

Annual Report (Synopsis)

(Fiscal Year 2080/2081)



National Human Rights Commission

Harihar Bhawan, Lalitpur, Nepal



Unofficial translation

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(Fiscal Year 2080/2081)



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Harihar Bhawan, Lalitpur, Nepal

NHRC Officials

Hon. Chairperson

Top Bahadur Magar

Hon. Members

Dr. Surya Dhungel

Mihir Thakur

Manoj Duwady

Dr. Lily Thapa

Secretary

Murari Prasad Kharel

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Foreword

The National Human Rights Commission (NHRC), established with the constitutional responsibility, works to respect, protect, promote and even ensure human rights. This summary annual report has been published including details of the works performed in 2080- 2081 by NHRC.

According to Article 294 (1) of the Constitution of Nepal, the Commission has been publishing report annually. Likewise, this years report comprises the work performed by the Commission in the fiscal year 2080-2081. This report of 2080- 81 covers the human rights situation in the country and the work done by the Commission. The report mainly covers the complaints received and registered by the Commission throughout the year, investigation and inquiry conducted upon the complaints, as well as monitoring and recommendations made to the Government of Nepal.

In 2080- 81, 120 complaints related to violation of human rights were registered at the Commission's offices. During this period, the Commission has investigated 368 complaints, both old and new. A total of 161 complaint based recommendations and five policy based recommendations were made through investigations related meetings. Similarly, 276 complaints were put on hold and 16 complaints were dismissed during this period. In 101 complaints filed during the same period, the commission recommended for departmental action against nine persons, convicted four persons and recommended for other actions for remaining persons. The Commission has recommended to the Government of Nepal to provide compensation of Rs 7.42 million in the name of 90 victims and the families.

The Commission has formulated and implemented the Sixth Strategic Plan (2021-2026) to fulfil the responsibilities set by the constitution and law, with the theme of "Right to life, dignity, equality and freedom: Foundation for sustainable peace and prosperity". Likewise the Commission is active in achieving the goals and objectives specified in the Sixth Strategic Plan.

In order to protect and promote human rights, the Commission has been coordinating and collaborating with all three tiers of government at the federal, provincial and local level, constitutional commissions related to human rights, human rights defenders, non-governmental organizations, civil society, business organizations and the international community. The Commission has gained 'A' status since its inception due to the cooperation, collaboration, coordination and support received from the Government of Nepal, international community, civil society, rights activists and donor agencies among others.

Despite the aforementioned achievements the Commission is also facing challenges such as lack of adequate resources, lack of its own building, lack of implementation of all recommendations, traditional thinking towards human rights among others. However, in the face of challenges and difficulties, the Commission is committed to fulfilling its constitutional responsibility to protect and promote human rights.

I express my heartfelt gratitude to the Office of the President, Office of the Prime Minister and Council of Ministers, Parliament, Government, political parties, human rights community, civil society, private sector, donor agencies and media for the goodwill, and support received by the Commission in the course of its functioning.

Finally, I would like to extend my heartfelt appreciation to Joint Secretary Samjhana Sharma, Under Secretary Chandrakant Chapagain and Human Rights Officers Kailash Kumar Siwakoti, Netra Bahadur Gautam, Pawan Bhandari and Supriya Gupta for their contribution to the writing and for their active role in bringing the synopsis of the annual report.

Thank you !

Top Bahadur Magar
Chairperson

National Human Rights Commission Officials



**Hon. Chairperson
Top Bahadur Magar**



**Dr. Surya Prasad
Dhungel
(Hon. Member)**



**Mihir Thakur
(Hon. Member)**



**Manoj Duwadi
(Hon. Member)**



**Dr. Lily Thapa
(Hon. Member)**



**Murari Prasad Kharel
(Secretary)**

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Summary of Report

NHRC Annual Activities: A glimpse

S.N.	Nature of work	Number	Subject	Remarks
1. Human Rights Protection				
1.1	Complaints registered	120	<ul style="list-style-type: none"> • Political and civil rights, • Economic, social and cultural rights, • Rights against torture, • Women’s rights, • Child rights, • Rights against caste-based discrimination, • Rights of persons with disabilities, • Rights against enforced disappearance, • Rights of migrants and their families etc. 	
1.2	Monitoring	154	<ul style="list-style-type: none"> • Political and civil rights (overall human rights situation, rights of inmates, administration of justice, etc.) • Economic, social and cultural rights (right to health, education, employment, environment, rights of consumers, rights of people displaced by natural disasters, etc) • Rights of senior citizens, women, children, caste-discriminated/marginalized communities, persons with disabilities, rights of migrant workers, human trafficking etc. 	

S.N.	Nature of work	Number	Subject	Remarks
1.3	Investigation	368	<ul style="list-style-type: none"> • Civil and political rights : right to life, rights against torture, enforced disappearance, rape, etc., • Economic, social and cultural rights : displaced, property encroachment, rehabilitation, compensation etc., • Women's rights, child rights, rights against caste-based discrimination, etc., 	
1.4	Decisions/ Recommendations	457	<ul style="list-style-type: none"> • Political and civil rights, judicial administration, enforced disappearance, abduction, social and cultural rights, torture, caste-based discrimination, women's rights, child rights. 	
2. Human Rights Promotion				
2.1	Orientation, Interaction, Discussion work done with governments and non-government organizations, Seminar, Workshop, Training, Morning Procession, Exhibition, etc.	157	<ul style="list-style-type: none"> • Human rights situation, peace and security, rights of disappeared persons, transitional justice, right to food, dispute resolution at the local level, civil and political rights, economic, social and cultural rights, child rights, women's rights, rights of persons with disabilities, health rights, rights of senior citizens, rights of minorities, consumer rights, migrant workers' rights, collective rights, etc. 	

S.N.	Nature of work	Number	Subject	Remarks
2.2	Counseling Service	1245	<ul style="list-style-type: none"> • Various psychosocial counseling, suggestions to visit victims to various judicial and quasi-judicial bodies, necessary information on other human rights issues, etc. 	
3. Publication				
3.1	Report/ Journal	17	<ul style="list-style-type: none"> • Three copies of annual reports detailed and concise (one each in Nepali and English) • Thematic Reports, • Human Rights Journal (Issues 22 and 23) • Other: Important press releases issued by the Commission (Part 4) etc. 	
3.2	Press Release and Press Note	65	a) Several human rights issues (50 press releases, 15 press notes)	
4. Right to Information				
4.1	Right to information	16	<ul style="list-style-type: none"> • The Office of the Prime Minister and Council of Ministers, Information Communication and Foreign Coordination Division has formed the Coordination Unit in accordance with the Monitoring Guidelines on the Implementation of the Right to Information and has sent the details of the progress made in the implementation of the decisions taken on different dates. 	

S.N.	Nature of work	Number	Subject	Remarks
			<ul style="list-style-type: none"> Regarding the implementation of the order of the National Information Commission to Submit a written reply to the petition. The role of the Commission, the decision of the Commission, the implementation of the recommendations, etc. on the issue of the people of the area being at risk due to hydropower projects. Issues related to environmental protection, marginalized class community (Raute community), transmission of infection through Rastra Bank notes, rights of children born through surrogacy process, domestic violence, historical and cultural issues of people of different castes and communities, etc. 	
5. Office and Human Resources				
5.1	Office	11	One Central Office, Seven Province Offices and Three Province Branch Offices	
5.2	Chairperson & Members	5	One Chairperson and four members	
5.3	Staffs	254	Working in all Offices of the Commission	

Chapter One

Introduction of the Commission, Organizational Structure, Functions, Duties and Power

1.1 Background

There were instances that human's basic rights and freedoms have been acknowledged even before World War II, but it is after the World War that this view is elevated. However, it is believed that certain relevant issues were discussed in the ancient times even if the term human rights were never used. With the evolution of human civilization, human rights and duties have been categorically mentioned in ancient texts like the Vedas, Upanishads, Tripitakas, and Mundhum and they have been further advanced on a global scale following World War II. If we look at human history, human beings are struggling for their survival. At different times, rulers and ruled, owners and workers, disputes between countries, war and world wars have been taking place. Through treaties and agreements for the peaceful resolution of the world war the world is moving forward and has reached today's stage. Especially after the revolution of the United Nations Declaration 1945 and the Universal Declaration of Human Rights 1948 after World War II, human rights has become global. After that, the process of forming a mechanism from the United Nations and thematically the declaration of human rights, convention, article proposal under will, etc. moved forward at a rapid pace. Member states of the United Nations also started becoming parties to the Convention, which continues even today.

The discourse surrounding rights and duties in Nepal has a long-standing history, with constitutional recognition of human rights beginning with the Government of Nepal Statutory Act of 1947, which was never implemented. Subsequent legal frameworks, including the Interim Government Statute of 1950, the Constitution of the Kingdom of Nepal of 1958, and the current Constitution of Nepal 2015, have incorporated provisions for fundamental rights. However, the political landscape has significantly influenced the status of these rights; the overthrow of a democratically elected government by then Head of State Mahendra Bir Bikram Shahdev on December 15, 1960, led to the establishment of the Panchayati Raj system and a regression in human rights protections. Although the Constitution issued in 1962 included fundamental rights, it notably failed to recognize the freedom of political parties based on differing beliefs. Despite these challenges, judicial efforts have emerged to protect and promote human rights through landmark judgments, and various movements from political parties and professional entities advocating for

democracy and human rights reflect a persistent commitment to these values in the face of political adversity.

After the end of the Panchayat system through the people's movement of 1989, Nepal entered an open political environment. For the first time, the term "human rights" was included in the preamble of the Constitution of the Kingdom of Nepal, which was promulgated on November 9, 1990. This inclusion has been carried forward in the Interim Constitution of Nepal, 2007, as well as in the current Constitution.

In addition to the political rights outlined in previous Constitutions, the existing Constitution of Nepal prioritizes economic, social, and cultural rights in its fundamental rights section. The constitution also provides clear provisions for judicial remedies through the extraordinary jurisdiction of the courts in cases where the practice of fundamental rights is obstructed. Furthermore, the duties of citizens are explicitly defined within the constitution itself.

Since 1946, the United Nations Economic and Social Council has engaged in discussions at various levels regarding the necessity of establishing national institutions dedicated to human rights. After considerable effort, this issue was addressed at a significant international conference held in Paris in 1993, convened by the United Nations. During this conference, member states were strongly encouraged to establish human rights institutions at the national level. The character of such institutions should be independent, autonomous, and competent, and should be based on principles of pluralism, collectively referred to as the Paris Principles. The National Human Rights Commission of Nepal is an independent and autonomous body that adheres to these principles.

In 2046 BS (1989 AD), the restoration of a multi-party system in Nepal was a major change in the country's politics, which led to discussions about human rights. However, despite the excitement for reform, the creation of national institutions focused on human rights was not given enough attention. Human rights activists, lawyers, media representatives, civil society members, intellectuals, and professional organizations came together to push for the establishment of a Human Rights Commission. They organized debates, discussions, and campaigns to raise awareness and demand action from the government.

After years of effort, the Human Rights Commission Bill was passed in 2053 BS (1996 AD), following a Private Bill introduced by members of the then House of Representatives. However, the government's indifference delayed the formation of the commission for nearly four years. During this time, peaceful protests calling for the commission's establishment grew stronger, with the media staying alert and the international community expressing concern over the government's inaction.

Despite these efforts, the Commission could not be established, and Advocate Bhojraj Air filed a writ petition in the Supreme Court, asking the court to force the government to create the commission.¹ On July 29, 2056 BS (August 13, 1999 AD), the court ordered the government to act immediately, marking an important victory in the fight for human rights. This decision showed the importance of the Human Rights Commission and demonstrated the power of collective action and legal steps when the government is unwilling to act. The path to establishing the commission was still not easy, but the dedication of activists, the attention of the media, and the support of the international community began to make a difference. Ultimately, the creation of the Human Rights Commission was not just a legal success; it was proof of the determination of those who fought for justice and accountability. It reminded everyone that the fight for dignity and justice is a continuous journey that requires constant effort and attention. The National Human Rights Commission was finally established on 13 Jestha 2057 (26 May 2000).

The National Human Rights Commission (NHRC), established under the Human Rights Commission Act, 2053, was elevated to the status of a constitutional body by the Interim Constitution of Nepal, 2063. This provision has been retained in Nepal's current Constitution. Articles 248 and 249 of the Constitution outline the processes for the appointment and operational framework of the National Human Rights Commission. Additionally, Article 294 requires the Commission to submit an annual report to the Honorable President, detailing its activities and accomplishments throughout the year.²

The annual report has been prepared in accordance with the provisions of the

1 In fact, the issue of human rights is a sensitive matter, no one can deny it. Therefore, leaving such a sensitive commission inactive without giving life for a long time would certainly go against the intention of the legislature. Until the commission is formed, there is no provision in the act so that other bodies can do the tasks that are supposed to be done by the commission. It cannot be said that the Act, which started more than two years ago, has not been active till date. Protection and promotion of human rights is a matter of public interest. One cannot agree with the contention of the learned Deputy Attorney General that this is not of public interest. (Q.No. 12)

Since an important act like human rights has already been enacted two years ago on the basis of the above reasons and grounds and it is not appropriate to keep the Act inactive for eternity without any reason, an order of mandamus will be issued in the name of the defendants to complete whatever work should be done regarding the formation of the National Human Rights Commission in accordance with section 3 of the Human Rights Commission Act, 2053. (Q.No. 13)

—Decision No. 6745, (Nepal Law Journal) *Nepal Kanoon Patrika* 2056 Issue 6

- 2 Article 294(1) Every Constitutional Body under this Constitution shall submit an annual report of its functioning to the President, and the President shall cause that report to be laid through the Prime Minister before the Federal Parliament.
- (2) The matters to be set out in the annual report under clause (1) shall be as provided for in the Federal law.
- (3) Notwithstanding anything contained in clause (1), a Constitutional Body may prepare a separate report in relation to the functioning of each State and submit it to the Chief of State.

Constitution, the Human Rights Commission Act, and the Commission's strategic and annual action plans. The report is divided into three sections. It primarily includes details of the human rights situation, complaints received by the Commission, investigations conducted, monitoring activities, the promotion of complaints, decisions made, and recommendations issued by the Commission. Additionally, the report addresses the Commission's interactions with stakeholders, its achievements, challenges faced, and outlines the proposed course of action for the future.

Article 283 of the Constitution states that appointments to offices of Constitutional Organs and Bodies shall be made in accordance with the inclusive principle.³

According to Article 248 of the Constitution, there shall be a National Human Rights Commission of Nepal, consisting of a Chairperson and four other members. On the staff part, there is a provision to have one Secretary (Special Class). Prior to the country's transition to a federal structure, the Commission operated with nine offices, comprising one central office, five regional offices, and three sub-regional offices. Following the country's shift to a federal system, the Commission revised its organizational structure accordingly and submitted the proposal to the Government of Nepal for approval. However, the proposal has not yet been approved. Currently, the Commission has its central office located at Harihar Bhawan, Lalitpur, with the seven provincial offices in Biratnagar, Janakpur, Hetauda, Pokhara, Butwal, and Dhangadhi. Additionally, branch offices are located in Khotang, Nepalgunj, and Jumla. The Government of Nepal has approved 309 permanent positions for the Commission and as of F.Y. 2080/81 a total of 254 staff are working currently in the Commission, while 55 positions remain vacant for the current fiscal year.

In order to effectively manage the functioning of the Commission, four departments and thirteen divisions have been established.

No.	Position	Total Post	Post			
			Filled Post			Vacant Posts
			Permanent	Contract	Total	
1.	Secretary	1	1	0	1	0
2.	Joint Secretary	9	8	0	8	1
3.	Under Secretary	20	17	0	17	3
4.	Human Rights Officer	107	103	3	106	1

³ Article 283 of the Constitution states that appointments to offices of Constitutional Organs and Bodies shall be made in accordance with the inclusive principle.

No.	Position	Total Post	Post			
			Filled Post			Vacant Posts
			Permanent	Contract	Total	
5.	Assistant First	58	22	7	29	29
6.	Driver	31	28	0	28	3
7.	Office Helper and Security Guard	83	60	5	65	18
Total		309	239	15	254	55

1.2. Departments and Divisions of the Commission

(a) Departments

1. Protection Department:

The department comprises the investigation Division, The Monitoring Division, the International Treaty Monitoring Division and the Legal Affairs Division.

2. Promotion Department:

The Department comprises the Promotion Division, The Collective Rights Division and the Gender Equality and Social Inclusion Division.

3. Administration, Planning and Finance Department:

The department comprises the Planning, Policy and Internal Evaluation Division, Administration Division, Financial Administration Division and International Relations Division.

4. Coordination Department:

The department comprises the Meeting Coordination Division, Provincial Office Coordination Division, Communications, Information Technology, Report, Academic Research and Publication Division and Human Rights Training Institute.

b. Divisions

(1) Legal Division

- Conducting work related to legislative reviews.
- Publishing significant decisions regarding human rights.
- Advocating and representing in cases registered against the Commission.
- Preparing necessary legal drafts.

- Providing legal consultations.
- Performing other tasks assigned by the Commission.

(2) International Treaty Monitoring Division

- Monitoring the implementation status of international treaties.
- Monitoring the national human rights action plan.
- Monitoring the Universal Periodic Review process.
- Carrying out tasks related to recommendations made by the Commission for the ratification of treaties.
- Preparing suggestions on the State prepared reports to submit in the UPR and treaty bodies.
- Monitoring the overall situation of human rights.
- Performing other tasks assigned by the Commission.

(3) Investigations Division

- Receiving complaints related to human rights violations.
- Investigating and monitoring incidents of human rights violations.
- Submitting to the commission the completed investigation cases for decision by the Commission.
- Drafting decisions.
- Communicating and corresponding regarding human rights violations in line with the Commission's decisions.
- Performing other tasks related to complaints handling.
- Performing other tasks assigned by the Commission.

(4) Promotion Division

- Conducting human rights education programs.
- Organizing awareness programs on human rights.
- Advocating for human rights.
- Creating and disseminating informational/educational materials related to human rights.
- Coordinating and collaborating with organizations related to human rights.
- Performing other tasks assigned by the Commission.

(5) Gender Equality and Social Inclusion Division

- Taking initiatives to eliminate gender and social discrimination.
- Advocating for the human rights situation of women.
- Taking initiatives for promoting the participation of women and marginalized communities at all levels of the state.
- Taking actions against gender-based violence and human rights violations of marginalized communities.
- Enhancing access to justice for women, gender, and sexual minorities, as well as marginalized communities.
- Collaborating and coordinating with organizations working in areas related to gender and social inclusion.
- Performing other tasks assigned by the Commission.

(6) Collective Rights Division

- Organizing seminars, workshops, discussions, and training sessions to promote collective rights (including indigenous tribes, minorities, elderly, Right against caste discrimination, mental health, gender and sexual minorities, HIV-infected persons or communities, among others).
- Monitoring the situation related to collective rights.
- Taking necessary actions for the protection and promotion of collective rights.
- Coordinating with the Legal Division to review laws related to collective rights.
- Performing other tasks assigned by the Commission.

(7) Planning, Policy, and Internal Evaluation Division

- Formulating strategic plans.
- Preparing annual budget programs and plans.
- Monitoring and evaluating the implementation of action plans.
- Preparing quarterly progress reports.
- Conducting progress review meetings.
- Coordinating with the National Planning Commission and Ministry of Finance regarding programs and plans.

- Formulating policies for the Commission.
- Performing other tasks assigned by the Commission.

(8) Administration Division

- Human Resource Management at the Commission.
- Handling office management and cleanliness.
- Managing public procurement.
- Monitoring and inspecting physical resources, ensuring maintenance as necessary.
- Managing the Commission's transportation system.
- Handling daily and incidental tasks.
- Performing other tasks assigned by the Commission.

(9) Financial Management Division

- Preparing the Commission's annual budget in coordination with planning division.
- Managing budget allocation and authority distribution.
- Maintaining financial records and preparing financial reports.
- Assist to carry out internal and external audits and settlement of financial irregularities.
- Preparing separate financial reports for funds received from donor organizations.
- Maintaining financial discipline.
- Maintaining records related to financial resources and expenditures.
- Performing other tasks assigned by the Commission.

(10) International Relations Division

- Working with international bodies for the protection and promotion of human rights.
- Coordinating with organizations such as the Asia-Pacific Forum (APF), the Global Alliance of National Human Rights Institutions (GANHRI), and other international human rights bodies.
- Coordinating with diplomatic missions as necessary.
- Performing other tasks assigned by the Commission.

(11) Communication, Information Technology, Reporting, Academic Research, and Publishing Division

- Communicating the Commission’s information to the media.
- Preparing press releases and press notes.
- Organizing press conferences.
- Preparing the Human Rights Newsletter.
- Monitoring human rights related news.
- Managing server systems and computer maintenance.
- Updating the Commission’s social media platforms (Facebook, Twitter, website).
- Maintaining electronic attendance records for staff.
- Assisting in the design and layout of publications.
- Formulating and implementing policies and plans related to information technology.
- Managing the complaint management reporting system (CMRS).
- Preparing the Commission’s annual report.
- Conducting research and producing specialized reports on human rights topics.
- Performing other tasks assigned by the Commission.

(12) Provincial Office Coordination Division

- Coordinating between the central and provincial offices.
- Collecting and analyzing monthly reports from provincial and branch offices.
- Facilitating smoother coordination and execution of tasks between the central, provincial, and branch offices.
- Performing other tasks assigned by the Commission.

(13) Meeting Coordination Division

- Taking initiatives for the implementation of the Commission's recommendations.
- Coordinating internal and external meetings.

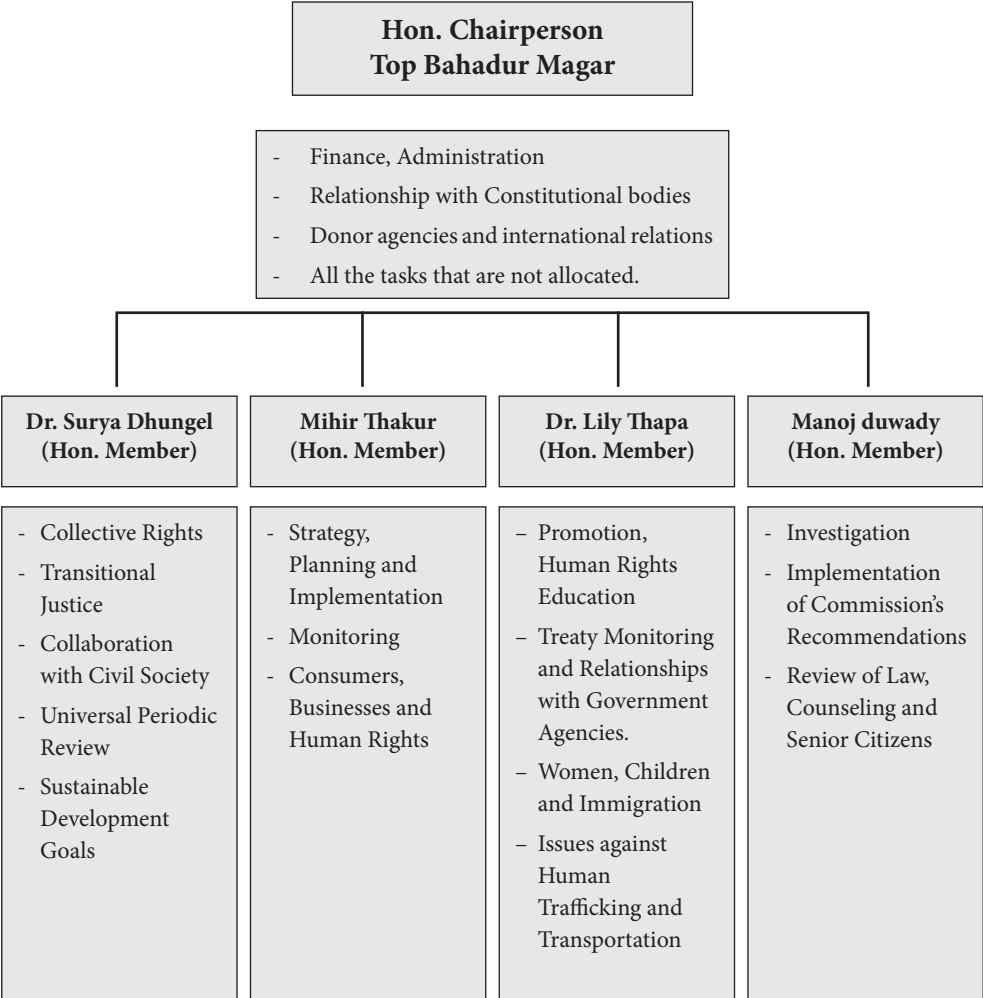
- Assisting the Secretariat in preparing proposals and meeting minutes.
- Performing other tasks assigned by the Commission.

It is stated in the present Constitution of Nepal that "Ensuring the respect, protection, promotion, and effective implementation of human rights shall be the duty of the National Human Rights Commission." The promotion and protection of human rights is considered a primary responsibility of the State. If State fails to fulfill this responsibility, the Commission must make efforts to make state accountable, as per the mandate outlined in the Constitution and relevant laws. As a result, the Commission has remained focused on tasks related to the protection and promotion of human rights, including human rights-friendly legislation.

Under protection, tasks such as receiving complaints, monitoring, investigating complaints, taking action against those responsible for human rights violations, and recommending the prosecution of offenders are carried out. In terms of promotion, the Commission also undertakes programs in collaboration with other entities. These programs, depending on the nature and seriousness of the issue, are conducted at the national, regional, and international levels. They may include awareness-raising activities, discussions, meetings, training, workshops, seminars, conferences, exchange visits, publications, broadcasts, and the issuance of press releases.

The Commission also plays a role in the creation of human rights-friendly laws. It is responsible for making recommendations to the government regarding the formulation, revision, and review of laws related to human rights, as well as for advising the government on the need for Nepal to become a party to international treaties and agreements concerning human rights.

1.3. Division of Responsibilities of Chairperson and Member



1.4. Constitutional Provisions

1.2.1. Constitution of the Commission

Part 25, Article 248 of the Constitution of Nepal promulgated in 2015 A.D. provisions about the establishment of the National Human Rights Commission.

- (1) There shall be a National Human Rights Commission of Nepal, consisting of a Chairperson and four other members.
- (2) The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and members.
- (3) The term of office of the Chairperson and members of the National Human Rights Commission shall be six years from the date of appointment.
- (4) The Chairperson and members appointed under clause (2) shall not be eligible for reappointment.

Provided that a Member may be appointed to the office of Chairperson, and when a member is so appointed as the Chairperson, his or her term of office shall be so computed as to include his or her term as the Member.

- (5) Notwithstanding anything contained in clause (3), the office of the Chairperson or member of the National Human Rights Commission shall be vacant in any of the following circumstances:
 - (a) if he or she tenders resignation in writing to the President,
 - (b) if a motion of impeachment is passed against him or her under Article 101,
 - (c) if he or she is removed from office by the President on recommendation of the Constitutional Council on grounds of his or her inability to hold office and discharge the functions due to physical or mental illness,
 - (d) if he or she dies.
- (6) A person shall be eligible to be appointed as the Chairperson or a member of the National Human Rights Commission if he or she possesses the following qualification:
 - (a) in the case of the Chairperson, being a retired Chief Justice or retired Judge of the Supreme Court and having rendered outstanding contribution to the protection and promotion of human rights or being a renowned person having been active for at least twenty years in and rendered outstanding contribution to the protection and promotion of

human rights or to various fields of national life,

- (b) in the case of a Member, being a person being involved in the field of the protection and promotion of human rights or rights and interests of the child or being a renowned person having been active for at least twenty years in and rendered outstanding contribution to various fields of national life,
 - (c) holding a bachelor's degree from a recognized university,
 - (d) having attained the age of forty five years,
 - (e) not being a member of any political party at the time of appointment,
 - (f) being of high moral character.
- (7) The remuneration and other conditions of service of the Chairperson and members of the National Human Rights Commission shall be as provided for in the Federal law. The remuneration and conditions of service of the Chairperson and members of the National Human Rights Commission shall not, so long as they hold office, be altered to their disadvantage.

Provided that this provision shall not apply in cases where a state of emergency is declared because of extreme economic disarrays.

- (8) A person once appointed as the Chairperson or a member of the National Human Rights Commission shall not be eligible for appointment in other government service.

Provided that nothing in this clause shall be deemed to be a bar to the appointment to any political position or to any position which has the responsibility of making investigations, inquiries or findings on any subject, or to any position which has the responsibility of submitting advice, opinion or recommendation after carrying out a study or research on any subject.

1.2.2 Functions, Duties and Powers of National Human Rights Commission

As per Part 25, Article 249 of the Constitution of Nepal promulgated in 2015 A.D., the functions, duties, and powers of the National Human Rights Commission are defined.

- (1) It shall be the duty of the National Human Rights Commission to respect, protect and promote human rights and ensure effective enforcement thereof.
- (2) For the accomplishment of the duty mentioned in clause (1), the National Human Rights Commission shall perform the following functions:

- (a) to inquire, on its own initiative or on petition or complaint presented in or sent to the Commission by a victim or any person on his or her behalf or on information received by the Commission from any source, into and investigate complaints of violations of human rights of an individual or group or abetment thereof, and make recommendation for action against the perpetrators,
 - (b) if any official who has the responsibility or duty to prevent violations of human rights fails to fulfil or perform his or her responsibility or duty or shows reluctance in the fulfilment or performance of his or her responsibility or duty, to make recommendation to the concerned authority to take departmental action against such official,
 - (c) if it is required to institute a case against any person or organization who has violated human rights, to make recommendation to file a case in the court in accordance with law;
 - (d) to coordinate and collaborate with the civil society in order to enhance awareness on human rights,
 - (e) to make recommendation, accompanied by the reasons and grounds, to the concerned body for taking departmental action against and imposing punishment on those who have violated human rights,
 - (f) to carry out periodic reviews of the relevant laws relating to human rights and make recommendation to the Government of Nepal for necessary improvements in and amendments to such laws,
 - (g) if Nepal has to become a party to any international treaty or agreement on human rights, to make recommendation, accompanied by the reasons therefor, to the Government of Nepal; and monitor whether any such treaty or agreement to which Nepal is already a party has been implemented, and if it is found not to have been implemented, to make recommendation to the Government of Nepal for its implementation,
 - (h) to publish, in accordance with law, the names of the officials, persons or bodies who have failed to observe or implement any recommendations or directives made or given by the National Human Rights Commission in relation to the violations of human rights, and record them as violators of human rights.
- (3) In discharging its functions or performing its duties, the National Human Rights Commission may exercise the following powers:

- (a) to exercise all such powers as of a court in respect of the summoning and enforcing the attendance of any person before the Commission and seeking and recording his or her information or statements or depositions, examining evidence and producing exhibits and proofs,
 - (b) on receipt of information by the Commission in any manner that a serious violation of human rights has already been committed or is going to be committed, to search any person or his or her residence or office, enter such residence or office without notice, and, in the course of making such search, take possession of any document, evidence or proof related with the violation of human rights,
 - (c) in the event of necessity to take action immediately on receipt of information that the human rights of any person are being violated, to enter any government office or any other place without notice and rescue such person,
 - (d) to order for the provision of compensation in accordance with law to any person who is a victim of the violations of human rights;
- (4) The National Human Rights Commission may so delegate any of its functions, duties and powers to the Chairperson of the Commission, any of its Members or a government employee as to be exercised and complied with subject to the specified conditions.
- (5) Other functions, duties and powers and rules of procedure of the National Human Rights Commission shall be as provided for in the Federal law.

Chapter Two

Work Performed by the Commission

2. Protection Related Works

2.1 Complaints and Information Received

When there is a violation of human rights, there is a provision in NHRC's Act whereby a victim can register a complaint before the Commission either by oneself or through a representative using any means of communication channel. The commission is empowered to protect human rights by receiving complaints and information regarding incidents of human rights violations or abuses, conducting investigations and inquiries, and safeguarding the human rights of individuals and groups.



Scan to Complaint

The commission's Act provides that human rights-related complaints can be filed with the commission either by the victim themselves or on their behalf by visiting the commission's office in person or through any means of communication. The commission allows complaints to be submitted via its website, mobile app, and QR code using mobile phones or computers. No fee or time limitation applies when registering a complaint.

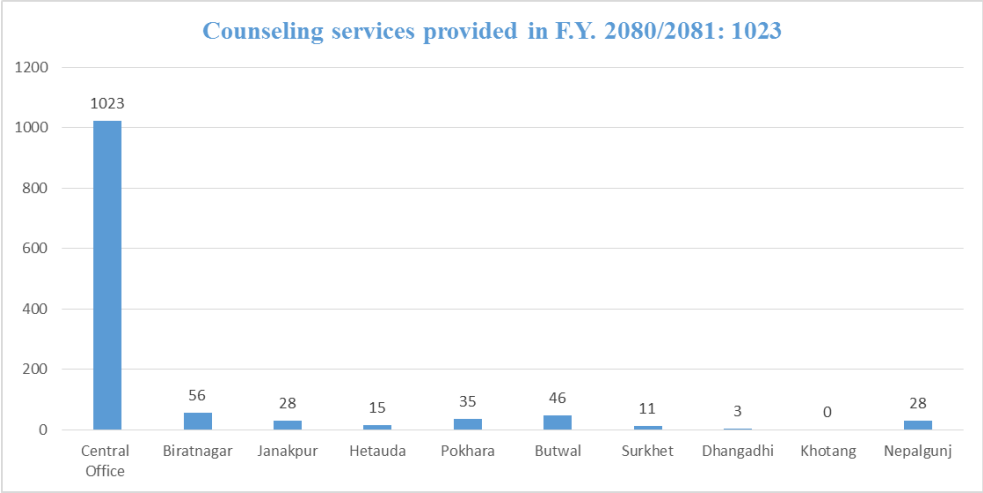
Since its establishment, the commission has registered a total of 13,233 (thirteen thousand two hundred thirty-three) complaints. In the last fiscal year, the number of complaints at the commission was 2,775. In the current fiscal year (2080–2081), 120 complaints have been registered. Including pending cases from the previous year, the total number of complaints now stands at 2,895. This fiscal year, complaints have increased by 20% compared to the previous fiscal year. In fiscal year 2078/2079, 101 complaints were registered, while in 2079/2080, the number was 100.

In this FY, Complaints Registered Monthly in the Offices of the Commission.

Month	Central Office	Provincial Office							Provincial Branch Office		
		Biratnagar	Janakpur	Hetauda	Pokhara	Butwal	Surkhet	Dhangadhi	Khotang	Nepalgunj	Total
Shrawan	4	0	2	7	0	1	1	0	0	1	16
Bhadra	4	0	0	3	1	0	0	0	0	1	9
Asoj	9	0	0	0	1	2	1	0	0	0	13
Kartik	4	0	0	3	0	1	1	0	0	0	9
Mangshir	2	0	0	0	0	2	2	0	0	0	6
Poush	6	0	2	3	1	1	1	0	0	1	15
Magh	1	0	1	2	0	0	1	0	0	0	5
Falgun	4	0	0	4	0	0	0	0	0	0	8
Chaitra	8	0	0	2	0	0	1	0	0	0	11
Baishakh	4	0	0	0	0	0	3	0	1	0	8
Jestha	2	0	0	1	0	0	0	0	0	0	3
Ashadh	7	0	1	1	1	0	1	3	3	0	17
Total	55	0	6	26	4	7	12	3	4	3	120

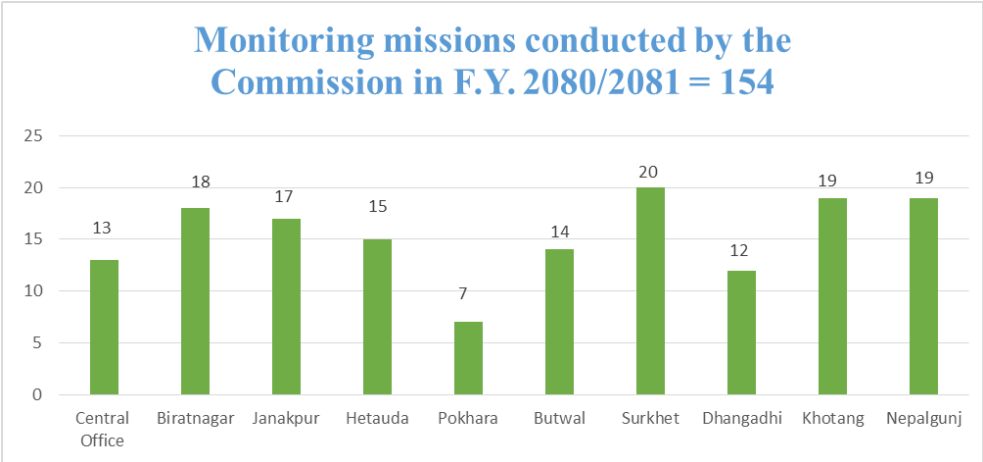
Commission has a communication and technology-based complaint management and reporting system for handling the complaints more efficiently and accurately. This ensures the preservation of complaints and makes it easier to access the victim's details when needed, as well as to take the prompt action.





2.2 Human Rights Monitoring

The commission has been mandated to ensure respect, protection, promotion, and effective implementation of human rights. According to Article 249 of the Constitution, and as per Section 4 of the National Human Rights Commission Act, 2068 (2012), the commission is granted the authority to inspect and monitor prisons, other government bodies, public institutions, private organizations, or any other places for the protection of human rights. It is also empowered to provide necessary recommendations or directives to the concerned bodies regarding improvements needed for the protection of human rights. The commission operates independently and autonomously for these purposes. Additionally, it is tasked with monitoring human rights protection activities, investigating complaints of human rights violations, and recommending actions to the Government of Nepal, for prosecuting offenders and ensuring compensation for victims.

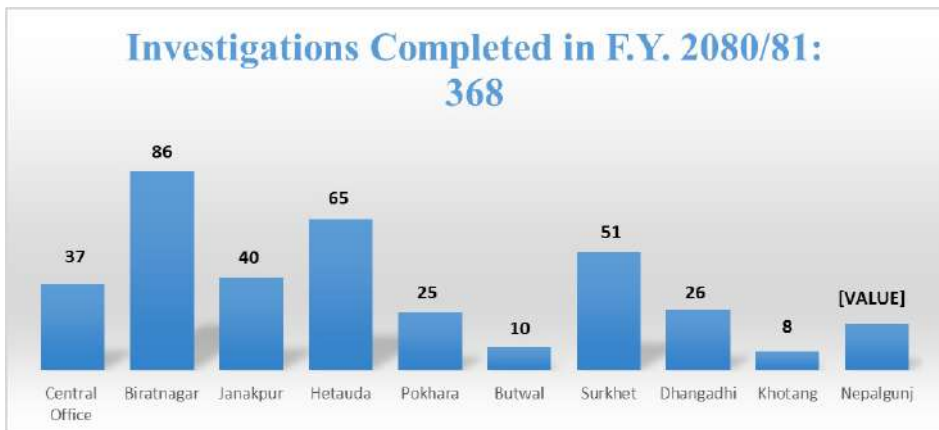


The commission conducted 154 monitoring activities on various aspects of human rights in the Fiscal year 2080/2081. These included civil and political rights, overall human rights, cultural rights, prisons, detention centers, juvenile correction homes, and health conditions. Additionally, the commission monitored issues such as natural disasters and pandemics, development and environment, topics included in the Government of Nepal's National Human Rights Action Plan, and elections for the House of Representatives and Provincial Assemblies from a human rights perspective. During these monitoring and inspection activities, the commission also provided necessary recommendations and directives to the relevant bodies for improvements to safeguard human rights in those institutions and organizations.

2.3 Investigations at the Human Rights Violation Cases

Regarding incidents of human rights violations and abuse, the Commission has been prioritizing investigation efforts within the framework of the Constitution, laws, and regulations. During this fiscal year, the Commission investigated 368 cases of human rights violations. Some complaints received for registration at the Commission's office are of civil or criminal nature, falling under the jurisdiction of the courts. Similarly, certain complaints pertain to the jurisdiction of quasi-judicial bodies of the state. In such cases, where the complaints do not fall under the jurisdiction of the Commission or are sub judice in court, the victims have been advised to seek remedies from the relevant authorities. This year, the Commission provided consultations in 1,245 such cases.

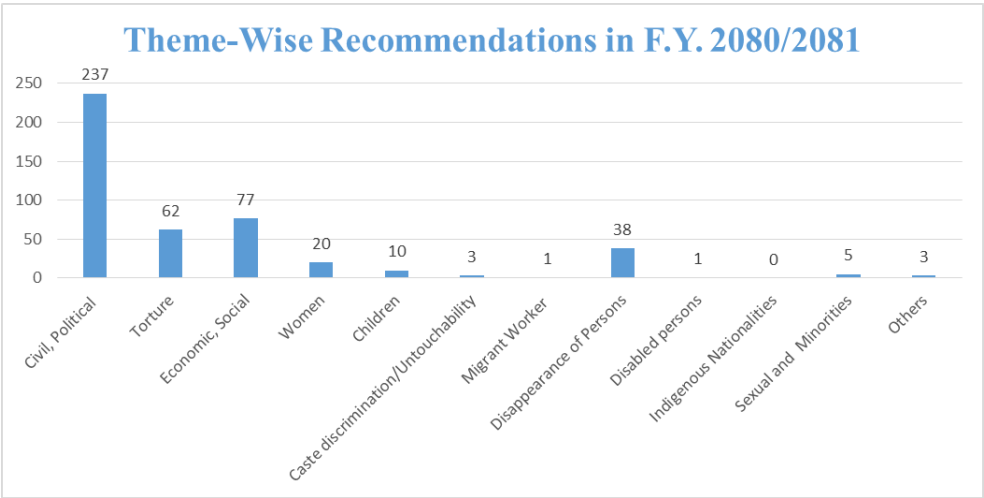
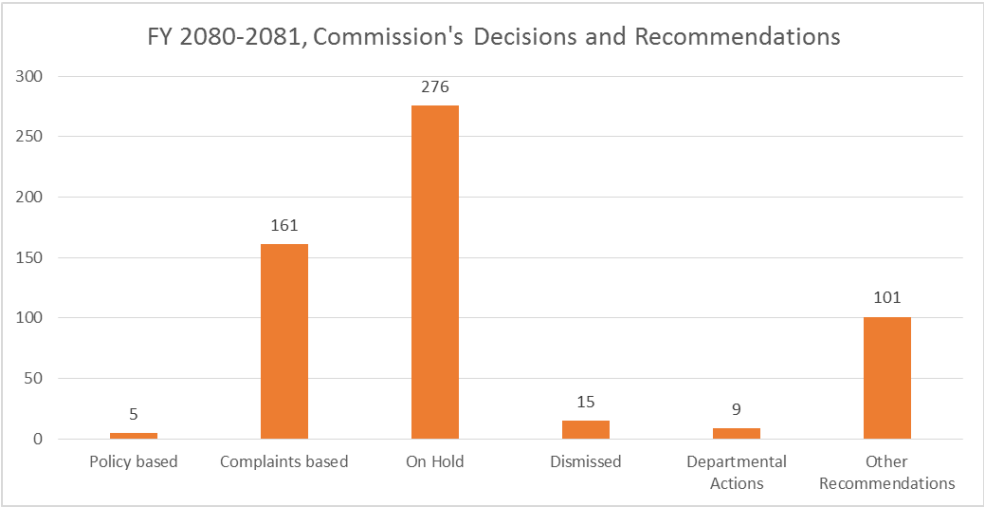
By the end of the last fiscal year, 1402 investigations had been completed. In this fiscal year, an additional 368 investigations were conducted, totaling the number of investigations completed, since the establishment of the commission, to 1,770. These investigations include cases of extrajudicial killings, abductions, and violations of economic, social, and cultural rights, which were conducted by the Commission's central office, provincial offices, and provincial branch offices.



2.4 Decisions and Recommendations

In this Fiscal Year, 457 investigations were completed and presented at the Commission's meeting for decisions and recommendations. A total of 39 meetings were held to decide on complaints related to human rights violations and abuse. Based on the investigation reports, 161 complaint-based and five policy-based recommendations have been made. Similarly, 276 complaints were put on hold and 15 complaints were dismissed. Out of the total, 101 complaints have been addressed under various actions, including providing compensation, taking legal action, identifying the culprits, and filing cases against them. Additionally, departmental action has been recommended for nine individuals and legal action recommended for four individuals, and compensation amounting to NPR 7.421 million for 90 victims has been recommended to the Government of Nepal. By the end of the previous fiscal year, 1407 complaints had been recommended for action, and with an addition of 166 complaints decided this year, the total number has reached 1573.

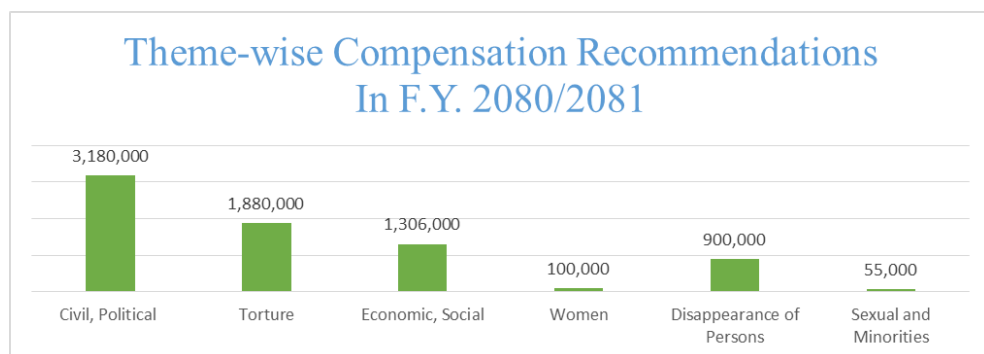
In F.Y. 2080/2081: Recommendations made based on the findings of Investigation Reports of various Complaints								
S.N.	Theme	Number of files presented in the meeting	Policy-Based	Complaints-Based	On Hold	Dismissed	Departmental Actions	Other Recommendations
1	Civil and Political	237	3	82	143	9	6	52
2	Torture	62	0	26	35	1	0	19
3	Economic, Social	77	1	18	53	5	0	7
4	Women	20	0	4	16	0	0	1
5	Children	10	0	1	9	0	0	0
6	Caste based discrimination/ Untouchability	3	0	0	3	0	0	0
7	Migrant Worker	1	0	0	1	0	0	0
8	Enforced Disappearance of Persons	38	0	25	13	0	0	22
9	Persons with Disabilities	1	0	1	1	0	0	0
10	Indigenous People	0	0	0	0	0	0	0
11	Sexual and Minorities	5	1	4	0	0	3	0
12	Others	3	0	1	2	0	0	0
Total		457	5	161	276	15	9	101



Details of the Recommendations made to Government of Nepal for Compensation to the victims during the fiscal year 2080/2081

S.N.	Theme	Complaints	No. of Identified Culprit	Compensation Amount
1	Civil and Political	43	1	3,180,000
2	Torture	20	0	1,880,000
3	Economic, Social	9	0	1,306,000
4	Women	1	0	100,000

S.N.	Theme	Complaints	No. of Identified Culprit	Compensation Amount
5	Children	0	0	0
6	Caste based discrimination/ Untouchability	0	0	0
7	Migrant Worker	0	0	0
8	Disappeared Persons	10	0	900,000
9	Persons with disabilities	0	0	0
10	Indigenous People	0	0	0
11	Sexual and Minorities	7	3	55,000
12	Others	0	0	0
Total		90	4	7,421,000



2.5 Analysis of Implementation Status of the Commission's Recommendations, Decisions or Orders

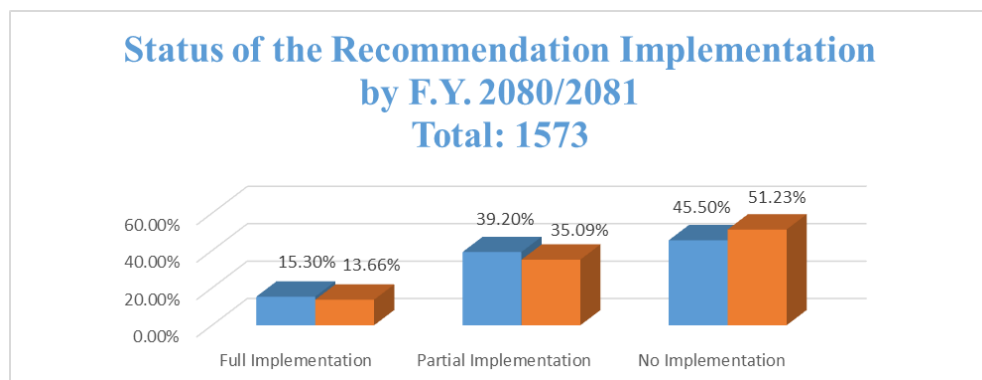
According to Article 249(1) of the Constitution, there is a provision to ensure respect, protection, and promotion of human rights and their effective implementation by completing the tasks specified under sub-article 2 from clauses (a) to (h) and making recommendations to the Government of Nepal. Section 17 of the National Human Rights Commission Act, 2012 outlines provisions for implementing the recommendations, decisions, or orders of the Commission under sub-sections 1 to 13.

In the current fiscal year, 457 complaints were submitted to the Commission based

on investigation reports, resulting in 5 policy-based and 161 complaint-based recommendations. Examining the implementation status of recommendations up to the previous year, out of 1,407 recommendations, 215 (15.30%) were fully implemented, 552 (39.20%) were partially implemented and total of 640 (45.50%) were not implemented at all.

This year, an additional 166 recommendations were made, bringing the total to 1,573. Over the past four years, the government has not implemented any recommendations, which results to a low implementation rate. Accordingly, 13.66% of the recommendations were fully unimplemented, 35.09% are partially implemented, and 51.23% are not implemented at all. Compared to previous years, the overall implementation rate has decreased by an average of 5%. The number of unimplemented recommendations has increased by 5.73%.

Status of Recommendations Implementation by FY 2080-2081			
Theme	Status by FY 2079-2080	Status by FY 2080-2081	Remarks
Full Implementation	215 (15.3%)	213 (13.66%)	Additional 166 Recommendations
Partial Implementation	552 (39.2%)	552 (35.09%)	
No Implementation	640 (45.5%)	806 (51.23%)	
Total Implementation	1407	1573	



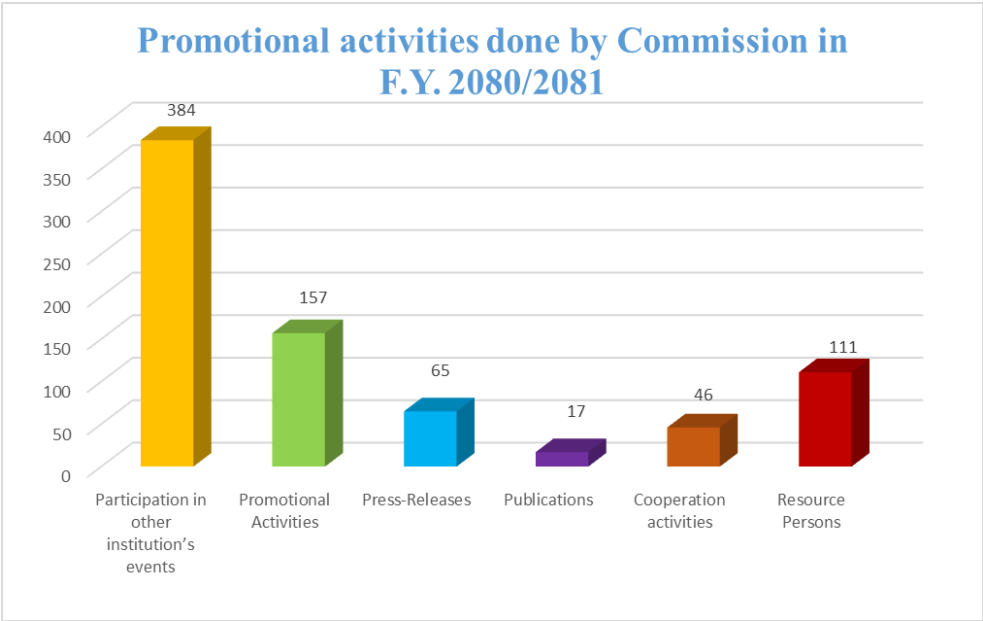
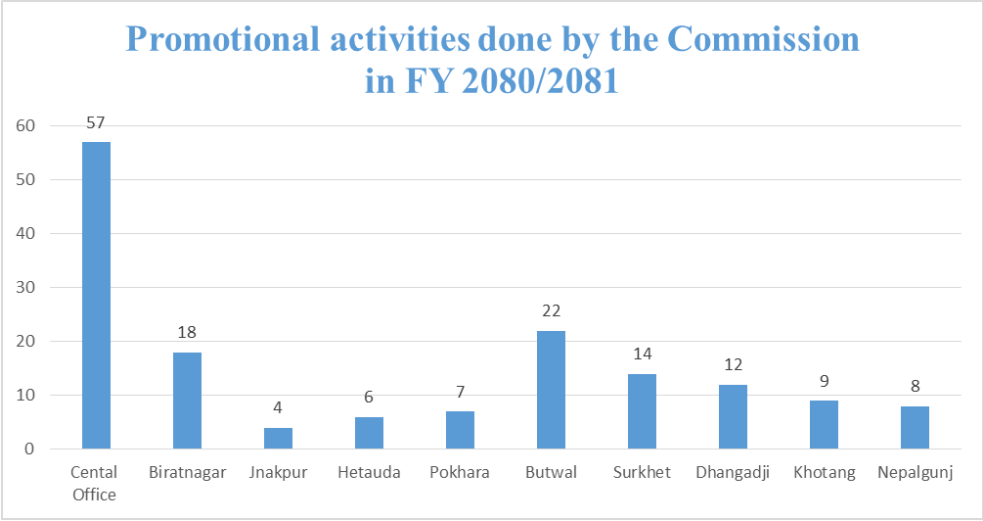
Last year, the Commission investigated the complaints received and recommended the Government of Nepal to provide compensation of NPR 281,301,197 (two hundred eighty-one million, three hundred one thousand, one hundred ninety Seven rupees) to the respective victims. However, only about NPR 70 million was received by the victims as compensation. This year, an additional NPR 7,421,000 (seven million, four hundred twenty-one thousand rupees) was recommended for compensation to

90 more victims. Observing this data, the implementation of the recommendations appears to be minimal. This suggests that the government seems indifferent to institutionalizing the culture of human rights.

2.6 Promotional Work Executed by the Commission

As per Article 249 of the Constitution, one of the primary responsibilities of the National Human Rights Commission is to enhance awareness of human rights by coordinating and collaborating with civil society. According to Section 4 of the National Human Rights Commission Act, 2068 (2012), the Commission is mandated to study and research matters related to the protection, promotion, and implementation of human rights, recommend to the related bodies for the inclusion of human rights-related educational content in school and university curricula, review the existing situation of human rights and publish related reports, and take or facilitate actions deemed necessary and appropriate for the protection, promotion, and enhancement of human rights.

Office	Participation in other institution's events	Promotional Work	Press-Releases	Publications	Cooperation	Resource Person	Total
Cental Office	38	57	65	12	15	25	210
Biratnagar	25	18	0	1	7	6	57
Jnapur	50	4	0	0	0	4	58
Hetauda	43	6	0	1	5	14	69
Pokhara	98	7	0	1	4	15	125
Butwal	23	22	0	1	0	4	50
Surkhet	35	14	0	1	4	25	79
Dhangadji	34	12	0	0	5	7	58
Khotang	3	9	0	0	0	1	13
Nepalgunj	35	8	0	0	6	10	59
Total	384	157	65	17	46	111	778



2.7 Function related to Legislative Review

Under Section 6 of the National Human Rights Commission Act, 2012, the Commission can provide opinion or consultations. If the Government of Nepal seeks consultations from the Commission regarding becoming a party to any International or Regional Treaty (Convention) related to Human Rights, the Commission may provide Opinion to the Government of Nepal on the matter. Similarly, Government of Nepal has an obligation to submit a report to the concerned authority, as per

international treaty provisions and the Government can write to the Commission for opinion before forwarding the report. If the Government of Nepal seeks consultations from the Commission regarding the formulation of any legislation or the amendment of any existing legislation regarding Human Rights, the Commission may provide Opinion to the Government of Nepal on the matter. The Commission is also empowered to recommend for the creation of new human rights laws, amendments to existing laws, or about Nepal’s position related to international or regional treaties. Furthermore, the Commission is required to provide advice or recommendations to the Government of Nepal regarding such matters, ensuring that the government takes informed decisions in relation to human rights.

Activities conducted by the Legal Division in the Fiscal Year 2080/2081

1. Legal Advice and Draft Formulation

S.N.	Work Executed		Achievement
1.	Legal Advice	Different Theme	Regular advice is given as per demand.
2.	Draft Formulation	The draft bill for amending the law related to the National Human Right commission is in Final Stage.	1. Discussion with the members of the National Assembly and the members of the Parliamentary committee of the house of representatives regarding the bill. 2. Stakeholder discussion in the Sudur Paschim Province and Karnali Province. 3. Discussion with Experts and human right defenders.
		2.Draft of procedure related to pending cases settlement.	The draft is ready
		3.Draft of the Human rights directive related to the Local Government	The prepared draft is submitted for the decision.
		4.The final draft of directive related to consumer rights is prepared	The draft is submitted with feedbacks for the Publication.
		5.The guidelines related to freedom of free speech	The directives is published on the commission’s website
		6. Formulation of National Human Rights Training guidelines	The draft is ready

S.N.	Work Executed		Achievement
3.	Cases	27 pending and current cases are under consideration	
4.	Checklist for Monitoring the implementation Status of various laws.	<p>1. Preparation of a checklist for monitoring the implementation status of the "Province Child-related Act, 2078 (2021)" of Gandaki Province.</p> <p>2. Preparation of a checklist related to monitoring the implementation status of Pokhara Metropolitan City's "Act on Managing Children's Rights, 2074 (2017)."</p> <p>3. Preparation of a checklist for monitoring the implementation status of the "Province Child Rights Act, 2077(2020)" of Madhesh Province.</p> <p>4. Preparation of a review checklist related to monitoring the implementation status of the "Bill for the Protection of Child Rights in Lumbini Province, 2076 (2019)."</p> <p>5. Preparation of a review checklist related to the monitoring of the implementation status of the "Act on Regulating Children's Rights, 2075(2018)" of Butwal Sub-Metropolitan City.</p>	The list has been prepared, and the monitoring has been completed.
5.	<p>Discussion with civil society representatives on the draft bill regarding human rights defenders.</p> <p>Discussion with representatives of the Government of Nepal on the Bill related to Human Rights Defenders.</p>		Amendment to the Bill on Human Rights Defenders
6.	Four written responses have been prepared for the cases where the National Human Rights Commission.		The representation of the National Human Rights Commission in the court.

S.N.	Work Executed	Achievement
7.	Children as a Zones of Peace (CZOP) and in coordination with Plan International, supported the Residential Workshop Seminar organized by the National Human Rights Commission of Nepal on the topic of the situation of child marriage in Nepal, legal and structural arrangements, and upcoming priorities.	The Workshop is Completed.

2. Monitoring

S.N.	Monitoring Theme	Monitoring's Date and Place	Remarks
1	-Implementation status of the "Province Child Rights Act, 2078 (2021)" of Gandaki Province. -Implementation Status of Pokhara Metropolitan City's "Children's Rights Management Act, 2074(2017)"	2080/11/29- 2080/12/06 Pokhara, Kaski	
2	Implementation status of Madhesh Province's "Provincial Child Rights Act, 2077 (2020)"	2081/2-22-26, Janakpur, Madhesh Pradesh	

2.8 Budget Related Activities

Budget and Expenditure of the fiscal Year 2080/2081

The National Human Rights Commission has adhered to government accounting policies, procedures, and the fundamental principles in tasks such as maintaining, recording, and reporting financial transactions. The financial administration of NHRC handle the financial transactions related works as per the approved programs and has responsibility to maintain the financial transactions of financial, physical and human resource. All financial tasks of the Commission are carried out in accordance with basic accounting principles such as cost-effectiveness, efficiency, effectiveness, transparency, coherence, clear presentation, high standard of responsibility, and accountability. Additionally, the Commission's financial dealings have been conducted with due regard for legitimacy, thoroughness, relevance, and unparalleled integrity. Timely request fund allocations, budget preparation, maintaining accurate records of expenditures, categorizing expenses, preparing financial statements, and sending them to relevant bodies for auditing are all undertaken systematically.

For the fiscal year 2080/81, the Government of Nepal allocated NPR 28,59,94,996.00

(Two Hundred Eighty-Eight Million Five Hundred Ninety-Four Thousand Nine Hundred Ninety-Six Rupees) under Budget Subheading No. 214000113 for recurrent expenses. Out of this, only NPR 22,62,57,798.02 (Two Hundred Twenty-Two Million Six Hundred Fifty-Seven Thousand Seven Hundred Ninety-Eight Rupees and Two Paisa) has been disbursed and spent. Similarly, under Budget Subheading No. 214000013 for recurrent expenses, NPR 82,75,000.00 (Eighty-Two Lakhs Seventy-Five Thousand Rupees) was allocated, of which NPR 82,48,329.00 (Eighty-Two Lakhs Forty-Eight Thousand Three Hundred Twenty-Nine Rupees) was disbursed and spent. Likewise, under Budget Subheading No. 214000114 for capital expenditure, NPR 40,00,000.00 (Forty Lakhs Rupees) was allocated, of which NPR 39,54,073.40 (Thirty-Nine Lakhs Fifty-Four Thousand Seventy-Three Rupees and Forty Paisa) has been disbursed and spent. Additionally, this year's revenue income amounted to NPR 2,67,391.00 (Two Lakhs Sixty-Seven Thousand Three Hundred Ninety-One Rupees), which has been deposited into the consolidated fund. Regarding deposits, including the responsibility carried forward from the previous fiscal year, this year's total income was NPR 1,44,450.75 (One Lakh Forty-Four Thousand Four Hundred Fifty Rupees and Seventy-Five Paisa). Out of this, NPR 1,22,515.00 (One Lakh Twenty-Two Thousand Five Hundred Fifteen Rupees) has been refunded as a deposit, leaving a balance of NPR 21,935.75 (Twenty-One Thousand Nine Hundred Thirty-Five Rupees and Seventy-Five Paisa). Similarly, under the Operational Fund (Miscellaneous Account), the balance carried forward from the previous year was NPR 15,85,372.37 (Fifteen Lakhs Eighty-Five Thousand Three Hundred Seventy-Two Rupees and Thirty-Seven Paisa). Adding this year's income of NPR 47,00,530.50 (Forty-Seven Lakhs Five Hundred Thirty Rupees and Fifty Paisa), the total income amounts to NPR 62,85,902.87 (Sixty-Two Lakhs Eighty-Five Thousand Nine Hundred Two Rupees and Eighty-Seven Paisa). Out of this, NPR 2,85,640.00 (Two Lakhs Eighty-Five Thousand Six Hundred Forty Rupees) has been spent this fiscal year, leaving a bank balance of NPR 60,00,262.87 (Sixty Lakhs Two Hundred Sixty-Two Rupees and Eighty-Seven Paisa).

Additionally, under the financial budget, NPR 7,65,708.00 (Seven Lakhs Sixty-Five Thousand Seven Hundred Eight Rupees) has been disbursed and paid for accrued leave benefits of retired employees. Similarly, NPR 14,80,337.00 (Fourteen Lakhs Eighty Thousand Three Hundred Thirty-Seven Rupees) has been disbursed for gratuity benefits, and NPR 5,92,135.00 (Five Lakhs Ninety-Two Thousand One Hundred Thirty-Five Rupees) for medical treatment expenses of retired employees.

Chapter-Three

Achievements, Challenges, Probable measures of Solutions and Future Actions

The National Human Rights Commission (NHRC) is a constitutional body established as a national institution for human rights, adhering to the Paris Principles. The primary duty of the NHRC is to ensure the protection, promotion, and effective implementation of human rights. Since its inception, despite various challenges and issues, the Commission has been actively working to fulfill its mandated responsibilities based on the Constitution, laws, strategic plans, and annually formulated programs. Formed during the peak of the armed conflict in the country, the Commission was naturally more focused on issues related to civil and political rights in the prevailing context. However, with the country formally entering the peace process, the NHRC expanded its focus to prioritize issues such as economic, social, and cultural rights; environment and development rights; climate change; business and human rights; and the Sustainable Development Goals (SDGs). The Commission has also been actively working on the rights of women, children, persons with disabilities, senior citizens, indigenous people, marginalized groups, and sexual and gender minorities. The following sections provide an overview of the achievements, challenges, potential solutions, and future course of action of the NHRC.

3.1 Achievements

During this period, the Commission has achieved various milestones in the protection and promotion of human rights. These achievements are related to activities such as receiving complaints of rights violations, monitoring, investigations, recommendations, promotion, legal review, publications, and collaboration with international bodies, among others.

- 3.1.1 The National Human Rights Commission (NHRC), established on the basis of the Paris Principles, is globally recognized as an institution that independent, autonomous, strong, and capable in its mission to protect and promote human rights. The Global Alliance for National Human Rights Institutions (GANHRI) conducts periodic evaluations every five years through its Sub-Committee on Accreditation (SCA) to classify national human rights institutions into "A" Status or "B" Status. This classification process considers factors such as the Constitution, legal framework, appointment procedures,

inclusivity, and the institution's performance regarding NHRIs. Institutions that fully align with the Paris Principles are accorded "A" Status, while those partially aligned receive "B" Status. Special reviews are conducted in case of any serious issues or concerns within a national human rights institution. In the case of Nepal's NHRC, a special review process began in 2021 and concluded in October 2023. Following the review, the NHRC's "A" Status classification has been retained. The review recommended to ensure the appointment process of NHRC officials objective and even aligned with the Paris Principles to enact NHRC Act, and allocate sufficient funding to the Commission. Despite various challenges and adverse conditions, the NHRC has successfully maintained its "A" Status complying its commitment to the principles of independence, capability, and adherence to international human rights standards.

- 3.1.2 Under the protection of human rights, the Commission has carried out activities related to complaint registration, monitoring, investigation, and recommendations. During this period, a total of 120 complaints of human rights violations were registered across all offices of the Commission. Additionally, 1,245 application were filed requesting the Commission's initiative with concerned bodies for justice, through correspondence, and counseling services. The Commission conducted 154 instances of monitoring on human rights-related matters. The monitored themes included civil and political rights, overall human rights, cultural rights, prisons, detention centers, juvenile correction homes, and health conditions. Furthermore, monitoring was extended to natural disasters and pandemics, development and environmental concerns, issues included in the Nepal Government's National Human Rights Action Plan, and elections to the House of Representatives and Provincial Assemblies from human rights perspective. During such monitoring, necessary recommendations were provided to concerned bodies or institutions to ensure the protection of human rights. The Commission completed investigations into 368 complaints, both old and new. Based on the findings, 161 case-specific recommendations were issued, 9 departmental actions were suggested, 101 other actions were advised, 4 individuals were identified as perpetrators, and 5 policy-based recommendations were made. The names of 60 (sixty) individuals were made public for not taking legal action against identified perpetrators of human rights violations as recommended. Additionally, 276 complaints were put on hold, and 15 complaints were dismissed. During this fiscal year, the Commission recommended to the Government of Nepal

to provide compensation totaling NPR 7.421 million to 90 victims and their families.

- 3.1.3 This year as well, the Commission has continued various promotional activities such as training, workshops, interactions, and discussions, either independently or in collaboration with others, for the promotion of human rights. These activities have been carried out in coordination and partnership with the federal, provincial, and local governments; government agencies; non-governmental organizations; civil society; business associations; and the international community. The Commission has focused on disseminating information about its activities, enhancing public awareness of human rights, and collaborating with civil society. It has held discussions with stakeholders regarding the incorporation of human rights education in school curricula and implemented programs aimed at fostering culture of human rights. Orientation and interaction programs have been conducted to promote and raise awareness about the rights of people living with HIV, marginalized and minority groups, and sexual and gender minorities. Workshops have been organized at the local level to enhance the capacity for human rights-centered development approaches in managing development activities. The Commission has also conducted orientation programs on contemporary human rights issues, particularly business and human rights, in collaboration with civil society, the Federation of Nepalese Chambers of Commerce and Industry (FNCCI), and the Confederation of Nepalese Industries (CNI). It has provided feedback in formulation of an implementation plan for the National Action Plan on Business and Human Rights developed by the Government of Nepal. Similarly, in the context of raising awareness about other emerging topics, orientation programs have been conducted on issues such as budgets and Human rights social inclusion, cyber security and human rights communication and human rights, and gender-friendly and inclusive workplaces. These programs, facilitated by experts in the respective fields, have significantly contributed to increasing awareness of human rights. During this fiscal year, the Commission conducted 157 activities related to the promotion of human rights, including the aforementioned initiatives. Additionally, eight programs were organized to exchange knowledge and experiences on human rights issues, inviting related experts to contribute.
- 3.1.4 During this period, the Commission published a total of 17 materials, including: three annual reports (comprehensive, summarized in Nepali and in English), two booklets on human rights, two editions of the Human Rights Newsletter (available on the website), a compilation of significant press

releases, five province-specific activity booklets, two editions of *Human Rights Sambhak* (a research journal), a report on the human rights situation of the Rautes, and a report on transitional justice. The annual reports highlight the Commission's yearly activities while providing an overall depiction of the human rights situation. Similarly, the activity booklets produced by the provincial and branch offices illustrate human rights situation within each respective province. Thematic reports focus on the human rights conditions of specific groups or communities and emphasize necessary steps for the future. The compilation of significant press releases provides insights into the Commission's activities and positions on various issues at different times. The booklets include concise information on key aspects of human rights, including the Commission's role and nine core international human rights treaties. These reports, research journals, and booklets have made it easier for stakeholders to access information about the Commission and human rights in general.

- 3.1.5 During this fiscal year, 50 press releases and 15 press notes were issued on contemporary human rights issues. These press releases focused on civil and political rights, as well as economic, social, and cultural rights. Similarly, topics such as the rights of women and children, caste-based discrimination, the rights of migrant workers, and transitional justice were addressed through these press releases. The Commission also organized various press meet programs to discuss contemporary human rights issues. By disseminating the press releases, press notes, and press meet highlights through media channels, the government and stakeholders were made aware of these issues. This has contributed to the protection, promotion, and realization of human rights, as well as raising awareness about responsibilities and compliance for human rights protection and promotion.
- 3.1.6 The Commission has been reviewing laws and providing necessary advice to the government of Nepal in this regard. Provisions related to the rights and protection of human rights defenders are being incorporated into the NHRC draft bill. A review study of eight laws related to the implementation status of the Palermo Protocol, as approved by the Government of Nepal, is ongoing. The implementation status of the Province Child Rights Act, 2020 (Madhesh Province) and the Province Child Act, 2021 (Gandaki Province) was monitored after preparing checklist and these laws are also being reviewed. Similarly, the implementation status of the Children's Rights Act, 2017 of Pokhara Metropolitan City has been monitored. The review of the bill related to children's rights in Lumbini Province (2019)

and the monitoring of the implementation of the Children's Acts of certain local levels, including Butwal Sub-Metropolitan City, are being conducted based on the prepared checklist. The review of policies and laws related to the rights of HIV-infected individuals, along with discussions and feedback collection from stakeholders, is ongoing. Drafts of guidelines for human rights training, local-level human rights guidelines, consumer rights guidelines, and the National Human Rights training guidelines are prepared. The guideline related to freedom of expression has been revised and uploaded on the Commission's website. Additionally, the Commission is continuously preparing written responses and conducting pleadings in various court cases filed against NHRC.

- 3.1.7 Human resource management is regarded as the heart of any organization. The effective performance of an institution is achieved only through the supply, management, development, and mobilization of skilled, motivated, and competent human resources. During the establishment of the commission, there were limited number of permanent employees, while most were on a contractual basis. The PSC is given the task of recommending employees to NHRC. Out of the current approved posts of 309, in this fiscal year, 52 positions were filled, making a total of 254 employees currently working. Among these, the filled positions include 4 joint-secretaries, 33 officers (human rights and accounts), and 15 in the first assistant level. Looking at the total workforce currently employed, 62.20% are male, and 37.79% are female. This indicates a positive direction toward achieving gender equality.
- 3.1.8 The Commission has developed various thematic checklists to ensure efficient, accurate, and effective monitoring of the human rights situation. These checklists were prepared through extensive discussions with relevant government agencies of Nepal, NGOs working in the field of human rights, and other stakeholders, and monitoring was conducted accordingly. The prepared schedules and monitoring areas include the right to education, the right to health, the right to food, the school nutrition (mid-day meal) program, the Universal Periodic Review (UPR), and the National Human Rights Action Plan. Similarly, other topics include the Sustainable Development Goals (SDGs), basic rights of service recipients, communication monitoring, the right against untouchability and caste-based discrimination, and the status of implementation of child rights laws across all three levels of government. This effort is expected to enhance the collection of information, facts, and data, as well as improve the process of report writing.
- 3.1.9 The Commission has been publishing reports after conducting a study on

the human rights situations of marginalized indigenous tribes on the verge of extinction, leading a nomadic lifestyle, with the aim of protecting and promoting the human rights. The report reflects their social, economic, and cultural conditions. This study report appears to be useful for advocacy and lobbying at the policy level for the Government of Nepal, various constitutional commissions, and national and international organizations working in the field of human rights, as well as for further study/research on the subject, including by universities.

- 3.1.10 The local level is the government closest to and most accessible for citizens. The responsibility for the protection, promotion, and effective implementation of human rights lies with all three levels of government. The National Human Rights Commission has conducted a program in Karnali and Madhesh provinces, as well as at the national level in Kathmandu, to develop a manual and training guidelines on human rights-based approaches for local governments. A draft of the resource manual has been prepared, taking into account the feedback and suggestions received from the programs. Discussions on the draft were held in at least one local level of each of the seven provinces, with the participation of local representatives. The Commission plans to publish and distribute this manual to local governments.
- 3.1.11 This year, the Commission has established a Human Rights Documentation Center. The documentation center contains materials related to the efforts made for the establishment of the Commission, its founding, the activities carried out by the Commission since its inception for the protection and promotion of human rights, as well as the challenges faced. Additionally, vehicles set on fire during the Tarai-Madhes movement have also been collected in the archive. The documentation center was inaugurated by Honorable Rekha Sharma, the Minister of Communication and Information Technology, on 4th of August, 2023. The documentation center has been made open to the public. Since its opening, a total of 699 people, including former and current Prime Ministers, distinguished individuals, common citizens, foreigners, and students from seven campuses, have visited it. This initiative seems to help in understanding the Commission's journey from the past to the present. Suggestions have been received to enhance its effectiveness by transitioning to an electronic system in the future.
- 3.1.12 The National Human Rights Commission has been coordinating with the Stakeholders in related issues. Based on discussions with experts, victims, and other stakeholders, the Commission has expressed its stance on transitional justice issues. In particular, it has provided recommendations

to the Government of Nepal, the Federal Parliament, and parliamentary committees regarding the amendment bill of the Investigation of Disappeared Persons, Truth and Reconciliation Commission Act, 2014. When requested to send a representative to the recommendation committee for forming both commissions, the Commission informed Government of Nepal that it would do so only after amendments to the bill to made which was under consideration in Parliament.

3.1.13 The Commission has been advancing its activities through timely use of information technology. In this context, efforts have been made to integrate complaints management, reports, and information of the Commission to ensure easy access to necessary materials. During this fiscal year, a website has been developed for the Commission's provincial and provincial branch offices. To enhance the effectiveness of complaints management, the existing software in operation has been upgraded, and a new Complaints Management and Reporting System (CMRS) has been developed. Employees have been provided with both theoretical and practical training to operate this software. Efforts are underway to transition the Commission to an E-Commission system. A workshop was organized to develop a "Blueprint for ICT Roadmap". Based on the suggestions from this blueprint, the development of two essential software systems—Human Resources Management System (HRMS) and Document Management System (DMS)—is currently in progress. This initiative is supported by the Strategic Plan Support Project (SPSP) of UNDP.

3.1.14 The National Human Rights Commission has been addressing the issue of gender equality and social inclusion with great importance. As outlined in the Commission's Gender Equality and Social Inclusion Policy, a gender audit was conducted to evaluate gender equality in internal policies, organizational practices, and relationships with stakeholders. Based on this audit, the gender and social inclusion Policy 2077 was reviewed, leading to the adoption of the gender and social inclusion policy 2080. Similarly, efforts are underway to develop action plans to further strengthening gender-friendly and equality-based principles in all of the Commission's operations, guided by the findings of the Gender and social inclusion audit. In collaboration with the National Women Commission, the Commission has prepared and submitted a report to the United Nations Committee on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), representing national human rights institutions. The Commission, in coordination and

collaboration with various stakeholders, has been organizing awareness programs, discussions, debates, and advocacy activities to ensure the rights of sexual and gender minorities are upheld regularly.

3.2 Co-operation and collaboration:

(A). At the national level, the Commission has been continuously enhancing cooperation and coordination with stakeholders to protect and promote human rights, foster a culture of human rights, and maintain its status. Discussions have taken place at various stages between the Commission, the Speaker of the House of Representatives, and the Law, Justice, and Human Rights Committee regarding the formulation of a new Act and its provisions. In line with the strategic framework for coordination and collaboration among Constitutional Commissions prepared by the Commission, activities have also been carried out with commissions established under Part 27 of the Constitution. Joint initiatives have been undertaken to secure resources, utilize them effectively, and implement the recommendations of the commissions, with necessary coordination and collaboration. Stakeholders involved in such collaboration include governments at all three levels, constitutional and various governmental bodies, non-governmental organizations, and professional associations. During this fiscal year, a total of 46 programs have been successfully conducted under these collaborative efforts. The programs focused on topics such as human rights education, the rights of persons with disabilities, the rights of senior citizens, and the rights of individuals living with HIV/AIDS. Additionally, the official of the Commission has participated as a resource person in 111 human rights-related programs organized by various governmental bodies, human rights organizations, and professional associations. Similarly, representatives of commission participated as a chief guest, guest, or attendee in 384 programs. From time to time, coordination has also been carried out with the media. Such initiatives have contributed to the protection and promotion of human rights, the formulation of human rights-friendly laws, strengthening mutual relationships, and achieving targeted outcomes.

At the international level, alongside its national efforts, the Commission has embraced the principle of cooperation and coordination in protecting and promoting human rights based on necessity and relevance. In particular, this includes collaboration with bodies under the United Nations, the Global Alliance of National Human Rights Institutions (GANHRI), and the Asia Pacific Forum (APF) of National Human Rights Institutions of (NHRIs). Similarly, the Commission has been continuously engaged in human rights activities through cooperation, coordination, and collaboration with national human rights institutions, NGO, international NGOs, donor agencies,

development partners, and diplomatic missions. In fiscal year 2080-2081, the Commission signed a Memorandum of Understanding (MoU) with the Office of the United Nations High Commissioner for Refugees (UNHCR) in Nepal to advance policy work and refugee protection initiatives. The Commission also participated in the annual meetings of GANHRI and APF. Additionally, it conducted a study on the implementation status of laws related to senior citizens with coordination and technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR). Regular visits, discussions, training sessions, and exchanges of experiences at the international level have been ongoing. During this period, the chairperson, members, secretary, and other staffs of the Commission participated in various activities of this nature. Eight international programs saw participation by the Chairperson, members, secretary, and staff, contributing to the advancement of bilateral and multilateral actions.

3.3. Challenges

Since its establishment, the Commission has been moving forward while facing various challenges. Some of these challenges still continues, while several new challenges have also been added, which can be outlined as follows:

- a) Although there is a provision that the government must mandatorily implement the recommendations made by the Commission, only 13.66% of the recommendations have been fully implemented so far. Among the implemented recommendations, most are related to relief and compensation. Also, recommendations regarding identifying the culprits and taking action against the perpetrators yet to be implemented. The inability to fully implement the recommendations has, to some extent, resulted in frustration among the victims toward the government, along with a decline in public trust toward both the Government and the Commission. In this context, it is necessary to create a situation where the government fully implements the Commission's recommendations, ensuring the state's adherence to its human rights obligations.
- b) The Commission has been unable to construct its building and establish a resource-equipped National Human Rights Commission due to inadequate support from the government for building construction and resources. It is unfortunate that the central office building, damaged by the earthquake in 2015 (2072 B.S.), has yet to be reconstructed. Since its establishment, the Commission's central, provincial and provincial branch offices have operated from rented buildings. Consequently, a significant amount of money is being spent on rent, and efforts to

create physical infrastructure that is human rights-friendly, disability-friendly, and gender-friendly have not been fully successful. The recurring need to search for rental spaces has hindered victims' access to the Commission, increased expenses, and even disrupted operations. Despite repeated requests to the government to provide suitable land for the Commission's offices or provide vacant government buildings, or construct buildings on allocated land, no substantial progress has been achieved. This fiscal year, NPR 29,505,256.10 (twenty-nine million, five hundred five thousand, two hundred fifty-six rupees and ten paisa) was spent on rent, with annual rental rates increasing by at least 10%. Although land has been allocated for the commission's Far-Western office in Dhangadhi, the absence of building construction has left the land unutilized. The commission currently has 27 four-wheeled vehicles and 42 two-wheeled vehicles, most of which are old and non-functional. Based on operational needs, the Commission requires an additional 16 four-wheeled vehicles and 30 two-wheeled vehicles. The lack of budget for vehicle procurement over the past four fiscal years has directly impacted human rights monitoring and investigation. Furthermore, the Capital budget allocated has been insufficient to meet the Commission's needs. Even after more than two decades since its establishment, it is disheartening that the Commission's offices still operate in rented buildings. The lack of budget for essential resources like vehicles, computers, printers, and photocopiers has hampered the institutional development of the Commission, made service delivery slow, and affected efforts to effectively protect and promote human rights. Due to the limited program budget, additional challenges have arisen in protecting and promoting the rights of marginalized groups, minorities, and disadvantaged communities. Similarly, research-based studies and urgent investigations & monitoring of human rights violations were not conducted effectively, complicating the realization of human rights. The government has not approved the organizational structure prepared by the Commission for institutional strengthening in line with the federal structure. This has resulted in ongoing administrative and managerial challenges for the Commission.

- c) The issues related to the armed conflict era stem from the armed conflict initiated by the then CPN (Maoist) on February 13, 1996 (2052 Falgun 1 BS), which officially ended on November 21, 2006 (2063 Mangsir 5 BS). Both the then-government and the Maoists had agreed to resolve the

transitional issues linked to the armed conflict. While complex matters like army integration found a resolution. However, even after 18 years of entering the peace process, conflict-era issues remain unaddressed despite various efforts. The transitional justice mechanisms previously established could not gain credibility, resulting in the failure to ensure victims' right to justice. Most recommendations by the National Human Rights Commission (NHRC) regarding the armed conflict have not been implemented, and transitional mechanisms have not been effectively operationalized, causing victims to suffer directly. The delay in investigating serious human rights violations, including disappearances, killings, and sexual violence, has made evidence collection and related processes increasingly complicated. The NHRC has been expressing its stance on amendments to the Enforced Disappearances Enquiry, Truth, and Reconciliation Commission Act, 2014 (2071 BS), providing inputs to the Government of Nepal, the Federal Parliament, and parliamentary committees based on discussions, consultations, and interactions with experts, victims, and stakeholders. Failure to address transitional justice in a timely manner has left victims disheartened and led to further victimization. The inactivity of organizations advocating in this area has created a scenario where impunity risks being encouraged. Therefore, addressing conflict-era issues and guiding the country toward sustainable peace should be the priority for the government and stakeholders. Urgency and accountability in this matter are essential to achieve lasting peace.

- d) Coordination and collaboration are essential for the protection and promotion of human rights, as these efforts cannot be achieved through sole endeavors. Increasing human rights awareness, enhancing access to justice for victims of human rights violations, and holding all three levels of government accountable for human rights protection are inherently challenging tasks. Despite these challenges, it is imperative for various stakeholders to make optimal use of the limited resources available to them and contribute to the protection and promotion of human rights. Likewise, there is a need to focus on rural and remote areas and to prioritize need-based promotional activities. Regulatory bodies must also increase their attention to such efforts. To foster a culture of coordination and collaboration, it is necessary to revise the Commission's Coordination and Collaboration Guidelines in a timely manner. This would enable the effective utilization of the

thematic knowledge, skills, and expertise of stakeholders working on various human rights issues through well-structured coordination and collaboration. Additionally, emphasis must be placed on the sustainable use of resources, mutual coordination, and fostering a results-oriented working culture. To achieve this, it is crucial to identify thematic areas of coordination and collaboration among organizations working in the human rights sector at federal, provincial, and local levels. Efforts should be made to minimize programmatic duplication and enhance access to target groups. Such initiatives can contribute to creating a culture of collaboration rooted in collective responsibility and accountability.

- e) Although the Constitution and related laws prohibit practices such as caste-based discrimination, untouchability, witchcraft accusations, child marriage, and dowry, remnants of these harmful practices still persist due to the prevalence of traditional and conservative mindsets. This primarily affects Dalits, women, sexual and gender minorities, marginalized groups, women and children with disabilities, single women, and economically disadvantaged communities. An analysis of human rights violations indicates that such incidents continue to occur, as observed through the monitoring efforts of the Commission. The practice of resolving heinous crimes through reconciliation or informal settlements reflect the prevailing state of human development. This provides an insight into the level of social awareness and consciousness in the region. Consequently, these issues directly impact the protection and promotion of human rights.
- f) Adequate research and study are essential for the protection and promotion of human rights. Without sufficient research, efforts in this area cannot be complete. Therefore, this is particularly an important and significant issue. It requires adequate budget allocation, expertise in the relevant fields, and proper preparation. Limited resources may result in incomplete or inadequate work, raising questions on its credibility and effectiveness. If the issues highlighted and recommended in research-based reports are not considered, it undermines both investment and expertise. Taking these aspects into account, enhancing capabilities in research and utilizing available opportunities for independent and autonomous exploratory studies on various human rights issues can help provide implementable suggestions for state policies and programs in a sustainable manner. Thus, the budget allocated for this purpose must be made sustainable, and the available resources should be

managed appropriately to ensure regular progress. In the coming days, the government needs to focus on expanding the scope and resource base of the Commission's research areas.

- g) Ending impunity is essential for the full realization of human rights, as it requires the rule of law and accountability. The inability to enforce court decisions, the weak implementation of Commissions recommendations, the failure to bring human rights violators under the legal framework, the lack of investigation and prosecution, and the inability or refusal to provide justice to victims are all manifestations of impunity. Although victims of conflict and their families have received some relief and compensation from the State, individuals involved in human rights violations or crimes against humanity remain outside the reach of the law. Factors such as the lack of implementation of political commitments, the tendency of breach of law for political interests, the apathy of law enforcement agencies, inadequacies in Constitutional and legal provisions, corrupt practices, weak public awareness, and social, cultural, and religious structures contribute to the persistence of impunity. As a result, ideals of human rights, good governance, and the rule of law are overshadowed, leaving victims unable to access justice. The absence of continuous monitoring and vigilance by stakeholders, along with the diminishing accountability of law enforcement agencies, has made the task of protecting and promoting human rights increasingly challenging.
- h) The importance of effective human rights is closely tied to public service delivery maintaining good governance. Special attention is given to the timely and quality provision of services. Recent studies have shown that the contamination of food items with inedible substances and the excessive use of pesticides in green vegetables and fruits pose significant health risks to humans. Key areas of public services—such as public transportation, health services provided by hospitals, and other public services—are not being effectively delivered, directly and indirectly affecting the enjoyment of citizens' rights. Therefore, there is a need to ensure the delivery of efficient, high-quality services to guarantee citizens' rights and protect consumers' rights, while also increasing public awareness. These efforts would enhance good governance and contribute to controlling corruption. Consequently, it is essential for the relevant government bodies to improve the delivery of services by considering monitoring reports and recommendations.

- i) New issues are emerging in the field of human rights. Recently, issues such as climate change, artificial intelligence, cybersecurity, environment and development, business and human rights have become increasingly important. Additionally, there are topics related to inclusive workplaces, gender perspectives, and achieving sustainable development goals, at the policy level of human rights defenders, security agencies, marginalized and minority communities, and the media. These issues need to be addressed through programs that involve knowledge flow through experts, capacity building as needed, interaction, debates, discussions, and sharing information about good practices. Due to lack of resources, the aforementioned initiatives have not been able to gain momentum. The government needs to be sensitive and address this issue.
- j) The adoption of a human rights-based development approach contributes to the protection and promotion of human rights, making it essential for governments at all levels to pay attention to this issue. All levels of government have a constitutional responsibility to protect and promote human rights and ensure their effective implementation. The failure to prioritize the necessary standards to make development projects human rights-friendly and to focus on their implementation has led to the human rights-based development approach being practically overlooked. Strengthening the capacity of local governments, especially regarding the human rights-based development approach, is seen as crucial. News reports frequently highlight the dangers to citizens' lives due to daily accidents caused by the condition of road infrastructure built for rural development, which often leads to blockages of highways during disasters and the monsoon season. Similarly, the long-term health impacts of smoke and dust emitted from industrial factories are evident. Based on the findings of monitoring by Commission and other studies, it is imperative that relevant parties pay proper attention to adopting a human rights-based approach to development, acknowledging the importance of human life in the process.

3.4. Possible Measures to resolve the challenges:

The Nepalese government and related stakeholders need to move forward with more seriousness to address the challenges mentioned above. For this, the following actions need to be taken:

1. Nepal Government

- a) Implement the recommendations of the Commission effectively and without delay,
- b) Provide the Commission with the necessary financial and physical resources,
- c) Create the environment for the submission and continuous discussion of the Commission's annual report in the Federal Parliament,
- d) Coordinate with the parliament to pass new Human Rights Commission Bill, in line with the Paris Principles, and autonomy of the Commission,
- e) Immediately approve the organizational structure (O&M) proposed by the Commission,
- f) Effectively implement and cause to implement the national action plan of human rights,
- g) Move forward with coordination and cooperation with relevant stakeholders on human rights-related issues or matters related to the Commission,
- h) Bring those, whom the Commission has recommended as culprit and who are yet to be prosecuted by the courts, into the legal domain to ensure of the rule of law,
- i) Make effective efforts to maintain the Commission's 'A' status,
- j) Implement effectively implement the human rights provisions included in the Constitution, laws, and regulations, and create conducive environment for such implementation,
- k) Establish conducive environment for the formulation of laws from human rights perspective related to the Federation, provinces, and local governments from a human rights perspective as directed by constitution of Nepal
- l) Incorporate human rights values and principles when making or amending laws and regulations,

- m) Take further effective steps against impunity respecting the rule of law and human rights,
- n) To create an environment where the Transitional Justice Mechanism can work independently to make the investigations of the disappeared persons and the functioning of the Truth and Reconciliation Commission effective, and to ensure the availability of necessary physical resources and skilled human resources.
- o) Make effective the functioning of TRC and CIEDP to create conducive environment for working independently, provide adequate physical as well as skilled human resources as per necessity.

2. Federal Parliament

- a) Play effective role in the creation of a new National Human Rights Commission Act by embracing the independence and autonomy of the Commission as per the Paris Principles.
- b) Make legislation related to human rights issues as listed in the concurrent powers list of the Constitution.
- c) Integrate human rights values and principles while drafting laws.

3. Political Parties:

- a) Take the necessary initiatives from their position to implement the Constitution,
- b) Provide special assistance to the government for respect, protection, and development of human rights,
- c) Play a positive role in addressing transitional justice,
- d) Move forward with coordination and cooperation on matters related to the Commission and human rights,
- e) Make necessary efforts to continue the commission's "A" status.
- f) Establish human rights cells from the central to the local level to address prioritizing the human rights issues.

4. Others

- a) The Stateholders (such as civil society, organizations working in the field of human rights, professional unions, journalists, citizen activists, etc.) should collaborate, coordinate, and raise awareness along with the government and the Commission as needed on human rights issues.

3.5 Future Course of Action

As a national institution, the Commission has been working for the protection, promotion, implementation, and development of a culture of human rights. Specifically, based on the Constitution, laws, regulations, and strategic plans, the Commission has been carrying out its activities. The Commission currently faces the challenge of maintaining its status, which has remained "A" since its inception. There is a need to implement the human rights provisions included in the Constitution and laws, as well as make necessary amendments or revisions as required. The effective implementation of strategic plan is crucial. The strategic plan was made taking inputs from various stakeholders through coordination and cooperation with the victims, NGOs, Civil society, professional organizations, other human rights related Commission, Government agencies, international human rights organizations and donor agencies. However, the expected outcome is yet to be fully achieved.

Currently, operations are being carried out within the three-tier federal structure (federal, provincial, and local level) in the country. Since human rights are subjective experiences, they particularly depend on the Commission's activism, as well as the government's commitment and implementation. For this, it seems necessary to move forward in cooperation and coordination with the local, provincial, and federal governments. It is also important to make the collaboration and coordination with the federal parliament, the three levels of government, constitutional bodies, political parties, civil society, NGOs, and stakeholders (citizens) more effective and productive. Additionally, the relationship with national, regional, and international organizations donor agencies related to human rights needs to be further developed and strengthened in accordance with the changing context. Looking at the aforementioned aspects, the Commission faces both opportunities and challenges. To address these, the Commission needs to take the following necessary steps:

- a. Take effective initiatives for the formulation of a new National Human Rights Commission Act.
- b. In the changed context, bring the revised organizational structure of the Commission to a conclusion.
- c. Provide expert services for the formulation of human rights-friendly laws at the federal, provincial, and local levels.
- d. Build an effective implementation mechanism for the Commission's recommendations to enhance implementation effectiveness.
- e. Assist Government of Nepal to create conducive environment to uphold its obligations under various international conventions and human rights action plan.

- f. Prioritize the challenges observed in the practice of human rights and create an environment that practically addresses these issues.
- g. Play active role in making the transitional mechanisms, created for addressing post-conflict issues, effectively operational.
- h. Develop relationships with relevant bodies at the national, regional, and international levels in line with the changing circumstances.
- i. It is the Commission's responsibility to strengthen its functioning in order to maintain an "A" status institution. This requires creating an environment conducive to the implementation of the provisions outlined in the Constitution, relevant acts, the strategic plan, and the annual action plan. The Commission's focus on "Right to Life, Dignity, Equality, and Freedom: foundation for Sustainable Peace and Prosperity," as emphasized in the strategic plan, serves as the foundation for this commitment. Moving forward, the Commission must take decisive steps to address critical issues such as economic, social, and cultural rights, while also ensuring the protection of the rights of marginalized groups, including sexual and gender minorities and other vulnerable communities. Additionally, it is essential to expand the Commission's outreach and institutional capacity by leveraging information technology and strengthening partnerships with stakeholders at the national, regional, and international levels. Equal attention must also be given to creating an environment that facilitates the effective implementation of the Commission's recommendations.

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