



राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission, Nepal

केन्द्रीय कार्यालय Central Office

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



Press Note

July 3, 2020

Manage adequate legislative arrangement for the protection of senior citizens' rights

Commission publishes the laws and policy related to senior citizens

National Human Rights Commission of Nepal published an integrated publication of national and international laws and policies regarding to the senior citizens. This publication made public on July 3 by the Commission Chairperson Anup Raj Sharma includes the 16 legislations, rules, guidelines, directives, standards and policies as well as the part of 11 international treaty, conventions and declaration. This also includes the the guidelines formulated by the government of Nepal on 29 April, 2020 for the protection of senior citizens during COVID – 19 pandemics.

This publication also includes the suggestions based on the proposed bill tabled in the parliament to amend the Senior Citizen Act, 2006 provided by the Commission. NHRC conducted a comprehensive discussion program on July 18, 2019 with regard to the proposed amendment bill pending in the parliament related to the senior citizen. In the discussion program, ex- judge, representatives from legal professional and the Nepal Bar Association, the organizations working on the senior citizens' sectors, experts and the representatives from the governmental agencies have participated. This publication also includes its suggestion for improvement in the policy and law as well as the full version of the bill sent to the Women and Social Committee under the House of Representatives. The bill is still pending at the Parliament.

Welcoming the provision of including the public personnel depositing the fixed percentage of their income in the name of the parents the suggestion includes that further discussion has to be made for its effective implementation. Most of the senior citizens from the rural area who are also below poverty line may not be benefitted from this provision, it also suggests for the arrangement of the provision of special funds. It has also been suggested to remove the provision of complaining against the kith and kin who are not responsible for caring and feeding of their parents mandatorily by the parents themselves, instead of this, include the provision of complaining by the neighbors including others and the receiving the Suo-moto cognization as notified by the media. The issue is also raised that the provision of getting the share of the amount after the death of the parents by the children who do not deposit in the Bank account is not reasonable. For the sustainable solution, include the provision of the will system 'the property earned by the parents should be as per the will of parents' provisioning the implementation of it after 15 years.

It has also necessitated including the provision of the separate bench and the continuous hearing in the district courts to deal with the cases related with the senior citizens. The cases related to senior citizens which may not be concluded through mediation in the local level,

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NHRC suggests to manage legal provision to initiate the action in the district court on the basis of the reports of the local level.

The responsibility of arrangement to use the experience and skills of the retired and experienced senior citizens with the formation of senior citizens' committee in different villages of the local level has to be provided to the local government. The local government compulsorily should operate the day care centers and care homes and the senior citizens' care homes have to be operated with well managed facility even by integrating these, and the issues raised have to be provided space in the amended law. It is also suggested that the senior citizens residing in the senior citizens' care homes have to be provided the senior citizens' allowances without seeking their citizenships on the basis of their availability of the ID cards.

It is advised that provisions of ensuring the right to health, protection of right to property, strengthen the familial relation of the senior citizens have to incorporate in the law. The provision to declare such a paper void if the property is transferred deceiving the senior is also proposed. NHRC again draws the attention of the government towards the health-related problems of the senior citizens as it has previously recommended. It has been recommended to incorporate in the law that the government should not be reluctant for the implementation of law, keeping the monitoring, directing, performing and the cooperation among governments as a legal responsibility three levels of the governments should be responsible to the senior citizens.

The NHRC also conducted discussion with the senior citizens and the members of the management team in the senior citizens' homes, day care centers, shelters for predetermined periods (Kalpavas) and other care centers. On the basis of this study, suggestions were provided to the government. With drawing the conclusion that the major problems of the senior citizens are the health, property and familial relation so that NHRC pointed out the necessity to immediately pursue the policy of managing minimum one geriatric ward in one of the hospitals and a national level separate hospital for senior citizens. This publication also includes the draft of legislation to incorporate the Commission's suggestions.

The Commission believes that this publication can contribute to make the concerned all sensitive and active for the protection and promotion of human rights of the senior citizens.

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Bed Bhattarai

Secretary/Spokesperson

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