

## **Human Rights Situation of Nepal in 2019: Review by THRDA**

The year 2019 was yet another year of degrading human rights situation in Nepal as the country witnessed various forms of human rights violations.

Alleged extra-judicial killings continued unabated. The government that pledged to protect and promote human rights attempted to curtail those rights as it introduced some controversial bills in the Parliament with the objective of shrinking civic space and people's freedom. Not only, that the government that was supposed to bring some major policies and regulations to guarantee fundamental rights among others, did not do anything so far in 2019.

Here are some of the serious issues of human rights which highlights that GoN is trying to impose dictatorship in the country and weakening human rights.

### **Alleged Extra-judicial Killings**

As per the documentation of Terai Human Rights Defenders Alliance, at least five cases of alleged extra-judicial killings were recorded in 2019 in which security forces were blamed for the killings

A 21-year-old Suraj Kumar Pandey of Krishnanagar, Kapilvastu was killed in police firing in Krishnanagar on October 31. As per the observation of THRDA's field staff, police opened fire on Pandey around 11.30 AM from 50 meter distance when Pandey was going to his tea-shop at Golghar Chowk of Krishnanagar. Pandey died on the spot after bullet pierced through his left eye<sup>1</sup>.

Similarly, on June 30, a 28-year-old Saroj Narayan Singh of Ishworpur Municipality of Sarlahi district was killed during police firing in a protest on the East-West Highway, while Sarlahi district in-charge of the Netra Bikram Chand (Biplav)-led Community Party of Nepal (CPN), Kumar Paudel was killed in an alleged encounter with the police on June 20.

In another case of allegedly extra-judicial killing, Tirthraj Ghimire who was associated with Netra Bikram Chand (Biplav)-led Community Party of Nepal (CPN), was injured in police firing in Bhopjur. He died during the treatment at BP Koirala Institute of Health Science on May 22.

Likewise, Dipendra Chaudhary of Kadarbona of Saptari district was killed by police in Rayapur of the same district on January 23.

### **Legislations to Shrink Civic Space**

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<sup>1</sup> <http://www.thrda.org/situation-update/thrdas-serious-concern-over-continued-extra-judicial-killings/>

The government drafted various legislations with the aim of curtailing freedom of expression and shrink civic space.

The government registered National Human Rights Commission Act, 2012 (amendment), Bill in the parliament to limit the jurisdiction, autonomy and independence of the commission<sup>2</sup>. The bill was introduced with the objective of giving the Attorney General discretionary power for the investigation and the implementation of recommendation made by the NHRC, government's interference in financial autonomy of the rights body and the cancelation of provincial and contact offices of the Commission.

Likewise, registration of Nepal Media Council Bill, which proposed to impose a fine of one million Nepalese rupees (Approx. 9500 USD) if any media house, publisher, editor or journalist is found to have published news content "tarnishing image of any individuals", was clear indication that the government was against the spirit of press freedom as provisioned by the constitution.

Likewise, Bill on Mass Communications also proposed confiscation of media equipment, fines up to Rs. 10 million, and 15 years' imprisonment for media persons found publishing contents "undermining national sovereignty and national integrity." As the bill lacks clear definition of "content undermining national integrity", the government might use this provision to take action against any media persons they dislike. Similarly, Information Technology Bill and Federal Civil Service Bill were also introduced with the aim of curtailing people's freedom. The IT Bill proposes to impose heavy penalty for expressing dissenting voice on the social networking sites. Federal Civil Service Bill also proposes to restrict civil servants from criticizing the government through social networking sites.

On top of that, Authority proposed to register, monitor I/NGOs' activities with the aim of barring organizations that could seek projects related to human rights and freedom of expression and association and the projects related to lobby and advocacy for the changes of policies and laws was also clear indication that the government wanted to shrink civic space.

### **Many of Fundamental Rights not Ensured**

The Constitution of Nepal (2015) incorporated 31 fundamental rights from Article 16 to Article 46. The implementation of the fundamental rights requires the enactment of laws, policies, guidelines and regulations. Article 47 of the constitution stipulates that the state shall, as

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<sup>2</sup> <http://www.thrda.org/situation-update/nepal-government-attempts-to-shrink-civic-space-and-weaken-human-rights/>

required, make legal provisions for implementation of rights within three years of the commencement of this constitution<sup>3</sup>.

Although, the Parliament has enacted 16 laws relating to fundamental rights so far. These laws alone are not enough, but regulations and directives are required for the effective implementation. However, only two regulations relating to right to social security and right to employments have been framed.

Likewise, Nepal Citizenship Act, 2006 (Amendment) Bill was also not passed leaving hundreds of thousands of people as stateless. Although, Article 11 (3) of the Constitution of Nepal stated, “A child of a citizen having obtained the citizenship of Nepal by birth prior to the commencement of this Constitution shall, upon attaining majority, acquire the citizenship of Nepal by descent if the child’s father and mother both are citizens of Nepal,” but the Chief District Officers denied issuing citizenship citing lack of new citizenship laws.

### **Commissions did not get full shape**

Although, it has been more than four years since the Constitution of Nepal (2015) was promulgated but the seven thematic commissions, which were mandated to ensure the rights of the marginalized communities, did not get their full shape even in 2019<sup>4</sup>.

National Women Commission, National Dalit Commission, National Inclusion Commission, Madhesi Commission, Tharu Commission, Indigenous Nationalities Commission and Muslim Commission are yet to get full shape. On the other hand, these constitutional commissions have not been given adequate power to investigate the acts of discrimination, and recommend actions to the government, issue directives and prosecute the perpetrators.

### **Justice not granted**

The victims of human rights violations, including excessive use of force, extrajudicial killings and torture, which occurred during the constitution-related protests in 2015/16, were not ensured justice by the government<sup>5</sup>.

Since, the government failed to make the probe report submitted by former Supreme Court Justice Girish Chandra Lal- led High Level Probe Commission, families of those victims who were killed during Madhes Movements have not got justice because they do not know the names of the culprits.

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<sup>3</sup> <http://www.thrda.org/situation-update/our-five-observations-as-nepal-constitution-enters-fifth-year/>

<sup>4</sup> <http://www.thrda.org/situation-update/our-five-observations-as-nepal-constitution-enters-fifth-year/>

<sup>5</sup> <http://www.thrda.org/situation-update/our-five-observations-as-nepal-constitution-enters-fifth-year/>