



# e-Newsletter



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Newly appointed NHRC Office-Bearers Assume Office

## Commitment expressed for the Protection & Promotion of Human Rights



Newly appointed NHRC Chairperson and Commissioners attending the reception program upon assuming their office on the first day of their appointment at the Commission

Photo: Janak Raj Bhatta, Central Office

**LALITPUR:** The newly appointed Chairperson, Anup Raj Sharma and the Member Commissioners Prakash Osti, Sudip Pathak, Mohana Ansari and Govinda Sharma Paudyal of the National Human Rights Commission have assumed their office after being sworn-in.

Earlier, in the presence of President Ram Baran Yadav and Prime Minister Sushil Koirala, Chief Justice Ram Kumar Prasad Shah had administered the oath of office and secrecy to the newly appointed Chairperson of the NHRC Anup Raj Sharma. Sharma later administered the oath to members of the Commission Prakash Osti, Sudip Pathak, Mohana Ansari and Govinda Sharma Paudyal respectively amidst a ceremony held at the Rastrapati Bhawan in Maharajgunj on 20<sup>th</sup> October, 2014.

On the occasion, Minister of Law, Justice, Constituent Assembly and Parliamentary Affairs Narahari Acharya, Chief Secretary of the Government of Nepal Lilamani Poudyal, Chief of Army Staff Gaurav Shumsher JB Rana, NHRC Secretary Bed Prasad Bhattarai and other high ranking officials of the constitutional bodies were also present.

The Constitutional Council had approved the recommendations on the appointment of the Officials to the NHRC through the 'Parliamentary Hearing Special Committee' (PHSC) on October 17, 2014.

Upon assuming the office, Chairperson Anup Raj Sharma, addressing to the media, Human Rights defenders and the representatives of the civil society, pointed out that all should adopt democratic culture and put an effort

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NHRC Commissioners visit Ganga Maya Adhikari

## Commission to lead for providing justice to the Adhikari family

**K**ATHMANDU: NHRC Chairperson Anup Raj Sharma along with the Commissioners Prakash Osti and Sudip Pathak visited Ganga Maya Adhikari at Bir Hospital and obtained information of her health condition.

During the meeting, Chairperson Sharma assured Ganga Maya Adhikari that the Commission would play the lead role to mount pressure through the Peace and Reconstruction Ministry for the implementation of what the government pledged while requesting her to break fast-onto death on October 17, 2014.

While talking to Ganga Maya Adhikari, Commissioner Sudip Pathak said that the Commission would play a lead role to help materialize the commitment expressed by the Government of Nepal before her for justice delivery and safeguarding her human rights.

Talking to the Chairperson and Commissioners, Ganga Maya urged



A high level NHRC monitoring team including the Chairperson Anup Raj Sharma, Commissioners Sudip Pathak, Prakash Osti and Govind Sharma Paudyal visiting Ganga Maya Adhikari who's staging fast-onto-death demanding justice

Photo: Janak Raj Bhatta, Central Office

to drag her son's murderers to legal prosecution.

Meanwhile, it is learnt that the Bir Hospital management has deployed two nursing staff for the treatment of Ganga Maya Adhikari, as committed earlier by the Government.

On the same occasion, the NHRC met with the conflict victims including Bisheswar Sada, Karna Bahadur Singh and Lal Singh Badal and urged to end their fast-onto death program by adopting legal procedures for human rights and justice delivery.

Nanda Prasad Adhikari and Ganga Maya Adhikari of Fujel Village Development Committee-7 of Gorkha district had been staging fast-onto death at Bir hospital demanding legal prosecution against the murderers of their son Krishna Prasad Adhikari. Nanda Prasad Adhikari breathed his last during the strike on September 22, 2014, the 333<sup>rd</sup> day of his hunger strike.

Ganga Maya had ended the strike on October 18, 2014 after the government and human rights activists committed to meet her demands.

19-year-old Krishna Prasad Adhikari, a resident of Fujel Village Development Committee, Ward - 7 of Gorkha district was abducted from Bakulhar Chok, Ratnanagar Municipality, Ward - 1 of Chitwan district by the then Maoists cadres on June 5, 2004 and murdered a day

after his abduction on June 6, 2004. Soon after the incident, the family members of deceased Adhikari had registered FIR against few persons involved in the murder.

Earlier, in an NHRC meeting with the former Home Minister Madhav Prasad Ghimire held on August 7, 2013 the Commission had urged the government to promptly advance the investigation process on the incident of Karishna Parasad Adhikari's murder. At the same time, the Commission had corresponded to the Office of Prime Minister and Council of Ministers on August 12, 2013 with regard to the same issue.

Upon conducting the investigation on April 5, 2009, the Commission had recommended the Government of Nepal to probe into the incident of criminal offences and to provide relief and reparations to the victim's family.

## Commission to probe into Bara Incident

**L**ALITPUR: By issuing a press release, the Commission has expressed its deep concern over the shooting incident in a clash escalated between locals and the police on October 11, 2014 near Simraungadh of Bara district. A person was killed in the incident.

A team of the Commission has proceeded to the incident spot for necessary investigation. The Commission also urges all the stakeholders and authorities to cooperate with its investigation into the incident.

# Corpse of Nanda Prasad Adhikari inspected, Govt. asked to save the life of Ganga Maya Adhikari

**KATHMANDU:** The NHRC monitoring team comprising former Commissioner Sudip Pathak, Investigation and Planning Division Head Yagya Prasad Adhikari and Human Rights Officer Uma Joshi visited the morgue at Tribhuvan University Teaching Hospital (TUTH) on September 22, 2014 to inspect the condition of the corpse of Nanda Prasad Adhikari.

The team also visited and inquired about the health condition of Ganga Maya Adhikari at Bir Hospital on October 8, 2014, who was on hunger strike for 360 days demanding action against those involved in the murder of her son Krishna Prasad Adhikari.

The monitoring report states that forensic medicine department of TUTH received the dead body of Nanda Prasad Adhikari through Nepal Police on September 22, 2014 while the health condition of Ganga Maya Adhikari was found to be worsening day by day.

The Commission prays that the departed soul of Nanda Prasad Adhikari rests in peace and also expresses deepest condolences to the family members of late Adhikari.

Since Nanda Prasad Adhikari passed away while staging a hunger strike and the health condition of Ganga Maya Adhikari has also been worsening day after day, the matter is not only an issue of a person's right to life and human rights, but also related to transitional justice and therefore, the Government of Nepal must be sensitive towards this, the letter sent to the Government on October 10, 2014 reads.

The letter further states, 'Provide detailed plan of the Government of Nepal within three days of the receipt of this letter including the efforts made by the Government of Nepal to improve the health condition of Ganga Maya Adhikari and the progress report of the investigation into the incident of

the murderer of her son Krishna Prasad Adhikari and the provision of compensation and reparation made available to the victim's family.'

Meanwhile, the National Human Rights Commission has expressed its deep concern over the death of Nanda Prasad Adhikari of Fujel, Gorkha on 22<sup>nd</sup> September, 2014.

Nanda Prasad Adhikari of Phujel, Gorkha district, who had been staging a fast unto death demanding justice over the murder of his son Krishna Prasad Adhikari by the then CPN Maoists, passed away at Bir Hospital. The emergence of such situation is taken by the Commission as an extremely regretful episode.

The Commission has urged the Government of Nepal and other concerned parties to make serious efforts to protect the life of Ganga Maya Adhikari, the wife of Nanda Prasad Adhikari, whose health condition is worsening due to her fast-unto-death. Similarly, the Commission has heartily requested Ganga Maya Adhikari to give up her self-penance and adopt alternative measures to seek justice.

Meanwhile, the Commission has reminded that it has already sent the recommendations to the GoN to take actions against criminal offense upon conducting the investigation over the incidents of the murder of Krishna Prasad Adhikari, make arrangements for compensation to the victims and provide adequate security, including rehabilitation of the victims. Also, the Commission has been incessantly monitoring whether or not the



Commissioner Sudip Pathak and Division Head Yagya P. Adhikari inspecting the corpse of Nanda Prasad Adhikari at Teaching Hospital, Kathmandu

Photo: Janak Raj Bhatta, Central Office

recommendations as such have been implemented accordingly.

Absence of immediate investigation and prosecution on the incidents of the human rights violations that took place during the armed conflict and beyond, obliviousness in administration of justice, widespread bewilderment and pervasive dispirited notion have caused difficulty in timely and effective protection and respect of human rights.

Since the Rule of Law is the basis of human rights, it is necessary that the recommendations made by the Commission are implemented timely. Also, since prevalence of absolute peace makes the sustainable peace possible, transitional justice is certainly not an alternative of criminal justice but it does only serve as a supporting factor and the Commission would like to draw the attention of the Government towards this.

Monitoring on fast-unto-death

# Victims of Conflict express their woes



A high level NHRC monitoring team including the Chairperson Anup Raj Sharma, Commissioners Sudip Pathak, Prakash Osti and Govind Sharma Paudyal visiting the conflict victims staging fast-unto-death at Bir hospital

Photo: Janak Raj Bhatta, Central Office

Photo: Janak Raj Bhatta, Central Office

**KATHMANDU:** The Commission has corresponded to the Government of Nepal with regard to peaceful protest organized by the National Action Committee of Conflict Victims who once belonged to Army and Police including yet another fast-unto-death staged by the victims Karna Singh Bhandari, Lal Singh Badal and Bisheswar Sada associated with the Action Committee.

During monitoring, the Commission obtained information about the health condition of victims who have been staging hunger strike since September 22, 2014 demanding immediate implementation of the consensus reached between the government representatives and the members of the Action Committee.

The Commission has been incessantly conducting monitoring upon receiving the complaint by the National Action Committee of Conflict Victims of Security Agency about the intervention on the peaceful protest and infringement of the right to organize such peaceful protests from the side of the government.

In a letter sent to the Government of Nepal, the Commission has written that since it is a matter of human rights to organize peaceful protests and the program as such being based on the consensus reached between the government representatives and the members of the Action Committee, it is deemed necessary to be serious on the part of the government to protect

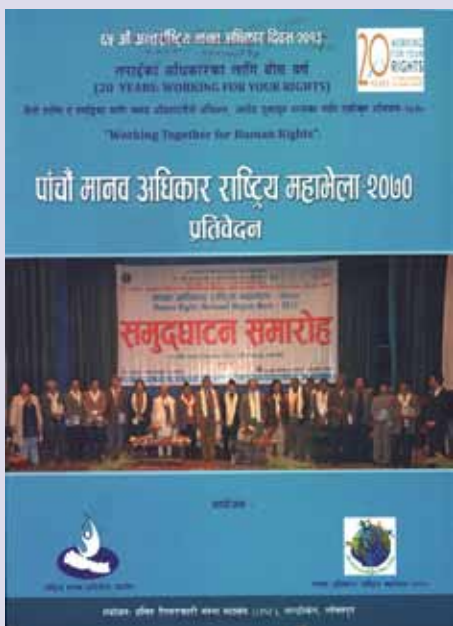
the life of the victims and to arrange necessary treatment to the persons staging hunger strike.

An NHRC team comprising the human rights officers Nitu Gartaula and Uma Joshi monitored the health situation of the protestors at Bir Hospital on October 10, 2014. Sensing the deteriorating health condition, the team had persuaded them to inject saline water and thus the doctors performed the medication including saline water injection at the presence of the NHRC monitoring team.

Two of three protestors have been kept in Intensive Care Unit of Bir hospital, the report states.

## Recent NHRC Publications

For electronic version of NHRC publications, please visit: [www.nhrcnepal.org](http://www.nhrcnepal.org)



# Commissioner Pathak to represent in the Recommendation Committee,

Government all set to give Full Shape to TJ Mechanisms

**KATHMANDU:** The National Human Rights Commission has nominated Commissioner Sudip Pathak to the Recommendation Committee formed to select the Commissioners for the Commission of the Inquiry on Disappearances (CID) and the Truth and Reconciliation Commission (TRC) responding to a request made by the Ministry of Peace and Reconstruction through a letter sent to the NHRC dated October 22, 2014.

Commissioner Pathak has been nominated as a member of the Recommendation Committee by NHRC Chairperson Anup Raj Sharma following the NHRC decision drawn pursuant to sub-section (b) of Section (3) of Chapter (2) of newly enacted TRC Act- 2014 that bears the legal provision of nomination of either NHRC chairperson or its member designated by the chairperson to the Recommendation Committee,



Commissioner Sudip Pathak talking to the press at the NHRC

Photo: Janak Raj Bhatta, Central Office

as per the press release issued by the Commission.

The recommendation committee for the formation of TRC and CID finally attaining the completeness with the nomination of NHRC Commissioner as one of members is expected to expedite the process for forming the two commissions, which will

investigate war-era human rights violations.

Earlier, the government had appointed former chief justice Om Bhakta Shrestha as chairman of the committee on June 16 and Pradeep Pokharel, Ghanashyam Lal Das and Sapana Malla Pradhan as members of the five-member committee. However, Malla had denied taking the charge expressing her reservations over the TRC and CID Act itself. Later, the government had appointed Shanti Devi Khanal as member in Malla's place.

Of late, it is learnt that the committee has been preparing its own roster of experts for appointment to the commissions and while doing so, the committee recently conducted nationwide consultation programs with conflict victims, human rights activists and civil society among others.

## Workshop on TJ and HRs expedited in West

**SYANGJA:** The stakeholders in Syangja district said that the transitional justice mechanisms ought to fulfill the much awaited aspirations of the general citizens together with the victims and their families.

They raised this concern at a workshop entitled 'Workshop on Transitional Justice and Human Rights' organized by the NHRC Regional Office, Pokhara in Waling Municipality hall of Syangjha district on September 24, 2014.

The workshop focused on the CID and TRC Act - 2014 related to the transitional justice mechanisms viz. Commission on the Inquiry of Disappeared (CID) and the Truth and Reconciliation Commission (TRC) and the role of the state with regard to the incidents of human rights violations during the decade long armed conflict.

At the program, The NHRC Regional Head Dr. Tikaram Pokharel presented on the concept of the transitional justice together with the inputs on the contents of the TRC Act – 2014 provided by the

National Human Rights Commission.

Jhalak Subedi, Chief of Area Administration Office, Chief of Public Health Office, Inspector of Ward Police Office, Official of Armed Police Force, representatives of municipality including the Office Bearers of the Victim society, Human Rights Defenders, Legal Professionals, Journalists, chiefs and representatives of the political parties were present in this event.

Underlining the importance of the plight of conflict victims and state accountability, most speakers emphasized on early formation of the TRC consistent with international standards in order to sustain Rule of Law and to put an end to

ever burgeoning sate of impunity for the protection of Human Rights.

The participants also stressed on the activities such as the provision of the reparation to the victims and victims' families from the side of the state, to end politicizing crimes and vice versa and the act of sheltering the criminals at the helm of politics.

Twenty six participants comprising the chief and representatives of the government offices, human rights defenders, conflict victims, legal professionals and media persons, among others took part in the day long workshop



Deputy Director Dr. Tiak Ram Pokharel along with the resources persons at a program held on transitional justice and human rights in Syangjha district

Photo: Regional Office, Pokhara

Surprise Inspection of the Hanumandhoka Detention Center

## Directives issued to improve Sorry State of the Detention Centers

**KATHMANDU:** The NHRC team comprising the newly appointed Commissioners including Prakash Osti, Govinda Sharma Paudyal and other officials inspected the physical condition of the detention centre, barracks and canteens at Metropolitan Police Range, Hanumandhoka.

Upon inspection, the Commissioners duo have drawn the attention of the Ministry of Home Affairs, Department of Prison Management, Nepal Police Headquarters and Kathmandu

Metropolitan City towards the extremely pitiable physical condition of the detention center and issued directives to the authorities to explore options to relocate the detention center.

Similarly, the NHRC officials also directed the officials of the concerned authority to improve the infrastructure of the detention centre, adopt scientific approach in crime investigation and to be sensitive about human rights of the detainees.

Talking to the monitoring team, Metropolitan Police Range, Hanumandhoka in-Charge SSP Uttam Kumar Karki and Chief of Metropolitan Police Crime Division SSP Pushkar Karki said they were aware and sensitive towards human rights of the detainees. They also expressed their commitment towards the protection and promotion of human rights.

Section 4(a) of the National Human Rights Commission Act – 2012 has empowered the Commission to conduct inspection and monitoring of prisons, other agencies of the Government of Nepal, public institutions or any other place for the protection of human rights, and to provide necessary suggestions or directives to the agency concerned with regard to the improvement to be made in such agency, institution or place for the protection of human rights.

Likewise, Article-132 of the Interim Constitution of Nepal-2007 has empowered the NHRC with duties, functions and power of the Commission.



The high level NHRC monitoring team including the Commissioners Prakash Osti, Govind Sharma Paudyal and other officials conducting the monitoring on the detention center at Hanuman Dhoka

Photo: Janak Raj Bhatta, Central Office

## Victims stigmatised due to delay in Justice Delivery

**JUMLA:** National Human Rights Commission (NHRC), Sub-Regional Office (Jumla) has monitored the implementation status of NHRC recommendations on armed conflict era human rights violation cases in Jumla district.

Citing the partial implementation NHRC recommendations on conflict era human rights violation cases, the report issued after the completion of monitoring emphasizes that the culprits of human rights violations be brought to justice without compromising with any forces. The report also mentions that human rights violations of post war era have also remain unabated.

The report suggests that victims, who are tired of waiting for justice, should be provided with justice as soon as possible.

The report further notes that there should be a clear-cut demarcation line between relief and compensation provided to the families of the victims by the government.

The monitoring team visited five families of the

victims in different VDCs, who were killed, disappeared, tortured, and injured by the warring factions in different times and situations.



Rajendra Neupane, Head of NHRC Sub Regional Office (Jumla) collecting the information from the conflict victims.

Photo: Sub-Regional Office, Jumla

## Protection of Consumer Rights Stressed



NHRC Officials along with the Chiefs and representatives of the government and non-government offices at a program held on consumer rights

Photo: Janak Raj Bhatta, Central Office

**LALITPUR:** The Commission organized a discussion with the responsible authorities of the Government of Nepal (GoN) following the grievances placed by the consumers on incidents regarding food items being sold at a price more than the prescribed price, lack of installation of price lists in most shops including the obstruction caused to the market monitoring teams deployed by the GoN at a few places while some districts were reeling under food scarcity.

The Commission has expressed its concern on the unnatural price hike in essential commodities during the festive season of Dashain and Tihar and adulterated food items being distributed in the market. The Commission also urged market monitoring to be stepped up by the government for the supply of healthy and qualitative food items in order to ensure consumer rights.

The Commission suggested the Government to ensure the right to food by making smooth supply of qualitative food in districts where food scarcity is widespread and to make arrangements for regular and effective

monitoring on the human rights of consumers throughout the country.

At the discussion, NHRC Officiating Secretary Subarna Karmacharya said, “The government should continue market inspection and monitoring round-the-year and punish the culprits.”

Government officials responded by pledging to initiate legal actions against those involved in unethical business practices and informed that market inspection and monitoring has been conducted by officials of the Department of Food Technology and Quality Control, Directorate of Livestock Training and Extension and Nepal Bureau of Standards.

Meanwhile, at a time when festivals are approaching around the corner, the attention of the Commission has been drawn to the rampant unethical practices of commodities with expired dates being sold, food items being sold at a price more than the set price and even without price tags. The Commission also showed concern over the obstruction of the market monitoring teams deployed by the GoN while some districts are reeling

under acute food scarcity.

In order to enhance the democratic course, the Commission urges all the concerned stakeholders including all the entrepreneurs to compulsorily implement the rule of law and wholeheartedly pledge support to the monitoring team deployed by the Government and respect the consumers rights to buy the right commodities at a right price and to receive appropriate services.

The Commission has urged the Government to ensure the consumers right to food by making smooth supply of qualitative foods in districts where food scarcity is widespread and to make arrangements for regular and effective monitoring on the human rights of consumers throughout the country.

The Commission has also urged the Government to advance the monitoring missions intensively from central to the local level in order to diminish the market monopoly by giving continuity to monitoring round-the-year and also to initiate legal actions against those involved in unethical business practices.

## Concerns expressed over Violation of Child Rights

**N**AWALPARASI: Participants at a program ‘International Commitments on Child Rights and Universal Periodic Review’ organized by National Human Rights Commission (NHRC), Regional Office (Butwal) in Nawalparasi on September 27, 2014 have expressed concerns on various forms of child rights violations taking place in Nawalparasi district.

According to the participants, children are being used to transport contraband products in Nepal-India border. In the same way, they complained about rampant corporal punishment at schools, practice of child labor in highway motels, and existing practice of child marriage in the nooks and corners of the district.

In the course of expressing their views, the participants said that government bodies like Women and Children Office and Human Rights Cell of Nepal Police lack sufficient budget, which is hampering the efforts of protection and promotion of child rights.

Deepak Jung Dhway Karki, the Head of NHRC Sub-Regional Office (Butwal), shared provisions laid down in National Human Rights Action



Resource persons and the participants at a program held on the Rights of Child in Nawalparasi

Photo: Sub-Regional Office, Butwal

Plan (NHRAP) and recommendations made via Universal Periodic Review (UPR) on child rights on the occasion.

Human Rights Officer Chandrakanta Chapagain and District Child Officer Ravi Gautam presented different aspects of child rights.

On the occasion, Hari Prasad Mainali, Chief District Officer (CDO) of Nawalparasi observed that such kind

of program is pretty much helpful for the promotion and protection of the rights of child.

The program was participated by 35 people including members of civil society, representatives of government agencies, human rights defenders and journalists among others.

## Human Rights Situation monitored in East, Authorities asked to safeguard the Rights of People

**B**IRATNAGAR: An NHRC high level team has organized an interaction program and surprise monitoring on the Universal Periodic Review (UPR) recommendations on Human Rights, press freedom and over all human rights situation in Taplejung, Panchthar, Ilam, Jhapa and Morang districts.

The team held discussions with the central members of the Federation of Nepalese Journalists (FNJ) including the chairs of ten different districts of the east, local police administration, human rights defenders, representatives of the civil society and civil servants associated with the health and education sectors.

The program brought into light that problems of casteism, domestic violence, rape, child labor, administration of justice, education, health, rights of indigenous communities, consumer rights, erosion in the family and social relationship owing to foreign employment are alarmingly on the rise.

The high level team issued directives to the concerned authorities for surprise monitoring in the district hospital of Ilam following the concern raised in the discussion. Similarly, the team has observed the pillar of memory erected in the name of 22 victims of disappearance during the armed conflict in Jhapa district.

Since the respect of human rights is only possible with the rule of law sustained, the team also issued the directive to the concerned district officials of the Government of Nepal to remain active and alert towards this issue.

Furthermore, the Commission has appealed to the concerned parties to resolve the problems related to the rights of the indigenous people through dialogues and consensus.

The high level monitoring team comprised of the NHRC Acting Secretary Bed Prasad Bhattarai and the the Officiating Regional Director of the NHRC Eastern Regional Office, Biratnagar, Kosh Raj Neupane.

## Ensure Access to Human Rights in Every Household : Chairperson

**LALITPUR:** Chairperson of the National Human Rights Commission Anup Raj Sharma has said that the NHRC is all set to do the groundwork to formulate an action plan so as to ensure access to human rights in every household in the country.

Speaking at the closing ceremony of the program entitled Organizational Briefing to the Newly Appointed Chairperson and Commissioners held from 31<sup>st</sup> October till 2<sup>nd</sup> November, 2014, Chairperson Sharma said that the soon-to-be formulated action plan will be based on the review of the NHRC's activities conducted in the past.

Describing the scope of human rights as deep and broad, Chairperson Sharma observed that the right to freedom, equality and dignity lie at the core of human rights.

He further added that he would devote himself to the protection and promotion of human rights by boosting the morale of staff members.

Speaking on the occasion, Commissioner Prakash Osti said that being appointed at the NHRC is a challenge and he will remain committed to working for the pertinent human rights issues including Economic, Social and Cultural Rights of the people.



*Chairperson Anup Raj Sharma addressing a program held on the organizational briefing to the newly appointed NHRC chairperson and the Commissioners*

Photo: Umesh Rana Magar, Central Office

Commissioner Sudip Pathak said that they would inculcate concerted efforts to make the NHRC a credible constitutional body and materialize the human rights culture in the country by enhancing the coordination and collaboration with the national and international stakeholder agencies.

Commissioner Pathak also said that the NHRC would commence the nationwide prison monitoring on the starting right from Pokhara, Kaski.

Commissioner and Spokesperson Mohna Ansari stressed on the publication and broadcasting of the NHRC activities and information

in various local languages. She emphasized on preparing a friendly environment for the NHRC's presence for the people of all walks of life.

Speaking at the program, Commissioner Govinda Sharma Paudyal said that the concentration of the Commissioners would be focused towards implementing the work plan in practical term for the protection and promotion of human rights.

Acting Secretary Bed Prasad Bhattarai, Director Subarna Karmacharya and the concerned division heads presented on the activities accomplished by the NHRC, challenges lying ahead and the way forward at the program conducted consecutively for three days.

Furthermore, larger discussions were held on the implementation status of the NHRC recommendations, future work plan, job permanency of the staff and their capacity development, the standard of the investigation upon the incidents of human rights violations including the coordination and collaboration with the stakeholder authorities.



*Chairperson, Commissioners and NHRC staff members at organizational briefing to the newly appointed NHRC chairperson and the Commissioners*

Photo: Umesh Rana Magar, Central Office

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 Newly appointed NHRC Office-Bearers...

to end the political uncertainty for the protection and promotion of human rights in the country.

Responding to the queries raised by the journalists, Chairperson said, 'I have been planning to revitalize the Commission in an assertive way.'

He added that he would put in every effort to exploit all options to have support pledged from media, human rights defenders and international community for the implementation of the NHRC recommendations. He also said, 'I will also use my efforts to make sure that the new constitution is human rights friendly.'

On being asked about Ganga Maya Adhikairi, Chairperson Sharma said

actions against those involved in extra-judicial killings during the conflict.

All the state authorities of the Government of Nepal (GoN), security agencies, civil society, human rights workers, political parties, journalists as well as all stakeholders have been appealed for the support towards the protection and promotion of human rights.

Welcoming the Commissioners NHRC Secretary Bed Prasad Bhattarai apprised to the NHRC Commissioners about the HR issues to be focused by the new team.

In the first meeting of the Commissioners, recommendations have been made urging to take action against the accused and to make the arrangements for the provision of compensation and reparation

B) With regard to the incident of killing of the three Army personnel namely Padam Bahadur Bista, Ram Bhagat Ale and Chetnath Puri of then Royal Nepal Army by the rebels of the then CPN (Maoists) while they were deployed in regular patrolling at Kavre Bhanjyang of Kavre VDC, Ward-4 of Kavrepalanchok district on February 27, 2007.

The Commission will give special priority to the following existing perennial issues in order to effectively accomplish the responsibilities for the respect, protection and promotion of human rights:

1. Realizing the need of inevitable high moral support of the staff members, the first and foremost priority will be given to resolving the perennial problem of the work

**Newly appointed NHRC Officials**



that he would put in his best efforts to save the life of her. 'We do not look at any case through a political perspective, our priority will be only on concerns relating to humanity,' said the Chairperson.

Envisioning about providing paralegal training to the citizens, he further claimed that it would improve the situation of human rights far and wide.

Saying that human rights only exist if there is free press and free judiciary, Chairperson Sharma stressed on legal

amounting NRS 300,000 each to the victims' families after discussions held on two complaints with regard to the incidents of human rights violations as mentioned below:

A) With regard to the incident of alleged disappearance and killing of Top Bahadur Ale Magar of Dhairung Village Development Committee (VDC), Ward-9 of Gorkha district by erstwhile Royal Nepal Army on October 26, 2004.

force contributing their service on contractual basis.

2. Expedite with priority the dispensing of decisions on the complaints of human rights violations by intensifying monitoring that had remained dormant due to the lack of officials for a long time.
3. Accepting the fact about the significant role played by the media in the promotion of human rights, utmost effort will be made to strengthen the relationship with mainstream media in a transparent manner.
4. Priority will be given to strengthen collaboration and cooperation with civil society, international organizations and agencies working in the field of human rights promotion.
5. Will devise and publicize the Six Year Strategic Plan soon and actively engage in accomplishing it.



*The NHRC staff members along with the newly appointed office bearers upon assuming their office at NHRC*

Photo: Umesh Ranamagar, Central Office

## Development Actors to expedite Implementation of NHRAP

**KAPILVASTU:** The National Human Rights Commission (NHRC) Sub Regional Office Butwal and Citizens' Network for Peace jointly organized a one day workshop entitled 'International Commitments on Human Rights and the Implementation Status of the UPR Report' in Taulihawa, Kapilvastu on 26<sup>th</sup> September 2014.

The program aimed at providing information about the fourth Five Year National Human Rights Action Plan (NHRAP) recently published by the Government of Nepal (GoN) and conducting a discussion among the stakeholders about the implementation status of the UPR recommendations.

At the program, Chief Judge of Kapilvastu District Court, Achyut Prasad Bhandari presented a paper on 'International Commitments on Human Rights and the Role of Judiciary.' He mentioned that the Supreme Court has been playing a significant role in the protection and promotion of human rights in the country. He further added that the Supreme Court has been issuing

directives to entertain the judicial review on legislation, including the policies and program of the state upon analyzing and interpreting the provisions laid out in the core international human rights conventions to which Nepal is a party.

In this context, the Supreme Court has established appropriate precedent and mandamus order on the writ under its jurisdiction under its extra ordinary jurisdiction. Similarly, underscoring the importance of the use of writ jurisdiction, Hon. Bhandari expressed that the Appellate court as well as the District courts have already been using writ jurisdiction to sustain civil and political rights. This, he believed, would further extend support for the protection and promotion of human rights.

Similarly, the Sub Regional Head, Deepak Jung Dhvaj Karki presented on 'National Human Rights Action Plan/the Implementation Status of the UPR Report.' Mr. Karki enumerated the concept of the UPR, UPR Report of the Government of Nepal, objective of the fourth Five Year National Human Rights Action Plan (2013/14

-2017/18) and the pertinent human rights issues contained in the plan.

Advocate and the Coordinator of Citizens' Network, Om Prakash Aryal, opined that there needs to be ample coordination among the national human rights organizations, concerned state authorities including the human rights organizations, agencies and civil society to make the report to be sent in 2015 credible, participatory and informative.

Advisor of MAHURI Home Ram Dayal Thakur, Coordinator of MAHURI Home Ravi Thakur, Vice President of the Nepal Bar Association (district chapter) Bhola Biswakarma, Hem Nath Gyawali of Disabled Development Society, Ram Chaurasiya, Madhuri Shrestha and Maya Gyawali of Accountability Surveillance Committee, Sanjay Kumar Pasi of National Dalit Society Welfare Association, Maya Nepali of Dalit Women's Association and Superintendent of Police Bikram Gurung also participated and expressed their views during the event.

A total of forty participants comprising the Chief District Officer of Kapilvastu District, Binod Prakash Singh, Superintendent of Police, Bikram Gurung, Superintendent of Armed Police Force, Madhu Sudan Gadtaula, chiefs and representatives of the district based government offices, local peace committee, Chief of the Office of the Women and Children, Program Coordinator of District Development Office, District Child Welfare Office, Nepal Bar Association, MAHURI Home, district chapter of Advocacy Forum, NEYOG, Federation of Non-Governmental Organizations including Guardians Association, among others participated in the workshop.



The resource person and the participants at a program organized on the implementation of the NHRAP in Kapilvastu district

Photo: Sub-Regional Office, Butwal

# Blue Diamond Society Representatives knock the Door of NHRC, put forward Grievances

**LALITPUR:** A LGBT (Lesbian, Gay, Bi-Sexual and Transgender) delegation visited the NHRC, Harihar Bhawan on September 7, 2014. The delegation was led by Prem Thapa of the Blue Diamond Society. A program was held among 82 participants representing the society. Human Rights Officer Basudev Bajagain responded to the queries and concerns mostly on the LGBT rights raised by the participants.

Amongst the many issues discussed, the major ones were related to the unjust treatment, as to how this threatens their security and makes them question their freedom to live as equal to other citizens.

Sharing her personal story about how she was bullied and chased by a few policemen on her way home, one of the participants said, ‘I went to report at the police office the next day, but I never got any response from them. If the police itself pose a threat to my security and freedom, I wonder who can give me justice.’

A similar incident was shared by another member who talked about how people misbehave and treat her unjustly and even blame her for stealing on various occasions without



Human Rights Officer Basudev Bajagain addressing a program held with the representatives of the Blue Diamond Society at the NHRC

Photo: Janak Raj Bhatta, Central Office

any concrete evidence. These particular incidents, among others discussed during this event reflected the dire situation of human rights violation to this group in the country. The group also brought up a controversial point when they expressed the need for the legalization of prostitution since they believed that this was one of the only ways they can make a living.

The issue, however, was discarded downright by Mr. Bajagain, who mentioned that NHRC would not support any acts against the law, but can assist by putting forward

a proposal to the Government to provide skill development trainings to assist them.

After hearing the plights of these victims, Mr. Bajagain further assured those present at the delegation that NHRC would support this issue and asked those who were abused to file complaints so that the Commission could further investigate and help provide justice to them. He further added that any issues as such should immediately be brought to the notice of the Commission in the future.



Representatives of Blue Diamond Society participating at a program organized at the NHRC

Photo: Janak Raj Bhatta, Central Office

# Impetus given to Consultation with Development Actors on Strategic Plan

**GORKHA/MYAGDI/KASKI:** In a bid to give due impetus to the consultation-workshop with various district level development actors on the forthcoming fifth strategic plan (2015-2019), the National Human Rights Commission held district level consultations in Gorkha, Myagdi and Kaski districts commencing from 4-13 September, 2014.

The objective of the program was to collect different human rights concerns to be addressed with due priority in district level. The program also aimed at identifying priority areas in regional and district levels where the Commission could focus on human rights issues.

In this context, at the backdrop of the implementation of four strategic plans in the years 2001-03, 2004-08, 2008-10 and 2011-14 respectively, the Commission has taken inputs and comments from experts, government agencies, NGOs and civil society members for the wider protection and promotion of human rights.

The Investigation and Planning Division Head Yagya Prasad Adhikari and Human Rights Officer Jayashor Chapagain presented on the core contents of the strategic plan including



Resource person including the chiefs of various govt. offices and NHRC Investigation and Planning Division Head Yagya P. Adhikari at a program held with the development actors on NHRC strategic plan

Photo: Regional Office, Pokhara

the contentious issues of human rights and the NHRC endeavors.

At the program held at Pokhara, Chief Judge Diliram Acharya of Appellate court Kaski and Assistant Chief District Officer of Kaski district, Arjun Kumar Sharma commented and gave inputs for the strategic plan which is taken as a vital one.

Similarly, Chief Judge of District Court, Gayetri Prasad Regmi, and Assistant Chief District Officer Tulsi Ram Bhandari of Myagdi district also offered their inputs pertaining to

human rights concerns at the program held in Myagdi district.

Likewise, at the program held in Gorkha district, Chief Judge of the district court of Gorkha, Prakash Kumar Kafle and the Chief District Officer Bed Prasad Kharel also put forward their inputs and comments on various human rights concerns vitally prioritized for embarking upon in the forthcoming strategic plan of the NHRC.

## Constantly monitor the NHRAP: Achham Folks

**ACHHAM:** National Human Rights Commission (NHRC), Dhangadhi Regional Office organized a workshop on National Human Rights Action Plan (NHRAP) in Mangalsen, district headquarter of Achham.

On the occasion, NHRC human rights officers Pawan Kumar Bhatta and Jankar Rawal presented on NHRAP and its importance in promotion and protection of human rights culture.

Officiating Chief District Officer Ananda Sharma Bhusal, Local Development Officer Satrugan Pudasaini, District Education Officer Jawaharlal Hamal Officiating Head of District Police Office and entrepreneur Chandra Parkash Dhungana shared their views on how the human rights culture can

be promoted in the country.

Speaking on the occasion, participants Dhruba BC, Tikendra Bhandari, Lalit KC, Gopi Singh Nepali, Saraswati Nepali, Chetraj Padhya and Bhim Janala stressed on the role of NHRC for constant monitoring NHRAP activities carried out by the government.

The participants in the event were government officials, human



Human Rights Officer Pawan Bhatta facilitating the program organized on the implementation of the NHRAP in Achham district

Photo: Regional Office, Dhangadhi

rights defenders, journalists and representatives of Civil Society among others.

## Consultation on UPR Report organized: Inputs provided

While the National Human Rights Commission is in full swing in preparing the mid-term Universal Periodic Review (UPR) Report to be submitted to the Human Rights Council, Geneva in 2015 during the forthcoming session, a series of consultations were held with civil society organizations and other non-governmental human rights organizations in various 16 districts including Saptari, Siraha, Mahottari, Dhanusha, Kapilvastu, Rupandehi, Palpa, Nawalparasi, Okhkhaldhunga, Udaypur, Morang, Jhapa, Ilam, Panchthar, Taplejung and Terhthum.

The objective of the program was to share ideas on the implementation status of UPR recommendations upon receiving the recommendations via the last UPR sessions held in Geneva, transitional justice, peace process, impunity together with recently emerged human rights issues and concerns in the country.

The NHRC team comprised of Acting Secretary Bed Prasad Bhattarai, Regional Heads, Division Heads and Human Rights Officers of Center, Regional and Sub-Regional NHRC Offices.

At the program, the team NHRC individually presented the report on the implementation status of the UPR recommendations.

The nationwide consultation program was attended by the chiefs and representatives of the district based government, semi government offices, professional organizations and agencies, organizations working in the field of human rights, civil society members, NGOs and media persons among others.

Speaking on the occasion, NHRC Acting Secretary Bed Prasad Bhattarai elucidated that 135 recommendations in total were made and 56 recommendations accepted by the Government of Nepal whereas 15 recommendations were rejected. Making a brief review on this thereafter, Secretary Bhattarai called on the chiefs and representatives of



NHRC Janakpur Office Head Buddha Nayaran Sahani addressing a consultation program on the forthcoming UPR report

Photo: Sub-Regional Office, Janakpur

the government and non-government offices, civil society organizations and NGOs, human rights organizations to share both specific and general comments preferably in writing so that they could be incorporated in the would-be submitted UPR report in the forthcoming session scheduled to be held in Geneva in 2015.

Meanwhile, he also urged the participants to provide comments with special focus on the implementation of the nine core conventions to which Nepal is a party. He also asked them to have thorough cramming on the newly emerged human rights issues including the Economic, Social and Cultural (ESC) rights violation of the minority indigenous communities, Dalits and backward communities, senior citizens, women and children, persons with disabilities, including migrant workers and the issues related to the administration of justice.

Citing the UPR report presented in the past, he said, 'We are conceptually clear that NHRC UPR report will be a great help to the Government report on UPR.'

Enumerating the Government initiative of National Human Rights Action Plan (NHRAP) and its implementation, he said that the state should not assume the comments provided with regard to this as a mere criticism but an opportunity to revamp things through state mechanisms for

building the systems in the days to come.

Most of the participants underscored the issues related to establishments of transitional justice mechanisms, passage and enactment of laws related to human rights such as criminalizing the act of disappearances, torture, protection of victims and witnesses and so on so forth. They also emphasized that the plans and policies promulgated by the state should encompass all sections of the society.

Participants suggestions on the NHRC initiatives for criminalizing the act of enforced disappearance and torture by bringing such crimes under the jurisdiction of criminal offence and protection of languages and culture of minority communities. The participants also strongly stressed on the monitoring on the impediment caused through politician intervention in all fields including the distribution of the compensation and reparation to the victims of conflict.

The participants also urged the NHRC to take lead in raising awareness among the local level state actors with regard to the human rights treaties and conventions. They raised the concern that after the court dispensing order, the state together with the NHRIs ought to see whether or not the order is complied with. At the same time, they flayed the system going subjugated with criminals going scot-

## Implementation Status of the Int'l Human Rights Instruments reviewed, Implementing Agencies flayed

**JANAKPUR/BHAIRAHWA:** The Treaty Monitoring Division of the National Human Rights Commission organized a workshop on the implementation status of the international human rights conventions and treaties to which Nepal is a party.

The objective of the workshop was to obtain information about the implementation status of the international human rights conventions and treaties to have a ample review on the status.

The discussions were held on the implementation status of the human rights core conventions such as International Covenant on Civil and Political Rights, International Covenant on the Economical, Social and Cultural Rights, Convention against Torture, Convention on the Elimination of all forms of Discrimination against Women, Convention on the Rights of Child, Convention on the Elimination of

Racial Discrimination to which Nepal is a party.

The NHRC team comprising, Deputy Director Deepak Jung Dhwaj Karki, Human Rights Officers Shyam Babu Kafle, Basudev Bajagain, Buddha Sahani Kewat and Chandra Kanta Chapagain presented working papers on the implementation status of the core international conventions.

At the program, the participants expressed their dissatisfaction over the implementation of the National Human Rights Action Plan of the Government of Nepal. They also flayed the government for its tight fists to check the widespread commercialization and politicization of the education and health sector.

Concerns were also raised on the emerging family and social problems due to foreign employment, political uncertainty and prolonged transitional period.

Participants at the program flayed

the political party leaders in power for their lack of accountability as well as obliviousness to address the issues such as gender discrimination, rights of senior citizens, persons with disabilities and human rights friendly environment for the children.

During the comprehensive discussion, suggestions and inputs were forwarded on the pervasive ill cultures leading to the violation of rights of women in society, issuance of citizenship and free school level education as committed by the government.

The Convention against Torture being accessioned by the government, the participants also slammed the government authorities for the lack of new law against torture, incidents of caste based discrimination, poor prison management, lack of psycho social counseling and treatment to the torture victims including the lack of revamping in extradition treaty.

## NHRC Outgoing Staff bade Farewell

**LALITPUR:** The National Human Rights Commission bade farewell to its staff members leaving the organization on various personal grounds. Eleven staff members including the Account Officer Janardan Badal, who is transferred elsewhere, were given a formal and warm farewell amid a program held on September 22, 2014. The Staff members had contributed their service under different divisions of the NHRC for a long time in different phases of time.

The program was chaired by Acting Secretary Bed Prasad Bhattarai while Director Subarna Karmacharya delivered the farewell speech. On behalf of the entire staff, Human Rights Officers Samjhana Sharma and Surya Bahadur Deuja delivered the farewell speech respectively. The transferred and outgoing staff members also shared their words of experience while working with the NHRC. The program was coordinated by Human Rights Officer Lok Nath Bastola.



NHRC staff members posing for a group photo after giving farewell to the outgoing staff members

Photo: Janak Raj Bhatta, Central Office

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*Consultation on UPR Report...*

free whereas the innocent citizens are victimized eventually.

NHRIs of Nepal had submitted a joint report on the Universal Period Review (UPR) on human rights situation in Nepal to the UN Human Rights Council, Geneva at the end of year

2010 as a member of United Nations. The three NHRI entities of Nepal include the National Human Rights Commission (NHRC), the National Women Commission (NWC) and the National Dalit Commission (NDC).

The Universal Periodic Review (UPR) is a unique process which was introduced in 2006. It involves a

review of the human rights records of all 192 UN Member States once every four years. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges for the enjoyment of human rights.

# Trafficking still a Big Challenge, National Policy urged

**LALITPUR:** The National Human Rights Commission has made public the national report on 'Trafficking in Persons especially on Women and Children in Nepal' during a program held at the NHRC central office.

Releasing the report, Acting Secretary Bed Prasad Bhattarai said that controlling human trafficking has become one of the major challenges as the government seems rather sluggish to amend and implement the laws against trafficking. 'The government enacted Human Trafficking and Transportation Control Act back in 2007 to protect and rehabilitate victims but challenges remain intact with the failure of the government to effectively implement the Act,' he said.

Adding that the National Committee on Combating Trafficking formed in 2007 has remained ineffective, Secretary Bhattarai said, 'The NCCHT needs to accelerate its activities to control trafficking in persons.'

Meanwhile, the Commission has urged government to formulate a national policy on preventing and combating trafficking, revise the existing National Plan of Actions and other acts and rules accordingly.

Dr. Govinda Subedi, national consultant presented on the implementation status of the trafficking in persons specially on women and children.

The report has painted a bleak picture on the status of trafficking on national and transnational levels despite the efforts made by both government agencies and NGOs alike. The report also unveils that the rate of human trafficking has increased by 60.34 percent in one-and-a-half years. The number of people trafficked or attempted for trafficking increased to 29,000 in 2012/13, compared to 11,500 in 2011. As per the report, 13,000 were trafficked while 16000 were attempted to be trafficked.

The report concludes by mentioning about that trafficking has become common for three major purposes- sexual exploitation, labor exploitation and entertainment.

Studies have revealed that poverty, gender-based violence, unemployment, lack of education, gender inequalities, awareness of safe migration and laws related to combating violence make women and children susceptible to trafficking.

Meanwhile, the Commission has urged the government to set up temporary survivors' shelter in countries where the number of women migrant workers is high, and adopt victim-centric legal framework, enforcement and prosecution.

The Global Slavery Index Report (2013) ranks Nepal fifth among 162 countries in modern day slavery.

Images of Rally held on Int'l Day against Human Trafficking



Photos: Umesh Rana Magar, Central Office



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