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SOUTH ASIAN FORUM FOR HUMAN RIGHTS ESTABLISHED



Proceedings of the Meeting

The two-day long meeting of the South Asian human rights activists has formally established a regional human rights organization called "South Asian Forum for Human Rights (SAFHR)". The preparatory meeting was participated by 36 representatives from the South Asian countries. The meeting has adopted the constitution of SAFHR and elected a Working Group consisting of one member from each South Asian country. [Details inside].

EDITORIAL

A DREAM COMES TRUE

One of the participants to the South Asian Forum for Human Rights (SAFHR) remarked, "Now we have planted a tree whose seed was sown in 1990 in Delhi; our dream has come true". During World Congress on Human Rights held in New Delhi in 1990, more than half hundred human rights activists representing various human rights organizations from all over South Asian countries (except Maldives) strongly felt the need for a regional human rights organization and created the South Asian Forum for Human Rights (SAFHR) with Fr R.W. Timm of Bangladesh nominated as its Convener. The Secretariat was decided to be located in Dhaka. Later, because of many hindrances and reasons, it was resolved that its headquarters should be shifted to Nepal. INSEC, a Kathmandu-based human rights organization, assumed the responsibilities to hold the SAFHR office and organized the Preparatory Meeting in Kathmandu on February 18-19, 1993. Thirty-six representatives from various South Asian human rights organizations including Justice P.N. Bhagawati (former Chief Justice, Supreme Court, India) participated in the meeting. A constitution was adopted and a Working Group formed.

It was general consensus that as SAFHR is going to be a strong organization, it must be well acceptable among the human rights organizations in the region. Though most of the active organizations participated in the meeting, it is necessary to have an endorsement from other remaining active and credible human rights organizations. The Working Group will send the constitution to those organizations and receive comments on it. It will organize first AGM within a year to elect a regular body. Besides, the meeting has decided to launch several other activities like organizing People's SAARC every year with different issues. The theme chosen for this year's People's SAARC is: "indigenous people".

For the first time, the meeting decided to establish a South Asian Human Rights Award in honour of Prakash Kaphley, Director of INSEC, who died in the Thai plane-crash in July, 1992.

The South Asian human rights activists discussed several issues and decided to work together for protection and promotion of human rights in the region.

Though most of the South Asian people struggled hard and achieved democracy, the existing system is not able to solve the problem of people. People of the region are facing the same repression under the banner of Democracy. Not only Punjab, almost all North-East India is virtually plunging into chaos and terrorism (state terrorism could not be excluded). The Tamil problem in Sri Lanka is worsening. Thousands of

Bhutanese are fleeing to Nepal. Woman and child trafficking in Pakistan and Bangladesh is in shaking position. In Nepal, killings and firing are becoming more common as in the previous autocratic regime. In this situation, the people of South Asia need more information, fast communication and solidarity in their struggle. SAFHR, a small plant, is a hope for human rights movement in South Asia. We hope it will grow up tomorrow. Let us protect the tree, it will protect us tomorrow. Only then our dream will become a reality.

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SOUTH ASIAN FORUM FOR HUMAN RIGHTS (SAFHR)

**Preparatory Meeting
February 18-19, 1993
Kathmandu, Nepal**

A 2-day preparatory meeting of South Asian Forum for Human Rights (SAFHR) was held in Kathmandu, Nepal, on February 18 and 19, 1993. The proceedings, reports and concerns (eg. statement of concern on various issues) of the meeting are given below.

WELCOME-SPEECH

This very day shall be regarded as an historical event in the history of human rights movement in South Asia. Today, we, the different personalities and representatives of various organizations concerned with human rights, have gathered at this place to discuss our problems, strengthen our solidarity and struggle unitedly to establish a regional organization covering all the sectors concerned.

At this very moment, it is worthwhile to remember late Prakash Kaphley, a prominent human rights activist of not only Nepal but also of South Asia. While forming the South Asian Forum for Human Rights (SAFHR) during the World Congress on Human Rights held in New Delhi in 1990, he had played a key role. The SAFHR was then formed under the convenership of Fr R.W. Timm. Owing to the existing political and human rights situation, SAFHR could not carry out its activities as expected; however, the training of trainers organized in Dhaka has benefitted the human rights activists a lot.

From time to time, we discussed shifting the headquarters of SAFHR to Nepal to make it more dynamic. Informal Sector Service Centre (INSEC), a human rights organization founded by late Prakash Kaphley, realizing the need for a regional human rights organization, has expressed its commitment to Fr Timm and other friends to mobilize SAFHR and establish its headquarters in Kathmandu.

Today, we have gathered here to go ahead and organize SAFHR on a formal basis. I hope this historical gathering shall fill the remaining vacuum of regional organization in the human rights movement in South Asia.

Finally, I would like to extend my sincerest thanks to Justice P.N. Bhagawati and all of you who have come here to share your experiences and extend help in organizing SAFHR. INSEC will extend all its efforts for rendering SAFHR as active and effective as it can.

Thanks.

- Sushil Pyakurel
Co-ordinator, INSEC

MINUTES OF THE MEETING

The welcome remark was made by Mr Sushil Pyakurel. Similarly, an introductory address was delivered by Father Timm, who outlined the kind of activities he would like to see SAFHR focus on. They are:

1. A newsletter
2. Regional training
3. People's SAARC
4. Urgent appeals

It was noted that there were many fields from which human rights activities could be made more effective by taking on the regional approach. These were:

1. Trafficking on women and children
2. Human rights under exceptionally difficult circumstances
3. South Asian training initiatives
4. Inter-relationship between different factors, i.e. development, and degradation of environment
5. Special role of print media, especially the local languages.

In honour of the late Prakash Kaphley, human rights activist and director of INSEC, it was proposed that an annual human rights award be made to that group or individual who had made a significant effort in the human rights field.

The draft constitution of SAFHR was discussed at length and amendments made. It was felt that SAFHR should remain an unregistered organization and a decision was made regarding the first working team. An interim working team was nominated, with one representative from each country. They will meet in April. There will be two kinds of members, affiliated and associated. Affiliated members will pay a due of \$25 and associated members, who will not have the right to vote in SAFHR meetings, will pay an annual sum of \$100. It was suggested that NGO wishing to join SAFHR be vested and only those who share the ideology of SAFHR be allowed to join.

As regards the SAFHR newsletter, INSEC offered to incorporate SAFHR news into their existing bi-monthly bulletin which was accepted by the meeting. There

was much discussion on the concept of a People's SAARC, regarding its theme, how the procedure would be evolved and what the participatory level would be like. The People's SAARC will be held whenever the SAARC meeting is held and preparatory work will be done by all the member countries to publicize the event in their home lands. An important question that was raised was — what would make this meeting different from other meetings? After much debate, two themes were chosen for this year's People's SAARC: indigenous people and the refugee status in Bhutan. Ravi Nair offered to do the research groundwork on the Bhutanese refugees.

It was argued that perhaps SAFHR was not fully equipped to handle the organization of a People's SAARC meeting and therefore should work in co-operation with other organizations.

The idea of a South Asian Charter for Human Rights was floated. While some members thought it was too hasty a step, others, citing the strength of the African Charter, felt that there was a very real need for a South Asian Human Rights Charter. A team was formed to deliberate on this further; it consists of Clarence Dias, Tapan Bose, B.K. Pokhrel and Anita Mir.

On the second day the revised draft of the Constitution was presented for approval and then passed. Again, there was much fine combing over the group's organizational structure. Though not mentioned in the constitution itself it was agreed that when specialization was required, the working committee was empowered to appoint a sub-committee. For the first interim working committee meeting (to be held in Delhi in the first week of April) it was requested that members pay for the cost of their flights; local bills would be covered by the host country. The working committee is empowered to look into international funding.

A request was made that each government should set up a non-parliamentary human rights organization. Several people were opposed to this idea, believing that wherever a government has set up a commission of this sort it has never proved to be impartial.

"With the number of trainers we have trained in this region we should by now have had marvelous results,"

said one member. It was strongly felt that trainers had to be trained within the region. Whenever they had returned from programs in the North they had become useless to their home NGOs. A need was felt to train student lawyers. A body exists for this purpose in Calcutta and interested parties were requested to contact India for further information. The role of lawyers and especially of those trained in human rights was seen as vital, especially where the question of legal aid was involved.

There are three appeal networks available to those in the South Asian region. These are: Amnesty International, World Action Against Torture and Hotline Asia. Ravi Nair of India pointed out that as our letters and faxes are often censored by the government, there exists a computer network called E-MAIL which can be hooked into by modem. Those interested can contact him on how this system works.

Investigation teams and citizens tribunals were referred to as old hat by one member. He suggested that a direct attack would be a better approach. For instance, in the case of the Bhutanese refugees, lawyers from the member countries could meet and physically cross the Bhutanese barrier, thus shaming the Bhutan government into taking some positive action.

Names proposed for the human rights aware committee were: Justice Subhan, Justice Dorab Patel, Justice P.N. Bhagawati, Clarence Dias and Mario Gomez. The name of a person from Nepal has yet to be suggested. It was agreed that during the one year between a person's receiving the award and the next award, if the winner was to accept a government post then he/she would automatically have to step down.

Signature campaigns on Burma, the Bhutanese refugees and Korean comfort girls during the second world war, were read out and signed. Each member is to take copies of the first two of these and distribute them to his/her home press. A press release detailing how SAFHR was created and what activities it intends to focus on was read out and later distributed.

CONSTITUTION OF THE SAFHR

[Comment on the Constitution is sought].

1. Preamble

Whereas, the Universal Declaration of Human Rights of the United Nations states that all members of the human family are created equally and that their human dignity and rights are the basis for human freedom justice and peace, and

Whereas the establishment of freedom, justice and peace depends on the promotion, protection and education in human rights, and

Whereas the countries of the South Asian region, having a communality of interests, have come together under the umbrella of SAARC,

We, the founding members of SAFHR, commit ourselves to the cause of human life and dignity in all its forms and manifestations and we pledge ourselves to work toward the realization of these aims and objectives.

2. Name

The name of the organization is "The South Asian Forum for Human Rights", in short, SAFHR.

3. Secretariat

The secretariat of the organization shall be at Kathmandu or at such place as shall be decided on by a 2/3rd vote at a general meeting. There shall be country affiliates in Bangladesh, Bhutan, India, Maldives, Pakistan and Sri Lanka.

4. Incorporation

The organization shall be incorporated as an international regional NGO, i.e., voluntary, non-sectarian, non-governmental and non-profit body, according to the laws of the country where the office is located.

5. Aims and Objects

The aims and objects of the organization are:

1. To work for the realization, promotion and promotion of human rights in the SAARC region.
2. To work for the implementation of all the national, regional and international human rights instruments' standards, norms and declarations and of international humanitarian law.
3. To engage in studies and research in the field of human rights and to educate the public to support the cause of human rights through talks, seminars, training, publications, use of mass media and similar activities.
4. To hold a People's SAARC at the time of the annual SAARC Summit meetings in order to project the view point of the general public on selected human rights issues.
5. To seek affiliation with ECOSOC for making representations to various UN committees.
6. To promote the establishment of democracy, e.g., by monitoring the electoral process in any of the countries of South Asia.
7. To investigate violations of human rights, especially those of a class nature.
8. To receive donations in cash or kind, operate bank accounts and invest money and pursue any other activity which is necessary, incidental or conducive of fulfilling the aims and objects of the Society. (Registration would require the separation of the first two elements, but there was a general consensus against registration unless it is required).

6. Autonomy

The SAFHR shall be a non-government autonomous organization.

7. Use of Income

Any income or property of the SAFHR, however derived, shall be used only for fulfilling the objects of the Society.

8. Dissolution

In the event of dissolution of the SAFHR, after satisfying all debts and disabilities, the remaining assets or property shall be given, at the choice of the members of the SAFHR, to any other Forum or Society having similar aims and objects.

9. Accounts and Audit

Adequate accounts shall be kept of the receipts and expenditures of the SAFHR and its assets. Once a year an audit shall be carried out by a reputed firm of Chartered Accountants.

10. First Working Committee

Through approval by the present founding members, who are signatory to this Constitution, the first one year interim Working Committee members are: Anita Mir (Pakistan), Tapan Bose (India), Sushil Pyakurel (Nepal), Akram Hossain Chowdhary (Bangladesh) and the representative from Sri Lanka will be sent within a week. Fr Timm will also be a member as ex-officio Convener and Sushil Pyakurel of INSEC as interim Secretary General of SAFHR.

11. Definitions

- a. the "Forum, Society or Organization" means the South Asian Forum for Human Rights (SAFHR).
- b. "Annual General Meeting" means the meeting envisaged in Article.
- c. "Executive Committee" means the Governing Body, constituted in the manner provided in the Rules.
- d. "Office Bearers" means the Chairperson, Vice-

Chairperson, Secretary and Treasurer of the Forum.

- e. "Extraordinary General Meeting" means any general meeting other than the Annual General Meeting.
- f. "Member" means a member of the Forum.
- g. "Member in Good Standing" means a member who is not in default of payment of subscription and whose membership has not been suspended.

12. Membership

Membership shall be open to any NGO working in South Asia in areas of human rights which shares the objectives of SAFHR and which is approved by the Executive Committee for membership after such screening as the EXCO considers necessary. Associate members may also be allowed to join but will not have the right to vote.

13. Annual Subscription

All members and associate members will pay to their country office an annual subscription equivalent to US\$25 and US\$100, respectively.

14. Entitlement of Members

Every member in good standing shall be entitled to:

- a. appoint a representative to attend meeting of the SAFHR;
- b. vote at all general meetings of the SAFHR;
- c. be elected to office, subject to the provisions regarding elections;
- d. avail of any privileges made available from time to time.

15. General Meetings

1. An Annual General Meeting (AGM)

An Annual General Meeting (AGM) shall be held once a year, at such time and place within South Asia as may be determined by Executive

Committee. Notice of the meeting and its agenda shall be given at least 21 days in advance, specifying the place, day, time and agenda of the meeting. Any member organization may send one voting member.

2. At the AGM the following may be transacted

- a. receive and approve the Annual Report of the SAFHR
- b. approve the Audited Accounts;
- c. approve the Annual Budget;
- d. hold the election of EXCO members as required;
- e. appoint an auditor and fix the fee;
- f. recommend programs to be done by the centre or country offices;
- g. renew the office work plans for the coming year;
- h. do any other business with the permission of the Chairperson;
- i. The first AGM shall be held in Kathmandu in 1993. After that meetings shall be held by rotation in the other countries of the SAARC region.

3. Extraordinary general meeting

An extraordinary general meeting may be called in emergency by a requisition signed by 2/3 of the members and which states the object of the meeting. The notice shall be circulated with the agenda at least 21 days in advance.

- (a) A quorum shall consist of 1/3 of the members. Every question may be decided by a show of hands. The Chairperson shall have a casting vote in the event of a tie.

4. Executive Committee

The EXCO shall consist of equal membership from each country of the SAARC region, and the immediate past Chairperson of the Forum, who shall be an ex-officio member of the EXCO. The EXCO will be elected every three years in an AGM or a postal ballot.

5. Resignation

A member of the EXCO may resign from office by giving notice in writing to the Secretary and it becomes effective upon expiry of the notice period.

6. Vacancy

A vacancy may be filled by the remaining EXCO members and the person will be chosen from the same country as the retiring member to serve the remainder of his/her term.

7. Functions of the EXCO

- a. It shall determine the policies and scope of SAFHR activities, as well as approve the appointment of the Coordinator, Accounts Officer and other members of the Secretariat staff.
- b. It should approve major projects, the holding of forums, lectures, seminars, etc. and should exercise financial control. Funds should be kept on deposit at any scheduled bank. Accounts shall be operated jointly by the Treasurer and Chairperson or Vice-Chairperson. The accounts must show: (i) all sums of money received by the society; (ii) the books of accounts shall be kept at the registered office of the society and shall always be open to inspection of the members of the EXCO.
- c. The members of the committee at its first meeting after election will elect a Chairperson, Vice-Chairperson, Secretary and a Treasurer from among themselves.
- d. The first EXCO shall consist of those accredited representatives of the member NGOs who signed the Memorandum of the Society.
- e. The quorum for a meeting shall consist of more than 1/2 of the members.
- f. The members may not serve more than two terms consecutively; one-third of the elected members will retire every year.

g. The EXCO shall hold at least two meetings a year, which will be called by the Chairperson or Secretary. Minutes of the meetings shall be recorded by the Secretary and signed by the Secretary and the Chairperson.

h. Special meetings may be called by the Chairperson or Secretary when required.

i. Members shall receive no compensation for their services, but may be reimbursed their travel and accommodation expenses.

j. Decisions of the EXCO may be taken either at meetings or by correspondence.

k. The EXCO shall be given the power to make rules and regulations to carry out the functions of SAFHR.

16. Amendment of the Constitution

Any modification or alteration of the Constitution can be effected if necessary by the approval of 2/3 of the members present in a general meeting.

PRESS RELEASE (February 19, 1993)

The South Asian Forum for Human Rights (SAFHR) has been formally set up at Kathmandu, Nepal. The decision followed the deliberations at a seminar held on February 18-19, 1993. Kathmandu is the headquarters of SAARC (South Asian Association for Regional Cooperation). The setting up of SAFHR will facilitate the interfaces and interaction between non-governmental and inter-governmental initiatives.

The opening day's sessions were chaired by Justice P.N. Bhagwati, retired Chief Justice of the Supreme Court of India.

A Constitution was adopted for the SAFHR and the first working committee was constituted for one year, with representatives from Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka, the ex-officio Convener and the interim Secretary General of SAFHR, Sushil Pyakurel, Director of INSEC. Anita Mir, a journalist from Lahore, Pakistan, served as the Secretary for the

seminar. It was decided that the secretariat of the SAFHR will be Informal Sector Service Centre (INSEC), a Kathmandu-based NGO.

The coordinating body, known as the South Asian Forum for Human Rights, was first proposed at the World Congress of Human Rights in New Delhi in December 1990. Father Richard Timm, Executive Secretary of the Commission for Justice and Peace, Bangladesh, served as its first Convener upto the time of the seminar.

In July 1992, a two week training of trainers of the SAARC region was conducted under SAFHR at Dhaka.

The main activities of the SAFHR as adopted will be: (1) publication of a regular newsletter on human rights activities and problems of the SAARC countries; (2) holding regional training courses; (3) monitoring outstanding human rights abuses; (4) the possible delegation of responsibility of convening a regional level campaign on continued human rights violations in Bhutan; and (5) holding of an annual People's SAARC at the time of the annual SAARC Summit. The People's SAARC will seek to represent the non-governmental and common people's viewpoint. A different theme will be selected each year and any NGO member can work on that subject during the year and present his/her findings at the People's SAARC. Victims of human rights abuses will also be invited to express themselves before the People's SAARC. Recommendations of the People's SAARC will be presented to the SAARC Summit.

The theme chosen for the People's SAARC to be held in Kathmandu toward the end of 1993 is the situation of the Adivasis or indigenous people. This is to complement the fact that UN has designated 1993 as the Year of the Indigenous Populations.

The SAFHR seminar in Kathmandu decided to begin work toward drawing up a Charter of Human Rights for the SAARC region and a committee of five was appointed for this purpose. It will also concern itself with working towards a commonality of issues that affect the region at the forthcoming World Congress of Human Rights.

The SAFHR seminar signed statements on three important issues, drawn up by the "South Asian Initiative Meeting of Peoples Plan of the 21st Century (PP21)" held at Kathmandu February 16-17. The first was a statement against the alarming growth of communal violence and religious fanaticism. It strongly condemned communal violence, the wanton destruction of religious places and the political manipulation of the religious feelings of people.

The participants reaffirmed their faith in freedom of belief, expression and worship and pledged to support oppressed people against religious intolerance and to stand for social justice, human dignity and peace.

The second statement called for the immediate release of Aung San Suu Kyi, the recognition of the democratically elected people's representatives and support for the rights of the tribal people.

The third statement drew attention to the plight of Bhutanese refugees in Nepal and India and the denial of fundamental freedom to the Bhutanese people.

A fourth statement was circulated by Women Acting Together for Change (WATCH), Kathmandu, on the plight of comfort women used by the Japanese soldiers during the Second World War.

CONCEPT OF PEOPLE'S SAARC

It was explained briefly before the seminar that People's SAARC referred to an alternative or parallel function to be held especially at the time of the SAARC Summit each year. It would give an opportunity for the oppressed people to present their stories and problems. The SAFHR network in each country would host the People's SAARC when it is held in their country. Any member organizations or individuals could take part in the preparations for the People's SAARC and the testimonies of victims of human rights abuses in connection with the annual theme would be highlighted.

Since 1993 is the UN Year of the Indigenous Populations it was a general consensus that violations against adivasis should be the main theme for the People's SAARC to be held at the time of the SAARC Summit in Kathmandu late in the year. A number of



The national process should identify the problems of different Adivasi groups of different localities and draw on the experiences of adivasis in solving their own problems.

Several other suggestions were made in the same session, though not all are directly related to People's SAARC: 1) communal violence as a possible theme for this year; trafficking of women and children could be joined with it; 2) One possible mechanism for judging

initiatives have already been planned for Asia and a directory of adivasis of the SAARC region is being prepared.

It was also widely felt, however, that SAFHR should not necessarily limit itself to one theme. Since refugee problems are found in many SAARC countries and the refugee situation has already been well-studied, it too could be featured at the Kathmandu People's SAARC. To reduce the burden on the Secretariat in preparing for the event, however, Ravi Nair volunteered to organize the preparations for this theme.

It was unanimously agreed that the process of preparation for People's SAARC must be participatory. The people who are most affected by the issue should be involved in the analysis, research and documentation of situations. This participatory process can best be carried out at the country level, where different affected groups representing different human rights violations can come together in national or regional gatherings.

The best of the witnesses, who are particularly expressive, can be selected for giving their testimonies at the People's SAARC.

violations of human rights is to hold people's tribunals; 3) to criticize government reports to the international agencies and publish our comments (e.g. on reports to UN and ILO Subcommittees); 4) SAFHR should look for the placement of interns with NGOs in South Asia; 5) An inventory of resources should be carried out to identify what is available in the region and what resource help we need from the outside; 6) SAFHR could sponsor programs such as People's SAARC but invite others to handle the work of organizing.

Altogether three statements were signed by participants and released during the meetings of South Asian Initiative Meeting on PP21 and Preparatory Meeting of South Asian Forum for Human Rights (SAFHR). The full text of the statements is printed below:

STATEMENT OF CONCERN AND PLEDGE

We the undersigned belonging to Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka met in Kathmandu on February 16 and 17, 1993 to discuss the realization in South Asian region the People's Plan for the 21st century.

Noting the alarming growth of communal violence and religious fanaticism, we strongly condemn;

- *Communal riots and violence directed against religious minorities in general and women in particular;*
- *the wanton destruction of religious places, and*
- *political manipulation of religious feelings of people.*

We reaffirm our faith in freedom of belief, expression and worship.

We pledge our continued support to the oppressed peoples of this region in their struggles against religious intolerance and for social justice, human dignity and peace.

A CALL FOR THE RELEASE OF AUNG SAN SUU KYI AND UPHOLD PEACE AND HUMAN RIGHTS IN BURMA

We, the members of the South Asian Forum for Human Rights (SAFHR), belonging to Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka as well as the representatives of International Organizations in Asia and Pacific region, express our great concern over the inhuman and gross violation of human rights in Burma (Myanmar).

We call upon all concerned people, organizations and institutions of all countries to combine our efforts to press the shameful Burmese authoritarian regime to immediate release of the Nobel Peace Prize Laureate, Aung San Suu Kyi and all political prisoners in Burma.

We also call for the restoration of democracy and upholding of human rights including respect for ethnic minorities in Burma.

We demand an immediate return of the power to the elected-representatives recognized by the vast majority of Burma.

We fully support and share our concerns with the Well-Wishes Mission of the 7 Nobel Peace Prize Laureates visiting Thailand from 16 - 20 February 1993 for a call on the release of their fellow laureate and the peaceful Burma.

We share the painful experiences and express our fraternal solidarity to our Burmese brothers and sisters who are striving actively and painfully against the 'brutal Burmese military junta — SLORC regime' for long decades and look forward to the achievement of the democracy, human rights and social justice in Burma.

STATEMENT ON HUMAN RIGHTS VIOLATION IN BHUTAN

We the participants of the South Asian Forum for Human Rights (SAFHR), general meeting held in Kathmandu, Nepal from February 18-19, 1993 continue to view with grave concern the gross human rights violations occurring in Bhutan. We are particularly concerned about the eviction of 100,000 Bhutanese of Nepalese ethnicity and their plight in refugee camps in Nepal.

We call upon the government of Bhutan to:

1. *Guarantee fundamental human rights of all ethnic communities in the country.*
2. *Work towards an early repatriation of Bhutanese in exile with security and dignity and to ensure the return of their assets and properties confiscated by the Royal Government of Bhutan.*
3. *Release all political prisoners including the prisoner of conscience Mr T.N. Rizal detained unlawfully.*

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SOUTH ASIAN INITIATIVE MEETING ON PP21

February 16-17, 1993

Kathmandu, Nepal

A meeting on South Asian Initiative Meeting on PP21, February 16-17, 1993 was held in Kathmandu, Nepal, as a follow-up meeting of Japan PP21 in 1989 and Thailand PP21 in 1992. It was participated by 37 personalities from the various South Asian NGOs. The report of the meeting is given below.

Report of the Meeting

The failure of communism in Russia has had two immediate effects. Firstly, capitalism is now being offered to the world as the only workable model. Secondly, the realignment of boundaries, a process yet in process by Russia and later followed by numerous eastern Europe countries, is forcing us to rethink the concept of the nation state. On one level the world is drawing closer together, forming organizations, both regional and global to promote communal harmony; on another, people are asserting their right to be recognized as different.

With the resources of the North becoming scantier, they are looking towards us in the South. Already, this onslaught has been set in motion. "Multi-nationals are trying to patent life forms" said a member at the Kathmandu PP21 meeting.

The North's economic policies, which have proved much disastrous in the long run, have been imported wholesale by many of our countries. An open door policy allows them to operate without many questions being asked. Sri Lanka is a prime example of what can go wrong when these forces remain unchecked. When multi-nationals set up shop in our backyards they do not abide by the same quality control or environmental principles

that are so stringently applied to them in their home countries.

This economic invasion also takes another form. Nowadays, loans by organizations such as the World Bank and the IMF demand our human rights credentials before they structure any aid package. Whether we like it or not the North's New World Order is being imposed on us.

As yet, we do have a choice. Luckily or unluckily we today stand at a juncture where we can see, accept or reject existing models. Or alternatively, we can create our own. PP21 affirms its desire for an alternative vision; a vision which welcomes diversity and stands for sustainability. As the report on the Bangkok PP21 meeting points out, "Asia is the continent that has given birth to the world's major spiritual and moral traditions". In our attempts to homogenize we should not lose sight of our individual strengths, they are what make us the people we are.

We have failed to recognize the importance of religion in people's lives. This need has been filled by other, right wing groups who have exploited the religious sensibility of the people for their own ends — these ends are inevitably political in nature. It is suggested that a new, common religion be found and that progressive interpretations of religion be supported and distributed through the region.



The destruction of the Babri masjid in India on December 6, 1992 and its chain reaction in Pakistan and Bangladesh are evidence enough, if evidence is needed, of how well orchestrated this commandeering of our religion has been. In India, voting lists and shop lists were used to identify Muslims. The danger is that Muslims will now abdicate from politics by refusing to vote, for fear of being hounded. As businessmen they will be forced to take on Hindu partners for the same reason. In Pakistan hundreds of temples were destroyed, as were Churches and other places of worship — incidents were reported where local government development authorities provided the mobs with bulldozers. The government run television blanked out this whole episode, but the print media covered each event as it occurred. In Bangladesh temples were also destroyed but the press was totally suppressed. One positive aspect: when this incident took place the Bangkok PP21 meeting was in progress. Together and without any dissension, the members signed a document condemning the act and presented it to the Indian Embassy.

Democracy, or at least the democracy model we have been working with, has proved wanting. Weaker members of society, those who do not have the political clout to ensure their voices are heard: women, the poor, indigenous people, children, are continually pushed to the fringes. Before a person can be ensured of his/her rights does he/she have to seek representation?

The control of resources was seen by all as a key issue. It was pointed out that we should refer to traditional knowledge as one of the means of attaining sustainability in life styles.

"The state has failed", opined a participant at the Kathmandu PP21 meeting. Twice the SAARC meeting that was to be held in Dhaka has been postponed. It is proposed that a People's SAARC be formed. At the same time, PP21 envisions a more positively political role for itself in the future. A successful experiment was reported from India in which people had written their own manifesto and put up their own candidate for local government. It was felt that while NGO's emphasized the importance of political education they had nothing concrete to offer to potential voters beyond this point. The question "where do we see the beginning and end of our participation?" was asked.

The scope for an effective regional group, which was collectivist rather than elitist, was seen.

Along with an alternative form of government, it was suggested that an alternative means of communication be created to fill the gaps in our knowledge and understanding of each other. It was noted that we lack the skills for putting a mechanism of this kind together and that this should be rectified by a series of workshops on fact finding.

"The judicial process has not been able to intervene for the people" was the comment made by a speaker. In a number of our countries the judiciary has been used to legitimize unjust rules. In the process it has lost its credibility. If the judiciary is to play its proper role it is imperative that we ensure it is free.

Report of the Sub-Groups

To facilitate the procedure, the meeting was divided into various sub-groups. The report and concern of the Sub-Groups follow:

Communal Violence and Religious Fundamentalism

1. South Asian convention for peace at Dhaka, from 11-14 April
2. Rapid media network
3. Mechanism for fact finding
4. Clearing house be designated for the collection and distribution of literature, songs, and posters promoting unity
5. Exchange programs with activists
6. Establishing South Asia news agency
7. Progressive interpretations of religion

Structural Adjustment

1. Team made to identify linkage groups in different countries
2. Learn from and support existing national groups
3. State has a role to play in education and communication. These two sectors should not be privatized.
4. Work on forming a South Asian common market.

Environment

1. Identify already working groups
2. Small meetings to ascertain people's opinions on issue such as rivers
3. Meeting next year on big dams
4. SAFAN and ACFOD raise money
5. Support move for sustainable agriculture-share information on critique of green revolution.
6. Meeting on bio-diversity and seed banks
7. Prepare national directories, i.e. who are doing work on bio-diversity
8. Get back control to people and land, rivers — work with existing groups
9. Mono cultural forests vs tribal culture rights. Maybe organize South Asia meeting on documentation of people's knowledge.
10. How industry creating environmental pollution. OSLON and PRIA to co-ordinate.
11. Environment from women's perspective.
12. Health
13. Vehicle pollution

Indigenous People

1. Question UN definition of indigenous people
2. Tribunal on indigenous people. Documentation from this to be presented to SAARC
3. Identifying groups in each country who work for indigenous people and a sharing of this knowledge.

Nuclearisation and Increased Militarisation

1. South Asia level seminar in Calcutta
2. Anti-armament rallies
3. Documentation on militarisation
4. Call for de-nuclearisation of world

HUMAN RIGHTS IN ASIA : THE STRUGGLE FOR HUMAN DIGNITY

(A Summary of the Asian NGO Statement)

The World Conference Human Rights, organized by the UN Centre for Human Rights, is going to be held in Vienna, Austria in June 1993.

This Conference which is a meeting of heads of government will be open to participation by NGOs

with consultative status with the UN. We are keen that NGOs which do not have consultative status, particularly national level NGOs, should also take this opportunity to present their views on the human rights struggle in different parts of the world.

It is important that Asian NGOs in particular make a meaningful contribution to the World Conference. After all, Asia is where the majority of the human race lives. There are millions and millions of Asians who do not enjoy the most basic human rights. There are, besides, human rights issues confronting our people which are in some ways unique to our continent. Given our present situation, our past history and our religious and cultural traditions, we should try to develop a wholistic, integrated vision of human rights. Such a vision is vital for further strengthening the promotion and protection of human rights.

It is with this goal in mind that some of the human rights activists who attended a human rights meeting in Osaka in June 1992 decided to draft a statement expressing concerns on the human rights situation in Asia today.

The 161 Non-Governmental Organizations (NGOs) in Asia commend the United Nations for organizing a World Conference on Human Rights to be held in Vienna in June 1993.

The World Conference will be an occasion to re-affirm humanity's commitment to the values and principles embodied in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other such covenants and declarations which seek to protect and promote the dignity of the human being.

It will also be an occasion to reiterate that human rights are indivisible and interdependent and therefore need to be pursued in a wholistic manner.

Summary

"Human Rights in Asia: The Struggle for Human Dignity" calls for a wholistic, integrated approach to human rights. Economic, social and cultural rights

should be given as much attention as civil and political rights. If individual rights are important, so are collective rights. Human rights within the international system should be given equal emphasis to human rights within a nation state.

In Asia, poverty, exploitation, environmental degradation, elite-oriented development, authoritarians, militarism and communalism, among other factors, affect human rights adversely. Domination and control of humankind by a handful of political elites and corporations located in the North has also affected the rights human rights in the South.

After serious reflections on the human rights situation in Asia, the statement makes a number of recommendations to the World Conference on Human Rights. It wants the World Conference to persuade Asian Governments to rectify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its optional protocols among other United Nations Conventions. At the same time, it urges Asian governments "to revoke laws and eliminate policies which are detrimental to the full realization of the economic, social, cultural, civil and political rights of their people". It also suggests that Asian governments "should take immediate steps to establish a regional interim governmental mechanism for the promotion and protection of human rights".

The statement wants "major industrial powers and important lending agencies in the North to write off the external debts of chronically poor nations in the South" so that their people will "have a better chance of enjoying some of their basic rights as human beings". It is significant that the statement calls for the abolition of the veto and permanent membership within the Security Council, in the interest of democracy in global politics. It also recognizes the importance of strengthening the powers of the UN General Assembly in matters pertaining to international security, politics and economics since the General Assembly is the institution which represents all nations and peoples.

The statement notes in conclusion that "the values and principles which have inspired the rights of the human being are very much a part of the illustrious moral and

spiritual traditions of the continent" and for that reason, Asia should, as it enters the 21st Century, "fulfil its destiny by ensuring the triumph of human rights and human dignity".

Contd. from pg. 26

At the same time, the Sri Lankan government has taken no steps to implement several of the assurances made by its representatives before the 48th session of the UN Human Rights Commission in Geneva in February 1992.

For example, no steps have been taken towards the establishment of a Human Rights Commission; nor has the Special Rapporteur on Summary and Arbitrary Executions visited Sri Lanka.

It, therefore, becomes more imperative that the human rights situation in Sri Lanka continues to receive concentrated and keen attention in the forthcoming months.

It is in this context, then, that all those concerned about the human rights situation in Sri Lanka should consider the strategy to be followed in the forthcoming year in order to bring about a genuine improvement in the conditions prevailing within the country so that democratic processes could be nurtured and the human rights and freedom enshrined in the Sri Lankan Constitution become truly viable for each and every Sri Lankan.

[Source: INFORM]



SOUTH ASIA : HUMAN RIGHTS SITUATION REPORT

BANGLADESH

1992 Situation in Brief

The year 1992 has passed, keeping us full of marvelous memories and graces in our day-to-day life. Among major human rights incidents occurring this year are:

1. Logong massacre on 10 April in Khagrachari Hill District (550 houses burned, hundreds claimed by the tribal to have been killed).
2. Rangamati atrocity on 30 March (four people killed and about a hundred houses burned to ashes).
3. Kawkhali Buddhist Temple attacked on 20 May and one monk injured.
4. On 21 June another attack on the tribal people in Rangamati by the Bengali settlers, their houses burned and thousands of tribal rendered homeless.
5. On 12 November another attack on the tribal when they were going to attend a meeting in Dighinala (one was killed and 35 injured, eight of the seriously).

Hundreds of tribal men have been detained and kept behind bars for some years. Many have been tortured severely by the army. Many have been put in jail on false charges against them for alleged anti-government activities and creating agitation.

The government, on the other hand, expressed good will to solve the long-standing problems in the Chittagong Hill Tracts. The government appointed a one-judge committee after the Logang massacre, which submitted its report on 20 August, which was published in the press on 8 October. This can be called an eyewash 20-page report. Despite various questions, objections and comments from various sources the government is silent about the acceptability of the report.

On 10 September the Shanti Bahini (guerilla fighters) unanimously called for a 3-month cease-fire in the Hill Districts, which they extended until 31 December.

On 10 August a 9-member parliamentary committee was appointed by the government to initiate peace talks with the Shanti Bahini and suggest recommendations to the government for a peaceful solution of the problems. On 5 November the first "peace talk" was held, but follow-up talk is yet to be decided.

The other major incident was an attack by police on several journalists on 21 June. The report of the investigation committee made by the government has been published but without disclosing the main agitator.

[By Rosaline Costa, Justice & Peace Commission].

BHUTAN

Present Situation

Responding to the changing time, the people in various countries living under the dictatorial regimes started striving for greater freedom in their homeland. Eventually, the struggle for democracy and human rights became the order of the day. In mid-1980s when the waves of democracy and human rights started rolling from country to country and nation to nation, many dictators and autocrats were forced to relinquish their power and submit to the will of the people. Gradually, as the dictators in different parts of the world started meeting their downfall, the needles of insecurity began to prick the hearts of elite in Thimphu, Bhutan. Due to the sheer greed for power and the luxury embedded in it, these elites started to storm their brains to bring forth ideas to safeguard their feudalistic system of government.

Ultimately, the Royal Government of Bhutan came out with the strategy of Divide and Rule, whereafter they started planting fear psychosis and fanning distrust

amongst the diverse ethnic groups in Bhutan. Their plan of action consisted mainly of two elements: (1) nationality issue and (2) one people, one national policy.

As the pulse of hope of reconciliation started dying down, the victims of violation of human rights eventually lost faith in the royal government of Bhutan. During mid-September 1990, peaceful rallies were organized along the whole southern belt, which unfortunately ended up in police and army firings and tragic death of a few freedom fighters. Thereafter, for the Royal Government, arbitrary arrest, torture, rape, demolition of houses, arson, plundering of public properties, economic blockade, and confiscation of Citizenship Cards became the order of the day.

Till to date, under different pretexts, the Royal Government of Bhutan continues to evict Southern Bhutanese from their homeland. At present, the population figure has crossed 100,000. They are sheltered in the 6 refugee camps in eastern Nepal.

Location	No of Refugee
Jhapa District	
Timai	7,900
Goldhap	13,400
Beldangi I	14,500
Beldangi II	21,000
Beldangi II Extension	9,600
Morang District	
Pathri	16,500
Outside Refugee Camps	
In Nepal	10,000
In India	20,000

Government Stand

The Citizenship Act of 1985 came into force on June 10, 1985. In the very first month of 1988, the government ordered the Registration Department to

undertake a very strict census exercise, specifically in the South. To begin with the census team prepared different types of Form. Unlike the past years, the census team in 1988 acted differently and very rude. They started making unusual demand, such as the evidence of residence, the tax receipt of 1958 and categorizing people accordingly. In many instances, when the people were not able to produce the evidence of residence, the census team started confiscating citizenship identity cards that were issued in 1985 by the government.

Till now the Royal Government of Bhutan has not changed its stand on the nationality issue. Adhering to the citizenship act of 1985, where the cut-off year was kept as 1958, the Royal Government continues to evict people who cannot produce the "evidence of residence", i.e. the tax receipt of 1958.

During the second half of 1988, the government busied itself in materializing its racist policy — the policy of "one people one nation". Effecting this policy, the government banned "cultural pluralism" and rigorously imposed the dress, language, culture, tradition and religion of the ruling community — the Drukpas.

The Royal Government of Bhutan continues to impose fine and imprison the people who violate dress regulation. As per the Home Minister's directives sent to all the districts in 1991, the district officers continue to dictate and ensure the adherence to the codes of Driglam Namza by one and all.

During the 71st session of the National Assembly the Foreign Minister Dawa Tshering informed the Assembly that the United Nations High Commissioner for Refugees had said that Bhutan should be prepared to take back genuine Bhutanese nationals who had left the country. To this, all the assembly members, expressing their views, opposed the repatriation of any Bhutanese refugees from Nepal. Assuring the members, His Majesty said that, in case UN or other international organizations urge Bhutan to take back the Bhutanese refugees, no decision on the matter would be taken without first consulting the National Assembly. However the final decision of the National Assembly was opposed to the repatriation of the Bhutanese refugees from Nepal.

Nepalese NGOs Concern

A joint delegation of human rights organizations (INSEC, INHURED, HURON, FOPHUR, CVICT and Bhutan Support Group) called on Prime Minister Girija P. Koirala and urged him to present before the current 49th session of the United Nations Human Rights Commission the problems of Bhutanese refugees and related matters along with the point of view of HMG.

The Prime Minister expressing his support for the delegation's stand said he would take the matter up with the King of Bhutan at the forthcoming SAARC Summit. If there was no conclusive outcome there, he would hold talks with the Indian Prime Minister, and if that too led to no solution then HMG would definitely take the problem to the United Nations, he added.

The delegation also urged HMG to ratify the Geneva conventions pertaining to international law on human rights and their optional protocols as well as international documents concerning refugees.

ICRC Visits Bhutan

The International Committee of the Red Cross (ICRC) has made its first visit to prisons in the Himalayan Kingdom of Bhutan and met political detainees, it is learnt according to a newspaper report.

David Delapraz of ICRC said that 188 people accused of "anti-national" activities are currently held in the central prison in Thimphu and a new prison at Chamgan, 20 km south of the capital.

Delapraz said the ICRC delegation which toured the prisons last month was allowed to carry out their visits "in normal conditions". He said they were allowed to talk to any prisoner they wanted to in private and note names.

INDIA

Kashmir: The Sopore Massacre

Introduction

The town of Sopore is not too well known outside the Kashmir valley. Not having been on the tourist map, it

is a ramshackle collection of buildings of brick and mortar that you drive through in a hurry. 50 km of what passes off as a road from the state capital, Srinagar, its only claim to fame is that it is the apple capital of Kashmir. In the past, along with the tourist trade, it was the apple trade that was the mainstay of the valley's economy. Situated north-west of Srinagar, it has become the second most densely populated town in the valley. The 1981 census reveals that Sopore town's population was: Males-17,918; Females-15,666. It is presently understood to be a little over 70,000.

The present incident is the second major incident within a year involving arson, vandalism and indiscriminate killings by the Border Security Force (BSF) in Sopore. On the 13 April 1992, 13 people had been shot dead by the BSF. There had been an incident that morning at approximately 7 am where BSF jawans (soldiers) were shot at by armed opposition members, a little after noon that day, BSF vehicles entered the town and started firing indiscriminately.

The massacre of innocent townsfolk on the 6 January 1993 by the 94th battalion of the BSF was unwarranted, excessive and clearly one more pointer that para-military forces operating in the Kashmir valley view the civilian population as the enemy and by implication fair target. It also focusses attention to the poorly trained and badly officered para-military forces in the country.

The Political Fallout

The latest massacre in Sopore on January 6, 1993 has put pause at least for a while to any efforts at attempting to take the first incipient steps to open a political dialogue with those exposing the cause of Kashmiri self-determination. It was obvious that the Indian counter insurgency experts led by the Governor of Kashmir, Mr G.C. Saxena, were engaged in making careful and well-planned efforts to cobble together the semblance of democratic functioning, meant to ally international concerns.

An important component of any counter insurgency strategy is the strangulation of the economic bases of the community that support the insurgency. Contrary to popular belief, it has not been tourism but agriculture

and horticulture that have been the mainstay of the Kashmiri economy. While industry and trade suffered due to the non-availability of normal banking channels, the apple trade thrived, thanks to its dependence on traditional informal financial arrangements common to much of the trade in agricultural produce across South Asia. Sopore is without doubt the Hizbul Mujahadeen (an armed opposition group in favour of Kashmir's merger with Pakistan) redoubt. The influence of the Jamiat is all pervasive. It is possible that the repeated attacks on the civilian population are to intimidate them and get them to deny the armed opposition the acceptance that they presently seem to enjoy. Sopore itself has been the scene of 14 major and minor incidents of arson and indiscriminate firing in the last three years.

The destruction of the Babri Mosque by Hindu activists with apparent official complicity sounded the death knell of Indian secularism to the Kashmiri. It also put pause to the efforts of a section of the Indian Government to involve the secular or non-fundamentalist armed opposition groups in the valley in a dialogue for the immediate future.

That some of the minor armed groups that have mushroomed in Kashmir are creations of Indian or Pakistani intelligence or heavily infiltrated by New Delhi or Islamabad's sleuths is beyond doubt. Some of these groups are classic examples of creating counter guerilla groups, an inherent part of any effective counter insurgency program. Other minor groups are part of the process of splintering that is inherent in a situation where armed opposition is aware that the politics of the gun has its parameters in any political process. While they have not become bandit, it remains to be seen whether the Jammu and Kashmir Liberation Front (JKLF) and the Hizbul Mujahadeen (HM), the major groups, fast acquiring the contours of quasi-governmental entities will be able to rein in these new free-booters.

In this context it is essential that International Committee of the Red Cross (ICRC) be allowed access to the Kashmir valley. Only they could bring home to the armed opposition their responsibilities under international humanitarian law.

The Indian government's initial response to the massacre has also been a welcome change from its previous attempts to explain away human rights violations at the altar of national security. However, it remains to be seen as to whether the spate of inquiries ordered will actually result in conviction of the grim reapers in uniform.

The Massacre

According to eye witnesses interviewed in Sopore by SAHRDC, members of an armed opposition group, the Hizbul Mujahadeen, opposed to India attacked a patrol of the BSF. The attack took place between 9:30 am and 10:00 am on the morning of January 6, 1993. Two soldiers of the BSF were injured, when they were fired upon. One of them, Mr Arvind Pandey, who was hurt seriously, later succumbed to his wounds.

The attack on the soldiers was provocation enough for their fellow soldiers from the 94th battalion of the BSF to literally go berserk. It is self-evident that the Indian soldier operates under great strain and stress in Kashmir. Faced with a hostile population, with little opportunity for social interaction with the local community he has become even more brutalized.

Eye witnesses said that the BSF soldiers came out of their camps around Sopore and went on a spree of murder and mayhem. The rampage and killings that started a little after 10:00 am continued upto 3:00 pm that afternoon. SAHRDC was able to see over 200 structures burnt to cinders. These included shops, private residential houses and buildings belonging to the townsfolk. SAHRDC was able to obtain affidavits stating that BSF jawans allegedly threw pieces of rag dipped in kerosene and/or petrol to set the structures ablaze. Most of the shops in the chowk (main town square) area were burning by noon. Flames and thick clouds covered most of the town area until late in the evening.

It is reported that fire fighting tenders were rushed to Sopore from various parts of Srinagar and Baramullah districts. However, they were reportedly not allowed to combat the flames by the BSF until well after 3:00 pm.

According to one police official who did not want to be identified, 43 bodies had been identified while two were yet to be identified or claimed by relatives. 13 individuals were still missing. It was felt that once the debris was cleared the possibility of recovery of further bodies could not be ruled out.

The Government Response

The government for the first time has publicly acknowledged that the BSF had been engaged in human rights violations in Sopore. It hopes that the shift is not episodic and marks the beginning of greater accountability to constitutional processes on the part of the armed forces. The Governor of Kashmir, Mr C. Saxena visited Sopore on January 7. He was reportedly accompanied by Lt. General M.A. Zaki, his advisor on Law and Order, Mr T. Anantachari, Director of the BSF and Mr B.S. Bedi, the Director General of the Jammu and Kashmir state police. The Kashmir Times of January 9, 1993 quotes the Governor saying, "bullets in large number have been fired and innocent people have been killed and property worth crores of rupees was destroyed". He is reported to have said that an inquiry had been ordered to fix responsibility and those found guilty would be punished. In a special broadcast on Radio Kashmir that evening said that the incident had taken place in the backdrop of heavy exchange of fire between the security forces and the militants. Mr B.S. Bedi speaking earlier that morning in Sopore told reporters that the burning of passengers in the bus and light vehicles was unfortunate. He said, "We will take stern action against those found guilty of firing and arson incidents".

The Inquiry

The state government has been tying itself in knots over the issue of an inquiry into the massacre in Sopore. The official spokesperson of the Government of Jammu and Kashmir speaking in New Delhi on January 8, 1993 said that a "thorough" inquiry would be conducted by a responsible and independent authority. He stated that a parallel BSF staff inquiry had been ordered under the BSF Act. On January 15, when SAHRDC met the state government officials in Srinagar, it was informed that a Crime Branch inquiry headed by a Superintendent of Police of the Jammu

and Kashmir police had been ordered. SAHRDC was informed that the BSF had also initiated an inquiry under the BSF Act by a DIG, one Mr Gill. On January 9, 1993, the state government instituted a judicial inquiry by a sitting judge of the Jammu and Kashmir High Court. On January 30, 1993, the government announced that Mr Justice Amar Singh Chaudhary, a sitting judge of the Punjab and Haryana High Court would conduct the inquiry. At the time of the writing this report, the government has yet to make public the terms of reference of the inquiry. Replying to an interviewer on ZEE television, on 23 January 1993, the Governor of Kashmir announced that the Central Bureau of Investigation (CBI) had been asked to conduct an inquiry. A senior Union Home Ministry official confirmed the CBI inquiry and mentioned that the Commandant of the BSF battalion had also been placed under suspension. However, experience of inquiries in the past evoked little confidence.

[Source: South Asia Human Rights Documentation Centre (SAHRDC)]

NEPAL

JAIL SITUATION IN NEPAL

There are prisons in 72 out of 75 administrative districts of Nepal. There are more than 6,000 male and 500 female prisoners in the country, according to the Prison Department. The Prison Improvement Committee, formed during the period of interim government, reports, "We inspected 49 prisons of the country. We did not find them properly managed and all were below standard. Due to the lack of maintenance, all jails are not suitable to live if we respect human value", says Mr Dhakal, secretary of Prison Department. We know the condition of our prisons is so worse and food and facilities that we provide them are not sufficient; we talked to Ministry of Finance, but of no avail. We are not being able to maintain the physical structure of prisons. Walls and roofs are so old that they can fall down any time. But Dhakal says, "We don't have sufficient budget to maintain them". The following findings are based on the report prepared by INSEC volunteers who visited various jails of Nepal. Based on the general observation of Nepalese prisons, the standards are far below UN provisions.

General Observation

Most of the prisons are occupied more than their physical capacity. They have no open space to walk around for prisoners. In some places prisoners use to cook their food outside (in an open area).

Lack of Drinking Water: Prisons at Nuwakot and other places are not facilitated with drinking water. Prisoners have go out one by one with their leader to fetch drinking water.

Dark and Cold Rooms: Most of the prisons are old and not properly maintained. They are provided with no Windows and ventilation; no sun light can enter the room. Floors are paved with soil.

Badly Managed Utilities: There are not even separate toilets for males and females. In some places, a corner of wall is used as a toilet. No water is made available in toilet. Jajarkot prison has a toilet, but administrative officials use it. Prisoners have to go to a corner lying outside.

Lack of Health Care: There are hundreds of ill prisoners in the jails located in remote area. They have not been receiving any check-up by doctors. Many of them have been suffering from TB and some from other serious diseases. There are provisions of doctors in some prisons, but they do not come to check-up regularly. One of the prisoners even committed suicide due to lack of proper treatment.

No Entertainment Facilities: Most of the prisons have the same condition. Prisoners are not provided entertainment facilities. In some prisons, prisoners themselves bring chess and caromboard and in some places the officials have provided these facilities to prisoners.

No Education Facilities: The prisons of Nepal have not improved. We found so many prisoners who want to receive education. But there is no such facility. The children of the prisoners are deprived of basic education, especially those children who are helpless and living with their parents in the jail.

III Treatment by the Authority: In some jails prisoners are severely tortured by the authority (eg. in Baglung

prison). They are cheated in ration by authority and suppliers. Some prisoners are kept in nails within their cell. There is a small budget for newspapers, but prisoners are not able to use this facility. Provision of medicine to prisoners is not used properly by authority. There are no proper health care and medicine. During inspection of Palpa jail, INSEC representatives saw a prisoner badly beaten by prison authority. His broken hand was not cured even after his release. Prisoners are ordered for maintenance free of charge. In Dailekh Jail, drunken police beat prisoners in December, 1992.

Mixture of Prisoners: Political prisoners and prisoners of criminal cases are kept together. In some prisons, there do not exist separate cells for males and females. Mentally ill prisoners are kept together with other prisoners. Generally, there is no sufficient prison for women. Mentally ill women are kept with others. There are 117 prisoners in Women Prison of Kathmandu; of them 50 are said to be mad. One of the serious matters is that most of the so-called mad women are not really mad. Their husband hate them and they are certified as mentally ill by bribing the doctor. (source: Prachi, INSEC bi-monthly; Nepali publication.

SRI LANKA

REVIEW OF THE HUMAN RIGHTS SITUATION IN 1992

Introduction

The year 1992 has gone on record as one in which human rights situation in Sri Lanka saw 'improvement', according to government sources; however, these 'improvements' have taken place only in certain areas of concern, while blatant violations of the fundamental, democratic and civil rights of the Sri Lankan people have proceeded a pace in certain other spheres.

The Sri Lanka government's image has been greatly enhanced by the reduction in the number of 'disappearances' in the country as a whole, for example. Bringing a figure down from 40,000 to 400 is certainly a remarkable feat; however, when one looks at the pattern of occurrence of 'disappearances' in relation to the counter-subversive war being carried on by the

state, then one sees that the reduction of the numbers of 'disappearance' is directly linked to a reduction in the intensity of an open and militarized conflict in a particular geographic area, and not so much due to any conscious effort on the part of state authorities to do away with the mechanisms that permit 'disappearances' to occur.

Violations of the rights of persons taken into custody and detained under the Prevention of Terrorism Act and the Emergency Regulations have continued; in 1992, detainees continued to file cases before the Supreme Court alleging illegal detention and torture.

The intimidation and harassment of members and activists of opposition political parties as well as attacks on journalists, media personnel, printers, printing presses and newspaper distributors have served as major constraints on the freedom of opinion and expression which are cornerstones of democratic praxis in any country.

Attempts by groups of workers, both in the state as well as in the private sector, to agitate for their rights, for higher wages and other benefits, have been suppressed by use of force and by legislation hastily promulgated under cover of emergency.

In general, the continuation of the state of emergency in effect renders the parliament, which is the elected body of representatives of the people, an ineffectual institution; thus, major legislation may be enacted without any debate or discussion. In the same way, the Prevention of Terrorism Act (PTA), which takes away basic rights of persons taken into custody continues to be a valid piece of legislation.

In the circumstances, space continue to be available not only for arbitrary arrest and detention and abuse of detainees but also for the creation of a general atmosphere of intimidation and terror in which speaking up for one's rights may well be fatal.

The Ethnic Conflict

The on-going war in the north-east and the heightening of tensions between the different communities living in the country continue to the cause of violations of a

large number of democratic rights not only of citizens in the parts of the country directly affected by the war but also of citizens living throughout the island.

The situation of persons who have been internally displaced as a result of the ethnic conflict, as well as the situation of those who are living outside Sri Lanka as 'refugees' also presents a set of complex problems related to human rights.

The repatriation of Sri Lanka Tamil refugees from South India in 1992 has added yet another dimension to this problem.

Non-state groups, especially those involved in active and military confrontation with the state, continue to violate the rights of the people, resorting to threats, physical violence and murder for their own political ends.

It is more clear now than ever before that a lasting and peaceful solution to the ethnic conflict is an absolute pre-requisite for the creation of a climate within which respect for human rights can be affirmed. However, although there were many motions of reaching out for a resumption of negotiations at different points throughout the year 1992, by December, those who advocated a hard military approach to the ethnic conflict seemed once more to have gained ascendancy within the government as well as outside it, the Sri Lankans were left with little hope for a peaceful solution to the conflict in the coming year.

Militarisation and Violence

The continuing conflict has also led to the rapid militarisation of Sri Lankan society, with the inevitable consequences of growing crime and violence in all sectors of society; the steep rise of violence against women is of particular concern in this regard.

The state distributed arms to politicians for use in self-defense in the year 1988-89; in more recent years, repeated appeals for the return of these weapons have fallen on deaf ears. It is difficult to estimate the number of weapons in the hands of unauthorized persons; what is certain is that the existence of such a situation is also conducive to violence and to the violation of human rights.

The preponderance of violence and the situation in which those who wield power, particularly those in the security services, can abuse and misuse their position, are borne out by the large numbers of police and army personnel who are presently being tried on criminal charges, from murder and rape to theft and extortion.

The fact that Provincial Council elections due to be held from late July 1993 onwards calls for even closer perusal of the situation in the country. Certain fundamental principles of democratic practice, such as the freedom of opinion and expression and the freedom of association need to be affirmed if free and fair elections are to be held. It is impossible to expect free and fair elections in a climate of violence and intimidation.

The Ideology of Human Rights

The controversy over the concept of human rights continues to be disturbing in the circumstances. The Sri Lankan government in the past year has made several strong statements arguing that human rights are primarily an internal matter and protesting against the linking of aid with human rights issues; at the Summit meeting of the Non-Aligned Movement in Indonesia in September, Sri Lanka joined Indonesia and India in affirming this position.

The definition of human rights as a 'Western' concept and therefore alien to Sri Lanka as well as the denunciation of attempts by donor countries to put pressure on the state on human rights issues as interference in the sovereignty of Sri Lanka contribute to create and build public opinion that looks at those who raise the issue of human rights both within the country and outside as persons hostile to Sri Lanka.

The attempt to divide the human rights issue and assert the primacy of economic, social and cultural needs over civil and political ones is also a dangerous tendency.

International Concern

The human rights situation in Sri Lanka has continued to concern human rights groups and organizations both in Sri Lanka and abroad during 1992.

In January 1992, a Fact-Finding Mission from Canada visited the island, and published a comprehensive report of their findings in April.

The UN Working Group on Enforced and Involuntary Disappearances presented its report on its visit to Sri Lanka to the 48th session of the UN Commission on Human Rights in February 1992 (Doc. E/CN.4/1992/18/Add.1). This report contained 14 specific recommendations to the Sri Lankan government.

Amnesty International also presented their report on Sri Lanka to the government, along with 32 very specific recommendations on how the situation could best be improved. The Sri Lankan government publicly announced its acceptance of 30 of these recommendations.

Among other groups that have focused their attention on Sri Lanka in the past year are Asia Watch, Article 19, the Committee to Protect Journalists, the International Commission of Jurists.

The UN Working Group on Disappearances made an unprecedented return visit to Sri Lanka in October 1992 to assess the implementation of their recommendations, most of which had been accepted by the government. Their report is expected to be out in February 1993.

Amnesty International too mounted a mission to Sri Lanka in October/November 1992. Their report too is due to be released in February 1993.

The State Response

In the face of extensive criticism from the international community — particularly donor countries — as regards its human rights record, and in response to the recommendations made by Amnesty International and the UN Working Group in Disappearances, the Sri Lankan government has instituted various mechanism to meet these criticisms.

From an examination of their work over the last year, we are convinced that these are largely cosmetic and image-building efforts, particularly because the government has made no serious effort to dismantle those structures that most contribute to violations.

(Contd. on page: 18)

INSEC ACTIVITIES

Victims Forum for Women : Listening to the Forgotten

(February 12-16, 1993)

Recently, INSEC organized a "Victims Forum for Women" on February 12-16, 1993, in Nepalgunj, far-west Nepal. On the platform victimized women of different sectors spoke out their problems and sufferings. The stories told by the victimized women and the proceeding of the meeting is given below:

"As milk-feeding my one-year old daughter, sitting in front of the mirror. It was dawn. I saw my husband in the mirror raising a Khukuri (traditional knife) and was about to blow-off my head. I tried to save the neck. In a minute one of my hand was on the floor and another one was attached with rest portion only with skin. The doctor cut that too. At present I am with two-year old daughter with no financial support and hands", said Seeta Devi Lamichane aged 20, from Parbat district in Victim forum. She was representing the victimized women owing to domestic violence.

In a week-long program victimized women owing to different social systems and customs were present. Each woman has her own sad story to tell quite uniquely but fundamentally same with that of her friend. She may be a victim of Jari system or development process, she was to sufferer for being a woman. Shanti Zirel, a carpet weaver, said, "We are deprived of social security. We have to face the co-workers teasing, sexual jokes and sexual abuse, even the police and military men make a labour girl pregnant and leave her there to rot".

According to the schedule the program started on 12 Feb with the arrival of the victims from different parts of the country. On 14 February the welcome speech was made by Sushil Pyakurel, the Coordinator of INSEC. He explained the need and objectives of the Victims' Forum. The major objectives are:

1. To find out the effectiveness of NGOs and INGOs programs in those sectors through the eyes of the victims.
2. To make victims realize their victimized position and the way out they thin of.
3. To bring out the hidden victimizing system and oppression upon women so that they will get wide coverage in press.
4. To motivate local NGOs to undertake action program in those sectors.

In Victims' Forum sixteen victimized women of different sectors were there to tell about their sufferings and remedies. The women were from different districts representing the different issues. Those were:

1. Carpet weavers
2. Cement factory area residents



3. Trafficked women
4. Badeni
5. Bonded women
6. Political Victims
7. Jari
8. Family violence *

Besides them NGOs, INGOs, social activists and press people were present. Altogether the participants were more than 42. The victims were taken for an exposure trip on 13 Feb. to the landless evacuated village, Kanara in Bardiya district. Kanara, the village of bonded labour is situated 20m away from the river bank. The victimized women of other sectors shared their stories with them. Three women came from Kanara to Victims' Forum representing Bonded Labour issue. In the evening they were shown social films. Our aim is to make them more expressive and friendly. On 14 Feb. the formal program was started. After introduction of participants, viz around 30 the program proceeded for case studies. Each victimized women told her story and observers tried to pull out of them. The victims were crying while telling their stories. The environment in the program hall was sad and pathetic. The victims said "we are asked to share our sorrows for the first time". After each case study other participants were allowed to express their views and reaction.

On the third day, 15 February the four groups were formed. Before the Group discussion the Director of Women Training Center and an active women activist took half an hour class on women and Development. The groups were:

1. Group First
 - a. Political Victims
 - b. Family violence
2. Group Second
 - a. Carpet weavers
 - b. Jari
2. Group Third
 - a. Bonded Women
 - b. Cement Factory Area Residents

4. Group Fourth

- a. Trafficked Women
- b. Badeni

In each group the victims of related issues, a monitor, a reporter and some observers were together. The Group monitor and a reporter were motivated to find out from the victims:

- Their attitude towards their victimized position.
- The kind of program they want.
- Program both in long and short-term perspectives.
- The further need of this kind of Forum.

On the second half of the day the findings of the group discussions were presented. After brief description of the program and its flow the reports were presented by the monitors. They pointed out income generating and awareness raising programs as long-term programs and immediate relief for Badenis and Family violence victims. Some participating NGOs expressed their commitment and enthusiasm to work on specific issues. Sushil Pyakurel, Coordinator, shed light on Victims' Forum and stated that INSEC would organize a meeting of the participating NGOs in Kathmandu for detailed discussion of the action program. The need of this kind of Forum was strongly expressed by victims and other participants. The last part of the day was allotted to press people and other late arrival to talk with victims personally.

The Victims' Forum is the beginning to listen to the stories of the forgotten. All victimized women present on the Forum are part of the organized exploitation by the society but are discussed less. A trafficked girl or a Bonded women; why they are to suffer for the benefit of few. Why does no-body speak about their basic right to life?

* under family violence a girl of 20 years participated. Her husband has cut both of her hands (below wrist). She has a two-year old daughter.

One Year of Human Rights Education in Nepal

In 1990, the dawn of democracy in Nepal by overthrowing the dictatorial system, opened a new dimension in every walk of life to start and establish a civilized culture. The movement was launched for the establishment of multiparty system and human rights. After the success of movement, the responsibility to institutionalize democracy came to people too. First step to institutionalize democracy is to make people aware of rights and duties as visualized by Informal Sector Service Centre (INSEC). Considering the above mentioned fact, INSEC launched a multi-phased awareness raising program such as opinion creation in favour of democratic constitution. Voters education and election observation are the previous phases to start this human rights and social awareness program.

At present it is about one year of experience and achievement on it to make rural masses aware of their human and constitutional rights.

Human rights awareness is not simply to know about UN Declaration but also to understand the social custom as well as the daily practices of people in society.

The program was launched at different levels and on different subjects throughout the year. It was divided into the following groups:

1. Movement for Human Rights and Democracy, 2046

To introduce the human rights awareness program through talk program, symposium, debate as well as group discussion with rural masses, it had to choose the subject on movement of human rights and democracy-2046 in Nepal. At the same time different pictorial books, leaflets and books were displayed and described by local volunteers trained by INSEC

2. Human Rights Active Groups Formed

To materialize the awareness program as a continuous movement by the general masses, especially in rural area, INSEC volunteers encouraged to form different active groups in

villages as well as at district level. It has tremendous effect and people from different sectors came together and tried to find out real issues on human rights in their respective places. About 25 district active groups and 100 village awareness groups were formed and participated in different programs.

3. International Instruments (signed by Nepal), Nepalese Constitution.

International human rights instruments and Nepalese Constitution are even unknown to the law enforcement agency at district level. Though talk program, celebrating World Human Rights Day and conducting workshop seminars at district and village levels, rural masses, people's representatives, politicians, law enforcement agencies, school teachers, social workers and intellectuals participated and shared their views with each other. It had tremendous achievement to wipe out suspicious attitude towards human rights works by law enforcement agencies and vice-versa.

4. Girl Child Education, Health, Development, Environment

Posters and video films are the main medium to make rural masses aware of girl child education and health. Similarly, people's participation in village road construction, water supply and utilities in the respective places made them aware of these issues. Plantation and observe world environment day are other steps towards environmental awareness.

These main four programs were participated by rural masses, people's representatives, politicians and local law enforcement agencies, social workers, teachers, intellectuals, etc.

In general, "without conscious support and active involvement of the general masses of people, democracy cannot flourish and be sustained" the main theme of the program and dream of late Prakash Kaphley was explained showing its validity and relevance in the present context.

Bonded Labour

According to the recommendation of the research program on bonded labour, the first phase, INSEC is going to launch the second phase of program for the emancipation of bonded labour in Nepal. The second phase of the program includes a series of activities: to seek responses from the government on the issue, to work for the implementation of legislation, awareness raising activities among the Tharu community and masters of Kamaiya, etc.

Publication

1. Compilation of Human Rights Instruments signed by Nepal in Nepali language
2. A Pictorial on Universal Declaration of Human Rights

ACTIVITIES OF OTHER ORGANIZATIONS

SOUTH ASIA

LHRD, Sri Lanka

Lawyers for Human Rights and Development (LHRD) has been involved in human rights education activities from its inception. With its experience in the past in the sphere of human rights education, it has organized and planned its human rights education for the year 1993/94 in a manner in which it would reach maximum number of people and cover larger segment of society.

It has categorized its activities as human rights education and human rights awareness programs. It has also included some aspects of international law and instruments in its human rights education programs — workshops have been planned out at village level and also residential workshop to be conducted in the cities.

Human rights literature is used for groups who have good literacy level. Various teaching methods have been adopted for the awareness programs for ill-educated masses.

For the period 1993-94 it hopes to hold at least 30-40 workshops.

NEPAL

CWIN

Child Workers in Nepal Concerned Centre (CWIN) recently completed a survey on "Condition and Problem of Child Labour in Carpet Factories". Regarding the child labour in carpet factories, CWIN organized a three-day seminar on February 5, 8 and 9, 1993. During the seminar the survey report was presented. An intensive discussion was observed among the participants. The participants were from Trade Unions, Government Officials, NGO and INC representatives, Industrialists, Exporters, Importers, and Human Rights and Social Activists.

FOPHUR

Forum for the Protection of Human Rights (FOPHUR) organized a two-day seminar on "Human Rights in SAARC Countries". This seminar was organized in Janakpur on January 20-21, 1993. The seminar was also attended by the Chief Justice of India P.N. Bhagawati. Speaking on the seminar, Justice Bhagawati said that so long as they did not raise our voice for human rights, it would be impossible to improve the lot of other people. During the seminar a 2-minute silence was observed in honour of late Prakash Kaphley. Proposing to observe the silence Justice P.N. Bhagawati said about late Prakash Kaphley: "This meeting mourns the death of Prakash Kaphley, one of the great sons of Nepal and a fighter in the struggle for freedom not only for the people of Nepal but also for all the oppressed peoples of the SAARC region. His death is a great loss not only to Nepal but also to the entire SAARC region. May His soul rest in peace". Swami Agnivesh was also present on the occasion.

HURON

Human Rights Organization of Nepal (HURON) held its general meeting in Kathmandu from February 26, 1993. According to the decision of the general meeting, the central committee remained as it was. The central committee consists of 24 members headed by Mr Rishikesh Shah, President; Ms Parijat, Mr Birendra

Keshari Pokhrel and Mr Kapil Shrestha, Vice-Presidents; Dr Rajesh Gautam and Prakash Chandra Johsi, General Secretaries.

INHURED International

INHURED International is organizing the Asia-Pacific Conference on Human Rights in Bangkok, Thailand from 27-28 March 1993 prior to the Asia Regional Meeting of the Governments (March 29 - April 2, 1993) in preparation for the World Conference on Human Rights which is scheduled to be held from June 14-25, 1993, Vienna, Austria. More than 125 participants from Asia-Pacific region and many observers from around the world are expected to attend the Conference.

The Asia-Pacific Conference on Human Rights will address the following issues:

1. Women's Right as Human Rights: Struggle for Equality and Dignity
2. Children's Rights: Issues and Challenges
3. Rights of Workers and Labourers: Effects of Development Policies
4. Indigenous People, Ethnic and Other Minorities' Issues
5. The Right to Development as a Human Right

As a collective initiative, the Conference is cosponsored by Asia Cultural Forum on Development (ACFOD), Asia-Pacific Forum on Women, Law and Development (APWLD), Asian Women Human Rights Council (AWHRC), International Centre for Law in Development (ICLD). It is being hosted by dozens of human rights organization in Thailand.

WATCH

Women Acting Together for Change (WATCH), registered with the Chief District Office, Kathmandu and with Social Service National Coordination Council, is a non-profit, non-political, service oriented NGO. Activities of WATCH in brief are as follows:

1. Advocacy for Women's Rights: played an active role in terms of creating Women's Defence Pressure Group; collected 5000 signatures of

women from all over Nepal on "Violence Against Women is Human Rights Violations" to be submitted to UN Human Rights Conference; collecting signatures to show solidarity with "Comfort Girls" from Korea and elsewhere; raising issue regarding human rights of HIV+s, prostitutes and trafficking victims.

2. Awareness Raising about AIDS and Supporting HIV+ and Trafficking Victim Women.
3. Rural Development and Women's Organizing: WATCH first started its rural development activities in Chhaimale VDC in Kathmandu District mainly to train and learn through experience by its own staff and volunteers; it has initiated its activities in Devdah and Kerawani VDC of Rupendehi district; has started to plan developing literacy materials and process of real awareness raising.

OPPORTUNITY FOR SOUTHEAST ASIAN REFUGEE PRACTITIONERS

The Refugee Studies Program, with financial support of Ford Foundation, announces the participation of Southeast Asian refugee practitioners from Indonesia, Burma, Laos, Thailand and all ASEAN countries.

Government officials or senior practitioners with experience in refugee assistance programs, interested in writing up their experiences and using RSP's documentation centre and resources, and willing to share their experience through a lecture or informal talk, in-service course and/or seminars with RSP are invited to apply to periods of not less than one month.

Interested applicants should write, with CV, to:

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