

## Views of Institutions on Human Rights Situation in 2020

### National Human Rights Commission

**I**nformal Sector Service Centre (INSEC) has made a commendable identity for itself in the human rights sector. Each year, the organization has been publishing the “Nepal Human Rights Year Book” that provides exposure of cases of human rights violation. The prosperity of society and people is possible only through respect of human rights. It is a matter of concern for all as every individual is responsible for upholding the rights. Where there is no respect to human rights, there is chaos and a civilized society cannot be imagined, without the development of the culture of human rights.

Nepal is member of UN and party to different international treaties on human rights. It is also an elected member state at the Human Rights Council. A nation can be fully democratic only if it can accept and uphold human rights. Governments are guardians in democratic nations elected by representatives of the people. This is what makes the Government responsible for respecting, protecting and abiding by human rights. Such responsibilities have national, regional and international implications. Governments, thus, must be made responsible if they stray from the responsibility of ensuring human rights of the people. The Nepal Human Rights Commission has had this

responsibility since its establishment.

Nepal’s federal governance structure is now under implementation. The parliament has enacted various laws on fundamental rights Fifth National Plan on Human Rights is also being prepared following consultations with stakeholders.

Despite positive efforts, there are numerous challenges with respect to protection and implementation for ensuring human rights of all citizens. Political developments, particularly the dissolution of parliament in December 2020, points to the possibility instability in the country which can dampen progress made in the human rights front. The commitments of Government to conclude the transitional justice process remains work-in-progress and the victims have not yet received justice, even 14 years after the signing of the Comprehensive Peace Accord.

NHRC has been continuously working for ensuring respect, protection, promotion of human rights. Its work is guided by provisions in the Constitution of Nepal, 2015 [Article 249 (1) (2) (3)] and National Human Rights Commission Act, 2012. The organizational structure of Commission to align it to the federal system has not yet received approval by the Office of Prime Minister and Council of Ministers. The proposed amendment bill for amending the National Human Rights Commission Act, 2012 does not include the same levels of freedom and autonomy provided by the original law.

There is much to be improved in terms of the assurance of civil and political rights, economic, social and cultural rights and overall human rights of citizens. There still remain obstacles for people to fully enjoy fundamental human rights as guaranteed in the Constitution. Exploitation of laborers working abroad and increasing domestic violence are some serious concerns. The Government has largely been unable to focus on the rights of marginalized people, poor people, tribal communities, people with disability, Dalits, women, minorities and senior citizens. Consequently, the rights of these people remain to be secured.

The Commission has carried out a number of activities and programs for improving the situation of human rights in the present fiscal year. It received 132 complaints of human rights violations in the present fiscal year. The Commission has completed investigations on 795 cases, including old cases. It also followed up on 128 human rights issues. The commission conducted 112 programs, and 56 programs on collaboration with stakeholders, for the realization of its slogan, “Human rights for all at their doorstep: base for peace and development”. The Commission also participated in 30 programs as resource person. It also broadcast programs on radio in all the seven provinces, in 11 languages, on the health, security and citizen’s rights during COVID-19 lockdowns.

The Commission also organized an international conference on situation of human rights of migrant workers and their families. The conference had the participation of 140 representatives from 28 nations. In 2020, the Commission has renewed its letter of understanding with the Human Rights Council of Malaysia, which is a destination country for many migrant workers.

This year the Commission has issued 69 press notes and published 18 publications. Similarly, to aid Government and concerned stakeholders in law mak-

ing process, it reviewed various bills from the human rights perspective and made recommendations.

Despite the achievements discussed above, there still are challenges as recommendations made by the Commission in the past remain to be effectively implemented, owing to low Government response. The Commission has 288 on its list of human rights violators but the state of recommended legal actions against them remains unsatisfactory. Instead, many on the list have been rewarded. Further, the office of the Commission that was damaged by the earthquake of 2015 remains to be rebuilt.

The Nepal Human Rights Commission commits to continue its efforts to ensure human rights of all and welcomes cooperation of civil society organizations like INSEC that have been working in the sector. The Commission looks forward to continued collaboration.

Finally, I congratulate INSEC for its commendable efforts to document human rights violations.

**Bed Prasad Bhattarai**  
Secretary

## Office of the Prime Minister and Council of Ministers

It’s a pleasure to know about the publication of Human Rights Year Book, 2021. I believe the book will be useful to inform all about the progress and overall situation of human rights in the country. The Government of Nepal is committed to respect, protect and promote fundamental rights, laws to enforce them, and Nepal’s international commitments.

COVID-19 has created challenges to Nepal and the whole world for ensuring human rights. The work of Nepal in controlling, reducing and adopting treatment of COVID-19, has produced effective results. The work of providing free vaccination against COVID-19 to all citizens,

prioritized on the basis of vulnerability, has already commenced.

Nepal submitted its report of Universal Periodic Review third cycle in October 2020 at the Human Rights Council of the United Nations and its review was concluded by the Council on January 21, 2021. The world, during the review, has praised the progress of Nepal in the protection and promotion of human rights in the last four and half years. The review has provided recommendations and the Government is committed to fulfill them. The Government has accepted and implemented the fifth national action plans on human rights in 2020. The action plans were prepared specifying the responsibilities and time frame of all three tiers of governments regarding Constitution of Nepal, laws made for implementation of fundamental rights, UPR recommendations accepted by Nepal, recommendations from treaties to which Nepal is a party, provisions of Nepal's 15<sup>th</sup> national development work plans, decisions of the Supreme Court and the National Human Rights Commission. Similarly, the Common Core Document, which is an inseparable component of reports submitted to various bodies on human rights is in the process of acceptance.

I want to mention the widespread collaboration with civil society for the preparation of the report of the Universal Periodic Review, Fifth National Action Plans on Human Rights and Common Core Document, based on the practice of consultations with the National Human Rights Commission and other civil society bodies for preparing laws, policies, plans and programs regarding human rights. On behalf of the Office of the Prime Minister and Council of Ministers, I would like to thank civil society organizations, particularly INSEC for its collaboration, during the consultations and discussions with civil societies. I expect that similar collaboration will continue in the future.

Finally, I would like to wish for increased trust and utility of the yearbook

and its acceptance as a reference by concerned stakeholders. Once again, congratulations for the publication!

**Bishwadeep Besra**  
Section Officer

## Ministry Foreign Affairs

The Ministry of Foreign Affairs is happy to learn that Informal Sector Service Centre (INSEC) is publishing "Nepal Human Rights Year Book 2021." The Ministry would like to appreciate INSEC for the endeavour and wish for the success of the publication.

The Constitution of Nepal enshrines a comprehensive set of human rights that include of this continuity both civil and political rights as well as economic, social and cultural rights as the fundamental rights of the people. Equality, non-discrimination, dignity, identity, inclusion and proportional representation forms the basis of those rights. Necessary laws for the implementation of fundamental rights have already been enacted. Principles of human rights have been mainstreamed in the national plans and programs.

The judicial system of Nepal comprising three tiers of courts acts as the guardian to ensure the enforcement of the fundamental rights. The National Human Rights Commission has been established as a constitutional body with a commensurate mandate, competence and independence. Accredited as the "A" Category national human rights institution by GANHRI, the Commission fully embraces the Paris Principles, and has been working as an umbrella organization of human rights in the country. It exercises a wide range of investigatory, supervisory, directive, and recommendatory powers for the promotion and protection of human rights.

National Women Commission, National Dalit Commission, National Inclusion Commission, Indigenous Nationali-

ties Commission, Madhesi Commission, Tharu Commission and Muslim Commission are other constitutional bodies established for the protection of human rights.

Nepal continues to implement the National Human Rights Action Plan on a time-bound manner. Security agencies have established human rights wings to adhere the promotion and protection of human rights. Condition of the prisons have been improved.

The Truth and Reconciliation Commission (TRC) and the Commission of Investigation of Enforced Disappeared Persons (CIEDP) are working to conclude the pending issues of transitional justice.

Reiterating Nepal's total and unwavering commitment to human rights, Right Honourable Prime Minister Mr. K P Sharma Oli, in his address to the 75<sup>th</sup> UNGA, expressed full commitment to the conclusion of ongoing transitional justice process while addressing the concerns of the victims.

Nepal's commitment to the protection and promotion of human rights remains total and unflinching. Nepal has abiding faith and commitments in the principles and purposes of the UN Charter.

Nepal is a state party to twenty-four various human rights related international instruments including seven out of nine core Conventions. Nepal acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol) in June 2020. In spite of not being party to the 1951 UN Convention on Refugees and its protocol, Nepal has been providing shelter to thousands of refugees for years.

Nepal also fulfilled, with high priority, its reporting obligations on the implementation of human rights norms as per the treaty provisions that we are a State party to. Nepal submitted its national report to the UPR Secretariat highlighting the implementation of the outcome of Nepal's second cycle of UPR.

Nepal attaches great importance to the work of Special Procedures mandate-holders and continues responding to the questionnaires sent by different human rights mechanisms and Special Rapporteurs. Invitations have been extended for country visits to the Special Rapporteur on the Right to Food, and Special Rapporteur on Extreme Poverty and Human Rights.

The year 2020 marked the 25<sup>th</sup> Anniversary of the Fourth World Conference on Women (Beijing+25). Addressing the high level event organized in its commemoration, Right Honourable President of Nepal Mrs. Bidhya Devi Bhandari emphasized gender equality as the essential and important right for the continuity of life and the world, and as the only path to justice, peace and progress. The President further stressed on ensuring the timely medical care, equal access to vaccines and robust recovery plans for taking care of the economic and social needs of women and girls.

Participating in the peace-keeping operations, Nepal continued its exemplary performance for the protection of human rights and prevention of atrocities against children, women and civilians as per the UN mandates.

Nepal remained constructively engaged with the UN human rights mechanism during the year in its national capacity as well as a member of the Human Rights Council (HRC). Nepal participated in major human rights related international sessions, dialogues and conferences and shared its experiences and efforts in the promotion of human rights in the country.

Nepal has been successfully discharging its constructive, impartial and objective role in the HRC advocating for the protection and promotion of human rights throughout the world. In 2020, Nepal was re-elected as a member of the Human Rights Council for the term 2021-23 and to the Committee on the Elimination of Discrimination against Women

(CEDAW) for term 2021-24. This reflects the recognition by the international community to Nepal's continuous efforts and commitments towards the promotion and protection of human rights. Nepal also served as a Member of UN Peace Building Commission for the term 2018-2020.

Minister for Foreign Affairs Hon. Mr. Pradeep Kumar Gyawali led the Nepali delegation to the 43<sup>rd</sup> Session of the Human Rights Council in February 2020. Addressing the high-level segment of the Council, Hon. Foreign Minister reiterated Nepal's commitment to the promotion and promotion of human rights.

The year 2020 remained challenging due to the outbreak of COVID-19 pandemic. Like many other countries, Nepal too felt impacts of the pandemic on the livelihood, economy, and public health system. The Government of Nepal responded to the pandemic through measures, such as prevention, control, isolation, quarantine and treatment and has adopted various health and safety protocols in compliance with WHO guidelines. Free testing and treatment services have been provided to the needy people. Nepal thus, has been able to keep low mortality and higher recovery rates among the COVID-19 patients.

Strengthening the health care system, protecting people's lives, and building a sustainable and resilient recovery remained priorities of the government throughout the year. Nepal has already initiated necessary preparation and coordination to ensure availability of vaccines. Focus has also been given to mitigating the adverse socio-economic impacts of the pandemic and maintaining the conducive environment for people to enjoy all human rights, including the economic, social and cultural rights.

Amidst the global crisis of COVID-19 pandemic, Nepal supported the "Appeal for Global Ceasefire" made by the UN Secretary General António Guterres. Nepal also endorsed "Water, Sanitation and Hygiene: World Leaders' Call to Ac-

tion on COVID-19" on 14 May 2020, calling for the need of coordinated efforts in making water, sanitation and hygiene for all, eliminating inequalities and leaving no one behind.

Nepal remained engaged at the regional and multilateral levels to promote cooperation and collaboration in dealing with the pandemic. Right Honourable Prime Minister addressed the "Virtual NAM Summit on the COVID-19"; high level event on "Financing for Development in the era of COVID-19 and Beyond"; "Global Summit on COVID-19 and the World of Work: Building a Better Future of Work"; and the "31<sup>st</sup> Special Session of the United Nations General Assembly in response to COVID-19 Pandemic" and called for the genuine commitment to fend off the crisis, save lives, and protect societies.

Attending the video conference of the SAARC leaders, held in the wake of the pandemic on 15 March 2020, Right Honourable Prime Minister underlined the importance of regional efforts to contain the spread of the pandemic. Nepal contributed NRs 10 Crores to the SAARC COVID-19 Emergency Fund.

The Ministry along with Nepali diplomatic and consular missions abroad remained assiduous in the process of protection, relief and repatriation of Nepali nationals in distress through coordination with the foreign governments and Nepali Diaspora community organizations.

The Nepali diplomatic missions continued offering uninterrupted consular and diplomatic services to the migrant workers and facilitated the safe repatriation of trafficked and stranded Nepali citizens, while also extending necessary legal assistance, awareness campaigns and counselling services to the migrant workers as the case may be. Thousands of stranded Nepalis were brought to home from 25 countries.

In 2020, Nepal got elevated to a lower-middle income country and also made some improvements in the HDI value as reflected in the Human Devel-

opment Report, 2020. Nepal aspires to graduate from the LDC status as early as possible and achieve a middle - income country status by 2030, and realise Sustainable Development Goals to fulfill the national aspiration of “Prosperous Nepal, Happy Nepali”.

To conclude, the year 2020 remained a challenging yet fulfilling year leaving positive imprints in the realm of promotion and protection of human rights in Nepal.

## Ministry of Home Affairs

- a. Fiscal Year 2076/2077 (CONVERT DATE)
  1. The goal was to conduct seminars, workshops and discussions on human rights promotion in seven districts, representing all seven provinces as per the accepted annual programs of fiscal year 2076/77. The expected progress was not realized.
- b. Fiscal Year 2077/2078 (till end of December/January)
  1. Provincial level interactive programs were held in Pokhara of Kaski and Butwal of Rupandehi in second quarter of fiscal year.
  2. “Order regarding security and protection of human rights activists, 2077” was implemented.
  3. Required procedures were taken and sent to the concerned department for the punishment of human rights violators, and compensation of the victims as recommended by the Office of the Prime Minister and Council of Ministers and National Human Rights Commission. Relief and compensation were provided while remaining within the boundary of accepted criteria.

4. The report of Universal Periodic Report 3<sup>rd</sup> Cycle was prepared by the Ministry of Home Affairs and sent to the office of the Human Rights Council of the UN in Geneva.

**Hari Chandra Buda**  
Section Officer

## National Women Commission

The National Women Commission has been continuously working on the rights of women based on Constitution of Nepal, international commitments and national. The Commission operates a helpline service for reducing and controlling violence against women. It has aided also supported and encouraged women to register complaints using the toll-free number 1145 for legal assistance.

The Commission continued the helpline service during the Covid-19 pandemic. It has also been coordinating and collaborating with all agencies and organizations working for controlling and reducing violence against women, and the promotion of women rights. INSEC has been assisting the Commission’s work in the areas of women rights and for addressing gender-based discrimination.

The support of INSEC in the realization of inclusive development through participation of women was noteworthy. I also expect continued collaboration with the organization while the Commission works to ensure women rights and address the challenges associated with reducing violence against women.

Finally,, INSEC’s efforts to report human rights violations through the Human Rights Year Book every year is praiseworthy. I expect, INSEC to continue this work and congratulate the team there for the publication of the 2020 year-book.

**Shanta Adhikari Bhattarai**  
Secretary

## National Inclusive Commission

I am pleased to understand IN-SEC is publishing Nepal Human Rights Year Book 2020 like it has done in the past on the human rights situation. I would also like to thank INSEC for providing me opportunity to express the perceptions of Inclusive Commission, and also congratulate INSEC and wish the yearbook will be useful for all.

Article 259 of section 27 of the Constitution of Nepal, 2015 and the National Inclusive Commission Act, 2017 have specified the work, responsibilities and rights of the Commission. It has been conducting studies and providing recommendations to concerned departments regarding the rights and protection of rights of people of Khas Arya, marginalized, disabled, senior citizens, laborers, farmers, marginalized and people of the Karnali Province who are economically marginalized. As a body working for the protection of rights of vulnerable people, it has been carrying out studies and providing recommendations for the protection of human rights of such people. The Government of Nepal has been doing its best to ensure rights of such people. However, there is need of separate and prioritized programs for the deprived populations. There is need for inclusion of such programs in policies, annual plans and budgets of the federal, provincial and local governments.

Nepal and the whole world were terrorized by the Covid 19 pandemic in 2020. COVID-19 has further marginalized people with disability, senior citizens, workers, farmers and people from vulnerable groups in more vulnerability. During the difficult time, the Commission has organized discussions on different issues of rights of those people and recommended the outcomes to the concerned departments. Studies on the problems faced by vulnerable groups were also carried out disseminated.

Even though all levels of government have provided relief for protection of

basic human rights of vulnerable people, the support was not adequate. This Commission expects assistance of all tiers of governments, media, private and non-governmental organizations, civil society and all citizens for supporting vulnerable people from different social groups.

**Puskar Bhattarai**

Under-secretary and Spokesperson

## Tharu Commission

1. Like many countries around the world Nepal had to enforce lockdowns to prevent the spread of COVID-19. The lockdowns posed difficulties to the Tharu Community as well. Many youths of the Tharu community work as construction laborers and the lockdown deprived them of employment and timely wages leading to problems of food and shelter. Many were forced to travel home on foot from the cities where they worked.
2. The Tharu community is mainly dependent on agriculture and delays in the supply of fertilizers resulted in lower production that could push the community towards poverty.
3. Many non-Tharu have used land belonging to the Tharu as collateral in banks and have absconded without repaying the loans. The banks have begun seizure of the collateral and this has created problems for the original land owners.
4. The tradition of accusing women of witchcraft runs deep in the community and women have been severely affected.
5. Most of the clan deities of the Tharu are located in Government's land and in forest areas that where the Tharu are not permitted to enter. This has threatened traditional practices.
6. There is ban on collection of herbs from buffer zones of National Parks has affected the Tharu practice of traditional medicine.

**Nisha Laudari**

Section Officer

## Madhesi Commission

Madhesi Commission as a constitutional body, based on Madhesi Commission Act, 2017, has been continuously working for recommending, investigating and evaluating of status of Madhesi people from birth to death through the lens of human rights.

The receipt of around 200 complaints at the Commission from districts in Madhesh and all over Nepal shows widespread prevalence of human rights violations of the Madhesi community. There are cases of murder, violence, rape, child marriage, allegations of witchcraft and so on. There was a case of child sacrifice at Dhalkebar, Mithila Municipality of Dhanusha District. There was also case of killing of a protester of illegal crushers factories by a bulldozer. Similarly, there were murders in the name of suicides. A similar case was suspected by locals of Videha Municipality-2 of Dhanusha after ghost fair (Bhoot mela). There are more challenges than opportunities due to open border. There is supply of liquor in the border areas and Nepali youths cross the border to obtain drugs.

There has been an increase of domestic violence, murders, child marriage and other evil social practices. In many cases the administration has not been sensitive. There is prevalence of violation of economic, social, cultural and civil rights of Dalit, the poor, and other marginalized people. There is need of more effectiveness of efforts of the Government. This Commission is active for controlling and reducing different social malpractices on the grounds of religion, and community even in adverse conditions. Similarly, recommendations of the Commission have generally been implemented.

After being recognized as constitutional body by article 232 of Constitution of Nepal, 2015, the Commission has been performing its tasks based on Madhesi Commission Act 2017.

The Commission provides recommendations and suggestions to the Government regarding protection of rights of the Madhesi community to live respectfully in all regions of the state. It also provides recommendations on actions on cases of discriminatory acts against the Madhesi community. So, in this sense the Commission bridges the Madhesi community and the Government.

The works of Madhesi Commission in a period of 1 year 3 months are as follows:

Publication of a profile on the identity of Madhesi community has begun and work on collecting and publishing data on the community is underway.

1. The work of collecting and publishing data of Madhesi community is going on.
2. Classes for taking the Public Service Commission (PSC) exams have been conducted to motivate people from the community to join government service.
3. The Commission has carried out investigation in District with Madhesi community and the report on their status, with recommendations is submitted to the Government.
4. There have been motivational activities organized by the local levels for creating awareness among Madhesi community on various issues.
5. Suggestions were collected through discussions with civil society, experts, law practitioners, political leaders, and parliamentarians for the enhancement, and institutional upliftment of the Commission.
6. The Commission has made recommendations to the Government through a report on grassroot level status of the Madhesi community in Sudurpaschim Province, Bagmati Province, and Provinces 1 and 2. Similarly, programs have been conducted in Saptari, Dhanusha, Siraha

- and Banke in collaboration with local bodies there.
7. Different awareness programs for the upliftment and protection of backward people in Madhes were conducted. The complaints were summarized in a report, which has been submitted to the Government with recommendations.
  8. Recommendations were made to concerned departments for protection and identification of language, script, culture, history and traditions of Madhes. Discussion was held with language commission and relevant recommendations have been provided.
  9. The Commission organized community level awareness programs against dowry, accusation of witchcraft, superstitions, and all kinds of domination in Madhesi community.
  10. The Commission has provided recommendations to the Government for the formation of committee and work group for enforcement of international treaties and provisions of conventions meant for protection of rights of the Madhesi community. The work group has not yet been formed.
  11. The Commission has made suggestions to Government for adopting effective steps to minimize the effects of dam and highway construction along the border with India on the Madhesi community.
  12. Appreciating the efforts of Madhesi community for the protection of national borders, the Commission investigated the situation of encroached areas in the borders at Ilam, Darchula and Susta, and submitted suggestions to the Government for protection of Nepali territory.
  13. The Commission has fully addressed around 200 complaints received through written and oral means, and on its Helpline Service (1152).
  14. The work on listing surnames of Madhesi people has commenced Circulars to this effect has been sent to all local bodies. Discussions were held with other commissions and suggestions have also been collected from experts. It also carried out on-site investigations at Mechinagar Municipality.
  15. The Commission has conducted awareness program in Rangeli of Morang District, Province-2, Kapilvastu, Nepalgunj and Sudurpaschim.
  16. Different work plans required for improvement of the Commission have been prepared; it has also designed its logo, and a citizen information board has been set up.
  17. The Commission has a website for publicizing its activities. It has also setup messenger, viber and Helpline number (1152) and a toll free no (16600116185).
  18. There is provision made for receiving acceptance from National Planning Commission and Finance Ministry on annual action plans of the Commission.
  19. The Commission consults with other Constitutional Bodies, concerned stakeholders, and organizations in the time of need.
  20. Since there is prepared roster of experts, the expert service is easy to grasp.
  21. A high-level investigation committee was formed for investigating relief for people terrorized by the COVID-19 pandemic. The Commission has forwarded its recommendations to the Government through regular meetings. The Committee has the participants from the Bar Association, FNJ, and Medical Association, women activists, civil society, Nepal Army, Armed Police Force, Nepal, Central Investigation Bureau and high-level officials of the Madhesi Commission.
  22. A provision has been made for sending the Commissions annual action plan to the National Planning Commission and Finance Ministry.

23. There is easy access to information due to direct communication through social media with the rights activists of Province 1, Province 2, Bagmati Province, Lumbini Province and Sudurpaschim Province.
24. The Commission has collected recommendations from nine meetings of experts on citizenship bill. Similarly, have been held with the Central Bureau of Statistics to reduce errors in the 2021 census.
25. The Commission has celebrated its establishment day on March 20, 2020 in the presence of renowned persons and rewarded its best-performing staff members.
26. The Commission meets with staff every month to ensure joint efforts, discipline and to make them dedicated to the work. There is provision of e-attendance.
27. The Commission has conducted its regular works with devotion keeping in focus the mutual collaboration and coordination.
28. The survey report of organizational and management aspects of the Commission is sent to Ministry of Federal Affairs and General Administration for approval.
29. The Commission has presented its annual report of 2020/2021 to the respected President.
30. The work plans necessary for the Commission is under construction.

From the above mentioned activities, the works of the Commission is going forward effectively. However, the Commission has following challenges improvements of which are expected:

1. Even though there is provision of one chairperson and four members in the Commission, the positions of the members have remained vacant. They must be filled promptly.
2. The staff at the Commission are not permanent and this hampered the work and staff have been transferred

without the consent of the Commission.

3. The budget allocated for the Commission by the Ministry of Finance is less than that specified by National Planning Commission, and this has hampered its work. We expect a budget of NRs. one hundred million for the year 2020/21.
4. The Madhesi Commission must be renamed as the National Madhesi Commission.
5. There must be provision of a senior Secretary at the Commission.
6. The Commission functions from a rented building and must be provided an office of its own.
7. There must be clear identification of Madhesi in regard to caste and creed.
8. There must be provision of Government living quarters for the Chairperson and members of the Commission.
9. There must be a private secretary for the Chairperson. Further, there is need for a legal advisor and computer operator.
10. The Commission has proposed NRs. two hundred million for undertaking studies on different topics but the budget has not been allocated by Ministry of Finance and the National Planning Commission.
11. The contact agency for for the Commission must be Office of the Prime Minister and the Council of Ministers. Currently, it is Ministry of Federal Affairs and General Administration.
12. Delays in the allocation of budget, has affected the Commission's work.
13. Recommendations of the Commission must be implemented fully. There is no mention of the implications if the recommendations are not implemented.
14. The Commission must be made powerful by amending the existing law.
15. The law must be amended to force the concerned departments and Govern-

- ment to implement the recommendations made by the Commission.
16. There must be addition of staff, and the Commission must be strengthened.
  17. The Government must be attentive towards establishing provincial offices of the Commission.
  18. As per Section 8 of the Madhesi Commission Act, 2017, the Commission has been consulting with the vice president, speaker, chairperson of the National Assembly, Ex-president, Prime Ministers, Deputy Prime Ministers, chairpersons of the constitutional bodies and officials of the Ministries.
  19. The Commission had received assurances that the problems it had identified would be resolved from the Secretary of Office of the Prime Minister and the Council of Ministers. But there has been no progress.
  20. The Commission requires improved infrastructures and vehicles to be able to operate effectively.
  21. The existence of the Commission can be meaningful only if the Government and the parliament focus on its activities.

**Bindu Devi Sharma**  
Section Officer

## Nepali Army

1. Nepal Army is committed to accept the universality of human rights and international humanitarian laws accepted by the state, its provisions in the Constitution and legal provisions.
2. Nepal army is conducting training, including on human rights and international laws, as per the provisions in Constitution of Nepal and Army Act 2063 (2006) to realize the aim of developing Nepal Army as a modern and professional army. Accordingly, the overall ranks of the Nepal Army have been trained on human rights

- and international humanitarian law, including the subject of human rights in all training syllabi.
3. With reference to implementation of the guidance of the Chief of Army Staff, to educate army staff about human rights and international laws, one three months class is conducted in all units. So far 45, 571 army personnel have been trained.
4. For the respect, protection, promotion and effective implementation of human rights, human rights departments have been set up in every divisional headquarter. There are regular inspection visits from the Human Rights Directorate at all the human rights departments of divisional headquarters to monitor awareness of the army staff of human rights and international laws.
5. To completely enforce human rights in the Nepal Army, handbooks and DVDs have been distributed by this directorate in all units of the army.
6. All army staff deployed for UN missions on the call of the UN for establishment of peace, are sent after training them on human rights and international humanitarian laws.
7. Finally, the Nepal Army wishes for the progress of INSEC and congratulates it on its work of publishing the "Nepal Human Rights Year Book, 2021".

**Jiwan Prasad Dahal**  
Brigadier General, Director  
Directorate of Human Rights

## Nepal Police

We are happy to learn about the publication of the Human Rights Year Book 2021 by INSEC. Human rights has become the yardstick for assessing progress of all civilized societies. It is the first priority of the State to guarantee human rights of citizens.

Nepal Police is an agency that ensures the implementation of rights and laws of the land. Being at the frontline in maintaining security and peace in society for the promotion, protection and fulfillment of human rights, it has prioritized coordination and collaboration with government and non-government bodies.

Upholding the values and principles of human rights and to ensure that citizens enjoy their rights, Nepal Police set up its Human Rights Violation Investigation Unit in 2059 under the direct supervision of Inspector General of Police. Nepal Police has the aim of adopting a zero-tolerance policy on violations of human rights and to make the organization human rights friendly. It has also established human rights violation investigation units at the provincial level the district police plan of action has a contact person assigned for the purpose. The police force is engaged in protection of human rights of citizens by discouraging violations and through investigations, research, trainings, fines and rewards for its staff.

Nepal Police had implemented for following activities for the promotion and protection of human rights in the past fiscal year.

- Nepal Police provided security and protection to victims, the helpless, women, children and senior citizen during the COVID-19 lockdowns for controlling and preventing the spread of the virus.
- It has ordered implementation of decisions, complaints and recommendations through research and investigation received from the Office of Prime Minister and Council of Ministers, Home Ministry, National Human Rights Commission, and Commission of Investigation on Enforced Disappeared Persons.
- It has made provision for posting a complaints officer at its offices. Complaints can also be registered through

email, telephone and the Nepal Police website.

- In this fiscal year Nepal Police took departmental action against 787 staff members after finding them guilty of human rights violations through its own investigation, and based on complaints, recommendations and information in media.
- It has protected citizens human rights through crime prevention by adopting evidence -based investigations.
- It has issues circulars to police offices for making services they render more human rights and victim friendly.

#### Training and capacity building

- The curricula for advanced trainings in the force have human rights as a compulsory subject. A total of 1,633 police staff were trained on human rights in this fiscal year taking the total number of personnel trained so far to 19,955.
- Nepal police has instituted rewards and appreciations for making its staff more sensitive about the values and beliefs of human rights. This fiscal year, it rewarded 1,675 staff members for exemplary work.
- Nepal Police has formed 25,490 committees and conducted 29,164 programs at the local level in collaboration of concerned stakeholders through the community-police collaboration program. These engagements reached out to 7,867,565 people. It has organized 8,617 programs against the Chhaupadi practice, 186 programs on accusations of witchcraft, 261 on dowry, 249 on untouchability and other traffic awareness programs.

#### Towards fulfillment of human rights

- Although the police is in the forefront of implementing the Nepal Government's lockdown order to curb the global spread of corona virus facing additional challenges, it has successfully carried out its responsibilities

by preventing possible unwanted activity and preventing and investigating crime, health workers, hospitals, quarantine management and other places.

- Decisions made by respected courts, constitutional bodies and other judicial/quasi-judicial bodies have been implemented.

**Basanta Bahadur Kunwar**  
Central Police Spokesperson/  
Information Officer  
SSP

## Armed Police Force

**A**rmed Police Force (APF), Nepal has adopted the policy of no support for impunity and violation of human rights. If it receives any complaint on the violation of human rights by its staff, it promptly takes action and proceeds with departmental punishment. The APF has made protection of human rights and serving people part of its professional identity. It has taken the responsibility of enforcing law in society, and has been coordinating and collaborating with concerned stakeholders for salvation of victims of human trafficking and critical crimes occurring at the nation's border.

The APF has been working towards building an environment of the zero-tolerance policy of the Government with regard to human rights protections. As part of its efforts, the force had been conducting human rights and awareness trainings of staff, in accordance with its calendar through trainers from the Human Rights Cell, and different government and non-government organizations. APF is committed to control and reduce human rights violations in Nepal. For realizing these commitments, it established its Human Rights Cell on January 13, 2003 at its headquarters at Halchowk,

Kathmandu. The staff of the APF are also sent to participate in advanced trainings on laws and provisions regarding human rights at national and international levels. This has aided in building a pool of in-house trainers. In 2020, the APF trained 5,535 staff on human rights.

Finally, we express our belief that this organization will continuously make significant contributions to protecting and promoting human rights, which is documented and published annually by the Informal Sector Service for Social Justice (INSEC).

**Kamal Giri**  
Deputy Inspector General

## Nepal Bar Association

**I**t is a pleasure of Nepal Bar Association to get the information of the publication of Nepal Human Rights Year Book 2021 by your organization like in the previous years. We believe, the organization has publicized truths and facts of situation of human rights with the primary data collected through the field based monitoring conducted during 2020.

Nepal Bar Association's evaluation and observation of human rights situation during the year 2020 reveal that the situation of rule of law, access to the justice, individual freedoms, and human rights were not found satisfactory. The cases of prevalence of murders, critical criminal cases, voluntarily carried prosecutions, abduction, sexual abuse, increase in rape cases, confinement in rights to expression, arrests against the orders of court, contempt to the interim orders, forceful interventions and with the changed situations due to Covid-19, Nepal Bar Association realized that the state's performance and commitment towards human rights protection is inadequate and declined.

**Advocate Lila Mani Poudel**  
Secretary General

## Federation of Nepalese Journalists

Federation of Nepalese Journalists (FNJ) is an organization of journalists working to defend the Freedom of Expression and media freedoms. FNJ respects efforts of other organizations working for the protection and advocacy of human rights. INSEC has been doing commendable work in collecting data on human rights violations. I want congratulate INSEC on the publication of “Nepal Human Rights Year Book 2021” that brings together data on human rights violations in the past year.

FNJ has been continuously monitoring the press freedom situation in Nepal. It regularly follow up incidents of threats, attack, arrest of journalists. In 2020 too journalists faced various challenges and barriers in their professional practice. The federal and provincial governments enacted various media laws without consulting concerned stakeholders. These laws have shrunk the space for free expression and added more challenges on the professional security of the journalists.

There were three main media laws registered or under discussion in federal parliament. Nepal Government had drafted new law on the ‘Nepal Media Council’ in April, 2019. FNJ realized that the law would restrict freedom of the press and infringe into the freedom and autonomy of the Council and organized protests demanding amendments in the provisions. This led the Government to amend some provisions and the new version was sent to parliament. However, provisions in the bill are still restrictive and seek to keep the Council under government control, which is something that needs to be opposed and discouraged.

Similarly, the Development and Technology Committee of parliament has already prepared its report on a bill regarding information technology after dis-

S.No	Nature of Incidents	Number
1	Death/ killing	
2	Missing	
3	Arrest	5
4	Capture/Obstruction	4
5	Attack	9
6	Gender Violence	
7	Misbehavior/Threats	32
8	Displacement	
9	Professional Insecurity	2z
10	Ban through Policy	
<b>Total</b>		<b>52</b>
<i>Source 1: Federation of Nepalese Journalists, Freedom of Press Follow up Unit, December 31, 2020</i>		

cussions in the committee. However, the report has not been registered in parliament. This bill also has many provisions against freedom of expression and media, particularly in terms of controls on online media. Another bill taken to the National Assembly by the government concerns public service broadcasting. The bill also includes provisions that give government more control on public media.

Provincial governments have also been enacting different laws on media and many bills are being readied for discussion in the provincial legislatures. All of the new local laws restrict media freedoms and also largely disregard Nepal’s international commitments relating to such laws.

FNJ recorded 52 violations of freedom of the press between 1 January 2020 to 31 December 2020. There were 50 such violations in 2019.

In 2020, FNJ reported 32 cases of misbehavior and threats against journalists. Similarly, there were nine cases of attack on journalists, and five arrests of journalists. Additionally, there were four cases recorded were of disruption/obstruction and disturbances to media work and two cases related to professional insecurity.

