

Human Rights in Nepal

1. Overview

As respect for human rights is deeply ingrained in the Constitution of Nepal and consistent with the international commitments of the Country, protection and promotion of human rights have always remained a top priority of His Majesty's Government (HMG).

HMG is thus committed to living up to the Country's pledges on human rights and has accorded high priority to human rights agenda in all its plans and programmes. Accordingly, HMG's various agencies have been engaged in formulating and executing various human rights related plans, programmes and activities towards creating a strong culture of respect for human rights in general in the long run.

Nonetheless, the unprecedented difficulties facing the Country in terms of the direct effects of the armed Maoist violence involving terrorist methods have seriously undermined the basic human values for over eight years now. It has not only greatly hindered the progressive enjoyment of human rights by the people, but also has arrested the pace of progress through sheer terror and destruction of hard-earned development infrastructure.

Realizing the superior responsibility of State to protect civil liberties of the people in an atmosphere of peace and security, HMG is looking at the entire gamut of the problem holistically to find a durable solution. The Forward-looking Reform document, reaffirmation of full commitment to implementing the Country's constitutional and international obligations on human rights, and practical measures taken to safeguard human rights by taking action against violations serve as testimonies to HMG's seriousness of purpose in this regard.

To this end, human rights agenda has been a part of ongoing dialogue of HMG with major development partners of the Country, including the United Nations System (UN). As human rights constitute cross-cutting issues involving all sectors and spheres of development, this paper intends to provide an overview to the development partners before the National Development Forum 2004 in Kathmandu on the status, challenges and prospects regarding the promotion and protection of human rights in Nepal.

2. Introduction:

Following the restoration of multi-party democracy, Nepal promulgated a new Constitution in the year 1990. The fundamental pillars of the Constitution are Constitutional Monarchy, multi-party democracy through adult franchise, guarantee of basic human rights and the establishment of an independent and competent system of justice. These pillars have been explicitly incorporated in the Constitution as its permanent features and are not subject to any amendments or change whatsoever.

The Constitution is the fundamental law of the land and all laws inconsistent with it become automatically void. This Constitutional provision further guarantees the fundamental rights of the people. In case of any law being inconsistent with the Constitution by way of imposing unreasonable restrictions on the fundamental rights, or on any other ground, the Supreme Court, by exercising its extraordinary jurisdiction under Article 88(1) of the Constitution, may declare such law as void either *ab initio* or from the date of its decision. The Constitution also provides for effective remedy and enforcement of all the rights enshrined in it. The Supreme Court is empowered under its extraordinary jurisdiction to protect fundamental rights of the citizens guaranteed by the Constitution by issuing various forms of orders including, *habeas corpus*, *mandamus*, *certiorari*, *prohibition* and *quo-warranto*.

3. Commitment to International Human Rights Instruments

Respect for and adherence to the fundamental principles of human rights are unreservedly codified under Part-3 of the Constitution, which guarantee the basic human rights and fundamental freedoms recognized by the international community in the forms of various human rights instruments.

To date, Nepal has ratified 16 international instruments concerning human rights, including the six core conventions, and has signed three others. Nepal is also a party to nine ILO Conventions/Instruments relating to human rights. Being a State party to various international human rights conventions, Nepal has demonstrated full commitment to its

international obligations for the protection and promotion of human rights of its people. The list of such instruments to which Nepal is a party or signatory is given in *Annex- I*.

Nepal's total commitment to the international human rights instruments is also reflected in the form of various domestic legislations needed to implement such international instruments. The Treaty Act, 1990, explicitly provides for the implementation of Conventions or Treaties to which Nepal is a party. The Act states that "in case of provision of a treaty to which the Kingdom of Nepal has become a party following its ratification, accession, acceptance or approval by the Parliament, conflicts with the provisions of current laws, the latter shall be held invalid to the extent of such conflict for the purpose of that treaty, and the provisions of the treaty shall be applicable in that connection as law of Nepal."

In compliance with its reporting obligations arising from the six core human rights treaties, Nepal has periodically submitted its reports on the status and progress made on various aspects of human rights. The six core treaties include the Convention on the Elimination of Discrimination Against Women (CEDAW), Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Elimination of all forms of Racial Discrimination (CERD), Convention on the Rights of Child (CRC), International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic and Social and Cultural Rights (ICESCR).

Taking advantage of own experience, HMG has formed at the Ministry of Law, Justice and Parliamentary Affairs an inter-ministry Task Force to coordinate efforts to fulfill state responsibilities regarding reporting as required by the core treaties. The 8member Task Force has been very instrumental in forging inter-ministry coordination and Nepal has been able to submit in the last several months important reports as outlined below.

Nepal recently submitted its second and third combined periodic reports to CEDAW Committee, which widely deliberated on the report at the Committee meeting held in New York on 14 January 2004. That Nepal participated in the CEDAW Committee meeting at the ministerial level and that the delegation was led by no less than a lady minister in-charge of the Ministry of Women, Children and Social Welfare (MOWCSW) amply demonstrated Nepal's unwavering commitment to the Convention. Nepal has taken note of the concluding comments made by the Committee and is committed to incorporate the related elements in domestic legal system with a view to empowering women and fully integrating them in the national development process.

Similarly, Nepal has submitted its fifteenth and sixteenth combined reports to the CERD Committee. Nepal also participated in the deliberation of the Committee held in Geneva in March 2004.

It has been more than a decade since Nepal ratified the UN Convention on the Rights of the Child in 1990. Nepal submitted its initial report to the UN Committee on Rights of the Child in 1995 followed by an additional Report in 1996 in response to the questions raised by the Committee. Nepal has also submitted the first periodic report on CRC covering the period from 1996 to 2003.

It may be noted that when Nepal ratified the CAT in 1991, it was the first country to do so from South Asia. Nepal submitted the initial report to the CAT Committee in 1993, and has recently submitted to it the first, second and third combined periodic reports covering the period from 1994 to 2003. Nepal is also in the final stage of the preparation and submission of its first, second and third combined periodic reports to the ICCPR Committee. Its initial report was

submitted and deliberated in 1994. A summary of reporting status to date can be found in Annex-2.

4. Long-term Policy Strategy on Human Rights

4.1 HMG's Concept of Forward Looking Reforms in the State System

In accordance with the constitutional guidelines, HMG has pursued a policy to preserve and promote all religions, ethnic groups, communities, languages and their beliefs in the country. HMG commits itself to reinforcing the rights to freedom of expression and organization according to one's faith and beliefs and the rule of law in all aspects of national life as guaranteed by the Constitution. In order to realize these objectives, the local bodies should be given the option to use their national languages as their second working language.

HMG recognizes the difficulties in effecting an immediate end to the situation of ethnic and gender discrimination, exploitation and inequalities prevailing in the societies for centuries. The Government is, therefore, contemplating a system of reservation for a certain period of time for the indigenous, ethnic and Dalit people in the representative institutions, education, health, administrative services and other employment sectors to bring this section of disadvantaged groups at par with the national average on the basis of human development index.

4.2 National Human Rights Action Plan

In accordance with its serious commitment, His Majesty's Government, in cooperation with the United Nations Development Programme (UNDP) Office, and with the support of the UK and Swiss Governments has completed the formulation of National Human Rights Action Plan (NHRAP). The Action Plan has identified the needs of Nepali people relating to human rights, consistent with the provisions of the Universal Declaration of Human Rights and other international human rights instruments to which Nepal is a party. The Plan has been the product of a wide participatory process involving all stakeholders including the representatives from the NGOs, human rights groups, civil society and other legal, social, media and professional organizations.

The Action Plan seeks to act as a credible means to translate into reality the provisions of various instruments on human rights in the Nepalese context with the involvement of the relevant agencies of the Government and the civil society. The Action Plan addresses various aspects of human rights including education and culture, health, environment and sustainable development, rights of Dalits, indigenous people, people of special ability, and senior citizens, women's empowerment, gender equality and equity, and women's rights, child rights and development, legal reforms, judicial administration and management, prison management, labor and employment, conflict management and institutional strengthening.

5. Measures undertaken for HR Protection and Promotion

5.1 Legal measures

The Constitution states unequivocally that all citizens are equal and prohibits discrimination on the basis of sex, religion, caste and ethnicity and political ideology. It further guarantees rights to life and liberty, and ensures that the State will not make laws prescribing death penalty. Other rights guaranteed to the citizens of Nepal include, freedom of opinion and expression, the right to peaceful assembly without arms, freedom to move throughout or in any part of the Kingdom and reside in any part thereof, and the freedom to practice any profession and engage in any occupation, industry or trade. The right to equality, freedom to form unions and associations, rights regarding criminal justice, cultural and education rights, right to religion, as well as the right against exploitation and right against exile are non-degradable rights, and, therefore, these rights can not be suspended even during a state of emergency.

While several acts are already in place to safeguard the fundamental rights, HMG has been striving to enact other necessary enabling legislations for the effective implementation of these rights guaranteed by the Constitution. For example, HMG has enacted laws like the State Cases Act, Press and Publication Act, the Torture Compensation Act, the Legal Aid Act Children's Act, and the 11th amendments to the Civil Code Act, which are indispensable for the effective enforcement of the fundamental rights of citizens. HMG is also working for the enactment/amendment of necessary legislations relating to existing property laws, laws concerning preventive detention, laws concerning the right to information and privacy, and laws in relation to the prevention of exploitation and discrimination.

5.2 HR Policy in the Tenth Development Plan (2002-2007)

5.2.1 Objective: The objective of the Tenth Plan relating to human rights is to contribute to poverty reduction through the integration of human rights components into the national development programmes by guaranteeing the fundamental human rights of Nepali people consistent with the Constitution of the Kingdom of Nepal 1990 and the commitments expressed in various international forums as well as the international human rights instruments to which Nepal is a party.

To attain the above objective, the Plan seeks to develop human rights culture in the Country through effective promotion and protection and respect for fundamental human rights, and formulating and amending national laws in a transparent, up to date and standardized way. In this regard, emphasis would be laid on the institutional reform of the judiciary.

5.2.2. Working Policy: The Plan envisages that the human rights related programs will be integrated into national development programmes within the context of available resources. Emphasis will also be put on the strengthening of basic services, institutional capacity and human resource development to enhance the quality of formulation and amendments of laws so as to make them compatible to the international human rights instruments. Priority will be given for the improvement of physical infrastructure, institutional capacity and human resource development of the Courts.

5.2.3 Programmes/Activities: The following activities will be carried out for the protection and promotion of human rights during the Tenth Plan period.

- ?? National Human Rights Action Plan will be prepared and implemented.
- ?? Human rights programmes on women, children, indigenous people, ethnic groups, minorities and Dalit, and on the issues of labour, education and culture, environment and development, health, prison reform, justice administration, laws and statutes and conflict management would be undertaken in an coordinated fashion within the limit of available resources.

- ?? Various awareness generating programmes will be carried out with the involvement of stakeholders for the effective implementation of the national human rights action plan and the provisions of international human rights instruments.
- ?? Existing laws will be amended to make them compatible with the international standards on human rights.
- ?? Institutional capacity of all institutions on human rights including the National Human Rights Commission, Women's Commission, Dalit Commission and Academy for the development of indigenous people will be enhanced.
- ?? Human rights education will be included in the curricula of educational institutions and government training institutes for fostering a culture of respect for human rights.
- ?? Programmes will be prepared and implemented for strengthening institutional and human resource capability of the Ministry of Law, Justice and Parliamentary Affairs in order to enhance the quality of formulation and amendments of laws.
- ?? Human resource development and physical reform of the Courts will be carried out to render justice efficient, impartial, easily accessible and transparent. Modern information technology will be introduced for the efficient management of the record system of the Courts.
- ?? Institutional capacity of the Judicial Academy will be enhanced to promote the competence of the manpower involved in the field of law and justice.

5.3 Reaffirmation of Commitments on Human Rights and Humanitarian Laws: On

March 26, 2004, the Rt. Hon. Prime Minister made an announcement of reaffirmation of the commitments of HMG to the implementation of constitutional as well as international human rights and humanitarian laws. *Annex III* contains the full text of the Reaffirmation. Some highlights of the commitments include:

- ?? Reiteration of the provisions of the Constitution and reaffirmation of the obligations on international human rights and humanitarian laws,
- ?? Respect for the provisions of the Geneva Conventions Common Article 3 for protection of people who have laid down their arms, who are sick, wounded or detained, or who have abandoned or are not actively engaged in the armed activities.
- ?? No arbitrary arrest or detention to be made and measures to prevent forced disappearances to be in place.
- ?? Detainee to be informed of the reason for arrest, no arrests to be made during night, information about the whereabouts of the detainee to be provided, place of detention to maintain a register with dates of entry, discharge or transfer, detainee to have right to unhindered legal defence; detainee to be held in officially recognized place, to be kept in humane conditions and to be tried in the court that has attributes for fair proceedings;
- ?? Protection from torture, cruel, inhuman or degrading treatment or punishment. If so treated compensation to be given
- ?? While releasing from detention, credible evidence of the release
- ?? Orders of the Court, including the writ of habeas corpus to be honoured.
- ?? No prosecution more than once for the same offence. Only competent court to pronounce the verdict.
- ?? Freedom of movement and the choice of domicile and to return to homes.
- ?? Supply of food and medicines to be ensured.
- ?? Educational institutions to be regarded as "Zone of Peace".
- ?? Human rights groups, NGOs to be protected.
- ?? Additional training to be given to the security agencies.
- ?? Anti-terrorist legislation to be in line with international human rights norms.
- ?? Appropriate mechanism to be in place to look into past human rights violations.

- ?? Cooperation with the ICRC, including its access to all places of detention.
- ?? Formation of a High Level Human Rights Protection Committee
 - o To facilitate monitoring/investigations by NHRC,
 - o to help implement NHRC recommendations
 - o to oversee govt. authorities
 - o Immediate release from arbitrary detention
 - o Immediate effect to the orders of judiciary
 - o To recommend compensation for the victims and legal action against those responsible.
- ?? HMG to provide facilitation to NHRC for:
 - o Investigating on violations of human rights
 - o Setting up a monitoring body
 - o Strengthening its capacity at central regional levels
 - o Free movement and security of the staff, representative, and witnesses
 - o Responding to requests for information
 - o Passing cases to legal structures for and prosecution
 - o Facilitating external assistance, including through the UN.

As is made well known, high priority has been given to implement these commitments of HMG. The Government has already issued necessary instructions to its agencies for implementation of these commitments. In fact, the security forces are cautious to protect human rights including in times of difficulty, and the human rights cells in security agencies have been very helpful in this regard.

It should be appreciated that, barring occasional cases of individual aberrations, security forces are operating with maximum restraints and apply rule of engagement. Also, investigations have been done and actions taken against those found guilty of violations.

5.4 Prison Reforms: HMG has recently signed an agreement with a bilateral development partner to implement a project on prisons reform in Nepal. The Penal Reforms International has been accepted as executing agency of the project.

6. Institutional Mechanisms

6.1. National Human Rights Commission (NHRC): The Commission was established in 2000 under the Human Rights Commission Act of 1997. It is a landmark development towards promoting and protecting the human rights in Nepal. NHRC is an autonomous statutory body and its fundamental responsibility is to protect and promote human rights in the country. It has the authority to probe incidents of human rights violation or any attempt to violate human rights, or negligence or recklessness committed by any person, institution or organization relating to human rights. With regard to procedural matter, the Commission has powers similar to that of the court for the purpose of taking action on petitions, complaints and conducting fact-finding missions.

NHRC routinely conducts observation and fact-finding studies in various parts of the nation and prepares and disseminates reports of its findings. It is active in raising awareness on rights violations and training and sensitization on human rights. It regularly presents recommendations and guidelines to the Government as well as conducts public hearings so that the Government will act to alleviate the suffering of the victims of human rights violation.

6.2 National Women's Commission: *The Commission was formed in 2002. It was envisaged as an impartial and autonomous body to promote women's empowerment, gender equity, social justice, peace and women's participation in the mainstream of development by preserving and enhancing women's rights and well-being. To achieve these objectives, the Commission coordinated with the Government, I/NGOs, intellectuals, legal experts and human rights activists. NWC identified gender inequality provisions in the Constitution in order to make gender friendly Constitution.*

6.3 National Dalit Commission: *The Commission was formed in 2002 to improve the situation of a large section of people who continue to face extreme poverty, deprivation and exclusion. The objectives of the Commission are to promote the rights of the Dalits, improve*

their social, economic, political and health conditions, and bring Dalits into the mainstream of development process by addressing the problems of unequal and non-access to productive resources.

The specific scope of work of the Commission include: performance of necessary functions for creating environment that ensures unhindered exercise by Dalits of their rights and privileges; recommendation for necessary amendments to the prevailing laws and policies of the Government to facilitate the smooth performance of the said functions; formulation of necessary strategies and working policies for implementation by the government of the provisions of international human rights instrument including the conventions for the elimination of racial discrimination to which Nepal is party; coordination and supervision of the activities of the NGOs involved in the upliftment and development of Dalits; implementation through the participation of NGOs of social awareness programmes for eliminating social discrimination, untouchability and other evils of the society that impede their development; examination of complaints on the discriminatory illegal treatment meted out to the Dalits in the society and the formulation of necessary legislation for the functioning of National Dalit Commission.

6.4 National Committee for the Development of Nationalities of Nepal (NCDN): The Committee was set up in 1998 with the objective of carrying out programmes for the benefit of backward and disadvantaged classes living in remote areas and bringing them into political, economic and social mainstreams. Towards this end, the Committee arranges for scholarships for higher education, skill and income generating programmes. It also conducts weekly radio programmes with a view to generating awareness among the mass population.

In addition, the Committee has been undertaking various activities like research on different ethnic groups of Nepal, capacity building of ethnic organizations, awareness generation activities, dissemination of the rights of indigenous people, cultural promotion and advocacy. HMG is committed to strengthening the institutional development of NCDN for social, economic and cultural development of the Nationalities in Nepal.

For the development and upliftment of various ethnic groups at low social strata, the Parliament passed a bill for the establishment of an independent National Academy for the Social, Economic and Cultural Upliftment and Development of Nationalities. The Academy has been constituted and made operational for the advancement of the cause of various nationalities of Nepal.

6.5 Human Rights Committee in Parliament: As one of the nine committees of the House of Representatives, Foreign Relations and Human Rights Committee has made a significant contribution on human rights issues. The work of HRC is to formulate policy guidelines and provide directives to the Government on the human rights issues.

6.6 Human Rights Promotion Centre (HRPC): HMG has recently set up HRPC under the Office of Prime Minister and Council of Ministers in 2003. The main objectives of the Centre are to inform general public about the works undertaken by HMG/N regarding human rights promotion and to coordinate and facilitate between various entities relating to the fulfillment of commitment of various international human rights instruments to which Nepal is a party.

6.7 Human Rights Cells (HRC) in security agencies:

6.7.1 HRC in the Ministry of Home Affairs (MOHA): The human rights cell, set up in the Ministry in 2003, is headed by the joint secretary which monitors any reported cases of HR violations by Nepal police, Armed Police, National Investigation Department and other HMG organs. It also coordinates with other HR cells established in the security agencies in order to protect the human rights and shares information with them.

6.7.2 HRC in the Royal Nepalese Army (RNA): The Royal Nepalese Army set up HRC at its headquarters on July 8, 2002. The Cell mainly investigates the reported cases of violation of human rights by RNA personnel. The Cell also imparts training to RNA officers on human rights and humanitarian laws, and law of war.

6.7.3 HRC in Police: HRC was established in Nepal Police headquarters on 16 January 2003. The functions of the cell are mainly to provide training to police personnel on human rights issues, to investigate complaints of reported human rights violations by police personnel and to create awareness among police staff about the human rights. It also coordinates with other agencies including ICRC and NHRC on the human rights issues. The Cell is headed by a Deputy Inspector General (DIG) of Police.

7. Status of Human Rights-related programmes undertaken by HMG:

HMG has been according high priority to human rights agenda and has been formulating and implementing numerous programmes aimed at human rights promotion and welfare of people, which include, among others:

7.1 Women's rights: With the objective to mainstreaming the women in development process, the current Tenth Plan has focused on (1) Elimination of legal discrimination against women by revising existing discriminatory laws; providing legal assistance to women to enforce the provision of the newly revised Civil Code. (2) Affirmative action to increase women's role in public office, administration and community level participation and management, all of which contribute to women's empowerment and (3) Introduction of legal and other changes to prevent disorder against women, including social education process, involving information campaigns and public discussion about the role of women. The Plan aims to mainstream women into the planning process through training, education, income generation and employment creation. The Plan also focuses on employment creation, skill promotion and income generation.

It may be mentioned that with concerted efforts of the Government and the civil society, the participation of women in public service and in various facets of society has seen steady growth in recent years. The Ministry of Women, Children and Social Welfare has been organizing special training programmes for women for the preparation of Civil Service Examination. HMG has also made mandatory provision for Primary schools to have at least one female teacher. Similarly, Local Self-Governance Act 1999 has secured at least 20 per cent of seats for women in local bodies: VDC, DDC and Municipalities. These measures are expected to contribute for the greater participation of women in the social development process and enhance their social status.

The Government has also accorded priority to improve the condition of women in rural areas by providing micro credit service, enhancing capacities in development planning, creating opportunities in agriculture and widening the range of social services available to them.

The Government established a separate Ministry in 1995 to effectively deal with the issues and rights affecting women. The Ministry was renamed as the Ministry of Women, Children and Social Welfare in 2000. The Government is committed to promote gender equity and equality through mainstreaming gender in the development process, empowerment programmes and the elimination of discriminatory laws against women. To achieve women's rights, the Government has formulated a National Plan of Action for the implementation of the commitments of Beijing Platform of Action, National Plan and Policy to combat Trafficking and Sexual exploitation of women and Plan of Action on the Implementation of CEDAW commitments. These Plans of Action are geared towards realizing gender equity and equality embodied in international commitments and national plans.

Amendments to the Land Act, Enactment of Human Rights Act, Free Legal Aid Act, the Compensation against Torture Act, and the 11th Amendments to the Civil Code are some of the important fresh legal measures that aim at eliminating discrimination against women. A NHRC Report, 2060 mentions that there are still over 100 discriminatory provisions in about 54 laws in the country.

Amendment to the Land Act, 1964 is landmark in the sense it entitles daughters, daughters-in-laws and granddaughters to tenancy rights which was reserved only for men in the past, although the Act still does not include daughters in the definition of family. However, even after this amendment, a daughter must have attained 35 years of age and be unmarried to inherit such tenancy rights.

Another important development to bring about equality of rights for the women is the 11th amendments to the Civil Code. The amendment entitles daughters to ancestral property. Previously, only an unmarried daughter above 35 years of age had this right. However, the share of property still has to be returned if she gets married after the receipt of the property.

With the new amendment, also a widow is fully entitled to inheritance. On the other hand, the amendment has removed the condition that a woman must reach 35 years of age and complete 15 years of marriage before she could live separately from her husband and get her share of property. Even a divorcee gets a share of the family property. It also grants the rights to food, clothing, appropriate education and health cares to daughters, as is the case for sons.

The stated objectives of the amendment are to uphold constitutional guarantees, meet Nepal's obligations under CEDAW, and honour the provisions on cases related to divorce, adoption, marriage, abortion, violence against women and rape. The Government has also drafted a new Bill on Controlling Domestic Violence against Women along with the provision of family Courts.

The CEDAW Committee considered the combined second and third periodic report of Nepal on 14 January, 2004 in New York and commended Nepal for its report. The Committee noted with satisfaction that the National Plan of Action on Gender Equality and Women's Empowerment covered the 12 critical areas of concerns identified in the Beijing Platform for Action. The Committee commended Nepal for identifying gender equality as a priority in national development plan and welcomed new laws and legal reforms such as Country Code (Eleventh Amendment) Act, Legal Aid Act, Civil Service (First Amendment) Act, Self-Governance Act and so on. The Committee also commended for the implementation of the CEDAW Convention through the wide range of plans and programmes, including the National Plan of Action on Gender Equality and Women's Empowerment, the National Plan of Action on Education and the Second Long-Term Health Plan.

The Committee commended Nepal for fostering partnership with the civil society on women's issues and dissemination of information on the Convention. The Committee also acknowledged that the judiciary had rendered a number of gender-sensitive decisions, thereby contributing to enhancing the status of women and protecting their rights in Nepal.

The principal areas of concern include delay in expediting the amendments of discriminatory laws to make them compatible with the provisions of the Convention, including the article-9 of the Constitution of the Kingdom of Nepal that is discriminatory against women in the area of citizenship. There is also concern about the gap between the literacy rate of men and women, low female enrolment in primary and secondary schools, high dropout rates and limited access for women to tertiary education, the persistence of discriminatory cultural practices and stereotyping of women, and over the situation of widows who happened to be the survivors of the on-going conflict.

Further concerns included the continued existence of child marriage and polygamy and other practices, including the institution of dowry, jhuma, kumari pratha and baadi system that are contrary to the Convention and constitute discrimination against women, the continuing prevalence of the problems of trafficking in women and girls, the low status of women's health, particularly in rural areas including lower life expectancy, and high maternal and child mortality rates resulting from early marriage and pregnancy, inadequate family planning services and illiteracy, and low-level women's participation in the parliament, judiciary, administration and other decision-making spheres.

7.2 Children's rights: The Tenth Plan lays emphasis on child development and child rights. It has stipulated various policies and strategies for the protection of children and child health and nutrition programmes. For the development of Children, the government and nearly 240 non-governmental bodies, and several hundreds community organizations, educational institutions, and media are engaged. While the bonded labour affecting the children has been declared illegal, juvenile benches have been established in all the districts. Similarly, day care centres have been opened in some places for the children of workers and informal education programme has been expanded.

7.3 Rights of the Dalits: The establishment of National Dalit Commission in 2002 is a major step forward to promote and protect the rights and welfare of the Dalits. The Commission has been given the mandate to propose activities, duties and responsibilities, and authority to carry them out. The establishment of National Academy for the Upliftment and Development of Nationalities is another milestone in mainstreaming the various ethnic groups into the development process and in providing them access to the productive resources.

HMG has also introduced special programmes for the Dalits, especially for poverty reduction. The current Tenth Plan has various targeted programmes for the Dalits, which include: providing access to suitable agriculture technologies and products, forming distinct Dalit groups after identifying them, conducting proper training by forming women's groups from ultra-poor Dalits, reservation of at least 25 per cent of the total participants' seats in various rural trainings for Dalits, providing vocational education and providing scholarships for poor and bright Dalits, provision of health, sanitation and awareness programmes. The government

policies and strategies to empower the Dalits also include redesigning school curriculum to raise the awareness of the evils of untouchability and monitoring the programmes conducted by INGOs and NGOs.

7.4 Liberation of Kamaiya: HMG made a landmark decision in 2000 to outlaw the Kamaiya System of bonded labour. A total of 1,01,522 Kamaiyas were liberated from the decision. "Kamaiya" system was prevailing in Dang, Kailali, Kanchanpur, Bardia and Banke districts of western Nepal where the debt-ridden rural farmers had been working as bonded labourers to pay off debts drawn by their ancestors. To give effect to the government decision, Kamaiya Labour (Prohibited) Act, 2002 has been enacted. Immediately after declaration of liberty for the bonded labourers, a high level committee was formed under the chairmanship of the then Deputy Prime Minister for the rehabilitation of Kamaiyas. Each liberated Kamaiya family has been provided with a plot of land and housing support from the government. Several other activities covering education, health, training and other awareness programmes are being carried out by the NGOs for their development.

8. Actions against Violations: His Majesty's Government has made Security forces cautious to protect human rights of the people while dealing with the situation of the armed strife. The Government has established Human Rights Cells in security agencies to sensitize the security agencies about promoting respect for human rights and to look into alleged abuses of human rights. Barring occasional individual aberrations, security forces have been operating with maximum restraint and the rules of engagement apply while curbing the Maoist terrorist activities. Investigations have been carried out and actions have been taken against those found guilty of violations of human rights.

9. Gaps, Challenges and Constraints: Despite the commitment and various policy measures undertaken by the government and despite significant progress made in the promotion of human rights front over the years, Nepal still faces serious challenges to meet the growing expectation of the people and for effective implementation of human rights agenda. The unabated terrorist atrocities perpetrated by the Maoists has seriously undermined the human rights situation and worsened law and order situation in the country over the past eight years. In the meantime, resource constraints have impeded capacity building and have hampered the effective implementation of human rights related plans and programmes. Also, inadequacy of enabling legislations has resulted in slow progress in the implementation of many international treaties and conventions. Socio-economic malaise, coupled with structural problems deeply rooted in the society have also been the stumbling blocs to bring about desired progress in human rights situation in Nepal. These are some of the major challenges the country is facing today with detrimental effects on almost all facets of human rights, including on the following areas.

9.1 Women: Despite the legally recognized equality, the female status is comparatively lower than males. The women are suffering from economic, social and political discrimination and also discrimination in property rights, citizenship rights, reproductive rights, family relationship rights. Women remain under-represented in the political parties. They hold mere six to nine per cent of the total seats in their respective central committees and very few make their way into the policy making position in the four major political parties of the country. Their representation in the top civil service position is also negligible.

Non-availability of sufficient employment opportunity within the Country and discriminatory policy for employment abroad hindered their empowerment. The extraordinary situation of conflict and violence has inflicted additional problems for women by either widowing them or displacing them. The discriminatory laws identified by the High Level Review Committee are yet to be amended. Lack of access to health, education, and productive resources has negative implications for the overall empowerment of women. Moreover, lack of an effective mechanism for Monitoring and Evaluation of implemented / planned activities on HR are yet another challenge in this regard.

9.2 Children: Notwithstanding various initiatives taken for the protection and promotion of child rights from both the Government and the civil society and significant achievements made in the areas of children's basic health, education and awareness on child rights, effective programmes are needed to protect the rights of the children, especially those who work in risk condition and also to abolish exploitation and abuse of children and discrimination against girl child which continues to exist in the society and is deeply entrenched. Moreover, the Country is facing fresh problems of children of families affected by the Maoist violence. Protection of rights

of such children rendered homeless due to the mounting violence, including their care, rehabilitation and development, poses another serious challenge to the government, which is already in severe financial straits owing to the necessity to allocate additional resources to restore the security and peace by controlling the Maoist terrorist activities. The problems of child labour and street children and the trafficking of girl child for sexual purposes pose another difficulty for the Government in safeguarding children's rights. Resource constraint of the Government has placed hindrances on the opening and operation of Child Welfare Centres in the needy areas.

9.3 Dalits, Minorities and Disadvantaged class: Despite the good intention of the government and the necessary laws and programmes, the existence of caste-based discrimination at the societal level has been a bitter truth even though it is prohibited by the Constitution and the Country Code, 1964. Resource constraints both human and financial have resulted in the low capacity for the effective implementation of the programmes and activities aimed at raising the standard of living of the Dalits, minorities and the disadvantaged classes in the society. Lack of access to resources has been another impediment for the upliftment of these people.

9.4 Civil and Political Rights: There is no separate legislation to give effect to the provisions of the International Covenant on Civil and Political Rights and Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment. The law enforcement agencies and security forces need continuous training and orientation in ensuring respect for human rights and prevention of acts of torture. The human rights cells in the security agencies need to be strengthened and made more effective. Financial and human resources are always in short supply in this regard. Lack of capacity continues to be a major hurdle, including in quickly looking into alleged disappearances, extra-judicial killings and illegal detention, to take action where necessary and to ward off any suspicions that may loom otherwise.

9.5 Maoist insurgency: The colossal loss of life and the threat to the security of the people by the Maoist terrorists continue to present a serious challenge to HMG in protecting and promoting their fundamental rights. Since the Maoist unleashed insurgency in 1996, they have resorted to heinous terrorist activities such as kidnapping, injuring, maiming and incapacitating, and killing thousands of innocent civilians while thousands of others have been rendered homeless and displaced. The Maoist terrorists are indiscriminately violating even basic norms and principles of human rights through intimidation, extortion, looting, rape and killing the people brutally. There have also been credible reports of the forceful recruitment of children and young girls in the Maoist outfits.

It is well-known that while HMG has shown every flexibility to resolve the Maoist problem and left the door open for the peaceful solution of problem, through negotiation, the government is equally serious to protect the lives and properties of its people by strengthening the law and order situation. As peace, security, human rights and development are inextricably interlinked, HMG's current preoccupation and major concern have, therefore, been to provide security to the people and to deliver the much-needed services to the people and to carry out developmental activities much more effectively. It was to this end that the Code of Conduct signed between HMG and CPN (Maoist) in March last year had also sought to address various aspects of human rights.

Moreover, His Majesty's Government is alive to the concerns shared at the UN Commission on Human Rights and by other international organizations engaged in the protection and promotion of human rights around the world. Every effort has been made to respond immediately to the specific cases/concerns expressed by such organizations, including the Amnesty International, with a sense of urgency and commitment.

The Government is committed to working closely with the Office of the High Commissioner for Human Rights in Geneva for national capacity building through technical assistance schemes. Visits by UN-CHR thematic rapporteurs as indicated by them shall also be worked out, as has been done in the past.

In summary, Nepal is faced both with the traditional challenges (characterized by low level of socio-economic development, poverty, poor awareness, lack of training, structural problems rooted in the society and resource gaps) and the new challenges created by terrorist insurgency (characterized by utter disregard for human rights norms (as manifest by maiming etc. and displacements of the survivors of the violence). The problem is further complicated by

inevitable drawing of resources away from development to law and order, poor infrastructure and the lack of enabling legislation. Despite these formidable challenges and constraints, however, HMG continues to make every effort to protect and promote human rights of the people.

10. The Importance of Donor Assistance: *Despite the good intention of the government and the unequivocal commitment Nepal has made internationally, the progress has not been up to the satisfaction mainly owing to the wide gap between the plans and their actual implementation owing to the resources constraints, both physical and financial and also low capacity building. The unabated Maoist terrorist atrocities have further aggravated the problem.*

While the Government is working in close partnership with the donor community and the civil society to overcome these daunting challenges, the donors' assistance in the following areas of human rights, could go a long way to address the issue of human rights the Country is facing today:

10.1 Meeting resource gaps: *Meeting resource gaps for the implementation of development programmes in general, including that of human rights related plans and programmes, has been a daunting challenge for HMG in the face of the necessity of committing more resources to maintaining law and order in the Country. In this light, the development partners' understanding and appreciation of the difficulties of Nepal in the right perspective, as well as their forthcoming additional contribution and cooperation to meet the Country's resource gaps in development arena in particular would go a long way in enabling the full enjoyment of human rights in Nepal.*

10.2 Strengthening the Human Rights Institutions: *The implementing, monitoring and coordinating activities of the various human rights institutions in Nepal have not been up to the expectation despite sound objectives and programmes. This is mainly due to inadequate resources. The donor community could extend invaluable support for their capacity building by providing assistance in their programmes and for human resources development. HMG is in touch with the Office of the High Commissioner for Human Rights in Geneva to work out a memorandum of understanding for possible technical assistance for national capability building of the Country by, among others, strengthening national human rights institutions.*

10.3 Supporting the Planned Target: *The current Tenth Plan has envisaged specific human rights related programmes, besides overall objective of poverty reduction. Besides domestic resources mobilization, sizeable resources are required to meet the planned target. The external assistance is therefore, vital, to help achieve these goals, the central objectives of which is to uplift the Nepalese people from the abject poverty and provide them with basic education, health services and employment opportunities.*

10.4 Supporting the Implementation of the National Human Rights Action Plan: *A substantial amount of assistance is required from the donor community to implement the recently finalized Action Plan on human rights.*

10.5 Helping in meeting International Obligations: *While significant progresses have been made in the human rights fronts in Nepal through appropriate domestic legislations and various programmes, they have not been adequately documented and reflected at the international community level due to slow progress in its reporting obligations to the various international human rights instruments. The donor community could provide their coordinated expertise for documentation and presentation of those achievements including in the preparation of reports, and put Nepal before the international community in the proper perspective.*

10.6 Support for the rehabilitation of the survivors of violence: *A large amount of donor assistance is required to rehabilitate the displaced persons, single women and the children affected by the armed strife.*

10.7 Support for Capacity Building and Human Resource Development: *The Government machinery needs to be supported through capacity strengthening and human resource development.*

Annex-I

International Human Rights Instruments to which Nepal is Party or Signatory

<i>Instruments</i>	<i>Signature</i>	Ratification Accession (a) Succession (d)
1. Slavery Convention of 1926, 25 September 1926 as amended (23 October 1953)		7 Jan 1963 a
2. Amendments to the Slavery Convention (1926), 1953		7 Jan 1963 a
3. Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 7 September 1956.		7 Jan 1963 a
4. Convention on the Political Rights of Women, 20 December 1952		26 Apr 1966 a
5. Convention on the Prevention and Punishment of the Crime of the Genocide, New York, 9 December 1948.		17 Jan. 1969 a
6. International Convention on the Elimination of All Forms of Racial Discrimination, New York, 7 March 1966.		30 Jan. 1971 a
7. International Convention on the Suppression and Punishment of the Crime of Apartheid, 30 November 1973.		12 July 1977 a
8. Convention on the Rights of the Child, New York, 20 November 1989.	26 Jan. 1990	14 Sep. 1990
9. Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979.	5 Feb1991	22 April 1991
10. International Covenant on Civil and Political Rights, 16 December 1966.		14 May 1991 a
11. International Covenant on Economic, Social and Cultural Rights, 16		14 May 1991 a

December 1966.		
12. Optional Protocol to the International Covenant on Civil and Political Rights, 16 December 1966.		14 May 1991 a
13. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984.		14 May 1991a
14. International Convention against Apartheid in Sports, 10 December 1985.	24 June 1986	14 May 1991 a
15. Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty, New York, 15 December 1989.		4 Mar. 1998 a
16. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others including Final Protocol, 1950		10 Dec. 2002 a
17. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 25 May 2000.	8 Sept. 2000	
18. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 25 may 2000.	8 Sept. 2000	
19. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, 6 October 1999.	18 Dec. 2001	

Annex-II

Status of Reporting of Nepal as required by six core International Human Rights treaties

Core HR Treaties	Date of receipt of the instrument of ratification or accession by the UN	Entry into force for Nepal	Date on which reports were due	Date on which reports were submitted	Submitted to	Remarks (Responsible Agency)
1. International Convention on the Elimination of All Forms of Racial Discrimination (CERD); came into force on 4/1/1969	30/01/1971 a	1 March 1971	1st report (01/03/1972) 2nd report (01/03/1974) 3rd report (01/03/1976) 4th and 5th report (01/03/1978) 6th to 8th report (01/03/1982) 9th to 13th report (01/03/1988) 14th report (01/03/1998) 15th report (01/03/2000) 16 th report (01/03/2002) 17 th report (01/03/2004)	1st report (18/05/1972) 2nd report (19/06/1974) 3rd report (06/07/1977) 4th and 5th report (25/06/1981) 6th to 8th report (12/02/1987) 9th to 13th report (05/05/1997) 14th report (18/03/1999) 15th and 16th report (29/04/2003)	CERD through the Secretary General of the UN {as per art 9 (1)}	Overdue requested to submit within 2003 <i>Examination of the 15th and 16th Reports will be held from 4 to 5 March 2004 in Geneva.</i> (Ministry of Local Development)

<p>2. International Convention against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment (CAT); came into force on 26/6/1987</p>	<p>14/05/1991-a</p>	<p>13 June 1991</p>	<p>1st report (2/6/1992) 2nd report (2/6/1996) 3rd report (2/6/2000) 4th report (2/6/2004)</p>		<p>CAT through the Secretary General of the UN {as per art 19 (1)}</p>	<p><i>The 2nd, 3rd and 4th combined periodic reports already submitted to the CAT Committee through the Secretary-General of the UN.</i></p> <p>(Ministry of Home)</p>
<p>3. International Covenant on Economic, Social and Cultural and Political Rights (ICESCR); came into force on 3/1/1976</p>	<p>15/05/1991-a</p>	<p>14 Aug. 1991</p>	<p>1st (30/06/1993) 2nd (30/06/2006)</p>	<p>1st (25/10/1999)</p>	<p>Secretary-General of the UN {as per art 16. 2 (a)} for consideration by the ECOSO C.</p>	<p>(Office of the Prime Minister and Council of Ministers)</p>
<p>4. International Covenant on Civil and Political Rights (ICCPR); came into force on 23/3/1976</p>	<p>15/05/1991-a</p>	<p>14 Aug. 1991</p>	<p>1st periodic (13/08/1992) 2nd periodic (13/08/1997) 3rd periodic (13/08/2000) 4th periodic (13/8/2003) 5th periodic</p>	<p>1st periodic March, 1994.</p>	<p>Human Rights Committee through the Secretary-General of the UN {as per</p>	<p><i>The 2nd, 3rd and 4th combined periodic reports are in the final stage of preparation.</i></p>

			(13/8/2006)		<i>art 40 (2)}</i>	(Ministry of Home)
5. Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); came into force on 03/09/1981	22/04/1991	23 May 1991	1st periodic (22/05/1992) 2nd periodic- (22/05/1996) 3rd periodic (22/05/2000) 4th periodic- (22/05/2004)	1st periodic (16/11/1998) 2nd periodic- (26/11/2002) 3rd periodic (26/11/2002)	CEDAW through the SG of the UN { <i>as per art 18</i> }	2nd and 3rd combined reports were submitted and deliberated in Jan. 2004 in New York (Ministry of Women, Children and Social Welfare)
6. Convention on the Rights of the Child (CRC); came into force on 02/09/1990	04/10/1990	14 Oct. 1990	1st periodic- (13/10/1992) 2nd periodic- (13/10/1997) 3rd periodic- (13/10/2002) 4 th periodic (13/10/2007)	1st periodic- (10/04/1995), followed by an additional report in 1996. 2nd periodic- (04/03/2003)	CRC through SG of the UN { <i>as per art 44 (1)</i> }	(Ministry of Women, Children and Social Welfare)

His Majesty's Government's commitment on the implementation of Human Rights and International Humanitarian Law

(Announced by Rt. Hon Prime Minister Surya Bahadur Thapa on March 26, 2004)

Reiterating the provision of the Constitution of the Kingdom of Nepal 1990 on desire and aspiration of the Nepali people for the creation of a society that promotes fraternity and unity among the people based on freedom and equality and that safeguards fundamental human rights of every Nepali citizen,

Reaffirming the priority of His Majesty's Government for the fulfilment of its obligations and responsibilities in accordance with the international human rights and humanitarian laws ,

His Majesty's Government (HMG) reaffirms its commitments as follows:

1. Human rights protection will be guaranteed without prejudice to race, colour, gender, ethnicity, language, religion, political or other ideologies, social origin, disability, property, birth or on any other grounds.
2. Every person shall have the right to life, dignity and security. Right to life shall be respected under all circumstances. For this purpose, immediate instructions shall be issued to implement and respect the provisions of the Geneva Conventions in particular Common Article 3 which provides for the protection of people who have laid down their arms, who are sick, wounded or detained, or who have abandoned or are not actively engaged in the armed activities.
3. No one shall be subjected to arbitrary arrest or detention. Measures will be undertaken to prevent illegal or arbitrary detention and forced disappearances.
4. A detainee shall be informed of the reason for the arrest. No one shall be arrested during the night except in accordance with the prevailing laws. Information about the whereabouts of the detainee and his/her transfer shall be made available to the members of his/her family, legal practitioner and the person eligible to receive such information. Every place of detention will maintain a register containing the name of every person detained and the dates of entry, discharge or transfer.
5. Right to unhindered legal defence shall be honoured and protected. The detainee shall be allowed to speak with the family, legal practitioner and any other person within prescribed legal provisions. The accused shall have the right to present himself/herself during the hearing of the case. He/she shall have the right to defend by himself/herself or by the legal practitioner of his or her own choosing. He/she shall have the right to seek counsel from such practitioner openly and secretly.
6. Any detainee shall be held in an officially recognized place of detention. Detained persons shall be kept in humane conditions and provided with adequate food, drinking water, appropriate shelter, clothing, health and sanitation facilities and security.
7. The accused shall have the right to be tried in the court that has all the attributes for conducting free and fair proceedings within a reasonable period of time in accordance with law.
8. The accused held in detention shall not be subject to torture or to cruel, inhuman or degrading treatment or punishment. Any person so treated shall be provided with the compensation stipulated by the law and any person responsible for such treatment shall be prosecuted and punished according to the law.
9. While releasing from detention, the dignity and rights of the person shall be guaranteed providing credible evidence of the release from detention.
10. For the effective judicial remedy, the orders issued by the Court, including the writ of habeas corpus shall be honoured. The right to verify the status of the detainee, his/her

health condition, and the right to identify the authorizing and arresting authorities shall be guaranteed. Any malicious exercise against such rights to remedy shall be punishable by law.

11. No person shall be prosecuted and punished more than once for the same offence. For the dispensation of justice, only the competent court complying with all judicial proceedings shall have the right to pronounce the verdict in accordance with law.
12. Every person shall have the right to freedom of movement and the choice of domicile. The right of the displaced persons to return to their homes or to the places of their choice shall be ensured.
13. The arrangement relating to the supply of human necessities of all types including food and medicines shall be ensured throughout the Kingdom.
14. Recognizing the educational institutions as the "Zone of Peace", no activities shall be allowed within such premises that disrupt education or peace.
15. Every person shall have the right to freedom of opinion, expression and religion. Such rights shall also include right to faith in the religion of one's choice or belief through worshipping and observance. Every person shall have the right to express opinion without hindrance in accordance with the prevailing laws. Such rights shall include right to seek, receive and disseminate all kinds of information.
16. Every person shall have the right to form associations with others in accordance with the law. Right to peaceful assembly without arms shall be unhindered. Every citizen shall have the right to participate in the public activities by himself/herself or by the independently elected representative.
17. Women and children shall enjoy the rights of special protection. The rights of women and children shall be fully protected and international laws such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women shall be respected. The mechanism to examine ways to end such discrimination shall be strengthened.
18. Human rights groups, other non-government organizations and human rights activists working for the implementation of the principles of human rights and international humanitarian laws shall be protected.
19. Additional training to the security agencies on human rights and international humanitarian laws will be continued.
20. Any anti-terrorist legislation will be in line with established international human rights norms.
21. HMG will establish an appropriate mechanism for dealing with past human rights and international humanitarian laws violations and to review the necessary measures.
22. HMG assures full cooperation to establish the fate and whereabouts of reported missing persons. HMG will continue to provide cooperation to the ICRC, including the access to all places of detention.
23. A High Level Human Rights Protection Committee shall be constituted to facilitate human rights monitoring and investigations by the National Human Rights Commission (NHRC) and to help implement its recommendations. This committee will oversee the functioning of relevant government authorities in the following aspects:
 - a. Investigation into human rights violations and prosecution of those responsible;
 - b. Observance of laws applicable to detention;
 - c. Protection of human rights of all persons coming into contact with the security forces;

- d. Immediate release of those subject to arbitrary or illegal detention;
 - e. Giving immediate effect to the orders and decision of the judiciary;
 - f. Taking necessary legal action against those who are responsible for human rights violations;
 - g. Recommend compensation for the victims.
24. HMG will provide necessary facilitation to the National Human Rights Commission (NHRC) in discharge of the following activities:
- a. Investigating on violations and discouragement of human rights on the basis of complaints and through its own or any other sources, and carrying out such investigations through its own mechanism or through any agency of HMG or any other official or persons;
 - b. Investigating on neglect of any person or institution for preventing violations of human rights, and informing or warning any agency with regard to the legal provisions on human rights;
 - c. Visiting, observing and inspecting any agency under HMG or prison or any other institutions, and recommending to HMG any measures required for improvement in the physical or other facilities at prisons for protection of human rights;
 - d. Suggesting necessary measures for review and implementation of legal provisions for effective implementation of human rights;
 - e. Suggesting measures to HMG for effective implementation of international instruments on human rights, including for reports to be submitted in accordance with these instruments;
 - f. Conducting research on human rights-related subjects, disseminating and conducting education on human rights promotion, and encouraging non-governmental organizations working in the human rights-related fields;
 - g. Reviewing the current human rights situation in the country;
 - h. Setting up its monitoring body to determine whether the human rights commitments are being respected and to verify any violations, in particular attention to the right to life, integrity and security of the person, to individual liberty, to due process of law, to freedom of expression, movement of association and to the situation of the most vulnerable groups of society, including children, internally displaced persons and any groups subject to discrimination;
 - i. Strengthening of its capacity at the central level and to increase its outreach at the regional levels;
 - j. Ensuring free movement of the staff and of its representatives throughout the country and to interview any person or group freely and privately, particularly in places of detention and establishments suspected of being used for detention purposes;
 - k. Ensuring the security of the staff/representatives of the NHRC or individuals who provide relevant information or evidence;
 - l. Responding promptly to any requests for information or suggestions for measure to improve the protection of human rights;
 - m. Passing, if appropriate, the cases considered by the NHRC to relevant national legal structures when there is basis of criminal investigation and prosecution;
 - n. Facilitating substantial external assistance, including through the UN, to the NHRC to develop its institutional capacity and human resource development to carry out its

mandate including monitoring and investigations in an independent, impartial and credible fashion.

25. HMG will adopt the necessary measures for the prevention of violations of the rights and guarantees contained in this document and to hold accountable those responsible for any such violations.

