



राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission

केन्द्रीय कार्यालय, Central Office

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



Press Release

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Suggestions provided to make the Commission Independent, Autonomous and Inclusive

LALITPUR: The National Human Rights Commission (NHRC) has presented the advisory inputs including suggestions to the Constituent Assembly (CA) Chair Subash Chandra Nembang to make the Commission independent, autonomous and inclusive.

The Commission had organized a number of consultation programs with the concerned stakeholders in regional and sub- regional offices of the Commission including a program with the constitution experts in Kathmandu to collect the suggestions on the draft constitution-2015 prepared by the Members of Constituent Assembly (CA) of Nepal formed as per the second CA election in 2070 and published in the national gazette on July 8, 2015. The suggestions are prepared on the basis of the suggestions received by the working group formed at the coordination of Commissioner Govinda Sharma Paudyal and presented to the CA Chair accordingly.

‘The provisions enshrined in the draft constitution needs to be amended as per human rights, democracy, inclusive principals and the international human rights norms and values,’ the suggestion presented by the Commission mentions. The suggestions presented on the draft constitution by the Commission includes various rights issues including preamble, fundamental rights, citizenship, directive principles of the state, formation of NHRC and the state of emergency.

The following are the point-wise suggestions prepared by the Commission and presented to the CA Chair:

1. There needs to be clear provision with regard to jurisdiction and coordinating role of National Human Rights Commission, National Women Commission and , National Dalit Commission and other Inclusive Commissions.
2. Since fundamental rights are being effective instantly, they should not mentioned with the restricted clause ‘As per law...’ Also, since it is appropriate to adjust several provisions relating to fundamental rights under the directive principle of the state; it is suggested to do so.
3. The attention needs to be paid to the provision mentioned in the draft constitution with regard the economic, social and cultural rights which are provided gradually on the basis of the resources available.
4. Backward communities facing historical injustice and those falling behind in the list of human development index only need to be brought under positive discrimination.
5. The principle of separation of power is not adopted anywhere in the draft constitution to which the heed must be paid.



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6. Many terminologies used in the draft constitution with double meanings need to be revamped.
7. The proportional inclusiveness among the political parties need be ensured.
8. The preamble being the soul of the constitution, it needs to be brief, lucid and human rights friendly.
9. The provision with regard the citizenship by descent must be justifiable from gender equality perspective.
10. It is to be mentioned that no one shall be subjected to physical or mental torture or no one shall be treated brutally or in inhumane and degrading manner during investigation.
11. There needs to be a provision that every citizen shall have the right to receive, ask and disseminate the information of his personal or public concern.
12. There needs to be a provision that every Nepali community living in Nepal shall have the right to receive education in mother tongue, open and operate the educational institutions as per law.
13. There needs to be a provision that children shall have the rights against punishment or physical or mental torture or any kind of torture or other cruel, inhuman and degrading treatment at home, at school or anywhere.
14. The provision should be included with regard to senior citizens' right to special protection or social security including the right to live with dignity.
15. The remuneration and other conditions of service of the Chairperson and the Members of the National Human Rights Commission shall be equal to those of the Chief Justice of the Supreme Court or Justice.
16. The provision must be set forth to take the action against person who fails to implement the NHRC recommendation or fails to take action against those documented as the violators of human rights.

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