

**Capacity Development of National Human Rights Commission
(NEP/ 00/010)**

Request for Proposal (RFP)

PURPOSE AND SCOPE OF STUDY

From 1 April 2002 Government of Nepal and UNDP jointly embarked on a Capacity Development project for the National Human Rights Commission (NHRC). The project has a component to provide expertise and research support to the Commission in legislative reform areas. The support is provided to the Legislative Assistance Division (LAD) of NHRC, which is responsible to carry out the work of legislative review and research as mandated under the sections 9(2) (f), (g), (h), (l), (n) of Human Rights Commission Act, 1997.

The Strategic Plan 2004-2008 adopted by the Commission in December 2003 has set *legislative research/review* as one of the important tasks. The strategic plan, under its second strategic objective, has a provision of a "Study of selected judgments of courts and quasi-judicial bodies to assess their effect on human rights of the service seekers."

The right to fair trial is a basic human right guaranteed by the Constitution of Nepal and various international HR instruments to which Nepal is a party. The fair trial issue is about the competent, impartial and independent justice system, which proceeds upon inquiry and renders judgment following with due process of law in a swift manner.

In Nepal various quasi-judicial bodies are authorised to hear certain kinds of criminal cases i.e. District Administration Office, Forest Office, Customs Office, Immigration Office etc. Many of these quasi-judicial bodies not only investigate the case, but also possess power to prosecute and adjudicate them. Various statutes have conferred the power to the quasi-judicial bodies to decide the cases and declare fines and/or imprisonment or both. It is argued that these bodies do not possess and fulfil the international standards or criteria for the hearing of criminal charges. And, it has always been a matter of serious concern that whether or not they have adhered to the principle of fair trial. In this context, NHRC is conducting a research entitled "Study of judgments of quasi-judicial bodies to assess their compliance with human rights standards"

To carry out the exercise with the support of the LAD staff, an experienced firm/NGO is being selected. The study team will work closely with the Head of Division and Legal Officers of LAD and report to the National Project Manager, CDNHRC.

OUTCOME

The desired outcome of this study is to produce a highly analytical research report on the decisions of quasi-judicial bodies with reference to the national and international human rights standards with clear set of recommendations for way forward.

OBJECTIVES

The following are key objectives of the research:

1. Examine compatibility of the judgments and laws/procedures followed by the quasi-judicial bodies with the provisions of the Constitution and international human rights instruments. .
2. Analyze the decisions made by the general courts on the referrals of quasi-judicial bodies and appeals of the party against the decision of the quasi-judicial bodies with an aim to ascertain the compliance with the provisions of the Constitution and international human rights instruments
3. Study the competency (including knowledge and skills), independence and impartiality of concerned authorities who exercise quasi-judicial power.

In the process of achieving the above, the research firm/NGO will have to help develop research capacity of NHRC staff as well.

PROPOSAL FORMAT:

The proposal must have the following components:

Introduction and background

Briefly describe the organization.

Prior Experience

The organization shall present a list of the contracts and business it has conducted over the past years in chronological order, listing the names of the principals, address(es) where the client does business, phone, fax or email contacts with the principals, and duration of the contractual relationship with each.

Design of study and detail work plan

Present the methodology with justification, specific tasks to be undertaken for this study. Present a detailed work-plan with timetable for the study indicating the activities, sub-activities and outputs. This will include a statement of the process for developing research skills of up to three staff members of NHRC.

Budget (shall be submitted separately in a sealed envelope)

Present a budget which identifies, as precisely as possible, the amount of money needed for each of the activities and a realistic timetable for disbursement.

Study Team Composition

Explain the proposed composition of the team to be engaged in the task and submit bio-data of the team clearly showing their relevant work experience together with a one page statement of competencies of each of the team members.

PROPOSAL SUBMISSION

Only registered firm/NGOs are eligible to submit the proposal. The firm/NGOs should have at least one years of experience in legal research, good understanding of Nepalese legal system, common law system, human rights related national and international laws.

The cover page should state: "*Research proposal for study of judgments of quasi-judicial bodies to assess their compliance with human rights standards*" and include the name of the firm/NGO, date of submission, name and contact details of the focal point for follow-up.

Separate "Technical" and "Financial" proposal should be submitted in separate envelopes with clear markings. Submission of financial proposal within technical proposal will automatically disqualify the proposal.

Proposal must be duly signed and sealed conforming to the sealed bid process.

Proposals must be received at the address mentioned below no later than 1700 hours on Sunday, 15 September 2006.

Any Proposal received after the deadline for submission of proposals, pursuant to clause deadline for the submission of proposals, will be rejected.

The proposal should be submitted with cover letter and addressed to –

National Project Manager
Capacity Development of National Human Rights Commission
Harihar Bhawan, Pulchowk
P. O. Box 107
Kathmandu, Nepal
Ref: RFP/ Study of the decisions made by the quasi-judicial bodies.

Award:

Selection of a firm/NGO will be done on the basis of the soundness of the proposal and the cost. CDNHR reserves the right to accept or reject the proposals at anytime without assigning any reason whatsoever and to negotiate the proposal.