

Press Statement

Date: May 28, 2020

We, the human rights defenders are seriously concerned about the loss of lives due to lack of food and timely treatment in Province 2 caused by the continued lockdown imposed to prevent the spread of COVID-19. Right to food and health is one of the fundamental human rights enshrined in the Universal Declaration of Human Rights 1948 and also guaranteed by the Constitution of Nepal. It is, thus, the duty of the State to provide free food during this crisis and also ensure that people have unhindered access to adequate health facilities. Therefore, we urge the Provincial Government, concerned Local Governments, hospitals and all stakeholders to ensure that food is provided to those in need so that no more lives is lost due to hunger and that the sick people get effective health treatment.

The heartbreaking deaths of Malar Sada (Kanchanpur-5, Pathari, Saptari) on 19 May 2020 due to starvation and lack of free health services to those who cannot afford and Birendra Gurmaila Yadav (Sahid Municipality) on 27 May 2020 who succumbed to starvation and lack of access to health facilities have reflected the ground reality of the inefficiency of the government's relief distribution. It is a blatant violation of the fundamental rights guaranteed to the people by the Constitution. We strongly urge to all levels of governments to be sensitive on the multidimensional violation of cluster of rights of people during the pandemic. It is the duty of the State to prevent and manage the pandemic while also performing its conventional responsibility of protection of rights. Thus, we urge the government to uphold the right to reparation for the families of the deceased, starting with an immediate relief and compensation package for the families.

Article 35 of the Constitution guarantees the rights to access free basic medical services and not be deprived of emergency services. In clear and blatant violation of this right, people are dying due to lack of access to basic health facilities including the availability of ambulance services. Apart from the private hospitals denying service to the patients, even the government hospitals have been denying to admit patients with symptoms similar to that of COVID-19. The incident of a man with wounds on his leg who was denied treatment by a hospital in Bara district died on his way to Kathmandu for treatment and the death of a girl who was denied treatment by Janakpur Provincial Hospital are just tip of an iceberg and infact a reflection of the bigger problem of denial of health services during the pandemic. As the watch dog of the rights, we urge the Government to take immediate actions against the hospitals denying treatment and issue an order for all hospitals to provide compulsory services during this hour of need.

Article 36 of the Constitution of Nepal guarantees the Right to Food however now this right has become mere false promises for the ones for whom the provisions were really meant. Though in normal times it is not the duty of the Government to provide free food to people, it is now a well-developed jurisprudence that if people are deprived of food due to some reasons beyond their control (such as this lockdown), it is the responsibility of the Government to provide food to the poor and marginalized people. Despite the commitment of the Government that food will be provided to those in need, the discrepancies, irregularities and non-adherence to the relief distribution guidelines has marginalized and sidelined the real needy ones. In this regard, the High Court Janakpur has also issued an interim order to distribute the relief materials according to the Nepal Government's guideline on May 6, 2020.

Reiterating the right of Nepalese people to return to their home, everyday thousands of Nepalese enter Nepal via various ports of Nepal-India border. We request the Government to immediately address the grievances of those placed in quarantines such as lack of basic facilities like proper shelter, hygienic and quality food, overcrowd, lack of sanitation, lack of separate bathrooms for male and female and so on. We hold that it is the duty of the State to not only build quarantines but also to manage them effectively to protect the rights of the people kept there.

Statement Issued by:

1. Rajkumar Mahaseth, Province Coordinator, Advocacy Forum Province 2 Office, Janakpurdham
2. Raju Paswan, Province Coordinator, INSEC, Province 2 Office, Janakpurdham
3. Vinod Mahara, Province Coordinator, THIRD Alliance, Province 2 Office, Janakpurdham
4. Rojlin Bachhar, Coordinator, WOREC, Dhanusha
5. Manoj singh Danuwar, Chairperson, Nepal Human Rights Organization, Dhanusha
6. Rampramesh Mandal, Chairperson, SAFE Nepal
7. Pradip Yadav, Representative, Nilhira Samaj, Dhanusha
8. Raghunath Das, Chairperson, Nepal National Social Welfare Association, Dhanusha
9. Shila Jha, Chairperson, Woman Human Rights Defender Network, Dhanusha
10. Adv. Rekha Jha, Chief, Civil Dialogue Centre, Janakpurdham
11. Birendra Karna, Human Rights Defender, Province 2
12. Ashok Jha, Human Rights Defender, Province 2