

Nepal

HUMAN RIGHTS YEAR BOOK 2016



Constitution Heralds Hope

Human Rights Year Book 2016

(ENGLISH EDITION)

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Editor-In-Chief

Madan Paudel

Executive Editor

Nir Lama

Editorial Team

Subekshya Karki

Sara Neupane

Data Analyst

Anuj KC

Graphic Designer

Gita Mali



For Human Rights and Social Justice

Informal Sector Service Centre (INSEC)

POBox : 2726, Kathmandu, Nepal

Tel: +977-1-4278770 Fax: +977-1-4270551

E-mail: insec@insec.org.np Web-site: www.insec.org.np

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Informal Sector Service Centre (INSEC)

Founded in 1988, INSEC is actively involved human rights and social justice. INSEC runs its regular programs through one regional office in each of five development regions. For the studying and monitoring of the incidents of human rights violation, it has deployed a district representative each in all 75 districts.

INSEC General Assembly held on May 6, 2012 elected a new Executive Board for three years

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Lalbabu Yadav

Treasurer

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Members

Dr. Puspa Karna

Kundan Aryal

Tika Ram Bhattarai

Rakshya Basyal

Ramesh Paudel

Hari Phunyal

Basanti Devi Jha

Regional Offices:

Eastern Region

Janapath Tole, Biratnagar
Ph: 021-471025, Fax: 471127

Mid Region

Kalanki, Kathmandu
Ph: 01-4278770

Western Region

Janapriya Tole, Pokhara
Ph: 061-465512

Mid Western Region

National Trading Road, Nepalgunj
Ph: 081-524504, 522068

Far Western Region

Utter Behadi, Dhangadhi
Ph: 091-522576, 521446

Daily activities of INSEC are performed through the Executive Director and below mentioned programs.

Human Rights Documentation and Dissemination Program

This Program, involved in monitoring, study, investigation and documentation of incidents of human rights violations and abuses, publicises the report based on field study. Publications, including central and regional level quarterly situation reports, bi-monthly magazines Prachi and Informal and annual publication Nepal Human Rights Year Book are prepared by this Program. The department also runs a human rights news portal, www.inseconline.org. The Program takes initiative for immediate support to the victims, issues urgent appeals, maintains coordination with the national and international human rights institutions and stakeholders.

Human Rights Education Program

Through this program, INSEC disseminates human rights education in coordination of local human rights organisations. To create awareness in the rural areas through literacy awareness program, this department conducts human rights trainings, group mobilization, and interaction and discussion with the stakeholders. Books and training materials are also published by this Program.

Human Rights Campaign and Advocacy Program

The main responsibility of this Program is to exert pressure on the government to formulate policies, rules in compliance with international human rights and humanitarian laws and identify the rights of the marginalised communities. Review of law, human rights treaty monitoring and human rights campaign are also conducted through this Program.

Human Rights Education Radio Program

The main objective of this Program is to ensure public access to human rights information through Local FM stations. Current relevant human rights issues are disseminated through this Program on weekly basis. Different programs are conducted at local level by establishing coordination with Radio Listeners' Club. Additionally, activities related to raising of awareness of human rights issues among the children and activities related to their personality development are conducted through the child clubs formed in different government schools in the initiation of INSEC.

Management Program

All the administrative and financial management of INSEC fall under this Program. This Program has been undertaking capacity building programs for the employees under the human resource management. This Program has the responsibility to carry out institutional planning, monitoring and evaluation. Under the activities of information management, it has a library and internet technology sections. Publications like Annual Report and INSEC Aviyan are prepared by this Program. For the management of information under the organization, library and information technology units are established within this program.

Acronyms and Abbreviations

ACAP	: Annapurna Conservation Area Project	CRPD	: Convention on the Rights of Person with Disabilities
AHRC	: Asian Human Rights Commission	CRC	: Convention on the Rights of the Child
AHW	: Assistant Health Worker	CSOs	: Civil Society Organizations
AIG	: Additional Inspector General	CWIN	: Child Workers in Nepal Concern Centre
ANM	: Auxiliary Nurse Midwife	DAO	: District Administration Office
ANNFSU	: All Nepal National Free Students Union	DDC	: District Development Committee
ANNISU-R:	All Nepal National Independent Students Union-Revolutionary	DEO	: District Education Office
APF	: Armed Police Force	DHO	: District Health Office
APO	: Area Police Office	DIG	: Deputy Inspector General
ASI	: Assistant Sub-Inspector	DPHO	: District Public Health Office
BASE	: Backward Education Society	DPO	: District Police Office
BPKIHS	: BP Koirala Institute of Health Sciences	DR	: District Representative
BWS	: Battered Women Syndrome	DSP	: Deputy Superintendent of Police
CA	: Constituent Assembly	ENT	: Ear, Nose and Throat
CAT	: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment	FAO	: Food and Agriculture Organization
CDO	: Chief District Officer	FECOFUN:	Federation of Community Forestry Users Nepal
CEDAW	: Convention on the Elimination of All Forms of Discrimination Against Women	FIAN	: Food First Information and Action Network
CEO	: Chief Executive Officer	FIR	: First Information Report
CIAA	: Commission for the Investigation of Abuse of Authority	FM	: Frequency Modulated
CJ	: Chief Justice	FNC	: Friends of Needy Children
CMA	: Community Medicine Association	FNJ	: Federation of Nepali Journalists
CMW	: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	FSU	: Free Students Union
CIDP	: Commission on Investigation of Disappeared People	FWLD	: Forum for Women, Law and Development
CPA	: Comprehensive Peace Agreement	FY	: Fiscal Year
CPN-ML	: Communist Party of Nepal- Marxist Leninist	GBV	: Gender Based Violence
CPN-UML	: Communist Party of Nepal- Unified Marxist Leninist	HRC	: Human Rights Committee
CPN-M	: Communist Party of Nepal- Maoist	ICCPR	: International Covenant on Civil and Political Rights
		ICERD	: International Convention on Elimination of All Forms of Racial Discrimination
		ICESCR	: International Covenant on Social, Economic and Cultural Rights
		ICJ	: International Commission for Justice
		ICRC	: International Committee of the Red Cross

IED	: Improvised Explosive Device	SMS	: Short Message Service
IGP	: Inspector General of Police	SP	: Superintendent of Police
ILO	: International Labor Organization	SSB	: Seema Surakshya Bal
INSEC	: Informal Sector Service Centre	SSP	: Senior Superintendent of Police
IOM	: Internal Organization of Migration	SWAN	: Social Worker's Association Nepal
JC	: Judicial Council	THRD	: Terai Human Rights Defenders Alliance
JITCO	: Japan International Training Cooperation Organization	TIA	: Tribhuvan International Airport
KI Nepal	: Kingdom Investment Nepal	TMDP	: Tarai Madhes Democratic Party
LOAC	: Law of Armed Conflict	ToR	: Terms of Reference
LPC	: Local Peace Committee	ToT	: Training of Trainers
LPG	: Liquefied Petroleum Gas	TRC	: Truth and Reconciliation Commission
MDG	: Millennium Development Goal	TU	: Tribhuvan University
MPC	: Metropolitan Police Circle	UCPN-M	: Unified Communist Party of Nepal-Maoist
MRG	: Maoist Retaliatory Group	UDHR	: Universal Declaration of Human Rights
NA	: Nepal Army	UDMF	: United Democratic Madhesi Front
NAP	: National Action Plan	UML	: Unified Marxist Leninist
NBA	: Nepal Bar Association	UN	: United Nations
NC	: Nepali Congress	UNESCO	: United Nations Education, Scientific and Cultural Organization
NFC	: Nepal Food Corporation	UNGA	: United Nations General Assembly
NGO	: Non-Governmental Organization	UNICEF	: United Nations Children's Fund
NHRC	: National Human Rights Commission	UNSCR	: United Nations Security Council Resolution
NJAC	: National Judicial Appointments Commission	UPR	: Universal Periodic Review
NRA	: National Reconstruction Authority	VAW	: Violence against Women
NSU	: Nepal Students Union	VDC	: Village Development Committee
NWC	: National Women Commission	WCSC	: Women and Children Service Center
NWPP	: Nepal Workers and Peasants Party	WFP	: World Food Program
OPMCM	: Office of the Prime Minister and Council of Ministers	WHO	: World Health Organization
PAF	: Poverty Alleviation Fund	WHRDs	: Women Human Rights Defenders
PIL	: Public Interest Litigation	WOREC	: Women Rehabilitation Center
PwD	: Person with Disabilities	YCL	: Young Communist League
RJA	: Revolutionary Journalist Association		
RPP	: Rastriya Prajatantra Party		
SAARC	: South Asian Association for Regional Cooperation		
SC	: Supreme Court		
SLMM	: Samyukta Loktrantik Madhesi Morcha		

Year of Triadic Distression: 2015

The year 2015 will be marked in the history of Nepal as one of the worst deleterious time due to a devastating natural calamity followed by a weak governance, callous agitation and unwarranted foreign intervention.

This edition of Human Rights Year Book comes to you reporting on the whole year of 2015, that saw Nepal victimized by an earthquake in mid-spring, thereafter by polarization linked to constitution-writing, topped off by an economic blockade spanning over the second half of the year. As far as politics is concerned, the people were made to suffer by the absence of elected local government, inefficient leadership at the national level, and the radical politics of agitating parties.

The earthquake of April 25, as well as the aftershocks, created great distress and uncertainty among the people at a national scale. It impacted a society already suffering from political turbulence linked to the seven year effort to write a constitution. When the constitution-writing finally moved to a conclusion, there was activism against the negotiated draft by a section of plains-based politicians, followed by a full-blown agitation after the promulgation on September 20, 2015. This was followed by an economic blockade conducted by the neighboring country, which added a humanitarian and economic dimension to the existing political and geopolitical crisis confronting the society.

Politics is regarded as the mother of all policies and politics should be driving the policies, but here it worked to dismantle all policies to promote a character of negation by establishing only the particular leaders or parties. It was due to this reason that we find the year 2015 being presented in this book as more devastating than the previous years.

In the modern era, the people of Nepal have had to wage popular movements starting from 1950, through to 1990 and 2006. The Maoists went underground in 1996 and started an armed struggle, which set the stage for violence in later movements. Nevertheless, the 2006 People's Movement which challenged the autocratic kingship was also conducted peacefully with mass participation. The Madhes Movement of 2007-08 was also a peaceful protest to challenge age-old discrimination.

In 2015, before and after the promulgation of the Constitution, the Nepali people and economy were made to suffer from a movement led by some plains-based leaders in the United Madhesi Front. This agitation was marked by extreme populism, radical rhetoric including incendiary speech, and aggressive behavior on the streets including the use of staves and rudimentary weapons. The agitation was irresponsible as it denied due process, responsible negotiation, and the concept of chain of command. Political parties and individuals who held different points of view were treated as enemies, and those civil society members who disagreed were silenced under threat of social ostracism. As lay members of the population were pushed towards aggressive action, public transport as well as media personnel came under indiscriminate assault.

The goal of the agitating leaders, who had been largely rejected by the voters in the elections of November 2013, seemed to reject the procedures of writing a constitution

through a duly elected and empowered Constituent Assembly. Indeed, the agitation seemed geared towards making the Constituent Assembly unsuccessful. There was a malicious effort to spread false information about what the Constitution contained as it related to the plains population. For all its failings, the youngest constitution in the world is built on the premise of equality, dignity and rule of law, and yet that is not what the propaganda spread among the Madhesi and Tharu populace stated – they were told that they would be second-class citizens, even that Indian brides in their homes and their children would have their citizenship annulled. Surprisingly even officials and ministers of the Government of India, without apparently even having read the Constitution, joined the choir to suggest that the Madhesi people of Nepal were being discriminated against.

Whether it was issues related to perceived discrimination of the Madhesi citizens of Nepal, or matters such as relating to natural resources of the Nepal Himalaya, the Government of India went as far as to impose a blockade to indicate its disapproval with the Constitution. Certainly, this action by India – conducted through its official wings including the SSB border force, Indian Customs and the Indian Oil Corporation – was an unfriendly act against a neighbor, contravening a series of international legal instruments as well as the Panchsheel principles of good-neighbourliness. The resulting humanitarian crisis that the Nepali people have had to face was reported, together with the evidence, by the human rights organizations before the United Nations.

There is no denying the fact that cultural, ethnic, gender and class-based discrimination exists in Nepal, but the new Constitution actually represents an attempt to address the historical marginalization of communities. The agitation in the plains, as well as the blockade by India, have only used the excuse of the Constitution, each for its own purpose. It has to be noted that no activist has filed cases before the Supreme Court of Nepal on discriminatory clauses in the new Constitution. After all, the Supreme Court is one which has issued numerous decisions that correct actions by the state, including in legislation. Furthermore, the new Constitution provides for a Constitutional Bench to hear specifically cases related to definition of the constitution.

The agitation was also ever ready to changing its demands, and over time even as the aggressiveness on the streets grew, and with the Parliament having passed its First Amendment, the allegation of discrimination has faded away. In the end, only the matters of demarcation of federal units and electoral districts delineation was left. It has been reported that all the parties including those in the agitation were agreed on how to rectify the shortcomings. It was unclear why the agitation as well as the blockade continued.

Even as the earthquake survivors, having overcome the challenge of the monsoon, braced for the extreme cold of the winter, the Indian authorities at the border stopped the transport of essential supplies to Nepal at all border points including those where agitators had not blocked. These included petroleum products, essential medicine, agro-fertilizer, and other essential goods required by land-locked Nepal. The sit-in by protestors in the no-man-land at one transit point (Birgunj-Raxaul in the central plains) was used as a pretext by the Indian Government in shutting off supplies to Nepal in all the transit points from east to west. There are many pointers to the fact that the Indian blockade was as per plan, including in the statements issued by India's Ministry of External Affairs and a statement by Sushma Swaraj, the Indian Minister for External Affairs, in the Indian Parliament.

As a result of the blockade, paddy production of farmers across the country (with the plains as the main producer) declined by 45 per cent. The produce of sugarcane

and vegetable farmers dried up or lay decomposing in the field itself. Kidney patients undergoing dialysis lost their lives for not being able to access the service. Some 3.5 million children were deprived of immunization. Two million workers, mostly day labourers, lost jobs.

It has to be made clear that the unhappiness of the Madhesi Front was not against the victims, but against the state establishment. And yet the Madhes-centric parties involved were willing tools of the blockade enforcers. Nor were these parties ready to debate in the Parliament and lay out their demands and objectives for discussion and resolution. All they were willing to do was place some individuals in *dharna* at the Birgunj-Raxaul transit point.

Having listed the weaknesses of the Front's agitation, one must condemn the excessive use of force by the security forces (Nepal Police and Armed Police Force), leading to more than 49 deaths. One must first note that the run of violence began with the heinous lynching of eight policemen in Tikapur (Kailali District) on August 24, 2015. Certainly, this would have made the security personnel lose motivation due to the psychology of fear, especially when the demonstrators use staves and household weapons. But nothing justifies the fact excessive use of force by the security agencies, for the duty of the State is to protect the people and use proper protocol to tackle demonstrations.

We unequivocally demand an independent investigation into the excesses that took place during the agitation in the plains, as the state has particular need to be both extra responsible and accountable for violation of right to life. At the same time, excess committed from the side of the agitation, including incitement to violence as well as killings, must also be investigated. On the whole, the goal has to be to bring an end to the impunity that has been gaining ground in the country.

We are constrained to say that the present coalition government lacks a concrete strategy and motivation to provide good governance, including in the arena of human security, rule of law, development of infrastructure and economic development. For example, the government has been good at raising expectations in providing cutting-edge infrastructure in terms of geo-thermal, wind and solar energy, in opening up trade routes to the north, or modernization of public transport. However, the government has not been able to follow through on its promises made, even while it has allowed syndicates and unaccountable officials to run rough-shod over the populace.

On the whole the life of the poor and marginalized people of Nepal has been made harder by the incapacities of the sitting government and the excesses of the agitation, as well as the domineering discreet actions of India. A general perception of Nepal has been established as a country with no pride and dignity, no movement in the economy, and a county mired in corruption. After all, this has become a country which cannot even spend 16 per cent of its annual development budget, which is weak enough not to be able to raise international concern over a blockade slapped on it, and a country where civil society has been made so cynical that its own citizens write in Indian newspapers urging India to teach Nepal a lesson through unprovoked intervention. In the end, the country had to suffer a blockade for adopting a constitution through due process, with 89 percent participation in the CA, and 507 voting to promulgate the Constitution. The Nepali state was not even able to defend itself internationally.

The state's weaknesses – meaning the weaknesses of the senior most in the political parties – are visible in numerous areas. For example, the police posts in the border areas were pulled out in the name of political expedience, putting the local population at the mercy of brigands. The hesitation of the National Human Rights Commission to

fulfill its own obligations, from the police excess to the lynching by agitators to even the torching of its own vehicles, also testifies to the particular situation in Nepal where even independent entities of state are cowed down and defensive. And, tragically, the long-standing cases of the victims of the ten years' conflict have now been overshadowed by recent agitations, which means that the perpetrators from the ranks of the former rebels as well as the security forces are running free. Individuals who are in the watch list of the courts have become cabinet ministers. Meanwhile, Nepal has begun to slide in terms of human development, whereas it had been able to maintain momentum even in the worst days of the conflict.

The public needs to be made aware that the real meaning of 'inclusion' is to have available the opportunity for capacity building. Until the principle of 'progressive realization' of commitments made in the Constitution is enforced, the elites in the specific caste and ethnic categories will continue to enjoy the pleasure of utilizing power in the name of the people.

Nepal has become a country that is a democracy in name, but curiously the governance from the top to the bottom has been taken over by what can only be called a 'syndicate politics' which functions under the so-called principle of consensus. All the parties call themselves advocates for democracy, human rights and rule of the law, but we cannot see this in their decisions and actions. More than anything else, they seem not to want to utilize the floor of Parliament for important debates, relying instead on decisions by cabals behind closed doors. And neither is there any hurry among the power brokers to conduct elections at the local level so that the populace is at least protected at the ground level. They would instead put forth their agenda before foreign powers but never debate it the Parliament of Nepal, before the eyes of the people.

The year 2015 saw a continuation of the consistent trend of excess by the politically and neglect on the people, only more so. Nepal's society and economy suffered from a weak government that seemed removed from the people's concerns, from callous agitations in the plains, and unprovoked intervention by the neighbouring power. With the indiscretions and inactions, the year 2015 added salt to the injury suffered by the citizenry already brought low by the earth's tremors in April-May.

Nepalis are known around the world for their resilience, patience, and good cheer amidst adversity. While the citizenry has overcome the various challenges placed before it in the past – and continuing in 2015 – they hold on to their hopes and aspirations for ultimate victory against the forces that promote division, disharmony, polarization and poverty.

February 19, 2016

Subodh Raj Pyakurel
Chairperson

Chapter 1

***Situation of Human Rights in 2015:
Overall Assessment
Constitution Heralds Hope***

1. Background

The year 2015 has been marked as a historic year for Nepal as the elected representatives drafted the constitution. Nepal established a new identity by becoming the 43rd nation in the world to draft a constitution through the Constituent Assembly (CA). The constitution is not only the main law of the country, but also a foundation to rest the decade-long transition. This constitution also concluded the most significant chapter of the peace process. Hence, the new constitution has awakened great hopes in the country that has been plagued with various difficulties since two decades.

This is the sixth constitution in Nepal's constitutional history that started from the Government of Nepal Act, 1948. Drafted by the sovereign Nepali citizens, the constitution shoulders the responsibility of making Nepali people fully empowered. This constitution, endorsed by almost 89 percent of the members of the CA, in itself is indicative of democracy. However, this year was not just limited to pleasing results. Due to the incomparable loss caused by the earthquake and the abuses during the Madhes movement, this year Nepali people became more vulnerable.

Life in the 14 districts most-affected by the earthquake did not return to normalcy till the end of this year. The citizens

of these areas were deprived of basic rights as the problems created by the earthquake were not addressed. Even after several weeks of the devastating earthquake, relief programs concentrated only in urban areas and places with easy road access. During the monitoring of relief distribution, the food distributed by the World Food Programme was found substandard. This issue, which was published in INSEC news, drew national and international attention. Nepal Government, which used to remain indifferent to such issues before, seemed serious this time. The earthquake victims did not get relief from their troubles till the end of this year due to managerial flaws. Available resources were also not distributed effectively on time. According to the Central Child Welfare Committee, more than 1.1 million children and elderly people of the 14 earthquake-affected districts were compelled to live in a high risk of cold.

The fear of earthquake persisted while the Madhes movement that began with the constitution making process continued until the end of the year, infringing not only the fundamental rights of the people but also severely affecting children, women and people with disabilities. The schools that were closed for more than four months in Tarai reopened only from the end of the year. According to the UNICEF report, health of over 3 million children of Nepal is at high risk owing to the lack of essential supplies caused by the five-month long agitation and blockade.

49 people, including an Indian national and six children lost their lives during the agitation against federal demarcation this year. The extremely violent behavior of the protestors and use of force by the state were criticized at both national and international level. The National Human Rights Commission urged the government to take strict actions against the violators of human rights, which included both the state and non-state actors. However, no actions were taken till the end of the year.

Figure 1: No. of People Killed in 2015

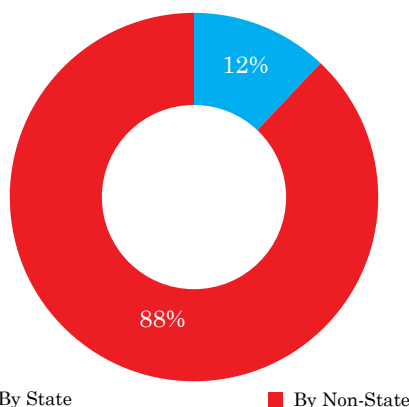
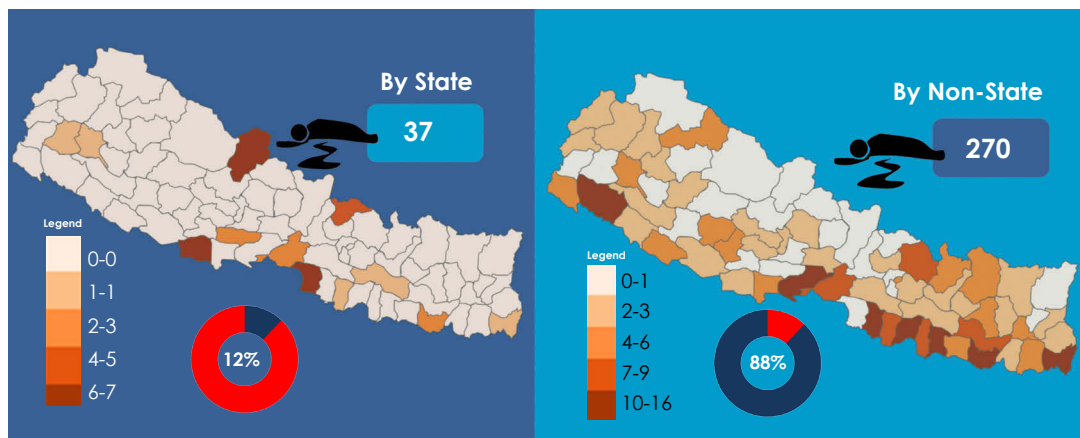


Figure 2: No. of People Killed in 2015 (By District)



After the promulgation of the constitution, India showed its dissatisfaction and enforced a blockade which affected the lives of people all over Nepal. Till the end of this year, the situation did not return to normalcy. The various meetings between the United Democratic Madhesi Front (UDMF) and government did not yield any concrete conclusion.

During the second cycle of Nepal's Universal Periodic Review (UPR), a civil society report was presented at the Human Rights Council on November 2015. The report highlight the major hurdles to the constitution making, also highlights the issue of ongoing corruption, women and children.

Transitional justice mechanisms were not set up even nine years after the signing of the Comprehensive Peace Agreement between the Nepal Government and the then CPN-M. This year, Commission on Investigation of Disappeared Persons and Truth and Reconciliation Commission were formed. However, the commissions were not able to perform any productive work even after one year of its formation.

Informal Sector Service Center (INSEC) has been regularly monitoring the incidents of human rights violations. INSEC has been publishing the Nepal

Human Rights Yearbook as a monitoring report since 1992. District Representatives present in all 75 districts have been monitoring the incidents of human rights violations and abuses in their respective districts and documenting them.

In 2015, the number of human rights violations by the state decreased; however, due to lack of government protection to its citizens, many became deprived of human rights. This year too, women and children were the major victims of violence. It is expected to decrease such incidents with the enactment of 'Bill to amend some Nepal acts to maintain gender equality and end GBV-2071' and Witchcraft (Crime and Punishment) Bill-2071 this year. INSEC had been urging the government to amend such laws through its Nepal Human Rights Yearbook publications for couple of years.

INSEC Central Office has been regularly monitoring and analyzing work related to human rights of the Legislature, Executive and Judiciary. On the basis of this documentation, the Nepal Human Rights Yearbook is published. This chapter will briefly analyze the human rights situation of the country in 2015 based on the monitoring and documentation carried out by INSEC.

Table 1: No. of People Killed in 2015

Types of Events	By State	By Non-State	Total
Agitation Over Demarcation	34		34
Crime	2		2
Police		10	10
Civilian	1	257	258
Unidentified		3	3
Total	37	270	307

2. Maximum Support of Representatives in Constitution Making

Consisting 125 different caste and 123 different languages, multicultural, multi-ethnic Nepal promulgated the constitution on September 20 with support from maximum lawmakers. With this, a chapter of transitional phase has been surpassed successfully. Mostly, it is not possible to find consensus in the Constituent Assembly, which included political parties opposing federalism and also republic system. Mutual contradictory opinions regarding naming the provinces and

delineating the states existed in the CA. Ample preparations following maximum consensus in such situation had only made constitution making possible.

Deliberations on Constitution Bill of Nepal 2015 (Revised Draft) presented by the Constitution Drafting Committee on August 23 were held from August 27 to August 30. The CA meeting concluded clause-wise discussions with amendment on the bill from September 8 to September 13 following which the meeting held from September 13 to September 16 passed it by more than two-thirds majority (507 votes). This number is 89.79 percent of the total members of the CA. 120 members belonging to indigenous nationalities, 67 Madhesi, 21 Tharu and 14 Muslim CA members participated in the voting process.

The constitution bill was passed following the Article 70 of Interim Constitution of Nepal, 2007 that provides for procedure for passage of constitution bill. The bill, signed by CA members, was verified by CA Chairperson on September 18. President Dr. Ram Baran Yadav made the constitution public on September 20. The

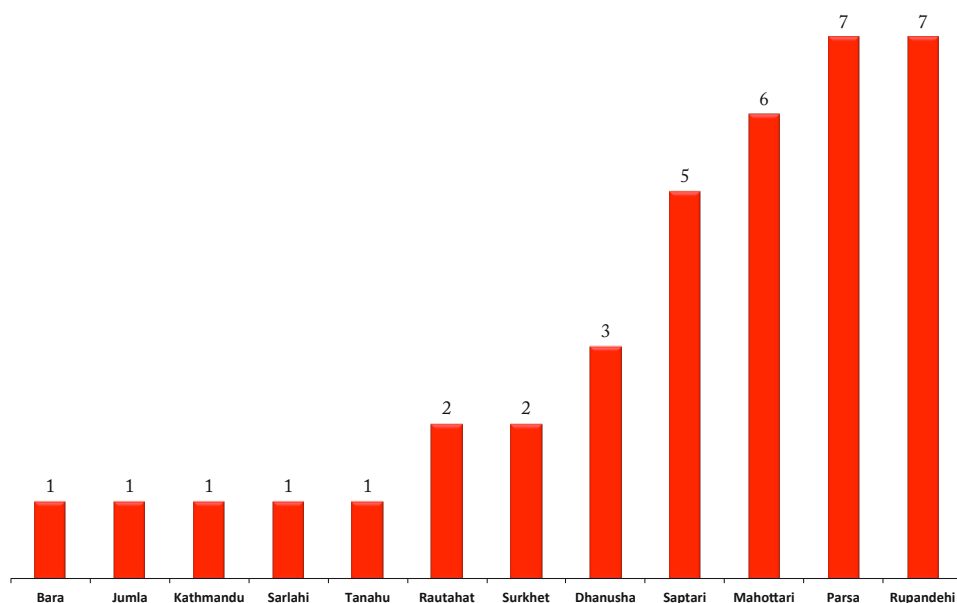
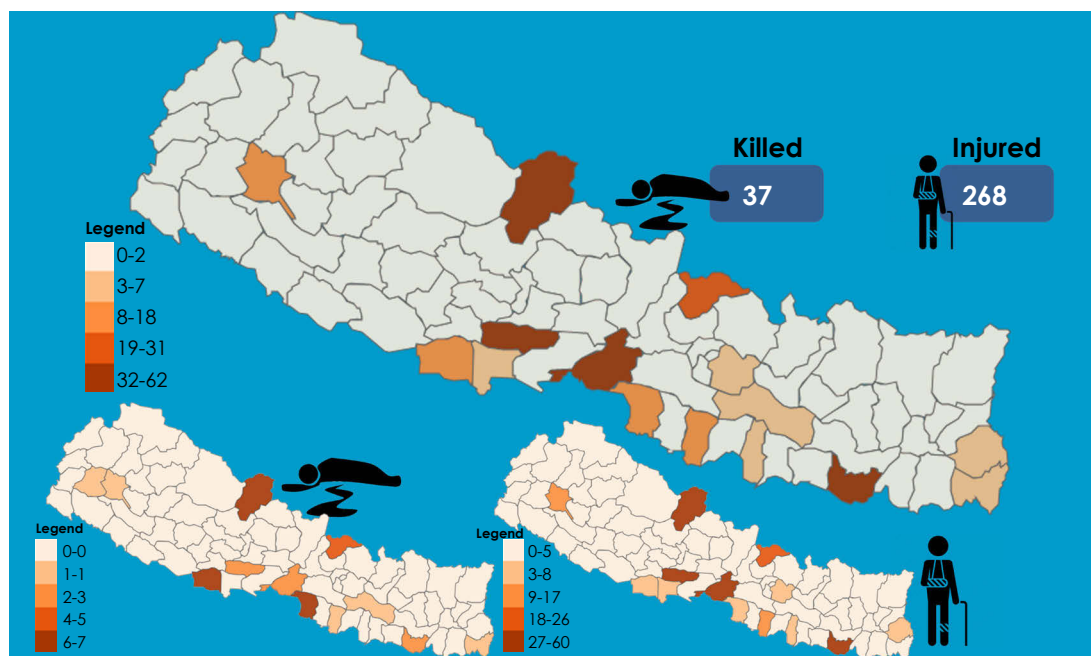
Figure 3: No. of People Killed by State in 2015 (By District)

Figure 4: No. of People Killed and Injured in Firing by State in 2015



constitution was accepted by 89.79 percent of the lawmakers.

2.1 Constitution Committed to Human Rights

With the promulgation of the constitution on September 20, the 65-year-old dream of Nepali people of drafting a constitution by the elected representatives has been fulfilled. Constitution of Nepal, 2015 has made Nepali people sovereign. This constitution accepts the fact that no one is above the people. No constitution before this one had vested the people with power to such extent. This can be taken as the best aspect of the constitution. Promulgation of the constitution also marks the end of the most important chapter of 2006 peace accord that formally brought an end to the decade-long armed struggle waged by the then CPN-M.

Constitutions can be amended at any time and they may invite criticism. Despite the flaws, philosophical base of this constitution is democratic, republic, federal and inclusive. It embraces human

rights perspective of the 21st century. The constitution also provides enough grounds for its own improvement.

Looking at Nepal's constitutional history – from Government of Nepal Act, 1948 to Interim Constitution of Nepal, 2007 – mainly civil and political rights were established as fundamental rights. Economic and social rights were defined only as directive principle of the state. Following the Interim Constitution of Nepal, 2007, these rights have been amended and fundamental rights have been enshrined in Part 3 (Article 16 to 48) of the constitution. If these 33 articles directly concerned with people's livelihood get implemented, basic need will be fulfilled and the country will prosper. These rights include right to life with dignity, freedom, equality, communication, justice, and right against preventive detention. Similarly, right against discrimination and untouchability, right to property, religious freedom, information privacy, clean environment, education, labor, health, shelter, food, women, children, senior citizens, social justice, social secu-

right against exploitation are guaranteed by the constitution.

The courts have been entrusted with responsibility of protecting fundamental rights. By keeping provision of seeking legal remedy through Supreme Court and provincial High Court in case of violation of such rights, concept of easy access to justice has been made practical. District courts have also been given specific jurisdiction.

Being extremely sensitive towards rights of different class and society and having provisions for National Women Commission, National Dalit Commission, Inclusion Commission, Adibasi Janajati (Indigenous Nationalities) Commission, Muslim Commission and Tharu Commission, the constitution embodies multi-ethnic spirit of Nepal.

Nepal is a state party to 23 international human rights instruments. By entrusting the state with constitutional responsibility of implementing these treaties, the constitution makes clear that it is

aware of human rights promotion. Provisions like women's right to parental property, secularism and linguistic rights have made this constitution progressive.

2.2 Guarantee of Inclusion

With a view to ensure that no community of multi-ethnic, multilingual and multicultural Nepal shall be deprived of any opportunities, the constitution stresses on inclusion. Article 267 that ensures representation of Madhesi, people of backward class and backward region, among others in Nepal Army is an example of inclusion. According to Article 283, appointment to the constitutional bodies and agencies shall be made based on the principles of inclusion. In order to prevent dominance of a particular ethnicity or community in any political party, Article 269 makes it mandatory for all the political parties to abide by the policy of inclusion. From appointment in government services to the appointment of ambassadors, this constitution ensures proportional inclusive

Table 2: No. of Victims of Human Rights Violation in 2015 (By Region)

Types of Events	Eastern Region	Mid Region	Western Region	Mid-Western Region	Far-Western Region	Total
Abduction	3	3	1			7
Arrest & Torture	9	47	2	44	13	115
Beatings	94	63	20	39	7	223
Child Rights	233	300	164	94	47	838
Death in Detention		1				1
Disappearance		1				1
Economic, Social and Cultural Rights	1	3	4	11	1	20
Inhuman Behaviour	5	3	1	4		13
Injured	68	275	23	70	66	502
Killing	73	118	49	34	33	307
Racial Discrimination	17	8	1	8	13	47
Right to Assembly	134	363	40	150		687
Threats	5	24	6	11	3	49
Women Rights	879	1479	246	572	371	3547
Total	1521	2688	557	1037	554	6357

Table 3: No. of Victims of Human Rights Violation in 2014 (By Region)

Types of Events	Eastern Region	Mid Region	Western Region	Mid-Western Region	Far-Western Region	Total
Abduction	12	17	2	2	5	38
Arrest & Torture	8	7	5	44	7	71
Beatings	35	29	5	41	23	133
Child Rights	290	268	184	129	69	940
Death in Detention	1	1				2
Death in Jail	1				3	4
Economic, Social and Cultural Rights	3	1	4			8
Inhuman Behaviour	9	3	1	7	1	21
Injured	20	30	23	26	3	102
Killing	107	115	41	27	18	308
Racial Discrimination	28	14	13	14	19	88
Right to Assembly	35	41	16			92
Threats	19	14	11	13		57
Women Rights	1001	1140	494	545	345	3525
Total	1569	1680	799	848	493	5389

representation.

Similarly, according to Article 86 (2), National Assembly must comprise eight members from each province, including at least three women, one Dalit, one personal with disability or minority.

Article 84 (2) ensures that "Provision shall be made according to Federal law for the representation of political parties to file candidacy for the election of the House of Representatives for proportional representation system through closed list of Women, Dalit, Adibasi Janajati, Khas Arya, Madhesi, Tharu, Muslim, and backward regions. Balance in geography and province shall be considered for such candidacy." Of the 56 elected members and three nominated members in the National Assembly, a provision to include a woman as either the Assembly's Chairperson or Vice-chairperson is also provided in the constitution.

The constitution provides that "The National Assembly shall constitute

59 members, of which 56 would be elected from an Electoral College comprising members of Provincial Assembly and chairpersons and vice-chairpersons of Village councils and Mayors and Deputy Mayors of Municipal councils, with different weights of votes for each, with eight members from each province, including at least three women, one Dalit, one person with disability or minority; while three members, including at least one woman, would be nominated by the President on the recommendation of Government of Nepal."

"Multi-party competitive democratic republic and federal system of governance" has been provided in the constitution under the form of governance. The President shall be the head of the State. On the basis of principle of inclusion, the constitution ensures that election of the President and Vice-President shall be held so as to represent different gender or communities. The constitution guarantees participation in various agencies of the state

and public service on the basis of principle of inclusion. The constitution also seems liberal in empowering many social groups, including marginalized ethnic communities.

Similarly, the constitution provides for formation of separate commissions to Madhesi, Tharu, Muslims and indigenous nationalities. Though the Nepali language written in *Devanagiri* script shall be the language of official business in Nepal, a province shall select one or more national language that is spoken by majority of people in that province as the language of official business. The constitution further provides that citizenships in the name of mother and non-resident citizenships (with entitlement to all rights except voting rights) may be conferred. The constitution has embraced Nepal's principle of inclusion by ensuring greater representation of its diverse society.

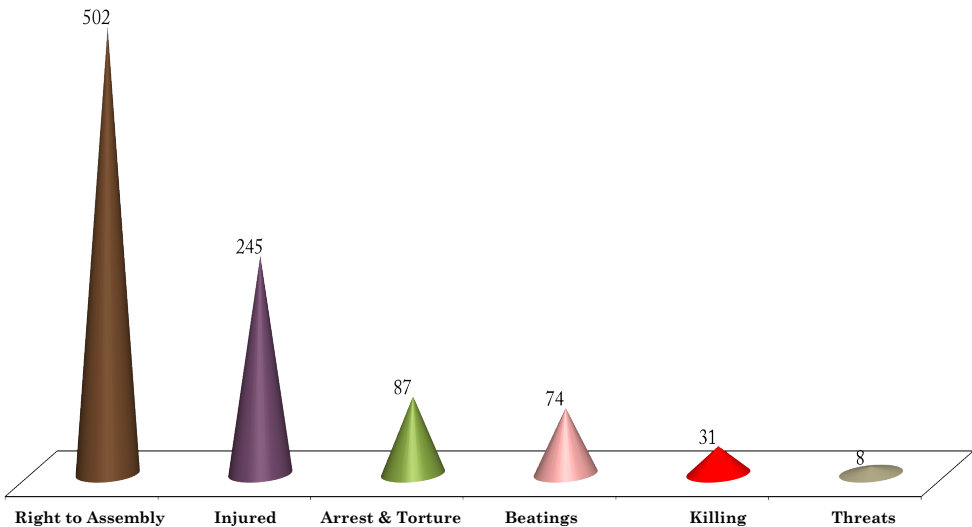
2.3 Federalism: Still a Contested Issue

The concept of federalism was first introduced in Nepal by the Tarai Congress formed in 1954. It had proposed three provinces namely mountain, hill and tarai. After this, Gajendra Narayan Singh,

Founder of Sadbhawana Party pointed the relevance of federalism in Nepal. He advocated for five provinces namely Eastern Hill, Eastern Tarai, valley, Western Hill and Western Tarai. He did not envisage federalism on the basis of ethnicity. 25 years after this, federalism not only entered Nepalese politics but there were demands for federal states based on ethnicity as well.

The People's Movement of 2006, Comprehensive Peace Agreement signed on November 21, 2006 and 12-point agreement between the Seven Party Alliance and CPN-M in 2005 makes it clear that the then rebel CPN-M had used the concept of autonomous ethnic provinces for the sole purpose of expanding their organization. A small group of Madhesi Janadhikar Forum burnt down the Interim Constitution on Nepal, 2007 in Kathmandu as soon as it was promulgated on January 15, 2007. The movement that started from this slowly spread to the 14 districts of Madhes. Proportional inclusive participation of the Madhesi community in all bodies of the state and demand for federalism ended in 22-point agreement. The amendment made in the Interim Constitution as per

Figure 5: No. of Victims of Violation by State in Madhes Agitation in 2015



that agreement had provided theoretical base for Nepal to enter into the federal governance system.

It was not possible to declare federalism keeping it aside even when there was a huge public opinion that Nepal being a small country cannot handle federalism. It was mentioned in the 16-point agreement between the four major political parties on June 8 that there would be eight federal provinces and the issue of demarcation would be concluded through federal commission. But during the collection of suggestions on draft of the constitution, people suggested that the constitution should come along with the demarcation. On the other hand, Tarai-Madhes-centric parties started their agitation saying the constitution without provincial demarcation would not be accepted which led the major political parties to come out with the six-province draft with demarcation on August 8.

Though the demand to declare Tharu majority Banke, Bardiya, Dang, Kailali and Kanchanpur as "Tharuhat Province" was raised from a long time, it could not draw the attention of political parties. Just as the citizens demanding for the undivided far west were very happy when Kailali and Kanchanpur were included in their province, the Tharus were equally infuriated. Four people were killed in police fir-

ing in the movement in Surkhet, Jumla as soon as the six province draft was made public. In order to address the demands of the movement, the political parties decided to revise the six-province model into seven-province model. The leaders/cadres of Madhesi Morcha and Tharuhat were dissatisfied saying they were humiliated as their demands were ignored by the major political parties who easily fulfilled the demands of hilly people.

The major political parties proposed to conclude demarcation within three months by making a political committee, considering Madhesi Morcha's demand 'One Madhes, Two Province' and the consequence that could come after addressing that demand. Opinion of people of Jhapa, Morang and Sunsari was not taken when the decision to maintain two provinces in Madhes was taken but the leaders of political parties continued saying that it could bring negative results.

The agitating Madhesi Morcha is demanding these three districts be merged in existing Province number-2 on one hand. On the other hand, there are regular warnings from these districts, through various programmes, that if they are pushed to the Province-2, the consequences will not be good. The party of Bijay Kumar Gachhadhar representing Tarai Madhes is advocating for three provinces as opposed to the

Table 4: No. of Victims of Women Rights Violation in 2015 (By Age Group)

Age group	18-23	24-29	30-35	36-41	42-47	48-53	54-59	60-65	66-71	72+	Total
Domestic Violence	709	830	666	250	114	60	29	26	11	12	2707
For Practicing Witchcraft	3	2	11	7	10	4	5	3	3	3	51
Polygamy	74	112	66	23	8	2	2				287
Rape	118	55	34	11	14	12	5	5	1	4	259
Rape Attempt	53	29	23	9	7	5	3	5	1		135
Sexual Abuse	24	17	11	2	5	3					62
Women Trafficking	35	7	4								46
Total	1016	1052	815	302	158	86	44	39	16	19	3547

demand of the agitating Madhesi Morcha. A clear concept regarding the issue of federalism could not be formed even until the end of the year because of various kinds of confusion.

3. Reconstruction and Rehabilitation after the Earthquake

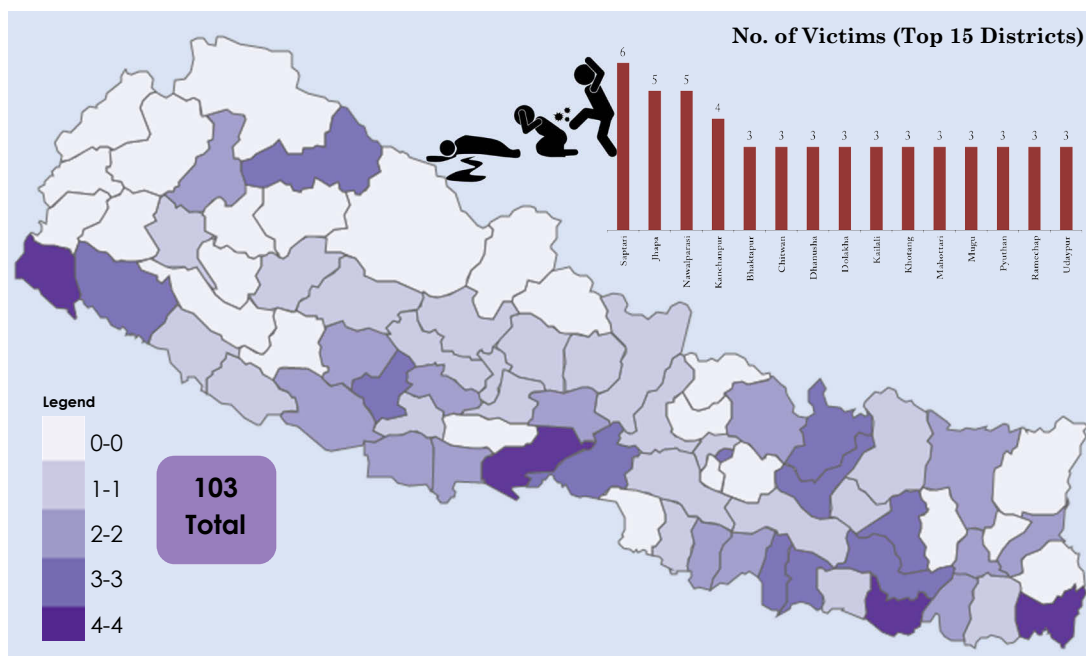
The earthquakes of April 25 and May 12, 2015 caused huge loss of lives and properties in the hilly region of mid Nepal. The National Planning Commission estimated the earthquake caused physical damage worth Rs. 600 billion and projected that the reconstruction would require Rs. 666 billion. The government organized the International Conference on Nepal's Reconstruction to gather support for reconstruction of physical damages caused by the earthquake accordingly. Commitment for financial assistance worth Rs. 420 billion was received in the conference. Of that, commitment to make available Rs. 220 billion grant and subsidized loan of same amount was also received on the

Human Casualties by Earthquake	
Death	Injured
8856	22309
Source: Nepal Disaster Risk Reduction Portal, Nepal Government	

occasion.

Passing of the Reconstruction Authority Bill and appointment of the Chief Executive Officer (CEO) could not take place on time. The Reconstruction Authority Act and CEO of the authority became inactive because of the government's irresponsibility. The Reconstruction Authority headed by the Prime Minister as its chairperson was formed two months after the earthquake on June 21 through an ordinance to take forward the reconstruction of earthquake affected infrastructure; but it took another one and a half months to recruit the CEO due to the dispute between coalition partners NC and UML. Dr. Govinda Pokharel of National Planning Commission was appointed as CEO of the

Figure 6: No. of Women Killed by Family Members in 2015



Damage Caused by Earthquake				
Amount of Damage	Government Building	Private Houses	Health Building	Class Rooms (Schools)
Complete Damage	2673	602257	503	19708
Partial Damage	3757	285099	460	11046

Source: Nepal Disaster Risk Reduction Portal, Nepal Government

National Reconstruction Authority (NRA) only on August 13. The NRA, through its first meeting on August 25, decided to recommend the government to identify its working areas in the 31 earthquake affected districts. The NRA automatically became inactive as the Reconstruction Authority Bill could not enter the Legislature-Parliament though it should have been passed within two months. The CEO also could not get continuity.

The government formed after the promulgation of constitution passed the Reconstruction Authority Bill and recruited CEO which were positive points. Likewise, the government's decision to provide Rs. 10,000 for warm clothes to earthquake victims was also positive but it took one month to implement this announcement. There were news that not all the victims

were able to get such assistance.

Though the government declared to provide a relief of Rs. 25,000 to the victims of earthquake immediately, it provided Rs. 15,000 only in the beginning. The government also provided Rs. 40,000 to perform the last rites of the deceased and Rs. 100,000 to family of the deceased. The victims did not get relief in proportional manner because of unmanaged and arbitrary distribution system. The food distributed by many organizations was found rotten whereas much food grain rotted as it could not be distributed on time.

Various policies and guidelines related to disaster management have ensured the participation of all communities in disaster management. The Disaster Management National Strategy, 2067 has embraced Gender and Social Inclusion as

Figure 7: No. of Journalist Victims in 2015 (By Incident)

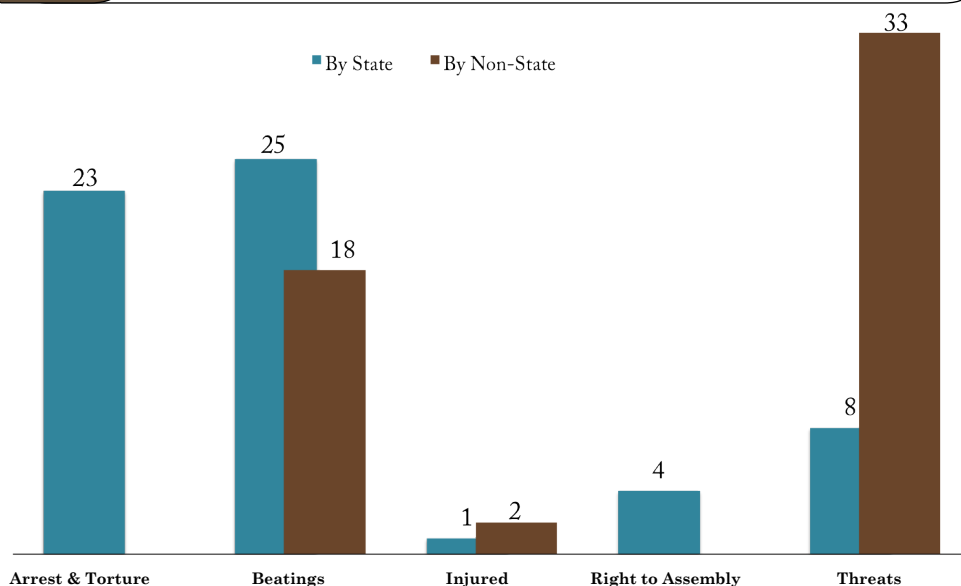


Table 5: No. of People Killed by Family Member in 2015

District	Female	Male	LGBTI	Total
Achham	1			1
Arghakhanchi	1			1
Baglung		1		1
Baitadi	1			1
Bajura	2			2
Banke	1		1	2
Bara	1			1
Bardiya	1			1
Bhaktapur	3			3
Chitwan	3	3		6
Dang	2			2
Dhading	1			1
Dhankuta	2			2
Dhanusha	3			3
Dolakha	3			3
Gorkha	1			1
Gulmi	2	1		3
Jajarkot	1			1
Jhapa	5	3		8
Kailali	3	1		4
Kanchanpur	4	1		5
Kapilvastu	2			2
Kaski	1			1
Kathmandu	1			1
Kavrepalanchowk		1		1
Khotang	3			3
Lamjung	1			1
Mahottari	3	1		4
Makwanpur	1	1		2
Morang	1	2		3
Mugu	3	3		6
Myagdi	1			1
Nawalparasi	5	7		12
Okhaldhunga	1			1
Panchthar	2			2
Parsa	1			1
Pyuthan	3			3
Ramechhap	3			3
Rautahat	2	1		3

District	Female	Male	LGBTI	Total
Rolpa	2			2
Rukum	1			1
Rupandehi	2			2
Sankhuwasabha	2			2
Saptari	6	2		8
Sarlahi	2	2		4
Sindhuli	1			1
Sindhupalchowk	2	3		5
Siraha	1	1		2
Solukhumbu	1	2		3
Sunsari	2			2
Syangja	1			1
Tanahu	2	1		3
Taplejung		1		1
Udayapur	3	2		5
Total	103	40	1	144

its main guiding principle. The prioritized activity 4 (21) has taken a strategy to prioritize groups at marginalized level in disaster management. However, assistance could not reach the victims on time as the local communities could not be included in the work of disaster management.

4. Madhes Agitation and the Issue of Rights

The United Democratic Madhesi Front (UDMF) in its meeting on August 18, 2015 formally decided to enforce general strike for indefinite period in 22 Tarai districts. The Madhes agitation that started with that formal decision was given continuity until the end of the year. The Madhesi parties have been giving continuity to the protests demanding implementation of the eight-point agreement reached between the agitating United Democratic Madhesi Front and the then Prime Minister Girija Prasad Koirala in February 2008. They have announced not to stop the protests until these demands are addressed. The UDMF resorted to even inappropriate strategies on the pretext of in-

tensifying protests, which is proved by its own decisions. In its meeting on August 19, the UDMF decided to offer 5 million rupees to the kin of those who lost their lives during the Tharuhat and Madhesh agitation, and ensure education to the children of the deceased by the provincial government to be formed after the movement to encourage Madhesi people to join the agitation. The Madhesi leaders continuously encouraged public to join protests with batons, rods, spears and other domestic weapons, to vandalize government offices and attack security persons and rivals. The Tikapur massacre became a vivid evidence. This type of provocative decisions by the UDMF became the major reason to cause huge loss during the protests in various parts of the country.

As the CA promulgated constitution on September 20, 2015, the Madhes-based political parties decided to burn the copies of the constitution to further intensify protests. They staged protests at major border check points and blocked vehicles carrying fuels and other goods from India. Factories, industries, transport services and other business activities were forced to close down due to the Tarai protests. Also, other parts of the country were badly affected. The Indian Government had already expressed its dissatisfaction

on promulgation of constitution in Nepal by issuing a statement that just stated that 'it noted the promulgation in Nepal of a constitution'. An Indian newspaper Hindu, published a news item with details explaining that India wanted changes in Nepal's constitution in seven points. But United Nations Secretary General Ban Ki-moon, issuing a statement on September 27, described Nepal's constitution as "a milestone in the peace process".

As the country just entered into the stage of implementing new constitution, first amendment was made to the same constitution within four months of its promulgation to address the demands of agitating Madhesi forces. But the agitating UDMF did not accept the amendment. The Article 42, 84 and 286 were amended to ensure proportional inclusive representation in state bodies and delimitation of electoral constituencies mainly based on population. But the agitating Madhesi parties did not accept the amendments despite that these were their major demands. The three major political parties – NC, UML and UCPN-M – claimed that the amendments have addressed major demands of the Madhesi parties. But the UDMF continued protests saying that the amendments were made unilaterally in the similar way the constitution was promulgated.

Figure 8: No. of Victims Above 60 years of Age in 2015

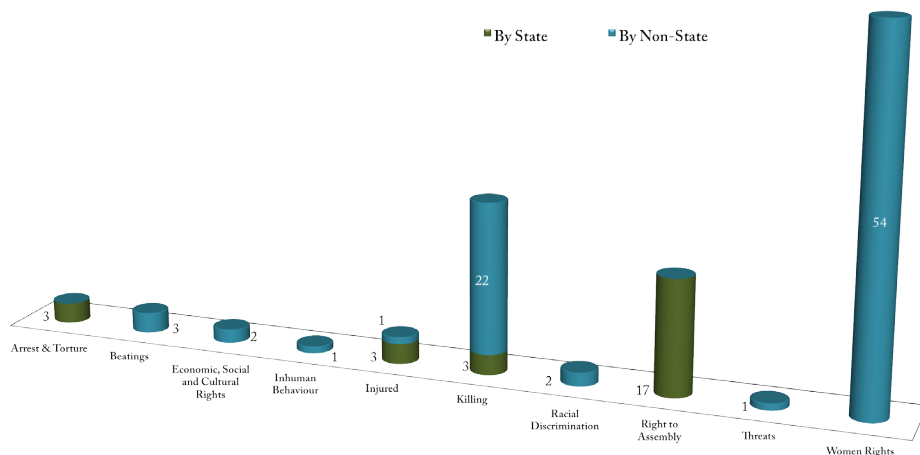


Table 6: No. of Victims of Women Rights Violation in 2015 (By Incident)

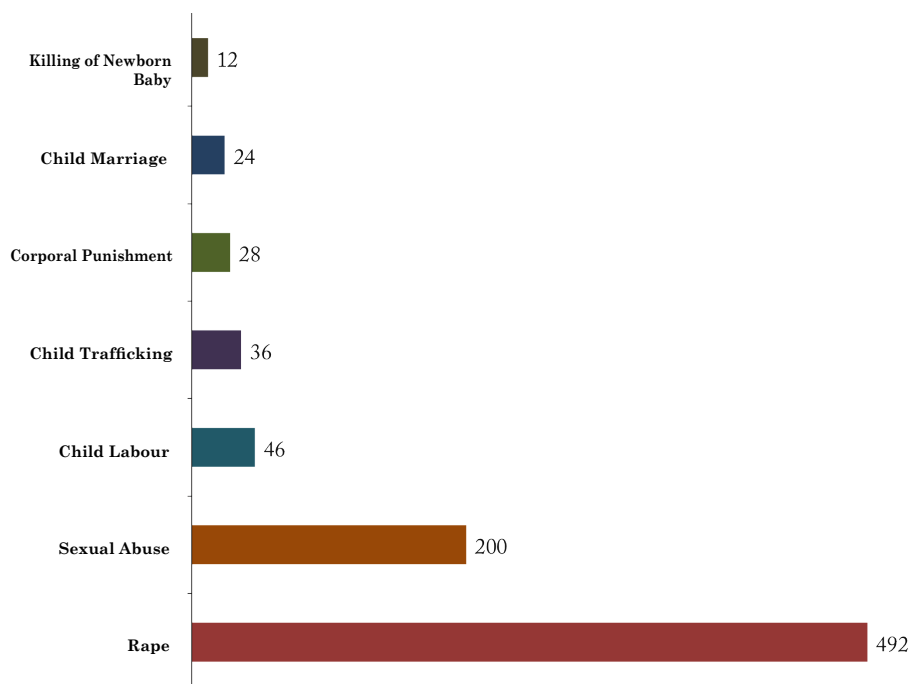
Types of Events	By Non-State	
	Female	Total
Domestic Violence	2707	2707
For Practicing Witchcraft	51	51
Polygamy	287	287
Rape	259	259
Rape Attempt	135	135
Sexual Abuse	62	62
Women Trafficking	46	46
Total	3547	3547

The Madhesi parties' demand to amend the constitution is now being diverted towards the demand of "rewriting the constitution". The agitating Madhesi Front has been repeatedly changing its demands and one cannot find consistency and clarity in their demands and statements given by agitating Madhesi leaders.

The UDMF, which has been protesting since July 16 demanding two provinces in entire Madhes, proportional inclusive representation and delimitation of electoral constituencies based on population, gave continuity to obstructions at border check-points since September 23. It is now insisting that all of its demands must be addressed in a package deal and not in isolation. However, they have not clearly explained about the package to the public. The major political parties have agreed also to rethink about the provincial boundaries, which is another demand of the Madhesi parties. With the ruling parties themselves floating a proposal to resolve the boundary disputes through a commission within three months, there was a positive progress on the matter. But the dispute could not be narrowed down as Madhesi leaders did not accept it.

The other demand of the UDMF is for proportional inclusive participation in all state bodies. It is not possible to ensure

Figure :9: No. of Child Victims in 2015 (By Incident)



proportional inclusive participation in all state bodies of this country where there are 125 ethnic and 123 linguistic groups. But neither the Madhes-based parties nor the other political parties are in a situation to accept the reality. For instance, how is it possible to ensure proportional representation in the five-member election commission? But, no one is ready to debate on these simple and specific facts. Some people have been raising this demand without holding genuine debate while other people are supporting this issue without knowing the reality. Such tendency has prolonged the problem.

Similarly, another UDMF demand is delimitation of electoral constituency based on population. Experts have already said that at least six districts will have no representation in the parliament if a new criteria is introduced based on their demand. On the other hand, the UDMF is not ready to find an agreeable solution by making geography as one of the bases for that. The Madhesi leaders have also strongly demanded that a naturalized citizen should be eligible to become head of the state and prime minister as well while no country in the world gives such rights to

Table 7: No. of Victims of Child Rights Violation in 2015 (By Incident)

Types of Events	By Non-State		
	Female	Male	Total
Child Labour	24	22	46
Child Marriage	23	1	24
Child Trafficking	34	2	36
Corporal Punishment	7	21	28
Killing of Newborn Baby	4	8	12
Rape	492		492
Sexual Abuse	199	1	200
Total	783	55	838

a naturalized citizen. If both types of citizens – citizens by descent and naturalized citizens – enjoy the same rights what is the meaning of adding the word "naturalized" in the citizenship certificate of certain people? But, UDMF leaders insist on the same demand.

On the one hand, the agitating Madhesi leaders demand delineation of provincial boundaries based on the report of the state restructuring committee formed by the first CA. They argue that the report

Figure 10: No. of People Killed on Demonstration against Demarcation of the Province

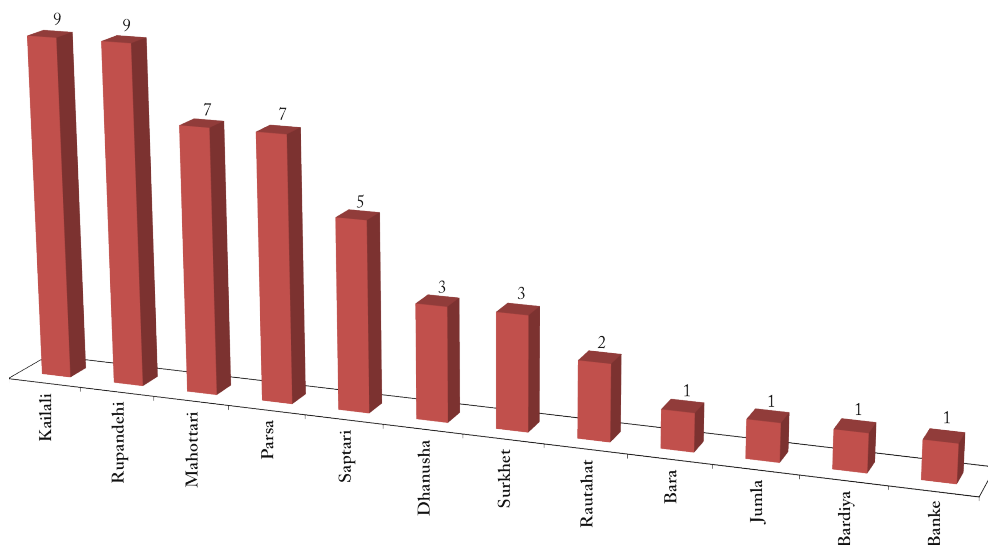
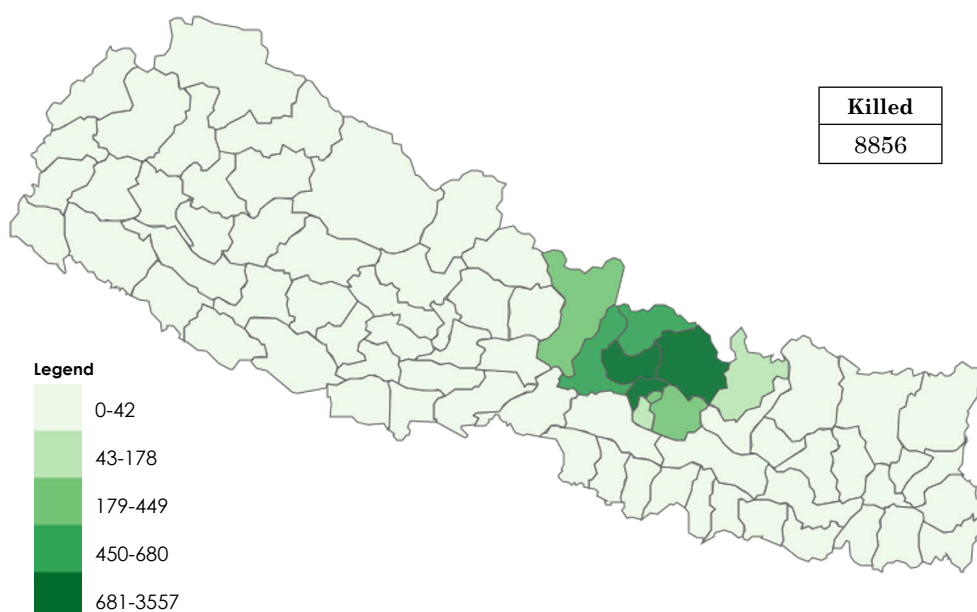


Figure 11: No. of People Killed by Earthquake in 2015



should be implemented because it was endorsed by the committee's majority. But the same leaders term the endorsement of constitution by two-thirds majority of the CA as a "technical matter". Similarly, they demand that the electoral constituencies should be delineated based on population but they do not agree to "reject the proposal of declaring the country secular because majority population do not want it". More

dangerous is the intention of the agitation to force rewriting of the constitution made by the CA. Such a practice may invite another conflict in the country.

It was due to the Madhes protests that factories, industries, transportation, trade and other business activities came to a standstill. The obstruction at the border check points by Madhesi protestors continued until the end of this year and the Indian side continued its hindrance in supply on the pretext of protests at the border points. People across the country faced hardships as Raxaul-Birgunj customs, the major border point from where over 70 percent of fuels and other goods were imported, was blocked for months. Also, import from other checkpoints was obstructed. India's strategy to pile pressure on ruling class by stopping cooking gas and essential petroleum products caused huge hardships mainly for the general public and not to those who are in the power.

The Supreme Court on June 11 issued an interim order not to implement the 16-point agreement reached between

Table 8: No. of Victims of Child Rights Violation in 2015 (By Age Group)

Age group	1 – 5	6 – 11	12 – 17	Total
Child Labour		1	45	46
Child Marriage	1	1	22	24
Child Trafficking	2		34	36
Corporal Punishment	1	6	21	28
Killing of Newborn Baby	12			12
Rape	57	129	306	492
Sexual Abuse	19	66	115	200
Total	92	203	543	838

the four major political parties on June 8. Hearing the writ filed by Bijay Kant Karn and others, a single bench of Justice Girish Chandra Lal issued the order to ensure that the parties do not do anything in conflict with Articles 1, 82 and 138 of the Interim Constitution. The court instructed to keep the agreement in the same condition until further notice. Despite the discussions whether to follow SC order or not, major parties agreed to take the constitution making process forward.

4.1 Major Events of Madhes Agitation

Chairperson of Federal Socialist Forum Upendra Yadav, Chairperson of Sadbhavana Party Rajendra Mahato and Nepali Congress lawmaker Amresh Kumar Singh gave provocative speeches at a mass gathering organized by Tharu Struggle Committee at Tikapur of Kailali district on August 13, 2015. Addressing the mass gathering, Singh and Mahato appealed the people to attack police with home-made weapons. Then, it was on August 24 when eight security personnel and one minor was killed by protestors at Tikapur.

Madhesi protestors tried to kill 33-year-old Krishna Bahadur Bista Chhettri of Tilottama Municipality-11, who went to Sunauli to purchase some goods, by attacking with Khunda (a local-made sharp weapon). They threw him at

no-mans-land taking him for dead. Later, police rescued him and took him to the Medical College Bhairahawa. Madhesi protestors became violent mainly after Sadbhavana Chairperson Rajendra Mahato instructed the protestors not to allow anyone to carry goods from India. He had earlier threatened to stop all food items essential to the people in Kathmandu.

Madhesi protestors continued their demonstrations with swords and spears and other local-made weapons. The National Human Rights Commission, issuing a statement, urged the UDMF cadres to stop using such weapons. But UDMF leaders argued that walking with such weapons was local culture in Tarai and claimed that rallies carrying such weapons were peaceful.

Hundreds of thousands of students were deprived of their basic rights to education due to Madhes agitation. Though schools are declared zone of peace, no one could run schools as the protestors, issuing statements, instructed all to close schools. Issuing a statement on September 13, the Central Child Welfare Committee expressed its serious concern over the use of children in Madhes protests.

Following the UDMF decision to vacate government offices from Tarai-Madhes, government office boards were removed and new boards reading "Madhes

Table 9: No. of Victims of Child Rights Violation in 2015 (By Region)

Types of Events	Eastern Region	Mid Region	Western Region	Mid-Western Region	Far-Western Region	Total
Child Labour		45		1		46
Child Marriage	4	5	2	11	2	24
Child Trafficking	5	13	3	7	8	36
Corporal Punishment	10	1	6	7	4	28
Killing of Newborn Baby	5	2	2	3		12
Rape	149	153	110	52	28	492
Sexual Abuse	60	81	41	13	5	200
Total	233	300	164	94	47	838

Government" replaced the old ones. Agitating Madhesi cadres started attacking police posts guarded by small number of police personnel in Rautahat, Mahottari, Bara, Parsa, Sarlahi, Dhanusha, Saptari and Siraha and later small police beats had to be merged with the district police offices. Then, locals complained that cases of criminal activities increased drastically following the removal of local police beats. The displaced police units have not been reinstated by the end of this year.

Even ambulances were attacked by Madhesi protestors. Over 13 ambulances were vandalized during the protests. In Mahottari, Madhesi protestors set fire to an ambulance carrying a patient and they killed police head constable Thaman Bahadur BK after dragging him out of an ambulance. Though they announced not to target ambulance, vehicles carrying medicines and other essential goods and vehicles used by human rights activists, the protestors repeatedly attacked such vehicles. The protestors set a vehicle laden with medicines in Birgunj. The UDMF cadres also attacked a vehicle in which a monitoring team of National Human Rights Commission was travelling. The protestors

set fire to the vehicle carrying NHRC employees and manhandled a member of the monitoring team Nitu Gadtaula.

Madhesi cadres burnt down local party offices of Nepali Congress and UML in Saptari, Siraha, Dhanusha, Mahottari, Bara, Parsa, Rautahat and Kapilbastu accusing the two major parties of not supporting the Madhesi people in the protests. *(For details see the district-wise details of this book.)*

4.2 Use of Force in Tarai-Madhes Agitation

During its monitoring in Rupan-dehi, Saptari and Janakpur, INSEC found that police had used excessive force there and some of the common people were also killed even though they had no involvement in the protests. *(See the related districts).*

The National Human Rights Commission (NHRC) in its "Monitoring Report on Human Rights Situation during Protests Before and After the Promulgation of Nepal's Constitution" published on November 1 stated that security personnel had used excessive force during Madhes protests. Also, the NHRC report said that

Table 10: No. of Victims of Child Rights Violation in 2014 (By Region)

Types of Events	Eastern Region	Mid Region	Western Region	Mid-Western Region	Far-Western Region	Total
Attempt to Kill				4		4
Child Labour	1	5	3	3	1	13
Child Marriage	10	4	1	12	6	33
Child Trafficking	30	14	19	19	13	95
Corporal Punishment	9	2	6	2	1	20
Deprived From Various Opportunities	1			1		2
Discrimination in Education	1					1
Killing of Newborn Baby	12	3	2	1		18
Rape	152	174	109	60	30	525
Sexual Abuse	74	66	44	27	18	229
Total	290	268	184	129	69	940

the agitation had turned violent due to the use of home-made weapons by protestors.

Some of the deceased and others who were injured during the protests had bullet injuries in their heads, chests and other parts above the waist and there were also holes and other marks made by bullets in shutters and electricity poles in police firing. The report stated that the above mentioned facts show the use of excessive force breaches the United Nation's related provision, the Local Administration Act-2028 (1971), the directions and attention letters frequently issued by the NHRC and the orders of the Supreme Court. Rulers in a democratic country should be serious towards probing this type of incidents by a judicial body and the perpetrators should be brought to book.

5. Facts and Figures of Human Rights Violations in 2015

5.1 Right to Live with Dignity

At least 6,357 people became victims in incidents of human rights violations and abuses in 2015. This number was 5,389 in 2014. The number of incidents increased by over one thousand this year. This year, the number of victims of human rights violations by non-state actors was 5,122 and state actors violated rights of 1,235 persons as recorded by INSEC. INSEC documented that in these total incidents, altogether 115 females and 1,120

males became victims of human rights violation by state actors and 4,525 females and 596 males became victims by the non-state actors.

49 people were killed during the demonstrations staged in Tarai-Madhes, Surkhet and Jumla districts against proposed provincial boundaries and the constitution. 10 police personnel were killed during the incidents of Kailali, Mahottari and Bardiya. A two-year-old succumbed to bullet injuries in firing by protestors at Tikapur of Kailali district.

INSEC also recorded an incident of an enforced disappearance of a civilian, who was taken away by personnel of Armed Police Force in Sindhupalchowk district. *The whereabouts of Kumar Tamang, 20, of Hagam VDC-7, who worked for wages in Tatopani VDC, was not made public till the end of this year. Police based in Tatopani arrested Tamang from his room on March 25, 2015 on charges of supplying cooking gas cylinder to Khasa. His relatives tried to meet him three days after he was arrested by the APF personnel but they could not. Then they said he was forcefully disappeared by the police. After the protest by his relatives, a probe committee was formed headed by Assistant CDO Surya Prasad Adhikari in the district. Also, a high-level probe committee led by DIG Nabaraj Silwal was formed at the central level to investigate into his*

Table 11: No. of Victims of Women Rights Violation in 2015 (By Region)

Types of Events	Eastern Region	Mid Region	Western Region	Mid-Western Region	Far-Western Region	Total
Domestic Violence	659	1223	93	405	327	2707
For Practicing Witchcraft	10	23	3	15		51
Polygamy	78	75	58	65	11	287
Rape	70	83	51	43	12	259
Rape Attempt	49	45	16	17	8	135
Sexual Abuse	9	15	7	20	11	62
Women Trafficking	4	15	18	7	2	46
Total	879	1479	246	572	371	3547

disappearance. Police said the probe committees were continuing the investigations into the matter. (See district-wise details for detail information).

5.2 All Types of Discrimination against Women

At least 4,640 females became victims of violence in 2015. Of them, 103 women had to lose their lives due to their own family members. In 2014, the number of women murdered by family members was 114. This year, 259 females were raped and other 135 females became victims of rape attempts. Similarly, 51 women became victims of accusation of witchcraft, 62 became victims of sexual violence and 2,707 females became victims of domestic violence. Similarly, 58 females faced violence and mistreatment from their family members for failure to bring dowry.

Police settled most of the cases registered in the Women and Children Service Center (WCSC) of district police offices across the country in reconciliation between the two sides. District Police Offices said that while settling the cases of domestic violence in accordance with the reconciliation provision of the Domestic Violence (Offense and Punishment) Act,

2006 (2009), they have to give priority for compromise between the two sides. There is a trend of settling cases of domestic violence of grave nature by taking the benefits of some loopholes of this act and it was given continuity this year also. In total 2,707 females became victims of domestic violence this year. Women were killed by family members just for trivial matters. For instance:

Indrawati Thakur, 28, of Suryapura VDC-9 of Rupandehi district was killed by her husband Shivanath Thakur on June 24 just on the pretext that she did not give him food promptly after he asked for food. He attacked his wife with sharp wooden object to death and later police arrested him. In a separate incident in Kaski district, a man killed his wife throwing her off their building's rooftop.

5.3 Child Rights

No noticeable achievement was made this year regarding protection of child rights despite that various initiatives were given continuity from government and non-government sides. Schools and students were continuously targeted by protestors amidst the commitment expressed by political parties to keep children as zone of peace.

Table 12: No. of Victims of Women Rights Violation in 2014 (By Region)

Types of Events	Eastern Region	Mid Region	Western Region	Mid-Western Region	Far-Western Region	Total
Abortion	1	2				3
Domestic Violence	733	805	308	366	283	2495
For Practicing Witchcraft	25	39	10	13	2	89
Forced Prostitution					2	2
Polygamy	113	103	60	50	12	338
Lac of Pre and Post Partum Service				2		2
Rape	53	94	48	35	8	238
Rape Attempt	43	44	25	16	11	139
Sexual Abuse	16	17	7	44	9	93
Women Trafficking	17	36	36	18	18	125
Total	1001	1140	494	544	345	3524

UNICEF said that 1.6 million children were badly affected due to Madhes agitation and Indian blockade that started immediately after the prolonged closure of schools due to devastating April earthquake and aftershocks.

Also, reports of corporal punishment in schools were made public in large numbers. At least 28 students were subjected to corporal punishment in schools this year. There are legal provisions to prohibit such incidents in schools but this is not implemented as parents, teachers and school management prefer to settle such cases in reconciliation.

Six children were killed in Rupan-dehi, Dhanusha, Mahottari and Kailali districts during the course of Madhes protests. Also, incidents of killing of children in the name religion and superstition were made public.

Kodai Harijan Lama, 50, Ganga Chamar, 70, Suryaman Harijan, 35, and Rudal Harijan, 40, murdered 10-year-old Jivan Kohar of Kudiya VDC-4 Marchawa by slitting his throat on July 21. They killed the boy at the home of Kodai "to sacrifice him to heal 18-year-old Bijay Harijan, son of Kodai" who was ill for some time. The body of the child was found inside a bush near the home on July 24. Police arrested accused Kodai's wife Bijaya, 34, other son Laxmi, 14, wife of Rudal Budhu, 45, son Dinnath, 19, Suryabhan, 35, his wife Sunita Harijan, 35, and shaman (Sokha) Ganga Chamar for investigation.

Students of government schools were forced to study under open sky for long time after earthquakes destroyed school buildings in several districts. Also some reports showed students studying in a state of psychological terror as their classes were inside cracked buildings. This situation violated the convention on child rights to which Nepal is a signatory member. But the government did not give proper attention towards this worrying situation.

The number of incidents of sexual harassments was significantly high this

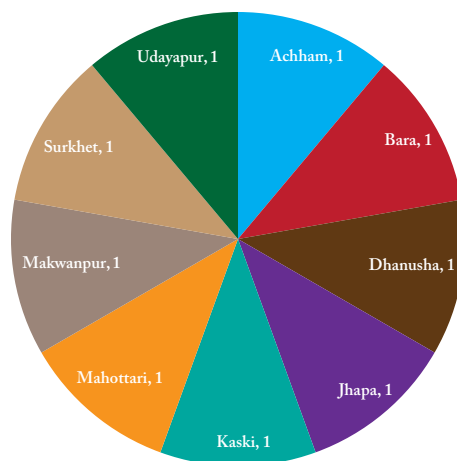
year. 492 girls were raped and 200 became victims of sexual harassment. 36 children became victims of human trafficking.

5.4 Right to Health

Article 35 under the part 3 of the Constitution of Nepal has ensured rights to health care as fundamental rights. The government has upgraded all the sub-health posts to health posts. There is a provision that ensures that 35 types of medicines, including those given to pregnant women are provided free of cost from health posts across the country, and 72 types of medicines are found free of cost in district hospitals across the country. But, all these medicines meant to be distributed freely to the public are not available in all health posts and district hospitals.

The government formed a task-force led by Balkrishna Khakurel, director of the Department of Drug Administration under the Ministry of Health, with the objective of addressing the problem of shortage of medicines created due to the Indian blockade. But, medicines could not be made available in remote villages and districts due to lack of effective monitoring of the situation by the Ministry of Health and other stakeholders. There was acute shortage of some lifesaving medicines due

Figure 12: No. of Victims Killed after Rape in 2015 (By District)



to India-imposed blockade and the Tarai-Madhes protests. Some pharmaceutical industries situated in Tarai-Madhes were closed down due to the prolonged agitation while those pharmaceutical entities in hill districts could not produce sufficient medicines due to lack of raw materials. Therefore, health institutions across the country faced shortage of medicines.

5.5 Right to Food

The Article 36 under part 3 of the Constitution of Nepal has ensured right to food as fundamental rights. This year there were no reports of any districts facing food crisis. But some specific areas, ethnic groups and marginalized and backward communities faced shortage of foods. The Chepang and Praja communities in Makwanpur, Chitwan and Dhading districts and Raute community in mid-west-

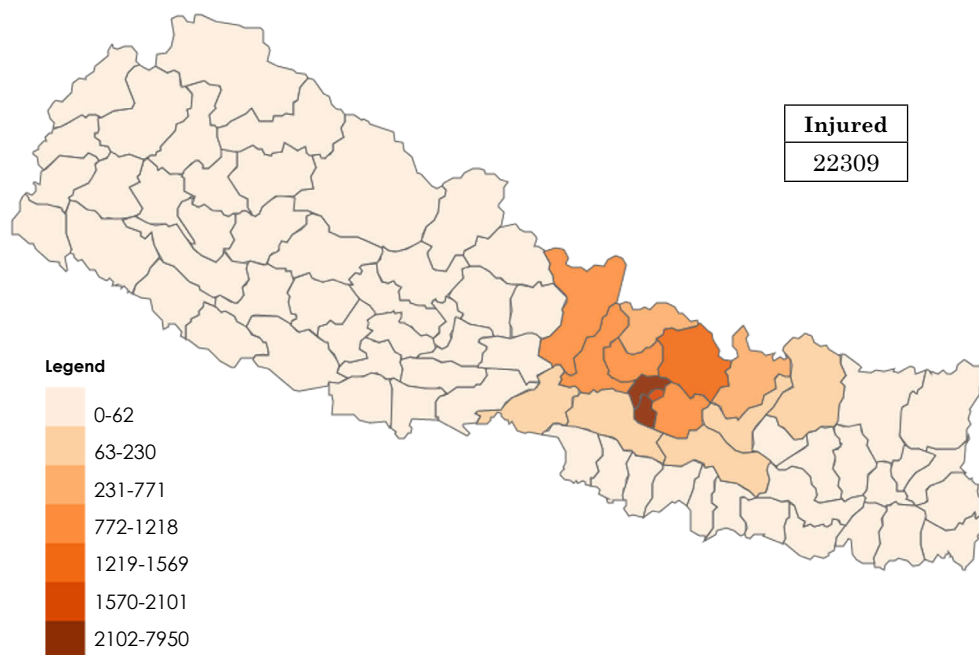
ern region suffered food crisis, as in the previous years. People in some villages in remote Jajarkot and Bajura districts faced food crisis and they were provided some foods from depots of Food Corporation in the same districts. Some news reports described poor health conditions of children in some western hilly areas due to lack of proper nutritious foods. INSEC representatives reported that cases of malnutrition in children increased in Rasuwa, Ramechhap, Sindhupalchowk and other earthquake-affected districts mainly after the natural disaster. Also, pregnant women and nursing mothers were badly affected. But, unfortunately, no effective steps were taken to address these problems.

The food distributed by the World Food Program (WFP), which has been assisting Nepal in food supply, was found substandard and unfit for consumption.

Table 13: No. of Incident with Status of Legal Proceeding in 2015

Types of Event	Total	Compromise	Investigation	Legal Proceeding	Closed Case	No Legal Proceeding
Child Labour	3			2	1	
Child Marriage	23	6	1	7	5	4
Child Trafficking	27		3	16	6	2
Rape	485	4	53	222	197	9
Sexual Abuse	185	10	24	77	71	3
Total	723	20	81	324	280	18
Types of Event	Total	Compromise	Investigation	Legal Proceeding	Closed Case	No Legal Proceeding
For Practicing Witchcraft	46	13	7	12	9	5
Polygamy	287	30	52	96	96	13
Rape	259	4	44	106	100	5
Rape Attempt	134	3	15	52	61	3
Sexual Abuse	59	26	7	16	7	3
Women Trafficking	29	4	2	17	5	1
Total	814	80	127	299	278	30
Types of Event	Total	Compromise	Investigation	Legal Proceeding	Closed Case	No Legal Proceeding
Killing	254		36	124	81	13

Figure 13: No. of People Injured by Earthquake in 2015



The parliament's National Disaster Management, Monitoring and Direction Special Committee formed a sub-committee to probe into the matter when foods distributed as relief for earthquake victims was found to be substandard. However, the WFP did not cooperate with the subcommittee in finding the reality there.

The food distributed to the earthquake victims in Barpak and Laprak of Gorkha district was found unfit for consumption and later it was prohibited from distribution; however, the WFP representatives distributed the same stock later saying that "it would do no serious harms" for the villagers. On the other hand, a stock of food meant for earthquake victims in Sindhupalchok rotted as the WFP could not distribute it in time and it had to be destroyed. Locals in Sindhupalchok, Kavre, Dhading and Chitwan staged protests saying that they were given rice unfit for consumption. Thus the situation, in sum, was very unfavorable for common people to get quality foods due to ineffective moni-

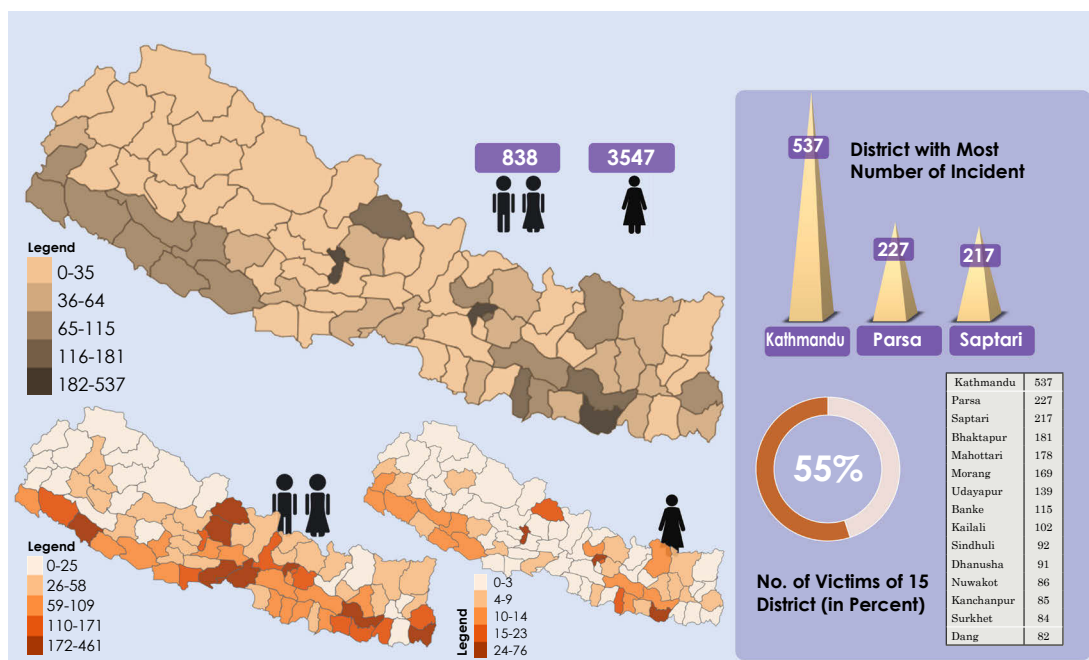
toring by government mechanisms despite that the constitution has ensured right to food as fundamental rights.

5.6 Jails and Detainees

Altogether 74 jails in 72 districts are run by the Prison Management Department. The total capacity of all these jails is for 9,770 inmates. But, this year 17,829 inmates were staying in the prisons across the country. This year, 53 girls and 58 boys were staying there as child dependent. (For details see also the district-wise details and annex 2.)

It was found during the monitoring that the number of inmates in most of the prisons across the country was three times higher than the capacity. *The capacity of Kaski prison, which is of D-grade, is for 60 prisoners. But, 540 inmates, including 363 convicts and 177 detainees are kept inside the jail. This is nine times more than the jail's capacity. The Kailali prison, which is of C-grade, has a capacity for 125 inmates. But 382 inmates are kept inside it.*

Figure 14: No. of Victims of Violence against Women and Children in 2015



7. Executive

After promulgation of constitution in September, a new government was formed under the leadership of KP Sharma Oli, Chairperson of the second-largest party UML, in October 2015 replacing the government of Sushil Koirala, president of the largest party Nepali Congress. Prime Minister Oli split various ministries and increased the number of ministries from 26 to 30 during this period and he also increased the number of ministers to 40. He was criticized for appointing six deputy prime ministers and a number of advisors, significantly more than his predecessors and for providing them with perks and facilities more than they deserved.

In the meantime, endorsement of the bill to form NRA, appointment of CEO of the NRA, providing earthquake victims with Rs. 10,000 for each earthquake-affected family for purchasing warm clothes, taking firm stance in favor of national interests and signing a trade agreement with the northern neighbor China were some of the positive aspects.

Nepal presented its second report of Universal Periodic Review in November 2015. Also, other stakeholders and individuals presented various reports there. Hurdles to the constitution making process, corruption eradication, environment, women, children and conflict management were the main issues highlighted in this year's report. *(See the chapter Executive in this book).*

8. Legislature

This year, the legislature-parliament discussed various bills related to human rights and endorsed them. It endorsed a proposal to form the National Disaster Management Monitoring and Direction Special Committee to look into the matters of destruction caused by earthquakes, relief and rehabilitation efforts. It endorsed the Reconstruction Authority Bill, 2015.

The parliament's Legislation Committee endorsed the report on 'Bill to amend some Nepal acts to maintain gen-

der equality and end GBV' prepared by its sub-committee on September 3. The bill provides that those accused of spraying acid and other chemicals and causing burn injury and distortion on someone's face or any other organs may face five to eight years of jail term or a fine of Rs. 100,000 to Rs. 300,000 based on the nature of crime. *(See the chapter Legislature in this book).*

9. Some Region-wise Issues on Economic, Social and Cultural Rights

9.1 State of Reparation for Conflict Victims in Okhaldhunga

Innocent citizens were killed on one pretext or the other during the 10-year-long Maoist insurgency. Hundreds of people were displaced from the district due to the conflict. According to INSEC records, 11 people were forcefully disappeared and other 166 individuals were killed. It is only after the signing of the Comprehensive Peace Accord, 2006 that the process to identify victims and provide compensation or reparation to them began.

Though those killed and forcefully disappeared have been identified, the accurate records of those displaced, injured and the tortured are still not available. Some of the victims are still deprived of relief and compensation for the failure of the local peace committees, which were entrusted with the responsibility of investigation and recommendation, to provide the recommendations for compensation.

The CPA included a provision to provide relief for those victims and their kin who were victimized during the conflict either from the state forces or from the erstwhile rebel Maoists and the government began the same procedures across the country. Most of the victims received compensation after the local peace committees were formed in all the 75 districts. But due to failure to clearly define the conflict victims, mainly those influential ones and the leaders enjoyed the facilities. Those close to the leaders from both the conflicting sides and those who were in the state authorities got priority in the relief and

compensation distributed until the fiscal year 2008/2009 while genuine victims and civilians were deprived of the relief. This makes it clear that the distribution was not done as per the spirit of the peace agreement. *(See the chapter on State of Reparation for Conflict Victims in Okhaldhunga in this book).*

9.2. Economic, Social and Cultural Status of the Hayu Ethnic Group of Ramechhap

In Nepal, there are many communities with their own language, culture and traditions. The indigenous and ethnic communities have their own unique language, culture and traditions. These cultures and traditions are valuable assets of the country. These, however, are not properly protected. Because of that, some important languages and cultures of the marginalized communities have lost their existence over the time. Some of the communities are in existence crisis. Hayu is an ethnic community that is undergoing such crisis at present.

According to the statistics taken four years ago, there were 139 households of Hayu community in Ramechhap. They stay in Okhreni, Sukajor and Ramechhap VDCs and these days they also live in Ramechhap municipality as well. According to the same statistics, the population of Hayu in the district is 936. However, the number of Hayu individuals receiving the social security allowance from Ramechhap Municipality has reached 1,034. Based on population, the Hayu is a community in existence crisis. This community is marginalized and backward also in economic terms. In totality, the economic situation of this community is not good. *(See, the chapter on Economic, Social and Cultural Status of the Hayu Ethnic Group of Ramechhap in this book).*

9.3 The Practice of Mukhiya in Mustang

Mustang has its own unique local system of resolving social disputes

through a local head called Mukhiya. In this district, there are areas dominantly populated by Thakali communities and these places are also called Thakali areas. Areas stretching from Thakkhola, Ghansa in the southern part and upto Jomsom in the northern part are called Thakali area. Thakali is one of indigenous ethnic communities. This community has its own tradition, practices and identity. People from this community have been giving continuity to their indigenous practices for ages and established them in the society as distinct identity. One of their unique practices is Mukhiya system adopted as a middle way solution to resolve disputes in their society. The practice of resolving local disputes at the local level through the means of compromise between the two sides is called Mukhiya system. This practice is given continuity as this helps settle the issues in a fast, judicious and easily accessible to common local people and based on local traditional values. This is acceptable for all as a means of reconciliation in the Mustang district. *(See chapter on The Practice of Mukhiya in Mustang in this book).*

9.4 The Situation of the Freed Kamlari of Dang

People in Tharu community in Dang, Banke, Bardiya, Kailali and Kanchanpur districts in the western part of the country had a practice of sending their minor girls to work as domestic help at the homes of landlords as a means to pay debt taken from the landlords or to use the landlord's land based on sharecropper system. Minor girls had to work as bonded labor at landlord's home for lessening the burden of debt to the family. The teenage or minor girls worked at landlord's house for a very minimal wage or without any wage and they got just two-time meals in a day and two sets of old clothes in a year. These girls were called Kamlari. As a result of Free Kamlari Campaign, 12,700 of the total 13,026 Kamlaris in Dang, Banke, Bardiya, Kailali and Kanchanpur districts

have been freed from the slavery. However, 326 girls are still working as Kamlari in the five districts. 30 Kamlari girls are still waiting for their liberation in Dang district, which is the place of origin of the liberation campaign. According to the Mukta Kamlari Bikas Munch, seven Kamalari girls have been made to disappear in Dang district. As those who took the girls are out of contact, there is no any clue about the whereabouts of the girls so far. After the liberation from the slavery, most of them joined school while the overaged joined skills-oriented trainings and later started their own businesses. Some have got married and are enjoying freedom of life. (See chapter on *The Situation of the Freed Kamalari of Dang district in this book*).

9.5 Economic, Social and Cultural Rights of the Sunaha Ethnic Group of Kanchanpur

Sunaha ethnic group live along the Mahakali Riverbank in 11, 12, and 13 wards of Bhimdatta Municipality, eight kilometers west of Mahendranagar, the district headquarters of Kanchanpur. And they live at Daulatpur, Khairahani and Chandrauta of Bardiya district. They have their own unique identity. According to them, they migrated from the Karnali Riverbank of Bardiya district to Mahakali Riverbank around 100 years ago. It is also said that Jagganath Sunaha and other two to four families were brought to the Mahakali Riverbank for the purpose of boating when Chandra Shamsher Rana was the prime minister. Over the time, the number of same families has now expanded up to 90.

People from the Sunaha ethnic group, who took river water as their major source of livelihood, say that their major occupation is in crisis these days. As bridges have been built in several places along the big rivers, their occupation of earning from boating has failed to sustain. Likewise, their other major profession is fishing in the river. But, around seven years ago, the Kanchanpur District De-

velopment Committee reached a contract deal with a different group for fishing but without providing any other alternative to the Sunaha ethnic group. (See the chapter on *Economic, Social and Cultural Rights of the Sunaha Ethnic Group of Kanchanpur in this book*.)

10. Conclusion

With promulgation of the constitution, the Nepali people's long-cherished aspiration to make a constitution from an elected CA has now been fulfilled. Just keeping provisions in the constitution does not ensure their implementation. Therefore, implementation of the constitutional provisions is the need of the hour. The constitution has progressive provisions for protecting the rights of Madhesi, Dalit, Women, Indigenous Nationalities and other backward groups. State's failure to implement the constitution may invite widespread frustration among the people. To avoid this, necessary initiatives should be taken also by the public.

It is imperative that effective initiatives from the state be taken to address the dissatisfaction seen in Madhesi and other communities following the promulgation of constitution. It is a major responsibility of political parties and the ruling class to ensure that people should not feel betrayed and cheated.

Changing our mindset that is deeply entrenched into the age-old structures, traditions and practices is very complex in itself and challenging as well. It is necessary to address the dissatisfaction expressed in regional, ethnic and gender forms and the valid demands raised by people in Tarai-Madhes and indigenous nationalities, and respect their spirit as well. Challenges to lead the country towards prosperity by protecting our age-old social harmony and maintaining the country's national unity, integrity and sovereignty lie ahead.

138 new laws need to be formulated and existing 315 laws need to be amended for full-fledged implementation of the new constitution. In this process, 110 federal

laws, 22 provincial and six local laws need to be formulated. Just like in Interim Constitution, 2007, at least 22 of the total 32 fundamental rights can be implemented only after formulating new laws. This is a complex issue in itself.

The full-fledged implementation of the constitution may invite several challenges and the political leadership should tackle it wisely. Implementation of the constitution is going to be more challenging also because Nepal is entering into the federal system by ending the unitary model. Federal system is a completely a new practice for us. Therefore, it is urgent to establish some necessary institutions and begin infrastructural development needed in federal system. At a time when people have high expectations from federal governance, the possibility that lack of change in political, economic, administrative and many other areas of the state even after the implementation of the constitution inviting frustration among people is equally strong. Therefore, it is crucial for major political parties, government and parliament among other stakeholders to give attention to this issue in course of implementing the constitution.

The earthquake victims are compelled to live a miserable life due to the authorities' failure to start post-earthquake reconstruction. It is shameful that the major political parties are wrangling over the issues related to relief and rehabilitation. The major political parties must show readiness to carry out reconstruction and rehabilitation tasks after reaching understanding on such issues.

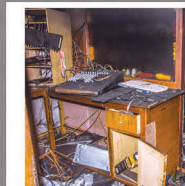
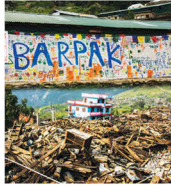
11. Recommendations

- Take initiatives immediately to appoint judges in the vacant positions based on the workloads in the courts.
- Properly inform general public about the statements given by Nepal Bar Association regarding corruption in the courts.
- Endorse regulations of the Commission on Investigation of Disappeared Persons and the Truth and Reconciliation Commission.
- Implement the recommendations received during the Universal Periodic Review.
- Ratify the optional protocols to the International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, Convention against Torture; Rome Statute of the International Criminal Court; The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Show readiness to address the valid demands raised in various parts of the country including Tarai-Madhes following the promulgation of the constitution.
- Carry out rehabilitation of earthquake victims actively.
- Bring culprits to book after carrying out judicial probe into the incidents of human rights violations and abuses committed during Tarai-Madhes protests.

Bijay Raj Gautam
Executive Director

Reflection of Human Rights in 2015

Compiled by: Bimal Chandra Sharma



Rubbles left by the April 25 earthquake at its epicenter in Barpak, Gorkha. A total of 8,856 people died and 22,309 were injured in the earthquake. Similarly, 604,930 houses were destroyed and 288,856 house suffered damages.

Photo: Bimal Chandra Sharma, INSEC



An earthquake victims stands beside her house in Sano Sirubari of Chautara Municipality-9, which was leveled by the April 25 earthquake. 3,557 died and 1,569 people were injured in Sindhupalchok. 67,383 houses suffered damages.

Photo: Bimal Chandra Sharma, INSEC





Shree Namuna Devi Primary School of Dhumpakhar VDC-1 in Sindhupalchok damaged by the earthquake. A total of 8,308 schools sustained damages in the 14 districts most affected by the earthquake.

Photo: Bimal Chandra Sharma, INSEC



Chandan Patel, 4, of Birgunj sub-metropolis-11 died in police firing when a clash erupted between cadres of Samyukta Madhesi Morcha and police at Gonaha VDC-6 of Rupandehi on September 15. Family members performed the final rituals after post-mortem of his body was conducted at Lumbini Zonal Hospital in Butwal.

The clash ensued after Morcha cadres obstructed vehicles escorted by police as a Haat Bazaar (open market) was being organized in Bethari. INSEC monitoring conducted on September 18 found that the dead and injured included civilians staying at home and those who had come for the market. According to the INSEC report, police opened fire indiscriminately. Government provided Rs.1 million as relief to family of the deceased. During Madhes movement, six children, including Patel, were killed.

Photo Courtesy: Salman Khan





Police smashed the camera of Bikram Rauniyar, 25, of Bardibas Municipality-7, Mohattari and a correspondent of Surya Daily and Mountain Television while he was taking photos of the clash between police and protestors at Ram Chok of Janakpur on September 7. Police severely beat up Rauniyar in the incident.

Photo: Ajay Kumar Sah, Mohattari



Armed Police Force ASI Thaman Bahadur BK of Kanchanpur-5, Banke and posted at APF Battalion in Jaleshwar, was dragged out of the ambulance and killed by cadres of Samyukta Loktantrik Madheshi Morcha on September 11 while he was being taken to Janakpur Zonal Hospital for further treatment. BK was injured when Morcha protestors attacked him at Shankhar Chok in Jaleshowor. He had sustained head injury for which he received 16 stitches, and bruises all over his body.

Injured BK died when protestors beat him after pulling him out of the ambulance at Sanukhara near Mohattari VDC along the Janakpur-Jaleshwar road section while being taken to Janakpur Regional Hospital for further treatment, according to SSP Saurav Rana. APF Inspector Dharma Thapa said that BK was killed by hitting with bamboo sticks in a paddy field 300 meters from the road. After killing BK, Morcha cadres also burnt the ambulance. Bamboo sticks and beer bottles were found lying around his body. One plain-cloth policeman accompanying ASI BK and the ambulance driver were able to escape. The final rituals were performed in Nepalgunj after post mortem of his body was conducted at the local hospital.

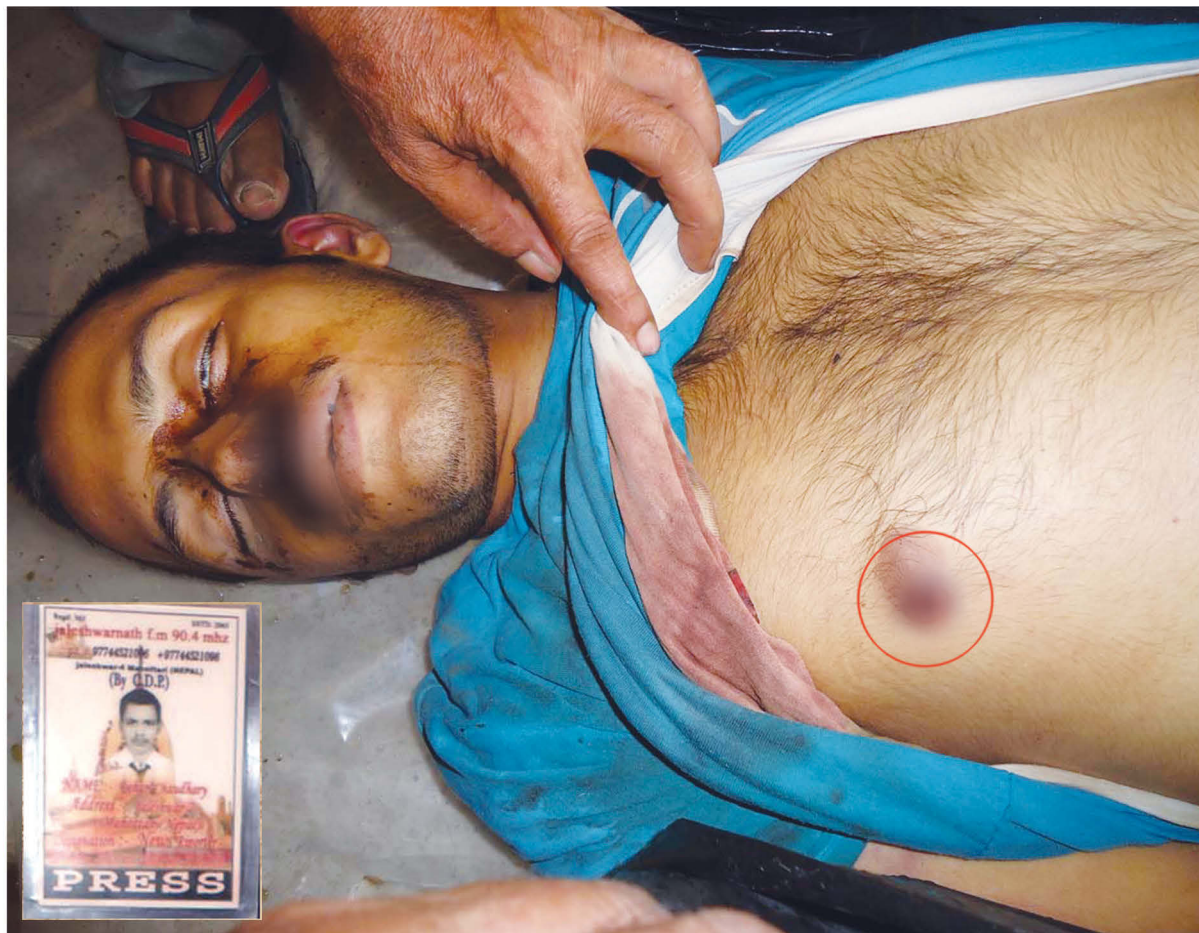
Photo : Ajay Kumar Sah, Mohattari





Wife and son of Nepal Police SSP Laxman Neupane perform mourning rituals at his residence in Sinamangal, Kathmandu. Neupane, 53, was killed in the attack by cadres of Tharuhat Struggle Committee, who were agitating for separate Tharuhat province. Eight policemen and one boy were killed in an attack by Tharuhat cadres at Tikapur, Kailali on August 24. 10 policemen were killed during the Madhes movement.

Photo: Bimal Chandra Sharma, INSEC



Rohan Chaudhary, 17, of Jaleshwor Municipality-7 died in police firing during the clash between police and cadres of Samyukta Loktantrik Madheshi Morcha on September 9. The deceased sustained bullet in chest. A press card was also found from his pocket. The victim's family did not take the relief amount of Rs.1 million provided by the government until the end of the year.

Photo: Ajay Kumar Sah, Mohattari



Ram Krishna Rawat alias Ramkishun, 62, of Portaha VDC-1 in Saptari died in police firing after sustaining bullet in stomach during the protest called by Samyukta Loktantrik Madheshi Morcha against demarcation of state on September 9. A clash ensued between the police and protestors at the east-west highway section in the same VDC. The police fired in retaliation after protestors attacked them with stones and glass bottles while they were removing the trees placed by the protestors.

Photo: Manohar Kumar Pokharel, Saptari



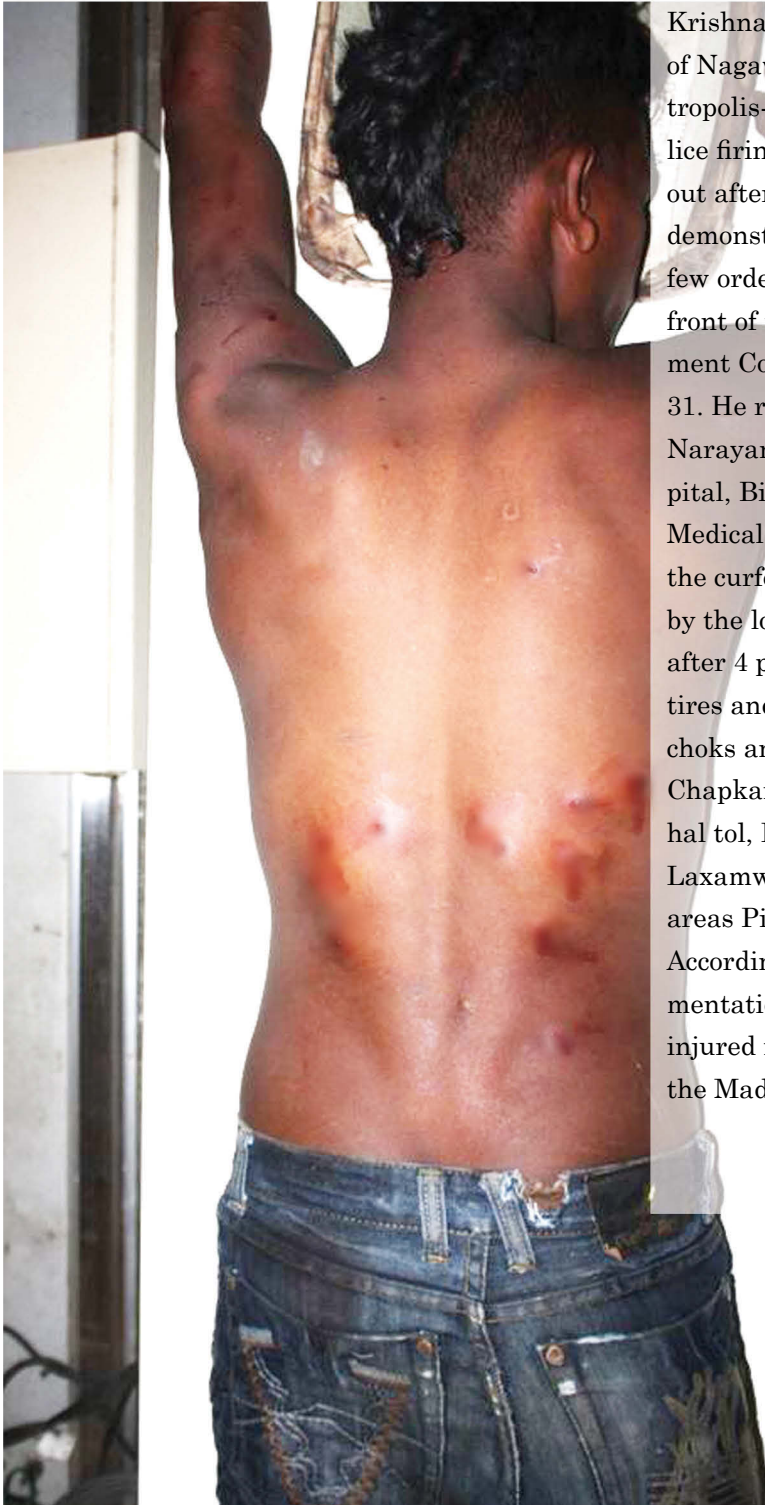
Cadres of Madhesi Morcha hurl stones at police from Indian side at the Sunauli check point in Rupandehi. Indian administration did not take any steps to stop the incident.

Photo: Amri Giri, Rupandehi

Mother of Padam Budathoki (inset) grieves his loss. Son of Dhana Bahadur Budathoki, three-month-old Padam, of Triyuga Municipality-15 in Udaypur died at Hariharpur, Sunsari as cadres of Samyukta Loktantrik Madhesi Morcha obstructed the ambulance carrying him at various places in Saptari district on November 23. The child suffering from pneumonia since November 22 was being rushed to Biratnagar from Triyuga Municipality. District Hospital, Udaypur had referred taking him to other hospital at 4 am on November 23. The boy's relatives were taking him to Nobel Hospital, Biratnagar in the ambulance (Sa 1 Cha 659). He died on the way after facing several obstructions at Shambhunath, Rupani, Bhardaha along the East-West Highway, said Rajan Dhakal, a relative.

Photo: Bharat Khadka, Udaypur





Krishna Kumar Patel, 22, of Nagawa, Birgunj sub-metropolis-19 was injured in police firing when a clash broke out after protestors staged demonstration defying curfew orders at Padam road in front of the District Development Committee on August 31. He received treatment at Narayani Sub-regional Hospital, Birgunj and National Medical College. Despite the curfew order imposed by the local administration after 4 pm, protestors burnt tires and laid stones at all choks and buspark, Nagawa, Chapkaiya, Ranighat, Kumhal tol, Birta Pratima areas, Laxamwa chok, residentail areas Pipra and Sano Pipra. According to INSEC documentation, 238 people were injured in police firing during the Madhes agitation.

Photo courtesy:
Santosh Patel, Parsa

A clash erupted between police and protestors at a sit-in led by Chairperson of Sadhbhawana Party Rajendra Mahato at the Biratnagar Customs point in Rani, Biratnagar sub-metropolis-22 on December 26. Injured in police baton charge, Mahato, 60, of Babargunj, Sarlahi received treatment at Golden Hospital, Biratnagar and BP Koirala Institute of Health Sciences, Dharan. He received further treatment in New Delhi, India.

Photo:
Sukdev Chaudhary,
Morang





Cadres of Madhesi Morcha attempted to kill Krishna Bahadur Bista Chhetri, 33, of Tilotam Municipality-11 in Rupandehi by hitting him with sharp weapons in front of Indian Police while he was on his way to buy goods at Sunauli. He was taken to Medical College, Bhairawa after being rescued by Nepal police from no-man's-land. The Morcha cadres had left him for dead.

Photo: Amrit Giri, Rupandehi

Leaders and cadres of Samyukta Loktantrik Madhesi Morcha with sharp weapons during demonstrations at the District Headquarter Malangwa of Sarlahi on September 13. Morcha cadres carried domestic weapons during demonstrations despite repeated appeals by NHRC and human rights organizations not to carry such weapons.

Photo: Santosh Kumar Singh, Sarlahi





The jeep of National Human Rights Commission torched by cadres of Samyukta Loktantrik Madhesi Morcha at Jutpani, Netragunj VDC-5 in Sarlahi. 167 vehicles were vandalized and torched during Madhesh movement.

Photo: Santosh Kumar Singh, Sarlahi



Police post at Rajbiraj Municipality-5 torched by cadres of Madhesi Morcha on November 22. 27 police posts were vandalized and torched during Madhes movement.

Photo : Manohar Kumar Pokharel, Saptari



Radio Fulbari FM Station set ablaze following a violent clash in Tikapur of Kailai on August 24.

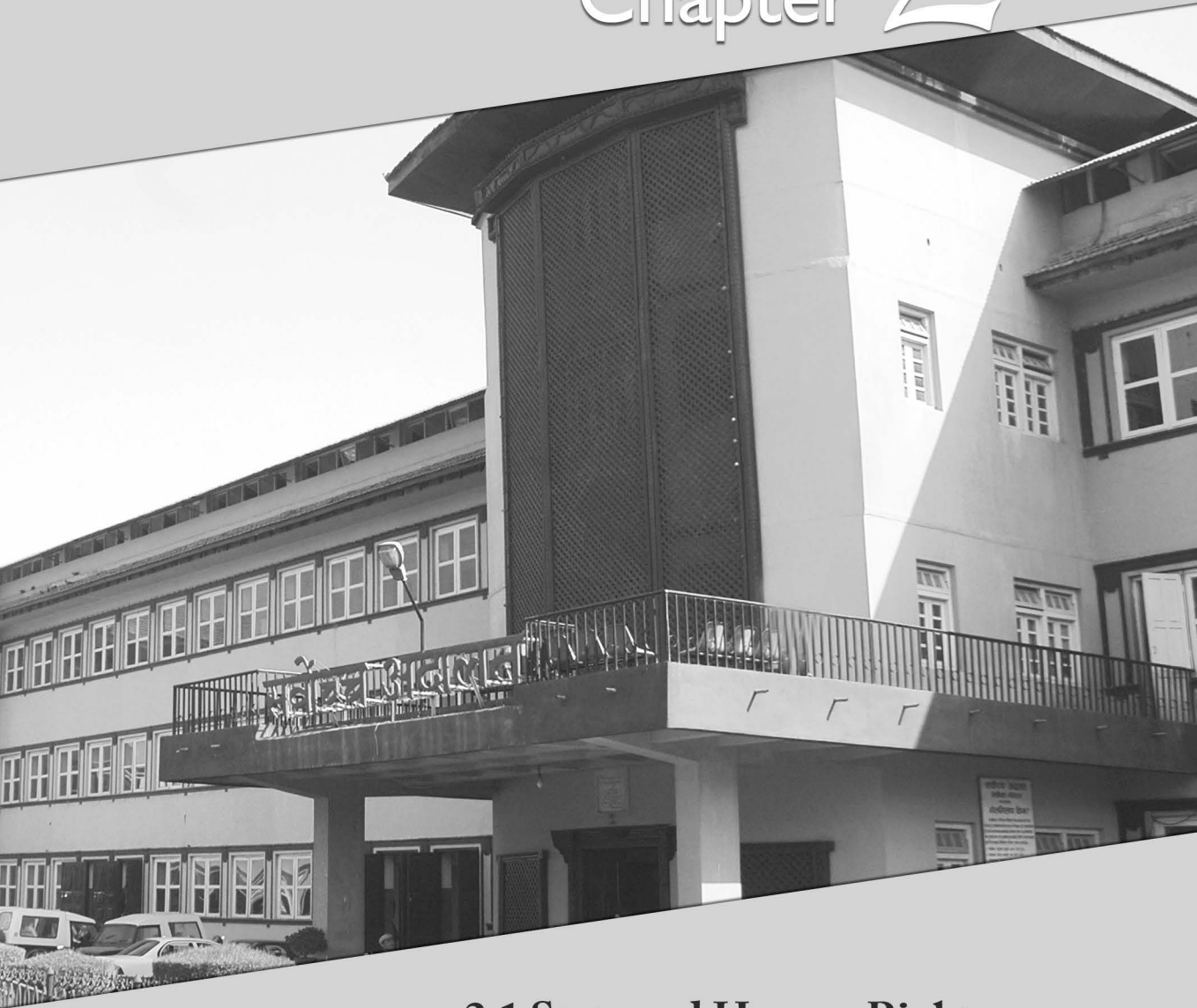
Photo: Bimal Chandra Sharma, INSEC



A clash erupted between cadres of Samyukta Madhesi Morcha and police at Bethari in Gonaha VDC-6 of Rupandehi when protestors obstructed vehicles being escorted by police on September 15. A Haat Bazaar (open market) was taking place in Bethari when the clash occurred. Civilians coming for the market and staying at home were killed during the clash. A bullet had pierced the wall of house belonging to one local Binod Lakaul when police opened indiscriminate firing.

Photo: Amrit Giri, Rupandehi

Chapter 2



2.1 State and Human Rights

Judiciary

1. Background

It has been proven that judiciary has remained as the last resort for protection of citizens' rights in a democratic system. The efficiency and independence of judiciary signals to what extent their rights have been protected. With the promulgation of Constitution of Nepal in September, the Nepalese Judiciary has got its mandate from this new Constitution succeeding the previous one, Interim Constitution of Nepal, 2007. Rule of law is fundamental for freely exercising fundamental rights recognised in the Constitution and other human rights recognised in other legal instruments, both national and international. Establishment of free and efficient judiciary and its fair and unhindered service delivery makes the rule of law a reality. The Constitution of Nepal has guaranteed for promotion of rule of law, protection of fundamental rights and human rights and other rights and their promotion and fair justice delivery.

The Supreme Court has introduced the planned reformation process with the aim of promoting the trust and confidence of people in judiciary for making the justice delivery process straightforward, easy, and speedy and for ensuring access of common people to justice.¹ The First Strategic Plan of the Nepalese Judiciary, 2004/005-2008/09 was introduced in the fiscal year (FY) 2004/05 (2061/62BS). The Second Five Year Strategic Plan of the Nepali Judiciary 2009/10-2013/14 has been already executed. Now the Third Strategic Plan of the Nepali Judiciary 2014/15-2018/19 has already been placed into operation. The Judiciary has analysed that with the adoption of strategic plan, reforms have taken place in the judiciary, including the managerial ones. The Judiciary has prepared the work plan with some achievements already in hand considering the increase of working case load at courts and public expectation and people's increasing perspective that they have not been able to

get justice from the courts. The latest example of such work plan is the formation of Commission on Access to Justice.

The Judiciary that restores not only the fundamental rights of citizens but also all human rights of all when violation of such rights occurs or is about to occur, is the final protector and custodian of such rights and upon which the people have faith as the institution of last resort. When there was an armed conflict between the then CPN-M and government security forces of Nepal for a decade, the Judiciary had earned its reputation and trust for protecting the fundamental rights of the cadres of CPN-M such as right to life, right against torture, right to fair trial and so on.

The Judiciary has an important role in creating the just and favourable environment for exercising fundamental and other rights that are likely to be violated or limited by different organs of the governments through enactment of legislation by the Legislature or implementation of such legislation by the Executive or other state agencies that are entitled to use such executive powers. The year 2015 has witnessed both positive and negative dimensions of performance of the Judiciary while discharging this role of ultimate custodians of rights of people. This write-up is about how the Nepalese Judiciary contributed in protection of human rights and other issues related to rule of law in the year 2015.

2. Appointment of the Chief Justice: Hope with the Leadership

With the end of second quarter of the year of 2015, the senior most Justice of the Supreme Court Nepal Kalyan Shrestha was appointed as the Chief Justice of Nepal. Appointment of the Justice Shrestha, who has delivered many landmark judgments on human rights and gender justice, as the CJ of Nepal gave hope that judiciary in his leadership would perform remarkably during his tenure. Before

1. Supreme Court, Annual Report, 2012/13, 2013/14

Justice Shrestha headed the Judiciary, he was preceded by Chief Justice Ram Kumar Prasad Shah. Justice Shah took the leadership of the Judiciary on October 10, 2014 as the 23 CJ of Nepal. Justice Shah retired on July 7, 2015 compulsorily because of his age bar. Use of information technology for getting information about the schedule of the cases was considered as noteworthy initiative of Shah Tenure. Such use of IT are online update of hearing of the cases, availability of hearing schedule at 10 pm, use of short message service (SMS) for informing the parties of the cases, online writ registration.² However, online writ registration has not been implemented yet.

Despite former CJ's effort on improving hearing of cases, his departure from the Judiciary could not remain undebated. Towards the end of his days at the Judiciary when Justice Shrestha was already recommended by the Constitutional Council for the appointment as the CJ of Nepal, he transferred 51 judges of district and appellate courts.³ Such kind of transfer of judges at the last minute of CJ is not considered appropriate. CJ Shrestha corrected this unusual act of transfer by repealing it; hence he rightly corrected the track of judiciary which was almost about to derail.⁴ So heading of the Judiciary by such bold justice seemed promising.

3. Performance of the Courts

3.1 Performance in the Fiscal Year 2013/14⁵

The judiciary includes the Supreme Court, subordinate courts, tribunal and Judicial Council. During the fiscal year

2013/14, the Supreme Court could finalise only 20% of the total 24,735 case which includes both the old and the new ones. The following table contains the details of the cases registered and concluded as mentioned in the annual report.⁶

The Supreme Court submitted the Annual Report of FY 2013/2014 according to the constitutional mandate of submitting the report to the President of Nepal including the detail of all activities of its own and its subordinate courts and the Judicial Council as well. However, the annual report of the last fiscal year 2014/15 has not been submitted yet; hence could not be available during the period of writing this report. Concluding only 20 percent of the total cases registered during the FY 2013/14 is quite low in itself.

3.2 Increasing Trend of the Pressure of the Case Registration

While comparing the performance of the Supreme Court with the previous fiscal years, there is increasing trend of number of the cases awaiting final hearing at the end of each fiscal year.

The Supreme Court decided only 20.95 percent of the registered cases during the fiscal year 2012/13. And the percentage of such cases declined by one during FY 2013/14 in comparison to the previous fiscal year. Therefore, there are total 18,789 cases of which the responsibilities have been transferred from FY 2013/14 to the FY 2014/15. Concluding only 20 percent of the total cases registered shows the increasing trend of the excessive cases in the Supreme Court. One of the main reasons behind the low percentage of con-

2. "Shah retires as Nepal's Chief Justice, Kalyan Shrestha succeeding", The Himalayan Times, July 07, 2015 < <http://thehimalayantimes.com/nepal/chief-justice-shah-retires-from-service/>>, accessed on Jan 14, 2016
3. "Transfer of Judges at 11th Hour by Outgoing CJ Against Tradition" <http://myrepublica.com/politics/story/23282/transfer-of-judges-at-11th-hour-by-outgoing-cj-against-tradition.html>, published date Jun 22, 2015, accessed on Jan 14, 2016
4. http://www.nonstopkhabar.com/detail_page.php?id=5651
5. Supreme Court, Annual Report, 2013/14. The annual report of the last fiscal year 2014/15 has not been submitted yet. Hence, it was not available during the reporting period.
6. *ibid*

FY	Cases transferred from previous FY	New Registration	Total cases	Concluded cases		Due
				No	%	
2012/13	12,714	8,097	20,811	4,360	20.95	16,451
2013/14	16,451	8,284	24,735	5,946	20.04	18,789

Source: Annual Report of the Supreme Court, 2013/14, Table 1

cluded cases is due to the fewer number of the judges in comparison to the number of cases.

In the context of judicial dispensation, one of the most important aspects that has been given less priority than it should have got is that the judiciary has not taken any initiatives for addressing the long term solutions on what issues the most cases have been registered every year at the courts. The dispute has been concluded through the legal solution pertained within the case; however, the effort has not been made to see if it has given any social solution. Sorting out the case without social justice cannot be sustainable. In the fiscal year 2013/14, the highest number of cases registered in the Supreme Court, appeal courts and district courts was on the dispute of land related cases. There were a total of 42 thousand 9 hundred and 10 cases registered on such issues in the FY 2013/14⁷. Likewise, even in FY 2012/13 including both the new and old cases, the highest number of the cases registered was on the same issue of land dispute.⁸ But the Judiciary has been putting less effort to find out the root causes of such disputes whereas the courts could have concluded such cases quickly and more efficiently than now had it spent its energy in digging out the causes of disputes related to that type of case.

These courts concluded total 1 lakh 3 thousand 8 hundred and 78 cases during

the fiscal year 2012/13 on the one hand, and on the other, still a total of 76 thousand 1 hundred and 48 cases remained pending. Comparative work load and the performance of all the courts have been presented in the table 2⁹:

While observing the performance and work load of the courts, case registration or concluding of such cases have become the biggest problem not only in the Supreme Court but also in three layers of the courts. Thus, having pending 76 thousand 1 hundred and 48 cases in total for its final hearing shows that the courts have not been able to seek the solution of at least the families double of these case loads who have been engaged in such legal disputes.

4. Institutional Prestige

By interpreting the constitution and other laws keeping their spirits intact, the courts stop the rulers to be despotic and contribute to protect the rights, including fundamental and human and other rights of citizens and people. For stopping the rulers to be anarchic, the courts themselves have to maintain their own institutional prestige. Denying the power of the sword or the purse, the Court must cultivate its institutional prestige. The power of the Court lies in the persuasiveness of its rulings and ultimately rests with other political institutions and public opinion.¹⁰ The American experience on how the

7. Supreme Court, Annual Report, 2013/14

8. Supreme Court, Annual Report, 2012/13 Page (d)

9. Supreme Court, Annual Report, 2013/14, page 10

10. David O'Brien, "The Court and American Life," from Storm Center: The Supreme Court in American Politics in *The Enduring Debate: Classic and Contemporary Readings in American Politics*, Eds. Kenneth R. Mayer, John J. Coleman (New York: W.W. Norton & Company, 6th Ed) p 291- 92

FY	Responsibilities	New Registration	Total	Concluded Cases	Pending
2009/10	58985	66395	125380	70017	55363
2010/11	55363	76564	131927	72493	59434
2011/12	59621	93932	153553	87728	65825
2012/13	65825	100351	166176	86919	79257
2013/14	79257	100679	180026	103878	76146

Table 1

Court can maintain its institutional prestige by its performance would be a lesson learned for us as well. The US Courts also had delayed in delivering final verdict on some cases that could have guided the US society substantively; however, it was reviewed within the judiciary very soon. The landmark case of *Brown v. Board of Education* was finally adjudicated which was registered three years ago in 1951.¹¹ The Court was criticised for failing to deliver justice timely. Political scientist Robert Dahl observed regarding the effect of the verdict as “By itself the Court is almost powerless to affect the course of national policy.” Gerald Rosenberg goes even farther in claiming that “courts can almost never be effective producers of significant social reform”. “*Brown* and its progeny stand for the proposition that courts are impotent to produce significant social reform.”¹² Despite such harsh comments the US Judiciary received from some political scientists, it was successful in maintaining its prestige and faith from the people.

The racial discrimination between the White and Black that existed in the American society for centuries ended with the verdict of the Supreme Court of the US in the case of *Brown v. Board of Education*. David O'Brien observed about the power of the court in dismantling the segregation of the society as “(n)either Congress nor the

President, any more than the Court, could have singlehandedly dismantled racially segregated public schools.”¹³ Thus, the role of the court in ensuring justice for people is the deciding factor for having prestige of the judiciary in that society. In our context, to end the anomaly and absurdity in judiciary, the first initiative is to appoint the judges at the Supreme Court of Nepal as pointed out in the report of the Committee to Study for the of Anomaly, Irregularity and Absurdity in the Judiciary, 2015.¹⁴ When the cases are scheduled immediately for hearing or when the parties to the cases know about the hearing schedule on time, such kind of deformities or irregularities in judiciary will be less and the judicial employees with such intention will be discouraged.

5. Ending of Irregularity and Anomaly in the Judiciary: Limited to the Report

Most of the CJs of Nepal, when they hold their chair of the CJ, make a commitment that they will whiten the image of judiciary by ending the anomaly, irregularity and absurdity in the judiciary. So did CJ Kalyan Shrestha as well when he headed the Nepalese Judiciary. CJ Shrestha formed a committee to study about such anomaly, irregularity and absurdity under chairmanship of Seniormost Justice Girish Chandra Lal on August 3, 2015.¹⁵

11. Ibid, p 291

12. Ibid, p 298

13. Ibid, page 297

14. “The Irregularities of the Courts Will Be Off with the Appointment of Judges”, *Gorakhapatra National Daily*, Dec. 16, 2015, page 3

15. This Committee has been used as Lal Committee in this report.

The other members of the Committee were Justices Baidhyanath Upadhyay, Govind Kumar Upadhyay, and Joint Registrar Nahakul Subedi. The Committee submitted a report identifying the anomalies, irregularities and absurdities in justice dispensation, judicial administration, and resource mobilisation and their solution on Dec 15, 2015.¹⁶ If the CJ Shrestha has real plan for cleaning the tarnished image of the Judiciary by addressing such irregularities and other anomalies within it, he has to implement the recommendations of this Committee honestly and harshly.

This is not the first Committee formed of this kind. "The Committee to Study for Enrichment of Public Trust on Judiciary, 2064 BS" and "The Study Committee for Growth of Judiciary without Irregularities and Anomalies, 2066" were already formed in the past. Hence, formation of such committees for ending irregularities in the Judiciary is no more than a "face saving effort" as observed by one critic.¹⁷ Hence the Committee formed under the chairmanship of Justice (now retired) Lal seems just an additional chapter in the series of former face saving efforts.

6. Efforts to Widen the Role of Judicial Council

The Constitution of Nepal has made provision of Judicial Council (JC) in Article 153 to recommend and advise in accordance with the Constitution concerning "the appointment of, transfer of, disciplinary action against, dismissal of Judges, and other matters relating to judicial administration". There is provision for submission of annual report to the President by the JC as the provision reads as "Each

year, the Supreme Court, Judicial Council and Judicial Service Commission shall present its annual report to the President, and the President through the Prime Minister shall submit such reports before the Federal Parliament."¹⁸

Present provision of the Constitution of separate report submission of the JC to the Head of State is positive in itself in regards to widening the scope of the JC and making it accountable as it is wider in scope than the provision of the previous Interim Constitution of Nepal, 2007 in which the annual report of the Apex Court had to incorporate the activities of the JC and Judicial Service Commission as well.¹⁹ However, just having provision of separate annual report submission is not adequate for effective functioning of the JC. It will be achievable only if the provision gets implemented successfully as the former member of JC and senior advocate Upendra Keshari Neupane observes that it will be positive indicator if the present provision is implemented successfully.²⁰ Submission of separate annual report of the Judicial Council is an opportunity to justify the substantial existence of the Council; however, only this is not adequate to widen the scope of it despite the fact that the Chief Justice himself heads the Council.

The Judicial Council consists of five members of which the right honourable Chief Justice chairs the Council.²¹ The four members are the Federal Minister for Law and Justice, senior-most judge of the Supreme Court, a legal expert nominated by the President on the recommendation of the Prime Minister and a senior advocate, or an advocate²² to be appointed by the President on the recommendation of

16. Tufan Neupane, "Only Face Saving", Dec 27, 2015-Jan 2, 2016 (12-18 Poush, 2072), Himal, page 18 available at <<http://nepalihimal.com/article/5957>> accessed on Jan 16, 2016

17. Ibid page 18

18. Article 138 (1)

19. Interim Constitution of Nepal, 2007, Article 117 (3)

20. Upendra Keshari Neupane, "Judicial Council again Shadow Organization" in *Constitutional Dialogue*, (Kathmandu: Constitutional Lawyers' Forum, 2016) p 157

21. Constitution of Nepal, Article 153

22. Such senior advocate or advocate must have the minimum experience of twenty years.

the Nepal Bar Association.²³ Because of its structure, though headed by the Chief Justice, the representation of the court is in minority; hence difficult in having decisions when there is no unanimity among the members.

After the promulgation of new constitution, the first meeting of the Judicial Council was held on December 8, 2015. That meeting recommended the names of Justices Girish Chandra Lal, Shushila Karki, Baidhyanath Upadhyay and Gopal Parajuli for the Constitutional Bench at the apex court. By this decision of the Council, the Judiciary has moved ahead to transform its structure according to the new Constitution and to implement the Constitution. However, it has faced some constitutional hurdles and constitutional void for which it has to wait the response of the political leadership. This has directly hampered the commitment made by the Chief Justice for ensuring effective and speedy justice and performance of the entire judiciary.²⁴ Basically, these hindrances and void has to be overcome through the political negotiation in the Parliament, the finalisation of regulation of Parliamentary Hearing Committee.

7. Judiciary in the Grip of Transitional Period

Some of the provisions about the Judiciary in the new Constitution are not straightforward enough; rather a bit dualistic in nature, causing some confusion. However, through the interpretation of the Constitution in a positive way by respecting and accepting the spirit of the Constitution, it was not impossible to get rid of such situation. All the state organs have responsibilities of interpreting the transitional situation of the country in

easy and positive way by incorporating the spirit of the Constitution while the entire country is in transition.²⁵ The ratio between the case work load and the number of judges at the Supreme Court is not proportionate. While the cases have been piled up above 20 thousand and the number of judges working there is just only 10. Moreover, these existing judges have not been able to deliver justice because of structure damaged by the great Gorkha earthquake of April 2015. "It takes three to five years for a case to be decided that has been registered at the apex court. Hence, course of judicial remedy has been just a cosmetic ornament of the Constitution, which is beautiful but difficult to exercise, because of this sorrowful and tough road to justice."²⁶ The rights have no value at all if these rights cannot be exercised by people. They remain mere cosmetic ones.

There is no clear provision for parliamentary hearing for the appointment of the judges at the Supreme Court during the transitional phase. Article 292 (2) contains the provision that there will be a Parliamentary Hearing Committee consisting 15 members from the both houses of the Federal Parliament of Nepal. If understood in literal way, then no parliament will be fulfilled unless there will be general elections, and election of the Province and at local level. However, experts have come with the opinion that it should not be understood in such literal way. Subas Nemwang, a parliamentarian and the former Chair of the Constituent Assembly that drafted this present Constitution, opines that according to the same Article 296, the Parliamentary Committees can be formed within this present Parliament until the new Federal Parliament is formed.²⁷ But, the Committee has

23. Constitution of Nepal, Article 153

24. Ram Badhadur Rawal, "Constitutional Transition in the Courts", Nepal Weekly, Dec 24, 2015 (5 Poush, 2072) p 16

25. Tikaram Bhattarai "Judiciary in Mar of Transitional Phase" "Judiciary Suffering in Transitional Phase", Kantipur National Daily, Dec. 14, 2015, p 6

26. Ibid

27. Rawal, Foot Note 24

not been formed yet. Unless the Committee is formed, the appointment process of the judges at the apex court will have to face hurdle even if the the Judicial Council recommends for their appointment. On the other hand there is doubt whether the Committee would not be formed.²⁸ Hence if this problem is not sorted out through the constitutional interpretation, the Judiciary will suffer a lot from the lack of human resources. Ultimately, it will seriously affect protection of human rights of people.²⁹ On the one hand, there is analysis of the Chief Justice that Judiciary has suffered most due to transition and on the other, as the Judicial Council has been not fully filled so far, it has not been able to appoint the judges. Whereas the Indian Supreme Court has signalled that the judiciary should not be intervened by declaring the 99 th amendment of Indian Constituon,³⁰ in which there was amendment of the National Judicial Appointments Commission (NJAC) Act ending the appointment of judges through the collegium system,³¹ lack of steps for appointment of the judges by the Judicial Concil headed by the Chief Justice himself hints whether the Council has narrowed the scope itself.

To overcome the constitutional hurdles to some extent, the constitution must be interpreted with good conscience and broder perspectives. Justice Felix Frankfurter observed that "Constitutional interpretation is not at all a political document,

but applied politics."³² The constitutional interpretation, of course, is a political document and as a written document is not self-interpreting; its interpretation is political.³³ So, it is quite ideal to say that there will be no political flavour at all while interpreting the constitution. But what has to do be done in this regards by the Court is that it has to place the intention of the lawmakers and protection of interest of general people in the centre. Only then, the trust of people in judiciary will grow.

8. Formality of Law: More Ritualistic than Result Oriented

Individual liberties are very important issues in the lives of people. When the court proceedings become more formal than paying due attention to results, such individual freedoms cannot be effectively protected. It is a matter of shame that the provision of prioritising the hearing of the cases of the detainees of the Civil Code of 1910 BS enacted more than one and half century ago is almost inactive. "Thousands of detainees spending days behind the bar in the cold floor waiting for justice to be dispensed for them scold the Apex Court, its judges and their legal counsels almost every day."³⁴ "Lives of thousands of detainees have ended within the jail while waiting the schedule of final hearing of their cases." Thus, even the cases of detainees are not heard even though they are

28. Ibid

29. The observation was made by Adv. Tikaram Bhattarai, the senior most vice president of Nepal Bar on the occasion of book lunch programme entitled "Constituional Dialogue and Contested Issues of the Constituion" organised by Constituional Lawyers' Forum (CLaF) at Attorney General Office premise, Kathmandu on Jan 12, 2016. The Program was chaired by the CJ of Nepal Kalyan Shrestha.

30. Samanwaya Rautray, "Supreme Court declares National Judicial Appointments Commission (NJAC) Act unconstitutional" < <http://timesofindia.indiatimes.com/india/NJAC-SC-strikes-down-govt-role-in-selecting-judges-will-consult-PM-law-minister-says/articleshow/49408971.cms>>, published date Oct 16, 2015, accessed on Jan 13, 2016

31. Ibid

32. Quoted in David M O'Brien, *Constitutional Law and Politics: Struggles for Power and Governmental Accountability* Vol I. 8th Ed (NewYork and London: W.W. Norton & Company, 2011)

33. David M O'Brien, *Constitutional Law and Politics: Struggles for Power and Governmental Accountability* Vol I. 8th Ed (NewYork and London: W.W. Norton & Company, 2011), p 63

34. Bhattarai "Judiciary Suffering in Transitional Phase" Foot Note 25

scheduled in daily cause list. The suffering of many detainees waiting for justice would have ended soon in case they were not convicted of what they were accused of after the final hearing of their cases had the Court heard their cases in time. As justice delayed is justice denied, it is quite essential that the Court has to pay sincere attention to those detainees' rights to get speedy justice.

There is prevalence of paying more attention to formality than achieving the result to ensure justice for the convicted persons. Even many convicted detainees after the final hearing are spending more than the stipulated jail term because of the ritualistic court procedure. Minor human errors of the court employee such as typo have led the detainee to suffer more. Generally, one who commits mistakes has to correct it. But in the court proceeding, sufferers of such typo are no other than the detainees themselves.

9. Chief Justice's Commitment Stuck in Constitutional Complexities

CJ Kalyan Shrestha could not continue the appointment of judges started by his predecessor former CJ Ram Kumar Prasad Shah because of constitutional hurdle despite having much expectation from CJ Shrestha. When the then former member of the Judicial Council Upendra Keshari Neupane resigned from the post, the seat remained vacant for long. Another member of the Council Khem Narayan Dhungana was replaced by Ram Prasad Sitaula. Because of tri-polar power balance within the Nepal Bar Association, Ram Prasad Shrestha was appointed at the Council lately. However, the promulgation of the new Constitution and formation of new government after that affected the Council as there was question whether the members of the Council as an expert of law and representative of Bar have their seat in the Council. No other constitution-

al entity except the Judicial Council has such provision of reappointment or termination of tenure in the Constitution.

On the one hand, the Judicial Council has not been able to appoint the judges, on the other the senior judges of the Supreme Court have retired because of age bar. There are around 20 thousand running cases as 18 thousands 7 hundred and 89 cases were back logged in the previous fiscal year and they have been transferred to the current fiscal year. Moreover, one national broadsheet reports that there are nearly 25,000 running cases at the apex court.³⁵ Thus, because of increasing number of cases and decreasing number of judges, situation of not getting timely justice has been created. People are deprived of their rights of getting speedy justice due to the delay in appointing the judges.

When Justice Kalyan Shrestha was appointed as the chief justice, all set eye on him with hope; CJ Shrestha also made commitment of ensuring justice. Tenure of CJ Shrestha is short as he is retiring in the mid of 2016. Hence, it is doubtful whether his commitment would remain unfulfilled. First, the Judicial Council is incomplete to appoint the judges at present. Second, no State High Court has been formed so far. Without formation of the Courts, appointment of the judges at the Supreme Court is not feasible. There is constitutional provision to form such courts within a year of promulgation of this new Constitution. Third, the Parliamentary Hearing Committee is not formed yet as there is no consensus among the key political parties in drafting the Regulation of this Committee. In a straightforward way, no appointment of judge at the Supreme Court is possible without the parliamentary hearing. Either the Judicial Council has to initiate boldly to appoint the judges in close coordination with the Parliament or the commitment of the CJ would be limited to mere commitments.

35. Ghanashyam Khadka, "Appointment of Judges at the Appex Court in Crisis" Kantipur National Daily, Dec. 31, 2015, p 13

10. Indifferences or Inactiveness in Corruption Cases

Mass media has been highlighting the prevalence of corruption in the courts very frequently. And it has been accepted indirectly by the committee formed by the Supreme Court itself. The prevalence of corruption was pinpointed in the committee report of Nepal Bar Association too. However, corruption issues have not been in the priority of the judiciary. Moreover, the cases related to corruption have not been concluded due the fewer number of the judges though such cases were scheduled for hearing, they were not heard because of long lists of cases to be heard. Even the corruption issues in the courts are not addressed in a satisfying way. "Clients have the experience of offering monetary token in each desk of the court for their service; still no one has the guts to speak against it. Such issues have spread from one to another so quickly in public; however, the guilty has been enjoying immunities. No any concrete action has been taken against such anomalies and irregularities spreading in the judiciary."³⁶ At a time when the Chief Justice has been reiterating to provide objective news helping the judiciary for its solution rather than writing on some fictitious news on the prevalence of corruption in the courts,³⁷ a complaint related to corruption has been lodged at the Chief Justice himself.³⁸ Now this incident will be the issue to be examined in the Judiciary. The Court has neither been able to seek the effective solution to control the corruption cases within

the Judiciary itself nor it has concluded the cases registered on such issues.

11. Judges Themselves Seeking the Help of Writ Petition

There is no clear provision regarding the ad-hoc judges in the Constitution of Nepal. As a result of this provision, the service of altogether 26 judges of appellate courts expired. Alexander Hamilton highlights on importance of the permanency of the judges for the trust of judiciary and constitution and civil liberty as he observes:

That inflexible and uniform adherence to the rights of the Constitution and of individuals, which we perceive to be indispensable in the courts of justice, can certainly not be expected from judges who hold their offices by a temporary commission. Periodical appointments, however, regulated or by whosoever made, would, in some or other, be fatal to their necessary independence.³⁹

Justice dispensation by the judges has, thus, direct relationship with their security of service. Hence, how can the judges whose service itself is not secured, dispense the justice fairly and boldly? Those 26 ad-hoc judges who retired from the appellate court filed a writ petition seeking amendment of the constitutional fault regarding the provision of such service termination⁴⁰. The retired judges demanded for the amendment for such fault through directives of the Court. Due to the provision in the new constitution those judges who were appointed on June

36. Tufan Neupane, "Complaint against Bribery at the Apex Court", Himal, Jan 17-23, 2016 (3-7 Magh 2072), page 18

37. "Don't Lose Faith in Judiciary: CJ designate Shrestha" published on 29th June 2015, available at <<http://myrepublica.com/politics/story/23681/proposed-cj-shrestha-facing-parliamentary-hearing.html>>, accessed on Jan. 25, 2016

38. Neupane, Foot Note 36.39.

39. Alexander Hamilton The Federalist, No. 78 in The Federal Judiciary p 289"

40. "Writ for Correcting Fault of the Constitution" Nagarik National Daily, Published date Jan. 7, 2016 <<http://www.nagariknews.com/politics/constitutional-body/story/52014.html>> accessed on Jan. 15, 2016

9, 2011⁴¹ got compulsory retirement after only two years and six months service on December 12, 2015.

“As the Constitution has not mentioned clearly anywhere about the mandatory/compulsory retirement, the judges consider the Council responsible for neglecting them. The writ further demanded to issue a directive order in the name of Council to appoint them as permanent judges adding the period of their previous service.”⁴² Thus, the Judiciary has been paying for the management of transitional phase and its direct impact has been seen on negligence of citizen’s right to get justice.

The provision of the Article 300(5) of the Constitution reads as “After the High Courts are formed as per clause (3), the Chief Justice shall, with the recommendation of the Judicial Council, transfer the Chief Judge and Judges of the Appellate Courts as the chief judge and judges of the High Courts.” Similarly, sub-article (6) contains the provision as “The additional judges engaged at Appellate Courts during the commencement of this constitution, shall continue to remain in their offices till the term specified during their appointment.” As there is no provision of temporary judges to be appointed in the appellate court, the Judicial Council could not extend the tenure of temporary judges working there. The remarks of the CJ that the Judiciary has become entity that the transition has gripped the most, was directed towards this particular provision.⁴³

Although service of these ad-hoc judges of the appellate courts was terminated after the promulgation of the new Constitution, the Judicial Council appointed the district court judges even before the

promulgation of the Constitution. According to the Interim Constitution of Nepal, 2007 and Judicial Council Act, 2047 BS, the eligible second class gazetted officers of Judicial Commission were recommended to be appointed for the additional and vacant position of district court judges. As per the provision of the Articles 109 (1) of the Interim Constitution, the district and appellate court judges were appointed by the CJ. Under Article 113 of that Constitution, the Judicial Council had to recommend for such appointments. The work performance, seniority, experience, knowledge on subject matter, efficiency, honesty, impartiality, faith and contribution towards justice, high morality were taken into consideration while recommending them for the position. And after the promulgation of the new Constitution, no judges have been appointed as Judicial Council is incomplete.

As discussed in the previous section of “Judiciary in the Grip of the Transitional Phase” the Indian Supreme Court struck down the National Judicial Appointments Commission (NJAC) Act brought by declaring the 99th amendment of Indian Constitution which was aimed to end the appointment of judges through the collegium system. The Judiciary itself has to act proactively in certain situation. Because of lack of clarity, Nepalese Judiciary has not been even able to appoint the judges. As Judicial Council has not been able to function in full-fledged way, it seems whether the Council has narrowed its own scope itself.

Internationally the retirement age of the judges is higher than the Nepalese judges. Even within the SAARC States, Bangladesh has 68 years as retirement age whereas in Nepal the SC judges re-

41. JC Yet to Decide about 26 ad-hoc judges retiring Tuesday, <http://myrepublica.com/politics/story/22370/jc-yet-to-decide-about-26-ad-hoc-judges-retiring-tuesday.html>, accessed on Jan. 26, 2016

42. “Writ for Correcting Fault of the Constitution” Foot Note 4

43. Bhattarai “Judiciary Suffering in Transitional Phase”, Foot Note 25

tire at the age of 65 and at the age of 63 in appellate and district court respectively. Though the CJ Shrestha himself has made a comment that the retirement age of the judges needs to be extended, he has not taken any steps in his official capacity.⁴⁴ In the USA once a judge is appointed he is a judge until he wishes to retire. In our practice, the senior most justice is appointed the Chief Justice and has usually very short tenure. Hence, concrete changes cannot be felt though he may be very capable because of his short tenure as CJ.

12. Trust towards the Court and the Implementation of its Verdict

Although commitment has been made in the Five Years Strategic Plan of Judiciary to conclude the cases registered at court within six months of registration and not to exceed the period more than one year for any reason, statistics reveal that after two years of introduction of the Plan (FY 2004/05-2005/06) of the implementation of the strategic plan only 54.50 percentage of the cases were concluded.⁴⁵ The study also shows that Staff's behaviour with parties of the cases is also found not satisfactory. The response of the service holders who said the judicial employee's behaviour was found satisfactory was 33.33 percentage, whereas 32.16 percentage responded need of change in behaviour, 29.24 percentage responded the behaviour as average and 5.26 percentage responded the behaviour as excellent. During the fiscal year 2013/14, 19.75% in punishment and fine; 19.71% in imprisonment and 62.36% of judgement execution applications have been implemented.⁴⁶ The implementation of the judgements has increased gradually. However, the

implementation of punishment and fine and imprisonment is not as satisfactory as that of the judgement execution applications. In the FY 2004/05 -2005/06 the implementation status of such application was 54.5% while it reached to 62.36% in FY of 2013/14.

13. Court's Verdict to Enact 'Service Law' and Negligence to Respect it by the Concerned Authorities⁴⁷

Lower level of the staff, including peon and accountants of the community school had filed a case in the Supreme Court on December 5, 2007 against the discriminatory policy of getting nothing while being retired, and they demanded pension and medical facilities in par with other staffs⁴⁸. The Court issued an order on February 6, 2011 in the name of Ministry of Education, including the concern stakeholder to make 'Service Law' within six months regarding the claim. But the decision of the Court was not implemented. Again the claimants had filed a writ petition seeking the reason why the Court's verdict was not implemented. On August 28, 2014, the Court again issued order to implement 'Service Law' within six months period while hearing the case. On July 23, 2015 the Court again issued an order in the name of Government of Nepal to implement the order within seven days. However, according to Govinda Bahadur Paudel, coordinator of the campaign for implementation of the Court's verdict, the concerned government agencies have not paid due attention to implement it. Thus, non-implementation of the order issued by the Supreme Court is mockery of the rule of law.

44. "Increase the Retirement Age of the Judge" Nagarik National Daily, Aug. 23, 2015 (Bhadra 6, 2072) p 3

45. Problems Related with Implementation of Judgements and Solutions" p 79

46. Supreme Court, Annual Report, 2013/14, page (b)

47. "Demand to Suspend the PM" <<http://www.enayapatrika.com/2015/09/25105#sthash=WPWS4ObD=dpuf>> accessed on Jan. 25, 2016

48. Supreme Court Annual Report, 2013/14, page (b)

14. Protection of Human Rights

Independent and competent judiciary is a fundamental basis of democratic ruling system. Promotion of rule of law, protection of fundamental rights and human rights and other rights and their promotion are possible only through the establishment of independent and competent judiciary and its fair and unhindered service dispensation. The previous Interim Constitution, 2007 and the present Constitution of Nepal both have constitutionally guaranteed such justice dispensation by the Judiciary. Accordingly, the Supreme Court and its subordinate courts and tribunal have been functioning. During the past year, the Supreme Court delivered its landmark judgments in some major cases for protection and promotion of human rights.

In *Suman Adhikari et. al v. Prime Minister and Council of Ministers and others (TRC Act Case)*, the Special Bench of the Court had declared some of the provisions such as amnesty to the human rights violators of the “Commission on Investigation of Disappeared Persons and Truth and Reconciliation Commission Act, 2014 inconsistent with the principles of international human rights law.”⁴⁹ The Court also delivered a clear message that none in the future would dare to commit such deeds that would violate the human rights. The verdict reads as the violators of serious human rights violation cannot be free from his accountability means there should not be any efforts from others to free him as well. One should be ready to face consequences if there are efforts to save such culprits or one becomes accomplice to such deeds. The Court is of the belief that the Commissions set up according to the law would not do so.⁵⁰

Generally the Head of State with the recommendation of the Executive can pardon the convicted criminal after exhaustion of domestic proceedings of prosecution. However, while pardoning, such authority should not misuse its power that would promote impunity so that the human rights violators would not evade accountability for their acts. Latest case laws in Nepal have clearly hinted that pardoning is not solely discretionary power of any institution or state agency that has been bestowed with such power.

14.1 Invalidation of Provision of Act Inconsistent with Principles of International Human Rights Law

Nepal has been party to seven core human rights conventions along with other more than a dozen international instruments on human rights. According to the Treaty Act, 1990 Section 9, the provisions of the domestic acts will be nullified to the extent of collision with the treaty provisions to which treaty Nepal is a party. Thus, treaty provision will prevail over the domestic provision to the extent of inconsistency. The Apex Court has issued many orders invalidating the domestic provisions in such situations. To ensure the transitional justice, the government enacted “Commission on Investigation of Disappeared Persons and Truth and Reconciliation Commission Act, 2014” for setting up two separate commissions viz. Commission on Investigation of Disappeared Persons and Truth and Reconciliation Commission. This Act had contained some of the provisions such as amnesty to the serious or gross human rights violators inconsistent with the principles of international human rights law. Conflict victims challenged such provisions at the Court

49. *Suman Adhikari et. al v. Prime Minister and Council of Ministers and others (TRC Act Case)*, writ No. 070-WS-0050 (Registration date: 3 June, 2015, Special Bench consisted of Justices Kalyan Shrestha, Cholendra S JBR and Baidhynath Upadhyay, Date February 26, 2015

50. *Ibid*

and the Special Bench of the Court invalidated such provisions.⁵¹

14.2 Use of Positive Discrimination and Empowerment of Madhesi People

In *Adv. Sunil Ranjan Sing v. Government of Nepal* case⁵², the Supreme Court issued the mandamus writ order to form the Madhesi Commission and enact the necessary law for the empowerment of Madhesi people with due consideration of state obligation to protect the indivisibility and integrity of State of Nepal being aware of right to equality of all Nepali people and its exercise, to positive discrimination according to the provision of article 13(3) and the obligation created by the article 154 of Interim Constitution of Nepal.⁵³ Thus, the apex court has not only issued a writ order of mandamus against the state institutions to exercise positive discrimination for empowerment of the backward communities of the society but also equally consider the right to equality of all Nepali people and respect the indivisibility and integrity of the State. For the empowerment of Madhesi people such Commission must be formed promptly with due preparation.

14.3 Right to Health

The judicial activism could not take place as expected in protection of right to live with dignity by having access to qualitative drug. In *Adv. Tejman Shrestha v. Secretariat of Legislative Parliament and others* case⁵⁴, the Supreme Court repealed the writ petition stating that there is no condition of supply of sub-standard iron pills. However, it has drawn the attention of the government to standard of the medi-

cine for living a healthy and dignified life. Although no any mandamus was issued as claimed by the applicant this time, keeping in mind such situation may arise in the future, the Court has established that every one has locus standi to seek the legal remedy when right to health has been compromised.

Although the Court has repealed the writ petition, it has justifiably accepted citizens' right to seek legal remedy as other fundamental rights in case it causes negative result in individual's health due to the sub-standard medicine on the basis of the explanation made and the rights sought in the writ. However, the Court's verdict could not give inspiration as it did not make those distributors and the concerned department of the government responsible for not regulating the distribution of the sub-standard medicine. The Court has further drawn the attention of the Government of Nepal to arrange for the production and distribution of qualitative drug and include only those companies in tender process which are reliable so that the qualitative drugs can be supplied as well as the proper management can be ensured. In this regard, the Court has issued the following directive order which helps to create the situation that there is no negligence in the quality of drugs as the supplier of the drugs must meet its standard.

14.4 Health and Reproductive Health Rights of Women

There were attempts to shut Surrogacy/ health service provided by some of the private institutions through writ petition linking it with women right and rights of the babies born. In *Advocate Prabin*

51. *Suman Adhikari et. al v. Prime Minister and Council of Ministers and others* (TRC Act Case)

52. *Ne Ka Pa, Sawan*, Dec No 9383, p 662

53. According to article 154 of the Interim Constitution, 2007 "the Government of Nepal may constitute such commissions as may be required for the protection and promotion of the rights and interests of various sectors including women, Dalit, indigenous peoples, Madhesi, disabled, labours or farmers. The provisions relating to the formation, functions, duties and powers of such commissions shall be as determined by law."

54. Supreme Court Bulletin, 2072 Asar 1, page 15, Writ No 0368-WO-0395

On the basis of comprehensive analysis of the Interim Constitution of Nepal, Comprehensive Peace Accord, International Human rights and humanitarian law and their interpretation made by the different UN treaty bodies, international courts supported by the UN itself, regional instruments of human rights and regional courts, and Apex Courts of different States, this Court has issued the mandamus writ order to form the Commission on Inquiry of Disappeared Persons and the Truth and Reconciliation Commission separately with separate laws for long run management of the transitional period.

70. Based on the analysis made above, it is very matter of pity why there should be search for adequate cause and ground for amnesty who have committed a serious crime. There is only one way of process of justice when such crimes are committed. It is a serious challenge for justice and humanity to search for principles and ways not to prosecute and rather saying that it is possible to grant amnesty if there are adequate cause and ground for amnesty.
72. Similarly, the provision of the section 26 (5) as it reads “If an application is submitted to the Commission for amnesty pursuant to sub-section (3), the Commission must decide to make recommendation for amnesty upon considering agreement and disagreement of the victim as well as the gravity of the incident for granting amnesty to that perpetrator” is also disputable. The term “disagreement” of the victim has been used immediately after the term “agreement” demonstrating that the meaning of disagreement is dualistic. Without the consent or agreement of the victim and in the serious crime no amnesty is possible. The Court has repeatedly addressed these issues in its past orders which the Commissions have to consider as their guideline. The Commissions cannot neglect the order of the Court.
73. Writ petitioners state that section 29 of the Act has brought the recommendations of the Commission under the discretionary power of the Government of Nepal and has affected the constitutional rights of the Attorney General to prosecute. Provision on prosecution of the Section 29(1) reads as “If recommendation is made by the Commission to the Government of Nepal to prosecute the perpetrator found to be guilty of the offence of gross violation of human rights, the Ministry must write to the Attorney General to prosecute the perpetrator found to be guilty of the offence of the gross violation of human rights.” As per the Article 135 (2) of the Interim Constitution of Nepal, the Attorney General has the sole authority of making a final decision of filing or not filing a charge-sheet in a criminal offence.
74. As per the Article 135 (2) of the Interim Constitution of Nepal, the authority for prosecution by the Attorney General authorised by the Constitution is special and autonomous in nature. The reason behind authorising this authority to the Attorney General is that the institution of the Attorney General has remained a professional and judicial institution. Such institution does not file a mala fides charge sheet against somebody motivated by political interest or for not creating the situation not to file a charge sheet against somebody for favouritism or political interest. As such institutions have been set up and bestowed with all responsibilities of prosecution with the belief that serious criminal prosecution that contains the element of crime has to be based on special law and as per the judicial needs,, limiting the authority of the Attorney General does not correspond with its objectives.
75. Thus, there is no any cause and rational basis not to recommend directly by the Commission to the Attorney General constitutionally authorised filing a case on the behalf of the Government of Nepal for prosecution The provision of sending the recommendation of the Commission to the Attorney General not directly to prosecute to those who are proven guilty of human rights violation by the investigation causes unnecessary complexities and creates doubt. The implied meaning of sending such recommendation through indirect channel may be to allow the perpetrator escape prosecution. As it has been much explained and analysed in the previous orders of the Court in this regard, the provisions of the Act spelled more than necessary and which are inconsistent with the clear provision of the Constitution that “...If recommendation is made by the Commission to the Government of Nepal to prosecute the perpetrator found to be guilty of the offence of gross violation of human rights, the Ministry ...” is deemed to be quashed.

76. Thus, on the basis of analysis and causes made above that the provisions of the section 26 (2) “where sufficient ground and reason are not found to grant amnesty from the investigation of the Commission” and of the section 29 (1) “...If recommendation is made by the Commission to the Government of Nepal to prosecute the perpetrator found to be guilty of the offence of gross violation of human rights, the Ministry” of the “Commission on Investigation of Disappeared Persons and Truth and Reconciliation Commission Act, 2014” is consistent with the Articles 12, 13, 24 and 135 of the Interim Constitution of Nepal, hence is deemed to be quashed and quashed from the day of the order.
77. Though both the Commissions have been set up and have started their function, the relevancy of the analysis and orders of this Court in previous case laws in this regard has not been over while considering the legal questions in conflict in the contested law and the wording used in that law and intent and feeling of written responses of the respondents; rather their relevancy has much increased in the present context. Objectively, such Commissions are established to identify the perpetrators by investigation of the crimes committed with intention during the conflict era and to recommend for the prosecution and punish and reconcile in the incidents in which there is no serious human rights violations. It is the belief of this bench that such Commissions of quasijudicial nature contributes indirectly to judicial proceeding.
78. The provisions of the Act are not adequate and clear from the analysis made above. Hence, more complexities or dualities will arise when both the Commissions continue their functions. Such Commissions established by the state law has to pay due attention to the Constitution, international human rights and humanitarian law and established principles of justice. Also, the orders issued by this Court itself have got the status of part and parcel of constitutional law and the judicial values. Hence, such orders treated as constitutional customs remain as the guiding principles for the operation of such Commissions.
79. The meaning of the saying that those responsible for serious human rights violation cannot be free from their accountability means that others should not make any efforts to save them as well on any pretext. One should be ready to face consequences if there are efforts to save such culprits or one becomes accomplice to such deeds. The Court is of the belief that the Commissions set up according to the law would not do so.
80. According to the article 107 (2) of the Interim Constitution of Nepal, 2007, the Court issues to implement and have implemented this order regarding provisions not included in the “Commission on Investigation of Disappeared Persons and Truth and Reconciliation Commission Act, 2014” or those which are non-implementable because they have not been included or are not clear and are inconsistent with the Constitution, international human rights law and international humanitarian law in the name of the Commissions and the Government of Nepal in a manner that it is not inconsistent with the orders, directives and interpretations made in this petition and previous petitions of Rajendra Dhakal, Liladhar Bhandari and Madhav Bhandari.

Pandak Vs Office of the Prime Minister and Council of Ministers case, the Court issued interim order to ban surrogacy instantly, highlighting the issues that may arise in future regarding the rights of the baby’s citizenship and other rights as well as the reproductive health of the mother⁵⁵. The babies who were born before the order and the ones who are going to be born may

face trouble as the order issued in a hurry does not speak about such babies.

14.5 Foreign Citizen’s Access to Understandable Language in Criminal Prosecution

In Obunami Michael Vs the Government of Nepal case⁵⁶, the Supreme Court issued a directive order to have the system

55. Writ no. 072-WO-120, Order issued date August 25, 2015 (2072 Bhadra 8)

56. Ne Ka Pa, Bhadra, Dec No 9400, pp 846

of appointing translator immediately for those foreigners who do not understand Nepali language. The directive order was issued in the name of Police Headquarter, Office of the Attorney General, and the registrar of the Supreme Court. In the case of foreign citizens, language barrier can create a hurdle and weakens the whole judicial proceedings. The Court issued a directive order to manage the interpreter/ translator for the foreign citizens accused in criminal prosecution in every stages of their judicial proceeding by preparing the list of the individuals who can understand and speak the language of accused in research department, the Court and its subordinate courts. The directive order instructs Police Headquarter, Office of the Attorney General, and the registrar of the Supreme Court to immediately make policy and action plan for using and providing such service and prepare the list for it, besides ensuring the accountability of the translator and making the service regular.. The court's directive order regarding the foreigner's access to language, by providing them information regarding what they have been accused of and what's the legal responsibility, has protected every individual's right to understandable language during the criminal prosecution and criminal procedure.

14.6 Discriminatory Puja on the Basis of Fee at Pashupatinath Temple

In Advocate Rajiv Sinha Vs Pashupati Area Development Fund case,⁵⁷ the Supreme Court concluded that religious belief of everyone is equal whether one is rich or poor so dividing the *puja*/ worshiping rituals at Pashupatinath Temple into two categories as Special Puja and General Puja with distinctive difference in fee as well as access to certain area of the tem-

ple discriminated the devotees. Moreover, those devotees, by paying high amount get access to the plinth of the Temple and offer flowers and other praying stuff, can damage the idol on the one hand and on the other, those who do not get access to the plinth of the temple due to the low fee feel that their prayer and devotion have not reached to the God. The verdict of the Supreme Court against ending such discriminatory practice regarding accessing the temple for worshiping can be one of the important basis for enjoyment of human rights related to non-discrimination.

14.7 Students to Enrol at Medical Colleges and Charging Tuition Fee

The Cabinet decided to reduce the number of seats in MBBS and BDS programmes to make the medical sector well managed, easy and qualitative based on the report submitted by the Committee led by Prof. Kedar Bhakta Mathema and the recommendation of the Medical Council. The decision of the Cabinet meeting held on March 31, 2015 was that "(t)he Government of Nepal's serious attention has been drawn on fast unto death of Prof. Govinda KC, and it has decided to make medical sectors well managed, easy and qualitative and not to provide affiliation until the policy and law are made based on the report submitted by the Mathema Committee."⁵⁸ The board members of the medical colleges filed a writ petition against the decision of the cabinet regarding reduction of the number of seats. But seven different verdicts of Supreme Court and Appellate Court, Patan were issued against the applicants. Thus, both the Supreme Court and the Appellate Court issued verdicts in favour of the medical council, a regulatory body.

57. Ne Ka Pa, Asar, Dec No 9364, pp 449-50

58. <http://opmcm.gov.np/np/decisions/>

Adv. Tejman Shrestha v Secretariat of Legislative-Parliament and others case

The Court has issued a following directive order drawing the attention of the Government of Nepal in allowing only such companies which are reliable and produce standard drugs to bid the tenders for supply. It has also asked GoN to manage appropriately bidding and supply process of such drugs.

- As drug has relation with the basic health of human being, its production supply, and distribution system must be scientific. For that purpose by setting the scientific standard of the drugs manufacturing, ensure only those companies who have met the minimum standard can contest and ensure that standard, effective and qualitative drugs are supplied and distributed which are produced from the best manufacturing companies.
- In regards to the supply and distribution of drugs, set standard of testing the drug scientifically and determine the process on such fundamental issue setting the standard and implement it effectively.
- Arrange for the study by a Committee of Experts who has stakes on adequacy of providing repa-ration as per the existing Drugs Act, 2035 to the consumers or their kin from the individual or the organisation responsible for distribution of the drugs when such drugs cause death or other physical or mental harm to the consumer (victim) after the consumption of such drug; take necessary steps to make necessary amendment in the Act as well to ensure the accountability.
- It is essential to test the quality of the drugs imported from abroad or the one produced in the country; the drug stores, where the drugs are stored before the distribution, must be scientifically tested to ensure that appropriate and adequate standard of such drugs; ensure drugs are stored only in such storage. Set the necessary standard to store the drugs and permit/ allow only those drug stores meeting the set standard as well as manage their regular inspection and monitoring.

Provide the above mentioned Court order issued against the respective respondents through the Office of Attorney General. Likewise, provide the copy of this directive order to the Judgment Execution Directorate to manage for the effective implementation of the directive order in this verdict and monitor whether the directive has been effectively implemented or not, and if not implemented effectively, to arrange the proper implmentation of this directive order.

Source: Supreme Court Bulletin, 2072 Asadh 1, Page 1, 15 Writ no. 0368-WO-0395 Subject: Mandamus

15. Conclusion

Independent and competent Judiciary is the basic condition of democratic ruling system. Creation of just and favourable environment for exercising fundamental and other rights is possible only through the existence and efficient performance of the judiciary. The Interim Constitution of Nepal, 2007 had constitutionally guaranteed the legal remedy. The Constitution of Nepal 2015 has done the same. Under this constitutional mandate, the Supreme Court and the subordinate courts and tribunals have been dispensing justice.

The Judiciary that restores not only the fundamental rights of citizens but also all human rights of all when violation of such rights occurs or is almost to occur, is the final protector and custodian of the

such rights and upon which the people have faith as the institution of last resort. When there was an armed conflict between the then CPN-M and government security forces of Nepal for a decade, the Judiciary had earned its reputation and trust for protecting the fundamental rights of the cadres of CPN-M such as right to life, right against torture, right to fair trail and so on. Hence, the justice dispensation by the judiciary itself is largely responsible for safeguarding its own image.

When the leader of the Judiciary can not rationally and consciously decide, it erodes the faith of people on entire judiciary. The transfer of the judges of appeal and district courts by the former CJ Shah during his last days at office disappointed people as it adversely affected the credit of

the Judiciary. This grim effort of tarnishing the image of Judiciary was corrected by the present CJ Shrestha.

While cases above 20 thousand have been piled up at the Supreme Court and the sitting judges are only 10, the ratio between the case work load and the number of judges is not proportional. Moreover, these existing judges have not been able to deliver justice because of structure damaged by the great earthquake of April 2015. Hence, justice dispensation has been delayed tantamount to justice being denied.

On the one hand, there is analysis of the Chief Justice that one of the most entities that suffered the most due to transition is judiciary and on the other, as the Judicial Council has not been fully filled so far, it has not yet been able to appoint the judges. As Judicial Council has not been able to function in fulfilled way, it seems whether the Council has narrowed its own scope itself.

Forming committee to study about existing anomaly and irregularity in the Judiciary is a noble initiative in itself. However, the Lal Committee formed to study and make recommendation regarding ending such irregularities is not the first Committee of its kind. Previously too, two such study committees were formed. Hence, formation of such committees for ending irregularities in the Judiciary should not be just for face saving purpose. It must be result oriented than a ritualistic one. The Lal Committee also recommends that appointment of judges would be effective to end the existing irregularities in the courts.

In 2015 the Supreme Court delivered its landmark judgments in some major cases for protection and promotion of human rights which will have long lasting consequences. In *Suman Adhikari et. al v. Prime Minister and Council of Ministers and others (TRC Act Case)*, the Special Bench of the Court declared some of the provisions such as amnesty to the hu-

man rights violators of the "Commission on Investigation of Disappeared Persons and Truth and Reconciliation Commission Act, 2014" inconsistent with the principles of international human rights law. The Court also delivered a clear message that none in the future would dare to commit such deeds that would violate the human rights. The Court stressed that the violators of serious human rights violation cannot be free from their accountability; others should not make any efforts to save them as well.

Court's verdict on right health with regards to have access to qualitative drugs for living a dignified life and state obligations to ensure that people can enjoy this right is partly positive. Though the Supreme Court quashed the writ, it has accepted that any person has locus standi to seek the legal remedy where situation of having prevalence of low quality drugs in market exists. Moreover, it has issued the directive order to form a committee of expert to ensure whether the existing legal provisions are adequate enough to ensure the accountability of the drug suppliers, distributors and the government agencies in monitoring it. Besides this, focus of women rights over their body and their health care in surrogacy case is equally important. However, interim order in surrogacy case seems to have been issued in hurry. Foreigners' right to have interpreter in criminal prosecution has duly understood the gravity of basic human rights of foreigners in criminal prosecution. No privilege based on paid fees in offering prayers to God at temple is a landmark judgement from the rights perspective of non-discrimination.

Head of State with the recommendation of the Executive can pardon the convicted criminal after exhaustion of domestic proceedings of prosecution. However, while pardoning, such authority should not misuse its power that would promote impunity by granting immunity to the human rights violators. Latest case laws in

Nepal have clearly hinted that pardoning is not solely a discretionary power which has been bestowed with. Besides that, this year the Supreme Court has delivered some good judgements regarding right to health, non-discrimination, positive discrimination, right to have access to understandable language during the criminal prosecution. Having delivered such good judgments, the Judiciary has saved its image on the one hand and on the other having no very concrete plan to end the irregularities which are rife at the judiciary, non-functioning of Judicial Council in appointing the judges at the Supreme Court after the promulgation of the Constitution, Court's narrow interpretation in this regard and limitation of the justice dispensation and piling up of the cases waiting for final hearing have provided enough ground to be skeptical whether the commitments of the head of the judiciary would remain untranslated into practice.

16. Suggestions

As judicary is the last resort for protection of fundamental and human rights, there must be the faith and trust of citizens in it. To sustain the faith and trust of people on protection of rights by the judicial system, the judiciary has to provide timely justice to the party of disputes. For that the Nepalese Judiciary should not delay in appointing the judges considering the case loads at the Supreme Court and subordinate courts confining within the constitutional mandate. Judicial activism and liberal interpretation of the Constitution seem essential to achieve that objective of dispensing timely justice.

To address the cases of detainees whose individual liberties have been curtailed and have been spending lives behind bars, it is important to simplify and update the court procedures so that the judicial employees become more goal-oriented than performing 'rituals' following all the formalities. The apex court should instruct its subordinate courts and tribunals

to get that achievement. Research on the causes of registration of higher number of cases and impact of the judgments in the society also must be carried out regularly for increasing efficiency of the judiciary.

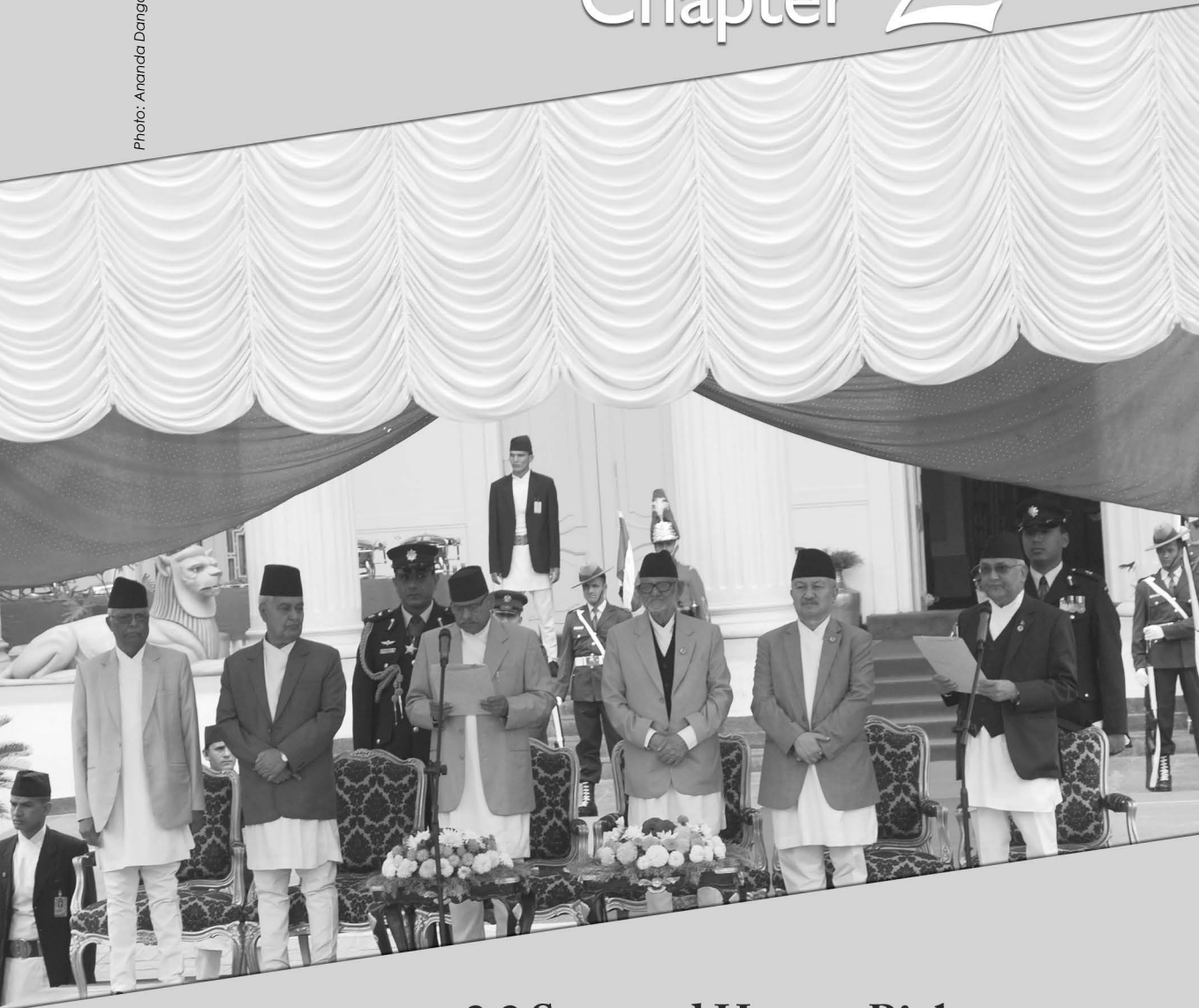
The ratio of the registered cases (more than 20 thousand) and the existing judges (10) at the apex court whereas 11 posts are still vacant shows that the cases can not be heard finally and concluded timely. Moreover, only final hearing of the 20 percent cases annually piles up the cases there. Hence, any statutory efforts have to be exhausted for concluding such backlog cases.

Legal remedy sought through the writ order does not concern only with the writ petitioner but also with the wider interest of the society. Hence, monitoring of implementation status of such writ orders and directive orders of the courts is a must. For that, there must regular communication with the state agencies responsible for implementing such orders and the Court must delimit the time frame when required for such implementation.

As it has become the common understanding of the common people that they cannot get their proceedings done at the judiciary without bribery and the complaint of bribery has been lodged at the Chief Justice, the judiciary has to accept the zero tolerance policy against bribery. Otherwise, the formation of the Lal Committee for studying and making recommendation regarding ending such anomalies and irregularities within the judiciary will be no more than a ritualistic performance. The problems identified by such committees and the recommendations must be implemented boldly. When the judiciary makes the reports of such committee publicly available, it contributes in creating a transparent situation and increases accountability of the judiciary to the people. Only then, the commitment of the head of the judiciary to ensure justice will be materialised.

Photo: Ananda Dangal

Chapter 2



2.2 State and Human Rights

Executive

1. Introduction

Nepali Congress President Sushil Koirala-led government was successful in promulgation of the constitution from the Constituent Assembly. The government was formed with the participation of the second largest party in the CA based on a seven-point agreement to promulgate the new constitution within second week of February 2015. But soon after the constitution drafting process began, the then third largest party in the opposition, UCPN-M started obstructing the CA meeting. Following the incident, the government got caught up in an uncertainty while the CA remained almost inactive without the constitution writing process for four months.

The April 25 earthquake with an epicenter in Barpak of Gorkha and subsequent aftershocks led to great loss of life and property in Nepal mid-hill region. As the government was involved in post-quake relief and recovery, a 16-point agreement reached on June 8 between the government and the four major political parties to promulgate the new constitution paved the way for promulgating the constitution from the constituent assembly.¹ The agreement included a point to have eight federal units, and to determine the demarcation and naming of the provinces based on a consensus. The Madhesi Janadhikar Forum Democratic party that was a signatory to the 16-point agreement broke off its partnership with the three major parties just when the constitution was about to be promulgated. After his party concerns were not addressed and his plea to extend the deadline for amendment by few days to hold talks with the dissenting Madhesi-Tharu was not considered, MJF-D's Bijaya Kumar Gachhadar forged alliance with two other small

parties, and abandoned the constituent assembly process.² Nevertheless, the constitution drafting process gained some momentum based on the 16-point agreement reached with among the four major political parties. Assessing that efforts were being made to stop the constitution from being promulgated, the three party's position to have the constitution promulgated finally bore fruit.

Along with the constitution making process, some Madhes-centric regional parties had started protesting against it. And as the constitution was being promulgated from the Constituent Assembly, the Madhes-centric parties increased the severity of the agitation and started resorting to violent activities. However, the constitution approved by an absolute majority on September 18 was promulgated by President Ram Baran Yadav on September 20. The constitution has envisaged a 7 province model and has tried to incorporate maximum rights as per the democratic norms and values. It has also formally institutionalized the democratic republic.

It was during the premiership of Prime Minister Sushil Koirala that the three major political parties—Nepali Congress, UML and UCPN-M, and the Madhesi Janadhikar Forum, Democratic agreed to a 16-point agreement, which expedited the task of constitution promulgation. It was on the same basis that the Constitution of Nepal 2015 was promulgated from the Constituent Assembly on September 20. But, arguing that the territory of the Madhes should not be linked with the Hills while demarcating a province, the Madhesi front continued to agitate in the Tarai-Madhes. They also accused that the new constitution had in fact curtailed the rights guaranteed

1. <http://kantipur.ekantipur.com/printedition/news/2016-01-07/20160107191519.html>
2. <http://kantipur.ekantipur.com/news/2015-09-17/20150917162710.html>

by the interim constitution.³ Supporting the Indian border and customs points obstruction movement by the Madhesi parties, India too began an undeclared blockade four days after the constitution was promulgated on September 20. Expressing discontent over the new constitution promulgated by the Nepali people through the Constituent Assembly, India imposed the blockade without official declaration, and citing security reasons due to the ongoing Madhes agitation.⁴ In this regard, India's intention was made public, including keeping the Tarai districts under Madhes province, determining constituencies based on population, proportional representation in state bodies, naturalized citizens not to be barred from any post including the head of state, constituencies to be reviewed in every 10 years, proportional representation based on population also in the national assembly and foreign women marrying a Nepali men to get naturalized citizenship automatically.⁵ The Indian side continued to claim that due to the border points-centered agitation of the Madhesi parties, the supplies could not be continued.

But, even though undeclared blockade by the Indian side dismantled the supplies system of Nepal, as a result of which the ordinary people had to suffer a lot.⁶ Even at the end of the year, the blockade had not been officially lifted while the agitation in the Tarai-Madhes too did not subside. Soon after the constitution was announced, the Constituent Assembly replaced the government led by

Prime Minister Sushil Koirala with a new one led by KP Sharma Oli on October 11.

2. Government after Promulgation of the Constitution

After the Constitution of Nepal was promulgated, a new government under the leadership of the second-largest party in the CA, UML Chairperson KP Sharma Oli on October 11, 2015 replaced the government formed in February 2014 under the leadership of Sushil Koirala, President of Nepali Congress, the largest party in the CA. Leader Oli defeated Sushil Koirala who stood as a candidate for the post of the Prime Minister on behalf of Nepali Congress. CPN UML and UCPN-M signed a 14-point agreement regarding the formation of a new ruling coalition. Oli was successful in becoming the Prime Minister with the support of more than a dozen parties, including RPP Nepal, RPP, after an eight-point agreement was reached between the UML, UCPN-M and the Madhesi Janadhikar Forum-Democratic that had abandoned the Constituent Assembly expressing dissatisfaction during the promulgation of the new constitution. In the meantime, Prime Minister Oli has increased the number of ministries from the existing 26 to 30, and expanded his cabinet to include 40 members through various rounds of expansion. Also, he was criticized for having a bigger advisory team compared to the previous prime ministers, and giving them financial privileges more than their status deserved.⁷

3. <http://ehimalayatimes.com/news/%E0%A4%AC%E0%A4%A2%E0%A5%8D%E0%A4%A6%E0%A5%8B-%E0%A4%AA%E0%A4%B0%E0%A4%A8%E0%A4%BF%E0%A4%B0%E0%A5%8D%E0%A4%AD%E0%A4%B0%E0%A4%A4%E0%A4%BE-%E0%A4%B0-%E0%A4%AE%E0%A4%BE%E0%A4%B0%E0%A4%AE%E0%A4%BE/>

4. <http://www.nagariknews.com/society/nation/story/46092.html#sthash.Idj1pfKD.dpuf>

5. <http://indianexpress.com/article/world/neighbours/make-seven-changes-to-your-constitution-address-madhesi-concerns-india-to-nepal/>

6. <http://kantipur.ekantipur.com/news/2015-11-12/20151112214006.html>

7. <http://nepal.ekantipur.com/news/2015-12-27/20151227122136.html>

Agreement between the Four Major Political Parties in Constitution Drafting

Federalism and Provincial Structure

1. The Federal Democratic Republic of Nepal will have eight provinces based on five criteria of identity and four criteria of capability.
2. Two-thirds majority of provincial assemblies will name the provinces.
3. The Nepal government will form a federal commission to recommend on demarcation of federal provinces. The commission will have tenure of six months. The Legislature-Parliament will take a final decision on the demarcation with a two-thirds majority after the recommendation of the commission.

Parliament and Electoral System

4. There will be a bicameral parliament comprising federal legislature parliament and the upper house. Provincial parliaments will be unicameral.
5. Mixed electoral system will be adopted for parliamentary election. There will be 275 members in Parliament. There will be 165 constituencies based on geography and population. A total of 165 lower house members will be elected through first-past-the-post (FPTP) system. The rest—110—will be elected through the proportional representation system.
6. The upper house will have 45 members-40 of the members will be elected equally from each federal province. The remaining five will be nominated by President on the recommendation of the Council of Ministers.

Forms of Government

7. To run the state affairs, a federal democratic republic multiparty parliamentary system of governance will be adopted. The leader of the party having a clear majority or having support of other parties in Parliament will become the executive prime minister.
8. There will be a constitutional President in Nepal. An electoral college of the federal legislature parliament and provincial assemblies will elect the President. (The UCPN (Maoist) has its differences on the parliamentary system of governance and the constitutional president. Despite this, the party agrees to taking forward the constitution writing process.)

9. After the promulgation of the new constitution, the election of the President, Vice President, Prime Minister, Speaker and Deputy Speaker will be held by the transformed Legislature-Parliament as per the Interim Constitution-2007.
10. Until the next election of the House of Representatives, the transformed Legislature-Parliament will hold the election of the Prime Minister, vote of confidence, no confidence motion and Cabinet formation as per the Interim Constitution-2007. The impeachment of the President, Vice President, Prime Minister, Speaker, Deputy Speaker will be in accordance with the Interim Constitution-2007.

Judicial System

11. An independent, impartial and efficient judicial system will be formed as per the concept of independent judiciary.
12. The Supreme Court will be the court of record. It will be authorised to make final interpretation of the constitution.
13. A Constitutional Court will be formed in order to settle disputes on the jurisdictions between the provinces and the Centre, between provinces, between provinces and local bodies, and election-related disputes of the House of Representatives, National Assembly and provincial assemblies. The Constitutional Court shall have the final decision on these issues. The court will be chaired by the Chief Justice of the Supreme Court and will comprise two senior-most justices, and two legal experts who are qualified for the post of Supreme Court Justice. The tenure of the Constitutional Court in the new constitution.
14. The provision on the formation of the Judicial Council will be as determined by the Interim Constitution-2007.
15. The constitution writing process will be taken forward based on the spirit of this fundamental agreement on federalism, forms of government, electoral system, and judicial system.

Local Body Election

16. The election of local bodies will be held as soon as possible to strengthen the representation and participation of the people.

Sushil Koirala, Prime Minister and President, Nepali Congress	KP Sharma Oli, Chairman, CPN-UML	Pushpa Kamal Dahal, Chairman, UCPN (Maoist)	Bijay Kumar Gachhadar, Chairman Madhesi Janadhikar Forum-Loktantrik
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Date: June 8, 2015, Baluwatar, Kathmandu

Source: http://www.satp.org/satporgtp/countries/nepal/document/papers/16-point_Agreement.html

But endorsement of the Reconstruction Authority bill, appointment of CEO of the National Reconstruction Authority, providing Rs. 10,000 per household to purchase warm clothes to ward off winter, maintaining a position in issues of nationality, and signing of the project development agreement or PDA with China are some positive aspects of his government.

The government proved unsuccessful in resolving the situation where the people were not able to light their kitchen stoves and make food for themselves. The government also carried out a month-long campaign called 'people's constitution amongst the people' to aware the general public about the constitution but it could not develop ownership of the Tarai-Madhes citizens over the constitution.

3. Constitution Drafting Process and Violent Incidents to Follow

While going to the people with the draft constitution for their submission on it, Nepal was to be divided into eight federal units with the federal commission deciding about the demarcation as per the 16-point agreement. But, as the demand came to finalize the issue of demarcation of federal units as well while promulgation the new constitution, the high-level political special committee made public on August 8 a proposal to include only six provinces. Following the proposal of the six province model, people in Surket, Kalikot, Jumla, Mugu and others took to the streets, and started agitation. During the agitation, four people died of police gunshots, and the political special committee amended the proposal and made public a seven province model on August 24.

3.1 Tarai-Madhes Agitation and Blockade

After the Political Special Committee made the far-western region the

seventh province, the Tharuhat Struggle Committee took out demonstrations in Tikapur of Kailali on August 24, which later took a violent turn. As the demonstrators tried to break off the prohibitory order, a clash with police took place. Eight security personnel and an infant were murdered in the violent incident. Federal Socialist Forum Nepal Chair Upendra Yadav, Sadbhawana Party Chair Rajendra Mahato and Nepali Congress CA member Amresh Kumar Singh, who had gone to attend the Tharuhat/Tharuwan Joint Struggle Committee, instigated the Tharuhat agitators to 'attack with domestic weapons', and made statements that could disturb the communal harmony in the society. Following the violent incident and the subsequent fatalities in Tikapur, police fired shots in self-defence in similar incidents in Rautahat, Bara, Parsa, Mahottari, Sarlahi and Dhanusa districts resulting in the death of the demonstrators. But the violence on part of the demonstrators continued unabated. In Mahottari, an unarmed police head constable was severely injured after being beaten up by the demonstrators, who was rescued and rushed towards the hospital in an ambulance. However, the ambulance was stopped in between, and the injured policeman dragged out and murdered. A newborn being taken to Biratnagar from Udayapur on an ambulance was stopped mid-way by the Madhesi front cadres, leading to the death of the child before reaching the hospital. The Madhesi front cadres also set ablaze a truck carrying life-saving drugs in Birgunj.

In the meantime, the indefinite Tarai-Madhes bandh and strike by some Madhes-centric parties led to a scarcity of cereals, fuel and medicines. The more than five months long agitation and the undeclared blockade by India that continued until the end of the year had the se-

verest impact on the labourers making a living through daily wage labour.⁸

The schools that remained closed since the past four months in the Tarai Madhes resumed only at the end of this year. The Tarai Madhes agitation continues since the past five months, and as result of the blockade and scarcity of essential supplies the health of 3 million children in Nepal has been pushed to a high risk zone, according to the United Nations Children Fund.⁹ Likewise, the central child welfare board released a data showing that more than 1.1 million children and the elderly are at high risk of cold in the 14 districts highly affected by the earthquake.¹⁰

The situation of the working class people is agonizing as a result of the bandh, strike and agitation since the past five months.¹¹ The nation lost millions of rupees in revenue from the major transit point of the country due to the blockade while as of the end of the year the country suffered 268 per cent revenue loss from Birgunj customs alone.¹²

As a result of the earthquake and the adverse situation that developed in the Madhes, the future of hundreds of thousands of child were at risk, the UNICEF said while emphasizing the need to establish schools as zone of peace. It has also said that the direct impact of the current situation is on children's access to education, and in the six months so far since the earthquake the schools have opened only half the usual period, and hence children in eastern Tarai and other regions

have been more affected by the present situation. As a result of the school closure in nine districts in mid and eastern Tarai and inner Madhes, more than 1.6 million children have in the past two months been deprived of attending regular classes in their schools, UNICEF said.¹³

3.2 Efforts Made for Dialogue

Along with the constitution drafting process, the government made repeated calls to the agitating side after the Madhesi Front announced a movement centered in the Tarai-Madhesh. Then Prime Minister Sushil Koirala had communicated to the agitating parties calling them for a dialogue. Though the government made an invitation through the Legislature-Parliament for the agitating parties to call off their agitation and come for a dialogue, the Madhesi front did not come for talks. And even though it had not been two weeks that the constitution was promulgated, the Koirala-led government tabled a constitution amendment resolution before the parliament, including the determination of constituencies based on population, and inclusive proportional representation.

The Madhesi Morcha or front, however, has been charged of spreading wrong information that the constitution has curtailed the rights of the Madhesi people, and thereby instigating the people. It had also demanded inclusive proportional representation and determination of constituencies based on population.¹⁴

8. <http://www.onlinekhabar.com/2015/09/321313/>

9. <http://bit.ly/20eF4Ew>

10. *ibid*

11. <http://www.himalkhabar.com/118219#sthash.uj3mC0Gc.dpuf>

12. *ibid*

13. <http://www.inseconline.org/index.php?type=news&lang=np&id=51751>

14. <http://www.rajdhani.com.np/article/0752135001443499860>

Inconclusive Series of Dialogues	
Joint appeal to Madhesi Morcha for dialogue by the three major political parties	September 9, 2015
Postponement of the constitution drafting process for two days by the government for dialogue	September 11, 2015
Joint appeal by three parties for dialogue	September 19, 2015
Dialogue team formed by the government	September 28, 2015
First dialogue with Morcha after the promulgation of Constitution	September 29, 2015
Informal dialogue between the government and Morcha	October 6, 2015
Prime Minister KP Oli-led government writes to Madhesi Morcha for dialogue	October 17, 2015
Dialogue between the government and Morcha's representatives	October 20, 2015
Dialogue between the government and Morcha's representatives	November 1, 2015
PM Oli addresses the nation, appeals Madhesi Morcha for dialogue	November 15, 2015
Dialogue between the political parties and Morcha	November 18, 2015
Three major political parties decide to amend the Constitution in consensus with Morcha	November 23, 2015
Dialogue between the political parties and Morcha	November 30, 2015
Absence of Morcha in the dialogue	December 2, 2015
Absence of Morcha again in the dialogue	December 4, 2015
Dialogue between the government and Morcha	December 13, 2015
Dialogue between Nepali Congress and Morcha	December 17, 2015
Dialogue between Nepali Congress and Morcha again	December 18, 2015
Appeal to Morcha for a dialogue along with agreement to conclude demarcation within three months	December 21, 2015
Dialogue between Nepali Congress and Morcha	December 22, 2015
Dialogue between UCPN-M and Madhesi Morcha	December 21, 2015

At the end of the year after four months, finally on November 1, the Madhesi front submitted its 11-point demand before the government talks team. Though the talks team representing the Madhesi front did not wish to make the 11-point demand presented to the government talks team public, the demands came to the public after repeated rounds of dialogue failed to produce any solution of the problem. But the agitation that the front began with a demand for two provinces in the Tarai-Madhes could not be resolved at the end of this year despite dozens of rounds of talks between the government team and the front, waging a movement based in the Tarai.

4. Relief to Quake Survivors, and Efforts for Reconstruction

The devastating April 25 earthquake severely hit the hilly region of central Nepal. As per the National Seismological Centre, the 7.8 Richter scale earthquake led to the death of 8,851 people in 18 districts, and the deceased comprised 4,489 women and 3,956 men. The gender of six people could not be identified. Likewise, 22,302 people were injured. The physical damage included 614,157 individual's homes and 2,495 government building and public heritage completely damaged, which also included 6,523 government schools which were also completely destroyed. The earthquake caused

loss of lives and property in all the hilly districts of the central region and some districts in the western and eastern region. The government has classified 14 districts as severely affected and 17 districts as affected, including a total of 31 districts in the quake-affected Zone.

Though the government announced that Rs. 25,000 would be provided as relief to the quake survivors, it only provided Rs. 15,000 for the human and physical damage they incurred in the earthquake. The government provided Rs. 40,000 for post-death rituals to the families of those who died during the conflict, and also Rs. 100,000 compensation to the family. Also, the children who lost their parents to the quake were to receive free education and the victim families subsidized loan. The government also decided to shift to safer locations the residents from the highly vulnerable quake affected regions. As the government decided to waive customs duty on the relief materials that came for the quake survivors from abroad, the relief supplies could reach to the survivors immediately. But due to high handedness of those involved in the relief distribution and the messy distribution system, the victims have not been able to access relief support in an equitable manner. Some of the food distributed by different organizations was decomposed while some had their goods rotten in absence of timely distribution of the food materials.¹⁵

The National Planning Commission had, in the post-disaster needs assessment, noted that the earthquake had caused physical damages worth Rs. 600 billion and estimated that the reconstruction would require Rs. 666 billion. Accordingly, for reconstruction of the physical damage incurred as a result of the earth-

quake, the government of Nepal hosted a donors' conference. A commitment of Rs. 420 billion worth of financial assistance was received from the conference, which included Rs. 220 billion worth of grants and almost similar amount of concessional loan.¹⁶

However, the bill relating to the reconstruction authority and appointment of its chief executive officer could not materialize for long. Due to irresponsibility on part of the government, the reconstruction authority act and its CEO remained idle. Around two months after the earthquake on June 21, 2015, the reconstruction authority chaired by the Prime Minister was formed in order to move ahead with the reconstruction of the quake-damaged structures through an ordinance but the CEO could not be appointed due to differences between the ruling partners – the Nepali Congress and the UML. It was only on August 13, Vice-chairperson of the National Planning Commission Dr Govinda Pokharel was finally appointed by the government as the Chief Executive Officer of the Authority. The first meeting of the Authority on August 25 decided to make a recommendation to the government to assign the Authority's scope in the quake-affected 31 districts. In the meantime, the reconstruction authority bill had to be endorsed by the parliament within two months of its being introduced through an ordinance, but it could not be tabled in the parliament and hence automatically nullified. As a result, the Chief Executive Officer could not continue.

The endorsement of the reconstruction authority bill and appointment of CEO of the authority are positive achievements of the government formed following the proclamation of the new

15. <http://www.inseconline.org/index.php?type=news&lang=np&id=49659>

16. <http://www.nagariknews.com/main-story/story/40456.html>

constitution. Likewise, though the government decided to provide Rs. 10,000 for warm clothes to the quake survivors, news reports continue to state that all the victims could not receive the amount even one month after the announcement had been made.¹⁷

In the fiscal year 2015/16 budget, the government had allocated 44 per cent of the capital expenditure for reconstruction of the damage caused by the earthquake. But soon as the fiscal year had begun, the Madhesi front began an agitation expressing disagreement over the proposed draft of the constitution and India imposed a blockade after the new constitution was proclaimed, which led to fuel crisis and obstruction in transportation in the country. As a result, in the first five months of the fiscal year only 5.33 per cent of the capital expenditure could be made.¹⁸ The trend in previous years of delayed allocation of budget for development works and the failure to spend the allocated budget continued this year as well.

5. National Human Rights Action Plan

One year has completed since the government formulated and implemented the fourth five-year national human rights action plan. Through the action plan, the government targets to guarantee the rule of law, ensure fundamental human rights to all citizens and help develop a culture of human rights in the country. It may be noted that in the international human rights conference held in Vienna in 1993, the United Nations had called on its member-states to draft and enforce a national action plan for the protection and promotion of human rights. In response to the

call, the government of Nepal introduced a three-year national human rights action plan starting 2061 BS up to 2070. But the government introduced a five-year action plan only after 2071.¹⁹

The action plan give priority to 18 sectors, including education, health, labour and employment, food security, inclusive development, women, disability, elderly citizens, children, housing, prison reforms, conflict victims among others. Also to help protect and promote human rights, the government has drafted and implemented 51 policies under all ministries and their subordinate bodies. The action plan under the Prime Minister and Council of Ministers provides that all concerned bodies must regularly and mandatorily send their progress report to the Office of the Prime Minister and Council of Ministers, and the Office shall carry out and cause to carry out regular monitoring.

6. National Human Rights Institutions

6.1 National Human Rights Commission

Established as per international declaration, Nepal's National Human Rights Commission is an independent and constitutional body. In order to make the state alert and accountable towards protection and promotion of human rights, the commission has been receiving complaints of incidents of human rights violation, carrying out investigation and making recommendations to prosecute and take action against the guilty.

The National Human Rights Commission executed 132 of the 160 complaints registered at the commission in the Fiscal Year 2014/15. Of the 10 recommendations it made, six were related to the armed conflict. Two recommendations were related to human rights violation

17. <http://kantipur.ekantipur.com/printedition/news/2016-01-13/20160113090348.html>

18. <http://kantipur.ekantipur.com/news/2015-12-20/20151220093202.html>

19. <http://www.inseconline.org/index.php?type=news&id=46055&lang=np>

and discouragement. A recommendation was also made to the government to not deport a refugee until it is ensured that the life of the refugee is not at risk, and will not be tortured. 117 of the complaints have been dealt with including two to be re-presented and rest to be kept under consideration.²⁰

6.2 National Women Commission

The National Women Commission keeps it as its first priority to hear complaints relating to women, recommending the complaints and maintaining gender justice by helping bring reforms in the prevalent law. Under this, formulating national policy and programmes that concern with protection and promotion of women's rights and well-being, and work on it along with a mandate for implementation is also the duty of the Commission. It has also been working to carry out study/research on the social/cultural discrimination against women and ill-traditions like witchcraft, jhuma, deuki and chhaupadi, monitoring the international convention and treaties that Nepal is party to and recommend drafting of act/regulations accordingly. National Women Commission says it has remained active in bringing women to the mainstream of development.

In the 419 complaints filed before the commission in the fiscal year 2014/15, 317 were related to domestic violence and 102 related to violence against women. In the first six months of this fiscal year, 152 complaints, including 111 of domestic violence and 41 related to violence against women were registered at the commission. In the complaints registered at the commission, the commission works to mediate based on a consensus of the conflicting side, provide legal assistance

and psycho-social counseling service and recommending for implementation to the concerned government authority, police, women's cell and the court. But as the commission is not in a position to execute all the complaints it receives, the victims do not directly get justice from the commission itself or such a situation has not yet been possible.

6.3 National Dalit Commission

The National Dalit Commission has been working to relieve the Dalit community from the oppression that they have been facing and working to guarantee equal opportunity of participation in economic, social, educational, political and religious/cultural sectors so as to include them in the mainstream of national development. Especially, bringing development in par with people from other community who enjoy a high living standard in the country and abolishing racial discrimination and untouchability prevalent on the basis of ethnicity, lineage and profession is the goal of the commission.

The establishment of the commission in the field of Dalit rights has led to the introduction of the 'Caste-based Discrimination and Untouchability (Offense and Punishment) Act 2068 (2011)'. However, caste-based discrimination continues to exist. As per the legal provision to hear complaints related to this, the Commission received only 26 complaints in the fiscal year 2014/15. Of them, 19 were under consideration and five were mediated. Two remained out of contact. Similarly, out of 35 complaints registered in the commission until the mid of January, 29 were recommended for due legal procedure to the concerned body. Of them, six were mediated and three were decided by the court.

6.4 National Muslim Commission

Four years have passed since the establishment of the National Muslim Commission along with the mandate of socio-economic development of the Muslim community and establish the rights of the community. The commission has only been running awareness-raising programmes in the Muslim community.

Though it has not come up with any concrete policy measures, the commission has been holding deliberations and interactions at various levels by giving first priority to establish a separate identity of the Muslim community who have a distinct costume, lifestyle, religion, culture and traditions.

The commission, including 13 office-bearers comprising a Chair and member-secretary has been given a constitutional status by the Constitution of Nepal (2015). In the previous fiscal year, the government had allocated a budget of Rs. 14.7 million for the commission, and the amount has decreased by Rs. 900,000 this fiscal year. Since the commission has to run activities with the budget provided by the government, it has been confined in its work as it has not been able to do additional work due to the minimal budget.

6.5 Commission on the Investigation of the Disappeared

The introduction of the Investigation of the Disappeared, Truth and Reconciliation Act 2071 in accordance with the Comprehensive Peace Agreement reached between the government and the CPN (Maoist) led to the formation of a five-member Commission on the Investigation of the Disappeared under the chairmanship of Lokendra Mallik on February 11, 2015. Article 33 of the Interim Constitution of Nepal, 2007 provides the

commission the mandate to identify the victim families, provide them relief, to call applications from victim's family or others so as to provide justice to the victim as per the norms that enforced disappearance is a serious violation of human rights and crime against humanity, and maintain a record by examining the reason, nature and level of disappearance of a person, recommend reparation to the victim's family and write to the attorney general to prosecute those found involved in disappearance of a person.

But the commission formed with a two-year term has yet to make public any progress details in the one year period of its formation. As per the action plan developed by the commission, the formulation of the rules of procedure of the commission and office management work had to be completed in the previous fiscal year, but it was not completed even at the end of this year. It's been five months since the commission developed regulations to investigate the disappeared persons and sent it to the parliament for approval, but the regulations could not be endorsed due to non-cooperation of the government even at the end of this year. As a result, the acceptance of the Commission Chair that in absence of the regulations one year has passed without doing anything significant shows that the commission has not been able to work satisfactorily.²¹

6.6 Truth and Reconciliation Commission

The Truth and Reconciliation Commission was formed on February 11, 2015 to find the truth and facts behind the incidents of serious violation of human rights that took place in course of the armed conflict and make recommendations for legal action against those involved in it.

21. <http://www=enayapatrika=com/2016/01/46474#sthash=clAXlFZj=dpuf>

The commission with a term of two years is also entrusted with building an atmosphere for sustainable peace and reconciliation by enhancing mutual good will and tolerance through reconciliation of the armed conflict victims' in the society. This commission has also not been able to do any substantial other than internal management and holding interaction and discussions in some districts. To give continuity to its work, the commission drafted the truth and reconciliation regulations and send it to the government six months ago, but the government has not tabled it before the parliament. Due to non-cooperation of the government, the commission has not been able to receive complaints and begin investigation work.²²

7. Issues of Public Concern

7.1 Market inflation continues to rise

The agitation that began in the Tarai-Madhes region along with the onset of this Fiscal Year and the undeclared blockade by India after the promulgation of the constitution from the Constituent Assembly compelled the people to carry the burden of inflation. The inflation that remained at 9.9 per cent the previous year jumped to 11.6 per cent this year. Nepal Rastra Bank could not live up to its commitment of keeping inflation before doubt digit figures. The sharp rise in the price of daily essentials as a result of the black marketeering and spurred by the lack of fuel made ordinary people's daily life difficult.

Though the government decided to sell firewood in place of the normal cooking gas, the people could not get it easily. The black marketeering of Liquefied Pe-

troleum Gas or cooking gas was rampant. The life of ordinary citizens became worse with the scarcity of daily commodities and the power crisis. According to the monthly report published by Nepal Rastra Bank in early December, the price of food items in October/November increased by 14 per cent while that of non-food items and services by 9 per cent.²³ The government remained unsuccessful in checking black marketeering, price hike through a mechanism, and thereby failed to give any hope to the people.

7.2 Right to Food

Article 36 under Part 3 of the Constitution of Nepal envisages right to food as a fundamental right. Though no district was reported to have faced a food crisis this year, food remained scarce in some specific region, community, the minorities and the backward region. The Chepang and Praja community in Makwanpur, Chitwan and Dhading districts and the Raute in the mid-west continue to face food scarcity like in previous years. The crisis of food in some VDCs of Jajarkot and Bajura were addressed through supplies from the Nepal Food Corporation depots in the districts. Due to lack of appropriate nutrition, the health situation of the children in the western hilly areas remained weak, with many forced to drop out from school as a result of poverty and hunger.²⁴

World Food Programme (WFP) has been supporting Nepal in tackling food insecurity; however, the distribution of substandard and inedible food by the UN body draws attention time and again. An investigation sub-committee was formed under the National Disaster

22. http://www.bbc.com/nepali/news/2015/12/151221_truth_and_reconciliation_commission

23. http://www.ekantipur.com/kantipur/news/news-detail.php?news_id=162840

24. <http://kantipur.ekantipur.com/news/2015-03-28/406157.html>

Management, Monitoring Committee of Legislature-Parliament following public complain regarding the substandard food distributed by WFP as an immediate relief for the victims of April 25 earthquake. Correct information was not made available to the investigation sub-committee who had gone to inspect the rice which was said to be substandard and was stored in the godown in Nepalgunj for the WFP. The pulses stored in the godown were told to be inedible during inspection only later. It was found that the inedible food supplies which was stopped for distribution in Gorkha was re-distributed when the representative of WFP said that the quality was 'good enough' for Gorkha[1]. Similarly, as WFP did not distribute food to the earthquake victims in Sindhupalchok until the end of the year, the food decomposed and had to be buried.[2] Earlier too, the food was sent back from Sindhupalchok, Kavre, Dhading, Chitwan including other districts when the local people complained against the distribution of inedible rice. Though Right to Food is enshrined as a fundamental right, the citizens do not have easy access to quality food because of the state's weak monitoring mechanism.

7.3 Right to Health

Right to health has also been established as the fundamental right in Part 3, Article 35 of the Constitution of Nepal. Starting this fiscal year, the government has upgraded all sub-health posts in the country to transform them to health posts. The government has been providing free of cost 35 types of medicine,

including those given to expecting mothers from the health post, and 72 kinds of medicines from the district hospitals. But the medicines to be distributed free of cost from all the health posts and district hospitals are not readily available. In order to avoid any scarcity of drugs, the Ministry of Health and Population on November 4 formed a task force convened by Director of the Department of Drug Administration Bal Krishna Khakurel.²⁵ He said though there was some difficulties in transportation of the medicines, the scarcity was not as much as it has been talked about in the market.²⁶ But due to absence of effective monitoring on part of the Health Ministry and the stakeholder bodies, medicines are not available on time in the district and in remote villages.²⁷

The financial support of a maximum of Rs. 200,000 for kidney transplantation of the sick, who are poor or with weak economic condition are also accessed only by political party cadres and those who have access to the administration.²⁸ Likewise, the government has provided free treatment facilities of heart-related ailments for children below 15 years and elderly above 75 years of age. But the provision requiring undergoing treatment in the hospitals designated by the government has created a problem for the ordinary citizens to avail of the privilege.

As the roads were damaged in the earthquake the medicines that were to be transported before the monsoon could not be delivered especially to health posts in remote villages, which deprived the quake-affected people too from receiving health services.²⁹ In addition to this, the

25. <http://www.inseconline.org/index.php?type=news&lang=np&id=5184626>.

<http://www.inseconline.org/index.php?type=news&lang=np&id=51846>

26. *ibid*

27. *ibid*

28. <http://www.nayapage.com/43881>

29. <http://www.inseconline.org/index.php?type=news&lang=np&id=49744>

Tarai movement that began since the beginning of the constitution drafting process and the bandh and Indian blockade since the proclamation of the constitution created a severe scarcity of medicines in the country. Health workers decline to go their posts of deputation, and neither stay there if they go, and stay on relatively urban locations in the name of deputation and get postings only in locations suitable to them. This was a trend that continued this year as well in the health sector. This problem is also a result of the failure of the Ministry to manage posts and employees as per the need of the health institutions.

8. Social Security

Six groups, including the elderly citizens, single women, people with disabilities and near-extinct ethnic groups are being provided social security allowance by the government. The monthly social security allowance of Rs. 500 a month being given to the elderly citizens has been increased this year for additional medical treatment to make it Rs. 1,000. But the elderly citizens continue to wage a movement underway since the past three years, as their demands for free treatment and fifty per cent concession in transportation fare and health treatment is yet to be addressed. For this fiscal year, the government has allocated Rs. 55 billion for the social security sector, but majority of this amount is spent on pension and expenses for the retired civil servants. As in the previous years, child protection for Dalit children in Bajhang and Bajura districts, and Karnali zone and scholarship for Dalit, Janajati, marginalized groups, freed Kamaiya, Badi, Haruwa, Charuwa continued this year. The government has also allocated budget this fiscal year to

award scholarship for the targeted group in education sector, in Karnali zone and to people with disabilities.

9. Problem of Landless Squatters

The government does not have a data about the exact number of landless squatters' family in the country. But the number of people living in the street side, river bank, along the highway, and near the jungle in the district headquarters and major cities in the name of landless squatters is on the rise. Furthermore, in some places, huge buildings have been built in the settlements where the so-called landless settlers live.³⁰ Almost every government formed after 1990 have so far formed 13 commissions in order to address the problem of the landless squatters. The latest one being the five-member central landless settlers problem resolution commission formed by the government under the chairmanship of Sharada Prasad Subeni on August 4, 2014. The Commission formed district level landless settlers commission in 72 of the 75 districts and collected applications from 861,000 landless squatter families. But alleging that political cadres were appointed in the commission in the pretext of resolving the landless squatters problem, the issue became a matter of dispute within the joint coalition of Nepali Congress and the UML in the government.

During this time, advocate Chandra Mani Poudel filed a writ petition at the Supreme Court demanding the apex court to annul the activities of the Commission as it does not hold any legal ground. In the hearing held on January 22, 2015, the special bench of Justices Kalyan Shrestha, Gopal Parajuli and Om Prakash Mishra decided that the formation order of the Commission was against

30. <http://www.businesssansar.com/15741>

the law, and issued an interim order in the name of the Government and the Commission to not carry out any activities at the moment.³¹ The commission's activities came to a halt along with the verdict of the apex court.

In the current fiscal year, the government has made public a programme to construct 1,200 houses through the people's residence programme targeting the backward, poor, dalit, near-extinct ethnic groups and marginalized communities.

10. Rights of the Persons with Disabilities

It has been four years since the government amended the Mechanism to end discrimination against people with disabilities, and for their uplift, development and rights promotion, 2068 with the 'Mechanism to end discrimination against people with disabilities, and for their uplift, development and rights promotion, 2068, and set up effective mechanism from the central to the local level for protection of their rights. The provision requiring that road and government as well as public buildings structures are disabled friendly, disability identity card, fifty per cent concession in transportation fare, which are mandatory, are some of its achievements. Access to social security allowance based on the classification of disability is its positive aspect.

11. Conclusion

The Nepali Congress-led government that carried the major responsibility of promulgating the new constitution from the Constituent Assembly fulfilled its duties. But as all the political parties in the CA could not be included in it, the country has been facing an adverse situation. This hostile situation that came

in the form of a legacy of the Koirala-led government could not be addressed either by the UML-led government. It took the impact caused by the agitation and subsequent blockade in the Tarai-Madhes as a problem created by the previous government, as a result of which the ordinary people were deprived of exercising their basic human rights for next five months.

Promulgating the constitution drafted by the Constituent Assembly was the major duty of the government. The Madhes-centric parties were voicing their concerns before the constitution was proclaimed. But not addressing those concerns before the constitution was promulgated remained a weakness of the Koirala-led government. The UML that joined the post-constitution government with only the Madhesi Janadhikar Forum-Nepal on board could not make any concrete initiative other than appealing to the remaining Madhesi front to resolve the problem through the medium of dialogue, constituting task force for talks and attending the talks. The UML-led government that could not hold the second round of dialogue even months after the first round of dialogue was unable to address the Madhes movement, and also failed in addressing the basic human rights of the people. But the Oli-led government that was formed in adverse conditions can be taken as positive considering its success in not allowing the political and diplomatic relations to deteriorate, forming the National Reconstruction Authority by approving the reconstruction bill, providing donations to quake survivors, presenting a two-year reforms action plan, and building a foundation for reaching a bilateral transit and fuel agreement in a sustainable manner with China.

31. <http://www.gorkhapatraonline.com/news/2111>

The government formed amidst the difficult challenge of enforcing the constitution needs to come up with a long-term plan and prompt decision-making capacity to amend the constitution, as agreed by the agitating Madhesi front that boycotted the constitution drafting process itself, and thereby take it ahead. It is the common responsibility of the government, political parties, industrialists, businesspersons, civil servants, farmers, students, professional, and workers to work with an open mind for the nation and nationality, and by rising over any individual or party specific interests.

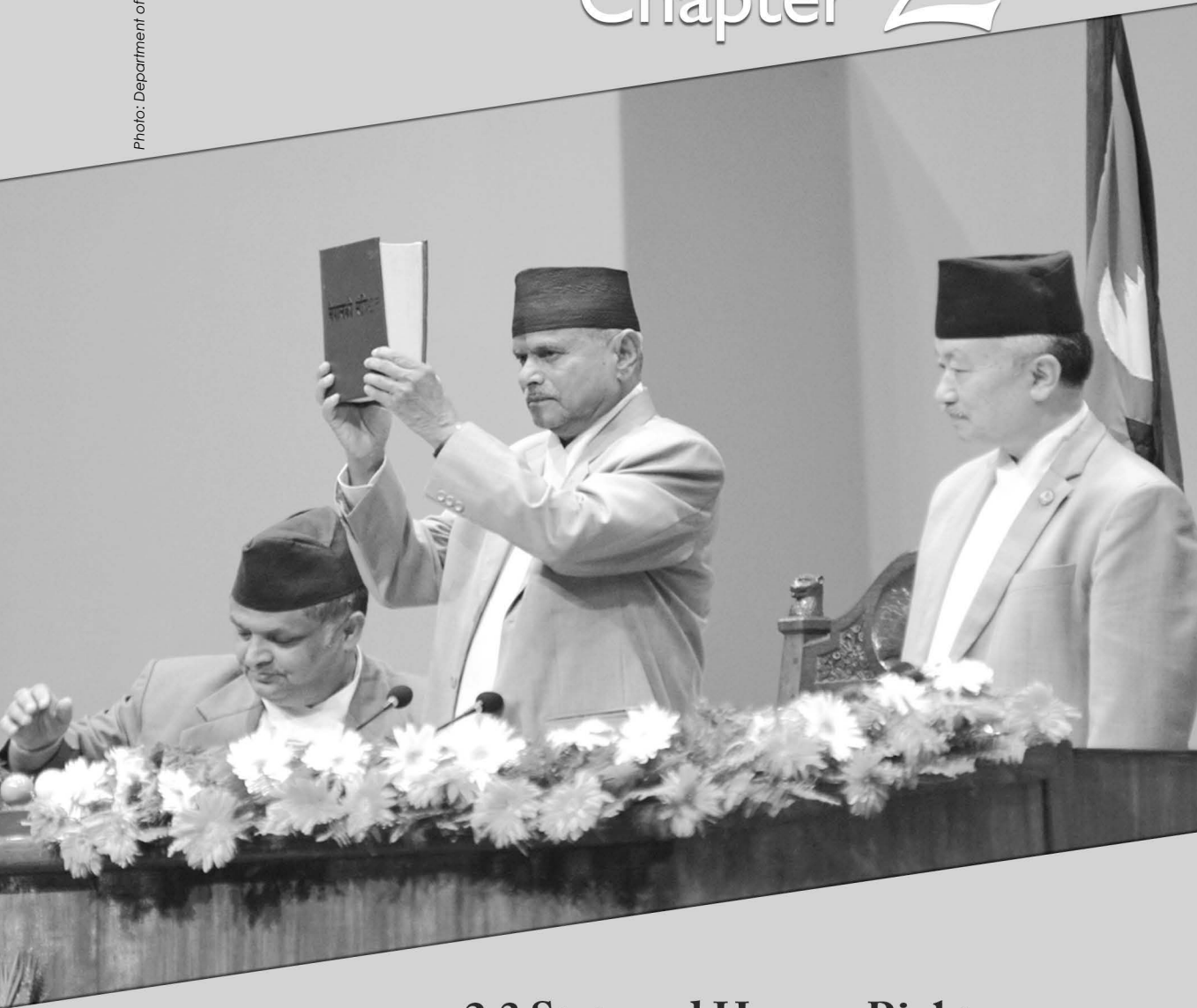
But if the government does not move ahead based on good governance and quick/efficient work by wiping out the present disorder, black marketeering, corruption and anomalies, then the people may lose patience. No government carries a magic stick to resolve any problem, but the people will certainly judge its work and the action plans it has initiated and implemented.

12. Recommendations

- The task of rebuilding of the physical structures and rehabilitation of the quake survivors should be expedited.

- The Madhesi front agitating with an argument that the rights of the Madhes and Madhesi people were not enshrined in the constitution should be invited to a dialogue, and a solution sought immediately.
- The government should be active in implementing the constitution by drafting new legislation and necessary acts/regulations for establishing the provincial structures, and other works.
- If enforcement of federalism is to take some time, then the existing structure should be maintained, and local elections announced as soon as possible. In absence of elected local bodies since the past 17 years, the ordinary citizens have been deprived of quick/efficient service from the local service provider bodies, and hence their right to receiving service curtailed.
- The government should check the corruption thriving in absence of good governance and lack of enforcement of the law, and the black marketeering that is rampant due to the Tarai-Madhes movement and the blockade, and take the economy under government-control.

Chapter 2



2.3 State and Human Rights

Legislature

1. Introduction

The second Constituent Assembly (CA) constituted to draft the constitution as per the people's aspirations ultimately succeeded in completing its mission on September 20, 2015. The CA, the Legislature-Parliament and the Parliament Secretariat worked in cooperation and collaboration in course of drafting the constitution. With the promulgation of the constitution, the tenure of the CA came to an end and was transformed into the Legislature-Parliament on September 21, 2015.

The House of Representatives dissolved by the then king was reinstated on April 24, 2006 after the 2006 people's movement. The first meeting of the reinstated House took place on April 28, 2006. This House of Representatives, on May 1, 2006, issued the House of Representatives Declaration 2006. After the reinstatement of the House of Representatives, a 330-member interim parliament was constituted to bring the then rebel party—the CPN (Maoist) into the parliament and thereby into mainstream politics. The 601-member CA was set up following the election of the first ever CA in the country's history in 2008. The election was held as per the provision of the Interim Constitution of Nepal-2007. Unfortunately, the first CA was dissolved on May 27, 2012 after failing to promulgate the constitution even in four years' time. The country then witnessed a parliament vacuum from May 28, 2013 to January 23, 2014. The second CA formed following the second CA elections held on November 19, 2013 ended this vacuum.¹

The second CA automatically transformed into the Legislature-Parliament which shall, as per the constitutional provision, remain into effect until February 2018.² Out of 601 members in the Legislature-Parliament, one has been suspended, two are yet to be nominated by the government, the post for one has been lying vacant since the demise of Surya Bahadur

Thapa, one post has turned vacant as the then member of parliament Bidya Devi Bhandari was elected to the post of President and the seat held by Dr Baburam Bhattarai fell vacant after he resigned. As a result, presently, the parliament has 595 members.

This year, completion of the constitution drafting process was an important and historic achievement of the Legislature-Parliament cum the CA. Meanwhile, the parliament endorsed various Bills concerning or relating to the human rights. It approved a special proposal mourning the losses of lives and property caused by the April 25 devastating earthquake and its powerful aftershock on May 12 last year. The meeting endorsed a proposal in relation to the formation of National Disaster Management Monitoring and Direction Special Committee regarding the losses caused by earthquake, relief to the affected and rehabilitation of the displaced. The ordinance relating to the reconstruction of the earthquake damaged or affected structure- 2072 (2015) was passed. The Bill relating to the creation of the National Youth Council, Bill relating to the witchcraft (crime and punishment) and Bill designed to carry out amendments to some Nepal acts or laws (integration, adjustment, and repeal) were presented at the parliament after discussions within the House. Similarly, the Bill drafted to make some revisions to some Nepal acts to establish gender equality and end gender-based violence, land related (sixth amendment) Bill and the Bill prepared to carry out amendment to Mediation Act- 2011 were endorsed by the parliament.³

This article discusses about activities of the Legislature-Parliament and its subordinate committees, and the Legislature-Parliament Secretariat, and of the Constituent assembly. It includes the major task accomplished by the Legislature-Parliament and its sessions and the CA and periodic details of the Bills registered

1. Nepal Human Rights Year Book 2015

2. Legislature-Parliament Secretariat, Information and Research Division, Information and Publication Relations Unit

3. <http://can.gov.np/np/bills/current-state-of-bills.html>

at the Parliament Secretariat. Moreover, an effort has been made to discuss in brief about the Bills directly relating to the issues of human rights and human rights concern in other Bills.

2. Major Accomplishments of the Legislature-Parliament

The third session of the Legislature-Parliament ran for a week – from May 7 to 13, 2015 – and 17 hours and 25 minutes were spent for holding eight meetings in this period. The session on May 9, 2015 also tabled a resolution proposal issuing directives to the government regarding relief, rehabilitation and reconstruction efforts to be carried out in the aftermath of the 7.8 moment magnitude (local magnitude 7.6) that struck the country at 11:56 am on April 24, 2015 with epicenter at Barpak village of Gorkha leading to massive loss of lives and property. The parliament spent three days thereafter in intense discussions on the proposal, which was later endorsed unanimously by the meeting of May 13, 2015. The session endorsed a special proposal expressing sorrow over the huge loss of life and property in the April 25 or Gorkha earthquake. Besides, a proposal regarding the constitution of National Disaster Management Monitoring and Direction Special Committee was endorsed unanimously by the CA meeting held on May 13 as per the Rule 116 of CA (Legislature-Parliament operation) rules of procedure 2070 BS.

During the session, Prime Minister Sushil Koirala and Deputy Prime Minister and Minister for Home Affairs Bamdev Gautam gave a statement of public importance at the House over the loss of lives and property by the earthquake. The fourth session of the Legislature Parliament was held from June 30 to September 19, 2015. In this period, "Cooperative (second amendment) Ordinance, 2071" and "ordinance relating to the reconstruction of structures affected by the earthquake 2072" were passed by the session. The first

session of the Legislature-Parliament after it was transformed into the parliament from the Constituent Assembly began on October 2 and ran for eight days holding 10 meetings altogether. During this period, the Legislature-Parliament Interim Work Procedure 2072 was passed. President Dr Ram Baran Yadav gave a deadline of seven days beginning from October 2 to the political parties represented in the Legislature-Parliament to elect the Prime Minister and from the Council of Ministers on the basis of political consensus as per Article 298 (2) of the Constitution of Nepal. The President on October 9 called on the political parties to proceed with the election of Prime Minister on majority basis as per Article 298 (3) after the political parties failed to elect a new prime minister on the basis of political consensus within the deadline set by the President.

The Speaker on October 9 published a notice on the Prime minister's election schedule for 11:00 am to be held on October 11 through a majority vote. The parliament accepted the resignation tendered before the Speaker by Dr Baburam Bhattarai from the membership of the Legislature- Parliament. KP Sharma Oli and Sushil Koirala filed their candidacies for the prime ministerial election, in which Oli secured 338 votes against 249 obtained by Koirala to become the Prime Minister.⁴

Speaker and Deputy Speaker of the Legislature-Parliament resigned from their posts on September 24. The Legislature-Parliament Secretariat same day published a notice regarding the election schedule of the Speaker to be held at 15:00 hrs on October 16 and of Deputy Speaker 17:00 hrs as per Article 299 (3) of Constitution of Nepal. Onsari Gharti and Anuradha Thapa Magar filed their candidacies for the post of Speaker, and later Thapa Magar withdrew her candidacy, paving the way for Gharti to be elected to the post unopposed. Likewise, Dilli Prasad Sitaula and Ganga Prasad Yadav registered their candidacies for the post of Deputy Speaker

4. Legislature-Parliament Secretariat, Information and Research Division, Information and Publication Relations Unit

and Sitaula withdrew his candidacy and Yadav was elected to the post unopposed. The Legislature-Parliament elected the new President through secret ballot. Bidya Devi Bhandari and Kul Bahadur Gurung were in the race for the Presidential election and Bhandari secured 327 votes against 214 garnered by her rival and was announced the winner in the presidential election. Bhandari is the first woman to be elected President in the history of Nepal. Similarly, in the vice presidential election (secret ballot) held on October 31, Nanda Bahadur Pun won the election with 325 votes by defeating his rival Amiya Kumar Yadav who managed to get 212 votes.

2.1 Constitution Drafting

People's direct participation is a significant feature of a constitution making process. Like other countries in the world, the process Nepal adopted for drafting the constitution through the CA was remarkable and exemplary in terms of democratic practices and people's participatory approach. However, some political parties and CA members continued to harbor differing views even till the eleventh hour of its approval. People and the majority in the CA were in favour of taking the constitution-making to a conclusion and eventually 507 CA members voted for the approval of the constitution. Some members also took part in the promulgation of the constitution with a dissenting opinion and registered amendment proposals. Altogether 57 CA members boycotted the constitution promulgation process and 537 members signed on the original copy of the constitution.

The new constitution is basically divided into 35 parts, 308 articles and nine schedules. The preamble of the constitution has reflected the history of Nepali people's struggle for democracy, human rights and peace and includes the roadmap for the future. Citizenship, fundamental rights, directive principles of the state, restructuring of the state in a federal model, republic, secularism, inclusiveness, mul-

tiparty competitive parliamentary system based on pluralism, independent, free, fair and competent judiciary, periodic elections, inclusive democracy, constitutional guarantee of local level are the salient features of the constitution. Federal Democratic Republic Nepal has been delineated into seven provinces, establishing a federal system of governance.

Though the country was divided into seven federal units, the constitution guarantees that the country will remain indivisible, sovereign, independent and free. All citizens are equal in the constitutional provisions. None shall be subjected to discrimination on grounds of ethnicity, religion and gender and such discrimination is punishable as per the law. Social superstitions, including practice of untouchability have been constitutionally prohibited. The constitution has ensured people's right to religion, religious belief and religious freedom with a special focus on the protection and promotion of minorities and marginalized citizens. Prior to the promulgation of the constitution, CA Chairperson Subas Chandra Nembang said endorsing the constitution from the CA was not an end to the constitution-building process, rather it was beginning of evolution of the constitution and appealed to one and all not to understate this achievement on the pretext that it has not addressed all their interests at once. He also urged all not to indulge in acts that could undermine the popular mandate and get themselves involved in the democratic system as established by the new constitution.⁵

2.2 Parliamentary Committees and Their Activities

The parliamentary committees play a significant role in making the government accountable to the people through the parliament. The 11 parliamentary committees constituted this year too executed various works in course of fulfilling their respective responsibilities. Lawmakers representing the opposition parties did not attend even the parliamentary committees' meetings

5. Statement by Speaker Subas Chandra Nembang before the constitution was promulgated on September 20, 2015

owing to differences among the parties over the constitution-drafting process. As a result, the committees could not work effectively for some period. Lawmakers associated with the 30 parties' alliance led by the UCPN-M, who were unhappy with the CA decision to go with a majority process by developing a questionnaire after failing to agree on drafting the constitution based on a consensus, continued to obstruct the CA and boycott its activities. But, again they actively participated in the committee's business. However, the constitution drafting continued to see obstructions from the Madhesi Front. Despite of this, lawmakers actively participated in the meetings of state affairs, agriculture and water resources and development committees. The 30 parties' alliance, including the UCPN-M continued to boycott the CA and committees' meetings for the past two months in protest against the constitution making process.⁶

The Bill relating to the formation of National Reconstruction Authority to carry out reconstruction of the earthquake-affected structures was tabled before the Legislation Committee of the Legislature-Parliament on September 29, 2015. It was tabled by the government and a total of 76 amendment proposals were registered regarding this. The committee formed a nine-member sub-committee under the convenorship of lawmaker Tarini Dutta Chataut to study the amendment proposals and submit a report. The Bill relating to the formation of National Reconstruction Authority to carry out reconstruction of the earthquake-affected structures was passed by the Legislation Committee.

The Bill was endorsed by the Legislation Committee on December 9, 2015, as differences over the political parties was delaying the reconstruction work. The Bill was passed as donor agencies were suggesting for forming the Reconstruction Authority at the earliest and man-

age the earthquake-affected structures. The passage of the Bill by the Legislation Committee paved the way for endorsing it from the Parliament. The Prime Minister and other political parties called on the Madhesi Front agitating over the matters of delineation of federal units, citizenship, electoral constituency and proportional inclusion, the key components of constitution, to help pass the Bill and the response was positive. Meanwhile, the Bill was endorsed by majority of the Legislature-Parliament amidst protests and boycott from the parties affiliated to the Madhesi Front. The passage of the Bill opened the door to forming the Reconstruction Authority and formulating necessary laws.⁷

The Ministry of Law, Justice and Federal Affairs registered a Bill relating to amend some Nepal's Acts as a process of making acts and regulations as per the new constitution. The government introduced the Bill to revise some 193 acts at once to take the existing law in line with the new constitution, according to Minister for Law, Justice and Federal Affairs Agni Kharel. This is probably the first incident that the government has initiated a process for revising such a large number of acts simultaneously. As most of the prevailing laws include provisions and terminologies as provided in the Interim Constitution, the government is to replace such provisions and terminologies to make them in par with the new constitution. Moreover, the Bill also proposed to annul the Election of Members of the Constituent Assembly Act, as it has turned irrelevant with the promulgation of the new constitution. Initiation has been taken to make the prevalent acts and regulations as per the federal act.⁸ The International Relations and Labour Committee of the Legislature-Parliament directed the government to maintain transparency in the foreign assistance meant for the relief and rehabilitation of the earthquake survivors

6. CA members becoming active in parliamentary committees, Kantipur daily, March 10, page 2

7. <http://www.inseconline.org/index.php?type=news&lang=np&id=52233>, accessed on December 9, 2015

8. <http://kantipur.ekantipur.com/news/2016-01-01/20160101194720.html>, Bill registered to amend 193 acts simultaneously.

and ensure its just distribution. The Committee also instructed the government to use the donor's conference as a platform to seek foreign aid on most essential issues, without inviting an adverse impact on the country's independence and sovereignty.⁹

The Development Committee, one of the major committees out of 11 thematic committees under the Legislature-Parliament, discussed about vivid issues concerning to its jurisdictions and issued directives to the government this year as well. The Committee meeting on November 9 directed the government to become serious towards lifting blockade imposed by India on the country. Committee Chairperson Rabindra Adhikari said the blockade was against the spirit of agreements reached at various levels among Nepal, Bangladesh, Bhutan and India and the government was asked for bringing such agreements into force. The government was also instructed to immediately begin works of upgrading roads linking the country with the major border points in the north and not to allow budgetary constraints for this task. Similarly, the Committee directed the government to immediately amend laws relating to finance, land and infrastructure, including the existing Public Procurement Regulations to expedite the reconstruction of structures left damaged by the earthquake and give regularity to development endeavours. Urging the government to take the post-earthquake reconstruction drive as an opportunity, the Committee directed the government to come up with policy level, theoretical and working plans regarding the reconstruction in the country's socio-economic and physical development and immediately implement them.¹⁰

2.3 Ordinance Issued bypassing Discussions with People's Representatives

Lawmakers strongly objected to the government's decision to promulgate an ordinance bypassing the parliament dis-

cussions when political parties had failed to achieve consensus on the constitution drafting and obstructions in the parliament were going on for what they argued to hide its weakness and avert criticisms from opposition. The government was criticized for issuing the ordinance without taking it to the parliament session and avoiding the schedule for calling the winter session of the Legislature-Parliament. President Dr Ram Baran Yadav on April 13 endorsed two Bills recommended by the Council Of Ministers citing the need to have it endorsed immediately. Speaker Subas Chandra Nembang expressed discontent over the government's act of seeking its own way to devise the law instead of summoning the winter session of the house. Starting a process to formulate law when there was a ground for summoning the parliament session had not given a good message, he said and expressed his displeasure over the endorsement (by the government) of two Bills through ordinance. He termed the introduction of the amendment Bills relating the Public Procurement and Cooperatives Acts through ordinance as 'unfortunate'.¹¹

2.4 Constitutional-Political Dialogue and Consensus Committee

Like in the previous year, the Constitutional-Political Dialogue and Consensus Committee of the Legislature-Parliament forged a consensus on the disputed issues of the constitution as per the directive of the CA and integrated the contentious issues into a report, that was presented before the CA on January 13, 2015. Following deliberations on the report, a resolution drafting committee was formed on January 25, 2015 to prepare a resolution on the disputed issues and present it to the CA as per Rule 84 of CA regulations, 2070 BS. The resolution drafting committee presented its report to the CA on February 12. Political parties forged a fresh

9. Kantipur June 2, Reconstruction Authority Bill approved, page 2

10. <http://kantipur.ekantipur.com/news/2015-05-16/409101.html>, parliamentary committee direction

11. <http://kantipur.ekantipur.com/news/2015-04-14/407205.html>, Ordinance issued by evading parliament

agreement on the contentious issues and on June 9, 2015 the report was sent back to the CPDCC to attempt to forge an agreement on the unsettled issues and draft a new report on it. The Committee discussed about the matters and presented a report at the CA meeting on June 11. Discussions on the new report were held on the following day or June 12 at the CA and it was forwarded to the Constitution Drafting Committee to prepare a preliminary draft of the constitution. The CDC (Constitution Drafting Committee) on June 30 presented the preliminary draft of the constitution before the CA meeting.

A proposal tabled at the CA seeking approval in principle to the first draft of the Bill of constitution and to have it published on the Nepal gazette for people's submission was endorsed on July 2. The CA held discussions on the proposal in the meetings held between July 3 and 7, 2015, and endorsed it. The action plan developed by the Civic Relations and Constitution Submission Collection Committee was passed on July 9, coming into effect from the same day. It was then entrusted to publicize the first draft, collection people's submission on it, submit a report on it within a period of 15 days. The committee presented a report on 'Public submission on the first draft of the constitution's Bill in the July 28, 2015 meeting. The report was discussed in the July 29 meeting and all documents, including the first draft of the constitution (Bill), the Civic Relations and Constitution Submission Collection Committee's report on the people's submission on the constitution draft-2072 and CA directives were sent to the Political Dialogue and Consensus Committee for it to present a proposal with necessary revisions so as to prepare a revised Bill of the constitution.

In the meeting of Committee held on August 9, the report, including necessary revisions on the constitution's Bill was presented and following two days' discussions it was sent to the Constitution Drafting Committee to prepare a Bill. The Commit-

tee on August 18, 2015 extended its deadline in an attempt to forge a consensus on the unsettled issues of the constitution. The CA spent four days (August 27-30) to hold deliberations on the revised Bill of the constitution presented on August 23 by the Constitution Drafting Committee (CDC). The Bill was then tabled for clause-wise discussions in the (CA) meetings from September 8-13 and in the working procedure to pass the amended bill of constitution of Nepal, 2072 BS held in the meeting from September 13 to 16 it was endorsed by over two-thirds majority (507 members). The Bill of the constitution was passed going through the constitutional provision set by Article 70 of the Interim Constitution of Nepal-2007. Signing on the endorsed Bill of the constitution by CA members took place on September 18, 2015 following which the CA Chair certified it. President Dr Ram Baran Yadav then verified it on September 20, 2015 and announced before the Nepali people the commencement of the Constitution of Nepal, thereby promulgating the constitution.¹²

There was mixed reaction over the promulgation of the new constitution in the country. Deepawali was observed in some parts of the country to celebrate the promulgation of the constitution while it was marked by protest demonstrations against it and clashes in other parts of the country. Fringe political parties in the CA were of the view that it would have been better had the political parties with differing opinion to some provisions included in the new constitution and those who did not take part in the constitution drafting process were taken into confidence (through talks and negotiations) to join the constitution promulgation process. Lack of sensitivity and sense of responsibility on the part of major political parties in this regard was felt. However, the first constitution amendment Bill was registered at the Legislature-Parliament in the seventeenth day of the promulgation of the constitution and discussions on it began. However, political parties continue to differ even over

12. Legislature-Parliament Secretariat, Information and Research Division, Information and Publication Relations Unit

the amendment Bill and it was charged of not being able to address the voices of the agitating parties, which led to the continuity of House obstructions and thereby impeding deliberations on the proposal.

2.5 Parliamentary Special Hearing Committee

Prior to appointments made on the recommendation of the Constitutional Council for the constitutional posts and of justices of the Supreme Court, and ambassadors, a parliamentary hearing is held as per the provisions of law in accordance with Article 155(1) of the Interim Constitution of Nepal-2007. As per this provision, the authority concerned this year proposed names for the posts of Chief Justice (of the Supreme Court), Chief Commissioner and commissioners of the Commission for the Investigation Abuse of Authority (CIAA), chair and members of the Public Service Commission and vacant posts of ambassadors and sent the list of the candidates to the Parliamentary Hearing Special Committee.

The committee approved the recommendations on the appointments of Dip Kumar Upadhyay as ambassador for India and Arjun Bahadur Karki for the United States of America following a hearing on February 4, 2015. Umesh Prasad Mainali was appointed the PSC Chair and Brinda Hada, Govinda Kusum, Shree Purush Dhakal, Ashok Kumar Jha, Brhamadev Ray and Krishna Chandra Jha members following the approval of their names post public hearing by the Committee. Name of Deep Basnet and Nabin Kumar Ghimire, Ganeshraj Joshi, Raj Narayan Pathak and Sabitri Gurung as CIAA Commissioners were endorsed by the Committee following a public hearing on March 30, 2015. Also this year, the nomination of Kalyan Shrestha as Chief justice was endorsed by the Committee following a public hearing on June 29 by two-thirds majority.¹³

2.6 Social Justice and Human Rights Committee

The Social Justice and Human Rights Committee within the Legislature-Parliament is one among the various committees under parliament for monitoring and evaluating the government activities to make it accountable to the Legislature-Parliament and give necessary directions and feedback. It has been playing a role in the Ministry of Peace and Reconstruction, National Human Rights Commission and other areas related to human rights. This year too, the Committee monitored and evaluated the government's initiative for enforcement of the Comprehensive Peace Accord (provided in the constitution) and relief and rehabilitation programmes targeted to the families of those who died or were subjected to enforced disappearance and those rendered disabled and displaced during the course of the armed conflict and provided necessary feedback to the government. The committee also directed the government to bring back Nepal Army Colonel Kumar Lama detained and prosecuted by the British Government two years back on the charge of his involvement in meting out torture during the course of the armed war to the country, and try him instead through the Truth and Reconciliation Commission.¹⁴

In the meetings with the chairs and members of Truth and Reconciliation Commission and Commission on Investigation of the Disappeared constituted this year, the Committee urged them not to grant amnesty to the perpetrators of the serious human rights violation. Two separate commissions were formed by the government to deal with the wartime cases—Truth and Reconciliation Commission and Commission on Investigation of the Disappeared headed by Lokendra Mallik and Surya Kiran Gurung, respectively. However, the families of the victims expressed concerns over the process adopted in forming the Commissions, arguing that it was against

13. Public Hearing Committee Report 2072 BS

14. Kantipur daily March 10, 2015, Direction to carry out probe into Lama through Commission, page 2

the Supreme Court verdict and that the stakeholders were not consulted.¹⁵

Similarly, the committee carried out monitoring regarding the case of the killings of a minor and eight security personnel in a clash that took place on August 24 at prohibited zone in Manuwa VDC and in Chilime Chowk of Tikapur, Kailali of the far-western region during the course of the agitation held demanding an Autonomous Tharuat Province and directed the Nepal government to provide compensation to the families of victims and bring those found guilty in the incident to justice. The government was asked to make arrangements for treatment at free cost of those injured in the incident. Thirty personnel of Nepal Police, 27 of the Armed Police Force and eight Tharuhat cadres were hurt in the incident.¹⁶

The Women, Children, Senior Citizens and Social Welfare Committee of the Legislature-Parliament instructed the government to take all possible measures to ease supply of medicine across the country affected by the border blockade. The Committee on November 20 directed the Ministry of Health and Population to adopt a fast track approach to ensure smooth supply of medicines bearing in mind the probability of human casualty due to lack of life-saving drugs. According to Committee Chair Ranju Kumari Jha, the Committee directed the government to be serious towards ensuring smooth supply of medicines by resolving the problems including the stockpiling of medicines at the airport due to customs issues, failure to bring in medicines donated by various organizations and the obstruction of more than 300 trucks laden with essential medicines at the border points.¹⁷

3. National Disaster Management Monitoring and Direction Special Committee-2072 BS

The Legislature-Parliament National Disaster Management, Monitoring and Direction Special Committee decided

to depute its subcommittees formed by its May 14 meeting to take stock of the damages caused by the 2015 April 25 earthquake and its subsequent aftershocks in the 14 most affected districts, including the epicenter Gorkha and, ongoing post-disaster rescue, relief, rehabilitation and reconstruction efforts.

The subcommittees prepared reports based on the discussions held with the respective district natural disaster rescue committee, local political parties, various local organizations, civil society representatives, media persons and the survivors and by visiting the damaged sites and structures. The report that was presented to the Special Committee comprised matters relating to whether the government mechanism were able to contribute in the post-disaster rescue, relief and rehabilitation efforts as directed by the government of Nepal and the involvement of individuals, non-government organizations and international community in the rescue, relief rehabilitation efforts. The Sub-committees spent 15 days starting May 15 for the same. However, the implementation of the report is awaited. It was also reported in the media this year that some earthquake survivors succumbed to cold while many others were forced to face harsh living conditions.

4. Matters of Public Concern in the Parliament

Two issues of public concern got important space in the parliament this year. First, the Bill designed to make arrangements for carrying out rescue, relief and rehabilitation efforts in the aftermath of the April 25 earthquake and aftershocks and for the reconstruction of quake-damaged structures invited important deliberations. Though the differences between the ruling and opposition parties over the Bill delayed its adoption, it was finally endorsed by the Parliament on December 16 amidst obstructions and protests of some parliamentarians, and that lead to the

15. Kantipur daily, March 24, 2015, Victims discontent over the formation of commission, page 2

16. Social Justice and Human Rights Committee, Tikapur Incident Study Report, 2072 BS, page 21 and 22

17. www.inseconline.org, accessed on December 16.

formation of the National Reconstruction Authority.

Constitution of Nepal (2015) was certified and promulgated by President Dr Ram Baran Yadav on September 20, 2015. The Bill designed to carry out first amendment to the Constitution was introduced on October 7, 2015 in the parliament, just 15 days after its promulgation. Following an agreement in principle on the first draft of the Bill relating to the constitution amendment, it was published in the Nepal Gazette (through the Gorkhapatra) on December 19 to receive public submission on it. On January 4, the majority of the parliament endorsed the Bill and a period of three days was given for registering the amendment proposals on the Bill.¹⁸

An urgent resolution of public importance was registered at the Legislature-Parliament on December 11, seeking deliberations in the house on the undeclared blockade imposed by India. Parliamentarians Laxman Rajbanshi, Shivalal Thapa and Jayadev Joshi jointly registered the resolution at the Legislature-Parliament Secretariat, according to the Secretariat. The Secretariat was requested to immediately include the resolution in the daily agenda of House and have it endorsed. Stating that India suspended the supplies of most essential goods, including fuel and medicines into the country since September 22, 2015 in violation of the right of a landlocked country to transit, the MPs had noted in the resolution that the blockade was an open interference in the Nepal's sovereignty, national integrity and independence, according to MP Jaydev Joshi.¹⁹

4.1 Obstruction of the House

This year the Madhes-centric parties continued with the obstruction of the House expressing their disagreement with the new constitution. The first session of the Legislature-Parliament (after the promulgation of new constitution) began on October 1, 2015 and continued until

November 1, 2015. During this period, the Parliament made major accomplishments, including the elections of the Prime Minister, Speaker, Deputy Speaker, President and the Vice President. During the period too, the agitating Madhes-centric parties continued to act like walking out of the Constituent Assembly, boycotting the elections and attempting to obstruct the House.

The next session of the House that began on October 8 continued to see obstructions from the Madhes-centric parties. They continued the obstruction demanding addressing of their 11-point demands and over the matter of constitution amendment. The House was completely obstructed during this period due to the protests from the Madhes-centric parties that continued to obstruct the border points since the promulgation of the constitution.²⁰

However, amidst obstructions, the House moved ahead with different agenda. The House at times was automatically prorogued due to lack of quorum. Only 124 lawmakers were present in the December 27 meeting that was scheduled to start discussions in principle on the constitution amendment Bill. The House needs the presence of one-fourth or 149 members to introduce any proposal for decision.²¹

4.2 Conduct of Lawmakers

This year too lawmakers continued to breach the parliamentary discipline. Political parties and lawmakers (CA members) were engaged in melee inside the CA as they failed to forge a political consensus on the constitution drafting process. Parties, unhappy with the initiation of the majority-based process with formation of the questionnaire committee to draft the constitution after attempts for writing the constitution on the basis of consensus turned futile, engaged in physical assaults and vandalism of physical property – chair, mike and rostrum - on January 25, 2016

18. Kantipur daily, January 7, 25 proposals registered for constitution amendment, page 2

19. <http://www.inseconline.org/index.php?type=news&lang=np&id=52250>, accessed on December 8

20. Information from Constituent Assembly Secretariat, Business advisory unit.

21. Kantipur daily, December 28, 2015, page 2, MPs evading parliament

inside the CA, causing loss worth millions to the CA. However, no action was taken against those involved in the incident.²²

5. Endorsed Bills and Their Importance

Altogether 32 out of the 78 Bills tabled at the Legislature-Parliament until October 17, 2015 since the formation of the second CA have already become Acts with the endorsement of the House, 10 remained in discussion in the respective Committee and four were withdrawn by the government. Similarly, 31 Bills remained in the procedures of the Legislature-Parliament. Among them, 19 Bills were presented before the House and 11 were distributed to the lawmakers but were yet to be tabled. During this period, the Bill designed to amend the Civil Service Act (2049)- 2071 BS, the Bill designed to amend some Nepal's acts to establish gender equality and end gender-based violence- 2071, witchcraft related act (crime and punishment) Bill 2071, Bill drafted to amend and repeal some Nepal's acts-2072, land-related Bill (sixth amendment)- 2071, Bill relating to the formation of the National Youth Council-2072, Appropriation Bill-2072, Economic Bill-2072, Bill to raise national debt-2072 and votes on accounts Bill-2072 were endorsed by the legislature parliament on October 1, 2015. Similarly, Bill to make arrangements of the reconstruction of the earthquake damaged structures and Bill drafted to constitute the Pokhara Health Science and Academy were passed on December 21, 2015.²³

5.1 Bill designed to amend some Nepal's acts to establish gender equality and end gender-based violence- 2071 BS.

The Legislation Committee of the Legislature-Parliament on September 3, 2015 approved the report prepared by its subcommittee on the Bill formulated to amend some Nepal's acts to establish gender equality and end gender-based

violence-2071. The report recommends a jail sentence of 5 to 8 years or fine of Rs. 100,000 to 300,000 as per the nature of the crime of throwing acid and any other such kind of material to cause burns or disfigure the face or any other organ. Also, it recommends 3 to 8 years in jail and Rs. 50,000 to Rs. 100,000 in fine for disfiguring any other organ of the body or causing bodily harm, and to hand over the entire penalty amount to the victim. It also mentions about various kinds of penalty and punishment, including Rs. 300,000 in fine and eight years in jail for making anyone blind, cutting of the breasts of a woman or making her infertile, or making a man infertile. Minister for Law, Justice, Constituent Assembly and Federal Affairs Narhari Acharya insisted on taking stringent action against the guilty in any sort of violence, underlining the need of the effective enforcement of the act.²⁴

5.2 Bill relating to the creation of the National Youth Council-2072 BS

The Bill was formulated to protect rights of youths, to empower them and enable them to participate in the policy making level (related to youth issues) as required and eventually bring them to the mainstream of national development. The Bill gave especial emphasis on youth empowerment and development. The House endorsed it on July 26, 2015.

5.3 Bill drafted to make arrangements for the reconstruction of the earthquake damaged structure-2072 BS

The Bill is aimed at forming the powerful National Reconstruction Authority to immediately carry out reconstruction of the structures damaged by the April 25 earthquake and its aftershocks in a sustainable and systematic way and for the rehabilitation of the persons and families displaced by it, promoting national interests and delivering social justice. It was endorsed by the House on December 16,

22. Based on conversation with the Constituent Assembly Secretariat staff

23. <http://www.can.gov.np>, endorsed bills

24. Annapurna Post March 31, 2015, report approved by committee, page 2

2015. The National Reconstruction Authority has already been constituted and it has also started the reconstruction work.

The government tabled an amendment in the Bill relating to the formation of the Truth and Reconciliation Commission, and it was passed by the house on January 4, 2016 without any changes. Clause 25 of the Bill has the provision of making recommendation for action against the perpetrators, but the sub-clause 4, 5 and 6 of Clause 26 has the provision of recommending to the government for granting amnesty to the perpetrator on the basis of required terms and conditions. The families of the victims, human rights activists and the civil society expressed their discontent over the provision, and tabled amendments, but it was endorsed without any changes.

6. Conclusion and Recommendations

The Constituent Assembly is where drafting of the main law of the country by the people's representatives takes place. But the people's representatives just accepted the decisions taken by their top leadership, which made the Legislature-Parliament not much effective as per expectations and it was criticized from the public too. This year two ordinances were promulgated without being tabled and discussed in the parliament, which was termed as 'unfortunate' for bypassing the parliament.²⁵ However, the Constituent

Assembly was successful in finally promulgating the new constitution on September 20, 2015 meeting the people's aspirations. But some political parties and members in the CA carried out protests and demonstrations, even before the promulgation alleging that their agenda were not included in the constitution. Such protests and demonstrations continued until the end of this year. Major political parties and the agitating parties failed to reach any agreement on this matter and this poses a challenge in the execution of the constitution. The political parties once again need to unite and work together as they did while promulgating the constitution for successful implementation of the constitution. The country needs to be guided ahead in a new direction to establish the people's rights by formulating and amending laws provided in the new constitution. Honesty and commitments on the part of political parties is required for this. The political leadership must take all disputes seen during the course of drafting the constitution to the promulgation seriously and forge a consensus as soon as possible through dialogue and negotiations. As the agitation being held over the matters of constitution has pushed the ordinary peoples' life to hardship, both the government and the agitating parties should exercise flexibility to seek a solution to the problem, and thereby lead the country towards the path to peace and prosperity.



3.1 State of Reparation for Conflict Victims in Okhaldhunga

1. Introduction

The ordinary people fell victim to both the state and the rebel side in the ten years period of the armed conflict. The direct impact of the armed conflict that the CPN-M-M began on February 13, 1996 was felt since the beginning in Okhaldhunga district. In the name of the Maoist revolt, the CPN-M that had been leading the movement began a series of murder of individuals in the district. Though incidents of arrests and kidnappings were sporadic, CPN-M cadres murdered Ujjan Kumar Shrestha known as Bhuwan of Tarkerabari VDC for allegedly spying against their party.

The fatal incident took place on September 26, 1998. Following the incident, the State side adopted a suppressing policy, as a result of which many ordinary citizens had to lose their lives on the charge of being a Maoist. In a similar manner, CPN-M murdered citizens by tagging them as spies. In the name of suppressing the 'great people's war' initiated by the CPN-M through murders of people, the security forces on November 17, 1999 carried out an assault at Jili in Ragani VDC and murder three Maoist cadres, including Prahlad Gautam.¹ As of 2006, the

Maoist armed rebellion in Okhaldhunga led to the murder of 209 people from the State and the rebel's side.² The Royal Nepali Army team murdered unarmed locals Thalhari Luintel, Madhav Luintel and Tej Bahadur Bhujel at Jalkeni in Fulbari VDC on June 20, 2002. Following the incident, CPN-M cadres kidnapped and later murdered, in September 2002, teacher in Fulbari Guru Prasad Luintel on the charge of spying.

In way, the series of killings of innocent citizens on the charge of this or that continued during the 10 years long armed conflict. Hundreds were displaced as result of the conflict. Some became disabled while some were forcefully disappeared. Only following the peace agreement of November 21, 2006, the identification of the victims and their compensation and reparation began. Though the dead and the disappeared have been identified, there is no certain data available on those who became disabled and who suffered torture. All such victims have not yet been able to receive relief and compensation after the local peace committee that is authorized to investigate and recommend failed to probe into such incidents and recommend relief and compensation to the victims.

1. Based on talks with UCPN (Maoist) district member Suresh Thapa

2. Data from local peace committee, Okhaldhunga

2. Rationale and Importance of the Study

The rationale behind carrying out a study on the state of the conflict victims and the reparation in Okhaldhunga district is to acquire information about the number of conflict victims, the situation of their families, and the relief and compensation provided on behalf of the State. This study has been carried out to make public the factual details about the relief, compensation and reparation provided by the state and the situation of the victims, so that there is a positive pressure for enforcement of the State's policy in favour of the conflict victims.

This report also serves as mirror to the situation of conflict victims in the district. As far as possible, efforts have been made to highlight the initiatives taken to provide relief and compensation, the shortcomings in it, and the real situation of the victims. This study is expected to help the government and non-government organizations working in relief and rehabilitation to reach to the victims.

3. Methodology

1. Victims' data collection and analysis
2. Discussion with stakeholders and victims side about the situation of victims and the relief and compensation they have received.
3. On-site study of the survivor families

4. Limitation of the Study

The date and data presented in this write-up have been tested with the victim side and data with the state bodies to make it as correct as possible. Majority of the data mentioned in course of this study have been taken from the local peace committee and the district administration office, while some are from INSEC.

This is a study report, not recommendation. It is believed that this could serve as a supportive document for the

State to provide compensation and reparation for the victims, and would also be easier for the victims to acquire information about their situation. Since this study was carried out in Okhaldhunga district only, it does not represent the situation of conflict victims and reparation of the country. While preparing this article, we could not reach to the doorstep of every victim due to scarcity of financial resources and time. Majority of the information has been taken from INSEC archives, the peace committee and the district administration office.

5. Situation of Conflict Victims in the District

The Comprehensive Peace Agreement established a provision to give relief and compensation to all those who fell victims to, were forcefully disappeared, tortured, dismembered and displaced after being doubly victimized by the State and the rebel side in course of the armed conflict, and accordingly the State move ahead with the related procedures. Majority of the victims have received the compensation determined by the State after the formation of the local peace committees in all the 75 districts of the country.

But for lack of a concrete definition of a conflict victim, it is found that those who have the access to higher authorities and the leaders are benefiting in the name of the relief and compensation. In the relief and compensation distributed as of fiscal year 2008/09, it was not the ordinary and genuine victims but the leaders of the conflicting parties and the cadres of party running the government who received priority. This makes it clear that the work did not meet the norms of the CPA.

The procedure whereby the conflict victims' application would be reviewed by the peace committee, and then decided by the district administration office to recommend for release of the relief amount from

the Ministry of Peace and Reconstruction could not be enforced on time due to differences among the political parties. Dispute over the possible members of the Committee and its leadership stopped the relief support from being distributed on time.³ This had a direct impact on those who had lost their loved ones, the displaced and dismembered. The delay in the release of the relief amount from the State further hurt them. Peace Committee Secretary Nilam Adhikari says, “The investigation process remained stalled for a long time due to lack of a consensus among the parties. The committee has not been able to get full shape following a dispute over the selection of the coordinator. So far, the political parties’ mechanism is carrying out the function of the committee but has not been able to carry out investigation.”

The task of peace and reconstruction that began amidst differences is yet to conclude. The victims have yet to get relief support, as the genuine victims have not yet been identified. The petition filed by more than two thousand people claiming themselves as displaced and dismembered have not been investigated. They have also given up any hope for relief support. Manoj Bhattarai of Gamangtar VDC-3 says many like him who were involved in the Maoist conflict have received relief and medical treatment expenses, but he has not even been enlisted as a conflict victim.

The families of those who have been identified as dead and missing have received relief and compensation. According to the peace committee staff Chabi Lal Mangranti, a total of 209 people were killed during the armed conflict. Of them, 88 were killed by the State side on the charge of being a Maoist. Among

them, families of 82 deceased received Rs. 500,000 while six received a relief support of Rs. 300,000. They have yet to receive the remaining Rs. 200,000.⁴ The additional amount was provided as per a cabinet decision dated March 27, 2015 to provide the total relief support of Rs. 500,000 to the families of the deceased who received Rs. 300,000.⁵ Of those remaining from among the 209, some have been documented by the peace committee as security personnel and some as unidentified. The peace committee was formed in the district on June 2, 2009.⁶ After it started functioning, 11 disappeared and injured, 92 with disabilities and 637 displaced⁷ received the relief assistance, according to data of the peace committee.

Soon after the local peace committee was formed, there was a rush of people trying to register themselves as victims and receive relief assistance, based on their access to higher authorities. The local administration failed to stop such irregularity. Lately, after the Peace Ministry issued a notice asking those who have been left out to register, the victims who had been left out and ordinary people have been competing to register themselves. After the peace committee was flooded with petitions from non-victims claiming themselves as victims, there was a dispute of who is a victim and who is not, and hence they could not be investigated due to the political parties’ intention to identify them as victims on the basis of political faith. Though the Ministry sent repeated circular asking them to send the list following investigation, the party representatives and the district administration office failed to move the investigation process ahead arguing that the process could invite dispute as they

3. Conversation with civil society leaders

4. Ministry of Peace and Reconstruction circular related to cabinet decision

5. District Administration Office, Accounts Department

6. Meeting minutes of the formation of Peace Committee

7. Data of local Peace Committee

were more non-victims. As a result, those who were genuine and thus left out in the registration process, the displaced, and the disabled and dismembered and those who had lost their property were deprived of the relief support.⁸

The victims have been knocking the door of the local administration and the parties but to no avail. As the victims could not be identified as a result of the ignorance of the concerned authorities, the number of genuine victims in the district is yet to be ascertained. Nayab Subba at the district administration office Tirtha Khadka accepts that all complaints have not been addressed due to load of other daily assignment and lack of skilled human resource. For this, the peace committee should become active, suggests Khadka.

6. State Policy on Reparation

The armed conflict of Nepal officially came to an end through the Comprehensive Peace Agreement reached between the seven political parties and the CPN-M on November 21, 2006. The Ministry of Peace and Reconstruction and local peace committees were formed in the districts as per the spirit of the CPA to provide relief and compensation to those who suffered during the conflict and take action against the perpetrators of the conflict effective February 13, 1996 to November 21, 2006.

Following the formation of the peace committees in the districts, VDC-level peace committees were formed in the villages to collect petitions from the victims and investigate them through the local structures. As the appointment of staffs in those structures was of a political nature, they were not able to work independently and hence the victims were denied of justice. The process of providing relief and compensation to the conflict vic-

tims was carried out as per the committee's ToR, 2008 and the local peace committee guidelines, 2009.

The CPA has in point number 5.1.8. provided that 'both sides agree to maintain a record of the government, public, private building, land and other property seized, locked up or not allowed to use in course of the armed conflict and return them back immediately'. Likewise, 5.2.2. states that both sides agree to make public the status of the people under one's custody and release them within 15 days. Furthermore, in 5.2.3. both sides agree to make public within 60 days of signing of the agreement the real name, caste and address of the people made 'disappeared' or killed during the conflict and also inform the family members about it. Likewise, in 5.2.4. of the CPA, both sides agree to constitute a National Peace and Rehabilitation Commission and carry out works through it to normalise the adverse situation arising as a result of the armed conflict, maintain peace in the society and run relief and rehabilitation works for the people victimized and displaced as a result of the conflict. It has also been provided under 5.2.8. that both sides express the commitment to allow without any political prejudice the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed as a result of the conflict and rehabilitate and reintegrate the displaced people into the society.⁹ However, these have not been enforced even eight years since the CPA was signed.

Likewise, the Truth and Reconciliation Commission Act was introduced and the Commission formed in order to deal with the incidents of the conflict period not through the criminal justice system but through the transitional justice system. Though, it is yet to be seen how the

8. Conclusion based on the discussion with CSO members represented in the peace committee

9. Comprehensive Peace Agreement 2006

Commission would work and reach its work/action to the victims.

7. Impunity

The genuine victims have been left out while the fake victims have received the relief assistance also because of ambiguity in many provisions of the local peace committee's ToR 2008, and the local peace committee guidelines 2009. As far as the district is concerned, the number of conflict victims is yet to be ascertained and the genuine victims have been deprived of relief support and justice. During the second phase of relief distribution, a complaint was filed stating that the relief support in the name of Krishna Karki of Fedigutha was received by somebody else, which proves the absence of fairness in the relief distribution and attainment. On the other hand, the local administration having no clue about whether those complaints were addressed and the relief amount returned or other action taken gives room for suspicion.

Likewise, as per the agreement reached to constitute a Truth and Reconciliation Commission to investigate the incidents that took place during the conflict and deliver justice, an Act was formulated to set up the commission, though it hasn't started functioning. As result, currently it is likely that the incidents and complaints related to the conflict period would not be addressed through the criminal justice system and hence the victims would not get justice. In this context, around two dozen complaints on various crimes of the conflict period were registered under the criminal justice system and are under consideration, and not yet dealt with. As a result, the victims have not been able to get justice and reparation.

Furthermore, crimes of serious nature are yet to be investigated. Ganesh Shrestha of Pokali was murdered by the

CPN-M cadres in 2002 on the charge of filing a complaint against those charged of murdering his younger brother in 1998 BS. In the same year, ordinary citizens of Fulbari Madhav Luintel, Thalahari Luintel and Tej Bahadur Bhujel were shot dead by the Royal Nepalese Army. Guru Prasad Luintel of Fulbari was kidnapped and murdered on the charge of spying in 2003 BS, which falls under the serious violation of human rights. None of these above incidents have been investigated.¹⁰

Though it has been provided in the Act about which process to follow between the transitional justice system and criminal justice system, it has been established that it would not obstruct from addressing the crimes of serious nature through the normal process, the victims have been waiting for justice since a long time, and the cases under consideration in the courts have not been decided as the transitional justice system has not yet come to force officially. As a result, the victims have been deprived of justice while the perpetrators have not been brought to justice.

The victims of the cases that had already been initiated under the criminal justice system are waiting for justice. The family members of Guru Luintel of Fulbari, Chakra Katwal of Kuibhir, Madhav Luintel, Thalhari and Tej Bahadur Bhujel of Fulbari have spent many years awaiting action against the perpetrators and for reparation, but that is yet to be realized, which has put the victims into further distress.¹¹

8. Procedures to Provide

Reparation and its Shortcomings

The state bodies have been formed to provide justice and reparation for the victims, but they have not been able to work effectively. There are various reasons to it. Basically, due to lack of politi-

10. Guru Luintel Souvenir

11. Various documents of the Peace Committee

cal will power, the bodies functioning under the transitional justice system have not been able to work. On many occasions, ambiguity in the policy has also affected the work efficiency while the victims have been deprived of justice also because of the irresponsibility of the concerned authorities. The local peace committees are the fundamental and major bodies to move ahead the process for relief and justice of the conflict victims. But, absence of an independent person in its leadership and political appointment of its staff has stopped the committee from working responsibly, as a result of which the victims have been further victimized.

For relief one has to register an application at the District Administration Office until the peace committees were formed and at the peace committees after they were formed. In case of Okhaldhunga, the applications received by the DAO were investigated but those registered at the peace committee were not addressed. The victims were deprived of relief as a result of dispute between the political parties and sometimes due to inactiveness of the staff. Furthermore, the peace committee is nothing more than mere formality. It carries out the investigation but the final decision is taken by the task force chaired by the Chief District Officer, and financial transaction is carried out through the district administration office. And since the office-bearers are not entitled to any service/privileges, the meetings are not regular and the process of investigation does not move ahead. Due to this, the victims have not been identified and thus deprived of justice and reparation. Chief District Officer Yadav Subedi, however, said that the victims may have been left out because the old applications received at the local peace committee were not investigated, the genuine victims not identified and recommended to the Peace Ministry.

As the responsible authorities have not taken their responsibility seriously, hundreds of conflict victims are not going to get the relief support. We have lost any hope that the local peace committee that failed to even complete the programmes that were approved would investigate the more than 2,000 applications, and provide reparation and justice, says a victim.¹² Many of them have of course been honoured by organisations that they are affiliated with by installing their statues, and putting up photographs in the party offices.

9. Role of Stakeholder in the Issue of Conflict and Reparation

The role of stakeholders is important in the enforcement of transitional justice system. The stakeholders and individuals can play effective role in addressing the concerns of the victims, perpetrators, mediation in execution of justice and in respectful rehabilitation of the victim in the society by removing mutual differences.

Resolving all cases of the conflict period through the regular criminal justice system would not only be against the main spirit of the peace process, but may also ignite conflict. As a result, mediator and stakeholders, and other authorities can become responsible in ensuring reparation to the victim, making the perpetrator accountable and maintaining reconciliation in the society.

An Act on Truth and Reconciliation Commission has been introduced and the Commission has come into force to resolve the conflict-era cases based on the norms of the peace process and international practice and precedence, to provide reparation for the victims, and to make the perpetrators accountable. In this situation, the Commission under the transitional justice system could be helpful in dispensing justice and investigating

Ujjan Kumar Shrestha Murder Incident

Name : Ujjan Kumar Shrestha (Bhuwan)
 Address : Pokali VDC-2, Leti
 Age : 45 years
 Marital Status : Married
 Academic status : Literate
 Affiliation : Nepali Congress
 Perpetrator : State
 Date of incident : September 26, 1998
 Type of incident : Killing
 Place of incident : Tarkerabari VDC-7, Kharekhola



Ujjan Kumar Shrestha

Ujjan Kumar Shrestha, 45, of Leti in Pokali VDC-2, Okhaldhunga district was shot dead by the CPN-M cadres at the Khahare khola in Tarkerabari VDC-7 of the same district at 3:00 am on September 26, 1998. Maoists had been threatening him on the charge of spying against them and of sexually abusing women in the village, and had been demanding donations from him, which he did not comply to.

At 3:00 am on the incident day, Ujjan was on his way to purchase supplies for his grocery along with porters Thir Bahadur Khatri and Ram Bahadur Shrestha when he was stopped by CPN-M cadres, including leader Bal Krishna Dhungel and shot him dead. His body was then thrown into the Likhu river, according to eye witness.

Based on the FIR filed by Ujjan's brother Ganesh, police arrested the two porters and Thal Bahadur Poudel and Dor Bahadur Poudel, the two brothers of Ujjan's second wife. They have already been released after completing the sentence announced against them by the court. Another guilty in the crime, Puskar Gautam was sentenced to life in prison by the District Court Okhaldhunga on March 15, 2013, but he was at large. He was later arrested from Bagbazaar in Kathmandu on May 14, 2002 and locked up at the Central Prison in Sundhara, according to police.



Ganesh Shrestha

Bal Krishna Dhungel, another guilty in the crime was also sentenced to life in prison by the District Court Okhaldhunga on May 10, 2004 and also through an order of the Supreme Court on January 3, 2005. However, he is yet to be arrested.

After Ganesh Shrestha filed an FIR against the people accused of murdering his brother Ujjan, Maoist cadres threatened to kill him. As a result, he was displaced to Kathmandu. A year later he returned home. Ganesh was in his field collecting paddy harvest when the Maoist cadres shot him dead on November 22, 2002. Ganesh's daughter Ranjana had actually taken the guests who had arrived at their home looking for her father to the field, where she was witness to him being shot at by the unknown visitors. As a result, Ranjana blamed herself for the murder of her father, and two years later committed suicide.

Presently, Ujjan's widow lives all by herself at their home in Pokali. Though the land and house seized by the Maoist were returned back in 2008 BS, they have yet to return back the movable property of the family. The main accused in this incident Bal Krishna Dhungel was elected to the Constituent Assembly on behalf of CPN-M in the 2008 CA elections from constituency no. 2 of Okhaldhunga. He was termed a criminal by the court verdict announced after the CA elections. As per the circular of the apex court, the District Court Okhaldhunga communicated to the District Police Office Okhaldhunga on September 2, 2010 to present him before the Court, but that order is yet to be enforced. Demanding action against her two brothers, Sabitri Shrestha has long been running a pressure-exerting campaign demanding action against the main accused Balkrishna Dhungel.



Ranjana Shrestha

crimes of serious nature and initiating action as per the international standard of human rights.

The civil society organizations with such an important role should be working to ensure justice for the victims, establish lasting peace and healing the wounds of the conflict, but their division based on faith and ideology has been obstructing the dispensing of justice for the victims from becoming effective. Instead of monitoring the work carried out at the government's level and advocating in the interest of the victims, there is an increasing trend of civil society organizations coming out in support and against based on philosophy and ideology.

Furthermore, the local peace committee in the district was mired in a dispute for two years due to personal interest of the staff and political party leaders. Instead of helping resolve the dispute over the leadership of the committee, the staffs contributed to make it more severe, and were successful in having the committee inclusive of the civil society representatives dissolved in April 2015. Since then, the peace committee secretary has nothing to do than to mark his attendance and receive the salary.¹³ After the Peace Ministry began requesting repeatedly for annual action plan from the local peace committees, a meeting including representatives of political parties only set up a nine-member committee with eight members from the parties and a member-secretary. The committee has started functioning but it is confined to mere formality, rather than investigating the stack of applications before it. This has further angered the conflict victims.¹⁴

The Act has made participation of civil society representatives in the local peace committees mandatory. But, political parties have ignored this provision

outright. There is no doubt that the role of stakeholders would be significant in investigating the applications of the victims piled up at the local peace committee and district administration office, and providing them reparation.

10. Reasons for Failure to Resolve the Problem of Conflict Victims

The problem of the victims has not been resolved as the government structures that have a leadership role have failed to work in a victim-friendly manner. Had the local peace committee and district administration office only worked in coordination to identify the victims and determine whether they are entitled to relief and compensation, many problems would have been resolved. Lack of coordination between them has made the victims to suffer. However, the reasons behind it are also as follows:

- Victims unaware of relief and reparation provisions
- Lack of political willpower
- Influence of partisan interest in the local peace committee, other members deprived of any role, and staff to take the work only as a 'job'.
- Lack of timely formulation of victim-friendly policy and directives to dispense justice.
- The local peace committee not investigating the application of the conflict victims, ignoring them.
- The sub-judice cases not decided, as a result victims were deprived of reparation and justice, while the perpetrators were not held to account.
- Role of local administration and political parties not effective
- Non-victims with access receiving relief support in the name of victims, but no action taken against them.

13. Based on conversation with local leader of a political party in Okhaldhunga

14. Fanindra Luintel in course of the discussion held by INSEC representative on the expectations of the victims on Nov 20, 2013

Guru Prasad Luintel Murder Incident

Name : Guru Prasad Luintel
 Address : Fulbari VDC-7
 Age : 41 years
 Marital Status : Married
 Academic status : Educated
 Affiliation : CPN-UML
 Perpetrator : Maoist
 Date of Abduction : September 22, 2002
 Date of Killing : October 8, 2002
 Type of Incident : Killing
 Incident site : Baruneswar VDC, Rampur



Also the Chair of Nepal National Teachers Association District Committee in Okhaldhunga and resident of Fulbari VDC-7, Guru Prasad Luintel was a teacher at the Gyan Prakash Secondary School in Ghorakhori in the same VDC. He was kidnapped on September 22, 2002 severely tortured, and murdered at Rampur of Baruneswar on October 8. Luintel was at his school busy teaching when he was blindfolded and kidnapped. After 16 days of severe torture, Luintel was murdered by hanging from a tree at Rampur in Baruneswar VDC. The body was brought to the Rumjatar hospital for a post-mortem, and the final rites performed at the Lipe river bank near the district headquarters. Due to fear, the mourning family had to performed the final rites in the district headquarters. Following the murder of Luintel on the charge of spying against the Maoists, his family was displaced. The Luintel family, including Luintel's two sons and widow currently live in Kathmandu. Following the incident, the victim's side filed a chargesheet at the police against the Maoists cadres, including Suresh Thapa, Baburam Gautam, Mohan Kumar Khadka and Tilak Karki accusing them of involvement in the murder. The case came to the District court through the police office, but it became inactive after the signing of the peace agreement. Though efforts were made to re-activate the case based on a petition by the perpetrator side on June 2010, the case remains on hold at the District Court following a Supreme Court order. The UCPN-M party has been demanding that the case be settled as per the comprehensive peace agreement and the principle of transitional justice, since it was a conflict-period case. The victim's side, however, has argued that since it is a serious violation of human rights, the case should be dealt with as per the criminal law. Human rights activist, civil society leader and former Commissioner of National Human Rights Commission Sushil Pyakurel says that though the prevalent law is sufficient to punish the murderers, the state side has missed the opportunity.

11. Conclusion

There are no certain data as of yet about the damage incurred by the district during the armed conflict. Only the citizens who were injured and dismembered and the families of those killed and disappeared have received relief assistance on the recommendation of the district administration office and peace committee. The families who suffered property loss and those displaced have not received any relief support. The peace process was

expected to accelerate following the peace agreement but it is yet to be completed due to the protracted transition. Justice has not been ensured for the conflict victims due to the failure to implement the comprehensive peace agreement signed between the government, political parties and the then CPN-M.

12. Recommendations

The peace process of the country could reach to its conclusion if the con-

Killed during the conflict	: 209
Displaced	: 637
Disappeared	: 13
Disabled	: 92
Kidnapped	: 3

Source: Local Peace Committee

cerns of the conflict victims are addressed on time through the State policy and programmes. Also, all stakeholder bodies must immediately give serious attention towards ensuring justice for the conflict victims by establishing transitional justice structures. The State and political parties must be sensitive towards ensuring reparation and justice for the conflict victims by taking action against those

involved in serious violation of human rights in the conflict period. There should be uniformity in the relief and facilities provided to the conflict victims on behalf of the State. Also, the relief should be provided in a lump sum. The State should also ensure free education, free medical treatment and provision of employment for the victims and their families. The transition should be managed with a guarantee of truth, justice and reparation for all the conflict victims as per the standards of international human rights and humanitarian law. As international treaties, customary law and the domestic legislations entrust the state with liabilities, the State must assume its duties seriously.



3.2 Economic, Social and Cultural Status of the Hayu Ethnic Group of Ramechhap

1. Introduction

Nepal is an open library of multi-ethnic, multi-lingual and multi-cultural society. Diversity of various ethnicity, language and culture and unity within the diversity is Nepal's identity. Prithivi Narayan Shah had described Nepal as a common garden of 4 castes and 36 race. This statement, however, has been accused of encouraging racial discrimination. Nevertheless, if we could establish the country as a common garden in true sense then it's definite that every flower would get equal opportunity to grow and blossom. If the State gives due attention to preserving the language and culture of all ethnic groups, and if those language and culture are preserved, then there will be no doubt of it taking the shape of a garden with all the flowers.

Around the world, the work division under the caste system is found to have been made base on the local context and environment. There are minority ethnic groups living in every nook and corner of the globe. Of them, numerous have gone extinct, many others are hardly surviving, while some have refined their

ethnic look to give an identity of pride and valour. Such ethnic caste and groups have been playing a significant role in the uplift of nationality.¹

Nepal too is home to people of various ethnicities with their own distinct language, custom and culture. The indigenous nationalities community have their own unique language, tradition and culture. These custom, culture and languages are the precious ornaments of the country. However, the ornaments have not been sufficiently protected. As a result of which, the rare language and culture of some minority groups have already become extinct. Some more of such communities are on the verge of extinction. One such community that is fighting against extinction is the Hayu community.

There are 125 ethnic groups in Nepal. The number of mother tongue spoken by the people living within Nepal is 123.² The introduction of the National Foundation for the Development of Indigenous Nationalities Act 2002 identified and recognized the indigenous nationalities for the first time in Nepal. Accordingly, there are 59 ethnic groups classified as Indige-

1. Bhupahari Poudel, Nepal's minorities and near-extinct ethnic groups : Hayu, page 16
2. National Census 2011



Hayu Community

nous Nationalities.³ Likewise, based on the population there are 10 ethnic groups that fall under the near-extinct group, including the Bankariya, Kusunda, Kushwadiya or Patthakatta, Surel, Raute, Hayu, Raji, Kissan, Lepcha and Meche.⁴ This study makes an effort to highlight the economic, social and cultural situation of the Hayu community living in Ramechhap.

2. Rationale of the Study

Ramechhap is a district with a majority of indigenous community. Highly marginalized communities like Pahari, Majhi, Thami, Sunuwar and Hayu live here. Also native to this district are the minority marginalised ethnic groups of Tamang, Magar, Sherpa and Rai. Among them also live the near-extinct Hayu community. Ramechhap district is considered as the ancestral land of the Hayu community. The objective of this study is to bring to the public the economic, social

and cultural situation of Hayu and draw the attention of the concerned authorities towards preserving their language and culture, and to bring them to the mainstream of the society in social terms.

3. Limitation of the Study

Though Mudajor in Ramechhap district is the place of origin of the Hayu community, they have migrated to Sindhuli, Udayapur, Okhaldhunga, Mahotari, Kavrepalanchok and upto Sarlahi. This study does not cover the socio-economic and cultural status of the Hayu community who have migrated out of Ramechhap district. Only the situation of the Hayu community of Ramechhap district has been mentioned. In course of the study, the discussions held with leaders of the Hayu community and the materials published/disseminated in various books, newspapers and studies on the community have been taken as resource materials.

3. Kumar Yonzon Tamang: Online Khabar, September 17, 2013

4. DR Pokharel: folklife of Hayu community, Nepal Academy, page 15, 2070 BS

4. Origin and Spread of Hayu Community

Various ethnic groups have their own historical background of their origin. Some written documents have been found that explain where the various ethnic groups and community came to Nepal from and how did they come. However, there is lack of official documents about the origin of the Hayu community and their arrival to Nepal. So, their arrival had to be noted based on their statements.

Where did this community come from, where is their place of origin? Nothing can be said about it. Like a dark origin, one can feel that many of its other norms are in a way left in the dark.⁵

The Hayu community are said to have come to Nepal from Sri Lanka. Due to the war between Ram and Rawan, Lanka was not a place to live in. Five brothers from the same family left Lanka along with the musical instrument. Of them, the youngest brother was carrying a big drum. As they were walking and crossed the Sunkoshi river, the elder brothers were quite ahead. However, the youngest one could no longer walk. Of the brothers ahead, the eldest brother reached Suri of Dolakha. He was called Surel. The second brother reached the upper part of Ramechhap and Okhaldhunga, his children were called Sunwar. The third eldest brother reached the east, and his children became Rai. The second youngest brother went further ahead to settle down. His children became Limbu. The youngest brother, who could not walk further, crossed the Sunkoshi river and reached a place called Mudajor in Ramechhap district, where he kept his drum for rest. There he settled down after clearing the bushes, and his children became the

Hayu.⁶

No matter how and where they came from, there is unanimity in the statement that the place of origin of Hayus is Mudajor (now falling under Ramechhap municipality) of Ramechhap. 'The Hayu who came to live in Mudajor of Ramechhap slowly began to migrate to different places. From Mudajor of Ramechhap, the settlement of the Hayu spread to Okhrani and across the district. Presently, the Hayu community can also be found living in Sindhuli, Udayapur, Okhaldhunga, Mahottari, Kavre and Sarlahi districts. But all of them are found to have migrated from Mudajor of Ramechhap.'⁷

5. Situation of the Hayu Community

Hayu are known to be very innocent and honest ethnic group. 'People from the Hayu community are neither very tall nor short, they are of the Mongoloid height. They do not have chinky eyes, and neither their eyes are popping out. Most of them have long faces. The women look more Mongoloid than men. The men have mixed facial characters, including some like the Danuwar, some like Gharti, some Newar and some like Chettri. They do not want to share their things with others. They say that their goddess won't tolerate if they do so. They have been suppressed since ages.'⁸

'As people from the Hayu community are not clever, they do not get entry into the government service. As a result, a generation changed their surname from Hayu to Rai in the hope of getting an opportunity to join government service. This led to the creation of a crisis in the existence of the Hayu community. But after the government decided to give social security allowance to the Hayu commu-

5. Shanker Prasad Satyal: Culture of Hayu community, USHA, Year five, edition 4, Baisakh 2031 B.S., page-21

6. Dhan Bahadur Hayu, Ramechhap : Conversation on November 27, 2015

7. Dhan Bahadur Hayu, Ramechhap : Conversation on November 27, 2015

8. DR Pokharel: folklife of Hayu community, Nepal Academy, page 49-50, 2070 BS

SN	Details	Women	Men	Total
1	No of Hayu households in Ramechhap district	-	-	139
2	Population	549	515	1064
3	Working in government service	1	16	17
4	Retired from government service	-	13	13

nity after categorizing it under the near-extinct community group, then the people from the Hayu community who had changed their surnames, began rewriting their original surname.⁹

‘As per the 2011 census, there are 139 Hayu households in Ramechhap district. Hayus have been traditionally living in Okhreni, Sukajor and Ramechhap VDC, and are now also found in Ramechhap municipality. The total population of the Hayu community in Ramechhap was 936 as per the 2011 census.¹⁰ The population of Hayu has now increased compared to the 2011 census. The number of Hayus enjoying the social security allowance from Ramechhap district is now 1034. Those receiving social security from the then Okhreni VDC-3 is 60 and of them 32 are women and 28 are men. Likewise, from the then Ramechhap VDC, a total of 290 people, including 159 women and 131 men are receiving the social security allowance. Likewise, 501 people, including 274 women and 227 men received social security from Sukajor VDC-7. From the then Sukajor VDC-8, a total of 183 Hayu people, including 83 women and 100 men are enjoying their social security allowance.’¹¹

Hayu community people in government service and those retired from service are not entitled to the social security allowance. They have not been getting the facility as per the Government of Nepal’s policy of prohibiting dual government service.¹² 17 people from the Hayu community in Ramechhap are presently in civil service and 13 have retired from government service.¹² In this manner, the total population of Hayu in Ramechhap is 1094, including the 1064 that have been enjoying social security benefits and 30 who don’t avail of the facility.

6. Economic Status of the Hayu Community

The Hayu community fall under the near-extinct community on the basis of its population. From the economic point of view this community is marginalized and poor. Though their economic condition has improved compared to the past, it is still poor in totality. Of the 1,094 only 17 are working in civil service says a lot of their condition. Though some have got the opportunity to work in different civil society organisations, the number is not that significant. The major profession of many Hayus is agriculture, like many other Nepalis. Some are found running the hotel business. However, overall the financial situation of people from this community is not good.

Initially, the Hayus were like bonded labourers. The Hayus are found to have worked as bonded labourers for the Newars of Bhangeri in Ramechhap. The Hayus used to work in the land owned by the Newars of Bhangeri in the flat land on the Sunkoshi river bank. They lived as

9. Nir Bahadur Hayu, Badi Ramechhap, conversation on November 26, 2015

10. Dhan Bahadur Hayu : Radio Tinlal FM 88.6 Manthali, programme Sajha Chautari, aired at 7:30 pm November 28, 2015

11. Kalpana Rasaili, Social Mobilizer, Ramechhap municipality, conversation on November 24, 2015

12. Dhan Bahadur Hayu, Ramechhap : Conversation on November 27, 2015

bonded labourers for generations. Slowly after some improvement in their economic situation, they are found to have been freed from the bondage there. Still, seven households are still working as bonded labourers in the land owned by the Newars.¹³ In the past, children were not sent to school. Now everyone is sending their kids to school. The Hayus are conscious of family planning. The Hayus who ignore family planning in the past, now don't want to have many children. Presently, the Hayus have maximum of two to four children.¹⁴

The government has been giving Rs. 1,000 monthly as social security allowance to the Hayu people. Also, the students from the community get scholarship in school. This has helped them with their livelihood and career development but the necessary changes are yet to come.

7. Social Status of the Hayu Community

The Hayu community are known to have initially settled in Mudajor of Ramechhap. Since they had come from outside to settle down, they were found living collectively for a long time. Still, in many places they have collective settlements while some have their own separate houses.

The Hayu homes are all together at some places and separate as well. A single storey, traditional round shaped homes, with some also owning a small cowshed next to their homes. They are not very good in growing vegetables, or maintaining their kitchen garden. They usually have a bee-hive in their home,

with some poultry, and cows.¹⁵

There is no exact information about the number of surname or family name of the Hayu community. 'Some have said that the Hayu community have 4 surname and 8 sub-surname. Some put the number at 8 and 7 respectively. Even the senior members of the Hayu community cannot say about the exact number of surnames in their community. 'Some say its 4 gotra and 8 surname. And some 1 surname and 9 sub-surname. Some say its 1 surname and 9 sub-surname. However, people from same surname or gotra do not enter into marital relationship with one another.'¹⁶

'The eight major surnames of the Hayu community are Dofom, Yakhum, Walung, Kamalescho, Bagalescho, Beche-resto, Dikatiocho and Kunsosingo'. There are sub-castes within these as well. But then there is no proper documentation or any uniformity between researchers.'¹⁷

In the Hayu community, the Jetha Budha (literally translated as the eldest old man) is the supreme. Jetha Budha is the major personality of the Hayu society. The Jetha Budha used to hold the right to oversee and decide disputes and claim in the village. The current Jetha Budha is regarded as the 12th Jetha Budha of Mudajor. Like, during the Lichchavi rule, they were entrusted with works like collecting revenue and imposing fines, constructing roads and shelter houses, overseeing disputes and claims. All members of the Hayu community respect and recognize him. He was provided with the Gaurang and Tahale as assistants.¹⁸

13. ibid

14. ibid

15. DR Pokharel: folklife of Hayu community, Nepal Academy, page 51, 2070 BS

16. Nir Bahadur Hayu, Badi Ramechhap, conversation on November 26, 2015

17. Dhan Bahadur Hayu, Ramechhap : Conversation on November 27, 2015

18. DR Pokharel: folklife of Hayu community, Nepal Academy, page 69, 2070 BS

8. Language, Tradition and Culture of the Hayu Community

All the indigenous groups living in Nepal have either own language, custom and culture. Hayu community also possess their own language, costume, traditions and culture. But due to lack of preservation they are slowly becoming extinct. 'In Ramechhap, the Hayu language is no longer spoken. And as it is not being used, it is on the verge of extinction. There are hardly two to four people who understand Hayu language in the district. After the old generation passed way, the Hayu language is on the verge of complete extinction.¹⁹

The major costume of the male members of the Hayu community is Topi or Chuntang Bhoto, Patuka or Kiktang, Kachad Yoktang, Kandani and Langauti. The costume of the women is the Sip (long frock). Chaubandi, Basyang (pachaura). But due to modernization in the costume, these traditional costumes are gradually on the path towards extinction.²⁰

The Hayu community's major musical instrument is the Dhol or round drum and Jhyamta. Both these musical instruments are regarded to have been brought from Lanka. These musical instruments are played only during the nine-day annual pooja of Mahakali devi or Om-pchemi raani, and never brought outside otherwise. 'They are otherwise locked up at the Guthighar.'²¹

The Hayu community regard three major customs of human life as their most important, including birth, marriage and death. They have their own unique customs as far as these three important events are concerned. Other than this

they also practice paasni or rice feeding ceremony and Chewar. Many of their customs are similar to that of the Hindus. As of late, some Hayu have also started calling a Brahmin priest for their customs, but as per their tradition 'they do not have the practise of a Brahmin priest, any Hayu who is familiar to the procedure runs the traditional custom.'²²

9. The Customs at Birth

'After a child is born in the Hayu community, the mother observes the maternity for 13 days. During this period, the woman is not allowed to use the main bed of the family. They also cannot go outside of the main entrance door of the house. If they have to go out, then they will use another door. The water they touch during this period is regarded as impure. On the 13th day, a chicken is sacrificed at the door of the house and banana leaves laid on it, and the mother and child brought inside the house through the main door. The child is usually named by the elder women relatives of the family.'²³

Earlier, the Hayu women used to give child birth at their home but now many of them have started taking the expecting mothers to the hospital these days. 'The rice feeding ceremony of the child is done after 6 months. The maternal uncle has to feed the first spoon of rice to the baby. They are no other rituals here. Before the baby is five years old, the Chewar (or the first hair cut) is carried out, where the maternal uncle cuts the hair. After the hair cut, the baby is adorned in the cloth that the maternal uncle has bought for him in a copper plate. The copper plate is also gifted to the baby.'²⁴

19. Nir Bahadur Hayu, Badi Ramechhap, conversation on November 26, 2015

20. Dhan Bahadur Hayu : Radio Tinal FM 88.6 Manthali, programme Sajha Chautari, aired at 7:30 pm on November 28, 2015

21. DR Pokharel: folklife of Hayu community, Nepal Academy, page 57, 2070 BS

22. Bhupahari Poudel: Nepal's minorities and near-extinct ethnic groups : Hayu, Page 30: 31

23. Dhan Bahadur Hayu : Radio Tinal FM 88.6 Manthali, programme Sajha Chautari, aired at 7:30 pm, November 28, 2015

24. Nir Bahadur Hayu, Badi Ramechhap, conversation on November 26, 2015

10. Marriage Custom

‘As per social customs, for getting married the boy’s family has to go to the girls family with a proposal for marriage. They should not go to the girl’s house emptyhanded. As a gift, rice beer is taken. Marriage within this community does not take place within closed relatives like maternal uncle’s family or nephew and niece. After the gift is accepted by the girl’s family, the boy’s family goes to the girl’s house again with liquor and a pair of chicken. The marriage is then finalized if this gift is accepted.’²⁵

‘The marriage procession goes to the bride’s home amidst the playing of musical band. The members of the marriage procession must carry Chamre (a food delicacy made out of rice) as tiffin. Also, fish is mandatory among the items taken as a notice of arrival of the bridegroom’s party. In the marriage, the bride is adorned with vermillion, pote, ornaments and new clothes. During the marriage ceremony, the bridegroom must bow down before the father-in-law. After the bridegroom returns home with the bride, before they are taken inside the home, a chicken is sacrificed on the main door of the house. The bride and bridegroom step on the blood spilling out of the decapitated chicken, and enter the house.’²⁶

11. Death Ritual

The Hayu community follow their own death rituals. ‘Though the final rites of other community are performed in the river bank, the final rites of the people of the Hayu community is held in the fields. The final rites are held at the end of the family field as per the understanding that doing so at the Koshi river bank would be quite cold. A pit is dug out in the field

and the dead body burried with the head resting towards the east. Then the body is covered with stone plates, before burrying it. A flag is installed over the burial ground as a symbol. Water is offered to the body along with daily consumable rice and vegetables. After it is over, the sons of the person who has died have their hair shaved bald at the nearby water point. They then practice the mourning ritual. If two such events happens at the same time, then the post-death ritual takes place for three days. Otherwise, it will take the usual 13 days of mourning. On the 13th day, a pig is sacrificed for a feast to all guests. A male pig in case of a man and female in case of a woman is sacrificed for the feast. On the 13th days of purity, the girls from the family sprinkle cow urine to all to purify them.’²⁷

‘Any one observing mourning for a year do not put the *namlo* or the belt tied on the head to carry backload on a doko or a bamboo-made basket for a year. Other norms are similar to that of people from other caste. However, the annual ritual called Shradha is not performed by the Hayu community.’²⁸ Earlier, those mourning the death of their elders would be adorned in white from head to toe for one year, but that has stopped now. Most of them usually wear a white topi or cap and slipper for one year.’²⁹

12. Religious Customs of Hayu Community

Many customs of the Hayu community are similar to Hindu religion. Observing purity when in the case of death of any relative, and following a 10-day ritual in case of a child birth in the family is similar to that of Hindu religion. However, some of their customs are similar to the

25. Dhan Bahadur Hayu, Ramechhap : Conversation on November 27, 2015

26. Nir Bahadur Hayu, Badi Ramechhap, Conversation on November 26, 2015

27. Dhan Bahadur Hayu, Ramechhap : Conversation on November 27, 2015

28. Shanker Prasad Satyal: Culture of Hayu community, USHA, Year five, edition 4, Baisakh 2031 B.S., page-24

29. ibid

Kirant culture and some with Buddhist culture. In a way, it seems the religion that this community follow is a mix of all the three religions. The major festival of this community is the pooja of the Mahakali devi, locally known as Ompchemi Raani. 'The Hayu community pay homage to the goddess calling her Ompchemi raani or queen. This is a type of paying homage to the mother and is also a memory of the matriarchal system. Ompchemi is a very ancient goddess, and is testified by the fact that there is no statue of her'.³⁰

'This festival of the Hayu community is celebrated in the odd year on the full moon day of the month of Magha in the Lunar calendar, starting from a Thursday to Tuesday, and is observed in the month of Fagun in the even year. The priest who has fasted on the day before and kept himself pure will start the first day of the festival by going to the Guthi ghar and performing pooja of the drum and the jhyamta. The drum is played on the day. Similarly, beating of the drum takes place along with the pooja on the second, third and fourth day as well. The fifth day also starts with a similar pooja. It is believed that the Ompchemi goddess comes alive on this day. On the fifth day people take bath and clean all the homes in the village. All the villagers prepare the essential items and go to the Guthi with it for the pooja of the goddess'.³¹

'On the day people from the entire village come together. They play the drum and the Jhyamta and move to the Devasthan from the Guthighar singing and dancing on the way. During the pooja fruits and flowers, incense is offered while a chicken is sacrificed. The singing and playing of the musical instruments takes place throughout the night. After the

completion of the pooja of the goddess, the next day does not feature any programme. However, the evening sees dancing and singing, and feast takes place for the next two days. The elderly are the ones who are the main singers. And anyone who knows how to sing in Hayu language are supported by the boys as chorus singers, and they dance with the beating of the drum and jhyamta'.³²

'On the final Thursday and Friday, the dancing takes place in all the houses turn by turn, in the courtyard and inside the house too. After the dancing is over, the traditional drum and jhyali are kept at a sacred place, and the singing/dancing audience start drinking alcohol, including rice beer and liquor. Rice beer is taken as the prasada of the devi or goddess, and the owner of the house where the dancing takes place must serve the revellers with the rice beer. This devi or goddess that is worshipped is believed to have come along with the ancestors when they came here from Lanka. The resting place of the Devi is usually set up at a tree in the middle of the Hayu village, along with the Trishul, Flag and the Bell'.³³

The Hayu community also carry out the Kul Pooja or the worshipping of the family god. The kul pooja takes place on a Tuesday in the month of Mangsir of the Lunar calendar every year. The kul pooja takes place at one's home but the Dewali is held in three or five years. A bamboo hut is made for the Dewali. Every family prepares a certain quantity of rice beer for the Dewali. The bamboo hut sees pooja on a bamboo leaf. People who have entered into an inter-caste marriage cannot enter the hut. A Hayu language song is sung during the Dewali but it is secret. People from outside the community must

30. DR Pokharel: folklife of Hayu community, Nepal Academy, page 91, 2070 BS

31. Dhan Bahadur Hayu, Ramechhap : Conversation on November 26, 2015

32. Dhan Bahadur Hayu, Ramechhap : Conversation on November 27, 2015

33. Bhupahari Poudel: Nepal's minorities and near-extinct ethnic groups: Hayu, Page 29

not listen to this song, neither can they see the place where the Dewali is held.³⁴

Another major pooja that the Hayu community perform is the worshipping of the land called Bhume pooja. 'This pooja is carried out at Bhumethan. This pooja is performed wishing for good harvest and wellbeing of the people. The pooja is carried out on a Tuesday in the month of Jetha in the Lunar calendar. A buffalo is sacrificed during this pooja. The buffalo is killed using a bow and arrow amidst all the people from the village. The buffalo meat is then equally divided to be taken home and savoured as prasad.'³⁵

'The head of the buffalo belongs to the Jetha Budha or the eldest of the community. It is a belief that three days prior to this Bhume pooja and three days after it, the land should not be ploughed neither the traditional forms of crusher be used. Even the rice offered to the gods should not be from the traditional grinding machine called Dhiki.'³⁶ The rice offered to the god is prepared by uncovering the husk by hand.³⁷

Hayu have a great belief over the wind, which they called it Dhau. There is belief that the Hayu community is protected and safeguarded by the winds. If anyone tries to steal something from the Hayu community, it is beleived that the thief is frozen by the winds. Likewise, there is also a belief that if anyone stands at the main door of the Hayu community or enters the pooja room, then they get sick by the winds. 'If you are caught by the winds then no matter what medicine you take or visit any shaman, you will not be cured. It is believed that only the house where you were caught by the wind can help you get rid of it after the people from the house make some summons'.³⁸

Apart from this, there is also a custom of *gotha* pooja, *aitabare* pooja, *sikari* pooja and other types of worshipping. 'The aita bare pooja is performed in the forest, where only the men go. The aita bare pooja is performed by offering rice beer, rice pudding and sacrificing a chicken. The sikari pooja is done by the jetha budha on the fullmoon day of the month of Jetha in the lunar calendar. This pooja is held near the Bhumethan in Mudajor of Ramechhap. This pooja is done for a good hunting.'³⁹

13. Problem Seen in the Hayu Community

Hayu in a near-extinct community. Their population is around 1,000 in the district, and despite their small demography, they are regarded as a complete community with their own language, culture, costume and customs. But in absence of proper preservation of their language, culture and traditions, the language of Hayu ethnic group is on the verge of extinction. Due to poverty, they have left following some of their customs. They have left growing major crop, locally known as Ghaiya and Kagino. They had to stop observing a custom relating to savoring a dish made from Ghaiya and Kagino.

Likewise, though the state and various civil society organizations are running programmes for the socio-economic development of the Hayu community, it has not been able to bring the expected change. Still, seven Hayu households are landless. Many of them have yet to acquire their Nepali citizenship certificate. They also do not have access to the employment sector. Though every family is sending their kids to school, the drop-

34. Nir Bahadur Hayu, Badi Ramechhap : Conversation on November 26, 2015

35. *ibid*

36. DR Pokharel: folklife of Hayu community, Nepal Academy, page 97, 2070 BS

37. Nir Bahadur Hayu, Badi Ramechhap : Conversation on November 26, 2015

38. *ibid*

39. *ibid*

out rate is equally high. Those attaining higher education from this community is still minimal. To put it in one sentence, the civil, economic, social and culture rights of the Hayu community is yet to be established.

14. Conclusion and Recommendations

The Hayu ethnic group has been categorized as a group at high risk of extinction.⁴⁰ As per the 2011 census, the total population this ethnic group is 2,925 across Nepal. Of them those who speak Hayu language are 1,520. The major place of habitation of the Hayu community is the then Sukajor, Ramechhap and Okhrani VDCs of Ramechhap district. The 2011 census says that the population of Hayu in Ramechhap is 936.

Rich in language, customs and culture, the Hayu community people have remained behind in civil, political, economic and social terms. The State must give attention to protecting their language, customs and culture. Otherwise, there is a risk of the community's language, customs and culture being limited to history only. There are not more than four people in Ramechhap who understand the Hayu language. So, it is equally urgent to codify the language of the Hayu community and preserve/promote it. Likewise, the State should support the Guthi of the Hayus in order to preserve their customs and traditions. And special reservation must be made for them in employment and scholarship for higher education.



40. <http://www.inseconline.org/index.php?type=news&lang=np&id=49664>

3.3 The Practice of Mukhiya in Mustang

1. Introduction

Mediation is one among the various modes of alternative dispute resolution, where the third party works to seek a solution based on talks and agreement between two or more disputing parties. The third party however does not have the right to make a decision, but plays an important role as a mediator to resolve the problem by seeking a way out that is acceptable to the warring parties. Mediation comes from the word mediate, which means to reconcile. In a court, a case is decided in the favour of one side, and there one side wins while another side has to accept defeat. But the concept of mediation is not win and loss but to bring out alternative solutions to the dispute by maintaining a win-win situation for both the sides in the disputed matter.

The mediator in the dispute resolution process does not only become a medium to resolve the dispute but also make the right decision based on the consensus of both sides and an agreement of the warring sides to the decision. Mediation is becoming a popular concept around the world as a process of dispute and conflict resolution. The importance of mediation

is increasing due to the decisive role of the parties to the conflict in the dispute resolution, democratization of justice, easy access to justice, truthfulness, win-win situation and conventionalism.¹

The alternative ways to dispute resolution has only recently been established through act/legislation by the constitution and law. But along with the establishment of the society, various types of formal and informal process and practices are found to have been followed for dispute resolution. Such practice/traditions are different based on the location, time and context while many are continuous since ancient times. Some have changed as per the time/context.

In this connection, a practice that is being followed as a formal process of dispute resolution in Mustang district is called the Mukhiya system. Majority of the population living in this district are from the Thakali community, and hence this is also known as the Thakali ilaka or area. The area between Thakkhola, Ghansa in the south and Jomsom in the north of the district is known as Thakali ilaka. Thakali have been listed among the indigenous nationalities. They have their own traditions, customs and iden-

1. Reconciliation Training Guidelines 2065 BS

tity. This community or ethnic group has been establishing its custom/traditions since the ancient times, and accordingly running its various activities. And one among those traditions is the Mukhiya, which is being practiced since ancient times as a midway to resolving disputes in the society. The practice of resolving disputes that surface locally at the local level itself through an alternative means of resolution like a mediation is called the Mukhiya practice. This practice continues to hold ground as justice is dispensed quickly, impartially and accessibly, and it does help preserve traditional social norms and values, and culture as well. In simple terms, the Mukhiya practice is supreme when it comes to reconciliation in Mustang district.

If any dispute arises in the society or community, then the Mukhiya is the local authority where the complaint has to be filed first for resolution. This is established in the form of a customary law. There are 16 VDCs in Mustang. As per the provision to have two or four Mukhiya, there are 64 village mukhia at present.² The Mukhiya has to take responsibility of seeking solution of all the disputes in his/her village through the medium of reconciliation. Every village Mukhiya must take the initiative to resolve problems in his/her village and also make effort to resolve all problems in the village. The Mukhiya practice has ensured justice to all in an easy and efficient manner, while the victim sides too have felt that they got justice.

According to this practice, any dispute cannot be presented before any government body other than to the Mukhiya. As a result, incidents of dispute in Mustang district do not reach the government bodies. Any problem in the village is resolved, and the decision announced unilaterally by the Mukhiya, and nobody

would stand against the decision. Mukhiya does all the arrangement. Mukhiya custom is a tradition that has been in practice since ancient times. Nowadays, the local residents elect the Mukhiya in a democratic manner.³

2. Rationale and Importance of the Study

The objective of the study is to learn about how is a dispute resolved through the Mukhiya customs, and how was this process developed and has developed over time. Based on that to analyze the origin of reconciliation and mediation in the district, its effectiveness, and how it has impacted the society. What are the decisions taken as per the law while taking decision according to the practice, and how much has the Mukhiya worked to guarantee justice? Though this practice is customary, it has been legally recognized as a means of dispute settlement, and hence studying its impact and how it came into practice in ancient times is another objective of the study as it is the same concept of reconciliation that is being developed around the world today. Also, to explore its good and bad aspects in the society, and about its legal recognition is the objective of the study.

3. Methodology

The present research-oriented report is based on analytical procedure. This study gives special priority to primary source. In the primary source, the information based on the conversation with the Mukhiya, various stakeholders and the locals has been included. Information has been collected through interview with the village Mukhiya, district administration office, district government attorney's office and the victim side, and included in the study. Also, the information collected about the Mukhiya custom and study of records, Nepal Human Rights Year books,

² District Administration Office, Mustang

³ Human Rights Year Book, 2015, page 306, INSEC

State's policy and legal provision related to reconciliation, articles, commentaries published in different newspapers, relevant books by experts and various website study and information analysis has been done to prepare this report.

4. Limitation of the Study

This report is focused on the Mukhiya custom practiced in the Thakali community of Mustang district. It includes about the Mukhiya system that is practice as a means of alternative dispute resolution, the social tradition, and its positive and negative impact on the society, work executed by the Mukhiya and the justice guaranteed for the victim side. Also, it points out about the negative aspects of the Mukhiya system and makes recommendation for improvement. This report has been developed through formal conversations, meetings, telephone conversation and limited resources received from other sources. Also, secondary sources have been used as per the need. But in absence of resource materials, sufficient literature review has not been done. This is focused on the Mukhiya customs practiced only in Mustang district since many traditions. An effort has been made to make a detailed study about the Mukhiya custom prevalent in Mustang district.

5. Origin of Mukhiya Custom

Reconciliation is one among various options for dispute resolution. In this process a neutral third party helps to resolve a dispute through mutual consensus of the disputing parties. The mediator will be between the disputing sides. Various definitions outline the meaning of reconciliation as a means of dispute resolution and the role of a mediator. As per these definitions, a third party is necessary to reconcile the disputing sides, and that should be neutral and impartial. He/she plays the role of a facilitator in bringing

the disputing sides into a consensus, but does not take the decision on his/her own. The right to take and make a decision lies with the disputing parties, which is a voluntary process.

Looking at the involvement of the third party in dispute settlement and seeking a solution to the dispute outside of the state mechanism shows that it began from ancient times. Especially, the use of reconciliation as a means of dispute settlement was first done by China and Japan. In ancient times, reconciliation process in China and Japan was not an alternative means of dispute settlement but of the first choice. In their tradition loss-win is usually not an accepted form of dispute settlement but is focused more on maintaining peace.

Philosopher Confucius (551-471 BC) ideology is believed to be behind the dispute resolution and establishment of harmony in China. The Chinese society is found to have maintained a reconciliatory approach towards dispute. There is practice of formation of reconciliation commission and committee by representing various communities and cultures in China and around 80 per cent civil cases are resolved through the medium of reconciliation.⁴ The modern development of reconciliation however began only in the 1970s. The reconciliation process that was limited to labour-related disputes only since then also started covering other disputes. With financial support of the America Justice Department in 1971, the law enforcement assistant association began the reconciliation programme with the objective of resolving the disputes of the citizens. This was first such programme sponsored by the court.

Under this programme, small criminal cases were also reconciled. A workshop organized by the renowned American Harvard Law School in 1980 and 1991 proved a milestone in the ex-

change of basic issues about the reconciliation. It was then followed by intensive analysis by many scholars, who then went on reforming the principle of the reconciliation system. Also, various demands were included about accepting its various forms of skills and arts fundamentally.⁵ Today, efforts are being made for institutional development of reconciliation system as an alternative means of dispute settlement in many countries. Attraction towards alternative means of dispute resolution is increasing rather than the court processes.

6. Reconciliation System in Nepal

Though the alternative means of dispute settlement remained in practice in various forms in different society since ages, codification of the same in legal provisions happened much later. Accordingly, the mediation act 2055 was introduced in the country.

Under the local self-governance act 2055, some judicial officers have been provided in the local bodies (municipality, village development committee), who are responsible for mediating and resolving the cases that fall under the scope of the local bodies by forming mediation committees in the concerned bodies for any kind of dispute. The VDC shall hold the authority to carry out the initial proceedings of various cases and resolve them, which includes disputes relating to land, irrigation canal, encroachment of roads, missing of cattle, building of houses, welfare property, property claims, the right to food and clothing as per the status, use of water resources, security of public property, forcibly entering others homes, etc.

The mediator must hold dialogue between the parties concerned to case presented before him/her and reconcile, and if reconciliation is not possible then

a decision shall be taken by exercising the authority as provided by the mediation act.⁶ The fourth amendment (2060) to the District Court Regulations 2052 BS has added rule 32 to included reconciliation. As per the provision, if the concerned bench feels that it would be appropriate to reconcile between the parties to a case, then it can order the case to be reconciled within a maximum of 3 months through the records keeper or government attorney or social worker or government official or legal practitioner or teacher or individual or organization involved in the reconciliation work. This is also provided in the reconciliation act, 2068 BS.

The mediation act, 2055 BS provides for resolution of disputes through mediation. The process of resolving a dispute through a decision of a committee or decision-make appointed by both sides to the dispute is called mediation. If both sides do not come to an agreement, then the mediator gives the decision. Though the mediators are independent in the mediation decision, they also hold the authority to give decision like the judge. This is being practiced especially in commerce-related disputes on the basis of national/international legal instruments.

As per the mediation act, 2068, this act has been drafted by the Constituent Assembly as per Article 83 (1) of the Interim Constitution of Nepal, as it expedient to establish a legal provision in relation to mediation working procedures in order to maintain the ordinary people's interest and facilities by increasing their access to justice through less expensive dispute resolution process to resolve disputes in a quick, efficient and easy process of reconciliation. Resolution of dispute through reconciliation may be provided in some agreements. If a provision to resolve disputes is included in any agreement, then any dispute that arises

5. Ibid

6. Local Self-governance Act 2055 BS

as per the agreement or under it, then it should be resolved as per the procedures mentioned in the same agreement.⁷

7. Mukhiya Custom/Practice

Mustang, known as the district across the mountains in Nepal is home to the Thakali community, who are indigenous to the district. This community carries its own identity. They have a distinct lifestyle, language and costume. This community has its own rules and regulations enforced in the society. Dukhuti custom in the financial sector and Mukhiya custom in the judicial sector are the major feature of the Thakali community. In case anyone in the society is in a poor financial condition, then apart from taking financial support from relatives to uplift the economic situation, other members of the society also contribute to set up a dhukuti or fund for the person. Even before the modern banking system came into being in the society, the Dhukuti system was in practice in the Thakali society. To seek solution to every problem from within own society is the specialty of this community.

Another major feature of the Thakali community is the Mukhiya custom. This community has been practicing this custom since ancient times to select a Mukhiya in their respective village and hand over the leadership of the village to him/her. The role of Mukhiya is significant in the judicial sector of the Thakali community. The Mukhiya custom transforms itself into a people's court in course of executing judicial service. The village Mukhiya system selected at the local level by the village has a major role in the management, preservation and functioning of the village social, economic, cultural, religious, judicial and other traditional customs in the interest of the society, and on the basis of a consensus of the village.

The major factor contributing to the strength and exceptional quality of the Thakali community is to draft a law for oneself and then enforce rules and regulations in the society, based on the same law. Even in the hundreds of years of absolute rule, the Thakali ancestors worked to protect the system that they had made themselves in their own interest. This is also a result of farsightedness. This objective reality cannot be denied. In this way, a separate identity, practice and lifestyle has been effective in the Thakali society. In order to keep the society in order, in peace, and without discrimination and injustice, and to run the village in an orderly manner, they have drafted and enforced regulations on their own, while the Dhukuti customs has played a big role in maintaining balance to the economic aspect in the society.

In Mustang, the Mukhiya custom is found to have taken the form of a federal system. Every village in the district has a Mukhiya. And every village has its own rules and regulations. The regulations of the all the villages are not similar. Every village has its own territory. One can only use the forest, rivers, vegetation fields, hills and other areas within one's village area only. The borders have been separated since the very beginning, and use, protection and consumption of anything within the area can be done only by people from the same area. Also, the villages have their own rules as far as the financial transaction to the social arrangement is concerned.

8. Mukhiya Appointment Process

In the government judicial and quasi-judicial bodies, only the employees appointed through the government process are authorized to work in the judicial sector. As an alternative means to the dis-

7. Reconciliation Act 2068 BS

pute, mediation, reconciliation medium is also used to resolve the dispute. But for this, not everyone can assume the role of a mediator or reconciliator. Only individuals who are eligible as per the mediation act, 2055 BS and reconciliation act, 2068 can work as a mediator or reconciler to resolve any dispute.

Likewise, the selection of the Mukhiya is also done by fulfilling the required procedures. Any two individuals are selected the Mukhiya as per the consensus of all in the village. The Mukhiya is usually selected for a term of one to two years. This term differs in the Thakali society depending on the village. After the end of the term, another Mukhiya is selected. The selection of the Mukhiya under this custom is done in a democratic way. This post also does not follow as a family tradition. Looking at the Mukhiya custom so far, no one is found to have claimed the post. This selection process is based fully on consensus and collaboration.

9. Function, Duties and Rights of a Mukhiya

The Mukhiya is not only responsible for a particular kind of work, but has to take responsibility of everything. Developing rules and regulations for the society, enforcing it, initiating action in case of its violation, imposing penalty, playing the role of a mediator for dispute resolution, helping preserve the culture and traditions, and playing a leading role for consumption and preservation of natural resources, as well as in development works are the functions of a Mukhiya. The Mukhiya also identifies the need in the society and takes initiative to fulfill it. The Mukhiya has a significant role in maintaining an impartial and judicious society. Work is done in coordination with another village. The Mukhiya plays an effective role in resolving the disputes in the villages, including minor disputes,

quarrel among individuals, and disputes over the boundary of land and property, distribution of irrigation canal, and various other conflicts as a mediator.

Just some years back, even crimes of serious nature used to be reconciled in the village itself, without going through the legal procedures. But along with the change in the time, such serious nature of crimes are not resolved in the village. Overall, the Mukhiya leads the village. In the Mukhiya system that has been practiced since ages, any individual who reaches the age of 61 in the village does not to do any kind of work, he/she is automatically retired. Likewise, children below 15 years of age are not allowed to be involved or sent for any kind of work or labour.⁸

10. Complaint Mechanism in the Mukhiya System

To register a complaint before the police or any other government body about any incident or for dispute resolution, one has to spell out all the details about the incident, including name and address of those involved in it. Likewise, if any dispute is to be resolved through a mediator or reconciliation, then the complaint should be registered as per the provision provided in the concerned act. But in the village with a Mukhiya customs, one need not go any for dispute resolution but straight to the Mukhiya. With recent awareness among the women and them organizing themselves into groups for their rights and wellbeing, in case of an incident concerning women, the complaint is now filed before the women's or mother's group.

For filing a complaint in the Mukhiya custom, the concerned party has to go to the Mukhiya's home along with one rupee (now it has changed as per the time to five rupees) and make a verbal petition to help resolve the problem. Sometimes,

8. Based on conversation with Sukendra Hirachan Thakali

along with the cash the *Khada* (scarf) is also offered. The complaint is considered as registered after the cash is received, and then the parties to the conflict are summoned. In summoning the parties to the conflict, the Mukhiya is helped by the Katuwal (four assistants appointed for a term of one year and who work as per the directive of the Mukhiya).⁹

11. Decision Making Process in the Mukhiya Custom

After a complaint is filed from any side to the dispute, the Mukhiya invites other Mukhiya or some intellectuals (as per the need) as the arbitrators. The Mukhiya does not solve any problem on his own. The Mukhiya who stand as the arbitrator seek a mutual solution to the dispute. In this process, the Mukhiya and other individuals who are acting as the arbitrators work as facilitators, and try to find what is necessary. They take the advice of the sides to the dispute, and resolve the problem.

There are various kinds of disputes, including disputes among the persons or group, inter-personal, family, community, regional, national and international. Generally, in the village disputes among the persons or groups, inter-personal, family dispute and community disputes come to the Mukhiya. Complaints are usually filed about cases relating to fighting in the village, dispute over borders of land/houses, dispute among the villages, theft, physical assault, crops, etc. Earlier, even serious crimes were reconciled at the village itself, but that has now stopped.

In case of a dispute or even before the dispute starts without the Mukhiya's intervention or without filing a complaint before the Mukhiya, the neighbours and relatives also try resolving the issue. In this manner, in the Thakali society not every dispute has to go to the Mukhiya

Dispute resolved by the Mukhiya

A dispute arose over the funds collected through natural resource mobilization between Jomsom and Thini village (paanch gaon). As a result of the rigid position of the respective side, the dispute could not be resolved for 3 to 4 years. The differences continued to grow. The two sides were using the resources that fall in others jurisdiction and hence the differences became deeper. In the meantime, at the initiative of then village Mukhia Tej Bahadur Thakali and Dhan Bahadur Thakali, a gathering of all the intellectuals and respected ones were called at Dhungegumba of the village. And here, an agreement was reached to preserve the natural resources under one's authority, and then to establish equal responsibility in the use of the funds.

Based on conversation with the Mukhiya of Jomsom village

for a solution. Normally, the disputes within the relatives are resolved by the relatives themselves. But in case the dispute among the relatives and neighbours are not resolved, then a complaint is filed at the Mukhiya. If cases like sharing of parental property and divorce are not settled by the Mukhiya then the disputing parties go through the regular legal process.¹⁰

After the complaint of a dispute is filed, both the sides are invited to listen to their respective arguments. The one who has committed the mistake is identified, and the person making the mistake is asked to provide compensation, and even seek an apology based on the circumstance. But these acts are not mandatory. If any side is not happy with the decision, then another way out is sought to resolve the problem. In case of an incident of theft reported by the victim side along with the details of the good stolen, the person who is proved to have stolen it or accept the crime will have to compensate for the stolen goods along with compensation.

9. Based on conversation with Chandra Bahadur Hirachan Thakali

10. Based on conversation with Sukendra Hirachan Thakali

Dispute returned back to the village

A dispute took a very ugly turn after the youth from Jomsom VDC-8 beat up the youth from ward no. 5. The victims of the incident did not go to the Mukhiya, but reported the incident at the police. Police arrested the accused and began an investigation into the act of public offense. But later, the Mukhiya of Jomsom told police that he would address the matter, and hence to stay away from it. And as per the decision of the Mukhiya, the incident was reconciled with the decision for the guilty to bear the cost of the treatment of the victims, and also pay compensation. Now both the sides are in a state of harmony.

In the Mukhiya custom, initially there was practice to punish the guilty with penalty in monetary as well as physical terms. For example, if any individual does anything serious that is against the rules of the society, then the person used to be smeared black in the face, and taken around the village. Now such punishments have stopped. Now, any dispute is resolved at the consensus of both the sides. Usually, it's penalty in monetary terms and sometimes to seek an apology. In this way, the identification of the guilty and the innocent is the responsibility of the Mukhiya.

Under the Mukhiya custom, there is no system to maintain a written record of the reconciliation made of any dispute. All the stages from complaint to the reconciliation are done verbally. Though there are no written records, the villagers stand witness to it.

12. Importance and Rationale of the Mukhiya Custom

- It helps lessen the burden on the judicial and quasi-judicial bodies.
- The expense and the time of the concerned parties is saved.
- The problem of the disputing parties is identified and the dispute resolved quickly.

- It helps develop mutual reconciliation and a collective spirit in the community.
- Both the sides can take maximum satisfaction from the judicious solution.
- It encourages resolving the problem through mutual discussion and understanding, rather than going to the court to resolve a mutual dispute.
- Once a dispute is resolved, it is less likely that it would re-emerge.
- The people from the community can get a judicious solution to their problem at the local level itself.

13. Statement from Mukhiya and Concerned Body about Mukhiya Practice

According to Chief District Officer Ganesh Bahadur Adhikari, the Mukhiya practice is good in itself from the social development point of view. According to him, all get together in development works and social activities as per the direction of the Mukhiya while they have also been playing the role of a people's representative when the local bodies are without the representatives of the people. The Mukhiya custom has also flourished due to lack of people's representatives. Mukhiya is also playing an important role in keeping the society active, dynamic and disciplined. However, the Mukhiya imposing and collecting taxes, solving criminal cases forcefully in the village and authoritative rule of the Mukhiya are some of the negative aspects of the system, CDO Adhikari said.

According to district judge Padma Bahadur Karki, the Mukhiya custom has had direct impact on law enforcement. The trend of going to the Mukhiya first, no matter what the case is, and the compulsion of adhering to the direction or order of the Mukhiya deprives the discontent party from appealing anywhere. Even criminal cases are reconciled in the village, cases that rarely get registered

at the police are also forcibly resolved, the tax to be paid to the government are handed over to the Mukhiya while the Mukhiya has been taking law in own hands, Karki said. The situation of Dalit in the district is very poor. They complain of being victimized and suppressed by the Mukhiya, but the situation is not favourable for them to speak against and complain against the Mukhiya.

The law of the state is in one side, while the Mukhiya is running its own state. No incident is allowed to be taken to the court, and no complaints can be filed, if so then it invites social exclusion, threatening, smearing the face black and threat to security, according to Karki. People from the Dalit and minorities community are not given the opportunity to become a Mukhiya but they have to follow the authoritarian rule and policy of the Mukhiya. However, the good aspect of the Mukhiya is that there is uniformity in the social work, minor disputes are settled in the village, discipline is maintained in the village, and is dedicated to development works and social service, according to Karki.

Local resident Tilak BK says that even in absence of the local bodies the Mukhiya has been serving like a local authority. Policy, culture, tradition, social service and development works are under the control of the Mukhiya. However, Dalit, women and minorities have been deprived of the opportunity to lead as a Mukhiya but are compelled to follow the policy, direction and order of the Mukhiya. As the Mukhiya would take the act/laws into his hands, the dissatisfied party is not able to get justice as per the law, says BK. Also, if anyone is involved in illegal activities, it is the Mukhiya who takes against him/her and then captures the property that the person has earned illegally, and this has made the Mukhiya more autocratic. Furthermore, the trend of resolving the criminal cases in the vil-

Mukhiya Practice

Good aspect

- Contributing in development works in the absence of people's representatives
- Adoption of a democratic system
- Promoting rules and regulation in the village, preserving culture and natural resources, cleaning the village, and management and policy enforcement
- Minor disputes in the village, which do not reach for legal remedy are reconciled in the village itself, and a mediatory role is play to provide justice to both the sides.
- Making the village discipline and managed through quick/efficient and impartial justice
- Focused in social service work. Remain as the guardian of the village
- A notice from the Mukhiya brings all together for social work, and hence work of social importance is completed

Weaker aspect

- Efforts to reconcile even criminal cases in the village itself, and exert pressure for the same.
- To collect and use personally the income from natural resources. Low revenue collection.
- Emphasis on own administrative rules (customary rule) instead of the laws of the State
- Dalit, women and backward community deprived of the opportunity to assume the post of a Mukhiya
- Mukhiya to determine different daily wage rate and promote unequal pay for same work
- Mukhiya order or direction to become mandatory

lage itself has deprived the victims of justice, adds BK.

According to Mukhiya of Marfa VDC, airport village, Sukendra Bahadur Thakali, the Mukhiya selection custom began as it was a need for the village since ancient times. The Mukhiya plays an important role in the development works and all other activities of the village. The society elects a Mukhiya in every two years.

The Mukhiya has many responsibilities, but does not enjoy any privileges/facilities. It's a social service. The government ignores small disputes that take place in the village. That has to be addressed by the Mukhiya, otherwise, the society will go out of order. So far, no village has appointed a woman Mukhiya. If there is any dispute, then the first complaint is filed before a Mukhiya and the Mukhiya discusses it and resolves it. And if the case is complex, the Mukhiya is joined by the Secretary, Treasurer and other executive members, who discuss the issue and take action against the one committing the mistake, and provided justice to the victim. The VDC Secretary too works only in consultation with the Village Mukhiya. The Mukhiya has his own policy, but we also following the laws of the state.

He also adds that there is a statute regarding the Mukhiya but it is not registered anywhere. And if anyone is not present in the social service and when the assistant of the Mukhiya gives the information, then one has to pay a fine of Rs. 500 per day, and hence all the villagers come together for a gathering. A fund is also established for penalty/fine and carrying out other social works in the village. The income and expenditure of the fund is present before the village society annually. If there is no Mukhiya in the village, then it will be a mess, nobody will listen to nobody, hence the Mukhiya custom is good to keep the village disciplined and in order. In order to help resolve the disputes, the villagers select someone who can resolve disputes, who is educated and understands the issues well, the Mukhiya of the village. If the Mukhiya is naughty or corrupt then it will give a bad name to the village, and the village can impose a double fine and punishment on him.

According to Mukhiya Chandra Bahadur Thakali of the Jomsom village in Jomsom VDC Chandra Bahadur Thakali, continuing with the traditions, protect-

ing the festivals, preserving the forest, land, water sources, managing irrigation for the crops and protecting them are the major tasks of the Mukhiya. The work to open the jungle and protect it in coordination with the Annapurna Conservation Area Project (ACAP) has also proved effective. The Mukhiya is also involved in cleanliness of the society and resolving minor conflicts. This practice has helped to send murder cases to the court and help maintain law and order in the society. The Mukhiya customs has got continuity so that the victims and parties to the conflict get justice in a quick and efficient manner. The ordinary people are not in a situation to trust the lawyers and legal practitioners. Due to the distrust over the dealing with the cases in the normal system, the Mukhiya system is more effective than the government bodies.

There are also some negative aspects of the Mukhiya system. There are usually complaints in the society, and the acts of the Mukhiya is criticized. In order to work as per the changing times, the Mukhiya requires training on mediation and reconciliation. If any side does not follow the agreement or is not satisfied with it, then the relatives come together to discuss the matter, and if that does not make the concerned satisfied, then the person is allowed to go to the judicial authority. Now people have become very aware, and they express dissatisfaction over the act of the Mukhiya. Some cases remain unresolved since many years, and have not been taken to the court as well. There are no Mukhiya from the Dalit community and woman Mukhiya. Problems of women are resolved through the mother's groups too. There is need for timely reforms in the Mukhiya system too.

Protecting the Mukhiya system as per the new context and by preserving the traditional custom is challenging. The Mukhiya has not been able to coordinate with the government authorities in the

development, mobilization and preservation of the natural resources. There is a situation of conflict with the local authority. Earlier, there was a system to collect the funds from the penalty imposed and the cereal collected by the Mukhiya assistant from the society annually. But now, the villagers have to provide as much as Rs. 12,000 annually to the Mukhiya. Better than the facility is the respect the Mukhiya receives in the society. Mukhiya is respected and recognized by all, is known as a social worker of the village, and hence assumes responsibility accordingly, says Chandra Bahadur.

14. The Impact (strong and weak) of the Mukhiya System on the Society

The Mukhiya custom being practiced in the Thakali society has been helping maintain stability and peace in the society. With reconciliation being developed as a positive concept around the world, the Mukhiya system has remained as a custom and as a law since ages. It continues as of today. The major reason behind its continuity is its positive impact on the society. The impartial role of the Mukhiya in the society, support in social service and development in construction works, selection of Mukhiya not on the basis of a family lineage but democratically are some of the very good aspects of the Mukhiya system. Locals described the impact of this custom as positive.

They describe the way of reconciliation by the Mukhiya and his role in the society as good. There are concerned about minimizing the possibility of some of the decisions of the Mukhiya going against the law. For this, literacy programmes with a focus on the Mukhiya is also organized. However, since the Mukhiya formulates and implements the law in the village, he does not give any attention to the rules and laws of the state. Likewise, the Mukhiya collects taxes in his area and

does not submit it to the state, which has created a problem in revenue collection. As the direction of the Mukhiya is mandatory, the ordinary people without any access are deprived of seeking an appeal for justice elsewhere. As the state authorities too have not run any awareness raising programmes about the existing acts and regulations to make the Mukhiya custom relevant, the Mukhiya has been ruling the village traditionally.

15. Summary

The Mukhiya custom has been playing a significant role as a mediator in the Thakali society. In this society, the Mukhiya takes over the leadership and responsibility of everything in the society. Minor disputes in the village are reported before the Mukhiya, and the Mukhiya serves as a mediator for the dispute. The Mukhiya is authorized to carry out necessary interrogation in relation to the complaint, reconcile and also impose penalty/fine. The selection of the Mukhiya is carried out as per the social norms. In this way, the Mukhiya custom has a distinct identity in the Thakali society, a unique significance. All works related to selection process of the Mukhiya to his function, duties and rights are carried out as per the customs being practiced in the society since ancient times. In this connection, every village society drafts a statute along with the necessary rules and regulations for the Mukhiya.

It is however not that the Mukhiya is selected or the work of reconciliation by the Mukhiya is carried out as per the legal provisions of Nepal. This customs has continued because it has ensured quick and impartial access to justice for all, and preserved the social norms and values, and the culture, and this process remains supreme in the Thakali society. The number of cases that have reached the court after not being able to be resolved by the Mukhiya is minimal. If the Mukhiya car-

ries out any decision against the rules and regulation or acts against it, then the society can take action, and impose penalty on the Mukhiya himself. For this there is a provision of amending the statute in every five years.

16. Conclusion

The act of reconciliation is being practiced in the Thakali society since ages. As a result of this, the number of minor disputes to serious crimes reaching the courts is minimal, which has indirectly helped the state authorities. However, the implementation of the mediation act, 2055 and reconciliation act, 2068 has not made any impact on the Mukhiya system. As per the Mukhiya system, the necessary laws required for it is developed and imposed by the society itself. Mukhiya has its own statute, which is sufficient. Even before the Acts were introduced, the Mukhiya customs was being practiced as per the customary law, and following the concept now included the same Act. The Mukhiya as well as the locals claim that the Mukhiya custom has been of great help in keeping the society in order, and free from impunity. The impact of the Mukhiya system is important in the society. Its importance is yet to wane down. The decisions taken by the Mukhiya in the society has been found to be judicious, non-discriminatory and causing positive impact. In this regard, the reconciliation act of the Thakali society is very influential.

17. Recommendations

The concept of mediation and reconciliation has been gradually developing in the society as an alternative means to dispute settlement in the society. Accordingly, the Mediation Act 2055 and Reconciliation Act 2068 have been introduced in the country. But then the Mukhiya custom in the Thakali society is being practiced as per the customary law since ages. Prior to the introduction of these Acts, customary law was being applied in the Thakali society. Among the various tasks of the Mukhiya, dispute resolution is one of the major responsibilities. The village Mukhiya operate within their own village territory. This helps create a just environment in the society, and also builds a feeling of closeness among the conflicting parties, thereby helping create an orderly society.

As a result, the reconciliation act that is now in force should also address the Mukhiya custom that is being practiced as per the customary law in the society, and emphasize on its implementation. The stakeholders must give special attention towards removing the shortcomings as mentioned above in the Mukhiya system, and implement it as per the prevalent legal provisions. Also, the state authorities must bring necessary amendments and reforms in the Mukhiya system and the existing legal provisions in order to make the impact of the Mukhiya system in the society more effective. Only then, it would make the Thakali society more orderly, and help social development and harmony.

3.4 The Situation of the Freed Kamalari of Dang

1. Introduction

The Freed Kamlari Education Guidelines 2068 (2012), Section 1, Part 'h' defines Kamlari as young women and girls who have been sent to work or kept for work in others home for a fixed period of time based on a written or verbal agreement between any landlord or mediator and the guardian or among the Kamlaris themselves on fixed terms and bondage (to work without any pay or minimal pay for paying back the loan or its interest taken by themselves or their families or their ancestors, for being allured to get education for working as tenant farmers, for assurance of a job or just for food/clothing), especially young women and children from the Tharu community as a result of ill-tradition, ill-custom or due to economic reasons¹.

Likewise, the Kamaiya labour (prohibition) Act, 2058 BS (2001) Clause 2 section (b) has included Kamlari while defining a Kamaiya labour. It reads that Kamaiya labour must be understood as Bhaisawa, Gaiwar, Bardiwar, Chekarwar, Haruwa, Charuwa, Hali, Gothalo, Kamalhariya and other similar names. This legal definition can help one assum-

tion that the practice of Kamlari originated from the Kamaiya practice itself. In western Nepal districts, including Dang, Banke, Bardia, Kailali and Kanchanpur, there was a practice to send girls to work in the landlord's house to pay back the loan taken years ago or in return for getting land to grow crops on as a tenant farmer. In order to carry the burden of the loan taken by the family and to maintain the tenancy over land, the girls had to work as a bonded labourer in others house. The young women or girls from the Tharu community who were forced to work in other's house for minimal wage or for just two meals a day and two pair of clothes in a year were known as Kamlari.²

The then Rana Prime Minister Chandra Shumsher had abolished slavery system from Nepal. Like the Kamaiya and Kamlari, they was a practice of keeping people as kamara/Kamari, i.e. one human keeping another human as slaves and exploiting them, during Chandra Sumsher's rule as well. Upon seeing the severe form of exploitation, the practice of keeping Kamara/Kamari was made punishable during the period. Likewise, the Constitution of the Kingdom of Nepal, 1990, part-

1. Education guidelines for freed Kamlari, 2068, Section 1, part 'h'

2. Kamaiya labour (prohibition) Act, 2058, clause 2, section (b)

3, article 20 (1) also established under Right against exploitation that Traffic in human beings, slavery, serfdom or forced labour in any form is prohibited. Any contravention of this provision shall be punishable by law. The Constitution of Nepal (2015) has also prohibited keeping slaves, and made such act punishable. However, the provisions are yet to be put into practice. In the situation then, the one who kept a kamara (a bonded male slave) also kept a kamari (a bonded female slave), and then it was followed by das and dasi (male and female slave), and now those who used to keep the Kamaiya (bonded male labour) is learnt to have given birth to the practice of keeping a Kamlari (a bonded female labour).³

2. Rationale of the Study

- To collect information about the status of practical implementation of the policy and regulations drafted by the state and the programmes adopted for the free Kamlaris.
- To learn about the status of the implementation of the commitments made by the State after liberating the Kamlaris to give them service/privileges, education, skills, employment and opportunities.
- To support the mainstreaming of the freed Kamlaris in every body, sector, structure and decision level of the state.

3. Importance of the Study

The Universal Declaration of Human Rights, 1948 in its Article 4 envisages every individual's right against servitude, with a commitment to prohibit in practice all forms of slavery. The Covenant on Civil and Political Rights 1966, Section 1, Article 8 states that nobody shall be treated as a slave, all conditions

of slavery shall be put to an end, and nobody shall be forced to work.⁴ Likewise, the International Covenant on Economic, Social and Cultural Rights also talks about the right to just wage as the right to be free from slavery. Though international conventions and national legislations have prohibited bonded labour, the Kamlari practice was present in Nepal in the form of a bonded labour. Following a strong agitation, including Singhadurbar gherao by the Kamlaris, support of political parties, civil society and media, and solidarity of the international community, the Government announced on June 27, 2013 the liberation of Kamlari.

Following the declaration, the Education Ministry introduced the Kamlari Education Guidelines, 2068 BS (2012). The Government also allocated some budget to implement the outline of the education, skills and rehabilitation of the free Kamlaris. But as the guidelines were not practical, due to financial problem a situation has come where the freed Kamlaris may have to return back to work. This shows that even though the Kamlaris have been deprived of their right to read, write and areer development, the State is shying away from its responsibility to protect their rights. This study is expected to help make both the sides responsible.

4. Methodology

- Field visit (freed Kamlari's school and hostel)
- Interview (office-bearers of the Freed Kamlari Development Forum, staff, campaigners, journalists, etc.)
- Resource materials (books related to the Kamlari practice published at various points of time (Jeevan Badalneharu, lawajuni), newspapers, Kamlari Education Guidelines, 2068 BS etc.

3. Constitution of the Kingdom of Nepal, 1990, part 3, Article 20 (1)

4. Universal Declaration of Human Rights, 1948, Article 4, and International Covenant on Civil and Political Rights, 1966, Part 1, Article 8

S.No.	Situation of former Kamlari	No.	Remarks
1.	With skills and gaining skills	400	318 who acquired skills
2	Studying	1,300	
3	Dropped out	800	
4	In trade/business	120	
5	Without any guardian	157	
6	Government job	2	Nepal police 1, Nepali Army 1
7	Also looking after the family by running business	65	
<i>Source: Freed Kamlari Development Forum, Dang</i>			

5. Limitation of the Study

- This study is more concentrated on the skills, education and rehabilitation of the freed Kamlaris.
- An effort has been made in the study to look into the origin of the Kamlari practice, the Kamlari liberation campaign, situation post the liberation and challenges.
- The data presented in the study have been taken from the Freed Kamlari Development Forum, Dang
- The statements, contexts about the Kamlari practice have been taken only from the former Kamlaris. The views of the Landlord side have not been included here.

5.1 Origin of the Kamlari Practice

There is no definite data or information that tells exactly when the Kamlari practice began but the Kamlari custom is believed to have been the result of the Kamaiya practice that began in Dang in 1980 BS (1924). During the time when Nepal was divided into the 22 principalities, for tilling the land one had to make the Kings of the principalities happy. Those who were close to them received land and then became a landlord. Those who could not become close to them be-

came the ruled. And many of them were the Tharus in Dang. The Tharus who had prepared the Mauja after a hard labour were taken aback by the land reforms that was introduced in 2021 (1964). The clever landlords registered the Mauja under their name and forced the Tharus to leave. As a result, the Tharus of Dang reached Banke, Bardia, Kailali and Kanchanpur. After the Tharu who used to toil very hard did not have any land of their own, they were compelled to plough the fields of the landlords. The landlords put up a condition to also work in their house for tilling the land. So, to till the land the Tharus had to accept that condition.

Even in such a condition, the harvest from the arable land used to be divided in the ratio of 3:2 in favour of the landlords, which was not enough for the Tharu family to survive on for the whole year. When it was not enough, those who were staying as bonded labourer started purchasing cereals from the landlord's home, so as to feed the family. But they could not pay the price for it. As a result, the burden of such cereal would continue to add up every year. And with the loan doubling up, the Kamaiya would be in problem. Taking advantage of this situation, the landlords starting forcing the wife of the Kamaiya too to come and work inside their homes. She was given only food and two pairs of used cloth in a year.

After both the husband/wife starting working in the house of the Landlord, apart from food they had no other place for extra income generation. The landlord used the Kamaiya for work outside the house and his wife for household chores. Then their daughters were asked to help with looking after the children of the Landlord. The daughters of the Kamaiya who did not get to eat good food at home were now getting to taste delicious food for looking after the kids of the landlord. As result, the children of the Kamaiya started looking after the kids of the land-

lord, and carrying them around. With the passage of time, the children of the landlord became matured. And they started going to the urban centres for education. So, to help them with cooking, washing clothes and utensil, the Kamaiya children were sent along with them. From the urban centres of Dang to the headquarters Ghorahi, and to Kathmandu, Butwal, Pokhara, and Chitwan, the daughters of Kamaiya reached to help the children of the landlords.

Upon seeing they help their friends with cleaning the rooms, washing clothes and the like, the friends of the children of the landlords request to provide them Kamlari as well. Then after that the daughters of Kamaiya were sent to various cities for the friends of the children of the landlords as well. In this manner, in return for working for others, the Kamlaris started getting Rs. 100 per year. The Kamaiya family too agreed sending their kids to different cities across the country by noting the payment to be received on the one hand and also calculating about one person less to feed at home. In the meantime, the education of the landlord's daughters were completed. Then they were married. So, as the daughter left for their husband's home after marriage, the landlords started sending the Kamlari along with other dowry so that it is not difficult for their daughters to work in the new home.

In this way, the Kamlaris who reached different places would come back to celebrate the Maghi festival once in a year. They used to come wearing new clothes and new shoes. Upon seeing this, the sisters of the Kamlaris at home also started going to work as Kamlaris for want of eating good food, and wearing new clothes. But then, the Kamlaris started being sexually exploited by the son-in-law of the landlord in the daughter's home and by the landlord's son and their friends at the landlord's home. Many lost

their lives in violent incidents while some started returning back home with forced pregnancy. So after such excesses kept on increasing, the Kamaiya family decided not to send their daughters as Kamlaris. But then they were threatened to have the land they were tilling taken back. As a result, they were again forced to accept the Kamlari practice, and it resumed. In this way, the practice of Kamlari began harnessing in Dang and other west Nepal districts like Banke, Bardia, Kailali, Kanchanpur and Surkhet.

5.2 Steps Taken to End the Kamlari Practice

Out of many compulsion and a little fascination thousands of girls and young women were reaching to work in others homes. The trend to keep a Kamlari was continuing. On January 15, 2000, a news report came out in Kantipur daily stating that Tharu daughters were being traded and sold as Kamlari on the occasion of Maghi festival. Right activist Som Paneru who read the news in Kathmandu was touched by the story. He then related the story to his American friend Olga Muri, who had been working in the child rights sector. And a decision was taken to send another rights activist Man Bahadur Chettri to the location, and he reached Khaira village in Gobardiha VDC-1 of Dang district. And as reported, landlords who had come on motorbikes and cars to the village were fixing price for the girls saying, 'I will give this much for her for a year, and this much for her'. Upon returning back to Kathmandu, Chettri shared what he saw verbatim to Olga and Som. Recognizing that trade of any human is a disgrace to humanity in the 21st century, the three took the initiative to begin the Free Kamlari Campaign from 2000.

The campaign began by rescuing five Kamlaris of the Khaira village and sending them to school. But their family protested against it saying they are

unable to send them to school, as their source of income was stopped. With the parents themselves standing in favour of the Kamlari practice, the liberation campaign looked to be in a trouble. But then, the Kamlari family were provided with opportunity for pig farming, school going girls were provided with tiffin and school uniform, and expenses for kerosene to use to light the home. But the challenges did not stop. With the number of Kamlaris increasing by the day in the school, the teachers pointed out to the problem of lack of bench for the students to sit in the class. To resolve this problem, benches were purchased and given to the schools. The school continued to come up with more problems after the bench issue was addressed. The teachers are not enough, they said. Teachers were added too, and the salary paid through the campaign. In the meantime, rescuing of Kamlari and sending them to school continued. As a result, the number of students kept increasing in the school. Then the school said buildings were not enough, and the buildings were constructed. This campaign that began from Dang district reached up to Kailali in 2064 (2008). This Kamlari liberation campaign that began through the Friends of Needy Children (FNC) was joined by organizations like SWAN, Sahayog Samaj and BASE.

In order to make the Kamlari liberation campaign meaningful, the freed Kamlaris started organizing themselves. In this connection, a common forum for liberation of the Kamlaris was formed in 2064 (2008). Then, data collection of Kamlaris, list of people who keep the Kamlaris, carrying out raids in houses of people who are not cooperative, control measures in transit points and checking in vehicles to stop the transportation of Kamlaris, transmission of positive message and radio programmes began in the form of a campaign. Ultimately, nine years after the Kamlari liberation campaign began,

Changing Families

A resident of Bhagwanpur in Sisahaniya VDC-9, 25-year-old freed kamlari Laxmi Chaudhary makes a monthly profit of Rs. 16,000 from the agrovet that she runs on her own. Laxmi, who, upon liberation completed mini-veterinary JTA from the Rapti Technical School in Lalmatiya, earns Rs. 150,000 from vegetable sales alone. Laxmi had started her business by taking a loan of Rs. 50,000 from the Lawajuni Savings and Credit Cooperatives Limited run by the former Kamlaris themselves. She now has built a two-storey concrete house, and has support of her husband in her endeavours. Laxmi is only an example, there are 65 freed Kamlaris in Dang who are changing not themselves but also their families by running various business, says former Chairperson of the Freed Kamlari Development Forum Urmila Chaudhary.

Dang district was declared Kamlari free on January 14, 2009. But the practice of keeping Kamlari continued discreetly, which remained as a challenge for the campaign. As of this declaration, of the 5,020 Kamlaris 4,500 had already been rescued while 520 were yet to be freed.

After the Kamlari liberation campaign accelerated with the support of various organizations, civil society, journalists and right activists, the District Child Welfare Board was compelled to join the Kamlari liberation movement. Not only at the district level, the freed Kamlaris continued their movement and handed memorandum to the President, the Prime Minister, the Home Minister, the Peace Minister, the Minister for Women and Children, the Women's Commission and the National Human Rights Commission. As a result, the government declared the country free of Kamlari on June 27, 2013, which is now observed as the Kamlari Liberation Day.

5.3 Post-liberation Situation of Kamlaris

As a result of the Kamlari Liberation Campaign, among the 13,026 Kam-



laris, 12,700 were freed from slavery in Dang and the districts of Banke, Bardia, Kailali and Kanchanpur in west Nepal. A total of 326 girls are still living the life of a Kamlari in the five districts. Of the 5,224 Kamlaris in Dang, the origin of the liberation movement, 30 girls are still awaiting their freedom. According to the Freed Kamlari Development Forum, seven Kamlaris are missing in Dang. The status of the Kamlaris is not known as the middlemen involved and the landlord could not be identified. Following the liberation, majority of them have got the opportunity to go to school, while the adolescents have acquired skills-oriented training and started trade and business. Many have married and are living in liberated life. In Dang, some 1200 freed Kamlaris are enrolled from the primary to the higher education level. Altogether 318 have received long-term and short-term technical and vocational training, of which 100 are involved in self-employment while 20 have got employment.

6. Steps Taken for Rehabilitation of Kamlaris

Rescue efforts are still underway despite the districts being declared Kamlari free. Notable works have not been carried out at the government and non-government level for the rehabilitation of the freed Kamlaris. The government has allocated budget meant for the rehabilitation, educations and skills development of the freed Kamlari but its implementation has not been effective. In comparison to the government, donor agencies, including Nepal Youth Foundation who have been continuously involved in the Kamlari liberation campaign are found to have made some effort for Kamlari rehabilitation. Though some minor work has been done for education and skills development, sustainable efforts have not been

made for rehabilitation at the government level. Instead, at the initiative of the donors, two hostel for girls have been established for Kamlari education in Dang. The hostels were handed over to the government responsibility in 2068 (2012). Likewise, six hostels have been established for the freed Kamlaris, including one each in Bardia and Banke, two in Kailali and two in Dang, where classes began since 2065 (2009). Presently, 155 freed Kamlaris have been living and studying from two hostels in Deukhuri of Dang. Likewise, they have also been given various kinds of skills-oriented training and technical education.

7. Kamlari Education

Due to continuous agitation and pressure of the Kamlaris, the government allocated Rs. 120 million for freed Kamlari rehabilitation, education and skills development in the fiscal year 2066/67 (2010/11). The budget had to be spent for the freed Kamlaris in Dang, Banke, Bardia, Kailali and Kanchanpur but Rs. 90 million could not be spent and was freezed. As the programme that had to use the budget was not Kamlari-friendly, a significant amount of money returned back unspent. Now the budget has been increased to Rs. 180 million but the style and standards of expenditure is traditional. After the budget started to be freezed, the Ministry of Education introduced the Kamlari Education Guidelines and started giving away academic scholarship. Accordingly, Kamlari students from Grade 1 to 8 receive Rs. 1500 per year, Grade 9 and 10 receive Rs. 1800, +2 students get Rs. 5,000 while those undergoing diploma level get Rs. 10,000 per year. Likewise, those staying in hostel, get Rs. 3,000 per month, including Rs. 500 was pocket expenses.⁵ In Dang, of the 5194 freed Kamlari, 1,300 are studying with an academic

5. Scholarship related information in Paragraph 6 of 6.3 of the Freed Kamlari Education Guidelines, 2068 (2012).

scholarship. However, as the scholarship given by the government is not sufficient, a trend of drop outs has also begun. Of those dropping out, two were found to have gone back to live as Kamlari, according to former Chair of the Freed Kamlari Development Forum Urmila Chaudhary. They were later returned at the initiative of Urmila and others.

8. Skills/Employment

After being freed from slavery, majority of them started to go to school but due to high age some could not join the regular school. They received skills development. In Dang, 318 of them have already received short and long skills oriented training. Of them, 300 are involved in self-employment while 20 have been employed elsewhere. Some have been making good income by running entrepreneurship and business. Especially in Dang, they have received skills related to sewing and cutting, beautician, graphic design, press operator, garment, workshop, hair cutting, poultry and goat rearing, cook, hotel management, room service, boutique and the like. Likewise, Kamlaris have also been attracted to receiving technical education, including lab assistant, CMA, JTA, staff nurse, electrician, sub-overseer, junior computer technician. Those who have completed the training have started working commercially, for which donor agency the Nepal Youth Foundation is providing support.⁶

9. Painful Past of the Kamlari

The Kamlaris had to carry out every kind of work as per their age, no matter they were able to do it or not. There was no specific time for work. Anything ordered by the landlord had to be completed, whether during the day or night. Eating the leftover food, washing uten-

sil, cleaning the house and washing the landlord's clothes was their daily work. Without complaining of cold or hot, they had to work otherwise, they would be verbally and physically abused. According to some of them, they were compelled to face physical and mental violence. Unable to bear the violence, three Kamlaris committed suicide in Dang by hanging while two were set ablaze. On March 26, 2013 afternoon 12-year-old Srijana Chaudhary from Lalmatiya VDC-8 in Dang district died in a fire while she was working as a Kamlari in the rented house of engineer Yubaraj Poudel in Chakupat of Lalitpur. Likewise, Meghi Chaudhary,²⁰ of the freed Kamaiya camp in Dadawari, Chumala VDC-8 in Kailali died in a fire in the house of Bal Krishna Shah in Kathmandu.

Likewise, on May 1, 2010 15-year-old Urmila Rana Tharu of Kailali died of hanging in the house of Dipak Bista in the same district while on April 14, 2008 Sarita Chaudhary,¹⁵ of Banagaon in Tikapur municipality-9 was found hanging in the house of Indramani Khanal in Lamahi of Dang. On January 14, 2008, Sima Hoja Magar of Rampur in Dang, died of hanging in the Dangali hotel in Lamahi, Dang. Five Kamlaris lost their life for not being able to bear the violence. The state of 27 others is still unknown. As per the data at the Freed Kamlari Development Forum, two died of burns, three by hanging while 15 were raped. Likewise, 23 were sexually exploited and were forced to become unmarried mothers.⁷

9.1 Model of Action against Those Keeping Kamlari

There are many laws that prohibit keeping humans as slaves and is punishable act by the law. Examples include Human Trafficking and Transportation (Control) Act 2064 (2007), Clause 15 that

6. Annual report 2071/72 of the Freed Kamlari Development Forum, Dang

7. Durga Lal KC : Jeevan badalneharu (page 5, 18, 25 section 'b') and Kamlari Development Forum Bulletin 'Lawajuni' page 4.

provided that trafficking of children from one place to another within the country will invite an imprisonment of 10 to 12 years and Rs. 100,000 fine.⁸ Likewise, the Child Labour (Prohibition and Regulation) Act 2056 (2000), Clause 19 provides that anyone employing a child below 14 years of age could face three months in prison or fine of Rs. 10,000 or both.⁹ So despite many such provisions, those who have kept children as slaves have not been punished. Though it is not that it did not start at all. Some exemplary punishment has been made in Dang.

A landlord who raped a Kamlari was sentenced to six years in prison by the Appellate Court Tulasipur on March 19, 2014. Bhola Pachai of Kotekohal in Ghorahi municipality-11, was found guilty of raping the Kamlari at his home, and asked to pay a penalty of Rs. 50,000 to the rape survivor. Likewise, in the incident of burn in course of work, the District Administration Office, Dang on February 6, 2014 fined assistant officer at the DDC, Dang Shanta Ghimire Rs. 30,000. She was doubled fined for keeping a Kamlari despite holding a public post. Likewise, the DAO, Dang also fined Nisha Sharma, Purna Kala Poudel, Mohan Bhandari, Dewa Rajaure and Yogmaya Shakya Rs. 3,000 each for keeping a Kamlari on February 20, 2013.¹⁰

9.2 Steps of Success

As the saying goes, after dark comes light, an organized struggle has returned the days of the freed Kamlaris. The freed Kamlaris who had reached the school after being liberated have now become social campaigners to political leaders, and businessperson to government servant. Shanta Chaudhary of Dang, who led the land rights movement after 17 years of Kamlari life became a CA mem-

ber in the first Constituent Assembly in 2008. Following it, she stood in the second CA elections representing the CPN-UML from constituency no. 2 of Dang district, and though she lost, she continues to remain active in the national social campaign and political activities.

Many other freed Kamlaris have established themselves as the social campaign leaders in the society. Bima-la Chaudhary,²⁰ of Hapur Ramana in Dang who used to wash utensils for her landlord, is now the central chairperson of the Freed Kamlari Development Forum and is leading the entire liberation movement. Likewise, Aruna Chaudhary, 22, of Gangaparasapur VDC-3 in Dang joined Traffic Police and is managing busy traffic in Kathmandu. Dipa Chaudhary of Sisahaniya of Dang has become the programme coordinator of CP organization while Manjita Chaudhary Tharu is Tharu cultural fashion designer and trainer. Furthermore, Laxmi Chaudhary of Sisahaniya has become a JTA while Urmila Chaudhary is a social campaigner. Renu Chaudhary is social mobilizer for the SUAAHARA programme spreading awareness in the society and Anita Chaudhary owns a poultry farm. These are just some representative examples, the number of those becoming a staff nurse, teacher, press operator after the liberation is not less either. And this has been an inspiration for many to be determined that if you want then you can do it.

9.3 Post-liberation Challenges

Though the government declared liberation of the Kamlaris on June 27, 2013 many girls are still living the life of a Kamlari. In Dang district alone, 30 are yet to be rescued while 326 girls and young women are still living the life of a slave in five districts. The major chal-

8. Human trafficking and transportation (control) Act, 2064 (2007) Clause 14

9. Child labour (prohibition and regulation) Act, 2056 (2000), Clause 19

10. Durga Lal KC : Jeevan Badalneharu (Page 5, 18, 25 section 'b')

lenge at this point is their rescue first. The senior figures of the society, mostly many government employees, police, administration officials, political leaders and businessmen are still keeping girls as Kamlaris. Their rescue remains a big challenge as it is those who are responsible for law enforcement that are actually indulging in keeping the Kamlari. And hence there is no information about the address of the Kamlaris who are still in such high number. A search carried out based on the information provided by the families has also not given any result.

In Dang, seven Kamlaris are in the list of missing persons. As efforts to know about their status have not been fruitful, it seems this inhumane act of slavery will continue forever. Furthermore, if the freed 5,194 Kamlaris are not guaranteed education, skills and employment then there is a risk that they would become a slave in one way or the other. Higher vulnerability is due to financial scarcity hundreds of Kamlaris are being forced into child marriage. Kamlari continues to be practiced discreetly. This is taking place because the act/regulations introduced to stop slavery has not been implemented effectively.

10. Maghi and Kamlari Practice

Maghi is the biggest festival of the Tharu community. They observe this festival as their New Year. During this festival observed after completing the works of the year, the people plan for the year ahead. Members of the family are assigned with work and responsibility as per their age. Who is to be married from the family, how much land is to be ploughed, whether a new house is to be constructed and other plans to be made are decided during this festival called Maghi. As per the Tharu culture, Maghi is actually observed as the new financial year. The year's expenses is reviewed and estimation is made for the expenses of the new year along with a re-

view of the possible sources. Accordingly, they also decide who is to do what and how the income is to be made.

In the past, plans also included about deciding who among the brothers would go to work as a Kamaiya or to plough the land of the landlord and who among the daughters would be staying as a Kamlari. Accordingly, the family would decide whether to send the daughter as a Kamlari so as to get the land of the landlord to grow crops or to send the daughter as a Kamlari due to limited source of income of the family. In course of developing the annual plan and financial assessment, the daughters would be getting the role of the Kamlari. The decision to send daughters as Kamlaris to the house of those who provided land to work as tenants would also be taken during this festival, and hence it also became known as a festival of keeping or renewing the Kamlari. Nevertheless, the social and cultural festival of the Tharus, Maghi is in itself a unique festival.

11. Conclusion

The practice of keeping Kamlaris still continues discreetly in Dang and five other districts in western Nepal. According to the Freed Kamlari Development Forum, there are still 326 girls being kept at Kamlaris. Due to various difficulties, it has not been possible to free them from slavery. In this situation, the announcement of the liberation of Kamlaris by the government seems ineffective. Those responsible for law enforcement are actually found to be indulging in this practice. The number of government employees, police, administration, political party and business sector people is higher among those promoting the Kamlari practice, according to the Forum. This is the reason while the announcement of liberation of the Kamlaris has not been implemented effectively.

The government has also introduced an education guidelines for the freed Kamlaris but the scholarship and the amount allocated for it makes it clear how impractical it is. So, the allocated amount must be appropriated so that it has been spent on the scholarship, and time for skills training should be increased. Otherwise, the liberation declaration will be limited to papers, and the victims would not be freed. The situation is already similar at present. Due to financial problem, Kamlaris in Dang who joined schools are dropping out, and are forced into child marriage. Not only this, in Dang it is likely that some may even have to go back to Kamlari. As a result, the state must be serious in the education, skills and rehabilitation of the Freed Kamlari.

12. Recommendation

There is a need to amend the Kamlari Education Guidelines, 2068 (2012), which is not practical. As the guidelines specifies that the daughters of the Tharu community are Kamlari, children from other community who have lived the life of a Kamlari faced problem in getting education, skills and rehabilitation.

As a result, there is a need to redefine Kamlari. In addition, the following work needs to be done immediately:

- The agreements reached between the freed Kamlari and government at dif-

ferent points of time should be enforced verbatim. (A 10-point agreement was reached between the government and the Kamlari practice abolition joint struggle committee on May 28, 2013. As per this 10-point agreement, the freed Kamlaris were entitled to skills, employment, employment, increment in scholarship for education, and action would be taken against those involved in the murder of Kamlaris, keeping Kamlari, sending or mediating to keep Kamlaris.)

- Though the government allocated budget for rehabilitation no programmes were developed, as a result of which the child marriage is increasing in the freed Kamlaris due to economic problem. The trend to get married is on the rise in Dang because they cannot afford education, and there is no opportunity for long-term skills. As a result, there needs to be proper rehabilitation.
- The government should also provide various privileges and reservation for the Kamlaris. Also, the identity cards should be distributed to them.
- The Kamlaris still being employed should be rescued immediately, and those freed should be provided with education, health and self-employment opportunities so that they do not return back to the Kamlari practice.



3.5 Economic, Social and Cultural Rights of the Sunaha Ethnic Group of Kanchanpur

1. Introduction

The Sunaha ethnic group that lives in ward nos. 11, 12 and 13 of Bhimdutta municipality along the banks of the west Mahakali River, some eight kilometers west of Mahendranagar, the district headquarters of Kanchanpur and in Daulatpur, Khairahani and Chandrota village of Bardia district have their own distinct identity. This community limited to only Airi, Odali and Pipariya of Kanchanpur district and in Daulatpur, Khairahani and Chandrota of Bardia district are also found living along the Karnali River in Bardia district of Nepal and Kataraniya Ghat of India. This group does not share any similarities as far as language and traditions are concerned with the other Tharu caste-groups like Rana, Dagaura, Raji, Mahato etc. of the mid-west and far-west. They say that their ancestors migrated from near the Karnali river of Bardia some 100 years ago to the bank of the Mahakali River. During the reign of Rana Prime Minister Chandra Shumsher, Jagannath Sunaha and around four other families are said to have been brought to Kanchanpur to operate boat service in the Mahakali River. The families then grew up to become the around 90 households at present.

As a traditional profession, the Sunaha community people have been work-

ing to search for gold in the sand on the Mahakali river bank, fish and boat. The 90 families in Kanchanpur constitute a population of around 700 people, says 48-year-old leader of the community Laxman Sunaha. Due to obstruction in their traditional profession, the situation of the economic, social and cultural rights of the minority ethnic group is becoming pitiable.

The people from this community who spend day night on the river itself like to call themselves as *Gangaputra*. No matter what, they are not afraid to give a plunge into the river, not even when it is flooded. It could be of this daring behaviour of the people of this community that there is a saying that even a newborn from the Sunaha community would not drown even if thrown into the river, as the river would itself bring the baby to its banks. People from this community are especially deprived of economic, social and cultural rights. Article 1 of the Universal Declaration of Human Rights or UDHR read 'All human beings are born free and equal in dignity and rights', which makes it clear that independence will bear significance only when one is able to live with dignity.

Accordingly, going by the norms of the UDHR, the Sunaha community will be independent in real sense only when their fundamental right to food, housing and employment is ensured. In the present

situation, the State bodies seem not concerned about fulfilling their rights. Among the fundamental rights, the right to food is the most important. International conventions and treaties have included the right to food of children to the elderly as the state's duties. When the Universal Declaration of Human Rights was endorsed in 1948, the reality that every citizen must be 'free from scarcity and fear' was internalized, and was included in the preamble of the Declaration.¹

The Declaration has given equal priority to economic, social and cultural rights. The UDHR also makes it clear that the human rights are inter-dependent and indivisible. Which means civil and political rights alone will not fulfill an individual's right to live with dignity, and economic, social and cultural rights alone would not complete all freedoms. As a result for dignity and freedom, economic, social and cultural rights is equally important, which includes the right to employment, education, health, food, water, cleanliness, clean environment, shelter, social security and culture. The economic, social and cultural rights have been given a legal status by the International Covenant on Economic, Social and Cultural Rights. The ICESR is the major international convention that addresses the citizens' economic, social and cultural rights.²

The guaranteeing of civil and political rights is associated with the fulfillment of the economic, social and cultural rights. In this sense, they are very much inter-linked. The country that is state party to this Convention but ensure all the rights of the citizens by enforcing every citizen's economic, social and cultural rights. Only then, it can be regarded as the state's duty has been fulfilled. When talking about the fulfillment of economic, social and cultural rights, it is not only in the case of the Sunaha community but this has not been effective for citizens of other communities

as well. After ratification of the International Convention on Economic, Social and Cultural Rights, it shall be the duty of the State to enforce the provisions in the Convention. Nepal ratified this Convention in 1991. Constitution of Nepal has also provided for economic, social and cultural rights.³ But its state of implementation is weak. And that has affected the Sunaha ethnic group.

2. Rational and Importance of the Study

Kanchanpur district is home to a mixed settlement of people of all ethnicity, including indigenous nationalities, near-extinct groups, minorities, Dalit, Brahmin, Chettri and others. The indigenous nationalities of this district are the Rana Tharu, Chaudhary, Raji and Raute. The government has enlisted the Rana Tharu, Chaudhary, Raji, and Raute in the category of indigenous nationalities, and thus they are enjoying service/privileges from the Government of Nepal. But despite being a minority ethnic group, the Sunaha community has not been listed under the category and is thus being deprived of the state service/privileges. The community's traditional profession of fishing has also come under crisis due to the state bodies (DDC and VDC). As a result, their economic condition is deteriorating by the day. The Sunaha community is being deprived of basic rights like education, health, food and employment. This study shall be important to inform the concerned authorities about the problems this ethnic group is facing, and to draw its attention towards listing the group under the near-extinct category. This study shall also highlight the status of the Sunaha community to point out the duties of the state, while also bringing to light the distinguished identity of the group.

The major objectives of the study are as below:

○ To acquire information about the socio-

1. Universal Declaration of Human Rights, 1948. United Nations

2. Covenant on Economic, Social and Cultural Rights, 1966. United Nations

3. Constitution of Nepal, Government of Nepal

economic and cultural rights of the Sunaha ethnic group.

- To acquire information about the efforts made by the State for the protection of the rights of the Sunaha community.
- To acquire information about the programmes carried out by the non-government organisations for the Sunaha community, and the impact of such programmes.

3. Methodology

Group discussion was held in course of developing this write-up. Also, the civil society leaders and service providing organizations were interviewed. Interactions were also held with the concerned office chiefs, political party representatives, civil society representatives and local administration at the local level. In addition to this, human rights instruments and various articles were used as the secondary source.

4. Limitation of the Study

This study covers only the minorities Sunaha community that reside at Bhimdutta municipality ward nos. 11, 12 and 13. General introduction of this group, their socio-economic and cultural situation, their culture, language and special characteristics have been analyzed from the rights point of view. This report shall highlight only on the Sunaha community that live in the aforementioned locations. As a result, it may not commensurate with the customs and tradition followed by the people of this community living in other districts.

5. Profession under Crisis

Sunaha community have been using water as their major source of livelihood, but they now say that their profession related to water is facing a crisis. As per the development of time and construction of a bridge over the river, this community had to detach itself from the profession of boating. Likewise, due to

time lost in the profession of gold exploration and failure to collect as much gold as per the investment, they had to leave this as well. Furthermore, the decision of the Kanchanpur District Development Committee to handover the contract of fishing in the river through bidding since 2065 BS (2009) put the traditional livelihood of this community in a crisis.⁴ People from this community were making a living by using the natural resources and living by the river bank as their courtyard since ages. But now to go fishing into the river, they have to buy a receipt of Rs. 2,500 per person. This impractical decision of the State has deprived the Sunaha community from their traditional profession of fishing as they are unable to pay the charge due to poor economic situation.

Due to the crisis in their profession of fishing, it has had a serious impact on their daily livelihood. They registered complaints at various authorities, stating that their right to food was violated. But their plea was not addressed. At a dialogue programme organized by INSEC Kanchanpur, Local Development Officer Laxman Dhakal expressed the commitment to direct the contractor to allow people from the Sunaha community to go fishing without having to pay any fee for it. But the directive is yet to come to force. The incumbent LDO Mohan Poudel says that the amount raised from leasing out the contract could be used for the Sunaha community, but no effort has been made as of yet towards that end. According to LDO Poudel, the Sunaha community has not filed a complaint at the DDC. On the other hand, contractor Krishna Chand argues that he is raising tax as per the agreement reached with the DDC.

Due to this reason, people from the Sunaha community are now forced to seek alternative means of livelihood. Some have started breaking stones, some are working as tenant farmers and some have started doing daily wage labour. Apart from this, 15 of them have gone to India and 10 to the gulf for foreign employment.

4. Based on conversation with the local leaders of the Sunaha community

6. Language and Culture

Sunaha community regard themselves as the offspring of the Ganga. They are minorities with close relation with water, living on the river bank, with a distinct identity and with a different language. However, the state is yet to recognize their identity. People of the Sunaha community are found using surnames like Dalaihiya, Ahera, Khutaniya, Patabharia, Jhawariya and Gulaha. Though they resemble with the Tharu community, they do not like being called Tharus. This community that follows the Hindu religion worships the water goddess Bisari Narsama. They have a culture of offering liquor during Pooja and marriage function.

The major festival of the Sunaha community is 'Gudiya'. During this festival, women make butterflies and worship it by going to the river with it. Sweet dishes are made at home that day. The Gudiya festival usually falls in the month of Saun in the lunar calendar. The leading personality in this community is called the 'pradhan', who decides cases related to crimes and justice in the community. As they have lived closed with people from the hill caste group, they have adopted some customs of the hills. They speak their own language called 'Baltaru'. Though marriage was confined within own community, now inter-caste marriage is also taking place. Child marriage and fixing marriage during childhood is still practiced in this community.⁵

7. Economic, Social and Cultural Rights

From the perspective of economic, social and cultural rights, the Sunaha community is deprived from all of their rights guaranteed by the state. Many of the households in this community are landless. After the District Development Committee leased out a contract for fishing in the local rivers, their traditional profession of fishing has come under a crisis. There is no school, even up to the primary level in this

community. Though living near the district headquarters, people from this community are not part of any development works and formulation of plans. Local Sunaha leaders say that the local bodies too have not run any development plans for the community. As they are a community living on the river banks, rainy seasons is also a threat for them.

Constitution of Nepal and other legislations have ensured the right to employment, education, health, food, water, cleanliness, clean environment, shelter, social security and culture, but this community has been deprived of exercising any such right. Even for minor illness, they have to go to the Mahakali Zonal Hospital and there too there is no free treatment available for them, says 26-year-old leader of the Sunaha community in Bhimdutta municipality-11, Umesh Sunaha. In 2068 BS (2012), four students from this community passed the School Leaving Certificate (SLC) examinations for the first time in the history of the community. Though this community has to be enlisted under the minority nationalities category, it has not been put under the list of even the indigenous nationalities.

This community has no access to politics. The Sunaha ethnic group has always been associated with the river but the recent prohibition to go to the river has made them feel aloof of many of their festivals, source of entertainment and even their traditional profession. Child marriage and fixing of marriage in childhood are customs that have affected their cultural rights.

Traditionally they have been using liquor in all their festivals but as liquor production now invites legal hurdles, they feel that it has further affected their culture. In a nutshell, the economic, social and cultural rights of this community is far from being ensured. A writ petition had also been registered at the Supreme Court, demanding a minority status for the Su-

5. Discussion, question-answer and interaction held with leaders of Sunaha community during field study Guidelines, 2068 (2012).

naha community but their plea is yet to be addressed.

7.1 Right to food

There are around 90 families of the Sunaha community living on the Mahakali river bank and making a living since a very long time through fishing, exploring for possible gold in sand, boating and breaking stones. However, with the passage of time, their profession faced a crisis and they were forced to change their means of livelihood.

Their right to food has been violated as they have not been allowed to fish at the Mahakali river and neither been given any other alternative. The Sunaha people had been independently fishing in the river and selling it for a livelihood, but that independence and livelihood was taken away since 2065 BS (2009), after the District Development Committee Office, Kanchanpur leased out 7 km area of the Mahakali River to contractors. As a result, the contractor has stopped entry into the river, thereby inviting a crisis to the means of livelihood of this community.⁶

7.2 Right to land

Of the 90 families of the Sunaha community, 21 families are landless. Of them, 34 families have just one kattha (338.62 sq meter) of land while 24 have between two to five kathha of land. Likewise, 10 families have 10 kattha of land while only one family has one bigaha (6772 sq meter) of land. As they are located near the Mahakali river bank, there is always a problem of inundation by the floods during monsoon every year. Some 30 households of the Sunaha community are making a living by working as tenant farmers.

7.3 State of Reproductive Health

The district public health office does not have a separate data of the Sunaha community. Health awareness has increased in this community compared to the past. Majority of the women who are expecting visit the health centres for regular check-up, though some women have

failed to do so as the health centres are not nearby. For child birth, women here have to go to the Mahakali Zonal Hospital, which is some eight kilometers away. Due to prevalent practice of child marriage, maternal health is emerging as a problem.

8. Role of Government and Non-government Organizations in Economic, Social and Cultural rights

The District Development Committee, Kanchanpur has not run any special programmes for the Sunaha community other than the regular development programmes of the DDC, according to Social Development Officer Bhandev Bhatta. During the fiscal year 2014/15, at the initiative of INSEC, the DDC had directed the contractor to allow people from this community to fish without any fee. A budget of Rs. 100,000 had also been allocated to work in partnership with the Sunaha community. But this year there is no special programme for the Sunahas, says Bhatta. The development plans are now prepared at the local level and the participation of this community is very low in the local-level plan formulation.

District Police Office, Kanchanpur spokesperson DSP Kedar Khanal says that he has no information about the Sunaha community. No incident related to the Sunaha community has been registered at the DPO so far. A plan has been developed for relief assistance to possible flood victims living near the Mahakali River but there is no special security plan meant for the Sunaha community, DSP Khanal said.

Bhimdutta municipality Administrative Officer Harisingh Dhama also said that there was no information about the Sunaha ethnic group and hence no budget was allocated for any special programme for this community this fiscal year. There are no special programmes for the Sunaha community other than the service/facilities entitled to an ordinary citizen, Dhama said.

Similarly, Chief of the District Agriculture Development Office, senior agriculture officer Tikaram Thapa also denied

6. ILO Convention No. 197

having any information or any special programmes for the Sunaha community. Acting chief of the District Public Health Office Hajari Chand said there was no health programme meant for this group of people. Only services that the citizens are entitled to under the regular programme were provided. The children from the community have also been receiving immunization service from the vaccination centres near to their homes. Likewise, assistant district officer at the District Education Office, Kanchanpur Padam Raj Bhatta said he was not aware of the Sunaha community and hence there was no special educational programme for them. Also, members of the Sunaha community have never come with any demand related to education.

8.1 Non-government Organisation's Programme for this Community

Group formation, capacity building, advocacy and other activities are being organized for the Sunaha community, says Sweet Nepal Chairperson Dev Pal. However, the programmes are said to have less positive impact on the community. As part of its efforts to make the concerned authorities accountable, INSEC Kanchanpur had organized a dialogue programme on the economic, social and cultural rights of the Sunaha community. After the dialogue programme brought to light the problems being faced by the community, the then Local Development Officer Laxman Dhakal had written to the contractor to give free access to the people from the Sunaha community to fish in the Mahakali river. But the directive is yet to come to force. Food Security Network, Kanchanpur, YAK Nepal Dhangadi, FIAN Nepal have carried out many studies regarding right to food. Demanding that the Sunaha community be registered in the list of nationalities as provided in the constitution and demanding the right to food of Sunaha community along with their right to identity, JURI Nepal has filed a writ petition at the Supreme Court demanding a mandamus order.

9. Conclusion

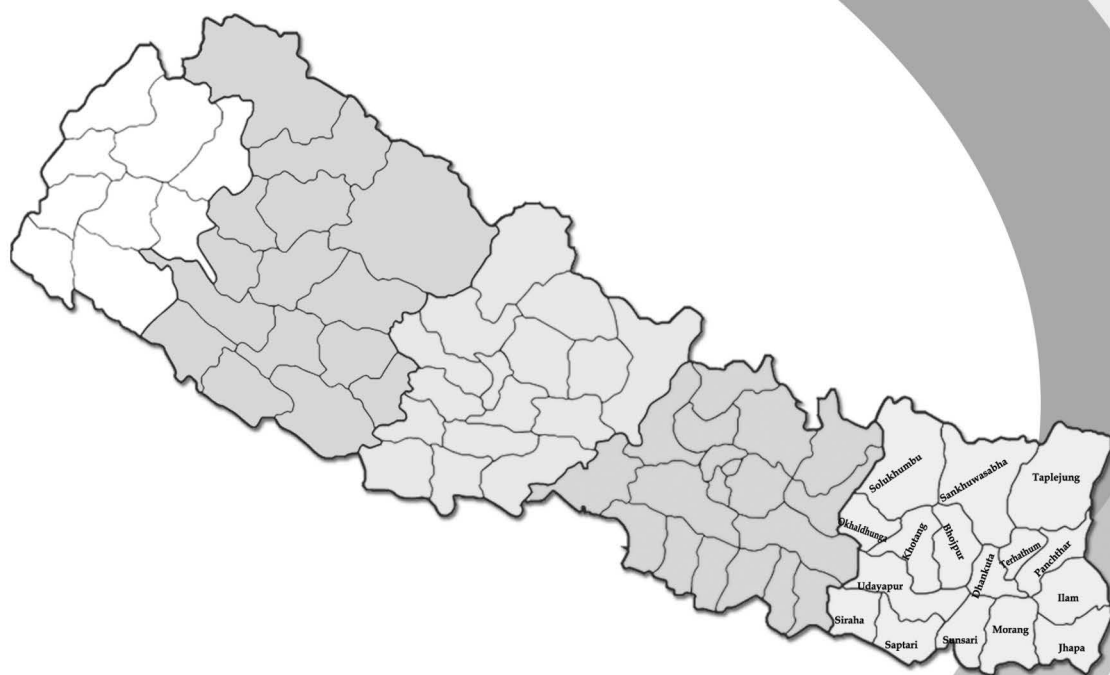
In general terms, there are many inherent rights that humans are entitled to by virtue of birth. Unless those rights are guaranteed by national and international law, the rights will bear no significance. Only when the minimum and fundamental rights that are inevitable to live as humans are guaranteed in national and international law, all those rights are called human rights. The duties of the state is to draft act, legislation and regulations and to implement them. The Sunaha community is found to have been deprived of all the rights guaranteed by the law. It is the duty of the state to fulfill their rights. The Constitution of Nepal (2015) also establishes the right to food, rights of the indigenous nationalities, and economic, social and cultural rights. Likewise, Government of Nepal has also signed concerning international convention and treaties, including the ILO Convention 169. As a result, the State must guarantee the rights of this ethnic group.

10. Recommendations

- Landless Sunaha must be provided with land.
- The access of this community to education must be increased.
- People from this community must be provided scholarship to continue higher education.
- Arrangement must be made to help them give continuity to the traditional professional of fishing.
- Programmes of economic progress must be implemented in order to facilitate livelihood of the Sunaha community.
- Public awareness programme must be carried out against the child marriage and fixation of marriage in childhood that is currently being practiced in this community.
- The mother tongue and culture of the Sunaha community must be protected.

Annex 1

Facts on Human Rights Violations and Abuses in 2015



Annex 1.1

Human Rights Situation of **Eastern Region**

The Eastern Development Region has 16 districts. The region is comprised of Solukhumbu, Sankhuwasabha and Taplejung in mountainous region, Okhaldhunga, Bhojpur, Khotang, Terhathum, Ilam, Dhankuta, Udaypur and Panchthar in hilly region and Siraha, Saptari, Sunsari, Morang and Jhapa in Tarai region.

The number of victims of human rights violation in the development region decreased in 2015 as compared to 2014. In 2014, INSEC documented a total of 1,569 human rights violation cases. In 2015, the number decreased to 1,521. The districts with the highest number of increment were Udaypur and Saptari. Udaypur recorded 157 victims in 2015 while the number was 78 in 2014. Saptari recorded an increase from 261 to 331 victims. The districts with the number of victims going down were Khotang from 137 to 45 and Siraha from 137 to 83.

Although the overall incidents of human rights violation decreased in the region, there has been increase in the number of human rights violation by state actors. In 2014, a total of 70 people, including 10 female and 60 male were vic-

timized by state actor, whereas in 2015, number increased to 233, including 16 female and 217 male. A total of 134 people, including 11 female and 123 male were suppressed from rights to assembly. Five people were killed when police opened firing in a clash between police and protestors during Madhes agitation.

Most of the documented cases of women rights violation were of domestic violence (659), followed by polygamy (78) and rape (70). Most of the victims of domestic violence incidents were from Saptari and Morang. The abuse of women on charge of being a witch is spread across the region. There were 10 women victims alleged of practicing witchcraft. Women were thrashed, slandered and forcibly feed faeces on the charge of witchcraft.

There were a total of 233 child victims, out of which, 149 were the victims of rape and 60 of sexual abuse in the region. Ten cases of corporal punishment, four cases of child marriages and five cases of trafficking or attempt to trafficking, five cases of infant killing were documented. Most of the cases of child rights violation were from Jhapa District which includes rape (22), sexual abuse (13) and killing of

Fig 1: Human Rights Violation in Eastern Region

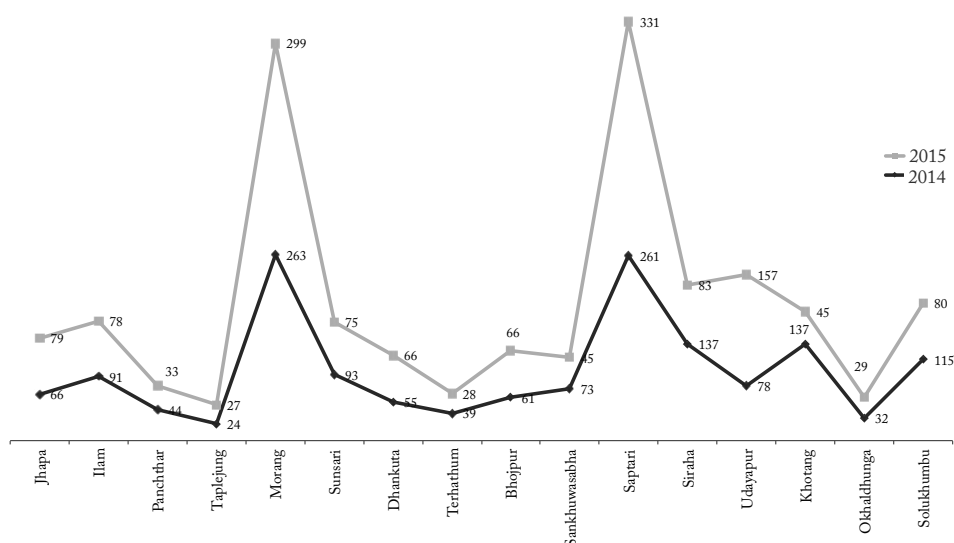
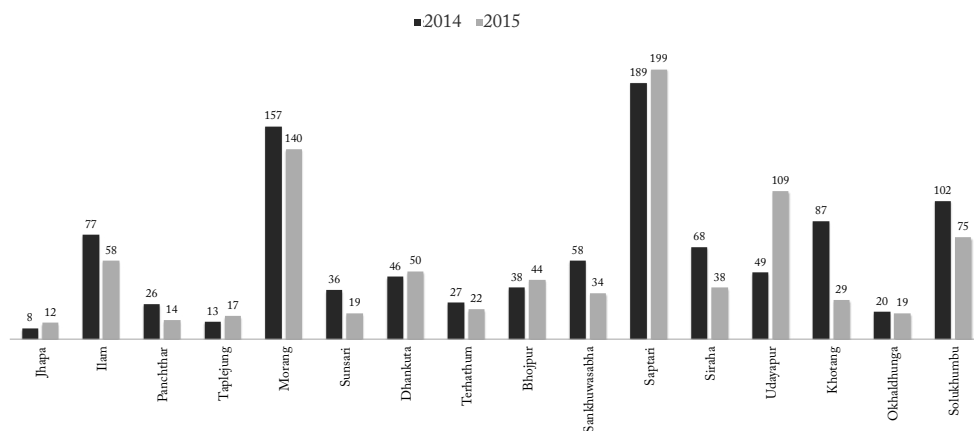


Fig 2: Women's Rights Violation in Eastern Region



newborn baby (1). There was an increase in the victims of child rights violation from last year, in which, 290 children were victimized.

Total capacity of the district prisons was 2,909 (national capacity on December 31, 2015: 14,393), an increase from 2,684 in 2014. The prison occupancy in 2015 was 4,848 (National occupancy on December 31, 2015: 25,589) including 4,774 male (National total: 24,031) and 74 female (National total: 1,558). In 2014, the prison population of the region at the end of the year was 4,602. There were female inmates in Ilam (29), Panchthar (20), Terathum (6) and Saptari (19). There were nine boys and 23 girls living with either of their parents. Most of the dependent children were in Jhapa (7 girls) and Udaypur (2 boys and 5 girls). This year, INSEC documented death of seven inmates in the prison, Ilam (3), Saptari (2), Morang (1) and Siraha (1). All of them died due to illness.

Sunsari has highest capacity of 1,600 to accommodate the prisoners followed by Jhapa with 300 inmates. In eastern region, except for Sunsari district, all other districts prisons were overcrowded. Most overcrowded prison was Jhapa prison which was accommodating 759 inmates, when it actually has a capacity to hold only 300 inmates. The overcrowding

of inmates in the prison is creating difficulties in management and inmates are facing problem of space, toilets and drinking water.

From mid-August, Tarai districts of the region remained tensed. The demonstration called by various Madhesi groups in the region against the demarcation of states disrupted lives, hampered social, economic and humanitarian situation of the region. Madhes based parties began protesting provisions of Nepal's new constitution. The constitution was passed on September 20, by overwhelming majority in the elected Constituent Assembly. But Madhesi parties protested the proposed new federal provinces, stating that provisions would lead to their under representation in the national parliament. Whereas, Government claimed that constitution is democratic and denied that it discriminates against Madhesis. From mid-September, India started unofficial blockade citing increasing violence in the bordering areas of Nepal, which resulted in acute shortages of fuel, cooking gas, medicines and other supplies. The obstruction created by the Madhes agitation and unofficial blockade by India created a negative impact on the human rights, health rights, education rights, economic, social and cultural rights in the region.

1.1 Jhapa



Total Population

812650



Women

427554



No. of Households

184552



No. of Households Drinking Water from River/Stream

188



No. of Households without Toilet

47579



No. of Migrant Workers

80625



Largest Population by Caste/Ethnicity

193287 (Brahmin Hill)



Population by Disability

15376



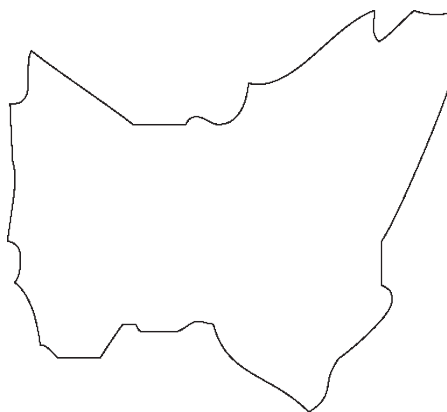
Literacy above 5 yrs (%)

77.7



No. of Community Schools

414



INSEC documentation showed an increase in the incidents of human rights violation in Jhapa district in 2015 as compared to 2014. In 2014, a total of 66 people were the victims of human rights violation, including 10 male and 56 female whereas in 2015, a total of 79 people, including 24 male and 55 female were the victims of human rights violation. This year, 12 people were victimized by the state actor. Among those, one was tortured after arrest whereas 11 people were suppressed from the rights to expression, assembly and association. This year, 67 people were victimized by the non-state actors. A total of 13 people were killed by non-state actors. Similarly, 36 children were the victims of child rights violation, 12 were the victims of women rights violation, three were the victims in IED explosion and one victim each from abduction, beating and inhuman behavior this year.

This year seven women were killed by non-state actors. Last year, five women were killed. Most of the women were killed by the family members and relatives. Among 36 victims of child rights violation, 13 were sexually abused, 22 were raped and one newborn was killed this year.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					1	1
Arrest & Torture		1	1			
Beatings					1	1
Child Rights				35	1	36
Inhuman Behaviour					1	1
Injured					3	3
Killing				7	6	13
Right to Assembly	1	10	11			
Women Rights				12		12
Total	1	11	12	54	13	67

JAIL AND DETAINEES

The 'B' grade District Prison has the capacity to hold 300 inmates at a time. A total of 759 inmates, including 354 convicts and 405 detainees were held there at the end of the year. There were seven dependents in the prison. The jail building is in dilapidated condition. The overcrowding of inmates has created difficulties in management.

THREAT/BEATING

By Non-State

Journalist Krishna Humagain, 45, of Birtamod Municipality-5 was injured when cadres of Sanghiya Limbuwan Party, Bhim Bahadur Rai, 28, Deuprakash Limbu, 41, Dal Bahadur Magar, 24, Prabin Limbu, 26, and Puja Chapagain, 21, of Shantinagar VDC-5 beat him on charge of defying the bandh called by Limbuwan on September 1. Humagain received treatment in BMC Teaching Hospital. The cadres of Sanghiya Limbuwan Party also vandalized his motorcycle with the number plate Me 2 Pa 5337. The accused were arrested on the same day and were released on general date by the order of the District Court on September 7.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has six positions for judges. There were 840 civil and 770 criminal cases pending. There were four civil and three criminal cases older than two years pending.

CHILD RIGHTS

Education Status

There are 165 primary schools, 90 lower secondary schools, 50 secondary schools and 61 higher secondary schools in the district. A total of 3,630 teachers, were working at the end of the year. This year, 6,905 boys and 7,412 girls of school

Types of Events	By Non-State		
	Female	Male	Total
Killing of Newborn Baby		1	1
Rape	22		22
Sexual Abuse	13		13
Total	35	1	36

going age were enrolled in the school. DEO distributed scholarships to 16,610 dalit children. There are 68 disabled-friendly schools.

This year, INSEC documented 22 incidents of rape of girls from age group of 3 to 17. The rape accused included a father, 10-year-old boy, a priest and 70-year-old man. Four girls were raped by their father and cases were on trail. One girl was gang raped by four people of the age group of 10-18. One newborn was killed by her mother. Four accused were released citing lack of evidence. This year, 36 children were victimized by non-state actors of which 22 were raped, 13 were sexually abused and one new born was killed. Last year, 40 girls and one boy were the victims of child rights violation.

Rape, Attempt to Rape and Sexual Abuses

Sister of 15-year-old girl lodged a complaint in the District Police Office against a priest of Krishna Pranami Temple, Mohonananda Subedi, 60, of Kankayi Municipality-5 on May 23 on charge of raping her on April 27. The victim underwent health check-up at the District Hospital on May 23. The accused was arrested by police on the same day after complaint was lodged and registered a case on charge of rape. The District Court ordered to remand him in custody on June 1. He was sentenced six-year jail term and ordered to provide Rs.50,000 as compensation to the victim on July 2.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 96 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC). This included 31 cases of assault and expulsion from the house, 10 cases of deprivation of food and clothes, five cases of polygamy, and 50 cases of minor dispute. The WCSC said that all 96 cases were settled in agreement.

This year, INSEC documented five incidents of rape and seven of attempted rape. One woman was murdered after rape and the case was on trial. One 82-year-old woman was raped. Last year, eight women were the victims, including four of rape victims.

Types of Events	By Non-State	
	Female	Total
Rape	5	5
Rape Attempt	7	7
Total	12	12

Killing after Rape

A relative of Gita Tajpuriya, 23, of Gaurijung VDC-2 lodged a complaint in the Area Police Office on June 30 against Binod Kumar Tajpuriya, 47, Bhadra Mohan Tajpuriya, 36, and Purna Lal Tajpuriya, 47, on charge of killing her after rape

on June 28. The accused were arrested by police on July 4 from the village. The District Court ordered to remand them in custody on July 23. The post-mortem of the body was conducted at the BP Koirala Institute of Health Sciences on June 29.

Killing by Family Member

Police arrested Bhisma KC, 37, of Damak Municipality -10 on charge of killing his wife Rani KC, 37, using sharp weapons in stomach and chest while they were in relatives home on April 10. The District Court ordered to remand him in custody on May 11 and sentenced him to 15-years in jail on June 8.

HEALTH SERVICE STATUS

There are 19 district hospitals, 38 health posts and 12 sub-health posts in the district. Of the 203 positions for doctors in the hospital, 115 were working until the end of this year. The district has 29 positions for gynecologist specialists, of which 22 were at work. The district has 219 positions for Assistant Health Workers, out of which 217 were working. The district has 211 positions of Auxiliary Nurse Midwife (ANM), out of which 198 were working. The annual health budget of the district was Rs. 24,15,32,000 for public health and Rs. 72,65,000 for medical expenses.

1.2 Ilam



Total Population

290254



Women

149128



No. of Households

64502



**No. of Households Drinking
Water from River/Stream**

858



No. of Households without Toilet

6129



No. of Migrant Workers

21486



**Largest Population by
Caste/Ethnicity**

68965 (Rai)



Population by Disability

7636



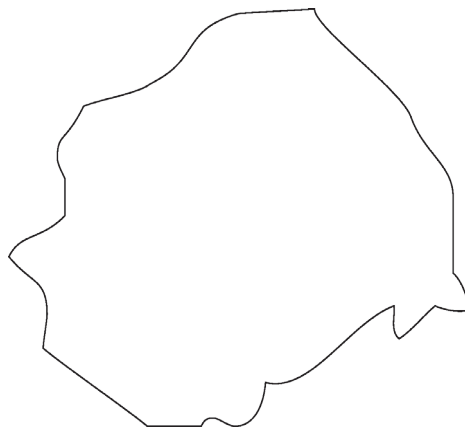
Literacy above 5 yrs (%)

97.00



No. of Community Schools

438



According to INSEC documentation, there was a slight improvement in the human rights situation of Ilam district in 2015 as compared to 2014. In 2014, a total of 91 people, including one male and 90 female were the victims of human rights violation whereas in 2015, 78 people, including two male and 76 female were the victims of human rights violation. All victims were women and children who were victimized by the non-state actors. No incidents by state actors were documented since last two years. This year, 18 girls were the victims of rape and 40 women were the victims of domestic violence.

Last year, two women were killed by non-state actors, whereas, this year, two male were killed. Last year, 77 women were the victims of women rights violation of whom seven were the victims of rape, two of trafficking, nine of polygamy and 59 of domestic violence.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 125 inmates at a time. A total of 306 inmates, including 267 convicts and 39 detainees were held there at the end of the year. There were 29 female inmates and five dependents in the prison.

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	18		18
Killing		2	2
Women Rights	58		58
Total	76	2	78

RIGHT TO PROMPT AND FAIR TRIAL

There is one Appellate Court and one District Court. The District Court has one position for judge. There were 115 civil and 124 criminal cases pending in the District Court. One civil case and no criminal case older than two years remained pending.

The Appellate Court has five positions for judges, of whom three are at work. There were 189 civil and 419 criminal cases pending in the District Court.

CHILD RIGHTS

Education Status

There are 275 primary schools, 64 lower secondary schools, 53 secondary schools and 36 higher secondary schools in the district. Out of the total positions for 2,368 teachers, 1,699 were working at the end of the year. A total of 2,244 boys and 24,830 girls of school going age were enrolled in schools. The District Education Office, provided scholarships to 1,297 dalit boys and 1,216 dalit girls. 153 schools are child friendly. There are no disabled-friendly schools.

This year 18 children of age between 4-17 years were raped. One minor accused was handed over to the parents. One accused remained absconding.

Last year, 9 girls were the rape victims, one girl was sexually abused and one girl was the victim of trafficking.

Killing

The victim's family lodged an FIR against him at the Police Office on April 18 against Desh Kumar Rai, of Chamaita VDC-6 on charge of being involved in the murder of 10-year-old Bishal Rai of Chamaita VDC-6. The victim, who was missing from his home on April 16, was found dead on April 17 in the jungle, 500 meters away from his home. The accused was arrested by police on April 20. The District Court ordered to remand him in custody on May 19. The case was not decided until the end of the year.

Types of Events	By Non-State	
	Female	Total
Rape	18	18
Total	18	18

Rape, Attempt to Rape and Sexual Abuses

The family of nine-year-old girl filed a complaint in the District Police Office on August 29 against Yuva Raj Limbu, 19, of Ektappa VDC-9 on charge of raping her on August 28. The victim underwent health check-up at the District Hospital on August 20. The accused remained absconding until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 40 women lodged complaints at the Women and Children Service Centre (WCSC) against domestic violence of which 14 cases of assault and expulsion from the house, seven of deprivation of food, and 19 of minor disputes. Among these, 31 cases were settled in agreement and nine cases were forwarded for legal proceedings.

This year, eight incidents of rape, 40 of domestic violence and nine of polygamy were documented. A 57-year-old woman and two mentally disabled women were raped whereas one woman was gang raped. Last year, 77 women were the victims of women rights violation, of which, seven were raped, two were the victims of trafficking, 59 of domestic vio-

Types of Events	By Non-State	
	Female	Total
Domestic Violence	40	40
Polygamy	9	9
Rape	8	8
Rape Attempt	1	1
Total	58	58

lence, nine of polygamy. The victim's side lodged a complaint against Sajan Tamang alias Sukbir, 38, of Namsaling VDC-2 in the Area Police Office, Pashupatinagar on January 30 on charge of raping a 57-year-old woman on January 29. Police arrested the accused on the same day after complaint was lodged. The District Court sentenced him five-year jail term and a fine of Rs. 20,000 as compensation on May 3.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure/Property

The cadres of Limbuwan Party vandalized a van with the number plate Me 1 Ja 741 carrying a sick boy on September 21 on charge of defying bandh at Biblyante VDC-3. The windows of a van were broken after cadres thrown stones at van, said DSP of District Police Office, Prakash Ranabhat. They drag sick boy and his relatives out of the van and

hurled stones. The Limbhuwan party had called bandh protesting against the new constitution. The accused remained absconding until the end of the year.

HEALTH SERVICE STATUS

There is one hospital and 44 health posts in the district and four primary health centers in the district. There were 18 positions for the doctors in the hospital, of which four were filled. There are 12 positions for staff nurses, of which seven were occupied. There is one position for the gynecology specialist, however two were at work. The district has 100 positions for Assistant Health Workers, out of which, 80 were occupied. The district has 104 positions for Auxiliary Nurse Midwife (ANM), of which 63 were occupied. According to District Health Office, annual health budget of the district was Rs 1,11,90,000 for public health and Rs 52,00,000 for medical expenses.

1.3 Panchthar



Total Population

191817



Women

101631



No. of Households

41196



**No. of Households Drinking
Water from River/Stream**

847



No. of Households without Toilet

4888



No. of Migrant Workers

17842



**Largest Population by
Caste/Ethnicity**

80339 (Limbu)



Population by Disability

5049



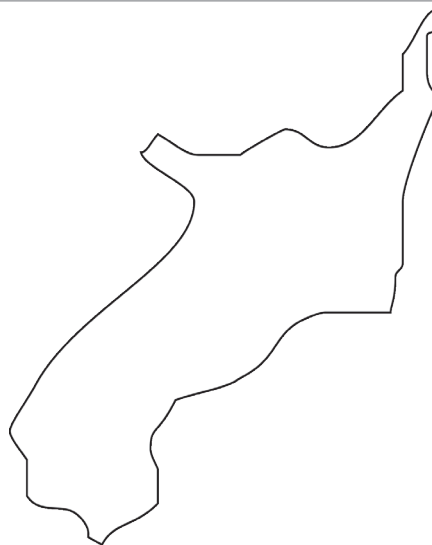
Literacy above 5 yrs (%)

72.00



No. of Community Schools

389



INSEC documentation showed a slight improvement in the situation of human rights of Panchthar district this year. In 2014, a total of 44 people, including 38 female were the victims of human rights violation whereas this year, 33 people, including 26 female were the victims of human rights violation. Mostly, women and children were victimized by the non-state actors this year. Five people were beaten by the state actor. A total of nine children were the victims of child rights violation which included victims of rape, sexual abuses and corporal punishment. A total of 14 women were the victims of women rights violation, including the victims of rape, attempted rape and domestic violence.

Last year, three women were killed by non-state actors whereas, this year, two women were killed by the family members (husband). Last year, 26 women were victimized by the non-state actors.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates at a time. A total of 143 inmates, including 129 con-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction			1		1
Beatings	5	5			
Child Rights			8	1	9
Inhuman Behaviour			1	1	2
Killing			2		2
Women Rights			14		14
Total	5	5	26	2	28

victs and 14 detainees were held there at the end of the year. Among them, 20 were female. There were five dependents in the prison.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were 111 civil and 137 criminal cases pending. There were five civil and one criminal case older than two years pending.

CHILD RIGHTS

Education Status

There are 238 primary schools, 73 lower secondary schools, 46 secondary schools and 34 higher secondary schools in the district. All of the total positions of 1,902 for teachers, were occupied at the end of the year. District Education Office, said that 25,294 boys and 27,040 girls of school going age were enrolled in the school this year. According to the office 1,314 dalit boys and 1,392 dalit girls received scholarships. There are no disabled-friendly schools in the district.

This year, INSEC documented eight incidents of rape and sexual abuse of the victims of age group of 5 to 16. One child was the victim of corporal punishment. One of the rape accused was a 15-year-old boy. One minor rape accused was handed over to the parents.

Last year, eight children were the victims of child rights violation, of which five were the rape victims, two were sexually abused and one infant was killed after birth.

Types of Events	By Non-State		
	Female	Male	Total
Corporal Punishment		1	1
Rape	6		6
Sexual Abuse	2		2
Total	8	1	9

Rape, Attempt to Rape and Sexual Abuses

A relative of a victim lodged a complaint in the District Police Office on February 10 against Subash Sunar, 18, of Amarpur VDC-4 on charge of raping a seven-year-old girl on February 9. The victim underwent health check-up and received treatment at the District Hospital on February 10. The case was not forwarded for the legal procedure as the accused remained absconding until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 52 women lodged complaints at Women and Children Service Center (WCSC) against domestic violence of which eight cases of assault and expulsion from the house, 12 of deprivation of food, seven of not making citizenship, two of death threat and 23 of minor dispute. Among these, 42 cases were settled in agreement.

In 2015, three women were rape victims, one was the victim of attempted rape, five of domestic violence and five of polygamy. One of the rape victims was a 60-year-old woman. The court sentenced domestic violence perpetrator to two years in jail. One accused of attempted rape was acquitted for lack of evidence.

Last year, a total of 26 women were the victims of women rights violation, including three of rape, six of attempted rape and sexual abuse, two of trafficking and 15 of domestic violence and polygamy.

Killing by Family Member

The victim's side filed a complaint against Amrit Gajmera, 28, of Ranigau VDC-4 in the District Police Office on January 8 on charge of killing his wife Bindhu Gajmera, 24 on January 6. The accused who remained absconding was arrested by police arrested on January 21.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	5	5
Polygamy	5	5
Rape	3	3
Rape Attempt	1	1
Total	14	14

The District Court sentenced him to life imprisonment on June 5.

Rape, Attempt to Rape and Sexual Abuses

The victim's side filed a complaint against Suresh Limbu, 22, of Ilam Municipality- 3 in the District Police Office on September 28 on charge of raping a 19-year-old woman on September 26. The accused was arrested by police the next day after the complaint was lodged. The

victim underwent health check-up and received treatment at the District Hospital on September 28. On December 6, the District Court sentenced the perpetrator to five years in jail and Rs.20, 000 fine as compensation to be provided to the victim.

HEALTH SERVICE STATUS

There is one district hospital and 40 health posts in the district. There were five positions of the doctors in the hospital, however six doctors were working. There was no position for gynecology specialist, due to which female patients are facing problems. The district has 86 positions for Assistant Health Workers, of which 68 were at work. The district has 88 positions for Auxiliary Nurse Midwife (ANM), of which 73 were occupied. The annual health budget of the district was Rs. 6,60,00,000 for public health and Rs. 37,00,000 for medical expenses.

1.4 Taplejung



Total Population

127461



Women

66909



No. of Households

26509



No. of Households Drinking Water from River/Stream

183



No. of Households without Toilet

6921



No. of Migrant Workers

9793



Largest Population by Caste/Ethnicity

52784 (Limbu)



Population by Disability

3730



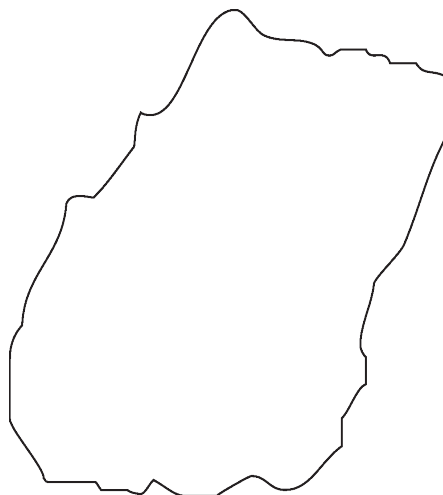
Literacy above 5 yrs (%)

71.3



No. of Community Schools

336



The human rights situation of Taplejung district increased this year as compared to last year. In 2014, 24 people including, 22 female and two male were the victims of human rights violation whereas in 2015, a total of 27 people, including 26 female and one male were the victims of human rights violation. There was no incident by state-actor documented in the last two years. Children and women were victimized by the non-state actors. A total of nine children were the victims of rape, sexual abuse and trafficking and a total of 17 women were the victims of sexual violence, trafficking and domestic violence.

Last year, four women were killed by the non-state actors whereas this year, one man was killed. Last year, 13 women were victimized by the non-state actors. Among them, four were the victims of sexual abuses, four of domestic violence and five of polygamy.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates at a time. A total of 107 inmates, including 77 convicts and 30 detainees were held there at

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	9		9
Killing		1	1
Women Rights	17		17
Total	26	1	27

the end of the year. Inmates are living in fear as prison building was damaged due to earthquake. The prison might collapse anytime and needs to be maintained. The overcrowding of inmates are creating problem of proper living, security and clean drinking water.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were 84 civil and 61 criminal cases pending. There was one civil and no criminal case older than two years pending.

CHILD RIGHTS

Education Status

There are 222 primary schools, 71 lower secondary schools, 32 secondary schools and 29 higher secondary schools in the district. Of the total positions of 1,138 for teachers, 962 were occupied at the end of the year. District Education Office, said that 15,938 boys and 17,485 girls of school going age were enrolled in the school this year. According to the office 1,325 dalit boys and 1,365 dalit girls received scholarships. There were no disabled- friendly school. 354 schools have facility of toilets.

This year six girls of the age group 6 to 15 were raped. This year one girl was victim of trafficking. Rape accused included a father of 37-year-old. The court sentenced perpetrator, father to 20 years in jail. Three accused remained absconding, two remained in custody and three were released.

Last year, four children were the victims of child rights violation of whom

one girl child was killed and three were sexually abused.

Rape, Attempt to Rape and Sexual Abuses

The victim's side lodged a complaint in the District Police Office on August 2 against a 37-year-old father on charge of raping his daughter on August 1. Police arrested accused on the same day after a complaint was lodged. The victim underwent health check-up at the District Hospital on August 2. The District Court ordered to remand him in custody on August 3. The District Court ordered him a 20-years jail term, 10 years for rape and additional 10 years for incest rape on November 2. Similarly, Court ordered the State to take care of the victim.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 17 women lodged complaints at Women and Children Service Center (WCSC) against domestic violence of which 11 cases of assault and expulsion from the house, four of deprivation of food, one of polygamy, one of not making citizenship and one of minor dispute. Among these, 14 cases were settled in agreement and remaining cases were forwarded for legal proceedings, according to WCSC.

In 2015, six women were rape victims and three were the victims of attempted rape, two of domestic violence and five of polygamy and one of trafficking. The women of the age group 19 to 75 were raped.

Last year, 13 women were the victims of women rights violation of which, four were the victims of attempted rape four of domestic violence and five of polygamy.

Rape, Attempt to Rape and Sexual Abuses

A 65-year-old woman filed a complaint against Pannaram Nalbo Limbu, 60, of Santhakra VDC-9 in the District

Types of Events	By Non-State	
	Female	Total
Child Trafficking	1	1
Rape	6	6
Sexual Abuse	2	2
Total	9	9

Types of Events	By Non-State	
	Female	Total
Domestic Violence	2	2
Polygamy	5	5
Rape	6	6
Rape Attempt	3	3
Women Trafficking	1	1
Total	17	17

Police Office on March 31 on charge of raping her at her home on March 28. Police arrested accused on April 1. The victim underwent health check-up at the District Hospital on March 28. The District Court ordered to remand him in custody on April 20. The case was not decided until the end of the year.

Human Trafficking

A 21-year-old woman lodged a complaint against Dawa Tshering Sher-

pa, 45, of Nidhuradin VDC-6, Nignma Digi Sherpa, 43, of Thukima VDC-9 and Dawa Sherpa, 38, of Lingtep VDC-1 in the District Police Office on October 10 on charge of human trafficking. Accused were arrested by police on the same day. The District Court ordered to remand them in custody on November 6.

HEALTH SERVICE STATUS

There are one district hospital and 51 health posts in the district. There were four positions for doctors in the hospital, however eight doctors were working. There was no position for gynecology specialist. There were six positions for Staff Nurse, four were at work. There were 56 positions for Health Assistant, eight were at work. The district has 111 positions for Assistant Health Workers, of which 55 were at work. The annual health budget of the district was Rs 4,00,00,000 for public health and Rs 34,00,000 for medical expenses.

1.5 Morang



Total Population

965370



Women

498658



No. of Households

213997



No. of Households Drinking Water from River/Stream

536



No. of Households without Toilet

77478



No. of Migrant Workers

70462



Largest Population by Caste/Ethnicity

126195 (Brahmin Hill)



Population by Disability

17053



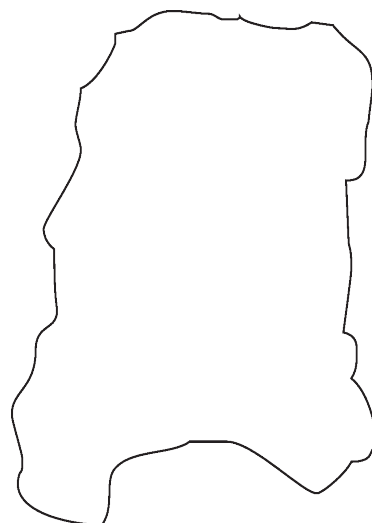
Literacy above 5 yrs (%)

86.00



No. of Community Schools

546



INSEC documentation showed deteriorated human rights situation of Morang district in 2015 compared to last year. In 2014, 263 people were the victims of human rights violation, including 213 female and 50 male whereas, in 2015, 299 people were the victim of human rights violation, including 183 female and 116 male. 104 people, including 12 female were victimized by state actor this year. Among them, one was tortured after arrest, 15 were beaten, four were injured in clash and 81 were suppressed from the rights to expression, assembly and association and three were given threat. Morcha cadres were beaten and arrested by police during the clash between cadres of Samyukta Madheshi Morcha and police during the demonstration regarding demarcation of the state in Rani custom point.

Last year, six women were killed by the non-state actors, whereas this year one woman and three men was killed by non-state. 29 children were the victims of child rights violation, including 21 of rape, six of sexual violence and two of trafficking. Similarly, among 140 inci-

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		1	1			
Beatings	2	13	15	2	11	13
Child Rights				28	1	29
Injured	1	3	4		7	7
Killing				1	3	4
Right to Assembly	9	72	81			
Threats		3	3		2	2
Women Rights				140		140
Total	12	92	104	171	24	195

dents of women rights violation, three were the victims of rape, six of attempted rape, five of polygamy and 126 of domestic violence. Last year, 157 women and 68 children were the victims of human rights violation.

A total of 15 people including five journalists were injured when police beat them with baton and boots. 10 people including four journalists were mistreated by Morcha cadres. During the bandh, Morcha cadres tried to burn a man alive whereas ambulance carrying patients and vehicles of NHRC were vandalized defying bandh. Similarly, schools, ambulance, public vehicles, press and other vehicles were vandalized. Sutali bomb was exploded at colleges, industries and petrol pumps. This year, four people killed in firing from unidentified group. Women and children were victimized by non-state actors. A total of 195 people including 171 female were the victims of human rights violation by non-state actors.

Several government offices were vandalized and torched by cadres of Samyukta Madhesi Morcha at different places of Morang including Biratnagar and Rangoli during demonstration. They also vandalized and torched police post of border area and police beat at markets. Morcha cadres removed the signboards of some government offices and replaced it with Madhesh Government board at Biratnagar and Rangoli.

JAIL AND DETAINEES

The 'B' grade District Prison has a capacity to hold 250 inmates at a time. A total of 706 inmates, including 444 convicts and 262 detainees were held there at the end of the year. There were two minor girls and two minor boys in the prison. This year one inmate died in the prison. The overcrowding of inmates has created difficulties in management.

THREAT/BEATING

By Non-State

Cadres of Madhesi Morcha attempted to attack UML lawmaker Rishikesh Pokharel at Paiyamari of Jhurkiya VDC-7 on November 15. Pokharel came under attack while returning from a function held to exchange greetings at Morang area number-1. Stones were hurled at him when police tried to remove the Morcha protesters. UML Secretariat member Ramlal Sah who was with Pokharel inside the vehicle sustained minor injuries in the attack when hit by the stone. Village Committee Ghana Shyam Rajbanshi, informed UML. The accused remained absconding until the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

The District has one District and one Appellate Court. The District Court has nine positions for judges, of whom six were at work. There were 1,502 civil and 984 criminal cases pending. There were two civil and one criminal case older than two years pending.

The Appellate Court has nine positions for judges, of which six were at work. There were 645 civil and 779 criminal cases pending. There were three civil and no criminal cases older than two years pending.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

Police and protesters clashed at Jan Andolan Chowk in Biratnagar Sub-Metropolis-14 on September 20 when the cadres of agitating parties tried to disrupt the cadres of political parties celebrating promulgation of the Constitution 2072. The cadres of five parties, including NC, UML and UCPN-M had planned to light candles at the Chowk. The cadres of United Madhesi Morcha tried to disrupt the program capturing the area to hoist black flags. Police charged baton to disperse

the crowd injuring 14 people, including Prahlad Sah of Makalu Radio and demonstrators Abul Kamat, 55, Prem Das, 47, Biri Sah, 37, Sachin Sharma, 15, of Birtanagar Sub-Metropolis-7. They were treated at Koshi Zonal Hospital and Golden Hospital after they sustained head, limbs and back injuries. Police constables Santosh Jha, 35, and Devananda Jha, 34, were injured when protestors threw stones at them. They sustained injuries in head, legs, hand and back. They received treatment at the Koshi Zonal Hospital and Golden Hospital. Police fired 12 rounds in the air and 15 shells of teargas to take the situation under control, said DSP of District Police Office Pramod Kharel. Five motorcycles were torched on September 20. One motorcycle was torched at Tetariya, Jhorahat VDC-9, three at Bargachhi Chok in Biratnagar Sub-Metropolis-5 and one at Pokhariya Biratnagar Sub-Metropolis-4. Parties supporting constitution set motorcycle on fire in Bargachi chowk whereas parties against the constitution set motorcycle on fire in other places, informed police.

The clash erupted between police and demonstrators while staging a sit-in organized by the cadres of Samyukta Madheshi Morcha at the Biratnagar Customs point in Rani, Biratnagar Sub-Metropolis-22 on December 26. Chairperson of Sadhbhawana Party, Rajendra Mahato, 60, of Babarjung, Sarlahi, Party's central member Dilip Dhadewal, 55, of Birtanagar Sub-Metropolis -9, Yubraj Sah, 26, of Biratnagar- 17, Jageshwor Sahani, 30, of Biratnagar-15, party's spokesperson of Sunsari district, Santosh Mahato, 31, of Inwarwa Municipality-6 were injured when police rained baton after protestors hurled stones at them. They sustained injury in head, legs, hands and back. Injured were taken to Golden Hospital, Biratnagar for the treatment whereas Rajendra Mahato was taken to BP Koirala Institute of Health Sciences for further

treatment. In the clash, Mohamad Abdul Husain, 51, of Biratnagar Sub-Metropolis - 13, Mohan Chaudhary, 39, of Biratnagar-22, along with other six people were injured. They received treatment at the Golden Hospital. Madheshi Morcha cadres hurled stones at the policemen from the no-man's-land in the Indian side. Police fired two rounds of tear gas canisters to take the situation under control. Surendra Rai, 28, of Satyashwor VDC-9, Surendra Rai, 28, of Sunsari, Mohan Limbu, 25, of Itahari Sub-Metropolis -24, Sunil Rai, 24, of Dharan Sub-Metropolis -8, Santosh Magar, 22, and Rajesh Rai, 25, of Itahari Sub-Metropolis-25 were arrested by police on charge of hurling stones. A case was registered on charge of public offense and investigation was ongoing, informed District Police Office.

CHILD RIGHTS

Education Status

There are 275 primary schools, 106 lower secondary schools, 96 secondary schools and 60 higher secondary schools in the district. Out of total positions for 4,028 for teachers, 3,205 were occupied at the end of the year. This year, 58,582 boys and 68,529 girls of school going age were enrolled in the school. DEO distributed scholarships to 25,832 dalit children. 537 have facility of toilets and 300 schools are disabled-friendly. The annual budget of DEO was Rs. 190,77,15,162 of which Rs. 19,16,200 was an administrative expenses.

This year INSEC documented 21 incidents of rape of girls and six of sexual abuse of the age group of 6 to 15. Two children were the victims of trafficking. The accused were 13-year-old minor, teacher and 82-year-old man. Two minors accused of rape were handed over to their parents. Three accused remained absconding at the end of the year.

Last year, 68 children, including 49 girls were the victims of child rights violation. Among them, 27 were the rape

Types of Events	By Non-State		
	Female	Male	Total
Child Trafficking	2		2
Rape	21		21
Sexual Abuse	5	1	6
Total	28	1	29

victims, 13 of sexual abuses, 24 of trafficking and one newborn was killed.

Rape, Attempt to Rape and Sexual Abuses

A family of a victim lodged a complaint against Mangal Sardar, 65, of Saurabhag VDC-9 at the Area Police Office, Rangeli on charge of raping a four-year-old girl while the girl was alone in her home on May 7. Police arrested the accused on the same day. The victim underwent health check-up at the Koshi Regional Hospital, Biratnagar on May 8. The District Court ordered to remand him in custody on July 3.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year, 147 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence of which 35 cases of assault and expulsion from the house, 28 of deprivation of food, eight of polygamy, 14 of not making marriage or citizenship certificate and 62 of minor disputes. Among these incidents, 31 cases were settled, eight cases were forwarded for legal proceedings.

In 2015, three women were raped, six were the victim of attempted rape and 126 of domestic violence. This year, a 52-year-old woman was raped.

Last year, 157 women were the victims of women rights violation of whom six women were the victims of rape, two were charged on practicing witchcraft, six

Types of Events	By Non-State	
	Female	Total
Domestic Violence	126	126
Polygamy	5	5
Rape	3	3
Rape Attempt	6	6
Total	140	140

of attempted rape, seven of human trafficking and 128 of domestic violence.

Rape, Attempt to Rape and Sexual Abuses

A 28-year-old woman lodged a complaint in the District Police Office on February 26 against Umesh Majhi, 28, of Baijanapur VDC-9 on charge of trying to rape her on February 25. The accused was arrested by police on the same day the complaint was lodged. The victim underwent health check-up at Koshi Regional Hospital on March 1. The District Court ordered to remand him in custody on March 19.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Cadres of Samyukta Loktantarik Madhesi Morcha vandalized car belonging to Makalu Television at Bhumi Prasasan chok on August 31. The car was returning to office at Biratnagar sub-metropolis-15 after collecting news. Dipak Subedi, Director of Makalu TV said that bandh organizers vandalized car with registration number Ba10Cha 3937. Similarly, protestors vandalized a motorcycle with registration number Ko13Pa 973 at Biratnagar sub-metropolis-8. Accused remained absconding until the end of the year.

HEALTH SERVICE STATUS

There are two district hospitals and 60 health posts and seven sub-health posts in the district. Out of the seven positions for the doctors in the hospital, four were occupied. There were no positions for gynecologist. The district has 175 positions for Assistant Health Workers, of which, 140 were at work. The district has 107 positions for Auxiliary Nurse Midwife (ANM), of which 93 were at work. Annual health budget of the district was Rs 13,30,00,000 for public health and Rs 60,00,000 for medical expenses. The district has 43 position for Health Assistant, 23 were at work.

1.6 Sunsari



Total Population

763487



Women

392258



No. of Households

162407



**No. of Households Drinking
Water from River/Stream**

296



No. of Households without Toilet

58530



No. of Migrant Workers

50281



**Largest Population by
Caste/Ethnicity**

91500 (Tharu)



Population by Disability

10409



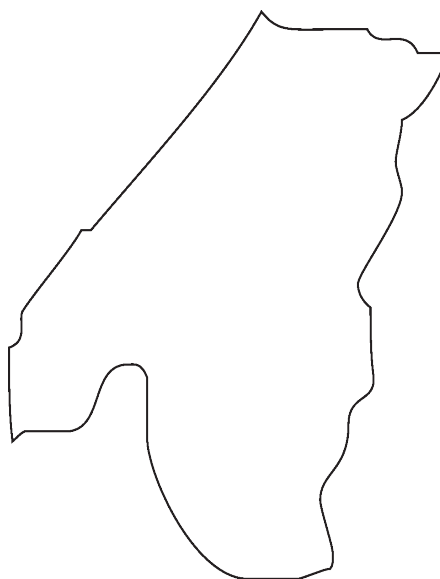
Literacy above 5 yrs (%)

64.46



No. of Community Schools

486



According to INSEC documentation, there was a decrease in the incidents of human rights violations, abuses and women rights violations in Sunsari in 2015 as compared to 2014. In 2014, 93 people, including 65 female were victims of human rights violations and abuses. In 2014, 15 people were victimized by the state. In 2015, 22 people, including two women were victimized by the state actor. 11 people, including one woman were victims of right to assembly and association. Last year, 19 children were victims of rape and sexual abuse whereas this year, there were 19 victims. Four children were subjected to corporal punishment. Last year, 36 women were victims of women rights violations whereas this year, 19 women were victimized.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE INJURED IN EXPLOSION/FIRING

Ashok Yadav, 28, Naresh Yadav, 18, Manoj Yadav, 32, and Saroj Yadav, 28, of Haripur VDC-7 sustained bullet injuries when Indian Seema Suraksha Bal

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings	1	10	11		3	3
Child Rights				19	4	23
Injured					4	4
Killing				2		2
Racial Discrimination				1	1	2
Right to Assembly	1	10	11			
Women Rights				19		19
Total	2	20	22	41	12	53

SSB's men opened indiscriminate firing on November 25. Ashok sustained bullet in the chest, Naresh in the waist and Saroj and Manoj sustained shrapnel wounds in the thigh. The injured received treatment in BP Koirala Institute of Health Sciences. The SSB men shot them after entering the village 200 meters inside the no-man's-land. The victims filed a complaint against the accused at the District Police Office, Sunsari on December 8. DSP Chiranjivi Koirala of Sunsari said that the complaint was forwarded to the department. According to him, action would be taken from the government level as the victims were shot by SSB men.

JAIL AND DETAINEES

The District Prison in Jhumka has no grade and has the capacity to hold 1,006 inmates at a time. A total of 1,479 inmates, including 1,146 convicts and 333 detainees were held there at the end of the year. There was one minor dependent in the jail. The prison was constructed in 2009. The inmates in the prison have good access to facilities.

THREAT/BEATING

By State

Santosh Mehta, 30, of Inaruwa Municipality-6, SN Mehta, 43, of Inaruwa Municipality-9, Manoj Yadav, 33, of Narsingh VDC-4, Narayan Mehta, 42, of Inaruwa Municipality-8, Bhaglu Mehta, 60, of Bhokraha VDC-8, Dev Narayan Mehta, 48, of Satterjhoda VDC-8 and Upendra Yadav, 55, of Inaruwa Municipality-6 sustained injuries in a baton charge of police on September 10.

By Non-State

The cadres of Samyukta Madhesi Morcha vandalized the ambulance with registration number Ko 1 Cha 4615 and assaulted the ambulance driver Anand BK, 32, of Biratnagar Metropolis-11 in Duhabi Bhaluwa Municipality-6 in the afternoon of November 21. The victim

sustained deep injuries in the right eye and received treatment in City Hospital, Biratnagar. The police arrested the suspects Central Member Madhesi Yuwa Forum Ranjit Goswami, 30, and Forum cadre Munna Sah, 28, of Duhabi Bhaluwa Municipality-6 and charged them under public offense act on November 21. The District Court ordered to arrest both the accused. They were released on a bail amount of Rs. 7,000 each on December 6.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for nine judges. There were 1,386 civil and 1,441 criminal cases pending until the end of the year. There were 32 criminal and 52 civil cases older than two years pending.

CHILD RIGHTS

Education Status

There are 213 primary schools, 71 lower secondary schools and 55 secondary schools in the district. There are 42 higher secondary school going children 71,765 boys and 76,824 girls were enrolled in school this year. Out of total positions for 2,652 teachers, all were occupied as informed by the District Education Office. The annual budget of DEO was Rs. 1,47,43,68,039 of which Rs. 1,35,20,508 was administrative cost.

There has been a slight decrease in the incidents of child rights violations this year. In 2014, INSEC documentation showed that 25 children were victims of child rights violations. In 2015, 23 children including four boys were victimized. Of these, 17 girls were raped and two were sexually abused. One victim of rape was four-year-old and others were up to 17 years of age. There were three victims of six years age. A 13-year-old girl with intellectual disability was raped. Two girls were gang raped. One girl was gang raped by seven men and the other by four men. One girl was raped by her father.

Types of Events	By Non-State		
	Female	Male	Total
Corporal Punishment		4	4
Rape	17		17
Sexual Abuse	2		2
Total	19	4	23

Rape, Attempt to Rape and Sexual Abuses

The police arrested Durga Bahadur Niraula, 46, of Itahari Sub metropolis-19 on March 19 on charge of raping a 13-year-old girl with intellectual disability on March 18. The parents of the victim filed a complaint at the Area Police Office, Pakali on March 19 saying that the accused who was also their relative raped the girl many times by luring her with money. The family of the victim said that the accused took the girl on the way to her school and raped her. The victim underwent medical checkup at the District Hospital, Inaruwa on March 19. The District Court issued an order to remand the accused in Regional Prison in Jhumka from April 13. The Court sentenced 13 years imprisonment to the accused and asked him to pay Rs. 50,000 as compensation to the victim.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 86 women lodged complaints of domestic violence at the Women and Children Service Centre under the District Police Office. Among these, 70 cases were settled in agreement and four cases were processed for legal actions.

In 2015, there was a slight increase in the incidents related to women rights violations. Last year, 36 women were victims of women rights violation whereas this year 19 women were victimized of which 10 women were victims of domestic violence. Likewise, three women were raped and two were victims of at-

tempt to rape. One woman was victim of trafficking and one of sexual abuse and two women were victims of polygamy.

Killing by Family Member

The police arrested Suraj Karki, 28, on February 17 on charge of allegedly killing his wife Sushma Karki, 26, of Itahari Municipality-22 the same day by using a sharp weapon. The District Court issued an order to remand the accused in regional prison in Jhumka.

Rape, Attempt to Rape and Sexual Abuses

A 26-year-old woman filed a complaint at the District Court on August 17 against her husband on charge of raping and sodomizing her against her will. The District Court asked the accused to post a bail of Rs. 45,000 on August 22. The accused was released on general date after paying a bail amount on August 23. The case remained undecided until the end of the year.

Human Trafficking

The police arrested Indradev Sardar, 45, and his wife Taradevi Sardar, 35, of Inaruwa Municipality-5 on April 9 on charge of flesh trade of an 18-year-old girl. The victim, a resident of Bhojpur filed a complaint at the District Police Office on April 9 saying that Indradev and Taradevi detained her and forcefully in-

Types of Events	By Non-State	
	Female	Total
Domestic Violence	10	10
Polygamy	2	2
Rape	3	3
Rape Attempt	2	2
Sexual Abuse	1	1
Women Trafficking	1	1
Total	19	19

volved her in sexual activities. The police filed a chargesheet against the accused for human trafficking and transportation and flesh trade at the District Court on May 3. The District Court issued an order to remand Taradevi in custody on May 5 and asked Indradev to deposit a bail amount of Rs. 40,000. Indradev was released on bail the same day he deposited the amount. The court exonerated both the accused on June 30.

ALL KINDS OF RACIAL DISCRIMINATION

Karna Bahadur Bishwakarma, 38, and his wife Shanti Gajmer Bishwakarma, 35, of Itahari Sub metropolis-8 filed a complaint at the Area Police Office, Itahari against Shyamkaji Bhandari of the same place on November 3 on charge of discriminating them on the basis of caste. It is mentioned in the complaint that there had been an agreement

that Karna Bahadur and his wife Shanti would rent two rooms for Rs. 4,000 per month in Bhandari's house but when the victims moved in with their family on November 3, Bhandari disagreed to let them stay saying they were Dalits and belonged to a low caste. The District Court issued an order to release the accused after posting a bail of Rs. 24,000 on November 19.

HEALTH SERVICE STATUS

There is one district hospital, 47 health posts and five primary health centres in Sunsari district. Out of 10 positions for doctors in the hospital, only two were occupied and eight were vacant. Out of 55 positions for health assistants, 45 were occupied and 10 were vacant. There is not even one gynecologist in the district. The annual health budget of the district was Rs. 17,77,82,000 of which Rs. 8,64,72,000 was administrative cost and Rs. 38,20,000 for medical expenses.

1.7 Dhankuta



Total Population

163412



Women

46897



No. of Households

37637



No. of Households Drinking Water from River/Stream

367



No. of Households without Toilet

8568



No. of Migrant Workers

14415



Largest Population by Caste/Ethnicity

33253 (Chhetri)



Population by Disability

4881



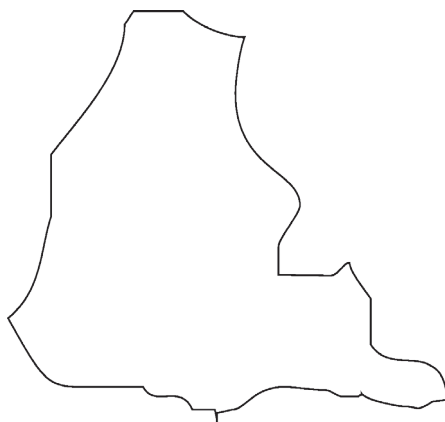
Literacy above 5 yrs (%)

95.00



No. of Community Schools

315



According to INSEC documentation, there was a rise in the incidents of human rights violations, abuses and women rights violations in Dhankuta in 2015. In 2014, 55 people were victims of human rights violations and abuses whereas the number increased to 66, including 55 female in 2015. In 2015, three people were victimized by the state actor in Dhankuta. Last year, there were six cases of child rights violations whereas two girls were victims this year. There has been a slight increase in incidents related to women rights violations. Last year, 46 women were victims of such incidents whereas this year, 50 women were victimized.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE INJURED IN EXPLOSION/FIRING By Non-State

Jag Bahadur Magar, 62, of Belhara, Dhankuta Municipality-14 sustained injuries when an explosive device suddenly went off at his place on October 10. According to DSP Bimal Basnet of the District Police Office, Magar was cleaning the house when he saw a round object which exploded and injured him when he tried to break it open. Magar lost both hands below the elbow in the explo-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1		6	6
Child Rights			2		2
Injured				1	1
Killing			3	1	4
Right to Assembly	2	2			
Women Rights			50		50
Total	3	3	55	8	63

sion and also sustained injuries in various parts of the body. He received treatment in BP Koirala Institute of Health Sciences. The incident was investigated by a team led by Sub Inspector Dinesh Adhikari. SP Bhimbhuti Raj Pandey said that the explosive device could have been abandoned by the then rebel group. The victim did not file a complaint.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates at a time. A total of 83 inmates, including, 47 convicts and 36 detainees were held there at the end of the year. There was one minor dependent in the jail. The inmates were staying in the old building of District Court. The prisons in dilapidated condition.

THREAT/BEATING

By Non-State

Sovit Shrestha, 29, of Dhankuta Municipality-7, Tulsi Barakoti, 39, a tenant of the same place and Saroj Shrestha, 31, of Dhankuta Municipality-6 sustained injuries in the attack by cadres of UCPN-M led 30-party alliance on January 20. The protestors attacked them saying they had defied the general strike called by 30-party alliance. According to victim Tulsi Barakoti, the protestors attacked when the dwellers of Dhankuta were about to organize a peaceful rally from Madanchok as a protest against the bandh and strikes. Sovit sustained head injuries in the attack. His small finger of the right hand was also broken. Likewise, Saroj also sustained head injuries whereas Tulsi's finger of the right hand was injured. Saroj and Tulsi underwent treatment at the District Hospital whereas Sovit received treatment at the Neuro Hospital, Biratnagar.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were 86 civil and 88

criminal cases pending until the end of the year. There was no criminal or civil case older than two years pending. One judge handles more than 100 cases on an average.

RIGHTS TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

District Secretary of Sanghiya Limbuwan Party, Purna Khajum, 30, and Central member of Sanghiya Student Union, Dhagendra Limbu, 25, were injured in police beating during collecting opinions on preliminary draft of the new constitution on July 23. They received treatment at B.P. Koirala Institute of Health Sciences. Central Secretariat member, Gental Lavati along with seven people who were arrested on charge of being involved in the incident was released on the same day. Party accused police for intrude during peaceful demonstration. While police said they intervene to control the situation after protestors broke down chairs and obstructed the program.

CHILD RIGHTS

Education Status

There are 221 primary schools, 46 lower secondary schools, 21 secondary schools and 42 higher secondary schools in the district. 38,792 children including 19,162 boys and 19,630 girls were enrolled in these schools. Out of total positions for 1,780 teachers, all were occupied as informed by the District Education Office. The DEO also informed that 310 schools in the district has toilet facilities. The annual budget of DEO was Rs. 68,66,55,000 of which Rs. 49,28,05,000 was an administrative expenses.

Types of Events	By Non-State	
	Female	Total
Rape	1	1
Sexual Abuse	1	1
Total	2	2

Beaten to Death

11-year-old fourth grader Sujata Pariyar of Arkhaulejitpur VDC-6 was severely injured in an attack by unidentified persons on January 26. The police arrested the suspect Dipak Ramtel, 14, of the same place from his house on February 6. Pariyar, who was hit by split firewood sustained deep head injury and died while undergoing treatment at the Neuro Hospital, Biratnagar. The District Court issued an order to remand the accused in Child Reform Centre in Biratnagar on March 15. The court sentenced five years imprisonment to the perpetrator on December 2.

Rape, Attempt to Rape and Sexual Abuses

The mother of a 14-year-old girl filed a complaint at the District Police Office, Khandbari against a 17-year-old boy of Rajarani VDC-7 on June 24 on charge of attempt to rape the girl on June 23. The police arrested the accused from his house the same day and filed a chargesheet against him for rape at the District Court. The accused was remanded in custody as per the order issued by the District Court on July 23. The court sentenced four years imprisonment to the perpetrator on December 7.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 53 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This included three cases of assault and expulsion from the home, eight cases of deprivation of food and clothes, two cases of noncooperation in marriage registration and acquiring citizenship certificate and 40 cases of minor dispute. Among these, 45 cases were settled in agreement and eight cases were processed for legal actions.

In 2015, there was a slight increase in the incidents related to women rights violations. Last year, 46 women were victims of women rights violation whereas this year, 50 women were victimized of which 38 women were victims of domestic violence. Likewise, three women were raped and two were victims of attempt to rape. Two women were gang raped and five women were victims of polygamy.

Killing by Family Member

Jivan Limbu, 45, the brother of Shanti Chemjong Rai, 32, of Chamjibung, Dhankuta Municipality-8 lodged a complaint at the District Police Office against her husband Rasta Bahadur Rai, 36, on September 18 on charge of allegedly killing her on the night of September 17. It is mentioned in the complaint that the accused strangled his 15 days postpartum wife and hit her with a split bamboo over a domestic dispute. According to DPO Inspector Dambar Bahadur Khadka, the victim had severe injury in her left eye and bruises in the neck and various parts of the body. The police filed a chargesheet against the accused for murder at the District Court on September 18. The postmortem of the body was conducted on the same day at the District Hospital. The police arrested the accused from his relative's brother-in-law Janga Bahadur Chemjong's house in Tangkhuwa VDC-1 on September 21 where he was

Types of Events	By Non-State	
	Female	Total
Domestic Violence	38	38
Polygamy	5	5
Rape	3	3
Rape Attempt	2	2
Sexual Abuse	2	2
Total	50	50

hiding. The District Court issued an order to remand the accused in Dhankuta Prison on October 5. The deceased has three daughters. The case remained undecided until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

A 27-year-old woman filed a complaint at the District Police Office against Chandra Bahadur Magar, 39, of Parewadin VDC-5 on March 27 on charge of attempting to rape her on March 26. The victim underwent medical checkup at the District Hospital the same day. As per the complaint filed by the victim, the police arrested the accused on March 28 from his house. The court sentenced two years and six months imprisonment to the perpetrator on December 6.

HEALTH SERVICE STATUS

There is one district hospital and 33 health posts in Dhankuta district. Out of five positions for doctors in the hospital, three were occupied and two were vacant. Out of six positions for staff nurse, four were occupied. The district has 59 positions for Assistant Health Workers, of which 50 were occupied. Likewise, the district has 59 positions for Auxiliary Nurse Midwife, of which 50 were occupied and nine were vacant. Out of 35 positions for health assistants, 22 were occupied and 13 were vacant. There is not even one gynecologist in the district. The annual health budget of the district was Rs. 9,22,92,000 of which Rs. 8,64,72,000 was administrative cost and Rs. 38,20,000 was for medical expenses.

1.8 Tehrathum



Total Population

101577



Women

54426



No. of Households

22094



**No. of Households Drinking
Water from River/Stream**

82



No. of Households without Toilet

5484



No. of Migrant Workers

7991



**Largest Population by
Caste/Ethnicity**

36375 (Limbu)



Population by Disability

2626



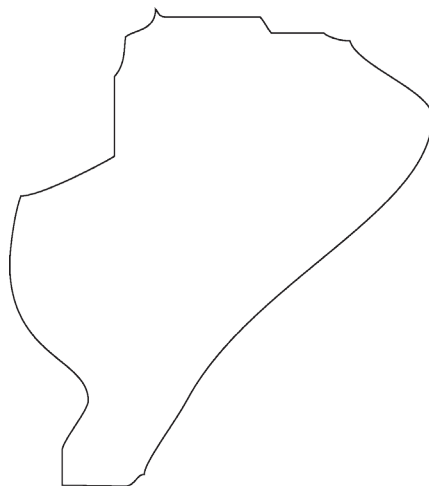
Literacy above 5 yrs (%)

68.3



No. of Community Schools

240



According to the INSEC documentation, there was a decrease in the incidents of human rights violations, abuses and women rights violations in Terhathum in 2015. In 2014, 39 people, including four male were victims of human rights violations whereas 28 people were victimized in 2015. This year, three men were victimized by the state party. Last year, there were five incidents of child rights violations whereas one child was victimized this year. There was a decrease in incidents related to women rights violations this year. Last year, 27 women were victims of women rights violations, whereas 22 women were victimized in 2015.

JAIL AND DETAINEES

The 'B' grade District Prison has the capacity to hold 35 inmates at a time. A total of 66 inmates, including 55 convicts and 11 detainees were held there at the end of the year. Among these, six were women and 59 were men. There was one minor dependent.

There is a leakage in the building as it is very old. The inmates are com-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings				1	1
Child Rights			1		1
Killing				1	1
Right to Assembly	3	3			
Women Rights			22		22
Total	3	3	23	2	25

pelled to sleep on the cold floor as the wooden planks where they used to sleep are worn out. It is very difficult to manage the inmates as their number is twice more than the prison's capacity.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were 44 civil and 51 criminal cases pending until the end of the year.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

Rastriya Janamorchha Nepal District President Bhim Bahadur Bishwakarma filed a complaint at the District Police Office on July 24 against Hom Bahadur Khapung on charge of assaulting him on July 23. According to the victim, the team led by UML District Committee Member Hom Bahadur Khapung and Sanghiya Limbuwan Party Central Member Prem Bahadur Tumbahamfey attacked him because of his public speech against federalism. Among the ones involved in the incident, Prem Bahadur Tumbahamfey apologized to the victim. The victim received treatment at the District Hospital on July 24. The case was settled on August 31 when the accused who was absconding was present at the court after 35 days.

CHILD RIGHTS

Education Status

There are 167 primary schools, 47 lower secondary schools, five secondary schools and 32 higher secondary schools in the district. 3,859 children, including 1,820 boys and 2,039 girls were enrolled in these schools. There are 15,413 boys and 16,388 girls of school going age. Out of total positions of 2,613 teachers, 2,480 were occupied.

There has been a slight decrease in the incidents of child rights violations this year. In 2014, INSEC documentation showed that five children were victims of

Types of Events	By Non-State	
	Female	Total
Rape	1	1
Total	1	1

rape and sexual abuse. In 2015, one girl was victim of rape.

Rape, Attempt to Rape and Sexual Abuses

The police arrested a 13-year-old boy of Thoklung VDC-2 on April 13 from his relative's house on charge of raping a seven-year-old girl on March 11. The victim underwent medical checkup at the District Hospital on April 16. The family of the victim lodged a complaint against the accused on April 11. It is mentioned in the complaint that the victim was raped when she went to charge the mobile phone in the neighbor's house as she could not charge it at her house. The accused gave her Rs. 2000 and asked her not to disclose about the incident. The local villagers sent the child to District Hospital when she became ill after the rape. The accused is remanded in Terhathum Prison since May 2 as per the order issued by the District Court. The District Court issued an order to remand the accused in Child Reform Centre. According to the District Police Office, the accused was remanded in the prison because there is no Child Reform Centre in the district.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 17 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This included six cases of assault and expulsion from the home, two cases of deprivation of food and clothes, four cases of polygamy and five cases of minor disputes. Among these, six cases were settled in agreement and

11 cases were processed for legal actions as informed by WCSC.

In 2015, there was a slight increase in the incidents related to women rights. Last year, 27 women were victims of women rights violation whereas this year 22 women were victimized of which 11 women were victims of domestic violence. Likewise, three women were raped and three were victims of attempt to rape. There were five cases of polygamy.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	11	11
Polygamy	5	5
Rape	3	3
Rape Attempt	3	3
Total	22	22

Rape, Attempt to Rape and Sexual Abuses

The family of an 18-year-old girl filed a complaint at the Area Police Office, Shukrabare against Surya Bahadur Basnet, 50, of Angdim VDC-5 on July 4 on charge of attempting to rape her on July

2. It is mentioned in the complaint that the victim was passing by the accused's house and under the pretext of dropping her home at night, the accused tried to rape her near the river. The police arrested the accused from his house and handed him to District Police Office, Terhathum on July 4. The District Court sentenced two years and six months imprisonment to the perpetrator on July 10.

HEALTH SERVICE STATUS

There is one district hospital, nine health posts and two sub health posts in Terhathum district. Out of four positions for doctors in the hospital, six were working. Out of six positions for staff nurse, four were occupied. The district has 45 positions for Assistant Health Workers, of which 36 were occupied. Likewise, the district has 35 positions for Auxiliary Nurse Midwife, of which 30 were occupied. Out of four positions for lab assistant, two were occupied. There is not even one gynecologist in the district. The annual health budget of the district was Rs. 1,73,59,200 of which Rs. 1,07,60,925 was administrative cost and Rs. 65,89,275 was for medical expenses.

1.9 Bhojpur



Total Population

182459



Women

96406



No. of Households

39419



No. of Households Drinking Water from River/Stream

393



No. of Households without Toilet

14154



No. of Migrant Workers

12198



Largest Population by Caste/Ethnicity

58338 (Rai)



Population by Disability

4618



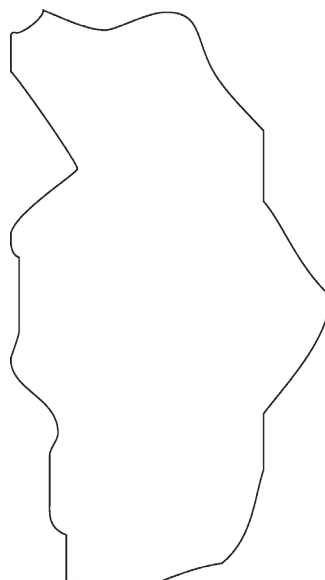
Literacy above 5 yrs (%)

69.9



No. of Community Schools

386



According to INSEC documentation, there was a rise in the incidents of human rights violations, abuses and women rights violations in Bhojpur in 2015 as compared to 2014. In 2014, 61 people, including 54 female were victimized while in 2015, 66 people, including 57 female were victimized. One man was victimized by state-actor. Last year, there were 16 victims of child rights violations, including one boy. This year, nine children including, one boy were victim of such incidents.

JAIL AND DETAINEES

The 'B' grade District Prison has the capacity to hold 25 inmates at a time. A total of 106 inmates, including 96 convicts and 10 detainees were held there at the end of the year. The number of male inmates is three times more than the prison's capacity, so they have to wait for their turn even to sleep. Most part of the prison was destroyed by the April 25 massive earthquake making the inmates'

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Beatings				1	1
Child Rights			8	1	9
Economic, Social and Cultural Rights				1	1
Killing				2	2
Racial Discrimination			5	3	8
Women Rights			44		44
Total	1	1	57	8	65

life even riskier. Security personnel of the prison was also living a difficult life as their building is in dilapidated condition.

ARREST AND TORTURE

Rahar Man Rai, 55, of Pekla, Ranibas VDC-2 filed a complaint at the District Police Office against a policeman of Area Police Office, Ghoretar on August 21 on charge of beating and torturing him with baton and boot over an issue of personal loan on August 16. There were bruises all over the victim's body. His treatment could not be done at the local health institution as he was seriously injured. Hence, he was referred to BP Koirala Institute of Health Sciences in Dharan. According to the victim, he was tortured in custody by the team led by Inspector Chiranjivi Dahal. Inspector Dahal of Area Police Office, Ghoretar accepted his mistake regarding the incident. DSP Raj Kumar Lamsal of District Police Office said that departmental action was taken against him by discontinuing his promotion for five years on August 26.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were 55 civil and 85 criminal cases pending until the end of the year. There are one criminal and three civil cases older than two years pending.

CHILD RIGHTS

Education Status

There are 278 primary schools, 58 lower secondary schools, 43 secondary schools and 28 higher secondary schools in the district. 43,884 children, including 21,579 boys and 22,305 girls were enrolled in these schools. Out of total positions for 1,780 teachers, all were occupied as informed by the District Education Office. The DEO informed that 358 dalit boys and 532 dalit girls received scholarship.

There was a slight decrease in the incidents of child rights violations this

Types of Events	By Non-State		
	Female	Male	Total
Child Marriage	1		1
Killing of Newborn Baby		1	1
Rape	6		6
Sexual Abuse	1		1
Total	8	1	9

year. In 2014, INSEC documentation showed that 16 children, including one boy were victims of child rights violations. In 2015, six girls were raped and one was sexually abused. One new born baby was killed and one girl was victim of child marriage. One victim of rape was one-year-old and others were up to 16 years of age. One girl was raped by an 11-year-old boy and one was gang raped.

Rape, Attempt to Rape and Sexual Abuses

The family of a six-year-old girl filed a complaint at the District Police Office, Bhojpur against Pujan Bista, 21, of Cholanti, Khawa VDC-8 on September 24 on charge of raping a girl at her house on September 24. The victim underwent medical checkup at the District Hospital, Bhojpur on September 25. The police arrested the accused the same day and filed a chargesheet against him for rape. The District Court issued an order to remand the accused in custody on October 26. The Court sentenced five years imprisonment to the perpetrator on December 2.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 33 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This included 30 cases of assault and expulsion from the home and three cases of deprivation of food and clothes. Among these, 30

Types of Events	By Non-State	
	Female	Total
Domestic Violence	42	42
Rape	1	1
Rape Attempt	1	1
Total	44	44

cases were settled in agreement and three cases were processed for legal actions as informed by WCSC.

In 2015, there was an increase in the incidents related to women rights violations. Last year, 38 women were victims of women rights violations whereas this year 44 women were victimized, of which 42 suffered from domestic violence. Likewise, one woman was victim of rape and one of attempt to rape.

Rape, Attempt to Rape and Sexual Abuses











The family of 22-year-old woman filed a complaint at the District Police Office against Tikaram BK, 45, of Bhoj-

pur Municipality-11 on September 6 on charge of raping her near by her house the same day. The victim underwent medical checkup at the District Hospital on September 6. The police arrested the accused the same day. The District Court issued an order to remand the accused in custody on September 23.

HEALTH SERVICE STATUS

There is one district hospital, 21 health posts and 40 sub health posts in Bhojpur district. Out of two positions for doctors in the hospital, three were working. Out of four positions for staff nurse, three were occupied. The district has 88 positions for Assistant Health Workers, of which 65 were occupied. Likewise, the district has 31 positions for Auxiliary Nurse Midwife, of which 19 were occupied. There is not even one gynecologist in the district. The annual health budget of the district was Rs. 12,87,00,432 of which Rs. 6, 03,21,986 was administrative cost and Rs. 15,00,000 was for medical expenses.

1.10 Sankhuwasabha

	Total Population 158742
	Women 83517
	No. of Households 34624
	No. of Households Drinking Water from River/Stream 638
	No. of Households without Toilet 7534
	No. of Migrant Workers 14863
	Largest Population by Caste/Ethnicity 29125 (Chhetri)
	Population by Disability 4054
	Literacy above 5 yrs (%) 82.00
	No. of Community Schools 387



According to INSEC documentation, there was some improvement in the human rights situation of Sankhuwasabha district in the year 2015. In 2014, 73 people, including four male and 69 female were victims of human rights violations and abuses whereas in 2015 a total of 45 people were the victims. Last year, there were eight cases of child rights violation and this year nine children were victimized. There was a decrease in incidents related to women rights violations this year. In 2014, 58 women were victims of such incidents, whereas 34 women were victimized in the year 2015.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates at a time. A total of 105 inmates, including 95 convicts and 10 detainees were held there at the end of the year. There is a problem of space and drinking water as the number of inmates is more than the prison's capacity.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position

Types of Events	By Non-State	
	Female	Total
Child Rights	9	9
Killing	2	2
Women Rights	34	34
Total	45	45

for one judge. There were 49 civil and 39 criminal cases pending until the end of the year.

CHILD RIGHTS

Education Status

There are 558 primary schools, 62 lower secondary schools and 41 secondary schools in the district. 3,341 children, including 1,685 boys and 1,656 girls were enrolled in the school. Out of total positions for 1,640 teachers, all were occupied.

There were eight cases of child rights violation in 2014, whereas nine in 2015. In 2015, eight girls were raped and sexually abused. One victim was raped by the father. One six-year-old girl was raped. One 11-year-old girl was gang raped. One girl was victim of child marriage.

Types of Events	By Non-State	
	Female	Total
Child Marriage	1	1
Rape	6	6
Sexual Abuse	2	2
Total	9	9

Rape, Attempt to Rape and Sexual Abuses

The family of a six-year-old girl filed a complaint at the District Police Office, Khandbari against Unit Tamang, 24, a permanent resident of Bhojpur Deurali-9 and currently residing in Khandbari Municipality-13 on August 8 on charge of raping the girl on August 7. The medical examination of the victim was conducted at the Primary Health Centre, Chainpur on August 8. The police arrested the accused the same day. The court sentenced five years imprisonment to the perpetrator on January 4, 2016.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 31 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This in-

Types of Events	By Non-State	
	Female	Total
Domestic Violence	27	27
Polygamy	2	2
Rape	2	2
Rape Attempt	2	2
Sexual Abuse	1	1
Total	34	34

cluded two cases of assault and expulsion from the home, seven cases of deprivation of food and clothes, four cases of polygamy and 20 cases of minor disputes. Among these, five cases were processed for legal actions whereas the remaining cases were settled in agreement.

Last year, 58 women were victims of women rights violation, whereas this year, 34 women were victimized. 27 women were victims of domestic violence. Likewise, two women were raped, two were victims of attempt to rape and one was sexually abused. Two women were victims of polygamy.

Rape, Attempt to Rape and Sexual Abuses

A 25-year-old woman filed a complaint at the District Police Office, Khandbari against Krishna Bahadur Rai, 52, of Khandbari Municipality-2 on July 2 on charge of raping her on July 1. The victim's medical examination was conducted on July 3 at Khandbari Hospital. The police arrested the accused the same day. The court sentenced 10 years imprisonment and a fine of Rs. 25,000 to the perpetrator.

HEALTH SERVICE STATUS

There is one district hospital and 36 health posts. Out of five positions for doctors in the hospital, three were occupied. Out of six positions for staff nurse, five were occupied. The district has 80 positions for Assistant Health Workers, of which 44 were occupied. There is no position for even one gynecologist in the district.

1.11 Saptari



Total Population

639284



Women

325438



No. of Households

121098



No. of Households Drinking Water from River/Stream

108



No. of Households without Toilet

92854



No. of Migrant Workers

26433



Largest Population by Caste/Ethnicity

100781 (Yadav)



Population by Disability

8044



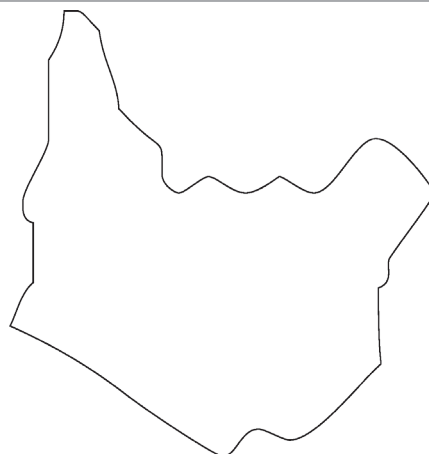
Literacy above 5 yrs (%)

65.00



No. of Community Schools

462



According to INSEC documentation, there was an increase in the human rights violations in Saptari in 2015. In 2014, 13 people, including seven women were victimized by the state actor whereas 248 people, including 227 female were victimized by the non-state actor. In 2015, 68 people, including one woman were victimized by the state actor and 263 people, including 224 female and 39 male were victimized by the non-state actor. This year, the number of people victimized by the state party was more than last year. This year, five people were killed by the state party whereas no such incident was documented last year. Last year, six people, including five women were victims of right to expression, assembly and association whereas there were 24 victims this year. This year, 199 women were victims of women rights violations. Last year, there were 189 women were victimized.

Madheshi Morcha cadres vandalized and torched government offices, police post, political parties offices, public and private vehicles, civilian houses and shops for defying bandh. On the other hand, state actor vandalized press office and assaulted people at hospital. The cad-

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings		13	13	2	14	16
Child Rights				17	1	18
Injured	1	25	26		19	19
Killing		5	5	6	5	11
Right to Assembly		24	24			
Women Rights				199		199
Total	1	67	68	224	39	263

res of Samyukta Loktantrik Madheshi Morcha vandalized and torched government offices. More than 10 police posts at the border area were vandalized and torched. Currently, another police posts were merged in the damaged post. Expect District Administration Office, Police Offices, District Court and Appellate Court, Sagarmatha Regional Hospital and Bardaha Hospital, all offices remained closed from mid-August. School were not been able to operate. Morcha cadres removed the signboards of some government offices and replaced it with Madhesh government board at Rajbiraj. .

CIVIL AND POLITICAL RIGHT RIGHT TO DIGNIFIED LIFE KILLING

By State

Ram Krishna Raut alias Ramkisun, 62, of Portaha VDC-1 was killed in police firing following a clash between protestors and police in Portaha VDC-1 on September 9 during the indefinite bandh called by Samyukta Loktantrik Madheshi Morcha, Saptari over the provincial demarcation. The body's postmortem was conducted in BP Koirala Institute of Health Sciences, Dharan on September 10. Raut was killed when police fired at the protestors who were attacking them with stones and glass bottles. The police were clearing the trees placed by the protestors to obstruct the road along the East-West Highway. APF DSP Gopikrishna Thakur along with 28 policemen were injured in the incident. Protestors Anil Kumar Thakur, 30, of Portaha VDC-4 sustained a rubber bullet in his leg and Bijay Khidhari, 25, of Portaha VDC-5 in his abdomen. The family of the deceased received Rs. 1 million as compensation. The District Security Committee demanded the deceased be declared as 'martyr' and relief be provided to his family on September 10.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 125 inmates at a time. A total of 319 inmates, including 137 convicts and 182 detainees were held there at the end of the year. There were 19 female inmates.

The number of inmates was increased by three times in 2015. The Prison had difficulty in managing for the medicines and allowances for the inmates. The inmates sleep on the cold floor, balcony and kitchen due to lack of space. There are often clashes between the inmates because of overcrowding.

THREAT/BEATING

By State

The police assaulted Lab Assistant Bishwanath Mandal, 54, Health Assistant Ram Kumar Diyali, 40, and Assistant Health Workers Ram Kumar Yadav, 39, Subodh Mehta, 35, Rajaram Yadav, 33, Rajanikant Chaudhary, 21, and Devananda Mandal, 30, of Gajendra Narayan Singh Sagarmatha Zonal Hospital, Rajbiraj Municipality-3 in the hospital on November 22. The team that came from the District Police Office and Armed Police Force haphazardly baton charged and mistreated even the health workers after the protestors of Madheshi Morcha torched the police van with registration number Na 1 Jha 1316 and resources of police beat. The victims filed complaint at the District Court on December 1 after the District Police refused to register the complaint. No action was taken against the accused.

By Non-State

The protestors of Madheshi Morcha, Saptari assaulted and seized the mobile phone of Balkrishna Gupta, Nepal Army man of Krishna Dal Battalion in Rajbiraj Municipality-1 on November 23 when he was out for shopping. The victim received treatment in Shri Krishna Dal

Batallion located in Rajbiraj Municipality-9. The victim did not get back his mobile phone.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has positions for nine judges, of which seven were occupied. There were 2,283 civil and 1,119 criminal cases pending until the end of the year. There were 22 criminal and 50 civil cases older than two years pending. Each judge handles about 271 cases on an average.

The Appellate Court has positions for 12 judges, of which six were working. There were 1,635 civil and 1,026 criminal cases pending until the end of the year. There were 11 criminal and 23 civil cases older than two years pending.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

By State

Bhogilal Yadav, 50, of Maleth VDC-4, Gyandev Yadav, 35, of Basbitti VDC-9 and Kapaleshwor Rasad Sah, 66, of Rajbiraj Municipality-1 sustained injuries in a baton charge of police in Rupani Chowk of Nakati Rayapur VDC-8 on November 22 when Samyukta Loktantrik Madhesi Morcha protested by obstructing the East-West Highway. The police had baton charged when the agitating protestors torched the motorcycle with registration number Sa 4 Pa 5311 after two people were killed in Bhardaha and Rupani following a clash between the cadres of Morcha and police on the night of November 21. The injured received treatment in Gajendra Narayan Singh Sagar-matha Zonal Hospital located in Rajbiraj Municipality-3.

By Non-State

Police Head Constable Karna BK and policemen Rajiv Yadav and Shashibhushan Yadav of Area Police Office, Rupani sustained injuries in a clash with

the protestors in Rupani Chowk of Nakati Rayapur VDC-8 on November 21. The police were trying to remove the obstruction along the East-West. The protestors attacked police with sticks, stones and glass bottles.

CHILD RIGHTS

Education Status

There are 384 primary schools, 154 lower secondary schools, 75 secondary schools and 75 higher secondary schools. This year, there was no information about the school enrolment. Out of the total positions of 2,530 teachers in the district, 430 were vacant. There are 128 disabled-friendly schools. There were scholarships for 29,507 students and Rs. 11,82,800 was allocated for them. The total annual budget of the District Education Office was Rs. 1,19,22,49,628 of which Rs. 71,82,000 was administrative cost.

INSEC documentation showed that 22 children, were victims of child rights violations in 2014. In 2015, 18 children, including one boy were victimized. 14 girls were victims of rape and sexual abuse. One seven-years-old girl was raped. One of the accused was 13 year-old boy. One girl was raped by her father.

Three girls of age between six months and six years were strangulated and killed by their mothers and case was on trial.

Types of Events	By Non-State		
	Female	Male	Total
Child Marriage	1		1
Child Trafficking	1		1
Corporal Punishment		1	1
Killing of Newborn Baby	1		1
Rape	10		10
Sexual Abuse	4		4
Total	17	1	18

Rape, Attempt to Rape and Sexual Abuses

The father of a 14-year-old girl filed a complaint at the Area Police Office, Kalyanpur against Barun Ram, 29, of Malhanma VDC-4, Binod Das, 18, of Kushaha VDC-3, Kishor Sardar, 19, of Malhanma VDC-4 and Arbind Sah, 21, of Malhanma VDC-5 on March 2 on charge of gang raping the girl in a mango orchard near Pathharawa River located in Malhanma VDC-4 on February 26. The police recovered broken bangles from the site. The police arrested Barun and Binod on March 2. The victim underwent medical checkup at BP Koirala Institute of Health Sciences on March 4. The District Court issued an order to remand Barun and Binod in custody from March 29.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 93 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This included 23 cases of assault and expulsion from the home, 22 cases of deprivation of food and clothes, eight cases of noncooperation in marriage registration and acquiring citizenship certificate, 13 cases of polygamy, six cases of dowry related violence, one case of disappearance after marriage and 20 cases of minor disputes. Among these, 50 cases were settled in agreement and six cases were processed for legal actions as said by WCSC. The remaining 21 cases were in dialogue and there were 16 cases in which the victims have not contacted after filing complaints.

INSEC documentation showed that 189 women were victims of women rights violations in 2014. In 2015, 199 women were victimized. 157 women suffered from domestic violence. 17 women were victims of rape, attempt to rape and sexual abuses. The three accused of 15

Types of Events	By Non-State	
	Female	Total
Domestic Violence	157	157
For Practicing Witchcraft	4	4
Polygamy	21	21
Rape	9	9
Rape Attempt	5	5
Sexual Abuse	3	3
Total	199	199

such incidents have not been brought into legal process.

Killing by Family Member

Devendra Sharma, 44, of Bhathigachh VDC-8, the father of Kanchan Sharma, 19, of Fulkahi VDC-1 filed a complaint at the Area Police Office, Kanchanpur against his son-in-law Jitendra Sharma, 24, on June 6 on charge of allegedly killing Kanchan on May 28 by making her consume poison. The complaint was registered on June 6. The victim who was in a serious condition after consuming poison died on May 18. She was undergoing treatment at Global Hospital, Biratnagar. The body's postmortem was conducted at Koshi Zonal Hospital on May 29. The accused was absconding until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

The father of an 18-year-old girl filed a complaint at the Area Police Office, Kanchanpur against Amirkanta Chaudhary, 19, of Itaharwa of Sitapur VDC-9 and Santosh Chaudhary, 20, Niran Chaudhary, 19, Sunil Chaudhary, 19, Prem Chaudhary, 18, and Anil Chaudhary, 17, of Prasawani VDC-3 on May 14 on charge of gang raping the girl in the mango orchard located in Sitapur VDC-

9 on the night of May 13. The case was known to all after the victim attempted to commit suicide by throwing herself in Saptakoshi River on May 14. The victim underwent medical checkup at the BP Koirala Institute of Health Sciences on May 13. The police arrested one of the accused Amirkanta on the same day. As per the order issued by the District Court, Amirkanta was remanded in custody from June 9. The other accused Santosh, Niran, Sunil, Prem and Anil were absconding until the end of the year.

ALLEGATION OF WITCHCRAFT

37-year-old Bindu Kumari Chaudhary, a resident of Bramhapur VDC-1 and residing in Rajbiraj Municipality-4 filed a complaint at the District Police Office against the shopkeeper Bhagwati Prasad Chaudhary, a resident of Bramhapur VDC-1 and currently residing in Hardiya VDC-1 on June 3 on charge of scolding and accusing her of being a witch along with the voice recording on her mobile phone on May 27. The police arrested the accused on June 3. The accused was released after paying a bail amount of Rs. 5000 as per the decision of District Court on June 25.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure/Property

The party office of UML, situated at Madannagar in Rajbiraj Municipality was torched by unidentified person during the bandh called by UCPN-M, CPN-M

and Madhesi Morcha alliances on January 20. The fire destroyed important party documents and furniture.

The cadres of Madhesi Morcha set ablaze the office of Nepali Congress located in Rajbiraj Municipality-1 on September 13. The protesters broke in the office and set the furniture and tables on fire.

A team lead by Central member of Tamalopa, Sadana Jha of Rajbiraj Municipality-8 along with Madhesi Morcha cadres members vandalized the house of Mithila Chaudhary, who was nominated to the position by CPN (Samyukta) at Rajbiraj Municipality-8 on September 11.

HEALTH SERVICE STATUS

There are two hospitals, 103 health posts, one sub health post and four primary health centres in Saptari district. Out of seven positions for doctors in the District Hospital, none of them were occupied. Out of 17 positions for doctors in the regional hospital, 13 were vacant. Out of eight positions for staff nurse, six were occupied. The district has 348 positions for Assistant Health Workers, of which 340 were occupied. Likewise, out of 227 positions for Auxiliary Nurse Midwife, 200 were working. The total positions for health assistant were 118, of which 25 were working. There is not a single gynecologist in the district whereas in regional hospital, there is one position which is occupied. The annual budget of the District Health Office could not be received because of the four months long ongoing Madhesi Morcha.

1.12 Siraha



Total Population

637328



Women

327227



No. of Households

117962



No. of Households Drinking Water from River/Stream

553



No. of Households without Toilet

95950



No. of Migrant Workers

45790



Largest Population by Caste/Ethnicity

155391 (Yadav)



Population by Disability

6665



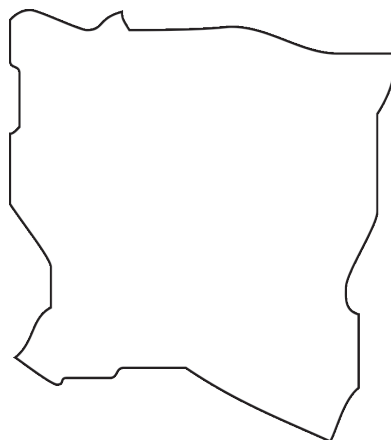
Literacy above 5 yrs (%)

58.05



No. of Community Schools

439



According to INSEC documentation, incidents of human rights violation of Siraha district decreased in 2015 as compared to 2014. In 2014, 137 people, including 118 female and 19 male were the victims of human rights violations whereas in 2015, 83 people, including 21 male and 62 female were victimized. Last year, 14 people were killed whereas this year, five were killed by non-state actors. This year, five people were the victims of arrest and torture, three were beaten and four were injured by state actor. Last year, 27 children were the victims of child rights violation whereas this year, the number reduced to 20. The incidents of women rights violation has decreased this year. Last year, 68 women were the victims of women rights violation whereas this year, 38 women were victimized. In 2014, 10 people were the victims of caste-based discrimination, whereas in 2015, three people were victims of such incidents. Similarly, two people were suppressed from the rights to expression, assembly and association and one was the victim of inhuman behavior.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	5	5			
Beatings	3	3		2	2
Child Rights			20		20
Inhuman Behaviour				1	1
Injured	4	4			
Killing			2	3	5
Racial Discrimination			2	1	3
Right to Assembly	2	2			
Women Rights			38		38
Total	14	14	62	7	69

CIVIL AND POLITICAL RIGHT RIGHT TO DIGNIFIED LIFE INJURED IN EXPLOSION/FIRING By State

Badri Ram, 20, of Lahan Municipality-1 and Ramesh Yadav, 45, of Bar-chawa VDC-4 were injured in police firing during the clash that erupted in the protest against the demarcation of state called by Samyukta Loktantri Madhesi Morcha on September 9. Ramesh received treatment at Ramkumar Sarada Umadas Murarak Samrak Hospital, Lahan and Badri received treatment at BP Koirala Institute of Health and Sciences. The clash ensued when the SLMM cadres started to block the road laying down trees when police was escorting the vehicles. During the clash, police fired 50 rounds in the air and 50 shells of teargas.

JAIL AND DETAINEES

The 'D' grade District Prison has a capacity to hold 150 inmates at a time. A total of 317 inmates, including 141 convicts and 176 detainees were held there at the end of the year. There was one dependent girl in the prison.

The drinking water are contaminated with arsenic. There are nine toilets for inmates which are not sufficient. There is no skill development training for inmates in the prison. This year one inmate died due to illness.

THREAT/BEATING

By State

The cadres of Samyukta Loktantrik Madhesi Morcha Krishna Bahadur Yadav, 50, of Mohanpur Kamalpur VDC-3, Dinesh Mahato, 35, of Gada VDC-3, Jibcha Prasad Yadav, 45, of Lahan Municipality- 22, Ramudargar Yadav, 40, of Lahan-10, Dinesh Prasad Mahato, 30, of Raipur VDC-3, Saptari were arrested by Area Police Office on charge being involved in enforcing bandh along East-west Highway on August 30. The

victims accused police of beating them after arrest. Krishna Bahadur, Jibcha and Dinesh were seriously injured in the beating. Dinesh was left with bruises of boot marks and baton in his back and legs. Similarly, Dinesh Prasad Mahato, 30, of Raipur VDC-2, Saptari was beaten by police while he was returning from Bardibas in motorcycle. His fingers of right hand were broken. They were arrested on charge of vandalizing shops and government office but were not beaten, said DSP Uma Prasad Chaturdevi. Human Rights Protection Centre, Siraha monitored the incident and released a press statement urging for action against the perpetrators on the same day.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has positions for seven judges, of which all were at work. There were 1,427 civil and 464 criminal cases pending. There were 65 civil and 15 criminal cases older than two years pending.

CHILD RIGHTS

Education Status

There are 312 primary schools, 53 lower secondary schools, 34 secondary schools and 38 higher secondary schools in the district. According to DEO, out of the total positions of 1,769 teachers, three remained vacant at the end of the year. A total of 53,428 boys and 60,578 girls were of school going age, of which 4,123 boys and 3,169 girls were enrolled in schools. The annual budget of the DEO was Rs. 1,14,36,37,488 and the administration expense was Rs. 51,77,964 informed District Education Office.

The incidents of child rights violation reduced this year as compared to 2014. A total of 27 children were the victims last year, whereas this year 20 children were victimized. 13 girls of age between 8 to 17 years were raped. The accused were of age between 18-70. Among

them, four were released, four remained absconding and remaining were remanded in the custody.

Types of Events	By Non-State	
	Female	Total
Rape	13	13
Sexual Abuse	7	7
Total	20	20

Killing after Abduction

Police arrested Umesh Yadav alias Dinesh, 27, of Sukhipur VDC-6, Bindeshwor Yadav, 55, and Dhanjit Yadav of Mohanpur Kamalpur VDC-3 and Jitendra Chaudhary, 35, of Sukhipur VDC-1 on May 26 on charge of killing Shrawan Bhandari, 14, of Sukhipur VDC-6, after abduction on May 25. Similarly, Laxmi Bhandari, 53, of Durgapur VDC-4, Ramcharan Batar and Ram Krishna Sharma, 20, of Darbhanga of India and currently living at Sukhipur VDC-1 were arrested by police on June 11. Police recovered the dead body of Shrawan buried in the field on May 26. The post-mortem of the body was conducted at Ram Kumar Uma Prasad Hospital, Lahan on May 26. The deceased's mother lodged complaint in the District Police Office, Siraha on the same day. The victim's side set the house of Dinesh Yadav on fire on charge of being involved in the incident. The clash erupted after irate locals tried to bury the dead body of the boy inside the house of Dinesh. Among the accused, Jitendra was released while Umesh, Bindeshwor, Laxmi, Ramcharan and Ram Krishna were remanded in custody by the order of the District Court on July 8.

Rape, Attempt to Rape and Sexual Abuses

The victim's side lodged a complaint against Raj Kishor Yadav, 27, of Michaiya Municipality-7 in the District Police Office on June 16 on charge of rap-

ing a 12-year-old girl on June 12. The victim underwent health check-up at the District Hospital on June 16. The accused was arrested by police on June 13. The District Court ordered to remand him in custody on July 13.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year, 101 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence cases. Of those 101 complaints, 55 cases were of assault and expulsion from the house, seven cases of deprivation of food and clothes, 10 cases of not making marriage or citizenship certificate, seven cases of polygamy and 22 cases of minor disputes. Among these incidents, 79 cases were settled, seven cases were forwarded for legal proceedings, informed WCSC.

This year, there was slight decrease in the incidents of women rights violation. In 2014, 68 incidents of women rights violation were documented whereas in 2015, 38 women were victimized. Among them, 18 were of domestic violence, six of rape, three of attempted rape, two of allegation of witchcraft and seven of polygamy.

Rape, Attempt to Rape and Sexual Abuses

The victim's side lodged a complaint in the Area Police Office on April 22 against Saif Ali, 24, of Lahan Municipality-18 on charge of raping a 19-year-old woman on April 16. The victim un-

Types of Events	By Non-State	
	Female	Total
Domestic Violence	18	18
For Practicing Witchcraft	2	2
Polygamy	7	7
Rape	6	6
Rape Attempt	3	3
Sexual Abuse	1	1
Women Trafficking	1	1
Total	38	38

derwent health check-up at the District Hospital, Lahan on April 22. Accused remained absconding until the end of the year.

Human Trafficking

A 35-year-old woman lodged a complaint in the Area Police Office, Lahan on May 28 against Owner of Shanti Lodge, Shanti Devi Mahato, 35, of Lahan Municipality-3 on charge of forcing her to do sexual activities. The victim said although she had been working in the lodge for some time, on May 28 Shanti asked her to have sexual intercourse with Mohamad Arman, 22, and Mohamad Kaesha, 20, of Lahan Municipality-5. The victim underwent health check-up at the District Hospital on the same day. Area police arrested Shanti and Mohamad Kaesha on May 28 and Mohamad Arman on June 3. The District Court released Shanti with bail amount of Rs. 25000 and Kaesha and Arman with bail amount of Rs.5, 000 each on June 23.

ALLEGATION OF WITCHCRAFT

Chandra Devi Ram, 35, of Lahan Municipality-18 lodged a complaint at the Area Police Office, Lahan on December 6 against Basanta Ram, 30, Ayodhi Ram, 28, Misri Lal Ram, 45, on charge of assaulting her on accusation of being a witch. Police arrested accused on December 13. The District Court released them after they posted a bail amount of Rs. 15, 000 each on December 23.

Ramsufal Yadav, 50, of Gada VDC-9 lodged a complaint in the Area Police Office against Mahabir Sahani, 50, Janaki Devi Sahani, 45, Rakesh Sahani, 16, Indru Devi Sahani, 35, and Om Prakash Sahani, 40, of the same place accusing them of force feeding him human excreta on charge of being a witch on September 8. Om Prakash had sought help of Shaman Ramsufal to cure his son Sundar Sahani, 14, when he was ill

in August. The boy was taken to Dharan for the treatment after his condition did not improve. Sundar died while undergoing treatment in the hospital on August 10. Villagers accused Ramsufal of being a wizard and responsible for the death of Sundar. Police arrested Mahabir, Janaki Devi, Rakesh and Indu Devi in September 8 and legal process was initiated. The District Court ordered to handover Rakesh to his parents while Mahabir, Janaki Devi and Indu Devi were remanded in custody on September 28. Accused Om Prakash remained absconding until the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Pramila Mallik, 55, of Dhangadhi VDC-3 filed a complaint against Jaya Kumar Mahato, 32, and Pawan Mahato, 35, of the same place on September 30 accusing them of assaulting her for touching a well and denying her access to public well on August 5. According to victim, they are residing in that place since 1950s and since then, they are not allowed to take water on their own but have to request the non-dalits to fill their water pots. However, they began fetching water from the well after intervention by the government authority. The District Court released Pawan after he posted a bail of Rs. 15,000 on November 3. However, accused Jaya Kumar was not arrested until the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure/Property

Samyukta Loktrantri Madhesi Morcha cadres vandalized 10 government offices, two ambulances, two houses of political leaders and more than 10 public transport and buildings on charge of defying bandh. CPN-M led alliances of 30 political parties set on fire vehicles carrying newspaper and copies of newspapers.

Police arrested some people on charge of being involved in the incidents and legal procedure was initiated. Similarly, one vehicle carrying milk and one school bus was vandalized.

The bandh organizers torched a van with a number plate Ba 9 Cha 5850 transporting Kantipur daily from Biratnagar to Janakpur on charge of defying the Nepal bandh called by the 30-party alliance including UCPN-M. The driver Amar Bahadur Magar said that they torched the van after smashing the window. He said of the 7,000 copies, 1,600 were burnt in the incident. The cadres set vehicle on fire saying Kantipur was biased in publishing their news while van carrying Annapurna Post and Nagarik Newspaper were allowed to move.

Protestors vandalized four vehicle after police intervened at the program being held in the premises of Pashupati Adarsha Higher Secondary School organized by Free Madhes Alliance on January 19. Lahan remained tense whole day after the clash broke out between protestors and police. The cadres vandalized District Police Office, Lahan vehicle (Ba 1 Ga 2088) District Police Office, Khotang vehicle (Na 1 Jha 1329). Similarly, they vandalized Bolero Jeeps with registration number Na 5 Kha 2023, Ba 12 Cha 5468, Ja 1 Cha 929. The demonstrators pelted stones at the police prompting police to

retaliate with eight shells of teargas. Dinesh Chaudhary, 18, Ajay Gupts, 19, Roshna Chaudhary, 19, and Dhiraj Kumar Yadav, 18, of Lahan Municipality-1 were arrested by police on charge on vandalizing the vehicles. Human rights organizations, including NHRC Janakpur, IN-SEC, Human Rights Protection Network, Siraha and WHRD Siraha monitored the situation in Lahan for the day. Accused Dinesh Chaudhary was released by depositing a bail amount of Rs. 5,000 and other three accused were released by depositing a bail amount Rs. 2,000 each by the order of District Administration Office on January 24.

HEALTH SERVICE STATUS

There are two district hospitals and 103 health posts and one sub-health posts and four primary health centers in the district. Out of the eight positions for the doctors in the hospital, two were occupied. Out of the eight positions for the staff nurses in the hospital, six were occupied. There were no positions for gynecologist. The district has 325 positions of Assistant Health Workers of which 214 were at work. The district has 221 positions of Auxiliary Nurse Midwife (ANM), of which 118 were at work. Annual health budget of the district was Rs 16,99,46,300 for public health and Rs 6,19,90,000 for medical expenses.

1.13 Udaypur



Total Population

317532



Women

167820



No. of Households

66557



No. of Households Drinking Water from River/Stream

1468



No. of Households without Toilet

32161



No. of Migrant Workers

22060



Largest Population by Caste/Ethnicity

68372 (Chhetri)



Population by Disability

7781



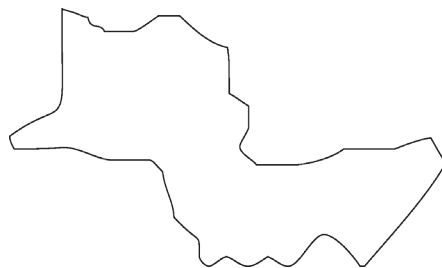
Literacy above 5 yrs (%)

65.00



No. of Community Schools

457



According to INSEC documentation, there was an increase in the incidents of human rights violations, abuses and women rights violations in Udaypur in 2015. This year 157 people, including 146 female were the victims of human rights violation. In 2014, 78 people, including 69 female were victims of human rights violations. In 2014, one man was victimized by the state party whereas no one was victimized by the state party in 2015. There has been an increase in incidents related to child rights violations this year. Last year, 16 girls were victims of rape and sexual abuses, whereas 29 girls were victimized this year. Likewise, there were 49 victims of women rights violations, whereas the number increased to 109 this year. Last year, three people were killed, whereas this year, nine people, including five women were killed. This year, four people, including two women suffered from caste-based discrimination. Last year, there were five victims of threat and assault, whereas three men were victimized this year. In both the years, there was one victim of abduction.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 50 inmates at a time. A total of 121 inmates, including 66 convicts and 55 detainees were held there at the end of the year. There were two boys and five girls living as minor dependents in the prison.

Types of Events	By Non-State		
	Female	Male	Total
Abduction	1		1
Beatings		3	3
Child Rights	29	1	30
Inhuman Behaviour		1	1
Killing	5	4	9
Racial Discrimination	2	2	4
Women Rights	109		109
Total	146	11	157

THREAT/BEATING

By Non-State

Former Chairperson of Sapteshwor Ambulance Service Committee Bhim Bahadur Khadka, 50, of Lalbazar, Rampur Thoksila-7 filed a complaint at the Area Police Office, Rampur on August 3 against UCPN-M District Member Purna Bahadur Tamang, 24, and around seven cadres of Biplav led CPN-M on charge of mistreating him and smearing black on his face in Rampur Thoksila VDC-7 on August 2. The accused who was arrested on August 2 was released as per the order of District Court on a bail amount of Rs. 6,000 on August 23.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has position for two judges. There were 188 civil and 324 criminal cases pending until the end of the year. There are two criminal and three civil cases older than two years pending.

CHILD RIGHTS

Education Status

There are 238 primary schools, 110 lower secondary schools and 71 secondary schools in the district. 35,385 boys and 38,789 girls were enrolled in the schools. Out of total positions for 2,154 teachers, all were occupied. There were Scholarships for 11,540 students for which Rs. 47,09,000 was allocated. The total annual budget of DEO was Rs. 89,72,05,304. Administration cost was not provided.

In 2014, INSEC documentation showed that 17 children, including one boy were victims of child rights viola-

tions. In 2015, 30 children, including one boy were victimized. Among these, 14 were raped and 12 were sexually abused. The ages of the victims of rape was of one of the accused was 50-year-old man. One girl was gang raped and one was raped by the father.

Rape, Attempt to Rape and Sexual Abuses

The family of a 13-year-old victim of Patlebas filed a complaint at the District Police Office on July 14 against Bharat Bishwakarma, 28, of Triyuga Municipality-11 on charge of raping the girl on July 12. It is mentioned in the complaint that the victim was threatened to be killed and raped by the accused. She was in protection of her neighbor after her father rebuked her. The victim underwent medical checkup at the District Hospital on July 12. The police arrested the accused the same day. The District Court sentenced the perpetrator to eight years in prison and asked him to provide Rs. 50,000 as compensation to the victim.

Human Trafficking

The District Police Office arrested Shivashankar Sah, 25, of Gaighat Bazar, Triyuga Municipality-2 on April 5 on charge of trafficking a 13-year-old girl on February 16. The District Court issued an order to remand the accused in custody on April 28.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 48 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. Among these, 40 cases were settled in agreement and the remaining two were under process. Likewise, among the 13 cases of beating and minor disputes, 11 were settled and the remaining two were under process. There were six cases where the victims did not contact after filing complaints.

Types of Events	By Non-State		
	Female	Male	Total
Child Marriage	1		1
Child Trafficking	1		1
Corporal Punishment		1	1
Killing of Newborn Baby	1		1
Rape	14		14
Sexual Abuse	12		12
Total	29	1	30

In 2015, the incidents related to women rights violations doubled as compared to 2014. In 2014, INSEC documentation showed 49 cases of women rights violations, whereas 109 women were victimized this year. Among these, 82 women were victims of domestic violence. 13 women were raped, six were victims of attempt to rape. Likewise, two women were victims of allegation of witchcraft and six women were victims of polygamy.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	82	82
For Practicing Witchcraft	2	2
Polygamy	6	6
Rape	13	13
Rape Attempt	6	6
Total	109	109

Killing after Rape

The police arrested Saroj Magar, 39, of Topgachhi-7, Jhapa on December 28 on charge of allegedly killing a speech impaired woman, Krishna Kumari Katuwal, 38, of Ghumne, Rampur Thoksil-8 on December 27. The postmortem of the body was conducted on December 29 at the District Hospital. Ale Magar was in a relationship with unmarried Katuwal for a long time. The police informed that Ale Magar was pressurized to marry Katuwal after the locals saw them in objectionable position. According to DSP Surendra Gurung, Ale Magar killed Katuwal by crushing her head with stone as she was pressurizing him to marry her. The case remained under consideration until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

The family of a 27-year-old woman with intellectual disability filed a complaint at the District Police Office on June 7 against a 10-year-old boy on charge of raping her in a cornfield on June 6. The victim was going to the field carrying fer-

tilizers from her house. The victim underwent medical examination at the District Hospital on June 6. The Jogidaha Police Post arrested the victim on June 6. The District Court issued an order to remand the accused in custody on June 30.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The District Police Office arrested Biplav led CPN-M District Member Amrit Khatri, 35, of Sahikhola, Triyuga Municipality-15 along with the group on August 23 on charge of manhandling and attempting to burn alive Triyuga Small Town Drinking Water and Sanitation Users Committee Chairperson Shankar Kumar Basnet, 56, of Triyuga Municipality-17 in his office in Bokse, Triyuga Municipality-1 on June 8. The victim received treatment at the District Hospital on June 8. The police filed a chargesheet on June 9 against the accused for attempt to murder. The group sprinkled lubricant and ran after the victim retaliated. The District Court issued an order to release the accused on a bail amount of Rs. 25,000 on September 14.

HEALTH SERVICE STATUS

There are two hospitals, 44 health posts and a primary health center in Udaypur district. Out of 16 positions for doctors in the hospital, nine were occupied and seven were vacant. Out of 13 positions for staff nurse, 11 were occupied. The district has 92 positions for Assistant Health Workers, of which 72 were occupied. Likewise, the district has 89 positions for Auxiliary Nurse Midwife, of which 66 were occupied. Out of 51 positions for health assistant, 23 were occupied and 27 were vacant. There was not even one gynecologist in the district. The annual health budget of the district was Rs. 16,89,18,674 of which administrative cost was Rs. 6,23,25,674 and medical expenses is Rs. 26,00,000 only.

1.14 Khotang



Total Population

206312



Women

109220



No. of Households

42664



No. of Households Drinking Water from River/Stream

666



No. of Households without Toilet

15630



No. of Migrant Workers

17662



Largest Population by Caste/Ethnicity

75530 (Rai)



Population by Disability

1158



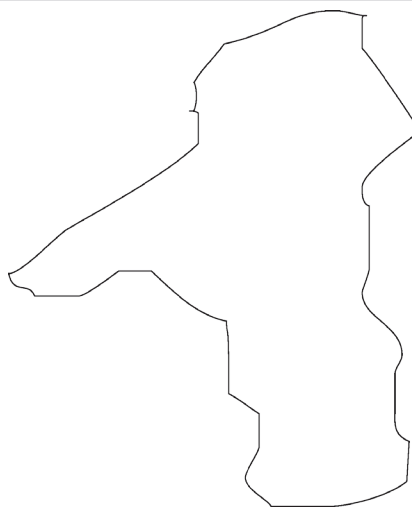
Literacy above 5 yrs (%)

87.2



No. of Community Schools

501



According to INSEC documentation, there was a decrease in the incidents of human rights violations, abuses and women rights violations in Khotang in 2015. In 2014, 137 people, including 116 female were victims of human rights violations whereas 45 people, including 42 female were victimized in 2015. In 2014, seven people were victimized by the state actor, whereas one person was victimized by the state actor in 2015. Last year, 10 people were killed, whereas four people were killed in 2015. There was a slight decrease in the incidents of child rights violations this year. Last year, 20 children were victims of rape and sexual violence. This year, 11 children were victims of child rights violations. In 2014, 87 women were victims of women rights violations, whereas 29 women were victimized in 2015. Last year, five people were victims of caste-based discrimination, whereas this year there is no documentation of a single incident of caste-based discrimination. Last year, there was no victim of arrest and torture whereas this year there was one victim.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Child Rights			10	1	11
Killing			3	1	4
Women Rights			29		29
Total	1	1	42	2	44

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 99 inmates at a time. A total of 99 inmates, including 66 convicts and 33 detainees were held there at the end of the year.

THREAT/BEATING

By State

Khagendra Bista, 36, of Yamkha VDC-2 lodged a complaint at the National Human Rights Commission's Sub Regional Office, Diktel on May 4 against Police Constable Prakash Rai on charge of torturing him on theft accusation in an inebriated state on May 1. As per the order of Commission, the police had prepared the victim's medical examination case form at the District Hospital, Diktel on May 4. A case of public offense was charged against the accused and the District Administration Office ordered to release him on a bail amount of Rs. 28,000 on May 18. The case was not decided until the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were 47 civil and 141 criminal cases pending until the end of the year.

CHILD RIGHTS

Education Status

There are 311 primary schools, 86 lower secondary schools, 59 secondary schools and 31 higher secondary schools in the district. 28,403 boys and 30,822 girls were enrolled in the schools. Out of total positions of 2,157 teachers, 2,102 were occupied. There are 487 disabled-friendly schools. There are scholarships for 7,670 dalit children and Rs. 30,922 was allocated for them. The total annual budget was 86,43,10,153.

There was a slight decrease in the incidents of child rights violations this year. In 2014, INSEC documentation showed that 20 children were victims of

child rights violations. In 2015, 11 children, including one boy were victimized. Among these, six were raped and four were sexually abused. One boy was victim of corporal punishment. The police arrested Ramesh Acharya, 23, of Diktel Municipality-3 on February 28 on charge of raping a 12-year-old on February 27 by luring her of money.

Types of Events	By Non-State		
	Female	Male	Total
Corporal Punishment		1	1
Rape	6		6
Sexual Abuse	4		4
Total	10	1	11

Attempt to Murder

The family of a five-year-old Yusan Bhattarai of Chiuridada VDC-7 lodged a complaint at the District Police Office, Diktel against Bimala Subedi, a teacher at Sirjansheel Boarding School on July 27 on charge of attempt to murder the boy by poisoning him on July 26. The victim was studying in the same school. The victim received treatment at the District Hospital. The police arrested the accused on July 27 and filed a chargesheet against her for attempt to murder. It is mentioned in the complaint filed by the victim that the accused had given poison to the boy at school by mixing it in cold drink during the lunch break on July 26 with the intention to murder. The District Court issued an order to remand the accused in custody in Diktel Prison on August 21. The case remained undecided until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

The police charged the accused with rape on March 1. The family of the victim filed a complaint at the District Police Office, Diktel on February 27. The victim underwent medical checkup at the District Health Office, Diktel on Febru-

ary 27. The Court sentenced four years imprisonment to the accused on May 13.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 23 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This included 13 cases of deprivation of food and clothes, four cases of polygamy and six cases of minor disputes. All 23 cases were settled in agreement as informed by WCSC.

In 2015, the incidents related to women rights violations decreased significantly. In 2014, INSEC documentation showed 87 cases of women rights violations, whereas this year, 29 women were victimized. Among these, 17 women were victims of domestic violence. Four women were raped, three were victims of attempt to rape and one was sexually abused. Likewise, one was accused on witchcraft and three were victims of polygamy.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	17	17
For Practicing Witchcraft	1	1
Polygamy	3	3
Rape	4	4
Rape Attempt	3	3
Sexual Abuse	1	1
Total	29	29

Killing by Family Member

The District Police Office arrested Sudip Kumar Rai, 24, on February 1 for allegedly killing Sushma Rai alias Nirmala, 22, of Phedi VDC-4 by assaulting her on the night of January 16. The police informed that the accused, who was abroad for work three years back killed his wife after he learnt that his wife had an illicit relationship with another man and was five months pregnant. The accused was arrested after a long time

when the locals complained that she had not committed suicide as Rai had claimed because the case was suspicious. The postmortem of the body was conducted at the District Hospital, Diktel on January 19. The victim had injuries in head and her body was charred. The body was recovered in the fireplace with in upside down position. The District Court issued an order to remand the accused in Diktel prison from March 1. The court sentenced the perpetrator to life imprisonment with confiscation of all his property on July 14.

Rape, Attempt to Rape and Sexual Abuses

The family of an 18-year-old girl with intellectual disability filed a complaint at the District Police Office, Diktel against Shekhar Nepal, 20, of Hauchur VDC-4 on November 2 on charge of raping her when she was sleeping in the verandah of her house on November 1. The victim underwent medical checkup at the District Hospital, Diktel on November 1. The District Court issued an order to remand the accused in custody on November 27. The case remained undecided until the end of the year.

HEALTH SERVICE STATUS

There is one district hospital, 71 health posts and two sub health posts in Khotang district. Out of five positions for doctors in the hospital, two were occupied and three were vacant. Out of six positions for staff nurse, three were occupied. The district has 154 positions for Assistant Health Workers of which 121 were occupied. Likewise, the district has 154 positions for Auxiliary Nurse Midwife of which 87 were occupied and 67 were vacant. Out of 76 positions for health assistant, nine were occupied. There is not even one gynecologist in the district. The annual health budget of the district was Rs. 8,47,44,000 of which administrative cost was not mentioned and Rs. 30,00,000 was for medical expenses.

3.15 Okhaldhunga



Total Population

147984



Women

79297



No. of Households

32502



No. of Households Drinking Water from River/Stream

641



No. of Households without Toilet

9495



No. of Migrant Workers

10552



Largest Population by Caste/Ethnicity
33782 (Chhetri)



Population by Disability

3490



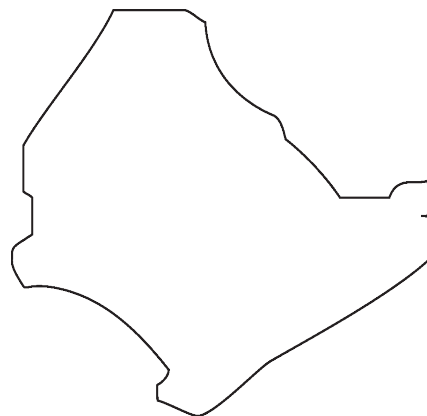
Literacy above 5 yrs (%)

64.42



No. of Community Schools

330



INSEC documentation showed slight improvement in the human rights situation of Okhaldhunga district this year. In 2014, 32 people, including eight male and 24 female were the victims of human rights violation whereas in 2015, 29, people, including three male and 26 female were the victims of human rights violation. Last year, two children were the victims of child rights violation, whereas the number increased to eight this year. Among them, one infant was killed by a mother and two children were the victims of corporal punishment. The incidents of women rights violation reduced this year. Last year, 20 women were victimized, whereas this year, 19 women were victimized by non-state actors.

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	6	2	8
Killing	1	1	2
Women Rights	19		19
Total	26	3	29

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates at a time. A total of 50 inmates, including 41 convicts and nine detainees were held there at the end of the year. The building was completely damaged due to the April Earthquake.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were 32 civil and 52 criminal cases pending.

CHILD RIGHTS

Education Status

There are 239 primary schools, 50 lower secondary schools, 50 secondary schools and 24 higher secondary schools in the district. All of the total positions of 1,640 for teachers were occupied at the end of the year. District Education Office said that 20,761 boys and 22,459 girls of school going age were enrolled in the school this year. The annual budget of DEO was Rs. 67,29,37,000. 4,561 children received scholarship of Rs. 96,378.

The incidents of child rights violation increased this year as compared to last year. In 2014, two children were the victims of child rights violation whereas in 2015, eight children were victimized by non-state actors. In 2015, INSEC documented two incidents of rape, three of sexual violence, two of corporal punishment and one newborn was killed.

Types of Events	By Non-State		
	Female	Male	Total
Corporal Punishment	1	1	2
Killing of Newborn Baby		1	1
Rape	2		2
Sexual Abuse	3		3
Total	6	2	8

Rape, Attempt to Rape and Sexual Abuses

A 14-year-old girl lodged a complaint against Pasangnuri Sherpa, 25, of Shiddhicharan Municipality-1 in the District Police Office on September 18 on charge of trying to rape her while cutting grass on September 16. The victim underwent health check-up at the District Hospital, Rumjhatar on September 18. The accused was arrested by police on Sep-

tember 22. On November 18, the court ordered to sentence the perpetrator to three years in jail.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 75 women lodged complaints at Women and Children Service Center (WCSC) against domestic violence of which 11 cases of assault and expulsion from the house, two of deprivation of food, six of polygamy and two of non-cooperation in registering marriage and acquiring citizenship certificate, and 39 of minor disputes. Among these, 71 cases were settled in agreement and remaining cases were forwarded for legal proceedings, according to WCSC.

INSEC documentation showed a decrease in number of women rights violation this year. Last year, 20 women were the victims of women rights violation, while this year, the number reduced to 19. Among total 19 incidents, 10 were the victims of domestic violence. Similarly, one woman was gang raped and four women were the victims of attempted rape. One incident of trafficking, one of allegation of witchcraft, two of polygamy was documented this year. A 65-year-old woman was killed by the family members.

Killing by Family Member

Local people lodged a complaint in the District Police Office against Bam Bahadur Baral, 34, of Bilandu VDC-6 on charge of killing her 65-year-old mother and burning her over a domestic dispute on January 25. Police registered a case of murder against him on January 27. The District Court ordered to remand him in custody on February 15 and sentenced him life imprisonment on August 30.

Human Trafficking

A 23-year-old girl lodged a complaint in the District Police Office on February 20 against Bishnu Kumari Nepali,

Types of Events	By Non-State	
	Female	Total
Domestic Violence	10	10
For Practicing Witchcraft	1	1
Polygamy	2	2
Rape	1	1
Rape Attempt	4	4
Women Trafficking	1	1
Total	19	19

35, of Chyanam VDC-6 on charge of human trafficking accusing Bishnu of luring her and attempting to traffic her on February 1. Dhan Bahadur BK, Bishnu Maya Nepali were arrested by Police on February 21. Police filed a case of human trafficking against them on February 23. The complaint stated the accused with the help of Dhan Bahadur organized her fake marriage with Hari Bahadur BK, of Patharkerabari VDC-7. The victim was taken to Lalitpur and was kept in a hotel while her husband was out of the district

for work. In the hotel, victim heard Bishnu negotiating with four male strangers and she reached home after escaping from there, and registered a complaint. The District Court ordered to remand Bishnu and Dhan Bahadur in custody on March 17. Another accused, Hari Bahadur remained absconding. The case was not decided until the end of the year.

HEALTH SERVICE STATUS

There is one hospital and 54 health posts and one primary health center in the district. Of the total four positions for the doctors in the hospital, two were occupied. There were seven positions for nurses, of which five were at work. The district has 113 positions for Assistant Health Workers, out of which 98 were occupied. There is no position for the gynecology specialist. The district has 114 positions for Auxiliary Nurse Midwife (ANM), of which 87 were occupied. According to District Health Office, annual health budget of the district was Rs. 15,17,23,600 for public health and Rs. 6,41, 80,600 for administration expenses.

1.16 Solukhumbu



Total Population

105886



Women

54686



No. of Households

23785



No. of Households Drinking Water from River/Stream

415



No. of Households without Toilet

5842



No. of Migrant Workers

5617



Largest Population by Caste/Ethnicity

20767 (Rai)



Population by Disability

2609



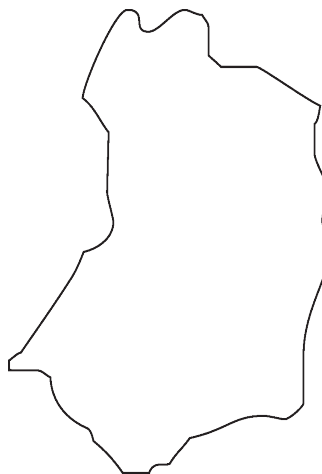
Literacy above 5 yrs (%)

67.54



No. of Community Schools

279



INSEC documentation showed an improvement in the human rights situation in 2015 as compared to 2014 in Solukhumbu district. In 2014, 115 people including, three male and 112 female were victimized by non-state actors, whereas in 2015, 80 people including, three male and 77 female were victimized by non-state actors. Last year, 10 children were the victims of child rights violation, whereas this year one child was the victim of child rights violation. Incidents of women rights violation reduced as compared to last year. Last year a total of 102 women were the victims of women rights violation whereas this year 75 women were victimized by the non-state actors. This year, INSEC documented four incidents of killing of which, one woman was killed by family member.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates at a time. A total of 82 inmates, including 69 convicts and 13 detainees were held there at the end of the year.

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	1		1
Killing	1	3	4
Women Rights	75		75
Total	77	3	80

CHILD RIGHTS

Education Status

There are 165 primary schools, 60 lower secondary schools, 23 secondary schools and 18 higher secondary schools. A total of 13,835 boys and 15,098 girls of school going age were enrolled in the district. Out of the total positions of 1,640 teachers, all were working at the end of the year. The DEO provided scholarships of Rs. 3,16,906 to dalit boys and Rs. 5,55,200 to dalit girls. Annual budget of DEO was Rs. 53,63,27,616 and administration expenses was Rs. 77,43,300.

INSEC documented 10 incidents of child rights violation in 2014. In 2015, one seven-year-old girl was sexually abused.

Types of Events	By Non-State	
	Female	Total
Sexual Abuse	1	1
Total	1	1

Rape, Attempt to Rape and Sexual Abuses

The victim's side filed a complaint in the Police Post, Juwa on April 5 against Amritkaji Rai, 17, of Lokhim VDC-4 on charge of trying to rape a seven-year-old girl luring her by taking in the nearby jungle while she was herding cow on April 4. The health check-up of the victim was conducted at the District Hospital, Phaplu on April 8. The accused was arrested by the police on April 22. The District Court on April 22 sentenced him a five-year-jail term on June 2.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 92 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence of which four cases were of assault and expulsion from the house, two of deprivation of food, 72 cases of beating and 13 cases

Types of Events	By Non-State	
	Female	Total
Domestic Violence	74	74
Polygamy	1	1
Total	75	75

of minor disputes. Among them, 86 cases were settled in agreement and five cases were forwarded for legal proceedings, informed WCSC.

The incidents of women rights violation decreased this year as compared to last year. In 2014, 102 incidents were documented whereas in 2015, 75 incidents were documented. All total 74 incidents of domestic violation were settled in mutual agreement by WCSC. One case of polygamy remained undecided as accused remained absconding until the end of the year.

Killing by Family Member

Police arrested Dorje Tamang, 21, of Loding Tamakhani VDC-3 on April 30 on charge of killing her father Mingmar Doma Tamang, 48, by hitting with wooden log on his head on April 28. The victim's side lodged a complaint against the accused in the District Police Office on April 29. The post-mortem of the body was conducted at the District Hospital on the same day complaint was lodged. The District Court ordered to remand him in custody on May 1.

HEALTH SERVICE STATUS

There is one district hospital and 32 health posts in the district. Out of the three positions for the doctors in the hospital, one was occupied. There were two positions for staff nurses, two positions for Assistant Health Workers and two for Auxiliary Nurse Midwife, all of these were occupied. There was one gynecologist in the district. Annual health budget of the district was Rs 7,00,00,000.



Annex 1.2

Human Rights Situation of **Mid Region**

The development region has 19 districts comprising Chitwan, Sarlahi, Nuwakot, Rasuwa, Makwanpur, Rautahat, Mohattari, Bhaktapur, Parsa, Sindhupalchok, Kavre, Sindhuli, Ramechhap, Dolakha, Bara, Kathmandu, Dhanusha, Dhading and Lalitpur.

The number of victims of human rights violation in the development region increased as compared to previous years. INSEC documented 2,688 victims of human rights violation in mid-region this year, whereas in 2014, it was 1680. Parsa district has the highest rise in documented number of victims— from 73 in 2014 to 395 in 2015. Similarly, Dhanusha district recorded rise in number of 293 victims, from 91 in 2014 to 384 in 2015.

INSEC documented increase in number of victims of human rights violation by state actor in 2015 as compared to 2014. Last year, a total of 81 people, including 18 female and 63 male were victimized by state actor, whereas this year, a total of 647 people, including 48 female and 599 male were victimized by state actor. 192 people were injured in clash between police and protestors during Madhes agitation. This year, 21 people, including one woman and 20 male were killed by state actor. The Tarai districts, mostly Parsa and Bara saw violent incidents of human rights violations. Protestors were beaten up and injured during the clash with police. Similarly, police, security personnel were injured after pro-

testor's hurled stones at them. Protestors vandalized and torched government offices, houses of political leaders, motorcycles, buses, ambulances and trucks. The increased number of victims by state actor is the result of police action in protests, demonstrations, and strikes by Madhesi parties in Tarai area.

The incidents of women rights violation in the region has increased by 339. In 2014, there were 1,140 victims of women rights violation, while in 2015, there were 1,479 victims of women rights. Parsa (209) and Mahottari (171) had significant increase in number of women victims. In 2014, the number was 48 and 24 respectively. Of 209 victims of women rights violation in Parsa, 200 were of domestic violence. There were 1,223 victims of domestic violence, 83 victims of rape, 75 victims of polygamy and 45 victims of rape attempt. Allegation of witchcraft practice left 23 women victim. 15 women were the victims of sexual abuse and 15 of trafficking. In 2014, there were 805 victims of domestic violence.

Number of child victims increased in the region in 2015 as compared to 2014. In 2015, 300 children were the victims of child rights violation, whereas in 2014, it was 268. Out of 300 victims, 153 were rape victims, 81 were sexually abused, 45 were used as a child labor, 13 were the victims of child trafficking, five of child marriage, two of infant killing and one of corporal punishment. Most of the child victims were from

Fig 1: Human Rights Violation in Mid Region

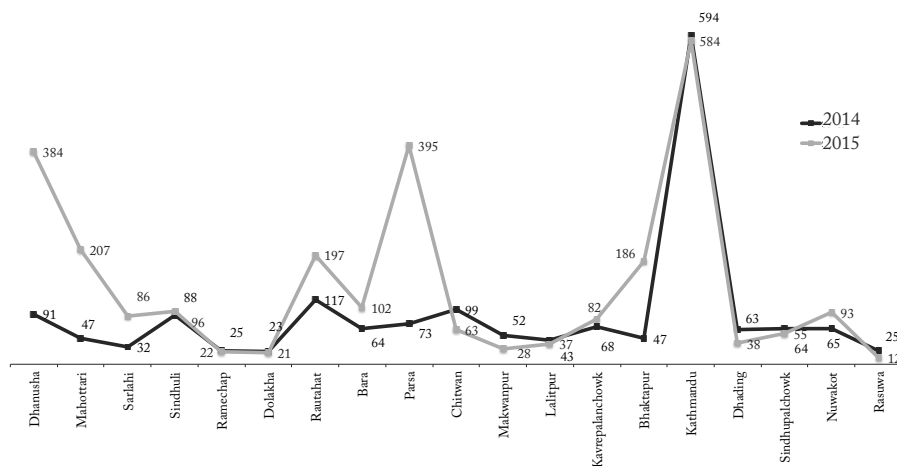
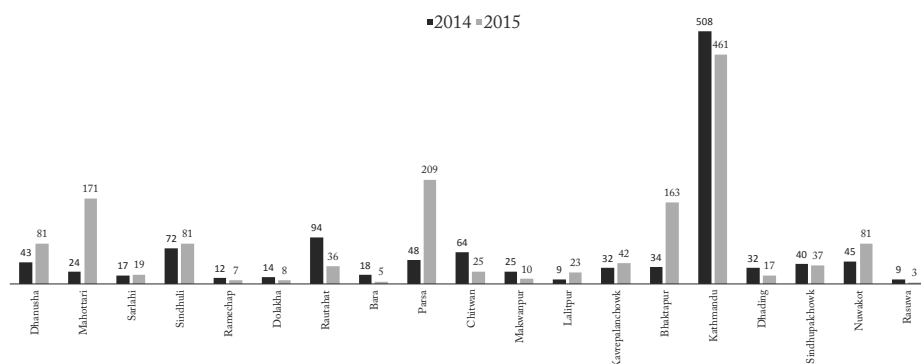


Fig 2: Women's Rights Violation in Mid Region



Kathmandu District which includes 76 victims, comprising child labor (45), rape (15), sexual abuse (14) and child trafficking (2). Last year, also Kathmandu District had the highest number of child victims (46). Child marriage is illegal in Nepal. However, IN-SEC documented five cases of child marriage in the region this year. Child marriage is related with the perception that girls are a burden to the family, and can be associated with the dowry system, wherein daughters who marry at early age require fewer dowries.

Total capacity of the district prisons was 4,623 (national capacity on December 31, 2015: 14,393), an increase from 4,138 in 2014. The prison occupancy of the inmates in the mid region in 2015 was 7,760 (National occupancy on December 31, 2015: 25,589), including 7199 male (National total: 24031) and 561 female (National total: 1558). There were 117 boys and 10 girls living with either of their parents as dependents. There are two prisons in Kathmandu while Dhanusha and Bara do not have any prison. Sarlahi has no inmate and Bhaktapur has the child reform center. A total of 19 inmates died in different prisons in the region. 16 male inmates of Bhadra Prison, Kathmandu were killed in the devastating earthquake of April 25.

Kathmandu and Makwanpur has the highest capacity to accommodate the inmates (1200). In mid region, except for Makwanpur and Bhaktapur districts, all other districts prisons were overcrowded. Most overcrowded prison was Kathmandu 'A' prison which was accommodating 2501

inmates, when it actually has a capacity to hold only 1200 inmates.

A strong earthquake measuring 7.8 in Richter scale with its epicenter in Barpak, Gorkha hit Nepal resulting in death of over 8,000 and injured more than 21,000. The earthquake was followed by many aftershocks and a very powerful one with a magnitude of 7.3 on May 12. Sindhupalchok was the worst-affected district by the devastating earthquake.

Nepal's trouble was not over with earthquake; the natural disaster was soon replaced by a political crisis. The region witnessed several violent incidents across the Tarai districts against the proposed province in the new constitution. The local administration imposed curfew in Birgunj from August 31 following a clash between cadres of Sanghiya Madheshi Morcha and police at Nagawa of Birgunj. The local administration declared Birgunj as riot-hit area on September 1 after curfew order had little impact on the protest. Similarly, India imposed undeclared blockade resulting in the obstruction of essential supplies from India. The Tarai-Madhes unrest and undeclared blockade by India resulted in shut down of schools, industries, shortages of petroleum products, necessary medicines and essentials goods. On the other side, entrepreneurs increased price of almost everything, citing supply constraints and high transportation charge due to fuel shortage. Normal life of people in the region was hit hard because of natural disaster and political crisis.

2.1 Dhanusha



Total Population

754777



Women

376239



No. of Households

138249



**No. of Households Drinking
Water from River/Stream**

215



No. of Households without Toilet

89692



No. of Migrant Workers

60400



**Largest Population by
Caste/Ethnicity**

132007 (Yadav)



Population by Disability

8412



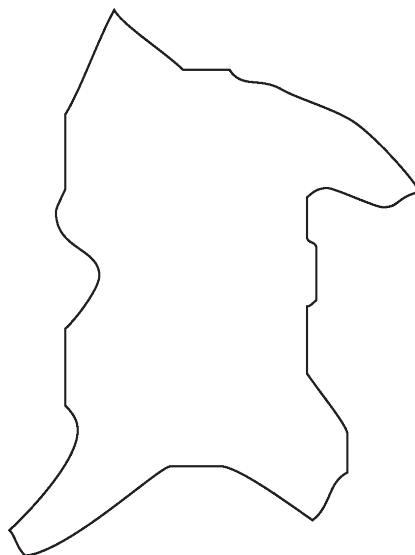
Literacy above 5 yrs (%)

50.44



No. of Community Schools

366



The human rights situation of Dhanusa district worsened in 2015 as compared to 2014. In 2014, a total of 91 people were the victims of human rights violation, including 63 female. In 2015, a total of 384 people, including 120 female were the victims of human rights violation. This year, a total of 244 people were victimized by state actor, including 22 female. Among them, three people were killed in police firing, including a 13-year-old boy. Similarly, 53 people were injured in police beating. A total of 185 people, including 22 female were suppressed from the rights to expression, assembly and association. This year, one person died in firing from unidentified group, whereas one died from the beating by UML cadres. One girl was abducted and 10 people were injured by non-state actors.

Mostly, children and women were victimized by non-state actors. Children were the victims of rape and sexual abuses, whereas women were the victims of domestic violence, allegation of practicing witchcraft and polygamy. Last year, eight women were killed whereas this

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				1		1
Beatings		17	17		10	10
Child Rights				10		10
Injured		39	39	2	25	27
Killing		3	3	4	7	11
Right to Assembly	22	163	185			
Women Rights				81		81
Total	22	222	244	98	42	140

year, 11 people, including four women were killed by non-state actors. Among four women who were killed, three were killed by family members whereas one was killed after rape. A total of 10 children were the victims of child rights violation, including eight rape victims and two of sexual abuse.

Due to the bandh called by Madhesi Morcha, educational institutions in the districts remained closed from August 15 to November 19. Health institutions were running but there was scarcity of medicines in the districts. Madhesi Morcha cadres vandalized an ambulance which was returning after transporting a sick person to a hospital. They also torched three trucks and a motorcycle accusing them of defying the bandh and also vandalized a tractor and a passenger bus. Long distance vehicles were unable to operate in Janakpur. According to INSEC documentation, Madhesi Morcha cadres torched the Tourist, Drinking Water and Sanitation Division offices and vandalized Education and Cottage and Small Industries Office. Due to the arson by Madhesi Morcha cadres on Nepal Congress party office, two rooms and the documents and computer present inside were completely destroyed. The court was found to have made decisions only regarding holding in custody. The work of Agricultural Development, Survey, Land Revenue, Education, Internal Tax Departments and all other governmental offices were highly affected. Land transfer in Land Revenue Office and collecting tax in Internal Tax Department could not be completed due to the movement. Financial Institutions were also closed. All seven Police Offices of the district suffered minor damage due to the arson by Madhesi Morcha's cadres. Due to vulnerability, District's 13 Police Offices, District Police Office and all other police offices merged with area Police Offices were reestablished. Morcha's cadres burnt two Police offices located at

Ramanand Chowk, Janakpur and Pidari Chowk, Janakpur. According to INSEC documentation, medicine businessperson, human right personnel and press, children, elderly and other civilians and were beaten by security personnel.

President Bidhya Devi Bhandari went to Janakpur to participate in Ram Janaki marriage festival. However, the cadres of Madhesi Morcha tried to obstruct her visit and an incident regarding purification of the temple by sprinkling gold water after Bhandari's visit made the temple impure was made public.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By State

Nitu Kumar Yadav, 18, of Janakpur sub-metropolis-26 and Sanjay Kumar Chaudhary, 40, of Chetreshwornath Municipality-5 were killed when police opened fire in Mills Area of Janakpur sub-metropolis-1 on September 11 while they were staging demonstration defying curfew orders. Yadav died on the spot while Chaudhary succumbed to injuries and received treatment at Janakpur Zonal Hospital. Yadav sustained bullet in head while Chaudhary was hit in the chest. The post-mortem of the bodies was conducted on September 15 and joint final rituals were performed on the same day. The victim's families did not file complaint until the end of the year. Local Administration, Dhanusha imposed curfew in the Janakpur to maintain security after the Samyukta Loktantrik Madhesi Morcha called protestors from villages to Janakpur to participate in their program "Chalu Janakpur Bharu Janakpur", informed District Security Committee.

Dilip Kumar Yadav, 13, of Sinurjoda VDC-26 died when police opened fire in Pidarichok on September 11. The post-mortem of the body was conducted at the Janakpur Zonal Hospital on Septem-

ber 13 and final rituals were performed by family members on September 15. The victim family did not lodge complaint until the end of the year. Yadav died when police opened fire while he was staging demonstration defying curfew order, informed SP Ganesh Bahadur Thapa while Madhesi Morcha informed that Yadav was killed by police while returning home after participating in the Madhesi Morcha program “Chalu Janakpur Bharu Janakpur”.

IINJURED IN EXPLOSION/FIRING

By State

Rishikesh Nayak, 25, of Janakpur sub-metropolis-7, Bijay Sah, 25, of Loharpatti VDC-3, Mohattari, Suresh Sah, 25, Santosh Sunar, 26, Habib Safi, 18, Rabi Kumar Sah, 18, of Janakpur sub-metropolis-7 and Chandan Sah, 15, of sub-metropolis-7 were injured when hit by rubber bullets and tear gas in the prohibited zone in Janakpur on September 2. Those injured received treatment at Janakpur Zonal Hospital. Local administration imposed prohibitory order on September 2 from noon saying that the agitation organized demanding autonomous Madhes State was getting out of control.

THREAT/BEATING

By State

Human Rights Assistant of NHRC Janakpur, Ajit Thakur, 38, of Gaur Municipality-13, staff of Human Rights Protection Forum, Dipendra Das, 36, of Janakpur sub-metropolis-7, Joint Coordinator of Abhyuthan Nepal, Nagendra Kumar Sah, 30, of Fulgama, staff of THRD Alliance, Birendra Karna of Janakpur sub-metropolis-7, Coordinator of WOREC, Dev Kumar Mahato, 23, of Laxminiwas-5 were injured in police beating while monitoring the protest at Bhanu Chowk on September 1. Those injured sustained injuries in head and hand and received treatment at Janakpur Zonal Hospital.

RIGHT TO PROMPT AND FAIR TRIAL

The District has one District and one Appellate Court. The District Court has eight positions for judges, of whom five were at work. There were 1,838 civil and 720 criminal cases pending. There were 151 civil and 72 criminal cases older than two years pending.

The Appellate Court has 12 positions for judges, of which seven were at work. There were 1,599 civil and 505 criminal cases pending. There were 26 civil and 79 criminal cases older than two years pending. The judge in the district was responsible for 507 cases on an average this year.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

By State

The clash erupted between police and protestors when the Samyukta Loktantrik Madhesi Morcha cadres tried to obstruct the opinion collection on draft constitution at Dhanusa Constituency no. 5 on July 20. Sel Kumari Yadav, 40, Hari Gopal Yadav, 42, of Janakpur sub-metropolis-26 and Kishor Yadav, 55, of Janakpur sub-metropolis-25 were injured during the clash. Sel Kumari sustained injury in hand, Hari Gopal sustained injury in head and Nawal Kishor sustained injury in leg. They received treatment at Janakpur Zonal Hospital. The opinion collection process was halted due to the obstruction created by Madhesi Morcha.

By Non-State

SI of Hanumannagar Police Post, Arun Kuar Yadav, 30, Lalit Mahato, 27, Bijay Rawat, 30, and Dipendra Yadav, 26, were injured when protestors threw stones at police during the clash between police and cadres of Samyukta Loktantrik Madhesi Morcha at Hanumannagar in Janakpur-12 on September 2. Yadav sustained injury in neck, Mahato sustained injury in right hand and Rawat sustained

injury in right leg, informed police. The injured received treatment at Janakpur Zonal Hospital.

TORTURE AND OTHER CRUEL AND INHUMAN BEHAVIOR

Birendra Kumar Sah, 30, of Devpura Rupautha VDC-4, a fruit vendor was beaten by Police Constable of Janaki Police Post, Binod Yadav at Janaki Chok on June 5. Birendra, who was selling mangoes at the road side, was beaten up by police. He sustained injury in ear and was immediately taken to the Janakpur Zonal Hospital. He was further referred to ENT specialist. Dr. Ashok Kumar Gupta informed that his eardrum was ruptured. The victim did not lodge any complaint. While Janaki Police Post informed that no policemen had beaten him. Later, the victim did not wish to come in contact.

CHILD RIGHTS

Education Status

There are 282 primary schools, 83 lower secondary schools and 25 secondary schools in the district. Out of total positions for 2,496 for teachers, 2,420 were occupied at the end of the year. A total of 347 schools have facility of toilets. This year, 8,670 boys and 10,089 girls of school going age were enrolled in the school. DEO distributed scholarships of Rs. 1,287,500 to 1,468 dalit boys and 1,107 dalit girls. There are 195 non child-friendly schools in the district. The annual budget of the DEO was Rs. 1,27,48,24,528 and administration expenses were 71,22,000.

This year INSEC documented eight incidents of rape of girls of the age group 8 to 16. Girls were unsafe at their own home while one girl was the victim of gang rape. One of the accused of gang rape was a minor boy. One rape accused was released on general date whereas two minor were handed over to their parents. One accused remained absconding. None of the eight rape cases were decided until the end of the year.

Types of Events	By Non-State	
	Female	Total
Rape	8	8
Sexual Abuse	2	2
Total	10	10

Attempt to Kill after Abduction

Sunil Kumar Bisunke, 24, of Lahan Municipality-10, Siraha and Dhiraj Kumar Chaudhary, 24, of Malhaniya VDC-7, Saptari tried to kill Arati Kumari Sah, 14, of Janakpur sub-metropolis-5 after abduction on June 21. The girl was rescued following a tip off on June 24, informed police. The victim side lodged a complaint at the District Police Office on June 24. Bisunke was arrested by police on June 24. The District Court ordered to remand him in custody on July 23. The case was not decided until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

The victim's side lodged a complaint at the Area Police Office, Dalkebar on March 27 against Dhan Bahadur Tamang, 52, on charge of raping an eight-year-old girl on March 23. The health check-up of the victim was conducted at Janakpur Zonal Hospital on March 23. Police arrested the accused on the same day of incident. The District Court ordered to remand him in custody on April 15. The case was not decided until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year, 445 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence cases of which 244 cases of assault and expulsion from the house, 84 of deprivation of food, 34 of polygamy and 27 of non-cooperation in registering marriage and acquiring citizenship certificate,

seven of threat of murder and eight of allegation of practicing witchcraft. Among these, 435 cases were settled in agreement and remaining 10 cases were forwarded for legal proceedings, according to WCSC.

This year, three women were the victims of rape and one was the victim of sexual abuse. In 2014, 43 people were the victims of women rights violation. In 2015, 81 women were the victims of women rights violation. One woman was gang raped. This year, three women were killed by family member. In one incident of murder, accused was husband and whereas in other two incidents mother-in-law and brother-in-law were the accused. The three cases were on trial until the end of the year.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	63	63
For Practicing Witchcraft	3	3
Polygamy	10	10
Rape	3	3
Rape Attempt	1	1
Sexual Abuse	1	1
Total	81	81

Killing after Rape

A 30-year-old woman of Janakpur sub-metropolis-4 was found killed after rape on September 17, informed police. The deceased woman was expelled from her home. The body was recovered in semi-naked condition with deep injuries in head. The health check-up and post mortem of the body was conducted at Janakpur Zonal hospital on September 17. The body was not identified and final rituals were performed on October 1, informed police. Those involved in the incident were not identified until the end of the year.

ALLEGATION OF WITCHCRAFT

Indu Devi Mandal, 35, of Gidhha VDC-1 was beaten up and force fed human excreta by Ram Bhajan Mandal, 42, Sandeep Kumar Mandal, 27, Surendra Mandal, 27, Chediya Mandal, 34, of the same VDC on charge of being a witch on September 23. The injured Indu received treatment at Janakpur Zonal Hospital. One month ago, son of Ram Bhajan Mandal, Umesh Mandal, 18, had committed suicide by consuming poison but Ram Bhajan accused Indu of killing him by casting spell on him. He called Indu out of her home and force fed her human excreta. The victim's side lodged a complaint at the District Police Office on October 7. Among the accused, Chediya was arrested by police on December 15. The District Court ordered to remand him in custody on December 22. Remaining accused were absconding until the end of the year, police informed.

Killing by Family Member

The mother of Sarita Devi, 30, of Digambarpur VDC-6 lodged a complaint at Area Police Office on March 16 against Ram Babu Sah, 33, on charge of killing his wife on March 14. Police arrested the accused from Kharihani VDC-4 on March 15. The District Court ordered to remand him in custody on April 13. The case was not decided until the end of the year. The accused had returned from foreign employment and was preparing for second marriage, alleged Sarita's maternal family.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of InfraStructure/Property

Protesters of Samyukta Loktantarik Madhesi Morcha participating in lathi demonstration torched party office of Nepali Congress at Janakpur Municipality-4 on September 7. There were numerous

clashes between protestors and police after police intervened at the situation. Police fired tear gas shells, rubber bullets, fired in air in order to provide security to UML party office.

HEALTH SERVICE STATUS

There is one hospital, 29 health posts and 69 sub-health posts in the district. There were five positions for the doctors in the hospital, of which all were filled. There were five positions for staff nurses, out of which, four were occupied. The district has 314 positions for Assis-

tant Health Workers, out of which, 295 were occupied. The district has 211 positions for Auxiliary Nurse Midwife (ANM), out of which, 211 were at work. There were two immunization supervisor and one Tuberculosis/ Leprosy diseases supervisor. The district has 103 positions for health assistant, out of which, 96 were occupied. According to District Health Office, annual health budget of the district was Rs 1, 2,92,33,000 for public health and Rs 55, 00,000 for administration expenses.

2.2 Mahottari



Total Population

627580



Women

316564



No. of Households

111316



**No. of Households Drinking
Water from River/Stream**

374



No. of Households without Toilet

80688



No. of Migrant Workers

40541



**Largest Population by
Caste/Ethnicity**

95077 (Yadav)



Population by Disability

10166



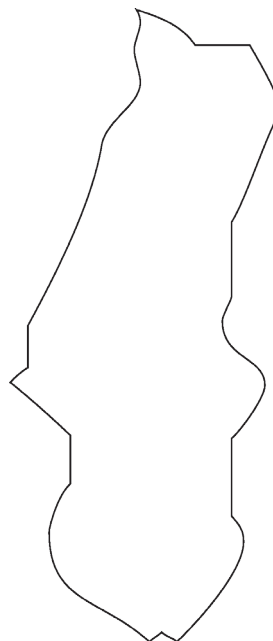
Literacy above 5 yrs (%)

47.00



No. of Community Schools

384



According to INSEC documentation, there was a rise in the incidents of human rights violations and abuses in Mahottari in 2015. In 2014, 47 people, including 42 women were victims of human rights violations whereas the number increased to 207, including 185 female in 2015. This year, 18 people, including two women were victimized by the state actor. Among these, six of them were killed in police firing. Even a three-year-old child and a 70-year-old elderly woman were killed in police firing. Last year, two people were killed by the state party. The cadres of Madhesi Morcha killed APF's Assistant Sub Inspector by dragging him out of the ambulance while he was on his way for treatment. Eight people were assaulted and injured by security personnel. Likewise, four women were victims of right to expression, assembly and association. One protestor died on the spot in a human chain called by Samyukta Loktantrik Madhesi Morcha.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					1	1
Beatings					1	1
Child Rights				7		7
Injured	1	7	8			
Killing	1	5	6	5	3	8
Right to Assembly		4	4			
Threats					1	1
Women Rights				171		171
Total	2	16	18	183	6	189

INSEC documentation showed that there were three victims of threat, assault and abduction by the non-state actor. Mostly, women and children were victimized by the non-state actor in the district. Girls were victims of rape whereas women suffered from sexual and domestic violence and allegation of witchcraft. Last year, six woman was killed by the non-state actor whereas eight people, including five women were killed this year. Among them, two women were killed by their family member. Seven girls were victims of rape in 2015.

Samyukta Loktrantik Madhesi Morcha's Madhesh Movement, India's unofficial blockade and Morcha's territorial border dispute have affected the district's education, health, industry and all other sectors badly.

Morcha's cadres set the district's five governmental offices, two political party offices and a private bank on fire in addition to vandalizing them. District's 10 police unit and police posts were vandalized and set on fire. 16 police post and beats were merged with the District Police Office due to insecurity, five police posts were reinstated. One ambulance was vandalized and set on fire while a dozen motorcycle, bus, trucks and other vehicles were both vandalized and set on fire. Educational institutions were closed since August 15 and did not reopen until the end of November. Unidentified group blasted a petrol bomb in Sonamai VDC and a private school was set on fire. There were scarcity of vital medicines and oxygen at the hospitals. Children younger than five were unable to get Vitamin A drops, worm medicine, polio drop and various other vaccines. 1,06,811 children older than six months and younger than five years of Mahottari were deprived of Vitamin A, while 75,533 children between the age of one and five were deprived of worm medication, Albendazol. Pregnant, post-partum and sick women could not

easily reach hospitals. Other than districts security and administrative office, other governmental offices could not come into operation. Due to closure of governmental offices, services like land registration, passport, organization renewal, recommendation, tax reporting and case decision were affected. Due to Madhesh movement, elderly citizen, disabled, single women and children of Dalit community of 68 VDC were deprived of government facility.

During the course of Madhesh movement, security personnel were found using more than appropriate force.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By State

Ganesh Chaudhary, 70, of Jaleswor Municipality-7 and Ramsheela Mandal, 30, of Damimadai and currently residing in Hatilet were killed in police firing in a clash that occurred with Samyukta Loktantrik Madhesi Morcha on September 10 in Jaleswor. Both of them were declared dead on arrival by Dr. Satish Sah, Medical Officer of District Hospital, Mahottari. Both of them were shot in their heads. The postmortem of the bodies were conducted on September 15 and the funeral was also conducted in their villages. The victim's family did not receive the relief amount of Rs. 1 million provided by the government.

By Non-State

Armed Police Force ASI Thaman Bahadur BK, 25, of Kachanapur-5 of Banke district was killed by the cadres of Samyukta Loktantrik Madhesi Morcha on September 11. He was first assaulted by the cadres of SLMM, dragged out of the ambulance and killed while going to Janakpur for treatment. BK was injured in the attack of protestors in the morning of September 11 in Shankar Chowk

of Jaleshwar. SP Saurav Rana said that he was dragged out of the ambulance, assaulted and killed by the protestors while being taken to Janakpur Zonal Hospital for further treatment in Sanukhara near Mahottari VDC of Janakpur-Jaleshwar Road. APF Inspector Dharma Thapa said that BK was taken to the paddy field 300 meters from the road and was hit by logwood because of which he died. The cadres of Morcha even torched the ambulance after killing him. Logwood and beer bottles were found near BK's body. One police in civil uniform and the ambulance driver who were accompanying saved their lives by running away. The protestors had assaulted BK in Shankar Chowk of Jaleshwar who was coming to Mahottari from Hetauda in the morning of September 11. He had received 16 stitches on head and had bruises all over his body in the assault. BK had jumped into a pond after being chased by the protestors. However, the protestors dragged him out of the pond and assaulted him brutally.

INJURED IN EXPLOSION/FIRING

Bikas Mishra, 25, of Jaleshwar-4, Rambabu Sah, 19, of Bairagiya Laxminiya, Mukesh Kumar Paswan, 18, of Jaleshwar-4, Lalindra Mandal, 20, of Kolhuwa Bagiya, Abhinash Jha, 20, of Bhatauliya, Siwendra Mahato, 20, of Pigauna-6 and Shankar Paswan, 22, of Jaleshwar-4 were injured when police charged baton, opened fire and teargas shells in a clash that occurred with the protestors during the Madhes movement in Jaleshwar, Mahottari on September 9.

JAIL AND DETAINEES

The 'B' grade District Prison has the capacity to hold 135 inmates at a time. A total of 408 inmates, including 45 convicts and 363 detainees were held there at the end of the year. Among them, there were 13 female convicts and 22 female detainees. There were three boys and three

girls living as minor dependents in the prison. The prison which was constructed in 1896 is in a dilapidated condition. The inmates are compelled to stay in dark during load shedding and there is a problem of leakage from roof during monsoon.

THREAT/BEATING

By Non-State

Reporter of Nagarik Daily and News Coordinator of Radio Mirchi FM 89.6 Megahertz Mahesh Kumar Das, 30, of Suga VDC-3 was mistreated and threatened to be killed by Terai Madhes Loktantrik Party Leader Shankar Mishra (Shahi) on April 21. Leader Mishra mistreated Das and threatened to kill him after news regarding beetle nut smuggling in Mahottari showing Mishra's involvement was broadcasted by Radio Mirchi. Mishra entered Das's work station and pressurized him to broadcast news as per his wish. Though Das agreed to broadcast the news next morning, Mishra threatened to shoot him. After the verbal complaint by the victim, the case was settled in a discussion between the two parties.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has positions for six judges and all of them were working. There were 1,145 civil and 342 criminal cases pending until the end of the year. There were three criminal and four civil cases older than two years pending. One judge handles more than 248 cases on an average.

CHILD RIGHTS

Education Status

2,75,847 children, including 91,988 boys and 78,501 girls of school going age in the district were enrolled from primary to secondary levels. There are 411 primary schools, 127 lower secondary schools and 65 secondary schools in the district. There are 2,109 positions for teachers in the district of which 37 were vacant and

2,072 were occupied. According to the District Education Office, there are no disabled friendly toilets in the schools. The total annual budget of DEO was Rs. 1,08,50,36,128 of which Rs. 4,73,000 was administrative cost and Rs. 4,03,84,710 was allocated for scholarships as informed by the DEO. It was found that there was no update of data as the schools were closed due to the Terai/Madhes movement from August 15.

This year, seven girls of ages between eight and 15 were victims of rape. Even a 70-year-old man was involved in rape. One of the accused of child rape was released on general date whereas the other cases remained undecided until the end of the year.

Types of Events	By Non-State	
	Female	Total
Rape	7	7
Total	7	7

Rape, Attempt to Rape and Sexual Abuses

The family of a 15-year-old victim filed a case at the District Police Office on May 11 against Rohabar Ansari, 19, of Parikauli VDC on charge of raping the girl on May 6. It was agreed in village panchayat between the absconding accused's family and the family of the victim that the accused would marry the victim. The police arrested the accused on July 30. The District Court issued an order to remand the accused in custody on July 31.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 223 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This included 106 cases of assault and expulsion from the home, 98 cases of deprivation of food and clothes, 12 cases of noncooperation in

marriage registration and acquiring citizenship certificate, four cases of polygamy, three cases of threat to kill and one case of allegation of witchcraft. Among these, 159 cases were settled in agreement and 64 cases were processed for legal actions as informed by the WCSC.

Killing by Family Member

The police arrested Mohan Yadav, 35, and Rambabu Yadav, 55, on January 16 on charge of allegedly killing his wife and daughter-in-law Dulari Devi Yadav, 28, of Mahottari VDC-4 on the night January 12. Both the accused were released on a general date as per the order issued by District Court on February 11. The police informed that the accused had killed his wife over a dispute of repaying the loans. The dead body of Dulari was found in a pond in the village on January 13. The case remained undecided until the end of the year.

This year, five women were victims of rape and attempt to rape, three were sexually abused as per INSEC's documentation. In 2014, eight women were victims of rape and sexual abuses. This year, two women were killed by their family members of whom the accused were husband and father-in-law. The court did not decide on any case of rape and sexual abuses.

Rape, Attempt to Rape and Sexual Abuses

An 18-year-old girl filed a com-

Types of Events	By Non-State	
	Female	Total
Domestic Violence	162	162
For Practicing Witchcraft	1	1
Rape	2	2
Rape Attempt	3	3
Sexual Abuse	3	3
Total	171	171

plaint in police on May 21 against Arun Kumar Yadav, 18, of Khairbanni VDC-3 and Mithlesh Yadav, 18, of the same place on charge of attempting to rape her by entering her house in the night of May 20. Both the accused were taken control by the locals and handed over to police the same day. A chargesheet was filed against the both for rape on May 21. The case remained undecided until the end of the year.

ALLEGATION OF WITCHCRAFT

Sabina Khatun, 35, of Simardahi VDC-9 was assaulted by baton and sharp object by her brother-in-law Jibrael Kawari, 30, Jibrael's wife Jailam Khatun, 30, and Amina Khatun, 28, on charge of being a witch on June 24. Khatun who fainted following the abuse received treatment at the District Hospital, Jaleshwor. Sabina was assaulted in various parts of the body and was accused of casting spell on the buffalo to stop giving milk. Before this, Sabina was assaulted 4/5 times on charge of being a witch. Though, the perpetrators were preparing to feed her human excreta, local women managed to resist the act. The victim filed a complaint at Women and Children Service Centre of District Police Office on June 24 but the case remained undecided until the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

The 'so-called' upper class people took back the agricultural land in Bataiyya which they had given to the Chamar community of Suga VDC-4 after the Chamar decided not to clear carcass. Ac-

cording to the locals, the VDC has settlements of 16 caste and communities, including Chamars. The Chamars are traditionally expected to dispose the carcass. But as they decided to give up this work, the 'so-called' upper class people boycotted them and took back their land on which the Chamar families were working as land tenants. Ratan Chamar, leader of Chamar community filed a complaint at the local police post on February 1. There was an agreement between both the parties in Police Office on March 11 that no one would be forced to clear the carcass against their will and crops yielded in any of their field would be divided into half.

HEALTH SERVICE STATUS

There are two hospitals in Mahotari district, one in Jaleshwor and another in Bardibas. There are 52 health posts and 23 primary health centres in the district. As per the data provided by the District Health Office, out of 13 positions for doctors in the district, six were vacant. Out of 15 positions for staff nurse, all were working. Likewise, out of six positions for lab assistant, all were occupied. The district has 229 positions for Assistant Health Workers, of which 39 were vacant. The district has 156 positions for Auxiliary Nurse Midwife, of which 51 were vacant. Out of one position each for Vaccination Supervisor and Tuberculosis/Leprosy, both were occupied. Out of 79 positions for health assistants, 40 were vacant. Out of 88 rank less positions, 46 were occupied. The annual health budget of the district was Rs. 15,02,80,800 of which administrative cost was Rs. 8,47,25,800 and Rs. 48,00,000 for medical expenses.

2.3 Sarlahi



Total Population

769729



Women

389973



No. of Households

132844



No. of Households Drinking Water from River/Stream

691



No. of Households without Toilet

97720



No. of Migrant Workers

21401



Largest Population by Caste/Ethnicity

115359 (Yadav)



Population by Disability

9585



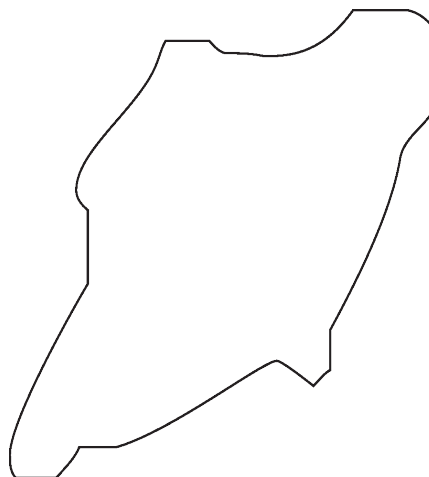
Literacy above 5 yrs (%)

89.00



No. of Community Schools

532



According to INSEC documentation, there was a rise in incidents of human rights violations and abuses in Sarlahi in 2015. In 2014, 32 people, including 23 female were victims of human rights violations and abuses whereas 86 people, including 44 female were victims of human rights violation and abuses in 2015. In 2015, 30 people, including one woman were victimized by the state actor. One person was killed in police firing. One woman was killed in a stampede during the clash between Madhesi Morcha and Police. This year, 11 people were injured in police firing and six in baton charge. There were seven victims of arrest and torture as per INSEC documentation. This year, three people were restricted of their right to expression, assembly and association and two people were victims of threat.

This year, eight people were assaulted by the non-state actor and one was injured. Mostly women and children were victimized by non-state actor. Girls were victims of rape, sexual abuse and child marriage whereas women were victims of sexual and domestic violence and polygamy. Last year, one woman was killed

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		7	7			
Beatings				4	4	8
Child Rights				13		13
Injured		17	17		1	1
Killing		1	1	7	8	15
Right to Assembly	1	2	3			
Threats		2	2			
Women Rights				19		19
Total	1	29	30	43	13	56

by the non-state actor whereas 15 people, including seven women were killed by the non-state actor this year. This year, there were no killings by family members. This year, seven girls were victims of rape, five were sexually abused and one was a victim of child marriage.

Due to Madhesh movement, life of civilians of the southern part was highly affected. Schools, Governmental Offices, Security bodies and Health sector were also highly affected. Due to continuous closure, schools could not resume normal learning for 54 days. Although the schools have opened lately, the District Educational Office has not opened from August 15 till the end of this year. Government Offices based on district head-quarter Malangwa were all closed. District Technical, District Livestock, Family planning, Governmental lawyer, District drinking water, Women and Children and Irrigation Offices were accused of defying the bandh and were vandalized and torched by the agitating Madhesi Morcha cadres. During the course of the movement, the cadres of Madhesi Morcha torched the vehicle of National Human Rights Commission. Due to Madhesh movement, 13 police stations in the southern part of Sarlahi were displaced. Displaced police units could not be reinstated till the end of this year. Demonstrators attacked Malangwa Bus Park, Jiwise based police beat and Mohanpur, Haripurwa, Gaudaita, Kawilasi Police post and then vandalized and torched them. There was a shortage of medicines at health post and hospitals of the district.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By State

Chhatu Sahani, 35, of Pipara Rajwara of Rautahat district was killed in a police firing in a clash that occurred in Khairwa Bahorawa, south west of Sarlahi

on February 13. The victim was rushed to the District Hospital, Malangwa but died on the way. According to the police, Sahani was killed in a retaliatory firing when the armed men fired at a special team of police. The police recovered a Chinese pistol and a home-made gun from the site. According to the police, Chinese pistol was stolen from DSP Lawajung Chauhan in Harkathawa, Sarlahi on December 3, 2010.

By Non-State

UML District Committee Member Ram Naresh Yadav, 60, of Hempur VDC-7 was killed by a group of unidentified people while he was in a morning walk in the same VDC on December 29. According to SP Kedarnath Dhakal, the unidentified people killed Yadav by throwing chili powder in his eyes and attacking with sharp weapon in his mouth and throat. The postmortem of the body was conducted the same day at Sarlahi District Hospital Malangwa and was handed over to the victim's family. The motive behind killing was not known. The accused were absconding until the end of the year.

INJURED IN EXPLOSION/FIRING

By State

Bikram Ray, 32, of Malangwa Metropolis-10 and Mitesh Yadav, 26, of Mahinathpur VDC-8 were injured in a police firing in a clash that occurred with the Samyukta Loktrantik Madhesi Morcha in District Headquarter on September 21. Ray was airlifted by a helicopter to Kathmandu for treatment whereas Yadav received treatment at the District Hospital Malangwa. The clash between the protestors and police started when the cadres of Samyukta Loktrantik Madhesi Morcha stopped a fire brigade and vandalized it while it was heading towards UML CA Member Kamala Devi Mahato's house in Malangwa Metropolis-10 to douse the fire set by the cadres of SLMM.

JAIL AND DETAINEES

The 'C' grade District Prison, Sarlahi has the capacity to hold 100 inmates at a time. However, no inmates were kept in the prison in 2015 because of the dilapidated condition of the building. The renovation of the prison is yet to be decided by the government of Nepal so there are no inmates here since January 28, 2013. The department has not made any concrete decision regarding the construction of the prison. The prison wall suffered cracks in the attack of UCPN-M during the conflict period on April 8, 2006.

THREAT/BEATING

By State

The police mistreated Journalist of Madhes Post Bishwanath Thakur, 29, of Malangwa Municipality-10 and Journalist of Kantipur Television Om Prakash Thakur, 36, of Pipariya VDC-2 on charge of capturing the pictures of clash that occurred between police and protestors in District Headquarter Malangwa on December 21. According to Thakur, the police threatened to vandalize their camera and shoot them if they captured the clash on camera. The journalist expressed difficulty in collecting news and also regarding the insecurity.

By Non-State

Birendra Ram, 24, of Malangwa-4 was injured when the fire set on the motorcycle with registration number B R 30 C 8434 by the cadres of Samyukta Loktantrik Madhesi Morcha staging sit-in at the entry point of Malangwa caught him on November 6. The motorcycle was bringing petrol to Nepal from India. The injured received medical treatment at the District Hospital Malangwa. According to the victim, he had brought petrol worth only INR 100 from the Indian side. However, the Madhesi Morcha torched his motorcycle. The victim did not file a complaint.

RIGHT TO FAIR AND PROMPT TRIAL

The District Court has positions for six judges of which two were vacant. There were 770 civil cases and 488 criminal cases pending until the end of the year. There were 63 civil cases and 23 criminal cases older than two years pending at the court. One judge handles 386 cases on average.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

The cadres of Samyukta Loktantrik Madhesi Morcha torched the vehicle of National Human Rights Commission Janakpur Regional Office with registration number Ba 7 Cha 7476 in Jutpani, Netragunj Gamawisa-5 and manhandled Commission's officer Neetu Gadtaula on December 3. The jeep was completely destroyed in the arson. The team of NHRC was returning through an alternative route, south from Nawalpur after monitoring the programme by Chure Bhawar in Lalbandi. The protestors who were agitated after the police fired in the protest assembly organized by Madhesi Morcha in Nawalpur torched the vehicle of NHRC.

CHILD RIGHTS

Education Status

There are 292 primary, 59 lower secondary and 75 secondary schools in the district. There are 1,682 positions for teachers in the district. 15,219 boys and 15,784 girls of school going age were enrolled in the school. According to the District Education office, 29,701 dalit boys and 29,798 dalit girls were provided scholarships.

Types of Events	By Non-State	
	Female	Total
Child Marriage	1	1
Rape	7	7
Sexual Abuse	5	5
Total	13	13

This year, seven girls of ages between four and 17 were victims of rape whereas five girls were victims of sexual abuse. Even the school's hostel was found unsafe for girls. There was one case of gang rape and even a boy was found involved. Three accused of gang rape were absconding whereas one boy was remanded in Child Reform Centre. The court did not decide on any case of rape until the end of the year.

Killing

Arati Kumari, 3, of Barhathawa VDC-9 was found dead at a sugarcane field nearby her house on September 15. The girl was found dead after she went missing for a day. The police reported that investigation into her death was going on but no one was arrested until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

The family of an 11-year-old girl filed a complaint at the Area Police Office, Barhathawa on May 17 against Janak Sahani, 40, of Hajriya VDC-4 on charge of luring the girl with Rs. 100 and raping her on May 16. The victim underwent medical examination at the District Hospital. The police arrested the accused on May 17. The District Court issued an order to remand the accused in custody on May 31. The case remained undecided until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 214 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. Among these, 114 cases were settled in agreement and 82 were sent for legal action. 32 victims did not come in contact.

Rape, Attempt to Rape and Sexual Abuses

The family of a 25-year-old woman filed a complaint at the District Police Of-

Types of Events	By Non-State	
	Female	Total
Domestic Violence	12	12
Polygamy	2	2
Rape	5	5
Total	19	19

fice on March 28 against Ajay Kurmi, 25, and Saroj Patel, 20, of Laxmipur Sukhachaina VDC-1 on charge of gang raping the girl when she had gone to toilet at night of March 28. The victim underwent medical examination at the District Hospital. The police arrested the accused on March 31. The District Court issued an order to remand both the accused in custody on May 1. The case remained undecided until the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS Destruction of Infrastructure/ Property

The cadres of Samyukta Loktrantik Madhesi Morcha torched a jeep with registration number Ba 1 Jha 8592 in Irrigation Office in Malangwa on December 22. The agitated protestors torched the jeep following a clash with police in District Headquarter Malangwa.

HEALTH SERVICE STATUS

There is one hospital, 94 health posts and five primary health centres in the district. According to the data of District Health Office, out of 20 positions for doctor in the district, only six were occupied. Out of one position for a gynecologist, one was occupied. Out of 13 positions for staff nurse, five were vacant. Out of 11 positions for lab assistants, all were occupied. Out of 297 positions for Assistant Health Workers, 214 were occupied. Likewise, out of 198 positions for Auxiliary Nurse Midwife, 120 were occupied. Out of one position each for vaccination supervisor and Tuberculosis/Leprosy Supervisor, both were occupied. Out of 99 positions for health assistants, only 15 were occupied whereas 84 were vacant.

2.4 Sindhuli



Total Population

296192



Women

154069



No. of Households

57581



No. of Households Drinking Water from River/Stream

2418



No. of Households without Toilet

38237



No. of Migrant Workers

15287



Largest Population by Caste/Ethnicity

79590 (Tamang)



Population by Disability

6466



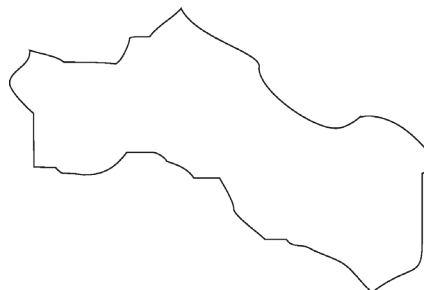
Literacy above 5 yrs (%)

75.00



No. of Community Schools

557



According to INSEC documentation, incidents of human rights violation increased in the Sindhuli district in 2015 as compared to 2014. In 2014, 88 people were the victims of human rights violation whereas, in 2015, 96 people were the victims of human rights violation. As compared to last year, incidents of women rights violation increased this year.

Last year, 87 people, including 85 female and two male were victimized by non-state actors, whereas one was victimized by state actor. This year, no incident by state actor was documented. A total of 96 people, including 93 female and three male were victimized by non-state actors this year.

This year, one female and two male were killed. In 2014, two female and one male were killed. This year, 81 women were victims of women rights violation, of which five were rape victims, one was sexually abused, one was the victim of polygamy and 70 were the victims of domestic violence.

A total of 11 children were the victims of child rights violation, out of which, nine were rape victims and two were sexually abused. In 2014, 11 girls and one boy were the victims of child rights violation,

Mostly children and women were victimized by non-state actor. Children were the victims of rape and sexual abuses whereas women were mostly the victims of domestic violence and sexual violence.

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	11		11
Inhuman Behaviour		1	1
Killing	1	2	3
Women Rights	81		81
Total	93	3	96

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 35 inmates at a time. A total of 113 inmates, including 90 convicts and 23 detainees were held there at the end of the year. There was one dependent in the prison.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were 112 civil and 170 criminal cases pending in the District Court. No civil cases and criminal case older than two years remained pending.

CHILD RIGHTS

Education Status

There are 394 primary schools, 98 lower secondary schools, 62 secondary schools and 64 higher secondary schools in the district. Out of total positions for 1,284 teachers in the schools, 1,204 were working. Out of 86,713 school going children in the district, 41,539 boys and 44,913 girls were enrolled from primary to secondary level. Of them, 4,845 are dalit boys and 5,388 are dalit girls. There were 2,161 teachers working in the district. A total of 1,591 teachers including 594 female and 997 male were working in the primary level of government and community schools. A total of 316 teachers including 31 female and 285 male were working in the lower secondary level and 254 teachers including 20 female and 234 male were working in the secondary level. The annual budget of the DEO was Rs. 25,46,96,980 of which Rs. 81,65,000 was administrative cost. A total of 5,681 children, including 2,823 boys and 2,858 girls were enrolled in Early Childhood Development Centers.

This year girls of age 3 to 17 were raped. The rape accused were of age 15 to 70. The rape accused were local people and a minor. Nine girls were raped and two were sexually abused. The District Court ordered four perpetrators a jail term of 2 to 10 years. Three accused remained ab-

sconding until the end of the year. Two accused were remanded in custody by the order of District Court whereas one accused was released on bail on date by after he deposited the bail amount.

Types of Events	By Non-State	
	Female	Total
Rape	9	9
Sexual Abuse	2	2
Total	11	11

Killing

Police informed that Gyan Lal Thing, 8, of Mahendrajhadi VDC-8 was killed on October 13. The body was found buried in the field nearby the house in the fourth day after he went missing. Police arrested a 16-year-old boy on October 30 on charge of killing Thing. The victim's family lodged a complaint in District Police Office on October 18. The post-mortem of the body was conducted at District Hospital on October 29. The case was forwarded to District Court on November 8. The court ordered to remand him in custody on November 9.

Rape, Attempt to Rape and Sexual Abuses

Police arrested Nil Bahadur Ramtel alias Lalit, 29, Ranichuri VDC-6 on August 1 on charge of raping a 15-year-old girl on July 31. The victim's side lodged a complaint in the District Police office on July 31. The health check-up of the victim was done at District Health Office on August 2. The accused was remanded in custody on August 24. The court sentenced the perpetrator a six year jail term on September 14. The perpetrator was serving time in District Prison, Sindhuli.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 52 women lodged complaints at the Women and Children Service Centre (WCSC) against domestic violence of which 29 cases of assault and expulsion from the house, 18 of deprivation of food, four cases of noncooperation

in marriage registration and one threat of killing. Among these, 44 cases were settled in agreement and six cases were on investigation process and two cases were forwarded for legal proceedings.

This year, five women were raped and one was the victim of sexual abuse. Among them, one speech impaired and one widow was raped. One perpetrator of rape was sentenced 5 years jail term and Rs. 50,000 fine whereas another accused was released on bail by the order of the District Court. Similarly, two accused were remanded in the custody whereas one accused remained absconding until the end of the year. One attempted rape perpetrator was sentenced one and half year jail term.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	70	70
For Practicing Witchcraft	4	4
Polygamy	1	1
Rape	5	5
Sexual Abuse	1	1
Total	81	81

Killing by Family Member

Police arrested Kedar BK, 32, husband of Ganga BK, 35, and uncle Tek Bahadur BK, 60, of Pokhari VDC-6 on June 25 on charge of killing Ganga BK, 35, on June 24 by strangling her. The District Court ordered to remand them in custody on July 24. The single bench of District Court Judge Deepak Kumar Kharel sentenced Kedar 20 years jail term and Tek Bahadur six months jail term on December 2. The post-mortem of the body was conducted at the District Court on June 28.

Rape, Attempt to Rape and Sexual Abuses

A 20-year-old woman lodged a complaint in the District Police Office on June 2 against Sanjay Tamang alias Surendra, 28, of Bhineshwar VDC-2 on charge of raping her on May 26. The health check-

up of the victim was conducted at district Hospital, Sindhuli on June 16. Police arrested the accused on June 12. The single bench of District Court Judge Dipak Kumar Kharel sentenced him five years jail term and Rs. 50,000 as compensation on September 15.

ALLEGATION OF WITCHCRAFT

Sani Maya Thing, 40, her husband Sanuman Thing, 33, her mother Buddimaya Syanthang, 55, aunt Lila Maya Thing, 45, and sister Sangimaya Thing, 22, of Kyaneshwor VDC-9 filed a complaint at Police Post Kyaneshwor on February 6 against Maili Rani Thing, 60, and her family and villagers accusing them of force feeding her human excreta on charge of being a witch on February 4. They later filed a case against 11 people at the District Police Office on February 10. The accused were arrested by police on February 15. The single bench of District Judge Devender Paudel ordered a fine of Rs.5000 from each perpetrator on May 25.

HEALTH SERVICE STATUS

There is one government owned hospital with 51 beds. Four primary health centers, 51 health post, and 20 birthing centers in the district. All four positions for the doctors in the hospital were filled. There are four positions for staff nurses, out of which, two were occupied. There is one position for the gynecology specialist and lab assistant. The district has 114 positions for Assistant Health Workers, out of which, 97 were occupied. The district has 89 positions for Auxiliary Nurse Midwives (ANM), out of which, 70 were occupied. The district has 31 positions for health assistant, out of which, seven remained vacant. According to District Health Office, annual health budget of the district was Rs 1,21,711,000 for public health, was 11,61,55,000 for administration expenses and Rs 55,56,000 for medical expenses.

2.5 Ramechhap



Total Population

202646



Women

109260



No. of Households

43910



**No. of Households Drinking
Water from River/Stream**

1242



No. of Households without Toilet

16047



No. of Migrant Workers

11199



**Largest Population by
Caste/Ethnicity**

54461 (Chhetri)



Population by Disability

4418



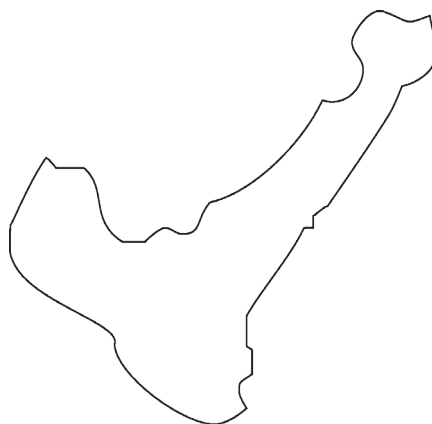
Literacy above 5 yrs (%)

97.00



No. of Community Schools

469



According to INSEC documentation, there was a decrease in the incidents of human rights violations and abuses in Ramechhap in 2015. In 2014, 25 people were victims of human rights violations and abuses whereas the number decreased to 22 in 2015.

Last year, one woman was victimized by the state actor whereas there were no victims this year. This year, 22 people, including 15 female and seven men were victimized by the non-state actor. Last year, 24 people, including 16 female and eight men were victimized by the non-state actor.

This year, three women were killed by the non-state actor. In 2014, one woman was killed by the state actor. This year, six women were victims of domestic violence and one of polygamy. Three children were victims of child rights violations. As per INSEC documentation, two girls were raped and one was sexually abused. In 2014, three girls were victims of child rights violations.

This year, five people, including four men and one woman were victims of caste based discrimination whereas no such incident was documented last year. Mostly, women and children were victimized by the non-state actor. Girls were victims of rape and sexual abuses whereas women suffered from domestic violence.

Types of Events	By Non-State		
	Female	Male	Total
Beatings	1	2	3
Child Rights	3		3
Killing	3		3
Racial Discrimination	1	4	5
Threats		1	1
Women Rights	7		7
Total	15	7	22

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 50 inmates at a time. A total of 255 inmates, including 241 convicts and 14 detainees were held there at the end of the year. Among them, there were 16 women, including 13 convicts and three detainees. Likewise, there were 239 men, including 228 convicts and 11 detainees. The building of the prison was destroyed by the earthquake of April 25, 26 and May 12. Currently, the inmates are kept in a temporary building.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were 48 civil and 51 criminal cases pending until the end of the year. There were no criminal or civil cases older than two years pending. One judge handles about 171 cases on an average.

CHILD RIGHTS

Education Status

There are 273 primary schools, 79 lower secondary schools, 48 secondary schools and 42 higher secondary schools in the district. According to the District Education Office, 23,039 boys and 25,888 girls of school going age were enrolled from primary to higher secondary levels. Among them, 2,658 were dalit boys and 2,805 were dalit girls. A total of 898 teachers were working in the primary levels of government and community schools, 153 teachers were working at the lower secondary level and 117 teachers in the secondary level. There are 5,267 children including 2,558 boys and 2,709 girls in the Early Childhood Development Centre. According to the DEO, its annual budget was Rs. 89,40,10,480.

Types of Events	By Non-State	
	Female	Total
Rape	2	2
Sexual Abuse	1	1
Total	3	3

This year, girls of ages between 15 and 17 were raped. INSEC documentation shows that the age of rapist was up to 50 years. The locals, neighbor and teacher were found involved in rape incidents. Two girls were victims of rape whereas one was sexually abused. Though all the accused of rape and sexual abuses were brought to legal proceedings, the court did not decide on any case until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

The police arrested Roshan Majhi, 30, of Manthali Municipality-13 on July 17 from Sanga in Kavre district on charge of raping a 17-year-old girl on the night of July 15. The family of the victim filed a complaint in police on July 17. The victim underwent medical checkup at the primary health centre, Manthali on July 16. The police brought the accused at the District Court, Ramechhap on July 21 and the District Court issued an order to remand the accused in custody. The case remained undecided until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 13 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. All the cases were settled in an agreement as informed by WCSC.

Killing by Family Member

The police arrested Ramesh BK, 26, on August 8 on charge of killing his wife Indra Khatri BK, 29, of Dumribot, Ramechhap Municipality-4 in a jungle of Manthali-1 in the evening of August 7. According to the District Police Office, Ramechhap, the victim's 14-month-old daughter Rojina BK was found crying in the jungle when the shepherds were herding cattle in the afternoon of August 8. The locals informed the police and found

Types of Events	By Non-State	
	Female	Total
Domestic Violence	6	6
Polygamy	1	1
Total	7	7

the victim's body 15 meters near the place where her daughter was found crying. The child was rescued alive by the police. Khatri, whose maternal house is in Chhinchu-1, Surkhet stayed in the hotel of Khadga Kumari Shrestha located in Bhaiesur of Manthali on the night of August 5. She had come to Ramechhap bazar in the morning of August 6 to meet her husband who was in Ramechhap. Ramesh, who was working in the Nepal Army, had married Khatri secretly as his second wife while he was deputed in Surkhet. The District Court sentenced life imprisonment to the perpetrator with confiscation of all his property on September 23.

ALL KINDS OF RACIAL DISCRIMINATION

A group of 10 people, including Shyam Bahadur Bhujel, 30, and Narayan Bhujel, 28, of Manthali Municipality-1 assaulted the family members of Santosh BK, 18, of Manthali Municipality-4 on charge of inter-caste marriage. Santosh's father, Krishna Bahadur BK, 50, his mother Bimala BK, 45 and his brother Hari Bahadur BK, 20, were severely attacked and assaulted at their house by bamboo sticks, baton and stones on May 23. Krishna Bahadur sustained injuries in the head; Bimala's right leg was fractured whereas Hari sustained injuries above his

right eye. Injured Krishna Bahadur and Bimala were referred to Kathmandu for their treatment whereas Hari received treatment in Manthali. Santosh and Chhina had eloped in April 2014. Both of them returned to Ramechhap from Kathmandu after the devastating earthquake. Chhina's maternal family had actually come to attack them but as they did not find them, they attacked Santosh's family. The victims filed a complaint at the District Police Office, Ramechhap on May 24. There was no action taken.

HEALTH SERVICE STATUS

There is one district hospital, three primary health centres, 48 health posts and one sub health post in Ramechhap district. Out of five positions for doctors in the hospital, all five were occupied. There is no position for gynecologist in the hospital. Out of six positions for staff nurse, one was vacant. The district has 57 positions for health assistants of which 31 were vacant. Likewise, the district has 116 positions for Assistant Health Workers of which 32 were vacant. Out of 115 positions for Auxiliary Nurse Midwife, 46 were vacant. Out of three positions for lab assistants, one was vacant. Out of two positions for vaccination supervisors, both were occupied. Likewise, out one position each for the Tuberculosis/Leprosy Supervisor, both were working. The total annual budget of the District Health Office was Rs. 16,79,19,000 of which Rs. 10,75,31,500 was administrative cost, Rs. 6,03,87,500 was programme cost and Rs. 45,00,000 was allocated for medical expenses.

2.6 Dolakha



Total Population

186557



Women

99540



No. of Households

45688



**No. of Households Drinking
Water from River/Stream**

537



No. of Households without Toilet

13860



No. of Migrant Workers

10121



**Largest Population by
Caste/Ethnicity**

62335 (Chhetri)



Population by Disability

5587



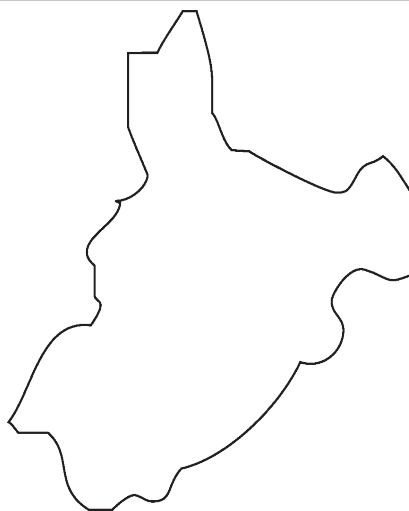
Literacy above 5 yrs (%)

95.41



No. of Community Schools

396



The human rights situation of Dolakha district remained similar in 2015 as compared to 2014. In 2014, a total of 22 female were the victims of human rights violation whereas in 2015, 21 people, including 19 female were the victims of human right violation. Last year, one woman was killed by non-state actors. This year, two people were deprived from economic, social and cultural rights. Last year, seven children were the victims of child rights violation whereas this year, six children were the victims of such incidents. The incidents of women rights violation decreased this year as compared to last year. Last year, 14 women were the victims of women rights violation whereas this year, eight women were the victims of such incidents.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates at a time. The newly built prison has a capacity to hold 17 female, however, the female inmates are not kept in the building. They are transferred to other districts. In this building, there were a total of 59 inmates, including 45 convicts and 14 detainees at the end of the year.

Types of Events	By Non-State		
	Female	Male	Total
Beatings	1		1
Child Rights	6		6
Economic, Social and Cultural Rights		2	2
Killing	4		4
Women Rights	8		8
Total	19	2	21

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has two positions for judges. There were 87 civil and 151 criminal cases pending. There were no civil and no criminal cases older than two years pending. The judge in the district was responsible for 119 cases on an average this year.

CHILD RIGHTS

Education Status

There are 232 primary schools, 82 lower secondary schools and 51 secondary schools and 42 higher secondary schools in the district. The district has 1,855 positions for teachers. This year, 55,367 children of school going age were enrolled in the school. Among them, 4,711 were dalit children.

The incidents of child rights violation decreased this year as compared to last year. Last year, five girls were raped and two were sexually abused. This year, five girls were raped and one was sexually abused. This year, among two incidents of gang rape, one accused was police.

Types of Events	By Non-State	
	Female	Total
Rape	5	5
Sexual Abuse	1	1
Total	6	6

Rape, Attempt to Rape and Sexual Abused

The mother of 11-year old girl lodged complaint at the District Police Office against grandfather, 69, on charge of raping the girl at her own house on March 4. The health check-up of the victim was conducted at primary health center, Charikot on the same day. The accused was arrested by police on March 6. The District Court sentenced him to two years six months in jail on March 16.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year, 109 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence cases. Among these, 62 cases were settled in agreement and remaining 47 cases were forwarded for legal proceedings, according to WCSC.

The incidents of women rights violation decreased in 2015 as compared to 2014. Last year, 14 women were the victims of women rights violation whereas this year, eight women were the victims of such incidents. In 2014, two were raped, two were attempted to rape, seven of polygamy, two of domestic violence and one was alleged of witchcraft. In 2015, three women were raped, two were attempted to rape, one was sexually abused and two of polygamy.

Killing by Family Member

A relative of Lalu Maya Tamang, 17, an eight-month-old pregnant lodged a complaint at the District Police Office on April 7 against Fulmaya Tamang, 56, mother-in-law, father-in-law, Asalman Tamang, 59, and Manish Waiba alais Gole, 17, on charge of killing Lalu at Golfu Pakha jungle on March 30. The accused filed a complaint at the District Police Office after killing Lalu as an attempt to avoid suspicion. Police arrested the accused on April 7. The accused were remanded in the custody by the order of

Types of Events	By Non-State	
	Female	Total
Polygamy	2	2
Rape	3	3
Rape Attempt	2	2
Sexual Abuse	1	1
Total	8	8

the District Court on April 29. The case was not decided until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

A 60-year-old woman lodged a complaint at the District Police Office on June 21 against her father-in-law, 73, on charge of attempting to rape her while she was sleeping on June 15. The health check up of the victim was conducted at primary health center on June 22. The accused was arrested by police on June 22. The District Court ordered to remand him in the custody on July 9. The case was not decided until the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Property Seizure

Sanjiv Nepali, District Secretary of CPN-M led by Biplob announced capture of house and land of Jitbir Lama and his son Hemlal Lama of Laduk VDC-7 by issuing a press statement on April 20. The statement said that Jitbir bought house

and land from Dambar Bahadur Budathoki of Babare VDC-6 on September 2001 with Rs. 54,140 whose valuation was Rs. 60,000. Till date the land was not legally transferred and Lama had beaten and verbally abused Budathoki. The statement further said that CPN-M would capture the land until the land is legally transferred to Budathoki.

HEALTH SERVICE STATUS

There is one hospital, 52 health posts and three primary health centers in the district. All two positions for the doctors in the hospital were occupied. There is one position for lab assistant, who was at work. The district has 54 positions for health assistant, out of which, 27 were vacant. The district has 104 vacant positions for Assistant Health Workers. The district has 104 positions for Auxiliary Nurse Midwife (ANM), out of which, 28 remained vacant. The annual health budget of the district was Rs. 81,989,000, administration expenses Rs. 9,89,000 and medical expenses Rs. 10,00,000.

2.7 Rautahat



Total Population

686722



Women

335643



No. of Households

106668



No. of Households Drinking Water from River/Stream

138



No. of Households without Toilet

80485



No. of Migrant Workers

9331



Largest Population by Caste/Ethnicity

135519 (Muslim)



Population by Disability

8698



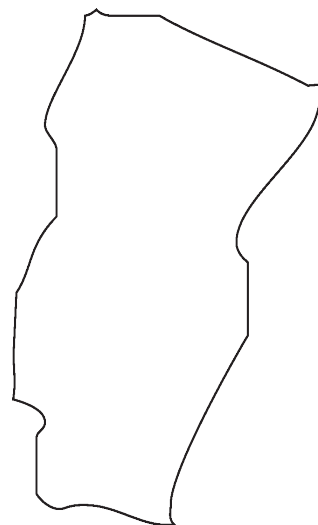
Literacy above 5 yrs (%)

47.00



No. of Community Schools

463



According to INSEC documentation, there was a rise in the incidents of human rights violations and abuses in Rautahat in 2015. In 2014, 117 people, including 112 female were victimized whereas 197 people, including 56 female were victimized in 2015. Of them, two were killed in police firing. The family of the victims did not get compensation until the end of the year. Even a 17-year-old boy was killed in the incident. This year, 66 people were assaulted and injured by police whereas 13 were arrested and tortured as per INSEC documentation. Likewise, 41 people, including two women were victims of right to expression, assembly and association. This year, one person was killed by a sharp weapon by an unidentified group. The cadres of Samyukta Loktantrik Madhesi Morcha vandalized the District Court, District Administration, District Development Committee, District Police Office and Area Police Office. The cadres of Morcha torched two people and injured them. They also torched the copies of National Dailies Kantipur Daily, Nagarik Daily

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		13	13			
Beatings				1		1
Child Rights				11		11
Inhuman Behaviour					1	1
Injured		66	66		15	15
Killing		2	2	6	2	8
Right to Assembly	2	39	41			
Threats					3	3
Women Rights				36		36
Total	2	120	122	54	21	75

and Annapurna Post on charge of publishing biased news.

Mostly, women and children were victimized by the non-state actor. The girls were victims of rape, sexual abuses and trafficking whereas women were victims of sexual and domestic violence, allegation of witchcraft, trafficking and polygamy. Last year, five women were killed by the non-state actor whereas this year, eight people, including six women were killed by the non-state actor. Of them, three women were killed by their family members and two accused of killing the women could not be identified. There were 11 cases of child rights violations. Of these, nine girls were victims of rape, one was sexually abused and one was trafficked.

Due to the bandh called by Madhesi Morcha, the schools that were closed from August 12 did not resume until the end of the year. The schools of southern part did not operate properly due to the bandh. Though health institutions were running, there was a scarcity of medicines in the district. Morcha's cadre torched one ambulance operated by Chure Terai Bikas Samrakshan. Though transportation was unaffected in the east west highway, the vehicles stranded in Gaur Chandranigahapur Road from August 12 could not operate until the end of the year.

Even the judiciary sector remained affected by the bandh. The court was found to have made decisions only regarding holding in custody. Land Revenue, Education, Customs, Revenue Offices were completely affected by the bandh. Land transfer in Land Revenue Office and collecting tax in Internal Tax Department could not be completed due to the movement. The old building of District Development Committee, UML party office were torched and District Court building, Land Revenue Office and Congress Party Office were vandalized. Morcha's cadres vandalized and torched in Area Police Of-

fice Katahariya, Police Post Bankul and Area Police Office Gangapipra. 22 police posts that were displaced to the District Office were reinstated after 10 days. Morcha's statement of taking action against those who provide rent and ration to security personnel was corrected after all parties protested against it. The cadres also attempted to attack Former Prime Minister Madhav Kumar Nepal's house in Gaur several times but no loss was reported.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By State

Raj Kishor Thakur, 20, of Mathiya VDC-6 was killed in police firing during the protest in District Headquarter Gaur on August 25. The police said that they were compelled to fire at the protestors at Kabir Chok after they began hurling stones ignoring police request to refrain from breaking the security circle to enter Gaur. The police had fired eight shells of tear gas to take the situation under control. Though Thakur's postmortem was conducted at Gaur Hospital, the family did not receive the body. The family of the victim received the body after an agreement to provide compensation was held between the local administration and Samyukta Loktantrik Madhesi Morcha on August 29. The victim's family did not get compensation until the end of the year.

INJURED IN EXPLOSION/FIRING By State

There was a clash between protestors and police when Samyukta Loktantrik Madhesi Morcha defied the curfew in District Headquarter Gaur on September 13. Lalbabu Patel, 42, of Gaur Municipality-6, Chandeshwor Baitha, 21, of Gaur Municipality-1 and Maihiruddin Ansari, 45, of Akolawa VDC-7 were injured in police firing that occurred during the clash. Lalbabu sustained injuries on the back, Chandeshwor on the head and Mai-

hiruddin on the back. All of them received treatment at the District Hospital.

By Non-State

The cadres of Samyukta Loktant-rik Madhesi Morcha torched and injured Suresh Sah, 28, and Ram Pravesh Sah, 27, of Garuda Municipality-1 on the night of October 27 in Jayanagar, Rautahat. The cadres of Morcha who were obstructing the road in Jayanagar of Chandranigahapur road in Gaur took control of a motorcycle with registration number Na 14 Pa 5105 and another motorcycle whose registration number was not known going to Garuda from Gaur and torched them. The victims had filled their petrol tank of their motorcycles from Indian market when they had gone to express their solidarity in the blockade in a bridge near Headquarter Gaur. They had come in motorcycles to participate in the blockade. The victims received treatment at Anamika Hospital located in Garuda.

Punya Prasad Poudel, 55, a resident of Simara VDC-5, Bara district and working in Sriram Sugar Mill located in Garuda, Rautahat was shot and injured by unidentified group on January 23. The victim was a security guard at the mill and was shot by a group of six people while on duty. The victim sustained bullet of home-made gun in his chest and hand. According to the police, he was sent to Narayani Sub-Regional Hospital, Birgunj for treatment. Though the police informed that investigation regarding the motive and assailants was ongoing, the accused were not arrested until the end of the year.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 95 inmates at a time. A total of 135 inmates, including 45 convicts and 89 detainees were held there at the end of the year. Among them, there were 12 female inmates, including eight convicts and four detainees. There was

one girl living as a minor dependent in the prison. This prison was constructed in 1918. Sheikh Mobarak, 55, who was sentenced for attempt to murder died in the prison on January 1, 2016.

THREAT/BEATING

By Non-State

Inspector Santu Prasad Jaiswar, ASI Himal Thapa and ASI Bhakta Bahdur Khadka of Area Police Office, Garuda were injured when the cadres of Madhesi Morcha attacked them with stones on September 14. The police were injured when the protestors attacked them with stones and catapult while they were removing the obstruction placed by the protestors in the Jhajh River Bridge in Garuda in Chandranigahapur road Gaur. The injured received treatment in Garuda Hospital.

TORTURE AND OTHER CRUEL AND INHUMAN BEHAVIOR

The cadres of Madhesi Morcha mistreated Nepali Janata Dal Chairperson and CA member Hari Charan Sah by smearing black on his face in the evening of November 19 in Gaur. According to CA member Sah, he was smeared black by the leaders of Madhesi Morcha Anil Kumar Singh, Sheikh Jamsed, Rajkishor Yadav, Baban Singh and others who were hiding at the premises of Gaur based Radio Sanskriti FM. Sah was returning after an interview at the same radio station. According to Morcha leader Anil Kumar Singh, Sah was smeared black on face because he had signed in the anti-Madhes Constitution. He further said that the Morcha had decided to socially boycott all CA members who signed in the anti-Madhes Constitution. After smearing black on CA member Sah's face, the cadres of Morcha even vandalized the pick-up van he was in with registration number Ba 5 Pa 3844. The police reached the incident site immediately but could not arrest anyone as they absconded. The police could

not arrest anyone involved in the incident until the end of the year.

RIGHT TO FAIR AND PROMPT TRIAL

The District Court has positions for five judges. There were 1,229 civil and 532 criminal cases pending until the end of the year. There were no civil and criminal cases older than two years pending.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

The 30-party alliance torched the copies of Kantipur Daily, Nagarik Daily, Annapurna Post and other national dailies during the baton rally in District Headquarter Gaur on March 29 on charge of not publishing the news of the ongoing Madhes movement. The cadres of Morcha torched the copies of those newspapers accusing them of publishing biased news. The Federation of Nepalese Journalist, Rautahat issued a press release and condemned the act of Madhesi Morcha. According to the President of the Federation Shailendra Gupta, torching newspaper is not justifiable and requested the protesting parties not to repeat the mistake.

CHILD RIGHTS

Education Status

There are 435 government and community schools including 34 higher secondary schools, 34 secondary schools, 68 lower secondary schools, 279 primary schools and 20 Madararas in the district. According to the District Education Office, Rautahat, 96 primary schools were closing or were in the process of merging; however, due to the ongoing Madhes Movement, it was in the process of implementation. There are 1,023 teachers, including 112 female and 911 male. Mahila parijojana marfat 25. A total of 470 teachers, including 195 male and 278 female were working in the primary level under relief quota and 25 under male, female project. Likewise, there were 54

relief and aid teachers in lower secondary level. There were 190 teachers, including 11 female and 179 male in the secondary level and 24 relief and aid teachers. According to Officer Upendra Singh of School Administration of DEO, it was difficult to provide the exact number of students enrolled in the schools due to the shutdown of schools since five months following the Madhes Movement.

This year, 10 girls of ages between three and 16 were victims of sexual violence. Last year, 10 girls were victims of sexual violence as well. There was one case of gang rape this year. Three children were also found involved in gang rape. Two accused of child rape were released on general date whereas one accused was absconding. The court did not decide on any case of child rape.

Types of Events	By Non-State	
	Female	Total
Child Trafficking	1	1
Rape	9	9
Sexual Abuse	1	1
Total	11	11

Rape, Attempt to Rape and Sexual Abuses

The family of a 10-year-old girl filed a complaint at the Area Police Office, Garuda on February 14 against Banarasi Ram Chamar, 50, of Katahariya VDC-8 on charge of raping the girl on the night of February 13. The victim underwent medical checkup at Chandranigahapur Hospital the same day. The police arrested the accused on February 13. The District Court issued an order to remand the accused in custody on March 4. The case remained undecided until the end of the year.

Inhuman Behavior

Babita Yadav, 14, of Kanakpur VDC-7 filed a complaint at the Women and Children Service Centre on March 13

against Bijulbati Devi Yadav, 35, Sangita Devi Yadav, 32, Sukhali Devi Yadav, 20, and Radhika Devi Yadav of the same place on charge of inflicting pain on her by pouring hot water in the afternoon of March 9. The accused had disputes with the victim's parents so they beat and poured hot water over her when they found her alone. According to the victim's parents, the injured girl lost her eyesight when hot water was poured on her. WCSC informed that investigation was on as the victim's medical examination case form was prepared. No action was taken against the accused until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 144 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. Among them, 109 cases were settled in agreement, 15 cases were sent for legal action and there were 20 cases where the victims did not contact after filing complaints as informed by WCSC.

Killing by Family Member

Nanda Kishor Yadav, 20, killed Ramkali Devi Yadav, 45, and Anita Kumari Yadav, 14, of Dharampur VDC-9 on November 22. According to the police, Nanda Kishor killed both of them by hitting them with an axe on their neck while they were on their way to harvest peanuts in the bank of Bagmati river. Deceased Ramkali Devi is Nanda Kishor's mother

whereas Anita is his sister. The police arrested the accused the same day. The District Court issued an order to remand the accused in custody on December 17. The case remained undecided until the end of the year.

This year, two women were victims of rape whereas one was alleged of witchcraft. In 2014, six women were victims of rape. This year, one woman was victim of trafficking and one of polygamy as per INSEC documentation. This year, six women were killed and four among them were killed by their family member. In one case, the son was accused.

Rape, Attempt to Rape and Sexual Abuses

A 25-year-old woman filed a complaint at the Area Police Office, Garuda on January 26 against Sheikh Abdullah alias Sheikh Abdul, 30, of Jingadawa Belbichhwa VDC-8 on charge of raping her in the afternoon of January 18. The victim underwent medical checkup at Chandranigahapur Hospital on January 26. The accused was not arrested until the end of the year.

Human Trafficking

The District Police Office arrested Raju Dulal, 40, Operator of Raju Hotel in Gaur Municipality-7 and his wife Kiran Dulal alias Tara -2, of Bidur Municipality, Nuwakot District on May 9 on charge of forcefully involving an 18-year-old girl in prostitution. The accused lured the girl with promise of a good job and forced her into prostitution. According to the victim's family, the couple forced the victim into prostitution by operating one hotel in Rautahat District Headquarter Gaur. The victim said that the owners of the hotel forced her in sexual activities and controlled all the money. The District Court issued an order to remand the accused in custody on June 4. The case remained undecided until the end of the year.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	31	31
For Practicing Witchcraft	1	1
Polygamy	1	1
Rape	2	2
Women Trafficking	1	1
Total	36	36

ALLEGATION OF WITCHCRAFT

Janakiya Devi Chaudhary, 65, of Manharwa Tol, Rangapur VDC-2 filed a complaint at the Area Police Office, Chandranigahapur on July 19 against Raj Kishor Chaudhary, 36, his wife Chanchala Chaudhary, 34, and Ram Bilas Chaudhary, 55, of the same place on charge of mistreating and alleging her of being a witch on the night of July 17. The police arrested the accused on July 20. The District Court issued an order to release the accused on a bail amount of Rs. 5,000 for each on August 6.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure/Property

The cadres of Samyukta Loktantarik Madhesi Morcha torched the UML District Party Office in the afternoon of August 27. According to the police, the cadres opened the window of UML Party Office located in District Headquarter Gaur Municipality-8 and sprinkled kerosene from the window and torched the party office. The chairs and table of the

office were burnt. District Police Office said some people had torched the party office and they were being searched. UML District Chairperson Kamal Ray Yadav demanded to take action against those involved in the incident.

HEALTH SERVICE STATUS

There are two hospitals, 13 health posts and 80 sub health posts in the district. Out of 10 positions for doctors, only four were occupied and six were vacant. Out of 12 positions for staff nurse, six were occupied and six were vacant. Out of seven positions for lab assistant, all were working. The district has 196 positions for Assistant Health Workers of which all were occupied. Out of 108 positions for Auxiliary Nurse Midwife, 60 were occupied and 48 were vacant. One vaccination supervisor and one Tuberculosis/Leprosy Supervisor were working as per the position. Out of 21 positions for health assistant, 19 were occupied and two were vacant. Though there is one position for gynecologist, it was vacant as informed by the Health Office.

2.8 Bara



Total Population

687708



Women

336464



No. of Households

108635



**No. of Households Drinking
Water from River/Stream**

174



No. of Households without Toilet

78593



No. of Migrant Workers

12530



**Largest Population by
Caste/Ethnicity**

89834 (Magar)



Population by Disability

11649



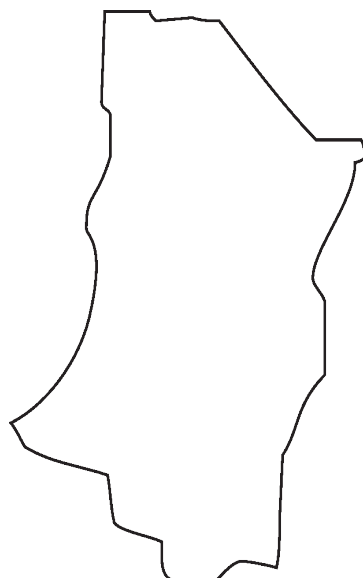
Literacy above 5 yrs (%)

52.00



No. of Community Schools

422



According to INSEC documentation, incidents of human rights violation in Bara district increased in 2015 as compared to 2014. In 2014, a total of 64 people, including 43 female were the victims of human rights violation whereas in 2015, a total of 102 people, including 24 female were the victims of human rights violation. This year, 41 people, including one woman were victimized by state actor. One man was killed in police firing in the clash between police and cadres of Samyukta Loktantrik Madhesi Morcha. A total of 12 people were injured in different clash during the Madhes agitation. Similarly, three were tortured after arrest, three were beaten and 12 were suppressed from the rights to expression, assembly and association. This year, 61 people, including 23 female were victimized by non-state actors. A total of 12 people, including four female were killed by non-state actors. One UML cadre was killed by the attack of NC cadres. Mostly, children and women were vic-

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		3	3			
Beatings	1	2	3		4	4
Child Rights				14		14
Injured		22	22		22	22
Killing		1	1	4	8	12
Right to Assembly		12	12			
Threats					4	4
Women Rights				5		5
Total	1	40	41	23	38	61

timized by non-state actors. A total of 14 children were the victims of child rights violation and five women were the victims of women rights violation.

Last year, one man was killed by state actor and 14 people, including eight female were killed by non-state actors. This year, one man by state actor and 12 people, including four women were killed by non-state actors. Among them, one woman was killed by family members. Among total 14 incidents of child rights violation, six girls were raped and eight were sexually abused. Similarly, among five incidents of women rights violation, two were raped, one was attempted to rape and two were the victims of polygamy.

The protestors vandalized the Land Revenue Office, Survey Office and Kalaiya Municipality Office including other government offices during the indefinite bandh called by Madhesi Morcha. Morcha's cadre vandalized the Gandak Police Post and torched the documents of Karchowa Police Post. 37 police posts of the district were displaced after the attack and arson in police offices. Currently, those police stations are being reinstated. The medicines stored in the Central Medical Store, Pathlaiya expired as the medicines could not be transported due to the indefinite bandh. Pregnant women and children under age one of 19 VDCs of Simraungadh were deprived of vaccines. Morcha's cadres torched and vandalized the house of Congress Regional Secretary Binod Yadav and three others. Likewise, they also vandalized the contact office of Congress Parliamentarian Ram Ayodhya Yadav in Kalaiya and torched the materials outside the office. They also vandalized Congress Parliamentarian Radhechandra Yadav and Lalbabu Singh's house in Kalaiya and torched their furniture, television and other materials on the road. The police had opened firing after the protestors attempted to vandalize

and torch the UML and Congress party office in Kalaiya.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By State

Hifajat Miya, 22, of Kalaiya-10 died on spot in police firing during the clash between Samyukta Loktantrik Madhesi Morcha and police at Bhanu Chowk on September 1. Miya sustained bullet in chest. 15 people, including Suresh Yadav, 28, of Fulbariya, Raju Ansari, 28, Santosh Patel, 38, of Raghunathpur, district member of Tarai Madhesh Loktantrik Party, Ram Babu Yadav, 38, were injured in police firing. Similarly, Hira Das, 65, of Kalaiya-6, Mukesh Chaurasiya, Babuayin-6, Bishal Gupta, 30, of Jungbhanwanapur, including others were injured when police opened tear gas shell. Other protestors were also injured when police lobbed tear gas shells, informed Chairperson of Sanghriya Samajbadi Party Forum, Nepal Ram Babu Yadav. On September 1 morning, the clash erupted when violent protestors attempted to enter towards prohibited zone hurling stones stating that police used force during the clash on August 1. Kalaiya remained tensed whole day with numerous clashes. Police fired more than one dozen tear gas shells, fired in air, fired rubber bullet, charged lathis and stones to disperse protestors. The injured received treatment at Kalaiya Hospital. According to Chief District Officer Bal Krishna Panthi, APF Inspector Nares Khadka, 38, of Kalaiya, Sub-Inspector of Police Loknath Devkota, 35, Police Constable Krishna Thapa, 37, and Purshwotam Rimal, 34, DSP of District Police Office Binod Sharma, including other policeman were injured when protestors hurl stones at them. Suresh Yadav, 28, of Fulbariya sustained serious bullet injuries in face. He received treatment at Norvic Hospital, Kathmandu. Hira Das,

65, of Kalaiya -6 sustained injury in head in police lathi-charge and Santosh Patel, 38, of Radhunathpur sustained bullet in chest. They received treatment at National Medical College, Birgunj.

By Non-state

UML cadre Avatar Prasad Yadav, 38, of Amarpatti VDC-7 died in a scuffle during the village council between the cadres of UML and NC on January 14. Yadav who sustained serious head injury, died while undergoing treatment at National Medical College Teaching Hospital, Birgunj. The victim's side lodged complaint at the District Police Office on January 21. Police arrested Madan Yadav, 34, and Ram Narayan Yadav, 46, of Amarpatti-7 on charge of being involved in the incident on January 21. The District Court ordered to remand them in custody on February 16.

THREAT/BEATING

By Non-State

Madhesi Morcha cadres mistreated journalist Bhaiya Ram Sah, 28, of Inarwasira-8 of Avenues Television, Shiva Shankar Mishra, 39, of Mahagadimai-10 of Gorkhapatra Daily, Upendra Yadav, 28, of Banjariya-3 of Nagarik Daily and Jaya Narayan Yadav, 28, of Kalaiya-12 of Narayani FM on September 21. The victims did not lodge complaint regarding the incident. Meanwhile, police also did not take any action. The journalists were mistreated as they were collecting news on the vandalism and arson at NC parliamentarian Radhe Chandra Yadav's house. The Morcha cadres had taken out furniture, TV and other materials from Yadav's house and torched them. Similarly, protestors vandalized government offices. They vandalized Land Revenue Office, Survey Department and other government offices of Kalaiya Municipality. Protestors set on fire a motorcycle with the number plate Ba 1 Pa 4352 and one

unidentified number motorcycle at Kalaiya Municipality. They also torched copies of National daily at Jitpur.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has seven positions for judges. There were 958 civil and 104 criminal cases pending. There were three civil and five criminal cases older than two years pending.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

Police arrested Joint General Secretary of Tarai Madhes Democratic Party Jitendra Sonal, 43, of Lipanimal VDC-3 and District Chairperson Nabal Kishor Singh, 52, of Pripadi VDC-2 on September 15 on charge of forcefully shutting down factories, food godown and torching trucks ready for dispatch. The District Court issued order to release Tarai Madhes Democratic Party leader Jitendra Sonal and central member Nawal Kishor Singh on October 1. The District Bar Association Chairperson, Ram Chandra Singh filed a habeas corpus writ against the CDO Bal Krishna Panthi claiming that the CDO sent them to prison under Public Offence Act crossing his mandate. Judge Bhojraj Sharma quashed the public offence charge against them. Panthi demanded a bail amount of Rs 149,349 from each which they refused to deposit and were sent to custody on September 27. Hundreds of protestors had taken out rally in motorcycle in order to forcefully shut down factories being operated in Birgunj-Pathlaiya Industrial Corridor. Police arrested the duo after receiving information that the protestors vandalized trucks parked in godown and factories including Shaurabh Food Godown, Atma-ram Kabara Lentil Godown, Amrit Ghee. Police had gheraoed the rally in Nitampur as it was returning after reaching Jitpur from Parbanipur. 15 Morcha cadres were injured in police lathi-charge. The

injured received treatment in Narayani Sub-regional Hospital in Birgunj. According to police, fire brigade from Birgunj extinguished flames after truck (Na5Kha 735) of lentil factory was set on fire. The trucks with number plate Na1 Kha 5860, Na2Kha 8178, Na1Kha 7197, Na2 Kha 9740, Na2Kha 9748, Na2Kha 5878, Na1 Kha 654 were vandalized. The protestors vandalized more than half dozens trucks parked at Amril Ghee and Shaurabh Food Godown.

CHILD RIGHTS

Education Status

There are 295 primary schools, 75 lower secondary schools and 70 secondary schools in the district. Out of total 2,249 positions for teachers, 2,200 were occupied at the end of the year. A total of 347 schools have facility of toilets. This year, 1, 16,205 boys and 1, 18,462 girls of school going age were enrolled in the school. DEO distributed scholarships to 3,215 dalit boys and 3,275 dalit girls children. There were 11,664 boys and 11,953 girls in 572 child centers in the district. The annual budget of DEO was Rs. 120,00,00,000 of which was Rs. 40,00,000 was administrative cost.

This year, girls of age group from 4 to 17 were raped. One accused was convicted for murder after rape and sentenced a 35 years jail term and Rs. 2,00,000 as compensation. Similarly, one girl and three boys were killed by an unidentified group. The rape accused were of age group from 18 to 57. One girl was gang raped by three people, whereas, three girls were raped by a teacher and cases were on trial. This year, six girls were raped and eight were sexually abused. Last year, nine girls were raped and five were attempted to rape. One rapist was sentenced five year jail term whereas five rape accused of three rape incidents remained absconding.

Types of Events	By Non-State	
	Female	Total
Rape	6	6
Sexual Abuse	8	8
Total	14	14

Killing after Rape

Pooja Sah, 7, of Kalaiya VDC-8, a rape victim died while undergoing treatment at Kanti Children Hospital on March 8. Pooja went missing while she was in the Kalaiya market with her father on February 20. Pooja was found unconscious behind Chandra Secondary School on February 21. The police arrested Kanhaiya Gupta, 28, of Kalaiya Municipality-4 on charge of killing Pooja after rape on February 22. The District Court slapped him with 35 years imprisonment, 15 years sentence for rape and 20 years for murder and a fine of Rs 200,000 convicting him of killing Pooja Sah after rape. The locals of Kalaiya staged protest and sit-in for a long time demanding legal action against perpetrator and compensation for the victim.

Rape, Attempt to Rape and Sexual Abuses

The victim's side lodged a complaint at the Area Police Office on January 27 against Som Bahadur Waiba, 57, of Gadimai Municipality-16 on charge of attempting to rape a seven-year-old girl while she was playing. The accused was arrested by police on the same day. The District Court sentenced five -year jail terms to the perpetrator on February 18.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 409 women lodged complaints at the Women and Children Service Centre (WCSC) against domestic violence of which 199 cases of beating, 31 of expulsion from the house, 22 of depri-

vation of food, nine of not supporting in making citizenship, 11 of polygamy and 65 of life threatening. Among these, 347 cases were settled in agreement and 62 cases were forwarded for legal proceedings.

This year, five incidents of women rights violation were documented, of which, two were raped, one was attempted to rape and two were the victims of polygamy. The case of killing of a woman by family member was on trial. Six people raped a woman and investigation was going on while accused remained absconding. Last year, 18 women were the victims of women rights violation.

Types of Events	By Non-State	
	Female	Total
Polygamy	2	2
Rape	2	2
Rape Attempt	1	1
Total	5	5

Rape, Attempt to Rape and Sexual Abuses

The victim's side lodged a complaint at the District Police Office on January 4 against six people of Majhariya VDC-6 on charge of attempting to rape an 18-year-old woman on January 3. Police informed that search for six accused, including Puspa Prasad Yadav, 27, Om Prakash Yadav, 32, Hidriyanarayan Ahir of Majhariya VDC- 6 was ongoing. They remained absconding until the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure/Property

Madhesi Morcha cadres torched three trucks heading for Kathmandu and Tanahu from Reliance sugar Factory, Manaharwa on September 12. The trucks with the number plate Na 5 Kha 2995, Na 5 Kha 8761 and Na 4 Kha 2927 were set on fire on Manwat-Matiharwa road section in Manaharwa VDC-5. The truck with the number plate Na 4 Kha 2927 was damaged only in the rear part while other two were completely damaged along their loads of 840 sacks of sugar. It was learnt that a group of about 30/40 people had torched the vehicles.

Madhesi Morcha cadres vandalized and torched house of three persons, including NC cadre Binod Yadav in Pakadiya VDC-9 on September 24. Hundreds of Morcha cadres chanted slogan and turned to vandalism. Yadav is the Regional Secretary of Nepali Congress Constituency Number 1.

HEALTH SERVICE STATUS

There is one hospital, 93 health posts in the district. The district has 19 positions for the doctors in the hospital, out of which, nine were occupied. There are 15 positions for staff nurse, out of which, seven were at work. There are 11 positions for lab assistant. The district has 93 positions for health assistant, out of which, 52 were at work. The annual budget of DPHO was Rs. 16,00,00,000 of which is 10,00,000 was administrative cost and Rs. 30,00,000 was for medical expenses.

2.9 Parsa



Total Population

601017



Women

288659



No. of Households

95536



**No. of Households Drinking
Water from River/Stream**

125



No. of Households without Toilet

62076



No. of Migrant Workers

8053



**Largest Population by
Caste/Ethnicity**

87212 (Muslim)



Population by Disability

6215



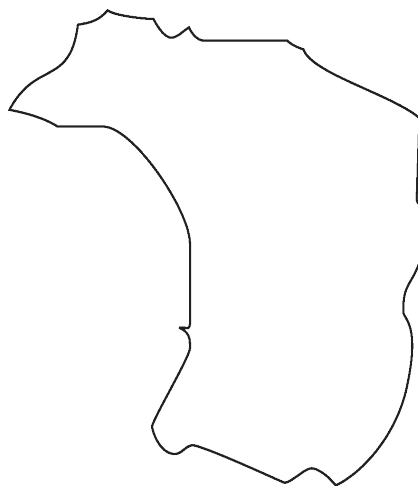
Literacy above 5 yrs (%)

80.00



No. of Community Schools

310



According to INSEC documentation, the human rights situation in Parsa deteriorated in 2015. In 2014, 73 people, including 69 female were victimized whereas this rose to 395, including 235 female in 2015. This year, 136 people, including seven women were victimized by the state actor of whom seven men were killed in police firing during the Madhes movement. 38 people were injured in different clashes that occurred during Madhes movement. This year, Parsa district was the most disturbed. This district was tensed for a long time as the protestors blocked Raxual, the main custom entry point of the country. Likewise, 22 people were victims of arrest and torture and 69 were victims of right to expression, assembly and association. 259 people, including 228 women were victimized by the non-state actor. This year, three people, including one woman were killed by the non-state actor. Mostly, women and children were victimized by the non-state actor. Among the victims, 12 were injured in different incidents whereas 10 were assaulted and seven were threatened. Likewise, 18 children were victims of child rights violations whereas 209 women were victims of women rights

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		22	22			
Beatings				1	9	10
Child Rights				17	1	18
Injured	5	33	38	12	12	24
Killing		7	7	1	2	3
Right to Assembly	2	67	69			
Threats					7	7
Women Rights				209		209
Total	7	129	136	228	31	259

violations and abuses. Last year, seven people, including five women were killed by the non-state actor whereas this year three people, including one woman were killed by the non-state actor. The woman was killed by her own family member.

Morcha cadres hurled petrol bombs at medical supplies truck. The health workers shut down health institutions showing the Madhes movement and bandh. The treatment of patients was affected as the health institutions remained closed for a long time. The primary health centres and health posts in Mahadevpat- ti, Mirzapur, Samjhauta, Jayamangala- pur, Shiwabarba, Sabaithawa could not operate since September. Morcha's cadre torched one ambulance returning after transporting a patient. The cadres also torched the police post in Ranighat of Birgunj Sub metropolis during the protest. Likewise, they also vandalized and torched the police post in Samsanghat, community police hall in Chhapkaiyya, police post in Gandak and police post in Bhisuwa. The Area Police Office Langa- di, Janakitola Police Post, Dhorey Police Post, Nepal Police and APF's police post in constituency 5 of Bhisuwa were also vandalized and torched. Both the police posts in Bhisuwa were displaced to APF's camp in Banjaari. The protestors also vandalized the Tihuki and Padeypur Po- lice Posts.

As the Morcha's cadres were in sit- in protest since September 24 in the Mi- teri Bridge of border point, the entry point remained closed until the end of the year. Life of entire Nepalese was affected by the closure of entry point.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By State

Shatrughna Patel, 16, of Pakaha, Mainpur VDC-4 was killed in police firing in a clash that occurred when the protes-

tors tried to defy the curfew in Gita Man- dir Road Birgunj on September 20. Bijay Yadav and Mansuri Raut Patel were in- jured in the firing and Pradip Kalwar, Mukesh Gupta, Kaji Dewan, Manichan Prasad, Sivapujan Patel, Kishor Das and Mathilesh Singh were injured in baton charge. The injured received treatment in Narayani Sub-Regional Hospital in Birgunj. The police fired in a clash that occurred at Ghantaghar Maisthan and Gita Mandir road when the protestors de- fied the curfew. Inspector Sheikh Adalat of District Police Office, Parsa was also in- jured in the clash. He received treatment at National Healthcare Hospital, Gandak, Birgunj.

By Non-State

The police arrested Sanghiya Samajwadi Forum Nepal Village Com- mittee Chairperson Amar Yadav, 35, of Jagannathpur, Birgunj Sub metropo- lis-25 on November 30 on charge of alleg- edly killing Ram Binesh Kushwaha, 20, of Birgunj Sub metropolis-25 on October 27. The dead body of Kushwaha was re- covered from a wheat field, 100 meter northern side from Jagannathpur Chowk in Dryport Bypass Parwanipur. The vil- lagers informed the police after seeing the body. The leaders of Morcha had de- ployed cadres of Jagannathpur Maniyari to stop fuel trafficking in Jagannathpur Chowk. The police recovered Kushwaha's body with a helmet on his head. Accord- ing to the deceased's brother Ram Prasad Kushwaha, Ram Binesh was going to his in-law's house in Lalparsa at 3:30 pm from his house in his motorcycle with reg- istration number Na16Pa 1128 but after two hours, his family received the news of his accident. The deceased had cuts in his hand and throat. There were bruises in various parts of the body. According to the family of the victim, he was assaulted and killed. The deceased's brother Ram Prasad Kushwaha filed an FIR at the Dis-

trict Police Office, Parsa on November 6 and the police filed a case on November 8 and started investigation. The postmortem of the body was conducted at Narayani Sub-Regional Hospital, Birgunj.

INJURED IN EXPLOSION/FIRING

By State

According to the information provided by Sanghiya Samajwadi Forum Nepal Central Member Raj Kumar Yadav, Irfan Ansari, 12, along with Krishna Kumar Patel, Anwar Hawari, Manoj Kumar Ram and Munna Kumar Yadav were injured in police firing in a clash that occurred in New Buspark Nagawa of Birgunj on August 31. The police had gone to remove the road obstruction created by the protestors affiliated to Sanghiya Samaweshi Madhesi Morcha. The injured received treatment at Narayani Sub-Regional Hospital.

By Non-State

The locals handed Rabi Singh of Muzzafarpur, Bihar to the police on charge of shooting Mahesh Kadamiya, 49, Proprietor of Kisanlal Mahesh Kumar Cloth Store located in Reshamkothi, Birgunj-9 in the evening of April 12 in Maisthan, Birgunj Sub metropolis. Singh who came in a motorcycle shot Kadamiya while he was in the store. He sustained bullet in the right thigh and received treatment at Narayani Sub-Regional Hospital. According to DSP Bir Bahadur Oli of District Police Office, police recovered two pistols and six rounds of bullets from Singh. Singh's assistant was absconding. The District Court issued an order to remand the accused in custody on June 3. The case remained undecided until the end of the year.

Police Constable Krishna Bahadur Nepali, 27, Raju Pariyar, 25, and Raj Kishor Yadav, 24, were injured when the cadres of Madhesi Morcha attacked the police vehicle with registration number

Na1Ga 472 with petrol bomb on September 22. The injured received treatment at Narayani Sub-Regional Hospital. All three were working at the District Police Office, Parsa.

JAIL AND DETAINEES

The 'B' grade District Prison has a capacity to hold 700 inmates at a time. A total of 1,078 inmates, including 739 convicts and 339 detainees were held there at the end of the year. Among them, 75 were women and three boys and three girls were living as minor dependents.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has positions for nine judges of which all were working. There were 1,802 civil cases and 745 criminal cases pending until the end of the year. There were 16 criminal and 37 civil cases older than two years pending.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

There was a clash between the cadres of Sanghiya Samaweshi Madhesi Morcha and Police in Nagawa and Kumal Tole, Birgunj on August 30. The clash occurred after the protestors who had been conducting meeting in the Nagawa road from the afternoon obstructed the road in the evening. The District Administration Office, Parsa had issued prohibitory order from Birgunj customs till Jitpur road. The clash occurred when the protestors created obstruction in the prohibited road and the police tried to clear the obstruction. Sheikh Firoj, Ashok Kumar Gupta, Rajesh Man Singh, Noor Alam and Raju Gupta were injured in the clash. According to Madhesi Janadhikar Forum Loktantrik District Chairperson Shashi Kapur Miya, the injured were treated at Narayani Sub-Regional Hospital, Birgunj. Sanghiya Samajwadi Forum Nepal Central Member Raj Kumar Yadav informed that the police had baton charged the pro-

testors after they refused to go away. According to the District Police Office, Parsa, the protestors vandalized the parked passenger buses near Nagawa with registration numbers Na 4 Kha 6128, Na 5 Kha 6613, Na 5 Kha 7453, Na 5 Kha 7454, Na 5 Kha 2968, Na 4 Kha 6243, Na 4 Kha 8147 and Na 4 Kha 6118.

ARREST AND TORTURE

The police arrested the protestors who were protesting in the curfew reduced hour from 9 am to 1pm by the local administration on September 15. The police arrested the youth protestors led by Madhes Samajwadi Party's Youth League National Chairperson Pradip Chaurasia. The police team in command of Inspector Sheikh Adalat arrested Roshan Patel, District Chairperson Sushil Kumar Patel, Jitendra Sah, Kundan Kumar, Bhusal Chaurasia, Jeetu Singh, Santosh Yadav, Rajbir Patel, Rabi Patel and Jitendra Patel and others and released them the same day.

CHILD RIGHTS

Education Status

There are 336 primary schools, 67 lower secondary schools, 85 secondary schools and 26 higher secondary schools in the district. Out of total positions for 2,075 teachers, all were occupied. 1,64,345 children, including 83,683 boys and 80,662 girls of school going age were enrolled in the schools. Scholarships were provided to 7,962 dalit girls and 12,123 dalit boys. According to the District Education Office, there were 30 disabled-friendly schools in the district. The annual budget of the District Education Office was Rs. 91,83,94,184 of which Rs. 60,50,38,000 was administrative costs.

This year, 18 children of ages between four and 13 were victimized. Nine girls were raped and three were sexually abused. One boy and a girl were victims of child marriage whereas four girls were victims of trafficking and transportation.

The rapists were from a 15-year-old boy to a 45-year-old priest. One girl was gang raped by four men and the case was on trial. No case was decided by the court until the end of the year. Two rapists were absconding until the end of the year.

Types of Events	By Non-State		
	Female	Male	Total
Child Marriage	1	1	2
Child Trafficking	4		4
Rape	9		9
Sexual Abuse	3		3
Total	17	1	18

Rape, Attempt to Rape and Sexual Abuses

The father of a 14-year-old girl filed a complaint in police on May 16 against Ajmodin Miya, 35, of Jayamangalapur VDC-2 on charge of raping the girl on May 13. The police submitted its report along with its opinion at District Government Attorney's Office, Parsa on June 12. The accused was absconding. The victim underwent medical checkup at Narayani Sub-Regional Hospital, Birgunj. The accused was absconding till the end of the year.

Attempt of Trafficking

The police rescued two girls of ages 15 and 14 from Inaruwa entry point on June 28 who were being trafficked through Birgunj border with promise of a good job in Kolkata, India. The police arrested Sushmita Dingdung, 28, of Hadikhola-7 of Makwanpur district as she was involved in the incident. According to the District Police Office, both the girls were handed to their parents. The District Court issued an order to remand the accused in custody on July 20.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 900 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This in-

cluded 134 cases of assault and expulsion from the home, 161 cases of deprivation of food and clothes, four cases of noncooperation in marriage registration and acquiring citizenship certificate, four cases of polygamy and one case of allegation of witchcraft. Among these, 665 cases were settled in agreement, whereas 235 cases were sent for legal action as informed by the WCSC.

This year, three women were raped and two were victims of attempt rape and sexual abuses. Likewise, two women were victims of trafficking and transportation and 200 women suffered from domestic violence. Even a 60-year-old woman and a woman with intellectual disability were victims of rape. Even a 60-year-old man and a health worker were found involved in rape. This year, one woman was killed by the family member and the case was on trial. The other cases remained undecided by the court. All cases of domestic violence except for two were settled in agreement. The two accused for rape and trafficking were absconding.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	200	200
Polygamy	2	2
Rape	3	3
Rape Attempt	1	1
Sexual Abuse	1	1
Women Trafficking	2	2
Total	209	209

Killing by Family Member

The family of Kusum Devi Nuniya, 25, of Sabaidhawa VDC-5 filed a complaint at the Area Police Office, Pokhariya on August 8 against her husband Joginder Mahato on charge of killing her on August 2. The police arrested the accused on August 12. According to the Area Police Office, Pokhariya, Kusum's body was recovered from Sabaidhawa VDC-5 in Parsa district in the morning of August 5. The body had already decomposed and

was covered in hay. The postmortem of the body was conducted at Narayani Sub-Regional Hospital on August 5. Kusum's father, Ramsawat Mahato accused his son-in-law of the murder at the hospital. The District Court issued an order to remand the accused in custody on September 21.

Rape, Attempt to Rape and Sexual Abuses

The police arrested Ram Bahadur Sunar, 60, of Nirmalbasti VDC-6 on December 2 on charge of raping a 60-year-old woman on November 30. The victim underwent medical checkup at Narayani Sub-Regional Hospital on December 1. The victim filed a complaint at the District Police Office, Parsa on December 1.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure/Property

The cadres of Madhesi Morcha vandalized the section office of Federation of Nepalese Journalists located in Brahmachowk of Birgunj Sub-metropolis-10 on September 21. They also torched a tire in front of the office. According to the Federation of Nepalese Journalist Vice Chairperson Dhruva Sah, the protestors also broke glasses of the windows.

HEALTH SERVICE STATUS

There is one hospital, three primary health posts, 38 health posts and 41 sub health posts in the district. Out of three positions for doctors in the district, only one was working. Out of nine positions for staff nurse, one was vacant. Out of six positions for lab assistants, four were occupied and two were vacant. The district has 249 positions for Assistant Health Workers, of which 122 were occupied. Out of 170 positions for Auxiliary Nurse Midwife, 92 were occupied. Similarly, out of 85 positions for health assistants, 24 were occupied. There is no position for gynecologist in the district.

2.10 Chitwan



Total Population

579984



Women

300897



No. of Households

132462



No. of Households Drinking Water from River/Stream

491



No. of Households without Toilet

7822



No. of Migrant Workers

50421



Largest Population by Caste/Ethnicity

165652 (Brahmin)



Population by Disability

12937



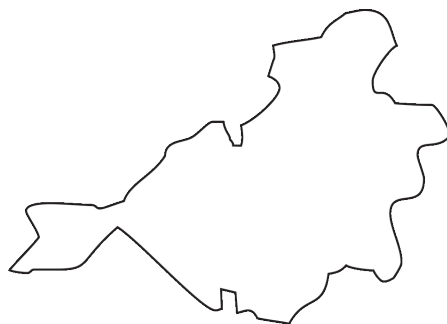
Literacy above 5 yrs (%)

97.5



No. of Community Schools

389



According to INSEC documentation, there was an improvement in the human rights situations of Chitwan district in 2015. In 2014, 99 people, including 92 female were victimized whereas 63 people, including 59 female were victimized in 2015. Seven people, including three women were killed by the non-state actor in 2015. Mostly, women and children were victimized by the non-state actor. Girls were victims of rape, sexual abuses and trafficking whereas women were victims of sexual and domestic violence. This year, no one was victimized by the state actor.

Three women, including a girl were killed by their family member this year. All cases were on trial. This year, 31 cases of child rights violations were documented. Of these, 17 were raped, 12 were sexually abused and two were victims of trafficking. There were 25 cases of women rights violations in which 11 were raped, six were victims of attempt to rape and sexual abuses, one of trafficking and three suffered from domestic violence. Last year, 21 girls and 64 women were victimized.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 235 inmates at a time. A total of 568 inmates, including 364 convicts and 204 detainees were held there at the end of the year. Among them, there

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	31		31
Killing	3	4	7
Women Rights	25		25
Total	59	4	63

were 53 women and no minor dependents.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has positions for six judges of which four were occupied. There were 548 civil and 690 criminal cases pending until the end of the year. There were six criminal and six civil cases older than two years pending.

CHILD RIGHTS

Education Status

There are 223 primary schools, 72 lower secondary schools, 48 secondary schools and 46 higher secondary schools in the district. Out of total positions for 2,811 teachers, 2,780 were working. 72,108 boys and 67,775 girls of school going age were enrolled from primary to secondary levels. 7,558 dalit boys and 7,611 dalit girls were provided scholarships as informed by the District Education Office. According to the DEO, there are 320 disabled friendly schools. 433 schools in the district have toilet facilities. The annual budget of DEO was Rs. 1,36,36,69,869 of which Rs. 1,36,30,31,469 was administrative cost.

Types of Events	By Non-State	
	Female	Total
Child Trafficking	2	2
Rape	17	17
Sexual Abuse	12	12
Total	31	31

Killing

Khushi BK, 3, of Madi Municipality-11 was assaulted by her father Suresh BK, 25, on September 22. She sustained injuries and succumbed to injuries while undergoing treatment at Bharatpur Hospital on September 29. The accused also assaulted his wife Laxmi BK, 21. The mother of the deceased filed a complaint at the District Police Office on September

22. The police arrested the accused the same day and filed a chargesheet against the accused for murder. The District Court issued an order to remand the accused in custody on October 29.

This year, girls of ages between five and 17 were raped. The court sentenced life imprisonment to the perpetrator who killed a boy. The case of killing a daughter was on trial. Two girls were raped by their father and the cases were on trial. The age of the rapists was from 12 to 59 years. The court sentenced three to 10 years imprisonment in seven cases of rape and compensation up to two lakhs. The court exonerated accused of seven cases citing lack of evidences whereas two of the accused were absconding.

Rape, Attempt to Rape and Sexual Abuses

The family of a 10-year-old girl filed a complaint at the District Police Office, Chitwan against Ekraj Humagain, 41, of Daduwa, Bhandara-8, Chitwan on charge of raping the girl in the afternoon of February 19 when she was alone at her house. The police arrested the accused on February 22. The victim underwent medical checkup at the District Hospital, Chitwan on February 22. The District Court sentenced five years imprisonment to the perpetrator on July 8.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 239 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This included 61 cases of assault and expulsion from the home, 157 cases of deprivation of food and clothes and 21 cases of polygamy. Among these, 117 cases were settled in agreement whereas the victims did not come in contact in the remaining cases.

This year, 11 women were raped. Even a 65-year-old woman was a victim of rape. Three women were killed by

their family member and the cases were on trial. The court sentenced two years six months imprisonment to two rapists. The court exonerated the victims of eight cases of rape and attempt to rape citing insufficient evidences. Two of the accused were absconding. Last year, 64 women were victims of human rights violations.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	3	3
Polygamy	4	4
Rape	11	11
Rape Attempt	4	4
Sexual Abuse	2	2
Women Trafficking	1	1
Total	25	25

Killing by Family Member

The police arrested Hari Khati, 55, on September 3 on charge of killing his wife Leela Khati, 50, of Bishalchowk, Dibyanagar Municipality-4 on September 2. Leela's body was found hung with a nylon rope in a toilet near her house. The family of the victim filed a complaint at the District Police Office on September 2. The police filed a chargesheet against the accused for murder. The District Court issued an order to remand the accused in custody on September 28.

Rape, Attempt to Rape and Sexual Abuses

A 52-year-old woman filed a complaint at the District Police Office, Chitwan on February 11 against Sukraj Mahato, 55, of Dibyanagar VDC-3 on charge of raping her in a place called Koila of the same VDC on February 5. The victim underwent medical checkup at Bharatpur Hospital on the day the complaint was filed. The police arrested the accused on February 14. The District Court sentenced two years six months imprisonment to the perpetrator on February 24.

HEALTH SERVICE STATUS

There are three hospitals and 36 health posts in the district. Out of nine positions for doctors in the district, four were working. Out of four positions for staff nurse, all four were working. Likewise, out of five positions for lab assistants, all five were working. The district has 114 positions for Assistant Health Workers of which 89 were occupied. Likewise, the district has 78 positions for Auxiliary Nurse Midwife of which 58 were occupied and 20 were vacant. Out of 39 positions for health assistants, 27 were occupied and 12 were vacant. There is no position for a gynecologist. The annual health budget of the district was Rs. 14,93,95,000 of which Rs. 65,00,000 was for medical expenses.

2.11 Makwanpur



Total Population
420477



Women
213793



No. of Households
86127



No. of Households Drinking Water from River/Stream
791



No. of Households without Toilet
34709



No. of Migrant Workers
16547



Largest Population by Caste/Ethnicity
201081 (Tamang)



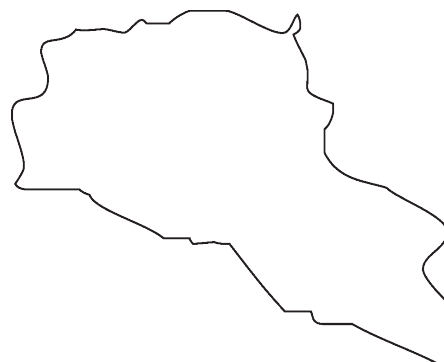
Population by Disability
8467



Literacy above 5 yrs (%)
98.00



No. of Community Schools
533



The human rights situation of Makwanpur district improved in 2015 as compared to 2014. In 2014, a total of 52 people, including 49 female were the victims of human rights violation whereas in 2015, a total of 28 people, including 26 female were the victims of human rights violation. This year, one male died in the custody. Mostly children and women were victimized by non-state actors. A total of 14 children were the victims of child rights violation, including nine of rape victims, four of sexual abuses and one of child marriage. This year, two women were killed by non-state actors. Last year, one woman was killed. Last year, 23 incidents of child rights and 25 incidents of women rights were documented by INSEC.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 1,200 inmates at a time. A total of 576 inmates, including 205 convicts and 371 detainees were held there at the end of the year.

Since the male inmates are kept in women ward of Bhimphedi, women inmates are sent to Birgunj.

RIGHT TO PROMPT AND FAIR TRIAL

There is one Appellate Court and one District Court. The District Court

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			14		14
Death in Detention	1	1			
Killing			2	1	3
Women Rights			10		10
Total	1	1	26	1	27

has 11 positions for judges. There were 180 civil and 180 criminal cases pending in the District Court. No civil cases and criminal case older than two years remained pending.

The Appellate Court has 11 positions for judges. There were 988 civil and 417 criminal cases pending in the District Court. There were six civil cases and 10 criminal cases older than two years remained pending.

CHILD RIGHTS

Education Status

There are 390 primary schools, 92 lower secondary schools and 105 secondary schools in the district. The district has 1,738 positions for teachers. This year, 34,539 boys and 36,835 girls of school going age were enrolled in the school. DEO informed that 25 schools are disabled-friendly and all schools are child-friendly. DEO distributed scholarships to 2,104 dalit boys and 2,667 dalit girls.

This year rape and sexual abuses victims were age of 4 to 17 year old. The accused were up to 88 years of age, including one teacher. Grandfather was accused of raping his granddaughter and the case was on trial. A total of 14 children were the victims of child rights violation, including nine of rape victims, four of sexual abuses and one of child marriage. Four accused in rape and sexual abuse were acquitted. Last year, 23 girls were victimized by non-state actors.

Rape, Attempt to Rape and Sexual Abuses

Rajendra Thing, 20, of Hetauda sub-metropolis-4 and currently living in a rented room at Nijgadh, Bara was arrested by police on July 24 on charge of raping a four-year-old girl on July 23. The victim's side lodged a complaint at the District Police Office on July 24. The health check-up of the victim was conducted at Hetauda Hospital on the same day. The

Types of Events	By Non-State	
	Female	Total
Child Marriage	1	1
Rape	9	9
Sexual Abuse	4	4
Total	14	14

District Court ordered to remand him in custody on August 2.

Child Marriage

Krishna Bahadur BK, Gadimai Municipality-1 was arrested by police on November 8 on charge of marrying a 13-year-old girl by luring her on November 3. The police filed a case on charge of child marriage and rape against BK. The District Court ordered to remand him in custody on December 1.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year, 98 women lodged complaints at the Women and Children Service Centre (WCSC) against domestic violence, including 60 cases of assault and expulsion from the house, 28 of deprivation of food, nine of death threat and one of allegation of witchcraft. Among these, 59 cases were settled in agreement and 25 cases were forwarded for legal proceedings.

This year, 10 women were the victims of women rights violation, including three of rape, three of attempted rape, two of polygamy, one of practicing witchcraft and one of trafficking. One woman was killed after rape and the case was on trial. Rape and trafficking perpetrators were sentenced 5 to 10 years jail term.

Killing after Rape

Sajit Sharma, 24, Ballu Sharma, 26 and Chote Sharma, 23, of India and currently living at Hetauda sub-metropolis-11 was arrested by police on October

Types of Events	By Non-State	
	Female	Total
For Practicing Witchcraft	1	1
Polygamy	2	2
Rape	3	3
Rape Attempt	3	3
Women Trafficking	1	1
Total	10	10

31 on charge of killing Suntali Pudasaini, 45, of Hetauda sub-metropolis-11 and a staff at Highway hotel after rape on October 30. The accused had come to stay at the hotel. Police arrested them on charge of killing Suntali after gang-rape. The post-mortem of the body was conducted at Hetauda Hospital on October 31.

Human Trafficking

Police arrested Mangal Singh Thing alias Prem, 30, of Bhorle VDC-5, Rasuwa from Kanchanpur on charge of trafficking a 22-year-old woman by luring her with the promise of job on July 22.

The victim lodged a complaint at the District Police Office on July 23. The District Court ordered to remand him in custody on September 30.

HEALTH SERVICE STATUS

There is one hospital, 40 health posts and four primary health centers in the district. There were 15 positions for the doctors in the hospital, out of which, 13 were filled. There are 14 positions for staff nurses, out of which, 12 were occupied. There are six positions for lab assistant, out of which, four were at work. The district has 43 positions for health assistant, out of which, 14 remained vacant. The district has 52 positions for Assistant Health Workers, out of which, 51 were occupied. The district has 31 positions for Auxiliary Nurse Midwives (ANM), out of which, 28 were at work. There was one position for gynecologist which was occupied. The annual health budget of the district was Rs. 78,300,000 and administration expenses were Rs. 74,700,000 and medical expenses were Rs. 3,600,000.

2.12 Lalitpur



Total Population

468132



Women

230050



No. of Households

109797



**No. of Households Drinking
Water from River/Stream**

243



No. of Households without Toilet

4735



No. of Migrant Workers

24386



**Largest Population by
Caste/Ethnicity**

155604 (Newar)



Population by Disability

4934



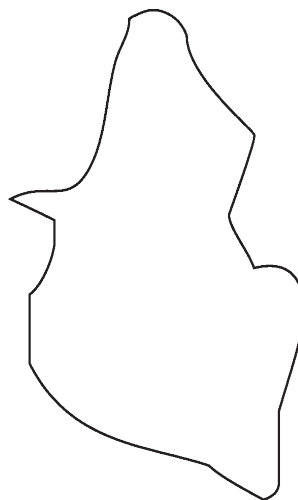
Literacy above 5 yrs (%)

98.4



No. of Community Schools

200



According to INSEC documentation, situation of human rights slightly improved in the Lalitpur district in 2015 as compared to 2014. In 2014, a total of 43 people, including 34 female were the victims of human rights violation, whereas in 2015, a total of 37 people, including 36 female were the victims of human rights violation. Last year, two people were victimized by state actors, whereas no such incidents were documented this year. Last year, one person was tortured after arrest, whereas no such incidents were documented this year. Last year, 22 children were the victims of child rights violation, whereas this year, 12 children were victimized by non-state actors. The incidents of women rights violation increased this year. Last year, nine women were the victims of women rights violation, whereas this year, 23 women were the victims of such incidents. INSEC documented one injured victim and one threat victim this year.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 175 inmates at a time. A total of 580 inmates, including 372 con-

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	12		12
Injured	1		1
Threats		1	1
Women Rights	23		23
Total	36	1	37

IMPRISONED DUE TO LEGAL OBSTACLE

Bishwa Nath Gautam, 54, of Morahang VDC-5 in Terhathum and Director of Unity Group has been serving time in Nakkhu Prison since June 17, 2011. He was convicted for swindling as the proprietor of Unity Group. The District Court, Lalitpur sentenced him three years in prison along with a fine of Rs. 10.62 million and also ordered to extract same amount from the convict. Likewise, the District Court, Sunsari sentenced him three years imprisonment along with a fine of Rs. 23.34 million and also ordered to extract same amount from him. Baglung District Court has not decided the case though six years have passed since it was filed.



Bishwa Nath Gautam

According to his wife Deepa Adhikari Gautam, District Courts of Chitwan, Kaski and Bardiya have decided to exonerate him whereas Panchthar Court has put the case on hold. However, it is not found in the details sent by the Company Registrar's Office on March 25 that Gautam is the proprietor of that company. Deepa also said that he was exonerated by Appellate Court, Kaski. But this case is sub judice in Sunsari District Court and Patan Appellate Court. The Home Ministry sent a letter to the Office of the Attorney General on May 31, seeking legal suggestions regarding withdrawal of the case. The Home Ministry is said to have reported that the case of fraud in Gautam's name can be withdrawn.

victs and 208 detainees were held there at the end of the year. Among them, 36 were foreigner. There were no female inmates and dependents in the prison.

The prison administration is compelled to keep inmates over the capacity, informed jailer Chakrapadi Gautam. The building which was used as prison from 1971 and sustained damages after April 2015 Earthquake, is causing difficulty in management, informed Gautam.

THREAT/BEATING

Ashok Dulal, 38, of Chapagaon VDC-6 and photo journalist for Rajdhani daily accused Principal Rameshwar Maharjan, 50, of Bajrabarahi Higher Secondary School, Chapagaon of threatening him for publishing a photo of the school with the red sticker. He was called in the school for the meeting and talks while he was at his home, and was abused and given a death threat after being taken into hostage for two hours. The victim said that he was given a death threat saying that reputation of school was hampered after picture of school building where children were playing around the red sticker

was published in Rajdhani Daily on June 2. He did not file any complaint although he sought help from different organization for the security.

RIGHT TO PROMPT AND FAIR TRIAL

The District has one District and one Appellate Court. The District Court has seven positions for judges. There were 778 civil and 450 criminal cases pending. There were two civil and six criminal cases older than two years pending.

The Appellate Court, Patan has 19 positions for judges. There were 3,588 civil and 3,222 criminal cases pending. There were 223 civil and 127 criminal cases older than two years pending.

CHILD RIGHTS

Education Status

There are 88 primary schools, 30 lower secondary schools and 73 secondary schools in the district. Out of total 2,168 positions for teachers, all were occupied at the end of the year. A total of 347 schools have facility of toilets. This year, 14,070 boys and 14,975 girls of school going age were enrolled in the school. DEO

distributed scholarships to 908 dalit children. A total of 260 children with disability were admitted in schools. None of the school in the district is disabled-friendly. The annual budget of the DEO was Rs. 73,88,04,000 and administration expenses were Rs. 58,70,66,000, informed DEO.

This year, 10 girls were raped and two were sexually abused, whereas in previous year, 12 girls were raped and six children were sexually abused, four children were the victims of child labor.

Types of Events	By Non-State	
	Female	Total
Rape	10	10
Sexual Abuse	2	2
Total	12	12

Rape, Attempt to Rape and Sexual Abuses

A complaint was lodged at Metropolitan Police Range Lalitpur on July 1 against Madhukar Basnet, 42, of Godamchaur VDC-3 and currently living at Godawari VDC-2 on charge of raping a 15-year-old girl on July 17. The victim underwent health check-up at Patan Hospital. The accused remained absconding until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year, 592 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence cases. All registered cases were settled in agreement, informed WCSC. Similarly, 208 complaints were lodged in WCSC against minor disputes of which all cases were settled in agreement.

The incidents of women rights violation increased in 2015 as compared to 2014. Last year, nine women were the victims of women rights violation, whereas in 2015, 23 women were the victims of women rights violation. Last year, one

incident of rape, three of polygamy, three of domestic violence and two of trafficking were documented. In 2015, two incidents of domestic violence, 10 of rape, one of attempted rape and 10 of polygamy were documented by INSEC.

Acid Attack /Attempt to Murder

Police arrested Anup Rana, 21, of Tikathali VDC-2 on March 24 on charge of inflicting injuries on Anjana Tandukar, 22, of Mangal bazar by throwing acid on her for rejecting his proposal on January 22. The victim received treatment at Patan Hospital. She is recovering from the burnt injury in her right cheek. Rana was charged with attempt to murder following arrest, Inspector Radha Prasad Parajuli of Metropolitan Police Range Lalitpur informed. Both the victim and perpetrator were studying at a college in Bal Kumari, Lalitpur. "Acid attack is a condemnable and brutal act. Even sentencing life imprisonment is less for the perpetrator of such incident. However, a situation prevails that perpetrator of such crime are to be granted amnesty with petty sentence due to lack of laws."The district court of Lalitpur verdict against Anup Rana Magar on June 28 said. Magar was sentenced to three years in jail by a bench of District Judge Tek Narayan Kunwar. The attacker was sentenced under the Chapter of battery of the General Code (Muluki Ain) as there is no separate law to deal with cases of acid attack. The three years sentence is the maximum jail term exist-

Types of Events	By Non-State	
	Female	Total
Domestic Violence	2	2
Polygamy	10	10
Rape	10	10
Rape Attempt	1	1
Total	23	23

ing law. The court also issued an order in the name of the government to immediately enact a separate law to deal with cases of acid attack.

Rape, Attempt to Rape and Sexual Abuses

An 18-year-old woman lodged a complaint at Metropolitan Police Circle, Chapagaun against Krishna Prasad Pandey, 36, of Nuwakot district and currently living at Madanpur VDC-2 on charge of raping her on May 5. The health check-up of the victim was conducted at Patan Hospital on the same day. The accused was arrested by police on the same day after a complaint was lodged. He was remanded in the custody on June 1 by the order of the District Court. He was declared guilty on September 14.

HEALTH SERVICE STATUS

There are three hospital, 38 health posts and three primary health centers in the district. There were four positions for the doctors in the hospital, out of which, three were filled. There is no position for gynecology specialist. There are four positions for staff nurses, and four for lab assistant. The district has 43 positions for health assistant, out of which, 14 remained vacant. The district has 123 positions for Assistant Health Workers, out of which, 83 were occupied. The district has 86 positions for Auxiliary Nurse Midwife (ANM), out of which, 78 were at work. The annual budget of DPHO was Rs. 11,82,59,000 of which Rs. 6,74,00,000 was administrative cost.

2.13 Kavre



Total Population

381937



Women

199001



No. of Households

80720



No. of Households Drinking Water from River/Stream

540



No. of Households without Toilet

21708



No. of Migrant Workers

14531



Largest Population by Caste/Ethnicity

129913 (Tamang)



Population by Disability

6670



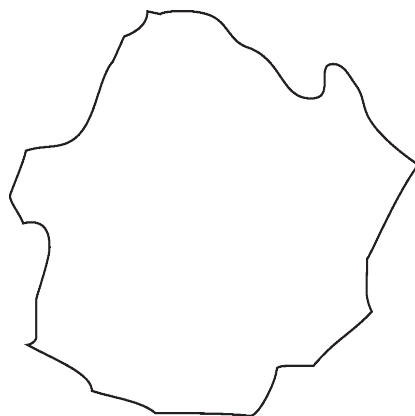
Literacy above 5 yrs (%)

69.8



No. of Community Schools

594



The incident of human rights violation of the Kavre district increased in 2015 as compared to 2014. In 2014, a total of 68 people, including 61 female were the victims of human rights violation whereas in 2015, a total of 82 people, including 67 female were the victims of human rights violation. Last year, one incident of caste-based discrimination was documented whereas this year one such incident was documented. This year, 10 people, including one female were suppressed from right to assembly. Last year, nine people, including six female were killed by non-state actors whereas this year, three men were killed. In 2014, 24 children were the victims of child rights violation, whereas, in 2015, 22 children were the victims of such incidents. The incidents of women rights violation increased in the district. Last year, 32 women were the victims of women rights violation, whereas this year, 42 women were victimized.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 61 inmates at a time. A total of 202 inmates, including 134 convicts and 68 detainees were held there at the end of the year. This prison is divided

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings				1	1	2
Child Rights				22		22
Injured					1	1
Killing					3	3
Racial Discrimination				1		1
Right to Assembly	1	9	10			
Threats					1	1
Women Rights				42		42
Total	1	9	10	66	6	72

into two parts. In one part, the inmates with mental illness were kept. There were 21 such inmates at the end of the year. Chet Bahadur Thakuri, 75, of Bhugdeu VDC-6, who suffered from Asthma and diarrhea, died on April 19. Raju BK, 31, of Methinkot VDC-7 committed suicide inside toilet of Dhulikhel prison by hanging himself on October 22. Kali Prasad Parajuli, 77, of Mankha VDC and Anil Thapa of Barabise VDC-3 who were sentenced to 11-year jail term for rape escaped when its building collapsed on April 25, later came into contact of Dhulikhel Prison.

THREAT/BEATING

Ram Krishna Banjara, 39, of Panauti Municipality-4 and a journalist was injured when beaten up by Mahesh Thapa, 39, of the same place on August 3. The victim received treatment at Shir Memorial Hospital, Banepa. The victim lodged a complaint in the District Administration Office under Public Offense Act. The accused remained absconding until the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has three positions for judges. There were 329 civil and 346 criminal cases pending. There were no civil and criminal cases older than two years pending. On an average, one judge was responsible for 260 cases.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

A minor clash erupted at Banepa during the lathi demonstration organized by UCPN-M led 30-party alliance on March 29. The police took around 100 sticks from the protestors who pelted stones at police while returning from the mass meeting. Two policemen, including Inspector Deepak Bharati were injured during the clash that erupted between police and party cadres when police tried to take sticks from the protestors. Similarly,

10 UCPN-M cadres, including two women and two cadres of Forum Loktantrik were injured.

CHILD RIGHTS

Education Status

There are 379 primary schools, 118 lower secondary schools, 132 secondary schools and 78 higher secondary schools in the district. There were 2,591 teachers working in the district at the end of the year. This year, 54,960 boys and 57,140 girls of school going age were enrolled in the school. DEO distributed scholarships to 2,605 dalit girls and 3,047 dalit boys of Rs. 3, 17,000. The annual budget of the DEO was Rs. 13, 36,025,017 and administration expenses were 93, 49,927 informed DEO.

The incidents of child rights violation decreased in 2015 as compared to 2014. Last year, 15 girls were raped and eight were sexually abused. This year, nine girls were raped, 12 were sexually abused and one new born was killed. This year, among two incidents of gang rape, policemen were involved in one incident.

Types of Events	By Non-State	
	Female	Total
Killing of Newborn Baby	1	1
Rape	9	9
Sexual Abuse	12	12
Total	22	22

Rape, Attempt to Rape and Sexual Abuses

Police arrested Head Constable Shambhu Raut Ahir, 40, of Bibaniya VDC-7, Parsa and Constable Shreeram Sah, 29, of Damuriya Matiaun VDC-4, Rautahat, currently posted at Panauti Police station on April 10 on charge of raping a 15-year-old girl and another 17-year-old girl on April 8.

These two girls along with another had run away from the child shelters

who were allegedly raped by the duo at the field in Panauti Municipality-4. The incident came to light after the victims reached Thamel in Kathmandu. The case of rape was filed against the duo on April 12 based on the written complaint made by CWIN Child center on April 10. The health check-up of the 15-year-old girl was conducted and sent to CWIN child center, whereas another victim remained out of contact for a long time. The District Police Office, Kavre suspended the accused and held them in custody for investigation by the order of District Court on May 5.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year, 246 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence cases. Of those 246 complaints, 71 cases were of assault and expulsion from the house, 39 cases of deprivation of food and clothes, 10 cases of not making marriage or citizenship certificate, four cases of polygamy, three of inflicting mental pain and life threat, 69 of verbal abuses, 13 of leaving stranded and 27 of neglect. This year, 19 male lodged complaints against wives at Women and Children Service Centre (WCSC) against domestic violence.

Among these incidents, 103 cases were settled, 17 cases were forwarded for legal proceedings and 126 cases were under investigation, informed WCSC.

The incidents of women rights violation increased in 2015 as compared to 2014. In 2014, 32 incidents of women rights violation were documented whereas in 2015, 42 women were victimized. Among 42 victims of women rights violation, one was victim of domestic violence, seven were raped, 12 were attempted to rape, one was alleged of witchcraft and 15 were the victims of polygamy.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	1	1
For Practicing Witchcraft	7	7
Polygamy	15	15
Rape	7	7
Rape Attempt	12	12
Total	42	42

Rape, Attempt to Rape and Sexual Abuses

Shyam Lama, 28, of Kharepagu VDC-2, Kiran Pahari, 20, of Panauti Municipality-12, Rajan Thapa, 26, of Panauti Municipality-10 and Srijan Ghimire, 26, of Chyamrangbesi VDC-4 were arrested by police on May 10 on charge of raping an 18-year-old girl at a community forest under the pretext of dropping her home on May 4. The health check-up of the victim was conducted at Paropakar Maternity and Women's Hospital on May 10. The District Court ordered to remand him in custody on June 1. The case was not decided until the end of the year.

ALLEGATION OF WITCHCRAFT

Police arrested Bisu Tamang, 18, and his wife Dhanmaya Tamang, 19, of Chamkharka in Panauti Municipality-4, on charge of force feeding human excreta to a 40-year-old woman alleging her being a witch on February 28. The victim lodged a complaint against the accused at the District Police Office on February 27. During the treatment of victim at KMC hospital in Kathmandu, bruises were seen in her body. The District Court released them after a bail amount of Rs. 10,000 was deposited by each on March 3. The court ordered to pay a fine of Rs. 5,000 each as penalty on July 7.

ALL KINDS OF RACIAL DISCRIMINATION

Police arrested Manoj Thapa, 33, of Balthali VDC-1 on June 8 based on the complaint lodged by Kalpana Pariyar, 37, of the same place at the National Dalit Commission against Manoj on charge of beating and verbally abusing Kalpana on June 2. The victim received treatment at Dhulikhel Hospital. The District Court released him after he deposited a bail amount of Rs. 25,000 on June 29.

HEALTH SERVICE STATUS

There is one hospital, 86 health posts, three sub-health posts and four primary health centers in the district.

All seven positions for the doctors in the hospital were filled. There is one position for gynecology specialist. There are ten positions for staff nurses, out of which, one remained vacant. There were four for lab assistant working until the end of the year. The district has 93 positions for health assistant, out of which, 18 were working. The district has 192 positions for Assistant Health Workers, out of which, 149 were occupied. The district has 191 positions for Auxiliary Nurse Midwife (ANM), out of which, 112 were at work. The annual budget of the district was Rs.14,21,74,647, administration expenses were Rs.5,48,988 and medical expenses were Rs. 66,00,000.

2.14 Bhaktapur



Total Population

304651



Women

149767



No. of Households

68636



No. of Households Drinking Water from River/Stream

42



No. of Households without Toilet

2079



No. of Migrant Workers

10215



Largest Population by Caste/Ethnicity

138873 (Newar)



Population by Disability

3204



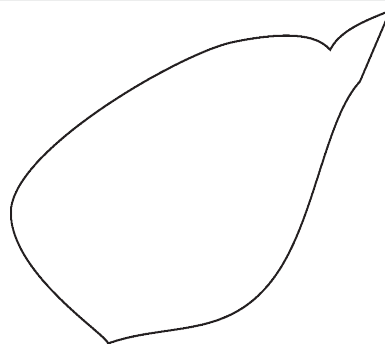
Literacy above 5 yrs (%)

96.5



No. of Community Schools

126



According to INSEC documentation, there was a rise in the incidents of human rights violations and abuses in Bhaktapur in 2015. In 2014, 47 people, including 45 female were the victims of human rights violation and abuses whereas 186 people, including 184 female were victimized in 2015. Last year, one person was arrested and tortured by the state actor. This year, five people, including three women were killed by the non-state actor. Last year, one person was victim of abduction whereas this year, no such incident was reported. Last year, there were 10 cases of child rights violations whereas this increased to 18 in 2015. The incidents related to women rights violations have increased this year. Last year, 34 women were victimized by the non-state actor whereas this increased to 163 in 2015.

CHILD REHABILITATION CENTRE

A child rehabilitation centre is in operation in the district since 2002 with the support of NGOs. This centre has a capacity to hold 150 people at a time. There are 97 children in the centre, of whom case of 71 were decided, while 24 were awaiting decision along with two whose remand were extended. The centre has 95 boys and two girls.

In comparison to last year, this year saw an increase in the incidents of

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	18		18
Killing	3	2	5
Women Rights	163		163
Total	184	2	186

child rights violations. Last year, there were 10 incidents of child rights violations which included eight cases of rape and two cases of sexual abuse. This year, 18 girls were victims of child rights violations of which 12 were raped and six were sexually abused.

RIGHT TO PROMPT AND FAIR TRIAL

The district court has positions for five judges. There were 668 civil and 414 criminal cases pending at the end of the year. There were three civil cases and no criminal cases older than two years pending in the court. Each judge handles around 600 cases on an average.

CHILD RIGHTS

Education Status

There are 62 primary, 37 lower secondary and 24 secondary schools in the district. There were positions for 1,255 teachers. Out of all children of school going age in the district, 31,133 boys and 33,485 girls were enrolled from primary to secondary level in community and institutional schools. Among them, there were 785 dalit boys and 826 dalit girls. According to the data of District Education Office, there are only four disabled friendly schools in the district. There are 3,015 children in the Community based Early Childhood Development Centers. The District Education Office also informed that its total annual budget was Rs 55,83,96,892 of which Rs 45,98,62,176 was administrative cost.

Rape, Attempt to Rape and Sexual Abuse

The mother of a nine-year-old victim filed a complaint at the Metropolitan Police Range Bhaktapur on March 14 against Dawa Lama, 19, a resident of Phalametar VDC-5 and currently residing in Kharibot, Madhyapur Thimi on charge of raping the child on March 14. The Police Range Jagati informed that

Types of Events	By Non-State	
	Female	Total
Rape	12	12
Sexual Abuse	6	6
Total	18	18

accused was arrested the same day by Police Range Katunje and was sent to Metropolitan Police Range Bhaktapur for necessary actions. According to the Metropolitan Police Range Bhaktapur, the victim underwent medical examination on March 14 at Maternity Hospital, Thapathali. The District Court issued an order to remand the accused in custody on April 8. The case remained undecided until the end of the year.

The family of a 15-year-old girl filed a complaint in Metropolitan Police Sector Jagati on November 15 against Niroj Nagarkoti, 23, of Nagarkot-13 of Bhaktapur District on charge of attempting to rape her on November 12. The victim underwent medical examination at the TU Teaching Hospital Maharjung, Kathmandu on November 15. The police arrested the accused on November 15 from Nagarkot. The district court issued an order to remand the accused on December 7.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

There was an increase in the incidents related to women rights violations this year. Last year, 34 women were the victims of women rights violations whereas the number increased to 163 this year. There were five cases of rape, four cases of polygamy, 23 cases of domestic violence and one case of human trafficking in 2014. This year, there were 146 cases of domestic violence, five cases of rape, two cases of attempt to rape, two cases of sexual abuse, one case of human trafficking and seven cases of polygamy.

Killing by Family Member

Gita Karki Prajapati, 39, of Gakho, Thimi Municipality-9 was brutally beaten to unconsciousness by her husband Ram Chandra Prajapati, 43, on January 9. The victim was rushed to the hospital for medical treatment but succumbed to injuries on the way. Sunita Shrestha, 22, of Balkot VDC-1, Thimi filed a complaint against the accused at the Police Circle Jagati on January 11. The police arrested the accused the same day. The District Court issued an order to remand the accused in custody on February 4 and sentenced life imprisonment to the perpetrator with confiscation of all his property on June 16.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	146	146
Polygamy	7	7
Rape	5	5
Rape Attempt	2	2
Sexual Abuse	2	2
Women Trafficking	1	1
Total	163	163

Rape, Attempt to Rape and Sexual Abuse

The police arrested Bibek Ranjitar, 19, of Ittapakeka, Bhaktapur Metropolitan-15 from Byasion June 1 on charge of raping an 18-year-old girl on May 29 and 30. The accused was in custody since June 26. The victim underwent medical examination on June 1 at Teaching Hospital in Maharajgunj, Kathmandu. The victim's father filed a complaint at Police Range Bhaktapur on June 1. The District Court sentenced two years six months imprisonment to the perpetrator on August 25.

Human Trafficking

Sunita Khatri, 21, a permanent resident of Thangpalkot-2, Sindhupalchok was persuaded by Suman Tamang, 17, a resident of Shikarbesi VDC-9, Nuwakot and her colleague of Prime Offset Press to marry him. Suman, instead of marrying Sunita, attempted to traffic her to India on June 1. According to SP of Metropolitan Police Range Bikas Shrestha, the police rescued her from India and subsequently returned her to Bhaktapur on June 9. The victim was transported to Meghalaya through Siliguri. The victim refused to be handed over to a Nepali woman at a hotel in Silong Ladungwai Tinali. The accused absconded as a crowd of local people led by a Nepali speaking woman, Sangita Shrestha inquired about the incident. The victim's brother, Police Constable Nir Bahadur Khatri working at the Metropolitan Police Range Bhaktapur was informed immediately about the incident. Metropolitan Police Range Bhaktapur then sent a team of two, including Nir Bahadur to India in order to rescue the victim. Tamang was not yet in police custody and both Nepal Police and Indian police were searching for him at the end of the year.

HEALTH SERVICE STATUS

There is one hospital and 19 health posts in the district. Out of two positions for doctors, both were occupied. Likewise, out of two positions for staff nurses, both were occupied. The district has 63 positions for Assistant Health Workers, of which 61 were occupied. Out of 44 positions for Auxiliary Nurse Midwife, 42 were occupied. Out of 10 positions for health assistant, all 10 were working. The district has no position for a gynecologist. Of the 140 positions at various health institutions of the district, 36 positions were vacant. The annual health budget of the district was Rs. 97,12,04,000 out of which Rs. 8,31,04,494 was administrative cost.

2.15 Kathmandu



Total Population

1744240



Women

831239



No. of Households

436344



**No. of Households Drinking
Water from River/Stream**

1471



No. of Households without Toilet

5034



No. of Migrant Workers

99805



**Largest Population by
Caste/Ethnicity**

410126 (Brahmin)



Population by Disability

17122



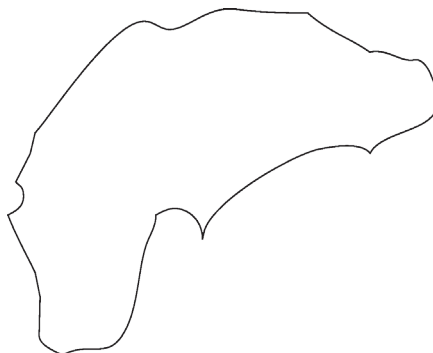
Literacy above 5 yrs (%)

76.4



No. of Community Schools

299



According to INSEC documentation, there was a decrease in the incidents of human rights violations and abuses in Kathmandu in 2015. In 2014, 594 people were victims of human rights violations and abuses whereas 584 people were victimized in 2015. One man was killed by the state actor in 2015. Last year also, one man was killed by the state actor. In 2014, five people, including three women and two men were killed by the non-state actor. This year, one woman was killed by the non-state actor. 39 people, including 12 women and 27 men were victims of rights to expression, assembly and association this year. Mostly, children and women were victimized by the non-state actor. The incidents related to women rights violations was decreased as compared to last year. In 2014, 508 women were victimized, whereas 461 women were victimized this year. Women were mostly the victims of rape, attempt to rape, sexual abuses and domestic violence. In 2015, 12 women were victims of rape, nine were victims of attempt to rape, two were sexually abused, nine were trafficked, six were victims of polygamy and 423 were victims of domestic violence. INSEC documented 76 cases of child rights violations which included 55 girls and 21 boys. Among them, 15 girls were victims of rape, 14 were sexually abused, 45 chil-

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Child Rights				55	21	76
Injured		2	2	2	2	4
Killing		1	1	1		1
Right to Assembly	12	27	39			
Women Rights				461		461
Total	12	30	42	519	23	542

dren, including 24 girls and 21 boys were victims of child labor and two girls were trafficked. In 2014, 46 girls were victims of child rights violations.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By State

Kumar Shrestha alias Ghainte, 38, of Kapurdhara, Kathmandu Metropolitan-29 was killed in police shooting on August 20. According to SSP Sarbendra Khanal of Metropolitan Police Crime Division, Shrestha was in the list of most-wanted and was killed in a retaliatory firing when his group shot at police team in the morning in Galkopakha, Samakhushi. The doctor declared him dead on arrival at the TU Teaching Hospital. He sustained eight bullets in his chest and thigh. There were dozens of complaints filed against him on charges of extortion, murder attempt and hooliganism. According to the police, Ghainte was killed in an encounter; however, his family accused police of killing him intentionally. Surendra Maharjan and Raj Maharjan of Kapurdhara, Kathmandu Metropolitan-29 were also injured in police firing in the same incident. Both the injured sustained bullet in their legs and received treatment in TU Teaching Hospital the same day. According to the District Police Office, ASI Bal Krishna Sanjel, Ranjit Lama and Police Constable Hemanta Chand were also injured in the firing.

JAIL AND DETAINEES

The 'A' grade District Prison has Central Prison, Bhadra Prison and Women Cell. All three prisons have the capacity to hold 1,200 inmates at a time. A total of 1,543 inmates, including 564 convicts and 969 detainees were held in the Central Prison at the end of the year of whom 1,415 inmates were Nepalese whereas

118 were foreign nationals. Likewise, in Bhadra prison, a total of 653 inmates, including 481 convicts and 172 detainees were held of whom 614 were Nepalese and 39 were foreign nationals. There are 315 inmates, including 205 convicts and 110 detainees in the Women Cell of whom 282 were Nepalese and 33 were foreign nationals. The total number of inmates in all three prisons is 2,524. Among them, 2,196 were male, 315 were female and 13 were minor dependents. 10 inmates were undergoing treatment. This prison was constructed in 1915.

16 male inmates of Bhadra Prison were killed in the devastating earthquake of April 25, whereas 72 inmates were injured. According to the Prison Administration, the injured received treatment in various hospitals in Kathmandu including Bir Hospital.

The 'B' grade prison of Dilli Bazar can accommodate 250 inmates at a time. A total of 576 inmates, including 361 convicts and 215 detainees were held there at the end of the year. Of them, 545 were Nepalese and 31 were foreign nationals. Only male inmates were staying here. This prison was established in 1922. According to Acting Jailer of Dillibazar Prison Santosh Dahal, inmates were provided facilities of health checkup, newspapers, radio, television and others. He said there is no option other than to relocate the prison as the already old and weak building was more weakened by the earthquake and the numbers of inmates were also more than the prison's capacity.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has positions for 33 judges. There were 3,613 civil and 7,462 criminal cases pending until the end of the year. There were 241 criminal and 132 civil cases older than two years pending. One judge handles about 490 cases on an average.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

There was a clash between police and protestors during the protest of UCPN-M and Madhesi parties led 30-party alliance on February 28. The clash occurred when some youth protestors hit Police Inspector Dharma Bhandari with their motorcycle and forcefully tried to enter the prohibited area in Baneshwor. Nepal Police Inspector Dharma Bhandari and APF Inspector Bir Bahadur Tamang along with 20 other security personnel were injured in the clash. The injured received treatment in TU Teaching Hospital, Maharajgunj. The protestors assaulted the police by seizing their batons in the clash.

CHILD RIGHTS Education Status

Out of 2,99,083 children of school going age, 1,55,140 boys and 1,43,943 girls were enrolled from primary to secondary level in the district. Among them, 89,417 children were enrolled in government and community schools and 2,09,666 were enrolled in private and institutional schools. According to the data of District Education Office, scholarships were provided to 8,536 dalit boys and girls from class one to eight. Likewise, to promote girl's education, scholarships were provided to 17,818 girls from class one to eight. Also, 2,206 poor and hardworking students were provided scholarships till the secondary level. The total positions for teachers receiving salary and allowances from government sources were 3,579 from primary to secondary level. Out of 2,059 teachers working in the primary level, 1,566 were permanent and 493 were temporary. Out of 795 teachers in lower secondary level, 644 were permanent and 151 were temporary. Likewise, out of 1,291 teachers in secondary level, 725 were permanent and 566 were temporary. Besides, 577 were working as relief and aid teachers.

Types of Events	By Non-State		
	Female	Male	Total
Child Labour	24	21	45
Child Trafficking	2		2
Rape	15		15
Sexual Abuse	14		14
Total	55	21	76

Out of 48,982 children in the government and community as well as private Early Childhood Development Centres, 23,163 were boys and 25,819 were girls. The DEO had not updated all the data related to education.

Acid Attack

The police deployed from the Metropolitan Police Range Hanumandhoka arrested Jivan BK, 20, a permanent resident of Phulasi VDC-8, Ramechhap district and currently residing in a rented room in Binayak Marga, Tokha VDC-6 on the night of March 19 on charge of throwing acid on Sangita Pulami Magar, 16, a permanent resident of Ramechhap district currently studying in Shanti Nikunja Secondary School, Jhonchhe and Seema Basnet, 15, a permanent resident of Chandranigahapur-8, Rautahat currently studying in Kantishwari Rajyalaxmi Secondary School on February 22. Both the victims were studying in A Plus Tuition Centre in Basantapur when the accused splashed acid on them. Sangita, who was severely injured in the acid attack, received treatment in KMC Hospital whereas Seema was treated in Bir Hospital. Both the families of the victim Sangita Magar and the accused Jivan BK had been living in a same rented house in Jhhonchhe since May 2012. According to AIG Bigyan Sharma, both the accused and victim came closer while the accused tutored her; however, the incident orchestrated by the accused was an act of

revenge towards Sangita and her family. AIG Sharma further said that the accused had an objective of ruining the victim's beauty and body as his respect had been humiliated by the victim's family. The Metropolitan Police Range Kathmandu filed a case against the accused at the District Court on March 20. The District Court sentenced 10 years imprisonment to the perpetrator on December 20. As per the issue ordered by the District Court on April 16, the accused was remanded in custody.

This year, 15 girls of ages between 5 and 17 were raped and 14 were sexually abused. The ages of the rapists were from 13 to 86. Last year, 34 girls were victims of rape and 10 were sexually abused.

Rape, Attempt to Rape and Sexual Abuses

The police arrested Hari Bahadur Bhujel, a permanent resident of Sunarpani, Ramechhap district and currently residing in Basantapur, Kathmandu Metropolitan-23 on charge of raping a 14-year-old girl on January 31. The police filed a case of rape against the accused on February 1. The District Court issued an order to remand the accused in custody on February 24. The accused raped the victim at his own room. The victim filed a complaint at Metropolitan Police Range, Kathmandu on the same day the incident happened. The victim underwent medical checkup at Maternity Hospital, Thapathali on February 24.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 1,407 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This included 576 cases of deprivation of food and clothes, 513 cases of physical and mental torture (beating) and 318 cases of threat

and verbal abuse. Among these, 810 cases were settled in agreement and there was a decision for separation in 35 cases of domestic violence. Likewise, 122 cases were processed for legal actions and 440 cases were in the process of investigation.

This year, 12 women of ages between 18 and 59 were raped. Nine women were victims of attempt to rape and two women were sexually abused. According to INSEC documentation, 18 women were victims of rape, five were victims of attempt to rape and one was sexually abused last year.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	423	423
Polygamy	6	6
Rape	12	12
Rape Attempt	9	9
Sexual Abuse	2	2
Women Trafficking	9	9
Total	461	461

Rape, Attempt to Rape and Sexual Abuses

The Metropolitan Police Circle Kirtipur arrested Ramesh Bohora, 25, a permanent resident of Dalimandu, VDC-2, Baitadi district and currently residing in Kathmandu Metropolitan-5 on September 8 on charge of attempting to rape a 21-year-old woman on September 6. The police filed a case of rape against the accused at the District Court on September 9. The District Court issued an order to remand the accused in custody on October 4. The accused attempted to rape the victim at her own room. The victim underwent medical checkup at Maternity Hospital, Thapathali on September 8. The victim filed a complaint in police on September 8.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure/ Property

The protestors torched a taxi with registration number Ba 1 Ja 8222 in Dhungedhara, Banasthali on charge of defying the bandh called by UCPN-M led 30-party alliance on January 20. The protestors also vandalized the UN bike with registration number 710223 and also the press van of Mountain Television with registration number Ba 9 Cha 2933. Kantipur Publications informed that the protestors looted copies of Kantipur Daily and Kathmandu Post from the vehicle of Kantipur Publications near Babarmahal Bridge.

HEALTH SERVICE STATUS

There are 11 hospitals and 58 sub health posts in the district. According to the data provided by DEO, out of eight positions for doctors, one position for gynecologist, 12 positions of staff nurse, 156 positions for Auxiliary Nurse Midwife, two Vaccination Supervisors, two Tuberculosis and Leprosy Supervisors, all were working. Likewise, out of 12 positions for lab assistant, nine were working. The district has 199 positions for Assistant Health Workers of which 148 were occupied. Out of 68 positions for health assistant, only 34 were working. The total annual budget of the District Public Health Office was Rs. 23,74,20,870 of which Rs. 6,00,000 was administrative cost and Rs. 60,00,000 was for medical expenses and Rs. 12,55,173 was expenses per doctor.

2.16 Dhading



Total Population

336067



Women

178233



No. of Households

73851



No. of Households Drinking Water from River/Stream

623



No. of Households without Toilet

81878



No. of Migrant Workers

22537



Largest Population by Caste/Ethnicity

74239 (Tamang)



Population by Disability

7827



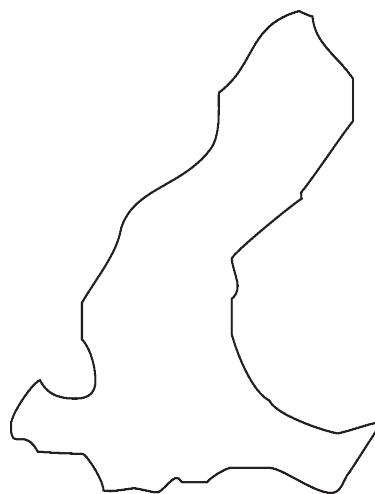
Literacy above 5 yrs (%)

98.00



No. of Community Schools

608



According to INSEC documentation, the incidents of human rights violation decreased in Dhading district in 2015 as compared to 2014. In 2014, a total of 63 people, including 54 female were the victims of human rights violation whereas in 2015, a total of 38 people, including 35 female were the victims of human rights violation. This year, two people were tortured after arrest by state actor. Children were the victims of rape, sexual abuse, trafficking and infant killing. Similarly, women were the victims of domestic violence, polygamy and allegation on practicing witchcraft. This year, one woman was killed by non-state actors whereas no such incident was documented last year. This year, 18 incidents of child rights violation were documented, including 12 of rape, three of sexual abuse and two of trafficking.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 30 inmates at a time. A total of 175 inmates, including 132 convicts and 43 detainees were held there at the end of the year. There were 13 female inmates. There were two dependents in the prison. The prison wall collapsed dur-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	2	2			
Child Rights			17	1	18
Killing			1		1
Women Rights			17		17
Total	2	2	35	1	36

ing April 2015 Earthquake. The inmates were six times more than the capacity and are compelled to sleep outside in a tent due to lack of space. There are only three toilets for inmates.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were 88 civil and 98 criminal cases pending. There were two criminal cases and no civil case older than two years pending.

ARREST/ TORTURE

Mangaldhoj Praja Chepang, 42, of Pida VDC-9 was left with broken hands when beaten up by police after arrest on charge of being involved in fight during a marriage on December 14. The victim's side accused police of beating Chepang by tying him in a tree at Lipsnefed of Pida VDC- 4. Chepang was kept at Area Police Office, Gajuri and was released on December 15 after signing a paper. The victim did not lodge a complaint until the end of the year assuming he will suffer more by registering a complaint.

CHILD RIGHTS

Education Status

There are 397 primary schools, 91 lower secondary schools and 90 secondary schools in the district. The district has 2,487 positions for teachers, of which 2,440 were occupied at the end of the year. This year, 82,626 children of school going age were enrolled in the school. According to DEO, there are five disabled-friendly school. DEO distributed scholarships to 5,678 dalit boys and 1,010 dalit girls' children. The annual budget of the DEO was Rs. 1,13,47,86,588 and administration expenses were Rs. 70,59,40,087 informed DEO.

This year, 12 girls of the age group of 7 to 16 years were raped. Three girls were sexually abused. Among the registered cases of rape and sexual abuse, three cases were decided whereas ten accused were remanded in custody. One

victim did not file complaint whereas one accused was not arrested. In the District, one case of gang rape was documented. Among the raped accused, four were minors. This year, one new born was killed. Two children were trafficking victim.

Types of Events	By Non-State		
	Female	Male	Total
Child Trafficking	2		2
Killing of Newborn Baby		1	1
Rape	12		12
Sexual Abuse	3		3
Total	17	1	18

Rape, Attempt to Rape and Sexual Abuses

The victim's side lodged a complaint at the District Police Office on September 6 against a 16-year-old boy of Pida VDC-5 on charge of raping a 14-year-old girl on September 6. The victim underwent health check-up at the primary health center. The accused was arrested by police on September 30. The District court ordered to remand him in custody on October 6. The District court sentenced him a 13-year jail term on January 10, 2016.

Child Trafficking

The police arrested Thuli Kaki Gurung, 37, of Nilkanth Municipality-4 on charge of attempting to traffic a 14-year-old and 15-year-old girl of Naubise VDC-6 on January 6. The District Court ordered to remand her in custody on January 29. Police rescued the girls from Tayalghar in Naubise VDC-6. Police arrested Gurung after victim's side informed Area Police Office that the girls were being trafficked with lure of meeting boys. The victim lodged a complaint at the District Police Office on January 7. The case was not decided until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 138 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC).



This included 23 cases of assault and expulsion from the house, 80 cases of deprivation of food and clothes, 13 of inflicting physical and mental pain, 19 of beating and three of expulsion from the house. The WCSC said that 130 cases were settled in agreement and eight were forwarded for legal procedure.

This year, five women were raped, one was attempted to rape and two were alleged of witchcraft. In 2014, five women were raped. This year, three rape cases were decided and three accused were remanded in the custody. This year, one woman was killed by family member. Similarly, two women were alleged of practicing witchcraft.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	4	4
For Practicing Witchcraft	2	2
Polygamy	5	5
Rape	5	5
Rape Attempt	1	1
Total	17	17

Killing by Family Member

Santoshi BK, sister of Santoshi Sunar, 35, alias Maiya of Benighat VDC-8 lodged a complaint at the District Police Office on June 2 against Govinda Sunar, 35, Maiya's husband on charge of killing Maiya and hanging her in a tree on June 21. The body of Maiya was found hanging in the tree nearby her home on June 3. The post-mortem of the body was conducted at the TU teaching Hospital, Kathmandu on June 4. The accused was arrested by police on June 4. The District Court ordered to remand him in custody on June 30. The case was not decided until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

The victim side lodged a complaint at the District Police Office on July 26

against Min Bahadur Karki, 45, alias Arjun, of Bhumesthan VDC-6 on charge of raping a 35-year-old woman with disability on June 21. The health check-up of the victim was conducted at the District Hospital. The police arrested accused on July 26. The District Court sentenced him to 10 years and six months in jail and ordered to pay Rs. 1,00,000 as compensation to the victim on December 14.

ALLEGATION OF WITCHCRAFT

Bhoj Raj Subedi, husband of Til Kumari Subedi, 46, of Nilkanth Municipality-9 lodged a complaint at the District Police Office on July 25 against Gopal Lamsal and his family on charge of threatening to beat and kill Til Kumari on accusation of practicing witchcraft on July 23. The victim's family informed police shaman Lok Bahadur Mahat whom the Lamsal family had visited had accused Til Kumari of bewitching the sick member of their family. The victim's side lodged a complaint at the District Police Office to take action against accused Lamsal and Mahat who threatened Til Kumari at night while she was staying with her family. No action was taken against the accused until the end of the year.

HEALTH SERVICE STATUS

There is one hospital, 49 health posts in the district. All four positions for the doctors were occupied. There was one position for gynecologists' specialties. There are six positions for staff nurses, out of which, five were at work. All five positions for lab assistant were occupied. The district has 54 positions for health assistant, out of which, 25 were vacant. The district has 106 positions for Assistant Health Workers, out of which, 66 were occupied. The district has 106 positions for Auxiliary Nurse Midwifery (ANM), out of which, 61 were at work. The annual health budget of the district was Rs.1, 64,561,000 and medical expenses were Rs.40, 00,000.

2.17 Sindhupalchok



Total Population

287798



Women

149447



No. of Households

66688



No. of Households Drinking Water from River/Stream

368



No. of Households without Toilet

23900



No. of Migrant Workers

19712



Largest Population by Caste/Ethnicity

98570 (Tamang)



Population by Disability

6608



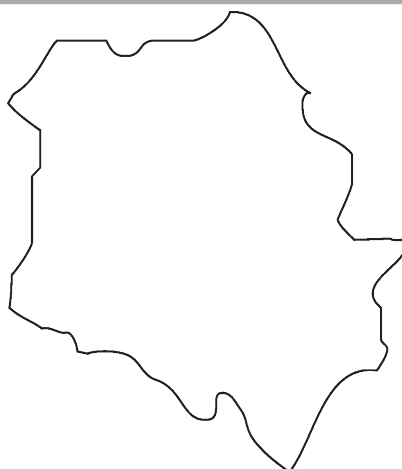
Literacy above 5 yrs (%)

98.85



No. of Community Schools

555



According to INSEC documentation, 54 people, including 46 female and eight male were victimized by the non-state actor in Sindhupalchowk in 2015. In 2014, 63 people, including 57 female and six male were victimized by the non-state actor. INSEC documentation showed one case of disappearance of a man.

Nine people, including three women and six men were killed by the non-state actor in 2014, whereas eight people, including three women and five men were killed by the non-state actor this year.

Mostly, women and children were victims of non-state actor. The incidents related to women rights violations have decreased this year in comparison to last year. This year, 46 women were victimized whereas this number was 57 last year.

This year, women were mostly the victims of rape, attempt to rape, sexual abuses and domestic violence. 37 women were victims of women rights violations this year. According to the INSEC documentation, four women were victims of rape, one was victim of attempt to rape, one was sexually abused, two suffered from polygamy, one was accused of witch-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			6	1	7
Disappearance	1	1			
Economic, Social and Cultural Rights				1	1
Killing			3	5	8
Threats				1	1
Women Rights			37		37
Total	1	1	46	8	54

craft and 28 were victims of domestic violence.

INSEC documented seven cases of child rights violations in which six girls and a boy was victimized. Three girls were victims of rape, two were sexually abused, one was victim of child marriage and one was subjected to corporal punishment. In 2014, 10 girls were victims of rape and three were sexually abused.

JAIL AND DETAINEES

The 'D' grade District Prison has a capacity to hold 60 inmates at a time, including seven women in women cell and 53 men in men cell. All the inmates absconded when the building was completely destroyed by the devastating earthquake of April 25. There were 216 inmates, including 20 women in the District Prison, Chautara when the devastating earthquake occurred. There was one boy living as a minor dependent in the prison. Out of 216 inmates, there were 84 male convicts and 132 male detainees including 20 women.

The District Prison informed the absconding convicts and detainees to come in contact by July 26. As per the information, 39 inmates, including nine women and 43 male convicts and detainees came into contact. The remaining inmates are out of contact. The District Court has sent 39 detainees of various cases (except the 216 absconding) to the prison after the devastating earthquake. Of them, four men are convicts and 35 men are detainees.

The District Prison has charged all the inmates who absconded when the prison was destroyed in the earthquake with double jeopardy. The Prison Office informed about the double jeopardy against all who came in contact and those absconding after the District Prison registered a case in court. Even the inmates who were acquitted in prior cases will have to stay in the prison until the case

is decided as they ran from the prison and another case was filed against them.

After the inmates absconded, the District Prison filed cases in two stages. It gave concession to the inmates who came into contact till July 26 but filed a case at the court against those who were still absconding. But the Prison Department filed another case at the court on August 28 against the 216 who were either in contact or absconding as even the ones who came in contact had to undergo supplementary charge.

The District Prison destroyed by the earthquake has not been renovated. Since there is no prison, even the inmates who came into contact do not have a place to stay. The District Prison informed that the inmates were sent to the prisons of various parts of the country including Dhulikhel, Dillibazar, Kathmandu, Bhimfedi, Makwanpur and so on after keeping them in custody for some days.

ABDUCTION/DISAPPEARANCE

The locals accused that the Armed Police Force in Tatopani arrested and disappeared a labor Kumar Tamang, 20, a resident of Hagaam VDC-7 residing in Tatopani VDC from his rented house on charge of taking LPG gas cylinder from his room to Khasa on the evening of March 25. The family of the victim accused that they could not meet him even after three days of his arrest by the APF and was made to disappear. The relatives of the victim protested demanding to search for the whereabouts of the victim by blocking Tatopani. After the protest, an investigation committee in coordination of Assistant Chief District Officer Surya Prasad Upadhyay was formed at the district level. In central level, a high level investigation committee was formed in coordination of DIG of Police Navaraj Silwal and the investigation was going on. The victim remained disappeared until the end of the year.

THREAT/BEATING

The protestors led by CPN-M District Member Uddhwan Alemagar mistreated Nagarik Daily Journalist Durga Dulal, 35, of Shikharpur VDC in Melamchi Bazar for monitoring the bandh on January 13. The journalists said that the protestors verbally abused and mistreated them on charge of monitoring the bandh called by UCPN-M and other political parties using their motorcycles. Inspector of the Area Police Office, Melamchi Chandra Bahadur Thapa said that a minor dispute had occurred as the journalist requested the protestors of UCPN-M not to mistreat them as they were riding their motorcycles without any identity proofs during the bandh.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were 198 criminal cases and 136 civil cases pending until the end of the year. The total criminal cases were 236 of which 38 were decided and the total civil cases were 164 of which 28 were decided. There were four criminal and six civil cases older than two years pending.

CHILD RIGHTS

Education Status

There are 329 primary schools, 89 lower secondary schools and 129 secondary schools in the district. 2,945 teachers were working in the schools. 34,247 boys and 38,014 girls of school going age were enrolled in the school. The District Education Office informed that there were no disabled-friendly schools in the district. According to DEO, 515 schools of the district were completely destroyed by the devastating earthquake of April 25 whereas 32 schools were partially damaged. The DEO informed that 3,451 dalit boys and 2,999 dalit girls were provided scholarships. There are 2,775 boys and 3,014 girls in the 315 Early Childhood

Development Centres. The DEO has tried to update the data related to education.

According to INSEC documentation, three girls of ages between seven and 15 were victims of rape and two were sexually abused this year. The accused of rape and attempt to rape were the locals, neighbors and even father. Though the accused were brought to legal proceedings, the cases remained undecided.

Beating

Binaya Katuwal, 7, a permanent resident of Bhedabari in Syaule VDC-9 and currently residing in Chautara Municipality-3 and studying in grade two in Jugal Boarding High School was tortured by his teacher Yuvaraj Karki, 30, a permanent resident of Morang district and currently residing in Chautara Municipality-3 while playing with his friends on March 6. The teacher assaulted Binaya by hitting him with bamboo stick on charge of playing during the class hour. The doctor said that the bone of child's right arm was severely injured due to the beating. The victim received treatment in Chautara Hospital. Om Upreti, principal of the school said that the teacher had realized his mistake that occurred due to his carelessness. According to Bal Krishna Basnet, Child Rights Officer of District Child Welfare Committee, the victim has not filed complaint in any agency.

Rape, Attempt to Rape and Sexual Abuses

The police arrested Anil Thapa, 27, of Barhabise VDC-3 on May 4 on charge

Types of Events	By Non-State		
	Female	Male	Total
Child Marriage	1		1
Corporal Punishment		1	1
Rape	3		3
Sexual Abuse	2		2
Total	6	1	7

of raping a seven-year-old girl in the evening of April 26. The girl was going to her house devastated by the earthquake. The victim's family filed a complaint at the Area Police Office, Barhabise on May 4. The victim underwent medical examination at the primary health centre in Barhabise. The District Court, Chautara issued an order to remand the accused in custody on May 29. The accused was remanded in the prison until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 45 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. Among these, 17 cases were settled in agreement and 28 cases were processed for legal actions as Informed by WCSC.

There was no significant change in the incidents related to women rights violations in 2015 in comparison to 2014. In 2014, 40 women were victimized whereas 37 women were victimized this year. Out of four cases of rape, the accused of three cases were brought to legal proceedings whereas one accused was absconding until the end of the year. Likewise, the accused of attempt to rape has not been brought into legal proceeding. One woman and four men were killed by their family mem-

bers. According to INSEC documentation, two fathers were killed by their sons.

Rape, Attempt to Rape and Sexual Abuses

The police arrested Ramesh Majhi, 26, of Sohi VDC-4 on Mangsir 22 on charge of raping a 31-year-old woman near her house on the afternoon of December 7. The victim filed a complaint at the Area Police Office, Nawalpur on December 8. The victim underwent medical checkup at the Chautara Hospital on December 8. The accused was remanded in judicial custody for investigation.

Domestic Violence

The police arrested Gyan Bahadur Shrestha, 16, on May 22 on charge of killing his father Man Bahadur Shrestha, 37, of Syaule VDC-6 with a hammer. The District Court issued an order to keep the boy in Child Reform Centre for two years on June 26.

ALLEGATION OF WITCHCRAFT

The police arrested Parwati Sapkota, 45, on October 5 on charge of alleging a 35-year-old woman of Chokati VDC-6 of being a witch on September 27. The victim filed a complaint at the District Police Office against the accused on September 27. The victim said that she was insulted many times in the village by Parvati, who quoting a shaman, accused that her daughter-in-law Bachhu Sapkota became ill after the victim cast spell on her. According to the victim, the accused did not stop alleging her of being a witch even after a discussion with the villagers. The District Police Office filed a chargesheet against the accused as well as shaman Gobinda Poudel of Barhabise VDC-7 and brought them at District Government Attorney's Office on November 2. The District Court released Gobinda Poudel on a bail amount of Rs. 35,000 and Parwati Sapkota on Rs. 60,000 on November 4.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	28	28
For Practicing Witchcraft	1	1
Polygamy	2	2
Rape	4	4
Rape Attempt	1	1
Sexual Abuse	1	1
Total	37	37

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Land Capture

The group of Netra Bikram Chand (Biplav) led CPN-M captured 80 ropanis (1 ropani=508.64 m²) of land belonging to Shambhu Bikram Chand Thapa of Bhimtar VDC-5 on April 18. The same land was captured by the Maoists during the time of the armed conflict accusing Thapa's father Netra Bikram of being a feudal. The cadres led by District Coordinator Kamal Majhi of CPN-M captured the land by hoisting their party's flag in the land which was transferred in the name of Shambhu Thapa after the death of his father Netra Bikram Thapa. Biplav led CPN-M District Coordinator Majhi said that the land was captured as per the party's policy of distributing the land of the feudal among the landless farmers. He added the Land Revenue Office had been warned in written against sanctioning the transaction of the land including sale and

transfer of ownership. Land owner Thapa was living in Kathmandu with his family. The land located in Bhimtar VDC-5 was being used by Danuwar of Bhimtar VDC as tenants.

HEALTH SERVICE STATUS

There is one district hospital, three primary health centres and 75 health posts in the district. As per the data of DHO, out of seven positions for doctors in the district, two were working whereas five were vacant. Out of 79 positions for health assistants, 51 were occupied whereas 28 were vacant. Out of seven positions for staff nurse, three were occupied. The district has 158 positions for Assistant Health Workers, of which 94 were occupied and 64 were vacant. Likewise, the district has four positions for lab assistants, of which two were occupied. Out of 158 positions for Auxiliary Nurse Midwife, 85 were occupied.

2.18 Nuwakot



Total Population

277471



Women

144684



No. of Households

59215



**No. of Households Drinking
Water from River/Stream**

354



No. of Households without Toilet

24073



No. of Migrant Workers

14311



**Largest Population by
Caste/Ethnicity**

118873 (Tamang)



Population by Disability

4690



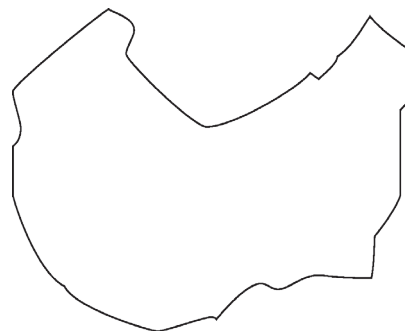
Literacy above 5 yrs (%)

98.19



No. of Community Schools

495



According to INSEC documentation, incidents of human rights violation increased in the Nuwakot district in 2015 as compared to 2014. In 2014, a total of 65 people, including 52 female were the victims of human rights violation whereas in 2015, a total of 93 people, including 88 female were the victims of human rights violation. Last year, eight people, including one female were killed by non-state actors, whereas this year, two men were killed. In 2014, three children were the victims of child rights violation, whereas, in 2015, five children were the victims of such incidents. Similarly, incidents of women rights violation increased in 2015 as compared to 2014. Last year, 45 women were the victims of women rights violation, whereas in 2015, 81 women were the victims of women rights violation.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 80 inmates at a time. A total of 143 inmates, including 114 convicts and 29 detainees were held there at the end of the year. There were 17 female inmates. The jail building was constructed in 2010. The overcrowding of inmates has created difficulties in management.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were 91 civil and 140

Types of Events	By Non-State		
	Female	Male	Total
Abduction	1		1
Beatings		2	2
Child Rights	5		5
Killing		2	2
Racial Discrimination	1	1	2
Women Rights	81		81
Total	88	5	93

criminal cases pending. There were two criminal cases and no civil case older than two years pending.

CHILD RIGHTS

Education Status

There are 476 child development centers, 313 primary schools, 80 lower secondary schools and 87 secondary schools and 48 higher secondary schools in the district. All total 2,168 positions for teachers were occupied at the end of the year. This year, 28,749 boys and 31,255 girls of school going age were enrolled in the school. DEO does not have statistic of disabled- friendly school. DEO distributed scholarships to 2,627 dalit boys and 2,917 dalit girls' children. 528 schools have a facility of toilet. The annual budget of the DEO was Rs. 88,88,00,000 and administration expenses were 65,31,00,000, informed DEO.

Last year, three children were raped. This year, three children were raped and two were sexually abused. This year, two rape accused were acquitted, whereas three were remanded in the custody. The rape victims were of age group 11-15 years. The accused were of age group 18 to 68 years.

Types of Events	By Non-State	
	Female	Total
Rape	3	3
Sexual Abuse	2	2
Total	5	5

Abduction

A mother of Shristi Pudasaini, 2, of Tupche VDC-2 lodged a complaint at the District Police Office on January 4 against Shankhar Nepali, 18, of Thulegau VDC-5, Rasuwa on charge of abducting Shristi on January 2. The accused was arrested by police on January 5. Local people rescued her on January 2 night while Shankar was taking the girl away. The District Court sentenced him nine years jail term and fine of Rs.50,000 on September 22.

Rape, Attempt to Rape and Sexual Abuse

The victim's side lodged a complaint in the District Police Office on May 18 against Balram Giri, 58, of Haldekali VDC on charge of raping an 11-year-old girl on May 17. The health check up of both the victim and perpetrator was conducted at Trishuli District Hospital on May 18. The accused was arrested by police from his home on the same day after complaint was lodged. The District Court ordered to remand him in custody on June 10. The case was not decided until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 98 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC). This included 41 cases of assault and expulsion from the house, one case of deprivation of food and clothes, four cases of polygamy, 13 of life threat and inflicting mental pain and two of allegation of practicing witchcraft. The WCSC said that 59 cases were settled in agreement and eight were forwarded for legal procedure.

Last year, 45 women were victimized by non-state actors whereas this year, 81 women were victimized by non-state actors. In 2014, three incidents of rape, one of attempted rape, one of sexual abuse, eight of polygamy and 27 of domestic violence, two of trafficking and three of allegation of practicing witchcraft were documented. In 2015, one incident of rape, three of attempted rape, three of polygamy, two allegation of practicing witchcraft were documented. The accused of

Types of Events	By Non-State	
	Female	Total
Domestic Violence	72	72
For Practicing Witchcraft	2	2
Polygamy	3	3
Rape	1	1
Rape Attempt	3	3
Total	81	81

rape and attempted rape were remanded in custody and other remaining accused was acquitted.

ALLEGATION OF WITCHCRAFT

The victim's side lodged a complaint against Bidur Sapkota, 24, of Samari VDC-4 at the District Police Office on charge of beating Sita Sapkota, 53, assaulting her on allegation of being a witch on September 22. The victim sustained injury in head and was admitted to Trishuli District Hospital for the treatment on September 22. She was referred to Tribhuvan University Teaching Hospital, Kathmandu for further treatment on September 23. The accused was arrested by police on September 23. The District Court ordered to remand him in custody on October 11. The case was not decided until the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Land Capture

Rajani Thapa Magar, 21, of Pipaldanda in Charghare VDC-8 filed a complaint at District Police Office against six members of her maternal family, including uncle Hikmat Bahadur Thapa, 32, on charge of beating her on February 4. She had married outside her caste with Lal Bahadur BK, 21, of Kalyanpur VDC-4 on January 31. The case was filed against Hikmat, Manju Ranamagar, 33, Rama Kumari Thapamagar, 45, Susan Thapamagar, 20, Hom Bahadur Thapamagar, 43, and Saila Ranamagar, 35, of Charghare VDC-8 on the same day. The District Court ordered to pay Rs.500 each as penalty pronouncing them guilty as per the for Caste-based Discrimination and Untouchability Act 2068 (2011).

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CPN-M led by Biplob announced capture of 452 bigaha of land in Kusmethali of Thansingh VDC-1 and ward 2 on April 9. A group of 10 men led by

District Secretariat member of CPN-M (Biplob) Narayan Gopal announced the capture by hoisting party flag in the land. A press statement issued by the party on April 9 said that the land said to be registered in the name of Dibakar Chand was being sold without the knowledge of the tenants. The press statement signed by CPN-M (Biplob) district secretary Meena Waiba demanded that the land should not be sold, and should be distributed to the farmers tilling the land. Earlier, the then CPN-M had also announced capture of the same land on July 30, 2000 during the Maoist insurgency. One of the tenants Ram Krishna BK said that Dibakar Chand registered the land in his name during the survey after cheating them.

HEALTH SERVICE STATUS

There is one hospital, 64 health posts, five community health clinics and 181 village health clinic and three primary health centers, three city health centers and 224 immunization centers in the district. There were 20 positions for the doctors in the hospital, out of which, seven were filled. The district has 152 positions for Assistant Health Workers, out of which, 22 were occupied. The district has 153 positions for Auxiliary Nurse Midwives (ANM), out of which, 104 were at work. The district has 71 positions for health assistant, out of which, 36 remained vacant. There are 16 positions for staff nurses, out of which, nine were at work. All four positions for lab assistant were occupied. There is one each position for X-ray assistant, family planning supervisor, immunization supervisor, tuberculosis/leprosy supervisor, immunization helper, which all were occupied. There is one Public health supervisor, who was at work. The district has three positions for officer, out of which, two were at work. The annual health budget of the district was Rs. 1,35,000,000 and administration expenses were Rs.95,000,000 and medical expenses were Rs. 45,00,000.

2.19 Rasuwa



Total Population

43300



Women

21825



No. of Households

9878



**No. of Households Drinking
Water from River/Stream**

106



No. of Households without Toilet

4219



No. of Migrant Workers

3108



**Largest Population by
Caste/Ethnicity**

29782 (Tamang)



Population by Disability

1016



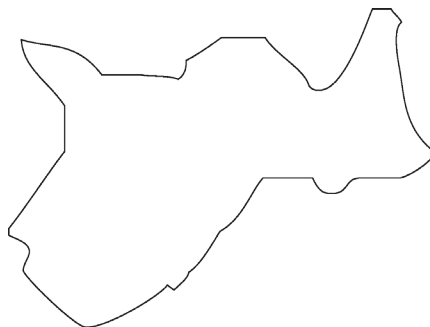
Literacy above 5 yrs (%)

59.9



No. of Community Schools

101



According to INSEC documentation, there was an improvement in the human rights situations of Rasuwa district in 2015. In 2014, 25 people, including 17 female were victimized whereas 12 people including eight female were victimized in 2015. Last year, one person was killed by the non-state actor whereas this year no one was killed by the non-state actor. Last year, three people were victims of assault, two were abducted, four were injured and one was threatened whereas one person was victim of assault and three were threatened this year. Last year, there were five cases of child rights violations whereas four children were victimized this year. Incidents related to women rights violations have decreased this year. In 2014, nine women were victimized whereas this decreased to three in 2015.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates at a time. A total of 71 inmates, including 58 convicts and 21 detainees were held there at the end of the year. Among them, three were women. There is a problem of drinking water, toilets and medical checkup in the prison as the number of inmates is more than the prison's capacity. The relatives of the inmates can meet them from 10 am in the morning till 5 pm in the eve-

Types of Events	By Non-State		
	Female	Male	Total
Beatings		1	1
Child Rights	4		4
Inhuman Behaviour		1	1
Threats	1	2	3
Women Rights	3		3
Total	8	4	12

ning. The front part of the District Prison, Rasuwa was destroyed by the devastating earthquake of April 25 and the rooms where the inmates were staying were also damaged. So, the inmates were compelled to stay in tarpaulins and tents. In spite of minor renovation, inmates complained about their health due to cold.

THREAT/BEATING

By Non-State

Arun Thokra, 37, VDC Assistant of Dhunche VDC-5 was accused for mistreating Manager of Radio Rasuwa 102.1 Dipak Lama, 30, of Dhunche VDC-5 and Station Manager Anu Acharya, 22, of Dhaibung VDC-4 for broadcasting news regarding the distribution of date expired edible oil to the earthquake victims on June 7. It was found that the distributed oil had already expired. Oil named Amrit was manufactured on April 2014 and expiry date was April 2015. Dhunche VDC had allocated Rs. Nine lakhs for earthquake victims and distributed food, sugar, oil, tea, salt etc. in headquarter Dhunche. There was no written complaint filed regarding the case.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has position for one judge. There were one civil and 10 criminal cases pending until the end of the year. There was one civil and one criminal case older than two years pending in the court.

CHILD RIGHTS

Education Status

According to the District Education Office, Rasuwa, there are 106 schools, including institutional and community schools. Of these, 71 are primary schools, 17 are lower secondary schools and 20 are secondary schools. 10 primary schools are closed as there are no students. There are 209 students in three campuses. Out of 14,204 children of school going age, 7,251

boys and 6,949 girls were enrolled from primary to secondary levels. Of these, 121 are dalit boys and 151 are dalit girls. There are 356 teachers, including 72 female and 284 male in the primary level, 47 male and four female teachers in lower secondary level and 36 male and two female teachers in secondary level. In this way, a total of 511 teachers were working including relief and aid teachers.

Types of Events	By Non-State	
	Female	Total
Child Trafficking	2	2
Rape	1	1
Sexual Abuse	1	1
Total	4	4

There was a slight decrease in the incidents related to child rights violations this year. Last year, five children were victimized. Two girls were raped, two were sexually abused and one new born baby was killed. This year, there were four victims of child rights violations. One was raped, one was sexually abused and two were trafficked. Girls of ages between 12 and 17 were victims of rape. The accused of the incidents are in custody.

Rape, Attempt to Rape and Sexual Abuses

The police of Kalikasthan Police Post arrested Thakur Prasad Devkota, 22, of Bhorle VDC-1 in the morning of February 28 on charge of raping a 12-year-old girl in the evening of February 27 in an inebriated state. The family of the victim filed a case against the accused at Kalikasthan Police Post on February 28. The police arrested the accused the same day and sent him to District Police Office. The victim underwent medical checkup at District Hospital, Dhunche on February 28. The District Court issued an order to remand the accused in custody on March

23. The case remained undecided until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, two women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. The WCSC informed that the cases were in the investigation process.

There was a decrease in cases related to women rights violations in 2015. In 2014, nine women were victimized whereas three women were victimized in 2015. Last year, there were four victims of rape, two of sexual abuses and three of polygamy. This year, there was one victim of attempt to rape, one of sexual abuse and one of allegation of witchcraft. The accused of attempt to rape and allegation of witchcraft were exonerated by the court.

Types of Events	By Non-State	
	Female	Total
For Practicing Witchcraft	1	1
Rape Attempt	1	1
Sexual Abuse	1	1
Total	3	3

Human Trafficking

Tinpiple Police Post arrested Chandra Kishor Raut Kurmi, 38, and Sanjit Kumar Shah, 18, permanent residents of Motihari, India and currently residing and operating cloth business in Dhunche, Rasuwa on February 6 on charge of attempting to traffic two girls of ages 15 and 17. The accused were taking the victims to sell in India. According to the District Police Office, Rasuwa, another accused Mukesh Shah, 26, was absconding. The

police of Tinpiple Police Post, Nuwakot arrested the accused while they were taking the victims from Rasuwa to Kathmandu. The accused lured the victims with a promise of good job in India and also buying them silver and gold at a reasonable cost along with clothes. The victims accepted that they were being taken to India. Korsonam Dorje of Pajung, Chilime VDC-9 filed a complaint at the District Police Office, Rasuwa against the accused and demanded for action against them on February 6. The District Court issued an order to remand the accused in custody on March 26. The case remained undecided until the end of the year.

HEALTH SERVICE STATUS

There are two hospitals, 14 health posts and three sub health posts in the district. Out of two positions for doctors, both were vacant. Out of three positions for staff nurse, three were vacant. The district has 47 positions for Assistant Health Workers, of which 37 were occupied and 10 were vacant. Out of 35 positions for Auxiliary Nurse Midwife, of which 22 were working and 13 were vacant. There is one position for X-ray assistant, which is also vacant. Out of 14 positions for health assistants, 13 were vacant. Out of 18 positions for Rural Health Workers, 10 were vacant. Out of 16 positions for Mother Infant Worker, eight were vacant. There is no position for a gynecologist. Out of 97 positions in various health institutions of the district, 31 were vacant. The health workers in service contract from National Planning Commission and Health Service Department were also working in the district.



Annex 1.3

Human Rights Situation of **Western Region**

The western development region has 16 districts. The region is comprised of Manang and Mustang in the mountainous region, Tanahu, Gorkha, Lamjung, Syangja, Kaski, Palpa, Arghakhanchi, Gulmi, Baglung, Parbat, Myagdi in the hilly region and Nawalparasi, Rupendehi and Kapilvastu in the Tarai region.

The region saw a number of violations in the districts in 2015, mainly violence against women and children. INSEC documentation shows that the number of victims of human rights violations in the development region decreased in 2015 as compared to 2014. The districts of Manang and Mustang, which remained least affected even during the ten years of armed conflict, still do not have much incidents reported. Almost no incidents of human rights violations in these districts can be contributed to the deep-rooted system of Mukhiya tradition where most of the cases are sorted out at village level by the village elders and that the incidents rarely come within the national legal framework. Remoteness of the terrain

and access and activeness of the sources also affect the coverage of the incidents, not only in Manang and Mustang but also other districts too.

Tanahun, Lamjung and Parbat documented an increase in the victims of human rights violations in 2015 while all other 13 districts had lesser number of victims documented. Notable decrease of 156 incidents was in Kaski, where last year there were 234 incidents documented whereas this year, there were only 78 incidents documented. Nawalparasi had the highest number of incidents reported at 116.

The victims of women rights violations decreased in 2015. Last year, the victims in this category were 494 while this year, the total number of women victimized were 246. Most of the victims of women rights violations in Western Region are the victims of Domestic Violence at 93 followed by polygamy (58), rape (51), sexual abuse (7) and attempt to rape (16). A total of 18 women were the victims of women trafficking or attempted trafficking. There were three victims abused on

Fig 1: Human Rights Violation in Western Region

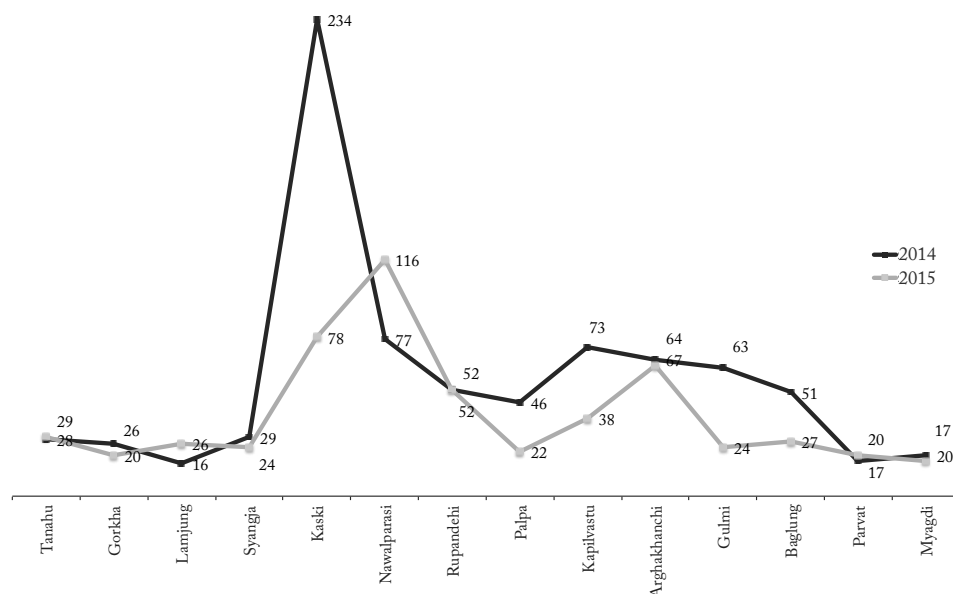
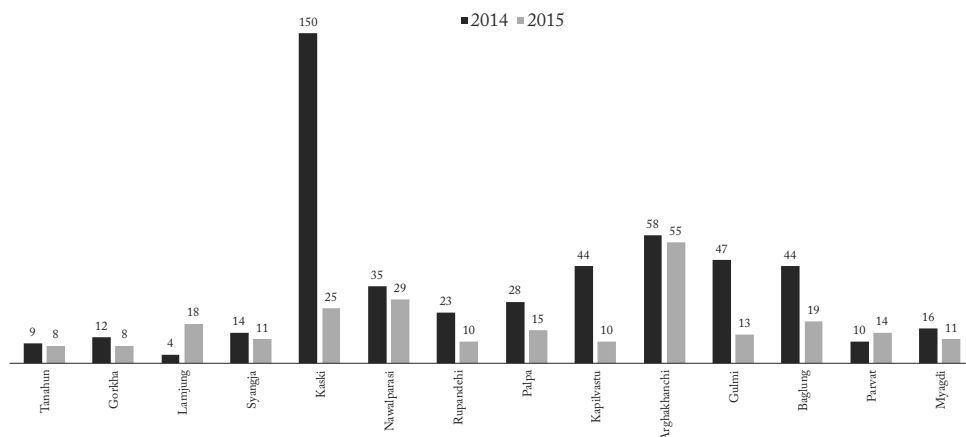


Fig 2: Women's Rights Violation in Western Region



charge of being witch. In 2014, most of the women in the region were the victims of domestic violence (308), polygamy, and sexual violence. There were a total of 60 incidents of polygamy documented last year. Out of 80 cases of sexual violence, 48 were raped, 25 were attempted to rape and seven were victims of sexual abuse. A total of 36 women were victims of trafficking or attempted trafficking.

In terms of child victims, a decrease was documented. There are 164 victims in 2015 while in 2014 there were 184 victims. Most of the child victims are documented in Nawalparasi (29) followed by Kaski (27) and Rupendehi (19). There were three victims of child trafficking and two victims of child marriage. Six children were subjected to corporal punishment while two incidents of killing of new born babies occurred. 110 children were victims of rape and 41 were victims of

sexual abuse. In 2014 too, sexual violence topped the type of violence with 153 victims in the region.

Total capacity of the district prisons is 919, however, the occupancy at the end of the year was 2489. As in the other region of the country, the prisons in Western Development region are also facing a problem of overcrowding. The Kaski prison has the capacity to hold 60 inmates but at the end of the year, there were 540 inmates – over eight times its actual capacity. There were 12 boys and eight girls living as dependent in the prisons of Western Developmental region. As in other prisons of the region, the physical infrastructure of the prison building is in a very bad condition. Most of the inmates complained about overcrowding, lack of sleeping space, toilet facility and drinking water.

3.1 Tanahun



Total Population

223288



Women

143410



No. of Households

78309



**No. of Households Drinking
Water from River/Stream**

426



No. of Households without Toilet

12623



No. of Migrant Workers

46387



**Largest Population by
Caste/Ethnicity**

87078 (Magar)



Population by Disability

6668



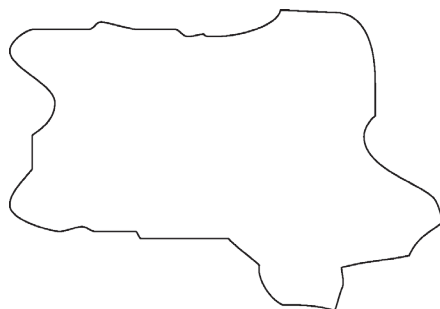
Literacy above 5 yrs (%)

74.08



No. of Community Schools

460



The human rights situation of district has weakened compared to 2014. In 2014, 28 people out of whom 27 female and one male were victims of human rights violation while 21 female and eight male were victims in 2015. This year, four people, including one female became victim of human rights violation by the state actor and 25 people, including 20 female were victims of human rights abuses from the non-state actor. Cases of girl killing, rape, sexual abuse, physical assault, domestic violence took place from non-state actor. One male was killed by state actor.

This year two female were killed from non-state actor while one was killed last year. A two-year girl child was killed by her father and the legal proceeding was ongoing. 12 cases of child rights violation were recorded out of which eight were related to rape and two to sexual abuses.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By State

Roshan Dura, 18, of Byas Municipality-1 who got injured on September 10 in the clash with the police during a demonstration in Damauli died on September 11. He was being treated at Mani-
pal Teaching Hospital, Pokhara where he

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Child Rights				10	2	12
Inhuman Behaviour					1	1
Injured		2	2			
Killing		1	1	2	1	3
Right to Assembly	1		1			
Threats					1	1
Women Rights				8		8
Total	1	3	4	20	5	25

died at around 11.30 pm and postmortem of his body was conducted on same date. He was shot in the chest.

The demonstration was called demanding effective investigation into the suspicious death of Purna Bahadur Ale, 16, of Byas Municipality on September 7. Four demonstrators Suraj BK, 17, Keshab Neupane, 21, were also injured when shot by the police and they underwent treatment in Manipal Hospital, Pokhara. The police had fired tear gas shells to take the group in control. Lalu Gurung, 46, of Byas Municipality-1 was injured in police lathi charge. District Administration Office, Tanahun provided Rs 1 million to the family of Roshan Dura who was killed in police firing on September 11 in Damauli.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates at a time. 107 inmates, including 84 convicts and 23 detainees were held there at the end of the year. Inmates faced problems of sleeping space and toilets, however, the inmates have facility of sports materials and library.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has positions for two judges and both were filled. There were 164 civil and 51 criminal cases pending. There were no criminal cases and civil cases pending older than two years.

CHILD RIGHTS

Education Status

There are 328 primary schools, 72 lower secondary schools and 60 secondary schools and 47 higher secondary schools. All positions of 1,996 teachers were filled. District Education Office said 29091 boys and 36,605 girls of school going age were enrolled in the school. The DEO provided scholarships to 6,801 dalit boy child and 7,574 dalit girl child. The annual budget of DEO was Rs. 13,58,62,700 out of which

Types of Events	By Non-State		
	Female	Male	Total
Corporal Punishment		1	1
Killing of Newborn Baby		1	1
Rape	8		8
Sexual Abuse	2		2
Total	10	2	12

85,32,000 was allocated for administrative costs. The office said that there are no disabled-friendly schools in the district.

Rape, Attempt to Rape and Sexual Abuses

This year, girl victims of rape were between the age of 4 and 17. The accused are from 14 years to 76 years of age. The court sentenced the perpetrators to seven years imprisonment and 1 lakh compensation in the case of 14-year-old girl gang raped by five people of 14 to 18 years age. The perpetrator of child killing was sentenced to 20 years in prison. 76-year-old perpetrator of rape was sentenced to two years six month in prison. This year, two boys and 10 girls were victimized.

A 17-year-old girl with disability was rape attempted on April 14. The victim's family filed a complaint against Prem Bahadur Shahi, 76, of Shyamgha VDC-4 on April 15. The complaint stated that the accused attempted to rape her when there was no body in the house. The police arrested the accused and investigated the case on April 2. The district court sentenced the perpetrator to two years and six month in prison on May 27.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 68 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC). This included 54 cases of domestic violence, five cases of polygamy and eight

cases of minor disputes. The WCSC said that 51 cases among these were settled in agreement and 17 cases were processed for legal proceedings.

This year, three women were raped and five women were victimized from polygamy. An 80-year-old was also a victim of rape. The court slapped ten years imprisonment to a perpetrator while one accused remained absconding. In 2014, nine women were victimized with two cases of rape.

Rape, Attempt to Rape and Sexual Abuses

Family of a 21-year-old lodged a complaint at District Police Office against Shiva Bahadur Adhikari, 39, of Suklagandaki Municipality-13 on March 29 accusing him of raping the woman on March 23. The victim underwent medical check-up on March 29. The police arrested the

Types of Events	By Non-State	
	Female	Total
Polygamy	5	5
Rape	3	3
Total	8	8

accused on same day while the District Court sentenced the perpetrator to ten years in prison on April 23.

HEALTH SERVICE STATUS

The district has two hospitals, 43 health posts and two primary health centers. According to District Public Health Office, all of the five positions for doctors in the hospital were occupied. There are no positions for gynecologist in the district hospital. Therefore, female patients face additional problems.

3.2 Gorkha



Total Population

271061



Women

150020



No. of Households

66506



**No. of Households Drinking
Water from River/Stream**

807



No. of Households without Toilet

17916



No. of Migrant Workers

28104



**Largest Population by
Caste/Ethnicity**

53342 (Gurung)



Population by Disability

12937



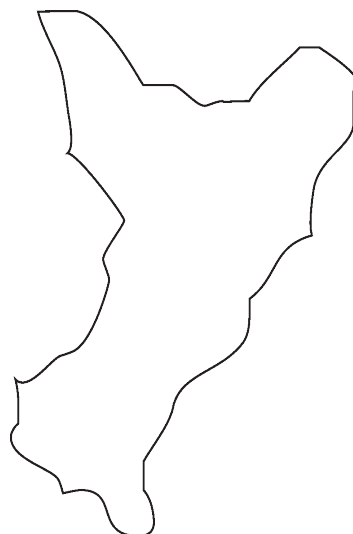
Literacy above 5 yrs (%)

66.03



No. of Community Schools

448



INSEC documentation shows that there is a slight improvement in the human rights situation of Gorkha district in 2015. In 2014, there were 26 victims of human rights violations, including 22 female and four male whereas in 2015, 20 people were victimized, including 19 female and one male. This year, there was no case of human rights violations by the state. Only women and children were victimized by the non-state actors in 2015.

Two women were killed by the non-state actor in 2014 and this year, there is one case on trial where a woman was killed allegedly by a family member. There were eight cases of child rights violation documented of whom eight were rape victims. Out of eight cases of women rights violation, three were documented as rape, four as polygamy and one as domestic violence. Three people were victims of abduction, beating and threat by the non-state actors.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 55 inmates at a time.

Types of Events	By Non-State		
	Female	Male	Total
Abduction	1		1
Beatings		1	1
Child Rights	8		8
Killing	1		1
Threats	1		1
Women Rights	8		8
Total	19	1	20

However, a total of 121 inmates, including 93 convicts and 28 detainees were held there at the end of the year. Among them, 17 were female. The inmates were facing problems even to sleep and sit comfortably and also regarding drinking water and toilets because of overcrowding. The problem has increased as the building was destroyed by the earthquake.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for the judge. There were 127 civil and 147 criminal cases pending in the court until the end of the year. One criminal case older than two years remained pending whereas there was no civil case. Access to justice is delayed as the positions for judges is far less than the cases.

CHILD RIGHTS

Education Status

There are 308 primary schools, 78 lower secondary schools, 62 secondary schools and 55 higher secondary schools in the district. The District Education Office informed that out of 2518 total positions for the teachers, 2,493 were occupied. 39,345 boys and 41,552 girls of school going age were enrolled in the school this year. The DEO informed that scholarship amount of Rs. 52,94,300 was distributed to dalit boys and girls in the district. The DEO said that its annual budget was Rs. 23,73,51,200 out of which Rs. 15,44,800 was allocated as administrative costs. There is no disabled-friendly school in the district.

This year INSEC documented eight cases of child rape where the victims were between the ages of five and 18. None of the rape cases were decided by the District Court. The accused of the rape cases were between the ages 18 and 74. All of the accused were arrested by the police and investigation was going on till the end of the year. One girl child who was abducted was rescued and a complaint was lodged against the accused.

Types of Events	By Non-State	
	Female	Total
Rape	8	8
Total	8	8

Rape, Attempt to Rape and Sexual Abuses

The relatives of an 18-year-old girl with intellectual disability filed a complaint in the police against Dal Bahadur Rana, 53, of Bungkot VDC-3 on August 5 on charge of raping her on July 29. The accused was threatening the victim not to file any complaint against him. The police arrested the accused on August 6. The victim underwent medical checkup at the District Hospital on August 9. The District Court ordered to remand the accused in custody on August 31.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 105 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC). This included 10 cases of assault and expulsion from the house, 18 cases of deprivation of food and clothes, 20 cases of polygamy, 20 cases of noncooperation in marriage registration and acquiring citizenship certificate and 13 cases of minor dispute. The WCSC said that 81 cases among these were settled in agreement and 14 cases were processed for legal action. There were 10 cases in which the victims were out of contact.

In 2015, one woman was killed allegedly by her family member. Like last year, three women were raped this year. The victims of rape included one 70-year-old woman.

Killing by Family Member

Chandra Kumari Nepali, 50, of Beltar in Palungtar VDC-4 was killed allegedly by her husband Suk Bahadur Nepali alias Mehattar, 55, on February

Types of Events	By Non-State	
	Female	Total
Domestic Violence	1	1
Polygamy	4	4
Rape	3	3
Total	8	8

1. The accused hit his wife with an axe and killed her over a minor internal dispute. The police arrested the accused on February 2. The accused killed his wife when there was no one in the house and was absconding. Chandra Kumari, a mother of three daughters and two sons had been living in her maternal home for last ten years after having coldness with her husband. Suk Bahadur, a permanent resident of Purkot, Tanahun was working as a labor near his wife's maternal house since some time. The body was sent for postmortem at the District Hospital on February 1. The District Court ordered to remand the accused in custody on February 25.

Rape, Attempt to Rape and Sexual Abuses

The relatives of a 70-year-old woman lodged a complaint in the police against Mangal Bahadur Baram, 32, of Takukot VDC-8 on April 11 on charge of raping her on April 10. It is mentioned in the police complaint filed by the victim that she was raped in her house while asleep at night. The medical examination of the victim was conducted at the District Hospital on April 11. The accused was arrested and investigated by the police on April 11.

HEALTH SERVICE STATUS

There are two hospitals, 66 health posts and three primary health care centres in the district. Of the four positions for doctor in the district, only one was occupied. The district has 142 positions for Assistant Health Workers of which 126 were occupied. According to the information given by District Health Office, the annual health budget of the district was Rs. 9, 91,61,000 and expenses of medicines was Rs. 30,00,000.

3.3 Lamjung



Total Population

167724



Women

91811



No. of Households

42079



**No. of Households Drinking
Water from River/Stream**

156



No. of Households without Toilet

8041



No. of Migrant Workers

21161



**Largest Population by
Caste/Ethnicity**

52421 (Gurung)



Population by Disability

4745



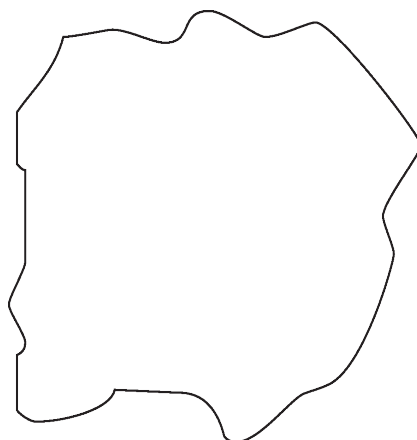
Literacy above 5 yrs (%)

71.1



No. of Community Schools

366



INSEC documentation showed that the incident in human rights violation in Lamjung district had increased in 2015 compared to 2014. In 2014, a total of 16 people, including 12 female and four male were the victims while in 2015, 25 female were victimized. Local people were terrified after explosive devices were found in the field where army barrack was established during the armed conflict. 18 women and six children were victimized by non-state actor.

This year, one woman was killed by her relative and the case is on trial. Among six incidents of child rights violation documented this year, four girls were the victims of rape. Similarly, under women rights violation, two women were the victims of rape, three of sexual violence, and nine of domestic violence.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 35 inmates at a time. A total of 69 inmates, including 59 convicts and 10 detainees were held there at the end of the year. There were eight female inmates and two minor dependents. The prison administration said that the

Types of Events	By Non-State		
	Female	Male	Total
Beatings		1	1
Child Rights	6		6
Killing	1		1
Women Rights	18		18
Total	25	1	26

overcrowding of inmates in the prison is creating difficulties for clean drinking water.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were 57 civil and 63 criminal cases pending in the District Court. 10 civil cases and no criminal case older than two years remained pending.

CHILD RIGHTS

Education Status

There are 275 primary schools, 34 lower secondary schools and 57 secondary schools in the district. Of the total position, 1,987 positions for teachers are occupied and 15 positions were vacant at the end of the year. District Education Office said 23,207 boys and 24,095 girls of school-going age were enrolled in the school. According to the Office, a total of 4,869 dalit boys and 5,394 dalit girls received scholarships. It further said that 25 are disabled-friendly schools and 319 are child-friendly schools.

This year INSEC documented four incidents of rape of girls of the age group of 5 to 14. The accused were between the ages of 19 and 55, including one teacher. District Court of Kaski ordered 9 to 15 years jail term for the rapists in three cases whereas one case registered in District Court was not decided until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

Family of a 14-year-old girl with intellectual disability filed a complaint at the District Police Office on January 16 against Bir Bahadur Sarki alias Maila, 55, of Sundarbazar Municipality-5 on charge of rape on January 15. The accused was arrested on January 16 by the police and charged with rape. Medical

Types of Events	By Non-State	
	Female	Total
Child Marriage	1	1
Rape	4	4
Sexual Abuse	1	1
Total	6	6

check-up of the girl was conducted at the District Hospital on January 16. The District Court on March 24 sentenced Sarki to 15-year imprisonment and fine of Rs 1,00,000 compensation to be provided to the victim.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year, 56 women lodged complaints at Women and Children Service Centre against domestic violence cases. Of those 56 complaints, two cases were of assault and expulsion from the house, five cases of deprivation of food and clothes, seven cases of not making marriage or citizenship certificate, three cases of polygamy and 39 cases of minor disputes. Among these incidents, 38 cases were settled, seven cases were forwarded for legal proceedings and in other 11 cases the complainant did not make any contact.

This year, a 55-year-old women was killed by the relatives and two cases of rape was registered which were not decided until the end of the year.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	9	9
Polygamy	4	4
Rape	2	2
Sexual Abuse	3	3
Total	18	18

Killing by Family Member

Badhu Kasi Gurung, 52, of Khakanbesi, Khudi VDC-6 was killed using sharp weapon by her nephew, Purna Bahadur Gurung, 31, of the same place on November 11. Police arrested accused on November 13. The accused accepted the crime saying he killed her for not giving him alcohol, DSP Shambhu Prasad Dhakal said.

Rape, Attempt to Rape and Sexual Abuses

Relatives of 52-year-old woman with intellectual disability filed a complaint against Shambhu Shrestha, 40, and Bikash Kamal, 30, of Ramdha VDC-7 at the District Police Office on September 12 on charge raping her on July 12. Police arrested the accused on September 18. Police started investigation after relatives of the victim filed a complaint

when they found the victim pregnant through the medical examination report conducted at Fishtail Hospital, Pokhara. On September 16, the District Court released Shambhu and Bikash on date. The case remained undecided until the end of the year.

HEALTH SERVICE STATUS

There is one district hospital, 60 health posts and five primary health centers in the district. Of the three positions for doctors in the hospital, one was occupied. There were no positions for gynecology specialist. The district has 98 positions of Assistant Health Workers of which 82 were occupied at the end of the year. The annual health budget allocated for the district was Rs 13,68,34,000 for public health and Rs 40,60,000 for the medical expenses.

3.4 Syangja



Total Population

289148



Women

163315



No. of Households

68841



**No. of Households Drinking
Water from River/Stream**

405



No. of Households without Toilet

7152



No. of Migrant Workers

50476



**Largest Population by
Caste/Ethnicity**

89291 (Brahmin Hill)



Population by Disability

4451



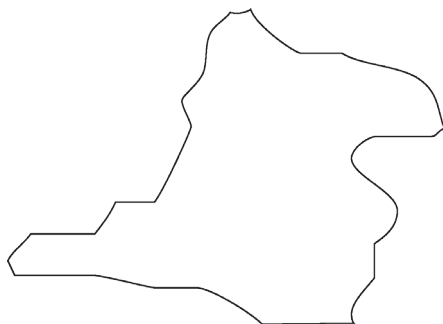
Literacy above 5 yrs (%)

76.6



No. of Community Schools

442



INSEC documentation showed a slight improvement in human rights situation of Syangja district in 2015. In 2014, there were 29 victims of human rights violation, including 24 female and five male, however, there were 24 female victims in 2015. Children and women were victimized by the non-state actors this year. 12 children were the victims of rape and sexual abuse. 11 women were victims rape, rape attempt and domestic violence. The District Court ordered to extract Rs. 3,000 from a mother of a girl who had registered a false case of attempted rape of her daughter and the accused was exonerated by the court.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 35 inmates at a time. A total of 116 inmates, including 92 convicts and 24 detainees were held there at the end of the year. Among them, 10 were female. There was one dependent in the prison. The inmates are facing a problem due to the overcrowding.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has two positions for judges, of them all were working at the end of 2015. There were 207 civil and 138 criminal cases pending. There was one criminal case and no civil case older than two years pending.

Types of Events	By Non-State	
	Female	Total
Child Rights	12	12
Killing	1	1
Women Rights	11	11
Total	24	24

CHILD RIGHTS

Education Status

There are 335 primary schools, 55 lower secondary schools, 52 secondary schools and 76 higher secondary schools in the district. All of the total positions of 2,994 for teachers were occupied at the end of the year. District Education Office said that 34,053 boys and 35,030 girls of school going age were enrolled in the school this year. According to the office 2,394 dalit boys and 2,880 dalit girls received scholarships of Rs. 62, 33,300. The annual budget of the DEO was Rs. 1, 25,438,000 and the administration expenses were Rs. 14,446,000, informed District Education Office. There are 350 disabled-friendly schools.

Types of Events	By Non-State	
	Female	Total
Rape	4	4
Sexual Abuse	8	8
Total	12	12

This year INSEC documented four incidents of rape of girls of the age group of 8 to 15 whereas eight girls were sexually abused. Last year, six girls were the victims of rape and one was sexually abused. The accused were between the age group of 22-51. One father was accused of rape-whereas one school principal was charged for sexual abuse. District Court handed the rapist father 18 years – eight years for rape and additional 10 years for incest rape – whereas other cases were not decided until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

A complaint was registered against Chandreshwor Gaire, 45, principal of Jalpa Primary School, Kuwakot VDC-8 on August 17 on charge of molesting five girls aged between 8 to 11 on August 16. Police arrested accused on the same day

after complaint was lodged. The victims underwent health check-up at the District Hospital. The complaint was lodged after finding out that second, third and fourth grade students were sexually abused by school principal under the pretext of teaching them. On September 14, the District Court ordered to remand him in custody.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 168 women lodged complaints at Women and Children Service Center (WCSC) against domestic violence of which 46 cases of assault and expulsion from the house, 76 of deprivation of food, two of polygamy and 44 of minor dispute. Among these, 127 cases were settled in agreement and 13 cases were forwarded for legal proceedings and in 28 cases the complainant did not make any contact, according to WCSC.

In 2015, one woman was killed by her son. Last year also one woman was killed by non-state actor. Like previous year, this year also two women were raped. One of the rape victims was 42-year-old woman with intellectual disability. Four women were the victims of attempted rape and two of domestic violence.

Killing by Family Member

A 68-year-old woman of Taksar VDC-1 was killed by her son, Netra Bahadur Thakuri, 46 by hitting with stones

Types of Events	By Non-State	
	Female	Total
Domestic Violence	2	2
Polygamy	3	3
Rape	2	2
Rape Attempt	4	4
Total	11	11

on October 24. The accused was arrested by police on the same day. The post-mortem of the body was conducted at the District Hospital on October 24. The District Court ordered to remand him in the custody on November 17. The case was not decided until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

Relatives of a 42-year-old woman with intellectual disability lodged a complaint in the Ward Police Office, Waling on January 18 against Kub Bahadur BK, 45, of Kalikot VDC-8 on charge of raping her on January 17. The complaint stated the accused raped her after taking her far away while she was alone in the house. The investigation on charge of rape began after police arrested the accused on

January 17. The victim underwent health check-up at the health post, Waling on January 17. The District Court ordered to remand him in the custody on February 11. The case was not decided until the end of the year.

HEALTH SERVICE STATUS

There are one district hospital, 55 health posts and one primary health center in the district. According to District Public Health Office, there were seven positions for the doctors in the hospital, of which four were filled. The district has 139 positions for Assistant Health Workers of which 117 were at work. The annual health budget of the district was Rs 3,80,00,000 for public health and Rs 80,00,000 for medical expenses.

3.5 Kaski



Total Population

492098



Women

255713



No. of Households

125673



**No. of Households Drinking
Water from River/Stream**

482



No. of Households without Toilet

10061



No. of Migrant Workers

57305



**Largest Population by
Caste/Ethnicity**

136834 (Brahmin Hill)



Population by Disability

9219



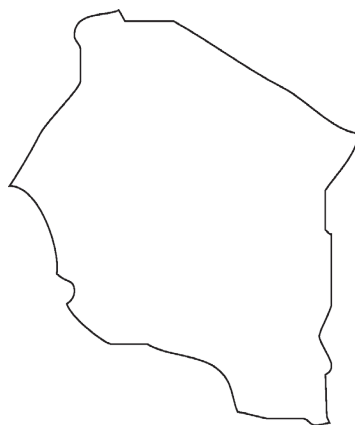
Literacy above 5 yrs (%)

82.04



No. of Community Schools

418



The human rights situation of Kaski district improved in 2015 as compared to the last year. In 2014, 214 people, including 201 female and 13 male were victimized by the non-state actors. This year, 23 people, including four female were victimized by the state actors whereas 55 people, including 52 female and three male were victimized by the non-state actors. The state tried to suppress the right to expression, assembly and association. In 2014, six people, including four women were killed by the non-state actors. This year, two women were killed by their family members and one leader/cadre of Nepali Congress was killed by the party's cadre. INSEC documented 27 incidents of child rights violation of whom 18 were rape victims, seven were sexually abused and two were subjected to corporal punishment.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Non-State

NC cadre Ramji Poudel alias Badal, 53, of Bhandardhik, Lekhnath Municipality-12 was beaten to death by the cadre of his own party on August 13.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings		1	1			
Child Rights				25	2	27
Killing				2	1	3
Right to Assembly	4	18	22			
Women Rights				25		25
Total	4	19	23	52	3	55

His dumped body was recovered on August 14. Ram Mani Pokharel, brother of the victim filed a complaint at the Area Police Office, Shishuwa on August 14 against Lekhnath Tarun Dal Lekhnath City Committee Vice Chairperson Bishwash Gautam, 30, of Lekhnath Municipality-12, NC cadre Prakash Gurung, 20, of Lekhnath Municipality-13, NC cadres Raju Ranabhat, 30, of Lekhnath Municipality-12, Rabin KC, 25, of Lekhnath Municipality-13 and Regional Chairperson Rajendra Mani Lamichhane, 48, of Lekhnath Municipality-6 on charge of Poudel's murder. The police arrested the accused on August 15. The District Court ordered to release the accused Rajendra Mani Lamichhane on general date saying there were not enough evidences against him on September 14 whereas all other accused were remanded in custody. The cadres of NC protested by obstructing the Prithvi Highway road on August 14, demanding for action against the ones involved in the incident. Some cadres and police sustained minor injuries in the clash during the protest.

JAIL AND DETAINEES

The 'D' grade District Prison has a capacity to hold 60 inmates at a time. A total of 540 inmates, including 363 convicts and 177 detainees were held there at the end of the year. Among them, 487 were male and 53 were female. There was one two-year-old boy living as minor dependent in the prison. Likewise, there were seven senior citizens, including three women of 65 above age group. The Prison Administration informed difficulty in management as there were ten times more inmates in the prison than its capacity. The prison of Kaski district, constructed in 1966, is old and in dilapidated condition.

RIGHT TO PROMPT AND FAIR TRIAL

There is one District Court and one Appellate Court in Kaski district. All the

positions of four judges were occupied. There were 587 civil and 500 criminal cases pending. Six criminal and seven civil cases older than two years remained pending.

The Appellate Court with position for eight judges had only four judges. There were 120 civil and 178 criminal cases pending. There were six criminal and five civil cases older than two years pending.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

There was a clash between police and protestors in Pokhara during the Lathi Rally of second phase movement called by the UCPN-M led 30-party alliance on March 29. The bandh was called demanding the promulgation of the constitution in consensus. CA Member Tej Kumari Poudel, UCPN-M Kaski District Secretary Bishnu Poudel, UCPN-M District Committee members Nirmala Subedi alias Kranti, Nirmala Neupane, Devi Prasad Subedi, Bishwa Prakash Lamichhane, Central Member of ANNISU-R Dinesh Poudel, District President Krishna Raj Dahal, UCPN-M Nirmal Pokhari VDC Chairperson Prakash Poudel, YCL Tamuwan State Member Subhas Poudel, YCL Leader Ashok Jung Prasai, Central Vice Chairperson of All Nepal Teachers' Association Sthir Prasad Khanal, leaders of All Nepal Trade Union Federation Lila Bahadur Gharti, Gunraj Bastola, Dhan Bahadur Tamang, Bijay Thapa and Radha Gurung, YCL District Member, Rishi Subedi, central member of Agradami Student Union Sanjesh Gurung, student leader Awiskar Subedi, protestor Chhetra Gurung, Kantipur Television Journalist Indra Poudel were injured in a baton charge by police. The injured were treated in Fewa City Hospital, Nagdhunga, Pokhara Sub-metropolis-9. Similarly, two Police Inspectors Keshav Basnet and Amar Thapa; Police Constable Sabu

Dhobi Musalman, Khagendra Panta and Santosh Gupta were injured as informed by the District Police Office. The clash followed when the police tried to stop the rally of Morcha and the agitated protesters vandalized the vehicles. The parked car with registration number Ba 10 Cha 3236 of Raj Bahadur Gurung, Advisor of Federation of Nepalese Journalists, Kaski and a private vehicle with registration number Ga 1 Ja 5062 were vandalized during the clash. The 30-party alliance issued a press statement in the evening and stated that people's right to peaceful demonstration was suppressed. Federation of Nepalese Journalists, Kaski issued a press statement and condemned beating of journalist Poudel and vandalizing of the parked private car.

CHILD RIGHTS

Education Status

There are 269 primary schools, 79 lower secondary schools, 169 secondary schools and 107 higher secondary schools. Of the total positions of 3,343 for teachers, 3,303 were occupied and 40 positions were vacant as informed by DEO. The DEO said that 83,781 boys and 76,546 girls of school going age were enrolled in the school this year. The DEO informed that there are 57 disabled-friendly schools. This year, 9690 dalit boys and 8700 dalit girls received scholarships. Likewise, the DEO also informed that two children of martyr's family and 241 children of conflict affected families also received scholarship.

This year, INSEC documented the incidents of child rape where the victims were between the ages of four and 17.

Types of Events	By Non-State		
	Female	Male	Total
Corporal Punishment		2	2
Rape	18		18
Sexual Abuse	7		7
Total	25	2	27

Most of them were victimized by their relatives, acquaintances and even strangers. The age of rapists was between 16 and 69.

Rape, Attempt to Rape and Sexual Abuses

The relatives of a four-year-old girl lodged a complaint at the District Police Office against Jit Bahadur Pathak, 56, of Bharatpokhari VDC-1 on March 5 on charge of raping the girl on March 4. According to them, the child was raped when she had gone to buy sweets at Pathak's shop. Upon asking, she told the detail about the incident and shopkeeper. The mother of the victim said that after taking her to the local medical for primary treatment, she was taken to Western Regional Hospital. The doctor after her examination had said that the incident was serious and should be informed to the police. So, they informed the police in the night of March 4. The victim's private part was operated and was out of danger as informed by the hospital. The District Police arrested the accused on March 4. The District Court issued an order to remand the accused in custody on March 29. The case remained undecided until the end of the year.

The relatives of a six-year-old girl filed a complaint in the police against Tilak Bahadur Pariyar, 42, a permanent resident of Ayodhyapur VDC-5, Chitwan and currently residing in Milanchock 27, Pokhara on October 4 on charge of raping and sodomizing the girl on October 2. The police arrested the accused on October 7. The medical examination of the victim was conducted on October 4 at the Western Regional Hospital. The perpetrator was remanded in custody by the District Court on October 29 and was sentenced for five years on December 6.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 565 women lodged complaints at Women and Children Service

Center (WCSC) against domestic violence of which 213 cases were of assault and expulsion from the house, 79 of deprivation of food, 53 of not making marriage and citizenship certificate, 23 of polygamy and remaining 197 of minor dispute. Among these, 487 cases were settled in agreement and 78 cases were forwarded for legal proceedings, according to the office.

This year, two women in Kaski were killed by their family member whereas five women were raped, three women were attempted to rape, eight were trafficked and nine women became victims of domestic violence. One woman was gang raped. In 2014, 10 women were raped, four were victims of attempt to rape and one woman was killed after rape.

Types of Events	By Non-State	
	Female	Total
Polygamy	9	9
Rape	5	5
Rape Attempt	3	3
Women Trafficking	8	8
Total	25	25

Killing by Family Member

Prem Bahadur BK, 50, allegedly killed his wife Sarita BK, 45, of Pokhara Sub-Metropolis-17 by hitting her with an iron pipe over a minor dispute on April 28. The police with the help of locals arrested the accused the same day. The relatives of the victim lodged a complaint against the accused the same day. The body's postmortem was conducted on April 29 in Western Regional Hospital. The District Court issued an order to remand the accused in custody on May 25. The case remained undecided until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

The relatives of a 25-year-old woman filed a complaint in the police against

Narayan Pariyar, 29, a permanent resident of Lahachok VDC-5 and currently residing in Pokhara Sub-metropolis-9 on August 5 on charge of raping her on August 4. The police arrested the accused on August 5. The victim's medical checkup was conducted on August 5 at the Western Regional Hospital. The District Court sentenced the perpetrator to one month 20 days with Rs. 2500 fine and Rs. 5000 compensation to the victim.

Human Trafficking

Four women of the age between 19 and 23 filed a complaint at the District Police Office against Kamala Kumari Tulachan, 35, a permanent resident of Hemja VDC-4 and currently residing in Nagdhunga of Pokhara Sub-metropolis-9 on March 6 on charge of trafficking them. It is mentioned in the complaint that the accused had lured the victims with a promise of good job and had forced them to involve in sexual activities with the customers in Nirvana Khaja Ghar against their will taking monetary benefit on February 23. The police informed that the accused was absconding and Human Trafficking and Transportation case was charged against the accused.

HEALTH SERVICE STATUS

There is one zonal hospital, 45 health posts and three primary health care centres. According to District Public Health Office, all three positions of the doctors in the hospital were occupied. Of four positions of gynecology specialist, three were at occupied. The district has 96 positions for Assistant Health Workers of which 75 were at work. The total annual health budget of the district was Rs. 18,64,00,000 and Rs. 85,00,000 for medical expenses. The DHO informed about the scarcity of essential medicines in the district and health posts because of the blockade this year.

3.6 Manang



Total Population

6538



Women

2877



No. of Households

1480



No. of Households Drinking Water from River/Stream

4



No. of Households without Toilet

501



No. of Migrant Workers

279



Largest Population by Caste/Ethnicity
3426 (Gurung)



Population by Disability

204



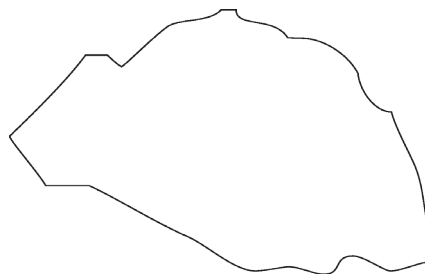
Literacy above 5 yrs (%)

74.8



No. of Community Schools

27



Manang a small district in the mountains is the least populated district of the country. Manang has very nominal incidents of human rights violation. Most of the cases are solved by village leaders so incidents of HRV are unreported.

JAIL AND DETAINEES

Manang District Prison has no ranking. The prison does own land but not the building and is leasing a building of District Education Office. Currently, there are 10 convicts, all male with no detainees. There are no newspapers, books and skill development training provided to the inmates. In a remote district, the allowance inmates are getting i.e. Rs. 90 per day is not enough even for two meals.

RIGHT TO PROMPT AND FAIR TRIAL

There is one position of judge at the District Court. There were no civil cases and one criminal case is pending until December 31. There are no criminal cases and civil cases older than two years pending in the District Court. Since there are very few cases, the judge is responsible for Lamjung District Court along with Manang.

CHILD RIGHTS

Education Status

There are 17 primary schools, eight lower secondary schools and two secondary schools. All of the total 200 po-

sitions for teachers were occupied at the end of the year. District Education Office said that 781 children, 398 boys and 383 girls of school-going age were enrolled in the school. 49 boys and 41 girls were also admitted in the Child Development Centre. District Child Welfare Committee and Women and Children Office distributed educational materials to the child clubs formed in the schools through child networks. There are child workers at the hotels who the hoteliers claim are provided job on the humanitarian ground. They claim that the work ensures their shelter and education and reject the charge of exploitation.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

There was no case registered in the District Police Office, Women and Children Service Center (WCSC) regard-

ing all kinds of discrimination against women in 2015. Some cases of minor disputes were settled by the Women and Children Office and the District Police Office.

HEALTH SERVICE STATUS

There is one district hospital, 10 health posts and three sub-health posts in the district. According to District Public Health Office, out of the two positions in the hospital, one remained vacant. There is no position of gynecology specialist in the district. The district has 15 positions for Assistant Health Workers of which two are vacant. Lack of gynecologist created a problem for female patients. As there were no doctors despite the positions, the patients were compelled to go to Pokhara and Kathmandu even for minor treatments.

3.7 Nawalparasi



Total Population

643508



Women

339893



No. of Households

128793



**No. of Households Drinking
Water from River/Stream**

274



No. of Households without Toilet

48934



No. of Migrant Workers

65335



**Largest Population by
Caste/Ethnicity**

112559 (Brahmin Hill)



Population by Disability

10873



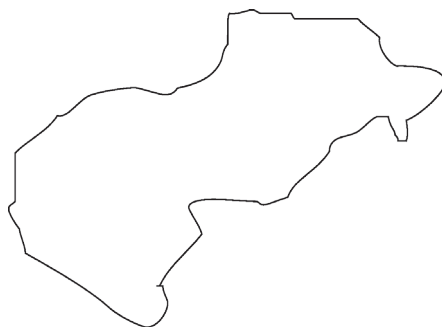
Literacy above 5 yrs (%)

70.8



No. of Community Schools

615



INSEC documentation shows that the human rights situation of the district slightly worsened in comparison to last year. In 2014, 75 people, including 68 female were victimized by the non-state actor. In 2015, 116 people, including 65 female were victimized. This year, 28 male were victims of state actor. 88 people including 65 female were victimized by non-state actor. More women and children were victims of non-state actor in the district. The right to expression, assembly and association was suppressed by the state. Out of 12 people, five were assaulted by the state actor and seven by the non-state whereas two sustained bullet injuries in police firing. Last year, four people, including three women were killed by the non-state actor whereas this year, 16 people, including six women were killed. One NC Leader and former Minister of State for Home Affairs, Devendra Raj Kandel escaped shooting attack. This year, INSEC documented 29 cases of child rights violation of which 21 incidents were of rape and eight of sexual abuse. One incident of human sacrifice of a boy gained much attention this year.

CIVIL AND POLITICAL RIGHT RIGHT TO DIGNIFIED LIFE INJURED IN EXPLOSION/FIRING By State

Bikas Harijan, 23, of Manari VDC-5; Rama Yadav, 23, of Devgaon VDC-5;

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Beatings	5	5		7	7
Child Rights			29		29
Injured	5	5	1	3	4
Killing			6	10	16
Right to Assembly	17	17			
Threats				3	3
Women Rights			29		29
Total	28	28	65	23	88

Kamal Chaudhary, 25, of Atrahatti of Manari VDC-8; Anil Prasad Dhobi, 21, of Devgaon VDC-5; Surendra Patel, 24, of Kushma VDC; Ram Kumar Gupta, 26, of Hakui VDC-9; Munna Rai of Tilakpur VDC-8 sustained bullet injuries in police firing during a clash at Magarmudha, Tilakpur VDC-8 on August 15. The victims were injured when police baton charged and fired teargas and rubber bullet on charge of vandalizing Baijanath Chaudhary's house, CA member of Constituency number four and a resident of Tilakpur VDC-8. The cadres of protesting Samyukta Madhesi Morcha had vandalized Chaudhary's house. DSP Som Bahadur Thapa and Inspector Subhas Gaire were also injured in the clash. The injured protestors were treated in District Hospital Parasi and Medical College, Bhairahawa.

Bihad Dhobi alias Ram Naresh Dhobi, 50, of Sanai VDC-9 and Munni Jaiswal, 45, of Ramgram Municipality-6 sustained bullet injuries in police firing in a clash that occurred after Samyukta Loktantrik Madhesi Morcha tried to defy the prohibitory order on August 26. Dhobi was injured by the bullet and Jaiswal by pellet in the clash. Both the injured were treated in Medical College, Bhairahawa.

By Non-State

Ujjwal Gadtaula, 42, and Yoggendra Patanwar of Thuthibari, India attempted to shoot former Minister of State for Home Affairs and NC District Chairperson Devendra Raj Kandel, a permanent resident of Rampurawa VDC-7 on September 24 at Badharadudhauya VDC-3. The police arrested the accused the same day. The case was on trial.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 35 inmates at a time. A total of 164 inmates, including 77 convicts and 87 detainees were held there at the end of the year. Among them, 19 were women. The Prison Administration

informed regarding difficulty in management and treatment of ill due to large number of inmates than its capacity. One boy and four girls who were living as minor dependents are sent to school.

THREAT/BEATING

By Non-State

The cadres of Samyukta Loktantrik Madhesi Morcha mistreated and vandalized the house of Chiranjivi Aryal, 43, and Sita Sharma, 35, of Manari VDC-1 on September 21 saying they did not cooperate with them during the movement. The victims informed the police administration regarding their insecurity from Morcha. The cadres also burnt tires in the gate of her house and even chanted slogans against 'Pahadiyas'. The victims complained that the accused repeated the incident on September 26.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court with positions for three judges and all remained filled. There were 330 civil and 625 criminal cases and 625 criminal cases pending.

CHILD RIGHTS

Education Status

There are 341 primary schools, 155 lower secondary schools, 119 secondary schools and 88 higher secondary schools. Out of the total positions of 3,014 for teachers, all remained filled. This year, out of 76,583 boys and 76,307 girls of school going age, 7,880 boys and 7,536 girls were enrolled in the school. 10,888 dalit boys and 11,737 dalit girls in the district were provided scholarships. The annual budget of the District Education Office was Rs. 1,33,14,93,900. Though 53 schools are child-friendly, learning is affected as there is no disabled-friendly school.

This year, girls of age between four and 17 were raped. One 10-year-old boy was killed in the name of human sacri-

five whereas one boy was attempted to be killed by his own mother. The accused in the rape case were of age 13 to 60. A total of 29 girls were victims of which 21 were raped and eight were sexually abused. Last year, 26 girls and two boys were victims of child rights violation.

Types of Events	By Non-State	
	Female	Total
Rape	21	21
Sexual Abuse	8	8
Total	29	29

Killing

Jivan Kohar alias Sonu, 10, of Marchahawa, Kudiya VDC-4 was killed in the name of sacrifice on July 21. Kodai Harijan Lama, 50, Ganga Chamar, 70, Suryabhan Harijan, 35, Rudal Harijan, 40, of the same place killed Jivan by slitting his throat to offer a human sacrifice under the pretext of curing Kodai's 18-year-old son Bijay Harijan who was sick. The body of the deceased boy was recovered from bush, a little far from the house on July 24. The police arrested Kodai Harijan's wife Bijay Harijan, 34, his son Laxmi Harijan, 14, Rudal Chamar's wife, Budhu Chamar, 45, son Dinnath Chamar, 19, Suryabhan Chamar's wife Sunita Chamar, 30, and shaman Ganga Chamar involved in the incident and investigated for murder attempt. The District Court sent Laxmi Harijan to the Child Reform Centre in Sarangkot for being a juvenile on August 23. The other 10 were remanded in custody. The case remained undecided at the end of the year.

Rape, Attempt to Rape and Sexual Abuses

The family of a 14-year-old girl filed a complaint at the Area Police Office, Nawalpur of Kawasoti against Rajesh Sunar, 28, of Devchuli Municipality-12 on March 20 on charge of raping her on

March 17. The police arrested the accused the same day. The medical examination of the victim was conducted on March 20 at District Hospital. The District Court sentenced six years imprisonment and Rs. 75,000 fine to the perpetrator on June 14.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 195 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This included 11 cases of assault and expulsion from the home, 42 cases of deprivation of food and clothes, seven cases of non-cooperation in marriage registration and acquiring citizenship, four cases of polygamy and 131 cases of minor dispute. Among these, 113 cases were settled in agreement and 18 cases were processed for legal actions. There are eight cases in which the victims did not contact after filing complaints.

This year, four women were killed by their family members, 11 were raped, three were victims of attempt to rape, three were alleged of witchcraft, two were trafficked and eight were victims of domestic violence and polygamy. Five boys were also accused of rape. A 72-year-old woman was also a victim of rape. Two women were gang raped. In 2014, altogether 35 women were victims women rights violations of whom six were raped, five were victims of attempt to rape, one was alleged of witchcraft, seven were trafficked and 16 suffered from domestic violence and polygamy.

Killing by Family Member

The family of Shashikala Nepali, 45, of Bidhyutmarg, Bardaghat Municipality-6 filed a complaint at the District Police Office against Lok Bahadur Nepali (Sarki) on May 12 on charge of killing her with a baton on the night of May 11. The police arrested the accused the same day

Types of Events	By Non-State	
	Female	Total
Domestic Violence	1	1
For Practicing Witchcraft	3	3
Polygamy	7	7
Rape	11	11
Rape Attempt	3	3
Sexual Abuse	2	2
Women Trafficking	2	2
Total	29	29

and was remanded in custody by the District Court. The District Court sentenced life imprisonment to the perpetrator with confiscation of all the property on September 29.

Rape, Attempt to Rape and Sexual Abuses

The family of a 72-year-old woman filed a complaint at the District Police Office against Ramu Thapa, 45, and two other boys of 16 and 17 years of Wadera, Ramnagar VDC-2 on September 30 on charge of gang raping her on September 19. The police arrested the accused on September 30. The victim underwent medical checkup at the District Hospital on October 1. The District Court remanded the accused Ramu in custody on Octo-

ber 12 whereas the 16-year-old boy was released on date. The police informed that the 17-year-old accused was absconding when the report was prepared.

ALLEGATION OF WITCHCRAFT

A 45-year-old woman filed a complaint at the Area Police Office, Nawalpur, Kawasoti against Suntali BK, 55, Manikala BK, 27, and Bindu BK, 25, of Hasaura, Kawasoti Municipality-6 on March 30 on charge of mistreating her and accusing her of being a witch on March 19. The police arrested and investigated the accused the same day. Police presented the accused before court on April 19. District Court ordered to release Suntali on a bail amount of Rs. 5,000 while Manikala and Bindu were released on after posting bail of Rs. 2,500 each.

HEALTH SERVICE STATUS

There is one district hospital and 69 health posts in the district. According to District Public Health Office, though there were nine positions for doctors in the hospital, only three were working at the end of the year. There were no positions for gynecology specialist. The district has 246 positions for Assistant Health Workers of which 174 were working. The annual health budget of the district was Rs. 19,39,00,900 and Rs. 57,00,000 for medical expenses.

3.8 Rupandehi



Total Population

880196



Women

448003



No. of Households

163916



No. of Households Drinking Water from River/Stream

41



No. of Households without Toilet

67952



No. of Migrant Workers

62904



Largest Population by Caste/Ethnicity

41249 (Brahmin Hill)



Population by Disability

9890



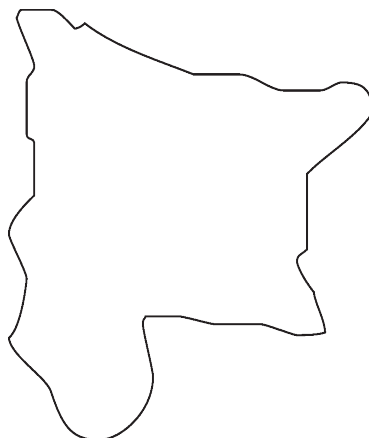
Literacy above 5 yrs (%)

69.8



No. of Community Schools

678



INSEC documentation shows that the human rights situation of Rupandehi district in 2015 was similar as compared to 2014, however, human rights violations by state party increased significantly this year. In 2014, 52 people, including 49 female were victims of human rights violations. In 2015, 52 people, including 35 female were victimized. This year, 10 people, including four women were victimized by the state party. Among them, seven people, including three women were killed in various incidents of Madhes movement and three sustained injuries in police firing. This year, right to expression, assembly and association was suppressed by the state party. 42 people, including 31 female were victimized by the non-state actor. Most of the victims of the non-state actor were women and children. Children were victims of rape and sexual abuse whereas women were victims of sexual violence. One case of caste-based discrimination was settled whereas there were two cases of violation of economic, social and cultural rights.

In 2014, one man was killed by the non-state actor whereas this year six people, including two women were killed. Out of 19 cases of child rights violations,

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings				4	4	
Child Rights				19		19
Economic, Social and Cultural Rights				2		2
Injured	1	2	3			
Killing	3	4	7	2	4	6
Racial Discrimination				1		1
Women Rights				10		10
Total	4	6	10	31	11	42

14 were raped and four were sexually abused. One boy was abducted and killed by his own relative. This year, four people were assaulted by the non-state actors. There was one incident where the victim's fingers were cut.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

Died by Drowning in the River during Demonstration

Cadre of Madhesi Morcha Sunil Yadav, 19, a resident of Parsa Chauraha of Lumbini Sanskritik Municipality-3 died by drowning in the Danda river while trying to escape the clash that occurred with the police on August 20 during the movement of Samyukta Loktantrik Madhesi Morcha against demarcation of the provinces. The Morcha was trying to close the Behaliya border. The body of another cadre Rameshwar Pasi, 35, of Buchi of Bodbar VDC-3 who also tried to escape the clash and had fallen in the Danda river was found dead on August 21. The cadres of Madhesi Morcha said that the injured victims while trying to escape from the baton charge of police during the movement had fallen in the river and died. Cadre of Terai Madhes Loktantrik Party Durgesh Yadav, 23, of Kamhariya VDC-3 was assaulted by the police during the clash. He died during the treatment in the hospital in Maharajgunj, Kathmandu on August 25. The Morcha protested again demanding to declare the dead as 'martyr' as two people who had gone to protest in the border were killed while trying to escape the clash when the police used force whereas one died during the treatment.

By Non-State

The cadres of Madhesi Morcha attempted to kill co-driver Krishna Bahadur Bista, 33, of Bhalbari, Tilottama Municipality-11 in the no man's land by

using sharp weapons on October 7. Bista was returning from Sunauli Bazar of Nepal-India border. The fingers of his right hand were cut and he also sustained deep injuries in head, legs, hands and other parts of body in the attack. He underwent treatment at the Medical College in Bhairahawa. The police did not arrest anyone involved in the incident.

JAIL AND DETAINEES

The 'B' grade District Prison has a capacity to hold 100 inmates at a time. A total of 403 inmates, including 234 convicts and 269 detainees were held there at the end of the year. There were no female inmates. The inmates faced lack of sleeping space and shortage of toilets.

RIGHT TO PROMPT AND FAIR TRIAL

There is one District Court and one Appellate Court in Rupandehi district. Out of seven positions for the judge in the District Court, six were working. There were 906 civil and 602 criminal cases pending. Two criminal and three civil cases older than two years remained pending.

Likewise in the Appellate Court, out of 10 positions for the judge, nine were working. There were 571 civil and 557 criminal cases pending in 2015.

CHILD RIGHTS

Education Status

There are 372 primary schools in the district in which 111 are Madarasas. There are 117 lower secondary schools, 189 secondary schools and 77 higher secondary schools. Out of the total positions of 2,880 for teachers, 2,768 were working. District Education Office informed that 1,03,441 boys and 96,399 girls of school going age were enrolled in the school. It further said that 235 schools in the district are disabled-friendly. The District Education Office informed that out of Rs.

5,53,97,000 allocated for the scholarship, Rs. 1,18,52,000 was distributed to dalit children.

This year, girls from age three to 17 were raped. One five-year-old boy was abducted and killed by his own relative and a seven-year-old girl was killed by her neighbor. The accused for rape aged from 12 to 56. One girl was raped by her own father. 14 girls were victims of rape and four of sexual abuse. Last year, 25 children were victims of child rights violation in which one was victim of child labor, 10 were raped and 14 were sexually abused.

Types of Events	By Non-State	
	Female	Total
Corporal Punishment	1	1
Rape	14	14
Sexual Abuse	4	4
Total	19	19

Killing after Abduction

The family of Angel Darji, 7, of Sisaughari, Suryapura VDC-5 filed a complaint at the District Police Office against their neighbor Hari Bahadur Khatri, 21, on November 19 on charge of strangulating and killing her on November 18. The body of the victim was found on November 20 after the police got information that the accused had buried the body in a pit in Sisaughari after killing her. The District Court issued an order to remand the accused in custody on December 9.

Rape, Attempt to Rape and Sexual Abuses

The relatives of a 15-year-old girl filed a complaint in the police on April 25 against Yogendra Thapa, 56, on charge of raping her on April 24. The Area Police Office, Butwal arrested the accused the same day. He was imprisoned for two years and six months as per the court decision of June 4.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year, 156 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence cases. Of those 156 complaints, 76 cases were of assault and expulsion from the house, 29 cases of deprivation of food and clothes, two cases of not making marriage or citizenship certificate, 11 cases of polygamy and 31 cases of minor disputes. Among these incidents 107 cases were settled and 23 cases were forwarded for legal proceedings. In 27 other cases, the complainant did not make any contact.

This year, five women were raped whereas five women were victims of attempt to rape and sexual abuses. The court sentenced two years and six months imprisonment to one perpetrator whereas in five cases of rape and attempt to rape, the court acquitted the accused saying that the claim lacked evidences.

Rape, Attempt to Rape and Sexual Abuses

A 19-year-old victim filed a complaint in the police against Tej Bahadur Pun, 22, a permanent resident of Mijhing VDC-7 of Rolpa and currently residing as a tenant in Ujirsinghnagar of Butwal Sub-metropolis -4 on June 4 on charge of attempt to rape her on the night of June 2. The Area Police Office, Butwal arrested the accused on June 4. The District Court sentenced two years and six months imprisonment to the perpetrator on September 13.

Types of Events	By Non-State	
	Female	Total
Rape	5	5
Rape Attempt	4	4
Sexual Abuse	1	1
Total	10	10

ALL KINDS OF RACIAL DISCRIMINATION

The family of Banshalal Harijan, 55, of Paderhawa Tole of Khadawa Bangai VDC-8 was mistreated and assaulted by their neighbors on charge of being Dalit and belonging to a 'so called' lower caste. Some local youth of the village mistreated Harijan's family on March 12 over an issue of wedding. The victim said that he along with the people of groom's side was assaulted for playing musical instruments in his granddaughter Pramila Harijan's wedding. Harijan's family filed a complaint at the Area Police Office, Ranyaura on March 23 saying they were discriminated on the basis of their caste. The police arrested the locals Rajesh Lodh, 30, Mallu Lodh, 28, Dudhraj Lodh, 31, and Nagendra Lodh, 32 following the complaint of the victim. The case was

settled when the accused apologized and promised not to repeat the mistake.

HEALTH SERVICE STATUS

Altogether, there are three government hospitals- one zonal level Ayurvedic hospital, one zonal hospital and one district hospital in the district. There are 64 health posts in the district. All of the five positions for doctors in the hospital were occupied. Out of two positions for gynecology specialist, one was vacant. The district has 169 positions for Assistant Health Workers of which 161 were at work. Of the 105 positions of Auxillary Nurse Midwife, 100 were working. According to the District Public Health Office, the annual health budget of the district was Rs. 4,72,00,000 and Rs. 60,00,000 for medical expenses.

3.9 Palpa



Total Population

261180



Women

145340



No. of Households

59291



No. of Households Drinking Water from River/Stream

1530



No. of Households without Toilet

14050



No. of Migrant Workers

38504



Largest Population by Caste/Ethnicity

136588 (Magar)



Population by Disability

6537



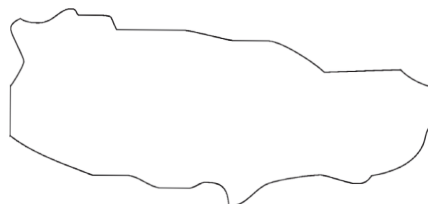
Literacy above 5 yrs (%)

76.2



No. of Community Schools

384



INSEC documentation showed slight improvement of human rights situation in 2015 in comparison to 2014 in Palpa district. A total of 46 people were victimized in different incidents of human rights violation in 2014 whereas in 2015, 22 female were victimized. Women and children were victimized by the non-state actors this year. Seven girls were rape victims and six women were the victims of rape and nine women were the victims of domestic violence this year.

Last year, one woman was killed by the non-state actor and 28 female were victimized. Among those 28 victims, three were the victims of rape, one of attempted rape, 24 of domestic violence and polygamy.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 300 inmates at a time. A total of 322 inmates, including 297 convicts and 25 detainees were held there at the end of the year. There were 79 female and 243 male inmates. There were total of six minor dependents in the jail. Inmates feel insecure as the building was damaged due to the earthquake on April 25.

Informal Sector Service Centre (INSEC) Western Regional Office, Pokhara and the district human rights team had conducted monitoring visit to find out the situation of the inmates and the damages made to the building on May 25 and had drawn the attention of District Administration Office about the safety of the inmates.

Types of Events	By Non-State	
	Female	Total
Child Rights	7	7
Women Rights	15	15
Total	22	22

RIGHT TO PROMPT AND FAIR TRIAL

The District Court of Palpa has one position for judge. There were 38 civil and 80 criminal cases pending this year.

CHILD RIGHTS

Education Status

There are 247 primary schools, 84 lower secondary schools and 53 secondary schools. Of the total positions of 2,798 teachers, 2780 positions were occupied at the end of the year. There were 43,483 boys and 43,119 girls of school going age enrolled in the school this year. The DEO provided scholarships to 3,877 dalit boys and 4,121 dalit girls. There are no disabled-friendly schools in the district.

This year, seven girls between the ages of 4 to 15 years were raped. One of the rape accused was 15-year-old boy. Similarly, two girls were sexually abused by a teacher.

Types of Events	By Non-State	
	Female	Total
Rape	7	7
Total	7	7

Rape, Attempt to Rape and Sexual Abuses

A relative of a four-year-old girl filed a complaint against Surya Bahadur Jalandhar, 34, of Dhajhan VDC-6, Jhapa and currently living in Tansen Municipality-10 at the District Police Office on May 3 accusing him of raping the girl on the same day. The police arrested the accused on May 8. The victim underwent a health check-up at the District Hospital on the same day. On July 7, the District Court issued an order to sentence him for 12-years in jail and pay Rs.50000 as compensation to the victim.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 91 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence. Of which, 38 cases were of assault and expulsion from the house, 11 of depri-

Types of Events	By Non-State	
	Female	Total
Polygamy	9	9
Rape	6	6
Total	15	15

vation of food, nine of polygamy and other 33 cases of minor dispute. Among these incident, 82 cases were settled in agreement and nine cases were forwarded for legal proceedings, informed WCSC.

In 2015, six women were the rape victims and nine were victims. A 58-year-old woman and 32-year-old woman with intellectual disability were raped this year. One woman was gang raped.

In 2014, 28 women were victimized, including three of rape, one of attempted rape and remaining 24 of domestic violence. This year, two of the rape accused remained absconding until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

A 58-year-old woman lodged a complaint at District Police Office on May 13 against Sameer Khan, 20, of Tapta, Uttar Pradesh, India and currently living at Gothadi VDC, accusing him of raping her on May 12. The accused was arrested by the police on the same day the complaint was lodged. The victim underwent health check-up at the District Hospital on May 13. On July 12, the District Court sentenced the rapist to 10-year in jail and Rs. 50000 as compensation to be paid to the victim.

HEALTH SERVICE STATUS

There is one district hospital and 62 health posts in the district. Out of the eight positions for the doctors in the hospital, three were occupied. There were no positions for gynecologist. The district had 135 positions of Assistant Health Workers of which 121 were working. Annual health budget of the district was Rs 17,81,18,958 for public health and Rs 40,39,000 for medical expenses.

3.10 Kapilbastu



Total Population

571926



Women

386337



No. of Households

91321



No. of Households Drinking Water from River/Stream

145



No. of Households without Toilet

62467



No. of Migrant Workers

29792



Largest Population by Caste/Ethnicity

103856 (Muslim)



Population by Disability

7333



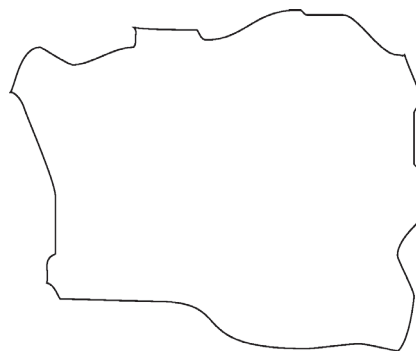
Literacy above 5 yrs (%)

54.9



No. of Community Schools

393



INSEC documentation showed an improvement in human rights situation of Kapilvastu district in 2015. In 2014, there were 73 victims of human rights violations, including 60 female and 13 male, however, there were 38 people victimized in 2015, including 26 female and 12 male victims. This year, seven male were victimized by state actor of whom seven were injured in police firing in Madhes Movement. The state-actor tried to curtail the people's rights to peaceful assembly and association. 31 people, including 26 female were victimized by the non-state actors this year.

Last year, two women were killed by the non-state actors whereas this year also, two women were killed by the family members. Among 14 victims of child rights violation, 10 were rape victims, three were the victims of sexual abuse and one was the victims of trafficking. Similarly, among 10 incidents of women rights violation, eight were the victims of attempted trafficking, one of attempted rape and one of domestic violence.

JAIL AND DETAINEES

The 'D' grade District Prison has a capacity to hold 85 inmates at a time. A total of 190 inmates, including 120 convicts and 70 detainees were held there at the end of the year. There was one female

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings				1	1
Child Rights			14		14
Economic, Social and Cultural Rights				2	2
Injured	7	7			
Killing			2	1	3
Threats				1	1
Women Rights			10		10
Total	7	7	26	5	31

inmate. The prison administration said that the overcrowding of inmates in the prison is creating various difficulties for them. The building is very old and has a problem of leaking.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has four positions for judges, of them all were working at the end of 2015. There were 587 civil and 346 criminal cases pending. There were no criminal cases and one civil case older than two years pending.

INJURED IN EXPLOSION/FIRING

By State

Dhiraj Pandey, 24, of Kapilvastu Municipality-10, Dr. Mahamad Rashid Khan, 45, of Niglihawa VDC-8, Ram Sebhak Pasi, 32, of Prasohiya VDC-7, Roshan Rodas, 17, of Dohani VDC-4, Mohamad Husen, 24, of Kapilvastu Municipality-1 were injured in police firing during the clash between police and demonstrators on August 18. The clash ensued when the police tried to stop the demonstrators trying to vandalize UML district office during the bandh called by Samyukta Madheshi Morcha against the demarcation of the state. Police used baton, teargas shells and rubber bullets to control the crowd.

Punarbasi Kahar, 34, of Kapilvastu Municipality-12 and Rajendra Mahara, 36, of Kapilvastu Municipality-5, were injured in police firing during the clash between police and demonstrators in the protest against the demarcation of the state on August 19. The victim received treatment at Medical College Teaching Hospital, Bhairahawa. The clash erupted between police and demonstrator during the bandh called by Samyukta Madheshi Morcha against the demarcation of the state.

CHILD RIGHTS

Education Status

There are 280 primary schools, 79 lower secondary schools, 34 secondary schools and 34 higher secondary schools

in the district. According to DEO, out of the total positions of 1,988 teachers, all were working at the end of the year. According to the DEO, a total of 7,776 boys and 8,366 girls of school going age were enrolled in schools. The District Education Office provided scholarships of Rs. 76, 27,300 to dalit children. The annual budget of the DEO was Rs. 10,11,46,555 and the administration expense was Rs. 87, 26,132, informed District Education Office. The DEO informed, there are 427 disabled-friendly schools in the district.

This year ten children of age between 5-16 years were raped and three girls were sexually abused and one was the victim of trafficking. One of the rape accused was 16-year-old boy. One girl was gang raped. One girl was raped by the father. Last year, 14 incidents of child rights violation were documented of which 10 were rape victims, two were sexually abused and two were the victims of trafficking.

Types of Events	By Non-State	
	Female	Total
Child Trafficking	1	1
Rape	10	10
Sexual Abuse	3	3
Total	14	14

Rape, Attempt to Rape and Sexual Abuses

A relative of 13-year-old girl filed a complaint on March 23 against her father, 40, accusing him of raping her daughter time and again and last time on March 22. The complaint stated that her father raped her time and again while her mother was abroad for foreign employment. The victim underwent health check-up at the District Hospital, Taulihawa on March 23 and was living with her aunt. The father remained absconding after the incident was made public.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year, 279 women lodged com-



plaints at Women and Children Service Centre (WCSC) against domestic violence cases. Among these incidents, 139 cases were settled, 15 cases were forwarded for legal proceedings and in other 125 cases discussion was ongoing.

This year, two women were killed by family members. One woman was the victim of attempted rape, one of domestic violence and eight were the victims of human trafficking. This year, two rape accused remained absconding until the end of the year.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	1	1
Rape Attempt	1	1
Women Trafficking	8	8
Total	10	10

Killing by Family Members

The family of Meraju Nisha, 21, of Pipara VDC-2 accused her husband Mehatab Alam 22, of killing her on July 6. The family claimed that Mehtab had strangled her to death and then informed them that she had died suddenly. It was learnt from the primary investigation that Mehatab killed her wife after she refused to have physical relation. Police arrested the accused on July 7 and he was remanded in the custody by the order of the District Court on August 1.

Human Trafficking

Five women who were being taken to Kuwait under the pretext of employment were rescued by staffs of KI Nepal from Nepal-India border in Krishnanagar on August 2. Women from age 18-25 hailing from Sindhupalchok, Gulmi and Dang were rescued while Ganesh Chhettri, 35, of Kathmandu was taking them to Kuwait via Delhi without passport. The accused was arrested by Area Police Office Krishnanagar and on August 22, the District Court remanded him in the custody.

Three female aged 15-19 years old of Rolpa district who were being taken to India under the pretext of employment by Lalita BK, 28, and Pradeep BK, 25, and a driver Mohan Pandey, 28, of Liwang Municipality-7 were rescued by a team of Nepal Police, Krishnanagar and SSB and KI Nepal staffs from Linkgate on October 28. The accused were arrested on the same day. The District Court remanded them to custody on November 20. The rescued children and women were handed over to their relatives.

Domestic Violence

Kamala Khatri, 41, of Shivaraj Municipality-3 lodged a complaint at the District Police Office on September 27 against her husband Khom Bahadur Khatri, 45, accusing him of beating her and broking her right hand on September 26. The victim underwent medical treatment at Sanjiwini Community Hospital. Kamala had lodged a complaint on charge of polygamy against her husband, Khom Bahadur. She was beaten time and again by her husband when the case was under trial in the District Court. Showing bruises in different parts of the body and broken hand by the beating from her husband, the victim registered a case under Domestic Violence Act and on charge of attempt to murder. The case remained undecided until the end of the year.

HEALTH SERVICE STATUS

There are three hospitals, two health posts and 48 sub-health posts in the district. Of the seven positions of doctors in the hospital, all were working until the end of this year. The district has 149 positions of Assistant Health Workers out of which 117 were working. There was no position for gynecology specialist. The annual health budget of the district was Rs 8,64,88,000 for public health and Rs 53,44,000 for medical expenses.

3.11 Arghakhanchi



Total Population

197632



Women

111366



No. of Households

46835



**No. of Households Drinking
Water from River/Stream**

906



No. of Households without Toilet

13287



No. of Migrant Workers

39929



**Largest Population by
Caste/Ethnicity**

64757 (Brahmin Hill)



Population by Disability

5165



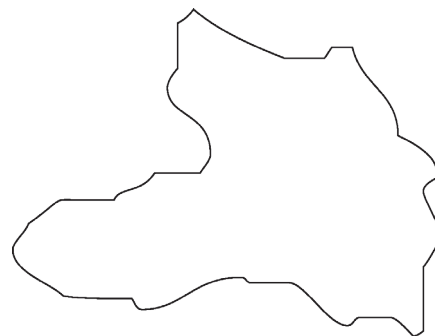
Literacy above 5 yrs (%)

72.6



No. of Community Schools

353



INSEC documentation showed no significant change in the human rights situation in Arghakhanchi district in 2015 compared to previous year. In 2014, a total of 67 people, including 65 female were the victims of human rights violation while in 2015, 64 people, including 63 female were the victims of human rights violation. Children and women were victimized by the non-state actors. A total of eight children were the victims of child rights violation, including two of rape, two of sexual abuse, one of child marriage, two of child trafficking and one of corporal punishment. Among a total 55 women rights violation victims, 50 were of domestic violence, three of polygamy and two of sexual violence.

Two women were killed by non-state actors last year whereas this year one woman was killed. Last year, two were the victims of caste based discrimination while no case of caste-based discrimination was documented this year. Last year, 58 women and five children were victimized by the non-state actors.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates at a time. A total of 25 inmates, including 23 convicts and two detainees were held there at the end of the year. There was one female inmate in the jail. The prison does

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	7	1	8
Killing	1		1
Women Rights	55		55
Total	63	1	64

not have library about which the inmates complained.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has the positions of one judge. There were 32 civil and 26 criminal cases pending. There were no criminal and civil cases older than two years pending.

CHILD RIGHTS

Education Status

There are 264 primary schools, 51 lower secondary schools and 38 secondary schools and 32 higher secondary schools in the district. Out of the total positions of 1,982 teachers, 1,897 positions were occupied at the end of the year. According to District Education Office 21,364 boys and 25,837 girls of school going age were enrolled in the school this year. According to DEO, a total of 12,985 dalit boys and 15,874 dalit girls received scholarships. There is one absence of disabled-friendly school in the district.

This year, a total of eight children were the victims of child rights violation, including two of rape, two of sexual abuse, one of child marriage, two of child trafficking and one of corporal punishment. One of the rape accused was a 76-year-old man.

Rape, Attempt to Rape and Sexual Abuses

The victim's side lodged a complaint against Bishan Thapa, 19, of Gobadiya VDC-1 of Dang in the Area Police Office, Thada on charge of attempting to rape a six-year-old girl on April 6. The complaint stated the accused attempted to rape a girl while she was in her maternal home. He was arrested by police on April 7 and investigation had begun based on the complaint registered. The District Court on June 2 convicted him of attempted rape and ordered a five-year jail term and later changed the sentence

to four-month after the victim's side changed their statement.

Types of Events	By Non-State		
	Female	Male	Total
Child Marriage	1		1
Child Trafficking	2		2
Corporal Punishment		1	1
Rape	2		2
Sexual Abuse	2		2
Total	7	1	8

Child Trafficking

A complaint was lodged against Sunil Nepali, 21, and Asmita Nepali 19, of Thada VDC-5 in the District Police Office on April 22, on charge of trafficking a 14-year-old girl with the intention to sell her under various pretext. It was learned that she was taken to India by her sister and brother-in-law. Based on the information about her being trafficked, she was rescued and brought to Nepal with the support from Peace and Rehabilitation Center on April 28. The case was not forwarded for the legal proceedings since both the accused were in India.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 39 cases of domestic violence were registered in Women and Child Service Center (WCSC) under DPO of which 11 cases of assault and expulsion from the house, nine cases of depriving of food and clothes, and 19 cases of minor disputes were registered. Among these incident, 36 cases were settled in agreement and three cases were forwarded for legal proceedings and in one case complainant did not make any contact, informed WCSC.

This year among 55 incidents of women rights violation, 50 were the victims of domestic violence, three of polygamy and two of rape. The court ordered

10-years jail term to rapists and Rs. 50,000 compensation to be provided to the victims. Last year, 58 women were the victims of women rights violation.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	50	50
Polygamy	3	3
Rape	2	2
Total	55	55

Rape, Attempt to Rape and Sexual Abuses

Relatives of a 22-old-year-woman lodged a complaint in the District Police Office on June 16 against Bishnu Kumal, 27, of Asurkot VDC-7, on charge of raping her on June 15. Police arrested the accused on the same day after complaint

was lodged. The victim underwent health check-up at the District Hospital on June 15. The District Court ordered to remand him in custody on July 9. The District Court ordered him a 10-years jail term and Rs 50,000 as compensation to be provided to the victim on July 15.

HEALTH SERVICE STATUS

There is one district hospital, 20 health posts and 19 sub-health posts in the district. According to District Public Health Office, of the six positions in the hospital, four were working. There was no position for gynecology specialist, due to which female patients are facing problems. The district has 111 positions for Assistant Health Workers of which 99 were working. The annual health budget of the district was Rs. 6,06,00,000 for public health and Rs 47,49,000 for medical expenses.

3.12 Gulmi



Total Population

280160



Women

159165



No. of Households

64921



**No. of Households Drinking
Water from River/Stream**

662



No. of Households without Toilet

11913



No. of Migrant Workers

58561



**Largest Population by
Caste/Ethnicity**

70917 (Brahmin Hill)



Population by Disability

7671



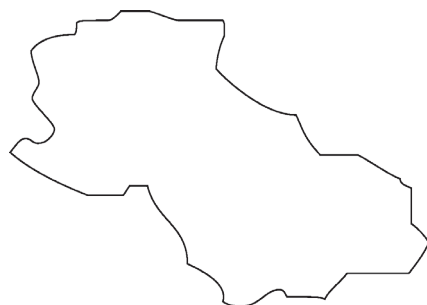
Literacy above 5 yrs (%)

72.6



No. of Community Schools

525



INSEC documentation showed that a significant improvement in human rights situation of Gulmi district in 2015. In 2014, there were 63 victims of human rights violation, including 61 female whereas in 2015, there were 24 victims, including 21 female. This year, one was tortured by the state actor whereas women and children were the victims in all the incidents by non-state actors. There were seven incidents of child rights violation of which one was killing of a newborn baby, five were of rape and one was sexual abuse. Out of 13 victims of women rights violation, three were victims of sexual violence and 10 of polygamy.

Last year, three women were killed by the non-state actor whereas this year, two women were killed by the family members. Last year, one was victim of caste-based discrimination whereas this year no case of caste-based discrimination was documented. This year, legal proceeding was going on in 10 cases of polygamy.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates, including 20 male and five female at a time. However, a total of 71 inmates, including 52 convicts and 19 detainees were held there at the end of the year. There is one 10-month-old boy living as a minor dependent in the prison. The Prison Administration informed about the difficulty

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Child Rights			6	1	7
Killing			2	1	3
Women Rights			13		13
Total	1	1	21	2	23

in management because of the large number of inmates than the prison's holding capacity.

RIGHT TO PROMPT AND FAIR TRIAL

There is one position of judge at the District Court which was occupied. There were 68 civil and 66 criminal cases pending at the end of 2015. There were no criminal cases and civil cases pending older than two years.

CHILD RIGHTS

Education Status

There are 399 primary schools, 76 lower secondary schools and 139 higher secondary schools. Of the total positions of 1,982 teachers, 1,969 were occupied at the end of the year. There were 37,502 boys and 39,051 girls of school going age in the district. The District Education Office provided scholarships for 18,777 dalit children in the district. There are no disabled-friendly schools in the district.

This year, girl victims of rape and sexual abuse aged from four to 11. Out of seven cases of child rights violation, one was killing of newborn baby, five were rape and one was sexual abuse. Last year, seven children were victims of rape and two were sexually abused.

Rape, Attempt to Rape and Sexual Abuses

The mother of an 11-year-old girl filed a complaint at the District Police Office against Baburam Giri, 18, of Paudi Amarai VDC-8 on January 20 on charge of raping the girl. Paudi Amarai Police Post arrested the accused and handed him to the District Police Office on January 21. The victim underwent medical examination at the District Hospital on January 21. The District Court sentenced eight years imprisonment to the perpetrator and Rs. 30,000 compensation to the victim on June 13.

Types of Events	By Non-State		
	Female	Male	Total
Killing of Newborn Baby		1	1
Rape	5		5
Sexual Abuse	1		1
Total	6	1	7

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 135 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under District Police Office. This included 46 cases of assault, 25 cases of depriving of food and clothes and expulsion from house, 10 cases of polygamy and 54 cases of minor disputes. Among these, 125 cases were settled in agreement whereas 10 cases were processed for legal action.

This year, out of 13 cases of women rights violations, three were sexual abuse and 10 were polygamy. This year, two women were killed by the family members. This year, even a 64-year-old senior citizen was a victim of attempt to rape. Last year, 47 women were victims of sexual and domestic violence.

Killing by Family Member

Ramesh Gharti, 37, allegedly killed his wife Hari Kala Gharti, 35, of Hasara VDC-3 by hitting her with a baton in an inebriated state on September 6. The relatives of the victim filed a complaint against Ramesh on September 7. The police arrested the accused the same day. The body's postmortem was conducted at the District Hospital on September 7. The District Court issued an order to remand the accused on custody on September 23. The case remained undecided until the end of the year.

Types of Events	By Non-State	
	Female	Total
Polygamy	10	10
Rape	2	2
Rape Attempt	1	1
Total	13	13

Rape, Attempt to Rape and Sexual Abuses

A-64-year-old senior citizen filed a complaint at the District Police Office against Laxman Raut of Purkotdaha VDC-6 on July 16 on charge of attempting to rape her on July 4. The police arrested and investigated the accused on July 18.

The District Court issued an order to remand the accused in custody on September 2.

HEALTH SERVICE STATUS

There is one district hospital, 76 health posts and four primary health centers in the district. Out of the nine positions of doctors in the hospital, only six were occupied. There is one position for gynecologist however the post remained vacant. The district has 166 positions for Assistant Health Workers of which only 52 were working. The annual health budget of the District Health Office was Rs. 17,27,64,000 and Rs. 42,00,000 for medical expenses.

3.13 Baglung



Total Population

268613



Women

15616



No. of Households

61522



**No. of Households Drinking
Water from River/Stream**

927



No. of Households without Toilet

12150



No. of Migrant Workers

42623



**Largest Population by
Caste/Ethnicity**

75310 (Magar)



Population by Disability

6179



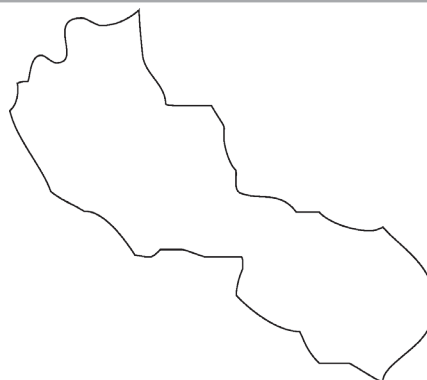
Literacy above 5 yrs (%)

71.9



No. of Community Schools

522



According to the INSEC documentation, there was slight improvement in the human rights situation of Baglung district in the year 2015. In 2014, there were 51 people who were the victims in human rights violations, including 49 female and two male whereas in 2015 a total of 27 people were the victims, including 25 female and two male. Women and children were the victims in all the human rights violation by the non-state actors. Two men were killed by the non-state actor. There were six cases of child rights violation in which three were raped, two were sexually abused and one was physically tormented. Among 19 women, four suffered from sexual violence and 15 from domestic violence.

Last year, one woman was killed by non-state actor. Last year, a total of 51, including 44 women and six children were victims of human rights violations. This year, two cases of polygamy were in legal proceedings until the end of the year.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 35 inmates at a time. A total of 83 inmates, including 78 convicts and five detainees were held there at the end of the year. There were 10 women inmates and one minor dependent in the jail. The Prison Administration informed

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	6		6
Killing		2	2
Women Rights	19		19
Total	25	2	27

about the difficulty in management due to the large number of inmates than its holding capacity.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were eight civil and three criminal cases pending.

There are four positions of Appellate Court judge in which three were working. There were 18 criminal cases and 68 civil cases pending.

CHILD RIGHTS

Education Status

There are 365 primary schools, 87 lower secondary schools, 70 secondary schools and 64 higher secondary schools. Out of the total positions of 2,566 teachers, 2504 positions were occupied. This year, 30,093 boys and 32,325 girls were enrolled in the school. Scholarship was made available to 23,429 dalit children in the district. The District Education Office informed 65 schools were child-friendly and six were disabled-friendly.

This year, girl child of age between five and 10 were raped and sexually abused. There were six cases of child rights violation in which three were raped, two were sexually abused and one was physically tormented. The accused were the uncle, grandfather and close relatives. The court exonerated one accused saying the claim lacked support whereas other complaints were on trial. Last year, six children were victimized of whom four were raped, one was sexually abused and one new born baby was killed.

Types of Events	By Non-State	
	Female	Total
Corporal Punishment	1	1
Rape	3	3
Sexual Abuse	2	2
Total	6	6

Rape, Attempt to Rape and Sexual Abuses

The mother of a five-year-old girl filed a complaint at the District Police Office against the girl's grandfather, a 65-year-old man on November 22 on charge of raping the girl on November 19. It is mentioned in the complaint that the girl was sexually abused repeatedly and was threatened to be killed if they disclosed it. The medical examination of the girl was conducted at Dhaulagiri Zonal Hospital on November 22. The police arrested the accused from his house the same day. The District Court issued an order to remand the accused in custody on December 3.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 76 women lodged complaints of domestic violence at the Women and Children Service Centre (WCSC) under the District Police Office. This included 10 cases of assault and expulsion from the home, 45 cases of deprivation of food and clothes, two cases of polygamy and 19 cases of minor dispute. Among these, 58 cases were settled in agreement and five cases were processed for legal actions. There were 13 cases in which the victims have not contacted after filing a complaint.

This year, out of 19 cases of women rights violation, four were raped, two were victims of polygamy and 13 were victims of domestic violence. The court ordered two years and six months imprisonment to one of the perpetrators whereas other cases remained undecided. Last year, 44 women were victims of sexual and domestic violence. This year, one accused was absconding.

Rape, Attempt to Rape and Sexual Abuses

The family of a 29-year-old woman filed a complaint at the District Police

Types of Events	By Non-State	
	Female	Total
Domestic Violence	13	13
Polygamy	2	2
Rape	4	4
Total	19	19

Office against Nabin Kadel, 51, of Bihu VDC-4 on March 3 on charge of raping her at her own house on March 2. The police began investigation after arresting the accused from the village on March 3. The District Court issued an order to remand the accused in custody on April 5. The vic-

tim's medical examination was conducted on March 3 at Dhaulagiri Zonal Hospital. The District Court sentenced two years and six months imprisonment to the perpetrator on October 1.

HEALTH SERVICE STATUS

There is one hospital and 59 health posts in the district. Out of three positions for doctors in the hospital, three were occupied. There is no position for gynecology specialist. The district has 125 positions for Assistant Health Workers of which 116 were occupied. The annual health budget of the district was Rs. 15,50,31,000 and Rs. 50,00,000 for medical expenses.

3.14 Parvat



Total Population

146950



Women

81289



No. of Households

35719



No. of Households Drinking Water from River/Stream

230



No. of Households without Toilet

3461



No. of Migrant Workers

21735



Largest Population by Caste/Ethnicity

52370 (Brahmin Hill)



Population by Disability

3653



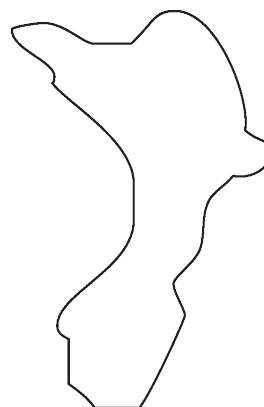
Literacy above 5 yrs (%)

73.8



No. of Community Schools

276



INSEC documentation showed slight worsening of the situation of human rights in the district in 2015 compared to last year. In 2014, 17 people were the victims in the incidents of human rights violations, including 15 female and two male while in 2015 the total number of victims were 20, including 18 female and two male. Women and children were victimized by the non-state actors. Among four incidents of child rights violation, one was the rape victim and three children were the victims of sexual violence. This year, 14 women became victims of women rights violation, including 10 of domestic violence, two of polygamy, one of rape and one of sexual abuse.

Last year, two women were killed by non-state actor. 13 people, including 10 women and three children were victimized by non-state actors in 2014. This year, two cases of polygamy were forwarded for legal procedure.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 60 inmates at a time. A total of 66 inmates, including 60 convicts and six detainees were held there at the end of the year. There were six female

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	4		4
Injured		2	2
Women Rights	14		14
Total	18	2	20

inmates. The jail building is in dilapidated condition as the building is old.

RIGHT TO PROMPT AND FAIR TRAIL

The District Court has a position for one judge. There were 30 civil and 22 criminal cases pending till the end of 2015.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

A clash erupted in the district headquarter after local defied the bandh called by the 30-party alliance, including UCPN-M on January 20. Leader of UCPN-M Krishna Prasad Parajuli, 47, of Ranipani VDC-6 and UCPN-M cadre Mahendra Jung Lamechhane, 47, of Tilahar VDC-6 were injured in the clash. They received treatment at the District Hospital. The demonstrators ran away after local people protested the bandh called by the 30-party alliance. After the incident, local people said they opened the market organizing a protest rally.

CHILD RIGHTS

Education Status

There are 199 primary schools, 34 lower secondary schools, 43 secondary schools and 45 higher secondary schools. Of the total positions of 1,981 teachers, 1,976 were occupied at the end of the year. There were 18,662 boys and 19,529 girls of school going age enrolled this year. The District Administration Office provided scholarships to 1,850 dalit boys and 1,945 dalit girls. The annual budget of the DEO was Rs. 89749739 and the administration expenses were Rs. 674250, informed

Types of Events	By Non-State	
	Female	Total
Rape	1	1
Sexual Abuse	3	3
Total	4	4

District Education Office. There are three disabled-friendly schools in the district.

Rape, Attempt to Rape and Sexual Abuses

This year, INSEC documented incidents rape and sexual abuses of the age group of 6 to 13 years. Four incidents of child rights violation, including one rape victim and three sexual abuse victims were documented this year. A teacher was involved in sexual abuse. The District Court ordered 11-year jail term to the teacher. Even uncle, grandfather and relative were involved in rape cases. In 2014, two cases of rape and one case of child trafficking were documented.

The victim's relatives lodged a complaint against Bam Bahadur Khatri, 56, of Tilahar VDC-9, a teacher of Gyanendra Primary School in the District Police Office on June 8 on charge of sexually abusing a six-year-old, seven-year-old and nine-year-old girl on June 4 and then repeatedly forcing them to do unnatural sexual activity. The accused was arrested by police on June 30. The District Court, on September 28, slapped 11-year jail term to him and also ordered to extract Rs 50,000 per victim as compensation from the accused to be provided to the victim.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 164 women lodged complaints at Women and Children Service Center (WCSC) against domestic violence of which 77 cases of assault and expulsion from the house, 32 of deprivation of food, nine of not making marriage and citizenship certificate, six of polygamy and 40 of minor dispute. Among these, 121 cases were settled in agreement and 18 cases were forwarded for legal proceedings and in other 19 cases the complainant did not make any contact.

This year, 14 incidents of women rights violation were documented. Among

them, one woman was victim of sexual abuse, one of rape, two of polygamy and 10 women were the victim of domestic violence. 76-year-old woman was also a rape victim. The case was not decided until the end of the year. Last year, 10 women were the victims of sexual violence and domestic violence.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	10	10
Polygamy	2	2
Rape	1	1
Sexual Abuse	1	1
Total	14	14

Rape, Attempt to Rape and Sexual Abuses

A complaint was filed from the victim's side in the District Police Office against Bal Bahadur BK, 56, of Kushma Municipality-7 on charge of raping a

76-year-old woman on June 13. The accused raped the woman when there was no one in the home, stated the complaint. The accused remained absconding after the incident and was arrested by the police from Athar VDC on June 16. The woman underwent health check-up at the District Hospital on June 13. The District Court, on July 10, released the accused on date. The case was not decided until the end of the year.

HEALTH SERVICE STATUS

There is one hospital and 52 health posts in the district. All the four positions of the doctors in the hospital were occupied. There is no position for the gynecology specialist. The district has 112 positions for Assistant Health Workers out of which 100 were occupied. According to District health Office, annual health budget of the district was Rs 3,95,52,000 for public health and Rs 28,19,000 for medical expenses.

3.15 Myagdi



Total Population

113641



Women

62246



No. of Households

27762



**No. of Households Drinking
Water from River/Stream**

410



No. of Households without Toilet

5149



No. of Migrant Workers

14314



**Largest Population by
Caste/Ethnicity**

44846 (Magar)



Population by Disability

6122



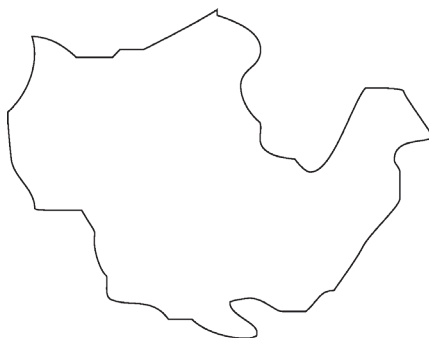
Literacy above 5 yrs (%)

71.9



No. of Community Schools

24



The incident of human rights violation in Myagdi district in 2015 decreased as compared to the last year. There were 20 victims documented by INSEC in 2014 of whom 18 were female and two were male whereas in 2015, 17 female were the victims of human rights violation. Women and children were victimized by non-state actors. Among five incidents of child rights violation, all were rape victims. INSEC documented five incidents of rape and six incidents of domestic violence this year.

Last year, two men were killed by non-state actor whereas one woman was killed by the family member this year.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 32 inmates at a time. A total of 93 inmates, including 75 convicts and 18 detainees were held there at the end of the year. Seven were female inmates. The over capacity of prison has created difficulties in management, informed Administration.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were 54 civil and 52 criminal cases pending.

Types of Events	By Non-State	
	Female	Total
Child Rights	5	5
Killing	1	1
Women Rights	11	11
Total	17	17

CHILD RIGHTS

Education Status

There are 141 primary schools, 34 lower secondary schools and 39 secondary schools and 19 higher secondary schools in the district. All of the total 1,009 positions for teachers were occupied at the end of the year. According to District Education Office, 12,030 boys and 13,400 girls of school going age were enrolled in the school. According to the DEO, the total of 4,190 dalit boys and 4,374 dalit girls received scholarships. The annual budget of the DEO was Rs. 40,00,00,000 and the administration expenses were Rs. 72,40,000, informed District Education Office. There are no disabled-friendly schools in the district.

This year girls aged from 3 to 16 years were the victims of rape. The accused were from age 14 to 63-year-old. Among the five child rights violation incidents, all were rape victims. One of the rape accused died whom the district Court had sentenced five years jail term. The court acquitted one rape accused after girl admitted she accused him with false charge whereas one minor accused was handed over to the parents. Last year, one incident of rape was documented.

Types of Events	By Non-State	
	Female	Total
Rape	5	5
Total	5	5

Rape, Attempt to Rape and Sexual Abuse

A complaint was lodged in the District Police Office on January 8 by the victim's relatives against Tek Narayan Sherchan, 25, of Patalekhet VDC-4 on charge of raping a three-year-old girl on January 9. Police arrested the accused and the District Court issued an order

to remand him in custody on February 1. The victim underwent health check-up at the District Hospital on January 9. The court ordered Sherchan five-year jail term. He died while undergoing treatment in Pokhara from an ailment on April 8.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 35 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence. Of which, five cases were of assault and expulsion from the house, six of deprivation of food, three of polygamy and other 21 cases of minor dispute. Among these incident, 32 cases were settled in agreement and three cases were forwarded for legal proceedings.

This year 11 incidents of women human rights were documented of which five were rape victims and six were domestic violence victims. One woman was killed by family member and the case was undecided until the end of the year. One rapist was sentenced to two- years and six months in jail. Last year, total of 16 women were the victims of women rights violation, including five of rape, two of rape attempt and five of domestic violence.

Killing by Family Members

Lalmati Kami, 38, of Takam VDC-8 was seriously injured after she was assaulted by her husband Ram Bahadur kami, 37, on July 28. The victim died on August 1 while undergoing treatment. The accused was arrested by the Area Police Office on August 1. The family of victim had filed a complaint in police on the same day. The postmortem of the body was conducted at the District Hospital on August 1. The district Court ordered to remand him in the custody on August 31. The case remained undecided till the end of the year.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	6	6
Rape	5	5
Total	11	11

Rape, Attempt to Rape and Sexual Abuses

A 30-year-old woman lodged a complaint in the District Police Office against Bal Bahadur BK, 22, of Beni Municipality-8 on charge of attempted rape on March 11. Accused was arrested by police on March 12. The victim underwent

health check-up at the District Hospital on the March 11. On September 14, the District Court sentenced him two-years and six months jail term.

HEALTH SERVICE STATUS

There is one district hospital, 39 health posts and one primary health center in the district. Out of two positions for doctors both were occupied. There was no position for gynecologist. The district has 102 positions of Assistant Health Workers of which all were occupied. Annual health budget of the district was Rs 8,00,00,000 for public health and Rs 18,00,000 for medical expenses.

3.16 Mustang



Total Population

13452



Women

6359



No. of Households

3354



No. of Households Drinking Water from River/Stream

174



No. of Households without Toilet

1211



No. of Migrant Workers

1425



Largest Population by Caste/Ethnicity
2885 (Gurung)



Population by Disability

204



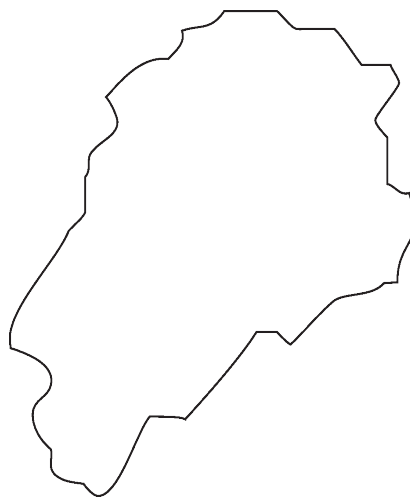
Literacy above 5 yrs (%)

66.2



No. of Community Schools

76



Famous as the district beyond the mountains, Mustang has the second lowest population of the country. The district is important from tourism and religious prospective. There are no fluctuations in the human rights situation of the district. There is a practice to settle the disputes, incidents and problems by village Mukhiya. Very nominal cases of human rights violation were registered in the District Court as disputes are solved by Mukhiyas and elder people. But there are countless cases not forwarded for legal procedures. With the above stated reason, like in previous year, human rights situation of the district was not made public. Jhuma and Mukhiya custom is a traditional practice in the district.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold seven inmates at a time. A total of nine inmates, including two convicts and seven detainees were held there at the end of the year. There were two female inmates in the prison. This district prison was built for administrative purpose so it is not suitable for in-

mates. The prison is in a very old building. There is lack of rooms for the inmates. Facilities of health check-up, entertainment, library are not provided to the inmates.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were three civil and five criminal cases pending. Most of the cases were settled by Mukhiyas and only major incidents were registered in the court, informed District Court.

CHILD RIGHTS

Education Status

There are 55 primary schools, 14 lower secondary schools and seven secondary schools. Out of the total positions for 322 teachers, 314 were at work at the end of the year. District Education Office said 1,250 boys and 1,242 girls of school going age enrolled in the school. Although all school are child-friendly, there are no disabled-friendly schools in the district.

Although voices were raised time and again against the child being used as labors in hotels, entrepreneurs said that they provided protection to children in hotels and have enrolled them in schools.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

There was no case registered in the District Police Office, Women and Children Office Service Center (WCSC) regarding all kinds of discrimination against women in 2015. There is a custom to settle minor disputes by village Mukhiya. Some cases of minor disputes were settled by the Women and Children Service Center and the District Police Office.

HEALTH SERVICE STATUS

There is one hospital, 15 health posts and one sub-health posts in the district. Out of two positions for the doctors in the district, one was at work at the end of the year. There are no positions for gynecologist and unavailability of doctors due to which people have to travel to Pokhara and Kathmandu to seek treatment for minor illness. The district has 35 positions for Assistant Health Workers out of which 21 were at work. The district has 35 positions of Auxiliary Nurse Midwife (ANM) out of which 17 were at work. The annual health budget of the district was Rs 9,00,00,000 for public health and nearly Rs 21,00,000 for medical expenses.



Annex 1.4

Human Rights Situation of **Mid-Western Region**

The Mid-Western Development region has 15 districts. The region is comprised of Humla, Jumla, Dolpa, Mugu in the mountainous region, Surkhet, Dailekh, Kalikot, Pyuthan, Salyan, Rukum, Jajarkot, Rolpa in the hilly region and Dang, Bardiya, Banke in the Tarai region. The region saw a sharp rise in number of human rights violations in the districts in 2015, mainly violence against women and children. There were 1,037 victims of Human Rights violations documented in 2015, out of which 732 were women. There were 262 people victimized by the state. Among them, 150 people were deprived of their right to assembly. There were 34 killings in the region, including 14 male and 19 female and one LGBTI.

The number of victims of Human Rights violations increased sharply as compared to previous year. INSEC documented 1,037 victims in the Mid-Western Region whereas in 2014, it was 848. Casualties during the clashes that took place in the protest against the demarcation of provinces in districts including Surkhet, Rukum also caused this rise. Districts except Bardiya, Dolpa and Kalikot saw an

increase in the incidents of human rights violations. The highest increase of the victims of Human Rights Violation was in Banke, from 109 to 198. Banke also reported the highest number of violations in the region at 198. There was a drop of 86 victims in Bardiya from 197 to 111.

The women rights violation in the region increased by 27 victims. In 2015, there were 572 victims while in 2014, 545 were victims of women rights violations. Bardiya (52), Surkhet (83), Jajarkot (15), Kalikot (14) saw decrease in the number of women victims. In 2014, the number was 138, 116, 27 and 15 respectively. Out of 405 incidents of domestic violence, 81 were victims each in Banke and Surkhet. 43 cases of rape, 17 cases of rape attempt and 20 cases of sexual abuses were documented. Seven women were victims of trafficking or trafficking attempt. Allegation of witchcraft practice left 15 women abused. There were 65 victims of polygamy in this region. Most of the documented cases of women rights violations in the region in 2014 were domestic violence (367), sexual violence, including rape (35), rape attempt (16), sexual abuse (44) and polygamy (50). 13 were abused on charge of

Fig 1: Human Rights Violation in Mid-Western Region

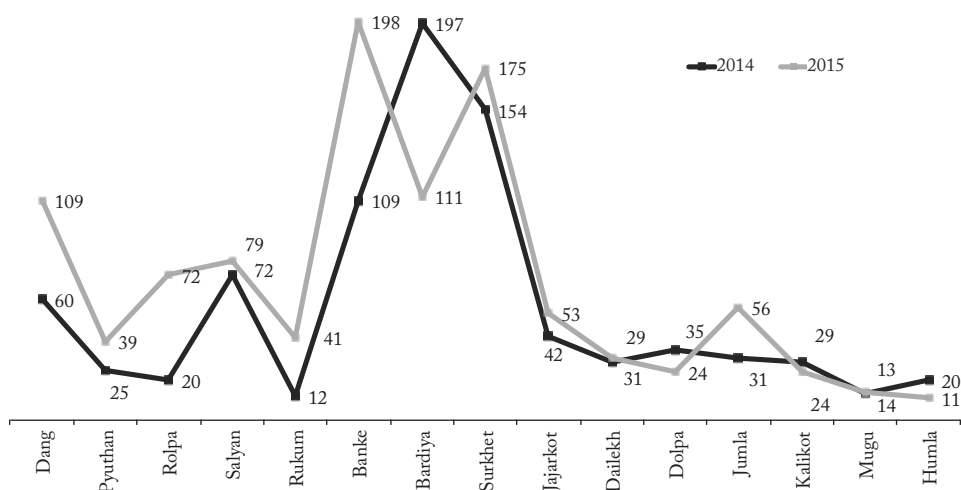
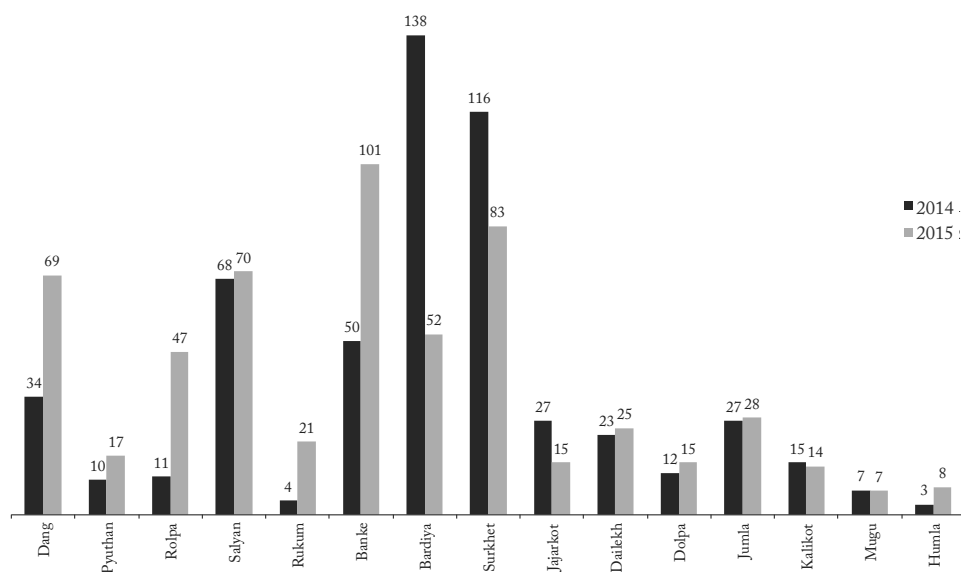


Fig 2: Women's Rights Violation in Mid-Western Region



practicing witchcraft and 18 were victims of trafficking or attempt of trafficking. Two women also died due to lack of post natal services.

Child victims in this region decreased as compared to last year, i.e. 129 to 94 in 2015. Of them, 52 were raped and 13 were sexually abused. Maximum number of child victims were reported in Bardiya (30) followed by Dang and Banke, 14 each. Seven children were subjected to corporal punishment and a child of Pyuthan was victim of child labour. Seven girls were victims of trafficking and 11 were victims of child marriage. This year, three incidents of killing of new born babies were documented. All other districts

except Dailekh, Kalikot, Pyuthan and Salyan saw a decrease in number of child victims.

Total capacity of the 14 district prison is 889, but the occupancy at the end of the year was 1,836. Banke district has the highest number of occupancy, i.e. 550 whereas the capacity of the prison is just 250. Having most number of mountainous districts, the region has regular food shortages in those districts especially in Karnali zone. Difficult terrain along with poor condition of the road mean that the people of the mountains face many hardships for treatment, food security, travel and access to governmental services.

4.1 Dang



Total Population

552583



Women

291524



No. of Households

116415



No. of Households Drinking Water from River/Stream

4868



No. of Households without Toilet

45534



No. of Migrant Workers

43160



Largest Population by Caste/Ethnicity

163116 (Tharu)



Population by Disability

12821



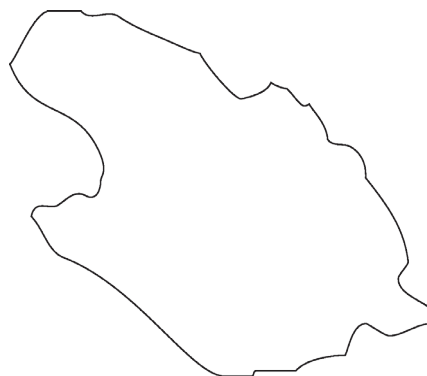
Literacy above 5 yrs (%)

96.8



No. of Community Schools

543



INSEC documented an increase in human rights violations in Dang in 2015 in comparison to the previous year. In 2014, 54 people including 51 female were victimised by the non-state actor whereas 109 people including 88 female were victimized in 2015. 15 men were victimized by the state actor this year. Out of these, four were victims of police torture and 11 of right to expression, assembly and association. Mostly children and women were victimized by the non-state actor. Last year, three women were killed by the non-state actor whereas three women were killed by their family member this year. There were 14 cases of child rights violations of which 11 were rape, one was sexual abuse and two were subjected to corporal punishment.

Tharuhat cadres vandalized four vehicles during Tharuhat agitation. The education institutions were affected due to continuous bandh. Disappointed by closure of school due to bandh, the students had conducted study on the road asking to resume classes.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE INJURED IN EXPLOSION/FIRING

Surendra Budha, 21, and Dilbahadur Gharti, 16, of Loharpani VDC-1 were injured while handling the socket bomb

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	4	4			
Beatings			1	1	2
Child Rights			14		14
Injured				2	2
Killing			3		3
Right to Assembly	11	11			
Threats			1	3	4
Women Rights			69		69
Total	15	15	88	6	94

found in a field near their house on March 15. Budha sustained injuries in the finger of his hand whereas Gharti suffered injuries in his eye. The police informed that the explosive device could have been abandoned during the time of armed conflict.

JAIL AND DETAINEES

District Prison Ghorahi

The 'E' grade District Prison has the capacity to hold 50 inmates at a time. A total of 169, including 138 convicts and 31 detainees were held there at the end of the year.

Tulasipur Prison

The 'D' grade District Prison has the capacity to hold 100 inmates at a time. A total of 171 convicts were held there at the end of the year out of whom 150 were male and 21 were female.

THREAT/BEATING

By Non-State

Naresh KC, 29, a resident of Fulbari VDC-4 and Reporter of Radio Deokhuri was assaulted by a group who claimed themselves as Tarun Dal activists in the jungle of Ghorahi-Lamahi Road on April 4 when KC was going to Lamahi from Ghorahi. The victim said he was beaten by the unidentified people while trying to interview with a group of people vandalizing vehicles. Federation of Nepalese Journalists, Dang issued a statement on April 5 condemning the attack against KC. The victim did not file a complaint until the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

There are three positions for judge in district court and it was occupied. There were 292 civil cases and 315 criminal cases pending at the end of the year. There were six civil cases and two criminal cases older than two years pending.

Out of six positions for the judges in the Appellate court, three were occupied. There were 118 civil cases and 37 criminal cases pending at the end of the year.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

Krishna Kumar Chaudhary, 45, Anand Kumar Chaudhary, 35, Manohar Chaudhary, 30, of Lamahi Municipality-1 and Kailash Chaudhary, 40, of Lamahi Municipality-9 were seriously injured in a baton charge by armed police on charge of protesting while police was sending escorted vehicles to its destination when the Tharuhat/Tharuwan Samyukta Sangharsha Samiti obstructed transportation in Sundarwari of Dang's Lamahi-Bhaluwang Road along East West Highway on September 12. Samyukta Sangharsha Samiti protested saying that the baton charge had injured people in a peaceful demonstration. Police had taken all four of them in control and released them after an hour.

TORTURE AND OTHER CRUEL AND INHUMAN BEHAVIOR

The family of Prakash Gharti, 18, of Ghorahi Municipality-6 claimed that the police torture on Gharti on January 18 left him with a broken leg. The police had arrested Prakash on January 18 from his house to investigate the gang fight. The police informed that Prakash had broken his leg while trying to flee to avoid police arrest. The victim filed a complaint against Ward Police Office and District Police Office demanding compensation at the District Court on February 1. District Court Dang dismissed the case on August 27 saying that the accused could not be identified. The victim appealed at the Appellate court, Tulsipur on November 27. The case was not decided until the end of the year.

CHILD RIGHTS

Education Status

There are 252 primary schools, 80 lower secondary schools, 55 secondary schools and 36 higher secondary schools in this district. Out of total positions of 2,440 teachers, 2,419 were occupied. A total of 48,401 boys and 57,622 girls were enrolled in the school. There are 200 disabled-friendly schools in the district.

Types of Events	By Non-State	
	Female	Total
Corporal Punishment	2	2
Rape	11	11
Sexual Abuse	1	1
Total	14	14

This year, girls of age between five and 17 were victims of rape. Even the school was found unsafe for girls. There was one case of gang rape in the district. Even a boy was found involved in gang rape. This year, four rapists were absconding whereas the court has not decided on six cases.

Rape, Attempt to Rape and Sexual Abuses

The family of a 15-year-old girl accused Anup Puri, 21, Giriraj BK, 18, and two other boys aged 17 and 15 of Ghorahi Municipality-5 of gang rape on October 18. The victim's medical examination was conducted on October 18 in Rapti Sub-regional Hospital. The police arrested the 15-year-old suspect from his house on November 1 whereas all other suspects were absconding till the end of the year. The police released the suspect on bail on November 3 after he denied his involvement in the incident. Though the suspects are being searched for, the police did not register the complaint of the victim until the end of the year. According to the sources, the police did not register the case because of political pressure. The victim's

family had gone to lodge the complaint at the District Police Office on October 19.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 21 women filed complaints of domestic violence at Women and Children Service Centre (WCSC) of District Police Office in Dang. Among them, six cases were of assault and expulsion from house, four cases of non cooperation in marriage registration and acquiring citizenship and 10 cases of polygamy. Out of 21 cases, 19 cases were settled whereas two cases were sent for legal action.

This year, eight women were victims of rape. In 2014, five women were raped. Two cases of rape were settled in an agreement.

Killing by Family Member

Laxmidevi Sunar, 53, of Laxmipur VDC-1 was killed when her husband Gir Bahadur Sunar, 63, attacked her with split firewood at night on February 18. The police arrested the accused on February 19. The District Court ordered 10 years imprisonment against the accused on August 30. The police informed that the body was sent to Rapti Sub-regional Hospital for postmortem.

Rape, Attempt to Rape and Sexual Abuses

The family of an 18-year-old girl filed a complaint at the District Police

Types of Events	By Non-State	
	Female	Total
Domestic Violence	51	51
For Practicing Witchcraft	1	1
Polygamy	5	5
Rape	8	8
Rape Attempt	3	3
Sexual Abuse	1	1
Total	69	69

Office on August 31 against Jhawendra Poudel, 25, Sanjaya Shah, 22, Sankalpa Dangi, 20, and Yadav Risal, 26, of Ghorahi Municipality-11. According to the family, the girl was gang raped by the four on August 30. The victim's medical examination was done on August 31 at Rapti Sub-Regional Hospital. Accused Jhawendra was arrested by police from his house on September 2 and was remanded in custody. The police informed that other accused were absconding until the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructures/ Property

President of ANNISU-R Dang, Bishnu Chaudhary vandalized a vehicle (Ba 3 Cha 5325) and confiscated the key of the vehicle used by Kulprasad Koirala, Vice Chancellor of Nepal Sanskrit University on October 3 during the movement called by the group demanding for educational improvement. The glass of the vehicle was broken in the incident.

Koirala said that the protestors had forcefully confiscated the key near Gwarkhola of Bijauri while he was returning from Tulsipur to University Central Office Beljhundi. The police rescued the stranded vehicle and Vice Chancellor after the protestors fled with the key. There was no action taken against the accused until the end of the year.

HEALTH SERVICE STATUS

There are two hospitals, 36 health posts and three primary health centres in Dang district. Out of four positions for doctors, three were occupied. There is no position for gynecologist in the district. Out of four positions for staff nurse, two were occupied. The district has 128 positions for Assistant Health Workers of which 12 were vacant. Likewise, the district has 83 positions for Auxiliary Nurse Midwife of which 70 were occupied. Out of 41 positions for health assistants, 18 were vacant. The annual health budget of the district was Rs. 16,56,87,000 of which Rs. 8,00,00,000 was administrative cost and Rs. 55,00,000 for medical expenses.

4.2 Pyuthan



Total Population

228102



Women

128049



No. of Households

47730



**No. of Households Drinking
Water from River/Stream**

1443



No. of Households without Toilet

13764



No. of Migrant Workers

36858



**Largest Population by
Caste/Ethnicity**

74312 (Magar)



Population by Disability

5930



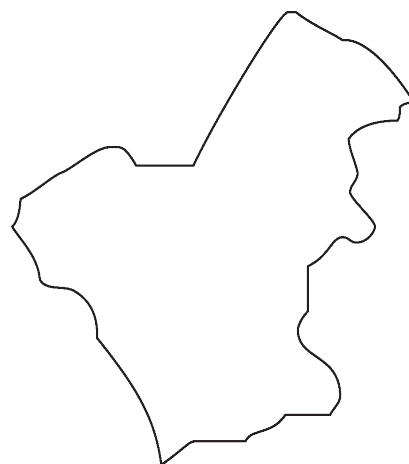
Literacy above 5 yrs (%)

97.77



No. of Community Schools

393



INSEC documentation shows that the human rights situation of the district slightly worsened in comparison to last year. In 2014, 25 people including 21 female were victimized by the non-state actor whereas 39 people including 33 female were victimized in 2015. Most of the victims of the human right violations carried out by non-state actor were women and girls. This year, one woman was killed when an abandoned explosive device went off. This year, no one was victimized by the state actor.

One woman was killed by the non-state actor whereas three women were killed by their family member this year. Out of 13 cases of child rights violations, eight were of rape, one was sexually abused, one was subjected to corporal punishment, two were victims of child marriage and one of child labor.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE INJURED IN EXPLOSION

Namadevi Pokharel, 62, of Okharkot VDC-5 died on the spot when an abandoned bomb exploded while she was cutting grass near her home on March 19. Though the Home Ministry formed a

Types of Events	By Non-State		
	Female	Male	Total
Beatings		1	1
Child Rights	11	2	13
Economic, Social and Cultural Rights		2	2
Killing	4		4
Racial Discrimination	1	1	2
Women Rights	17		17
Total	33	6	39

three member committee led by Under Secretary Keshav Raj Acharya to investigate the case, the committee did not disclose the incident details until the end of the year.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates at a time. A total of 72 inmates, including 61 convicts and 11 detainees inmates were held at the end of the year. Among the inmates, 14 were female. A two-year-old child was also living as minor dependent in this prison. It is not convenient for inmates to stay and sleep because the building is old.

RIGHT TO PROMPT AND FAIR TRIAL

There is one position for judge in the district court. There were 44 civil cases and 53 criminal cases pending at the end of the year.

CHILD RIGHTS

There are 263 primary schools, 61 lower secondary schools, 51 secondary schools and 19 higher secondary schools in the district. Out of total positions of 1,524 teachers, 1,549 were occupied. According to District Education Office, 32,887 boys and 34,621 girls of school-going age were enrolled in the school. Scholarship was provided to 7,713 dalit boys and 8,321 Dalit girls. The total annual budget of DEO was Rs. 84,12,00,510.

Rape, Attempt to Rape and Sexual Abuses

This year, eight girls of age between six and 17 were victims of rape. Last year, three girls were victims of rape. One girl was raped by her own father whereas one girl was gang raped. Even a boy was involved in gang rape. A 12-year-old boy was assaulted by his teacher whereas two girls were victims of child marriage.

The family of a nine-year-old girl filed a complaint at the District Police Office against a 12 year, 13 year and

Types of Events	By Non-State		
	Female	Male	Total
Child Labour		1	1
Child Marriage	2		2
Corporal Punishment		1	1
Rape	8		8
Sexual Abuse	1		1
Total	11	2	13

14-year-old boys on charge of gang rape on September 10. According to them, the victim was herding goat in a jungle near her home on September 9 when the incident occurred. The victim's medical examination was done on September 10 at District Hospital, Bijuwar. The police arrested all three accused from their house on September 10. However, since the two accused of 12 and 13 years were juvenile, the police released them on bail on October 7 whereas the 14-year-old accused was sent to Child Reform Centre in Bhaktapur district on October 8. The case remained undecided until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 32 women filed complaints of domestic violence in Women and Children Service Centre (WCSC) of District Police Office. Among these, 19 cases were of assault and expulsion from house, five cases were deprivation of food and clothes, one case of non cooperation in marriage registration and acquiring citizenship, two cases of polygamy whereas five cases were of minor disputes. Out of all cases, 27 cases were settled whereas three cases were sent for legal action. There were two cases in which the victim was out of contact.

This year, four women were victims of rape and two were sexually abused. In 2014, two women were raped.

Killing by Family Member

Pampha Darlami, 56, of Bangeshal VDC-9 sustained head injuries when her son Dil Bahadur Darlami, 42, hit her with split firewood in a minor dispute on December 29, 2014. Though Pampha was taken to Butwal for treatment on December 30, she was sent back to her house as she could not recover. Pampha died on January 2 at her house and her body was sent for port-mortem at District Hospital, Bijuwar on January 3. The police arrested the accused from his house on January 3 and the District Court sentenced him to two years imprisonment on July 13.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	11	11
Rape	4	4
Sexual Abuse	2	2
Total	17	17

Rape, Attempt to Rape and Secual Abuses

The family of a 20-year-old woman filed a complaint at the District Police Office on January 7 against Gopal Nepali, 26, and Suresh Nepali, 30, of Pyuthan Municipality-17 on charge of rape. According to the family, the accused called her under the pretext of some work on January 6 and then raped her. Medical check-up of the woman was conducted at District Hospital, Bijuwar on January 7. Both the accused Gopal Nepali and Suresh Nepali were arrested by the police from their house on January 7. The District Court sentenced Gopal to jail for 11 years and asked him to pay compensation of Rs. 50,000 to the victim and 10 years imprisonment to Suresh with Rs. 30,000 compensation to the victim.

ALL KINDS OF RACIAL DISCRIMINATION

Bhim Nepali, 34, and his wife Basanta Nepali, 33, of Tripura Municipality-6 in Dang were barred from entering Swargadwari temple, the famous pilgrimage site of Pyuthan by the priest Dandapani Chalise, 41, on August 8 and were made to worship in the cow shed discriminating them on the basis of their caste. The victims lodged a complaint against the priest at the District Police Office on August 26 saying that they had been discriminated just because they were Dalits. However, the accused priest was not arrested until the end of the year. After knowing about the incident, the Temple Management Committee, as per the meeting of August 15, suspended the priest for one month.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Land Capture

Cadres of Netra Bikram Chand (Biplov) led CPN-M captured land of Binod Shahi, 38, of Pyuthan Municipality-2 on November 20. The land with plot number 842 (580 sq. ft) was in the same Municipality-6. Biplov led CPN-M accused Buddha Bahadur GC, District Vice President of Rastriya Prajatantra Party of transferring the land in his name and selling it to Binod Shahi by presenting fake documents in the name of Sabitra GC of Pyuthan Municipality-5. Biplov led CPN-M informed that Buddha Bahadur GC had transferred the land in the name of Sabitra who was her relative (daughter-in-law) and had sold the land to Shahi later. District Vice President of RPP GC said that the land belonged to him as per the decision of District Court Pyuthan on April 6, 2010. However, he had sold it to Binod Shahi in August 2015

to settle issues. GC also said that Sabitra had taken money from him for household purposes which she did not return. So to get the money back, he said that he had filed a complaint in District Court which ruled that Sabitra was supposed to pay the money along with interest. However, she did not pay the money after which he again filed another case in the court which gave the verdict to extract the amount from the land. He said that thus the property belonged to him.

HEALTH SERVICE STATUS

There is one hospital, 48 health posts and two primary health centres in

Pyuthan district. Out of five positions for doctors, three were occupied. The District Public Health Office informed that out of one position for gynecologist, two were working through Nick Simons Institute. Out of six positions for staff nurse, five were occupied. The district has 100 positions for Assistant Health Workers of which 74 were occupied. Likewise, the district has 96 positions for Auxiliary Nurse Midwife of which 55 were occupied. Out of 51 positions for health assistants, 24 were vacant. The annual health budget of the district was Rs. 13,49,66,000 of which Rs. 7,84,07,000 was administrative cost and Rs. 50,00,000 for medical expenses.

4.3 Rolpa



Total Population

224506



Women

121406



No. of Households

43757



No. of Households Drinking Water from River/Stream

1646



No. of Households without Toilet

34267



No. of Migrant Workers

23597



Largest Population by Caste/Ethnicity

97011 (Magar)



Population by Disability

7458



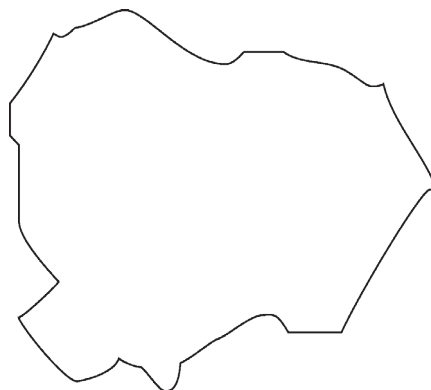
Literacy above 5 yrs (%)

98.3



No. of Community Schools

430



INSEC documentation shows that the human rights situation in Rolpa worsened in 2015 as compared to 2014. In 2014, 20 people including, 19 female were victims of human rights violations whereas this increased to 72 including 58 female in 2015. Most of the women in the district were victimized by the non-state actor. This year, one new born baby was killed by the mother and one girl was victim of attempt to murder. One man was killed when an abandoned explosive device went off whereas six others including three women were injured in the explosion this year. This year, 10 people including four women were victims of threat/beating by the state actor whereas two suffered from arbitrary arrest. Three women were killed by the non-state actors last year whereas two women were killed by their family members this year. The District Court sentenced 20 years imprisonment to one perpetrator who shot his wife. One case of child rights violations was documented.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLED IN EXPLOSION

Shree Prasad Gharti, 53, of Thabang VDC-1 died after an explosive device went off at his home on July 11. His wife Lagan Gharti, 48, daughter Asmita Ghar-

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		2	2			
Beatings	4	6	10			
Child Rights					1	1
Economic, Social and Cultural Rights					1	1
Injured				4	3	7
Killing				3	1	4
Women Rights				47		47
Total	4	8	12	54	6	60

ti, 18, son Samit Gharti, 20, and daughter-in-law Sodashi Gharti, 18, sustained injuries in the incident. Gharti's neighbor Dhaniram Jhakri, 48, and his son-in-law Rajdhan Budha of Kureli VDC-8 were also injured due to the explosion. Shree Prasad's body was recovered from debris by the team of Nepal Army who came from Devidatta Battalion, Libang. Gharti's house was completely destroyed by the explosion. According to police, the cause for the explosion was unknown until the end of the year and investigation is still going on.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 50 inmates at a time. A total of 88 inmates, including 63 convicts and 25 detainees were held there at the end of the year. As one boy and a girl were living as minor dependents in the prison, altogether there were 90 people. This prison was constructed in 1972 and the building is in dilapidated condition.

THREAT/BEATING

By State

The police team led by Tekraj Bhandari, Sub Inspector of Area Police Office Jugar assaulted Kashiram Dangi, Chhaman Dangi, Tejkumari Dangi, Dipa Oli, Thakur Prasad Oli, Pushkar KC, Birbal Khatri, Himlal Oli and Pima Dangi accusing them of disputing with the contractor regarding digging of motor road on March 24. The Federation of Community Forestry Users Nepal (FECOFUN) and District Federation Rolpa issued a press statement on March 25 demanding action be taken against the police who assaulted the users of Gaira Community Forests Users Group instead of resolving the disputes.

RIGHT TO PROMPT AND FAIR TRIAL

There is one position for Judge in Rolpa District Court. There were 21 civil cases and 59 criminal cases pending at

the end of the year. There was one civil case and no criminal cases older than two years pending.

CHILD RIGHTS

There are 275 primary schools, 83 lower secondary schools, 66 secondary schools and 11 higher secondary schools in the district. A total positions of 1,046 teachers of which all were occupied. According to the District Education Office, a total of 36,378 boys and 38,369 girls were enrolled in the school. According to the DEO, scholarships to 6,638 dalit boys and 6,887 dalit girls were provided. The annual budget of DEO was Rs. 61, 42,55,000. This year one infant was killed. Last year also one infant was killed and four girls were the child rights victims.

Types of Events	By Non-State	
	Male	Total
Killing of Newborn Baby	1	1
Total	1	1

Attempt to Murder

Sauni Pun, 15, of Sirpa VDC-1 sustained injuries when Gothe Sarki, 48, of the same place attempted to murder her with a sharp weapon while she was sleeping at her house on March 17. Sauni received eight stitches below her cheek and was treated at Primary Treatment Centre, Sulichaur. The family of the victim lodged a complaint at the Area Police Office, Sulichaur on March 19. The accused was arrested by the police on March 20. The District Court sentenced him to seven years imprisonment on June 9.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 91 women filed complaints of domestic violence in Women and Children Service Center (WCSC). Among them, 40 cases were of physical violence and expulsion from house, 14 cases of deprivation of food, six cases of non-cooperation in registering marriage and

making citizenship, 10 cases of polygamy, 19 cases of death threats and two cases of witchcraft allegation. Among these cases, 83 cases were resolved in compromise while eight cases were taken to the court.

This year, two women were the victims of rape and rape attempt. Last year also two women were the victims of such incidents. This year, two women were killed by family members and one perpetrator was sentenced to 20 year jail term. Last year, one woman was killed by family member.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	43	43
For Practicing Witchcraft	1	1
Polygamy	1	1
Rape	1	1
Rape Attempt	1	1
Total	47	47

Rape, Attempt to Rape and Sexual Abuses

The family of a 22-year-old girl lodged a complaint at the District Police Office on June 6 against Gopal Budha, 34, alias 'Jhakas' of Gairigaon VDC-5 accusing him of holding her captive at his own house from May 17 to May 21 and raping her. The victim's medical examination was conducted at the District Hospital, Reugha. The police arrested Gopal and Jarsimali Sunar, 26, of Kotgaon VDC-4 for helping him rape her on June 7. The victim accused Jarsimali of bringing her to Libang bazaar under the pretext of buying a mobile phone on May 17. The accused had also introduced the victim to Gopal saying he would help her buy the phone. The victim also stated that Gopal had asked other two unidentified men to rape her and had threatened to kill her if she disclosed it. According to the police, the other accused are absconding until the end of the year.

Killing by Family Member

Jasmata Batha, 29, of Hwama VDC-8 was shot dead by her husband Shyam Bahadur Batha, 33, who accused her of staying at his brother's place and not his house on January 30. The police arrested the accused from his house on the same day. The victim's postmortem was done at the District Hospital, Reugha. The victim had been staying at her brother-in-law, Megh Bahadur Batha's house since July 2014 as her husband had been assaulting her. The District Court sentenced him to 20 years imprisonment on May 19. The victim was shot in her arm.

ECONOMIC, SOCIAL AND CULTURAL RIGHT

Land Capture

Cadres of Netra Bikram Chand (Biplov) led CPN-M captured the land of Haribhakta Khadka, 40, of Jungar VDC-9 by hoisting the party's flag. They accused that he got his neighbor's land through fake documents on March 30. The party issued a statement and declared the land confiscation on March 31. DSP Ramesh Thapa said that they were collecting information from the locals as the landowner did not live in Jungar anymore.

HEALTH SERVICE STATUS

There is one hospital and 49 health posts in Rolpa district. Out of one position for doctor, it was vacant. Out of four positions for staff nurse, three were occupied. The district has 105 positions for Assistant Health Workers of which 40 were occupied. Out of 67 positions for Auxiliary Nurse Midwife, 63 were occupied. Likewise, out of 24 positions for health assistants, 17 were vacant. The annual budget of the district was Rs. 13,90,63,000 and administration expenses was Rs. 75,95,000 and medical expenses was Rs. 27,00,000.

4.4 Salyan



Total Population

242444



Women

126475



No. of Households

46556



**No. of Households Drinking
Water from River/Stream
2023**



**No. of Households without Toilet
32949**



No. of Migrant Workers

14213



**Largest Population by
Caste/Ethnicity
138205 (Chhetri)**



Population by Disability

6233



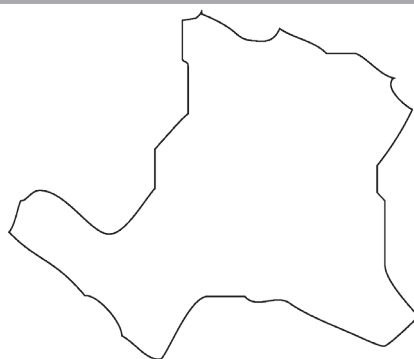
Literacy above 5 yrs (%)

90.00



No. of Community Schools

481



According to INSEC documentation, there was no significant improvement in the human rights situation of Salyan this year. In 2014, 72 people including 69 female were victims of human rights violations whereas 79 people including 76 female victimized in 2015. Mostly, children and women were victimized by the non-state actor. This year, one woman was sentenced life imprisonment with confiscation of all her property for killing her step son. Two children were victims of rape and one girl was beaten by her teacher. One woman was victim of allegation of witchcraft whereas 57 women suffered from domestic violence.

The daily life of people was affected for two weeks during the protest called by Samyukta Sangharsha Samiti Salyan to protest against the demarcation.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 20 inmates at a time. A total of 82 inmates, including 74 convicts and eight detainees were held there at the end of the year. Among them, there was a boy and a girl living as minor dependents. The inmates are compelled to sleep on the floor due to lack of space. The building which was constructed almost hundred and fifty years ago is in a dilapi-

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	5	1	6
Economic, Social and Cultural Rights		1	1
Racial Discrimination	1	1	2
Women Rights	70		70
Total	76	3	79

dated stage. The building was initially used as a stable. The inmates are facing difficulties of drinking water due to lack of supply.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for a judge. There were 27 civil and 34 criminal cases pending at the end of the year.

CHILD RIGHTS

Education Status

There are 453 primary schools, 164 lower secondary schools and 48 secondary schools in the district. Out of total positions of 2,151 teachers, 2,121 were occupied. A total of 5,577 boys and 5,923 girls were enrolled in the school. 7,578 dalit boys and 7,101 dalit girls in the district received scholarships. According to the DEO, its total annual budget is Rs. 89,33,90,516 of which Rs. 70,57,000 was administrative cost.

This year, two cases of child rape were documented. A 17-year-old girl was assaulted and expelled by her husband when she expressed her interest to study. The court did not the case though the victim filed for divorce.

Types of Events	By Non-State		
	Female	Male	Total
Child Trafficking	1		1
Corporal Punishment	1		1
Killing of Newborn Baby	1	1	2
Rape	2		2
Total	5	1	6

Rape, Attempt to Rape and Sexual Abuses

The family of a 17-year-old girl filed a complaint against Beg Bahadur Rawat, 28, of Wadagaon VDC-5 at the District Police Office on November 18 on charge of raping her when she was cut-

ting grass in a jungle nearby on November 11. According to the police, the locals had reached the site when they heard the victim screaming. The accused was absconding until the end of the year. The medical examination of the victim was conducted at the District Hospital, Salyan on November 22. Though the complaint against the accused was registered in the District Court, Salyan on December 11, the case remained undecided until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 69 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence of which 15 cases were of assault and expulsion from the house, 15 were of deprivation of food, five were non-cooperation in marriage registration and making citizenship, 10 were of polygamy and 24 cases were of minor disputes. Among these, 67 cases were settled whereas two were sent to the court for legal action.

Human Trafficking

The District Police Office Salyan arrested Mankali BK, 30, of Shivarath VDC-1, Shyam Pun, 33, of Tulsipur Municipality-6, Dang and his wife Nilam Pun, 22, on October 7 on charge of attempting to traffic a 25-year-old woman and a 16-year-old-girl of Shivarath VDC-2 on October 6. The police informed that Arjun Nepali aka Jyango of Dang involved in the incident is absconding and other three were remanded in the custody on October 11. The victims, both the girl and the woman were promised for job and marriage and were being taken to Kathmandu. They were rescued from Kathmandu on October 5. The police had found them detained in a house in Thankot. The case remained undecided until the end of the year.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	57	57
For Practicing Witchcraft	1	1
Polygamy	11	11
Women Trafficking	1	1
Total	70	70

Domestic Violence

Dipa Pun Bista, 18, of Chhayachhetra VDC-4 filed for divorce demanding property share at the District Court, Salyan on February 3 as her husband Rakesh Bista, 18, and her parents-in-laws deprived her from food and expelled her from house on December 31, 2014. The victim stated that she was often assaulted by her husband since their marriage in 2012. The District Court ordered for their divorce on May 17.

Dowry Violence

Fulmaya Budha Magar, 28, of Kalimati Rampur VDC-3 filed for divorce in the District Court, Salyan on June 1 saying that she was assaulted by her husband Meghraj Budha Magar, 28, for not bringing dowry on February 22. The victim was living in her maternal home in Nigalchula VDC-2. The District Court ordered for their divorce on September 1.

Polygamy

Kamala Puri, 26, of Majhkada VDC-5 lodged a complaint in the District Police Office, Salyan against husband Topendra Puri, 29, on April 14 for marrying Mankala Puri, 25, of the same VDC on April 8. The victim said that she along with her son and daughter were deserted after her husband married another woman. The case was lodged at the District Court, Salyan on June 10 and the court ordered one year imprisonment to both Topendra and his second wife and Rs. 15000 compensation to Kamala on November 4.

ALLEGATION OF WITCHCRAFT

Kumari Nepali, 61, of Sharada Municipality-8 filed a complaint against Kashiram Yari, 41, at the District Police Office on March 6 as he had alleged her of being a witch on March 5. The case was settled after the accused paid Rs. 1,000 as compensation to the victim and apologized in the premises of District Police Office on March 7.

ALL KINDS OF RACIAL DISCRIMINATION

Gange Kami, 46, and his wife Parvati BK, 44, of Kotwara VDC-5 were assaulted by Mohan Oli, 29, Shreesh Oli, 23, and Jayprakash Oli, 27, of the same place on March 12. The victims had taken water from a public spout via pipeline for the construction of their house. However, the accused had assaulted them saying they belonged to low caste and could not get water from the spout. The victim filed a complaint against caste discrimination in the Area Police Office, Tharmare on May 10 but the District Court ruled that the claim lacked support on November 26.

ECONOMIC, SOCIAL AND CULTURAL RIGHT

Land Capture

Cadres of Netra Bikram Chand (Biplav) led CPN-M captured the 6104 square meter (12 *ropani*) land of Dhan Bahadur Thapa, 40, of Bhalchaur VDC-6 on December 12 by hoisting the party's flag. District Secretary Dilliraj Sharma (Bishwa) said that the captured land was handed over to the local Kalika Lower Secondary School.

Destruction of Infrastructure/Property

The daily life of people was seriously affected for two weeks from August 10 to August 24 due to the general strike called by Samyukta Sangharsha Samiti Salyan against demarcation of federal

provinces. Transportation, educational institutions, markets, factories and industries all came to a halt. The motorcycles of Rajesh Budhathoki, 22, of Sharada Municipality-12 and Rupak BK of Tulsi Boarding School of same Municipality-1 were partially destroyed when the agitators vandalized it in Shreenagar in Sharada Municipality-1 on August 20. Due to the strike, the farmers of Kapurkot threw their vegetables on the road.

The prolonged Terai bandh and unofficial economic blockade imposed by India created massive scarcity of daily essentials such as cooking gas, petroleum products and price hike. Petrol scarcity also affected the ambulance services. The supply of daily essentials could not get easy even at the end of the year because of the blockade.

HEALTH SERVICE STATUS

There is one hospital, 45 health posts and two primary health centres in Salyan district. Out of five positions for doctors, all five were occupied. Two doctors were working through Nick Simons Institute. Out of six positions for staff nurse, five were occupied. Likewise, out of six positions for lab assistants, three were occupied. The district has 98 positions for Assistant Health Workers of which 29 were vacant. Likewise, the district has 89 positions for Auxiliary Nurse Midwife of which 60 were occupied. Out of 50 positions for health assistants, 35 were vacant. The annual health budget of the district was Rs. 11,35,39,000 of which Rs. 4,48,98,000 was administrative cost and Rs. 48,00,000 for medical expenses.

4.5 Rukum



Total Population

208567



Women

109408



No. of Households

41856



**No. of Households Drinking
Water from River/Stream**

1121



No. of Households without Toilet

27349



No. of Migrant Workers

13051



**Largest Population by
Caste/Ethnicity**

93857 (Chhetri)



Population by Disability

5922



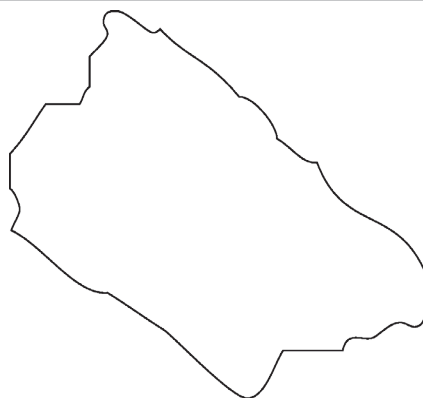
Literacy above 5 yrs (%)

87.97



No. of Community Schools

399



According to the INSEC documentation, the situation of human rights has worsened in the district in 2015. In 2014, 12 female were victimized by the non-state actor whereas 41 people including 29 female were victimized by the non-state in 2015. Last year, three women were killed by the non-state actor whereas one 23 day postpartum woman was killed by her husband this year. In 2015, four girls were victims of child rights violations. Among these, three girls were raped. In 2014, five girls were victims of child rights violations. This year, two women were victim of trafficking whereas three women were raped. This year, seven people were victims of arrest and torture by the state and five were victims of rights to expression, assembly and expression.

The movement demanding to incorporate entire Rukum in Province 5 that started on August 9 was withdrawn after the government assured to form a commission to solve the issue on August 25. The local administration had imposed prohibitory order from August 23 to September 23 saying that the movement was getting violent.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 24 inmates at a time.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		7	7			
Child Rights				4		4
Injured				1	2	3
Killing				1		1
Right to Assembly	2	3	5			
Women Rights				21		21
Total	2	10	12	27	2	29

A total of 79 inmates, including 69 convicts and 10 detainees were held there at the end of the year. There were two dependents.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were 64 civil and 53 criminal cases pending.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION Clash

There was a clash between protestors, who were demanding to incorporate entire Rukum in Province 5, and police near Kalika temple located in Musikot Municipality-1 on August 24. Altogether 12 people, including Dipa Pandey, 32, and Ishwari Pun, 35, of Musikot Municipality-10, Daribhan Rawal, 50, of Syalepakha VDC-9, Chandra Bahadur KC, 18, of Musikot Municipality-10, Jhalak Sunar, 18, of Duli VDC-5 and Police Head Constable Rajendra BK, 32, Police Constable Gagan Sunar, 28, and Laxmi Basnet, 29 were injured in the incident. The injured protestors were treated at the local community hospital. The movement demanding to incorporate entire Rukum in Province 5 that started on August 9 was withdrawn after the government assured to form a commission to solve the issue on August 25.

CHILD RIGHTS

Education Status

There are 255 primary schools, 65 lower secondary schools and 57 secondary schools in the district. Out of total positions of 1,513 teachers, 1,009 were occupied. Total annual budget of DEO was Rs. 64,00,00,000.

This year, three girls were victims of rape. There was one case of child marriage.

Types of Events	By Non-State	
	Female	Total
Child Marriage	1	1
Rape	3	3
Total	4	4

Rape, Attempt to Rape and Sexual Abuses

A 14-year-old boy was also involved in rape. The family of a 14-year-old girl filed a complaint at the District Police Office against a 14-year-old boy of Kotjahari VDC-9 on July 20 on charge of raping the girl when she was herding goat in a jungle nearby on July 18. The medical examination of the victim was conducted at Chaurjahari Mission Hospital. The accused was arrested by the police on July 20. The court found him guilty and slapped five year imprisonment with Rs. 40,000 compensation to the victim.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 164 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence. 72 cases of assault and expulsion from the house, 16 of deprivation of food, 24 of non-cooperation in marriage registration and acquiring citizenship certificate, 41 of polygamy, 10 of threat to life and one of allegation of witchcraft were reported. Among these incidents, 119 cases were settled in agreement and seven cases were forwarded for legal proceedings.

Killing by Family Member

Kamala Budhathoki, 19, 23 days postpartum of Bijayswari VDC-9 was hit with split firewood by her husband Chhawilal Bista, 26, on July 6 accusing her that she had given birth to someone else's baby. The victim who sustained injuries in the head was admitted to Chaur-

Types of Events	By Non-State	
	Female	Total
Domestic Violence	10	10
Polygamy	5	5
Rape	3	3
Rape Attempt	1	1
Women Trafficking	2	2
Total	21	21

jahari Mission Hospital and died the same day. The police informed that the accused had been torturing his wife since some time as the baby was born in eight months. The police arrested the accused on July 8 from the village. The District Court ordered life imprisonment with confiscation of all property on November 29.

Human Trafficking

A 19-year-old girl filed a complaint in the District Police Office on September 3 against Dasuram Budha, 24, of Jang VDC-4 on charge of attempting to traffic and rape her. The victim said that the accused had assured her to take to Kathmandu from Rukum on July 26, but instead attempted to sell her in India via Nepalgunj. The victim did not have any medical checkup. The victim accused that Dasuram had raped her several times in

the hotel in Nepalgunj. The organization KI Nepal, Nepalgunj handed over the accused to Jamunaha Police, Banke on August 19. As per the order of the District Court, the accused was remanded on September 29 for further investigation. However, the case remained undecided until the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure/Property

The demonstrators who were demanding to incorporate entire Rumuk in Province- 5 set police post at Puspallal Chok of Musikot Municipality-1 on fire on August 24. The police were not mobilized in the place for some days after the incident.

HEALTH SERVICE STATUS

There is one hospital, two primary health centres and 41 health posts in Rukum district. Out of two positions for doctors, one was occupied. There is one gynecologist in the district. Out of six positions for staff nurse, four were occupied. Likewise, out of three positions for lab assistants, one was occupied. The district has 50 positions for Assistant Health Workers of which two were vacant. Likewise, the district has two positions for Auxiliary Nurse Midwife however, 15 were working. Out of 15 positions for health assistants, three were vacant.

4.6 Banke



Total Population

491313



Women

247058



No. of Households

94773



No. of Households Drinking Water from River/Stream

86



No. of Households without Toilet

48996



No. of Migrant Workers

21359



Largest Population by Caste/Ethnicity

93298 (Muslim)



Population by Disability

7468



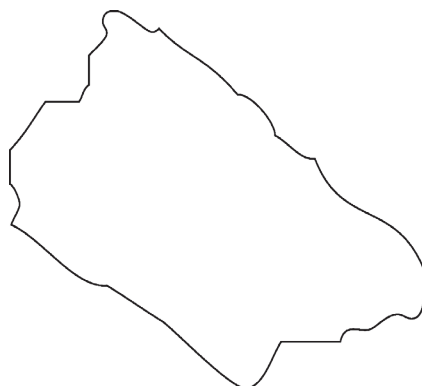
Literacy above 5 yrs (%)

91.00



No. of Community Schools

452



According to INSEC documentation, incidents related to human rights violations and abuses have increased in Banke in 2015. In 2014, the number of victims of human rights violation was 109, including 77 female victims whereas 198 people, including 123 female were victimized in 2015. This year, 52 people, including six women were victims of arrest and torture, freedom of expression and threat from the state party.

One youth was killed when the cadres of Madhesi Morcha pelted stones in the movement held against demarcation in the district. The police arrested 19 people, including three women. One boy was killed when an abandoned explosive device went off and one was injured. Five media persons were victimized by the non-state actors on charge of publishing biased news whereas four of them were beaten by the security personnel. Cadres of Madhesi Morcha torched copies of Kantipur, Nagarik Daily, Annapurna Post and Daily Nepalgunj accusing the dailies of publishing one-sided news.

Most of the women and children were victimized by the non-state actor in the district. Last year, five people, including three women were killed by the non-state actor whereas four people, including one woman was killed by family members this year. 13 girls and a boy were victims

Types of Events	By State			By Non-State			
	Female	Male	Total	Female	Male	LGBTI	Total
Arrest & Torture	3	16	19				
Beatings		4	4	1	6		7
Child Rights				13	1		14
Economic, Social and Cultural Rights				1	1		2
Inhuman Behaviour					3		3
Injured					12		12
Killing				1	2	1	4
Right to Assembly	3	23	26				
Threats		3	3		3		3
Women Rights				101			101
Total	6	46	52	117	28	1	146

of child rights violations.

Four ambulances and 19 vehicles were vandalized by the cadres of Samyukta Tharuhat- Madhesi Morcha.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Non-State

The police informed that Karan Singh Thakuri, 22, of Naubasta VDC-2 was killed on his way to Kohalpur from Nepalgunj on September 4 when the cadres of Madhesi Morcha hurled stones at him near Pirahawa Chowk in Ganapur VDC. The victim was riding his motorcycle with registration number Bhe 5 Pa 4250. The postmortem of the body was conducted at Bheri Zonal Hospital on September 5. Binod Shahi, 23, of the same place was also injured in the attack. He received treatment at Kohalpur Medical College. The family of the victim protested the incident and demanded for action against the accused. The family received the deceased's body on September 7 after the case was filed against the accused. Madhesi Morcha claimed the incident was an accident. The police arrested the suspect Shivashankar Bhat of Ganapur VDC-2 on September 4. The District Court issued an order to remand the accused in custody on September 23. The case remained undecided until the end of the year.

KILLED IN EXPLOSION/FIRING

The police informed that Suchan Tharu, 5, of Baijapur VDC-6 died in an explosion on June 24. Tharu was playing with an abandoned electronic detonator by placing it in his mouth which had gone off. He had found the explosive device near Rapti River. The police said that the abandoned detonator could have been kept hidden by the people for fishing in Rapti River. The postmortem of the body was conducted at Bheri Zonal Hospital on June 25.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 250 inmates at a time. A total of 559 inmates, including 408 convicts and 151 detainees were held there at the end of the year. Among them, 50 were women. There were two boys and 12 girls living as minor dependents in the prison. The prison was constructed in 1943.

THREAT/BEATING

By Non-State

The cadres of Biplav led UCPN-M assaulted UCPN-M District Committee Member Advocate Sukai Lal Berma, 48, of Nepalgunj Sub metropolis-12 on April 21 at his law firm on charge of irregularities in foreign employment. He sustained serious head injury and hurt both his legs and received treatment at Nepalgunj Medical College. He was attacked by a group of 4/5 cadres who were planning to file a case against him on charge of irregularities regarding foreign employment. The victim did not file a complaint until the end of the year.

By Others

Publisher of Pipalbot National Daily and Station Manager of Kohalpur FM Radio Chet Kanta Bhattarai, 30, of Kohalpur Municipality-19 filed a complaint at the Area Police Office, Kohalpur on October 31 against some persons, including Sanjaya Kanodia, operator of Kanodia Oil Store in Kohalpur on charge of manhandling him regarding a news story. The Area Police Office arrested Kanodia on October 31. A news regarding the distribution of petrol as per the will of distributor on October 13 was published in October 14 edition of Pipalbot Daily. Police released him on a bail amount of Rs. 2,000 on November 2.

RIGHT TO PROMPT AND FAIR TRIAL

The District of Banke has one Appellate Court and one District Court. The District Court has five positions for judges

of which three were occupied. There were 976 civil and 376 criminal cases were pending. There were 22 criminal cases and 272 civil cases older than two years pending.

Similarly, there are seven positions for judges in Appellate Court of which all were occupied. There were 361 criminal and 293 civil cases pending.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

Sanghiya Samajwadi Forum Women Chairperson Meena Chhetri, 29, of Nepalgunj Sub metropolis-13 was injured in a baton charge by police in a clash that occurred with the cadres of Madhesi Morcha on December 3 in the no-man's-land in Jamunaha, Nepalgunj Sub metropolis-20. The cadres of Madhesi Morcha were burning effigy of Prime Minister KP Oli. The victim received treatment at a local medical shop.

CHILD RIGHTS

Education Status

There are 288 primary schools, 103 lower secondary schools, 87 secondary schools and 49 higher secondary schools in the district. Of the total 1,764 positions for teachers, 1,741 were occupied. According to the DEO, 50,617 boys and 31,781 girls of school-going age were enrolled in the school. There are 251 disabled-friendly schools. The annual budget of the district for education was Rs. 32,32,11,000 of which administrative cost was Rs. 3, 73,84,000.

This year, eight girls between the age four and 17 were victims of rape. A 78-year-old man was also accused for rape. One 11-day-old baby was abandoned by the mother. The studies of children were affected by the bandh called by UCPN-M led 30-party alliance and Samyukta Thar-uhat Madhes Sangharsha Samiti. INSEC documented one case of child marriage.

Types of Events	By Non-State		
	Female	Male	Total
Child Marriage	1		1
Child Trafficking	1	1	2
Rape	8		8
Sexual Abuse	3		3
Total	13	1	14

Rape, Attempt to Rape and Sexual Abuses

The family of a four-year-old girl filed a complaint at the Area Police Office, Kohalpur on February 22 against Kalchu Damai, 78, of Chisapani VDC-1 on charge of raping the child by alluring her with sweets on February 21. The victim underwent medical checkup at Bheri Zonal Hospital on February 9. The police arrested the accused on February 22. The District Court sentenced six year imprisonment to the perpetrator on June 4.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 265 women lodged complaints at Women and Children Service Centre (WCSC) claiming of domestic violence of which 180 cases were of assault and expulsion from the house, 77 of deprivation of food, five of not cooperation in registering marriage and acquiring citizenship certificate and three cases of polygamy. Among these incidents, 244 cases were settled in agreement and 21 cases were forwarded for legal proceedings.

This year, 101 women were victims of incidents related to women rights violations. Among these, seven were victims of rape, four were victims of attempt to rape and one was sexually abused. Two rapists were absconding.

Killing by Family Member

The family of Badli Kadhu, 37, of Nepalgunj Sub metropolis-1 filed a complaint at the District Police Office on December 2 against her husband Ram Sagar Kadhu, 38, on charge of allegedly killing her by hitting with split firewood on December 1 over a dispute of selling land. The police arrested the accused from Indrapur, Nepalgunj Sub metropolis on December 2. The District Court issued an order to remand the accused in custody on December 28. The case remained undecided until the end of the year.

Killing by Others

Tika Shahi, 25, a permanent resident of Jamuni VDC-6 in Bardiya and residing in Nepalgunj Sub metropolis-16 was found dead at her rented room on March 16. The relatives of the victim filed an FIR against Gita Malla, 26, on March 16. The police arrested the accused the same day. Malla and Shahi entered into same-sex marriage in Bageshwori Temple in Nepalgunj on March 15. The District Court issued an order to remand the accused in custody on April 10. The case remained undecided until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

The family of a 27-year-old woman filed a complaint at the Area Police Office, Kohalpur on March 16 against Amar Shahi, 25, of Kohalpur Municipality-12 on charge of raping her on the night of March 14 while asleep at her house. The victim underwent medical checkup at Bheri Zonal Hospital on March 16. The police arrested the accused the same day. The District Court sentenced five years imprisonment to the perpetrator on July 1.

Human Trafficking

The police arrested Khemraj BK, 25, of Tulsipur Municipality-6, Dang on January 26 from Jamunaha entry point on

Types of Events	By Non-State	
	Female	Total
Domestic Violence	81	81
For Practicing Witchcraft	1	1
Polygamy	5	5
Rape	7	7
Rape Attempt	4	4
Sexual Abuse	1	1
Women Trafficking	2	2
Total	101	101

charge of attempting to traffic an 18-year-old girl of Rukum district. According to the police, the case looked suspicious and upon investigation it was found that the accused was taking the girl to India for sale. The victim was kept in the shelter of an organization Saathi for three days and was handed to the relatives. The District Court issued an order to remand the accused in custody on February 20.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure/Property

The protestors of Biplav led UCPN-M torched the vehicle of Simanta Inter College, Rupaidiya with registration number UP 40 T-0763 in Gadenpura-wa Chok, Nepalgunj Sub metropolis-13 on July 24 for defying the bandh called to protest against the Constitution. The vehicle was coming from Rupaidiya to Nepalgunj for picking up the students of the college. Likewise, they also torched a loaded truck with registration number Na 5 Kha 5014 going to Darchula from Narayanghad in the jungle of Khairikhola, Khaskushma VDC-4 along the East-West Highway. Gaur Singh Bohora of Bhawani VDC-1 of Darchula district was injured in the incident as he was fixing the punctured tire of the vehicle. The cadres also

vandalized one vehicle for defying the bandh. The registration number of the vehicle was not known.

Two parked buses with registration numbers Bhe 1 Kha 858 and Bhe 1 Kha 809 in Nepalgunj Buspark were completely destroyed when unidentified men torched them on July 24. Though the vehicle was torched in the day of bandh called by Biplav Group, the Biplav Group said that its cadres were not involved in the incident.

The cadres of Tharuhat vandalized three ambulances with registration numbers Bhe 1 Cha 1722, Bhe 1 Cha 1262 and Bhe 1 Cha 520 in Maitahawa of Bankatwa VDC on August 13 for defying the bandh. The protestors accused that ambulances carried people during bandh.

HEALTH SERVICE STATUS

There is one zonal hospital, 44 health posts and three primary health centres in Banke district. Though there are three positions for doctors in the primary health centre, it was unoccupied. Out of three positions for staff nurse, two were occupied. Out of seven positions for lab assistant, six were occupied. The district has 148 positions for Assistant Health Workers of which 39 were vacant. Out of 93 positions for Auxiliary Nurse Midwife, 82 were occupied. Out of 45 positions for health assistant, 20 were vacant. The annual health budget of the district is Rs. 17,57,14,000 of which Rs. 11,00,00,000 is administrative cost and Rs. 55,00,000 is for medical expenses.

4.7 Bardiya



Total Population

426576



Women

221496



No. of Households

83167



No. of Households Drinking Water from River/Stream

103



No. of Households without Toilet

42683



No. of Migrant Workers

25044



Largest Population by Caste/Ethnicity

226089 (Tharu)



Population by Disability

8197



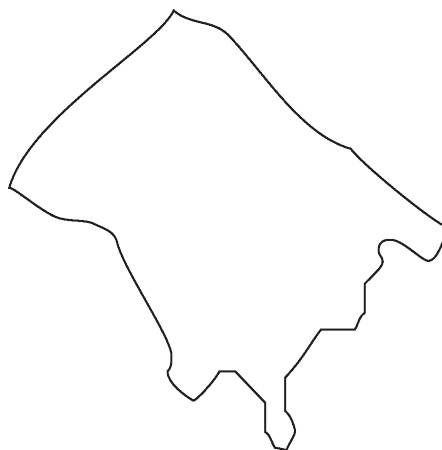
Literacy above 5 yrs (%)

98.00



No. of Community Schools

380



INSEC documentation showed slight improvement in the situation of human rights in the district in 2015 compared to last year. In 2014, 197 people including 184 female were victims of human rights violations whereas 111 people including 90 female were victimized in 2015. This year, 18 people including eight women were victimized by the state actor. 17 protestors and five policemen were injured in the clashes between Tharuhat Samyukta Sangharsha Samiti, Samyukta Madhesi Morcha and police that occurred due to the protest against demarcation in the Constitution. One police lost his life during the clash between tharuhat cadres and police. Last year, three women were killed by the non-state actor whereas one woman was killed by her family member this year. This year, 16 girls were victims of rape, four were sexually abused, three were subjected to corporal punishment, four were trafficked and three were victims of child marriage.

CIVIL AND POLITICAL RIGHT RIGHT TO DIGNIFIED LIFE KILLING

By Others

Police Head Constable Dev Baha-dur Pandey, 40, a resident of Lalmatiya

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings		2	2			
Child Rights				27	3	30
Economic, Social and Cultural Rights					1	1
Inhuman Behaviour				1		1
Injured				1	5	6
Killing				1	1	2
Right to Assembly	8	8	16			
Threats					1	1
Women Rights				52		52
Total	8	10	18	82	11	93

VDC-2, Dang working in Area Police Office, Mainapokhar was injured by bullet in a clash between protestors and police when the police was trying to release the bus controlled by the cadres of Tharuhat/Tharuwan Sangharsa Samiti in Nepalgunj-Gulariya Hulaaki Road in Mainapokhar VDC-6 on September 4. Nepalgunj Medical Hospital informed he had died on the way to hospital. The police informed that the bullet that was shot from a corn field reached Pandey's left thigh after piercing his right knee. The police had also used shells of teargas and had fired in air to control the situation. On the same day, Balkrishna Oli, 46, a resident of Gulariya Municipality-8 and Coordinator of Civil Society Network, Bardiya was ill-treated and his bike's tyre was punctured by the cadres of Tharuhat accusing him of defying the bandh. The protestors also set fire on Nagarik Dainik's office in Mainapokhar VDC on the same day. Govinda Prasad Tharu, Coordinator of Tharuhat/Tharuwan Sangharsa Samiti, Bardiya claimed that the policeman died from his own bullet. The police arrested Ramharsha Tharu, 45, of Mainapokhar VDC-8, Ram Naresh Tharu, 34, of the same place and Avinash Tharu, 25, of same VDC-2 on September 4 but were released two days later on the condition of being present when summoned. National Human Rights Commission, Regional Office Nepalgunj asked District Police Office Bardiya for the ballistic report of Mainapokhar incident on September 6. The family of the victim filed a complaint at the District Police Office, Bardiya on September 17. The police informed that the investigation was still on and would immediately process for legal action once the complaint was lodged. The body of the victim was sent to Bheri Zonal Hospital, Nepalgunj for postmortem. Nepal Government provided Rs. 10 million as compensation to the victim's family.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 125 inmates at a time. A total of 217 inmates, including 181 convicts and 36 detainees were held there at the end of the year. Among them, 14 were women. It was difficult for inmates to bathe and use toilets as the number of male inmates is more than the prison's capacity.

THREAT/BEATING

Kamal Panthi, 50, a resident of Gulariya Municipality-6 and Reporter of Kantipur Daily lodged a complaint at District Police Office on October 2 against Mukesh Chaudhary, 26, of Gulariya Municipality-13 accusing Chaudhary of threatening, through Facebook, to burn him alive for writing news against him on October 3. The news titled 'Protest by Tharuhat against the Blockade' published in Kantipur Daily on October 2 was posted on Facebook and Mukesh had commented on the news saying that Panthi should be taken to Chauraha and burnt alive. Federation of Nepalese Journalists, Bardiya issued a statement condemning the incident on October 3. The accused was arrested by District Police Office on October 3. However, in the discussion held at the District Police Office on October 4, the accused apologized to the victim and it was decided that legal action would be taken against him if he repeated such incidents.

TORTURE AND OTHER CRUEL AND INHUMAN BEHAVIOR

Ramu Tharu, 33, of Magaragadi VDC-8 was severely assaulted by three Nepal Army men – Rameshwar KC, Manoj Karki and Shukra Narayan Shrestha of Ranashardul Gan – deputed for the security of Bardiya National Park at Mahendra Highway, Rambhapur on April 19. According to Tharu, he was kicked and hit by belt as he had asked his friend to move quick as they were passing by the army post at the National park which the

soldiers took as he instructing them. Tharu filed a complaint at the District Police Office on April 20. Ramu, who had bruises on his body, was treated in Kohalpur Medical College. The locals blocked Mahendra Highway with rallies on April 19 demanding action against the perpetrators and treatment expenses for Tharu. The case was settled after a discussion between the victim and accused in the District Administration Office, Bardiya on September 24 when the soldiers of Nepal Army involved in the incident agreed to pay the medical expenses. As per the agreement, Nepal Army gave Rs. 10,000 to the victim.

CHILD RIGHTS

Education Status

There are 221 primary schools, 87 lower secondary schools, 54 secondary schools and 36 higher secondary schools in the district. Out of total positions of 1,200 teachers, all were occupied. A total of 62,616 boys and 68,206 girls were enrolled in the school. Scholarship worth Rs. 57,58,200 was provided to 6,397 dalit boys and 6,399 dalit girls. The total annual budget of DEO was Rs. 1,00,00,22,100.

This year, 16 girls of age between three and 17 were victims of rape. The police informed that one rapist was absconding. Two girls were raped by their family member whereas two were gang raped. The court sentenced 21 years imprisonment and Rs. 1,00,000 compensation to the victim who was sodomized by her father. One girl with disability was also raped. A 13-year-old child was also involved in rape.

Rape, Attempt to Rape and Sexual Abuses

The family of a four-year-old girl filed a complaint against a 17-year-old boy of Mainapokhar VDC-7 at Area Police Office, Mainapokhar on January 29 on charge of rape. According to them, the victim was raped on January 27 when there was no one in the house in the eve-

Types of Events	By Non-State		
	Female	Male	Total
Child Marriage	3		3
Child Trafficking	4		4
Corporal Punishment		3	3
Rape	16		16
Sexual Abuse	4		4
Total	27	3	30

ning. The victim's medical examination and treatment was done at the Primary Health Centre, Sorahawa. The accused was arrested on January 28 and as per the order of District Court, he was remanded for investigation on February 22. The case remained undecided until the end of the year.

The family of a 14-year-old girl lodged a complaint at the Area Police Office, Baniyabhar on May 16 against Chamari Tharu, 56, of Baniyabhar VDC-1 on charge of raping her on May 15. The medical checkup of the victim was done at the District Hospital. The accused was arrested by the police on May 16 and the District Court ordered him imprisonment for six years with Rs. 10,000 compensation to the victim on July 14.

Corporal Punishment

Chaitu Tharu, 17, Santosh Shahi, 16, and Birendra Shahi, 16, of Gulariya Municipality-12 were assaulted by the principal of Nepal Rastriya Secondary School, Bhupendra Yadav, teacher Bijay Yadav and Pawan Yadav in the school's office on September 27. According to them, they were accused of breaking the door of classroom and were beaten by stick and kicked. Teacher Pawan Yadav threatened to burn Chaitu's house and displace the Tharu settlement. Chaitu filed a complaint at the District Police Office and District Administration Office and asked for justice and security on September 30. The case was settled when the perpetrators apologized to the victims and assured not to repeat the incident on October 1.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 128 women filed complaints of domestic violence at Women and Children Service Centre (WCSC) of District Police Office in Bardiya. Among them, 65 cases were of assault and expulsion from house, 18 cases deprivation of food and clothes, eight cases of noncooperation in marriage registration and acquiring citizenship, five cases of polygamy and 31 cases of minor disputes. Out of these, 125 cases were settled whereas two cases were sent for legal action as informed by WCSC. There was one case in which the complainant was out of contact.

This year, eight women including two intellectually disabled women were victims of rape. Last year, 11 women were victims of rape. This year, one woman was killed by family member.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	12	12
For Practicing Witchcraft	6	6
Polygamy	9	9
Rape	8	8
Rape Attempt	4	4
Sexual Abuse	12	12
Women Trafficking	1	1
Total	52	52

Attempt to Kill by Family Member

Parvati Khatri, 27, of Gulariya Municipality filed a complaint against her husband Santa Bahadur Khatri, 32, on July 1. According to the victim, her husband tried to kill her in Santoshi Community Forest in Gulariya Municipality-6 on June 30. The police arrested the accused on June 30. The accused is working as a Constable in Armed Police's Ugratara Gan in Tikapur Municipality, Kailali. The victim was treated in District Hospital. District Court released the accused on a bail amount of Rs 75,000 on July 23 and gave a decision that the case was an incident of assault on December 10.

Rape, Attempt to Rape and Sexual Abuses

A 43-year-old woman lodged a complaint at the Area Police Office, Dhodhari on January 24 against Laxman Tharu, 18, and Khusiram Tharu, 22, of Suryapatuwa VDC-9. According to the victim, she was returning home from a fair at Thakurbaba Temple on January 16 when the duo raped her. The victim underwent medical examination at the District Hospital, Gulariya. Both the accused, who were absconding after the incident, were present in the court on February 10 and January 19 respectively. Both of them were remanded in custody by the court. The case remained undecided until the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure/Property

Tharuhat Samyukta Sangarsha Samiti cadres vandalized Kantipur publication vehicle with registration number Bhe 1 Jha 1305 at Basgadi market, Municipality-8 on charge of defying bandh on August 20.

Tharuhat cadres set a motorcycle (Bhe 4 Pa 9535) of Ram Kumar Malla of Dodari VDC-4 on fire at Khaichichandapur VDC-3 on charge of defying bandh on August 21.

HEALTH SERVICE STATUS

There is one hospital, 30 health posts and three primary health centres in Bardiya district. Out of 18 positions for doctors, seven were occupied. Though there is one position for gynecologist in the district, it was vacant. Out of 11 positions for staff nurse, 16 were working. Likewise, out of five positions for lab assistants, all were occupied. The district has 101 positions for Assistant Health Workers of which 23 were vacant. Out of 36 positions for health assistants, 37 were working. The annual health budget of the district was Rs. 6,37,42,000 of which Rs. 7,00,93,000 was allocated for administrative cost.

4.8 Surkhet



Total Population

350804



Women

181383



No. of Households

72863



**No. of Households Drinking
Water from River/Stream**

3302



No. of Households without Toilet

20862



No. of Migrant Workers

23197



**Largest Population by
Caste/Ethnicity**

110907 (Chhetri)



Population by Disability

10291



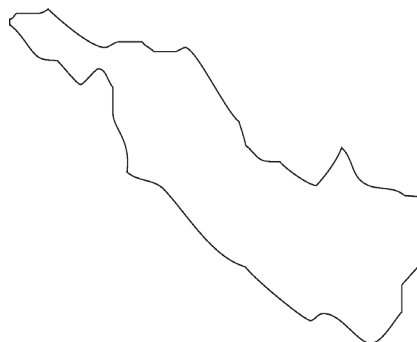
Literacy above 5 yrs (%)

99.93



No. of Community Schools

581



The situation of human rights worsened in the district in 2015. INSEC documentation shows that in 2015, 85 female were victimized by non-state actor, and 11 female and 78 male were victimized by state actor. This year, two person were killed by the state actor during the protest regarding the demarcation of the state. State arrest and tortured nine people whereas 38 people including three women were injured in the police beating and firing. Similarly, 40 people were suppressed from the rights to expression, assembly and association. 86 people were victimized by non-state actors including one victim of child rights. Most of the women were victimized in incidents of domestic violence. INSEC documented one case of rape of child.

In 2014, there were 154 people victimized in the incidents of human rights violation, including 119 female and one male victimized by non-state actor, and two female and 32 male victimized by state actor. Last year, no incident of killing was documented whereas this year one woman was killed by family member. One girl was rape whereas 81 women were the victims of domestic violence. Similarly, this year one incident of rape and one of practicing witchcraft was documented under women rights violation.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		9	9			
Child Rights				1		1
Injured	3	35	38			
Killing		2	2	1	1	2
Right to Assembly	8	32	40			
Women Rights				83		83
Total	11	78	89	85	1	86

District Administration Office, District Police Office and other government offices were vandalized by the protestors during the demonstration against the demarcation of province. Protestors set Regional Police Office vehicle on fire. Similarly, protestors vandalized houses of Nepali Congress General Secretary Purna Bahadur Khadka and Lawmaker, Hydrayeram Thani of Birendranagar Municipality-7 and FNCCI office. They set dozer on fire at Birendranagar Municipality. They vandalized and torched party offices of Nepal Congress, UML and CPN-Maoist

CIVIL AND POLITICAL RIGHT RIGHT TO DIGNIFIED LIFE KILLING

By State

Tikaram Gautam, 66, of Birendranagar Municipality-4 and Yam Bahadur BC of Birendranagar Municipality-7 were killed in police firing in the protest against demarcation of state on August 10. Police opened fire in the protest that started from Surkhet when the protestors vandalized the house of NC Joint General Secretary Purna Bahadur Khadka and set fire to police vehicle. Both deceased sustained bullet in chest. Relatives of the deceased and locals protested for seven days. The final rituals of the deceased were performed on August 17 after the local administration, local political parties, Citizen's Struggle Committee against the demarcation of the state and victim's relatives reached agreement to recommend declaring them as martyrs, providing Rs. 10 million per family as compensation. In the same protest, Gopal Singh Rajwar, 55, of Birendranagar Municipality-6 died in the stampede on August 10. The three deceased received Rs. 10 million each from Nepal Government as compensation on August 27.

INJURED IN EXPLOSION/FIRING

Aysingh Roka Magar, 23, of Pajaru VDC-4 of Jagarkot and employee of Bulbule FM, Surket, Ghanshyam KC, 28, Secretary of Asal Saasan Club District Coordination Committee, Himal KC, 26, Gopal Thapa, 30, Birendra Rokaya, 29, Mahendra BK, 28, Birendra Bahadur BK, 37, Pramish Singh, 44, Yamu Acharya, 17, Bhawani Acharya, 26, Birendra Rokaye, 29, Tej Rana, 19, Dhan Bahadur Rawal, 22, Nar Bahadur Puri, 25, Pahallman Malla, 22, Chudamani Pokharel, 19, and Mohandev Bhandari of Birendra Municipality-7, Alina Kathayet, 18, Laxmi Chand, 18, Damar BC, 22, Ram Krishna Rawal, 26, Dipendra Neupane, 13, Bharat Gurung, 19, Dipesh Pandey, Ram Bahadur Shrestha, 25, Anish Panta, 17 of Birendranagar Municipality-6 and Dhansari Pun, 51, of Birendranagar Municipality- 9 were injured in firing and lathi charge by police at Birendranagar on August 10. They were injured when police opened firing and lathi charge in the protest against demarcation of state that started from Surkhet.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates at a time. A total of 150 inmates, including 118 convicts and 29 detainees were held there at the end of the year. The overcapacity of inmates is creating problem in the management. The construction of prison building with the capacity to hold 100 inmates that started seven years ago had been stopped.

RIGHT TO PROMPT AND FAIR TRIAL

The District has one District and one Appellate Court. The District Court has one position for judge. There were 344 civil and 201 criminal cases pending. There were 25 civil and 10 criminal cases older than two years pending.

The Appellate Court has four positions for judges, of which three were at work. There were 124 civil and 95 criminal cases pending. There were three civil and two criminal cases older than two years pending.

TORTURE AND OTHER CRUEL AND INHUMAN BEHAVIOR

Kamal BK, 19, of Birendranagar Municipality-4 was allegedly tortured by beating with batons and grinding with a log inside the custody of District Police Office during the investigation of a theft on January 12. The police did not provide any medical assistance to the victim. The victim was released on January 19 and did not file any complaint until the end of the year.

Ramesh Shahi, 22, of Birendranagar Municipality-7 was allegedly tortured by beating with batons and grinding by a log inside the custody of District Police Office during the investigation of theft on February 2. The police did not provide any medical assistance to the victim. The victim was released on February 3. However, he did not file any complaint until the end of the year.

CHILD RIGHTS

Education Status

There are 435 primary schools, 96 lower secondary schools, 100 secondary schools and 29 higher secondary schools. Out of the total positions of 3,245 teachers, 34 positions remained vacant. There are 4,500 boys and 4,478 girls of school-going age in the district. 61 schools are not child friendly. The annual budget of the DEO was Rs. 71,12,26,194 and administration expenses was Rs. 82,68,472.

This year a six-year old girl was raped. A 10-year-old girl was killed after gang rape and the case was on trial. Last year, three cases of rape were documented by INSEC.

Types of Events	By Non-State	
	Female	Total
Rape	1	1
Total	1	1

Killing after Rape

Family of the victim filed a complaint at the Area Police Office Chinchu on November 17 against Khadak Bahadur Gaha, 32, of Neta VDC-7, Rambahadur Raskoti, 29, of Neta VDC-5 and Purna Bahadur Tadamagar, 30, of Kalyan VDC-1 on charge of killing a 10-year-old girl after gang rape in a jungle at Dhashtapur VDC-7 on November 16. Police arrested Purna Bahadur from Chinchu on November 19 whereas Gaha and Raskoti were arrested from their home on November 21. Police registered a case against three accused on charge of gang rape on November 23 and they all were remanded into the custody by the order of the District Court on November 28. The case was not decided until the end of the year. The post-mortem of the deceased was conducted at Regional Hospital on November 18.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 403 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence of which 76 cases were of assault and expulsion from the house, 57 of deprivation of food, 45 of eviction from the house after polygamy, 27 were beaten or not bringing dowry, 43 of not registering marriage and support in acquiring citizenship certificate, 82 of polygamy and one case of witchcraft allegation and 72 cases of minor disputes. Among these incidents, 270 cases were settled in agreement, 65 cases were forwarded for legal proceedings and in 65 cases the victims did not make any contact with the center.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	81	81
For Practicing Witchcraft	1	1
Rape	1	1
Total	83	83

This year, one woman was raped while one woman was mistreated on charge of practicing witchcraft. One case of gang rape was on trial. A total of 81 women were the victims of domestic violence. All incidents of domestic violence were settled in agreement, Last year, 112 incidents of domestic violation, three of rape, and one of sexual abuse were documented.

Rape, Attempt to Rape and Sexual Abuses

The victim's family had filed a complaint at the District Police Office accusing Top Bahadur Gurung, 30, Binod GC, 31, and Sher Bahadur KC, 31, of Birendranagar Municipality-14 on charge of raping a 18-year-old woman in a jungle at Kakrebihar on December 6. The girl was raped allegedly by the accused under the pretext of dropping her home in the bicycle. Police arrested accused KC and BC on December 6 while Gurung was arrested the next day from their home. Accused were remanded in custody by the District Court order of December 14. The case was not decided until the end of the year.

ALLEGATION OF WITCHCRAFT

Mankali Chapai, 60, of Neta VDC-7 was beaten and expelled from the village on charge of being a witch by locals, including Bhabi Lal Tiwari, Pabisara Chapai, Goma Tiwari, Durga Bahadur Chapai, Chandra Kali Chapai, Basudev Tiwari, Man Bahadur Chapai, Amrit Chapai, Bhim Bahadur Chapai, Moti Lal Chapai, Yam Lal Chapai and Durpati Chapai on May 27. The victim filed a complaint in the District Police Office stating neighbor Goma Tiwari and Chandralala Chapai beat and mistreated her on charge of being witch and making them sick on May 29. The victim underwent medical treatment in the Regional Hospital, Surkhet. Accused were arrested by police on May 29. The District Court released the accused on bail amount of Rs. 500 each on June 3.

HEALTH SERVICE STATUS

There are three district hospital and 37 health posts in the district. Of the 30 positions of doctors, 15 remained vacant at the end of the year. The district has 10 positions for staff nurses, of them seven were at work. The district has 10 positions for lab assistant, of which six were at work. The district has 84 positions for Assistant Health Workers, of which 80 were at work. The district has 67 positions for Auxiliary Nurse, of which 60 were at work. Of the total five positions for health assistant, three were at work. The annual health budget of the district was Rs 10,91,47,741 for public health and Rs. 51,92,865 medical expenses.

4.9 Jajarkot



Total Population

261770



Women

134780



No. of Households

30472



No. of Households Drinking Water from River/Stream

1602



No. of Households without Toilet

17109



No. of Migrant Workers

4174



Largest Population by Caste/Ethnicity

65085 (Chhetri)



Population by Disability

6848



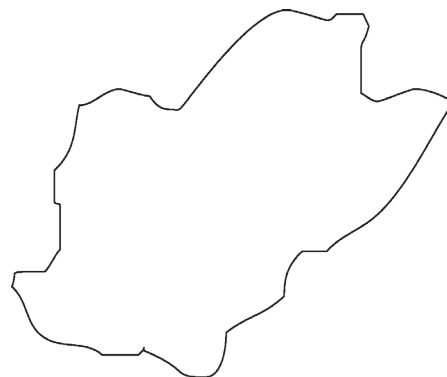
Literacy above 5 yrs (%)

85.00



No. of Community Schools

430



INSEC documentation showed that the incidents of human rights violation increased in the district in 2015 as compared to 2014. In 2015, 17 female and two male were victimized by non-state. Similarly, 26 male and eight female were victimized by state actor. In 2014, there were 31 female and eight male victimized by non-state actor. This year, two women were killed by family members. The district court sentenced perpetrator for life imprisonment. This year one woman was the victim of rape. Similarly, 34 people including eight women were injured in the clash between police and protestors during the protest against demarcation of state in Khalanga. Two policemen were injured when protestors hurdle stones at them. Protestors vandalized three government offices during the protest.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 10 inmates at a time. A total of 40 inmates, including 35 convicts and five detainees were held there at the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge at the end of 2015. There were 13 civil and 37 criminal cases pending until the end of the year.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Injured					2	2
Killing				2		2
Right to Assembly	8	26	34			
Women Rights				15		15
Total	8	26	34	17	2	19

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

More than 24 persons were injured when protestors clashed with police in Khalanga market during the protest against the demarcation of province on August 13. Those injured were Pabitra Pun, 29, Kurti Pun, 24, of Punma VDC-5, Deepak Khatri, 31, of Khalanga VDC-6, Niraj Sahi, 21, of Khalanga VDC-1, Buddhi Bahadur Khatri, 39, of Khalanga VDC-7, Devika Khatri, 36, of Khalanga VDC-7, Durga Bahadur Shrestha, 25, Bhawana KC, 34, Bishnu KC, 27, Sumitra Sahi, 32, Nawaraj Saha, 31, Dhansara Sahi, 32 of Khalanga VDC-2, Pradeep Khadka, 26, Ramesh Sahi, 21, of Khalanga VDC-5, Sita Dawadi, 45, Jagatdhaj Sahi, 24, Ved Bahadur Sahi, 42, of Khalanga VDC-3, Dhakbir Rana, 47, of Khalanga VDC-8, Gopal Thapa, 28, of Dandagau VDC-2, Nawaraj Buda, 32, Deepak Narayan Karki, 42, Sunil Saha, 29, of Dandagau VDC-3, Sunil KC, 25, Arjun KC, 26, Pratap Jaisi, 45, of Dandagau VDC-5, Kush Bahadur Bali, 23, Lav Bali, 23, of Dandagau VDC-4, Ganesh Thapa, 33, of Dandagau VDC-6, Sher Bahadur Basnet, 28, of Jagatipur VDC-4, Imashwor Devkota, 39, of Jagati VDC-1, Rajuraj Singh, 49, of Salka VDC-1, Chetraj Sahi, 31, of Laha VDC-8, Tej Bahadur Bohara, 24, of Laha VDC-6 and Bal Bahadur Malla, 35, of Dhime VDC-2. In the clash seven policemen, including Police Inspector Parsuram Malla, 46, Assistant Sub Inspector of Police Dev Bahadur Gurung, 47, were injured. Protestors vandalized the District Education Office, Land Revenue Office, the District Technical Office and Survey office.

CHILD RIGHTS Education Status

There are 278 primary schools, 89 lower secondary schools, 44 secondary schools and 20 higher secondary schools in the district. Of the total 1,351 posi-

tions for teachers, 1,326 were at work. This year, 54,381 boys and 60,508 girls of school-going age were enrolled in the school. There are three disabled friendly schools. The annual budget of DEO was Rs. 7,59,71,000.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	7	7
Polygamy	7	7
Rape	1	1
Total	15	15

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 54 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence of which eight cases were of assault and expulsion from the house, three of deprivation of food, 10 of polygamy and one case of not registering marriage and supporting in acquiring citizenship certificate and 32 cases of minor disputes were registered. Among them, 50 cases were settled in agreement and four cases were forwarded for legal proceedings.

Killing by Family Member

Radhika Sharma Jaisi, 32, of Dasera VDC-2 of Banke and living in Nawasta VDC-5 was killed by her husband Motilal Jaisi, 35, over a domestic dispute on April 25. She was killed with a sharp weapon in her neck when there was no one in her maternal home at Suwanuli VDC-4. The deceased's brother, Laxmi Prasad Sharma filed a complaint in the District Police Office on April 27. Police arrested the accused on April 26. The District Court sentenced him for life imprisonment. Post-mortem of the deceased was conducted in the District Hospital, Jagarkot on April 26 and final rituals were performed on the same day.

Rape, Attempt to Rape and Sexual Abuses

A complaint was filed by the victim's family in the District Police Office on October 4 against Ghir Samsheer Mall, 38, of Ghetma VDC-8 of Rukum, a mill owner on charge of raping an 18-year-old woman on September 15. Health check-up of the victim was not conducted. Police arrested accused on October 5. The case was not decided till the end of the year.

HEALTH SERVICE STATUS

There is one district hospital and 31 health posts in the district. Out of the five positions for the doctors in the hospi-

tal, three were at work. The district has seven positions for staff nurse, of which six were at work. The district has 73 positions for Assistant Health Workers, of which 11 were vacant. The district has 67 positions for Auxiliary Nurse Midwife (ANM), of which 44 were at work. The district has 36 positions for Health Assistant, of which 18 were vacant. Annual health budget of the district was Rs 11,65,60,493 for public health and Rs 20,00,000 for medical expenses.

In Jagarkot district, the seasonal flu and avian influenza that spread as epidemic from March 28 killed 29 people until April 23.

4.10 Dailekh



Total Population

261770



Women

134780



No. of Households

48919



**No. of Households Drinking
Water from River/Stream**

859



No. of Households without Toilet

24962



No. of Migrant Workers

11221



**Largest Population by
Caste/Ethnicity**

91280 (Chhetri)



Population by Disability

7607



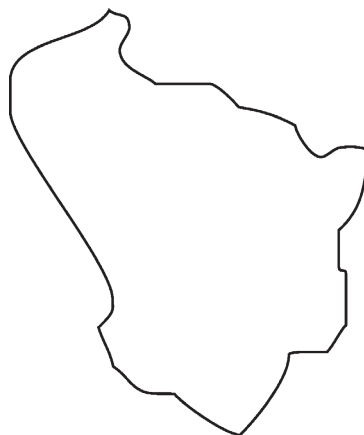
Literacy above 5 yrs (%)

89.00



No. of Community Schools

526



INSEC documentation showed that the human rights violations in Dailekh district this year slightly increased compared to last year. In 2015, 31 people were victimized by non-state actors in different incidents of human rights violation. In 2014, 29 people were victimized by non-state actors. One woman was killed by her family members in the district.

This year, INSEC documented 25 cases of women rights violation. Among them, 12 women were victims of domestic violence, six of polygamy, three of rape, two of rape attempt, one of sexual abuse and one case of practicing witchcraft. Two children were victimized in incidents of rape, one of sexual abuse and one case of child marriage was documented this year. Last year, two people were the victims of caste-based discrimination, whereas this year, one became victim of such incident.

JAIL AND DETAINEES

The 'B' grade District Prison has the capacity for 100 inmates which had 113 inmates, including 109 convicts and four detainees at the end of the year. The prison lacks clean drinking water, electricity and toilet.

Types of Event	By Non-State		
	Female	Male	Total
Beatings		1	1
Child Rights	4		4
Racial Discrimination		1	1
Women Rights	25		25
Total	29	2	31

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has the position for one judge. There were 26 civil and 23 criminal cases pending at the end of the year. There were no criminal or civil cases older than two years pending. The district judge was responsible for 49 cases on average this year.

CHILD RIGHTS

Education Status

There are 344 primary schools, 92 lower secondary schools, 50 secondary schools and 42 higher secondary schools. Out of the total 1,864 positions for teachers, 1,690 were at work at the end of the year. The annual budget of the DEO was Rs. 8, 96,599,272.

In 2014, three children were victimized by non-state actors. INSEC documented two cases of rape, one of sexual abuse and one case of child marriage this year. The rape victims were of the age group of 5 to 12. One rape accused was of 51-year-old.

Types of Event	By Non-State	
	Female	Total
Child Marriage	1	1
Rape	2	2
Sexual Abuse	1	1
Total	4	4

Rape, Attempt to Rape and Sexual Abuses

The victim's family filed a case in the District Police Office against Harilal Kasera, 51, of Kalbhairav VDC-6 on charge of raping a five-year-old girl on April 23. The victim's health check-up and treatment was done at the District Hospital. Police arrested the accused on April 27 from his home. On October 4, the District Court sentenced him 10 years imprisonment with fine of Rs. 50,000 as compensation to the victim.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 66 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence of which 20 cases were of assault and expulsion from the house, six of deprivation of food, 10 of not registering marriage and supporting in acquiring citizenship certificate, and 30 cases of minor disputes. Out of the total incidents, 58 incidents were settled whereas two were forwarded for legal action and in six cases the victims did not make any contact with the center.

There was a slight increase in the number of women rights violation in 2015 as compared to 2014. In 2014, INSEC documented 23 incidents of women rights violation whereas this year 25 women were victimized. Among 25 victims, 12 were the victims of domestic violence, three of rape, two of attempted rape and one of sexual abuse. Similarly, one was alleged of practicing witchcraft and six were the victims of polygamy.

Rape, Attempt to Rape and Sexual Abuses

A 22-year-old woman filed a complaint in the District Police Office on February 1 against Jhak Bahadur Karki, 29, of Jambukandh on charge of raping her while she was sleeping in her home on January 28. The victim underwent health check-up at the District Hospital. Police

Types of Event	By Non-State	
	Female	Total
Domestic Violence	12	12
For Practicing Witchcraft	1	1
Polygamy	6	6
Rape	3	3
Rape Attempt	2	2
Sexual Abuse	1	1
Total	25	25

arrested the accused on February 1. The district Court acquitted him on July 8. The victim appealed against the District Court verdict on July 17 in the Appellate Court. The case was not decided until the end of the year.

HEALTH SERVICE STATUS

There are two district hospitals and 56 health posts and two primary health centers in the district. Out of the six positions for the doctors in the hos-

pital, all were at work. The district has 10 positions for staff nurse, of which nine were at work. The district has 121 positions for Assistant Health Workers, of which 15 were vacant. The district had 124 positions for Auxiliary Nurse Midwife (ANM), of which 77 were at work. The district has 49 positions for Health Assistant, of which 42 were vacant. Annual health budget of the district was Rs 17,86,44,000 for public health and Rs 58,48,000 for medical expenses.

4.11 Dolpa



Total Population

36700



Women

18462



No. of Households

7488



**No. of Households Drinking
Water from River/Stream**

1058



No. of Households without Toilet

3677



No. of Migrant Workers

447



**Largest Population by
Caste/Ethnicity**

16493 (Chhetri)



Population by Disability

7458



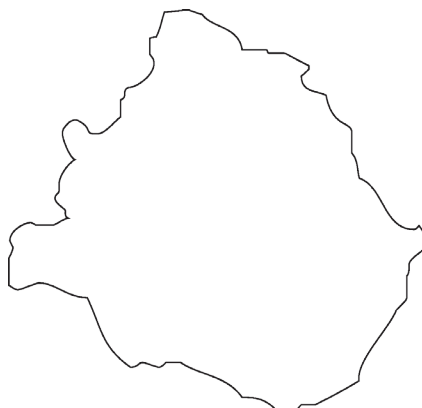
Literacy above 5 yrs (%)

81.00



No. of Community Schools

121



INSEC documentation shows that the human rights situation of Dolpa this year was similar to that of last year. In 2015, a total of 24 people, including 16 female were victimized by non-state actors in the incidents of human rights violations. In 2014, a total of 22 people, including nine male and 13 female were victimized by non-state actors. One child was the victim of child marriage.

CIVIL AND POLITICAL RIGHT RIGHT TO DIGNIFIED LIFE KILLING

By Non-State

Dharma Jit Budha, 35, of Liku VDC-3 and a district member of NC youth wing Tarun Dal, was killed using sharp weapons by an unidentified group on February 5. Body of Budha was found in Chun village of the same VDC with injuries in head and chest, informed Area Police Office, Tripurakot. Post-mortem of the dead body was conducted in the District Hospital on February 6 and the final rituals were performed on February 7. Police arrested UML cadres Raju Buda, 38, and Kiran Buda, 35, of the same VDC-3 on charge of being involved in the incident on February 6. They were released on February 10. The victim's family did

Types of Events	By Non-State		
	Female	Male	Total
Beatings		1	1
Child Rights	1		1
Economic, Social and Cultural Rights		4	4
Killing		1	1
Racial Discrimination		2	2
Women Rights	15		15
Total	16	8	24

not register any complaint until the end of the year.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to accommodate 25 inmates. There were a total of 16 inmates, including 12 convicts and four detainees in the jail. The jail building is in dilapidated condition due to which its roof leaks during rainy season.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has the positions of one judge. There were one civil and 19 criminal cases remained pending at the end of the year.

CHILD RIGHTS

Education Status

There are 87 primary schools, 14 lower secondary schools, 14 secondary schools and 4 higher secondary schools. All the 586 positions of teachers were occupied at the end of the year. 460 boys and 964 girls of school-going age enrolled in the school in 2015. A total of 1,050 dalit boys and 1,800 dalit girls received scholarship this year. Annual budget of DEO was Rs. 14,53,25,000 and administrative expenses was Rs. 70,58,800.

Types of Events	By Non-State	
	Female	Total
Child Marriage	1	1
Total	1	1

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 12 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence of which five cases were of assault and expulsion from the house, four of deprivation of food and three cases of polygamy. According to WCSC, all incidents were settled.

This year three women were the victims of sexual violence.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	8	8
For Practicing Witchcraft	3	3
Polygamy	1	1
Rape	1	1
Rape Attempt	1	1
Sexual Abuse	1	1
Total	15	15

Rape, Rape Attempt and Sexual Abuse

A complaint was filed against Tekendra Bikram Sahi, 27, in the Police Post, Jufal on December 22 from the victim's side on charge of raping a 65-year-old woman on December 21. The victim underwent medical check-up in the District Hospital. Police arrested the accused on December 22 and was remanded into custody until the end of the year, informed police.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The cadres of CPN-M led by Netra Bikram Chand 'Biplav' captured 13,544 square meter of land belonging to Rabilal Khatri, 51, Moti Prasad Pahari, 59, Narayan Giri, 69, and Ratna Prasad Khatri, 65, of Liku VDC-4 respectively on April 1. During the conflict period, CPN-M had captured the land claiming that it belonged to corrupt and land mafia and had distributed it among the villagers of Phulching.

HEALTH SERVICE STATUS

There is one district hospital and 23 health posts in the district. Out of the two positions of doctors, one remained vacant at the end of the year. The district has 23 positions for Assistant Health Workers, of which 21 were at work. The district has 19 positions for Auxiliary Nurse, of which 16 were at work. The annual health budget of the district was Rs 6,25,80,000 for public health and Rs 35,20,000 for medical expenses.

4.12 Jumla



Total Population

108921



Women

54023



No. of Households

9303



**No. of Households Drinking
Water from River/Stream**

693



No. of Households without Toilet

5917



No. of Migrant Workers

1463



**Largest Population by
Caste/Ethnicity**

65609 (Chhetri)



Population by Disability

3248



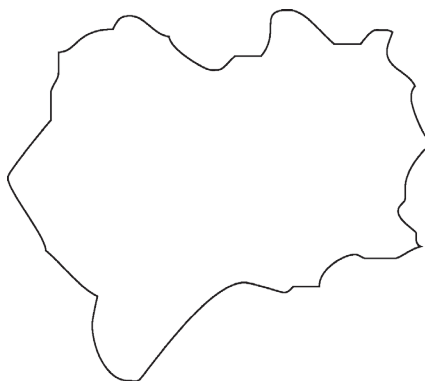
Literacy above 5 yrs (%)

95.00



No. of Community Schools

155



According to INSEC documentation, human rights incidents in Jumla district increased in 2015 as compared to 2014. In 2015, 29 female and two male were victimized by non-state actor and one female and 24 male were victimized by the state actor. In 2014, there were 31 victims in the incidents of human rights violation, including 30 female and one male by non-state actors.

This year, one person was killed in police firing during the protest against the demarcation of state. In the same incident, 18 people including one woman, 36 policemen and two police constables were injured in the clash between police and protesters.

This year, 28 incidents of women rights violation were documented under women rights violation including one of rape, one of attempted sexual abuse, seven of polygamy and 19 of domestic violence. In 2014, 27 women were victimized by non-state actors.

The District Forest Office and Agriculture Research Center, Post Office, Botanical and Land Conservation Office, Education Office were set on fire whereas other 17 government offices were vandalized by the protestors during the protest against demarcation. Similarly, they destroyed the papers of District Traffic Post and Haku Police Post and vandalized Dis-

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		1	1			
Beatings		5	5		2	2
Killing		1	1			
Racial Discrimination				1		1
Right to Assembly	1	17	18			
Women Rights				28		28
Total	1	24	25	29	2	31

trict Police office and District Administration Office. Protestors set Nepali Congress Party Office on fire and vandalized UML and CPN-Maoist Party Office.

CIVIL AND POLITICAL RIGHT RIGHT TO DIGNIFIED LIFE KILLING

By State

Hari Bahadur Kunwar, 25, of Tam-ti VDC-1 was injured in police firing during the protest against the demarcation of state in Chandannath Municipality-1 on August 16. Kunwar who had sustained injuries in neck died while receiving treatment at Tribhuvan University Teaching Hospital, Mahargunj on August 23. The post-mortem of the dead body was conducted in the Teaching Hospital, Kathmandu. Nepal Government provided Rs. 1 million to the victim's family as compensation. From August 9-22, the demonstration was organized in Jumla district to protest against the demarcation of state and demanding an autonomous Karnali state.

Santosh Budathoki of Chandannath Municipality-3, Padam Prasad Timilsina of Chandannath-4, Manjul Buda of Chandannath-15, Rajan Rokaya of Chandannath-11, Mani Krishna Devkota of Chandannath-1, Lal Sen Sunar of Chandannath-6, Bishnu Bahadur Bhattarai of Chandannath-15, Chakkabahadur Karki of Pandavgufa VDC-1, Govinda Nepali of Depalgau VDC-3, Kal Bahadur Rawat of Malikabota VDC-1, Pabita Bohara of Dillachaur VDC-1, Kalraj Sejwal of Ramnakot VDC-1 of Kalikot, Ratannath Yogi, former district secretary of CPN-M, Bishnu Bahadur Mahat, Chairperson of YCL, Dhamendra Rokaya, Central member of ANNFSU, Hari Bahadur DangiNipendra Mahat of UML, Tej Bahadur Sahi, were seriously injured during the protest. Injured Santosh and Pabitra underwent medical treatment in Nepalgunj while other received medical treatment

in the Karnali Health Science Institute Teaching Hospital. Injured Santosh received Rs. 66,854 and Pabitra received Rs. 40,867 from Nepal government as compensation. 36 policemen and two APF men were injured in the incident, according to police. The District Forest Office and Agriculture Research Center, Bagbani were completely destroyed in fire set by the demonstrators whereas Education, Post, Botanical and Land Conservation Office were partially damaged in the fire.

JAIL AND DETAINEEES

The 'E' grade District Prison has the capacity to accommodate 20 inmates. However, a total of 31 inmates, including 23 convicts and eight detainees were in the jail. The inmates face the problem of drinking water and electricity.

RIGHT TO PROMPT AND FAIR TRIAL

There is one District Court and one Appellate Court. The District Court has position for one judge. There were 32 civil and 37 criminal cases remained pending. There was one criminal case older than two years remained pending at the end of the year.

Similarly, the Appellate Court has four positions for judges, of which two were at work. There were 28 civil and 38 criminal cases remained pending at the end of the year.

TORTURE AND OTHER CRUEL AND INHUMAN BEHAVIOR

By State

Subash Jung Shahi, 25, of Chandannath Municipality-6 was arrested on June 15 on charge of manhandling policemen. The victim's family filed a complaint at the National Human Rights Commission Sub-Regional Office, Jumla on June 18 stating that policemen tortured Shahi after the arrest. Bal Bahadur Rai, DSP of District Police Office said police were forced to use minor force against him as he resisted the arrest and he was not tortured in the custody. Investigation on tor-

ture case was ongoing until the end of the year, informed Commission Sub-Regional Office, Jumla.

CHILD RIGHTS

Education Status

There are 89 primary schools, 32 lower secondary schools, 31 secondary schools and 12 higher secondary schools. Out of the total positions of 580 for teachers six were vacant. 17,753 boys and 18,592 girls of school-going age enrolled in the school in 2015. The annual budget of the DEO was Rs.23,30,32,000 and administration expenses were 65,00,000. There are no disabled-friendly schools in the district.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

A total of 32 women lodged complaints of domestic violence at the Women and Children Service Center in 2015. Of them, nine cases were of expulsion from home, nine cases were of depriving of food, five were of polygamy and six of minor disputes. A total of 23 were settled and court cases were filed for remaining five whereas four did not make any contact.

Rape, Attempt to Rape and Sexual Abuses

The victim's family filed a case in the District Police Office on September 29 against Mahesh Bhandari, 24, of Depalgau VDC-8 on charge of raping a 19-year-old woman on September 26. The victim underwent medical check-up in the Karnali Health Science Institute Teaching Hospital on September 28. Police arrested the accused on September 11 from home and remanded him in custody for further investigation by the court order on No-

Types of Events	By Non-State	
	Female	Total
Domestic Violence	19	19
Polygamy	7	7
Rape	1	1
Sexual Abuse	1	1
Total	28	28

vember 9. No action was taken on the case until the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure/Property

A bomb went off at the counter of Karnali Transportation Entrepreneur Association, Jumla on September 18. The back side of counter was damaged in the explosion. The pieces of pressure cooker bomb were recovered from the incident site. No one took the responsibility of the incident.

HEALTH SERVICE STATUS

There is one district hospital, 30 health posts in the district and one primary health center in the district. There was one position of the doctors, who was at work. There was no position for gynecology specialist. There is one position for lab assistant, which remained vacant. The district has 60 positions of Assistant Health Workers of which 57 were at work. The district has 65 positions for Auxiliary Nurse Midwife (ANM), of which 39 were occupied. The annual health budget of the district was Rs 6,00,00,000 for public health and Rs 47,00,000 for medical expenses.

4.13 Kalikot



Total Population

136948



Women

68115



No. of Households

23013



**No. of Households Drinking
Water from River/Stream**

890



No. of Households without Toilet

9927



No. of Migrant Workers

2096



**Largest Population by
Caste/Ethnicity**

39478 (Chhetri)



Population by Disability

5262



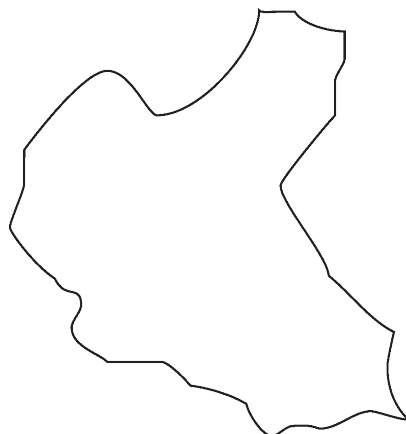
Literacy above 5 yrs (%)

80.02



No. of Community Schools

291



According to INSEC documentation, incidents of human rights violation decreased in 2015 as compared to 2014. In 2014, 20 female and five male were the victims of human rights violation by non-state actors whereas in 2015, 19 female and three male were the victims of human rights violation by non-state actors. This year, two male were victimized by state actor.

This year, women and children were victimized by non-state actors. This year 14 women, including two of rape, six of polygamy, one of trafficking and five of domestic violence were victimized by non-state actors. This year under child rights violation, one girl was raped, three were sexually abused and one was the victim of child marriage. In 2014, three children were victimized.

CIVIL AND POLITICAL RIGHT RIGHT TO DIGNIFIED LIFE INJURED IN EXPLOSION/FIRING

Seshnath Yogi, 15, and Mannath Yogi, 13, of Mehalmudi VDC-2 died on the spot on September 12 when the explosive device which they had brought home from the nearby jungle went off when they touched it with the solar wire. The

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	2	2			
Beatings				1	1
Child Rights			5		5
Killing				2	2
Women Rights			14		14
Total	2	2	19	3	22

investigation team led by Police Inspector Karna Bahadur Chand stated that a grenade left by the Maoists during insurgency period exploded. Post-mortem of the bodies was not performed.

JAIL AND DETAINEES

The 'D' Grade district jail has the capacity to accommodate 25 inmates. A total of 41 inmates, including 40 convicts and one detainees were held at the end of the year. There was one dependent in the prison. Overcrowding has created a problem.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has the position for one judge. There were 39 civil and 40 criminal cases pending at the end of the year. There were nine civil cases and one criminal case older than two years pending.

TORTURE AND OTHER CRUEL AND INHUMAN BEHAVIOR

Ratna Neupane, 53, a teacher at Danfe Secondary School, Mumra and his son Hemraj Neupane, 29, of Sipkhana VDC-3 complained that the policemen of District Police Office tortured them in the custody on January 17. They accused of threatening the DSP from a phone number of an unidentified person. Hemraj has sustained a ruptured eardrum due to the torture. He underwent treatment in the District Hospital. The police released the duo on 18 January after finding them innocent. The victim did not lodge any complaint by the end of this year.

CHILD RIGHTS

Education Status

There are 172 primary schools, 59 lower secondary schools, 29 secondary schools and 28 higher secondary schools. All of the total 604 positions for teachers were occupied at the end of the year. 29,229 boys and 30,550 girls of the school

going age were enrolled in the school this year. DEO provided scholarships to 8,664 dalit boys and 8,410 dalit girls. The annual budget of the DEO was Rs. 8, 3,97,93,339 and administration expenses were of Rs. 20,35,727.

In 2015, five children were victimized by non-state actors. INSEC documented one case of rape, three of sexual abuse and one case of child marriage. The rape and sexual abuse victims were of the age group of 4 to 15. One accused remained absconding until the end of the year.

Types of Events	By Non-State	
	Female	Total
Child Marriage	1	1
Rape	1	1
Sexual Abuse	3	3
Total	5	5

Rape, Attempt to Rape and Sexual Abuses

The family of a four-year-old girl lodged a complaint at District Police Office on December 28 against Rajendra Shahi, 25, of Lalu VDC-5 accusing him of raping her on December 26. The girl underwent treatment and medical checkup at District Hospital, Kalikot. Police arrested the accused on December 30 and held him in custody of District Police Office for investigation till the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 35 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence. Out of the total incidents, 29 were of beating and expulsion from home, three of deprivation from food and clothes, two were of polygamy and one of minor dispute. The WCSC stated that 34 incidents were settled in mutual agreement while

one applicant did not stay in contact.

INSEC documented two cases of rape and five cases of domestic violence this year. Similarly, six were the victims of polygamy and one of trafficking. Two rape accused remained absconding until the end of the year. Last year three women were victim of sexual violence.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	5	5
Polygamy	6	6
Rape	2	2
Women Trafficking	1	1
Total	14	14

Rape, Attempt to Rape and Sexual Abuses

Rate BK, 28, of Gela VDC-1 was accused of raping a 49-year-old woman on January 24 while she was walking on the road. The victim's family lodged a complaint on same date. She did not undergo any medical check-up. The accused was absconding until the end of this year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Food Crisis

Kalikot which was declared as drought hit area, faced acute food scarcity

in Patala area at Nanikot, Dholagohe, Khin , Thirpu VDCs from September 1. People could not harvest the crops due to drought and faced food scarcity. The people in the area faced starvation. There are around 25,000 people residing in those VDCs. The District Administration Office organized a press conference on September 15 after they faced food crisis to draw attention towards the concerned authorities but there was no response to address the issue.

HEALTH SERVICE STATUS

There is one district hospital and 28 health posts and on primary health center in the district. Of the four positions of doctors, three remained vacant at the end of the year. There is no position for gynecology specialties. The district has three positions for staff nurses, of them two were at work. The district has 65 positions for Assistant Health Workers, of which 31 were at work. The district has 41 positions for Auxiliary Nurse, of which 38 were at work. The district has 20 positions for the health assistance, of which three remained vacant. The annual health budget of the district was Rs 1,29,11,053 for public health and Rs 13,04,000 for medical expense

4.14 Mugu



Total Population

55286



Women

27261



No. of Households

9619



No. of Households Drinking Water from River/Stream

482



No. of Households without Toilet

4955



No. of Migrant Workers

699



Largest Population by Caste/Ethnicity

27016 (Chhetri)



Population by Disability

1917



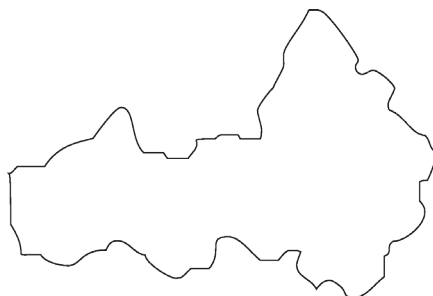
Literacy above 5 yrs (%)

58.00



No. of Community Schools

152



According to the INSEC documentation, the situation of human rights deteriorated in the district of Mugu in 2015 as compared to 2014. In 2014, 11 female were victimized by non-state actor whereas two women were victimized by state actor. In 2015, there were 10 female and three male victimized by non-state actor and one male was victimized by state actor. Last year, one woman was killed whereas this year, a total of six people including, three male and three female were killed by non-state actors. Last year, three children were victimized whereas this year no incident of child rights violation was documented. In 2014, five women were victimized whereas in 2015 seven women were victimized by non-state actors. Last year, two incidents of caste-based discrimination were documented whereas this year no such incident was documented. 18 government offices were vandalized by protestors during protest against demarcation of province.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 15 inmates at a time. A total of six inmates, including three convicts and three detainees were registered in prison record. The prison department does not have their own building, the administration sends the inmates to the prisons in Jumla, Banke and Bardiya.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1			
Killing			3	3	6
Women Rights			7		7
Total	1	1	10	3	13

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

The protestors placed a signboard of autonomous Karnali province removing sign boards of 'Nepal Government' and vandalizing complaint box after government and major four political parties did not address their demand. Nine days protest was launched expressing dissatisfaction over political parties' decision to keep Karnali region along with far western region while creating province no. 6. The protest was started on August 9 and continued till August 22.

CHILD RIGHTS

Education Status

There are 92 primary schools, 30 lower secondary schools, 11 secondary schools and 10 higher secondary schools. All of the total 483 positions of teachers were occupied at the end of the year. 900 boys and 1,088 girls of school-going age enrolled in the school. DEO distributed scholarships to 2,103 dalit boys and 400 dalits girls. The annual budget of the DEO was Rs. 3,26,97,181.

Killing by Family Members

Suntali Rokaya, 9, Yubaraj Rokaya, 6, Bipana Rokaya, 4, and Deep Rokaya, 2, of Hayaglu VDC-6 were killed using axe by their father Nanda Bahadur Rokaya, 25, on November 25. Police recovered bodies of four children buried in a field on November 29. Accused filed a complaint at the Sukadhik Police Post on November 25 stating his four children were missing. Police arrested accused on November 29 and he was kept in the District Police Office for the investigation until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 10 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence of which three cases were of assault and expulsion from the house, one case of po-

lygamy and four cases of minor disputes. Among them, seven cases were settled in agreement and two cases were forwarded for legal proceedings whereas one was out of contact after filing the case.

In 2014, five women were victimized whereas, this year seven women were victimized. Among seven women, three were the victims of domestic violence. Similarly, three were the victim of rape and one of polygamy.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	3	3
Polygamy	1	1
Rape	3	3
Total	7	7

Killing by Family Members

Putali BK, 20, and Putali's uncle, Gajendra BK, 30, of Karkiwada VDC-5 were killed using sharp weapon by Putali's husband, Dharmabhakta BK, 25, accusing them of having physical relationship on October 3. Dharmabhakta surrendered himself in the airport security post immediately after the incident. Police filed a case in the District Court on charge of murder on October 9. Post-mortem of the dead bodies was conducted in the District Hospital. The District Court sentenced him to life imprisonment on December 16.

HEALTH SERVICE STATUS

There are one district hospital, nine health posts and one primary health center in the district. Of the three positions of doctors in the hospital, two remained vacant this year. There is one position for gynecologist. The district has three positions for staff nurses, of which two were at work. The district has 37 positions for Auxiliary Nurse Midwife (ANM), of which 24 were at work. The district has 54 positions for Health Assistant, of which five were vacant. The annual health budget of the district was Rs. 7,50,00,000 and medical expense of the district was Rs 17,00,000.

4.15 Humla



Total Population

50858



Women

25025



No. of Households

9479



No. of Households Drinking Water from River/Stream

195



No. of Households without Toilet

4699



No. of Migrant Workers

682



Largest Population by Caste/Ethnicity
19682 (Chhetri)



Population by Disability

2411



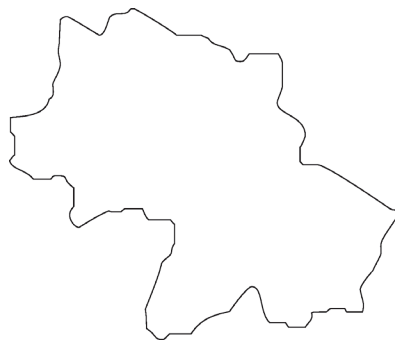
Literacy above 5 yrs (%)

80.00



No. of Community Schools

142



The incidents of human rights violation reduced in Humla district in 2015 as compared to 2014. In 2014, there were seven victims by non-state party, including five female and two male. In 2015, nine female were the victims by non-state and one female and one male were victimized by the state. The incidents of child rights violation remained same as of 2014. In 2014, three women were the victims of women rights violation whereas in 2015, eight women were the victims. Last year, 13 people were the victims of beating from state actor whereas this year two were victimized by such incidents.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates at a time. Total five convicts were held there at the end of the year. There were four male and one female convicts in the prison. A female inmate was placed in the District Police Office as there is no separate room for the female inmates in the prison.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were 24 civil and 15 criminal cases pending.

CHILD RIGHTS

Education Status

There are 85 primary schools, 30 lower secondary schools, 18 secondary

Types of Events	By State			By Non-State	
	Female	Male	Total	Female	Total
Beatings	1	1	2		
Child Rights				1	1
Women Rights				8	8
Total	1	1	2	9	9

schools and five higher secondary schools. All of the total 493 positions for teachers were occupied. A total of 7,945 boys and 8,321 girls of school-going age were enrolled in school. The annual budget of the DEO was Rs.7,00,00,000 and administration expenses were Rs.60,00,000. DEO provided scholarships to 751 dalit boys and 521 girls.

Types of Events	By Non-State	
	Female	Total
Child Marriage	1	1
Total	1	1

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 17 women lodged complaints at Women and Children Service Centre (WCSC) against domestic violence of which two cases were of assault and expulsion from the house, one of deprivation of food, one was of polygamy and 14 of minor disputes. Among these incidents, 16 cases were settled in agreement and one case was forwarded for legal proceedings.

INSEC documentation showed increase in the number of women rights violation this year as compared to last year. In 2014, three women were victimized whereas in 2015, eight women were victimized. Among them, five were the victims of domestic violence, one was attempted rape, one was sexually abused and one was the victim of polygamy.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	5	5
Polygamy	1	1
Rape Attempt	1	1
Sexual Abuse	1	1
Total	8	8

Rape, Attempt to Rape and Sexual Abuse

A 22-year-old woman filed an FIR at the Area Police Office Sreenagar on February 16 accusing Mej Buda, 21, teacher at Shree Saraswati Secondary School Gair of trying to rape her on February 14. The victim withdraw the complaint registered in the Police office on February 17 after accused was forced to wear a saree and asked to accept the crime according to the local tradition.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Food Crisis

The South part of the district Kalka, Jair, Maila, Madan and Shreenagar VDCs experienced food crisis. The crops including, rice, maize, millet, could not be produced due to drought. The Shreengar VDC which is around 160 Km far from the District Headquarter faced starvation. There are around 16,000 people residing in the village. After learning that they are going to face food crisis, a team lead by Danshing Damai of Kalkhe submitted memorandum to District Administration Office and other government and non-government institutions to draw the attention. But there was no response to address the issue.

HEALTH SERVICE STATUS

There is one district hospital and 14 health posts in the district. One of the two positions of doctors in the hospital remained vacant this year. The district has three positions for staff nurses, of which, two were occupied. All of the 27 positions of Assistant Health Workers and three positions Auxiliary Nurses remained occupied. The annual health budget of the district was Rs 13,49,6,600 for public health and, Rs. 84,07,000 for medical expenses.



Annex 1.5

Human Rights Situation of **Far-Western Region**

The Far-Western Development Region has nine districts. The region is comprised of Darchula, Bajura and Bajhang in the mountainous region, Dadeldhura, Doti and Achham in the hilly region and Kailali and Kanchanpur in the Tarai region. The region saw a number of human rights violations in 2015, mainly violence against women and injury. There were 554 victims of human rights violations documented in 2015 out of which 433 were women. There were 20 people victimized by the state. Among them, 13 were arrested and tortured by the state actor. Likewise, there were 33 killings in the region, including 15 female and 18 male.

Number of victims of human rights violations in the development region increased in comparison to previous year. INSEC documented an increase in incidents of human rights violations in all districts except Achham and Darchula. Last year, there were a total of 493 victims of human rights violations in the region. Kailali had the highest number of victims of human rights violations (201) which is an increase from 168 in 2014. There was a drop in Darchula from 34 in

2014 to 28 in 2015.

Tikapur incident is attributed to the rise in incidents of human rights violation in Kailali. Protestors of Tharuhat Joint Struggle Committee brutally killed one toddler and eight policemen, including an SSP of Nepal Police while staging demonstration demanding a Tharuhat province. 59 policemen were injured in the same incident while four protestors suffered injuries. The local administration declared Kailali as riot-hit area and deployed Army for a month after which normalcy was restored in the area. VDC office, police post and physical structure and properties were torched by non-state actors during this period.

Most of the documented cases of women rights violations in the region in 2015 were domestic violence (327) and sexual violence (31), including rape (12), rape attempt (8) and sexual abuse (11). Two were victims of trafficking and 11 were the victims of polygamy. 26 more cases of women rights violations were reported this year (371) than last year (345). Except Kailali, Achham and Darchula, all other districts saw an increase in women rights violations. Dadeldhura

Fig 1: Human Rights Violation in Far-Western Region

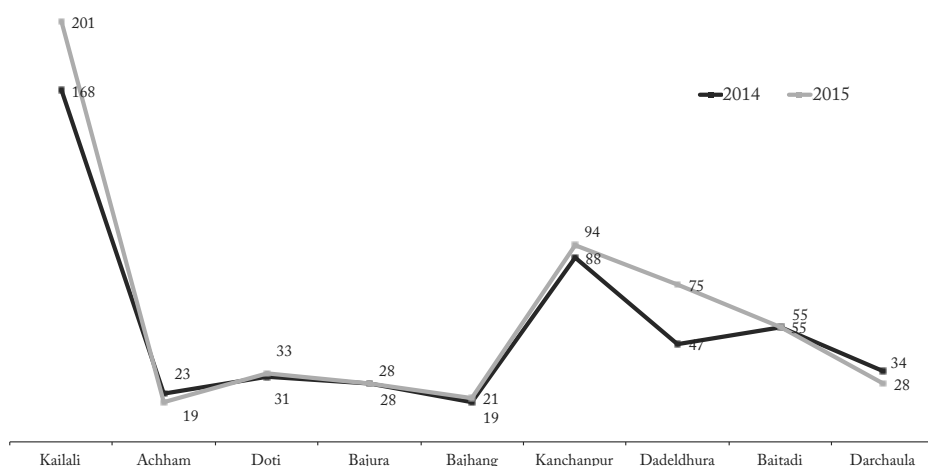
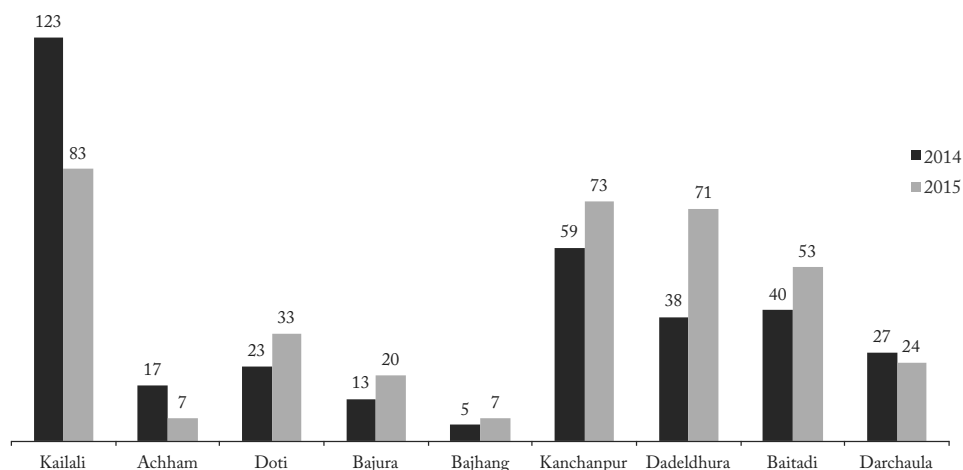


Fig 2: Women's Rights Violation in Far-Western Region



saw maximum increase in women rights violations from 38 to 71 this year. Most of the documented cases of women rights violations in the region in 2014 were domestic violence (283) and sexual violence, including rape (8), rape attempt (11), and sexual abuse (9). Two women were abused on charge of practicing witchcraft, 18 were victims of trafficking and two were victims of forced prostitution.

Child victims decreased from last year, i.e. 69 to 47 this year. Of them, 33 were the victims of sexual violence, including 28 cases of rape and five cases of sexual abuse. Eight children were the victims of child trafficking and two were victims of child marriage. Four children were subjected to corporal punishment. Only Bajura and Kanchanpur saw increase in incidents of sexual violence as compared to last year. This year, maximum number of child victims was documented in Kailali (19) while none were documented in

Baitadi and Doti. In Kanchanpur, four children were the victims of trafficking.

Total capacity of the district prisons is 430 but the occupancy at the end of the year was 896. Of them, 844 were male and 52 female. The district also has five dependent boys and one dependent girl. The mountainous districts of the region-Bajhang, Darchula, and Bajura face constant shortages of food. The remote geography and poor road connectivity means that the districts do not have sufficient food even when the locals want to buy. This drives the youths of the mountainous and hilly districts to migrate to India for working opportunities. The region also has some malpractices in the name of Chhaupadi and different forms of bonded labor, including Haliya. Though the government declared their liberation, in absence of proper rehabilitation plan, the Haliyas are worse off and at great danger of more exploitation.

5.1 Kailali



Total Population

775709



Women

397292



No. of Households

142840



**No. of Households Drinking
Water from River/Stream**

1819



No. of Households without Toilet

72321



No. of Migrant Workers

62644



**Largest Population by
Caste/Ethnicity**

322120 (Tharu)



Population by Disability

15378



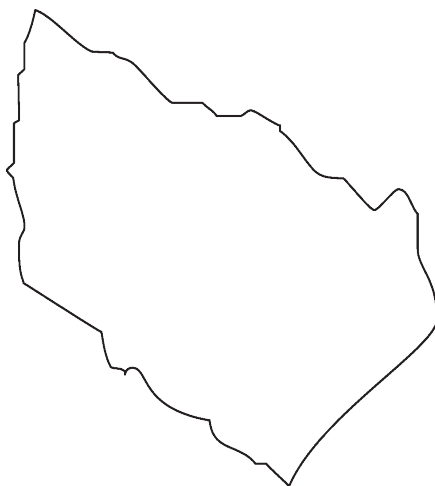
Literacy above 5 yrs (%)

66.3



No. of Community Schools

495



INSEC documentation showed that the incidents of human rights violation in Kailali district increased in 2015 as compared to 2014. In 2014, a total of 160 people were the victims of human rights violation, including 154 female. In 2015, 201 people were the victims of human rights violation, including 107 female. This year, brutal incidents of human rights violation by non-state actors were documented. A total of 14 people, including four women were killed by the non-state actors. A total of 19 people were victimized by state actor. Among them, 12 were tortured after arrest.

19 incidents of child rights violation were documented, of which 13 were rape victims.

This year, serious incidents of human rights violation occurred during the protest called by the Tharuhat Joint Committee, demanding Tharuhat state. Protestors brutally killed one toddler, SSP of Nepal Police and eight security personnel. The incident created such a situation that the social harmony of Kailali district was disrupted. The district remained tensed as groups demanding United Far-west, Hindu Rastra and Tharuhat were protest-

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		12	12			
Beatings	1		1	1	3	4
Child Rights				17	2	19
Injured		6	6		59	59
Killing				4	10	14
Racial Discrimination				1		1
Threats					2	2
Women Rights				83		83
Total	1	18	19	106	76	182

ing with separate demands regarding the disintegration of Kailali district.

During this period, one month long curfew was imposed by local administration whereas state declared Kailali as riot-hit area and deployed Army. VDC office, police post and physical structure and properties were torched by non-state actors.

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Non-State

Tek Bahadur Saud, 2, of Tikapur Municipality-9; SSP Laxman Neupane, 53, of Sinamangal in Kathmandu Metropolitan-7 ; Inspector Balaram Bista, 49, of Raileshwor VDC-9, Baitadi; Inspector Keshav Bohara, 42, of Belauri VDC-8, Kanchanpur; Police Head Constable Shyam Bahadur Khadka, 35, of Chainpur VDC-4, Bajhang; Police Constable Lokenendra Bahadur Chand, of Hatairaj VDC-1, Baitadi and APF Constable Ram Bihari Tharu, 35, of Neulapur VDC-9, Bardiya and Lalit Bahadur Saud of Tikapur Municipality-9 died when attacked by the cadres of Tharuhat Struggle Joint Committee who were demanding Tharuhat state on August 24. The Tharuhat cadres attacked policemen in course of removing 'Nepal Government' from sign boards of government offices and replacing them with 'Autonomous Tharuhat Province'.

In the same incident, DSP Rabin-dra Dhanuse, 34, of Hath VDC-1, Baitadi; Police Head Constable, Keshav Raj Joshi, 32, of Rim VDC-1, Baitadi; and Janak Negi, 35, of Jharali Municipality, Kanchanpur; Policemen Yogendra Bahadur Air, 30, of Tijali-1, Doti; Ram Chandra Joshi, 28, of Shreekot VDC-1, Baitadi; Sub-Inspector Ekendra Bahadur Khadka, 49, of Gundra VDC-1, Achham; Sub-Inspectors Man Bahadur Bohara among the 59 policemen were injured. Among those injured, Police Head Constable

Janak Negi died while undergoing treatment at Kathmandu on August 27.

In the same incident, four protestors were injured, including Shankhar Lal Kathariya, Dil Chaudhary, Raj Kumar Kathariya and Hari Narayan Chaudhary of Munuwa VDC-1. Those injured were in the custody on charge of being involved in the Tikapur incident. Team lead by SSP Laxman Neupane was surrounded by protestors and police fired tear gas to make their way through. Police fired shots after situation went out of control. In retaliation, the demonstrators used stones and sling shots to attack the police. From the morning, the protesters brandished stones, and attacked police personnel who were on duty. The police had adopted restrain during the incident. The protestors looted the weapons of the deceased policemen.

Expressing anger on the August 24 Tikapur incident, a mob vandalized the house of Tharu leader, FM station and offices on August 25. They also vandalized the house of Tharahut leader Ramesh Chaudhary and Phulbari Resort and Phulbari FM while curfew was imposed. On the same day, one group vandalized the grocery shop and cycle shop of Juglal Chaudhary around 1 pm. Similarly, the house of leaders of Forum Loktrantrik Pradeep Chaudhary was torched. The houses of Bhagat Ram Chaudhary of Tikapur Municipality, house of Janak Chaudhary of ward no 9, and house of Lawmaker of Madheshi Janaadhikar Forum Loktrantrik Janak Chaudhary and Mukta Kamaiya Women Development Forum Office were also vandalized. The victim's side accused the administration not taking any action against the rampant attacks carried out by the group.

The victim relatives filed case by post against 29 people at Ministry of Home Affairs, District Administration Office, National Human rights Commission and INSEC on November 16 on charge of

being involved in the incident. District Police Office informed that complainant did not make any contact after that.

Police arrested Lahuram Chaudhary, Kailali coordinator of Tharuhat/Tharuwan Struggle Committee from his house on September 10 on charge of being involved in the Tikapur incident. Similarly, Central member of Forum Loktrantrik Laxman Lal Chaudhary was arrested by police while he was on the way to participate in the mass rally on October 10. Similarly, police arrested 20 people on charge of being involved in the incident. The district court ordered to remand them in custody on October 7. Among those accused, Shrawan Chaudhary and Karan Chaudhary were handed over to their relatives. A total of 26 accused remained absconding until the end of the year, police informed.

Parliamentary Committee on Social Justice and Human Rights conducted fact-finding on the incident from August 31 to September 1 and a report was made public on September 18 directing Nepal Government to identify and take legal action against the perpetrators and provide compensation to the families of the deceased.

National Human Rights Commission issued press statement regarding Tikapur incident on September 10 which stated irate protestors used home-made weapons such as spear, axe and Khukuri to kill eight Nepal Police personnel including SSP, Laxman Neupane. It further states that protestors became violent and killed policemen after police fired tear gas shells and opened live ammunition and also that stated that former Maoist combatants were involved in the group of protestors who came from Joshipur VDC.

The fact finding mission conducted by INSEC from August 27 stated that killing policemen who was on duty was a inhuman act, killing policemen who requested to save their lives was an act

against humanity and the nature of the deceased's body and incident site demonstrated brutal acts. The report mentioned that the movement became violent as state and political parties' top leaders were not serious towards the demonstrations that were taking place for a long time.

INJURED IN EXPLOSION/FIRING

Jagat Devkota of Sugarkhal VDC was injured at Durgauli VDC when security persons opened fire after Jagat, who was riding motorcycle, did not follow police orders to stop during curfew on August 27. Sapkota sustained bullet in stomach and received treatment at Neplajung Medical College.

Dipak BK, 18, of Tikapur Municipality-9 was injured when police opened fire at him on charge of defying curfew orders on September 14. The security personnel opened fire after Biswakarma, who was riding motorcycle, did not follow police orders to stop.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 125 inmates at a time. A total of 382 inmates, including 248 convicts and 103 detainees were held there at the end of the year. There were 353 male inmates and three dependents in the prison. A total of 29 foreign inmates, including 25 convicts and four detainees were held there at the end of the year. Among 29 foreign inmates, two were female.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has two positions for judges, of which all were at work. There were 249 civil and 353 criminal cases pending in the District Court at the end of the year.

CHILD RIGHTS

Education Status

There are 423 primary schools, 224 lower secondary schools, 135 secondary schools and 85 higher secondary schools

in the district. A total of 1,04,939 boys and 99,763 girls of school going age were enrolled in schools. There were 2944 teachers working in the district. The District Education Office, provided scholarships to 11,839 dalit boys and 14,673 dalit girls. The annual budget of the DEO was Rs. 8, 75,936,000.

This year, 19 children were victimized by non-state actors. Of them, 13 were raped, one was sexually abused, three were the victims of trafficking and two boys were the victims of corporal punishment. A two-year-old girl was a rape victim whereas two children were poisoned and killed by their mother. Rape accused were a minor, victim's father and victim's uncle. Last year, 26 children were victimized by non-state actors, including 14 of rape victims and three of sexual abuses.

Types of Events	By Non-State		
	Female	Male	Total
Child Trafficking	3		3
Corporal Punishment		2	2
Rape	13		13
Sexual Abuse	1		1
Total	17	2	19

Killing

Police arrested Ramba Nepali, 25, of Chaumala VDC-3 on charge of killing her daughters Bhumika Nepali, 4, and Rasani Nepali, six months, by poisoning them on June 21. The accused also tried to kill herself by consuming poison, informed police. The court ordered to remand her in the custody on July 29.

Rape, Attempt to Rape and Sexual Abuses

The victim's side lodged a complaint in police office against Ananda Mahato alias Chukiya Kathariya Mahato

of Joshipur VDC-6 and currently living at Musuriya VDC-5 on charge of raping a four-year-old girl on April 7. Police arrested the accused on the same day. The court ordered to remand him in custody on May 26.

Child Trafficking

The victim's side lodged a complaint in police office on June 7 against Navaraj Joshi, 28, of Fulbari VDC-7 on charge of selling a girl of 15-year-old in Gurgaon, India on April 2. The accused called the victim for marriage on February 2 and sold her in India, informed police. The victim was missing from her home from February 2. The accused was arrested by police on June 8. The court ordered to remand him in custody on December 7.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 260 cases of domestic violence were registered in Women and Child Service Center (WCSC) of which 73 cases of beating, 11 of polygamy and 16 cases of expulsion from home were registered. Among these incident, 14 cases were forwarded for legal proceedings and remaining cases were settled in agreement.

This year, five women were raped, one women was burnt alive by the family. Last year, 123 women were the victims of women rights violation, including 13 victims of trafficking, six of rape and three of sexual abuses.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	76	76
Polygamy	2	2
Rape	5	5
Total	83	83

Rape, Attempt to Rape and Sexual Abuses

A relative of a 27-year-old woman lodged a complaint in police office on May 29 against Prakash Kunwar, 21, Kishan Shahi, 20, and Sunil Rawat, 21, of Dhangadi Municipality-13 and Niraj Shahi, 19, and Prakash Gurung, 20, of Dhangadi-4 on charge of gang rape of a woman on May 28. The accused were arrested by police on June 1. The court ordered to remand them in custody on June 28.

HEALTH SERVICE STATUS

There are three public and eight private hospitals in the district. The annual health budget of the district was Rs. 66,400,000 for public health and Rs 5,500,000 for medical expenses. The positions for gynecologist was vacant in other hospital other than the zonal hospital, of which 15 were at work. There was no position for gynecology specialists in other hospital except regional hospital. The district has 33 positions for staff nurse of which 30 were working. Likewise, out of 10 positions for lab assistants, nine were working.

5.2 Achham



Total Population

257477



Women

137469



No. of Households

483521



**No. of Households Drinking
Water from River/Stream**

865



No. of Households without Toilet

25335



No. of Migrant Workers

31015



**Largest Population by
Caste/Ethnicity**

142934 (Chhetri)



Population by Disability

8602



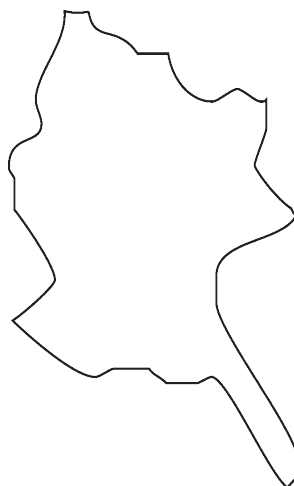
Literacy above 5 yrs (%)

55.7



No. of Community Schools

484



According to INSEC documentation, human rights situation of the district slightly improved in the district in 2015. It shows that the number of victims went down from 23 to 19. Last year, 17 women were the victims of violence against women and three girls were the victims of violence against child rights. This year, seven women and five children were victimized by non-state actors. Among seven victims of women rights, one was killed after rape whereas one woman was trafficked by her husband. Last year, 13 were the victims of domestic violence. Similarly, in 2014 and 2015, one incident of caste-based discrimination was documented.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 25 inmates at a time. A total of 36 inmates, including 26 convicts and 10 detainees were held there at the end of the year. The inmates are facing problems of toilets and sleeping due to overcrowding.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were 10 civil and seven

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	5		5
Killing	3	2	5
Racial Discrimination		1	1
Threats		1	1
Women Rights	7		7
Total	15	4	19

criminal cases pending at the end of the year.

CHILD RIGHTS

Education Status

There are 346 primary schools, 76 lower secondary schools, 63 secondary schools and 32 higher secondary schools in the district. Out of the total positions for 993 for teachers, 747 were occupied at the end of the year. A total of 43,932 boys and 47,219 girls of school going age were enrolled in the school this year. According to the office 14,513 dalit boys and 14,696 dalit girls received scholarships. There are no disabled-friendly schools in the district.

This year, five children were the victims of child rights violation, of which two were raped, one was sexually abused, one was the victim of child marriage and one of corporal punishment. The court sentenced one rapist to 25 days jail term and ordered to pay Rs.10, 000 as compensation.

Types of Events	By Non-State	
	Female	Total
Child Marriage	1	1
Corporal Punishment	1	1
Rape	2	2
Sexual Abuse	1	1
Total	5	5

Rape, Attempt to Rape and Sexual Abuses

The father of a 13-year-old girl lodged a complaint in the Police office against Katak Rawal, 58, of Putaletola VDC-8 on charge of raping her on September 29. Police arrested the accused on the same day. The District Court sentenced 25 days jail term with a penalty amount of Rs. 5000 and also ordered to pay Rs.10, 000 as compensation to the victim.

Child Marriage

Relative of a 15-year-old girl lodged a complaint in the police office on March 13 against Gorakh Bista, 22, of Thadi VDC-4 on charge of child marriage on March 1. Police arrested accused Bista, his relatives Hari Bista 25, Laxmi Bista 21, and priest involved in the marriage Ved Prakash Joshi, 37, on the same day complaint was lodged. The District Court released them after each deposited a bail amount of Rs.10, 000 on March 27.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 20 women lodged complaints at Women and Children Service Center (WCSC) against domestic violence. All registered cases of assault and expulsion from the house, deprivation of food and minor disputes were settled in agreement.

This year, one woman was raped, one was the victim of trafficking, three of polygamy and two of domestic violence. One woman was killed after rape and case was not decided until the end of the year. In another case, where one woman was the victim of trafficking by her husband, the court sentenced the perpetrator 40-years jail term and asked to provide Rs.100,000 to the victim.

Killing by Family Member

The victim's side lodged a complaint in the District Police Office on July 30 against Lok Bahadur Thapa Magar, 32, of Toli VDC-9 on charge of killing his wife Maina Devi Thapa Magar, 32, on July 27. The accused was arrested by police on August 3. The court sentenced to perpetrator to 20-years in jail on October 2.

Human Trafficking

A 31-year-old woman filed a complaint against her husband, Amar Bista, 60, of Dhaku VDC, neighbor, Surendra

Types of Events	By Non-State	
	Female	Total
Domestic Violence	2	2
Polygamy	3	3
Rape	1	1
Women Trafficking	1	1
Total	7	7

Bista, 65 and Tulasi Bista, 32, at District Police Office on January 26 accusing them of selling her off in Hyderabad, India on January 4. The accused Amar was arrested on the same day after complaint was lodged. The court sentenced Amar to 20 years in term with a penalty amount of Rs. 200,000 for trafficking, additional 15-year jail term with a penalty amount of Rs. 55,000 for prostitution, and 11-years jail term with a penalty amount of Rs. 55,000 for selling abroad. The court also ordered to extract Rs.155,000 as compensation from perpetrator to be provided to the victim. Other accused were acquitted.

ALL KIND OF RACIAL DISCRIMINATION

Birkhe BK of Mangalsen Municipality-6 lodged a complaint in the District Police Office against Ved Prasad Bhandari, 38, on charge of caste-based discrimination on November 8. The accused was arrested by police on November 10. The court released him on general date after he deposited a bail amount of Rs. 173,375 on December 3.

HEALTH SERVICE STATUS

There is one hospital and 72 health posts in the district. There were four positions for the doctors in the hospital, of which one was at work. There was one position for gynecology specialist, which remained vacant. The district has 151 positions for Assistant Health Workers, out of which 119 were occupied. The district has 151 positions for Auxiliary Nurse Midwifery (ANM), of which 70 were occupied. The annual health budget of the district was Rs 95,900,000 for public health and Rs 45, 00,000 for medical expenses.

5.3 Doti



Total Population

211746



Women

114494



No. of Households

41440



**No. of Households Drinking
Water from River/Stream**

2882



No. of Households without Toilet

24113



No. of Migrant Workers

23544



**Largest Population by
Caste/Ethnicity**

122106 (Chhetri)



Population by Disability

7302



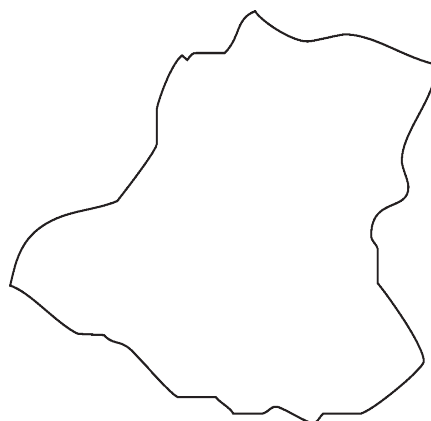
Literacy above 5 yrs (%)

56.3



No. of Community Schools

406



According to INSEC documentation the incidents of human rights violation increased in the district this year as compared to the previous year. A total of 31 people were victimized by non-state actor in 2014, whereas, in 2015, a total of 33 women were victimized by non-state actor. One case of polygamy was on trial and remaining other cases were settled in an agreement. Last year, INSEC documented seven incidents of child rights, one of caste-based discrimination and 23 of women rights violation.

JAIL AND DETAINEES

The 'B' grade District Prison has the capacity to hold 45 inmates at a time. A total of 41 inmates, including 33 convicts and eight detainees were held there at the end of the year. There were two female inmates in the prison. The building was constructed during the Rana regime. There is a problem of leakage during rainy season.

RIGHT TO PROMPT AND FAIR TRIAL

There is one Appellate Court and one District Court. The District Court has one position for judge. No case remained pending until the end of the year.

Types of Events	By Non-State	
	Female	Total
Women Rights	33	33
Total	33	33

The Appellate Court has five positions for judges, of which two were at work. There were 73 civil and 103 criminal cases pending in the District Court.

CHILD RIGHTS

Education Status

There are 267 primary schools, 75 lower secondary schools, 54 secondary schools and 33 higher secondary schools in the district. Out of the total positions for 981 teachers, 976 were working at the end of the year. A total of 29,714 boys and 30,067 girls of school going age were enrolled in schools. The District Education Office, provided scholarships to 7,801 dalit boys and 7,761 dalit girls. There are no disabled-friendly schools in the district.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 73 women lodged complaints at the Women and Children Service Centre (WCSC) against domestic violence of which 72 cases of assault and expulsion from the house, and one of polygamy. Among these, 68 cases were settled in agreement and five cases were forwarded for legal proceedings.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	30	30
Polygamy	1	1
Rape Attempt	2	2
Total	33	33

HEALTH SERVICE STATUS

There is one hospital and 49 health posts in the district and two primary health centers in the district. There were three positions for the doctors in the hospital, however, five including two of contract were at work. There is no position for the gynecology specialist. The district has two positions for Assistant Health Workers, however four were at work. The district has two positions for Auxiliary Nurse Midwifery (ANM), however, six including four of contract were at work. According to District Health Office, annual health budget of the district was Rs 1, 53, 00,000 for public health and Rs 13, 57,000 for medical expenses.

5.4 Bajura



Total Population

134912



Women

69106



No. of Households

24908



No. of Households Drinking Water from River/Stream

838



No. of Households without Toilet

15312



No. of Migrant Workers

8054



Largest Population by Caste/Ethnicity
77978 (Chhetri)



Population by Disability

5855



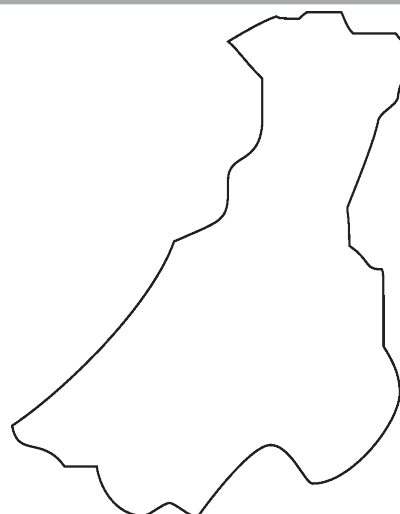
Literacy above 5 yrs (%)

55.7



No. of Community Schools

245



According to INSEC documentation, human rights situation worsened in Bajura in 2015. In 2014, 10 people were victimized by the state actor whereas 18 were victimized by the non-state actor. In 2015, no one was victimized by the state actor. However, 28 people, including 25 women were victimized by the non-state actor in 2015. Last year, 13 women were victims of women rights violations whereas 20 women were victims in 2015. Last year, two children were victims of child rights violations whereas there were four victims, including three girls this year.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates at a time. A total of 32 inmates, including 12 convicts and 20 detainees were held there at the end of the year. The inmates are terrified because the prison which was constructed in 1982 and is in a dilapidated condition.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were 19 civil and 20

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	3	1	4
Economic, Social and Cultural Rights		1	1
Injured		1	1
Killing	2		2
Women Rights	20		20
Total	25	3	28

criminal cases pending until the end of the year.

CHILD RIGHTS

Education Status

There are 147 primary schools, 50 lower secondary schools, 42 secondary schools and 18 higher secondary schools in the district. Out of total positions for 1,026 teachers, 999 were occupied. 21,873 boys and 23,414 girls of school going age were enrolled in the school. Scholarship has been provided to 14,513 Dalit boys and 14,696 Dalit girls in the district. There is no disabled-friendly school in the district. The total annual budget of DEO is Rs. 25,00,00,000 of which Rs. 30,00,000 is administrative cost.

Studies of the students in the whole district are affected as they do not receive books and materials even when the annual examination is approaching. Many students have stopped going to schools. They are compelled to study by photocopying the books. The teachers of Janaprakash Lower Secondary School of Kolti VDC were compelled to borrow books from neighboring Janaprakash Higher Secondary School to photocopy and teach.

Types of Events	By Non-State		
	Female	Male	Total
Corporal Punishment		1	1
Rape	2		2
Sexual Abuse	1		1
Total	3	1	4

Rape, Attempt to Rape and Sexual Abuses

This year, girls of ages between 14 and 17 were victims of rape. The age of the rapist was up to 45. The locals were involved in the incidents of rape and sexual abuses. The accused of two cases of rape and attempt to rape were arrested whereas one is on trial.

A 17-year-old girl filed a complaint in police on March 15 against Dil Baha-

dur Rokaya, 30, of Sampatta VDC-1 on charge of raping her at her room on the night of March 13. The police arrested the accused on March 17. The District Court sentenced two years six months imprisonment to the perpetrator on April 10.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

In 2015, nine women lodged complaints of domestic violence at the Women and Children Service Centre under the District Police Office. Two women were killed by their family member. One perpetrator of the incident was sentenced life imprisonment with confiscation of all his property. The other accused was arrested and sent for legal action.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	9	9
Polygamy	2	2
Rape Attempt	3	3
Sexual Abuse	6	6
Total	20	20

The family of Chinkala Bohora Budha, 25, of Bichaaya VDC-7 filed a complaint in police on May 25 against her husband Tekendra Budha on charge of assaulting, killing and burying her body in a pit the same day. The police arrested the accused on May 26. The District Court sentenced life imprisonment to the perpetrator and confiscated all his property on June 1.

HEALTH SERVICE STATUS

There is one hospital, 24 health posts and two sub health posts in the district. Out of four positions for doctors in the district hospital, two were occupied. The district hospital has 32 positions for Assistant Health Workers of which 25 were occupied. Out of 32 positions for Auxiliary Nurse Midwife, 21 were occupied. There is no post for gynecologist in the district.

5.5 Bajhang



Total Population

195159



Women

102365



No. of Households

33786



**No. of Households Drinking
Water from River/Stream
1995**



No. of Households without Toilet

23604



No. of Migrant Workers

22845



**Largest Population by
Caste/Ethnicity
129865 (Chhetri)**



Population by Disability

4976



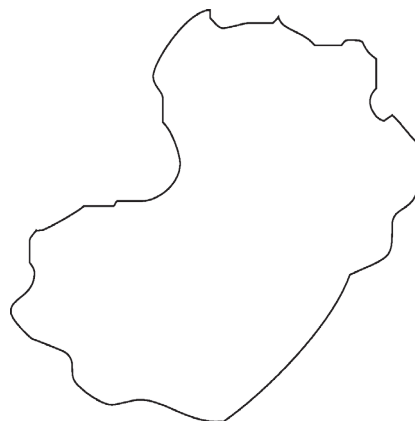
Literacy above 5 yrs (%)

55.6



No. of Community Schools

419



According to INSEC documentation, the situation of human rights was slightly worse in Bajhang in 2015 as compared to 2014. In 2014, 19 people, including nine women were victims of human rights violations and abuses whereas 21 people, including eight women were victimized in 2015. This year, one case of torture by the state actor is on trial. Two cases of child rights violations were documented. Seven women suffered from domestic violence which was settled in an agreement. This year, nine men were victims of caste based discrimination in the district. Last year, one woman was killed by the non-state actor whereas two men were killed by the non-state actor this year. Last year, eight female, including five women and three girls were victimized by the non-state actor.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates at a time. A total of 65 inmates, including 20 convicts and 45 detainees were held there at the end of the year. The prison which was constructed in 1983 is in a dilapidated condition. The security condition of the prison is weak as there are no walls.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Child Rights			1	1	2
Killing				2	2
Racial Discrimination				9	9
Women Rights			7		7
Total	1	1	8	12	20

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were 63 civil and 118 criminal cases pending until the end of the year. There are 25 civil cases and 11 criminal cases older than two years pending in the court.

CHILD RIGHTS

Education Status

There are 310 primary schools, 88 lower secondary schools and 40 secondary schools in the district. Out of 77,701 children of school going age, 34,948 boys and 42,753 girls were enrolled from primary to secondary levels in the school. Of these, 13,048 are Dalit boys and 11,919 were Dalit girls. Scholarship is provided to 12,035 Dalit children in the district. Out of total positions of 1,241 teachers in primary level, there were 320 female teachers and 921 male teachers. Likewise, out of total positions for 293 teachers in lower secondary level, there were eight female teachers and 285 male teachers. Out of total positions for 237 teachers in secondary level, there were five female teachers and 232 male teachers. There are 9,700 children, including 4,834 boys and 4,866 girls in Early Childhood Development Centres.

Types of Events	By Non-State		
	Female	Male	Total
Child Marriage	1		1
Child Trafficking		1	1
Total	1	1	2

This year, one boy was victim of child trafficking and one girl of child marriage. The victim of child marriage did not file a complaint whereas the case of child trafficking is on trial. Last year, two girls were victims of rape and one was sexually abused.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 48 women lodged com-

plaints of domestic violence at the Women and Children Service Centre under the District Police Office. Of these, three accused of assault and expulsion from house and one of trafficking and transportation were arrested. Six cases are in legal proceedings whereas other cases were settled.

This year, seven cases of women rights violations were documented and all were related to domestic violence. The court asked one accused husband and three others of domestic violence to pay fine of Rs. 3000 each and also Rs. 50,000 as compensation to the victim. The other cases were settled by the police. Last year, three women were victims of sexual violence and two of domestic violence.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	7	7
Total	7	7

Domestic Violence

Rima Bohora, 28, of Daulichaur VDC-2 filed a complaint at the court on January 4 against her husband Krishna Bohora on charge of torturing her mentally and physically and expelling her from the house the same day. The court asked both of them to pay a fine of Rs. 5000 each and asked the accused to provide Rs. 50,000 to the victim.

HEALTH SERVICE STATUS

There is one hospital, 47 health posts and two health posts in the district. Out of three positions for doctors, two were occupied. There is no post for gynecologist. The district has 95 positions for Assistant Health Workers of which 80 were occupied. Out of 95 positions for Auxiliary Nurse Midwife, 83 were occupied. Likewise, out of 48 positions for health assistant, 20 were occupied.

5.6 Kanchanpur



Total Population

451248



Women

235206



No. of Households

82152



**No. of Households Drinking
Water from River/Stream**

346



No. of Households without Toilet

36762



No. of Migrant Workers

38398



**Largest Population by
Caste/Ethnicity**

130532 (Chhetri)



Population by Disability

9072



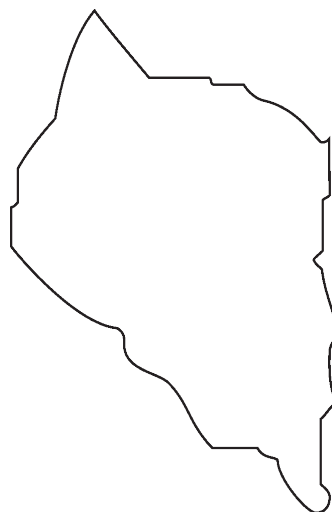
Literacy above 5 yrs (%)

70.7



No. of Community Schools

409



According to INSEC documentation, the situation of human rights in Kanchanpur was similar in 2015. In 2014, 88 people, including 75 women were victims of human rights violations whereas 94 people, including 90 women were victimized in 2015, 73 women and 12 children were victimized by non-state actor this year. One woman was a victim of caste based discrimination and two were assaulted this year. Likewise, three women were killed by their family member this year. In 12 incidents of child rights, eight were victims of rape and four of trafficking.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 95 inmates at a time. A total of 204 inmates, including 145 convicts and 59 detainees were held there at the end of the year. Among these, 10 were women and two boys were living as minor dependents. There is a problem of toilet, drinking water and sleeping space due to the large number of inmates.

Types of Events	By Non-State		
	Female	Male	Total
Beatings		2	2
Child Rights	12		12
Killing	4	2	6
Racial Discrimination	1		1
Women Rights	73		73
Total	90	4	94

RIGHT TO PROMPT AND FAIR TRIAL

There is one District Court and one Appellate Court in the district. Out of two positions for judges in the District Court, one was occupied. There were 274 civil and 176 criminal cases pending until the end of the year. There are 13 civil cases and three criminal cases older than two years pending in the court.

Similarly, out of five positions for the judges in Appellate Court, two were working. There were 56 civil and 91 criminal cases pending until the end of the year.

CHILD RIGHTS

Education Status

There are 96 primary schools, 61 lower secondary schools, 50 secondary schools and 50 higher secondary schools in the district. Out of total positions for 1,910 teachers, 19 were vacant. Out of 37,730 boys and 50,248 girls of school going age, 36,279 boys and 48,315 girls were enrolled in the school this year. 150 schools in the district have disabled-friendly buildings. Scholarship was provided to 9,410 Dalit boys and 11,196 Dalit girls. The annual budget of DEO is Rs. 32,52,97,000 of which Rs. 11,30,000 is administrative cost.

This year, girls of ages between six and 14 were victims of rape. One girl was poisoned and killed by her own mother. Out of 12 incidents of child rights violations, eight were of rape and four of child trafficking and transportation. Last year, out of 11 girls, six were victims of rape, three of trafficking and transportation and two of sexual abuses.

Killing

The relative of an eight-year-old girl, Laxmi Panta of Betkot Municipality-13 filed a complaint in police on December 22 against her step-mother Dammara Panta, 30, on charge of allegedly killing her by poisoning on December 21. The

Types of Events	By Non-State	
	Female	Total
Child Trafficking	4	4
Rape	8	8
Total	12	12

police arrested the accused while she was burying the dead body in pit at the local Chaudhar River with the help of neighbors. The investigation regarding the case was going on until the end of the year.

Rape, Attempt to Rape and Sexual Abuses

The family of a six-year-old girl filed a complaint in police on September 2 against Kamal Nepali, 22, of Bhimdatta Municipality-8 on charge of raping the girl the same day. The police arrested him immediately and the District Court issued an order to remand the accused in custody on September 28.

ALL KINDS OF RACIAL DISCRIMINATION

Jamuna Damai, 37, of Daiji VDC-5 filed a complaint in police on May 19 against Janaki Chand, 40, of the same place on charge of caste based discrimination against her on May 13. It is mentioned in the complaint filed by the victim that the accused verbally abused and assaulted her not to pollute the river water and use it for any purpose. The source of river in Daiji VDC-5 had diverted and the water was being used for drinking.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 108 women lodged complaints of domestic violence at the Women and Children Service Centre under the District Police Office. Of these, 97 cases were of assault and 11 cases were of assault and expulsion from the house. Among these, 89 cases were settled in an agreement and 19 were sent for legal action.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	68	68
Polygamy	1	1
Rape	3	3
Sexual Abuse	1	1
Total	73	73

This year, three women were raped and one was victim of polygamy. one women was sexually abused and 68 women suffered from domestic violence. Even a brother-in-law was found involved in rape. The cases of three women killed by their family member were on trial. Last year, out of 59 women, one woman was victim of allegation of witchcraft, two of polygamy, three of trafficking and 53 of domestic violence.

Killing by Family Member

The relatives of Sarathi Bohora, 19, of Amarpur, Jhalari Pipladi Municipality-11 filed a complaint in police on July 17 against her husband Suresh Bohora, 22, and father-in-law Bir Bahadur Bohora, 55, on charge of allegedly killing

her on July 16. Both the accused were arrested a day later. The court issued an order to remand Suresh and release Bir Bahadur on a bail amount of Rs. 50,000.

Rape, Attempt to Rape and Sexual Abuses

The family of a 32-year-old woman filed a complaint in police on March 16 against her brother-in-law, 40, on charge of attempting to rape her on March 15 while alone at house. The accused was arrested the same day. The District Court issued an order to remand the accused on June 4.

HEALTH SERVICE STATUS

There is one hospital, three health posts and 18 sub health posts in the district. Out of 29 positions for doctors in the district hospital, eight were occupied. Though there is one post for gynecologist in the hospital, it remained vacant. The district hospital has 74 positions for Assistant Health Workers of which 66 were occupied. The annual health budget of the district is Rs. 11,27,00,000 of which medical expenses is Rs. 53,43,000.

5.7 Daleldhura



Total Population

142094



Women

75538



No. of Households

27045



**No. of Households Drinking
Water from River/Stream**

1498



No. of Households without Toilet

11226



No. of Migrant Workers

11670



**Largest Population by
Caste/Ethnicity**

76147 (Chhetri)



Population by Disability

5150



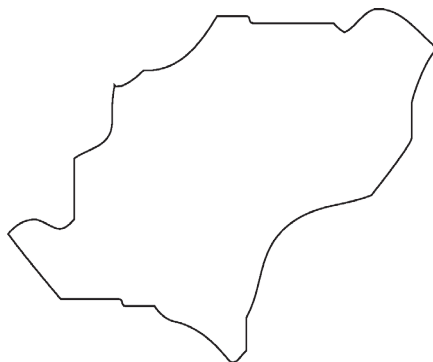
Literacy above 5 yrs (%)

65.3



No. of Community Schools

218



According to INSEC documentation, there was a rise in the incidents of human rights violations, in Dadeldhura in 2015. In 2014, 47 people, including 43 women were victims of human rights violations whereas the number increased to 75, including 74 women in 2015. Last year 35 women were victims of domestic violence whereas the number almost doubled to 68 this year. Two women were victims of sexual abuses this year. In 2014, three women were victims of sexual abuses. Last year, four girls were victims of child rights violations whereas there were three victims this year. Last year, three people, including two women were victims of caste based discrimination whereas there was only one victim this year.

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates at a time. A total of 47 inmates, including 44 convicts and three detainees were held there at the end of the year. Among these, four were women and one boy was living as a minor dependent. There is a problem of toilet, drinking water and sleeping space due to the large number of inmates.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were 23 civil and 14

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	3		3
Racial Discrimination		1	1
Women Rights	71		71
Total	74	1	75

criminal cases pending until the end of the year.

CHILD RIGHTS

Education Status

There are 142 primary schools, 59 lower secondary schools and 32 secondary schools in the district. 23,250 boys and 24,558 girls of school going age were enrolled from the primary to secondary level this year. 5,643 Dalit boys and 5,347 Dalit girls received scholarship this year. Out of total positions for 1,244 teachers, 808 were occupied in the primary level, 232 in lower secondary level and 200 in secondary level. There are 6,017 children, including 3,222 boys and 2,795 girls in the Early Childhood Development Centres.

Types of Events	By Non-State	
	Female	Total
Rape	1	1
Sexual Abuse	2	2
Total	3	3

Rape, Attempt to Rape and Sexual Abuses

This year, an eight-year-old girl was raped by a 15-year-old boy. Two girls were victims of sexual abuse.

The mother of an eight-year-old girl filed a complaint in police on June 7 against a 15-year-old boy on charge of raping the girl in a riverbank near her house on June 2. The police arrested the accused immediately. The District Court sentenced seven year imprisonment, five years for rape and two years for incest to the rapist on July 16. The court even issued an order to keep the perpetrator in Child Reform Centre as he was a juvenile.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape and Sexual Abuses

This year, a woman with disability

Types of Events	By Non-State	
	Female	Total
Domestic Violence	68	68
Rape	1	1
Sexual Abuse	2	2
Total	71	71

was also a victim of rape. two women were victims of sexual abuses. The age of the accused in rape and sexual abuses was up to 48. The court sentenced 12 years imprisonment to one of the accused.

The family of a 25-year-old woman with disability filed a complaint in police on March 5 against Top Bahadur Gaha Magar, 40, of Dolaka, Aalital VDC-5 on the afternoon of March 4. The police arrested the accused the same day. The court sentenced 12 years imprisonment to the perpetrator on April 3 and asked to pay Rs. 50,000 as compensation to the victim.

Domestic Violence

In 2015, 56 women lodged complaints of domestic violence at the Women and Children Service Centre under the District Police Office. Of these, 46 cases were of assault and 10 of violence. All cases were settled in agreement by the police.

HEALTH SERVICE STATUS

There is one hospital, one Sub Regional Hospital and 24 health posts in the district. Out of three positions for doctors in the district hospital, two were occupied. There is no post for gynecologist in the hospital. The district hospital has 50 positions for Assistant Health Workers of which 35 were occupied. Out of 42 positions for Auxiliary Nurse Midwife, 41 were occupied. The annual health budget of the district is Rs. 9,43,00,000 of which medical expenses is Rs. 58,45,000.

5.8 Baitadi



Total Population

250898



Women

133491



No. of Households

45191



No. of Households Drinking Water from River/Stream

2259



No. of Households without Toilet

25808



No. of Migrant Workers

21039



Largest Population by Caste/Ethnicity

130894 (Chhetri)



Population by Disability

7788



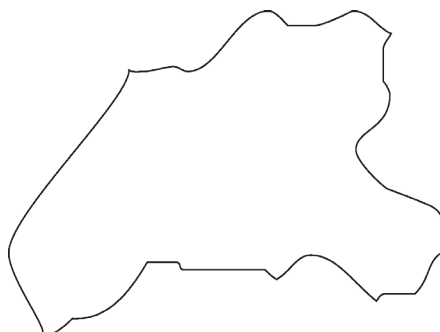
Literacy above 5 yrs (%)

63.00



No. of Community Schools

508



According to INSEC documentation, there was no improvement in the human rights situation of Baitadi in 2015. In 2014, 55 people, including 51 women were victims of human rights violations and abuses whereas 55 people, including 54 women were victimized in 2015. Mostly, women were victimized by the non-state actor. Last year eight children, including one boy were victims of child rights violations whereas there was no child victim this year. Last year, two women were killed by the non-state actor whereas one woman was killed by family member this year.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates at a time. A total of 47 inmates, including 46 convicts and one detainee were held there at the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has a position for one judge. There were six civil and eight criminal cases pending until the end of the year.

CHILD RIGHTS

Education Status

There are 325 primary schools, 105 lower secondary schools and 64 secondary schools in the district. Out of total posi-

Types of Events	By Non-State		
	Female	Male	Total
Killing	1	1	2
Women Rights	53		53
Total	54	1	55

tions for 1,986 teachers, 1,970 were occupied. Out of 97,574 children of school going age, 46,388 boys and 51,146 girls were enrolled from primary to secondary levels in the school. Of these, 10,779 were Dalit boys and 10,362 were Dalit girls. There are 399 Early Childhood Development Centres where 10,492 children, including 5,298 boys and 5,194 girls are admitted. Of these, 1,218 are Dalit boys and 1,231 are Dalit girls.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

In 2015, 52 women lodged complaints of domestic violence at the Women and Children Service Centre under the District Police Office. All these cases were settled by the police. Besides, 91 cases were registered in the District Police Office. Of these, two cases were of attempt to murder, two of murder, 27 of suicides, one of unclaimed body, two of rape and five of road accidents.

This year, two women were raped and 51 women were victims of domestic violence. The court sentenced 10 years imprisonment to a perpetrator who assaulted and killed his 70-year-old mother. The court sentenced five years imprisonment to the rapists. Last year, 40 women were victimized which included one case of rape, one of attempt to rape and 38 of domestic violence.

Killing by Family Member

The family of Radha Devi Nayak, 70, of Jurgu, Melauli VDC filed a complaint in police on March 19 against her son Kalu Singh Nayak, 40, on charge of

Types of Events	By Non-State	
	Female	Total
Domestic Violence	51	51
Rape	2	2
Total	53	53

assaulting and killing her on March 16. The police arrested the accused the same day. The District Court sentenced 10 years imprisonment to the perpetrator on April 23.

Rape, Attempt to Rape and Sexual Abuses

The family of a 26-year-old girl filed a complaint in police on February 15 against Lok Bahadur Bista, 38, of Patan Municipality-8 on charge of raping her in the jungle on February 14. The police arrested the accused on February 15. The court sentenced five years imprisonment to the perpetrator on March 27.

HEALTH SERVICE STATUS

There is one district hospital, 65 health posts and four primary health centres in the district. Out of two positions for doctors in the district hospital, both were occupied. There is one position for gynecologist in the hospital. The district hospital has 138 positions for Assistant Health Workers of which 131 were occupied. Out of 139 positions for Auxiliary Nurse Midwife, 130 were occupied. The annual health budget of the district is Rs. 9,43,00,000 of which Rs. 58,45,000 is for medical expenses.

5.9 Darchula



Total Population

133274



Women

69669



No. of Households

24618



No. of Households Drinking Water from River/Stream

746



No. of Households without Toilet

13105



No. of Migrant Workers

6864



Largest Population by Caste/Ethnicity

86025 (Chhetri)



Population by Disability

3669



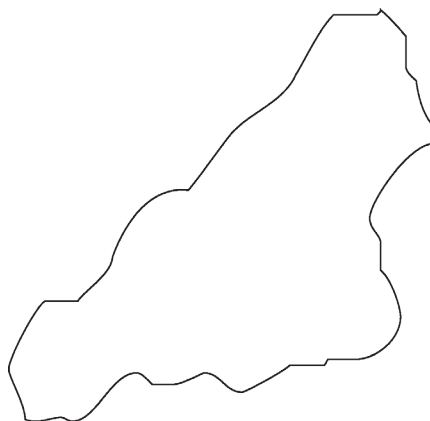
Literacy above 5 yrs (%)

65.4



No. of Community Schools

338



The INSEC documentation showed improved human rights situation of Darchula district in 2015 as compared to 2014. In 2014, a total of 34 people, including 28 women were the victims of human rights violation, whereas in 2015, a total of 28 people, including 27 women were the victims of human rights violation. Women and children were victimized by non-state actors. INSEC documented two incidents of rape under child rights violation. 21 women were the victims of sexual violence and domestic violence. Last year, one woman was killed by non-state whereas this year too, one woman was killed. Two cases of polygamy were on trial. Last year, 27 women and five children were victimized by non-state actors.

JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 40 inmates at a time. A total of 43 inmates, including 41 convicts and three detainees were held there at the end of the year. Inmates are living in fear as the infrastructure of the building is in dilapidated condition.

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	2		2
Killing	1	1	2
Women Rights	24		24
Total	27	1	28

RIGHT TO PROMPT AND FAIR TRIAL

The District Court has one position for judge. There were six civil and 23 criminal cases pending at the end of the year.

CHILD RIGHTS

Education Status

There are 222 primary schools, 66 lower secondary schools, 39 secondary schools in the district. A total of 1,372 teachers were at work in the district. A total of 20,686 boys and 21,811 girls of school going age were enrolled in the school this year. There were 2,558 dalit boys and 2,680 dalit girls in the district.

This year two girls of age four and 13 years were raped. The rape accused were known person and relatives. Last year, four girls were sexually abused and one was the victim of child marriage.

Types of Events	By Non-State	
	Female	Total
Rape	2	2
Total	2	2

Rape, Attempt to Rape and Sexual Abuses

A relative of a four-year-old girl lodged a complaint in the District Police Office against Jiwanraj Mahatara, 22, of Thin VDC-4, Kalikot on charge of raping a girl on October 27. The accused was arrested on the same day and was remanded in the custody by the order of the court on November 23.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

This year 23 women lodged complaints at the Women and Children Service Centre (WCSC) against domestic violence. All cases were settled in agreement.

Types of Events	By Non-State	
	Female	Total
Domestic Violence	16	16
Polygamy	2	2
Rape Attempt	3	3
Sexual Abuse	2	2
Women Trafficking	1	1
Total	24	24

This year, 24 women were victimized by non-state actor. Among them, three were victims of attempted rape, one of trafficking, two of polygamy, two of sexual abuse and 16 of domestic violence. One of the attempted rape accused was a journalist. Last year, 27 women were the victims of domestic violence, sexual violence and trafficking. Police settled the cases of domestic violence in agreement.

A relative of 47-year-old woman filed a complaint in police office on August 17 against Karan Singh Karki, 29, of Chhapari Municipality-6 accusing him of attempted rape of a woman on August 13. The accused was arrested by police on August 20. The court ordered to remand him in custody on September 3.

HEALTH SERVICES

There is one hospital, 40 health posts and four primary health centers in the district. There was one position for the doctor in the hospital, but none of them were at work. All of the two positions for Medical Officers were occupied. There was no position for gynecology specialist. The district has 80 positions for Assistant Health Workers, out of which 72 were occupied. The district has 80 positions for Auxiliary Nurse Midwives (ANM), of which 59 were occupied.

Annex 2

Statistics of Human Rights Violations in 2015

Annex 2.1 Incidents and Number of Victims

Types of Events	By State			By Non-State				Grand Total
	Female	Male	Total	Female	Male	LGBTI	Total	
Abduction				5	2		7	7
Abduction				5	2		7	7
Arrest & Torture	3	112	115					115
Arrest & Torture	3	112	115					115
Beatings	10	89	99	16	108		124	223
Beatings	10	89	99	16	108		124	223
Child Rights								
Child Labour				24	22		46	46
Child Marriage				23	1		24	24
Child Trafficking				34	2		36	36
Corporal Punishment				7	21		28	28
Killing of Newborn Baby				4	8		12	12
Rape				492			492	492
Sexual Abuse				199	1		200	200
Total				783	55		838	838
Death in Detention		1	1					1
Death in Detention		1	1					1
Disappearance		1	1					1
Disappearance		1	1					1
Economic, Social and Cultural Rights								
Denied Wages					2		2	2
Right to Own Property				1	17		18	18
Total				1	19		20	20
Inhuman Behaviour								
For Practicing Witchcraft				1	3		4	4
Others					3		3	3
Rubbing Soot on the Face				1	5		6	6
Total				2	11		13	13
Injured								
Acid Attack				3			3	3
Injured By Bomb Blast				3	19		22	22
Injured By Firing	12	256	268	1	11		12	280
Injured by setting fire		1	1		8		8	9
Injured by using sharp weapons				1	4		5	5
Injured in Clash		18	18	4	161		165	183
Total	12	275	287	12	203		215	502

Annex 2.1 Incidents and Number of Victims

Types of Events	By State			By Non-State				Grand Total
	Female	Male	Total	Female	Male	LGBTI	Total	
Killing								
Beaten to Death				57	34		91	91
By Bomb Blast				1	4		5	5
By Giving Poison				6	1		7	7
By Hanging				4			4	4
By Using Sharp Weapons				34	44		78	78
Crushing with Stone					6		6	6
Hacked to Death				3	3	1	7	7
Killed After Rape				9			9	9
Killed by Firing	4	32	36	4	14		18	54
Killed in Clash		1	1	1	1		2	3
Nature of Killing Unexposed				2	4		6	6
Setting Fire				1	1		2	2
Slitting Throat to Death					2		2	2
Squeezed to Death				4	2		6	6
Striking Hammer				1	1		2	2
Striking Khukuri				5	6		11	11
Striking Lathi				6	8		14	14
Total	4	33	37	138	131	1	270	307
Racial Discrimination								
Deprived from Entering in Public Places				1	1		2	2
Intercaste Marriage				2	5		7	7
Untouchability				15	23		38	38
Total				18	29		47	47
Right to Assembly								
Lathi Charge	37	318	355					355
Right to Assembly	49	283	332					332
Total	86	601	687					687
Threat		8	8	3	38		41	49
Threat		8	8	3	38		41	49
Women Rights								
Domestic Violence				2707			2707	2707
For Practicing Witchcraft				51			51	51
Polygamy				287			287	287
Rape				259			259	259
Rape Attempt				135			135	135
Sexual Abuse				62			62	62
Women Trafficking				46			46	46
Total				3547			3547	3547
Grand Total	115	1120	1235	4525	596	1	5122	6357

Annex 2.2 Number of Victims by Occupation

Victim Occupation	By State			By Non-State			
	Female	Male	Total	Female	Male	LGBTI	Total
Agriculture	26	342	368	1107	128	1	1236
Armed Police					30		30
Military					1		1
Police		6	6	9	148		157
Artist				5			5
Business	1	57	58	30	16		46
CA Member	1		1				
Civil/Private Service		1	1	18	15		33
Health Worker		8	8	11	1		12
Human Rights Activist	12	25	37	3	3		6
Journalist		61	61	4	50		54
Housewife	27	2	29	2306	3		2309
Law Professional		1	1		1		1
Medical Professional				2			2
Labour	4	28	32	141	50		191
Political Worker	31	380	411	1	38		39
Social Worker	1		1	2	2		4
Student	9	140	149	505	51		556
Teacher		7	7	9	5		14
Underage				20	3		23
N/A	3	62	65	352	51		403
Total	115	1120	1235	4525	596	1	5122

Annex 2.3.1 Eastern: Incidents and Number of Victims

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				2	1	3
Arrest & Torture		9	9			
Beatings	3	45	48	4	42	46
Child Rights				220	13	233
Economic, Social and Cultural Rights					1	1
Inhuman Behaviour				1	4	5
Injured	2	32	34		34	34
Killing		5	5	35	33	68
Racial Discrimination				10	7	17
Right to Assembly	11	123	134			
Threats		3	3		2	2
Women Rights				879		879
Total	16	217	233	1151	137	1288

Annex 2.3.2 Mid: Incidents and Number of Victims

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				2	1	3
Arrest & Torture		47	47			
Beatings	1	19	20	9	34	43
Child Rights				276	24	300
Death in Detention		1	1			
Disappearance		1	1			
Economic, Social and Cultural Rights					3	3
Inhuman Behaviour					3	3
Injured	6	186	192	5	78	83
Killing	1	20	21	48	49	97
Racial Discrimination				3	5	8
Right to Assembly	40	323	363			
Threats		2	2	1	21	22
Women Rights				1479		1479
Total	48	599	647	1823	218	2041

Annex 2.3.3 Western: Incidents and Number of Victims

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				1		1
Arrest & Torture		2	2			
Beatings		6	6		14	14
Child Rights				158	6	164
Economic, Social and Cultural Rights					4	4
Inhuman Behaviour					1	1
Injured	1	16	17	1	5	6
Killing	3	5	8	21	20	41
Racial Discrimination					1	1
Right to Assembly	5	35	40			
Threats				1	5	6
Women Rights				246		246
Total	9	64	73	428	56	484

Annex 2.3.4 Mid Western: Incidents and Number of Victims

Types of Events	By State			By Non-State			
	Female	Male	Total	Female	Male	LGBTI	Total
Arrest & Torture	3	41	44				
Beatings	5	19	24	2	13		15
Child Rights				86	8		94
Economic, Social and Cultural Rights				1	10		11
Inhuman Behaviour				1	3		4
Injured	3	35	38	6	26		32
Killing		3	3	19	11	1	31
Racial Discrimination				3	5		8
Right to Assembly	30	120	150				
Threats		3	3	1	7		8
Women Rights				572			572
Total	41	221	262	691	83	1	775

Annex 2.3.5 Far Western: Incidents and Number of Victims

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		13	13			
Beatings	1		1	1	5	6
Child Rights				43	4	47
Economic, Social and Cultural Rights					1	1
Injured		6	6		60	60
Killing				15	18	33
Racial Discrimination				2	11	13
Threats					3	3
Women Rights				371		371
Total	1	19	20	432	102	534

Annex 2.4 Number of Victims by Type and Month

Types of Events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Abduction	1	4				1			1				7
Arrest & Torture	4	1		12	1	3	4	21	54	11		4	115
Beatings	17	4	25	9	3	6	15	33	45	10	28	28	223
Child Rights	69	73	146	79	82	66	63	78	62	53	37	30	838
Death in Detention	1												1
Disappearance			1										1
Economic, Social and Cultural Rights		5	4	7			1				1	2	20
Inhuman Behaviour	1	1						8	2		1		13
Injured	9	12	3	3	1	1	8	219	168	5	51	22	502
Killing	35	21	21	22	23	16	24	34	48	20	24	19	307
Racial Discrimination	6	6	3		11	3	5	5	1	3	3	1	47
Right to Assembly	32	11	28	14			95	178	182	28	29	90	687
Threats	2	4	3	2	3	4		2	21	2	3	3	49
Women Rights	409	384	330	338	398	351	253	308	295	207	180	94	3547
Total	586	526	564	486	522	451	468	886	879	339	357	293	6357

Annex 2.5 Number of Victims by Caste/Ethnic Group

Victim Caste	By State			By Non-State			
	Female	Male	Total	Female	Male	LGBTI	Total
ADHIBASI	3	19	22	108	12		120
BAISYA		3	3	18	1		19
BANIYA	4	22	26	9	1		10
BRAHMAN	21	151	172	427	96		523
CHHETRI	24	204	228	951	137	1	1089
DALIT	11	72	83	785	98		883
GODIYA		4	4	2			2
JANAJATI	22	105	127	1175	115		1290
KAYASTHA		8	8	4			4
KOIRI	1	22	23	45	6		51
MANDAL	3	31	34	47	12		59
MUSLIM	6	84	90	240	14		254
NEWAR	2	5	7	151	6		157
SANYASI		4	4	15	5		20
TELLI	3	113	116	115	26		141
YADAV	8	164	172	127	41		168
N/A	7	109	116	306	26		332
Total	115	1120	1235	4525	596	1	5122

Annex 2.6 Destruction of Property

Ambulance	13
Bank	1
Bridge	1
College	2
District Forest Office	1
Government Offices	41
Government Vehicles	20
Health Post	1
Police Post	27
Political Party Office	7
Private Home	34
Private Offices	4
Private Property	3
Private Vehicle	147
VDC	3
Total	305

Annex 2.7 No. of Inmates in Jail at the End of 2015

SN	District	Grade	Capacity	Number of Inmates in Jail at the end of 2015					Dependants		Death in Jail
				Detainees	Convicts	Total	Male	Female	Boys	Girls	
1.1	Jhapa	B	300	354	405	759	759			7	
1.2	Ilam	C	125	39	267	306	277	29		5	3
1.3	Panchthar	E	25	14	129	143	123	20	3	2	
1.4	Taplejung	E	25	30	77	107	107				
1.5	Morang	B	250	262	444	706	706		2	2	1
1.6	Sunsari	Non Graded	1600	333	1146	1479	1479				
1.7	Dhankuta	D	25	36	47	83	83			1	
1.8	Terhathum	D	35	11	55	66	60	6	1		
1.9	Bhojpur	C	25	10	96	106	106				
1.10	Sankhusabha	D	25	10	95	105	105		1		
1.11	Saptari	D	125	182	137	319	300	19			2
1.12	Siraha	D	150	176	141	317	317			1	1
1.13	Udayapur	E	50	55	66	121	121		2	5	
1.14	Khotang	E	99	66	33	99	99				
1.15	Okhaldhunga	E	25	9	41	50	50				
1.16	Solukhumba	E	25	13	69	82	82				
2.1	Dhanusha	NO Jail									
2.2	Mahotari	B	135	363	45	408	373	35	3	3	
2.3	Sarlahi	C	100	No Detainees							
2.4	Sindhuli	D	35	23	90	113	113		1		
2.5	Ramechhap	C	50	14	241	255	239	16			
2.6	Dolakha	D	42	14	45	59	59				
2.7	Rautahat	C	95	89	45	134	122	12		1	1
2.8	Bara	NO Jail									
2.9	Parsa	B	700	339	739	1078	1003	75	3	3	
2.1	Chitwan	D	235	204	364	568	515	53			
2.11	Makwanpur	D	1200	371	205	576	576				
2.12	Lalitpur	C	175	208	372	580	580				
2.13	Kavre	D	61	68	134	202	202				2
2.14	Bhaktapur	Child Reform Center	150	26	71	97	95	2			
2.15	Kathmandu	A	1200	1251	1250	2501	2186	315	13		16
2.15	Kathmandu	B	250	215	361	576	576				
2.16	Dhading	C	30	43	132	175	162	13	1	1	
2.17	Sindhupalchok	D	60	132	84	216	196	20	1		
2.18	Nuwakot	D	80	29	114	143	126	17			
2.19	Rasuwa	E	25	21	58	79	76	3			
3.1	Tanahu	D	25	23	84	107	107				
3.2	Gorkha	D	55	28	93	121	107	14	2	1	

SN	District	Grade	Capacity	Number of Inmates in Jail at the end of 2014					Dependants		Death in Jail
				Detainees	Convicts	Total	Male	Female	Boys	Girls	
3.3	Lamjung	D	35	10	59	69	61	8		2	
3.4	Syanja	E	35	24	92	116	106	10	1		
3.5	Kaski	D	60	177	363	540	487	53	1		
3.6	Manang	Non Graded	5		10	10	10				
3.7	Nawalparasi	E	35	87	77	164	145	19	1	4	
3.8	Rupandehi	B	100	269	234	503	503				
3.9	Palpa	C	300	25	297	322	243	79	6		
3.1	Kapilvastu	D	85	70	120	190	189	1			
3.11	Arghakhanchi	E	25	2	23	25	24	1			
3.12	Gulmi	E	25	19	52	71	71		1		
3.13	Baglung	D	35	5	78	83	73	10		1	
3.14	Parvat	D	60	6	60	66	60	6			
3.15	Myagdi	D	32	18	75	93	86	7			
3.16	Mustang	E	7	7	2	9	7	2			
4.1	Dang	E	50	31	138	169	169				
4.1	Dang	D	100		171	171	150	21			
4.2	Pyuthan	D	25	11	61	72	58	14	1	1	
4.3	Rolpa	D	50	25	63	88	88		2		
4.4	Salyan	D	20	8	74	82	82		2		
4.5	Rukum	D	24	10	69	79	79		2		
4.6	Banke	C	250	151	408	559	509	50	2	12	
4.7	Bardiya	D	125	36	181	217	203	14			
4.8	Surkhet	E	25	29	118	147	147				
4.9	Jajarkot	C	10	5	35	40	40				
4.1	Dailekh	C	100	4	109	113	113				
4.11	Dolpa	E	25	4	12	16	16				
4.12	Jumla	E	20	8	23	31	31				
4.13	Kalikot	E	25	1	40	41	41		1		
4.14	Mugu	C	15	3	3	6	6				
4.15	Humla	C	25		5	5	4	1			
5.1	Kailali	D	125	252	128	380	351	29	2	1	
5.2	Achham	D	25	10	26	36	32	4			
5.3	Doti	B	45	8	33	41	39	2			
5.4	Bajura	E	25	20	12	32	32				
5.5	Bajhang	E	25	45	20	65	65				
5.6	Kanchanpur	C	95	59	145	204	194	10	2		
5.7	Dadeldhura	E	25	3	44	47	43	4	1		
5.8	Baitadi	D	25	1	46	47	47				
5.9	Darchula	D	40	3	41	44	41	3			
Total			9770	6507	11322	17829	16832	997	58	53	26

Views of Political Parties on Human Rights Situation in 2015

CPN-UML

The Human Rights of the country in 2015 remained mixed in nature. On the one hand there has been a historical achievement regarding democracy and human rights, whereas on the other hand there were levels of challenges leading to humanitarian crisis owing to the natural disaster and human induced obstructions.

On September 20, 2015, Nepal promulgated its Constitution. This proclamation of constitution was marked as a historical moment where the representatives elected by the people wrote the constitution, making the peoples' seven decades long dream come true. The constitution has institutionalized the achievement of people's movement/revolution including democracy, social justice, inclusive ruling system, federalism and secularism making a strong base for peaceful, lawful and prosperous nation. This constitution is of highly democratic character in terms of constitutional process as it was passed by very inclusive Constituent Assembly with the massive participation of the people and involvement of more than 90% CA members. The constitution has firmly fulfilled the issues of human rights and

democracy in the United Nations Charter, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural rights and other treaties of which Nepal is a state party, assimilating the universal norms/values of democracy. The constitution has not only proclaimed the sovereign equality but has also made provisions for the special rights of Dalit, women, marginalized community, Madhesi, Muslim, Tharu and people with disabilities. It has provided special rights to women and people from backward community by ensuring one third of their representation in every organ of the state body, making itself as an important document for equality. The provisions of right to basic health, free-education up to secondary level, employment, lodging and right to food highlights the progressive and people-oriented content of the constitution. Communist Party of Nepal (UML) analysis the promulgation of this constitution as a historical event and affirms that the country has achieved a historical success through this proclamation in the field of democracy, Human Rights and human dignity.

In the course of implementation of the constitution, battleful women have been elected in honourable posts like president and house speaker.

The achievements that the nation has accomplished in a short period of time in the field of gender equality and Women Rights is symbolic. This indicates that the constitutional contents of inclusive ruling system and social justice are being established practically.

However, the incident prior and post to the promulgation of the constitution remained worrisome, tragic and painful. It is the subject of pride for one sovereign nation that has achieved international goodwill, happiness and solidarity while making a democratic constitution by using its inherent right to self-determination through seven years long effort. But the reaction and steps including undeclared embargo taken by the neighbouring country India, after the promulgation of constitution was unexpected and inconceivable for us. Not only do such steps disregard the United Nations Charter, SAARC Charter, UN Convention on Law of the Sea and Nepal-India Transit Treaty, but also adversely affects the unique relations between the people of both countries that has been existing traditionally. This has created a difficult condition for Nepal which is struggling to give new life to the nation through reconstruction and efforts to keep warm more than 4 million Nepali people who suffered from the pain of the devastating earthquake. This issue was so serious that the UN Secretary General repeatedly drew attention that this might invite a serious humanitarian crisis in Nepal. There were some positive changes at the end of the year; however, there is no end to the undeclared embargo by India. People are in a situation to lose their life due to the unavailability of medicine. This condition from human rights perspectives is extremely tragic.

The unrest in Tarai-Madhes and agitation by Madhes-centric parties prior to the promulgation of constitution has not only affected the people in the area, but the whole nation has been affected. Studies of hundreds of thousands of students have

been disrupted, labourers are out of work, agriculture produce is wasted in the field and people are compelled to live amidst prolonged strike, curfew and prohibitory order. This paints a sad picture of the condition of human rights not being realized. During this period, 59 people, including security personnel were killed, hundreds of them became injured and disabled while many private and public property were destroyed. The tragic and heinous incident of Tikapur, Kailali on August 24 presents the horrific picture of the brutality, criminal mentality and social enmity growing in the Nepali society. Killing of injured security personnel by dragging him out from the ambulance, torching passenger bus, vandalizing private and public property and prohibiting people's representative to enter their district, burning of NHRC vehicle, spreading social-communal hatred are the kinds of violation of human rights taking place. There have been complaints of lack of adequate alertness and restraint on the part of security personnel and administration though in some places though it is their lawful duty to protect lives and property of the people. In the perspectives of Human Rights, the situation of Tarai-Madhes in past six months remained extremely worrisome.

The constitution itself is a dynamic document and federalism is a process which gets more matured, strengthened and practical along with the practice. It is indeed natural that all issues of Constituent Assembly, which consists of more than 30 political parties with different political ideology, programs and class bases, cannot come to a unanimous consensus. Similarly, there may be different opinion for different issues in a multi-cultural, multi-lingual, multi-ethnic and multi-religious society like ours. Making adequate efforts to reach consensus, if not then moving forward with maximum agreement and trying to establish the differing opinions through process and people's vote is the universal

norms of democracy. The democratic process cannot move forward if the minority tries to laden its wishes on the majority and obstructs the constitutional process if it does not materialize. It is necessary to be alert that others rights must be respected while fighting for own's rights. Meanwhile, such trends of breaching these minimum standards of democracy have been observed plenty of times and due to the stubbornness of few people, situation have been created where many people have been deprived of enjoying rights guaranteed by the constitution.

There are huge challenges in front of the nation regarding the rehabilitation of millions of victims of the devastating earthquake on April 25, 2015 and its aftershocks. The role of security personnel, health workers, local people, international community that offered support with large heart is praise worthy while the role of political parties mobilizing volunteers despite of their differences in opinion is positive. However, delay in the process of passing the bill on re-construction authority, the obstacles in the formation of the authority and various reasons that obstructed the process of reconstruction and victims not getting a warm clothes as announced by the government is a matter of concern. This has put lives of post-partum women, children, persons with disability and senior citizens of the country at risk. The victims can only feel the government is sensitive towards their plight if there are effective steps regarding reconstruction and rehabilitation by the government.

Apart from this, the government must give serious consideration into making lives of people normal by ensuring smooth supply of daily commodities and controlling the rampant black marketing and artificial shortage created in such time of crisis. The activeness of national and international agencies in monitoring, expressing concern regarding Human Rights in Nepal even in adverse situation

is remarkable. The United Nations has repeatedly drawn the attention of international community regarding the humanitarian crisis that may arise out of the blockade in Nepal. The National Human Rights Commission has been continuously monitoring the Human Rights situation. Various Human Rights organizations are actively playing positive role from their side.

In brief, Nepal has taken a remarkable step forward in human rights sector by promulgating a democratic constitution while facing various human and nature induced adversities in 2015. This adverse situations faced by the country are temporary and the CPN-UML believes that Nepal will solve these issues in a positive manner and progress at a fast rate towards the direction of sustainable peace, strengthened democracy, inclusive ruling system and economic prosperity.

Pradip Gyawali
Secretary

Rastriya Prajatantra Party Nepal

The “Human Rights Year Book” which is being published since last 24 years by INSEC with the documentation of various natures of human rights violation that occurred in the country in a year is most useful and guiding material for the protection and promotion of human rights. The publication is found to have aimed at providing effective guideline and encouragement to both human rights violator and protector to stop repetition of human rights violation in future. RPP Nepal heartily appreciates the untiring attempt and role of INSEC towards protection and promotion of human rights in the country.

This party carries an objective of guaranteeing the Human rights of Nepali people and strengthening and expanding the basic rights of Nepali on



the basis of equality and freedom. We are equally engaged in an attempt to make this objective more effective. Taking these backgrounds into consideration, the subject of human rights is being interpreted, analysed and treated relative to the time, circumstance, character and ground of principle in Nepal. Human rights is not only concerned with political rights, it also addresses the most sensitive human aspects such as right to peace to security in any circumstances, guarantee of shelter, food, education, health, justice etc.

In Nepal such situation has not been established yet. Still now, people are victimised by hunger, diseases, poverty, illiteracy, disorder, backwardness, impunity, social, economic and political marginalization and violence. The common people are not able feel the presence of the state and enjoy the human rights. While looking at the situation of human rights by connecting real situation of common people, doubts emerge if we are making it more of a business than service. Finally, I would like to wish success to INSEC for the publication of "Human Rights Year Book" and further wish that this organization plays more effective role in future for the protection and promotion of human rights of the country.

Kamal Thapa
Chairperson

Madhesi Janadhikar Forum, Nepal (Democratic)

In 2015, the Human Rights situation of the country remained worse. The Human Rights of Nepalese people were violated by the various kinds of agitation, bandh and protest staged by the political parties as the constitution was being drafted. The life of people in many districts was affected by the devastating earthquake of April 25. The suppression during the agitation of Tharu, Madhesi and Janajati and

others violated human rights. Our party's senior vice-chairperson Rameshwor Ray's son suffered a bullet injury in his neck. Similarly, party members Raj Kishore Thakur of Rautahat and Sanjeev Raut of Saptari were killed in police firing. More than hundred agitators were injured and 54 protestors and security personnel were killed during the Madhes agitation. We believe that these incidents are violation of human rights. The life of earthquake victims is very hard due to the delay in rehabilitation and re-construction efforts.

Pramananda Mehata
Office Secretary

Rastriya Prajatantra Party

In the field of human rights, especially regarding human rights awareness, the efforts carried out by this organization is praiseworthy.

Human rights situation during this period was neither disappointing nor was it encouraging. Some incidents that took place at the later part of the year were unexpected and illiberal as compared to the beginning of the year. There are situation of violation of others' rights while fighting for one's rights while the state was also found to have not demonstrated sensitive behaviour.

Superstitions-induced incidents have not decreased while incidents of untouchability and inequality have taken place. On one hand such situation exists while on the other hand people do not have access to basic needs such as education, health, shelter, food and employment.

Hari Prasad Ghimire
Central Member and Chief Secretary

CPN (ML)

The apathy shown by the government regarding relief distribution and reconstruction following the devastating earthquake of April 25, crisis created by the interfering, unjust and illegal Indian blockade following

the promulgation of new constitution on September 20 and difficulty caused by unruly activities carried out by Madhes-centric parties in the name of agitation weakened the human rights situation of the country.

The preliminary rescue operation has not yet begun as the government has not effectively managed the destruction caused by the earthquake. Life of people in such affected areas is very hard. In order to fulfil its vested interest through amendment of constitution or making the constitution a failure in case of lack of amendment following the promulgation of constitution with support of more than 85 percent of Constituent Assembly members, India was exerting a tremendous pressure on Nepal through its special envoy.

On September 24, India imposed a blockade on international trade and transit facility of Nepal without considering the facilities enjoyed by landlocked countries. The Indian blockade followed after Madhes-centric parties obstructed and shut down various custom points at Nepal-India border and highways. The Indian government, by mobilizing its administrative agencies, did not allow essential supplies of goods to enter into Nepal and imposed an unofficial blockade. This is not only illegal in terms of bilateral or international treaties but also a serious crime in human rights perspective. It is an attack on right to unhindered transit of landlocked Nepal and also a blatant political assault against Nepal's independence and sovereignty. This has been supported by Madhes-centric political parties by obstructing the customs check point at Nepal-India border.

Madhesi political parties have been violating human rights by forwarding narrow ethnic, communal and regional opinion/interpretation/analysis and repeating hollow slogans of political rights. It is a crime against humanity to violate the right to life of all Nepal people for their own vested interest.

Abduction of children, heinous killings, abduction of journalists, professionals and their killings, rape, women trafficking and various incidents of domestic violence, Nepali people in rural areas dying of hunger, all are issues of violation of human rights. It is overall duty of the state to take effective steps to address these issues.

In transitional period, impunity, lapses in discipline and disorder increase which leads to the rise in incidents of human rights violation. If there is peace, rule of law and political stability in the country, there will be comparatively less violations of human rights even though the human rights have not been established fundamentally.

The state must be sensitive to stop the incidents of human rights violation. Any person of agency **adopting** negligence should be punished. The state should immediately take necessary steps to maintain peace, law and order, end increasing unemployment, indiscipline and disorder. In this process all the political parties, specially progressive parties and intellectual citizens have important duties. The realization of responsibility by all concerned, making of effective laws for protection of rights and building of social awareness to implement law will only improve the situation of protection of human rights.

Kumar Belbase

Politburo Member and Spokesperson

Rastriya Jana Morcha

We would like to express our happiness and greetings for the publication of "Human Rights Year Book", which is published annually by INSEC.

Firstly, Nepali people are successful in making their own constitution. In various phases of history, constitutions were made by representatives of kings, rulers or parties and imposed on the people. But now, people have made

their own constitution. This practice is based on democratic principle and on top of that this holds an extremely higher significance from the point of view of human rights protection. The promulgation of constitution has paved the way to institutionalise the democratic republic. Question of protection of human rights will only get space after a proper political system gets established in the country. That is why, the constitution that has been promulgated can be taken as one of the important documents to direct the provision of democratic republic ruling system and protection of human rights.

Constitution of Nepal 2015 has provided constitutional recognition to 33 important types of human rights. It has also a provision of social rights apart from political and economic rights. It has given a constitutional recognition to right against social discrimination and state-provided rights to weak sections by including rights of women, children, dalit, senior citizen, and right to social justice under human rights. The present constitution provides for various constitutional commissions in order to provide various rights to caste/ethnicities that have been socially, economically, culturally and politically marginalized and to bring them into the mainstream of development. Women, Janajati, Muslim, Madhesi, Tharu and other commissions have been given constitutional recognition. Similarly, it has adopted a policy to include labourer, peasants and youth in various services and agencies of the state.

Looking at overall human rights related provisions of the present constitution, there are progressive human rights related provisions as compared to many other developed nations, which is very positive. But making provisions is not enough. It is also state's responsibility to make its people capable to enjoy these rights. If the state cannot fulfil this liability, the provision will be limited only in paper. One example of this is the problem being faced by the earthquake

victims. Their Human Rights is being violated every day.

On January 19, 2016, the Kantipur Daily carried a press release of National Human Rights Commission. The press release urged the government not to distribute the rice that arrived from abroad in the form of aid to the earthquake victims. This makes it clear that the government is not sensitive towards the protection of human rights. Earthquake victims are losing their lives daily due to the cold. Many children are suffering from pneumonia. They are deprived of education and good health. The earthquake victims are compelled to starve whereas the government, instead of distributing rice that arrived as aid for the victims, is trying to sell it. This subject is not limited to selling rice that arrived as aid. It is a matter of great irony that billions of rupees that have come for earthquake victims and post-earthquake reconstruction from abroad have not been used due to the battle between major political parties. There cannot be more negligence than this by the government towards protection of human rights. At present, the situation is not like in the period of armed conflict where people were killed in clashes between state and the Maoists. However, incidents of people dying due to the lack of medicine and food still prevail.

People are dying daily because the state has failed to fulfill basic human rights and make related provisions. Human rights will be protected only if the state succeeds in playing an important role to avoid this situation. News of organ trafficking by earthquake victims to make livelihood for the members of their family is indicative of the government's failure to perform its duty towards the earthquake victims. Many girls and women of families of earthquake victims have been taken to Gulf countries illegally through Delhi as house maid by middlemen taking advantage of their poor condition. They are subjected to physical and sexual

exploitation there. What can be more serious violation of human rights than this?

Today, the country has got a constitution. It was prepared and promulgated by the people's representatives, which is unacceptable to India. India imposed an unofficial blockade on Nepal after the Constituent Assembly refused to promulgate a constitution as per its interest. Consequently, medicines, fuel and essential supplies coming from India to Nepal have been stopped. This blockade has created large imbalance in the import of Nepal. Lives of millions of children are at risk as medicines have been stuck. More than 2200 industries were closed due to lack of fuel and tourism industry has suffered a huge blow. Development works has come to a standstill. This has taken livelihood of thousands of laborers. Lack of fuel has caused food crisis in rural parts and high mountains.

India is a state party of various international treaties and instruments and also supports the Universal Declaration of Human Rights. It has committed a grave mistake by violating the human rights issues to which it itself has expressed commitment. Human rights of millions of Nepali people are being violated by India at the moment.

Nepal is a landlocked country. It is the right of a landlocked country to have access to sea of a neighbouring country for transit services. However, India has violated the international law by taking away the right of a landlocked country for not making constitution as per its interest. Even in the case of war, one cannot behave like this with enemy state. Nepal has not announced any war against India; it has just made its own constitution. The unofficial blockade imposed by India on Nepal in such situation is against international law. The government does not seem serious enough towards protection of human rights of the people as it failed to internationalise the unofficial blockade imposed by India. However,

India invited disrepute internationally owing to the continuous voice raising and struggle by political parties, media, civil society, intellectuals, NGOs and INGOs working in human rights sector regarding the impact on human rights of people caused by Indian blockade. Due to this unofficial blockade, there has been a serious imbalance in supply management whereas on the other hand black marketing is flourishing openly. The present government is not serious in controlling this black marketing. Questions have been raised about the involvement of government itself in black marketing. The black marketers are violating rights of consumers by creating artificial shortage by hiding fuel and essential goods. It is well known that, from a long time, the centralized feudal state apparatus has been discriminating the people of Tarai-Madhes. We stress that this discrimination must come to an end. But the ongoing agitation in Tarai is not for the freedom of these exploited people, it is being carried out for the interest of feudal landlords of Madhes. Efforts are on to use the feeling of dissatisfaction among people in Tarai-Madhes towards centralized feudal system against a specific community and provide it a shape of dissociation. It is clear that this agitation has been infiltrated by large number from South. The agitation is being carried out by large amount of people, who are involved in criminal activities. The inhumane and violent behaviour shown during this agitation by the so-called agitators clearly justifies this.

Heinous killing of high ranking police officers, shooting of an innocent child playing in his garden clearly demonstrates the characters of so-called cadres participating in the agitation held by Madhes-centric parties. Apart from this, in Nawalparasi, Kapilbastu, Birgunj and Rautahat, agitators attempted to burn locals alive. Children were deprived of their right to education as agitators did not allow schools, health institutions to

operate in Tarai-Madhes for a long time. Patients face difficulty due to lack of medicines. The government decided to deploy army in various districts of Tarai including Kailali on the pretext of Madhes agitation. Many people sadly lost their lives in firing carried out by police in the name of maintaining peace and order. The deployment of army also had severe impact regarding protection of human rights of common people.

The devastating earthquake of April 25 and unofficial blockade imposed by India has shadowed the other incidents of human rights violations that have occurred in various parts of the country. However, there are many incidents of human rights violation which has brought shame to a civilized Nepali society. Incidents such as trying to burn woman alive for lack of dowry in Banke and Rajbiraj, throwing acid on woman for refusal of love proposal, incident of gang rape show that incidents of violence against women have not decreased. Incident of sacrificing of a boy Jeevan Kohar due to superstition in Nawalparasi shows how backward the level of awareness of people of Nepal is.

The discrimination against Dalit still prevails in our society. Situation of expulsion from village for inter-caste marriage, mistreatment for not washing utensils after using still exists. Effective implementation of present constitution is the need of the hour to curb various incidents of human rights violation. Today, implementation of the constitution stands as a main challenge in front of us. Moving forward by facing such challenge is today's main political necessity. For that nation unity is necessary.

Chitra Bahadur KC

Chairperson
Rastriya Jana Morcha

Nepal Workers and Peasant Party (NWPP)

In 2015, there was no improvement in the situation

of human rights of Nepali people. The devastating earthquake of April 25, 2015 destroyed 500,000 houses, killed almost 9,000 people and injured more than 22,000. Many temples which were listed in World Heritage Site were damaged. Nepal government did not show any willingness in rescue operation of victims. Thousands of people were compelled to spend night under the open sky. The government completely failed to provide food, tents, medicine, drinking water and basic commodities to victims.

Leaders of Nepali Congress, UML, UCPN-M and other parties were busy in distributing relief with the help from NGO and INGOs. The government failed to distribute a systematic relief. Prejudice and corruption were rife in distribution of relief. Ministers distributed tarpaulin and tents to their own cadres during night. The decision of distributing relief through one door system failed. The leaders, government officials and even ministers themselves defied the government decision. The real victims were deprived of relief. Other people who were near to ministers and leaders got the relief easily. Due to this, the people were very upset and dissatisfied with the then government.

The earthquake victims could feel the presence of the government. The government could not care about making houses for those earthquake victims who had no alternatives for shelter. NC, UML and UCPN-M all were in the race to control the formation of Reconstruction Authority. The Act on National Reconstruction Authority was enacted many months later after the earthquake and the Chief Executive Officer (CEO) was appointed.

On June 8, 2015, there was a 16-point agreement between NC, UML, UCPN-M and Madhesi Front regarding constitution making at a time when relief, rescue and re-construction efforts after the earthquake should have taken place at war footing. The agreement on forming eight federal states without demarcation was reached and opinions were collected



from the people. After this, UCPN-Mleader Prachanda and NC leader Sher Bahadur Deuba visited India. Immediately after the visit, on the night of August 8, they reached a consensus on making six federal states with delineation of the provinces. Agitations began in many districts headquarters including Surkhet, Dailekh, Jumla, and Mugu against this agreement. Cadres of the coalition government themselves took to streets against this decision. Police firing lead to death of three persons in Surkhet one person in Jumla. On August 19, four major parties reached a consensus on making seven federal states. Nepal Workers and Peasant Party staged protests and assemblies in various districts including Surkhet, Dailekh, Kalikot, Jumla and Achham, stressing for provinces consisting mountain, hill and tarai for the unity of Nepal and Nepalese people.

The Madhesi leaders delivered provoking and irresponsible remarks by announcing to give Rs 5 million compensation to family those who loses their life in the course of Madhes agitation. As a result, nine persons including SSP Laxman Neupane and two Inspectors were killed in protests in Tikapur of Kailali, and 48 people lost their lives during the agitation in Tarai-Madhes. The state party suffered a huge loss in Tikapur after security persons failed to adopt necessary safety alertness. The protestors chased and killed security personnel using sharp weapons.

On September 18, Indian Foreign Secretary S. Jayashankar, envoy of Indian Prime Minister Narendra Modi, arrived Nepal and exerted pressure on the President, Prime Minister, UCPN-M leader Prachanda and many other leaders to stop the promulgation of constitution. That was a direct interference by India in Nepal's internal affairs.

On September 20, the constitution was promulgated. Nepal Workers and Peasant Party had registered amendment proposals in 71 clauses and two annexes

regarding free education, health, employment inside the country, federal state comprising mountain, hill and tarai, directly elected president. The amendment which was for the benefit of Nepalese people was not supported by the major three parties. However, NWPP supported the constitution because it included progressive issues such as democracy, economic equality, social justice.

Not only did India not welcome the constitution, but also imposed blockade in Birgunj and other check points from September 23. Tarai-centric political parties began agitation following incitement by India demanding the separation of Morang, Sunsari, Jhapa of eastern region and Kailali and Kanchanpur of western region from Hills, electoral constituency based on population, inclusive proportional representation in all structures of state, provision of naturalized citizen be allowed as President, Vice-president, Prime Minister, Chief Justice. Indian government claimed that it had not imposed the blockade rather cadres of agitating Madhesi Morcha were obstructing the custom points.

The unofficial blockade affected the daily life of people by creating a crisis of food, fuel and medicine. Transportation, industries, schools and college were shut and the price of the commodities skyrocketed. The earthquake victims were further victimized by this blockade.

Madhesi Morcha agitators, who were obstructing the Birgunj-Raxaul check point from where 70 percent of Nepal's import arrives, were given food by Mahesh Kumar Agrawal of Bharatiya Janata Party; they were allowed to use mobile toilet belonging to Raxaul City Council at Miteri Bridge and the agitators who were hurling stones from "No-mans-land" towards Nepalese were protected by the Indian Police. All these prove that India was imposing blockade on Nepal.

India, which has an interest to control Nepal's natural resources since long time, exerted pressure to make the

constitution of Nepal as per its interest. This is interference in Nepal's internal affairs. India does not want to accept Nepal as free and sovereign nation. India is trying to make Nepal surrender by even treading on the law of the sea, South Asian Regional Trade Agreement, UN charter and international treaties.

Nepal Workers and Peaseant Party organized various rallies and protests in Kathmandu against the blockade. It also staged protests in Bhaktapur, Dailekh, Jumla, Surkhet, Banke, Kailali, Achham and Kavre. While staging a protest in Kavre, the police arrested Central Committee members of the party.

NWPP demanded that discussion against the Indian blockade must be allowed not only on the streets, but also in parliament, and registered a motion of public importance in the parliament. As this motion was neglected by the government, the party's MPs chanted slogan against the Indian blockade in the parliament.

Madhesi parties are proving themselves as traitors by giving their own people trouble since months in the name of agitation. India is using Madhesi parties as its weapon.

Indian ambassador Ranjeet Ray, while speaking at a program organized in Kathmandu on November 24, 2015 said that "the only alternative to Madhes agitation is amendment of the constitution".

It is necessary that the government considers filing case at International Court against Indian blockade based on international law, bilateral agreement and transit treaties. Similary, it is in the interest of Nepal and Nepali people to make treaties on trade with other countries like Pakistan, China, Bangladesh as an alternative to India.

There are daily news of earthquake victims, children, post-partum mothers and elderly people dying of cold due to

lack of warm clothes. There is no decrease in the incidents of murder, human trafficking, violence and rape. Apart from these, power cut continued. Based on all these issues, the human rights situation of the country last year was appalling.

Apart from promulgation of constitution, no positive developments took place last year. The year 2015 bid us farewell amidst extreme pain inflicted by earthquake and blockade.

Sunil Prajapati
Secretary

Sadbhawana Party

We feel very happy that INSEC is going to publish "Human Rights Year Book" this year as well. We would like to express our wishes for the success of this book.

In the perspective of human rights, the year 2015 passed through a transition as compared to the previous year. This year, almost six dozen citizens who were staging peaceful protests during the Madhes agitation demanding guarantee of their access, identity and representation in "Constitution of Nepal 2015" were brutally killed. About 2,000 protestors were seriously injured whereas 172 still have bullets left in their bodies. Dozens of people became disabled for life; thousands are compelled to face false allegation for participating in the agitation. Some are in prison and custody and some have become refugees in foreign country. The history will witness the tyrannic suppression through the hands of the state's police administration.

Same as previous year, there were no investigations on extra-judicial killings and we expect that such incidents will be probed. We feel that an independent investigation commission is needed for the prote

Manish Kumar Suman
General Secretary

Views of Institutions on Human Rights Situation in 2015

National Human Rights Commission

It is praiseworthy that INSEC is giving continuity to its publication “Human Rights Year Book” this year as well. I wish success for the publication of this book which contains various human rights issues.

At the beginning, the political change in the nation had sent a message of hope and trust to Nepali people. The achievements gained through movements have not been institutionalized despite the promulgation of the constitution in the country. It is definitely sad that the political parties could not be practically positive on the norms/values of democracy and human rights. Criminalization of politics and politicization of crime still finding place is a matter of serious challenge to democracy and Human Rights.

The situation of Human Rights this year was not satisfactory. Even the National Human Rights Commission, established for protection, promotion, enforcement and development of culture of human rights is not satisfied.

According to the yearly data of the Commission, in the fiscal year 2014/15, there were 160 complaints lodged. It

includes issues of torture, misbehaviour, murder, disappearance, abduction, illegal detention, intimidation, capturing properties, displacement, violation of economic, social and cultural rights, women rights, child rights, rights of persons with disabilities, caste discrimination, and rights of migrant workers. Some complaints are related to armed conflict. In this fiscal year, the Commission carried out monitoring for 239 times on the issues related to human rights. The issues that were monitored are right to life, rights of inmates, condition of prison and custody, illegal detention, human rights situation in various agitations, rights of people displaced by natural disaster (flood/ landslide/earthquake).

Similarly, there were issues on freed Haliya, hospitals and health situation and consumers rights. Additionally, monitoring was conducted regarding rights of senior citizens, women, children, indigenous nationalities, minorities/ marginalized communities, rights of persons with disabilities. This year, investigation into 231 complaints of human rights violation and abetment, including backlogged and new were conducted by the commission. Investigations were also conducted on incidents related to the armed conflict including right to life

(killing), torture, enforced disappearance under the Civil and Political Rights. Likewise, investigations also were carried out on displacement, rehabilitation, property capture, compensation under the Economic, Social and Cultural Rights and rights of women and children. Out of the investigations carried out during this period, conclusions were reached in 132 complaints. Recommendations made in six out of 10 such complaints were related to conflict period. Two recommendations are concerned with human rights violations and abetment.

There is one recommendation urging government not to return refugee rights until there is guarantee that their life is not at risk or they would not be tortured. 117 complaints were decided to be postponed while two cases would be presented again. 235 promotional activities were conducted by the commission. This includes 47 programmes held in coordination with the stakeholders. The Commission issued 47 press notes, 38 press releases and held five press meets on contemporary issues of Human Rights. 19 publications including reports, booklets and bulletins were distributed. The Commission has been in working in coordination and collaboration with the stakeholders including political parties, legislature-parliament, state agencies, judiciary, civil society/NGOs/professional organizations. Coordination with international organizations like ICC, Asia Pacific Forum, national human rights institutions of various countries is also taking place.

At last, I would like to express greetings for the success of this book and wish that the role of this organization would be more effective for the promotion, protection and development of culture of human rights in coming days!

Mohna Ansari

Member/Spokesperson

National Human Rights Commission

The Office of the Prime Minister and Council of Ministers

Nepal Government is always committed and active in carrying out the prime responsibility of the State to respect, promote, protect and fulfil human rights. Nepal Government is working towards preparing necessary infrastructure for guarantee of human rights and establishing it in policies and activities of development and all administrative provisions. Taking the challenge of implementing the fundamental rights ensured by the Constitution of Nepal that was promulgated on September 20, 2015 as an opportunity, Nepal Government is giving continuity to its policy of collaborating with all concerned in order to remove the obstruction to the protection of human rights.

With a firm commitment to respect, protect and promote human rights, Nepal Government has been implementing Human Rights National Plan of Action after preparing it in close coordination with the civil society and private sector since Fiscal Year 2004/05.

In this course, third three-year action plans have already been completed. The fourth Human Rights National Action Plan (F/Y 2013/14-2017/18) is now in the implementation phase. It is believed that the effective implementation of the current human rights National Action Plan will help in guaranteeing the rule of law, ensuring basic human rights to all citizens and develop a strong culture of human rights in the country. The fourth Human Rights National Action Plan has proposed activities which have been classified in 18 themes focusing to achieve cultural, economic and social rights of the Nepalese citizens. The concerned Ministry of the Nepal Government will be primarily responsible for the implementation of the activities and it is expected that the

organizations active in human rights sector will supervise and motivate to make sure that the activities are implemented as planned. **Similarly, following the review of the National Action Plan against gender based violence, National Strategy and Work Plan on Eradication of Gender Violence and Gender Empowerment, 2012** has been implemented for five years from July 20, 2012. Other ministerial strategies and action plans have also been incorporated in this National Strategy and Work Plan has been implemented. For the eradication of caste-based discrimination, in the office of the Prime Minister (PMO) and Council of Ministers a high level mechanism has been formed and the effective programs are being implemented as per the plan. **The PMO has been monitoring and updating the recommendations made by the NHRC since 2001 concerning the incidents of human rights violations.** The recommendations made by the NHRC since 2001 has been published in the form of a book and is being used for publicity. As per the recommendation of the NHRC, Ministry of Peace and Reconstruction and Ministry of Home Affairs and the decision of Nepal Government, relief/compensation amount was distributed to the conflict victims and their families. In regard to incidents of human right violations, the office has made information and answer readily available to the different international human rights organisations and is involved in drafting and sending human rights reports after consultations with different agencies. The PMO has made necessary preparations to submit various periodic reports in time for being the State Party to various Human Rights instruments.

The office prepared a national report for the Universal Periodic Review (UPR) and submitted to UN Human Rights Council in January 2011. As per the suggestions and recommendations received during the UPR, action plans for all concerned bodies were prepared and implemented. Similarly, second national report

of Nepal regarding UPR was prepared and presented at the United Nations Human Rights Council on August 3, 2015. Nepal's second report presented at the 23rd session of the Human Rights Council under the second cycle of UPR was reviewed on November 4. Among 195 recommendations received from various countries after the discussion, Nepal expressed commitment to implement 147 recommendations. A plan of action would be prepared and implemented for implementation of the recommendations, and updated detail regarding these activities would be prepared and published Nepal's second national report of the Universal Periodic Review (UPR) is available at the web site of PMO.

The Government of Nepal is working on the promotion and protection of human rights through the institutional consolidation of the NHRC, National Women Commission, National Dalit Commission and Janajati Utthan Mahasangh and by forming the human rights units in all ministries and Human Rights directorate in all security agencies. Furthermore, the Government of Nepal is carrying out necessary works for the protection and promotion of human rights by coordinating with national and international organizations and various other agencies of government.

Finally, the PMO is confident that this yearbook which is being published by INSEC will be very helpful to achieve the aim to respect, protect and promote human rights. Also, I would like to send good wishes to INSEC to continue striving towards its goals.

Ranju Gautam
Section Officer

Ministry of Home Affairs

1. The fourth Human Rights National Action Plan (FY 2014/15- 2018/19) related to this ministry has been prepared and sent to the concerned agency and taken into the National

- Action Plan Implementation phase in integrated form.
2. Regarding implementation of UNSC Resolution 1325 and 1820 programmes have been conducted in nine places in Birgunj, Surkhet, Chitwan, Janakpur, Jhapa, Kavre and Kathmandu out of the 16 approved programs concerned with this Ministry. The program was participated by a total of 315 participants including employees of District Administration Office, Nepal Police and Armed Police Force. The program was related to Human Rights and Ending Gender-based Violence.
 3. Solar plants have been installed in women cell in 22 districts and in 20 districts, bio gas plants have been installed in women cells.
 4. Recommendations and directives of National Human Rights Commission and other agencies have been implemented.
 5. Responses to the human rights related queries as asked by the Office of the Prime Minister and the Council of Ministers have been prepared and sent.

Jyotsana Bhatta (Joshi)
Section Officer
Home Ministry

Ministry of Foreign Affairs

A state party to 24 international human rights treaties and instruments, Nepal is fully committed to ensuring human rights as per its national, international commitments and duties. It is necessary to have a creative participation of all stakeholders to protect the principle and values/norms of Human Rights as it believes in universality, indivisibility, inter-dependency and inter-relation.

The recently promulgated constitution has guaranteed people's right of economic opportunity, prosperity and social justice, proportional inclusion and

self-dignity. It has provided the foundation for competitive multiparty democratic ruling system, civic freedom, fundamental rights, voting rights, independent, fair and competent judiciary, press freedom and rule of law. Similarly, this constitution has comprehensively covered basic rights by ensuring the right to employment, right to own property, right to environment, right to food, right to language and culture, right to information and right to social justice regarding the economic, social and cultural rights.

The constitution has stressed on cultural diversity among the people, pluralism and tolerance. The directive provisions of the constitution have given a broad guideline for the government to make progressive policies in the field of economic and social sector by respecting the norms of Human Rights.

Nepal had put its view during the 70th General Assembly of United Nations emphasizing that democracy is essential for the development of inclusive democratic system, development, human rights, political culture and social and cultural rights. Nepal actively participated in the dialogue process regarding agenda implementation of Sustainable Development Goal 2030 highlighting the importance of social and economic development in guaranteeing the human rights of the people effectively.

Nepal also participated in the 23rd session of second Universal Periodic Review of Nepal held from November 4-6 in Geneva. The delegation led by the Deputy Prime Minister and Foreign Minister Kamal Thapa informed that Nepal is continuously striving towards the implementation of international commitments and duties it made regarding human rights and expressed commitment to protect human rights and self-dignity arenas per the new constitution.

Nepal government has continuously expressed commitment to effectively guarantee the people's human rights and

basic freedom by managing the risks posed by the devastating earthquake of April 25, 2015.

Nepal has expressed commitment to people's right to life and self-dignity by forming Truth and Reconciliation Commission and Commission on Investigation of Disappeared Persons. These commissions have been given responsibility to investigate the grave Human Rights violation committed during the armed conflict and create an environment of reconciliation in the society. Prime Minister KP Oli, while addressing the nation on October 26, 2015, expressed the government's commitment to end impunity, promotion and implementation of human rights according to all the treaties and instruments to which Nepal is a party.

Ministry of Foreign Affairs and its diplomatic missions have been promoting the rights and security of Nepalese migrant workers, providing legal services to such workers who need security and support and ensuring safety of Nepali citizens at risk. Foreign Employment Management Committee under this Ministry has been carrying out rescue operations of migrant workers at risk in order to protect and promote their human rights.

The Ministry has been showing its meaningful participation in international community and United Nation's human rights mechanisms in order to promote and protect human rights and fundamental freedom. Similarly, it has been facilitating the preparation and submission of national reports as part of the state's obligation under human rights treaties. Similarly, the Ministry is implementing the related recommendations made by National Human Rights commission and Fourth Human Rights National Action Plan.

At last, we would like give best wishes to INSEC for the successful publication of Human Rights Year Book and we hope that this book will provide

continuous and important contribution to promotion and protection of human rights of the country.

Surendra Thapa

Under Secretary

Ministry of Foreign Affairs

Nepal Army

1. Nepal Army is always committed to fulfill/protect the basic human rights accepted worldwide by realizing the issue of practical guarantee of sovereignty rested with the Nepali people.
2. Guided by Interim Constitution of Nepal 2063 (2007) and Army Act 2063 (2006) and the objective of developing Nepal Army into professional army through professional army training and education, Nepal Army personnel are being compulsorily trained on International Human Rights and Humanitarian Law in all trainings.
3. "The Nepal Army Hand Book on Law of Armed Conflict" and training documentary regarding humanitarian law prepared by Human Rights Directorate have been distributed in all units and information shared about this in all trainings for theoretical and practical implementation of these issues up to the lower ranks.
4. **The forces participating in peace keeping missions** are given trainings on human rights. Through joint initiation of Nepal Army and ICRC, an advanced level LOAC training is conducted. Similarly, with the help from neighboring countries, NHRC and other organizations, trainings on human rights and humanitarian law are also conducted.
5. According to the contract between Defense Ministry of Nepal Government and Peace Fund Secretariat, a project on "Promoting Women's Participation in Process and Economic Opportunities", under "Implementation of NAP on UNSCR 1325 and 1820" is being conducted. Of which, Nepal Army

- has already concluded 26 trainings on Gender Equality & UNSCRs 1325 & 1820 in the FY 2015/16. Until now, 3,650 army personnel have received this training. A Docu-drama "TARA" has been distributed to all units of the department with an aim to broaden their knowledge on gender equality.
6. 48,295 army personnel have received trainings on human rights and humanitarian laws until now. As the syllabus of all trainings compulsorily consist contents of human rights, all army personnel have been trained on topics of human rights and humanitarian law.
 7. Lastly, Nepal Army expresses its good wishes to INSEC for the publication of "Human Rights Year Book 2016".

Rajeshwor Bhattarai

Colonel
Acting Director

Nepal Police

Informal Sector Service Centre (INSEC) has been doing significant works in the sector of human rights protection and social justice since 1988. It has been contributing to protection and promotion of human rights by publishing "Human Rights Year Book" every year since 1992. We are extremely happy that INSEC is publishing Human Rights Year Book by analysing and presenting circumstantial facts, carrying out fact findings, monitoring and investigating the incidents on human rights violation that have occurred in the country. INSEC's contribution and effort to present annual record of incidents that have taken place across the whole country is really notable and praiseworthy. The opportunity that INSEC has provided to put our perception regarding human rights in this book has made us happier.

Nepal Police which was formed for peace and security of the country and the people has been working in the interest of

public since its establishment. Realizing its responsibility to protect citizens' security of life, property and freedom and to uphold its legal duty to maintain peace and security in the society, it has always been active in investigation and prevention of crimes. Nepal Police has been taking its duty as a responsibility towards the citizens and has been adopting timely reform measures accordingly.

Nepal Police has been realizing democracy, standard and values of legal system in order to manage and implement the fundamental rights enshrined in the constitution and sovereign rights of the people. Human Rights Cell in Nepal Police was established on January 16, 2003 for effective implementation of protection and promotion of fundamental rights of people. Respecting people's life, property and dignity, Nepal Police has fully recognized fundamental and universal principles of human rights, protection of maximum welfare and peace and order in society, lawful state and democratic ruling system for nation development as overall development of the nation is not possible without putting human rights into practice and institution development of democratic system. By keeping protection and promotion of human rights organizational priority, Nepal police has adopted zero tolerance policy towards violation of human rights and has taken action against 633 personnel for human rights violations. Nepal Police has been publishing and distributing Human Rights Permanent Order Book in order to impart maximum knowledge of human rights to police personnel, who are responsible for implementation of constitution, laws, policies, rules; make them competent and capable and make them act lawfully by informing them about national and international laws. Human Rights desk and contact officers have been assigned in regional, zonal and district offices so that all citizens will have equal rights and access. Moreover, one-day, three-day

and five-day specialized human rights trainings have been managed through which 8620 police personnel have been trained and 325 programs are being conducted.

To effectively protect and promote human rights by formulating and implementing programs as per the human rights action plan of Nepal Government, Nepal Police has been coordinating and collaborating with various organizations including NHRC. Further, Nepal Police has been prioritising evidence-based investigation to ensure sustainable peace and security by ending impunity. There is regular monitoring and inspection of inmates and detainees in police custody for protection of their rights.

Nepal Police has adopted the principle of using minimum force as per need that can be justified while maintaining peace, law and order. It has been issuing necessary directives to police staffs and police offices to perform duties by adopting high alertness in implementation of national and international humanitarian laws and by respecting sovereign and fundamental rights of people and exercising restraint even in difficult circumstances. As a result, studies and surveys carried out by various organizations working in human rights sector have shown decrease in incidents of human rights violation in police. This is an achievement for us.

Nepal Police has always been active for protection of fundamental rights of people, peace, order and development. Both the state and the people have highly appraised the role of Nepal Police as it has performed its duties with professional competence while rescuing, distributing relief, maintaining peace and order even during the times of humanitarian crisis and natural disaster.

Nepal Police is performing its duty as the state's direct agency responsible for protection of constitutionally-provided

fundamental human rights of people and implementation of law. As questions regarding human rights may be raised in all activities of police in this course, Nepal Police is always alert, aware and committed that constitutionally-provided rights of people should not be violated in any circumstance.

In order to translate our commitment and attempts into practice, create judicious social environment and maintain peace and order through effective curb, control and successful investigation of crimes, Nepal Police needs suggestion, help and creative support from everyone. The issue of implementing/having implemented law is extremely sensitive and important responsibility. Nepal Police always wants to remain neutral, fair and independent while implementing law. There has been continuous support and positive initiation by all concerned to make Nepal Police more efficient, resourceful and technically equipped. Nepal Police would like to respect the contribution provided by INSEC to the organization and expect to always get the same creative support. Finally, we would like to wish success for the publication of "Human Rights Year Book 2016".

Nepal Police Human Rights Cell
Police Headquarter
Naxal, Kathmandu

Armed Police Force (APF)

By analyzing the situation of human rights throughout the country, INSEC has been publishing Nepal Human Rights Year Book since 1992. This year too, INSEC is preparing for the publication of 'Nepal Human Rights Year Book 2016' and APF would like to wish for the success of the publication. Our organization believes that INSEC will be able to contribute to the protection and promotion of human rights in future as well.

APF is always committed and dedicated to the respect, protection and



promotion of human rights and International Humanitarian Law, and values and principles of human rights that have been established at international level. To ensure this, the organization has adopted zero tolerance policy and immediately carries out investigation over the complaints of human rights violations committed by APF personnel and takes departmental action against those guilty. With the target of effectively implementing the mandate passed by the Government of Nepal regarding protection and promotion of human rights, a central level human rights cell under the APF Headquarters has been established. Likewise, the organization also has plans to establish human rights cell at the battalion, company and BOP level.

The organization has been orienting APF employees up to the lower ranks on sensitive matters such as human rights, International Humanitarian Law, Human Rights and Democratic Policing, Code of Conduct of people implementing laws, lawful state and use of force. For this, the organization has been coordinating with human rights organizations, producing internal trainers and conducting monthly trainings on human rights at central and regional level. 5,242 APF employees of all ranks have been trained so far. Sessions related to human rights and humanitarian laws have been included in all basic and advanced level trainings conducted in Armed Police Force. In order to make APF's employees deployed in United Nation's peace keeping mission committed towards human rights promotion and protection, human rights related questionnaires are prepared for selection examination.

With the aim of protecting rights of women APF personnel empowering and developing them, making other employees of lower ranks aware of gender based violence and adopting Nepal Government's zero tolerance policy against

gender based violence and creating a gender friendly environment separate gender units have been established in the APF headquarter and Eastern, Western and Mid-Western offices. There is a provision to register complaints related to gender based violence at the central as well as regional level and also provide justice by taking action against the perpetrators. Awareness programmes against gender based violence and central as well as regional level trainings related to United Nation's Security Council Resolution 1325 and 1820 are conducted as a campaign to minimize gender based violence.

To familiarize APF members on national and international norms and values of Human Rights, reading materials on the subject have been published and disseminated among its members occasionally. The Force has published "*Manabadhikar Nirdeshika 2066*" (Human Rights Guidelines 2066) and "*Sashastra Prahari Bal Parichalan Hatepushtika 2068*" (Armed Police Force Mobilization Manual 2068 BS) and disseminated them among each member of the Force. Similarly, in collaboration with 'Youth for Human Rights International, Nepal', the Force has published and disseminated 20,500 copies of hand book 'What are Human Rights?' that comprises 30 articles of the Universal Declaration of Human Rights (UDHR), 1948. The Force is preparing to publish 16,000 copies of the hand book and disseminate them and also planning to demonstrate the human rights mentioned in the hand book through visual.

The APF has already implemented the three-year National Human Rights Action Plan and is effectively implementing the fourth five-year National Human Rights Action Plan (Fiscal Year 2014/15-2018/19) prepared by the Office of the Prime Minister and Council of Ministers (OPMCM). Under this, training related to human rights is provided to the employees

of lower ranks of APF, workshops for government, civil societies and representatives of political parties of grassroots level regarding APF's role in the protection and promotion of human rights are conducted. APF's employees are made to participate in advanced training related to human rights and humanitarian laws, training manuals and curricula are revised as per the need of time, knowledge of gender based discrimination are provided to the APF employees and trainers are produced through Training-of-Trainers (ToTs).

Finally, APF would like to reiterate that it has always been committed to the respect, protection and promotion of human rights as per the mandate mentioned in Armed Police Act, 2001 and while carrying out duties assigned by Nepal Government. APF believes that the publication of 'Nepal Human Rights Year Book 2016' will definitely assist in the protection and promotion of human rights.

Durja Kumar Rai

APF Inspector General of Police

National Women Commission

The National Women Commission, established in 2001 with the objective of maintaining gender justice through mainstreaming of women in development by protecting and promoting rights and welfare of women, has been active in achieving its objective. The Commission has been carrying out activities such as formulating national policies and programs concerning women's benefits and rights and then recommending for their implementation, maintaining gender justice through reforms in the prevalent laws and acts and monitoring the implementation status of various international treaties and agreements to which Nepal is a state, monitoring and investigating incidents of violence against women, holding public hearings on issues

concerning women.

Based on the complaints lodged by female victims of human rights violation at this commission in 2015, there has been no decrease in incidents of violence against women taking place due to the ill practice prevalent in the society. Complaints regarding death of women due to the doctor's negligence, torture and killing of women for lack of or less dowry, rape and rape attempt, expulsion from job, mistreatment at workplace, human trafficking, character assassination through social media and in public space, torture or attempt to burn alive on allegation of witch, abduction, polygamy, non-registration of complaints in police office were received by the Commission..

This year a total of 296 incident of domestic violence and 95 incidents of other nature of violence were registered in the Commission. These complaints were investigated and fact findings were conducted where necessary. Recommendations have been made to concerned agencies to provide justice to the victim and take legal action against the culprits. Some important progress has been achieved in protection and promotion of women rights. Among these, Constitution of Nepal 2015 has already been promulgated while Witchcraft (Offense and Punishment) Act 2015, Some Nepal Acts Amendment Act to Maintain Gender Equality and End Gender Based Violence 2015, and other important laws has been enacted. The constitution and such Acts seem significant through the perspective of ending gender based violence and protection and promotion of women's rights. But bills regarding dowry and right to safe abortion formulated by the Commission and presented to the government have not been taken forward though a long period has elapsed.

Women and children were most affected by the devastating earthquake of April 25. However, the relief distribution works were not found to have been gender

friendly. The right to life of the people have become challenging due to the delay in post-earthquake reconstruction efforts by the government. Similarly, right to life, right to education, right to health, right to free movement have been violated due to the agitation in Tarai-Madhes that has been ongoing for a long time. This has affected children and women the most. The prevailing political instability has sheltered impunity and there is no effective implementation of law.

In the end, INSEC has collected and documented incidents of human rights violations with the objective creating an environment of co-existence and justice by documenting and disseminating the truth. The National Women Commission would like to extend best wishes for the publication of "Human Rights Year Book, 2016".

Lekh Bahadur Karki
Secretary

Dalit Commission

Since its establishment, National Dalit Commission has been protecting the rights of Dalit community and helping to make policies and programs to develop the Dalit community nationally. This commission has been monitoring various incidents and making recommendations to the concerned authority for legal remedies in order to protect the rights of Dalit community. It has been investigating complaints and making recommendations for actions regarding incidents of caste discrimination and untouchability under the Caste-based Discrimination and Untouchability Act 2068 (2011) to the concerned authority. Similarly, it has been monitoring the incidents of violation of rights of Dalit Community. This includes the incidents of social ostracism, suppression and mistreatment of Dalit people.

While comparing the complaints registered at the office of National Dalit

Commission on Human Rights violation, the situation is satisfactory as compared to the previous years. Due to the devastating earthquake on April 25, promulgation of constitution, Madhes agitation and undeclared blockade by India, the number of complaints lodged at commission has reduced. However, some incidents have been monitored and recommendations have been made to the government.

Gopal Raj Timilsina
Under Secretary

Federation of Nepali Journalists

The year 2015 was a year of disaster for Nepal and Nepali people due to the devastating earthquake of April 25. Before the country could recover from the effects of the earthquake, normal life of the people was crippled by the agitation in Tarai-Madhes and blockade imposed by India. This affected the overall Human Rights situation of the country, press freedom and freedom of expression and also the physical and professional security of journalists. This year became the year of disaster in terms of loss of lives and property and in the perspective of press freedom and freedom of expression, it was a year of shrinkage.

In Nepal, this year 1,813 journalists and media houses were affected by the devastating earthquake of April 25 and May 12 aftershock. Journalist duo Suman Bomjan affiliated with Gorkhapatra daily and Radio Jockey Srijana Lama of Radio Planet were killed in the earthquake in Kathmandu and Sindhupalchok respectively. Similarly, Achyut Raj Subedi of Nepalgunj Daily, a Nepalgunj-based publication, succumbed to injuries while undergoing treatment in the hospital. At least 35 journalists lost their relatives in the earthquake. Similarly, 14 journalists were injured and 20 of their relatives were injured. The earthquake damaged

266 media houses, and houses belonging to 1158 journalists were completely destroyed. Most number of journalists (1618) and media house were affected in the mid-region.

The professionalism shown by the journalists in such critical moment was praiseworthy. Leaving few incidents, Nepali Journalists and Media organisations did not allow people to panic further through their balanced and **lenient** reporting. Federation of Nepali Journalists conducted field visits of districts most affected by the earthquake, rescued affected journalists and distributed available relief.

This year the Constitution was promulgated by the Constituent Assembly. This has institutionalised the basic agendas of transformation. However, challenges of making the acceptance of the constitution extensive by addressing the agitation that begun with its promulgation and implementing it at a large scale remain.

According to the press freedom monitoring unit of FNJ, in 2015 there were a total of 136 incident relating to press freedom. Out of which, 85% (114 incidents) occurred in course of the Madhes agitation. This year, journalist Ram Prasad Bhattarai (Sachin) was found dead at Itahari-Dharan road section of

Sunsari. He was hit by the ambulance. The driver of the ambulance is in prison by the order of District court of Sunsari and complaint of FNJ Udaypur chapter. The family of the deceased was provided relief through the initiation of FNJ.

The year 2015 was challenging and painful in many aspects for the Nepali media sector. However, the FNJ and media sector have moved forward facing such situation and gained some important achievements as well. Despite the loss of three journalists due to the natural disaster, one in an accident, the increase in attack on journalists during agitation, prevailing situation of impunity, continuity of self-censorship, violation of Working Journalist Act, and other tragic and unexpected condition many positive steps including beginning of journalist insurance, physical and professional security of journalists, capacity building have taken place during this period.

In brief, the year 2015 in the view of human rights protection and safety of human rights defenders was not satisfactory. We wish that the year 2016 will be eventful. Good wishes.

Dr. Mahendra Bishta
President, FNJ



Annex 5

Name of Contributors in Course of Preparation of Yearbook 2015

CONTRIBUTORS TO CHAPTERS

Chapter 1

*Situation of Human Rights in 2015:
Overall Assessment*

Constitution Heralds Hope

Writer: Bijay Raj Gautam
Executive Director

Chapter 2

State and Human Rights

2.1 Judiciary

Writer: Tejman Shrestha

2.2 Executive

Writer: Ganesh Bhandari

2.3 Legislature

Writer: Tanka Khanal

Chapter 3

3.1 State of Reparation for Conflict Victims
in Okhaldhunga

Writer: Dipen Neupane/
Shiva Prasad Dhungana

3.2 Economic, Social and Cultural Status of
the Hayu Ethnic Group of Ramechhap

Writer: Raju Paswan/Nava Raj Pathik

3.3 The Practice of Mukhiya in Mustang
District

Writer: Tanka Khanal

3.4 The Situation of the Freed Kamalari of
Dang

Writer: Narayan Subedi/JN Sagar

3.5 Economic, Social and Cultural Rights of
the Sunaha Ethnic Group of Kanchanpur

Writer: Krishna BK/Komal Nirajan Bhat

- | | | |
|------|---------------|--------------------------|
| 1.3 | Panchthar | - Mangal Begha |
| 1.4 | Taplejung | - Dev Raj Gurung |
| 1.5 | Morang | - Sukdev Chaudhary |
| 1.6 | Sunsari | - Shekhar Dhakal |
| 1.7 | Dhankuta | - Santosh Ruchal |
| 1.8 | Tehrathum | - Chhatra Rimal |
| 1.9 | Bhojpur | - Kiran Rai |
| 1.10 | Sankhuwasabha | - Chhetu Sherpa |
| 1.11 | Saptari | - Manohar Kumar Pokharel |
| 1.12 | Siraha | - Durga Pariyar |
| 1.13 | Udaypur | - Bharat Khadka |
| 1.14 | Khotang | - DM Chamling Rai |
| 1.15 | Okhaldhunga | - Shiva Prasad Dhungana |
| 1.16 | Solukhumbu | - Pasang Bamjan Tamang |

Mid Region

- | | | |
|------|----------------|---|
| 2.1 | Dhanusha | - Binod Kumar Rabidas |
| 2.2 | Mahottari | - Ajay Sah |
| 2.3 | Sarlahi | - Santosh Singh |
| 2.4 | Sindhuli | - Bimala Pandey |
| 2.5 | Ramechhap | - Nava Raj Pathik |
| 2.6 | Dolakha | - Uddhav Pokhrel |
| 2.7 | Rautahat | - Bipeen Gautam |
| 2.8 | Bara | - Laxmi Sah Sonar |
| 2.9 | Parsa | - Krishna Chandra
Lamichhane |
| 2.10 | Chitwan | - Sabitri Sapkota/
Dipendra Adhikari |
| 2.11 | Makawanpur | - Pratap Bista |
| 2.12 | Lalitpur | - Ramesh Prasad Timalsena |
| 2.13 | Kavrepalanchok | - Bhoj Raj Timilsina |
| 2.14 | Bhaktapur | - Ramila Tandukar |
| 2.15 | Kathmandu | - Vivek Dhungana |
| 2.16 | Dhading | - Sitaram Adhikari |
| 2.17 | Sindhupalchok | - Natibabu Dhital |
| 2.18 | Nuwakot | - Nawadip Shrestha |
| 2.19 | Rasuwa | - Hemnath Khatiwada |

DISTRICT REPRESENTATIVES

Eastern Region

- | | | |
|-----|-------|----------------------|
| 1.1 | Jhapa | - Arjun Kumar Basnet |
| 1.2 | Ilam | - Kokila Dhakal |

Western Region

- | | | |
|-----|---------|-----------------------------|
| 3.1 | Tanahun | - Prakash Chandra Bhattarai |
| 3.2 | Gorkha | - Narhari Sapkota |
| 3.3 | Lamjung | - Dal Bahadur Majkoti |



- 3.4 Syangja - Sangeeta Ranabhat
 3.5 Kaski - San Bahadur Thapa/
 Bishnu Prasad Adhikari
 3.6 Manang - Suresh Kumar Thapa
 3.7 Nawalparasi - Narayan Parajuli
 3.8 Rupandehi - Amrit Giri
 3.9 Palpa - Yagyamurti Timilsina
 3.10 Kapilbastu - Nandaram Poudel
 3.11 Arghakhanchi - Narayan Prasad Bhusal
 3.12 Gulmi - Toplal Aryal
 3.13 Baglung - Sirjana Panta
 3.14 Parvat - Kishor Sapkota
 3.15 Myagdi - Amrit Kumar Paudel
 3.16 Mustang - Kabita Thakali

Mid-Western Region

- 4.1 Dang - Gaman Singh Khadka/
 J.N. Sagar
 4.2 Pyuthan - Rabindra Pandey
 4.3 Rolpa - Madhav Kumar Oli
 4.4 Salyan - Meena Budhathoki
 4.5 Rukum - Adarsh KC
 4.6 Banke - Binod Pandey
 4.7 Bardiya - Man Bahadur Chaudhary
 4.8 Surkhet - Durga Thapa
 4.9 Jajarkot - Dinesh Kumar Shrestha
 4.10 Dailekh - Yagya Raj Thapa
 4.11 Dolpa - Bishnu Prasad Devkota
 4.12 Jumla - Man Datta Rawal
 4.13 Kalikot - Kali Bahadur Malla
 4.14 Mugu - Jivan Sejuwal
 4.15 Humla - Suresh Pariyar

Far-Western Region

- 5.1 Kailali - Sur Bahadur Pariyar/
 Sumitra Bhattarai
 5.2 Achham - Shiva Raj Dhungana
 5.3 Doti - Dirgha Bahadur Khatri
 5.4 Bajura - Padam Bahadur Singh
 5.5 Bajhang - Prakash BK
 5.6 Kanchanpur - Komal Niranjana Bhat
 5.7 Dadeldhura - Rajendra Thagunna
 5.8 Baitadi - Sher Bahadur Chand
 5.9 Darchula - Narendra Singh Karki

INSEC Regional Offices

- Eastern Region** 1. Som Raj Thapa
 2. Dipen Neupane

- Mid Region** 1. Krishna Gautam
 2. Raju Paswan

- Western Region** 1. Shiva Khakurel
 2. Tanka Khanal

- Mid-Western Region** 1. Bhola Mahat
 2. Narayan Subedi

- Far-Western Region** 1. Khadak Raj Joshi
 2. Krishna Bahadur BK

Resource Centre

INSEC Library

Photo Source

Bimal Chandra Sharma/
 District Representatives, INSEC

BEST DISTRICT REPRESENTATIVES

As in the last year, we have selected the following representatives as the
 ‘excellent representative’ (one) and other four as ‘best representatives’.

Excellent Representative

Laxmi Sah Sonar, Bara, Mid Region

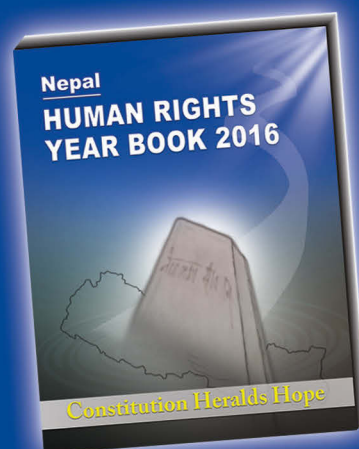
Best Representatives

Shiva Prasad Dhungana, Okhaldhunga, Eastern Region

Narayan Bhusal, Arghakhanchi, Western Region

Rabindra Pandey, Pyuthan, Mid-Western Region

Komal Niranjana Bhat, Kanchanpur, Far-Western Region



With the promulgation of the constitution on September 20, the 65-year-old dream of Nepali people of drafting a constitution by the elected representatives has been fulfilled. Constitution of Nepal, 2015 has made Nepali people sovereign. This constitution accepts the fact that no one is above the people. No constitution before this one had vested the people with power to such extent. This can be taken as the best aspect of the constitution. Promulgation of the constitution also marks the end of the most important chapter of 2006 peace accord that formally brought an end to the decade-long armed struggle waged by the then CPN-M. Constitutions can be amended at any time and they may invite criticism. Despite the flaws, philosophical base of this constitution is democratic, republic, federal and inclusive. It embraces human rights perspective of the 21st century. The constitution also provides enough grounds for its own improvement.



For Human Rights & Social Justice

Informal Sector Service Centre (INSEC)

Syuchatar, Kalanki

P.O.Box: 2726, Kathmandu, Nepal

Tel: +977-1-4278770, Fax: +977-1-4270551

E-mail: insec@insec.org.np

Web site: www.insec.org.np, www.inseconline.org

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