

REGIONAL ISSUES - REPORT ON THE VISIT OF THE FORUM SECRETARIAT TO NEPAL
AND BANGLADESH, 4 – 11 AUGUST 1999

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Report on the visit to Nepal and Bangladesh by Mr. R.V.Pillai, Senior Consultant,
Asia-Pacific Forum of National Human Rights Institutions

4-11 August, 1999

Background

1. In the context of the defined role of the Asia-Pacific Forum of National Human Rights Institutions (APF), inter-alia, to assist Governments in the region in the establishment of National Human Rights Institutions, Mr. R.V.Pillai, Senior Consultant visited Nepal and Bangladesh from 4 to 11 August 1999. The purpose of the visit was to:

- Discuss with Members of Parliament, the Judiciary and non-governmental organisations, progress towards the establishment of a national Human Rights Commission.
- Provide information on the role and functions of the Asia Pacific Forum of National Human Rights Institutions, and
- Discuss the desirability of developing cooperative programmes concerning the establishment and strengthening of National Human Rights Commissions for these countries.¹

Interaction of APF with Nepal and Bangladesh

2. The Governments of both Nepal and Bangladesh have had a long association with the Forum and its member institutions. Representatives of a few of the Forum member institutions have had occasion to visit Nepal and Bangladesh during the course of workshops/seminars organised by the UN High Commissioner for Human Rights or NGOs such as the Commonwealth Human Rights Initiative and to interact with Government representatives and NGOs on the establishment of credible National Human Rights Institutions. Representatives of both the Governments have also had occasion to participate in the annual meetings of the Forum held in New Delhi in 1997 and Jakarta in 1998. Further, delegations of the Bangladesh and Nepalese Governments have undertaken visits to National Institutions in the region as a part of efforts to familiarise themselves with the composition and functioning of these institutions. The visit of the Senior Consultant was a continuation of this ongoing process; and he wishes to record his appreciation and thanks for the very positive approach shown by the two Governments and the assistance rendered to make his visit purposeful and productive.

NEPAL

Governance

3. Nepal is a landlocked “multi-ethnic, multi-lingual, democratic, indivisible, sovereign Hindu and constitutional monarchical kingdom”,² located between India and the Tibetan region of China. The kingdom was carved out of a number of small principalities and eventually the Rana family became the effective rulers by establishing a hereditary Prime Ministership. With the King proclaiming a constitutional monarchy, the rule of the Ranas came to an end in 1951. A new constitution approved in 1959 led to a confrontation between the King and the Ministers, and was replaced by a less liberal one

in 1962. Demand for a more democratic setup led to the adoption of a new constitution in 1990, under which the king relinquished his absolute powers. The preamble of the new Constitution signifies the resolve of the people “to guarantee basic human rights to every citizen of Nepal.”³ The Constitution provides for a bi-cameral legislature; the House of Representatives and the National Assembly. The House of Representatives consists of 205 Members elected for a 5-year term by those citizens who have attained 18 years of age. The National Assembly has 60 Members, some of who are to be elected by an electoral college and others nominated by the King. The executive power of the Kingdom is vested in the King and the Council of Ministers. The Prime Minister and other Ministers are collectively responsible to the House of Representatives and for the work of their respective Ministries. The Ministers are individually responsible to the Prime Minister and the House of Representatives. The Judiciary has a three-tier setup consisting of the Supreme Court, Appellate Court and District Court. The basic human rights are enshrined as Fundamental Rights in the Constitution and are legally enforceable. To the extent that certain rights such as the Right to Information or the Right to Privacy are guaranteed as Fundamental Rights, the constitution of the Kingdom reflects a very liberal and a very positive approach to the protection of human rights. In the part on “Directive Principles and Policies of the State” the Constitution elaborates the resolve to raise the socio-economic conditions of the people.

Socio-Economic Scenario

4. Nepal has made many significant strides in socio-economic development during the past few decades. Life expectancy has increased by 16 years between 1960 and 1993; infant mortality declined by more than 50 % between 1960 and 1994; adult literacy doubled during the 20 year period from 1970; and per capita income has more than doubled during the same period.⁴ Yet, in terms of human development index (HDI), it ranked 144th among 174 countries covered by the UNDP in its human development report for the year 1999.⁵ The country has a population of 23 million (1997 estimate) and has recorded a growth rate of 2.6% per year. Life expectancy at birth is 57.3 years; infant mortality rate is 75 per thousand live births; and maternal mortality rate (per 100,000 live births) is 1500 (as against 9 in Australia, 280 in the Philippines and 570 in India). Adult literacy was 38.1% and the GNP per capita was US \$220 (all 1997 figures).

Accession to international human rights instruments

5. Nepal is a party to 16 human rights related International Covenants and Conventions. Prominent among them are the International Covenant on Civil and Political Rights and

the two Optional Protocols (1991), International Covenant on Economic, Social and Cultural Rights (1991), Convention on Elimination of All Forms of Discrimination Against Women (1991), Convention Against Torture (1991), Convention on the Rights of the Child (1990), Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1995), International Convention on the Elimination of All Forms of Racial Discrimination (1971).

Interaction of Senior Consultant

6. During the visit of the Senior Consultant to Kathmandu, he had occasion to interact with a wide-spectrum of Nepalese Society. A list of persons he met and with whom he had useful discussions on the setting up of the National Human Rights Commission is annexed to this Report. (Annexure-A). There is considerable interest and expectation about the role of the National Human Rights Commission in addressing a variety of human rights issues; civil and political as well as economic, social and cultural. Discussions at these meetings centered around an early establishment of the National Human Rights Commission, the Constitution of the APF and the programs it has taken up and also the experience gained by the Indian Human Rights Commission during the course of its work so far.

Human Rights Commission Act, 1997

7. Nepalese Parliament passed a Bill in 1996 that in 1997 became the Human Rights Commission Act 2053, to provide for the establishment of a National Human Rights Commission with a Chairman and four Members. The Chairman has to be appointed from among the retired Chief Justices or Judges of the Supreme Court. The Chairman and Members of the Commission are to be appointed by the King on the recommendations of a 'Recommendation Committee' consisting of the Prime Minister, the Chief Justice and the Leader of the Opposition in the House of Representatives. The Commission has wide powers not only to enquire into individual complaints of human rights violations but also to undertake a variety of other responsibilities such as visiting jails, reviewing constitutional and other legal provisions for the enforcement of human rights; studying international treaties and other human rights instruments and making recommendations for their effective implementation; research in human rights, promotion of human rights education, encouragement of the NGO sector etc.

Subsequent developments

8. Though the law was enacted and published in the Government Gazette in 1997, there has not been much progress since then on the establishment of the Human Rights Commission. Popular demand for the early establishment of the Commission has been very strident. This was well reflected in the discussions the Senior Consultant had with a cross section of the people, more particularly the NGO community and the media. In fact, there was coverage on this issue in the media on every day of the Senior Consultant's stay in Kathmandu. Emphasis in these media comments and reports has been on early setting up of the National Human Rights Commission. Though in some quarters, there was a doubt about the wisdom of limiting the Chairmanship of the Human Rights Commission to the Judiciary, they were prepared to give the existing statutory provisions a chance and propose an amendment if and when necessary.
9. There have been announcements on behalf of the Government from time to time that the National Human Rights Commission would be set up soon. In August 1998, the then Prime Minister made a statement in the Parliament that the Commission would be set up soon. The celebration of the 50th Anniversary of the Universal Declaration of Human Rights provided another opportunity for the Government to announce once again that the Commission would be set up soon. In the absence of any positive developments even after repeated announcements in the Parliament and outside, some public spirited persons filed a Public Interest Litigation in the Supreme Court against the Prime Minister

and Chief Secretary of the Government. The Court issued a Writ of Mandamus on 13 July 1999, directing the Government “to do everything necessary for the early establishment of the Human Rights Commission.”⁶

10. The next step to be taken by the Government in establishing the Human Rights Commission is the convening of a meeting of the Recommendation Committee as envisaged in Section 4 of the Human Rights Commission Act. The Senior Consultant had the opportunity of meeting two of the three members of the Recommendation Committee; viz. the Chief Justice of the Supreme Court and the Leader of the Opposition in the House of Representatives. The Chief Justice was hopeful that the Government would respond quickly to the apex Court’s orders on the establishment of the Commission. He evinced keen interest in the working of the other Commissions in the Asia Pacific region and desired to have copies of the rules and regulations framed by the Indian Commission

- providing for the pay and perquisites of the Chairman and Members;
- regulating the appointment of officers and other staff in the secretariat of the Commission and
- prescribing the procedure for the conduct of business of the Commission in terms of its different statutory responsibilities.

11. The Minister for Law, Justice and Parliamentary Affairs, whom the Senior Consultant called on, also made a similar request. Arrangements are being made to make available copies of relevant rules and regulations from the Indian Human Rights Commission. The Leader of the Opposition in the House of Representatives is keen that the Human Rights Commission is established at the earliest opportunity. In fact, on 29 July 1999 he had written to the Prime Minister requesting him to convene a meeting of the Committee to make recommendations for the appointment of the Chairman and Members of the Human Rights Commission.

12. The same keenness to have the Human Rights Commission in position was displayed by a number of other functionaries; at the political as well as bureaucratic level, with whom the Senior Consultant had the occasion to interact. Prominent among them were the Minister for Law, Justice and Parliamentary Affairs, the Speaker of the House of Representatives, ex-Speaker and Chairman, Human Rights Committee, Nepal Bar Association, Chairman, Nepal Bar Association and Secretary Ministry of Law and

Justice. The assessment of the Senior Consultant is that a National Human Rights Commission should be in position in Nepal by 10 December 1999.

Interaction with heads of UN offices

13. In the context of the diverse statutory responsibilities of the Human Rights Commission in the areas of Civil and Political as well as Economic, Social and Cultural Rights, the Senior Consultant had meetings with representatives of various UN Offices in Kathmandu. A Common Country Assessment document is being prepared to enable the different UN agencies to address diverse issues which impinge on their areas of functioning such as the Rights of the Child, Elimination of All Forms of Discrimination Against Women, health related issues and reforms in legal and judicial functioning. In the area of reforms in legal and judicial functioning, the UNDP expects to develop a project by January 2000, in association with the Ministry of Law and Justice and the Law Commission, which will cover infrastructural support as well as redrafting laws from the point of good governance. The UNDP also expects to associate with the National Human Rights Commission, in terms of institution building.

Identification of Areas of cooperative programs

14. Discussions were also held on possible areas of cooperative programmes, with the support of the Asia-Pacific Forum, for the establishment and strengthening of the National Human Rights Commission. An assessment of the possible areas of support and assistance is given in para 28 of this report.

Bangladesh

Governance

15. The People's Republic of Bangladesh was established in 1971. It is bounded in the north and west by India, east by India and Myanmar and south by the Bay of Bengal. The Constitution of the country, adopted in 1972, provides for parliamentary democracy and a unitary form of government. The Parliament has one chamber of 300 Members directly elected for a 5-year term by an electorate consisting of citizens over 18 years of age. There are, additionally, 30 seats reserved for women members elected by the Parliament. After the assassination of the Founder Prime Minister (who had later become the President through constitutional changes), Bangladesh came under Martial Law. Direct Presidential elections in 1978 and Parliamentary elections in 1979 did not help to consolidate the position of elected representatives. In 1982, the country again

came under Martial Law. Popular unrest, arising out of strong democratic values, led to the end of Martial Law and democratic party elections were held in 1991. Latest elections to the Parliament were held in June 1996. The Head of the State is the President aided and advised by Council of Ministers. The Apex Court of the country, the Supreme Court has an Appellate Division and a High Court Division. The High Court Division exercises superintendence and control over courts and tribunals subordinate to it; it has original appellate and other jurisdictions. The Appellate Division of the Supreme Court hears appeals from the judgement/decrees of the High Court Division. Article 77 of the Constitution provides for the appointment of an Ombudsman.

16. Part II of the Constitution of Bangladesh enunciates Fundamental Principles of State Policy, and Part-III elaborates legally enforceable Fundamental Rights of the citizens. Article 11 of the Constitution asserts that the Republic shall be a democracy in which fundamental human rights and freedoms and respect and dignity and worth of the human person shall be guaranteed.⁷ The Constitution imposes a “Fundamental responsibility of the State, to attain, through planned economic growth, a constant increase of productive forces and a steady increase in the material and cultural standard of living of the people.” “The State shall regard the raising of the level of nutrition and improvement of the public health as among its primary duties”, and “shall adopt effective measures for the purpose of removing illiteracy within such time as may be determined by law”.⁸

Socio Economic Scenario

17. Bangladesh’s population was estimated to be 125.4 million in 1997. The population density of 845 persons per square km exceeds that of all major countries. Bangladesh has achieved a remarkable degree of reduction in population growth in the 1990s. Islam is the State religion and in 1997 the population was estimated to consist of 88 % Muslims and 11 % Hindus.
18. There have been significant strides in Bangladesh, in the area of socio-economic development. In the last three decades, life expectancy has increased by 16 years, the infant mortality rate has come down by half, and adult literacy has gone up from 24% to nearly 39%. Nearly two-thirds of women are economically active, which is the highest in South Asia. There are no excessive concentrations of income, wealth or land, compared to other South-Asian countries. Yet, 52% of the population is estimated to live below the poverty line; nearly 60% of the adults are illiterate; 15 million children under 16 are estimated to work as child labourers and there is only 1 doctor for every 12500 people.⁹

The per capita GNP was estimated at US \$ 360 in 1997. UNDP's Human Development Report for the year 1999 ranked Bangladesh 150th among 174 countries, in terms of human development index (HDI).

Accession to international human rights instruments

19. The commitment of the Government of Bangladesh to uphold the rights of the people is reflected in it being a party to 16 major International Human Rights Instruments. The main covenants and conventions are the International Covenant on Economic, Social and Cultural Rights (1998), Convention on the Elimination of All Forms of Racial Discrimination (1979), Convention on the Elimination of All Forms of Discrimination Against Women (1984), Convention Against Torture (1998), Convention on the Rights of the Child (1990) and the Convention on the Protection of Rights of All Migrant Workers and Members of Their Families (1998).

History of Human Rights legislation

20. It has been nearly four-and-a-half years since the issue of setting up of a National Human Rights Commission received consideration in Bangladesh. In April 1995, the Government approved a project for assessing the need for such an institution and for making recommendations on its establishment. Work on the project called "Action Research Study on the Institutional Development of Human Rights in Bangladesh" (IDHRB) was to commence in July 1995, but because of certain difficulties it could take off in July 1996, under an agreement between the Government and the UNDP. As a part of their work, functionaries of the Government of Bangladesh and the National Project Coordinator of IDHRB have had extensive interaction with most of the members of the Asia Pacific Forum at a bilateral level or at the annual meetings of the Forum in Delhi and Jakarta.

21. The IDHRB project has done considerable work in terms of assessing the grassroots level human rights situation and understanding institutional mechanisms existing in other countries. It prepared a draft Bill for establishing a National Human Rights Commission, which was considered by the Cabinet in April 1999. The Cabinet set up a Sub-Committee to review and suggest improvements in the Bill. The Sub-Committee is headed by the Minister of Education and has, among others, Ministers of Home, Law Justice and Parliamentary Affairs, Commerce and Industries and Ministers of State in the Ministries of Textile and Planning as members.

22. Making a specific reference to the Fundamental Principles of State Policy contained in Part-II of the Constitution, the Bill proposes an institutional mechanism for the protection, promotion and creation of conditions for enjoyment of human rights. Appointment of the Chairperson and Members of the Commission is to be made by the President in consultation with a Committee consisting of the Prime Minister, Speaker of the Parliament, the Chief Justice and Leader of the Opposition in the Parliament. Functions of the Commission are as varied as in the case of the Indian, Sri Lankan or the Nepalese Human Rights Commissions. The proposed Commission will have its own investigating agency.

Senior Consultant's interaction

23. During the interaction the Senior Consultant had with a very wide spectrum of political leadership, legal luminaries, academics, NGOs and other human rights activists and media persons in Dhaka, he could discern a high level of awareness and concern about the tasks ahead in enabling the citizens to enjoy their rights in the existing socio-economic scenario. In fact, poverty and deprivation were identified as two major factors which inhibited the enjoyment of people's rights. Equally, there is a high level of acceptance of a National Human Rights Commission as an additional instrumentality for the enjoyment of human rights. A list of personalities with whom the Senior Consultant interacted in Dhaka is annexed. (Annexure-B).
24. The Chairperson and the four members (one among them shall be a woman) of the Commission are to be appointed from among persons having knowledge of or practical experience in human rights. There is thus no requirement that the choice of the Chairperson should be limited to the Judiciary – a matter that came in for considerable discussion during the Senior Consultant's interaction. This was particularly in the context of provision in the Indian and Nepalese laws and also in the context of the perceptions of Bangladeshi NGOs and human rights activists that the choice should be as wide as possible. The enforceability of the Commission's decision was another matter discussed at length and a view was put across that the Commission would be ineffective in the absence of any legal powers for enforcement. While not providing advice on this issue directly, the Senior Consultant suggested that the proposed Commission should be perceived as an instrumentality of the society for the protection and promotion of human rights values and a human rights culture. The preparedness and willingness of authorities concerned to implement the Commission's recommendations would be largely influenced by the integrity and stature of its Chairperson and Members.
25. During the separate meetings with the Minister for Home, Minister for Law, Justice and Parliamentary Affairs and the Minister of State for Textiles (who are all members of the Cabinet Sub-Committee) and also with the Political Adviser to the Prime Minister, the Senior Consultant stressed that the wisdom of the country should influence the way the Human Rights Commission was constituted and its membership decided upon, while ensuring that the Commission when set up would conform to the Paris Principles. The focus should be on setting up the Human Rights Commission and not, for the time being, on any peripheral institution designed to improve the skills of those working in the area of human rights protection and promotion. It was submitted that there was great expectation that the efforts and deliberations of the last few years would bear fruit shortly. The instance of the work presently undertaken by the Indian Human Rights

Commission was cited to emphasise the point that even after the Human Rights Commission came into being in Bangladesh, further refinements and improvements in the law on its constitution and functioning could be undertaken, based on experiences of day-to-day functioning. This position was well received. Responses of public functionaries, particularly members of the Cabinet Sub-Committee and the Political Adviser to the Prime Minister were a clear indication of the desire to finalise the Bill at the earliest.

Meeting with UNDP representative

26. Meeting with the Resident Representative of the UNDP in Dhaka was equally rewarding. It is understood that in respect of Bangladesh also, a Common Country Assessment document is being prepared. This should help to highlight human rights related developmental issues that may receive priority attention at the national level. The National Human Rights Commission could provide a nodal point for the convergence of national effort to address a number of these issues.

27. Unlike Nepal, Bangladesh already has the nucleus of an institutional mechanism in the form of IDHRB project, which has already gained considerable experience working in the field of human rights. It is expected that the personnel involved in the project would find appropriate places in the National Human Rights Commission when set up.

Possible Areas for developing Cooperative Programs

28. From the point of view of possible assistance from the Asia Pacific Forum in establishing an effective and credible National Human Rights Commissions in Nepal and Bangladesh, the following proposals emerged during the Senior Consultant's interactions.

- (i) The Governments may be provided with rules and regulations framed by other National Institutions so that they could be of guidance in drawing up appropriate rules and regulations governing the employment and work procedures of the National Human Rights Commissions in these countries.
- (ii) The Chairperson, Members and the Secretary of the Commissions, when appointed, may be afforded opportunities to study the working of other Commissions in the region.

- (iii) That the Forum Secretariat undertake cooperative assessment missions to both institutions to determine areas of potential priority assistance.
- (iv) Assistance may be provided for creating the required infrastructural facilities to enable the Commissions to discharge effectively their statutory responsibilities. In respect of Nepal, Section 15 of the Human Rights Commission Act permits the Commission to receive assistance from outside the Government.
- (v) As soon as the Human Rights Commissions are set up, a workshop may be organised to enable all the concerned players including NGOs to understand the systems and procedures of the Commission and to enable them to forge constructive functional relationships with various segments of the civil society.
- (v). The Common Country Assessment document being prepared by the UNDP for both the countries should help provide a focus on human rights issues to be addressed by the Human Rights Commissions. The document could provide a basis for interaction between the APF and the UNDP for the identification of human rights related issues among them, which could be profitably addressed in light of experience gained by other National Institutions.

Annexure-A

List of persons with whom Senior Consultant interacted in Nepal

- | | | |
|-----|---------------------------|---|
| 1. | Mr. Mohan Prasad Sharma | Chief Justice, Nepal |
| 2. | Tarini Datta Chatauth | Minister, Law Justice & Parliamentary Affairs |
| 3. | Mr.Taranath Ranabhat | Speaker, House of Representatives |
| 4. | Mr.Madhab Kumar Nepali | Leader of Opposition in the House of Representatives |
| 5. | Mr.Daman Nath Dhungana | Ex-Speaker, House of Representative and Chairman, Human Rights Committee, Nepal Bar Association |
| 6. | Mr.Harihar Dahal | Chairman, Nepal Bar Association |
| 7. | Mr Kapil Shreshta | President, Human Rights Organisation of Nepal |
| 8. | Dr. G.K.Siwakoti | International Institute for Human Rights, Environment and Development |
| 9. | Ms.Renu Upreti | Forum for Protection of Human Rights |
| 10. | Mr.Ravindra Vassatrai | Centre for Prevention of Torture |
| 11. | Mr.Tapan Bose | South Asia Forum for Human Rights |
| 12. | Mr.B.P.Siwakoti | National Human Rights Foundation |
| 13. | Mr.K.L.Devakota | Peoples' Rights Concern Movement |
| 14. | Mr.B.P.Sharma | Platform for Social Justice |
| 15. | Mr.Tirtha Man Sakya | Secretary, Ministry of Law & Justice |
| 16. | Mr.Kedar Paudel | Under Secretary, Ministry of Law & Justice |
| 17. | Mr.Kesab Prasad Bastola | Law Officer, Ministry of Law & Justice |
| 18. | Mr.Kumar Regmi | Advocate, Supreme Court of Nepal |
| 19. | Mr.Bishal Khanal | Dy. Registrar, Supreme Court of Nepal |
| 20. | Mr.Stewart McNab | Country Representative, UNICEF |
| 21. | Mr.Bernard Quah | Deputy Representative, UNHCR |
| 22. | Mr.Arun Dhoj Adhikari | Assistant Resident Representative,UNDP |
| 23. | Dr.P.T. Jayawickramarajah | Consultant Medical Educationist, WHO |
| 24. | Mr.K.V. Rajan | Ambassador for India in Nepal |
| 25. | Mr.T. Hormis | Minister (Cons), Embassy of India in Nepal |

Annexure-B

List of Persons with whom Senior Consultant interacted in Bangladesh

1. Mr. Mohammad Nasim	Minister for Home Affairs
2. Mr. Abdul Matin Khasru	Minister for Law, Justice & Parliamentary Affairs.
3. Mr. Mr. A.K.M.Jahangir	Minister of State for Textiles
4. Mr. Abul Hasan Chowdhury	Minister of State for Foreign Affairs
5. Dr. S.A. Malek	Political Advisor to the Prime Minister
6. Dr. Kamal Hossain	Former Minister for Foreign Affairs
7. Mr. Justice Kemaluddin Hossain	Chairman, Law Commission
8. Mr. Mohammed Sohul Hussain	Secretary, Ministry of Law & Justice
9. Mr. David E. Lockwood	Resident Representative, UNDP
10. Ambassador Waliur Rahman	Director, Bangladesh Institute of Law and International Affairs
11. Barrister Shafiq Ahmed	President, Supreme Court Bar Association
12. Ms. Rudy Ghuznavi	Nari Pokkho
13. Dr. Rudaba Khandaker	Programme Coordinator, Concern Bangladesh
14. Father R.W.Timm	Chairperson, Centre for Justice & Peace
15. Ms Rosaline Costa	Country Representative, Hotline Bangladesh
16. Mr. Akram Hossain Chowdhury	Executive Director, Coordinating Council for Human Rights in Bangladesh
17. Dr. Shah Din Malik	Advisor, Bangladesh Legal Aid and Services Trust
18. Barrister Manjoor Hasan	Executive Director, Transparency Int'l
19. Advocate Salma Ali	Executive Director, National Women Lawyers Association
20. Mr. Amanullah Khan	Chairman, United News of Bangladesh
21. Mr. Abul Hasnat Manjurul Kabir	'The Daily Star'
22. Mr. K.M.Haque	National Project Coordinator, IDHRB and his team
23. Mr. Zayed H.Mahmood	Senior Research Associate, IDHRB
24. Ms. Shaila Parveen Luna	Research Fellow, IDHRB
25. Mr. Pinak R. Chakravarty	Deputy High Commissioner for India in Bangladesh

Endnotes

¹ In a communication from the Director, APF, addressed to the two governments.

² The Constitution of the Kingdom of Nepal, 1990.

³ Ibid.

⁴ Human Development in South Asia, 1997. Report by Mahbub ul Haq and Khadija Haq.

⁵ This and the subsequent data compiled from the 'Human Development Report 1999' published by UNDP.

⁶ As reported in the daily 'The Rising Nepal' of August 7, 1999 in an article by Kumar Regmi, advocate Supreme Court. The original order of the court is in Nepalese and a request has been made for an English translation.

⁷ Constitution of the People's Republic of Bangladesh.

⁸ Ibid, Articles 15, 17 and 18.

⁹ Human Development in South Asia, 1997. Ibid.