

Views of Institutions on Human Rights Situation in 2021

National Human Rights Commission

Informal Sector Service Centre (INSEC) has been publishing Nepal Human Rights Year Book every year. This publication has been incorporating diverse topics of human rights and we would like to congratulate INSEC for its success. The Commission believes that the contents in this book will be useful for the Government, national and international agencies, scholars and researchers working in the sector of human rights in one or the other ways.

The state is the guardian of human rights. Nepal, a member of the United Nations is the state party to various international conventions and a member of the Human Rights Council. Therefore, the state is responsible for respecting, promoting and protecting the human rights of its citizens as mentioned in the international treaties and national laws. NHRC has its role to collaborate with and remind the state to ensure human rights friendly laws and policies. The Commission has been established as a constitutional body to protect, promote, and ensure human rights.

The Commission undertakes complaints, evaluates the status of human rights, investigates those complaints and makes necessary recommendations for the effective implementation of the provisions to safeguard the prevailing

laws of human rights. It propagates human rights education among the various sections of society through seminars, symposium, conferences and also builds consciousness and awareness about the guarantees bestowed by law for the protection of human rights. Human rights friendly laws are being promulgated, reviewed and amended. Various forms of concerns regarding human rights are being expressed through reports, books and journals as well as press notes and statements. Likewise, the opinions of the Commission and information on human rights are disseminated through different media to the public.

In this fiscal year, 186 complaints of human rights violations were registered in the Commission. The investigation on 261 complaints, including the new ones and those received previously, have been completed. Monitoring has been completed in 212 different issues regarding human rights. Among the investigated issues, 188 decisions were made. The Commission has been prioritizing human rights to fulfil its motto that is, "Human rights for Every Household, Bases of Peace and Development." This year, 138 programs based on human rights promotion, 24 publications, 48 press statements and 20 press notes have been released.

Although the aforementioned targets have been met, the Commission is still not devoid of challenges. The Commission could not escape the pandemic of

COVID-19. Its effects were directly visible in the works and activities of the Commission. The Commission had been reminding the government and the stakeholders to address these challenges. Amid the achievements and challenges, the Commission has been moving forward with the learning and experiences of the contemporary situation by focusing on the Constitution, Acts and Strategic Plans.

The situation of the implementation of civil and political rights, economic, social and cultural rights and overall human rights is not satisfactory. It has been realized that an accessible environment has not been created for the implementation of the rights guaranteed by the Constitution and as a result of it, there is the prevalence of caste-based discrimination and a lack of accessible health services to all. The life of the general public is uncomfortable due to the increase in abuse of migrant workers and domestic violence. The state has not been able to concentrate on the issues related to the marginalized, indigenous, women, children, Dalits, minorities, senior citizens and people with disabilities. The commitment of the government to conclude Transitional Justice has not taken a solid form. The victims are yet to receive justice from the state. The implementation of fundamental rights lacks proper guidelines and policies. Laws have not been formulated incorporating all three tiers of the government. These are some of the challenges that should be addressed.

Lastly, we hope that the regular publication of the Nepal Human Rights Year Book by INSEC will inform all the organizations working for the protection and promotion of human rights about the status of human rights in Nepal, problems faced while entertaining the rights, the effectiveness of the state mechanisms and their roles in addressing the concerns of accountability towards human rights in the country.

Murari Prasad Kharel
Acting Secretary, National Human
Rights Commission

Informal Sector Service Centre (INSEC) has long been involved in cautioning, enhancing and safeguarding the human rights. The Ministry expresses felicitousness towards INSEC for its continuous effort in publishing Nepal Human Rights Year Book since 1992. As the publication gives an overview of the situation of Human rights in Nepal, the Ministry believes that the document will be prominent for everyone who are involved in promotion and protection of human rights in the Country.

Economic equality, social justice, education, employment health, are all the subjects of human rights. For the better realization and implementation of the same, these matters are ensured as fundamental rights under the Constitution of Nepal. Concerns of protection and promotion of the Human rights are duly considered while formulating and implementing the policies and programs of the country. Further, Nepal, as a member State, has been fulfilling all its responsibilities towards human rights as mandated by the United Nations.

Nepal completed its third cycle of Universal Periodic Review (UPR) on January 2021. The country has further formulated a draft of working plans for the implementation of the recommendations (2021-2025). The draft will be finalized after the consultation with the concerned Ministries, departments and the civil societies. The help that INSEC provided in the preparation of report for the third cycle of UPR is anticipated in the discussion phase (with civil societies) as well. The Ministry also expects continuous assistance from INSEC in the implementation of Fifth National Working Plans on human rights at all levels of governments.

In conclusion, noting the protection of Human rights and Humanity as a shared responsibility of all, we extend

our gratitude towards INSEC for its contribution on the sector of Human rights. We wish, Nepal Human Rights Year Book, 2022, to be an important source for everyone who are directly and indirectly involved in the field of Human rights and wish the year books to encourage everyone to respect, protect and promote Human rights.

Shraddha Rijal

Under Secretary
Department of Human Rights
and International Treaties

Ministry of Foreign Affairs

The Ministry of Foreign Affairs expresses its happiness to know that Informal Sector Service Center (INSEC) has added one more chapter to its hallowed tradition of publishing Human Rights Year Book in the form of “Nepal Human Rights Year Book 2022”. The Ministry wishes every success for the endeavor.

In 2021, Nepal championed the protection and promotion of human rights, democracy, and the rule of law, both at the national and international fronts. At the international forum, Nepal made valuable contribution to various interactive dialogues on the situation of Human rights covering wide issues ranging from violence against women to extreme poverty and promotion and protection of the right to freedom of opinion and expression to independence of the judiciary.

Nepal as a party to 24 international human-rights related conventions and commitments including seven out of nine core international human rights instruments alongside its regional and national commitment remains steadfastly committed to these international, regional and national human rights obligations. In all its national, regional and international participation, whether physically, virtually or in hybrid mode, Nepal unequivocally advocated for a free and fair democratic system for enjoyment of political, cultural and social rights. It has been duly fulfill-

ing its reporting obligations to all International Treaty Bodies it is member of, responding to all questionnaires, sending timely reports and providing feedbacks and opinions when sought for and voluntarily as well. Moreover, Nepal has been submitting Periodic reports at the Council.

As an active member, Nepal’s contribution to the Human Rights Council and CEDAW was noteworthy. At the domestic level, Nepal made efforts to protect the rights of all people including children, women, and marginalized people. Similarly, the National Human Rights Commission established as a constitutional body with a commensurate mandate, competence, and independence, continued to work as the custodian of human rights issues in Nepal. Nepal also made significant progress in achieving gender equality and empowerment of women. The law has made it mandatory to have women’s participation in federal and provincial parliament with 33 percent and at local level with 40 percent. The 5th National Action Plan on Human Rights that includes diverse range of issues from basic fundamental rights guaranteed in Constitution of Nepal to Human Rights awareness, prison reform and implementation of recommendations made by National and International agencies, is currently under implementation.

Adhering to Alliance 8.7, Nepal has committed to ending all forms of child labor by 2025. Right to representation of those out of mainstream of development is guaranteed by law. There are plans and policies to protect the rights of persons with disability. As a champion country of GCM Objective No. 6, Nepal’s role has been duly acknowledged by the International Community including its role as a Chair of Colombo Process from 2017-2019, as well as a member of Abu Dhabi dialogue.

Nepal is effortful to graduate from the Least Developed Country (LDC) category with preparatory period of five years, effective from 2026. Out of the three in-

dices which the CDP considers while deciding on the question of graduation- GNI per capita, Human Assets Index (HDI) and Economic and Environment Vulnerability Index (EVI), Nepal met the threshold for the latter two. We have taken the recommendation for graduation as an important milestone in Nepal's development trajectory and we hope that this graduation would give further momentum on the attainment of Sustainable Development Goals and other common international aspirations.

UN Security Council has reaffirmed the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peace-keeping, humanitarian response and urged all actors to increase the participation of women and incorporate gender perspectives in all United Nations peace and security efforts. Nepal has successfully implemented First National Action Plan (NAP-I) on UNSC 1325 resolution and is finalizing (NAP-II) as early as possible. In the 2021 UN Seoul Peacekeeping Ministerial, Nepal in alignment with UN's guidelines, pledged to adopt concentrated effort to achieve enhanced participation of female military under Uniformed Gender Parity Strategy.

Nepal made a meaningful participation in 76th Session of UNGA where Nepal reiterated that all human rights are universal, indivisible, inter-related, interdependent and mutually reinforcing. Nepal reiterated its stand at the international platforms including at the UN that Human rights are the bedrock of our Constitution based on the universally recognized core values such as equality, non-discrimination, justice and rule of law and we have duly internalized into our national laws, policies and practices.

During the National report presentation of the third cycle of Universal Periodic Review (UPR) of Nepal in January 2021, countries commended Nepal's commitment to the protection and promotion of human rights and extended best wishes for the successful implementation

of the recommendations. During the process, 98 UN Member states had presented altogether 233 recommendations out of which Nepal supported 196 recommendations, and noted the remaining 37 recommendations. Concerning the noted recommendations, Nepal believes that they require further assessment of the existing implementation capacity, including the development of requisite legal, policy, and institutional infrastructure, and commensurate financial resources. Nepal is also in the midst of preparing Action plan for implementing UPR recommendations.

Nepal also welcomed and extended all support to the visit of the United Nations Special Rapporteur on extreme poverty and human rights from 22 November to 3 December 2021. The visit was aimed at assessing the efforts to combat poverty and to protect the human rights of people in poverty in Nepal. During the visit, the Special Rapporteur held meetings with heads of constitutional bodies, government agencies at the federal, provincial, and local levels and met with Nepali families engaged in agriculture and domestic work.

The COVID pandemic added a new dimension to the spectrum of human rights. Nepal strongly advocated for vaccine equity to ensure unhindered access of all people to the COVID vaccines irrespective of their nationality and economic status.

Nepal continued its engagements at the regional and multilateral levels to combat the scourge of pandemics while providing its citizens vaccines and necessary medical support on the domestic front. The Ministry of Foreign Affairs also continued uninterrupted consular services to the migrant workers while carrying out rescue and repatriation when necessary.

The year 2021 was still shaped by the global pandemic, however, Nepal is committed to protect and promote human rights within and beyond its boundary and looks forward to engaging with the international community constructively.

Ministry of Home Affairs

Duly considering the prevailing laws and Constitution of Nepal along with its International commitments and acknowledging the scope of Nepal Government (Work Division) regulations, 2017, the Ministry is actively indulged in respecting, protecting and promoting the Human rights. Ministry has collaboratively been working with the National Human rights institutions in fulfillment of its commitments.

Few key tasks executed by the Ministry within this period has been elucidated below:

1. Executed the recommendation made by the National Human Rights Commission to punish the culprit and provide compensation to the victim.
2. Been investigating lodged complaints of human rights exploitation.
3. The work of preparing different reports on human rights has been executed and the work of providing inputs is carried.
4. Conducted the provincial level consultation on the draft periodic report of International Covenant on civil and political rights (ICCPR).
5. The work on periodic reports of International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) has been proceeded.

Hoping that the Nepal Human Rights Year Book, published by INSEC annually will aid in promotion and protection of the human rights, we express our will of collaborating with the concerned stakeholders for the realization of human rights in the days to come.

Nevertheless, amid pandemic, resource constraints and natural calamities, it is evident that the Ministry has been struggling to execute the works related to Human rights effectively. Lastly, we wish the Year Book, 2022 to aid in the

protection, promotion and respect of human rights in the country.

Hari Chandra Buda,
Section Officer

National Women Commission

INSEC play a crucial role and secure a special position in the sector of Human rights. 'Nepal Human Rights Year Book' published by the organization every year, covering all the aspects of Human rights is indeed commendable. Human Rights Year Book covers the cases of Human rights violation and abuses from across the country. Publication has assisted a lot in the protection and promotion of Human rights.

The Constitution of Nepal has accepted National Women Commission as a constitutional body and has established it as an organ for strengthening, promoting and protecting women's rights. Assurance of effective and proportional participation of women at decision making levels, fall under the scope of National Women Commission.

Despite the enactment of laws and policies for the upliftment and empowerment of women and commitments to end prevailing gender based discrimination following series of political changes, implementation status of the same is nominal. It has become imperative to focus on the implementation of constitutionally guaranteed Human rights and Women rights along with the Economic, Social and Political empowerment of the women

The Commission has drafted suggestions in regards with the assurance of gender justice highlighting the need of implementing progressive initiatives from different Ministries, Departments and Bodies of Nepal government and recommended the concerned authorities to execute the same.

After the appointment of one chairperson and four members in fiscal year 2020/21, the Commission has finally

gained its competence following five years of its formation. With the appointment of the officials, efficiency of the Commission in protection and promotion of Fundamental rights has increased.

Total of 1,570 complaints of gender based violence were registered in the commission in fiscal year 2020/21. Among them, 1,352 (86%) were the cases of domestic violence and 218 (14%) were the cases of women violence among which, 960 cases has been settled. Fifty-four percent of the cases were filed by women between the age of 26-40 years. The cases of mental and economic torture, beatings and character assassination were recorded to be maximum.

The Commission has been conducting various programs at center and provincial level in order to spread awareness on the constitutionally guaranteed rights. The commission has also been providing recommendations to the Nepal government based on its monitoring on the serious incidents of violence. Further, it has published a report on the implementation status of the recommendations provided by CEDAW on the sixth periodic report of Nepal.

We are working on establishing relations in all three levels of government to fulfill the constitutional responsibility on women rights. There is also need to strengthen the Commission from economic, political and administrative point of view. For this, the Commission is willing to collaborate and involve in the dialogues with all the concerned bodies.

Even during the lockdown amid pandemic, the commission continued to function effectively. The commission has been collaborating with different government and non-governmental authorities to increased the effectiveness of its services and will be continuing to collaborate in the days to come.

This year shall be celebrates as a year of 'Implementation of legally and constitutionally guaranteed rights of women.' For the same, National Women Commission

urge all the government and non-governmental bodies to work with the commission collaboratively.

Shailaja Regmi Bhattarai
Secretary

Tharu Commission

Due to COVID-19, like many other States, situation of Human rights in Nepal couldn't be satisfactory this year. Many people lost the job opportunities to pandemic. Majority of the youths from Tharu community are engaged in the construction work. They struggled to sustain their livelihoods after not receiving the wage on time. No vehicles were arranged for them to return home amid lockdown. After being deprived from working opportunities and not being able to pay the rent, people were compelled to return to Kailali, Kanchanpur (in the west) and Jhapa, Biratnagar (in the east) by foot. A verbal plea was made by the commission to the local administration and security agencies requesting them to return the Tharu youths to their respective places.

Amid lockdown, after receiving the information regarding State's inaction in maintaining minimum health standards, Commission recommended Nepal government to vest the responsibility of spreading COVID awareness and saving citizens from COVID to *badghar*. Due to handover of hospitals for Covid-19 treatment, Tharu people were deprived from receiving proper treatment for their genetic disease, sickle cell anaemia. Shortage of fertilizers, seed and tools due to lockdown, agricultural activities were largely hampered. Commission recommended Nepal government to ensure the representation of Tharu Community in District COVID Management Committee.

This year, many people lost their lives and properties to the Natural calamities like flood and landslides. Further, massive impact of unseasonal rain was vivid. Tharu community is mostly involved in agriculture. To safeguard their

interests, the Commission provided various recommendations to the government.

Many people from Tharu community were killed in the year 2021. Trishal Chaudhary was murdered in Udayapur inhumanly. To ensure maximum punishment to the offender, the Commission has investigated on this incident and held discussions with Local Administration and Security force to conduct the investigation impartially.

Similarly, three people were killed with electric shock in Bardia. The Commission has time and again requested the administration to initiate proper investigation on the incident.

Tharu Community has been raising voices against the practice of *Kamaiya* and *Kamalhari*. Declaring *Kamaiya* and *Kamalhari* free zone, government has initiated programs for proper management of them. However, they are deprived of many facilities provided by the government. They have no proper shelters and they continuously exposed to the risk of wildlife attacks. Many are facing the problem of social inclusion in absence of parents. Similarly, the inclusiveness of Tharu community in elections have been minimal and the Commission is continuously making efforts in increasing the same.

Even though 2021 was not a fruitful year for Tharu Community, the Tharu Commission is constantly working to make the lives of people, better. The Commission has initiated collaboration with stakeholders for the welfare of Tharu community, specifically with Parliamentary committees, NHRC and other constitutionally bodies.

Krishnakanta Upadhaya,
Secretary

Nepal Army

Working for the promotion, protection, and implementation of the Human rights and Humanitarian law.

Jiwan Prasad Dahal
Brigadier General, Director

Nepal Police

We are delighted to know that INSEC, a prominent Human rights organization in Nepal, is publishing Nepal Human Rights Year Book, 2022. The efforts of INSEC in publishing the year book since 1992 is commendable.

Nepal Police came into existence with the aim of maintaining peace and investigating the crimes. It is responsible to protect the constitutionally guaranteed rights of people along with the rights guaranteed by the National and International laws. . The organization has addressed the issues of human rights violation sensitively. .

Human rights is a backbone of the Nation. A human rights cell has been established in the head office of Nepal police for protection and promotion of the same. The cell is currently operating as a Human rights violation monitoring body. There are human rights departments in all provincial offices and metropolitan police office of Kathmandu. There is provision of focal officer for human rights protection in all area police offices that handle the cases.

Some of the remarkable works done by Nepal police in the year 2021 are mentioned below:

1. Towards the protection of Human rights

Orders were made for the implementation and investigation of complaints, suggestions and decisions received from the Office of the Prime Minister and Council of Ministers, Home Ministry, Courts, National Human Rights Commission, Commission of Truth and Reconciliation, etc.

Zero tolerance policy has been adopted in order to address the concerns of Human rights. Easy complaint mechanisms have been ensured. Necessary Contact details, email ids etc have been kept on the public domains ensuring easy access to everyone.

Strict actions are taken against the police personnel who violated the Human rights. Regular monitoring of the jail is ensured to reduce the cases of inhuman treatments in the custody.

2. Towards the promotion of human rights

Human rights training are incorporated in all the fundamental capacity building initiatives organized for the Police.

Training on 'Protection and Promotion of Human Rights' is provided to the Senior police officers and on 'Police prosecution and Human rights' is provided to the junior police officers and police constables every year. So far 24,169 police personnel have received the training.

A-day long human rights orientation program is conducted every month for the police officers working under metropolitan police office, District police office, area police office and police stations. So far, 13,249 police personnel have received the training.

Collaboration with National Human Rights Commission, concerned Ministries and National and International organization is promoted in order to increase the efficiency and effectiveness of the protection of Human rights.

A total of 494 CCTV cameras have been installed in all police offices conducting judicial activities.

Human rights is Universal in nature and is a concern of everyone. Noting the same, Nepal Police view the protection area within the organization. For this, the organization has been making various policies and work plans and working accordingly. We want to thank INSEC for their contribution in the area of human rights.

Bishnu Kumar KC
Senior Superintendent of Police

- ▶ Armed Police Force, Nepal has adopted the policy for elimination of human rights violation and impunity. Thus, if any staff of the institution are found guilty in violation of human rights, a thorough departmental action is initiated against them.
- ▶ Adopting zero tolerance approach against the violation of Human rights, the institution has been conducting awareness programs regarding human rights protection in its offices and branches.
- ▶ To ensure the legitimate use of force in the peace keeping activities, the institution has been providing training to the officials regarding the UN Basic Principle on use of force and firearm. Issues of Human rights has been a priority in every training organized by the institution.
- ▶ The cases of human rights violation where Armed Police Force is deployed, has relatively been low as Armed Police force has always been conscious towards the protection of Human rights.
- ▶ The organization has been conducting different seminars in collaboration with governmental and non-governmental organizations for the protection and promotion of human rights.
- ▶ We ensure that there shall be no violation of human rights in the presence of Armed Police Force.

Concluding, we wish for the success of INSEC in bringing human rights issues through Nepal Human Rights Year Book, 2022 and believe, the institute will continue its work in protection and promotion of human rights.

Yuvraj Aryal,
Superintendent of Armed Police Force
Human Rights Cell,
Armed Police Force, Head Office

Federation of Nepali Journalists (FNJ)

We would like to congratulate INSEC for publishing 'Nepal Human Rights Year Book, 2022', covering the information about the abuses and violation of Human rights in the country.

its annual publication "Nepal Human Rights Year Book, 2022". The organization is continuously working in promotion and protection human rights in Nepal.

FNJ is closely studying the situation of "press freedom" in Nepal. The institution has established its own desk for monitoring and documenting the issues of press freedom and human rights. Monitoring desk has continuously been documenting the cases of attack, threatening and abduction against the journalists.

FNJ has documented 62 cases of violation of press freedom in 2021 which affected 190 journalists and four media houses. There were 32 cases of threatening against journalists, 10 cases of professional insecurity and five cases of attack

on journalists. Similarly, there were four cases of arrest of journalists and of policy restriction against the journalist.

Many laws and registration safeguarding press freedom were formulated and tabled in the parliament. These tabled bills have challenged the scope of press freedom ensured by the Constitution of Nepal.

Professional security of the journalists has been hampered by the pandemic of Covid-19. Around 350 journalists were deprived of their wage, laid off and fired by the media houses in the name of pandemic. However, the problems of 300 journalists were addressed and the Federation has been pressurizing the government to address the issues of rest 50 as well.

All these cases expose the situation of human rights in the country. It is unfortunate to note the involvement of responsible bodies and political parties in the instances of violating Human rights.

Bipul Pokharel

Chairperson

Federation of Nepalses Journnalists

