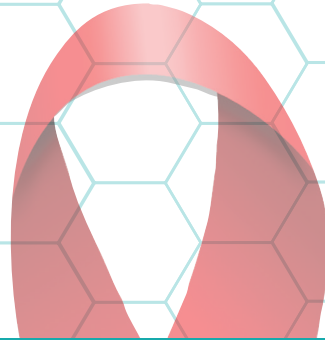




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Empowering Women Affected by HIV to Protect  
their Rights at Health Care Settings

# POSITIVE PROTECTION

TRAINING MANUAL – PARTICIPANT'S HANDBOOK





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## FOREWORD

In Nepal, 40,000 people are living with HIV, one-third of whom are women. While prevalence is relatively low nationwide at about 0.2–0.3 percent over the past five years, that picture changes drastically when narrowed to marginalized groups, including female sex workers and their clients, injecting drug users, men who have sex with men, and transgendered women, where HIV rates are the highest.

Tremendous effort has been made by Nepal's government, civil society organizations and development partners to combat HIV through the National HIV/AIDS Strategy 2011–2016. This strategy guided the national response to HIV/AIDS by embracing principles of universal access and human rights and a multisectoral approach; and by acknowledging the myriad challenges facing people living with HIV in Nepal. The new strategy 2016–2021 “Nepal HIVision 2020” that is under development aims at fast-tracking these efforts to ending the AIDS epidemic by 2030.

However, despite continuous efforts to end stigma and discrimination, people living with HIV, and in particular women living with HIV, face impediments to living healthier and more productive lives. Women with behaviours that may place them at higher risk of HIV exposure lack economic and social opportunities, and struggle to access health, justice and education, due to stigma, violence and discrimination.

Women affected by HIV in Nepal have reported violations of their rights, particularly in health care settings, being subject to forced and coerced sterilization or abortions, or denied access to sexual and reproductive health services. Yet, according to a UNDP Report released in 2013, not a single case was officially filed claiming discrimination or abuses in a health care setting. This is why this toolkit is needed and why it is vital for Nepal's fight against HIV.

As we embrace the Sustainable Development Goals (SDGs) and the 2030 Agenda on Sustainable Development, this training manual, **Positive Protection: Empowering Women Affected by HIV to Protect their Rights at Healthcare Settings**, will help ensure no one is left behind or overlooked in our work to achieve the SDGs. This manual is aimed at empowering women with HIV to know and protect their rights, and to gain access to justice in cases where those rights have been violated.

The manual is very much a community-owned product, that has come through a consultative process with key population networks (female sex workers, men who have sex with men, transgender people and people who inject drugs), driven by women affected by HIV, with support from UNDP and UNAIDS. We would like to congratulate the National Federation of Women Living with HIV and AIDS for their leadership in taking this initiative forward in Nepal, and thank the National Centre for AIDS and STD Control and the National Human Rights Commission of Nepal for the support shown in preparing this training manual.

UNDP is committed to advancing gender equality and women's empowerment not only as basic human rights, but as pathways to achieving the Sustainable Development Goals. This manual is an important step forward in that direction.



**Renaud Meyer**  
Country Director  
UNDP Nepal

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Positive Protection is a training manual to empower civil society organizations to protect the rights of women affected by HIV at health care settings in Nepal. It was developed by the United Nations Development Programme (UNDP), the Asia Pacific Network of People living with HIV (APN+) and the National Federation of Women Living with HIV and AIDS in Nepal, in partnership with UNAIDS.

The training manual was developed based on consultations with a wide range of national civil society groups in Nepal, including a two-day consultative workshop in November 2014 in Kathmandu to agree on the main areas to be included in the manual, and a two-day meeting in August 2015 in Nepal to agree on and validate the final draft of the manual.

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## ACRONYMS AND ABBREVIATIONS

<b>CEDAW</b>	Convention on the Elimination of all Forms of Discrimination Against Women
<b>HIV</b>	Human Immunodeficiency Virus
<b>ICESCR</b>	International Convention on Economic, Social and Cultural Rights
<b>IWRAW</b>	International Women's Rights Action Watch
<b>NGO</b>	Non-Governmental Organization
<b>NHRC</b>	National Human Rights Commission of Nepal
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNAIDS</b>	Joint United Nations Programme on HIV/AIDS
<b>UNDP</b>	United Nations Development Programme
<b>UPR</b>	Universal Periodic Review

# HANDOUTS AND WORKSHEETS

## HANDOUT

### YOUR HUMAN RIGHTS WHEN GOING FOR SEXUAL AND REPRODUCTIVE HEALTH CARE

1	<p><b>ALL PEOPLE HAVE THE RIGHT TO BE TREATED EQUALLY</b></p> <p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"><li>• Constitution of Nepal (promulgated on 20 September 2015), Article 23</li><li>• The Civil Rights Act (1955), Sections 3 and 5</li><li>• Nepal Health Professional Council Act (1996), Section 18; Nepal Health Professional Council Rules (1999), Section 13, 1c</li><li>• The Universal Declaration on Human Rights, Article 1</li><li>• The International Covenant on Civil and Political Rights, Article 26</li></ul> <p><b>What it means:</b></p> <ul style="list-style-type: none"><li>• No one can treat you differently or discriminate against you because of your HIV status (or for any other reason).</li><li>• When you go for health care, you should be treated like the other clients. You cannot be refused health care services or referred to another health care facility just because you are HIV-positive. A health care worker cannot refuse to treat you. They cannot delay your treatment. They cannot treat you judgementally, rudely or insensitively.</li><li>• No one can force you to have an abortion or to get sterilized because of your HIV status. You have the right to choose to continue a pregnancy or to end it (as allowed by law) without being pressured or coerced.</li></ul>
2	<p><b>ALL PEOPLE HAVE THE RIGHT TO BE TREATED WITH DIGNITY.</b></p> <p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"><li>• Nepal Health Professional Council Act (1996), Section 18; Nepal Health Professional Council Rules (1999), Section 13, 1b</li><li>• Constitution of Nepal, Article 16</li><li>• The Universal Declaration on Human Rights, Article 1</li></ul>

	<p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• You should be treated as a human being with respect and decency.</li> <li>• When you go for health care, health care workers cannot refuse to give you care, delay your care, send you to the back of the queue, or serve you last.</li> <li>• Health care workers cannot yell at you, insult you, treat you as if you were immoral, or hit you.</li> <li>• Health care workers cannot ask you personal questions in front of others or ask you irrelevant questions about your sexual life.</li> <li>• While they should take normal precautions to protect themselves (as they should do with all clients), they cannot act as if touching you or your children will infect them.</li> </ul>
3	<p><b>ALL PEOPLE HAVE THE RIGHT TO LIFE.</b></p> <p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>• Constitution of Nepal, Article 16 (1)</li> <li>• The Universal Declaration of Human Rights, Article 3</li> <li>• The International Covenant on Civil and Political Rights, Article 6</li> </ul> <p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• No one can try to end your life.</li> <li>• If your life is at risk, you have the right to be protected.</li> <li>• No one can keep things from you that you need to stay alive.</li> <li>• You have the right to access health care that can save your life, for example, ART, or any other treatment that you need.</li> <li>• No one can delay your access to health care when the delay will put your life at risk.</li> </ul>
4	<p><b>NO ONE HAS THE RIGHT TO TORTURE YOU, TREAT YOU CRUELLY OR IN A DEGRADING WAY.</b></p> <p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>• Constitution of Nepal, Article 22 and Article 38 (3)</li> <li>• Nepal Health Professional Council Act (1996), Section 18; Nepal Health Professional Council Rules (1999), Section 13, 1b</li> <li>• The Universal Declaration of Human Rights, Article 5</li> <li>• The International Covenant on Civil and Political Rights, Article 7</li> </ul>

	<p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• You cannot be given any medical treatment without your knowledge and consent (your agreement). This means you must give your consent before a doctor can give you an abortion, sterilize you, or deliver your baby by Caesarean section.</li> <li>• Before you consent, you must be given all of the information you need to make a good decision for yourself.</li> <li>• Your consent must be given freely and when you are not in a stressful or vulnerable situation. For example, you should not be asked to consent to sterilization when you are in labour. However, if your life or the baby's life is in danger, you can be asked to consent to a Caesarean section while in labour since it is an emergency.</li> <li>• Health workers cannot pressure, force or coerce you to consent.</li> <li>• No one should treat you in a way that makes you feel bad or ashamed about yourself, or that makes you feel less than others or less than human.</li> <li>• Health care workers cannot insult you, yell at you, physically harm you, or treat you as if you are immoral or dirty.</li> <li>• Health care workers cannot delay your care or neglect you when you are delivering a baby or in their care for other reasons.</li> </ul>
5	<p><b>THE LAW IS THE SAME FOR ALL PEOPLE; IT MUST BE APPLIED IN THE SAME WAY TO ALL.</b></p> <p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>• Constitution of Nepal, Article 18</li> <li>• The Civil Rights Act (1955), Section 3</li> <li>• The Universal Declaration of Human Rights, Article 7</li> <li>• The International Covenant on Civil and Political Rights, Article 26</li> <li>• The Convention on the Elimination of all Forms of Discrimination Against Women, Article 15</li> </ul> <p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• All Nepalese laws are the same for everyone – they apply to you in the same way that they do to all other Nepalese. The laws protect you as they do others. People cannot treat you in a way that is against the law.</li> <li>• Health care providers must follow Nepalese laws when treating you.</li> </ul>

6	<p><b>ALL PEOPLE HAVE THE RIGHT TO SEEK JUSTICE WHEN THEIR RIGHTS ARE NOT RESPECTED.</b></p>
	<p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>• Constitution of Nepal, Article 20 (10), Article 46, and Article 137</li> <li>• The Universal Declaration of Human Rights, Article 8</li> <li>• The Convention on the Elimination of all Forms of Discrimination Against Women, Article 15</li> </ul>
	<p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• If your rights are not respected, you can take action to get justice.</li> <li>• If a health care provider does something that violates your rights, you can take action to get justice for yourself.</li> <li>• You have the right to get legal advice.</li> <li>• You have the right to the same access to legal aid and assistance (including a lawyer), to assistance from the police, and to take a case to court as people who are not living with HIV.</li> </ul>
7	<p><b>ALL PEOPLE HAVE THE RIGHT TO PRIVACY.</b></p>
	<p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>• Constitution of Nepal, Article 28</li> <li>• Nepal Medical Council Act (1964) Code of Ethics, Clause 3.3.2</li> <li>• Nepal Nursing Council Act (1995), Section 9g.</li> <li>• Nepal Health Professional Council Act (1996), Section 18; Nepal Health Professional Council Rules (1999), Section 13, 1b</li> <li>• The Universal Declaration of Human Rights, Article 12</li> <li>• The International Covenant on Civil and Political Rights, Article 17</li> </ul>
	<p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• People cannot share personal information about you with others without your permission.</li> <li>• You should be able to lead your personal life without other people trying to find out what you are doing.</li> <li>• Other people do not have the right to interfere in your private or intimate life. They do not have the right to tell you what to do or to make decisions for you about your social or sexual life, your body, your health or other personal matters.</li> <li>• Health care workers must keep your medical information confidential, including your HIV status and/or the status of your family members. The health facility cannot share your HIV status or other private personal information about you with anyone.</li> </ul>

	<ul style="list-style-type: none"> <li>• Health care workers cannot make decisions for you about your health care or reproduction.</li> <li>• You have the right to make these decisions independently and of your own free will. You do not need to involve your family, if you do not want to.</li> </ul>
8	<p><b>NO ONE HAS THE RIGHT TO HARM YOUR GOOD NAME.</b></p> <p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>• Constitution of Nepal, Article 28</li> <li>• The Libel and Slander Act (1959), Section 3</li> <li>• Nepal Medical Council Act (1964), Section 7a; NMCA Code of Ethics for doctors, clause 3.3.2</li> <li>• Nepal Health Professional Council Act (1996), Section 18; Nepal Health Professional Council Rules (1999), Section 13, 1b</li> <li>• The Universal Declaration of Human Rights, Article 12</li> <li>• The International Covenant on Civil and Political Rights, Article 17</li> </ul> <p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• People cannot do or say things that will give you a bad reputation or a bad name.</li> <li>• Health care workers must keep your personal and medical information, including your HIV status, confidential. They must protect personal information which could be used by others to harm you or discriminate against you.</li> </ul>
9	<p><b>EVERYONE HAS THE RIGHT TO MARRY AND HAVE A FAMILY.</b></p> <p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>• The Marriage Registration Act (1971), Section 4</li> <li>• Civil Code of Nepal (Muluki Ain), Chapter 17, Number 1</li> <li>• The Universal Declaration of Human Rights, Article 16</li> <li>• The International Covenant on Civil and Political Rights, Article 23</li> <li>• The Convention on the Elimination of all Forms of Discrimination Against Women, Article 16</li> </ul> <p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• You can get married and have children if you want to.</li> <li>• Health care workers cannot tell you that you shouldn't have children.</li> <li>• Health care works cannot prevent you from having children because you are HIV positive – they cannot force you to take contraception, to have an abortion or to be sterilized. They cannot sterilize you without your knowledge and informed consent.</li> </ul>

10	<p><b>EVERYONE HAS THE RIGHT TO DECIDE FREELY AND RESPONSIBLY HOW MANY CHILDREN THEY WANT TO HAVE AND WHEN.</b></p>
	<p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>• Civil Code of Nepal (Muluki Ain), Chapter 10, number 28A</li> <li>• Nepal Health Service Act (1997), Section 63</li> <li>• The Convention on the Elimination of all Forms of Discrimination Against Women, Article 16</li> </ul>
	<p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• You can decide for yourself how many children you want to have and when you want to have them.</li> <li>• Health care workers do not have the right to make those decisions for you by pressuring or forcing you to use contraception, have an abortion or be sterilized.</li> <li>• Health care workers cannot give you an abortion or sterilize you without your knowledge and informed consent. Before you can consent or agree, you must be given all of the information you need to make a good decision by yourself.</li> </ul>
11	<p><b>EVERYONE HAS THE RIGHT TO HEALTH.</b></p>
	<p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>• Constitution of Nepal, Articles 35 and 38 (2)</li> <li>• The Universal Declaration of Human Rights, Article 25</li> <li>• The International Covenant on Economic, Social and Cultural Rights, Article 12</li> <li>• The Convention on the Elimination of all Forms of Discrimination Against Women, Article 12</li> </ul>
	<p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• You have the right to medical care and other services and goods you need to be as healthy as possible, for example, safe and nutritious food, safe drinking water, and health information and education.</li> <li>• Basic health care should be accessible, of good quality, and provided equally and without discrimination to all. You cannot be discriminated against at health care services or by health care workers. You cannot be denied health care or medical treatment because of your HIV status. You cannot be sent to another health care facility or another health care worker only because of your HIV status.</li> <li>• You have the right to care and treatment for HIV. ART medicines and condoms should be available to you when you need them. If you are pregnant, you have the right to the medicines you need to protect your baby from HIV.</li> </ul>



	<ul style="list-style-type: none"> <li>You must give your free and informed consent to health care procedures, such as contraception, abortion and sterilization. You cannot be pressured or forced to consent to these. You cannot be given contraception or an abortion or sterilized without your knowledge.</li> <li>You have the right to get a national identification card in order to access health care. You do not need your husband to be present to get an identification card.</li> </ul>
12	<p><b>NO ONE HAS THE RIGHT TO GIVE YOU MEDICAL TREATMENT WITHOUT YOUR INFORMED CONSENT OR AGREEMENT.</b></p>
	<p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>Civil Code of Nepal (Muluki Ain), Chapter 10, On Homicide, Number 28A</li> <li>Civil Code of Nepal (Muluki Ain), Chapter 12, On Medical Treatment, Number 2</li> <li>Nepal Medical Council Act (1964), Section 7a; NMCA Code of Ethics, Clause 3.3.5</li> <li>Nepal Nursing Council At (1995), Section 9</li> <li>Nepal Health Service Act (1997), Section 63</li> <li>The Universal Declaration of Human Rights, Articles 3 and 25</li> <li>The International Covenant on Economic, Social and Cultural Rights, Article 12</li> </ul>
	<p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>You have the right to control you own body and to decide what will be done to it.</li> <li>You have the right to refuse to agree to or sign anything that you do not understand.</li> <li>No one can force you to take a treatment or to have a surgery. No one can perform a treatment or surgery on you without your knowledge and agreement. You must be given all the information you need to make a good decision for yourself. No one can sterilize you without your knowledge and/or agreement.</li> <li>You have the right to freely choose to withdraw your consent at any time.</li> <li>You have the right to refuse any treatment.</li> </ul>

13	<p><b>EVERYONE HAS THE RIGHT TO INFORMATION ON ANY MATTER THAT IS IMPORTANT TO THEM (UNLESS CONFIDENTIALITY OR SECRECY IS REQUIRED BY LAW).</b></p>
	<p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>• Constitution of Nepal, Article 27</li> <li>• Nepal Medical Council Act (1964), Section 7a; NMCA Code of Ethics for doctors, clause 3.3.5</li> <li>• Nepal Nursing Council At (1995), Section 9g</li> <li>• The Universal Declaration of Human Rights, Article19</li> <li>• The International Covenant on Civil and Political Rights, Article 19</li> </ul>
	<p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• You have the right to get correct information in any situation.</li> <li>• You have the right to see documents or papers about you.</li> <li>• A health care worker must provide you with correct and complete information about your health and your choices. The information should be explained to you in a way that you can understand.</li> <li>• You have the right to ask questions to better understand the information given to you.</li> </ul>
14.	<p><b>NO ONE HAS THE RIGHT TO DISCRIMINATE AGAINST YOU BASED ON YOUR SEX, GENDER OR ANY OTHER CHARACTERISTIC.</b></p>
	<p><b>Where this right comes from:</b></p> <ul style="list-style-type: none"> <li>• Constitution of Nepal, Article 18 (2 and 3)</li> <li>• The Civil Rights Act (1955), Sections 4</li> <li>• The Universal Declaration on Human Rights, Article 2</li> <li>• The International Covenant on Civil and Political Rights, Articles 4 and 26</li> </ul>
	<p><b>What it means:</b></p> <ul style="list-style-type: none"> <li>• You have the right to be treated the same way as others.</li> <li>• No one should treat you differently because of who you are or because of any characteristic, including your sex, gender or HIV status.</li> <li>• When you go for health care, you should be treated like the other clients.</li> <li>• A health care worker cannot refuse to treat you or refer you to another health care facility just because you are HIV-positive. They cannot delay your treatment. They cannot treat you judgementally, rudely or insensitively because of who you are.</li> </ul>

## WERE HER RIGHTS VIOLATED?

### Instructions

Read the cases assigned to your group and discuss if the woman's rights were violated or not. Give the reasons for your answer.

1. Last week, Shushila, who has been injecting drugs for the last several years, had an HIV test at a voluntary counselling and testing (VCT) centre. The test result was positive. The nurse who did the test grew up in the same village as Shushila's mother-in-law. When the nurse saw Shushila's mother-in-law later that week, she told her Shushila's HIV test results. Were Shushila's rights violated? Why or why not?
2. Kamala is HIV positive. She realized she was pregnant and went to the clinic for antenatal care. The doctor advised her to have an abortion because he said she would not live long enough to bring up the child, so it was irresponsible for her to give birth. Were Kamala's rights violated? Why or why not?
3. After Maiya gave birth, Dr. Rita advised her about breastfeeding her child. Dr. Rita told her that for the best results she and her child should take ART and she should breastfeed the baby. She advised this even though there is a small chance that the baby could get HIV from breastfeeding. Dr. Rita said very strongly, "Maiya, you absolutely MUST take the ART drugs correctly, exactly the way I told you to!! Can you do that?" Did Dr. Rita violate Maiya's rights? Why or why not?
4. Anu went to the district hospital to deliver her baby. She had been on ART during her pregnancy and wanted to have a natural delivery, but when the doctor found out that she is HIV positive, he told her she had to have a Caesarean section so that her child will not get HIV. Anu said that she wanted to deliver the baby naturally, but the doctor insisted that she had to have a Caesarean section or he would send her home. She signed the consent form. Were Anu's rights violated? Why or why not?
5. Pragya is HIV positive and pregnant. She went to the hospital to deliver her baby. After about 10 hours of labour, the doctor told her that the delivery was not progressing and he was worried that the baby might not survive. He advised her to have a Caesarean section. She was exhausted and felt a bit confused about what to do. She didn't want her baby to die, so she signed the consent form for the Caesarean section. Were Pragya's rights violated? Why or why not?
6. Manju sells sex and has been HIV positive for ten years. She is always nervous about how she will be treated when she goes to the hospital. Yesterday, after the doctor examined her and did some tests, he told her he needed to get another doctor. A few minutes later, he came back with another doctor and asked him to examine her. Were Manju's rights violated? Why or why not?

## FORM FOR DOCUMENTING RIGHTS VIOLATIONS

Individuals who experience or witness a rights violation in a health care setting can use this form. Networks can also use it if their members come to them and ask them to help them to document a rights violation that happened to them. Women should document any violation of their rights as soon as possible after it occurs.<sup>1</sup>

**Instructions:** Read each item and answer the questions as best you can. If you can't remember or don't know the answer, write that in the space provided. If you need more room, use additional pieces of paper.

**1. Date of report (day, month, year):**

**2. Person giving the report:**

Are you the person whose rights were violated?      Yes\_\_\_\_      No\_\_\_\_

Are you a witness to a violation of rights?      Yes\_\_\_\_      No\_\_\_\_

**3. Contact details of person giving the report (optional)**

Surname/Name:

Address:

Phone number:      Email:

**4. Incident (Make a separate report for each incident):**

**(a) Date:** When did the incident happen? (Day, month and year)

**(b) Time:** What time did it happen? (If not sure of time, was it morning, afternoon, evening, night or over a long period?)

**(c) Name of the health facility:** Where did it happen?

**(d) Location of the health facility:** Where is the health facility? (City, village, district, region)

**(e) Type of facility:** Is it a public or private health facility?

**(f) Type of service:** Why were you at the health facility?

---

1. This form is adapted from the reporting form for victims of homophobic and transphobic incidents developed by the International Lesbian and Gay Association – Europe.

(g) **Perpetrator:** Who committed the rights violation?

Name:

Position:

If name is not known, describe the person (age, height, weight, hair colour, marks, physical features, etc.)

(h) **Description:** What happened before the rights violation occurred?

What happened when the rights VIOLATION occurred? Describe in detail: What did the person do? What did they say? How did you respond?

(i) **Witnesses:** Did anyone else see what happened?

How many people saw what happened?

Do you know the names of the witnesses? If yes, please write their names and where they live.

How did they react?

(j) **Motive:** Why do you think that this happened?

You can choose several answers.

HIV status: \_\_\_\_

Sexual orientation: \_\_\_\_

Gender identity: \_\_\_\_

Gender expression: \_\_\_\_

Gender: \_\_\_\_

Occupation or work: \_\_\_\_

Caste: \_\_\_\_

Race or ethnicity: \_\_\_\_

Religion: \_\_\_\_

Age: \_\_\_\_

Disability: \_\_\_\_

Nationality: \_\_\_\_

Other, explain: \_\_\_\_\_

Why do you think it happened for those reasons?

(For example, did the person use specific words or language? Did the person just find out or know or think that you are HIV positive or a sex worker?)

## 5. Consequences and Follow-Up Actions

- (a) **Physical injuries:** Did the incident result in physical injuries, harm or pain? If yes, what?
- (b) **Medical care:** Was more medical care needed because of what happened? If yes, what care was needed?
- (c) Was more medical care sought? If yes, explain where, what care and who gave the treatment.
- (d) **Psychological harm:** Did the incident cause psychological or mental pain or harm? If yes, please describe it.

**Psychological care and support:** Was psychological care and support needed after the incident? If yes, what care was needed?

**Was psychological care sought?** If yes, explain where, what care and who gave the treatment? (for example, a psychologist, support group, friends, family, network, non-governmental organization (NGO))

- (e) **Reporting:** Was the incident reported to anyone? If yes, describe – who, when, how.

*Witnesses do not need to answer the FOLLOWING questions.*

- (f) **Financial impact:** Was there any financial impact on you? If yes, describe.
- (g) **Family impact:** Was there any impact on your family? If yes, describe.
- (h) **Social impact:** Was there any impact on your personal life or social life? If yes, describe.
- (i) **Job impact:** Was there any impact on your job or work? If yes, describe.
- (j) **Other impact:** Was there any other kind of impact? If yes, describe.

- 6. **Evidence:** Are there documents, photos, audiotapes or videotapes that show what happened or prove any part of what happened? If yes, list them here. Keep these together in a safe place. If possible, make copies and keep them with this report.

Documents can include medical records, medical bills, evidence that you were seen by a specific health care provider, and prescriptions. Get written statements from witnesses, if possible. If you have been physically injured, take photos of your injuries. If the physical and emotional harm continue over some time, keep a record or diary of your physical and emotional condition.

## HOW TO COMPLAIN TO A HEALTH FACILITY

If you have decided that you want to make a complaint about how you were treated at a health facility, the first thing you will need to do is decide how you will make your complaint. There are two ways you can make a complaint – verbally or in writing.

### Making a Verbal Complaint

If you want to make a complaint immediately, you can tell a relevant person about what happened. Do the following:

1. **Identify the person to whom you should complain** (see ‘Who to Complain to’ below) and go to the person’s office.
2. **Explain what happened.** Describe exactly who did what and when and what the consequences were to you.
3. **Ask for what you want.** Tell them what you want them to do about the complaint.

The main advantage of making a verbal complaint is that action may be taken immediately and the issue may be resolved without further action. However, it does not leave a record of what happened or how it was resolved. If you make a verbal complaint and are not satisfied with the response, you can always take further action, including making a complaint in writing. If you are very angry or agitated, you may want to get advice or calm down before complaining.

### Making a Written Complaint

To make a written complaint, the following process is recommended:

1. **Document what happened and gather evidence:** Use the form for documenting rights violations (see page 10) to record all the details of what happened – who, where, when, what, why and the consequences.
2. **Get advice:** Contact your network, a human rights organization, or a lawyer to discuss what happened and get their advice and find out if they can support you to make a complaint. If you go elsewhere for advice, you should still keep your network informed of what you are doing so they can support you. You can also find out from them if other women are having the same experience and may want to join in your complaint.
3. **Identify the person to whom you will address you complaint:** See ‘Who to Complain to’ below. You may also want to get additional information from the administration of

the facility, such as whether or not they have a complaint box, how they will handle your complaint, how you will get a response, and how long it will take – this will let you know when you should follow up if you have not gotten a response.

**4. Write your complaint letter:** Your letter should have three main parts:

- A detailed factual statement about what happened. This should be as accurate as possible with no feelings or opinions included. Include dates and the names of the people involved.
- An explanation of your opinions and feelings about what happened, and specifically, what hurt and damage you experienced.
- A statement about what you want to have happen next and what solutions or remedies you want.

Also include your contact information or tell them to respond to you through your network and provide the network's contact information. If you will get assistance from your network to follow up the complaint, tell them this in your letter.

You may also want to include the following:

- The laws, codes of practice and/or human rights that the person broke, if you know them.
- What you will do if the issue is not addressed.
- When you will follow up.

**5. Make copies:** Keep a copy of your letter and give a copy to your network.

**6. Deliver the complaint letter, register it and write down the registration number:** You can put your complaint letter in a complaint box. However, you will have no record of having delivered it. Therefore, it is recommended that you deliver it to the facility's administrative office and ask them to record or register the letter. Get the registration number and write it down for your records. Ask them how long it will take to get a response.

**7. Follow up:** If you have not heard back from the health facility by the time they said they would respond (or within what you think is a reasonable time), follow up with them or ask your network to do so.

If you need help writing the complaint, contact your network. If you want your network to complain on your behalf or to follow up on your complaint with the health facility, discuss it with them.

A group of users can also work with their network to file a joint complaint that combines their issues. The network can act on the group's behalf.



## Who to Complain to

The person you should complain to will depend on the type of facility and the person who committed the rights violation. Use these general guidelines:

### *For violations at a health post or clinic:*

- Complain to the officer in-charge of the facility.
- If the violation was committed by the officer in-charge, complain to the District Public Health Office.

**Note:** Some health facilities have a Health Facility Operations and Management Committee (HFOMC) made up of trained community members. At some health facilities, these committees may also hear complaints.

### *For violations at a hospital:*

- Complain to the Hospital Management Committee.
- If the facility is run by the Department of Health, complain to the Department of Health.

## Possible solutions if you complain to the health facility

- The facility may commit to changing the policy or behaviour or take action to fix the problem. For example, if you complain about misinformation, they may train the staff.
- They may apologize.
- They may discipline the health care worker(s) or refer them for departmental action (e.g. demotion, termination, or transfer).
- They may give you compensation, for example, for fees wrongly charged.
- They may decide to take action to remove the licence of the doctor, nurse or health worker (though this is unlikely).

## Why you may want to make a complaint to the health facility

- You may feel satisfied that you took action against poor treatment.
- If they respond, it may be possible to reach a solution without a long and complicated process.
- It doesn't cost anything.
- It may open the door to long-term engagement with the health sector.
- Other organizations and interest groups who can pressure them to improve service delivery such as the media or the National Human Rights Commission may get to know about your complaint.
- It may encourage other women to take action.

## Things to think about before making a complaint

- The facility may ignore the complaint and do nothing.
- You may need to complain more than once.
- The staff may blame you for the problem.
- You are not likely to receive compensation.
- You may feel dissatisfied with the outcome or feel that justice has not been done.
- The situation may not change at all.
- Your complaint may make the situation worse for you and you may face additional rights violations from the health workers if they are angry.
- Other people may find out your personal information if confidentiality is not kept.

## Complaining to the Medical Council, the Nursing Council or Health Professional Council

The Nepal Medical Council has the responsibility to make sure that doctors treat people properly. The Nepal Nursing Council has this responsibility for nurses and the Nepal Health Professional Council has it for all other health professionals. All doctors, nurses and other health professionals must sign a code of ethics when they register to practise their profession. Therefore, these agencies take complaints from the public.

### How to make a complaint to the Medical or Nursing or Health Professional Council

1. **Document what happened and gather evidence:** Use the form for documenting rights violations (see page 10) to record all the details of what happened – who, where, when, what, why and the consequences. Gather any evidence.
2. **Get advice:** Contact your network, a human rights organization or a lawyer to discuss what happened, get their advice, and find out if they can support you to make a complaint.
3. **Inform your network:** If you did not go to your network for advice, keep your network informed of what you are doing so they can support you. You can also find out from them if other women have had the same experience and may want to join in your complaint.
4. **Write your complaint:** If you need help writing the complaint, get help from your network or a lawyer. Include copies of any evidence. See Step 4 under ‘Making a Written Complaint’ for information about how to write the letter.
5. **Make copies:** Keep a copy of the letter and give a copy to the network.
6. **Deliver the complaint to the council and register it with them or send it by registered mail.** Find out when and how you will get a response. Write down the registration number.

7. **Follow up:** If you do not hear back from the Medical Council by the time they said they would respond, follow up with them or ask your network to do so.

**Note:** A group of patients can also file a complaint that combines their issues.

For complaints about doctors, address the letter to the Registrar of the Nepal Medical Council. The Registrar will forward the complaint to the Health Conduct and Ethical Committee for further investigation. If they find it justified, the Committee will recommend actions to be taken.

### **Possible solutions if you complain to the Medical, Nursing or Health Professional Councils:**

- The health worker may be warned or cautioned.
- The health worker may be put on probation, while doctors, nurses or health professionals act as referees to observe their conduct for a period of time and then make a report to the Council.
- The health worker may be suspended for a period of time – weeks or months.
- The health worker's registration to practise may be taken away for at least two years, or maybe longer.
- The Council may recommend that the government file a lawsuit against the health worker or health facility.

If you are dissatisfied with the decision of the Council on your case, you can appeal with the Appellate Court **within 35 days** of the decision.

### **Why you may want to make a complaint to the Medical, Nursing and Health Professional Councils:**

- It is not expensive to do.
- If the health worker's registration is revoked, it will protect others.
- If the Council is responsive, it could make other health workers and the Ministry of Health pay attention.
- A positive result sets a precedent.
- If action is taken, it could cause others, such as the Ministry of Health and Population, to address the issues of HIV-affected women in the health system

### **Things to think about before filing a complaint with the Medical Nursing and Health Professional Council:**

- The Council may take no action or may not act quickly.
- You may not get the result you want and may feel dissatisfied.
- You will not receive compensation.

- If the doctor's registration is revoked, it may cause a backlash against you if you live in a small community.

These councils have not been very active in protecting patients and clients. For example, the Medical Council has only removed a doctor's registration once because the doctor filed false credentials. Recently they suspended a doctor's licence for three months for carrying out a test to determine the sex of a foetus, three years after the case was filed.

### **Contact information:**

#### **Nepal Medical Council**

P. O. Box 13890

Bansbari, Kathmandu, Nepal

Phone: (977)-1-4371954, 4377164

Fax: (+977) 1-437-2318

Email: nmc@nmc.org.np

#### **Nepal Nursing Council**

P.O. Box 12541

Dhumbarahi, Kathmandu, Nepal

Fax: (+977) 1-437-7214

Email: info@nnc.org.np, nncouncil@wlink.com.np

#### **Nepal Health Professional Council (NHPC)**

P.O. Box 13839

Bansbari, Kathmandu, Nepal

Fax: (+977) 1-465-0257

Email: admin@nhpc.org.np

### **REFERENCES**

- Gautum, M. (2013). "Licence test to be mandatory for all health professionals", Kathmandu Post, 25 January 2013. Available at <http://www.ekantipur.com/the-kathmandu-post/2013/01/24/nation/licence-test-to-be-mandatory-for-all-health-professionals/244479.html> [accessed 28 January 2015].
- Sharma, RK, (2006). *Fundamentals of Forensic Medicine and Toxicology (Medical Jurisprudence) Specially Designed for Nepal, Kathmandu*. Available at [https://www.academia.edu/469933/Fundamentals\\_of\\_Forensic\\_Medicine\\_and\\_Toxicology\\_Medical\\_Jurisprudence\\_Specially\\_Designed\\_for\\_Nepal](https://www.academia.edu/469933/Fundamentals_of_Forensic_Medicine_and_Toxicology_Medical_Jurisprudence_Specially_Designed_for_Nepal) [accessed 20 February 2015].

## **COMMUNITY MEDIATION**

### **What is mediation?**

Mediation is a legal way to solve disputes without going to court. In mediation, the parties who are in a dispute agree voluntarily to have a neutral third party, the mediator(s), take them through a process to help them to find a solution on which they both agree. The mediators must remain neutral and supportive. They cannot make or impose a decision or solution. The process does not identify who is at fault or to blame. It only finds a solution.

### **Steps to take a case to mediation**

Before deciding what to do about your case:

1. Document the violation and gather evidence of what happened.
2. Get advice from your network, a human rights organization or a lawyer about your case and find out if they can support you in the process if you need assistance.
3. Inform your network of what you are doing so they can support you. You can also find out from them if other women are having the same experience and may want to join in your case.

If you decide to take your case to mediation:

1. Find out if mediation is available in the community where the dispute took place. To find out, go to the Village Development Committee or municipality.
2. Register your case with the community mediation centre at the Village Development Committee or municipality.
3. Listen to the explanation of how the process will work and decide if you agree to use mediation.
4. The person or group you are in a dispute with will also be called. The process will be explained to them as well. If they agree to use mediation, your case will be mediated.

During the mediation process, you will:

1. Agree with the other party if you want to use one mediator or three.
2. If you will have one mediator, agree on who that mediator will be with the other party. If you will have three mediators, select a mediator from the photo list. The other party will also pick a mediator from the photo list. The mediation programme coordinator, the two mediators already selected, or you and the other party will select the third mediator.

3. Inform the mediators if you want the process to be done in private and kept confidential.
4. Make and agree to the ground rules together with the other party.
5. Explain your interests, needs and concerns to the other party and listen to the other party explain their interests, needs and concerns
6. Work with the mediators to come up with and discuss options for a solution while keeping respect for each other.
7. Continue discussing until you both agree to a solution.

After you agree to a solution:

1. The terms of the agreement will be written down and signed by both of you and the mediators.
2. The agreement will be filed with the Village Development Committee.
3. The agreement must be implemented within 45 days. If it is not, file a petition with the Village Development Committee or the municipality.

### **Possible solutions if you take your case to mediation**

Some common positive outcomes in mediation are:

- An apology.
- Agreement to change one's behaviour or practice or to pay for something (such as repairs, child support or education).
- Division of property or land.
- Compensation for loss or damages.

Mediation allows for creative solutions, so there are many possibilities. There are no fines in community mediation in Nepal and no one is found guilty or innocent.

### **Why you may want to take your case to mediation**

- It is free.
- It can be quick.
- It is easily available in communities where it is set up.
- It is less complex than other methods of solving disputes.
- You choose one of the mediators – so it can be someone like you or someone familiar with your concerns.
- Both sides of the dispute should be happy with the result. It is 'win-win.'
- It can result in creative solutions.

- It can find practical solutions that meet the parties' interests and needs.
- It can help to preserve relationships in a small community.
- It is confidential, so there is less possibility of your case being exposed to others.
- It may result in solutions that will help to change the system for the better.

### **Things to think about before deciding to use mediation**

- It does not decide who is guilty or to blame, so it is not appropriate if you want the other party to be found guilty.
- If you feel less powerful than the person you are in a dispute with, you will need to stand up for what you want and insist on a solution that is a 'win' for you.
- If the person you are in a dispute with is known to be violent, consider if you will be safe if you take your dispute to mediation or if the other person might turn to violence or seek payback.
- Although it should be confidential, there is a possibility that personal information will become known, which may result in stigma and discrimination.

## **THE NATIONAL HUMAN RIGHTS COMMISSION OF NEPAL**

The main responsibility of the National Human Rights Commission (NHRC, or the 'Commission') of Nepal is to protect and promote the human rights of the Nepalese people. To do this, the Commission:

- Receives complaints and petitions about violations of human rights and investigates them.
- Conducts its own investigations.
- Monitors the implementation of international human rights treaties.
- Monitors the human rights situation in Nepal.
- Reviews laws and policies and recommends changes to protect human rights.
- Works with NGOs and civil society to promote human rights.
- Makes the name of human rights violators public.
- Researches human rights issues in Nepal.

The Commission has the power to:

- Recommend the government take specific actions against those who violate rights.
- Recommend the government compensate the victims or their family.
- Recommend reforms to government functions, procedures and/or physical facilities to protect human rights.
- Draw media attention to human rights issues.
- Publish the names of individuals and agencies who are human rights violators.

### **Steps for making a complaint to the National Human Rights Commission**

1. Contact the NHRC in person or by phone at their hotline number ((+977) (0)1-501 0000) to discuss your case and get advice on what to do. Your network or another representative can also do this for you. The hotline is available 24 hours a day.
2. Inform your network of what you are doing so they can support you. You can also find out from them if other women are having the same experience and may want to join in your complaint.
3. Document what happened and gather evidence.
4. Fill out the National Human Right Commission Complaint Form (available at [http://nhrcnepal.org/nhrc\\_new/doc/downloads/130513070625\\_Complain-Form-Nepali-](http://nhrcnepal.org/nhrc_new/doc/downloads/130513070625_Complain-Form-Nepali-)



[NHRC.pdf](#)) or give your information to the Commission orally in person or on the phone. If submitting a written complaint, keep a copy for yourself and one for your network.

5. Find out who is assigned to your case.

***The NHRC encourages people and organizations to file a complaint whenever a human rights violation occurs.***

After they receive your case, the NHRC will investigate it. They may contact you for information. If you are wondering what is happening with your case, contact the officer assigned to your case. If you do not get a response within two months, get in touch with them or have your network do so.

After investigating, the Commission will write a report of its findings to the Government with recommendations. They will send you a copy of the report, publish it on their website, and share it with the government agency that committed the violations. If the NHRC decides that the case is not a human rights violation, they will close the case and inform you within 15 days of their decision.

### **Possible solutions if you file a complaint with the Human Rights Commission**

If the Commission finds that your rights have been violated, they will direct the government what to do. This may include:

- Ordering the violation to be stopped, for example, changing their behaviour to protect human rights.
- Ordering the government to investigate the crime.
- Referring the case to a court.
- Disciplining the perpetrator.
- Awarding compensation to the victim or their family.
- Ordering the government to mediate between the parties.
- Ordering the government to provide immediate relief and rescue.
- Conducting an awareness-raising campaign on the issue.
- Delivering rights training to the Ministry of Health or to health facilities.

The Commission will follow up their recommendations with the government agency. If action has not been taken, they can record that official or agency as a violator of human rights and publish their names. They can also make a further inquiry and recommend that the relevant Department take action against the person or agency. If a person does not follow the Commission's recommendations, it could be taken into account when they are up for an appointment or promotion or when their performance is being evaluated.

The Commission may also:

- Inform the media.
- Publish the names of the person or agency as human rights violators.
- Recommend the Department take action against the person or authority.
- Include the issue in their reports to international treaty bodies, for example, the International Human Rights Council at the UN. The Council can also make recommendations to the government to address rights violations and can follow up on how their recommendations have been addressed.

### **Why you may want to make a complaint to the NHRC**

- It is free.
- It is easy to do.
- It can result in changes in policies, programmes, training, services or laws.
- Action may be taken against the person who violated your rights.
- You may be compensated.
- It can bring national and international attention to the rights violations suffered by women affected by HIV.
- It can feel empowering to take action.
- It can set a precedent.
- The Commission staff have been trained in rights and should understand your situation and treat you with respect.
- They will keep your information confidential.

### **Things to think about before making a complaint to the NHRC**

- The process may take up to six months or more.
- The Commission may need to prioritize their cases. Based on the gravity and the number of people involved or affected, they may prioritize other types of cases.

Your network can also work with the Commission. You can have meetings with them to discuss your rights or to tell them about the rights violations your community experiences in general. You can do this even if you have not filed a complaint with them. You can request that they help you to advocate for action to prevent the violation of your rights at health care settings or provide human rights training to health care providers.

## **How to contact the offices of the NHRC**

*Staffed NHRC offices are open from Sunday to Friday.*

### **Central Office, Kathmandu**

#### **National Human Rights Commission Nepal**

Harihar Bhawan, Pulchowk, Lalitpur, Nepal

P.O. Box 9182, Kathmandu, Nepal

Phone: (+977 (0)1-501-0015 (Hunting Line – 24 hours a day)

Audio Notice Board Service No.: 1618-01-501-0015

Fax: (+977) (0)1-554-7973

E-mail: [nhrc@nhrcnepal.org](mailto:nhrc@nhrcnepal.org)

Website: [www.nhrcnepal.org](http://www.nhrcnepal.org)

Complaints: [complaints@nhrcnepal.org](mailto:complaints@nhrcnepal.org)

Support: [itu@nhrcnepal.org](mailto:itu@nhrcnepal.org)

### **Eastern Regional Office, Biratnagar**

#### **National Human Rights Commission Nepal**

P.O. Box 187, Bargachhi, Biratnagar, Morang, Nepal

Phone: (+977) (0)21-461-931, 461-093

Fax: (+977) (0)21-461-100

Email: [nhrcbrt@nhrcnepal.org](mailto:nhrcbrt@nhrcnepal.org)

### **Central Regional Office, Janakpurdham**

#### **National Human Rights Commission Nepal**

P.O. Box 50, Janakpurdham, Dhanusha, Nepal

Phone: (+977) (0)41-527-811, 527-812

Fax: (+977) (0)41-527-250

Email: [nhrcjnk@nhrcnepal.org](mailto:nhrcjnk@nhrcnepal.org)

### **Western Regional Office, Pokhara**

#### **National Human Rights Commission Nepal**

Janapriya Marga- 8, Pokhara, Nepal

P.O. Box 72, Pokhara

Phone: (+977) (0)61-462-811, 463-822

Fax: (+977)(0)61-465-042

Email: [nhrcpkr@nhrcnepal.org](mailto:nhrcpkr@nhrcnepal.org)

### **Mid-Western Regional Office, Nepalgunj**

#### **National Human Rights Commission Nepal**

Shantinagar, Nepalgunj, Baki, Nepal

Phone: (+977) (0)81-526-707, 526-708

Fax: (+977) (0)81-526-706

Email: [nhrcnpj@nhrcnepal.org](mailto:nhrcnpj@nhrcnepal.org)

**Far-Western Regional Office, Dhangadi**  
**National Human Rights Commission Nepal**

Uttar Behadi, Ratopul, Dhangadi, Kailali, Nepal

Phone: (+977) (0)91-525-621, 525-622

Fax: (+977) (0)91-525-623

E-mail: [nhrcdhn@nhrcnepal.org](mailto:nhrcdhn@nhrcnepal.org)

**Sub-Regional Offices**

**National Human Rights Commission Nepal**

Khotang, Diktel,

Phone: (+977) (0)36-420-284 Email: [nhrckht@nhrcnepal.org](mailto:nhrckht@nhrcnepal.org)

Jumla, Khalanga

Phone: (+977) (0)87-520-222

Rupendehi, Butwal

P.O. Box 83

Phone: (+977) (0)71-546-911 Email: [nhrcbtl@nhrcnepal.org](mailto:nhrcbtl@nhrcnepal.org)

**Office of National Rapporteur on Trafficking in Women and Children (ONRT)**

(Located at the National Human Rights Commission Nepal)

Harihar Bhawan, Pulchowk, Lalitpur, Nepal



Phone: (+977)(0)1-501-0015 Ext: 138, 164

Fax: (+977) (0)1-554-7974

Email: [nhrc@nhrcnepal.org](mailto:nhrc@nhrcnepal.org)

Website: [www.nhrcnepal.org](http://www.nhrcnepal.org)

# NATIONAL HUMAN RIGHTS COMMISSION OF NEPAL COMPLAINT FORM

		<b>राष्ट्रिय मानव अधिकार आयोग</b> (उजुरी कारवाही तथा क्षतिपूर्ति निर्धारण) नियमावली २०६९ अनुसूची: १ उजुरीको ढाँचा <b>उजुरी फाराम</b> (गोप्य रहने छ)			
१. पीडितको विवरण					
(क) नाम		:			
(ख) बुवाको नाम		:			
(घ) ठेगाना		:			
		स्थायी ठेगाना		:	
		फोन नं.		:	
		मोबाइल		:	
		हालको ठेगाना:			
		फोन / मोबाइल:		ई-मेल :	
(ङ) लिंग		:			
		पुरुष <input type="checkbox"/> महिला <input type="checkbox"/> अन्य <input type="checkbox"/> (यदि अन्य हो भने खुलाउनुहोस्)			
(च) वैवाहिक स्थिति		:			
		विवाहित <input type="checkbox"/> अविवाहित <input type="checkbox"/> सम्बन्ध विच्छेद भएको <input type="checkbox"/> एकल <input type="checkbox"/>			
(छ) राष्ट्रियता		:			
		(ज) उमेर : ..... वर्ष (झ) पेशा : .....			
(ञ) जाति		:			
		(ट) बोलीचालीको भाषा : .....			
(ठ) धर्म		:			
		(ड) शिक्षा : .....			
(ढ) अपाङ्गता		:			
		छ <input type="checkbox"/> छैन <input type="checkbox"/> (यदि छ भने खुलाउनुहोस्).....			
(ण) कुनै संगठनको सदस्यता: (ऐच्छिक).....					
२. उजुरीकर्ताको विवरण (यदि उजुरीकर्ता पीडित होइन भने)					
(क) नाम/संगठन		:			
(ख) पूरा ठेगाना		:			
(ग) फोन/मोबाइल		:			
		ई-मेल : .....			
(घ) पीडितसँगको नाता/सम्बन्ध		:			
		बोलीचालीको भाषा : .....			
३. आरोपित पीडकको विवरण (यदि तपाईं चिन्नुहुन्छ भने)					
(क) आरोपित पीडकको नाम		:			
		(ख)संगठन/कार्यालय : .....			
(ग) पद/दर्जा		:			
		(घ)सम्पर्क ठेगाना : .....			
(ङ) फोन/मोबाइल		:			
		ई-मेल : .....			
(च) यदि पीडकलाई चिन्नुहुन्न भने पीडकको पहिचानका चिन्ह तथा विवरणहरू (जस्तो: लुगा, हुलिया, हतियारको प्रकार आदि) खुलाउनुहोस्।					
.....					
.....					
४. मानव अधिकार उल्लंघनको विषय: .....					
५. उजुरीको विस्तृत विवरण					
(क) घटनाको मिति:		समय: .....		बजे (ख) घटना भएको स्थान :	
(ग) कृपया के कसरी घटना घट्यो र सो घटनाले कस्तो असर पायो विस्तृत रूपमा लेख्नुहोस्। (तपाईंको विवरण यसमा नअटाए पाना थप्न सक्नुहुनेछ।)					
.....					
.....					
.....					
.....					
.....					
.....					
.....					

(घ) के उक्त घटनाबाट तपाईं विस्थापित हुनु भएको छ ? : छ  छैन

(ङ) के तपाईंले उक्त घटनाको सम्बन्धमा कुनै निकाय/संगठन जस्तै: अदालत, प्रहरी, शसस्त्र प्रहरी बल, नेपाल सरकार, रेडक्रस, गैर सरकारी संस्था आदिमा उजुरी गर्नुभएको छ ? छ  छैन  (यदि छ भने, कहाँ उजुरी गर्नुभएको छ र सो सम्बन्धमा के भइरहेको छ उल्लेख गर्नुहोला।)

६. उजुरीसँग सम्बद्ध अन्य प्रमाणहरू

(क) के यो घटनाका कुनै साक्षी छन् ? छन्  छैनन्  (कृपया एकभन्दा बढी साक्षी भएमा पाना थप्नुहोस्)

साक्षीको नाम : .....

ठेगाना : ..... फोन / मोबाइल: .....

साक्षीले दिनसक्ने सम्भावित सूचना: .....

(ख) उजुरीलाई सहयोग पुऱ्याउने लिखत वा दसी प्रमाणहरू:

१. .... २. ....

३. .... ४. ....

(ग) उजुरीसँगै राखिएका प्रमाणहरू:

१. .... २. ....

३. .... ४. ....

७. माग गरिएको उपचार

(क) आयोगसँग कस्तो किसिमको उपचारको माग गर्नुहुन्छ ?

.....

.....

८. उजुरीकर्ताको हस्ताक्षर (मलाई थाहा भएसम्म यसमा लेखिएको व्यहोरा ठीक, साँचो हो।)

हस्ताक्षर : .....

नाम : .....

मिति : .....

## **WOMEN FIGHT BACK AGAINST FORCED STERILIZATION**

**Instructions: Read the story out loud and answer the questions.**

This story takes place in a country in Southern Africa called Namibia. In 2006, Hilma Nendongo went to a hospital to deliver her baby by Caesarean section. The procedure went well and Hilma gave birth to a healthy baby boy. Some months later, when she went to a family planning clinic, the nurse told her that she did not need family planning because she had been sterilized. That was how she found out that while she was at the hospital giving birth, the doctor had sterilized her without her knowledge. The reason? Hilma is HIV-positive and the hospital staff had decided she should not have any more children. Hilma belongs to a support group for women living with HIV. In her group, she found out that other women had had the same experience. Some of them decided to take action.

In October 2009, a group of HIV-positive women who were sterilized without their consent sued the Namibian government for about US\$167,000. With support from the legal assistance centre and the Southern African Litigation Centre, the women claimed that this procedure was against the law and that it violated their rights to dignity, to found a family, and to be free from cruel, inhuman and degrading treatment. The women also argued that it was done to them because of their HIV status, which violated their right to be free from discrimination. The Namibian government argued that there was no force or coercion in these cases because the women had signed consent forms for the procedure.

In July 2012, the High Court of Namibia ruled that all three women were indeed sterilized without their informed consent in violation of the law. Although the justices rejected the discrimination claim, the ruling was a major victory for victims of this illegal practice.

The government then appealed the High Court's decision. The argument was that the women had given their informed consent to be sterilized. All three women had signed consent forms, but they argued that their signatures were coerced and that they were not provided adequate information. The government argued that the only question was whether the women were aware that sterilization leads to sterility (or not being able to get pregnant).

In November 2014, the Supreme Court rightly rejected the government's appeal and upheld the original decision that the women's sterilizations violated their rights as guaranteed by the constitution. The Supreme Court emphasized that the decision of whether or not to be sterilized is of great personal importance and must be made with informed consent, not just written consent. They said that women must understand and appreciate the risks, consequences, and alternatives. They also said that consent for sterilization cannot be

obtained when women are in labour or in pain. Finally, they emphasized that the decision is the woman's only and not the doctors'. The decision was a welcome victory.

More and more women living with HIV are starting to fight back against such violations of their rights. Groups of women have also brought cases before the courts in South Africa and in Kenya and a woman in Chile is pursuing a case with the regional human rights institute.

**Questions:**

1. How does this story make you feel?  
.....
2. What happened to Hilma?  
.....
3. How did she find other women who had had the same experience?  
.....
4. What did the women who had been sterilized do?  
.....
5. What did the High Court decide in the end?  
.....
6. How many years was it between Hilma's sterilization and the final court decision?  
.....
7. Why do you think these women took their case to court?  
.....
8. What is your opinion about taking such cases to court? Why?  
.....

**REFERENCES**

- Chingore-Munazvo, Nyasha, (2014). A Win for Victims of Forced Sterilization in Namibia, 17 December 2014, Open Society Foundations. Available at: <http://www.opensocietyfoundations.org/voices/win-victims-forced-sterilization-namibia> [accessed 28 February 2015].
- Guterman, Lydia, (2010). Women in Namibia Fight Back Against Forced Sterilization, 22 November 2010, Open Society Foundations. Available at: <http://www.opensocietyfoundations.org/voices/women-namibia-fight-back-against-forced-sterilization> [accessed 28 February 2015].



## TAKING A CASE TO COURT AND GETTING LEGAL AID

**If you are thinking of taking a case to court, first do the following as soon as possible after the violation you experienced:**

- 1. Document what happened and gather evidence:** Document the violation and gather evidence of what happened. Also document the other ways you have tried to resolve the case.
- 2. Inform your network:** Talk to your network about what you want to do so they can support you. You can also find out from them if other women are having the same experience and may want to join in your complaint.
- 3. Get legal advice:** Contact a community legal services organization, the Bar Unit or a lawyer to discuss what happened and get their advice. They can discuss the case, clarify the details, assess the circumstances and advise on issues including:
  - Whether it is possible to bring the case to court.
  - What are the realistic chances of success.
  - How the case could be further strengthened, for example, by gathering more evidence.
  - How long the process might take.
  - What it will cost and if they can help you with your case and provide you with a lawyer.
  - By when you need to take action.

**If you want to get compensation** for the harm done to you, you (or your lawyer) must file a case with the Compensation Committee at the District Administration Office within **35 days** of the harm being caused. It may also be possible to file a case requesting compensation for breach of contract at the District Court. Your lawyer can advise you on this. This would need to be done within **2 years** of the harm being caused. However, you should not delay getting in touch with a lawyer as soon as possible.

**If you want the health care worker to be punished** for their actions, you (or your lawyer) can: a) File a case under the Consumer Protection Act with an inspection officer at the Office of Cottage and Small Industries or the Office of Commerce, or if neither of these are at the district level, with the District Administration Office; or

b) Report the case to the police, if it is for a serious crime such as rape, assault, including forced abortions or sterilization, or one that resulted in a death. You could also file a complaint with the appropriate professional council (e.g. the Nepal Medical Council for doctors).

**Going to the police:** Most cases to do with health services will not involve the police. However, if you want to file criminal charges against a health professional, you need to file a 'first information report' at the nearest police office. The police will investigate. If you have a case, they will have a government attorney take it to the district court. Your network may be able to help you approach the police.

4. **Tell your lawyers if you want your identity to be kept secret.** It is important to do this immediately.

#### **If you decide to take your case to court:**

1. **Follow the lawyer's advice.** This may include: gathering more evidence (e.g. you may need to have further health check ups), giving evidence, and being cross-examined. The lawyer will look at cases similar to yours that have been tried before, get medical experts, and do other needed tasks.
2. **The lawyer will file the case with the appropriate authority.**
3. **The court will hear both parties.** Both sides will have the chance to present their evidence, and to cross-examine or ask questions to the witnesses. You will most likely be called to give testimony – that is to tell your story to the court.
4. **The judge makes a decision** on the case.
5. After the case is decided, **the losing side can appeal** the verdict.

#### **Possible solutions if you take your case to court:**

The results of a court case depend on the type of case that was filed (as explained above). If the case is decided in your favour, the following may be the results:

- You may be given some compensation.
- The health care worker may be fined.
- The health care worker may be imprisoned.
- The health care worker may have action taken against them by the Department; for example, they may be suspended, demoted, dismissed or transferred.
- The health care worker's registration may be taken away.

## **Why you may want to take your case to court?**

- The case can set a precedent.
- It may change the way services are delivered by sending a message to health care workers.
- You may feel satisfied that you got justice.
- You may feel empowered and good about yourself because you took action.
- Your case may be an example for other people in your community.

## **Things to think about before deciding to take a case to court:**

- It takes long time. It may take more than ten years to get a final outcome from the Supreme Court if there are appeals.
- It is expensive if you do not get legal aid. Legal aid may not cover all of the costs (such as court fees and transportation for filing and following up a case), so make sure you get all the information about costs first.
- The process may traumatize you again, for example, when you give testimony.
- The other side will try to prove that what you are saying is not true. They may try to blame you for what they did or say that you agreed. This can be very painful.
- Very few cases of medical negligence or malpractice have been brought to court and few compensation cases have been decided in favour of the person who was harmed in Nepal.
- If the case is not decided in favour of your side, you may feel dissatisfied or worse.
- Although your HIV status must legally be kept confidential in court cases, it is still possible that your private information may become more widely known.

## **Right to privacy in court cases**

The legal system, under the direction of the Supreme Court, must maintain the privacy of people living with HIV who are involved in court cases. Privacy is to be maintained from the time the case is registered in the police office or in a law court until it is completed and beyond. This means that the personal information of a person living with HIV must be kept confidential throughout the legal process and afterwards. People who are worried about their privacy should immediately inform the authorities, their lawyer or others assisting them.

## **Legal aid**

The Constitution of Nepal 2015 guarantees legal aid as a fundamental right of people who cannot afford to pay a lawyer or who cannot get a lawyer for other reasons. In Nepal, legal aid is provided by the government as well as by non-governmental organizations. Legal aid

is available for both civil and criminal cases, except for cases that involve the following: rape, human trafficking, drugs, espionage, corruption, revenue leakages and cases under ancient monument preservation.

Legal aid can include legal advice and counselling and other legal services such as preparing correspondence, pleadings, preparing legal documents and attending proceedings in court or offices for the person who receives it. However, it may not cover all of the costs of going to court. Ask the legal aid provider what other costs you may face.

### **Legal aid provided by the Government**

Legal aid provided by the Government of Nepal can be accessed through District Legal Aid Committees, the Bar Association or through the courts. To request legal aid from the District Legal Aid Committee, you need to submit an application and a letter of recommendation from your Village Development Committee, Ward or Municipality that verifies that your income is less than Rs 40,000 per year. The Committee will decide within 45 days if they can give you legal aid. If they do, they will ask the Bar Association to appoint a lawyer for you. You can also apply to the court for legal aid. If they agree, they will appoint a lawyer for you. However, other ways to obtain legal aid are recommended since the court-appointed lawyers provide legal services only for the court proceedings and do not have time to prepare the case with their clients before it begins.

### **Non-governmental legal aid**

The Nepal Bar Association is the professional organization of lawyers, which also provides legal aid services. It provides legal aid through Bar Units at the district, appellate and supreme courts.

There are also NGOs that provide legal aid in Nepal. The NGOs that focus on legal aid for women are: Legal Aid Consultancy Centre, Forum for Women Law and Development, and the Consortium for Women's Rights. Maiti Nepal provides legal aid for women victims of trafficking and Raksha Nepal for sexually exploited women. These organizations provide services to any woman who seeks their help, with no other criteria. Some have a national-level network covering many districts, but others provide legal aid service in Kathmandu valley only. The Consortium for Women's Rights has a free hotline that provides legal advice (see contact information).

### **Contact Information for Legal Aid Organizations:**

#### **Nepal Bar Association**

Ramshah Path, Kathmandu, Nepal

Phone No: (+977) (0)1-425-4647

Fax. No: (+977)(0)1-421-8049; 426-2755

Email : neba@wlink.com.np

### **Legal Aid and Consultancy Center**

Man Bhawan, Lalitpur  
P.O. Box 3216, Kathmandu, Nepal  
Phone: (+977) 554-3111, 554-2999  
Fax: (+977) (0)1 555-2814  
Email: [lacc@wlink.com.np](mailto:lacc@wlink.com.np)

### **Consortium for Women Rights**

Anamnagar -32, Kathmandu  
P.O. Box 4988, Kathmandu, Nepal  
Phone: (+977)(0)1-425-6875  
Hotline (Free Phone): 16-60-01-55588  
Email: [consortium.wr@gmail.com](mailto:consortium.wr@gmail.com)

### **Forum for Women, Law and Development**

Head Office: 72 Adarsha Marg, Thapathali Kathmandu, Nepal  
Phone: (+977) (0)1-423-3524, 423-3525, 424-2683, 426-6415  
Fax: (+977) (0)1-424-0627  
Email: [fwld@fwld.wlink.com.np](mailto:fwld@fwld.wlink.com.np) and [fwld2013@gmail.com](mailto:fwld2013@gmail.com)  
Website: [www.fwld.org](http://www.fwld.org)  
They have branches in Banke, Biratnagar, Makwanpur and Nawalparasi.

### **Maiti Nepal**

83-Maiti Marg, Pingalsthan, Gaushala  
P.O. Box 9599, Kathmandu, Nepal  
Phone: (+977) (0)1-449-2904  
Fax: (+977) (0)1-448-9978  
E-Mail: [info@maitinepal.org](mailto:info@maitinepal.org) and [program@maitinepal.org](mailto:program@maitinepal.org)  
Website: <http://www.maitinepal.org>

### **Raksha Nepal**

Kathmandu Metropolitan  
29, Lainchaur Bagmati Nepal  
Phone: (+977) (0)1-443-7552  
Fax: (+977) (0)1-402-4100  
Email: [info@rakshanepal.org](mailto:info@rakshanepal.org)  
Website: <http://www.rakshanepal.org>

### **Forum for Protection of People's Rights, Nepal**

Baneshwor, Kathmandu, Nepal  
P.O. Box 24926, Kathmandu, Nepal  
Phone: (+977) (0)1-4464100  
Email: [pprnepal@pprnepal.org.np](mailto:pprnepal@pprnepal.org.np)

**Centre for Victims of Torture**

71 Reyukai Marg, Bansbari  
KMC ward No. 3,  
P. O. Box 5839 Kathmandu Nepal  
Phone (+977) (0)1- 437-3900, 437-3902  
Fax: (+977) (0)1 437-3020  
Email: cvict@cvict.org.np

**Fatima Foundation - Nepal**

Eklaini Bazar - 9 Nepalgunj, Banke  
Phone: (+977) (0) 81-521-508  
Fax: (+977) (0) 81-521-508  
Email: fatima\_npj@yahoo.com

**Avocats Sans Frontières Nepal (Lawyers without Borders)**

Phone: (+977) (0)1 426-0827  
Email: npo.asf@gmail.com

**Forum for Protection of Consumer Rights-Nepal**

Bagbazar, Kathmandu, Nepal  
Phone: (+977) (0)1 438-2869  
Email: rcsimkhada@gmail.com

**Branches:**

Gorkha: Email: gorkhalinew@gmailcom  
Nepalgunj: Charbahini Chowk, Nepalgunj; Phone: (+977) (0)81-523-313  
Biratnagar: Munalpath-3, Biratnagar  
Phone: (+977)(0) 98-4202-7184

## WHAT SHOULD SHE DO?

**Instructions:** Read the case assigned to your group and answer the questions in the decision-making process on the next page to decide what she should do to seek justice.

***Kamala:** At the time of the first HIV test, I was not counselled, only informed that the routine tests would include HIV. I picked up the blood report from the laboratory myself. I did not understand what HIV was and was not sure what the test result meant. I decided to take my mother-in-law to my next appointment. The gynaecologist told her I had HIV and she told her that if anybody shared food with me or touched me they would also get HIV. After that it became very difficult for me.*

**Kamala has decided to take action. Help her decide what to do to get justice.**

***Mina:** The doctor asked me, “Why do you want to have the baby when you’re HIV-positive?” He said, “The baby will also be infected. You really should not have the baby!” Then he discussed it with my husband and asked him if he wanted the baby. My husband decided against it, so I had an abortion.*

**Mina has decided to take action. Help her decide what to do to get justice.**

***Radha:** I was pregnant with twins when I went into labour prematurely and went to the hospital where I did not know any of the staff, but it was the closest to my house. The first thing they asked me was why I was having a baby when I knew I was HIV-positive. Then I was told to lay down with my feet up [in stirrups]. I was left alone for hours in labour like that, and nobody came to check on me. The first baby came out and fell directly into the rubbish bin under my feet. I could not do anything because the second baby was coming out so quickly. When someone finally came to check on me, the first baby was all black and blue and dead. The second one was halfway out. They did not want to touch the baby because they did not want to touch my blood. I heard the second baby cry. He was a real person. But they took him away before I could see him properly. They put him on oxygen for five hours and then told me that he died. I never saw him except for five seconds. I was so sad because I think my babies would have lived if we had got proper treatment. But I didn’t say anything because I didn’t want to hear more harsh words directed at me.*

**Radha has decided to take action. Help her decide what to do to get justice.**

***Pratiksha:** When I was admitted to a private hospital for surgery, they put me in the men's ward, even though they could see I was a meti and I told them I wanted to be on the woman's ward. When the doctors realised I had HIV, they started asking me questions like "How did you get infected?" and "How do you have sex?" I waited seven days but I was not operated on. Then I was transferred to a government hospital where I waited another nine days. There, the bed was separate from other patients. On their rounds, the doctors didn't want to touch me.*

**Pratiksha has decided to take action. Help her decide what to do to get justice.**



Name of the person in the case: \_\_\_\_\_

1. What outcome(s) do you want? List them.
2. What are the options for seeking justice in this case? List them in the boxes on the left. Then think about the pros and cons of each option. Think about which actions may give the outcomes you want.

Options	Positives/Advantages	Negatives/Disadvantages

3. Decide which choices she should pursue. You can choose more than one action. List them here.

## **PARTICIPATING IN THE MONITORING OF NEPAL'S IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS TREATIES**

When a country signs an international human rights treaty, they agree to ensure that everyone in the country can enjoy the rights in that treaty. The UN has developed a system to monitor how countries are implementing the rights treaties that they have signed.

This is done in two ways:

- 1) Through the review process of a specific treaty; and
- 2) Through the Universal Periodic Review.

### **Participating in the Monitoring of the Implementation of a Specific Treaty**

Each treaty has a committee of independent experts that monitors its implementation in the countries that have signed it. Most of the committees work in a similar way, although there may be small differences. The countries that have signed the treaty must report on their progress implementing the treaty in detail to those committees every 4 or 5 years. Other stakeholders, like the UN and NGOs or civil society, write alternative reports to provide the committees with more information on how the treaty is being implemented by the government.

After reviewing all the information, the committee holds a review session with representatives from the government to discuss the situation and how they can improve. Most committees also hear from NGO delegations and UN agencies at these review sessions. The committees then make what are called 'concluding observations' that:

- Acknowledge the positive steps taken by the government.
- Identify areas of concern.
- Make practical recommendations.

In their next report, the government must report back to the committee on those recommendations.

### **Steps for a network to become involved in reporting on a human rights treaty:**

1. **The network decides to participate** in the development of a joint civil society report (sometimes called a shadow report) or to write their own report. It is important to think about how best to get your issues noticed.

2. **Find out when the government's report is due and/or when it will be reviewed.** This information is available on the website of the Office of the High Commissioner for Human Rights. For the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and most other treaties, the government submits its report 6–12 months before the meeting. Civil society reports can usually be submitted until the date of the session, but to be more effective, it should if possible be done in advance of that date.
3. **Find out what the other civil society organizations are doing and who is working on the civil society report.**
4. **Decide if you want to include your issues in a joint report or if you want to write a separate report.** If you do not have experience writing these reports or think your voice may be lost, it is good to partner with the other organizations that are putting together the main civil society report.
5. **Review the report submitted by the government to see if it is accurate.** The government should submit its report about six months before the meeting at which the committee will review it. You can find the report on the Office of the High Commissioner for Human Rights (OHCHR) website <http://nepal.ohchr.org/en/index.html>
6. **Plan your participation in the whole process.** Note that you need to start discussions, data collection and working on the report together at least 6 months before the session when it will be reviewed.
7. **Gather information.** Have consultations with your community on the issues. Identify and document rights abuses if you have not already done so. Review previous recommendations to identify what the government is supposed to be doing. Gather facts on what the government has done and take note of what they have not done.
8. **Write the report.** Look at examples on the OHCHR website.
9. **Submit the report to OHCHR.**
10. **Decide if your organization wants to do a presentation.** During the review meeting, the government will present its report first. Then NGOs present theirs. It may be possible for a network member to go to the session and do a presentation. If you want to do this, you will need to obtain funding for it.
11. **Lobby the Committee members.** Find out who on the Committee is sympathetic to the issues of women affected by HIV and talk to them about the rights violations you have documented.
12. **Lobby the government representatives** while you are at the Committee meeting. Find out who is on the government team and who is the best person to lobby for your issues.
13. **After the session, advocate for and monitor the implementation of recommendations relevant to your issues.** The Committee makes recommendations to the Government of Nepal. It may or may not make recommendations on your issue. The recommendations may be for 'immediate action' or for 'follow up'. The government will respond to

the recommendations. Networks can continue to remind the government of the recommendations and monitor what they are doing to address the issues. You can do this through the media or at meetings where the key government leaders are present.

- 14. Plan for the next review.** Keep in mind the next review. You can submit another report in the next review – quoting the recommendation and what the government has done or has not done and telling the committee what you think it should recommend to the government.

For CEDAW, contact the International Women’s Rights Action Watch (IWRAP) to find out if they are providing any training for women activists. IWRAP works to build the capacity of women’s organizations to use CEDAW in their work and to participate in the reporting and monitoring process. They can be reached at:

**International Women’s Rights Action Watch Asia Pacific**

Address: 10-2, Jalan Bangsar Utama 9, 59000 Kuala Lumpur, Malaysia

Phone: (+60) 3-2282-2255; Fax: (+60) 3-2283-2552

E-mail: iwraw-ap@iwraw-ap.org, iwraw\_ap@yahoo.com

Website: www.iwraw-ap.org

## **Participating in the Universal Periodic Review**

The Universal Periodic Review (UPR) monitors the whole human rights situation of a country every four years. It is much broader than CEDAW or other specific treaties.

### **To participate:**

- 1. Decide if your network wants to participate.**
- 2. Contact the National Human Rights Commission.** Coordinate your work with them closely. Inform them of what you are doing and discuss with them when they will participate in what you are doing.
- 3. Gather information.** Hold consultations with your community members. Document rights violations and collect information about their issues and recommendations.
- 4. Hold a dissemination meeting.** Invite the Commission to your dissemination meeting and/or submit your report and recommendations to them.

The National Human Rights Commission will write and submit the alternative report. They will also be able to inform you about opportunities to participate in the actual session of the UN Human Rights Council when Nepal’s report is reviewed.

You should also participate in the government’s preparations to write its report. Before writing its report, the government will hold discussions and dialogues with governmental institutions, national human rights institutions including the National Human Rights Commission, National Women Commission, National Foundation for Development of Indigenous Nationalities, and National Dalit Commission, and with various civil society organizations including non-governmental organizations.

## **Possible solutions if you decide to participate in the reviews of human rights treaties and the UPR**

- The international committee may make recommendations to the government for changes that they need to make, such as changes to their laws, policies and practices. They will also follow up on what action has been taken.
- Investigations into abuses may be recommended and/or agreed to.
- The government may make commitments that you can follow up on.

## **Why you may want to participate in these processes**

- It can result in national changes in laws, policies, and practices.
- It raises the issues to an international level.
- It provides an opportunity to engage with the government directly on your human rights issues.
- It provides an opportunity to involve the media and publicize your issues.
- If you get positive results, they can have wide implications and improve the situation for many people.

## **Things to consider about participating in these processes**

- The process is so big, especially during the UPR, that your issues may not get the attention that they need and deserve.
- Your investment of time and effort may not pay off quickly.
- Your organization may not have the capacity to follow up on your issues and make the government implement the recommended changes.

More information on the role of NGOs in the work of specific committees can be found in Working with the United Nations Human Rights Programme: A Handbook for Civil Society available at: <http://www.ohchr.org/EN/AboutUs/CivilSociety/Pages/Handbook.aspx>

### **Also see:**

Participation in ICESCR and CEDAW Reporting Processes: Guidelines for Writing on Women's Economic, Social and Cultural Rights in Shadow/Alternative Reports (2010) written by International Women's Rights Action Watch Asia-Pacific and International Network for Economic, Social and Cultural Rights (ESCR-Net), available at: [http://www.escr-net.org/usr\\_doc/CEDAW\\_CESCR\\_reporting\\_guidelines\\_FINAL\\_Oct\\_6\\_2010.pdf](http://www.escr-net.org/usr_doc/CEDAW_CESCR_reporting_guidelines_FINAL_Oct_6_2010.pdf)

**ACTION PLANNING**

<b>PROBLEM:</b>							
<b>SOLUTION:</b>							
<b>Objective/What we want to achieve:</b>							
		<b>By who?</b>			<b>By When?</b>		<b>Resources Required</b>
<b>Activities</b>	<b>Description</b>	<b>On our own</b>	<b>With others</b>	<b>By others</b>	<b>Now</b>	<b>Soon</b>	<b>Later</b>
<b>Activity 1</b>							
<b>Activity 2</b>							
<b>Activity 3</b>							
<b>Activity 4</b>							

## STEPS TO ACTIVITY PLANNING

To develop an action plan for your community group, follow these steps to fill in the Action Plan Matrix.

1. Write a short description of the problem you have selected at the top of the sheet in the box labelled 'Problem'.
2. Discuss what solutions you can use to address this problem and pick the one that they want to use. Write a short description of the solution in the box labelled 'Solution.'
3. Discuss what changes you hope to achieve. This is your objective. Write your objective in the box labelled 'Objective'.
4. Think about the activities you can do that will result in the solution. Put them in the order in which you will do them and write them in the left-hand column, labelled 'Activities'. Note: It is important to be very specific when discussing activities. Break down large activities into small ones.
5. For each activity, decide who should carry it out. Should it be done by your group alone or together with other groups? Write the names of each person or organization in the appropriate column.
6. For each activity, decide when it should be done by. Should it be done now? Soon (within weeks/a few months)? Or later (after a few months)? How long will it take? Figure out when it will be done, and write a specific date in the appropriate column.
7. For each activity, discuss what resources will you need to do it successfully. Think about physical resources (for example, condoms, transportation, snacks), human resources and financial resources. Write these resources in the last column.
8. For each activity, discuss who will take the lead responsibility to make sure it is done. Write the names of these people next to each activity.
9. Look at your action plan as a whole. Does it make sense? Is anything missing? Is it realistic? Make any changes they think are needed.
10. Get the agreement of any people or groups that you have included in your plan (but who are not there when you make the plan) that they will do what you would like them to do.
11. Implement your plan!

## MONITORING AND EVALUATION PLAN

<b>Monitoring and Evaluation Plan for:</b>						
<b>Action Plan Objectives:</b>						
<b>INDICATORS</b>						
<b>Activity indicators</b>	<b>Information needed</b>	<b>When collected</b>	<b>How collected</b>	<b>How recorded</b>	<b>Collected by whom</b>	
<b>When information will be reviewed and how often:</b>						
<b>Change indicators</b>	<b>Information needed</b>	<b>When collected</b>	<b>How collected</b>	<b>How recorded</b>	<b>Collected by whom</b>	
<b>When will the evaluation be done:</b>						







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