

Human Rights Protection in the context of COVID-19 Pandemic



The Working Procedure



2021

National Human Rights Commission of Nepal

The Working Procedure for human rights protection in the context of COVID-19 pandemic - 2021

The COVID -19 pandemic has been severely spread throughout the globe. In Nepal too, due to the 2nd variant the death rate and number of infected persons is increasing as new variant has severely affected Nepal. It is the constitutional mandate of the Commission to protect and ensure effective implementation of the fundamental rights of the people. This procedure is formulated to monitor the human rights situation in this complex state generated due to the global COVID-19 coronavirus pandemic with the formation of human rights protection committees in collaboration with the National Human Rights Commission (NHRC), Nepal Bar Association (NBA), Federation of Nepalese Journalists (FNJ), NGO Federation of Nepal, Nepal Medical Council, Doctors' Association of Nepal, representatives from Women, Children, and Dalits including collective thematic organizations and networks active in human rights sector and this procedure is implemented in accordance with the Section 18 and 32 (2) of the NHRC Act 2012 aiming to regulate the functions of various Committees for the protection, respect, promotion and effective implementation of human rights.

1. The Title of the Working Procedure:

- (a) This procedure shall be called **the Human Rights protection in the context of COVID – 19 pandemic working procedures – 2021.**
- (b) This working procedure shall be effective from the date of approval by the Commission until the final report of the COVID-19 human rights situation monitoring will be published.

2. Formation of the Committees:

The following three levels of Committees shall be formed and each of the committees consist of the representatives from the National Human Rights Commission, Nepal Bar Association, Federation of Nepalese Journalists, NGO Federation of Nepal, Nepal Medical Council, Doctors' Association of Nepal including the organizations working in the field of Women, Children, Dalits and other rights to monitor the human rights situation in this complex state created due to the global COVID-19 coronavirus pandemic.

- (a) National level policy advisory Committee in the context of COVID – 19 pandemics;

- (b) Provincial level advisory and human rights situation monitoring Committee in the context of COVID – 19 pandemics;
- (c) District Level Human Rights Situation Monitoring Committee;
- The Committee may invite in the meeting to the representatives of the all three layers of the governments as per the necessity.
 - The Committee may invite representatives of various human rights organizations.
 - The district level committees may take necessary support from the representatives of the governmental agencies for the protection of human rights.
- (d) The aforementioned National level policy advisory Committee is convened by the member of the National Human Rights Commission who is designated the monitoring function within the Commission. This Committee consists of representatives including from other constitutional bodies, Chairpersons of the other professional organizations, Chairpersons of the federation/networks related to human rights, experts and representatives from various human rights organizations as per the necessity. The Secretary, head of the Protection Department shall function as members of the Committee. The head of the Coordination Department shall function as a member secretary.
- (e) In Provincial level advisory and human rights situation monitoring Committee is convened by the head of the NHRC provincial office or the provincial branch office and the Monitoring Committee shall be composed of head of NHRCN Provincial branch offices and the president or the province coordinator of Nepal Bar Association, Federation of Nepalese Journalists, NGO Federation of Nepal or the representatives of other professional thematic organizations and networks active in the protection of human rights as members.
- (f) District Level Human Rights Situation Monitoring Committee shall be composed of including the president of Nepal Bar Association, Federation of Nepalese Journalists and NGO Federation of Nepal or the representatives form other human rights organizations active for the protection. The Committee representatives shall themselves select the convener. In the districts where NHRC offices are located the personnel representative shall also participate the district level monitoring committee as a member Secretary.

- (g) The Provincial Offices of the Commission shall support for the formation of the district level Committees.
- (h) The Committee meeting shall be held at least once a week or more times physically or through virtual means or video conferencing as per necessity.

3. Documentation and Reporting Committee

1. The Commission shall form the following committee aiming to arrange properly the collaboration with other agencies and institutions to monitor the human rights situation, documentation and report writing at the Commission central office:
 - a. Head of the Protection Department – Convener
 - b. Head Investigation Division – Member
 - c. Head Collective Rights Division – Member
 - d. Head Communication, Information, Report Writing, Academic Research and Publication Division – Member
 - e. Head Provincial Office Coordination Division – Member
 - f. Head Security Unit – Member
 - g. Head Treaty Monitoring Division – Member Secretary
 - h. The Convener of this Committee can deploy the other officer level staffs for monitoring the human rights situation, documentation and report writing as per the necessity.

4. The Scope/Area of Monitoring

The Committee shall monitor the following areas of human rights considering the criticality of this situation generated due to COVID-19.

- I. The actions taken by the Federal Government, Provincial government and Local governments of Nepal with regard to COVID-19.
- II. Right to life, health treatment of the patients, availability of health-related components, availability of the medicine, morale of the health workers, role played by the private hospitals, the health-related activities regarding to COVID-19;
- III. Living condition of the poor people, right to food, distribution of relief package, overall rights of the consumers;
- IV. Citizens' access to the judicial administration/access to justice;

- V. Problem in people's movement/mobility; the citizens' stranded in the border area;
- VI. Role of media, use/misuse of social networks;
- VII. Public awareness, and the citizens' duty;
- VIII. Role of civil society and the human rights defenders;
- IX. Freedom of expression and freedom of press;
- X. State of violence against women; right against violence against women;
- XI. Right to the migrant workers;
- XII. Rights to the inmates in the custody and prisons;
- XIII. State of mental health
- XIV. The status of other human rights that are affected due to lockdown/Injunction.

5. The Monitoring and Reporting Procedure

- 1) The monitoring checklist prepared by the NHRC shall be used to monitor the human rights situation with regard to the COVID-19.
- 2) The fact during lockdown/Injunction shall be collected by means of video conferencing, telephonic conversation, field monitoring and other available mediums.
- 3) Any information received by the Committee shall be used after verifying with the members of the committees.
- 4) In the most essential situation the field monitoring (except hospitals, quarantine, isolation ward, and the most sensitive places) shall also be conducted taking permission from the super ordinate committee or the agency during the lockdown/injunction or the post lockdown/injunction situation.
- 5) The Committees shall play their role for the documentation of the human rights related problems seen in the local units, to solve from the human rights perspective, and to submit the collected information to the super ordinate committee.
- 6) The Committees shall circulate the information to the NHRC offices in case of necessity to draw attention of the any of the state agency or the other stakeholders. The Commission as per the necessity, shall correspond or draws attention orally or through the press statement.
- 7) The Committee shall submit the report of the overall functions regarding COVID-19 to the one step super ordinate committee. The Committees shall submit to the super ordinate Committee reviewing the reports submitted by the sub ordinate Committee.

- 8) The Documentation and report writing Committee shall submit its final report of its concluded functioning in accordance with this procedure to the Commission. The Commission shall recommend to the Government of Nepal as per necessity on the basis of the report and can make it public.
- 9) In case confusion with regard to monitoring and reporting is generated, the Committee shall act in accordance with the direction provided by the Chairperson of the Commission or the member of the Commission who is designated the monitoring function.

6. To follow the Code of Conduct

The members of the monitoring committee shall adhere the following code of conduct.

- a) All the Committees formed to monitor the human rights situation with regard to COVID-19 shall remain as the committees under National Human Rights Commission.
- b) The members of the Committee shall be abided by the rules and regulation of the NHRC, international standards of human rights, and the existing laws of Nepal.
- c) All the functions like correspondence, dissemination of information and the publication of the report by the Committees shall be accomplished on behalf on the Commission.
- d) Nobody shall engage in any unauthorized use of the dress, logo, symbol, letter pad and stamp of the Commission.
- e) Nobody shall be allowed to do such acts like using the different letter head in the name of the Committee, making symbol and stamp, operating the office, hanging the board etc. except identifying oneself as a member of the Committee.
- f) The Commission shall not bear the expenses of any of the member of the Committee or the Committee itself spent without the permission of the Commission.

7. Miscellaneous: The Commission can amend this procedure as per the necessity.

8. Repeal and Savings: The Human Rights Situation Monitoring Network regarding the COVID -19 working procedure – 2020 is hereby repealed. All acts (monitoring and report) performed or action taken under the Human Rights Situation Monitoring Network regarding the COVID -19 working procedure – 2020 shall be deemed to have been performed or taken under this procedure.