

1. Who is "human" in the concept of modern human rights?

Definitely we are human being. I think it could determine the concept of human rights based on political ideologies for every country such as freedom, dignity, liberty, equality, health, education, housing, job, family, social, culture, religious, and many more etc. It is totally guided by an individual interest which has not completely recognized by a country. So we can say difference between Fundamental, Legal, and Human Rights.

2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncounted in the Constitution is conflicted with a constitutional right?

We have a youngest Constitution (The Constitution of Nepal 2015) in the World. We have thirty one fundamental rights in the supreme law so our challenges to effectively enforce such rights for alien and citizen in the country. Actually we have mixed legal system (Common, Civil, and Traditional legal system). So we have incorporated some fundamental human rights in our Constitution which has no classification based on existing legal system. When conflict arises between human rights activists and the Constitution the Supreme Court of Nepal shall have jurisdiction to interpret.

3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims? Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?

Nepal has a signature party to International Human Rights Conventions, Covenants, Declaration to ensure such provisions. Many of such provisions have already incorporated in the Constitution and other respective laws. We have National Human Rights Commission, Women Rights Commission, National Dalits Rights Commission, Indigenous People Commission, Police Cells, Non-Government Organizations and International Human Rights Organization. They can monitor situation of human rights in Nepal and give time and again suggestion to respect human rights. At the same time they would actively involve for campaign to recognize human rights under local laws and enforce effectively.

We have many local laws which have particularly drafted/influenced by International human rights documents. However we have challenged how to enforce these rights effectively.

4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?

Definitely, a group of community, victim, or concern party can file a case at extra-ordinary jurisdiction of Apex Court or High Courts of Nepal for protection and promotion of their human rights. State is an accountable to promote and protect human rights. Courts have one of many responsibilities to issue order the Government should accountable on HRs Issues. Our legal system is open and multi-party democratic system and The Constitution has guaranteed fundamental rights which have derived from Int. Human Rights documents.

5. Are there values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights? If your answer is yes, would you please explain?

I can tell one thing human rights determined with ability of country status in term of culture, religious, and tradition, social, economic including many more grounds. Some basic establish principles of human rights have already recognized in my country. However I could not say my country is champion to respect the rest of values of human rights. It can determine based on our social desire, citizen capacity and awareness of political freedom.

Definitely I would appreciate most of principle of human rights are equally important but It could difficult to comply a country to enforce or introduce in their local laws.

I would tell you we have many agendas such as women rights, indigenous people rights, disable people rights, farmer, child rights, animal rights etc. we have been doing a lot of effort to establish their dignity, liberty and secure rights though all rights rely on to the ability of state economic sustainability.

6. Are there such human right regulations in the legal system of your country that is protected by the constitution but contradicts social reality and justice?

As I previously gave you details information in my previous answer to your questions. Nepal has adopted recently a new constitution as it has able to incorporate many human rights provisions into fundamental rights for citizen of this country.

Nepal has made commitment to promote and protect such rights as negative and remediable rights or we can say Country should give priority for people under such promised provisions in the Constitution.

However we have some challenges because of limited resources, ineffective monitoring of laws, lack of adequate human resources, and non-precedent political system (Federal from Unitary).

7. Are there any social realities contradicting international human rights concept based on individualism?

Minority people in term of religion, language, culture, and population they could under threat to second class citizen in Nepal. They might not able to peruse the state they have rights to dignity and sanctity of their own values. Country feels such groups are as it is their incapability to compete with open competition market. State treats them individual basis instead of collective and minority rights.

We have national diversity in term of cultures, religious, linguistics, life of living styles etc. Each person has its own decision to be happy to live or life which is we can say it is his or her human rights until does not harm society and break laws.

However fundamental principle of human rights to extend happiness to a person cannot be derogated still we respect as Nepal is one of Asian Countries to abolish the death penalty for almost three decade ago.

8. In your legal system, are there legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?

Yes we have strong legal provision to protect human rights. I would suggest if person violated human rights to a person or community it could be a State responsibility provides victims effective remedies and a culprit should bring into a legal punishment. A private person or communities are subject to legal action if they breach values of human rights to any particular person of community. In addition we have National Human Rights Commission, Women Commission, Dalit Commission including many mechanism of the Govt. to monitor human rights in Nepal and enforce laws against violators.

9. Are there groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?

We have classified Nepal is diversity in term of cultures, languages, ethnicity, religious, farmer, single women, labor, ageing people, etc.

Constitution has already defined it who they are and why they are under privilege groups. It is the state responsibility to respect their dignity, sanctity and values.

Personally I am positive for them as without their progress neither the state commitment fulfills nor the existing political system would get success in the Country.

10. What is the definition of the notion “minority” according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?

Who are minority according to the Constitution of Nepal is those who have been excluded the mainstream of national development for long periods, discriminate based on culture, religious, geographical, caste, ethnicity, languages, because of backward due to lack of education, poverty and social practices. Such all groups constitute under minority. They all have their special constitutional rights such as positive discrimination, inclusion policy, gender balance in top positions, inclusive electrical models etc.

However we have needed to wait performance of The Govt. either they follow such constitutional provisions for them or not.

11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the peoples in your country? In other words, do they cover the reality in your country from the view of the state and the view of peoples?

Some human rights are collective rights instead individual rights. All collective rights are constituted under minority rights. Dignity for human being such as freedom of chooses, decisions, and make development based on their own decision are always priority concern of Int. Laws. We consider these rights are essential for minority community in Nepal.

International documents are basic foundation to promote and protect minority rights and party state should respect such rights Nepal is no exception in both on issues of minority and a party of signature country.

My Country has accountable to preserve such rights without progress their status we would not able to protect them in terms of local ground or international eyes.

12. What you think is the most current human rights problem in your country?

Personally I can say each country has its own mission for the betterment (social welfare) state. We have multiple problems as we made many commitments both internationally and in domestic laws including in the Constitution. When you look at in domestic papers there has no question regarding the promotion and protection of human rights in Nepal. In contrast we do not have basic facilities such as security, education, healthy

food, no rule of law, no good governance, even medical facilities. I would say we are strong in paper but not in the accountable country.