

INFORMAL

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Code of Conduct

Code of Conduct Approved and to be implemented by both sides during the Cessfire. While recognizing the need for the creation of an atmosphere for talks for a peaceful resolution of the conflict and committed to the announced ceasefire, the Shah (His Majesty's Government) and Rebel (Nepal Communist Party, Maoist) have agreed to the following points during the ceasefire.

1. Both parties are committed and effortful to find a peaceful solution through dialogue.
2. Both sides are committed and effortful to find mutually acceptable matters of national interest.
3. Both parties are committed to activities and will not engage in activities that could ignite the conflict.
4. Both parties are committed to aggressive activities in public areas.
5. Both sides are committed to activities in public areas.
6. Both sides are committed to activities in public areas.

It is important to recall the... 2001. These held... and the Government... of CPN (Maoist)... situation through... the significance of... was over as the... of Maoist groups... further... chiefly...

...the war of all the... be present political... the resolution... dialogue with the... dialogue... ceasefire...

...the Maoist... run back... and... of people... overaching fund... main impediment...

Anguish of the Silent Voice

**Role of International Community
for Peace Initiation in Nepal**

How INSEC is Reaching the Poor

1. INSEC's Working Modality

Research-Action-Organisation (RAO) model is INSEC's modality to foster its mission and the implementation of strategies. Researches on various issues are carried out to have proper understanding of their genesis, gravity and the cross-cutting relations. Interventions are designed on the basis of results suggested by research. Actions are taken to empower people through awareness building, sensitising on asserting the human rights, training and facilitating to form groups/organisations. INSEC mainstreams the enriched and motivated target communities to form self-motivated groups for the assertion of their rights. It supports such groups by providing training, materials and becoming partner in the advocacy of relevant rights.

2. INSEC Core Activities

❑ **Protection:** Human Rights Monitoring, Documentation and Dissemination

- 75 HR Yearbook representatives in all (75) districts of Nepal to monitor, evaluate and send report of violation of human rights to the central office via the respective regional offices (INSEC has 5 regional offices).
- Human Rights Education from Radio Nepal. 650 listeners' clubs, including 233 affiliated with national committee of the clubs
- Fact-finding mission
- Media sensitization
- E-bulletin (Every Friday)
- Publication works on HR
 - o HR Yearbook
 - o HR Situation Report
 - o Informal
 - o Prachi
 - o Aviyan
 - Urgent action
 - Press conference/release
 - Documentation/library containing books, periodicals, journals, collection of newspapers, and other magazines from national and international sources. (4350 books on social sciences, mainly on HR and social justice)

Publication Till 2002

- o 20 Human Rights Yearbooks (10 each in English & Nepali)
- o 45 Prachi (Nepali bi-monthly)
- o 82 INSEC Aviyan (Nepali monthly)
- o 14 Informal (English Quarterly)
- o Around 80 Human Rights Situation Reports (Both English and Nepali Quarterly)

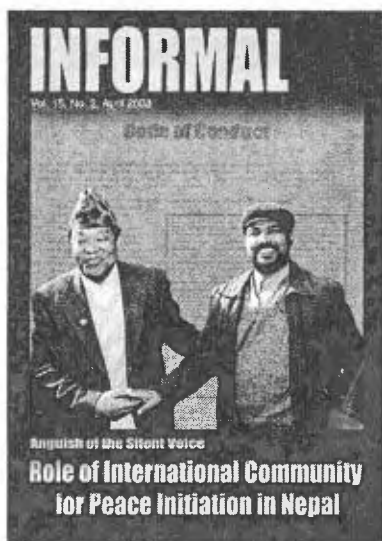
Other 109 HR related books, research documents and other special publications.

❑ **Promotion:** Human rights education to the grassroots

- Launched in 50 districts through partner organizations
- Deliver human rights education and literacy/advocacy classes giving priority to socially backward areas (Focus: Agriculture labourers and oppressed communities including women, who obviously are disadvantaged)
- Voters' education
- HR education for elected representatives
- HR education for law enforcing agencies (civil servants, security personnel, legal professionals & other change agents)
- Campaign for protection & promotion of HR
- Days celebration related to HR
- Training on HR, conflict transformation & peace building
- Curriculum development for HRE
- Programme on refugee rights

Till 2001

- o 10,609 children have been benefited through INSEC's child rights awareness programmes. Among them, 4,633 are girls.
- o 280,479 citizens have been benefited through INSEC's human rights awareness programmes. Among them 113,431 are females.
- o 31,337 citizens have been directly benefited from INSEC's human rights education programme. Among them 23,962 are females.



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Editorial

The truce announced by the government and the Maoists is a worth noting milestone. The violence has been curbed. Consequently, human rights violation has also reduced, citizens are somehow inhaling peace. We advocated for the establishment of peace by stopping all kinds of murder and terror in this column in the past issues. We, the human rights activists, were always saddened by the ignorance of the warring parties when we used to ask for the respect of human rights. We urged them to come for the peace dialogue. We used to repeat 'dialogue is inevitable' for the lasting peace. Belated effort it is, however, a ray of glimmering hope has prevailed in the settles of the Nepalese community that the political problem has been somehow tracked to reach a common conscience.

We have already expressed our hearty welcome to the truce announcement. We, the human rights community, do not claim that our common voice has been fully heard. At least the recent trend is satisfactory – there is decreased terror, threat and human rights violation. As a result, this volume does not cover the blood-shed print; this issue does not explain the increasing number of killings, arrests, abductions, threats and other forms of grave human rights violations. It rather advocates peace, the peace evaporated for seven years, and being condensed at present.

Yet the hangover of the violence has not completely erased from the mind of the conflicting parties. The displaced people have been denied to return to their places. The Maoists have captured the land of the displaced people in Baglung district. They are still threatening to leave their places. Basanta Raj Karki, the CPN – UML leader of Dolakha district has been threatened to empty his house within a week on March 16, 2003. In Panchthar district, even after signing on a code of conduct, the Maoists are forcefully collecting donation.

The hangover is also on the government side. People have been arrested even after the truce. Two Maoist rebels were killed at Deurafeta area in Bajhang district in the crossfire between the army and the Maoist rebels on 24 February 2003. Twelve Maoist militias who escaped from the police custody in Kanchanpur district on March 9 2003 were arrested after the announcement of the truce. The government has not guaranteed the right to life and freedom of movement. The TADA act, which contravenes the Constitution, is still functioning. Due to fear, Maoist detainees in Bhojpur district have refused to come out.

These incidents prove that the warring forces are yet to involve in the peace process. The major political parties are seemed to be excluded from the present political scenario. We, human rights activists, believe on the rule of law. By excluding and ignoring voices, it is unjust to say, 'We are right.'

The foremost concern of all is the trauma and pain of the victims due to the conflict. It cannot ease itself by merely signing on the code of conduct and involving in the peace process. The common question is how to mitigate the problems brought out by the war. By merely, forgetting these problems and signing on an agreement paper in Kathmandu, the effect of war cannot be solved. An urgent need is to know the root causes of the conflict, its effect and ways to solutions. We are in a strong belief that the affected victims know these queries better than the warring forces and other political parties. INSEC has been collecting the answers to these queries by launching 'People's Assembly' in 188 VDCs of 47 districts. We intend to produce these answers on the dialogue table so that people's voice of the ignored, shall at least be heard this time.

Role of International Community for Peace Initiation in Nepal

- Padma Khatiwada

1. General Background

The 54th Human Rights Day on 10 December 2002 being celebrated in memory of the Universal Declaration of Human Rights (UDHR) 1948 was celebrated in Nepal with a slogan, "Human Rights for Peace". Once peace-loving zone – Nepal fell under severe crisis due to the Maoist launched 'People's War' seven years back. So Nepal now has to select the slogan "Human Rights for Peace".

The year 2002 remained probably the darkest year from human rights perspective. The state of emergency imposed on 26 November 2001 remained till 29 August 2002. In the name of quelling the 'terrorist', Terrorist and Disruptive Activities, (Control and Punishment) Ordinance (TADO) was promulgated, which later almost unanimously passed as the TADA act valid for 2 years. Article 5 of the TADA empowers the security force to arrest anyone on the basis of adequate and reasonable suspicion that he is engaged in terrorist and destructive acts, and furnish information of such arrests along with reasons thereof, search at any time the house, shop, warehouse, means of transport or any other place of any person after informing him in advance in case it is suspected that illegal arms and ammunition, bombs or explosives

are stored or any suspicious person connected with terrorists is hiding there, and issue receipts of goods recovered, if any, in the course of the search. The act also authorises them to search at any place or on any thoroughfare anyone's person or belonging or the means or vehicle he is using in order to check terrorist and destructive acts, and so on.¹ The TADA Act thus contravenes the fundamental rights enshrined in the Constitution.

During the period the role of national and international community has been very significant. The present truce is not only the contribution of the government, different political parties, law enforcing agencies, civil society organisations, human rights activists, journalists and scholars but also an endeavour of different international communities. In this short write up an attempt is made to analyse this role focusing their peace initiative activities.

2. Data Source

The information taken as reference in this article are mainly from two sources:

- i. Corresponding with various international communities to shed light on their respective role in the peace initiative approach in Nepal.

- ii. Collection file in INSEC Library that contains human rights related articles, thoughts, views and news published in different newspapers; and
- iii. Websites of the concerned authorities.

3. Organisation of the Study

This write-up analyses the role of international community in peace building in Nepal. First the role performed by the respective governments and their diplomats are highlighted. A similar role performed by the different international agencies and other civil society organisations from different parts of the globe are analysed in brief.

4. Limitation

Due to the lack of the authentic sources the roles performed by several groups have been left out in this write-up. Furthermore, many of such roles may not have been published so that they could not be mentioned here as well. Another limitation of this write-up is that it does not, with prime concern, raise the concern over the economic assistance given by different countries to use for the armed conflict in Nepal. It only highlights views and news about peace process or peace initiation in Nepal.

¹ Khatiwada, Padma, 2002, "Democracy and Security of the People in Asian Region", Informal, Vol. 13, p 22 (Kathmandu: INSEC)

5. The Analysis

5.1 Governments/Diplomats

India



On 26 November 2001, Prime Minister of India, on a telephone conversation with the Prime Minister of Nepal, supported the declaration of the State of Emergency in Nepal, which was stated by the speaker of the Foreign Ministry of India. The Indian Embassy, issuing a statement on 27 November 2001, supported the declaration of the State of Emergency in Nepal and "terrorists" to the Maoists by the Nepalese government. The embassy also made clear that they would not let the Maoists use their land, which would go against the Nepalese sovereignty. The embassy further informed the Indian Prime Minister's support for the step taken by the Nepalese government, by denouncing for the brutal attack made by the Maoists during that period.

On December 11, 2001, two "Chita" helicopters that were donated by the Indian Government arrived in Kathmandu. The helicopters were for the special use of the army operation.

On February 17, 2002 a press statement published by the Indian Embassy expressed the concern at the loss of more than 100 lives in Achham District and stated that India is willing to extend full support to Nepal in its attempt to establish peace and security in the country.

On 10 July 2002 Acting Ambassador of India Ashok Kumar informed that if Nepal provides information about the addresses of the Maoist leaders residing in India, India would immediately start its operation process. The Acting Ambassador said this in a get-together and discussion programme organised by Nepal-India Friendship Organisation, in Rupandehi District.

Delhi High Court denied to hand over 4 Nepalese to the Nepalese Government in an accusation of assisting the Maoists on 12 July 2002. The New Delhi Special Police had arrested 4 Nepalese and some Indians who had participated in a meeting organised by the India-Nepal Solidarity Organisation on 11 July. Among the people who were arrested were Moti Prasad, a member of the organisation and a Nepalese who had been living in India for 20 years, reporters of Nepali Awaj Papers, Ram Karki alias Parth Chhetri and Maheshwor Dahal and Aditi, a student who had gone to India from Kathmandu.

After the truce was announced between the government and the Maoists on 29 January 2003, the Indian envoy supporting the truce expressed that Nepal would be India's good neighbour.

On March 13, 2003, Indian envoy to Nepal Shyam Sharan said the Maoist insurgency was not just a threat to the security of Nepal, which is also a threat to the security of India.

United States of America



On 26 November 2001, the US Embassy supported the State of Emergency declared with an aim to establishing peace and tranquillity in Nepal. The embassy, welcoming the attempt of the Nepalese government, also condemned the brutal attack made by the Maoists in the different places of Nepal in the recent days.

On December 5, 2001, the Foreign Department of the United States sought clarification on the guidelines for press and medical personnel circulated recently by the Minister for Information and Communications and the Minister of State for Health.

The United States pledged increased development funds to tackle Nepal's

socio-economic needs to 38 million from 24 million US Dollars. Visiting Assistant Secretary of State for South Asian Affairs Christina Rocca disclosed this on December 15 2002 to senior editors.²

On January 18, 2002 US Minister for Foreign Affairs, Colin Powell arrived in Nepal on a two-day official visit. Powell expressed his opinion that there is no place for killings in democracy and showed his gratitude to Nepal for supporting the war against international terrorism. Further stating the misfortune created by the Maoists for the Nepalese people, police and army, he said, the US supported the steps of His Majesty's Government taken to protect the rights of the Nepalese people as well as the democratic organisations. He believed that the State of Emergency declared in Nepal exists only for a short period and on the same occasion, urged the government to be alert on the protection of human rights.

On February 21, 2002 the American Embassy condemned the attack by the Maoists in Achham and urged them to fulfil their aims in a peaceful and democratic way as stipulated in the Constitution.³

On February 23, 2002, US Ambassador to Nepal Michael E. Malinowski inspected the places of Achham and Salyan district, which was attacked by the Maoists.

On 25 February 2002, in the inauguration of a workshop on "South Asia Peace Establishment" in Kathmandu, the American Embassy for Nepal stated that the Maoists of Nepal were also 'terrorists' like Khme Rouge, Al Quida and Shining Path.

On February 26, 2002, in a programme organised in Kathmandu, an American Diplomat A. Peter Bulein expressed his opinion that Maoists problem cannot be solved only by the effort of the security personnel and the police personnel. He stressed that the Maoists prob-

² The Space Time Today, 16 December 2002

³ The Nepal Samachar Patra Daily, February 21, 2002

lem will not be solved unless the civil society is aware and the adequate knowledge of capable leadership is not accepted in the political level.

On 18 July, 2002 Christina Rokka, the US Assistant Foreign Minister for South Asia expressed her concern over the obstacles raised in effective connection with the terrorism conflict due to the internal conflict in the Nepalese Government. Expressing her opinion in an American Parliament Committee, she said that it is a responsibility and liability of the government to protect the people within the purview of the Constitution. But unfortunately, as the Nepalese leaders of the ruling party are conflicting with each other, this is creating a hindrance against the effectiveness of the operation against the Maoists and the development as well as the construction part.

On November 2002, the United States warned its citizens of heightened risks to their safety in Nepal after Maoist rebels issued threats against its diplomats.

The US envoy to Nepal welcomed the announcement of the truce declared by the government and the Maoists on 29 January 2003.

On 3 February 2003, Christina Rocca, the US Assistant Foreign Minister for South Asia said that the Maoists seem doing well now but the government seems incapable to foot equally with them in peace process.

On March 2, 2003 US South Asia Desk Chief Donald Camp said the US is undoubtedly for peace talks. The US is rather worried about the collective efforts by the South Asian Maoists

against the US interest. On March 3, 2003, he further said "Last month's truce is a big step in the right direction, but we must remain in guard, after all the Maoists off a similar cease fire in November 2001."

The European Union

On 26 November 2001, the European Union, supporting the Nepalese government for the present step taken for the welfare of the Nepalese civilian, requested the Maoist cadres to come up to the negotiating table. The Union also praised the decision of the Deuba cabinet for resuming peace talks with the Maoists. The Head of Mission, Norway also supported the version.

On 8 December 2001, the European Commission and the diplomats of the

The British Embassy has supported the movement of INSEC by granting two specific projects for the year 2002.

1. Workshop on Litigating Human Rights
2. Translation of Geneva Conventions into Nepali Language

The collaboration was made with International Centre for the Legal Protection of Human Rights (INTERIGHTS), a London based organisation for the legal and technical assistance. Two workshops were held in Nepal focusing the practising lawyers to litigate the human rights violations in domestic and international level. The first national workshop on Complaints Filing Procedure to the UN Committee was held in Kathmandu on 9-10 February 2002. About 60 practising lawyers from Nepal participated in the workshop. A total of 20 resource persons and judges, lawyers and an international law expert were also present at the workshop. The workshop had the following objectives:

1. To make the lawyers well acquainted on the use of international mechanisms on human rights violation cases.
2. To orient the lawyers on the human rights monitoring provision and complaints mechanisms.
3. To pressurize the government of implement the international conventions and treaties into the domestic level.
4. To disseminate the information the provisions of individual complaints procedure based on the conventions and protocols.
5. To give the practical knowledge on the use of international remedies from the local jurisdiction.

(From national level)

The second national workshop on litigating human rights in the state of emergency was held in Dhulikhel on 27-29 September 2002. About 60 practising lawyers representing various Bar Association from Nepal participated in the meeting. Also taking part were 21 resource persons including judges, lawyers, a police officer and international law experts. The main objectives of the workshop were as follows:

1. To provide information on the human rights provision of international human right instruments focusing the lawyers outside the valley.
2. Help to increase the capacity of lawyers to ensure the effective protection of fundamental rights.
3. To provide the practical knowledge on the human rights violation cases.
4. To provide the legal materials to the lawyers related on human rights.
5. Establish a loose network of the active lawyers to act together on the cases on human rights violation.
6. To disseminate the information and the experiences through the loose network among the lawyers.
7. To empower and sensitise the lawyers to file the human rights violation cases in the state of emergency by using national and international legal mechanisms.

The workshop focused on the State of Emergency and the human right violations. Basically it focused on the issues of Right to Fair Trial, TADA and International Human Rights, State of Emergency and Human Rights, Use of writs, PIL, Life liberty and security, justiciability of ESCR and Right to Equality.

The general impact of these two workshops follows:

1. Lawyers acquainted by the knowledge on the use of international mechanisms on the human rights violation cases.
2. Practicing Lawyers were well informed on the individual complaint procedure laid under OP to CCPR and CEDAW.
3. Lawyers have been benefited by the use of national and international legal remedies on the human rights violations in the state of Emergency.
4. Use of international remedies procedures has been explored in Nepal for the first time. Therefore, judges and lawyers are very much positive to exercise these mechanisms.

The specific are:

1. A loose network of lawyers was formed and it is on the process so that a group of lawyers can take up cases to the HRC.
2. A brochure describing the workshops and the participants was published in Nepali language and circulated to all the participants.
3. A case was filed to the Sunsari District Court and Kathmandu District Court on behalf of arrested journalists during the state of emergency demanding compensation.
4. Among the participant lawyers, some of them filed a case to the Saptari District Court applying the knowledge they gained from the programme.
5. BARs of Nepal are positive on providing and helping on the relevant cases.
6. INSEC itself is exercising on the use of international legal remedies. It has forwarded a report to the UN High Commissioner for Human Rights Sergio Viera

de Mello to draw his attention to the incidents of the human rights violations including the cases of torture and arbitrary detention. The report is prepared on the base of fact finding jointly by the team of investigators; Vincent Brossel and Dr Jean Rivolet of Reporters without borders and INSEC.

INSEC translated the Geneva conventions to the Nepalese language keeping following objectives:

1. To make the provisions of the conventions understandable to the practising lawyers so that they can advocate on behalf of the victims by citing the provisions enshrined in the conventions.
2. To disseminate the Geneva Conventions around the country.
3. To made the full context and provisions of Geneva Conventions available to the people of different level.
4. To make accountable the country on the implementation of the provisions enshrined in the Conventions.

Two thousand copies of Geneva Conventions have been published to fulfil the above-mentioned objectives. The translated version of the Geneva conventions has been circulated and disseminated to the most important institutions like National Human Rights Commission, Ministries, and local and national level Human Rights Organisations, Universities, Bars and even to the individuals including lawyers, legal experts, judges, and local organisations. This book has been one of the important reference books for the case filers to bring out the evidence of human rights violation by both the State and Non-state during the armed conflict.

West jointly expressed worry reminding the government of Nepal that the innocent civilians might be victimised in a state of the deputation of the Nepalese Army.

On April 8, the Ambassadors of the European Community released a press statement, urging the Maoists to come back to the peace talk again.

On 24 July 2002, the British Government announced a decision to provide a significant package of assistance to Nepal, against the background of the country's efforts to tackle the Maoist insurgency. The funds would come from the British Government's Global Conflict Prevention Fund. The alloca-

tion to Nepal totalled some £6.5 million (NRs 650 million).

The conflict prevention package aimed at promoting reform of government security structures, measures to strengthen human rights protection and the application of international humanitarian law. The package would also include the supply of a limited allocation of non-lethal military assistance, including two transport aircraft to the Royal Nepalese Army. This new conflict prevention initiative is part of the British Government's continuing commitment to assisting the government and people of Nepal in resolving the conflict in the country.⁴

European Union also welcomed the announcement of the truce declared on 29 January 2003 between the government and the Maoists saying that it was an 'encouraging development'. Mike O' Bryan, the British Under Secretary, said the truce 'may be instrumental in defeating violence.' He also highlighted an urgent need for lasting peace that 'Nepal has a lot to do.'

On February 6, 2003, expressing the willingness to co-operate for the Nepalese Government, British South Asia Desk Chief S. Smith said, "If Nepal desires so, UK will assist in many things that may support peace process."

⁴ Downloaded from web site...

Danish support for democratisation in Nepal was initiated soon after the establishment of the interim government in 1990. In 1997, it was decided to develop a comprehensive programme to support Human Rights, Good Governance, and Decentralisation in Nepal. The major programmes includes support to the Election Commission, the Parliament Secretariat, the Central Police Science Laboratory, INSEC, independent media, the Justice Sector, organisations of Dalits as well as the establishment of a Human Rights and Governance Advisory Unit (HUGOU). The first phase component has almost been over and the programme for the second phase has been prepared and agreed. In the second phase programme, five areas have been chosen for support:

- Support for Human Rights Organisation
- Support to Dalit organisation
- Support to Independent Media
- Support to Rule of Law
- Support to the Election Commission

The 2002 annual report of HUGOU summing up the Human Right Situation in Nepal, the following root causes of the conflict have been discussed:

- Economic disparities
- Political frustrations
- Crisis in governance
- Justice denied; and
- Poverty

The Royal Danish Embassy has supported INSEC on Peace and Conflict Resolution as a one-year pilot project. The project is being launched in 4 selected VDCs in 2 districts (Bardiya and Surkhet) from January 2003. The project aims at strengthening the ability of the local population to unite, identify areas of need for relief help and formulate these demands for the warring parties.

The project mainly focuses on enabling the local population who has been affected by the conflict. Specific focus is assisting women, children, youth and elder people to organise community groups, which also will include lower caste people or Dalits.

Source: Draft Debriefing Note Prepared by the Annual Review Team, 2003, Danida

On February 8, 2003 the British envoy to Nepal said, "We treat the current process with a degree of scepticism it deserves." On 25 February 2003, the

British government appointed Sir Jeffrey James as the Special Representative to Nepal as a commitment to assist Nepal in identifying the ways to resolve her problems.

On March 5, 2003, UN agencies, The US and Norway committed to help in managing the internally displaced persons due to the armed conflict.

On 12 March 2003, British special envoy to Nepal Sir JR James visited Prime Minister Lokendra Bahadur Chand and UML leader Madhav Kumar Nepal to talks on the peace process with Nepal. On March 15, 2003, Sir JR James said that his main agenda is to support the peace process in Nepal. He further stressed that his role has two major aspects; one is to provide focal point in London for the coordination of UK government support for peace, stability and development in Nepal and the other is to take interest for further support to the Himalayan Kingdom, but at the same time Mr. Jaffrey denied that they would seek to mediate in the peace process.

Norway



On December 6, 2002 Norwegian Ambassador Ingrid Ofstad said that the Norwegian government is ready to help mediate peace talks in Nepal if both sides in the conflict consider it necessary.⁵

Norwegian Agency for Development (NRAD) has been supporting with full and partial fund for publishing Human Rights Yearbook since 1992. In August 2002, the Norad constituted a review team for the Human Rights Yearbook. The review team had recommended INSEC as follows:

- Consider candidates representatives of the ethnic and religious distribution of people in the district in deciding on hiring District Representatives (DRs) in future
- Give more training and follow-up of DRs to enhance the quality of their work covering international human rights laws, international humanitarian laws, conflict management etc.
- Continue detailed collection of information, but concentrate on reporting what are human rights violations and follow up individual cases in terms of action taken and with what results
- Establish an electronic base in regional offices for compiling information from the region that can be effectively accessed by local actors (journalists, lawyers, other NGOs) seeking information on specific cases
- Institute meeting at the regional-coordinators office where DRs and stakeholders, for instance on quarterly basis, can meet and take stock of the situation in the region.

Source: Draft version of the Review of the Yearbook, Norway, 2002

⁵ The Space Time Today, December 7 2002

In another programme organised by Reporters Club Nepal on 28 January 2003, Ambassador Ofstad expressed that Norway wished to have the election of the local bodies and the House of Representatives. Expressing views, Ambassador Ingrid said that though the diplomatic relation between Norway and Nepal was established two years back, the relation with the NGOs and other civil society organisations was developed from the last 40 years. She also highlighted that the Norway government takes top priority on the protection and promotion of human rights and human resource development in Nepal.

Germany

A news published on 9 August stated that the German Ambassador for Nepal, Rudiger Lamp expressed opinion that it is necessary to have a peace talk for the solution of the Maoists problem but there is no need for the international middle man for the Government-Maoists peace talk. He further expressed that the need for the international Middleman rises if both the parties request, then only will the international sector think about it.

Switzerland

Switzerland Development Corporation invited the high level political leaders from different political parties including Communist Party of Nepal (UML), Rastriya Prajatantra Party, Nepali Congress, United People's Front (UPF) and other human rights activists, industrialists and other renowned scholars in a conflict transformation programme which was held in Mid February 2003, after the truce was declared in Nepal.

The Republic of China

On 19 December, 2001 In Kathmandu, Chinese

Ambassador to Nepal Mr. Wu Quangyong, in a press meeting, stated that no shelter has been given to the Nepalese Maoists in their country. He further expressed the confidence that China never gives support to the terrorism. He also said that there is a deep relation between Nepal and China from the early period and it would continue during the State of Emergency too.

On May 10, 2002 Ambassador of the Republic of China to Nepal Wu Quangyong informed that China or any other Chinese organisations had no connection with the destructive activities of the Maoists. He strongly condemned the violent activities of the anti-government group.

On 8 August 2002, Ambassador of the Republic of China to Nepal Wu Quangyong said that China supports the action being taken to repress the Maoist movement.

Japan

Japan supported the declaration of the state of emergency in 2001. It also welcomed the truce announcement on 29 January 2003. Later, on March 8, 2003, Japan declared to extend 36 tons of cooked food packages to insurgency affected Nepalese in the mid-western Region of Nepal.

5.2 International Agencies and other Civil Society Organisations

The United Nations

A group of donors formed the Peace Support Group (PSG) and established the Trust Fund with an idea of supporting local initiatives for peace and development. Through this Trust Fund, United Nations Development Programme (UNDP) started Support for Peace and Development Initiatives (SPDI) in 2001. SPDI supports innovative local initiatives identified and

envisioned by Nepalese civil society organisations in addressing the various causes of conflict and violence through community mobilisation in peace building.

Kofi A. Annan, the UN Secretary General welcoming the announcement of the cease-fire between the government and Maoists in Nepal expressed his hope that 'peace talks will resume at the earliest.'

On 24 February 2003, Dr Henning Karcher, Resident Representative to UNDP, Nepal said that long term peace in Nepal is possible if the root causes of conflict are properly addressed. new culture of transparency and accountability will have to be built up from the grassroots".

On March 9, 2003, UN's Resident Representative to Nepal Dr Hennin Karcher underlined the need to involve women in every aspect and phase of peace process.

On March 15, 2003, Kulchandra Gautam, Deputy Executive Director of UNICEF has expressed his happiness on the recent development of peace process and the government-Maoists agreement upon the Code of Conduct. He also further added that all the concerned parties have to be alert to abide it to the full extent. During an interaction programme in Kathmandu he says that the Code of Conduct has not included all the necessary things but yet it is a welcome effort to benefit the innocent people directly. Gautam also said that the UN family and the donors would agree to launch an urgent humanitarian action plan for the people most affected by the armed conflict and they can also contribute an essential role in the post-conflict scenario.

⁶ The Space Time Today, December 2, 2002

⁷ The Kantipur Daily, 19 February 2003.

International Police Organisation for Criminal Investigation (Interpol)

On 12 July 2002, in the recommendation of Nepal Police, the International Crime Police Organization (Interpol) kept the 8 Maoist Leaders in the list of International Criminals and issued Red Corner Notice. Among the Maoist Leader whose Red Corner Notice issued were Pushpakamal Dahal alias Prachanda of Chitwan, Babu Ram Bhattarai of Gorkha, Chandra Prakash Gajurel of Sindhuli, Haribol Gajurel of Sindhuli, Agniprasad Sapkota of Sindhulipalchowk, Pampha Bhusal of Arghakhachi, Rit Bahadur Khadka of Ilakha and Devendra Parajuli of Lamjung.

Later on 29 January 2003, the government of Nepal withdrew the tag of 'Red Corner Notice' along with other tags 'terrorist' and 'price on heads of the major leaders of the Maoists'.

International Committee of the Red Cross (ICRC)

On December 9, 2001, four representatives of the International

During emergency, different international ambassadors, delegates, representatives and other personalities visited Nepal to deal with the internal conflict in Nepal. They visited not only the government authorities, but, with keen interest and curiosity, called on different non-governmental organisations and members of the Nepalese civil society as well. In INSEC, mainly the general secretary and other senior staff had to be very busy dealing with the human rights violations during the state of emergency in Nepal. Ambassadors and their representatives from United Kingdom of Nepal, Norway, USA, India, Belgium, UNDP, International Committee of Jurist (ICJ) and several others made interactions and visits to INSEC's general secretary regarding the worsening situation of human rights in Nepal. Similarly, different human rights activists as for example from Amnesty International, Forum Asia, Asian Human Rights Commission, Reporters Without Borders, academics from renowned universities, researchers and other personnel visited the general secretary and other staff and took information on human rights situation during the state of emergency. A petition has been filed in UN Human Rights Committee by the common effort of INSEC and Reporters Without Borders regarding the massive violation of human rights in Nepal.

Committee of the Red Cross (ICRC) visited Dang District in order to study the situation created after the violent attack by the Maoists and to learn about the situation of the Tulsipur jail at the same district.

On January 24 2002, it was publicised that the government gave permission to the International Committee of the Red Cross (ICRC) to inspect the prison and the dungeon where the Maoist activists arrested during the State of Emergency were kept.

On 2 February 2002, the ICRC started inspection on the situation of the injured and imprisoned citizens after emergency from the central jail Kathmandu.

On December 1, 2002 the ICRC issued a statement that innocent civilians have been victimised by both the government forces and the Maoist extremists. The ICRC also explained in the statement that despite the growing conflict, it would carry on the humanitarian activities in the country.

Reto Meister, Regional Delegate of International Committee of Red Cross said, "all kinds of organised conflicts are bound to respect minimum humanitarian principles but this is not the case in Nepal." Speaking at a press meet organised by Nepal Red Cross Society, Didier Cherpitel, Secretary of the Federation of ICRC societies, articulated that health, settlement of displaced people and rescue work in natural disasters were the major priorities of the Red Cross.⁶

Save the Children Norway

Save the Children Norway has started conflict mediation programmes in different parts of Palpa and

"Reporters without Borders" (Darnocles Network) and "Informal Sector Service Centre" (INSEC) jointly prepared a report regarding the incidents of violations of human rights, torture and arbitrary detention that are taking place in Nepal. This report which was prepared on November 2002, especially in response to the violations that the media persons are undergoing, was filed in the United Nations, in particular UN High Commissioner for Human Rights Sergio Viera de Mello to draw his attention to these incidents and respond accordingly. The team of investigators, Vincent Brossel and Dr Jean Rivolet of Reporters without Borders and INSEC Representatives, prepared this report of the fact-finding mission conducted in September 2002 jointly. It calls on the United Nations to respond to the gravity of the situation in Nepal by sending a fact-finding mission there as soon as possible and by intervening with both the sides to request that the rights of the civilian population be respected.

The report contains thirty-two cases regarding the human rights violations including the cases of torture and arbitrary detention, both by the state as well as the Maoists.

Source: INSEC, 2003, Informal, Vol. 14, No. 1, p. 6.

Nawalparasi. The main objectives of the programme are to care and protect the affected children due to the internal conflict in the project area.⁷

Norwegian Refugee Council

Norwegian Refugee Council and National Human Rights Commission (NHRC) have agreed to work for Internally displaced Persons (IDPs) on March 7, 2003. The agreement towards the enactment of legal provisions and the formation of comprehensive plans and policies to deal with the growing issues of internally displaced people in Nepal has come out after two days long workshop in Dhulikhel of Kavre district.

Amnesty International

On December 3, 2001 Amnesty International, expressing worry on the declaration of the State of Emergency in Nepal, requested the government not

Amnesty Calls upon the Code of Conduct

"..... Amnesty International believes additional clauses must be incorporated into the Code of Conduct (CoC) calling for : an immediate halt to the use of landmines; an end to the recruitment of children and the return of those children recruited to date to their families and communities;"
(Public Statement, 21 March 2003)

make the human rights the victim of it. Between January and April 2003, Amnesty International launched a worldwide membership action urging the government of Nepal to investigate and clarify the fate of at least 65 "disappearances" which occurred during the State of Emergency. Amnesty International issued 33 Urgent Actions during the State of Emergency in Nepal - and

a further seven between September 2002 and February 2003 on behalf of detainees who had been tortured, "disappeared" or whose safety was at risk. Out of these Urgent Actions, twelve cases of "disappearances" remained unresolved.

Amnesty International issued a report during the State of Emergency *Nepal: A spiralling human rights crisis* (AI Index; ASA 31/016/2002, published in April 2002) which called on the government of Nepal to implement specific recommendations relating to human rights protection and promotion. It also called upon the leadership of the CPN (Maoist) to uphold minimum humane standards applicable to the situation in Nepal, including those contained in Article 3 common to the four Geneva Conventions of 1949, which should be upheld, by both the security forces and members of the CPN (Maoist).

In September 2002, Amnesty International delegates visited Nepal and conducted research in a number of different districts. The delegates found that scores of prisoners were held in illegal detention at army barracks throughout the country and were denied the right to communicate with their families or lawyer, or have access to a doctor. Amnesty International also found evidence of extra judicial executions of civilians suspected of providing assistance to the Maoists, and Maoists deliberately killed after they were taken into custody. The delegates also investigated reports of abuses by armed members of the Communist Party of Nepal, CPN (Maoist) including torture, hostage taking and recruitment of child soldiers.

Following a visit to Nepal in September 2002, Amnesty International issued a report *Nepal: A deepening human rights crisis* (AI Index: ASA 31/072/2002, published in December 2002) which gave details of human rights violations committed by both the security forces and armed members of the CPN (Maoist) and set out a number of recommendations to the member states of

the United Nations. Lobbying by Amnesty International on these recommendations continues during the run-up to the meeting of the United Nations Commission on Human Rights (UNCHR) in Geneva, Switzerland, from March to April 2003.

Welcoming the truce announced by the government and the Maoists on 29 January 2003, Amnesty International requested all the human rights organizations in Nepal to identify the relevant peace agenda. Amnesty International also focused that human rights should be the focus of the peace agenda. It also urged all the human rights organizations as well as other civil society organizations to lobby for the Nepalese government to have an UN delegate for the monitoring of human rights violation during the State of Emergency in Nepal.

International Committee of Jurist (ICJ)

The representatives of ICJ including John Deut, Judge from Australia, Paul Harris, Legal professional from Hong Kong, and others visited Chief Justice of the Supreme Court, and other personnel of National Human Rights Commission and Nepal Bar Association and discussed on the situation of human rights in Nepal. The representatives also visited the Prime Minister and the Home Minister the other day for the information on the situation of human rights⁸.

South Asian Forum For Human Rights (SAFHR)

South Asian Forum for Human Rights (SAFHR) organised a workshop on Peace, Human Rights and Humanitarian Action in Nepal on 16-20 December 2002. There were about 30 participants from different parts of Nepal and 20 resource persons from Nepal, India and Sri Lanka. It was SAFHR's second initiative in engaging with the social and political consequences of the Maoist conflict in Nepal with the ob-

⁷ Nepal Samachar Patra Daily, 28 January 2003.

⁸ The Kathmandu Post, 11 March 2003

jective of strengthening Nepali civil society's capacity to respond to the conflict within a framework that linked Peace, Human Rights and Humanitarian Action.

SAFHR also published a survey report on Internally Displaced Persons (IDPs) in Nepal Perspective on Displacement in Nepal.

International Labour Organisation

International Labour Organisation (ILO) and Ministry of Land Reform and Management have made an agreement of nearly 38 million to support for the welfare of *ex-Kamiyas* and their children. The agreement has been launching on the concerned project about "Sustainable Elimination of Boded Labour in Nepal"

Interchurch Organisation for Development Cooperation (ICCO)

With a small group of organisations that are related with Nepal, we studied the possibilities of a lobby Project. This project is in preparation now. However, at the moment it seems that ICCO only will restrict its role to signing of the relevant appeals that are being prepared.

This has to do with the focus issue of the lobby, children, which is not a central issue for ICCO, and with the bilateral relationship regarding development cooperation of the Netherlands with Nepal.

The World Organisation against Torture (OMCT)

OMCT made different interventions on human rights violations during the State of Emergency. The major interventions were made on the child victimisation and woman victimisation, extra-judicial killings, arbitrary arrest and so on.

Aale Magar, 14, of Ratmate-4, Makwanpur district, was arrested for

rape on 20 July 2002 and detained at Kalimati Police Station for 13 days.

OMCT issuing an urgent action reminded that Nepal, as a State party to the Convention on the Rights of the Child, is bound to the provision that "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment" (Art. 37 (a)). Furthermore, the Convention states, "Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age." (Art. 37 (c)).

In order to stop such victimisations, OMCT requested all the civil society organisations in Nepal urging them to put an immediate end to all forms of torture, cruel, inhuman and degrading treatment in accordance with national and international legislation.

Another intervention made by OMCT was of the arbitrary arrest and corresponding torture of Ms. Nita Gautam and Ms. Sushila Thapa in Nepal. On 16 June 2002, Nita Gautam and Sushila Thapa were arrested at a restaurant in Boudha Kathmandu. Nita Gautam was taken to the Ward Police Station, Boudha, where she was kept for several hours. Then she was blindfolded and transferred to another place, which she later identified as Mahendra Police Club, Kathmandu. There, she was forced to lie down while the police beat her with sticks on her back and thighs. The police interrogated her about her involvement in Maoist activities, asking her for addresses of Maoist leaders and accusing of having a sexual relationship with such leaders. When she asserted her innocence, the police stuck a wooden stick in her vagina.

On February 4, 2003, a lawyer visited her and reported that bruises could be seen all over her body, particularly on her back. She also complained of blisters on her thighs as well as in the vaginal area.

OMCT gravely concerned for the mental and physical integrity of Ms. Nita Gautam and Ms. Sushila Thapa as well as the torture and threats used against these women. In addition, the organisation was seriously concerned by the deteriorating human rights situation in Nepal, notably measures taken by the Nepalese authorities, such as the alleged use of torture combined with the apparent near-total impunity enjoyed by the perpetrators of these acts.

Mr. Sonelal Mandal, 42, a farmer from Mohanpur V.D.C.-9, Shivanagar Village, Siraha District was killed on August 2nd 2002, while walking with his friend, Mr. Arun Chaudhari, to Bhawanipur market. OMCT condemned these acts and called upon the Nepalese authorities to ensure that they comply with international obligations, in order to prevent future abuses of these kinds, and ensure that the aforementioned victims or their families be awarded reparation.

OMCT in another case of death threats and looting proffered against 30-year old Sarita Chapagain Sharma by security officials on March 12th, 2002 in Kohalpur Bazaar, Banke District, Nepal requested an urgent intervention. Quoting INSEC, a member of the OMCT network, OMCT stated that a group of 15 to 20 security officers arrived at Sarita Chapagain's house at around 3 a.m. on March 12th, 2002. When Sarita Chapagain opened the door, the security personnel reportedly pulled her by the hair and kicked her. They also pushed and dragged her 11-year old son out of the room. Two of the security officers then reportedly pointed their guns at her chest and demanded that she hand over money that they claimed belonged to Maoist rebels, which she denied having in her possession. Intimidated by the death threats being proffered by the security officers, she gave them 25,000 rupees that she had reportedly collected from selling rice (Rs. 21,000), milk and ghee (Rs. 4,000). Sarita Chapagain's husband, Sessa Kanta Sharma, who has

OPEN LETTER TO THE PRIME MINISTER OF NEPAL

Mr. Sher Bahadur Deuba,

Paris - Geneva, 16th November 2001

Your Excellency,

The Observatory for the Protection of Human Rights Defenders, a joint programme of FIDH and OMCT, would like to express its grave concern about the arbitrary arrest and detention by the Nepalese authorities of Mr. S.K. Pradhan, Secretary-General of the Peoples Forum for Human Rights and Democracy (PFHRD), an organisation based in Nepal.

Mr. Pradhan was arrested on September 19th 2001 at his home in Kathmandu by policeman in plain-clothes that did not present him with an arrest warrant. He was then taken to the Hanuma District police station in the Dhoka area of Kathmandu where he was detained for 18 hours. The next day he was taken by plane to the Chandragiri Prison, in Jhapa, eastern Nepal. He is charged with involvement in the murder of Mr. R.K. Budhathoki, chairman of the Bhutan Peoples' Party (BPP), which took place on September 9th 2001, when he was holding a meeting with several refugee students in the office of the Youth Organisation of Bhutan (YOB) in Damak, Jhapa.

According to the information received, Mr. Pradhan has been arrested on the basis of written complaints made by Mr. Balaram, Secretary-General of the BPP, without any proof. Allegedly, at the time of the murder, Mr. Pradhan was in Kathmandu, which is at a distance of 300 kms from Damak as he had just returned from South Africa where he attended the UN World Conference on Racism.

On 16 October 2001, after 25 days of detention, Mr. Pradhan appeared for his first hearing before the District Court where his lawyers asked for his release on bail. The bail was rejected by the Court because Mr. Pradhan is a refugee and not a Nepalese citizen. He is now being held in judicial custody. Mr. Pradhan has been actively associated with the movement for human rights and democracy in Bhutan for the last decade and his actions have found an echo within the international community. In 1993, during the 49th Session of the United Nations Human Rights Commission in Geneva he denounced the situation of Bhutanese people and refugees and since then, he has been working for the cause of Bhutanese refugees at almost all UN forums and World Conferences including the World Conference on Human Rights in Vienna in 1993 and the latest UN World Conference against Racism in Durban, where the accreditation of PFHRD was strongly challenged by the Royal Government of Bhutan.

Your Excellency,

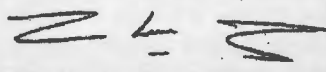
The Observatory urges you to order Mr. Pradhan's immediate release in the absence of evidence of his involvement in the crime for which he is charged and if such evidence exist, to bring him before an impartial and competent tribunal and guarantee his procedural rights at all times.

Furthermore, the Observatory urges your Excellency to ensure Mr. Pradhan's rights under the Declaration on Human Rights Defenders adopted by the United Nations General Assembly, on 9 December 1998, notably Article I., which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels."

More generally, the Observatory requests that the Nepalese authorities ensure the respect of fundamental human rights and freedoms in accordance with the provisions of the Universal Declaration of Human Rights and international and regional human rights instruments ratified by Nepal.

Hoping that you will take these requests into consideration,

Sincerely yours,



Sidiki KABA
President of the FIDH



Eric SOTTAS
Director of the OMCT

been charged of being a Maoist, has reportedly been in detention since November 29th, 2001.

Expressing fear that the alleged perpetrators of these acts will not be brought

to justice and that Sarita Chapagain Sharma will not be awarded adequate compensation and full restoration of the plundered money.

OMCT also issued an urgent appeal regarding Krishna Sen, the journalist

who was arrested on May 20th, 2002, in Battisputali, Kathmandu, by the Nepalese security personnel. He was reportedly detained incommunicado following his arrest and subjected to torture, which reportedly led to his

death while in detention. The government has not yet confirmed or denied the events leading to Mr. Sen's death. The Nepalese authorities without the presence and knowledge of his family reportedly completed Mr. Sen's funeral rites.

Associations of INGOs in Nepal

The Association of International Non-Governmental Organisations in Nepal (AIN) and the NGO Federation issuing a joint statement on 11 March 2003 welcomed the cease-fire announced by the Government and the Maoists. AIN and NGO Federation also expressing their hope that the Government and the Maoists both will work towards the establishment of ever casting peace through dialogue requested all sections of society in Nepal and the international community to extend full cooperation and support to the ongoing peace process and to discourage any attempt from any corner that would cause disruption to this important process.⁹

6. Conclusion

Many national and international community role is significant in mitigating the internal armed conflict in Nepal. In this write-up, the role performed by different heads of governments, ambassadors, and their envoys have been highlighted. The roles performed by other international agencies and civil society organisations have also been explained here. The attempt made in this write-up is based on the expressions, urgent actions, press statements, interviews given to the different medias and the replies of the requests made to them by the author to send their valuable roles to intervene the violence occurred in Nepal during the State of Emergency.

The heads of the governments and their representatives seemed to express their roles to discourage the violence and insisted upon peace. The State of Emergency was found to express as one

of the tools to quell the violent activities but they did not seem to be in favour of it as the best alternative. For them, the State of Emergency was the step of the government 'to protect the rights of the Nepalese people (the USA). They further condemned the brutal attack by the Maoists in Achham and urged them to fulfil their aims 'in a peaceful and democratic way' (the USA). Most of the governments put forth their views on applying the provisions of the Constitutions. Nepal is a State party to different 16 international human rights instruments, so they expressed their desire to implement these provisions. They time and again insisted upon implementing the provisions of the Geneva Conventions 1949, since Nepal has ratified them all.

All of the heads and their representatives heartily welcomed the announcement of the truce declared by both the government of Nepal and the Maoists. They expressed that the truce is 'a big step in the right direction'. Meanwhile, they also expressed worry saying 'we must remain in guard, after all the Maoists off a similar cease-fire in November 2001' (USA).

Some of the governments were also found aggressive to the Maoists during this period. Some even expressed their commitment to 'start operation against Maoists' if they were found settling in their countries, as for example, India.

Despite the imposition of the State of Emergency, the economic assistance by different countries have also been found resumed. The British Government announced a decision to provide a significant package of assistance to Nepal, against the background of the country's efforts to tackle the Maoist insurgency. The funds would come from the British Government's Global Conflict Prevention Fund. The allocation to Nepal totalled to £6.5 million (NRs 650 million). Similarly, two "Chita" helicopters were donated by the Indian government which arrived

in Kathmandu on December 2001. The United States pledged increased development funds to tackle Nepal's socio-economic needs to 38 million from 24 million US dollars, which was also during the State of Emergency. A similar support has been announced by Japan, Switzerland and Norway after the announcement of the truce.

The role performed by different international agencies and civil society organisations is also very significant. The UNDP started Support for Peace and Development Initiatives (SPDI) in 2001. SPDI supports innovative local initiatives identified and envisioned by Nepalese civil society organisations in addressing the various cause of conflict and violence through community mobilisation in peace building. Kofi A. Annan, the UN Secretary General welcoming the announcement of the cease-fire between the government and Maoists in Nepal expressed his hope that 'peace talks will resume at the earliest.'

The ICRC conducted different field studies and came to conclusion that innocent civilians have been victimised by both the government forces and the Maoist extremists. The ICRC also explained in the statement that despite the growing conflict, it would carry out on the humanitarian activities in the country.

Amnesty International issued 33 Urgent Actions during the State of Emergency in Nepal – and further seven between September 2002 and February 2003 on behalf of detainees. Amnesty International issued a report during the State of Emergency *Nepal: A spiralling human rights crisis* which called on the government of Nepal to implement specific recommendations relating to human rights protection and promotion. It also called upon the leadership of the CPN (Maoist) to uphold minimum humane standards applicable to the situation in Nepal, including those contained in Article 3 common to the four Geneva Conventions of

1949, which should be upheld, by both the security forces and members of the CPN (Maoist). Following a visit to Nepal in September 2002, Amnesty International issued a report *Nepal: A deepening human rights crisis* which gave details of human rights violations committed by both the security forces and armed members of the CPN (Maoist) and set out a number of recommendations to member states of the United Nations. Lobbying by Amnesty International on these recommendations continues during the run-up to the meeting of the United Nations Commission on Human Rights (UNCHR) in Geneva, Switzerland, from March to April 2003."

SAFHR organised a workshop on Peace, Human Rights and Humanitarian Action in Nepal on 16-20 December 2002. OMCT made different interventions on human rights violations during the State of Emergency. The major interventions were made on the child victimisation and woman victimisation, extra-judicial killings, arbitrary arrest and so on.

7. Recommendation

It's learned from the above analysis that the role of international community in mitigating the internal conflict and their direct and indirect involvement in peace initiative approach is very significant. Their role in pressurising both the government and the Maoists that the Constitution of the Kingdom of Nepal, 1990 has guaranteed the fundamental rights of the Nepalese people so the conflict should be concentrated on the basic principles of the Constitution and that the State of Emergency is not the ultimate solution to resolve the conflict are some of the examples. The international communities are encouraging us to respect human rights and ensure our citizens that their basic rights should never be violated. These lessons should be followed by both of the conflicting parties in Nepal.

To the international communities, we urge that the recent incident developed suddenly in Nepal has added some

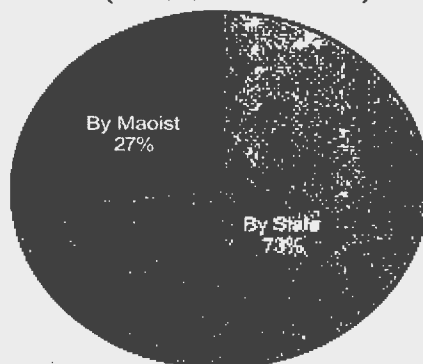
more and crucial responsibility on the shoulder of government and non-government organisations in the matter of protection and promotion of human rights in Nepal. The truce has been announced by both of the warring parties (government & Maoists). But as the civilian people are suffering from affects of the conflict – unmanned health posts, the building of wells have stopped, schools are closed, it has been an urgent need to use the expertise to address the victims' pains and traumas. The greater is the problem how to rehabilitate them, how to provide them immediate package of relief and rehabilitation so that the affected victims could live a normal life. The international communities' concentration should be towards this pathetic scenario of the victims. To specify it, the internal conflict has made the people pass through anguish and pain. Due to the embargo imposed by the State and the rebels, the people in war-torn regions are suffering from food scarcity, lack of medicine, post office, telephone and electricity. Those economically well off have fled to the district headquarters, urban areas and even to the capital city. Those belonging to the poorest strata are facing the greatest difficulty and are counter-victimised. They are obliged to live in unhygienic and hostile places, including street and undergo hazardous health conditions and so is the life of the children. Because of the killings of the teachers, destruction of the school buildings, drinking water taps, many children have been deprived of their ba-

sic rights. They are suffering from deep psychological trauma. Many of them have the problems of suppression and depression. In this way the students are traumatised, unable to concentrate on their studies. Battle-hardened teenagers and youths are turned against the norms of their society. The women with too large a workload and victimised people are let down by strongly divided, largely uncaring powers, afraid to trust, afraid to dream. People in mired frantically need swift action to do away their dreadful future.

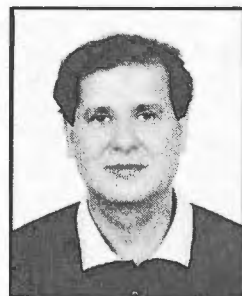
Furthermore, the affected victims know the causes of the armed conflict better than the existing political parties, better than the members of the civil society organisations, and, certainly, better than the government itself. It is because of these agencies have hardly reached the victim communities who have been really affected by the armed conflict. So an argment need is also to have people's assembly on finding what the affected civilians feel about the causes of the conflict, its effect and more importantly what they say about the prevention of this conflict. These are the people's agenda, to be collected and made public through the violence affected fields to the regional and national level workshops and interactions so that the announced truce can be converted to a lasting peace. The fate of the affected civilians turns to be bright if the international communities seriously interests in this important feat.

□

No. of Victims Killed by State and Maoist
(13 Feb 1996 - 20 Mar 2003)



Child Abuse : A Mental Health Issue



Dr. Niranjana Prasad Upadhyay*

Introduction

Child abuse is a term that generally refers to mistreatment of a child by a parent or an adult. However there is no standard definition of child abuse. A narrow definition is limited to life-threatening physical violence, including severe beatings, burns and strangulation. A broader definition includes any treatment other than the most favorable care, and includes neglect, sexual or emotional abuse and exploitation. No one knows how many instances of child abuse occur every year because many cases are never reported. Many social scientists once believed that people with severe emotional problem only would abuse children.

Recruitment of children by the Maoists has been reported on regular basis. Amnesty International (2002) highlights that in the areas under its control, CPM (Maoists) exercise a recruitment policy of "one family, one member". Children, including girls, are deployed in combat situations, often to help provide ammunition or assist with evacuating or caring for the wounded. In SAARC region, internal armed conflict is mounting day by day and facts suggests that large numbers of children are involved in armed conflicts. Till now children are being used in armed conflict by state and non-state actors in India, Nepal, Pakistan Bangladesh and Sri Lanka. It is a serious violation of the human

rights of children and a serious threat to peace and safety.

However, studies indicate that most individuals who abuse children do not suffer from traditional psychiatric illness. Another common view is that abused children grow up to be abusive adults, a development referred to as the cycle of abuse. But research has shown that abused children do not necessarily become abusers as adults. Research has shown that abusive, violent or aggressive behaviour is often learned early in life. However, parents, family members, and others who care for children can help them learn to deal with emotions without using violence. Parents and others can also take steps to reduce or minimize violence.

The term abuse can denote the use of inordinate physical violence; unjustifiable verbal abuse; the failure to furnish proper shelter, nourishment, medical treatment, or emotional support; incest; other cases of sexual molestation or rape; and the making of child pornography. Frequently described by the medical profession as the "battered-child syndrome," abusive treatment of children is almost universally proscribed by criminal statutes. Child abuse can have serious future consequences for the victims involved. Delays in physical growth, impaired language and cognitive

abilities, and problems in personality development, learning, and behaviour are common following instances of child abuse or neglect.

Family, friends, and health professionals usually overlook child abuse. Prejudice, anxiety, and shame, not lack of information, seem to be the major reasons for this failure to recognize private forms of violence, a form of tacit denial that leads to their perpetuation. Cruelty to children can have many causes, but several major ones stand out. Abusive patterns of behaviour on the part of parents can be thought of as maladaptive responses to stressful situations and feelings of powerlessness. They represent adults' warped efforts to master out-of-control situations or to regain psychological equilibrium through imposing their will and powers of control on their own defenseless children. Recent psychiatric and pediatric research has found that a high proportion of parents guilty of abusive and inhumane treatment of their children were physically and mentally maltreated themselves as children. Typically over disciplined and deprived of parental love in their infancy, these parents repeat the pattern with their own children, often in the belief that they are legitimately exercising their parental right to punish a child.

With proper social and psychotherapeutic intervention, most

* Dr. Upadhyay is a chief psychologist (joint secretary) at the Public Service Commission

child abusers can be helped. Many emotionally troubled abusers are to be found out, and they readily respond to the therapeutic help they receive. Legal remedies for child abuse range from incarceration of the offender to the removal of the abused child from the custody of parents or others guilty of committing the crime.

Brain Abnormalities and Child Abuse

The brain integrates sensory information and direct motor responses. It plays a major role in vital instinctive activities. Mounting research indicates that deficiencies in the frontal or pre-frontal regions of the brain often correlate with various forms of violence and impulsivity that can lead to criminal acts. Deficiencies in other brain areas play a role in contributing to behaviors that are categorized as "criminal." Memory problems, perceptual disorders, and emotional difficulties all may contribute to behaviors that cannot be adequately controlled and that lead to socially unacceptable behaviors.

Mental health researchers have identified four types of brain abnormalities linked to child abuse and neglect, providing the first comprehensive review about the multiple ways in which abuse can damage the developing brain. The science shows that childhood maltreatment may produce changes in both brain function and structure. Researchers at the University of Southern California have been studying the size of the pre-frontal lobes and the tendency for that variable to correlate with criminal behavior. Their findings indicate that men who are most prone to rage and violence have significant deficiencies in the pre-frontal lobes, the brain region that enables most people to learn moral sensibilities and exercise self-restraint.

Psychopathologists present a body of research evidence linking biological



and criminal behavior. They raise the question whether criminal behavior can be considered a psychological disorder on the same level as depression and anxiety or a neuropsychological disorder linked to identifiable brain abnormality. New York University School of Medicine describes how the frontal lobes enable humans to engage in complex mental processes, how they control judgement and social and ethical behaviours, how vulnerable they are to injury, and how devastating the effects of damage often are, leading to chaotic, disorganized, asocial, and criminal behavior.

Generally, abuse represents in diversified forms that is physical, sexual, neglect, emotional and parental. Inappropriate punishment, verbal abuse, and making scapegoat are also forms of emotional or psychological child abuse. Some authorities consider parental actions abusive if they have negative future consequences, e.g., exposure of a child to violence or harmful substances, extending in some views to the passive inhalation of cigarette smoke.

Psychologically, abuse is one of the most pervasive social problems faced by this society. Its impact is profound because of the sheer frequency with which it occurs and because of the

trauma brought to the lives of children and adults who have experienced this crime. Historically, however, the sexual abuse of children was dismissed as a "family problem". Within the past decade, it has been addressed by a sometimes-reluctant criminal justice system. It is only in more recent years that the profession of mental health has begun to understand child sexual abuse not only as a criminal justice problem, but also as a mental health concern. This realization has been unavoidable, as clinicians have repeatedly seen the manifestation of sexual abuse in the lives of their clients. Stories of sexual exploitation and abuse were common in evidence to the Inquiry. These vulnerable women or men had no one to turn to for protection or comfort. They were rarely believed if they disclosed the abuse.

Psychological Impacts of Child Abuse

There are many well recognised psychological impacts of childhood sexual abuse. They include confusion about sexual identity and sexual norms, confusion of sex with love and aversion to sex or intimacy. When the child is blamed or is not believed, others can be added including guilt,

shame, lowered self-esteem and a sense of being different from others.

People subjected to prolonged, repeated trauma develop an insidious progressive form of post-traumatic stress disorder that invades and erodes the personality. Post-trauma effects can be mitigated for children with a strong self-concept and strong social supports. Few of the witnesses to the Inquiry who reported sexual abuse in childhood were so fortunate. The common psychological impacts have often manifested in isolation, drug or alcohol abuse, criminal involvement, self-mutilation and/or suicide.

There is no doubt that children who have been traumatized become a lot more anxious and fearful of the world and one of the impacts is that they don't explore the world as much. Secondly, a certain amount of abuse over time certainly causes a phenomenon of what we call emotional numbing where, because of the lack of trust in the outside world, children learn to blunt their emotions and in that way restrict their spontaneity and responsiveness. That can become an ingrained pattern that becomes lifelong really and certainly when they become parents it becomes far more difficult for them to be spontaneous and open and trusting and loving in terms of their own emotional availability and responsiveness to their children.

Approximately one-third of child victims of abuse grow up to have significant difficulties parenting, or become abusive of their own children. One-third do not have these outcomes but the other third remain vulnerable, and, in the face of social stress there was an increased likelihood of them becoming abusive.

Sexual abuse is a serious problem. It is prevalent all over the world. Such types of incidents are often available in the print media. Sexual abuse is usually associated with severe

emotional problems. These days, mental health experts consider sexual abuse is wide-ranging in every developed as well as developing country.

Studies Pertaining to Child Abuse

Nepalese psychiatrists, Mahendra K. Nepal and Prakash M. Shrestha have conducted a study on child abuse. They have collected the data from various campuses in Kathmandu. Their research findings led to various conclusions related to child abuse. In Nepal, child victims of sexual abuses are both male and female. Child sexual abuse is prevalent among all the ethnic groups. Most child sexual abuses occur between the age of 11 and 15 years. The perpetrators are especially family members, relatives, neighbors and teachers. Though clinical experience indicates that physical and sexual abuse is common in Nepal, people do not take sexual abuse as a topic for discussion in public. It is suggested to victims, or they are even threatened, to keep their mouths shut.

The existence of long-term effects of child sexual abuse may well result because of the influence that this early trauma has on children. The experience of sexual abuse for a child distorts her or his self-concept, orientation to the world, and affective capabilities. The child's sexuality is shaped in a developmentally inappropriate manner as children are placed in an adult relationship for which they are cognitively unprepared, and because sex is associated in the mind of the child with fear, pain, manipulation and secrecy.

Children faced with incestuous abuse experience the ultimate sense of betrayal in that the person upon whom they are most dependent harms them most. Sexually abused children may also feel betrayed by no offending family members who offered no protection or disbelieved or blamed the child when the abuse was first disclosed. The experience of sexual

abuse is also a disemboweling process for children whose will, desires, decision-making and sense of efficacy or contravened. Children who face sexual trauma most often incorporate into their self-image negative connotations of guilt, shame or "badness".

For some children, the path to recovery from sexual abuse is completed with short-term support and intervention. Studies show that other children, however, continue to experience the trauma with symptoms of fear, anxiety, nightmares, phobias, clinging behavior, depression, suicidal, alcohol or drug abuse, self-destructive behavior, and in vulnerability to future victimization. The high percentage of sexually abused children within psychiatric hospitals and residential facilities within this Commonwealth, and the significant percentage of children with a serious emotional disturbance who have memories of sexual abuse speak to the formidable impact which victimization can bear.

Child sexual abuse is a serious problem. It is prevalent all over the world and reports of incidents of violence against children are frequently published in the print media. Sexual abuse of children is commonly associated with severe emotional problems. Today, many experts, believe child abuse is widespread because society regards physical punishment by parents as a reasonable way of changing children's behaviour. Thus, adults who hurt children sometimes only intend to correct them and do not realize how easily children can be harmed. Another cause of child abuse is stress. Parents, who are unemployed, very isolated or under great stress for certain reasons are more likely to abuse their children than parents who do not have such problems. Researchers have shown that children who are difficult to care for, such as premature infants and handicapped children, create more stress for parents.

Child Network News, Kathmandu has highlighted that violence against the girl includes physical, psychological and sexual abuse, commercial sexual exploitation in pornography and prostitution. Child sexual abuse is any use of children for the sexual gratification of adults. Various researchers have stressed that among 36 per cent to 65 per cent of sexual assault victims are aged 15 or less. It may occur in any part of society but is discovered more commonly in poor families. The commercial exploitation of children occurs in different forms. Many factors force the children into exploitative and abusive situation. Well-documented cases show that families are often deceived by the promise of job opportunities for the children. Sometimes, girls are sent away from home to work and become subject to physical and sexual abuse. Street children may be at particular risk with no means of economic, or social support; they may be forced to rely on prostitution for survival. Recently, medical expert, Dr. Harihar Wasti has stated that in case sexual abuse, medical workers should keep a detailed records pertaining to a full paediatric history with particular emphasis on genitourinary or bowel symptoms and details of previous abuse or sexual offences within the family or household.

In 1998, RAHI an Indian NGO carried out research among English speaking middle and upper class women living in metropolitan cities of India. The findings highlight that 76 per cent of the women are sexually abused in their childhood. The study is based on screening of 1000 college women, housewives and employed women out of which 600 responded. It is found that 71 per cent of the abusers are family members or the relatives or some known acquaintances. The study also determines that majority of the victims have faced multiple abusers.

In 1982, CWIN (NGO) conducted a research on the working condition of

children. Amongst girl carpet weavers, 38 percent said that they were repeatedly sexually harassed, teased or raped. Nepalese Legal expert, Malla, S.P. researches that in carpet and garment sectors, verbal nature of sexual harassment is common. In such sectors the male workers often proceed physical abuse to female workers like pinching on the buttocks, embracing, holding hands, caressing etc. Incidents of sexual harassment is equally high in airlines, the nature of work requires night halts in different stations. The psychologists urge that harassment creates diversified problems i.e. lack of concentration towards work, depression losing self-esteem and confidence.

Parenting and Personality

Parenting by implication, aims at primary the best type of family climate for a congenial socialization of the child, as well as, a healthy development of his or her personality and self. Everyone's personality is the creation of the family. He or she develops his or her personality and self. Every one's personality is the creation of his or her family. It is in the family that the child first experiences the meaning of love. Psychologically, family provides a frame-work within which the child may find roots, continuity and a sense of belonging. Parents serve as the first socializing agents. The parent-child relationship significantly affects the makeup of child's personality. The child's genes often set the tone of parenting. British Geneticist, Robert Plomin urges that parents' behavior reflect genetic differences in the children. Nervous, short-tempered parenting reinforces the child's natural pain-inducing tendencies, just as more angelic offspring encourage more relaxed, nurturing parenting.

Childhood influences and experiences shape human life. The love, care, protection and support received in childhood, play a vital role in the growth and personality. However,

some unfortunate children have to go through certain misery that would seriously hamper their development. The tender soul gets deeply wounded due to such miseries resulting in serious damage of the personality. In fact, disclosing abuse can have serious negative consequences including the breakup of the family –and, there is significant pressure to recant. The reaction of the person to whom the disclosure is made has consistently been shown to have a psychological impact of childhood sexual abuse. The child's behavior is the product of his or her immediate social experience of being brought up.

Child-development, consequently the visible product of parental child rearing efforts. Psychological researches claim that parental acceptance is characterized by a keen interest in love for child. The accepted parents put the child in a position of importance in home and develop warm emotional relationship with him. Psychologists urge that the influence of training effects the development of personality in a healthy manner. Researchers have insisted that child development primarily is a mirror of child-rearing, which is finally modified by his or her socializing environment. Socialization always helps for healthy personality development. Today's parents can elicit a plethora of advice on tantrums, toilet training, disciplining, feeding, sleep, growth, development, safety and health—pretty much any child rearing issue that comes their way—from hundreds of experts in the field. Infants watch and remember what adults do and say, altering their behavior accordingly.

Psychologists have insisted that when parents are unhappy in their parental roles or when a frictional relationship exists between them, some babies become the targets of anger and resentment. The babies are either neglected or abused. An occasional but very serious family-relationship

hazard during early childhood is child abuse. This may take forms varying from mild abuse in the form of slaps to serious abuse as to lead to permanent disability or death of the child. Psychologically, if the care of young children is turned over to older siblings, especially when mothers work outside home, older brothers more often abuse their younger siblings than do older sisters. Child abuse is also not uncommon when the care of young children is turned over to pay caretakers, especially male caretakers. This is more likely to occur when the caretakers are high school students than adults.

Impact of Media on Abusive Behavior

The problem of abuse has received much attention in newspapers and on television. Children are warned not to let people, even family members, touch them in ways that make them feel uncomfortable. Children also are instructed to tell trusted adult if they are sexually abused. Psychologically, media can play a positive role to educate the people about child abuse. Children who watch a lot of TV are less aroused by violent scenes than are those who only watch a little; in other words, they're less bothered by violence in general, and less likely to see anything wrong with it. One example: in several studies, those who watched a violent programme instead of a nonviolent one were slower to intervene or to call for help when, a little later, they saw younger children fighting or playing destructively.

Children who watch a lot of television are more likely to think that the world is a mean and dangerous place. Psychologically, children often behave differently after they've been watching violent programs on TV. In one study done at Pennsylvania State University, about 100 preschool children were observed both before and after watching television; some watched

cartoons that had a lot of aggressive and violent acts in them, and others watched shows that didn't have any kind of violence. Children who watch the violent shows, even 'just funny' cartoons, were more likely to hit out at their playmates, argue, disobey class rules, leave tasks unfinished, and were less willing to wait for things than those who watched the nonviolent programs.

Findings from the laboratory are further supported by field studies that have shown the long-range effects of televised violence. Leonard Eron, Ph.D., and his associates at the University of Illinois, found that children who watched many hours of TV violence when they were in elementary school tended to also show a higher level of aggressive behavior when they became teenagers. By observing these youngsters until they were 30 years old, Dr. Eron found that the ones who'd watched a lot of TV when they were eight years old were more likely to be arrested and prosecuted for criminal acts as adults.

Concluding remarks

Untimely childhood is a time of particularly great plasticity, during which environmental inputs will be more likely to have a lasting influence than inputs later in life. Parents are never the only source of influence on children, and as children grow older, they are more and more subjected to the influence of peers, of schools and teachers, and of television. Also, there are the random events--a serious illness or accident, an unexpected success, a residential move, an environmental catastrophe--that can alter the route of a child's life in ways that have little to do with parenting.

Parenting as a "roleship" of the institution of family, relates to upbringing of the child. Effective parenting is important for a congenial development of child. Parents are the crucial agents of child socialization.

In the process of socialization, the child get both types of lesson. Psychologically, effective socialization process always impart positive lessons to the child. Accordingly, he or she choose right track of the life.

Basically, in controlling child abuse the joint efforts of different stakeholders like clinical psychologists, sociologists, psychiatrists, journalists, medical experts, legal experts and government and non-government organizations are needed. Also the researchers have stressed that basic health education should be included in the school curricula and awareness programs be carried for parents to create awareness about the issue of child abuse.

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Housing Right and The Ex-kamaiyas

- Kamdev Khanal

Introduction

By the later part of the last month of the last year and with the wake of New Year 2003, different news items floated in the Nepalese media intensively. They also carried the news on ex-Kamaiyas and their state of being homeless even after two years of liberation from what it can be said of their bleak status of 'bonded labor'.

In July 2000, the government had declared that the decades long practice of bonded labor was illegal. With this, thousands of the bonded laborers in the mid-western and far-western regions of the kingdom cheered fueled by the hopes that they would now have their own homes for shelter, perennial sources of income would not be inaccessible and pursuit of happiness would be within their reach. It was a dream they had cherished long and which seemed appearing closer with their liberation from their landlords. Certainly, they deserved it as they had struggled hard and had paid too much for the same- all the sweat and toil from generations to generations.

As per expectations, further declarations, decisions, assurances and promises followed officially and unofficially. Major in them was the decision on the part of the government that it would distribute each liberated *Kamaiya* household 0.340 hectare of land so that they could have their own homes on their own property.

But, like a drama, the happiness did not sustain long. The liberated

Kamaiyas' hope that they would be masters from slaves shattered as the government failed to carry its promises and the non-governmental organisations just went on flaying the government, doing nothing significant for the Kamaiyas. A major repercussion is: majority of the freed bonded laborers are homeless even today, their housing right has been denied.

Nepal Law on Housing Right

As housing right cannot be separated from the human being, it forms a part of the human right. Right to life with dignity of a person can't be envisaged without the housing right of the person. Thus the Constitution of the Kingdom Nepal, 1990, itself has guaranteed the right to property as the fundamental where the housing right is associated. Hence, deprivation of the ex-bonded laborers from their housing right is against the natural right as incorporated in the master document.

The master document in its article 26 (1) has inducted that "the State shall pursue a policy of raising the standard of living of the general public through the development of infrastructures such as education, health, housing, and employment of the people of all regions, by equitably distributing investment of economic resources for balanced development..." This constitutional provision has left no speculations on the point that it is the duty of the state that it should let no

housing right of its citizen go stray as it is abided by the same as its State policy.

Though the official versions earlier 2002 on the distribution of land for the liberated Kamaiyas shows 12,000 households have already been provided land with quantity ranging from 0.017 hectare to 0.170 hectare each, the non-government organisations have denied it. According to them, the number of not being able to acquire land is considerably higher. The official computation on the total number of households in 2000 has revealed that it is 18,252; with 1:7 ratio between household and family members.

Housing, a security of life, is not only a fundamental right of people. Present constitution of the land provides that the chief objective of the state is protection of lives, property and liberty of people, and it is one of the directive principles of the State for its governance.

Article 25 (3) of the Constitution of the Kingdom of Nepal- "The social objective of the State shall be to establish and develop, on the foundation of justice and morality, a healthy social life, by eliminating all types of economic and social inequalities and by establishing harmony amongst the various castes... and communities." Had the government been tight lipped to follow this constitutional spirit, the ex-bonded laborers would not have been 'refugees in their own country'.

The right to housing has a number of components including the following:

- 1) legal security of tenure: every one should enjoy legal protection from forced eviction, harassment and other threats;
- 2) habitability: housing must provide inhabitants with adequate space and protection from the elements and other threats to health;
- 3) location: housing must be in a safe and healthy location which allows access to opportunities to earn adequate livelihood, as well as access to schools, health care, transport and other services;
- 4) economic accessibility: personal; or household costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not compromised;
- 5) physical accessibility: housing must be accessible to everyone, especially vulnerable groups such as the elderly, persons with physical disabilities and the mentally ill;
- 6) cultural acceptability: housing must be culturally acceptable to the inhabitants, for example reflective of their cultural preferences in relation to design, site organisation and other features;
- 7) availability of services, materials, facilities and infrastructures that are essential for health, security, comfort and nutrition, such as safe drinking water, sanitation and washing facilities.

According to a report of the United Nations Commission on Human Rights (E/CN.4/2001), the right of housing is "the right of every man, woman, youth and child to gain and sustain a secure home and community in which to live in peace and dignity."

Housing right has not been developed as a separate and explicit right in our context, the most of the legal provisions relating to housing right

doesn't seem to have been incorporated for the protection of the housing right of the people. While mapping the laws, there are 136 legal provisions relating to the housing right under 35 various laws. These laws deal with particular issues on housing but are silent in protecting the right of housing of the people in general.

Under the Country Code (Muluki Ain), however, a house should be constructed only on a land of one's own entitlement. This provision relates one's housing right with property right. When the right to property is a fundamental right, right to housing dwells with it.

We have National Shelter Policy introduced by the government in 1996. "To make proper arrangement and create favorable condition atmosphere as mentioned in the Constitution in order to fulfill the need of dwelling units in the form of a basic need of the entire people" has been the major basic concept of the policy. Is the government recognising the liberated Kamaiyas as the people of the land? The answer will be in negative tone.

The State policy has also recognized the important role of dwelling units/housing in the alleviation poverty and economic development in addition to the role of raising the living standard of the people.

To adopt the ways of reducing the adverse impact on environment from the residential dwelling units, improve basic public health facilities and minimize the impact of natural calamities on dwelling units is one of the objectives of the policy. Desperately, the implementing rod is still at large.

To become increasingly vocal with a demand to legislate legal instrument on housing right can not be said of time irrelevant on this pretext, however, voices with higher pitch in

this regard immediately is the demand of the time; if not for all the Nepalese, but for the freed Kamaiyas who are deprived of shelter even after two years of their liberation.

By failing to maintain the housing rights of its citizen that implicitly enshrined in the constitution and national policies, the government has drawn severe flaks. The government is leading the nation formed by treading upon the same document and its citizens' pangs of being homeless are being unheard-an absurdity in governance! A persisting negligence of the housing right of the liberated Kamaiyas is totally against the set standards of domestic legislation so far in practice in the land.

Nepal and International Tools on Housing

Nepal is a State party to sixteen international instruments on human rights.

It makes one feel that Nepal tremendously acts for promoting and protecting rights of its subjects. Technically, it appears to be so and theoretically, it is correct. Practically, follow this observation.

International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, to which Nepal is also a State party, explains in its article 11 that "State parties recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

To act following the meaning of the provision for Nepal government, whatever the size, shape and color, is binding. Translation of the spirits of such international instruments into reality and their domestication is the prime concern, not just be a party and inflate propaganda declaring a great

lover of human rights. It is assumed that the signatory has gone through the document considering its practicality in its national context.

When the denial of housing right of the aforementioned communities in Nepal is observed through this prism, there appears a nasty picture of non-performance and poor implementation.

The ex-Kamaiyas must have been offered 'adequate food, clothing and housing' before anyone could have chance to point finger at it.

The same article further adds, "The State parties will take appropriate steps to ensure the realization of this right, recognizing to this effect of international co-operation based on free consent." The homelessness and dying of the ex-bonded laborers of malnutrition and other basic needs is a grim mockery against Nepal's participation in such international tools.

Being homeless of the ex-Kamaiyas is also inconsistency with the article 25 of the Universal Declaration of Human Rights, 1948. This international instrument on rights asserts that everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The declaration in this article expects from the state parties that its citizens be yielded with such basic needs. Desperately, most of the Nepalese people have been deprived of everything described here. And, the Kamaiyas are no exception of it.

International Covenant on Civil and Political Rights (ICCPR), 1966, to which Nepal is a party, has also

advocated for the civic right that advocates right to life and hence right to shelter/housing.

Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (1965) states to which Nepal is a party: "In compliance with the fundamental obligations..., states parties undertake to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights...(e) Economic, Social and Cultural rights in particular.....(iii) The right to housing."

United Nations Commission on Human Rights resolution 1986/36, has incorporated that "The Commission on Human Rights reiterates the right of all persons to an adequate standard of living for themselves and their families, including adequate housing."

(UN) Commission on Human Rights, Settlements and the Global Strategy for Shelter to the Year 2000 has stated "Adequate shelter means ... adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities all at a reasonable cost."

Nepal's accession to the main international human rights instruments should be welcomed as a reflection of the country's commitment to overcoming present problems and protecting human rights. However, the Government will have to increase its efforts to bring domestic legislation into line with country's international human rights commitments.

UN State Gazette

His Majesty's Government issued a gazette on 3 March 2002 saying that it would introduce a regulatory

considering the proper management of shelter, employment and sources of income to the liberated Kamaiyas. It has been a whole year; there is no any document in regulating the management of the liberated ex-laborers.

Govt.'s Latest Stance

The government has reiterated that it would not distribute 0.340 hectare of land to each ex-Kamaiya family. "The government has no sufficient land to distribute them as per their demand unless we deforest." (Under Secretary, Land Reform Ministry and Co-coordinator, Liberated Kamaiya Rehabilitation Committee, the Annapurna Post, Feb. 2, 2003) Most of them have not even received 35 cubic ft of wood and 10,00 rupees to build home as assured by the government.

The scenario unfolds while development churns its gargantuan wheels in the name of poverty alleviation, conflict resolution, rehabilitation and reaching the 'poorest of poor', the 'marginalized' and the 'disadvantaged'.

Meanwhile, 27 families of the freed Kamaiyas in Kailali district have moved back to their former masters' regime. Given their rehabilitation goes unresolved, there will be the bonded labor system resumed fully again.

They launched protest program demanding the government distribute land to them at the earliest. The media have been reporting that they have also plan to gherao Singh Durbar, country's highest administrative office. They have threatened that they would forcibly take over the lands and rehabilitate the remaining lot of the ex-bonded laborers as very few of them have been rehabilitated so far.

Absurdity persists: the ex-Kamaiyas who have been given the certificates as tokens of landholders, the NGOs working for them have brought a

figure of 600-700 hundred families not getting the land they have been promised to.

Lack of proper co-ordination among the non-governmental offices working for the liberated Kamaiyas is also a major difficulty in the line to rehabilitate them in a speedy manner.

A survey to collect primary data about missing Kamaiyas with the initiation of INSEC mid-western branch has indicated that 703 Kamaiyas of 158 households in 34 different Village Development Committees of Banke, Bardiya and Dang are missing. The identification of the freed Kamaiyas is another havoc in the line of resolving the problem. Only four of five thousand liberated Kamaiyas have been given their identity cards. (Nepal Samacharpatra, December 20, 2002)

The quantity of land made available for them for housing purpose is nominal. More desperately, most of them are uneducated and sans any income generating skills, their state of being not possessing land for agricultural purpose has grilled them to live 'inhuman life'.

There are the news items again

Lately, the government is on the show that it was ready to end the ex-Kamaiya rehabilitation business within two months. It has also said that around 80 per cent ex-Kamaiyass have already been rehabilitated. The government has also criticized the NGOs for recommending non-Kamaiyas as Kamaiyas and creating difficulties in this line. (Minister for Forest, Land Reforms and Management Badri Narayan Basnet in The Spacetime Today, February 9, 2003).

However, the non-governmental organizations working for the freed Kamaiyas and the Kamaiyas themselves have immediately downplayed the official claim that 80 per cent liberated Kamaiyas have

already been resettled. (Kantipur, Feb. 10, 2003)

On the evening of the 30th December last year two unidentified offenders raped a freed Klamaiya girl creeping into a fragile Kamaiya hut in Banke district. The family of the victim maintained that had they been at a home, their child would not have been caught into such a heinous crime. (Kantipur, Jan. 24, 2003)

Only a few freed Kamaiyas have been rehabilitated and the rest have challenged that they would forcibly take over the lands and rehabilitate the remaining Kamaiyas. (the Space Time Today, December 21, 2002)

"There is toilet, but no house. There is house, but no toilet. In most of the cases, there is neither house nor toilet. This reels nowhere but in the community of the liberated Kamaiyas in the districts of Banke, Bardiya, Kailalai and Kanchanpur of western part of Nepal." (the Annapurna Post, Feb. 18, 2003)

UN Committee Observes

In an observation made by the Committee on the Economic, Social and Cultural Rights in 2000 over the report submitted by Nepal as a State party in 1994, the Committee has expressed its strong concern over the plight of the liberated Kamaiyas. It has said, "Although the system of agricultural bonded labor known as Kamaiya was abolished in July 2000, the emancipated Kamaiyas are facing many problems, including lack of housing, land work and education for their children."

Commenting on the performance of Nepal as a State party the same committee has marked that "it regrets the unclear status of the Covenant in the domestic legal order of the state party and the lack of any case law with respect to the rights under the Covenant."

The committee has taken note that the efforts of the State party to comply with its obligations under the Covenant are impeded by the high rate in the population growth, the slow down in the economic growth, its foreign debt, the effect of some aspects of the structural adjustment programs it has adopted as well the Maoist insurgency, which have negatively affected the enjoyment of the economic, social and cultural rights by the population, and especially the most vulnerable and marginalized groups of society.

Conclusion and Recommendations

To the Government

a) **Land Freedom:** Introducing legislation against slavery-like practices is an essential first step; by itself it will not be enough to bring an end to the bonded labor. The victims of bonded labor and serfdom must be allowed to the means of generate an income of their family and to avoid the need to take on further debts and slip back into slavery.

The government of Nepal should make land available to provide for the rehabilitation of the victims of slavery. It should live up to its commitment and words. The Ministry of Land Reform has already identified areas of unused government lands suitable for this purpose.

b) **Domestic Legislation :** The execution of constitutional provisions, existing laws, various strategies and working policies in favor of people is the prime responsibility of the State. His Majesty's Government should make its implementing rod stronger to protect the basic right of her citizen to housing among others. The case of housing in relation with the liberated Kamaiyas is vital/urgent and seeks an early solution. It is not

impossible if the government wants to be directed by the spirit of the directive principles enshrined in the constitution.

weight and attention to economic, social and cultural rights.

To the NGOs

There is an ardent need of relief and rehabilitation program for Kamaiyas at the earliest. But in this regard, even the Non-Governmental Organizations (NGOs) are deemed negligible on this issue. They label it as a responsibility of the government. So the campaign for rehabilitation is not running smoothly.

ANNEX

Laws Related to Housing Rights in Nepal

1. Regional Development Planning (Implementation) Act, 2013
2. Wastage (Management and Source Mobilization) Act, 2044
3. Town Development Act, 2045
4. Kathmandu Valley Development Authorization Act, 2045
5. Act Relating to Joint Housing Ownership, 2054
6. Building Act, 2055
7. Wider Janakpur Region Development Council Act, 2055
8. Tele Communications Act, 2053
9. Public Road Act, 2031
10. Nepal Civil Aviation Authorities Act, 2053
11. Nepal Mine Act, 2033
12. Election Commission Act, 2047
13. Police Regulation, 2049
14. Local Self-Governance Act, 2055
15. Land Tax Act, 2047
16. Property Tax Act, 2047
17. House and Land Tax Act, 2019
18. Agriculture Development Bank Act, 2027

19. Custom Tax Act, 2019
20. Compensation Act, 2019
21. Natural Disaster (Rescue) Act, 2039
22. Nepal Petroleum Act, 2040
23. Labor Act, 2048
24. Ukhada Land Act, 2034
25. Land Acquisition Act, 2034
26. National Park and Wildlife Conservation Act, 2029
27. Land and Water Conservation Act, 2039
28. Water Resource Act, 2049
29. Electricity Acts, 2049
30. Forest Act, 2049
31. Environment Protection Act, 2053
32. Immovable Property Acquisition Act, 2013
33. Narcotic Drugs (Control) Act, 2033
34. Trust (Guthi) Association Act, 2033
35. Ancient Monument Protection Act, 2013

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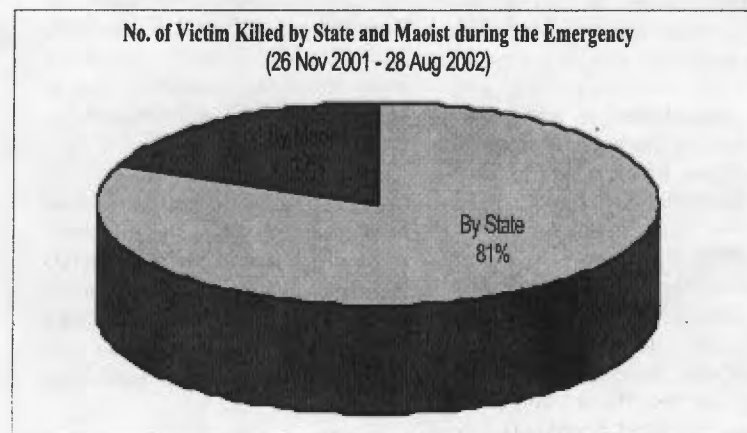
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Nepal's obligations under the Covenant should be into account in all aspects of its negotiations with international financial institution, like the IMF, WB and the WTO, to ensure that esc rights, particularly of the most vulnerable groups, are duly protected.

- d) **Identification** : As the reports say that many of the liberated Kamaiyas have not been provided with their identity cards, they should be quipped the cards. The non-Kamaiyas, if any, trying to hold Kamaiya identity cards should be discouraged.

To the National Human Rights Commission

The NHRC is not expected that it concentrate solely on civil and political rights, but accords equal



Impact of INSEC Launched People's Agenda Programme

INSEC is conducting People's Agenda Programme in 47 districts of Nepal. The main objectives of the programme are to find responses on :

- How do people assess the past HR violations and deprivations of their basic needs due to bad governance, social exclusion and violence?
- How can these problems be resolved? and
- In which way they will be able to contribute?

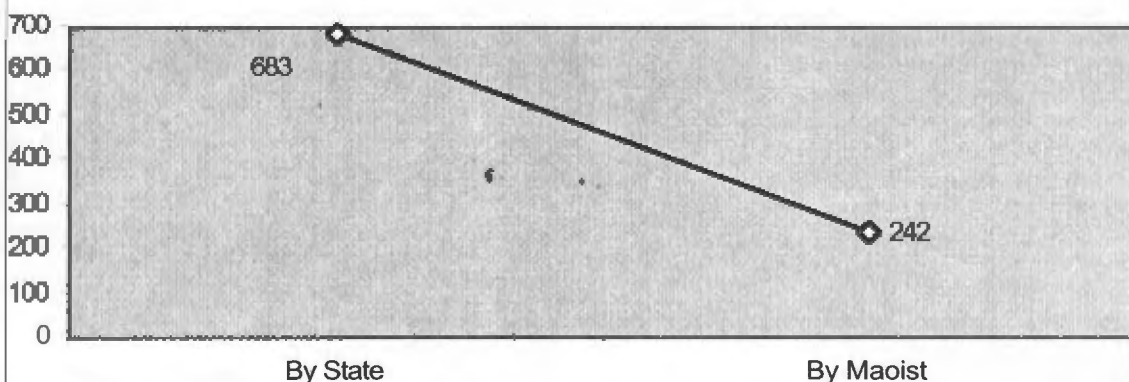
In this context, an interaction programme has been organised in Jumla district headquarters on March 5, 2003. The programme facilitated by INSEC was on the theme "Jumla and The Current Political Situation". The delegates from different political parties, administrative authorities, intellectuals, human rights activists, Maoists and general public attended the programme. The participants during the interaction programme widely discussed on the issues to be followed by both the government and the Maoists so that the proposed government-Maoist peace dialogue may become fruitful. Following are the major decisions made on the interaction programme.

- ❑ Forceful donation from the Maoists should be stopped.
- ❑ Equal responsibility has to be taken from both the government and the Maoists to assure the repatriation of the displaced people.

- ❑ Depending upon the necessity, mutual understanding has to be developed if any problem arises during cease-fire period.
- ❑ Violent actions have to be stopped completely from both the conflicting parties.
- ❑ Local problems have to be solved by the efforts of local or district authorities and if not possible in the local level request to the higher level.
- ❑ Maoists and the government should be cooperative with other political parties to assure their involvement in different political activities in any places of the district.
- ❑ Both of the conflicting parties should not hinder the development initiatives.

Chief District Officer (CDO) Krishna Shyam Budhathoki has stressed that the dialogue should not be against the Constitutional Monarchy and multiparty democracy, but the Maoists regretted his opinions. CDO Krishna Shyam Budhathoki, Naresh Bhandari (Kshitij), Bheri Regional and Karnali Intellectual Council Coordinator of the CPN (Maoist), other political leaders from different political parties and representatives of the civil society have actively participated in the interaction programme. Most of them had expressed their views to solve the present crisis of the country.

No. of Victim Killed by State and Maoist After the Formation of Present Government (11. Oct 2002 - 20 Mar 2003)



Anguish of the Silent Voice

- Prakash Gnyawali

"A child in danger is a child that cannot wait"

- Kofi Annan

Both, State and CPN (Maoist) have signed a 22-point code of conduct on 13 March 2003, 44 days after the truce. Human rights community raised different agenda about children, women, disabled, ethnic groups and minorities to include in the peace process. In this context, we have to consider that 'all wars are war against children and women' and put pressure on both the parties for the first priority of the issues of children and women.

After the announcement of the "People's War" the ratio of victim children has been massively increased. Since 1996, more than 146 children have been killed; almost 2 thousand children have been orphaned and 4 thousands have been displaced and compelled to leave not only their native place but also are deprived of education due to the armed conflict.

One of the most important and serious aspects is the involvement of children in armed conflict. This issue is not merely related with the worst forms of child labour also but links with the future scenario of the country as well. Many children are forced to be involved in armed activities and excluded from education.

Some Facts

Facts show that child soldiers are being used in more than thirty countries around the world and more than 3 hundred thousands children under the age of 18 years are fighting in armed conflicts. Hundreds of thousand more are members of armed forces who could be sent into combat at any time.

According to International Labour Organisation (ILO), 26 hundred thousand children in Nepal are involved in labour; among them 127 thousands are under the worst forms.



There is no any exact data available regarding the number of child soldiers used in armed conflict. However, the evidences reveal the use of child soldiers by the CPN (Maoist). According to a report by Coalition to Stop the Use of Child Soldiers, an international organisation campaigning against the

use of children in armed activities, about 30 per cent of the Maoist guerrillas are children. Though, the number has not been independently ascertained there are a large number of children involved in the Maoist activities.

Abduction

There are a lot of examples of the involvement of children in Maoist activities; just some months before the truce, Maoists have abducted hundreds of students from the schools of Surkhet, Bajura, Salyan, Doti, Gulmi and other district, most of them have been released but others were compelled to join the Maoist activities. This trend is not only the present scenario but started from the very beginning of the "People's War."² Hundreds of children were abducted by the CPN (Maoist) and its sister organisations, especially the student wing from many districts, every year.

Why Children are Targeted

Maoists have been using children as a fertile target group for fulfilling their mission. There are some major causes which are the focal points for children to be involved in Maoist

¹ Eglantyne Jebb, founder of Save the Children UK who drafted the world's first charter on children's rights in 1923

² See the Series of Human Rights Yearbook, INSEC (1996-2002), Reports by Amnesty International and Coalition to stop the use of Child Soldiers

activities either forcefully or voluntarily; they are: (i) honest; (ii) innocent; (iii) obedient; (iv) willingness to involve in violent activities; (v) easier to manipulate; and so on. Maoists have been getting benefit from their childhood nature and targeting them for recruiting and/or turning into the cadres of the party and its sister organisations.

How Children are being Involved

Following are the major areas children are involved in the Maoist activities:

(i) armed force; (ii) messengers; (iii) spies; (iv) involved in cultural or propaganda activities; (v) porters; (vi) spies; (vii) landmine detectors; (viii) helpers for providing arms, ammunition; (ix) assist with evacuating; (x) care takers for wounded; (xi) cooks; (xii) weapon-cleaners; (xiii) guards or political agitators; (xiv) responsible for patrolling and manning checkpoints; etc.

What are the Causes ?

The major causes for the involvement of the children in armed activities are as follows:

(i) forceful recruitment; (ii) poverty, alienation and discrimination; (iii) to be secured from State atrocities; (iv) voluntary involvement; (v) lack of awareness; (vi) oppressive economic

and social power structure; (vii) for avenging the killings of parents, other family or friends; (viii) for protecting families from the warring factions; (ix) for getting food for themselves and their families; (x) due to no ways for taking care after the killings of their care takers; (xi) failure of the State for providing necessary protection and services as per their needs; (xii) lack of proper care from family-members and relatives regarding their education, guidance, pleasure and happiness; (xiii) compulsion of doing labour work for livelihood; etc.

Is it fair ?

Geneva Conventions 1949 and their Optional Protocols have protected children under the age of 15 years from involving in the armed conflict. Article 77 of the Additional Protocol (I) to the Geneva Conventions provides special care and respect of the children. It has the provision that children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.³ The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have

attained the age of fifteen years but who have not attained the age of eighteen years the Parties to the conflict shall endeavour to give priority to those who are oldest.⁴ If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.⁵ Article 4 of the Additional Protocol (II) emphasizes on the necessary care and help, and education for children. This article has also the provision of reunion of children to their families and protection from possible recruitment in the armed forces.⁶

Rome Statute of the International Criminal Court (ICC) defines the recruitment of children under the age of 15 years into the national armed forces or using them to participate actively in hostilities as 'War Crimes' (Article 8.2.b.xxvi).

Convention on the Rights of the Children (CRC) states on the responsibility of State Parties to take possible efforts to ensure that the person under the age of 15 years do not take a direct part in hostilities and emphasizes on the respect for the rules of International Humanitarian Law (Article 38). Similarly, Optional Protocol to the CRC on the involvement of children in armed conflict, stresses that the persons

³ Optional Protocol (I) to the Geneva Conventions, Paragraph 1

⁴ *ibid*, Paragraph 2

⁵ *ibid*, Paragraph 3

⁶ Children shall be provided with the care and aid they require, and in particular: (a) they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care; (b) all appropriate steps shall be taken to facilitate the reunion of families temporarily separated; (c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities; (d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of subparagraph (c) and are captured; (e) measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.

⁷ ILO Convention-182; Article 3

⁸ Article 26 (8)

⁹ Article 17 and 18

under the age of 18 years should not be recruited or used in hostilities and armed forces by the State parties as well as any armed groups. Besides, the International Labour Organisation (ILO) defines child soldiering as one of the worst forms of child labour.⁷

The Constitution of the Kingdom of Nepal 2047 (1990) has one of the directive principles for making state policies to protect the rights of children and ensure that they are not exploited.⁸

The Children's Act 2048 (1991) prohibits on using children under the age of 14 years as labourers and forbids on using them in hazardous actions.⁹

Source: NEPAL, Vol.3, No. 15



What Do Reports Say ?

Reports and press statements by Amnesty International (AI) indicate the use of children by the CPN (Maoist) in armed activities. According to the report by AI in December 2002, the CPN (Maoist) recruited children into its ranks. AI has also called upon UN member states to adopt a resolution urging that anyone under 18 who has joined the CPN (Maoist), whether voluntarily or not, to be returned to their family or community, as one of the issues.

The recruitment of children by the Maoist has been reported on a regular basis, the report further says that AI was informed about the recruitment policy of "one family, one member" by the CPN (Maoist) in the area under its control. Giving an example of training to the children by the Maoist for using weapons, AI reports an evidence of arms training for school children in a girl child's own words.

Report of the UN Secretary-General submitted to the Security Council on

children and armed conflict has also highlighted forced and involuntary recruitment of children by the CPN (Maoist).

Just some months before the truce, a fact-finding report by the National Human Rights Commission (NHRC) has also pointed out the use of children by the CPN (Maoist), for various purposes and highlighted the critical condition of children in the Mid-western part of the country. Members of the fact-finding mission have met some children large and heavy baggage of local level Maoist-leaders. They were used for carrying such loads; for other works such as bringing foodstuff, conveying messages from one place to another; and so on.

Does CPN (Maoist) Accept the Allegation?

The fact of the use of children by the Maoists in their armed activities has been pointed out in national as well as international level; and various human rights organisations have urged the CPN (Maoist) to stop such inhuman behaviour as soon as possible. However, Maoist leaders have been

bringing their disagreement out through their press statements stating that they respect child rights and don't use children in armed force. Maoist leader Prachanda (August 2000) has said: "We want to make it clear that no child soldier has been recruited in any unit of the People's Army."

But, fact cannot be hidden by any argument; we have seen many children with guns and weapons in print media from time to time.

Conclusion

Involving children in the armed activities, as this is the age providing love and care; protection and good environment; and necessary education, is a mischievous act; it does not only

lessen the speed of civilization but also sows the seeds of criminal and violent psychology into the tender mind of children. Armed activities do not only inflict them psychologically; it has serious long-term impact on the development of the country. As stated by 'Child Soldiers', war inevitably devastates the lives of children, but not a single child should be engaged in the fighting. Children who become combatants before they gain emotional maturity can suffer devastating psychological damage. Such experiences leave emotional, psychological and spiritual scars that may last a lifetime. The truce has been announced, the warring forces are themselves claiming that they are involved in peace process. But the serious question is what to do with the affected victims due to seven year long conflict; many children remain filled with rage, aggression and guilt. The Code of Conduct is silent on this. So, how the children find proper solution of this problem in future; they tend to be involved in violent behaviours but have not been addressed by the agreement. What will be the means of solution- pen or weapon? This is the point to be addressed at present.

Now, announcing truce and signing on the code of conduct, both the parties have shown their promptness towards the peace. It is positive, awaited and welcomed step from every corner. It has brought a new glimmer of hope for the Nepali people. There should be the first initiation for peace from the rehabilitation of affected children and their betterment. Peace process should not be focused only on the 'political demands' and 'obstinacy' of the warring parties; it should open a broader way to solve the current problems through a strong commitment by the parties for the betterment of children. Otherwise, it is not sure- such agonies won't be repeated.

Recommendations

- Peace process should be initiated with the first priority to children's agenda;
- Maoist should immediately disarm and demobilize all children involved in its activities and reintegrate them into their family and community;
- Government should take initiation for building capacities for appropriate psycho-social support and response to those returned;
- Government should make proper action-plan for children as soon as possible and identify and promote alternative non-violent ways for them for meaningful contribution to their society;
- Government should launch rehabilitation programmes in the affected areas on priority basis;
- Government should ratify the Statute of the International Criminal Court to address the recruitment and use of children under the age of 15 years in armed activities;
- I/NGOs should start programmes for the counseling and welfare of victim-children. And, launch advocacy campaigns and researches among the affected children;
- Government, I/NGOs and social organisations should take actions

to generalize the situation of victim-children and to respect/ implement child rights, basically the right to life, health, education, the rights against exploitation, the right to family life and the enjoyment of childhood etc.

All responsible agencies and sectors should frame preventive strategies to reduce the root causes that make children to be voluntarily/involuntarily recruited in such activities.

International community should urge and put pressure on the parties to stop the use of children into armed activities and to demobilize them immediately. International community should influence Nepalese government to take above mentioned initiatives as soon as possible. □

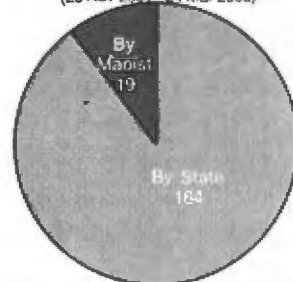
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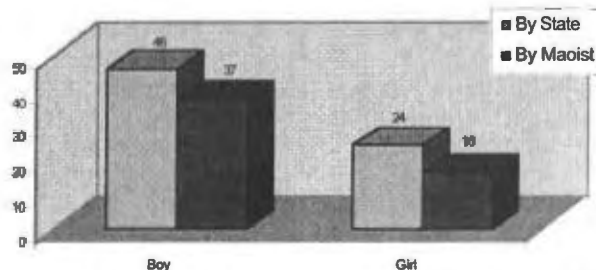
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Arrested Journalists after the Declaration of the State of Emergency
(26 Nov 2001 - 24 Mar 2003)



No. of Children Killed by State and Maoist
(13 Feb 1996 - 20 Mar 2003)



Impact of Armed Conflict on Women in Nepal

Ranjana Thapa

"A major source of war is the socialisation of men to be aggressive and concerned about appearing strong in the sense of being ready to fight and kill; consequently, an androgynous socialization would help generate peace"

- Kriesberg

1. Background

Women comprise more than 50 percent of the world's population and yet they are an oppressed group. For centuries, women have suffered from patriarchal social structure that devalue their personhood and deny many of their basic human rights. This includes a diverse array of abuses, such as foot binding in pre-communist China, the forced seclusion and isolation of women in certain contemporary Hindu and Muslim societies; sexual mutilation, as currently practiced on millions of young women in numerous African societies; polygamy; restricted or nonexistent choice to marriage; and Great Britain greatly restricted economic and professional opportunities along with under representation in political life. It can be argued that whatever the sources of well being in the world, women as a group consistently enjoy less of them; this includes intangibles such as opportunity as well as physical assets such as property.

In most of the economically developing countries, the goals of the women's movement tend to be more basic-increase literacy, health care and end to polygamy and bride price. In many traditional societies especially in Africa, millions of women are subjected to genital mutilation, which often justified as a legitimate cultural practice but that causes immense suffering as well as diminished sexual pleasure not to mention high mortality

countries, women cannot own property and may not obtain a divorce without her husbands consent. Any feminists point out that although Western society may well be unacceptably repressive; the sad fact is that most developing countries are even worse with women widely subjected to lower status, institutionalized economic deprivation, cultural subordination, economic deprivation, and outright political repression.²



Violence against women in armed conflict is predicted on the sexualization of women and their role as transmitters of culture and symbols of nation or community. They are the victims of deliberate gendered forms of violence and persecution such as rape and sexual slavery, which are weapons of war. They are also subjected to deprivation of food and eviction of their homes.

rates. Many Muslim countries on highly restrictive dress codes for women legally sanctioned violent often-lethal responses to sexual infidelity and frequently, the denial of educational, social and economic opportunities.¹ In many developing

Although women are less likely than men to be combatants, women are more likely to form the greatest proportion of the adult civilian population killed in war and targeted for abuse, in many situation investigated by human rights

¹ David P. Barash and Charles P. Webel, *Women's Rights, Peace and Conflict Studies*, SAGE Publications, New Delhi 2002, p.441

² Ibid. p.442

in war and targeted for abuse, in many situation investigated by human rights activists women find themselves the victims of attacks on villages because of their domestic functions. The economic impact of an armed conflict is also often gender specific. Women's burdens in times of war are specially heavy because their usual functions within households like feeding the family, fetching water and wood, feeding livestock are more difficult to carry out often in the absence of male relatives. Women are especially vulnerable to the destruction of health services, resulting from wars; pregnancy and childbirth are left unattended, care for their children is no longer available.

If a woman has become the sole person responsible for the well being of the family, the absence of proper infrastructure will impose additional stress on her and additional work. Faced with a chronic absence or resources in or periods of extreme necessity, women may engage in activities that may not be socially acceptable such as prostitution or dealing in the black market.³

2. Introduction

Nepal is a multi-ethnic and multi-cultural country with more than 59 spoken languages and cultural traditions. Problems of the status of Nepalese women are accentuated by the fact that Nepal is one of the least developed countries of the world in which the majority of the population has to survive by low productive agriculture. These require the poor men, women and children to work long hours to meet family needs. The legal status of women is mixed. The

Constitution of the Kingdom of Nepal 1990 guarantees fundamental rights to all citizens without discrimination on the basis of ethnicity, caste, religion or sex including property, inheritance. There have been no specific laws in Nepal to back this up. On the contrary, the family laws in Nepal that govern marriages, divorce, property rights and inheritance reinforce the patriarchy and put severe limits on women's command over economic resources.

Women hold 11,587,502 of 23,151,423 populations. However they are back in every sector of the society. Patriarchal

According to a study done by Forum for Women Law and Development (FWLD), there are 118 Clauses/Sections/Rules, two Rules in their entirety and 67 schedules/Annexes/Forms in 54 different laws including the Constitution, which have discriminatory provisions. Hence, women are already back, discriminated in various forms, the impact of Maoist insurgency (armed conflict) to them has further added the plight.

Armed struggle in Nepal was begun in 1996, particularly from the bordering area of Rukum, Rolpa, Jajarkot,

*Dhania Chowdhary, 24, described how soldiers detained her husband Phul Raj Chowdhary on 13 August 2002. "More than a dozen of soldiers surrounded our house. Some came in, arrested my husband, calling him a Maoist, and searched the house. The soldiers grabbed me by the hair, dragged me into the bedroom and told me that they would let my husband go if I agreed to have sex with them. I refused. They searched the bedroom and left with him."*¹

*A woman of 30 years was raped in the midnight by being dragged to the jungle nearby the village. On the next day, the herdsmen found her unconscious and naked in the jungle and informed her family. After doing some primary treatment at local medical shop she was hospitalized in the Janakpur Zone Hospital but she wasn't properly cured over there as well and was sent to the TU Teaching Hospital in Kathmandu. After the treatment she could speak and eat in the normal way. The complaint has been filed accusing the police force as perpetrators in the District Police Office.*²

¹ A Field Study done jointly by Reporters without Borders and INSEC.

² Human Rights Situation Report, INSEC, Year 10, no.3, December, 2002, p.8

society, hierarchical system, castism, is discrimination in legal, political field tips of the iceberg that the Nepalese women are facing. Women in Nepal are categorized as second-class citizen and are deprived from the development i.e. economic, individual, social, educational and other facets.

Gorkha, Salyan and Sindhuli districts. Men, women and children are suffering from both Maoist and Police alike. Since the beginning of Maoist insurgency of 1996, women are becoming direct and indirect victims over the past seven years.

³ Investigating the violations of Women's Human Rights in the Armed Conflict, Amnesty International, Canada, 2002, p.69

All the citizens shall be equal before the law. No person shall be denied the equal protection of the laws.

⁵ Freedom of opinion and expression, freedom to assemble peacefully and without arms, freedom to form unions and associations, freedom to move throughout the kingdom and reside in any part thereof and freedom to practice any profession, or to carry on any occupation, industry or trade.

⁶ Art.14 of the Constitution

⁷ Art. 15 of the Constitution.

⁸ Art. 23 of the Constitution

3. Impact of Armed Conflict on Rights of Women

The Constitution of the kingdom of Nepal 1990 has guaranteed the fundamental rights to the people that are equally applicable to women according to the article 11 of the Constitution.⁴ The Constitution has guaranteed the right to freedom⁵ under the Article 12 as "No person shall be deprived of his personal liberty in accordance with law and no law shall be made which provides for capital punishment". The same document has guaranteed the Right to Criminal Justice⁶, Right against Preventive Detention⁷ and Right to Constitutional Remedy.⁸

Nepal is a State party to the sixteen international human rights instruments and has signed three Optional Protocols. The most important instruments are International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, Convention against Torture and Convention on the Elimination of Racial Discrimination.

The above-mentioned instruments have guaranteed the rights of women in the various provisions. During the seven years of conflict, there are a number of victimised women living in the critical stage. Both parties, the State and the Maoists have violated the right to life, freedom and liberty of women. Women who have no option are bound to live in a critical situation where the environment is full of fear and threat. They are forced to feed and provide shelter to both security personnel and the rebellions. The situation they are living in the affected area is so harsh that they lack the sufficient food, health

services, education and others. The blockade of the food supply by the Maoist has created the critical situation that women have no options to survive and the indifference of the government to the victims is a crucial point to be noted. The developmental projects and the supporting group have skipped their programmes from the affected area that results the great impact on women who were dependent to the income generating projects. The curfew laid down by the Maoists and the government confined the women inside the four walls of their house before the truce.

Total Arrested Victims (13 February 1996-31 December 2001)	
Male	Female
221	43
Released Victims	
76	18
Disappeared Victims	
145	25

Source: Human Rights Situation Report, INSEC, Year 10, No. 4, p.19., Feb. 2003.

Many studies have shown that the common effects on women due to the present conflict are:

- Use of women in the war
- Use of women as human shields
- Victim of explosive materials
- Rape and Sexual Harassment
- Migration/displacement
- Additional hazard to maternity
- Forced Shelter and Regular Lodging and food provision
- Increased responsibility for providing food and shelter to dependants
- Many women have joined the conflict themselves as fighters
- Pressure on older women whose sons have been killed or the young widowed who are left to look after the young children

- Girl children are deprived from the school education due to the attack to the schools and educational institutions
- High mortality rate of women due to the lack of health services and attacks to the health posts and the abduction of the medicines by the rebellions
- Women whose husbands or son or their relatives are killed before their eyes are suffering from the psycho trauma.
- Widow of the killed persons either security personnel or civilians are still not given the compensation and forced to live in the critical situation.
- Women are displaced forcefully due to the non-availability of measures to survive and threat of losing life. The UNHCR estimates that 70-80 percent of the world refugee and internally displaced population are composed of women and children.
- The abduction and disappearance of women by suspecting them either Maoist or as spy against them (Maoists) is also a major disturbing pattern of human rights violations of women.

4. Laws on Women in Armed Conflict

4.1 International Humanitarian Law (IHL)

Geneva Conventions which is also called the laws of warfare clearly define or stress the protection of women in the time of armed conflict or wartime. Many of the prohibitions under IHL to the protection of civilians have direct implications for women. Women along with children and older people are particularly vulnerable to indiscriminate and deliberate attacks against civilian targets by parties involved in conflicts. These include food blockades as well as attacks on or

⁹ Investigating Violations of Women's Human Rights in Armed Conflicts; Amnesty International, Canada, 2001, p.39

¹⁰ Ibid.

¹¹ See a Feminist Analysis of Certain Aspects of International Humanitarian Law by Judith Gardam 12 Australian Yearbook of International Law 265.

¹² See Art. 8 of the Rome Statute of the International Criminal Court

destruction of foodstuff, crops, livestock and drinking water installations.

In addition to measures meant for all civilians, IHL has taken some steps to include gender specific measures and prohibitions, in all there are some 50 provisions in IHL that relate to non-discrimination or provide special protection for women.⁹

Non-discrimination, one of the fundamental principles of international human right law is also a key concept of the Geneva Convention. IHL provides for the immunity of all civilians without discrimination based on gender from any attack and respect for persons who have fallen into the hands of the enemy.¹⁰ Men and women are thus equal before law.

Common Article 3 of the Geneva Conventions can be applied to the women in the conflict areas. The conventions prohibit the sexual and gender crimes which include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and other forms of sexual violence, gender based enslavement and persecution. However, many women rights activists have consistently noted the test of the Geneva Conventions and the additional protocols are lacking in gender sensitivity.¹¹

4.2 International Criminal Court (ICC)

The ICC has sought to include a list of crimes of sexual and gender violence under the definitions of both crimes against humanity and war crimes.¹² The listed crimes are rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and other forms of sexual violence, gender based persecution and enslavement. The Rome Statute of the Criminal Court contains provisions to ensure that female victims and witnesses, particularly victims of sexual violence, will be protected.

4.2 Beijing Declaration

The Fourth Women Assembly held in Beijing on 1995 has developed the action plan to work on the various issues of women by focusing twelve concerned areas. One of them is Women and Armed Struggle. The action plan has primarily focused on health, education, social, economic and problems created by the conflict to be bared by women. It has emphasized both the government and the non-government organizations to take appropriate measures to protect women from the armed conflict.

5. Conclusion

Conflict is inherent in every society. The stable society can't develop itself and head towards the change. Conflict is necessary to change the old and orthodox society to a progressive one. The only point to be noted here is how to lead the conflict and how to analyse conflict from different perspectives. Women, whose status is lower than the men in most of the developed or developing countries are more vulnerable to be exploited and prior to be victimised. The impact of the conflict on the women can be viewed from both negative and positive aspects. Mental disturbances, bad health, lack of education, burden of workload, sexual exploitation, rape, threat to the life, derogation of rights and killings are the negative impacts to women. The positive impact of the conflict can be drawn as that women who are living in the critical situation can see their roles increasing outside their homes as well. Enhancement of their capability on decision making, the negotiation capacity, employment alternatives, use of appropriate farming methods and to stand against every violence, exploration of opportunities can be taken as a positive impact of conflict to the women. The increased number of women in the industries after the world war is a stance of the positive impact of the conflict where huge mass of women stood for their rights.

6. Recommendations

During the seven years of conflict, women of Nepal have suffered from the both direct and indirect means. Though there are no physical attacks from January 21, 2003 (commencement of truce) and the series of programmes and being lannched to make the peace talk successful in the country, the agenda of women shouldn't be ignored. Viewing the abuses and incidents occurred to women in the time of armed conflict following recommendations are to be carried out by the concerned parties:

- Conflict should be analyzed from women perspectives.
- A woman victim should be rehabilitate by the State.
- A woman negotiator or facilitator should be appointed in the process of peace talk.
- Peace building and rehabilitation programme should be launched in order to address the victim women of armed conflict.
- Women themselves should be a part of peace process or in the conflict transformation in different levels (Grassroots level).
- Experience of women victim should be shared through public hearing.
- Role of NHRC, Women Commission should be effective in the process of peace resolution, particularly on the issues of women.
- Counseling, trauma treatment and other mental illness are to be focused to heal the pain.
- Protection and promotion of widow should be priorotised, food supplement; income-generating programmes should be targeted to women.
- Socialisation of women warriors should be done to bring them in the regular life.
- "Forgive but not to forget" be followed in terms of peace process. Government office, non government organisations, civil society and all organs of the society should act together on the promotion and protection of human rights of women in the country. □

Conflict and its Impact upon Youth

- Prakash Bhattarai

Nepal has suffered from ongoing conflict and tensions for the last seven years. The conflict has not only affected a particular group, community or specific situation of the nation but the entire process of the country as well. Particularly, extension of development activities to drive the nation according to the demands of new decades and to sustain and compete in the global market economy has been the main challenge. Seven years long, Maoist movement is not only a violent expression to achieve the political power for establishing peoples' republic rather it is a radical social movement, which has already taken 7400 peoples' lives by the name of "people's war".

Globally the youths are facing different kinds of problems. The youths from the developing countries like Nepal are especially deprived of their basic rights and they are deprived of various opportunities. With reference to Nepal's social, economic and cultural context and status it has been found that the youths directly or indirectly are involved and influenced by the violation. The killed and the killers both involved in the present violence are representing productive and potential force of the country. The next group of the youths who are psychologically shocked by this are either living in frustration or fleeing from their origin to save their life and in search of employment in India and gulf countries and to the less conflict affected areas of the country.

Generally, the people between 16-40 years of age can be taken as active

young population of the society. Young people cover 32 percent of the total population in Nepal and majority of them are living in vulnerable position. Every time we see that youths are exploited in wars and conflict that can be found in history books and can be realised by observing the current practices of killing innocent people and loss of property. Here are some of the references that present the situation of youth indulged the conflicting situation of the country:

- Even after the government-Maoist cease-fire announcement, the displaced youths from different villages of Dailekh District of mid western region are hesitant to be back to their origin due to the fear from the Maoists. Because the youths had fled to India without taking permission from the Maoists during the time while the security forces were conducting massive operation.
- A group of youths from Dhading District of mid region had gone for construction work in Rukum District of mid western hills of the country. Security forces during their patrolling arbitrarily killed 17 innocent youths on the charge of their involvement in the Maoist movement. This incident not only brought a mournful sorrow in their homes and at the same time more than a dozen of families lost their caretakers.
- Youths those who represent from Dalit and ethnic community are actively involved in the Maoist movement. Their ambition is not only limited to achieve the

political power rather they are also expecting to eliminate all forms of socio-economic and cultural desperation of the country. The youths of Dalit community were marginalised from national mainstream; it raised frustration and anger, which after all has reflected in the conflict through their active participation as combatants.

- The education system and the employment mechanism of the country are not interlinked. The university education is not suitable for providing employment to all who get degree or specialisation in their subject of interests. Therefore, this results frustration on common youths who do not have other access of solving their hand to mouth problem, besides being engaged in proper job based on their academic qualification.
- There are very limited resources to rural youths in comparison to the urban. Therefore, the limitation could not fulfill the demands of all youths. This also is one of the prominent causes to divert them in conflict with the hope of getting equal opportunity and the violent movement as the only way to freedom.
- The people in the rural areas have been suppressed in every aspect of their life. Their social participation has been widely neglected. Their political interest to choose their leaders from their ethnic or cultural community have never been cared and their identity (Philosophical as well as Cultural)

have been deserted. As a result, youths have been encouraged to carry guns and to be involved in the conflict.

The above-mentioned points are some of the causes and evidences that influence the youths to be involved in the conflict. The main causes and consequences as well as the way to reduce their involvement in the conflict are discussed here in this article.

Major causes of the Increased Youth Involvement in the Conflict:

- **Poverty-** nearly 45 percent people are below the poverty line, which mean that 45 out of 100 people of the country live with earning less than one dollar a day. The social, political attitude towards public has made them helpless. Various districts in the hilly region of every development region have less fertile land there are not various options for employment. Due to the lack of education, the people are not so skilled to generate sources of income. These all causes have made them poorer and the State is not taking any significant role to reduce poverty in real sense though the State in every five years plan announces poverty alleviation programmes. Poverty has blown up to youths because their family members depend on them. As a result, the people from hilly regions especially from mid and far western go to India in search of employment to feed the dependent members of his/her family. Now the youths also have been attracted towards conflict with the hope of improving their life standard and to be freed from suppression.
- **Lack of development initiative-** Development works in the country have not been decentralised. Therefore, the hilly and mountainous regions of the country have always remained dark from development aspects. They voted hundreds of politicians but they never saw any improvement

and change in the appearance of their village. Their situation could not be changed since long. So, this painful situation of their society reflected in the conflict. Revolutionary development of the society has come out as their main issue to justify their involvement in the conflict.

- **Education-** Billions of rupees have been spent to improve the educational quality but the investment has lost in vain. The educational system has been proved as traditional "Gurukul" education. The education is not productive and technical that could be sold in the economic market for getting job. So most of the qualified youths either flee to aboard in search of better employment or are less qualified and go to the gulf countries and India for low wages and low graded work. Among the rest, who are living in Nepal with some works and a large number are involved in conflicting groups. Nepalese education has not endeavoured to build up confidence on the students. The youths feel insecure while they go for higher education in each step.
- **Employment-** There are very few employment opportunities in the country due to various reasons including the lack of industrialisation. Existed agricultural system of the country is not effective. Similarly, the natural resources like water and forests are not properly utilised due to the lack of proper vision and working mechanism for getting maximum benefits through this. This has narrowed the area of employment market and the limited opportunities are provided only for political activists or their favourites of the ruling parties. This results the underprivileged people always lag behind in employment opportunities and ultimato to involve in the conflict. Recent figure says that nearly 85 percent youths in the country are unemployed and semi-employed.

- **Lack of participation-** Youths are deprived of getting leading positions in the development activities; decision-making processes and their social participation have been neglected. Their innovative ideas and visions are neglected by the society. Youths, who wanted to do some concrete works for the society have been boycotted to apply their ideas. They are also deprived of opportunities for their personal development and better career.
- **Political situation-** The 1990 peoples' movement restored the democracy. The people had expected so many things on the new democratic environment but the political leaders indulged only in their personal benefit rather than public welfare. Most of the political parties ruled over during 12 years period but they could not lead the nation in favour of the people. Corruption, poor governance and political instability are some of the causes to turn the youths into frustration, who were in support of political parties with lots of hope for their better future. This also encouraged them to engage in conflict as the best way to solve the entire problem of the country.
- **Social Structure-** The discriminatory social structure continued since long in the country. Social discrimination, caste discrimination, suppression, feudalism and marginalized identities of minorities' issues were burning invisibly and finally that anger diverted towards violence for getting freedom from all suppressions and social tensions.
- **Lack of Responsibility-** Youths are never evaluated as competent to carry out every responsibility. Nepalese people never believed on their potentiality instead they suspected on youth's credibility and their qualification to hold responsible positions. This has also lured the youths to carry guns for sustainable freedom and to work as a responsible person.

Major Impacts upon Youth from the Conflict:

- **Education-** Available educational institutions in the rural areas have been almost closed and badly influenced by the time and again band programme. Sometimes the schools in the rural areas have been used as shelter and for mass campaign both by the security forces and the Maoists. The examinations have been disturbed and the question paper of the examination have been looted or burnt. These sorts of incident have influenced the educational system and denouncing of educational institutions.
- **Employment-** Available employment opportunities have been cut off and further options have been closed due to the security situation of the country. So, the youths from the country are going to neighbouring countries and gulf countries in search of employment. But the recent American attack on Iraq even affected the employment situation; youths from gulf countries are returning due to the fear. An estimate shows that nearly 85 percent youth are unemployed or semi employed.
- **Psychology-** psychologically they have been diverted toward violation. The youths have been distressed by the destructive situation of the society and worried for their unsecured future.
- **Displacement/ fleeing-** Youths from highly conflicting areas have been displaced to the less conflict affected areas and various places of neighbouring countries. Displacement has been a great problem of the country and different obstacles have been invited due to this. The social, economical and cultural condition of the nation has also been destroyed. The major causes are political revenge, frequent threats and challenges from the Maoists, events of inhuman killings by the Maoists, frequent attacks and counter attacks between the conflicting parties and so on.

- **Recruitment-** Youth recruitment in the conflict both from the state and the Maoist is also a growing concern. On the one hand, unemployed youths from rural areas are being recruited in the state security forces on the other the Maoists are also spontaneously and forcefully recruiting the youths. These potential forces have been alienated in two different clusters and killing each other as enemies. The force, which has to be used in the development activities are involved in the conflict.
- **Security-** youths are not secured in the society. Sometimes they have to serve for the security forces, and sometimes in favour of the Maoists. This is not because of their interest rather it is upshot of threat given by the Maoists as well as the security forces. If both of these conflicting parties know about their involvement one by the other, the youths either face physical violence or are compelled to escape from the society.

Conclusion:

It is needed to analyse the concerned actors of youths that fuel the sources of the conflict and create an understanding and equally important is to realise the better ways for their solutions. The Nepalese government should think critically and creatively about social and political alternatives for dealing with conflict situations. Yuvaraj Ghimire of the Kantipur Daily has written "Leaders in Nepal aware that the use of arms, whether by the Maoists or State, causes physical, mental and psychological suffering, as well as the death of many innocent people."

In Nepal, until the government eliminates the poverty, unemployment, deprivation, people's ignorance, unequal social structure and neglected youths involvement in every occupation, conflict will remain forever. Unless solving youth problems as major agenda of the development,

the conflict groups will frequently motivate the youths to be involved in the conflict and encourage them carrying guns is an ultimate way for development. Therefore, the first and foremost thing is that the State must provide youths rights to make them responsible citizen. The basic rights of youths are quality education, employment opportunities and respect to their social and cultural identity. Their participation in social affairs should be increased that develops their capacity to identify the positive and negative aspects of the society and possible ways to improve the situation. Peace education should be introduced to youths from the beginning of their adolescent period. They should not be taken as a problem rather they need to be justified as the most productive and potential force of the country.

Recent development in the political arena of the country has brought the government and the Maoists in a State of truce. The further challenge is to convert the truce into lasting cease fire so that peace could be permanently established. Unless and until the problems of youths as addressed above are not solved this possibility is far to reach. For this also the youths should be mobilised.

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The Truce and Aftermath

The government and the Maoists agreed to declare the cease fire on 29 January 2003. The cursory analysis of the incidents developed after the truce announcement is presented below in a matrix table. The comparison includes activities performed by various concerned agents including the government and the Maoists.

Date	Government	Political parties	Maoists	Rights community/ civil society	Allen parties/forces
Jan 29	truce declares		truce declares		
Jan 30	Govt. assigned minister Narayan Singh Pun as the coordinator of govt.'s peace panel.	UML-truce a welcome sign RPP-positive. Emphasis on grassroots level truce. NC(D)- hope that there will be peace. NC-positive towards peace but dubious on sudden truce.			Indian envoy-commitment to be a good neighbor. US envoy- red carpet to truce! EU-truce an encouraging development. Mike O'Driscoll-truce may be instrumental in defeating violence. There is a lot to do in Nepal.
Jan 31					UNSG-talks will resume at the earliest.
Feb. 01				AI requests for HRs as peace agenda	
Feb. 02	PM's statement-calls for support. Revocation of terrorist brand, red corner notice and heading against the Maoists.		M formed 3 member peace talks panel led by Dr. BR Bhanu.		
Feb. 03	Minister Ojha-there will be code of conduct, we're busy for that.				
Feb. 04			ANNESU-R, Maoists' student wing calls off educational strike.	NHRC appeals concerned parties to convert truce into lasting peace	Christina Rooca-Maoists seem defying will now but the govt. seems incapable to fight equally with them in peace process.
Feb 06		MB Singh, a legendary communist leader, asks Maoists not to help repressive forces.	Prachanda says his group has not recognized the king, the constitution and the Chanda government.		"If Nepal desires so, UK will assist in many things that may support peace process", SA desk chief S. Smith.
Feb. 07	PM Chanda informs that talks' procedure is on the desk and rest of the thing will be done as per the political parties' consent.	CPN-UML demands to publicize the 'agreement' reached between the govt. and the rebels.	Maoists' clues for talks: amend TADA, army back to barracks, release ProC, information on Maoists detainees and equal access to state media.	HR community demands Code of Conduct and investigation on the HR breaching in the past 7 years.	
Feb. 08	PM Chanda calls every walks of national life for support the peace process		Maoists dissatisfied over the role of state media not disseminating their news on talks-panel.		"We treat the current process with a degree of skepticism that it deserves," British envoy to Nepal.
Feb. 09			Prachanda asks all political parties, civil society to be parts of the peace process.		
Feb 10	INTERPOL withdraws red corner notice against the M leaders following govt.'s request.	Pro-parliament political parties jointly demand transparency in peace process.	Local M leaders in Khotang opt for merger of their militia with the RNA to form a national army.		
Feb. 11	Home ministry not to amend TADA and release detainees in hurry.	RPP general committee meet directs PM not to ignore political parties in the peace process.	13 M arrested under TADA released in Saraha.	NHRC asked govt. to call the army back to barracks.	

Feb. 12	NS Pun talks M politburo member Rahindra Shrestha on the release of M detainees.		"Talks are a part of war," Prachanda says in the eve of the 7 th anniversary of 'people's war'. (9 M released in Banke.		
Feb. 13	Defense secy. army not returning to barracks. "Who can say that there would not be another violent group even M give up arms?"		M busy in mass meeting and public meet in different parts of the country.	AI submits memo to PM-release PsoC and punish the rights offenders. HR activists met PM and asked to focus HR in peace talks.	
Feb. 14	Defence ministry urged the M to stop all sorts of extortions including collection of funds by force.	NC president GP Koirala predicted in Morning that truce would be short lived.	13 M detainees released in Banke in initiation of INSEC.		
Feb. 15	NS Pun believed that there would be CoC for the peace process soon.	CPN-UML general secy. MK Nepal demands the king and the M to clarify on their stances on multiparty party democracy. "People cannot remain in dark any more."			
Feb. 16	Pun says that there would be a 'truth commission' to investigate on 'rights violations in the past 7 yrs. due to armed conflict.' It would be commissioned after the talks get rounded up.	RPP chief PS JB Rana believed that the outcome of the peace talks should be in favor of those who have suffered most due to the conflict.	Prachanda orders his cadres not to collect fund by force. He informed that there was no any agreement between them and the palace.		
Feb. 17	Security forces are still on the street in Banke.	Major political parties including RPP boycotted PM sponsored all-party meet.		TU put Free Students' Union poll indefinitely.	
Feb. 18	HM King on the occasion of Democracy day-"convincing efforts to establish peace are under way."				
Feb. 19			Bhushaba, Sher Kurwar, 12 med., were killed in Baglung as M's gun went off suddenly. Bhabesh Nepali (15)	HR activists Tuladhar and Dhurungara requested to play the role of 'facilitators' by M leaders.	
Feb. 20	RNA personnel and M militia men friendly in Achham-they shook hands.		M party responsible for Baglung apologises for the death of the students.		
Feb. 21	Humanitarian issues will be seen as major focus in the peace talks-minister Gyawali. M's valley special team responsible for DGP KM Shrestha's murder-police investigation team.	M leaders Mahara and Sharma meet RPP leader SB Thapa. "I felt they are sincere this time,"-Thapa.		NHRC calls for earnest response to peace process-"prioritize HR issues in the proposed peace talks."	
Feb. 22	NS Pun, the single man to hold talks with the rebels said in Burel that the CoC was being finalized.		Baglung tragedy-M offers Rs. 10, 000 to the surviving victim. They will bear the treatment bill.	NHRC. urges to civil society on CoC as govt. M failed response on it. the commission had sent a draft of CoC to them seeking response.	
Feb. 23	Pun says that he is waiting for M talks team for a goodwill meet.				
Feb. 24	RNA personnel have reportedly been said to shoot dead two M armed cadres in Baglung. Information is that both of the parties confronted verbally before exchanging fire.	NC (D) president SB Deuba and M leaders Mahara and Sharma talk on the peace process.	M threat life of a journal in Nuwakot. FNU disclosed that the M story. In Nuwakot wrote to Rabin Thapaliya (Jan. 30, 2003) he should follow his direction in disseminating news at the cost of his life.	NHRC discloses its draft of CoC-essay back in banke, amendment of TADA, no new recruitment in both military forces, no army deployment being the major contents.	Dr. Hemting Karher, Res to Nepal, UNDP- long time peace in the mountains of conflict are properly and accountability will be from the grass-roots"

Feb. 25	RNA committed to truth. "We cannot fight a decisive war with us. If it is there, we are ready for that," RNA Spokesperson.		M leaders said that they were ready to be a part of national unity-wide range participation in the peace process.	HR activist PR Tuladhar said that the M intend to talk with the king in the first phase of the proposed peace talks.	The UK government appointed James as the Special Representative to commitment to assist Nepal in identifying the problems.
Feb. 26	"The peace talks will be there with or without parties' participation," Pun.	Deuba is adverse to constituent assembly.	M misusing schools in Bajura- schools as the mass meeting spots and the teachers and the students as the attendants.	NHRC chief NB Khatri highlighted the role of civil society in converting truce into lasting peace.	
Feb. 27	Pun and Mahara start discussing on CoC informally.	NC president GP Koirala disclosed that M were ready to talks at the cost of constitutional reforms.	M in Syangja executed DB BK, their own cadre, in charge of embedding of party funds.		
Feb. 28	COAS PJ Thapa instructed his officers to create peace friendly atmosphere. HMG decided to compensate Rs. 1 lakh in cash to each of the bereaved families of five minors killed by RNA three months back in Kahule, Nuwakot.		"The government seems to neglect the peace process now," M leaders with the parties' leaders. M abducted 21 school students in Dadeldhura including 6 girls.		
Mar. 1	Government presents a 'different' CoC draft to M. It tries to ban on the activities of the sister organizations of M party.		M leaders intend to have 'broader talks'. "We are ready for any public debate on any issue with all," Dina N Sharma, M politburo member.	Delay in peace process has annoyed the public-president of Raj Parishad, Parashu Narayan Chaudhary.	
Mar. 2	PM-political parties must participate in the peace process. "HMG has no idea to exclude them from peace framework."	NC CWC informal meet goes for amendment in Army Act. It also talks about security council-PM, DM, CoAS, PM and C and IM.		Nepalese living the US discuss on peace plight- solidarity for sustainable peace in Nepal. Violence victims' relatives want their woes in talks agenda.	US SA desk chief Donald Camp-US is undoubtedly for peace talks. US is worried about the collective efforts by SA M against the US interests.
Mar. 3	Home secy Tika Datta Niraula says that govt. is preparing account of ProC "We may publish it later."	King's participation is essential in round table meet-CPN-UML	Govt. is unstable in its stance (in reference to CoC)-M leaders in the Kathmandu. They meet NC, UML and NSP top leaders.	HR activists, prisoners and professionals demand UNHCR office in Nepal for impartial investigation and monitoring of HR violations.	US SA desk chief Donald Camp-"Last month's truce is a big step in the right direction, but we must remain in guard, after all the M off a similar cease fire in November, 2001." US envoy to Nepal- "Violence and disruption should be just chapters of history."
Mar. 4	Security Council holds meet and suggests the govt. not to annul TADA before the proposed peace talks get over. PM Chanda meets Koirala and KP Oli.	"M are not in favor of violence hereafter. They said that they wanted full democracy," NC Spokesperson after returning from Geneva.	"We may be back from peace process provided the army is called back to barracks," Mahara with Pua. Sharma and S left parties vow to work jointly in favor of peace.	NBA urged the major political parties to find political solution of the current quagmire.	
Mar. 5	PM Chaudhary readies for another all party meet. "If the major political parties repeat the boycott, the government may not wait them for another chance," DR Lamichhane said quoting the PM. Local administration in Ramechhaprooked curfew that was imposed 15 months back.	There is no chance of resumption of violent activities on the part of the Maoists-Speaker Ramabhat.	M refute the US allegation that they deserved traits of Cambodian Khmer Rouge guerillas of 1970s. Case filed against Prachanda and Bhattarai at Patan appellate court under TADA. The government has challenged the top M leaders after the warring parties announced cease-fire.	A round table meet in Juma in initiation of INSEC-the M Intellectual in charge responsible for Bheki-Kamali region requested the party's violent activities in the past. Government officials also attended the meet.	UN agencies, US and Norway govt. to help in managing the internally displaced persons due to armed conflict.

Mar 6	Police stations resumed in their respective localities after truce in Jhapa. RNA team entered areas in Baglung with the help of local people.	NC chief Koirala said that his party would strive for a positive outcome of the peace process. NC(D) chief Deuba- M and the king created this hurdle.	We have taken it as the govt's motive to escape from its commitment to seek solution through talks," M leaders on lawsuit against Prachanda and Bhattacharya.	Norwegian Council and NHRC to agree to work for internally displaced persons due to 7 years long violence.	US govt. casts doubt over truce. "There is no any guarantee that the M will not plunge into violence again." AFP
Mar 7	M are sincere to peace bid-Pun. Govt. to launch development projects in violence ridden areas.	Left parties to include M in Left Front. RK Misra, UML senior leader says that political parties have stood against redressing the present problem.	Mahara talks with Pun on CoC.		
Mar 8	CoC by Monday-Pun. PM Chaud calls all party meet to discuss on the proposed CoC. Pun says that govt. would soon provide 15,000 metric ton rice to M.	UML general secretary MK Nepal says that they are trying to convince M in Left front. Major political parties to stay away from the PM sponsored all-party meet.	M in preparation to call an all-party meet in Silgadi in near future. "It will be among the opponents of the Oct. 4 royal drive," M maintain. M return proposed CoC to the govt. with suggestions.	Constitutional assembly only if amendment in the present constitution fails to resolve the prevailing crisis-lawyers.	Japan to extend 36 tons of cooked food packages to insurgency affected Nepalese. Enactment of legal provisions in aid formation of comprehensive plans to deal with the IDP issue-donor agencies.
Mar 9	Govt to table CoC in cabinet meet today. Pun informs that there will be all party monitoring committees in every district to monitor the peace process.	Major political parties confer over unified voice before audience with king. They are to boycott the PM called all-party meet. But, RPP will attend. UML leader OJ for CA.	12 M militants escape from police custody in Kanchangpur district. They were arrested after truce. M spokesman says the administration of two varieties up indefinitely to bring them to their bases on their demands.	Saying that it is unconstitutional, lawyers have demanded an immediate end to incumbent Chaudhary government.	UN's Resident Representative to Nepal Dr. Henning Karher underlined the need to involve women in very aspect and phase of peace process.
Mar 10	Cabinet yet to finalize CoC: it could take some more time. Major political parties boycotted PM called all-party meet. Pun formally invites rebel students for talks.	Koirala and Nepal receive king's audience: the leaders adamant to their stances on peace process and other issues. RPP chief Pashupati SJB Rama suggested the govt. not to snub major political parties in the peace process. NC leader Shailaja Acharya- parties had to attend all party meet.	M refused that they had demanded any help in money or commodities with the govt.	Rights activists and intellectuals warn govt. and M not to derail talks.	
Mar 11	King grants audiences to Deuba, Bijukchhe. A Sherchan rejects a Minister Pandey- govt. to go alone. "Consultation with the parties is over."	Left parties, M ready for united agitation against the Oct. 4 royal drive. All should help to cement lasting peace: Koirala.	Talks stepback: "Main chao in CoC also not been finalised," M. "I don't know why the process has been delayed," Sharma.		
Mar 12	Parties should be pressed for peace bid-minister Pandey. Patan appellate court issues warrant against M traitors-Prachanda, Dr. Bhattacharya and RJB Thapa.	NC and UML jointly leave the king two options-either restore the Lower House or form an all-party govt.	M, govt. offer seal on CoC. It is likely to come out the following day. M inclining for a round meet among political parties.	Citizens extend helping hands towards conflict victims. Experts prefer presence of Scandinavian nations as 3rd party facilitators in the peace process.	UK special envoy to Nepal Sir JR James visited PM Chaudhary and UML leader MK Nepal. He is learned to have talks on peace process with Nepal.
Mar 13	Govt, M sign 22 point CoC for peace talks. Govt. will abide by ends sincerely. Pun. 'Peace process should not ignore women': Pun at an INSEC program in the capital.	Chaudhary may not be able to come up with desired results from the talks. Nepal.	M will observe code seriously: Mahara. 21 M cadres held by RNA in Sindhuvi. They were readying for a round table meet at Dudhauli VDC. M calling vote for CA in Karam. M mandated an aid to be supporter.		The M insurgency was just a threat to the security of Nepal, but also to the security of India: Shyam Sharma, Indian envoy to Nepal.
Mar 14	There will be the successful talks for peace at any cost. Dy PM Misra. M went for truce believing the king: minister Khapangti.	CA is not the solution: NC leader Koirala. CoC positive in systemize the peace process: UML leader MK Nepal.	Sharma admits they met the king and agreed on truce. Mahara and Sharma support from PFN in the peace process.		UN can play pivotal role in post-conflict scenario- UN assistant GS KC Gnanam. UK firmly behind peace, ready to provide military aid if hostilities resume. UK special envoy James.
Mar 15	It will take 3 weeks to start formal talks. We may not war parties for 11-PM. Peace upturns national agenda. Pun.	M should show solidarity with political parties: Nepal. Follow the code: Koirala.	M continue coercive fund collection in Panchthar- K.	Give M chance to contest polls- rights leader and law expert DN Bhargava.	

Mar. 16	Constitution doesn't justify House revival, all-party meet. talks panel would be completed when need arises: PM.	CoC positive sign for peace-effective implementation needed: parties.	Govt withdraw the cases against M; Mahara with Pun. M leaders attack TU colleges.		
Mar. 17	Govt. abided by CoC: Pun. 'Ceasefire restores investment friendly atmosphere-Minister Gyawali in Japan.	Political parties readying for a joint round table case in Bhatnagar. NC exercise on for House revival plans to submit a document to king.	M detainees refused to be released in Bhajpur fearing re-arrest. Neither traditional nor propaganda nor M can be ignored this time- Mahara.	There is no chance for M to quit talks and resume armed conflict: former defence secretary.	Former Japanese PM Hasegawa expresses happiness on Nepal's peace restoring efforts at a meet with minister Gyawali.
Mar. 18	Police release and re-arrest a 5 M suspects in Nepal.	UML sends olive branch to M seeking warm relation. Nepal said that HM was ready to form an all-party govt. M have banned dropping the CA agenda.	M leaders in Pokhara deny any govt. help-It. M in Udayapur busy in development works.	Sed bet demand release of their comrade in M control.	
Mar 19	Cabinet assigned Pun and Thapa to monitor the implementation of CoC. M urged to join peace talks.	Govt. including M for House polls-8 pointer.	M for free market economy: Mahara. M leaders in Kirtipur and Mahabadi discuss with VIPs. Pun escorts Mahara to Gorkha army barracks.	Add more meet to democratic institutions: PM, RC chief.	
Mar 20	Govt. will have more important agenda for talks than this M do have: Pun. Police arrest two M cadres while they were painting wall in Bhat.	NC may go for CA-Nepal HE accused police and M of playing foul against democracy. If no all-party govt., UML will sit out of the talks.	Forceful fund collection by M continues in Bhat. We are firm to maintain party camp. M leaders in Tanahun warn their boss of revolt if the talks fail.	UDF returning home after leave in Dhanku. Curfew exists in Taplejung till now.	
Mar 21		Nepal warns M not to agree on any issues with the regressive force: R.	If CA is okayed, M is ready to sit out of the govt. Mahara- we only claim to lead the govt.	Rights activists should be called to monitor the peace process: Koirala.	
Mar 22	Constitution is active and operational: PM- Govt. may withdraw the cases against the top M leaders. M's growing demands delay in holding talks: Pun.	Why are the M close to the palace instead of a political parties.	Talks won't be failed due to us: M leader Dev Gurung. 17 M detainees released following court's verdict. M kidnap 7 including a two-school girl in Bhajpur. There is no talk environment fully created: Dr. Bhattacharya.	All finds the CoC positive but asks to call international monitoring commission.	US backs the peace process. "M's bid to establish autocratic command. State is unfortunate; SA desk chief C Roosa. "The king and the parties need to cooperate more closely to maximize the chances for a successful outcome."

Note :

CA	:	constituent assembly
CIM	:	ministry of communication and information
COAS	:	chief of the army staff
CoC	:	Code of Conduct
CPN-UML	:	Communist Party of Nepal (Unified Marxist-Leninist)
	:	defense ministry
FM	:	foreign ministry
M	:	Maoists
Mahara	:	Krishna Bahadur Mahara
NC (D)	:	Nepali Congress (Democratic)
NC	:	Nepali Congress
NSP	:	Nepal Sadbhawana Party
PsoC	:	Prisoners of Conscience
Pun	:	Nrayan Singh Pun
RNA	:	Royal Nepal Army
RPP	:	Rastriya Prajatantra Party
Sharma	:	Dina Nath Sharm
Nepal	:	Madhav Kumar Nepal
SA	:	South Asia
Koirala	:	Girija Prasad Koirala

No. of Victim Killed by State and Maoist (13 Feb 1996 - 20 Mar 2003)

OCCUPATION	BY STATE	BY MAOIST
AGRICULTURAL	404	226
TEACHER	18	49
POLITICAL WORKER	4785	232
POLICE		994
GENERAL PEOPLE	101	149
STUDENT	68	36
CIVIL SERVANT	15	32
SOCIAL WORKER	1	3
BUSINESSMAN	8	16
WORKER	30	17
LAW PROFESSIONAL		2
HEALTH WORKER	1	2
JOURNALIST	1	2
ARMY	1	226
TOTAL	5433	1986

Code of Conduct

Unofficial English text

The Code of Conduct Approved and to be implemented by both sides during the Ceasefire.

While recognizing the need for the creation of an atmosphere for talks for a peaceful resolution of the conflict and committed to the announced ceasefire, the State (His Majesty's Government) and Rebel (Nepal Communist Party, Maoist) have agreed to the following points during the ceasefire:

1. Both parties should be committed and effortful to find a peaceful solution through dialogue.
2. Both sides are committed and effortful to find mutual agreement on matters of national importance.
3. Both parties will stop violent activities and will not deploy security forces that could ignite fear amongst general public.
4. Both parties will refrain from aggressive activities around high security areas.
5. Both sides will gradually release prisoners.
6. Both sides will work for the interest of the general public peacefully and without hindrance.
7. Ideas of both sides to get fair and impartial treatment in the state media.
8. Both sides to refrain from publishing comments that could mar the talks and peace process. Both sides to be civil while making comments.
9. Both sides to refrain from forcibly taking money or goods as donations.
10. Both sides to organize peaceful meetings to protests; there will be no strikes, bandhs or transport strikes during the ceasefire.
11. Both sides to refrain from searches, arrests and kidnappings.
12. Both sides to help each other in maintaining peace during the ceasefire.
13. No obstacles to be created in the transportation of food, medicine and essential goods.
14. Both sides will not obstruct the free movement of people.
15. No obstructions to be placed by both sides while exercising fundamental.
16. Both sides to allow movement of negotiators without impediment.
17. Both sides will help in the return home of displaced persons and their assimilation.
18. A monitoring team will be formed with an understanding of both.
19. Changes to the code of conduct can be made with mutual understanding.
20. Both sides will amicably settle differences in the interpretation of the code.
21. The code of conduct can be terminated through mutual understanding.
22. This code of conduct will come into effect immediately and should be fully implemented within 3 weeks from the date of signature.

It is important to recall the context of the cease-fire in 2001. The peace dialogue was held for three phases between the Maoists and the Government. After the third phase dialogue, Prachanda, Chairman of CPN (Maoists) declared suspicion on the solution of the present political situation through peace dialogue. In a press statement he stated that the significance of cease-fire that its party had declared four months earlier was over as the government locked all the possibility of reaching the solution of the present political situation through peace dialogue. The press statement further stated, "In this respect, we would, through this statement, like to clarify that the want of all the public and our party to reach a peaceful solution to the present political situation has been shattered by the imperialists and the reactionaries." The same statement expressing the possibility of further dialogue with the government announces, "We will not close the prospect of the dialogue with the government if it turns in favour of fulfilling the basic welfare of the public."

After then series of human rights violation by both the State and the Maoists occurred in which more than 5000 people were killed. Thousands of the people were displaced, were victims of torture, were wounded and so on. This year too, on 29 January 2003, the cease-fire has been announced by both of the warring forces. This has been the happy news for the concerned, specifically for the victims of the conflict who have been either displaced, or injured or afflicted as they have lost their husbands, sons, daughters and so on. Learning lesson from the past, perhaps, the State and the Maoists both have signed on the following code of conduct, which has been the most significant effort of theirs.



Date: 29 Falgun 2059 [13 March 2003]

Signed

Source : www.nepalnews.com

Dr. Baburam Bhattarai
Convener, Negotiating Team
Rebel (Nepal Communist Party, Maoist)

Col. Narayan Singh Pun
Convener, Negotiating Team
State (His Majesty's Government)

Available in INSEC Library

Book 1 : The People's War in Nepal : Left Perspectives

ADROIT Publishers have published a compilation of articles on "People's War in Nepal". The book has been edited by Arjun Karki and David Seddon. The book aims to provide readers with an introduction to the "People's war in Nepal" and brings together a unique collection of documents including statements and analyses by the Maoist leadership as well as critical essays by various free lancers, political analysts and the left activists in Nepal.

The book reveals the thinking behind the strategy of the Maosists; it underlines the importance of gender, ethnicity and caste as well as class in the armed struggle being waged against neo feudalism and imperialism.

The book unveils the "People's War" from the historical background (PAST) to the impact of the "People's War" and a radical reform agenda for conflict (PRESENT). The whole book is divided into three chapters where chapter one deals with the introduction and overview of the "People's War", the second is on Maoist's perspectives on "People's War" and the third one is on the left perspectives.

The seven years of conflict has the impact on all aspects of Nepalese economy and society increased, the book provides a range of commentaries on the Maoist movement and the insurgency by members of other leftist groups and it offers some alternatives for radical change.

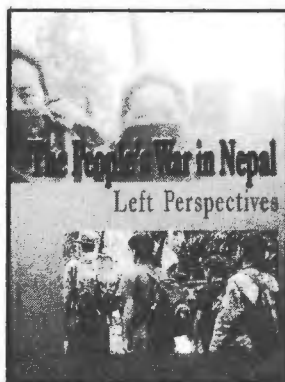
The book exposes on the root causes of the "People's War" as social, ethnic, political and social oppression. Structural and institutional discrimination, unequal distribution of resources, socio-economic causes are the foundation of "People's War" in Nepal.

Publisher : ADROIT Publishers Delhi, 2003

ISBN 81-87392-38-X

Pages : 494

Price : NRs. 960:00



Book 2 : International Justice and the International Criminal Court

Between Sovereignty and the Rule of Law

The book is about the rapid recent development of international criminal law. It explores solutions to key problems of official immunities universal jurisdiction, the International Criminal Court and the stance of the United States, seeking to clarify how justice can be done in a system of sovereign states. The book looks at specific aspects of the emerging system of international justice and in particular of the International Criminal Court, to underscore the point that the pursuit of global responses to common problems has not prevented the states form fundamentally shaping these responses in ways that server their own interests, notwithstanding claims of globalization the decline of sovereignty and the ascendancy of international civil society.

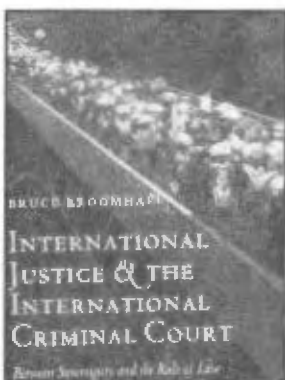
The book is divided into three parts where it deals from the concept of International Criminal Law to the universal jurisdiction of the International Criminal Court and to the Enforcement of the ICC.

The book subjects development to critical analysis and offers a balanced and firm assessment of their true significance. The writer of the book, Bruce Broomhall is a lecturer in public international law at Central European University in Budapest, Hungary where he is senior legal officer for international justice with the open society justice initiative.

Publisher: Oxford University Press, New York, 2003

ISBN 0-19-925600-4

Edited by Ian Brownlie CBE, QC, FBA



Conflict : Impact on Children

- Manju Khanal

"Did you watch the television yesterday? So many people were killed. There were blood strains everywhere. I was so scared", a small boy around seven asked his friend while they were waiting for their bus to school. "Yes, I saw them", the friend said. "But I was so scared, I covered my face with my mother's shawl. So I couldn't see all of it." I was standing near them waiting for my bus as well. Their conversation really struck me. I thought, "Hey, what will the consequence of this be if this is the kind of conversation that takes place between our young children?" The children who are supposed to be a symbol of joy and innocence, who are full of mischief and sporty, are talking like this among themselves at a stage when they should be joyfully discussing about games, studies or even sharing jokes? But this is the reality, the factual reality taking place around us.

This is the result of the internal conflict, which went on in our country for nearly seven years. There was not a single day on which no one died. We became accustomed to the news of people dying daily and always looked forward to see if anyone had died that day. We look at the tragic scenes in the television with indifference. As a result, the impact it has left on children is scary and disastrous. The once timid children, who were scared even when a policeman passed by,

are now bold enough to look at them eye-to-eye and even ask them questions. They are not amazed to hear that a bomb blasted nearby. They have started taking these matters very lightly.

What is the main cause behind the change in their behaviour? Is this good for them? It is high time we, the grown-ups, give a serious thought to these kinds of issues taking place around us. If we do not consider these matters seriously in time, we will certainly regret, as this will definitely harm our children, whom we proudly say, are our futures. If this kind of behaviour goes on, what will be the future of our nation?

There could be various causes why children cannot be and act like children. I feel, in the present context, one of the major causes for this disaster could be the conflict that is taking place all over the world. Even our nation, which is known as the "Nation of Peace" and considered a holy land where a symbol of peace "Gautam Buddha" was born, has become a part of the international conflict. The image of our nation too has been affected by the internal conflict, which started in 1996. And in particular, the children are the ones who are affected the most mentally as well as physically. It surely is having a bad impact on them. But this has to be stopped somehow as this is not what we want for our

children; rather we want them to have a secure future.

We believe that the children are our future. We should try to make sure that they only learn good things in life so that some day, they will be true children of the nation. For this, we should always protect them from harshness of life so that one day, we will be proud to hand over our responsibilities to them and sit back to watch them take up their responsibility with enthusiasm and pride. But in the present context, this does not seem to be possible because of the negative impact the conflict is leaving on the children. The children who are supposed to be free of tension and just concentrate on their studies and play are now becoming more concerned in the present affairs and the tension around us. They are more anxious about what will be the headlines of the news today? Were there any more killings? Did a bomb explode somewhere? Previously, their questions to the elders would be regarding games or some other kinds of things but now even the questions they put forth have changed.

Therefore, let us all join hand-in-hand and take an oath, saying we will stop the conflicts that are taking place all over the world and make our environment free from fear and violence, so that our children can live up their childhood in a healthier environment and feel as much as secure. □

☐ Solidarity/Campaign: Social Justice for Disadvantaged Group

- Focus: women, children, Dalits & other disadvantaged groups

- Strengthening Advocacy and Local Government Accountability (SALGA) programme

- Women empowerment programme

- Child rights awareness (more than 250 child rights awareness groups (CRAG))

- Parents' awareness programme (in 10 districts)

- Network member on child soldier groups

- Taskforce member of Child Workers in Asia (CWA)

- Member of Children at Risk Network Group (CARNWG)

- Alliance Against Trafficking in Women and Children in Nepal (AATWIN), INSEC is coordinator

- Awareness classes for children
- Programmes for Socially oppressed communities (Non Discrimination Programmes-ND)

- Agriculture Labour Programmes

- Minimum wage campaign

- Organisation building and awareness programme

- Executive Member: Forum Asia, Bangkok

- Executive Member: SAFHR, Kathmandu

- Member: ANFREL, Bangkok

- Steering Committee Member: National Human Rights Action Plan (NHRAP)

☐ Treaty Monitoring: Monitoring and Preparing Alternative Reports

- Studies and evaluates international conventions, treaties and national laws on HR basically, the Geneva Convention and other 6 treaty bodies.

- Conducts research and submits recommendation to the concerned law enforcing authority for implementation of the provisions of international HR laws focusing on the big six.

- Works on preparing parallel reports; studying the reports that have been sent to the UN treaty bodies by the government/civil society organisations

- Coordinates Treaty Monitoring Coordination Committee

- Co-ordination and co-operation with the GOs & NGOs working on HR issues.

- Media sensitisation on HR

- Exercise on legal remedies in national/international level on HR issues

- o **Coordinator:** National Coalition for International Criminal Court (CICC)

Till 2001

- o 28,101 Kamaiyas have been benefited through INSEC's HR Awareness programme. Among them, 8013 are females.

- o 5,967 Kamaiyas have been benefited through INSEC's human rights education. Among them, 3,149 are females.

- o 4,686 Kamaiya children have been benefited through INSEC's Kamaiya child non-formal education programme. Among them, 1,811 are females.

- o 4,641 Kamaiya children have been benefited through INSEC's Kamaiya child formal education programme. Among them, 2,530 are females.

- o 108 Kamaiya youths have been benefited through Kamaiya Youth Vocational Education Programme. Among them, 47 are females.

- o 2436 Dalit citizens have been benefited through INSEC's Human Rights Education programme for Dalits. Among them, 1,554 are females.

- o 3,269 Dalit citizens have been benefited through INSEC's Human Rights campaign programmes. Among them, 1,317 are females.

- o The government fixed the wage rate for the agricultural labourers as Rs 60/- per 8 hours work in 2000, only after INSEC launched a campaign on fixing the minimum wage for them in more than 80 VDCs.

3. Why these Activities

- ☐ Human Rights monitoring, documentation and dissemination for protection

- ☐ Human Rights Education for Promotion

- ☐ Awareness programmes to focus economic, social and cultural rights so as to empower people for realisation, assertion and fulfilment.

- ☐ Civil and political rights are also focused as tools.

- ☐ The overall focus: for fulfilment – increasing the receiving capacity of the disadvantaged, marginalised and excluded citizens.

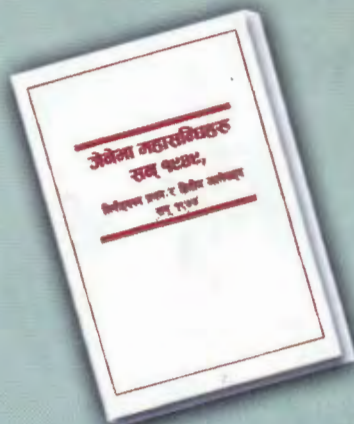
INSEC Publications

I. Regular publications on HR

1. Human Rights Yearbook (English & Nepali version),
2. Informal (Quarterly, English)
3. Situation Report (English & Nepali version)
4. Prachi (Bi-monthly, Nepali)
5. INSEC Aviyan (Monthly, Nepali)
6. E-bulletin (Every Friday)
7. Listeners' Club Bulletin, Public Advocacy for Good Governance Manual,

II. Other Publications : 109 Including

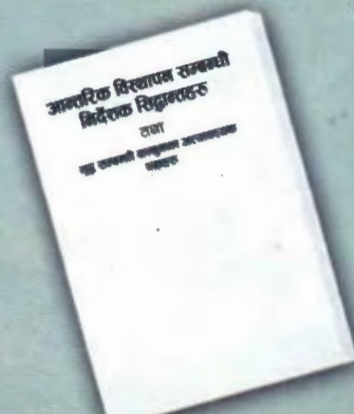
8. Human Rights Awareness Series
9. Legal Education Series
10. Preamble of International Criminal Court
11. Training Manual for HR Reporters
12. One Month of State of Emergency (hand book)
13. Professional Education Series (second edition)
14. Reference Book for Awareness against Agriculture Child Labour
15. Geneva Conventions, 1949 and their Additional Protocols, 1977 (Nepali Translation)
16. Bonded Labour in Nepal under Kamaiya System
17. A Revisit to the Kamaiya System of Nepal
18. Forced to Plough
19. Situation of Basic Human Rights (A Baseline Survey Report among Selected Communities of Nepal)
20. Women in Politics in Nepal
21. Where are They (Part one & Part two) - (A Report on Disappearance)



Translation into Nepali :
Geneva Conventions and their
Additional Protocols



Translation into Nepali :
Guiding Principles on Internal
Displacement



Translation into Nepali :
Guiding Principles on Internal Displacement
& Essentials of Laws of War

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