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Press Statement
Immediate Release
Protect the Right to Life of Those under the State's Custody

Advocacy Forum-Nepal expresses its serious concern on the situation of detainees and prisoners across Nepal when the country is fighting against the monstrous Coronavirus disease 2019 (COVID-2019). Recently, the World Health Organization (WHO) has listed Nepal as a high-risk country for the spread of the virus. Nepal government has been put the country under a lock-down since 24th March in an attempt to prevent the possible spread of the virus. AF welcomes the initiative taken by Nepal government to fight against the COVID-19. However, AF is firm that the basic human rights of the people especially the vulnerable group is respected and fulfilled in any circumstance.

Thousands of detainees, prisoners and juveniles remain locked-up together in over-crowded prison cells/correction homes/detention centres lacking necessary and minimum precautions and hygiene prescribed by WHO. The paranoia and fear among the (free) people locked-down in their home can only provide a glimpse of what the prisoners and detainees packed in crowded prison cells/detention centres are experiencing; fearing that the infection will reach them. Though the prisoners are legally detained and serving imprisonment for their acts, it is of utmost duty of the State to protect their right to Life.

AF requests that the Government of Nepal classify prisoners who can be released based on age, nature and severity of crimes and whether they are convicted or awaiting trials. The release of selected/eligible prisoners will not only help control the possible outbreak in prisons but also alleviate some of the pressures on the Government and also balance the protection of Right to Life with the duty to protect people from crimes. Apart from the prisoners, AF strongly urges the Government to release the juveniles housed in Child Correction Homes in parental custody.

AF urges the Government to immediately take rigorous actions to sanitize and disinfect the prisons, detention centres and Child Correction Homes, provide the prisoners and detainees with necessary personal protection equipment (face mask, hand sanitizer, soap and clean water) and make provisions for isolation rooms for those who show even the mildest symptoms of infection. It is an immediate necessity that the Government cancels any prison visits, makes strong provisions for management of outbreak.



वकालत मञ्च-नेपाल
ADVOCACY FORUM- NEPAL
Lawyers forum for human rights and rule of law

Pandemic is not an excuse to abstain from protecting human rights, including those of the detainees. With 16% global death rate, the COVID-19 poses serious threats to the people in custody- the ones whose fate depend not on their hands but on the State's. The custody/confinement does not provide the opportunity to prisoners/detainees to take proactive steps to protect themselves and the densely packed prisons often provide the ideal environment for transmission of contagious diseases like COVID-19 as confirmed by the WHO Interim Guidance for Prison and other places of detention. In this hour of threat to life and public health, we welcome the Government's step to limit the Court functions to urgent issues and lock-down the entire country in an attempt to prevent spread of infection. As the shutting down of courts directly affect those in detentions under investigation, we call upon the Government to limit the arrest in petty offences who do not pose great risk to the society and suspend investigations on minor offences until the situation comes under control.

AF also make the authority aware not to use excessive force by the police while enforcing the lock-down. AF understands the need to keep people off the public spaces, we urge the Government and the Police authority to respect basic human rights, rule of law and refrain from unnecessary use of force against the civilian but to follow the legal process under the Contagious Disease Act 2020.