

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.