



Five Major Concerns of Human Rights in Response to COVID 19 in Nepal  
Terai Human Rights Defenders Alliance  
09.06.2020

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### Background:

The first confirmed case of the COVID-19 positive was reported in Nepal on January 24, 2020<sup>1</sup>. The Nepal government imposed nationwide lockdown for the first time on March 24 when there were only two confirmed cases. Since, then the country has been under lockdown and it has been extended time and again. Although, the government imposed the lockdown to contain the spread of coronavirus in Nepal, the government failed to utilize the lockdown period to increase its preparedness against COVID-19 pandemic. Business owners and poor people who lost businesses and jobs due to prolonged lockdown, have started to defy the lockdown.

Nepal witnessed sharp rise in COVID-19 cases in recent weeks as the situation update was being prepared, the confirmed cases surged to 3762, while 14 people have lost their lives by June 9. 488 people have recovered as per the data of Ministry of Health and Population<sup>2</sup>.

During the ongoing lockdown period, Terai Human Rights Defenders Alliance's documentation and monitoring has observed these five concerns:

### 1. COVID 19 Response must not undermine people's right to life, liberty and security

The government deployed security agencies to strictly implement the lockdown but the security forces were reported to be using excessive force against those people who ventured out of their homes to buy essential goods, subjected pedestrian, cyclists, vegetable sellers, doctors and health professionals and government officials to torture and other ill treatment against violating the lockdown.

THRD Alliance's monitoring report shows that during lockdown 42 people (20 in the month of March, 18 in the month of April and two in the month of May and two in the month of June) were beaten up or tortured by the police.

A 67-year old man who had gone to fetch milk for his grandchildren was also mercilessly beaten up by the police in Birgunj. He suffered fracture in his leg<sup>3</sup>.

In response to a writ petition filed by THRD Alliance lawyer, on April 20, the Supreme Court issued an order on April 21 reminding the government and security forces to take seriously

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<sup>1</sup><https://academic.oup.com/jtm/advance-article/doi/10.1093/jtm/taaa024/5762315>

<sup>2</sup><https://covid19.mohp.gov.np/#/>

<sup>3</sup><https://ekantipur.com/news/2020/05/18/15897999631594968.html>



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the obligation of protecting the people's right to life. The court also ordered them not to subject anybody to any inhuman and degrading behaviour.

### **2. Isolation, quarantine and Hospital's lack of preparedness and management**

On April 6, the Supreme Court issued an interim order to the government to ensure that everyone returning from abroad is quarantined. A division bench of justices Hari Krishna Karki and Ananda Mohan Bhattarai also said that all returnees should be identified by local governments and kept in quarantine facilities that meet the World Health Organization's standards<sup>4</sup>.

However, the government has not ramped up testing for COVID-19, neither has the government done enough to improve isolation and quarantine centers. Hospitals do not have enough facilities and means to treat COVID-19 patients. Media reports stated that 27 COVID-19 patients were asked to stay outdoor at BPKoirala Institute of Health and Science in Dharan due to lack of beds.<sup>5</sup>

THRDA has documented the death of a youth in Narainapur quarantine centre in Banke District. The youth died on 17 May 2020. It is reported that the youth was not provided proper health care and an ambulance was not available to transport him to hospital when his health condition suddenly worsened in the quarantine centre.<sup>6</sup>

There is lack of coordination between the three-tier governments on issues of quarantine, isolation and treatment of COVID-19 patients.

Local governments established health desks at the main entry points and bordering areas to conduct preliminary health screening on citizens arriving from other locations to determine whether they exhibited COVID-19 symptoms like fever, cough and cold, sore throat and muscle aches. Such health desks and screenings have put a lot of strain on the limited human resources and infrastructure at the disposal of the local governments and its health centers<sup>7</sup>.

There are widespread complaints that there are fewer healthcare workers available than the allocated positions.

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<sup>4</sup><https://kathmandupost.com/2/2020/04/06/quarantine-everyone-returning-from-abroad-supreme-court-orders-government>

<sup>5</sup><https://english.khabarhub.com/2020/30/100618/>

<sup>6</sup><http://www.nagariktimes.com/2020/05/129612/>

<sup>7</sup><https://www.democracyresource.org/reports/>



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THRD Alliance's monitoring showed that a total of 17 people, who were tested for coronavirus positive, were admitted to isolation ward of COVID-19 Special Hospital in Siraha district on May 2. Those people who were admitted to isolation wards were provided with mosquito nets, soaps, water bottle, noodles and biscuits. They, however, complained that the toilet/bathroom of the isolation was without water and they had to live only on biscuits and noodles till 12 Noon. Doctors rarely visited them. They also complained that isolation wards were dirty and they could not sleep due to swarming mosquitoes. Rooms and doors of the isolation wards were closed.

COVID-19 data shows that maximum numbers of COVID-19 positive cases are reported from Terai/Madhes districts that have open boarder with India. In addition, THRDA monitoring report shows 22 cases of excess death (death due to hunger, inadequate medical facility in quarantine centers, non-availability of ambulance, restriction on Nepali citizens from entering Nepal from India and hospitals' refusal to admit non- COVID-19 Patients). THRDA believes the actual number of excess death is much more higher in numbers.

People are being quarantined for long period due lack of enough testing facilities. In some cases, PCR tests results came out very late. Quality of quarantine facilities and standards varied between provinces and municipal units depending on their ability to manage resources.

### **3. Prolonged Lockdown and right to dignified life**

The prolonged lockdown has made the life of poor and vulnerable people especially daily wage earners miserable. Provincial and local governments have not been able to reach out to them with adequate relief packages. THRDA has received reports of political and power influence in the distribution of relief materials<sup>8</sup>, corrupt practices and distribution of low-quality food in some areas<sup>9</sup>. A Dalit man died in Saptari district on 20 May due to hunger<sup>10</sup>.

Migrant Nepali workers returning from different parts of India have suffered from hunger and faced other problems at border areas as Nepali authorities prevent them from entering Nepal. These migrant workers have been stranded in border areas for many days. There were news reports of deaths at a border area due to hunger and lack of medical facilities.<sup>11</sup> One youth who travelled back home from Indian state Gujrat died of hunger at Jatahi border point of province 2.

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<sup>8</sup> <https://www.thenepal.com/news/118554>

<sup>9</sup> <https://english.onlinekhabar.com/case-filed-against-kalaiva-mayor-among-12-for-distributing-rotten-rice-as-relief.html>

<sup>10</sup> <https://www.ablokit.com.np/detail/514>

<sup>11</sup> <https://kathmandupost.com/national/2020/05/28/thousands-of-returnees-from-india-run-out-of-food-and-water>



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The federal government and provincial governments have specified the Standards for relief distribution for the local governments. Local governments have adapted the provisions of the Standards to meet local needs. Some local levels faced difficulties in selecting families for relief materials as the number of families demanding relief materials were unexpectedly high.<sup>12</sup>

At least 19 people got injured after the local leaders and cadres of different parties started fighting over relief distribution in Naraha Rural Municipality-1, Devipur in Siraha district on May 22. Leaders from Nepali Congress and Janata Samajwadi Party- Nepal protested claiming that the Ward No 1 Office distributed relief to only 517 out of a list of 700 people who deserved relief materials.<sup>13</sup>

Locals of Chakraghatta Rural Municipality-5, Padariya in Sarlahi district protested against the local government claiming that relief materials were distributed to the wealthy people by reducing the amount of relief packages that the poor and vulnerable people were entitled to. Poor and vulnerable people then went to District Administration Office, Sarlahi on May 4, 2020 to lodge a complaint about it.<sup>14</sup>

Case filed against 12 representatives, including Mayor of KalaiyaSub- Metropolitan City Rajesh Ray Yadav on April 22 for allegedly distributing rotten rice and lentils to poor people.<sup>15</sup>

### 4. Reverse migration: challenges for employment opportunity

As the lockdown was enforced, people lost their jobs and returned to their homes. People who were daily wagers also had to stay at their homes without any kind of employment. On the other hand, people who lost their jobs in foreign land are also returning Nepal and it could be expected that foreign employment will also be halted for couple of months or years. In such a scenario, creating jobs or other alternative will be important.

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)

<sup>12</sup><https://www.democracyresource.org/reports/>

<sup>13</sup><https://www.news24nepal.tv/2020/04/09/644843>

<sup>14</sup>[http://nigranitoday.com/%e0%a4%b0%e0%a4%be%e0%a4%b9%e0%a4%a4-%e0%a4%a8%e0%a4%aa%e0%a4%be%e0%a4%8f%e0%a4%aa%e0%a4%9b%e0%a4%bf-%e0%a4%9a%e0%a4%95%e0%a5%8d%e0%a4%b0%e0%a4%98%e0%a4%9f%e0%a5%8d%e0%a4%9f%e0%a4%be%e0%a4%95%e0%a4%be/?fbclid=IwAR2elwug6ZNaSou1L16ZU9962Dnf70OUlu4xh\\_eujWgKym\\_FtqU26QoEwyk](http://nigranitoday.com/%e0%a4%b0%e0%a4%be%e0%a4%b9%e0%a4%a4-%e0%a4%a8%e0%a4%aa%e0%a4%be%e0%a4%8f%e0%a4%aa%e0%a4%9b%e0%a4%bf-%e0%a4%9a%e0%a4%95%e0%a5%8d%e0%a4%b0%e0%a4%98%e0%a4%9f%e0%a5%8d%e0%a4%9f%e0%a4%be%e0%a4%95%e0%a4%be/?fbclid=IwAR2elwug6ZNaSou1L16ZU9962Dnf70OUlu4xh_eujWgKym_FtqU26QoEwyk)

<sup>15</sup><https://english.onlinekhabar.com/case-filed-against-kalaiya-mayor-among-12-for-distributing-rotten-rice-as-relief.html>



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pandemic. The study—'Rapid Assessment of Socio-Economic Impact of COVID-19 in Nepal'—Conducted by the Institute for Integrated Development Studies (IIDS) revealed that the MSMEs across Nepal have witnessed a fall of 95 percent in average monthly revenue and that they can sustain barely for around two months in the absence of external support measures if the ongoing nationwide lockdown enforced to contain the spread of the COVID-19 is extended further<sup>16</sup>.

According to Ministry of Finance estimates, 500,000 people enter the Nepali labour market annually<sup>17</sup>, however due to the coronavirus pandemic, people will have to remain jobless.

But the government has not come up with any solid plans to general employment in the country or any alternatives for those who lost their jobs or for the people that are returning from the foreign country after losing their jobs.

### **5. Shrinking Space of Civil Society members: Legal and Administrative behaviour**

On May 20, the National Assembly endorsed the Special Service Bill that will allow the intelligence agencies to intercept the conversations of 'suspects' using electronic medium<sup>18</sup>.

*Although, the government says the bill is necessary to control acts of “secession, espionage, sabotage and subversion” and “protect national sovereignty, national integrity and communal harmony” and the bill envisions a specialised office for intelligence gathering under the National Investigation Department and the formation of a nine-member committee led by the prime minister to draft the necessary policy, coordinate and provide guidance, right activists have criticized the government's move claiming that it will curtail the person's liberty and right to expression<sup>19</sup>.*

It will impact negatively and recent move of the government has also provided enough ground for that.

On May 20, Alam Khan, a human rights defender associated with THRD Alliance, was illegally detained by police after he wrote a post on his Facebook wall on 18 May, criticizing the government's ineffective management of the COVID-19 quarantines that had led to death of a youth in the quarantine centre. At around 10 am, on 20 May 2020, police in plainclothes

<sup>16</sup> <https://myrepublica.nagariknetwork.com/news/every-three-in-five-employees-lost-their-jobs-in-nepal-due-to-covid-19-crisis/>

<sup>17</sup> <https://english.onlinekhabar.com/covid-19-crisis-and-its-impact-on-nepali-workers.html>

<sup>18</sup> <https://kathmandupost.com/national/2020/05/20/upper-house-endorses-bill-on-special-service-allowing-phone-tapping-without-court-order>

<sup>19</sup> <https://kathmandupost.com/national/2020/05/20/upper-house-endorses-bill-on-special-service-allowing-phone-tapping-without-court-order>



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appeared in front of his home in Phultekra, Nepalgunj and told him that they had orders from the Ministry of Home Affairs to file a case against him. They had arrived at his house without an arrest warrant. Khan was interrogated by the police officials. One of them asked him why he wrote negative news.

Khan, who is also a journalist, was released later that evening (20 May) on a general date only after influential people of the town objected to police's action against Khan. He was asked to come to the police station daily until 26 May.

On April 22, Cyber Bureau of Nepal Police arrested former secretary of the Government of Nepal Bhim Upadhyay for allegedly using abusive and insulting language against Prime Minister KP Sharma Oli and Health Secretary Yadav Prasad Koirala and some other high profiled government officials, by misusing social media<sup>20</sup>.

Likewise, on June 3, advocate Chiranjibi Dhakal was arrested from Maitighar Mandala while he was protesting against MCC<sup>21</sup>. However, he was release on June 8 through Habeas Corpus Proceeding.

So, the trend shows that government is trying to curtail people's liberty and right to expression.

### Recommendations

While responding to the worldwide pandemic COVID 19, the governments all over the world are facing a hard time. Nepal government needs to boost up its efforts in the sector of health, security and dignified life.

- The local provincial and federal governments in Nepal needs to strengthen its their coordination and cooperation to manage quality of health facilities, quarantine centers, isolation centers and specialised hospitals for COVID-19 patients.
- The medical treatment to every person suffering from other disease than COVID -19 must get access to medical facility and proper treatment.
- Province government and local government must ensure access to relief materials for poor and vulnerable without discrimination. It must ensure that none of the family is deprived of food.
- The administrative and security agencies must be sincere to respect everyone's right to dignified life. The allegations of torture, excessive use of force, inhuman and degrading behaviours must be investigated. Victim should get justice and the perpetrators to be punished.

<sup>20</sup><https://thehimalayantimes.com/kathmandu/former-secretary-arrested-for-cyber-offence/>

<sup>21</sup><https://www.onlinekhabar.com/2020/06/870028>



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- The returning migrant labourers from India and other countries must be treated in quarantines with proper care and facilities. The province and local government must make plans and policies to engage them in local job opportunities.
- The federal, provincial and local level governments should make policies to provide adequate compensation to them who died due to hunger and lack of medical facilities.