Introduction

The National Human Rights Commission, established as an independent statutory body in 2000, has been elevated to a powerful constitutional body with a commensurate mandate, competence and independence. The Commission has a mandate, competence and independence, is responsible for the international human rights institutions relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and has been accredited with "A" status by the Global Alliance of National Human Rights Institutions. The Commission is fully compliant with the principles relating to mandate, competence and independence. The National Human Rights Commission, established as an independent statutory body in 2000, has been elevated to a powerful constitutional body with a commensurate mandate, competence and independence. It monitors the overall human rights situation in the country and can recommend remedial measures if required.

Functions of the NHRC

The Commission has a mandate including civil and political rights, economic, social and cultural rights, and rights of the peoples. Article 24 of the Constitution of Nepal, 2015 lays down that the Commission shall carry out periodic reviews of the relevant laws relating to human rights and make recommendations to the concerned authority to take necessary steps to bring the provisions of the laws in conformity with the Constitution. The National Human Rights Commission, established as a powerful constitutional body with a commensurate mandate, competence and independence, is competent to launch an independent investigation into violations of human rights, and can recommend to the concerned authority to take necessary steps to bring the provisions of the laws in conformity with the Constitution.

Definition of peasants: rights holders

A peasant is a man or woman of the land, who has a direct, special relationship with the land and nature through the production of food and/or other agricultural products. Peasants work the land themselves; they rely above all on family labor and other small-scale forms of organizing labor. Peasants are traditionally embedded in their local communities and they take care of local landscapes and of agro-ecological systems.

The term peasant can apply to any person engaged in agriculture, cattle-raising, pastoralism, and handicrafts-related activities in a rural area. This includes indigenous people working on the land.

The term peasant also applies to individuals. According to the UN Food and Agriculture Organization (FAO) 1984 definition, the following categories of people are considered peasants:

- Agricultural labor households with little or no land;
- Non-agricultural households in rural areas, with little or no land, whose members are engaged in activities related to agriculture or a related occupation in a rural area. This includes Indigenous people working on the land;
- Peasants practicing shifting cultivation, hunters and gatherers, and people with similar livelihoods.

At the global level, there are currently some 1.2 billion peasants and together with their families they represent one third of humanity. In absolute terms, there are more peasants today than ever before in history. Peasants are key to food sovereignty and the right to the peasants to live dignified lives the state should end the situation of deprivation from nutrition and health services. Social insurance provisions should protect the peasants' social security in case of severe rights violations. To accomplish this, as mentioned in the provision of the Article 18 (3) of the Constitution of Nepal, special law or regulations for the empowerment and development of farmers is necessary to formulate. It is also necessary to formulate separate laws for the protection of farmers both in the national and provincial levels.

Nepalese perspective on Peasants’ rights

Few of the affirmative provisions with regard to the right of the peasants have been seen in the articles of the international legal provisions. Even after the verdicts given by the Supreme Court, recommendations of the National Human Rights Commission on Farmers, performing tasks by the Governmental Government or the commitments made by the political parties towards peasants' rights, the rights of peasants are still being seemingly enjoyed by the peasants as other people enjoy their rights. For the benefit of the poor and the landless peasants few of useful legal provisions are existed. But these provisions don’t seem to be sufficient in the context of fulfilling the present constitutional rights. These rights don’t seem enforced in practice because they are inspired from welfare perspective. There seems to be the lack of such legal provisions, which seems to be an agreement among concerned agency accountable, in case of violation of the rights or the claims of the citizens. Though the policies, plans, laws and the rules for the protection of the peasants' right or promotion of peasants' identification and respect have been implemented, translating them into law and the creating the favorable environment of implementing them in practice responsible by the state is still left. On the other hand, a number of laws is the major problem in the context of protecting the rights of the peasants, but on the other hand, the farmers are not getting the benefit of these laws due to the lack of implementation of the integrated legal provisions for implementing for fulfilling this obligation. Supreme Court of Nepal has decided several times that the international human rights laws has been made the state accountable by interpreting the provisions to fulfill the constitutional and international human rights obligations. The Government has been taking different activities pursuing the welfare approach rather than fulfilling the constitutional rights. Some leaders have also affirmative concern towards the right of the peasants.

Nepal’s efforts

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significantly for the welfare of peasants. Though some of the parliamentary watchdog efforts have been made for the protection of peasants’ rights, the governmental agencies have not showing concerns towards executing the recommendations made by the parliamentary committees’ recommendations. In such a circumstance, it is being delayed for the enhancement of the life standard of the peasants’ protecting and promoting the constitutional guarantee and the legal obligations incurred by the international laws addressing the lack of laws for adequate practical implementation undertaking sustainable development of agricultural sector. For creating the situation to live a respectful life by the all citizens involved in agricultural sector, the amendment of the existing laws and additionally the new laws should necessarily be formulated to address the vacuum of the laws related with the issues like respect and identification of peasants, right to food and food sovereignty, right to have access to lands for agro activities, and protection of traditional knowledge, access to the natural resources, value to the public domain and access to the agricultural infrastructures, protection of the agricultural labors, protection from the forced displacement including others. Whether on behalf of the state efforts have been made or not to create the enabling environment to ensure the enjoyment of economic, social rights for the underprivileged peasants, small peasants and the people in the poverty line but the role of the National Human Rights Commission, National Peasants Commission and the Parliamentary Committee seems to be promoted to make the government accountable after monitoring the impacts from the activities of private sectors and national, international business community.

By showing the necessity of enactment of new laws, the State cannot escape from the implementation of the existing laws. That’s why, it is also necessary to implement the interpreted legal provisions effectively for improving the conditions of the peasants. With regard to this, the following solid conclusion and recommendations have made:

1. To ensure the identification and respect of the peasants in the laws being formulated.
2. To manage increase of agricultural production by the optimum utilization of governmental and public lands by the landless and squatter peasants.
3. To ensure self-reliance of the peasants producing foods by themselves, ensure storage and production of food items produced by the farmers, production for food security of the citizens, management of market and managing the security for the easy access to the peasants including all the citizens.
4. To make an effect the rights of the peasants’ access to the land, the right to have access to lands for agro activities, select and protect local seeds and agro species which have been used and pursued traditionally.
5. To manage the appropriate price and the access to the market for the agricultural products of the peasants implementing the scientific land reforms to increase the production and production capacity, protection and promotion of peasants’ rights and welfare, increasing the production and production capacity.
6. To not to keep the fertile land barren, guarantee the right to food sovereignty, ensure access to and control over required land to the farmers who wants to participate in the production of agricultural products.
7. To manage the rights of the Kamaiya (bonded labour), Haliya (agricultural bonded labour), Haruwa (ploughman), Churuwa (cattle herder), registered or unregistered tenant (Mokha) and the ownership on the agricultural producer and to protect the traditional technology, knowledge, and the skills of the peasants.
8. To manage the right over agricultural technology, instruments and the information, right to participation in the policy level decision making, protection of the intellectual property rights.
9. To manage provisions including the right to crops and crop species, right over traditional knowledge, right to get compensation of loss due to the death of protected species, specific privilege to agricultural cooperative organizations in comparison to the other financial cooperatives, special facility to the peasants providing the peasants’ identity cards to all the peasants.
10. To manage easy and facilitating production, processing, packaging and levelling in accordance with the international standards identifying proper place of production of the exporting crops and agricultural products.
11. To ensure the market of livestock product produced by the farmers, emergency veterinary service, and to include the easy procedure of worldwide export to the livestock products produced by the Nepalese farmers.
12. To review identifying those laws that some of the existing provisions of the Constitution and the laws have adverse effects for the welfare of poor people and the peasants directly or indirectly.
13. To pursue and cause to pursue the effective measures for the effective implementation of the laws in the existing related laws to the welfare of the peasants are required their improvements for the effective implementation.
14. To make all the levels of the government accountable and to make the role of National Peasants’ Commission effective in the implementation of the protection of the rights and welfare of the peasants in accordance with the Constitution and international obligations.
15. To ensure the informed and meaningful participation of the farmers in the policy improvement efforts including the law drafting process.