



**Annual Progress Report
(Synopsis)
(2015-2016)**

National Human Rights Commission
Hariharbhavan, Lalitpur, Nepal



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Hariharbhavan, Lalitpur, Nepal

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Foreword

National Human Rights Commission has been provisioned with the duties to ensure the respect, protection and promotion of human rights and their effective implementation as per the Article 249 (1) of the Constitution of Nepal- 2015. As a constitutional body, therefore, the Commission has been accomplishing its constitutional responsibilities through monitoring the human rights situation, investigation and promotion of human rights.

This report briefly outlines the details with regard to complaints registered at the Commission throughout this fiscal year (2072/73), investigation into complaints, details of the investigation, recommendations to the Government and way forward based on the improvement to be spearheaded in the protection and promotion of human rights activities in future. During this period, 219 complaints have been registered at the Commission. Similarly, 208 cases including both backlog and new cases have been investigated into while monitoring has been conducted 242 times. Amongst this, the cases on 181 complaints have been reconciled. The Commission has recommended for the compensation to be provided by the Government with regard to 23 complaints. This time around, the Commission has found that the implementation status of the NHRC recommendations has progressed to a certain extent as compared to that of the past. The Commission has published 12 publications this fiscal year. Among these, there are 12 booklets 'Things to know about Human Rights (with amendment)' in five different languages besides annual report, thematic reports and journal. Similarly, preparation on two more publications on 'Review on Human Rights Laws' and 'Universal Periodic Review Report' are accomplished and all set for publication. In addition, documentaries on the subjects of various human rights concerns have been produced.

Similarly, the Commission has organized 226 programs with special focus on human rights promotion by keeping in mind the slogan "Human Rights for Every Household, Bases of Peace and Development." The Commission has facilitated resource persons/subject experts in 54

programs organized by the organizations and agencies associated with human rights, participated as guests and chief guests in 71 programs and represented its participation in 261 programs. A total of 44 press releases and 29 press notes on various topics have been issued.

Despite the fact that Nepal has made commendable strides in the ratification of various international conventions, arrangement of human rights provisions in the constitution and laws and development of the National Human Rights Action Plan (NHRAP), the implementation of conventions and treaties including the NHRAP in practical term is in dismal state. Various periodic reports on human rights have not been submitted to the concerned committees in time. Likewise, although peace process has completed almost a decade now, it hasn't been given any logical conclusion yet. Indeed, the promulgation of constitution was a pleasant moment all over yet the impediment caused to the implementation of the constitution has given enough room for further challenges to emerge in the way of the protection and fulfillment of human rights. This apart, status quo political instability after the constitution was promulgated has left negative impact on the civil and political rights and the economic, social and cultural rights have been pushed under shadow eventually. Following the problem emerged due to lack of consensus built among the political parties over the implementation of the constitution after its promulgation, there has been obstacle in the enjoyment of human rights of general citizens. The right to life of the people has been at risk with the death caused due to the excessive force used by the security forces and the violent activities on the security forces perpetuated by the protestors during various protest programs. Not to mention, the enjoyment of basic rights of general citizens has been put into jeopardy. The life of general citizens is affected due to the activities such as the labor exploitation perpetuated on those employed in foreign land, growing domestic violence, frequent banda and strikes. Human rights situation is in miserable state due the torture in police custody, pitiable condition of the prison inmates, lack of justice delivery to the conflict victims, lack of necessary laws and organizational regulations formulated for the Truth and Reconciliation Commission (TRC) and Commission for Investigation on Enforced Disappeared Persons (CIEDP) to investigate into the cases of conflict-era and deep rooted state of impunity.

Similarly, the overall human rights situation hasn't been satisfactory due to the prevalent caste-based discrimination in society, food shortage in remote parts of the country, political interference in educational institutions, lack of implementation of the slogan "Children, as Zone of Peace" and the lack of access made available to general citizens to health services. The state is not able to appropriately pay heed to the human rights of indigenous communities, Dalit, women, senior citizens, migrant workers, gender and sexual minorities and human rights defenders due to which these communities haven't been able to fully enjoy their human rights. Similarly, even after more than one year of devastating earthquake, the disaster affected victims are still languishing under open sky.

Despite various challenges, the Commission has achieved many achievements through the activities performed for the protection and promotion of human rights. Monitoring on human rights situation, investigation, decision dispensed through investigation into the complaints, recommendations, report publication, journal publications, signing of the MoU between the NHRC Nepal and NHRC Qatar on human rights of migrant workers and staff management are a few major achievements that the Commission has achieved this fiscal year. The Commission has been continuously coordinating and collaborating on the matters of human rights concerns in both national and international level. In national level, the Commission has conducted many programs in coordination and collaboration with the Government of Nepal, political parties, constitutional bodies, civil society organizations, organizations and agencies working in the field of human rights and professional organizations. Similarly, the Commission has many a time coordinated and collaborated with UN bodies, International Coordinating Committee of National Human Rights Institutions (ICC of NHRIs), Asia Pacific Forum (APF) including the donor agencies in this fiscal year.

The Commission had to overcome various challenges while accomplishing its activities during this fiscal year. These included the state of impunity, ever stretching transitional phase, lack of implementation of the recommendations, lack of discussion on the annual progress report of the Commission in the parliament, limited sources and infrastructures including misbehavior faced by the monitoring team of the Commission on various occasions.

In this regard, the Commission has recommended to the Government and the political parties to appropriately address the issues relating to the constitution for the protection and promotion of human rights including the cultivation and development of human rights culture, full implementation of the recommendations, legal action against human rights violators, justice delivery to the victims, respect for rule of law to end the state of impunity, peace and security to build a conducive environment for good governance, justice delivery to the conflict victims, much awaited discussion on NHRC Annual Progress Report in the legislature parliament and for the provision of full physical facilities to the Commission.

The Commission will remain further proactive and effortful in the days ahead to accomplish its functions, duties and power mandated through the Constitution and law. The Commission is also committed to advance its activities effectively to achieve its strategic goal set through the Strategic Plan (2015-2020). For this, the Commission will make effective coordination and collaboration with the stakeholders and step up further initiative for the implementation of the NHRC recommendations. Similarly, the Commission will play its effective role for the promulgation of human rights friendly laws, ratification of the Rome Statute of International Criminal Court (ICC), International Convention against Enforced Disappearance, implementation of the recommendations made via the UPR report received by Nepal Government and the fulfillment of the state obligation with regard to the international conventions to which Nepal is party.

Last but not the least, I express my gratitude to the Office of Hon. President, Legislature Parliament, Government, political parties, Public Service Commission and other constitutional bodies, civil society, human rights communities, media sector, international communities and diplomatic missions including NHRC family for extending their continuous support to the Commission. I would also like to extend special thanks to Human Rights Officer Kailash Kumar Siwakoti for his painstaking effort made through coordination to bring out this annual progress report.

Anup Raj Sharma
Chairperson

Content

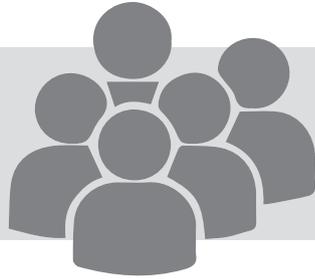
	Page No.
Chapter: 1	
1. Organization	1
1.1 Background	1
1.2 Organization	2
1.3 Functions, Duties and Power of the Commission	3
Chapter: 2	
2. Activities performed by the Commission	4
2.1.1 Complaint Registration	6
2.1.2 Complaint registered at the Regional and Sub-Regional Offices	7
2.1.3 Complaints based on Nine Core Conventions	8
2.1.4 Human Rights Monitoring	13
2.1.5 Investigation into the Incidents of Human Rights Violation	15
2.1.6 Settlement of Cases and Recommendation	16
Chapter: 3	
3. Promotional Activities	17
Chapter: 4	
4. Some Major Activities Accomplished by the Commission	19
Chapter: 5	
5. Achievements, Challenges, Possible Measures and Way Forward	22
5.1 Achievements	22
5.2 Challenges	26
5.3 Possible Measures to Overcome the Challenges	29
5.4 Way Forward	31

Acronym

APF	Asia Pacific Forum
CIEDP	Commission of Investigation on Enforced Disappeared Persons
CSOs	Civil Society Organizations
DAO	District Administration Office
ICC	International Criminal Court
ICC of NHRIs	International Coordinating Committee of NHRIs
ILO	International Labor Organization
INGO	International Non-Government Organization
INSEC	Informal Service Sector Centre
NGO	Non-Government Organization
NHRAP	National Human Rights Action Plan
NHRC	National Human Rights Commission
NHRIs	National Human Rights Institutions
TRC	Truth and Reconciliation Commission
UN	United Nations
UPR	Universal Periodic Review

CHAPTER - 1

Organization



1.1. Background

As the second World War began to close, the world significantly made a great leap forward in the recognition and observance of human rights universally. During the time of war, Nepal was reigned by the tyrannical Rana regime. Lasted for over 104 years under the Ranas, human rights as such didn't have any room in Nepal at that time. Meanwhile, Nepal underwent a phase of political instability between 1951 and 1961 AD. There was no clear provision for the protection and promotion of human rights though there was an arrangement of basic human rights as the fundamental rights and their protection made through the Constitution of Kingdom of Nepal-1959 AD and Constitution of Nepal-1963. The Government elected through public voting in 1959 AD was ousted in 1961 and Panchayati regime came into the power for 30 long years where party freedom was banned. Subsequently, the situation was such that practically no ways were paved for the enjoyment of human rights. However, it has been found that Judicial authorities had made significant verdicts bearing the nature that would protect and promote human rights in by-gone years. On the other hand, the provision of human rights was included in the preamble of the Constitution of Kingdom of Nepal (1990) and the Interim Constitution of Nepal (2007). Nonetheless, additional provision of human rights has been included in the preamble of the Constitution of Nepal (2015) apart from human rights and fundamental rights provisioned in the parts of Constitution of the past. There is a clear provision that the judicial authority has the extraordinary power to issue necessary and appropriate orders as remedy for the enforcement of the

fundamental rights conferred by this Constitution if enjoyment of such fundamental rights is hindered.

During the development process of human rights in international level, the Vienna Declaration-1993 called on the UN member states for the establishment of independent and autonomous national human rights institutions. With the political change in 1989, therefore, the protection and promotion of human rights was accepted as the state policy although the inception of the national human rights institution didn't turn out to be as easy as it was anticipated. As a result, the National Human Rights Commission Act - 1996 was enacted following the vibrant civil society movement by human rights workers, legal professionals, media, civil society, intellectual community and professional organizations demanding the establishment of National Human Rights Institution. Even after four years of the enactment of the Act, the National Human Rights Commission could not be brought into existence. The National Human Rights Commission was established on 26 May 2000 following the series of initiatives by the parliament, peaceful agitations, concerns raised by the international communities and mandamus order of the Supreme Court. The Interim Constitution of Nepal (2007) elevated the NHRC to a constitutional body and broadened its mandate relating to the protection and promotion of human rights, entrusting the commission with functions and powers covering a broad range of human rights issues. The Constitution of Nepal (2015) has given the continuity to the Commission as the constitutional body with the provision set forth with regard to the institutional establishment, functions, duties and power of the Commission as per the Article 248 and 249.

1.2. Organization

National Human Rights Commission is an independent and autonomous institution established in consistent with the International Guidelines with regard to in Independence and Autonomy - 1993 (also known as the Paris Principle). There is a provision that there shall be five officials including one chairperson and four commissioners. At present, there are one central office, 5 regional offices and 3 sub-regional offices under the

purview of the Commission. Similarly, there are 194 staff posted in the current fiscal year from among 309 prescribed posts.

1.3. Functions, Duties and Power of the Commission

The National Human Rights Commission has been provisioned with the duties to ensure the respect, protection and promotion of human rights and their effective implementation as per the Article 249 (1) of the Constitution of Nepal- 2015. It is the primary responsibility of the state to protect and promote human rights. The Commission makes the state obligated towards the protection and promotion of human rights in the event of the dissatisfactory role of the state in the protection and promotion of human rights. The Commission, therefore, receives the complaints and carries out investigation into the complaints, conduct investigation, recommend for action in legal front and files the case against the accused of human rights violators. The Commission organizes awareness raising programs, training and advocacy through seminars, meetings and conferences in coordination and collaboration with the civil society actors. The Commission also recommends to the Government for the promulgation and necessary amendment of law related to human rights and recommend with rationale to become the state party to the international conventions and treaties. There is also a provision that the Commission can publicize the name of the officers or individuals in the event of abetment of fulfillment of human rights. As per the Article 294 of the Constitution, there is a provision that the constitutional bodies formed in accordance with this Constitution, shall submit the annual report about its works to the President, who in turn shall have it presented at the legislature parliament through the Prime Minister.

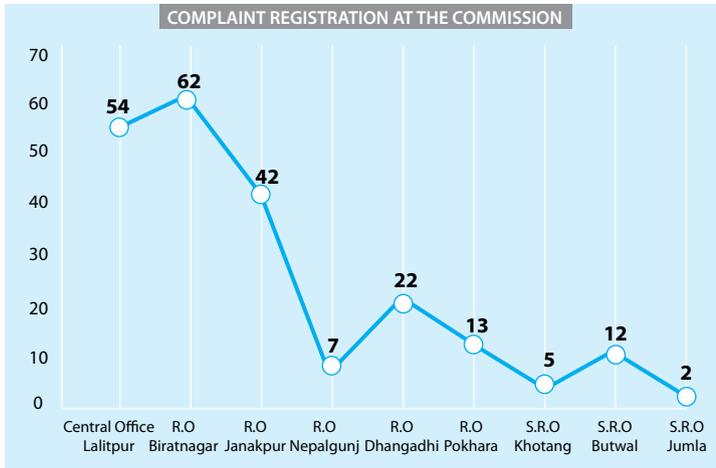
The activities of the Commission including the achievements, challenges, possible measures to the problem and way forward have been briefly laid out in the content of the report.

CHAPTER - 2

Activities performed by the Commission:



2.1 Complaint Registration



As per the Constitution and law, the Commission receives the complaints on the incidents of human rights violations and abetment thereof on the part of individuals, groups or communities for the protection of human rights. In general, the Commission can receive complaints from the victims, victim's family and anybody under its jurisdiction and can take action. The Commission itself can receive the complaints on Sou Muto basis by receiving the information from media report or anyone. Upon the Complaints received, the Commission has been monitoring on the complaints, carrying out inquiry and investigation into the complaint and forwarding the recommendation for the legal action since its inception period.

Complaints Registered at the commission

Month	Central Office	Regional Offices							Sub Regional Offices			
		Lalitpur	Biratnagar	Janakpur	Nepalgunj	Dhangadhi	Pokhara	Khotang	Butwal	Jumla	Total	
Shrawan	5	12	4	-	1	-	-	-	-	-	22	
Bhadra	6	2	1	-	2	-	1	2	-	14		
Aswin	4	5	1	-	1	1	-	-	-	12		
Kartik	2	2	-	-	-	2	-	1	-	7		
Mangshir		2	-	-	1	2	-	-	-	5		
Poush	2	7	14	-	1	1	-	-	-	25		
Magh	2	2	15	3	2	2	-	1	-	27		
Falgun	2	5	3	2	-	-	-	2	-	14		
Chitra	10	4	-	2	4	-	-	2	-	22		
Baisakh	8	6	2	-	2	-	1	-	-	19		
Jestha	4	7	2	-	6	1	-	3	1	26		
Ashad	7	8	-	-	2	4	3	1	1	26		
Total	54	62	42	7	22	13	5	12	2	219		

Most complaints registered at the Commission pertain to the political and civil rights, economic, social and cultural rights and torture. While looking at the nature of complaints, most of them are related to administration of justice, killing, disappearance, abduction, extra judicial arrest/detention, intimidation, health, education and employment. Similarly, the complaints are registered in connection with the women's rights, child rights, rights of person with disabilities, rights against racial discrimination. A few complaints are related to the incidents of conflict-era of the past. A total of 115 Complaints on the civil and political rights, 26 on social and cultural rights, 47 on torture, 7 on child rights, 11 on women's rights, 6 on the rights against enforced disappearance and 3 on the persons with disabilities have been registered at the Commission during this fiscal year.

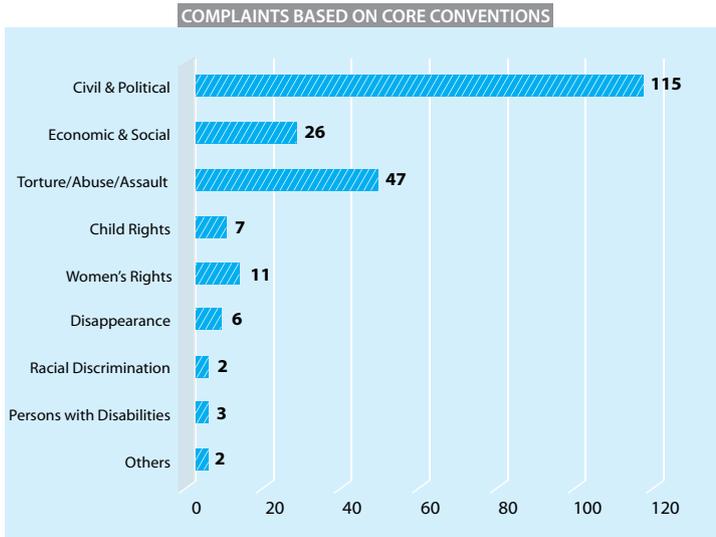
2.1.1. Complaint Registered at the Regional and Sub-regional Offices

During this fiscal year, a total of 219 complaints have been registered. As many as 62 complaints have been registered at the Regional Office, Biratnagar while just 2 complaints have been registered at Regional Office Jumla. Similarly, 54 complaints have been registered at the Central Office, 42 in Janakpur Regional Office, 22 in Dhangadhi Regional Office, 13 at Pokhara and 7 at Nepalgunj. In addition, Sub Regional Offices Butwal and Khotang received 12 and 5 complaints respectively.

2.1.2 Complaints based on Nine Core Conventions

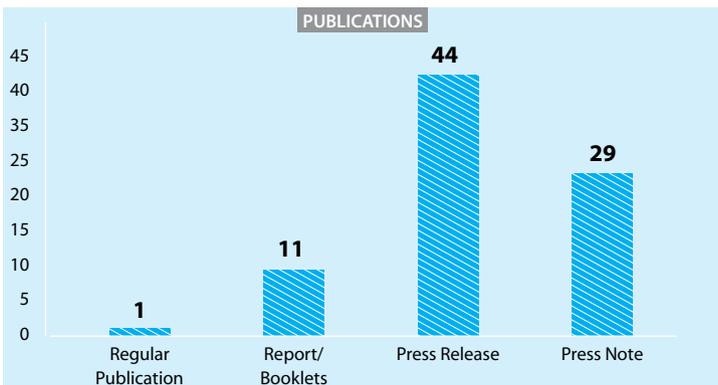
S.N.	Conventions	Central Office	Regional Offices					Sub-regional Offices				Total
		Lalitpur	Biratnagar	Janakpur	Nepalgunj	Dhangadhi	Pokhara	Khotang	Butwal	Jumla	Total	
1	Civil & Political	29	18	35	7	-	13	3	9	1	115	
2	Economic & Social	7	15	-	-	1	2	-	1	-	26	
3	Torture/ Abuse/ Assaults	12	15	6	6	4	3	1	-	-	47	
4	Child Rights	1	4	-	-	-	-	-	2	-	7	
5	Women's Rights	3	6	1	-	-	-	1	-	-	11	
6	Migrant workers	-	-	-	-	-	-	-	-	-	-	
7	Disappearance	1	-	-	-	2	3	-	-	-	6	
8	Racial Discrimination	-	1	-	-	-	-	-	-	1	2	
9	Persons with Disabilities	-	3	-	-	-	-	-	-	-	3	
10	Others	1	-	-	-	-	1	-	-	-	2	
	Total	54	62	42	13	7	22	5	12	2	219	

2.1.3. Theme based Complaints:



While going through the nature of complaints based on nine core conventions, complaints based on civil and political rights tops the list with 115 complaints registered during this fiscal year. A total of 26 complaints on economic, social and cultural rights, 47 on torture, 7 on child rights, 11 on women's rights, 6 against the enforced disappearance, 3 on the rights of persons with disabilities, and 2 on others have been registered. As per the details furnished in the complaint, 54 complaints on the administration of justice has been registered which is relatively the highest while 47 on abuse and torture and 41 on rights to life have been registered. A total of 6 complaints on enforced disappearance including 5 complaints against the unidentified group and 1 against the security force was registered while against the extra judicial detention, 4 against unlawful arrest, 4 on the right to freedom have been registered this fiscal year. Similarly, 10 complaints on the right to health, 3 complaints each on the right to shelter and housing and the violation of clean environment have been registered respectively. Eleven complaints on women's rights, 7 on the rights of child have been registered whereas 1/1 complaint each against racial and linguistic discrimination respectively have been registered. Meanwhile, 3 complaints on the persons with disabilities and 2 on others have been registered this past year.

An Overview of Annul Round-up of the Commission



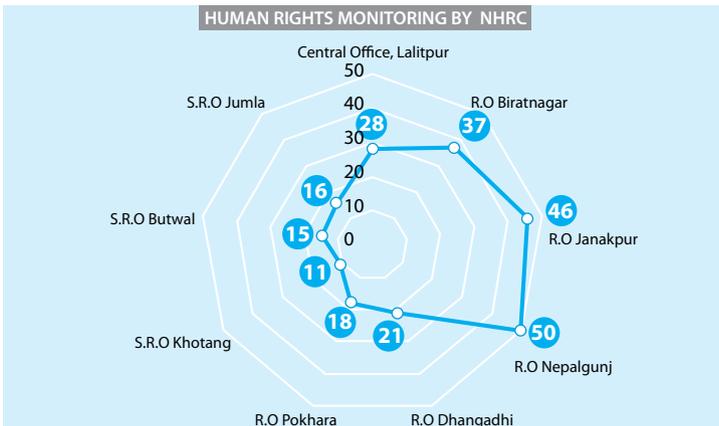
S.N	Nature of activity	No.	Thematic
1	Human Rights Protection		
1.1	Complaints	219	Administration of Justice, killing, enforced disappearance, abduction, extra judicial detention and imprisonment, intimidation, health, education, right to employment, women's rights, rights of child, rights of person with disabilities, rights against caste discrimination
1.2	Monitoring	242	Human rights situation, human rights situation during banda and strikes, rights of prisoners, condition of prisons and detention centers, economic, social and cultural rights of freed Haliyas (Tillers), condition of hospitals and health services, consumer rights, rights of displaced citizens due to the natural disasters (flood and earthquake), rights of senior citizens, women and children, indigenous communities, minorities and marginalized communities.
1.3	Investigation	208	Right to life under civil and political rights, torture and enforced disappearance. Similarly, right of displaced citizens, rehabilitation, property confiscation, compensation
1.4	Decisions/Recommendation/unsettled, to be finalized	182	Administration of justice, abduction, displacement, economic, social and cultural rights, torture, caste discrimination, women's rights, enforced disappearance.

S.N	Nature of activity	No.	Thematic
2	Human Rights Promotion		
2.1	Training, interaction, seminars, discussion, meetings, workshop, morning walkathon and demonstration	226	Women's rights, rights of child, rights against torture, rights against enforced disappearance, UPR Report, rights of senior citizens, consumers' right, rights of migrant workers, transitional justice, right to education, rights of Human Rights Defenders, rights against racial discrimination.
2.2	Promotional activities in coordination and collaboration	15	Transitional justice, National Human Rights Action Plan, Human Rights Day, human rights situation and the safety of journalists and human rights defenders during the protest programs and strike
2.3	Facilitation of expertise (Resource persons)	54	Program organized in coordination with the organization and agencies working in the field of human rights
2.4	Chief guest, guests and participation	332	Program organized in coordination with the organization and agencies working in the field of human rights
3	Publications		
3.1	Regular publication	1	Annual Progress Report of the Commission

S.N	Nature of activity	No.	Thematic
3.2	Report/Booklets	11	The NHRI Nepal Joint Submission for the Second Universal Periodic Review of Nepal, Human Rights Situation During Moment, Before and After Declaration of Constitution of Nepal, Trafficking in Persons National Report 2013-15, Memoir of late Dayaram Pariyar, Earthquake and Human Rights, Important Decisions with regard to Human Rights, Things to know about Human Rights, Report on the Implementation Status of the NHRC Recommendations and Victims, National Report on Human Trafficking, Sambahak (Journal).
3.3	Press Release/Press Note	44/ 29	Investigation into various incidents, Action against the Accused, Respect for Child Rights, Alternative of Banda, Publicize the whereabouts of the disappeared citizens, Make the agitation dignified and peaceful, stop hatred Speech, End impunity, Attention drawn towards the human humanitarian crisis due to the blockade.
4	Human Resource		
4.1	Chairperson / Commissioners	1/ 4	
4.2	Staff	194	Central, Regional and Sub-Regional Offices

2.1.4. Human Rights Monitoring

The Commission has been conducting monitoring in two different facets for the protection of human rights. First, the Commission monitors on its own while the other type of monitoring is conducted in coordination and collaboration with other stakeholders. The Commission has been advancing its monitoring activities on the incidents of human rights violations provisioned through the national laws and by keeping in mind the implementation status of the human rights related international conventions and treaties. Monitoring is conducted on regular basis and on various areas which include overall human rights situation, human rights situation during the band and strikes, rights of prisoners, the condition of the prisons and detention centers and unlawful arrest. The Commission has been monitoring the situation of Economic, Social and Cultural Rights of freed Haliyas (Tillers), condition of hospitals and health services, consumer rights, human rights of citizens displaced by the natural disaster. Similarly, the Commission has been monitoring the human rights of senior citizens, women, children, indigenous communities, minorities and marginalized communities, persons with disabilities, migrant workers and the persons, with disabilities and victims of trafficking. The Commission has also been conducting surprise and abrupt monitoring from time to time. This type of monitoring is normally conducted when it is deemed necessary in exceptionally difficult situation in society or any emerging issue that needs to be monitored.



During this fiscal year, the Commission has conducted monitoring on the human rights related issues 242 times. A total of 28 monitoring has been conducted under the purview of the central office while 37 from Regional Office, Biratnagar and 50 (58 issues) from the Regional Office, Nepalgunj have been conducted respectively. Likewise, 46 monitoring from the Regional Office, Janakpur has been carried out while with regard to the monitoring from the Sub- Regional Office, 11 from Sub Regional Office Khotang, 16 from Butwal and 15 from Jumla have been conducted.

Of the total 241 monitoring missions, monitoring has been conducted 26 in coordination and collaboration which include 20 from Janakpur, 3 from Biratnagar, 2 from Pokhara and 1 from central office. Regional Office Janakpur conducted 20 out of 46 monitoring missions in coordination and collaboration with the organizations working in the field of human rights.

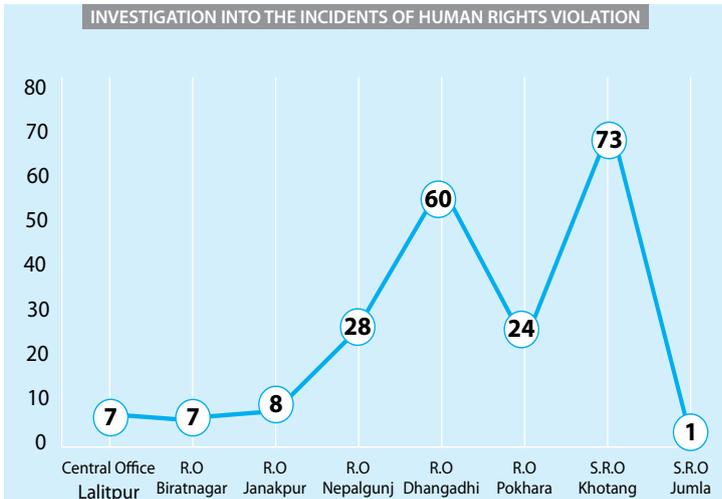
Generally, most of the issues of monitoring mission launched in collaboration are related to human rights situation during the time of agitation in Tarai-Madhesh. Biratnagar Office, in collaboration with INSEC (Informal Sector Service Center), COCON and Third Alliance, had monitored the on-site monitoring on the incident of fire blazed on two children by the protestors by fatally injuring their legs with petrol during the band called by Madhesi Front. On the other hand, the incident of rape of a woman was monitored in collaboration with Jagaran Nepal. The Regional Office Pokhara conducted monitoring in collaboration with the District Administration Office, District Child Welfare Committee, Office of Women and Children and local level civil society on the situation of children in Children Home and their rescue. Another monitoring was conducted in collaboration with INSEC on the human rights situation during the banda organized by the Prithvi Highway Bus Transport Association. The Commission had also conducted monitoring on the child rights situation in Parsa and Dhanusha districts in collaboration with the central office, Ministry of Education and Education Department.

Most of the monitoring with regard to the human rights situation in the districts of Tarai-Madhesh was conducted in collaboration with the

central office. Hon. Chairperson and Hon. Commissioners had led a few monitoring missions conducted at times. Human rights situation was monitored in the district of Parsa at the leadership of Hon Chairperson.

2.1.5. Investigation into the Incidents of Human Rights Violation

The Commission has been advancing its activities by putting across the investigation work in priority with regard to the incidents of human rights violation and the act of abetment. Like past years, the Commission has accomplished investigation on the complaints on 'Sou Muto' basis during this fiscal year. The investigation is conducted on 208 cases including both backlog and new cases. As per the details made available received by the central office, 7 cases from central office and likewise 60 from Dhangadhi Regional Office, 24 from Pokhara, 7 from Biratnagar, 28 from Nepalgunj and 8 from Janakpur Regional Office have been investigated respectively.



2.1.6. Settlement of Cases and Recommendation

A total of 182 cases have been reconciled on the basis of the fact discovered upon monitoring and investigation. Similarly, 26 cases have been recommended while 47 are not yet finalized. In addition, 104 cases have been dismissed while the decision is made to keep 5 cases as pending.

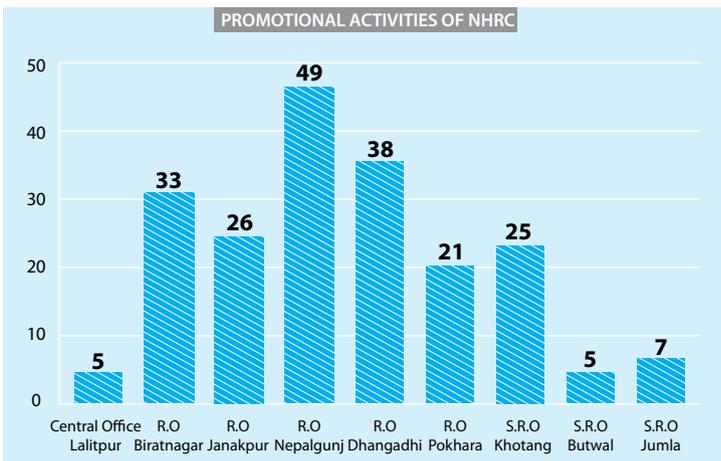
The cases which are decided to be finalized include 9 cases of administration of justice, 7 cases of abduction, 4 cases of displacement, 10 cases of Economic, Social and Cultural Rights, 12 cases of torture and one case each of caste discrimination and women's rights respectively. Similarly, the cases decided as dismissed include 18 cases of administration of justice, 12 cases of enforced disappearance, 14 cases of abduction, 5 cases of murder, 4 cases of displacement, 28 cases of Economic, Social and Cultural rights, 19 cases of torture, 2 cases of caste discrimination, one case each of women's rights and other whereas 5 cases including 4 cases related to torture and one related to enforced disappearance are kept as pending.

CHAPTER - 3

Promotional Activities



Promotional activities have the special role in catering human rights education and awareness and advocacy, follow up initiatives and awareness on human rights including information dissemination. The Commission has been conducting promotional activities in accordance with the constitutional and legal obligation. The activities as such have always extended support to the development of human rights and human rights culture. By issuing the NHRC Guidelines on Coordination-2013, the Commission has been conducting all promotional activities in order to make the promotional activities further effective.



In this regard, various activities including interaction, discussions, meetings, seminars and workshops and training on a number of themes and issues have been conducted for human rights promotion. This year,

the Commission had advanced all its activities based on the slogan “ Human Rights in Every Household, a Base of Peace and Development’.

Various activities have been accomplished with regard to the implementation of the Six Year Strategic Plan of the Commission prepared by the Commission. This fiscal year, the Commission has accomplished a number of promotional activities on its own while many of the activities have been accomplished in coordination and collaboration. A total of 209 promotional activities have been conducted by the Commission this fiscal year. Of the total, 5 activities have been conducted under the purview of the Central Office while 33 from Biratnagar Office, 26 from Janakpur Office, 21 from Pokhara Office, 49 from Nepalgunj Office 38 from Dhangadhi Office have been conducted respectively. With regard to the promotional activities conducted under the purview of the sub-regional office, 25 from Khotang Office, 5 from Butwal Office and 7 from Jumla Office have been accomplished respectively. From among the total promotional activities, 15 were conducted in coordination and collaboration. Similarly, the resource persons and subject experts were provided in 54 different activities organized by various human rights organizations and agencies. The Commission made its presence as chief guests and guests in 71 programs organized by other organizations and agencies. The Commission also participated in 261 program as participants.

Having participated in such discussion and workshops, the Commission has expanded its outreach far and wide. This apart, the Commission has published and disseminated various material related to awareness on human rights. Various documentaries have been produced to cater basic human rights education which has extended support in inculcating human rights awareness among the general citizens.

CHAPTER - 4

Some Major Activities of the Commission



During this fiscal year, the Commission has sent the recommendations on periodic review report and prevalent laws related to human rights including their improvement and necessary amendment. These include, 35 point suggestions on the draft constitution of Nepal promulgated on 20 September 2015, review on NHRC Act - 2012 AD, new draft on NHRC Regulations on service, condition and benefits of staff- 2001 AD and formation of working groups to provide remedial solutions to the complications surfaced on the implementation of the NHRC recommendations and suggestions and submitted the report to the Commission and the Office of Attorney General.

During this fiscal year, promotional and capacity development programs have been organized on human rights action plan. Monitoring has been accomplished directly and indirectly in all the districts on the implementation status of the Human Rights Action Plan. On-site monitoring was conducted in 40 districts on the implementation status of the human rights action plan. While observing the facts received through the monitoring and promotional programs, government agencies appeared to have become a lot more aware on the citizens' rights and their responsibilities.

Despite this, the enjoyment of human right in the country is not that satisfactory. The implementation of Human Rights Action Plan still seems to be a far cry as because women, Dalits and marginalized groups are deprived of their meaningful participation. The general citizens are found still facing the shortage of food, lack of health awareness, unavailability

of medicine and doctors in the districts of Doti, Achham, Bajhang, Bajura and Darchula of far west, the districts of Karnali Zone in mid-west and the remote parts of other mountain areas. The programs were held on the development of National Inquiry Guidelines - 2016 AD, NHRC initiative on the collective rights organized by the Khimti- Dhalkebar 220 KV electric supply line and 'ILO 169 Convention and Human Rights. A 10-point MoU on the protection of human rights of migrant workers was inked between NHRC Nepal and NHRC Qatar on 16 November 2015. The Commission had also drawn the attention of the international communities including the UN, the Asia Pacific Forum and International Coordinating Committee towards evading the situation of scarcity of very essential goods and humanitarian crisis emerged due to the Tarai-Madhesh agitation.

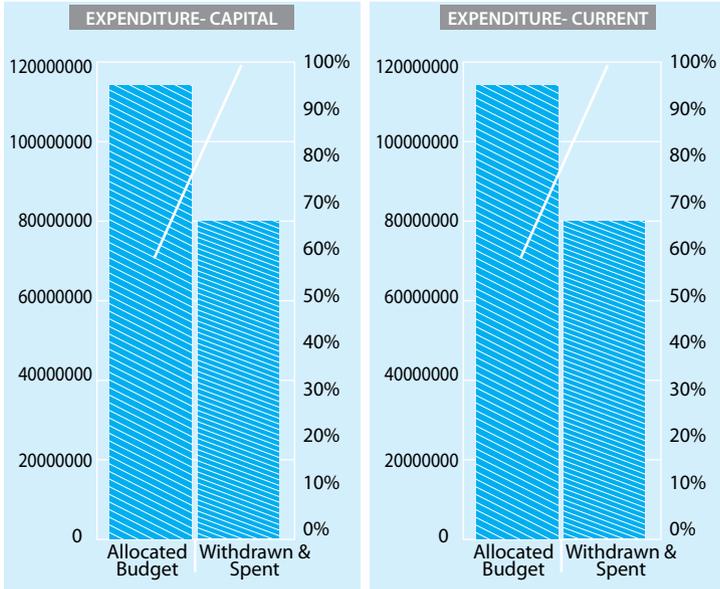
The Commission has significantly accomplished various activities including the policy wise recommendations to the Government on various child rights related issues for the protection and promotion of the rights of child together with the recommendation on the initiatives to be stepped up by the Government and other concerned stakeholders for the control of stringent crime of human trafficking and transport including safe migration for employment.

This fiscal year, the Commission has issued 44 press releases and 29 press notes. Altogether, 12 publications including reports, booklets and Sambhok (Journal) have been published and disseminated. The central office based resource center has purchased 153 copies of books on human rights and received 54 copies of books as donation from various donors, organizations and agencies.

Since the inception period, the Commission has been accomplishing various activities in coordination with the national, regional and international organizations and agencies. This fiscal year, the Commission has carried out many activities in coordination and collaboration with national and international entities. They include, the Office of the President, Federal-Legislature parliament, Nepal Government,

Constitutional bodies, political parties, Civil Society organizations, international associations and transitional commissions.

Financial Disclosure



Government of Nepal had allocated NPR 11,41,43,271.00 (Eleven crore forty-one lakh, forty-three thousand and two hundred and seventy-one) for the current fiscal year 2015/16 as per the Budget Heading No. 2140113. NPR 7,93,77,732.78 (NPR seven crore, ninety-three lakh seventy seven thousand seven hundred thirty two seventy eight paisa) has been withdrawn and spent out of the allocated budget. Similarly, the budget amounting NPR 52,96,729.00 (NPR fifty-two lakh ninety-six thousand seven hundred and twenty-nine) was allocated while NPR 50, 39, 784.72 (NPR fifty lakh thirty-nine thousand seven hundred and eighty-four and seventy-two) have been withdrawn and spent. Similarly, NPR 26,62,744.10- (NPR twenty-six lakh sixty-two thousand seven hundred forty-four and 10 paisa) has been withdrawn and spent from the existing capital amount NPR 27,20,000.00 (NPR twenty-seven thousand lakh and twenty thousand).

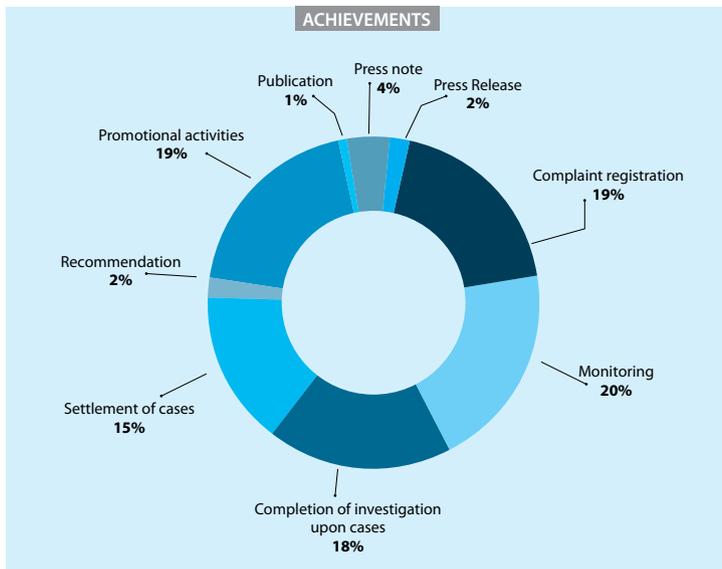
CHAPTER - 5

Achievements, Challenges, Possible Measures and Way Forward



5.1 Achievements

The Commission has achieved various achievements in the protection and promotion of human rights during this fiscal year. By keeping the protection and promotion of human rights in priority, the Commission has accomplished programs based on the slogan “ Human Rights for Every Household, Bases of Peace and Development.”



Complaints Handling, Monitoring and Investigation

During this fiscal year, the Commission has received 219 complaints. Monitoring has been conducted 242 times on various issues of human

rights. A total of 208 cases including both backlog and new cases have been investigated during this fiscal year.

Settlement of Cases

Out of total, 182 complaints have been reconciled on the basis of the fact discovered upon monitoring and investigation whereas 26 cases have been recommended and 46 are not yet finalized. A total of 104 cases have been dismissed while the decision is made to keep 5 cases as pending. The Commission has recommended the compensation on 23 different cases. Similarly, the recommendations are made on free health treatment, reimbursement of the amount incurred during the treatment, constraint on excessive use of force, legal action against the accused, improvement in the health examination in custody and post mortem report.

Recommendations

The Commission has forwarded 26 recommendations this fiscal year. Implementation status of the recommendation has relatively progressed this year in comparison to that of the past years. The compensation of amount six hundred thousand has been provided to the family of Suntali Tamang who was raped and killed while the departmental action has been advanced against Superintendent of Police Sanjeev Sharma as per the Police Headquarter. The compensation of three hundred thousand is provided to the family of Niraj Devkota who was killed in Sindhuli prison. Likewise, twenty-five thousand has been provided to Riddhi Bahadur Garmachhan as compensation.

Promotional Activities

A number of achievements have been made through human rights promotional activities. The Commission has organized 226 program for the promotion of human rights this fiscal year including discussion, seminars, workshops and training. Among this, 15 programs were organized in coordination and collaboration with other stakeholder organizations and agencies. The Commission has facilitated resource persons and subject experts in 54 programs organized by the organizations associated with

human rights. The Commission had made its presence in 71 programs as the chief guest and guests and also participated in 261 programs as participants. Having participated in such discussion and workshops, the Commission has expanded its outreach far and wide. This apart, the Commission has published and disseminated various materials related to awareness on human rights. Various documentaries have been produced to cater basic human rights education which has extended support in inculcating human rights awareness among the general citizens.

Publications

Twelve publications including the reports and journals have been published by the Commission this fiscal year. From this year onward, the Commission has come up with its own journal entitled SAMBAHAK (trimester). The journal carries the reading materials featuring human rights issues and concerns which serves as the platform to provide an access to have discussion and debate on various human rights knowledge and facet in academic sphere. This year, the Commission also publicized the Report on Earthquake for the protection of human rights of the victims of the devastating earthquake that hit the nation on 25th April, 2015. The publication of “ Things to Know about Human Rights” is given continuity on regular basis and disseminated widely.

Press Release and Press Note

This fiscal year, the Commission has issued 44 press releases and 29 press notes on various contemporary issues. They include investigation into various incidents, action against the accused, respect for child rights, alternative of Banda, publicizing the whereabouts of the disappeared citizens, making the agitation dignified and peaceful, hate speech, impunity, human humanitarian crisis due to the blockade.

Rescue and Rehabilitation

During the fiscal year, the Commission was engaged in the rescue activities starting from Morang and Jhapa districts. Four mentally ill persons were rescued in coordination with Women and Children Development Office of Jhapa and Morang, Koshi Heraicha municipality, District Public Health

Office, District Administration Office, Ambulance Drivers association and sent to KOSHISH for necessary rehabilitation and treatment. While these persons are undergoing treatment, the volunteer group is formed in citizen's level and is actively engaged in organizing workshops and awareness raising program from human rights perspectives for the protection of human rights of mentally ill persons in Morang and Jhapa districts.

Coordination and Cooperation

National Level

The Commission has given the continuity to the coordination and collaboration during this fiscal year. A series of discussions have been held with the representatives of Social Justice and Human Rights Committee of Legislature Parliament, parliamentarians, Government Officials, Officials of Security Bodies, Former NHRC Offices, Civil Society organizations, human rights workers associated with human rights organizations and agencies with main focus on various thematic subjects of human rights. This fiscal year, 15 programs have been held in coordination and collaboration with the stakeholder agencies and organizations. The Mobile Human Rights Camp launched in collaboration with Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation is still active under the purview of the Commission although the project is already concluded. The discussion has been held in coordination with the Eastern Region Human Rights Defenders Council with regard to the safety of human rights defenders.

International Level

In international level, the Commission has been accomplishing its activities in a professional tie up with the UN bodies, umbrella organization of human rights commissions International Coordinating Committee and Asia Pacific Forum including the donor agencies. The Chairperson, Commissioners and other staff members are on frequent international visits in connection with the discussion, exchange of experience and training held on various human rights concerns in international level. These activities have indeed enhanced the relationship of the Commission in international level and extended

support in the development of human rights culture, awareness, coordination and collaboration back home. The Commission also drew due attention of the international communities towards the adverse impact left on the daily life of the citizens due to the lack of medicine and petroleum products following the undeclared blockade caused along the Indo-Nepal border amid Tarai-Madhesh Agitation. At the same time, an MoU signed between the NHRC-Nepal and NHRC-Qatar can be taken as a significant milestone achieved for the protection of human rights of Qatar based migrant workers.

Human Resource Management

During this fiscal year, the Commission has been able to achieve success in the longstanding human resource management eventually. The vacancies lying since the inception period have been significantly fulfilled with the recruitment of permanent staff members. The permanent staff including 80 officer and assistant level have been taken on board this fiscal year.

5.2. Challenges

Pervasive State of Impunity

The problem of impunity is still prevalent in the country due to the prolonged transitional phase, status quo political instability and the political protection given to the violators of human rights and the persons involved in crime. The state of impunity has taken to its height due to the lack of effective legal action taken against the accused persons explicitly identified by the Commission and even after the court decision for punishment dispensed against those involved in criminal offense.

The NHRC staff deployed in monitoring mission are thrashed and their vehicles are burnt causing hindrance to the protection activities during the protest programs which is said to have been organized in the name of peaceful protest to have the demands of disgruntled parties meted out. Various challenges have emerged before the protection of human rights due to the lack of political will to curb the state of impunity despite commitments expressed time after time by the Government and the political parties.

Transitional Scenario

Begun with the decade long armed conflict, peace process and the constitution building process, the prolonged transitional phase has left negative impact on the rule of law and the protection of human rights. Especially human rights protection has been adversely affected due to the repercussion of the incidents of human rights violation and immunity provided by the ineffectual state mechanism to the accused of human rights violation.

No Implementation of NHRC's Recommendations

While reviewing the implementation status of the NHRC recommendations, the recommendation for the compensation and legal action has not been improved this year also even after the investigation conducted into the complaint of human rights violation and excess. The recommendation implemented so far are related to the provision of the compensation. Apparently, the implementation of the recommendations made on legal action against the persons involved in the incidents of human rights violation and excess is in a very dismal state. Victims have felt that justice is almost lost and this has left negative impact on the activities of the Commission in some ways or the other.

Discussion on Annual Report of the Commission: A much awaited Event

The Commission shall have to present its annual progress report before the President as per the constitution who in turn shall have it presented at the legislature-parliament through the Prime Minister. Till date, no discussion has been spearheaded in the legislature-parliament on the report which indeed has left impact on the implementation of the recommendations.

Resource Crunch

The Commission has been working amid the resource crunch including inadequate physical infrastructures since its establishment. On top of that, the daily function of the Commission has been adversely affected due to the damage caused to the office building of the Commission by the devastating earthquake that hit the nation in 2015. The Commission is now working in a prefabricated shelter built in an open

space in front of old office building. The daily work is yet impacted due to the lack of adequate space made available with comfortable working environment for staff.

Lack of Career Development of the Staff

Though the staff members of the Commission have enhanced their capacity, no adequate attention is paid to their career development through study, research and training.

Untapped Momentum of Development of Human Rights Culture

A civilized society cannot be imagined without the development of human rights culture. While we look at the process of social development, though many activities have been accomplished in the field of human rights, development of human rights culture hasn't tapped impetus in satisfactory manner. All including the persons individual, organizations, class, community haven't been able to experience human rights.

Unresolved Conflict-era Problems

The society is not able to mitigate the scar of trauma left during the armed conflict period of the past. The damaged physical structures haven't been rebuilt though the Maoist army has been managed. It's been long time since the conflict victims have been battling for justice but all in vein. Established to investigate the conflict-era cases, Truth and Reconciliation Commission (TRC) and Commission for Investigation on Enforced Disappeared Persons (CIEDP) haven't been able to advance their activities even when expiry of their tenure is approaching at the threshold due to the lack of law and organizational regulations.

Orthodox Mentality

The orthodox mentality is deep rooted in society even now. There exist practices in the name of culture such as witchcraft, Chawpadi and dowry. A few women have lost their lives while the orthodox mentality is deeply rooted in society even now. There exist practices in the name of culture such as witchcraft, Chawpadi and dowry. A few women have lost their lives while in solitary confinement under Chawpadi culture. Likewise, a few males and females have fallen the victims of inhuman and

degrading behavior at the accusation of practicing witchcraft. They are forcibly fed human excretion, their heads are shaved in unevenly manner and at times they are killed. Many women are found burnt alive on dowry issue.

Lack of Transparency in Expenses incurred by NGOs and INGOs

The negative message is floated among the general people due to the lack of maintenance of transparency in the expenses of NGOs and INGOs associated with the protection and promotion of human rights. This has affected even the work of those organizations who are working complying with the Acts and regulations.

Lack of Coordination and less Productive Results

Apparently, there arises confusion while there is a lack of coordination and between the Government and non-government organizations. This has created enough room of the lack of results, repetition of work, and development of mentality to avoid the delegated work.

5.3. Measures to be adopted to overcome Challenges

The Commission has presented the following suggestions as measures to address the challenges furnished above:

To the Government of Nepal

1. To create an environment for the implementation of the Constitution within the stipulated timeframe by promulgating necessary human rights friendly laws;
2. To address justifiable voices raised by various classes, communities and sectors;
3. To implement the NHRC recommendations provided on the basis of facts and evidences through the monitoring and investigation into the complaints received on the violations of the human rights, excess and humanitarian laws;
4. To make the accused of the violation of human rights and humanitarian laws accountable and to provide justice to the victims;
5. To respect rule of law and human rights to put impunity to an end;

6. To drag all those involved in the unlawful activities and also those accused by the court to legal front;
7. To make arrangement of peace and security;
8. To publicize the whereabouts of the persons fallen the victims of enforced disappearance of the state, to book the accused and provide justice to the victims;
9. To create an environment to table the Annual Progress report of the Commission in the federal parliament for discussion;
10. To make the financial assistance and resources including the office building available to the Commission;
11. To avail necessary support in crime investigation as per law without any political interference;
12. To pave ways to make the Commission financially independent;
13. To implement or cause to implement the National Human Rights Action Plan, and
14. To build an environment to promulgate necessary laws and regulations needed for Truth and Reconciliation Commission (TRC) and Commission for Investigation on Enforced Disappeared Persons (CIEDP).

To the Political Parties

1. To respect Rule of Law and not to shelter impunity at the helm of politics;
2. To spearhead maximum initiatives for building human rights friendly constitution and to appropriately address the demands of the communities;
3. To extend special support to the Government for sustaining the environment for peace and security;
4. To make the protest programs of any sort peaceful and organize such program within the norms and values of human rights, and
5. To move ahead with the common concept built on human rights issues.

5.4. Way Forward

The Commission will take further effective steps in the days ahead to accomplish the functions, duties and power mandated through the Constitution and laws for the protection, promotion and respect of human rights and the development of human rights culture in the country. The Commission will advance all its activities on the basis of Strategic Plan (2015 -2020 AD) to achieve its strategic objective conceived and formulated at its disposal. Simultaneously, the Commission will, as usual, seek effective coordination and collaboration from the Government, constitutional bodies, political parties, civil society actors, national and international human rights organizations and donor agencies. The Commission will mount further pressures on the government with its special action plan on the weak provisions laid out in the NHRC Act with regard to the implementation of the recommendations. The Commission will also play effective role to create pressure on the government for the promulgation of human rights friendly constitution, ratification of the Rome Statute of International Criminal Court (ICC), International Convention against Enforced Disappearance. In addition, the Commission will play its role to alert the Government for the implementation of the recommendations made via the UPR report received by Nepal Government and the fulfillment of the state obligation to implement the international conventions to which Nepal is party.

Conceptualized through the Strategic Plan, the Commission by adopting the process set forth for the following year, will continue to convey the message of human rights in every household. The study and research will be advanced on the present human rights situation of the victims of human rights violations. The Commission will also lay stress on the development of human rights culture through the promotion of human rights literature. The investigation work will be taken ahead in further effective manner and formulate the plan in priority basis to address the challenges emerged before the fulfillment of human rights from district to district. The Strategic Plan will be revamped by taking relevance of time into account and implemented to have it translated into action in practical term. Similarly, the Commission will be further proactive to

formulate new action plan on natural disaster and human rights, to boost the culture of collaboration and to fulfill its constitutional responsibility in the days to come.

Human rights doesn't have any frontier and nor does it have any religion, caste, creed and color. There shall be no equality, justice and possibility of humanitarian dignity where there is no compliance of the established norms and values of human rights. Therefore, the Commission vows to move ahead with great deal of determination and persistence in all its activities on the basis of the Constitution, Acts and Strategic Plan as a national institution via the development of human rights culture in the days ahead.



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