

Review of the Nepal Human Rights Yearbook 1993 – 2002

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R 2003: 5

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Summary

NORAD has been supporting the Nepal Human Rights Yearbook for a decade, from the pilot issue in 1992 and up to the present date. The Yearbook has over the entire period been published by the Informal Sector Service Center (INSEC). Consequently, NORAD found the time ripe to undertake a review of the project and commissioned a team from the Chr. Michelsen Institute to do the review. The team comprised of Hugo Stokke and Tone Kristin Sissener from CMI and Mukta Lama as the local consultant.

The team made a number of recommendations on the (a) collection and processing of information; (b) review of the contents of the yearbooks; and (c) contribution to human rights monitoring and its impact.

Among recommendations might be mentioned a more balanced ethnic representation among the district representatives, more training, better focus on what are specifically human rights violations, analysis of patterns and trends, and the presentation of information in such a way that it can be directly followed up by bodies and agencies charged with human rights protection.

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Executive summary

NORAD has been supporting the Nepal Human Rights Yearbook for a decade, from the pilot issue in 1992 and up to the present date. The Yearbook has over the entire period been published by the Informal Sector Service Center (INSEC). Consequently, NORAD found the time ripe to undertake a review of the project and commissioned a team from the Chr. Michelsen Institute to do the review. The team comprised Hugo Stokke and Tone Kristin Sissener from CMI and Mukta Lama as the local consultant.

The terms of reference asked for a qualitative assessment of the project, including the approach to information collection, selection of contents, the contribution to human rights monitoring in Nepal and the views and opinions of the project by stakeholders in society. The review included careful reading of all volumes in the 1992 – 2002 period as well as a field visit to Nepal. In the course of the field work, the team participated at a training programme for the district representatives as well as visited one of the regional offices (Nepalgunj) entrusted with human rights reporting.

The team divided its work into three main areas, viz. (a) collection and processing of information; (b) review of the contents of the yearbooks; and (c) contribution to human rights monitoring and its impact.

With reference to (a), the team recommended a more balanced ethnic representation among the district representatives, more training, better follow-up of individual cases and a continually updated data base and more regular meetings of district representatives at the regional level.

Regarding (b), the team recommended a better focus on what are specifically human rights violations, analysis of patterns and trends and more attention on monitoring the human rights obligations of the state following from the ratification of a number of human rights conventions.

Finally and referring to (c), the team recommended the presentation of information in such a way that it can be directly followed up by bodies and agencies charged with human rights protection, better sharing of information among human rights NGOs and between these and development NGOs, more cost-effective ways of distributing the yearbook and advised INSEC to consider designing a survey to get a better idea of how the work is perceived by decision-makers and other stakeholders in society.

A summary of recommendations is also set out in 1.1 below and more fully with both conclusions and recommendations in ch. 6.

Acronyms and abbreviations

CDO	Chief District Officer
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CMI	Chr. Michelsen Institute
CPN	Communist Party of Nepal
CRC	Convention on the Rights of the Child
DANIDA	Danish International Development Assistance
DDC	District Development Committee
DR	District Representative
HR	Human Rights
HRL	Human Rights Law
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHL	International Humanitarian Law
INSEC	Informal Sector Service Center
Maoists	Maoist United People's Front
NCP	Nepali Congress Party
NGO	Non-Governmental Organisation
NORAD	Norwegian Agency for Development Cooperation
NRS	Nepal Rupees
TOR	Terms of Reference
UML	United Marxist and Leninist Party
UN	United Nations
VDC	Village Development Committee
YB	Human Rights Yearbook

1. Introduction

1.1 Summary of recommendations

The findings and conclusions are reproduced in full in ch. 6. Here we shall only present our specific recommendations.

With reference to the collecting and processing of information, we would like to recommend the following:

- Consider candidates representative of the ethnic and religious distribution of people in the district in deciding on hiring DRs in the future as well as consider hiring more women if feasible (due to security concerns);
- 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, and practical field procedures for collection of information in conflict situations. Training to be provided regularly both nationally and regionally – nationally by international resource persons/institutions within human rights;
- 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 meetings at the regional co-ordinators' office where DRs and stakeholders, for instance on quarterly basis, can meet and take stock of the situation in the region.

Referring to the contents of the yearbook, we would like to make the following recommendations:

- Select exemplary cases of human rights violations and present them in more detail, track the follow-up and what are the results;
- Give more attention to analysing trends and making comparisons among individuals and groups affected so that readers and users not only get a snapshot, but also a view of directions and changes;
- Institute a system of more regular monitoring of international human rights conventions ratified by Nepal. The yearbook should try to give an overview of the implementation of ICCPR and ICESCR, but review the remainder of the “big six” on a rotational basis;
- Give a clearer focus to human rights and legislative issues and governmental decisions pertaining to human rights in the reviews of the government,

legislature and the judiciary and try to avoid blanket and categorical statements;

- Make a clearer distinction between what are human rights violations on the one hand and what are crimes under criminal law and what are purely humanitarian issues on the other.

Finally, regarding the contribution of the yearbook to human rights monitoring and its impact, these are our main points:

- Develop formats of reporting and processing information that can be directly used by public institutions, lawyers and international bodies charged with human rights monitoring;
- Develop systems of better information sharing between human rights NGOs so that the yearbook can become a joint product, to the extent possible, of all human rights NGOs engaged in human rights work in Nepal;
- Seek contacts with development NGOs and other agencies involved in development work in order to expand and improve the reporting on economic, social and cultural rights;
- Devise means of more cost-effective distribution of the yearbook to the districts so that all concerned parties have a chance to see and read at least parts of it (offprint and/or regional/local editions);
- Design a survey for decision-makers in political positions of importance to get a better idea of the impact of the book on them.

1.2 Description and interpretation of terms of reference

NORAD has been supporting the publication of the Nepal Human Rights Yearbook from 1993 up to the present date. The yearbook itself started in 1992/93 and the first volume was published on 9 April 1993, covering 1992 events. As acknowledged in the initial 1992 edition, NORAD provided the necessary financial foundation for undertaking this task. Over the years, NORAD has continued their sponsorship of the yearbook project, though joined by other donors in more recent years (EED – Germany, ICCO – The Netherlands, DANIDA – Denmark).

Over the 1992 – 2002 period, NORAD underwrote the project without any review and assessment being commissioned along the way. With the yearbook in operation for a decade, NORAD, as represented by the Norwegian Embassy in Kathmandu, decided the time was ripe for undertaking a qualitative assessment of the production and publication of the Nepal Human Rights Yearbook over the years and to make recommendations for improvement.

More specifically, the following tasks were singled out for scrutiny:

- Approach used for collection of information for the production of the Nepal Human Rights Yearbook;

- contents of the Yearbook, including the selection of themes and presentation;
- contribution by the Yearbook to the documentation and monitoring of the human rights situation in the country;
- how the HR Yearbook is valued by various stakeholders; and
- perceived impact on decision makers and other relevant actors.

While engaging in these tasks, the causes and consequences of the Maoist conflict should be kept in mind. As the conflict has escalated dramatically from the mid-1990s onwards and with the declaration of a state of emergency on 26 November 2001, the Maoist conflict has emerged as the major human rights problem in Nepal today.

Finally, the assessment is to be forward-looking and constructive suggestions for improvements should be made.

In order to accomplish these tasks, the team undertaking the assessment should do the following:

- Study all the Human Rights Yearbooks produced since 1993;
- interview persons involved in the production of the HR Yearbook;
- have discussions with relevant stakeholders, including representatives of the civil society, human rights organisations, political parties, academia and government;
- meet with international donor representatives supporting human rights work in Nepal.

In interpreting the TOR, the team has decided that the assessment can be divided into roughly three components:

- Data collection at the local level;
- the contents of the yearbook, including the processing and analysis of primary data; and
- its contribution to human rights monitoring in Nepal and its impact on stakeholders in society at large, including the government and other public institutions.

The report shall discuss these three components in separate chapters below.

1.3 The team and work plan

The Chr. Michelsen Institute was commissioned to undertake the assignment and a team was put together comprising

Hugo Stokke, CMI, political scientist (team leader);
 Tone Kristin Sissener, CMI, social anthropologist (team member);
 Mukta Lama, anthropologist (team member/local consultant)

The team was given three weeks for the assignment, including one week for initial desk studies (16 – 20 September), one week for fieldwork in Nepal (22 – 27 September) and one week for the write-up of the report (30 September – 5 October). The team was later granted a second week for the preparation of the draft report.

The field work in Nepal during the second week in Nepal comprised interviews with

- INSEC representatives involved in the production of the yearbook,
- relevant stakeholders including government/public institutions, other human rights organisations, academia, media and political parties; and
- embassies, official aid missions and other NGOs engaged in developmental work.

As the time for the field work part of the assignment was limited and there may be a limit to what may be accomplished during one week, the team can not vouch for whether the interviewees were fully representative of the range of opinions in Nepali society. Nevertheless, the team did its utmost to cover all categories of stakeholders, though the number in each may have been small. However, the team did split up on occasion to cover as much as possible in the course of the week. The full list of meetings can be found in Annexes 2 and 3.

At the request of INSEC and the Norwegian Embassy, two members of the team went on a one-day visit to Nepalgunj, the major city in the Mid-Western Region. The purpose of the visit was to get a better idea of how the District Representatives of INSEC engage in primary data collection in the region most affected by the Maoist conflict. Meetings were held in Nepalgunj and the team had the opportunity to have a closer look at one incident in the area. The report from the visit is in section 3.3.

The team arrived on the final day of a four-day INSEC training workshop for the District Representatives held at Staff College, Lalitpur. The team was asked to put together some questions for the DRs at the penultimate session of the workshop. The DRs were asked to sit together in five regional groups and to appoint rapporteurs to present the results of their deliberations. The questions and the regional reports are summarised in 3.4 and reproduced in full in Annex 6.

Having all the DRs assembled in one place was a golden opportunity not to be foregone. The team designed quickly a questionnaire for the DRs to fill in containing both background data and questions relating to their work and their perceptions of constraints and achievements of being DRs. The answers are summarised in 3.4 and reproduced more extensively in Annex 5. Annex 4 contains a set of tables providing background information on the DRs.

Finally, and in compliance with the TOR, the team had a one-hour debriefing session with INSEC and the Norwegian Embassy in Kathmandu upon the completion of their fieldwork and presented their preliminary findings and conclusions.

The team would like to acknowledge the cooperative support and assistance of INSEC throughout the field mission, including General Secretary Subodh Pyakurel, Board Member Hamid Ansari and yearbook team members Yogesh Khanal, Khriشنا Gautam, Prakash Gyanwali, Suresh Sanjit, Bimal Chandra Sharma and Prekshya Ojha at HQ in Kathmandu. Thanks are also due to the staff at the Royal Norwegian Embassy in Kathmandu, including Ambassador Ingrid Ofstad, Arne Jon Flølo and Geeta Shrestha, for helping us organise work in Nepal, setting up meetings and commenting on drafts. Finally, thanks are due to Marit Gjelten at NORAD who commissioned this review, assisted us in planning the work and read the draft report.

1.4 Structure of the report

The report starts out with the background for the assignment, discusses the TOR, outlines the work plan and summarises the main findings and conclusions (ch. 1)

An overview of INSEC and its human rights yearbook is given, drawing upon, among other sources, the recent evaluation of INSEC and recent strategy documents of INSEC (ch. 2)

The main part of the review is covered in the following three chapters. First, ch.3 reviews the system of District Representatives engaged in primary data collection at the local level. The chapter draws upon the field visit to Nepalgunj as well as upon information supplied by the DRs themselves and the yearbook team in Kathmandu.

Ch. 4 reviews the structure of the yearbooks, their contents, their selection of themes and the analyses of primary data and other sources of relevance for assessing the human rights situation of Nepal.

Ch. 5 tackles perceptions of the human rights yearbook project from a range of stakeholders in society at large with a view towards assessing its contribution to human rights monitoring in Nepal as well as its impact on the aforementioned stakeholders.

Ch. 6 wraps up with the findings and conclusions from the review with recommendations related to the three main components of the review.

The annexes include the TOR (Annex 1), the lists of meetings in Kathmandu and Nepalgunj (Annexes 2 and 3), background data on the DRs (Annex 4), their responses to the questionnaire designed by the team (Annex 5) and the regional responses of the DRs at the training programme (Annex 6).

2. Initial overview of INSEC and the human rights yearbook

2.1 A brief political history of Nepal

Nepal is a constitutional monarchy with a parliamentary form of government retaining the king as head of state. King Mahendra introduced democracy by issuing a new constitution in early 1959 and the first democratic elections for a national assembly were held. The Nepali Congress Party (NCP), a moderate socialist group, gained a substantial victory in the election. Declaring parliamentary democracy a failure 18 months later, King Mahendra dismissed the NCP government and promulgated a new constitution in 1962. The new constitution established a “partyless” system of panchayats (councils), which enshrined the absolute power of the monarchy and kept the King as head of state. The King regained sole authority over all governmental institutions, including the Cabinet (Council of Ministers) and the Parliament. A national referendum to decide on the nature of Nepal’s government was held in 1980 resulting in the panchayat system winning a narrow victory. King Birendra, son of King Mahendra, had promised democratic reforms in the panchayat system, which he carried out after the referendum.

In 1990, the political parties pressurised the king and the government for change. Leftist parties united under the common banner of the United Left Front. Forces were joined with the NCP to launch strikes and demonstrations in the major cities of Nepal. Consequently, the king capitulated and dissolved the panchayat system, lifted the ban on political parties, and released all political prisoners. An interim government was sworn in and the cabinet was composed of members of NCP, the communist parties, royal appointees, and independents. Nepal was again a parliamentary democracy under a constitutional monarch. In 1991 elections were held and NCP formed the government. Elections were again held in 1994 resulting in a Nepali Congress defeat and a hung Parliament with a minority government led by the United Marxist and Leninist Party (UML). The next five years saw five successive coalition governments. Although NCP won a clear majority in the 1999 elections, the pattern of short-lived government persists. Three different NCP Prime Ministers have held office from mid-1999 to mid-2001.

In 1996 the leaders of the Maoist United People’s Front (“Maoists”) launched a “Peoples War” that has led to continued violence in more than 50 of the country’s 75 districts. The insurrection has been waged through killings, torture, bombings, extortion, and intimidation against civilians and public officials. Since then, serious human rights abuses have been committed both by the Maoists and state-controlled armed forces. On November 26, 2001, King Gyanendra, acting on the advice of the Cabinet Ministers, declared a nation-wide state of emergency. State of emergency was lifted after nine months as a result of calling for forthcoming parliamentary elections to be held on November 13, 2002. However, these elections have been postponed indefinitely as King Gyanendra on 4 October took over executive powers by dismissing Prime Minister Deuba and dissolving the Council of Ministers.

2.2 History of INSEC

INSEC was founded in 1988. During the panchayat system there were few legitimate ways to work with civil rights issues. By opening “Informal Sector Research Center” a small group of people could provide basic health services and non-formal education

to cart pushers in Kathmandu. At the advent of democracy in 1990, the centre was reorganised into “Informal Sector Service Center” engaging in activities directly related to the newly restored formal democracy. Funded by donors, INSEC was able to build up research activities in the 1990s and started to publish books and magazines dealing with Human Rights issues. Today the organisation has a central office in Kathmandu with 24 staff members, five regional offices run by Regional Co-ordinations, District Representatives in each of the 75 districts of Nepal, and affiliated organisations (network) nation-wide.

2.3 History of the yearbook

The Human Rights Yearbook, reflecting INSEC’s effort to monitor Human Rights violations nation-wide, was first published in 1993. It is one of a kind in Nepal and distributed to institutions all over the country. The Yearbook is published both in English and Nepali. First editions were extensive in terms of pages, but with the same content, themes, and analyses. While the English version became less voluminous leaving out more details from the district-wise reports of the human rights situation, the edition in Nepali continued to be comprehensive in kind.

2.4 The Danish evaluation of INSEC

Danida was one of the first donors to fund INSEC and support has been continued since 1992. In 2001, Danida commissioned an appraisal of proposed support to INSEC, which was carried out by International Development Partners in Denmark. The final report, focusing on INSEC’s overall capacity, strategy, and mode of operation, was submitted to Danida in February 2002. Although the Human Rights Yearbook is both a generator of and a result of INSEC’s activities at large, the production and publication of the Yearbook was not assessed in the Danish appraisal. It was recognised, however, as an important part of INSEC’s activities.

The Danish appraisal is generally positive in the assessment of INSEC, but the organisation is found to take on a very broad mandate. The team concluded that “INSEC has so far not paid sufficient attention to prioritising and consolidating its activities” and that “the organisation has not systematically been involving other relevant civil society players in the programmes at field level”. The two conclusions are related in terms of a need for INSEC to define its specific role and objectives as a human rights organisation. Among the projects that INSEC is running, the Danish team found that the “HR Treaty Monitoring Project” most logically “falls within the key role and competency of INSEC. Co-ordination and systematisation of HR monitoring could become a useful supplement to the HR Yearbook published by INSEC”. In other words, programmes related to the production and publication of the Yearbook are considered as core activities for a human rights organisation like INSEC, which is recommended for support also in the future.

District Representatives reporting on human rights violations was found by the Danish team to be qualified and trained, but that further training would be required, “as the number of HR violations related to the escalating Maoist conflict is increasing”. The team concluded that the monitoring of HR violations “seems to have been a useful tool for raising public awareness and highlighting issues concerning human rights vis-à-vis government and other institutions”.

3. Data collection and field work

3.1 District Representatives

INSEC has District Representatives (DRs) in each of Nepal's 75 districts and nearly all are local residents of the district they operate in. DRs are often journalists with their own networks of local sources of information, including VDCs, DDCs, police, Maoists, newspapers, colleagues and other personal contacts, relatives of victims or other individuals. DRs work with diverse communities belonging to multiple cultures (Brahmin, Chhetri, Dalits, Newar and others), but caste/ethnic composition of DRs suggests that the majority belong to Hindu high caste groups. Furthermore, very few women are engaged as DRs (less than 5%). Typically, DRs are relatively young, married, middle class people with higher education (intermediate level and bachelors degree). The majority has been with INSEC for less than three years and is not involved in other work even if the employment is considered part-time.

Being a resident of the district indicates that the DRs have local knowledge and access to areas and information less available to outsiders. On the other hand, caste/group background suggests socio-cultural network biases. The impression is that DRs have managed to establish themselves as more or less unbiased human rights activists. Nevertheless, DRs with more diverse backgrounds could be an asset to the organisation's reputation and credibility working with diverse communities belonging to multiple cultures.

Regarding representation of women, INSEC explained that more women were engaged as DRs before the conflict intensified, but that working conditions during the last couple of years have made it difficult especially for women to move around and work in many areas.

DRs are being trained by INSEC and supplied with a manual on human rights, but many said that more training and closer follow-up would enhance the quality of their work.

3.2 Data collection

DRs are responsible for collecting information on incidents of HR violations, verify them and report to the regional office. Furthermore, DRs are responsible for dissemination of the information for prevention of HR violations, as well as sharing the information with concerned stakeholders in the districts after the Yearbook is published. Information sharing also involves organising rallies, street demonstrations, and seminars in the districts as part of HR education campaign and advocacy. Steps adopted by DRs for collecting information are shown below.

Step I Get First Report on incidents of HR violations: Sources of first report include; local newspaper, victim's report, public functions, information from law enforcing agencies (court, CDO, police, security), political parties, and DRs contacts including the regular INSEC program beneficiary groups. Information on incidents also comes from DRs informal contacts and networks.

Step II Visit actual incidents: DRs visit actual places of incidents as far as possible. The purpose of the visit is to inspect the location and take details and

evidence of the incidents – including photographs. Before State of Emergency, DRs went to 75 per cent of the places where incidents took place according to estimates.

Step III Interview victims and eyewitnesses: During the visit, DRs try to interview victims and eyewitnesses on the nature of the incident and to get their view on causes of victimisation. INSEC emphasises the importance of getting information verified by concerned parties. It is estimated that in more than 80 per cent of the cases first hand information from either the victim or eyewitnesses is collected.

Step IV Interview perpetrator(s): In order to verify the information, DRs try to meet perpetrators, both state and non-state parties as far as possible. INSEC said they are able to get a two-sided perspective on incidents in 70 per cent of the cases, but admits that it is not always possible as perpetrators often try to prevent information from coming out. Evidently, it has become even more difficult after the imposition of a state of emergency in November 2001.

Step V Verify information with law enforcing agencies in the district: DRs meet with the Chief District Officer, police, army, lawyers, judges and other concerned for verification of information. This is the final stage for compiling information for reporting and making it public.

Step VI Report to INSEC Regional Office: Information is entered in the reporting format and sent to INSEC's regional office. Timing for reporting of the individual cases depends upon perceived severity of the incidents. Cases demanding urgent action (disappearance, abduction, arrest) or serious incidents such as mass killings requiring special fact finding missions, are reported immediately. Others are sent on a monthly basis.

Step VII Publish selected material in local and national newspapers: As part of the HR protection measures, DRs send information to news papers for publication. It is believed that making incidents public can contribute to stop violation in progress, discourage perpetrators, and assist victims in seeking legal remedies.

Step VIII Follow-up on incidents reported: Once the incident is reported to the Yearbook Section in INSEC's headquarter through regional offices, the DRs receive reminder notes from the centre for incidents requiring follow-up. The follow-up continues till the day of final printing of the Yearbook.

All information related to life threats, extra judicial killings, crimes, and accidents, including cases of suicide, are reported. INSEC believes that 99 per cent of the killings occurring in the districts were recorded before state of emergency. Even during the emergency DRs claim that 80 per cent of the killings are reported in the yearbook except incidents where district headquarters are attacked by insurgents and other massive counter-insurgency operations.

Information on corruption, domestic violence, caste and racial discrimination are generally not reported as both victims and perpetrators actively prevent this information from being disclosed. After the state of emergency was declared, information on arrests was not available. Furthermore, information on torture was actively barred from reaching the public. Information on violation of social, economic

and cultural rights are not recorded as it requires greater depth. Besides, such violations are not covered by INSEC's guidelines. Issues related to discrimination of dalits and rights of indigenous peoples are missing in the yearbook.

3.3 A view from the field: Team visit to Nepalgunj

The INSEC regional offices, headed by a regional co-ordinator, are the organising units for District Representatives reporting on human rights violations. In addition to program management, the regional co-ordinator is responsible for supervising DRs in the region.

In Nepalgunj the team was met by the regional co-ordinator, Mr. Bholu Mahat, taking us to the regional office. Mr. Mahat is a teacher in management by profession, but had been working for INSEC for the last seven years. The position was fulltime keeping him busy 14-16 hours a day, seven days a week. He said, "my wife complains that she never sees me at home and my children hardly recognise me. I can't even leave my job for more than a couple of days at the time". On the question of what motivates him, he responded that it certainly had nothing to do with money, as remuneration from INSEC gave him a feeling of working as a volunteer. Mr. Mahat explained that, as the situation in his region is particularly precarious compared to other regions, incidents take place regularly.

Information is gathered in various ways: victims coming to the office, from local and national newspapers, district networks (other NGOs), local bazaars, complaint box outside the office, and from political party members. He said INSEC has access to information not even journalists are getting because they have credibility and necessary contacts, i.e. a large network. Mr. Mahat said that he is often called out to check on information reported by DRs on particularly serious incidents like killings, life threats, arrests, or abductions. If necessary, the regional co-ordinator forms a fact-finding mission, which includes people from the INSEC network, for further investigations.

In the afternoon of our visit, the Regional Co-ordinator called for a joint meeting with local journalists, editors, lawyers, NGO workers, and scholars. The following are opinions voiced during the meeting (see Annex 3 for list of participants).

Participant 1: The government is keeping silent. Both the Maoists and the government security forces violate human rights. INSEC is doing good work in reporting on what is going on. The Yearbook is regularly referred to. Data are validated, but reports are not always 100 per cent correct. District representatives should receive more training to become more professional. Journalists use INSEC reports for comparisons with their own data and sometimes discrepancies are found. Journalists do not have the same access or protection that INSEC people have.

Participant 2: The yearbook is not available to everyone. Insufficient reporting of incidents in the YB. Victims' families should get their personal copy of the YB. INSEC used to report on social discrimination, but is now exclusively concerned with the conflict. Should cover more themes like discrimination. The state has declared the Maoists as terrorists and thereby violates human rights in the name of fighting terrorism. Should be reported by INSEC.

Participant 3: Nobody knows what is going on and there is an information gap between urban and rural areas. The state is killing people in the name of fighting Maoists without proof. The YB is informative and useful for academics. It is also a good resource for educating children in human rights. Can be used as a tool for pressurising the government. The importance of the YB increased after the declaration of state of emergency, as no one dared to speak the truth. Information in the YB is trustworthy, but could be more comprehensive in the sense of giving more information to more people. Should be distributed to villages where incidents have taken place. Each VDC should have at least one copy of the YB. INSEC people could use more training and help in data collection to make the YB better and more effective.

Participant 4: The situation deteriorated after last July and nobody is safe. Personal experience of harassment, but unable to say by which party: government or Maoists. Both sides are armed. Have seen all the YB in the INSEC regional office. Think that the information gathered is superficial without depth. Information is relevant, but should be more in-depth.

Participant 5: Esteemed and prestigious book. Various kinds of information are given, but statistics of people killed in confrontations could be included. The YB should be written systematically and analytically. People all over the country are terrorised. The YB does not cover displacements. It is a historical document and the data are more reliable than what is given by the government. The YB is of national and international importance. The state is using the information in the book to legitimise its actions. Non-Maoists has been killed by the state on accusations of being terrorists. The challenge is how to protect human right activists from the state. Necessary to raise the question of people's rights, which is being ignored by the state. On the one hand is a state that is ignoring the laws. The Maoists, on the other hand, are attempting to militarise the nation. INSEC is opposing the situation. The YB is useful and will be seen as historical in Nepal's struggle for human rights. However, it should also include analyses of why things happened. DRs should not only report on what happened, but also on why and with what impact. INSEC needs to upgrade DR skills on collection and use of information, especially in the context of emergency.

Participant 6: The present situation can be seen as delicate and out of control. INSEC has documented all HR violations caused by the state, which will be of future importance. Although the data in the YB may be misused it should be available to all. Academics recognise INSEC as an important organisation. Due to lack of manpower and insufficient skills not all incidents are documented. It is a weakness that political issues are more covered than social issues as human rights also include social rights, such as having a job. INSEC should also document those issues.

Participant 7: INSEC reports when media fails – even during state of emergency. Material is useful for media reporters and important for future writings and news preparations. However, social discrimination is not documented. The number of pages has been increased due to the conflict, but social issues are ignored. Furthermore, the YB should include a chapter on comparisons, i.e. whether the situation has improved or worsened compared to previous years. Themes discussed during annual YB evaluation meetings should be considered when preparing the next YB.

Participant 8: The YB is more good than bad and it is alone on the market. The last years' YBs: news and pictures of good quality, but INSEC should reflect on what impact published photos may have on victims' families.

Participant 9: No one is safe. The government is not following the laws and does not inform of arrests made. People are being killed in custody, which is important to document. Should gather more data, including on displaced people.

Participant 10: Violations from both sides. Maoists are using non-Maoists as human shields. Maoists are controlling almost every village hindering people from getting out. Youngsters are on the run and the Maoists are demanding personnel and resources from families. People are being displaced. Journalists do not have access, but INSEC is reporting the incidents. Leading human rights activists are frequently referring to the book because it is seen as being reliable. However, why write about suicide? In-depth analyses are missing. Want to read about impact on communities. Hope next YB will have more information. INSEC should also supplement the Yearbook with separate regional and district publications giving situational updates. The book is both needed and wanted.

Participant 11: The problems should be systematised under themes instead of regions: 1) extra judicial killings, 2) killings, 3) kidnapping and torturing, and 4) destruction of infrastructure. INSEC is the only reporter and their two-sided view is important. However, should only use information gathered by using fact-finding missions and be careful using other information as it might not be reliable. INSEC should distinguish between HR violations and criminal acts.

Participants from the meeting stressed the importance of recording and documenting incidents on both sides – especially during extreme situations like a state of emergency when any kind of information was hard to get. On the one hand, more detailed information was required. On the other hand, situational analyses and comparisons were called for. Furthermore, INSEC was recommended by some to structure the material under themes instead of regions, while others said people were only interested in reading about their own region. Giving the yearbook a different structure may make it less interesting to common people.

INSEC was given credit for more or less sufficiently covering political cases, except displacements, but was recommended to cover also social and economic issues, like discrimination.

The need for more training of DRs was repeatedly mentioned.

The next morning we were taken to a village outside Nepalgunj to meet people victimised in the conflict. Evidently, the family had reported to INSEC the killing of a young couple two weeks before our visit. Coming back to the village, Mr. Mahat was told that INSEC was the only organisation showing interest in the incident. Even journalists kept away as government security forces were said to be responsible acting on suspicion of relations to the Maoists. Remaining family members and neighbours claimed to have no such relations. Several young people had fled the village and gone to India fearing they could be the next victims of either side in the conflict.

3.4 Regional experiences

During the mission, the team had the opportunity to address 62 of the 75 DRs at a training session in Kathmandu arranged by INSEC. The DRs were grouped region-wise and asked to respond to five questions in a presentation after a brief discussion session.

Among the most serious human rights problems mentioned were violations from both sides (killings, abductions, arrests, threats, torture etc.), Maoists' destruction of infrastructure resulting in isolation of villages, government officials abandoning offices in conflict areas, various forms of discrimination, violations against women and children, and lack of food and medical treatments due to embargos reportedly by both sides.

Answers to serious problems related to the work as DRs included security problems in collecting information, information hard to verify, difficulties in reaching everywhere/transportation and communication problem, and lack of resources.

DR representatives of INSEC said they have achieved several things as human rights activists: discouragement and punishment of perpetrators contributing to a situation where violations of human rights have decreased at the local level; providing people with information on incidents; dissemination of human rights problems have increased awareness of human rights; DRs being recognised as human rights activists; Kamaiyas have been legally freed; formation of Dalit Committees; agricultural labour wages have been fixed; mediation role; and providing evidence used in court cases.

Regarding training, DRs responded that focus for the last training had been investigative journalism, voters rights and election monitoring, and international human rights. Training was found interesting and useful, but many expressed a need for more training – especially on conflict management. See Annex 6 for more detailed answers.

The team also got the DRs to answer a questionnaire, which is enclosed in Annex 5. The questions related to why incidents are not reported; how collected information is treated; main achievements; views on the roles of regional and central offices; expectations of how the central office can be of assistance; views on the yearbook. The comments include a range of recommendations for how information collection and processing can be bettered and how the book can be made better and more widely disseminated.

3.5 INSECs Yearbook team: information processing and yearbook dissemination

INSECs yearbook team centrally in Kathmandu is comprised of eight staff members. The main task is to compile information, follow-up and finally edit the information for publication.

The yearbook team receives information collected by DRs through regional offices. Incidents are reported in two formats asking for specific facts, description of the incidents, background of the victim, and causes of incidents. The format is thought to be adequate for sending detailed information to international agencies such as Amnesty International, as well as for concerned lawyers trying individual court cases.

Once the report reaches headquarters, the Yearbook section makes entries with individual case numbers.

In certain cases, the Yearbook section sends a note to the concerned DRs for necessary follow-up. Furthermore, the Yearbook section organises prior to publication regional meeting with DRs for selecting the incidents to be included in the yearbook. The meeting usually takes place in December/January. DRs and regional office teams are asked to verify information on each incident and prioritise those to be included. Incidents not directly related to human rights abuse are often deselected or put into the category of others at the bottom of the district profile.

The Yearbook section is responsible for final editing and incidents are shortened down to one sentence. Pressure to provide all information within given space is high and detailed information reported by DRs is not included in the Yearbook. DRs have been complaining about efforts invested in the making of the Yearbook not being reflected in the book.

Every Yearbook includes a section on “Highlight of the year”, which the team starts working on early in the process. In order to get outside views and support in identifying relevant issues meetings are organised with selected professionals. Professionals with substantial experience on the topic are invited to make contributions. A similar process is adopted for selecting people for contributing to the writing of the various chapters in the book.

The release of a new Yearbook is celebrated with a lunch ceremony where more than 2000 people are invited. Three to four thousand copies of the Nepali edition are printed yearly and the cost of each copy amounts to about 10,000 NRS, which includes the cost of DRs. Initially, the YB was distributed free of cost but was later charged a nominal price of 150 NRS per copy. Fifteen to twenty copies are sent to each district for distribution, which means that few people in the villages have access to it.

After the release of the YB a review workshop is organised in every district where victims, perpetrators and all concerned parties, including CDO, police chief, judge, journalists, lawyers, and human rights activists are invited. The purpose of the meeting is to verify information as well as to encourage debate and create awareness of the HR situation in the district. Comments generated through these district review workshops and independent views expressed by major political parties, police, judges have sometimes been included in a separate section in the next issue.

Regarding the use of the Yearbook, there are numerous instances of referencing by academics, proposal writers and reporters. Although publication and dissemination of the material by the central office to a considerable have contributed to awareness raising of HR, it is hard to pin down the actual impact of the yearbook in changing the HR situation in Nepal.

4. The yearbook: contents, themes and analyses

4.1 Structure of the yearbook 1992 – 2002

The yearbook started out in 1992 with the first edition published in April 1993. Since then another nine volumes have been published with the latest 2002 edition coming out in April 2002. In the following we shall have a look at the structure of the yearbook in order to get a clearer view of how INSEC has approached the task of monitoring the human rights situation in Nepal over the years.

4.1.1 The 1992 edition

The initial 1992 edition was a huge volume of 357 pages with one extra page attached giving a Human Rights Violations Calendar for 1992 recording the number of violations per day throughout the year. The major part of the book, comprising pp. 57-281, is taken up with district-wise reports of the human rights situation.

A common framework is applied to the district reports. Human rights are divided into five categories;

1. Right to Life
 - 1.1 Killing/firing
 - 1.2 Jail
 - 1.3 Arrest/torture
2. Fundamental rights
 - 2.1 Freedom of expression/association
 - 2.2 Religious freedom
 - 2.3 Political freedom/free and fair election
 - 2.4 Quick and fair trial
3. Landless/squatters
4. Women's rights
 - 4.1 Trafficking/rape
 - 4.2 Jari, polygamy, Devaki and Badi system
5. Other issues related to human rights
 - 5.1 Slavery
 - 5.2 Other inhuman behaviours

The last sub-category affords the yearbook the opportunity to record events that cannot be easily fitted under the other categories, as for instance the situation of dalits and the indigenous.

The book contains 10 chapters and 12 annexes. The main chapters are devoted to developments at the national level, related to general political and constitutional matters and to the position of public and state organs to human rights, particularly the judiciary, parliament and His Majesty's Government (HMG). A brief background on Nepal is given in the initial chapter.

The annexes, on the other hand, are given to more focused reports on specific rights and groups, including labour, women, bonded labour, refugees, the indigenous and police torture. The comments by various political parties on the human rights situation are also recorded in one of the annexes. Importantly, one annex reproduces a detailed

manual on how the volunteers are to collect information, but this useful piece of information has not been retained in later editions.

The 9th and 10th chapters contain INSEC's own views on the objectives of the yearbook, methodology and problems in collecting and collating data and their conclusions and recommendations.

The objectives of the yearbook are as follows:

- a. To make people aware at the base level in order to prevent human rights violations and also to collect events of human rights violations through its institutions and workers working among grass roots people;
- b. To maintain information of the events and record of the events and also to preserve it for reference in future;
- c. To analyse the events and facilitate to bring the issues to the concerned sectors for discussion and debate;
- d. To develop a strategy to fight against the violation of human rights;
- e. To publish updated records on the violation and achievement of human rights and to give continuity to such publications in future (Nepal Human Rights Yearbook 1993:284).

The objectives demonstrate that INSEC sees the yearbook as a tool for detailed reporting at the local level and the methodology and the problems encountered relate strongly to how this programme is to be put into practice. The reporting may be a way of creating awareness at the local district level of human rights. Though the objectives mention developing a strategy of fighting against human rights violations, there are not any specifics on how this is to be done. The following chapter 10 sets out a detailed list of conclusions and recommendations addressed to a range of actors in society, but as far as we can see, this has not been continued systematically in later editions.

4.1.2 The 1993 edition

The 1993 edition was even more bulky than the 1992 volume, clocking in at close to 500 pages and again the main reason for the bulkiness is the considerable space given to the district-wise reports (pp. 97 – 326). The reporting follows the same framework as before, but the categories have been slightly expanded with (6) Indigenous rights and (7) Child Rights added. The category of “Additional information” is retained with information that is less easy to categorise as human rights such as landslides and flooding and suicide.

A new feature is the “highlight of the year” which since then has become a regular feature of every yearbook. The theme selected for the 1993 volume was the untouchables. Another addition was “the main event of the year” with details provided on the Das Dhunga accident in which two leaders of the CPN (UML) were killed under circumstances not entirely straightforward. Both of these added features

are in the annex section of the book among other annexes on teachers, trade unions, displaced, children, women, refugees, indigenous and police torture.

The structure of chapters is by and large unchanged, but one chapter on mass media, containing a chronological account of brief newspaper summaries and another on statistics and economic planning, have been added. The main section closes with a summary of human rights concerns, procedures and problems and a listing of findings and recommendations. Particularly the chapter on procedures and problems indicates that INSEC is quite frank about its own shortcomings, but also about the lack of cooperation of other entities.

4.1.3 The 1994 edition

The 1994 volume sticks to the format of the previous two in reporting on the primary political and judicial institutions in the main chapter section of the book. In the annexes, the highlight of the year is the mid-term polls of 1994 (pp. 289-301) and the tragic event of the year is a long section on Indian aggression in Nepal (pp. 303-324). While this view of India may be indicative of widely held opinions in Nepal, particularly on the left, it is hard to see the human rights relevance of a state of affairs, which probably has more to do with the general sovereignty of Nepal in its relations with its big neighbour in the south. A number of the incidents deal with border transgressions and unlawful entry into Nepal of Indian nationals, which again involve sovereignty issues rather than human rights violations as such.

The bulk of the book (pp. 101-282) is, as before, devoted to the district-wise reports. For the 1994 edition, INSEC has designed an even more finely grained categorisation system and has added (6) Economic rights (Freedom of occupation/trade union/labour), (7) Other issues of human rights (incl. issues of castes and indigenous), (8) Public notices/Comments on human rights and (9) Additional information (incl. accidents, natural calamities, people killed by animals, suicides etc.). The annexes on specific rights and groups have been dropped from the annex section of the book. Two new useful features, added in the 1993 volume, are one annex on the views of political parties on the human rights situation as well as another annex on the reactions of stakeholders to the previous volume. We cannot verify whether the comments printed were representative of the comments received, but the annex contains positive as well as negative comments.

Overall the book is thinner than before which might indicate that the comprehensive coverage in the 1993 edition was not sustainable in the long run. In Annex 5, INSEC admits to wanting to produce a book that was less fat than the previous. Moreover, the annex shows that INSEC has been conducting evaluation sessions throughout the regions of the country and presumably taking the comments into consideration in preparing future volumes.

4.1.4 The 1995 edition

This edition marks a radical departure from previous editions, at least as far as the English language version is concerned. The district-wise reporting system has been dropped and replaced by a composite summary (Ch. 5), a multi-page statistical overview of violations following the categorisation system established before (Ch. 6) and a selection of incidents occurring through the year is introduced (Ch. 7). This

represents a deliberate decision by INSEC to preserve the details for the Nepali-language edition, and to give a much more condensed English-language edition, on the presumption that English-language readers are less interested in the details, but are rather seeking an overview of what has happened and some sense of in which direction things are moving.

The fact that the Nepali and English editions are dissimilar in important respects may indicate that the target groups for the two editions also differ significantly. For the domestic readers and particularly those outside the capital, the district accounts of events may be the most popular part of the book, while for the urban intelligentsia, the overview of the main political and judicial institutions may be the most attractive part. With different and differing target groups, the yearbook may find itself accommodating most of them at some cost to its unity of purpose.

4.1.5 The 1996 – 2002 editions

By 1996 the yearbook has pretty much found its format which has remained more or less constant up to the 2002 edition. The main section has the institutional account, the summaries and reviews of violations throughout the previous year and some statistics on types of violations classified by district and the nature of the guilty party and the victims. The annexes have the highlight (the Maoists conflict) and the main event (the Mahakali Treaty between India and Nepal) as well as thematic sections on women, children, torture, trade unions and jails. There is interestingly a self-evaluation annex on the previous four editions.

In the 1997 edition, the main chapter section contains the overview of the main institutions of the judiciary, His Majesty's Government and the legislature. Following this, there is a selection of some typical incidents during the year, using the classification system referred to above and a composite summary of the human rights situation, including a lengthy statistical section, counting the numbers of affected by types of violations within each region. The annex section contains the highlight of the year (criminalisation of Nepalese politics), the main event of the year (local elections) and the views of the political parties and the political authorities on the human rights situation as well as the reactions of various stakeholders to the previous edition.

The 1999 edition (no 1998 edition) follows the same pattern in the main chapter section with the institutional reviews and summaries of typical incidents of the previous year. The annex is given to the year's highlight (political corruption) and main event (formation and dissolution of political parties), the latter topic not usually thought of as an event. A first attempt is made at interpreting and applying economic, social and cultural rights to the Nepalese context and children's rights and women in the mass media are other topics added in addition to the regular features, including the composite summary.

The 2000 edition introduces the practice of signed chapters in the main section of the book, thematically focused on the general elections of the previous year and on Nepal in the wider economic developmental trends worldwide. The main section gives the composite summary while the regional breakdown and the statistics are to be found in the annex section.

For the 2001 edition, there is an initial chapter on conflict analysis and resolution, indicating that the Maoist conflict has come to overshadow other human rights issues of concern. A summary analysis of the human rights situation is given in Ch.3 and it is of some interest to note that for the first time in the series, more attention is given to the economic, social and cultural rights. In fact, the yearbook follows the structure of the two main human rights covenants (CCPR and CESCR) by providing information on the situation on an article by article basis. However, in the district-wise reporting, the yearbook has for some reason dropped the sub-headings which were used in the previous editions and which helped the reader to know which rights the information referred to. However, if read carefully, readers familiar with previous editions will notice that the material is presented in much the same way as before, with killings being the first issue raised and other, less human rights-related information rounding out the section.

Finally, the 2002 edition has a lead chapter on the state of emergency, declared on 26 November 2001, again indicating that the Maoist conflict is the major human rights issue in Nepal. The summary analysis is in Ch. 4 and the yearbook has selected to add information on the situation of the indigenous peoples which was absent from the 2001 edition. As in the previous edition, the district-wise survey of events is not structured according to specific rights, making it more difficult to sort the data.

4.2 Criteria for selection of information and data

Most of the editions have established a classification system for the reporting of data from the districts. As might be expected, the major part of the information is about specific events, whether they are killings, arrests, disappearances, torture and rapes. The yearbook does not supply information of a more structural kind relating to the living conditions of people, their well-being and health, their education, their assets, their access to shelter and to public services of various kinds, which may draw a fuller picture of the state of development in Nepal. These types of information would be valuable in assessing to which extent the government is responding to the economic and social rights of the population. There is some information on landless/squatters in the various editions, and there are brief sections on women and children in most district reports. In the district reports, most actual reports on women are dealing with trafficking and rape, specific events rather than with trends and processes.

Some of the data provided from the districts do not deal with human rights violations as such. Grouped under “additional information”, reports on people affected by natural calamities (floods, landslides etc.), on individuals killed by animals and on known cases of suicide point to a wider, less obvious, purpose of the yearbook. For Nepali readers in the districts, these kinds of data may be important, particularly if pertaining to their own district, for requesting assistance from the government or from other parties being in a position to help. In that way, the yearbook may have the wider objective of being a sort of “district watchdog” that may call the government’s attention to its failing to take action in urgent circumstances.

The yearbook may also have a “district watchdog” function in another sense. A number of the violations recorded do not involve relations of the individual to the state, as is the norm in human rights reporting, but relations among individuals in the private sphere. The yearbook reports freely on rapes and other incidents of domestic violence and does not shy away from naming the alleged perpetrator. These types of

violations may be said to involve the state in a different sense, i.e. in its duty to protect individuals from violations of third parties. The reports frequently mention that the alleged perpetrator(s) have been arrested, but it is just as important to know whether the arrest eventually led to a conviction. Otherwise, INSEC may possibly run the risk of being sued for defamation of character. Notwithstanding the risks, INSEC should be commended for the courage of being a “district watchdog” within the private sphere as well, particularly as domestic violence has come to assume more importance within UN human rights organs in recent years. But as mentioned above, there are aspects of women’s rights which are more structural in kind, as for instance the representation of women in decision-making bodies at various administrative levels and identifying the forces that prevent and discriminate against their having access to decisional bodies. As INSEC reporting is basically event-based, these other kinds of information are frequently overlooked.

But as INSEC cannot realistically pretend to cover everything of relevance to assessing the human rights situation, their district-based reporting system is unique in the Nepali context in providing the primary data on which a more structurally inclined analysis might be founded.

4.3 Analysis and presentation of data

The structure presented under 4.1 shows that the yearbook does not only have the objective of presenting primary data at the district level, but also of making some sense of them at the national level. On top of that, each yearbook attempts to track institutional developments within key state institutions as the government, parliament and the judiciary. On some occasions, there are academic-type articles printed such as the three first chapters of the 2000 edition, dealing with elections in Nepal (2 articles) and with globalisation and foreign direct investment. These institutional reviews demonstrate that the yearbook has a wider purpose and a potentially wider audience than those concerned with human rights violations only. These wider interests may indicate that INSEC regards itself as being something of a “governance watchdog” in addition to its acknowledged function of uncovering and reporting human rights violations. This wider objective may be commendable in itself, but it runs the risk of the yearbook being seen as politically biased in one way or another, particularly in the politically charged landscape of Nepal. In contrast to human rights, where there is a set of international legal instruments and a body of jurisprudence on which to draw, there is no equivalent international legal instrument defining authoritatively what is “good governance”.

The yearbook has on and off tried to give an overview of human rights as it relates to specific rights (against torture) or specific rights holders whether they be women, children, indigenous or trade unions. The 1999 edition on pp. 2 - 4 provides a list of relevant articles of the 1990 Constitution pertaining to human rights as well as a list of human rights treaties Nepal has ratified. Under section 9 of the Treaty Act of Nepal, ratified treaties are incorporated into domestic law. As Nepal has ratified several of the major human rights treaties, there may be a good case for a yearbook enquiring systematically into how Nepal is faring regarding its international obligations. Such a yearbook may try to be comprehensive at least as far as ICCPR and ICESCR is concerned, but otherwise select to report on other conventions, such as CERD, CEDAW or CRC on a biannual or tri-annual basis.

As developmental organisations are increasingly entering into a rights-based approach to development, they may seek the assistance and competence of human rights organisations to get a better idea of how human rights can be applied to their project work. Human rights organisations may similarly learn from the more developmental-type of organisations how to analyse the conditions of and plan interventions for the benefit of disadvantaged groups. Comparisons, trends and structures are analytical factors in determining what groups and areas are to be made priorities for developmental project interventions. The knowledge derived from such analyses might enrich the reporting on human rights, particularly within the economic and social fields.

Human rights organisations such as INSEC are basically oriented towards reporting events, particularly in the civil and political rights sphere. But the events are typically reported in a very summary manner in the yearbook. There may another good case for putting some flesh on the bare bones by providing more details on the circumstances of each incident along the lines of Amnesty International. If legal action is to be taken on the basis of the incident, the details of who, what, where, how and why have to be worked out in order for lawyers to proceed further with a case. INSEC may not have the capacity to do so for each and every incident, but may profitably seek to highlight some representative cases from the material they have collected.

INSEC is quite exemplary in making detailed statistics collated from their primary data, but any social scientist will know that statistics are rarely interesting in themselves. They will need to be interpreted to see what the figures actually are saying. Only by interpretation are we in a position to make statements about trends (better than before), comparisons (x is worse off than y) and structures (x is worse off than y because of z). In order to make the yearbook even more useful for readers, INSEC has some work cut out for them to analyse the wealth of material in order to make these statements. Trained social scientists may have the tools to do this, but the yearbook would benefit if INSEC staff also employed these tools.

5. Contribution to human rights monitoring and its impact

5.1 Purpose and target groups

As we have tried to demonstrate in ch. 4, the yearbook does not address any particular target group and the various readers and users usually look for different types of information and have distinct and diverging expectations as to what the yearbook ought to accomplish. In the sections below, we have tried to give a view of expectations and accomplishments as perceived by different stakeholders in society at large.

5.2 Relations to other human rights NGOs

The team had meetings with some of the local human rights groups. Some of them emphasized the closeness of INSEC to CPN (UML), the major opposition party in Nepal at the moment and said that some of the INSEC leaders were candidates for the party in districts in the Eastern Region. Asked whether this translated into a bias in reporting, only one example was given, relating to an incident involving teachers, which allegedly was not reported by INSEC. Asked why this incident was not communicated to INSEC, they saw no reason for doing that, as INSEC would reportedly not share their information with them. We are not in a position to make any judgement on this specific incident except to note that the climate of cooperation among human rights NGOs could definitely be improved.

Another point brought forward by the representative for CARE, Nepal was that communication between developmental NGOs and human rights should also be improved, as they are not really talking to each other. As developmental agencies are switching from a need-based to a rights-based approach, human rights organisations are coming more and more into the picture. In particular, it should be a task for both types of agencies to raise capacity among target groups, such as the Kamaiyas, so that they are able better to organise their own campaigns. It should be the task for both agencies to enable target groups to make demands and to work with service suppliers locally to meet the demands.

In a joint meeting with various human rights groups, several points were raised, among which the impact of the conflict on women and children was an issue deserving better coverage in the yearbook. The dalit issue was another point raised by some of the representatives that was not given sufficient space in the yearbook in their view. The 1993 edition, however, did select it as a main theme for that year, but it has not been widely covered in later editions. In general, several participants felt the reporting was too mechanical and that the book worked as a summary of events and as a reference tool. The yearbook should also steer towards monitoring the implementation of the obligations incurred by Nepal from ratifying a number of international human rights treaties.

5.3 Relations to public and government institutions and political parties

The team met with the National Women's Commission, which is an autonomous, multiparty pressure group, mandated to work on human rights and developmental issues of Nepalese women. With reference to the yearbook, they were particularly concerned with ensuring comprehensive coverage of the many widows and orphans due to the loss of husbands and parents in the conflict and with the urgency of

developing programmes of benefit to those affected. They held the view that the yearbook should report on the advocacy for legal rights of women, particularly related to correcting legal biases against women in citizenship and property/inheritance legislation.

The team met with a high-ranking official with the National Planning Commission. He was particularly concerned with the objectivity of the reporting and suggested that there should be a forum for discussion at the local level, including party representatives, intellectuals and civil associations, and that the published facts should be those agreed to by the consensus of the forum and by using that procedure would be more credible.

The team did also meet with a member of the National Human Rights Commission who admitted that the Commission relied quite a bit on INSEC for primary information which might cause problems with the government and might also to some extent put the INSEC District Representatives at risk. The Commission has started its own monitoring operations, so far covering 30 districts, as a preliminary measure under the emergency which has constrained the freedom of movement of NGOs considerably. He felt that general district-level monitoring should not be the task of the Commission and he thought the yearbook had a good record in monitoring local-level events though the information was often not such so as to be immediately useful for the Commission.

5.4 Relations to embassies and aid agencies

The team had a number of meetings with embassy officials and representatives of international aid agencies. One embassy official found the yearbook useful as a briefing document supplying background and snapshots, good for updates and a useful corrective to media figures on casualties. On the negative side, INSEC was seen as politically positioned, the accuracy of figures could not be methodically verified, there was a need for constant updates, the information supplied is frequently repetitive, and there are no recommendations. Regarding target groups, there was a lack of awareness about human rights in the army and about what the army can or cannot do in conflict situations.

Another official found the quarterly updates to be useful, in particular the district-wise chronology of casualties, but noted that the visibility of the DRs was not high and that they may be difficult to locate. It was also noted that there was a perception of INSEC being leftist, but that it did not affect their statistics negatively. The yearbook had fairly low media coverage and appeared not to be widely disseminated and then mainly through local newspaper coverage and radio.

Another official found the yearbook to be a source to be relied upon to some extent, but raised a number of questions about sources, methods of investigation and the way the collected material is being used (reported, launched complaint, referred to competent authority?). The official noted that the yearbook seemed somewhat reluctant to discuss ethnic issues as bringing up these types of issues could be seen as promoting communalism.

Yet another official was concerned with determining the target groups for the yearbooks: is it primarily the domestic system or the international system and if the

latter, is the information being used by internal bodies dealing with human rights? Was there similarly a clear view of the objectives of the yearbook and with multiple objectives, a clear sense of prioritisation among them? The role of human rights NGOs in conflict situations are different from their roles under peaceful conditions and the skills required for these different settings may also differ. The safety of human rights defenders are more precarious in conflict situations and the skills called for, in negotiations for peace agreements and political settlements, may go beyond those of human rights reporters. Human rights groups need more training in international human rights law and international NGOs might be called upon to help out. There was a need for designing data filing systems for individual cases (standard formats, quality checks) so that they can be followed up and communicated quickly to those concerned. INSEC would also have to reflect on whether the remedies are at the domestic or international level and what are the best targets for seeking short-term solutions.

5.4 Relations with civil society, locally and nationally

The yearbook has different and distinct target groups in civil society, all of whom may have diverging expectations and take interest in different aspects of the yearbook.

The detailed sections on districts, particularly in the much longer Nepali-language version of the yearbook, show that the yearbooks clearly have an audience in the districts. These readers are primarily interested in what happens in their own districts which may go some way towards explaining why the yearbook includes material that strictly speaking are not relevant to human rights. For this group, the yearbook may have the additional purpose of drawing the attention of the government to events and accidents that provide ground for public assistance. Material included on events in the private sphere (domestic violence, suicides) may similarly indicate that the purpose of the yearbook series is not only to cover the relations of individuals to the state, but also inter-individual relations in the private sphere. While we may have second thoughts about this type of material for reasons of evidence, there may be a strong local interest in these types of events that the yearbook seeks to accommodate. The doubts relate to the naming of the perpetrator and the need to ensure that the reports are not based on rumours and to follow up each individual case to find out what action has been taken by the public authorities and with what result.

The second target group may be the urban intelligentsia whose interests are more in the direction of national events and processes in the political and legal domains. This group may be less interested in the details at the district level, turning instead to the composite summaries in other parts of the book. For this group, the yearbook serves as a useful reference tool, a source of material which then can be used for their own analytical work. We found several references to the yearbook in a publication by the Centre for Nepal and Asian Studies at the Tribhuvan University on the domestic conflict in Nepal. As the sections on the government, the legislature and the judiciary are basically descriptive in style, writers, journalists, academics and others can build upon the material supplied in the yearbooks. However, these institutional reviews do not only refer to what has happened, they make judgements about whether the institutions are helpful (or not helpful) to the protection and promotion of human rights. Any judgement (or blanket statement for that matter) may invite accusations of

political bias in one way or the other, affecting the credibility of the yearbook if not backed up by solid evidence.

A third target group may be lawyers and public institutions concerned with human rights. For this group, the information on events may be too sparse for them to proceed further. Additional investigations may have to be made before a case can be put before a court for seeking legal remedies. A reference tool may be insufficient for this target group which is not as interested in the general overview, but in the specifics of each individual case on which a legal claim can be made.

5.5 Impact on the above groups

The views on the impact of the yearbook on stakeholders differed depending on who we were talking to. Some thought the yearbook had a general impact, not only on police and military, but also on sections of civil society. We noted that there was scepticism about the impartiality of the yearbook among government officials and circles close to the ruling party, but less among opposition parties such as CPN (UML).

The yearbook clearly has an impact on the various foreign missions, which regard the book as an important reference tool for keeping track of the human rights situation. We would also think that the yearbook has some impact on other human rights groups though the climate of co-operation between them could be bettered. Professions in civil society know about it, but among those interviewed some had either not read it or not read it carefully. Among academics the yearbook has a role in supplying raw materials on which more structural analyses can be built. Journalists use the yearbook as a source for newspaper articles.

The yearbook certainly has an impact on those directly concerned with human rights violations, either public officials or lawyers, though more detailed investigations are needed before a claim or complaint can be transmitted to the right officials or brought before the court. It should be mentioned in this regard that the yearbook allots space for government officials, representatives of political parties and leaders of civil society associations to give their views on the human rights situation generally and the yearbook specifically.

The yearbook may also have some impact at the local level, though constrained by the general level of literacy locally. Teachers and radio may serve as channels for local dissemination of the yearbook. The reporting on private affairs (domestic violence, rape) may possibly have a deterring effect, though this is hard to verify. The interest in reporting on events and accidents not directly related to human rights may also indicate that the local population views the yearbook and other INSEC reports as a way of drawing attention to their plight and seeking assistance from the authorities.

6. Findings and recommendations

6.1 Collection and processing of information

INSEC is the only organisation doing local monitoring of the human rights situation in all of Nepal's 75 districts through district representatives collecting primary data. The DRs are considered to have local knowledge and access to areas and information less available to outsiders as they are residents of the district they operate in. However, background material suggests that the majority of the district representatives are middle class men belonging to Hindu high caste groups. Politically, INSEC has managed to establish themselves as more or less unbiased human rights activists, but there is a possibility that social, cultural and economical backgrounds influence the information collection. Firstly, in some areas the DRs may not have access outside their own network. Secondly, sources and selection of information could be socio-culturally biased.

The impression that INSEC has gained the recognition of both parties to the conflict for a two-sided perspective was confirmed at various occasions. Participants in the Nepalgunj meeting stressed INSEC's position as unbiased giving DRs nearly unlimited access to troublesome areas where journalists and others are not allowed. Consequently, in some cases INSEC is the only reporter of what is going on. This is a great responsibility demanding highly qualified people experienced in collecting and documenting information. Several said that DRs need additional and more advanced training, especially in conflict situations, to become more professional in investigating and reporting on incidents where human rights have been violated.

During the meeting in Nepalgunj, information provided in the YB was also discussed. Some thought it should include more themes and be more detailed while others said less relevant themes are covered and that too many details have been included. INSEC was asked instead of details to provide the readers with an overview of the situation, i.e. how the situation has improved or worsened compared to previous year(s). INSEC told us that they have heard it all before and that every year the yearbook team has the same dilemma of trying to accommodate as many requests as possible. One solution was to keep the Nepali edition as detailed as possible while the English version was shortened and slightly differently structured. In our view, to some extent the YB reflects the fact that INSEC is trying to satisfy as many as possible. Detailed information on incidents not necessarily relevant for a human rights organisation is gathered while DRs are complaining about insufficient resources. INSEC may have to re-think their objectives in order to use the resources more efficiently and make sure central office is provided with relevant information.

On the basis of the above, we would like to recommend the following:

- Consider candidates representative of the ethnic and religious distribution of people in the district in deciding on hiring DRs in the future as well as consider hiring more women if feasible due to security concerns;¹

¹ On this point, INSEC made the following comments: 'INSEC from its very beginning is trying its level best to involve the candidates representing the ethnic, religious and minorities. In the districts on

- 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, and practical field procedures for collection of information in conflict situations. Training to be provided regularly both nationally and regionally – nationally by international resource persons/institutions within human rights;
- 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 meetings 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.

6.2 The contents of the yearbook

The strengths of the yearbook are, as we see it, the following:

It has a district by district coverage, which makes it the only publication of its kind in Nepal. The Nepali version gives extensive coverage to events at the district level which takes up the major part of the book and often with photos of victims added.

It has given considerable space to the Maoist conflict and its implications in terms of conflict management and the declaration of emergency over the years, which shows INSEC to have a clear sense of priorities in the human rights field. The drawback is of course that other worthy issues are glossed over as they are less urgent, but still may be as important in the long run.

It is a positive feature that INSEC devotes pages to feedback from government, political parties and other associations and organisations on the human rights situation generally and the yearbook specifically. Self-evaluations are also published on and off.

Even though INSEC is accused of political bias, we cannot see that this is translated into biases in collecting and presenting information. Under the present conflict, violations by both sides are recorded.

hiring DRs but this desire could not be fulfilled because of following reasons: The candidates want more incentives; such candidates prefer such jobs less because it needs more commitment, dedication and moreover it is labour intensive as well as risky; dropout cases from such jobs are high from such candidates, which severely affect the entire process on collection of data. Acculturation and assimilation problem with the mainstream society and bureaucracy are also responsible for such candidates to perform their work”. E-mail communication dated 11.11.2002.

However, the yearbook has a number of weaknesses. These are some of the more important identified by the team:

The way events are presented, they are rarely contextualised in the sense of the full picture of who, where, what, under what circumstances and for what reasons. The information is usually too summary to be immediately for legal and other types of follow-up and the follow-ups are often not sufficiently tracked.

Analysis is generally too sparse. Trends are missing and comparisons by years, regions, groups affected etc. are usually not done which give the readers too little knowledge about the way things are moving in the human rights field.

Monitoring of international human rights conventions is irregular at best. There should be a system whereby the human rights obligations of Nepal are at least regularly monitored by the yearbook. This type of monitoring might even be of assistance to the government.

Several important issues were identified by users and stakeholders to be better monitored by the yearbook; internally displaced, dalits, ethnic minorities and indigenous, and the situation of victims' families.

We have found that there should be a clearer distinction between what are crimes according to criminal law and what are human rights violations. In recent editions both types are recorded indiscriminately.

We think the yearbook should be wary of making blanket statements about the willingness (or unwillingness) of authorities to take action. Statements should be tied to what are the actual obligations of state authorities under international human rights law (and international humanitarian law). Many of the issues raised are strictly speaking not human rights-related.

We think the yearbook is generally in need of better copy editing and language editing. This comment naturally only applies to the English-language version. We cannot vouch for the Nepali-language edition.

On the basis of the above, we would like to recommend the following:

- Select exemplary cases of human rights violations and present them in more detail, track the follow-up and what are the results;
- Give more attention to analysing trends and making comparisons among individuals and groups affected so that readers and users not only get a snapshot, but also a view of directions and changes;
- Institute a system of more regular monitoring of international human rights conventions ratified by Nepal. The yearbook should try to give an overview of the implementation of ICCPR and ICESCR, but review the remainder of the “big six” on a rotational basis;

- Give a clearer focus to human rights and legislative issues and governmental decisions pertaining to human rights in the reviews of the government, legislature and the judiciary and try to avoid blanket and categorical statements;
- Make a clearer distinction between what are human rights violations on the one hand and what are crimes under criminal law and what are purely humanitarian issues on the other.

6.3 Contribution to human rights monitoring and its impact on stakeholders

We see its main contribution as giving a district-based coverage of events related in the main to civil and some political rights. As such, the yearbook series is a historical document of events in Nepal over the last 10 years. It has a valuable record in gathering primary data, but it does not have the analytical capacity to draw a wider, qualitative picture of development trends.

It is useful for a range of stakeholders in society: Journalists use it for writing stories of incidents, victims may use it for seeking legal and financial remedies, academics for writing papers, embassies for their political (and human rights) reporting, aid missions for briefing and reference, political parties for directing complaints and generally among the public for awareness-raising.²

But there are drawbacks: Information may not be presented in such a way to be immediately useful for public institutions and lawyers (or international bodies) wanting to take action on behalf of victims.

Information is not generally shared among human rights organisations as much as it ought to be indicating a less than optimal climate of cooperation among them. Human rights organisations do not appear to keep regular contacts with organisations working with development problems and thus risk missing out on knowledge that might prove mutually beneficial. Particularly if the yearbook should select to report also on the economic, social and cultural rights, it would need the expertise of development organisations.³

There is uncertainty about how much impact it has had on the government. The comments we have heard do not give a clear idea about the exact impact, though we

² Re. target groups, INSEC added the following comment: "(T)he YB has two types of target groups, evolved in the course of its history. Our preferred target groups are school-teachers, literate persons and guardians who act as Human Rights defenders at villages and district levels. Therefore, the Nepali version of YB is used by such target groups. But the English version is used by academicians, intellectuals and business communities. YB is the primary source of information to all concerned. Yearbook's is widely used by writers and covered by media, as a reliable source of information both nationally and internationally." E-mail communication dated 11.11.2002

³ On this point, INSEC made the following comment: "But due to various reasons, we have not been able to report in depth on Economic, Social and Cultural (ESCR) rights, because we could not afford and develop sufficient research capability and professionalism to DRs and other persons involved in the process of publication. In this context your suggestion to train the available manpower is praise worthy and we will certainly try to implement that idea gradually." E-mail communication dated 11.11.2002.

have tried to elicit the views of those working at the district and regional levels. It has clearly had marginal impact on the current conflict.

There is also scope for better dissemination of the book at the local level and there may be more cost-effective ways of distributing it locally, along the lines of offprint or possibly local or regional editions produced at lower costs. These suggestions have to be seen against the resource constraints of INSEC centrally. The yearbook might be said to have a “district watchdog”-function and a measure of impact due to that. But it may not reach out to the degree desired by INSEC and local stakeholders so there should be a search for cost-effective ways of ensuring a better local distribution. There may thus be a good case for devising various types of spin-offs that meet the desires of the various target groups.

On the basis of the following, we would like to recommend:

- Develop formats of reporting and processing information that can be directly used by public institutions, lawyers and international bodies charged with human rights monitoring;
- Develop systems of better information sharing between human rights NGOs so that the yearbook can become a joint product, to the extent possible, of all human rights NGOs engaged in human rights work in Nepal;
- Seek contacts with development NGOs and other agencies involved in development work in order to expand and improve the reporting on economic, social and cultural rights;
- Devise means of more cost-effective distribution of the yearbook to the districts so that all concerned parties have a chance to see and read at least parts of it (offprint and/or regional/local editions);
- Design a survey for decision-makers in political positions of importance to get a better idea of the impact of the book on them.

Annexes

Annex 1 - Terms of reference

Final

Terms of Reference

Review of NORAD Support to Human Rights Yearbook, Nepal

Background

Reference to the NORAD support to INSEC for the production of an Annual Human Rights Yearbook since 1993. The publication of the HR Yearbook is a result of INSEC's human rights monitoring work, including the collection and compilation of information on human rights issues from all over Nepal. The HR Yearbook is INSEC's oldest and most important publication.

NORAD, represented by the Royal Norwegian Embassy, Kathmandu, has initiated this review to be carried out by a special recruited team.

Purpose

The main purpose of the review is to make a qualitative assessment of the production and publication of the Annual Human Rights Yearbook over the years and to suggest recommendations for improvement.

Scope of work

The following assessments should be carried out:

- Approach used for collection of information for the production of the HR Yearbook;
- Contents of the HR Yearbook, including the selection of themes and presentation;
- Contribution by the HR Yearbook to the documentation and monitoring of the human rights situation in the country;
- How the HR Yearbook is valued by various stakeholders;
- Perceived impact on decision makers and other relevant actors;

While doing the assessment, the causes and development of the Maoist conflict should be kept in mind.

The assessment should be forward looking and constructive suggestions for improvements should be made.

Implementation

The team shall:

- Study all the Human Rights Yearbooks produced since 1993;
- Interview persons involved in the production of the HR Yearbook;
- Have discussions with relevant stakeholders, including representatives of the civil society, human rights organisations, political parties, academia and government;
- Meet with international donor representatives supporting human rights work in Nepal;

The review will be carried out from 16th September to 5th October 2002.

The team will be composed of:

Mr Hugo Stokke, CMI, Norway, Team leader

Ms Tone Sissner, CMI, Norway

Mr Mukta Lama, Nepal

Reporting

A report in English shall be presented to NORAD and INSEC not later than 5th October 2002. An outline of the report and main findings and recommendations shall be presented to the Royal Norwegian Embassy and INSEC before the departure of the Norwegian team members. The report shall have an introduction summarising what has been studied, major findings, conclusions and recommendations.

Kathmandu

Ingrid Ofstad

Ambassador

Annex 2 - List of meetings

List of meetings

Meeting schedules of consultants on behalf of the Norwegian Embassy on review of the INSEC Human Rights Yearbooks for 1993 till today.

MONDAY, 23 SEPTEMBER 2002

S No	Name/organization & address for meeting	Time and date 23/09
1	Ms Binda Pandey National Women Commission Singh Durbar Tel: 256701	10:00hrs
2	Dr Narayan Khadka, Vice Chairman National Planning Commission Tel: 229070	11:30hrs
	Lunch break	13:00- 14:00hrs
3	Ms Anne Marsoe Human Right Officer, UNDP Tel:52300 ext1048	14:00hrs

TUESDAY, 24 SEPTEMBER 2002

S No	Name/organization & address for meeting	Time and date 24/9
1	Mr Mark Segal DFID Tel: 542980	09:00hrs
2	Mr Peter Rhode Director GTZ, Sanepa Tel: 523228	10:15hrs
3	Mr Bharat Dutta Koirala (Senior Journalist, winner of Megassesse Award) Tel: Off 260989 Res. 522303	11:30hrs
	Lunch Break	13:00- 14:00hrs
5	Mr Pradeep Pokhrel Amnesty International Speed Language Building, Bagbazar Tel: 231587	14:15hrs
6	Mr Balaram Thapa, Care Int'l Tel: 522800	15:00hrs
7	Mr Satish Kharel Nepal Bar Association Singh Durbar Tel: 254647 Mobile: 981022110	16:15hrs

WEDNESDAY 25 SEPTEMBER 2002

S No	Name/organization & address for meeting	Time and date 25/9
1	Ms Patricia Mahoney US Embassy Tel: 411179 Fax: 410723	9:00hrs
2	Mr Surya Kant Panthi Under Secretary Mr Narayan Bairagi Mr G Gautam Prime Minister's Office Tel: 228355	11:30 hrs 11:00hrs
3	Prof Pancha Narayan Maharjan CNAS, Tribhuvan University Tel: 331740	
	Lunch break	13:00-14:00hrs
1	Mr Gauri Pradhan CWIN Tel: 282255	15:30hrs 25/09
2	Mr Deepak Biswokarma National Dalit Commission Tel: 245325/245919	
3	Mr Moti Lal Nepal Dalit Welfare Organization Tel: 232389/246534	
4	Ms Bandana Rana SAATHI, Ekantakuna opp DFID Office Tel: 538549	
5	Mr Suresh Acharya IHRICON Tel: 231079	
6	Mr Tapan Bose SAFHR, Patan Dhoka Tel: 541026	
7	Mr P Kharel FES Tel: 542406	
8	Mr Sudip Pathak HURON Tel: 269948	

THURSDAY, 26 SEPTEMBER 2002

S No	Name/organization & address for meeting	Time and date 26/9
1		9:00hrs
2	Ben Schonveld British Embassy Tel: 410583	10:30hrs
3	Mr Sushil Pyakurel National Human Rt Commission Tel: 525842	11:45hrs
	Lunch break	1300 – 1400hrs
4	INSEC <u>with Human Right year book team</u> Mr Subodh Pyakurel General Secretary Mr Padam Khatiwada Director Mr Yogesh Khanal Mr Krishna Gautam Mr Prakash Gyanwali Mr Suresh Sanjit Mr Bimal Chandra Sharma Ms Prekshya Ojha	14:30hrs

FRIDAY, 27 SEPTEMBER 2002

S No	Name/organization & address for meeting	Time and date 26/9
1	Mr Jhala Nath Khanal, UML Tel: 278081/82 Party Office, Balkhu	09:00hrs
2	Ms Nathalia Feinberg, Danish Embassy Mr Knud Olander Mr Murari Shivakoti, HUGO Tel: Danish Embassy 413010 HUGO 432131, 432348	10:00hrs
3	Mr Sudip Pathak HURON Tel: 269948	11.00hrs
	Lunch break	13:00hrs-14:00hrs
4	at Embassy	17:00hrs

Annex 3 – List of participants at Nepalgunj meeting

List of people participating in the Yearbook review meeting in Nepalgunj, September 24, 2002

- | | |
|-----------------------------|---|
| (1) Som Nath Lamichhane - | Chief of National News Agency -Banke |
| (2) Krishna Adhikari - | Reporter of Space Times -Banke |
| (3) Kumar Sharma Acharya - | Regional Co-ordinator of CELRRD (lawyer) |
| (4) Puskar Nath Pandey - | Programme Co-ordinator of Alliance
for Human Rights and Social Justice, Nepalgunj. |
| (5) Rameshor Bohara - | Reporter of Rajdhani daily paper
(National news paper) |
| (6) Janak Nepal - | Reporter of Nepal Samachar Patra
(National news paper) |
| (7) Dr. Janardhan Acharya - | President of Professor's Organization MM
campus unit Banke |
| (8) Salik Ram Sapkota - | Chairman of Appeal Bar Association, Banke |
| (9) Jhalak Gaire - | Secretary of Federation of Nepalese Journalists,
Banke. |
| (10) Dhan Bahadur Air - | Regional Co-Ordinator of Rural Reconstruction,
Nepal, Banke |
| (11) Purna lal Chuke - | Chairperson of NGO Federation, Banke |
| (12) Govenda Bandi - | Vice President of Central Bar Association |
| (13) Rudra Khadka - | Reporter of Kantipur daily news paper, Banke |
| (14) Prakash Kafle - | Representative of RRN, Banke |

Annex 4 - Questionnaire for the DRs

Summary tables (background, responses)

Background of HR Yearbook District Representatives					
Table 1 Distribution of DRs by region and ecological zones					
	Districts by ecological Zones				No. of DRs
Region	Mountain	Hill	Terai	Total	Interviewed
Eastern	2	9	5	16	13
Central	1	12	6	19	19
Western	2	11	3	16	13
Mid Western	5	8	2	15	13
Far Western	0	7	2	9	4
Total	10	47	18	75	62

Table 2 Distribution of DRs by Region and Caste/ethnic groups						
	Number of DRs by Region					
Caste/Ethnic group	Eastern	Central	Western	Mid Western	Far Western	Total
Bahun	10	17	9	3	2	41
Chhetri/Thakuri	2	2	1	8	2	15
Newar	0	0	2	1	0	3
Indigenous Peoples	1	0	1	1	0	3
Total	13	19	13	13	4	62

Table 3 Education of DRs by Caste/ethnicity						
	Number of DRs by Degree Qualification					
Caste/Ethnic group	High School	SLC	Intermediate	Bachelor	Masters	Total
Bahun	0	6	16	15	4	41
Chhetri/Thakuri	1	1	8	5	0	15
Newar	0	0	3	0	0	3
Indigenous Peoples	0	1	2	0	0	3
Total	1	8	29	20	4	62

Table 4 Age Group of DRs by Caste/ethnicity				
	Age Group (years) of DRs			
Caste/Ethnic group	20-30	31-40	Above 40	Total
Bahun	24	15	2	41
Chhetri/Thakuri	8	7	0	15
Newar	2	1	0	3
Indigenous Peoples	1	2	0	3
Total	35	25	2	62

Table 5 Distribution of DRs by Caste/ethnicity and years of experience					
	Years of experience in INSEC				
Caste/Ethnic group	Up to 3 yrs	4 - 6 Yrs	7- 10 Yrs.	Above 10	Total
Bahun	16	14	10	1	41
Chhetri/Thakuri	10	4	0	1	15
Newar	1	1	1	0	3
Indigenous Peoples	2	0	1	0	3
Total	29	19	12	2	62

Table 6 Involvement of DRs in other profession by Caste/ethnicity						
	Number of DRs by Profession					
Caste/Ethnic group	NGOs	Journalist	Lawyer	Teacher	INSEC (Only)	Total
Bahun	8	9	3	0	21	41
Chhetri/Thakuri	4	3	0	1	7	15
Newar	1	0	0	0	2	3
Indigenous Peoples	0	0	0	1	2	3
Total	13	12	3	2	32	62

Table 7 Sex, marital status and religion of DRs by Caste/ethnicity							
	Sex		Marital Status		Religion		
Caste/Ethnic group	Male	Female	Married	Single	Hindu	Buddhist	Kirant
Bahun	39	2	30	11	38	0	0
Chhetri/Thakuri	14	0	10	5	15	0	0
Newar	3	0	1	1	3	0	0
Indigenous Peoples	2	1	2	1	0	2	1
	58	3	43	18	56	2	1

Table 8 Problems in information collection during emergency by region					
	Problem in Information Collection		Cause of problem by		
Caste/Ethnic group	Yes	No	Security	Maoist	Political parties
Eastern	10	2	11	3	2
Central	13	4	13	3	0
Western	12	1	12	5	0
Mid Western	7	2	7	4	0
Far Western	3	0	3	1	0
Total	45	9	46	16	2

Table 9 Agencies to which DRs reported their problems by region						
	DR's problems reported to					
Caste/Ethnic group	INSEC	Security	CDO	Press	HR Organization	Political parties
Eastern	9	2	1	1	1	
Central	13	3	2	1		
Western	11	2	1			1
Mid Western	7	2	1			
Far Western	3					
Total	43	9	5	2	1	1

Annex 5 - Response of DRs to Questionnaire

What kind of incidents are not reported and why?	What is being done using the information?	What are the achievements?	Role of regional and central office?
<ul style="list-style-type: none"> • Incidents on corruption are not reported because involved parties are not willing to provide information; • Rape or attempted rape cases in villages are locally settled; • State hides information on state killings; • Conflicting versions of information is often difficult to crosscheck; • Death by illness, epidemics are not reported; • Information that cannot be verified; • Domestic violence because of lack of information; • Incidents falling outside INSEC's guidelines 	<ul style="list-style-type: none"> • Organise seminars with state parties, rallies, street demonstrations, HR education; • Review meetings with concerned agencies on collected information; • Information dissemination giving justice to victims and punishment to perpetrator; • Approach for remedy for victim. • Publish information in newspapers; • Present information in district public functions. 	<ul style="list-style-type: none"> • Decreased number of individual violent incidents; • Increased awareness of HR; • Raised awareness at village level of child rights; • People reporting on incidents of HR violations. 	<ul style="list-style-type: none"> • Inform about international conventions; • Fact-finding missions should be more frequent; • Urgent action sometimes needed; • Assist in maintaining good relationships with local government bodies; • Regular interaction programmes at regional levels; • Coordination for addressing non-cooperation from district authorities during emergency.

How can DRs' problem be solved by Central Office?	Comments on Yearbook
<p>Disseminate HR publications widely; Build understanding with government for DRs security; Provide training for security personnel for better understanding of DRs' work; Plan for providing physical security of DRs as they receive threats from perpetrators; Provide information on importance of DRs' work to govt officials in district; Coordinate concerned bodies into co-operating with DR's in their work; Provide additional facilities for DRs in remote areas; Increase facilities for DRs and provide resources (tape recorder, camera); Establish office in district; Make DR fulltime employment; Raise DRs' salary; Make provisions to support victims; Organise seminars for law enforcing agencies to provide easy access to information (i.e. jail visits); Provide advanced training to DRs – especially on working in difficult situations; Special arrangements for DRs in Himalayan districts in terms of resources; Headquarter can play role in punishing the police torturing DRs; Emphasize protection and compensation of individual incidents rather than mere recording Organize seminars at district level; Provide extra security for women travelling in remote places of the district; Communicate with Defence and Home Ministry to provide easy access to information at district level; Organise seminars and interaction programmes with army/security; Provide secure economic remuneration, including provident fund; Widen the scope of DRs work to include social, cultural rights issues; Initiate activities that can be helpful to make army understand the importance of DRs work Stay away from party politics; Organize international meetings in districts; Work on detailed evidence collection.</p>	<p>Widely appreciated; Expensive, but not widely available; Victims have not been able to access yearbook; Make it widely available; Access by perpetrators can help them to change themselves; Organised presentation of photos; Publish details at regional levels; Need well versed people for analyzing and processing information sent from districts; Carry 10 years evaluation of Yearbook in each district; One of a kind; Address the criticism for being one sided; Produce the book in a form that can be used as evidence in court; Make it useful for punishing HR violators; Improve distribution: Dolpa have not received the latest edition of the YB; Give 5 year contracts to DRs for longer term commitment; Yearbook needs a full time DR as existing time of the DR is not enough; Publish monthly bulletins on HR situation; Continuous follow up of the incidents reported in Yearbook until victim gets justice; Could give impression that incidents reported are provided by DRs; There are mistakes found in incidents reported in Yearbook; Publish also at regional and district levels; Study on conflict resolution; Get letter from Home Ministry to allow DRs into difficult places; Many incidents reported from districts are not included; Must include Dalit and other marginalized issues.</p>

Annex 6 - Questionnaire for the regional representatives

Summary tables per region

Region	Eastern	Central	Western	Mid-western	Far-western
Total districts	16	19	16	15	9
Representatives present	14	18	13	13	4
Topography by districts	Mountain: 11 Hill: 0 Terrai: 5	Mountain: 13 Hill: 0 Terrai: 6	Mountain: 10 Hill: 0 Terrai: 3	Mountain: 5 Hill: 7 Terrai: 3	Mountain: Hill: 7 Terrai: 2

<p>Question 1:</p> <p><i>What are the most serious human rights problems in your region?</i></p>	<ul style="list-style-type: none"> a) Both state and non-state causing the conflict (killings, abduction etc.); b) Infrastructure destroyed by the Maoists; c) Caste discrimination; d) Lack of awareness; e) Problems of labourers; f) Unequal land distribution; g) Child labour; h) Education sector hampered; i) Free education not implemented; j) Politics in education sector; k) Schools closed; l) Problems of the health sector; m) Women's rights; 	<ul style="list-style-type: none"> a) Due to poverty, illiteracy, unemployment, people expressing anguish (Maoist insurgency); b) Lack of free and fair elections, discrimination by administration; c) Caste discrimination, superstition; d) Lack of democratic norms/culture; e) Lack of good governance; f) Lack of equal distribution of resources; g) Geographical difficulties; h) Fear and terror mentality due to both Maoist and security 	<ul style="list-style-type: none"> a) Lack of awareness; b) Abduction by Maoists. 	<ul style="list-style-type: none"> a) Origination of Maoist insurgency; b) Both state and non-state are violating HR. State: abduction is high; c) Threats, rape, caste discrimination, illiteracy, superstition, bonded labour (Kamiya system still exists); d) No government officials except in district HQ's; e) Food deficiency problem (starvation); f) Lack of medicines and medical treatment. Available medicines looted by Maoists. 	<ul style="list-style-type: none"> a) Government centralised in district HQ; b) Rural people cannot move freely (mostly restricted by the Maoists); c) Lack of food and medicines; d) 4 districts are totally without communication. Communication only in 3 district HQ's; e) Postage work hampered by Maoists; f) Most VDC offices destroyed, no government personnel present; g) People displaced/migrated; h) Untouchability exists in the hills;
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	<p>problems (superstition, domestic violence etc.);</p> <p>n) Child marriage, rape – especially in the terrai;</p>	<p>personnel (government);</p> <p>i) Problems of women and children (domestic violence, trafficking etc.).</p>			<p>i) Main victims are the oppressed castes and groups;</p> <p>j) Problems of ex-Kamaiyas (used by Maoists);</p> <p>k) Schools closed, homeless people, orphans etc.</p>
Region	Eastern	Central	Western	Mid-western	Far-western
<p>Question 2:</p> <p><i>What are the serious problems related to your work as DRs in your region?</i></p>	<p>a) Geographically difficult;</p> <p>b) TADA (act) and its impact;</p> <p>c) Lack of resources.</p>	<p>a) Problems of collecting information – obstacles by both Maoist and govt.;</p> <p>b) Problem of finding proof;</p> <p>c) Victims hold back info due to lack of immediate relief;</p> <p>d) Lack of resources;</p> <p>e) No security;</p> <p>f) Local body offices destroyed (hospital, VDS office, police, post, telephone etc.);</p> <p>g) Transport and communication problem.</p>	See answers to question 1	<p>a) Collection problem due to geography</p> <p>b) No security</p> <p>c) Lack of resources</p>	<p>a) Maoist and govt. are pressurising – in hills mostly Maoists;</p> <p>b) Collection and documentation of incidents;</p> <p>c) Risky to collect information;</p> <p>d) Lack of resources;</p> <p>e) Lack of knowledge of IHL among government authorities;</p> <p>f) Both state and non-state prioritise guns – not dialogue;</p> <p>g) Rural people are afraid to give info.</p>

Region	Eastern	Central	Western	Mid-western	Far-western
<p>Question 3:</p> <p><i>What do you see as your most important achievements as DR representatives of INSEC in your region?</i></p>	<ul style="list-style-type: none"> a) Perpetrators discouraged and punished; b) Information on incidents; c) Victims helped; d) DRs recognised as source of information; e) Kamiya freed; f) Agricultural labour wage fixed; g) Dalit community; h) NHRC formed 	<ul style="list-style-type: none"> a) Perpetrators punished through law enforcing agencies; b) Violation of HR decreased at the local level (except the insurgency); c) Recognition of DRs at local level; d) Dissemination of HR (by the public; reflection of Yearbook); e) Somehow quick justice in court; f) The Yearbook has functioned as proof in court cases; g) Media quoting DRs; h) International HR institutions directly consult the DR + NHRC; i) Trend: discrimination, superstition etc. decreased; j) Innocent victims released; k) Perpetrators discouraged. 	<ul style="list-style-type: none"> a) HR committee within army formed; b) Progress in releasing victims by DR and other activists; c) INSEC and HR are now synonymous (formation of NHRC). 	<ul style="list-style-type: none"> a) Increased awareness; b) HR broadly informed; c) People believe in and report to DRs; d) INSEC established as HR movement; e) Documentation of HR and dissemination nationally and internationally; f) Mediation role between both conflicting parties. 	<ul style="list-style-type: none"> a) Recognised as HR activists in districts; b) Victims ask for help; c) Kamaiyas legally freed; d) Formation of Dalit Committee as a result of INSEC campaigns; e) Agricultural wage labour legally fixed (INSEC campaigns).

Region	Eastern	Central	Western	Mid-western	Far-western
<p>Question 4:</p> <p><i>What did you find most useful for your work from the training you received at the workshop?</i></p>	In-depth knowledge on collection and documentation of information.		<ul style="list-style-type: none"> a) Learned new things like investigative journalism; b) Learned to use tools of investigative journalism in HR/ESCR. 	<ul style="list-style-type: none"> a) Training on investigative journalism; b) HR, voters rights and election monitoring; c) International Humanitarian Law and HRL more understood; d) Increased knowledge on “big 6” treaties/conventions. 	<ul style="list-style-type: none"> a) Know how to investigate details around incidents; b) Broad knowledge about IHL and HRL.
<p>Question 5:</p> <p><i>Was there anything you found missing from the training workshop which you would like to be trained in and which might be useful for your work as DRs?</i></p>	<ul style="list-style-type: none"> a) Training in field visits; b) Further training on human rights. 	<ul style="list-style-type: none"> a) Visits in difficult districts; b) Training of trainers (ToT); c) Fellowships to DRs; d) Regional training on similar issues; e) International training; f) Training on conflict management. 	Training of trainers on HR issues.	<ul style="list-style-type: none"> a) Training must be repeated; b) Field visits (as practice); c) Knowledge on district level monitoring and interaction. 	<ul style="list-style-type: none"> a) Training period should be longer; b) Regional meeting at least every three months.

