





**VIOLENCE TREND AND CIVIC
SPACE ANALYSIS AMID
COVID-19 IN NEPAL**

A MONTHLY BRIEF: 15 NOVEMBER – 15 DECEMBER 2020

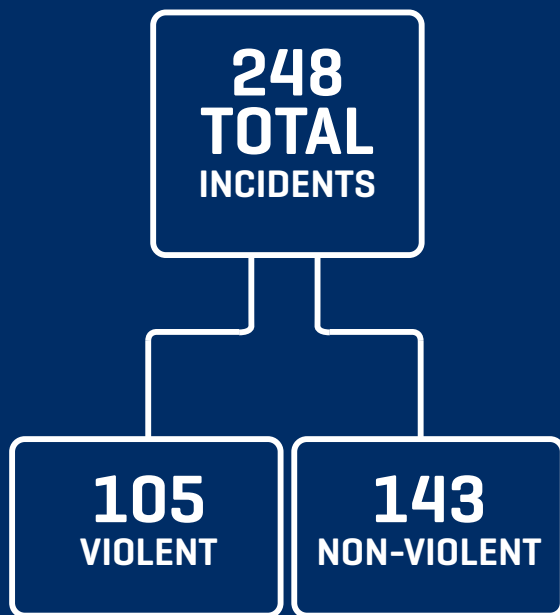


This report from Violence Monitoring and Shrinking Civic Space in Nepal amid Covid-19 (VMSCS) Project evaluates the trends of violent and non-violent contestation with the objective of presenting their impact on civic space in Nepal from 15 November 2020 to 15 December 2020. Data of violent and non-violent incidents are compiled from reports mapped by NepalMonitor.org, which uses a broad range of information from all major online news portals, national and local newspapers, Nepal Police, Civil Society Organizations (CSOs) working for human rights, and incident reports directly submitted to the Collective Campaign for Peace (COCAP). Multiple incidents of human rights violations, humiliation, physical assault, and use of force against citizens by security personnel tasked with enforcing the lockdown have been reported this month.

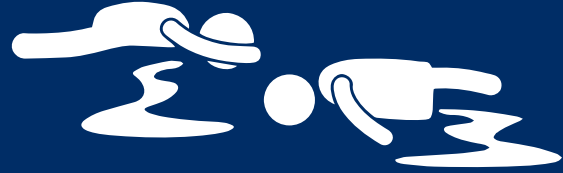


OVERVIEW OF INCIDENTS

From 15 November to 15 December 2020, a total of 248 incidents were recorded out of which 105 incidents were violent and 143 incidents were non-violent. The violent incidents injured 22 and took the lives of 12 people. Also, 57 incidents of rape was reported this month. (See Fig 3)



12 KILLED



The violent incidents mainly involved group clashes, violent demonstrations, vandalism, assault, sexual assault and murder.

The non-violent incidents included protests, demonstrations, sit-ins, arrests and road blocks.

The Covid-19 pandemic affected the livelihood of the citizens in Nepal which gave way to incidents such as sit-ins demanding the opening of Nepal-India border,¹ protests and demonstrations of frontliners and service holders demanding their pay,² and agitation for PCR tests of the staff.³

22
INJURED



CIVIC SPACE SITUATION AMID COVID-19

Although the constitution of Nepal 2015 has guaranteed the freedom of expression and association, as well as the right to peacefully assemble, there have been sustained efforts to curtail civic space in the country. There has been widespread opposition to the various attempts to pass laws that could systematically curtail civil liberties in the country. Thus, following the pandemic civil society in Nepal has faced serious restrictions on its freedom to express and engage in activism to defend human rights. During the pandemic, the government of Nepal has also demonstrated this type of control over civic space, from inconsistency in their approach toward CSOs to labeling of various legislative measures and the suppression of peaceful protestors in an attempt to silence all forms of criticism.

COVID-19 PANDEMIC AFFECTING CIVILIANS' FREEDOM OF MOVEMENT:

This month witnessed a series of non-violent incidents of indefinite sit-ins demanding opening of Nepal-India border, which has remained closed for 8 months for taking the control measures against the spread of the coronavirus crisis. This type of prolonged lockdown enforcement has restricted the mobility of the civilians who are confined to one end of the border and not permitted to travel across the border for work, living, or business purposes. As freedom of movement is curtailed, the civilians have no choice but to respect the freedom not to move in order to avoid spreading of the contagious virus..

Similarly, one incident related to COVID-19 pandemic was linked to the improper healthcare management of the employees by the Tanahu Hydropower Project. The workers accused the company for hiring an employee, who tested positive for Covid-19 without following the COVID-19 protocol and not making any arrangements for keeping employees under isolation. Hence, the workers agitated demanding PCR tests of all the staff having exposure with the infected colleague.

USE OF FORCE FROM THE SECURITY PERSONNELS:

In one of the law and order related incidents reported this month, the security forces used excessive force against the locals picketing the police office and blocking the East-West Highway at Dumkiwas on 11 December 2020, following the death of a 24-year-old tractor driver, accusing that he died due to police brutality. Police personnel fired 13 shells of tear gases saying they needed to take the situation under control.

According to Chief Police Inspector Vikas Bam of Area Police Office Dumkibas, the driver who had gone to the river to extract minerals at midnight ran into an accident while trying to escape from the police team. The driver died the same night while undergoing treatment in Bharatpur. The situation remained tense throughout the night due to clashes between locals and police.⁴

Another incident triggered by governance issues related to legal action and access to justice, was interpersonal in nature that resulted in a two-sided violent group clash injuring 6 persons from the victims and security personnel side. The security forces also used batons and tear gas to control the crowd. The incident was about victim's family accusing police of weakening murder case.⁵ (See below)

VICTIM'S FAMILY ACCUSE POLICE OF WEAKENING MURDER CASE, SIX INJURED IN CLASH

On 17 November 2020, Relatives and family members of 16-year-old Babita Rokaya of Hima Rural Municipality-3 Mofla have been agitated citing that police are releasing the accused of Babita's murder on bail and trying to weaken the case against them. 6 persons including 3 persons from Babita's side and 3 security personnel from Armed Police Force (APF) and Nepal police were injured during a clash over the same issue. The security personnel also used batons and tear gas to control the crowd.

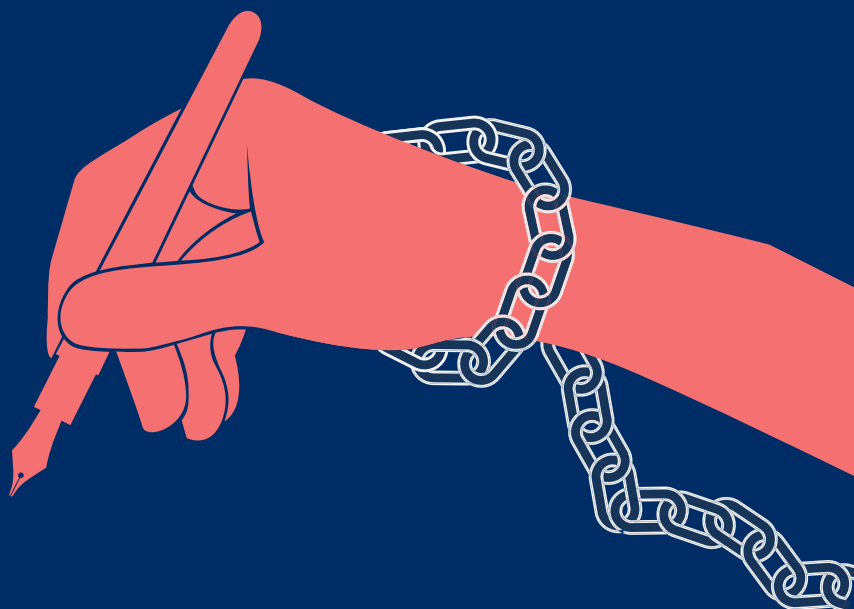
Police had arrested 2 perpetrators on October 21 on the charge of murdering a 16-year-old girl. According to DSP Madhav Prasad Kafle of the District Police Office, Babita who had gone missing was found dead near Hima River at Hima Rural Municipality-1, Pagarpali on October 17.

INCIDENCES CONCERNING FREEDOM OF EXPRESSION AND CIVIL RIGHTS:

This month witnessed three events of threats and attacks against journalists, two of them revealing in the violent form. For Instance, senior co-editor of Thaha Khabar, Kamal Rana was attacked by two persons on the night of November 22 while returning to his residence after completing his office work. Rana had sustained injuries on his leg from the incident. Radio Thaha Sanchar and ThahaKhabar.com condemned the attack and demanded immediate action against the attackers.⁶

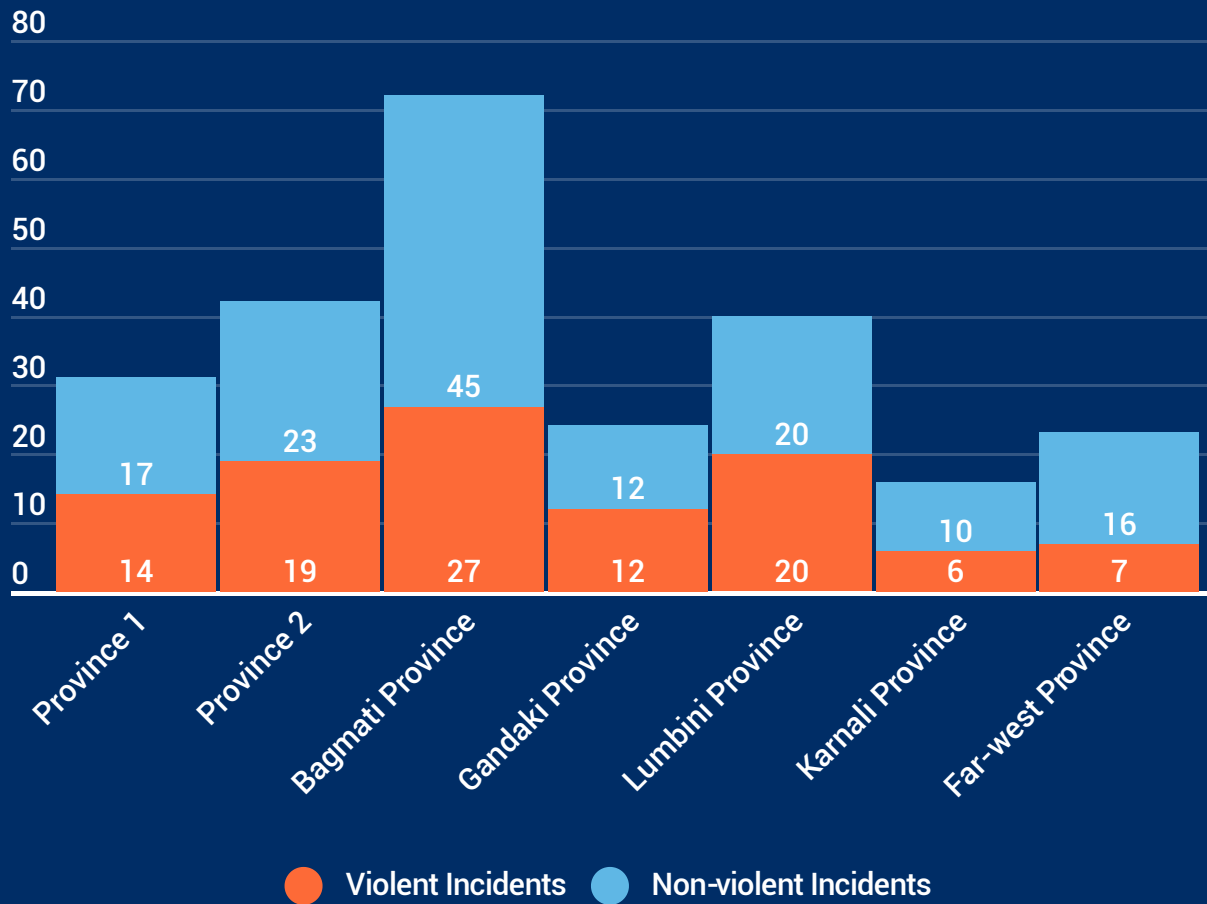
Similarly, journalist Khagendra Ghimire, the director of Research TV was attacked at the Land Revenue Office on 1 December by an accountancy practitioner and other employees during the controversy that erupted after filming a video of the employee taking bribe. Ghimire is constantly active in the campaign against corruption and bribery. The service recipient had bribed the employee Rajbanshi inside the office to block the land of the former Shivgunj VDC-1. The cameraperson had reached the Land Revenue Office Damak after receiving a tip-off that the Land Revenue staff had solicited a bribe from the service recipient. After the attack, journalist Ghimire lodged a complaint at the Area Police Office, Damak.⁷

On 06 December 2020 editor of Manaslu.com and Member of Federation of Nepali Journalists (FNJ), Rajendra Neupane was reportedly given death threats on social media by 25-year-old Rachan Pariyar of Gorkha Municipality-5. Neupane was threatened over a news report that he had written under the headline "What happened at Gorkha Hospital" on the incident of mistreatment of a doctor of Gorkha Hospital by a group on 5 December. A complaint was lodged by FNJ Secretary Narhari Sapkota against Pariyar. Following the incident, a statement was issued by the FNJ Gorkha demanding an immediate arrest and legal action against those who spread terror in the society.⁸



VIOLENCE AND CONTESTATION IN NEPAL

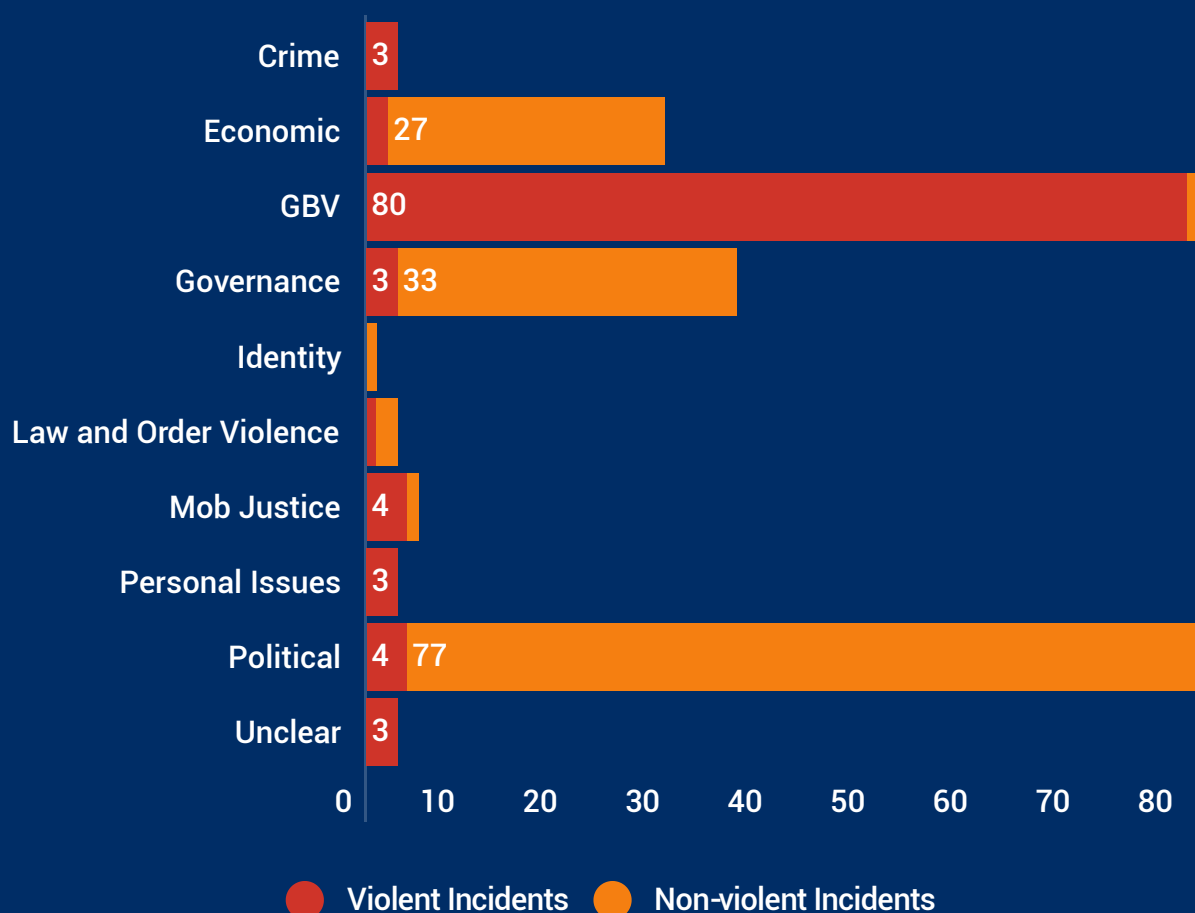
FIG. 1: PROVINCE WISE DISTRIBUTION OF INCIDENTS



Bagmati Province recorded the highest number of incidents with 27 violent and 45 non-violent, followed by Province 2 with 19 violent and 23 non-violent incidents. Karnali Province recorded the least number of violent and non-violent incidents with 6 and 10 events respectively. (See Fig 1)



FIG. 2: TRIGGERS OF VIOLENT AND NON-VIOLENT INCIDENTS



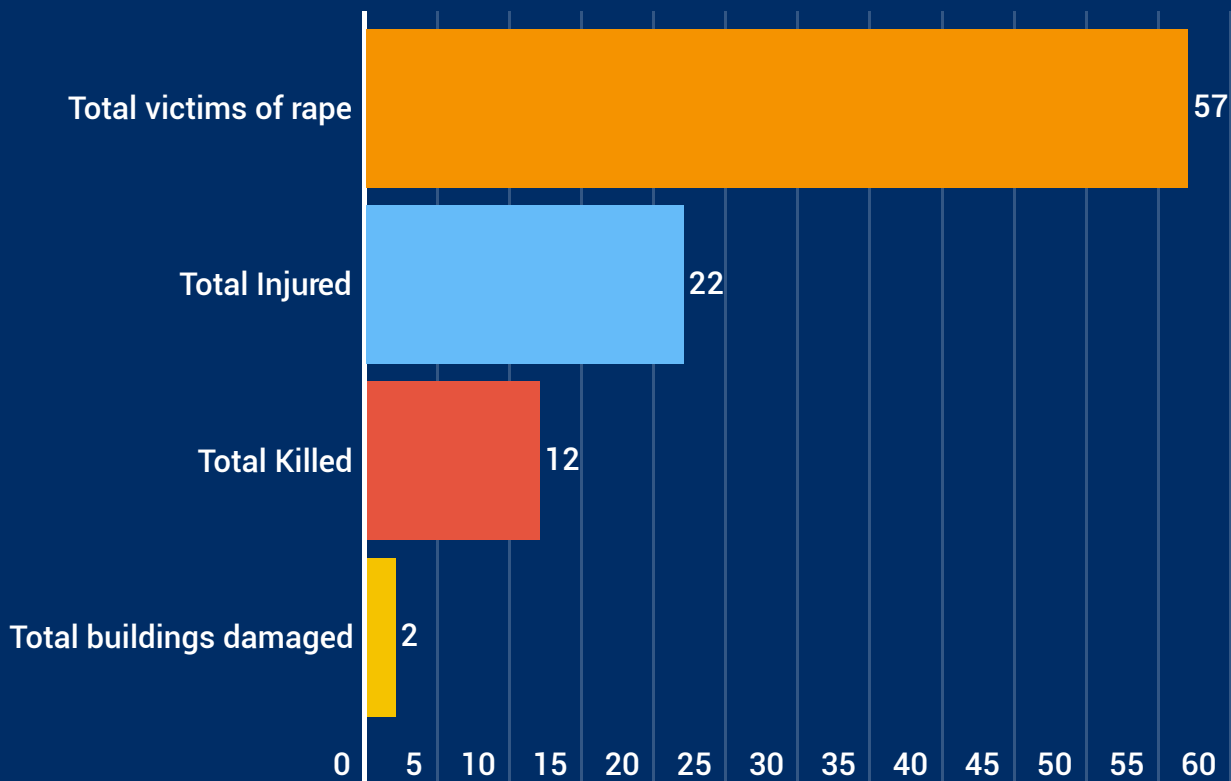
GBV was the main trigger of incidents with a total of 82 incidents where, majority of the incidents were violent which involved sexual assault, domestic violence and murder. Following GBV, 81 political incidents were recorded which mostly involved demonstrations and protests led by Nepal Congress (NC), Nepal Communist Party (NCP), Janata Samajwadi Party (JSP), Rastriya Prajatantra Party (RPP) and other Hindu Nationalists, Regional Unity Parties and affiliations. The Communist Party of Nepal (CPN) led by Netra Bikram Chand (Biplav) was involved in about 17 incidents in which 15 incidents were of politically motivated arrests of their cadres. Similarly, 37 incidents related to Governance were recorded which involved issues related to freedom of expression and civil rights, corruption, legal actions and access to justice, quality of public services, commodity availability and others. (See Fig 2)

Economic issues also triggered 30 incidents where about 10 incidents were related to development infrastructures which mainly involved controversies over construction of roads in different parts of the country. Other economic issues included agitations for the accessibility/control of natural resources, public/private land and labour disputes. (See Fig 2)

Relatives and family members of those deceased due to perceived carelessness of the hospital caused the occurrence of violent incidents where hospitals were vandalized and doctors were manhandled. These incidents took place in Kathmandu Medical College (KMC) hospital,⁹ Devdaha Medical College,¹⁰ Divine Health Care Hospital,¹¹ and Gorkha Hospital.¹²

Organized crime and crime related to illegal trade were also recorded this month. Most of these incidents were violent which includes clashes between smugglers and police. Disputes of personal nature mainly involved clashes over inheritance, debt or land and violence with an intention of revenge.

FIG. 3: IMPACTS OF VIOLENT INCIDENTS



INCIDENTS SURROUNDING GENDER BASED VIOLENCE

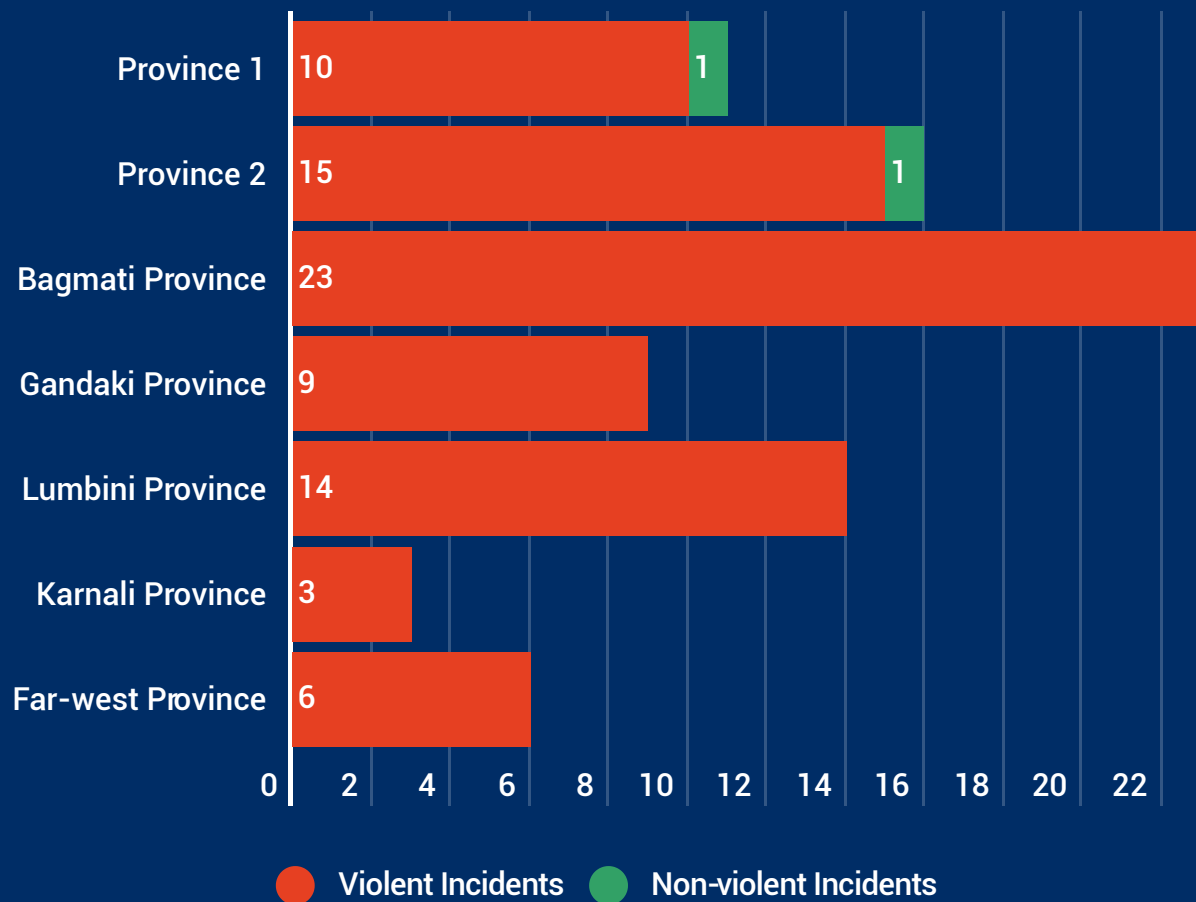
From 15 November to 15 December 2020, a total of 82 incidents related to GBV were recorded which included domestic violence, rape, sexual abuse, murder, allegations of witchcraft and cybercrime, all of whose victims are women. There were 40 women under the age of 26 years who became victims of GBV. The youngest victim of sexual assault was a 2 year old girl from Makwanpur district who was raped by a 21 year old man.¹³

TABLE 1: TOP 10 DISTRICTS WITH HIGHEST NUMBER OF INCIDENTS RELATED TO GBV

DISTRICTS	NUMBER OF CASES
KATHMANDU	5
SIRAHA	5
DOLAKHA	4
JHAPA	4
KASKI	4
NAWALPARASI WEST	4
BHAKTAPUR	3
PARSA	3
SAPTARI	3
DADELDHURA	2

The pandemic has impacted the lives of people around the globe, but its impact on women across all sectors seems deeper.¹⁴ Brutality against women exists in families across Nepal, domestic violence and violence against women being some of the most insidious forms of gender-based violence prevalent in all societies. This month Kathmandu and Siraha districts of Bagmati Province and Province 2 had the highest number of incidents of GBV, with 5 cases each. There were 4 cases each in Dolakha, Jhapa, Kaski, and Nawalparasi districts of Bagmati Province, Province 1, Gandaki Province, and Lumbini Province. Likewise, 3 cases each in Bhaktapur, Parsa and Saptari districts of Bagmati Province, and Province 2. And 2 cases in Dadeldhura district of Far-west Province respectively. (See Table 1)

FIG. 4: GBV RELATED INCIDENTS BY PROVINCE



Gender-based violence is a prevailing issue all over Nepal. Despite various efforts of the government in eradicating this issue, it can still be witnessed in both rural and urban areas of the country. Infact, GBV is more pervasive in the major provinces of Nepal including Bagmati province with 23 cases of GBV followed by Province 2 with 16 cases. The least cases of GBV is in Karnali province with 3 cases. (See Fig. 4)

Sexual assault was the most common form of GBV with 72 cases including 55 cases of rape/attempted rape. The recorded data showed the highest number of rape victims to be teens (13–19 years) followed by minors (Below 12 years). There were 9 cases of sexual abuse which also includes minors and teens as victims. Out of the 9 deaths under GBV, 3 deaths were due to sexual assault. (See Fig 5)

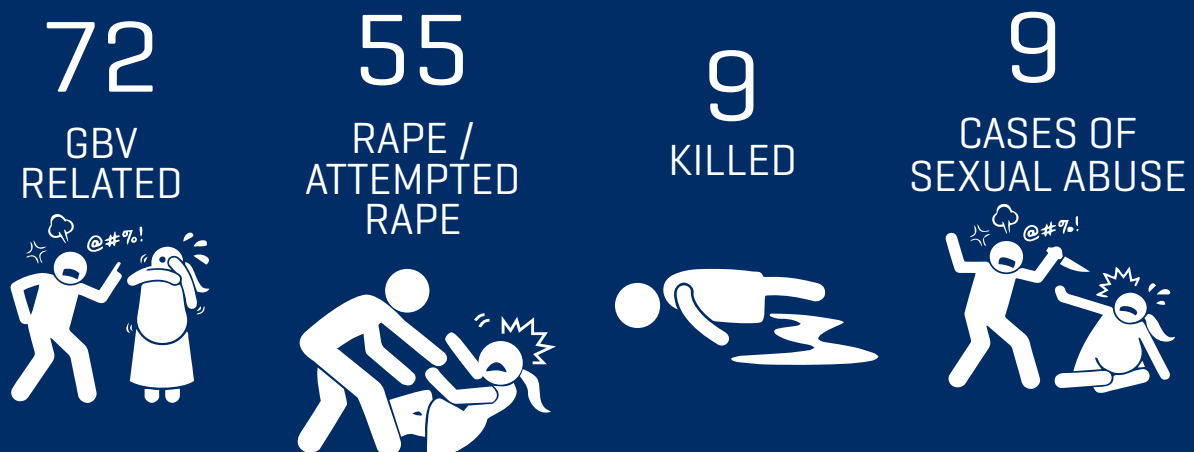
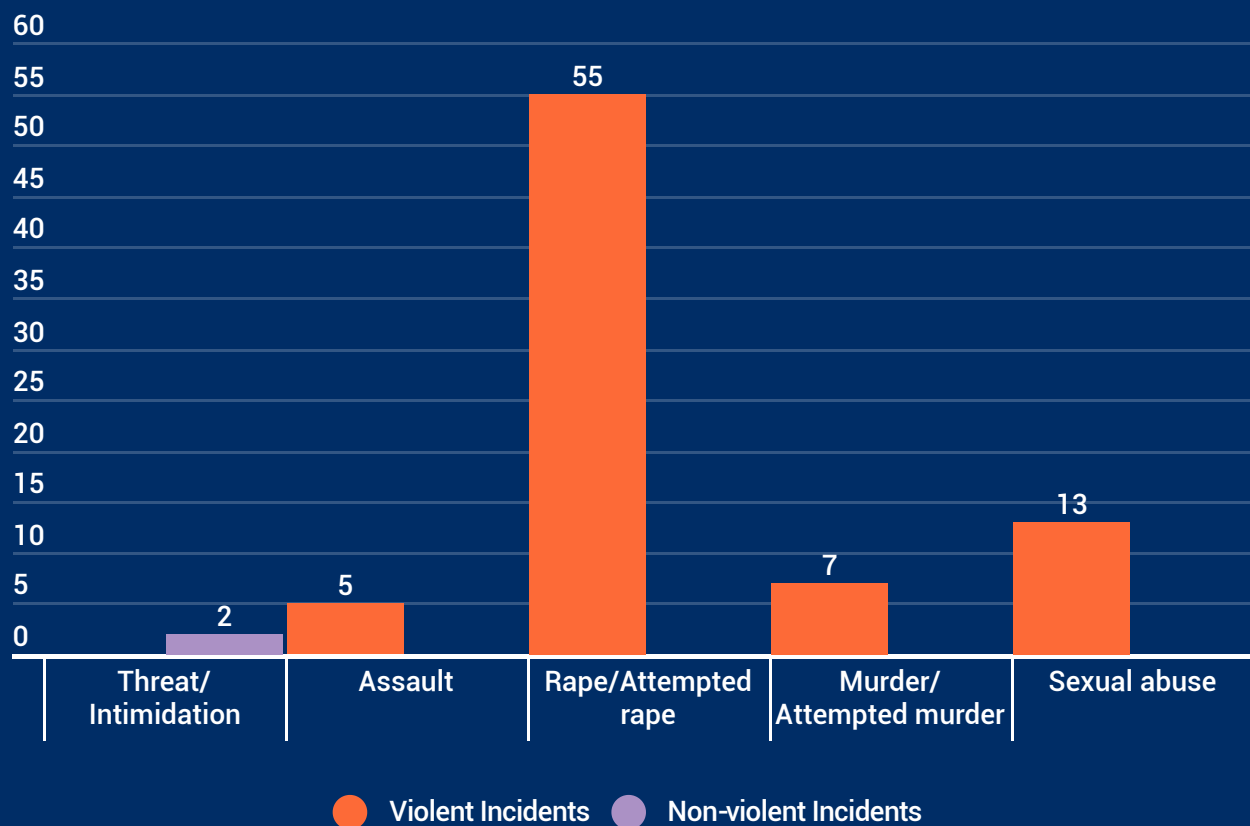


FIG. 5: FORMS OF GBV RELATED VIOLENT AND NON-VIOLENT INCIDENTS



In Nepal, especially in the rural areas, rape cases are known to be settled without following any legal procedures. Therefore, in order to address this, the government recommended an ordinance to the cabinet which was approved on 22nd November 2020.¹⁵ According to this ordinance, anyone trying to mediate or enforce pressure for out of court settlement for rape cases will have to face criminal charges. The punishment ranges from six months to three years of jail term and a fine of Rs 30,000. The ordinance also amended a number of laws including the Criminal Code-2017 to make the existing rape-related laws harsher.¹⁶

6 cases of domestic violence were recorded which took the lives of 4 women. Domestic violence is still prevalent in the Nepali society in different forms and has become a perpetual social crime.

Additionally, a woman was accused of practicing witchcraft and was beaten by her brother in-law under the influence of alcohol.¹⁷

2 cases of cybercrime were recorded where the social media accounts of two women were hacked and misused.

The recorded incidents are evidence that show that even though women are advancing and becoming more independent, they are still ceaseless victims of violence, whether physical, mental or emotional.

POLITICAL INCIDENTS

Out of the 81 political incidents recorded, 17 protests and demonstrations were organized demanding the restoration of monarchy. Supporters of monarchy staged motorcycle rallies in Dhangadhi, demanding restoration of monarchy, claiming that federalism had failed in the country.¹⁸ The protests were peaceful and took place across Nepal. The protests to reinstate monarchy and redeclare Nepal as a Hindu state has been frequent and led by various independent groups and parties.

This period also witnessed protests and demonstrations, mostly led by Nepal Congress (NC), against the government which were mainly related to corruption and perceived inefficiency of the government in dealing with the COVID-19 crisis. NC led mass protests were seen in all 77 districts, which involved acts of violence such as burning the effigies of PM Oli.

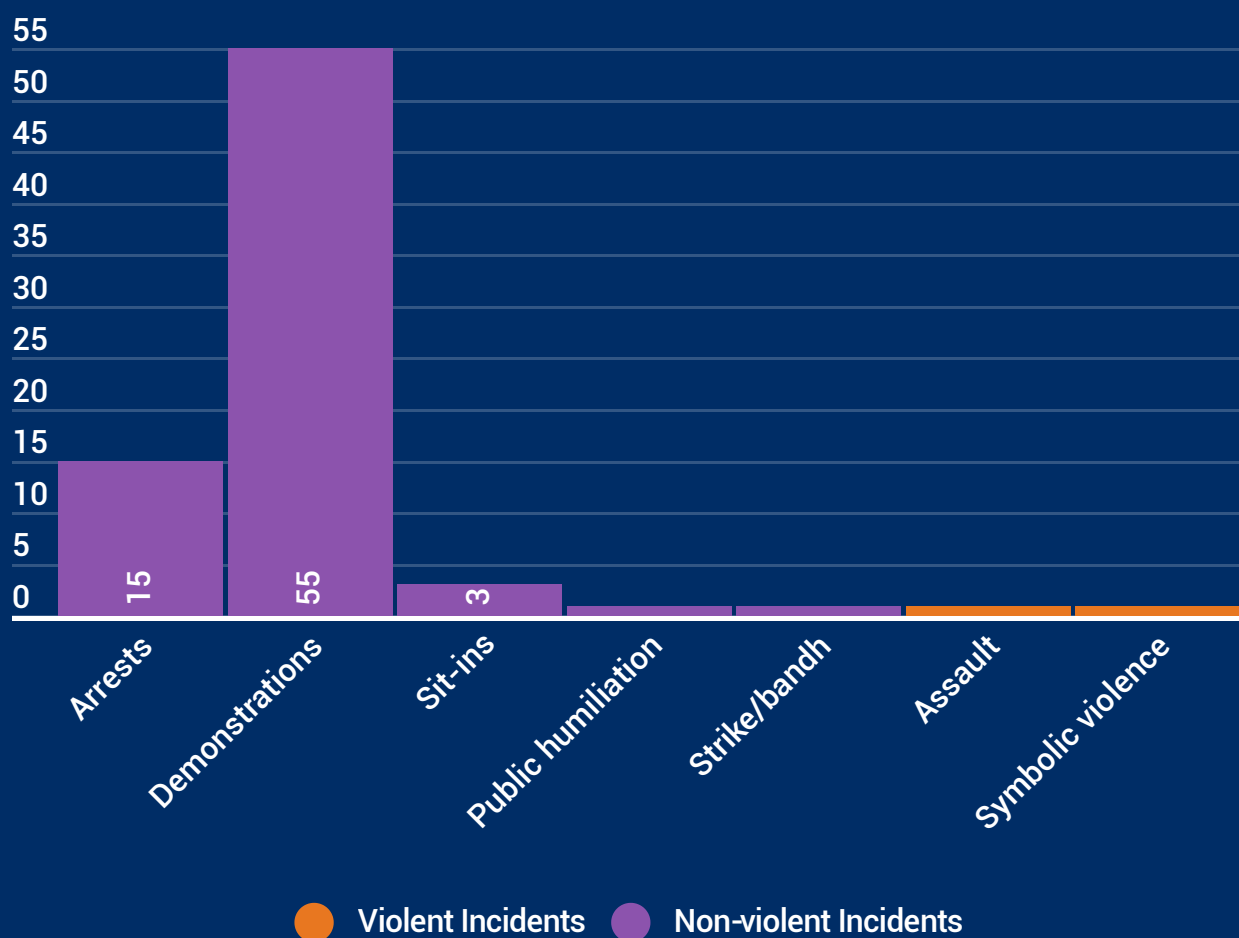
Demonstrations against the government of China also took place in Birgunj and Kathmandu for different reasons. Demonstration in Birgunj was led by the Muslim Community who accused China of oppressing and persecuting the Uyghur Community and expressed their concern on degradation of human rights being on the rise.¹⁹ The demonstration in Kathmandu against the government of China was organized by a group of independent youths, accusing it of encroaching Nepal's land in Humla district.²⁰

On 22nd November 2020, 22 non-mainstream political parties came together in Maitighar Mandala, Kathmandu to demonstrate against the Millennium Challenge Corporation (MCC), demanding the government to cancel the MCC grant agreement signed with the government of the United States in 2017.²¹

Biplav led CPN was involved in about 17 incidents which includes 15 politically motivated arrests of its cadres. Biplav led CPN also allegedly planted an IED on an under-construction sky-bridge in Chitwan which was defused by the Nepal Army.²²

The arrest of Ram Chandra Poudel, senior leader of NC, on 2 December 2020, also prompted a lot of protests and rallies in different parts of the country including Sauraha, Gorkha, Mugu and Kathmandu. The protests were led by Nepal Student Union (NSU) and Nepali Congress. Poudel was arrested on charge of defying the prohibitory orders in his home district, Tanahun. He had reached there to inaugurate a bridge.

FIG. 6: FORMS OF VIOLENT AND NON-VIOLENT POLITICAL INCIDENTS



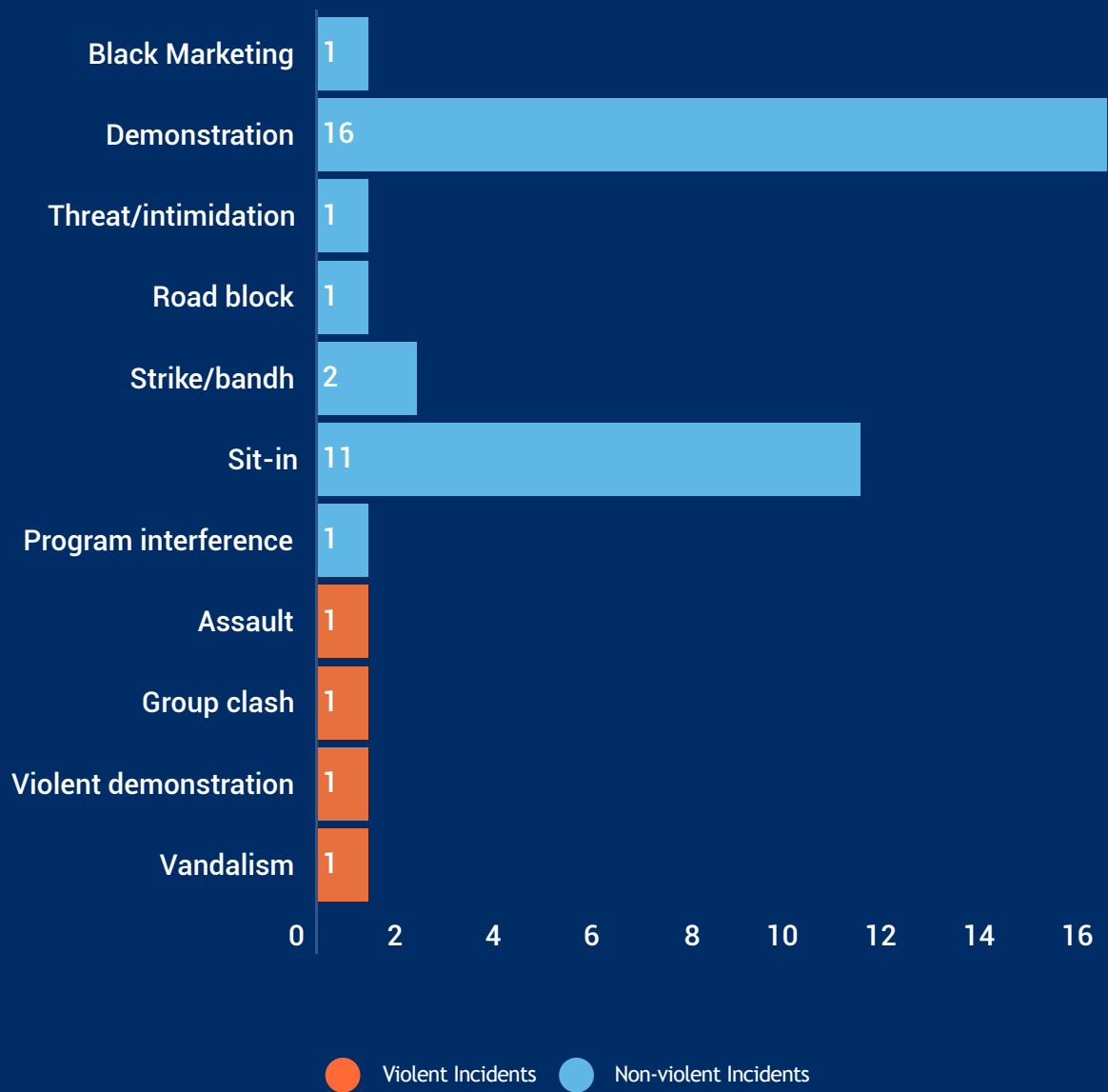
GOVERNANCE RELATED INCIDENTS

From 15 November to 15 December, 37 cases related to governance were recorded, out of which 33 cases were non-violent and 4 cases were violent. Violent incidents such as group clashes injured 10 people and killed 1 person. A tractor driver died in Nawalparasi which triggered the locals as they speculated that the driver was beaten to death by the police. This led the locals to block the East-West Highway, where the police fired tear gas in order to control the situation.²³

Most of the incidents took place due to reasons concerning the local issues. There were protests and demonstrations, some of which ended with a violent clash and vandalism. On 17 November 2020, the relatives and family members of a 16-year-old girl who was murdered, were agitated after the police decided to release the accused. This ended up in a clash where 6 people were injured.²⁴ On 1 December 2020, chairs were vandalized during a dispute over last year's financial transparency at the meeting of the Rural Municipality's Executive committee in Dhanauji Rural Municipality of Dhanusha district.²⁵

Protests of the sugarcane farmers urging the government to fulfil its commitment to help them recover their due payments from the sugar mills also took place during this period and grabbed media attention. This is a follow up of the protest that took place in December 2019, after which the government came to an agreement with the farmers and agreed to coordinate efforts to make the industrialists clear all dues within January 2020. Heedlessly, the government failed to address its commitment and the farmers were left agitated.²⁶

FIG. 7: GOVERNANCE RELATED VIOLENT AND NON-VIOLENT INCIDENTS



ENDNOTES

1. See: Indefinite sit-in started in Sunsari demanding opening of the Nepal-India border, Sit-in at Biratnagar demanding opening of Nepal-India Border, Sit-in staged in Sarlahi demanding opening of Nepal-India border, Local civil society leaders stage sit-in at Birgunj demanding opening of Nepal-India Border, Locals in Morang stage an hour sit-in demanding opening of Jogbani border point, Indefinite sit-in started in Sarlahi putting forward five-point demands including opening of Nepal-India border, JSP leaders staged sit-in at Saptari demanding opening of Nepal-India border
2. See: Teachers stage sit-in in Chitwan demanding pay, Teachers padlocked education and coordination unit of Kapilvastu, Agitating staff padlocks Bir Hospital official's office demanding Covid-19 allowance
3. See: Tanahun Hydro workers agitated for the third time demanding PCR tests of all workers
4. See: Highway blocked after death of Tractor driver in Nawalparasi, police fire tear gas
5. See: Victim's family accuse police of weakening murder case, six injured in clash
6. See: Journalist Of Thaha Khabar attacked in Kathmandu
7. See: Journalist attacked at Damak Land Revenue while filming a video of official accepting bribe
8. See: Death threats issued to journalist of Manaslu.com over a news
9. See: KMC Hospital in Kathmandu vandalized by the relatives over the death of the patient
10. See: Relatives stage protest in Devdaha Medical College after death of a pregnant woman
11. See: Relatives vandalized hospital after death of a pregnant woman
12. See: Patient's family manhandles doctors at Gorkha Hospital
13. See: Youth arrested on charge of raping 2-year-old minor girl in Makwanpur
14. See: National Women Commission's Initiatives in Responding to and Reducing Gender-Based Violence during Lockdown March 24, 2020
15. See: Cabinet Approves Ordinance Against Rape Case Mediators
16. See: Mediators in rape cases will also face jail term, as per a new ordinance
17. See: Woman in Dang beaten by her brother-in-law in witchcraft allegations
18. See: Supporters stage motorcycle rally in Dhangadhi demanding restoration of Monarchy
19. See: Muslim community in Birjung demonstrates against China's 'oppression of Uyghurs'
20. See: Demonstration against China in Kathmandu over alleged encroachment of Nepal's land
21. See: 22 small parties demonstrate against MCC in Kathmandu
22. See: Nepal Army disposes IED planted by Chand-led CPN on an under-construction sky-bridge in Chitwan
23. See: Highway blocked after death of Tractor driver in Nawalparasi, police fire tear gas
24. See: Victim's family accuse police of weakening murder case, six injured in clash
25. See: Chairs vandalized at rural municipality meeting in Dhanusha over the budget division
26. See: Sugarcane farmers from Terai launch agitation in Kathmandu demanding previous deal implemented

ABOUT THE PROJECT

The Violence Monitoring and Shrinking Civic Space (VMSCS) is a joint initiative by Collective Campaign for Peace (COCAP) and Innovation for Change (I4C) - South Asia Hub. The project is supported by the USAID and the Tides Foundation. The project aims to focus on violence and contestation, with a view toward improving our understanding of, and response to, violence and shrinking civic-space incidents in Nepal amid Covid-19. The VMSCS also provides as an instrument to measure progress against Sustainable Development Goals (SDG) Targets 5.2 (elimination of violence against women) and 16.1 (reduction of all forms of violence and related death rates) in Nepal.



