

GANHRI-SCA

**Accreditation of NHRC Nepal
and the Recommendations**

(2001 to 2020)



National Human Rights Commission of Nepal
Harihar Bhawan, Lalitpur

2021



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Preface

The National Human Rights Commission of Nepal (NHRCN) is a constitutional body established for the protection, promotion and effective implementation of human rights. It has, since its establishment, working actively for the respect, protection and promotion of human rights, and for developing human rights culture in Nepal. The NHRCN has been acting with its mandate and within the parameters of the international human rights standards, the Constitution, relevant Act and regulations, and its strategic plan. Article 249 (1) (3) of the Constitution and the National Human Rights Commission Act, 2012 outline the power and functions of the Commission.

In every country, the State is regarded as a patron and guardian of human rights. In this sense, it is the first obligation of the State to respect, protect, promote and fulfill human rights. Nepal is also a state party to various international instruments related to human rights. Currently, it is also a member of the Human Right Council. As a result, Nepal has an obligation to respect, promote and effectively implement human rights not only within the country but also in the globe.

Rt. Hon. President of Nepal appointed me as a Chairperson and other four members on February 3, 2021 on the recommendation of the Constitutional Council. Since then we have been working actively for the protection of human rights to fulfill the constitutional mandate. We all are committed to our constitutional mandate. It is with my deep satisfaction that I write this foreword to this compilation report of the recommendations provided by GANHRI SCA and its predecessor ICC. National Human Rights Commission of Nepal (NHRCN) as an NHRI established in accordance with the Paris Principles is proud to share the outcome report of the SCA reports during its accreditation and reaccreditation process since its establishment in 2000 to 2020 AD.

The Commission is an independent and autonomous body since its establishment as a result; this has been accredited as "A" status by the SCA from the very beginning. This is not a matter of our pride only but also of the whole nation. In the past, the Commission also faced a lot of challenges and upheavals. NHRCN was greatly under-staffed and continued to face a major staffing crisis. Less than 50% of envisaged staff positions were only filled, and nearly 90% of them were temporarily contract staff. Now most of its staffs have been recruited permanently by the Commission itself which reflects the diversity of Nepali society.

The SCA even noted upon the sufficient operational independence of the Commission, as required by the Paris Principles. This also included the power to directly recruit its staff, including its Secretary. Furthermore, there were also notes upon the provision to ensure the NHRC provided with adequate funding to fulfill its mandate. NHRCN has now managed these issues too. Not only this, the SCA even recognized and noted that the NHRCN had been actively engaged in the promotion and protection of human rights in Nepal, and in particular acknowledged the strong role played by the then Acting Secretary and the staff during the gap in the appointment of Chairperson and members of the commission.

NHRCN is thankful to the Global Alliance for National Human Rights Institutions (GANHRI) which always provides us the appropriate valuable suggestions and support. My special thanks goes to the former Chairpersons, members, and all the staffs who played active role for the protection and promotion of human rights and the instructional strengthening of the NHRCN. Little would have been achieved without the support of international development partners, community-based organizations, civil society members, human rights activists and other relevant stakeholders. We are also committed to coordinate with the international community and the human rights stakeholders in the national level. So, I express my gratitude for providing us with kind, interesting and insightful ideas and support in the past and hope the same in the days to come. I would also like to acknowledge the role of the individual experts who supported us and will support in future.

This publication is the history of the NHRCN. So, it is very useful for the Federal Parliament of Nepal, the Government of Nepal and the NHRCN itself for the implementation of the SCA recommendations to strengthen the NHRCN in accordance with the Paris Principles. Other concerned stakeholders and individual experts of human rights shall also be benefitted to lobby and advocate developing human rights culture in the nation. I am also thankful to the NHRCN Joint Secretary Nava Raj Sapkota for his tireless efforts to collect the information and inscribe for this publication. I also look forward to with confidence in receiving continued support from all sides in the days to come.

Thank You!

Top Bahadur Magar

Chairperson

14 May, 2021

Foreword

The Paris Principles ("Principles Relating to the Status of National Human Rights Institutions") were developed at UN- sponsored meeting, held in Paris in October 1991, which brought together representatives of existing national human rights institutions (NHRIs). Representatives from governments, UN and inter-governmental bodies, regional human rights institutions and NGOs and research institutes also attended the meeting. The NHRI participants wanted to agree on a statement of principles that would set out international minimum standards for the establishment and operation of NHRIs. They drafted, negotiated and adopted the Paris Principles.

The Paris Principles are the international minimum standards for effective, credible NHRIs. They require that NHRIs have independence in law, membership, operations, policy and control of resources. Full compliance with the Paris Principles provides NHRIs with international recognition.

On 20 December 1993, the UN General Assembly adopted resolution 48/134 on "National Institutions for the Promotion and Protection of Human Rights", with an annex containing *the Principles relating to the Status of National Institutions*, better known as *Paris Principles*, in which it encouraged all states in the world to set up independent national human rights institutions (NHRIs). NHRIs are non-judicial, independent institutions created by states through their constitution or law, with the mandate to promote and protect human rights. States are free to decide the best type of NHRI for their domestic purposes. Nepal has established NHRI as commission model.

NHRIs are uniquely placed to hold governments to account and advance human rights. As state-created and state-funded institutions, they enjoy special legitimacy and access to policy makers. At the same time, they are mandated to co-operate closely with civil society. They can thus act as a bridge between civil society and the authorities, while at the same time, being independent from both. As local actors, NHRIs have a deep understanding of the domestic context and can conduct persistent advocacy for change.

National Human Rights Institutions (NHRIs) are periodically accredited before the Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI). They are evaluated with reference to the UN Paris Principles.

NHRIs are accredited with one of the following statuses: A status – Fully compliant with Paris Principles, B status – Partly compliant with Paris Principles, No status – Not compliant with Paris Principles. A national human rights institution is reviewed by the GANHRI Sub-Committee on Accreditation when: it applies for initial accreditation, it applies for re-accreditation every five years, the circumstances of the NHRI change in any way that may affect its compliance with the Paris Principles.

The accreditation process is a peer-based review, undertaken by representatives of NHRIs from each of the four regions: Africa, Americas, Asia Pacific and Europe. A draft recommendation on accreditation is prepared on the day. It is then reconsidered on the final day of the meeting, along with all applications under review, to ensure that all applicants are assessed in a similar manner. NHRIs are given 28 days to respond to the Sub-Committee's recommendation and their comments are included in the written report presented to the 16-member GANHRI Bureau, which makes the final decision on each NHRI's accreditation status within a further 21 days.

The National Human Rights Commission of Nepal established as an independent statutory body in 2000, has later on been elevated to a powerful constitutional body with a commensurate mandate, competence and independence. The Article 249 of the present Constitution of Nepal (2015) provides NHRCN a separate sphere of mandates and the NHRC Act 2012 compliments the Constitutional mandate. 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. NHRCN has undergone its accreditation and reaccreditation process since its establishment. SCA has provided various recommendations to NHRCN during its accreditation. This book provides the detailed recommendations provided by the GANHRI SCA in chronological order from 2001AD to 2020 AD. It shows that NHRCN has faced so many obstacles and upheavals in 20 years of its history. I have also experienced of working at the Commission during the gap in the appointment of Chairperson and members in 2013 and 2020. I am grateful to the SCA for the acknowledgement of my strong role played even as an Acting Secretary. The credits even go to my fellow friends who supported me to fulfill the mandate of the NHRCN during that vacant period. I remember it was my privilege to interact twice with the SCA members over telephone to defend the third-party complaints against the “A” status of NHRC Nepal. After this, I had a realization that the commission should be proactively engaged in each and every issue of human rights in the country and abroad. We did so with the NHRC colleagues and with other stakeholders proactively afterwards. In my

view, this publication will guide the Federal Parliament of Nepal, the Government of Nepal, NHRC Nepal and other concerned stakeholders to make their efforts for fully complying with the Paris Principles - the only NHRI of Nepal. I think, the Government of Nepal and its supporting agencies should also be committed to implement the recommendations of the SCA as a signatory of the Paris Principles.

Finally, I would like to express my gratitude to the GANHRI SCA for assessing the NHRCN which provided NHRI Nepal with international recognition. I am also equally thankful to the Office of the President, the Parliament, the judiciary, the government of Nepal, political parties, civil society, the human rights community, media, professionals and businesses for their support and good will to the NHRCN. Likewise, I would like to thank all the international organizations, diplomatic missions, the development partners and the well-wishers. I am acknowledging the role of Mr. Nava Raj Sapkota, the Joint Secretary of this commission, for his tireless efforts for this publication.

I also look forward to with confidence in receiving continued support by NHRCN from all sides in the days to come.

I thank You!

Bed Bhattarai

Secretary

14 May 2021

Abbreviations

| | |
|--------|---|
| CNCDH | – Commission nationale consultative des droits de l'homme (National Consultative Commission on Human Rights -France) |
| ENNHRI | – European Network of National Human Rights Institutions |
| GANHRI | – Global Alliance of National Human Rights Institutions |
| HRC | – Human Rights Council |
| ICC | – International Coordinating Committee |
| NGOs | – Non-Governmental Organizations |
| NHRC | – National Human Rights Commission |
| NHRCN | – National Human Rights Commission of Nepal |
| NHRIs | – National Human Rights Institutions |
| NI | – National Institutions |
| NIRMS | – National Institutions and Regional Mechanisms Section |
| OHCHR | – Office of the High Commissioners for Human Rights |
| SCA | – Sub-Committee on Accreditation |
| SDGs | – Sustainable Development Goals |
| UN | – United Nations |
| UPR | – Universal Periodic Review |

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Chapter 1

Introduction to NHRIs, Paris Principles and the Accreditation Glimpse

Introduction to the NHRIs

National Human Rights Institutions (NHRIs) are state-mandated bodies, independent of government, with a broad constitutional or legal mandate to protect and promote human rights at the national level. NHRIs address the full range of human rights, including civil, political, economic, social and cultural rights.¹ NHRIs are unique as they are national institutions with a legal mandate to promote and protect human rights domestically in an independent manner. Contrary to other national institutions, NHRIs are accredited with an internationally accepted quality label, on the basis of their compliance with the UN Paris Principles.

As NHRIs in compliance with the UN Paris Principles continue to be established by governments across the world, they are increasingly viewed as globally-accepted local facilitators of universal human rights standards. European human rights actors also rely increasingly on NHRIs to provide trusted, credible and legitimate information on the human rights situations on the ground.

As the concrete effectiveness and the universality of human rights are often threatened, NHRIs operate as outstanding Human Rights Defenders. As cornerstones for the protection and promotion of human rights at the national level, they contribute to ensuring the government respects its international commitments in this field. They build bridges between civil society and the State. They are part of regional and international networks that focus on exchanging good practices and developing a culture of human rights. They interact with regional and international human rights mechanisms. Increasingly recognized and established through declarations, resolutions and even by international conventions, NHRIs were born out of a history of enhanced accountability, especially since governments decided to create independent and pluralistic institutions whose vocation is not only to advise them, but also to take a critical look at their public policies in light of human rights standards.²

1 <http://ennhri.org/about-nhris/>

2 <http://ennhri.org/wp-content/uploads/2019/09/ENNHRI-CNCDDH-Practical-Guide-on-the-Accreditation-of-NHRIs.pdf>

Establishment of an NHRIs

The Paris Principles state that an institution's mandate shall be clearly set forth in a constitutional or legislative text. The GANHRI has adopted the following General Observation on the Establishment of NHRIs: "An NHRI must be established in a constitutional or legal text. Creation by an instrument of the Executive is not adequate to ensure permanency and independence".

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.

NHRIs are non-judicial, independent institutions created by states through their constitution or law, with the mandate to promote and protect human rights. States are free to decide the best type of NHRI for their domestic purposes.³

Nepal has established Human Rights Commission. National Human Rights Commission of Nepal (NHRCN) is an independent and autonomous Constitutional body. It was established in the year 2000 as a statutory body under the Human Rights Commission Act 1997. The National Human Rights Commission established as an independent statutory body has been later elevated to a powerful constitutional body with a commensurate mandate, competence and independence. NHRC Nepal has a separate sphere of responsibilities as mandated in the Constitution of Nepal. In addition to the functions, duties and powers as returned to in Article 249 of the Constitution, other functions, duties and powers of the Commission are conferred by section 4 of the NHRC Act 2012.

3 web/commissioner/exportnews/-/asset_publisher/y51185R8Bfyb/content/paris-principles-at-25-strong-national-human-rights-institutions-needed-more-than-ever?inheritRedirect=false

UN Paris Principles⁴

The Paris Workshop, held in 1991, was a first step in the development of standards for National Human Rights Institutions (NHRIs). These were subsequently endorsed by the UN General Assembly in 1993 (Resolution A/RES/48/134) and are generally referred to as the ‘Paris Principles’.

The Paris Principles set out the main criteria that NHRIs are required to meet:

- Establishment under primary law or the Constitution
- A broad mandate to promote and protect human rights
- Formal and functional independence
- Pluralism, representing all aspects of society
- Adequate resources and financial autonomy
- Freedom to address any human rights issue arising
- Annual reporting on the national human rights situation
- Cooperation with national and international actors, including civil society

To clarify further the contemporary content and scope of the Paris Principles, the Sub-committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI) develops General Observations. The General Observations are regularly updated and reflect established practice of the SCA on common and important interpretative issues concerning the implementation and application of the Paris Principles.

NHRIS Accreditation Glimpse

National Human Rights Institutions (NHRIs) are periodically accredited before the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI). “Accreditation” means that NHRIs are evaluated with reference to the Paris Principles which are the international standards for NHRIs to effectively protect and promote human rights in an independent manner.

In accordance with the Paris Principles and the SCA Rules of Procedure, the classifications for accreditation used by the SCA are:

NHRIs are accredited with one of the following statuses:

- **A status** – Fully compliant with Paris Principles

⁴ <http://ennhri.org/about-nhris/un-paris-principles-and-accreditation/>

- **A(R) status** - Accreditation with reserve – granted where insufficient documentation is submitted to confer A status; (In anticipation of the amendment of the ICC Rules to remove this category, the Sub-Committee notes that it has discontinued use of the A(R) classification);
- **B status** – Partly compliant with Paris Principles
- **No status** – Not compliant with Paris Principles

Why is accreditation important?

An "A" status NHRIs that means it meets the international standards in the Paris Principles requiring NHRIs to be independent and effective. A status accreditation provides a national institution with legitimacy and credibility because the accreditation process is recognized by UN as granting access to NHRIs to the UN system. This includes providing reports to UN Human Rights treaty bodies independent of government.

The accreditation process is essential to the work of NHRIs because it:

- Provides evidence of an NHRI's trustworthiness as a credible and independent actor
- Allows NHRIs to enhance their work by reflecting and acting upon recommendations from the SCA
- Assists NHRIs in applying the Paris Principles in their national contexts, ultimately helping ensure their independence, pluralism, effectiveness and accountability

NHRIs with A status have specific participation rights in international and regional mechanisms, including:

- Speaking rights in the UN Human Rights Council and before UN treaty bodies
- Voting rights and ability to hold governance positions in NHRI networks, such as APF and GANHRI,

An independent NHRI is an indicator of sustainable development⁵

The 'existence of independent NHRIs in compliance with the Paris Principles' is a global indicator for the achievement of **SDG 16** on peace, justice and strong institutions. This reaffirms that sustainable development cannot be achieved without a strong and independent NHRI.



⁵ https://ganhri.org/wp-content/uploads/2019/12/A4-Guarantors_Adrian.pdf

NHRIs are part of the State apparatus and are funded by the State. However, in order to comply with the Paris Principles, they must operate and function independently from government.

The Paris Principles constitute authoritative and reliable metrics, adopted by the UN General Assembly, to measure the independence, investigatory powers, mandate and capacity of NHRIs. All NHRIs are regularly assessed and awarded with either A, B or no status depending on their compliance with the Paris Principles by a Sub Committee of GANHRI, under the auspices of the Office of the High Commissioner for Human Rights. Based on this transparent, periodic and internationally agreed peer review procedure, the existence of an independent NHRI in compliance with the Paris Principles, (A-status), is the global indicator for SDG target 16.a.

How to engage with the Human Rights Council: **NHRI contribution opportunities during the Council's sessions**

National human rights institutions (NHRIs) with “A” status accreditation can participate in and contribute to the Human Rights Council (or Council) proceedings in their independent capacity, next to states and non-governmental organizations.

NHRIs can play different roles when engaging with the Council. They can:

- provide information on national situations and contribute to thematic discussions;
- contribute to the development of new global standards;
- monitor implementation and follow-up at the national level on recommendations by the Council and its mechanisms
- use the Council as an accountability mechanism to promote the state's implementation and compliance;
- engage with permanent and ad hoc mechanisms of the Council; and
- nominate candidates for special procedures mandate holders.

More specifically, NHRIs can contribute to any **agenda item** of the Human Rights Council to inform the Council about national human rights situations or to respond to Council reports. The **forms of contribution** include:

- attending and taking a separate seating in all sessions;
- making an oral statement under substantive agenda items of the Council;

- submitting written contributions and statements relevant to the Council's programme of work; and
- hosting side-events and participating in inter-governmental negotiations on Council resolutions and decisions.

Attending and taking a separate seating

NHRIs enjoy separate seating arrangements with a reserved seat in the Council's room marked with the sign "National Institutions". All NHRI representatives must deliver their oral statements from this seat.

Oral statements

"A" status NHRIs may present oral interventions to the Human Rights Council under all agenda items relevant to the topics under discussion. NHRI representatives can deliver the statement:

- a) in person; or
- a) through a pre-recorded video statement

NHRIs wishing to make an **oral intervention in person** should:

1. inscribe to the Council's list of speakers by sending a request well in advance of the session to the GANHRI Geneva Representative;
2. request accreditation to access the Palais des Nations by sending an official letter of request to the OHCHR National Institutions, Regional Mechanisms Section (NIRMS);
3. submit a copy of the oral statement in a Word document through the new on-line registration system and send a copy to the GANHRI Geneva Representative.

When sending a **pre-recorded video statement**, NHRIs should:

1. send an official letter of request addressed to OHCHR NIRMS and inform the GANHRI Geneva Representative for inscription on the Council's list of speakers;
2. be mindful of the **deadline for submission** through the OHCHR on-line platform (in general a week before the beginning of the session);
3. when recording the video, follow the **requirements and minimum technical specifications** established by the Council's Secretariat (these are available in the OHCHR Information Note); and
4. submit a transcript of the video statement in a Word document through the on-line registration system⁴ and send a copy to the GANHRI Geneva Representative.

The Council establishes different **speaking time arrangements** depending on the type of discussions, namely general debates, individual or clustered interactive dialogues with

special procedures or other mechanisms, panel discussions, and consideration of UPR outcomes. The speaking time limit is two or three minutes and may be reduced if the estimated duration of the dialogue is more than four hours. To identify the speaking time limit, NHRIs can check the Council's guidance on speaking time arrangements (available on the Council's extranet) or consult with the GANHRI Geneva Representative.

The distinct and unique status of NHRIs is also reflected in the **order** in which **NHRIs intervene during the Council's debates**: immediately after states (members and observers) and before NGOs. Following the 2011 Human Rights Council review, NHRI participation rights were further strengthened. NHRIs from a country concerned by a special procedure report or the state under review during the adoption of the UPR outcome, shall intervene immediately after the country concerned during the interactive dialogue/adoption of the UPR outcome at the beginning of the session and before the rest of the states (members and observers). In a situation where an NHRI cannot deliver a statement in person nor send a pre-recorded video statement, NHRIs can request the GANHRI Geneva Representative, to deliver the statement on the NHRI's behalf. NHRIs should:

1. send a request to the GANHRI Geneva Representative with a copy of the statement;
2. send an official letter authorizing the GANHRI Geneva Representative to read the statement on the NHRIs behalf.

Written contributions

"A" status NHRIs can submit written contributions to Council sessions to inform the Council about national situations and to contribute to the different agenda items. These can include a variety of documentation, such as statements, reports, publications, policy, papers etc.

The documents:

- should relate to a particular HRC agenda item;
- will receive an official UN document symbol (e.g. A/HRC/..NI/...);
- will not be edited nor will be translated (should therefore be in a UN language); and
- should not exceed a reasonable number of pages.

The deadline for submission of documents is usually two weeks before the beginning of the session.

Hosting side-events and participating in inter-governmental negotiations on Council resolutions and decisions

NHRIs can organize parallel events during the Council's session to share information and raise awareness about a topic relevant to the work of the Council. Guidance for the organization of side-events is available on the OHCHR Information Note.

Other opportunities for NHRIs attending the Council session include the possibility to follow the inter-governmental negotiations on Council resolutions and decisions.

The main sponsors of a resolution will hold informal meetings, so-called "informals", to consult with other states on the text of the draft resolution. As per usual practice, NHRIs and NGOs can participate in these meetings to voice an opinion or suggest possible wording. The public meetings will be announced in the Bulletin of informal meetings on the OHCHR website.

For any further information, NHRIs can consult the OHCHR Information Note, prepared in advance of each Council session, with further specification on the technical procedures, or request advice from the GANHRI Geneva Head Office.

Chapter 2

Recommendations from the SCA to NHRCN

An Introduction to the NHRCN

The National Human Rights Commission, established as an independent statutory body in 2000, has now been elevated to a powerful constitutional body with a commensurate mandate, competence and independence. The NHRCN was later on elevated to a constitutional body. NHRC Nepal has a separate sphere of responsibilities as mandated in 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. 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 Global Alliance of National Human Rights Institutions (GANHRI)

At the International Conference held in Tunis in 1993, NHRIs established the International Coordinating Committee of NHRIs (ICC) with the aim to coordinate the activities of the NHRI network. In 2016, the ICC changed its name into Global Alliance of National Human Rights Institutions (GANHRI).

GANHRI is incorporated as a legal entity under the Swiss law, and has a Bureau consisting of 16 “**A status**” NHRIs representing the four regions of GANHRI. General annual meetings of GANHRI, meetings of the GANHRI Bureau and of the Sub-Committee on Accreditation, as well as international conferences of GANHRI are held in cooperation with UN Human Rights in its capacity as the GANHRI secretariat.⁶

Accreditation of NHRIs

The Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) has the mandate to review and analyze accreditation applications and to make recommendations to the GANHRI Bureau on the compliance of applicants with the Paris Principles.

6 <https://www.ohchr.org/EN/Countries/NHRI/Pages/About-GANHRI.aspx>

The SCA is composed of one “**A status**” accredited NHRI from each of the four regional groupings: Africa, the Americas, Asia Pacific and Europe. Members of the SCA are appointed by the regional groupings for a renewable term of three years. National Institutions and Regional Mechanisms Section in the UN Human Rights Office participates in the work of the SCA as a permanent observer and in its capacity as the GANHRI secretariat.⁷ NHRCN has undergone its accreditation and re-accreditation process since its establishment. The recommendations made by the SCA has been presented as such in the following pages in the chronological order.

APRIL 2001

Report of the Accreditation Sub- Committee

This report represents the outcome of the meeting of the accreditation sub-committee in Rabat in April 2000 under the chairmanship of the Australian Human Rights and Equal Opportunity Commission as well as of the meeting in Geneva in April 2001 under the chairmanship of the Canadian Human Rights Commission. Members of the sub-committee are as listed below: Australia for the Asia-Pacific Region (chair in 2000) Canada for the Americas Region (chair in 2001) Cameroon for the Africa Region France for the European Region

The following institutions were accorded Category **A(R)**:

Nepal: new institution, no annual report, budget information to be provided

APRIL 2002

Report of the Accreditation Sub-Committee

This report represents the outcome of the meeting of the accreditation sub-committee held in Geneva on 15 April 2002 under the chairmanship of the Canadian Human Rights Commission.

At this meeting, the following institutions were accorded Category A status:

Nepal

⁷ <https://www.ohchr.org/EN/Countries/NHRI/Pages/About-GANHRI.aspx>

- Previously granted an A(R) because there was no annual report
- This year the NI submitted an annual report with full disclosure of the budgetary information, and legislation governing their NI
- The reservation was removed

APRIL 2006

INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSITUATIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

17th Session, Geneva, 12 April 2006

Report and Recommendations of the Sub-Committee on Accreditation NEPAL

National Human Rights Commission

Pursuant to article 3 (g) of the ICC Rules of Procedure, the ICC Chair requested that the accreditation status of Nepal be reviewed.

Recommendation: The Sub-Committee recommends that the current accreditation status of A be reviewed at the next meeting of the Sub-Committee and that the Nepal Human Rights Commission provide documentation to demonstrate its continued compliance with the Paris Principles, specifically with respect to the appointment process related to the Secretary General.

OCTOBER 2006

INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSITUATIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

18th Session, Santa Cruz, 27th October 2006

Report and Recommendations of the Sub-Committee on Accreditation

SPECIAL REVIEWS

Nepal: National Human Rights Commission

Pursuant to article 3 (g) of the ICC Rules of Procedure, prior to the April 2006 session the ICC Chair requested that the accreditation status of Nepal be reviewed. At the April 2006 session, the Sub-Committee recommended that the current accreditation status of A be reviewed at the next meeting of the Sub-Committee and that the Nepal Human Rights Commission provide documentation to demonstrate its continued compliance with Paris Principles, specially with respect to the appointment process related to the Secretary General.

Recommendation: The Sub-Committee recommends that the accreditation status of the Commission **remain under review**. The Sub-Committee also recommends that the Commission provide to the next ICC session, a copy of its new Human Rights Act; confirmation that the law has been passed; and confirmation of and information on the appointment process of the Commissioners and the Secretary-General. This information should be provided to the ICC Secretariat by 20 December 2006 and any updated information by 9 March 2007.

MARCH 2007

INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

19th Session, Geneva, 22nd March 2007

SPECIFIC RECOMMENDATIONS – REVIEWS UNDER ARTICLE 3(g)

Nepal: National Human Rights Commission

Pursuant to article 3(g) of the ICC Rules of Procedure, the ICC Chair requested that the accreditation status of Nepal be reviewed at the April 2006 meeting. At the April and October 2006 sessions, the Sub-Committee recommended that the current accreditation status of A be further reviewed at the next meeting of the Sub-Committee and that the Nepal Human Rights Commission provide documentation to demonstrate its continued compliance with the Paris Principles, specifically with respect to the appointment process related to the governing body.

After consideration of the material before it, pursuant to its powers under article 3(g) of the ICC Rules of Procedure, the Sub-Committee will maintain the Commission under review on the basis that it is concerned about the absence of a governing body and the delay in the appointment of Commissioners.

For the purposes of considerations at its meeting in October 2007, the Sub- Committee requests documentation regarding:

- a) Progress on the appointment process and actual appointment of Commissioners to the Commission; and
- b) Progress on the amendment of the Human Rights Act as required by the new Interim Constitution.

In accordance with the General Observation on NHRIs under review, the Sub- Committee notes that the Commission has been under review since April 2006 and that it is the practice of the Sub-Committee to allow a maximum period of one and a half years under review. Therefore, if the Commission is unable to satisfy the concerns of the Sub-Committee at its next meeting in October 2007, the Sub-Committee will recommend that the accreditation of the Commission lapse.

OCTOBER 2007

INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Geneva 22 to 26 October 2007**REVIEWS UNDER ARTICLE 3(g)****Nepal: National Human Rights Commission**

Pursuant to section 3(g) of the ICC Rules, the Sub-Committee was requested by the Chair of the ICC to consider the accreditation status of the National Human Rights Commission of Nepal in April 2006. At its April and October 2006 and March 2007 sessions, the Sub-Committee recommended deferral pending receipt of information on:

- 1) Progress made on the appointment process and actual appointment of Commissioners to the Commission; and
- 2) Progress on the amendment of the Human Rights Act as required by the new Interim Constitution.

The Sub-Committee at its current session received the following information:

- 1) The names of new Commissioners were made public on 30 August 2007 and Commissioners have already undertaken official activities;
- 2) A draft bill amending the Human Rights Act has been prepared and is currently pending approval.

Recommendation: The Sub-Committee recommends that the Commission be accredited **status A**.

The Sub-Committee notes the following:

1. It refers to the General Observation on “Adequate funding”, in particular sub-paragraphs b) and c) and that financial systems should be such that the NHRI has complete financial autonomy.
- 2) It refers to the General Observation on “Selection and appointment of the governing body”, in particular sub-paragraphs a), b) and d).
- 3) It encourages the NHRI to strengthen its interaction with civil society organisations.
- 4) It refers to the General Observation on “Interaction with the International Human Rights System”, in particular with regard to engagement with the United Nations Human Rights Treaty Bodies, the Human Rights Council and the ICC.

- 5) It has reviewed the draft bill and compared its provisions with the Interim Constitution, and will continue to monitor the developments and progress of the bill as to its consistency with the Interim Constitution and the Paris Principles.

The Sub-Committee will again consider issue number 1 at its October 2008 session.

NOVEMBER 2008

INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Report and Recommendations of the Session of the Sub-Committee on Accreditation

Geneva, 3-6 November 2008

REVIEWS UNDER ARTICLE 17

Nepal: National Human Rights Commission (NHRC)

Recommendation: The Sub-Committee confirms the **status A** accreditation of the NHRC.

The Sub-Committee acknowledges NHRC's response to the concerns it raised in October 2007, particularly with regard to the issue of financial autonomy. Having completed its review, it also reiterates the comments it made in its October 2007 report regarding adequate funding and selection and appointment of the governing body.

In the course of the review, the Sub-Committee noted that the NHRC legislation has not yet been adopted by the Parliament and therefore it encourages the NHRC to promote the development of legislation in full compliance with the Paris Principles.

The Sub-Committee encourages the NHRC to increase its cooperation with statutory institutions for the promotion and protection of human rights as well as civil society organizations. It refers to General Observation 1.5 "Cooperation with other human rights institutions".

The Sub-Committee will again consider these issues at its October/November 2009 session.

NOVEMBER 2009

INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)

Geneva, 16-18 November 2009**Nepal: National Human Rights Commission (NHRC)**

Recommendation: The SCA recommends that the consideration of the NHRC be deferred to its next session.

The SCA notes that there have been further delays in the drafting of the NHRC legislation, which has not been introduced into and adopted by the Parliament. The SCA is therefore not in a position to undertake a review at this time.

The SCA notes the ongoing drafting process and encourages the NHRC to engage with government to promote the development of legislation in full compliance with the Paris Principles.

The SCA also reiterates comments raised in earlier reviews regarding the promotion of the NHRC mandate in practice, notably:

- 1) It referred to General Observation 2.6 “Adequate funding”, in particular sub-paragraphs b) and c) and that financial systems should be such that the NHRI has complete financial autonomy.
- 2) It referred to General Observation 2.2 “Selection and appointment of the governing body”, in particular sub-paragraphs a), b) and d).
- 3) It encouraged the NHRI to strengthen its interaction with civil society organisations.
- 4) It referred to General Observation 1.4 “Interaction with the International Human Rights

System”, in particular with regard to engagement with the United Nations Human Rights Treaty Bodies, the Human Rights Council and the ICC.

The SCA draws the NHRC’s attention to article 16.3 of the ICC Statute, which provides that “any review of the accreditation classification of a NHRI must be finalized within 18 months”.

The SCA will consider all of the above issues at its first session in 2010.

MARCH-APRIL 2010

INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA): REVIEWS UNDER ARTICLE 17 OF THE ICC STATUTE

Nepal: National Human Rights Commission (NHRC)

Recommendation: The SCA informs the NHRC of its intention to recommend the ICC Bureau that the NHRC be accredited with **B status**, and gives the Institution the opportunity to provide, in writing, within one year of such notice, the documentary evidence deemed necessary to establish its continued conformity with the Paris Principles. The NHRC retains its **A status** during this period.

The SCA notes that, pursuant to article 16.3 of the ICC Statute, which provides that “any review of the accreditation classification of a NHRI must be finalized within 18 months”, the SCA is required to make a decision on the accreditation classification of the NHRC at this session, as the review of the NHRC began in March 2008. The recommendations of the SCA made at that time have not been met.

In November 2009, the government registered a new draft NHRC Bill with Parliament. The SCA has a number of concerns regarding the extent to which the Bill provides a strong legal basis for a competent, independent and credible NHRC in accordance with the Paris Principles.

The SCA notes that the NHRC has written to Parliament to set out its reservations with the Bill, particularly in relation to the removal of the terms “independent” and “autonomous” and the absence of provisions to ensure the operational independence of the Commission. The NHRC organized a meeting with Parliamentarians in February 2010 to lobby for a revised Bill, and have participated in other events organized by civil society organizations advocating for appropriate legislation for the NHRC.

The key issues can be summarized as follows:

- There is a lack of guarantees of the NHRC’s independence in the provisions. It is essential that amendments are made to guarantee independence and autonomy, in accordance with the Paris Principles.

- The definition of “human rights” in the legislation does not currently provide for the broad mandate required by the Paris Principles. Human rights should be defined by reference to all human rights instruments, not only by reference to domestic law.
- The procedure by which the **Commissioners are appointed is dominated by the Executive**, without the engagement of a representative and inclusive committee and without the stipulation for a broad consultation of the public and civil society. Furthermore, the procedure does not ensure pluralistic representation amongst the Commissioners.
- The draft Bill does not provide for **sufficient operational independence** for the Commission, as required by the Paris Principles. This includes the power to directly recruit its staff, including its Secretary, and the requirement to ensure its staffing reflects the diversity of Nepali society. Furthermore, there is no provision to ensure that the NHRC is provided with adequate funding to fulfill its mandate.
- The Government is not required to seek the Commission’s opinion on the formulation of, or amendments to, legislation regarding human rights and on matters relating to Nepal becoming a party to international or regional human rights treaties. Furthermore, there is no duty on the part of State officials to cooperate with the NHRC.
- There are a number of problematic provisions in terms of the complaint-handling functions of the Commission. For example, there is a new limitation of 6 months from when a violation is committed for a complaint to be filed. This may be inappropriate, particularly in the Nepali context and issues of geography, levels of public awareness and culture of impunity that curtail the prompt access of victims to any remedy or mechanism, including the NHRC.
- The Bill is currently ambiguous concerning the NHRC’s jurisdiction in relation to the Nepal Army. It should be clarified that the NHRC is fully able to look into all alleged human rights violations, regardless of which State officials are responsible, including all army officers and personnel.
- The legislation does not establish a process whereby the Commission’s report is required to be debated by the Parliament. Consistent with international best practices, it would be preferable if the NHRC had an explicit power to table reports directly in Parliament, rather than through the President, and in so doing to promote action on them.

- The Paris Principles state that an NHRI should cooperate with national and international human rights partners. In this light, the provision requiring “foreign institutions” wanting to conduct human rights programs in Nepal to “seek consent of the Commission” can be viewed as inappropriate. Such a provision should stress cooperation and engagement with all human rights partners, and it would be preferable for the provision requiring such institutions to work in cooperation with the NHRC, and vice-versa.

The NHRC is greatly under-staffed and continues to face a major staffing crisis. Less than 50% of envisaged staff positions are filled, and nearly 90% of these are temporary contracted staff. As set out in the NHRC’s October 2009 submission, efforts to regularize these temporary staff as permanent were stayed by the Supreme Court, and in December 2009 the Supreme Court confirmed and nullified this possibility for the NHRC.

There remains a clear division amongst the five Commissioners. **Two Commissioners have continued to publicly criticize the workings of the Commission including accusations of corrupt practices and the dysfunctional nature of the institution. These two Commissioners also boycotted the NHRC’s Human Rights Day event on December 10, 2009**, which is the NHRC’s key annual public function, and have not attended Commission meetings for some months. This has meant that important decisions, such as the recent decision to extend the contracts of all temporary staff, have been taken with the involvement of these two Commissioners.

The SCA encourages the NHRC to seek the cooperation of the ICC, OHCHR and the regional coordinating committee (Asia-Pacific Forum of NHRIs) in order to address the above-mentioned matters.

MAY 2011

Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) Geneva, 23 – 27 May 2011: REVIEWS UNDER ARTICLE 18 OF THE ICC STATUTE

Nepal: National Human Rights Commission of Nepal (NHRCN)

Recommendation: The SCA recommends the NHRCN maintain its A status.

The SCA notes with satisfaction the actions undertaken by the NHRCN to address the concerns and recommendations made by the SCA in its first session in 2010.

The SCA reiterates its comments on the draft Bill that will eventually replace the NHRCN's existing enabling legislation. It commends the NHRCN for its past advocacy efforts and requests that it continue to seek amendments to the draft Bill to ensure its compliance with the requirements of the Paris Principles and General Observations.

The SCA notes the increased cooperation between the NHRCN and the OHCHR Nepal country office, particularly in the context of the institutional improvements in the past year. It encourages the NHRCN to continue its cooperation with OHCHR and the Asia Pacific Forum of NHRIs.

NOVEMBER 2012

Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) Geneva, 19 - 23 November 2012: REVIEWS UNDER ARTICLE 16.2 OF THE ICC STATUTE

Nepal: National Human Rights Commission (NHRC)

The SCA decided to undertake a Special Review of the accreditation status of the NHRC at its first session in 2013.

The SCA received correspondence suggesting that amendments to the NHRC legislation enacted on 20 January 2012 may impact on its compliance with the Paris Principles.

The SCA sought comments from the NHRC by emails addressed to **Mr. Bishal Khanal on 12 October 2012 and Mr. Shree Adhikari on 15 October and 2 November 2012. No response was provided.**

In the absence of information from the NHRC, the SCA was unable to assess whether the amended legislation remains compliant with the Paris Principles. Pursuant to Article 16.2 of the ICC Statute, the SCA will undertake a special review at its next session commencing on 13 May 2013.

The SCA encourages the NHRC to seek advice and assistance from the Asia Pacific Forum and OHCHR.

MAY 2013

ICC Sub-Committee on Accreditation Report – May 2013

SPECIFIC RECOMMENDATIONS - REVIEWS UNDER ARTICLE 16.2 OF THE ICC STATUTE

Nepal: National Human Rights Commission (NHRC)

Recommendation: The SCA recommends that the special review of the NHRC be deferred to its second session of 2013.

The SCA thanks the NHRC for the responses which addressed the issues raised by the SCA at its last session. In the interim period, the SCA sought the NHRC's response to further correspondence which raised additional concerns. In the context of considering these issues, the SCA also noted that the NHRC had not informed the ICC Chairperson or the SCA of the changes to the enabling legislation, as required in Article 16.1 of the ICC Statute.

In this regard the SCA notes:

1. Complaints within the Jurisdiction of the Army Act.

The SCA notes that Article 134 of the interim Constitution excludes the NHRC from considering matters that fall within the jurisdiction of the Army Act. However, the provision subsequently provides that this shall not be a bar to proceedings in respect of any cases of violations of human rights and humanitarian laws. The SCA seeks the NHRC's views on the application of this provision and whether it unduly limits its mandate and operations.

2. Selection and appointment

Article 149 of the Constitution provides that the members of all independent constitutional bodies are to be selected by the Constitutional Council consisting of the Prime Minister, Chief Justice, Speaker of the legislature and three ministers designated by the Prime

Minister. Article 131 provides the selection of members of the NHRC by the Constitutional Council and their subsequent appointment by the Prime Minister. While the SCA notes that potential members undergo a public hearing in Parliament, it is concerned these provisions do not provide a clear, transparent and participatory selection process that promotes merit-based selection, ensures pluralism and promotes the independence of, and public confidence in, the senior leadership of a national human rights institution.

It encourages the NHRC to advocate for the formalization of a clear, transparent and participatory selection and appointment process of the National Human Rights Institution's decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. Such a process should include requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups;
- c) Promote broad consultation and/or participation in the application, screening, selection and appointment process
- d) Assess applicants on the basis of pre-determined, objective and publicly available criteria;
- e) Select members to serve in their own individual capacity rather than on behalf of the organization they represent.

The SCA notes that the current members of the NHRC will complete their terms in 2013. Due to the current political situations, it may be difficult to ensure the timely selection and appointment of new members in accordance with the constitutional and legislative provisions.

The SCA encourages the NHRC to engage with relevant stakeholders to ensure a smooth transition in compliance with the Paris Principles and the ongoing and effective leadership of the NHRC

The SCA refers to Paris Principle B.1 and to its General Observations 1.7 on 'Ensuring Pluralism' and 1.8 on 'Selection and appointment of the governing body'.

3. Financial Autonomy

The SCA received correspondence, which was subsequently shared with the NHRC, suggesting the NHRC was required to seek the approval of the government for expenses and the issuing of cheques. Such a requirement has implications for the financial independence of the institution. The SCA invites the NHRC to provide information establishing its financial independence.

4. Staffing

The SCA received correspondence, which was subsequently shared with the NHRC, questioning the NHRC's effectiveness due to an inability to hire and retain a sufficient number of staff. It was suggested that this arose in part due to delays in passing a law to allow for the appointment of staff outside the normal public service employment processes conducted by the Public Service Commission.

The SCA invites the NHRC to comment on this concern and to provide information on whether it has sufficient staff to fulfil its mandate.

NOVEMBER 2013

Review under Article 16.2 of the ICC Statute

Nepal: National Human Rights Commission of Nepal

Recommendation: The SCA recommends that the review of the NHRC be deferred to its first session of 2014.

The SCA thanks the NHRC for the responses which addressed the issues raised by the SCA at its last session. SCA commends efforts made by NHRC to promote and protect human rights in Nepal in spite of the prevailing political situation.

However, the SCA notes:

1. Selection and appointment During its review of the NHRC in the first session of 2013, the SCA noted concerns about the selection process and also expressed concern that the current political environment “presented challenges that would likely hamper the selection and appointment of new members . . . to replace the existing members whose term[s] were set to expire in 2013”.

However, new Commissioners were not appointed prior to the expiration of the existing Commissioners terms on 15 September 2013.

SCA reiterates its recommendation of May 2013 regarding the requirement for a clear, transparent and participatory selection process that promotes merit-based selection, ensures pluralism and promotes the independence of, and public confidence in, the senior leadership of the NHRC. Such a process should be formalized in relevant legislation, regulations or binding administrative guidelines, as appropriate.

The SCA encourages the NHRC to engage with relevant stakeholders including the new Constituent Assembly to adopt an appropriate selection process and ensure the timely selection and appointment of new members in compliance with the Paris Principles.

The SCA refers to Paris Principle B.1 and to its General Observations 1.7 on 'Ensuring Pluralism' and 1.8 on 'Selection and appointment of the governing body'.

2. Staffing

The SCA acknowledges the recent decision of the Supreme Court that allows the NHRC to recruit its own staff, and that the NHRC expects that it would soon recommence recruiting staff.

The SCA also notes that proposed changes to legislation governing public service recruitment may also address difficulties that the NHRC has had in hiring additional staff. The SCA encourages the NHRC to engage with relevant stakeholders including the Cabinet and the new Constituent Assembly to ensure that the draft bill on recruitment of staff is approved and signed into law.

The SCA invites the NHRC to provide it with information on how these changes have addressed the NHRC's difficulties in employing and maintaining an appropriate level of staff.

MARCH 2014

INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)

Geneva, 17-21 March 2014

Nepal: National Human Rights Commission of Nepal (NHRCN)

Recommendation: The SCA recommends that the Special Review of the NHRCN be deferred to its second session of 2014.

The SCA notes that, while the NHRCN remains without a Chairperson and Commissioners, it continues to operate effectively as a NHRI under powers formally delegated to the Acting Secretary.

In the absence of a Chairperson and Commissioners, the SCA does not consider that it can make a decision regarding the accreditation status of the NHRCN.

During its review of the NHRCN in the first session of 2013, the SCA noted concerns about the selection process and also expressed concern that the current political environment “presented challenges that would likely hamper the selection and appointment of new members . . . to replace the existing members whose term[s] were set to expire in 2013”.

The SCA was also of the view that the existing provisions do not ensure a sufficiently transparent and participatory selection process.

In particular, the SCA notes the absence of constitutional or legislative provisions requiring:

- The advertising of vacancies for members; and,
- The assessment of all applicants by the selection committee (Constitutional Council) and Parliament, against pre-determined, objective and publicly available criteria that promote merit-based selection. The SCA encourages the NHRCN to advocate for improvements to the enabling law to ensure there is a comprehensive selection process which includes the requirements to:
 - Publicize vacancies broadly;
 - Maximize the number of potential candidates from a wide range of societal groups;
 - Promote broad consultation and / or participation in the application, screening and selection process;
 - Assess applicants on the basis of pre-determined, objective and publicly available criteria; and
 - Select members to serve in their own individual capacity rather than on behalf of the organization they represent.

The SCA refers to Paris Principle B.1 and to its General Observations 1.7 on ‘Ensuring Pluralism’ and 1.8 on ‘Selection and appointment of the governing body’.

The SCA notes that, in accordance with Article 16.3 of the ICC Statute, it will be required to make a final determination regarding the accreditation status of the NHRCN at its next session. Accordingly, the SCA again encourages the NHRCN to engage with relevant stakeholders including the new Constituent Assembly to ensure the timely selection and appointment of new members in a manner compliant with the Paris Principles.

OCTOBER 2014

INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)

Review under Article 16.2 of the ICC Statute

Nepal: National Human Rights Commission of Nepal (NHRCN)

Recommendation: The SCA recommends that NHRCN retain its **A** status.

The SCA commenced a special review of the NHRCN in May 2013 on the basis of information received from civil society and stakeholders. The NHRCN has provided information to subsequent SCA sessions on the concerns raised by the SCA; namely, (1) Complaints within the jurisdiction of the Army Act, (2) Selection and appointment, (3) Financial autonomy and (4) staffing.

On the issue of complaints within the jurisdiction of the Army Act, the SCA is satisfied that under Article 132 (4) of the Interim Constitution, the NHRCN is empowered to and is in fact, taking up and investigating cases of violation of human rights by armed forces. As regards financial autonomy, the SCA without endorsing the requirement for the NHRCN to obtain approval from the government for expenses from the allocated budget, take note of the fact that this is a standard financial rule in Nepal intended to prevent misuse of Government funds, which is applicable to all constitutional bodies including the Supreme Court. On staffing, the SCA takes note of the recent decision of the Supreme Court which allows the NHRCN to recruit its own staff, the proposed changes to legislation governing public service recruitment and the decision to prioritize the recruitment of staff to fill vacant positions.

The SCA recognizes that the NHRCN has been actively engaged in the promotion and protection of human rights in Nepal, and in **particular acknowledges the strong role played by the Acting Secretary and his staff during the recent gap in the appointment of new Commissioners.**

The SCA welcomes the recent appointment of five new Commissioners, and congratulates them on their decision to prioritize the recruitment of staff to fill vacant positions.

The SCA notes:

1. Selection and appointment

Although advertisements were issued during the selection and appointment of the new Commissioners, the SCA continues to be of the view that the existing provisions regarding selection and appointment do not ensure a sufficiently transparent and participatory process.

In particular, the SCA notes the absence of constitutional or legislative provisions requiring:

- the advertising of vacancies for members; and
- the assessment of all applicants by the selection committee (Constitutional Council) and Parliament, against pre-determined, objective and publicly available criteria that promotes merit-based selection.

The SCA encourages the NHRCN to advocate for these improvements to its enabling law. It notes that existing good practice, as outlined in the ICC's General Observation 1.8, would include a comprehensive selection process that includes requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
- c) Promote broad consultation and / or participation in the application, screening, selection and appointment process;
- d) Assess applicants on the basis of pre-determined, objective and publicly available criteria; and
- e) Select members to serve in their individual capacity rather than on behalf of the organization they represent.

The SCA refers to Paris Principles B.1 and to its General Observations 1.7 on 'Ensuring pluralism of NHRIs' and 1.8 on 'Selection and appointment of the decision-making body of NHRIs'

MARCH 2019

GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (GANHRI)

Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)

Geneva, 11-15 March 2019

Nepal: National Human Rights Commission of Nepal (NHRCN)

Recommendation: The SCA recommends that NHRCN be reaccredited with **A** status.

The SCA commends the continuing efforts of the NHRCN to promote and protect human rights, including by advocating for amendments to its enabling law.

The SCA received information that the NHRCN and individual Commissioners have been the subject of threats, intimidation, and reprisals in the performance of their duties. The SCA encourages the NHRCN to take the internal and public measures necessary to ensure that its Commissioners and staff are protected.

The SCA wishes to highlight its expectation that NHRIs who have been accredited with A status will take the necessary steps to pursue continuous efforts to improve and to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during the review.

The SCA notes:

1. Selection and appointment

According to Article 248 (2) of the Constitution, the President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and members.

In practice, the NHRCN reports that vacancies for new commissioners are advertised widely and that the Constitutional Council shortlists candidates who participate in parliamentary hearings which are open to media personnel, but not to the general public. The SCA is of the view that the process enshrined in the Law is not sufficiently broad and transparent. In particular, it does not:

- require the advertisement of vacancies; and
- promote broad consultation and/or participation in the application, screening, selection, and appointment process.

The SCA notes that the NHRCN has submitted proposed amendments on this issue in the context of the reform of the Constitution of Nepal that is yet to be adopted.

It is critically important to ensure the formalization of a clear, transparent and participatory selection and appointment process for an NHRI's decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate.

A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA encourages the NHRCN to continue to advocate for the formalization and application of a process that includes requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;
- c) Promote broad consultation and / or participation in the application, screening, selection and appointment process;
- d) Assess applicants on the basis of pre-determined, objective and publicly available criteria; and
- e) Select members to serve in their individual capacity rather than on behalf of the organization they represent.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

2. Conflict of interest

The existing Law does not include a provision preventing conflicts of interest.

The SCA notes that the Paris Principles require an NHRI to be independent from government in its structure, composition, decision-making and method of operation. The avoidance of conflicts of interest protects the reputation, and the real and perceived independence of an NHRI.

The SCA encourages the NHRCN to advocate for the appropriate amendment to its establishing law to address conflicts of interest.

The SCA refers to Paris Principle B.2.

3. Adequate funding and financial autonomy

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its independence and its ability to freely determine its priorities and activities.

The SCA encourages the NHRCH to continue to advocate for the funding necessary to ensure that it can effectively carry out its mandate.

The SCA notes that, according to section 20 (2) of the Law, the NHRCN is required to seek approval from the Finance Ministry, in order to accept donor funding.

The SCA is of the view that NHRIs should not be required to obtain approval for external sources of funding, as this requirement may pose a threat to its independence. It encourages the NHRCN to advocate for appropriate amendments to its law in order to guarantee financial autonomy.

The SCA refers to Paris Principle B.2 and to its General Observations 1.10 on 'Adequate funding'.

4. Annual report

Pursuant to Article 294(1) of the Constitution, the NHRCN, as a Constitutional Body, is required to submit an annual report of its functioning to the President, who shall cause the report to be laid, through the Prime Minister, before the Federal Parliament.

An NHRI should be given the legislative authority to table its reports directly to the legislature rather than through the Executive and, in so doing, to promote action on them. The legislature should be required to discuss and consider the reports of the NHRI, to ensure that relevant public authorities properly consider its recommendations.

The SCA encourages the NHRCN to advocate for the appropriate amendment to its enabling law to allow direct tabling of its annual report before parliament.

The SCA refers to Paris Principle A.3 and to its General Observation 1.11 on 'Annual reports of NHRIs'.

5. Addressing human rights violations

The SCA received information that raises concerns regarding the effectiveness of the NHRCN in dealing with serious human rights issues, particularly those relating to civil and

political rights. This includes in relation to the March 2017 demonstrations in Rajbiraj where a number of persons were killed by police. The SCA received a report on this incident from the NHRCN that included general recommendations in relation to the actions of police and security forces. Notwithstanding that response, the SCA is of the view that, in cases like these, it is important that an NHRI clearly identifies human rights violations and takes steps to hold perpetrators to account.

NHRIs are required to promote and ensure respect for all human rights, democratic principles and the strengthening of the rule of law in all circumstances, and without exception. Where serious violations of human rights are imminent, NHRIs are expected to conduct themselves with a heightened level of vigilance and independence.

In fulfilling its protection mandate, an NHRI must not only monitor, investigate and report on the human rights situation in the country, it should also undertake rigorous and systematic follow-up activities to promote and advocate for the implementation of its recommendations and findings, and the protection of those whose rights were found to be violated.

The SCA encourages the NHRCN to strengthen its efforts to address all human rights violations. The SCA further encourages the NHRCN to ensure that its positions on these issues are publicly made available, as this will contribute to the credibility and accessibility of the institution for all people in Nepal.

The SCA refers to Paris Principles A.1, A.2, A.3 and D (d) and to its General Observation 1.6 on 'Recommendations by NHRIs.'

Annex 1: Paris Principles

Principles relating to the Status of National Institutions (The Paris Principles) Adopted by General Assembly resolution 48/134 of 20 December 1993

Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.
2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.
3. A national institution shall, inter alia, have the following responsibilities:
 - (a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:
 - (i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;
 - (ii) Any situation of violation of human rights which it decides to take up;
 - (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
 - (iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

- (b) To promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
- (c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;
- (d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;
- (e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights;
- (f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;
- (g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. 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 protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:
 - (a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;
 - (b) Trends in philosophical or religious thought;
 - (c) Universities and qualified experts;
 - (d) Parliament;

- (e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).
2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.
3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

- (a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner,
- (b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
- (c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
- (d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly concerned;
- (e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
- (f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular, ombudsmen, mediators and similar institutions);
- (g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-

governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-judisdictional competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

- (a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;
- (b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;
- (c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;
- (d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

Annex 2: Belgrade Principles

Belgrade Principles on the Relationship between National Human Rights Institutions and Parliaments

(Belgrade, Serbia 22-23 February 2012)

The 2012 International Seminar on the relationship between National Human Rights Institutions (NHRIs) and Parliaments⁸, organised by the Office of the United Nations High Commissioner for Human Rights, the International Coordinating Committee of National Institutions for the promotion and protection of human rights, the National Assembly and the Protector of Citizens of the Republic of Serbia, with the support of the United Nations Country Team in the Republic of Serbia,

In accordance with the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations General Assembly Resolutions 63/169 and 65/207 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, 63/172 and 64/161 on National Human Rights Institutions for the promotion and protection of human rights and the Human Rights Council Resolution 17/9 on National Human Rights Institutions for the promotion and protection of human rights.

Recognising that the principles relating to the status of national institutions (the Paris Principles, adopted by United Nations General Assembly Resolution 48/134) state that NHRIs shall establish an “effective cooperation” with the Parliaments,

Noting that NHRIs and Parliaments have much to gain from each other in performing their responsibilities for the promotion and protection of human rights,

And recalling the need to identify areas for strengthened interaction between NHRIs and Parliaments bearing in mind that the different institutional models of NHRIs should be respected, Adopts the following principles aimed at providing guidance on how the interaction and cooperation between NHRIs and Parliament should be developed:

⁸ The Conference was attended by experts from NHRIs, Parliaments and Universities from Ecuador, Ghana, India, Jordan, Kenya, Mexico, New Zealand, Portugal, Serbia and the United Kingdom

I. Parliament's role in establishing a National Human Rights Institution (NHRI) and securing its functioning, independence and accountability

A) Founding Law

- 1) Parliaments while deliberating the draft legislation for the establishment of a national human rights institution should consult widely with relevant stakeholders.
- 2) Parliaments should develop a legal framework for the NHRI which secures its independence and its direct accountability to Parliament, in compliance with the Principles related to national institutions (Paris Principles) and taking into account the General Observations of the International Coordinating Committee of national institutions for the promotion and protection of human rights (ICC) and best practices.
- 3) Parliaments should have the exclusive competence to legislate for the establishment of a NHRI and for any amendments to the founding law.
- 4) Parliaments, during the consideration and adoption of possible amendments to the founding law of a NHRI, should scrutinise such proposed amendments with a view to ensuring the independence and effective functioning of such institution, and carry out consultation with the members of NHRIs and with other stakeholders such as civil society organisations.
- 5) Parliaments should keep the implementation of the founding law under review.

B) Financial independence

- 6) Parliaments should ensure the financial independence of NHRIs by including in the founding law the relevant provisions.
- 7) NHRIs should submit to Parliaments a Strategic Plan and/or an Annual Programme of activities. Parliaments should take into account the Strategic Plan and/or Annual Programme of activities submitted by the NHRI while discussing budget proposals to ensure financial independence of the institution.
- 8) Parliaments should invite the members of NHRIs to debate the Strategic Plan and/or its annual programme of activities in relation to the annual budget.
- 9) Parliaments should ensure that NHRIs have sufficient resources to perform the functions assigned to them by the founding law.

C) Appointment and dismissal process

- 10) Parliaments should clearly lay down in the founding law a transparent selection and appointment process, as well as for the dismissal of the members of NHRIs in case of such an eventuality, involving civil society where appropriate.
- 11) Parliaments should ensure the openness and transparency of the appointment process.
- 12) Parliaments should secure the independence of a NHRI by incorporating in the founding law a provision on immunity for actions taken in an official capacity.
- 13) Parliaments should clearly lay down in the founding law that where there is a vacancy in the composition of the membership of a NHRI, that vacancy must be filled within a reasonable time. After expiration of the tenure of office of a member of a NHRI, such member should continue in office until the successor takes office.

D) Reporting

- 14) NHRIs should report directly to Parliament.
- 15) NHRIs should submit to Parliament an annual report on activities, along with a summary of its accounts, and also report on the human rights situation in the country and on any other issue that is related to human rights.
- 16) Parliaments should receive, review and respond to NHRI reports and ensure that they debate the priorities of the NHRI and should seek opportunities to debate the most significant reports of the NHRI promptly.
- 17) Parliaments should develop a principled framework for debating the activities of NHRIs consistent with respect for their independence.
- 18) Parliaments should hold open discussions on the recommendations issued by NHRIs.
- 19) Parliaments should seek information from the relevant public authorities on the extent to which the relevant public authorities have considered and responded to NHRIs recommendations.

II. Forms of co-operation between Parliaments and NHRIs

- 20) NHRIs and Parliaments should agree the basis for cooperation, including by establishing a formal framework to discuss human rights issues of common interest.
- 21) Parliaments should identify or establish an appropriate parliamentary committee which will be the NHRI's main point of contact within Parliament.
- 22) NHRIs should develop a strong working relationship with the relevant specialized Parliamentary committee including, if appropriate, through a memorandum of understanding. NHRIs and parliamentary committees should also develop formalized relationships where relevant to their work.
- 23) Members of the relevant specialised parliamentary committee and the NHRI should meet regularly and maintain a constant dialogue, in order to strengthen the interchange of information and identify areas of possible collaboration in the protection and promotion of human rights.
- 24) Parliaments should ensure participation of NHRIs and seek their expert advice in relation to human rights during meetings and proceedings of various parliamentary committees.
- 25) NHRIs should advise and/or make recommendations to Parliaments on issues related to human rights, including the State's international human rights obligations.
- 26) NHRIs may provide information and advice to Parliaments to assist in the exercise of their oversight and scrutiny functions.

III. Cooperation between Parliaments and NHRIs in relation to legislation

- 27) NHRIs should be consulted by Parliaments on the content and applicability of a proposed new law with respect to ensuring human rights norms and principles are reflected therein.
- 28) Parliaments should involve NHRIs in the legislative processes, including by inviting them to give evidence and advice about the human rights compatibility of proposed laws and policies.

- 29) NHRIs should make proposals of amendments to legislation where necessary, in order to harmonize domestic legislation with both national and international human rights standards.
- 30) NHRIs should work with Parliaments to promote human rights by legislating to implement human rights obligations, recommendations of treaty bodies and human rights judgments of courts.
- 31) NHRIs should work with Parliaments to develop effective human rights impact assessment processes of proposed laws and policies.

IV. Co-operation between NHRIs and Parliaments in relation to International human rights mechanisms

- 32) Parliaments should seek to be involved in the process of ratification of international human rights treaties and should consult NHRIs in this process of ratification, and in monitoring the State's compliance with all of its international human rights obligations.
- 33) NHRIs should give opinions to Parliaments on proposed reservations or interpretative declarations, on the adequacy of the State's implementation of human rights obligations and on its compliance with those obligations.
- 34) Parliaments and NHRIs should co-operate to ensure that the international treaty bodies are provided with all relevant information about the State's compliance with those obligations and to follow up recommendations of the treaty bodies.
- 35) NHRIs should regularly inform Parliaments about the various recommendations made to the State by regional and international human rights mechanisms, including the Universal Periodic Review, the treaty bodies and the Special Procedure mandate holders.
- 36) Parliaments and NHRIs should jointly develop a strategy to follow up systematically the recommendations made by regional and international human rights mechanisms.

V. Co-operation between NHRIs and Parliaments in the education, training and awareness raising of human rights⁹

- 37) NHRIs and Parliaments should work together to encourage the development of a culture of respect for human rights.
- 38) NHRIs and Parliaments should work together to encourage that education and training about human rights is sufficiently incorporated in schools, universities and other relevant contexts including vocational, professional and judicial training in accordance with relevant international standards.
- 39) NHRIs and Parliaments should work together to improve their mutual capacity on human rights and parliamentary processes.
- 40) NHRIs, Parliaments and all Parliamentarians should seek to work together in public awareness, education campaigns and encourage mutual participation in conferences, events and activities organized for the promotion of human rights.

VI. Monitoring the Executive's response to Court and other judicial and administrative bodies' judgements concerning human rights

- 41) Parliaments and NHRIs as appropriate should co-operate in monitoring the Executive's response to Judgments of Courts (national and, where appropriate, regional and international) and other administrative tribunals or bodies regarding issues related to human rights.
- 42) NHRIs should monitor judgements against the state concerning human rights, by domestic, regional or international courts, and where necessary, make recommendations to Parliament about the appropriate changes to law or policy.
- 43) Parliaments should give proper consideration to NHRIs recommendations about the response to human rights judgements.
- 44) Parliaments and NHRIs as appropriate should encourage the Executive to respond to human rights judgements expeditiously and effectively, so as to achieve full compliance with human rights standards.

9 In relation to the United Nations Declaration on Human Rights Education and Training

Annex 3: Letters received from the SCA GANHRI



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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www.ohchr.org • TEL: +41 22 928 9214 • FAX: +41 22 928 9018 • E-MAIL: sshahidzadeh@ohchr.org

7 November 2014

Dear Mr Sharma,

As Secretariat of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), I am writing to inform you of the recommendations that the ICC Sub-Committee on Accreditation (SCA) has made regarding the re-accreditation of your institution, which was considered at the SCA session in Geneva from 27 to 31 October 2014.

In accordance with article 12 of the ICC Statute (attached herewith), your institution may challenge the recommendations by submitting a letter to the ICC Chairperson, through OHCHR National Institutions and Regional Mechanisms Section, within twenty-eight (28) days from the date of this letter.

Thereafter, the recommendations will be forwarded to the members of the ICC Bureau for approval. If a challenge is received from your institution, the challenge together with all relevant materials will also be forwarded to the ICC Bureau. The decision of the ICC Bureau on accreditation will be considered final. The report will be made public following its adoption by the ICC Bureau.

Please direct any future correspondence on the recommendations to vstefanov@ohchr.org, sshahidzadeh@ohchr.org, nifellow2@ohchr.org, and nifellow4@ohchr.org.

Yours sincerely,

Afarin Shahidzadeh
Secretary

ICC Sub-Committee on Accreditation
Deputy Chief, National Institutions and Regional Mechanisms Section

Mr. Anup Raj Sharma
Chairperson
National Human Rights Commission of Nepal
Harihar Bhawan, Pulchowk, Lalitpur
Post Box No. 9182
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20 March 2019

Dear Mr. Sharma,

As Secretariat of the Global Alliance of National Human Rights Institutions (GANHRI), I am writing to inform you of the recommendations that GANHRI Sub-Committee on Accreditation (SCA) has made regarding the re-accreditation of your institution, which was considered at the SCA session in Geneva from 11 to 15 March 2019.

In accordance with article 12.1 of the GANHRI Statute, your institution may challenge the recommendations by submitting a letter to GANHRI Chairperson, through OHCHR National Institutions and Regional Mechanisms Section, within twenty-eight (28) days from the date of this letter.

Thereafter, the recommendations will be forwarded to the members of GANHRI Bureau for approval. If a challenge is received from your institution, the challenge together with all relevant materials will also be forwarded to the GANHRI Bureau. The decision of the GANHRI Bureau on re-accreditation will be considered final. The report will be made public following its adoption by the GANHRI Bureau.

Please direct any future correspondence on the recommendations to sshahidzadeh@ohchr.org, cradert@ohchr.org, rmkwawa@ohchr.org.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Afarin Shahidzadeh'. Below the signature, the name 'Afarin Shahidzadeh' is printed in a smaller font.

Secretary

GANHRI Sub-Committee on Accreditation
National Institutions and Regional Mechanisms Section

Mr. Anup Raj Sharma
Chairperson
National Human Rights Commission
Harihar Bhawan, Pulchowk, Lalitpur,
G.P.O. Box: 9182, Kathmandu, Nepal

cc: Mr. Greg Heesom, APF

Annex 4: Accreditation status of the NHRIs as of 20 January 2021



CHART OF THE STATUS OF NATIONAL INSTITUTIONS

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ACCREDITED BY THE GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS

Accreditation status as of 20 January 2021

In accordance with the Paris Principles and the GANHRI Statute, the following classifications for accreditation are used by the GANHRI:

- A** Fully compliant with the Paris Principles;
- B** Partially compliant with the Paris Principles;

*A(R): This category (accreditation with reserve) was granted where insufficient documentation was submitted to confer 'A' status; is no longer in use by the GANHRI. It is maintained only for those NHRIs which were accredited with this status before April 2008.

*C: This category (non-member & non-compliant with the Paris Principles) was granted where the Institution was deemed to not be in compliance with the Paris Principles; it is no longer in use by GANHRI. It is maintained only for institutions that were accredited with this status before October 2007.

Summary

| Classification | Number of reviewed institutions |
|----------------|---------------------------------|
| A - status | 84 |
| B - status | 33 |
| C - no status | 10 |
| Total | 127 |



'A' STATUS INSTITUTIONS

| National Institution | | Status | Year reviewed |
|-----------------------------|--|--------|--|
| Asia and the Pacific | | | |
| 1. | Afghanistan: Independent Human Rights Commission | A | <ul style="list-style-type: none"> ➤ October 2007 ➤ November 2008 ➤ November 2013 – deferred to October 2014 ➤ October 2014 ➤ October 2019 |
| 2. | Australia: Australian Human Rights Commission | A | <ul style="list-style-type: none"> ➤ 1999 ➤ October 2006 ➤ May 2011 ➤ November 2016 |
| 3. | India: National Human Rights Commission | A | <ul style="list-style-type: none"> ➤ 1999 ➤ October 2006 ➤ May 2011 – A ➤ November 2016 - deferred to second session of 2017 ➤ November 2017 |
| 4. | Indonesia: National Commission on Human Rights | A | <ul style="list-style-type: none"> ➤ 2000 ➤ March 2007 ➤ March 2012 ➤ November 2013 – Special Review in March 2014 ➤ March 2014 ➤ March 2017 |
| 5. | Jordan: National Centre for Human Rights | A | <ul style="list-style-type: none"> ➤ April 2006 (B) ➤ March 2007 (B) ➤ October 2007 ➤ October 2010 ➤ November 2015 – deferred to second session of 2016 ➤ November 2016 |
| 6. | Malaysia: Human Rights Commission | A | <ul style="list-style-type: none"> ➤ 2002 ➤ April 2008 – recommended to be accredited B ➤ November 2009 ➤ October 2010 ➤ November 2015 |
| 7. | Mongolia: National Human Rights Commission | A | <ul style="list-style-type: none"> ➤ 2002 – A(R) ➤ 2003 ➤ November 2008 ➤ November 2013 – deferred to October 2014 ➤ October 2014 |
| 8. | Nepal: National Human Rights Commission | A | <ul style="list-style-type: none"> ➤ 2001 – A(R) ➤ 2002 ➤ April 2006 – deferred to October 2006 ➤ October 2006 – deferred to March 2007 ➤ March 2007 – deferred to October 2007 ➤ October 2007 ➤ November 2008 ➤ November 2009 – |



| National Institution | | Status | Year reviewed |
|----------------------|---|--------|---|
| | | | <ul style="list-style-type: none"> ➤ deferred to March 2010 ➤ March 2010 – recommended to be accredited B* ➤ May 2011 ➤ November 2012 – Special Review in May 2013 ➤ May 2013 – deferred to November 2013 ➤ November 2013 – deferred to March 2014 ➤ March 2014 – deferred to October 2014 ➤ October 2014 ➤ March 2019 |
| 9. | New Zealand: Human Rights Commission | A | <ul style="list-style-type: none"> ➤ 1999 ➤ October 2006 ➤ May 2011 ➤ May 2016 |
| 10. | The Philippines: Commission on Human Rights | A | <ul style="list-style-type: none"> ➤ 1999 ➤ March 2007 – deferred to Oct. 2007 ➤ October 2007 ➤ March 2012 ➤ March 2017 |
| 11. | Qatar: National Human Rights Committee | A | <ul style="list-style-type: none"> ➤ October 2006 (B) ➤ March 2009 ➤ March 2010 – deferred to October 2010 ➤ October 2010 ➤ November 2015 |
| 12. | Republic of Korea: National Human Rights Commission | A | <ul style="list-style-type: none"> ➤ 2004 ➤ November 2008 ➤ March 2014 – deferred to October 2014 ➤ October 2014 – deferred to March 2015 ➤ March 2015 – deferred to May 2016 ➤ May 2016 |
| 13. | Samoa: Office of the Ombudsman | A | <ul style="list-style-type: none"> ➤ May 2016 |
| 14. | Sri Lanka: The Human Rights Commission | A | <ul style="list-style-type: none"> ➤ 2000-B ➤ October 2007- B ➤ March 2009-B ➤ May 2018 |
| 15. | State of Palestine: Independent Commission for Human Rights | A | <ul style="list-style-type: none"> ➤ 2005 – A(R) ➤ March 2009 ➤ November 2015 |
| 16. | Timor-Leste: Provedoria for Human Rights and Justice | A | <ul style="list-style-type: none"> ➤ April 2008 ➤ November 2013 ➤ October 2018 |

References

1. April 2001: Report of the Accreditation Sub-Committee
2. APRIL 2002: Report of the Accreditation Sub-Committee
3. April 2006: Report and Recommendations of the Sub-Committee on Accreditation
4. October 2006: Report and Recommendations of the Sub-Committee on Accreditation
5. March 2007: Report and Recommendations of the Sub-Committee on Accreditation; SPECIFIC RECOMMENDATIONS – REVIEWS UNDER ARTICLE 3(g)
6. October 2007: Report and Recommendations of the Sub-Committee on Accreditation; REVIEWS UNDER ARTICLE 3(g)
7. November 2008: Report and Recommendations of the Session of the Sub-Committee on Accreditation, REVIEWS UNDER ARTICLE 17
8. November 2009: Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)
9. March-April 2010: Report and Recommendations of the Sub-Committee on Accreditation; REVIEWS UNDER ARTICLE 17 OF THE ICC STATUTE
10. May 2011: Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)
11. November 2012: Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)
12. May 2013: ICC Sub-Committee on Accreditation Report
13. November 2013: Review under Article 16.2 of the ICC Statute
14. March 2014: Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)
15. October 2014: Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)
16. Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA): March 2019

17. Principles relating to the Status of National Institutions (The Paris Principles) Adopted by General Assembly resolution 48/134 of 20 December 1993
18. Belgrade Principles on the Relationship between National Human Rights Institutions and Parliaments
19. Chart of the Status of NHRIs accredited by the Global Alliance of National Human Rights Institution
20. <http://ennhri.org/about-nhris/>
21. <http://ennhri.org/wp-content/uploads/2019/09/ENNHRI-CNCDDH-Practical-Guide-on-the-Accreditation-of-NHRIs.pdf>
22. web.commissioner/exportnews/-/asset_publisher/y51185R8Bfyb/content/paris-principles-at-25-strong-national-human-rights-institutions-needed-more-than-ever?inheritRedirect=false
23. <http://ennhri.org/about-nhris/un-paris-principles-and-accreditation/>
24. https://ganhri.org/wp-content/uploads/2019/12/A4-Guarantors_Adrian.pdf
25. <https://www.ohchr.org/EN/Countries/NHRI/Pages/About-GANHRI.aspx>
26. <https://www.ohchr.org/EN/Countries/NHRI/Pages/About-GANHRI.aspx>

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