



Five Year Activity Report

December 2016 to July 2021

HUMAN RIGHTS AND JUSTICE CENTRE

The Human Rights and Justice Centre (HRJC) improves access to justice for victims of human rights violations in Nepal, such as torture, enforced disappearances, extrajudicial executions, and sexual violence. Registered in Nepal since 2017 and based in Lalitpur, it was created with the support of TRIAL International, a Geneva-based NGO specializing in seeking justice for survivors of mass atrocities.

MISSION



Our mission is to create a culture of human rights compliance and accountability in Nepal and act as a catalyst for social change based on the principles of justice and substantive equality.

VISION



The HRJC envisions a just society where there is easy accessibility to justice for the victims of human rights violations and abuses.

Board members:

Kapil Aryal, Chairperson
Prabin Subedi, Secretary
Ankit Adhikari, Treasurer
Nirajan Thapaliya, Member

Staff:

Salina Kafle, Executive Director
Rajeshree Bista, Finance and Administration Officer
Ojaswi KC, Human Rights Officer

MESSAGE FROM THE HRJC

Dear friends,

The decade of the armed conflict in Nepal (1996-2006) resulted in the rampant practice of gross human rights violations such as enforced disappearances, extra-judicial killing, sexual violence, torture, and inhuman treatment. In the aftermath of the civil conflict, the government of Nepal failed to prosecute the perpetrators of gross human rights violations and provide redress to the victims. Despite creating the Truth and Reconciliation Commission (TRC) and the Commission on Investigation of Enforced Disappearance of Persons (CIEDP) in 2015, the State has done little in providing justice and addressing the needs and concerns of the victims of gross human rights violations. Moreover, the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2014 is still at odds with the international standards. **As a result, tens of thousands of Nepalis are still awaiting justice. Only when they will be able to truly uphold their rights, the country will build solid and lasting peace.**

Since the end of 2016, the Human Rights Justice Centre (HRJC), with the support of TRIAL International, has been attempting to fill this gap by contributing its professional expertise, time, and energy in supporting the victims with legal representation and building the capacities of victims, human rights defenders, and lawyers in fighting impunity. It has worked tremendously to capture victims' voices and prepare their cases for submission before the United Nations Human Rights Committee (HRC), and the different mechanisms established by the Human Rights Council (Special Procedures of the Human Rights Council). Simultaneously, the HRJC has been advocating campaigns to address the **government to change its laws and practices in favor of the protection and promotion of the most fundamental human rights.**

Over the five years of HRJC establishment, Nepal has gone through significant political and socio-economic changes. It has survived the earthquake, political embargo, shrinking civil society's space, and the COVID pandemic. Despite these changes, the **HRJC has committed to its mission and vision of enhancing access to justice to the victims and fighting impunity.** Thus, these first five fiscal years are consolidated in the HRJC's annual activity report.

The HRJC continues its efforts in bringing victims closer to justice with the support of its board members, staff members, partners, donors, beneficiaries, well-wishers and most importantly resilient survivors.

We are grateful for your support. On behalf of the HRJC team, we appreciate each of your well-wishes and expect the same support in the upcoming days.

Thank you all!



Kapil Aryal
Chairperson



Salina Kafle
Executive Director

LEGAL ASSISTANCE

The decade of internal armed conflict in Nepal (1996-2006) resulted in gross human rights abuses, particularly torture, extra-judicial killings, enforced disappearances, and sexual violence. Even after the signing of the Comprehensive Peace Accord, gross human rights violations continued in Nepal. The HRJC strives to provide the victims of these gross human rights violations an easy, affordable, prompt, and accessible dispute resolution. In which, the HRJC provides legal counseling, legal support and engages in litigating the cases of the victims on their behalf before national and international avenues.

For national legal assistance, HRJC manages a pool of legal practitioners with experience or a proven interest in human rights litigation, known as the 'Roster of Human Rights Lawyers'. The Roster includes lawyers from different backgrounds, seniority and areas of expertise and aims at creating a space for cooperation and exchange in the HRJC's activities. The victims of human rights violation receive free of charge legal representation through the Roster.

Any interested lawyer can apply to be on the HRJC's Roster through the submission of an application to the HRJC. The HRJC engages with the Roster network through regular meetings, workshops, consultancy, and training.

The HRJC provides the lawyers in the roster with technical and financial support during such representation. Realizing limited access to legal representation at the domestic level; financial constraints, lack of legal understanding and knowledge. The HRJC provides technical and financial support to the roster that enables the victims' access to justice.

The lawyers from the Roster have been providing continued support to the victims by representing them before various tiers of the courts and other relevant national avenues.

When victims are unable to access justice, even after exhausting national remedies, or when domestic remedies are unavailable or ineffective, the HRJC represents them before international mechanisms. In doing so, the HRJC works in identifying and addressing the issues of gross human rights violations and makes



a regular submission of inputs to United Nations (UN) mechanisms¹. The HRJC continues its support on a case until the decisions of such are implemented. The HRJC maintains long-term legal representation of the victims and closely follows each case. For the same, it submits various Follow-up reports before the Human Rights Committee.

The HRJC provides legal assistance to the victims regardless of their ethnicity, religion, gender, sexual orientation, social origin, political status, and institutional affiliation and more importantly, the HRJC represents particularly vulnerable populations such as minors, women, Dalits and individuals belonging to ethnic minorities.



I have been litigating on behalf of the victims of gross human rights violations before national courts as a member of the HRJC's roster. In my opinion, the collaboration of lawyers and organizations has greatly bridged the existing gap of lack of access to justice and extended assistance to victims and their families, while also combating impunity.

- Shailendra Prasad Harijan, Member, Roster of Lawyer

- 1 UN mechanism is one of the forms of international human rights mechanisms in UN system. It has two types of monitoring mechanisms known as treaty bodies and charter-based bodies. The core nine treaties of UN system is the basis for the treaty-based bodies. The committees monitor implementation of the core nine treaties. Whereas, charter-based bodies include the Human Rights Council, Special Procedures (are independent human rights experts who investigate, provide advice, recommendation for the implementation of the rights, and report the human rights situations around the world), the Universal Periodic Review and Independent Investigations. Both the treaty bodies and charter-based bodies are made up of independent experts and monitor human rights of the state.
- 2 Apart from the cases illustrated above, the HRJC also has been supporting 18 other case decisions from the HRC, those submitted by TRIAL International on behalf of the victims in the past years. The HRJC has been providing legal advices, submitting follow up reports to the HRC on behalf of these cases, tailoring and implementing advocacy on these case decisions.



LEGAL SUPPORT AT A GLANCE

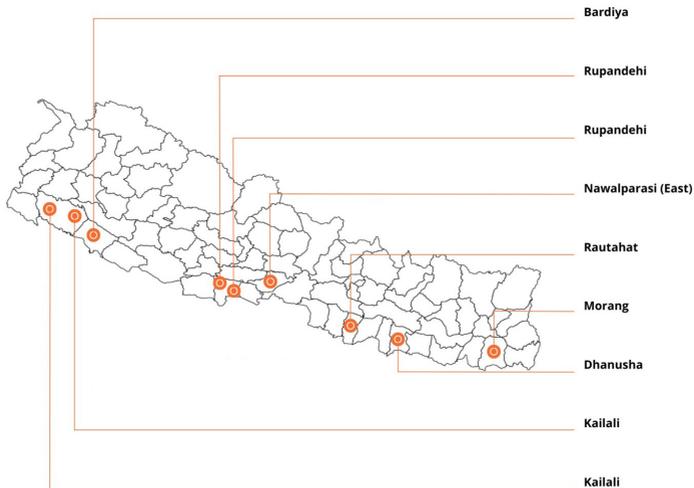


Figure 1: Districts of the victims supported by the HRJC²

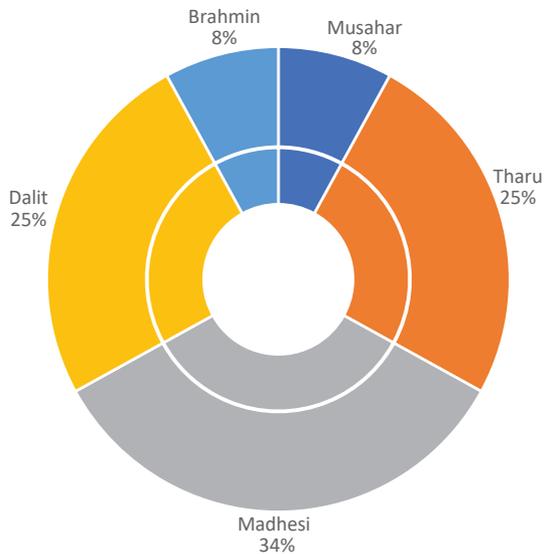


Figure 2: Ethnicity of the victims represented by the HRJC



CAPACITY BUILDING ACTIVITIES

The capacity building activities focus on strengthening internal coordination and capacities of lawyers, human rights defenders, and other stakeholders. As there is an absence of an effective domestic judicial system for victims to seek justice, existence of an impaired transitional justice mechanisms for victims to redress the violations, and limited use of international human rights mechanisms, the capacity-building activities aim to bridge this gap and empower human rights actors in Nepal.

The HRJC conducts specialized training and mentoring programs for lawyers, human rights defenders, victims of gross human rights violations, representatives of Civil Society Organizations and law students of Nepal. The training, mentoring, and other capacity-related activities are created around the themes of human rights violations such as torture, enforced disappearances, extrajudicial executions, and sexual violence and using the international human rights norms and mechanisms.

The training modules focus on a small number of participants to implement a participatory and interactive methodology. The training sessions include practice-oriented workshops, discussion sessions, and the participation of members of the roster as resource persons. The duration of the training and mentoring lasts from two days to eighteen months, depending on the program's criteria and targeted beneficiaries. In the mentoring program, participants were trained in international human rights norms and mechanisms and national legislation and mechanisms through lectures by national and international experts in the field and workshops related to the themes of the training. In the mentoring program, the HRJC conducts two full days group sessions and individualized coaching. The HRJC also conducts various legal workshops for the conflict victims, victim leaders, and child soldiers to improve their understanding of legal questions. The HRJC also coordinates with the National Human Rights Commission to conduct workshops.





I felt empowered as a human rights defender after I completed my mentoring at the HRJC. The mentoring not only prepared me with the required knowledge, tools, and skills, but also provided me with an opportunity to go on a field mission to document a case of gross human rights violation. For the centre, I was able to conduct comprehensive documentation work by interviewing the victims. I can now easily identify between 'bad practices' from 'good practices' while documenting a case and resurrecting my mistakes.

- Lisha Dangol, Advocacy Forum, Researcher



CAPACITY BUILDING ACTIVITIES AT A GLANCE

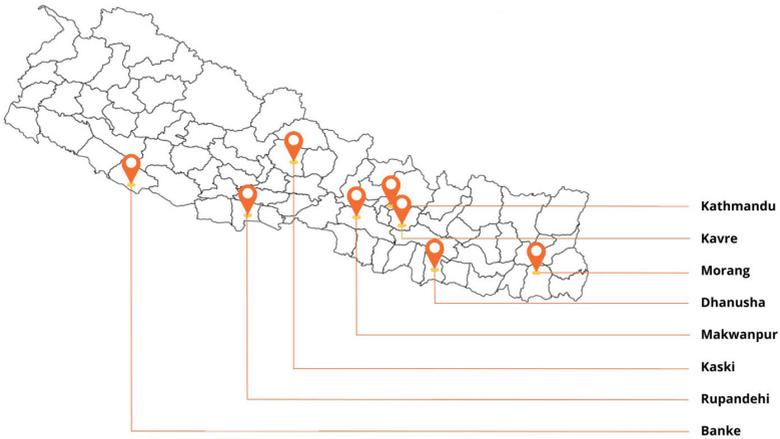


Figure 3: Districts of capacity building activities conducted by the HRJC

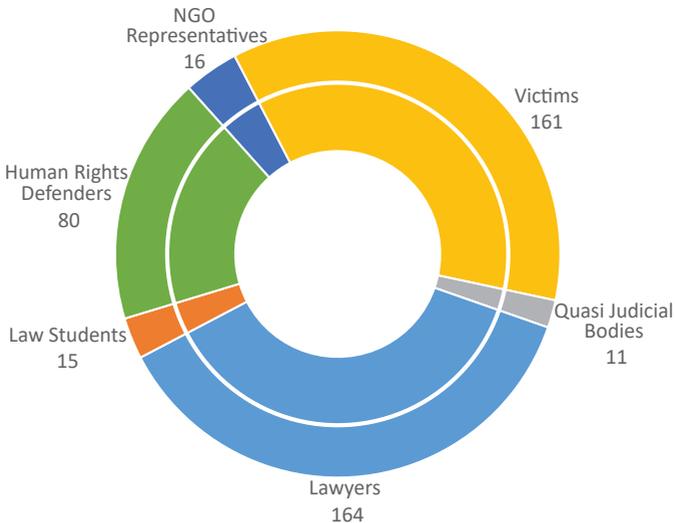


Figure 4: Number of beneficiaries of the capacity building activities by the HRJC



ADVOCACY

HRJC collaborated and joined with various national and international partners (non-government organizations, national human rights institutions, educational institutions, victims' networks and online platforms in Nepal to fight against impunity in cases of gross human rights violations. It advocated for the amendment of non-aligning legislation with Nepal's obligations as per international treaties and protocols; the implementation of the decisions of the international human rights mechanisms on Nepal; prompt and effective actions of the government of Nepal in addressing the issues of transitional justice; the creation of victim-friendly legislation; and increased access to justice for the victims.

The HRJC revamped a website called "<https://realrightsnow.org/en/>" with an indexing database of the cases in Nepal decided by the Human Rights Committee (HR Committee). The website is a one stop case database to raise an implementation of the views, raise awareness about the individual complaints procedure and increase the urgency in delivering justice to victims and their families. The platform also aids the researchers and students with full documentation of the cases.

As a part of the advocacy program, the reports submitted before the national institutions were tailored to attract attention of the national institutions on their respective roles to deal with the contemporary challenges impending justice and fostering impunity. It also urged the institutions to conduct specific activities towards it with specific recommendations, aligning to their roles.

The submitted reports are listed below:

- The Use of Declaration of Death in Cases of Enforced Disappearance: Regulating the Status of Disappeared Persons in Nepal (2018) and Role of the Commission of Investigation on Enforced Disappeared Persons in addressing the Views of Human Rights Committee and other relevant concerns on enforced disappearance in Nepal (2021) to the Commission of Investigation on Enforced Disappeared Persons.
- Guaranteeing the Rights of Survivors of Conflict-related Sexual Violence in Nepal, with special reference to the Human Rights Committee's Decision on the Case Fulmati Nyaya v. Nepal to National Human Rights Commission & others, 2021.



At the international level, the HRJC submitted several reports, inputs, and complaints to the international human rights mechanisms. An up-to-date information was transmitted before international human rights mechanisms through the reports. The submitted reports include of:

- Report to the Committee on the Elimination of Discrimination against Women (Submission on the 6th Periodic Report submitted by Nepal to Committee on the Elimination of Discrimination Against Women, 2018.
- Report to the United Nations Special Rapporteur on Violence against Women, its Causes and Consequences (Visit to Nepal, 19 to 29 November 2018) and Thematic Report of the Special Rapporteur on Violence against Women on Rape as a grave and systematic human rights violation and gender-based violence against women, 2020.
- Briefing note on recent developments concerning the transitional justice process in Nepal with regard to appointment of commissioners in the two competent bodies (TRC and CIEDP) to Working Group on Enforced or Involuntary Disappearances, 2019.
- Third Cycle of the Universal Periodic Review Nepal to Universal Periodic Review, 2020.
- Alternative report on Nepal in views of the adoption of the list of issues prior to reporting by the Human Rights Committee to Human Right Committee, 2020.
- General Allegation Concerning the extension of the mandate of the Commission of Investigation on Enforced Disappeared Persons and Truth and Reconciliation Commission of Nepal to Special Rapporteur on extrajudicial, summary or arbitrary executions and others, 2021.

Realizing the pressing need to discuss the issues relating to CRSV; the HRJC launched a series of panel discussions specific on the issue in coordination with likeminded civil society organizations. In 2020 and 2021, two discussions were



conducted titled 'Accountability to Conflict-Related Sexual Violence Victims' and 'Repairing the irreparable: Reparative needs and rights of the victims/survivors of conflict-related sexual violence in Nepal.'

On 14 July 2021, the organization was successful in conducting a webinar with an international expert on civil and political rights to discuss the implementation of the decisions rendered by the treaty bodies. The online webinar was strategized after the impossibility of conducting in person meetings and travels due to COVID 19. During the webinar, Nepali lawyers, students and researchers exchanged their concerns about the implementation of the decisions of the HR Committee while the expert described the working mechanism of the Committee and shared her experiences and suggested specific efforts for the implementation.



I came to know about the website "realrightnow" during one of my coaching programs at the HRJC. I find the website very handy to learn about the cases before the international mechanism as Human Rights Committee. I have referred to the website during my work at the NHRC, I discuss among colleagues the challenges on the implementation of the decisions of the Treaty Bodies as mentioned in the website and get inspired to develop something similar for the awareness of the inactions from the government on each case.

- Runa Maharjan, National Human Rights Officer



FEATURE STORY

SUBMISSION OF CASES BEFORE TREATY BODIES

The HRJC submitted two individual communications (complaints) before the Human Rights Committee, an international human rights mechanism. The cases represent victims of extrajudicial killings that occurred during and after the conflict in Nepal. Both cases are emblematic and illustrative of widespread practice of extrajudicial killing in the country and the continuing impunity.

Case 1:

On March 15, 2004, a 15-year-old boy belonging to an indigenous community was intercepted by a group of approximately 200 security officers. Immediately, the security officers tied the hands of the boy and started questioning him about his involvement with the party in the conflict. Despite the boy's repeated denials, he was verbally assaulted and subjected to physical and mental torture. The officers then opened fire at the boy, shot three times in the back of his head and killed him. The family of the boy submitted the complaint before the National Human Rights Commission and tried registering the complaint through formal criminal procedure several times. However, the attempts of the family were systematically frustrated, and no investigation was conducted into the events. On 28 March 2018, the HRJC, along with its partner, submitted the case before the Human Rights Committee.

Case 2:

On September 15, 2015, a four-year-old boy was shot dead after the security forces opened fire indiscriminately to control the protest for the amendment of the Constitution demanded by the people of Madhesh. A total of six people died in the incident due to the shots. From 2016 to 2020, the victim's father made repeated attempts to register the case and open investigations. However, they remained ineffective as no case was lodged against the perpetrators, revictimizing the victims and fostering impunity. On 10 June 2021, the HRJC, along with other non-government organizations, submitted the case before the HR Committee.

Both cases have been registered by the Committee and are under consideration.

FINANCE & DONORS

TOTAL INCOME VS EXPENSES- HRJC

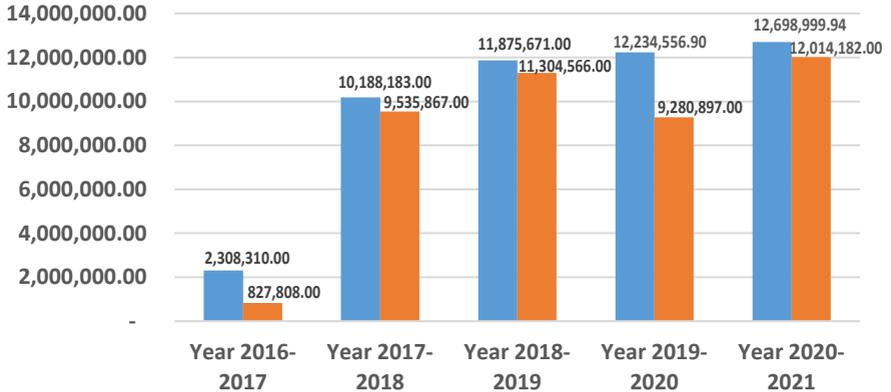


Figure 5: 5 years financial condensed figures (in NPR)

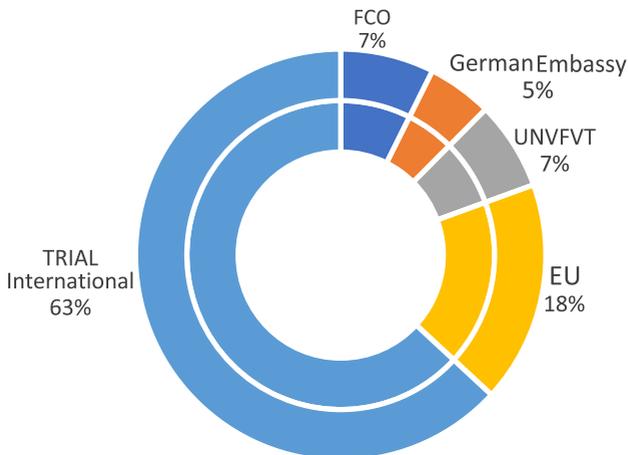


Figure 6: Donor's contribution (in terms of percentage)

THANK YOU TO OUR DONORS!

HRJC's impact is made possible by the generous support of TRIAL International (MISEREOR, Canton of Geneva, Preventing Sexual Violence in Conflict Initiative, The United Nations Voluntary Fund for Victims of Torture), Foreign and Commonwealth Office (FCO), German Embassy, and the European Union.



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