



# राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission

केन्द्रीय कार्यालय, Central Office

हरिहर भवन, पुल्चोक, ललितपुर, Harihar Bhawan, Pulchowk, Lalitpur, Nepal



## Press Note

July 20, 2016

The National Human Rights Commission launched 'A Study Report on the Implementation Status of the NHRC Recommendations and Situation of Victims' amid a program held today at the NHRC Central Office, Harihar Bhawan, Lalitpur on July 20, 2016

## Summary of the Report

The National Human Rights Commission has made 738 recommendations till the fiscal year 2015/16 since its inception on 26<sup>th</sup> May 2000 AD. In this regard, the Commission held an interaction with the human rights defenders on 23<sup>rd</sup> April 2015 upon Studying the nature of recommendations and their implementation status. The report mentions that 14.3 % recommendations have been fully implemented as per the Study carried out by the Commission whereas the implementation status of the recommendations is 30 % as per the data provided by Nepal Government. However, since the implementation status of the recommendations appeared to be in a dismal state on the basis of the data provided by the government, the Commission decided to spearhead the research based Study on the implementation status of some representative recommendations and situation of victims by conducting on-site monitoring.

At the outset in the first phase of the research based Study, we segregated those recommendations relating to the incidents of various human rights concerns affecting almost all sectors of the country and those related to a mass. Of these recommendations, 10 are related to the incidents of killing during the Armed Conflict. One of these recommendations is related to the killing during the communal riot while the rest 9 are related to the incident of killing by both the conflicting parties.

Similarly, 2 incidents of caste-based discrimination, one incident of Violence against Women, and one incident related to Economic, Social and Cultural rights among others have been the subject of our Study. We have carried out studies by reaching from house to house of the victims in Kalikot, Panchthar, Ramechhap, Chitwan, Dhanusha, Siraha, Doti, Khotang, Mahottari, Dhading, Kanchanpur, Kapilvastu, Tanahu, and Dang districts on the basis of the checklist prepared earlier.

Based on the norms that all human beings are equal from human rights perspectives, we have collected the stock of information from the concerned human rights division of Nepal Army, Armed Police Force and Nepal Police. Likewise, various memoranda and appeals related to the victims submitted to the Commission by various organizations and agencies beginning the month of October of 2014 have also been duly taken into account while preparing the Study report.

We have held an interaction on July 13, 2016 with the Minister of Law, Justice and Parliamentary Affairs, Attorney General, Chief Secretary of Nepal Government, Assistant Attorney General and Joint Secretaries on the implementation status of the recommendations.

We are privileged to present this report after one year since we launched our research based Study in July, 2015. The report mainly focuses on two fold themes including the implementation status of the NHRC recommendations and the situation of victims. The Commission has provided the identity of the accused in 78 of 738 recommendations. Subsequently, upon identifying the guilty, the Commissions has corresponded regarding 263 recommendations to the Government urging to take action against them while there are 51 recommendations demanding the legal action



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as per the existing law. 35 recommendations are sent in connection with the criminal offenses while 27 recommendations stipulates on action via investigation. There are 32 recommendations urging to take necessary action only while compensation is recommended on the basis of 512 recommendations.

Two out of 14 incidents selected as the subject of the Study is related simply to the monitoring while the rest 12 incidents are from among the total 738 recommendations. The Commission has been informed that the guilty involved in one incident from among 12 recommendations has been sentenced imprisonment and terminated from service while the compensation has been provided to the victims of all the incidents based on the recommendations.

The conclusion of Study is that the state ought to take the guardian ship of victims. At the same time, the Commission is of the opinion that merely providing a meager amount as relief to the victims does not fulfill the state obligation. The Study puts forward the proposition that there needs to be a provision in law in the would-be formed local Government bodies with regard to the issuance of the identity cards to the victims under their jurisdiction and the documentation of the data-record of the details of the victims' families in the concerned VDCs or municipalities in order to facilitate continuous support to them. Though there is a difference between the human rights victims and victims of crime, the families of the victims, who have been deprived of the realization of human rights, also endure the plight just like the victims do. The Study, therefore, argues that there needs to be a provision such as provided in Article 21 of the prevalent constitution needing the protection of the compensation including social rehabilitation for such victims equal to those of the victims of crime. The Study has also encompassed various concerns of the victims of human rights violation to be compulsorily addressed in law to be promulgated within three years that ensures the right of victims of crime as per the Article 47.

The Study report has pointed out the need of policies and guidelines on the basis of experience gained on the human rights violation that could address the victims with regard to the possible incidents of human rights violation in the present and in the future. In this concern, since the guidelines issued by the Ministry of Peace and Reconstruction have covered the incidents of decade long armed conflict only, this Study report finds it inappropriate to make an arrangement of relief to the victims of human rights violation of Tarai agitation merely on the basis of the decision dispensed on the ground that there is no explicit legal provision as such for the provision of relief to such victims. The Study further argues that the relief and compensation provided to the victims of human rights violations is not the matter of mercy but the need of the hour to make legal provision to recognize such rights as the rights of victims. The Commission has substantiated the appropriateness of amending the prevalent law to bestow with power to the Commission to blacklist not only the officials who do not implement the NHRC recommendations but also the human rights violators.

The Commission has urged to give importance to the arrangement of education, health and employment opportunities while granting compensation to the families of the victims. Stressing on the promulgation of victims friendly law, the Study report has pointed out the amendment in such laws.

The research based Study is an accomplishment achieved through active involvement of the staff members of the Central Officer, Regional Office and Sub Regional Office of the Commission including a few Bachelor level scholars of Victims' Relief Management of Tribhuvan University and Nepal Law Campus.

The Commission heartily acknowledges the contribution rendered by experts including Dr. Shanker Kumar Shrestha, Dr. Rajitbhakta Pradhananga, Dr. Yam Bahadur Kisan and Associate Professor Ramesh Raj Pradhan for bringing out this report with the analysis made from audio-visual material on victims.

**Mohna Ansari**  
Commissioner / Spokesperson