

Views of Political Parties on Human Rights Situation in 2020

Nepal Communist Party

1. Background

The year 2020 has remained difficult for the nation. Every sectors were disturbed and affected by the COVID-19 pandemic. The pandemic outbreak challenged the global power states and Nepal has also faced its threats. It was a challenge for the state to safeguard the human rights during the crisis. The human rights criteria of this year is measured by the difficulties faced by the citizens and roles of the Government in mediating to solve those challenges. Here, we discuss the role of Nepal Government lead by Communist Party of Nepal to safeguard the human rights of people with easy accesses to health, education, food, employment and security and other sectors.

2. Context of Covid and Nation's Human Rights

The country was bound to face three months of lockdown from March 24, 2020 to control the transmission of COVID-19. During that period, transportation, businesses, and all activities apart from fundamental requirement were halted. To manage the situation, the Government has formed High-Level Coordination Committee for the Prevention and Control of COVID-19 and set up important infrastructures in District, Province and local levels.

Nepal Government, Home Ministry has passed security criteria to organize the lockdown. Similarly, to organize the informal sectors, relief criteria were made and implemented. The Government through Ministry of Federal Affairs and General Administration has formed Crisis Management Information System (CMIS) to act as the bridge between federal and local level bodies.

The Government has conducted awareness programs for control and reduction of COVID-19 infection spread. It has also distributed relief packages to the workers working on daily wages, disables and helpless. Through the local governments, holding centres, isolations centres and quarantines were set up. Crisis management fund was set up and utilized.

3. Rights of Health

The situation of civil and political rights was normal in the country. Nationwide lockdown was enforced to keep the citizens safe from the pandemic of COVID-19. All the services apart from most important were all closed.

In the period of lockdown, the Government had setup quarantine in all local level governments and new comers from abroad were compulsorily kept in those quarantines for 14 days. The government established COVID-19 special hospitals, mobilized its machineries for contract tracing of the infected, and increased the limit of PCR test within this period. The Government arranged the free treatment

of the infected persons. After the end of the lockdown, the effects of COVID-19 increased. This resulted in increase in number of infections. The infections could not get widespread with the increase in number of testing centres, number of PCR tests and arrangements for isolation.

The Government is focused on easy availability health kits and vaccines through Government to Government procurement procedure.

Within this period, the Government has inaugurated the construction of five to fifteen bedded 209 hospitals in local levels.

4. Rights to Food and Land

In Nepal, 35 out of 77 Districts remain as food unsecured Districts and 13 % people are food unsecured. For the food and nutrition security, the Government has been carrying out the tasks of using land unused before for cultivation and formulating land use policies. The Government is working for providing land to landless people forming high level commission even in the chaotic time of crisis of COVID-19. The Government aims to form the commission in all the Districts and work effectively.

5. Rights to Education

Educational institutions were shut down by the pandemic. SEE exam was halted before the start. There were complete shutdown of schools from March 23 to throughout 2020. Universities and schools started online education. The Government continued to work for conducting classes through alternative medium.

6. Rights to Movement

Transportation was shut down during lockdown. Migrant workers in India returned to their home. They were kept in quarantines in border by the mutual understanding between two nations. People in Kathmandu were bound to move back to their respective places out of valley. Many walked for weeks to

reach their home. To end such situation, all three tiers of Governments cooperated and played crucial roles to take people to their respective places. Similarly, the Government facilitated to bring Nepalese from abroad and send foreigners to their respective countries.

7. Rights to Professions and Employment

Due to the basic protocols of public health, public transportation could not be operated due to pandemic. Industries were shut down, businesses were closed. Employment of daily waged workers, laborers in transportation sectors and families dependent upon them were affected. Government formed criteria and lists of those people for distribution of reliefs. This work of the Government was praiseworthy.

8. Child Rights and Women Rights

There was direct impact on child and women rights due to COVID-19. School enrollment campaign could not be carried out this year. Children could not go to schools. Even though many schools conducted online classes, those were out of access to the students of remote places. There were news of increment in cases of domestic violence, women violence, and sexual violence during the period of lockdown. The party was serious and sensitive to such situation. The party made efforts for health and psychological consultations to the communities affected by the loss due to COVID-19.

9. Rights against Racial Discrimination

There were cases of racial discrimination and inhuman behaviors in the Country. The inhuman killings of group of Nawa Raj BK in Rukum West happened this year. The Government published the report through the field studies forming parliamentary committee. NCP is determined to punish he convicts in such cases of inhuman natures.

10. Constitutional Commissions and Human Rights

The Constitutional Council recommend members for constitutional commissions which were vacant for long time. With this task, we can believe the constitutional commissions, National Human Rights Commission, National Women Commission, Madhesi Commission, Dalit Commission, Inclusion Commission would be more effective towards their goals.

At last,

NCP is committed to guarantee human rights, freedom of expression, rule of law and ending impunity. Citizens can realize the use of human rights only when there is peace and rule of law in the country. There must be preparedness to stay safe from disasters and pandemics. To realize the guarantee of services and rights to all the citizens, there must be plans of developments, special programs, enough budgets and address from the concerned communities. NCP believes person with disability, senior citizens, and discriminated social groups, and persons, people from remote places must get special attentions for realization of their human rights. Right of responsible life is important for all the citizens. The human rights can be realized only if life of every citizen is secured, construction of favourable environment for responsible life, effects of pandemics are reduced and works for controlling them in future are executed. Our party is seriously contributing for it.

Ishwor Bahadur Rijal
Secretary, Central Office

Nepali Congress

After the Communist Party of Nepal formed government through the general election, serious human rights violation cases continued in the year 2020. Excluding the human rights situation during the armed conflict

period, the cases of human rights violation in this year are severe ever after the restoration of democracy in 1990. The Government has started direct interventions on judiciary and other constitutional bodies interfering the check and balance relation among the organs of the state. It has also terrorized media sector which has been considered as the watchdog of the state.

The Communist Government has implanted the feeling of fear and tried to confine the freedom of people bringing the law which provisioned five years of imprisonment and fine of NRs. 1.5 million even for simple trolling to someone in social media.

The Communist Government was unaware about the case of mysterious death of ward chairperson of Panchadeval Binayak Municipality – 2 of Achham, Padam Bahadur Dhama on February 3, 2020.

Even in Kathmandu, murder of wife of the former Secretary, Ambassador, two cases of killing after abduction of children, chained bomb explosions, and killing of two children in the name of two way clash have been proven as the deteriorated commitment of communist Government.

The registration of 434 cases of murders and 1,075 cases of rapes in fiscal year 2019/20 shows the poor situation of human rights. In the period of communist party lead government, the situation of peace and security is being declined which is the serious concern for human rights even in the phase of political stability.

In the peace rally on February 20, 2020, chairperson of the Nepal Students Union, Rajiv Dhungana, general secretary Urmila Thapaliya, Maheswor Kunwar, Yuvraj Pandey and student leaders Suraj Saijuwal, Hari Acharya, Dipak Rimal, Ramji Basnet, Sunil Pant, Tilak Bataala, Ramit Khadka were injured. On the same day, in a peaceful protest at Tribhuvan International Airport, Rabinendra Rokaya, Rakesh Siwakoti, Bipin

Budhathoki, Bishnu Hari Khadka, Anil Khanal, Gopi Bhandari, Bibek Upreti and dozens of students were injured. Arresting injured Bishnu Hari Khadka was against the fundamental rights as mentioned in the Constitution.

The government has been numb to the issues of availability of all requirements to fight against the impacts of COVID-19. There were various challenges like lack of safety measures, testing kits in National Public Health Lab. This made public intimidated with the psychology of infection. National prestige was defamed due to the irregularity in the purchase of health equipment required for fighting COVID-19. The cases of purchase of low quality goods not meeting the WHO guidelines is unforgivable. I request the respected Prime Minister to help in the investigation and punishment of those involved in the delay and irregularity. There was misuse of human rights when the member of parliament Mahesh Basnet, Kishan Shrestha and former IGP brought another member of parliament Dr. Surendra Kumar Yadav from Dhanusha in a way of abduction during lockdown.

There were quarantines in many places without specified criteria made by the Government. Quarantines were made in simple grounds without basic facilities and people were kept in crowd.

There was direct violation of human rights when four children, Bimala Khatri, Bijaya Khatri, Gaurab Khatri and Nokhiram Dangi were killed in an explosion in Rolpa on May 1, 2020. Such cases amid the freshness of war are heart shattering. Government is not serious to solve these issues left by the war.

The members of the Nepal Students Union along with its chairperson Rajiv Dhungana, Secretaries Prabhat Dahal, Urmila Thapaliya, Dipak Bhattarai, Baldev Timilsina, and Yuvraj Pandey were arrested while protesting to pressurize the Government to bring back encroached Nepali land. This is another

example of human rights violation by the communist Government.

There was serious violation of human rights when Nawa Raj BK, Tikaram BK, Sanju BK, Ganesh Buda, Lokendra Sunar and Govnda Shahi were killed with the involvement of ward chairperson elected from Nepal Communist Party. The case occurred in Rukum West on May 23, 2020. The case has raised three questions; question on social discrimination and evil practice, question on the role of Government and question on situation of impunity. All three questions have exposed the commitments of Communist Government among people.

There was suspicious death of Shambhu Sada in the custody of Area Police Office of Sabaila in Sabaila Municipality-12 on June 10, 2020. There was inhuman cases of abuse, beating, and troubles to the government officials, Congress representatives, and members of security bodies by the order of Communist Government which shows the directed aristocracy of the Government.

The episodes of press council proves the efforts of the present Government towards confinement of freedom of press. The Government's intention of intervening in the activities of press council through media bill was seen.

The attention of Nepali Congress is drawn towards suspicious death of two youths under the control of Government in Morang and Rautahat. Bijaya Mahara, 19 of Rautahat in police custody died suspiciously in a hospital of Birgunj and Nirajan Yadav, 26 of Morang died in Koshi Hospital. Further, the death of Shambhu Sada in Dhanusha and murder of priest of a temple of Rautahat, Ram Sah proves the direct violation of human rights.

Similarly, there was violation of human rights when the cadres of Nepali Congress were used force when they were on their way to submit a report based on a local case in Gulmi on September 21, 2020.

Police denied to register the complaint for death of Mahendra Ram of Sarlahi. He died in clash with police during a peaceful protest. There was abuse of police to the protesters which prove the violation of human rights by the present Communist Government.

Even after two days of beating Bir Bahadur Bista, Chairperson of Sunarya Rural Municipality of Baitadi, the administration did not show interest to punish the accused which shows the biasness of the Government towards public.

There was a clash between two local groups of the ruling Communist Party in Parsa on September 2, 2020 in which a person was killed. The news of denial by police to register the case which caused delay in funeral of the dead body even after two days of death shows the violation of human rights.

The arrest of senior leader of Nepali Congress, Ram Chandra Paudel on his way to inaugurate the bridge joining ward number one with 11 of Vyas Municipality of Tanahun was the direct violation of human rights.

Nepali Congress demands the release of its member Dilli Bahadur Chand who was arrested in Nepalgunj and transferred to Kathmandu.

Thousands like Dilli Bahadur Chand shared their views against the ordinance issued for political party separation, abduction of Member of Parliament, and pressure to police for not filing cases. If it was illegal, there is National Civil Code Act to ensue punishment. But, he was arrested against all those procedures.

Chand, who was also an ex-police has been working as security guard in a private office. Nepali Congress demands the prompt release of Chand and for recommend the government to be cautious about such actions.

Krishna Prasad Paudel
Chief Secretary

The issue of human rights is critical and has often been problematic in developing country like Nepal. The year 2020 did not see much noteworthy progress on human rights issues. There have been many murders, violent acts and rape, to list a few. Further, the government did not take any major steps for the promotion and protection of human rights. There were many instances where security forces used excessive force on peaceful processions and protests including firing and injuring the protesters. The government is expected to take an impartial approach for ensuring human rights. However, the behavior and actions of the government suggest a partisan approach that has created a situation where those accused of violations have not been brought to justice while innocent citizens have been victimized. Further, with protection of the government those who are involved in anti-social unsocial activities have continued to operate while the people in general have had to bear the brunt. Further still, innocent people have continued to be framed for false allegations and sentenced to prison. The general people will be able to realize their human rights only when security agencies prioritize the principles of human rights. The National Human Rights Commission has also not been able to fulfilling its responsibility as it has remained more or less ineffective.

Human rights can be fully realized only when there is political stability. The government led by KP Sharma Oli had promised voters of stability and had emerged with a two-third majority in the parliament. It has not only failed to assure human rights but has by dissolving the parliament pushed the country towards more instability and conflict. This could result in more difficult times to ensuring human rights.

Further, federalism is being implemented not as a political arrangement but as an administrative mechanism. It is necessary to institutionalize legal and constitutional provisions for establishment of social justice, ending all forms of discrimination, ensuring social justice and address the important issues related to the governance structure, election system, and state restructuring. Human rights will remain mere lip service until all are able to acquire and exercise equal rights. This is reason why the People's Socialist Party has been making demands on the need to amend the Constitution. Political stability cannot be ensured until

the stability discriminatory articles are amended and identity-based federalism is established. There is danger that the human rights would become more challenging if the major political parties are not serious about our demands for amending the Constitution. We hope INSEC that has been working on human rights for a long time will continuously work for ending discrimination and establishing social justice and also congratulate it on the publication of Nepal Human Rights Year Book.

Prakash Adhikari

Central Executive Committee,
Central Office

