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Criminalization in Politics

A Challenge to Human Rights and Democracy



insec round up

Editor's Note



informal
South Asian Solidarity

Year 1996 has now immersed in the pages of history leaving behind legacies of varied sorts. We need to endure all these pains and gains in the days ahead. In our experience 1996 could not pass through smoothly: it could not produce deserving records. While the UN was merrily observing the 50th anniversary of its founding, peoples were being killed for "being Maoists" and, simultaneously, under the banner of the "People's War". Why is human life so low-priced! Nara Nath Luitel shares his views (page 19) on why this human tragedy is occurring.

Authoritarianism does not listen to the voices of peoples, it does not care for their feelings and does not count their interests. Despots are excused because they are "barbarous" and "primitive". What is yet surprising is to see the champions of democracy turning into authoritarian. Within seven years of the entertainment of 'democracy' we are shamelessly mocking at this well-favoured system. Barbara Adams (page 7) analyses how.

It is quite uneasy to believe that criminals govern the people. But one needs to accept the truth sparkling in front of the eyes- that criminals grow out of power.

Human Rights Commission is a requisite in a democratic country for the objective observance of the situation of human rights. Nepalese parliament too has passed a bill on Human Rights Commission and has been consented by the king. But human rights experts doubt its independent functioning.

What INSEC really stands for! How it works for and with people at the grassroots to bring about changes in their lives and minds!! This issue of INFORMAL addresses these and other questions.

With New year greetings!!

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Criminalization of Politics:

A Challenge to Human Rights and Democracy



Informal Sector Service Centre (INSEC) organised an interaction programme entitled Criminalization of Politics on 31 December 1996 in Kathmandu. The programme was held central to the increasing untoward activities under the protection of political parties, specifically the ones which took place during the special session of the House of Representatives summoned to discuss the no-trust motion against the ruling coalition government.

Ministers and Members of the House of Representatives were cheated, abducted and intimidated by virtue of state power and money to defeat the opposition. Ministers holding key portfolios, namely, Prime Minister Sher Bahadur Deuba, Home Minister Khum Bahadur Khadka and Speaker to the House of Representatives Ram Chandra Poudel were allegedly involved in sponsoring these criminal activities.

Present on the occasion were senior personalities representing human rights organisations, political parties, journalists, senior academicians, legal experts and intellectuals. Speaking of their respective concerns all the speakers expressed concern over the growing criminalization in politics. Each speaker asserted that such activities pose a great threat to democracy and voiced the need of a proper political culture.

The Special Session was summoned in the third week of December 1996.

The programme was moderated by Krishna P Upadhyaya and chaired by Veerendra Keshari Pokhrel.

INSEC Chairperson **Sushil Pyakurel** welcoming the participants remarked that criminalization word itself is creating the problem. Clarifying the position of activists of civic society, he further added, "We do point out the evils, for which sometimes we have to suffer blames." Reiterating the concern of human rights organisations over criminalization of politics that took on concerted campaign last year, he shared present political adversities - the medical stories of five ministers who went abroad to escape the voting over the censure motion, alleged abduction of parliamentarians through the abuse of state power and money.



Mr Madhav Nepal



Mr Sushil Pyakurel



Mr Narayan Man Bijukchhe



Mr Suresh Chaudhary

Recalling the painful experiences of the elections, he remarked that forgery voting as well as proxy voting were made under the protection of ministers. They were the ones who led to firing and murdering incidents. He expressed sorrow over the fact that a criminal, the leader of Bijauri Killing Incident that claimed three lives surrounding the mid term polls, has been the Home Minister after withholding the case

against him registered at the court. "What is this except a mockery of democracy!", he put adding, "These all are leading the nation to a chaos. Thus time has come to discuss the wrongs we have committed: this is why we have gathered here."

He further said the ministers of the present government have in public encouraged their party workers to beat the opposition leaders and activists. "But no political leaders found it convenient to listen to our voices against these ills, our procession did not come into their concern due to their power-lust. Journalist friends too could not move their pen effectively", Mr. Pyakurel made a remark.

Chairman of Human Rights Organisation, Nepal **Mr. Rishikesh Shah** said that human rights is the goal and democracy, political parties and parliament are the means to reach. Citing the pain of Rolpa, where a gross human rights violation has occurred, he remarked that the state of security in the nation is worsening. "Both the government and the Maoist are responsible for all vio-

■ From December 1996, human rights organisations were exposing the criminalization of politics. They were mostly concerned with the induction of Khum Bahadur Khadka as the Home Minister. It is worth noting that Mr Khadka was the main accused of killing during the elections in 1994.

Criminal activities were executed by the members of the council of ministers prior to the restoration of democracy too. But, the organisations picked this one seriously because it was the democratically elected government that nominated a criminal to the office of excellence at the cost of all democratic norms.

■ Individuals involved in criminal activities often use the police force, which is supposed to handcuff them, for their protection. Staying within the top security bar of the state, they are increasing their criminal acts.

Some Chronicles...

■ Human rights organisations drew the attraction of the country on this issue while celebrating the international human rights day a year ago.

■ Nepal Sadvawana Party workers attacked on Ganga Priya Police Station during the elections on November 1995. Four cells of tear gas and 21 rounds of air fire were used.

■ Indian Parliamentarian of BJP Pappu Chaudhary participated in a mass meeting organised for the election campaign of independent candidate Mr. Jyotindra Mohan Chaudhary of constituency No. 4 of Rupandehi. Uma Chaudhary and Ashok Singhal, Indian Parliamentarians, similarly, participated in such mass-meetings in Nepal. The former

Indian parliamentarian Birendra Pratap Shahi also participated in a campaign for the Sadvawana candidate Mr Shyam Sunder Gupta.

■ In Janakpur, Pappu Yadav, another Indian MP, was found campaigning for various candidates contesting elections. Nepali Congress voiced against the involvement of Indian MPs in Nepali politics.

■ After the Supreme Court verdict to reinstate the parliament, the special session was called to discuss the no-trust motion against the government. Rastriya Prajatantra Party, Sadvawana and the Nepali Congress kept their parliamentarians at Hotel Shankar and at the residence of Rana Bahadur Shah. This was the first time while the ruling parties distrusted their own party lawmakers and questioned their credibility. They were released after the CPN(UML) govern-

lence and tension", he said. Holding responsible for the pact of UML and NC for the present political disorder, he said small political parties are losing their stand. "After the verdict of the apex court on August 28, 1996 criminalization of politics has begun a systematic form" Mr. Shah said. Charging the Home Minister of abducting Parliamentarians surrounding the voting on the censure motion, he claimed "we know airlines, we know time." On the occasion he focused that the state must perform the regulatory role. Mr. Shah also opined that the king should be active in politics to resolve all these problems since he is the only hope.

Narayan Man Bijukche, President of Nepal Majdoor Kisan Party, thanked INSEC for organising such programme of contemporary issue. Calling what was seen during the no trust motion, he said the activities are the extreme of capitalist system. It has given pain to the nation, "which must be borne by my party too as it is not separate from the country," he said adding, "My party fell prey to two party dictatorship."

Complaining that the speaker of the House of Representatives failed to perform the role of the neutral referee, he questioned how five ministers be sick of the same disease and at the same time. They can only go abroad for treatment only when it is not possible in the country. Mr. Bijukche also stated that the constitutional provision - to secure at least 3% of total votes in national elections to get



Mr Rishikesh Shah



Mr Birendra Keshari Pokhrel

ment was defeated in the parliament. They were kept in the same places while the present coalition sought the vote of confidence.

- The first meeting of the coalition government decided to withdraw all cases against Khum Bahadur Khadka registered in the courts in connection with his involvement in the Bijauri Murder Incident.

Ministers, on many occasions, publicly instructed their cadres to harass and beat the rival party workers.

- In March 1996, special session of the House of Representatives was called as the CPN(UML) tabled a no-confidence motion. The party itself made all its law-makers to stay in the party office in Balkhu.

- In the last no-confidence motion, all records were bro-

ken. Even a pro-government paper wrote: "If the government had failed to use the immoral means, no one could have saved it... for and against the motion, millions of rupees was transacted from national treasury, mobilising foreign resources and commission agents..."

- The signature of Khovari Ray and Bisnu Bikram, the ministers of RPP, were manipulated by both parties for and against the motion. Khovari Ray, after being absent from Kathmandu, appeared to favour the motion. Bisnu Bikram was sent to Bangkok, together with four other ministers, on the pretext of treatment.

- Anish Ansari became the centre of talk during the no-confidence motion. Claiming himself the leader of the Parliamentary Party of the Nepal Sadvawana Party, he instructed his Chairman and

the minister to sit in the opposition bench. He participated in the press conference organised by those in favour of the motion. However, he disappeared the other day to help save the government he was trying to topple down until the day before.

- After the Nepal Labourers and Peasants Party decided to vote for the motion, remaining undecided for a long time, its MP Bhakta Bahadur Rokaya disappeared. Because of him, the parliamentary session was prolonged for a day. He was escorted to foreign country. For this purpose, ministers were assigned and police force mobilised.
- All these activities stood in contradiction to the democratic and constitutional norms and values. These would have impact on the elections to come.

any political party recognised as the national party - has contributed to criminalization.

Rajeswor Devkota, Co-President of Rastriya Prajatantra Party, said, "We are ashamed of recent unfolding of political activities. All we have our share to let it happen, only the question is of the degree of involvement." Recalling the Panchayat System he said, it had no democratic elements, "the later phase of Panchayat started corruption. Now it has increased." He opined that parliamentary system has no real alternative. Citing examples of great political leaders who dared to get rid of confusion and to give up their post, he criticised that our leaders, unlike this, see it Bahaduri (velour act) in defending the wrongs and crimes they have committed. He focused on national consensus to effectively fight against these ills.

The Nepali Congress MP **Surendra Prasad Chaudhary** said we are ahead of all South Asian Countries in democratic exercise within a short 6-year period of democracy. The smooth transfer of power and the implementation of many articles of the Constitution prove the proposition, he said adding, "It is not the parliamentary system but the lack of political culture responsible for the problems we have come across." He was of the opinion that the root of criminalization is the state of mentality- without wisdom, without morality. And the initiator and protector of foul game contribute to the formation of criminalized state of mind. Dissemination of wrong information is therefore a crime, he asserted. "Character is the main crux in politics. Panchayat got toppled because of the lack of character, lack of accountability to people". He urged all political parties to begin an intra-party political culture thereby to encourage healthy politics.

Madhav Kumar Nepal, General Secretary of the Communist Party of Nepal (Unified Marxist and Leninist) thanked INSEC for inviting in this interaction. Focusing on the criminalization of politics after the advent of the multi-party democracy he held the money-accumulation motive of the politicians responsible for the start of criminal activities. "Criminalization started in the Rana Regime, went to the extremes in the Panchayat and the situation is getting alarming today. But it is not that much worse as in the Panchayat time", he opined. Referring to the earlier remark of Mr.

Rishikesh Shah, Mr. Nepal counter-remarked that we have to solve these problems on our own, the king should not be invited into politics.

General Secretary Nepal accused Home Minister Khum Bahadur Khadka of abducting some Members of Parliament during the voting on no trust motion. "They exceeded the parameters and limits set for political activities by forcing people to leave the country and keeping one MP imprisoned at the official residence of the Prime Minister", he said adding, "the present government had harboured goons from India and the home minister was the in-charge of their hospitality."

Mr. Nepal also claimed that conspiracy is being hatched by the ruling Nepali Congress to ensure the victory of their own candidates in the constituencies scheduled to hold by-elections. He said two truck loads of ammunition had been shipped to the spots.

Speaking of the solution to stop these all, Mr. Nepal urged every one to respect the rule of law, discourage the dictatorship of any types and called for a healthy competition based on policies, morality, intelligence and political values. "People with criminal attitudes should not be allowed to participate in elections", he said. prohibited said that The only solution to stop these activities is at the electoral level.

Referring to the emergence of new political parties, he opined that they must be flourished but with strong commitment to democracy.

He also expressed sorrow over the partisan activities of the speaker of the House of Representatives. With reference to the deteriorating economic condition of the country he invited all to discuss the crux of the problems.

Veerendra Keshari Pokhrel adviser to INSEC chaired the Interaction Programme. Speaking from the chair he said since we are under democracy we should not just curse others for any failure, we have to evaluate ourselves as well. He focused on cultured political practice to get rid of political adversities as increasing. Political leaders should be prepared to listen to the worry of intellectuals, he remarked.

The Interaction Programme ended with a question-answer session.

Mockery of Martyr's Day

— Barbara Adams

Congress Party, piously paid lip service to the martyrs, on Martyr's day last week. On the same day it announced the appointment of Achut Kharel the man whose orders CREATED so many martyrs, as acting IGP, and not a protest was heard. In essence the timing this unthinking and self-serving appointment meant that instead of honoring the martyrs, Congress symbolically spit upon their memory.

The democratising of the Nepali police force has been proceeding slowly but steadily since the days when DIG Achut Kharel gave orders to shoot demonstrators in the head or the chest during the Jana Andolan almost 7 years ago. Even in the Panchayat Constitution it is clearly stated that only when a crowd becomes uncontrollable and every other means has been tried should the police fire, and even then, only below the knee.

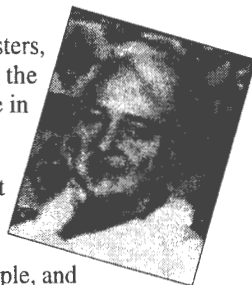
At least in Kathmandu, police now seem better equipped to handle crowds without indulging in indiscriminate firing. Although the police presence in last Friday's by-elections seemed unnecessarily conspicuous, the police on duty were amiable and helpful.

The human rights training that has been taking place on a regular basis seems to be gradually taking hold, at least in Kathmandu. There is better and kinder crowd control and seemingly less police crime.

The dark side of the story, as everybody knows, is that in remote areas of the country, especially in areas where the "Maobadis" are suspected to be active, the police have stuck to their pre-democracy mode of repression and even indulge in what is commonly referred to as "state terrorism!" There, in many cases, they have allowed themselves to become instruments of the political ambition and prejudices of segments of the current Government. There they have largely forgotten that in a democracy they are supposed to be servants of the people and not servants of whomever is in power. There they have not even bothered to pay lip service to the concept of human rights, but have continued to indulge in their old habits of arbitrary arrest, beatings and torture and extra-judicial killings. The thing that continues to alarm Human Rights activists is that unless we free the police

from allegiance to their old masters, and the old repressive ways, the human rights of every one of us are in danger.

This is why the choice of the next Inspector General of police is of the utmost importance: For Nepal, for the peace and security of its people, and for their human rights in general. Unfortunately Congress is giving that coveted job is the very same Achut Kharel, who gave orders to shoot peaceful demonstrators in the head and the chest during the Jana Andolan, and then tried to exonerate himself by blaming orders from "higher up." It is the same Achut Kharel who was heard on FM radio all over Kathmandu giving orders to beat up anybody wearing blue jeans or longish hair. It is the same Achut Kharel who hovered over the



The dark side of the story, as everybody knows, is that in remote areas of the country, especially in areas where the "Maobadis" are suspected to be active, the police have stuck to their pre-democracy mode of repression and even indulge in what is commonly referred to as "state terrorism!"

University in Kirtipur in THE white helicopter, giving orders for the arrest of a University hall full of Kathmandu's most respectable lawyers, doctors, economists, writers and other intellectuals.

Everyone agrees that essential leadership qualities are brains, vision, and a capacity for independent, analytic thought. Everyone agrees that the herding of over 400 intellectuals attending a university forum like common criminals into police trucks, to be incarcerated in the traffic police hall, was the REAL turning point of the popular democratic movement. The ludicrous heavy-handedness of this "operation" gave Nepal, and, through the media, the world, an unforgettable picture of mindless, misapplied, brute force. This, and then the image of innocent students being mowed down on Durbar Marg and other corners of the Valley, sealed the fate of the Panchayat regime. Achut Kharel bears much of the responsibility, in a negative way, for the success of the Jana Andolan, since he succeeded in turning almost everyone against the Government and thus provoked the rebellion which changed Nepal's history!

According to impeccable sources both within and outside of the police, Achut Kharel was also a key player in another ignominious chapter in Nepal's recent history,

the "bomb scandal" of 1985 in which bombs were planted in front of parliament, on two sides of the palace and in the lobby of the Annapurna Hotel, where three receptionists were killed.. A man named Ram Raja Prasad Singh, claimed responsibility from a safe haven in India, from where he had supposedly organised the bomb scare. Four of his followers were arrested in Kathmandu. One later escaped to India and the other three were taken into the police training centre in Maharajgunj and were allegedly beaten to death. Their names are: Dr. Laxshmi Narayan Jha from Danusha, Kamal Prasad Lamsal, and Vida Dur Jha from Mahottari. Mr. Achut Kharel was in charge of the police training centre at the time of the disappearance of those three men.

Achut Kharel should be asked to describe the situation at that time and his role in the disappearances of the three prisoners. Only then should his claim for the right to be Chief of police be reassessed and reconsidered. If he succeeds in exonerating himself of any blame or any guilt for the alleged extra-judicial killings in a hearing which should be open to the public, than an informed decision could be made as to whether he is deserving of that all powerful post or whether past actions are serious enough to preclude him forever from holding such positions of power .

Questions should also be raised on Achut Kharel's role in actively assisting Congress party politicians in the politically motivated absconding, or "transporting" of key political players to safe houses outside the country. There are reliable reports that he served as Khum Bahadur Khadga's right hand man during these dirty doings,. This certainly fails to instil confidence in the rest of the people of Nepal that he will serve their interests with impartiality and justice, whomsoever happens to be in power in Kathmandu. Actually, if one considers just this last episode in Achut Kharel's career, it should be evident to all that he has disqualified himself as candidate for an IGP who should serve the people and be answerable to them at all times.

In case the above does not convince the Prime Minister, and whomsoever else is responsible, that Achut Kharel is totally unsuited for the post of IGP, one has only to ask the families of the policemen who were beaten to death in Kalimati in the aftermath of the Jana Andolan. This episode will forever rankle in the minds of the ordinary policeman, who'll never understand why Achut Kharel, who was so quick to order them to fire at the heads and hearts of young demonstrators during the Jana Andolan, did absolutely NOTHING to save his OWN men when they were under assault by a group of "vigilantes" determined to teach the police a lesson on April 24, 1990. Kharel's fumbling response when questioned about this

later, was that he was afraid of inciting a civil war.

If everyone agrees that the main function of a police officer is to maintain law and order, and protect and assure the security of the public, than Achut Kharel has failed on all counts to fulfil his function. If he is rewarded for his failures by being given the most coveted post in the police establishment, it will certainly not encourage others to be models of caring conscientious public servants. They will rather draw the conclusion that sycophancy, cowardice when one's men are in danger, and subservience to politicians , are the qualities needed to achieve success in the police force.. This would be disastrous for the future of Nepal.

IF the Prime Minister, responsible for choosing a new Chief of Police, loved his country and wanted to promote democracy, he would have chosen a professional from the ranks of those untainted by the excesses of the Panchayat regime. IF the Prime Minister had any interest in preventing the further criminalization of politics and the police, he would have chosen a Chief dedicated to helping the poor and helpless, rather than terrorising them. If Deuba had any conscience at all he would have delayed making such a fateful for Nepal appointment until his Government received a vote of confidence. Even Bohra, the present IGP was reliably reported to have been taken by surprise by the timing of the announcement as his retirement date had been set for March 2.

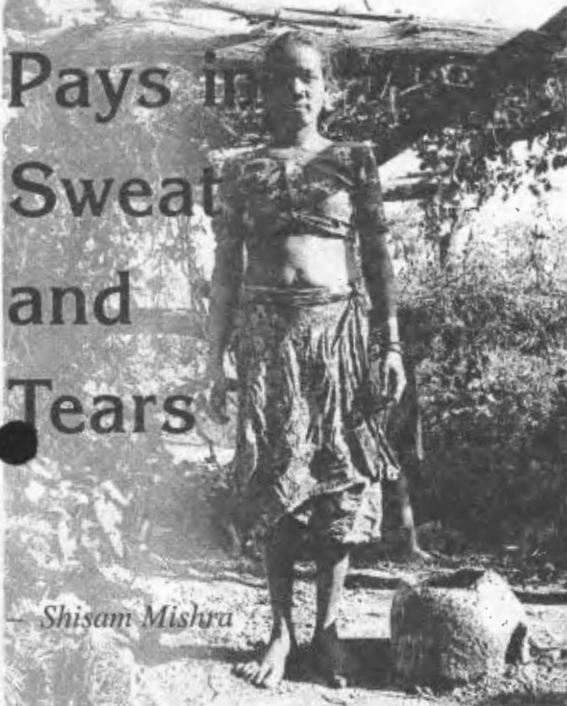
For the sake of the families of the martyrs; for the sake of innocent villagers who are being terrorised by the police in remote areas; for the sake of law and order and the future of the human rights of us all, every citizen and every foreign emissary should loudly and firmly insist that the next police Chief be untainted by the excesses of the Panchayat regime and independently distanced from the excesses of the Congress regime. He should be totally professional and dedicated to the masses whom he is paid to serve. That of course is not what Congress wants, but that is what Congress must be forced to accept. We owe it to the martyrs.

Writer of "Traditional Bhutanese Textiles", and a prolific columnist of various papers, Barbara Adams came to Nepal in 1961 from America as a tourist and a free-lance journalist. During the Panchayat regime, she contributed a lot to Tourism when writing on politics was impossible. She opened Nepal's first Travel Agency called the Third Eye Tours and Travels.

Barbara is quite well-known amidst human rights community in Nepal. With her fervent pen, she is, after Jana Andolan, fighting against the acts of human rights violations.

Bukrahi

Pays in Sweat and Tears



Shisam Mishra

Kamaiya system a form of bonded labour still exists and is concentrated in some five districts of western Nepal. INSEC study carried out five years back identifies "Kamaiya a labour along with other members of his family." The Kamaiya system thus refers to the manpower exploited for cultivation of land and other related activities.

Bukrahi is the name given to a woman bonded labour. She spends her entire life in the house to pay in sweats and tears off the loan borrowed by the male members of her family. The Bukrahis work in the fields with the male Kamaiyas and also look after the domestic work of the landlord. They will work the same hours as the men but then will generally have to carry out a second round of domestic duties within the 'Bukhra' when they return. Within the Kamaiya system women are particularly vulnerable to exploitation.

Bukrahi are not parties to the contracts struck by their male partners and the landlord. They do not receive direct remuneration for their work except *Masyaura*, a term that refers to food-grains given for the daily meals. Some times they will receive old clothes.

Ram Kumari Tharu is 19. She is Bukrahi to her landlord Ayotesa who has 18 Bigha of land in Nambasta VDC, Banke District. Altogether he has 5

pairs of Kamaiya on his land. Ram Kumari is paired with her father Lohari Tharu. She took over as Bukrahi from her mother at the age of 13.

The family *Saunki* (loan) is 2,000 rupees and they have to give 2 quintals (200 kg) in interest for the *Saunki* every year. their share of the other crops (such as lentils and mustard seed) that they would otherwise get as *Masyaura* are also paid back to pay off the interest. They can't say if the debt is increasing or decreasing.

"I work cleaning in the landlords' house and now that it is harvest time I am all day in the fields until dark. I just have a half-hour break for lunch. I should get paid for my work- I work just as hard as the Kamaiya, I feel very sad about it."

Ram Kumari does not get any direct remuneration. Neither does she get any clothes. Each year she receives a dozen bangles for her labour.

Young unmarried girls from 8 to 16 may also work in the landlords' homes and are called *Orgoniya*. Their role is different to Bukrahi's in that they just do domestic work and stay all day in the landlords house. This is more common in the houses of landlords who come from the hills.

Sexual abuse is widely acknowledged but seldom reported. In one infamous case from Bardiya, every newly wedded Kamaiya bride had first to sleep with the village landlord during the wedding night. The landlord concerned was later humiliated when the story came to the attention of the wider public, but he has never received any formal punishment.

If a *Bukrahi* is widowed her future becomes very uncertain. Thirty two year old Rampati Chaudhary of Kanchanpur has five small children. Her husband died at work in the landlords' fields. Both of them had been working for the landlord CK Singh for four years. After the death of her husband, he is demanding that she leaves the Bukhra and pays back the *Saunki*. He explained, "It is not beneficial to keep a single Bukrahi without a Kamaiya because she is not able to plough the land." Finding a new owner is quite impossible for a widow. Rampati is completely destitute and does not know what to do. With helpless eyes full of tears she says, "I will have to beg."

While preparing the paper it was also heard that Rampati coerced, for some amount of money, her 14 years old daughter into marriage to pay back her master's loan. This is one of the several measurable stories of unfortunate Bukrahis.

The pressure to find a partner for a Kamaiya has led to a practice of child marriage where young sons marry older women so that there wives can work as Bukrahi. 18 year old Asrani works as a Bukrahi in

the house of Raja Ram Chandas in Bardiya District. She was married with 13 year old Santa Bir so that she could replace her mother-in-law as a Bukrahi. Asrani works as Bukrahi while her husband goes to school where he is studying in 5th grade.

Generally the children of Kamaiya will be employed to watch the landlords' cattle for which they receive *Masyaura*. Sometimes however they become Kamaiya in their own right. This happens particularly after the death of one or both parents when the child is forced to take on the burden of the *Saunki*. 6 - 7 per cent start working as Kamaiya from below the age of 10. 20-25 per cent start working from between the ages of 10-14. Orphaned Kamaiya children become extremely vulnerable to the worst sort of exploitation. BASE identified 5920 children aged 5-12 years old who were Kamaiya in their own right and about 400 who were orphans.

12 year old Asha Ram Chaudhary is a Kamaiya in Shreepur Majhgoan. His father died, his elder brother ran away and the responsibility for his mother (aged 55), and two younger brothers (age 10 and 8), rests with him and his older sister (age 20). He does not know about the NRs 14,000 (\$252) *Saunki* he has taken on. He is obliged to work for food alone. His mother and sister work in the landlords' home while he grazes cow with his brothers. He is

beaten by the landlord and is afraid that his sister is being sexually exploited.

The status of Bonded women (Bukrahi) is terribly depressed. They hardly feel themselves human beings. Education is the foremost need to these women to empower mentally making aware of their potentials. They further be provided with skills which they can apply to uplift their socio-economic status in society.

To bring about long-term solutions to the problems of bonded women, firstly, social attitude towards them needs to be improved. Secondly, their socio-legal recognition should be maintained on a par with the men. Above all, it needs to be accepted in the wider public that women are also human beings; they have equal rights to life as the men and similar choices to make.

To sum, Kamaiya system, which is deeply rooted in the society for a long generation, can not be totally abolished until the appropriate plans and policies are made by the state to provide with alternatives to the Bonded families.

Shisam Mishra has been involved in several research studies, specially on the issues of women. She now co-ordinates training programmes in INSEC. This article is based on her study on Bonded Labour.

Human Rights Commission: An Overview

The 10th Session of the Parliament has passed a bill on the formation of National Human Rights Commission. Human Rights Organisations in Nepal from the very onset of democratic rule demanded the establishment of the commission.

Constitution of Nepal respects human rights for which an independent human rights commission was necessary to materialize the constitutional spirit. However, the bill on Human Rights Commission has not come to the full satisfaction of the people.

The bill provides that the king at the recommendation of a committee which is made up of the Prime Minister, Chief Justice and the Opposition Leader of the House of Representatives nominates a Chairman from among the former Chief Justices or Justices of the apex court and three members from among highly honoured social activists or journalists. Status of the Chairman and the members will be on a par with the justices of the Supreme Court, but the scope and mandate of the commission looks to be quite narrow.

The bill has excluded any subjects within

the scope of Military Act from the purview of the commission. The bill also provides that pre-consent of the attorney general or the Principal Secretary of the HMGN be granted even in the non-military issues. These provisions, in other words, may well obstruct the functioning of the commission. We have experienced that it is the state mechanism, the police for example, violating the rights of the people. Given such provision, there is reason to doubt the effectiveness and independence of the commission.

Whatever the functional aspect, it is yet to see, the bill is in itself a matter of pleasure for those concerned. It has come about due to their perennial effort. To reiterate, our concern is to the establishment of powerful, independent and functional commission which would work to protect the rights of the people, redress the victims and to hold the violators accountable for their action. Whatever has happened can positively be taken as the first step towards the campaign. There is still a need for all to come together to enable it function well and improve the shortcomings.

■ *Why are you against the separation of sets of rights?*

From the very beginning, the UN is saying clearly that all the rights are equal. When they were negotiating the two covenants during the sixties, they could not agree so made two separate conventions, called international covenants. But since the conference of Vienna in 1993 the UN and all the government in the world reasserted that all the rights are equal, they are also interdependent and indivisible. It means concretely that you can not try to implement the certain set of rights, certain category of rights without implementing the other. They are really closely interrelated. That's why the Human Rights organisation all over the world are working for the implementations of the economic, social and cultural rights and the civil and political rights.

■ *What is the major challenge of world's Human Rights movement?*

I believe very strongly that the major challenge is to implement. There have been many treaties, many conven-

ture like debt bondage. It will take time and it needs effort of Human Rights organisation and the government to better the situation. I would even say all the organisations of civil society should work together with the government.

■ *Are you familiar with our NGOs working for Human Rights?*

We have seen many NGOs which are really deep rooted in the civil society. I think that this is the way to promote Human Rights in the civil society.

■ *As a trainer of Human Rights, what is your comment regarding the UN instruments?*

We give training in many countries of the world. We always have to repeat the same message, that is, Human Rights have to be implemented in the country. It is not the UN, it is not the international labour organisation, it is not UNESCO, which will solve the problem. The UN, the ILO, the UNESCO should be used to facilitate, should be used as a kind of additional complement to the efforts of national level. But all will have to be solved at the national level.

Now we have to implement

- **Adrien- Claude Zoller**

Adrien-Claude Zoller, 50, founder director of International Service for Human Rights based in Geneva-Capital city of Switzerland, visited Nepal last November in connection with a training programme on Human Rights & the UN Instruments organised by INSEC and South Asia Human Rights Documentation Centre (SAHRDC). He talked with Kundan Aryal, a journalist and Coordinator of HR Radio Programme of INSEC, in Kathmandu. Mr. Zoller is popular in the Human Rights community as a veteran international lawyer, as a political scientist and as a good trainer. Excerpts:



tions- they all are beautiful. Many states have ratified them. Nepal has ratified most of the convention's, that's very good. But now we have to go to implement, to put them into practice. This is more complicated. It will take time. And this should be the priority of Human Rights organisations too.

Besides, there is one big issue which is to be addressed, discussed, and studied carefully at international level. Namely, the link between the economic system and the Human Rights problems.

■ *Do you like to comment on Human Rights situation in Nepal?*

This is in fact the period of transition, of a period of building up a democratic system. It requires time. Human Rights organisations have to continue to denounce the violations.

It seems that the government of Nepal has certain political will to do something in Human Rights. It takes time and this is the painful situation for the victims of Human Rights abuses. I mean by victims those who have been tortured under the previous regime; they need compensation. I mean by victims those who have still problem with hunger, education, health; because their rights are violated. I mean by victims those who are the victims of certain form of tradition and cul-

■ *Recently, our parliament has passed the bill on Human Rights commission. Some people think that this type of commission is only to show before the international community. What is your opinion?*

The opinion is very clear. A commission on Human Rights established by the government can be useful on certain conditions. The first condition is the commission on Human Rights does its work inside the country and respects also the fact that it cannot do the work of Human Rights organisations, the non government organisations. It is a complement.

The national commission on Human Rights cannot take its responsibilities to take over the work. It can not replace the role of NGO's. At the international level the UN has established a list of criteria for a national commission to be very useful. And these criteria contain in particular the fact that the national commission should be absolutely independent from the government, it should have it's own independent budget, not the budget decided upon by the parliament and not by the government. It should have its own officials appointed by the commission itself so that the commission could work. The commission should also have investigative power to intervene and to look into the matter when there are concrete violation of Human Rights.

Globalization and its Impact on Women's Rights

T. Rajamoorthy

IF a single word can be said to encapsulate the main economic trends in the world today, it is surely the word, "Globalization". The word has become something of the buzz word of the 90s and the myriad meanings attributed to it make one sceptical as to whether the word is capable of a simple definition.

And yet stripped of all the beguiling rhetoric and hype that the word has become encumbered with, it is not difficult to make sense of it. It can be simply defined *the international spread of capital and the global diffusion of market relationships in the field of exchange and production*.

Viewed in the light of this definition, it is not difficult to appreciate why the process of Globalization is inextricably linked to trans-national corporations. As the principal agents of capital in the contemporary world, TNCs have not only grown in number (from some 7,000 in 1970 to 40, 000 in 1995, with 250, 000 foreign affiliates), but they account for two thirds of the world's trade in goods and services.¹ "The primary agent of globalization is the trans-national enterprise" wrote Sylvia Ostrey, the former chief economist of the OECD and it is clear that the whole drive for a rule-based multilateral trading system is designed to secure the foundation for the unfettered expansion of such enterprises.² The term globalization, can therefore, be treated, with justification, as a euphemism for "Transnationalization."

Historical Background

The process of globalization is not a new one. It has been traced by many back to the 15th century with the voyage of Columbus in 1492 as the key event. However, it would appear, that the crucial advent was the Industrial Revolution in Britain in the 18th century and the subsequent emergence of that country as the major industrialised power in the world. Very soon after its economic transformation, it became evident that Britain's domestic market was not sufficiently large to absorb its products, and more importantly, its capital. The origins of modern day globalization can be traced to this drive for new markets and new sources of investment beyond territorial frontiers.

Then as now, globalization was advanced under the banner of "free trade". "The system of free trade", wrote porter of the British Board of Trade, means "unrestricted intercourse with foreign countries, in which no one country shall be placed, by regulations of differential duties, at a disadvantage with any other ... a system in which the fallacy of protection shall be utterly disowned and abolished. The fact that it was Britain that was leading the whole crusade for "free trade" was, as Frederick Clairmont pointed out in his classic study on "*Economic Liberalism and Underdevelopment*", not simply fortuitous. It was conditioned by the fact of British industrial supremacy. As Clairmonte puts it, free trade "reflected the historical fact that for a good part of the century the competitive status of the British economy well allowed her the privilege of implementing as well as advocating liberal policies."³ In other words, after having built up its industry behind tariff barriers (averaging 50 percent in manufacturing sectors, according to some economists) Britain, like the Western countries today, could afford to preach the virtues of free trade."

What is perhaps even more interesting, in the context of the current claims being made by the West on the virtues of free trade, is that, at this time, the doctrine of free trade was vigorously resisted by statesmen, policy makers and economists both in the US and Germany. Thus, Alexander Hamilton, George Washington's Chief economic advisor established tariffs to protect US manufactured goods against British and foreign competition. Thomas Cooper, President Jefferson's economic advisor wrote to him. "I hope Congress will take measures of permanent protection in favour of our infant manufacturers. It will be a horrible fraud to entice our citizens to embark in the troublesome and hazardous speculation of new manufacturers, and then on a sudden peace leave them to all the malignancy of British competition on our market."⁴

In Germany, the economic ideas of Friedrich List justifying the need to protect the fledgling industry of that country were particularly influential and as a consequence German industry, like that of the US, developed behind tariff walls. List held the view that in order to attain the stage of universal free trade, "it would first of all be necessary for the less developed countries to raise their tech-

nological productivity, to that prevailing in Britain's economy. Only when such a historical summit had been scaled would it be legitimate to speak of the practical universality of free trade- but not before."⁵

The countries of the South, however, took no part in this great debate on free trade. Or rather, they were not allowed to. The question of the validity of the doctrine of free trade was settled in the South, not by the force of ideas, but by the force of arms. The economies of the countries of the South were opened up for capital from the North by imperial conquest and colonisation. In a word, the main vehicle of globalization in the South was imperialism.

If the Age of Empire is to be dated from the 1870s (as historians like Dr. Eric Hobsbawm suggest), then it reached its apogee at the time of the outbreak of the First World War (1914-1917) when practically, the whole of the South was divided into colonies and "spheres of influence" by the Western powers. However, it was during the course of that War that there occurred the Russian Revolution (1917) which was to engender the perhaps most formidable challenge to the whole course of globalization. By advocating an alternative to a society and an international order based by market relations, the Russian Revolution challenged the very ideological foundations of globalization. The challenge was further reinforced by the emergence after 2nd World War of new regimes in Eastern Europe and China which also espoused alternatives to market societies.

In the 50s and 60s, when the countries of the South began to emerge from colonial rule, they too, began to pursue economic policies which were antithetical to the whole process of globalization. While they did not as such advocate alternatives to market societies, their insistence of economic sovereignty (which they saw as the cornerstone of genuine political independence), the active and far-reaching role allotted to the state under their economic policies, the encouragement of local capital as opposed to foreign capital also served to impede the process of globalization.

Moreover, at the international level, it was the nations of the South which were responsible for the now-aborted moves at the United Nations to curb the unfettered operations of TNC. Finally in 1974 the states mounted in effect, a frontal attack on globalization when they pushed through the General Assembly of the UN a resolution which called for "the establishment of a new international economic order ... which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and developing

countries and ensure steadily accelerating economic and social development in peace and justice for present and future generations."

The new wave of globalization

However, in retrospect it is clear that the call for a New International Economic Order (NIEO) was the last attempt by the countries of the South to resist the emergence of a "globalized world". Instead of a NICO, the 70s witnessed a NIDL- a New International Division of Labour. a new wave of globalization was then in progress and it is the recent acceleration of this wave that is being referred to in all the current talk about globalization. Interestingly enough, the term "globalization" came into vogue in the 80s when Theodore Levitt first used the word in 1985 in his article on "*The Globalization of Markets*" to refer to the vast changes that had taken place in the international economy in the previous two decades.⁶

Again, this new wave of globalization was not fortuitous. It was a response to the world economic downturn in the 1970s, the end of the long post-war boom. Faced with the problem of cutting costs in the face of falling profits, the companies of the North began to move South to take advantage of the low wages there.

In the 1970s, the pattern of capital movement was along a one-way street from North to South, with US and European countries relocating their labour-intensive industries such as textiles, shoe production and electronics assembly. In the ensuing two decades, however, the whole pattern of the movement of capital has become more complex.

Firstly, within the South itself, there has been a movement of capital from countries where Labour costs are relatively higher, such as South Korea and Taiwan to low wages countries such as Indonesia and Vietnam. More surprisingly, there is now also a process of relocation of factories from the South to the North e.g. from South Korea and Taiwan to US and Europe. "Fourteen Korean companies have moved to the UK alone in the last six years, investing \$2.6 billion."⁷ While such relocations may be mainly motivated by a desire to take advantage of the benefits of the European Common Market, the element of costs cannot be overlooked.

Secondly, the relocation from North to South though still motivated by a desire to cut costs, is no longer limited to labour-intensive industries or processes. For example, companies based in the North such as the *National Westminster Bank*, *Abbey National*, *British Telecom*, *Proctor & Gamble* and *Citicorp* are now turning to India for their computer programming where programmers earn

less than \$3,000 a year. New Electronic Export Zones are also being set up near New Delhi, Bombay, Calcutta, Cochin, Kandia and Madras offering high quality and high tech services for vastly lower wages than Europe can offer.⁸

The endless dizzying flows of capital in different directions have given rise to some sweeping generalisations. The first of these is that the nation state and national governments have now become irrelevant. Another is that terms like "North" and "South" are now meaningless as people from both sections of the globe face the same problems and the same adversaries.

As for the first assertion, while it is undoubtedly true that the capacity of national governments and nation states has been weakened, it would be far-fetched to suggest that they have become irrelevant. The current drive towards globalization is being propelled nation states and the consequent global restructuring is being implemented by national governments. As James Petras has put it, globalization is "the product of state policies linked to international economic institutions."

As for the second contention, the point to note is that in the current phase of globalization, it is Northern governments and multilateral agencies and organisations controlled by the North that are determining and shaping the process of globalization today. This is evident when we consider the mechanism and conduits through which globalization is currently being furthered and facilitated. The most important of these are:

1. The GATT/WTO mechanism

Until the latest and last round of GATT talks (The Uruguay Round, which commenced in 1986), the GATT has primarily been concerned with reduction of tariff rates and quotas on the passage of goods across national frontiers. However, for the first time in the course of such negotiations, three new areas, which had hitherto not been the concerns of GATT, were brought within the ambit of this body viz (1) Trade in services e.g. banking, insurance, transport and communications (2) agriculture (3) Trade-related Intellectual Property Rights (TRIPs) i.e. patents and copyrights. This whole shift and expansion of the GATT agenda which has completely changed the character of this trade body was primarily the result of coercion and the arm twisting tactics employed by the US and its allies. As India's then Ambassador and chief negotiator to GATT, S.P. Shukla put it:

"As the negotiations proceeded, the United States did utilise their powers under their Trade Act, particularly under Special and Super 301. They either used or declared

their intention to use those provisions.

This was amounting to unilaterally changing the ground rules of negotiations by taking measures or threatening to take measures which would change the relative bargaining strength of participants. In our case, this started happening before the mid-term Ministerial Meeting at Montreal in December 1988...

(BY) April 1989 we, the developing countries, virtually gave in on the issue of bringing ... intellectual property rights within the ambit of the negotiations."

Since the conclusions of the negotiations in December 1993, and the establishment of the WTO as "the custodian and guarantor of a rule-based multilateral trading system", some 120 states have signed the Final Act and are expected to abide by the WTO rules as well as its rulings. For the first time in history, "globalization" had been institutionalised in a world body with provisions for periodical review and penalties for non-compliance.

In pursuance with their obligations, the countries of the South are busy working towards the goal of eliminating quotas and tariff barriers, and liberalising their markets. Land laws are being "reformed" and revised to make way for corporate agriculture and while new patent and copyright laws are being redrafted to extend the range of patent rights and strengthen the rights of patent holders. In short, preparations are well under way to open up the South to the TNCs.

To the relief of the countries of the South, the GATT negotiations did not incorporate the question of foreign investment. Now, however, move are afoot by the European Union to introduce a foreign investment treaty (Multilateral Investment Treaty or MIA) within the framework of the WTO. "Such a treaty would give rights to foreign companies to establish themselves with 100% equity in all sectors (except security) in any WTO country, without restrictions, and to be given "national treatment". In that sense, national policies/ laws that favour local enterprises or facilities would be deemed discriminatory, and thus WTO -illegal."⁹

If the proposed move, which is expected to come up at the forthcoming Singapore WTO Meeting in December succeeds, then the national of the South will, in effect, have lost their economic sovereignty. For they no longer will have the power to shape and determine the pattern of investment, in their country and thus control and regulate their economy in the interests of their own people. It was always the credo of the independence movements of the South that to be meaningful, political independence, must be backed by economic sovereignty. If the MIA becomes a reality, then the fears of the South that the GATT process

will result in "Recolonization"- (Which incidentally was the rather apt title of one of the earliest books warning of the dangers of GATT) will be confirmed.¹⁰

2. Structural Adjustment Programmes (SAPs)

More than 80 countries have been forced to adopt "free market" economic policies under these programmes drawn up by the World Bank and the IMF as precondition for receiving financial relief. These programmes are designed to improve the country's foreign investment climate by liberalising or eliminating trade and investment regulations. Such programmes are also designed to reduce budget deficits by privatisation and by ruthlessly slashing public expenditure including the budget allocation for education and health. Though ostensibly aimed at restoring the country on a sound economic footing, the programmes clearly facilitate the process of globalization.

The Philippines, Asia's most structurally adjusted nation, provides a good example of how SAPs, far from restoring a country's economy and putting it on the road to prosperity, have actually impoverished it. Since 1980, the country had been subjected to a series of such programmes under which all the standard prescribed recipes such as Liberalisation, Privatisation and ruthless cuts in public expenditure have been administered but to no avail. The country has been in a state of prolonged stagnation from which it appears to be only now recovering.

3. Regional Trade Agreements

Regional Trade Agreements such as APEC and NAFTA afford new avenues to accelerate the process of globalization. Thus while all GATT signatories are obliged to make the necessary changes to bring their intellectual property rights laws consistent with the requirements of GATT by the year 2000, APEC members have committed themselves to realise this objective by 1998. Further, APEC also provides the US with a mechanism to pressurise its Asian trading partners to "privatise". As Undersecretary of State Joan Spero put it: "Through APEC, we aim to get government out of the way, opening the way for business to do business."

Impact on Women's Rights

How does this whole process of globalization impact on women and how does it affect their rights?

So far the impact of globalization via the conduit of SAPs is concerned, the results are clear and unambiguous. Almost all studies on the impact of SAPs have revealed that it is women (and children) who have borne the brunt of SAPs. The ruthless slashing the health, educational and

welfare components of the State's budget has, disproportionately, impaired the rights of women, in particular their rights to health and their right to education.

Beyond this specific case of SAPs, it may be necessary to analyse the impact of globalization by a consideration of its impact on (a) women as workers (b) women as peasants or farmers (c) women as part of indigenous communities.

a. Women as Workers¹¹

The impact of globalization on women workers has engendered or accelerated the process of feminization of labour. Many of the industries that thrive on trade liberalisation are predominantly "female" and their preference for female labour is based on their demand for a "flexible" labour force. The term refers not merely to the growing numbers of women drawn by the process of globalization into employment in the modern sector, but also to the fact that the majority of them are at the bottom of the ladder. In particular, they are concentrated in the export sector industries producing such items as textiles, garments and shoes. Such work is invariably lowly paid with little or no provision for the safety, health and security concerns of the employees. Moreover, there is little security of employment in this sector as such factories are more likely to be relocated to lower wage countries. Thus, textile workers in Korea and Hong Kong have been retrenched as a result of the relocation of such factories to Bangladesh and Vietnam.

Globalization has also engendered among women workers the informalization of labour. This refers to the practice of employers resorting to the informal economy to cut costs. Examples include the practice of farming out work on textiles and electronics at home. Workers such as these denied some of the basic rights which inhere to workers in the formal economy. It is also important to note that globalization quite often poses a threat to the "traditional" informal economy. Thus, cheap imports have forced the closure of cottage industries in India and Pakistan which employ mainly women workers.

Another effect of globalization has been the casualization of labour. Increasingly, in their attempt to keep labour and production costs low, there has been a resort to part-time, short term contracts. Women are particularly vulnerable to such modes of "flexible" employment in view of their family responsibilities, which prevent them from seeking full time employment.

Finally, the process of globalization has engendered or exacerbated the trend toward uneven development within countries and within the region as a whole. This has

given rise (or intensified) the development of the phenomenon of migrant workers. While female workers as a whole adversely affected by the globalization process, especially as regards the right to job security, migrant workers (especially those who cross national frontiers) are subject to a host of other human rights violations- discrimination, absence of adequate labour protection, low wages, physical and sexual abuse.

b. Women as Peasants and Farmers

The process of globalization constitutes a grave threat to traditional farming communities in the region. The opening up, under the GATT regime, hitherto protected markets to foreign imports of grain and food will lead to the destruction of the livelihood of small traditional farmers as they will not be able to compete with corporate agricultural giants from the North. Some indication of this problems which are bound to emerge in the future can be gleaned from the Philippines government's admission that its obligation under the GATT rules to increase its import quota of maize from 135,000 tonnes in 1995 to 216,000 by the year 2004 will result in the loss of some 35,000 households in this staple sector.

A further threat to traditional farming communities comes from the current moves made under the impetus of GATT to reform and revise land laws to make land a saleable commodity, thus to encouraging corporate large scale farming for export. Invariably, the traditional farmers will lose their lands under such a regime.

Finally, fears have been expressed that the patenting of traditional seeds by TNCs under the new GATT regime will threaten the livelihood of millions of traditional farmers. In India, this concern has given rise to massive demon-

strations against TNCs like Cargill which have entered the seed sector promising "superior" seeds for Indian farmers.

c. Women as part of indigenous communities

Finally, globalization has wreaked havoc among indigenous communities by providing the impetus to the opening up of traditional indigenous lands and habitats for exploitation by corporate interests. The displacement of traditional communities by mining and logging companies is just one example of such human rights violation.

Conclusion

Globalization poses some serious challenges to the human rights movement. It calls into question the adequacy of the traditional approach to human rights which has focused its concerns largely, or solely, on violation of civil and political rights by national government. The problem however is not merely one of enlarging the scope of human rights concerns to include the violation of social and economic rights. There is a need to recognise that globalization has resulted in a transfer of power in some key areas from local and national political agencies to trans-national corporations and multilateral agencies which are not accountable and or subject to any of the principles or processes of democratic government. Without in any way compromising our concerns over human rights violations by governments, it is essential to enlarge the focus of our attention to take into account the international dimensions of the human rights question. There is a need to recognise that there are other actors besides national governments and that it is incumbent that they be made culpable for their human rights violations.

End-notes

1. See *Global Dreams : Imperial Corporations and the New World Order* (Simon & Schuster) pg. 424; *World Investment Report 1995*.
2. Cited in *What is Globalization?* by Chakravarthi Raghavan (*Third World Resurgence* No. 74, Oct 1996 pg. 12)
3. Frederic F. Clairmont : *The Rise & Fall of Economic Liberalism* (Southbond/ TWN, pg. 62)
4. *Ibid* pg. 71.
5. *Ibid* pg. 88.
6. Chakravarthi Raghavan Op. cit. pg. 12.
7. *Who Competes? Changing Landscapes of Corporate Control* by Nicholas Hildyard, Colin Hines and Tim Lang (*The Ecologist* Vol. 26 July / August 1996 pg. 135.)
8. *Ibid* pg. 135.
9. *From Marrakesh to Singapore : The WTO and the Developing Countries* by Magda Shahin (*Third World Economics*, Issue No. 141, 16-31 June 1996, pg. 14)
10. The book in question is "Recolonization : GATT, The Uruguay Round and the Third World Network by Chakravarthi Raghavan.
11. On this see "Globalization versus Labour" by Dave Broad , (*Monthly Review* December 1995, pg. 20-31); "World Trade is a Women's Issue" by Angela Hale (*Women Working World Wide*. Briefing Paper).

This paper was presented at the Regional Dialogue Between Women's Rights Activists and Human Rights Organisations held on 16-18 November 1996 in the Philippines. And the writer is associated with the Third World Network, Penang, Malaysia.

Political killing by the state

— Dr Rajesh Gautam

Ram Nath Dahal was borne in 1938 at Athrai, Tehrathum District. His father died while he was five and was taken care of by his mother and grandmother.

Ram Nath always sided with oppressed taking lead on any events of atrocities in the village. This made the feudals stand against him. Their judgement on him was as "a chap who spoiled others as well as himself." He proved the proposition, in their sense, that a boy reared by a lady (mother) does not qualify to be masculine. They therefore wanted 'to control him or engrave to protect the society from being ruined.' On many occasions he was dragged on the way and beaten unconscious by the agents of the local feudals.

Ram Nath got an opportunity to study Marxism when Ballav Mani Dahal sheltered in his house in 1956/57. Madan Thapa, the then headmaster of Pokhari Secondary School also encouraged him in his study.

Ram Nath migrated to Chhapra, Jhapa, a district in east Terai, in 1960. In Jhapa he came closer to many youths with similar sentiments and opinions he held.

In 1971 a group of people, a breakaway communist faction of East Koshi Area Committee decided to launch an armed struggle buoyed with the sentiment of Charu Majumdar, the then revolutionary communist leader of India. The faction comprised of Biren Rajbanshi, Radha Krishna Mainali, Mohan Chandra Adhikari, Chandra Prakash Mainali, Narayan, Netra Ghimire, Krishna Kuikel, CB, KP Oli, Tulashi, Man Kumar Tamang and Amar



Martyr Ram Nath Dahal

from nearby home.

On 25 December 1972 an action was taken against, Dharma Dhakal and his son in Shanischare. Ram Nath was also implicated in this action and on the pretext of the Jail Transfer, he was killed at Sukhani including his four fellow comrades.

During the period under arrest he was beaten unconscious, shocked with electricity and pierced in his nails. On 3 January 1973 he was murdered. Final rites of Ram Nath along with his 4 fellow comrades was performed in grandeur manner at the Mai Stream in Jhapa.

Hari Krishna Chaudhari, Birju Chaudhary, Hem Bahadur Khadka, arrested in connection to the Jhapa Farmers' Revolt, died in Birgunj Jail in 1975 and Bhatela Rajbanshi died in 1979 in Central Jail as a result of barbarous treatment in the jail and in lack of medicine.

Adhikari.

Ram Nath undertook all activities underground after the decision to resort to the armed struggle. He was, for this all, registered as one of the 'most wanted' youths by the then state administration under the veil of the Panchayat System.

On the eve of Tihar, in October 1995, Ram Nath was called home through a letter. Upon his arrival, he identified that it was false. The then Jhapa Administration had hatched a conspiracy to arrest him. He, come what may, continued holding meetings with friends in Jhapa and after some days was arrested

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How A Nepali Abroad Feels the Pain of Bhutanese Refugees !!

— Anuj Mishra

I am really disturbed by these continuous failures to resolve the Bhutanese Refugees issue. It's a dilemma for the failure porn governments of Nepal, India and the Bhutan. It's not only the dilemma as 'dilemma' refers to a situation involving equally unsatisfactory alternatives. With the case of Bhutanese Refugees, there is no more option, one and the only is the repatriation of forcefully displaced citizens to Bhutan.

We should not be even dealing with this tin-pot dictator Jigme (pronounced "Zig-Mee") of Bhutan, who represents a minority tribe that migrated from Tibet at the turn of the century. This tyrant represents the likes of Marcos of Philippines and Suharto of Indonesia. These high profile dictators were reared by the west to stop the red tide of the Southeast Asia. Their predatory rule was responsible for severe human right abuses and tortures. Dictator Suharto's colony of East Timore and the western half of the New Guinea (Irian Jaya).

Much like in the fashion of west, India likes to boast its' big brother rule in South Asia. In the case of Nepal directly or indirectly, India was responsible for survival of the King's tyrannical Panchayat dictatorship for thirty years. In the name of neutrality, Indian rulers and business alike favoured the King and his pancha pawns' loot of Nepal, so that they have the wolf's share of Nepali economic hardship. Only when it was clear that Panchayat has become moribund, did India leaders voiced concern. Of course the situation came with the deaths of many innocent lives and bloodshed outside the Royal Palace.

Jigme has become a classic example of eighteenth century feudal villain. He has a backing of a powerful emperor. In this case the Indian government.

Jigme would be wetting his royal garb, if he didn't have India's parental support. The census and the facts have confirmed that Nepali wants to cling to his dictatorship and the big brother India has a big political and economic gain from that. India favours present Bhutanese status as semi-colonial frontier province. India fears an open border without any shield with much mightier Chinese missiles, supposedly deployed in Tibet are in striking distances of densely populated India. China has a major strategic gain from this situation. Chinese major Industrial centers and dense population are several hundred miles away from underpopulated Tibetan highland. So India, doesn't want to loose ground in the sub-Himalayan states like Bhutan and Nepal. A majority rule of law, in Bhutan, most might not be that much subordinate to Indian Sahibs.

While Jigme continuously bully Nepal with silent approval of India, former Pancha clown dominated Nepali government can not just get anything achieved from this major problem. This Pancha and pro Indian Congress coalition government has made a perfect stew of the do-nothing hoards of Nepali political mediocres. At the worst I hope they don't come back with their DAURA SURUWAL soaked after negotiating with Jigme. It is really surprising on the part of the leftist for not getting anything done when they were in government for all their nationalist cry. So, all the three governments of India, Nepal and Jigme's Bhutan can be indicated for putting innocent Bhutanese on this limbo.

Anuj Misra is studying in the United States of America.

"People's War" and the Violation of Human Rights

— Nara Nath Luitel

To analyse the nature of the violation of human rights in Nepal, her present socio-economic orientation and political trend need to be studied. The decisive struggle in 1990 brought about political changes in Nepal, but it has not brought any sense of development in socio-economic lives of the people. Still a large number of the populace suffer from illiteracy and superstition; and bedevilled with rampant poverty.

Democratic governance has created fair environment to enable one to entertain civil and political rights, as to form and join associations, right to franchise, etc. However the people are devoid of the other set of rights- economic, social and cultural. This poverty has isolated the Nepalese society from scientific knowledge and thinking.

It is a matter of pride that Nepal is not engulfed with the fire of religious unrest and racial confrontation as most of the other SAARC countries. However religious fundamentalism and superstition have claimed some lives here each year. In quite a few instances, even children have been sacrificed for the god. On the irrational charge of practising witchcraft, women have suffered barbarous torture. Such incidences, in most cases, fall in the rural villages as well as in the outskirts of the cities.

It is sad to observe that political parties in the country are lacking due political culture. Discord amidst the parties has given rise to incidences of fatal attack. This has resulted in deaths. By the abuse of state power, political activists of opposition have time and again been harassed and intimidated. Gradually, Nepalese politics, this way, has been heading towards the paths of criminalisation. Another bitter truth is that criminals of majority of such instances are either state-sponsored or strongly protected by the ruling elite.

Against the background, a small faction of the Communist Party of Nepal- Nepal Communist Party (Maoist) launched criminal activities in the Name of Peoples War beginning 11 March 1996. This faction had taken part in the National Elections of 1991 under the banner of United People's Front and was able to command 9 seats of 205-seat parliament. However, it adopted a policy of 'election boycott'

when it arrived at the mid terms polls held in 1994.

People's War began with the incidences of fatal attack with domestic weapons, guillotine, manual explosives and powder filled guns in the places where it had a political command- mainly, in Rolpa, Rukum, and Jajarkot. The main targets of the operation were the local political activists of different ideologies, local police posts and public places like water-mills. Such incidences of the primary stage left more than a dozen people injured, some of them in quite critical health conditions.

Given the present geopolitics of Nepal, People's War can be termed as a type of a political struggle. Whether the war is relevant to the time or not is another matter to argue. The government however did not recognise it as a political movement. Hence ignoring all democratic means of conflict resolution, the state resorted to suppress it at gun-point. At the instruction of the local activists of the ruling party (the Nepali Congress), police force took to reckless firing. Innocent people were dragged out of their beds and killed at night, some were killed while taking super, and many others upon their arrest. Women, regardless of their age and physical condition, were raped by police, belongings of the people, such as livestock, were looted. All this created a social havoc in the Maoist influenced districts, an event which hardly takes place in any democratic society.

From the human rights standpoint, activities employed by both sides are untoward thus of serious in nature. But, it is the state or the government in power primarily responsible for the protection and promotion of human rights and to maintain social order. Paradoxically, the government in Nepal acted as the principal violator of human rights at the cost of legal mechanism and other valid practices when it came around the 'People's War'. The cases of deaths 'under arrest' alone justify the proposition.

The seed of the political rivalry was sown in these districts by the then administrator (Chief District Officer) Rais Khan and other local activists of the then ruling party (Nepali Congress), such as Begam Rana, from the early days in post-democracy. When this rivalry heightened up and social tension



Local Nepali Congress activists searching for 'Maoists' in Rukum

grew as a result, the Maoist Party was compelled, in a way, to resort to such criminal activities.

As soon as the events began to break out sparsely, human rights organisations and the Chief Opposition Party, the Communist Party of Nepal Unified Marxist and Leninist [CPN (UML)] urged the government to resolve the problems through democratic means, but to no avail. The aftermath

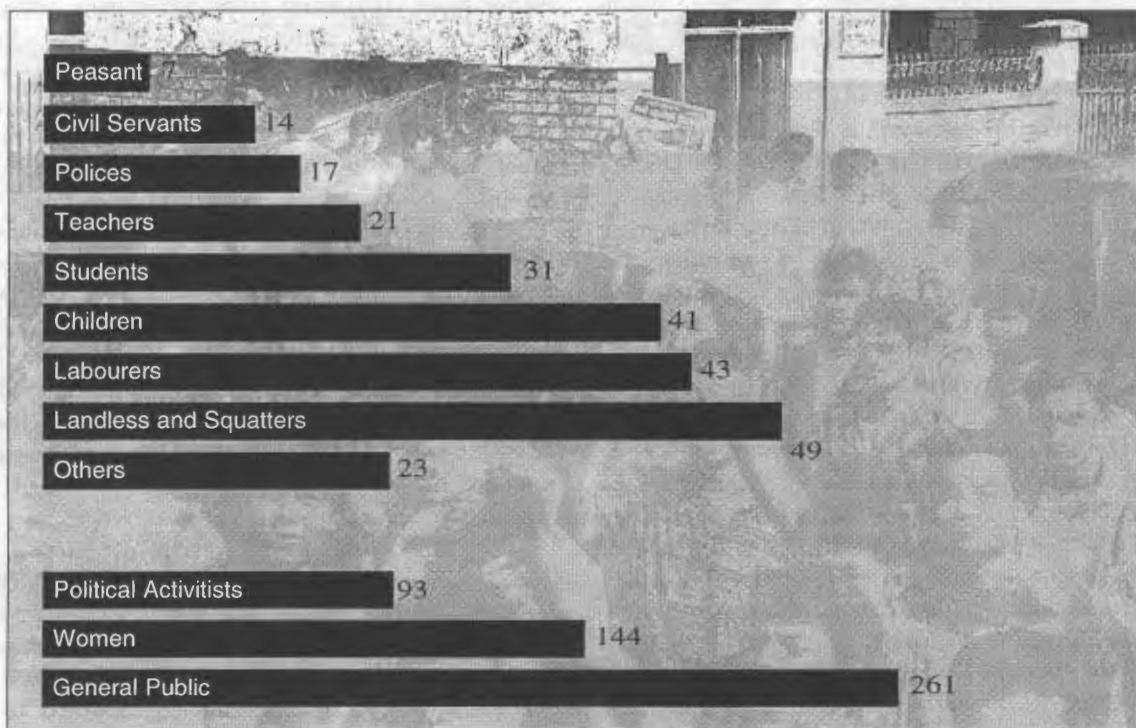
came as the destruction of the large amount of property and a number of lives, which is still so. The extremism employed by both the parties kept mocking at the norms of democracy and the voice of human rights.

The wounded districts Rukum, Rolpa, Jajarkot, Gorkha, Sindhuli and Ramechhap remind one of the horrible operations in Chhintang and Piskar which gunned down a dozens of lives. The difference is that it was the despotic Panchayat, then, afraid of the people coming united. But what happened in 1996 under the cover of democracy is more painful. Around a hundred people were killed in 1996, dozens were left deformed and hundred of others were brutally tortured. A large number of people have been kept behind the bars on false charges.

Even a child of 9 year was not spared from the claws of brutality. Neither were teachers, students, elected representatives, farmers and elderly women were regarded.

Mr Nara Nath Luitel is the Coordinator of Human Rights Year Book

Victims of Human Rights Violations in the last three months (October-December 1996)



INSEC Round Up:

Jail Inspection

INSEC District Representatives report that most of the prisons in Nepal have been physically unfavourable to keep human beings inside. They are known as torture-houses rather than a place where a culprit is put to improve and reform itself.

Majority of the buildings have deformed. There is no/very poor supply of electricity; no adequate health-care facility; no means of recreation and the like. Most of them even lack the most fundamental necessity- the toilet. Similarly, no proper care is given to female prisoners.

All the reports arrive at a conclusion that the concerned authority should pay a serious attention and begin a prompt action to stop the inhuman torture inside the prison. They also urge to reform or reconstruct the jail buildings.

INSEC has time and again articulated that the condition of prisons, physical, operational, or otherwise be improved. It has also demanded that constructive programmes be launched for prisoners to enable them to earn some skills by means of which they can operate small enterprises in the prisons. Such skills are also helpful to lead a normal life when they return to the society.

INSEC equally demands programmes necessary to enthuse the prisoners with creative sentiments.

Human Rights Year Book Assessment Symposiums

Assessment Symposiums on Human Rights Year Book 1995 are being held at various districts.



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The symposiums aim at receiving feedbacks of the Human Rights Year Book and its shortcomings. Law enforcing as well as administrative officials, elected representatives, students, teachers and journalists take part in the symposiums.

December 10 Observed

International Human Rights Day was observed jointly with other organisations, namely- CWIN, FOPHUR, HURON, CIVCT and INHURED International amidst varieties of programmes. These include rally and photo/ picture exhibition.



On the occasion, INSEC has called upon all to join the campaign against corruption. It is worth noting that corruption has been institutionalised in Nepal. All laws and rules standing to control the corruption have been neutralised under a strong political protection.

Since Human Rights can be preserved only after the abolition of corruption, INSEC implores all concerned to unite against this human evil.

December 10 last year was observed with a plea to stop criminalising politics

General Assemblies:

Sindhupalchok

INSEC Sindhupalchok network the Dynamic Rural Raising Group concluded its first General Assembly on 8 November 1996. INSEC Chairman Sushil Pyakurel speaking as the chief guest discussed about INSEC target groups. "Social justice is impossible until the gap between 'big' and 'small' is

bridged in the country. It is our duty to challenge injustices", he said.

Street Drama with respect to the control of AIDS was performed on the occasion. The assembly was concluded following the announcement of a new executive committee.

Bara

The Bara network 'Human Rights Enlightenment Centre' also concluded its general assembly on 8 November 1996 with a Member of the House of Representatives Mukunda Neopane as the chief guest. It formed a new executive committee under the chairmanship of Kewal Prasad Chaudhari.

Sarlahi

Sarlahi network Public Awareness Youth Society concluded its first general assembly on 15 December 1996. Raj Narayan Nepali, the Regional Co-ordinator for the Mid Region, inaugurated the programme. The general assembly has elected a 7 member executive committee with Rewati Panta as the Chairman.

Children's Programmes:

Children's Day

INSEC network in Dolakha Human Rights Awareness and Development Centre and Jana Ankura (Public Raising) Association co-sponsored a programme to mark the Children's Day on August 20, 1996. On the occasion a talk programme on Child Rights Situation in Nepal and an Essay Competition between students were organised.

Speech, Quiz and Literary Competitions

The Bhojpur network 'Social Awareness, Human Rights and Development Centre' organised a speech contest at Bokhi Secondary School on Child Rights on 24 October 1996. 25 students participated in the programme. Similarly, a poetry competition was conducted at Singeshwari Secondary School on November 7, 1996.

Dolakha network held various essay competitions at different schools at the initiation of "Children Awareness Groups" (CAGs). CAGs were formed in Dolakha with a view to launching programmes with respect to the Rights of the Children.



School Programmes for the Children

INSEC is to launch, through its network School Programmes for the Children in government schools. Child Awareness Groups (CAGs) have been formed in over 33 districts. The school programmes aim to make people aware of the rights of the children through their participation in relevant works.

Prior to the formation of CAGs, INSEC organised regional workshops on the Rights of the Child for the school teachers. Training/workshops were conducted to inform the teachers of the Convention on the Rights of the Child, its Historical Evolution, Nepalese Children's Act, etc. The participants were also informed of the roles of the CAGs and their responsibilities as the teacher-guardians of the concerned children.

INSEC has aimed at running essay or speech contests, amidst the students, on various themes relating to the Convention on the Rights of the Child. A district level Drawing Competition will be held and "Children's Rights in the Eyes of the Children" will be published as a compilation of the drawings. INSEC also aims to co-ordinate CAGs with the UNICEF Children Awareness Groups in near future. CAGs will soon be extended to other districts as well.

Constitution Day Observed

The INSEC Rautahat network 'Human Rights Awareness Centre' organised programmes to observe the Constitution Day on November 7, 1996.

Similarly INSEC network in Doti Human Rights and Public Services Centre organised various programmes to mark the Constitution Day on 7 November 1996.

Dhankuta network Human Rights, Social

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Awareness and Development Centre also organised programmes to observe the day.

Regional workshop

A regional workshop on Child Rights was organised by INSEC Mid West Regional Office, Nepalgunj on 10/11 September 1996. The aim of the symposium was to inform the school teachers of child rights and child concerned programmes in the school. Teachers representing 31 schools from Dang, Banke, Bardiya and Kailali participated in the workshop. On the occasion national and international mechanisms with respect to the rights of the child, the nature of the child programmes in schools and the role of teachers and students were discussed.

Trainer's Training Programme

INSEC and Bangkok based Economic and Social Council for Asia and the Pacific (ESCAP) in co-operation with the Ministry for the Local Development, HMG Nepal hosted a trainer's training on 22-28 September 1996 in Nepalgunj. The theme of the training was "The Role of the Youth in the Development of Nepal." The programme was inaugurated by the President of District Development Committee, Banke Om Prakash Jung Rana and the inaugural session was addressed by INSEC Chairman Sushil Pyakurel, Banke Local Development Officer Sharada Bhakta Poudel and Training Specialist of ESCAP Lawrence Surendra. Lawrence Surendra from ESCAPE, Pooza Kausik, micro-credit Specialist of the Bangalore Law School, India Dr. Shiva Sharma and Manasa Thakurathi from Nepal provided the training on various subjects related to the operation of income generating programmes amidst low-income rural families.

Press Releases

■ INSEC in a press statement issued on 25 December 1996 has said that "What activities occur surrounding the special session of the House of Representatives (summon to discuss on the censure motion) have mocked at democracy achieved by the mass movement." Instead of facing the no trust motion brought against the government of which they are the make up, the disappearance of some ministers on pretext of treatment is an irresponsible and non-political stance, the release says.

"We strongly condemn the anti-democratic and anti-human rights activities of its kind and call upon

Training for School Teachers

INSEC Lamjung network Society for the Protection of Human Rights and Rural Environment organised a training programme for school teachers on 17 September 1996. The training focused on Child Rights in the Context of Human Rights, Present Nepalese Legal Provision about Child Rights; and Health and Sanitation for the Personality Development of the Children.

Similarly a Regional Level School Teachers' Training was held on 17/18 November 1996 in Pokhara. On the occasion the relevance of the Convention on the Rights of the Child was discussed. Other themes of discussion were the Rights of the Child in Nepalese Context, Participation, Survival, Protection and Development of the Children, and the like.

Meeting of Regional Co-ordinators

A meeting of INSEC Regional Co-ordinators was conducted on 14 November 1996 at INSEC Central Office Kathmandu. The aim of the meeting was to discuss the ways and strategies to further INSEC programmes. The meeting adopted decisions to select districts to launch Income Generating programmes and to select new networks. Similarly the meeting adopted decisions with respect to the procedure to be followed while appointing District Representatives for Human Rights Year Book. The meeting also decided to equip and strengthen regional offices, and to merge Far Western Regional Office and Mid Western Regional Office.

all the peoples to organise against the criminalisation of politics", the release reads.

The statement was made in connection with the proceedings of the House of Representatives when, instead of facing the censure motion tabled against them, five ministers left the country for abroad on pretext of treatment. Similarly some MPs were allegedly intimidated to abstain the voting.

■ INSEC issued a press statement on 19 December 1996 suggesting the Elections Commission to appoint independent observers in consultation with the Non Governmental Organisations to ensure the impartial observance of the elections, and to make their report a basis of further action. The statement was released in response to the Code of Conduct issued by the Elections Commission with reference to the forthcoming by-elections. "There may be reasons to harbour doubts in case actions are taken only on the basis of the directions of local administration and police", the release warns calling all concerned including independent candidates to stick to the Code of Conduct thereby to make the elections fair and free.

■ INSEC through a press statement dated 11 December 1996 countered the false statement of the Prime Minister as appeared in the state owned media. The Prime Minister, as the state controlled news agencies have quoted, said while talking to the representatives of the communication media from the nation and abroad that "the abolition of the Kamaiya System and the enactment of human rights act are the gains of the present coalition government." Similarly its concern was drawn towards the radio statement of the Minister of Law and Justice dated December 10, 1996 which claims no political prisoners in the prisons of Nepal.

INSEC further puts "It is a matter of sorrow to transmit such a faulty information by the Prime Minister whereas no effort has been made to abolish the system, no one has got rid of the trouble: the harsh reality is the bonded families interwoven in the troubles."

The release discusses that the bills passed by the tenth session of the parliament on Human Rights Commission and Compensation to the Victims of Torture are the outcome of a continued effort and pressure of human rights organisations in the country though the fundamental norms of human rights have still missed from the bill. The release further reads, "We have already brought to public the fact of

the government killings of around five dozen citizen on pretext to controlling the "people's war".

Expressing dissidence over the statement of the Minister of Law and Justices the release remarks, "We have published the details of political prisoners serving prison terms following the Panchayat. At present hundreds of citizens have been put behind the bars just because of their faith upon CPN (Maoist) or UPF. They have been falsely charged. Given this, the statement as it has come, is a fault per se. The activities of the present government has also proved that the formation of human rights act alone does not guarantee human rights."

Recalling the order of the appellate court to release Jhaku Prasad Subedi, it is stated that he has not been released following a week of the order; the government is rather hatching a conspiracy to keep him up in the jail. "Such activities of the government do not protect human rights. The government should stop suppressing the opposition", the release demands.

INSEC's Public Concern

INSEC is sensitive to any calamity the citizens have to endure. It is also of the opinion that the state should be serious and sincere towards such civic problems.

On November 15, 1996 INSEC Chairman released a press statement expressing a grave sorrow over the tragic mid-air collision of the Saudia airlines Boeing 747 and Kajahstan airlines Ilushin-76 dated 12 November 1996 which left around 350 dead including around 55 Nepalese citizens. Through the release INSEC has expressed its heartfelt condolence to the bereaved families of the deceased.

"More than 50 Nepalese youths had to bear the untimely demise surrounding an environment where no appropriate opportunity of employment is found in the country and one has to go abroad in the search. The indifference and the slowness of the government to ensure the exact number of the deceased proves that its attitude towards the citizens is unsatisfactory. The government should therefore bring to public the exact number of the deceased, take strong initiation to provide the bereaved family with compensation, insurance and other assistance for the rites of the deceased."

Seminar/Workshop/Meeting

■ INSEC Chairman Sushil Pyakurel attended a Governing Board Meeting of SAFHR September 26-29, 1996 held in Dhaka, Bangladesh. Chairman Pyakurel also participated in a Workshop on Chittagong Hill Tracts held simultaneously. Representatives from Political parties in Bangladesh, Jhuma Representatives, and other political party and NGO representatives from South Asia discussed the ways to solve problems the people from the Chittagong Hill Tracts are facing.

■ INSEC activist Mukunda Raj Kattel Participated in a Regional Dialogue Between Women's Rights Activists and Human Rights Organisations 16-18 November 1996 held in Manila, Philippines. Organised by International Women's Rights Action Watch (IWRAP) Asia - Pacific, the dialogue has aimed to include the agenda of women's rights into Human Rights, achieve clarity on various issues with respect to gender, discrimination against women, increase awareness on

gender related issues and the like.

25 women rights defenders and human rights activists from Asia and the Pacific participated in the Dialogue. At the end of the programme, a memorandum was sent on to the Secretary General of the United Nations Dr. Butrose Butrose Ghali.

■ Chairman Pyakurel participated in a Preparatory Committee Meeting of South Asian Labour Forum held in New Delhi on December 3, 1996. The meeting discussed on South Asian issues pertaining to contemporary labour movement and on the future work plans of the labour Forum.

■ Similarly, Mr. Pyakurel participated in a meeting organised by South Asian Forum for Human Rights (SAFHR) in New Delhi with a view to adopting a South Asia Peace Charter. Also Programme Co-ordinator Krishna Upadhyaya attended the meeting. The meeting decided to organize a programme in Sri Lanka in April 1997 to discuss on the various social issues in Sri Lanka, and a programme in November 1997 in Bangladesh to discuss on the draft of the Peace Charter.



INSEC has been working closely with Kamaiyas for past 6 years to prepare them for their emancipation. INSEC study on them 4 years back has revealed that around 40,000 of the total national population are debt-bonded, 39,280 of them are out of shelters and around 6200 are under the age of 20.

INSEC feels that any material assistance alone does not provide a long-term solution to the problem unless the Kamaiyas themselves are

enabled to understand their social status and the reason of their servitude along generations. It is with this philosophical backing that INSEC has been launching Human Rights Education and Awareness Raising Programme for Kamaiyas constituting Kamaiya Awareness Groups.

To address the out of school Kamaiya children INSEC, in co-operation with ILO, has launched Non-formal Education Classes. The

aim is to provide them with basic education in order to secure their placement in formal education establishments. This year 420 Kamaiya children have been so admitted to formal schools who completed 9-month INSEC classes. Seven hundred other children have been selected to join the second session of NFE classes.

INSEC takes responsibility to provide them with expenses for stationery, uniform and the like.

Last year at the initiation of INSEC, National Conference of Kamaiyas was organised. That conference has constituted a forum called Kamaiya Liberation Forum which is now dealing with issues of Kamaiyas. But all it has done is a little. The government should take concrete steps for their emancipation, laws should be framed as necessary to make them socially and economically capable to lead a normal life. Their loans be paid off by the state and cultivable land be provided for their settlement.

■ INSEC Chairman Sushil Pyakurel, Programme Co-ordinator Krishna Prasad Upadhyaya, Development Programs Co-ordinator Anil Mishra, Regional Co-ordinators Kul Raj Ghimire, Surya Prakash Bhattarai and Kamaiya Liberation Front Secretary Suresh Chaudhari participated in Asia Pacific Human Rights Congress, a follow-up of Beyond Vienna NGO Congress on Human Rights for Asia and the Pacific, organised in New Delhi India on 6-7 December 1996. Around 250 human rights experts of Asia and the Pacific discussed on the co-ordination mechanism amongst human rights institutions, protection of human rights, national security laws, universality of human rights, trafficking of children, sexual exploitation, and the like. The essence of the congress was to adopt a compatible strategy to take up the struggle of the Asian human rights NGOs in the 21st Century.

■ Mukunda Raj Kattel, Shisam Mishra and Devi Banskota participated in South Asia Training Workshop on the UN Decade of Human Rights December 18-22, 1996 held in Madaripur, Bangladesh. Representatives from the SAARC countries, except from the Maldives, reviewed the existing situation of Human Rights Education in the region and resolved to workout strategies through which to include Human Rights Education in national curriculum. Objectives of HRE, Methodology and Evaluation mechanism were also identified by the programme.

The training workshop was organised by Asia Resource Foundation on the occasion of the UN Decade on Human Rights.

Mindful of the gravity of the problems of the Bhutanese Refugees and the responsibility of the government of India, the participants decided to submit an appeal to the government of India to help solve the Bhutanese Problems at the soonest.

■ Prekshya Ojha Participated in the 8th Diplomacy Training Programme organised by Diplomacy Training Programme, Australia in co-operation with the Philippines Alliance of Human Rights (PHARA) as a local host in the Philippines. The three-week training programme basically aimed at training the youths working in human rights field on how to deal and tackle diplomatically the hurdles and problems thrown up along the way. Media and Human Rights, International Human Rights and Humanitarian law, UNO and its subsidiary organs. Human Rights and Environment, Lobby in the UN,

etc. are the topics the training academically and practically (with simulation sessions) deals with. Participants from over 11 countries in South Asia and the Pacific participated in the training.

■ Development Programs Co-ordinator Anil Misra participated in the Human Rights Course organised by the Denmark Centre for Human Rights in Denmark, January 20 - February 6, 1997. The training programme discussed the topics - Global Human Rights: Sources, Standards, Procedures; Regional Human Rights Instruments; Domestic Implementation; Refugees and Asylum Seekers; Economic Cast(s) of Human Rights; Fair Trial; Equal Opportunities, etc. 28 participants from 22 countries attended the training programme.

During his stay in Denmark he also held meetings with Ivan Nielsen, Training Co-ordinator of Denmark Centre for Human Rights and other officials where discussions regarding future INSEC-DCHR co-operation were made.

■ INSEC Chairman Sushil Pyakurel attended a PP21 Co-ordinating Team Meeting held in Hong Kong on 3-4 February 1997. The meeting discussed on various points concerned with the people's movement and the responsibility of PP21 Co-ordinating Committee in future.

Radio Programme on Human Rights Education

INSEC has been running Radio Programme on Human Rights Education for nearly two years now. Each week Saturday morning the programme is aired for 15 minutes.

The content of the radio programme ranges from the fundamentals of human rights, its historical evolution, international human rights law, etc. to the national legal provisions on human rights. Similarly, contemporary events, practice of untouchability, practice of servitude have also been covered. Priority is also placed on the events like International Women's Day, Labour Day, etc.

The Radio Team prepares the script in light with the response thousands of the listeners regularly send on through letters. In each broadcast a letter is selected as the 'top of the week' and a reward, a set of INSEC publication, is sent back. This way, radio programme has been a two-way educator.

Nepalese Perspective Grass-Roots Human Rights Education

Krishna P Upadhyaya

PART I

1. Introduction: Nepalese Scenario:

Human Rights Education in Nepal has been felt necessary for curbing the violations of human rights, to create human rights culture and educate the general masses and the law enforcement agencies. Most of the human rights organizations try to conduct human rights education in three different levels. First, in the grass-roots level target-

ing victims and potential victims who are not aware of their rights and ignorant of the possible remedies available at local, national, regional and international level. Secondly, in the educational establishments to develop human rights culture and train the future generation: future civil servants, politicians, and law-enforcement officials for the respect of human and peoples rights. Thirdly, in the law enforcement agencies to develop an attitude among the police, judges and prison administrators etc. to show respect for human rights.

Content of HRE mostly comprises of democracy, social justice, development, women's rights and constitutional and legal provisions relating to human rights. The processes and means to cater human rights education have varied organization to organization.

The Nepalese human rights organizations have deployed various methods to cater human rights education. These include:

- Training /Workshops:
- Seminars/Conferences
- Newsletters and other Publications/ Posters and Pamphlets
- Audio-Visual programmes
- Rallies/ Demonstration and Protests /Celebrations
- Exposures

Prominent human rights organizations like Informal Sector Service Centre (INSEC), INHURED International, CWIN, CVICT, and other various groups for and by women and "untouchable" groups have deployed one or other methods in various occasions.

These organizations are specialized in one or other aspects of human rights, and therefore, conduct human rights education to serve their specific purposes. However, we should notice that there are also some organizations specializing in Human Rights Education itself. Apart from general protection of human rights, they focus mainly on it. They have not only incorporated the contents mentioned earlier, but also set forth some specific goals and outcome. INSEC deploys the above mentioned meth-

ods in various occasions but has developed specific types of programmes of human rights education through radio, human rights campaigns, literacy classes as entry points in 34 districts of Nepal. It has set some specific objectives to achieve through some modalities.

Insec Modality

Insec has developed a modality over the years of its activities in the grass-roots. It conducts studies or RESEARCH or organizes seminars to accumulate knowledge for future ACTION. The actions are mainly the implementation work at the grass-root level which are mainly meant to ORGANIZE the target groups for their own needs. This is Insec's RESEARCH—ACTION—ORGANIZATION model. All the programmes launched by Insec follow this pattern

2. Goals and Objectives

Informal Sector Service Centre (INSEC) has the characteristics of the human rights education that are in line with the Montreal Plan-1993, Vienna Declaration and the Draft Plan of Action of Human Rights Education Decade. These include HRE to the victims, HRE in difficult situations, HRE to nurture democratic values, HRE as participatory, operational, creative, innovative and empowering at all levels and HRE stressing "human rights needs of women"

3. Means

Radio, Campaigns, Information Work, publications, audio visuals, Grass-roots Participatory Methods

a. Radio Programme on Human Rights Education

In Nepal democracy, established six years ago, needs nurturing with utmost care. This is possible only with the active involvement and conscious support of the general masses. A very effective way to safeguard the democracy and nurture its growth is through imparting education and raising level of awareness of the people on human rights. There can be no other shortcut method to solicit people's commitment to achieve sustainable democracy other than educating people.

INSEC, committed for protection and promotion of peace, human rights and social justice, has been endeavoring to raise the awareness of people in respect of human rights and the social, economic, cultural and fundamental rights guaranteed by the Nepalese constitution.

Since radio is a very powerful media to reach the whole nation and people of different strata including people from remote areas, INSEC undertakes Radio Programme on Human Rights Education.

It mobilized its own resources and started broadcasting a weekly 15 minutes' programme on human rights since January 21, 1995. However, in the beginning various human rights organizations like CVICT and CWIN ran their programmes alternatively.

Methodology and Approach

In producing the programmes, INSEC seeks involvement and cooperation from other human rights organizations.

The content of Education is designed in such a way that it becomes simple, informative and understandable to the common people.

INSEC has formed a radio education team comprising of human rights activists and volunteers to run the programme. It coordinates the activities. Technicians are hired from outside as required.

Contents

The programme focuses on:

- Human Rights, its concept and development
- Historical Events
- Concept of the rights of the citizens
- Theoretical Foundation of human rights.
- Current issues on human rights and issues of human rights violations
- Others as found by the Radio Education Team

Response: Response to the human rights programme aired from the Radio Nepal has been enormous. The Radio Nepal's Surkhet station surveys, once in three months, about the popularity of its programmes. The listeners responded HR Education programme as the most popular programme in the mid-western region. INSEC HR Radio Programme section also receives hundreds of letters from the listeners. The responses come from mostly the high school students, indigenous and "untouchables". They amount to nearly 60% of the total responses.

Encouraged by the participation of the listeners in the programme, INSEC has decided to start the Listeners' Clubs in 20 remote districts of the country. The listeners will be encouraged to form a group of five and discuss the relevance of the programme aired from the Radio to collectively respond to it. They will also be encouraged to report the issues on human rights violations (be it civil, political, economic or cultural) prevalent in their area of domicile. Each club will be given a radio set. There will be one club in each district that will recruit more members in it. This again comes to the Research-Action-Organization modality.

Experience to Share:

Radio has proved to be most effective means of human rights education. The experience of Nepal may be relevant to other parts of the world with similar geo-political and socio-economic realities.

1. In a country like Nepal (please refer to the facts at the end) with geographical diversity, extreme poverty and illiteracy reaching the target group is an arduous task. Radio comes as the help in such a situation. It reaches highest percentage of the population (33%).
2. As a 'cheaper luxury', even the poorer families can have the radio sets. Thus the human rights education can reach to poorer community, and women in particular. Geographically, it crosses the boundary of the nation and reaches to Nepalese living in India and the Nepali speaking Indians.

3. Simultaneously, it can 'educate' various targets viz. law enforcement authorities, school/college students, teachers, general public, shop-keepers of various religions, gender and geographical regions and age-groups.

4. Important of all, the radio broadcast agencies can be lobbied in the due course. In Nepal, very recently, the authorities in Radio Nepal assured that it may co-sponsor the programme if INSEC were not able to fully finance it. This is the positive achievement to make the big organizations like Radio Nepal to express its commitment. It is not impossible they would run their own programmes once the human rights education programmes become popular. This gives rooms even for the business organizations to sponsor such programmes.

b. INSEC Campaigns

Realizing the facts that

- a. The radio reaches only 33 pc of the population, as radio sets are owned by only the stated population,
- b. The newspapers are city centred and they are not within the reach of all the literate 40% of the population,
- c. The newspapers do not give high priority to the social/human rights issues in addition to their political leanings/biases,

INSEC strove for new mechanism to bring information to the grass-root and illiterate masses.

It is in this background, INSEC started its campaigns since November, 1995 covering the violations of human rights of social, economic, civil and political nature.

Objectives:

- a. To lobby the press and parliament on the issues of human rights.
- b. To create pressure on the government for the implementation of the human rights treaties.
- c. To create awareness among the grass-roots organizations and people.
- d. To involve the grass-root organizations and people in the national human rights movement and enhance close working relations with the grass-roots organizations and peoples organizations.

d. To involve international human rights networks for the national issues.

Methods of Campaigns:

The methods of campaign vary according to their nature, the general method being to involve all the network members and friendly organizations of INSEC. The campaigns are designed in INSEC central office. It sends all the directives and the campaign materials to the regional offices. The regional offices send these materials to the network members who act according to the directives. The directives mostly include to organize seminars, peace processions and rallies and collect signatures and writing letters to the concerned governmental agencies, press and the administrations. They mostly write letters to the Prime Minister, Parliamentarians and the press. They create opinion, lobby the government and parliamentarians for the proper legislation and the national implementation of the international human rights treaties ratified by Nepal.

Experiences:

So far we have gathered the experiences of various monthly/bi-monthly campaigns conducted. The campaigns were on Human Rights Commission, Jail Reforms and kamaiya liberation. INSEC Central Office designed the backgrounder and sent to the different organizations for actions. They organized small gathering, conducted seminars or some of them collected signatures for the establishment of Human Rights Commission. However, in the middle of the campaign period a private bill was brought in the Upper House of the Parliament and duly passed. The bill was incomplete and perfunctory. Therefore, after receiving all the letters from friendly organizations and INSEC Networks, a meeting of prominent human rights organizations based in Kathmandu including prominent personalities in the field was organized to discuss the situation. The meeting suggested to postpone the discussion and collected signature and suggested to amend the bills.

Then the all the letters sent by the different organizations and the signature collected in the meeting and suggestions for the amendment and the postponement of tabulation in the lower house were handed over to leaders of the parliamentarian parties of all the parties, all parliamentarians and the press. The result was obvious. The M.P.s took interest on the issues raised by the communities. Main Opposition party tabled an amendment in the bills. Discussion in the parliament was delayed to buy the time for the public discussion. All those concerned raised voices for a meaningful human rights mechanism.

This campaign had multiple audiences. The backgrounder gave all the information and practices of Human Rights Commission which was new information for grass-roots organizations. Their activities at the grass-roots informed the general public about its need, the service the victims will be receiving and the impact for the general protection of human rights. This also lobbied different political parties and parliamentarians as the grass-root organizations

wrote letters to parliamentarians drawing their attention on the subject. Simultaneously, the press was furnished with all the information which were widely covered by them. Thus, during a month, activities on a same issue of national importance extended to various spheres of national life—grass-roots, press, parliaments and governmental agencies.

c. HR Year Book: Information For Education/ Awareness

It has been only five years of freedom from tyranny that lasted for thirty years. Human rights was much acclaimed subject during these five years of freedom. During this period, Informal Sector Service Centre (INSEC) started to evaluate the status of human rights in the country. It commenced publishing Human Rights Year Book each year since 1992.

Method of monitoring/collection of information

The geography of Nepal makes it hard to collect information of human rights violations from all parts of the country. Despite, the adversities INSEC started this work in 1992. In the beginning, INSEC used to send one volunteer to each district to collect information. INSEC realized that the volunteers going from Kathmandu to all the remote districts could not collect all the relevant information on violations in a short span of time. We doubted the credibility of the information also. Therefore, since 1993 it deployed reporters permanently in the districts. They were trained in the five different centres of the country. Training sessions were conducted for three days. The contents of training included the concept of human rights, analysis of events, methods of information collection, analysis of the information collected and appropriate method of reporting to the centre, the main INSEC office in Kathmandu.

INSEC continued the same procedure in 1994 too. In 1995, it improved the quality of training and methods but the process was same. At present, there are 75 reporters in all 75 districts of Nepal who monitor the situation in their respective districts and collect information on HURIDOCS STANDARD FORMATS ON EVENTS. However, the formats have been modified according to needs.

The reporters go to areas where the events relating to human rights violations occur. They interview the victims, perpetrator, the family members of the victims, and other concerned individuals, governmental agencies and the concerned organizations. They collect photographs and other supporting documents. On the basis of these, they fill in the formats. Together with these forms, they send the details of the events to the central office. They even use telephone, to inform about the events having regional or national impact. For the credibility of the information, the reporters pay visits to district administration office, police, court and the local chief of political parties.

In addition to that, INSEC central office organizes fact finding missions to look into the serious events. Such missions include human rights activists, journalists, lawyers, medical professionals. After visit to the sight of the events and meeting with concerned individuals, the missions prepare

reports which are later published.

INSEC central office collects news clippings on human rights violations. Such news items are cross-checked with the district reporters deployed by INSEC. Only confirmed and cross-checked news find place in the publication.

Priority Areas and Formats

In 1992, information collection base was HURIDOCs formats. The Standard Formats were not found suitable to the geography, human resource and facilities available, culture, socio-economic and political realities. Therefore, later they were modified. Some of the fields were removed and some new added as demanded by Nepalese realities. Now, the topics in the fields are:

1. Right to Dignified Life
2. Fundamental Rights
3. Landless and Squatters Problems
4. Women's Rights
5. Children's Rights
6. Economic Rights
7. Other Issues Related to Human Rights
8. Statements, Comments etc. of the Concerned

Agencies on events in the districts.

9. Additional Information (Important Events but not directly related to Human Rights)

Method of dissemination

INSEC employs two methods for the dissemination of information on human rights: internal and external. INSEC reporters prepare the reports of their areas and send these to the INSEC regional offices based in five different centres of the country. The reports on serious events are directly sent to the Centre or regional offices through fax or phone. The other reports are sent regularly by air document, delivery services or through post offices. This is internal dissemination.

Information received in the centre are treated according to its gravity. If the events are serious, INSEC expresses its concern by issuing press-statement, publishing reports or occasional publications. Compilation of the all the events including all the fields mentioned come out as Human Rights Year Book which is published annually. In each three month, it also publishes human rights situation report to evaluate the status of human rights in the said period. It distributes all the publications like Human Rights Year Book, Situation Report and press statements on the events. It also organizes evaluation meetings on the Year Book in the districts which accelerates the interest on the publication.

Impact:

These activities have impacts on national life. The responsibility to curtail and stop the violations lies under the state. The state has not been so serious on the matter. The publications have drawn a lot of attention of the state. Moreover, these publications have raised the interests and concern among the general public on the issues of human rights. They are being educated. The perpetrators are being discouraged and the victims are being counseled. They have gained enough confidence to knock the doors of courts for justice.

d. Grass-roots Participatory HR

Education: Literacy as Entry Point

Grass-roots Human Rights Education (HRE) is one of the main components of INSEC programmes. This is a bridge to link grass-root activities. Started in 1992, HRE Programmes have been extended to 34 districts of Nepal in 1995.

Objectives:

The main objectives of Human Rights Education Programme are:

1. To create general awareness on human rights among the grass-root people
2. To involve them in the grass-root activities to help their own communities
3. To help them organize themselves in the grass-roots to realize their rights.

Methods:

The district networks of INSEC select the programme areas and communities. Each district network runs literacy classes in four centres. They also identify teachers from the same communities. The teachers are trained in five regional centres of Nepal.

They are provided with the teaching materials and instructions. Mainly, they are trained in teaching Nepali Language courses, Arithmetic, Social Science and Human Rights courses for grass roots, especially prepared by INSEC. Now they are using "Hami ra hamra adhikar" (We and Our Rights), posters and other materials prepared by INSEC. The teachers focus on general literacy and awareness side by side. After six months, which is a period of completion of literacy, the teachers concentrate on human rights training. INSEC, thus, confers education through literacy.

Present Scenario: At present INSEC is conducting such programmes in 34 districts, altogether there are 156 centres for adults. This number excludes the 15 centres for child literacy programmes for Kamaiya children (children in bondage) being carried out in three districts of West Nepal. Altogether, 171 teachers are involved in teaching in 34 districts.

Participants: Nearly, 5,000 adults are participating in the human rights education programmes. Overwhelming majority of the participants are female. This number is ascending each year. After the completion of the education programmes they are expected to organize in groups for the betterment of their own communities.

Organization for the Work

Insec Network: Insec has created its own network in 34 districts of Nepal with grass-roots organizations to cater human rights education services, literacy as entry point, and intervention for economic, social and cultural rights. They are responsible for organizing local groups, four in each district. After the groups are organized an educator for each group is selected from the community itself. The teachers are later

trained in the five different regional centres of Nepal. Implementation is supervised and monitored by the regional offices based in five different centres.

Contents:

In addition to literacy courses, awareness courses comprise of human rights components of:

- Universal Declaration of human rights (simplified and produced by INSEC which has pictures and songs after each article that the participants can sing)
- Human Rights in Nepali Constitution (Simplified resource material prepared by INSEC)
- Protection of Democracy and Responsibility of People (Simple pictorial book prepared by INSEC)
- We and Our Rights (A simple Nepali pictorial book designed and published by INSEC)
- Democracy, General Election and Religious Harmony booklet in Nepali eligible by post literate groups)
- Who Does Harka Bahadur Caste Vote To? (simple booklet in Nepali for post literate group)
- Posters Compilation in Wall-Calendar Size.

These all have been compiled as one book to provide to the participants for 1997 sessions.

Training For Trainers :

A ten day training session is organized in each regional centre of Nepal prior to the start of the programme in the districts. The teachers selected are trained in these training. The content of the training include

- Teaching Methods of the Literacy Classes
- General Concept on Human Rights
- Introduction to the courses of the Awareness classes and teaching methods
- Participation of the targets/ organizing them for their future actions.

e. Other Publications /Audio-Visuals

INSEC also publishes a lot of materials like posters, booklets, books on various issues like untouchability and gender justice. Many of the books are the reports of the seminars on Women in Politics, Bonded Labour Conference, and many others. Similarly, it has developed some of the audio-Visuals on the situation of Agriculture-based Bonded Labourers (Kamaiyas).

PART II

With launching in human rights education by various means and reaching various targets, INSEC has achieved considerably. INSEC is of the opinion that the small projects launched by it does not change the lot of the people. The projects are models. But organizing the targets for their own needs is the ultimate goal of INSEC. INSEC conducted research on the (Bonded Agricultural Labourers) Kamaiyas in 1991 and launched programmes of human rights education among them for four years. After the programme, the Kamaiyas were so organized that they conducted their

National Conference and changed themselves as the agriculture based trade union organization. They are now affiliated to General Federation of Nepalese Trade Unions, the result being they are asking for the minimum wage in agriculture work. They are also demanding the government to come up with an appropriate legislation to end the Kamaiya system. This is a successful implementation of INSEC Modality of Research—Action—Organization. Even the radio human rights programme is organizing its listeners in Listeners Clubs which human rights violations in the area of their domicile.

However, INSEC while launching Human Rights Education by various means catered to grass-roots level, faced various adversities. It needed a careful study of the local community, their culture, the time available and the resistance by the traditional and feudal elements. Copying the international experiences is harmful in the specific reality of the country predominant of the feudal structure, low literacy, geo-graphical and ethnic, religious and linguistic diversity. The teaching materials had to be developed in various local languages which is much resource consuming. However, success makes forget all the troubles. The commitments of the grass-roots workers and the educators coupled with the cooperation of the local authorities and the communities made the programmes popular in local levels.

Sharing these experiences, at this length, we arrive at a juncture where it is necessary to initiate dialogues and discussions among various groups, human rights and peoples organizations to achieve true participation of the people in the human rights education overcoming "I (educators/activists) know better than you (common people)". And also there is equal need for the exchange of information and experiences among the various groups in the Asia-Pacific Region to make human rights education programmes long lasting with expected outcome.

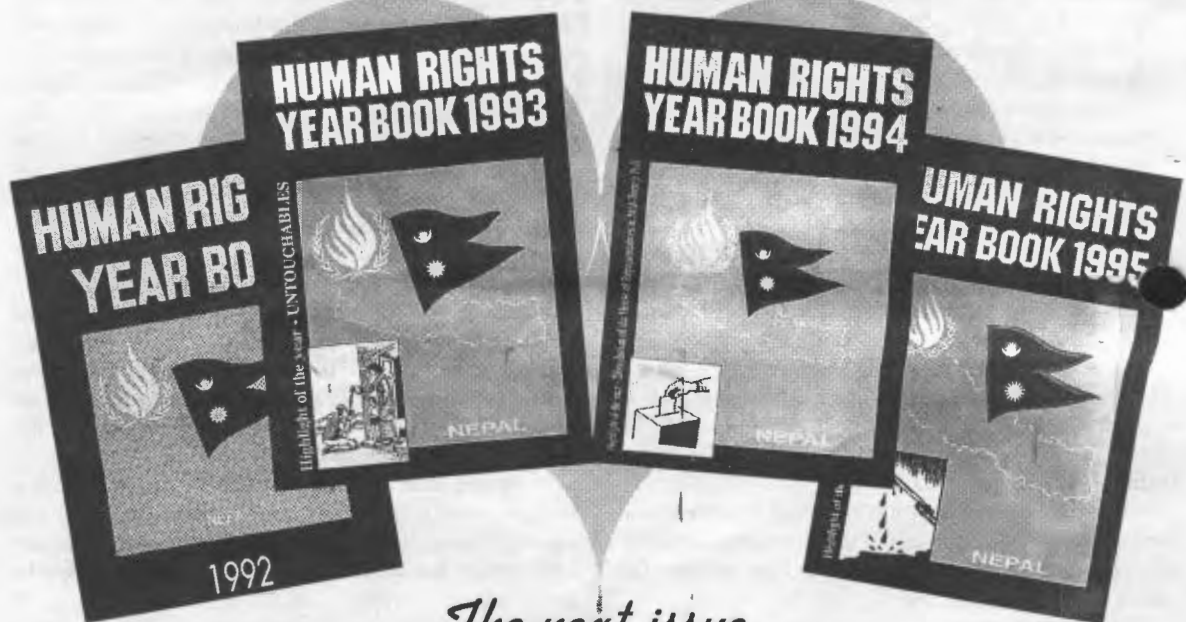
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Mr. Upadhyaya is the Programme Coordinator at INSEC. This paper was presented in the workshop on Tasks for the UN Decade for Human Rights Education in the Asia-Pacific Region 22-25 August, 1996 organized by Australian Human Rights Information Centre (AHRIC) and Diplomacy Training Programme (University of New South Wales) Sydney, New South Wales, Australia.

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**... AND
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