

Views of Political Parties on Human Rights Situation in 2017

CPN-UML

In perspective of human rights, the year 2017 was not that satisfactory. In some situation, significant achievement was gained however in other instances, the human rights situation was very challenging.

1. Along with the endorsement of Nepal Constitution in 2015 September, the base is established to institutionalize democratic good governance, political stability, sustainable peace and economic prosperity in the country. The process of building economic, social and cultural transformation and lawful society has begun along with the end of all kinds of discrimination and promoting equality, human respect, identity and opportunity ensured by the constitution. By the implementation of constitution, a historical opportunity to guarantee fundamental rights is created for Nepalese citizen.
2. During the process of implementing constitution, last year, historical election of local level, provincial and HoR were held. In overall, the election was held in a peaceful environment, apart from incidents on abuse by state authority and some violent incidents. The exuberant participation of people in the election process along with governing bodies getting their representatives through people's verdict are some significant achievement of this year. The local levels were vacant for a long period and this election had added excitement among citizens and for the first time in our history, all seven provinces exuberantly waited for new government in their local bodies. By gaining almost 2/3 majority in House of Representative by the left alliance has raised the opportunity to end the long instability, political turmoil and foreign intervention in the country. We believe that holding all three levels election, as a base for the implementation of constitution, through people's verdict along with ending long run transitional period are the major achievement of this year.
3. Nepal is a state party of 39 human rights related international treaties along with 7 conventions. After the approval of conventions, new constitution, laws, policies and action plans are formulated to localize it. The implementation of fourth Human Rights Action Plan, provision of human rights cells in Nepal Police and security units on the issues of women and children, their rights, privacy, child bench, compensation against torture, acts against gender violence, untouchability, inclusion and provision on the issues of social justice and equal participation are some positive aspect.

4. Candidates were targeted with bombs during the election process. In Dolakha, Bajura including other districts, the opposition's cadres were killed by terrorizing people with a series of explosions affecting the whole election process. The state itself violated election code of conduct in many instances. Incidents like ministers participation in election assembly mishandling state's fund, change in minister cabinet targeting election, transferring of staffs, depriving staffs from their right to vote have definitely disrespected the political rights as well as the deprivation of citizen's right.
5. Freedom of doing business/profession, freedom of commuting, affiliating with organization, participating peacefully in assembly and demonstration, freedom of speech and "Mechi Mahakali Campaign" of Nepal Communist Party (UML) were seriously obstructed in province number 2. On March 6 in Rajbiraj, the state opened fire killing five civilians during the assembly of CPN UML. The government failed to protect the right to perform peaceful political activities. The behavior of some of the party was very undemocratic and anarchy.
6. The victims of armed conflict are still waiting for justice despite of the formation of TRC and CIEDP. Even after their formation three years ago, conflict victims are still waiting for justice and reparation.
7. More than fifty thousand civil organizations are working on social, cultural transformation, economic prosperity, civil empowerment for protection of people's right and promotion in the country. However, their roles are being shrunk. The central government itself is not clear on policies and law to manage these civil organizations.
8. The multi dynamic poverty index has shown that in Nepal, more than 26% people are in poverty. Especially, in province number 2 and 6, the poverty level is high. According to the world starvation index analysis, Nepal is in 44th place. The right to food is a basic fundamental rights of people provisioned by the constitution, however, huge part of the population are still deprived from this right. The poverty level is high among Dalit, marginalized and backward community along with some parts of far-western and Karnali region. The state's role could not be effective to address these issues.
9. The issues of earthquake victims are not being properly addressed by the state. Victims are still compelled to live under the tent even after three years of its devastating impact. The reconstruction work could not be expiated due to the continuous intervention in National Reconstruction Authority. The issue of flood victims in Terai are still the same. The state seems insensitive on serious issues when its citizens are dying due to diarrhea, viral fever and other natural calamities. The issue of landless people remains same.
10. The constitution of Nepal has ensured the basic rights of its citizens for free and compulsory education up to elementary and secondary level. Apart from that, there is special provision in constitution for Dalit and differently abled people. Despite of all these provisions, still many children are out of the access to schools and dropping rate from schools are getting higher making this issue more critical.
11. The achievement gained in mother and infant mortality rate is positive. However, due to the shortage in free medicine, question on its quality, lack of management in government hospital has severely affected the health

- services. The health organizations and hospitals in rural part of the country are facing shortage of health professionals.
12. The continuity of youth going for foreign employment is increasing day by day due to the unemployment and insecurity in the country. No significant step has been taken for the security, respect and rights of such youths. Their contribution on remittance has hugely supported the economy of the country, but no step is taken for the security of their life, their family and children after their return. The minimum wages of peasant is not determined. The inequality rate is increasing due to the imbalance between employer and laborer.
 13. Constitutionally, the women rights provision is positive. Provisions such as women participation in politics, equality in property, especial provision in service entry, service security are implemented. However, the situation of women violence is critical. Women are becoming more victims in incidents of human rights violation. They are mostly the victims of physical and mental exploitation, cultural exploitation, trafficking, Chaupadi, sexual exploitation, sexual violence, violence at work place and abortion resulting their poor health, increase in mother mortality rate, decrease in literacy, dropping off from school, education and employment opportunity. Such situation shows that their rights are not guaranteed in terms of social justice and equality rights.
 14. Study shows that 33.9% of children are in child labor and about 6, 20,000 children are doing very risky labor work. Majority of such children are still involved in domestic, entertainment and industrial sector as a laborer, especially in urban and Terai-Madhes region. In Himali and Pahadi region, they are working as a porter.
 15. The constitution has ensured the rights of the citizens stating that no citizens will be discriminated based on caste. However, the discrimination on Dalit community and social discrimination still prevails in the society. The human development index of Dalit community is only 0.434. The constitution has special provision for the rights and social justice of Dalit. In representation system, there is a special provision for Dalit community for their participation in local level and proportionate polling system however, there are lot to do for the self-dignity of this community, social equality and prestige.
 16. There is a special provision regarding the fundamental rights of person with disability as per equality and non-discrimination principle. However, their issues are not being addressed by the state through right oriented concept. There is lack of physical infrastructure, resources and special education and facilities for this community.
 17. The prevailing corruption is a big challenge which is obstructing the rule of law in the country.
 18. There is a continuity of giving political shelter to the criminals and those involved in human rights violation. Difficulties on implementing court verdict, lack of implementation of NHRC recommendations still prevails. The government has failed to implement the recommendations on investigation and compensation against the complaint received on human rights violation and atrocities. In order to respect human rights, state must address all these issues and play an important role to implement it.
 19. Human rights is equally linked with human responsibility and dignity as well. All state bodies and person must accept the principle of human rights practically. There is an important role

of civil organization to protect and promote human rights. This is why, the government must create a favorable environment for state, civil organizations and private sectors in order to face the above mentioned challenges.

Pradeep Gyawali

Secretary, Central Secretariat

Nepali Congress

Nepali Congress heartily praises the continuous effort and contribution of Informal Sector Service Centre (INSEC) in protection and promotion of Human Rights by publishing “Human Rights Year Book” with the accumulation of the overall human rights situation of the country since 1992. This publication will definitely play a positive role on minimizing the incident of Human Rights violation.

The human rights situation of 2017 is not significantly positive as compared to 2016. Along with the beginning of the year, the country was heading towards reconstructed local level election as per the new constitution and series of explosion, arson attack and election related violence were operated by those political parties boycotting the election whereas CPN UML including other parties were active on attacking, abducting, depriving of being a candidate, threat, beating, torture to candidates, local leaders and cadres of the Nepali Congress.

Activities like detonating a bomb near the election assembly of the President of the Nepali Congress and Prime Minister She Bahadur Deuba, attack on the vehicles of the Party's central officials and members and attempted killing was rampant during the election period.

On 28 November, a bomb was detonated near the election assembly of the Nepali Congress in Tulsipur of Dang which was being addressed by Prime Minister Sher Bahadur Deuba. In an explosion tempo-

rarily policeman Binod Chaudhary died along with serious injuries to seven other people. Similarly, a cooker bomb was detonated targeting the vehicle of the Nepali Congress leader Ram Chandra Paudel at Bhanu Municipality in Tanahu. The vehicle of the Nepali Congress general secretary Dr. Shahanka Koirala was set on fire and destroyed during the election assembly in Nawalparasi constituency number 1. Similarly, the vehicle of Ram Sharan Mahat, HoR candidate for constituency number 1 of Nuwakot was attacked with a pressure cooker bomb on November 10. In the incident, Upendra Mishra, Bhesh Kumar Tamang, Sabin Lama, Ramesh Rai including cadres of the Nepali Congress were injured. Similarly, in Solukhumbu HoR candidate Bal Bahadur KC and Prakash Singh Karki, a provincial candidate of the same constituency number 1 were attacked by hurling stones by the cadres of the left alliance leaving more than half a dozen of cadres injured. Nepali Congress Party member and candidate Gagan Thapa for the constituency number 4 in Kathmandu was targeted with a bomb in Chapali of Budanilkantha leaving him injured along with 10 others. A bomb was planted in the house of the Nepali Congress HoR candidate Bhimsen Das Shrestha in Thame with the objective of terrorizing locals. In a similar incident, the house of Pradeep Paudel, candidate of the Nepali Congress was attacked with a bomb. The Nepali Congress HoR candidate Uddhav Thapa's vehicle was damaged after a bomb was exploded. Another bomb was attacked in the vehicle of the Nepali Congress HoR candidate for constituency number 2, Nawalpur, Bishnu Kurar Karki by a violent group of left alliance cadres. The same group controlled the vehicle of the Nepali Congress local leader Raj Kumar Dhungana and other five cadres and attempted to attack them when they were on the way for the election campaign in ward number 2, at Cimsakhugadhi in Okhaldhunga. On

November 29, Nepali Congress candidate Narayan Bahadur Karki for constituency number 2 was critically injured in a bomb attack in Udayapur. In a same incident Neera Katuwal, Dhanamaya Dhaulakoti, Rajan Karki including 3 others were injured. The vehicle of HoR candidate Dr Narayan Khadka of the same constituency was attacked with bomb on November 28. The house of Krishna Prasad Sitaula, HoR candidate for constituency number 3 of Jhapa, was targeted with bomb.

During the local level, HoR and provincial election period, Nepali Congress cadres and leaders were targeted by CPN UML throughout the nation. In Budhiganga Municipality-1 of Bajura more than 4 dozens of UML cadres attacked cadres of Nepali Congress with sharp weapons on November 23. Among them, Krishna Bahadur Thapa, Amma Thapa, lalit Thapa, Gopal Thapa, Gore Sanail and Lal Nepali including others were seriously injured. In Dhading, party president of village committee Santosh Bastakoti was attacked with Khukuri while he was sleeping. The cadres of UML operated violent activities in local level election by depriving right to vote of citizens. Activities such as capturing booth and attempted abduction continued. In Sulipalchaur High School polling center at Jayaprithvi Municipality ward 7 in Bajhang, Baidhyanath Secondary School polling center in Acham and Chandrodarya, primary school polling center in Sanphebagar, the UML cadres captured the booth and casted monopoly vote.

It is the fundamental rights of people to cast their vote in a peaceful environment. In 2017, terrorizing locals and even government bodies continued in the name of left alliance through out the election process.

Despite of all these activities, the country is heading towards new chapter and the achievement gained must be taken positively. In order to minimize hu-

man rights violation incidents in 2018, governmental bodies, NHRC, rights organizations, civil society and all concerned authority must be alert and responsible.

Krishna Prasad Paudel
Chief Secretary

CPN Maoist Center

We are happy that INSEC is going to publish “Nepal Human Rights Year Book” this year by giving continuity to the previous year.

Our party believes that the present situation is the continuous phases in development of human rights from the beginning of the peace process, endorsement of constitution till its implementation and we adopt this norms.

Constitution is the formal document of human rights. Along with the announcement of federal democratic Nepal, the Nepalese society has gone through transformation. The constitution has adopted the concept and maintained competitive multiparty democratic governance, civil freedom, fundamental rights, human rights, voting rights, periodic election, and press freedom along with free and fair trial.

The year 2017 became meaningful year in context of implementation of constitution after its endorsement. Local level, federal and parliamentarian election was held in this year. The exuberant participation of people in the election, holding of election within the time frame and Nepali citizens being aware on civil and political rights is the symbol of concern. The election has further guaranteed the human rights of its people. The proportionate representation and inclusion has become the part of democracy.

There are many indexes to measure human rights situation. Among them, right to express, freedom of assembly, press freedom, election and fun-

damental rights like food rights, clothes, shelter, situation of corruption, transparency are some of the important indexes. By looking at these indexes, there is no situation of being satisfied or even dissatisfied.

There were no significant improvement in reduction of corruption and issues of transparency remained same as in the last year. However, there were some improvement in right to speech and freedom of assembly. The judiciary could not be free from politics and the situation of prison could not be improved despite of few exception. The voices of marginalized still could not be the major agenda of the state.

This year is supposed to be the year of justice reconciliation. But, the commissions formed for the transitional justice could not expedite the progress resulting the criticism of both the commission and their credibility.

It is disappointing that even this year, the victims of earthquake could not get shelter. They were compelled to live under the tent in this winter too. More than four dozens of people lost their lives in deprivation of food, shelter and clothes during this period. Similarly, dozens of people lost their lives due to *sitlahar* in Terai. There were no significant development on guaranteeing Economic, Social and Cultural rights of citizens and without ensuring ESC rights, it is impossible to guarantee Human Rights. This year no appropriate laws on fundamental rights of people were formulated as provisioned by the constitution. Nepal has shown its commitment in an international level on various conventions including Universal Declaration on Human Rights (UDHR) which is a cornerstone in human rights sector. But, the issue of Human Rights is not only to guarantee personnel freedom or security, but it is also the issue of national security, freedom and prosperity. The human rights issue of a person re-

mains incomplete without the prosperity, security and freedom of community and overall nation. So in this context, it is essential to establish human rights in form of rights of person, community and nation and we would like to draw attention of INSEC to initiate this issue from its part.

Evaluating the year 2017 in human rights perspective, the year is taken as the beginning of implementation of constitution and the year initiated to establish the people's right achieved through their long run struggle and sacrifice. So, this year is taken as a year with a hope on ensuring human rights. Due to some political reasons, human rights sectors were affected this year and the situation is not completely satisfactory.

The politics of the country is a main base for guarantying human rights to its people. The human rights of the country will progress only when politics completely adopts the main stream of democracy. We believe that Nepal will significantly develop in human right sector in coming days.

Pralhad Budathoki

General Secretary, Central Office

RJP Nepal

It is praise worthy that INSEC is publicizing Human Rights Year Book annually and we are happy that this year too it is giving continuity to this. We would like to thank INSEC for including RJP view on human rights situation of the country in this book.

“Human Rights” is a right to life, freedom, equality and discipline of a person provided by the constitution and other laws. The National Human Rights Commission was established in Nepal as a constitutional body. As per the section 2(F) of the commission's act 2068, the promotion and protection of human right is also one of the fundamental norms of

democratic governance system. Rastriya Janta Party Nepal (RJP) is always aware on human rights and it has given high priority to the human rights of the people because the promotion and protection of human rights paves the way forward to peace and development.

Nepal has shown its commitment on human rights in an international level by being a state party on various 39 international treaties and conventions regarding human rights, humanitarian law and international labor organization. At the same time, rights of senior citizens have been provisioned in constitution and law. It is important to inform all party about the rights provided in these international and national documents. However, in this context, the human rights situation is not that satisfactory in our country. Political instability, economic failure, lack of awareness, abuse of authority and ill-practices are some of the reason behind it.

The transition period of Nepal is being developed as a favorable environment for promoting impunity and against human rights. The recently endorsed constitution has also provision for the protection and promotion of human rights however, this is not enforced practically. There has been no reduction in incidents of violence, killings, loot, rape and social and political discrimination. The enforcing body itself is active on violating human rights. State terror is prevailing. Innocent unarmed citizens are being victims of state and everywhere there is a terrorizing situation and in this situation, Human Rights Commission is seems

to be paralyzed. In this context, it is easy to speculate the human rights situation.

If we look back the past, state has gravely violated human rights motivated by political prejudice in the name of controlling political leaders and their cadres. The leaders and cadres of opposition party were arrested, alleged and beaten by state party. The government failed to control criminals and have failed to establish legal state. Incidents of human rights violation increased due to the social and political discrimination. The Human Rights Commission has failed to publicize any of these investigative report.

In fact, the year 2017 was not satisfactory in human rights point of view. There was no positive achievement gained on human rights sector. The government must compulsorily enforce to publicize the report of NHRC or any other investigating commission. All party must show equally responsibility for developing awareness on protection and promotion of human rights and this is today's necessity.

The human rights situation will never improve unless the state is sensitive towards the sovereignty rights of its people. Unless and until, there is no faith on state's law, there is no possibility of improvement in human rights sector. Rastriya Janta Party (RJP) Nepal appeals that state and people involved in politics and human rights sector to be aware on protection and promotion of Human Rights.

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General Secretary