

# Administrative and Financial Issues in the National Human Rights Commission

By BIPIN ADHIKARI

It is of crucial importance for any organization to build the administrative and financial capacity on which its delivery capacity largely depends.

The focal point for administration and finance in the Commission is the Secretary. He is the leader of the rank and file below the Commissioner level, and is appointed by the King on the recommendation of the Commission. The Secretary is the instrument through which the Commission comprising of five Commissioners functions and implements the mandate of the Commission. The Secretary is generally a senior professional person, knowledgeable in human rights and law, able to run the Commission and activate and control all five operational

divisions of the Commission:

i.e. operations, legislative assistance, promotion, protection and monitoring and planning, and the internal monitoring and evaluation division. Early since its establishment of the Commission, and upon the restructuring that was accomplished in 2003, this position has been further strengthened. At present, the Chairperson and other Commissioners are not involved in administrative and financial matters of the Commission, and they function as a policy making body whose decisions are implemented by the Secretary with the machinery that he has at

his disposal. As the Secretary is also the person who sets the agenda for the Commission meeting and briefs the Commissioners in all matters, he plays a key role in the NHRC machinery - both in policy level and other regular activities.

Currently, the office of the Secretary is being run by a senior attorney on deputation from the Office of the Attorney General of Nepal. Two secretaries were appointed in the past from the private sector, one after another, but both of them left before the completion of their terms. The next official was brought from the government on deputation, but also returned within a short period of time. As such, not a single Secretary has stayed in office for more than a year. While the Commission is thinking of appointing a permanent secretary soon, the present acting secretary has been a part and parcel of many institutionalization works going on at the Commission since the last two years. By early 2004, however, the need of creating a mid-level management within the Commission and strengthening of the secretariat has already been acutely realized in a few distinct areas.

There is a growing realization within the Commission that the existing secretariat is under stress and this problem needs to be addressed immediately. The combined role of the secretariat team is to act

as the engine of the NHRC, motivating and advising both above (to the Commissioners) and down to the mid-management and heads of divisions and staff.

There are some stakeholders who think it is high time to get a permanent secretary, or give a permanent status to the one who is currently discharging this responsibility. To strengthen the secretariat, and to make it ready to take up the challenges of expanded monitoring and regional offices, what is immediately needed is the expertise at this level for quality control and improved methodology for human rights monitoring and investigations; legal analysis of human rights monitoring and other aspects of the Commission's work; streamlining and

improving the external communication of NHRC with the creation of a position of NHRC spokesperson, and improving upon the security of NHRC premises while also taking security measures for the safety of the Commissioners, staffs and NHRC representatives, along with assessments of technical aspects of conflict related human rights violations. The requirement of quality control and improved methodology for effective human rights monitoring and investigation is of paramount importance because it is necessary to ensure that complaints handling, monitoring and investigation powers are used consistently and effectively, especially for follow up action for change, and powers of NHRC are reflected in the Commission's procedures, regulations, manuals, trainings, software databases, etc. Similarly, capacity is necessary for structural analysis of the causes of impunity, torture, disappearances and etc., to strengthen the practical application of NHRC's recommendation. Finally, the service of an expert to further help institutionalize the administrative and financial system at the Commission is also considered of crucial importance in view of the ongoing expansion of the Commission.

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In the same vein, the secretariat needs to have arrangements in place to analyze reports of monitoring (including complaints handling and investigation) and findings to distil legal conclusions and propose recommendations for NHRC for the relevant actors to address the recommendations of the findings. Legal expertise is also necessary so that there is a close association with the media machinery in the Commission to ensure clear and consistent direction for NHRC advocacy in terms of international human rights standards, humanitarian law and compliance with domestic law. ■

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