

[ADRN Issue Briefing]

COVID-19 and Human Rights Violations in Nepal

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Nepal is now in its sixth consecutive week of lockdown. There are facilities set up in every province, and the open border with India has been tightly controlled. Air, land, and inter-district travel have been suspended until further notice. To date, the government of Nepal claims to have administered little more than 14000 PCR tests and around 53,00000 RDT tests. The tests have revealed 99 confirmed cases, with 22 claimed to have recovered.

Disasters, crises and pandemics are indiscriminate and cause harm with no regard for the boundaries of race, gender, color, caste, class, geography, or ideology. The COVID-19 pandemic is a global crisis. It is a threat to human existence. With poor early warning systems and preparation, weak response mechanisms, and a lack of adequate resources, developing countries like Nepal face a colossal challenge as even developed nations are struggling to contain the spread of the infection and find a cure. Narrow social divides and geographical barriers pose a challenge in disseminating fact-checked information, accessible relief, rescue, and other response measures. This has wrought a complex impact on everyone's livelihood, particularly the most marginalized communities living in exclusion and discrimination.

The WHO declared the coronavirus outbreak a “public health emergency of international concern” on January 30. The government of Nepal imposed a lockdown effective from March 24. The first case of coronavirus infection was reported in the country on January 24. This only reflects the government's slow response. It is anyone's guess why the government failed to acknowledge the global crisis and its impact on the country. The government also ran into a procurement debacle. There were media reports of agreements signed by the government to purchase medical supplies, equipment, and testing kits at rates much higher than the market rate. The government was slammed for corruption and the case now rests with the Commission for the Investigation of Abuse of Authority (CIAA).

Around the globe, women, the elderly, adolescents, youth and children, people with disabilities, indigenous populations, populations living under the poverty line, refugees, migrants, and other minorities experience the highest degree of socio-economic marginalization. During emergencies, these marginalized populations become extremely vulnerable. The most at-risk populations are those that:

- depend heavily on the informal economy,
- have inadequate access to social services or political influence,
- have limited capacity and opportunity to cope and adapt, and;

- have limited access to technology.

Various communication initiatives are underway from different sectors that supplement government efforts to inform people on matters of infection and risks, precautions, treatment, and how to mitigate spread of the disease. Communities, CSOs, law enforcement agencies, local administrations, crisis response teams, and all other stakeholders are implementing rapid response programs. These are all positive actions.

However, the recent Prime Minister's address showed that the government is apparently concerned with the initiative taken by the media. Rather than providing the public with its own transparent reporting, the government questions the situation reported by the media. Evidently, the lockdown came without the prior notice which would have been crucial for the public to prepare for what was coming. Informal workers and day laborers with uncertain income and no means of survival left Kathmandu, the capital city, on foot. They walked home, covering distances of more than 500 kilometers. Some even embarked on the near-impossible walk from the land of the highest peak to the flatlands in Madhesh.

With limited livelihood options, people from the most marginalized communities are forced to opt for foreign employment in India, the Gulf, and other countries. Before the government imposed a nationwide lockdown and suspended air travel services, many migrant workers, visitors, and tourists had already arrived in Nepal. Many Nepali migrant workers terminated from their employment in India were forced to leave for their homeland, but in the face of lockdown were left stranded at the border. Some even dared to swim across the Mahakali to reach home, but were detained by Nepali security forces. The National Human Rights Commission is continuing to monitor the situation, and to date, no one has been allowed to cross the border.

Recently, 13 Indian Muslim men visiting Nepal for Tablighi Jamaat in February were confirmed to have COVID-19. The news spread like wildfire, with the media perpetrating the narrative that they were hiding in mosques. This, along with another incident where two women were falsely accused of trying to spread the disease by spitting on currency notes and throwing them away out in the open, has contributed to the increase of Islamophobia. Social media was quick to pick up these stories, and in no time they were all over Nepali media.

In this era of technological interconnectivity, people are frequently exposed to misinformation and hate speech, particularly in testing times. Nepali society, diverse and divided, is prone to the menace that misinformation and hate speech can bring. When the most marginalized communities—the Dalits, women, and other minorities—are excluded from access to education and information, state-provided benefits and privileges are at even greater risk.

Recently, during the relief distribution process, news of a Dalit youth beaten by a municipal mayor went viral on social media. Hundreds of Nepali citizens ran away from the isolation set up by the government in Sudurpaschim Province. These are but a few key examples of the government's incompetence in addressing the crisis.

While physical distancing is one of the best solutions to prevent the spread of COVID-19, more importance should be given to providing accurate information and empowering people so that they can make informed decisions in response to the pandemic. The government has failed to effectively communicate with these groups as language and cultural diversity pose barriers. This is even more relevant to the Dalits and marginalized communities of Nepal.

The COVID-19 pandemic has undoubtedly put human rights in Nepal in crisis. The government has introduced two ordinances to facilitate the amendment of some provisions of the Political Party Act and the Constitutional Council (Function, Duties, Powers and Procedures) Act. The amendment under the Political Party Act will allow any party to split if 40 percent of its central members or parliamentary party members build consensus to register a new party. Before the ordinance, such a split was only possible with the consensus of 40 percent of both the Central Committee and the parliamentary party. Likewise, the amendment of the Constitutional Council will make way for a new provision that will allow it to make decisions with just a simple majority vote. As the whole nation struggles with COVID-19, the government has made it a priority to bring these ordinances rather than prioritizing the rights of its citizens.

The Chepang community is a living example of humanitarian crisis. With a population of about 68,000, they are one of the most marginalized indigenous communities and are among the most affected by the COVID-19 pandemic in Nepal. The majority of the population is illiterate and employed in informal industries. With the market shut down, they can neither sell their produce and services nor can they afford to buy basic necessities for sustenance. Basic healthcare alone is far beyond their capacity to afford. For this community, receiving treatment for diarrhea is a huge challenge, let alone coping with the COVID-19 pandemic. This crisis is beyond their reach.

The space for dialogue continues to shrink. The two-thirds majority government pushes forward to maintain its absolute supremacy over the rightful decisions about civic space, the press, and dissenting voices. When your Prime Minister says “it was pointless to get bogged down in debate over life and liberty” during these sinister times of crisis, the issue of human rights seems to bend before the COVID-19 pandemic.

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