

# A study on the Status of Human Rights Defenders during

## COVID-19 Pandemic in Nepal

# **A Study on the Situation of Human Rights Defenders during COVID-19 Pandemic in Nepal**



*Human Rights and Social Justice*

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# **A Study on the Situation of Human Rights Defenders during COVID-19 Pandemic in Nepal**

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# Preface

Informal Sector Service Centre (INSEC) has been active since three decades for the promotion and protection of human rights. It is mainly focused for ensuring rights of every person to fundamental human rights granted by various national and international laws. Human rights defenders are those persons, groups or organizations who act as mediator to directly or indirectly dissipate basic human rights of the people. So, the rights and responsibilities of these defenders must be institutionalized for the effective promotion and protection of human rights. The defenders must have to be active during the time of chaos, disasters and conflicts. Amid these concerns, life and professional duties and rights of these defenders are too in danger of being misused. There are many cases of tortures and even loss of life of defenders during the fulfillment of their duties.

INSEC has written legal draft on human rights defenders with the main objective of establishing rights and responsibilities of the defenders. Even though the UN has passed Declaration on Human Rights Defenders in 1998, there is no obligatory law with regard to the defenders. However, INSEC has been continuously working for the protection and promotion of the rights of the defenders.

INSEC has carried out a study with the intention of understanding the status of front line human rights defenders; health workers, media personalities and human rights activists in the time of Covid-19 pandemic with the funding of DCA.

I would like to thank Human Rights Advocate Achyut Achary for conducting this study. I also like to extend my gratitude towards Madan Poudel for editing the research document, Mr. Basanta Dahal who worked for the translation of this report, Ms. Sarita Puri who coordinated for the fulfillment of this project and Ms. Gita Mali for the design. I wish for help and cooperation for the implementation of suggestions and recommendations made in this report.

**Dr. Indira Shrestha**

Chairperson

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# INTRODUCTION

## 1. Background

Countries across the globe are immersed in trying to reduce the effect of COVID-19 (Corona Virus) within their country's borders and beyond. Millions of people have been infected with the virus, with a significant proportion falling victim to its fatality. Physical infrastructure development, social progress, as well as several other components of society have come to a standstill as a result of the pandemic. However, significant efforts have been made by authorities and stakeholders around the world to neutralize the impact, prioritizing human life. Nepal could not be detached from this global pandemic and has been dealing through the implications of this calamity.

It is of utmost importance to keep people safe from the pandemic and the resulting crises. The efforts of front line workers; health professionals, journalists, security forces, and human rights defenders must also be provided due recognition and acknowledgement.

There is a need to study the state of human rights defenders who are involved directly or indirectly in various sectors of human rights. It is the duty of all to help them carry their duties professionally and remain efficient. Further, the safety and promotion of their efforts must be broached.

Even during the current state, with the ravaging pandemic, human rights activists working at the front line are deprived of critical safety measures to avoid contracting the virus. Beside this, sev-



eral cases of defenders being harassed in various parts of the country have been reported.

After the onset of the COVID-19 pandemic, different rights of citizens; right to free health service, employment, education, free movement, property etc. have been directly or indirectly violated. Similarly, the effects on human rights defenders regarding various rights are being seen, especially on their guarantee of employment, family, working hours and so on. Within the first three months of the COVID-19 pandemic in Nepal, 25 health workers were harassed<sup>1</sup>. Similarly, the report published by Federation of Nepalese Journalists (FNJ) has reported 18 incidents of violation of the Right to free press, affecting 24 journalists<sup>2</sup>. The report was made with follow up of problems faced by journalists and media house within the period from 24 March 2020 to 23 May 2020. Similarly, 4 % of journalists have lost their jobs and 6 % were put on leave without pay. Further, around 9 % journalists were given a deduction on their salary by their employers, and 20 % have not received regular pay. One third of the journalists have been deprived of their salary of the last four months<sup>3</sup>.

The United Nations (UN), has too, took no action on formulating binding legislation regarding the rights and protection of human rights defenders. It has been previously established how, currently, rights of human rights defenders are interpreted standing on different international announcements, laws and directories. Nepal, too, has no clear legislation or directives to address the rights of said defenders. The National Human Rights Commission (NHRC) has started taking an interest in the matter, to remedy the situation.

In the context of present pandemic, INSEC has carried out this study with the intention to identify the status of front line human rights workers; health professionals, media persons and human

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1 Report published by Informal Sector Service Centre (INSEC)

2 Bipal Pokhare, Editor, Trimester newspaper, Issue Jestha 2077, Page-7, published by FNJ. Availability: <http://www.fnjnepal.org/en/resources>

3 Report of joint survey by FNJ and SharecastInitiatives, Nepal on Impact of Covid-19 on Journalism Sector. Available: <http://www.fnjnepal.org/en/resources>

rights activists, in light of their effort to minimize the impact of the pandemic. Although INSEC has prepared a draft considering the lack of concrete legislation regarding human rights defenders, substantial action is yet to be seen. However, even in this context of the lack of concrete legislation, there are individuals and groups committed to safeguarding human rights around the world. There is therefore, a critical need for a study on this community itself, to promote and conserve their rights. The COVID-19 pandemic has further stressed the role played by these frontline communities, prompting us to acknowledge their vitality, and therefore, further commit to this research.

## 2. Objectives

The objective of the present study is to provide recommendations and suggestions to concerned stakeholders for the formation of an adequate environment for front line workers deployed to lessen the impacts of pandemic; particularly health workers, journalists, and human rights activists, enabling them to carry out their duties uninterrupted, and ensuring their safety by analyzing their current work conditions, or circumstances. For this purpose, the objectives are listed as follows:

- To publicize the status of frontline workers; health workers, journalists, and human rights defenders employed during the current COVID-19 pandemic.
- To analyze steps adopted from the Nepal government and others for security and protection of human rights defenders during this period.
- To analyze prevailing national and international legislation and policy and construct a draft for their advocacy.
- To advocate for the implementation of recommendations made through this study.

### 3. Research Methodology

Multidimensional research methodology has been adopted to carry out this study. Both primary and secondary data collection methods are adopted. For the analysis of the data, both qualitative and quantitative approaches have been used. Key informant interview (KII) was carried out with human rights activists<sup>4</sup>, health workers<sup>5</sup> and journalists<sup>6</sup>. Focus Group Discussions (FCG) were carried out collectively with human rights activists and journalists<sup>7</sup>, and separately with health workers<sup>8</sup> by the field surveyors. However, due to the imposition of lockdown in one district due to COVID-19, data collection had to be conducted through telephone and vertical method. For this research, professional organizations, federations, and locally active organizational representatives and leaders were chosen as respondents. Likewise, representatives of organizations involved in controlling the pandemic were also questioned.

Apart from these methods, published and broadcasted reports, announcements and articles by FNJ, NHRC, Nepal Doctors Association (NDA), and INSEC were analyzed. Similarly, documents at national and international levels were also studied. Basic fundamental directories to be adopted by surveyors were formulated by accommodating spontaneity, uniformity in data, organizational prestige and popularity of research<sup>9</sup>.

### 4. Scope and Limitation of the Research

There were two categories regarding the scope of this research. The first being that it has identified only front line health workers, journalists, and human rights activists as human rights defenders. The second being that for the geographic and regional aspect, 2 Dis-

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4 Schedule No: 2

5 Schedule No: 3

6 Schedule No: 4

7 Schedule No: 5

8 Schedule No: 6

9 Schedule No: 7

Details of Respondents selected for Interview								
S.No	Professional Identity	Male	Female	Ethnicity	Nature of Service	Nature of Employment	Total	Inference
1	Media Personalities	4		Brahmin-2 Madhesi-1 Tharu-1	Print media, local online, television	Government -3 NGO-1	4	
2	Health Workers	5	5	Chhetri-4 Brahmin-2 Madhesi-2 Tharu-2	Doctors, nurse, pathologist, medical teacher, public health expert	Government-7 NGO-3	10	
3	Human rights Activists	1	3	Brahmin-2 Madhesi-1 Chhetri-1	Women rights, human rights, governance	NGO-4	4	
	Total	10	8	Brahmin-6 Madhesi-4 Chhetri-5 Tharu-3		Representatives from government offices-10 Representatives from NGO-8	18	

Details of Respondents selected for Focus Group Discussions							
S.No	Professional Identity	Male	Female	Ethnicity	Nature of Service	Nature of Employment	Total
1	Media Personalities	15	4	Brahmin-3 Madhesi-3 Tharu-1, Dalit-3 Chhetri-8 Tribal-1	National and local print media, local online, television, FM, media correspondence	Government-3 Community and NGO-16	19
2	Health Workers	14	14	Chhetri-8 Brahmin-7 Madhesi-8 Tribal-3, Tharu-1 Dalit-1	Doctors, Nurses, Pathologist, Medical Teacher, Public health expert	Government-17 NGO-11	28
3	Human Rights Activists	15	9	Brahmin-7 Madhesi-3 Chhetri-6 Tribal-2 Tharu-1 Muslim-1	Women rights, human rights, governance, identification of disables, ethnic identity and rights, and economic, social and cultural rights, child rights etc.	Government- 2 NGO-22	24
	Total	44	27	Brahmin-17 Madhesi-14 Tharu-3, Dalit-8 Chhetri-22 Tribal-6 Muslim-1			

tracts each are chosen from four provinces. The Districts chosen were Dhanusha and Rautahat from Province-2, Dang and Banke from Lumbini, Surkhet and Jumla from karnali and Kailali and Dadeldhura from Sudurpaschim Province. The study has the data from above mentioned Districts from 24 March 2020 to September/October 2020.

Based on gender, ethnicity, service sector and geographical division, correspondents and members of FGD were chosen as follows. Identification of ethnicity in this research is done in accordance with the reference of respective rights oriented commissions from the Constitution.

# LAWS RELATING TO HUMAN RIGHTS DEFENDERS

This section includes the deliberation of legal arrangements at the national and international level with regard to human rights defenders.

### 1. International Legal Arrangements

There is no binding legislation or policy regarding human rights defenders by the United Nations or any other transnational organization. The UN has passed a “soft law” in 1998, with there being several proposals of some drafts by regional powers, European Union (EU), African Union (AU) and Organization of American Nations regarding human rights defenders. Although there is a lack of direct legislation and directives related to the defenders, the issue has been broached at different international treaties and conventions, some of which are mentioned in this study.

#### a. *Charter of United Nations, 1945*

The United Nations has mentioned the objective of protection and promotion of fundamental human rights in its resolution<sup>10</sup>. Article 3 of section 1 of the charter has also stated the need for fostering international cooperation to develop and encourage respect towards fundamental tenets of human rights.

The charter has highlighted the aim of protecting and promoting basic human rights as its main objective. Through this, it may be

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<sup>10</sup> Resolution of Charter of United Nations, 1945

expected that the nations and organizations involved in preservation of human rights are concerned about human rights defenders. The formation of Human Rights Council (HRC), with its different committees, priorities, and programs, and its accomplishments concerning human rights defenders are also viewed as the contribution of the Charter.

### ***b. Universal Declaration of Human Rights***

The Declaration has some provisions regarding the safeguarding of the rights of human rights defenders, although such has not been mentioned explicitly. Section 19<sup>11</sup> and 28<sup>12</sup> mention the right to opinion and expression, and right to peaceful gatherings. It also mentions the provision of acquiring these rights through social and international channels. These provisions have pointed out that everyone can be active to ensure, protect and promote basic human rights.

### ***c. The International Covenant on Civil and Political Rights, 1966***

Sections 19<sup>13</sup>, 21<sup>14</sup>, and 22<sup>15</sup> have accommodated the rights to expression, peaceful gatherings, and the right to unionize. Through such, anyone can be active for the promotion and protection of human rights. This has further shown the need to protect rights of the people involved.

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11 Every person has the right to opinion and expression. It also includes the right to express, search and advocate the information without any barrier.

12 There is right of provision for every person to acquire rights mentioned in this Declaration.

13 Every person has right to express his/her opinions without any disturbances. Every person has right to expression. This includes the right to acquire, collect and advocate information in written, oral or printed form.

14 Right to peaceful gathering is accepted. Restrictions cannot be imposed unless it affects the ethics of democracy, public provisions, public health or conservation of moral rights of other people.

15 A. Every person has the right to be involved in trade union for his/her benefits. B. Restrictions cannot be imposed unless it affects the ethics of democracy, public provisions, public health or conservation of moral rights of other people. This section does not pose any legal barrier for army and police personnel for them enjoying this right.



**d. Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms 1998 (The Declaration of Human Rights Defenders)**

It is the only document issued by United Nations highlighting the direct rights and responsibilities of human rights defenders<sup>16</sup>. The resolution of this manifes to has highlighted that every country must respect and accept the rights of people, groups and organizations working for the promotion and protection of fundamental human rights<sup>17</sup>. Section 1 of the Declaration has granted people the right to work for the promotion, protection and compliance of human rights, be it either individually or *en masse*. This has guaranteed the right for each individual to advocate for basic human rights. Further, section 2 of the Declaration has vested the responsibility within governments to ensure the preservation of said rights. Similarly, section 5 has provided the following rights at individual level and in groups:

- i. Peaceful gatherings.
- ii. Formation, attachment and participation in Non-Governmental Organizations (NGOs).
- iii. Conducting dialogues with NGOs and inter governmental organizations.

This provision has been seen to guarantee the rights of people and communities working in the defense of human rights. Each individual has the following rights at individual level and communities:

- i. To acquire, collect and search information on national judicial, legal, and administrative systems regarding rights and freedoms.
- ii. To publish and advertise opinions, information, and knowledge about all human rights and fundamental freedoms as per arrangements made in international policies and/or legislation.

<sup>16</sup> Declaration on Human Rights Defenders, 1998

<sup>17</sup> Resolution of Declaration on Human Rights Defenders, 1998

- iii. To create, express, and discuss opinions on legal and pragmatic application of basic human rights and freedoms.

To draw attention towards these subject matters, Section 6 has mentioned the means to do so. Sections 7, 8, and 9 have provided rights for each individual and communities to protect, promote, follow and advocate for fundamental human rights. Section 12 has given the responsibility of security and protection of human rights defenders to the government. Section 16 has given the responsibility of overall development for ensuring human rights protection to individuals, NGOs and other communities. Sections 18 and 19 have made aware about duties and responsibilities of all concerned stakeholders. This document is accepted worldwide for providing guidance in regards to human rights defenders.

#### ***e. Provision of Special Envoy of UN for Human Rights Defenders***

A special envoy was appointed for the purpose of supervision and application of guidelines formulated for human rights defenders in 2000<sup>18</sup> by the then Human Rights Commission of the UN. This has formally established the issue of human rights defenders within UN discourse. The tradition of appointing special envoys<sup>19</sup> to ensure the rights of defenders was formalized in 2008, with responsibilities including dealing with complaints from affected parties alongside checking and acquiring information from the government and other concerned authorities or stakeholders.

There has been relative implementation of the directory related to National Human Rights organizations (Paris Principle 1993)<sup>20</sup> released from the UN General Assembly. The directory was made with the main intention of addressing the conditions of human rights defenders through local mechanisms.

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18 <http://www.ohchr.org/en/issues/srhrdefenders/pages/mandate.aspx>l.CN.4/Res/2000/61)

19 [www2.ohchr.org/english/issue\\_defenders\\_\(Resdltion7/8](http://www2.ohchr.org/english/issue_defenders_(Resdltion7/8) on the mandate of special rapporteur on the studean of HRDs

20 Paris Agreement on National Human Rights Organizations, 1993

## 2. National Arrangements

Even though there is no direct provision for human rights defenders in the national constitution or other legislation, this issue is interpreted through different arrangements made for promotion and protection of fundamental human rights.

### *a. Constitution of Nepal, 2015*

Human rights defenders are indirectly broached in the document's resolution, fundamental rights and duties, directive principles of the state, and the provision for National Human Rights Commission. The Constitution resolution's commitment towards freedom, fundamental rights, and human rights<sup>21</sup> clarifies the responsibility of the government in regards to human rights defenders. This provision indirectly safeguards and protects human rights defenders, with the government ensuring their security.

Similarly section 17 of part IV<sup>22</sup> of the Constitution broaches about individual right to freedom, with the preservation of said right being granted to the government. The rights mentioned cannot be violated by any means. This, in a way, has moved to protect human rights defenders. If rights are infringed on, the constitution has necessary provisions for constitutional remedy<sup>23</sup>.

Similarly, sections 51(a), (2), and (3) have provisions of policies for protection and promotion of human rights, and implementing all treaties and agreements at the international level to which Nepal is a party.

The provision of section 249, stating the responsibility of Human Rights Commission to respect, promote, and protect human

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<sup>21</sup> Resolution of Constitution of Nepal, 2015

<sup>22</sup> Right to freedom : a. No person shall be deprived of personal rights within legal boundary, b. Every person has following rights: i. Right to opinion and expression, ii. Right to peaceful gathering, iii. Right to open political parties, iv. Right to open organizations, v. Right to free movement within the country, vi. Right to service, business, running industries at any part of the country.

<sup>23</sup> Right to constitutional remedy: This right shall be granted as per section 133 and 144.

rights, has prompted the body to act as a human rights defense body. The scope and policies of this Commission has been mentioned in different sections and sub-sections of the Constitution. Likewise, there are provisions to register complaints by the individual themselves or someone else on their behalf in the case of violation of human rights. This provision facilitates anyone who wishes to act as a human rights defender, with a state of acknowledgement and respect for them. The presence of provision in section 249 (d)<sup>24</sup>, which fosters collaboration of civil society and different concerned stakeholders to raise awareness about human rights has accepted the identity of human rights defenders.

Similarly, as mentioned in section 248 (6) about the qualification of members of NHRC; active persons working for the protection and promotion of human rights, indirectly the human rights defenders are accorded some respect.

The provision of active involvement in the upliftment of status of women as a requirement to be qualified for a member of the National Women Commission in the Constitution has also identified the existence of human rights defenders.

A similar provision is also made in Constitutional section 255 (6) (a) in Dalit Commission and section 258 (2) in Inclusivity Commission. Due to the provision of activists working in the concerned fields as qualification for being chosen as the members of these commission, inclusion of human rights defenders is seen to be compulsory.

### ***b. Compensation Relating to Torture Act, 1997***

This act has the provision for an individual affected by torture to register complaint in District Court in Article 5. As per subdivision (2) and (3) of this article, if the tortured is deceased, his/her

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<sup>24</sup> B. Policy regarding political and management of rule: 2. Protection and promotion of human rights maintaining rule of law, 3. Implementation of international treaties and conventions to which Nepal is a party

family members or advocates can file the complaint. As per this act, legal advocates are treated as human rights defenders, which is in compliance with the Declaration related to human rights defenders (1998).

### ***c. National Human Rights Commission Act, 2012***

The act in its resolution itself has provided the status of human rights defender to the National Human Rights commission for its role in institutionalizing the promotion and protection of basic human rights. The responsibilities and rights mentioned in its Article 4 is in accordance with the UN declaration for human rights defenders(1998). The provision for filing complaints by the relatives of victims in Article 10 also helps to develop the notion that the act has accepted the existence of human rights defenders. Article 20 of the act facilitates the exchange of assistance from national and international organizations for the promotion and protection of human rights.

### ***d. Investigation on Enforced Disappeared Persons, Truth and Reconciliation Commission Act, 2015***

Article 3 of this Act has the provision of formation of the Truth and Reconciliation Commission. Subdivision (3) of Article 3 has the provision of formation of a committee whose members must be the representatives of Human Rights Commission and human rights activists. The person active in human rights defense must be respected by state law which identifies the responsibility of nation to safeguard the life of activists involved.

Similarly, subdivision (d) of Article 4 in this Act mentions the qualification of chief and members of the commission, one among them being active human rights activists. This identifies the existence and respect of the human rights defenders. Likewise, subdivision (6) of Article 13 of this Act provides the provision for others to file complaint if the victim is unable to do so. Article 17 of the Act

has the provision of responsibility of security on Government which highlights the defenders to be secured under the state. Article 31 of this Act mentions the formation of subcommittee including experts to aid in the commission's actions. This guarantees the involvement of human rights defenders in the subcommittee, with acknowledgement and respect.

***e. Fifth National Human Rights Action Plan 2019-2023***

This Action Plan has made public the plan to respect, promote and protect human rights and its different aspects, inclusive of responsibility of concerned body. For this, concerned Ministry, departments and Government bodies along with FNJ, Nepal Bar Association, consumer unions, and civil societies are given responsibilities. This too systematically identifies the role of human rights defenders.

***f. National Plans and Policies for the Security of Human Rights Defenders During COVID-19***

- i. Formation of high level coordination committee for control and prevention of the Novel Coronavirus.
- ii. Decision of Nepal Government, Office of the Council of Ministers to provide relief package in COVID-19 affected areas has been passed.
- iii. Interim Directory, 2020 for the dissipation of services for COVID-19 and other aspects of health passed.
- iv. Decision by the Council of Ministers on 6<sup>th</sup> April 2020 to deploy private and independent health workers for COVID-19 treatment, and provide them salary, insurance, and allowance similar to that of Government health workers.
- v. Decision by the Council of Ministers on April 2020 to provide Personal Protective Equipment (PPE) and safety tools to all the health workers involved in the treatment of COVID-19.

- vi. Decision by the Council of Ministers on April 2020 vesting the Home Ministry with the obligation for security of frontline health workers in COVID-19 treatment. Individuals who pose threats and barriers in the work of security personnel shall also be punished as per existing laws.
- vii. Council of Ministers on 12 May 2020 called for the general public to pay homage for all the front line workers by lighting candles on the occasion of birth, death and enlightenment dates of Gautam Buddha at their local community.
- viii. Order of risk allowance for doctors working for the treatment of COVID-19 passed by the Council of Ministers on 26 April 2020.

## SITUATION AND FACTUAL ANALYSIS OF HUMAN RIGHTS DEFENDERS DURING COVID-19

**T**his study has identified only three kinds of human rights defenders; health workers, journalists, and human rights activists. The study collected the data using personal questionnaire and focus group discussions. Likewise, the study has used different reports and news published with different media sources in regard to human rights defenders during COVID-19. The study sites were Dhanusha and Rautahat districts of Province-2, Dang and Banke districts of Lumbini Province, Surkhet and Jumla districts of Karnali Province, and Kailali and Dadeldhura districts of Sudurpaschim province.

### 1. Health Workers Active as Human Rights Defenders

It is every individual's undisputed right to be granted appropriate and reasonable access to healthcare. This cannot be ensured unless health workers are ordained respect and protection by the state. Health workers have to work in close contact with patients regardless of their condition, be it either mundane, or a pandemic like COVID-19. This makes them and their families vulnerable to a myriad of conditions. There have been cases of several health workers and their family members infected by COVID-19, with a few even losing their lives. The shortage of resources and increase of workload is seen constantly as the number of patients continue to grow. For the purpose of this study, to be interviewed as health workers, 34 differ-



ent individuals working as doctors, nurses, specialists, technicians in different work stations were interviewed and brought in, at FGD.

All interviewed health workers for the study were of the view that work conditions had not been satisfactory due to COVID-19. They testified to have passed through physical and mental pressure at work. They have also faced difficulties due to their inexperience of handling anything of such scale. They attested to being in constant fear of contracting the virus while taking care of the patients with COVID-19.

Some health workers also complained of harassments and threats, with being accused of not caring for the patients properly from people unaware of COVID-19 protocols. There were cases of abuse and threats to health workers by the relatives of deceased patients in these cases.

The majority of health workers also complained of a shortage of masks, PPE, gloves, shoes and other safety equipment, which has put them and their families at risk of contracting the virus. One health worker interviewed stated that they purchased safety equipment with their own expenses. Some were forced to use the same equipment for around four days and some were bound to share their PPEs with other staff.

Even though the Government has announced a relief package directed towards health workers, such has not been systematically implemented. Most of the interviewed health workers were not informed about the insurance which could provide up to one lakh to those infected with the virus. Likewise, health workers working in private health institutions have not received any sort of risk allowance or additional facilities. Instead, they have complained of reduction of their salaries by close to 50%. Local Health workers were subject to deduction of income equivalent to five days from their overall income. Some health workers in private institutions in Nepalgunj have also reported of not having received their salary on time.

A majority of interviewed health workers complained about threats, harassment, and discrimination from their communities amid perceived risks of COVID-19. This could be due to the notion that health workers could be responsible for community transmission. Health workers living in rented spaces were forced to leave their space and even forced to send other individuals for purchasing basic groceries. As per health workers, people in their communities kept away from them and they were deprived of basic warmth, even though they were stressed and overworked due to the scale of COVID-19. In Rautahat, health workers were accused of false positive results and harassed and abused by surrounding neighbors. A health worker was socially boycotted for working in isolation center in Nepalgunj.

A majority of health workers resisted the pressure arising from the government and security bodies after the start of COVID-19. However, unnecessary interrogations and incursions were made on them, even on their way to work, by security personnel. It has been found that health workers received threats from leaders, political activists, and local representatives for the COVID-19 testing and high-ranking officials were prioritized, regardless of pre-existing conditions. A health worker was displaced without his plea to cancel sports activities being taken seriously. None of the interviewed health workers faced gender violence, however a health worker informed that he had seen such incidents unfold in the course of service.

Health workers complained about community transmission of the virus and mounting pressure in the absence of efficient awareness programs. They have been deprived of leave even during public holidays and festivals, being away from family and friends due to the high risk of COVID-19.

During the survey, health workers were found to face various barriers while utilizing their economic, social and cultural rights during COVID-19. Although these barriers have lessened to an extent compared to the peak of the pandemic, they continue to persist.

The Declaration on Human Rights Defenders has placed health workers who work for protection of public health within the definition of human right defenders. A majority of the interviewed health workers were unknown about the Declaration on Human Rights Defenders. They also said they have never received trainings or awareness programs related to human rights.

## **2. Journalists as Human Rights Defenders**

Journalists have been broadcasting and publishing data, and analyzing the situation even in the midst of a pandemic. During the study, a total of 21 journalists working in various newspapers, radio, television and online websites were contacted for interviews and FGDs to acquire information.

The contacted individuals have informed that they have been on field to keep the general public updated about the pandemic's situation. They stressed on their efforts to publish and broadcast even during a situation of lockdown in various regions of the country. Journalists from all districts remarked on job changes after the pandemic took over. It was found that only a few media houses provided health safety equipment, and individuals working with others were bound to manage them on their own. There had also been difficulties in reporting as field visits and direct meetings were limited. Government officials have also been skipping press conferences or releases on other critical information citing COVID-19 as an excuse.

Journalists have said that they have been publishing and broadcasting incidents of irregularities with regard to relief distribution during the pandemic. They have been publishing news on rates of infection, testing, treatment, and management of patients. The limited sources of information and problems in acquiring them, however, have raised valid questions on the credibility of reported news. Journalists been working during the pandemic with them and their families at high risk of contracting the virus. They report that their

working environment has been in chaos, as shown by the increase in number of infected journalists.

FNJ has assisted affiliated journalists with an insurance amount of one lakh. However, not all media houses have opted for the insurance of their employees in case they contract the virus.

Journalists have been utilizing social media as they were unable to publish at the start of lockdown on any recent developments. Media houses have been unable to pay their employees, with some even having lost their jobs due to lack of advertisements in private media. The decrease in number of pages in print media also meant that employees were compelled to face deduction on their pay. It was a difficult situation to run media houses for corporations in absence of any substantive government relief.

It was reported that over 5 dozen media houses were shut down in Karnali Province after the onset of pandemic, with over 80 journalists and 60 employees losing their jobs. And although the lockdown has been lifted, over a dozen media houses are yet to reopen. FNJ Karnali Province has asked for a relief package of 50 lakhs to bring these media houses back to normalcy, with due procedure now in progress.

Journalists have faced threats and attacks from different groups in Kailali, with reports being ignored or pushed down. Police have instead been reported to have physically infringed on journalists while they were reporting in Janakpur, alongside barriers for information flow in Surkhet.

A majority of journalists faced difficulties while working at the start of pandemic with a great fear of contracting the virus. Although they are currently working with following safety measures, the working environment is still adverse.

The majority of journalists interviewed were unaware about the UN Declaration on Human Rights Defenders, 1998.

### 3. Human Rights Activists

The application of human rights was found to be more challenging during the COVID-19 pandemic, as compared to normal times. Human rights defenders have been playing crucial role in investigations, research, and advocacy amidst the current situation. This section of the study has included individuals currently working for investigation, research, and advocacy of human rights.

All interviewed human rights activists have acknowledged changed circumstances after the pandemic's onset. The initial days of the pandemic were especially challenging as they were in constant fear of contracting the virus. The initial period of lockdown had significantly affected their regular course, however things have started to ease up in recent days. A majority of activists have coordinated with respective local governments for the distribution of relief package to vulnerable communities.

The interviewed activists stated to have collected facts through electronic media as they were unable to be on field due to COVID-19. During a time of rapid human rights infringements, they are unable to reach the place of infringement for providing assistance to victims. This has deprived several victims from getting pivotal legal help and medical treatment.

The period of lockdown also meant heightened problems in rendering services by NGOs, conducting regular programs, and providing regular pay to staff, as per activists involved with these organizations. It has been known that not all organizations have provided staff with COVID-19 insurance.

Human rights activists working for Dalit rights in Rautahat were found to be threatened by law enforcement. Some women interviewed also stated how they were denied access to information, being discriminated on their gender. A case of threat by a rape accused to a human right activist was noted in Surkhet, later handled by law enforcement. A female activist was threatened by a "Youtuber" for sim-

ply denying requests for an interview. Similarly, a female activist was threatened on murder by a police individual in Dhanusha District. Even though interviewed activists had received trainings and attended various programs related to human rights, most of them were unaware of the UN Declaration on Human Rights Defenders, 1998.

#### **4. Facts Obtained from Reports of Different Organizations**

National Human Rights Commission has published a report on the status of human rights during COVID-19 in collaboration with FNJ, Nepal Bar Association, and NGO Federation of Nepal. As per the report, due to the imposition of lockdown measures after the COVID-19 onset, many national and local newspapers were closed, journalists were forced for leave without pay, media houses faced economic stiffness, and several journalists were arrested simply for sharing their thoughts on social media. There were reports of attempted abuses and threats from local levels for reporting by journalists. The report has recommended the implementation of short-term, mid-term and long-term plans for journalistic reporting, access to information to journalists, creation of favorable work conditions for frontline workers working during COVID-19, and the guaranteeing of security, pay and respect to those involved during these times.

Similarly, FNJ has published an initial report from on-field investigation on media houses.

The report has concluded that the prerequisite made by media houses during the pandemic to its employees were not satisfactory. Field reporters, photo journalists, camera personnel were asserted to be under high risk. The lack of safety measures in many media houses, difficulty for employees in getting regular pay, having to do overtime work without extra pay, and threats and abuses on journalists in different parts of the country were also mentioned in the report. The report has mentioned 18 incidents of infringement to the right to free press affecting 24 journalists. The report has also mentioned

the abuse faced by journalists in their local communities during the pandemic<sup>25</sup>.

Similarly, a study carried collectively by FNJ and Share cast Initiatives Nepal<sup>26</sup> has concluded that about 40 % of journalists, mainly women, have had a direct impact on their work and income during the pandemic. The study has said 70 % of the journalists were unable to collect news due to the pandemic and subsequent lockdown. They were also insecure while going on field for reporting in hospitals, in the absence of appropriate health safety measures<sup>27</sup>. About 10 % of journalists were even reported to be considering a change in profession. Likewise, around 2.5 % of media executives were considering shutting down their respective media houses. They believed that if the current situation were to persist into the future, corporate opportunities in the media landscape was likely to significantly contract<sup>28</sup>.

As per FNJ President Mr. Govinda Acharya, 5 journalists have deceased and 1300 journalists registered with FNJ have lost their jobs. In order to address the issue, FNJ has set up a relief fund of 10 million Nepalese Rupees and has aimed to help journalists as per their need<sup>29</sup>. Likewise, 385 complaints were registered in FNJ relating to exclusion from jobs, and 320 were addressed. Twelve cases of journalists were sent to labor court. The majority of journalists on leave were reported to be women, and around 300 newspapers around the country were closed<sup>30</sup>. FNJ has mentioned that it is working for the insurance of majority of journalists with the request to the government and other concerned stakeholders.

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25 Initial report from the field investigation on media houses by FNJ

26 Result of survey conducted by FNJ and Sharecast Initiatives, Nepal on Impact of Covid-19 on journalism sector.

27 32 number point in Nepali Report

28 33 number point in Nepali report

29 Based on discussions in the office of FNJ on 19 November 2020.

30 35 number point in Nepali Report

## LEGAL ANALYSIS

### 1. Based on International and National Laws

There is no binding document to directly address the issue of human rights defenders by the UN or any other regional or international organizations. A soft law regarding human rights defenders has been passed by the UN in 1998, and regional powers like European Union, African Union, Association of American Nations have their own documents, only applicable within limited scope. However, the issue of human rights defenders have been mentioned in different international treaties and conventions.

The UN has committed to work for promotion and protection of fundamental human rights in its resolution<sup>31</sup>. This makes it clear that the aim of the establishment of the UN is to safeguard human rights, among several others. Similarly, the UN Charter in its section 1(3) mentions its objective to encourage a sense of respect towards human rights and gain international support for its development. Nepal is also bound to follow it being the member nation of UN. Nepal currently lacks legislation to directly deal with the issues of human rights defenders. As the pandemic has shown the importance of human rights defenders, especially during crises, it is critically important to draft such legislation promptly. This has also been stressed by various individuals interviewed for this research.

As per the Universal Declaration on Human Rights (1948) section 19<sup>32</sup>, each person has the right to free expression. However, journalists have been deprived from this right in many cases as per

<sup>31</sup> Resolution of Charter of United Nations, 1945

<sup>32</sup> Every person has right to opinion and expression. This includes the right to acquire, express, advocate and publish information without any barrier.



the result of this research. Even though section 28(2) of this Declaration has given the right for all to be vested with all rights mentioned in it, human rights defenders are deprived of professional and personal security, and are bound to depend only on general laws for their protection.

## 2. Based on National Policies and Programs

Nepal Government has issued a directive to address the COVID-19 pandemic. By the decision of Council of Ministers on 1 March 2020, by the leadership of the Defense Minister, “High Level Coordination Committee for Prevention and Control of Novel Corona”<sup>33</sup> was formed. After civil society pointed its lack of inclusiveness, some changes were made in the committee to address this concern. Although several meetings were held by the Committee, its work has not been effective, as the participants attested.

Likewise, the “Action Plan of Decision Implementation of Council of Ministers, Nepal Government with Regard to Providing Relief to Areas Affected by COVID-19”<sup>34</sup> was issued to ease the day-to-day life of workers and low income individuals. However, this was seen as ineffective in the course of implementation. There have been questions raised on government efficiency over its different action plans and committees for COVID-19 control, especially at the district and local levels, per participants of the study.

In the meantime, a press release<sup>35</sup> by the Home Ministry on 23 August 2020, has mentioned that an order was issued to security bodies and CDOs to act against threats and abuses on frontline workers working during the COVID-19 pandemic. The condition in some observed places after this order was issued, was found to be improved.

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33 <https://www.opmcm.gov.np/download> ( 55 number point in nepali report)

34 No information (56 number point in nepali report)

35 <https://mohp.gov.np/home/#2> (57 number point in nepali report)

Similarly, the Ministry of Health and Population has issued “Interim Directory for Delivery of Services Related to COVID-19 and other Health Services 2020”<sup>36</sup>. It has mentioned the means for service delivery and institutional mechanisms for COVID-19 treatment.

As per the decision of Council of Ministers on 6 April 2020<sup>37</sup>, a provision is made to deploy private health workers in COVID-19 treatment, and provide them with benefits and insurance similar to that of government health workers. It is, however, not implemented as per the participants of this study. Although the provision of insurance of 1 lakh for health workers employed for COVID-19 treatment is made, it has not been implemented efficiently in private and locally run health institutions. Similarly, even though the Council of Ministers in April 2020 decided to provide health workers with appropriate health safety equipment, during COVID-19 treatment, it has not been seen to be effectively implemented. This is more serious in private and community health centers. The partial implementation of security provisions for frontline health workers by the Home Ministry has been seen.

Although the decision by Council of Ministers on 26 April 2020<sup>38</sup> directed the provision of risk allowance to frontline health professionals during COVID-19, they did not reported to have received such an allowance yet.

Further, the President of FNJ has not set up the fund as per the provision in section 17<sup>39</sup> of Act of Sramjivi Patrakar. As per the decision of Supreme Court<sup>40</sup> on 20 September 2020, the progress on said fund will be presented in court. This decision has made it easier for the government and other stakeholders to compel corporate media houses to set up the fund.

36 <https://mohp.gov.np/home/#2> (58 number point in nepali report)

37 <https://www.moha.gov.np/post/press-release-2034> (59 number point in nepali report)

38 <https://www.opmcm.gov.np/download> (62 number point in nepali report)

39 Section 17, Welfare Fund: Welfare fund must be set up by management for the welfare of working journalists. (63 number point in nepali report)

40 Office of the Prime Minister and Council of Ministers against inclusive of Govinda Acharya, Singha Durbar, Kathmandu, Ananda Mohan Bhattarai, 20 September 2020. (64 number point in nepali report)

# ANALYSIS, CONCLUSION AND RECOMMENDATIONS

## 1. Analysis and Conclusion

As per the Declaration on Human Rights Defenders, each person, community, and organization working for the promotion and protection of human rights have been defined as human rights defenders. These defenders are highly important in coordinating and facilitating for human rights conservation. Defenders must work at front line to protect fundamental human rights of people during periods of crises, disasters, and as of late, pandemics. This has resulted them to face several challenges, with many losing their lives.

Nepal could not be alienated from the global COVID-19 pandemic. The cases of infections and deaths are rising. Along with this, people's right to live, equality, education, health, information, right against discrimination, and rights related to freedom as mentioned in section 17 of the Constitution have been infringed upon. During these difficult times, human rights defenders of Nepal have been working effortlessly for the protection and preservation of human rights of the people.

Health workers are working tirelessly by treating infected patients and dissipating information to prevent cases and the meansto utilize different health safety measures. Similarly, journalists have been informing and spreading information on different aspects of COVID-19. Human rights activists are spreading awareness, helping

to protect the human rights of people and coordinating for legal assistance for people in need.

The current study carried out by Informal Sector Service Centre (INSEC) has collected data on the status of health workers, journalists and other human rights activists working in the present difficult situation of the COVID-19 pandemic.

As per the analysis of collected data, the personal to professional lives of human rights defenders have been affected by the COVID-19 pandemic. They are seen working with the fear of contracting the infection to themselves, family, community, and colleagues. The chances of infection are even high due to the absence of adequate health safety measures. Health workers are forced to work remaining away from family members. Journalists and human rights activists are unable to collect facts from field and are forced to use electronic media. The daily activities of NGOs have been disrupted. The defenders themselves have been infected in many cases. This has hindered their right to health and security.

Human rights defenders who work for promotion and advocacy of people's human rights, are themselves vulnerable and are forced to face threats, abuses from their community, security bodies, and workers of political parties. This has hindered their right to respectful lives. The state has also been unable to secure the life, and other rights of the defenders.

The study has shown the state of discrimination in COVID-19 insurance, and supply of health safety measures for defenders working during these times. FNJ's effort towards insuring its members against COVID-19 is commendable. However, most journalists in other media houses have been deprived of this benefit. During this period, 500 journalists have lost their jobs, 5 have lost their lives due to COVID-19, and 24 have been affected by 18 cases of violations of the right to free press.

There is no uniformity in employment and salary among human rights defenders during the time of COVID-19. Government health workers have received COVID-19 insurance and extra allowances, unlike the majority of those working in private and local health centers. There is a state of loss of employment and income by private journalists. Due to the lack of a concrete relief package by the government, the rights of defenders for employment has been violated.

The defenders were greatly fearful of carrying out their duties at the onset of this pandemic, due to their inexperience of dealing with such a situation. As time has passed, they have coped with difficult circumstances and have carried out their duties efficiently. Due to the increase in number of infected patients, a lack of strong effort from the government, and also in absence of adequate health safety measures, the defenders are working in high risk conditions.

## **2. Recommendations**

Following recommendations are made from the observed facts during the study:

### **a. For Nepal Government, Province Government and Local Government**

- To lawfully prosecute government officials, security personnel, and other groups who abuse and threaten human rights defenders in the course of their duty.
- To make arrangements for easy access to required information, and help to create a favorable environment to work for defenders.
- To make adequate arrangements for health safety measures of defenders working during the pandemic.
- To make arrangements for insurance and risk allowance for all defenders working during the pandemic.

- To arrange reestablishment in previous workplace and relief package for all the defenders.
- To arrange free health facilities to all the defenders infected by COVID-19.
- To create awareness in public for respecting defenders working in the time of pandemic putting themselves in risks.
- To draft required legislations per international criteria for protection of defenders by all three tiers of Government.
- To include topics on human rights defenders on trainings and seminars by the government and other organizations.

**b. For National Human Rights Organizations, Human Rights Defenders and Non-Government Sectors**

- To advocate and arrange for adequate health safety measures and insurance for security of human rights defenders.
- To advocate for the guarantee of employment and income of defenders during pandemic.
- To make arrangements for equipment required for execution of public health policies.
- To work prioritizing senior citizens, the sick, women, and children.
- To use technology to reduce infection chances during in-person work arrangements.
- To follow rules and directories issued by NHRC with regard to human rights defenders.
- To work for formation of integrated laws in the favor of human rights defenders.

**Informal Sector Service Centre (INSEC)**  
**Central Office, Kathmandu, Nepal**  
**Questionnaires prepared to study the situation of human rights**  
**defenders during the COVID-19 pandemic**

### Section 1

#### **a. Introduction**

District of survey ..... Municipality or Rural Municipality ..... Ward No..... Tole ..... Day ..... Time .....  
Name of surveyor ..... Related organization of surveyor ..... post..... Contact no ..... Email .....

#### **b. Details of respondents**

Name ..... District ..... Municipality/Rural Municipality ..... Ward No ..... Tole ..... Affiliation ..... Nature of work ..... Gender ..... Age ..... Ethnicity ..... Contact No..... Email .....

### Section 2

#### **General information**

- a. Please tell us about your work in brief.
- b. How long have you been active in this area?
- c. What was the situation of your professional activities before the onset of COVID-19?
- d. What changes have you felt in your work after the start of the pandemic?

- e. Have you received any trainings or seminars related to human rights during your work?
- f. What training have you attended related to human rights defenders?
- g. Do you know about the UN Declaration on Human Rights Defenders, 1998?

### **Section 3**

Questions related to organizations (employment, salary, health, security, rest, entertainment etc.)

- a. What sorts of arrangements (for health safety) were made by your organization for the safety of human rights defenders to prevent them from contracting COVID-19?
- b. What sorts of provisions were made by your organization towards you and other staff working currently with regard to insurance and economic relief packages?
- c. Have you been deprived of full salary, bonuses, stipends, and other economic and social facilities from your organization in the name of lockdown due to COVID-19?
- d. Are there any cases of gender discrimination and sexual harassment with you or your colleagues in the workplace?
- e. Is there enough dissipation of information among its staff in your organization to prevent them from contracting COVID-19?
- f. Has there been any study or training carried out by your organization to uplift your qualification, skills and functionality?

### **Section 4**

Questions related to Government and security personnel (work freedom, abduction, forced disappearance, arrest, threat, rights against violence)



- a. Are there any cases of impediments from government officials, public office bearers, and security personnel during the fulfillment of your professional duties?
- b. Have you been affected by displacement, abduction, forced disappearance, or gender based violence and sexual harassment during your duties?
- c. If you know, can you please tell us about the cases of human rights defenders (inclusive of professionals from other sectors too) being displaced, abducted, disappeared or sexually harassed?

### **Section 5**

Questions related to Non-Government Organizations (Personal security, judicial rights against criminal activities, right to compensation)

- a. Have there been any barriers from criminal groups, violence, threats, and abductions while fulfilling your duties?
- b. Have you faced any barrier from mainstream and underground political parties while on duty?
- c. If you have faced any of the problems mentioned above, have you filed any complaint with concerned authorities? What sort of response have you received?
- d. Have you informed professional unions related to your employment about the problems, if you have faced any? What sort of assistance have you received from them?

### **Section 6**

Questions related to other aspects of human rights

- a. Can you please tell us about the situation of human rights defenders in brief?
- b. Each person, whether individual, or in a group, has the right to promote and protect human rights as per section 1 of UN

Declaration on Human Rights Defenders, 1998. What is your experience regarding it?

- c. Section 6 of the above mentioned Declaration has granted rights to people, whether individual or in groups, to have access, acquisition, collection, and archive of provisions in judicial, legal and administrative sectors with regard to human rights. Have you found this practice being implemented?
- d. Section 8 of the above Declaration has provided rights to people, whether individually or in groups, to criticize and provide feedback regarding the working style of concerned governmental bodies, or organizations. What has been your experience with regard to this provision?

## **Section 7**

### **Conclusion**

- a. If you have any suggestions or things to say, can you please highlight them?

**Informal Sector Service Centre (INSEC)**  
**Central Office, Kathmandu, Nepal**  
**Questionnaires prepared to understand the situation of health**  
**workers during COVID-19 Pandemic**

**Section 1**

**a. Introduction**

District of survey ..... Municipality/Rural Municipality  
.....Ward No ..... Tole ..... Date ..... Time .....  
Name of surveyor ..... Name of affiliated organization  
..... post ..... Contact No .....  
Email .....

**b. Details of respondents**

Name ..... District ..... Municipality/  
Rural Municipality .....Ward No ..... Tole .....  
Name of organization ..... Nature of organization  
.....Gender ..... Age ..... Ethnicity .....  
Contact No .....Email .....

**Section 2**

Questions on general information (open ended questionnaire)

- a. Can you briefly tell us about your job?
- b. How long have you been active in this sector?
- c. What was the situation of your professional activities before the COVID-19 pandemic?
- d. What changes have you realized after the onset of COVID-19 in the course of your employment?
- e. Have you been affected by any sort of physical or mental strain due to COVID-19?

- f. Have you got a chance to attend any training or seminar about human rights during your job?
- g. Do you have any acquaintances about the UN Declaration on Human Rights Defenders 1998?

### **Section 3**

Questions related to the organization (Employment, salary, health, security, rest and entertainment)

- a. What sort of arrangements were/is made at your organization regarding the health and safety of its staff?
- b. What sorts of provisions were made by your organization towards you and other staff working in it with regard to insurance and economic relief package?
- c. Have you been deprived of full salary, bonuses, stipends, and other economic and social facilities from your organization in the name of lockdown due to COVID-19?
- d. Are there any cases of gender discrimination and sexual harassment with you or your colleagues in the workplace?
- e. Is there enough dissipation of information among its staff in your organization to prevent them from contracting COVID-19?
- f. Has there been any study or trainings carried out by your organization to uplift your qualification, skills and functionality?

### **Section 4**

Questions related to Government and security personnel (work freedom, abduction, forced disappearance, arrest, threat, rights against violence)

- a. Are there any case of impediments from Government officials, public office bearers, and security personnel during the fulfillment of your professional duties?
- b. Have you or other health professionals been affected by displacement, abduction, forced disappearance, or gender based violence and sexual harassment during your duties?

## Section 5

Questions related to Non-Government Organizations (Personal security, judicial rights against criminal activities, right to compensation)

- a. Have there been barriers from criminal groups, violence, threats, or abduction while fulfilling your duties?
- b. If you have faced any of the problems mentioned above, have you filed any complaint with concerned authorities? What sort of response have you received?
- c. Can you briefly tell us about the implementation of provisions mentioned in Article 8 of Public Health Act 2018 in your organization (following rules of the organization by health beneficiaries, explaining truth about health problems the patient is facing, helping health workers, preventing any sorts of abuse on health workers etc.)
- d. As per Article 16 of the Public Health Act 2018, all health institutions must provide health services from qualified professionals, and health institutions must ensure to protect the spread of diseases adopting safety measures. Can you please tell us about the state of its implementation in your organization?

## Section 6

Questions related to other aspects of human rights

- a. During this period while working towards your duties, have you received any help from civil societies, other professional organizations, and human rights organizations?

## Section 7

### Conclusion

- a. If you have any suggestions or things to say, can you please highlight them?

**Informal Sector Service Centre (INSEC)**  
**Central Office, Kathmandu, Nepal**  
**Questionnaires prepared to understand the situation of**  
**journalists during COVID-19 Pandemic**

**Section 1**

**a. Introduction**

District of survey ..... Municipality/Rural Municipality ..... Ward No ..... Tole ..... Date ..... Time ..... Name of surveyor ..... Name of affiliated organization ..... post ..... Contact No ..... Email .....

**b. Details of respondents**

Name ..... District ..... Municipality/Rural Municipality ..... Ward No ..... Tole ..... Name of organization ..... Nature of organization .. Gender ..... Age ..... Ethnicity ..... Contact No ..... Email .....

**Section 2**

Questions on general information (open ended questionnaire)

- a. Can you briefly tell us about your job?
- b. How long have you been active in this sector?
- c. What was the situation of your professional activities before the COVID-19 pandemic?
- d. What changes have you realized after the start of COVID-19 in your job?

- e. Have you been affected by any sort of physical or mental strain due to COVID-19?
- f. Have you got chance to attend any training or seminar about human rights during your work?
- g. Do you have any acquaintances about the UN Declaration on Human Rights Defenders 1998?

### **Section 3**

Questions related to the organization (Employment, salary, health, security, rest and entertainment)

- a. What sort of arrangements were/is made at your organization regarding the health or safety of its staff?
- b. What sorts of provisions were made by your organizations towards you and other staff working in it with regard to insurance and economic relief package?
- c. Have you been deprived of full salary, bonuses, stipends, and other economic and social facilities from your organization in the name of lockdown due to COVID-19?
- d. Are there any cases of gender discrimination or sexual harassment with you or your colleagues in workplace?
- e. Is there enough dissipation of information in your organization among its staff to prevent them from contracting COVID-19?
- f. Have there been any studies or trainings carried out by your organization to uplift your qualification, skills and functionality?

### **Section 4**

Questions related to Government and security personnel (work freedom, abduction, forced disappearance, arrest, threat, rights against violence)

- a. Have you faced any barriers from government officials, public office bearers, and security personnel while enjoying your

right to press as mentioned in Section 19 of the Constitution of Nepal?

- b. Have you or other journalists been affected by displacement, abduction, forced disappearance, and gender based violence or sexual harassment during your duties?
- c. There is provision for press representation and free journalism in Section 20 of Press and Publication Act 1991. Can you please tell us whether it is followed or violated during current circumstances?

### **Section 5**

Questions related to Non-Government Organizations (Personal security, judicial rights against criminal activities, right to compensation)

- a. Have there been any barriers from criminal groups, violence, threats, or abduction while fulfilling your duties?
- b. Have you faced any barriers from mainstream and underground political parties while on duty?
- c. If you have faced any of the problems mentioned above, have you filed any complaint with concerned authorities? What sort of response have you received?
- d. What sorts of response have you seen from FNJ or other professional institutions with regard to the above mentioned problems?

### **Section 6**

### **Conclusion**

- a. If you have any suggestions or things to say, can you please highlight them?



**Informal Sector Service Centre (INSEC)**  
**Central Office, Kathmandu, Nepal**  
**Questionnaire prepared for Focus Group Discussion with jour-**  
**nalists and human rights activists**

**Section 1**

**a. Introduction**

District of survey ..... Municipality/Ru-  
ral Municipality..... ward No ..... Tole .....  
Date..... Time ..... Name of surveyor .....  
Affiliation ..... Post ..... Contact No .....  
Email .....

**b. Details of respondents (all participants)**

Name ..... Address ..... District  
.....Municipality ..... Rural Municipality  
..... Ward No ..... Tole ..... Name of or-  
ganization .....Type of media ..... nature  
of work ..... Gender .....Age ..... Contact No  
..... Email.....

**Section 2**

Questions on general information (Personal experience, freedom,  
right to live, right to adequate standard of life, trainings, right to ex-  
posure)

- a. Can you briefly tell us about your job?
- b. What was the situation of your professional activities before  
the COVID-19 pandemic?

- c. What changes have you realized after the onset of COVID-19 in your job?
- d. Have you got any chances to attend any training or seminar about human rights during your job?
- e. Do you have any acquaintances about the UN Declaration on Human Rights Defenders 1998?

### **Section 3**

Questions related to the organization (Employment, salary, health, security, rest and entertainment)

- a. What sort of arrangements were/is made at your organization regarding the health and safety of its staff?
- b. What sorts of provisions were made by your organization towards you and other staff working in it with regard to insurance and economic relief package?
- c. Have you been deprived of full salary, bonuses, stipends and other economic and social facilities from your organization in the name of lockdown due to COVID-19?
- d. Are there any cases of gender discrimination or sexual harassment with you or your colleagues in the workplace?
- e. Is there enough dissipation of information among staff in your organization to prevent them from contracting COVID-19?
- f. Have there been studies or trainings carried out by your organization to uplift your qualification, skills and functionality?

### **Section 4**

Questions related to Government and security personnel (work freedom, abduction, forced disappearance, arrest, threat, rights against violence)

- a. Have you faced any barriers from government officials, public office bearers, or security personnel while enjoying your right

to press as mentioned in Section 19 of the Constitution of Nepal?

- b. Have you or other journalists been affected by displacement, abduction, forced disappearance, gender based violence and sexual harassment during your duties?

## **Section 5**

Questions related to Non-Government Organizations (Personal security, judicial rights against criminal activities, right to compensation)

- a. Have there been barriers from criminal groups, violence, threats, or abduction while fulfilling your duties?
- b. Have you faced any barriers from mainstream and underground political parties while on your duty?
- c. If you have faced any problems mentioned above, have you filed any complaint with concerned authorities? What sort of response have you received?
- d. What sorts of response have you seen from FNJ, human rights networks, and other professional institutions with regard to the above mentioned problems?

## **Section 6**

### **Conclusion**

- a. If you have any suggestions to say, can you please highlight them?

## Informal Sector Service Centre (INSEC)

### Central office, Kathmandu, Nepal

## Questionnaire prepared for Focus Group Discussion to understand the situation of human rights of health workers during COVID-19 pandemic

### Section 1

#### a. Introduction

District of survey ..... Municipality/Rural Municipality ..... Ward No ..... Tole ..... Date ..... Day ..... Time ..... Name of surveyor ..... Affiliation ..... Post ..... Contact No ..... Email.....

#### b. Details of respondents

Name ..... District ..... Municipality/Rural ..... Ward No ..... Tole ..... Organization ..... Nature of organization ..... .. Nature of service ..... Gender ..... Age ..... Ethnicity ..... Contact No ..... Email .....

### Section 2

#### Questions on general information

- Can you briefly tell us about your job?
- What was the situation of your professional activities before the COVID-19 pandemic?
- What changes have you realized after the start of COVID-19 in your job?

- d. Have you got chances to attend any training or seminar about human rights during your job?
- e. Have you suffered from any physical or mental problems during the COVID-19 pandemic?
- f. Are there any changes to your daily life due to COVID-19?

### **Section 3**

Questions related to the organization (Employment, salary, health, security, rest and entertainment)

- a. What sort of arrangements were/is made at your organization regarding the health and safety of its staff?
- b. What sorts of provisions were made by your organization towards you and other staff working in it with regard to insurance and economic relief package?
- c. Have you been deprived of full salary, bonuses, stipends and other economic and social facilities from your organization in the name of lockdown due to COVID-19?
- d. Are there any cases of gender discrimination or sexual harassment with you or your colleagues in workplace?
- e. Is there enough dissipation of information among staff in your organization to prevent them from contracting COVID-19?

### **Section 4**

Questions related to Government and security personnel (work freedom, abduction, forced disappearance, arrest, threat, rights against violence)

- a. Are there any cases of impediments from Government officials, public office bearers, or security personnel during the fulfillment of your professional duties?
- b. Have you or other health professionals been affected by displacement, abduction, forced disappearance, and gender based violence or sexual harassment during your duties?

- c. As per Article 16 of the Public Health Act 2018, all health institutions must provide health services from qualified professionals and health institutions must ensure to protect the spread of diseases, adopting safety measures. Can you please tell us about the state of its implementation in your organization?
- d. With regard to this, can you please tell us if any mentioned laws and policies have been implemented or not?

## **Section 5**

Questions related to Non-Government Organizations (Personal security, judicial rights against criminal activities, right to compensation)

- a. Can you briefly tell us about the implementation of provisions mentioned in Article 8 of the Public health act 2018 in your organization (following rules of the organization by health beneficiaries, explaining truth about health problems the patient is facing, helping health workers, and preventing any sorts of abuse on health workers etc.)
- b. Have there been any barriers from criminal groups, violence, threats, or abduction while fulfilling your duties?
- c. Have you faced any barriers from mainstream and underground political parties while on your duty?
- d. If you have faced any of the problems mentioned above, have you filed any complaint with concerned authorities? What sort of response have you received?
- e. What sorts of response have you got from unions of health workers in above mentioned problems?
- f. Have you got any changes in your and personal life due to the above mentioned problems?

## **Section 6**

Questions related to other aspects of human rights

- a. During this period while accomplishing your duties, have you received any help from civil society, other professional organizations, and human rights organizations?

## **Section 7**

### **Conclusion**

- α. If you have any suggestions or things to say, can you please highlight them?

**Informal Sector Service Centre (INSEC)**  
**Central Office, Kathmandu, Nepal**  
**Directory of procedures and methodology for field research on**  
**situation of human rights defenders 2020**

1. Selection of Geographical Field of Research
  - Provinces where research will be conducted; (Province-2, Karnali, and Sudurpaschim Province)
  - Two each District will be elected from the following provinces; Dhanusha and Rautahat from Province-2, Banke and Dang from Lumbini, Surkhet and Jumla from Karnali and Kailali and Dadeldhura from Sudurpaschim.
2. Selection of Focal Person and Field Surveyor
  - Provincial office has to appoint a focal person of officer level with the coordination of central office.
  - Provincial office can choose District surveyors (internal or external) with the coordination of central office.
  - The chosen individuals for research will be oriented by researchers or officers from the central office.
3. Selection of Respondents
  - People working at the front lines in concerned sector has to be chosen for interviews in Districts.
  - Gender and other inclusiveness must be focused while choosing the interviewee.
  - It is preferred if the interviewees are from diverse natures of services and positions.
  - It is recommended the provision of snacks is made for the interviewee on his/her way for interview.
4. Selection of Respondents for Focus Group Discussion
  - Front line workers must be chosen at District level FGD.



- Gender and other inclusiveness must be prioritized while choosing respondents.
- Respondents must be from diverse nature of jobs and positions.
- It is recommended for the provision of snacks for the respondents.

## 5. Responsibility of Surveyor

- The detailed address of the respondent must only be mentioned with the consent of them.
- Surveyor must explain the details of research, own identity, organizational identity to the respondents.
- There can be construction of environment of spontaneity before entering the subject matter.
- Time, date and place is recommended to be chosen as per the convenience of the respondent.
- Privacy of the interview must be maintained.
- After explaining all the aspects of research, the surveyor can enter into the topic.
- The surveyor must clarify that the respondent can even forward their feedback and information after the interview to the central office through phone, email, or fax.
- If asked, the surveyor must provide their address and the organization they are affiliated with.
- Questions must be asked with courtesy and must be clarified if the respondents find it difficult to understand. If the respondent shows unwillingness to answer for any question, it must be mentioned.
- The respondents must be assured of the privacy of the interview and must be clarified that their information will not be dissipated in any form.
- If the respondent has any special thing to say, it must be noted at the end.
- The information shall only be discussed with the concerned authorities the surveyor is affiliated to.

Selection of journalists can be carried out in following ways. If these criteria do not meet, they can be chosen with the consultation at local level					
S.No	Persons Selected for Interview	Name and Nature of Media	Number	Inference	
1	Provincial President of FNJ or Secretary or other senior journalists	Any	1	Any	
2	Editor or active correspondent	Popular local newspapers	1	Any	
3	Provincial head or senior correspondent	Related to television	1	Run at local or national level	Women prioritized
4	Editor or senior correspondent	Local or national print media	1		Tribal community prioritized
5				<b>Total</b>	<b>4</b>

- The surveyor must reach out to the respondents as per the convenience of the respondents.
- The surveyor may choose to ask questions that might be helpful but is not present in the questionnaire.

## 6. Method and Process of Research

### a. Key Informant Interview

- The interview must be carried in physical presence of both surveyor and respondent.
- The interview must be conducted one on one without the presence of anyone apart from the surveyor and respondent.
- Since the interview is to be taken with three categories of respondents, there must be a situation where they cannot interact with each other.
- There must not be dissipation of information of one respondent to the others and the answers must not be compared. However, additional questions can be asked without disclosing the further details.
- The surveyor must keep patience even if the respondents go off topic.
- If an in-person interview is impossible, the interview can be taken electronically with the consent of focal person in central office or provincial office.
- The interview must be taken, to the greatest possible extent, with the representatives of NFJ, Human Rights Network, and network of health workers.

### b. Focus Group Discussion

- It is recommended to carry the FGD by two surveyors. One can ask the question and the other can note it down.
- Stationery can be provided to the participants, if they require as such.
- Photographs can be taken with the consent of the participants.
- Answers of the participants can be recorded with their consent.

**Selection of human rights defenders can be carried out in following ways. If these criteria do not meet, they can be chosen with the consultation at local level**

<b>S.No</b>	<b>Persons Selected for Interview</b>	<b>Name and Nature of Media</b>	<b>Number</b>	<b>Inference</b>	
1	Provincial head, secretary or other senior member of human rights network, NGO, network of human rights defenders	Any	1	Any	
2	Senior member of activists working in the field of health, food, environment, shelter		1	Any	Women prioritized
3	Head, director or representative working for Dalit, tribal communities		1	Run at local or national level	Dalit and tribal community prioritized
4	Head or representative of women rights network, women human rights defenders network	Local or national print media	1	Run at local or national level	Tribal community prioritized
5				<b>Total</b>	<b>Total 4</b>

- Journalists and human rights activists can be placed separately or together for the discussion.
- Health workers can be placed together or separately for the discussion.
- If there is a separate meeting with all three groups of people, no more than 5 participants shall be chosen from each meeting.
- Gender equality must be focused while conducting the discussion.
- The participants must be brought back to the topic if they wander outside the concerned subject.
- If the gathering for FGD is impossible, it must be informed to the provincial or central office and the decision made after can be applied. The discussion can be conducted electronically as well as with the consent of provincial office or central office.

#### 7. Preparing the Note and Collection of Facts

- Answers must be noted chronologically as per questions.
- Answers should not be noted in questionnaire itself as far as possible.
- If any extra information is left to be collected, it must be asked with courtesy at the end of the discussion.
- Participants should be informed that they can send the missing information later through telephone, fax, or email.
- Collected answers should be forwarded to the provincial office and to the central office thereafter.
- The participants should be informed that the researcher and concerned representatives might also visit if conditions favor.

#### **Note:**

1. If there is any condition prevailing for following this directory outside legal framework, it must be informed to the provincial office and decision can be made.
2. This directory is made for the purpose of INSEC. Therefore, its use must be done accordingly.

Selection of health workers can be carried out in following ways. If these criteria do not meet, they can be chosen with the consultation at local level					
S.No	Persons Selected for Interview	Name and Nature of Media	Number	Inference	
1	Provincial head of doctors union or union of other health workers, secretary or other senior members	Any	1	Any	
2	Province level senior doctor or nurse working at front line or at Covid hospital		1	Any	Medical officer prioritized
3	Provincial head, secretary or other members of unions on nurse or other health workers association		1	Run at national or local level	Nurse prioritized
4	Doctor or nurse from private hospitals or members of union of private health workers		1	Run at local or national level	Tribal community prioritized
5				<b>Total</b>	<b>4</b>

Selection of journalists and human rights defenders can be carried out in following ways. If these criteria do not meet, they can be chosen with the consultation at local level					
S.No.	Persons Selected for the Interview	Name and Nature of Organizations	Number	Inference	
1	Front line officers or other members working for District level human rights organizations.	Any	2	Any	Gender equality prioritized
2	Employees or volunteers working for organizations dealing with Dalit and tribal communities at District level.		2	Any	Gender equality prioritized
3	Media persons working at local print media		1	Run at national or local level	
4	Women media personalities working at local media		1	Run at national or local level	Women
5	Representatives of organizations working in the sector of health, agriculture, environment, food security		1	Run at national or local level.	Women, Dalit, tribal communities prioritized
6	Correspondents working in reporting about health, agriculture, environment, food security		1	Run at national or local level	

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