

NEPAL POLICE (NP)

ISSUES FACED BY NP'S OFFICERS

The key issues identified were an *absence of regular inspection and monitoring of rehabilitation centres, inadequate preparation of the daily patrolling report sheet and a lack of adequate data on the crimes committed*. These problems result in *officers' inability to execute their duties, the public's lack of trust for police officers and an increased possibility for misbehaviour and human rights violations*. Further, these issues led to *the possibility of using outdated or insufficient methods in investigation and increased the likelihood for crime*.

NP'S RESULTS

NP project led by DSP Rabindra Regmi and SP Shiddhi Bikram Shah

Project objective: Metropolitan Police Range Kathmandu will develop a scientific record-keeping system of received applications.

Key results: Before the project, the department did not keep adequate records of complaints and cases files. As a result, the workload and time management was problematic. For example, two investigations on the same offence could be happening simultaneously due to poor overview and access to documents. After the development of software and training, the digital record system made it possible for officers to access to the complaints from their desk and take action appropriately. According to the project managers, stress has been reduced, many tasks have become easier and there are less chances for duplication of cases and investigations. Fifteen officers received training on the software within the project period. The officers managed to register 56,876 complaints in the new digital system.

“ We have learned the importance and way of creating a system of strong documentation from Danish Police. Furthermore, the project has helped us learn about the importance of documentation and the use of technology helps in providing effective service to service seekers”
Quote from DSP Rabindra Regmi.

NP project led by SSP Birendra Shrestha

Project objective: Narcotic Control Bureau will make recommendations to the Home Ministry regarding the standards for formation, maintenance and/or operations of the rehabilitation centres.

Key results: There is a recognised need to change the way the criminal justice system in Nepal perceives drug abusers. Officers explained that because the system often views them as criminals rather than persons in need of assistance, there is an increased risk of human rights violations or torture. Hence, this project created a monitoring and report format and a committee which included representatives from the Ministry of Home Affairs (MOHA), NP and Kathmandu School of Law. This group monitored and documented the human rights situation in 22 rehabilitation centres. Based on these reports, policy recommendations for the MOHA were developed. This resulted in the MOHA making a commitment to form a monitoring committee for future inspections. Furthermore, the project manager observed that the project helped to raise rehabilitation centres' awareness on the issues of torture, hygiene, medical care, and to inform respective local police.

NP project led by DSP Komal Shah

Project objective: A proper police patrolling reporting system will be developed and used for the reduction of the instances of cruel, inhumane and degrading treatment or punishment during patrolling.

Key results: Prior to the project, there was no systematic record keeping system to record what occurred during police patrol. Therefore, NP did not monitor the police officers' work, and as a result of this lack of oversight, there was an increased likelihood of inflicting torture or ill-treatment during patrol. Hence, the project developed a patrolling sheet to report activities and guidelines on various elements of crime control and human rights. Officers filled out 276 patrolling sheets and senior officers monitored the information. The project held a public hearing programme on the new patrolling initiatives and held four office meetings to work towards

improving the public-police relationship. A major success of the project, the officers observed a decline in complaints regarding officers inflicting ill-treatment or torture.

RECOMMENDATIONS FOR NP TO TAKE FORWARD

Technology

- Develop an online software for case records and case handling that is readily accessible and applicable for all police stations across the country. Use the learning from the project made by DSP Rabindra Regmi and SP Shiddhi Bikram Shah.

Documentation and monitoring

- Plan and conduct monitoring programmes in a cyclical way to continually evaluate progress.
- Encourage the MOHA, Ministry of Health and the District Administration Office to be involved in monitoring programmes of rehabilitation centres.
- Implement a country-wide programme on the prevention of drug abuse, involving drug abusers and representatives from the rehabilitation centres.
- Give standing order to all police offices to use the patrolling sheet.
- Develop a system of regular forwarding of the analysis of the patrolling report to the Metropolitan Police in order to track the job performance of officers.
- Use the patrolling sheet during the period of promotion, transfer and other such departmental actions. If possible, the public should cross-examine the patrolling sheet.

MINISTRY OF FOREST AND SOIL CONSERVATION (MOFSC)

ISSUES FACED BY MOFSC'S OFFICERS

The key issues identified were *inadequate training, lack of data on crimes committed in the community forest, and a disregard of forest workers' safety and security in the forest management operations. Further, the absence of a common platform to discuss law enforcement and human rights protection among officers, local user groups and other stakeholders and insufficient knowledge on investigation and documentation were issues raised by officers.* These problems have resulted in the potential for human rights violations, opportunities for mishandling detainees, a lack of trust towards the institution, an outdated or insufficient methods in investigation and the possibility for increased crime.

MOFSC'S RESULTS

[Department of Forest's \(DoF\) project led by Under Secretary Mohan Raj Kafle](#)

Project objective: DoF will establish the safety and security situation of various forest workers involved in operations in the districts and will develop recommendations for sectoral policies and plans.

Key results: For the first time, the DoF made a detailed field study on present issues regarding safety, security and rights of forest workers (Forest Guards, Forest Labours and Community Forest Users). The report utilised primary, case study data from DFOs of Chitwan and Nawalparasi. The report documents and concludes that works related to forest management and protection is both challenging and risky, including a high risk of injuries. The project held a one-day policy level workshop on the findings and made recommendations to incorporate issues regarding the forest workers' rights and working conditions into new policies, regulations and different Forest Management Plans.

HIGHLIGHT: The DFO Chitwan and Nawalparasi admitted being unaware of forest workers issues and that Operational Forest Management Plans did not address them. The two DFOs later felt it was necessary to immediately address these issues when implementing their forestry related plans and programs.

DOF's project led by Assistant Forest Officer Bisnu Prasad Gyawali

Project objective: To support the creation of a legal framework and environment that promotes and enables forest-based industries and decent jobs.

Key results: During a one-day workshop, the project presented the research study, policy recommendations and facilitated interactions regarding laws and regulations to improve forest and industrial management. The project used the study to advocate for reforms that can reduce discrimination and conflicts between the forest, workers, civil society organisations, entrepreneurs and governments in order to create sustainable change. Ultimately, the MOFSC formed a taskforce to address the policy issues of private forest owners and forest entrepreneurs.

RECOMMENDATIONS FOR MOFSC TO TAKE FORWARD

Reform of policies and regulation

- Incorporate the issue of forest workers and their safety and security (personal and professional) in the Forest Act and Regulations on the basis of Forest Policy 2071.
- Formulate and legalize the trade union of the forest workers.
- Ensure that the State fixes a reasonable wage rate for forest workers every year, varying based upon different types and the nature of the work.
- Develop the law provisions to give workers accident and life insurance, first aid and immediate relief in case of small injuries.
- Assemble a mandatory provision that requires forest workers to use safety gear and equipment during their work.
- Provide additional incentives to the forest guards for field based forest management and protection work.
- Amend conflicting and discriminating policies on private forests, government forests, rights to enterprise an establishment and the right to enjoy personal property.

Plans and implementation

- Incorporate measures to secure the safety of forest worker in District Forest Management Plans and CF Operational Forest Management Plans.
- Develop provisions for providing a certificate and identity card to the forest workers. Develop a permanent cadre of skilled forest workers in each district and in CFUGs.
- Implement available policies into practice with adequate human resources, budgeting and programmes.

Training

- Plan and conduct skill and capacity-building programs for workers.

CONSOLIDATED RECOMMENDATIONS FOR ALL INSTITUTIONS

During a three-day learning workshop in August 2017, officers working within this theme developed joint learning points, key recommendations and suggestions for next steps for their institutions.

Key learning points:

- Teamwork and coordination is essential for human rights.
- There is a need to document processes and outcomes.
- Security includes personal safety, social security, as well as economic security.
- Improve knowledge and training.
- Laws & policies: Discriminatory policy leads to human rights violations.

Key recommendations (in order of priority):

- Develop a policy for mainstreaming a management information system and/or national database centre.
- Incorporate and internalize human rights issues within forest policies and programs.
- Provide incentives for forest entrepreneurs.
- Create trainings and training manuals.

Next steps:

- Educational training and awareness programs
- Intervention plans and programs
- Policy recommendations
- Sensitization
- Create role models for change

LINKS TO INSTITUTIONAL COMMITMENTS

The Enhancing Good Governance and Human Rights (EGHR) project has developed a simple database linking the individual projects to the *Fourth National Plan of Actions on Human Rights*, the *Universal Periodic Review (accepted recommendations)* and the *Convention Against Torture* (the list of Issues prior to the III-V State report). Government agencies can use this database for implementation of plans, national and international human rights reporting, impact evaluation of the work and for planning of future work.

The *Kathmandu Resolution on Prevention of Torture*, developed together with Government agencies under the EGHR project in 2015, and the *Declaration adopted by Nepalese Police Investigators and Prosecutorial Government* of the first national conference in 2017 made pledges to document, monitor and use scientific technology. This is in accordance with the works done by the officers in the EGHR project.

THE KATHMANDU RESOLUTION ON PREVENTION OF TORTURE, 2015

Excerpts from relevant sections of the resolution:

Resolution 3 points to the government for institutionalizing the application of science and technology while also improving basic skills through training activities in the field of crime investigation and prosecution, so that the concerned professionals are not bound to secure confessions, which may turn into means of torture, cruel, inhuman or degrading treatments.

Resolution 10 requests the Government of Nepal to establish regular and frequent monitoring and evaluation systems in all relevant state agencies with human rights responsibilities, in accordance with commitments made in the National Human Rights Action Plan and in the spirit of on-going democratic dialogue.

DECLARATION BY NP INVESTIGATORS AND PROSECUTORIAL GOVERNMENT ATTORNEYS, 2017

Excerpt from relevant sections of the declaration:

Resolution 8: *“Crime investigation is a specialized area. We are committed to make our services more specialized and to develop professionalism and capacity among police officials in order to make them disciplined and uncontroversial. As far as possible, we request institutional support for police officials involved in investigation. In order to modernize crime investigation and make it evidence-based, credible, reliable and scientific...”*

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