

It is necessary to mention that INSEC had conducted an in-depth research on bonded labor in these districts. INSEC has also published the report of research program and has published the issues from time to time.

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Sep/Oct, 1992

## I WANT TO GET FREE !



Asharam Chaudhary

12-years-old Asharam Chaudhary of Shreepur Majhgaon, Kailali district in far-Western Nepal, has been a Kamaiya. He has no idea about Saunki (loan) amounting NRs 14,000 borrowed by his ancestor. He is obliged to work for minimum Masyaura Bigha paid to him as remuneration. His father died; his elder brother has disappeared, and the responsibility of his mother (aged 55), elder sister (aged 20), a younger brother (aged 10) and another younger brother (aged 8) lies on him. His mother and sister do household chores, and his brothers graze cow and goats for his master.

As if that was not enough, his owner beats them all. All these details were given by Asharam, with no clothes on his shoulder and tears in his eyes. Another Kamaiya sitting nearby said, "Even if nothing is done to us, Asharam should be somehow liberated." (Summary report of the bonded labour inside).

## BONDED LABOR ISSUE RAISED IN THE UN

(By Mr Sushil Pyakurel, INSEC Coordinator)

UN Commission on Human Rights  
Working Group on Contemporary Forms of Slavery  
18th Session, May 1993

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Mr Chairman,

I am the Coordinator of Informal Sector Service Centre (INSEC), a human rights organization based in Kathmandu, Nepal. We have already submitted a report on bonded labor in Nepal to the Working Group three months ago through our partner organization Anti-Slavery International.

This submission is contained in document No. E/CN.4/Sub.2 AC. 2/1993/5/Add. 1.

The report in detail was also submitted to the His Majesty's Government of Nepal on February 8, 1993 for its response and comment. We received its response on April 7, 1993.

The government has accepted the fact that Kamaiya system (buying and selling of labor) still prevails in our country, Nepal; not only in some parts but, may be, all over the country. As a comment on our report, the letter of the government states, "unless and until there is change in the attitude and behavior of society, the law alone will not be sufficient to emancipate the bonded labor".

Mr Chairman,

May be you are aware, since we have mentioned in our report to the Working Group, that the Article 20(1) of the Constitution of Nepal, 1990, clearly states that: "Traffic in human beings, slavery, serfdom or forced labor in any form is prohibited. Any violation of this provision is punishable by law..."

However, there is no specific law on this particular system which could prevent the human rights violations of a section of the society.

Our organization, INSEC, for the purpose of abolition of the system, has decided to launch second program with different steps, including lobby on concerned sector for the enactment of a law for the emancipation of bonded labor. The steps are:

1. Drafting a Law and Lobby
2. Court Procedure, Emancipation and Rehabilitation
3. Launching a Awareness Raising Program

Mr Chairman,

- Nepal has not yet ratified the relevant ILO Conventions, including those of forced labor. We hope very much that the government of Nepal would request the ILO in this regard; and the ILO would be in a position to provide necessary assistance.
- We are quite hopeful that by next, during the Working Group meeting, the government of Nepal will be able to respond with concrete steps.
- We urge the Commission of Human Rights through the Working Group to assist and extend all cooperation to the Nepalese government for the emancipation of bonded laborers or the abolition of bonded labor system.
- We would like to suggest that the day -- September 18 -- be declared as an International Day for abolition / elimination of the bonded labor system. This decision is already made in South Asia.

Thank you.

May 18, 1993  
Geneva

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## Economic and Social Council

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Sub-Commission on Prevention of  
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of Minorities  
Working Group on Contemporary Forms  
of Slavery  
Eighteenth Session  
17-28 May 1993  
Item 5 (c) of the provisional agenda

### REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

#### Debt bondage

#### ANTI-SLAVERY INTERNATIONAL

[Original: English]  
[17 March 1993]

#### Bonded labour in Nepal

The abolition of slavery in Nepal was declared in 1924 and gave the first blow to the practice of labour exploitation of one person by another. Abolition attained legal sanction with the Government's enactment of a law in 1948. All the constitutions of Nepal have since imposed restrictions on exploitative practices such as slavery and trafficking. In spite of these measures, exploitation is persisting in various forms. The Kamaiya system, prevalent in the Terai of Western Nepal, still survives.

Former Governments have never taken the issue of slavery seriously and have never tried to implement the constitutional provision in practice. After the success of the peoples' movement, the new constitution of Nepal (1990) stated in article 20 (1), "Traffic in human beings, slavery, serfdom or forced

labour in any form is prohibited. Any violation of this provision is punishable by law ...". However there is no law which clearly applies to those who keep bonded labourers.

To investigate the nature, magnitude and number of Kamaiyas (bonded labourers), the Informal Sector Service Centre (INSEC) conducted in-depth research in 1992, in three districts in the far west of Nepal, Kailali, Kanchanpur and Bardiya.

The main aim of the study was to identify the nature of the problem. The study has revealed the form and the manner of the bonded labour system in this area of Nepal. The study has provided data on the skills, knowledge and resources of bonded labourers, revealed the development of the present situation and the gravity of the Kamaiyas' plight (in terms of indebtedness, poverty, etc.) and other factors crucial for the planning of any programmes to liberate and rehabilitate the bonded labourers and their families. About 17,000 people were interviewed in the course of the study. It is possible to extrapolate from this study that there may be as many as 25,000 families of bonded labourers in the three districts, or approximately 100,000.

A large proportion of the bonded labourers in the three districts are Tharu, the indigenous people of Nepal. At least 16 per cent of the population, or 50 per cent of the Tharu people, serve as Kamaiya or live in a Kamaiya household. A Kamaiya is a person who has a one year verbal contract with an employer, usually a landowner, under certain conditions. Usually the conditions are very unfavourable for the employee and for his family. The characteristics of the contract are:

- a fixed amount of food, land, cash, or other goods to be paid to the Kamaiya by the employer or master, which is usually too little for the Kamaiya and his family to live on for one year,
- the possibility for the master to fine the Kamaiya up to NRs 54 (US\$ 1) per day in the case of absence. He can also be fined for loss or damage of tools,
- the condition that the wife and children of the Kamaiya will work for the same master.

If the master does not fulfil his contractual duties or abuses the Kamaiya, the contract cannot be ended before the end of the year. Women in Kamaiya families are often victims of sexual harassment by the masters.

Once a year, at the festival known as Maghi, Kamaiyas can look for new employers. Very often the employees are not Tharu but hill-people, who have better negotiating skills than the Tharu. The supply of labour is larger than the demand. Kamaiyas have only agricultural skills, no land and few possessions, all of which leaves them few alternatives. They are ignorant of their rights. All these factors keep wages low and leave Kamaiyas in a position dependent on their employers.

The result is that working conditions for Kamaiyas are very bad. Working days of 18 hours are usual; there are no provisions for free days or for

illness; some masters fine and abuse Kamaiyas. Families of Kamaiyas (average size is 6.4 members) have to work for the same master without additional payment; the family is the labour unit. Even if Kamaiyas can change their master once a year, their families have no choice.

An important feature of the system is sauki, or loan. Since a Kamaiya earns less than his expenses, sooner or later he will have to borrow. At least 30.67 per cent of Kamaiyas own sauki. Loans are generally used to meet domestic expenses like festivals (NRs 5,365 maximum), marriages (NRs 3,850) and funerals (NRs 1,850), medical treatment, food and clothing. Many Kamaiyas also bear the burden of inherited loans.

The Kamaiya must work for his master until his sauki is paid off, but usually the debt increases while he works, due to the high interest charged, the fines incurred and outright deceit by the master. The illiteracy rate among Kamaiyas is 96.3 per cent and they are generally uninformed, simple and conflict-avoiding people which makes them susceptible to deception by the masters. The bondage to the master can be life-long and sometimes generations-long. 3.3 per cent of Kamaiyas are fourth generation, 21.63 per cent in the third and 28 per cent in the second. 12.6 per cent have been serving for a period between 25-45 years.

Kamaiyas can only change masters if they find on Maghi a new master who is willing to pay off their sauki; this is of course more difficult the higher the sauki. Sometimes Kamaiyas with sauki and their families are effectively sold to a new master without their consent. Masters are not punished for exploiting and abusing Kamaiyas. The system effectively bonds the Kamaiyas indefinitely.

The Tharu people are indigenous to this region and were traditionally a semi-nomadic people. The new migrants from the Hills and the Terai came after the eradication of malaria in the 1950s. The migrants took control of the land and in various ways came to dominate the Tharu.

As a member of the United Nations, Nepal has obligations to respect and implement the provisions of the various international instruments to which it is party. This includes the International Covenant on Civil and Political Rights and the Supplementary Convention on the Abolition of Slavery, the Slave trade and Institutions and Practices Similar to Slavery (1956). Nepal has also signed the 1990 World Summit for Children Declaration and the United Nations Convention on the Rights of the Child.

Nepal has now a multi-party system and a duly elected Government but has yet to promote legislation to transform its mainly feudal economic and social system. The situation of the Kamaiyas is an indication of the kinds of servitude still existing in the country.

# PAKISTAN

The report on Pakistan is reproduced here.

## TORTURE IN PAKISTAN: A UN REPORT

Torture violates the very first principle of the Universal Declaration of Human Rights - that which affirms the "inherent dignity" of a human being.

The United Nations has therefore created a number of mechanisms to try and check the world-wide incidence of torture. There are first the two basic conventions that categorically prohibit the practice; the 1966 International Covenant on Civil and Political Rights and the 1984 Convention against Torture.

In 1985 the UN Commission on Human Rights also resolved to appoint a special rapporteur to examine questions relevant to torture. Mr. Peter Koijmans of Netherlands was assigned the responsibility, who has since submitted eight annual reports to the Commission.

In 1992 the Commission extended the mandate of the special rapporteur for further three years and required that he would continue to seek reliable information about prevailing conditions in different parts of the world from governments, specialized agencies and intergovernmental and non-government organizations.

Also in 1992 the Commission also decided to establish an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, designed to establish a preventive system of visits to places of detention.

Of all the mechanisms, the special rapporteur's is the only one that is able in some part to cover the states that have not ratified the two principal instruments relating to torture. The number of such states is still unfortunately very high. Only 71 countries had ratified the Convention against Torture by Dec 10, 1992; and 42 more who were party to the Covenant on Civil and Political Rights.

Pakistan is signatory to neither.

Pakistan was once of the 58 countries on which the special rapporteur reported in December 1992. His reports were first transmitted to the governments concerned. Islamabad was one of those who chose not to give a reply.

On 27 October 1992 the Special Rapporteur communicated to the Government of Pakistan that he had received information according to which prisoners held for political reasons in police custody are frequently subjected to torture. The purpose of torture appears to be the extraction of confessions, although in some cases torture has been used to obtain information on the political activities of opposition parties. Those responsible for torture are rarely brought to justice. The most commonly reported methods of torture include the use of fetters, beating with leather straps and hanging upside down.

It was also reported that female prisoners held for political reasons are frequently raped in police custody. To register a case of rape the victim has to have a medical examination performed within a very short time after the incident to substantiate her charges; to be accepted in court the medical examination must be carried out by police medical staff. In these circumstances custodial rapes are rarely brought to trial as the victims are invariably too fearful to approach the police for the required medical check-up.

The following individual cases were brought to the attention of the Government:

- (a) Essa Baloch, tried by a special court for the suppression of Terrorist Activities in Karachi for allegedly participating in a bomb attack, stated in court that he had been hung upside down and whipped. His wife, Khurshid Begum, reported that when she saw her husband during a hearing on 13 November 1991 she saw that his hands were bleeding as the skin had been scraped off. After attending the court hearing of her husband, some police officers in civilian clothing forcibly took her to a police van to an unknown place, beat her up and raped her;
- (b) Rajesh Mital, an Indian diplomat, was reportedly arrested on 24 May 1992 by members of the military intelligence service, Inter Services Intelligence, in Islamabad. He was held in detention for several hours during which he was blindfolded, beaten and given electric shocks;
- (c) Two journalists, Mohammad Ishaq Tunio of the English daily The Nation and Shafi Bejoro of the Sindhi daily Aftab, were reportedly detained on

28 April 1992 by police officers and armed officials of the ruling alliance at that time a they were covering a by-election in Sanghar district in Sindh province. They were reportedly kicked and beaten with rifle butts for several hours;

- (d) Naseeruddin was arrested, apparently in a case of mistaken identity, by the Special Investigation Cell on 24 October 1991 in Karachi instead of Naseer Baloch, a political activist wanted in connection with the murder of judge. After three house in police custody his body was reportedly taken to the Civil Hospital, Karachi. Police claimed that Naseeruddin had died in hospital of a heart attack; however, the police surgeon reportedly confirmed that the death occurred as a result of torture;
- (e) Mohammad Yusuf Jakhani, a member of the opposition, was arrested in Kandhkot on suspicion of harbouring bandits and died on 12 June 1992 in a military hospital, allegedly after having been interrogated under torture by the army.

Reports were also received of the arrest and ill-treatment of family members and associates of political opponents. Thus, Zulfikar Baloch was arrested by police on 4 October 1991 together with his father, ESSa Baloch, from their home in Malir, Karachi. During interrogation about his father's activities, he was reportedly hung upside down and beaten. He was released on 12 October 1991 reportedly in bad physical condition. According to the testimony of his mother, his shoulders were dislocated and his body was bruised and swollen all over.

Source: HRCP Newsletter  
Vol. IV No. 2, April 1993

### **ACCUSED OF WRITING BLASPHEMIES, ILLITERATE CHRISTIANS FACE DEATH**

In early May, a complaint was lodged at a police station in the Pakistani district of Gujranwala, accusing three Christians - Rehmat Masih, Manzoor Masih and Salamat Masih (aged 11) - of throwing scrolls in mosques and inscribing remarks on mosque walls that were derogatory to the Prophet of Islam (PBUH). Whereas none of them were seen while throwing scrolls in mosques, in the report to the police (FIR) it was alleged that they had been seen writing objectionable expressions on a wall near a mosque.

All the accused were charged under Section 295-C of the Pakistan Penal Code. Because of his young age, particular concern has been expressed about Salamat, detained in an ordinary jail together with common criminals.

### **The Facts**

In the FIR, the complaint, a Muslim prayer leader, affirms that on May 9, 1993, in the village of Ratta Dhotran the accused were "writing on the walls of the great mosque, and elsewhere, words (about) the status of the Holy Prophet and others likely to provoke religious sentiments. With a piece of brick. 1 and (names of two witnesses) tried to catch them. But they run away. We promptly erased these improper expressions."

However, two articles published on two Lahore newspapers, The News and The Frontier Post, on July 11, 1993, complement the picture with alarming details.

First and foremost, we learn that Salamat Masih and Manzoor Masih are absolute illiterate, hence unable to write anything. This revelation, also confirmed by other reliable sources, makes the whole case rather suspicious. It is, in fact, hard to imagine two illiterate people writing defiling words on the walls of a mosque, a highly dangerous act that must obviously be carried out hastily. It must also be noted that there is no hard evidence to that regard, as the "improper expressions" were immediately erased.

The mentioned articles also report that each of the three accused was somehow involved in petty disputes against the main witnesses, suggesting that those might have vested interests in supporting the arraignments.

A different reason for concern arises from events following the arrests. It is reported that this case has resulted in the mobilization of a group of fanatic fundamentalists, whose actions could amount, in other jurisdictions, to contempt of court. Indeed, the defendant lawyer did not appear in court in two of the three hearings, allegedly for fear of the hostile crowd. Human rights activists and lawyers following the case believe that the pressure from extremists could jeopardize the judicial procedure. A lawyer requesting anonymity declared to the Frontier Post: "[The tension] is bound to affect the thinking of those dealing with the case. After all, they are human beings."

Because of the situation, the accused have not yet been bailed out.

### The Law

During his 11-year regime (1977-88), General Zia-ul Haq made a number of additions to chapter XV (offences relating to religion) of the Pakistan Penal Code. The most drastic addition, because the offence was punishable with death, was Section 295-C. It read:

Use of derogatory remarks, etc. in respect of the Holy Prophet: Whoever by words, either spoken or written, or by visible representations, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (peace be on him), shall be punished with death, or imprisonment for life, and shall also be liable to fine.

In October 1990, the Federal Shariat Court, special jurisdictional body entrusted with the Islamization of the legal system, ruled that for the offence described in this section the only punishment prescribed by Islam was death. The change dictated came into effect from May 1, 1991. It follows that, if found guilty, Rehmat Masih, Manzoor Masih and Salamat Masih will automatically be put to death.

[Source: HOTLINE Asia, Hong Kong]

## SRI LANKA

### FORCED EVALUATION OF WELFARE CENTRE FOR DISPLACED PERSONS SET UP AT THE VIVEKANANDA MISSION HALL IN KOTAHENA, COLOMBO 14.

On June 10, 1993, officials of the Social Service Department informed residents of the Vivekananda camp that the camp was being closed on the 16th June and that they (the residents) would be relocated in Batticaloa, which was now declared a safe and 'cleared' area. On further questioning, it was found that the refugees would be housed in a 'transit' camp set up in Batticaloa until the actual process of re-settlement in their places of origin could be finalized.

At this point, there were 348 persons from 109 families registered as residents of this camp which had been

operational since late 1991 and which was administered by the Department of Social Services in Colombo.

Many of the families housed in the Vivekananda Hall felt extremely insecure about returning to Batticaloa, and on June 11, 46 heads of household signed a letter to the Director of Social Services asking for a reconsideration of the government decision.

However, on the evening of June 15, the official of the Social Services Department who is in charge of the Vivekananda camp informed the residents that there would be buses arriving on the morning of the 16th to take them away; he also informed them that the Department would discontinue the supply of food and provision of all other facilities to the camp from the morning of the 16th. The people in the camp reported that the officials told them that 'the premises would be sealed'.

On the morning of the 16th June, at 6 a.m., fifteen buses came to the camp to take the people back to Batticaloa; the people however were insistent that they were not ready to go back to Batticaloa. A Police truck full of Policemen was parked near the camp. An Army truck was there as well; some members of the army came into the camp and asked for an official from the Social Services Department. They were told that he was not there and the army waited.

There were representatives from several NGOs present in the camp at this time. A little later on, Mr. Hanaan of the Social Services Department came to the camp and the Army officer talked with him. After that the member of the Eelam People's Democratic Party, who had been in charge of the security and discipline in the camp, also came to the camp. He went to the gate of the camp and asked the refugees whether they wanted to go. Some of them shouted 'we want to go' while others said 'No'. According to some observers, those who indicated a willingness to go were supporters of the EPDP.

On seeing that there was dissent in the camp regarding the trip, the officials of the SSD directed the buses to return to the office SSD; all the officials also left.

As a result of this, there was a general atmosphere of tension and uncertainty within the camp. The people had not received any food during the day. Some unknown people came to the camp in a van and distributed packets of lunch to the residents. By this

time, the people had announced that they would launch a fast until their problems were resolved so they did not accept the food; only the smaller children and the sick or elderly persons were permitted to accept the food parcels. Part of the reason for this reluctance to accept food was that it was suspected to be from the EPDP. Later on, it transpired that the donation of food had been from some well-wishers in the Kotahena area.

On June 17, several members of the EPDP came to the camp. They promised to arrange for the supply of food; they brought lunch for the camp residents but only some people ate it. All the children however were given food. People continued to be suspicious of these food donations, feeling that it may be from the EPDP or the Department of Social Services and that it may be some form of a trick to get them to agree to return to Batticaloa.

During this time, several conflicts broke out between EPDP supporters and others in the camp. The crisis situation led to the formation of small groups within the camp; some clearly supported the EPDP; others were vehemently opposed to the EPDP; the majority remained non-partisan because of the difficulty of making a choice in such a situation. Those who were openly opposing the EPDP refused the food that was being brought into the camp and cooked their own food.

On the night of the 17th, one pregnant lady fainted and had to be hospitalized; as a result of this, a decision was taken to call off the hunger strike.

By the 18th, although the strike was called off, the number of families who were choosing the option of going to Batticaloa remained low, about 15 or 20 families.

The situation regarding the re-settlement of these people continued to hang in abeyance until once again on the 24th June the Social Services Department announced that the 30th June was the date fixed for closure of the camp.

At 3 a.m. on the morning of the 30th June, buses were once more brought to the camp. Members of the security forces, both army and Police, members of the EPDP and officials of the Department of Social Services were present at this occasion.

38 families who had indicated their willingness to be re-settled in Batticaloa were first put on the buses. At this stage 7 families consisting of 21 persons who were from Districts other than Batticaloa, were sent to the Modera camp. A further 40 families, who were from Batticaloa District but who maintained that they did not want to go back, were then asked to get on to the buses; they were told that they would be taken to the Crow Island camp. They did not accept this, feeling it was a deliberate falsehood, to make them get on to the buses and be sent back to Batticaloa.

The Police then took their bags by force and threw the bags on to the buses; some persons got into the buses to collect their belongings; others who had remained outside were pushed into the buses, sometimes with the use of physical force. Some persons were assaulted in the process.

The Director of Social Services who was looking on asked the people to remain silent; he is reported to have said 'You can't say anything. Just get on to the bus'.

At 6.30 a.m. the buses left Kotahena. The people who had not wanted to go to Batticaloa were not taken to the Crow Island camp; nor were they at the Modera camp. When some persons checked at the Modera Camp at about 8.30 a.m. on the 30th, only 21 persons from the Vivekananda camp who were from outside Batticaloa had been brought there.

On July 1, officials at the Department of Social Services reported that 6 families from the Vavuniya District who had been resident at Vivekananda camp had been sent back to Vavuniya on the afternoon train of June 30; 27 persons had been relocated at the Modera camp. 23 families were 'missing'; this probably means that they have melted away into the background of the city.

The Veerakesari (Tamil daily newspaper) of June 30 reported the impending closure of the camp. It said that at a meeting held at the Divisional Secretariat in Batticaloa on Saturday June 26, several persons including representatives of political parties active in the Batticaloa District requested that the re-settlement process should only be commenced once the safety and security of the persons involved could be guaranteed.

The report also said that accommodation for the re-settlers had been constructed at Navalady, near

Batticaloa town; there were two Cadjan shelters, each 100' x 14'; officials said this could accommodate only 41 families.

On the 1st July, reports came in from Batticaloa which said that the buses containing the people from the Vivekananda camp had reached there at 10.30 p.m. on the 30th June. The people were all taken to Navalady; there are 6 toilets, one well and no kitchen facilities for the 75 families, who were informed that they would be supplied with cooked food for the first three days.

On July 5th, several relief workers who had travelled from Colombo to investigate the situation at firsthand reported that 195 persons from 59 families are crammed into two long huts built out of cadjan, with sand for the floor and a roof that did not keep out the slightest drizzle. The conditions are very cramped and intolerable even to those who had survived three years of camp conditions at Vivekananda.

The one well is situated about half a mile away from the camp, the main road is a four mile walk away and so is the local Cooperative shop from where these people have been asked to collect their rations.

The supply of cooked food was suspended on Friday July 2 and each person issued with a ration card worth Rs. 11 per day on which he or she could purchase rice, sugar and flour only. The cards were valid for a fifteen day period. On Saturday July 3 when the people from Navalady camp went to the ration shop, they were told that no instructions had been given for the issue of rations on these cards; they would have to wait - and starve - until Monday. It remained up to well-wishers to provide the camp people with food for the two days of the week-end.

Even in the event that they received their dry rations, there is no cooking facility in the camp; people would have to erect temporary fireplaces as and where they could, and given that the camp is located on a sandy strip of land between beach and lagoon, with wind blowing through, and given that the shelters are constructed out of cadjan, this would constitute a major fire hazard.

There is also no school anywhere in the vicinity, which means that students -even the youngest of them - would have a six mile walk each way, every day for five days of the week if they are interested in continuing with their education.

### **Official explanations and the real situation:**

The official reason given for the decision to close the camp has been that the Vivekananda Mission Society is pressing the government for the return of their premises. NGOs who have been involved in working in the camps in Colombo, however, feel that the closure may also be due to the government's need to impress on the international community, particularly the donors, that 'normalcy' prevails in at least most areas of the north and east; the acceleration of the re-settlement process, even though the conditions on the ground are not conducive for such a process, may also be linked to the proposed referendum in the Eastern Province.

The manner in which the state, and in particular the Social Services Department, carried out this process of re-settlement leaves much to be desired; there was no process of consultation with the people, nor was there any consideration given to their fears and doubts, which were in fact echoed by many in Batticaloa itself. In addition, since this was an official government decision, many larger NGOs such as the Sri Lankan Red Cross felt that it was not possible to get involved, even in the supply of food to the residents of the camp since it would be construed as a countermanning of a government decision.

The terms of payment of the re-settlement allowances was also never clarified satisfactorily. Many potential re-settlers would have found it easier to make up their minds on this issue if some details regarding re-settlement payments had been clarified. Of the total amount of Rs. 21,500 that re-settlers are allocated, it seemed that they would be only given Rs. 2000 in Colombo; the balance was due to be paid to them after going through the necessary red tape in Batticaloa. For those who were forcibly taken to Batticaloa from the Vivekananda camp on June 30, the sum of Rs. 2000 was issued on the bus only to those who had indicated their willingness to go; those who went under protest have not received this sum up to date.

NGOs working in the camps in Colombo were shocked by the sudden announcement of the closure of the Vivekananda camp and by the lack of time to make a proper assessment of the situation as well as gain adequate assurance that the accommodation and other facilities in Batticaloa were in readiness for the returnees. This was of major importance, given bad experiences of previous re-settlement programs, for

example in Vavuniya. In this context, although NGOs have been largely instrumental in maintaining the camps both in Colombo and outside, they too have felt marginalized by this process and feel reluctant to be drawn into a 'mopping up' operation in Batticaloa which is what the state now seems to expect.

Even though the camp at Navalady may be a temporary 'transit' point from which the people can eventually return to their villages and homes, this is no excuse for the coercive aspect of their return nor for the lack of basic facilities in Navalady itself. This is especially so because there is yet no clear indication as to how many of the people will be able to return to their villages immediately and how many of them would have to linger on, for months perhaps.

However, on July 5th, officials of the Department of Social Services informed the residents of two more

camps - those situated at the Saraswathy Hall and the Pillayar Kovil in Bambalapitiya, Colombo 4 - that all those from Batticaloa District would be sent back to Batticaloa between the 15th and 20th July 1993. Thus, the process seems to have only begun.

In these circumstances, NGOs are gravely concerned about this process of re-settlement which contravenes all publicly accepted standards (even those set out in a document about re-settlement that was prepared by the Ministry of Rehabilitation, Reconstruction and Social Welfare) that call for consultation with the people concerned as well as guarantees of safety and security as well as the provision of basic infrastructure and other facilities.

[Source: INFORM, Sri Lanka]

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## INSEC ACTIVITIES

### 1. "INSEC MOVEMENT" NETWORKING

"Protection and promotion of human rights is possible only through people's awareness and their organized voice", was the main theme to form a networking called "INSEC Movement".

INSEC has been conducting Human Rights and Social Awareness Raising (Human Rights Education) Program, in 25 out of 75 districts of Nepal. Most of the districts are remote and lie in geographically difficult areas. A meeting of representatives from 25 district level Human Rights Groups was held on April 9-10, 1993 (the third anniversary of People's Movement in Nepal) in Dhulikhel to discuss the challenges on protection and promotion of human rights in Nepal. The representatives of twenty-five grass-root human rights organizations of different districts and INSEC discussed on a networking to face new challenges. INSEC, a frontline human rights organization, has been working on the above-mentioned theme since its establishment, five years ago. INSEC has been launching a massive Human Rights Education Program in Nepal for the last few years. Based on the experiences gained during these years, all the representatives agreed to form a network "INSEC Movement" to continue

Human Rights Education. Under the newly formed network, the following were agreed upon in the meeting as the criteria for affiliates of the movement:

1. An independent and registered organization can affiliate to "INSEC Movement" network.
2. At least 30% of the total members should be women.
3. The core activity of an organization should be Human Rights Education.
4. An affiliated organization shall (a) conduct human rights education and social awareness raising program, (b) find out specific human rights and social issue, (c) record human rights violations, (d) act as a pressure group, and (e) work for the protection and promotion of human rights.
5. INSEC shall coordinate and facilitate (a) all the affiliated organizations by establishing regional offices, (b) publish human rights education materials, (c) conduct training, (d) motivate them to be self-sustained, and (e) explore funding possibilities.

## MEMBER OF "INSEC MOVEMENT" NET WORKING

Organization	District	Representative
1. Human Rights Consciousness and Development Centre (HUCODEC),	Panchathar	Prem Ojha
2. Civil Awareness and Development Centre (CADC)	Terhathum	
3. Human Rights, Social Awareness and Development Centre (HUSADEC)	Dhankuta	Hari Adhikari
4. Association of Social Awareness, Human Rights and Development (ASAHURD)	Bhojpur	Rudra Nepal
5. Human Rights and Environment Development Centre (HURENDEC)	Udayapur	Durga K. Thapa
6. Human Rights Awareness and Development Centre (HURADEC)	Dolkha	Pashupati Chaulagain
7. Human Rights Environmental Education Centre (HUREC)	Kavre	Kedar Koirala
8. Centre for Human Rights and Social Awareness (CENTHUR)	Nuwakot	Ramsharan Pyakurel
9. Human Rights and Social Service Centre (HUSEC)	Rasuwa	Ashok Ghimire
10. Centre for Social Awareness, Human Rights and Development (CSAHD)	Dhading	Ramesh Baniya
11. Resunga Human Rights Awareness Organization	Gulmi	Gopal P. Khanal
12. Society for Protection of Human Rights and Rural Environment (SOPHRE)	Lamjung	Krishna B. Shrestha
13. Prakash Awareness Group (PRAG)	Arghakhachi	Motilal Khanal
14. Human Rights Education and Development Centre (HURED)	Syanja	Mana Krishna Adhikari
15. People's Rights Education and Development Concern Centre (PREDICT)	Parbat	Bishwa Raj Pandey
16. Active Forum for Human Rights Awareness (AFHA)	Bardiya	Naresh Rana
17. Human Rights Awareness Centre (HAC)	Salyan	Bharat Mani Dhakal
18. Active Forum for Human Rights Awareness (AFHA)	Banke	Surya Prakash Bhattarai
19. Human Rights Awareness Centre (HAC),	Pyuthan	Bijaya Singh K.C.
20. Human Rights Society (HRC),	Surkhet	Geeta Adhikari
21. Human Rights and Social Development Research Centre (HURSDERC)	Achham	Bikram Kunwar
22. Human Rights Awareness Movement Centre	Dadeldhura	Kamal Singh Thagunna
23. Human Rights and People Service Centre,	Doti	Shankar Bogati
24. Kanchanpur Human Rights and Society Service Centre (HURSSC)	Kanchanpur	Lila Dhoj Basnet
25. Human Rights Consciousness Development Centre	Baitadi	Kedar C. Bhatta

The above-mentioned organizations are formed under INSEC's initiation. five from each development region comprise twenty-five affiliate with INSEC Movement at the beginning.

## 2. Publication

INSEC has brought different publication in 1993. A brief introduction and description of the publications are given below. Some of the publications are available request and some upon subscription.

- a. Human Rights Year Book 1992 (in Nepali and English languages): Price US\$ 25: This Book contents the record of human rights violations during 1992, general introduction to Nepal, and documents on Nepal's commitments towards protection and promotion of human rights.
- b. Manab Adhikar Saral Sanskaran : This book is the translation in Nepali language based on the book ABC of Human Rights published by UN.
- c. Manab Adhikar Sangalo : This book is a compilation in Nepali language of UN conventions and covenants to which Nepal is a signatory.
- d. Human Rights Cartoon book: Nepali language : This book describes every article of the UN Declaration of Human Rights 1948 in cartoon form.
- e. Report of Forum for Victimized Women has been also published in a book form. The Forum was held in February, 1993.

## 3. Draft Legislation on Bonded Labor Discussed

On July 18, 1993, a Round Table discussion was organized on "Bonded Labor (Abolition) Act". The discussion was participated in by lawyers, senior advocates and members of parliament. This was one of the steps of Second Phase program on our program for the emancipation of bonded labor in Nepal. INSEC is trying to lobby the MPs to bring this legislation in the parliament.

## 4. INSEC Members Abroad

- a. Sushil Pyakurel, Coordinator, participated in the Asia Regional preparatory meeting

and NGO conference, in connection to the World Conference on Human Rights, held in Bangkok in March, 1993.

In May, 1993, he presented the report of Bonded Labor in Nepal at the UN Working Committee meeting on Contemporary Form of Slavery. The text of the report is printed in the following pages.

Mr Pyakurel attended the Meeting on Finland Seminar, held on June 6-10 in Helsinki, on behalf of Asia South Pacific Bureau of Adult Education (ASPBAE).

After participating in the meeting in Helsinki, he participated in the NGO Forum before the UN World Conference on Human Rights in June 1993, Vienna, Austria.

- b. Pranod Kaphley, Program Officer, attended a meeting on "Communication for International Solidarity Action", held in Hong Kong on July 22-29, 1993. The meeting was organized by the Asian Centre for People's Progress.

He participated in a meeting on South Asian Gathering (SAG) in Sri Lanka held on July 11-17, 1993. The participants discussed on growth of violence in South Asia and agreed for a regular SAG in different countries and issues. The SAG of Sri Lanka decided the venue for next meeting in Pakistan on December, 1994. This SAG was organized by London-based Quaker Peace Service.

- c. Ms Meena Sharma participated in a meeting on "Ecology and Development: Rural and Indigenous Women's Right", held in Madras, India, on July 24-28, 1993.
- d. Ms Santosh Pyakurel participated in a meeting on "Feminism, the Women's Movement and Women and Development", held in Islamabad on July 22-29, 1993. The meeting was organized by ASR Resource Centre.

# SAFHR ACTIVITIES

## SAFHR Working Committee Meeting April 17-18, 1993, New Delhi

The first Working Committee meeting of SAFHR took place in New Delhi April 17-18 at the Indian Social Institute. Representatives from India (Tapan Bose and Ravi Nair), Sri Lanka (Dr. Rajendra Wijetunga), Bangladesh (Akram Hossain Chowdhury) attended, plus the Secretary General, Sushil Pyakurel, and the ex officio Convenor, Father Timm.

1. Organizing People's SAARC. The next SAARC Summit will be in India, probably near the end of the year. It was proposed in Kathmandu to have as theme the UN Year of Indigenous People and to have national assemblies to identify victims who can present their cases effectively in public fora. In India there are already many regional meetings organized by tribal groups; a national gathering is planned. They are focusing on land, water and forests. The World Council of Indigenous Peoples may organize an international meeting in India. There should be a discussion on the UN drafts, also on the draft(s) of any government documents prepared for this year and on the concept of self-government.

A working plan for People's SAARC will have to be drawn up; Fr. Timm, Tapan and Sushil volunteered to finish the plan by the end of June for circulation. A meeting then can be held in Pakistan (Islamabad) July 24-25. The Secretariat will establish contact with Dr. Mahmood. Ravi will be working on a second theme of Bhutanese refugees, and will be allowed a half day. Fr. Timm and Sushil will draw up a working plan and budget. The People's SAARC should be two days before the SAARC Summit. The government human rights representative of each country could be invited to attend.

The question was raised of whether we should open the forum to a wider perspective to attract more people and NGOs. Should we have other people to discuss the concept, since it is People's SAARC? We could discuss main issues but not neglect other issues.

A main forum can be held plus other sub-fora on other issues. A People's SAARC perspective should be built up over the years: on communal

violence, child labor, discrimination against women, etc. A gathering of about 100 paid delegates is envisaged.

2. Venue of working committee meetings. It was suggested that the next few meetings of the Working Committee should be held in different countries in order to popularize the concept of SAFHR, at least one in Pakistan (July 24-25) and another in Sri Lanka Sept. 24-25 in Colombo. [Note: Due to lack of financial resource, all the meetings have been postponed].
3. Representation from Sri Lanka, Bhutan and Nepal. Dr. Rajendra Wijetunga proposed the names of two persons for the next meeting: himself and one from MDCR (Wimal Fernando).

Keeping in view the significant role FOPHUR and HURON played during Nepalese peoples' movement and their continuous involvement in the work for the protection and promotion of human rights in Nepal, the SAFHR has accepted proposal of Sushil Pyakurel to include both the organizations in the Working Committee.

The Bhutanese human rights organizations exiled in Nepal are doing their best for the protection of their rights and helping Bhutanese peoples' movement for human rights and democracy. During the Delhi meeting the Bhutanese human rights situation as well as the membership for SAFHR from Bhutanese human rights organizations was discussed. The meeting decided to accept their representation on rotation basis for the representation on forthcoming SAFHR Working Committee meeting. The organization will be asked to represent the SAFHR on Alphabetic order.

The Secretariat should write to several NGOs in Pakistan and ask them to decide on two representatives.

4. Resolution on Narmada Dam. The committee considered a petition to the Government of India to stop construction of the dam and reconsider their policies in view of the pledge of 60% of the valley inhabitants to remain in place if the valley is flooded during the monsoon.
5. Appointment of Coordinator: Mr Shiva Hari Dahal, INSEC Program Monitor, was appointed office Coordinator of SAFHR.

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# HUMAN RIGHTS AND HUMAN CRY

## Somalia : A UN Catastrophe

[By Chandra Muzaffar, Director, Just World Trust (JUST)].

The massive US-led military operation in Somalia against Mohamed Farah Aideed could lead the UN into a colossal catastrophe.

While the killing of 24 Pakistani UN peacekeepers is contemptible, the brutal display of force by the US, in the name of the UN, as it pursues Aideed, the alleged mastermind behind the massacre, threatens to destroy the entire UN mission in Somalia.

UN peacekeepers have been killed in other cockpits of conflict. Cambodia, Croatia and Bosnia-Herzegovina are but the latest examples of violence-prone situations which have claimed the lives of UN peacekeepers.

No one will deny the urgency of bringing to book those responsible for the murder of UN peacekeepers in Somalia but the UN under the influence of the US has chosen the wrong approach. The UN should have first held a thorough investigation into the killings of the Pakistani soldiers. After all even independent analysts of the Somali conflict are divided on the causes and circumstances of the killings.

For the UN to take revenge upon Aideed and his followers without a proper inquiry is to betray the letter and the spirit of the UN Charter itself. The UN, more than any other international institution, should be in the forefront of the endeavor to ensure respect for the rule of law. By resorting to armed might, the UN is guilty of what a senior Italian official described as 'cowboy conduct' -- the type of behavior which is so characteristic of US foreign policy.

Apart from holding an inquiry into the killings of the Pakistanis, the UN should, with immediate affect, resume peace talks with the various factions in Somalia -- including Aideed's Somali National Elders (SNA). Earlier dialogues, some of which were initiated by Somali Elders, had helped to persuade warring groups to surrender their arms. Disarmament, which should be the UN's priority, is the only way of ending the senseless violence in Mogadishu.

The US approach will not only prolong the violence; it is making a hero of Farah Aideed. The present military operation will reinforce the widely prevalent view in Somalia that the US is hell-bent on destroying Aideed because he is a stumbling-block to their plan of "recolonizing Somalia". This is one of the reasons why perceptive Somalis like Rakiyya Omar, the dismissed head of Africa Watch (one of the divisions of the US-based Human Rights Watch) had opposed US intervention in Somalia.

What is tragic is that the UN is being drawn into the US game. Already the UN -- compared to the mid-seventies -- has lost so much credibility in the eyes of the South. If it is to redeem itself, it must listen to the Organization of African Unity (OAU) and countries like Ireland and Italy which have asked the UN to change its course of action in Somalia.

Finally, the insanity in Somalia underscores yet again the crucial importance of freeing the UN from the clutches of the major powers. 'We the people' (in the words of the UN Charter) should ensure that the UN acts on behalf of justice, guided by clear-cut ethical principles.

July 16, 1993  
Malaysia.

# HUMAN RIGHTS YEAR BOOK 1992, NEPAL

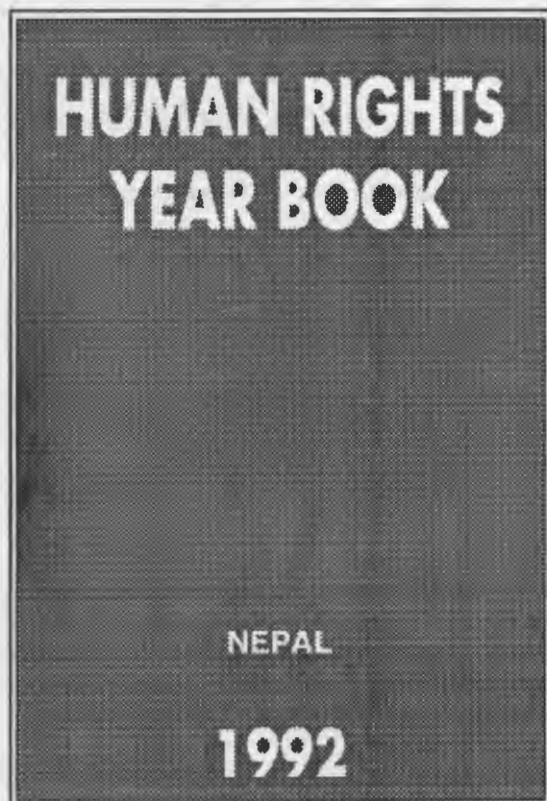
(For the first time in the history  
of human rights movement in Nepal)

## Preface

1. Nepal : General Background
2. Political and Constitutional Development
  - a. Political Development
  - b. Constitutional Development
3. Human Rights Organizations
4. The Constitution of the Kingdom of Nepal and Human Rights Related International Documents
5. Judiciary and Human Rights
6. Parliament and Human Rights
7. HMG and Human Rights
8. Facts on Human Rights Violations in 1992
  - a. Eastern Region
  - b. Central Region
  - c. Western Region
  - d. Mid-Western Region
  - e. Far-Western Region
9. Objectives of the Year Book and Difficulties Faced in Course of Preparation
10. Conclusion and Recommendations

## Annexure

1. Employees Agitation and Human Rights
2. Comments of Different Political Parties on Human Rights Situation in 1992
3. 1992 and Rights of the Children
4. Police Torture and Nepal
5. Refugee Problem in Nepal
6. Bonded Labor in Nepal
7. Women's Human Rights
8. Indigenous People and Human Rights
9. Letters and Documents
10. Name of Volunteers
11. Glossary and Abbreviation
12. Human Rights Violation Calendar - 1992



PRICE : US\$ 25.00 (twenty five only)  
including postage

TITLE : Human Rights Year Book 1992  
(covers the period from  
January to December 1992)

AUTHOR : INSEC

PLACE OF  
PUBLICATION : Kathmandu

ADDRESS : P.O.Box: 2726, Kathmandu,  
Nepal

TEL/FAX : 270770 / 226820

NUMBER OF  
PAGES : 400

AVAILABILITY : Upon Subscription

LANGUAGE : English

## INSEC's Appeal

Dear Friends,

We have decided to grant a Human Rights Award from the coming year, in memory of late Prakash Kaphley, to the individuals who has made considerable contribution to and working in the field of human rights. We hope this will inspire to work for the protection and promotion of human rights. For this purpose, a Trust has been set up. The decision of granting award will be undertaken by the Executive Committee.

We seek your contribution to our effort. Once you decide to help this Trust, kindly send your contribution to our following bank account.

Mr Ehsan Ullah Kahan, President, Bonded Labour Liberation Front of Pakistan, has donated a amount of US\$ 500.00 (fife hundred) to the Trust. Many thanks to him.

Finally, we have been able to publish the Human Rights Year Book 1992. Since the volume of the Book is very big and postal charge is very high, we kindly request you to subscribe the Year Book. Once you decide to subscribe the Book, please send the amount through bank-transfer to our following bank account. Do not send a cheque or draft, because it usually disappears at the Nepali Post Office

### Bank Account

Bank : Nepal Grindlays Bank Ltd  
Bijulee Bazaar, Kathmandu, Nepal

Account No. : 101 0143588 201

Account Holder : Informal Sector Service Centre

## INSEC PUBLICATIONS, 1991-92

### 1. Booklets (Nepali, for voters' awareness programme)

- a. Rural Voters Awareness Programme: An Introduction
- b. Right and Duties of Voters in the Coming General Election
- c. Report of the Seminar in Nepali and English Languages
- d. Democracy, General Election and Religious Harmony
- e. To Whom Harka Bahadur Cates Vote?
- f. Hariy will Cast His Vote with Confidence
- g. Election Procedure

### 2. Posters (Nepali, for Voters' Awareness Programme)

- a. Let's not Forget the Mass Movement
- b. Let's Vote for Unity
- c. The National Unity is the Foundation of the Nation
- d. The Candidates are Like This and Like That
- e. Beware
- f. Let's Cast Vote for Bright Future

### 3. Books (English)

- a. Environmental Aspects of our Concern
- b. Bhutan
- c. Nepal and Its Electoral System: An Introduction
- d. Nepal: Awareness Programme in Election
- e. South Asia: Human Rights in Difficult Circumstances
- f. The Bhutan Tragedy When Will It End?
- g. Bonded Labor in Nepal: Under Kamaiya System
- h. Human Rights Year Book-1992, Nepal

#### Books (Nepali)

- a. Environmental Aspects of our Concern
- b. Human Rights: General Information
- c. How May Day is being Celebrated?
- d. Bonded Labor in Nepal: Under Kamaiya System
- e. Human Rights Year Book-1992, Nepal

### 4. Bulletin (English), Regular

- a. INSEC Bulletin: South Asian Exchange

#### Bulletin (Nepali), Regular

- b. Human Rights Magazine "Prachi"

### 5. Booklet and Brochure (Nepali language, for Human Rights and Social Awareness Raising Programme)

1. Human Rights and Social Awareness Raising Programme: An Introduction
2. Human Rights: An Introduction
3. Consolidation of Democracy and Peoples Responsibility
4. Constitution of Nepal 1990 and Human Rights
5. General Knowledge on Jail System in Nepal
6. Human Rights Declaration Pictorial
7. Compilation of International Instruments
8. Human Rights: Easy Edition

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## PP21 Follow-up: South Asian Initiative

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The idea of South Asian initiative towards follow-up of PP21 was discussed informally even before event was held in Thailand. PP21 is seen as a continuing process of mobilising peoples actions and building alliances from country to country, region to region. In 1989, PP21 event was held in Japan which was culminated in Minamata inspired many groups and organizations. During second event in Thailand peoples organizations and NGOs demonstrated their ability in mobilising actions around the issues that are affecting them. This event provided an opportunity for participants from other countries to discuss common issues which go beyond national boundary and evolve common action agenda. It was thought that for coming years PP21 process could offer an opportunity for South Asian to get their act together.

During PP21 event in Thailand South Asian participants informally discussed the idea and sounded out in the last session but received rather negative response. Partly because the way proposal was made, secondly after a month long program participants were not ready to commit themselves to have another big event without assessing impact of the Thai event. The general mood was to see more actions are taking place at the grassroots levels.

Conceptually PP21 is a process which encourages follow-up actions at all levels. Past experiences show that once initiative is taken, peoples and groups participate in it, contacts get expanded and solidarity supports are extended.

South Asian groups met in Kathmandu on February 16-17. 37 participants representing NGOs both national and regional, indigenous people, women's network, environment, human rights, peasants, fisherfolk network, urban poor and refugees attended the meeting.

Discussion focussed on 3 major areas:

- South Asian Realities and Challenges
- Brief reflection on PP21 Thailand
- Action agenda

A coordination committee was assigned to work until next extended meeting to be held at the later part of 1993. ACHAN volunteered to facilitate the Secretariat services.

It was agreed that we should explore in each country South Asia to increase contacts and invite groups and movements in the PP21 process. As a follow-up of PP21, after Kathmandu meet, the second meet is going to be held in Madras, India on August 26-28, 1993. The Madras meet would discuss on:

1. People at grassroot level: Dalit, Peasant, Workers, Fisherfolk, Displaced People, Tourism, Industrial Pollution, Child Workers.
2. (a) South Asian people facing the nation state  
(b) Concept of Peoples SAARC
3. South Asia on global context:
  - (a) On Economic policy issue, structural adjustment program and GATT
  - (b) Migrant workers issue
  - (c) Ethnic issue
  - (d) Pacific peoples agenda and peoples movement
  - (e) UN system and the national financial institution
  - (f) A report on peoples tribunal on G7 recently held in Japan

Finally, it is hoped that the meet could also come with South Asian declaration.

**AIR MAIL**

**BOOK-POST**

**Informal Sector Service Centre (INSEC)**

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