

### Accessibility to NHRC, Nepal

The procedures and mechanisms of the NHRCN are broadly accessible to populations exposed to human rights violations. Section 10 (3) of NHRCN Act states that information on a human rights violation or abetment thereof received through verbal or any other means, shall be registered by the NHRCN in the registration book. The victim in person or any other person on his/her behalf can register the complaint in the Commission. Accordingly, the NHRCN receives complaints submitted in person in writing, or sent through the post or courier services, wire (telegraph, fax, telex) or any other means of communication. There is also a provision for oral complaint information from the complaining person present, or received through telephone, which needs to be formalized. No charges are to be paid for the complaints. Newspaper or other social Medias, from human rights activists whoever finds the notice of human rights violation can give information to the NHRCN.

Further, the NHRCN has the power pursuant to Section 15 of the NHRCN Act initiated action at NHRCN's own discretion (Suo-moto complaints) registration. The NHRCN can also register complaints while site visits.

### Collaboration and Coordination

A civilized society and nation cannot be imagined in the absence of protection, promotion and fulfillment of human rights and without development of a culture of human rights. To materialize this, the Commission has been working within the parameters of the Constitution and the concerned Act. Basically, the Commission has been working forward based on the strategic plan (2021-2026) that has been developed in this regard.

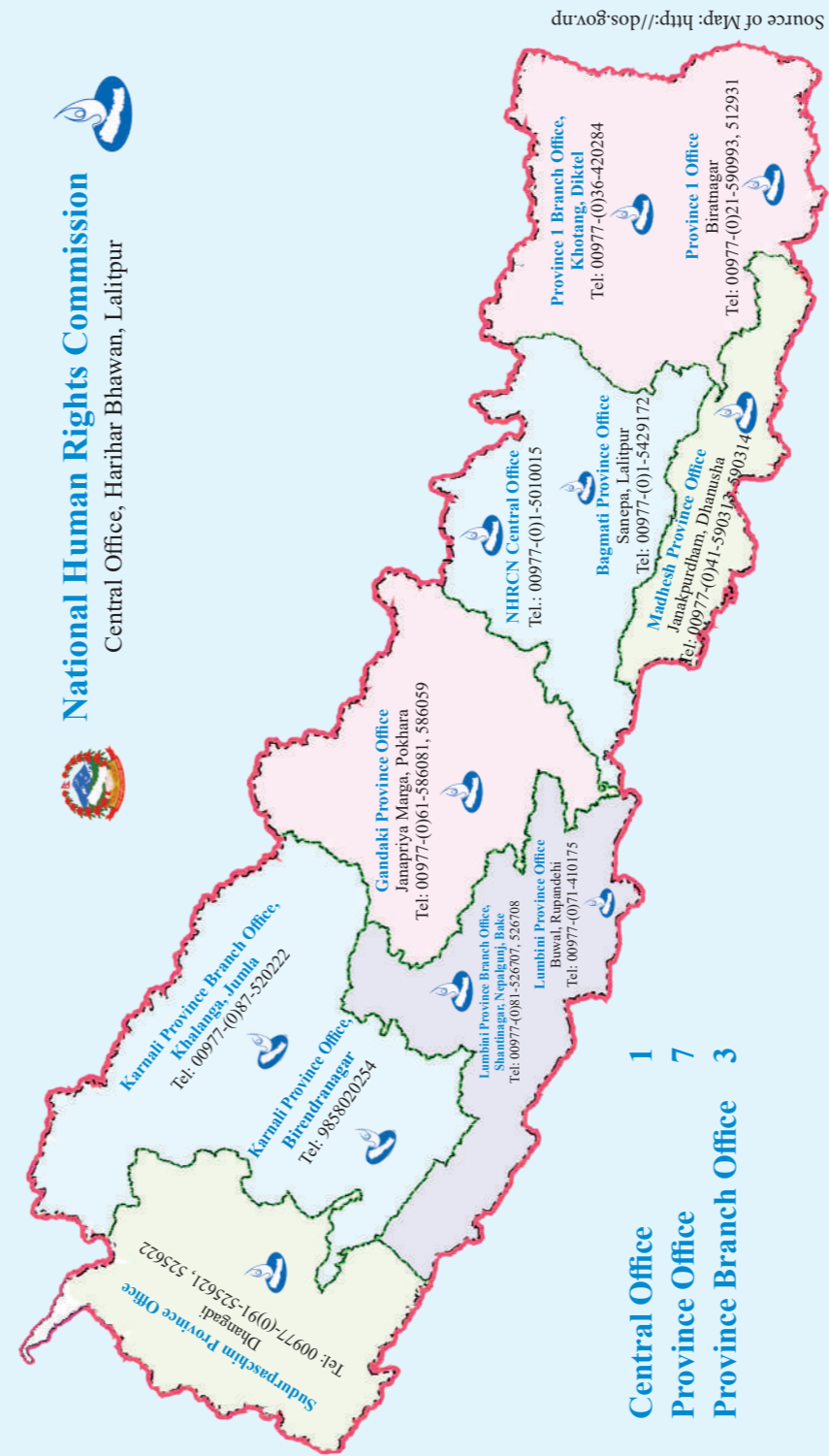
As in the past, the Commission will work in the days to come towards achieving the goals set in the strategic plan. For this, the Commission has made its collaboration and coordination with the parliament, government, constitutional bodies, political parties, civil society, NGOs and stakeholders (citizens) more effective. Also, the coordination and collaboration with the national, regional and international organizations/donor agencies concerned with human rights will be consolidated.

### National Level

The Commission has given endurance to collaboration and coordination, including with the Law, Justice and Human Rights Committee of the Legislature-Parliament, the Government and other governmental bodies. The NHRC has been working with a focus on thematic issues of human rights in collaboration with the thematic Commissions, civil society representatives, NGOs and human rights workers. National Human Rights Commission's prime responsibility is to protect and promote human rights. It also performs its duty in coordination with the other stakeholders. The Commission since its establishment has been undertaking its works based on its coordination and collaboration with national, regional and international entities/ organizations and donor agencies. The Human Rights Commission Act 2012 provides the Commission with the capacity to establish formal relationships with civil society. It has developed formal relationships with civil society that result in engagement via regular or institutionalized meetings and engagement with CSOs on thematic issues and in conducting inquiries.

### International Level

At the international level, the NHRCN has executed its work professionally with the UN Agencies. NHRCN also engages the work of the United Nations human rights mechanisms, including the treaty bodies established to monitor State Parties' compliance with the core international human rights treaties and the Special Procedures of the Human Rights Council. NHRCN has also built partnerships with NHRIs umbrella organization 'the Global Alliance for National Human Rights Institutions (GANHRI), Asia Pacific Forum of National Human Rights Institutions (APF) and other agencies in order to tackle some of the most serious and complex human rights challenges facing.



# National Human Rights Commission, Nepal



## National Human Rights Commission

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## Introduction to the NHRCN

The National Human Rights Commission of Nepal (NHRCN) established as an independent statutory body in 2000, has been elevated to a powerful constitutional body with a commensurate mandate, competence and independence by the Article 131 of the Interim Constitution of Nepal, 2007 and by Article 248 of the Constitution of Nepal (2015). NHRC Nepal has a separate sphere of responsibilities to respect, protection and promotion of human rights as mandated by the Constitution of Nepal. NHRCN submits its annual report of its functioning to the President, and the President causes that report to be laid through the Prime Minister before the Federal Parliament. The NHRCN motto, “*Right to life, dignity, equality and freedom: foundation for sustainable peace and prosperity*” has set a new goal to take human rights consciousness in every household.

The NHRCN was created in response to 1991 UN-sponsored meeting of the representatives of national institutions held in Paris. The meeting laid down Paris Principles, a detailed set of principles on the status of national institutions. These principles, subsequently endorsed by the UN Commission on Human Rights (Resolution 1992/54 of 3 March 1992) and the UN General Assembly (Resolution 48/134 of 20 December 1993) have become the foundation and reference point for the establishment and operation of the National Human Rights Commission of Nepal as well. The Commission is fully compliant with the principles 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.

## Composition of the NHRCN

The Paris Principle stresses that the composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights.

Article 248 and 292 of Constitution of Nepal Provides that members of the Constitutional Bodies (including the NHRCN) are appointed on the recommendation of the Constitutional Council pursuant to Parliamentary hearing conducted for their appointments.

The selection and appointment process is as follows:

- The Constitutional Council proposes the candidates on the basis of prerequisite as specified in the article 248 clause 6 (a) to (f) that details the minimum qualification and experience. Article 248 (6) provides 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:
  - The Chairperson of NHRCN if he/she:
    - is a retired Chief Justice or retired Judge of the Supreme Court
    - 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,
  - a member of NHRCN, if he or she:
    - is a person being involved in the field of the protection and promotion of human rights or rights and interests of the child or
    - is a renowned person having been active for at least twenty years in and rendered outstanding contribution to various fields of national life,
    - holding a bachelor’s degree from a recognized university,
    - having attained the age of forty five years,
    - not being a member of any political party at the time of appointment,
    - Being of high moral character.

The NHRCN Office bearers include: (From February, 2021)

- Hon. Top Bahadur Magar – Chairperson
- Hon. Dr. Surya Dhungel - Member
- Hon. Mihir Thakur - Member
- Hon. Manoj Duwady - Member
- Hon. Lily Thapa - Member

## The Secretariat of the NHRCN

Article 248 of the Constitution provides that NHRCN consists of a Chairperson and four other members. Similarly, the section 27 of the NHRCN Act provides that the Government of Nepal, on the recommendation of the Commission, approves the organizational structure of the Commission and posts. The Chief Executive Officer of the NHRCN is the Secretary, an officer of the rank of Secretary to the Government of Nepal and has the office of the Secretary who performs the following major functions:

- To undertake administrative and management work,
- To prepare annual budgets, programs and plans and submit them to the Commission,
- To take care of and maintain movable and immovable properties of the Commission,
- To make necessary arrangements for smooth operation of the Commission’s work and proceedings,
- To implement or cause to implement effectively the policies, programs and decisions of the Commission.

## Constitutional Mandate of the NHRCN

The Commission is mandated to ensure the respect, promotion and protection of human rights, is competent to launch inquiries and investigations into alleged human rights violations, and can recommend legal or departmental action against human rights violators. The establishment of the Commission complies with the standards set out in the ‘Paris Principles’. To name a few, independence is guaranteed by the Constitution and an act; a broad mandate based on universal human rights standards. Apart from these powers, the Constitution has also envisaged that the Commission may review the provisions on safeguards provided by the Constitution and other prevailing law for the enforcement of human rights and submit necessary recommendations for the effective implementation of such provisions.

The Commission propagates human rights education at different levels of society through various seminars, symposia, conferences and also builds consciousness and awareness for the protection of human rights. The Commission encourages the functioning and efforts of

institutions working in the non-governmental sector. In addition, there is a general power to carry out such activities, as the Commission may deem necessary and appropriate for the enforcement, promotion and protection of human rights.

## Functions of the NHRCN

The Commission has a broad mandate including civil and political rights, economic, social and cultural rights, and rights of the other groups. Article 249 of the Constitution of Nepal, 2015 lays down that the Commission shall perform the following functions, namely:

- To respect, protect and promote human rights and ensure effective enforcement thereof.
- Inquire on its own initiative or on petition or complaint lodged in or sent to the Commission and investigate complaints about the violations of human rights of an individual or group or abetment thereof, and make recommendation for action against the perpetrators.
- Recommend to the concerned authority to take departmental action against any official, who fails to fulfill or perform his or her responsibility or duty or shows reluctance in preventing violations of human rights.
- Recommend to file a case in the court in accordance with law against any person or organization who has violated human rights.
- Coordinate and collaborate with the civil society in order to enhance awareness on human rights.
- Carry out periodic reviews of the relevant laws relating to human rights and make recommendation to the Government of Nepal for necessary improvements and amendments to such laws.
- Recommend Government of Nepal for the implementation of any international treaty or agreement on human rights, to which Nepal is a party.
- 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 Commission in relation to the violations of human rights, and record them as violators of human rights.