

Chapter 7

Views of Political Parties on Human Rights Situation in 2023

Nepali Congress

Article 13-48 of the Constitution of Nepal 2015 have ensured fundamental rights to the people as their human rights. The agency responsible for monitoring the implementation of these fundamental rights must revise existing laws if they violate or cause to human rights violations.

On April 1, 2023, the Campus Chief of the Agriculture and Forestry University, Rampur, and the Free Student Union Election Committee Coordinator unilaterally published election schedules. That led to student clashes, which constituted a human rights violation.

On August 26, social media posts in Dharan Sub-metropolitan City aimed at disrupting social, religious, and mutual harmony were posted, constituting violations of human rights. The social media contents affecting social, religious, political, and mutual harmony, violated human rights.

On August 19, Nepali Congress leaders, cadres, and locals in Taplejung were beaten and manhandled by intoxicated police personnel during the Gaijatra festival. This incident, occurring 50 meters away from the Police Office and 25 meters away from Koshi provincial assembly member Khagendra Singh Hangma's residence, also constituted a human rights violation.

The clash in Nepalgunj, Banke, on October 8, 2023, disrupted social har-

mony in the district due to social media content affecting social, religious, and cultural unity, thus violating human rights.

The Nepali Congress concludes that the killing of a dozen people in armed attacks by the Palestine Islamist group Hamas on Israel on October 8 and the abduction and disappearance of an individual are cases of human rights violations.

On December 29, a vehicle used by a minister was set on fire at Balkumari in Lalitpur during a dispute over the Korean Language Test, leading to the death of two innocent youths when police opened fire to control the crowd. This incident also constitutes a violation of human rights.

Krishna Prasad Poudel
Chief Secretary

CPN (UML)

CPN-UML is a cadre-based party formed to empower Nepali people. The party has envisioned Prosperous Nepal and Happy Nepal and is in regular touch with people. This year, the party organized a 21-day resolution. The campaign led by party chairman KP Sharma Oli for prosperity started from Jhulaghat of Mahakali and ended in Chiwa Bhanjyang of Panchthar. During the campaign, interactions were held on human rights, social justice, development and possibilities and the local situation was observed well. CPN-UML is committed to fulfill the people's expectations expressed during the campaign.

The 2023 wasn't satisfactory from the human rights perspective. The coalition government couldn't be accountable to the nation and the people. Cases of smuggling, corruption and irregularities are increasing. People haven't experienced good governance. Cases of serious human rights violations such as killing of people in a minor row and murder of people are reported. Peaceful protests, demonstrations and raising dissident voices are considered people's human rights and freedom in democracy. But the government has banned the people from raising the voice and civil rights are shrinking as public places are banned for protests. People are forced to come to Kathmandu and protest for justice and their voices get heard.

The attacks on CPN-UML chairman and former prime minister KP Sharma and other cadres while going to participate in political events and obstructions prove that the government is not serious for the protection and promotion of human rights.

The country's economy is in a state of collapse. Inflation has badly affected the people. Peasants are deprived of getting chemical fertilizer, seed and medicine in time. Neither minimum support price of their products is not fixed in time nor they get the said price. Farmers are cheated because of local money lenders and it seems little is done in addressing their problem and ensuring their basic rights.

This government seems unable to ensure transitional justice. Depriving victims from getting justice even after 18 years is an unjust situation. Cases of violence against women, organized human trafficking, child rights violation and caste-based discrimination have not decreased.

Nepali people are often facing impacts of climate change. Entire food supply chain system has been affected be-

cause of low production. Food insecurity is multiplying. Loss of climate induced disaster is increasing. Because of this scenario, the vulnerable community is suffering the most. The number of people dying in road accidents and natural disasters is increasing. Earthquake victims in Jajarkot are affected due to discrimination in relief, rescue and rehabilitation. They are suffering the most because of negligence from the state. A significant number of earthquake survivors died because of the cold.

It seems the country hasn't opened doors for prosperity and possibilities. Consequently, the number of youths migrating abroad for employment and study is increasing. Some of them are settling their lives abroad. Inequality, hunger and food insecurity increased this year. People's growing mistrust towards the country is not good. This was the result of the government's irresponsible response to the people. Likewise, the socio-economic crisis is deepening in the country. Consequently, cases of suicides are increasing.

The government is compromising the rule of law. Those convicted by court for their crimes are released from jail. Instead of addressing concerns of victims the government is adding salt to them.

CPN-UML is committed to the protection and promotion of human rights. It was equally active in the year 2023 to raise issues of people and draw attention of government and stakeholders concerned.

Sankar Pokhrel
General Secretary

Nepal Communist Party (Maoist Center)

In the framework of federal democracy, the nation is advancing towards a prosperous socialism, anchored in the ideals and principles articulated in the con-

stitution's preamble. The political parties, integral to the constitution-making process, have demonstrated commitment to uphold its essence and principles. Crafted by the Constituent Assembly, representing the people, the constitution has elevated the country as an independent and distinguished entity globally, encapsulating fundamental principles such as human rights, rule of law, an independent judiciary, elections, and other democratic values.

In Nepal, alongside the prevalence of various crimes in a society marked by social disparities and identities, human rights violations stand out. These violations often stem from the underlying social disparities and discrimination perpetuated by state power. The year 2023 continues to witness this trend.

The challenges in the implementation of human rights, as guaranteed by the constitution, have posed significant difficulties in Nepal. The challenges include youth migrating abroad due to unemployment, investor hesitancy in economic sectors, problems in agricultural investment, and issues in the product market system. Additionally, challenges arise from the lack of institutional development in education, health, and transportation sectors, public services, and a proper system of consumption. Despite political parties expressing their commitment to good governance, social justice, and prosperity, the field of human rights in Nepal has been influenced by the lack of unity among all political parties in matters of national pride and self-interest, both directly and indirectly.

The situation of human rights has reached to the fourth generation in Nepal, where challenges to human existence have arisen due to the destruction of the environment and natural resources, leading to climate change. In addition, minimal issues like clean and organic food

items, consumers' rights, guaranteed market prices and market system monitoring are challenging the right of citizens to live generally. Several factors contribute in pushing the country towards impunity. The status of human rights in Nepal was previously limited to life, liberty, and political rights. However, today the scope of human rights issues in Nepal has expanded significantly. The government plays a crucial role in the protection and promotion of human rights, and it should take human rights issues seriously. A responsible government contributes to a high level of respect for human rights. Conversely, when the government is irresponsible, cases of human rights violations tend to increase.

In the context of Nepal, defining the concept of human rights has become a serious matter, particularly regarding discrimination by the state. The fundamental rights of dalits, women, and marginalized communities, who have endured discrimination and oppression for ages, have not been fully implemented as mandated by the constitution. The fact that only one bill has been passed by the current Parliament in a year has raised concerns about the state of the rule of law in the country. The distance between the state and the people remains considerable when it comes to addressing the human rights concerns of the Nepali people. Hence, the state of human rights in Nepal in the year 2023 falls short of what it should be in terms of establishing and implementing the rights of citizens as provided by the constitution. Despite the unanimous agreement among all political parties regarding the principles of federalism, republicanism, secularism, and the inclusive proportional election system as outlined in the constitution of Nepal, practical implementation has encountered hesitancy. In 2023, the human rights sector did not receive significant

priority in terms of the implementation of the constitution and respect for human rights.

Shriram Dhakal
Chief Secretary

Rastriya Swatantra Party

Violation of human rights isn't accepted in any democratic country. Despite being a democratic country, we haven't been able to fully ensure human rights for citizens. Consequently, the issue of human rights continues to be a challenging issue and cases of human rights violations are increasing.

Ever since Nepal signed Slavery Convention in 1963, Nepal has shown commitment to upholding various international human rights agreements, declarations, and United Nations Charter. Nevertheless, failed to implement the standards outlined in various treaties, protocols, and declarations Nepal lags behind in minimum human rights ranking.

The 2015's Constitution covers most rights included in international human rights. Apart from independent judiciary several constitutional bodies are created for the implementation of those rights. But some fundamental rights guaranteed by the Constitution can't be implemented unless laws are promulgated. Of the total 32 articles related to fundamental rights, 23 can't be implemented without promulgating new law. Due to absence of laws even fundamental rights are not implemented. On the other hand, holding anyone involved in human rights violation is the state duty. But the impunity is thriving and victims are forced to wait to get justice for years.

Due to conflicting political interests several conflict victims are deprived of justice. Therefore, resolving war-era human rights violations—a key issue of Nepal's peace process—without further delay is a dire need. Keeping transitional justice unresolved does not hold any sig-

nificance in favoring or committing to human rights by the state. Therefore, signing international human rights treaties doesn't make sense if the conflict victims suffer this way. Resolving conflict-era cases is not possible until the prevailing tendency of viewing those incidents as a bargaining tool in politics.

The National Human Rights Commission is constitutionally empowered to promote human rights, investigate cases of human rights violation and take action against perpetrators. But the commission has its own limitation in terms of performance. The recommendations sent by the commission was left to be implemented by the government.

By issuing prohibition the government has barred the people from organizing peaceful protests in the capital city and freedom of expression is curtailed. The government has used excessive force even to control minor incidents. There are a few cases where people were killed in protests. This means the government is not sensitive enough towards human rights.

Cases of human rights violence on the ground of gender, caste, religion and communities as well as discrimination and bad practices continues. Given this context, neither the state has monitored the situation nor takes action against right violators to ensure justice to victims. The government should focus on legal arrangements and institutional reform as existing laws are not sufficient to fulfill human rights commitments expressed in international forums.

Human rights violations may occur anywhere, at any time. Conducting a proper investigation, holding those involved in violation accountable and ensuring justice to victims are key steps to be taken afterward the incident. We are failing to do this at this point. Consequently, our international commitments and practice contradict. We can practi-

cally ensure human rights as fast as we can promulgate needy laws and make institutional reforms. The rights enshrined in the constitution and laws should be translated into action. Unfortunately, we are often missing the opportunity of guaranteeing implementation of human rights in practice.

Rabi Lamichhane
Chairperson

Rastriya Prajatantra Party

Even as the constitution has ensured safeguarding and protection of human rights the government is not serious in implementing it to the fullest. The number of people dying without basic health treatment is increasing year by year. Going against the people's right to peaceful gathering and expressing their opinion the government is expanding prohibited areas and timing. The killing of two innocent youths while queuing to register a job application for foreign employment in the district of Lalitpur was a horrifying incident. Much needs to be done to ensure full-fledged rights of children, women, senior citizens, minorities and backward communities. I want to draw the attention of the government towards that.

Rajendra Lingden
Chairperson

Janata Samajwadi Party, Nepal

There should certainly be an effort to control and raise awareness of human rights violations, especially those committed by the state. There seems to be a need to stop human rights violations, oppression, atrocities, fear and terror from the state side, and for this, the existing legal arrangements should be further improved and amended to make laws.

At present, the development institutions of the world in the developing

countries, ensuring the minimum requirements for human residence, guarantee of employment and the fulfillment of the minimum requirements for living has become the first step in the protection of human rights. In the changing world, human interests and needs are becoming secondary to power interests.

Finally, there have been dozens of cases of human rights violations like last year, however, despite various difficulties and political instability, there has been a decrease this year. But what is not happening is the development of prison as a correctional facility. There is no shortage in the act of hiding the real culprits and trapping the innocent. In this direction, conservative thinking and trend is being adopted. Using guns should not be the primary effort to stop violent mobs and prohibited activities, but there has been no improvement from the government side in this regard. Complaints of the poor who have been subjected to injustice and oppression are not being registered, and the trend is increasing.

Hon. Prakash Adhikari

Member of the House of Representatives
and Member of Central Executive Committee

Communist Party of Nepal (Unified Socialist)

Human rights is an inherent right of all human beings. Even as human rights seem described as natural, fundamental and legal rights it should be understood as the center focus of human dignity. Rights required to live in a dignified manner are human rights. That's why it aims to create an equitable and prosperous society where people's inherent rights are ensured and people live without fear and scarcity irrespective of their ethnicity, language, religion, class, area and gender.

Entire human community is trying its best for the protection and promotion

of human rights and fundamental freedom in accordance with the spirit of universal declaration of human rights since it was declared.

Nepal organizes various programs to acknowledge the importance of universal declaration of human rights. Various programs are organized in different parts of the country aimed at creating awareness about human rights. Going back to Nepal's political movement Nepali people have been advocating for human rights for the last seven decades. Due to peaceful political movement the Constitution of the Kingdom of Nepal-1990 the people's fundamental rights. Thereafter, 2007's Interim Constitution 2007 which was promulgated shortly after people's movement II and recent one promulgated in 2015 also ensured human rights as the people's fundamental rights. Guaranteed by Constitution Nepali people's human rights remain as fundamental but unamendable rights.

We have been relentlessly struggling for the protection and promotion of human rights. We have extended our support and solidarity to all international efforts made for the protection and promotion of human rights. In the course of protecting and promoting human rights

efforts to remove provisions related to the death penalty are underway.

Key human rights issues of the present day are poverty, illiteracy, health treatment, child rights violation, violence against women and children and ethnic, gender, regional, religious and social discrimination. Of them, extreme poverty of people living below the poverty line has become a key concern. Apart from this, some new mothers and children are deprived of nutritious food. Given this context, mere legal and constitutional remedy don't ensure the people's fundamental rights. So creating awareness on this is essential.

It is essential to continue our efforts for the protection and promotion of human rights, respect the people's fundamental rights and freedom of expression, prevent gender, ethnic, regional, religious and logistic decimation and achieve the target of universal human rights. For this, programs related to universal human rights play an important role. I believe efforts for the protection and promotion of human rights will continue in the days to come as well.

Madhav Kumar Nepal

Former Prime Minister and Chairperson

