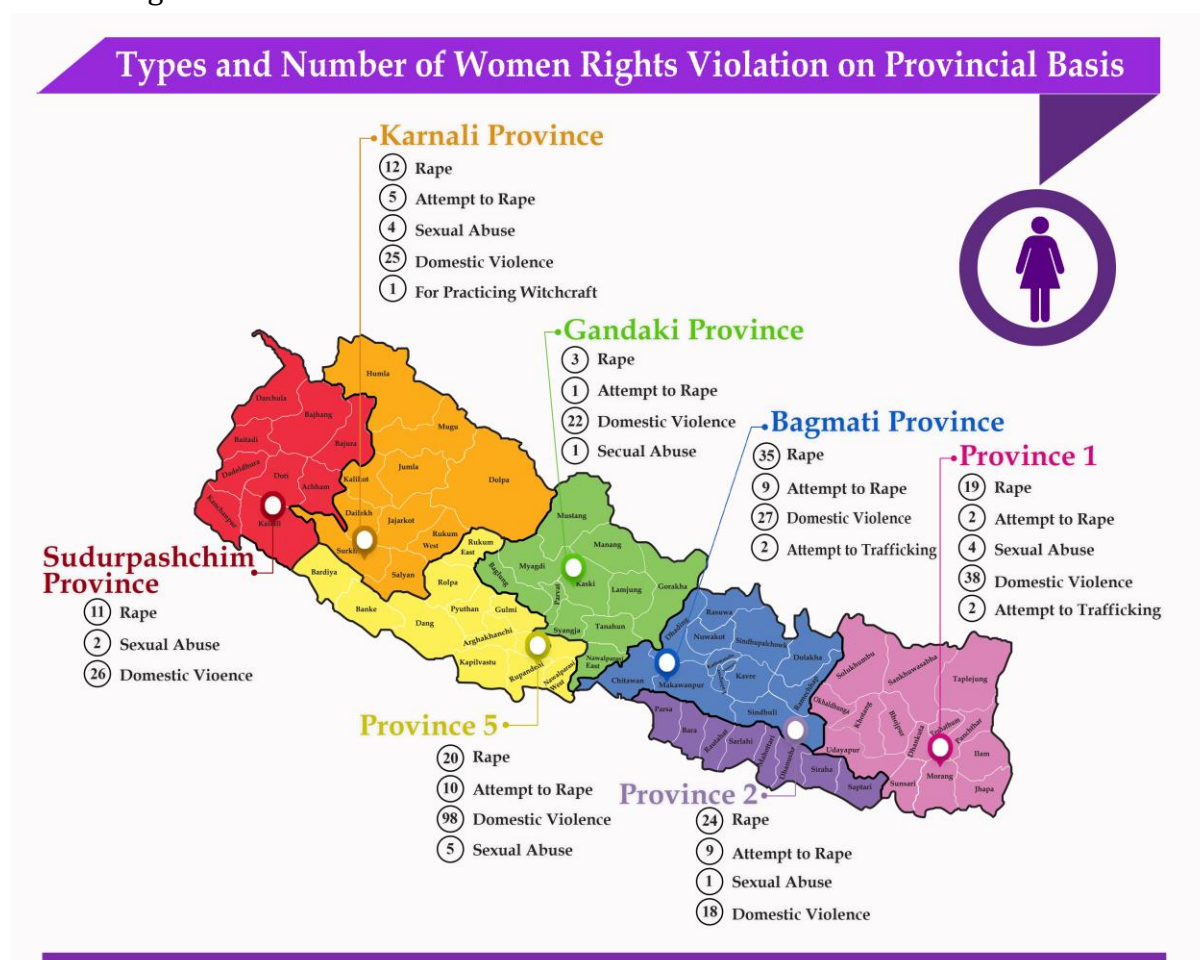


# Situation of Human Rights within Three Months of Lockdown<sup>1</sup>

(From March 24 2020 to June 24 2020)





















The coronavirus (COVID-19) pandemic has been gradually diminishing the status of human rights in Nepal. With the country seeing a gradually increasing rate of coronavirus infections – other facets of human rights have been overshadowed and under-represented. Human rights are fundamental requirements relating to an individual’s life, freedom and equality, and as such guaranteed by the Constitution, and strengthened by co-joint national policies and international treaties/agreements.

Within this documented period of three months of the Coronavirus Lockdown, many cases of human rights violations have been registered. Cases documented in this period include cases of unmanaged quarantines, misbehavior on thousands of Nepali returnees from India, negligence towards provision of adequate healthcare, abuse of human rights defenders; especially health workers, journalists and teachers, and violence against women and children.



<sup>1</sup> The 77 District Representatives of INSEC have been monitoring and documenting cases of human rights violations and abuses on a regular basis. On the basis of input by District Representatives, INSEC publishes incidences of human rights violations and abuses in its Human Rights news portal ([www.inseconline.org](http://www.inseconline.org)). This report is based on the regular monitoring and documentation of INSEC’s District Representatives. The data and information mentioned in the report covers the period from March 24<sup>th</sup> to July 24<sup>th</sup> 2020.

## Number of Victims on Incident Basis

	By State			By Others			Grand Total
							
 Abduction				6		6	6
 Arrest	2	29	31				31
 Beating	1	19	20	20	62	82	102
 Child Rights				281	3	284	284
 Death in Jail					5	5	5
 ESC Rights					1	1	1
 Inhuman Behaviour		3	3	3	5	8	11
 Injured		7	7	8	97	105	112
 Killed		1	1	42	29	71	72
 Caste Discrimination				3	9	12	12
 Threats				2	3	5	5
 Torture		2	2				2
 Women Rights				476		476	476
 Grand Total	3	61	64	841	214	1055	1119

According to INSEC's documentation, there were total 1119 victims of human rights violation and abuses during this period. Out of them, 64 were victims of state induced human rights violations, which included three female victims. There were 1,055 victims of human rights abuses induced by non-state actors, which included 841 female victims. There were 476 victims of women rights abuse and 284 victims of child rights abuse from other side. Likewise, within this period, there were 11 victims of inhumane behavior, five victims of threats and intimidation, 112 victims of injuries, 102 victims of beatings, six victims of abductions, 31 victims of arbitrary arrest, 72 murder victims, two victims of state custody torture, and 12 victims of caste-based ethnic discrimination.

## Types and Number of Child Rights Violation on Provincial Basis

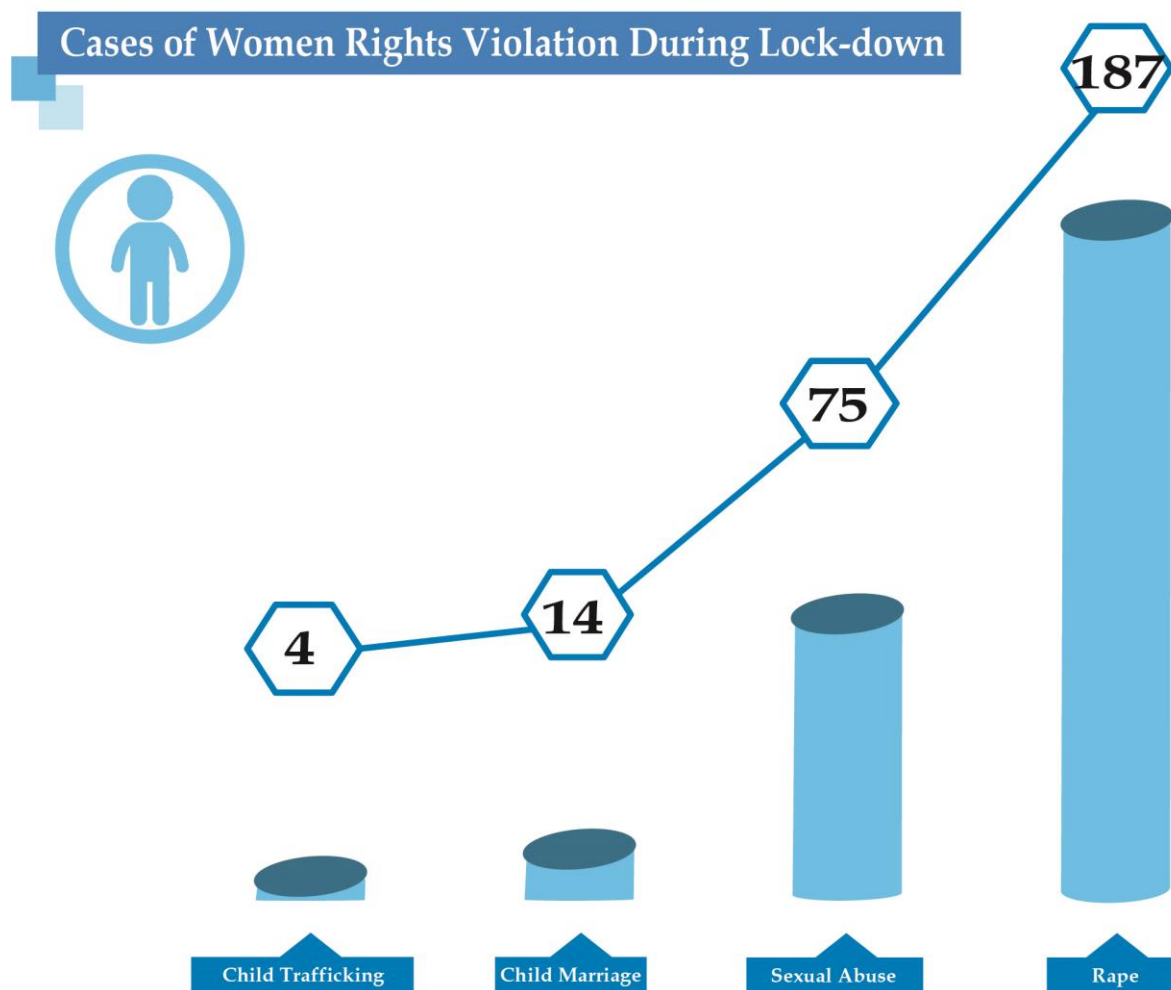


As per INSEC's documentation, within the period of three months of lockdown, 25 health workers were subject to misbehavior. Police administration was subject to criticism for failing to provide adequate security to the front-line health workers in regard to such cases of misbehavior and other misdemeanors.

- *Chandra Prakash Khanal, Health Assistant of a health post located at Sunsari District's Dharan Sub-metropolitan-20 was beaten by police on 16 April 2020. Sub-Inspector Bhesh Bahadur Thapa of Paanamara Police Station had beaten him for failing to follow lockdown guidelines even when the victim showed his credentials, and permission for such. No action was taken against the accused.*
- *Bibek Kumar Chaurasiya, Health Assistant of Ramgadhwa Health Post located at Parsa District's Birgunj Metropolitan-24 was beaten by a soldier of Nepal Army on 14 May 2020 while he was returning back from his duty. He was accused of disobeying lockdown regulations, even when he showed his credentials. The anonymous soldier later said he failed to see such credentials. No action was taken against the accused.*
- *A video record of Bagmati Province's Public Health Laboratory, Hetauda's Director Dr. Narayan Karki being misbehaved to by a self-proclaimed volunteer named Uttam Karki at Nagdhunga, Kathmandu was released on 15 May 2020. Dr. Karki informed that police present at the incident scene did not respond during that time. The accused was later arrested but was released after short custody.*

## CHILD RIGHTS

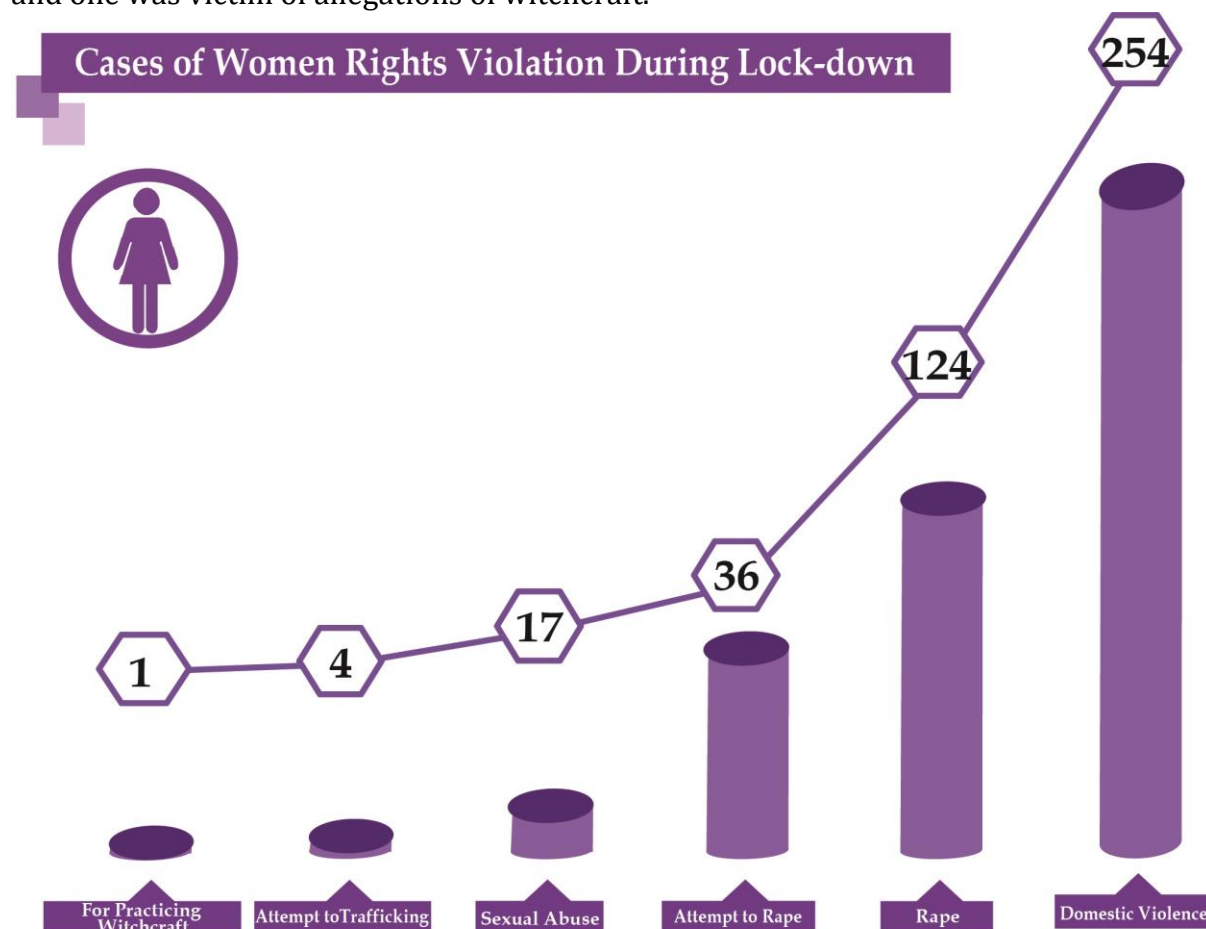
INSEC's documentation records show violation of child rights through child labor, child trafficking, sexual violence, and deprivation from right to education and health. Due to the coronavirus lockdown, children could not attend schools and educational activities were halted which raised problems in terms of right to education. In this three months' period, 187 girls have been raped, 75 have been sexually abused and four have been trafficked.



- *Angira Pasi (13) of Devdaha municipality-11 was found dead hanging on a tree near the Rohini stream of Devdaha municipality-2. The victim was raped on 22 May 2020 by accused Birendra Bhar. On May 23 2020, the ward chairperson of Devdaha Municipality-1 Amar Bahadur Chaudhary and locals handed over the victim to the accused instead of taking him to the police, and blamed the victim's family. The police have arrested Birendra Bhar (25), his mother Akali Bhar (50) and Aunt Sitali Bhar (55) on 28 May 2020 for further legal proceedings.*

## WOMEN RIGHTS

As documented with previous records, religious, social, cultural, physical, mental, sexual and psychological violence against women are still at a high rate in Nepal. Due to archaic social and cultural practices, women are unable to get out of the vicious circle of violence. The rates of sexual violence on women have been shown to be on a gradual increase. As per INSEC's documentation, during this three months' period, 124 women have been raped, 36 have been subject to attempted rape, 17 have been sexually abused, 254 have been the victim of domestic violence, four were victims of trafficking and one was victim of allegations of witchcraft.



- *Police have arrested Kishor Pariyar (22), Laxman BK (20) and Srijan BK (18) of Lamkichuha municipality-1 on 14 June 2020 in regard to accusations of raping a 31-year-old woman on 13 June at the quarantine facilities of Smriti Secondary School. On 15 June, the District Court extended the duration for investigation and kept the accused under judicial custody, per law enforcement authorities.*

## CASTE-BASED DISCRIMINATION

Nepal has a high rate of prevalent caste-based discrimination, but a consistently low rate of such cases being taken under legal jurisdiction. A majority of cases are found to be solved with reconciliation between two parties and the perpetrators are not subject to legal action. In Jajarkot, an alleged romantic relationship between a Dalit boy and a non-Dalit girl in Rukum (West) resulted in caste based violence and six men were killed in an attack by the "upper-caste" locals in the non-Dalit girl's village.

- *Due to the attack of the locals of Chaurajahari municipality-8 Soti Village, Nabaraj BK (21), Sanju BK (21), Ganesh BM (17) of Bheri Municipality-4, Tika Ram Sunar (20) of Chaurajahari Municipality-1, Lokendra Sunar (18) and Govinda Shahi of Bheri Municipality-11 had died. From the scene of the incident, 12 injured men were rescued. Twenty three were arrested for being involved in the incident and they are now in judicial custody.*

## CONCLUSION

Nepal has been making reasonable progress in terms of human rights developments, but such a process needs to be aided with adequate reporting and actions mechanisms. The enhanced trend of reporting, alongside rapid developments may have helped in the documentation of violations, particularly violations against women, which would have previously gone unreported.

The above-mentioned data and specific instances have shown that long term changes in the social construct, which has previously negatively harmed women, cannot be achieved only with legal remedies. There is the need for acknowledging possible unreported cases, likely with pre-existing social construct, or in an increased regard with the coronavirus lockdown. The state has a responsibility towards the protection, promotion and fulfilment of human rights. During the period of documentation, the state's response towards human rights was unsatisfactory and flawed.

## SUGGESTIONS

- INSEC demands legal action for those accused in the incidences of misbehavior on the human rights defenders, especially health workers and journalists.
- INSEC demands legal action for those accused in abusing women and children.
- INSEC demands effective implementation of pre-existing legal mechanisms to minimize and eradicate domestic violence on women.
- INSEC demands the government's attention and concern towards the rehabilitation of victimized women and children.



*For Human Rights and Social Justice*

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