

Speech made by the Honorable Chairperson Mr. Top Bahadur Magar on the occasion of the 24th anniversary of the National Human Rights Commission of Nepal

Rt. Honorable Prime Minister Mr. Pushpa Kamal Dahal 'Prachanda', Chief Guest of the program

Honorable Ministers, Members of the House of Representatives and the National Assembly

Honorable Chairpersons and Members of Constitutional Commissions

High-ranking officials of the Government of Nepal

UN Resident Coordinator Ms. Hanna Singer-Hamdy

Eminent ambassadors and representatives of diplomatic missions

President of the NGO Federation of Nepal Mr. Ram Prasad Subedi

Human rights defenders and journalists, and

Other distinguished guests.

The National Human Rights Commission is marking its 24th anniversary today. On this occasion, I express my respect to all the pioneers who continuously struggled and contributed to the establishment of the Commission. I extend a heartfelt welcome on behalf of the Commission and my side to all the national and international guests and well-wishers, including the chief guest, who have attended the program organized on this occasion.

The Commission has been established as a significant constitutional body that has gained the trust and confidence of the citizens for the protection and promotion of human rights. This has all been possible due to your continuous contributions. During this period, the Commission has faced numerous challenges and achieved significant milestones. Currently, the Commission operates from its central office as well as 10 provincial and branch offices.

The Commission is always active in ensuring the respect, protection, promotion, and effective implementation of human rights. To make its work more effective, the Commission is working formulating a six-year strategic plan. Since its establishment, the Commission has been investigating incidents of human rights violations, recommending action against the perpetrators, and compensation for the victims. Based on the facts obtained from monitoring and investigation, the Commission has been continuously drawing the attention of the Government of Nepal and other concerned parties through press releases, press notes, press conferences, and letters to the relevant bodies. Like in previous years, this year too, the Commission is also working in collaboration with the Government of Nepal, other human rights-related thematic commissions, non-governmental organizations, and civil society.

The Commission is preparing to submit a report in coordination and cooperation with stakeholders to the CEDAW Committee. It has been participating in international forums such as the Asia Pacific Forum of NHRIs, the Global Alliance of National Human Rights Institutions (GANHRI), and has been working in collaboration and coordination with various bodies of the United Nations.

The Commission has been emphasizing the implementation of recommendations received from the third cycle of the Universal Periodic Review and the fifth National Human Rights Action Plan.

The Commission has been working with other countries' NHRIs to protect the rights of Nepali migrant workers and their families. It has signed bi-NHRIs memorandums of understanding with some human rights commissions in the Asia Pacific region and plans to sign similar agreements with other human rights commissions in countries with a high number of Nepali migrant workers in the near future. This will help establish access to justice for Nepali migrant workers in those countries.

Since its establishment, the Commission has registered 13,273 complaints, resolved 7,885 complaints, and recommended actions on 1,555 complaints. These include policy recommendations to improve the state of human rights. This fiscal year, 84 complaints have been registered with the Commission and are in the process of being addressed, while 425 complaints have been presented in the Commission's meetings, of which 383 have been resolved and 139 recommended for action. The recommended complaints include those related to human rights violations during the conflict, women's rights, the right to development, the rights of persons with disabilities, the rights of gender and sexual minorities, the rights of indigenous peoples, the rights of Dalits, and issues related to business and human rights.

The implementation status of the Commission's recommendations to the Government of Nepal is 13.64% fully implemented, 37.23% partially implemented, and 49.13% awaiting implementation. Due to the lack of sufficient budget allocation and a separate fund, not all victims have received compensation as recommended by the Commission. The Commission has repeatedly requested the Government of Nepal to establish a separate fund to provide compensation.

Although the Government of Nepal has continuously expressed commitment to fully implementing the Commission's recommendations, effective implementation has not been achieved. However, with the formation of a recommendation implementation committee in the Prime Minister's Office, I am hopeful that progress will be made in the implementation of recommendations. It is necessary for all stakeholders, including the Government of Nepal, the Parliament, and civil society, to play their roles effectively for the implementation of the Commission's recommendations. I would like to reiterate that it is the constitutional and legal responsibility of the Government of Nepal to implement the Commission's recommendations.

During this period, the Commission has been monitoring and promoting human rights related to the fifth National Human Rights Action Plan, women, children, persons with disabilities, indigenous peoples, Madhesi, Dalits, Muslims, senior citizens, gender and sexual minorities, workers, farmers, sustainable development goals, business and human rights, climate justice, and freedom of press and expression. It has been observed that effective initiatives from the governments at all three tiers are necessary for the practice of human rights in all these sectors. The Government needs to be more serious about effectively implementing the recommendations made by the Universal Periodic Review, treaty-bodies, and special rapporteurs on human rights issues.

This fiscal year, the Commission has held a dialogue program with the federal parliament on issues of business and human rights. The Commission has also provided necessary suggestions on the National Action Plan on Business and Human Rights issued by the Government of Nepal. The Commission's attention has been drawn to the human rights issues of workers in tea plantations. Recently, there has been an increase in complaints to the Commission regarding the adverse impact of hydropower projects on the rights guaranteed by ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples, 2007. The Commission has conducted on-site monitoring of the human rights situation of affected citizens from projects such as Tanahu Hydropower Project, Arun-3 Hydropower Project, and the Bhotekoshi-1 Hydropower Project. Preparations are underway to release study reports on the human rights situation of citizens affected by development projects.

In addition to this, complaints have been received by the Commission regarding the human rights situation of citizens residing in the buffer zone of national parks, wildlife reserves, and conservation areas. The Commission has conducted a study on the human rights situation of marginalized and indigenous communities. Studies have also been conducted on the human rights situation of HIV/AIDS-infected individuals. Consultation programs have been conducted with the National Women's Commission and the National Dalit Commission on issues related to the protection of human rights. The Commission remains sensitive to the protection of human rights of Dalit communities. In this fiscal year, the Commission has organized a conference on environmental human rights defenders' identity and security in Kathmandu, issuing press releases in response to the impact of air pollution on human rights, drawing attention to the government and relevant stakeholders. Programs have been conducted to raise awareness among civil society representatives on the right to clean air.

The study report on the implementation status of the recommendations received by the Government of Nepal in 2018 regarding the implementation of Convention on Rights of Persons with Disabilities - 2006, is being prepared for public release. Studies have been conducted on the implementation status of the Senior Citizens Act, 2063 BS. The Commission has advanced the national inquiry on child marriage, which remains a form of social evil in Nepali society. Additionally, priority has been given to monitoring subjects such as education, health, food, housing rights, etc., within the framework of economic, social, and cultural rights.

The Government should make efforts to curb activities like bribery and irregularities to secure the multidimensional rights of individuals, along with ensuring the rights of all citizens, including marginalized ones, towards social justice, economic prosperity, and addressing the voiceless. It is essential for the government to include effective measures in policies, plans, programs, and budgets to implement programs aimed at protecting human rights. The Commission emphasizes the need for all three tiers of government to demonstrate commitment to the implementation of the principle of proportionate and inclusive rights enshrined in the Constitution and to adopt a human rights-based approach to development.

Rt. Honorable Prime Minister,

The Commission emphasizes the need to expedite the process of transitional justice. Even after 18 years since the signing of the Comprehensive Peace Accord, conflict victims are still waiting for justice. The Commission is clear about the need for amendments to the transitional justice laws in line with international standards, along with the orders of the Supreme Court, recommendations of the Commission, and expectations of the victims. Therefore, I appeal to the Rt. Hon. Prime Minister to take further steps towards ensuring justice for conflict victims.

Since its establishment, the Commission has been maintained "A" status by the Global Alliance of National Human Rights Institutions (GANHRI). The Commission requests the Government to give priority to the recommendations received from Sub-Committee on Accreditation (SCA), GANHRI. I would also like to remind you that the Commission itself has prioritized the implementation of recommendations received from SCA. In this regard, the Commission has decided to conduct annual programs for the protection of human rights of marginalized communities and for the reduction of violence and discrimination against women.

The National Human Rights Commission (NHRC) has received Principle Approval from the Prime Minister's Office for the new legislation conducive to maintaining the autonomy and independence of the commission in line with the Paris Principles. The NHRC has been actively engaging with stakeholders to draft the Bill and is making recommendations accordingly. I urge the government and the parliament to prioritize passing the National Human Rights Commission Act in line with the recommendations made by the NHRC.

The re-construction work of the Commission's building, which was damaged by the devastating earthquake of 2072 B.S., has not yet been prioritized. Other offices of the Commission are also operating from rented houses. It is necessary to acquire land for all offices, including the central office of the Commission, and construct buildings for its operational purpose. The organizational structure drafted in line with the federal structure of the country by the Commission has not yet approved by Office of the Prime Minister's and Council of Ministers. Therefore, I hope and believe that special initiatives will be taken to acquire land for the offices, including the central office of the Commission, construction of buildings, formulation of Commission laws, laws related to the establishment of human rights services, and approval of the Commission's organizational structure.

The Commission expresses gratitude to the Federal Parliament, the Government of Nepal, the Judiciary, United Nations Development Program (UNDP) along with UN organizations, European Union, diplomatic missions in Nepal, the entire human rights community, civil society, international communities, and victims for their trust, cooperation, and collaboration.

I extend heartfelt congratulations to all the awarded employees of the Commission today. I believe this recognition will further inspire the employees to be more actively engaged in protecting and promoting human rights.

Lastly, I wish for further progress in the accountability of the Nepalese government to human rights, for the human rights campaign to become even stronger, for the assurance of rights for all, including marginalized communities, and for the culture of human rights to continue developing. With best wishes, I bid farewell, expressing my commitment to stand firm alongside the National Human Rights Commission in the protection and promotion of human rights.

Thank you.

13th Jestha 2081, Harihar Bhawan, Lalitpur, Nepal.