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NHRC submits Annual Report to President



Rt. Hon. President Dr. Ram Baran Yadav along with the NHRC Chairperson and other Office Bearers during the NHRC annual report submission at the Rastrapati Bhavan, Kathmandu

KATHMANDU: The National Human Rights Commission (NHRC) submitted its annual report- 2012/13 to President Dr. Ram Baran Yadav.

President Yadav lauded the role of NHRC with regard to the protection and promotion of human rights in the country. The President made this remark while receiving the annual report (2012/13) of the NHRC amidst a program held at his office.

On the occasion, upon briefing about key human rights concerns furnished in the annual report-2012/13, Chairperson Justice Kedar Nath Upadhyay also presented before the President the publications namely 'Senior Citizens and Human Rights', 'NHRC's Six Year Combined Report-2013,' and 'Thirteen Years of NHRC: Implementation Status of the NHRC Recommendations on the Complaints- 2013.'

At the program, NHRC Member Ram

Nagina Singh threw light on the subject matters included in the 'Senior Citizens and Human Rights – 2013' while NHRC Member and Spokesperson Gauri Pradhan briefed on the 'NHRC's Six Years Combined Report- 2013' and 'Thirteen



Years of NHRC: Implementation Status of the Recommendations on the Complaints.'

Meanwhile, NHRC Member Dr. K.B. Rokaya apprised the President about the existing problems of the NHRC and challenges lying ahead.

According to the report, the number of rights violation cases has gone down this year compared to those of the last fiscal year.

The report states that a total of 219 complaints related to murder, abduction, enforced disappearance, torture and threat, among others, were registered during the fiscal year 2012/13. Only three death related complaints were registered at the Commission during fiscal year 2012/13. Twenty-nine death related complaints had been registered during the previous fiscal year, as per the report.

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Orientation held on CA Election Monitoring



Dr. Gopal Krishna Siwakoti, the President of NEOC facilitating the orientation on forthcoming CA election to the NHRC Officers at NHRC

LALITPUR: At the backdrop of the Constituent Assembly (CA) election approaching just around the corner, the Office of the NHRC organized an orientation program on the CA election scheduled to be held on November 16, 2013.

Addressing the program, Acting Secretary Bed Prasad Bhattarai highlighted the objective and rationale of the program. He said that the human rights officials would be deployed in order to help ensure the election to take place in an environment free from fear and in peaceful manner. The NHRC Offices would use almost all its human and other resources available to monitor the human rights situation prior to holding

the election, during the election and post election, he added.

At the program, General Secretary of the National Election Observation Committee Gopal Krishna Siwakoti briefed on the precautionary measures to be adopted while monitoring the election. Throwing light on all dimensions of election processes of both national and international level, he laid his emphasis that election is not only to fulfill the democratic obligation of the state but also something directly related to people's rights.

He further added that the major monitoring part is to see the proper implementation of

election Code of Conduct and to help prevent any kind of violation of laws and human rights. He also shared the international condemnable practices related to crime and malpractices in election so as to help weigh down such practices in the forthcoming CA election of Nepal.

During the program, In-Charge of International Relation Desk Shree Ram Adhikari made a comprehensive and analytical presentation on the Human Rights Monitoring and Check List including the best practices adopted by the NHRIs during elections. Describing the differentiation between Human Rights Monitoring in Election and Election Observation, Mr. Adhikari said that human rights monitoring is the duty of the NHRC and election observation is performed by the national and international voluntary organizations.

Quoting a few principal provisions enshrined in the UDHR, ICCPR, CEDAW and CERD, he elaborated how election is directly falls under human rights treaties and how the responsibilities of the human rights institutions have been laid out in those conventions and treaties.

Mr. Adhikari also briefed on the check list to be used during the monitoring of the election. He unveiled that the objective to use the check list is to gather quantitative data that helps to interpret the qualitative data as per the international standard.

During the program, participants comprising the human rights officers of the Office of the NHRC raised their queries and concerns to which resource person duo Mr. Shiwakoti and Mr. Adhikari responded.

Govt. urged to create an environment conducive for holding the Election

LALITPUR: By issuing the press release, the Office of the National Human Rights Commission has expressed serious concern on the incident of attack with gun shots on Muhammad Alam, the first-past-the-post candidate for the Constituent Assembly (CA) election of CPN (UML) contesting from the constituency no. 4 of Bara. Mr. Alam was injured by the gunshots on October 4, 2013.

His health condition has been found to be critical according to the monitoring conducted by the Office of the Commission.

Such an incident of gun attack on Mr. Alam has violated the people's fundamental right to vote and get elected in a fair and safe environment; a right guaranteed through the ratification of Covenant on Civil and Political Rights 1966 and other key human rights treaties/conventions to which Nepal is a party including the Interim Constitution of Nepal – 2007.

The Office of the Commission has, therefore, urged the Government of Nepal (GoN), political parties and other stakeholders to ensure the rights of citizens, to freely participate in election and the right to be elected in upcoming CA election, by ensuring the election environment is safe and just.

The Office of the Commission has also urged the GoN to identify and prosecute the persons involved in the incident.

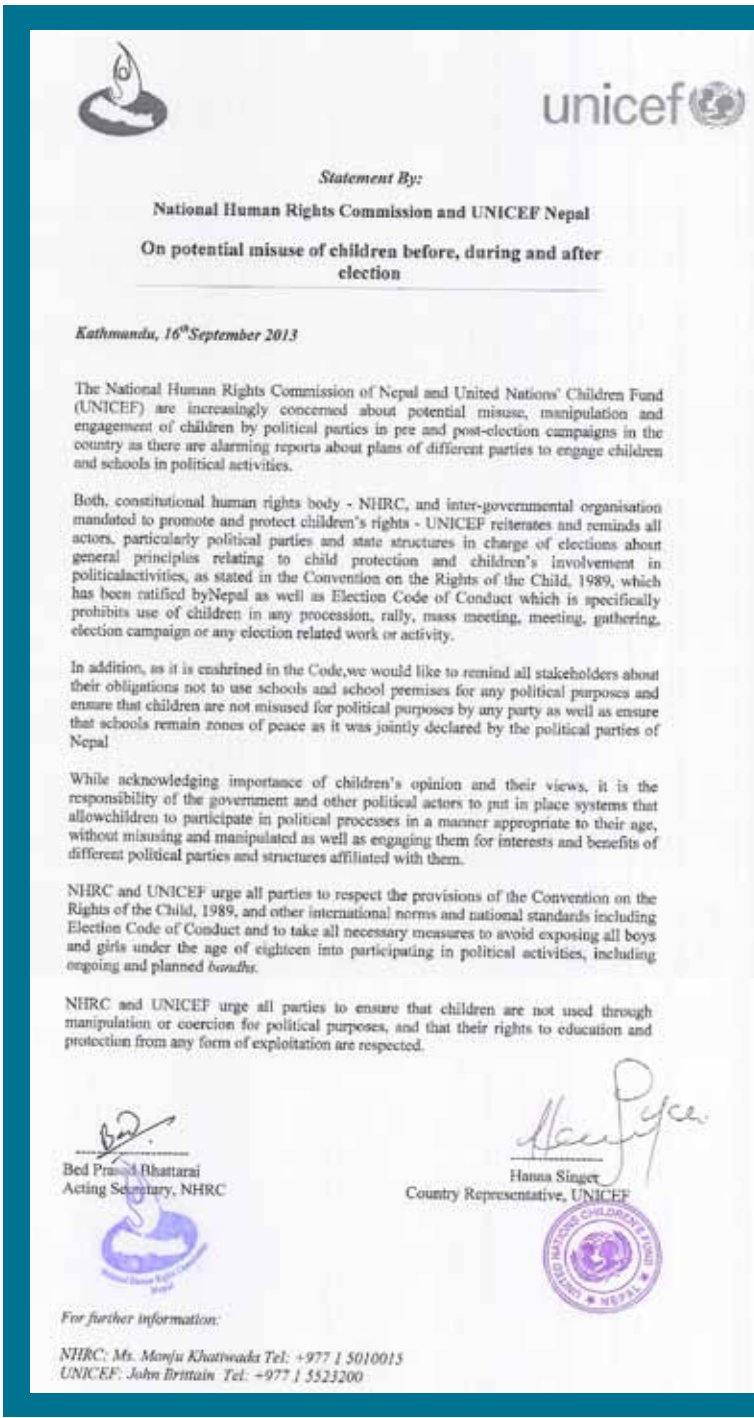
Recent update on the case: Mr. Aalm breathed his last while undergoing treatment in Kathmandu. Ram Chandra Pyasi Kushwaha, a former lawmaker and leader of the same party has been arrested by the police for the murder; Indian nationals have also been arrested in connection with the murder of Mohammad Alam.

NHRC Expresses Concern over Peaceful Poll Process

LALITPUR: The Office of the National Human Rights Commission has, through a press release, expressed serious concern on the escalation of inter-party clashes in the districts of Panchthar, Siraha, Dhading, Salyan, Rukum, Rolpa and Surkhet during the ongoing election campaign process and other poll related activities.

Nepal being a party to the International Covenant on Civil and Political Rights -1966 including other key international treaties/conventions and the Interim Constitution of Nepal (2007) ensuring the citizens' right to participate in the political activities including the election in an environment free from fear and in peaceful manner, such an incident is regrettable.

The Office of the NHRC has, therefore, urged to the government, political parties and all the stakeholders to create an environment that ensures the Constituent Assembly election to take place in a free and fair manner.



NHRC, Unicef urge not to use Children in Poll Campaigns

KATHMANDU: As the country is heading towards having the Constituent Assembly (CA) elections, the NHRC and United Nations' Children Fund (UNICEF) – Nepal have expressed concerns over potential misuse, manipulation and engagement of school going children by political parties in pre- and post election campaigns in the country.

By issuing a joint press statement, the Commission and the Unicef – Nepal Office have reminded all actors including the political parties with regard to general principles relating to child rights protection and children's involvement in political activities, as laid out in the Convention on the Rights of the Child, 1989 (CRC) and other National Child Rights Standard.

The Convention, to which Nepal is a party, as well as the Election Code of Conduct prohibits use of children in any procession, rally, mass meeting, election campaign or any election related activities.

The two entities - NHRC and Unicef have, therefore, urged all parties to respect the provisions of the CRC -1989, and other international norms including the Election Code of Conduct. They have also called on the parties to take all necessary measures to avoid exposing boys and girls under the age of 18 to political activities and party sponsored protest programs like Bandhs.

The statement was signed by NHRC Acting Secretary Bed Prasad Bhattarai and Country Representative of UNICEF – Nepal Hanna Singer.

NHRC all set to Monitor the CA Election

LALITPUR: Office of the National Human Rights Commission is all set to deploy 44 teams consisting of Human Rights Officers in all seventy five districts of the country in order to conduct monitoring on the human rights situation throughout pre, during and post Constituent Assembly election. Earlier, the Commission had monitored the human rights situation in 31 districts.

The NHRC teams will carry out monitoring on the situation of citizens' awareness on their voting rights; use of children for political gain, possible human rights violations by

the political parties during the poll process, violations of the rights of persons with disabilities or senior citizens, whether the environment is safe for all citizens to exercise their right to vote. NHRC teams will also monitor the human rights concerns cited in the 'Constituent Assembly Election Code of Conduct' and over all human rights situation.

It is observed that the efforts spearheaded till date appear to be positive to advance the CA election related processes all along in fair and peaceful manner.

Thus, all security agencies play a pivotal role in the respect, protection and promotion of human rights. In regards to incidents consisting of torture, rape, killing, enforce disappearance endured by the general citizens during election period (pre, post included). The Commission requests security agencies and other government staff members involved in the electioneering process to be alert, in order to prevent the recurrences of such incidents as per the section 5 of the NHRC Act – 2068.

International Peace Day Morning Rally organized to Mark the Day

KASKI: A morning rally was organized on September 5, 2013 to mark the International Peace Day in Pokhara. The program was jointly organized by the Office of the National Human Rights Commission, local Peace Committee, Civil Society Network for Peace and NGO Federation.

The peace rally started from the conference hall at 8 am took to various thoroughfares of lake city Pokhara and converged into an assembly at Human Rights Chok. During the rally, the participants carried the placards displaying the slogans such as ‘Rally for peace, education and prosperity of Nepal’, ‘Wherever and whenever the peace distorted, the development becomes a distant dream,’ ‘Respect for Human Rights is Justice,’ and ‘Peace is the foundation of equality.’

Addressing the rally, the Deputy Director of the Office of the NHRC Regional Office, Pokhara Yagya Prasad Adhikari urged that peace, security and development are interrelated and also stressed on the peace with justice in the country.

At the program, the Assistant Chief District Officer Arjun Sharma said that it is time now that peace movement should be launched from house to house.



Participants representing various human rights organizations and civil society including NHRC Pokhara at a peace rally organized in Kaski on the occasion of the International Peace Day

On the occasion, the coordinator of local peace Committee Tilak Acharya said that even after eight years of Comprehensive Peace Accord (CPA), the absolute peace in the country has remained a distant dream due to the prolonged transitional period.

At the program, the Coordinator of Local

Peace Committee Ramji Baral, Chair of NGO Federation Krishna Prasad Baral, Western Regional Coordinator of Informal Service Sector (INSEC) Shiva Khakurel, Chair of Woman Human Rights Defenders Network Nandakala Nepali, Member of Local Peace Committee Secretariat Khagaraj Acharya shared their opinion and comments.

Development Actors Familiarized with HRBA to Development



HRBA expert providing training to the representatives of the government agencies In Kailali district

KAILALI: The Declaration of the Right to Development-1986 has clearly stated the importance of various rights of people. Besides, development and human rights are indispensable to each other. Having internalized this, the far western Regional Office of the National Human Rights Commission of Dhangadhi organized three day training on the Human Rights Based Approach to Development (HRBA)

in which the development actors of the government from the Kailali, Khanchanpur and Dadeldhura took part.

The objective of the training was to familiarize participants with the introduction, concept and importance of rights based approach and its linkage with sustainable human development, to familiarize participants in defining minority groups and disadvantaged

groups and the need of special measures to be adopted for the protection and promotion of their human rights. The participants were also familiarized with the values and principles of human rights, concerns related to the state accountability for the promotion and protection of human rights and to train the participants on the application of HRBA steps in development issues.

Having this as the key objective, the program was held with assistance extended to help government agencies to formulate human rights friendly plans and policies in line with the HRBA to Development. The program also aimed at conceiving the development procedures with the principles of human rights placed at the pinnacle.

The program was facilitated by the Regional Director of the NHRC Dhangadhi Tikaram Pokharel, Human Rights Officer Mohan Dev Joshi, Engineer of the District Development Committee Siddharaj Pandey and Advocate Umesh Prasad Bista.

NHRC Top Officials Retire: Secretary to lead the Commission

LALITPUR: With the successful completion of a six year term, senior NHRC commissioners including the Chairperson Justice Kedar Nath Updhyay and members Ram Nagina Singh, Gauri Pradhan, Leela Pathak and KB Rokaya have retired on 16th September, 2013.

As these top officials left the office, they urged the Government to make appointments of the Commissioners at the earliest time lest there could be the continuation of the incidents of human rights violations of general people in the country without a safe landing given to the peace process.

At the conference held prior to their departure, NHRC Member and Spokesperson Gauri Pradhan stated that the Commission had informed the Government about the posts becoming vacant in the near future and had requested the government to make new appointments at its earliest convenience; however the government did not pay heed to the request.



Outgoing top NHRC Officials including Ram Nagina Singh (Member), KedarNathUpdhyay (Chairperson), GauriPradhan (Member / Spokesperson) and Dr. K.B. Rokaya (Member) at a press conference held prior to their retirement from the posts

future Commissioners as per the Paris Principle which stresses the appointment of the independent persons through an elected body. However, as per Article 131 (3) of the Interim Constitution, the President, on the recommendation of the Constitutional Council, appoints the Chairperson and the Members of the constitutional body such as the NHRC.

At this moment, it seems that the appointment of the commissioners will most likely take place after the election of the Constituent Assembly scheduled to be held on November 19, 2013.

‘I think the matter is not in the priority list of government since adequate homework is required for such a landmark step and everybody seems to be busy with the election related activities at the moment,’ said Member Pradhan.

On the occasion, the departing Commissioners recommended that the government select the

In the mean time, Acting Secretary Bed Prasad Bhattarai has been delegated the authority to lead the Commission as per Section 30 of the NHRC Act, 2010. The activities pertaining to the investigation and monitoring of human rights violations, as well as other promotional activities, will continue with necessary documentation.

Danish Ambassador urges Improvement of Human Rights Situation in West

KASKI: On September 30th, the Danish Ambassador had a discussion with human rights workers about the human rights situation in western region of Nepal.

Organized by the NHRC Regional Office Pokhara, participants of the program were representatives of civil society and human rights workers.

At the program, throwing light on the de-facto situation of human rights in the country, Deputy Director Yagya Prasad Adhikari said that the incidents such as disappearance, abduction, killing are increasing in an alarmingly rate in parts of Tarai region (in comparison to that of the mountain region). The prevalence of food scarcity in the interior part of the country is another issue he mentioned. The deputy director was concerned with the lack of child friendly environment. The volatile working environment for human rights defenders is found to be risky.

Citing 225 incidents of human rights violations that took place between January

till June 2013, The Regional Coordinator of Informal Sector Service Center (INSEC) Shiva Khakurel stated that endless impunity, political instability, prolonged transitional phase, and the lack of rule of law are responsible factors for bleak human rights situation in Nepal.

Speaking at the program, Coordinator of Human Rights Defenders Network, Ram Prasad Adhikari mentioned that human rights violators, including the political parties and their party wings, are intimidating human rights defenders harbouring panic and insecurity among them.

Coordinator of Civil Society Network for Peace Tilak Adhikari, supported Mr Adhikari's statement; he allegedly claimed that impunity is deep rooted in the country for the very reason that human rights violators are often given the political shelter.

At the program, eminent human rights defender Tek Nath Baral said that the country is enduring such a feeble human rights situation because of the ineffective



HE Kisten Gilan of Danish Embassy having discussion with the human rights workers at a program organized by the NHRC, Pokhara

implementation of the human right conventions and treaties to which Nepal is a party.

Commending the efforts made to sustain local level human rights situation in the western region, Danish Ambassador HE Kisten Gilan, stated that Denmark is committed to extend support in the field of human rights and good governance in Nepal. She also expressed her commitment to extend support for the protection of the human rights defenders.

National Human Rights Commission Progress Updates of FY 2069-70 (2012-13)

| 1 Human Rights Protection | | | |
|------------------------------------|---|---------|---|
| 1.1 | Complaints received | 219 | Killing, Disappearance, Abduction, torture, Abuse, Extra Judicial Detention, Intimidation, Administration of Justice, Property Seizure, Economic , Social and Cultural Rights, Violation of Economic Social and Cultural rights, Women's Rights, Rights of Child, Persons with Disability, Racial Discrimination |
| 1.2 | Monitoring Mission | 165 | Over all human rights, Women's Rights, Rights of Senior Citizens, Situation of Rights of Child, Rights against Racial Discrimination, Political parties and their party wings, Bandh and Strikes called by various Racial Communities, Protest Programs, General Meetings, Rally, Procession, Stage in Program, Health situation, Situation of the Prison and Detention Centers and Inmates serving their term, Rights of Inmates and Detainees etc |
| 1.3 | Investigation accomplished (Upon No. of complaints) | 1,336 | Killings, Abduction, Disappearances, Torture, Intimidation, Child Rights, Women's Rights, Displacement, Foreign Employment, Inequality/ Racial Discrimination, Rights of Detainees, Fair Trial and Administration of Justice etc. |
| 1.4 | Decision Settled | 501 | Killing, Explosion, Disappearance, Abduction, Illegal Detention, Displacement, Property Seizure, Torture, Intimidation, Rights of Detainees, Child Rights, Women's Rights, Administration of Justice, and Sex abuse |
| 1.5 | Recommendations (Legal Action) Compensation / Departmental Action and Interim Relief | 99 | Compensation, Filing of Lawsuits and Departmental Action and Interim Relief Etc. |
| 1.6 | Complaints Pending | 376 | Killing, Explosion, Disappearance, Abduction, Illegal Detention, Displacement, Property Seizure, Torture, Intimidation, Rights of Detainees, Child Rights, Women's Rights, Administration of Justice etc. |
| 1.7 | Complaints Repealed | 19/2 | Abduction, Illegal Detention, Displacement, Property Seizure, Torture, Intimidation, Rights of Detainees etc. |
| 1.8 | Policy Recommendations | 5 | Prison Reformation, Legislation, Treaties and Conventions including policies. |
| 2 Human Rights Promotion | | | |
| 2.1 | HR Advocacy (workshop, seminar, interaction etc) | 307 | Child Rights , Women's Rights, Dalits Rights, Human Rights Defenders, Exhumation, Displacement and Disappearance etc. |
| 2. | Monitoring carried out in collaboration | 8 | Human Rights Situation, bandh, Strikes and killing etc. |
| 2.3 | Trainings/ Seminars/Workshop/ Interaction and Discussion | 6.5 | Transitional Justice, Human Rights Based Approach to Development, Implementation of the ESC Rights Indicators, Women's Rights, Human Rights and Media, Basic Human Rights, Rights of Indigenous People etc. |
| 2.4 | Expert Service (Key note/Resource Persons, Invitee Speakers, Trainers) | 114 | |
| 2.5 | Participant in program Organized by other organizations (Chief Guest, Guests, Participants) | 479 | |
| 2.6 | Number of participants trained | 2731 | Above cited Training, Workshops, Discussion and Interaction |
| 3 Publications | | | |
| 3.1 | Regular Publications | 1/12/12 | NHRC Annual Report, NHRC e-Newsletter and Manav Adhikari Patra (Vernacular) |
| 3.2 | Reports / HR Guidelines Adopted by the Commission | 13 | Human Rights related Guidelines / National Report on the Child Rights Situation in Nepal, National Report on the Status of Trafficking in Persons Especially on Women and Children in Nepal etc. |
| 3.3 | Press Conference | 1 | Investigation on the Disappeared person, Truth and Reconciliation Commission Related Ordinance - 2069 and NHRC Inputs |
| 3.4 | Press Release/Press Note | 45 | NHRC Central Office and Subordinate Offices in the Regions |
| 4 Law and policy related | | | |
| 4.1 | Advisory provided to the Government of Nepal | 2 | Senior Citizens – Act 2063 and Regulations on Senior Citizens 2068, and the Ratification of the Convention on the Rights of Migrant Workers |
| 5. Human Resource and NHRC Offices | | | |
| 41 | Chairperson | 1 | The Chairperson including the Commissioners are retiring on 16 th September, 2013 after completing their 6 years office term. |
| 5.2 | Commissioners | 4 | |
| 5.3 | Staff | 163 | |
| 5.4 | Central Office | 1 | |
| 5.5 | Regional Office | 5 | |
| 5.6 | Sub Regional Office | 3 | |

Monthly Records of Complaints (Regionwise)

| Month | Central Office | Regional Offices | | | | | Sub-Regional Offices | | | Total |
|----------------|----------------|------------------|-----------|-----------|------------|-----------|----------------------|-----------|----------|------------|
| | | Biratnagar | Janakpur | Nepalgunj | Dhanagadhi | Pokhara | Khotang | Butwal | Jumla | |
| July-Aug 2012 | 2 | 4 | 6 | 1 | 1 | 1 | - | 6 | 1 | 22 |
| Aug – Sep | 8 | 2 | 4 | - | 3 | 2 | 1 | - | - | 20 |
| Sep – Oct | 3 | - | 3 | - | 2 | - | 1 | - | - | 9 |
| Oct - Nov | 4 | 3 | 1 | 1 | - | 1 | 1 | - | - | 11 |
| Nov - Dec | 3 | 2 | 3 | 1 | 3 | 3 | - | 1 | 1 | 17 |
| Dec – Jan 2013 | 7 | 1 | - | - | - | 2 | - | 2 | - | 12 |
| Jan - Feb | 2 | 1 | 6 | - | 1 | - | 1 | - | 1 | 12 |
| Feb - March | 5 | 1 | 4 | 1 | 1 | 1 | - | 1 | - | 14 |
| March – Apr | 12 | 1 | 7 | 1 | 3 | 1 | 4 | 4 | - | 33 |
| April – May | 5 | 8 | - | - | - | 2 | - | 1 | - | 16 |
| May - June | 8 | 9 | - | 1 | 2 | 2 | 1 | 1 | - | 24 |
| June - July | 10 | 2 | 6 | 1 | 1 | 4 | - | 4 | 1 | 29 |
| Total | 69 | 34 | 40 | 7 | 17 | 19 | 9 | 20 | 4 | 219 |

NHRC Recent Publications



NHRC Concludes Monitoring on HR Situation of Nepalese Migrant Workers Overseas



Officials from NHRC-Nepal having discussion with the NHRC – Korea Officials at a program organized during the observation and monitoring visit of the NRC – Nepal to Korea

The NHRC Commissioners concluded the observation and monitoring on the rights of migrant workers during their recent visit to South Korea and Malaysia.

At the backdrop of NHRC's earlier policy recommendation to the GON to ratify the Convention on the Rights of Migrant Workers (CMW) in order to protect rights of migrant workers in foreign countries and to bring about policy level change through NHRC intervention, the NHRC-N visited these two countries to have on-the-spot observation and monitoring on the human rights situation of the Nepalese migrant workers over there.

The key objective of the visit was to explore the de-facto human rights situation of the Nepalese migrant workers and to take necessary steps and measures in collaboration with both the South Korean and Malaysian counterparts. The visit also aimed at identifying the key issues and challenges in the protection of the rights of Migrant Workers overseas..

During the visit-cum-monitoring, the Team NHRC-N carried out basic research on how the migrant workers are being treated in the destination countries. Following this, the NHRC – N met and discussed with the counterpart NHRIs in South Korea and Malaysia to raise issues and challenges faced by Nepalese migrant workers in their respective countries and to embark upon evolving the solutions to those issues and challenges.

At the outset, NHRC Office Bearers met

with the Nepalese Embassies officials in the respective countries, migrant workers and the office bearers of the NHRC K and SUHAKAM (Malaysia). The NHRC-N also explored possible areas of cooperation between NHRIs in the area of human rights of Migrant Workers together with the good practices adopted by the countries in the region and sharing the lesson learnt.

Meanwhile, the Team NHRC-N also organized Focus Group Discussion among two groups of migrants; first with the established Nepalese migrants (who have become citizens of receiving countries), and second with migrant workers (who are bearing the working visa status).

Monitoring has unveiled that the plight of the migrant workers overseas who have perpetually fallen the victims of discrimination and those married women under transnational marriage system who have been either maltreated by their spouses compelling them to seek justice through legal battle.

Having identified strengths and challenges of the GON in protecting migrant worker's human rights in labor destination countries, the Commission is all set to recommend GON to take necessary measures and steps to further protect the MW's human rights. The recommendations will, in particular, lay emphasis on helping identify strengths and challenges of the GON in protecting migrant worker's human rights in labor destination countries.

An estimated, six million Nepali workers

live abroad. Foreign labor migration is a phenomenon that has continued in Nepal for over centuries. This efflux of job seekers overseas for employment and better opportunities is increasing every year. The remittance from foreign labor migrants makes up a significant share of the country's GDP and revenue. However, majority of the people seeking or pursuing foreign jobs are often the marginalized and unemployed people with no access to state mechanisms and resources. Due to their weak social and economic position, the migrant workers are often at the risk of facing serious violation of human rights including their basic human rights. Data and experiences recounted by the migrant workers reflect the plights faced by migrant workers in different part of the world.

The visit was the follow up of the commitments expressed in the International Conference of NHRIs on Migrant Rights held in 2012.

XYZ Tamang (name hidden), 26 yrs, female married to a Korean in his 50s. She came to Inson with her husband about three months ago. In the beginning she was happy and doing well. The husband also allowed her to work.

One day, she came back home late. Being worried, the husband beat her seriously by hitting her head to a wall, and left home. She fainted for a day, and only the next day, someone found her lying on the floor and took her to the hospital. Later the hospital declared that her half body was paralyzed. It's been about 2 months now, and still she is in similar situation (a bit improved than before though).

The Embassy communicated with the Ministry of Law and Justice of Korea and dragged their attention. Police then registered the case. But because she is now seeking legal remedy, the husband is trying to send her back to Nepal. Her visa is expiring soon, and she will be considered illegal if the visa is not renewed.

NHRC Officials along with the staff members of the Nepalese Embassy in Korea during the visit of the NHRC – Nepal to Korea



NHRC Korea's Commitments

Realizing that Nepalese nationals should not be discriminated in the foreign land on any ground, despite the race, sex, country of origin and the nature of work they do in Korea, the national mechanisms in Korea should take necessary steps to protect and promote the basic human rights of Nepalese citizens, the NHRC delegation met with the Korean counterpart of the National Human Rights Commission of Korea. The Chairperson of both the Commissions exchanged greetings and shared the functions and mandates of both the Commissions. NHRC raised situation of Nepalese migrant workers and drew the attention of NHRCK towards the issues explained in the paragraphs above. The NHRCK provided following commitments:

- The civil rights division of the NHRCK deals with policies, investigation, compensation etc. They have a 3 year promotional plan of the NHRCK. They have taken protection of the human rights of minorities in Korea as a key strategy to protect and promote human rights in Korea. Therefore issues faced by Nepalese MWs would be of their serious concerns.
- They also informed the NHRC-Nepal that from their 3 offices, they received 74000 complaints last year, out of which, 3% were related to discrimination. They assured that if Nepalese MWs have raised these issues, they would be able to follow up, investigate and monitor their human rights.
- NHRCK also expressed their commitment to renew the MOU with NHRCN on enhancing mutual cooperation for protection and promotion of human rights of migrants by either country.
- The Ambassador and DCM of the Nepalese Embassy raised the specific case of violence and torture received by a Nepalese woman. The NHRCK mentioned about Article 4 and 6 of the Korean Constitution where rights of migrants are also protected. They expressed sincere commitment to support the Embassy if any of such incidents raises the issue of human rights of Nepalese MWs in Korea.

NHRC Malaysia's (SUHAKAM) Commitments

NHRCN raised many of these issues and concerns to the NHRC of Malaysia (The SUHAKAM). As a counterpart NHRC, SUHAKAM welcomed NHRC's concerns and worries about the situation of Nepalese migrant workers in Malaysia. By informing the NHRC about their legal status and mandate, functions and organizational structures, SUHAKAM expressed their concern and attention to the issues raised as furnished in the following points:

- Government of Malaysia is receiving 35% of their workforce through migration . Therefore there are certain mechanisms in place for protecting the rights of MWs in Malaysia. However SUHAKAM found some of the issues raised by NHRCN as new but serious and as a national mechanism to protect and promote human rights, SUHAKAM committed to keep in close connection with the Embassy of Nepal to Malaysia for future cooperation.
- SUHAKAM guarantees their position to receive complaints from Nepalese MWs if they face any human rights abuses. They request the Embassy to facilitate the process and forward the complaints to the SUHAKAM.
- In the request of NHRCN to enter into an MOU for future cooperation between the two Commissions, SUHAKAM expressed their willingness to enter into such MOU in general terms. However, they said that due to the nature of work both the commissions do, and as part of international coordination mechanism, they would entertain any specific requests that NHRCN would make for them, including requests for detention centers visit, investigation of any particular case etc.

On 31st August 2013, the Labor Attaché received information during the briefing session to the NHRC that a Nepalese MW died at work. He then had to rush to the Company; about 6 hours drive from Seoul. Later tomorrow, he informed the Commission that this was a natural death, certified by the Korean Authorities. According to him, the boy, 24 years of age, was weak and ill and couldn't physically bear the hard work. Otherwise the company's treatment to him was very good; his living condition was also adequate etc.

NHRC Recommendations

- GON to ratify the CMW as soon as possible;
- GON to enter into MOU prior to sending any further work force to migrants receiving countries;
- GON to facilitate discussion with governments of Korea and Malaysia and all other migrants workers receiving countries to address issues of working hours, remuneration, working condition and access of Nepalese MWs to amenities viz. national pension and insurance systems.
- GON to take all possible measures to provide legal representation of Nepalese MWs in the courts of migrants workers receiving countries. For the purposes, Embassies shall be equipped with legal officers and counseling staffs as early as possible.

NHRC, UNICEF sign MoU on the Rights of Child



UNICEF Country Representative MsHanaa Singer and NHRC Acting Secretary Bed P. Bhattarai at the MoU signing ceremony between the NHRC and UNICEF -Nepal of the rights of child held at NHRC . Chairperson Upadhyay and Member Ram Nagina at the backdrop.

LALITPUR: Chairperson Justice Kedar Nath Upadhyay of National Human Rights Commission has said that the children being the weaker section of the society, special attention ought to be deviated towards protection and promotion of their rights.

Chairperson said this on the occasion of the signing ceremony of Memorandum of Understanding (MoU) between the NHRC and the UNICEF. The MoU between the two entities is inked for child rights the protection and promotion in Nepal.

During the program, Chairperson Upadhyay mentioned that there have been substantive progress in the protection and promotion of the rights of child in Nepal though, there are a number of challenges to be surmounted over. The Commission is serious about these, he added.

Expressing his happiness to have got the opportunity to utilize the UNICEF experience in combating the problems facing the children in Nepal, he said that collaboration between the NHRC and the UNICEF would be fruitful.

Speaking at the MoU signing ceremony, MS. Hanaa Singer , the UNICEF Country Representative to Nepal expressed her happiness over opportunity availed for the collaboration with the NHRC for the protection and promotion of the rights of child.

Mentioning all child rights being the universal rights, Ms Singer pointed out that endeavor such as the protection and

promotion of rights of women and children, without reservation, naturally comes under this larger universal concept.

Throwing light on the de-facto situation of the children in plight in the world over, she underscored the need to exert collective effort from the side of all for the brighter future of the children who are considered as the future pillar of the nation.

She expressed her hope that collaboration between the two entities would yield ample

results towards the direction of fulfilling the provisions set forth in the ‘International Convention on the Rights of Child -1989’ (CRC).

On the occasion, presenting the estimated more than 45 % children under 18 years of age of the total population, Member and Spokesperson Gauri Pradhan cautioned that the future of these children would be at risk if the government and other concerned stakeholders do not adopt necessary measures to combat the child rights crises with adequate attention paid to this concern.

‘Despite the fact that the objectives furnished in the Millennium Development Goal (MDG) related to the rights of child are attained to certain extent, the children are found to have been falling the victims of the sporadic child abuse, child labor, discrimination and other social ill- cultures,’ he observed.

He urged that the child rights organizations and other stakeholders formulate needful policies on child rights and abide by their responsibilities accordingly.

NHRC Member Justice Ram Nagina Singh, the Officials from the UNICEF – Nepal Office and the NHRC Officials were present at the MoU signing ceremony.

Singed by the Acting Secretary Mr. Bed Prasad Bhattarai of the NHRC and the UNICEF Country Representative to Nepal Ms. Hanaa Singer, the agreement is furnished with the collaborative endeavors and activities for the protection and promotion of the rights of child.



NHRC Officials including the Chairperson Upadhyay and UNISEF Chief Ms Hanaa Singer along with the staff members of the NHRC and UNICEF-Nepal at the MoU signing ceremony held at NHRC

The Lumle Declaration An Appeal for the Formation of the TJ Mechanisms

KASKI: The Regional Consultation/Workshop on Transitional Justice concluded in Pokhara. The chief guest of the workshop, Hon. Dilli Raj Acharya, Judge of Appellate Court Pokhara strongly raised his concern for the protection of the rights of victims during the ongoing period of transition. Urging the realization of Rule of Law, he said that Truth and Reconciliation Commission (TRC) ought to be formed without any dilly dallying. During the program, he gave away the certificates to the participants of the workshop.

The objective of the program was to familiarize the participants with the concept on transitional justice in international perspectives, victim justice in the transitional period, judicial response through transitional

justice related cases including roles and functions of Local Peace Committee, transitional justice and human rights and also the situation of TJ after the conflict and roles of the judiciary.

Other objectives of the program aimed at familiarizing the participants with the international experience on the roles of NHRIs in the countries like India and Korea etc.

During the program, senior advocate and victimologist Dr. Shankar Kumar Shrestha opined that protection of the victims' rights is a part of the criminal justice system. He, however, lamented that state has not paid any heed to the trauma and plights of the victims as such which has resulted into

the deprivation of much awaited justice to the victims. He laid his emphasis on the promulgation of victim friendly law.

Constitutional expert Advocate Dinesh Tripathi shared that if the TRC is formed at a circumstance when its significance remains as the paramount concern for national reconciliation, culprits shall get nabbed in foreign land according to international jurisdiction.

The program was chaired by Yagya Prasad Adhikari, the Regional Director of NHRC Pokhara. Facilitating in the program Ram Bahadur Poudel, Khagaraj Acharya also shared their views. Human rights defenders, lawyers, security agencies and government agencies from the Dhaulagiri and Gandaki zones participated the program.

With overall commitments for the protection of human rights in the country, therefore, the workshop also issued the *Lumle Declaration on Transitional Justice* in the presence of 75 participants.



Human Rights activists, Human Rights experts and participants at a workshop program held on Transitional Justice Mechanisms in Pokhara

Excerpts of the Declaration

(Outcome Document of the Conference on Transitional Justice)

The ever hovering uncertainty for the delivery of transitional justice in the country has helped increase the conflict time problems as unhealed scars of the past. The victims have been acutely fatigued with their plead in hand and yet the doubt is looming large with the fear of losing justice amidst ever burgeoning rate of impunity in the country.

In order to give an end to the prolonged critical circumstances invited one after another through the conflict in the country, to heal the conflict time social, economical, physical and mental problems and to help the victims of conflict receive the relief and the perpetrators receive the appropriate action,

We, hereby, heartily appeal to the Government of Nepal (GoN) and all the political parties to address the part of the very important transitional justice without any obliviousness and in an absolutely appropriate way.

We also expect that all the human rights organizations and agencies, civil society, intellectual circle including all the communities to sensitively spearhead the effort to raise their concern towards

this direction with their humanitarian feeling upheld, as always.

Adopted hereby is the lines of Declaration as an appeal to the Government of Nepal to :

1. Form the Truth and Reconciliation Commission (TRC) and the Commission on the Inquiry of the Disappeared (CoID) separately in accordance with the values and spirit of the Interim Constitution of Nepal – 2007 and also to revamp the ordinance related to the TJ mechanisms keeping in mind the directive orders issued from time to time by the Supreme Court of Nepal and the international standard related to the transitional justice in the context of Nepal.
2. Immediately form the Commissions related to the transitional justice upon the passage of the Ordinances related to the TJM.
3. Immediately provide justice to the victims of conflict through transitional justice giving an end to the pervasive ill-culture of impunity in society and also to stop the act of withdrawal of cases related to the persons involved in grave human rights violations and crime against humanity.

Yagya Prasad Adhikari
Officiating Regional Director

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NHRC submits Annual Report...

The government has implemented only 99 out of 501 recommendations made by the Commission. Urging the political parties to respect the rule of law, the Commission has also suggested to the Government to implement the NHRC recommendations without any dilly dallying.



NHRC Member/Spokesperson responding to the queries of journalists upon the submission of the NHRC annual report to President

NHRC urges to book the accused

LALITPUR: Issuing a press release the NHRC has expressed its deep concern over the incident of arson in which a bus bearing the number Ba 2 Kha 5672 was torched in Kavre district during the Bandh called by the CPN- Maoists thereby causing the violence against right to life.

The press release says all deserve the right to protest peacefully for having their demands meted out in a democratic system, violent incidents such as arson and vandalism cause the deprivation of the right to live in an environment free from fear.

In this concern, the Commission has urged the Government to identify the accused and take action against those involved in the act that causes the loss of property and lives thereby harboring panic and terror among the general citizens.

Likewise, the Commission has also urged all the concerned stakeholders to reach to the conclusion through dialogue and consensus about any issue raised in discontentment.

Office of the NHRC to remain open during Festival Holidays

Like past years, the Office of the National Human Rights Commission including central, regional and sub regional offices shall remain open during the national holidays of Dashain and Tihar. Offices of the Commission shall be open every day from 11:00 AM till 2:00 P.M.

The Office of the Commission, however, shall give continuity to its daily activities such as complaint registration on human rights violations and necessary monitoring and investigation on the incidents of human rights violations.

Similarly, the 'Rapid Response Team' (RRT) including the Investigation Officers from the NHRC Central Office has been deployed to carry out monitoring on the incident of human rights violations and excess of serious nature. The contact telephone number of the RRT is 01-50-10-000.

The Office of the National Human Rights Commission urges all concerned stakeholders for effective security arrangement in order to prevent the incidents of human rights violations during the public holidays as well.

Interaction held on the Situation of ESC Rights



Participants at a program held on the ESC rights in Baitadi district

BAITADI: An interaction program was organized on the situation of the right to health and education in Baitadi district. The program aimed at exploring de-facto situation and prevalent challenges in realizing the right to health and education in the area. The program was participated by the chief district officer, former law maker, leaders of the local political parties, civil society representatives, NGOs and local level journalists among others.

Immediate release of abducted Bhagawan Badal urged

CHITWAN: The Office of the NHRC has expressed its concern over the incident of abduction of Bhagawan Badal by an unidentified group. Mr. Badal, who hails from Neejgadh of Bara district, is a business person of animal health.

As per the detail mentioned in the complaint registered at the NHRC, Mr Badal has been missing since he was abducted by an unidentified group on 16th of September, 2013. His whereabouts is still unknown.

The Commission has, therefore, urged the Government of Nepal, civil society and human rights workers to take necessary initiative for immediate release of Bhagawan Badal.

Similarly, the Commission has also urged all the concerned parties to respect the citizens' fundamental right to live in peaceful environment free from fear and terror.

Bandh leaves Impact on Daily Life in Pokhara

KASKI: The Communist Party of Nepal (CPN-Maoists/Baidya Faction) including other 33 parties had called shutdown of western region including Lake City Pokhara on September 16, 2013. Western Regional Office of the NHRC Pokhara carried out monitoring on the human rights situation of Pokhara and surrounding areas. The monitoring team deployed by the NHRC, RO Pokhara found that the rights related to education, health, labour were violated. Though the people in general had to bear hardships due to the curtailing of the freedom of movement due to day long bandh, no incidents of clashes were reported. Nor had the security forces used any force during the bandh.

National Human Rights Commission

Harihar Bhawan, Lalitpur, Nepal

Phone: 00977-1-5010015/16/17

Hot Line: 00977-1-5010000

Fax: 00977-1-5547973, 5547976

Email: nhrc@nhrcnepal.org

Website: <http://www.nhrcnepal.org>

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Editors: Nawin Chandra Gurung, Yam Bahadur Dura
Kailash Kumar Siwakoti, Shree Ram Adhikari

Please send your feedback about the NHRC Newsletter to nhrc@nhrcnepal.org