

HUMAN RIGHTS SITUATION DURING COVID-19 PANDEMIC: **A BRIEF ASSESSMENT**



National Human Rights Commission of Nepal
Harihar Bhawan, Lalitpur, Nepal

December 2020



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Secretary

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Foreword

With the beginning of the year 2020 on January 30, World Health Organization (WHO) declared the outbreak that originated in Wuhan, China as a Public Health Emergency of International Concern, while recommending against travel or trade disruptions to and from China. In Nepal, as of February 20, only one positive case has been identified among 212 tested. One confirmed case was a Nepalese student, studying in Wuhan, with symptom-onset on January. The infected 32-year-old male had returned on January 9 to spend winter holidays in Nepal. Coronavirus disease (COVID-19) outbreak, caused by the coronavirus, is still affecting a large population across the globe. When the World Health Organization (WHO) declared COVID-19 a pandemic, and the world is fighting to contain the COVID-19 outbreak. Nepal also faced the severe impact of COVID-19 coronavirus pandemic from the very beginning of the 2020 and has taken several preventive measures to control the coronavirus outbreak.

The Covid-19 pandemic has affected all in various ways, but as seen in crisis situations, the weak, poor, children and the elderly are mostly the worst affected. The government imposed the lockdown without any consultations at the local level, and assumed all its citizens will survive the lockdown irrespective of their access to resources. Covid-19 has infected people across class lines around the world. National Human Rights Commission of Nepal initiated to respond the pandemic from human rights perspective providing directive order to the government to immediately evacuate Nepali nationals from Wuhan city of China. National Human Rights Commission of Nepal (NHRCN), as an institution consistently accredited with 'A' status by GANHRI cannot only oversee such disasters. NHRIs even play unique bridging roles – between international, regional and national spheres; between different government institutions; between government, civil society and rights holders; across a range of human rights and their State's corresponding international obligations and commitments.

National Human Rights Commission of Nepal (NHRCN) in collaboration with Nepal Bar Association (NBA), Federation of Nepalese Journalists (FNJ) and NGO Federation of Nepal formed four levels of Committees (High level, central, provincial and district level) to monitor the critical human rights situation generated due to the global COVID-19 coronavirus pandemic. With the formation of networks its working procedure is also executed aiming to regulate the functions of various Committees under the network. NHRCN monitored the human rights situation through this network focusing on the areas like the actions taken by the Government of Nepal with regard to COVID-19, right to life, health treatment of the patients, availability health related components, availability of the medicine, morale of the health workers, role played by the private hospitals, the health-related activities regarding to COVID-19. Similarly, the living condition of the poor people,

distribution of relief package, overall rights of the consumers; citizens' access to the judicial administration; problem in people's movement/mobility; the citizens' stranded in the border area; rights of the migrant workers; rights of the inmates; role of media, use/misuse of social networks; freedom of expression, press freedom; public awareness, and the citizens' duty; role of civil society and the human rights defenders were the major concerns. NHRCN also provided suggestions to the government in a timely manner.

Nepal is not only vulnerable to COVID-19 like pandemic but also vulnerable to natural disasters, including seasonal floods and landslides. I am pleased to acknowledge the Government of Nepal for its different initiations taken to control the pandemic. The COVID crisis affecting the world today requires a level of response that goes beyond the capacity of any country. Nepal cannot be the exception to this. As the UN Secretary-General said: "More than ever before, we need solidarity, hope and the political will and cooperation to see this crisis through together". I owe a great deal to Global Alliance for National Human Rights Institutions (GANHRI), Office of the High Commissioner of Human Rights (OHCHR), Asia Pacific Forum of NHRIs which provided us with the appropriate good practices of NHRIs functions during COVID-19 and they also provided us support.

I owe a great deal to justice Anup Raj Sharma, Former Chairperson of NHRCN for his inspiration and leadership in intervening human rights response during COVID-19. I would like to thank all the members of high level, central, provincial and district level monitoring committee for their tireless effort in monitoring human rights situation during COVID19. Finally, I want to thank Mr. Nava Raj Sapkota (Director of NHRCN) who was inspired himself to write this report collecting and compiling the facts. I would like to express my thanks to UNDP SPSP for its continuous support NHRCN for the protection and promotion of human rights even in the critical situations. All the staffs of National Human Rights Commission of Nepal are thankful for their tireless efforts during COVID-19. To all these and to many others who have helped as subject experts or with technical experts or secretarial assistance, grateful acknowledgement is made.

Bed Bhattarai

Secretary

Executive Summary

National Human Rights Commission of Nepal (NHRCN) affirming the role of NHRIs to respond pandemic provided directive order to the government to immediately evacuate Nepali nationals from Wuhan city of China. Further to this, NHRCN made its services accessible during the lockdown, through cell phones, hotlines, mobile app and issued several of statements urging governments to protect the most vulnerable and exposed groups of people. Equally, NHRCN also excelled network with Civil Society Organizations to monitor human rights situation during COVID-19.

This study has been carried out based on assessment and analysis of primary and secondary sources including the policies, action plans, decisions, guidelines, directives, reports, data of the various agencies of the State as well as international arena, and resources materials published and disseminated in various media. Additionally, NHRCN conducted a study on rights of migrant workers and persons with disability, monitored 28 districts across the Country to collate information.

The COVID-19 crisis has exacerbated the vulnerability of the least protected in society. Caste based discrimination and stigmatization during the pandemic has accelerated. The outbreak of COVID-19 has a long-term and profound impact on elderly people's health and well-being. They even face various challenges in the isolation. The persons with disability and access to justice is extremely weak. They are deprived of property rights and are not treated equally. The limited access to culturally respected information, personal assistance and medical care has caused a variety of mental health problems bringing impact on their access to daily necessities, health care services, income sources, daily commute and information. Impact upon women, children, younger women and girls during the lockdown period has increased the vulnerability of. Some healthcare workers unfortunately experienced avoidance even by their family or community owing to stigma or fear. Impact upon right to employment, right to education and the inmates are severe while the hardest hit sector of the economy due to the COVID-19 outbreak is tourism as it has saddled creating unemployment.

The COVID-19 pandemic has impacted the Nepali migrant workers in different ways. A large number of Nepalis working outside the country lost their job and income, while they remain vulnerable to being infected with Corona Virus or losing their life to it. Likewise, their human rights and labour rights have been violated, and they have faced stigmatization, discriminatory behavior and discrimination. In particular, women, domestic and undocumented workers, pregnant and person with disabilities, those removed from their job, COVID-19 infected and with underlying health conditions are more vulnerable.

The lockdown curfews, self-isolation, social distancing and quarantine have affected the overall function of the NHRCN too. NHRCN, aiming to enhance the awareness has developed awareness raising programmes and are being broadcasted in 13 national languages through the 32 FM radios across the country, developed human rights mobile app, set up videoconferencing system at its offices, reviewed the laws related to crisis from human rights perspective and also undertook an internal gender assessment to develop a GESI policy for the institution. Furthermore, NHRCN suggested the Government of Nepal to pursue Human Rights Based Approach in the national budget formulation prioritizing the issues of human rights while formulating the budget of the Fiscal Year 2020/021. NHRCN even carried out its monitoring and investigative functions, developed the Working Procedure for the Human Rights Situation Monitoring Network regarding the COVID-19, and the Check List for monitoring of the human rights situation with regard to COVID-19 coronavirus pandemic. NHRC Nepal even conducted monitoring of the human rights situation of the detainees, prisoners in the detention centers and the prisons 28 districts of the state.

Due to the difficulty of doing field monitoring, assigning the Treaty Monitoring Division responsible for the documentation of the human rights situation the NHRC Nepal has adapted its processes to monitor the human rights situation of the country through the media, an online newspaper, and by receiving phone calls. All the provincial offices provide information via submitting reports, video conferences and phone calls. Similarly, advocacy is undertaken through the recommendations of the network committees and press releases. The NHRC Nepal adopted a policy to provide leave to breast-feeding mothers and pregnant women employees and were not expected to go on official tasks during lockdown periods. Work from their home for staff was encouraged ensuring full-time payment to them.

NHRC Nepal engaged in monitoring of human rights situation during COVID-19 partnering with various civil society and professional organizations headed by National Human Rights Commission of Nepal (NHRCN). A multi-stakeholder human rights monitoring network has been established at the national level, province and district level to monitor the human rights situation during the period of response against COVID-19 pandemic. The NHRCN continued taking measures with regard to caste-based discrimination, ensure senior citizens' rights, vulnerable groups and migrant workers and released several of press releases drawing attention of concerned authority and also develop the human rights situation report (preliminary) in pandemic.

Hence, it is recommended that disasters like COVID-19 should be tackled by using human rights-based approach. Even in the critical situation, state agencies should work understanding the sentiment of people showing activeness, coordination whereas all tiers of the government should work in collaboration for the additional effectiveness.

Chapter 1

NHRIs responses to the COVID-19 pandemic

The main actions undertaken by NHRIs include: advising governments by issuing statements and recommendations on how to respond to the pandemic while protecting human rights; issuing guidance to governments on the importance of applying specific and targeted measures to protect the most vulnerable groups in society; monitoring the implementation of emergency measures; monitoring human rights in general and the right to health specifically; sharing information with right holders about protection of human rights standards during the pandemic and their rights; ensuring virtual access to NHRI services during lockdown;

- **Monitoring the human rights situation in general and places of detention:** During the coronavirus pandemic, many NHRIs are monitoring quarantine spaces and places of detention, including the access to health care provided in there.
- **Monitoring health facilities:** Some NHRIs have monitored health centres and institutions, with due regard to the access to health care, the availability medicines for vulnerable groups and protective equipment for medical teams.
- NHRIs have requested governments to continue to ensure that adequate health care is provided for patients who are not infected with coronavirus.

NHRCN responses to the COVID-19 pandemic

As of February 20, 2020, there have been 75,748 confirmed cases of the coronavirus disease 2019 (COVID-19), caused by the novel coronavirus (2019-nCov) with 2129 deaths. On January 30, World Health Organization (WHO) declared the current outbreak that originated in Wuhan, China as a Public Health Emergency of International Concern, while recommending against travel or trade disruptions to and from China. In Nepal, as of February 20, only one positive case has been identified among 212 tested.

One confirmed case in Nepal was a Nepalese student, studying in Wuhan, with symptom-onset on January. The infected 32-year-old male had returned on January 9 to spend winter holidays in Nepal. He had prior knowledge about the outbreak in China and visited the Sukraraj Tropical and Infectious Disease Hospital (STIDH) in Kathmandu on January 13. Taking into account his travel history, he was isolated and was given supportive treatment with broad-spectrum antibiotics. The throat swab sample of the person was sent

to the WHO Collaborating Center, Hong Kong and was tested positive. There weren't any complications, except for a surge in temperature to 102°F on January 14, which then subsided on January 16. Upon clinical improvement, he was discharged on January 17, with a total 4 days in isolation.

Following this incident, the guardians of the Nepali students residing in China had submitted a memorandum to the NHRC demanding the safe repatriation of their sons and daughters from Wuhan. On February 9, NHRC Nepal provided directive order to the government to immediately evacuate 185 Nepali nationals and students from Wuhan city of China's Hubei province, The NHRCN issued press statement in a timely manner when Nepali nationals especially living in Wuhan city were demanding their safe return to home owing to safety concerns amid coronavirus outbreak. The NHRCN also decided to summon secretaries from Ministries of Foreign Affairs, Education and Health to enquire about the health condition of Nepali nationals in China and efforts being taken by the government agencies to repatriate them safely.

With response to this, the Government of Nepal finalized the SOP for repatriation of Nepalese nationals in China. The requirements for quarantine according to the WHO and International Health Regulations 2005 were met and drills had been conducted. On February 16, 175 Nepalese nationals were flown into Nepal from China after exit screening. The repatriated citizens were transported under quarantine from TIA to quarantine site at Kharipati, Bhaktapur district, east of Kathmandu and have been placed under 24-hour monitoring. Samples of all 175 persons, sampled on February 16, were reported negative on February 19. The Commission also decided to summon secretaries from Ministries of Foreign Affairs, Education and Health to enquire about the health condition of Nepali nationals in China's Hubei province and efforts being taken by the concerned governmental ministries to repatriate them safely. This became the first intervention of NHRC Nepal regarding the COVID-19 issue and this effort of NHRC Nepal was widely appreciated.

On 24 March 2020, the Government imposed a complete 'lock-down' of the country including business closures and restrictions on movement within the country and flight access in an out. There are exceptions in place for businesses and people in relation to supply and access to medical supplies and food. The Government of Nepal has formed a committee to coordinate the preparedness and response efforts, including the Ministry of Health Ministry of Home Affairs, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Culture, Tourism and Civil Aviation, Ministry of Urban Development, Nepal Army, Nepal Police and Armed Police Force. The Humanitarian Country Team (HCT) includes the Red Cross Movement, civil society organisations (national and international NGOs). NHRCN has been minutely monitoring the preparation and response of the government from human rights perspectives.

Headed by National Human Rights Commission of Nepal (NHRCN), a multi-stakeholder human rights monitoring network has been established at the national level to monitor the human rights situation during the period of response against COVID-19 pandemic. Similar networks/committees have been set up at the province and district levels. NHRC has led the province level human rights mechanism. NGO Federation of Nepal is one of the members of the network at all levels – national, province and district. NFN has been taking the leading roles in most of the district level monitoring committee/networks.

NHRCN made its services accessible during the lockdown, injunction and shut down through cell phones, and hotlines, where it receives calls and complaints, give advice to the public and refer specific complaints. It also used social media platforms to inform and receive information from the public. NHRCN has also issued statements urging governments to protect the most vulnerable and exposed groups of people, such as older persons, women, children, and persons with disability, migrants, and people living in poverty, persons in places of deprivation of liberty.

Disaster risk reduction and sustainable development goals

Disaster risk reduction cuts across different aspects and sectors of development. There are **25 targets related to disaster risk reduction in 10 of the 17 sustainable development goals**, firmly establishing the role of disaster risk reduction as a core development strategy.

Sustainable Development Goals one of the international commitments of Nepal, by 2030 targets to build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters. Similarly, by 2030 aims to ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality.

This also aims to strengthen the capacity of all countries, in particular developing countries, for early warning, risk reduction and management of national and global health risks. It is very important as pandemic has been alarming all the nations. This also ambitiously aims, by 2030, to ensure that all learners acquire the knowledge and skills needed to promote

sustainable development including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and nonviolence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development. Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all. This seems to be severely affected by the COVID-19 as the consequence of the lockdowns, schools and universities in Nepal have been closed now. As of the second week of May 2020, UNESCO (2020) estimates that nearly nine million (8,796,624) students in Nepal are affected due to school/university closures in response to the pandemic.

By 2020, SDG aims to protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes. These all targets are equally important in this pandemic situation too as the government of Nepal has not yet enacted Drinking Water and Sanitation legislation to ensure access to water, which is also a subject of people's right to health. Laws related to fundamental rights are important because people can seek legal remedies, but in the absence of regulations, directives and manuals, they cannot approach the courts.

By 2030, ensure access for all to adequate, safe and affordable and basic services and upgrade slums. By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries. As UN habitat defines the slum is a settlement of unfortunate, destitute people who are out of work, out of money, living in squalor. Their homes are huts built of scraps of tin, car board or bamboo. There are devoid of simple facilities such as roads, drainage or toilets. The water is polluted; huts are jammed together-peoples, dogs, pigs and flies sharing the same space. It became difficult to slum dwellers to use masks and other necessary safety measures and maintain physical distance. The government has arranged relief packages, and local governments have provided them to the people who meet the criteria for relief support. However, there have been issues about the distribution of relief being politically biased, but slum dwellers were not prioritized.

By 2030, SDG also aims, significantly to reduce the number of deaths and the number of people affected and substantially decrease the direct economic losses relative to global gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations. Besides, many Nepali people have lost their jobs at home and abroad. Many labourers are in a dire situation. Many Nepali students and migrant workers abroad are facing challenges and hardships, many of whom would like to return home. While it may be difficult to arrange flights for everyone to come back, the government should try its best to do whatever it can to assist them in any

ways possible. While foreign governments are chartering flights and taking their citizens back, our government has not allowed Nepalis who have gathered at the Nepal-India border to return. SDG also purposes by 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and develop and implement, in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, holistic disaster risk management at all levels.

By 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally. By 2030, combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world. By 2030, ensure the conservation of mountain ecosystems, including their biodiversity, in order to enhance their capacity to provide benefits that are essential for 19 sustainable development. By 2020, integrate ecosystem and biodiversity values into national and local planning, development processes, poverty reduction strategies and accounts. These targets are also important for Nepal to combat natural disasters.

Nepal's *National Disaster Risk Reduction and Management Strategic Plan of Action (2018-2030)* is a legal document that explains the planning framework covering all stages of disaster risk management in the country. It was endorsed by the National Disaster Risk Reduction and Management Council meeting held on 18 June 2018 and has been drafted in line with the *Disaster Risk Reduction and Management Act (2017)*.

Over the years, the Government of Nepal (GoN) has shifted its focus from a reactive to a proactive approach for disaster risk management (DRM) and has undertaken efforts in strengthening legal frameworks, policy and planning, organizational aspects, institutional capacities and partnerships for DRM. This includes; moving from a disaster response oriented legal framework, National Strategy for Disaster Risk Management (NSDRM 2009), transformation from the National Calamity Relief Act 1982 toward DM Bill (currently in in-depth discussion for endorsement), coordinated work for the improvement of overall DRM capacity through Nepal Risk Reduction Consortium, established focal desk for DRM within line ministries, establishment of national multi-stakeholder platform for DRR, to name a few.¹

Further, the Government of Nepal committed to the implementation of the new Sendai Framework for Disaster Risk Reduction 2015-2030 at the Third United Nations World Conference (March 2015) on Disaster Risk Reduction, to enhance efforts to strengthen

1 <http://drrportal.gov.np/document/category/ndrrpsap>

disaster risk reduction to reduce losses of lives and assets from disasters, increase the capacity for understanding about the disaster risks, strengthen the global cooperation for DRR and establish multi-hazard risk information management (EWS) system for potential disasters worldwide.

Objectives of the study

This report assesses the human rights situation of Nepal by assessing actual and potential impacts of Covid -19 pandemic on human rights. This report also tries to explore some of the measures undertaken by the NHRCN to address the actual and potential impacts. More importantly the report analyses the risks to rights holders as well as the capacity of duty bearers during Covid-19 pandemic.

It also highlights the major Caste based discrimination incidents during the pandemic. More specifically, this study attempts to assess the impacts upon: rights of the senior citizens; persons with disabilities; women and children; health workers; employment; right to education; the inmates and the migrant workers. The specific objectives of this report are:

- To support the Government of Nepal in preparing and responding to an outbreak of COVID-19 that necessitates an international humanitarian response.
- To ensure that affected people are protected and have equal access to assistance and services without discrimination, in line with human rights and humanitarian principles.

Methodology

The study has been carried out on the basis of the assessment and analysis of primary and secondary sources. In this connection, the policies, action plans, decisions, guidelines, directives, reports, data of the various agencies of the State as well as international arena, and resources published/disseminated in various media were assessed and analysed. In course of this report, it has taken the major findings and recommendations made by NHRCN with regard to the migrant workers from the research which undertook interaction/ interviews with migrant workers in and returning from the major labour destination countries for Nepal, interaction with representatives of various agencies of the Government of Nepal (GoN), and with the stakeholders working in the labour and migration sectors while onsite observation was carried out at the Tribhuvan International Airport, holding centres and quarantines.

NHRCN even conducted research study on the rights of the persons with disability and the migrant workers. Both qualitative and quantitative methods have been used in data collection and analysis for the report. The primary level of information collection is through detailed interviews with persons with disabilities, their parents and family members. Interviews, incident studies and group discussions have been adopted as the main methods for gathering information. During the review of reference materials, various studies on disability, national and international studies on the effects of Covid-19 on persons with disabilities, guidelines of the World Health Organization, guidelines issued by the Government of Nepal for epidemic control of COVID 19, rules, laws and policies on disability in Nepal, Provisions for Sustainable Development, Nepal's Disaster Management Law have been studied and analyzed.

The monitoring team of the Commission has also conducted on-site monitoring of prisons in 28 districts of the nation. The monitoring team of the Commission has monitored the 29 district prison offices. This report also takes references from the report of the monitoring team.

Limitation

This report attempts to assess the impacts upon: rights of the senior citizens; persons with disabilities; women and children; health workers; employment; right to education; the inmates, migrant workers and socioeconomic impacts. Similarly, this also provides the glimpse on the issues of untouchability and discrimination. This report is limited only with the findings of two different researches conducted by the NHRCN and one monitoring reports. More importantly, this also includes the information received through the on-site monitoring of the NHRCN and in some case media monitoring.



Chapter 2

Human Rights Situation in Nepal during Covid-19 Pandemic

Background to the COVID-19 and Human Rights

The world is facing an unprecedented crisis. At its core is a global public health emergency on a scale not seen for a century, requiring a global response with far-reaching consequences for our economic, social and political lives. The priority is to save lives.

Guaranteeing human rights for everyone poses a challenge for every country around the world to a differing degree. The public health crisis is fast becoming an economic and social crisis and a protection and human rights crisis rolled into one. In some, ongoing crises, especially armed conflict, put human rights and other international legal protections under extra pressure. The COVID-19 crisis has exacerbated the vulnerability of the least protected in society. It is highlighting deep economic and social inequalities and inadequate health and social protection systems that require urgent attention as part of the public health response. Women and men, children, youth and older persons, refugees and migrants, the poor, people with disabilities, persons in detention, minorities, LGBTI people, among others, are all being affected differently. We have an obligation to ensure everyone is protected and included in the response to this crisis.²

It is expected that those hardest and most immediately impacted by the crisis and the necessary measures of lock-down will be the most vulnerable. The NPRP is a living document and will be updated as the situation evolves and as the needs of vulnerable populations are identified. The definition of vulnerable populations is based on that laid out in Agenda 2030 and includes - but is not limited to - women, children, youth, persons with disabilities (of whom more than 80% live in poverty), people living with HIV/AIDS, older persons, indigenous peoples, refugees, internally displaced persons and migrants.³

The 2030 Agenda for Sustainable Development recognizes and reaffirms the urgent need to reduce the risk of disasters. In addition to direct references to the outcomes of the Third UN Conference on DRR (Sendai Framework), there are specific opportunities to achieve

2 https://www.un.org/victimsofterrorism/sites/www.un.org.victimsofterrorism/files/un_-_human_rights_and_covid_april_2020.pdf

3 [https://www.who.int/docs/default-source/nepal-documents/novel-coronavirus/covid-19-nepal-preparedness-and-response-plan-\(nprp\)-draft-april-9.pdf?sfvrsn=808a970a_2](https://www.who.int/docs/default-source/nepal-documents/novel-coronavirus/covid-19-nepal-preparedness-and-response-plan-(nprp)-draft-april-9.pdf?sfvrsn=808a970a_2)

SDGs through reducing disaster risk. For example, by reducing exposure and vulnerability of the poor to disasters or building resilient infrastructure. There are also several SDGs and targets that can contribute to reducing disaster risk and building resilience, even where disaster risk reduction is not explicit.

Targets related to promoting education for sustainable development under SDG# 4, such as building and upgrading education facilities and ensuring healthy lives, as well as targets under SDG# 11 (cities) and under SDG# 9 (building resilient infrastructure) reaffirm the interrelationship between disaster risk reduction and sustainable development.⁴

Caste based discrimination during the pandemic

An estimated 260 million people – with the vast majority of them from South Asia – are classified as so-called lower caste and, therefore, treated as ‘untouchable’. This classification is principally based on Hindu mythology and caste-based hierarchical societal structure. The status of these 260 million people, recognized as Dalits, deprives them of participation in the socio-economic, cultural, and political mainstream. According to the Nepal Central Bureau of Statistics, in 2011, Dalits constituted about 13.6 per cent of the total population. They are further divided into ‘Hill Dalits’ and ‘Madhesi Dalits’, mainly based on geographical and cultural perspectives. Caste-based discrimination and untouchability are the root cause of the problems Dalits face. Dalits in Nepal have been a socio-economically, culturally and politically excluded and marginalized community for centuries.⁵

On May 23, 2020 Nawaraj Biswokarma, 21, of Bheri Municipality of Jajarkot District along with his 18 friends had gone to Soti village to escort a girl from the so called ‘higher class’, to marry her. The girl and the boy were in love and had decided to elope.

The group however, was, confronted by the locals in Soti village, including ward Chairperson and the girl’s family at around 6:30pm that day. The boys were ‘beaten mercilessly’ and chased towards the Bheri River ‘forcing’ them to jump into it. Of them, the bodies of five youths, including that of Nawaraj, were found on the following days. A search team deployed by Nepal Police had found the body of Sandip Biswokarma, 17, from the river on May 27, the body of Lokendra Sunar, 18, was found on May 26, bodies of Nawaraj and Tikaram Sunar were found the day after the incident while Ganesh Budha’s body was found two days later.

4 <https://sustainabledevelopment.un.org/topics/disasterriskreduction>

5 <https://minorityrights.org/2020/07/21/covid19-dalits-nepal/>

In another incident that took place in the Tarai region of eastern Nepal in Rupandehi district, 13-year-old Angira Pasi, a Dalit girl, who was allegedly raped on May 22, 2020 was found hanging from a tree the next day. Locals had forced the rapist to marry the girl on the day she was raped.⁶ She was found hanging from a tree after the locals had established that Birendra Bhar, a 25-year-old from the area, was sexually exploiting her. Birendra, a so-called upper caste man, has been accused of killing Pasi and hanging her to make it seem like she had died by suicide. She was reportedly murdered after Birendra's family refused to accept her as his bride (the remedial measure suggested by locals and the court)—because she was lower caste.⁷

In response to this, considering the importance of the matter the Government of Nepal also formed a five-member probe team led by a joint- secretary at the Ministry of Home Affairs with two weeks' time to investigate the matter. On the same day that Pasi was killed, six youths, including four Dalits, were killed in Rukum in an inter-caste marriage row. The youths—who had gone to nearby Soti to bring home as bride a higher caste girl who was the girlfriend of one of the Dalit boys—were brutally killed and thrown into the Bheri River.

Nepal is a state party to the Convention on the Elimination of All Forms of Racial Discrimination, one of the core international human rights treaties. "After its last review in May 2018, the Committee tasked with monitoring the treaty observed that despite abolition of untouchability in Nepal, Dalits continued to face deep-rooted discrimination.

Rights of the senior citizens

The danger of COVID-19 has added onto the challenge of running the senior citizens' organisations which were damaged in the 2015 earthquake and have not been fully repaired. The senior citizens' home needs special attention and assistance during COVID-19. Due to lack of space, most of the senior citizens' homes have limited the intake of senior citizens since 2015. The senior citizens mostly those abandoned by their families, or have no one to take care of them are sheltering at the senior citizens homes. Ever since the nationwide lockdown announced to control the pandemic and the fear of being infected by COVID-19 has risen among those charged with taking care of the elderly and the very young.

Older people, and those with pre-existing medical conditions such as asthma, diabetes, or heart disease are said to be more vulnerable to becoming severely ill with the virus.⁸ Older people are more isolated than ever within their homes and communities: they cannot go

6 The Himalayan Times daily, May 31, 2020.

7 <https://www.recordnepal.com/wire/features/the-bajhang-rape-and-murder-case/>

8 <https://www.nepalitimes.com/banner/protecting-nepals-elderly-from-covid-19/>

out and mingle within a limited circle of friends and relatives, visit temples or take part in community bhajans and other religious activities. To make matters worse, they have been terrorised by the daily television headlines that highlight the death toll. Many are even showing psychosomatic symptoms of coronavirus without actually being infected out of sheer anxiety.

In others, mental health illnesses has become an increasing problem. Those on medication for depression and dementia are suffering relapse due to additional stress. To be sure, the elderly were already the most vulnerable, but now the pandemic has added to all the pre-existing problems they faced: collapse of joint families, children and grandchildren abroad for studies or work, economic hardships and expensive health care.⁹ Ensuring universal access to free or affordable essential medicines is one of the “core obligations” for fulfilling the right to health. The Constitution of Nepal commits providing equitable access to essential medicines and health care services to all.

The outbreak of COVID-19 will have a long-term and profound impact on elderly people's health and well-being. Social isolation and loneliness are likely to be one of the most affected health outcomes. Social isolation and loneliness are major risk factors that have been linked with poor physical and mental health status of the elderly people. They even face various challenges in the isolation too.

Disability and human rights

Human rights are the birthright of human beings which is related to human values. Human rights are created on the basis of human values. Human values apply equally to all human beings, regardless of their disability or condition. Human values are self-respect or dignity, freedom, equality and solidarity. Although human values are the same for every human being, persons with disabilities are not entitled to those human values due to various socially and culturally created ideas and concepts towards them. Every day, persons with disabilities face different forms of discrimination, unequal treatment and barriers in society based on their physical, mental or sensory status. They are deprived of free participation in school, employment and community. They are not allowed to walk freely, vote, and participate in sports and cultural and social activities. Their access to justice is extremely weak. Persons with disabilities are deprived of property rights and are not treated equally.

All of these are related to the rights enshrined in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Convention on Economic, Social and Cultural Rights (ICESCR). On this

⁹ <https://www.nepalimes.com/here-now/spared-at-first-elderly-hit-hard-by-covid-19/>

basis, the relationship between disability status and human rights can be confirmed. The Convention on the Rights of Persons with Disabilities, 2006 has embraced the concept of the human rights of persons with disabilities as it fully recognizes the human dignity of persons with disabilities, their personal dignity, self-respect, freedom and the right to free choice and choice. The concept of the human rights of persons with disabilities argues that human beings are a human diversity regardless of their physical or mental condition, but they are equal in the exercise of human rights. It emphasizes the idea of not being deprived.

A study conducted by the United Nations Development Program in collaboration with the National Federation of Persons with Disabilities in the aftermath of the Great Earthquake of 2072 found that persons with disabilities had access to relief, access to information, continued education in displacement, access to health services, and access to shelters. But to receive the services provided by the state one has to face extreme obstacles and face more mental problems to participate in livelihood activities.

Based on the findings of the study conducted by the NHRCN, most of the persons with disabilities are at risk in disasters and are unable to cope with such disasters due to the various physical and environmental barriers they face on a daily basis. Governments and stakeholders working in humanitarian crises also face additional problems, deprivations, hardships and obstacles in disability when they do not pay attention to the specific needs of persons with disabilities in rescue, relief and rehabilitation activities and they are deprived of most human rights in disasters. Persons with disabilities are also being denied the right to speak due to the obstruction of communication and the lack of priority in participation.

The impacts of the Covid-19 pandemic on persons with disabilities

The UN COVID-19 brief, issued in May 2020, states that the global crisis is deepening pre-existing inequalities, exposing the extent of exclusion and highlighting that work on disability inclusion is imperative. Persons with disabilities are disproportionately impacted by COVID-19 due to inaccessible information, negative attitudes, inaccessible health facilities, social distancing challenges and inadequate social protection measures.

Even under normal circumstances, persons with disabilities are less able to access health care, education or employment, and to participate in the community. They are more likely to live in poverty, experience higher rates of violence, neglect and abuse, and are among the most marginalized in any crisis-affected community. COVID-19 has further compounded this situation, disproportionately impacting persons with disabilities both directly and indirectly.¹⁰ Many persons with disabilities do have specific underlying conditions that make a disease like COVID-19 more dangerous for them. The limited access to culturally

10 <https://minorityrights.org/2020/07/21/covid19-dalits-nepal/>

respected information, personal assistance and medical care has impacted persons with disabilities from minority communities. However, lack of local government coordination with organizations persons with disabilities and local community leaders and bureaucratic barriers has prevented this group from being counted and included in relief efforts, which can result in starvation, and prevention of passing on intergenerational knowledge.¹¹

In general, the above discussion discusses how persons with disabilities are affected by disasters or humanitarian crises. Persons with disabilities, especially those with the Covid-19 pandemic, are at greater risk of infection and potential discrimination by health workers during treatment. Persons with disabilities may have other health problems such as poor immunity or respiratory problems due to their condition, which can be exacerbated by Covid-19 infection. They may also have skin problems, such as urinary tract infections, which can be further complicated by Covid-19 infections.

Recent studies on Covid-19 have shown that coronavirus infections can cause a variety of mental health problems, with a significant increase in the number of persons with disabilities. Obligation to follow strict rules such as social distance, restrictions on movement, lockdown/shutdown, and prohibition has affected the mental health of the people. Persons with disabilities have not been able to get access to much-needed health care and medical supplies due to various barriers. They are more neglected and lonelier than others in the name of protection and safety.

As persons with disabilities are often unaware of the accessibility criteria to be adopted in isolation centers, quarantines and hospitals, and the appropriate treatment of persons with disabilities, management and health workers are often discriminated against in the course of treatment. With this in mind, the World Health Organization (WHO) classifies persons with disabilities as a high-risk community for the following reasons.

- Basic hygiene measures, such as hand washing, are hampered by persons with disabilities because most sanitation and hygiene facilities and structures are not accessible to them.
- It is difficult to maintain social distance because some persons with disabilities need the help of other people in a rehabilitation center, deaf or at home on a regular basis.
- Some persons with disabilities have to resort to touching, holding or walking around to understand or know about their surroundings or things.
- Persons with disabilities have poor access to public information.
- Persons with disabilities have difficulty accessing health care.

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According to a UNICEF report, the number of persons with disabilities is high among senior citizens. About 60 percent of senior citizens have disability, and studies have shown that they are at high risk for both Covid-19 infection and death. Due to the lack of classified data on disability, no effective system has been developed to monitor or find out how persons with disabilities are affected by Covid-19 and how to prevent Covid-19 infection due to lack of access to information and communication systems for persons with disabilities are deprived of information.

According to the Office of the High Commissioner for Human Rights, the impact of Covid-19 has been on protection of persons with disabilities in health care, institution-based rehabilitation, community resettlement, livelihoods and protection against violence.

Persons with disabilities may face a variety of barriers to accessing health care due to obstructed information and the surrounding environment, certain health guidelines and protocols that must be followed. Persons with disabilities in different organizations may be infected due to the difficulty in maintaining social distance as they live in groups and they may be deprived of the services of assistants and staff of the organization. In such case, people with disabilities within the organization may also face incidents of human rights violations such as neglect. Speaking at the community level, persons with disabilities, even under normal circumstances, face a variety of barriers that can increase the risk of infection with Covid-19. Ways such as locking up and living at home add new risks to a person's freedom and health. People who have to rely on the help of others on a daily basis lose such help. Without the services of helpers, they will be deprived of food, essential items, and daily activities such as cooking, bathing, eating, etc. will be hampered. Most of the public information about Covid-19 is not in accessible formats such as sign language, captioning, easy to read, and such information is not systematically disseminated to people with disabilities.

There have been few studies on the impact of the Covid-19 pandemic on persons with disabilities in Nepal. There are no official statistics on how many persons with disabilities have been infected with Covid-19 in Nepal and how many have died. It is also difficult to get data on the number of infected and dying persons with disabilities as the government does not differentiate between the number of infected people and those who die from it. According to an audit report by National Federation of Persons with Disabilities (NFD) on access to information and services, about a month after the outbreak of the Covid-19 pandemic 41,235 have received very little information while 5,925 have not received any information. There are 42,185 people who have little or no information about the measures to be taken to prevent infection with Covid-19, while 6,885 people do not know anything about it. Sixty percent of those with little or no information fall into the group of persons with complete or very severe disabilities.

According to the research report. Conducted by NHRCN 465 respondents said that only a small amount of information and public awareness materials related to Covid-19 were accessible to them, while 155 respondents said that those materials were not accessible at all. 40,085 have lost their income due to the lockdown and 19,895 will lose in the near future. As many as 54,505 persons with disabilities are at risk of food shortages in the near future due to severe logging, while 7,825 have an immediate shortage of food and other daily necessities. The health care and medicines that 45,125 persons with disabilities have been receiving on a regular basis have been completely disrupted, including those with hemophilia, while 35,975 have not received enough. The above review concludes that the effects of the Covid-19 pandemic on persons with disabilities are multifaceted. They are often at a high risk of infection and death due to social discrimination, existing physical or mental conditions, lack of access to hygiene and sanitation, and lack of access to information and communication, as they are often neglected in humanitarian crises. On top of that, they have to face many hurdles to get access to other services, including emergency health, due to the restriction on movement. They should be deprived of the services of sign language interpreters, assistants, caregivers, therapists, counselors.

Speaking in case of Nepal, the Covid-19 pandemic and the impact of the bandh have had a profound effect on persons with disabilities. In particular, it seems to have had a major impact on their access to daily necessities, health care services, income sources, daily commute and information.

Impact upon women and children

COVID 19 has forced governments across the world to implement measures to restrict public movement. The situation of home confinement may exacerbate the existing violence against women due to their increased proximity to the perpetrator. Women and young girls might struggle to seek help in such conditions. The compromised support system further poses an increased risk of worsening the violence directed towards them. A nationwide complete lockdown was imposed in Nepal from March 24 to June 14 after which partial restrictions were in place. A total of 885 complaints of domestic violence were received in 24-h toll-free helpline operated by National Women Commission from April to June 2020. This was over twice the number of complaints received within the same period before lockdown.¹²

The COVID-19 pandemic is equally threatening for young girls in the country. School closure as a result of lockdown can increase the risk of girls to witnessing violence at home and facing exploitation, violence, and abuse. As per anecdotal records, there have been

12 <https://globalizationandhealth.biomedcentral.com/articles/10.1186/s12992-020-00616-w>

48 complaints of child sexual assaults in the first six weeks of lockdown, which is alarming compared to a total of 211 cases in the last Nepali fiscal year (2018/2019). The types of violence during the lockdown period included social violence, rape, attempted rape, murder, attempted murder, suicide, attempted suicide, sexual misconduct, and cybercrime. the lockdown period has increased the vulnerability of younger women and girls.¹³

Similarly, four children were killed when a powerful bomb exploded in the remote Rolpa district of Western Nepal. The blast occurred in Duwagaun village of Triveni Rural Municipality-7. The deceased have been identified as 14-year-old Lokiram Dangi, 11-year-old Bimala Khatri, 5-year-old Bijaya Khatri and 13-year-old Gaurab Nepali. The blast occurred when the minors were playing. The local police suspect that the explosive could have been left by the Maoist rebels during the decade-long armed conflict.¹⁴ Two of the deceased children are said to be from the same family.

On the evening of September 23, 2020 Samjhana BK a girl from dalit community of Musta Gaonpalika-2 of Bajhang was 12-year-old girl who was raped and killed. Her body was found naked at local Simdevata temple. The lower part of her body had been stripped naked, her clothes were torn, and her earrings were missing. Investigators believed that minor was taken to the temple, raped, and killed while she was on their way to the family cowshed. Her *doko* was discovered in a location away from the incident site. "A local named Rajendra Bohara has been arrested in connection with the girl's murder. The victim's family has filed a case against Rajendra on the charges of rape and murder of a minor. Rajendra has in the past been accused of attempting to sexually abuse other girls and threatening to loot their ornaments.

Similarly, the six-year-old girl Gulab Shah Khatun daughter of Sahid Ansari, a resident of Bardibas Municipality Ward No 14 had gone missing since Sunday evening. Her body wrapped in a sack was recovered near her residence on Monday night. The victim's family claim the minor was kidnapped, raped and murdered. Police arrested 25-year-old Arun Kumar Sah, the victim's neighbour, for his alleged involvement in the minor's death. Chapagain said the suspect confessed to his crime of murdering the girl but has not confessed to having raped her.

The deceased's relatives and the locals took to the streets, demanding strong action against the guilty. The protesters placed the body on the road and disrupted vehicular movement

13 https://www.google.com/search?q=Namrata+Sharma.+In+Nepal+lockdown%2C+a+domestic+violence+s+pike.+Nepali+Times+%5BIInternet%5D.+2020+May+5%3B+Available+from%3A+https%3A%2F%2Fwww.nepalitimes.com%2Flatest%2Fin-nepal-lockdown-a-domestic-violence-spike%2F.&rlz=1C1GCEA_enN P912NP912&oq=Namrata+Sharma.+In+Nepal+lockdown%2C+a+domestic+violence+spike.+Nepali+Times+%5BIInternet%5D.+2020+May+5%3B+Available+from%3A+https%3A%2F%2Fwww.nepalitimes.com%2Flatest%2Fin-nepal-lockdown-a-domestic-violence-spike%2F.&aqs=chrome..69i57.1069j0j7&sourceid=chrome&ie=UTF-8

14 <https://www.newindianexpress.com/world/2020/apr/30/four-children-killed-in-bomb-blast-in-western-nepal-2137587.html>

along the Bardibas section of the East-West and BP highways for about five hours. They burnt tyres and chanted slogans demanding justice for the victim. Three persons sustained critical injuries when security personnel opened fire at demonstrators protesting. Seriously injured in the clash after receiving bullets in both of his thighs, Neupane was airlifted to Grande Hospital in Kathmandu for further treatment. One of the three locals who were injured in police firing in Bardibas of Mahottari district has even died. The victim has been identified as Buddhi Raj Neupane aka Sanjaya, 40, a resident of Bardibas-1, as informed by the Chief District Officer. NHRC Nepal has monitored the incidents.

In June 2020, Nepal police arrested three persons quarantine volunteers have allegedly gang-raped a 31 years old woman staying at a quarantine, in Lamkichuha Municipality-1 of Kailali district. A 31-year-old woman has alleged that three persons gang-raped her. The arrestees have been identified as locals Kishor Pariyar, (22), Lakshman BK (20) and Sarjan BK (18). Meanwhile, Lamkichuha Municipality-1 in Kailali district has suspended its services after locals pelted the ward office and verbally attacked the local representatives and ward staff for mismanaging security in the facility. Locals have even staged demonstrations against the heinous crime that took place inside the quarantine facility. A 31-year-old woman alleged that three quarantine volunteers sexually assaulted her at the local quarantine centre.

Impact upon health workers

Doctors along with the health workers have been in forefront of the battle against COVID-19. They are the only source of hope and cure for the patients and family afflicted by this contagious disease. Health taskforce have been deployed in the COVID-19 wards and laboratories for direct medical care of the patients, which can risk their own lives. There are many reports of the spread of infection and death of the doctors and health workers due to COVID-19.

In this pandemic situation, many health workers are working longer than usual hours. Once healthcare personnel put on the protective gown and mask, they have to work for several hours without drinking water or taking a restroom break as the protective wares have to be discarded after each use. Many healthcare workers have isolated themselves from their family for a long time in a fear of infecting them. In many health institutions healthcare workers have been terminated from job or not being paid for months owing to hospital managements' economic crisis. Many staffs, especially the non-COVID-19 treating ones are compelled to stay on unpaid leave in academic institutions and teaching hospitals.

The Kathmandu Post national daily reported that the health workers deployed on the frontline of COVID-19 have not received extra allowance promised by the government. The Ministry of Health had earlier announced extra allowance equivalent to the salary. This allowance money is essential for additional expenses for many health workers who have been staying in hotels or hostels because of the fear of spreading the infection to their family and due to the threats and pressure from house owners and neighbors. At least twenty medical officers serving at Sukraraj Tropical and Infectious Disease Hospital, Kathmandu have been living in hotels for the last several months. The situation is even worse at private hospitals, where the staffs are forced to quit their job or accept the lessened salaries by half, despite the directives of Ministry of Health not to deduct the salaries or reject the jobs.¹⁵ Health workers deployed on the frontline in the battle against Covid-19 haven't received their allowances, for a long time after the government announced that extra pay for them. Health workers, who have been working on the frontline facing a host of challenges, including discrimination and stigma, were supposed to receive allowances equivalent to their salaries, as per an announcement by the Ministry of Health and Population. The government's failure to pay health workers in timely manner, some of whom have even contracted the disease, their allowances adds more stress.

Similarly, in Nepal, some healthcare workers unfortunately experienced avoidance even by their family or community owing to stigma or fear. Healthcare workers have been targeted by the house owners, neighbors, public, media and even by the police. Residents of New Baneshwor, Kathmandu even gathered to protest at a hostel where doctors and health workers of Civil Hospital resided as a fear of spreading the Corona virus in the locality. The big mob led by area chair (toll sudhar samiti) and ward secretary threatened the house owner that they would punish him if he continues to let them stay. Earlier, policemen physically assaulted three doctors returning home from Tribhuvan University Teaching Hospital duty during a lockdown period. Similarly, a doctor was assaulted at an isolation center in Biratnagar, an isolation ward was vandalized by a crowd in Sankhuwasabha, local people protested against doctor and vandalized the hospital in Chhapkaiya Birgunj, doctors were abused and demoralized in Bharatpur Chitwan by sticking bill against the doctors, health workers collecting the swab were not allowed to reside in local area in Ratnanagar Chitwan. These are only few representative examples.¹⁶

There have already been numerous reports of discriminatory behaviour against health workers and patients who've come down with Covid-19. Prasiddhi Shrestha, Nepal's second case of Covid-19, received hate mail and death threats on social media once her case was made public. A team of health workers from the Health Ministry and Epidemiology

15 Health workers deployed at Covid-19 frontline deprived of their allowances [Online]. The Kathmandu Post. Last updated: 7 June 2020. <https://kathmandupost.com/national/2020/06/07/health-workers-deployed-at-covid-19-frontline-deprived-of-their-allowances>.

16 Shrestha RM, Kunwar AR: COVID-19 impact on doctors and health workers: Orthodontic Journal of Nepal, Vol. 10 No. 2 COVID-19 Special Issue.

and Disease Control Division were deployed for contact tracing of all those who had been infected with the coronavirus even concluded that the health workers were routinely turned away from hotels and restaurants, denied food and lodging.¹⁷

Impact upon right to employment

Public Service Commission (PSC) has postponed all the scheduled written examinations of civil service, security bodies and various government bodies which are the main sources of employment in the governmental services. The meeting of the PSC decided to postpone all scheduled written examinations until further notice citing the ongoing coronavirus crisis to be held between March 21 to April 12, 2020 until the further notice. PSC has explained that it has taken the step keeping in mind the exam candidates' fears regarding the spread of Covid-19 and the infection being detected among its employees, which has created hurdles in examination management. This even continued for October, 2020. PSC was scheduled to conduct examinations for more than 400 posts of section officer immediately after Dashain.

Then in October 2020, the Public Service Commission prepare a guideline for conducting the examination in the time of COVID-19 pandemic, but this guidelines bar COVID patients from appearing in PSC exams. The lawyers moved to the Supreme Court challenging the PSC's decision to prohibit COVID-19 patients from appearing in PSC exams would deprive citizens of their right to equality and right to employment guaranteed by the constitution. The PSC had issued new guidelines for conducting examination in the time of COVID-19 pandemic barring COVID-19 applicants from appearing in PSC examinations. The apex court ordered the PSC not to execute the provision that barred COVID-19 applicants from appearing in PSC examination until the final hearing in the case.

The Apex Court ordered the Public Service Commission not to bar COVID-19 applicants from appearing in PSC examinations. The apex court observed that if job applicants were barred from appearing in PSC exams, then their right to equality, right against discrimination and right to employment guaranteed by the constitution would be violated. The court also observed that requiring examinees to declare that they were not infected with COVID-19 could lead to a situation where asymptomatic examinees might not declare their positive status due to fear of discrimination and stigma and such a situation could expose healthy examinees to the risk of coronavirus infection.

The apex court also ordered the PSC to safely conduct PSC examinations keeping in mind the interests of all examinees and government employees who will be deployed in

17 <https://kathmandupost.com/national/2020/05/01/stigma-against-health-workers-patients-and-area-locals-continues-in-covid-19-hotspots>

examination halls. The court asked the PSC to make alternative arrangement for COVID-19 positive applicants so that they could safely take examinations. It added that while making alternative arrangements, examinees' right to privacy should be respected.

The petitioners have also urged the court to direct the PSC to conduct the examination so that asymptomatic COVID patients could sit for exams in separate examination halls. They argued that if COVID patients were not allowed to take PSC exams this year, some might never be able to sit for the exams if they cross the age limit next year. The age limit for men to appear for PSC test is 35 years, women can take the test till they are 45 years old.

Similarly, according to a study commissioned by the United Nations Development Program (UNDP) in Nepal, three in every five employees of both formal and informal micro, small and medium enterprises (MSMEs) in Nepal have lost their jobs as a result of coronavirus (COVID-19) pandemic. Stating that the impact on labor differs by the nature of their job contract, the study revealed that permanent workers have faced either pay cuts or unpaid hiatus, backed by strong labor laws that discourage layoffs. Similarly, seasonal and informal workers who represent 60 percent of the labor force in Nepal have faced job cuts and losses after the outbreak of COVID-19 in Nepal some two months ago.¹⁸

Approximately 5.7 million or 80.8 per cent of workers in Nepal have informal jobs. The majority of workers in all sectors are in informal employment, including the sectors expected to face the highest degree of disruption: construction (97 per cent), trade (74 per cent) and manufacturing (84 per cent). Informal workers lack the basic benefits usually provided by a formal job, including social protection coverage. If they stop working due to economic downturn, sickness, or quarantine, they have no state funded safety net. Another category of precarious workers are home-based workers. There are approximately 1.4 million home-based workers in Nepal – nearly all women – producing goods for export. With global supply blocked due to the pandemic, also this source of livelihoods is at risk.¹⁹

Impact upon right to education

The action of the government of Nepal to close all educational institutions, postponing of all national level examinations and prohibiting the gathering of more than 25 people together led to an outflux of more than 300,000 people from Kathmandu in 3 days.²⁰ Schools have remained closed since March. Schools have tried to resume classes several times but the raging COVID-19 has acted as a deterrent. As such, alternative methods of learning-teaching have

18 <https://myrepublica.nagariknetwork.com/news/every-three-in-five-employees-lost-their-jobs-in-nepal-due-to-covid-19-crisis/>

19 COVID-19 Labour market impact in Nepal, International Labour Organization

20 <https://journals.sagepub.com/doi/full/10.1177/0020764020942247>

been explored. Accordingly, some schools are conducting online classes through the internet. The government is also conducting online classes through radio and TV. However, not all school children are able to attend such classes as access to such technology is not available to all children across the country.

On the other hand, the Ministry of Education, Science and Technology has launched an e-learning portal for students up to grade 10. The materials contained in the portal include contents on all topics, which can be downloaded. The basic thrust of the portal is to supply required materials to those students who have been deprived of education due to the COVID-19 pandemic so that it will be easier for them to keep up with their studies when schools reopen. The government has asked both government and private schools to use the required materials kept in the portal.

The coronavirus may impact school children disproportionately. Children from poor families, mostly in rural areas, may find it difficult to afford textbooks and other required materials like exercise-books and stationery. Such children and their parents perceive that education may not guarantee employment. Now, COVID-19 has affected poor families to a great extent. They have lost jobs and hence their income has also been affected. In such a situation, it is most likely that they may not send their wards back to school after classes have resumed. This is because such children may be forced to engage in labour to support their families. On the other hand, girl children may be married off. So, the impact of COVID-19 may be pronounced on poor families, giving rise to an increasing incidence of child labour and child marriage and a higher dropout rate in schools.²¹

As the consequence of the lockdowns, schools and universities in Nepal have been temporarily closed now. As of the second week of May 2020, UNESCO (2020) estimates that nearly nine million (8,796,624) students in Nepal are affected due to school/university closures in response to the pandemic. Out of this number, 958,127 (11%) are in pre-primary, 2,466,570 (28%) are in primary, 3,463,763 (39%) are in secondary and 404,718 (5%) are in tertiary education. Because of the compulsory closure of schools and universities for a considerable period of time, the education system has changed dramatically, with the distinctive rise of e-learning whereby teaching and learning is undertaken remotely and on digital platforms. However, there are many challenges around equitable access to e-learning.

Digital learning creating inequality in access to education Nepal, like any other low-income countries, has big gaps among its citizenry in terms of their socio-economic and education/literacy background. The existing system of education and the uneven distribution of its resources have often been blamed for the widening gaps between the haves and have-

21 <https://risingnepaldaily.com/opinion/education-in-shadow-of-covid-19>

nots; in the advent of COVID-19, the digital divide and the uneven access to e-learning and e-resources will increase the gaps even further by widening the inequalities between the advantaged and disadvantaged children.

With the unprecedented lockdown, most parents have worries about their children's education and future as their school education has been halted until further notice. The Government of Nepal though has decided to introduce a digital education system to continue the teaching learning process, and this has further burdened parents with the load of school fees and online internet fees. It is further stressful for parents with a low income who have to struggle for daily wages and do not have proper internet access, as it compromises the learning needs of their children.²²

The present scenarios indicate that students in Nepal are affected differently by the pandemic. For instance, a few schools and colleges in urban areas have started to run online classes to mitigate the impact on learning. However, running online classes does not seem to be feasible for most rural schools in Nepal. It is estimated that only 56% people in Nepal have access to internet. Only 13 % schools might be able to run online classes (though 35% schools have access to internet). In other words, the current ICT infrastructure and the distribution of access in the urban and rural areas have created two-tier of inequalities in the Nepalese citizenry, i.e., between students who live in urban area and those from rural area, and between the rich and poor who can barely afford to access the internet. Considering such divide, the Human Right Commission in Nepal has requested the Ministry of Education Nepal and private schools not to pressurize children in the name of online education.²³

Earlier faced with the risks of a possible COVID-19 outbreak, the government decided to postpone the Secondary Education Examination (SEE) – scheduled to be conducted. Meanwhile, Tribhuvan University (TU) Executive Council has decided to postpone all the university examinations until further notice owing to the possible spread of coronavirus.

The government even decided to postpone all university examinations indefinitely citing growing coronavirus fears, the Tribhuvan University at first chose to conduct the exams of various levels and programmes scheduled. However, the university finally decided to postpone all the exams to be held on.

22 <https://journals.sagepub.com/doi/full/10.1177/0020764020942247>

23 https://www.researchgate.net/publication/341555694_Impact_of_COVID-19_on_the_Education_Sector_in_Nepal_-_Challenges_and_Coping_Strategies

Impacts upon the inmates

As of September 1, 2020, 102 jailbirds and security personnel guarding them at the country's Central Jail in Kathmandu have contracted Covid-19. It shows all jails in Nepal are prone to coronavirus infection. The State Affairs and Good Governance Committee of Parliament directed the government to introduce a special plan to minimise the risk of the coronavirus spread in jails and police barracks. However, Department of Prison Management said that an effective solution is not immediately possible.

Minimising the risk requires lowering the number of inmates as all prisons across the country are overcrowded, but the jailbirds in a significant number cannot be released due to legal restrictions. The prison law allows the government to release inmates yet to complete their sentences on various occasions, but people convicted of various crimes cannot enjoy this facility. "Those convicted of other crimes must have completed 50 per cent of their sentences and should have good conduct. There are around 24,000 people in Nepal's prisons including 14,000 convicts and 10,000 remanded in judicial custody.²⁴

Prison management situation in Covid-19 pandemic

During the on-site inspection of the on-site prison office of the Commission's monitoring team, most of the prison offices observed only a formality in the response and preparedness of the Covid-19 pandemic. The implementation of the directive to close meetings with outside visitors and relatives of the prison management department has been seen to be effective. Basic health items including PPE, masks, gloves, face shields, thermal logs are not enough in 28 districts except Sindhupalchok district. Despite the provision of hand washing with soap and water, most of the prison offices do not use masks inside the prison.

Quarantine and isolation in prisons

It was found that quarantine of 240 beds has been set up at Central Jail, Jagannath Deval, Lalitpur and 3 beds in Kavrepalanchok. Quarantine and isolation rooms were not found to be effectively built by the prison offices. Quarantines have been set up in Ilam, Parsa, Lalitpur, Makwanpur, Sindhupalchowk, Syangja, Kaski, Myagdi, Rupandehi, Surkhet and Jumla prisons. However, Wade's capacity has not been determined. It was seen that a quarantine of temporary tents has been set up in Siraha Prison. Basic requirements in quarantines, health standards have not been implemented effectively. Masks and social distance were not maintained in the quarantines. In Ilam, it was learned that quarantine and isolation was done by vacating the living room of the inmates. Quarantine has been renewed in Morang, Rautahat, Ramechhap, Sindhuli, Parbat, Gorkha, Kailali and Kanchanpur prisons. It was found that the quarantined prison offices used to keep quarantine for 14 days after the

24 <https://english.onlinekhabar.com/nepals-jailbirds-are-at-high-covid-19-risk-but-keeping-them-safe-is-difficult.html>

arrival of a new detainee. However, it was learned that the new detainee was kept in quarantine for only five days in Jhapa Prison. It has been said that prisons not having quarantine facilities keep the new detainees separately, it is not effective. It was found that the meeting was held at Rautahat Prison by maintaining social distance.

It is learned that isolation has been arranged in Central Prison, Jagannath Deval, 20 beds in Kathmandu, 6 beds in Rasuwa and 20 beds in Rupandehi Prison. It was learned that two buildings isolation rooms have been made in Sunsari Prison. Isolation has been reported in Ilam, Jhapa, Parsa, Lalitpur, Baglung, Banke and Jumla prisons. No isolation was found in Morang, Rautahat, Kavre, Ramechhap, Sindhuli, Syangja, Kaski, Myagdi, Parnat, Gorkha, Surkhet, Kailali and Kanchanpur prisons. Siraha Prison was found to be in a state of isolation. Details schedule of quarantine and isolation of the monitored 29 district prison offices have been presented.

Details of Quarantine and Isolation Room in District Jail Office

S.No.	District	Quarantine	Isolation	Remarks
1	Ilam	Yes	Yes	By vacating the prisoner's living room.
2	Jhapa	Yes	Yes	
3	Morang	No	No	In process.
4	Sunsari		Yes	Arrangement of 2 living blocks and 8 toilets.
5	Siraha	Temporary tent	Prisons turned into isolation	Isolated those who are not infected.
6	Rautahat	No	No	
7	Parsa	Yes	Yes	
8	Kathmandu	Yes (240 Bed)	Yes (20 Bed)	
9	Lalitpur	Yes	Yes	
10	Chitwan			
11	Makwanpur	Yes		
12	Dhading			In the process of separation.
13	Rasuwa		Yes (6 Bed)	
14	Sindhupalchowk	Yes	No	
15	Kavrepalanchowk	Yes (6 Bed)	No	
16	Ramechhap	No	No	

17	Sindhuli	No	No	
18	Syangja	Yes	No	
19	Kaski	Yes	No	
20	Myagdi	Yes	No	
21	Baglung	Yes	Yes	
22	Parbhat	No	No	
23	Gorkha	No	No	
24	Rupendehi	Yes (20 Bed)	Yes	
25	Bankhe		Yes	Not organized
26	Surkhet	Yes	No	
27	Jumla	Yes	Yes	
28	Kanchanpur	No	No	
29	Kailali	No	No	

During the monitoring of prisons in 29 districts on the date mentioned in the schedule, 677 inmates of 11 district prisons were found to be infected with Covid-19. According to the latest figures from the Department of Prison Management, 798 inmates in 19 prisons have been confirmed infected. According to the news, 32 inmates of Dachurla District Jail have been infected.²⁵ This number has increased to 830 inmates confirmed to be infected. Ten inmates of three prison offices have died due to Covid-19 infection.

Facilities in prison

It was found that the Covid-19 was tested by the prison offices in case of any suspicion or need to be produced before the court. Samples were also tested in some prisons. The PCR test was performed on the new detainee. RDT test is still being conducted in Kanchanpur district, PCR was not carried out in Ilam and Kanchanpur prisons. There was pressure from the prison management department to keep the inmates transferred to Morang prison without PCR report. It was learned that one inmate of Siraha Prison, Covid-19, escaped without getting test results. The problem was further aggravated by the fact that the results of PCR took 6-7 days. However, the result of the person who later fled was also negative; he was not produced in court due to Covid-19 in Parsa Prison.

After being taken to the court or hospital by the prison office, Jagannathdeval, Kathmandu, it was found that the health criteria were maintained properly. PCR were done after contact tracing. It was learned that the prison office, Nakhu, Lalitpur used to apply PPE when taking

²⁵ https://www.mahendranagarpost.com/2020/10/22/11757/?fbclid=IwAR1mGOnGeyf8_oYDWRHS_rzlhYj7iF3QvRuTdEVok7YBpEynFpzAuKSrsc_2077_kartik_28th

the detainees to the risk area of the hospital. In Lalitpur and Sindhupalchowk, Corona virus help desks were set up at the main gate with security personnel. The absconding accused was arrested in Sindhupalchowk district and sent without PCR test. Security personnel sprayed chlorine on the PPE and measured the visitor's fever.

The inmates of Kavre District Jail were communicating with the public prosecutor without PCR, the court and the public prosecutor were taking statements without PCR as the test report of the inmates of Sindhuli Prison was delayed. Recently, it has been reported that there is a problem in testing detainees due to the state's policy of not conducting tests without symptoms. At Jumla Prison, only those with symptoms are now being tested. It was learned that he had undergone psycho-counseling and training related to Covid-19.

Prison management and Covid-19 were seen to be at risk because of following points:

- When a new detainee enters the prison without a PCR test.
- Detention due to ineffective quarantine period and health criteria, detainees being taken to court, public prosecutor for statements, returning in vehicles, etc.
- When they were taken to the hospital.
- Food grains and crops coming from outside.
- Prison Papers (Newspapers, Office Documents)
- Prison staff and security personnel.

Good practice of prison management in Covid-19

Despite the overcrowding and dilapidated infrastructure, some good practices were also seen in prison management in Covid-19 control, preparedness and response. Most of the prisons seemed to be coordinating the arrangements for the extension and explanation by the public prosecutor and the court for video purposes.

Despite pressure from the Morang Prison Management Department, the Morang Prison did not admit 10 inmates without PCR report. Later, it was found that all of them were sent back to Siraha after one person tested positive in the PCR test report. This seems to have helped prevent the horrors seen in Siraha Prison.

The senior citizens and the chronically ill inmates of Kaski Prison were treated with respect for their health sensitivities. The Rupendehi Prison has made it mandatory for the inmates to PCR detainees who come to the hospital or court to have a 14-day quarantine room. Prison management can be considered a good practice in controlling, preparing and responding to Covid-19.

Regarding the administration and management of the prison

Of the 29 prisons monitored by the Commission, only Jumla Prison had fewer inmates than its capacity. There are 110 inmates with a capacity of 200 inmates. In the remaining 28 districts, the incarceration capacity is much higher. The highest number of inmates was seen in Sindhupalchowk district. There are 126 inmates with a capacity of 7 inmates. This is 17 times more than the capacity. The prison damaged by the Gorkha earthquake has not been rebuilt yet. The highest number of inmates was seen in Jagannath Dev. of Kathmandu. Where there are 3,190 inmates. Parbat had the lowest number of 92 people. Prisoner and work capacity comparisons are presented in the graph below.

Coordination with the district administration, district police, government prosecutor's office, court and other concerned bodies was good. It was found that no agreement was reached after the recommendation was made for the internal administration of Illam. It was suggested that the complexity of the list should be removed in the matter of appointment of internal administration.

In most prisons, health workers are appointed according to their posts. This seems to have a negative impact on the inmates' health, testing and control, preparation and response to Covid-19. It seems that the acting head of the prison office should be appointed immediately. It was found that extreme political pressure was coming in the process of doing prison transfer. It was found that the prison offices were not clear on the negative list and the implementation of Article 155 of the Code of Civil Procedure 2074 BS.

Regarding the improvement of prison records system

- It was found that up-to-date and accurate records were kept of the inmates and detainees who were released from prison and transferred from other places.
- The records of the inmates and detainees kept in the jail were found to be accurate.
- Details of overcrowded inmates are being sent to the District Administration Office and the Department of Prisons.
- Records have been kept accurate stating the period of imprisonment and release date of the imprisoned and non-imprisoned inmates and if for any reason the period of imprisonment is not known, correspondence has been sent to the concerned body for records.

Regarding prison security

- After the Covid-19 infection entered Nepal in most of the prisons, it was found that the Nepal Army was mobilized in the outer circle as per the decision of the government, the internal security was provided by the Nepal Police.

- The prison guards were found to be with the security guards on duty during the day and with the security chief at night.
- The weapons and materials used in the kitchen of the prison were the responsibility of the internal administration and also the materials like clothes ropes were taken care by the internal administration.
- Visiting the detainees was made a little more organized for the security of covid-19.

Regarding the separate accommodation of inmates and detainees

- Health measures to maintain social distance during Covid-19 seemed completely impossible in all prison offices.
- Inmates with contagious and other infectious diseases and those with mental disabilities were found to be somewhat isolated.

Regarding disciplinary procedures

- Although there is no formal code of conduct to maintain the discipline of the inmates, the prison rules provide for the action to be taken against those who violate the discipline. However, it was found that if the detainees acted in violation of discipline, they were asked to explain themselves, warn them and make them understand their mistakes or make them clean the internal area where they live.

Regarding the physical infrastructure and facilities of the prison cell

- There were jails in the new building in Surkhet, Sindhuli and Jumla. Although Sindhupalchowk Prison was damaged by the Gorkha earthquake, it has not been rebuilt yet. Most of the prisons are dilapidated, old, water leaking, inadequate toilets, and inadequate windows, problems in getting fresh air, poor sanitation, and lack of drinking water. The women inmates were shifted to other districts as the women's cell of Parbat Prison was demolished. Myagdi Prison was found to be infected with skin infections and flies. It was found that Rautahat Prison was inundated by rain water and there was no drainage.
- There are some problems as the prison office building is in the old structure. Drainage problems occur during the rainy season. Small budget is allocated for maintenance so, even if some maintenance are done some remains unattained.
- It was found that the inmates did not have any provision of special nutritious food from the prison. However, hot water and turmeric water were encouraged in the morning.
- No separate arrangement has been made for religious worship from the prison according to one's faith, but they are free to worship according to their wish.

Regarding the activities of the inmates

- It was found that the office would provide necessary assistance to the detainees for legal counseling, receipt of case documents and court proceedings.
- The inmates had the facility to consult the lawyer of their choice but there was no arrangement for the incapacity from the prison branch but if the inmate applied, they would be sent to the War Association for necessary assistance.
- The prison office and the chief district officer listened to the complaints of the inmates through the internal administration. The internal problems of the prison were solved by the internal administration through discussion. If there is a big problem, it is solved by the prison administration.
- There was no discrimination among the inmates. It was found that if such was found, it would be resolved by explanation.

Regarding the treatment of Inmates

- Inmates were found to have been treated normally. Handcuffs, chains and nails were not seen in the jail. Also, they were not found to be blindfolded or kept in solitary confinement for mental torture.
- Inmates were not found to have been subjected to any form of torture in prisons.
- It was found that an inspection book was provided in the prison.

Regarding the complaints made by the Inmates

- If the inmates feel that they have been discriminated against and mistreated, they can lodge a complaint with the prison branch and other authorities.
- It was found that the inmates had easy access as they could easily lodge their grievances with the head of the prison and the head of the prison lived inside the prison premises.

The socioeconomic impact of COVID-19 in Nepal

Due to the COVID-19 outbreak, the hardest hit sector of the economy is tourism. The World Travel and Tourism Council research reported that Nepal's tourism sector was responsible to generate Rs. 240.7 billion in revenue and supported more than 1.05 million jobs in 2018. Postponing of Visit Nepal 2020, and suspension of on-arrival visas along with countrywide lockdown, has led to the loss of thousands of jobs. In all, 20,000 tour, trek and guides, and porters lost their livelihood when mountaineering was suspended.²⁶

26 <https://journals.sagepub.com/doi/full/10.1177/0020764020942247>

The agricultural crops, livestock and fisheries are not outside the impact of COVID-19. Being an agricultural country, the travel restriction and lockdown have affected every stage of the food supply chain, including food production and distribution in Nepal. Farmers are compelled to dump milk and vegetables after a significant decrease in supply and closure of processing companies and proper markets. This has led to sudden price hike, black marketing and shortage of products in the local markets. While the government is urging people to follow quarantining and limiting gathering of people, millions of farmers have to gather together to sow food and cash crops in Nepal with the arrival of the monsoon.

Moreover, in light of Nepal's economic reliance on tourism revenues tourists and migrant worker remittances. Early indicators suggest that vulnerabilities may increase disproportionately for migrant workers, informal labour, small businesses, rural communities due to potential loss of employment, travel restrictions, inflation, food and fuel shortages etc. Given the reliance on remittances, the travel restrictions being imposed by migrant destination countries, and the likely impact of local quarantine measures, the economic impact is likely to be significant among migrants. Similarly, in light of the heavy reliance on India and China for food, fuel and other goods and services, potential disruptions in transportation and border access stand to create shortages of goods and services and adversely affect Nepal's domestic producers, suppliers and consumers.

Impact of COVID-19 pandemic on Nepali migrant workers

The COVID-19 pandemic has impacted the Nepali migrant workers in different ways. A large number of Nepalis working outside the country lost their job and income, while they remain vulnerable to being infected with Corona Virus or losing their life to it. Likewise, their human rights and labour rights have been violated, and they have faced stigmatization, discriminatory behavior and discrimination. In particular, women, domestic and undocumented workers, pregnant and person with disabilities, those removed from their job, COVID-19 infected and with underlying health conditions are more vulnerable.

Hundreds of thousands of Nepali are compelled to choose the option of foreign employment due to lack of appropriate and decent job in the country. Majority of the Nepalis go to work in India and the gulf countries and Malaysia. The Nepali migrant workers have been making a significant contribution to the economy of the country, by sending home remittance on an average worth 25 per cent of the Gross Domestic Product (GDP) annually.

Though many have uplifted their and family's living standard through foreign employment, not all have been found to have benefitted accordingly. In general, many Nepali migrant workers have faced exploitation and abuse or remain vulnerable to it, which was further

exacerbated by COVID-19. There is an urgent need to respect, protect and fulfill the human rights and labour rights of the migrant workers, while protecting them from the impact of COVID-19 pandemic and rescuing, repatriating and compensating them appropriately.

The National Human Rights Commission of Nepal (NHRCN) has been prioritizing the protection of the rights of the Nepali migrant workers, and has drawn the attention of the Government of Nepal towards the impact and possible impact of the crisis resulting from COVID-19 on the workers. To this end, the NHRC commissioned one study with the objective of contributing to the protection, rehabilitation and reintegration of the migrant workers.

The study shows that:

- A large number of Nepalis have been infected and have died of COVID-19 in the major labour destinations, especially the gulf countries. Lack of information about the measures to remain safe from Corona Virus infection, essential services and support in case of infection, crowded work place and residential camps without sufficient sanitation facilities, and the compulsion of having to live together with the infected in same room/accommodation have pushed the Nepali workers to the risk of infection. Likewise, in many countries, the COVID-19 infected have been deprived of proper health care, testing and treatment.
- Lack of official and updated information with the GoN about the number of Nepalis who are infected and who have died of Corona Virus in some countries of destination is leading to a neglect in the protection of the Nepali workers while their families are deprived of the right to know about the status of health and life of their loved ones.
- As international flights remain shut, the bodies of the Nepali workers who have died abroad remain stuck in the countries of destination. But failure of the government to seek an alternative to bringing back the bodies home to respect and protect the right of the families to cremate the body of their loved ones as per their tradition and culture and with many buried in the destination country itself, the families have been deprived of carrying out the death rituals as per their tradition. In some cases, as the family members were not informed by the government authorities soon after the death or cremation of the bodies abroad, it led to increased uncertainty among the families on when to begin the rituals.
- Work as well as companies closed along with the spread in COVID-19 infection and employers unilaterally expelled or annulled the contract. As a result, a large number of Nepali migrant workers have lost their employment and remuneration completely or partially. Some employers were found to have not paid at all or not paid full wages to the workers, while a large number of workers have not been paid for food and

accommodation. Likewise, loss of employment and income has made it difficult for them to meet essential expenses including for food, accommodation and medicines. These problems have been experienced especially by those whose term of contract has expired but have not been able to return home, who have been expelled from job, who have not received remuneration and allowances, and the undocumented workers.

- The COVID-19 crisis has affected all the workers in one way or the other. But of them, the undocumented, domestic workers, pregnant, those who have lost employment and income, who have no access to information and with disabilities and underlying health conditions are more vulnerable. The workers who were already facing exploitation and abuse in the migration cycle before the COVID-19 pandemic face increased risk at present.
- The workers who have gone for foreign employment by paying a large sum taken on loan with exorbitant rates of interest are facing specific problems after losing employment in few months of arrival. Such workers and their families have been trapped in the vicious circle of debt. Likewise, a large number of workers who had already purchased return ticket to Nepal after facing problems including the expiry of the labour permit are suffering a huge burden of expenses including for food, accommodation and other essentials after being stuck abroad due to the closure of air flights as a result of COVID-19.
- Many women who are in foreign employment and who have returned to Nepal are facing challenges including socio-economic, psychosocial and health problems, discrimination, abuse and stigmatization while some are also facing challenges to reunite with the family and community.
- Many returnee workers and their families have been abused and stigmatized by the community as those 'who spread Corona'.
- The rescue and return of the Nepalis who were stranded abroad remained uncertain due to lack of essential preparations even during the months of lockdown, and as the number of those who had to return home increased facilitating their return to Nepal has become a big challenge. Even though the delayed repatriation of those stranded abroad began through chartered flights, only a few numbers of Nepalis workers have been able to return home while the workers who have returned came with a huge economic burden as the employer did not provide them with the return ticket.
- As the number of those who had to return home was very high than that planned by the government, a large number of Nepali workers still remained stranded abroad. And as a provision was made for the workers to bear the cost of return ticket, of quarantine facility and transportation to their respective homes even for those

facilitated repatriation by the government, the workers who were not able to meet the expenses remain stranded abroad.

- The planning related to rescue and repatriation and its implementation could not become effective as the data and details of Nepali migrant workers affected by COVID-19 prepared by the Nepali diplomatic mission and other government agencies were not realistic.
- As the government's plan did not include the specific details about the people suffering from different types of problems in different countries, confusion and complexities were seen the process of their rescue and repatriation.
- The requirement in the order issued by the government to facilitate the return of the Nepali citizens for 'a certificate of health examination showing absence of Corona Virus infection prior to boarding the aircraft to return home' added more hassles and financial burden on the worker without easy provision for such health examination. But as many were returned home without COVID-19 testing from the countries of destination and required physical distancing was not maintained during their travel from abroad to the quarantine in the local level, it did not bear any significance, with a notable number of them becoming infected following their return to Nepal.
- The right to return was violated with the denial to enter Nepal to those who had returned home from employment in India after the COVID-19 crisis. They were not provided with sufficient basic facilities during their travel towards Nepal and in the quarantine in the border transit points and instead the concerned authorities used force and mistreated them. The provision in the government order and action plan related to repatriation was discriminatory against those who had to be repatriated and wished to return home via air from India.
- As the people returning home from India were denied entry to Nepal and due to lack of appropriate health check-up and quarantine facilities, many reached straight to their home and communities using the porous border between the two countries. However, the work of identifying them, ensuring they going through the isolation or quarantine as required and carry out health check-up was not effectively carried out, as a result of which their family members and those in the frontline in the COVID-19 response had to face with increased risk and infection. Likewise, some of the people returning from India could not get a polymerase chain reaction (PCR) test even when their life was at stake and many were confirmed positive to Corona Virus only after their death.
- The returnees and those who came in contact with them were returned home only after the PCR test showed negative. But lately, they were returned home only on the basis of a Rapid Diagnostic Test (RDT) or if they did not show any symptoms.

As a result, they were found infected with Corona Virus after someday, leading to transmission of the infection in the community and their families. Likewise, incidents of death also took place for lack of general care or timely treatment of those residing in the quarantine or isolation.

- As the required physical distancing was not followed in course of the air travel from abroad to Nepal, at Nepal's airport and the travel from the airport to the holding centre and to the local quarantine, the risk of infection increased during the travel on people who were free of infection.
- As people were returned without Corona Virus test from India and other countries and upon arrival in Nepal were sent to the quarantine centres without testing at the holding centres, the risk of infection from one person to another increased during this period. Such risk also increased as those who returned to Nepal from abroad were transferred to the holding centers and sent directly to home quarantine after noting down the necessary details.
- Upon arrival in Nepal, the citizens from outside Kathmandu had to wait for a long time to reach to the quarantine from the holding centres, as a result of which they faced problems of food, accommodation, drinking water etc. This created more problems of the pregnant, people with disabilities and those with underlying health conditions. Some also faced abuse in the travel from the holding centre to the local level.
- Majority of the quarantines lacks basic provisions like drinking water, bedding, mosquito nets, toilet and bathing facilities, there were no appropriate arrangement for the people with special conditions including pregnant and lactating women, senior citizens or people with disabilities, were crowded and lacked security provision. The newly arrived were mixed together who had been staying at the quarantine for some days, women and men were put together in some quarantine, the food was unhygienic and sanitation was lacking. Hence, the quarantine standards prescribed by the government were not fulfilled. As a result, incidents of healthy persons getting infected, women facing violence and abuse, violation of the quarantine rules and people hesitating to stay in the quarantine increased.
- The human rights of the workers faced more challenges as they were removed from their jobs without any prior information following the spread of COVID-19, they were denied payment and deprived of basic goods and services, faced various kinds of exploitation and violence including forced labour and use of force, deprived of the right to return home, and compensation and legal remedy were not ensured in case of violation of human rights and labour rights before or upon return to Nepal.
- The Prime Minister and the Minister for Foreign Affairs made an effort to protect the Nepali workers through bilateral talks with counterparts and concerned authorities of

the countries of destination. The GoN has been facilitating the protection of the Nepali migrant workers affected by COVID-19 and their return home through the COVID-19 Crisis Management Center (CCMC).

- The government has been providing holding centre, transportation, quarantine and essential health services to the workers returning from various countries including India. The diplomatic missions in the countries of destination are working in coordination with various organisations and agencies to provide relief, essential information and facilitating the return of the Nepali workers. The Foreign Employment Board released funds to some diplomatic missions for arrangement of food and accommodation for the workers stranded in the foreign land. The various parliamentary committees issued directives to the government to protect the Nepali migrant workers as well as their right to return home. Likewise, the Supreme Court issued various orders in the name of the government calling for protection of the health, life and repatriation of the Nepali workers affected by COVID-19. Though the GoN was focused on the rescue and repatriation of the Nepalis stranded abroad due to the outbreak of COVID-19, it failed to take necessary measures to protect the rights of the Nepali migrant workers who lost employment and income, who were infected and vulnerable to infection, who were deprived of basic needs like food and accommodation, forcibly removed from job, involved in forced labour, and those who faced abuse and other kinds of exploitation and excesses. Likewise, no significant effort was made to hold the destination country governments and employers and recruiting agencies accountable to ensure justice and compensation to those whose rights were violated and to protect their labour rights and human rights.
- The GoN failed to carry out sufficient coordination, collaboration and consultation with inter-governmental agencies and stakeholders in the development and implementation of the policy and plans to respond to the impact of COVID-19 on Nepali migrant workers. Likewise, sufficient coordination was not carried out with the stakeholders during the study or discussion carried out in the course of preparing guidelines and action plan on the repatriation of the Nepalis and their rehabilitation and reintegration.
- No efforts were made and advocacy done to make the countries of destination and employers accountable to the protection of the rights of migrant workers through regional and international forums and processes like the Nepal-affiliated Colombo process, Abu Dhabi dialogue and South Asian Association for Regional Cooperation.

Chapter 3

Intervention made by NHRC Nepal to ensure human rights

The impact of the COVID-19 pandemic has also affected the overall ability as an NHRI to implement the mandate and carry out the functions. Nepal faced some forms of lockdown, encouraging people to implement social distancing so as to reduce interactions between people which could eventually reduce the possibilities of new infection; however, it has affected the overall physical, mental, social and spiritual health of the people. The lockdown curfews, self-isolation, social distancing and quarantine have affected the overall function of the NHRCN too. It has created fear, anxiety and uncertainty among the staffs and their family, the psychological impact upon the staffs somehow affected the monitoring function of the NHRCN. Even for the implementation of the annual program became challenging. Adequate health logistics, technologies and skilled manpower and capacity in health financing was also a challenge for NHRCN. Even the PPE, along with gloves, glasses, visors and masks were not easily available in the market.

In addition to the challenges there were few opportunities to the NHRC Nepal. NHRCN, aiming to enhance the awareness NHRC has developed awareness raising programs and are being broadcasted in 13 national languages through the 32 FM radios across the country including in Nepali, Awadhi, Bhojpuri, Maithili, Doteli, Achhami dialects and other indigenous languages such as Magar, Chamling, Sherpa, Tharu, Limbu, Tamang and Newari. The NHRC Nepal in this time undertook an internal gender assessment to develop a GESI policy for the institution. NHRC even suggested the Government of Nepal to pursue Human Rights Based Approach in the national budget formulation and prioritize the issues of human rights while formulating the budget of the Fiscal Year 2020/021.

NHRCN even carried out its monitoring and investigative functions. To accomplish this task, NHRCN developed the Working Procedure for the Human Rights Situation Monitoring Network regarding the COVID-19, - 2020 and NHRCN even developed the Check List for monitoring of the human rights situation with regard to COVID-19 coronavirus pandemic. By formulating this check list NHRCN has also implemented this to function in accordance with its mandate in this critical situation of COVID-19 coronavirus pandemic specially to conclude the monitoring function systematically and in an integrated manner. NHRC Nepal even conducted monitoring of the human rights situation of the detainees, prisoners in the detention centers and the prisons located at Kathmandu and Lalitpur and also the Central Jail during the lockdown period. Similarly, the monitoring team of the commission has conducted on-site monitoring of prisons in 28 districts of the state.

The study concluded by the different institutions have shown that person with disabilities in the event of an epidemic of Covid-19 lack essential services such as treatment, regular health care, rehabilitation services, health and sanitation, therapy, and food. Therefore, NHRCN has conducted a research study seeking the impact of Covid-19 on the human rights of persons with disabilities and their plight specially to identify and recommend the government regarding the problems and challenges related to human rights violations faced by persons with disabilities during pandemics and lockdown.

In the COVID -19 period, management of internal operations and taking care of the staffs with the internal management was also challenging. Therefore, due to the difficulty of doing field monitoring, NHRC Nepal has adapted its processes to monitor the human rights situation of the country through the media, an online newspaper, and by receiving phone calls. All the provincial offices provide information via submitting reports, video conferences, and phone calls. The Treaty monitoring division was made responsible for the documentation of the human rights situation. Similarly, advocacy is undertaken through the recommendations of the committees and press releases. The NHRC Nepal adopted a policy to provide leave to breast-feeding mothers and pregnant women employees. They also were not expected to go on official tasks during lockdown periods. Other women staff were also encouraged to work from their home. NHRC Nepal has not made it mandatory for anyone to be physically present at the office. All staff continue to be paid full-time. Pregnant staff and mothers with young children, prior to lockdown, could work from home. It was difficult for women staff to go to the office but the working environment at home is challenging – managing children, schooling and working while at home. There are reports of physical and mental exhaustion. While the comparative situation for men and for women hasn't been discussed officially, there was informal recognition of the issue.

Engagement and cooperation with civil society,

NHRC Nepal engaged in monitoring partnering with various civil society and professional organisations, namely: Nepal Bar Association, Federation of Nepali Journalists and NGO Federation in the monitoring of human rights situation during COVID-19. NHRC Nepal has formed coordination committees in the Central, Provincial and Local Levels consisting of including the Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation of Nepal to monitor the human rights situation during COVID-19. The committees include women members (at central level, two women; higher level, two women; and in all province and district level task force numbers of women are represented). NHRC Nepal even urged the concerned businesspersons and the entrepreneurs to effectively monitor and cause to monitor to ensure the access to the essential goods and services as the availability of daily used commodities to the persons with disability, children, senior citizens, women and severely marginalized people was questioned.

Measures undertaken by the NHRCN with regard to Caste based discrimination:

National Human Rights Commission of Nepal sending a monitoring team monitored the incident's premises, reason(s), the status of caste-based discrimination, condition of the peace process and social goodwill as well as the investigations conducted by local administrations and police. Similarly, the NHRCN has urged all to not capitalise or use the incident to instigate further inhumane and criminal activities. It has also urged police, local representatives, political parties, human rights activities, civil society, and locals to help and conduct appropriate investigations legally to instil justice again.

Measures undertaken by the NHRCN to ensure senior citizens' rights:

NHRC Nepal urged the Government of Nepal to ensure availability of daily used commodities to the persons with disability, children, senior citizens, women and severely marginalized people who are at home and to manage properly to ensure the necessary health related security for all the health workers on duty all the time, security force, civil personnel and their families. On March 22, the NHRC Nepal appealed to the Government of Nepal including concerned businesspersons and the entrepreneurs to effectively monitor and cause to monitor being alert to ensure the access to the essential goods and services. Similarly, the NHRCN provided directive orders to the Government of Nepal to draw special attention to the persons with disability, senior citizens, pregnant women, child bearing mothers and infants in the prohibited and sealed areas; and to arrange adequately the seasonal blankets and beddings, essential toilets for sanitation, water, drugs and the food items for all the people in the quarantines.

Visualizing the matters, wishing to cooperate the government to prevent and control the COVID-19, the Commission has decided to immediately return NRs. 20 Million out of the allocated budgets for the current Fiscal Year (FY) postponing all the programs except the administrative and the essential programs. The Commission requests the Government of Nepal to use the returned amount to control and prevent COVID-19 coronavirus pandemic. In addition to this, the Commission appeals to all the governmental agencies, civil society, human rights activists, businesspersons as well as entrepreneurs and private sectors for the necessary and effective collaboration with the Government of Nepal to combat COVID -19.²⁷

The NHRCN urged to make an enough arrangement considering towards lack of the adequate ventilators, isolation wards, PPE, essential drugs in the days to come as the situation of the pandemic is increasing day by day. Similarly, the Commission requested to make necessary coordination among the federal, province and the local governments to respect, protection and promotion of human rights properly arranging the distribution of relief package to solve the problems, pay proper attention in the relief package to the

²⁷ Press Release March 31, 2020 entitled 'Appeal for cooperation to Safeguard the right to life, request to use NRs. 20 Million to combat COVID-19'.

persons with disability, pregnant women, senior citizens, children, detainees and prisoners, squatters and the severely poor, to adopt effective measures for the prevention of violence of women as increased during lockdown, to do additional arrangement inside the quarantine, and to implement the interim order of the respected Supreme Court of Nepal with regard to the nationals living in the quarantine at the borders.²⁸ The National Human Rights Commission of Nepal (NHRCN) has urged the government to take action against those found involved in the heinous act of rape of a quarantined woman in Lamkichuha Municipality-1 of Kailali district. Similarly, the Commission has urged to manage quarantine centers following WHO standards.

Measures undertaken by the NHRCN to ensure rights of the health workers: NHRC Nepal has conducted the initial monitoring of the hurt and misconduct incident to Dr. Shambhu Khanal, Dr. Tej Prakash Shah, and Dr. Bikash Shah working at TU Teaching Hospital, Maharajung, Kathmandu by the Nepal Police during their return to home concluding their duty at the hospital accusing them the violation of lockdown on April 15. In accordance with the facts received from the monitoring, even if doctors have displayed their ID cards the police disregarding the ID cards caused hurt and misconduct to them and from the hurt right hand of Dr, Tej Prakash Shah was swelling and bruises are also seen.

Similarly, at Sunsari one health worker on the way to treatment the patients were hurt, at Kalanki Kathmandu the persons returning after procuring the drugs were also caused hurt and misconduct, at Saptari the general people are hurt inhumanly by the Armed Police Force and misconduct was caused to the general people by the police in the Baitadi, Darchula districts including others.

Such hurt and misconduct caused to the health workers who work at the front line to prevent and control the COVID-19 can affect the professionals' confidence and dignity who have to work with high morale in this critical situation. The Commission urged to ensure not to recur such acts, bring the guilty police to book in accordance with law, ensure free health treatment of those injured persons and appeals to all the police work with self-discipline. Similarly, the Commission requests to be self-restraint and to honour while behaving with the health workers, media personnel, human rights defenders and the general people while implementing and cause to be implementing the directive orders of the Government of Nepal in the situation of lockdown.²⁹

28 NHRCN Press Release April 24, 2020 entitled 'Request to pay attention to the reliable and rapid testing'.

29 Press Release of NHRCN dated on 17 April, 2020 entitled Do not cause hurt and misconduct to the people as well as the health workers.

Measures undertaken by the NHRCN with regard to the rights of the prisoners

When the lockdown was executed in the country, National Human Rights Commission has expressed concern about the coronavirus infection risk in prisons across the country. Issuing a statement NHRCN asked the government to become sensitive towards the health and safety of inmates, security personnel and prison officials. At the initial period, Covid-19 cases have been detected in at least five prisons including the Central Jail in Kathmandu.

The Commission had also asked the Department of Prison Management to report about the situation of the coronavirus spread in prison facilities and the initiative it has taken to contain the infection. The risk of coronavirus spread in prisons was particularly high from those inmates who need to visit hospitals for various health conditions. The commission urged the government to keep the new inmates in quarantines for a certain period before mixing them with the old timers. The commission after monitoring the prisons recommended the Government of Nepal. The following are the recommendations sent to the government:

Recommendations

1. Draft, implement and cause to implement a unified guideline in order to keep detainees and prisoners of all the prisons safe from the Covid-19 pandemic, aiming for preparation and response purposes.
2. Immediately arrange the necessary budget for the management of essential materials such as masks, sanitizers, gloves, face shields, soap, fever measuring instruments, PPE sets, etc. to prevent the risk of infection among the inmates, security personnel and staff of the prison from Covid-19.
3. Arrange necessary budget for the management of quarantine and isolation wards inside the prison, as the adequate budget has not seen to be allocated for this.
4. Create conducive environment to maintain social distance inside the prison, creating an emergency infrastructure as there is lack of sufficient space for maintaining social distance.
5. Precautionary measures which should be taken to reduce the risk of infection for the inmates such as sanitizers, soft and nutritious food and adequate water, sanitation including toilet facilities, hot water and other World Health Organization (WHO) standards have not been met due to lack of budget. So, arrange immediately the necessary budgets for this purpose.
6. Arrange separate quarantine for the security personnel and inmates who frequently go to the hospital and court as there is a high risk of spreading the infection to other inmates. In addition to this, follow and cause to follow strictly the health protocol, including PPE, while visiting hospitals and courts.

7. Due to overcrowded in most of the prisons in comparison to the capacity and in the pretext of increasing the number of inmates day by day, some prisons even do not have vehicles or the number of vehicles in operation is less than that of the inmates and there is no sufficient budget for the maintenance. So, arrange or cause to arrange the adequate budgets as there is problem of taking the inmates to the hospital, court and quasi-judicial body on time.
8. Arrange and cause to arrange the health workers as per the norms as the inmates of the prisons are even dying due to Covid-19 infection and, there is no effective management of health care due to lack of recruitment of the health workers as per the norms. Immediate management of health workers as per the vacancies should be done.
9. Immediately implement and cause to implement the system of exemption of punishment in accordance with the law to protect the right to life of senior citizens and other chronically ill patients in prisons. In addition, timely arrange the necessary medicines adequately to those inmates who are needy and arrange and cause to arrange the separate sitting to those citizens.
10. Arrange and cause to arrange the PCR test ensuring the negative testing to the new detainees or transferred inmates or staff or security personnel from other places before entering into the prison and arrange and cause to arrange periodic sample PCR test of detainees, prisoners, staff, security personnel.
11. Arrange and cause to arrange the chronically ill, senior citizens and women prisoners in the respective prisons of the home district.
12. Reconstruct and cause to reconstruct the prisons which are very old, dilapidated and damaged by the earthquake.
13. Take instant step towards immediate release or reduction or exemption of punishment or towards any other special and appropriate decision in accordance with the Section 2 of the Infectious Diseases Act, 2020 as the government has been taking decisions for the prevention of pandemic as per the interim order of the respected Supreme Court dated April 29, 2020 and the mandamus dated August 3, 2020 that the inmates in the prisons are seen to be at high risk. Dependent children, pregnant women, breast feeding mothers and prisoners with chronic health problems who are vulnerable at the prisons should be identified on a priority basis to reduce the crowdedness, taking into account their health risks and the nature of the offense.

Measures undertaken by the NHRCN with regard to migrant workers' rights

The Commission drew its attention seriously towards the situation that some of the Nepali citizens have entered into Nepal from the neighboring country India using the alternative pathways as the security forces barred them to enter into Nepal from the regular pathways showing the possibility of transmission of COVID-19 as well as the Nepali citizens repatriating to Nepal are stranded precariously at the borders. They were in India for their employment and are repatriating Nepal as they faced problem in employment, food and shelter due to the execution of lockdown in India too. Similarly, the people living in the quarantine for 6 weeks at the border are also stranded there. This shows the possibility of intensification of the risk of the pandemic as the individuals entering into the country from the alternative pathways lack their health checkup and even live secretly in their own village or city.

The unsafe condition of the citizens stranded at the borders is the violation of the Article 16 right to live with dignity, Article 17 right to freedom, Article 18 right to equality as provided by the Constitution of Nepal and the International Covenant on Civil and Political Rights, 1966 in which Nepal is a state party and it also shows the lack of enforcement of the directive order of the respected Supreme Court of Nepal.

Thus, the Commission even drew attention of the Government of Nepal to keep in quarantine as well as in the isolation as per the WHO standards to the Nepali citizens stranded at the Nepal-India borders rescuing them immediately as well as arrange necessary health testing and fulfill state obligation protecting and promoting the citizens' fundamental rights and human rights in accordance with the Article 52 of the Constitution of Nepal.³⁰

Recommendations to the Government of Nepal with regard to migrant workers

Based on the conclusions of the study carried out on the impact of the COVID-19 on Nepali migrant workers and their families, the following recommendations have been made to the government, private sector and stakeholders' policy, programme and their implementation in relation to the human rights and labour rights of the migrant workers including right to health and right to life, access to justice and compensation, repatriation, rehabilitation and (re) integration.

30 NHRCN Press Release May 12, 2020 entitled 'Request to fulfill the state obligation towards the citizens'

1. Protection of right to life and right to health

(a) In the Countries of Destination (CoDs):

- Government of Nepal to immediately collect details of the documented/undocumented migrant Nepali workers who have tested positive to COVID-19, who have not been able to test for COVID-19 and who have not received treatment and arrange free and as required high standard health and medical services without any discrimination;
- Take effective diplomatic measures to make the governments and employers of CoDs responsible in protecting Nepali migrant workers who are currently in various CoDs from COVID-19 infection;
- Take diplomatic measures as required to ensure that the Nepali workers returning home do so only after a PCR test;
- Take effective measures to ensure the right to health of the migrant workers with underlying health conditions other than COVID-19, including for their proper care, check-up and treatment.

(b) In Nepal

- Ensure that physical distance as per the prescribed protocol is maintained in the airport following arrival (of the migrant workers) in the country and in the vehicles during their transfer to holding centers and from there to the local quarantine centers;
- Establish a provision whereby the returnees follow a mandatory 14-day quarantine and are sent home only after they test negative (to Corona Virus) through a PCR test;
- Ensure that the quarantine and isolation centers are according to the standards prescribed by the Government and provide special treatment to women, pregnant and lactating women and those with underlying health conditions;
- Provide necessary mental health service and psychosocial counseling to the returnee migrant workers.

2. Protection of Labour rights and welfare:

- Take immediate necessary measures to protect the migrant workers against the violation of labour rights including unilateral cancellation of contract, forced unpaid leave, forceful termination from job, under-payment or non-payment of salary and benefits, forced labour, forcing to work for excessive hours than the standard and in hazardous condition in the COD;

- Support Nepali migrant workers who have lost their job due to Corona Virus infection or any other reason in the Countries of Destination and are willing to continue working without inviting any risk to their health and labour rights;

3. Rescue and Repatriation

- Determine the prioritization of migrant workers who have to/who wish to return based on their special condition and vulnerabilities. Make arrangements to repatriate them immediately to Nepal and implement the orders of the Supreme Court on this matter;
- Make arrangements to provide air travel, transportation and food cost for the Nepali migrant workers who have been left with no savings, who have not been provided return ticket by their employer and who are undocumented, along with essential drinking water, food and accommodation (in case of two or more than two days required) during the travel home;
- Protect the rights of the migrant workers whose contract period has not expired but wish to return by annulling the contract due to the perceived/actual risk of infection or any other excesses;
- Formulate required policies and plans to facilitate the immediate return of the Nepali workers stranded in India, and implement the order of the Supreme Court and directives from various Parliamentary Committees in this regard;
- Respect, protect and fulfill the right of the family members of the migrant workers, who have died in the Countries of Destination, to cremate their loved ones and perform death rituals as per their tradition by ensuring dignified return of the dead body and not cremating them in the CoDs against their wish. Also, implement the previous orders of the Supreme Court in this regard.

4. Access to Justice and Compensation:

- Collect and document the details and evidence to facilitate access to justice of the Nepali migrant worker whose human rights and labour rights have been violated, and make the authorities and employers in the countries of destination responsible in this regard as required;
- Hold to account the governments and employers in the CoDs and recruiting agencies in Nepal to ensure access to justice and compensation to the Nepali workers whose human rights and labour rights have been violated including by denying them their wage and payments, removing from job, forcing them to go in unpaid leave and

not providing a return ticket. Adopt high-level political and diplomatic measures as required in this regard;

- Determine specific standards to provide compensation to the Nepali migrant workers who have had to return after losing their job and income but were not compensated by the employer or government in the CoDs;
- Make arrangement to compensate the Nepali migrant workers who suffered human rights and labour rights violation but paid for their own expenses to return.

5. Protection of women migrant workers and those at particular risk:

- Ensure special protection to the women workers in special condition including those who had gone/were taken through informal channel, the pregnant and lactating women and domestic workers based on their vulnerability;
- Identify the Nepali migrant workers and their families who are undocumented, with disabilities, senior citizens and with underlying health conditions and provided them special protection based on their vulnerability and needs;
- Analyze and address the problems and needs of the migrant workers, especially women who are facing/could face problems in reintegration into their family and community following their return to Nepal.

6. Collection, management and use of information and data

- Maintain integrated and disaggregated database of Nepali migrant workers who have left for and returned from foreign employment to be used in preparedness and formulation of policy and programmes for essential response, protection, rescue, rehabilitation and reintegrated based on a factual analysis during times of a crisis like the present one;
- Collect the detailed information of the migrant workers who have been infected and who have died of Corona Virus, who have lost their employment and income due to impact of COVID-19, and those are facing other economic, psychosocial and social problems in the CoDs;
- Carry out regular study of the impact and changes in the labour market of the CoDs due to COVID-19 to reflect it in the related government's policy and programmes accordingly. Also formulate and implement practical policy and programmes following

a study of socio-economic impact including on the employment, livelihood and skills, and (psycho) social capital of the affected Nepali workers.

7. Right to information

- Ensure dissemination of adequate and timely information related to the matters of concern and needs of the Nepali migrant workers and their families during times of a crisis like the present or in another situation;
- Immediately inform the families of the migrant workers who have been infected with Corona Virus and regularly update them about their health condition;
- Inform the families of the migrant workers immediately if any migrant worker has died in the CoD and has to be cremated there itself if it is not possible to bring the body to Nepal;
- Ensure the right of the migrant workers and their families to timely and accessible information and notice related to the policies and programmes on health, employment, income, amnesty, repatriation and quarantine adopted by the CoDs and Government of Nepal in the context of COVID-19 pandemic.

8. Rehabilitation and reintegration

- Make the agencies up to the community level responsible in protecting the returnee migrant workers from possible hate, stigmatization, exclusion, harassment, discrimination and abuse, and ensure the legal rights of those who fall victims to such excesses. Conduct widespread awareness raising campaigns to that end;
- Make necessary arrangement as per the wish of the returnee migrant workers who face challenges in family reunification, and facilitate accordingly;
- Make arrangements to provide necessary psychosocial counseling to migrant workers who face psychosocial problems during foreign employment in the CoDs and (upon return) in Nepal;
- Identify the migrant workers and their families who have lost their employment and income due to the impact of COVID-19 and have fallen into a debt bondage, and introduce special economic relief and rehabilitation program while ensuring their easy access to it;
- Formulate and implement effective policies and programs for immediate reintegration of the returnee migrant workers based on their skills and capacity. Ensure effective coordination between the local, provincial and federal government and concerned ministries for it.

9. Mechanism, Coordination and Collaboration

- Make inter-ministerial cooperation for protection of human rights and labour rights, rehabilitation and reintegration of migrant workers affected by COVID-19 effective and implementation-oriented. For this, ensure participation of the stakeholders including migrant workers and their families in the formulation and implementation, and monitoring of the policy and programmes based on the whole-of- government and whole-of-society approach;
- Ensure adequate resources (technical, financial and human resources) for effective functioning of the Nepali diplomatic missions in countries of destination;
- Ensure effective communication and coordination among Nepali diplomatic missions in CoDs, Ministry of Foreign Affairs, Ministry of Labor, Employment and Social Security, COVID-19 Crisis Management Committee (CCMC) and other stakeholders in the COVID-19 crisis response;
- Set up a multi-stakeholder mechanism with required authority to formulate and effectively implement short-term, medium-term and long-term policies and programs based on evidence-based study on protection of human rights and labour rights, access to justice, rehabilitation and reintegration.

Chapter 4

Way Forward

In accordance with the universal values of human rights, all human rights are interrelated and of equal worth at any time, in this context to ensure and save right to life, right to health including citizens' other fundamental rights should be respected and fulfilled by the state. Even in the critical situation, state agencies should work understanding the sentiment of people showing activeness, coordination and cooperation among all the agencies. In addition to this all tiers of the government should work in collaboration for the additional effectiveness.

NHRCN as a state agency, during the COVID-19 pandemic working in collaboration with Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation of Nepal to monitor the human rights situation of complex state created due to the global COVID-19 coronavirus pandemic. It even has formed a High Level Monitoring Committee to monitor the human rights situation which comprised of the members of the four different institutions aiming to provide suggestions to the government to combat COVID 19 monitoring the issues like the actions taken by the Government of Nepal, management of health treatment, rights of the consumer, freedom of expression, access to the judicial administration, and the citizens' duties among others. The Province Level Committees have also been formed in the seven provinces which comprises the heads of the NHRC province offices, Nepal Bar Association, Federation of Nepalese Journalists, and the provincial heads of the NGO Federation. Similarly, in the 77 districts too, the District Level Monitoring Committee comprising of the presidents of the Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation has also been formed.

NHRCN timely spoke not to hurt and misconduct to the health workers as they have to work at the front line to prevent and control the COVID-19 and the misconduct can affect the professionals' confidence and dignity as well as their morale. The Commission also urged to ensure not to recur such acts, bring the guilty police to book in accordance with law, ensure free health treatment of those injured persons and demanded to all the police work with self-discipline. Similarly, the Commission requested to be self-restraint and to honour while behaving with the health workers, media personnel, human rights defenders and the general people while implementing and cause to be implementing the directive orders of the Government of Nepal in the situation of lockdown.

Though, even in the pandemic and awful situation, all the rights of the citizens may not be exercised smoothly same as in the general situation, but the government should be

serious towards managing exercise of fundamental rights provided by the Constitution and other laws. The government is expected to mobilize the essential resources as well as the necessary and immediate coordination among the concerned agencies. In this alarming situation, the Government of Nepal should respect the Article 52 of the Constitution as well as the Article 12 (2) and (4) of the International Covenant on Civil and Political Rights 1966 in which Nepal is a state party. Similarly, all people should follow the citizens' duties respecting the specified criteria by the government in accordance with the Article 29 of the Universal Declaration of Human Rights and Article 48 of the Constitution.

Nepal as a state party to ICESCR Article 2(1) states that each State Party to the present Covenant undertakes to take steps,[...] especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means [...]. The obligation to use the maximum of available resources (MAR) means that a government must do all that it can to mobilize resources within the country in order to have funds available to progressively realize ESC rights. While any country typically has a range of potential resources (human, natural, etc.), the financial resources represented by the government's budget are key to realizing ESC rights. The MAR obligation means that as long as fuller realization of ESC rights requires that more government resources be devoted to it, the government must make all possible efforts to raise as much revenue domestically as it can, without, of course, undermining the long-term viability of the economy. This means that the government must make every effort to collect all taxes and other revenue due it, all the while complying with the obligations of progressive realization and nondiscrimination, and ensuring that people have access to the relevant information. Even in this pandemic situation, Nepal has to seriously make efforts to fulfill its international obligation. In such situation ESC rights of all people are more important rather than civil and political rights.

In any difficult situation, the citizens of every nation suppose additional support from the government, in this context, the Government of Nepal should create the conducive environment for the Nepali nationals working abroad as migrant workers or engaged in other duties and should not be denied to enjoy all human rights including health service, shelter and the food supply ensuring their dignified condition even to repatriate them their homes. In the critical situation like COVID-19 pandemic the relevant stakeholders should pay proper attention to the persons with disability, pregnant women, senior citizens, children, detainees and prisoners, squatters and the severely poor while distributing the relief package and adoption at effective measures for the prevention of violence of women.

There should be guarantee of health safety for all the health workers, access and availability of Personal Protective Equipment (PPE) including other essential safety equipment even for the ambulance drivers including the security personnel as per the necessity so that they

could deliver their service effectively. Similarly, the Government should ensure the right of all people to enjoy all kinds of health services including the essential health services as ensured by the Article 35 of the Constitution of Nepal, Section 2 (1) 3 (1) 4 of the Public Health Service Act 2018 and Article 25 of the Universal Declaration of Human Rights 1948 and the Article 12 of the International Covenant on Economic, Social and Cultural Rights 1966 in which Nepal is a state party.

For the prevention of the COVID-19, there should be the access of sanitation facility, detainees' health checkup, arrangement of cleanser and water, adoption of precautionary measures in their allegation proceeding, drinking water, bathrooms as well as the sanitation and social distancing should also be maintained in the detention centers and the prisons. There are 72 prisons throughout the country in Nepal and are in dilapidated condition and the number of the detainees are more than their capacity.

Similarly, the Nepali workers abroad facing problem for lodging and food because of not getting payment due to COVID-19 and are prone to pandemic, the Nepali trainees and students in the various countries in the World have faced difficulties as the NHRCN has received the complaints through telephone, email and through the information provided by mass media. Thus, the Government of Nepal, especially discussing with the ministers for Foreign Affairs, Health and Labour, Employment and Social Security should seek solution in this critical condition in a human rights' friendly manner.

Humanitarian workers during the disaster time can further disempower people – particularly women – by treating them as helpless victims who lack capacity and are unable to steer their own recovery. Good intentions, without examination of one's own attitudes, behaviour and ways of working, are not sufficient to overcome the policies and practices of structural discrimination and exclusion, or to bring about fundamental change in the power relations which systematically violate people's rights.

Providing relief in an emergency is not contrary to the immediate needs such as food, water and shelter as the basic rights of disaster-affected people. Addressing these immediate needs is an important component of any disaster response. However, it is important that even in the initial service delivery phase, an HRBA approach should be followed. This means people living in poverty have a say in what goods and services are provided, and that these are delivered in ways that respect their dignity.

Alongside providing immediate relief, the government and other stakeholders must at the same time be working to empower affected people living in poverty and exclusion, particularly women. For example, we should be supporting them to organise and mobilise with others, to have a voice and develop their ability to negotiate with the powerful in order to claim, secure and enjoy their human rights.

Disasters like COVID-19 should be tackled by using human rights-based approach through

- Addressing immediate needs (food, shelter, health etc.) in a equitable manner.
- Adopting participatory approaches to decision making empowering the participation of women, Dalits, indigenous people, other helpless and vulnerable people.
- Building self-confidence through psychological support to the victimized people from the COVID-19 like disaster.
- Analysing and prioritizing problems and possible solutions to address the immediate and long-term problems.
- Mobilizing collective actions and resources managing the minimal misuse of the available resources.
- Adopting community-led implementation, monitoring, review and evaluation.
- Ensuring that people have information and analytical ability to claim their rights and entitlements.
- Undertaking political-economic analysis of discourse, ideas, laws, policies and practices – both existing and emerging – to determine whether women and other excluded people's rights are ensured during the disaster time.
- Empowering and strengthening capacity organisation of women and excluded people – and promoting their active agency and actions.
- Policy-advocacy work in solidarity with all the stakeholders, to influence the policies and practices of the governments, international donors and private companies to ensure the rights of disaster-affected people living in poverty and exclusion are secured and protected in emergency situations.
- Adopting the Sendai Framework for Disaster Risk Reduction 2015-2030 which was adopted by UN Member States on 18 March 2015 at the Third UN World Conference on Disaster Risk Reduction in Sendai City, Miyagi Prefecture, Japan.

Annexes

Annex 1: Highlights of the NHRC activities by the APF of NHRIs

NEWS: ARTICLE

NHRC urges stronger protection for migrant workers

NEPAL Published 13 Aug 2020

Migrants Advocacy

The Commission launched a report on the impact of the crisis on Nepali workers and recommended nine measures for the protection of their rights.



NATIONAL HUMAN RIGHTS COMMISSION OF NEPAL

The National Human Rights Commission has urged the government to protect the rights of Nepali migrant workers as they grapple with the impact of the COVID-19 pandemic.

The Commission launched a report of its study on the impact of the crisis on Nepali workers abroad and recommended nine measures for the protection of their rights.

In the report, the Commission made recommendations to promote and protect migrant workers' right to life and to health, right to labour, right to repatriation, and access to justice and access to compensation.

The report also made recommendations on the rights of women and workers at risk, as well as the right to information, and the right to resettlement and reintegration.

The Commission also urged the government to collect disaggregated data about the situation of Nepali migrant workers during the crisis, as well as to improve coordination and collaboration with various agencies responsible for their welfare.

Date: 13 August 2020

Source: Onlinekhabar

The National Human Rights Commission has reported a growing number of incidents of intimidation against journalists during the COVID-19 lockdown.



NATIONAL HUMAN RIGHTS COMMISSION OF NEPAL

The National Human Rights Commission has reported a growing number of incidents of intimidation against journalists during the COVID-19 lockdown and called on the government to strengthen press freedom in the country.

The Commission said in a statement that 22 journalists have either been arrested, threatened, attacked or mistreated in the course of their reporting during the lockdown.

The Committee to Protect Journalists reported that Lok Karki, a reporter for Radio Dhangadhi, was detained for six days in Doti district in the far western region of Nepal while filming a disagreement over the distribution of food and other relief amid the pandemic.

The Commission also drew attention to a growing practice by those in authority to deny journalists access to information.

In addition, some journalists have been denied their salaries from media outlets, which has compelled them to look for other work.

The Commission said it wanted to "draw the attention of the government to the incidents of intimidation against journalists and to ensure a smooth flow of information, while also ensuring that journalists are paid for their work".

In addition, the Commission has drawn the government's attention to the poor management of quarantine facilities across the country where around 167,000 people are currently housed.

Date: 6 June 2020

Source: National Human Rights Commission of Nepal

NEWS: ARTICLE

Rescue Nepali workers stranded at border

Graphic: NHRC Chairperson Justice Anup Raj Sharma

NEPAL Published 12 May 2020

Advocacy

Share

The Commission said barring nationals from entering their country is in violation of their constitutionally guaranteed right.



NATIONAL HUMAN RIGHTS COMMISSION OF NEPAL

The National Human Rights Commission of Nepal called on the government to come to the aid of Nepali workers stranded at the border the country shares with India.

In a statement, the Commission said the government should establish quarantine and isolation facilities, based on World Health Organisation standards, and rescue the Nepali citizens at Nepal-India border points.

"The Commission's attention has been drawn to the fact that Nepalis who were in India for work have been stranded at various border points," the statement said.

"The Nepali authorities are barring them from entering the country on the grounds that they could possibly transmit COVID-19. Due to this, some have been forced to use alternative routes to enter the country."

The Commission said barring nationals from entering their country is in violation of their constitutionally guaranteed right.

"Prohibiting Nepali citizens from returning home is a violation of their right to live with dignity, right to freedom and right to equality as provided by the Constitution of Nepal and the International Covenant on Civil and Political Rights," the statement said.

In response to COVID-19 and the national lockdown enacted on 24 March, the Commission initiated a monitoring program of the human rights situation in the country.

This monitoring was undertaken in partnership with the Federation of the Nepali Journalists and the Nepal Bar Association.

"During our monitoring, we found that even those who have completed six weeks in quarantine in the border areas are not being allowed to enter the country," the Commission said.

Date: 12 May 2020

Source: National Human Rights Commission of Nepal

NEWS: ARTICLE**Protect marginalized groups during COVID-19 crisis**

NEPAL Published 17 Apr 2020

Monitoring

Share

A high-level monitoring committee headed by the NHRCN has expressed serious concern about the desperate humanitarian situation of many groups.

**NATIONAL HUMAN RIGHTS COMMISSION OF NEPAL**

A high-level monitoring committee headed by the National Human Rights Commission has expressed serious concern about the desperate humanitarian situation of thousands of daily wagers in Kathmandu Valley, patients requiring medical check-up and people returning to their villages during the nation-wide lockdown imposed by the government.

The monitoring committee was recently formed to monitor various issues, including the government's performance in the fight against COVID-19, provision of medical treatment, consumer rights, freedom of expression, access to justice and civic duties during the ongoing crisis.

The committee, headed by NHRC Commissioner Govinda Sharma Paudyal, includes representatives from the Nepal Bar Association, the Federation of Nepali Journalists and the NGO Federation of Nepal.

According to the NHRC, the monitoring team found hundreds of marginalised people – including women, children, pregnant women and senior citizens – pouring onto the national highways to walk home, as they were deprived for relief in places where they were staying in self-quarantine for weeks.

"Thousands of people walking long distance to reach destination have been stranded at entry points of various district, including Kavre, Ramechhap, Sindhuli, Dhading, Kapilvastu, Banke, Bardiya and Kailali due to the strict enforcement of the lockdown by the concerned local administration," the NHRC warned in a statement.

The monitoring team found a lack of coordination among the federal, provincial and local levels in distribution of relief to persons in need.

The NHRC urged the authorities to collect data from each person and family living in the local level and distribute relief and other essentials in a fair and justifiable manner.

The NHRC also called on the government to comply with article 52 of the Constitution and article 12 (2) and (4) of the International Covenant on Civil and Political Rights, to which Nepal is a party.

"We call on the authorities to ensure that citizens, especially differently-abled persons, senior citizens, children and the indigent, who are observing self-quarantine in their respective places, have easy access to daily essentials in the wake of the lockdown imposed by the government," the NHRC said in the statement.

The NHRC supported the government's decision to confine people to their homes in self-quarantine as a preventive measure against the spread of the deadly disease and appealed to all to respect this order for their safety and the safety of others.

Date: 17 April 2020

Source: Himalayan News Service

NEWS: ARTICLE**Allow migrant workers to return home**

NEPAL Published 03 Apr 2020

Migrants Advocacy

The Commission has expressed serious concern over the condition of hundreds of Nepalis, mostly migrant workers, stranded on the border with India.

**NATIONAL HUMAN RIGHTS COMMISSION OF NEPAL**

The National Human Rights Commission of Nepal has expressed serious concern over the condition of hundreds of Nepalis, mostly migrant workers, stranded along the country's border with India due to the lockdown over coronavirus.

The workers, mostly from Western Nepal, were employed in various sectors across India and were trying to return home. As the government imposed nationwide lockdown to contain the spread of COVID-19, they have been left stranded along the border.

The National Human Rights Commission said in a statement that it was the responsibility of the government to protect its citizens and respect their human rights amidst the lockdown.

"The NHRC urges the government to create a conducive environment enabling them to return home after health check-ups, in accordance with the prescribed standard on humanitarian grounds, as the Nepalis were compelled to leave India due to the problems of unemployment, food scarcity and lack of shelter," the statement said.

Date: 3 April 2020

Annex 2: Press Statement issued condemning the Jajarkot incident by Michelle Bachelet

Nepal: Bachelet condemns Dalit killings, calls for independent investigation¹

GENEVA (29 May 2020) – UN High Commissioner for Human Rights Michelle Bachelet expressed shock Friday at the killing of five men by opponents of an inter-caste relationship in Nepal last weekend, as well as several other incidents of caste-based discrimination and violence that have taken place during the COVID-19 pandemic.

“It is distressing that caste-based prejudices remain deeply entrenched in our world in the 21st century, and I am filled with sadness for these two young people who held high hopes of building a life together despite the obstacles presented by their accident of birth,” Bachelet said.

“Caste-based discrimination remains widespread, not only in Nepal but other countries, and often leads to serious harm and, as in this case, even loss of life. Ending caste-based discrimination is fundamental to the sustainable development vision of leaving no one behind.”

On 23 May, 21-year-old Dalit man Nawaraj BK and a group of his friends from Jajarkot district travelled to Western Rukum district in Karnali province, the home of Nawaraj’s girlfriend who belonged to a so-called “dominant” caste group. They intended to escort the young woman back to their home district, allegedly at her request, but were attacked and chased into a river. Five men, four of whom including Nawaraj were Dalits, were later found dead while another person is still missing.

Extremely disturbing reports are also emerging about a 12-year-old Dalit girl who was killed in a separate attack in Devdaha village of Rupandehi district. She is said to have been forcibly married to her alleged rapist from a dominant caste. The girl’s body was reportedly discovered hanging from a tree on 23 May.

Bachelet called for an independent investigation into the attacks. She stressed that the victims and their families have the right to justice, truth and reparations.

Dalits are seen to be on the lowest rung of the caste hierarchy in Nepali society, traditionally discriminated against as “untouchables”.

¹ A version of press statement issued by the High Commissioner for Human Rights Michelle Bachelet.

The killings have sparked outrage in Nepal, prompting the federal Ministry of Home Affairs to establish a five-member “high-level investigation committee” to look into the incident. On 26 May, police filed a complaint against 20 alleged perpetrators.

“Despite constitutional guarantees, impunity for caste-based discrimination and violence remains high in Nepal,” the UN human rights chief said. “Nepal has taken big strides to address this scourge, but so much more can and must be done to eradicate this blight on society. This is especially the case when the COVID-19 pandemic has increased their vulnerability.”

Since the start of the COVID-19 lockdown, Dalit activists and journalists have reported several cases of caste-based discrimination, incidents of rape, assault, denial of funeral rites and discrimination at quarantine sites.

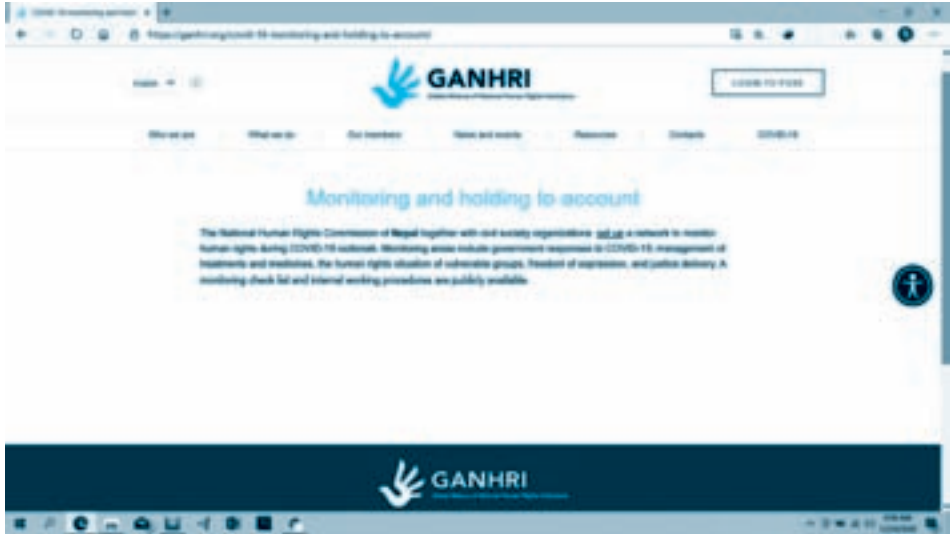
On 25 May, the Nepali Parliament’s Law, Justice and Human Rights Committee directed the Ministry of Home Affairs to investigate all incidents of caste-based discrimination and violence during the COVID-19 lockdown. The parliamentary committee asked authorities to immediately investigate two cases of gang-rape of Dalit women, as well as other caste-based cases involving murder, enforced disappearances and forced abortion.

Nepal is a state party to the Convention on the Elimination of All Forms of Racial Discrimination, one of the core international human rights treaties. After its last review in May 2018, the Committee tasked with monitoring the treaty observed that despite the abolition of “untouchability” in Nepal, Dalits continue to face deep-rooted discrimination. It also raised several concerns about issues around inter-caste marriages.

Dalits in Nepal and other countries experience discrimination at every level of their daily lives, limiting their employment and educational opportunities, the places where they can collect water or worship, and their choice of who to marry.

Structural barriers and discrimination force Dalits to continue low-income and dehumanising employment, such as manual scavenging, disposing of dead animals, digging graves or making leather products.

Annex 3: Highlights of the NHRCN activities by the GANHRI



Annex 4: Highlights of the NHRCN activities by OHCHR- National Institutions and Regional Mechanisms Section, 13 May 2020

<p>Nepal National Human Rights Commis- sion of Nepal</p>	<p>NHRC Nepal requested the Government of Nepal to ensure availability of daily used commodities to the persons with disability, children, senior citizens, women and severely marginalized people who are at home and to manage properly to ensure the necessary health related security for all the health workers on duty all the time, security force, civil personnel and their families.</p> <p>The NHRC Nepal received complaints regarding the scarcity of daily used goods in the market so that general public would victimize from their daily basic needs. Following this, the Commission appealed to the Government of Nepal including concerned businesspersons and the entrepreneurs to effectively monitor and cause to monitor being alert to ensure the access to the essential goods and services.</p> <p>NHRC Nepal held consultation with the representatives of the Government of Nepal, Ministry of Home Affairs and Ministry of Health with regard to the preparation made by the Government of Nepal to combat the global COVID-19 coronavirus pandemic and safeguard the right to life.</p> <p>NHRC Nepal also drew attention towards the non-availability of health treatment to the general public due to the global COVID-19 coronavirus pandemic as the NHRC received facts through monitoring and complaints that the patients of Kidneys, Cancer, Tuberculosis, HIV AIDS, Diabetes, High Blood Pressure and Mental diseases faced problems in their treatment because of inadequacy of the medicines and proper treatment for them.</p> <p>NHRC Nepal announced collaborating with various civil society and professional organisations, namely: Nepal Bar Association, Federation of Nepali Journalists and NGO Federation in the monitoring of human rights situation during COVID-19.</p> <p>The NHRC also formed a high-level human right monitoring committee under the convenorship of its one of the members.</p> <p>The Commission also set terms of reference of the monitoring and providing suggestion to the government to combat COVID 19 such as the issues like the actions taken by the Government of Nepal, management of health treatment, rights of the consumer, freedom of expression, access to the judicial administration, and the citizens' duties among others and it has already initiated its task. NHRC Nepal formulated monitoring checklist and the working procedure 2020.</p> <p>NHRC urged the government to seek proper solution of the problems of the individual laborers working on the daily basis wage, the patients coming for medical treatment, the marginalized community living in rent are found in a destitute situation through monitoring.</p> <p>NHRC Nepal also provided directive order to expedite the PCR testing of COVID-19. The Commission urged to expedite the PCR testing and contract tracing making an enough arrangement considering towards the lack of the adequate ventilators, isolation wards, PPE, essential drugs.</p> <p>In addition, the Commission conducted monitoring of the human rights situation of the detainees, prisoners in the detention centers and the prisons located at Kathmandu and Lalitpur and also the Central Jail with regard to the COVID-19 coronavirus pandemic.</p> <p>NHRC Nepal also suggested the Government of Nepal to pursue Human Rights Based Approach in the national budget formulation and prioritize the issues of human rights while formulating the budget of the Fiscal Year 2020/021.</p>
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Annex 5: Working Procedure of the Monitoring Network

The Human Rights Situation Monitoring Network regarding the COVID-19

Working Procedure- 2020

The National Human Rights Commission (NHRC), Nepal Bar Association (NBA), Federation of Nepalese Journalists (FNJ) and NGO Federation of Nepal are agreed to monitor the human rights situation of this complex state generated due to the global COVID-19 coronavirus pandemic with the formation of a network and this working procedure is executed after formulating it and this aims to regulate the functions of various Committees under the network.

1. The Title of the Working Procedure:

- a) This procedure shall be called **the Working Procedure for the Human Rights Situation Monitoring Network regarding the COVID-19, - 2020.**
- b) This working procedure shall be effective until the network publishes its COVID-19 monitoring report with the formation of its various Committees.

2. Formation of the Committees:

The following four levels of Committees shall be formed and each of the committees consist of the representatives from the National Human Rights Commission, Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation of Nepal to monitor the human rights situation in this complex state created due to the global COVID-19 coronavirus pandemic.

- a) High Level Human Rights Situation Monitoring and Coordination Committee;
 - b) Central level Human Rights Situation Monitoring Committee;
 - c) Province Level Human Rights Situation Monitoring Committee;
 - d) District Level Human Rights Monitoring Committee;
- The High-Level Human Rights Monitoring and Coordination Committee shall consist of 9 members including the representatives of the National Human Rights Commission, Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation of Nepal. The Convener of this Committee shall be the one of the members of the Commission as prescribed by the Chairperson of the Commission. The officer prescribed by the Commission shall function as a member secretary.

- The Central-Level Human Rights Monitoring Committee shall consist of the members including the representatives as prescribed from the four institutions. The Central Level Committee shall be convened by the director of the NHRC Bagmati Province office. The officer prescribed by the Commission shall function as a member secretary. The members from the Bagmati Province shall also function as a member of the Central Level Monitoring Committee.
- In each province (except Bagmati province) in the convenorship of the head of the NHRC provincial office and president or the province coordinator of Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation of Nepal or the representatives prescribed by them as a member comprising of 4 members Province Level Human Rights Situation Monitoring Committee shall be composed. In case Province Level Human Rights Situation Monitoring Committee feels necessity of additional member the Committee shall nominate human rights defender working in the province as a member. The Committee shall consider the overall inclusiveness while nominating such member.
- In the provinces where province branch offices are located the head of the province branch office shall also be the representative in the respective provincial committee.
- In District Level Committee president of Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation of Nepal or the representatives prescribed by the president comprising of 3 members District Level Human Rights Situation Monitoring Committee shall be composed. The Committee representatives shall themselves select the convener. In the districts where NHRC offices are located the personnel representative shall also participate the district level monitoring committee. In case district Level Human Rights Situation Monitoring Committee feels necessity of additional member the Committee shall nominate in consultation with the NHRC maximum 2 human rights defenders in the district as member. The Committee shall consider the overall inclusiveness while nominating such member.
- The Committee meeting shall be held at least once a week or more times as per the necessity through video conferencing.

3. The Scope/Area of Monitoring

The Committee shall monitor the following areas of human rights considering the criticality of this situation generated due to COVID-19.

- the actions taken by the Government of Nepal with regard to COVID-19.
- Right to life, health treatment of the patients, availability health related components, availability of the medicine, morale of the health workers, role played by the private hospitals, the health-related activities regarding to COVID-19;

- Living condition of the poor people, distribution of relief package, overall rights of the consumers;
- Citizens' access to the judicial administration;
- Problem in people's movement/mobility; the citizens' stranded in the border area;
- Role of media, use/misuse of social networks;
- Freedom of expression, press freedom;
- Public awareness, and the citizens' duty;
- Role of civil society and the human rights defenders;
- The status of other human rights that are affected due to COVID-19.

4. The Monitoring and Reporting Procedure

- The monitoring checklist prepared by the NHRC shall be used to monitor the human rights situation with regard to the COVID-19.
- The fact during lockdown shall be collected by means of video conferencing, telephonic conversation, field study and other available mediums.
- Any information received by the Committee shall be used after verifying with the members of the committees.
- In the most essential situation the field monitoring (except hospitals, quarantine, isolation ward, and the most sensitive places) shall also be conducted taking permission from the super ordinate committee or the agency during the lockdown or the post lockdown situation.
- The Committees shall play their role for the documentation of the human rights related problems seen in the local level, to solve from the human rights perspective, and to submit to the super ordinate committee collecting the information.
- The Committees shall circulate the information to the NHRC offices in case of necessity to draw attention of the any of the state agency or the other stakeholders. The Commission as per the necessity, shall correspond or draws attention orally or through the press statement.
- The Committee shall submit the report of the overall functions regarding COVID-19 to the one step super ordinate committee. The Committees shall submit to the super ordinate Committee reviewing the reports submitted by the sub ordinate Committee.
- The High-Level Monitoring and Coordination Committee shall submit its final report to the Chairperson of the Commission. The Commission shall recommend to the Government of Nepal as per necessity on the basis of the report and make it public.

- In case confusion with regard to monitoring and reporting is generated, the Committee shall act in accordance with the direction provided by the High-Level Monitoring and Coordination Committee.

5. The Code of Conduct

The members of the monitoring committee shall adhere the following code of conduct.

- All the Committees formed to monitor the human rights situation with regard to COVID-19 shall remain as the committees under National Human Rights Commission.
- The members of the Committee shall be abided by the rules and regulation of the NHRC, standards of human rights, and the existing laws of Nepal.
- All the functions correspondence, dissemination of the information and the publication of the report by the Committees shall be accomplished on behalf on the Commission.
- Nobody shall engage in any unauthorized use of the dress, logo, symbol, letter pad and stamp of the Commission.
- Nobody shall be allowed to do such acts like using the different letter head in the name of the Committee, making symbol and stamp, operating the office, hanging the board etc. except identifying oneself as a member of the Committee.
- The Commission shall not bear the expenses of any of the member of the Committee or the Committee itself spent without the permission of the Commission.

6. Miscellaneous

- The High-Level Human Rights Monitoring Committee shall amend this procedure as per the necessity.
- The right to final interpretation of any of the provisions of this procedure shall be vested upon the High-Level Human Rights Monitoring Committee if any disputes occur.

Annex 6: The Monitoring Checklists of the NHRCN

With Regard to the global COVID-19 coronavirus pandemic (Human Rights Situation Monitoring Check list)

The global COVID 19 coronavirus pandemics now spreading worldwide including Nepal was appeared for the first time in the Wuhan province China on December 31, 2019. From this, the right to health including other rights of human beings have been affected. The article 35 of the Constitution of Nepal prevents from disruption to enjoy such rights. For the implementation of this, Nepal has enacted the Public Health Act 2018 with the provision of free basic health services as well as the emergency health services, and ensuring easy access of the citizens' in health-related services and regular, effective, excellent and easily available and equal access to health services. The Disaster Risk Reduction and Management Act, 2017 is also being executed with the aim to protect the life of the people from natural and non-natural catastrophes handling all the activities of disaster management in a cooperative and effective manner. Similarly, Nepal as a state party to the Covenant on Economic, Social and Cultural Rights, 1966, Article 12 (2) © of the Covenant provides the steps to be taken by the State Parties to achieve the full realization the highest attainable standard of physical and mental health necessary for the prevention, treatment and control of epidemic, endemic, occupational and other diseases.

Article 249 (1) of the Constitution of Nepal provides the duty of the National Human Rights Commission to respect, protect and promote human rights and ensure effective enforcement thereof and similarly, the NHRC Act 2012 Section 4 clarifies its mandate to conduct or to cause to conduct inspections and monitoring of human rights situation. In this context, United Nations Office of the High Commissioner of Human Rights has also formulated a check list to monitor the human rights situation of the COVID-19 coronavirus pandemic. By formulating this check list NHRC has also implemented this to function in accordance with its mandate in this critical situation of COVID-19 coronavirus pandemic specially to conclude the monitoring function systematically and in an integrated manner.

The issues to be considered during Monitoring

1. The decisions made in the Federal, Provincial and Local Level to prevent and control COVID -19 in Nepal.

- Related to the Policy
- Related to the strategy and
- Related to the Programs.

2. The measures adopted to prevent spreading the pandemic such as Lock down, social distancing, border locking, quarantine, isolation etc. and the implementation status of these measures:

b) Role

- Role of security forces;
- Role of the Local governments;
- Role of civil society, and other layers of the society;
- Role of the most essential service providers' organizations.

b) Condition/Situation/Status

- Whether there is proper documentation of the people entered from the borders area or not? How is the management of the people who are stranded at the borders but are not allowed to enter into Nepal? How are the preventive measures adopted to save them from COVID-19? Is this management reasonable?
- Whether the passersby from the borders are kept in the quarantine or not?
- Whether people's mobility in the border areas is blocked or not?
- The location and the capacity of quarantine, number of people, and how is the most essential things are managed? Whether the people living there felt any kind of misconduct or not?

3. The Health treatment of the COVID infected persons

- How is the number of the designated, hub and the district hospitals as prescribed by the Federal government? How is the status of isolation beds and ventilators?
- How many laboratories are established for swab testing?
- Whether the health treatment of the persons visiting the hospitals is going on in an easy manner or not?
- Whether there is availability of free treatment and availability of foods or not?
- Whether there are health institutes, adequate medicine and availability of doctors/health workers or not?
- Whether there is availability of personal protective equipment including other essential things necessary for their protection for the doctors and health workers or not? Whether infected persons are seen from their swab testing or not?
- How is the role of doctors and other health workers?
- How is the condition of the infected persons?

- Whether there is availability of ambulance or not?
- Whether there is availability of personal protective equipment including other essential things for ambulance drivers or not?

4. The other patients' right to health:

- Whether there is availability of the health treatment to the other patients rather than COVID 19 or not?
- Whether there is a treatment of the non-COVID patients on hold or not?
- Whether non- COVID patients should wait for treatment in the hospitals what is the reason behind their waiting?
- Whether the treatment is as per its standard or not? (for example, the dialysis of the kidney patients is 4 hours as per the standard but reduced to 2 hours).
- Whether the environment to reach at hospital, accessibility and the facility is managed properly or not?
- Whether the patients are running around because of non-availability of their treatment or not?
- Whether there is availability of clean and adequate water facility or not? (Especially in the scattered as well as the dispersed settlements)
- Related to maintaining social dignity with the infected persons?
- Whether the patients taking medicines regularly are deprived from this service or not?

5. Related to Public awareness on the measures to be safe from the COVID-19:

- Cleanliness of the drinking water and sanitation, habits to hand washing, social and individual distancing, related to the measures adopted in the self-quarantine and isolation, the preparation for possible disaster risk reduction of the virus and pandemic contamination;
- Whether the language, medium, materials and other measures used to raise awareness are effective or not?

6 The status of the right to food:

- The effect of lockdown on the Poor, peasants, laborer, daily wage worker, squatter people in the informal settlements, indigenous people, Dalits, backward area and deprived class people;
- Whether the daily life is affected or not?
- Whether there is food crisis or not?
- Whether there is adequate supply and use of drinking water or not?
- Whether the quality of food, water including others in the relief package is maintained or not?
- Whether the availability of adequate food as per the necessity of the affected people or not?
- The status of price hike and selling in the black market of the food items?
- The status of production, storage and supply of the food and agricultural products?

7. The condition of right to housing:

- Whether the health workers living in rented house have faced any kind of misconduct from the tenant or not?
- Whether housing for the people living in rented house and persons deprived from right to housing is managed or not? If yes, how is the management?
- Whether people living in rented house have faced any kind of misconduct from the tenant or not? Whether they are expelled from the house or not?
- Whether the tenet offer to rebate the rent amount to the wage laborers or not?
- How is temporary housing managed for the stranded travelers?

8. The status of relief package distribution:

- While distributing relief package, whether the standard of distributing the relief package executed by the Federal government is followed or not?
- Whether the data of persons taking relief package is managed or not, whether the description of the persons receiving relief package is made public or not, whether the target group received the relief package or not?

- Laborer, single women, senior citizens, child bearing mother and pregnant women, the taxi driver, rickshaw puller, auto rickshaw puller including others have received the relief package or not?
- Whether there is nondiscrimination in relief package distribution or not?

9. The status of Social Security:

- Whether anyone lost his/her employment due to lockdown?
- The labourer and other staffs of the industry or factory have deprived from their employment?
- Types of measures adopted by the local level, province level and the federal government for the employment security?
- The security condition of the personnel deployed for the disaster management?

10. The status of persons with disability, senior citizens:

- Whether the senior citizens, single women and the persons with disability are provided their social security allowance in a timely manner or not?
- Whether they are deprived from their regular and other essential medicines or not?
- How is the food commodity managed?
- How is the supply managed by the local level?

11. Related to the Detention center, prison and the judicial administration:

- The implementation status of the directive orders provided by the Office of the Attorney General and the Supreme Court to release the detainees and the prisoners from detention center and the prisons.
- The number of the detainees and prisoners released by the order and the nature of the cases?
- How is the management of the health treatment of the detainees and prisoners in the detention center and prison?
- The status of the persons kept in the child reform home including others?

12. The status of migrant workers, refugee and the aliens:

- The status of the Nepali migrant workers?
- The safety measures adopted to be safe from COVID-19?
- The role played by the Nepali diplomatic missions abroad to address the problem?
- The health checkup status of the persons entering into Nepal using aerospace or land space?
- Whether the local levels have maintained the record of the arrival of the migrant workers or not?
- The status of coordination among local level, security force and health workers?
- Whether health alertness is adopted in the refugee camps or not?
- How is food, shelter, the health treatment and medicines managed to the refugees?
- Whether the aliens came to Nepal due to various reasons are stranded or not?

13. Related to the safety and security of the human rights defenders and the media personnel:

- Whether the access to the information for human rights monitoring, information collection and the dissemination of information or not?
- Whether the safety and security of these persons while fulfilling their duty is ensured or not?

14. Gender based violence

- Whether the domestic violence, sexual violence, gender-based violence and child abuse have occurred?
- Whether the domestic helper women and child care women are affected or not?
- The status of the dependent child with the single women and other poor women.
- The status of women working in the health sector.
- The assurance of the security of women with or without child in quarantine

1. The status of the Quarantine, isolation and security equipment

S. N	Province	District	Local level	Place of Quarantine				The number of isolation bed	The number of quarantine bed	The number of PPE	Ambulance
				School	Health Institution	Hotel	Government office				

2. The status of COVID-19 infection

Province	The number of quarantine bed	The number of infected patients in the quarantine	The number of infected patients in the isolation bed	The number of infected patients in the isolation	The status of the swab testing up to date			The status of the swab collection up to date	residual PPE
					Negative	Positive	Waiting for the report		

3. Laboratory testing

Province	The number of swab testing	Not infected	Infected	Newly Infected	Still in the Isolation	Recovered	The number of dead persons	New deaths	Source

Annex 7: Different press statements issued by the NHRCN

Press Release
February 9, 2020

Immediately release Nepali nationals from coronavirus-hit China's Hubei province

National Human Rights Commission of Nepal draws its attention seriously towards the submission of a memorandum to the NHRC demanding the safe return of their sons and daughters from Wuhan by the guardians of the Nepali students and safeguarding the lives of Nepali nationals especially the 185 Nepali nationals and students residing in Wuhan city of our neighboring country China's Hubei province who are in panic situation due to the expansion of the "Nobel CORONA Virus" the epidemic.

Due to the expansion of "CORONA Virus", Nepali nationals and students residing in Wuhan city of China's Hubei province are confined to their rooms, facing lack of daily food items and other essentials in their areas as they are spending their detainees like lives and they are also on the verge of danger of CORONA virus until they have to live in China.

Following today's emergency meeting of the NHRC, the Commission has decided to instruct the Government of Nepal to bring safely Nepali nationals from China as soon as possible. The Commission also decided to summon secretaries from Ministries of Foreign Affairs, Education and Health to enquire about the health condition of Nepali nationals in China's Hubei province and efforts being taken by the concerned governmental ministries to repatriate them safely.

Thus, being sensitive towards the possible danger of the lives of the Nepali nationals in China's Hubei province, the Commission requests to the Government of Nepal to make efforts to repatriate them safely in the homeland.

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Bed Bhattarai

Secretary/Spokesperson

Press Note
April 10, 2020

Decision of collaboration to monitor human rights situation

Development of high-level network to monitor human rights situation with reference to COVID 19

The decision of collaboration among the National Human Rights Commission, Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation of Nepal is made to monitor the human rights situation of this complex state created due to the global COVID-19 coronavirus pandemic. In this complex state, High Level Committee to monitor the human rights situation comprising of the members of the four different institutions which provides suggestion to the government to combat COVID 19 after monitoring the issues like the actions taken by the Government of Nepal, management of health treatment, rights of the consumer, freedom of expression, access to the judicial administration, and the citizens' duties among others and it has already initiated its task.

The High-Level Committee comprises of the Hon. Member of the NHRC Govinda Sharma Poudyal as a convener, NHRC Secretary Bed Bhattarai, President of the Nepal Bar Association Chandeshwor Shrestha, General Secretary Lilamani Poudyal, President of the Federation of Nepalese Journalists Govinda Acharya, General Secretary Ramesh Bista and President of NGO Federation Nepal Jit Ram Lama, General Secretary Ram Prasad Subedi and the NHRC Director Dr. Tika Ram Pokharel as members of the Committee.

In addition to the Central Level Monitoring Committee for the additional effectiveness of the monitoring the Province Level Committees will also be formed in the seven provinces which comprises the heads of the NHRC province offices, Nepal Bar Association, Federation of Nepalese Journalists, and the provincial heads of the NGO Federation. Similarly, in the 77 districts too, formation of the District Level Monitoring Committee comprising of the presidents of the Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation has also been decided.

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Bed Bhattarai

Secretary/Spokesperson

Press Note
April 29, 2020

Formation of human rights situation monitoring committees in the 77 districts

Human Rights Situation Monitoring Committees in the 77 districts of the country have been formed as per the decision of collaboration among the National Human Rights Commission, Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation of Nepal to monitor the human rights situation of this complex state created due to the global COVID-19 coronavirus pandemic. High Level, Central Level and the Provincial Level Committees have been already formed.

The Human Rights Situation Monitoring Committees respectively the High-Level Monitoring and Coordination Committee in the convenorship of the Hon. Member of the NHRC Govinda Sharma Poudyal, Central-Level in the convenorship of the Director of the NHRC Yagya Prasad Adhikari, the Province Level in the convenorship of NHRC provincial heads, District Level in the convenorship of the one of the presidents among the Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation have been formed in all the 77 districts and the Committees have formally started their function. The monitoring Committees will monitor focusing on the actions taken by the Government of Nepal to combat COVID 19, management of health treatment, rights of the consumer, freedom of expression, access to the judicial administration, and the citizens' duties among others.

Similarly, aiming to enhance the awareness regarding the citizens' duty and human rights during lockdown, awareness raising programs have been broadcasting through FM radios in the seven provinces including in Nepali, Magar, Chamling, Sherpa, Awadi, Bhojpuri, Maithili, Tharu, Dotel, Achhami and Newari languages.

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Bed Bhattarai

Secretary/Spokesperson

Press Release
April 16, 2020

Ensure protection of rights of the stranded marginalized people and laborers

The Collaborative Committee between the National Human Rights Commission, Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation of Nepal with the formation of central and province level Committees have initiated their human rights situation monitoring as the nation is lockdown from March 24, 2020 due to the global COVID-19 coronavirus pandemic.

During monitoring, including in the Kathmandu valley and other various cities outside the individual laborers working on the daily basis wage, the patients coming for medical treatment, the marginalized community living in rent are found in a destitute situation. The sick person, senior citizens, children, pregnant and child bearing mothers and the laborers in huge number have been walking on the highways precariously towards their destination with misery and desolation because the local level did not provide them relief package and they left their homes temporarily with limited amount of money. As the Committee received the facts from monitoring, in Kavrepalanchowk, Ramechhap, Sindhuli, Dhading, Kapilvastu, Banke, Bardiya, Kailali including other districts due to their strictness while crossing their borders, thousands of people have been trapped daily.

In this condition of the lockdown, as the government did not ensure the availability of the relief package including the essential foods at people's residence as they are normally residing at their habitual residence either rented or their own, so the people started their risky journey. For the well managed distribution of relief package there is lack of adequate coordination among the federal, provincial and the local level governments. The Commission draws attention to the provincial and local governments to provide relief package as per people's necessity collecting the data of the persons and the family residing even temporarily in the respective government's territorial jurisdiction.

The right to food is a fundamental human right and essentially related to right to life, the Commission makes special request to the federal, provincial and the local governments to respect, protection and safeguard the right to food as provided by the Article 36 of the Constitution of Nepal and the Covenant on Economic, Social and Cultural Rights, 1966 in which Nepal is a state party. Similarly, in the panic situation and crisis created due to COVID 19 coronavirus pandemic, the Commission requests to the concerned all to follow and cause to follow strictly the lockdown as declared by the government and every individual fulfill the duty while using rights.

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Bed Bhattarai
Secretary/Spokesperson

Press Release**April 17, 2020****Do not cause hurt and misconduct to the people as well as the health workers**

The central level human rights situation monitoring committee consisting of the representatives of the National Human Rights Commission, Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation of Nepal has conducted the initial monitoring of the hurt and misconduct incident to Dr. Shambhu Khanal, Dr. Tej Prakash Shah, and Dr. Bikash Shah working at TU Teaching Hospital, Maharajjung, Kathmandu by the Nepal Police during their return to home concluding their duty at the hospital accusing them the violation of lockdown on April 15. In accordance with the facts received from the monitoring, even if doctors have displayed their ID cards the police disregarding the ID cards caused hurt and misconduct to them and from the hurt right hand of Dr, Tej Prakash Shah is swelling and bruises are also seen.

Similarly, at Sunsari one health worker on the way to treatment the patients is hurt, at Kalanki Kathmandu the persons returning after procuring the drugs are also caused hurt and misconduct, at Saptari the general people are hurt inhumanly by the Armed Police Force and misconduct was caused to the general people by the police in the Baitadi, Darchula districts including others.

Such hurt and misconduct caused to the health workers who work at the front line to prevent and control the COVID-19 can affect the professionals' confidence and dignity who have to work with high morale in this critical situation. The Commission requests to ensure not to recur such acts, bring the guilty police to book in accordance with law, ensure free health treatment of those injured persons and appeals to all the police work with self-discipline. Similarly, the Commission requests to be self-restraint and to honour while behaving with the health workers, media personnel, human rights defenders and the general people while implementing and cause to be implementing the directive orders of the Government of Nepal in the situation of lockdown.

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Bed Bhattarai

Secretary/Spokesperson

Press Note
April 27, 2020

Ensure protection of the rights of the Detainees, Students and the Migrant Workers

The Commission conducted monitoring of the human rights situation of the detainees, prisoners in the detention centers and the prisons regarding COVID-19 coronavirus pandemic. The monitoring team led by the Hon. Member of the Commission Sudip Pathak monitored some detention centers located at Kathmandu and Lalitpur and also the Central Jail.

For the prevention of the COVID-19, though there is access of sanitation facility, detainees' health checkup, arrangement of cleanser and water, adoption of precautionary measures in their allegation proceeding, but for drinking water, bathrooms as well as the sanitation and social distancing there is problem because 3,164 detainees are kept though the capacity of the central Jail is 1250. During monitoring discussion was made with the Director General of the Department of the Prison Management as well as the head of the Central Jail. During the discussion, it was pointed out that though the effect of the pandemic is not seen on the detainees till now but there are 72 prisons throughout the country and are in dilapidated condition and the number of the detainees are more than the capacity, in such condition, if the pandemic is transmitted to anyone within the prison, the situation would be very terrifying.

Similarly, the Nepali workers abroad facing problem for lodging and food because of not getting payment due to COVID-19 and are prone to pandemic, the Nepali trainees and students in the various countries in the World including Bangladesh, Qatar are stranded and facing difficulties as the NHRC has received the complaints through telephone, email and through the information provided by mass media. Thus, the Commission drew attention of the Government of Nepal, especially discussing with the ministers for Foreign Affairs, Health and Labour, Employment and Social Security to seek solution in this critical condition in a human rights' friendly manner.

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Bed Bhattarai

Secretary/Spokesperson

Press Release

May 14, 2020

Pursue Human Rights Based Approach in the Budget Formulation

The possibility of constriction in the fundamental issues of human rights due to the effect of the global COVID-19 coronavirus pandemic is seen this year from the monitoring of the Commission. Thus, the Commission requests to the Government of Nepal to prioritize the following issues of human rights while formulating the budget of the Fiscal Year 2020/021.

- To ensure the right to dignified lives of the citizens arranging right to health, right to employment, rights of the peasants and the durable arrangement for the disaster management in order to fulfill the state obligation of the Covenant on Economic, Social and Cultural Rights, 1966 as well as to achieve the Sustainable Development Goals;
- To make proper arrangement for the fertilizer, seeds, agricultural equipment, agricultural production, storage as well as marketing and irrigation;
- To resolve the unemployment problem and formulate certain programs to ensure the employment for the Nepali workers to be repatriated depriving from the foreign employment;
- To implement the human rights-based approach in the service delivery and the programs of all the governmental agencies in order to improve the living standards of women, children, senior citizens, dalits, persons with disability, sexual minorities, marginalized, deprived and the left behind community;
- To construct at least 1,000 beds and 100 beds hospitals respectively in the province level and in every local level with the well managed facility coordinating constantly among the federal, province and the local level; and make arrangement of the essential health equipment and health workers for the health treatment;
- To arrange human rights training for the civil servants of all hierarchy;
- To make necessary arrangements for the implementation of the recommendations made to the Government of Nepal through the Universal Periodic Review and the human rights treaty bodies in a timely manner.

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Bed Bhattarai

Secretary/Spokesperson

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