

## **Informal Translation of the Speech of the Chairman, NHRC**

Distinguished Guests,  
Ladies and Gentlemen,

I have the pleasure to welcome you all on behalf of the National Human Rights Commission on this joyous occasion as we celebrate the Third Anniversary of the National Human Rights Commission. Although the Chairperson and Members were appointed on the May 26, 2000 after 4 years of the issuance of the "National Human Rights Commission Act 2053", the members took the oath of office only on June 6, 2000. For this reason, June 6 has been considered as the anniversary day of the Commission. I believe that this is a day when we need to look back and analyze how we have presented ourselves in the past 3 years and whether we have been able to justify the establishment of the Commission or not.

Nepal is one of the few countries in the world to establish a national institution for human rights and we are glad to be member to organizations that include such institutions from the very days of the establishment of the Commission. During the early days of the establishment, we faced many problems due to the lack of experience, knowledge about the working modality of a national institution; its independent and autonomous characteristic and government liability toward its decisions, and due to lack of adequate experience on the operating procedures of the national institutions. However, cooperation from the civil society along with support from people working in the field of human rights and the support from international community added vigor to our endeavors. The United Nations Office of the High Commissioner for Human Rights and especially the former High Commissioner Mary Robinson supported us by sending her special Advisor in the initial period of formation of Commission. I would like to express our gratitude towards her at this special occasion.

The Acting Secretary has already presented details of the activities and the present situation of the Commission. It is really a great challenge for us to evaluate the past 3 years and to think consciously on ways to tackle the challenges that may come in the way in the future and whether we will be able to leave a strong and efficient Commission at the end of our tenure.

While forming the Commission, the Parliament formulated laws with the view of establishing an important and respectful organization. But the Commission could not get cooperation as intended from the government. National human rights institutions are guided by, and have to work for the implementation of national and international human rights principles. Hence, everyone should keep in mind that the nature and operation system of NHRC is quite different from other constitutional and national institutions. NHRC has been given the responsibility of protecting and promoting human rights by the law, but continued apathy on the part of concerned authorities responsible for the implementation of the Commission's decision not only affects the credibility of the Commission but also affects citizens of the country who are being deprived of their rights. In the early days, the government may have found it impractical when we

highlighted the importance of human rights. Lately, the Government's attitude towards human rights is gradually becoming positive. We do not have any personal interests involved, but if we do have any interest that is only for the implementation of human rights.

If we are to evaluate our performance in these years, the support of the civil society has always been satisfactory during this period and the international community has also recognized the Commission as an effective and independent institution. It would be quite relevant to present a few examples of the trust and good wishes of the international community towards our Commission. On the first year of our establishment, we were granted full membership of Asia Pacific Forum (APF) of Human Rights, which is the common organization of national institutions in the Asia-Pacific region. We joined the Forum on the Fifth Annual meeting of Asia Pacific Forum of Human Rights institutions held on 6-12 August 2000 in New Zealand. On the second year, we were elected as the Vice Chairperson of APF. Nepal will be the host for the 8th Annual Meeting to be held in Kathmandu in September 2003.

We were delighted to participate on the UN Human Rights Commission meeting held in Geneva. To effectively address the problems of Trafficking of Women and Children, we are on the forefront among national institutions to develop a different instrument for the same. The establishment of the Office of the National Rapporteur on Trafficking of Women and Children is an example. As we believe, without a joint initiative from Nepal and India, the problem of cross-border trafficking cannot be solved. We are currently on the final stage of preparation of joint programmes with NHRC-India.

The institution that has to work for the full protection of human rights of the Nepalese people has to allocate most of its time on observing and finding out ways of minimizing the daily incidents like murders, displacement and so on. It is also our challenge to handle thousands of complaints in a prompt manner. In the past, while in a critical condition with few staff in the Commission, it was not possible to monitor the human rights situation of different districts without the support of the civil society. You are aware about the fact that in the present situation also, to transform the cease-fire into permanent peace on the basis of peace process, we had provided a draft of code of conduct to the concerned parties. We are requested to remain as the coordinator of the cease-fire code of conduct monitoring committee formed by the Government and Maoists, and we take it as a trust of both the Government and Maoists on our impartiality because of our monitoring with the help of civil society and our activities thereafter. Although we have taken the decision as a part of trust of the parties towards us, we could not formally react on it because we have still not received the formal letter mentioning the Committee's scope and terms of reference. But we believe both parties have to be committed to address issues of human rights, human rights principles and its effective implementation. In this context, we felt it would be appropriate for both parties to sign a human rights agreement, so we have provided the draft of such an agreement to both parties. The Constitution of Nepal (1990) has strongly incorporated human rights and Nepal being a party to major human rights conventions, there is no question why the government should not accept the agreement. We believe that the CPN (Maoist) is also a responsible party as they have

expressed their commitment towards international human rights principles and humanitarian law, and they are positive towards the agreement as well.

Since the Commission was formed at a time when violence was at its peak, the situation itself was a great challenge to work for the protection and promotion of human rights as prescribed by the law. We could not present ourselves as intended due to lack of resources, physical infrastructure and technical knowledge and skills. But our efforts on monitoring areas of conflict, urging non-state actors to comply with humanitarian law and for the practical commitment of state towards Human Rights principle is clear. We have realized that it is not as easy to speak and act about democracy and human rights during a period of emergency as compared to peacetime.

In the past 3 years, we have spent most of our time in establishing the Commission as an independent and competent institution and in verifying the needs of the Commission. Also, during this period, our internal problems have been our challenge. On our second year of our tenure, we had to decide with regret to keep away one of our members from his work due to the complaint registered against him for his sexual misbehavior towards one of the staff of the Commission.

Beside these problems, the press has published negative and false statements of corruption, lack of transparency, and discrimination against one of the members. It may not affect any member personally, but it will certainly have a negative impact on this just born Commission, which is slowly gaining national credibility and international recognition. However, we are firm in our beliefs that personal wants and ambitions would not affect the Commission. Today we are members of the Commission, tomorrow we will be away, but the Commission will remain as an asset of the Nepalese people. So, every body must understand that creating a negative image of the Commission is against the principle of "high morality" as envisaged by the law.

Of course, none of the secretaries appointed by Commission have remained for more than a year. Why have they not been able to stay? I cordially call upon my journalist friends to ask the former Secretaries to find out the reason. Many competent staff members were deputed from different ministries to the Commission in its early days. The Commission trained most of them but they went back to their respective offices. I again request my journalist friends to ask them also to find out the reason of their departure. Who is responsible for this? Everything will be clear in the days to come. Those who have accused the Commission of corruption have to understand that the budget allotted by HMG is just sufficient for the payment to the staffs and members of the Commission. How could it be possible to have corruption of lakhs of rupees when the Commission's annual procurement budget is not less than 2-3 lakhs?

There has been news of not assigning responsibility to the members of the Commission but the Commission allocates work to its staff only and the work of the members is clearly specified by the law. For the active participation in policymaking and for specialization on the specific topics, members are provided with specific terms of reference, and I myself have such a terms of reference. In this present situation, I want to

assure you, anyone who is creating negative image of Commission will eventually fail but the Commission will continue to move forward at its own pace. Detrimental statements by anyone is not bothersome to us, because we believe on the saying "*Truth will conquer*".

Ladies and Gentlemen,

We have reached the most sensitive and important moment in the country 's history. Though we have a multiparty democratic system, the political system and behavior have not fared well for establishment of a democratic society. We still need to work hard to implement the Constitution in the real sense. Democratic representative institutions are still weak. People are yet to fully utilize the rights guaranteed by Constitution. They are also deprived of the basic rights like rights to education, health, and housing, etc. The ceasefire declared at the cost of 8000 lives and subsequent commencement of the peace process has not progressed at a satisfactory pace. Politicization of the education system has put the future of students in doldrums. In this situation, when not only the Maoists but also the democratic political parties are in a state of conflict, protection of human rights has been an uphill battle. There is a need to urge everyone to be sensible to address the economic, social and cultural rights of people. In this situation, it is the duty of everyone to strengthen the Commission. The members of the Commission change but the Commission established for the protection and promotion of human rights of Nepalese people remains forever. So, with full confidence that you will play an active role for the development of this institution, I pray to the Lord Almighty to inspire everybody for the construction and not the destruction of the Commission.

Last but not the least, I would like to thank UNDP, and particularly the UNDP Resident Representative. Dr Hening Karcher, UNOHCHR, the British Embassy, the Canadian Government, the Norwegian Government, the Danish Government, the Australian Government, the Asia Foundation and the Swiss Development Agency for their valuable support to our Commission.

I would also like to thank all those who have been involved to make this programme successful.

Thank you

Nayan Bahadur Khatri  
Chairperson