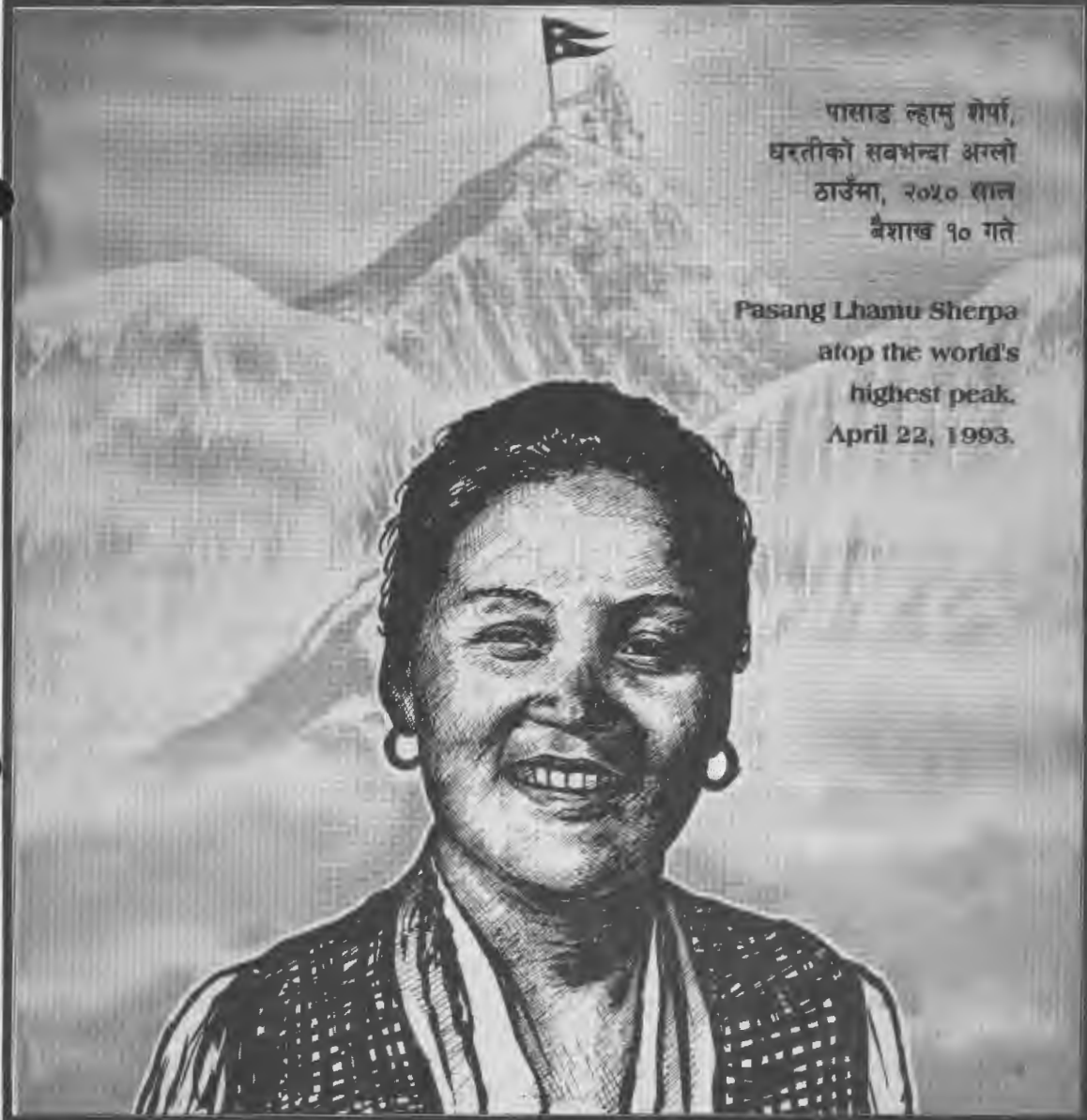




informal

Vol. 5 No.1

April 1995



पासाङ ल्हामु शेर्पा,
धरतीको सबभन्दा अग्लो
ठारुँमा, २०१० साल
बैशाख १० गते

Pasang Lhamu Sherpa
atop the world's
highest peak.
April 22, 1993.

Her Conquest : Nepal's Pride

An Overview of HR Situation

The past six months remained significant in human rights sector. The mid-term poll of November 15, 1994 brought CPN (UML), a communist party to power. People in quest of human rights and freedom could observe a smooth and peaceful transition of power to the newly elected party.

Human rights organizations were happy that they had concurred to form an unified National Election Observation Committee (NEOC) to observe the mid-term poll. NEOC after observation concluded that the poll was "by and large peaceful".

Nepal is being hunted by Bhutanese refugee problem and above all, the refugees have been suffering. The bipartite talks between Nepalese and Bhutanese government is not likely to resolve the problems. It has been a big question mark on the human rights situation in Bhutan and equally big question is on the future of the refugees.

Most of the Nepalese prisons are like torture houses. Insufficient doles, inadequate space, physical and mental exploitation of the prison inmates have exceeded the limits acceptable to a civilized society. Government has failed to reform jails and give reasonable treatment to the prisoners.

It is not only the state but also society and individuals responsible for the protection and promotion of human rights. But most of the cases of human rights violations happen mostly due to the involvement of state, either failing to the proper maintenance of social security or misusing the state power. Human rights movement in Nepal have also undergone lots of ups and downs of its kind.

The nozzles of repressive Panchayat-guns directed to the political activists gave them more strength to raise their voices contrary to what the rulers wanted for. Struggles for human rights have forged ahead with the struggle for democracy which is more visible since the late eighties. However, they got proper institutional shape along with the restoration of democracy in 1990.

The popular mass movement (Jana Andolan) scored a landmark consequence in the Nepalese history. The Interim Government formed thereafter vowed in public to guarantee human rights and to bring out records of violations during the repression.

The Interim Government under Multi Party System conducted the first National Election. It put Nepali Congress (NC) in the government. Human Rights activists had hoped that the democratic government shall adopt pro-people policies regarding Human Rights. However, the 3-year rule of NC government was less satisfactory with strong record of violations of human rights. The people in the mid-term poll gave the state power to the CPN (UML).

The present government has taken some positive steps towards the protection and promotion of human rights. It has initiated to form the Human Rights Commission, Bill for the Compensation of Torture Victims have been tabulated in the parliament, works towards emancipating the Bonded Labour have begun. Yet its four-month governance has not yet been successful to release all the political prisoners. Cases of police tortures are still observed. No steps have been taken to improve the conditions of jails and prisoners. The present government seems to lag behind to pay proper

tion in Nepal

adherence to its Election promises on issues concerning human rights. Some of its steps even seems to be in the contrary. We rather look forward to seeing concrete steps on forming Human Rights Commission and rectification of some of the dubious stands on human rights issues when the parliament summons for the coming summer session.

INSEC during this period continued to acquire depth by going more to the grassroot people with human rights education. At the same time it is being broadbased reaching national and international levels and with a strong institutional backing. With the experiences of the past and our enthusiasm to work for the protection and promotion of human rights we are entering into a New Year according to Nepali calender (this year on 14th April).

Beginning from this issue, we opted to rename INSEC bulletin under the name "INFORMAL". In this issue we have attempted to include some articles on human rights of contemporary relevance. From next issue we intend to broaden and include messages and happenings not only in Nepal but also in neighbouring countries especially South Asia.

In spite of our will, we could not bringout this issue on time specially due to being preoccupied with mid-term election. Now onwards we shall publish "Informal" in April, August and December, three issues in a year.

We look forward to hearing your comments and feedbacks.

Happy New Year (as per Nepali Calender).
With all seasonal greetings of the spring!



Edited & Published by :

Informal Sector Service Centre (INSEC)

Kalanki, Syuchatar, Kathmandu, Nepal

P.O. Box 2726

Tel: 270770 / 278770

Fax: 270551

Editorial Board:

Deepak Raj Kaphley

Kundan Aryal

Kiran Mali

Special Contributor:

Mukunda Raj Kattel

Yearly Subscription Rate

South Asia US\$ 10 (equivalent)

Rest of the World US\$ 20

Contents

Editorial /2

Observation of Election 1994 /4

Bhutanese Tears : Still Flowing /6

Exploitation of Prisoners in ... /8

Human Rights and UML Government /10

Some Highlights on INSEC's Activities /12

The Dhankuta Declaration /15

Highlights on Human Rights Year Book
1994 /19

Observation of Election 1994

Nepali politics took a new turn when the first elected House of Representatives was dissolved in less than 3 years of election. The mid-term election announced had to be carried in impartial, fair and peaceful manner and naturally generated interest and concern of the people.

Different human rights organizations including INSEC, INHURED, FOPHUR, CWIN, CVICT and other independent personalities took initiative to form a National Election Observation Committee (NEOC) to oversee for impartial, fair and peaceful election. The NEOC was reorganized with broad base on September 26, 1994 with INSEC Chairman as General Secretary of NEOC. In Nepal, election observation, in organized manner, had been initiated by late Prakash Kaphley, a prominent human rights activist during the 1991 general election.

NEOC, after many rounds of discussions and meetings outlined the procedures for election observation. The observation activities which had to have foreign observers too was divided in three stages.

Period after the announcement of election schedule but before polling

During this period, publicity for free and fair election was done, district election observation committees were constituted, seminars and discussions were held with participation of political parties, government and NGOs. The foreign observers had been identified and were formally invited.

Special effort was made so as to be in close coordination with the Election Commission and the government. As the election date came nearer cases of violence and murders were on increase. The incident of Bijauri, Dang occurred on November 2, 1994 is one of such example where three people were killed. A team was dispatched by NEOC to make an enquiry into the case which had submitted its report that was made public.

Then NEOC carried observation of electioneering campaign of different political parties, NEOC brought to notice of the concerned authorities any events that go against the norms of impartial election. It, further, identified sensitive areas prone to election fraud and manipulation, anticipated the type of manipulation and informed the concerned authorities accordingly. It also arranged for the deployment of foreign observers in such sensitive areas.

During the Polling:

According to the target and the plan, NEOC in coordination with the district committees observed election in 74 out of 75 districts of Nepal. Some two thousands observers including more than 100 foreign observers had been mobilised to accomplish the task. Each observers visited their respective election areas and polling centres and were required to prepare a report reflecting the real situation.

All the volunteers affiliated to the observation activities had been issued

with identity cards with the concurrence of the election commission. Transportation, accomodation and other logistics had been provided to the observers.

Post Polling Observation:

After the polling of November 15, 1994, NEOC had also observed vote counting.

NEOC, having received observation report based on the information of the observers deputed, prepared a preliminary report the next day of polling. Detailed report was published lateron after receiving written report from all the districts.

Preliminary Report of National Election Observation Committee (NEOC)

National Election Observation Committee formed with an objective to observe the mid-term general election conducted in Impartial, fair and peaceful manner, has prepared the following preliminary report based on the reporting of about 2000 Election Observers deputed to the 74 districts.

1. This committee feels that the present election had by and large, been conducted peacefully. However, the committee feels the present election not fully impartial and fair as there had been serious squabbles among the parties, firing by securitymen and unauthorized persons and other election incidents during, before and after the polling in some electoral areas thus making the election not a fully peaceful one as expected.
2. As per the reports available, the securitymen deputed for election stood indifferent when the polling booth had been captured by some party giving the impression that the ruling party misused its power to rig the election. Unauthorized use of ballots by threatening polling officer at the point of Khukuri (sharp edged weapon) and by locking the polling officer in a room has also been reported.
3. Some flaws have been observed when
4. Serious flaws have been observed in the voters list. Names of many voters were found to have been repeated and many illegal voters appeared in the list. Voters lists were not updated in the specified time, sufficient time was not allowed to lodge claims and opposition to published the voters list and that serious efforts were lacking to reform the electoral laws, rules and guidelines which should have attracted special attention.
5. Repeated polling had been encouraged by making even those persons capable to write to put thumb impression on the receipt of the ballot paper and the impression was fixed after issuing the ballot paper. The ink used to indicate that the balloting has been done was found not of satisfactory quality and somewhere the quality of Swastika (Stamp used to caste the ballot) had not been satisfactory and inking the stamp had not been properly done.

Bhutanese Tears: Still Flowing

— Devika Timilsina

Bhutan, a state of the religious tribe, fell into the hands of landlord monarchs of the minority Drukpa Dynasty in 1907. Jigme Singhe Wang Chuk, the present monarch, is the fourth king in the lineage, a tribe of the north west Bhutan.

The southern part of Bhutan is extremely fertile. It was the sector where Nepali speaking Lhotsompas, tribes migrated from Asam, West Bengal and other states in the vicinity. Their history of migration coincides with the history of the beginning of the monarchy in Bhutan. The government with its slogan "One nation, One people" began to prejudice against people of Southern Bhutan which became visible from 1985. Every citizen were compelled to adopt the culture, dress and food of the ruling class. In order to implement this policy, the state began barbarian repression upon the people based on differences in opinion, religious faith of an individual, the language, the dress and other issues of fundamental rights. For

examples, women, whether they be minor or old, were raped, citizens were killed, their dwellings were destroyed and vacated, the certificates of the ownership of property were confiscated, and so many inhumane behaviour of this kind were used by state police and army forces. The state, which should be responsible to safeguard the public and to provide social security, to one's dismay, involved in killings and intimidation. Due to this, the people from Southern Bhutan were forced to quit their country. To struggle against such tyranny, the victims sought asylum in Assam and West Bengal. India denied to provide shelter to them in its territory instead transported and left them to the eastern border of Nepal.

Nepal, an under-developed country, now has to shoulder an extra burden of around 1,00,000 refugees. United Nations High Commission for Refugees (UNHCR), through various NGOs, has managed proper arrangements to date. If Nepal, like in the past with the Tibetan refugees, should have to bear their burden, the economic structure of the country will be devastated and the society will be in complete chaos. Such situation is likely to bring a great turmoil which obviously affects neighbouring states of India too. In that situation, will India be a silent by stander? The answer should be searched in the days to come.

The Indian government which claims the right to run



A refugee hut in Maidhar, Nepal

the foreign policy of Bhutan does not seem to be a benefactor from resolving the refugee problem. After the Bhutan - India Treaty of 1949, India directly concerns the security and the foreign affairs of Bhutan. It should therefore respond to the problems of these two small neighbouring countries in the border and should take initiation to settle the case through a tripartite dialogue. Moreover, there lies a possibility in these three countries under the SAARC umbrella to visualize a



Had he ever thought of being in this condition?

concrete cooperation finding an appropriate means to resolve the present stalemate. Particularly, the government of Nepal should seek the diplomatic ways to invite its Indian counterpart to come to the table to seek solutions to the problem. How long may India, neglecting its duty and commitment towards human rights, just be a spectator to the inhuman and barbarian act of Bhutan under the shelter of its umbrella ! How long may Nepal, a poor country, hold the load of this kind ! These queries are now unanswered, but will not remain so for long. After all, the case of Bhutanese Refugees has been a shame for the organizations and institutions struggling for human norms and values.

Bhutan seems to be a country without any laws and constitution. It is being arbitrarily governed by members of a family. The monarch is the supreme source of the state power. Thus no trace of democratic norms and values do exist in the kingdom. Talks on the repatriation of Bhutanese Refugees has failed mainly because of not delegating decisive authority to the negotiation team by the Bhutanese government. Against this background, the fifth round of talks between Nepal and Bhutan held from February 27 to March 1, 1995 ended without any

conclusion. The Nepalese team focussed its concern to repatriate the refugees, with due respect, to their motherland, but the Home Minister of the Royal Government of Bhutan stuck on just forming a verification team. But Nepalese government which had agreed during the third round of talk which categorised into 4 groups, denied the necessity of such categorisation stating that all of the refugees have been evicted forcefully by the state in this or that way. Bhutanese party is focusing on the categorization because they have confiscated all testimonies of citizenship and land ownership thus sure, if the categorization be done that way no one need to be repatriated back for the lack of evidence of their past attachment to Bhutan. And also the property seized from the people need not be returned.

Whatever has happened in the past, the Bhutanese Refugee problem can be well settled if India comes in the process as a mediator. It is not a problem which have no solution. The dramatic stage of negotiation table may not just be able to wipe out the tears of the Bhutanese refugees rather may further cause the tears flow. But for how long?

Exploitation of Prisoners in Nepalese Prisons

— Dr. Rajesh Gautam

After the restoration of democracy those who struggled in the past to improve the condition of jails while they were imprisoned were in power. The Prison Reform Committee formed by them submitted its report 4 years back. It is pity that like other reports of various committees, this report is also covered with dust at one corner in the Ministry of Home Affairs.

Insufficient Ration in the Jail

Both, the detainees and prisoners in jails, have been given the privilege according to Clause 23 of the Prison Act 1964. As per the rule each prisoner gets 700 grams of rice and Rs 10 (Rs 50 = US\$ 1) of cash each day. Majority of the prisoners have found ration reasonable, but they have a complaint on the amount of money which has been insufficient to buy other items. It is true per se, the amount fixed ten years back in no way confirms to the market of today. One cannot understand why HMG has been giving the same-amount to the jails of Terai, hills and mountain without considering the local requirements. These prisoners are compelled to make their living with the dole decided by sitting in Kathmandu. On the contrary the civil servants even after getting additional allowances can not well manage their food in the remote areas. While on making query to the prisoners about the reasonable amount, the prisoners wanted to set Rs. 15 as the base. Thus the amount be Rs. 15 for the Terai, Rs. 20 for the hills and Rs. 30 for the mountain based jails.

Concerned authorities should pay their attention before it is too late.

The lack of minimum facilities

Many prisoners complain that they have not received the minimum facilities they are entitled. The prison act 2020, Clause 22 No. (1) states that a male prisoner gets a shirt and a pair of trousers in the winter and a shirt and a pair of shorts in summer. A female prisoner on the other hand, gets a blouse and a ten-hand (nearly 4 meters) sari twice a year. Prisoners are also eligible for getting a shirt and a pair of trousers twice a year provided they are accompanied by child dependent. Besides, each prisoner is eligible for getting a cotton-coat, a muffler and a cap as per the rules. But the majority of the prisoners stated that they have not recieved the items as allowed by the rule.

In the same line, as mentioned in the sub clause 4 No. (1) and (2) every one in the prison is eligible to get a four-hand (2 meters) blanket, a woollen mattress and a shawl once in two years and a mat once in three years. To our surprise, we could not see its implementation during our observation except in a handful of jails. Prisoners were devoided with this facility and thus were found sleeping on beds and cover made by discarded polythene milk packets and jute sacks.

Jailors when asked about this situation had ready-made replies that the prisoners are premature, that is, they are yet to cross the

three years. They are waiting a response from the higher authority regarding budgets for clothes. Obviously, it may not be false to claim that the prisoners are being exploited both by the jail authority and the senior officials of the district. Whatever may be the pretention, the jailor and these officials are taking undue advantages from the prisoners.

It is essential for the human rights organizations to show concern on these issues and voice on behalf of the prisoners from time to time.

Corporal Exploitation

As per the clause number 34 of Prison Act, the government can operate small factories to provide prisoners with the skills and cottage industry techniques in the jails by utilizing the spare time enabling the prisoners to become self reliant. The government has not acted accordingly. Where it is operated, the prisoners are exploited by the jailor and the headman. I would take, an instance, from the Central Jail. "While I came into the jail I saw some of the prisoners going to the factory. Of them three belonged to my bed room. Asked about their earning, they answered that the jailor and the headman earn as much as the workers do. The workers have to halve their earning in order to pay the bribe to the jailor and the headman. Denying to pay it, results in the expulsion from the work."

Where the prisoners on their own have initiated some work, the jailor and the headman intervene a lot. They exploit the workers' labour underpaying their product. They have even made an arbitrary rule to forbid the sale of their product outside. The jailor and the headman pay a very low price, hardly one tenth of the reasonable rate, and forcefully take the things and sell outside the jail at higher prices.

Here also the government is to fix a reasonable rate for the labour. The General Federation of the Nepalese Trade Unions (GEFONT), formed for the welfare of the labourers should inspect and emancipate the sufferers from such exploitation.

Mental Exploitation

Barring few prisons in the hills and mountains, almost all prisons in the Terai are crowded with the prisoners in excess of the capacity. In some jails there is not space, not even enough to sit in. Sleeping in most of the cases is impossible. From among the jails observed by us - Biratnagar, Rajbiraj, Jhapa, Birjung, Jaleswar, Bharatpur, Nawalparasi, Palpa, Syangja, etc. are of these class. Going inside the jail we felt as if we were entering into a busy hat-bazaa. We could neither see empty veranda nor unoccupied passages around the jails. Biratnagar jail contains 538 prisoners where as its real capacity is only for 250, Nawalparasi over its capacity of 20, houses around a hundred. We found markings on the wall of the jail in white enamel to allot the space to each prisoners. On our measurement, it was of 11 inches to each prisoner.

Conclusion

Above all, the prisoners are spending a miserable life under exploitation in many fronts. The main reason behind this situation is HMG's failure to make a firm and transparent policy regarding the prison and prisoners and failure to bring uniformity in the implementation of existing policies. HMG, therefore, should make a firm and transparent policy and keep the concerned sector well informed about it.

The government should further provide minimum facilities for the jails and the prisoners.

Human Rights and UML Government

– Sushil Prakash

Communist Party of Nepal (Unified Marxist and Leninist), successful in forming the first communist-led government through a parliamentary election in the history of the world, has been displaying its keen commitment towards human rights from its early days in the reign. In fact, if carefully observed in the history of Nepalese politics, the then CPN (ML) can be found to have taken concrete initiative for the broad based and well-coordinated struggle for human rights. Its initiative to establish the Forum for Protection of Human Rights (FOPHUR), struggle to release political prisoners, involvement in various struggles against human rights violation is not concealed from the public eyes.

The United Left Front formed to strengthen and enhance the Peoples' Struggle (Jana Andolan) in 1990, had revealed its commitment to human rights. After the achievement of democracy from the popular mass movement, the CPN (UML), formed after the amalgamation of two left factions, has been highlighting the issue of human rights in its every political case. The interim government formed after the Jana Andolan (Mass Movement) ratified two UN conventions - Civil and Political Rights and Economical, Social and Cultural Rights. On this, too, UML's commitment is automatically reflected as one of the main faction of the struggle and the main component in the Interim Government after the movement. UML announced its faith upon the UN Declaration of Human Rights on its election manifesto in 1992. Besides, it has expressed its commitment towards human rights even in its reports presented in the Fifth Congress led by

the People's Leader late Madan Bhandari. UML from time to time raised the issues of human rights while in opposition for 3 years. It further supported the voice of the Human Rights organizations on cases pertaining to publicizing the report of the Mallik Commission, the Commission formed to find out the whereabouts of the disappeared persons, investigating the incidents of the human rights violations, etc. It highlighted the necessity of the Human Rights Commission and forwarded a proposal in the House for its inception. Above all, in its tenure as the main opposition party in the house, the CPN (UML) maintained its commitment towards protection and promotion of human rights.

In the election manifesto for the Mid Term Poll - 1994, it had promised to take concrete steps in Human Rights sector after being voted to power. The formation of the Human Rights Commission, abrogation or amendment of the laws prone to violating human rights, publicizing reports of previous commissions and the steps to emancipate bonded labour (Kamaiyas) were the important steps UML promised to take after succession to power.

It is now appropriate to review the initiative taken by UML in this sector after coming to power as the largest party in the House.

It is rather easy to pay lip service to the issues on Human Rights but its translation into action is quite difficult. If the commitment is genuine, it should be realized in actual practice. In fact, the UML has taken some concrete steps towards human rights sector. Of them are the tabulation of bill for the compensation to the victims of torture, the

beginning of the preparatory work for forming human rights commission, formation of the commission to investigate into the murder incidents of Rolpa and Dang under the Chairmanship of Birendra Keshari Pokhrel, Central Advisor of INSEC and the then Vice Chairman of Human Rights Organization, Nepal and its budgetary allocation of NCRs 1,00,00,000 to the relief works for the Bonded Labour.

Though some of the promises have been brought into action, the government has yet to do a lot in many other areas. The government seems to be indifferent to the situation of the prisons and prisoners in particular. The government is not even ready to recognize those imprisoned arbitrarily on fabricated cases in the past as political prisoners. It is surprising not even to release Mr Ram Bahadur Tiwari who had been instructed to break the jail and escape under the directive of the present ruling party. This has become a question on political esprit de corps.

Almost all senior ministers now in the government are familiar with the physical facilities available in the jails in Nepal. This government containing those persons who were imprisoned even for 14 and 17 years in the jails has to date, on completion of fifty days, has shown no concern to reform the overall condition of the jails. Moreover, the government has not been serious about those prisoners who just receive a sum of six rupees per day for items other than ration.

On the one hand, UML states in the election manifesto, 'Under the Panchayat regime and even after the Jana Andolan those disappeared will be investigated and treated duly as per the law' on the other hand, the government remains silent regarding the report of the committee formed to find out whereabouts which found Padam Lama, Ishwar Lama, Laxmi Narayan Jha, Shaket Mishra, Maheshwar Chaulagaian, etc. missing since 1984. It is not known whether they are still alive or have already died. It has shown

no concern regarding Prabhakar Poudel who disappeared in the struggle launched after the tragic accident of Madan Bhandari and Jiv Raj Ashrit.

UML government fulfilled its one of the commitments by bringing out to the public the report of the Mallik Commission. It was promised "After High Level investigation upon cases of the human rights violated by the people's government after the Jana Andolan 2046, victims will be compensated and those violators will be treated as per the law plus the family of the martyr's to date will be duly respected and provided with relief." If not, the people will judge UML's commitment to human rights only a lip-promise.

To conclude, the overall performance of UML government towards the protection and promotion of human rights show high degree of verbal commitments. However the implementation, judged from the direct reliefs provided to the victims of human rights violation, has not been according to the commitments and not to the expectations of the people. ■

Human Rights : Basis of Civilized Society

Actions against violators of human rights, implementation the Mallik Commission Report, investigation of the human rights violations after the pro-democracy movement of 1990, constitution of National Human Rights Commission comprising human rights organizations and activists, investigation into cases of disappeared persons, free legal services to cases relating to torture and indemnity and cooperation of human rights organizations in the domestic implementations of UN Human Rights Instruments are our primary steps for the promotion and protection of fundamental rights in the country.

**- Election Manifesto of CPN(UML)
on Human Rights**

Some Highlights on INSEC's Activities

INSEC, after the restoration of democracy in the country, has been more concerned with educating and making people aware of human rights and democratic freedom. INSEC believes in the people and their active involvement for the protection and promotion of human rights. It has thus consolidated its educational programmes under INSEC's Human Rights Movement. This movement encompasses the following core and component programmes.

1. Human Rights Education for the grassroots people
2. HR Education through radio
3. Awareness Raising Programme for the Bonded Labourers
4. Human Rights Year Book
5. Victimized Women's Forum
6. Research on different issues which explore human rights situation of the poor and underprivileged groups in the society.
7. Act as pressure group to persue to honour human rights.

1. Human Rights Education:

INSEC central office conducted the following activities under the Human Rights Education Programme.

(a) Seminars:

Two programmes one each in Bhojpur and Makwanpur districts was conducted under the theme constitution, Human Rights, Environment and Development. The programmes were participated by VDC representatives and common people. 56 persons including 36 females were the direct beneficiaries of the programme.

(b) Trainer's Training:

INSEC organized trainings to human rights teachers in all the five development regions. Each of the trainings had focussed on Human Rights, Environment, Development and Informal Education and ran for three days. Altogether 137 human rights teachers were trained. These teachers are responsible to make the people at the grassroots aware on human rights.

(c) Celebration of Human Rights Day:

1. Human Rights Day (December 10, 1994) was celebrated with a programme jointly by INSEC, FOPHUR, CWIN, CVICT and INHURED International. His Excellency the Prime Minister Man Mohan Adhikary was the chief guest in the celebration.
2. INSEC, central office organized a training in Sindhuli district to social workers, teachers, journalists on Human Rights, Environment, Development and Informal Education. 25 people participated in the programme.

Besides, INSEC's networks operating in 28 districts carryout different educational and awareness activities in the districts. They regularly carryout activities like running literacy and human rights classes, organize debate, competition, discussion on human rights issues, conduct training, seminars or workshops for the people's representatives, local teachers and activists, celebrate important days like Human Rights Day, Constitution Day, protection of environment. Further, jail observation, observation of rallies, strikes is carried out.

2. Kamaiya (Bonded Labour) Awareness Programme

This programme is being implemented in the Mid Western and the Far Western districts Banke, Bardiya, Kailali, Kanchanpur and Dang. Under this programme, 20 classes are being run by the Awareness and Literacy Teachers.

a. Teacher's Training:

A training programme was organized in Bardiya district for a week. 18 teachers of the bonded labour classes received the training.

b. Kamaiya Awareness Assembly and the Formation of the Awareness Group

Kamaiya Assembly was held in between 19 Jan 3 Feb 1995 in the districts where the Kamaiya Awareness Programme has been conducted. 5 Kamaiya Awareness Groups were constituted one in each Dang, Bardiya, Kailali, Banke and Kanchanpur from amongst those present.

Present in the assemblies were the Regional Coordinators of INSEC and more than 200 Kamaiyas.

3. Human Rights Year Book

Begun in 1992, this publication compiles the status of Human Rights within the country. The report compiled is solely based on the information provided by the informers from respective districts. Further it includes some topical issues and opinions on different aspects of human rights.

Year Book 1993, Evaluation Meetings were conducted in each region in presence of central representatives, a representative from the Human Rights Year Book publication department, intellectuals, party representatives, journalists, legal practitioners, students, teachers and network members.

The Human Rights Year Book 1994 has been published.

4. Victimized Women's Forum

A 3-day programme was conducted in Dhankuta from January 31 to February 2, 1995 with the participation of politically victimized women drawn from the eastern region. The programme was participated by the mothers and wives of the martyrs, mothers or wives of those abducted by the state and women politicians totalling more than 100.

Run for three days, the assembly made a 7-point declaration known as "Dhankuta Declaration" after deliberation on Women's Role on social and political change, Present Law and Nepalese Women, etc. The forum proposed and adopted important resolutions. It suggested criterias for defining martyrs, highlighted the urgent need of forming a separate ministry or a high level commission for the welfare of the victimized women and proposed a national forum to collect all victims from every walk of lives.

5. Radio Programme on Human Rights Education

INSEC, with the cooperation of other human rights organizations, has been airing a 15 minute radio programme on human rights education since January 21, 1995. The programme delivers conceptual issues, theoretical foundation, historical events on human rights. As radio is a powerful and more accessible media, this programme shall help to build human rights awareness among the general masses.

6. Publication, Participation and others

a. Publications

INSEC publishes regularly Prachi (a bimonthly Nepali publication), Informal (a

four-monthly English publication and other booklets and posters of contemporary relevance. It has featured a film on the Status of the Kamaiyas in Nepal and has produced some cassettes, as well.

b. Activities abroad

1. Subodh Raj Pyakurel, Member INSEC Board, participated in Asian Human Rights Charter Meeting in Srilanka.
2. Sushil Pyakurel, Chairman INSEC, participated in several human rights meetings held in Pakistan, Thailand and India.
3. Pawan Kumar Ojha, board member, INSEC, participated in the Lawyers seminar in Indonesia and training programme in the Netherlands.
4. Two human rights activists, Prekshya Ojha and Shisam Mishra participated in Asian Women's Tribunal from December 1-2, 1994 in Thailand.
5. Bidya Sagar Ghimire visited several human rights organizations in

Philippines and Malaysia under an exchange programme organized by CECI, Canada.

c. Other Activities

1. INSEC published a photoposter of Pasang Lhamu Sherpa the first Nepali woman atop Everest on the auspicious of the International Women's Day (8 March) in collaboration with Central Working Women's Department (CWWD, GEFONT) and Rural Reconstruction Nepal (RRN).
2. INSEC protested on a number of occasions against the breach of Human Rights and Democracy happening in different parts of the world. It called for the serious attention of the government on guaranteeing mental and physical integrity of those detained and urged to respect the values of democracy.
3. INSEC organized an one-day symposium on the Agricultural Labours of Nepal. It aimed at bringing together politicians, NGO workers and experts to impart suggestions and views for the High Level Land Reform Commission.



Posters of Election Awareness

4. Mukundal Kattel, a human rights activists of INSEC took part in the Mondragon Follow-up Workshop held between 4-5 April 1995 in Kathmandu.
5. INSEC deputed a team with its activists Mr Devika Timilsina and Mr Samir Nepal, to investigate upon the death-incident of a Nepali Congress worker in Charikot, Dolakha.

The Dhankuta Declaration

INSEC organized the Second Forum for the Victimized Women in Dhankuta for three days. The Forum, this time was on political victim. The Forum ended with action plan and a declaration, known as Dhankuta Declaration. The text of the declaration is as follows:

We, political victims and/or families of the martyrs and of those abducted by the state for their involvement in democratic struggle, extended discussion regarding the need of respecting martyrs in the second Forum for Victimized women organized by Informal Sector Service Centre (INSEC) from January 31 - February 2, 1994. We, the participants from 16 districts in eastern Nepal and representative of different organizations, came to unanimous conclusion on a number of diverse issues.

There is no need to reiterate about our contribution to the democratic struggle of Nepal. Dating from the historic battle against the British in Nalapani, Nepalese women's contributions are inseparable from the struggle for Nepalese nationality and democracy. For the sake of our country we never let the people and their movement subside even at the cost of our offsprings and spouses. We had been to the battle field, when we could not, we managed our home affairs and freed the other family members for the struggle. After the restitution of democracy we thought the dream of our family members has come true, but we never demanded anything from the government. Still today, we are further committed to follow the path our family members have sketched.

Our sole purpose is to foster and safeguard the hard-won democracy. But, we have come to the conclusion that the government should compulsorily initiate some steps on behalf of the state. Due honour to the martyrs is, of course, an honour to the democratic struggle and unless so, the future of democracy will not brighten. Therefore, with a lot of commitment to safeguard and develop the hard won democratic environment, we bringout the Dhankuta Declaration with the following points to draw the attention of the present government.



Politically Victim Women on Procession

- A lot of fighters have sacrificed their lives for the restoration of human rights and democracy. It is essential to search the family members of the martyrs. We strongly demand that the government begin works promptly for the identification of their condition and problems.

- Anti-establishment personnels were murdered during the Panchayat era on pretext of their attempts to escape from the police custody, etc. The state has secured such forged records by now. False charges imposed upon the martyrs is a slander upon their contribution. The government should immediately withdraw such charges and pay due honour to the immortal martyrs.

- The government should duly honour martyrs and their families as recognition of the achievement of the democratic struggle. Some irregularities have also been noted in the distribution of relief materials to the martyrs and political victims. The government should show necessary concern and take steps towards this.

- The abduction of political personnels by the state in the past has afflicted

everyone in the nation. The families of those disappeared have always been compelled to live under severe tragedy. The political personalities so disappeared should be searched and established whether they are dead or alive and apprise the people. It is the degradation of the democratic struggle not to recognize those murdered freedom fighters as martyrs.

- On the way to suppress anti-establishment politicians during the Panchayat era, 16 political activists were assassinated in Chhintang of Dhankuta. It is in no way hidden the contribution of the Chhintang Struggle in the democratic struggle in the country as a whole. Thus this should not be forgotten in the today's democratic environment. We demand that the Chintang Case of 1979 be investigated and those responsible for its occurrence be punished.

- At present the families of the martyrs and those of disappeared are under miserable and difficult life. Opportunities of employment for such families be prioritized as per their qualification and capacity.



- In the perpetual struggle in the past, lots of Nepalese had been killed by the state. In course of progress with political commitment, various political personnel were gunned down or tortured to death. The government should proclaim them as martyrs paying due state-honour. The government should, further, bring out to public a clear definition on 'Martyr'.



A scene from Jadukuwa : A place of women's struggle

Press Release and Memoranda

INSEC released press statements and issued memoranda over a number of issues. Following is the brief description of the message.

1. A five-point memorandum to Mr Man Mohan Adhikari, the Chairman, CPN (UML) was issued on January 20, 1995 urging him to make human rights agenda in the party's central committee meeting. Congratulating him on CPN, UML's success on forming the communist-led government through parliamentary election first of its kind in the history of the world, it had warned not to take a dubious policy on human rights issues. As the people are the paramount source of power the memo urged the government to proceed ahead with full confidence on them.

The history witnesses that many communists working for human rights and democracy have become martyrs. This is only because of their selfless sacrifice that the communists of Nepal are getting the people's trust amidst a hue and cry that the communists of the world are a vanishing species, the memo states. The memo demands for the identification of whereabouts of those abducted by the state in the past, release of the prisoners of conscience, women prisoners imprisoned for a long period on abortion cases and these prisoners who are handicapped and old. Also a list of the political prisoners was attached with the memo.

2. Immediately after the formation of the new government after the victory in

the Mid Term Poll, different Human Rights organizations in the country, INSEC, INHURED, CVICT, WATCH, FOPHUR and, CWIN handed over an 8- point memorandum to the Prime Minister Man Mohan Adhikari. "It is well known that the Constitution of Nepal promulgated after the Peoples Movement, 1990 for the first time clearly guaranteed Human Rights. But there are various practical obstacles as it is blocking the exercise of the civil rights guaranteed by the constitution. Therefore, the situation in human rights sector has not improved as expected. It is with an expectation that the newly formed government will take firm steps to improve the situation in human rights we would, for the first time, like to draw the attention of the government on the issues prone to violating human rights." The memo begins.

Calling for the serious attention of the government on maintaining: the right to sovereignty and national liberty, right against corruption, right against discrimination on women and exploitation, etc. the memorandum urged to make public the violations of human rights in the past and make a new beginning in this sector. It also highlighted the need of a Human Rights Commission.

"We wish an improvement of human rights situation in the country and its distinct identity in the world in your tenure" it concludes.

3. The chairman of INSEC released a

press statement on January 2, 1995 thanking the Communist Party of Nepal (UML) government for making commitment for the abolition of Kamaiya System prevailing in Western Nepal. It further suggested the government to proceed hand in hand with the national and the international NGOs for complete abolition of the Kamaiya System.

4. The chairman INSEC released a press statement on December 22, 1994 expressing concern over the political prisoners in the Nepalese prisons. Quoting a joint memo handed to the Prime Minister by human rights associations working in the country, the statement expressed regret for not being able to see any positive steps towards releasing the prisoners of conscience. "We demand an immediate release of the political prisoners. They should not be kept in jails even for a second, no special occasion or festival should it wait for such release." It concludes.

5. General Secretary INSEC released a press statement on December 22, 1994 concerning over the statement of the Deputy Prime Minister's address on Human Rights Commission in Geneva as 'no political prisoners are there in Nepalese jails'. "We had forwarded a list of 23 political prisoners in various jails of Nepal before and after the formation of the government of UML. The Home Minister had assured us of their immediate release. Still some political prisoners are in the jails. Given the situation, the above statement of the Deputy PM in Geneva has afflicted us. We hereby call on the government committed towards human rights not to make such a dubious policy in this sector." The statement concludes.

6. In April 1995, INSEC handed over a memorandum to the Prime Minister

highlighting on various points concerning the Nepalese women. It refers to the memoranda previously submitted to the Prime Minister on a number of times and occasions. Referring to the continuous involvement of INSEC in the struggle for human rights for the past six years, the memo states INSEC's flawless commitment to eradicate the practice of untouchability and its various programmes towards emancipation of Kamaiya. 'Our another area of concern is women', the memo further reads.

It reminds the head of the government the reality of the women victimized while taking part in the political struggle or while letting their family members to take part in the struggle. It demands that those killed in the past by the state be recognized and honoured as martyrs. "The change has taken place in the leadership but the representation of the women is terribly minimal in each areas. It is even less in the political field" states the memo. It further urges that the women's contribution to the struggles in the past be recognised.

The memorandum states 9 points that the government should take immediate action and other 12 points to ponder upon them for gradual implementation.

"In the capacity of the Prime Minister of CPN (UML) that has often advocated as always being concerned with the welfare and rights of women, we are worried about calling the warriors by false adjective and ill address while they had been implicated in false cases as murderers, dacoits etc. We further request to rectify the history that has been blemished."

■

Ganesh Man Singh Releases Human Rights Year Book 1994



Ganesh Man Singh releasing the Year Book

The Human Rights Year Book 1994 was released by Ganesh Man Singh, the Senior Politician amidst a gathering that included personnel from public, HR Organizations and other invitees on April 10, 1995. This is the third situationer of human rights events in the country. INSEC has started publishing Human Rights Year Books in 1992.

The Senior Politician, Leader and Commander of the Popular Mass movement (Jana Andolan) in 1990, was honoured on the occasion by the five prominent Human Rights Organizations working in the country. The honour was offered to Mr Singh



Binaya Kumar Kasaju

along with the soil of the land and the idol of Gautam Buddha; soil as a token of his love, selfless sacrifice and prolific patience that attracted his stands in the soil of nation even in the acute political complexities in the past; and the idol of Gautam Buddha to recollect his stands on

peace and democracy in the country. The script in honour of Mr Singh reads, "Your decision as to remain free of affiliation with any political parties is commendable."

In the programme, INSEC announced Mr Binaya Kumar Kasaju, a prominent journalist, as the recipient of the first Prakash Human Rights Award founded by INSEC in 1994 as the first Human Rights award in Nepal. This award has been founded in memory of its founder late Prakash Kaphley who unfortunately passed away in the Thai Air bus crash in July 31, 1992. Similarly, Year Book Awards were also offered to the merit holders for excellent information compilation for the Human

Rights Year Book 1994. The award recipients are:

Mukunda Nepal	The most excellent Central Region
Dilli Kharel	Excellent, Eastern Region
Karna Baniya	Excellent, Western Region
Lok Narayan Bhandari	Excellent, Mid-west Region
Janak Bhandari	Excellent, Far-west Region
Narayani Dhungana	Excellent, amidst ladies

The Year Book 1994 is the comprehensive documentation of events on human rights happened in 1994, covering all the 75 districts of the country.

It contains in detail the overall condition of the jails and prisoners, the cases of arrests, tortures and disappearances, the cases of rape and other inhuman behaviour to the women, social maladies like polygamy, untouchability, the violations of the right to assembly and speech, deaths within the prisons.

Besides, the Year Book includes topical issues depicting the situation and development taking place in human rights sector.

AVAILABLE

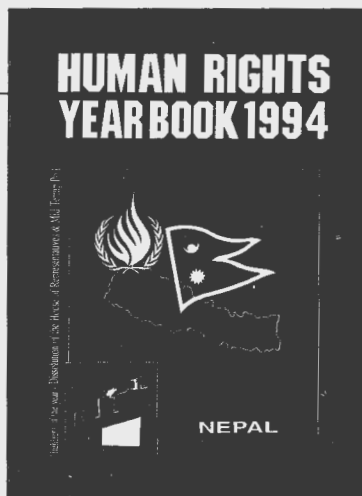
HUMAN RIGHTS YEAR BOOK 1994

Since 1992, 3 issues of Year Books have appeared containing overall situation of Human Rights in the country. Besides, topical information on current issues and highlights of the year are included in the Year Book.

The Year Book is the initiative of INSEC, a Human Rights organization in the country with the purpose of reaching to a wide audience within the country and abroad interested in human rights issues and to work for the alleviation of violations of Human Rights in Nepal.

Chapters

- Human Rights Movement
1961-1992
- Judiciary and Human
Rights 1994
- HMG and Human Rights 1994
- Parliament and Human
Rights 1994
- Mass Media and Human
Rights 1994
- Also such events in the
Year Book
- Facts on Human Rights
Violations in 1994
- Human Rights Violations : A
Composit Summary



**RECORDS 1391
EVENTS OF HUMAN
RIGHTS VIOLATIONS.**

Appendices

- Highlights of the year:
Dissolution of the House of
Representatives and
the Mid Term Poll
- Tragic Event of the Year:
Indian Aggression in Nepal
- Views of Political Parties
regarding Human Rights
Situation in 1994
- Human Rights Violation
Calendar 1994

Published by
**Informal Sector
Service Centre (INSEC)**
P O Box 2726, Kathmandu, Nepal
Tel: +977-1-270770 / 278770
Fax: +977-1-270551