

December 9, 2012

Situation of Human Rights Defenders in Nepal

A Brief Report Covering the Period (From January to October 2012)

Declaration on Human Rights Defenders, 1998 has recognized the Human Rights Defenders (HRDs) in a broad sense. However only the teachers, journalists, law professionals, health workers and those individuals who are working for human rights organizations (human rights activists) are specifically included as the HRDs in this report focusing on the issues such as how they suffered and how their human rights were violated between January and October, 2012. This report is based on the information recorded at INSEC during the said period.

In the past 10 months a total of 201 Human right defenders (187 male and 14 female human rights defenders) were affected. INSEC's documentation has revealed that among the five categories of the HRDs included in this report, journalists are the ones who have suffered the most. 50 male and six females belonging to different human right organizations, and working individually have suffered from beatings and injury and have been subjected to inhuman behaviors. Likewise, 51 male and two female teachers were victimized by the state, political parties and their sister organizations, civilian and police force. They were either killed or issued death threat or subjected to inhuman behavior and beatings. During the period, a total of seven law professionals were beaten and inhumanely treated, and six health workers were also beaten up and subjected to injury.

Type of HRDs	No. of Victims By Gender		
	Male	Female	Total
Journalist	73	6	79
Human Rights Activist	50	6	56
Teacher	51	2	53
Law Professional	7	-	7
Health Worker	6	-	6
Total	187	14	201

Because of the existing impunity in the country, rights of the HRDs have been continuously violated and they have suffered by the representatives of political parties and their sister wings (non-state party)*, civilian as well as due to police, armed force, army and the government officials (State party) **. Unidentified groups were also found to have involved in the victimization. It has been revealed that the HRDs were killed, issued death threats, abducted, beaten up and misbehaved in the course carrying out their respective professional activities honestly and dedicatedly. During this reporting period, a total of 91 HRDs (5 female and 86 male) were victimized by the state party. In the same way non-state party too victimized a total of 102 HRDs (93 male, 9 female). Unidentified group has been involved in violating the rights of eight HRDs.

Type of Perpetrator	No. of Victims by Gender		
	Male	Female	Total
State	86	5	91
Non-State	93	9	102
Unidentified Groups	8	-	8
Total	187	14	201

A total of five HRDs including one Judge from the Supreme Court were killed. Judge Rana Bahadur Bam, 64, was killed on May 31, 2012 by an unidentified group while he was travelling on his car to office. In the same way, a total of 42 HRDs who urged their demands be heard were arrested and tortured whereas 50 human rights defenders were beaten up, 32 were threatened, 16 were injured and 21 defenders were inhumanely treated. Also, 25 HRDs were restricted from enjoying their right to assembly, three were subjected to discrimination, two were abducted and five defender's property was seized and damaged – violating their economic, social and cultural rights.

Victims	Killed	Arrest and Tortured	Abduction	Beatings	Threat	Injured	Inhuman Behaviour	Right to Assembly Violated	Racial Discrimination	Economic Social and Cultural Rights	Total
Journalist	1	1	1	25	27	4	14	1	1	4	79
Human Rights Activist		32		9	1	7	3	2	2	-	56
Teacher	2	5	1	13	3	3	4	22	-	-	53
Law Professional	1	4	-	-	-	2	-	-	-	-	7
Health Worker	1	-	-	3	1	-	-	-	-	1	6
Total	5	42	2	50	32	16	21	25	3	5	201

Conclusion

The Universal Declaration of Human Rights 1948, Paris Declaration made by the Assembly of Human Rights Defenders in 1998, Rights of human rights defenders specified in the United Nations Declaration on the Rights of Human Rights Defenders, the Interim Constitution of Nepal 2007 and the rights enshrined in the international human rights treaties to which Nepal is a state party were violated in this period. A total of 201 cases of violation of rights of the HRDs and abuses were documented. Reinforced impunity and political instability of the country can primarily be attributed to these violations and abuses.

Recommendations

- For the protection of the rights of the human rights defenders, National Rapporteur on the HRDs should be appointed within National Human Rights Commission as soon as possible.
- Implement promptly and effectively the recommendations that Nepal received from the Universal Periodic Review and the UN Treaty Bodies on the HRDs.
- To monitor the situation of rights of the HRDs, invite Special Representative of the United Nations to Nepal.
- Formulate effective laws specifically focusing on the Human Right Defenders.
- For the protection of the HRDs, establish networks at regional and national level and make the plan and policies accordingly.
- Ensure that rights of the HRDs are protected and respected as stated in the Declaration of Rights of the HRDs.
- Investigate immediately into any incidents that occur against the HRDs so that victims will get justice and perpetrators will be punished.

* UCPN(Maoist), Khumbuwan Rastriya Morcha, ANNFSU(R), Janajati Federation, Tharuhat Sangharsha Samiti, Madhesi Tiger, Civilian

** Nepal Army, Police, Armed Police Force, Government Official, Ex Moist Combatant



Informal Sector Service Centre (INSEC)

Kalanki, Syuchatar, Kathmandu

Tel 4278770, Fax 4270551