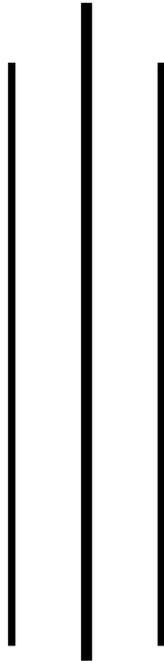


National Human Rights Commission



Annual Report



**Shravan 2059 to Ashad 2060
(July 17, 2002 to July 16, 2003)**

Foreword

Human Rights Situation in Nepal in the Present Context

The process of ceasefire and peace talks held between the government and the Maoists had led the peace loving people to expect long lasting peace in the country which had been gripped by terrorism for the past seven years. The growing trend of human rights violations is thus impeding the path of peace. Since its establishment, the Commission has been convinced that all problems can be solved only by holding peace talks between the parties in conflict. Talks should be held for maintaining long lasting peace because without peace, no campaign can be launched against poverty, social discrimination and uneven distribution of resources. During the period of the seven year long conflict, thousands of people have lost their lives and more than fifty thousand people have been constrained to live a painful life, worse than the life of refugees, in their own country leaving aside their houses. Likewise, thousands of women have become widows and thousands of children have been orphaned. Under such circumstances, the Commission was not prepared to remain simply as a silent spectator and, hence, it has been active for transforming the conflict into peace staying within the limitation of its resources and means. Human rights should be made the main agenda of the peace talk; in order to evoke sympathy of diverse groups like the political parties, government, civic society, and opposition forces towards this agenda, the Commission organised interactions with these groups time and again.

The National Human Rights Commission can accomplish its mission towards protecting the human rights only when it would be able to acquire cooperation from the government, human rights associations and organisations, and civic society. In order to guarantee all the economic, social and cultural rights of the people, which include civic and political rights too, ceasefire and peace talk should be continuously maintained. Hence, at this critical situation, His Majesty's Government, political parties and the Maoists should remain honest towards honouring, protecting and maintaining human rights. And this only will help to fulfil the peoples' expectation for maintaining a long lasting peace.

Nayan Bahadur Khatri
Chairperson
National Human Rights Commission

ABSTRACT

Background

The composition of National Human Rights Commission, formally organised on May 26.2000, under the Human Rights Act, 1997 may be given as:

Mr. Nayan Bahadur Khatri	Chairperson
Dr. Gauri Shankar Lal Das	Member
Mr. Kapil Shrestha	Member
Mr. Sushil Pyakurel	Member
Ms. Indira Rana	Member

Organisation Chart

With a view to shoulder its responsibility towards the protection and promotion of human rights in an effective manner, the Commission has introduced a new organisational structure.

Meetings of the Commission

Besides holding regular meetings on every Tuesday, the Commission has undertaken various decisions for the protection and promotion of human rights by organising 34 extra meetings during this fiscal year.

Appointment of Permanent Employees

The Commission has appointed permanent employees on the basis of open competition by conducting written examination as prescribed by the regulations.

Management of Complaints

During this fiscal year, the Commission gave decisions on 110 complaints out of 483 complaints.

Monitoring of Human Rights Situation

The Commission has undertaken on the spot monitoring at different districts so as to initiate action on human rights violation.

Inquiry and Investigation

Although the Commission has initiated investigational actions on certain complaints concerned with violation and abetment of human rights, the role played by it remained insignificant because of the limitation in resources and facilities.

Discussion/Interaction/Seminar

Owing to the limitation in resources and facilities, the Commission is facing difficulty so as to expand its programmes like discussion, interaction and seminars even among the target groups. However, it is organising interactions with different political parties, non governmental organisations concerned with human rights and matured group of civic society for transforming conflict into peace.

Appointment of National Rapporteur

In order to look into the matter of trafficking of women and children, Dr. Renu Rajbhandari has been appointed to the post of National Rapporteur under the framework of Ministry of Women, Children and Social Welfare and National Human Rights Commission.

Asia Pacific Forum of Human Rights Institutions

The Commission has been participating in the conference and other activities organised by Asia Pacific Forum of Human Rights Institutions.

Joint Action with International Agencies

The Commission has been launching joint programmes in cooperation with United Nations Development Programme, Office of the United Nations High Commissariat and diverse other international institutions.

Relation with His Majesty's Government and Other Agencies

Although there has been an increment in the interaction and discussion, the Commission has not been able to get cooperation from His Majesty's Government as had been expected. It is effortful to develop cordial relationship with National Security Council, Police and Army.

Challenges and Hardships

In order to give continuity in the ceasefire arranged between the Maoists and the government, the Commission had prepared an agreement and submitted it to both these parties for ratification. It had taken initiative to monitor in human rights situation at the time of ceasefire. Despite such efforts, the increment of assassination, violence, abduction, destruction of physical facilities etc. perpetrated under internal conflict have led the human rights situation to pass through a grave crisis. The Commission has not been able to provide effective constitutional remedies to the complaints which were received as and when all the doors to constitutional remedies had been closed. However it is determined to fulfil its responsibilities with the love and cooperation received respectively from the Nepalese people as well as international agencies.

Institutional Development of the Commission

It is expected that the Capacity Development Project run under the cooperation of United Nations Development Programme will surely help cooperate the Commission in its institutional development. Likewise, the implementation of National Human Rights Action Plan enacted recently by His Majesty's Government will also help the Commission more in this direction.

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CHAPTER I

THE COMMISSION

1.1 Composition of the Commission and Job Distribution

The Commission, constituted on May 2000 (Jestha 13, 2057) in accordance with Human Rights Commission Act, 1997, is composed of following dignitaries:

Nr. Nayan Bahadur Kharti	-	Chairperson
Dr. Gaurishankar Lal Das	-	Member
Mr. Kapil Shrestha	-	Member ¹
Mr. Sushil Pyakurel	-	Member
Ms. Indira Rana	-	Member

The job distributed to them may be given as:

Chairperson Mr. Nayan Bahadur Khatri - General Administration and International Affairs
Member Dr. Gaurishankar Lal Das - Planning, Internal Monitoring and Evaluation Section
Member Mr. Sushil Pyakurel - Protection, and Monitoring as well as Promotion Section
Member Ms. Indira Rana -Legal Advice Section

1.2 Structure of the Commission

As regards the Organisational structure of this newly established Commission, the following decisions have been made after undergoing diverse deliberations.

As the budget of Rs. 4.5 million allocated to it by was not sufficient for maintaining the strength of 76 employees as approved by His Majesty's Government, the Commission has appointed only the staff of 46 employees.

1.2.2 Appointment and Resignation

1.2.2.1 Resignation of Secretary Accepted

His Majesty the King accepted the resignation tendered by the Secretary of National Human Rights Commission, Dr. Shankar Kumar Shrestha, on July 30, 2002.

1.2.2.2 Appointment of Secretary

Joint Attorney General Kedar Prasad Poudyal, who was deployed to the Commission from the Office of the Attorney General of Kingdom of Nepal, was deputed to work as the Acting Secretary from Bhadra 5, 2059 onwards till another arrangement will be made.

¹ Has not been assigned responsibilities after the NHRC decision of July 22,2002

1.3 Meeting of the Commission

During this fiscal year, the Commission undertook 127 decisions on diverse subjects by holding 34 meetings.

1.4 Main Decisions Undertaken by the Commission

The important decisions undertaken by the Commission for the protection and promotion of human rights may be given as:

December 9, 2002

1. The organisational and job distribution charts of the National Human Rights Commission was approved after a long deliberation and decided to perform tasks as per these charts.
2. Decided to hold eighth conference of Asia Pacific Forum of national human rights association in Nepal on 22nd, 23rd and 24th September of 2003.
3. Decided to send reply to courts as per their request regarding the events of human rights violation after making an inquiry.

January 28, 2003

1. Formed a committee under the chairmanship of Commission Member Hon'ble Dr. Gauri Shankar Lal Das for appointing diverse employees and specialists on contract for a temporary period.
2. Deliberated on the role to be played by the Commission in regard to the ceasefire and decided to make it more active in playing its role.

March 4, 2003

The Commission had prepared a draft on code of conduct by welcoming the ceasefire agreed upon by the government and the Maoists and sent it to both these parties. It will prepare action plan as and when the draft will be released before the people.

April 1, 2003.

1. Decided to form a committee under the chairmanship of the Commission Member Hon'ble Sushil Pyakurel for preparing a strategic plan of the Commission.
2. Decided to provide following guidelines to Protection and Monitoring Section of the Commission for giving final verdict to the pending complaints
 - a. Sending letter to the Cabinet Secretariat asking it to furnish information on the complaints filed against the Maoists.
 - b. Giving verdict to the complaints of public importance and serious events by carrying on extra inquiry.
 - c. Giving necessary decisions to the complaints on the basis of available evidences if extra investigation is not possible.

April 22, 2003

Holding discussion programmes with the representatives of the negotiation teams appointed by the government and the Maoists as soon as possible in regard to the draft on human rights accord to be agreed on by both these parties.

April 22, 2003

1. The Commission felt it necessary to play a constructive role to help lead the peace talk held between His Majesty's Government and the Maoists towards permanent peace by studying international law and behaviour. In this context, it planned to call John Galtung, Director of TRASCEND, under Capacity Development Programme.
2. Stopping the trafficking of human beings on the border of India and Nepal would be the main agenda of the eight APF meeting to be held in Nepal on the upcoming September. In order to trace out solution in this context, the Commission decided to send a team to the Human Rights Commission of India under the leadership of the Commission Member Hon'ble Ms. Indira Rana.
3. Decided to carry on research on Dalits' rights and also to make a feature film on the situation of Dalits's rights by utilising the money, which remained surplus after launching the programme on 'Integration of Dalits Rights Promotion Progress in the Activities of NHRC'.

May 13, 2003

1. As agreed upon by both the CPN (Maoists) and His Majesty's Government to entrust the Commission the task of monitoring the code of conduct concerned with ceasefire, the Commission decided to make the sphere of its activities clear by writing letter to both these parties.
2. The Commission felt it necessary to refine certain provisions of the existing Human Rights Commission Act, 2053 so as to make its more effective by studying the experiences of action procedures of other commissions of the world and, hence, it formed a Task Force under the chairmanship of its Chairperson.

July 2, 2003

1. The existing law of the Commission in regard to its employees does not provide any clause for appointing temporary employees in contract. Hence, it amended Clause 20 of this act as follows: "If a certain post remains vacant owing to certain reason, and if it is felt necessary to fill up the vacant post for carrying on its duties, the Secretary, with the permission of the Commission, can appoint a person to that post in contract for a fixed period."
2. As His Majesty's Government did not respond to certain letters of the Commission sent by it to furnish information on the complaints received against the Maoists, it (the Commission) decided to write again asking the Government to furnish information after initiating necessary action.
3. On certain complaints received in connection with human rights violations, the Army Headquarters responded that the cases are on the process of investigation. In this context, the Commission decided to write letter asking to furnish information about the investigation and the description of it.

July 15, 2003

Decided to write letter to His Majesty's Government asking it to draw attention on the following points for resolving the refugee problem:

- a. The refugees should be guaranteed a dignified life after their return to home country.
- Initiative should be taken for setting up a free monitoring mechanism as and when the refugees begin to return.
- c. Necessary provisions should be made for impartially investigating on the appeal filed by the refugees against the verification procedure.
- d. Nationality right of a person should be guaranteed.

CHAPTER II

ACTIVITIES AND PROGRESS

2.1 Administrative Functions

The administrative functions accomplished by the Commission in this fiscal year may be given as:

2.1.1 Administrative Activities within Organisational Structure

With a view to manage its necessary physical infrastructures and facilities, the Commission has gradually developed the physical facilities in the sphere of general administration, financial administration, store, library, etc., etc.

2.1.2 Financial Administration

In order to make the financial administration very effective, the Commission had prepared a financial regulation and sent it to His Majesty's Government for approval. As the government has not approved the regulation, the Commission is facing diverse constraints in this sphere. The budget of 5.5 million allocated to it was insufficient for distributing salary and allowances to the employees and for running the daily administration. Hence, it expects that the budget be increased in order to help it in undertaking the growing tasks effectively. Taking note of the impediments in the plans and programmes run under the assistance of donor agencies, the Commission is trying to prepare a regulation on integrated financial administration for implementing the programmes run under UNDP with the assistance of Capacity Development Plan.

2.1.3 Audit Report

The accounts of the Commission in the fiscal year 2058/59, i.e., July 16, 2001 to July 16, 2002 has been audited by the Office of the Auditor General while the audit report of 2059/60, i.e., July 17, 2002 to July 16, 2003 is yet to be finalised by it.

2.1.4 Present Situation of the Commission's Office Building

The Commission does not have a separate official building of its own. It is running its office in an old, narrow, dark and insufficient building, which created impediments in the carrying on of its functions effectively. Hence, it is trying to expand the office building and physical facilities by renovating it with the consent of City Development and Building Construction Department.

2.1.5 Management of Commodities

The Commission has improved the physical facilities of its own to a certain extent. Despite such improvement, the physical facilities are to be expanded in proportion to the increasing number of staff. Likewise, necessary apparatus and transportation facilities should be provided to it for overcoming the constraints appearing in the monitoring of human rights violations.

2.1.6 Management of Library

The Commission has established a documentation centre under the cooperation of Danish Institute of Human Rights. The Danish Institute of Human Rights has contributed diverse books on human rights to this centre. Now there are 700 books, reports, bulletins etc. in the centre.

2.1.7 Strength of Staff and Permanent Appointments

Although the strength of staff fixed for the Commission has been 46, only 25 staff are being employed here now. As the employed staffs were found insufficient for carrying on the growing workloads, the Commission has formed an Appointment Committee under the chairperson of Hon'ble Member Dr. Gaurishankar Lal Das for making appointments in the permanent posts. Besides it, the committee has been entrusted with the task of appointing employees at various levels in contract.

2.2 Activities on Planning, Monitoring and Evaluation

2.2.1 System on Evaluation of Performance (karyasampadana)

In order to make the employees dedicated towards their duties, the Commission has tried to develop a system for awarding reward and punishment to them (employees) by evaluating on their performances.

2.2.2 Directive on Annual Action Plan

In order to implement the programmes in a planned manner, the Commission has prepared an Annual Action Plan Directive and it is on the process of implementation.

2.2.3 Human Resource Development Directive

In order to develop the capacity and career of its employees, the Commission has prepared a Human Resource Development Directive and it is on the process of implementation.

2.2.4 Strategic Plan of the Commission

In order to give concrete shape to the activities guaranteed by Human Rights Act, 1997, to accomplish the Commission's activities in a planned manner and to develop human rights oriented programmes, the Commission is on the process of preparing a plan connected with strategic objectives and programmes.

2.2.5 Regulation on the Remuneration and Allowance of Consultancy and Special Service

As prescribed by Clause 11 (7) of Human Rights Act, 1997, the Commission has employed persons for consultancy and special service at different times. The Commission is facing a difficulty because of the absence of fixed rules in regard to the remuneration of these persons. Hence, in order to bring uniformity on the remuneration of consultancy service and special service, it is on the process of preparing a separate regulation.

2.2.6 Participation with National Human Rights Action Plan

The Commission has been contributing significantly to National Human Rights Action Plan to be run by His Majesty's Government under the co-operation of UNDP. The Commission Member Dr. Gauri Shankar Lal Das has been participating in the Advisory Committee of this Action Plan. Similarly, the Commission has participated in the Directive Committee organised for supervising and guiding it. The National Human Rights Action Plan prepared by His Majesty's Government is on the process of implementation and the Commission has been entrusted with the task of monitoring its implementation.

2.3. Consultancy on Legal Matters

2.3.1 Revision of Human Rights Act, 1997

Certain provisions of Human Rights Act, 1997 have become necessary for revision so as to make them in conformity with the Commission's activities. Taking this matter into consideration, the Commission had constituted a Task Force under the coordination of its Chairperson Nayan Bahadur Khatri for revising the Human Rights Act, 1997. The first revision draft has been presented for undertaking decision.

2.3.2 Regulation on Financial Management

Clause 15 (5) of the Human Rights Act, 1997 has stipulated that the Office of the Auditor General should audit the account of the Commission. As certain provisions of it were found untimely, the Commission is preparing a separate financial regulation, which could be applied specifically on the projects run under the cooperation of donor agencies.

2.3.3 Revision of Laws

In order to make the existing laws of the country in conformity with the human rights as guaranteed by the Constitution and other laws, the Commission had organised a workshop seminar on December 18, 2002 under the cooperation of Danish Institute of Human Rights and prepared a model too. In order to perform the task of revision, the Commission had employed a Consultant for one year under Capacity Development Project, that too, under the cooperation of Danish Institute of Human Rights. In the first phase, the Commission had collected research works, reports, etc. prepared in this sphere by different national and international organisations. It has prepared a draft report for revising the laws on priority basis.

2.3.4 Study Tour to Indian National Human Rights Commission

In order to study the laws concerned with human rights and international associations, a team led by the Commission Member Hon'ble Ms. Indira Rana paid a visit to Indian National Human Rights Commission from 5th to 10th November 2002. The team had met the prominent figures of the Indian Commission and held discussions too. During the visit, discussions were held on the launching of joint programme for controlling and monitoring the yearly trafficking of thousands of women between the two countries and on the AIDS problem faced by them. The Nepalese team was led by Hon'ble Member Indira Rana and Indian team by Justice Sujata Manohar. The two teams had agreed to present it in the seventh annual meeting of Asia Pacific Forum as the main agenda.

2.3.5 International Conventions

As prescribed by Clause 9 (2.L) of the Human Rights Act, 1997, the Commission's responsibility is to furnish necessary suggestions to His Majesty's Government on the reports which it (the government) has had to submit to concerned committees of international conventions and treaties. The initiative taken by the Commission in this connection may be given as:

2.3.5.1 Contact Point Fixed for Sending Report

In order to create necessary structure for helping to prepare periodical reports which His Majesty's Government has had to submit, as per the treaties and agreements endorsed by it, in a planned and regular manner, the Commission had organised a one day seminar on October 29, 2002 on "International Human Rights Reporting Obligations of His Majesty's Government". Following the outcome of the seminar, the Cabinet Secretariat, on November 20, 2002, sent a letter to the Commission informing about the approved structure.

2.3.5.2 Convention on Consent to Marriage, Minimum Age and Registration of Marriage

In response to the query of Law, Justice and Parliamentary Affairs Ministry whether Nepal should be a party state to the Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriage, 1962, the opinion furnished by the Commission was that it (Nepal) can become a party state by being clear about certain clauses of the convention like: whether the consent of the guardian is necessary for such marriage or not, etc.

2.3.5.3 Opinion on Draft of Human Rights National Action Plan

The Commission furnished twelve points action plan in connection with the draft of Human Rights National Action Plan, which His Majesty's Government was trying to enact. The points were concerned with management and improvement of prisons, women empowerment, gender equity etc. etc.

2.3.5.4 Opinion on the Draft of Gender Equity and Women Empowerment National Action Plan

At the request of Women, Children and Social Service Ministry, the Commission is trying to furnish opinion which the ministry could not incorporate in its draft on Gender Equity and Women Empowerment National Action Plan.

2.3.5.5 Prison Inspection

As prescribed Clause 9 (2.e) of the Human Rights Act, 1997, the Commission has undertaken prison visits at different jails with a view to acquaint itself with diverse problems faced by them.

2.3.5.5.1 Visit to Dailekh Jail

on August 4, 2002, the monitoring team led by the Commission Member Sushil Pyakurel visited the Dailekh Jail. The team found the jail in worst condition. The condition of the jail was reported to the local Chief District Officer and the central agencies.

2.3.5.5.2 Monitoring Visit to Prison Section of Nakkhu Jail

In connection with regular monitoring of jails, the employees and Commission members have visited Prison Section of Nakkhu Jail time and again and discussed on the problems of the jail. These visits seemed to make a positive impact among the prisoners and the prison administration too.

2.3.5.5.3 Monitoring Visit to Jaleshwar Jail

On February 11, 2003, a team consisting the officers of the Commission visited Jaleshwar Jail at Mahatari and collected information on the facilities of prisoners and problems of jail from the chief of the jail, prisoners and detainees.

2.3.5.5.4 Monitoring of Jails at Dang, Rolpa and Pyuthan

A team led by the Commission's officer Kosh Raj Neupane visited the jails of Dang, Rolpa and Pyuthan from April 3, 2003 to April 21, 2003 to monitor the total situation on whether the state and non-state forces have observed human rights and humanitarian laws properly or not. The team has submitted a report of this visit to the Commission.

2.3.5.5.5 Monitoring of Jails at Kanchanpur, Doti and Kailali

From April 3, 2003 to April 18, 2003, a team of volunteers led by the Commission's officer Madhav Prasad Gautam visited the jails of Kanchanpur, Doti and Kailali in order to monitor on the total situation of the physical condition of jails and problems of the prisoners, and presented a report of this visit to the Commission.

2.4 Activities on Human Rights Promotion

2.4.1 Publication

With a view to develop human rights culture by disseminating human rights education even among the foreign agencies and people, the Human Rights Act, 1997 and Annual Report have been translated into English. In this context, it has also distributed its bulletin, annual report, various regulations and wall calendar to different associations as well as people.

2.4.2 Day and Ceremonies

In connection with the promotion of human rights, the Commission has been organising different programmes on the days concerned with human rights. Likewise, it has been participating on different programmes organised by national and international associations concerned with these rights.

2.4.2.1 54th Human Rights Day

In order to mark 54th Human Rights Day, the Commission organised different programmes on December 11, 2002 declaring "Human Rights for Peace" as the main slogan. On the lecture programme organised in this day on "Commission's Role in the Creation of Peace Process" the Prime Minister and the representatives of Political and Civic Society as well as foreign missions had participated. A peace procession organised in this connection had marched from Bhadrakali to National City Hall. At the City Hall, the torture victims-- Bhesraj Pokhrel, Munal Rana,

Sharada Khanal and Anil Yogi-- had expressed about the human rights violation perpetrated by the Maoist and state forces.

2.4.2.2 Third Anniversary of National Human Rights Commission

On June 6, 2003, the Commission organised a three-phased programme in order to mark its third anniversary. On that occasion, the Commission's Acting Secretary highlighted on the activities undertaken by the Commission during the total year while the Commission's Chairperson, Hon'ble Nayan Bahadur Khatri, threw light on the establishment and justification of the Commission and on the challenges to be faced by it. During the programme, prizes also had been distributed among the students of different high schools who had won the essay competition organised on 54th Human Rights Day.

2.4.2.3 United Nations Day against Torture

In order to mark United Nations Day against Torture, a discussion programme was organised on June 26, 2003 under the joint auspices of National Human Rights Commission and Centre Concerned with Torture (Yatna Sarokar Kendra). On that occasion, the Centre concerned with Torture Victims (Yatna Pidit Sarokar Kendra) had presented a concept paper on the condition of torture in Nepal and on its varieties.

2.4.3 Training/ Seminar

In order to disseminate human rights education among diverse classes and communities, the Commission, despite the low budget provided to it, organised various kinds of trainings/seminars for the promotion of human rights.

2.4.4 Workshop Seminar Concerned with Internal Displacement

On the joint auspices of National Human Rights Commission and Norwegian Refugees Council, a six day workshop seminar was organised from March 3 to 10, 2002. In the seminar, the Resident Representative of UNDP, Dr. Henning Carter had expressed his opinion while Bjorn Patterson from Global JDP Project, had given training in regard to the directive principles of United Nations on internal displacement.

2.4.4.1 Training to Personnel of Security Agencies on Human Rights and Humanitarian Laws

On July 24, 2002, the Commission members gave training to the personnel of security agencies on the principles of human rights and humanitarian laws to be observed by the army during military operation.

2.4.4.2 Workshop Seminar on Peace

From December 4 to 6, 2002, a workshop seminar was organised under the joint auspices of the National Human Rights Commission and German Technical Agency. The objective of the seminar was how the economic, social and political development could be coordinated in the country at the time of existing conflict. Kai Fritjh Jacobsen, Co-Director of Trascend in Norway, conducted the seminar. Similarly, from May 17 to 19, an interaction was organised between ambassadors of Nepal, representatives of diplomatic agencies, former foreign secretaries, professors and political scientists with the cooperation of Council for Foreign Affairs. In the

programme inaugurated by the Commission Chairperson Nayan Bahadur Khatri, the UNDP Resident Representative Dr. Henning Carter had expressed his opinion. On that occasion, John Galtung had expressed that although the arising of conflict may be taken as an ordinary process, it may create a grave crisis if proper solution could not be thrashed out in a positive way.

2.4.4.3 Training on Report of Convention against Torture

The first phase of training workshop was organised from March 24 to 28, 2002 on the concept, standard of treaty, implementation aspects and periodical reports of "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984" under the joint auspices of the Commission and Danish Institute for Human Rights. The workshop was organised as decided in the "Seminar on International Human Rights Reporting Obligation of His Majesty's Government" held on October 29, 2003. In the workshop, the resource persons of Danish Institute for Human Rights Ms. Lisbeth Garly Anderson and Peter Vedel Kessing had given training while 22 personnel of officer level from different agencies had participated in it.

2.4.5 Discussion/Interaction

In order to accomplish its obligation towards the protection and promotion of human rights, the Commission has been organising discussion/interaction programmes with various persons at different times.

2.4.5.1 Unofficial Round Table Interaction on Human Rights in Nepal and Situation of Conflict

On January 18, 2003, a round table interaction was organised on "Human Rights in Nepal and Situation of Conflict" under the joint auspices of United Nations High Commissariat, Asia Pacific Region and National Human Rights Commission. In the interaction, participated by different dignitaries of Nepal and the representatives of various foreign organisations, the Commission Chairperson Nayan Bahadur Khatri expressed that the present situation in the human rights violation and conflict should be taken as the outcome of corruption and human rights violation perpetrated in the bygone days. The Resident Representative of United Nations appreciated the government for setting up a human rights cell in the security agency. On that occasion, Nicholas Howen, representative of United Nation High Commissariat, and other dignitaries expressed that the protection and promotion of human rights would contribute much in the reduction of conflict.

2.4.5.2 Orientation Programme for Regional Administrators

On March 12 and 13, 2003, the Commission accomplished an orientation programme in order to bring awareness on human rights and international law, on implementation of law during armed struggle, on monitoring of human rights and humanitarian law, etc. The programme was participated by the representatives of Regional Administration, Inspector General of Armed Police Force and Royal Nepal Army.

2.4.5.3 Discussion with High Ranking Employees of His Majesty's Government

In order to collect governmental opinion on monitoring and to cooperate and coordinate the activities of the human rights monitors in Rolpa, Kailali and Kalikot, the Commission accomplished a discussion programme with high-ranking officers of His Majesty's Government

on July 24, 2002. The programme was participated by the Chief Secretary, Secretaries of Home and Defence Ministries, Inspector General of Armed Police Force and Royal Nepal Army.

2.4.5.4 Interaction with Royal Nepal Army

On September 18, 2002, the Commission discussed with the officers of Royal Nepal Army on the protection and promotion of human rights and on the Commission's expectations. In the programme, Brigadier B.A. Kumar Sharma, Major Pankaj Karki and Colonel Netra Bahadur Thapa had participated on behalf of the Royal Nepal Army.

2.4.5.5 Discussion between Commission and Royal Nepal Army Team

On January 10, 2003, a discussion was organised between the Commission and the team of Royal Nepal Army on human rights in present situation and international humanitarian law. On that occasion, the team of Royal Nepal Army expressed its commitment for working together with the Commission on human rights protection.

2.4.6 Interaction on the Monitoring of Human Rights

As prescribed by Clause 9 (2.k) of Human Rights Act, 1997, the Commission has been monitoring and evaluating the human rights situation of the country in totality. The interaction launched by the Commission in this context may be given as:

2.4.6.1 Interaction in Surkhet

On August 4, 2002, a regional level interaction programme was accomplished in Surkhet in connection with human rights monitoring. In the programme participated by the representatives of political parties and civic society, lawyers, journalists, employees of His Majesty's Government and security agencies, the Commission Member Sushil Pyakurel threw light on the total human rights situation of the country and asked both the parties to observe human rights and humanitarian laws.

2.4.6.2 Interaction in Dailekh

On August 7, 2002, an interaction was accomplished at the headquarters of Dailekh District in the process of human rights monitoring. In the interaction, the speakers spoke on the falling state of security. The Commission Member Sushil Pyakurel expressed how the misuse of law also would lead to human rights violation.

2.4.6.3 Interaction in Biratnagar

On August 30, 2002, an interaction programme was accomplished in Biratnagar. In the programme participated by the representatives of local administration and security agencies, human right workers, journalists, representatives of civic society and political parties, the Commission Member Sushil Pyakurel threw light on the objectives of monitoring,

2.4.6.4 Interaction in Pokhara

on September 7, 2002, an interaction was held in Pokhara between regional administrator, representatives of security agency, civic society and political parties. In the programme, the two members of the Commission, Dr. Gaurishankar Lal Das and Sushil Pyakurel expressed about

the expectations of the Commission and requested all to observe human rights and humanitarian laws.

2.4.7 Awareness Oriented Programme

2.4.7.1 Public Awareness Programme against Torture of Women in the Name of Witchery

In order to disseminate awareness against the torture of women in the name of witchery, the Commission organised awareness programmes from February 7, 2003 to February 16, 2002 at Dhanusha, Mahotari, Sarlahi and Siraha districts of Tarai. On that occasion, the team comprising the officers of the Commission acquired informations on the torture of women in the name of witchery from the local intellectuals, teachers, social workers, victims and journalists.

2.4.7.2 Awareness Oriented Programme on Human Rights and Childrens; Rights

On November 3, 2003, a discussion programme was organised at the courtyard of Shri Shanti Bhagwati Higher Secondary School in Letang-6 under the joint auspices of National Human Rights Commission and Model Radio Listeners Club, Letang-2. In the programme organised under the chairpersonship of Mohan Gautam, Founder of Model Radio Listeners Club, Letang-2, the Commission Member Sushil Pyakurel, expressing educational right as the primary right of the children, emphasised on the need of establishing schools as areas of peace by stopping the activities of violence. On that occasion, Siddhi Aryal, Media Advisor of UNDP, Pramod Tiwari, Project Assistant, Dipak Jang Karki, Officer of the Commission and the Chairperson Mohan Khetan also had expressed their opinions.

2.5 Activities on Human Rights Protection

2.5.1 Important Decisions Undertaken by the Commission on Human Rights Protection

2.5.1.1 Decision Undertaken on Human Rights Protection of Women Tortured on the Charge of Witchery

Among the 13 complaints filed in connection with inhuman behaviour and physical as well as mental torture of women on the charge of witchery, the decision undertaken by the Commission on April 28, 2003 and July 2, 2003 may be given as:

Recommending to His Majesty's Government to frame necessary laws and mechanisms for providing proper compensation, and asking it to provide compensation of Rs. 30000/- to each victim and Rs. 50000/- to the dependant of dead Malesia Devi.

2.5.1.2 Decision Undertaken on the Complaints of Torture

On the complaint filed by Rabindra Silwal asking to provide compensation for the torture perpetrated on false charge by the Inspector and Sub-Inspector of District Police Office of Kathmandu by detaining continuously at Hanumandhoka from 2057/2/32 to 2057/3/7, the decision undertaken by the Commission was to write letter to His Majesty's Government to provide the compensation of Rs. 50000/- to the victim through Cabinet Ministry.

2.5.2 Complaints Filed in the Commission

Description of Complaints filed from Sravan 2059 to Asar 2060, i.e., July 17, 2002 to July 16, 2003

<u>Year</u>	<u>Month</u>	<u>No.</u>
2059	Sravan	68
2059	Bhadra	50
2059	Asoj	33
2059	Kartok	49
2059	Mangsir	25
2059	Paukha	51
2059	Magha	48
2059	Falgun	58
2059	Chaitra	25
2060	Baishakh	30
2060	Jestha	16
2060	Asar	30

	Total	483

2.5.3 Monitoring of Human Rights Situation by the Commission at Different Times

2.5.3.1 Commission's Team at Banke

In order to make a study on illegal detention, kidnapping, illegal assassination, torture and on the human rights situation, a team comprising the officers of the Commission paid a visit to Banke district and collected necessary information.

2.5.3.2 On the Spot Visit to Jumla

On October 24 and 25, 2002, a team lead by the Commission member Sushil Pyakurel paid a on the spot visit to Khalanga, headquarter of Jumla district, in order to study governmental and non- government buildings destroyed by the Maoist attack on November 14, 2002.

2.5.3.3 On the Spot Visit For Inspecting Human Rights Violation on the Worker of Political Parties by Police Baton Charge

On May 3. 2003, the Commission's Officer Madhav Prasad Gautam visited the Teaching Hospital to inspect the workers of political parties wounded under the cruel torture of Police baton charge and collected information on their condition.

2.5.3.4 On the Spot Inspection at Arghakhanchi

On September 9, 2002, a team of the Commission Members Dr. Gaurishankar Lal Das and Sushil Pyakurel paid a on the spot visit to Sandhikharka, headquarter of Arghakhanchi, in order to inspect the destruction caused under the Maoist attack.

2.5.4 Role Played by the Commission for Transforming the Present Conflict into Long Lasting Peace

The prominent activities undertaken by the Commission for transforming the present conflict into long lasting peace may be given as:

On August 27, 2002 The Commission called on the government to declare ceasefire for creating a peaceful environment so that the innate rights of the people be protected properly. It also called on the CPN (Maoists) to stop its violent activities.

On October 22, 2002 The Commission wrote a letter to the Prime Minister informing him on the human rights violations at 35 districts and on the immediate measures to be adopted by him, which it had prepared on the basis of on the spot visits. Likewise, on October 23, 2002 it wrote a letter to Prachanda, Chairman of the Maoists, for pursuing its (Maoists') responsibility.

On November 14, 2002 After paying on the spot observation visit to Khalanga, headquarter of Jumla, and Dhangadi on this day, the Commission had drawn the attention of His Majesty's Government as well as the CPN (Maoists) on the protection of human rights.

On November 28, 2002 The Commission had drawn the attention of His Majesty's Government with regards to the following issues:

1. Conducting public service oriented institutions very smoothly at the earliest. Sending physicians and medicines to hospitals and personnel and manpower to other offices.
2. In order to acquire information on this event, the higher level representative of His Majesty's Government should be sent immediately.
3. Relief materials and compensation should be distributed to the family members of security forces, ordinary people of Jumla and police, women and female students of Bardia along with family members of former parliamentarian Chakra Bahadur Dagaura who were killed in the encounters. Likewise, compensation should be provided to the wounded and to the householders whose houses have been destroyed on such events.
4. Vigilance be maintained for stopping to make the institutions of public importance like educational institutions, temples, etc. the target of encounters.

On January 31, 2003, the Commission, by welcoming the ceasefire declared by both the government and the Maoists as very timely and positive, appealed all the forces to create a favourable environment for holding talk.

On February 5, 2003, the Commission appealed all the forces, by releasing a press communiqué, to respect human rights very honestly for solving economic, social, cultural and political problems and expected that the CPM (Maoists) will be fully committed in the direction of creating a human rights culture.

On February 11, 2003, the Commission presented a code of conduct on ceasefire to both the parties for consideration so that the government and the Maoists could create at least a minimum understanding for maintaining the ceasefire.

On February 21, 2003, the Commission, with a view to prepare an action plan for undertaking initiative in the ceasefire, decided to launch a interaction/discussion programme with civic society, political parties, security agencies and higher governmental authorities.

On April 21, 2003, the members of the CPN (Maoist)'s talk team and the Commission's authorities held a discussion on the situation of human rights during the time of ceasefire. At the discussion, the Commission's authorities asked the Maoists to enter into a separate agreement with the government on the question of human rights which it approved and asked the Commission to prepare a model of this agreement.

On April 29, 2003, a discussion was held between the talk team of the government and the Commission's authorities on addressing the problems of human rights. During the discussion, the Commission's authorities asked the government to enter into a separate agreement with the Maoists on the questions of human rights, which the Government side responded very positively.

On May 6, 2003, a discussion was held between the facilitators of peace talk and the authorities of the Commission for addressing the questions of human rights while holding the peace talk. Similarly, the Commission informed them of its activity in preparing a model in this context.

On May 19, 2003, the Commission met Prime Minister Surya Bahadur Thapa and submitted him a draft of revised agreement requesting him to arrange for a separate agreement between His Majesty's Government and the Maoists on human rights.

On June 20, 2003, the Commission, by publishing a communiqué, asked to create a system so that both the parties may pursue the accepted code of conduct without engaging in armed conflict as had been published in the news.

2.5.5 Declaration of Emergency and Human Rights

The declaration of emergency led to suspend almost all the basic rights, to say in other words, constitutional rights of the people and resulted confusion in the sphere of human rights. Even at such a time, the Commission monitored the human rights situation at different districts by sending volunteers consisted of the Commission and civic society. On June 6, 2003, say, on the anniversary of the Commission, the report of this monitoring was made public with the title "Emergency and Human Rights". The report, while providing the information on human rights violation, had recommended various measures for stopping the human right violation.

CHAPTER III

PROJECTS RUN UNDER THE COMMISSION

3.1 Capacity Development Project of National Human Rights Commission

The Commission has been running a Capacity Development Project since 2000 April in cooperation with Australia, Canada, Denmark, Finland, Norway, UNICEF along with Switzerland, the United Nations High Commissariat for Human Rights, International Labour Organisation and Asia Pacific Forum, and under the coordination of United Nations Development Programme. The prominent activities undertaken by the project in this fiscal year were:

- Preparing a strategy and action plan of the Commission.
- Purchasing computer, photocopy and other materials for developing a qualitative information system.
- Counselling services provided to the Chairperson, Members and Secretary of the Commission in the spheres of administration, human rights and leadership development.
- The team consisting the members and secretary of the Commission visited National Human Rights Commissions of Sri Lanka, Thailand and Philippines and collected information on the working style and activities of these commissions.
- The Commission's employees and the representatives of non-governmental organisations were provided training for carrying on the task of human rights protection at the time of conflict.
- The Danish Institute for Human Rights is helping to develop policy-oriented strategy on research and advocacy by fixing on the priority. The UNICEF will bear the responsibility for preparing a comprehensive social survey, with the cooperation of the Danish Institute a Documentation Centre has already been established.
- The Commission is providing specialised training for developing strategic plans and capacity.

3.2 Project for Preparing a Paper on Human Rights Situation

With a view to provide information on all aspects of human rights, the Commission has started to prepare a paper on human rights situation. The paper will be circulated in public on the forthcoming August/September/October both in English and Nepali languages. The total budget of the project to be borne by Asia Foundation is 2.607 million.

3.3. Establishment of a National Rapporteur Office for Countering Trafficking of Women

The office of the National Rapporteur had been established on August 28, 2002 as had been approved by Women, Children and Social Welfare Ministry and the Commission for developing a separate powerful mechanism for carrying on monitoring and research works in the sphere of trafficking women and children. The office has begun to function from January 10, 2003. The activities of this office during this fiscal year may be given as:

3.3.1 Discussion with Concerning Agencies on Action Plan

The Office of the National Rapporteur, by undertaking discussion programmes with Non Governmental Organisations and the Task Force of United Nations Organisations respectively on February 12, 2003 and March 15, 2003, collected information for the forthcoming action plan.

3.3.2 Interaction on the Strategy Prepared for Stopping the Trafficking of Women and Children

In order to prepare a strategy by clarifying the view of human rights on the trafficking of women and children, the Office of National Rapporteur organised an interaction at Rupandehi in western regional centre on March 31, 2003. It was participated by the representatives of Kapilvastu, Syanja, Rupendehi, Arghakhanchi, Gulmi, Baglung, Parvat, Myagdi and Nawalparasi.

3.3.3 Interaction Programme with the Representatives of High Levelled Media

On March 4, 2003, a workshop seminar participated by the representatives of high levelled media was accomplished on the medical treatment of the trafficked ones under the standard of human rights.

3.3.4 Meeting with District Task Forces

The National Rapporteur visited Udayapur, Jhapa, Dhanusa, Sunsari districts of eastern region and Rupendehi, Chitwan and Dhading districts of western region and met the task forces of these districts and collected informations on the activities undertaken by them against trafficking of women and children.

3.3.5 Interaction with International Non Governmental Organisations, Government Officers, Security Persons and Media

On May 21, 2003, the National Rapporteur accomplished an interaction with diverse groups engaged against the trafficking so as to exchange experience in this sphere.

3.3.6 Preparation of Concept Paper for Undertaking Research on the Protection of Womens' Right on Diverse Spheres

The Office of National Rapporteur has prepared a concept paper for undertaking research on diverse subjects in regard to the protection of women's rights.

3.3.7 Co-work with Indian National Human Rights Commission

From June 1 to 5, 2003, a discussion was arranged at National Human Rights Commission in India between the Commission and Indian National Human Rights Commission for working together on controlling the cross border trafficking.

3.3.8 Workshop Seminar with Members and Employees of National Human Rights Commission on Human Trafficking

With a view to prepare strategy for the protection of human rights of the trafficked women and persons, the National Rapporteur accomplished an interaction with the Commission members and employees on April 2, 2003.

3.4. Integration of Dalits Rights Promotion Project

Under the cooperation of United Nations High Commissariat for Human Rights, an Integration of Dalits Rights Promotion Project is being run by the Commission for developing awareness against racial discrimination. Under the first phase of its programme, the Commission has accomplished programmes like: workshop seminar on the situation, challenges and solution to dalits human rights, joint feasting between dalits and non dalits, publications of posters and pamphlets for bringing awareness against racial discrimination etc. etc.

3.5. Responding to Crisis Project

With a view to monitor human rights situation in the country, a Responding to the Crisis Project is being run under the Commission in cooperation with Danish, Norwegian and British governments. The first phase of this project which started on June 1, 2002 has ended while the second phase has run from July 1, 2003. The total budget fixed for the first phase was Rs. 4.1 million while for the second, Rs. 9 million. The activities of the first phase have been already mentioned above.

CHAPTER IV

NATIONAL AND INTERNATIONAL RELATIONS

4.1 National Relation

With a view to carry on its activities towards the protection and promotion of human rights in an effective manner, the Commission has been maintaining relations with His Majesty's Government, different ministries, security agencies, civic society and the intellectual people in the society by launching programmes like discussion, interaction joint venture, etc. The activities undertaken in this connection may be mentioned as:

4.1.1 Relationship between Commission and His Majesty's Government

Despite so much commitment to help the Commission in shouldering its responsibility, the various agencies of His Majesty's Government were not seen to protect the inalienable human rights of the people as had been expected. However the composition of separate human rights cells at Home Ministry, Armed Police Force, Royal Nepal Army and Civil Police should be taken as a positive step in this direction.

4.1.2 Relation with Non Governmental Organisations

In the process of addressing the burning questions of human rights in the country, the Commission has been receiving significant cooperation and opinions from the non-governmental organisations. During the period of this report too, it has succeeded to acquire the cooperation of these organisations in observing human rights day, in monitoring the emergency period and in carrying on the spot visits.

4.1.3 Relation with Political Parties

The Commission has been launching mutual discussions and interaction programmes with the political parties time and again considering upon their significant role in the protection and promotion of human rights.

4.1.4 Relationship between the Commission and Parliament

During this report period too, the Commission has maintained relationship with the parliament by recommending it to incorporate matters of human rights on the bill concerned with eradicating bonded labourer (Kamaiya), holding massive interaction for discussing the last report in the parliament. However, with the dissolution of House of Representatives, the Commission was deprived of such cooperation.

4.2 International Cooperation

Since its third report period, the Commission has been maintaining cordial relationship with diverse international agencies concerned with protection and development of human rights. The main agencies, which have cooperated with the Commission in launching various programmes, are: UNDP, DCHR, CHRF, DANIDA along with Norwegian, Danish and British Embassies.

4.2.1 Relationship between Commission and United Nations Development Programme (UNDP)

The UNDP has been cooperating this Commission very significantly in the sphere of promoting its capacity. The Capacity Development Project approved by it is in the stage of implementation. The cooperation extended to the Commission by various donor agencies are coordinated by UNDP.

4.2.2 Relationship between Commission and Asia Pacific Forum for National Human Rights Commissions

After its entry into Asia Pacific Forum for National Human Rights Commissions in 2000 as its eighth member, the Commission has been playing a significant role by participating in its activities. The eighth annual convention of the forum is going to be organised in Kathmandu from 16-18 February.

CHAPTER V

TRAINING AND STUDY TOUR

5.1 Visit and Participation of Commission's Authorities

During the period of this report, say, from July 17, 2002 to July 16, 2003, Nayan Bahadur Khatri, Dr. Gaurishankar Lal Das, Sushil Pyakurel, Indira Rana respectively. Hon'ble Chairperson and Members of the Commission had participated at different trainings and study tours organised at various countries of the world.

5.2 Visit and Participation of Commission's Employees

In order to develop necessary workmanship, knowledge and quality the acting Secretary and other employees of the Commission had participated at different trainings and study tours during the period of this report.

CHAPTER VI

APPRAISAL AND CHALLENGES

6.1 Appraisal of Last Year

The introduction of Terrorist and Disruptive Activities (Control and Punishment) Act, 2001 on November 26, 2001 had left an adverse effect in the sphere of enjoying human rights very freely. The declaration of emergency on 12th Mangsir, 2058 added extra difficulty in the protection and promotion of human rights. The situation became furthermore critical in the absence of parliament as and when His Majesty, on the recommendation of the Prime Minister, dissolved the House of Representatives on December 12, 2001 for holding the election of members of House of Representatives. The attention of the Commission was drawn again on May 27, 2002 when His Majesty, on the recommendation of the Prime Minister, again declared emergency all over the country. The situation became much more critical as and when the three thousand nine hundred thirteen village development committees, fifty eight municipalities and seventy five district development committee became memberless on July 15, 2002 because of non-extension of the office tenure of the members of these committees.

The Nepalese politics took a new turn when His Majesty sacked Prime Minister Sher Bahadur Deuba on October 4, 2002 by assuming all the executive powers of the country and formed a cabinet headed by Lokendra Bahadur Chand on October 11, 2002. The Commission took the ceasefire declared by His Majesty's Government and the agitating force CPN (Maoist) on December 5, 2002 as a positive step and tried to remain effortful for transforming conflict in a peaceful manner despite its limitation in the sphere of resources and facilities.

During the period of ceasefire, the Commission undertook monitoring activities at 10 districts. However, because of the low budget, i.e. the budget allocation of Rs. 5.5 million, the Commission was impeded in shouldering its responsibilities as prescribed in the Human Rights Commission Act.

The Capacity Development Project run under the Commission since last year has been cooperating it in the renovation of the rooms, arrangement of colouring, furniture, and computer, and conduction of certain other programmes. An office of National Rapporteur has been set up for carrying on works against the trafficking of women and children. The Commission has delivered significant decisions on violence and torture perpetrated in the name of witchery. It has been maintaining good relationship with United Nations High Commissariat for Human Rights, United Nations Development Programme, and Asia Pacific Forum for National Human Rights Commissions and other international institutions. It has been acquiring significant opinions and suggestions from governmental agencies, journalists, bar associations, intellectual group, dalit community and women by arranging programmes of discussion and exchange of views time and again. It expects to acquire extra cooperation from the government, security agencies, non-governmental organisations, international community, civic society, etc. in the days to come.

6.2 Challenges

6.2.1 Consolidation of Commission and Capacity Development

Despite the provision of low budget, budget of Rs. 5.5 million merely, the Commission has undertaken monitoring tasks at 10 districts. It had also informed the then Prime Minister Lokendra Bahadur Chand of its expectation to extend this monitoring task up to 35 districts. In the context of growing trend in assassination, violence and human rights violation, the Commission had expected that His Majesty's Government would allocate necessary budget and human resources for helping it to shoulder the growing workload but that did not happen. This has created difficulty even to carry on day-to-day administrative works very smoothly and it should be taken as a challenge.

6.2.2 Protection of Human Rights

In its own initiative, the Commission has been carrying on its task towards the protection of human rights on the basis of news published in newspapers and complaints filed in the Commission. However, the reluctance of the agencies and departments of His Majesty's Government to respond properly to the letters sent by the Commission has created a challenge in the task of protecting human rights.

6.2.3 Management of Conflict

Although the Commission has maintained that the conflict, which the country faces today, should be managed in a peaceful manner, no cooperation was received by it from the state force, non-state force and civic society. Hence, the Commission is facing a difficulty or challenge in the protection of human rights by transforming the present conflict.

6.2.4 Economic, Social and Cultural Rights

The main cause of present day conflict should be taken as poverty, unemployment, social discrimination, uneven distribution of resources and facilities. As a challenging task, the Commission is taking initiative towards eliminating these causes by guaranteeing economic, social and cultural rights of the people.

6.2.5 Forced Internal Displacement

The protection of human rights of thousands of people displaced by conflict has remained as a grave challenge. His Majesty's Government, donor agencies, diverse non governmental agencies and civic society have to cooperate and coordinate for creating a favourable environment towards protecting the basic rights, management of rehabilitation, and safe return of these displaced people.

6.2.6 Human Rights Education

With a view to develop a favourable environment towards creating human rights culture, the Commission has been implementing diverse promotional activities in the sphere of human rights education. However, the insufficient budget allocated to it has hampered it much in its activities.

6.3 Other Challenges Faced by Commission

6.3.1 Human Resources

Although the strength of employees has been fixed for the Commission, the Commission has not been able to fill up all the positions owing to the low budget. The employees deployed here from His Majesty's Government are not in a position to stay here for a long time. The employees appointed here were found dissatisfied owing to non-availability of pension and other facilities. These factors have led the Commission to face a difficulty in the achievement of its mission.

6.3.2 Financial Resources

While establishing human rights commission in a state, the state herself has had to bear its financial resources, -- this is the concept in which all the states have made commitment before the international community. In contradiction to it, in the Human Rights Commission Act of Nepal, it is being mentioned, "it can acquire financial resources from different agencies." Because of such a clause, the Government has not allocated sufficient financial resources to this Commission. The other absurd thing is that the financial resources provided to it may be taken simply as half of the resources provided to Dalit Commission and Women's Commission. Because of such a trend, the Commission is constrained to conduct most of its programmes depending upon the cooperation of foreign institutions. The foreign agencies try to impose their own terms and conditions while providing assistance and this has hampered the Commission much in running its project independently. While considering from the viewpoints of national welfare such kind of dependence cannot be taken as a proper step too. Hence, the government should be effortful in providing it more financial resources as far as possible.

6.3.3 Certain Internal Problems

One of the members of the Commission did not participate in the Commission's activities while certain cases were found to be filed against the Commission in connection with the appointment of employees. These are certain challenges which the Commission is facing.

6.3.4 Dissolution of Parliament

The dissolution of parliament during this fiscal year created many impediments in the activities of the Commission. Owing to the absence of parliament, the annual report was not discussed. No place was there which could listen the problems and grievances of the Commission. To add to it, the controversy raised in the parliament against a member could not be decided. This has created confusion in his position too.

6.3.5 Conflict at Extreme Point

The dissolution of parliament, the rapid change in the governments and the declaration of emergency in this fiscal year have dragged the conflict arising between the government and the Maoist to an extreme point. The political instability and the rule perpetrated in the absence of people's representatives have furthermore helped to deteriorate human rights situation. Manifold have been the complaints received here in connection with human rights violation resulting out from the growing trend in conflict but the Commission, owing to limited resources, could not address them as expected.

6.3.6 No Clear-cut Governmental Concept on Commission

The Commission is considered as a governmental commission by some people while as non-governmental organisation by others. Owing to such misunderstanding, questions are being raised even on the justification of the Commission. These misunderstandings are found to grip the minds of higher authorities of His Majesty's Government too when they express: the Commission raises question on the violation of human rights perpetrated from the governmental side only but does not raise question when they are found to be violated by the Maoists' side. The Commission has been constituted with a view to guarantee the human rights at the time of human rights violation. That is why, its responsibility lies in recommending action to the Government if the human rights are violated from the governmental side. If the human rights are found to be violated by other parties, it is the responsibility of the government that it initiates proper action against such violation. Hence, the Commission does not look into the conflict that has arisen between individuals. Complaints have been received on human rights violation like assassination, rape and abduction from non-state force, but the Commission is not in a position to recommend or order to such forces. However, the Commission has undertaken efforts even to make the non-state forces responsible on such violation. The misunderstanding among the responsible agencies on the limitation, jurisdiction and access has remained as an extra challenge to the Commission.

6.3.7 No Cooperation Received from Concerned Agencies

While collecting information on the violation of human rights, the governmental agencies, the army specially, were found to respond negatively, say, by shifting responsibility to other agencies or by responding: such violations may occur naturally while initiating action for stopping violence. And, thus, the challenge that the Commission faces is to create a cooperative environment with such agencies.

6.4 Positive Aspects of the Commission

Despite such problems and challenges, the Commission has been successful to a large extent in carrying on its responsibilities towards the protection and promotion of human rights. They may be mentioned as:

1. In the context of providing training, the experiences gathered up by the Commission's authorities during their visit to Thailand, Philippines, India, and Sri Lanka etc. in this fiscal year have helped the Commission much in undertaking its activities.
2. The Commission could launch certain significant activities because of the cooperation received from foreign agencies. The Capacity Development Project run under the Commission has contributed it much by providing physical facilities, which include computer too.
3. The international relation of the Commission is increasing day by day. This year too, the Commission participated in the 7th annual meeting of Asia Pacific Forum organised at New Delhi as an active member. A consensus was developed for stopping the cross border trafficking of women and children. At the meeting, Nepal was elected to represent in the international coordination committee on behalf of the Forum and participated in the meeting of that committee too. The Chairperson of the Commission was provided opportunity to address the 59th meeting of Human Rights Commission of United Nations Organisation. Besides these, the eighth meeting of the Forum is being organised in Nepal. And these should be taken as positive aspects of the Commission.

4. During the emergency time too, the Commission undertook monitoring tasks on human rights at 35 districts approximately and drew the attention of concerned agencies towards human rights violation. It has begun to initiate necessary actions on the grave violations.
5. With a view to transform conflict in a peaceful process, the Commission organised separate interactions with high-level leaders. Inspired by the commitments of these leaders, the Commission requested both the government and the Maoists to arrange ceasefire and to pursue the code of conduct for providing stability to the ceasefire.
6. The complaints received in the Commission were given prompt decisions as far as possible. The Commission recommended for creating a mechanism in order to stop violence in the name of witchery. Similarly, it has recommended providing compensation on 12 such cases.
7. The Commission remained effortful in order to develop a cordial relation with army, police and concerned agencies of His Majesty's Government by organising interaction programmes at the higher level. Moreover, the fixing of different ministries as contact points for fulfilling international human rights reporting obligations of His Majesty's Government has helped to consolidate the Commission's relation furthermore.
8. This year, the Commission has prepared a Human Rights Action Plan. The plan will surely help the Commission to carry on its activities very effectively.

CHAPTER VII

RECOMMENDATIONS

1. Environment should be created for guaranteeing the human rights of the people by signing and pursuing the agreement, which the Commission had submitted, to both the government and the agitating forces (Maoists) by maintaining the ceasefire arranged for terminating the seven years armed struggle.
2. Initiative should be taken by His Majesty's Government, non-governmental organisations, human rights activists and civil society for guaranteeing economic, social and cultural rights of the people along with civic and political rights.
3. Necessary programmes like protection of human rights, provision for fooding, housing and clothing etc. should be arranged and implemented for the people who were forcibly displaced by the conflict.
4. Taking consideration of the disturbances in the educational sphere resulting out from assassination, violence and destruction of public property, the schools should be developed as peace areas so that children's education rights be guaranteed.
5. Special programmes should be brought for protecting diverse rights of women and children occupying half of the population who have been tortured by the violence perpetrated under armed conflict. Acts and regulations be framed for punishing the torturer so that violence perpetrated in the name of witchery and other domestic violence could be checked.
6. Necessary budget be allocated to the Commission so as to make the Commission capable of shouldering its responsibility as prescribed by the act.
7. In order to disseminate human rights education in a broad spectrum, His Majesty's Government should frame a policy to incorporate it in the curriculum of the school, campus as well as civil, military, police and other services as compulsory texts.
8. The diverse ministries, agencies and departments of His Majesty's Government should be made to furnish information or cooperation to the Commission which it asks from them for the purpose of human rights protection.
9. Cooperation, coordination, understanding and commitment should be developed between all concerned parties for creating a human rights culture by terminating impunity.