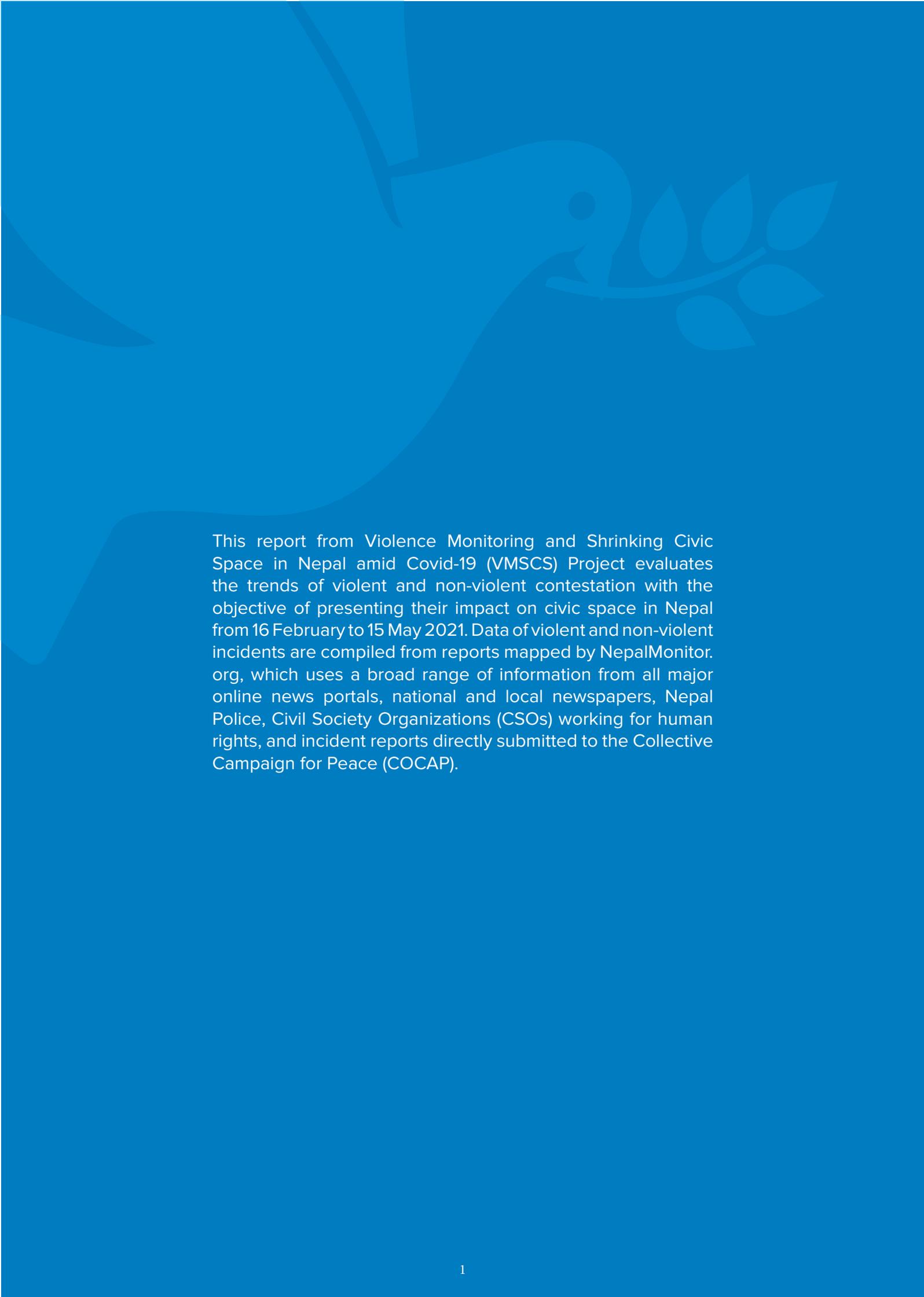


TRENDS OF VIOLENCE AND SHRINKING CIVIC SPACE IN NEPAL AMID COVID-19

A QUARTERLY BRIEF
16 FEBRUARY - 15 MAY 2021



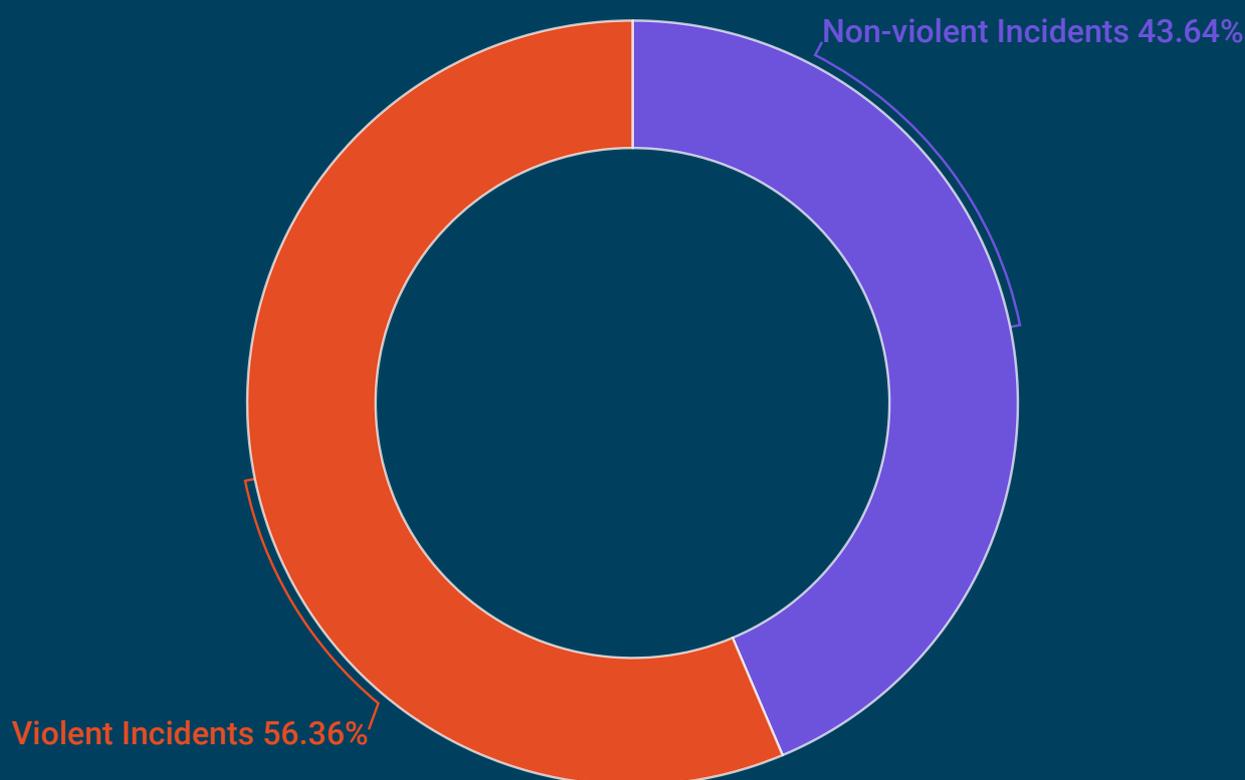


This report from Violence Monitoring and Shrinking Civic Space in Nepal amid Covid-19 (VMSCS) Project evaluates the trends of violent and non-violent contestation with the objective of presenting their impact on civic space in Nepal from 16 February to 15 May 2021. Data of violent and non-violent incidents 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).

OVERVIEW OF INCIDENTS DURING THE QUARTER

From 16 February - 15 May 2021, the VMSCS recorded 770 incidents. Of the total incidents recorded, 56.36% (434) were violent and 43.64% (336) were non-violent in nature (See Fig 1). Out of 434 violent incident reports recorded in this quarter, 222 were injured, and 102 people lost their lives. There were 136 cases of rape, and 13 cases of abduction monitored during this reporting quarter. Also, 21 buildings and 13 vehicles were vandalized from the violent attacks. (See Fig 2)

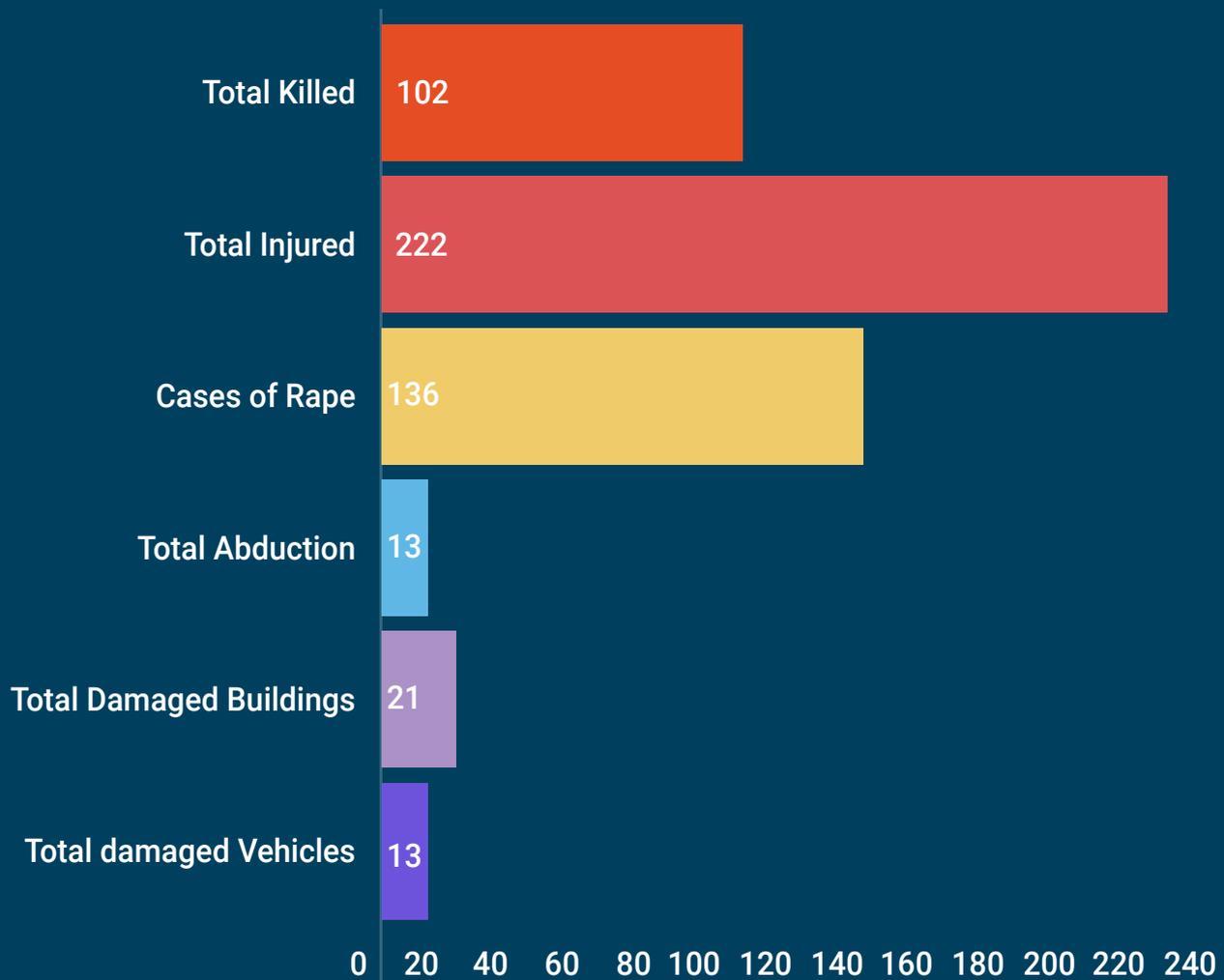
FIG 1: VIOLENT AND NON-VIOLENT INCIDENTS



Violent incidents mostly involved, 186 incidents of sexual assault, 69 of small group assault, another 69 included cases of murder/attempted murder, 27 incidents of violent group clash, 24 cases of large group assault, 18 of vandalism, and 12 related to arson. The causes to it involved gender-based violence incidents relating to rape/ sexual assault, and domestic violence.

This quarter reported 239 cases of GBV, of which only one was non-violent in nature. Among 228 incidents recorded under governance, 24 reports monitored were violent and 204 were non-violent. Similarly 4 cases of IED plantation were also reported during this quarter (for instance; explosion of pressure cooker bombs in Parsa and Siraha, a suspicious IED object, and a socket bomb was defused in Jhapa and Panchthar).

FIG 2: IMPACTS OF VIOLENT AND NON-VIOLENT INCIDENTS



Bagmati Province recorded the highest number of incidents, counting 201, followed by Province 2, Province 1 and Lumbini Province, having 142, 119, and 104 incidents. Similarly, Bagmati Province recorded the highest number of violent incidents, followed by Province 2 and Province 1, which were 96, 90, and 71 respectively, whereas Karnali Province recorded 30 violent incidents ranking the lowest, during this reporting period. (See Table 1 below)

TABLE 1: GEOGRAPHICAL DISTRIBUTION OF INCIDENTS AND THEIR NATURE

PROVINCE	NON-VIOLENT INCIDENTS	VIOLENT INCIDENTS	TOTAL NUMBER OF INCIDENTS
Province 1	48	71	119
Province 2	52	90	142
Bagmati Province	105	96	201
Gandaki Province	28	40	68
Lumbini Province	42	62	104
Karnali Province	27	30	57
Far-west Province	34	45	79

Out of 336 non-violent incidents, VMSCS recorded 96 events mainly involving demonstrations and protests against the government, 83 events relating prohibitory order issues by the state as the nation went into a second phase of lockdown from 29 April 2021, after the coronavirus cases upsurge and Nepal was harshly hit by the deadly second wave of the Covid-19 infections. Likewise, other non-violent incidents included 63 incidents of sit-in/ padlocking, 18 incidents of road block, 14 included other forms of non-violent protests, 13 incidents of black marketing, 11 riots concerning politically significant arrests of the cadres, and 10 of



336
TOTAL
INCIDENTS

96
INCIDENTS
INVOLVING
DEMONSTRATIONS
AND PROTESTS

83
RELATING TO
PROHIBITORY
ORDER

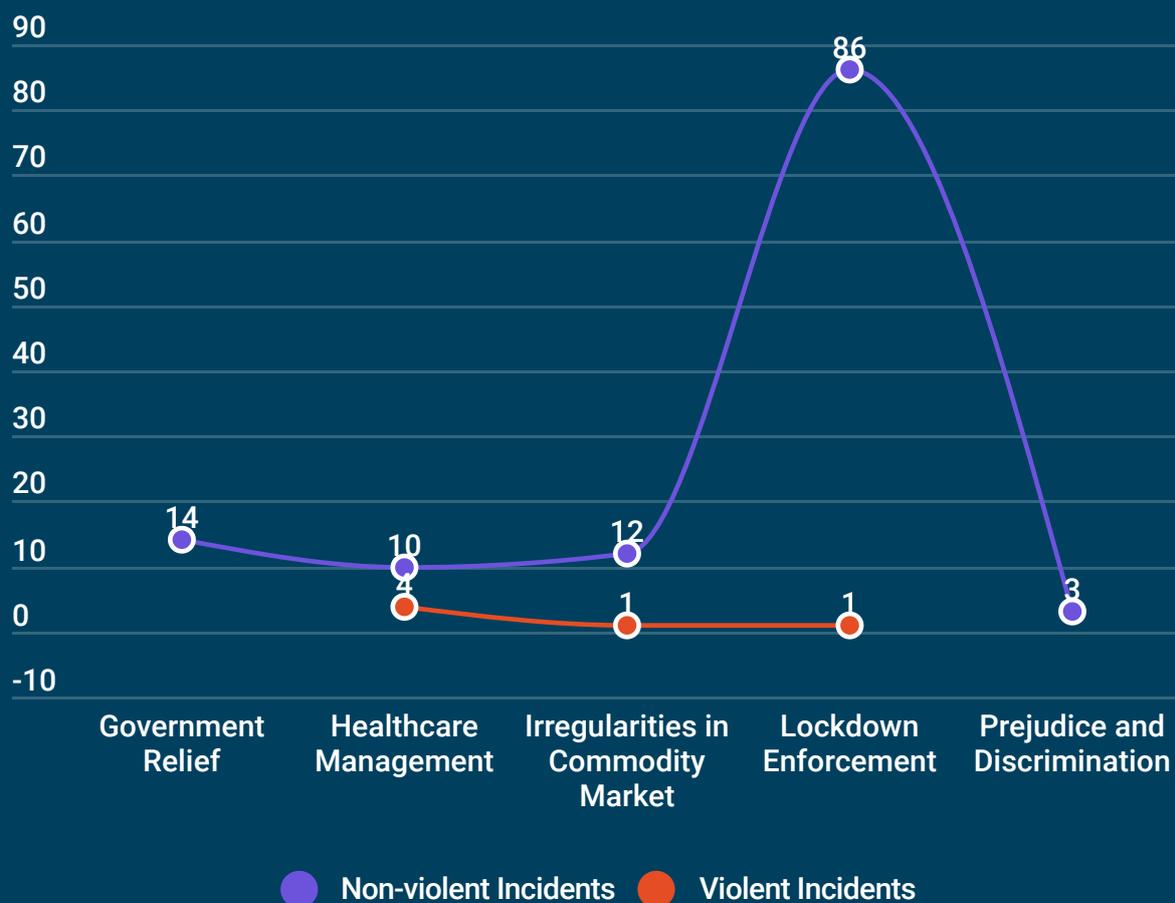
threat/ intimidation. The primary causes of it were governance, gender-based violence, political, economic, personal issues, mob justice, crime, law and order violence and incidents concerning Covid-19. The majority of such incidents did not have any violent impact, and no form of physical force was used as a target towards the affiliated actors involved in the contestation, which clearly portrays a space for the civilians, civil society and other actors to exercise their rights to freedom of expression and to assemble peacefully.

SITUATION AMID THE COVID-19 PANDEMIC

As the second wave of Covid-19 outbreak hit Nepal, new cases saw a sharp rise from the last week of March. To contain the spread of the deadliest virus, the Government enforced a second phase of lockdown from 29 April 2021 across the country. Hence, a maximum number of Covid-19 related incident reports were monitored and recorded during this reporting period (i.e.16 February - 15 May 2021).

This quarter, VMSCS recorded a total of 131 incidents directly related to Covid-19, of which 86 incident reports were mapped and monitored around lockdown enforcement, 1 such incident involving violence. 14 incidents were reported under healthcare management, 14 around government relief, and 3 around prejudice and discrimination, during covid crisis. As covid restrictions was in place, 13 incidents were reported under irregularities in the commodity market mostly including incidents of black marketing in the medical supplies like masks, sanitizers, surgical gloves, oximeter, hiding oxygen cylinders, and charging high bus fare with the people travelling to their respective places out of Kathmandu.

FIG 3: INCIDENTS TRIGGERED BY COVID-19 CAUSES



CIVIC-SPACE SITUATION: QUARTERLY BRIEF

During this reporting period, VMSCS recorded 26 incidents directly affecting civic space with most of them involving threats and attacks against the journalists/media persons and freedom of expression. As compared to the last quarter (15 Nov 2020 – 15 Feb 2021), this quarter saw a fall in the number of civic space related incidents from 37 to 26. This was because of the political contestation triggered by the dissolution of the House of Representatives by the Prime Minister KP Sharma Oli. During the last quarter reporting period, many protests, demonstrations, and sit-ins were reported, among which many ended up violent in nature after the security forces intervention using excessive force to disperse the mass gathering, as well as detaining and arresting social activists and media persons during the peaceful assemblies. Similarly, during this reporting phase, VMSCS documented 19 incidents in which police intervened in the form of arrests and use of force during peaceful demonstrations, thus attempting to violate civic space.

Shrinking civic space still continues to be a concern among journalists, human rights activists and civil society members in Nepal and the Covid-19 pandemic has further created an enabling environment for the government to stifle this space. It has also become more and more difficult for citizens to enjoy their rights regarding freedom of expression, freedom of association and more significantly their right to peaceful assembly. A key incident trends and data collection by VMSCS depicts that there has been a state restriction on civic space, particularly on the freedom of expression, demonstration and assembly. Threats and attacks against the journalists and HRDs continue to be a growing form of violence curtailing the freedom of expression, speech, and press freedom.

Besides, the government of Nepal has continued to snatch such freedoms from civilians through various legislative developments from time to time. Since 2019, civil society has frequently come under attack in Nepal in a range of ways including Electronic Transactions Act (ETA) law¹, Information Technology (IT) Management Bill, and Social Media Directive. Despite such efforts to shrink civic space, people in Nepal are relatively free to express themselves, assemble peacefully, publish news, and get affiliated with any association, as these rights are protected by the constitution of Nepal. However, there have been instances at the national and provincial levels where these civic freedoms have been violated. Given below are two instances of such violations;

For instance: 2 Journalists, covering the incident of inhumane treatment towards a woman on the charge of witchcraft, have been verbally abused, mistreated, and threatened of being beaten by a local while covering news in Siraha. FNJ Siraha president has demanded action against the accused of attacking the independent press²

On February 28, police charged batons to the protesters of Badi Community³ who were protesting against the government demanding their systematic settlement. However, the police claims to have only stopped the protestors from breaking into the Chief Minister's office and had refrained from using batons.

THREATS AND ATTACKS AGAINST JOURNALISTS AND HRDS

This quarter witnessed arrests of rights activists, detention, torture and arrests of journalists and civilians. For instance: Police arrested 6 right activists, who staged a symbolic protest demanding justice for Nirmala Pant, who was killed after being raped.⁴ A journalist was detained and tortured, he was beaten for four hours straight on his way back to his residence, by the police on February 23. However, the police personnel involved in the violation have denied all accusations and said the journalist was called to interrogate due to the increase in theft cases in the district.⁵

On March 02, a Journalist was arrested by police while trying to meet the activists of the civil movement arrested on February 24, while protesting against the road expansion in Kathmandu, saying that Journalist was taken under control for taking the photos of the activists without permission. Police also arrested two other civilians demanding the release of the activists.⁶ On March 03, a Secretary of Karnali Province Chief mistreated the officials of the National Human Rights Commission (NHRC) while discussing the demands of the Badi community of Karnali, demanding food, cloth, and shelter and about the initiatives being taken by the Karnali state government. As the issue was being discussed, the secretary called the police and used force to get the NHRC - Nepalgunj chief out of the office.⁷

Apart from the verbal threat, journalists have also been a victim of physical attacks. Madhav Prasad Guragain, operator and journalist of Nepal.com was physically attacked on 12 April by three men for reporting on the construction progress of Kathmandu View Tower located in Old Bus Park, Kathmandu.⁸ On 13 April, police attacked Kedar Dahal, journalist of Naya Patrika Dainik, while collecting news about an Indian national who had come to collect a 'No Objection Letter' in front of the Indian Embassy. The Kathmandu branch of Nepal Press Union (NPU) issued a statement condemning the incident of mistreatment of Dahal. This incident has induced a threat among journalists and their freedom of expression.⁹ On April 14, Reporter of Annapurna Post Tanahu, Pawan Paudel was allegedly abused by the Commander of Kalibhanjan Battalion of the Nepal Army. Paudel was misbehaved with, for capturing pictures of the Army in training in Damauli.¹⁰



Journalist in Kalikot received death threats for publishing a news article

Another Journalist in Kalikot received death threats for publishing a news article, and accused two Akhil (Revolutionary) cadres, of giving death threats to kill him over the issue of news he published regarding the use of children in the program of Akhil (Revolutionary) at a school in Kalikot.¹¹

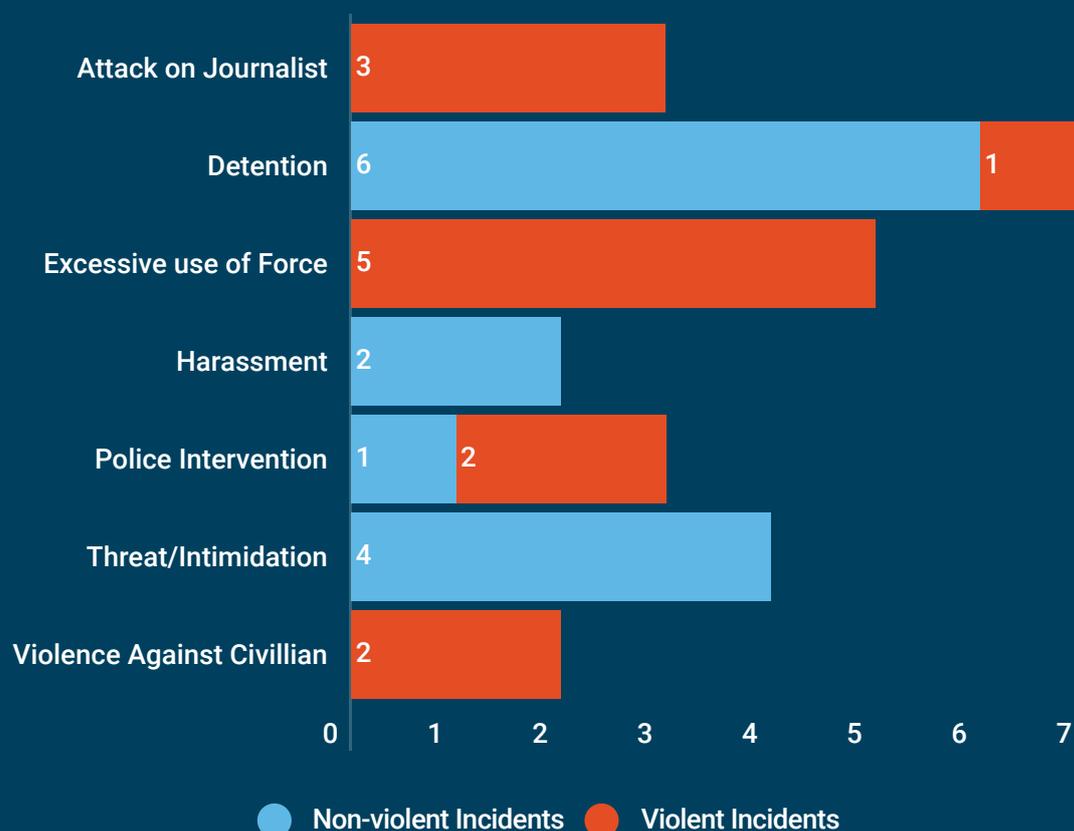
Ward chairperson accused of attempted assault on two journalists in Rukum East

Ward chairperson of Rukum East, allegedly attempted to assault 2 journalists of the district working at Radio East Rukum and tried to attack them twice while trying to find out the information regarding a dispute between the ward chairperson and rural municipality accountant over the payment of the Ghumrigad Khola Micro Hydropower Project.¹²

Dolpa's ward chairperson accused of attacking the author Prem

Prem Bohara, an author of the recently published book 'Kogle', who was campaigning for youth awareness and anti-corruption campaigns in different places of Dolpa, was attacked by the Ward Chairperson relatives and youths with an intention of killing him under the instruction of a chairperson. Bohara had sustained head injuries from the attack.¹³

FIG 4: CIVIC-SPACE RELATED INCIDENTS



PROTESTS DURING THE TIME OF COVID-19

In the very beginning phase, when many states set forth emergency measures, that involved restrictions on public gatherings to contain the spread of the virus, brought many mass protests to a halt. Despite restrictions, many people assembled, using creative and alternative forms of non-violence resistance, including online and socially distanced symbolic protests.

These numerous instances of protests that have taken place in the course of COVID-19 pandemic, clearly depicts civic resilience, as the people have continued to take to the streets to demand their fundamental rights, even during a global health crisis. Nevertheless, demonstrations have been met with various forms of violations, including the detention of protesters, use of excessive force by security forces, and protests being disrupted. These responses from the authorities are inconsistent with international law and standards and not in line with recommendations by international mechanisms, which emphasize that law enforcement officials must refrain from using excessive force or arbitrarily detaining the protesters while dispersing peaceful gatherings.

Nine injured in the clash between students and police in Haripurwa

7 students and 2 policemen were injured in a clash between police and students at Sarlahi on April 20, when the students went to picket the municipality office over the issue of political pressure on the appointment of the technical teachers. The agitated students vandalized the municipal office and a police station. According to the municipality, the students had damaged the drawers, tables, chairs, CCTV, laptops, and documents of the municipality office. Police have arrested 6 students on the charge of involvement in vandalism.¹⁴

State assembly members and police clash in Lumbini

Police used force after state assembly members, consisting of UML and non-UML parties staged a sit-in at the Lumbini state chief's office at noon, The assembly members surrounded and blocked the state chief from letting the Chief Minister Pokharel take the oath, and chanted slogans alleging police of repressing them.¹⁵



FREEDOM OF EXPRESSION UNDER THREAT

Journalists and media workers continue to be the victims of violation of their civic freedom and are highly vulnerable to threats and attacks regarding the type of work they do. Apart from the verbal threat, journalists and rights activists have also been a victim of physical attacks, and often faced arrests, detention, and torture. Based on the data recorded, this reporting quarter also witnessed such obscenity towards journalists, and author, and also observed the cases of vandalism against the media houses. Similarly, unlawful acts by the police force on civilians has been seen as another serious violation over human rights. The use of force as a facade of handling the situation indicates a formidable rise in police brutality.

Examples of Incidents of Violation:

The Secretary of Karnali Province Chief mistreated the officials of National Human Rights Commission (NHRC), who went to discuss the demands of the Badi community of Karnali demanding food, cloth, and shelter and about the initiatives being taken by the Karnali state government. While the issue was being discussed, the secretary called the police and used force to get the NHRC-Nepalgunj chief out of the office.

9 media personnel faced incidents of threats, attacks, and intimidation during this reporting period, 2 cases of violent vandalism at a local Radio station in Kailali and Humla, and 1 case of attack against the author in Dolpa was witnessed.

This quarter also witnessed incidents of brutal beatings by the policemen for no reason, over two businessmen while on their way back home from a shop in Jhapa. The victims alleged the policemen to be under the influence of alcohol while committing such an atrocity.¹⁶



PROTESTS AGAINST THE DISSOLUTION OF THE PARLIAMENT

On May 22, the president of Nepal dissolved the parliament of Nepal for the second time in a span of five months and called for elections on November 12 and 19. This move was viewed as unconstitutional and was widely condemned by major political parties, civil society, activists and the general public. This triggered many small-scaled political protests but due to the Covid-19 lockdown mass protests were not seen. The government also used the restriction measure as an excuse to suppress many such protests. 29 incidents of protests and demonstrations across the country were recorded triggered by the dissolution of the parliament.

POLICE INTERVENTION DURING THE PEACEFUL PROTESTS

Various protests and demonstrations against political decisions and perceived incompetence of the government have been evidently interfered with by the security forces. These protests were carried out peacefully until the police's interference, resulting in several arrests and casualties, the protests were seen disrupted by the police forces, resulting in the violent form, leaving both the locals and policemen injured, and arresting of the students during the protests.

On March 05, leaders and cadres of NC and NCP along with the locals of Sarlahi padlocked the rural municipality office and thousands vandalized the office after preparations were made to relocate the centre of the municipal office. The police used general force and fired 13 shells of tear gas in an effort to control the situation which injured a dozen locals and four policemen.¹⁷

Students protesting at Midwestern University in Birendranagar were charged with batons by the police on 26 March for chanting slogans loudly while the Vice-Chancellor P.D. Nanda Bahadur Singh was being escorted through the University gate. The students were demanding admission into the University after passing the entrance examination. The police arrested a few students while some other students sustained injuries.¹⁸

On 02 April, the police arrested about 10 protestors. A group of young students staged a symbolic protest in Singha Durbar, Kathmandu demanding the declaration of an environmental emergency. The students protested using plants and banners with messages calling for environmental conservation. They accused the government of ignoring the public health crisis caused due to the wildfire and air pollution. At Least 60 places across 22 of 77 administrative districts of Nepal battled with forest fires, adding to the growing levels of pollution across the country.¹⁹

Similarly on 07 April, the police arrested 9 Nepali Congress leaders and cadres during a demonstration against the price hike in petroleum products. The police arrested central members of the party during a peaceful sit-in at the gate of Nepal Oil Corporation in Kathmandu.²⁰

LEGISLATIVE DEVELOPMENTS IMPACTING CIVIC SPACE

After facing wide-spread criticism and failing to pass the Information Technology (IT) management Bill 2019 due to opposition from various sides in the parliament for its provisions curtailing freedom of Expression and Speech, the government proposed the Social Media Directive in February 2021. According to experts, this directive seeks to heavily deter any criticism against the government by including a clause that states that a person could be jailed if they post, share, like or comment on things that are against the government. There are also other vague clauses in the directive that attempts to shield state officials from criticism on social media.

Although these bills sit currently dormant in the parliament, they will significantly shrink our Civic Space if passed as a law. Therefore, it is important for active citizens to remain vigilant regarding any laws concerning our civic space and caution the government from introducing such legislation.

FEDERAL CIVIL SERVICE BILL

On 29 June 2020, the Federal Civil Service Bill was passed by the State Affairs and Good governance Committee of the House of Representatives. The Bill includes various provisions for civil servants some of which includes new retirement age, changes to the existing provision of 55 per cent seats for open competition and 45 per cent seats for reservation quota in the civil service examinations to 51 per cent and 49 per cent respectively and reservation for Khas-Arya, Muslims and Tharus.

Out of all the provisions brought by the Federal Civil Service Bill, the provision of filling up posts in the Gazetted Third Class (Officers) caused a demonstration by the Junior Officers inside Singha Durbar on 14 April. The officers gathered in front of the Ministry of Federal Affairs and General Administration and demonstrated with placards. They further demanded 20 percent of the posts to be filled through internal competition and 30 per cent through promotion, going against the current provision of filling 80 percent of open posts and 20 percent through promotion according to the Bill.²¹

ENDNOTES

1. See: Nepal's government is aggressively pursuing journalists and it could get worse under a new legislation
2. See: Two journalists mistreated while covering news in Siraha
3. The Badi community is a distinct caste within Nepal's Dalit or "untouchable" caste, with its own traditions, dialect, and social structures. The Badi are ranked at the bottom of Nepal's caste system, even within the Dalit intra-caste hierarchy, which has given them the infamous label of 'untouchables of the untouchables'. Badi women in particular are affected by discriminatory practices and social stigma due to their perceived association with prostitution. The Badi community continues to be socially and economically marginalized. Poverty is widespread in the community due to a lack of basic services, employment opportunities, and land ownership. Almost forty thousand Badi people live in Nepal today, the majority of whom live in the Tarai districts of the mid and far-western regions.
4. See: Six right activists demanding justice for Nirjala arrested in Kanchanpur
5. See: Journalist detained and tortured at police station in Surkhet
6. See: Journalist arrested on charge of reporting on arrested activists of civil movement
7. See: NHRC team mistreated by Karnali Chief Secretary
8. See: Journalist attacked by the contractor of Kathmandu View Tower
9. See: Police assaults Journalist of Naya Patrika Dainik in Kathmandu
10. See: Nepal Army commander abuses Journalist
11. See: Journalist in Kalikot received death threats for publishing a news article
12. See: Ward chairperson accused of attempted assault on two journalists in Rukum East
13. See: Dolpa's ward chairperson accused of attacking the author Prem
14. See: Nine injured in the clash between students and police in Haripurwa
15. See: State assembly members and police clash in Lumbini
16. See: Police brutally beats two businessmen in Jhapa
17. See: Violent demonstration in Sarlahi over relocating the rural municipality's center
18. See: Clash between police and students at Midwestern University
19. See: Young students stage symbolic protest against government's silence over environment pollution
20. See: Nine protesters arrested in demonstration against petroleum-price hike
21. See: Junior Officers stage demonstration against few provisions of Federal Civil Service Bill

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.



