

**A Brief Report of National Human Rights Commission, Nepal
For the Asia Pacific Forum of National Human Rights
Institutions**



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Hon'ble Chairperson
Distinguished Chairperson and Commissioner and Representatives of NHRC
Executive Director of the Asia Pacific Forum Secretariat
Ladies and Gentlemen,

I would like to express my thanks to you Mr. Chairman for the opportunity given to me to address this august gathering on the activities of the Human Rights Commission of Nepal.

Although it is the first occasion for me personally to attend the annual meeting of APF, my country had the honour of being represented in the 5th and the 6th Annual Meeting held at New Zealand and Srilanka respectively. It shows that we want to make constructive contributions not only towards a purposeful solution of some of the problems confronting commissions in the Asia Pacific region.

You might recall that originally this meeting was to take place in Nepal and for reasons of general election it was rescheduled for next year

At the outset I would like to commend the work done by the APF Secretariat, especially by the Executive Director Mr. Kieren. In a short span of about 7 years, since NHRC of Australia, New Zealand, India and Indonesia took the joint initiative of establishing a regional forum of National Human Rights Institutions, it is indeed satisfying to note that much has been achieved in the course of giving the forum an institutional framework, as well as in developing programs and priorities. We owe a lot to our fellow commissioners from the 4 countries for taking the initiatives to establish the APF and for seeing it through from conception to fruition.

The National Human Rights Commission of Nepal was established in May 2000 almost four years after the enactment of Human Rights Commission Act, 1997. The establishment was a result of intense lobbying and series of protests from the civil society in general and non-governmental human rights organizations in particular.

The Commission started work from a scratch. At present it has 30 staff, comprising 13 permanent, 9 temporary, 1 contract, and 3 on deputation, and 4 project staff. The office space has been significantly improved with acquisition of rooms from one of the government ministries and additional office space is being secured. Likewise, the budget allocation has increased from NRs. 1.3 million during the first year of operation to 5.5 million for the current fiscal year.

Organization's Vision and Mission Statement have been defined as "Dignity, Equality and Justice for All" and "To build and strengthen a culture of human rights in Nepal by taking a leading role in human rights promotion and protection" respectively. A three years Strategic Plan 2001-2003 is being implemented.

ACTIVITIES TO PROTECT HUMAN RIGHTS:

A total of 449 complaints have been lodged with the Commission. Upon receipt of the complaints, the Commission has followed up with the government on the cases. So far, 76 cases have been settled. The following paragraph explains why only so few cases have been resolved.

His Majesty's Government has not readily assisted the Commission in investigations of the complaints about human rights violation. Incomplete response was given to the Commission regarding unlawful arrests. In a number of instances the government even attempted to make the Commission a subject of public criticism and to tarnish the image by twisting and misinterpreting its requests to seek for ways to put an end to activities that violate human rights.

However, there have been some encouraging results. Commission has decided on various cases and in two incidents it has even succeeded to oblige the state to compensate the victim. It also succeeded in cautioning the government about its actions, which are not in line with the constitutional rights of the people.

Since June 2002 a project called Responding to the Crisis is being implemented to deal with human rights issues arising from the violent conflict between the Maoists and the State. Accurate and timely report of HR violations, dissemination of findings to the stakeholders, and production and dissemination of reports on humanitarian situation in the affected areas to influence and motivate government and civil society to alleviate human sufferings are the key aims of this project.

ACTIVITIES TO PROMOTE HUMAN RIGHTS:

In order to bring awareness among concerned officials and the general public for human rights protection, the Commission has initiated some work to provide information on international human rights instruments, the commitment of His Majesty's Government to the standards set by these instruments. In this regard, activities like the publication of brochures and periodic bulletins, establishment of a documentation center, informing the public through the media about the Commission's decisions, and the celebrating of national and international human rights day are being implemented.

Integration of Dalit Rights Promotion Programme, funded by Office of the United Nations High Commissioner for Human Rights, was implemented in selected areas of five development regions to promote the rights of Dalits as human beings. Regional and National level workshops were organized and regional and national declarations were published. Activities to encourage mixing of so-called high caste people with so-called untouchable people were implemented.

A committee was formed in collaboration with NGOs to aid the process of finalizing the bill concerning women's right to parental property. In addition, interactions with concerned organizations were held on the issue of making women's programmes effective through sufficient budget allocation and based on the outcomes of the interaction a set of recommendations were given to the National Planning Commission to address the issue in the 10th Plan.

Observation tours to prisons in various parts of country are taking place with an aim to bring about prison reform. The Commission is planning to make a set of recommendations to the government for action.

Since the civil society and political parties have crucial role to play in the area of protection and promotion of human rights, the Commission has been interacting and collaborating with representatives of civil society and political parties. It has, on the one hand, provided directions in formulating the short-term and long-term policies, plans and programmes of the

Commission. On the other, it has extended the areas of cooperation and coordination between the Commission and the civil society.

In August 2002 an agreement was signed between Ministry of the Women Children and Social Welfare and UNDP to establish the Office of National Rapporteur on Trafficking in Women and Children in the office of the Commission. The post of the National Rapporteur has been advertised.

RESEARCH:

A study on torture and disabilities resulting from armed conflict between the Maoist and the State was implemented in six districts of Nepal with the assistance of Center for Victim of Torture. British Embassy provided financial assistance for the study. The report is being published soon.

A research project on human rights situation in Nepal with the financial assistance from The Asia Foundation is in progress. The aim of the study is to produce an authoritative report on human rights situation for discussions and debates among and between the government departments and the civil society; and to provide directions for promotion and protection of human rights in all aspects of governance in a strategic manner taking the socio-economic realities of Nepal into consideration. The outcome of the research is expected to serve as a reference document also for the international community to link their development assistance with the promotion and protection of human rights in Nepal.

INSTITUTIONAL STRENGTHENING:

A three-year long project agreement has been signed with UNDP on 20 February 2002 to enhance the capacity of the Commission to effectively carry out its functions. The project aims to develop the Commission's capacity in the three main areas: a) promotion of human rights through education and outreach, b) protection of human rights through an efficient complaints and investigation mechanism, and c) effective implementation of human rights through monitoring and advisory functions. The project is supported by UNDP, APF and a number of bilateral and international agencies.

Activities to rearrange and renovate the office premise to improve the working environment is in progress. Inter-office communication system has been enhanced.

INTERNATIONAL RELATIONS:

The Commission joined Asia Pacific Forum of National Human Rights Institutions in 2000. Various dignitaries like Princess Anne of the United Kingdom, the then Nepalese Prime Minister Girija Prasad Koirala and the heads of diplomatic missions in Kathmandu as well as the representatives of donor agencies have visited the office of the Commission. Such visits have opened possibilities of assistance for strengthening the Commission.

KEY CHALLENGES:

The Commission has been facing several challenges in executing its duties effectively. Some of the key challenges are mentioned below.

Institutional strengthening through capacity enhancement of the Commission remains to be the major challenge for the next few years. Availability of sufficient number of competent

human resource, adequate physical infrastructure, and a well-resourced documentation center remain to be some of the issues in this regard.

As the Human Rights Act, 1997 was not presented in parliament as a finance bill, the government is not compelled to provide to the Commission the amount required by it. Consequentially, the budget allocated to the Commission, despite progressive increase in the size in the past 3 years, is not sufficient to run the office and recruit sufficient number of staff. Continuation of this situation is going to adversely affect functioning of the Commission as well as the implementation of the project for capacity development of the Commission.

In order to attract competent people attractive salary and benefit package and training and development plan are needed. These requirements could not be met with the current level of funding from the government.

Most importantly, a lot of effort is necessary to accomplish the task of making His Majesty's Government sensitive to, responsible and accountable for promotion and protection of human rights and the task of spreading human rights education to various offices, employees, and ordinary people.
