

## Chapter 8

# Views of Provincial Government on Human Rights Situation in 2023

The Koshi Province Government is committed to protect, promote and support human rights by conducting campaigns to make it a child marriage free province by 2025.

**Kedar Karki**, Chief Minister Koshi Province



The jurisdiction of police and peace security will be under the province. There is a distrust of federalism and a lack of commitment to integrating employees. The bureaucracy holds too much power and red tape in the system is further weakening federalism. However, isn't withholding power and rights contrary to the principle of human rights an even bigger concern?

**Saroj Kumar Yadav**, Chief Minister, Madhesh Province



Arrangements like housing for homeless, thatched cottage displacement program, quota system for minority and endangered castes are being implemented.

**Shalikram Jamkattel**, Chief Minister, Bagmati Province



The Provincial government face challenges in implementing their plans made in spirit of the Federal government due to the lack of delegated authority.

**Surendra Raj Pandey**, Chief Minister, Gandaki Province



The absence implementation of basic rights have created uncertainties. The Provincial government have sensed lack of regulatory bodies.

**Dilli Bahadur Chaudhary**, Chief Minister, Lumbini Province



To grasp federalism, governments must prioritize cooperation, coordination, and uniformity. This entails working together to foster development and establish good governance. Additionally, all governments should share a common goal of practicing policies that lead to prosperity for their constituents.

**Rajkumar Sharma**, Chief Minister, Karnali Province



In cases where the violation of human rights is considered a criminal offense, the investigation process is hindered by the absence of provincial police.

**Kamal Bahadur Shaha**, Chief Minister, Sudurpashchim province



## Koshi Province

The Constitution of Nepal-2015 serves as a guiding framework for the state's commitment to fostering a culture of human rights, ensuring 31 fundamental rights with detailed explanations. The federalization of the state into three levels of government, as outlined in Part-5, reflects a structured approach based on the principles of the Structure of State and Distribution of State Power. Specifically, the Constitution designates 28 seats in the House of Representatives, 56 seats in the Provincial Assembly, and 137 local governments within the province, ensuring representation and decentralization of power. Moreover, Part-4 of the Constitution outlines Directive Principles, Policies, and Obligations of the State.

Despite challenges, such as the protests against the Provincial Assembly's decision to name the province as Koshi on 29 February, the government remains committed to protecting and promoting human rights in Koshi Province. Various initiatives, including the implementation of legislation such as the Domestic Violence Act 2010 and the Public Health Service Act 2018, demonstrate this commitment. Efforts are also underway to address specific issues, such as ending child marriage by 2025 and providing free health facilities for children below 10 years.

Acknowledging concerns raised by the Fifth Human Rights Action Plan, the Koshi Province government has integrated various schemes into its annual policies and programs for the fiscal year 2022-23. These include initiatives such as the Chief Minister Emergency Service Center, Life Insurance Scheme, and Multi-stakeholder Nutrition Program, aimed at safeguarding and promoting human rights.

Despite challenges stemming from political instability and issues such as

royalty allocation from natural resources, the government remains resolute in its commitment to human development. Utilizing constitutional powers, the government is determined to overcome obstacles and ensure the smooth implementation of policies and programs aimed at fulfilling UN conventions, Sustainable Development Goals, and human rights agreements.

In conclusion, the Koshi provincial government expresses its appreciation to organizations like INSEC for their contributions to the human rights movement, emphasizing the importance of documenting and addressing human rights issues in the country.

**Kedar Karki**  
Chief Minister

## Madhesh Province

Humans have evolved over thousands of years, reaching today's developed state. Despite commendable achievements and significant historical progress, certain outdated traditions and mindsets persist in our society. Even in the modern era, some aspects remain stuck in narrow and superficial views, hindering the creation of a more equitable society. This hampers progress in various areas, including social, economic, and political realms. Discriminating against someone based on their race, religion, or caste, and underestimating others due to societal gaps, violates natural human rights. Such discrimination is primitive and goes against the inherent dignity of every individual. It is crucial to recognize that every person is more than these superficial differences. The Madhesh movement, which has historically fought for human rights, exemplifies the importance of this issue.

There is no doubt that the movement against inequality and discrimination stands up for equality and justice. The Madhesi people, through their move-

ment against discrimination, have fostered a sense of unity, belonging, co-existence, and co-ownership in the country. However, the implementation of federalism has been marked by confusion, reluctance, and lack of honesty. Despite the passage of eight years since the promulgation of the Constitution and the formation of provincial governments, the central government's mindset does not seem to favor the spirit of federalism. There is a tendency within government circles to assimilate federalism, which goes against the constitutional spirit. This approach risks treating federalism as a mere pitiful orphan in the street.

The first item in Schedule 6 of the constitution pertains to Police and Peace Protection Provisions. This indicates the importance placed on ensuring law enforcement and maintaining peace within the provinces. However, the process of management and appointment of people in this regard is currently unstable and heavily influenced by bureaucracy. There is a suspicion of federalism and traditional practices, leading to disbelief and a lack of commitment. This mentality of merely verbalizing rights without actual implementation constitutes a violation of human rights.

In Madhesh, the protection of human rights is evident as it leads a new form of struggle. The state government's decision to enact a law for total appointments, including a provision for 50% reservation for women, is noteworthy and memorable. This step, aimed at promoting gender equality, represents a historic initiative in the realm of human rights. However, there are still significant issues concerning the protection and empowerment of marginalized groups within Madhesh, including those related to caste, class, and community. Efforts are ongoing to address these challenges and find solutions.

Madhesh is committed to stand against discrimination and will continue to do so. We are resolute in our belief that the dignity of every individual is paramount and is the basic foundation of human rights. Without social justice, equality, and rights, political rights hold no significance. We are dedicated to upholding inalienable human rights principles. We are all human beings, it is sad to see how even human rights institutions are overlooking out struggle.

**Saroj Kumar Yadav**  
Chief Minister

## Bagmati Province

A special program is essential to ensure key issues of economic, social and cultural rights-- quality education, health and housing sectors-- as guaranteed by the Constitution. That helps to analyze programs from the human rights perspective and ensures a friendly environment for service seekers. The provincial government established on the ground of civil and political rights should advocate for the people's basic need and quality service by empowering the people and demanding through self-reliance and making the provincial government more responsive.

The government is actively at the province, district and local level to implement the Fifth National Human Rights Action Plan by establishing a mechanism from province to ground level. The provincial government has prioritized revision of intergovernmental rights, drafting of common rights related laws, promotion of institutional development and end of duplication in development projects. Further, acts related to adjustment of police, promulgation of civil service act among others for the further institutionalization of the federal democratic republic by holding regular discussions with major political parties involved in constitution are our priorities.

The provincial government is committed to implement programs such as health care, skill development, and employment for persons with disabilities, families of martyrs, victims of conflict, and individuals with disabilities, as part of the struggle for federal democratic rights. Alongside this, the provincial government is implementing programs such as housing arrangements for the homeless, clean water supply programs, and reservations for minority groups aimed at integration of marginalized communities. The Bagmati provincial government is committed to promulgate human rights laws as committed by the Constitution for the protection and promotion of human rights and ensure needy services to the public.

Finally, the Bagmati provincial government believes collaboration with organizations such as INSEC will achieve a milestone in implementing its human rights plans and policies.

**Shalikram Jamkattel**  
Chief Minister

## Gandaki Province

Although the Constitution of Nepal mandates federal, provincial, and local governments with the responsibility of human rights protection, promotion, and fulfillment, challenges arise due to incomplete delegation of rights to provincial governments.

However, the Gandaki provincial government remains in its commitment to safeguard, protect, and promote human rights. Efforts are underway to engage with grassroots communities through various policies, programs, and budget allocations. Collaborative initiatives with human rights organizations and civil society leaders are being organized across the province to address these concerns.

In the fiscal year 2023-24, the Gandaki provincial government organized

a program to mainstream human rights issues into provincial and local government agendas as stipulated in the Fifth National Action Plan. Additionally, annual development programs led by the chief minister and council of ministers include discussions and initiatives aimed at mainstreaming human rights issues, aligning with national action plans.

Interaction and discussions are organized at the human rights province coordination committee meeting to discuss human rights reports, their localization, problems and possible solutions.

Federal coordination committee is discussing plans and activities in the province. Discussions are underway to form local government coordination committees. Provincial government is collaborating and coordinating with local governments for their capacity building and empowerment when the issues related to human rights arise.

Universal human rights declaration has established that the norms and values of human rights and democracy are not limited within geography but are universal in nature. Efforts have been directed towards implementing the Fifth National Action Plan through the establishment of provincial-level committees and active engagement from relevant ministries. The collective involvement of all stakeholders is essential for the successful implementation of these initiatives.

The state efforts alone are not enough to ensure implementation of constitutionally guaranteed human rights. This can be possible only if civil society leaders, human rights defenders, organizations working in this field and stakeholders concerned collaborate to work together.

Since Nepal is a member state of several international conventions and agreements, it remains committed for the protection, promotion and fulfillment

of human rights. Better service delivery can be ensured to the people if laws are promulgated in alignment with the principles of the Constitution of Nepal, especially regarding federalism and empowering local bodies.

The Gandaki provincial government reiterates its commitment to human rights. I assure to continue collaboration with all stakeholders concerned for ensuring human rights.

**Surendra Raj Pandey**  
Chief Minister

## Lumbini Province

The Constitution of Nepal 2015 is committed to ending all forms of exploitation and discrimination, aspiring to build an egalitarian and inclusive state. It has expanded the scope of fundamental rights and has made the state responsible for guaranteeing the value, recognition, and civil rights of human rights. The Lumbini state government has embraced this responsibility without hesitation and is committed to human rights-friendly work by determining plans, programs and resources in order to ensure gas, housing, cotton and basic services.

The Lumbini state government has undertaken several initiatives to promote human rights and address various social issues. Notably, it has focused on constructing Province-level rehabilitation centers for women victims of violence and providing free ambulance services to reduce maternal and child mortality rate, and for pregnant women particularly in remote areas. Other key efforts include the construction of province-level child protection homes, mobilization of children's funds for the protection and upbringing of orphaned children, and the introduction of programs for the social security and protection of various vulnerable groups such as destitute individuals, women, children, single women, persons

with disabilities, senior citizens, queer community and HIV-infected children. The government has taken steps to end child labor exploitation and promote the protection and development of children, including the establishment of programs to operate children reform homes. Additionally, collaborative efforts with local levels have been made to repurpose unused public buildings for housing initiatives. The government has created 72 laws in the previous term and has given priority to the creation of laws in the second term, with seven bills tabled and four passed so far.

The Lumbini state government has prioritized addressing the challenges faced by workers. In this regard, significant efforts have been made to pass crucial bills, including the bill designed to manage the formation, operation, and conditions of service of the provincial civil service. Additionally, the government has worked on amending the Health Institution Establishment, Operation, Renewal, and Upgradation Act, 2076 BS.

The Lumbini state government has undertaken significant legislative efforts, encompassing a diverse range of areas. Bills have been formulated to address crucial aspects, including provisions for the provincial police service, regulation of pesticides, establishment, operation, regulation, and management of provincial universities, and the establishment and operation of service centers, rehabilitation centers, and service and rehabilitation funds. Additionally, the government has worked on bills related to environmental protection, guaranteeing good governance, market regulation, competition promotion, road traffic and transportation, children's rights, provincial livestock department and meat inspection, and equal protection of inter-provincial residents. These legislative initiatives underscore the commitment to comprehensive governance and development in

Lumbini Province. However, due to the failure of the federal government to enact laws on time, the jurisdictions of the provinces have also been affected. Mainly due to policy duplicity, we lack a clear scope of work and we have not been able to build the necessary institutional structure.

The absence of specific legislation for the implementation of basic rights has resulted in confusion. Additionally, the provincial government lacks regulatory bodies, and institutional coordination has proven ineffective due to a lack of necessary resources.

Especially for the implementation of the Human Rights National Action Plan, there is a lack of strong will in the political and administrative mechanisms towards human rights. There are many challenges related to human rights protection. The limited resources and structures in the province have made it challenging to effectively protect and promote human rights in accordance with the values, recognition of human rights, and international commitments. As a result, ensuring the practical implementation of constitutional and policy arrangements has become challenging. The implementation of fundamental rights and the full guarantee of constitutional and policy solutions for their violation and interference face additional difficulties. Discrimination, inequality, and marginalization based on regional, gender, ethnic, linguistic, and socio-economic diversity in the country are now being addressed through the resources, structure, and manpower. Due to the lack of legislation, monitoring and managing prisons is currently challenging. Additionally, working in areas such as community forests and cooperatives has become difficult. The problem is further compounded by the lack of clarity on the stance and role of the provincial government in various matters. Even after six years of establishment, these uncertainties create obstacles to establish-

ing a close connection between the people and the provincial government. Despite all the disruptions, we have not backed down to promote civil services and human rights. Despite all the disruptions, we have not backed down to promote civil services and human rights.

Our commitment to developing the province as a child-friendly, gender-friendly, disability-friendly, and senior citizens-friendly province, based on the development index will not be diminished. We are serious about implementing the National Human Rights Action Plan to ensure the realization of these objectives. Our commitment includes building a street person-free province, expanding access to health and education for everyone, implementing fundamental rights, providing social security, protecting women, children, and single women, and conducting special programs at the local level, district, and state campaigns with comprehensive safe maternity services.

**Dilli Bahadur Chaudhary**  
Chief Minister

## Karnali Province

Despite the abundant water resources (Karnali, Bheri, and their tributary rivers) agriculture (organic province, traditional crops, apple, walnuts and *Prinsepia utilis* Royle), herbs (Yarsagumba, Gucchi mushroom, *Paanch Aaule* and *Shilajit*), non-timber products, petrol, coral mine, limestone, copper, tourist attractions like Rara Lake, Shey-Phoksundo, Khubindetar, Syarpu Daha, Panchkoshi, and Limi Valley Karnali lags behind in human development index. The region faces challenges such as unemployment, poverty, insufficient healthcare and education infrastructure, and vulnerability to natural disasters due to geographical obstacles and social complications. Climate change, food insecurity, and malnutrition further exacerbate the difficulties, posing



significant challenges for the protection, preservation, and promotion of human rights in the area.

Nearly six years have elapsed since Nepal adopted a federal democratic republic system delegating the power into three separate governments—Federal, Province and Local. Two period elections have also been conducted since adopting the Federal model. Acknowledging human rights as fundamental values enshrined in the universal human rights declaration, the Constitution of Nepal, the Provincial government is operating the Chief Minister Social Transformation Program. The program aims to uphold human rights, social justice, gender equality, and social inclusion by addressing social challenges-- child marriage, polygamy, the practice of dowry, witchcraft accusations, domestic violence, gender-based violence, alcoholism, human trafficking, disability rights, and the welfare of senior citizens. The government's policies, plans, and programs prioritize the protection and promotion of human rights, alongside providing immediate support through short-term services. To implement the Fifth National Human Rights Action Plan, the provincial government is organizing human rights awareness campaigns. It has focused on building code of conduct, practice of child-friendly local governance, prevention of workplace sexual violence, protection of consumers' rights, income-generation programs for persons with disabilities, relief and treatment for conflict-affected individuals, maternal and child welfare schemes, employment programs targeting the economically disadvantaged and marginalized, accident insurance schemes, citizen health check-ups, income generation projects for vulnerable groups, and the bank account for daughters. These programs are consistently implemented to ensure sustained progress.

Even as Federalism has ensured political rights, it is crucial to ensure the

effective functioning of fiscal federalism, financial federalism, administrative federalism, and technological federalism to make the operations of the federal, provincial, and local governments impactful. Both Province police administration and law transfers between Provinces and Local governments, ambiguity in measurement standards within shared rights list areas and the situation where similar activities and order of provinces are single rights of the province. So far, the federal government has not adjusted police and its managing police forces and law order on its own, breaching the jurisdiction of provincial governments. Since the federal government has not promulgated the integrated and common kind of law province is in a confusion about provincial law-making process. Due to lack of coordination contradiction has emerged in laws promulgated by the province and local governments, there is no consistency and there is risk of maintaining legal status intact. Complication is seen in implementing Nepal's commitments expressed in international forums, government plans and policies including Sustainable Development Goals, as there is no clear role and duty mentioned for provincial governments. The acquisition of necessary land, particularly in protected and forested areas for the implementation of development projects, is getting complicated leading to delays, increased costs, and project hindrances. Additionally, the lack of coordination in financial transfers and budget formulation processes between different levels of government, diminishing equalization grants over time since the establishment of provinces, and the absence of defined roles for provinces and local governments in implementing, monitoring, and evaluating programs and projects conducted by the federal government contribute to an imbalance.

Furthermore, the absence of established procedures for land and property

are implemented by all three levels of government exacerbate the challenges faced in effective federalism implementation.

To effectively grasp, articulate, and interpret federal principles, all tiers of government must collaborate, synchronize, and ensure consistency. The primary objective of every government should focus on fostering development, fostering good governance, and attaining prosperity. Our foremost priority should be safeguarding human rights and enhancing living standards by addressing a comprehensive range of services, including infrastructures, education, healthcare, water supply, irrigation, housing, energy, and communication. Karnali Province government is committed to fulfilling its duty, as outlined by the Constitution of Nepal 2015, to address the aforementioned issues and safeguard, support, and uplift the human rights of Karnali's populace.

**Raj Kumar Sharma**

Chief Minister

## Sudurpaschim Province

Sudurpaschim Province is working within the jurisdiction defined by the Constitution of Nepal since 2015, the year Nepal transitioned into federalism. As guided by the Constitution, issues related to poverty alleviation, social security, employment and inclusion among others are directly related to human rights. To address these issues, the Sudurpaschim provincial government is implementing provincial policies and programs, sectoral laws and budget and empowerment schemes.

On legal and functional fronts, the Province Act Related to Children-2022, the Act Related to Dalit Empowerment-2021 have been drafted. Additionally, the Sudurpaschim Civil Servants Act and Sudurpaschim Police Act 2022 have been enacted, leading to a functional bureaucracy.

The Office of the Chief Attorney, responsible for representing the provincial government in legal issues, is working for the protection and promotion of human rights by creating awareness in the province and its subordinate offices. However, the lack of a provincial police force has affected the investigation of human rights violations in criminal cases. Safeguarding human rights has been a challenge due to provincial social structure, education level, absence of civil servants etc. There is a need of coordination among three tiers of governments on how to address individual and collective rights.

A meeting of chief ministers from all seven provinces has mandated the chief attorneys to study issues raised during the gathering. However, maintaining cooperation, coordination and co-existence as outlined in the Constitution presents challenges. The Sudurpaschim Provincial government believes that the promotion and protection of human rights and human dignity can be achieved through effective coordination, collaboration and communication among individuals, organizations, private-public institutions and government mechanisms.

In conclusion, the Sudurpaschim Provincial government is dedicated to upholding and defending human rights within the province. It will continue previous efforts, conduct field studies guided by the fifth action plan for human rights, and prioritize human rights initiatives in its future endeavors.

Finally, the Sudurpaschim Provincial government is committed to upholding human rights in the province. The provincial government will give continuity to previous works, conduct a field study to as guided by the fifth action of human rights, and prioritize the human rights initiatives in future.

**Kamal Bahadur Shah**

Chief Minister