

Views of Institutions on Human Rights Situation in 2019

National Human Rights Commission

Informal Sector Service Center (INSEC) has made itself distinct in the field of Human Rights. This Center has been publishing 'Nepal Human Rights Year Book' annually. It's a bright side to dissipate the cases of Human Rights Violation through this publication. Development of people and community is possible through respect of Human Rights. It is a subject of concern as it applies without boundaries and discrimination for all. Disrespect of Human Rights arises chaos. A civilized society cannot be anticipated without upliftment of culture to respect to Human Rights. Commission is committed towards the respect, conservation, upliftment and development of Human Rights inside the country being the national organization for safeguarding facets of Human Rights. Article 249 (1) (2) (3) of Constitution of Nepal and National Human Rights Commission Act 2011 has mentioned the work, duties and rights of the Commission.

Nepal is a support party to various international treaties signed for Human Rights preservation. To address various provisions of these treaties, issues of Human Rights have been given special place in Constitution of Nepal. To make those provisions a reality, the works have been carried through different channels. Three

tier Governments are running in federal system. Required acts have been formulated and fabricated for the implementation of Constitution. Some personnel were nominated for Constitutional Commission according to the provision in Constitution. These efforts must be applauded from the perspectives of Human Rights.

Regardless of various efforts, condition of Human Rights cannot be taken as satisfactory. This has directly affected those who suffered from conflicts. Even though an Act for implementation of fundamental rights has been drafted, it has not been implemented. There still remains the question about responsibility of National Human Rights Commission and various Commissions established under Constitution which safeguards Human Rights. Laws addressing Common rights between three tiers as mentioned in the Constitution has not been made yet.

Organizational structure forwarder by Commission as per Federalism is still in Prime Minister and Cabinet Office. This has directly affected the works of Commission. The bill that has been introduced to amend Human Rights Acts 2011 is sure to hamper freedom and independence of the Commission. The bill has the provisions to curb Commission in central position, rights to register case vested upon Attorney General, curbing economic independence and so on. Similarly, Government has the intention of bringing media sector under its umbrella through

Media Council bill.

There are still many impediments for implementation of citizens' economic, social and cultural rights. Everyone is not accessible to health services. Rights of workers in foreign employment have not been guaranteed. Victims of floods and earthquake are still in misery. Government has been unable to give special attention to people from marginalized class, disables, women and senior citizens. People are bound to live in terror of Government being unable to control corruption and establish Rule of Law fully.

In this fiscal year, the Commission has performed its tasks of receiving complaints, supervising and investigating various cases of Human Rights Violation. It has also conducted various trainings, seminars and discussions. Report publication, journal publication, press notes have been dissipating from the Commission. Awareness materials through media have been broadcasted too. It has also been establishing collaboration with various national and international stakeholders as needed.

Commission has acquired various feats through conservation and promotion of activities of Human Rights. A total of 232 complaint were received during the fiscal year. A total of 600 cases, old and new, have been investigated and supervision for 277 times have been made. Commission has provided its verdict in 825 complaints. Commission has worked on making 'Human Rights in every home: a base for peace and development' a reality by making it a priority.

A total of 219 works of conservation were carried; 56 in collaboration and coordination. Commission has presented itself as resource in 41 programs organized by other organizations, special guest in 276 programs. Commission has completed 48 trainings, seminars, and discussions in the fiscal year. During this period, Commission has published 26 publications, 30

press releases and 23 press notes. Commission has also provided suggestions to modify law regarding environmental law and so on.

Commission like previous years has collaborated with different stakeholders; Office of the President of Nepal, Nepal Government, Legislative parliament, Constitutional commissions, political parties, civic society, International bodies for Human Rights, helping nations, embassies, and International Non-Governmental Organizations. Commission has also participated and shared experiences in conference organized by Asia Pacific Forum of National Human Rights Institutions (APF) tyf Global Alliance of the National Human Rights Institutions (GANHRI).

Despite of accomplishments, the Commission is not aloof from challenges. Recommendations of Commission are still not implemented, Government has not helped fully, legal shortcomings still persist and it has still not been able to get its building constructed that has hampered daily activities too. New bill has been brought under discussions challenging the independence and freedom of Commission. However, Commission has been constantly working to address all the shortcomings and also to safeguard Human Rights in the nation.

Again, I want to express gratitude and congratulate for this work they have been doing.

Bed Prasad Bhattarai
Secretary/Spokesperson

National Women Commission

Constitution of Nepal, 2015 has provisions of different rights vested upon women; right to parental property without gender discrimination, safe maternity and reproduction and inclusion in all organs of the Government. National Women Commission has been

the constitutional body of the Country.

National Women Commission came in existence in 2001 with the aim of safeguarding Women's Rights and conserve and uplift the status of women in different strata of nation. After attaining constitutional affiliation, its collaboration with women has been elevated.

The Commission has been working to reduce women violence, enhance women empowerment, skill development, awareness generation, and various supervision and programs targeting women. Further, the Commission has been providing recommendations to Nepal Government regarding the issues of women. The Commission wants to expand its spread to local bodies but indecision by Government has not favoring to do so; however, it has not left any stone unturned to work for women and their rights.

The Commission has been informing to concerned stakeholders about constitutional, legal and administrative subjects. Commission has established a helpline service in its premise since last three years for reduction of women violent, and security. This has helped suffering women to place their complaints through helpline number 1,145. There has been suggestions to disseminate this service to province level.

Even though the Commission has seen vacant posts of representatives, responsibilities have been fulfilled through administrative leaderships. Commission wants to strengthen and collaborate with various organizations to work in its principles of safeguarding women rights.

Cases of women violence has been increasing throughout the country. 'Human Rights Year Book' has been exposing those cases and alert concerned bodies to work against them. This is exemplary. Women Commission has the width to see the cases of Human Rights Violation to shrink.

Dipendra Kafle
Secretary

Madhesi Commission

This Constitutional Commission, in the past six months of its journey have been working in social, economic, cultural and citizen concerns. It has been working to safeguard and collaborate to uplift the status of Madhesi Community and their history, culture and rights. Even though this community is rich culturally, there has been problems due to superstitions, conservative, thought and lack of social law.

I want to assure to work and collaborate with your organization for Rule of Law and overall development of the nation. I also want to plead for you to extrapolate your concern towards ecological shortcomings.

Nil Kumar Phuyal
Non Gazetted Officer

Nepal Bar Association

'Human Rights Year Book' published by INSEC since 1992 has proved to be a mirror to reflect entire condition of Human Rights in the Country.

Incidents of women violence have decreased but in many serious cases, the rehabilitation of victims have not been carried out properly. Strategic plans to safeguard women rights and eradicate women violence are lacking.

Nepal government has been alerted by International organizations and reports of Human Rights violation in the country have been published. Human Rights have been violated in various forms; Rights to Settlement, use of force by security personnel, labor's rights, torture and misbehave, discrimination and so on. These reports highlight old conventional ways of violating Human Rights by the state. Further, adulterated condition of Human Rights in the country can be anticipated by the fact of forgotten inci-

dents of conflicts in the past.

There is still prevalence of racial discrimination, lack of access of health service to all, no guarantee of victims' access to law, torture. Further, peace process has not been reached to its destiny, conflict affected people are still out of sight of the state. These all makes us build perceptions about ineffective Human Rights provisions in the country.

Students, leaders, journalists are kept in custody based on their thoughts and beliefs and are registered fake cases. There are cases of arrest after Apex Court releases someone. This has made the mockery of legal state. Officials involved in such acts have not been under scrutiny. Even constitutional commissions are undermined and rule of law is lacking.

From the start of 2019, various bills were presented that are sure to curb citizens' personal freedom, right to assembly, right to speech, Human Rights and right to express. If these bills turn to law, that seems dull from perspectives of Human Rights. This does not merit the nation as we in Nepal bar Association perceive.

At last, Human Rights cannot be safeguarded by the efforts of a single person or single body of Government alone. So holistically, everyone from every walks of life must collaborate to realize the excessive use of Human Rights.

Lilamani Paudel
Secretary General

Ministry of Home Affairs

A. Fiscal year 2018/19

1. As per annual calendar for conducting Human Rights seminars, they were conducted in Udayapur of Province-1, Siraha of province -2, Dolakha of Province -3, Syangja of Gandaki Province, Dang of Province -5, Mugu of Karnali Province, and Darchula of Sudurpaschim Province. Extra seminar was organized in Jhapa of Province-1.

2. Committee formation and preliminary works have started to raft the report for International Convention on Civil and Political Rights (ICCPR).
3. File has been forwarded to get the permission of Cabinet to send the reports of third, fourth, fifth, sixth and seventh quarters to United Nations for Convention against Torture (CAT).
4. A file regarding the participation of Nepal in Palermo protocol that has been drafted to control human trafficking has been forwarded to Federal Parliamentary Secretariat after being approved from the Cabinet.
5. Compensation has been sent to the victims of Human Rights Violation remaining within the framework of legal procedure.

B. Fiscal Year 2019/20

1. According to the approved annual development program planned for the fiscal year 2019/20, in the first quarter, Human Rights Promotion Meet/ Interaction program were conducted at Province 1- Khotang in November, Province 5- Arghakhachi in December. The remaining programs are aimed to be conducted by the end of this fiscal year.
2. Different Constitutional Units, Ministries, Offices/ Organizations gave their inputs on the periodic report's draft prepared by the Ministries of Home Affairs (MOHA) on the International Covenant on Civil and Political Rights (ICCPR) which is presented through the Office of Prime Minister and Council of Ministers.
3. Practice of providing compensation to the victims of Human Rights Violation by the Office of Prime Minister and Council of Ministers or directly through the National Human Rights Commission (NHRC) is prevalent.

Chandra Prasad Basyal
Branch Officer

Nepal Army

1. Nepal Army is dedicated to safeguard Human Rights as per Constitution, Law and international regulations remaining within promises made by the Government regarding Human Rights.
2. As per the plan to make Nepal Army professional and make them advanced as mentioned in Constitution and Army Act, all trainings within Army are conducted respecting at most all Human Rights and international practices.
3. As directed by Army Commander in Chief, trainings addressing Human Rights issues and international humanitarian laws have been conducted once every three months in every units.
4. An Advance Level Law of Armed Conflict (LOAC) was conducted in December 2019 in collaboration with International Committee of Red Cross (ICRC).
5. Subjects of Human Rights and International Humanitarian Laws are included in all trainings syllabus of Nepal Army making them well aware of all of these issues.
6. At last, Nepal Army wishes the success of INSEC and expresses happiness regarding the publication of 'Human Rights Year Book 2020'.

Mahendra Jung Shah (Ph.D.)

Colonel, Acting Director, Nepal Army

Nepal Police

State has vested apex rights to Nepal Police to safeguard and realize the Human Rights of people as mentioned in the Constitution of Nepal. During fulfillment of duty to conserve the Human Rights of people, role played by INSEC to make it a realization is worth mentioning.

Nepal Police has adopted different proactive and reactive approaches to create an environment where every citizen can enjoy their rights given by the law. It's a universal rule that only when a state is governed by rule of law, people live their life with high sense of security and Nepal Police is working to guarantee it. It has also extended its hands to collaborate with different organizations and bodies.

Despite of many challenges, Nepal Police is devoted to provide its security to conserve Human Rights of people. For this, it has established 'Human Rights Violation Supervision Unit' and has adopted zero tolerance policy regarding Human Rights Violation.

Nepal Police has adopted following works in previous fiscal year:

1. Human Rights Conservation

- a. Security and Conservation: Police have maintained peace and public responsibility, security of witnesses, security of women and children and have been active during natural disaster and have worked hard to conserve Human Rights of people.
- b. Implementation: It has implemented orders and decision made from Court, Office of Prime Minister, and National Human Rights Commission and has ordered all police offices to implement the core ethics of Human Rights.
- c. Complaint Investigation: Complaints can be filed through telephone, e-mail, official website of Nepal Police and other social media about police personnel. A total of 780 police personnel have been provided departmental punishments.
- d. Supervision: Police have been supervising various units of detainees, development of cases and have been following principle of Rule of Law and Doctrine of Fair Trial.

- e. Crime Control: People's Human Rights have been conserved by controlling crimes and punishing convicts.
 - f. Human Rights Vetting: Vetting has been in practice during foreign trainings, Peace Missions, promotion, transfer, medal distribution to check whether the officials have been involved in any sorts of activities of Human Rights Violation. Any person who wish to enter service of Nepal Police should also be devoid of any Human Rights Violation activities in the past.
2. Towards Human Rights Upliftment
 - a. Training: Human Rights have been included in all trainings of Nepal Police that are targeted to make the entire institution professional. Apart from Police, trainings are given through representatives from National Human Rights Commission, Government Lawyers, Professors and expert of different fields.
 - b. Prize and encouragement: Police have been providing prizes for personnel who execute their tasks in accordance with the ethics of Human Rights.
 - c. Conduction of various programs: A total of 66531 programs have been conducted till now throughout the country and it has benefitted 9,810,563 people. Police has launched various campaigns; police my friend, Police everywhere, Police-public collaboration, Service with smile, Traffic week and so on.
 3. Towards fulfillment of Human Rights
 - a. Police was able to use its available resources, provide compensation to the victims and punishment to the convicts and conserve the Human Rights of all people. Whatever may be the designation of convict, police brought them under scrutiny. It has brought people with illegal property under custody though Financial Intelligence Unit (FIU). Police have also played their roles in investigation of case of

Lalita Niwas, Roshni Shahi Case and Rautahat murder case.

- b. Adjudgement made by the respected Court, constitutional units and other judicial bodies have been implemented promptly.

At last, anticipating strong bonding of INSEC and Nepal Police, I wish the success for the organization in its strides to conserve and alert people about Human Rights they are decorated with as per the Constitution.

Shailesh Thapa Khatri

Deputy Inspector General, Nepal Police

Armed Police Force

INSEC has been involved in Human Rights protection, social law enforcement, alert in cases like racial discrimination, missing people, right of works in abroad, rights of dominated people and so on since long. INSEC has also been conducting different programmers for easy access of all people towards their rights. We believe, this publication, 'Human Rights Year Book', will add a pillar in its aim of conserving Human Rights in the Country.

Armed Police Force, Nepal is constantly focusing in conserving Human Rights within law maintaining a high sense of professionalism. This organization has adopted police of zero tolerance to preserve the rights of people. To avoid force as far as possible during the process of peace maintenance, Armed Police Force have adopted principles of United Nations regarding use of force during the trainings and also have included humanitarian laws in the syllabus. It has also been coordinating and collaborating with various organizations in its aim to preserve Human Rights.

Armed Police Force have been publishing hand brochures including different prospects of Human Rights, its conservation and implementation remaining

within the rule of law. At last, we wish success of the 'Human Rights Year Book' published by INSEC and we believe strongly, the Organization will stride forward strongly in safeguarding Human Rights.

Bidur Khadka
Superintendent of Police
Armed Police Force

Federation of Nepalese Journalists

Federation of Nepalese Journalists is an organization that is actively working to preserve press freedom and freedom of speech. It is also active in Human Rights sector. In this scenario, Federation do have the respect for efforts of other organizations who conserve and advocate issues of Human Rights. I like to congratulate INSEC that like previous year is publishing 'Human Rights Year Book' exposing various facets related to Human Rights.

Federation has been closely studying the state of press freedom on Nepal. It has established a desk devoted to Human Rights and has been watching incidents of attack, threats, abduction of media persons.

Record of Federation does not bring happiness in journalists in the year 2019. It has registered 50 cases of violation of press freedom. In these cases, 10 Journalists have been arrested. Three among 10 were in police control and seven were filed with public case. They were arrested for writing news.

Similarly, in same duration, 15 Journalists were attacked and 10 were threatened. As per the record of Federation, attack and threats on Journalists are usually noticed from police, political parties, people's representatives, and responsible persons of public bodies. Further, with the issues of news, 11 Journalists were misbehaved, one was displaced and one was killed. Journalist Manohar Dhakal was killed by a group of four Druggists. The convicts are in Jail.

These cases are enough to reflect the Human Rights scenario of the Country and its irony to see the involvement of responsible public figures and leaders of political parties and activists.

Govinda Acharya
Chairperson

