



राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission, Nepal

केन्द्रिय कार्यालय Central Office

हरिहर भवन, पुल्चोक, ललितपुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



**The speech delivered by Honorable Chairperson of the National Human Rights Commission
on the occasion of submitting the annual report to Rt. Honorable President Bidhya Devi
Bhandari**

Findings of the Report in brief

Rt. Honorable President,

I would like to express special gratitude on behalf of the Commission to Rt. Honorable President for providing the time to submit the annual report (fiscal year 2073/074) of the National Human Rights Commission.

It is well known that the National Human Rights Commission, Nepal has been playing a vital role as a national institution for the respect, protection, promotion and development of a human rights culture since its establishment. The Commission is functioning within the limitation of the Constitution and Act. The power and functions of the Commission are mentioned in Article 249 (1) (3) of the Constitution and the National Human Rights Commission Act 2068 B.S as this Commission is formed as a constitutional body.

The primary responsibility to respect, protect and fulfill the human rights is upon the state. The Commission has the responsibility to watch whether the state has fulfilled its responsibility or not and in case of not fulfilling the Commission makes the state accountable. These responsibilities are concluded through the medium of monitoring the human rights situation, investigation, promotion of human rights education, advocacy and review of laws. In this way, on the basis of the findings of the programs concluded, recommendations are made to the Government and the Stakeholders.

The Constitution of Nepal Article 249 (1) has the provision that every Constitutional Body under the Constitution shall submit an annual report of its functioning to the President. This Commission has been publishing its annual report since its establishment. Especially the number of complaints within this year, examination of the complaints, description of the investigation, recommendations to the Government are mentioned in the annual report. In addition to this, the future description of improvements in the days ahead for protection and promotion of human rights have also been including in the report.

The Commission for the promotion and protection of human rights is receiving the complaints, monitoring, investigating this year too like in previous years. In addition to this, training, conferences, meetings interaction discussion like promotion related activities are accomplished. Similarly, review of human rights related laws, various thematic reports, booklets, journal publications, press notes and press releases are issuing. The human rights related public interest lesson oriented materials are being published and broadcasted through the mass media.

For development of a human rights culture, on the basis of necessity and justification the Commission is working in coordination and collaboration with National and International stakeholders. Especially, there is continuous coordination with the Office of the President, Nepal Government, other Constitutional Bodies, Political Parties, Civil Society, National and

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International non-governmental organizations as well as National Institutions working in the human rights sectors and donor agencies.

Nepal has ratified various human rights related international conventions and priority is given to the issues of human rights while enacting the Constitution and laws. The development of a National Human Rights Action Plan, the formation of various mechanisms for practicing the human rights related provisions, to function through these mechanisms are positive aspects of legislature and government. To conclude the election of the Local Level, House of Representative and Provincial Assembly in the enthusiastic participation of all the political parties creates an ease environment to implement the Constitution. The enactment of laws relating to various commissions that could deal with human rights issues had given a positive message. Despite all these efforts there are myriad challenges. The overall situation of human rights is not satisfactory. For the implementation of the fundamental rights relevant laws have not yet been legislated. There are a lot of about on the jurisdiction of National Human Rights Commission and the human rights related other constitutionally formed Commissions.

Not getting justice within one decade of the peace process by the victims is very sad. There is prevailing situation of ineffective functioning on the amendment of laws of the transitional justice mechanisms as per the direction of the Supreme Court or enactment of necessary laws and management of skilled manpower. The term of two transitional mechanisms - the Truth and Reconciliation Commission and the Commission for the Investigation of Enforced Disappeared Persons –formed after the long wait is to end without completing their assigned jobs. This shows that the issue of transitional justice was not being addressed so that the issues of sustainable peace building and the grief of the victims cannot be addressed.

The government had not submitted some periodic reports to the UN Human Rights Treaty Bodies Committees. Due to prevailing political transition after the implementation phase of the Constitution, Civil and Political as well as the Economic, Social and Cultural Rights and the implementation of other human rights is not being progressively realized. The use of force by the security personnel during protest and protesters' violent activities against security personnel endangered the people's right to life. Protesters violated their own commitment and vandalized an NHRC vehicle which indicates that the political parties have deviated from their duties. Migrant workers' exploitation of labor, increased domestic violence, transports strike (*bandh*) like activities made discomfort to the life of people.

People had not been able to use their rights guaranteed in the Constitution due to the use of children in the election process, prevalence of caste- based discrimination and lack of people's access to health. The state had not given due priority to the rights of Deprived Communities, Indigenous Nationalities, Persons with Disabilities, Dalits, Women, Senior Citizens and Migrant Workers. The rights of these people are not safeguarded. Similarly, the situation of the victims affected from floods and earthquake is deplorable.

In this fiscal year, the Commission has various achievements through protection and promotion human rights related activities. In the Commission, two hundred and ten complaints are registered in this fiscal year. Investigation of 2 hundred and 20 backlog and new complaints completed and monitoring was concluded 3 hundred and 50 times. On the basis of the slogan, "Human rights for all and each household: the foundation of peace and development", programs were concluded placing promotion of human rights in special priority. On behalf of the Commission staffs were

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present as resource person/subject experts in the training and orientation programs related to human rights many times. The Commission is continuously producing, publishing and broadcasting human related materials and documentaries.

In this period, the Commission issued 37 press releases, 13 press notes as well as press conferences conducted. In addition to this, reviewing the laws from the perspectives of easing the government and other concerned agencies to make law the Commission sent comment to the concerned agencies. The signature on the strategic plan and agreement to take action in the issue of the migrant workers among Qatar and National Human Rights Commission, Nepal are the main achievements of this period.

Despite these achievements, the Commission is not free from challenges. The situation of impunity continues to exist. The country is witnessing criminalization of politics and politicization of crime. The Commission is functioning under such conditions that recommendations were not being acted upon and it was not getting expected help from the government, inadequacy of law, lack of physical infrastructures due to devastating earthquake, ruined office building which is not yet reconstructed. The Commission is always reminding the government and stakeholders to address these challenges. With these achievements and challenges the Commission is committed to do its duties and functions in the days ahead focusing on the Constitution, Act, and Strategic Plan learning from past experiences.

Despite the mentioned situation to change the Commission in this place, Concerned Persons have cooperation and good wishes. Especially, the cooperation and good wishes of the Office of the President, the Legislature Parliament, the Government, the Political Parties, the Constitutional Commissions, Civil Society, Human Rights Community, Mass Media, Professional Organizations, Citizens, International Community and Diplomatic Agencies are worth mentioning. The Members, Secretary and the staffs of the Commission are also playing key roles from their own position. I would like to acknowledge all.

Finally, the Commission from the past is performing its roles for implementing the suggestions pointed out in the recommendations and report of the Commission from the Office of the Rt. Honorable President and the President. I would like to acknowledge on behalf of the commission for support, good wishes and consensus towards the Commission. I would like to conclude the remarks believing to receive special support from the Rt. Honorable President for addressing the aforementioned issues in the days ahead.

Anup Raj Sharma
Chairperson

8th December, 2017