**Protecting human rights during and after the COVID-19**

**Joint questionnaire by Twelve Special Procedure mandate holders**

**Common questions:**

**Impact on human rights:**

The first case of COVID-19 was confirmed in Nepal on 23rd January 2020. The Government of Nepal (GoN) implemented lockdown from 24th March 2020 which remained extended till 14th June 2020. During lockdown people were requested to stay at home. Schools, transportation, public places, cinema halls, restaurants, markets, public and private offices (except those providing essential services) were closed. Later, the GoN decided to gradually open the lockdown in provinces which were less affected by COVID-19. However, as of today, public transportation and places of public gathering such as temples, gyms, cinema halls, restaurants remain closed. Movements from one district to another have been regulated and strict public orders have been issued to take necessary precautions from COVID-19.

**Action taken by the State to respect, protect and fulfill human rights following pandemic:**

Respecting, protecting and fulfilling human rights have always been core concerns of the GoN. The GoN has taken several initiatives for protecting human rights during this pandemic of COVID-19. These include:

* High Level Co-ordination Committee for the Prevention and Control of COVID-19 was formed under the chairmanship of Honorable Deputy Prime Minister and Minister for Defense on 25th March 2020 in order to effectively carry out the plans and programmes to combat against the pandemic.
* National plan of Action has been prepared for mobilization of social organizations to address and improve the situation affected by COVID-19.
* The GoN has been responding to COVID-19 under the Infectious Disease Act, 1964 and the National Health Policy, 2019, ensuring the rights to health of its citizens.
* Tightening of international borders and enhancing of the screening of incoming passengers were done.
* Health infrastructures have been upgraded with added number of hospitals designated for treatment of the COVID-19 patients. Hospitals throughout the country have been kept ready to manage any surge of cases. The GoN has been covering all the cost of identification, prevention, control and treatment of infected persons in private, community and other hospitals.
* A Covid-19 Coordination and Management Centre (CCMC) has been formed for timely, effective and coordinated response on the pandemic related issues along with the Directive Committee under the Deputy Prime Minister and the facilitation committee under the Chief Secretary. Social protections for the poor and vulnerable and economic support for affected sectors were provided under the national relief program of the GoN.
* More resources have been allocated to the health sector for prevention, control and treatment of the disease.
* Electricity fees have been either waived or discounted on the basis of consumption units and kind of users. Re-financing facility of about Rs. 100 billion has been provided by the Central Bank at the concessional interest rate up to 5 percent to the businesses and industries related to agriculture, cottage, small and medium industries, manufacturing industries, hotels including tourism sector affected by the pandemic.
* All tax payments were deferred until June 20. Payment of electricity, water and telephone bill has been deferred till mid-July.
* The second phase of stimulus relief package was focused on providing relief to workers in both the formal and informal sectors, relaxation on tax payment period and availability of loan facility for businesses.
* The GoN has decided to deploy informal sector workers suffering pandemic-driven job losses to the public works. Those unable or unwanted to work in the designated areas will be paid 25 percent of the relief or wage, mainly funded through the Prime Minister Agriculture Modernization Project, development projects under local governments and the COVID-19 Relief Fund of the GoN.
* For workers in the formal sector, the GoN has directed firms to immediately issue 50 per cent of workers’ salary till May and gradually pay the remaining 50 per cent salary after their businesses resume. The GoN has also asked businesses in the tourism sector that have been shut to pay 50 per cent of the workers’ salary till May.
* The GoN has made an arrangement to establish a separate fund of Rs. 50 billion in order to provide loan at the interest rate of 5 percent to the cottage, small and medium enterprises and corona affected tourism industries for the payment of staff and worker’s salary and run their businesses.
* Similarly, arrangement has been made to deposit the social security contribution on behalf of the workers and employers of the organized sectors by the GoN during the lock down period. Provision will be made for receiving such funds by the respective organization as a loan for immediate payment of the workers’ salary and to deposit it to the fund after the business becomes normal.
* The GoN has also directed the Central Bank to further reduce the interest rate on refinancing loans and ensure working capital loans required for the operation of small and medium scale enterprises at subsidized rates.
* The GoN has asked house owners to exempt house rent of one month for those working on daily wage basis.
* The GoN has arranged for receiving its citizens from abroad according to protocol set by the Ministry of Health as per the WHO guidelines.

**Social-economic impact of the economic downturn triggered by COVID-19:**

Entire world including Nepal has been passing through the most difficult period in the history due to the pandemic of corona virus. The COVID-19 pandemic has significantly impacted lives, livelihood and economic potential of Nepali people. The post COVID-19 analysis will be conducted once the situation becomes normal. The early estimates show that;

* Expected GDP growth will be reduced from 8 to 2.3 percent for the fiscal year 2019/20.
* Growth rate of agriculture sector is also expected to be lowered with sectors such as mining and quarrying, manufacturing construction, hotel and restaurant, transportation, communication and storage expected to have negative growth rates.
* Employment opportunities have substantially decreased. As a result of the lockdown and low economic activities, thousands of Nepalese have lost their jobs which are further to severe in case of more spread and sustain of disease.

**Statistical information:**

According to the Ministry of Health and Population as of 8 July 2020; PCR tests of 261861 and RDT tests of 312402 persons were carried out. Similarly, the number of persons kept in quarantine is 25727 and that in isolation is 8634. A total of 7499 persons have recovered. 35 people have died so far.

**Data of people affected by COVID-19 till the month of July 2020**

|  |  |
| --- | --- |
| Province | Age group |
|  0-10 | 11-20 |  21-30 |  31-40 |  41-50 | 51-60 | 61-70 | 71-80 | 80+ |
| F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M |
| 1 | 10 | 7 | 8 | 148 | 46 | 226 | 26 | 124 | 15 | 55 | 6 | 16 | 1 | 5 | 0 | 1 | 0 |  |
| 2 | 39 | 94 | 56 | 1233 | 86 | 1417 | 51 | 772 | 21 | 287 | 7 | 71 | 5 | 17 | 1 | 3 | 0 |  |
| bagmati | 2 | 7 | 15 | 56 | 92 | 152 | 40 | 90 | 15 | 49 | 3 | 18 | 5 | 8 | 3 | 4 | 1 | 3 |
| Gandaki | 7 | 19 | 16 | 194 | 60 | 403 | 36 | 216 | 10 | 105 | 9 | 48 | 4 | 9 | 3 | 1 | 0 | 2 |
| 5 | 59 | 72 | 83 | 787 | 158 | 1434 | 76 | 773 | 41 | 334 | 18 | 101 | 5 | 16 | 5 | 6 | 0 | 0 |
| karnali | 12 | 36 | 28 | 347 | 69 | 584 | 24 | 286 | 9 | 119 | 7 | 46 | 4 | 6 | 1 | 0 | 0 | 1 |
| Far Western | 124 | 197 | 122 | 582 | 350 | 1190 | 139 | 567 | 50 | 202 | 26 | 77 | 16 | 31 | 2 | 2 | 0 | 1 |
| total | 253 | 432 | 328 | 3347 | 861 | 5406 | 392 | 2828 | 161 | 1151 | 76 | 377 | 40 | 92 | 15 | 17 | 1 | 7 |

**Total – 15,784, Male-M, Female-F (**Source: Ministry of Health and Population)

**Protection of various groups at risk and indigenous peoples:**

Special arrangement and provisions has been made for health care and social workers, poor, marginalized and vulnerable groups. Women, children, senior citizens, poor people, labours on daily wages, persons working in frontline during COVID 19, specific groups identified by Government as vulnerable groups and certain relief programs have been implemented by the GoN for these groups. These include:

* + The GoN has made an arrangement to include corona as an insurable disease and provide 50 percent grant in the group's annual insurance premium of corona disease. The GoN has made an arrangement to bear the liability of insurance premiums for the insurance of health workers and women health volunteers. Women health volunteer’s travel allowance has been doubled.
	+ Budget allocation has been significantly increased to expand quality health service for prevention, control and treatment of the disease, development of health infrastructures, supply of medicine and equipment and service of qualified doctors and health workers.
	+ Incentive allowances including personal protective equipment for the doctors, health workers and employees working in the laboratories are provisioned in order to motivate them in the service.
	+ On the health front, the GoN has assured special treatment to all medical workers and other related staffs working on the frontline to combat the spread of corona virus in the country and treat patients infected with the virus.
	+ Hot line numbers were provided for complaining and reporting to the police and other relevant agencies related to victims and survivors of domestic, sexual and gender-based violence, human trafficking, discrimination, victims of contemporary forms of slavery including forced labour, as well as child victims on sale and sexual exploitation which are opened for 24 hours. The issues are put in the process of addressing through the concerned authorities after registration

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* + The Protection Cluster has been activated which is headed by Ministry of Women, Children and Senior Citizens with following mandate:
		1. Established nine help-lines for registering the complaints on gender or domestic violence and through which psychosocial counseling is also being provided,
		2. Community psycho-social counselors have been mobilized in seven provinces and they have been counseling women, girls and LGBTIQ in quarantine,
		3. Distributing Dignity kits to the women and girls in different quarantines,
		4. Organizing awareness programs,
		5. Prepared guideline to establish and organize female friendly space and circulated to the related organizations for implementation,
		6. Prepared Public Service Awareness programmes to avoid the discrimination against migrant workers in six language (Nepali, Tharu, Maithili, Bhojpuri, Doteli and Tamang) and have been regularly broadcasted,
		7. Emergency service delivery to the pregnant women and adolescents.
* Guidelines to provide help and assistance to the senior citizens who are in difficult situation due to the inconvenient situation arising from COVID-19 by the concerned stakeholders, 2020 has been prepared. Action plan to correct and address the impact caused or to be caused to women, children, people with disability and senior citizens due to COVID-19 infection and operation of social institution, 2020 has also been prepared and implemented.
* In the sector of differently able citizens, Guideline for the Stakeholders relating to disable people, 2020, distribution of relief packages to the organizations related to disable people with the co-ordination of National Federation of Disabled, Nepal, Preparation of IC Kits for easy access of information by the disable people are conducted.
	+ Essential goods and services have been operated continually during the lock down period including banking services, operation of the vehicles that deliver medicines, food items, water, milk, fruits, vegetables, livestock and fishery feeds, baby chicks, and return back, foods, vegetables, milk, fruits and other food items, home delivery of necessary food items.
	+ Free health check-up services are provided from the health institutions at the local level for safe maternity and reproductive health and for the diagnosis and treatment of the fatal diseases of women like breast and cervical cancers. Nutrition programmes are being implemented from all health institutions.
	+ Government is providing free treatment of catastrophic diseases to disadvantaged people, geriatric and pediatric cardiovascular diseases and to implement tuberculosis, AIDS and sexually transmitted diseases and leprosy control programs.
	+ Basic emergency health services are provided to the poor and disadvantaged people from the central hospitals free of cost.
	+ Satellite and outreach clinics are being planned with the specialized doctor’s service in the health institutions of the Local level and provide reliable telemedicine services to patients in remote areas deprived of specialized health facilities through specialized hospitals.
	+ The GoN has been planning to provide food relief, an equivalent to a quarter of minimum wage to the workers from the unorganized and corona affected sectors, which will not be adjusted to the wages of employment programs and food for work programs.
	+ Special safety and protection has been provided from the State to the economically deprived, helpless, differently abled, single women, children, endangered and marginalized communities.
	+ All types of social security allowances have been continued.
	+ Reliable social security has been provided to the orphans and those at high risk requiring special protection and HIV infected children.
	+ The GoN has aimed to provide shelter, protection and care to all those seeking help, including helpless, unclaimed, infected and homeless people
	+ The GoN has decided to deploy informal sector workers who have been unemployed due to the ongoing crisis in public works that are carried out by the local, provincial and federal governments. Such workers will either be paid in cash on a daily basis or provided with food. The local governments will fix the wage for such workers. Meanwhile, unemployed workers who refuse to work in the designated areas will be paid 25 per cent of the relief or wage that a worker who decides to work gets.

**Questions by the independent Expert on Foreign debt and human rights:**

The GoN of Nepal has offered several programs related to relief, concession, rebate and economic recovery to address the negative impact of COVID-19. The GoN of Nepal received debt moratorium facility from the IMF and some G20 members have initiated debt suspension of six months from May 1 to December, 2020 for next 3 years and Nepal has applied for the same facility. As of today, Government of Japan has only confirmed it. Some of financial relief measures are as follows:

* + Bank rate for loans has been reduced with repayment schedules of loan being extended.
	+ Provision has been made to provide loans to the borrowers from tourism, health and transport sectors with five days with no charging of fees exceeding 0.25 percent of the loan while approving the loan.
	+ Similarly, Bank Guarantee issuer institution should pay the beneficiary within seven days and BFIs should renew the bank guarantee without any charge.
	+ BFI’s contribution in Government’s COVID-19 prevention and controlling Fund shall be counted as Corporate Social Responsibility (CSR) fund. BFIS are not charged or penalized for their non-compliance on regulatory and supervisory ratios as of mid- April. NRB will priorities refinance facilities to small and medium enterprises which are affected by COVID-19 and can also be provided for working capital loan. Persons who are unable to go for foreign employment after getting the foreign employment approval and want to start business in country can access concessional loans to be approved within seven days of application during post COVID-19 period.

**Measures or policy recommendation being considered by the GoN/ institution for economic recovery and debt sustainability and to prevent and mitigate human rights impacts of the COVOD -19 economic fallout**

The GoN has adopted different policies related to relief, concession, rebate and economic recovery offered for different sectors and groups that are hard hit by Covid-19. Some of the policies/programs undertaken for economic recovery and debt sustainability and to prevent and mitigate human rights impacts of the Covid-19 economic fallout are as follows:

* + The life of the people will be made more comfortable and safer by protecting the citizens from all kinds of disasters and diseases including infectious one.
	+ Available resources, opportunities and entire capacity will be mobilized to the optimal level to sustain the pace of development by making the fastest possible economic recovery.
	+ The role of welfare state will be enhanced through fulfillment of the needs reflected as fundamental rights of the citizens including human rights.
	+ Budget speech 2077/78 has introduced the social security and civil protection scheme under which continuity to all types of social security scheme has been given. Government has allocated Rs. 67.50 billion for social security allowance.
	+ Similarly, Budget Speech 2077/78 has included several programs related to relief, concessions and economic recovery. The immediate relief programs, introduced by the Government in order to normalize the daily life of the people adversely affected due to measures taken for the prevention and control of COVID-19, will be given continuity till the risk of infection persists.
	+ Electricity fees have been either waived or discounted as per the units of consumption and consumer groups. Rebate on electricity demand charges has been provided. Discount on the demand charges of electricity to the manufacturing industries affected by COVID-19 has been made along with 50 percent rebate in the consumption of electricity during the low demand hours.
	+ Re-financing facility of about Rs. 100 billion at the concessional interest rate up to 5 percent has been provisioned to the businesses and industries related to agriculture, cottage, small and medium industries, manufacturing industries, hotels including tourism sector affected by corona.
	+ In order to address the impact of corona in the sectors including construction, transportation, mass communication and films, the GoN has made arrangements to waive the renewal fees of license and equipment. Credit facility for working capital has been given along with extended contract period bank guarantee for the lockdown period. The GoN has allocated Rs.500 million fund to provide to start-up enterprises, to be lent at 2 percent interest rate in order as the support and incentives to the entrepreneurs willing to invest in innovative business opportunities created by pandemic. Health services/system will be either expanded or upgraded to protect the citizens from all kinds of health risks, including corona virus and to make health services qualitative and accessible.
	+ Affected businesses including agriculture, industry, tourism, construction sectors will be revitalized by restoring broken chain of production and supply due to the steps taken for prevention and control of corona virus infection.
	+ Work and employment opportunities, food security, safe housing, universal social security and protection for the citizens will be prioritized.
	+ Priority will be accorded on quality and life-skill education, expansion of information technology, development and construction of social, economic and physical infrastructure including basic drinking water.
	+ Employment generation will be accorded the highest priority in the next fiscal year. New job opportunities will be created by mobilizing labour in agriculture and emphasizing on commercialization, mechanization and modernization of agricultural activities to address the challenges and opportunities created by corona -virus pandemic in this sector.
	+ In order to support the recovery of agriculture, industry and service sector affected by Corona necessary adjustment, exemption and relaxation of tax rates will be offered.
	+ Progressive, equitable, transparent and business friendly revenue system will be developed by bringing taxable transactions under tax net.
	+ Tax compliance will be enhanced through the development of efficient, professional and fair tax administration, procedural simplification, use of information technology, the compliance of tax laws and controlling the revenue leakages.

**Awareness raising, internet and technology:**

The GoN has prepared different awareness programs to inform the people about the adverse impact of COVID-19 through jingles, information bulletins in the radio and televisions, the Ministry of Health and Population has been conducting daily undated program and press meet providing information on safety, and precaution during COVID-19 period. Twenty-four hour helpline numbers are made available.

Yoga and exercise classes are being provided to the people in quarantine so as to keep them fit and healthy. Other entertainment activities are also made available.

Taking into account the constraints of internet facilities in the remote area of Nepal, the GoN has announced tele-education from radio and television for the students. Moreover, online classes are also being organized.

**Accountability and justice:**

Nepal’s judiciary has been playing a very significant role in protecting the human rights The Supreme Court was opened to hear writ petition related to the violation of the fundamental human rights even during the pandemic. The Supreme Court has issued interim orders in the name of the GoN to rescue Nepali from abroad as necessary and ensure their safety and wellbeing. It has also ordered the government to make arrangements of quarantine and keep record as per the guidelines of WHO of those who have entered Nepal and those who were held back at the international borders. As per the Supreme Court decision, the GoN provided immediate relief to the economically seriously affected people by the lockdown. Moreover, directives have been issued on monitoring of the quarantines; operating emergency health services, and smooth delivery of the agriculture products to the market.

In another writ petition filed, the Supreme Court has issued an interim order to take special care of women, children, and elderly citizens in the quarantines, not to prevent minor infants and children from receiving vaccines and to disclose information about infected person only after taking consent from concerned person. The GoN has made separate arrangements for women with special care and diets being provided to pregnant and lactating mother. A helpline phone has been brought into operation for collecting information and complaints of violence against women and the rights to privacy of the infected persons have been maintained.

Similarly, in many other writ petitions filed on the issue related to human rights during COVID-19 as per the Supreme Court has been issuing necessary orders to the GoN with objectives of protecting and promoting human rights.