

# NHRC and Its Institutionalization Issues

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.

Nobody will disagree that the Secretariat of the National Human Rights Commission needs to be strengthened. This involves filling up all vacant core staff positions in the Commission. In the absence of core staff, the job of institutionalizing the secretariat will remain elusive. Currently, there are 27 core staffs in the Commission apart from the Secretary and Commissioners. Of these, 15 are non-officers, having only supportive role. At least 2 officials are on deputation from the government, but receive their salary from the Commission. They are seconded on open-ended arrangements. Core staffs are permanent staff exercising line functions, or responsibilities according to job description. They are included in the organogram, and their employment is financed from the regular budget approved by the Government. The core staffs receive their salary according to the scale accepted for the civil servants, which is insignificant when compared with the general market rate in the private sector, and when pension and other entitlements are also not included.

In much of the ongoing activities, including those that are related with protection of human rights in conflict, the core staffs of the Commission are assisted by contract staff who exercise line functions according to the job description. This lot also includes most of the staff

of the regional offices. These staffs are offered time-bound contracts with the government pay scale plus a seventy-five percent topping up. There is no provision for pension and other entitlements. The payment is done from the project funded by the concerned donor. The Commission intends to raise the salary of its core staff by seventy-five percent in due course and integrate these staffs in the Commission, so that the capacity developed among them remains there. The prospect of this arrangement depends on the increase in the level of funding to the Commission from the government.

But again there are project advisors who work with the Commissioners and the staff to build the capacity of the Commission, and to support it with advisory functions according to terms of reference approved by the Commission. Normally they do not perform line functions. They normally work with, or through designated NHRC counterparts, with the ultimate aim to transfer their skills. The current advisors have both the long term and short-term attachments. Consultants with short-term assignments aim at defined outputs. The UNDP coordinated advisors or short-term consultants receive their salary and benefits from the project according to the modality developed jointly with His Majesty's Government in the form of nationally executed

project rules. It is expected that they will have no use in the Commission after their jobs are done successfully. All these experts are to be twinned with the Nepali experts to work at the secretariat with the help of core staff in the divisions.

During 2003, the Commission was provided service on various administrative and financial matters and help to modernize the institution including on developing a work plan for the Operations Division, facilitating rational scheduling of activities, promote participatory and open decision making practices in administrative and financial activities; oversee the procedures and recommend ways of addressing bottlenecks and follow-up to ensure that they are addressed, develop new systems or improvising the existing ones to improve organizational efficiency, and plan for human resource development within the Division. This also focused on leadership in assisting the

Commission in implementing some outstanding administrative decisions; the newly developed financial regulations and accounting manual; and assistance in preparing the annual work plan and budget for the Commission with measurable targets for annual and multi-year plans and monitoring of the progress. Also extended was the help to supervise and ensure that all staff members fully comply with rules and regulations, including those related with procurement, inventory and vehicle use, and other matters; and disciplinary action is taken in appropriate cases, and proposing various administrative procedures and policies, implement-

*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.*

ing them, and reviewing their effectiveness for refinement. The staffs of the operations division were also given on-the-job training and orientation in administrative and financial process and procedures. An international expert continues to work in this area.

There is a sort of discontent among the core staff that they are not paid equally, although they are quite aware that the Commission is working towards this. The current strategy of increment of seventy-five percent to the existing pay scales is being used only in the case of project staff performing line functions. As a short-term measure, the Commission intends to use the project overheads at its disposal to augment the salary of core staff, but an alternative source of money is required to give it continuity. Additionally, a separate category of salary structure for the core staff at the Secretariat level is also needed. This arrangement may be undertaken as a mid-term measure, which is long enough to institutionalize the capacity in the situation of conflict. Besides, the concept of an endowment fund can become an important means of achieving the financial sustainability beyond the project period. ■

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