

AMNESTY

INTERNATIONAL

REPORT 2021/22

**THE STATE OF THE WORLD'S
HUMAN RIGHTS**



AMNESTY
INTERNATIONAL



NEPAL

Federal Democratic Republic of Nepal

Head of state: **Bidya Devi Bhandari**

Head of government: **Sher Bahadur Deuba (replaced Khadga Prasad Sharma Oli in July)**

Federal legislation limiting the rights to freedom of expression and privacy remained pending, while provincial governments drafted new bills threatening media freedom. Protesters were detained and security forces continued to use unnecessary and excessive force to disperse protests. The government failed to deliver justice, truth and reparations to victims of the 1996-2006 conflict. Thousands died of Covid-19 amid a severe shortage of vital infrastructure and lack of an adequate response by the government. Gender-based discrimination continued in law and practice. The authorities failed to carry out credible and independent investigations into several deaths in custody, mostly of people from marginalized communities.

BACKGROUND

Amid disputes within the ruling party, Prime Minister Oli dissolved the lower house of the parliament in May. Calling it an “unconstitutional move”, in July the Supreme Court reinstated the dissolved lower house and ordered the appointment of Sher Bahadur Deuba as the new prime minister.

In October, unseasonal rainfall linked to climate change led to floods and landslides, resulting in more than 100 deaths and displacing more than 1,100 families. The rains affected farmers' livelihoods and threatened food security, destroying more than 325,000 tonnes of paddy crops, the highest losses on record. The government's mitigation and relief support was inadequate.

FREEDOM OF EXPRESSION AND ASSEMBLY

The authorities continued to use the Electronic Transactions Act 2006 to arbitrarily detain individuals, including journalists. They

particularly targeted those critical of the government and of the leaders of the ruling party.

In February, the Ministry of Communication and Information Technology drafted social media guidelines that would give the government sweeping powers to regulate social media content and criminalize users' activities, including the ability to hold people liable for liking, sharing and commenting on posts. Several bills threatening the rights to freedom of expression and privacy remained pending in the federal parliament, and the provincial governments in Bagmati, Gandaki and Lumbini provinces drafted bills that would limit freedom of expression, especially media freedom.

In May, the Office of the Registrar of the Supreme Court summoned two journalists, pressuring them to divulge their sources and to apologize for reporting on an alleged meeting between Prime Minister Oli and Chief Justice Cholendra Shumsher Rana.

In June, 20 civil society leaders were arrested while peacefully protesting against political interference in the Medical Education Commission.

In October, police detained 13 activists who were peacefully demanding impartial investigations into the death of one woman and the disappearance of another in Banke district. Ruby Khan, one of the protesters, was detained by police on trumped-up charges of “polygamy” before the Supreme Court ordered her release.

Also in October, four men died when security forces opened fire to evict protesters in Rupandehi district.

RIGHT TO TRUTH, JUSTICE AND REPARATION

The government continued to fail to deliver truth, justice and reparations to tens of thousands of victims of crimes under international law and other grave human rights violations committed during the 1996-2006 conflict. The Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons, which had respectively

collected more than 60,000 and 3,000 complaints from victims, failed to resolve a single case. By the end of the year, the government had still not amended the Investigation of the Enforced Disappeared Persons, Truth and Reconciliation Commission Act of 2014, as ordered by the Supreme Court in 2014 and 2015, to bring it in line with Nepali and international human rights standards. In July, the government extended the terms of the two Commissions.

RIGHT TO HEALTH

The second wave of Covid-19, which began in April, caused the collapse of the country's fragile healthcare system, resulting in more than 7,000 deaths. The situation was exacerbated by a severe shortage of vaccines, medical facilities and vital hospital supplies including oxygen, ventilators and other life-saving medical equipment, and a lack of adequate preparation by the government. People from marginalized groups such as Dalits and people living in poverty, including daily wage earners, were also hit by the worsening socio-economic situation resulting from the pandemic and related restrictions.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment were widespread in pretrial detention to extract “confessions” and intimidate detainees. By the end of the year, there had yet to be any convictions under the 2017 Criminal Code, which criminalized these practices.

Several deaths in custody were reported during the year – mostly of detainees from marginalized Dalit and Madhesi communities. No independent investigations were carried out.

In July, Paltu Ravidas was found dead in the toilet of the Dhanusha District Police Office after being detained by police. In August, a police officer on duty at the time of Paltu Ravidas' death was suspended for six months. In September, Bhim Kamat died in the custody of Morang District Police. In October, Mohammad Hakim Sah and Dhan Bahadur Rana died in the custody of the

Sunsari and Kailali District Police Offices respectively.

The government failed to implement the National Human Rights Commission's (NHRC) recommendations to hold those responsible for human rights violations to account. In July, the government promoted a police officer whom the NHRC had recommended for prosecution over an extrajudicial killing.

INDIGENOUS PEOPLES' RIGHTS

The government failed to reform the National Parks and Wildlife Conservation Act 1973, which does not meet international standards. Indigenous people, evicted from their ancestral lands during the establishment of national parks and conservation areas, remained landless and continued to live in informal settlements facing risks of further forced evictions. The authorities failed to allow their return, or provide them with alternative land and livelihoods, compensation, or access to protected areas for fishing, grazing and gathering food, medicinal herbs and firewood. Farmers whose lands came within the boundary of the Bardiya National Park as a result of the Geruwa river changing its course continued to be denied access to their lands some three decades later.

GENDER-BASED DISCRIMINATION

Gender-based discrimination continued and the government did not reform constitutional provisions which denied women equal citizenship rights. The restrictive provision for statutory limitations for rape in the Criminal Code continued to allow impunity for perpetrators.

In February, the Department of Immigration proposed introducing a policy requiring women below the age of 40 to obtain permission from their families and a recommendation from the local government before travelling internationally. Following widespread public backlash, the Department of Immigration issued a clarification stating that the provision, which had been suggested to prevent trafficking, would only apply to

women travelling to the Gulf and African states for the first time. The policy had not come into force by the end of the year.

NETHERLANDS

Kingdom of the Netherlands

Head of state: **Willem-Alexander**

Head of government: **Mark Rutte**

Legislation excluding certain documents as evidence in applications for international protection was ruled in violation of EU law. A new bill defining all forms of involuntary sexual penetration as rape was published. The tax authorities used a discriminatory algorithmic system to detect potential fraud in childcare benefits. A court ruled that border police could continue to use racial profiling. The National Coordinator for Counterterrorism and Security was revealed as having illegally monitored activists on social media for years.

REFUGEES' AND MIGRANTS' RIGHTS

In June, the European Court of Justice ruled that Dutch legislation – which automatically dismissed subsequent applications for protection as inadmissible when the documents submitted were not authenticated – was not in line with EU law. This ruling makes it possible for rejected applicants for international protection to submit new applications, with the authorities no longer able to refuse to examine such documents.

People seeking international protection in Curaçao, one of the constituent countries of the Netherlands, were detained in inhumane conditions, subjected to ill-treatment and denied their right to seek protection.¹

VIOLENCE AGAINST WOMEN AND GIRLS

In March the Minister of Justice and Security published a new draft of the Sexual Offences Act which proposed that all involuntary sexual penetration would be defined as rape. By year's end the proposal had still not been submitted to parliament, however, and civil society expressed concern at the minister's

suggestion that the bill may not be implemented until 2024.

DISCRIMINATION

ALGORITHMS

The tax authorities were exposed as utilizing a discriminatory algorithmic system to detect inaccurate and potentially fraudulent applications for childcare benefits. Tens of thousands of people were falsely accused of fraud and were compelled to repay large sums of money. This led to devastating problems for the families, ranging from debt and unemployment to forced evictions and health issues. In particular, people with a migrant background and from low-income households were disproportionately affected as information on whether an applicant had Dutch nationality was used as a risk factor in the algorithmic system and the algorithms assigned people on lower incomes a higher risk score.²

RACIAL PROFILING

Law enforcement agencies continued to use racial profiling, although the government denounced the practice in principle. In September the District Court of The Hague ruled that ethnicity could be used along with other criteria in deciding whether to stop an individual against whom there was no suspicion of any wrongdoing. A civil society coalition including Amnesty International had filed the lawsuit seeking to challenge racial profiling.³

RIGHT TO PRIVACY

In April, journalists revealed that the National Coordinator for Counterterrorism and Security had been monitoring activists on social media for years. The Coordinator collected, analysed and shared their personal data without a legal basis or the activists' consent, using fake profiles. After the revelations, the Minister of Justice proposed a controversial and far-reaching bill through which the government urgently sought to continue online surveillance. Amnesty International urged the ministry to address the human rights impact of such surveillance and enshrine human rights protection in law.