to this, the Commission has drawn the attention of the concerned

Article 12 of the International Covenant on the Economic, Social and Cultural Rights ( ESCR) of the

Latest Update: Upon the agreement of the Govt. to fulfil the key demands of DR Govinda KC, the hunger strike has been called off by the latter but will continue to protest until his demands are met out.

## Unhindered Health Services urged

**LALITPUR:** The Office of the National Human Rights Commission has monitored the health condition of Prof. Dr. Govinda KC of Tribhuvan University Teaching Hospital (TUTH) and whether or not the common citizens have received the unobstructed health services.

During the monitoring, the NHRC has found out that the health condition of Prof. Dr. KC

is deteriorating and common people's right to get medical treatment is being affected following the situation emerged due to protest program staged by the doctors.

The Commission has, therefore, urged the Government to address the demands of Prof. Dr. KC through talks and create environment for the unhindered health services for the common people.

The Commission has also urged the concerned health workers, Government of Nepal and concerned bodies to save the life of Prof. Dr. KC, to stop the repetition of activities that infringe the rights of the general public to receive health services and to abide by the legal procedures keeping intact the professional dignity. Meanwhile, the NHRC is constantly monitoring the development of the stir staged by the doctors.

## Tenants submit Memorandum: NHRC Initiative sought for Land Ownership



Deputy Director Murari Prasad Kharel receiving the Memorandum from the tenants of Banke district amid a program held at NHRC Office, Nepalgunj

**B**ANKE: The representatives of the National Land Rights Forum together with the senior citizen tenants submitted the memorandum to the NHRC Regional Office, Nepalgunj seeking NHRC central office (Lalitpur) initiative for establishing their right to property (land) amid a discussion program held in the NHRC conference hall, Nepalgunj.

The tenants of Ganapur, Bankatwa and Basudeupur of Banke district submitted the letter of memorandum to the NHRC placing their five point demands on January 14, 2014 to ensure the right of tenants over land. Lest their demands could remain unfulfilled without the NHRC intervention, the senior citizen tenants have urged to give relaxation to the languishing provision of land property partition with the submission of new application at the soonest. They have also demanded to stop buying and selling of the remaining portion of land property, transferring of land ownership and mortgaging of land including those remaining under consideration upon the application submitted to the Land Reform Office.

These apart, the tenants have strongly demanded not to mediate in favor of landlords in the name of agreement, to stop harassing the tenants attending their dates following the submission of their application and to stop arbitrary intervention of pensioners in the official works. Yet another demand they have put forward is the demand of compensation provision to those tenants attending their dates for their right to land. With the slogan, 'we want land and not the date', the tenants have unanimously urged the authorities to make the on-the-spot visit for the estimation of land area as well.

At the program, the tenants stated that the landlords have remained oblivion in doing the partition of land with the very feeling that given the numerous dates to the tenants, they would be tired enough to place their grievances any further. The tenants, therefore, came up with the strong appeal for the removal of dual ownership of the land as because the landlord took huge

portion of harvests from them besides the lawsuits being long-drawn-out at the hands of the authorities.

Having been exhausted with the number of prolonged cases remaining unsettled, the tenants eventually landed up with no option but to knock the door of the NHRC.

'Deprived of land ownership due to the withholding of the complaints/cases lingering back and forth, we feel that safeguarding of our human rights has remained a far cry now,' lamented the tenants.

Meanwhile, it is learnt that the tenants comprising the senior citizens have submitted their memorandum to the Office of the Prime Minister and Council of Ministers through the District Administration Office, Banke and the Land Reform Office to mount pressure on the Government.

Earlier, the five member delegation had submitted their memorandum to former NHRC Member duo Ram Nagina Singh, Gauri Pradhan and Acting Secretary Bed Prasad Bhatarai.

Receiving the memorandum at the program, NHRC Regional Director Murari Prasad Kharel said that the NHRC was serious about the right to property including the rights of tenants over land property.

*Continued on page 8 ...*



Agitating tenants displaying their placards at the premises of the NHRC Office, Nepalgunj

## Right to Health of Fire Victims monitored



*The fire victims being treated at the hospital in Nepalgunj*

**B**ANKE: The NHRC Regional Office, Nepalgunj has monitored the health condition of the fire victims who suffered injury due to fire that enveloped the Madhuse forest of Gothi VDC of Humla district on January 16, 2013.

It is learnt through monitoring report that three pedestrians died on the spot and ten were

badly injured by the same fire on January 17, 2013 when they were returning from a cultural fete called Sankranti Mela. The monitoring team deployed by the NHRC Nepalgunj Office met with the victims and

hospital authorities and obtained the information about the health condition of the people who sustained injury in the incident. The team also met with the family members of the victims, doctors involved in treatment and other stakeholders during the monitoring in order to proceed further with necessary initiatives to safeguard the right to health of the victims.

## Incident of Abuse of Rights Defender investigated

**M**ORANG: The National Human Rights Commission, Regional Office, Biratnagar has commenced the investigation into the incident of torture and abuse inflicted by the Police on Mrs. Gyanu Dulal, the member of Women's Human Rights Defenders Network of Pachthar district.

The Commission has taken the incident as the violation of rights against torture and abuse and begun the preliminary investigation on the basis of suo muto cognizance. Trashed and injured by the district police constable on duty, the rights defender Mrs. Dulal has been undergoing treatment at a local hospital, as per the media report published in various news papers.

Meanwhile, in the process of investigation, the Commission has corresponded to the District Administration office and the District Police Office, Panchthar to establish an enquiry into the incident and make the details available within seven days.

## Right to Information monitored

**D**HANUSHA: The Regional Office of the NHRC, Janakpur has monitored the incident in which Journalist Shailendra Mahato associated with the Freedom Forum was refused to provide the information and misbehaved by Jagat Mahato, the Headmaster of Bateswar Primary School.

Dispute between the persons was settled later during the monitoring in which the Headmaster Mahato apologized and promised to provide the information as and when demanded.

## Police asked to settle the Dispute between the Landlord and Tenants

**D**HANUSHA: Upon receiving the complaint, the Regional office of the NHRC has issued a directive to the local police to settle the dispute emerged between the landlord and the tenant over the refusal of the fulfillment of demand placed by the tenant.

As per the monitoring report, Siria Das Tatma, a Dalit tenant has been tilling the land belonging to the local landlord Manoj Yadav for the last thirteen years. The incident was learned to have taken place during the tilling of the land in January, 2014.

## Drag those thrashing the Journalist into Justice: NHRC

**K**ATHMANDU: The Office of the National Human Rights Commission has expressed concern over the incident of attack by an unidentified group on the vehicle used by Pratik Pradhan, the Chief Editor of the Nagarik daily on January 7, 2013, the NHRC press release says.

The Commission has contacted the Metropolis Police Circle, New Baneswar with regard to the incident. Meanwhile, the Commission urges to the Government to institute a fair probe into the incident and bring the culprit to justice ensuring security of the journalists, a press release quoted Officiating Secretary Subarna Karmacharya as saying.

## Representatives of Security Body trained on Human Rights

**KAVRE:** The Office of the National Human Rights Commission and Nepal Police (Human Rights Cell) jointly organized training on human rights to the officials of the Nepal Police from 22-24 January, 2014.

The objective of the training was to capitalize Human Rights Manual for security officials published by the NHRC and also to sensitize the police officers on human rights. The training also focussed on inculcating the due practice of collaboration and coordination.

Addressing the inaugural, NHRC Acting Secretary Bed Prasad Bhattarai threw light on the rationale of the training. He also lauded the outstanding investigation system of Nepal Police. Similarly, the Bagmati Zonal Chief SSP Ramesh Kharel of Nepal Police made his remarks on the catalytic role of the police and civil society in realizing human rights of the commoners and urged the participants for the active participation in the training.

During the training, the sessions were divided in different thematic entitling 'Understanding Human Rights and National/International Mechanisms,' 'International and



Acting Secretary Bed Prasad Bhattarai giving away the certificates to the participants at a program held on human rights

National Procedures of the Protection of Human Rights,' 'Role of Security Officials in Respect, Protection and Promotion of Human Rights,' 'Role of security officials in respect, protection and promotion of human rights especially in the situation of use of force', 'Human Rights, Crime and HR Violations,' 'Crime and HR Violations,' 'Introduction and Role of Nepal Police Human Rights Cell and its Achievements in Human Rights Protection,' 'Equality and Non-Discrimination in Application of Law,' 'International Humanitarian Law,' including 'Human Rights of the Victims and Protecting Collective Rights.'

At the closing of the training, Secretary Bhattarai reminded about the deepening problem of the Adhikari couple who have

been staging their hunger strike for months. Likewise, he urged the trainee officials to make concerted effort to manage the in-house training sessions in various police units whenever feasible to help flourish human rights culture. Similarly, Inspector General of Police Upendra Kanta Aryal expressed his commitment to uphold human rights in all activities related to security concerns. At the end of the closing, Secretary Bed Prasad Bhattarai and IGP Aryal gave away the certificates to the participants of the training.

Thirty one participants took part in the training while various experts from Nepal Police and human rights community including former Attorney General Dr. Yuva Raj Sangraula facilitated the training as resource persons.

## Implementation Status of UPR Recommendations reviewed in West

**KASKI:** The Office of the National Human Rights Commission, western regional office organized a one day discussion program on the Nepal's implementation status of the recommendations made during the Universal Periodic Review held in Geneva.

During the program, the regional head Yagya Prasad Adhikari presented a paper on vision of two years program

of the NHRC Regional Office together with the analysis on the UPR recommendations. The presentation was followed by larger discussion by human rights activist Tek Nath Baral, Informal Sector Service Center's western regional head Shiva Khakurel, eminent legal professional Tilak Acharya, rights worker Nawadata Dhungana, Khaga Raj Acharya, media person Ramesh Paudel, representative of the family of conflict victims Netrapani Subedi.

At the program, the speakers also argued that situation of human rights has remained bleak due to the criminalization of politics and vice versa.

The participants further questioned the authorities about their oblique ally with the criminals as evidenced by the photographs taken with the criminals. They regretted to have witnessed the criminals often going at the helms of the politics with their safe escape.

## Suggestions provided on the fourth Five Year NHRAP

**D**OTI: The Office of the Prime Minister and Council of Ministers organized one day workshop on fourth five year National Human Rights Action Plan in Silgadhi, Doti district of far western region.

The objective of the workshop was to have larger discussion among the district level officials from the government agencies and to collect the suggestions and comments from them on the upcoming fourth five year NHRAP of the Government of Nepal.

The program was chaired by the chief of the Far Western Administrative Office Mr. Raj Kumar Malla. Chief Judge of Appellate Court Ishwar Khatiwada was the chief guest and Chief Secretary of Government of Nepal Leela Mani Poudel was the special guest of the program.

At the program, Secretary of the PMO Rajuman Singh Malla highlighted the objectives of NHRAP and achievements made via implementation of the previous NHRAP while the Joint Secretary Ramesh Dhakal presented the draft of forthcoming NHRAP of Government of Nepal. Representing



Human Rights Officer Jhankar Rawal facilitating the training among the officials of government agencies including security bodies in Far-west region.

the NHRC, Director Subarna Kumar Karmacharya presented the NHRC monitoring report on the NHRAP implemented earlier.

Another interaction program was held on implementation status for NHRAP in Mahendra Nagar and Dadeldhura on 27<sup>th</sup> and 28<sup>th</sup> December, 2013 respectively. The programs were organized by the Office of the NHRC, Dhangadhi.

Yet another program was held on December 30 and 31<sup>st</sup>, 2013 on the Human Rights Based Approach (HRBA) to Development in Kailali district among the government officers. 28 government officers and senior assistant level staffs including 6 women among others participated in the program. The participants were informed about the content of the forthcoming

NHRAP and their roles in facilitating the suggestions on the formulation of the plan. The program was facilitated by Human Rights Jhankar Rawal and Resource persons were the NHRC Director duo Subarna Karmacharya and Dr. Tikaram Pokharel with their presentations.

As part of Nepal's Human Rights framework, the Government of Nepal has developed and recently accomplished the implementation of the fourth five year NHRAP. The NHRAP has been prepared in such a manner that it integrates human rights perspectives in the development process.

The programs were held at the technical support extended from the SCNHRC/UNDP.

## Stakeholders urged for HRs Friendly Constitution

**RUPANDEHI** : The NHRC Sub Regional Office, Butwal organized two day workshop/ seminar from 9-20 December, 2013 on the situation of human rights and the role of stakeholders during the post election period.

The major objectives of the program were to analyze the situation of the human rights during the Constituent Assembly (CA) election and to have comprehensive discussion about the role of stakeholders for forming human rights friendly constitution.



Deputy Director Dipak Jung Dhawaj Karki addressing a program held on post- election human rights activities in Rupandehi

*Continued on page 8*

## Indigenous Women trained on Human Rights

**LALITPUR:** The Office of the National Human Rights Commission conducted basic women's human rights orientation program with focus on Newari indigenous women of Lalitpur district. The objective of the program was to empower women with awareness raising on human rights to indigenous Newari women.

Enthusiastic to be skilled at women's human rights, 50 women mostly from Newari indigenous women attended 5 hour long program. The participants were trained on Basic Women Human Rights, Gender Concept and Gender Based Violence against Women, and Role of Police



NHRC Director Subarna Karmacharya along with the resource persons and participants of the program held on the right so women held in Lalitpur

including the local women's participation in the reduction of violence against women.

At the closing of the training, the NHRC Director Subarna Kumar Karmachaya delivered concluding remarks and vote of thanks for

the participation in the program. Director Karmacharya, GESI Division Head Sarita Gyawali Bhattarai and Inspector of district police office Anjana Shrestha were the resource persons respectively.

## Safeguarding of the Rights of Indigeneous Peoples urged

**SINDHULI:** The CA monitoring team deployed by the NHRC central office has monitored the rights violation of the locals dwelling around the Khimti Dhalkebar 220 KV high tension line in Sindhuli district.

In this context, the residents of the area had submitted their complaints about the rights to be informed and safeguarding their rights. Having taken up the grievances of the locals with serious

note, therefore, the team met with all the concerned stakeholders including the chief district officer Keshav Raj Acharya, chiefs and representatives of the political parties, civil society, human rights workers, Nepal Police separately and held discussion to gather in depth information about the incident of the grave impact left by the electric line on the lives of the victims in the area. Besides, the team met with 99 people of various

organizations and agencies to collect the information about the Khimti Hydro Project remaining under consideration.

Upon having the preliminary monitoring on the situation the team has made the necessary recommendations so as to safeguard the rights of the indigenous peoples inhabiting in the area.



NHRC officials interacting with the local indigeneous women about the rights violations they have been enduring due to the high tension line in Sindhuli

## Ensure the Protection of the Victim of Domestic Violence

**DHANUSHA:** The Regional Office of the NHRC, Janakpur has monitored the incident of domestic violence on January 23<sup>rd</sup>, 2014. The complainant Bina Devi Thakur of Kharihani VDC, Geruwahi of ward 9 had submitted the complaint stating that she was enduring the physical torture perpetuated by her husband and in laws for the last three years. She was forcefully abandoned by her husband, an accused of polygamy. The monitoring report unveiled that even after the evacuation from

her house, the victim continued to endure the beating and torture perpetuated by her husband and his second wife. Even after the written complaint submitted to the district police office, the police remained oblivion in giving protection to Bina Devi Thakur, the victim of domestic violence. The NHRC Office, Janakpur has been doing follow up monitoring as to how the incident of domestic violence will take its course in terms of protection to be provided to the victim by the police.

The participants elucidated on the overall human rights related activities accomplished during the CA election. Throwing light on the activities including the monitoring on the CA election activities related to freedom of speech and expression, freedom of movement, right to participation in political activities, right to information and rights against the use of child during election, the participants made thorough analysis on the CA election monitoring.

The program was based on participatory approach and presentation and group formation activities were also carried out in the program. NHRC Deputy Director Deepak Jung Dhvaj Karki presented the work plan of the Lumbini Zone and human rights situation of Chitwan on the post election human rights situation. Similarly, human rights officer Chandra Kanta Chapagain presented the work plan on the roles of stakeholders to spearhead for the formation of human rights friendly constitution in the country.

Thirty participants comprising the representatives from Office of women and children Nawalparasi, Office of the Women and Children office, Kapilvastu, Terai Human Rights Home, INSEC, Advocacy Forum, Third Alliance/TEOF, National Human Rights Foundation Kspilvastu, NEOC Rupandehi, GEOC Gulmi, NHRCC Nepal Chitwan and FNJ Palpa among others participated in the program.

... continued from page 3

### Tenants submit Memorandum: ...

'As mentioned in the memorandum, ipso facto, it is the state obligation with regard to the removal of dual ownership over land for which the solution can be found out only when the policy level decision is made to have the problem of tenants addressed,' he said.

He, however, assured the tenants to be positive about their grievances until the stable government is formed and also new set of officials are appointed to the Commission. Meanwhile, all necessary internal actions including the submitting of the recommendation to the Government to make the policy wise reformation to ensure the tenants' rights to land will be initiated via NHRC with due priority,' he confirmed.

Regional Director Murari Prasad Kharel and Human Rights Officer Ramesh Kumar Thapa were present during the memorandum receiving program.

## Incident of Racial Discrimination monitored

**DHANUSHA:** The Regional Office of the NHRC Janakpur has monitored the incident of racial discrimination that took place at a wedding in Ekrahi VDC, Ward 1. As per the monitoring, the party was thrown by Udgari Mandal Kewat at the wedding ceremony of his son. The incident of racial discrimination took place when Om Prakash Pashwan, a local Dalit, much to his astonishment, was embarrassed and asked to leave the place by the so called high caste people including Jawarhar Lal Mandal, Bechan Mandal, Rajendra Mandal and Mahendrra Mandal.

During the monitoring, the NHRC team interrogated the victim party, accused perpetrators, and the police post located at Tilkaunia about the incident of untouchability and racial discrimination.

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