

Views of Institutions on Human Rights Situation in 2017

National Human Rights Commission

Every year Informal Sector Service Center (INSEC) is publicizing Human Rights Year Book by highlighting the incidents of Human Rights violations and atrocities through it by making concerned stakeholders responsible on their role. This year too, the book is going to be published with the documentation of incidents of human rights violation by state and non-state actor. I would like to extend my best wishes for its success and continuity.

No civilized state can be imagined without the development of human rights culture. It is important that the stakeholders must be alert and active regarding this issue. The state plays a vital role and has liability for the promotion and protection of human rights. The state cannot step back from the commitment that it makes. It is the role of NHRC and human rights organizations to make state responsible by watching whether it is full filling its commitment made or not within its liability.

Nepal has ratified many international human rights treaties and conventions. The constitution and laws have given especial priority to the issues of human rights. The national Human Rights Action plan has been made and the task is being carried out by making subjective mechanism for its proper implementa-

tion. The formulation of Acts of various Commissions related with Human Rights also passes positive message to those community. Constitutionally, the election of local level, provincial and HoR were held on stipulated time.

Despite all above mentioned positive efforts, holistically Human Rights situation is not satisfactory. There is no law for implementation of Fundamental Rights. Due to the lack of amendment of existing laws as per the direction of Supreme Court and lack of skilled manpower, the issues of victims could not be addressed through transitional mechanism. Though the decision was made to extend the time period of TRC and CIEDP through the ordinance, yet there is no strong bases to assure that victim's issues will be addressed. The prevailing of issues relating to foreign employment, Chhaupadi, untouchability, domestic violence and caste based discrimination are still creating hindrances on assuring the presence of Human Rights in the country. On the other hand delay from the government on submitting report to Human Right treaty committee bodies is giving negative message about the government in an international arena.

Being a national entity on Human Rights, the commission carries out its activity on protection of human rights based on the provision defined by constitution of Nepal, Acts and strategic plan. The Commission is giving priority

to its motto on” Home for everyone- Human rights inside home: base of peace and development” while carrying out its activities. In this financial year, 210 cases of Human Rights violations are registered in the commission. Likewise, 350 cases relating to human rights issues were monitored. The commission has investigated on 220 complaints made and of which 210 were decided. Total of 369 tasks were carried out on promotion of Human Rights. In this period NHRC brought 15 publication, 37 press releases, 13 press notes along with 2 press conference. Commission has participated as an expert/resource person on 404 programs organized by different organizations. On the same note, commission is giving continuity on its publication and producing short feature films etc.

In order to help government and concerned stakeholder on formulating laws, commission is carrying out the task of revising laws from the perspective of human rights and forwarding it to concerned agencies. The act of signing an agreement on MoU regarding migrant worker by Human Rights Commission of Nepal and Qatar can be taken as a remarkable achievement. The Commission is doing collaboration and coordination among national and international stakeholders to develop human rights culture.

In spite of above mentioned achievements commission is not free of challenges. Impunity has become one of the big challenges in present context. There is continuity in politicalizing crime and criminalizing politics. Commission is compelled to carry out its activities despite of non-implementation of the recommendation provided by the commission, lack of support from the government, absence of laws, delay on renovation of commission’s building after the devastating Earthquake etc. Commission is always pushing government and concerned stakeholders to address the above mentioned issues. Regardless of various chal-

lenges facing by the commission, it is trying to address the voice of people from all geography, area, language, culture, class and community.

Lastly, best wishes for the success of Year Book and wishes for the remarkable organizational role for the protection and promotion of human rights. Greetings !

Mohana Ansari

Member/Spokesperson, NHRC

Ministry of Home Affairs

The Human Rights situation of the country in 2017 is satisfactory as compared to previous year. This year some incidents, in context of election related violence were reported however there were no significant incidents reported on Human Rights violations. As per the provision in constitution, local level election act, provincial assembly election act, federal election act, National Assembly Election act and manuals were formulated to hold election in stipulated time and all three levels of election were held in a peaceful and fearless environment. This has provided an opportunity to its citizen to fully entertain their political rights.

The commission is formed to investigate and publicize the fact related to incidents during election. It has already started its work on it. Madhes Commission is formed to investigate the incident of Madhes movement and the commission has already submitted its comprehensive report.

By holding all three levels of election in a peaceful and fearless manner by ending long transition along with state’s policy on sustainable peace, stability and inclusion, the year 2017 became an important and successful year in view of human rights promotion.

Ishwor Raj Pandey

Assistant-secretary

Ministry of Foreign Affairs

We are pleased to learn that Informal Sector Service Centre (INSEC) is publishing the “Nepal Human Rights Year Book” for the year 2017.

The Constitution of Nepal has laid down a comprehensive set of fundamental human rights. As a State party to twenty-four international human rights related instruments including seven out of nine core Conventions and an active member of the United Nations, Nepal remains unequivocal in its commitment towards the protection and promotion of human rights. This commitment is reflected in the wide range of domestic legislative, institutional, policy and administrative measures that the country has taken in this regard over the years.

The Rt. Hon’ble Prime Minister in his address to the seventy second session of the UN General Assembly emphatically stated that “All human rights are universal, indivisible, interdependent and interrelated and should be accorded equal emphasis including the right to development. The Constitution of Nepal accommodates aspirations of all of its citizens. It guarantees a comprehensive set of internationally recognized human rights and fundamental freedoms. We are fully committed to the promotion and protection of those rights and their full enjoyment by our people.”

Despite being a least developed country and concomitant constraints attended to it, Nepal remains steadfast in its reporting obligations to the treaty bodies under various international conventions to which Nepal is a party. Nepal transmitted its reports under the International Convention on the Elimination of All Forms of Racial Discrimination and Convention on the Elimination of All Forms of Discrimination Against Women in 2017. Nepal’s periodic report under the

Convention on the Rights of Persons with Disabilities is being considered by the Committee in February this year. Nepal’s commitment to human rights and the international community’s recognition to it is reflected in Nepal’s election to the United Nations Human Rights Council for the term 2018-2020.

Having been elected to the Governing Board of the International Labour Organisation (ILO) and assuming the Chair of the Colombo Process Nepal strives to the protection and promotion of universally-recognized human rights as well as applicable labour rights of migrant workers. Ministry of Foreign Affairs and the Nepali Diplomatic Missions abroad continue to provide consular and legal services to the migrant workers and facilitate the safe repatriation of trafficked, exploited, sick, or stranded Nepali citizens.

The Ministry of Foreign Affairs remains constructively engaged with the international human rights mechanisms, and continues to implement the Fourth National Action Plan on Human Rights and the recommendations made by the National Human Rights Commission falling under its purview.

Finally, the Ministry wishes every success to INSEC on the publication of Human Rights Year Book 2018.

National Women Commission

The National Women Rights Commission was established on March 8, 2002 by the executive decision of the then government with the objective of protecting women’s right and maintaining gender justice. In 2006, the women rights commission act was made and has been performing its responsibilities and activities under this jurisdiction provided by this act. National Women’s Commission has been working relentlessly for the promo-

tion and protection of women's rights, to integrate women in mainstream of development activities and to maintain gender justice with overall development of women.

The constitution of Nepal has provided the especial responsibility and liability to the commission on gender equality, women empowerment and study of women related legal provision, investigation and promoting women rights against women violence or social ill practices. The commission has been working on promoting women rights and operating campaigns raising awareness against women violence. The commission is engaged on promoting women rights by actively participating in policies making issues. For this, the commission is doing constant monitoring, gender studies along with recommending.

In all three levels of election, the commission had conducted a gender monitoring through various organizations. During the first and second phase of local level election, the commission had monitored 442 polling stations in 38 districts. The first phase of election in 2017, May 14, was monitored through 292 people from 46 organizations in province 3,4 and 6 of 32 districts. Similarly in second phase of local level election in 2017, June 28 Nepal Women Commission and 60 monitors from 6 districts had conducted gender monitoring in provinces 1,5 and 7.

The data of registration of 356 complaints on domestic violence and 69 complaints of women violence in one year shows the terrible situation of women violence. Women are neither safe on their home nor outside. They are compelled to resist violence in their home due to the economic dependency. On the closing day of 16 days campaign against gender violence in 2017 and on the occasion of human rights day, a help line "call 1145" is in operation to assist women from violence. We appeal citizens and stakeholder

organizations to use this service to minimize the gender based violence.

The constitution has ensured the provision to establish offices in all seven provinces especially after the country headed towards the democratic federal state. Now, the responsibility and working area of the commission is becoming comprehensive and it has become a symbol of faith to ensure gender justice and women rights.

Tulsi Ram Sedhai
Secretary

Nepal Dalit Commission

The country is affected due to the ill practices such as untouchability and caste based discrimination which prevailing since long. The National Dalit Commission, since its establishment is working to end caste based discrimination through various research, investigation and monitoring program with the objective of increasing the active participation of socially, economically, politically, educationally most backward Dalit community in the mainstream of national development by preserving and augmenting their fundamental rights provisioned in the prevalent law and constitution. At the same time, it is providing recommendation to the government in formulation of the necessary policies to empower Dalit community.

The age-old ill-practice of caste discrimination and untouchability prevailing in the society has adversely affected religion, structure and cultural faith in the society leading towards crime in many instances. It is very important to end such ill practices so as to create society free of discrimination. The International Convention on the Elimination of All Forms of Racial Discrimination, 1965 has adopted the concept that all caste are equal before

the law. Nepal is a state party of this convention since 1971.

The preamble of Nepal's Constitution 2072 has determined to end all kinds of caste based untouchability. Similarly, Article 16 of the constitution has provisioned for right to dignified life, equality (article 18), right to freedom (article 17), right against untouchability and discrimination (article 24), rights of Dalit (article 40) and provision of National Dalit Commission (article 255). In context of state equally behaving its citizens, there are still incidents relating to untouchability and discrimination. From 16th July 2016 to 15th July 2017, 56 complaints of which 6 were of caste based discrimination and untouchability of which 2 were decided and 9 remains pending.

Ram Bahadur Bishwokarma
Administrative Officer

Nepal Army

1. Nepal army is always committed on protecting the basic human rights accepted worldwide by realizing the issue of practical guarantee of sovereignty rested with the Nepali people.
2. Guided by the Military Act, 2063. Article 20, and the objective of developing Nepal Army into professional army through professional training and education, Nepal army personnel are being trained on International Human Rights and Humanitarian Law in all trainings.
3. In order to manage armed conflict, national and international laws regarding war is formulated worldwide. Nepal army will always support transitional justice mechanism formed or to be formed to address the issue of serious human rights violation as per the provision in Comprehensive Peace Accord (CPA) 2063.
4. Nepal Army played an important role

on a success of local level, HoR and provincial elections for the establishment of federal state equally focusing Human Rights and Humanitarian laws.

5. Lastly, Nepal Army expresses its good wishes to INSEC for the publication of "Human Rights Year Book-2017".

Rajesh Bhattarai
Brigadier General

Nepal Police

We are glad to know that INSEC, which is working for human rights and social justice, is giving its continuity on publishing the Nepal Human Rights Year Book. The human rights situation of the country is determined by how its citizen are being aware. The execution or implementation of law is only possible when citizens are ready to fully respect laws and state agents are attentive on protection of citizen's right.

We believe that our intimacy with citizens will be added by communicating through this book on how Nepal Police is working for the protection and promotion of Human Rights is more important rather than saying how the human rights situation was in 2017.

In 2017, local level election were held in three phases along with provincial and parliamentary elections in two phases. Our major challenge of this year was to hold election in a peaceful environment and by analyzing overall election situation, despite of few minor incident, we are in a conclusion that the overall process went peacefully. Even in such situation, Nepal Police always gave special attention on following issues on protection and promotion of human rights while delivering service and law enforcement.

1. Training: Nepal police is working by focusing on both proactive and reactive approach. By realizing that ca-

pable human resource is the first condition for delivering good governance by protecting and promoting human rights, Nepal police is providing training to its staff by identifying possible human rights violation sector while delivering service and implementing law. Similarly, staffs are provided with training in order to avoid excessive force during mob control. It has provided training and orientation to more than 7,000 staffs on “principle of using force and use of weapons”, mob control and management, custody management and citizen friendly service with the objectives of minimizing excessive use of force.

2. **Coordination:** Nepal Police is continuously and jointly working with various organizations in order to stop possible human rights violation by its staff. Especially, organizing interaction programs with various organizations and implementing constructive recommendations, providing training to staffs in coordination with various organizations etc. It has also implemented the directives received from NHRC along with providing training in coordination with NHRC, international stakeholders and Kathmandu School of Law. The Kathmandu School of Law has provided various training to 35 senior police officers on good governance and protection and promotion of human rights from the last 2 years and sent them to Denmark for study tour along with operating project in their offices for improving the situation of Human rights. Through this program, junior police officials, staffs and constables were provided training. In this context, this year was productive in view of producing manpower.
3. **Management of physical resources and use of scientific resources and technologies in crime investigation:** The use of capable manpower and

adoption of scientific resources is essential for ensuring human rights. Nepal police established citizen’s-friendly offices, installation of CCTV in custody rooms, modern room with device for interview, trained police (woman) for investigation along with establishment of buildings and use of polygraph technology in crime investigation.

4. **Effectiveness in crime investigation:** At present, 3 years Crime Action Plan (CPA) is in operation to prepare capable manpower by making investigating system in full implementation. This has improved the investigation part of police and has protected rights of victim. This year, police was successful on arresting huge numbers of convicts absconding since long time. It was also successful on arresting gold, drug dealers and smugglers, women traffickers, along with controlling contraband trafficking of animals.
5. **Prevention of crime:** Nepal Police is equally operating awareness raising program to mass citizens. Nepal police has successfully launched “Service with a smile” program and is now operating “police my friend” under the same program.
6. **Specialized unit and investigation (Mechanism):** Nepal Police had established Human rights cell in Police Headquarter as a specialized unit in 2003 which is now as a human rights branch and it is operating in all provincial offices.

Nepal Police is sincere on right to information of citizens, adopting zero tolerance on misbehavior, torture and other human rights violation issues. It also has provision of lodging complaints against such activities through verbal or written complaints. A mechanism has been established in center so that public can lodge complaint at human rights branch and even in investigation branch in direct su-

pervision of police IGP. Committee will be formed through center as per the nature of the incident. The concerned offices can also investigate and take action against the guilty officers or staffs.

In overall, Nepal Police is active on protection and promotion of human rights by delivering justice to the victims through investigation, training, awareness and various activities and it will continue this.

Nepal Police appreciates the cooperation and continuous efforts undertaken by INSEC to protect and promote human rights even during very challenging and critical situation. It expects continuous cooperation and feedbacks from every individual and agency to make Nepal Police more effective and efficient. Nepal Police is committed to protect human rights and would like to send best wishes to INSEC for the successful publication of its “Nepal Human Rights Year book-2018”.

Bam Bahadur Bhandari

AIG, Crime Investigation Department

Armed Police Force

1. The sovereignty principal of Human Rights is the protection of fundamental freedom along with ensuring and protecting political, cultural and economic rights. The APF would like to wish Informal Sector Service Centre (INSEC) for the success on the publication of “Human Rights Year Book, 2018”. The organization also believes that it will be able to continue its contribution on protection and promotion of Human Rights in coming days.
2. APF has been protecting the human rights of Nepalese as per the constitutional provision along with the state obligation that comes under signatory state of various treaties and convention of Human Rights and humanitarian laws. The organization is always committed to protect the fundamental rights of its people provisioned by the constitution and bears a sensitive responsibility by implementing law in the society and equally serving people with its professionalism. It has been continuously working to minimize crime and human trafficking in bordering part of the country along with maintaining peace by protecting human rights of people.
3. Trainings related to human rights is provided to the employees of lower ranks of APF, workshops for government, civil societies and representatives of political parties of grassroots level regarding APF’s role in the protection and promotion of Human Rights are conducted. APF’s employees are made to participate in advanced training related to human rights and humanitarian laws, training manuals and curriculum are revised as per the need of time, knowledge of gender based discrimination are provided to the APF’s employees and trainers are produced through trainings of trainers. In coordination with various organizations “Taught course on IHL and IHL and Human Rights and Democratic Polishing training has been operated and till now 7,361 armed police staffs have received this training.
4. Human freedom, values and norms will be secured and ensured only if internal security mechanism is improved. The human dignity ultimately will comprise in natural rights. The first obligation to protect and defend human right indeed goes to employees working in the security agencies as well as the institution which is committed to protect the human rights and International humanitarian law simultaneously fulfilling the responsibilities provided by the state. The organizations has formed gender cells

within the organization to receive complaints of women armed police staffs for their protection, promotion, empowerment and development.

5. With the objective of motivating on protection human rights and its promotion, the armed police force has been distributing hand books to Nepal government staffs and in this context, “ Hand book on use of force and Human Rights Information 2073” has been published in support from Kathmandu School of Law.
6. At last, the organization is always committed to protect and promote human rights of the people as per “Armed Police Act 2058”. We believe that the publication of “Human Rights Year Book, 2018” will definitely assist in the protection and promotion of Human rights in the country.

Babu Ram Pandey

Armed police

Deputy Inspector General of Police

Federation of Nepali Journalists

There is always a binding relationship between democracy and press-freedom. There can be a press freedom in democratic governance and the democracy institutionally develops when there is a press freedom. But, it is not necessary that press freedom is ensured in democracy as it depends on government, political parties, their behavior and character. In our context, the democracy is established and the phase of political transition is going to an end. The press freedom is provisioned by constitution and law but it is

not completely practiced in reality. If we see the year 2017, the issues of press freedom, journalists, media and their security remains the same. According to the monitoring unit of FNJ, in 2017, there were 71 incidents relating to press freedom which includes disappearance (1), arrest (10), misbehavior (11), threat (12), online block (1), obstruction in radio broadcasting(7), padlocking in FNJ(7), attack on journalist(18) , media personnel (1), police control (3), allegation (1).

Federation of Nepali Journalist Association (FNJ) is an umbrella organization of journalists. More than 13,000 journalists are affiliated to this. The federation is continuously raising issues of professional and physical security of journalists, press and freedom of speech with higher importance. However, attempt to physical attack, threat, media obstruction are still increasing and the federation is always retaliating to it. The federation has been constantly raising voices against state’s intervention on press rights.

All three levels of elections were held in the country and based on the mass-media policy (2073), policies and laws are being formulated as per federal structure and the information ministry is taking initiation for this. The Mistry of Federal Affairs and Local Development is active on making drafts and issuing manuals. But, looking at the preliminary activities, they do not seem to be media-friendly and willing to give more power to the federation as per democratic system and FNJ is alert on this issue. At the same it urges everyone to give hand by supporting the federation.

Govinda Acharya

Chairperson