

Nepal

HUMAN RIGHTS YEARBOOK 2012



Highlight of the Year

Power Obsession Delays Peace

Human Rights Yearbook 2012

(ENGLISH EDITION)

(This Report Covers the Period - January to December 2011)

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Informal Sector Service Centre (INSEC)

Founded in 1988, INSEC is actively involved for human rights and social justice. INSEC runs its regular programs through one regional office in each of five development regions and 24 district offices. 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 April 5, 2009
has elected a new
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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 quarterly situation report, bi-monthly magazines Prachi and Informal and annual publication Nepal Human Rights Yearbook 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 the 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 Radio Nepal and FM stations. Current relevant human rights issues are being disseminated through this Program on weekly basis. Different programs are being 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 being 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 library and internet technology sections. Publications like Annual Report and INSEC Aviyan are being prepared by this Program.

Utter Violation of Accountability

Five years have elapsed since the signing of the Comprehensive Peace Agreement (CPA) which was reached in the commitment to get rid of the dreadful apprehension caused by the armed conflict. If we count the provisions in the agreements reached since then, they exceed five hundred. The number of provisions implemented, however, is nominal. Holding the election of the Constituent Assembly (CA), the departure of the unverified Maoist combatants from the cantonments and the optimism that the verified combatants would be integrated are some positive result to name. We did not achieve much in the five years since the CPA. Rather, trust was gradually lost between us.

The significant achievement of the People's Movement in 2006 established a republic in the country. Besides, the movement provided people with the power to go against autocratic rule and also to develop an unending faith in peace. In order to gain these powers, Nepal signed a twelve-point agreement to lead the armed political force into peace and democratic politics.

The advocates of the CPA, who signed it in the past, no longer believe in the agreement. A crisis of trust has emerged which is likely to result in a situation of near lawlessness. The country is embarking on a journey to uncertainty and unaccountability.

The elected representatives of the people are oblivious to the responsibilities they were supposed to carry out following their election to a two year term. They have concentrated only on the extension of the term of the CA successively as their first priority.

To be accountable is to effectively represent the people and be answerable in the work one carries out after being elected to the position of a public figure. Democracy largely depends on the presence of accountability. If people's representatives are not accountable, democracy finds itself in a sorry state. The reality is that this is the case in Nepal at present.

The more the bodies and units of the government become accountable to the citizenry, the faster democracy becomes institutionalized. Each conscious citizen in the country is musing on whether or not the units of the government are delivering their services responsibly. Those who are not sufficiently aware of the wider political context are raising the issue differently – why does the government not care for the poor? Only those who acknowledge that they must be accountable dare to answer the question. Those elected to power should have been answerable in this connection. Although, question arise – have they been answering?

People's representatives have prioritized only the issue of forming and sustaining it for a period. They are ready to commit any sorts of bad acts, whether those be the matter of granting pardon to persons convicted by the courts or revoking the cases of felons. They do not hesitate to endorse any so-called agreement only for the purpose of forming and sustaining government. Impunity increases in any country in the aforesaid contexts. As a result, criminals are encouraged to bring their political façade to the forefront. People are at unease due to hypocrisy resulting from the interdependence between politics and crime. Similarly, an already poor human rights situation in the country has not improved as anticipated and, as a result, a critical state is reached. The national and international institutions working in the field of human rights in Nepal have criticized, both now and in the past, such a situation.

The government asked the OHCHR-Nepal to end their mission in Nepal for impunity and against the peace process. This was proved by the decision of the government to pardon a

CA member, who was sentenced to life imprisonment by the Supreme Court, around the time it decided not to extend the term of the OHCHR-Nepal.

As per the CPA, which was given legal recognition in the Interim Constitution 2007, the OHCHR-Nepal was to monitor the peace process. However, they were asked to prepare to end their mission here before the peace process had reached a conclusion. There is only one ill-intention behind this - let the rule of law not be established in the country. Jointly with other human rights activists, it would advocate for transitional justice; would demand the establishment of a Truth and Reconciliation Commission and a commissions related to enforced disappearances as per the international standard and would criticize impunity and suggest ways in which the situation could be improved. Hence, from the point of view of the, its presence was felt unnecessary here. The rule of law is being mocked. The government does not implement decisions, even those of the Supreme Court. Most of the decisions of the courts are pending in places ranging from the District Police Office to the Office of the Prime Minister.

Regrettably, Nepal has stood as one of the most corrupt countries. Such a fact is based on past records. An evaluation of the present situation would undoubtedly point to an even worse position in the world ranking. It is not unnatural for a country, where corrupt persons misappropriate billions of rupees showing proxy documents of imaginary combatants and walk tall shamelessly, to be tagged as the most corrupt. So, it is high time people raise their voices in unison for the formulation of a powerful law in order to eradicate corruption.

The country is awaiting the new constitution. It is due to appear within 97 days' time from today. However, the constitution makers are involved in pitting people against one another rather than writing a people-oriented constitution in which various cultures, languages, castes and regions and genders in the country are respected. This very tendency is making it appear unlikely that the new constitution will be written in good time.

However, Nepalese people never tend to be disappointed. They have proved this tendency in 1980, 1990 and 2006. The political systems which had been in power for long at that time were shaken, overthrown and made extinct within the years. The failure on the part of those who identify themselves as the representatives of the people have to be able to make themselves accountable in the truest sense. Inability to do so is to wait for a similar situation to arise.

The people are the judges. They are waiting with document files. Voters are judging their representatives. Their cry for help has to be construed as an ultimatum against their representatives for them to reform. Those who do not understand such an ultimatum will be entitled as "unworthy" and bestowed with a medal to prove so in the future. They, ultimately, will fall flat, being unable to recover themselves for the competition.

February 19, 2012

Subodh Raj Pyakurel
Chairperson

Acronyms and Abbreviations

ACM	: Area Committee Member
AHW	: Assistant Health Worker
AIG	: Additional Inspector General
ANFA-R	: All Nepal Farmerís Association (Revolutionary)
ANM	: Auxiliary Nurse Midwife
ANNFSU	: All Nepal National Free Studentsí Union
ANNFSU (Sixth)	: All Nepal National Free Studentsí Union (Sixth)
ANNFSU-Unified	: All Nepal National Free Studentsí Union (Unified)
ANNISU-R	: All Nepal National Independent Studentsí Union (Revolutionary)
ANSA	: All Nepal Squatters' Association
ANTUF	: All Nepal Trade Union Federation
ANWA-R	: All Nepal Womenís Association (Revolutionary)
APF	: Armed Police Force
APO	: Area Police Office
ASI	: Assistant Sub-Inspector
ATMM	: Akhil Tarai Mukti Morcha
BIPPA	: Bilateral Investment Promotion and Protection Agreement
BPKIHS	: BP Koirala Institute of Health Sciences
CA	: Constituent Assembly
CAT	: Cmonvention against Torture and Other Cruel, Inhuman or
CC	: Constitutional Committee
CDO	: Chief District Officer
CEDAW	: Convention on the Elimination of All Forms of Discrimination
CERD	: International Covenant on the Elimination of All Forms of Racial Discrimination
CIAA	: Commission for the Investigation of Abuse of Authority
CID	: Commission of Inquiry on Disappearances
CJ	: Chief Justice
CMA	: Community Medicine Auxiliary
CoAS	: Chief of Army Staff
CPA	: Comprehensive Peace Accord
CPN-M (Matrika)	: Communist Party of Nepal-Maoist (Matrika)
CPN-ML	: Communist Party of Nepal (Marxist-Leninist)
CPN-UML	: Communist Party of Nepal (Unified Marxist-Leninist)
CPN-Unified	: Communist Party of Nepal (Unified)
CRC	: Convention on the Rights of the Child
CVICT	: Centre for Victims of Torture Nepal
CWIN	: Child Workers in Nepal Concern Centre
CWISH	: (Children ñ Women in Social Service and Human Rights)
DAO	: District Administration Office

DCM	: District Committee Member
DCWC	: District Child Welfare Committee
DDC	: District Development Committee Degrading Behavior
DEO	: District Education Office
DFID	: Department for International Development
DFO	: District Forest Office
DJP	: Dalit Janajati Party
DPHO	: District Public Health Office
DPM	: Deputy Prime Minister
DPO	: District Police Office
DRS	: Dispute Resolution Sub-committee
DSP	: Deputy Superintendent of Police
DTLF	: Democratic Tarai Liberation Front
ECDC	: Early Childhood & Development Center
ED	: Explosive Device
ERW	: Explosive Remnants of War
FIR	: First Information Report
FLNF	: Federal Limbuwan National Front
FLSC	: Federal Limbuwan State Council
FLSC-Manch	: Manch affiliated Federal Limbuwan State Council
FNCCI	: Federation of Nepal Chambers of Commerce and Industries
FNJ	: Federation of Nepalese Journalists
FRNF	: Federal Republic National Front
FSU	: Free Studentsí Union
HA	: Health Assistant
HLPC	: High Level Probe Commission
HR	: Human Rights
ICC	: International Criminal Court
ICCPR	: International Covenant on Civil and Political Rights
ICESCR	: International Covenant on Economic, Social and Cultural Rights
ICJ	: International Commission of Jurists
ICRC	: International Committee of the Red Cross
IDP	: Internally Displaced Person
IED	: Improvised Explosive Device
IGP	: Inspector General of Police
IHL	: International Humanitarian Law
IHRL	: International Human Rights Law
ILO	: International Labor Organization
INSEC	: Informal Sector Service Centre
JC	: Judicial Council
JMMT	: Janatantrik Madheshi Mukti Tigers
JTMM (Bhagat Singh):	Janatantrik Madhesi Mukti Tigers
JTMM-J	: Janatantrik Tarai Mukti Morcha (Jwala Singh)
JTMMM	: Janatantrik Tarai Madhes Mukti Morcha
JTMMP	: Janatantrik Tarai Madhes Mukti Party
JTMP	: Janatantrik Tarai Madhes Party

JTPM	: Janatantrik Tarai Mukti Party
JTT-R	: Janamukti Tarai Tigers (Rajan)
KJWP	: Kirant Janwadi Workers Party
MCHW	: Maternal and Child Health Worker
MJF	: Madhesi Janadhikar Forum
MJF (Nepal)	: Madhesi Janadhikar Forum (Nepal)
MJF-(Loktantrik)	: Madhesi Janadhikar Forum (Democratic)
MJF-G	: Madhesi Janadhikar Forum (Ganatantrik)
MLF	: Madeshi Liberation Front
MMKP	: Mahan Madhes Krantikari Party
MMT	: Madhesi Mukti Tigers
MoPR	: Ministry of Peace and Reconstruction
MP	: Member of Parliament
NA	: Nepal Army
NBA	: Nepal Bar Association
NC	: Nepali Congress
NDA	: Nepal Defense Army
NEFIN	: Nepal Federation of Indigenous Nationalities
NGO	: Non-Governmental Organization
NHRC	: National Human Rights Commission
NLSD	: Nepal Lokatantrik Samajbadi Dal
NSP	: Nepal Sadbhawana Party
NSP-A	: Nepal Sadbhawana party (Anandi Devi)
NSU	: Nepal Studentsí Union
NWC	: National Womenís Commission
NWPP	: Nepal Workers and Peasants Party
OHCHR- Nepal	: Office of the High Commissioner for Human Rights
PABSON	: Private and Boarding Schoolsí Organization, Nepal
PHSC	: Parliamentary Hearing Special Committee
PIL	: Public Interest Litigation
PLA	: Peopleís Liberation Army
PM	: Prime Minister
PMO	: Prime Minister's Office
RJM	: Rastriya Jana Morcha
RJP	: Rastriya Janashakti Party
RMS	: Rastriya Mukti Sena
RNA	: Royal Nepalese Army
RPP	: Rastriya Prajatantra Party
RPP-Nepal	: Rastriya Prajatantra Party (Nepal)
RSS	: Rastriya Samachar Samiti
SAHW	: Senior Assistant Health Worker
SAPlWs	: Small Arms portable and lethal Weapons
SC	: Supreme Court
SI	: Sub Inspector
SP	: Superintendent of Police
SRC	: State Restructuring Committee

SSB	: Seema Surakshya Bal (Border Security Force)
SSP	: Senior Superintendent of Police
STF	: Special Task Force
TMLP	: Tarai Madhes Loktantrik Party
TRC	: Truth and Reconciliation Commission
TSC	: Tharuhat State Committee
TSRP	: Tharuhat Swayatta Rajya Parishad
TTJD	: Tharuhat Tarai Janata Dal
TU	: Tribhuvan University
UCPN-M	: Unified Communist Party of Nepal (Maoist)
UDHR	: Universal Declaration of Human Rights
UDMF	: United Democratic Madhesi Front
ULF-Nepal	: United Left Front, Nepal
UML	: Unified Marxist Leninist
UN	: United Nations
UNCAC	: United Nations Convention against Corruption
UNHCR	: United Nations High Commissioner for Refugees
UNICEF	: United Nations Children's Fund
UNMIN	: United Nations Mission in Nepal
UPR	: Universal Periodic Review
USAID	: United States Aid for International Development
UTRM	: United Tharu Rastriya Morcha
VAW	: Violence Against Women
VDC	: Village Development Committee
VHW	: Village Health Worker
WHO	: World Health Organization
WOREC	: Women Rehabilitation Centre
YAN	: Youth Association Nepal
YCL	: Young Communist League
YF	: Youth Force
ZPO	: Zonal Police Office

Situation of
Human Rights in 2011:
Overall Evaluation

Chapter

1

1. Background

The publication of the Nepal Human Rights Yearbook, which has passed through many upheavals since 1992, has arrived at its 20th edition. Since the transition to democracy began in 1990, INSEC has contributed to the overall development of the democratic process by dedicating itself to principles of human rights and the rule of law. Revisiting the series of political development of this period, INSEC has found itself to be a resolute human rights watch dog that worked in the course of the formation of democratic governments, during a decade of Maoist armed insurgency and also during the six years since the restoration of democracy after the end of the conflict. The Yearbook has given priority to the behaviours of the state and the rights of the citizens as per the universal principles of human rights. The Yearbook continues to deal with these issues in its 20th edition as well.

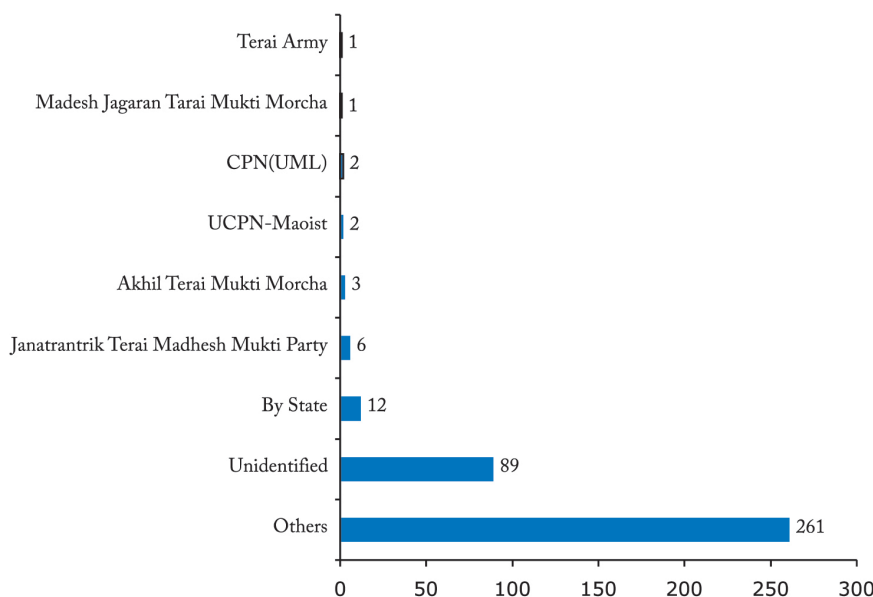
INSEC's Yearbooks have also

focused on topics related to the peace process and the constitution since the formal conclusion of the Maoist armed conflict in 2006 up until now. In these years, a glimpse at the list of unfinished businesses reveals the clear discrepancies between the words and deeds of the political parties. Even after the four tenure extensions of the originally two-year termed Constituent Assembly (CA), the constitution has not been completed yet nor has the peace process reached a conclusion. It has been demonstrated that the peace process and constitution writing process are still beleaguered. Overall, the issues which have been delayed by power-centered politics is the focus of this year's Yearbook.

2. Power Obsession Delays Peace and Constitution

Forming a consensus-based government in the spirit of the CPA and the Interim Constitution in order to facilitate the peace process and to strengthen

Figure : 1 *No. of People Killed in 2011 and Perpetrators*



democracy was much expected and anticipated. However, political parties failed to work effectively towards these ends. None of the governments formed after the CA elections were consensus based. The political parties thus deviated from the path paved by the CPA and the Interim Constitution.

The government led by UML leader Madhav Kumar Nepal spent its tenure as a caretaker government. The Jhala Nath Khanal led government repeated the pledge to transform his government into a national consensus based government. Similarly, another government led by the UCPN-M vice-chairperson Dr. Baburam Bhattarai could not form a consensus-based government this year as promised.

Dr. Baburam Bhattarai signed an agreement with the UDMF. Similarly, Khanal signed an agreement with the UCPN-M before forming the government. Because of the agreements, Khanal and Bhattarai were criticized by their own parties. Khanal agreed to rule on a rotational basis and form a lasting front

with the UCPN-M, which participated in his government but his party did not participate in UCPN-M led government. The NC joined the Nepal led government and the Madhes-based parties joined all the governments.

All political parties' slogans for the formation of national consensus based government could not materialize. Signing any sort of agreements just to be the PM increased as a trend this year. Political parties were happy to sign any kind of non-transparent agreements to get to the power.

Saying the agreement reached between the UCPN-M and the UDMF was anti-nationalist, it was opposed not only by the UML and NC leaders but also by a faction of the UCPN-M. The UCPN-M leaders who opposed the agreement also boycotted the government. Although the categorization of Maoist combatants was concluded by Bhattarai-led government; the integration, rehabilitation and voluntary retirement, which were supposed to have been concluded this year, remained pending

Table 1 *No. of Victims by Region in 2010*

Type of Events	Eastern	Mid	Western	Mid Western	Far Western	Total
Killing	129	190	65	54	21	459
Injured	82	181	54	83	24	424
Arrest & Torture	31	20	26	50	8	135
Beatings	198	166	229	198	52	843
Threats	227	74	20	205	22	548
Right to Assembly	76	114	46	17	3	256
Racial Discrimination	9	7	15	16	22	69
Women Rights	125	168	86	187	52	618
Child Rights	228	101	56	118	22	525
Economic, Social and Cultural Rights	102	17	10	10	2	141
Inhuman Behavior	4	14	11	5	3	37
Abduction	51	72	12	42	8	185
Total	1262	1124	630	985	239	4240

Table 4 : No. of Victims of Physical Assault by Perpetrator

Perpetrator	Total
By State	94
ANNFSU	1
ANNISU(R)	11
Chhetri Samaj	6
CPN-UML	13
Janatantrik Tarai Madesh Mukti Party	1
Kirat Janawadi Workers Party	2
Manch Sambadda SLRP	15
UCPN-Maoist	120
CPN-Maoist(Matrika)	1
Nepali Congress	13
RPP	4
SLRP	2
Tarun Dal	7
YCL	13
YAN	11
Others	120
Unidentified	23
Total	457

time when basic principles of justice were blatantly violated.

5.2 Violence Against Women

INSEC monitoring in all 75 districts across the country reveals that 648 women were subjected to violence in 2011. Besides that, 379 girls under the age of 18 were affected. Incidents of violence against women including domestic violence, polygamy, rape, alleged practice of witchcraft, sexual violence, trafficking, and rape attempt continued this year as well.

By ethnicity, Janajati women were the most affected. From an economic point of view, women from low economic status were mostly affected.

A report estimates that 60 to 70 per cent of women in Nepal face some sorts of domestic violence in their lifetime. Even today, the physical and mental trauma inflicted by domestic violence is not perceived with due sensitivity. The monitoring revealed that domestic violence against the women was perceived to be a deep-rooted traditional practice. Most of the cases of domestic violence are not made public while women tolerate violence against them because of economic, social and cultural reasons. *(See Chapter 4 of this book for details)*

5.3 The Return of Seized Property

The restitution of land and other property seized during the armed conflict and transitional phase is a common problem in post-conflict societies. Article 6 (A) of the seven-point agreement reached between the major political parties stipulates that the land and property captured by the UCPN-M during the conflict and that are still under their control would be returned to the rightful owners by November 23. The agreement also stipulates that the owners would be given compensation for the yield lost after they were displaced from their land. However, the agreement, as always, was not implemented. Intra-party conflict of the UCPN-M was one of reasons for this. The cadres and leaders in support of Baidhya stated that they were not compelled to adhere to the agreement. Speaking to the Media in Biratnagar Airport, General Secretary of the UCPN-M Ram Bahadur Thapa threatened that those who returned seized properties would be ousted. He was of the view that seized land and property could be restituted only after the issue of land reform was addressed through constitution. The land returned in Rajapur

at the end of the year.

The activities of power-centric political parties sidelined the major task of concluding the constitution writing process on time. The CA term was extended successively this year. The Supreme Court issued an order to complete constitution writing within May 28, 2012. The decision created tension between the organs of the State. It further posed a question on the possible situation that would emerge in case the constitution could not be written within the ordered time. Serious disputes were triggered over the responsibilities of political parties and the jurisdiction of the Supreme Court when the latter gave the decision, which forbade another extension of the CA term. This decision of the court stirred Nepali politics. Many welcomed the decision of the court that allowed a six-month extension. The court had decided that the failure to finalize the constitution within that time would result in the automatic termination of the term and that

a plebiscite or a new election could take place. However, the reactions from political parties were mixed. The Chairperson of the CA and the PM went to the Supreme Court to file a petition against the decision. The court, however, rejected their petition.

The Commission on Disappeared Persons and the Truth and Reconciliation Commission, which were to be formed as per the provisions of the CPA and Interim Constitution, were not formed this year. This showed that political parties were reluctant to provide justice to the conflict victims.

The political parties were too busy to grab power instead of focusing on the main tasks of the peace process or the constitution writing process. All agreements reached between the political parties were concerned with power. The two major agreements of May 28 and November 1 were the examples. It was felt that power centric politics was deviating the political parties from their major responsibilities.

The CA time table for writing

Table 2 *No. of Victims by Region in 2011*

Type of Events	Eastern	Mid	Western	Mid Western	Far Western	Total
Killing	91	168	46	53	19	377
Injured	28	127	36	59	22	272
Arrest & Torture	9	36	7	36	6	94
Beatings	115	68	82	139	53	457
Threats	33	16	9	31	23	112
Right to Assembly	119	204	13	27	24	387
Racial Discrimination	12	7	15	19	19	72
Women Rights	130	181	104	187	46	648
Child Rights	101	121	82	73	36	413
Econominc, Social and Cultural Rights	6		9	11	7	33
Inhuman Behavior	6	4	4	2	3	19
Abduction	58	61	9	11	5	144
Death in Jail	4	4		1		9
Death in Detention		1			1	2
Total	712	998	416	649	264	3039

the new constitution was not followed due to the disputes between the major political parties. The irresponsible acts such as frequent postponement of the meetings called for reaching consensus and insufficient preparation on resolving contentious issues were repeated the whole year.

3. Contentious Issues Regarding the New Constitution

Many discussions regarding the stalemate in the promulgation of the constitution were held. However, no solution was reached including on the form of governance. The Constitutional Committee could not reach a conclusion due to the separate stands of the UCPN-M and NC regarding the form of governance. They refused to backtrack from their stands. No consensus had been reached by the political parties regarding state restructuring, the right to self-determination or property rights by the end of the year.

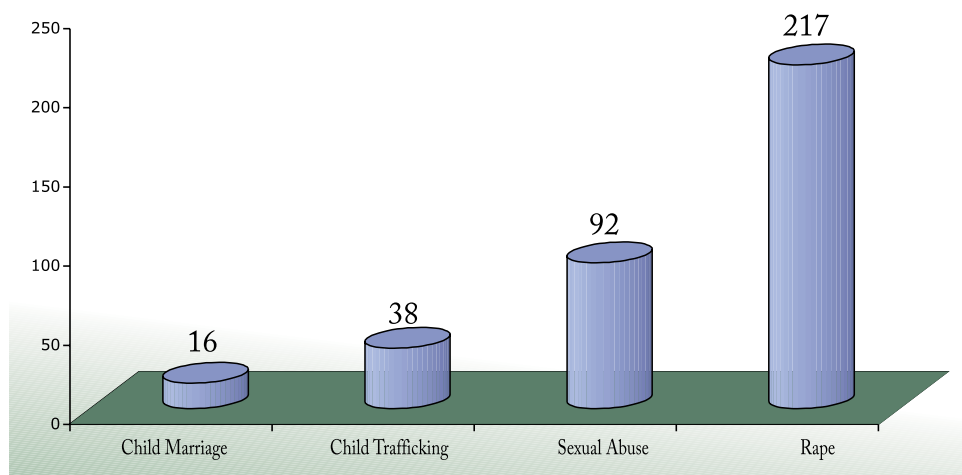
4. The Complex Issue of Federalism

The Interim Constitution of Nepal 2007 provided the base for ousting the monarchy from the country. However, it did

not lay down guidelines for the restructuring of the state. The UCPN-M, which regards itself as the initiator in introducing the concept of federalism in Nepali politics, did not dwell on the concept seriously. The other parties also did not took it as a serious issue. Nevertheless, debates concerning the interconnection between castes, region and linguistic groups and federalism emerged but a conclusion on an issue as contentious and complex as federalism was not reached. As demands to form states based on ethnicity increased, debates regarding the position of persons who live in the states with more number of population than the given ethnic group from whose identity state is named followed.

Going beyond their party principles, the CA members polarized based on their ethnicities and regions. An agreement was reached between major political parties and the UDMF to form a State Restructuring Commission. The commission formed in this way, however, was not without controversies. As the members in the commission were appointed on the basis of parties' recommendations, the citizenry doubted that the commission would work as was expected.

Figure : 2 *No. of Girl Victims in 2011*



5. Human Rights Violations: Facts and Figures

As per the principles of human rights, we cannot say that the situation of human rights is positive until and unless the citizens within the country can live in certainty of a fearless environment. This year, INSEC monitored a total of 2,361 incidents related to human rights violations and abuses.

A total of 12 people were killed by the state in 2011. According to the INSEC monitoring, eight people were suspected to be arbitrarily killed. In some of these incidents, investigation committees were formed to probe the cases but none of the reports were made public.

There was a lesser number of human rights abuses by armed Tarai groups, unlike in previous years. The peace dialogue held with such the groups for the last two years has to be credited for this decrease. The government also had released the cadres of the armed groups who took part in the dialogue. The concern was raised that the criminal activities such as killings and abductions committed by unidentified groups could have been the result of the release.

No sufficient homework was done before talks were held with such groups. It was necessary to hold enough discussions regarding the identity of the groups and also as to their political nature. Similar discussions were held in the past keeping the power equation with the tarai based parties in mind but were futile.

A total of 117 people were killed and 83 were abducted by unidentified groups in the past year. However, 89 people were killed and 59 were abducted this year.

The incidents of clashes among the sister organizations of political parties dropped this year. Although the UCPN-M was involved in such incidents as a non-state actor in the past, the numbers of such the incidents decreased this year. (*See District profiles for details*)

5.1 Institutionalized Impunity Encouraged

The tradition of withdrawing cases filed against those calling for political change, especially after political change in the country, goes back to 1950. Following the fall of the Panchayati System, the cases filed against those leaders and cadres who fought against the regime were revoked. This practice was not opposed because the cases were political in nature.

Figure : 3 *No. of People Killed in Tarai in 2011*



Table 3 : No. of Victims

Killing	377
Injured	272
Arrest & Torture	94
Beatings	457
Threats	112
Right to Assembly	387
Racial Discrimination	72
Women Rights	648
Child Rights	413
Econominc, Social and Cultural Rights	33
Inhuman Behavior	19
Abduction	144
Death in Jail	9
Death in Detention	2
Total	3039

INSEC data shows that approximately 14,000 people lost their lives during the armed conflict in the country. Those who were directly and indirectly involved in killings, enforced disappearances or maiming people during that time are talked of far and wide. There is a constitutional provision to form a Truth and Reconciliation Commission to determine whether the cases filed against the alleged criminals are political in kind and if so, to either grant them pardon or recommend for their punishment. Rather than adhering to this provision, the UCPN-M led government started to grant official pardons and to withdraw charges against Maoist leaders and cadres.

Although nothing is stipulated in the constitution as to the withdrawal of cases, the provisions of the CPA, which being one of the annexes of the constitution, are, therefore, deemed constitutional. Point 5.2.7 of the CPA has stipulated that both sides

guarantee to withdraw accusations, claims, complaints and cases under-consideration leveled against various individuals due to political reasons and that both sides also immediately make public the condition of those imprisoned and release them without delay.

Political parties in Nepal seem to have misinterpreted the provisions of the CPA by withdrawing even non-political cases related to theft, murder, abduction, corruption, dacoity, etc. Although various people represented government this year and approached their duties in different ways - they all did a common thing in attempting to withdraw cases filed against cadres of various political parties. Although the government formed a team coordinated by Joint Secretary of the Ministry of Law Kedar Paudel in 2011 to formulate a standard and procedure relating to the withdrawal of criminal cases, its report was not implemented as it was claimed that it would be difficult to withdraw cases based on its recommendations.

This year, there were many instances where no criminal charges were filed against the political cadres who deserved the charges. There were even attempts to disrupt the rule of law by granting pardon to a person whose case was under court's review. The Home Minister in the Khanal government, Krishna Bahadur Mahara accepted that his government had worked on the withdrawal of murder cases against Minister of Communication Agni Sapkota and others.

Prabhu Sah, who was accused of killing Kashinath Tiwari of Birgunj for protesting the strike called by the UCPN-M, was not only appointed as a minister but even his party leader made a public statement that Sah would be defended. People could not feel the government provided guardianship at a

in Bardiya district was recaptured by Mohan Baidhya's faction. The UCPN-M in-charge in the Bardiya district, Himat declared that 45 *bigaha* of land captured from the former NC parliamentarian Binaya Dhwaj Chand and his brother Binod Dhwaj Chand was restituted. However, local cadres of the party in support of the Baidhya faction pitched 43 flags in the same land. Police removed the flags but Dravya Shah, a member of Tharu State Committee, insisted that returning land and property was unacceptable.

5.4 Nepal's Commitment on International Treaties

The government signed the United Nations Convention Against Corruption (UNCAC) on February 24 to demonstrate its commitment in controlling corruption in the country. The Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011, drafted with a purpose of doing away with caste-based discrimination and untouchability was passed. However, the untiring attempts made by the concerned community for the past 10 years was fruitless as the government refused to accede to the Rome

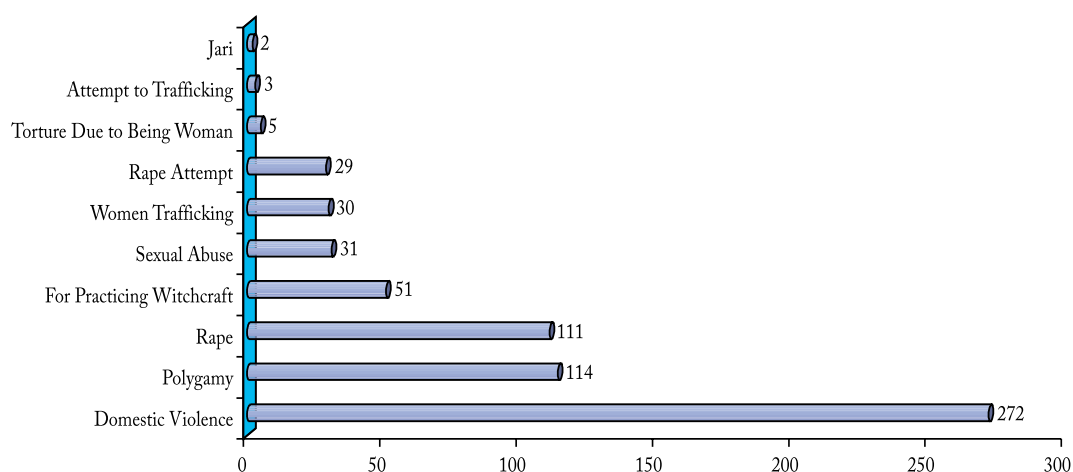
Statute. In addition, though authorized by the CPA to monitor the situation, the government decided against extending OHCHR-Nepal's term.

5.5 Universal Periodic Review and Nepal

Nepal was reviewed under the Universal Period Review on January 25. A delegation led by Deputy-PM Sujata Koirala made the presentation to the UPR Working Group. 135 recommendations on various topics were made out of which Nepal accepted 55 and rejected 15. OHCHR-Nepal issued a statement in which they regretted the rejections made by Nepal. The recommendations to ratify other human rights related conventions and to carry out investigations into accusations of extra-judicial killings were two of the recommendations rejected.

During a meeting on June 28, the secretary of the PMO and Council of Ministers, Madhav Prasad Ghimire, assured that the government had accepted many of the recommendations and that the government was working on introducing a policy to implement them in practice. Speaking at the occasion, Ghimire also

Figure : 4 *Violence Against Women by Event Type in 2011*



added that Nepal's basic goal was to achieve sustainable peace and a just society. It was also stated that the proportional and meaningful participation of women at all levels of the conflict transformation and peace building process and the protection of women and girls' rights would be ensured. The UPR provided Nepal with the opportunity to discuss its human rights objectives and challenges with other United Nations member states. The latter made recommendations regarding various aspects of human rights promotion and protection in Nepal, including eliminating caste-based discrimination, tackling gender-based violence, ensuring accountability for human rights violations and strengthening national human rights institutions. However, Nepal did not reply to queries related to their failure to ratify the 1951 Convention on the Status of Refugees or the Convention on Enforced Disappearance. A government delegate asserted that there is no systematic torture in Nepal and that "there are sufficient constitutional and legal safeguards for the prevention of torture in Nepal."

6. Judiciary in Confusion

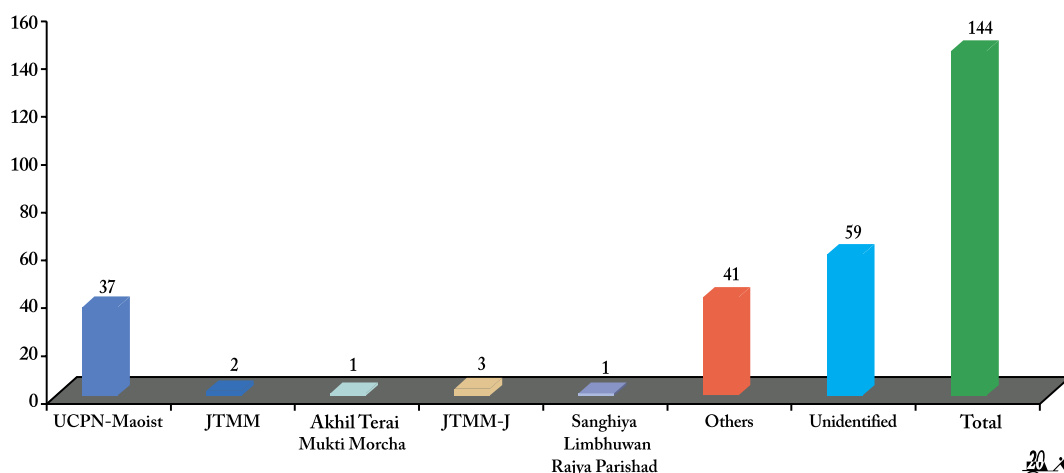
The judiciary made some

commendable decisions this year regarding the protection and promotion of human rights and ending the impunity. Some of such rulings were in cases of citizenship, senior citizens, inclusion in state bodies, education, health, employment, voters' list, investigation of the conflict era cases, caste-based discrimination and impunity.

The Supreme Court issued a directive on November 25 ordering the extension of the term for the final time after considering beforehand how much time it should take to write a constitution. The order also said that the CA would be automatically dissolved if the constitution could not be written within the extended term. It was ordered, if such was to happen, to be clear on whether to hold plebiscite or another election for the CA.

As was the case in previous years, the Judiciary faced direct and indirect interference from the Executive and the Legislature-Parliament this year as well. Rather than implementing the verdicts of the courts, especially their decisions on the cases related to the violation of human rights committed during the armed conflict, the government decided to recommend the cases to the President for an official pardon

Figure : 5 *Number of Abductions in 2011*



claiming that the cases were political in nature. Political parties agreed on the idea of provisioning a Constitutional Court in the new constitution to deal with possible constitutional disputes. Such an agreement reached between political parties interferes with the jurisdiction of the supreme judicial body in the country.

Different decisions were given in different courts on similar cases which occurred during the conflict. The lack of a coherent voice on the jurisdiction of the proposed Truth and Reconciliation Commission and the courts confused the victims. The Supreme Court was criticized for its failure to issue clear directions to the lower courts and for issuing some vague decisions. (*see chapter on Judiciary*)

7. Ineffective Legislature

The Legislature-Parliament conducted a fruitful election this year after amending its rules of procedure. The same Legislature-Parliament had failed to elect a Prime Minister on 16 occasions. People's voices could not be expressed in the Legislature-Parliament as the obstruction of the House and the government formation process affected its operation.

The term of the CA was extended three times in 2011. Though the term of the

CA, which also works as the Legislature-Parliament, was extended repeatedly, small and even big political parties did not hesitate to obstruct the House. Important bills could not be passed as a result. The political parties had agreed to complete the main tasks of the peace process, prepare the draft constitution and form a consensus-based government within three months after the term of CA was extended by three months for a second time. However, none of these agreements were implemented. The regrouping of the Maoist combatants and the formation of the State Restructuring Commission (SRC) took place after the third extension of the CA. Before the fourth extension of the CA term had begun, the Supreme Court (SC) ordered that the extension of the term would not be granted for more than six months and that the most recent extension granted would be the last one of its kind for the CA.

Amid the differences among the political parties, bills related to the formation of the Truth and Reconciliation Commission (TRC) and Commission of Inquiry on Disappearances (CID), which were envisioned in the Comprehensive Peace Accord (CPA) and Interim Constitution, could not be passed by the House this year. The Legislature-Parliament ratified three

Table 5 *Number of Female Victims by Economic Status*

Economical Status	Middle Class	Lower Class	Lowest Class	N/A	Total
Attempt to Trafficking		3			3
Domestic Violence	38	150	12	72	272
For Practicing Witchcraft	1	30	4	16	51
Jari			1	1	2
Polygamy	15	66	10	23	114
Rape	20	59	6	26	111
Rape Attempt	5	17	2	5	29
Sexual Abuse	4	19	1	7	31
Torture Due to Being Woman		4		1	5
Women Trafficking	2	21	1	6	30
Total	85	369	37	157	648

Conventions and passed the Caste-based Discrimination and Untouchability (Crime and Punishment) Bill, 2011.

Various committees of the Legislature-Parliament were active in addressing irregularities in various sectors and issues of concern. These committees investigated different incidents and directed the government agencies to take appropriate steps and also offered recommendations.

Legislature-Parliament's Zero Hour and Special Hour which are significant in drawing the attention of the government to issues of public importance were ineffective this year. The Speaker removed these Hours from the list of House business due to CA member's obstruction. Some CA members drew criticism this year too for their irresponsible conducts. Negative messages about the Legislature-Parliament were relayed as some of the CA members were found to be involved in corruption and criminal activities.

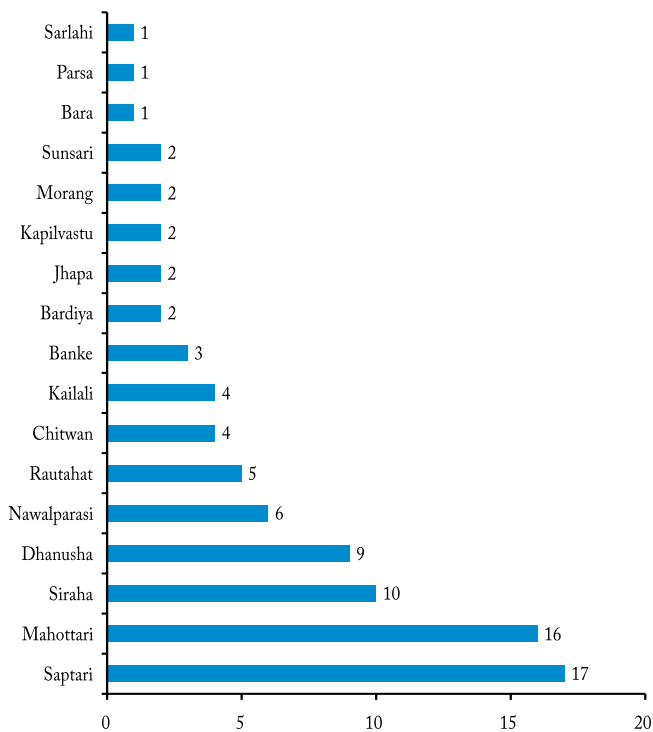
Speaker Subas Nembang, who was criticized last year for giving continuity to the fruitless elections to choose a Prime Minister, conducted regular meetings with the top leaders of main political parties to end the political stalemate and to advance the peace and constitution process. He drew the government's attention on the contemporary issues raised by the CA members. He also issued a ruling to the government to inform the Legislature-Parliament about various issues, including women's participation in cabinet, damage incurred by the earthquake and relief efforts.

8. Nepal as a Landmine Field Free Nation

Nepal has been declared a Landmine Field-Free Nation. With this, Nepal has now become the second country in Asia after China to receive this status. Nepal was declared a Landmine Field Free Nation on June 14 after the Prime Minister Jhala Nath Khanal and UN official Robert Piper detonated a mine of the minefield in

Figure : 6

No. of Abductions in Tarai Districts in 2011



Phulchoki. The landmine there was among the 257 landmines planted at 53 locations by the Nepal Army.

The Victim Activated Explosion (VAE) resulted in 22 incidents in which 23 people were injured and 10 people were killed. The occurrence of such kind of explosions even after five years since the end of armed conflict signals the continuation of threats and fear in the lives of people. Even though the incidents of the VAE have decreased, they still pose the risk of exploding and causing fear to civilians. Primarily, it is the state which is responsible for the eradication of such problems. Although Nepal has become landmine field free, the abandoned Improvised Explosive Devices (IEDs) which were left over from the conflict period still pose a threat. The rebels widely used IEDs as cheap and

powerful weapons during the conflict but their use continues to spread by the other armed groups creating fear of war and explosions. Like mines, IEDs have also remained a legacy of the war.

9. Governments' Irresponsibility Towards People

The government made steps concerning human rights in 2011, yet at the same time made a number of decisions that gave cause for doubts to be cast on the existence of democracy in the country. Good policies were introduced for deprived communities while some long awaited decisions were still not made during the year. Three governments were formed, including the acting government of Madhav Nepal, but people observed little difference in their policies or behavior. The situation of insecurity did not change for good. The year began with an acting government and the subsequent majority government could stay in power for only six months after which it had to make a way for new government. Since the signing of the CPA almost five years ago, some progress had been made concerning a number of contentious issues such as combatants and weapons management. However, the decisions made regarding these issues ultimately remained inconclusive.

The state remained without a proper government for seven months after the Madhav Nepal government resigned. That valuable time, which should have been spent on team-building, constitution drafting and the reconstruction of the war-torn country, was instead used to hold round after round of futile elections for the post of Prime Minister. The country remained without the executive government for 217 days. Eventually, after a 7-point agreement between the UML and UCPN-M was reached, a government led by UML chairperson Jhalanath Khanal was formed. This government also failed to make any

concrete progress in the peace process. After PM Khanal resigned, a new government with UCPN-M vice-chairperson Baburam Bhattarai as Prime Minister was formed following the arrival at a 4-point deal with the UMDF. The new government took some positive steps directly or indirectly related to human rights. While doubts regarding the extent to which democratic norms were being adhered to prevailed, some useful policies were introduced while some long awaited decisions could not be made. Peace, development and human rights all featured among the commitments of all governments formed in 2011. The transfer of the keys of weapon containers, the formation of the Special Committee and the re-verification of Maoist combatants were some positive steps taken by the government with regard to such commitments in 2011. However, the problem of political instability, the priority given to power sharing, the prolongation of the peace process and instances of corruption disappointed people. The PMs remained occupied in protecting their government while Dr. Baburam Bhattarai placed a burden on people by forming the biggest Cabinet ever formed in the country. In addition, questions were raised over the power and independence of the judiciary.

The government recommended that persons convicted by the Supreme Court be granted an amnesty; a blatant example of impunity. The government boasted about fulfilling its duties in relation to transitional justice after they increased the interim relief provided to conflict victims. Though some policies were formed for security and the rights of women and children, they were not implemented effectively.

There is some sense of peace in the Madhes region; however, problems with Madhes have not yet been completely resolved. Several mechanisms of a political nature will also remain unresolved if the government does not commit wholeheartedly to remedying them at a time

when the peace process has not gained the desired momentum. It was envisaged in the Interim Constitution that political parties would move ahead in solidarity. If any political party is excluded from government, they consequently feel that other parties in government are neglecting them and they then start to make protestations to the government and also to demonstrate their presence to the people as a reminder of their existence. However, such actions will not prevent the government from carrying out its regular duties effectively.

Various steps taken by the government raised questions over the presence of justice and the rule of law in the country. The victims of the armed conflict were re-victimized as genuine efforts to establish transitional justice mechanisms did not materialize. The formation of the TRC and the Commission on Disappearance will be meaningless if the government continues to withdraw cases against perpetrators of human rights abuses. Similarly, it will be pointless if the would-be-formed TRC is vested with the power to make decisions on all conflict related cases. The government's decision to grant amnesty to those accused of committing crimes during the conflict is unnecessary as the Supreme Court has already stated that conflict related cases can be solved within the established legal system.

The government created a number of good policies this year but there are several grounds for suspicion with regard to their implementation. The government decided to restrict the imposition of strikes in 16 different sectors including transportation, storage, distribution and supply of petroleum products, health services, collection, supply, processing and disposal of garbage, construction sites, development of infrastructures and collection centers. However, school strikes have not ceased nor has the government intervened when there has been an obstruction in the

transportation sector during strikes. The government has to do a lot in practice in the sector of women rights, child rights, Dalit rights and the rights of persons with disabilities, among other sectors.

10. Conclusion and Suggestion

The CA term will be over after May 28, 2012, if the latest Supreme Court order is not challenged once again. If the new constitution emerges within the remaining five months, the constitution will determine the future course of Nepal. However, little thought has been given to what may happen if the constitution is not ready by the deadline. Whatever the comments on the Supreme Court ruling on CA, this has distressed the CA members. Some CA members sharply criticized the court and accused it of forgetting its jurisdiction.

The provisions stipulated in the 7-point agreement, such as integration of Maoist combatants into the national army, among others, had not been materialized by the end of the reporting year. A bill proposed for the initiation of the TRC was talked of as a bill designed to grant official pardon to those accused of committing crimes during the armed conflict on the pretext of reconciliation. Delays in the formation of a disappearances related commission clearly demonstrates how indifferent political parties are in relation to the whereabouts of those subjected to enforced disappearances during the conflict. The commitment of the UCPN-M to restitute land and property captured by them during the conflict was not kept due to non-cooperation within the party.

Dr. Baburam Bhattarai put a burden on the people by forming the biggest Cabinet ever formed in the country. Questions were also raised over the power and independence of the judiciary. The government recommended that persons convicted by the Supreme Court be granted amnesty. The government boasted about

fulfilling its duties for transitional justice by increasing the interim relief provided to conflict victims.

The SC has firmly stated that the fourth extension of the CA term would be its final one. The judiciary alarmed the CA with regard to its responsibilities as it had not prepared the draft of the new constitution even after three and half years since the CA elections. Though the Legislature-Parliament claimed that the court intervened in its jurisdiction, the Judiciary is ultimately the body to interpret the law and constitution. The activities of parties and leaders, who were unable to accomplish their assigned duties in the frequently extended tenures of the CA, were widely criticized. This also disappointed those who believe in democracy.

Legislators should take their assigned duties seriously and bear in mind that the country could plunge into a dire situation if the constitution is not drafted by the final deadline.

Suggestions

- Anarchic circumstances have been created as crime has shadowed justice and impunity has dominated every sector in the country. Instead of politicizing crimes, the government has to formulate new plans, increase the morale and confidence of the security personnel and equip them with resources.
- It is the responsibility of the government to implement laws and judgments when the court gives human rights friendly verdicts. There will be a lack of trust between the judiciary and the organs of the State if justice is not delivered to victims. It is not for the benefit and development of a peaceful nation. Thus,

the government should respect courts and implement their verdicts.

- The government has not taken any concrete steps to ratify the Rome Statute though five years have elapsed since the then reinstated House of Representatives had directed the government to accede to the Statute.
- Rome Statute should be ratified early as its ratification will not only make the internal image of the nation positive but it will also be a warning to those who violate human rights in the future.
- The government decided to provide compensation to victims as per the recommendations made by NHRC on August 4, 2009. Only 28 per cent of NHRC recommendations have been implemented so far. All the recommendations of the NHRC should be implemented without any limitation of time.
- Political parties should build up consensus by resolving the differences among them to fulfill the prime responsibility of the CA i.e. to finalize the constitution. Peace and constitution should occupy a place over the partisan interest.
- Sincere implementation of the previous agreements is today's necessity. The establishment of the Commissions envisioned in the CPA should be established without any delay
- Necessary amendments should be carried out to eliminate the crimes resulting from violence against women
- Family court should be established as soon as possible.

Bijay Raj Gautam
Executive Director





Highlight of the Year

Chapter

Power Obsession Delays Peace

2

Chronology

(January 1 - December 31, 2011)

January 3

Government writes a letter to the Joint Monitoring Coordination Committee in which they demand updated details of weaponry containers, identity cards of the UCPN-M combatants, barcode reading software, weapons and a number of combatants

January 4

Saying that submitting containers of weapons from the cantonments to Government would result in the dissolution of the ongoing peace process, the UCPN-M writes a letter to UNMIN requesting them not to send the containers

January 5

PM Madhav Kumar Nepal and the Chairman Prachanda of the UCPN-M discuss the departure of UNMIN and the PM urges Prachanda to bring the supervision of the combatants under a Special Committee

January 6

The UNMIN Chief Karen Landgren submits a report to the UN Security Council. It was stated in the report that a Maoist revolt, Presidential rule, or a military coup d'état was feared in Nepal.

The UCPN-M and UML agree to form a separate mechanism for the monitoring of combatants

January 11

Three major political parties agree to form a separate mechanism for the monitoring of the weapons of the UCPN-M and Nepalese Army which have been kept in the container⁰

January 13

PM Madhav Kumar Nepal directs the Ministry of Home Affairs and other concerned bodies to quickly implement the recommendations of the NHRC.

January 19

28 political parties reach a consensus to activate the Constitutional Committee for the purpose of reaching a consensus on the disputes experienced in the course of constitution writing

January 24

In a meeting of the Special Committee, the UCPN-M puts forth its view that consensus was needed at the political level regarding the model of integration and rehabilitation of the combatants that are under the control of the Government

January 31

The Constitutional Committee holds another meeting after a period of six months

February 2

Police rescues 14 students from Ghalang jungle area in Nareshwor VDC-9 in Gorkha district. The students from Mahendra Jyoti Higher Secondary School in the district had left for the jungle for safety reasons following a violent outbreak of the YCL attack.

February 6

Jhala Nath Khanal is sworn in as the PM of Nepal

February 22

A Central Committee meeting of the UML approves the clandestine agreement reached between the Chairman of the UCPN-M Prachanda and the Chairman of the UML Jhala Nath Khanal

March 3

A Central Committee meeting of the NC decides to concentrate on constitution writing and taking peace process to a positive end

Joint Madhesi Front decides to revolt

March 10

Yunus Ansari, who was on trial for his alleged involvement in fraudulent activities, was shot by Indian citizen Jasjit Singh while in the central jail

March 14

The term of the Dispute Resolution-Sub Committee, which was supposed to resolve a total of 75 dispute but resolved only 45, expires

March 15

The UCPN-M forms the 'People's Volunteer Mobilization Bureau', saying it was necessary for the security of the people. Netra Bikram Chand is appointed to oversee its operation

March 16

Minister of Peace and Reconstruction Barsha Man Pun makes public a National Action Plan for the rehabilitation of the children affected by the armed conflict

April 29

A Central Committee meeting of the UCPN-M approves the report of Chairman Prachanda in which it was decided not to opt for a 'people's revolt'

May 2

It is decided in a meeting of the Special Committee for the Supervision, Integration and Rehabilitation of Maoist Combatants to recruit a total of 120 personnel with some experts regarding the categorization of combatants

May 12

Government tables a bill in the Parliament to extend the term of the CA by one year

May 14

UCPN-M proposes form a force of 20,000 that includes the Nepal Army, Maoist combatants, APF and Nepal Police

May 15

Joint Madhesi Democratic Front opposes the term extension of the CA

PM Khanal holds discussions with the small parties in the CA regarding the term extension of the CA

May 16

President Ram Baran Yadav expresses his view that Presidential rule as feared is not possible

May 19

The Standing Committee of the UCPN-M welcomes the proposal of the Nepal Army to form a separate directorate under the army's supervision

The NC proposes that state be restructured into seven federations

May 23

The UN General Secretary Ban Ki Moon telephones PM Khanal to express his concern in relation to the CA and peace process

May 25

A meeting is held between the three major parties for the purpose of extending the term of the CA which is inconclusive

The Government declares schools as a peace zone

May 27

The American Embassy in Nepal decides that it will not issue visas to those who are involved in organizing closure

strikes or violating of human rights

UCPN-M Prachanda expresses that 'weapons exchanged for blood' will not be handed over

Joint Democratic Madhesi Front is of the view that the term of the CA should be extended only if combatants are integrated and weapons are managed first

May 28

The term of the CA is extended by three months

Three parties sign a five-point agreement relating to term extension of the CA while the Joint Madhesi Front objects to the agreement

June 1

The proposal to extend the term of the OHCHR-Nepal by six months reaches the Council of Ministers

May 2

During a meeting on the UPR, European and other Western countries express their concern over the indifference of the Government of Nepal to impunity

May 3

The Human Rights Committee expresses its belief that the former Chief of the Nepali Army Rookmangad Katwal is guilty of committing human rights violations and urges the Government to probe the case within 180 days. The decision of the Committee comes after finalization of a complaint filed at it relating to the arrest of Yubaraj Giri of Kohalput in the Banke district by army personnel dispatched from Kalidal Bahini on April 29, 2004

June 4

UCPN-M suggests that the PM Jhala Nath Khanal not tender his resignation until a political agreement is reached

June 5

48 combatants deployed for the security of different Maoist leaders are sent back to cantonments

June 27

The major three parties form a 17-member Monitoring Committee led by the Chairperson of the CA Subash Chandra Nembwang to monitor the five-point agreement reached on May 28

June 30

The Nepali Army holds that they should be granted special status by the courts

August 3

President Ram Baran Yadav suggests the major three parties to move ahead based on consensus

August 14

PM Jhala Nath Khanal tenders his resignation

August 29

The term of the CA is extended by three months

PM Baburam Bhattarai is sworn

September 1

Keys to the weapons containers in the five cantonments of the Maoist combatants are handed over to the Special Committee

September 13

Attorney General Mukti Pradhan says that the charges filed against the UCPN-M cadres during the armed conflict will be revoked

November 2

Vice-Chairman of the UCPN-M Mohan Baidhya formally objects to the agreement reached between political

parties regarding the peace process and constitution writing

November 8

Prime Minister recommends the President to grant official pardon to Bal Krishna Dhungel who was sentenced to life imprisonment

November 10

OHCHR-Nepal expresses its concern over the appointment of a person accused of murder to the post of Minister and urges the PM to not condone impunity

November 15

The UCPN-M Vice-Chairman Mohan Baidhya and General Secretary Ram Bahadur Thapa appeal to the cadres to not partake in the integration process

November 17

PM proposes to extend the term of the CA by six months

November 19

Re-categorization of the Maoist combatants begins

November 20

The UCPN-M Chairman directs cadres to restitute land and property seized by them during the armed conflict

November 22

Major political parties decide to form a nine-member State Restructuring Commission

November 29

The term of the CA is again extended by six months

Parties sign a six-point agreement to promptly accomplish the task of writing the constitution

December 6

A six-month work plan is passed to ensure of the completion of the new constitution by May 27 20012

Dr. Madan Pariyar is appointed as the Coordinator of the State Restructuring Commission

December 7

The Parliamentary State Affairs Committee Chairman Ram Nath Dhakal is attacked in Putalisadak in Kathmandu

December 8

Government decides not to extend the term of the OHCHR-Nepal

December 26

Attorney General Mukti Pradhan and the chairman of the CA Subash Chandra Nembwang file petitions at the Supreme Court against the decision of the court that ordered that the term of the CA not be extended by more than six months

December 27

The Supreme Court rejects the petition filed by the Government and the Parliament seeking a review of the decision made relating to the term extension of the CA



1. Background

Five years have elapsed since the Comprehensive Peace Agreement (CPA) was signed. However, it has been felt that the ongoing peace process is being hampered by constant disputes. Several significant facets related to the peace process remained unresolved this reporting year despite the fact that the Governments were formed with the primary objective of realizing the peace process. Many agreements were reached before and after the formation of Governments. Although agreements were made successively, a failure to implement them emerged as a tendency among major political parties in the country.

Forming a consensus based Government in the spirit of the CPA and the Interim Constitution in order to aid the peace process and to strengthen democracy was much expected and anticipated. However, political parties failed to work effectively towards these ends. The Madhav Nepal led Government occupied a caretaker position this reporting year. It made attempts to carry the peace process towards a positive end but little progress was made. The Madhav Nepal led Government was followed by the Jhala Nath Khanal led government which was also committed to forming a consensus based Government. However, efforts made to achieve this objective lacked the necessary impetus. The Baburam Bhattarai led Government that was in the power at the end of this reporting year also failed to form a consensus based Government by the end of the year.

Be it the Khanal or Bhattarai administration, both failed in similar ways in accomplishing the completion of the peace process. It seemed at the beginning of Prime Minister Bhattarai's term that headway would be made. However, his efforts towards establishing peace

were countered when constituent party representatives in Government opposed his decisions, and when courts started to issue successive injunctions against his order; even Bhattarai himself started to renege his decision. Such conditions impeded the peace process and thus an end in the constitution writing process could not be reached by the end of the year as a result. Of greater concern even still, it seems possible that the new constitution will not have been concluded by May 27, 2012.

Internal disputes and feuds within almost all the major political parties also emerged as an obstacle against establishing peace. Jhala Nath Khanal signed an agreement with the UCPN-M just for forming Government under his premiership. Bhattarai followed the same trend and signed a seven-point agreement with the Madhes based parties. Both were criticized by their own parties for making such agreements. Khanal reached the agreement with the UCPN-M on the condition that they would each lead Government on a rotational basis. Hence, the UCPN-M joined the Government. However, when it was the turn of the UCPN-M to lead Government, the CPN (UML) did not. The Nepali Congress (NC), the second largest party in the Constituent Assembly (CA), joined neither government while almost all the Madhes based parties became constituents in both Governments.

When it did not receive cooperation from the CPN (UML) and the NC to power share, the UCPN-M signed a four-point agreement with Madhes based parties. As a result, Dr Baburam Bhattarai became the PM in the middle of the year. Most of the issues included in the four-point agreement were perceived by the CPN (UML), NC and even by the UCPN-M themselves to have been anti-nationalistic. The leaders from the CPN-M party who were against the agreement did not join

the Government led by PM Bhattarai. His government started to be criticized when he formed an unprecedentedly oversized Council of Ministers and made a governmental decision to recommend to the President to grant official pardon to Bal Krishna Dhungel who had been sentenced to life in prison. Such a move turned popular expectation of Bhattarai administration into despair.

Although the combatants of the UCPN-M were categorized as previously agreed, other issues related to the peace process and which were supposed to be accomplished within this reporting year, such as integration, rehabilitation and voluntary retirement of the combatants, remained unresolved.

Returning lands, homes and properties captured by the UCPN-M during the armed conflict, as outlined in the agreement reached between political parties led the UCPN-M party, proved difficult. Although the Chairman of the UCPN-M himself visited districts such as Bardiya, Banke and Kailali to declare that the process of returning captured land and properties had begun, the cadres of the party made it public through the press that they would not adhere to the said agreement reached between political parties.

Heavy disputes were triggered over the jurisdiction of political parties and the Supreme Court when the latter gave a decision which forbade another extension of the term of the CA, which originally had a two year term. This decision of the court roused Nepalese politics. Many welcomed the decision of the court that allowed a six- month extension to the term of the CA and decided that the failure to finalise the constitution within that time would result in the automatic termination of the term of the CA and thus go for a plebiscite or a new election. However, the reactions

from political parties were mixed. The Chairperson of the CA and the PM went to the Supreme Court to file a petition against the decision. The court, however, rejected their petition.

Disputes among the political parties in the CA were exposed during the year despite the fact that they intended to resolve differences between them in order to accomplish their prime agenda of writing the constitution in good time. Valuable time was therefore wasted due to such internal disputes. The UCPN-M dwelt unnecessarily on whether to opt for peace or for a 'people's revolt.' The NC disputed over seniority issues in the party and also debated during the year as to who they would nominate as a NC candidate for the position of PM. The central committee meetings of the party did not take place regularly and Senior Leader Sher Bahadur Deuba even tendered his resignation from the central membership. However, the party President did not approve his resignation. The CPN (UML) led the Government for half of this reporting year and during previous year. Internal disputes in the party manifested due to the extent of the dissolution and formation of Governments. The Madhes based parties, which were the fourth political force in the country, experienced factionalism and were then divided when it came to the matter of the formation and extension of the Council of Ministers.

The Dispute Resolution Sub-Committee resolved most of the disputes relating to the writing of the new constitution and sent them to the Constitutional Committee under the CA. However, the overall constitution writing process was hindered due to disputes relating to issues such as the form of the government, the election system and state restructuring, among others. As these issues were not resolved during the year, a space

in which doubts concerning the feasibility of completing the new constitution by May 2012 was created.

A conflict of interests between the major political parties in the CA and the developing tendency of the parties to use governance for the fulfillment of their interests stood as barrier against the ongoing peace process in the country.

2. Contention Regarding the Maoist Ex-Combatants

The seven-point agreement signed between major political parties and the Joint Madhesi Front at the end of the year cleared way for the classification of Maoist ex-combatants. Point 1(B) of the agreement stipulated that up to 6,500 ex-Maoist combatants would be integrated into the Nepal Army after the establishment of a separate directorate for such a purpose. 65 per cent of the directorate is to be comprised of personnel from Government security agencies and the remaining 35 per cent from the Maoist army. Such a directorate would have non-combative mandate for development, security of forests, industries and the management during times of natural catastrophes. The agreement also stipulated that the rank determination of the integrated combatants would be the same as the standard used by the Nepal Army and that they would be provided bridging course by the Nepal Army itself.

However, at a later point, it appeared as though the UCPN-M were not prepared to adhere to the points of the agreement. They started to make demands for the ranks and quota of the would be integrated combatants to be made in accordance with their demands rather than in accordance with the Army's standard. The party also put forth wish for more than 7,000 combatants

to be integrated into the army. The altering demands of the UCPN-M created the fear that even the seven-point agreement would not be enough to propel the peace process into action, as was expected.

2.1 Reintegration of the Ex- Combatants

Approximately 19,000 UNMIN verified ex-combatants were officially handed over to the head of the Army Integration Special Committee, PM Madhav Kumar Nepal, at the beginning of the year in a program held at Shaktikhori in the Chitwan district by the UCPN-M Chairman Pushpa Kamal Dahal. Since then, the Maoists combatant flag, flying in various cantonments, was replaced by the flag of Nepal. It is noteworthy here that the Maoist ex-combatants had been under the control of the UCPN-Maoist until the program was held. "The Maoist Chairman Prachanda declared at the program that his party's relation was disconnected since that date while Prime Minister Madhav Kumar Nepal welcomed the handover on behalf of the whole country."¹

Dispute started to arise within the UCPN-M following the handover of the combatants. PM Bhattarai, among the other leaders in the party, opposed the act while Mohan Baidhya supported it. Ironically, Bhattarai, who was initially opposed to the handover, was later working for the categorization, integration, rehabilitation and voluntary retirement of the combatants whereas Mohan Baidhya and other leaders objected to the hand over.

The rehabilitation of the Maoist ex-combatants was the most important aspect of the peace process and had been awaiting a prompt resolution. The management of the combatants cantoned in different camps across the country remained a complicated issue during the year. Although problems in

1. Dahal, Saroj. 'Samayojan Marphat Sahamatitarpah'. *Himal Khabarpatrika*, January 30-February 12, 2011. p. 14

relation to managing the combatants had been a matter of concern since the signing of the CPA, the issue had not been entirely resolved by the end of the year.

As stipulated in point 4.4 of the CPA in which it was stated that the Council of Ministers would form a special committee in order to inspect, integrate and rehabilitate the Maoist combatants; an Army Integration Special Committee was formed last year. The committee formed a sub - technical committee to ease the task of managing the combatants.

The cantoned combatants were categorized at the end of the year in accordance with the terms of the agreement previously reached between major parties and the Madhesi Front. It was stipulated in the agreement that up to 6,500 combatants be intergraded into the Nepalese Army and that a separate directorate be formed. Of the approximately 19,000 combatants, half of them chose to be integrated, 8,000 wanted to retire while only very few wanted to be rehabilitated. As only up to 6,500 combatants could be integrated into the army as stipulated in the agreement, problems arose as to what to do with the more than 3,000 combatants who claimed that they wanted to be integrated during the categorization process. This issue also seemed to have been one that put a halt to the peace process.

Last year, a total of 4,800 combatants who had not been verified by the UNMIN left the cantonments. Those combatants were aggrieved that Government did not provide a rehabilitation package, as promised. They demanded they be granted due respect. At the time of their departure, they were given just a pair of clothes and Rs 22,000. Many of those combatants did not go to receive the rehabilitation package that was promised in the presence of the UN. As the cantoned combatants had heard of or seen that the rehabilitation package

was not provided as promised, very few of the combatants opted for a rehabilitation package during the categorization process. The combatants did not opt for the package although Balananda Sharma, the Coordinator of the Army Integration Special Committee (AISC) Secretariat, frequently encouraged the combatants to opt for rehabilitation package. Sharma was of the opinion that there were two reasons as to why very few combatants opted for rehabilitation package 1) there were availability of two options for the combatants even if they were unable to pass during the training and 2) the plight of the combatants who left cantonments for not being verified by UNMIN. The secretariat came up, as per the seven-point agreement reached between political parties, with a rehabilitation package ranging from Rs 600,000 to 900,000 to be provided to the rehabilitated combatants within one to four years.

The Army Integration Technical Committee, which completed the categorization of the combatants in approximately 15 days, informed that some 9,707 combatants wanted to be integrated, 7,365 wanted to go for voluntary retirement and only six combatants wanted to be rehabilitated. A total of 17,170 combatants presented themselves in the camp during categorization.

The Baidhya faction of the UCPN-M expressed disagreement to an important agreement reached on November 1 between the major three political parties and Madhesi Front relating to concluding the peace process. They disagreed most particularly on the points of the agreement which related to the integration of the approximately 6,500 combatants into the Army, the handover of the keys of the weapon containers to the Government and on returning the homes and lands captured by the UCPN-M to their owners. Speaking

Political Parties' Agreement on the Issues including Peace Process

National consensus is essential to carry out the duties of concluding peace process and constitution writing. With this in context, it is very clear that the national politics should be steered ahead by reaching the peace process to the logical conclusion and writing constitution. Therefore, we, by adhering to the Comprehensive Peace Accord, interim Constitution of Nepal 2063 and various other agreements reached among the political parties, reached the following agreement in order to move ahead national consensus politics with constitution writing and settling of the remaining tasks of the peace process:

1. Integration of the Maoist combatants

The details about the Maoist combatants lodged at various cantonments will be updated. The number of the combatants to for the integration shall be maximum 6,500. They shall be integrated into the general directorate under the Nepal Army where there will be 65 percent from the security bodies while 35 from the Maoist combatants. The function of the general directorate shall be in the sector of development works, forest and industrial security and disaster management.

The Maoist combatants willing integration need to personally fulfill the standard of the concerned security bodies. However, the rule on age, education and marital status of the combatants shall be flexible. The rule on the educational status shall be made flexible for one more status while the age up to three years from the post designated to the combatants when they were recruited in the Maoist.

The post/rank of the fighters to be integrated shall be determined as per the standard of the concerned security body. While integrating into the post of officer and others in the security body, the post shall be determined in a way that shall not render negative impact on existing system of the security body, current officer and the career development of the others from other post.

After completing the bridge course and training, the combatants shall be assigned the responsibilities of fixed level/post of security body. The bridge course and training shall be provided by the concerned security bodies.

All weapons in the cantonments shall automatically come under Nepal government's control after the initiation of the integration process.

2. Rehabilitation of the Maoist Combatants

(a) The Maoist combatants opting for the integration shall be provided an alternative package with education, training and professional opportunities. The package as per its nature and time shall worth Rs. 600,000 to 900000.

(b) Those who want to go for voluntary retirement by taking cash instead of the package would be categorized into different groups comprising the highest group and three levels below that by considering their responsibilities at different levels. An amount of Rs. 800,000 would be provided to the combatants of the highest level and Rs. 700,000, Rs. 600,000 and Rs. 500,000 to combatants in successive levels in that order. The amount would be made available in two installments in two fiscal years. A due decision would be made within two days regarding this topic by a meeting of the special committee.

3. Regrouping

Decisions on procedural matters regarding those combatants who want to be included under the integration and rehabilitation shall be taken in seven days by a meeting of the special committee and the task of regrouping the combatants shall be started. The work of regrouping shall be completed by November 23, 2011.

4. Constitution of Commissions as Per The Agreement

(a) The Bill pertaining to the Truth and Reconciliation Commission and the Commission on the Disappeared in accordance with the Comprehensive Peace Accord shall be passed from the Legislature-Parliament as per the spirit of the reconciliation. These commissions shall be established within one month on the basis of agreement.

(b) Cases from the conflict period shall be dealt with as per the letter and spirit of the Comprehensive Peace Accord and the Interim Constitution of Nepal, 2007.

5. Relief Assistance to Conflict Victims

Relief assistance shall be provided to the families of the people killed due to the conflict during the time of the armed conflict, to people rendered disabled and to those maimed, to the families of the disappeared, to displaced people and families and to families that have lost property without any discrimination in a reasonable manner. The relief is to be provided thus after the Comprehensive Peace Accord shall be made available on the basis of equality and without discrimination against anybody.

6. Implementation of The Past Agreements and Creation of Environment of Trust

a) The UCPN-M shall take an institutional decision regarding returning the private and public houses and land under the control of the UCPN-M in course of the armed conflict to the individuals and institutions concerned for their use and these properties shall be handed over to the individuals and the institutions concerned within November 23, 2011. The individuals concerned shall be provided appropriate compensation by way of the income from the land for the period it was seized.

b) The rights of the peasants shall be protected as per the letter and spirit of the Comprehensive Peace Accord, the Interim Constitution of Nepal, 2007 and scientific land reforms.

c) The paramilitary structure of the Young Communist League of the Unified Communist Party of Nepal (Maoist) shall be dismantled and its activities terminated while all the private, public and government property under its control shall be vacated and returned to the rightful owners by November 23, 2011.

d) The vehicles which are registered at the Department of Transport Management and are in use by the Unified Communist Party of Nepal (Maoist) shall be regularized by November 23, 2011 as per the past agreement. Those unregulated vehicles shall be seized by the government. Vehicles in the cantonments shall be brought under the control of the Nepal Government.

e) The local administration shall be authorized for carrying out the monitoring of the enforcement status of the agreement on returning the seized property to the owners. It would be the responsibility of the local administration to get the agreement enforced in case it is not enforced. The political parties shall cooperate and assist the local administration in this task.

7. Constitution drafting and the government of national consensus

a) Talks and negotiations among the political parties shall be continued to take the peace process and constitution drafting process to a positive conclusion. A high-level political mechanism shall be formed for this.

b) The task of drafting the constitution shall be accelerated. A team of experts shall be formed on the basis of consensus to give suggestions to the Constituent Assembly to this effect and the task of making the draft of the new constitution shall be initiated within the next one month.

c) The process of the formation of the national consensus government shall be initiated simultaneously with the peace process and the constitution drafting process.

Signatories-

Pushpa Kamal Dahal,

Chairman, Unified Communist Party of Nepal (Maoist)

Sushil Koirala,

President of the Nepali Congress,

Jhalanath Khanal,

Chairman of the Communist Party of Nepal (Unified Marxist Leninist),

and **Bijay Kumar Gachchhadar**

on behalf of the United Democratic Madhesi Front

Date: 1 November 2011

(Source: <http://nepaldecisionchannel.org/english/stories/154-political-parties-reach-seven-point-historic-agreement-on-peace-process.html>)

out against the agreement and referring to the date when the agreement was signed, the UCPN-M leader Netra Bikram Chand, aka Biplab, said that the night of November 1 was a 'dark night that came along with consignment.' The Baidhya faction in the party perceived the seven-point agreement as a betrayal against the party's plan and ideology. Also, the faction alleged that Baburam Bhattarai and Prachanda reneged on the promises they had previously made to the families of those who received martyrdom and those who were disappeared during the armed conflict. The faction was so perturbed that they issued a statement on the eve of categorization and requested all the combatants not to partake in the process. However, the commanders of the combatants ordered the combatants under them to not follow the instruction of the Baidhya faction.

We the political parties have reached the following agreement today, May 28:

- To complete the basic tasks of the peace process within three months
- To prepare the first draft of the constitution from the Constituent Assembly (CA) within three months
- To implement effectively the various past agreements reached with the Madhesi Front, including the one to make the Nepal Army (NA) an inclusive institution
- To extend the CA term by three months
- The prime minister to resign and pave the way for the formation of a consensus national unity government

Pushpa Kamal Dahal,

Chairman, Unified Communist Party of Nepal (Maoist)

Sushil Koirala,

President of the Nepali Congress,

Jhalanath Khanal,

Chairman of the Communist Party of Nepal (Unified Marxist Leninist)

(Source: http://www.myrepublica.com/portal/index.php?action=news_details&news_id=31764)

When the number of combatants desiring to be integrated was more than the number stipulated in the seven-point agreement, differing views emerged from the political parties regarding the issue. PM Bhattarai and the UCPN-M Chairman Prachanda were of the view that all the combatants who wanted to be integrated into army during categorization should be integrated; however, the other parties disagreed with their views on the matter. A grim dispute concerning the rank the would-be integrated combatants would be given in the army followed. The UCPN-M was of the opinion that they should be provided with the rank on a par with Major General in the army. However, the dispute could not be resolved by the end of the year and, the issue of army integration was thus complicated furthermore.

2.2 Money Demanded in Name of the Combatants who left Cantonments

As the process of removing the categorized combatants from the cantonments was about to begin, commanders in the cantonments, it was revealed, carried out a technical evaluation and demanded over Rs 50 million be provided to them by the Government. The UCPN-M leaders extorted a similar amount from the combatants in the past by reducing the stipend they were provided with. However, Minister of Peace Satya Pahadi approved the amount and requested the approval of the Ministry of Finance. Government officials stated that while the possibility to evacuate the cantonments was increasing, the commanders requested the sum on the pretext of repairing buildings and huts inside the cantonments².

2.3 Allowance in Name of Fake Combatants

The leadership of the UCPN-M

2. Dahal, Ramji and Saroj Dahal. ThapLut. *Himal Khabarpatrika*. April 28, 2011: p. 14

did not account for how it used the money collected from the combatants by reducing their allowance and or for the Two Billion, Five Hundred Million received for 2,671 combatants who had left the cantonments. The leadership had no response to questions regarding the matter which were asked by the other parties, the Parliament and their own cadres. The UCPN-M had been receiving a salary and allowance for the number of combatants cited above, yet those combatants were absent from the cantonments during the categorization process³.

After such an irresponsible act of the UCPN-M leadership was exposed, the Public Account Committee under the Parliament contacted the Ministry of Peace and Reconstruction to ask them to provide them with the actual number of combatants and the expense details. However, Assistant Commander of Shaktikhor Third Division Udaya Bahadur Chalaune said that he was unaware that such an amount was requested for the construction of buildings and sheds in the cantonments. He also said that Chairman Prachanda was requested to clarify the issue and the latter promised to come up with satisfactory details of the expenses⁴.

As of mid November, a total of Rs 10 billion, 9 million, 783 thousand and 199 was issued through the Peace Fund and from different departments for road construction, buildings, drinking water, solar, bio-gas and for the health care of the combatants. This amount accrues to more than the amount allocated to Ministry of Peace and Reconstruction in the budget of the Fiscal Year. Of the total amount, 500 million was given by the Peace Fund which was established by eight countries while the remainder came from the Government treasury⁵.

3. *ibid*

4. *ibid*

5. *ibid*

3. Political Parties' Obsession to Power Politics

In the last year, the formation and dissolution of Governments occupied a lot of time for political parties. Jhalanath Khanal, who became the PM as an alternative to his own party leader Madhav Kumar Nepal, could not continue to rule beyond seven months. His attempts to form a consensus based Government turned into a fiasco when the NC rejected the proposal. The latter made clear its view that the agreement signed by Khanal with the UCPN-M prevented it from easily forming a consensus based Government. The agreement faced criticisms, even from within the CPN (UML) party. Signing any sort of agreements just to get the post of Premiership increased as a trend this year. Even the CPN (UML) leader Jhalanath Khanal and Dr Baburam Bhattarai were affected by such a trend. Khanal, going against democratic norms, agreed to rule on a rotational basis and form a lasting front with the UCPN-M while Dr Bhattarai signed an agreement with the Joint Madhesi Front which allowed for the group entry of 10,000 Madhesi youths into the Nepal Army. The agreement also related to the creation of an inclusive bill, the amendment of the Weapons Act, the withdrawal of false charges, among others.

Nepal experienced several movements for democracy, beginning from 1950 to 2006. During this period, people took themselves to the streets on three separate occasions for the sake of democracy. Aspiring leaders were placed in positions of power on the strength of the people and their united call for democracy. However, leaders seem to have forgotten the concerns and needs of the citizenry due to their obsession with power politics. While in

power, leaders saw things as being ideal, but once they had to step down they discovered that the reverse was true. Political parties longed to reach power whereas the prime agenda of the country was to write a constitution and make the ongoing peace process a success. Each agreement signed between parties, be that the one signed on May 28 or on November 1, prioritized the formation of Government. Power centric politics, it seemed was slowly destroying Nepali society.

3.1 Signing Agreements Exclusively for Power

Political parties have the responsibility to conclude the peace process and to produce the new constitution without further delay; these objectives may certainly be achieved when and if they can manage to rise above party politics. However, politicians, it seems, have not felt such a pressing obligation. Holding power dearer than good governance and endorsing untoward agreements has become a weak point in Nepali politics. Politics is more than power and government. People's welfare, social justice and efforts to establish a welfare state are part of the bigger picture. Unfortunately, it appears fair to say that politicians have not acknowledged this reality.

The formation and dissolution of Governments based on arithmetically calculative politics reached further heights this year. Vice-Chairman of UCPN-M, Dr. Bhattarai reiterated that he would not lead a majority based Government. However, he retreated from this stand and signed a four-point agreement with the Madhesi Front only to garner majority votes in Parliament. Upon becoming the PM, he bestowed honorary titles on himself, such as "Eklabya" and "Brihaspati" in infomercials but at the same time, he continued to govern poorly and make bad decisions. Numerically, Dr

Bhattarai formed the biggest Council of Ministers in Nepal's history whereas the UCPN-M and the Madhes based parties were constituents of Government. Tellingly, previous Governments formed with the involvement of 22 parties was not this size. PM Bhattarai is most likely the only PM in Nepal's history whose own cadres protested against him. His cadres greeted him with black flags at the airport upon his return from India and set the four-point agreement he signed with the Madhes based parties on fire.

3.1.1 Seven-Point Agreement Reached Between CPN (UML) and UCPN-M

After the Madhav Kumar Nepal led Government tendered its resignation, a new Government was not formed for seven months. Although political parties had reached unanimity on the necessity of a consensus based Government for the sake of peace and the constitution, a Government could not be formed due to indecision as to who would lead the consensus based Government. The CPN (UML) Chairman Jhala Nath Khanal, who repeatedly advocated for a consensus based Government, did not feel positivity towards his own party leader Madhav Kumar. Khanal, however, could possibly take on the role of PM since CPN-M Chairman withdrew his candidacy for the position. A clandestine agreement was reached between Chairman Khanal and Prachanda but it was protested by the NC, the Madhes based parties and even by PM Khanal's party- the CPN (UML). Point 3 of the agreement stated that for the peace process to reach a positive end; issues such as the voluntary retirement, rehabilitation and integration of the combatants would be accomplished respectfully. It was also stipulated that Maoist combatants be integrated into security forces after forming a separate force, either by including other security

forces or excluding them. Similarly, point 6 of the agreement concerned the future running of Government on a rotation based on consensus and the same point also alluded to moving ahead together in collaboration. The Central Committee meeting of the NC opposed the agreement reached between the two parties. The meeting also concluded that the agreement reached between the two left leaders would increase polarization in the country. No particular progress had been accomplished regarding the peace process during the seven month period in which PM Jhala Nath Khanal was PM, who was elected based on the provisions of the seven-point agreement⁶.

3.1.2 Agreement Reached Between UCPN-M and Madhes Based Parties

As per the agreement reached between the UCPN-M and Madhesi Front at the time of forming Government, group entry of Madhesi youths into the Nepal Army became an issue. The Madhes based parties, collectively or in an individual capacity, put pressure on PM Bhattarai and the UCPN-M Chairman Prachanda by demanding that group entry into the army be addressed. They even warned of abandoning their seats in Government if the demand was not fulfilled. As a result of such pressure, the Council of Ministers directed the Nepalese Army to initiate the necessary preparation for the group's entry into the army.

The issue of group entry caused yet another stir in Nepalese politics. Once the issue of Madhesi youths' group entry into the army was raised, people from Limbu and Rai communities in the Eastern region also put forth their demands that a separate battalion be formed in the army

Agreement between the Maoists and Khanal

- The two parties vow to strengthen inclusive democracy and establish political and social system geared towards socialism while adhering to the pillars of national independence, indivisibility and sovereignty to create an independent economy through socio-economic transformation.
- Agree to write a new constitution to institutionalize republic federalism uprooting all forms of feudalism, thus strengthening inclusive democracy and national independence.
- Pledge to take the peace process to a logical end by executing all tasks related to integration, rehabilitation and voluntary retirement of Maoist combatants. We also agree to form a separate force for Maoist combatants or an alternative force combining the PLA and other security forces.
- Agree to constitute a joint government. A high-level mechanism will be formed to assist in the governance. The mechanism will be led by the chiefs of the signatory parties on a rotational basis. A new government will be formed by including as many parties as possible. The sharing of important ministries, including home and defense, will be done in an appropriate and respectable manner. Top leaders of the two parties will take the responsibility for the same.
- Minimum Common Program of the new government and code of conduct will be formulated and enforced.
- The two parties will lead the future governments on a rotational basis based on mutual understanding and long term cooperation.
- It is hereby agreed that the UCPN-M will vote for the UML candidate in the prime ministerial election.

Pushpa Kamal Dahal,

Chairman, Unified Communist Party of Nepal (Maoist)

Jhala Nath Khanal,

Chairman of the Communist Party of Nepal (Unified Marxist Leninist)

(Source: <http://www.southasiananalysis.org/%5Cnotes7%5Cnote616.html>)

6. 'Kangress Khanal Sarkarko Pratipachhyama: Sat BundhepratiApatti'. *Kantipur*. Kulchandra Neupane. January, 9, 2011: p. 2

for them. They ever resorted to holding a strike to make their demands heard. Similarly, Tharuhat held strikes in the Tarai and eastern regions demanding group entry of Tharus into the Nepal Army. Point 4.2 of the agreement signed between the UCPN-M and the Madhesi Front expressed the commitment to make the Nepal Army's structure democratic and inclusive while similar provisions were made in part 20 of the Interim Constitution of Nepal 2007. Given the demands that a separate unit of 10,000 Madhesi youths be recruited into the army, it was agreed that the process of making the army more inclusive would begin without delay.

The decision of the Government was reacted to widely in the Parliament and streets. The Chief of Army Staff Chhatra Man Gurung visited President Ram Baran Yadav and opposed the decision of the Government. Similarly, Spokesperson of the army Ramindra Chhetri even stated that the Nepal Army was already inclusive and it was impossible to establish battalions of particular castes and ethnic groups. The issue of group entry was subsequently taken to the Supreme Court as a result. The court issued a stay order for the case.

By amending the Army Act according to the provisions of the Interim Constitution, which states that all people are equal before the law, and also by reforming the act as per the inclusive policy already adopted by the state, the Nepalese Army has been recruiting 55 per cent of personnel through open competition and 45 per cent through reservation⁷. Allowing group entry of a particular community into the army only for the purposes of sustaining the place of those in Government was misguided, dishonest and unfair. The possibility that the Government's decision in this instance could trigger a sense of

hatred and division within the national army cannot be denied. This is so because in order to make the army inclusive and proportionally representative of the ethnic tapestry of the country, 28 per cent of the reserved quota has already been allocated to the Madhesi community.

The Prompt Relief Program 2011 declared by the UCPN-M led Government had mentioned beginning a process of making the army inclusive by recruiting certain number of Madhesi youths into the army promptly. Worldwide, military leadership assumes that the existing number of people in the army in a given country at a given times is always insufficient while Governments try to downsize the number. It was not a hidden fact that military leadership had been lobbying over a long period of time in order to increase the number of posts in the rank structure of the army from Lieutenant General and above. Hence, the UCPN-M and Madhesi Front grasped the opportunity while the army leadership itself was implicitly providing space for this to happen⁸.

4. Peace and Constitution: Into the Whirlpool of Intra-Party Disputes

Allowing various points of view to be expressed is the basic feature of democracy. As an individual is endowed with the freedom of thought, it is not unusual for leaders and cadres within a political party to have differing views. Democratically guided political parties work for the good of the country through consensus amid differences. Party members need to ultimately possess a common conception and understanding of each other's thoughts, and philosophies. However, this does not apply in the case of political parties in Nepal. It seems that if one particular party's hypocrisy was

7. Bohora, Rameshwor. 'Taryo Durghatana'. *Himal Khabarpatrika*. June 29, 2011: p. 17

8. *ibid*

dominant in the national political domain, the individual's hypocrisy was prominent within all political parties. This situation, on the one hand, impeded progress in relation to prime agendas, such as peace and new constitution, and, on the other hand, made the toddler republicanism unsecure in the country.

History had regretfully witnessed that the democratic processes could not be institutionalized in Nepal due to inter and intra-party disputes. However, attempts have not been made yet meaningfully by political parties in Nepal towards creating a safe future after having learned from past mistakes. 24 parties represented in the CA through election suffered splits, and so the number of parties reached 28 by the end of this reporting year. Jhala Nath Khanal replaced his own party leader, Madhav Kumar Nepal. In the same manner, Jhala Nath Khanal had to abandon his position due to the non-cooperation of his own party. The Bhattarai administration also faced problems due to non-cooperation within the party rather than because of external factors. Overall, no political parties are unaffected by intra-party disputes and non-cooperation. This has created a situation wherein political parties are compelled to spend more time resolving internal disputes than on more urgent matters and the major needs of the country such as the establishment of peace and the creation of a new constitution are sidelined.

5. Crisis of Trust

Political parties became further polarized this year and the crisis of trust between them escalated. The UCPN-M leaders made clear their desire to capture state power and to hold a 'people's revolt' which in turn caused other party's trust in them to dwindle further. The UCPN-M's treat to capture state power and to initiate a

revolt was perceived by many as a strategic move and they were perceived as being a double dealer. Given that a number of Maoists set an agreement signed by their own party on fire and issued a statement against a declaration made by the party Chairman concerning the reparation of land and property ceased during the armed conflict, it was not difficult to understand why they are being doubted.

Attempts of the UCPN-M to bring about the official pardoning of those accused of violating human rights and to validate the decisions of the then 'people's courts' can explain why political parties became further alienated from one another. Parties become further consolidated rather than focusing on minimizing the ever widening relational gap between them. The Government formed with the help of the Madhes based parties was accused by Upendra Yadav, the chief leader of one of the Madhes based parties, as the most corrupt Government in the history of Nepal. The NC and CPN (UML) obstructed the Parliament and protested against Government in the street. Similarly, internal polarization in most of the parties was visible during this reporting year. The tussle between Koirala and Deuba in the NC, the dispute between Khanal and Nepal in the CPN (UML) and power struggles between Dahal, Bhattarai and Baidhya in the UCPN-M became headlines in major newspapers throughout the year. The effort of Khanal and Oli to create party unity was understood by Madhav Kumar Nepal as an effort to isolate the latter. Similarly, the immediacy between Dahal and Baidhya was perceived by Bhattarai as an effort to detach him. Hence, the intra and inter party polarization continued to increase hopelessness amongst the citizenry.

6. Disputes Regarding Constitution

Writing

For the purpose of resolving disputes that arise during the constitution writing process, a Dispute Resolution Sub-Committee was formed last year under the leadership of Pushpa Kamal Dahal. Some of the meetings held by the Sub-committee reached encouraging conclusions. Prachanda, the Chair of the Sub-Committee, declared during a meeting that the time has come to complete the writing of the constitution in good time by utilizing the principle of give and take⁹.

The Sub-Committee was able to reach a consensus only on some of the issues raised, such as federalism, the election system and form of governance, to name but a few. However, some of the leaders of the UCPN-M took the reached consensus negatively. Many leaders who were present when a consensus was made at a meeting subsequently revoked their support of those decisions. Although the Sub-Committee was active for the majority of the year, it seemed almost passive towards the end of the year. The Maoist leadership that was bound to work by synchronizing the other two factions within the party hesitated to take far-reaching decisions. PM Bhattarai could not move ahead properly due to the demands of the Madhes based parties. Similarly, the NC and CPN (UML) became victims of indecision due to the issues raised by those representing indigenous peoples' concerns in the CA.

7. The Term Extension of CA and Consensus

The Interim Constitution of Nepal has stipulated that the term of the CA would be two years. However, years have passed since the CA was elected and there still isn't reason enough to believe that the

constitution will be finalized any time in the near future. The leaders who boasted that 80 per cent of the constitution writing process had been achieved rarely attended CA meetings. Of those who do attended, very few of them expressed their views during discussions there. The meetings of the CA were said to have been adjourned many times. It is therefore not incorrect to suggest that the CA did not hold a sufficient number of meetings this year. However, rounds of dialogues were held which concerned the extension of the term of the CA which was due to expire on May 28.

In order to avert a national crisis and a state of vacuity that could potentially have arisen following the end of the term of the CA, political parties had no alternative but to extend the term. Such a decision was supposed to accelerate the constitution writing process. It was an opportunity for the Maoists to show that they were willing and able to do something to further the constitution writing and peace process and also to support the CA. However, the UCPN-M did not deem themselves to have a decisive role to play in guaranteeing the writing of the constitution or the management of Maoist combatants' weapons. This resulted in further distrust between parties. The general understanding was that the extension of the CA was pointless if the UCPN-M were not ready to make headway with the peace process. The party was committed to peace building and the realization of a new constitution in rhetoric but did not act effectively towards these ends in reality. Rather, it requested other parties to understand its difficulties and perplexity on the topics of combatants and weapons¹⁰.

The obsession of the UCPN-M with weapons and its indifference towards

9. Lohani, Prakash Chandra. 'Bewarise Sat Bunda'. *Nagarik Dainik*.

10. *ibid*

the CA as well as the ongoing peace process was not encouraging for the citizenry. Amid such hopelessness, people began to envisage the possible political situation that could be in place following the dissolution of the CA. Many saw the possibility of the responsibilities of the Prime Minister to be transferred to the President.

Individual and group discussions held by the President with the leaders of various political parties made the above mentioned option seem further likely. However, the initiation of the President was not tried to construe that holding such the discussions could be important from the point of view of national political sensitivity. The NC and CPN (UML) were with their stand to turn the UCPN-M honest toward the implementation of the agreements reached between the parties relating of peace process in the past. Although the NC and CPN (UML) expressed their anger that the CA did not work as expected, they were well aware of the fact that the term extension of the CA could prevent the country from relapsing into conflict. With the aim of making the UCPN-M sincerely address the major peace process related issues, leaders held bilateral, trilateral and multilateral discussions in and outside the CA building till late night. As a result of the efforts of the leaders, the term of the CA was extended.

The term of the CA was extended by three months and was due to expire on August 31 but its term was extended by another three months before the date of expiration in August. This was made possible after a constitutional amendment was made. The extension granted in August, was due to expire in November at which point the Supreme Court told the CA on November 26 that to extend its term one more time would not be possible. A bench of including Justice Khila Raj Regmi stated that the most recent extension would be

the final one. (See Judiciary chapter in this book).

A contentious political atmosphere ensued in Nepal after the CA ordered the final extension of the term of the CA. However, a verbal onslaught between political parties and the court ensued. A profusion of debates on which is more supreme - the decision of the Judiciary or the Supremacy of the Parliament followed. The Government and the Chairperson of the Legislature-Parliament moved to the Supreme Court seeking a review of the decision but the Supreme Court rejected the application. People were already feeling somewhat apathetic with regard to the CA's ceaseless attempts to perpetuate its term. Periodic elections take place under parliamentary system; this is also one of the major features of the system. However, views were emerging at the same time which claimed that the successive extensions of the term of the CA might increase the possibility of autocracy and that Nepal therefore needed to hold another election for the CA.

Surprisingly, agreements were reached before the extension of the term of the CA in which a commitment that the rest of the work in relation to the constitution writing would be completed within the extended period was made. However, power politics became the first priority once the term was extended. The CA was unable to wholly engage with its main task due to the re-emergence of differing views between political parties on different issues such as the election system, federalism, the determination of the form of the government and state restructuring, among others.

8. The Question of Amnesty and Annulment of Cases

The tradition of withdrawing cases filed against those calling for political

change, especially after political change in the country, goes back to 1950. Following the fall of the Panchayati System, the cases filed against those leaders and cadres who fought against the regime were revoked. This practice was not opposed because the cases were political in nature.

According to data collected by INSEC, approximately 14,000 people lost their lives during the armed conflict in the country. Those directly and indirectly involved in killings, who caused enforced disappearances and or who maimed people during the time are talked of far and wide. There is a constitutional provision to form a Truth and Reconciliation Commission to determine whether the cases filed against alleged criminals are political in kind and if so, to either grant them pardon or recommending for their punishment. Rather than adhering to this provision, the UCPN-M led Government started to grant official pardons and to withdraw charges against Maoist leaders and cadres.

Official pardons are the easiest way of granting immunity to those who have already had a sentence handed down to them by the courts. According to article 151 of the Interim Constitution of Nepal 2007, official pardon may be granted by the President. However, at the same time, here is no clear provision which relates to the withdrawal of cases in the constitution. Pardon is granted by the President during special festivals or national days after recommendations are made by the Council of Ministers and are on behalf of prisoners if and when they have undergone noteworthy and positive personal reforms.

Although nothing is stipulated in the constitution as to the withdrawal of cases, the decisions of the CPA, it being one of the annexes of the constitution, are therefore deemed constitutional. Point 5.2.7

of the CPA has stipulated that both sides guarantee to withdraw accusations, claims, complaints and cases under-consideration leveled against various individuals due to political reasons and that both sides also immediately make public the state of those imprisoned and release them without delay. Political parties in Nepal seem to have misinterpreted the provision of the CPA and by withdrawing even non-political cases such as cases related to theft, murder, abduction, corruption, dacioty, etc. Although the Government formed a team, coordinated by Joint Secretary of the Ministry of Law Kedar Paudel in 2010, to formulate a standard and procedure relating to the withdrawal of criminal cases, its report was not implemented as it was claimed that it would be difficult to withdraw cases based on its recommendations.

Parties, while in power, tended to clear their cadres of the abuses and crimes they committed in the past, a reality which surely points to the wreckless, irresponsible and corrupt side of political parties. Almost all the Governments formed after the restoration of democracy withdrew or attempted to withdraw cases. If we examine the cases withdrawn of late, including those concerning robbers, thieves, abductors, and murderers, for example, they have frequently involved the cadres of political parties.

The Attorney General of Government, Mukti Pradhan, was of the view that all the cases filed during the armed insurgency would be revoked.¹¹ Pradhan, needless to say, was appointed by Bhattarai's Government. His view was condemned nationally and internationally. While meeting members of civil society, PM Bhattarai assured them that he would not revoke the cases. However,

11. A working paper presented by Madhav Kumar Basnet in a program in Kathmandu

recommended the President to grant official pardon to Maoist CA member Bal Krishna Dhungel, who was sentenced to life in prison, The President was compelled to execute the recommendation; however, the Supreme Court ordered the President, PM and the Council of Ministers to not execute the recommendation for the time being.

The Supreme Court reached the decision in January 2010 that Dhungel was guilty of murdering Ujjan Kumar Shrestha. Dhungel was thereafter remanded in prison but released in accordance with a decision of the Appellate Court in Rajbiraj. Afterwards, he was elected to the Constituent Assembly from constituency 2 of Okhaldhunga district. Dhungel, who was given a life sentence by the Supreme Court, attended CA meetings while he was simultaneously in the list of absconded convicts. Once the recommendation for pardon was not executed, he should have been arrested but was pardoned instead. It has been claimed that a total of 57 cases were withdrawn during Girija Prasad Koirala's term. Similarly, 349 cases were revoked during Prachanda's reign and a total of 255 cases were withdrawn during Madhav Kumar Nepal's term.¹²

9. Debate over Form of Government

No development had been made by the end of the year in determining the form the Government should take. This was due to the fact that each political party remained steadfast in their opinions on the matter. Two forms of Governments, Presidential and Prime-Ministerial, were discussed extensively. The NC, among others, was in favour of the Prime-Ministerial form. Their demand was for an executive PM and Parliament. The UCPN-M advocated for having a directly elected President as the chief executive of

the country and a Council of Ministers to be run under his direction and supervision. Conversely, the third largest party in the CA was in favour of a combination of the two; a directly elected executive PM and a President elected through the Parliament. When the Prachanda led sub-committee for resolving such disputes could not reach a resolution, a working team under the coordination of Laxman Lal Karna was formed. It later submitted a report in which it was suggested that the French System, which grants executive power to both President and Prime Minister, be followed. However, the report did not progress beyond making that recommendation. A meeting of the Dispute Resolution Sub-Committee under the Constitutional Committee, however, assisted political parties in reaching the agreement to adopt a direct and proportional election system.

Political parties advocated for the Government to take on the form that best served their purposes even though it was imperative for them to make such decisions without placing the interests of their party at the centre of such considerations.

9.1 Disagreements on Federalism

The Interim constitution of Nepal 2007 provided the base for ousting the monarchy from the country. However, it did not lay down guidelines for the restructuring the state. Not only the constitution, but the CPA also neglected to do the same. Claiming that the constitution disfavoured the Madhesis, the Madhesi Janadhikar Forum set the constitution on fire on January 15, 2007 in Kathmandu. Police arrested the Chairperson of the Forum among other leaders and cadres who were involved in the incident. Forum cadre Ramesh Kumar Mahato, who protested against the arrests in Kathmandu,

12. 'SaphaikoSursar'. *Nepal*. September 17-24, 2011: p. 19

was killed after being shot by a UCPN-M cadre. The incident triggered a movement in the Madhes. In order to address the demands put forth through the movement, the Government was compelled to amend the constitution which declared Nepal as a Federal Democratic Republic. The very issue of federalizing the state is currently under discussion in the country.

Although federalism is a means by which the state may usefully be restructured, political parties did not dwell on the possibility in their discussions. The UCPN-M, which regards itself as the initiator of bringing the notion of federalism into Nepali politics, did not concentrate for long on the concept, or hold a balanced debate on the issue. The other parties did not pay heed to the concept. Nevertheless, debates concerning the interconnection between caste, regional and linguistic groups and federalism emerged but a conclusion on an issue as contentious and complex as federalism was not reached. As demands to form federations based on ethnicity increased, debates regarding the position of persons who live in regions with a high population of any given ethnic group, but who are not themselves a member of the dominant ethnic group in the region, were soon to follow.

The process of amending the constitution in order to form the Expert Committee for restructuring state was soon underway. However, it was not long before it was halted due to the objection of Mohan Baidhya's faction in the UCPN-M and also due to an organized protest of Janajatis members in the CA. It was stated in the seven-point agreement that an Expert Committee from within the CA be formed for the purposes of furthering the restructuring of the state while the Dispute Resolution Sub-Committee requested those

concerned to complete the constitutional process so that progress could be made for such a purpose. The decision made by major leaders of the party was approved by the Constitutional Committee¹³.

As time passed, the differing views of factions in the UCPN-M party in relation to state re-structuring were brought to light. The indigenous nationalities' representation in the CA started to align with the differing views. They held that suggestions to be given by the proposed Expert Committee in the CA would be at odds with the concept of the State Restructuring Committee in the CA. Hence, they not only registered a proposal demanding an amendment to the decision made by the Dispute Resolution Sub-Committee, they also threatened to create an unpleasant situation if their demands were not addressed. Later, however, they adopted the opinion that the formation of a state-restructuring commission would be better than the Expert Committee. Ultimately, an agreement was reached between major political parties and the Joint Madhesi Front to form a State Restructuring Commission. The commission formed in this way, however, was not free from disputes. As the members in the commission were appointed based on parties' recommendations, the citizenry doubted that the commission would work as was expected.

9.2 Caucus of the Indigenous Nationalities in the CA

The caucus, formed with the endorsement of 137 members of indigenous communities, comprises 170 CA members¹⁴. Although it is taken as the common forum of indigenous peoples representation in there, roughly 50 members who represent indigenous peoples did not

13. 'Partibhitra Netaharu Kamjor'. Rajendra Phuyal. *Kantipur*. 2 December 2011: p. 1

14.. Dahal, Saroj and Santa Gaha Magar. 'Kakasko Sakas'. *Himal* 31 December 2011- 14 January 2012: p. 18

endorse the special assembly. Kul Bahadur Gurung, Mina Pun, Sunil Prajapati, Chandra Bahadur Gurung (Syangja), Lila Nyainchain, among others, did not sign the relevant commitment paper. CPN (UML) CA member Prithvi Subba was the coordinator of the caucus by the end of the year. Previously, the CA member from the UCPN-M, Barsha Man Pun, and the CA member from the NC Indra Bahadur Gurung were its coordinators. Its commitment paper expresses that it, although an independent group of members in the CA with different opinions, political ideologies and party affiliations, is ultimately dedicated to stand together for the rights of indigenous peoples¹⁵.

The coordinator of the caucus held that it was formed for the advocacy of indigenous peoples community based rights¹⁶. It challenged party whips and rendered the efforts of the major parties to form an Expert Committee on state restructuring a failure. When the caucus was ready to vote against the proposal against the party whip, Government had to withdraw its proposed bill on the 11th amendment to the constitution which was meant for clearing the way for the formation of the Expert Committee.¹⁷ Some non-indigenous CA members also supported this line of thought and action. Ram Kumar Yadav, Bimala Mijar, Pampha Bhusal, Sarala Regmi, among others, were the CA members who signed on behalf of the caucus. The Baidhya faction reasoned that an informal decision had already been made regarding state restructuring while signing the seven-point agreement and that forming an “expert group” would give a message that 601 members in the CA are non-expert. The faction used

the caucus against the 11th amendment of the constitution. Caucus coordinator Gurung stated that internal disputes of the UCPN-M benefitted the issues of ethnic groups on that occasion.¹⁸

It was strongly argued that if federalism is demarcated based on ethnicity, Brahmins and Chhetris’ could also make claims for their own states. Brahmins and Chhetris’, who make up a significant part of population in the country, started to express their disappointment in being categorized as ‘others’. Although they demanded to be included as indigenous peoples, no intensive discussions or debates ensued regarding their demands. Many people have felt that underestimating a large section of the population in the country will create problem in the future.

10. The Question of Returning Captured Properties

The restitution of land and other property ceased during the armed conflict and transitional phase is one of the problems in post-conflict societies. Article 6 (A) of the seven-point agreement stipulated that the land and property captured by the UCPN-M during the conflict and that are still under their control would be returned to the rightful owners by November 23, 2011. The agreement also stipulated that the owners would be given compensation for the yield lost after they were displaced from their land. However, the agreement, as always, could not be implemented. Intra-party conflict of the UCPN-M was one of reasons for this. The cadres and leaders in support of Baidhya stated that they were not compelled to adhere to the agreement. Speaking to the Media in Biratnagar Airport, General Secretary

15. *ibid*

16. *ibid*

17. *ibid*

18. *ibid*

of the UCPN-M Ram Bahadur Thapa threatened that those who came to return seized properties would be ousted. He was of the view that seized land and property could be restituted only after the topic of land reform was treated in the constitution.

The land returned in Rajapur in Bardiya district was recaptured by Mohan Baidhya's faction. The UCPN-M in-charge in the Bardiya district Himlal declared that 45 *bigaha* of land captured from the former NC parliamentarian Binaya Dhewaj Chand and his brother Binod Dhewaj Chand was restituted. However, local cadres of the party in support of the Baidhya faction pitched 43 flags in the same land. Police removed the flags but Dravya Shah, a member of Tharu State Committee, insisted that returning land and property was not acceptable.

Conclusion

If the decision of the Supreme Court that ordered the extension of the term of the CA for the final time is adhered to, the term will expire on May 27 2012. The new constitution that is due in just over three months' time from now will determine a significant aspect of the future of Nepal. On the other hand, it is not known what the alternatives will be if the new constitution is not completed by such a date. Political parties in such a situation, however, will have two options. First, the current interim constitution could be amended so that another extension can be granted to the CA, after breaching the decision of the Supreme Court while the second option will involve adhering to the decision of the court and to opt for a plebiscite or a new election.

Nepal's political situation shifted following the decision of the Supreme Court relating to the term extension of the CA. The effect of the decision and the criticisms against it might make for useful

analysis; however, the decision of the court dismayed some of the CA members. They made severe criticisms in Parliament against the decision and alleged that the Court exceeded its jurisdiction.

Once the terms of six months was extended, an ambitious schedule for the constitution writing was announced and headway was made regarding the peace process at the same time. The disputes seen in the Central Committee Meetings of the UCPN-M indicated that those could affect the overall peace process in the country. The time has come for the UCPN-M leadership to make concrete decisions in order to proceed with the peace process based on the seven-point agreement.

The provisions stipulated in the seven-point agreement, such as integration of Maoist combatants into the national army, among others, had not materialized by the end of the reporting year. A bill proposed for the initiation of the Truth and Reconciliation Commission was talked of as a bill designed to grant official pardon to those accused of committing crimes during the armed conflict on the pretext of reconciliation. Delays in the formation of disappearances related commission clearly demonstrates how indifferent political parties are in relation to the whereabouts of those who were made to disappearance during the conflict. The commitment of the UCPN-M to retribute land and property captured by them during the conflict was not kept due to non-cooperation within the party.

If the ongoing peace process is consistently undermined because of ongoing power dynamics, it will be difficult to ensure lasting peace and the production of a constitution, regardless of how many agreements are reached. If political parties fail to acknowledge that the new constitution is a crucial means by which peace can be achieved, the citizenry will not

be confident about the arrival of the new constitution no matter how often the terms of the CA is extended. The country cannot continue for long more on the basis of the Interim Constitution. The new constitution will appear in good time only if political parties in Nepal are able to transform the challenges of the ongoing peace process into opportunities.

Recommendations

- Minimize the differences between political parties for the sake of fulfilling

the main responsibility of completing the constitution

- Acknowledge that peace and the constitution are above party interests.
- Earnestly implement the agreements relating to the peace process and the constitution writing process
- Form the commissions suggested in the CPA
- Enforce law effectively and implement the decisions of the courts which seek to end impunity in the country.





3.1 State & Human Rights

Chapter

Judiciary & Human Rights

3

Chronology

(January 1 - December 31, 2011)

January 2

Disputes re-emerge in a meeting of 27 parties on the appointment of the Chief Justice, Justices of the Supreme Court and the heads of constitutional bodies

January 4

The editor of Madhesbani newspaper Rajesh Ahiraj was fined Rs 500 by the Special Court for printing information of armed group in the Tarai

January 5

Judicial Council recommends the re-appointment of temporary Justices of the Supreme Court Prakash Chandra Wasti and Bharat Raj Upreti to the same positions for a further two years

January 19

Three major political parties reach a consensus to impeach Justice of the Supreme Court Rana Bahadur Bam after he was accused of being corrupt and inefficient

January 27

The Supreme Court concludes a case after deciding that Citizen Identity Cards may be issued by the mother's name

February 2

The Supreme Court invalidates all kinds of syndicate systems.

February 7

The Supreme Court decides that one needs to be in possession of their citizenship while casting a vote

February 21

The Supreme Court submits its annual report to the President

The Supreme Court decides that it

is not necessary to impose a travel ban on the officers of the Nepal Army who were accused of causing the disappearances of 49 people from Bhairavnath Battalion.

March 11

The Dispute Resolution Sub-Committee under the Constitutional Committee agrees to provision two types of courts- the Supreme Court and Constitutional Court, at the central level in the new constitution

March 14

Chief Justice Ram Prasad Shrestha opposes the decision of the CA to provision a Constitutional Court as he held that it would weaken democracy

March 16

Former Minister Chiranjibi Wagle is handed down an 18-month prison sentence and fined as well as having his property worth the same amount confiscated

Chief Justice and other SC Justices give suggestion to the Dispute Resolution Sub-Committee under the Constitutional Committee to have a Constitutional Bench within the Supreme Court rather than a proposed Constitutional Court

March 22

The Constitutional Committee under the CA decides that the present President, Vice-President, Prime Minister and head of the Constitutional Committee will continue to work during the transition that will arise following the emergence of the new constitution

March 30

The Supreme Court orders the State Affairs Committee, Parliament and CIAA to take prompt action against the two officials of the CIAA, Lalit Bahadur Limbu and Bed Prasad Shiwakoti, who transferred Government land to individuals

April 4

The Chief Justice Ram Prasad Shrestha requests the PM to call a meeting of the Constitutional Council for the purpose of appointing the new Chief Justice

April 6

The meeting headed by the Justice of the Supreme Court Prakash Wasti prepares a six-point strategy for finalizing corruption related cases

April 11

The Constitutional Council recommends Khila Raj Regmi to be appointed as the Chief of the Supreme Court

April 28

The Parliamentary Hearing Special Committee approves the Senior Justice of the Supreme Court Khila Raj Regmi to the post of the Chief Justice

The Supreme Court orders the Government to promptly stop selling unapproved sub-standard books and educational materials in school premises.

May 6

Chief Justice Ram Prasad Shrestha retires due to age factors and the senior most Justice of the Supreme Court Khila Raj Regmi becomes the Chief Justice

May 15

The Special Court orders the release of CA members Gyatri Sah and BP Yadav, who were accused of misusing their diplomatic passports, on bail

May 18

The Supreme Court orders that students may view their exam transcripts if they do not agree to the score given by examiner and therefore want to review their

papers

May 19

The Supreme Court orders to issue citizenship on the basis of descent including to those born to unmarried mothers

May 25

The Supreme Court ordered that the term of the CA not be extended by more than six months after a case was filed in which it was claimed that the extension of the term by one year would be illegal

May 30

Bara District Court hands down a sentence of life imprisonment to two persons convicted of killing journalist Birendra Sah

The Supreme Court ordered the Minister of Communication and Information Agni Sapkota, who was accused of murder, to present himself at the court

May 31

Chitwan District Court hands down 3-year jail term to the UCPN-M Brigade Commander Gobinda Bahadur Batala for killing businessman Ram Hari Shrestha

June 14

The Supreme Court requests an FIR and other documents filed against the Minister of Communication and Information Agni Sapkota at the District Police Office in Kavre district

June 21

The Supreme Court decides it was not necessary to prohibit the Minister of Communication and Information Agni Sapkota from attending to his work.

June 26

The Supreme Court states that there would be no difficulty in implementing the

life sentence handed down to CA member Balkrishna Dhungel

The Appellate Court in Nepalganj hands down a 10-year jail term and a Rs 50,000 fine to the teacher Jibachha Prasad Yadav who was accused of rape. The court also decides to give Rs 25,000 as compensation to the victim

Supreme Court issues show cause order to the government deciding on a writ petition filed saying there should be no impunity to politicians and administration leadership accused of being involved in Sudan Scam

July 20

District Court Bardiya hands down 25-year jail term to Hari Krishna Bhujel of Kalika VDC

August 11

The Supreme Court orders the Government to provide education up to the Secondary level free of charge

August 28

The Supreme Court annuls the petition filed at it pleading that the term of the CA extended by three months was unconstitutional

November 23

The Supreme Court issues an order

to not execute the recommendation made by the Government to the President for granting an official pardon to Bal Krishana Dhungel who was handed down life sentence

November 25

The Supreme Court decides the CA cannot extend its term by more than six months

December 26

The Chairperson of the CA Subhas Chandra Nembwang, on behalf of the CA, and the Attorney General Mukti Pradhan, on behalf of Government, file complaints at the Supreme Court in which they contest the decision given by the Court relating to the extension of the term of the CA

December 27

The Supreme Court rejects a petition attempted to be filed by the Parliament and the Government seeking the review of the decision of the court relating to the extension of the term of the CA

The Supreme Court rejects the petition filed by a rights activist against the then Lieutenant Jibesh Thapa, among others, from Bhawani Box Battalion in the Dailekh district who were accused of rape. Earlier, the District Police Office in Dailekh had denied filing the petition



1. Background

The Judiciary took some praiseworthy steps this year towards promoting the rule of law by ending the situation of impunity and towards protecting and respecting human rights. The Supreme Court issued remarkable orders regarding issues such as citizenship, the end of impunity, inclusion in state mechanisms, untouchability, rights of the senior citizens, education, health, the right to employment, impartial investigation of the incidents which occurred during the armed conflict, electoral roll, among others.

Similarly, granting decisions on cases filed relating to the term extension of the CA, the Supreme Court ruled that the CA extend its term only once more for the final time and to hold a plebiscite by dissolving the CA if the new constitution could not be written within the extended time. The court ruled not to extend the term successively. The decision of the court was criticized by the Government and CA members who said that the decision constituted political interference from the court. The Supreme Court too could not stand rigid on its own precedent and gave different verdicts on similar cases filed relating to the term extension of the CA in the court at different times. As a result, the Supreme Court became entangled in various controversies. Political parties criticized the court's decision, viewing it as interference and moved to the Supreme Court to file a petition seeking the review of the decision but to no avail. Politically tense relations between the Judiciary, the Legislature Parliament and the political parties thus ensued.

As was the case last years, the Judiciary faced direct and indirect interference from the Executive and the Legislature Parliament this year as well. Rather than implementing the verdicts from the courts, especially the decisions

of the courts on the cases related to the violation of human rights committed during the armed conflict, the Government decided to recommend the cases to the President for official pardon claiming that the cases were political in nature. Political parties agreed on the idea of provisioning a Constitutional Court in the new constitution to deal with possible constitutional disputes. Such an agreement reached between political parties interferes with the jurisdiction of the supreme judicial body in the country.

However, victims of the armed conflict and their families were compelled to live in uncertainty due to the fact that different tiers of courts issued varied decisions on the incidents that occurred during the conflict and also because the courts at different levels did not have uniform ideas regarding their jurisdiction or the jurisdiction of the Truth and Reconciliation Commission. The Supreme Court itself had controversial decisions and also failed to fulfill its responsibility to guide the courts subordinate.

The Chief Justices in the country have had good initiatives to free the Judiciary from corruption and also to reform the policy of the Judiciary. For the first time in the judicial history of Nepal, Judicial Council recommended to impeach a Justice of the Supreme Court. Political parties also agreed on the matter but the process to impeach could not proceed. Two Chief Justices led the Judiciary in 2011. Justice Khil Raj Regmi was appointed as the Chief Justice based on seniority when Chief Justice Ram Prasad Shrestha's tenure ended due to factors related to his age. Regmi was in the seat by the end of the year. Five justices retired from the Supreme Court following the retirement of the Chief Justice Ram Prasad Shrestha and vacant posts could not be filled this year. Similarly, justices could not be appointed

in the Appellate and District Courts this reporting year whereas posts were remained long vacant.

2. Independent Judiciary

Impartiality, independence and capability are the backbone of judicial process. Access to justice together with the delivery of an impartial and prompt hearing of the courts prospers the belief of the citizenry in effective judicial process. For the independent functioning of any authority, no outside pressure or interference should be felt. Obtaining justice will be far from easy if outside interference and pressure is encountered. Creating an environment wherein justice is delivered based on access and influence rather than on law and accepted principles of justice ultimately shapes a situation in turn whereby people are deprived of their right to justice. Keeping judicial bodies, which have the responsibility to decide on issues such as people's lives, freedom and rights under external interference, pressure or influence may serve to deviate the judicial process. So, there is the indispensability of judicial independence, not for the interest of judicial bodies and authorities but for the guarantee and respect of people's right to justice¹. The concept of judicial independence is directly linked to the rule of law and democracy. In order to maintain a practical democratic system and rule of law, judicial bodies must be kept independent from the Executive, Legislature Parliament and the other bodies and authorities of the state

The policies for transitional justice are determined by the Executive and Legislature Parliament normally. Courts are also provided roles to solve the debates that

arise while implementing the policies. If we look into the present situation in Nepal, the Judiciary, it seems, has attempted to outline transitional justice even in the absence of clear policies of the Executive and Legislature Parliament. Even in the absence of legislation, the Supreme Court of Nepal seems to have contributed, through its verdicts, to addressing violations of human rights committed during the conflict².

Although the Interim Constitution and the Comprehensive Peace Agreement (CPA), among others, refer to the adoption of measures to implement a transitional justice framework, no mechanisms or bodies are formed, as stipulated. The Supreme Court has operated effectively at a time when law enforcement agencies are in a dilemma as to whether or not cases of human rights violations committed during the conflict can be addressed with the assistance of already available criminal justice related mechanisms. The petition filed by Rita Giri stated that the investigatory bodies did not carry out their roles and pleaded the Appellate Court to issue mandamus. Citing point 5.2.5 of the CPA, the Appellate Court stated that it was not necessary to issue mandamus as the CPA talks about a separate provision to look into the incidents of rights violations committed during the armed conflict. However, the Supreme Court issued an order to proceed with the process and stated that one should not be deprived of utilizing the existing legal processes, even if the case should have been the responsibility of the would-be-formed Truth and Reconciliation Commission. In other cases³ similar to the Giri case, the Supreme Court also ordered the prosecution of cases based on the

1. Ambar Bahadur Raut vs. Ministry of Home Affairs et al. writ no. 066–WS-0043, Supreme Court Bulletin 2068, September 18–October 2, 2011, Supreme Court
2. 'Sankramankalin Nayama Sarbochha Adalatka Phaisalaharu'. *Nayadish Samaj*. 2011, page 28
3. Devi Sunar vs. District Police Office Kabhrepalanchok et al. writ no. 2062-0641, Kedar Chaulagain vs. District Police Office Kabhrepalanchok et al. 2064-0340 and Karna Bahadur Rasaili vs. District Police Office Kabhrepalanchok et al. 2064-0339

existing laws of the country.

Lately, however, some changes have been seen in the standing of the Supreme Court in this regard. A petition was filed by alleged perpetrators claiming that the ongoing legal decision process regarding the incidents of crimes committed during the conflict was against the CPA. The petition also demanded the process be stopped. The Supreme Court, upon hearing of the petition, issued an interim order⁴, and ruled the adjournment of the process.

The Supreme Court should have directed the relevant courts subordinate to it to resolve the dispute and allowed those courts to function independently. Rather, the court confused the subordinate courts. For example, the Supreme Court issued an order on January 26, 2011 not to punish Maoist leader Keshab Rai who allegedly killed Guru Luintel on September 23, 2003 following his abduction. The court opined it was the responsibility of the CPA and the Truth and Reconciliation Commission. The latter, however, had not yet been formed. It is noteworthy here that Okhaldhunga District Court had issued an arrest warrant based on the FIR against Rai. It can be assumed that by the time the Supreme Court finalizes these cases, the court will issue orders to appropriate bodies by taking these facts into consideration.

The case of Keshab Rai was decided in a manner different from the decision given in the case of Devi Sunar and others. In Rai's case, the interim order of the Supreme Court interdicted the warrant issued by the District Court relating to crimes committed during the conflict. This has created doubt, to some extent, that addressing past crimes through the

existing criminal laws of the country will end. It is noteworthy here that transitional justice related mechanisms have not been established in the country. It is therefore necessary that the Supreme Court harmonized its paradoxical decisions.

Victims expressed their grievances that dissimilar decisions were reached by the courts in similar cases. Giving dissimilar decisions in similar heinous crimes⁵ is likely to increase impunity in the country. Hence, it is desirable that courts use their judicial independence in a just and logical way. Granting immunity to some and punishing others involved in similar cases cannot be lawful.

After hearing of a petition filed in the Supreme Court against the term extension of the CA, the court issued a directive on November 25, 2011 ordering the extension of the term for the final time, after considering beforehand how much time it should take to write a constitution. The order also said that the CA would be automatically dissolved if the constitution could not be written within the extended period. In the case that the constitution could not be written within the extended time, it was told to be clear on whether to go for plebiscite or another election for the CA. The decision of the Supreme Court given on August 30, 2011 also stated that extending the term of the CA on the basis of the theory of necessity was not a usual occurrence. It was therefore told to work seriously towards accomplishing constitution writing responsibility within the extended time-frame.

At such a time as the constitution writing process was not getting momentum, the order of the Supreme Court cleared the

4. Keshab Rai vs. Secretariat of the Council of Ministers et al. writ no. 2067-0532 and Anita Ghimire vs. Secretariat of the Council of Ministers writ no. 2067-0584
5. The decisions of the Supreme Court to acquit a Maoist leader accused of killing a teacher in the Okhaldhunga district Guru Luintel and punishing army personnel accused of Maina, a student in the Kabhre district are paradoxical due to dissimilar decisions in similar cases. 'Dwandawakalma Hatyabare Sarbochhako Ades Sachyauna Mag. *Kantipur daunik*. January 11, 2011

ways for the constitution writing by fixing the term of six months and also providing several alternatives. So, it is necessary that the CA produce a new constitution in time by finding strategic ways of making it possible and also by respecting popular will, rather than criticizing the jurisdiction of the Judiciary.

In the meantime, the leadership of the Supreme Court also became involved in controversies. The leadership should not have expressed its views on disputes brought before the court in public meetings. It is noteworthy here that the Chief Justice Khila Raj Regmi opined the order of the Supreme Court to extend the term of the CA by six months for the last time was as per article 107 of the Interim Constitution, so there was not any base from which to review the decision, whereas both Government and Parliament were preparing to register a petition for the review of the court's decision. Regmi's expression seems to have gone against the decorum of an independent judiciary. Similarly, as the Chairperson of the CA is the executive figure in the CA, it has posed questions regarding how appropriate it was for him to register a review petition in the capacity of the Chairperson.

Although the ninth amendment of the Interim Constitution accepts the previous term extension of the CA by three months to have been valid as per the theory of necessity, it also mentions not to extend the term of the CA successively. Validating the term extension by claiming it to have been justiciable based on the theory of necessity is not a usual matter. Also, extending the term of the CA is not something that can be repeatedly done.

People have demanded a constitution, not the reasons why the constitution could not be written on time. So, because the constitution is required, the concerned authority has to act lawfully and reliably before unnecessary criticisms are made of the weighty issue of constitution amendment⁶

The Supreme Court validated the previous term extension of the CA because there were genuine reasons for the extension. The CA cannot extend its term time and time again based on the previous reasons which allowed for the extension. The decision of the Supreme Court clearly states that it can raise questions over any term extension of the CA. The Supreme Court's decision meant to say that the term of the CA should not be repeatedly extended with the excuses such as 'it was necessary' and 'could not be completed despite involvement in writing'⁷. If the constitution writing task faces continued uncertainty, the ongoing transitional period cannot be managed and this will eventually invite further uncertainties. This was not what the Interim Constitution envisioned. The Supreme Court is of the view that disregarding the principle inherent in article 64⁸ of the Interim Constitution and interpreting it in a manner that allows the term of the CA to be extended for any length of time through amendments in the constitution will dampen the fundamental expectation and expressions of the CA members who are in favor of producing a new constitution in good time.

The full bench of the Supreme Court made a decision, on November 25, 2011, and fixed a time limit of the CA amid the efforts of the CA members to extend

6. Patakatak Myad Thapna Paindaina: Sarbochha". *Nagarik Dainik*. August 30, 2011

7. Bharatman Jangham vs. Constituent Assembly Secretariat, et al. Special Writ. 066 WS-0056 May 15, 2011

8. According to article 64 of the term of the Constituent Assembly will be of 2 years and in case of emergency the term can be extended by six months. A writ petition was filed pleading that extending the term of the CA by three months even after its term completed on May 28 was unconstitutional.

the term perpetually. Such a limit was set giving decision in a case filed in it that pleaded that the decision to extend the term of the CA for the third time was against the constitution and the interpretation of the Supreme Court made earlier on the same issue. There is a clear provision about the term of the CA in article 64 of the Interim Constitution of Nepal, which has been supported by the Supreme Court in all its three decisions made relating to the term extension of the CA.

Article 64 of the Interim Constitution, promulgated before the election of the CA in the country, mentions that the term of the CA terminates under three conditions. The article states: Except otherwise dissolved earlier by a resolution passed by the Constituent Assembly, the term of the Constituent Assembly shall be two years from the date of its first meeting. Provided that the term of the Constituent Assembly may be extended having passed a resolution by the Constituent Assembly, up to an additional six months period in case the task of drafting the Constitution is not completed due to the proclamation of a State of Emergency in the Country. So, article 64 provisions that the term of the CA cannot be more than two and half years in any situation. The decision of the Supreme Court of May 25, 2011 has supported this very provision.

Similarly, in its third decision, the Supreme Court made an irrelevant suggestion to determine the term of the CA by going for plebiscite as per article 156 of the Interim Constitution. Article 157 of the constitution talks about the condition necessary for opting to hold a plebiscite but this article was disregarded by the court. The court should have given a verdict on the term extension issue without delay by considering the gravity

of situation. The decision of May 25, 2011 that ordered, based on article 64, not to extend the term of the CA more than six months should have been given within some days after May 28, 2010. If it was not possible to do so, the court should have abided by the explanation of its own first decision verbatim⁹. However, the decision of the Supreme Court has played a role, to some extent, in ending the uncertainty of surrounding the emergence of a new constitution in time and has cleared the way for a plebiscite or new election.

The Government and the Legislature Parliament moved to the Supreme Court with separate petitions on December 28, 2011 to file a review petition against the decision of the Supreme Court of November 25, 2011 relating to the term extension. However, the Supreme Court administration denied filing the petitions and said that there was not any legal basis or situation calling for the registration. The court, in the endorsement, said that decisions can be reviewed only if the explanation in the decision is against the established precedent of the Supreme Court; if the opposition party comes up with an irrefutable proof, that was not received during hearing, within 60 days from the date of decision making; and if the opposition party can present a basis that there was a serious flaw while interpreting the constitution in the course of the decision making. However, it was stated that these three bases were not found in the applications submitted by the Government or Parliament.

The review petition of the head of the Government and the Parliament pleaded that the decision of the court relating to the term extension of the CA was against judicial self-restraint and the theory of the Separation of Power.

9. Regmi, Kumar. 'Myad Thapma Digbhramit Nyadhishharu'. *Kantipur Dainik*. 29 November: p. 6

The petition submitted on behalf of the Government demanded a review of the petition, stating that the decision of the court was based on an unreal foundation.

Giving decision in a case filed at it demanding the Minister of Communication and Information, who was accused of murder, be removed from the post, the Supreme Court decided that existing legal system is active until the Truth and Reconciliation Commission stipulated in the CPA is formed. The decision also stated that impunity and anarchy is counter-productive to rule of law.

Sufficient economic and budgetary resources are essential elements in turning the idea of an independent judiciary into reality. The Judiciary has had an inadequate budget for some time now. In the previous years, a minimal budget was allocated for the Judiciary, so, the Supreme Court demanded for an increase in the budget this year but to no avail.

The present Interim Constitution has adopted the Theory of Separation of Power by recognizing democracy and the rule of law. However, the Judiciary has always been interfered with by the Executive and the Legislature Parliament. This reporting year has not been an exception in this regard.

3. Judiciary and Executive

The Executive interfered with the Judiciary this reporting year. Similarly, the Government decided to waive the jail terms of criminals rather than implementing the decisions of the courts. The Supreme Court had already decided that there was not any difficulty in arresting

Balkrishna Dhungel¹⁰. Ujjan's family filed a petition to annul the decision of the court through certiorari, pleading that the decision of the Government to recommend to the President to grant an official pardon¹¹ to Balkrishna Dhungel would affect the victim's rights to get justice as the decision was against the CPA and the international human rights covenants to which Nepal is a party. Not executing the recommendation, while the case was under consideration, was a positive step towards establishing rule of law and ending impunity in the country. The Attorney General of the Government of Nepal, Mukti Pradhan, said that the cases filed against the Maoist leaders during armed conflict in the country would be repealed. This undermined the Judiciary and the Supreme Court.

Acting one-sidedly by disregarding the decisions from the courts will create a situation where people might lose faith in state mechanisms. As the recommendation for Dhungel's pardon is against constitutional provisions, the decisions of the Supreme Court and its previous orders, implementing the Government's recommendation will be a step towards jeopardizing the independent existence of the Judiciary.

The UCPN-M Chairman Pushpa Kamal Dahal relating to the CA member Prabhu Sah, who allegedly was the master mind behind the killing of a youth leader of World Hindu Federation Kashi Nath Tiwari, expressed that he would defend Sah. Similarly, the Attorney General of the Government viewed publicly that the "People's Court" would be reactivated if a law suit was filed against Shah. Such

10. Balkrishna Dhungel was given life imprisonment along with forfeiture for killing Ujjan Shrestha by the decision of the Okhaldhunga District Court on May 10, 2004, as per the murder section 13(1) of the Muluki Ain. The writ filed against the decision of the Okhaldhunga District Court, the Rajbiraj Appellate Court gave decision on June 25, 2006 by partially reversing the decision of Okhaldhunga Court. However, the Supreme Court had validated the decision of the Okhaldhunga District Court.

11. While the decision of the Supreme Court was being implemented, Government of Nepal had made a decision to recommend the President for official pardon on November 8.

expressions was perceived as an attack against independent judiciary, rule of law and democracy in the country by displacing prosecution, criminal investigation and the existing legal system.

Similarly, Banke District Court ordered the arrest of more than three thousand culprits sentenced to jail terms and made to pay fine for different offences such as criminal acts, corruption, swindling, among others, but police failed to implement the order from the courts¹². The orders from the courts clearly mentioned the names and addresses of the culprits, yet police ignored them. In a separate case, an order was issued by the court to recover Rs 27,646 from Sub-Inspector Sudip Khadka on June 12, 2011. However, as Khadka is a member of the police force, the order from the court was ignored.

The Office of the Government Lawyer did not register the charge against the Minister for Land Reform Prabhu Sah, citing that the testimonies provided were insufficient as the reason. However, charges against Sah's Personal Assistant (PA) and the other accused were registered. The petition demanded Sah's PA Siyaram Kushwaha be handed down a life term in jail and his entire property be forfeited, and the other accused Aman Kushawaha be sentenced 10-year jail term¹³.

The Council of Ministers, which has constitutional duty and responsibility to rule over the country as per democratic norms and values, recommended for the withdrawal of the cases. The Government could not be serious on the fact that such the recommendation weakens the Judiciary. In addition to this, Government did not show their readiness towards implementing

recommendations from courts.

The effective implementation of the decisions of the courts is necessary to maintain rule of law, peace and order, for the realization of justice and for belief in the courts to be bolstered. Similarly, it is especially important for under-represented and under-privileged people and groups in society to be able to access justice, to ensure that victims feel they are provided with legal remedies and also to end impunity by punishing criminals¹⁴.

Although the decisions of the courts are clear and they provide guidelines for equality, social reforms and for the re-establishment of people's rights, the implementation status of the decisions is very weak. The Supreme Court of Nepal has handed down many verdicts regarding cases of violations defined under international law and also regarding impunity. In the meantime, orders were issued for the implementation of decisions as well. Some exemplary verdicts were made and directive orders were issued by the court accordingly in relation to international crimes such as enforced displacement, torture, rape and extra-judicial killings, among others.

The courts, for the effective implementation of their decisions and orders, can assign responsibilities to certain Government authorities; suggest that they form committees of experts who will then receive reports from them. Besides, the media, the conscious section of society and social organizations working in related fields can create pressure against the Government for the effective implementation of the courts' verdicts. The non-implementation of decisions and orders denies the right of victims to get justice and institutionalizes

12. J. Pande. Praharile Adalatko Adesh Manena. *Kantipur*. January 11, 2011

13. Sarkari Wakildwara Bhumi Sudhar Mantribiruddha Muddha Dayar Gariyana. *Nagarik Dainik*. October 12, 2011

14. Chapagain, Bidhya. Adalatko Adeshko Karyanwan Ra Dandahinata Antyako Sawal, *Prachi*, Informal Sector Service Center.p.

impunity at the same time. Unfortunately, Nepal has been a victim of this reality.

Occasionally, organizations including the United Nations, National Women's Commission, National Human Rights Commission, Legislative Parliament and the courts themselves raised their concerns regarding the poor implementation status of the decisions of the courts. The UN Committee against Torture, the Committee on Economic Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, Committee on the Elimination of Discrimination against Women, Committee on the Elimination of Racial Discrimination, the UN Special Rapporteur on Torture, the UN Working Group on Enforced or Involuntary Disappearances raised their concerns against the problem of non-implementation. Likewise, while reviewing Nepal's human rights situation under the Universal Periodic Review (UPR) at the beginning of this reporting year, the Human Rights Council raised serious concern and recommended for the speedy implementation of court decisions. It was stated then that the non-implementation of the courts decision's was a mockery to law and would harbor impunity in the country.

With an objective of introducing a system for implementing the orders and decisions of the courts, the Supreme Court came up with a program targeting 10 districts having high levels of non-implementation. According to the data from the Supreme Court, Kathmandu, Saptari, Sunsari, Parsa, Rupandehi, Dhanusha, Banke, Jhapa, Kaski and Kanchanpur are

the districts where the majority of decisions are not implemented. The decision implementing department of the Supreme Court has made preparations for an action plan with suggestions for improving the decision implementing system. According to the data from the Supreme Court, the decision implementation level of some of the District Courts is as follows¹⁵.

Non Implementation of Court Rulings-- District	
District	Cases
Kathmandu	12,046
Saptari	10,355
Sunsari	5,235
Parsa	5,047
Rupandehi	3,691
Dhanusha	2,313
Banke	1,953
Jhapa	1,817
Kaski	1,005
Kanchanpur	9,640

As per the data from the decision implementation directorate of the Supreme Court, of the total 225 orders given by the Supreme Court, 97 decisions were implemented and 130 were not implemented in the fiscal year 2066/2067 B.S. Only 35 per cent of the orders issued related to public concerns were implemented¹⁶. Only 41.5 per cent of the Supreme Court's decisions were implemented¹⁷.

As per the directorate, even the decisions made by the Supreme Court relating to public concerns as long as sixteen years ago have not yet been implemented. The directorate stated that 21 ministries and

15. Judgement Execution: Apex Court's Anti-Impunity Drive in 10 Notorious Districts, The Kathmandu Post, 2011 March 23: p.3

16. Upadhaya, Mahendranath. Situation of Decisions Implementation: Challenges and Possibilities. A paper presented at a workshop on July 15, 2010

17. The view expressed by the Chief Justice Khil Raj Regmi as the Chief Guest during an interaction program titled "Strategic Plan and Orders, and the Role of the Concerned in Decision Implementation" jointly organized by decision implementation directorate and the Justice sector coordination committee on June 3, 2011.

three Government bodies were responsible for not implementing the decisions. For example, the Appellate Court ordered the prompt investigation and finalization of the case filed related to the shooting and killing of Patandin Lohar, 33, of Phattepur VDC-2 in Banke District by Banke Police during the conflict, some nine years ago. The wife of the victim, Krishnawati, tried to file a case on September 10, 2008 but police refused to register the case. In accordance with an order of the Appellate Court, she succeeded in filing the case on June 19, 2009¹⁸.

Due to the fact that the Government, the Office of the Prime Minister and concerned ministries have not been made accountable for the non-implementation of the courts' decisions, those guilty of committing human rights violation have not been penalized. Criminals are therefore enjoying immunity because the Office of the Prime Minister and the department responsible for investigating human rights violations has not fulfilled their responsibilities. The existing law allows the secretaries of the concerned ministries to implement courts' orders within three months after receiving such orders. However, the law is rarely found to be implemented in practice.

The Supreme Court acknowledges that the implementation of their decisions is not effective despite its effort to speed up the hearing and decision making process by keeping the increasing number of cases in mind. As there is not a separate body to implement their decisions, it has been difficult to recover and send criminals to jail. The data from the court reveals that 61 Million 830 Thousand 9 Hundred and 92 fine is still to recover from out of 1,907 decided cases. Similarly, people who are given a jail term but are not arrested are

still to serve a jail term of 1,828 years, 10 months and 18 days.

The victims, the national and international bodies have pointed to the weak implementation status of the decisions of the courts. Similarly, some planned studies have supported the very reality that the implementation status is weak. The reports of the High Level Judicial Reform Commission 2028 B.S, the High Level Court Management Committee 2055 B.S, the Strengthening of the Courts Recommendation Committee 2058 B.S and the study report on problems of decision implementation have also supported this reality.

With the objective of implementing and following up the decisions of the Supreme Court and the other courts subordinate to it, the decision of the Supreme Court on April 14, 2009 established a department. Realizing the fact that the issue of decision implementation has not been a matter of priority in the judicial administration, the Supreme Court has given high priority to this subject in its Second Five-Yearly Strategic Plan. The plan has recommended measures for a strategic plan on issues such as the establishment of a decision implementation directorate which would enhance the capacity of the decision implementing bodies.

The meeting of the Council of Ministers held on January 31, 2011 to consider the decision implementation issue of the Supreme Court established a decision implementation body in all the ministries. However, the bodies have not yet begun their work. The directorate for implementation of verdict has sent all the decisions, in which the Supreme Court had issued directives, mandamus and certiorari, to the concerned ministries for implementation. However, these

are pending at different ministries, the Council of Ministers and at the Legislative Parliament. The majority of them are pending at the Office of the Prime Minister and Council of Ministers.

Before giving a final decision over the two petitions filed in the court regarding the effective implementation of the decisions of the court, (Bhimsen Thapa et al. writ no. 2024, 2007/08 and Tek Tamrakar et al. writ no. 121, 2003/04) told to submit a report after carrying out a study on the issues raised in the petitions. When a final decision on the petitions was reached, the Government was ordered to implement the issues raised in the study report. Similarly, in some of the directive orders the concerned bodies were directed to inform about the implementation status of the decisions of the courts to the Supreme Court (Shyam Krishna Maskey, writ no. 114 2059 B.S). It seems that the court itself seems to have been worried at the non-implementation of its decisions (Santosh Kumar Mahato. writ no. 60, 2005/06).

The lack of effective implementation of the decisions of the court has given the people the impression that they are not given justice in reality. As such, people's faith in the judiciary has been diminished.

4. Judiciary and Legislature-Parliament

The major political parties reached a consensus this year that a Constitutional Court would be introduced in the new constitution to resolve constitutional disputes. Such a court is intended to issue final decisions on cases that are directly linked to political disputes, important posts and rights, besides carrying out judicial review. Consensus was also reached in a meeting of the Dispute Resolution Sub-Committee under the Constitutional Committee which was held to discuss the disputes related to the Judiciary on March

Status of Decision Implementation	
Name of Ministry/Constitutional/ Gov Bodies	Number
Office of the Prime Minister and Council of Minister	39
Ministry of Home Affairs	9
Ministry of Law and Justice	7
Ministry of Women, Children and Social Welfare	10
Ministry of Youth and Sports	3
Ministry of Forest and Soil Conservation	4
Ministry of Health and Population	5
Ministry of Land Reform and Management	10
Ministry of Education	5
Ministry of Agriculture and Cooperatives	2
Ministry of Labor and Transport Management	3
Ministry of Defense	1
Ministry of Local Development	4
Ministry of Environment	5
Ministry of Tourism and Civil Aviation	1
Ministry of Federal Affairs, Constituent Assembly, Parliamentary Affairs and Culture	5
Ministry of Finance	3
Ministry of Industry	5
Ministry of Energy	1
Ministry of Irrigation	1
Commission for the Investigation of Abuse of Authority	2
Parliament Secretariat	1
Office of the Attorney General	5
Source : BC, Jeevan. Sarkarle Karyanwayan Garena Sarbochhaka 138 Phaisala, <i>Naya Patrika</i> , June 3, 2011	

11. The Dispute Resolution Sub-Committee under the Constitutional Committee had reached the conclusion to form a Constitutional Court as a final decision maker on issues such as constitutional and political disputes, fundamental rights and legal review.

Prior to reaching such a consensus, the UCPN Maoist reiterated that the Judicial Committee under the Legislature should be the final decision maker in the above mentioned disputes and issues whereas the non-Maoist parties were of the view that the UCPN-Maoist's view would end the independent existence of the Judiciary, weaken the Supreme Court and would add to the expenses of the state. They proposed a separate bench under the Supreme Court itself to look into cases related to constitutional disputes. However, the Sub-Committee finally agreed to form a Constitutional Court to be led by the Chief Justice of the Supreme Court.

Persons from the judicial sector still opine that rather than curtailing the jurisdiction of the Supreme Court by introducing a Constitutional Court, the Supreme Court itself has to be further strengthened for the guarantee of republicanism, democratic process, the rule of law and human rights in the country. The Chief Justice Ram Prasad Shrestha expressed the view that limiting the jurisdiction of the Supreme Court unnecessarily will be of detrimental consequence for the Judiciary and citizens of the country. If, after all, the proposed Constitutional Court was to be led by the Chief Justice, the Chief Justice and Justices of the Supreme Court viewed, it would be better to form a Constitutional Bench comprising five experts. They therefore suggested having a Constitutional Bench within the Supreme Court itself instead of the proposed Constitutional Court.

The introduction of a Constitutional Court will curtail jurisdiction of the Supreme Court resulting in disputes on constitutional and legal review, citizen's rights and revocation of the decisions. This

will finally result in political interference on independent judiciary¹⁹.

Some supporters of the Constitutional Court contend that such a court is necessary to end inconsistencies seen in the decisions of the Supreme Court. The varying decisions of the Supreme Court are a significant problem. Some are perceived as erratic due to political questions and influences. The formation of the Constitutional Court will minimize such paradoxes to some extent but cannot eliminate them entirely²⁰. The Interim Constitution has accepted the theory of precedent and as a result, it will consequently be carried forth in the new constitution. However, a question arises in this connection - which court's precedent will be accepted if the precedents of the Supreme Court and the proposed Constitutional Court contradict each other? Clarity is necessary in this matter. Similarly, it is not clear which court will follow up and inspect the subordinate courts.

Provisioning both the Supreme Court and the Constitutional Court in the new constitution will affect adjudication because the two courts will interfere with each other's jurisdiction and the government bodies will be unable to work according to the Theory of the Separation of Power. It would therefore be wise to strengthen the Supreme Court and empower it rather than introducing a Constitutional Court in a manner that would curtail the jurisdiction of the Supreme Court. It is high time the CA should concentrate at this time the rule of law is being undermined due to multifarious challenges such as how to strengthen reform and decentralize the Judiciary.

By disregarding the decisions of the supreme judicial body in the country, the

19. Birahi, Yam. 'Sambaidhanik Adalat Loktantraka Lagi Ghatak'. *Annapurna Post*. March 15, 2011

20. Bhattarai, Dr Ananda Mohan. 'Nyaik Sudharko Prashna Ra Sambaidhanik Adalat'. *Nayadut*. Nepal Bar Association, Chaitra-Baishakh 2067-68, page 38-39

CA extended its term successively. Petitions relating to the term extension of the CA were filed twice in the Supreme Court this reporting year and the court issued its orders over the petitions twice. The members of the CA severely criticized the Supreme Court over the decision. The Secretary of the UCPN-M party and member of the CA Chandra Prakash Gajurel commented that it would be better if the Supreme Court remained silent in this regard, as he viewed that the term extension is a political issue; better still if the Supreme Court did not speak frequently on such a political issue²¹.

Saying that the Supreme Court crossed its jurisdiction, some members of the CA were of the view that the Justices involved in making this decision be impeached. They were opposed to the decision and claimed that the Theory of Separation of Power, which is believed to be the base of democracy, was not heeded²². They regarded the decision as interference against the rights of the Parliament. Perceiving the decision as political and intending to displace the jurisdiction of Parliament, the Parliamentary Party Chief of the UCPN-M party Dev Gurung demanded the Government take steps without delay for the review of the decision. Stating that the decision of the Supreme Court would invite conflict between the Parliament and Court, the CPN (UML) leader Pradip Gyanwali was also of the view that the Government needed to take steps for the review of the decision. For him, the decision would disturb the situation of power balance and such a disturbance would induce anarchy in the country²³. However, the general view is that the decision of the Supreme Court is respected

and established and represents the spirit and supremacy of the people.

CA members held that the constitution could be amended based on a two-third majority of the Parliament and not on the basis of outside pressure. The Chairperson of the CA, who is the chief of the constitution and lawmaking body in the country, tried to file a petition at the Supreme Court saying that the constitution is vested with the right to review and also pleaded that the decision of the Supreme Court relating to the term extension of the CA was against the Theory of Separation of Power and judicial self-restraint. However, the Supreme Court turned down the petition, stating that there was not any base for the review.

In the decisions made by general and special benches, review is utilized only if further proofs are obtained or if they are missing. This practice was mentioned by the Supreme Court clearly while rejecting the review petition. The representatives elected through the votes of the people extended the term of the CA by three months on two separate occasions, one after another, and by doing so forgot their principal responsibilities. The Supreme Court gave the decision to extend the term of the CA by six months as per the popular will. This opened up the door for the representatives to accomplish their responsibilities within good time. However, the persons in the Government and Parliament started to discuss the review of the Supreme Court's decision by sweeping aside their major responsibilities, such as taking the ongoing peace process to a positive end and completing the writing of the constitution. Moreover, their unnecessary dwelling on reviews caused them to misuse the surplus

21. Sarbochhako Nirnaya Mahatwopurna. *Gorkhapatra*. November 26, 2010

22. Dhungel, Madhav. *Nagarik Daily*. November 30, 2010

23. Sarbochhako Phaisala Punarawalokan Garaunuparchha: Maobadi Neta Gurung. *Nagarik Dainik*. December 1, 2011

time allotted to them. This clearly indicates that the representatives were not ready to complete the new constitution and disregarded the importance of the Judiciary and the Theory of Separation of Power.

The final decision made by the Supreme Court relating to the term extension was based on the provisions and spirit of the Interim Constitution and the Theory of Separation of Power. Accepting the decision would be helpful in maintaining the balance between the Parliament and the Judiciary. Moreover, the responsibility of writing the constitution within six months could have been accomplished by the most recent deadline.

The members of the CA and Maoist cadres were summoned to attend the court but they did not present themselves, even after 70 days. Twenty-four district level Maoist leaders and two CA members representing the Maoist party- Purna Bahadur Rai and Uma Bishta, failed to attend the court. They were summoned by the Okhaldhunga District Court on April 22, 2011 to hear a decision on the dacoity case which occurred during the conflict era and on January 4, 2004.

5. Some Major Decisions of Courts

Some significant decisions were made by the Supreme Court, Appellate Courts and District Courts this reporting year. The decisions made relating to the following sectors for promoting the rule of law, ending impunity and for the protection and respect of human rights in the country are discussed below.

5.1 Regarding Senior Citizen

An appeal was filed at the Supreme Court pleading that in the absence of appropriate management as per the

provisions of different international documents, the Interim Constitution of Nepal and the Senior Citizen Act 2006; senior citizens are deprived from protection of their constitutional and legal rights. The Supreme Court issued mandamus on April 7, 2011 confirming that the legal provision of article 9(2) of the act had not been implemented. The mandamus ordered the Office of the Prime Minister and Council of ministers to formulate rules and regulations along with setting up follow up mechanism to implement the constitutional and legal provisions without delay²⁴.

5.2 Regarding Family Meetings at Prisons

A petition was filed at the Supreme Court demanding that the right to reproductive health and reproduction be allowed as per the provisions of article 20(2) of the Interim Constitution. Giving a decision over the petition, the Supreme Court issued an order to the Government on April 11, 2011. The decision ordered the formation of a three-member committee to amend laws based on the study report of the committee for allowing familial meetings for the purpose of Article 20(2). The directive of the court ordered the provision of facilities in prisons for the said purpose and also ordered that prison buildings under construction be designed with such the facilities.

5.3 Regarding the Right to Health

The Supreme Court issued a directive order to the Government on 7 April, 2011 concerning the right to health²⁵. The order stated that a citizen has to be understood as sick and as a client at the same time and if they die as a result of illness without having received medicine or health services, the Government must

24. Ramsharan Varma vs. Office of the Prime Minister and Council of Ministers et al writ no.2067-0109

25. Kamal Niale vs. Office of the Prime Minister and Council of Ministers et al. writ no. 066-WO-0062, October 7, 2010

claim responsibility for the death. The court further stated in the order that under the right to live a dignified life, each citizen is entitled to receive medical services and it is the duty of government hospitals to provide such services and entitlements. The Government, which has a constitutional duty in this regard, and hospitals must therefore remain alert at all times and be prepared to tackle any type of seasonal epidemics that break out sporadically in different parts of the country, the order mentioned.

5.4 Regarding the Right to Education

The Supreme Court issued a directive to the Government on January 20, 2011 that ordered the formulation of an effective plan and its implementation for the promotion of educational quality and sufficient physical infrastructure in the schools which have received government grants but in which infrastructure remains poor and unsafe²⁶.

5.5 Regarding Free Education up to Secondary Level

Confirming that receiving an education up to secondary level is a constitutionally guaranteed fundamental right of citizens, the decision of the Supreme Court on February 21 ordered the Government to provide education up to secondary level in the country free of charge. The order came as a result of a decision over a case filed in the court that claimed that the right to a free education up to secondary level, as provided for within the Interim Constitution, was not adhered to. The petition also pleaded that in the absence of free education up to secondary level, poor, helpless and underprivileged groups of people were being deprived of

their constitutional rights and that the state was ignoring its responsibility towards the people. The decision of the court drew the attention of the Government that Nepal is not able to provide free education up to secondary level, even after 20 years have elapsed since it became a party to the International Covenant on Economic, Social and Cultural Rights. The decision ordered the Government to provide education free of cost up to secondary school level and also to formulate laws, if necessary, for such a purpose. It is noteworthy here that the right to free education up to secondary school level is contained in article 16(2).

5.6 Regarding Rights of Disabled Persons

The Supreme Court issued an order on January 31 in which the Government was instructed to take necessary steps towards implementing welfare provisions for persons with visual impairments. Stating that it is necessary to have special provisions for persons with visual impairments, as the provisions granted to persons with disabilities in general may not address the specific requirements of persons with disabilities to visually impaired people; the Government was ordered to adopt a policy and package of providing integrated social security to them along with facilities such as communication and information, skill enhancing trainings, text books in Braille Script, safety, health, accommodation and food, among others. The Government was also ordered to collect data of all the persons with visual impairments located throughout the country²⁷.

5.7 Regarding Backward Classes

The Supreme Court issued an order on January 20 to create a

26. *ibid*

27. Deepak Bhattarai et al vs. Office of the Prime Minister and Council of Ministers et al. writ no. 1310, 2066

contemporary management plan in which the provisions guaranteed under the Right to Social Justice, such as that “women, Dalits, indigenous tribes, the Madheshi community, oppressed groups, the peasantry and laborers, who are economically, socially or educationally backward, shall have the right to participate in state mechanisms on the basis of proportional inclusive principles” be adhered to. The formation of a study committee was ordered for the above purpose. Also ordered was to reform the civil service acts and regulations based on the study report so as to guarantee social justice is felt by the backward class²⁸.

5.8 Regarding Freedom to Practice Profession and Carry on Occupation, Industry, or Trade.

The provision included in 5 (A and B) of the Application Form under schedule 5 of the Construction Entrepreneurs Regulation was deemed contrary to the values and spirit of the constitution by the Supreme Court on April 7, 2011 as per article 107(1) of the Interim Constitution. It was stated that the said provision in the regulation was formulated in such a way as to render fundamental rights meaningless.

5.9 Regarding the Electoral Roll

A decision was handed down on February 7 in a case regarding Electoral Roll. The case held that only those in possession of citizenship identity card could register their names in the electoral roll was illegal. The Supreme Court said a person was required to possess a citizenship identity card to vote in elections. The petitioner argued that one did not need a citizenship identity card for casting a vote

in elections as the Citizenship Regulation required that those possessing a land ownership certificate and identity cards issued by the local Government bodies, the educational and other Government owned institutions, could be included in the electoral roll. Given that the constitution of Nepal contains a clear provision that one needs to possess citizenship to caste a vote in elections, the Supreme Court, however, decided such a political right could not be provided. The order from the court said that some points in the regulation were inconsistent with the Constitution itself and could therefore not be implemented. The order also called for the implementation of Citizenship Regulation on a par with the International Covenant on Civil and Political Rights²⁹.

5.10 Regarding Obtaining Citizenship by the Mother's Name

The Supreme Court made a decision on February 27, 2011 that a person who is ineligible for Nepali citizenship as per the legal and constitutional requirement remains ineligible regardless of the period of time they have spent in the country. However, the court's decision said that one who reaches the required age can obtain citizenship if any one of their parents is a Nepali citizen³⁰. The court ordered a circular to be dispatched to all 75 offices of the CDO in which it was stated that anyone wishing to obtain citizenship by the name of their mother be given citizenship without inquiring about their father. An appeal was filed at the Supreme Court on January 24, 2011 seeking to guarantee the right provisioned in the Interim Constitution that citizenship can

28. Prabinata Wasti et al. vs. Office of the Prime Minister and Council of Ministers et al. writ no. 2066-WS-0031

29. Saroj Raj Pyakurel et al. vs. Office of the Prime Minister and Council of Ministers. Writ no. 267-ws-0017. February 7, 2011

30. Sabina Damai et al. vs. Government of Nepal and Office of the Prime Minister and Council of Ministers et al. writ no. 2067-WS- 0703

be obtained by using either parent's names. The petition was filed when Sabina Damai, who was unmarried and whose father was unknown, was denied citizenship. Deciding that the tradition of inquiring about the father at the time of issuing citizenship as improper practice, the decision of the court also ordered the initiation of educational campaigns to eradicate this practice.

5.11 Regarding Recommendations of the Council of Ministers for Official Pardon

The Supreme Court issued an interim order on November 23 that ruled to not execute the recommendation sent to the President by the Government which concerned the official pardon of Balkrishna Dhungel, who was given a life sentence along with confiscation of his entire property over a murder case. The order given to the President Ram BaranYadav and the Government requested that the recommendation be kept open as it had not yet been implemented. The order of the court stated that the decision of the Government which recommended the official pardon, would create an uncomfortable situation in the operation of the judicial system.

The order also stated that the Government did not take point 5.2.7 of the CPA, which is included in the interim constitution, the decisions of the court or other aspects into consideration while making the decision to recommend for the official pardon of Dhungel. The decision of the court further stated that the view that CA member Dhungel was charged politically did not possess any base.

5.12 Regarding the Implementation of the Agreement Signed with India

The Supreme Court issued an interim order on November 28 not to immediately implement the Nepal-India Bilateral Investment Promotion and Protection Agreement (BIPPA) signed

between Nepal and India during Prime Minister Baburam Bhattarai's visit to India. Saying that the agreement could not be implemented until the agreement was passed by a simple majority as per article 156.2 of the constitution, it was also ordered that diplomatic information, as mentioned in the agreement, not be exchanged. The order likewise requested that the agreement not be implemented until the process as per article 156 was adopted or a final decision in the case filed against the execution of the BIPPA was reached. Article 16 of the agreement refers to the exchange of diplomatic information once it is certain that the legal conditions for the exchange are complete. A petition was filed in the Supreme Court on October 30, 2011 seeking the annulment of the agreement. It was claimed that the agreement is against the Interim Constitution of Nepal and the Nepal Treaty Act 1990.

5.13 Regarding Reform in the Army Act

Confirming that some of the provisions of the Army Act did not treat army personnel on a par with ordinary citizens, and also saying that the act was inconsistent to fundamental rights such as the right to equality, freedom and justice guaranteed by the Interim Constitution, the Supreme Court issued an order on June 30 to review the Army Act. The order instructed the Government to review the said Act and reform the army institution by forming a working group with the representation of people from the justice, law and security sectors. The working group, formed in such a way, the order said, should suggest recommendations for the reform of the act after holding consultation with legal experts, the officers and personnel in the military service, the security mechanism of the Government, civil society and human right activists. The order further stated that it is necessary to reform the Army Act from of point of view of the modernization

and democratization taking place in the country and the national and international responsibilities that the state has accepted.

5.14 Regarding the Continuing Investigation over the AIG Accused of Murder Case

The Supreme Court issued an order to the Government on July 13 to continue an investigation of AIG Kuber Singh Rana who was accused of killing five persons after arresting them in Kataiyama Chouri in Janakpur. Issuing the decision after an appeal was filed in the court demanding that the accused Rana's promotion be stopped, the court ordered for the investigation to proceed speedily and to inform about the development of the investigation on a monthly basis to the court and the National Human Rights Commission. Saying that the decision was not made in order to stop his promotion before the murder charge was proved, the court also ordered the Government to arrange necessary management so as not to destroy any proof of the killing incidents.

5.15 Regarding Selling Books from Schools

The Supreme Court issued an order to the Government on April 28 to stop selling sub-standard textbooks and educational materials from school premises that are not included in the recommended curriculum and also to stop charging more than the fees determined by Fee Determination Committee. A petition was filed in the Supreme Court on April 19, 2011 in which it was claimed that the non-implementation of admission and monthly fees in schools as per the standard set by the Government created difficulty in the constitutional right to easy access to education. The petition also demanded the immediate initiation of a control and follow-up regarding the act of selling sub-

standard books and educational materials in the school premises.

5.16 Regarding Opening Padlocked Hospitals

Stating that hospitals are in the list of essential services that cannot be closed at any cost, the Supreme Court issued an interim order to the Government, local administration and the hospital authorities on May 3 to open the padlocked BP Koirala Memorial Cancer Hospital within 24 hours. The petition, which argued that the act of padlocking hospitals violated the right to life, as protected by the Interim Constitution and many other acts and regulations, was filed in the Supreme Court. It was also mentioned in the petition that increasing strikes and closures at hospitals were due to the fact that authorities there were appointed by the Government and the Operating Committee without required qualifications. The petition called for such closures and strikes at hospitals to be stopped and to revise the qualifications required and standards followed when appointing members of the operating committee.

5.17 Regarding Imposing a Travel Ban

The Supreme Court decided that it is not necessary to impose a travel ban right now on the officers of the Nepal Army who were accused of causing the disappearances of 49 people from Bhairavnath Battalion. A petition was filed at the Supreme Court which claimed that the then Chief of Army, Pyarjung Thapa and incumbent officers of the army Raju Basnet, Dilip Rayamajhi, Bibek Bishta, Indiwara Rana, among others, were involved in disappearing 49 people. The Rayamajhi Commission also accused them of causing the disappearances and so the petition demanded an injunction for freezing their passports. The court gave the decision that as it was the right of the

Government to take action against the accused as per the Rayamajhi Commission, and that the accused could not be imposed travel ban.

5.18 Regarding the Appointment of Agni Sapkota as Minister for Information and Communication

An appeal was³¹ filed at the Supreme Court on the appointment of Agni Sapkota, who was accused of human rights violations by his involvement in extrajudicial killings and was issued arrest warrant, to the post of Minister for Information and Communication by the Prime Minister Jhulanath Khanal was. The petition demanded an order of certiorari be issued and held that such an appointment could result in the destruction of proofs, unduly influence personnel by abusing power and post, make decisions in his/her favor and victims could therefore be deprived of justice as a result of his appointment.

Referring to the unavailability of national legal provisions as to whether or not a particular parson is ineligible to hold a public post or whether or not s/he is ineligible to be appointed to a particular post, the court decided that it was not lawful to prohibit from working. The court also ordered for the investigation into the murder case filed by Purnimaya Lama to continue according to existing law and said that the court could not remain indifferent to the supremacy of rule of law, fundamental norms and values of human rights, impunity and justice to victims. The decision also ordered that they be presented with details related to the use of influence, pressure or non-cooperation, if found any, every 15 days through the Office of the Attorney General until the finalization of the case. The order was issued to the defendant District Police

Office, Kabhrepalanchok, among others, on June 21, 2011.

5.19 Regarding Extrajudicial Killings

A petition was filed at the Supreme Court on May 5, 2011 demanding that an independent investigation be conducted over allegations of extrajudicial killings supposedly carried out by security forces, in the name of confrontation in the course of executing a Special Security Plan implemented by the Government to address the ongoing incidents of violence and killings, in some of the districts in the Tarai. The petition also demanded the prosecution of the accused according to existing laws and to provide reparation to the victims' family.

Saying that the existing structure and the local offices of the Nepal Police were reluctant, incapable and biased regarding investigation of extrajudicial killings, and also mentioning that the prosecution and investigation by such authorities was not effective, the appeal demanded a separate structure be created for such a purpose. Similarly, the petition also demanded the recommendations made by the NHRC against the excessive force used during the implementation of the Special Security Plan or used during other occasions of law enforcement be promptly implemented. The other demand in the was to make the security personnel, who use excessive force accountable, to review the policy of the Special Security Plan and to set up an effective mechanism for stopping the abuse of the plan.

5.20 Regarding the Provision of Compensation

The Baglung District Court made a decision on February 14, 2011 to provide compensation to a youth tortured by police. The decision of the court ordered that Rs.

31. Sushil Pyakurel vs. PM Jhulanath Khanal, et al. writ no. 1094, 2011

10 thousand be paid in compensation to the victim. A case was filed at the court in which the victim claimed that he was arrested on August 16, 2006 by the police from Bhirmagathe Temporary Police Post and tortured when taken to the District Police Office.

5.21 Regarding Providing Equal Salary to Female Teachers

A decision over a case that demanded that the female teachers teaching at Child Development Centers be provided equal salary was reached by the Supreme Court on October 26. The case filed at the court claimed that a total of 28 thousand 7 hundred and 32 female teachers were provided with a salary ranging from Rs 1800-2000 per month in return for taking five classes in a day. Giving reference to the decision of the Ministry of Labor and Transport Management that minimum pay for a month is Rs 6,200 including the minimum remuneration of Rs 3,550 and Rs 2,650 as dearness allowance, the petition demanded the female teachers be provided Rs 6,200 in accordance with the minimum pay fixed by the Government³².

5.22 Regarding the Exclusive Appointment of Males as Vice Chancellor

A decision was reached by the Supreme Court on September 28 over an appeal in which it was claimed that the appointment of male Vice-Chancellors in all the seven universities in the country was against the principle of inclusiveness. The Government was told to account for such gender biased appointments and to cease appointing only males for such positions as it was claimed that doing so was against the Convention on the Elimination of All

Forms of Discrimination against Women, the International Convention on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights to which Nepal is party and the University Act. Similarly, the appeal requested that an order be issued to the Government to include female professors in appointments that are made by the Government and to amend gender biased laws. The Government of Nepal appointed Vice-Chancellors in all seven universities in the country on August 8, 2011.

5.23 Regarding Rape by Females

The Supreme Court, after reaching a decision on a case concerning violence against men by women, confirmed on February 14 that incidents of violence against males by females is possible only in exceptional cases and such the rare cases can be resolved as per the existing laws in the country. The court also confirmed that the sexual violence exceptionally committed by females cannot be defined as rape. A case was filed at the Supreme Court in 2008 claiming that a male can be raped by a female.

5.24 Regarding the Group Entry of Madhesi Youths into the Army

It was held by the Supreme Court on December 25 that the decision of the Government³³ to recruit 3 thousand Madhesi youths into the Nepali army was unconstitutional and contrary to the laws of the country. It was mentioned that the Government proceeded with the idea of recruiting the youths without formulating required laws. The Supreme Court thus issued an interim order on the above date calling for the Government not to

32. Sichhikalai Saman Talab Ritma Karan Dekhau. *Nagarik Dainik*. October, 24, 2011

33. The meeting of the Council of Ministers on December 21, 2011 passed a policy paper to proceed with the process of recruiting 3000 madhesi youths, women, janajatis, Dalits and Muslims to make the Nepal Army inclusive.

execute their decision on the matter. The court also decided that the decision of the Government was contrary to article 144(4) of the Interim Constitution, which states that entry into The Nepal Army is based on equality and inclusiveness. Pleading that allowing group entry of one particular group would deprive the right to equality of other members of different segments of society; a petition was filed at the Supreme Court that demanded the decision of the Government to be withdrawn.

5.25 Regarding Incidents of Rape Committed during the Armed Conflict

The Supreme Court was requested to issue an order in response to an incident of rape committed by army personnel during the armed conflict in Narayan Municipality in the Dailekh district. The court rejected the petition on 27 December, 2011³⁴ referring to Rape Section of the Muluki Ain (General Code), 2020 B.S and pointing out that a petition for this purpose needed to reach the court within 35 days from the day of the incident. The request was made to the court as a result of rape and torture perpetrated by the then Lieutenant Jibes Thapa, along with other four persons of Bhawani Box Battalion, of a woman, 40, of Narayan Municipality on November 23, 2004 who was alleged to be a supporter of the Maoist party.

5.26 Regarding Policy Based Reform

Some steps were taken this reporting year towards reforming the conduct of

officials of the judiciary and delays and irregularities in the court. The central judicial sector coordination committee directed the concerned bodies on January 10 to arrange for detainees and prisoners to meet their lawyers.

The UCPN-M, the NC and the CPN-UML, who possess more than a two-third majority in parliament, reached an agreement regarding impeaching the Justice of the Supreme Court, Ranbahadur Bam, who is accused of corruption and incompetency. The case against him has been pending for the last year. However, the process could not be followed through. The Judicial Council recommended the Parliament Secretariat on December 14, 2011 to impeach Bam under corruption charges³⁵. Similarly, the investigation committee formed under the Judicial Council recommended taking action against a Justice from the Appellate Court in Pokhara, Om Subedi, in accordance with section 4 of the Judicial Council Act.

The number of cases decided this year has increased. The Supreme Court delivered verdicts in 55.8 per cent of cases in the fiscal year 2066/67 B.S. As per the annual report of the Supreme Court, including those brought forward from lower courts and tribunals, and the 6,397 cases newly registered, a total of 125,380 cases were registered. Of the total number of cases, 70,017 (55.8%) were decided, which, compared to the number of decisions reached in the fiscal year 2065/66

34. Concluding that 35 days' deadline to resolve the disputes related to sexual violence and rape, among others, was insufficient, the Supreme Court issued an order in the name of Parliament to amend law in such a way that international standards and the gravity of crime could be addressed by the amendment. However, the order has not yet been implemented.

35. A proposal of impeachment may be presented before the Legislature-Parliament against the Chief Justice or any other Judges on the ground that they are unable to perform their duties for the reasons of incompetence, misbehavior, failure to discharge the duties of his/her office in good faith, physical or mental condition, and if by a two-thirds majority of the total number of its members existing for the time being passes the resolution, he/she shall ipso facto be relieved from his/her office. The impeachment procedure regulating act 2059 B.S also talks about procedure and proposal of impeachment.

B.S, indicates an increase by 7.3 per cent³⁶. Similarly, the Appellate Court in Butwal decided a total of 1,051 cases this year. The court aimed to decide 80 per cent of cases but the court reached a decision on 83 per cent of cases. The Appellate Court, where more than 1,000 cases are registered in a year, had only one case brought forward from last year³⁷ If cases are decided in such good time, it can be hoped that people's belief in the efficiency and effectiveness of the courts will increase and the courts will therefore be better respected.

The Supreme Court made public its plan to conduct an Evening Court (Night Court) at the Kathmandu District Court to target clients who are unable to attend court during regular hours. The objective behind such an initiative is to provide such persons with an alternative means of accessing justice and also to balance the workload of the court over a longer working day. The court is also planned to operate between 5:30 pm to 8:00 pm. So, it was given the name the 'Evening Court' following the extension of the services provided by the District Court. The Supreme Court said that the Evening Court would be established in Kathmandu District Court in the coming July and would be extended in a later stage to Biratnagar, Rajbiraj, Janakpur, Birganj, Bhairawaha and Nepalgunj, where the numbers of cases in the courts are high³⁸.

On 27 April 2011, a full meeting of the Supreme Court amended the regulations by which it and the Appellate Court and District Court operate. The regulations were amended for the purpose of providing writ jurisdiction to the subordinate courts by decentralizing the

jurisdiction of the Supreme Court. The revision was allowed to take place as a result of the amendment of the Justice Administration Act by Parliament. In accordance with that amendment, if anyone wants to file a complaint against Government officials or officials from the security sectors, they should pay Rs. 100 to register a petition with the court and the petition for habeas corpus can be registered in any court free of charge. As per the amendment, the District Courts can hold hearings after receiving an injunction and/or request for habeas corpus and the Appellate Courts can use the jurisdiction of the Supreme Court in relation to writs.

Realizing that consumers have been deceived for long due to the absence of necessary legal mechanisms, the Government, as per the agreement reached between the Ministry of Commerce and Supply and the Ministry of Law, decided to amend the Consumer Protection Act in such a way that a Consumer Court will be established in all 14 zones of the country. The Government also decided to include a provision whereby serious types of cases related to consumer rights and those that are likely to result in a fine of more than Rs 25,000 would be prosecuted at the Consumer Court.

To ensure effective justice for children, the Child Bench and Child Court was established in the Bardiya district in the Mid-Western region. The court works under the District Court and aims to hear crimes committed against the children below 18 years of age and to provide justice to children in a child- friendly way. The court has an action plan to establish similar courts in all 75 districts in the country.

36. Annual Report of Supreme Court 2067 B.S.

37. Barshamai Hajar Mudda Pharchhyout. *KantipurDainik*. February 8, 2011

38. Kathmandu Jilla Adalatma Saundekhi Sandhyakalin Sewa. *AaanpurnaPost*. September 7, 2011

7. Conclusion

Courts have a crucial role to play in establishing and promoting the rule of law in the country. A judiciary exists in every country as an institution and national mechanism which delivers justice to the people. Courts, as judicial institutions, resolve disputes in addition to providing justice by protecting people's rights. Courts have a fundamental role to play in establishing the rule of law and in making the Government accountable to the people. So, courts are in a significant position to protect and promote human rights. The protection and promotion of human rights cannot be thought of in the absence of courts. Also, it is essential that courts strive towards this end.

Protecting the supremacy of human rights is the paramount duty of the Supreme Court and other bodies of the state. The Supreme Court has the constitutional responsibility in the protection and promotion of human rights and cannot deviate from its duty. Cooperating with the judiciary is helpful towards implementing the decisions of the courts and working continuously towards the establishment of its independence and impartiality are the responsibilities of the other two organs of the state, the Executive and Legislative.

Maintaining the rule of law is the duty not only of the other bodies of the state but also of the people. This duty has to be accepted with a greater sense of responsibility by people. People's

cooperation and efforts in creating pressure for the speedy implementation of the decisions of the courts is required. Judiciary, at the same time, has to issue practical orders. This minimizes the possibility of non-implementation of the decisions of the courts so that respect of courts can be maintained.

Similarly, the courts are at the center of granting justice equally amongst the people. Courts must deliver equal and impartial justice to all based on national and internationally accepted principles. Courts remain active in carrying out legal practice based on the norm of an independent judiciary rather than on the basis of political affiliation or political ideology. It is necessary now to minimize possible political interference with the operation of the courts and to appoint capable and impartial figures in the longstanding vacant posts as the Justices as soon as possible for creating an environment conducive to fair and impartial adjudication.

Interpreting similar cases filed at different times inconsistently and its failure to differentiate between the formal and the informal justice system such as the transitional justice system is a problem of the Supreme Court. So, the Supreme Court has to decide how to bring uniformity in its paradoxical decisions and should be able to direct the judicial bodies subordinate to it and the other decision implementing bodies. Moreover, the Supreme Court must remain firm and independent through the effective delivery of justice.





Source: baburambhattarai.com.np

3.2 State & Human Rights

Chapter

Executive & Human Rights

3

Chronology

(January 1-December 31, 2011)

January 4

Term of the Special Committee on Supervision Integration and Rehabilitation of Maoist Combatants extended for four months effective from January 14

January 4

Procedure for the supply of security, border and defense materials to be amended and discussion on it held on next council of ministers meeting

February 10

All political parties to be appealed to join the government for fulfilling the historical duty timely constitution and conclusion of peace process

March 1

The mechanism for the implementation of court orders, judgments or decisions to be established

March 14

The investigation committee for the attack on Yunus Ansari at Central jail is established

March 16

The Local Peace Committee term extended

March 23

The tenure of temporary staffs of the Local Peace Committee extended

March 30

Finance and Peace and Reconstruction secretaries to be assigned for the decision on the recruitment of staffs, allowances and service of the Special Committee on Supervision, Integration and Rehabilitation of Maoist Combatants

The victims and their families to be provided with relief and support

April 6

A high level working group for the reform of criminal laws to be formed

April 22

Recommendation made by National Human Rights Commission after August 4, 2009 to be implemented

Term of the Commission on Resolution of Problems on Rehabilitation of Free Kamaiyas to be extended to July 15
The demand raised by National Forum for Land Rights to be addressed

April 27

Term of Relief and Reintegration Unit to be extended

May 4

Interim Constitution (9th amendment) 2068 is submitted by Law and Justice Minister

May 14

The temporary staffs to be recruited at Relief and Reintegration Unit up until July 16

The peace dialogue team formed in the coordination of Minister for Peace and Reconstruction Minister, Minister for Agriculture and Cooperatives, and Minister without portfolio, Ghanshyam Bhusal

May 25

The victims of 2007 Kapilbastu riot to be provided financial aid

May 27

Women serving prison term on abortion charge to be released on the occasion of the Republic Day 2068

June 1

Working Group on Reform of Security Area to be formed with former

APF DIG Gopalman Shrestha as coordinator

June 4 to be observed as Day against Eradication of caste-based discrimination OHCHR-Nepal term extended up to December 8, 2011

The Order on Commission on Resolution of Problems on Rehabilitation of Free Kamiyas, 2008 to be amended

An appeal is made with the all political parties, scholars and civil societies to facilitate for the establishment of national coalition government with political consensus.

June 4

Integrated Public Health Campaign program to be launched

Nanda Kishwor Pun Pasang of UCPN-M is apportioned at secretariat office of Special Committee and regularly with facilities similar to that of Special Committee members and to be briefed regularly about the development

June 10

An office is established under the supervision of secretariat of Special Committee and temporary recruitment to be made

July 15

The national level trade unions are to be permitted to use government land

July 19

The proposal is submitted to Legislature-Parliament for the approval of United Nations Convention against Transnational Organized Crime, 2000, and International Convention against Combating Terrorism, 1999

Term of the Special Committee on Supervision, Integration and Rehabilitation of Maoist Combatants to be extended to August 17

June 22

The President requested by the Government of Nepal's for the presentation of its Plan and Policy on July 3 The Third Periodic Report of ICESCR, 1966, approved

June 29

Consent to sign the MoU agreement on Poverty Reduction Budget Support-PRBS is granted

July 6

The agreement made between KJWP and the peace dialogue team formed by Nepal government is approved

September 8

Direction Committee formed under the coordination of Chief Secretary and the Working Committee is made under the coordination of Secretary of Prime minister and Council of Ministers Office to implement the UN Convention against Corruption

Temporary recruitment is created for the secretariat office of Special Committee on Supervision Integration and Rehabilitation of Maoist Combatants.

September 16

Free Bonded Labor Problem Settlement Commission (Establishment) (Eighth Amendment) gets permission approved

Term extension of Relief and Reintegration Unit and Procedure on Civil Relief and Financial Support, 2066 approved

September 18

The functional map about the update collections of conflict affected persons, families and infrastructures to be submitted by working committee after the discussion and amendment made by Minister of

Information and Communications, Minister for Energy, Minister of Finance and Minister for Peace and Reconstruction

The proposal for establishment and functions of the high commission for the return of public and private house and properties captured during the conflict and District Committee for its implementation to be submitted by Minister of Information and Communications, Minister for Energy, Minister of Finance and Minister for Peace and Reconstruction after the discussion and amendment made by them.

The proposal on Civil Relief Compensations and Financial Support Procedure (First Amendment) 2068, Financial Support to Descendants of Deceased (First Amendment) Directive, 2068, Directive on Providing Reliefs to Disappeared People's Descendants (First Amendment), 2068 to be submitted by Minister of Information and Communications, Minister for Energy, Minister of Finance and Minister for Peace and Reconstruction after the discussion and amendment

October 2

The monthly allowance of Maoist combatants to be raised

October 17

Permission is given to present the legislation on Nepal Health Service (Fourth Amendment) Act, 2068 at Legislature-Parliament

October 25

Relief to the families of disappeared persons to be provided according to the Directive on Providing Relief, 2065

November 3

Chand Tara Kumari is appointed as the President of National Women Commission

November 4

Minister for Law and Justice to present Interim Constitution of Nepal (11th Amendment), 2068 at Legislature-Parliament

November 8

The recommendation is submitted to the President for the pardon to Bal Krishna Dhungel

November 17

The agreement made between UTMM (Pawan Group) and the Peace Dialogue Team of Nepal Government is approved.

November 18

Interim Constitution of Nepal (11th Amendment) is presented to Legislature-Parliament by Minister for Energy. The two-point political agreement made among major political parties at Prime Minister Office at Legislature-Parliament on November 18 is implemented

Interim Constitution of Nepal (11th Amendment) registered at Legislature-Parliament is withdrawn by Minister for Energy instead of Minister of Law and Justice.

November 22

UN Human Rights Committee opinion on case of Yubaraj Giri, Banke to be implemented

One working committee is made to collect the data on Maoist's injured and disabled combatants

A high level commission for the recommendation of state restructuring, Federal Affairs, Constituent Assembly, Parliamentary Affairs and Culture to be formed

November 28

A Peace Dialogue Committee is

formed on the coordination of Minister for Peace and Reconstruction, Satya Pahadi including Minister without portfolio and State Minister of Home.

December 2

Term of Commission established for the Investigation of Faijan Ahamad Murder is extended for one more month

December 6

Commission on Resolution of Squatters' Problem, 2068 to be established and Bhakti Prasad Sharma Lamichhane chosen as its president

Dr. Madan Pariyar is appointed as the coordinator of the high level State Reconstructing Recommendation Commission established by the decision of Council of Ministers on November 22.

December 17

The investigation commission is established with the coordination of Mohan Prakash Sitaula, former justice of Supreme Court for the investigation of the incident at Chitwan jail

December 20

National Habitat Policy, 2011 is discussed in Social Committee Council of Ministers and steps take as per the committee decision

National Information Technology Council established with Prime Minister as the chairperson

December 27

Working Committee For the Improvement of Infrastructure And Management of Jail establish under coordination of CA member Devi Khadka Order for establishment of Land Registration Committee for the landless and squatters living in Kohalpur VDC in Banke

To end the malpractice of untouchability, the state to launch a campaign to be coordinated centrally by the PMO and implemented by District Committees as after devising an action plan

The existing members of the Committee for the Upliftment Development Committee are relieved and new members to appointed with Ajay Shankar Nayak as the vice-chairperson



1. Background

The Government made steps concerning human rights in 2011 yet at the same time made a number of decisions that gave cause for doubts to be cast on the existence of democracy in the country. Good policies were introduced for deprived communities while some long awaited decisions were still not be made during the year. Three governments were instated, including the acting government of Madhav Nepal, but people observed little difference in their policies or behavior. The situation of insecurity changed little, for example. The year began with an acting government and the subsequent majority government could stay in power for only six months after which it had to make a way for new government. Since the signing of the CPA almost five years ago, some progress had been made concerning a number of contentious issues such as combatants and weapons management. However any progress or decisions made regarding these issues ultimately remained inconclusive.

The state remained without a government for seven months after the Madhav Nepal government resigned. That valuable time, which should have been spent on political team-work, constitution drafting and the reconstruction of the war-torn country, was instead used to hold round after round of futile elections for the post of Prime Minister. Eventually, after a 7-point agreement between the UML and UCPN-M was made, a government led by UML chairperson Jhulanath Khanal was formed. This government also failed to make any concrete progress in the peace process. After it resigned, a new government with UCPN-M vice-chairperson Baburam Bhattarai as Prime Minister was formed

following the arrival at a 4-point deal with the United Madhesi Democratic Front.¹ The new government took some positives steps directly and indirectly related to human rights. While doubts regarding the extent to which democratic norms were being adhered to prevailed, some useful policies were introduced while some long awaited decisions could not be made. The activities of the government in 2011 will be analyzed with reference to the above stated issues.

2. Different Structures of Government

Soon after coming to power, PM Khanal urged all political parties to join the government and stressed the essentiality of reaching national consensus, cooperation and unity in order to take the ongoing peace process to a logical conclusion and to complete the constitution drafting process on time. The call of the Khanal government to reach these ends, which had to be repeated time and again due to differences in the distribution of the ministry, was derided by the Nepali Congress, the second largest party in the Legislature-Parliament. The UCPN-M had not joined the Madhav Nepal government the previous year, but it did have the support of 22 other political parties of the Legislature-Parliament. The Khanal government was formed with only the support of the UCPN-M. There was no specific ideological or political reason for the fall of his government. While publically declaring his resignation, Khanal claimed he had taken the initiative to make way for national consensus in government.

The four-point deal between Baburam Bhattarai and a collective of Madhes based parties-Democratic Madhesi

1. Even the 16th round of election for the post of PM after the resignation of the Madhav Nepal in July 2010 could not yield any result. Jhulanath Khanal came to power with the support of the UCPN-M in February but resigned on August 14 paving the way for August 28 with the support of United Democratic Madhesi Front.

Morcha, was criticized by some leaders in his own party, UML, NC and other political parties while UCPN-M's senior leader Mohan Baidhya Kiran labeled the pact as anti-nationalist. His faction claimed that both Bhattarai and members of the Madhesi parties were Indian lackeys.² The point in the agreement concerning the criminal cases filed against the UCPN-M cadres and those involved in different groups such as Madhesi, Dalit, Ethnic, Tharuhat and Pichhadabarg movements particularly attracted sharp criticism from all quarters. Negative analyses of the agreement were published both nationally and internationally.³ The instatement of three governments this year proved that there is no permanent friend or political enemy while the prime agendas of the political parties were exposed at the same time. Madhav Nepal's government coalition partners were from the NC and Madhesi parties. The largest political party, UCPN-M, which resigned after the Army Chief controversy, decided not to join this cabinet. Likewise, the Khanal government was not joined by the oldest party, Nepali Congress. In the present government led by UCPN-M vice-chairperson Baburam Bhattarai, the other two largest parties, NC and UML, decided to remain in the opposition, depriving a large section of the voters of their representation in the current government as a result.

Bhattarai, soon after his accession to power, declared that he preferred the Nepal-made vehicle Mustang Max to any luxurious foreign vehicle. The statement caused his popularity, which was already high because of his performance as finance

minister in Prachanda's government and his PhD. However, that hope was soon dashed when he began making decisions against people and against human rights principles and he thus created a similar impression to that of his predecessors. Bhattarai, who came to power with the 'frugality' as the topic of his slogan, formed the largest Council of Ministers in Nepal's history, with 49 ministers, although he used to be seen as a critic of such big government.⁴ He even surpassed the expansion in the size of government created by NC leader Sher Bahadur Deuba, who Bhattarai used to address as 'Jumbo'. He conceded that he did not recognize the face of some of the ministers he had appointed. Despite announcing several pro-people policies, Bhattarai did everything without to prevent the fall of his coalition government.

Most of the activities of the government remained power-centered. The crucial government bodies including the Commission for the Investigation of Abuse of Authority (CIAA), Office of the Auditor General (OAG), Public Service Commission (PSC) and Nepal Election Commission (NEC) remained without office chiefs. Civil society members and concerned officials are urging the government to fill these vacancies.⁵ The government office responsible for maintaining financial discipline- OAG has been without the chief for over four years. The head of the CIAA, an agency responsible for monitoring corruption, balance of power and good governance, retired four years ago. Similarly, NEC and PSC have been without office heads for years. The plans and policies of the

2. Nepal's Peace Process: The Endgame Nears, Asia Briefing no. 131, December 15

3. *ibid*

4. "Lowering the bar". <http://www.ekantipur.com/the-kathmandu-post/2011/11/10/editorial/lowering-the-bar/228077.html>, accessed on November 15

5. "Government Urged to Appoint Officials", <http://www.ekantipur.com/2011/03/14/top-story/government-urged-to-appoint-officials/330883.html>, accessed on March 16

government include a pledge to fill these positions but no steps have been made towards such ends. The possible reason for the delay in meeting this pledge is that the government has to appease all the significant political parties while selecting people for these positions.

3. Power and Pacts

After the establishment of Loktantra, people were brimming with hope that political parties would relinquish their political bickering and concentrate on building peace and finalizing the constitution and would place the national interest above partisan interests. After five years since that day, this hope had dimmed. The lust for power and political squabbles have deviated the national priorities. A different ground for creation of the government emerging- that of agreements and understandings rather than principles.

The year saw at least six major political agreements including the 6-point deal between UCPN-M, NC and UML and the UDMF on November 29, the 7-point agreement signed on November 1; the 4-point agreement signed between UDMF and UCPN on August 28; the five-point agreement signed between the UCPN-M, NC and UML on May 29; the 4 point-deal between the Madhesi Janadhikar Forum-Nepal, UML and UCPN-M on March 27; and the 7-point agreement between UML and UCPN-M on February 3. The continuing confusion and instability in Nepal are the result of such high promising and sometimes even conflicting agreements.⁶ On December 17, UCPN-M and UDMF also made an agreement to keep their 4-point agreement

alive. (See: Highlight of the Year of this book) If we compare the points of the agreements, they seem so similar – the same parties and the same issues. But such agreements are neither followed nor have any significant contribution to make to the state's national or international policies.

4. Security Situation

Nepali people's sigh of relief after Loktantra turned into a sigh of hopelessness as violence did not stop. The discontent expressed by the Madhesi parties after the publication of the Interim Constitution and the subsequent disintegration of the Madhes movement into several armed groups along with their violent activities gave the impression that the country was still at war. But, in 2011, the armed groups of Tarai-Madhes seem relatively passive, as reflected in INSEC monitoring. The government mentioned in its relief package that a new security plan would be implemented in the Tarai and eastern hilly districts and that more police posts would be added along the border with India. However, as a result of the Home Minister constantly generating controversy over his meddling in the police administration and amidst charges of corruption for the promotion and transfer of police officers, such programs lost their sheen.⁷ The police have not been able to resolve the crimes committed by unidentified groups. Their response is similar to an automated response that the incidents were carried out by unidentified groups who are under police investigation.

This year, the government held talks with several groups involved in armed violence. On July 1, talks were held between

6. Institute for Conflict Management Nepal: Stumbling On, <http://www.satp.org/satporgtp/countries/nepal/index.html>, accessed on January 27, 2012

7. SAC asks Home Minister to clarify criteria for promotion, transfer of police officers <http://www.nepalnews.com/home/index.php/news/2/14541-sac-asks-home-minister-to-clarify-criteria-for-promotion-transfer-of-police-officers.html>, accessed on November 6

the government and Kirant Janabadi Workers Party (KJWP). Both sides agreed to resolve all the issues through talks and dialogues and to hold another round of talks.

On August 13, talks between the government and Samyukta Jantantrik Tarai Mukti Morcha (Pawan) concluded with the agreement that the group would renounce its weapons and publish data related to its weapons. The government in turn agreed to treat them as political activists and to initiate the release of their cadres from prison and to withdraw cases against them. The group's coordinator Prahlad Giri 'Pawan' handed over eight homemade firearms to the Minister for Peace and Reconstruction Satya Pahadi after a four-point agreement was reached with the government in Birgunj on December 30 in which it was cited that they surrendered arms for the sake of peace in the country.

Samyukta Jantantrik Tarai Mukti Morcha (Azad) on August 19, Samyukta Jantantrik Tarai Mukti Morcha (Kautilya) on November 24 and Jantantrik Tarai Mukti Morcha (Pawan) on December 20 signed agreements similar to that of the Pawan group. Earlier, Akhil Tarai Mukti Morcha (Bibek) laid down its arms on the third week of May.

The Sanjuhang Palungwa faction of the Federal Limbuwan State Council and the government agreed that the government would bear the treatment cost of one of their cadres and that it would implement its previous agreement with the group. The group had held demonstrations in eastern Nepal demanding a call for dialogue with the government. However, the FLSC had been enforcing general strikes in the nine districts of the eastern region for three days towards the end of the year demanding

representation in the State Restructuring Commission (SRC). The third point of the agreement between this group and the government made on March 19, 2008 said that the group would be included in the SRC at the time of its formation.

Besides the armed groups, the government also made agreements with the Chhetri National Movement Committee on May 22 in which the government agreed to maintain national integrity and communal harmony while restructuring the state on the basis of factors such as geographical proximity, administrative facilities, economic viability and lingual and cultural equality. A struggle committee comprised of Brahman, Khas Chhetri, Dashnami, Thakuri and Dalits groups and government held a discussion on November 25 in which the government agreed to address and fulfill their demands to creating a sense of change.

Former combatants unverified by UNMIN were promised on August 2 that the tag of disqualified being use for them would be removed, that they would be provided with a fair financial package, that expenses incurred in their names would be documented and that their comrades arrested under unfounded pretext would be released. Officials at the Ministry of Peace and Reconstruction say that there is no longer any need to call armed group to the discussion table. They claimed that such groups threaten to enter dialogue to avoid legal cases being handed down to them by the government.⁸ There was a slight decline in killings, abductions and extortion carried out by armed groups. (See, Summary in this book). The Home Minister informed on June 16 that the number of active armed groups has dropped from 108 to 26 in the past year. The government is holding

8. "Hatiyarko Har". Gaha Magar, Santa. Himala Fortnightly <http://himalkhabar.com/news.php?id=4611>, December 2011

talks with several armed groups and one essential point of agreement between them extends to the withdrawing of cases against party cadres and the release of those incarcerated. However, there is no mechanism, whatsoever, to monitor the groups' activities after the agreement is reached or to monitor the cadres released from jail. The government stuck to its predecessors' tendency of striking deals with just about anyone and in failing miserably to assess whether those agreements were implementable or not.

5. Provisions for Social Security

A social security system enables individuals who are socially or economically vulnerable to live a dignified life. The government has a responsibility to adopt economic and social policies for vulnerable groups to the maximum of available resources. The Interim Constitution of Nepal also guarantees such social security while additional agreements have been made to provide economic support to such groups.

Nepal has some safety net for benefit of the vulnerable groups. The budget for the fiscal year 2011/12 changed the provision of allowances for widowed women making them eligible from the day of widowhood while earlier, they had to reach 60 to claim that allowance and easy access to education to the disabled citizens.. There is also a provision liberating bonded labourers, bonded tillers, bonded cattle grazers, Kamlaries, Badis, gandharvas and families from bondage.

A directive was issued in Mid-October to implement education programs, skill oriented trainings and rehabilitation programs targeted at Kamlaries, while the existing scholarship amount for them

was to be increased. It is hoped that the rehabilitation of freed bonded families will be completed within the coming fiscal year so was the collection of data to make a base for rehabilitating freed bonded tillers and bonded cattle grazers. Likewise, a monthly grant of Rs. 200 has been granted as a child protection subsidy to children under the age of 5 years in the Karnali Zone and to children from the Dalit community. The subsidy will gradually be made available to children in districts with a poor human development index.

The budget also envisions the enactment of a policy that will provide for the basic needs of senior citizens while support will be provided for the construction of residential homes while homes for the elderly in Devghat, Keladighat and Ridighat will be converted into a senior citizen's village.

However, despite expressed commitments, the government did not remove the bias against third gender people relating to the issuance of citizenship certificates even though it had pledged to resolve this issue in its immediate relief package. The Government of Nepal claims that it has begun reforming discriminatory laws while respecting and recognizing the rights of all sexual and gender minorities. It has also claimed that it is in the process of abolishing all discriminatory policies and laws and has cited its support for the Statement of the UN General Assembly on Human Rights, Sexual Orientation, and Gender Identity in 2004.⁹ In practice, however, the CDOs are reluctant to issue citizenship certificates to third gender people. Sabina Damai of Dolakha obtained a citizenship certificate in her mother's name, but that was only after the intervention of the Supreme Court Despite

9. Third Periodic Report Of The Government Of Nepal On Measures Taken To Give Effect To The International Covenant On Economic, Social And Cultural Rights

the government's pledges and promises, nothing significant has been done to provide citizenship certificate as chosen by the people.

6. International Mechanisms and Government

6.1 Universal Periodic Review

Nepal was reviewed under the Universal Period Review on January 25. A delegation led by Deputy-PM Sujata Koirala made presentation to the UPR Working Group. 135 recommendations on various topics were made out of which Nepal accepted 55 and rejected 15. OHCHR-Nepal issued a statement in which they regretted the rejections made by Nepal.¹⁰ Recommendations to ratifying some crucial human rights related conventions and to carrying out investigations into the claims of extra-judicial killings were two of the recommendations rejected.

During a meeting on June 28, the secretary of the PMO and Council of Ministers, Madhav Prasad Ghimire, assured that the government had accepted many of the recommendations and that the government was working on introducing a policy to implement them in practice. Speaking on the occasion, Ghimire also added that Nepal's basic goal was to achieve sustainable peace and a just society and to ensure proportional and meaningful participation of women at all levels of conflict transformation and peace building processes and the protection of women and girls' rights.¹¹ The UPR provided Nepal with the opportunity to discuss its human

rights objectives and challenges with other member states of the United Nations. The latter made recommendations regarding various aspects of human rights promotion and protection in Nepal, including the eliminating of caste-based discrimination, tackling gender-based violence, ensuring accountability for human rights violations, and strengthening national human rights institutions.¹² However, Nepal did not reply to queries related to ratifying the Conventions on Refugees or the Convention on Enforced Disappearance and one of the government delegates asserted that there is no systematic torture in Nepal and that "there are sufficient constitutional and legal safeguards for the prevention of torture in Nepal."¹³ However, the case of Nijamuddin Shekh, who was injured in custody during police interrogation in Banke,¹⁴ is sufficient to prove that claim false. (See, District Profile-Banke)

6.2 UN Mission Comes to an End

Resolution no. 1740 of the Security Council decided on January 23 to establish UNMIN in Nepal. With its establishment, UNMIN acted as a mediator between the political parties and managed to get the agreement on weapon management. It was crucial in the verification process of the combatants and placing PLA combatants in the cantonments during the early transitional phase. It was unfortunate that the agency was seen as being close to the Maoists. Other parties kept complaining that its reports favored the Maoists. Even

10. OHCHR Nepal. Press Statement. http://nepal.ohchr.org/en/resources/Documents/Nepali/pressreleases/Year%202011/January/2011_02_PR_OHCHR_welcomes_Govt_UPR_N.pdf

11. OHCHR Nepal. <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11119&LangID=E>

12. OHCHR Nepal. http://nepal.ohchr.org/en/resources/Documents/Nepali/pressreleases/Year%202011/January/2011_02_07_PR_OHCHR_welcomes_Govt_UPR_N.pdf

13. Tejshree Thapa, Human Rights Fantasy in Nepal. <http://epaper.ekantipur.com/ktpost/showtext.aspx?boxid=5839312&parentid=10211&issuedate=17220114>.

14. Urgent Action Appeal issued by OMCT on September 4

when its departure had been fixed for months, the Communication Minister claimed that the constitution could not be drafted and that the peace process could not proceed until the UNMIN was in the country.¹⁵

6.3 Departure of OHCHR-N Confirmed

The Government of Nepal decided that the OHCHR-Nepal's term would not be extended further. PM Bhattarai himself called UN Secretary General Ban Ki Moon on December 8 informing him about the decision. It took the government months to reach that decision. In accordance with the decision, the Office will remain non-operational until it leaves in June 2012. Its presence was once strongly advocated by the UCPN-M when it was out of the government, but they decided to terminate the Office's term when in government. The national and international human rights communities strongly criticized the decision. There is no denying that the OHCHR-Nepal played an important role since its establishment during the absolute rule of the king, April Movement 2006, in the aftermath of the ceasefire and the brokering of the Comprehensive Peace Agreement. Even during the subsequent unstable phase, OHCHR-Nepal was active in the promotion and protection of human rights.¹⁶

The presence and role of OHCHR-Nepal has been debated since 2010. The government extended its mandate for only six months and justified the decision by stating that the NHRC had become capable enough to replace the Office.

However, the NHRC advocated for the presence of the OHCHR for as long as they possibly could. International human rights organizations like Human Rights Watch and ICJ stressed the need of the agency's presence in order to meet the pledges expressed in the CPA.¹⁷ Human Rights Watch researchers put forth that "finding answers and delivering justice to victims sits uncomfortably with political parties who do not wish to be held accountable. The Maoists don't want to see their cadres held responsible for their brutalities during the conflict. They seem to think that their new-found legitimacy as a legal political party allows them to gloss over terrible crimes committed in the name of their ideology... OHCHR's brief in Nepal was, among other things, to monitor the implementation of the human rights components of the peace agreement, including the establishment of the transitional justice mechanisms. Rather than seek the expert assistance of OHCHR at a particularly critical point in the peace process, Bhattarai appears to have chosen to kick OHCHR out of the country. This will be a great comfort to past and present human rights abusers."¹⁸

7.7. Transitional Justice

Bhattarai promised to establish a Truth and Reconciliation Commission and a Commission on Enforced Disappearances within one month but he showed no sign of doing so by the end of the year. Bills regarding such plans remained in the Legislature-Parliament. While citing its intention to form such Commissions, the government was actively involved in

15. "Unmin departure for peace, timely statute". <http://202.166.193.40/2011/01/05/capital/unmins-departure-for-peace-timely-statute/327571/>, accessed on May 25

16. Statement issued by Agenda 19 on December 14, Nepal: Government expels UN human rights watchdog, http://www.article19.org/resources.php/resource/2899/en/nepal:-government-expels-un-human-rights-watchdog?utm_source=ARTICLE+19+Mailing+List&utm_campaign=, accessed on December 27

17. Nepal: Extend Mandate of UN Human Rights Office. Press Statement. Human Rights Watch, December 5 <http://www.hrw.org/news/2011/12/05/nepal-extend-mandate-un-human-rights-office>, accessed on December 11

18. Thapa, Tejshree. Nepal: Power Of Money, <http://www.hrw.org/news/2011/12/12/nepal-power-money>, January 14, 2012

withdrawing cases against perpetrators and even cases against those who had already been convicted by the Supreme Court.

The cadres of Nepal Tarun Dal called for bandh protesting the killing of its Chitwan chairperson Shiva Paudel. (See, Jail and Detainees section of District Profile: Chitwan) They also demanded Rs 1m for the deceased's family and that Paudel be declared a martyr. By having reservation to declare Paudel a martyr, the government did express respect for the meaning of the word martyr but the Tarun Dal and its mother party revealed their partisan interest. Government came near of failing judicial system by bypassing the courts. No matter the best of the verdicts issued by the court, it is the government that has to implement them but it was taken in light regard by the government.

Although the government claimed during the UPR review that the Judiciary was independent, members of the police force and even of the government and UCPN-M as well as other political parties did everything to undermine its claim. The Khanal government decided on April 6 to form a working group for a criminal law review as had been long demanded. It was hoped that such a review would change the laws enacted over the past decade.

Along with such reforms, the longed awaited TRC Bill also remained under consideration. In principle, victims should be consulted while determining the mandate of the Truth and Reconciliation Commission but at the same time, the TRC Bill has a provision in which the government can pardon perpetrators which would, in fact, only serve to re-victimize them. Adhering to the notorious practice of his predecessors, PM Bhattarai, soon after coming to power, announced that he was prepared to issue a blanket amnesty to Maoist cadres and to members of the NA who were likely to have been involved in

the perpetration of human rights abuses in the past. The case withdrawal was a point of agreement with the UDMF signed on August 25. Similar provision was included in the UCPN-M's Commitment and Resolution on government, peace process and constitution, made public a few days earlier.

Following huge criticism from other political parties and the human rights community, the government clarified its stand by stating that only political crimes would be withdrawn but they did not elaborate on how a case would be qualified as a political one. On the basis of this inclination to grant pardons, the President was requested for the recommendation of Dhungel's pardon. The Home Minister in the Khanal government, Krishna Bahadur Mahara, had also made efforts to exonerate UCPN-M leader Agni Sapkota. When human rights defenders filed a petition asking for action to be taken against Sapkota and the suspension of his term as the communication minister, the Supreme Court stated in its verdict that a person in a responsible position as a minister is expected to support police investigations, exerting moral pressure on him. In the five years since the signing of the CPA, not a single person has been charged with conflict era crimes. With no action taken against perpetrators, the human rights community warns that there is no reason why persons will not be deterred from committing violations in the future.

The draft legislation prohibits amnesties for human rights violations, but the political parties have tabled a number of amendments targeting this prohibition which, if successful, would render the commissions meaningless. The commissions will not have prosecutorial powers, suggesting that the primary responsibility to undertake investigations and prosecutions concerning conflict-related human rights

violations remains with the regular justice system, contradicting the government's position.¹⁹

Consensus is necessary for the success of the peace process and the completion of constitution writing. The peace process cannot be completed if a sense of justice is not restored to victims and if respect for their basic rights is not ensured. The withdrawal of cases without any basis is in direct violation of Principle 24 of the Updated Set of Principles for the protection and promotion of human rights.

When the subject of justice for conflict victims was raised, the government pointed out that it had raised the compensation amount from Rs 100,000 to Rs 300,000 for the families of those killed or were subjected to enforced disappearance. . To offer compensation to the families of victims but to grant pardon to perpetrators simultaneously is almost akin to criminal activity in and of itself. The money might provide financial relief for the time being, but there can be no amount that can compensate for a life lost. Reparation not only involves providing financial compensation to victims' families, but also involves the restoration of a sense of justice and the fair punishment of perpetrators as stipulated in law.

8. Some Positives Steps for Peace Process

8.1 Handover of weapon containers' keys

Soon after forming the government, Bhattarai managed to resolve the thorny issue of the handing over of weapons. It was ensured that the keys of the weapon containers were handed over to the Special Committee for Supervision, Integration and Rehabilitation despite facing stiff opposition from significant number of senior party leaders and PLA combatants. The UNMIN had confirmed that 3,475

weapons were being held between seven cantonments. The UCPN-M's reluctance to hand the keys over caused them to be distrusted. The Defense Minister from the Khanal Government declared that there would be no talk of the integration of the army without the handover of the weapons first. Additionally, the 7-point-pact of November 15 paved the way for the integration of the Maoist combatants.

8.2 Re-categorization of the UCPN-M Combatants

The PLA commanders recruited to provide personal security to their leaders were sent back to their camps on August 27 as had been long demanded which reassured that the party was still committed to the peace process. However, little had been achieved regarding the integration of ex-combatants except for the renewal of the term of the Special Committee for Supervision, Integration and Rehabilitation. After deal of November 1 and the political consensus on the number of Maoists combatants to be integrated to be set at 6,500, the government began the re-categorization process through the Special Committee. The combatants were categorized on the basis of their choices - joining Nepal Army, opting for voluntary retirement or accepting a rehabilitation package. A total of 9,690 opted for integration, 7,286 for retirement and a mere six for rehabilitation.

As per the agreement, a separate general directorate under the command of the Nepal Army will be formed and 35 per cent will be comprised of Maoist combatants while the remaining 65 per cent will be drawn from the security agencies of the Nepali Army, Nepal Police and Armed Police Force. The General Directorate will consist of about 12,000 personnel, for

19. Asian Legal Resource Center. Press Statement. <http://www.alrc.net/doc/mainfile.php/hrc18/684/>, December 2

deployment for special tasks like border, industrial or forest security and for rescue work in case of natural disasters.

Although, it was stated in the 7-point agreement that a maximum of 6,500 Maoist combatants will be integrated, most of the combatants opted for integration. While more combatants than the agreed number chose integration, to accept them all would inflate the size of the army at a time when there has been a demand to decrease its size. That the combatants would have to fulfill the recruitment conditions and need to attend the training before joining the army might create some problems if the combatants fail to meet the criteria stipulated. Regardless, an increase in the number of persons in the army would require a larger part of the budget to be allocated to it and thus a reduction in the development budget would be a necessary consequence of such an expansion.

The hesitancy on the part of the army to include Maoist combatants was reportedly due to the Maoist combatants' political indoctrination when the Nepal Army is considered a non-political institution. All have to remain hopeful that after becoming part of the Nepal Army, the Maoist combatants will follow the institutional discipline like other soldiers do. There have been some incidents wherein some former combatants have been found to be involved in assaulting locals after leaving or while being in the cantonments. Police made public that former combatants and Maoist cadres were involved in attacking Maoist leader Shalikram Jamarkattel in Kathmandu. Earlier, Surendra Lamsal of Gothatar of Kathmandu was rescued by a special team of police from Ichangu Narayan. For their involvement in the incident,

former combatants of PLA sixth division Shaktikhor cantonment were arrested in Kathmandu (See District profiles: Ilam, Kathmandu, Chitwan and Surkhet in this book). But in several incidents, complaints were not filed against Maoist combatants due to fear. In the cases, where complaints were filed, no action was taken.

8.3 Announcement to Return Seized Property

Many political parties demanded that land and property seized during the armed conflict be returned to its rightful owners. Though the Dr. Bhattarai led government made an attempt to cancel conflict-era dealings with this announcement, the process was hampered due to internal rifts within UCPN-M. Immediately after the formation of the Bhattarai led government, UCPN-M instructed its district offices to prepare data of land and property seized during the conflict. Under this campaign, though some DAOs announced the return of the seized land and property, some Maoist leaders and cadres seized more land. They also seized documents from land revenue offices in some districts. (See District profile: Kailali in this book). On several occasions, Maoists admitted that those persons whose land was seized became victims. However, the Maoists made demands that the government provide land to those whose land were seized by landless people during the conflict. Maoist leaders claimed that the re-seizing the returned property was not an official decision of the party.²⁰ Irrespective of the situation, it was the duty of the PM to implement the decision made by the government on this matter. Taking the peace process to a logical conclusion through decisions pacifying the other parties as return of property was disrupted

20. Land Returned But Seized, http://www.myrepublica.com/portal/index.php?action=news_details&news_id=38858#, accessed on November 28

due to the clash of interests among the party leaders.

8.4 State Structuring Commission

After long held disputes, the government formed the State Structuring Commission (SRC). on November 22. Although, it was formed without a coordinator, the government appointed Dr. Madan Pariyar to this role on December 6. The SRC was entrusted to make suggestions concerning state restructuring on the basis of identity and capacity within two months. Madhesi parties, stating that the SRC would affect the jurisdiction of the State Restructuring and State Rights Distribution Committee of the CA, protested its formation. Similarly, Janajati CA members also protested its formation and forced the government to withdraw a proposal it had tabled for the amendment of constitution on November 18. This was a show of solidarity with the caucus of Adivasi Janajati lawmakers who had objected to the proposed amendment of the Interim Constitution and the formation of an experts' panel to collect recommendations for state restructuring

9. Good Governance and Corruption

The government signed the United Nations Convention Against Corruption (UNCAC) on February 24 to demonstrate its commitment, however partial, to control corruption in the country. However, the government's move was questioned after the Secretary at Ministry of Finance, Rameshwor Khanal, resigned after claiming that the Finance Minister protected those who avoided paying VAT. It was reported in the media that the FM secretary resigned following pressure from the FM Minister while the government had transferred

several staff involved in the incident to other positions by the end of the year. The government could not appoint a Chief Commissioner of the CIAA this year either. One of the greatest examples of corruption in the country, the Sudan Scam, was made public this year. High ranking police personnel and former Home Ministers were charged for their involvement in the scam. The 2010 report of Transparency International, an international organization which monitors the situation of corruption in several countries, presented a bleak picture of the nation from the point of view of corruption. Nepal's was not only ranked as being more corrupt than it was in the previous year, but in South Asia, it was just above Afghanistan which is reeling under war and violence.

The PM was asked to give a satisfactory answer regarding the issue, however, he institutionalized corruption by urging people not to raise the such concern again because it would affect the peace process.²¹ CIAA was forced to intervene as it was made public that Irrigation Minister Mahendra Yadav had asked civil servants to provide him with commission after he had officially endorsed the implementation of an already allocated fund for a project.²² It was also found that there was institutionalized corruption in other mechanisms of the State. The All Party Mechanisms formed in the absence of elected local bodies in the districts are a good example. It was decided in a cabinet meeting to form such mechanism on July 9, 2009. However, no legal provision has been drafted in connection with it so far. Himal Kharbarpatrika conducted a survey about important decisions that could be taken by the mechanism but people responded that they had not received any

21 Dahal, Ramji. Kasari Lukaune Loot?, Himal Khabarpatrika, <http://himalkhabar.com/news.php?id=4650>

22. Sarbadaliya Sanyantra Karej Garna Akhitiyarko Nirdeshan, <http://onlinekhabar.com/2011/12/112710.html>, accessed on December 24

information about it.²³ The tenure of the elected local bodies expired in 2002 and VDC secretaries were entrusted with the duties of working as VDC chairpersons as it was maintained that elections for local bodies could not be held during an armed conflict. VDC secretaries, who were displaced to district headquarters because of threats from Maoists and armed groups, have not returned to their duty stations. The existence of a local body might have been forgotten about as no local body has been elected in the past decade. CIAA, upon drawing the conclusion that corruption flourished as some leaders of political parties were assigned to look after the activities of the local bodies, directed the Ministry of Local Development to run local bodies after scraping unnecessary mechanisms. It was also recommended that an inclusive and non-political consumers' committee comprising of neutral persons be formed.

10. Continuity of Impunity

Although various people represented government this year and approached their duties in different ways - they all did a common thing - they all tried to withdraw cases filed against cadres of various political parties. Then Home Minister Krishna Bahadur Mahara had revealed his wish cases filed against several persons, including Communication Minister Agni Prasad Sapokot to be withdrawn to be withdrawn. It was discovered that the Home Ministry suggested that data be prepared concerning 300 cases filed against Maoist cadres and leaders. Officials at the ministry, who argued for the non-withdrawal of

non-judicial cases, were punished.²⁴ PM Bhattarai, before his departure to the Maldives to attend the 17th SAARC summit, made a recommendation to the President to grant amnesty to convicted murderer, the CA member Bal Krishna Dhungel. The attempt of grant a pardon to Dhungel, claiming that that he had not committed the crime he was convicted for by the court, or that the nature of the crime was different to that supposed, established as dangerous precedent for a government formed in a post-conflict period.²⁵ As the PM made his departure to the Maldives, he might have predicted that his move would invite wider protests and criticisms at home. Government Attorney General Mukti Pradhan issued an irresponsible statement in which he threatened to revive kangaroo courts if a pardon was not granted to Dhungel.²⁶ Such a remark made by a supposedly responsible person, whose duty it is to uphold the rule of law, is a matter of condemnation.

The 4-point agreement reached between UCPN-M and UDMF was criticized after it was claimed that the agreement allowed for impunity which was in contravention of the CPA and the commitments of the interim constitution. NHRC chairperson Kedarnath Upadhyay, in a letter to the government, urged it not to recommend a pardon to Dhungel. In his letter, the NHRC chief mentioned that the matter of withdrawing cases which pertained to abuses committed during the armed conflict would not be in keeping with the human rights obligations of the state.²⁷

23 Nepal, Kiran, Ramji Dahal, "Janata Chindainan Sarbadaliya Sanyantra", accessed on December 12

24. Impunity Watch: Cases Against Maoists being Fast Withdrawn, accessed on December 21

25. <http://us.ekantipur.com/2011/11/11/development/lowering-the-bar/343605.html>

26 INSEC. Urge to Respect Democracy, Rule of Law and Human Rights. Press Statement. <http://www.insec.org.np/index.php?type=reports&cid=38&rid=581&lang=en&ctp=np>, accessed on October 15

27 National Human Rights Commission, <http://nhrcnepal.org/pressreleasedetail.php?id=100>

Immediately after the government's decision to withdraw Dhungel's case, the sister of the deceased Ujjan Kumar Shrestha filed a writ petition at the Supreme Court and a stay order was issued by the Court. PM Bhattarai commented on the court order saying that there was no need to speak on the issue as the Court had already stayed the withdrawal process of case against Dhungle. This act demonstrates that PM Bhattarai tried to pass the onus of his alarming decision to the Judiciary. See Chapter on Judiciary in this book)

Prabhu Sah, who was accused of killing Kashinath Tiwari of Birgunj for protesting in a strike called by the UCPN-M, was not only pardoned but was appointed as a minister while it was also made public that the UCPN-M chairperson decided to protect him.²⁸ However, a case was filed against Sah's personal assistant and an assailant who was also accused of being involved in Kashi's killing. No action was taken against the joint secretary of the government who exerted pressure on the family of the victim to withdraw the case filed against Sah. People could not feel a sense of the government's guardianship at a time when basic principles of justice were conspicuously violated.

11. Government Attempts to Strengthen Human Rights Protection

The government took some positive steps in the protection and promotion of human rights during 2011. The fixation of a minimum wage, the establishment of a Social Security Trust, an increase in investment in agricultural research, the rehabilitation of conflict affected children, a draft of policy to increase women's participation in employment, the enforcement of the Caste-based

Discrimination and Untouchability (Offence and Punishment) Act, 2011 and the allocation of a budget to minority groups, are some of the positive steps taken by the government during 2011.

11.1 Fixation of Minimum Wage

A committee comprised of nine members was formed with the objective of determining a minimum wage, except employees on tea estates as per sub clause 2, of clause 21 of the Labor Act 1992. The Committee fixed a minimum wage which was published in the Gazette on May 23. As per the determination of wage and salary, a worker will receive a minimum salary of Rs. 3,550 while a daily wage worker will receive Rs 231 per day. Similarly, the Social Security Trust (Management and Operation) Regulation 2067 was also enforced. According to this provision, a trust will be established in each government office. Government offices will deposit 20 per cent of the total salary of each worker who are then required to deposit an additional 11 per cent of their own salary. A provision was also made in the budget to run a short term, self-employment and employment oriented training as per the demand of the labor market. A fund was allocated to run trainings related to technical education for the skill development of farmers, workers, Haliyas and so on.

11.2 Food Security

Food security refers to the regular, permanent and unobstructed availability of food and one's access to it. Food sovereignty is provisioned as fundamental rights in the constitution of Nepal. Nepal has become a food dependent country over the past two

28 INSEC. Urge to Respect Democracy, Rule of Law and Human Rights. Press Statement. <http://www.insec.org.np/index.php?type=reports&cid=3&rid=581&lang=en&ctp=np>, accessed on October 15

decades. Adverse climate and insufficient rain have affected the production of food items while food crises in various districts have been documented in the media. The Government's indifference to the agricultural sector is to blame for this situation. Due to the continued negligence of this sector, agricultural produce is unable to meet increasing demands for food. The Government policy of prioritizing cash crops is another reason behind the decreased produce of food in the country. Forty-three districts lack sufficient food supplies. Of them, 23 are consistently suffering from food shortages.²⁹

Nineteen per cent of the population lives in urban areas. As the number of people living in urban areas has been increasing, there will be an obligation for rural sectors to fulfill increasing demands for food in urban areas. A significant number of people who might otherwise be working in the agricultural sector have moved to foreign countries for employment or study related purposes. As a result, a deficit in the number of people who would potentially be contributing to the production of food stuffs has been created. However, although the government is doing various things to receive more remittances, they will not help in the development of the nation in the long run. The government allocated over 25 billion to the agriculture sector in the fiscal 2011/12. It has announced that it will allocate at least 15 per cent of VDC's budget to agriculture. It has also announced its policy related to the availability, accessibility, utilization of food in its report which was submitted to the Committee on ESCR. The main objectives of the food policies as mentioned in the report are to reduce food dependency, increase the status of nutrition, the quality

of food and to take measures necessary to combat famine, starvation and other disasters and to increase access of insecure groups to food.

Meanwhile, USAID, in a press release made on September 13, said that it will provide seeds of hybrid maize to 20,000 farmers of Chitwan, Nawalparasi and Kavre districts as per agreement reached with the Ministry of Agriculture and Cooperatives and Agro-business company Monsanto. Saying that such a move would constitute an attack on the food sovereignty, protests were held on the streets. USAID later clarified that talks were underway in connection with the issue while government officials expressed their ignorance over USAID's press release and related matters. The government must take necessary steps to increase agricultural produce to meet the food demand of its increasing population. The government, however, should not be involved in any plan that may cause farmers to become dependent on large scale commercial industries which may cause further pollution and the destruction of more traditional and balanced farming methods that may interfere with the natural genetic make-up of seeds and crops. More investment on agricultural research and providing basic agricultural facilities as irrigation and subsidized for seed and fertilizer can be better ways but the work in this regard has remained nearly stagnated.

11.3 Provision for Children

World Health Organization (WHO) says that among every 10 children, four are underweight and half of them are stunted in Nepal. Human Rights Watch, an international human rights organization has stated that abductions of children and asking for ransom are serious challenges

29. USAID, Feed the Future Initiative, <http://nepal.usaid.gov/our-work/program-area/economic-growth-education-a-food-security/379-feed-the-future-presidential-initiative.html>, accessed on December 21

to security.³⁰ Several children have been abducted by unidentified gangs and killed if the abductors do not get ransom in several parts of the country. (See: District Profile Saptari) There are high chances of physically challenged children dropping out if necessary facilities are not provided to them.³¹ According to the data of the Department of Education, some 6.2m students are studying in approximately 34,000 schools in the country. Of 4.9 m students enrolled at primary level, only 12 per cent of them completed secondary level. Though national policies are in place, the government is not able to make education inclusive and favorable for all children taking into consideration their caste, class, gender, religion, ability and so on. The problems of conflict-hit children and the children, who had joined the Maoists' army during the conflict, are also incorporated in the list of problems faced by children.

11.3.1. Provision for Armed Conflict-affected Children

The Ministry of Education, on March 15, made public a National Action Plan approved by the Cabinet on December 29 for rehabilitation and reintegration of the armed conflict affected children. The action plan guarantees collection of data, providing health service, psychosocial counseling, skill-development training, employment, rehabilitation and reintegration of conflict affected children including the ones displaced by conflict, rendered physically challenged, orphaned, born in Maoist cantonments, injured in explosion and other means, sexually exploited by armed

groups and born from illegal relationship.³² According to a report published by Central Child Welfare Committee, data collected from 53 districts in 2010, showed that the number of conflict-affected children was 19980. Of them, some 50 per cent (9691) had been displaced along with their families, some 20 per cent (3930) lost their father or mother while 1657 had lost both of their parents, 671 rendered physically challenged, the whereabouts of either parent of 671 children were unknown and the whereabouts of both parents of 149 children were unknown. Parents of 96 children were rendered physically challenged while the status of 14 per cent of conflict affected children has not been established yet. Organizations affiliated to the National Action Plan have provided reintegration support to some 8,300 children of 58 districts who were either affiliated to armed groups or at risk.³³ But, rather than the sporadic support, it would be better if the government develops a comprehensive and long-term plan to ensure such children are not neglected.

11.3.2 School Announced as Peace Zone

The government announced schools as zone of peace on May 25. The government stated that the color of all school/college buses will be made same and the color will be selected by the Ministry of Education. The government also stated that school buses will be treated as ambulances. It was also stated that toilets will be constructed taking girl students into consideration and a seat quota system will be allocated for students commuting

30. Human Rights Watch. Nepal: Rampant Child Kidnappings, <http://www.hrw.org/en/news/2011/03/29/nepal-rampant-child-kidnappings>, accessed on November 11

31. Human Rights Watch. Nepal: Rampant Child Kidnappings, <http://www.hrw.org/en/news/2011/03/29/nepal-rampant-child-kidnappings>, accessed on November 11

32. National Action Plan for the Rehabilitation and Reintegration of Children Affected by Armed conflict, UNICEF

33. National Action Plan for the Rehabilitation and Reintegration of Children Affected by Armed conflict, UNICEF

in public vehicles. NGOs working in the child rights sector had been demanding from the government the declaration of schools as zones of peace for a long time. The reason stated by the NGOs was that children's right to education was getting affected when schools were used for various purposes by warring parties during the armed conflict. Children's rights to education was violated due to incidences of bandhs, strikes and padlocking called by various political parties and use of school children in the various programs organized by the parties even after Janandolan II. The CPA has restricted the assignment of women and children in violent activities and their sexual exploitation.

However, teachers affiliated to particular political party had halted studies in all schools in the Capital the day after the government announced schools as zones of peace. Despite the announcement, the implementation was not seen to be effective as political parties' commitment to implement this was confined to papers only. The issue of financial irregularities in schools is also of serious concern. There was financial irregularity in the allowance being released to dalit students. The election of School Management Committee in community schools also turned violent due to financial irregularities. Candidates, who fight for elections of the Committee and their supporters, have been using arms due to which people have been killed in some places. (See District profile: Siraha in this book)

Provision of Budget for Children

Stating that it is the priority of the nation to accomplish 'Education for All' under the Millennium Development Goal, the government allocated Rs. 63 billion 918 million 839 thousand for education sector in the fiscal 068/69. Rs. 57 billion was allocated in the fiscal 067/68. According

to the budget, basic education will be made compulsory gradually, provision will be made to impart free education to dalit students as well as girls up to grade XII, improving infrastructures of school, providing textbooks up to grade X free to all students. Similarly, providing textbooks free up to grade XII to the students of targeted groups is also mentioned in the budget. It has been stated that scholarships will be provided to all students including Dalits and those who are physically challenged up to grade VIII; providing scholarship to children of all target groups has been mentioned in the budget.

The budget also mentioned a provision of private schools providing scholarship to the students of victims of enforced disappearance under 10 per cent of scholarship to be provided from grade VIII to XII. It is also announced in the budget that illiteracy will be eradicated from the country within three years in cooperation with guardians, local community and Non Resident Nepalis living in different parts of the world. However, the reality is different as students are forced to attend their final examinations without even getting a single glimpse at their textbooks as the government could not distribute them on time. (See, See District Profile, Achham)

11.4 Continuity to Program on Violence Against Women

The government gave continuity to national action plan against gender based violence this year too. The Action Plan aims at establishing a nation free from gender based violence where men and women can lead a respectful life by enjoying equal rights and privileges. The plan also aims to extend justice to those affected by gender based violence, protecting them, strengthening their health, creating awareness, promoting zero tolerance in connection with gender based and sexual violence and social and

financial empowerment of women and children.

The Action Plan has been introduced to manage a separate data system in connection with gender based violence against women and children, to manage a separate police cell to work on the issue of gender based violence and managing health and legal services by identifying vulnerable women and children. The government claimsthat its policies are human rights based policies. The Ministry of Health has prepared guidelines of one door policy at all districts hospitals with the objective of providing support to victims of gender based violence. The government took an important women-friendly step by granting pardon to women serving jail terms for resorting ot abortion.

Though the government have taken initiatives to draft a bill against marital rape and sexual harassment of women at workplaces, they are still under discussion and debate. Though Domestic Violence Act 2066 has been enacted, police is hesitant to implement it saying that it will be easy to register a case under the Public Offense Act. Verdict on the case filed under public offense will be given within a short time frame through a process initiated from the DAO, however, under Domestic Violence Act, it takes longer time to give a final verdict in a case because the case can be filed both in the court and with the police. The police are not concerned on differences between nature of crime and punishment under these two Acts. Police try to settle the case of domestic violence by forging agreement of both accused and the victim. However, it is duty of police to prosecute those involved in serious cases of domestic violence.

In the third periodic report submitted by the government to the UN Economic, Social and Cultural Rights Committee this year, the government has

claimed that it has implemented these rights by making separate policies that aim to realize and protect the rights of marginalized groups. The Government has also claimed that the three year-human-rights national action plans have also promoted human rights.

The committee CEDAW, after reviewing the periodic report of Nepal, made some recommendations to Nepal. Giving its responses to the joint fourth and fifth report, the Committee recommended removing terms and conditions while filing cases pertaining to sexual violence in order to increase the access of women in connection with incidences of rape and sexual violence. The Committee also recommended increasing the numbers of teachers in educational institutions. In this context, the government had aimed at appointing women teachers in vacant posts in order to maintain gender balance in teaching sector in the budget for the fiscal 068/69.

The country's economy has been supported by remittance sent by people of working age. However, significant portion of that work force, the women have been going to foreign countries illegally to work as domestic help and caregivers. There is no possibility to help women working in foreign countries in cases of physical and mental exploitation when they have living there illegally. Foreign Employment Act has given some protection to those workers going to the foreign land legally; but not for women, who go to foreign countries illegally. They are borrowing money on high interest and also not getting right information from the brokers.

Undocumented women are also deprived of enjoying the facilities entitled by labor laws of the foreign country in which they are working. The government has been unable to appoint labor attaché in the countries where larger number of

Nepalis are working.³⁴ Though, it is not mandatory from a legal perspective, the discriminatory practice of asking women to produce a letter of approval signed by their family members is demanded by the immigration officer.³⁵ Given the context, the CEDAW Committee recommended for the creation of an environment of safety for women travelling to foreign countries and their protection in the foreign land. The Committee also recommended taking strict action against brokers involved in sending women to foreign countries illegally and with false promises.

11.5 Enforcement of Act Against Caste based Discrimination

The government decided to mark June 4 as the National Day for Elimination of All Kinds of Caste-Based Discrimination. Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011 was enacted on June 1. According to this Act, a person cannot discriminate against any person on the basis of tradition, religion, culture, rituals, caste, race, ethnicity, community and profession. The Act further states that the accused can be imprisoned for a period ranging from three month to three years or charged with a fine ranging from Rs. 1,000 to Rs. 25,000 or both; depending on the severity of the case.

Those involved in instigating and abetting a crime will be liable of half of the sentence and if any person holding a public post is involved in the crime, he/she will have to bear additional 50 per cent of the prosecution. A provision in which the perpetrator has to provide Rs. 25,000 to Rs. 100,000 to the victim has also been stated in the Act. This has been seen to be

a positive step. This Act is applicable to any Nepali, who discriminates against another Nepali on the basis of caste in any part of the world. Various provisions made under this act show that the government has taken up the issue of caste-based discrimination very seriously.

11.6 Additional Jurisdiction of Lower Courts

Each individual has a right to independent hearing. If any citizen is arrested on any suspicion of any crime, hearing and decision of the case should take place independently, promptly and fairly. The accused is presumed innocent until proven guilty. It is the duty of police administration and the court to respect these rights of individual. These rights have been given greater importance in national and international human rights documents.

The government has amended the following provisions of rights under these provisions. The legal provision mentioned in Judicial Administration Act, Some Nepal Acts Amendment Act, Civil Rights Act, 2012 section 16 (1) in which the person arrested or detained may file a habeas corpus petition on his/her own behalf or on behalf of any other person, , before the Court of Appeal or District Court, on section 17 (1) in case there is reasonable doubt of infringing any of the rights, guaranteed by this Act. The writ petition now can be filed before the court of Appeal or District Court as per the amended section 7 of the Judicial Administration Act, 1992.. The District Court shall have powers to exercise habeas corpus and prohibition order if any officials or authority infringe the legal rights of any individual within its jurisdiction and similarly, mandate of

34. Human Rights Watch. Summary Report, January 2012, p 4

35. Briefing to the UN Committee on the Elimination of Discrimination against Women which was Jointly submitted by amnesty international, Kav La'Oved and Pourakhi at the 49th session in July 2011

mandamus, certiorari, Quo warranto order are also expanded to Appellate Court jurisdiction.

In Nepal, it is a well-established fact that even the general cases will take it long to be resolved. The Judiciary has been focusing on the resolving the cases promptly. On the last fiscal year, the Supreme Court finalized 56% of cases. As the Supreme Court is the Court of Appeal, every year more cases are added increasing the time and cost of judicial process for both parties of the case. After the District Court are enabled to handle the writs as habeas corpus, will be more convenient for the the citizens and it will minimize the case burden at the Supreme Court.

12. New Voters' List

The major means of a citizen to affect the policy formulation process in a democratic government is by exercising his/her voting rights. Voting right is considered to be the most important right in international documents of human rights. The Article 25 of ICCPR has guaranteed an individual's right to fair elections. Under this right, the State fulfills its duty towards its citizens (Article 2), right to expression (Article 19), right to organization (Article 21) of its citizens. Though, fair and independent election is an important right of the citizens, there were incidences of irregularities during various elections held in Nepal in the past. It was found that non Nepalis also cast their votes during the CA elections. Landless, Mukta Kamaiyas among others could not register their names in the voters' list during the

CA polls held in 2008. It has been said that some Indian nationals also took Nepali citizenship certificates in the Terai region.³⁶

Learning from the practices of neighboring countries, the Election Commission initiated an effort to update the voter's list with photographs and finger imprints of voters to issue the voter's identity card. It is hoped that this move will help in checking some irregularities during the elections.

The EC decided to update the voters' list with photographs of voters in three phases from all districts by Mid-July; however, the collection of voters' list was obstructed in some Tarai and eastern hilly districts. Madhesi parties objected after the EC made it mandatory to produce citizenship certificates to make the voter's identity card. The case was moved in the Supreme Court. In its rulings, the Supreme Court decided the citizenship certificates were mandatory to get enlisted in voters' roll. The Court also asked the government to facilitate the citizenship distribution process. The updating of voters' roll went on without much hitch after that. Though the government did not make a special provision to provide citizenship certificates, numbers of those registering their names was over 8m till Mid-July, the EC said³⁷. The distribution of photo ID began in seven VDCs of Solukhumbu, Rupandehi, Dang and Dadeldhura districts. According to acting chairperson of EC, Nilkantha Upreti, among the new registered voters, 52 per cent of women and 100 were third gender people.³⁸ It has been stated that anyone whose name is not registered in the voter's list can register his/her name as per

36. The Carter Center, Observing The 2008 Nepa Constituent Assembly April Election, 2008 http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportNepal2008.pdf, November 26

37. National Election Commission. Press Statement. July 26, 2011, http://www.election.gov.np/NP/detail_news.php?id=50, accessed on November 26

38. "Nepal Election Commission Among Best Five", http://www.myrepublica.com/portal/index.php?action=news_details&news_id=35239, Accessed on December 9

convenience as the updating of the voter's list will go on regularly.

13. Right to Health: Government Apathy

The government has allocated 6 per cent of the total budget for health sector this year. There are 98 doctors available for the entire population of 100,000 in Kathmandu. However 2.5 doctors are available for same volume of population in the country³⁹. Less than half of the number of doctors of the actual quota is working in the districts and there are many vacant positions in the districts. According to one source of data, of each 10, 000 newborns, 44.54 die, of each 100,000 pregnant women, 380 die while giving birth to their newborns. Only 13 per cent of pregnant women give birth to their newborn with the help of trained health workers and only 3 per cent of poor population have access to health facilities.(See, District Profile: Bajura)

With an intention of treating those injured in road accidents, Trauma Center was constructed in the premises of Bir Hospital in Kathmandu three years ago. However, the reason behind the non-operation of the Centre has not been known yet. The government has stated that it will draft an immunization bill with the view to integrate vaccination programs, to mobilize international support received for immunization effectively and formulate necessary legal provision, however, there is no concrete ground for its timely implementation.

14. Sorry State of Prisons

Various international human rights documents mention that prisons should be run, not as torture houses or as places of punishments, but they should be developed as reform houses so that anyone serving

a jail term could live a simple life in the society even after serving their jail term. The documents state that inmates should enjoy every right entitled to an individual except for some rights that get affected by the detention. Inmates are entitled to the right to life, freedom from torture, right to education and right to security while they also have the right to seek remedy in cases their rights are being violated. UN Human Rights Committee in 1992 stated that it is duty of the State to give special attention to inmates in addition to protect them from torture and using them for any other purpose. Nepali Prison Acts and Regulations clearly state that the jail inmates should receive humane treatment. They are entitled to rights to food, drinking water, sanitation, healthy entertainment, and necessary medical treatment. INSEC has been regularly monitoring jails and it has been found that inmates are facing multiple problems like unavailability of drinking water, leaking roofs, insufficient toilets and so on as almost all jails are overcrowded. Sometimes, inmates have died due to lack of treatment. (See, Morang under district-wise description of this book.)

Although, there is a provision of keeping the convicts and detainees separately as per Clause 6 of Prison Act-2019 and Clause 16 states that the accused who are convicted for three years of jail term can be permitted for community services if they wish so, this provision is hardly practiced. Lack of adequate number of prisons has affected government's concept of open jail beginning with the one in Nepalgunj. Responding to a writ petition filed at the Supreme Court seeking prison reform, a direction was issued to the government on May 22, 2001, telling the government to provide basis facilities as per the national and international standard but

nothing has been done in this regard till date.

The supposedly reform house are turning into schools of criminal activities. Tarun Dal Chitwan chairperson Shiva Paudel, who was remanded into the custody of the District Jail, was attacked in his cell. UML affiliated YAN wer were accused of being involved in the attack. Paudel died while undergoing treatment after a few days. Yunus Ansari, the proprietor of National Television was attacked inside the jail on March 10. An Indian professional criminal fired at him inside the jail. A three-member commission led by former justice of Supreme Court Rajendra Kumar Bhandari was formed on March 30 to probe into the attack and the Commission submitted its report on June 9. The Commission suggested installation of modern security equipment, revision of the prisonsecurity system and the structural improvement of the jail. The government formed a taskforce led by UCPN-M CA member Devi Khadka on December 27 with the objective of reviewing the management of prisons, improvement of infrastructures and review of policies regarding the remand period of inmates, jail transfer of central jail and pardon along with the viability of open jail. The taskforce was asked to present its report within two months. Courts and the Commission had given various suggestions to improve the condition of jails in the past as well but were hardly even implemented.

15. National Human Rights Organizations

15.1 National Human Rights Commission

The Interim Constitution has recognized the NHRC as a constitutional body but it is yet to be an autonomous body in the real sense. The NHRC officials

including NHRC chairperson acknowledge this situation.⁴⁰ The commission is plagued with problems of government control and also has a problem in its staffing. The dispute over the recruitment of the staffs is lingering and the issue could not be resolved this year.. NHRC received a total of 345 complaints related to human right violations between July 17, 2010 and July 16, 2011. The cases include killing, disappearance, abduction, torture, threat and illegal detention. Incidences of property capture, internal displacement, discrimination, extortion, hindrance to enjoy economic and social rights, violation of women rights, child rights, rights of Dalit and indigenous people were also recorded in the period.

NHRC monitored 179 times for protection and promotion of human rights while investigated in 311 times. It made recommendations on 146 complaints and 596 complaints were settled while seven were scrapped and 13 remain on hold. As per the information provided by PMO on May 26, 121 (28 %) recommendations were implemented completely, 236 (55 %) were implemented partially and 79 (17 %) left unimplemented.

15.2 National Dalit Commission

The government has tabled a motion to upgrade the status of National Dalit Commission as an authoritative body by amending the Bill on Establishment of National Dalit Rights Commission, 2066. The government has also begun the preparation for joint 17th, 18th and 19th report to be presented at the CERD Committee. The Commission plans to raise awareness on the enforcement of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011 and

40. Free and Autonomous NHRC Sought, <http://www.inseconline.org/index.php?type=news&lang=en&cid=8064>, accessed on April 22

other issues including and pro-dalit rules and regulation, mobile judicial service and conduct research on communities of Dom, Musahar, Badi and Gandharva after formation of work groups.

This year, of a total of 14 complaint are concerned with racial discrimination and untouchability, a total of four cases are related to rape, a total of 17 are related to inter-caste marriage and a total of 12 cases are related to women violence. National Dalit Commission generally first investigates the filed cases. If they are within its jurisdictions, it resolves them and if they are not, it furthers the case to concern agencies. It has been organizing different programs such as press release, press conference to draw the government's attention towards the promotion and protection of Dalit Rights.

15.3 National Women Commission

National Women Commission has conducted several researches on several women related problems. It has also been monitoring the situation as a member of UN Resolution 1325 and 1820 implementation commission. On the fiscal year 2010/11, 178 complaints of domestic violence and 112 complaints of women violence were registered at NWC. Of the complaints, NWC has been mediating to settle some complaints, recommending to concerned bodies, providing legal support and psychosocial counseling. From studies of news and articles published in various newspapers, NWC has media monitoring which found 125 incidences of sexual violence, 105 incidents of human trafficking, 104 incidents of killing, 73 incidents of domestic violence, 88 incidents women rights violation occurred due to social ill practices in 2011. The commission conducted fact finding missions and recommended the government for action against those perpetrating violence against

women including torturing women on charge of being witch, sexual mistreatment and gang rape among others.

16. Conclusion

Peace, development and human rights all featured among the commitments of all governments formed in 2011. The transfer of the keys of weapons containers, the formation of the Special Committee and the re-verification of Maoist combatants were some positive steps taken by the government with regard to such commitments in 2011. However, the problem of political instability, the priority given to power sharing, the prolongation of the peace process and instances of corruption disappointed the people. The PMs remained occupied by protecting their government while the third PM of the year, Dr. Baburam Bhattarai placed a burden on people by forming the biggest Council of Ministers ever formed in the country. Additionally, questions were raised over the power and independence of the judiciary. The government recommended that persons convicted by the Supreme Court be granted an amnesty: a blatant example of impunity. The government boasted about fulfilling its duties in relation to transitional justice after they increased the interim relief provided to conflict victims. Though some policies were formed for security and the rights of women and children, it is certain that they will not be implemented effectively. There is some sense of peace in the Madhes region; however, problems with Madhes have not yet been completely resolved. Several mechanisms of a political nature will also remain unresolved if the government does not commit wholeheartedly to remedying them at a time when the peace process has not gained the desired momentum. It was envisaged in the Interim Constitution that political parties would move ahead together in solidarity. If any political party is excluded from government, they

consequently feel that other parties in government are neglecting them and they then start to make protestations to the government that it demonstrate their presence to the people. However, such actions will not prevent the government from carrying out its regular duties effectively.

Various steps taken by the government have raised questions over the existence of justice and the rule of law in the country. Victims of the armed conflict were re-victimized as genuine efforts to establish transitional justice mechanisms have not yet taken place. The formation of the TRC and the Commission on Disappearance will be meaningless if the government continues to withdraw cases against perpetrators of human rights abuses. Similarly, it will be pointless if the would-be-formed TRC is vested with the power to make decisions on all conflict related cases. The government's decision to grant amnesty to those accused of committing crimes during the conflict is futile as the Supreme Court has already stated that conflict related cases can be solved within the established legal system.

The government created a number of good policies this year but there are several grounds for suspicion with regard to their implementation. The government decided to restrict the imposition of strikes in 16 different sectors including transportation, storage, distribution and supply of petroleum products, health services, collection, supply, processing and disposal of garbage, construction sites, development of infrastructures and collection centers. However, an end to school bandhs has not occurred nor has the government intervened when there has been an obstruction in the transportation sector during strikes. The government has to do a lot in practice in the sector of women rights, child rights, Dalit rights and the rights of persons with disabilities among others.

17. Suggestions

- Anarchic circumstances have been created as crime has shadowed justice, and impunity has dominated every sector in the country. Instead of politicizing crimes, the government has to formulate new plans, boost the morale and confidence of the security personnel and equip them with resources.
- It is the responsibility of the government to implement laws and judgments when the court gives human rights friendly verdicts. There will be a lack of trust between the judiciary and the organs of the State if justice is not delivered to victims, or if they are more re-victimized when justice is delivered to them only on paper. To do so would not be beneficial to the development of a peaceful nation and thus the government should respect and implement the decisions of the courts.
- The government has not taken any concrete steps to ratify the Rome Statute even though five years have elapsed since the then reinstated House of Representatives had directed the state to accede to the Statute. The Rome Statute should be ratified without further delay as its ratification will not only improve the internal image of the nation but its ratification will act as a deterrent to those who consider violating human rights in the future.
- The government decided to provide compensation to victims as per the recommendations made by the NHRC after August 4, 2009. Only 28 per cent of the NHRC recommendations have been implemented so far. All recommendations of the NHRC should be implemented without further ado.
- Though some progress has been initiated in the management of the army, which is considered to be an important part of the peace process, there is dissatisfaction

between the UCPN-M and the Maoist combatants is evident. Attempts to resolve the grievances of discharged Maoist combatants should be made as further problems will be created if decisive action with regard to their situation is not taken .

- Civilians have encountered several problems owing to the fact that there are no elected representatives in local bodies.

The presence of elected local bodies will make people feel a sense of presence of State on a grassroots level and their presence will also make it easier for the government to provide services and facilities under social security programs. Thus, the government should prepare for elections of local bodies to provide relief to the citizenry at a local level.





3.3 State & Human Rights

Chapter

Legislature &
Human Rights

3

Chronology

(January 1 - December 31, 2011)

January 13

A proposal submitted by CA member Narayan Kaji Shrestha to constitute the 'Draft Committee to Amend the Rule of Procedure of Legislature-Parliament' unanimously approved.

January 25

A proposal submitted by Ekraj Bhandari, chairperson of 'Draft Committee to Amend the Rule of Procedure of Legislature-Parliament' is passed by a majority vote

January 27

The Speaker informs that the election of the Prime Minister will take place on February 3 as per Article 38(2) of the Interim Constitution 2007 and Rule 7 (2) of Legislature-Parliament Rules, 2008

February 3

The Speaker informs that proposals to elect CA members Jhalanath Khanal, Ramchandra Poudel, Pushpa Kamal Dahal and Bijay Kumar Gachchhadar were received

The Speaker announces that CA member Jhalanath Khanal has been elected as Prime Minister

February 14

CA member Ram Sharan Mahat demands that the government inform the House regarding the UCPN-M cadres not returning the property captured during the armed conflict and the capture of 300 bighas of land by UPCN-M cadres at Bardiya

February 15

Deputy PM and Finance Minister Bharat Mohan Adhikari's proposal

of Finance Bill, 2011, Appropriation Bill, 2011, Loan and Guarantee (18th amendment) Bill, 2011 unanimously passed

February 20

Chairperson of Committee of International Relations and Human Rights Padmalal Biswakarma presents 'Report on Review of the Mandate of International Relations and Human Rights Committee 2011' in the Legislature-Parliament

February 24

Proposal for endorsement of 'United Nations Convention against Corruption' unanimously passed

March 9

Opposition party leader Honorable Ram Chandra Poudel draws government's attention regarding the formation of SRC

March 11

CA chairperson directs the government to inform the House regarding the shooting at inmates in central jail in its next sitting

March 13

PM Jhalanath Khanal addresses the House informing that the government is serious in providing security to its citizens

March 15

CA member Laxman Ghimire seeks government response regarding the manhandling of Director at Bharatpur Cancer Hospital, Dr. Bhaktaman Shrestha

Deputy PM and Minister for Information and Communications Krishna Bahadur Mahar informs that the government is serious in addressing the dispute in the operation of the hospital

March 23

Accusing the government of not being serious towards the House's concern

regarding the incident in Bharatpur Cancer Hospital, CA member Kamala Pant draws the government's attention toward the issue.

The Speaker directs the government to inform the House regarding the incident in its next sitting

March 30

Seeking explanation from the PM regarding the dispute over the director of Bharatpur Cancer Hospital, resignation of the Secretary of Finance Ministry and seriousness of bomb blasts inside public vehicles in various parts of the Tarai, NC lawmakers disrupt the House proceedings

April 11

CA member Ram Sharat Mahat asks for the government's opinion regarding the deteriorating security situation of the country and the attack on locals by the Maoist combatants from Shaktikhor cantonment

April 17

CA members Bishwendra Paswan and Rukmini Chaudhary condemn the non-inclusion of the Bill on amending "Some Nepal Acts" to make some public services inclusive in the schedule of the House.

April 19

CA members Bishwendra Paswan, Buddha Ratna Manandar and Sadarul Miya Haq chant slogans in front of the Speaker's seat after CA member Rukmini Chaudhary protests saying that Bill on amending 'Some Nepal Act' to make some public service inclusive was not tabled for discussion. House adjourned

April 22

House Session concludes

May 2, 8, 10, 15

CA members Bishwendra Paswan, Buddha Ratna Manandar and Sadarul Miya Haq chant slogans in front of the speaker's seat House adjourned

May 28

Interim Constitution of Nepal (9th amendment) passed by a majority vote

The five-point agreement between three main parties approved

June 13

Accusing the government and three main parties of neglecting the demands of Dalit, Muslim, OBCs and Indigenous Nationalities, CA members Bishwendra Paswan warns to disrupt the House proceedings if they failed to address their demands within four days

June 19

The Speaker suspends CA members Bishwendra Paswan, Rukmini Chaudhary, Buddha Ratna Manandar and Sadarul Miya Haq for seven days for disrupting peace, order and discipline in the House

July 3

PM Jhala Nath Khanal submits the Policies and Programs of the government for the fiscal year 2011/12 to the President

President Dr. Ram Baran Yadav presents Policies and Programs of the Government for fiscal year 2011/12

July 15

Deputy PM and Finance Minister Bharat Mohan Adhikari tables 'Finance Bill 2011'

July 16

Deputy PM and Finance Minister Bharat Mohan Adhikari tables 'Appropriation Bill 2011'

July 24

Chairperson of Women, Children and Social Welfare Committee Sandhya Devi presents 'Report on Problems and Situation of Freed Kamaiya, and Kamlari 2011', 'Report on the Problems and Situation of Women of Badi Community 2011', 'Report on Problems and Situation of Haliyas', and 'Fact-finding Report on the Criteria to open Nursing and General Medical Science College/Institutions 2011'

July 25, 26, 27, 31, August 2, 7, 8

House adjourned after NC lawmakers disrupted proceedings demanding implementation of the five-point agreement between three parties on May 28

August 10

Deputy PM and Finance Minister Bharat Mohan Adhikari addresses House on behalf of the PM on issues of public importance

August 15

PM Jhalanath Khanal informs the House about the reasons for his resignation

The Speaker informs members that Jhalanath Khanal's council of members will continue to function until the formation of the new government.

August 28

The Speaker informs that two proposals to elect CA members Baburam Bhattarai and Ram Chandra Poudel for the post of PM had been received

The Speaker announces that Dr. Baburam Bhattarai is elected PM by a majority vote as per the article 38(2) of the Interim Constitution of Nepal and Rule 7 (6) of Constituent Assembly (Legislature-Parliament) Rules of Procedure, 2008

August 29

Interim Constitution of Nepal (10th amendment) passed by a two-third majority

September 14

CA member Prakash Man Singh draws the government's attention regarding the Attorney General's remark on withdrawal of cases pertaining to the political nature of the armed conflict

October 12

Saying that the government was trying to give amnesty to the Minister for Land Reforms and Management, Prabhu Sah by not registering his case at the office of the district government attorney regarding his involvement in the murder of the then Chairperson of Bishwa Hindu Yuba Sangh Kashi Nath Tiwari, CA member Ram Chandra Poudel asks the government to remove him from the post and present him before the court.

October 16

The House adjourned after the CA members Bhim Bahadur Rawal, Mohammad Aftab Alam and Kamala Pant maintained that opposition parties could not remain mere spectators without protesting against unruly behavior and activities of the ministers

October 17, 18

The House adjourned after CA members Laxman Prasad Ghimire, Ramesh Lekhak and Raghurib Mahaseth protest against the government's move to grant amnesty to the UCPN-M lawmaker convicted of murder and demand resignation of the Defense Minister for his controversial remarks on national integrity

October 19

PM Baburam Bhattarai informs that Minister for Land Reforms and Management Prabhu Sah and Defense Minister Sharat Singh Bhandari had been removed from the post according to the recommendation of the their parties

November 11

CA Members criticize the large size of the minister of councils and government decision to grant mass amnesty to those convicted by court

Proposal on Interim Constitution of Nepal (11th Amendment) 2011 unanimously approved

November 29

Proposal on Interim Constitution of Nepal (11th Amendment) 2011 passed by two-third majority

December 16

Saying that there were efforts to give political protection to the murder of a teacher Bipeen Bastola of Solukhumba by portraying it as a suicide, CA member Lucky Sherpa draws the government's attention to the issue.

Dalit CA members Bishwendra Paswan, Shambhu Hajara Dusadh and Puran Singh Dayal draws the government's attention on the killing of a dalit in Kalikot for entering a kitchen.

Chairperson of Statue Committee Yasoda Gurung (Subedi) presents "Report of Statute Committee on National Human Rights Commission, 2011"

December 29

PM Dr. Baburam Bhattarai addresses House regarding the murder of the dalit person at Kalikot district.



1. Background

The Legislature-Parliament conducted a fruitful election this year after amending its rules of procedure. The same Legislative-Parliament had failed to elect a Prime Minister on 16 occasions. People's voices could not be expressed in the Legislature-Parliament as the obstruction of the House and government formation process affected its operation. Jhalanath Khanal and Dr. Baburam Bhattarai were both elected for the post of Prime Minister by the Legislature-Parliament during the year. Satisfactory progress was not achieved in the peace process and constitution writing this year due to power struggles and indifferences among the political parties in the governments led by both Prime Ministers.

The term of the Constituent Assembly (CA) was extended three times in 2011. Though the life of the CA, which also works as the Legislature-Parliament, was extended repeatedly, small and even big political parties did not hesitate to obstruct the House and important bills could not be passed as a result. The political parties had agreed to complete the main tasks of the peace process, prepare the draft constitution and form a consensus government, among other agreements, within three months after the term of CA was extended by three months for a second time. However, none of these agreements were implemented, even by the end of the year. The regrouping of the Maoist combatants and the formation of the State Restructuring Commission (SRC) took place after the third extension of the CA. Before the fourth extension of the CA, the Supreme Court (SC) ordered not to extend the term of the CA more than six months for the last time.

Amid the differences among the political parties bills related to the formation of the Truth and Reconciliation Commission (TRC) and Commission of

Inquiry on Disappearances (CID), which were envisioned in the Comprehensive Peace Accord (CPA) and Interim Constitution, they could not be passed by the House this year. The Legislature-Parliament ratified three conventions and passed the Caste-based Discrimination and Untouchability (Crime and Punishment) Bill, 2011.

Various committees of the Legislature-Parliament were active in addressing irregularities in various sectors and issues of concern. These committees investigated various incidents and directed the government agencies to take appropriate steps while offered recommendations through reports concerning other incidents.

Legislative-Parliament's Zero Hour and Special Hour which are significant in drawing the attention of the government to issues of public importance were ineffective this year. The Speaker removed these Hours from the list of House business due to CA member's obstruction. Some CA members drew criticism this year too for their irresponsible conduct. Negative messages about the Legislature-Parliament were relayed as the some CA members were found to be involved in corruption and criminal activity

For the first time after the CA elections, the budget of the fiscal year 2011/12 was presented in time in the Legislature-Parliament. The budget, presented by Finance Minister Bharat Mohan Adhikari on July 15, was passed only two months later due to various reasons, including the government formation.

Speaker Subas Nembang, who was criticized last year for giving continuity to the endless election for the post of PM, conducted regular meetings with the top leaders of main political parties to end the political stalemate and to advance the peace and constitution process this year.

He drew the government's attention on the contemporary issues raised by CA members. He also issued a ruling to the government to inform the Legislative-Parliament about various issues, including women's participation in cabinet, damage incurred by the earthquake and relief efforts.

2. Repeated Extension of CA Term

The life of the CA was extended at the eleventh hour three times this year. For a second time, the term was extended by three months following a 5-point agreement between the main parties at 4 am on May 29. UCPN-M chairperson Pushpa Kamal Dahal (Prachanda), NC president Sushil Koirala and UML chairperson Jhala Nath Khanal signed the agreement. Extension of the CA term was uncertain after the main parties made their demands an issue of dignity. The term had to be extended again as the constitution could not be drafted during last year's extension. There was further dispute this year while extending the term because the agreement made during last year's extension to complete the peace process was not realised. The UCPN-M and UML were in favor of the extending the term by six months; however, it was extended by three months after NC was adamant that the constitution could not be drafted until there was a solid ground for completion of the peace process. The CA term was then extended by three-months after a ninth amendment to the Interim Constitution was passed by the Legislature-Parliament at midnight. The government motion to pass the amendment to extend the CA term got 508 votes against four votes. RPP Nepal's objection to the amendment bill was rejected by a majority vote. The bill was later passed after annulling the "72-hour time for notice" rule.

At a time when the draft of the new constitution should have been presented

after completing the fundamentals of the peace process, the parties extended the CA's tenure by three months for third time on August 29. The parties, who could not reach a consensus on the peace and constitution processes as per the 5-point deal reached during the extension of May 29, extended the term according to "the doctrine of necessity". The term was then extended until November 30 after an amendment was made to the Interim Constitution. 537 votes were cast in favor of the extension and four opposed it. Only RPP-N voted against the extension. The CA term was extended after three meetings were held that same day after the 72-hour notice time to register the amendment to the amendment bill was annulled.

There was little progress in the peace and constitution processes except for the regrouping of the Maoist combatants and the formation of the SRC after the third extension of the CA. The peace process moved forward after the 7-point understanding was reached between the main three parties and Samyukta Loktantrik Madhesi Morcha (SLMM) on October 1. They agreed to extend the CA in order to take the peace process to a conclusion. Though the change of government was a pre-condition for the extension of the CA during the Madhav Kumar Nepal and Jhala Nath Khanal led governments, all parties were unanimously in favour of the most recent extension. The government registered a motion to extend the CA term by six months at the Legislature-Parliament on November 24. The objection notice issued by RPP-N was rejected by a majority vote and the proposal to discuss the constitution amendment bill was passed. Though the government had registered the motion for the extension of the CA, the political parties were in dispute over the duration of the extension. Their options were limited following the SC

verdict. With the fourth extension, the CA's term will be until May 27, 2012. During the voting on the bill relating to this term extension, 505 CA members voted in favor and three were against it. Dissatisfaction with the CA members and parties increased among the people as no concrete progress was made in the peace and constitution processes despite the repeated extension of the CA term.

2.1 Constitutional Challenge for the Extension

Responding to a petition that claimed that the 1-year extension on the CA term was unconstitutional, the SC on May 25 issued an order not to extend the CA term by more than six months. The full bench of Chief Justice Khilaraj Regmi and Justices Damodar Prasad Sharma, Ram Kumar Prasad Sah, Tahir Ali Ansari and Kalyan Shrestha gave the verdict that the CA term could be extended up to six months according to the doctrine of necessity if the constitution could not be drafted despite "maximum efforts". Claiming that there was no need to discuss the demand to dissolve the CA as 11 months and 28 days of the extended period had passed, the SC quashed the petition. The same bench over-ruled the verdict as the CA term was said to be valid until the new constitution was presented by a three-member special bench, including Justice Balram KC.

Another petition was filed in the SC on July 6 in which it was claimed that the May 28 extension of the CA was unconstitutional. A five member bench, including Chief Justice Khilaraj Regmi, quashed this petition too during its final hearing on August 28. The SC validated the May 28 extension of the CA as it was of the view that it was appropriate according to the doctrine of necessity. Responding to the petition filed against the August

29 extension, the SC on November 25 delivered the verdict that the CA could be extended for one last time and that it would be dissolved automatically if the constitution was not drafted in the extended time. A five member special bench comprising Chief Justice Khilaraj Regmi issued a directive to hold fresh elections or to hold a referendum as provisioned in the Article 157 of the Interim Constitution.

The SC held that the CA term could be extended for one last time since the additional six month time provided by Article 64 of the Interim Constitution had expired and the constitution had not been drafted in the additional time allowed according to the doctrine of necessity. The SC also ordered that the CA term should not be extended by more than the period allowed by Article 64 of the Interim Constitution. At a time when the parties were divided on whether to extend the CA term by three or six months, the term was extended by six months on November 29 after the SC issued a directive.

Reacting to the verdict of the SC, the CA members, while addressing the House, accused the it of going beyond its jurisdiction and that the verdict was against the doctrine of the separation of powers. Prime Minister Baburam Bhattarai, on behalf of the government, and Speaker Subas Nembang on behalf of the Legislature-Parliament, tried to file an application for the review of the SC ruling on December 27. But, the SC refused to register both petitions. CA members and political parties criticized the SC move stating that it was in breach of the legislature's rights.

3. End of Unproductive Election

After 16 rounds of fruitless elections for the post of Prime Minister, NC leader Sher Bahadur Deuba withdrew his proposal to elect NC parliamentary party leader Ram

Chandra Paudel from the next election due to take place on January 12 according to Rule 22 of the Legislature-Parliament Rules of Procedure. An agreement was reached to end the unproductive election by amending the rule. The election with Ram Chandra Paudel as the only candidate turned futile as CA members from various parties remained neutral. Following the SC directive that the CA members could not remain so, it was certain that another candidate would get a majority vote.

To make the elections for the PM successful, the CA (Legislative-Parliament) Rule was amended on January 25 with the addition of some new provisions to the PM election process. The new provisions allowed a candidate to secure a simple majority vote even if a single candidate files nomination for the prime ministerial post. In cases where multiple candidates were running, all the nominations were to be tabled collectively in the House for review while legislators would have the option of only a 'yes' vote and could not abstain from voting. All the candidates are to be given a second chance to prove a simple majority in the second round. If that failed, the two contestants who secured the highest number of votes were to compete in the third round. The voting process was to be terminated and a new process started if the House failed to elect the new PM by the third round of votes, thus ending the possibility for inconclusive elections to be held for an indefinite period.

Though some small parties protested the amendment, the rule paved way for the political parties, who could not select a PM by consensus, to elect the PM through a voting process. Jhalanath Khanal was elected the PM in the election held according to the amended rule on February 3. Khanal secured the votes of 368 out of 557 legislators while Ram Chandra Paudel was supported by 122 legislators and Bijay

Kumar Gachchadar by 67. The political parties who had handed the country over into the hands of the caretaker government for seven months finally held a successful election.

PM Jhalanath Khanal resigned from his post on August 14 after failing to yield concrete developments in peace and constitution processes. Addressing the House the next day, Khanal alleged that the peace process could not advance due to the UCPN-M and NC. PM Khanal had agreed to step down from the post during the May 28 extension of the CA term. After Khanal's resignation, President Ram Baran Yadav on August 15 called on parties representing the CA to form a government by political consensus within a week according to the Interim Constitution. The president gave a three day extension to his deadline upon the parties' request after they failed to form a consensus government within the time initially stipulated.

The president sent a letter to the Legislature-Parliament to start the process of forming a majority government as per the Article 38 (2) of the Interim Constitution after the efforts to form a consensus government were unsuccessful within the added time. The Legislative-Parliament Secretariat fixed August 28 for the election of the PM. CA chairperson Subas Nembang issued a ruling not to be absent in the meeting for the election of PM and not to abstain from voting.

UCPN-M candidate Dr. Baburam Bhattarai was elected the PM after securing the votes of 340 CA members. His opponent Ram Chandra Paudel received the support of 235 legislators. Bhattarai's victory was confirmed following a 4-point deal reached on the morning of the election day between the UCPN-M and Loktantrik Madhesi Morcha, the alliance of MJF(Loktantrik), MJF(Ganatantrik), TMDP, TMDP Nepal and Sadhbhawana

party. The two sides agreed to complete the peace and constitution processes and to address the Madhes issues. *(See chapter Highlight of the year of this book)*

4. Constitution Drafting at a Snail's Pace

The drafting of the constitution received a setback as the peace process failed to advance during the year. Despite some progress in its functioning as Legislative-Parliament, the progression of the CA in its main task of completing the constitution was disappointing. The UCPN-M was adamant that the peace and constitution processes be concluded at the same time although to do so was against the terms of the CPA and Interim Constitution. Both had envisioned the intergration of ex-combatants would bring an end to the peace process within six months after the process begun and the completion of the constitution within two years. Owing to differences between political parties, both processes could not move forward as expected. The CA time table was amended numerous times as disputes arose between the parties on issues which they had previously agreed on. The constitution drafting process was obstructed after top leaders of the main parties did not appear in most meetings of the Constitutional Committee and the Dispute Resolution Sub-Committee. The CA forwarded reports of six thematic committees to the constitutional committee after eight months of its first extension was passed on January 26.

Reports of the Committee on the Determination of the Bases for Cultural and Social Solidarity, Committee on Fundamental Rights and Directive Principles, Committee on the Determination of the Form of the Legislative Organs, Committee on the Determination of Form of Governance of the State, Committee on Judicial System and Committee for the Protection of

National Interests were submitted to the Constitutional Committee this year. Reports of the Committee on Division of Natural Resources, Financial Powers and Revenue, Committee for the Protection of Fundamental Rights of Minority and Marginalized Communities and Committee on the Determination of Structure of Constitutional Bodies were also submitted to the Constitutional Committee last year. The report of the Committee for the Restructuring of the State and Distribution of State Powers was not submitted as the parties were yet to reach an agreement on forming the SRC. The parties started discussions on contentious issues related to the constitution only after the second extension of the CA was about to expire. The parties wasted crucial time of the CA extension by making last minute efforts to reach agreements on the main contentious issues concerning the drafting of the constitution.

4.1 State Restructuring- Contentious Issue

Instead of forming the SRC, the parties agreed to form an expert panel to recommend on state restructuring in the 7-point deal struck on November 1. The Council of Ministers registered the 11th amendment bill of the Interim Constitution on November 4. According to the Article 138 of the Interim Constitution, the CA was to make the final decision and also consider the recommendations made by the SRC. Due to the delay in the formation of the SRC and the Madhesi parties' objection to its formation, no progress took place in this regard.

The UCPN-M and Madhesi parties had also agreed to form an expert panel from the CA for state restructuring in their 4-point deal reached before the formation of Baburam Bhattarai-led government. Saying that the expert panel was being formed to affect the report

of the Committee for Restructuring of the State and Distribution of State Powers, 78 legislators belonging to ethnic communities (Caucas) and 26 legislators of the UCPN-M and small parties registered a personal and group amendment against the bill.

The CA Committee on State Restructuring has proposed 14 provinces on the basis of identity and capability. The government formed an 8-member group as per the agreement among the four main political parties on November 23 after they failed to reach an agreement on the expert panel. Two members from three parties and Madhesi morcha were appointed members of the commission but they could not agree on the chairperson. The commission was mandated to prepare a report within two months in line with the concept and report submitted by the CA Committee for the Restructuring of the State.

The commission was not formed due to disputes among the parties even after three and half years of CA elections. Despite the provision in the Interim Constitution to form a Commission for State Restructuring, the parties agreed to form an expert panel. After dramatic developments, they again decided to form a commission. The government appointed Dr. Madan Pariyar only two weeks later after the formation of the SRC. Instead of appointing independent experts, the members of SRC were appointed on the basis of their political ideology. As the members might give priority to their political agendas, it may be difficult for the commission to submit a unanimous report.

4.2 Inert Dispute Resolution Sub-committee (DRS)

The DRS was formed under the Constitutional Committee (CC) to settle the differences in the reports submitted by the thematic committees of the CA. The

DRS comprising top leaders of main parties did not function actively this year. The meetings of the sub-committee coordinated by UCPN-M chairperson Pushpa Kamal Dahal was regularly called off. The CA time table was regularly affected as the DRS could not settle contentious issue related to the writing of the new constitution.

The DRS, which remained dormant during the CA's second and third extension, became active after the fourth extension of its term. The DRS meeting held on December 13 settled contentious issues, including those related to voting age, the electoral system, and provisions to make retroactive laws to treat those involved in crimes against humanity, war crimes and other human rights violations. It was also decided to write 'armed conflict' instead of 'people's war' in the preamble to the constitution. However, the constitution drafting process was obstructed again after some UCPN-M leaders objected on the issues which had been agreed upon and which were near reaching a consensus. Their objections regularly caused the meetings of the DRS to be unproductive.

Amid disputes within the UCPN-M, the top leaders of political parties re-endorsed past agreements on December 28. The DRS settled many contentious issues on the day of its deadline on December 30, except for the issue of state restructuring. The DRS endorsed the mixed form of government proposed by the task force. The draft of the new constitution could not be prepared as the DRS's decision needed to be endorsed by the full house of the CA through the CC.

5. Alert Legislative-Parliament Committees

Various committees of the Legislature-Parliament sought explanations from members of the Council of Ministers and the staffs of government agencies for different incidents and contemporary

issues.

The State Affairs Committee held meetings with the Home Secretary, Chief of Security Forces and administrative bodies regarding the March 10 prison firing and directed the concerned agencies to make proper arrangements. The committee directed the Home Ministry to prepare a strategy to immediately control criminal activity and submit it to the committee. It also advised the Home Ministry to adopt effective security measures and issue strong messages to notorious criminals.

The International Relations and Human Rights Committee directed the government to immediately take action against Parshuram Basnet of the Youth Association of Nepal and others involved in the attack of Biratnagar-based journalist Khilanath Dhakal. The committee urged the government to bear the treatment cost of Dhakal and not to spare anyone involved human rights violation.

The politicization of crime and criminalization of politics has become an issue of concern in present times. At a time when impunity is increasing due to the false tradition of pardoning party cadres, this move of the International Relations and Human Rights Committee should be lauded.

The committee sought information from PM Jhulanath Khanal on border security and human rights issues on April 7. PM Khanal informed that the agency's work plan had been implemented under the three-year Human Rights Commission workplan at the Home Ministry, in the Nepal Police, Armed Police Force and Jail Management Department during the fiscal year 2010/11. PM Khanal said that of the 187 recommendations made by the NHRC, the cabinet had acted by providing a compensation amount of Rs 12,640,000 to 104 persons and that 78 persons were in line to receive Rs 14,775,000. The

money was issued by the Finance Ministry. It was further stated that 10 NHRC recommendations were pending cabinet decision.

The practise of approving a government nomination even if only one legislator supports it in the parliamentary hearing of ambassadors, personnel of constitutional bodies and chief justice was annulled on August 22. According to the amended Rule of the Legislature-Parliament, the nominating body should send another candidate for hearing if the Parliamentary Hearing Special Committee rejects the candidate by a two third majority. Earlier, the nominated candidate would have been appointed unless rejected unanimously by the committee. The hearing process was established to make those holding public posts accountable and the appointment process transparent. The amendment allowed for decisions made in parliamentary hearings to carry weight.

The State Affairs Committee demanded an explanation from the Deputy PM and Home Minister Bijay Kumar Gachchadar regarding the promotion of three DIGs of APF and two members of the Nepal Police. The committee made the demand after lawmakers made the accusation that there were irregularities in the promotions and that the cabinet had ignored seniority in the process. The committee requested him to look into details of officers including their training, academic qualification, award, capability and departmental responsibilities.

The committees directed the government by expressing concern on issues directly and indirectly related to human rights this year.

6. Irresponsible Lawmakers

People's representatives entrusted with important responsibilities were found to be involved in corrupt activities this year.

Police arrested lawmakers Gayatri Sah of Janata Dal and Bishwanath Prasad Yadav of MJF (Ganatantrik) while they were exiting the CA building on April 19 for their involvement in the forgery of diplomatic passports. Police started to investigate the scam after two persons who were using the diplomatic passports were held in Abu Dhabi. The person using a copy of Yadav's passport said he paid Rs 16m for it in the course of interrogation. The duo charged under the Passport Act was granted bail by the Kathmandu District Court on May 6. Following the court's decision, police handed them over the Commission on Investigation of Abuse of Authority (CIAA).

The CIAA informed that Sah and Yadav were remanded in judicial custody for investigation by the Special Court's order on charges of corruption and misappropriation as it was revealed during interrogation that the duo was also involved in the forgery of government documents. Both lawmakers were released later after depositing a bail of Rs 1.5m each. UML lawmaker Naradmuni Rana was also arrested on July 4 on the charge of misusing his diplomatic passport. After being released from the District Court on bail, Rana absconded in the fear of being arrested by CIAA. MJF lawmaker Shiva Pujan Ray Yadav was also wanted by police on the same charge.

The regular business of the House was affected owing to the indifferences of lawmakers. The House sitting was called off on March 13 after the House failed to constitute a required quorum when Education Minister Gangalal Tuladhar presented a proposal to ratify the "Statue of the International Atomic Energy Agency" on March 13. Speaker Subas Nembang drew the attention of the government to the 'shameful situation' of calling off the house sitting due to the low attendance of the legislators. He called on the chief whips of

the main parties in his office and expressed concern over the lawmakers' indifference towards the House. The sittings were also called off after less than one-fourth of the total lawmakers turned up when the proposal to discuss "Criminal Code, 2067" and "Investment Board bill, 2065" was due to be held. The reality that lawmakers elected by the people are indifferent towards their duties is indeed shameful. It is essential that parties lead their members to fulfill their responsibilities in order to strengthen the Legislature-Parliament.

Bishwendra Paswan, the CA member from Dalit Janajati Party, threw a chair from the fourth floor of the Legislature-Parliament Secretariat building while a meeting of the Constitutional Committee was taking place on April 1. Paswan made a commendable gesture last year when he returned the amount he had received as an allowance. Paswan, along with independent CA member Sadarul Miya Haq, obstructed the CC meeting and tore apart the draft of the Committee on State Restructuring on March 31. Legislators Paswan, Rukmini Chaudhary, Budha Ratna Manandhar and Haq begun sloganeering in front to the chairperson's seat on June 19. They claimed that the commitment expressed by the PM with regard to their demands was abstract and that their rights were being encroached upon. They also stopped Local Development Minister Urmila Aryal while she was on her way to the rostrum to address the House. CA chairperson Nembang ordered the Marshals to remove the four lawmakers from the CA building for disrupting the peace, order and discipline in the House pursuant to Rule 46 of the CA Rules of Procedure. Nembang suspended the lawmakers for seven days.

MJF (Loktantrik) legislator Sanjay Kumar Sah broke three microphones inside the House on December 22 after claiming that the CA chairperson had not given him

enough time to speak in the Legislature-Parliament. CA chairperson Nembang considered his actions disrespectful, lacking discipline and destructive and thus decided to suspend him for 10 days. Moreover, he directed the House Secretariat to deduct the costs of the damages from Sah's salary.

There is no doubt that the course of action taken against lawmakers who behaved in a way that may be seen to have compromised the dignified operation of the CA will deter such incidents from occurring in the future. However, news of other CA members behaving irresponsibly also surfaced from various media sources. UCPN-M lawmaker Indramati Yadav was arrested while hooking an electricity line in Kapilbastu. CPN-UML lawmaker Ram Chandra Jha was found drunk in a cabin restaurant. CPN-ML lawmaker Sharada Nepali, created a scene at Pushpalal Chok in Nepalgunj while intoxicated. Such behaviour tarnished the image of political parties, CA and Legislature-Parliament. UCPN-M lawmaker Bal Krishna Dhungel participated in the House sittings freely despite being convicted for murder by the SC.

Though the lawmakers were not active in drafting the constitution, they showed much interest in accepting the CA allowance. They pocketed a total of Rs 133.2m between them in allowances, even for days in which no House sittings was held and days in which they were absent. Only 54m should have been spent even if all the CA members were present in all 420 sittings.¹ Instead of showing the decency to return unearned allowances, the CA members hungered for more and were criticized publically for doing so.

7. Bills in Legislature-Parliament

The Caste-based Discrimination and Untouchability (Crime and Punishment) Bill, 2011 was unanimously passed by the Legislature-Parliament on May 24. Human rights organizations applauded the passing of the bill which addresses the grave crime of caste-based discrimination and untouchability that has prevailed in Nepal for centuries. The bill prohibits practices related to caste-based discrimination and untouchability in both public and private spheres; increased punishments for public officials found guilty of discrimination; requires perpetrators to provide compensation to victims; and criminalizes incitement to caste-based discrimination. Effective implementation of this law will be an important means by which impunity based on caste-based discrimination and untouchability will be ended in Nepal.

The Legislature-Parliament ratified the United Nations Convention against Corruption (UNCAC) on February 24. With the ratification of UNCAC, Nepal has a unique opportunity to bolster its national efforts with greater international support, and align its strategies with successful global efforts that recognise the importance of both preventive and punitive measures.² The Legislature-Parliament ratified the International Convention for the Suppression of the Financing of Terrorism, 1999 and the United Nations Convention against Transnational Organized Crime, with reservations, on June 24.

The Fiscal Ordinance (Finance Bill), 2011, Appropriation Bill, 2011, Bill to Raise National Debt, 2011, Loan and Guarantee (18th amendment), 2011, Bill on amending Some Nepal Acts related

1. 'Baithak 420 din, Bhatta 1110 din'. *Kantipur* June 15, 2011: P. 1

2. Piper, Robert. 'UNCAC Ratification: Conventional Wisdom'. *The Kathmandu Post* March 4, 2011: P. 7

to judicial administration, 2011, Tobacco Substance (Control and Regulation) Bill, 2011, Bill on Reconciliation, 2011, Bill on Garbage Management, 2011, Bill on Anti-Money Laundering (First Amendment), 2011 were passed by the Legislature-Parliament this year.

The proposal to send the “National Human Rights Commission, 2010” to the Statute Committee for Clause by Clause discussion was unanimously approved on May 11. The National Dalit Rights Commission could not be formed by the end of the year because the Statute Committee did not forward the bill to the Legislature-Parliament. Nepal has yet to implement recommendations made in 2004 by the Committee on the Elimination of Racial Discrimination, including the adoption of legislation enabling the National Dalit Commission—a state agency—to fulfill its mandate.³

The Civil Code, 2011, Criminal Offense (determination of punishment and enforcement) Bill, 2011, Civil Procedure Code, 2011, Bill designed to Amend, Integrate, Adjust and Repeal some Nepal Acts, 2011, Criminal Procedure Code, 2011, Rajarshijanak University Bill, 2011 were tabled in the Legislature-Parliament. The programs and policies of the Nepal government of the fiscal year 2011/12 presented by President Rambaran Yadav on June 3 was passed by a majority vote on July 7.

The bills relating to the formation of the TRC and CID were not passed this year as differences remain between political parties relating to the issue of mass amnesties.

Various national and international human rights organizations urged the political parties not to condone amnesties

granted to those guilty of committing human rights violations such as rape, enforced disappearances, torture or extrajudicial killings in the bills. By granting a blanket amnesty to perpetrators of such violations, Nepal would not only breach its international obligations, but would also run the risk of destabilizing its peace process by further alienating the people of Nepal and weakening the country’s rule of law.⁴

The government failed to implement the directive issued by the reinstated House of Representatives to ratify the Rome Statue of the International Criminal Court (ICC) this year.

8. Disruption of Legislative-Parliament

For different reasons, CA members from the opposition and other parties did not allow the House business to move ahead this year. The opposition party NC obstructed House proceedings on April 29 demanding clarification from the PM regarding the resignation of Finance Secretary Rameshwar Khanal. The NC legislators urged the CA chairperson not to continue with the House sitting after he was about to proceed with the sitting even though lawmakers had finished speaking. NC also obstructed the House on April 16 when they sought information from the PM regarding a dispute with the director of BP Koirala Memorial Cancer Hospital and resignation of the Finance Secretary.

Saying that the bill on amending Some Nepal Act to make some public services inclusive was not brought for discussion in the Legislature-Parliament, lawmakers Bishwendra Paswan from Dalit Janajati Party, Buddha Ratna Manandar from Nepa Rastriya party, Rukmini Chaudhari of Samyukta Loktantrik

3. Human Rights Watch. World Reptot 2012, Events of 2011. New York: Seven Stories Press, 2012

4. The Asian Human Rights Commission. ‘Nepal: Transitional Justice Institutions Should not Condone Amnesty’. November 15, 2011

Rastriya Manch and independent lawmaker Sadarul Miya Haq obstructed the parliament on April 19. They also obstructed the House on April 22 when they demanded the implementation of the agreements made with Dalit, Muslim, Indigenous Nationalities, OBCs, Tharu and other disadvantaged groups.

These lawmakers chanted slogans in front of the CA chairperson's seat on the first sitting of the 10th session of Legislature-Parliament on May 8. They continued to obstruct the House proceeding on May 8 due to which the schedule to pass the Bill on Dalit Commission was affected. Samyukta Loktantrik Rastriya Party lawmaker Raj Kumar Limbu (Nalbo) also joined the lawmakers in sloganeering on May 11 and 15. They continued with their protest despite the CA chairperson's assurance that their demands would be discussed in the Legislature-Parliament and that he would draw the government's attention to the issue. The CA chairperson then moved ahead with the House proceeding amid the lawmakers' protest.

They withdrew their protests when the main political parties expressed commitment to fulfill their demands within 15-days. But the lawmakers from various parties, including NC, MJF (Loktantrik), TMLP, TMLP (Nepal), Janamorcha Nepal, RPP, RPP (Nepal) obstructed the House proceedings on May 23, 24, 25 and 26 when they demanded a conclusion to the peace process, among others demands.

NC continuously obstructed the Legislature-Parliament on July 25 when it demanded the resignation of PM Jalanath Khanal and the implementation of the five-point agreement reached between political parties before the second term extension of the CA. Due to the obstruction, the discussion on the Appropriation Bill of fiscal year 2011/12 could not take place and the report of the Parliamentary

Investigation Special Committee could not be presented at the House. The committee was formed to investigate the leaking of important facts regarding the budget before it was presented in the Legislature-Parliament. It had submitted its report to CA chairperson Subas Chandra Nemwang after two weeks of investigation on July 31. Following PM Khanal's resignation and his address to the House on August 15, the NC lawmakers allowed the House proceedings to continue.

Opposition parties did not allow the Legislature-Parliament to function on October 13 after they demanded the removal of the Minister for Land Reforms and Management Prabhu Sah and Defense Minister Sharat Singh Bhandari. Sah was accused of murder and Bhandari was criticised for his controversial remark on national integrity. The first sitting of Parliament-Legislature after the Dashain holiday was adjourned after the lawmakers of opposition parties, including NC and UML, protested by standing on their seats. The House disruption continued on October 16, 17, and 18. Addressing the House on October 19, PM Bhattarai said that both ministers were removed from their posts. He also assured the opposition parties that the government will not withdraw any case against the spirit of the CPA. The opposition parties had demanded that the PM inform the House regarding the government's effort to withdraw the case of Maoist lawmaker Bal Krishna Dhungel. Although Dhungel was sentenced to life imprisonment and confiscation of property by the Supreme Court on charge of murder, the court order is yet to be implemented.

Accusing the government of not taking action against the murderers of Manbir Sunar, Dalit lawmakers disrupted the Legislature-Parliament on December 22. Lawmakers from the ruling and

opposition parties maintained that the government was reluctant to bring the culprits to justice and sought the PM's clarification on the issue.

Although the CA chairperson directed the government to inform the House on the incident, the Home Minister failed to appear. The Dalit lawmakers allowed the Legislature-Parliament to function on December 29 only after PM Baburam Bhattarai promised to take action against those involved in Sunar's killing. Saying that the incident represented the ugly form of untouchability, PM Bhattarai assured the maximum punishment to those involved in the incident. The Dalit lawmakers called off their protests after it was agreed that Rs 1m compensation would be provided to the family of the deceased. The agreement was reached between the government and Dalit Struggle Committee on December 29.

9. Conclusion

Legislature-Parliament could not play an effective role due to the lack of consensus among political parties over the peace and constitution processes. The activities of the House were affected as parties prioritized their political interests instead of concluding the peace and constitution processes. They did not act seriously or assertively even though the term of the CA was extended time and again. The CA kept extending its term without reviewing the progresses made on the twin tasks of the peace and constitution writing processes. Such moves made by the CA were criticized as a ploy to extend its tenure for an indefinite period.

Instead of allowing the House proceedings to continue regularly, the parties disrupted the Legislature-Parliament over the contentious issues of the peace process and constitution writing. There is a democratic system of making

the government accountable for issues related to the people and country through the Legislature-Parliament, which is an institution of elected representatives. The opposition parties should use the House as a place to solve people's problems. It should not be used as a means to fulfill demands of any particular party. There was no discussion on the contentious issues of the new constitution as the meetings of the DRS and CC were frequently disrupted.

The SC firmly stated that the fourth extension of the CA term was its final one. The judiciary alarmed the CA with regard to its responsibilities as it had not prepared the draft of the new constitution even after three and half years since the CA elections. Though the Legislature-Parliament claimed that the court intervened in its jurisdiction, the Judiciary is ultimately the body to interpret the law and constitution. The activities of parties and leaders, who were unable to accomplish their assigned duties in the frequently extended tenures of the CA, were widely criticized. This also disappointed those who believe in democracy. The lawmakers should take their assigned duties seriously and bear in mind that the country could plunge into a dire situation if the constitution is not drafted by the next and final deadline.

The irresponsible and reckless activities of CA members, who have been entrusted to play a crucial role in the transitional phase of the country, tarnished the image of the parliament. Some CA members were involved in anarchic activities such as corruption, the destruction of the property of the House, obstructing ministers attempting to deliver speeches in the House, and acting aggressively. If the political parties do not take action against the lawmakers involved in such activities, people may develop negative feelings towards these parties.

The internal rift within the UCPN-M, the largest party in the CA, surfaced in the House. Leaders, including UCPN-M vice chairperson Mohan Baidhya, criticized the government led by his own party. Some UCPN-M leaders protested the four-point agreement reached with Madhesi Morcha and the decision taken by the government on the peace process. They also criticized the Cabinet saying that it was not inclusive. The constitution writing process was disrupted after leaders of the UCPN-M objected to the agreements reached by the DRS. It is imperative that the UCPN-M take leadership in granting an outlet to the nation from the transitional period after settling its internal rift.

Transitional justice mechanisms could not be formed as the bills on the TRC and CID were not passed. The non-formation of these commissions deprived conflict victims of justice. While the bills for the formation of such commissions are positive steps, however, some of the provisions in the bills are against international law. Nepal had expressed its commitment to form a TRC and CID without delay during the UPR session held on January 25. These bills should be passed without further delay in a bid to implement Nepal's commitment to establish them in line with international standards, make them independent from political interference and not grant amnesty to grave human rights violations. The directives issued by the then reinstated House of

Representatives to ratify the Rome Statue of the International Criminal Court five years ago should be implemented promptly.

The enactment of Caste-based Discrimination and Untouchability (Crime and Punishment) Act, 2011 by the House is an important means by which members of the Dalit community may access justice. Members of this community have endured untold suffering due to caste-based discrimination and untouchability for centuries. The government should ensure effective implementation of the Act by creating awareness and hold trainings so that relative agencies will be able to fully implementing it.

The initiatives taken by parliamentary committees are laudable. However, these committees should exert additional pressure on the government as it has not fully implemented their recommendations and directives. Though the CA chairperson drew the attention of the parties towards the peace process and constitution writing, it was ineffective due to the lack of political consensus. The CA chairperson should play a vital role in taking the peace and constitution processes to a positive conclusion. The political parties and CA members should use the House to address concerns of people instead of obstructing it to fulfill their own interests. People will approve of the numerous extensions granted to the CA if the new constitution is written in the stipulated time. This will make them feel that they are being represented properly by the CA members.



Violence Against
Women :
An Analysis 2011

Chapter

4

1. Background

Violence against women stems from unequal power relations between men and women. Patriarchal norms and values, imbalanced social structures, male dominance and the sub-ordination of women are to name but a few causes which give rise to such a form of violence. The ability of women to live fruitful and independent lives is compromised when they are affected by gender based violence which in turn has negative consequences on the development of a nation.

Violence can constitute torture and cannot be excused under any pretexts. Thus, civilized society and those wishing to establish a human rights-friendly nation converge in order to eradicate its practice. The voices of victims have been suppressed as violence against women has tacitly been accepted on the grounds of tradition and culture. Victims are often suppressed and compelled to remain in such a situation due to a sense of vulnerability, economic insecurity and out of a sense of obligation to maintain their family name.

Nepal is one of the poorest countries in the world where some 60 to 70 per cent of women feel threatened by violence. One out of five men is involved in committing violence against women. Of the number of women who live in fear of violence, only 10 per cent come into the contact of state mechanisms. The majority of women affected do not share their experiences of suffering with anyone.¹

As Nepal is in a transitional phase, the fragile status of the rule of law, impunity and several other factors contribute to the current picture concerning violence against women here. The majority of people

experienced some form of violence during the decade long armed conflict while violence against women increased. Because violence against women has been socially accepted in Nepal for such a long time, people were more likely to turn even more violent against them without any hesitancy during the conflict. Domestic violence and trafficking were rampant in the post-conflict period.²

The UN defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”³ As per the definition, attempts have been made to analyze some facets of violence against women occurring in Nepal. Some Nepali women have been subjected to sexual violence, trafficking, enforced prostitution, accusations of practicing witchcraft, the *chhaupadi* system and domestic violence, among other forms of violence, during 2011 in which at least 1,027 cases of violence against women were verified. Besides that, 379 were under the age of 18.

2. Violence Against Women in 2011: Facts and Figures

INSEC representatives based in all 75 districts found that 648 women were exposed to violence in 2011. Of them, 379 were girls under the age of 18. Such incidents of violence included domestic violence, polygamy, rape, the alleged practice of witchcraft, sexual violence, trafficking, rape attempt to rape to name but a few. Janajati women were found to have been affected by violence more than women

1. <http://www.stabilisationunit.gov.uk/newsroom/589-elimination-of-violence-against-women.html>

2. International Center for Transitional Justice, Gender and Transitional Justice in Africa: Progress and Prospects (2008), <http://www.ictj.org/static/Gender/0810>

3. Art 2, UN Declaration on violence against women 1993, UN General Assembly Resolution 48/104 of 20 December 1993, <http://www.un.org/documents/ga/res/48/a48r104.htm>,

of any other ethnic group in the country in 2011. From an economic perspective, women of low economic status were affected disproportionately by violence.

2.1 Domestic Violence

Violence against women including physical assaults, abduction, intimidation, betrayal, verbal abuse, forceful entry, arson, sexual violence, marital rape, dowry violence, genital mutilation, violation against domestic helper and attempt to such acts are domestic violence.⁴

According to the Domestic Violence (Offence and Punishment) Act 2009, domestic violence can extend to any form of physical, mental, sexual or economic harm perpetrated by person to a person with whom he/she has a familial relationship and this word also includes any acts of reprimand or emotional harm.⁵ Of 648 of women affected by violence, 42 per cent (272) were victims of domestic violence in 2011. In a survey conducted by New Era for the Ministry of Health with the financial support of

DFID for this year, 33 per cent of women were rendered victims of domestic violence. Poverty, illiteracy, conflict, unequal income and alcoholism are factors which give rise to incidents of domestic violence. However, domestic violence is also experienced by educated and economically stable persons.

2.1.1 Dowry Related Violence

Dowry related violence has been on the increase in the course of violence against women in Nepal. A dowry is given willingly or unwillingly and represents a facet of violence against women. The responsibility of handing over of a dowry rests on the family of a woman and is a valuable asset to the family of her husband. The deaths of women have occurred in various places due to dowry related disputes,. Requesting a dowry is insensitive and devalues the worth of women.⁶

Over 8,000 women were killed for not providing a dowry to the families of their husband while over 90,000 women experienced dowry related violence in

Table 1 *Victims of Women Rights Violence by Age-Group*

Type of Events	18-30	31-45	46-60	65+	N/A	Total
Attempt to Trafficking	3					3
For Practicing Witchcraft	6	22	11	12		51
Rape	65	31	12	3		111
Rape Attempt	18	7	3	1		29
Polygamy	83	28	1		2	114
Women Trafficking	28	2				30
Torture Due to Being Woman	3	2				5
Jari	2					2
Domestic Violence	169	87	15	1		272
Sexual Abuse	27	4				31
Total	404	183	42	17	2	648

4. Dr Arajoo Deuba, Domestic Violence & Human Rights, (ed.), Hiramani Ghimire, CAMAD, A Journal of Administration, Management & Development, Vol. 2, No.1, April, 1999, pp 1-2.
5. Domestic Violence (Offense and Punishment) Act 2009 Section 2(a)
6. Smriti, Basu. Imperial Origin of Dowry. <http://www.hvk.org/articles/0403/241.html>

India in 2010 according to the data of the National Crime Record Bureau there.⁷

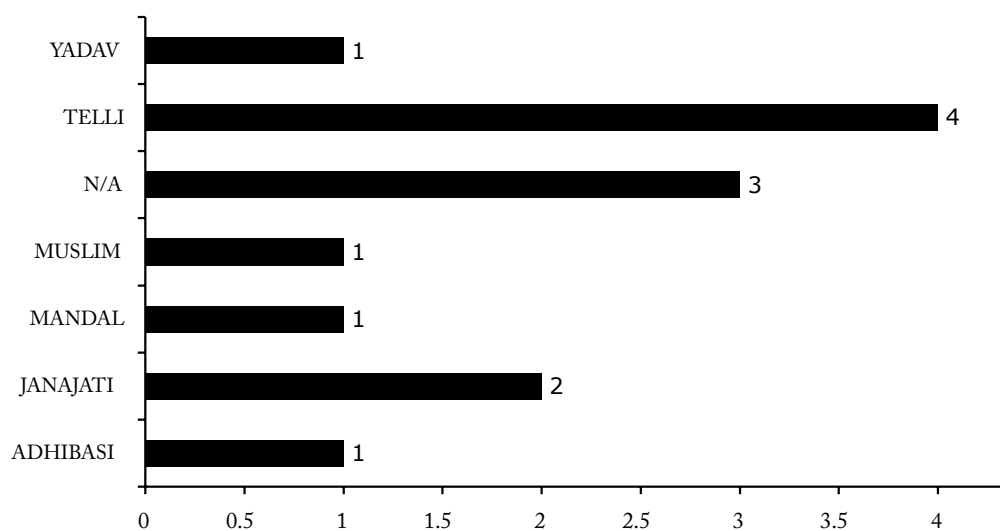
The dowry system is prevailing in the Tarai districts of Nepal as they are linked with India where the tradition has long been in place. Several women were victimized, and in some cases killed, due to their alleged failure to provide the goods, items or money requested of them by their husband or his family.⁸

However, dowry based violence is not confined to the Tarai districts. It is also practiced in hilly districts but the number of dowry based violence there is less.⁹

There was an increase in dowry related violence in 2011 and women in all geographical areas and of all castes were affected. Thirteen women were killed by the family members of their husbands in dowry related crimes in various places and husbands were often complicit. Eight women were killed in dowry related incidents in Rautahat alone. Police filed a cases for one of these incidents, however, the accused was released

after paying bail while five persons had not been arrested by the end of the year. In the remaining two incidents, an investigation was not carried out as complaints were not filed with police. Though the government is the petitioner in a case, police still did not carry out investigations in Rautahat. 18 incidents of domestic violence were recorded in Rautahat, however, police settled all cases by mediating agreements between the accused and the victims and no legal action was taken in those cases. Of seven incidents in which women were expelled from their houses by family members, six were settled after agreements were made between the victims and the accused in Rautahat. Four persons were killed out of five similar incidents which occurred in Saptari but no action was taken against the accused of two deaths. One woman was killed in Sarlahi and another woman committed suicide in Syanja. (*See Syanja, Rautahat and Saptari under district profiles in this book*)

Figure : 1 *Number of Women Killed for Dowry*



7. <http://pib.nic.in/newsite/PrintRelease.aspx?relid=78178>

8. Dev, Shrawan Kumar. 'Kupratha Daijoko'. <http://www.himalkhabar.com/news.php?id=220>

9. Jha, Haribansa. 'Nepal Flirts with Dowry'. www.hinduismtoday.com/modules/smartsection/item.php?itemid=4226

2.1.2 Violence in Domestic Dispute

Fifty-four women were killed by family members on the allegation of disobeying family members, for objecting to the consumption of alcohol by male members of the family, for example, in different districts. Of those killed, 18 were Janajatis, 10 Dalits, 10 Chhetri, seven Brahmin while the remainder were from other communities.

Baby Jha, 20, of Banauta VDC-4 in Mahottari was hacked to death by her husband Arbinda Jha, 25. He disposed of the dismembered body in a pond in Janakpur Municipality-8. Relatives of the victim filed a complaint at Mahottari District Police Office. However, no action had been taken against the accused by the end of the year.

3. Social Violence

3.1 Women Violence on the Allegation of Practicing Witchcraft

Subjecting women to torture after accusing them of practicing witchcraft is still being practiced and is another manifestation of gender based violence. According to Miscellaneous section 10 (B) of the General Code of Nepal, anyone involved in mistreating a woman on the allegations of practicing witchcraft will be sentenced to anytime between three months to two years imprisonment or will be fined a sum ranging from Rs. 5,000 to Rs. 25,000. However, it has been found that most of those accused of mistreating women on such allegations have not been punished in accordance with the law. Government bodies, which are partly responsible for taking legal action against those accused of involvement in such cases, have been settling the cases extra-judicially by encouraging agreements to take place between the accused and the victims.

A 45-year-old woman of Chanai VDC-9 in Kapilvastu was physically assaulted by 25 neighbours and some family members on July 18. The attackers announced

their intention to oust her from the village after launching a humiliating attack on her. Human rights activists had monitored the incident, which was later settled in the village after the attackers warned that they will expel the victim from the village if she made the incident public. Local Paralegal Committee had filed a complaint at Chandrouta Area Police Office on July 18. However, an agreement was reached among the locals to make the perpetrator pay for the treatment of the victim and make sure that the victim does not raise the issue further. Police blamed the locals for not helping them to initiate legal action while locals, on the other hand, blamed police for forcing them to settle the issue as it was related to their locality. Leaders of political parties also exert pressure to settle such issue in the village, depriving the victims from getting justice. Such process does not only grant excuse to the accused but it also encourages the attackers to repeat such incidents in the future. Five women were killed and 51 mistreated on the allegation of practicing witchcraft in several places in 2011.

3.2 Chaupadi System

The Chhaupadi tradition has been firmly in place in the Mid-Western and Far-Western regions of the country for generations. It involves the suspension of a menstruating women from her regular daily activities and more often than not also involves casting her away into a remote shed which is usually unhygienic and poorly ventilated for four to seven days at a time. Women, during their menstrual period, are not permitted to go to public taps, roads, schools or temples and nutritious foods are not made available to them during this time. Women are often also forced to stay in such an environment and abide by the same rules for 11 days after giving birth. The Supreme Court, on May 2, 2005, ordered an end to be put to this discriminatory system.

The Chhaupadi tradition has a

detrimental effect on the mental and physical health of women and girls and can sometimes lead to their deaths. Women have been taking active steps to eradicate this practice. One such example is the destruction of such sheds by women from three VDCs of Dailekh district. Similarly, a team of CA members, which has been monitoring the Chhaupadi sheds and Deuki systems in various districts of the far western region, held an interaction with stakeholders in Achham district this year concerning its effects on women and girls. The reports and recommendations of the team have not been yet been made public.

4. Sexual Violence: Rape and Attempt to Rape

Sexual violence is one form of violence against women which occurs at an alarming rate in Nepal. 328 cases of the rape of women were reported in 2011, eleven of whom were subsequently killed in the same attack..It was reported that 123 experienced sexual abuse in the same year, of which 29 incidents were of attempted rape.

A 15-year-old girl of Gadariya VDC in Kailali district was killed by one of her school a teacher after he raped her. A girl from Makar VDC of Nawalparasi district was stabbed to death after a group of five youths, including Ashok Gurung, gang raped her after she allegedly declined Ashok's love proposal. It has been found that most of cases of rape are under-reported. In instances where cases were filed with the police, it often transpired that the cases were settled after the police encouraged an agreement to take place between both parties. A 27-year-old woman of Phugling VDC-8 was injured when a gang of three youths of the same place attacked her in her home on December 9. A group of three men attacked her with khukuris because she had filed a complaint with police stating she had been gang raped by them. Among the three accused, the police arrested one while the other two managed to flee. The victim

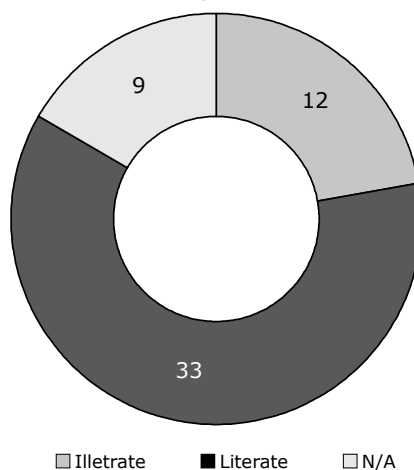
decided to leave the village after the incident as she feared for her safety.

5. Violence Against Women: Weak Remedial Procedure

Part III of the Interim Constitution of Nepal, 2007 states that discrimination against women would not be tolerated. The Convention on Elimination of all Forms of Discrimination against Women (CEDAW), 1979, maintained that women are exploited and victimized on the basis of their gender alone and that eliminating gender based violence and gender inequality needed to be tackled on all levels and Nepal is a state party to CEDAW. The Interim Constitution, 2007 has ensured citizen's rights to a prompt and fair trial and to legal representation. However, victims of gender-based violence have not received justice due to weaknesses in the criminal justice system and inadequate investigation mechanisms and many of those guilty of committing crimes against women were granted amnesty in 2011. It has been found that the officers, who were responsible for prosecution and

Figure : 2

Women Killed in Domestic Violence by Education



investigation, were implicit in encouraging agreements to be made between the accused and victims in the name of maintaining peace and harmony in society. (*See description under Women Rights under district profiles in this book*)

Victims of gender based violence are often re-victimized as doctors have been known to deny them treatment. Similarly, it has not been unknown for police officers to refuse to take their cases seriously by not registering them or not providing them with the required support, all in the absence of a medical report which for the reasons previously cited can often be near impossible to obtain. In addition, pressure and threats are frequently issued to victims and their families to withdraw the cases. As a result of such inefficiencies and lacunas within the criminal justice system, victims experience a double injustice. There are many instances wherein court officials, police and government attorneys have played an important role in creating an environment that facilitates the release of perpetrators or influences a reduction in their sentences.¹⁰ Several of such instances continued in the year 2011.¹⁰

6. Violation against Women and International Instruments

Over the past 11 years, voices concerning the violation of women have grown stronger. International relations, the development of information technology and the increased awareness of human rights, due in large part to the tireless conviction and efforts of rights activists, have all served to contribute to the improvement in women's equality and the decrease in violence against women over time.

The Declaration on the Elimination of Violence against Women, 1993, has broadly defined violence against women. Article 2 of the Declaration alludes to the

scope of violence against women and refers to physical, sexual and psychological violence occurring within the family; physical, sexual and psychological violence occurring within the general community and; physical, sexual and psychological violence condoned by the State. The Declaration recognizes civil, political, economic, social and cultural rights and protection of those rights, and recommends that the state protect these rights with due diligence. The Declaration, however, does not create a binding obligation on states but being a UN member state, Nepal has a moral obligation to abide by its provisions.

The World Conference on Women held in Beijing in 1995 identified the human rights of women and children as inalienable, an integral and indivisible. The Conference further identified reasons for women's disempowerment and inequality such as caste, age, language, culture, disability, displacement, natural disasters and violence, among others. It stated that these issues were to be addressed while it placed particular emphasis on improving the condition of marginalized women.

The Convention on the Elimination of all Kinds of Discrimination against Women (CEDAW), 1979, defines discrimination against women that exists in the various strata of society and urges for the elimination of such discrimination. Article 2 of the Convention establishes a comprehensive obligation on state parties, whereby they agree to pursue by all available means of eliminating violence against women without delay. CEDAW General Recommendation No 19, on violence against women views gender-based violence as a form of discrimination that seriously inhibits women's ability to enjoy rights and freedom on the basis of equality with men, and addresses the ways in which gender-based violence intersects with the different

10. INSEC. 'Violence Against Women : A Study of Rape'. Nepal Human Rights Yearbook 2011: P.149

substantive areas covered by the articles of CEDAW. Moreover, the recommendations place emphasis on the full implementation of the Convention as the obligation of the state and for it to take measures to eliminate all forms of violence against women; the Recommendation suggested that states parties review their laws and policies with this goal in mind.

Nepal, being a party to CEDAW, is therefore obligated, to take all appropriate measures, including special measures to ensure a violence free environment. According to the Treaty Act, 1991, international human rights instruments to which Nepal is a state party the provisions of international instruments prevail over the domestic laws in situation wherein a conflict between the two arises. This provision provides authenticity and legality to the incorporation of the provisions contained in CEDAW into the domestic law of Nepal with the objective of eliminating violence against women here.

8. Violence against Women and National Laws

In the Interim Constitution,, the state is said to be concerned about women's

rights in the aftermath of the People's Movement of 1990. To rid society from any kind of exploitation and to uplift human dignity, fundamental rights were incorporated in the Nepal Constitution as far back as 1962. However, the political rights of citizens were restricted during the Panchayat system. Thus, it was impossible to imagine the protection of women rights at that time. The fundamental rights of citizens and state directives, plans and responsibilities have been largely incorporated into the Interim Constitution of Nepal, 2007 which has made provisions for the right of every citizen to a dignified life. Article 20 of Interim Constitution which pertains to the rights of women, guarantees that every person has the rights to live in dignity while it also guarantees that no physical, mental or other forms of violence shall systematically be inflicted on any woman and that such acts shall be punishable by law. This provision has provided grounds for including laws in the new constitution to eliminate violence against women.

There are no integrated laws related to violence against women. As the definition of violence against women is expanding, it is

Table 2 *Number of People Killed by Gender*

Perpetrator	Female	Male	Total
By State	1	11	12
UCPN-Maoist		2	2
Janatrantrik Terai Madhesh Mukti Party	2	4	6
Akhil Terai Mukti Morcha		3	3
Madesh Jagaran Tarai Mukti Morcha		1	1
Terai Army		1	1
CPN(UML)		2	2
Others	127	134	261
Unidentified	25	64	89
Total	155	222	377

not possible to manage them in a special and single Act. Laws related to violence against women are addressed in the Muluki Ain yet attempts to amend it have been made in order to address the expanding understanding of what constitutes violence against women. The inclusion of polygamy, divorce, property, assault, violence, rape, attempt to rape, sexual violence, among others, have all been proposed in the amendment have been discussed. There are also other legal provisions such as the Domestic Violence (Offence and Punishment) Act, 2009, and its Regulation - 2010. It is also necessary to amend legal provisions after monitoring and assessing the effectiveness of their implementation.

Conclusion

Monitoring conducted by INSEC observed that women whose economic condition is weak, who are uneducated and who live in rural areas are more likely to suffer from gender based discrimination and violence than those who are from more economically secure backgrounds, who live in urban area and who are well educated. Violence against women can be controlled and eliminated if they are empowered in solidarity with one another and gain access to education. It is necessary to develop effective mechanisms to aid in the prosecution and punishment of those involved in perpetrating violence and discrimination against women.

Suggestions

Legal

- Establish of a Family Court
- Follow through the prosecutions of cases of domestic violence
- Increase time frame to in which a complaint can be filed in connection with rape, attempt to rape and sexual abuse.
- There is no provision to collect a fine

against those involved in inflicting torture to women on the allegation of practicing witchcraft. The amount collected from the perpetrator/s should be provided as compensation to victims.

- Make a provision so that the fine collected from the perpetrator/s of violence against women is provided to victims

For Economic, Social and Educational Improvement

- Waiving income tax payable by women working in government or non-government sectors. Providing tax discount to the industries and business which are run under the ownership of women
- Fix a relatively low interest rate for female entrepreneurs for loans received from government owned financial institutions
- Reserve 33 per cent of scholarships and/or places in educational institutions for Dalit, Janajati and Madhesi women
- Provide education loan without charging a deposit to the women who pursue higher education in the country
- Mobilize offices related to violence against women established by PMO's office to study and investigate incidences of violence against women.

For Reducing Structural Violence

- Identify districts in which the Chhaupadi system is practiced and makes efforts to eradicate it
- Create awareness against the practice of labeling a woman a 'witch'.



Victim Activated
Explosions:
An Analysis

Chapter

5

Background

Many people were killed and injured in victim-activated explosions in 2011. This happened despite the fact that explosive devices manufactured during the decade-long conflict were dumped after the April Movement of 2006. The major cause for these explosions of armed violence in the Tarai-Madhes and Eastern Hills leading to an increase in the use of explosive devices in these parts making the situation a complex one. There is a strong need to focus on dealing with conflict area devices but few steps have been taken till date. At the same time, it is commendable that the Nepal Army did complete the clearing of mined areas located in and around government offices, towers and barracks.

Landmines are considered more severe and inhumane than many other weapons. Civilians get victimized more by landmines than combatants involved in war. Mines were used by the then Royal Nepalese Army after the Maoists started the civil war. The Army used landmines in order to protect telephone and electricity towers when the rebels began attacking those installations. Nepal became a landmine field free nation after the destruction of the last mine on June 14, 2011.

Although Nepal has become landmine field free, the abandoned improvised explosive devices (IEDs) which were left over during the conflict period still pose threats. The rebels widely used IEDs as cheap and powerful weapons during the armed conflict but their use also spread by the other armed groups and fear of war and explosion after the end of war as well. Like mines, IEDs have also remained a legacy of the war. Army, APF and Nepal Police Posts also had IED fields for the security of the concerned offices.

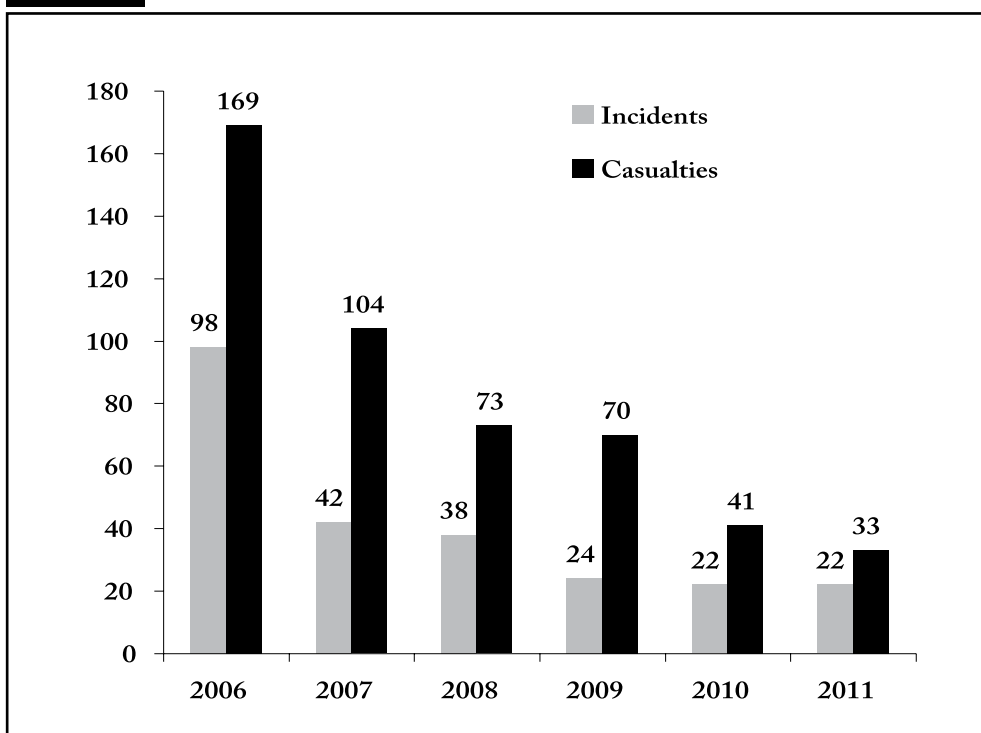
Point 5.1.4 of the Comprehensive Peace Accord (CPA) signed by the CPN-

Maoist and the Government of Nepal on November 21, 2007 states that “both sides shall assist each other to mark landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and defuse and excavate the landmines within 60 days.” The point was included in the CPA to exterminate the threat of the explosive remnants of war by trying to limit the effects of victim-activated explosions.

Even though it was difficult to defuse the mines within 60 days of the CPA, even the inclusion of this point marked a positive aspect in the Accord. The Army began raising awareness of the people about the danger of explosive devices and also provided Mine Risk Education classes with the help of different national and international support. Other national and international organizations have also begun taking steps to contain the effect. But another CPA signatory- the Maoists- did not provide much of the information regarding the number of explosive devices, location of their caches and how they are stockpiled. The explosives that were kept in the container in the cantonments were diffused but the explosives that were left behind at home, agricultural land, jungle, public places, etc. remind innocent people of the war until today.

The IEDs were widely used in hilly regions during the insurgency. After the Tarai outfits began manufacturing IEDs, the VAE incidents and casualties increased tremendously in Tarai Madhes. Now, the armed groups of Eastern Tarai have been following the practice of resorting to IEDs as an easy means to threaten the public and to extort money. INSEC's VAE surveillance system shows that though the number of casualties has decreased the number of incidents is more or less similar. The incidents have not only resulted in loss of lives and destruction of civilian

Figure 1 Number of Incidents and Casualties in VAE (006-2011)



property, but have also emerged as a new challenge for the ongoing peace process and reconciliation. This chapter has tried to analyse the impacts caused by the continued use of IEDs in 2011.

1. Victim Activated Explosion

In this chapter, a civilian casualty of a victim-activated explosion includes those injured or killed by an improvised explosive device-IED, by unexploded/abandoned Ordinances-UXO/AO, and by anti-personal mines, which have usually been manually placed or used and are designed to injure, kill or terrorize. It also covers unexploded, abandoned and stored IEDs, as well as civilians who have been injured or killed when they activated an Explosive Device (ED) unknowingly, or without the intention to harm, hurt or terrorize.

Furthermore, it includes civilians who were close to an ED which was activated by an animal or by natural causes (i.e. lightning, heat, land-slide etc.) or who were close to other people who activated the ED (i.e. bystanders). Likewise it includes civilian bystanders affected by explosions due to the manufacturing, transportation or storage of EDs, and civilians who were forced by the Security Forces - or non-state actors - to defuse or remove EDs.

INSEC's Victim-Activated Explosion, small arms and portable lethal weapons surveillance system on VAE recorded that there were a total of 326 casualties resulting from 150 incidents caused by victim activated explosions from the time of the signing of the CPA in Nepal until date, that is, from 21 November 2006 until December 2011.¹

2. Victim's Number in Decreasing Trend

In 2011, there were 33 casualties resulting from 22 incidents where 23 people were injured and 10 people died. In 2010, 41 people were injured in 22 incidents. In 2009, 70 persons became victims in 24 victim-activated explosions. In the year 2008, the number of casualties was 73 due to 38 incidents. The number of casualties was 104 in 42 incidents in 2007. In 2006, there were 169 casualties in 98 incidents of victim activated explosions; five casualties were identified from two victim-activated explosions during the period of November 21- December 2006.

The INSEC Surveillance System shows that there has been a decrease in both the number of casualties and the number of incidents of victim activated explosions. However, what still remain are the challenges and the threats of identifying the places where explosive devices were left over during the conflict period due to the change in working areas of the battalions who were involved in conflict. (See figure1)

3. Lives Claimed by ERW

In 2006, 39 people were killed in 98 incidents caused by improvised explosive devices (IED), mines and explosive devices (ID), and two people were killed in two incidents of VAE. Out of the two deaths that were identified, one boy was killed in the Ramechap district as he was trying to pull out the wires from an ED with his teeth. In the other incident, a girl was killed in Morang district when she threw the ED onto the ground.

Out of 13 deaths caused due to VAE in 2007, nine people - three children, one woman and five men, were killed during one incident in Palpa, when villagers were trying to defuse a Bucket bomb. In addition, two boys were killed in Nuwakot when they were handling EDs that they had found in a jungle while they were picking mushrooms in an area which had been used as a firing range for the army. Two boys were also killed in Doti and Kalikot while playing with EDs in their homes.

Figure 2 Incidents of Explosion and Casualties by Districts, 2011

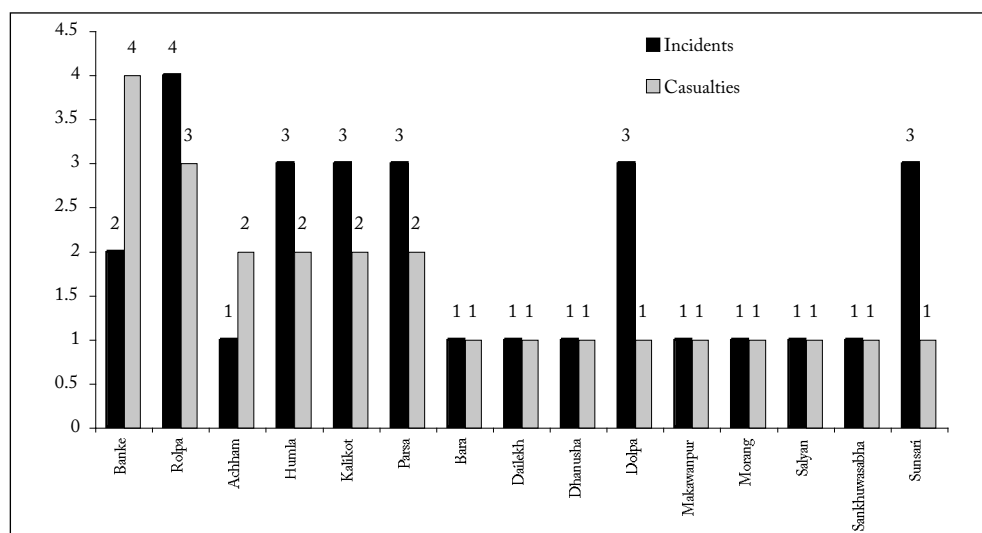
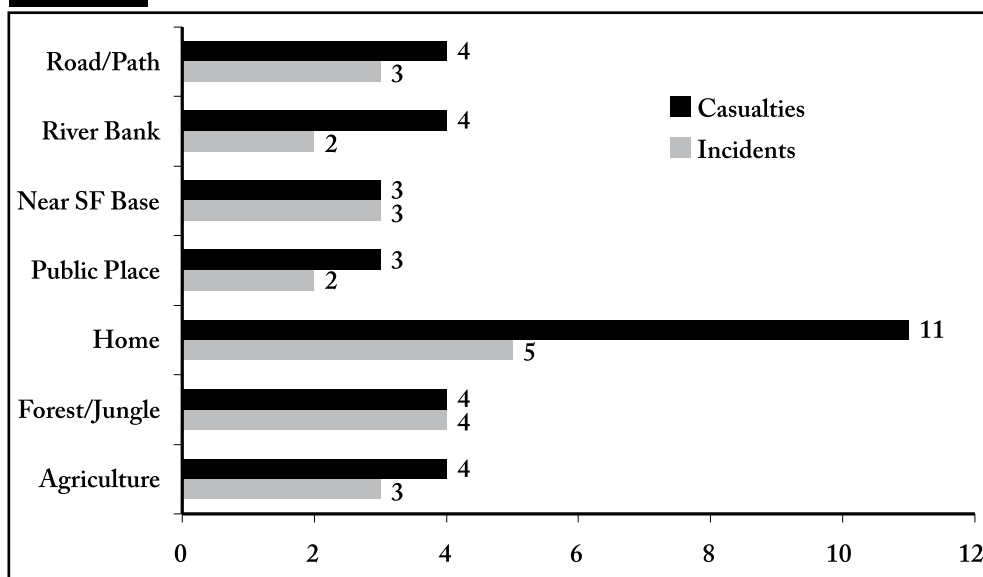


Figure 3 Places of Incidents and Casualties, 2011



In 2008, in Jajarkot district, two boys were killed in their homes while handling a socket bomb which had been kept in their house during the conflict by the cadres of UCPN-M. A boy was killed in Sarlahi when he was playing with a socket bomb in his house; police also recovered another unexploded socket bomb from the same incident site. A woman was killed in the premises of the Army Barrack in Rolpa district when she accidentally stepped on a mine while cutting grass.

In 2009, out of 16 deaths caused by VAE, two persons, a woman and a man, were killed after they stepped on a mine while entering the premises of the security forces to collect grass and wood in Rolpa and Dang Districts respectively, even though the perimeter was marked as a 'prohibited zone'. Moreover, two children and one man were killed in Kailali district when the victims were handling a hand grenade that was found near the village. One man was killed by an explosive device which had been placed near his home; the explosion occurred when everyone was asleep. One agricultural labourer was killed

in Parsa district when a tiffin bomb that he found in a paddy field while harvesting rice, exploded. Three people were killed in Chitwan when a boy was rubbing a mortar against a log near his house. The seven year old boy had brought the mortar to his home after he found the unexploded weapon at a nearby Armed Police Force Battalion. Two boys were killed in the jungle of Gulmi district; they had found a round object in between two stones when they had gone to graze some goats. The object exploded when they were pulling it out from between the stones. Likewise, a person was killed in the courtyard of their homes in Sarlahi, Pyuthan and Baitadi districts, and a boy was killed near a school in the Bajhang district when he tried to open a plastic bag in which there was an ED. .

In 2010, no one was killed by victim activated explosions.

In 2011, one woman was killed in Salyan district when she stepped on the explosive device while entering into the SF base camp to cut grass. In Humla district, two persons were killed when they tampered

with a device they found in a field near their village.

In Dolpa district, two persons were killed and one person was injured when a socket bomb went off in their house. The explosion occurred after the bomb was pressed while they were going through their belongings. Two children were killed when they mistook a socket bomb as a plaything and played with it as they had found the device in a riverbank in Accham district. One boy was killed in Rolpa district when an explosive device went off in the river bank. In Morang district, one man was killed when he accidentally cut the line of a Pipe bomb while clearing a patch in the nearby jungle.

One man died and two other people got injured when an explosion occurred while they were making socket bombs inside a house in Banke district. In Sankhuwasabha district one man died on the spot when a socket bomb he was carrying went off in a hotel.

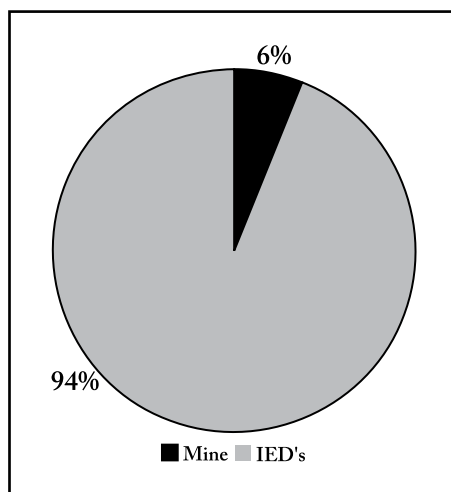
4. Details of the Casualties

4.1 Geographical Locations

Nepal is divided into three geographical belts, these are the Mountains, the Hills and the Terai region. Out of total deaths caused by VAE from 2006 to 2011; 43, 30 and eight persons were killed in the Hill, Terai and Mountain regions respectively. In 2006, a total of 39 people were killed out of which 18 people were from the Hills and 18 from Terai-Madesh regions, but in 2007 all 13 people who were killed were from the Hilly region (In Palpa, nine people, Nuwakot two people, Doti one person, and Kalikot one person).

Additionally, in 2008, three people were killed in the Hilly regions and one was killed in the Terai. The casualty trend was reversed in 2009 with nine and seven people being killed in the Terai-Madesh

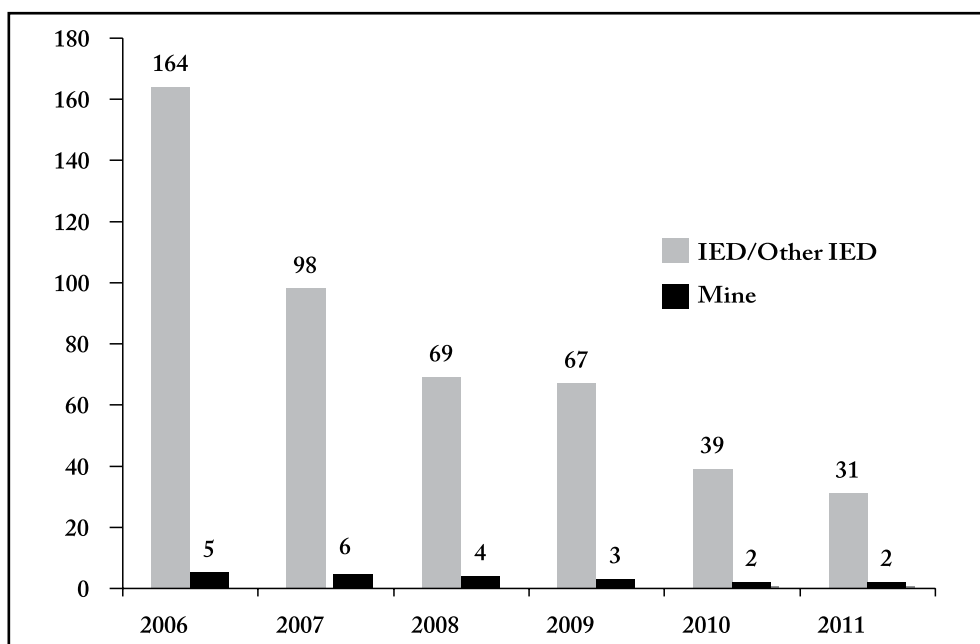
Figure 4 Types of Explosive Device



and Hilly regions respectively. From immediately after the CPA, the increasing trend of incidents of VAE in the Terai-Madesh might be due to the increase in new armed groups who hide behind a veil of political cover. These groups have tended to use IEDs in public places with the aim of creating instability and terror in the area. In 2010, 13 incidents occurred in Terai Madesh, five in the Hills and four incidents in the Mountain districts.

In 2011, there were 14 casualties in nine incidents by VAEs in seven districts of the Tarai-Madhes which were Parsa, Sunsari, Morang, Bara, Mahottari, Banke and Makwanpur according to the INSEC's (VAE) Surveillance System. Rolpa district had the highest number of incidents (three) in which there were four casualties. Nine incidents of VAEs were identified in six districts, namely, Achham, Dailkeh, Dhanusha, Kalikot, Rolpa and Salyan of the Hill Region. Additionally, it was identified that there were seven casualties in four incidents in three districts which were Sankhuwasabha, Dolpa and Humla of the Mountain region.

Figure 5 Casualties of Mine and IEDs 92006-2011)



4.2 Effects of the VAE on Different Sections

During the five-year-period (2006-2011), there were 82 people killed, of these 56 were male and 26 were female. Out of total deaths, it was recorded that there were 38 students, 30 Farmers, five laborers, three employed persons and six unemployed persons. Based on their educational levels, 56 of these people were literate and the rest were illiterate. 45 children were killed during the period, 22 persons aged between 19 and 39 were killed, as were 15 persons aged between 40 and 59. On the economic level, most of the deceased, i.e. 37, were categorized as being in the lowest economic status, 36, were from the lower class and eight belonged to the middle class. Thus, it can be seen that poor people are more at risk of being killed by VAEs. Lack of availability of education, children going to the jungle rather than schools to collect firewood and fodder, lack of time of parents to monitor their children's activities etc. might be the reason why people from

lower economic classes are at a greater risk of being victimized.

4.3 Casualties on the Basis of District

According to INSEC's VAE surveillance, in 2011, among the 22 VAE incidents in the year, the highest number of incidents (11 casualties in five incidents) occurred in the homes of civilians. In Dolpa district, two persons were killed and one person was injured when a socket bomb went off in their homes. The explosion occurred after a bomb was pressed while they were handling their belongings. One boy was injured in Kalikot district when he played with an explosive device that he found near his home. Similarly in Sunsari district, three persons were injured when an explosive device went off on the verandah of the house that was being used to store explosive devices. One boy was injured in Bara district when he brought an explosive device which he had picked up in front of his father's shop thinking it to be a plaything. Two persons were injured and

one died after the bomb which they were making in the house got exploded. (See Figure 2)

It has been observed that civilians, especially children, often bring explosive devices from surrounding areas to their homes and start tampering or playing with the device. Children, led by their curiosity for new and strange objects, handle and play with EDs, mistaking them for toys. This is one of the main causes of deaths and injuries by VAEs. Three people have also been injured while manufacturing bombs in their house. It is extremely sad that the presumed safe haven of one's home has become the most frequent setting for victim-activated explosions.

Similarly, in the explosions that occurred in forests/jungles, four people were injured in four incidents. Likewise, three and two people were injured in four incidents in agricultural fields and river banks respectively. (See figure 3) Armed groups, in their attempt to spread fear among the highest number of people possible, choose dense or busy areas to place such devices.

4.4 Children Most Affected

Among the 33 fatalities in the 22 victim-activated explosions in 2011, there were 25 male and eight female casualties. Among this, children accounted for 16 of the total casualties. This figure was 54 % (39) and 64% (72) in 2008 and 2009 respectively. Majority of child casualties resulted from children handling and tampering with explosive devices or intentionally striking and throwing the device to and in most cases, they mistook the explosive devices to be a play thing.. Similarly, there were 17 casualties aged between 19-59 years. (See Table 1)

4.5 Causes and Nature of Explosive Devices

As based on INSEC's VAE, Small Arms and Portable Lethal Weapons Surveillance System, in 2011, among the total 33 casualties, 31 resulted from an explosion of an Improvised Explosive Device and two persons were injured when mines exploded. Out of these 31 casualties, 16 persons were injured by Socket bomb explosions. There was one demining accident in Rolpa where a soldier was injured. Likewise, eight persons were injured by unidentified and abandoned bomb explosions. (See figure 5)

33 casualties resulted from 22 incidents of VAE. The largest number of casualties was 22, which occurred as a result of the victim playing with an IED, which had been dropped or abandoned during the conflict or by armed groups. Four people were injured when they unknowingly stepped on an explosive device while three casualties resulted when they were making bombs. One person was injured while throwing an ED and the reason for one another explosion which resulted in one casualty is yet to be identified.

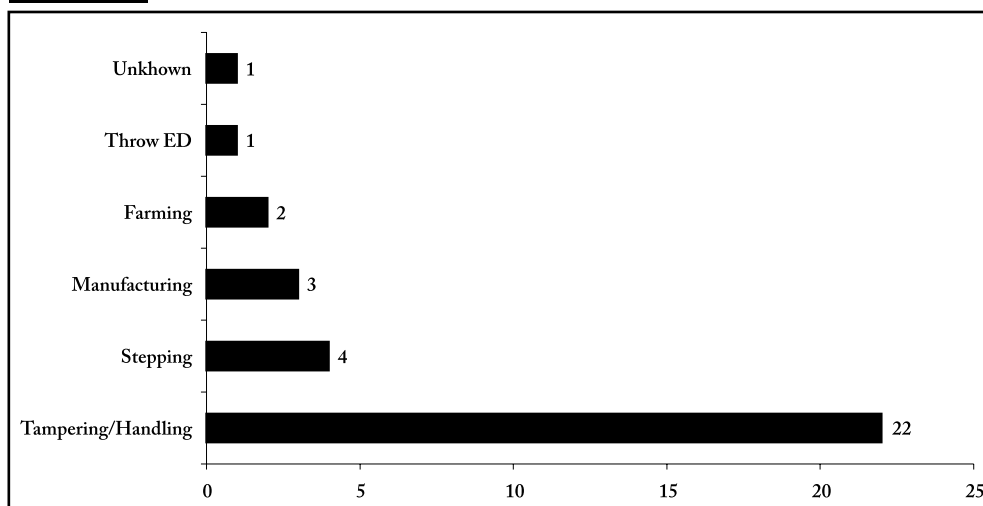
5. Persistent Threat

INSEC Surveillance System records show that in 2011, 33 casualties resulted from explosive remnants of the decade long armed conflict and the explosions occurring from explosive devices left abandoned by the state and therebels,. Although there has been a decrease in

Table 1 By Casualties & Age Group, 2011

Age Group	Casualties
0-4	0
18	16
19-59	17
60+	0
Total	33

Figure 6 Causes of Explosion and Casualties, 2011



the number of incidents and casualties of victim-activated explosions during the period from 2006-2011, the effects of the explosives remnants of war and UXOs are still posing problems in Nepal. Even after five years of signing of the CPA, there still remains the fear of abandoned explosive devices. Civilians, usually children, while walking on roads/paths or working in fields or tending cattle and collecting grass, are vulnerable to such threat. As a result, people continue to live in fear of explosions of the remnants of war till date.

The explosive devices are still being discovered in common places in war-affected districts. The armed Tarai groups continue to use these as weapons to threaten the public and sometimes specific targets. As a result, the war-time feeling of fear and sense of insecurity has not ceased to exist.

6. Landmine Field Free Nepal

Nepal has been declared a Landmine field Free Nation. With this, Nepal has now

become the second country in Asia after China to get this status. Nepal was declared a Landmine field free nation on June 14 after the Prime Minister Jhulanath Khanal and UN official Robert Piper detonated a mine of the minefield in Phulchoki. The landmine at Pulchoki was among the 257 landmines planted at 53 locations by the Nepal Army.

The army has cleared 267 of the 273 IED fields, but there is no record on the part of the rebels. The two fields of Bhojpur district and one field each of Rukum, Dhankuta, Khotang and Dolpa district are the remaining IED fields to be cleared. Army has assured that those fields will be cleared by the end of April 12, 2012.²

According to the International Campaign to Ban Landmine, one out of 53 minefields were cleared in 2007 while in 2008, four mine fields were cleared. The Nepal Army cleared 15 minefields in 2009. 74,836 km² and 16 minefields were cleared in 2010 and in June 2011, Nepal became a landmine field free nation.³

2. Information Provided by Nepal Army During the meeting of Mine Action Joint Working Group at Singh Darbar, Kathamtu, Novemeber 2

3. International Campaign to Ban Landmines, Landmine and Cluster Munition Monitor 2011, http://www.the-monitor.org/index.php/cp/display/region_profiles/theme/1215

7. Conclusion

This year VAE resulted in 22 incidents in which 23 people were injured and 10 people were killed. The occurrence of such kind of explosions even after five years of the end of armed conflict signals the continuation of threats and fear in the lives of people. Even though the incidents of the VAE have decreased, these still pose a threat and fear of explosion to the civilians. Primarily, it is the state which is responsible for the eradication of such problems. The prime focus of the state should be on signing and implementing the Convention on Certain Conventional Weapons and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction or the Ottawa Treaty. At the same time, there should be an effective implementation of Mine Risk Education. The minefields of Nepal have been cleared. However, the IEDs used by the rebels during the insurgency and those found at neglected locations in villages, jungles and fields and those that continue to be manufactured by several armed outfits pose threats. Such incidents of explosions have become a part of people's daily life, thus, disturbing the development and maintenance of an environment of security. It is unfortunate that these have had negative impacts on the entire peace process of the nation during this crucial transitional phase.



8. Recommendations

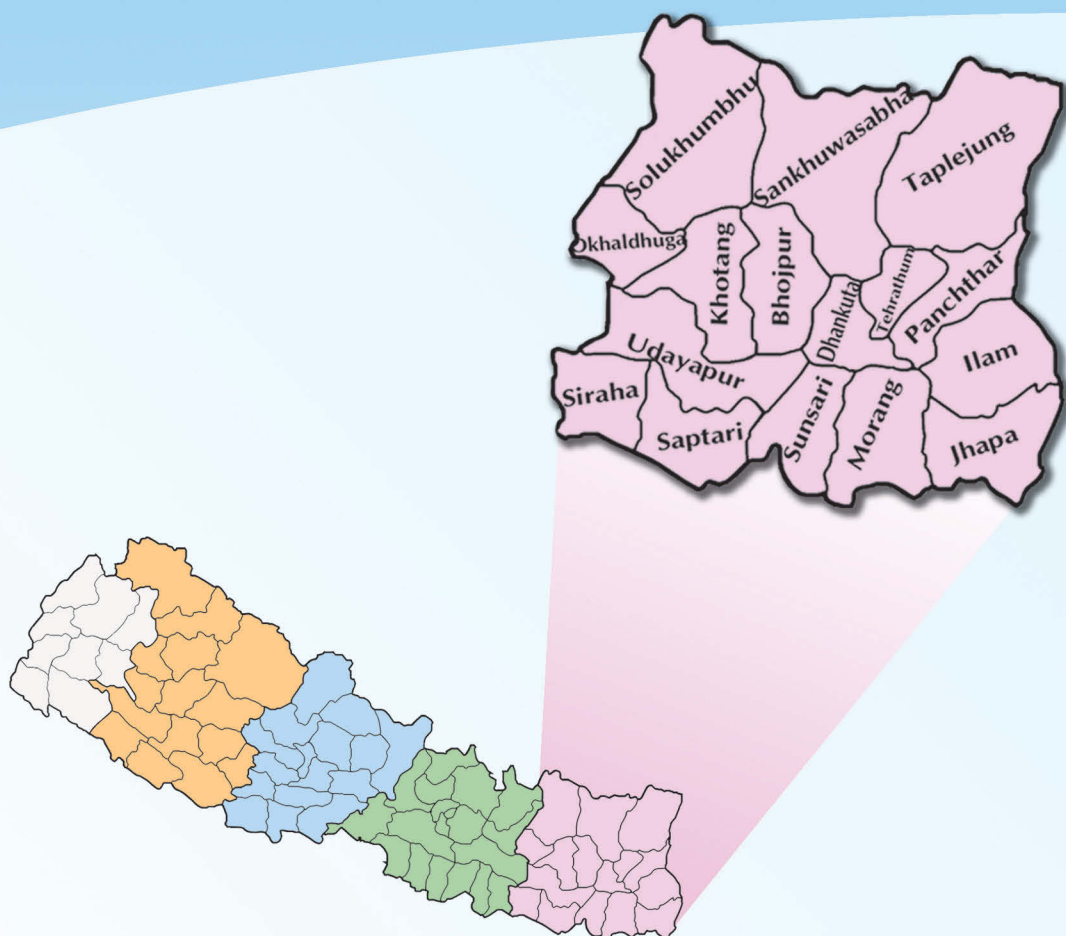
The following steps should be undertaken for the reduction of the incidents of victim-activated explosion:

- Accede to the main international instruments, such as the Convention on Certain Conventional Weapons and the Ottawa Treaty
- The UCPN-M should inform the Government Nepal about the houses they used and their stockpiles of IEDs, and should support the government for the clearance of the IEDs
- Special steps should be initiated to control the production of IEDs as many groups are found to be involved in their use and production
- Provide support to the victims of explosions
- Upgrade the security situation in the Tarai-Madesh and eastern Hill belt through an effective special security plan
- Bring armed political groups involved in transfer and manufacturing of IEDs within legal jurisdiction
- Reform the law related to the use of illegal weapons and explosions in order to make them more relevant to the present context
- Enhance awareness against the uses of and risks of carrying IEDs

Facts on
Human Rights Violations
and Abuses in 2011

Annex

1



1. EASTERN REGION

- | | |
|---------------|--------------------|
| 1.1 Jhapa | 1.9 Bhojpur |
| 1.2 Ilam | 1.10 Sankhuwasabha |
| 1.3 Panchthar | 1.11 Saptari |
| 1.4 Taplejung | 1.12 Siraha |
| 1.5 Morang | 1.13 Udaypur |
| 1.6 Sunsari | 1.14 Khotang |
| 1.7 Dhankuta | 1.15 Okhaldhunga |
| 1.8 Tehrathum | 1.16 Solukhumbu |

1.1

Jhapa



Population : 810,636

Male : 385,284

Female : 425,352

Literacy(%) : 76

Women Literacy(%) : 65

Area(Sq. Km.) : 1,606

Number of VDC(s)/Municipality(ies) : 47/3

Number of School(s) : 607/175

Campus(es)/Higher Secondary School(s) : 14/66

Human Development Index : 0.494

Average Household Size : 4.31

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

INJURED IN SHOOTING/EXPLOSION

By UCPN-M

Head Constable at Birtamod Area Police Office, Ambika Pokharel, 35, was injured when a group of youths, including Bhesh Bahadur Darjee, 24, of Namsaling VDC-7, Amar Rai, of Shantipur VDC-3, Dadhiram Rijal of Madhumalla VDC-9 of Morang and Manoj Rasaili of Muga VDC-3 of Dhankuta opened fire at policemen who were conducting a search at Birtamod Chok on May 1. The victim sustained bullet wounds to his right shoulder when shot by Darjee. Pokharel underwent further treatment at the Teaching Hospital in Kathmandu after receiving treatment in Siliguri, India. He

was undergoing treatment at Kodimatar in Southern India at the end of the year. His right hand became dysfunctional as a result of the shooting. Police arrested Rasaili and Rai on May 4. They were remanded in custody in the District Jail while the two other accused remain at large. Darjee is a combatant of Chulachuli-based cantonment of the PLA first division while two others were former PLA fighters, police said.

By Unidentified Group

Brahmalal Sedain, 55, of Charpane VDC-7 was injured when an unidentified group shot at him on May 25. He received a bullet injury to the left part of his chest. His wife Parbati was also attacked with a sharp weapon by the group. The victims were treated at BP Koirala Institute of Health Sciences in Dharan.

JAIL AND DETAINEES

The 'B' grade jail has the capacity to hold 200 inmates but had 591 at the end of the year. 223 persons had been convicted while 268 were awaiting trial. There were nine dependents, five boys and four girls, residing in the jail. Three inmates died in the jail. The building, constructed in 1961, is in disrepair. Inmates complained that the roof leaks and that there is a lack of toilet facilities. There is no residence for the jail warden and the budget for the medical treatment of inmates is insufficient, jail warden Khagendra Giri said. A leader of the inmates, Amit Rai, commented that they were facing multiples problems as the jail was accommodating thrice the volume of inmates than capacity.

DISAPPEARANCE/ABDUCTION

By Others

An 8-year-old boy of Anarmani VDC-3 was abducted by Motiram Neupane, 28, of Bahundangi VDC-9 while he was playing in her hotel on July 27.

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured			1	3	4
Child Rights			13	2	15
Inhuman Behavior				2	2
Abduction			2		2
Women Rights			10		10
Arrest & Torture	1	1			
Beatings			2	5	7
Killing			5	9	14
Total	1	1	33	21	54

Locals apprehended Neupane when they saw him attempting to take the minor to India later that day. The family of the victim filed a complaint against Neupane at the police station the next day. The accused was remanded in custody following an order from the district court on August 22.

Puja Gadal, 25, a resident of Shantingar VDC-6 and currently working at a hotel in Anarmani VDC-6 abducted a 5-year-old girl of Anarmani VDC-6 on August 6. Family of the victim rescued the girl while the woman was taking the minor girl to India from Birtamod. The woman was handed over to the police same day. The police filed a case of trafficking and she was remanded in custody of District Jail following an order from the District Court on August 23.

THREATS/BEATINGS

By Mancha Affiliated FLSC

Sudha Rajbanshi, 40, a resident at Charali of Duwagadhi VDC-4 was critically injured when cadres of Federal Limbuwan State Council (FLSC) pelted stones at her head while she was travelling by bus to Damak from Urlabari during a strike called by FLSC at the Tea Estate of Damak Municipality-16 on February 9. The victim was treated at Biratnagar based Neuro Hospital. Police had not arrested anyone involved in the attack.

By FLSC

Bhismaraj Kharel, 45, of Anarmani VDC-4 was beaten by FLSC cadre Anup Limbu on June 20 after it was alleged that he did not provide a donation to the party. The Birtamod Area Police Office arrested the accused from the site of the incident on the same day and filed a case of public offense against him. The accused was released by submitting bail of Rs. 5,000 on June 27.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with a single judge decided 862 criminal cases and 404 remained pending. 441 civil cases were decided and 361 cases remained pending. 12 criminal cases and 768 civil cases older than two years remained pending.

CHILD RIGHTS

Situation of Education

Of 134,376 children of school going age, 70,683 boys and 63,693 girls were enrolled in schools at primary and secondary level. Among them, 12,351 girls and 14,35 boys were Dalits. 710 female and 1,615 male teachers work at primary level government and community schools. 57 female and 368 male teachers work at lower-secondary level in government and community schools. 20 female and 366 male teachers work at secondary level in government and community schools.

16,372 boys and 15,039 girls are attending Early Child Development Center in the district among which 1,964 boys and 1,955 girls are Dalits. The District Education Office did not have updated data related to education.

Mangal Soren, 6, of Jyamirgadhi VDC-2 was hacked to death by his father Ledi Soren, 28, on June 12 while he was sleeping at his home. Ledi was arrested by personnel of the Kakarbhitta area police

office. The accused was remanded in the custody of the District Jail on July 7.

Hem Bhandari of Shanishchare VDC-6 was arrested by police on charge of raping a 12-year-old girl of the same place on June 8. He was sent to the District Jail on remand by the District Court on July 4.

The family of a 7-year-old girl of Surunga VDC-5 filed a complaint to police accusing Jaya Prasad Silwal, 51, of Surunga VDC-8 of attempting to rape the girl after taking her to a public toilet on July 21. Police arrested the accused that day and initiated necessary legal procedures. The accused was remanded in the custody of the District Prison on August 7 for an investigation following an order of the District Court.

Police initiated legal procedures on the allegation that Nabin Guragain, 26, of Garamani VDC-4 raped a 13-year-old girl of the same locality on October 6. Guragain threatened to take her life if she told anyone about the incident. Locals informed the police immediately when the accused made another attempt to rape the girl on October 12. He was arrested that day. Health check-up of the girl was held at Mechi Zonal Hospital the following day. The accused was remanded in custody following an order from the District Court on November 5.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

A 25-year-old woman from Surunga VDC-9 was sold by Soniya Shrestha, Shyam Shrestha and Subash Rai, of Damak Municipality-14 in Mumbai, India on May 12. The traffickers had deceived the victim by telling her that they would search for a job for her in India. The family and relatives rescued the victim from India on July 10. Of the accused, police arrested Soniya on July 19. She was remanded in custody following an order from the District Court

on August 15 while the other two accused were absconding.

Rape, Attempt to Rape, Sexual Abuse

Police arrested Bishal Karki, 27, of Garamani VDC-3 on the charge of raping a 25-year-old woman of Guarigunj VDC-8 at Bhardrapur Municipality-5 on June 5. A health check-up of the woman was held at Mechi Zonal Hospital, Bhadrapur on June 6. The accused was put in the custody of the district prison in Jhapa on July 1 for investigation, as per the order of the District Court.

Police arrested Bhagirath Ghimire, 47, of Ghailadubba VDC-4 alleging that he raped a 37-year-old woman of the same locality on June 17. Ghimire was accused of raping the woman after taking her to corn field nearby her house on June 16. Her health check-up was held at Mechi Zonal Hospital on June 26. The accused was remanded in custody in the District Jail following an order from the District Court on July 16.

DOMESTIC VIOLENCE

Sajan Harijan, 23, of Chakchaki VDC-2 made an attempt to kill his wife Jyoti Harijan, 20, for giving birth to a daughter on July 4. Sajan attempted to kill his wife by pouring kerosene on her body and setting her on fire. When neighbors learned about the incident, they rescued the victim. The victim was treated at Dharan based BP Koirala Institute of Health Sciences. Police arrested the accused that day and initiated legal procedures against him. The accused was sent to the District Prison after an investigation of the incident was ordered by the District Court in August 2.

Killing by Family Members

Police arrested Chandra Prasad Gautam, 35, of Sanischare VDC-3 on charge of killing his wife Kalpana Gautam,

29, by setting her alight after sprinkling kerosene on her body on March 4. Kalpana, who was in a critical as a result of the attack succumbed to her injuries while undergoing treatment at Dharan based BP Koirala Institute of Health Sciences on March 4. The District Court ordered the initialization of legal proceedings and remanded the accused in custody on March 31. A postmortem examination of the deceased was conducted at BPKIHS.

Dhan Bahadur Darjee of Dangibari VDC-1 attacked his wife Rana Maya Darjee, 50, of Dangbari VDC-1 alleging that she did not clean a cup after having tea in a house at Chakchaki VDC on November 2. Rana Maya died instantly when her husband hit her with an iron rod on the head. A postmortem examination of her body was carried out at Mechi Zonal Hospital and the final rites were performed that same day. Police arrested Dhan Bahadur the same day and he was remanded in custody following an order from the District Court on November 28.

Mistreatment

Meena Mardi, 35, of Rajgarh VDC-2 was injured after Paltan Mardi, Bangdu Mardi, Dhena Mardi, Devan Mardi and Dariya Mardi of same VDC assaulted her at her home on May 24 on the accusation of being a witch. They assaulted her after accusing her of killing a local girl by chanting spells. The victim filed a complaint with the police on May 26. Police arrested Paltan among the accused the same day. The District Court in Jhapa released him after he posted a bail of Rs 10,000 on June 19. Police said that search for other accused was underway.

Jamuna Devi Gautam, 85, of Satasidham VDC-8, currently staying at Laxmi Narayan Temple at Maidhar was beaten up by Tek Bahadur Budhathoki of the same locality on September 1. He attacked Gautam on the allegation of

practicing witchcraft. Police arrested the accused that day and initiated legal action against him. He was released on bail following an order from the District Court on September 9.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By FLSC

Cadres of Federal Limbuwan State Council, on the allegation of defying a general strike called by the party, vandalized a car belonging to Upendra Luitel of Charpane VDC-1 at Laxmipur section of the East-West Highway on February 10.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	12		
Sub-Health Post	38		
Position	Available Position	Working	Vacant
Doctor	24	22	2
Staff Nurse	25	21	4
Lab Assistant	11	11	
AHW	67	67	
AMW	36	36	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	14	14	
H W	78	78	

FOLLOW-UP

Bhairaba Shrestha, 35, and Parvati Rajbanshi of Dangibari VDC-2 were arrested by police on February 4 on charge of selling two women, one 21 years of age and the other 23-years-old after promising them of jobs through an agent in Kuwait. Shrestha and Rajanshi were accused of selling the girls in India on October 1. They were remanded in custody of the District Jail following an order from the District Court on April 9.





Population : 295,824

Male : 144,125

Female : 151,699

Literacy(%) : 80

Women Literacy(%) : 55

Area(Sq. Km.) : 1,703

Number of VDC(s)/Municipality(ies) : 48/1

Number of School(s) : 453/38

Campus(es)/Higher Secondary School(s) : 2/27

Human Development Index : 0.521

Average Household Size : 4.45

CIVIL AND POLITICAL RIGHTS**RIGHT TO DIGNIFIED LIFE****THREATS/BEATINGS****By YCL**

UCPN-M city secretary Jiban Sharma, 26, of Ilam Municipality-2 received threats of physical action from YCL district member Dipen Rai on September 13. Sharma, close to Baidhya faction, was demanded Rs. 200,000 which Rai claimed to have spent on disrupting the Baidhya faction's conference. Rai is affiliated to Dahal Faction. According to the victim, he filed a complaint at DPO demanding action against the guilty party. However, no action was taken against him.

By PLA

Locals of Chulachuli VDC-1 were beaten up by armed UCPN-M combatants

from Chulachuli Cantonment on May 16. The villagers said that the attack was a result of a minor dispute at a wedding ceremony where the combatants were accused of teasing some local women. Chhabilal Limbu, Man Bahadur Phago, Birhang Limbu, Dipendra Tumbapho and Bishal Sunuwar were abducted following the dispute. They were released on May 17 from the Cantonment. Suman Thamsuhang, 34, Dig Bahadur Limbu, 24, and Pinso Phago, 22, sustained injuries in the incident. All of those injured had bruises all over their bodies. Among the injured, seriously wounded Suman and Dig Bahadur were treated at Neuro Hospital, Biratnagar and BPKIHS, Dharan. A compromise between both sides was reached when the combatants promised to give Rs 22,000 to the injured villagers for treatment on May 27.

By Manch Affiliated (FLSC)

Principal of Janakalyan Secondary School, Hari Prasad Pokharel, 56, of Ektappa VDC-9, and teacher at the same school, Rabindranath Sharma, teacher Surya Limbu, 25, of Ektappa VDC-6 and 10th grader Kesharsingh Limbu, 19, of same VDC-8 were injured in the school premises by FLSC cadres Dil Limbu and Ram Kumar Limbu on February 16. The injured were treated at a local health post. The school resumed from February 22 with the initiation of Local Peace Committee. The perpetrators were sent to the District jail on March 20 as per the District Court order.

By Unidentified Group

FLSC cadre Laxman Rai, 28, of Puwamjhuwa VDC-6 was beaten up by an unidentified group on August 28. According to Dambar Lorinden, chairperson of FLSC, Rai was beaten in Phalante VDC while he was heading home after attending

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			2		2
Economic, Social and Cultural Rights	1	1			
Abduction				6	6
Women Rights			3		3
Racial Discrimination				2	2
Beatings			1	17	18
Threats				4	4
Killing			1		1
Total	1	1	7	29	36

a rally organized by his party. Rai, who received serious injuries, was treated at the District Hospital. According to the police, an investigation into the incident was underway.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of the 203 criminal cases, the District Court with one judge, decided 158 criminal cases and 45 remained pending. Among the 178 civil cases, 117 civil cases were decided and 61 cases remained pending.

July 17, 2011-December 31, 2011

The Appellate Court, which has only one judge, decided 71 criminal cases and 157 remained pending. Out of the 147 civil cases, 44 civil cases were decided and 103 cases remained pending.

The Office of the District Government Attorney filed 196 cases between July 17, 2010 and July 16, 2011, out of which 88 cases were won and six cases were lost. Similarly, five cases were moved to Appellate Court. The Office of District Government Attorney informed that 99 cases filed until July 16, 2011 remained pending.

CHILD RIGHTS

Situation of Education

Of 124,838 children of school going age, 52,722 boys and 58,996 girls are enrolled in schools from primary to secondary level. Among them, 2,820 girls and 2,575 boys are from the dalit community. 388 female and 1,009 male teachers are working at primary level government and community schools. 590 female and 664 male teachers are at the lower-secondary level in government and community schools. Similarly, seven female and 460 male teachers are at secondary level in government and community schools.

There are 4,560 students including 2,365 boys and 2,195 girls attending Early Child Development Center.

Killing after Rape

Yubraj Lumre Magar, 26, and Dinesh Lumre Magar, 14, of Sulubung VDC-6 were arrested by police on September 29 on charge of killing 9-year-old Rajina Gahatraj after raping her. According to Govinda, 37, the victim's father, the girl had gone to receive her uncle on the same day. The victim's family began searching for her when she failed to return, even though her uncle had arrived at 8 pm. Her dead body was found in a plastic bag at Hitidhara of the same place. Demanding action against the perpetrators, the victim's father lodged a complaint at DPO on September 30. Inspector Jagannath Gautam informed that an investigation into the incident was underway following the arrests of the accused. Different Dalit and Women Organizations of the district issued press statements demanding severe action against the accused on the same day. Yubraj was sent to jail in remand as per the order of District Court while Dinesh was released on October 30 for being a minor.

Rape, Attempt to Rape, Sexual Abuse

Police arrested Balbir Limbu, 65, of Mahamai VDC-8 on March 27 on charge of raping an 8-year-old girl of the same VDC on March 25. According to the DPO, the accused was sent to jail on remand as per the order of District Court on April 18.

Police arrested Santosh Sundas, 38, of Bahundangi VDC-8 on September 23 on charge of raping a 5-year-old girl of Mangalbare VDC-1. According to police, Sundas raped the victim by calling her to his shop in Mangalbare Bazaar. The victim was treated at the District Hospital, Ilam on October 11. The accused was arrested by the Area Police Office of Mangalbare and was sent to jail as per the District Court order on October 24.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Premwala Rai of Siddithumka VDC-5 was arrested by police on May 1 for raping a 39-year-old woman of the same place. The accused was remanded in jail as per the order of District Court on May 24.

ALL KINDS OF RACIAL DISCRIMINATIONS

Bibas Biswakarma, 27, of Namsaling VDC-4 was beaten up by a group of local people including Pradip Ghale, 23, of same VDC-2 on April 24 on charge of entering the home of the accused. The victim had gone to his home to request transportation for domestic purposes. Demanding action against the accused, the victim lodged a complaint at DPO on May 8. However, an agreement between both sides took place on May 17 as police denied taking legal action against the accused.

HEALTH SERVICE SITUATION

Hospital	4		
Health Post	12		
Sub-Health Post	32		
Position	Available Position	Working	Vacant
Doctor	6	5	1
Staff Nurse	8	8	
Lab Assistant	7	6	1
AHW	54	54	
AMW	21	20	1
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	13	13	
H W	86	65	21



1.3 Panchthar



Population : 198,362

Male : 93,884

Female : 104,478

Literacy(%) : 63

Women Literacy(%) : 50

Area(Sq. Km.) : 1,241

Number of VDC(s)/Municipality(ies) : 41/0

Number of School(s) : 390/13

Campus(es)/Higher Secondary School(s) : 1/22

Human Development Index : 0.484

Average Household Size : 4.43

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'E' grade Jail has the capacity to hold 25 inmates but had 131 at the end of the year. Among them, 15 were female and 116 were male. 84 inmates were convicts and 47 were awaiting trial. There are two minors, one boy and a girl, residing in the jail as dependents.

THREATS/BEATINGS

By State

Dhan Bahadur Rai, also known as Rupak, 21, of Chamaita VDC-6 in Ilam and currently living at Ranke Bazaar was seriously injured in beating by the police on October 6. Rai was driving for the police after being requested for his service as the police driver had taken leave for Dashain holiday. Police beat him up after a dispute as he wanted to go home around 6 pm and the police wanted him to continue. Injured Rai was rushed to Silguri in India the next day without the knowledge of his family. According to Rai's wife Rina Bishwakarma, Rai was asked to drive the police van on high patrol for 12 hours by ASI Dhruba Adhikari. Despite denying their involvement, the police covered all the cost of his treatment in India. According to Rai's mother Mukuni Maya, her son was going abroad for work after Dashain. The victim's relatives filed a complaint against ASI Adhikari on November 8 but it was not registered until the end of the year. CDO Baburam Khatiwada promised to take action in the case but nothing had been done by the end of the year.

By Unidentified Group

Principal of Pragati Primary School Khalbir Kurunbang, 47, of Phidim VDC-4 was issued a death threat by an unidentified person on July 25. He received threat on the phone in the late evening. He filed

an appeal at the DPO asking for action regarding the threat but the police was unable to identify the caller.

RIGHT TO PROMPT AND FAIR TRIAL

DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with a single judge decided 127 criminal cases and 101 remained pending. 111 civil cases were decided and 88 cases remained pending. One criminal case and one civil case older than two years remained pending.

July 17, 2011-December 31, 2011

The District Court with single judge decided 39 cases criminal cases and 136 remained pending. 22 civil cases were decided and 108 cases remained pending. One civil case older than two years remained pending.

The Office of the District Government Attorney filed 101 cases between July 17, 2010 and July 16, 2011, out of which 67 cases were won and 33 cases were lost. The Appellate Court has been moved in 33 cases. The Office, with one government attorney, informed that one case filed by July 16, 2011 remained pending.

Among the filed 10 murder cases, seven cases were won and three lost. Out of three rape cases, two cases were won and one lost. Both cases of attempted rape were won. Out of four cases of polygamy, three were won and one was lost.

CHILD RIGHTS

Situation of Education

Of 76,632 children of school going age, 37,094 boys and 39,538 girls enrolled in schools of primary and secondary level. Among them, 2,734 girls and 2,481 boys were Dalits. 1,278 teachers are working at primary level government and community schools. 351 teachers are working at lower-secondary level

in government and community schools. 232 teachers are working at secondary level in government and community schools. The District Education Office did not have an updated data related to education.

Women Trafficking

Manmaya Lawati, 50, of Lumphabung VDC-1 and Bindu Kumari Kegenamba Limbu, 50, of Siwa VDC-5 were arrested on July 6 on charge of trafficking three girls. They were arrested after the families of three girls, a 17 year-old of Lumphabung VDC-8, a 16 year-old of Lumphabung VDC-1 and another 16 year-old of Nawamidanda VDC-9 complained at the police office that the accused had sold the girls in India under the pretext of taking them abroad for employment. Locals said that the two women were mobilized by Narbir Nembang of Phaktep VDC-1. One of the three girls managed to escape from a brothel at Silguri in India. The whereabouts of the other two could not be ascertained, the police informed. The accused were released by the District Court on bail on July 29. The Office of the District Government Attorney moved the case to the Appellate Court on August 14. Police charged Narbir Nembang as the prime accused and arrested him on November 10. He was remanded in custody by the District Court on November 13.

Rape, Attempt to Rape, Sexual Abuse

The family of a 10-year-old girl of Yangnam VDC-4 accused Prakash Ekten Limbu, 19, of the same place of raping her on April 15. The girl was treated at BPKIHS in Dharan. Limbu was arrested on April 16. He was remanded in custody on May 12 after an order by the District Court.

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			9		9
Abduction			1	1	2
Women Rights			17		17
Beatings	1	1			
Threats				3	3
Killing				1	1
Total	1	1	27	5	32

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

The family of an 68 years-old woman of Nagin VDC-9 accused Aitaraj Ekten, 38, of Nagin VDC-1 of attempting to rape her on April 15. He was arrested by the police on April 17. He was remanded in Panchthar Prison on May 13 as per the District Court order.

DOMESTIC VIOLENCE

Nirmala Rawat, 24, of Ektin VDC-4 was deserted by her husband Man Dev Khatri, 24, of the same place on October 21. They had got married on September. Saying that her husband had deserted her in the pretext of going to Birtadod in Jhapa, she filed a complaint at DPO on November 11. She was living with her natal family while the husband was out of contact until the end of the year.

Beating by Family Members

Kabita Tamang, 34, of Imbung VDC-9 was beaten up by her husband, Dikpal Tamang, 37, on November 17. Dikpal, in an inebriated condition, attacked her as she was doing chores at home. Dikpal also assaulted their 5-year-old son Pawan and cut off the little finger of left hand. Neighbors Dhan Bahadur Tamang and Kaushila Tamang said they managed to rescue Kabita as Dikpal was strangling her. Kabita sustained serious neck and face injuries. Both mother and son were

treated at Panchthar District Hospital. Kabita filed a complaint against Dikpal at DPO on November 20 but his whereabouts remained unknown.

Eviction from Home

Devika Khadka, 27, of Chilidin VDC-6 was evicted from her marital home by her father-in-law Balbhadra Khadka, 50, and mother-in-law Bhuwan Kumari Khadka, 45, on July 19. Police arrested the couple from their home on August 8 after the victim filed a case against them. The victim's husband and his second wife Shova Khadka absconded after the incident. She was evicted from the home for trying to file a case of polygamy against her husband.

Polygamy

Sharmila Rai, 30, of Ranitar VDC-2 filed a complaint at the DPO on November 23 against her husband Subas Chandra Rai, 30. Subas, who had been in Kuwait for the last two years, got married to Druba Kumari Limbu, 29, of Morang who was also in the same country. Sharmila said she had heard the rumor and when she asked her husband about it, he denied it. However, on November 12, he took her home following rituals. Sharmila was taking refuge along with her 3-year-old son Saban at a temporary service center in Phidim. Police said that the whereabouts of Subas and Dhruba Kumari were unknown.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	2		
Sub-Health Post	15		
Position	Available Position	Working	Vacant
Doctor	5	4	1
Staff Nurse	6	6	
Lab Assistant	2	2	
AHW	26	26	
AMW	25	18	7
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	20	17	3
H W	60	48	12



1.4 Taplejung



Population : 128,547

Male : 61,442

Female : 67,105

Literacy(%) : 58

Women Literacy(%) : 45

Area(Sq. Km.) : 3,646

Number of VDC(s)/Municipality(ies) : 50/0

Number of School(s) : 311/4

Campus(es)/Higher Secondary School(s) : 1/22

Human Development Index : 0.467

Average Household Size : 4.63

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
JAIL AND DETAINEES

The 'E' grade Prison in Taplejung, with the capacity to hold 25 inmates had 93 inmates at the end of the year, all of whom were male. Out of 93, 43 have been convicted and 50 are awaiting trial. The inmates are enduring lack of drinking water. They protested the situation by throwing plates on July 25. The jailer, Medani Sapkota, agrees that overcrowding has created such a shortage and said that too many inmates in the prison was hampering their access to basic needs. He added that information related to the problems in the jail have been forwarded to the Prison Management Department.

THREATS/BEATINGS

By State

Yogen Bishwakarma, 25, of Phungling VDC was taken from his house at Srijan Tole and was beaten up on the back and legs with boots and lathi by APF personnel on charge of being drunk and causing disturbance on July 25. The victim was treated at Taplejung. After the protest from the Local Dalit Alliance, the head of Kanchanjunga Battalion accepted weakness from his side and assured that the incident would not be repeated in the future.

By UCPN-M

Ramchandra Parajuli, 41, of Khenejim VDC-7 was injured in beating by seven UCPN-M cadres, including Hari Sundar Limbu of the ward no. 7 of the same VDC on March 5. He was beaten with lathi and stoned in the head and other body parts. They left thinking he was dead and left his body in a cardamom field. The victim was carried by his relatives and treated at the District Hospital. Although the victim's family lodged a complaint at

the DPO, no action was taken against the perpetrator.

By YCL

FNCCI district president Santosh Khatiwada, 51, of Phungling VDC-4 and local entrepreneur Tika Ojha were beaten up by YCL cadres led by Chandra Thebe of the same VDC-3 on March 29. They were beaten up at Phungling VDC-6. According to the FNCCI District Secretary Indra Gurung, they were attacked at the gate of the DPO while they were returning after a discussion regarding the matter of donations collected forcefully by the YCL from entrepreneurs Bhim Grurung and 10 others. Khatiwada, who sustained severe injuries, was airlifted to Kathmandu and was treated at Model Hospital. Dipen Limbu and Bishwa Limbu who were amongst the perpetrators were arrested and a case was filed under the Public Offence Act on March 30. The perpetrators were released on bail after one month. UCPN-M district in-charge Suman denied his group's involvement.

By YAN

The policemen of Dhungesangha station VDC-4 were attacked by local Youth Association Nepal (YAN) cadres on the evening of March 17. Police Constable Sanjay and four others were injured. The group of 50 YAN also looted four weapons and returned them after two days. A brawl had ensued during a volleyball competition held at Phukumba VDC between the YAN and the YCL. The police who had gone to intervene were chased back to the police station and attacked. Suspected of being involved, Ganesh Shrestha and 12 others local youths were arrested in suspicion of being involved in the incident on April 4. They were released after investigation.

Type of Events	By State		By Non-State			
	Male	Total	Female	Male	N/A	Total
Child Rights			1			1
Women Rights			6			6
Arrest & Torture	1	1				
Beatings	1	1	1	5	3	9
Threats				2		2
Killing				1		1
Total	2	2	8	8	3	19

By UML

UCPN-M Village Committee secretary Kiran Limbu, 32, of Phukumba VDC-9 was attacked with a khukuri at his home on July 18 by UML cadres Prakash Banem, Bishwa Banem, Tara Banem and seven others of the ward no. 4 of the same VDC. The victim sustained severe injuries on his neck and right shoulder and was airlifted to BP Koirala Institute of Health Sciences in Dharan. No action was taken against the perpetrator until the end of the year.

By NC

Bishnu Prashad Thalang, 30, of Khakling VDC-8 was attacked with a khukuri on July 25 by NC cadres Durga Karki and Som Limbu's group of ward number 7 of the same VDC. The victim was severely injured in the attack. UML district committee condemned the incident in a press release on July 18. The victim was taken to the BP Koirala Institute of Health Sciences in Dharan after he could not be treated at the District Hospital. Durga Karki who was attempting to flee was shot at by Tara Sanwa led UML cadres on November 9.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court, with one judge, decided 107 criminal cases and 72 remained

pending. Regarding civil cases, out of a total of 209 cases, 149 civil cases were decided and 60 cases remained pending

July 17-December 31, 2011

The District Court, with one judge, decided 15 criminal cases and 116 remained pending. Regarding civil cases, out of total 96 cases, 20 were decided and 76

cases remained pending.

The Office of the District Government Attorney filed five murder cases between July 17, 2010 and July 16, 2011, all of which remained pending. The Office of the district Government Attorney informed that there is one government attorney in the district.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Arrest and Torture

Dadorji Tamang, 25 of Change VDC-1, was arrested by the patrolling team of the Area Police Office of VDC-3 for selling meat on higher price on September 18. He was severely beaten in the police station and then released on the same date. Tamang filed a complaint in the DAO against the police officers for torturing him on September 20. The victim was treated at the District Hospital.

CHILD RIGHTS

Situation of Education

Of 51, 258 children of school going age, 24,727 boys and 26,531 girls enrolled in schools of primary and secondary level. 294 Female and 643 male teachers are working at primary level government and community schools. 11 female and 190 male teachers are working at lower-secondary level in government and community schools. Five female and 113 male teachers are working at

secondary level in government and community schools. The District Education Office did not have updated data related to education.

Many school buildings were damaged because of the earthquake of September 18 and the reconstruction of buildings has not yet begun. Children are therefore unable to attend school and are thus being deprived of receiving an education. The District Education Office reported that due to the earthquake 352 rooms of 224 schools collapsed and 564 were damaged partially while more than 100 toilets were destroyed. The Teachers Union president Chatrapati Pyakurel said the students are compelled to sit in exams without adequate preparation due to a lack of books.

Rape, Attempt to Rape, Sexual Abuse

A 14-year-old girl of Change VDC-7 was forcefully taken to the jungle and was raped allegedly by Bal Bahadur Gurung and Lawa Hang Limbu of the same place on March 22. According to the victim, she was gang raped while returning to her home. The accused were arrested on March 25. They were sent to jail on charge of rape after the victim lodged a complaint.

Bandas

The schools of Phungling VDC-7 were shut down on March 20 by FLSC who demanded that their cadres Manil Tamang be declared a martyr. The schools reopened after the government agreed to provide relief to the deceased's family.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Sanju Sherpa, 27, of Phungling VDC-8 was injured when she was attacked with a khukuri by Suman Limbu of the same place and Mahendra Samekham of Khamlung VDC-1 on December 9. She was attacked for filing a case against them on the charge of rape. According to Police Inspector Kabindra Karki, the victim filed

a complaint on December 7 against Suman Limbu, of Phungling VDC-8, Bibek Limbu and Mahendra Samekham of Khamlung VDC-1 amongst whom Bibek was arrested. The two other perpetrators escaped. The victim received treatment at BPKIHS, Dharan after being referred by the District Hospital. According to Inspector Phabindra Biden, preparations were underway to file a charge of rape against the arrested Bibek and the two remaining perpetrators.

DOMESTIC VIOLENCE

Dhanmaya Limbu, 55, of Lingkhim VDC-5 was severely injured when her husband Harkaman Limbu attacked her with a khukuri on June 27 following a family dispute. The victim received treatment at District Hospital with the help of the villagers. The villagers handed over the accused to the police later. Harkaman Limbu had attempted to kill his wife on two occasions earlier. The perpetrator is facing trial for attempted murder.

Chautrani Limbu, 35, of Thukima VDC-7 filed a complaint at the DAO against her husband Jay Bahadur Kedam and his first wife on June 25. According to the victim, her husband along with his first wife and her son tortured her physically and mentally often after locking her behind a door. She filed a complaint on June 26 demanding alimony and divorce.

Mistreatment

Manmaya Limbu, 70, of Change VDC-3 was injured after being attacked by Roshan Limbu, 22, of the same place along with a group of five others on the charge of being a witch. The victim was left to die after the incident. The victim received treatment at the District Hospital with the help of her relatives. SI Badri Bikram arrested the accused Roshan Limbu and four others who were released later on May 28 on bail of Rs 250,000.

ECONOMIC SOCIAL AND CULTURAL RIGHTS

This year 17 strikes were called by FLSC, Tarun Dal, local workers and transportation entrepreneurs. The government officers, general people, tourists and pilgrims faced problems as a result. Threats were issued that there would be no limit to what would, or could, be done if a strike was disobeyed.

HEALTH SERVICE SITUATION

This year, 70 per cent of 400,000

Hospital	1		
Health Post	8		
Sub-Health Post	43		
Position	Available Position	Working	Vacant
Doctor	4	3	1
Staff Nurse	5	4	1
Lab Assistant	3	3	
AHW	57	45	12
AMW	16	12	4
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	13	8	5
H W	93	65	28

iron supplements provided for pregnant women through health posts were the damaged ones.

District Public Health Office staff Dilli Subba said that the local hospital building was 30 years old and that it was so crowded that sick people had to be treated on the cold floor.

FOLLOW-UP

Shree Prasad Limbu, 60, of Ishibu VDC-9 requested the assistance of the Local Peace Committee on January 12 to help him find Shevakar Limbu, 33, who was disappeared after arrest by the security personnel on January 13, 2004. According to Shree Prasad Limbu, his son was asked

to carry luggage by the security force while he was playing volleyball in Ishibu VDC-9 and he never came back. He added he could not go looking for his son fearing the army.

Rajkumari Limbu Thapa, 37, of Thechembu VDC-6 filed a complaint at the District Administrative Office pleading to make her due be paid by ASI Raj Kumar Shrestha on February 22. The victim had received Rs 700,000 as relief from the Government after her husband who was in police died during the armed conflict. Shrestha, the accused borrowed Rs 70,000 from that money and did not return it.



1.5 Morang



Population : 964,709

Male : 466,803

Female : 497,906

Literacy(%) : 69

Women Literacy(%) : 55

Area(Sq. Km.) : 1,855

Number of VDC(s)/Municipality(ies) : 65/1

Number of School(s) : 690/93

Campus(es)/Higher Secondary School(s) : 15/70

Human Development Index : 0.531

Average Household Size : 4.37

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Unidentified Group

The body of Jagat Shrestha, 17, of Dharan Municipality-14 was found in a pond at Sarauchiya of Biratnagar Sub-Metropolis-7 on January 15. An unidentified gang killed Shrestha and threw the body into the pond, police said. The victim had gone to visit Jogbani of India with Dinesh Adhikari, 25, and John Limbu, 23, of Dharan Municipality-14 and Nertra Bahadur Karki, 23, of Dharan Municipality-15. Except the victim, they all returned home the same day. Police interrogated them on January 17 and they denied their involvement in the incident. The victim had been missing since January 9. A postmortem examination of the body was conducted at Kosi Zonal Hospital on January 15.

The body of Bandana Rai, 9, a resident of Kerabari VDC-9 and a three grader at the local Durga Primary School was found on December 27. An unidentified gang had thrown the body in a forest nearby Bhaluwa after her murder, police said. The victim had left for Bhaluwa from Gharung at 4 pm on December 26. The family of the victim who began searching for her after she did not return home by late night found the body in the forest the next day. A postmortem examination of the body was conducted at Kosi Zonal Hospital on December 27 and the family collected the body the same day. Bruises were found on her head, said Sanjay Singh Thapa, Inspector at Belbari Area Police Office said.

JAIL AND DETAINEES

The 'B' grade District Jail has the capacity to hold 250 inmates but had 611 at the end of the year. Among the inmates, 58 are female, 553 are male and six minors,

including two boys and four girls, live as dependents. There are 349 convicts and 262 are awaiting trial. Jailer Sunil Niraula informed that the jail buildings are in a dilapidated condition, lack space and are not well ventilated. There are separate buildings for male and female inmates. The inmates are facing several problems due to insufficient toilet facilities and the irregular supply of power. However, the jail receives newspapers and has a television. The inmates are also involved in income generation work like making *muda*, a furniture item made of bamboo and plastic strings. One monitor, Birendra Mahato, informed that sick inmates could not be treated as a budget is not allocated for that purpose.

Padam Bahadur Bishwakarma, 40, of Urlabari VDC-1, who was remanded in the District Prison on rape charges, died on January 14 reportedly due to a delay in treatment. Jailer Khagendra Giri claimed Bishwakarma was badly injured in the villagers' beating at the time of arrival in the jail. He was suffering because he had injuries to the testicles during beatings by locals. He had requested Jailer Giri for treatment before arriving in the jail. Other inmates claimed he was taken to hospital in critical condition after being ill for four months. Giri said Bishwakarma could not be taken to the hospital because of budget constraints.

The body of Bhakta Kumari Yakhya, 54, a resident of Panchkanya VDC-5 of Sunsari was found in a toilet of the Morang Prison in Biratnagar Sub-Metropolis-11 on May 12. The body was found hanging in the toilet, jailer Sunil Niraula said. She was remanded in custody following an order from District Court on April 19.

DISAPPEARANCE/ABDUCTION

By FLSC

UCPN-M cadre Rajendra Dahal, 30, of Bayarban VDC, who was also a

Type of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Injured				1	1	2
Child Rights				24		24
Inhuman Behavior					1	1
Economic, Social and Cultural Rights					1	1
Abduction					2	2
Women Rights				16		16
Right to Assembly	7	4	11			
Death in Jail		4	4			
Racial Discrimination				1	1	2
Beatings		6	6	1	12	13
Threats					1	1
Killing				5	7	12
Total	7	14	21	48	26	74

secretary of the local Bhaluwa Canal Construction Committee, was abducted by cadres of Federal Limbuwan State Council (FLSC) on May 11 for not providing them donation. FLSC cadres Bikram Limbu, 25, Bal Bahadur Limbu, 26, Santosh Limbu, 29, Ganesh Gurung, 22, and Udesb Limbu, 19, of Bayarban VDC-5 abducted Dahal from Jay Chok of the same VDC. Dahal was released with the help of Public Security Bureau of UCPN-M from Bahuni VDC two days later. Before Dahal's abduction the accused had beaten up NC cadre Yogendra Dhakal, 32, of Bayarban VDC-7, who was the chairperson of Bhaluwa Canal Construction Committee. When Dhakal was being taken to Biratnagar for treatment in an ambulance, FLSC cadres abducted Dahal from Jaya Chok. Yogendra was treated at Kosi Zonal Hospital, Biratnagar. Police arrested all accused on May 13 after the victims' family filed complaints at Belbari Area Police Office on May 12 under abduction and attempt to murder charges. Santosh was released after posting a bail of Rs 10,000 while the others were released on general date on June 2 by the

District Court order. The FLSC had asked the duo for 15 per cent of the amount allocated for the construction of a canal as a donation.

THREATS/BEATINGS

By State

Ashok Limbu, 25, of Uurlabari VDC-2, Pawan Thapa, 23 and Sanam Limbu, 22, of Uurlabari VDC-4 were beaten by a police patrol team led by Shyam Saru Magar, an Inspector at Uurlabari Area Police Office in a public place nearby Panitanki in Uurlabari VDC-3 on May 10. The police patrol team beat up the trio with batons and boots saying that they did not obey them when the team told them to go home. The relatives of the victims sought the reasons for beatings. Magar pledged not to repeat such mistakes in the future and the victims did not file any complaint.

By YAN

Abhisekh Giri, 35, of Biratnagar Sub-Metropolis-1, an inmate at the Sunsari-based Regional Prison was attacked by the Youth Association Nepal

(YAN) cadres inside the District Court premises when he was brought for a court hearing on June 1. The assailants hurled stones and bottles inside the van in which he was brought to the hearing. He was treated at BPKIHS, Dharan. 10 people, including policemen, were injured in the incident. Police resorted to using batons and firing in the air to calm the situation. District member of YAN, Mukesh Budathoki of Biratnagar Sub-Metropolis-15 and ANNISU-R district vice-chairman Debananda Yadav, 26, of Biratnagar Sub-Metropolis-18 were arrested on site by police. The duo was treated at Birat Nursing Home for head and body injuries. Wife of Abhisekh, Anisha Giri filed a murder charge against 40 persons on June 7. The others accused were at large. Abhisekh had been in prison for two years on the charge of killing Karan Yadav of Biratnagar Sub-Metropolis-18. Kiran was killed with a sharp weapon during a clash that took place over a dispute on tender called by the District Development Committee.

Biratnagar correspondent of Nagarik Daily, Khilanath Dhakal, 23, of Biratnagar Sub-Metropolis-13 was critically injured when YAN city chairperson Rohit Koirala, 35, and YAN cadre Manoj Rai, 37, of Biratnagar-15 assaulted him on June 5 over a published news story. The victim underwent treatment at Neuro Hospital in Biratnagar Sub-Metropolis-13 and Nobel Medical College in Biratnagar Sub-Metropolis-5. He was discharged from Nobel Medical College on June 21. He sustained injuries to his nose, eye and different parts of the body. Among the accused, Koirala was arrested the same day from his home whereas Rai was arrested in front of Morang Campus on June 13. The Vice-Chairperson of YAN Morang, Parshu Ram Basnet, remained at large by the end of the year. FNJ Morang filed a case of abduction and attempted murder

at the DPO against the trio on June 6. FNJ organized various protests, sit-ins and strikes for a month to pressure the administration to arrest the accused. The victim had published a news story on the Nagarik daily regarding the June 1 attack on Abhisekh Giri at the District Court claiming the involvement of YAN and YF cadres. INSEC, Advocacy Forum, Bar Association and other human rights organizations condemned the attack on Dhakal and issued a joint press statement on June 6. The statement demanded action against the culprit and justice to the victim. YAN rebuked the news in a press meeting, saying that it dragged the organization unnecessarily into controversy.

By PLA

UML cadre Nar Bahadur Rai, 63, Nabin Ale Magar, 18, Milan Rai, 20, Bijay Bhujel, YAN Regional Committee member Megh Bahadur Rai, 38, residents at Aledangi of Kerabari VDC-7 were critically injured when some 25 UCPN-M combatants of PLA's Yangshila Cantonment led by Platoon commander Tenjing Sherpa aka Sabin, 24, attacked the former with sharp weapons on April 25. It was stated that the victims were attacked at their own homes over past enmity. Of the injured, Megh Bahadur was treated at Dharan based BP Koirala Institute of Health Sciences and Biratnagar based Neuro Hospital. Megh Bahadur sustained deep injuries to his head from a sharp weapon and the little finger of his left hand was chopped off. Nar Bahadur sustained injuries to his head, Nabin to his eye and face while Milan and Bijay sustained injuries to various parts of their bodies. The victims registered a complaint against the attackers at Kerabari Area Police Office on April 28, however, no action was taken. Various organizations including INSEC, WOREC, district chapter of the Nepal Bar Association and the Human

Rights People's Concern Committee, among others, monitored the incident on April 27. The organizations involved in monitoring the incidents made their report public on the same day and demanded that action be taken against the alleged attackers and relief and compensation be provided to the victims.

By Others

Arjun Lumneli Rai, 31, a resident of Pathari VDC-1 and Pathari correspondent of Aujar Daily was threatened by Bibek Bhattarai, 21, of the same locality on February 5. Bhattarai, a correspondent of Janbidroha Daily threatened Rai over a news story. Bhattarai issued a death threat over phone to Rai. The victim lodged a complaint at Urlabari Area Police Office on March 5 and the accused was arrested the same day. The accused was remanded in the custody of the District Jail after he could not pay the bail of Rs 28,000 fixed by the DAO under the Public Offense Act on March 12. He was released after he paid the bail amount on March 16.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

At least 15 workers were injured as police personnel and workers clashed while rescuing 37 staff at Surya Nepal Private Limited at Tanki Sinwari VDC-2 on June 15. The workers pelted stones and bricks at the police while police charged batons and fired teargas shells at the workers during the clash. Workers, including Dipak Chaudhary, 35, Sumod Kamati, 32, Renuka Bhattarai, 37, Babita Bista, 35, and Sarita Banstola, 40, of Tanki Sinuwari VDC were injured in the clash. ASI Sangita Bogati, Head Constables Chandra Lawati and Narayan Bhujel, SI Kailash Chaudhary, Constables Chhek Bahadur Khadka, Hemanta Rajbanshi,

Sunita Rai, Kamala Thapa, Sushmita Lama, Mahesh Mandal and Sanjay Yadav were injured in the clash. The injured received treatment at Kosi Zonal Hospital and Nobel Hospital. The workers were agitating with the in demand that they be provided with returns for their leaves as provided to workers by other industries. Workers had held 37 staff, including assistant manager of the industry Amrita KC hostage from June 14. INSEC regional coordinator Somraj Thapa and representatives of the NHRC facilitated talks between staff and workers and reached an agreement to free the hostages. Yamnath Adhikari of Morang District Police charged batons and fired teargas shells under the direction of the CDO. Director of the industry, AK Jha gave permission to exercise force against the workers. Following the incident, Jha closed the industry citing security concerns. He said that the industry would open after expelling those workers involved in the protest. The industry was shut permanently following the incident.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with three judges decided 852 criminal cases and 608 remained pending. 844 civil cases were decided and 832 cases remained pending. Seven criminal cases and 12 civil cases older than two years remained pending.

APPELLATE COURT

July 17, 2011-December 31, 2011

The Appellate Court with eight judges decided 117 criminal cases and 425 remained pending. 130 civil cases were decided and 417 cases remained pending. Two civil cases older than two years remained pending.

The Office of the District Government Attorney filed 976 cases

between July 17, 2010 and July 16, 2011, out of which 516 cases were won and 77 cases were lost. Appellate Court has been moved in 75 cases. There were 108 cases older than two years. The Office, with two of government attorneys, informed that 383 cases filed until July 16, 2011 remained pending.

CHILD RIGHTS

Situation of Education

Of 219,486 children of school going age, 106,026 boys and 113,460 girls enrolled in schools of primary and secondary level. Among them, 21,502 girls and 21,689 boys were dalits. 8,965 boys and 9,032 girls are attending Early Child Development Center in the district. It was found that the District Education Office has not updated all data related to education.

Women Trafficking

Students at Buddha Secondary School, Bishnu Maya Giri, 17, her classmates of Poonam Rai, 16, Shanishchare VDC-5 and Kopila Danuwar, 16, of Shanishchare VDC-4 were allured into crossing the border to India on September 8 by Goma Dhakal, 34, and Rita Luintel, 45, of Shanishchare VDC-4, and Gita Gurung, 26, of Urlabari VDC-6. Among them, Poonam decided to stay at Mangalbare as they were travelling. The whereabouts of other two were not known until the end of the year. The accused three were arrested by the police on November 11. They were at District Prison since September

Rape, Attempt to Rape, Sexual Abuse

Family of a 13-year-old girl of Rangeli VDC-2, alleged that Mukesh Kumar Sah, 22, a teacher of the school raped her on June 22 while she had gone to drink water from a tap. The victim is

a second grader at Samgloti Boarding School. They filed a complaint at Rangeli Area Police Office on June 27. A health checkup of the victim was held at Rangeli Hospital and doctors told the family that the girl was five-month pregnant. Police arrested the accused on the same day and he was remanded in the District Jail on July 20 following an order from the District Court. WOREC Nepal provided help to the victim for her mental and physical treatment and legal support by keeping her at its shelter in Biratnagar.

Santosh Dhakal, 27, of Jante VDC-2 was arrested by police on the charge of attempting to rape a 14-year-old girl of Urlabari VDC-1. Police said that Santosh had attempted to rape the girl after entering into her house on June 17 under the pretext of meeting her brother. The victim's family filed a complaint at the Area Police Office Pathari on the same day. The girl's medical check-up was conducted at a primary health center in Urlabari VDC-6 the same day. Dhakal was arrested in his house on July 18. The accused was remanded in the Morang Jail on July 11 by the District Court order.

Killing after Rape

Piyanka Kumari Mandal, 8, of Madhubani in Rangeli VDC-6 was killed after being raped by her neighbor Sanjay Kumar Mandal, 24, while she had gone to his house to watch television on July 18. Sanjay buried the body of the girl in a ditch near a paddy field belonging to Ram Prasad Mandal. Police arrested Sanjay on the same day as her body was discovered. A postmortem examination of her body was conducted in Biratnagar. The accused has been in the custody of the District Prison since August 14 by the District Court's order.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Police initiated legal procedure against Diplung Rai, 19, of Govindapur VDC-1, Saroj Paudel, 20, Hem Limbu, 21 and Gopal Basnet, 22 of Govindapur VDC-7 accusing them of raping a 25-year-old woman of Sijuwa VDC-8 on June 21. The allegedly youths gang raped the victim while she was returning to her home with her husband from Sanischare Bazaar, police said, adding that the youths had beaten up the victim's husband before the gang rape. The victim's family filed a complaint at Sijuwa Area Police Office on June 22 and police arrested the accused on the same day. A health checkup of the victim was held at Kosi Zonal Hospital. The accused were remanded in custody of the District Jail on July 19.

Police arrested Sunil Moktan, 16, and Prem Rai aka Asish, 21, of Itahari Municipality and Dipak Timilsina, 21, of Letang VDC-1 for their alleged involvement in a gang rape of a woman, 45, of Letang VDC-5 at Charkos Jungle Jhadi of Byarban VDC-9 on March 13. The victim's medical check-up was conducted at Kosi Zonal Hospital. The victim was raped while she was en route to a destination with her husband. Before raping her, they beat up the victim's husband with firewood to his head, Letang Area Police Office said. The accused had also looted the gold jewelry of the victim after the act. Police arrested the accused while they were selling the looted jewelry in Letang Bazaar. All the accused were remanded in custody following an order from the District Court on April 18.

DOMESTIC VIOLENCE

Cause of Dowry

Manoj Urab, 19, of Satterjhora VDC-3 cancelled a scheduled marriage with Manmati Jhandad, 20, of Siswani

Badhara VDC-7 on March 4 alleging that Jhangad's family did not provide him with a dowry of Rs. 100,000. The victim filed a complaint at the DPO on March 9 and police arrested the accused on the same day. According to the complaint, the accused had taken Rs 30,000 before the marriage and he demanded an extra Rs 100,000 for the marriage. The accused was in the custody of Morang Jail as he could not pay Rs 55,000 under Social Conduct Improvement Act as directed by the District Court on March 30. Police also charged Manoj with rape as the victim accused that Manoj had raped her twice before the date of the marriage.

Beating by Family Members

Ram Shila Devi, 54, of Siswani Jahada VDC-2 was hacked to death at home by her husband Kichanlal Mukhiya, 55, following a domestic dispute on January 21. He also tried to commit suicide by slitting his own throat and stabbing himself in the stomach. He was taken to Nobel Medical College Hospital in Biratnagar for treatment. Mukhiya has been remanded in Morang Prison since February 17 following a District Court order.

Manju Ram, 26, of Biratnagar Sub-Metropolis-6 was beaten up by her father-in-law Bhola Ram, 57, brother-in-laws Kanchhu Ray, 22, and Bimal Ray, 24, in a family dispute on January 8. Of the accused, police arrested Kanchhu on January 11 and he was released on general date on February 5. The other accused remained at large until by the end year.

Polygamy

Prakash Bista, 32, of Dangihat VDC-5 had a second marriage with Sushmita Karki, 24, of Pathari VDC-5 on May 11. Bista has two children with his first wife Rita, 29. Rita filed a complaint against her husband at Pathari Area Police

Office (APO) on the same day. Police arrested Prakash along with Sushmita during the marriage ceremony from Pathari VDC-5. The Pathari APO handed the accused to Urlabari Area Police Office. Saying that the incident did not fall under its jurisdiction, Urlabari APO handed the accused to Belbari Area Police Office on May 12. The Belbari APO released Prakash and Sushmita on May 13 after Prakash made a written agreement to provide a source of livelihood to his first wife and to manage the education of their two children.

ALL KINDS OF RACIAL DISCRIMINATION

Manoj BK, 28, of Ranibas VDC-1 and Shakuntala Bhandari, 20, of Ranibas VDC-2 of Bhojpur district were arrested by police in Kathmandu on March 21 for having an inter-caste marriage. BK and Bhandari were brought to Morang DPO the next day and police forcefully handed Bhandari to her mother on the same day. BK was released after various Dalit organizations protested against his detention. BK filed a case at Biratnagar Appellate Court against Morang DPO and Dilli Dangi, maternal uncle of Shakuntala on March 29. The court ordered the DPO to present Shakuntala before the Court within seven days on April 1. Police produced Shakuntala following the court's order. As the court ordered DPO to hold a legal marriage between BK and Bhandari, they had legal marriage in the District Court on June 13.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By Unidentified Group

A pressure cooker bomb was detonated by an unidentified gang at the District Land Revenue Office in Belbari VDC-3 on 11 April, leaving minor damage

to the office building. The Janatantrik Terai Mukti Tigers planted a pressure cooker bomb at Kosi Markets belonging to Radheshyam Bajaj of Biratnagar Sub Metropolis-13 on April 17 for not providing them with a donation. The bomb was defused by Itahari-based Eastern Division Headquarters of the Nepali Army.

By YAN

Cadres of YAN, saying that their call for a bandh was defied, set two vehicles (Ko 5 Cha 4687) belonging to Ashok Mishra of Biratnagar Sub-Metropolis-13 and Ba 5 Cha 7567 belonging to KL Dugar of Biratnagar Sub-Metropolis-8, on fire at Janapath Tole of Biratnagar Sub-Metropolis-15. The two victims filed a complaint at the police station that day. Police did not take any action citing that the accused's name was not mentioned in the complaint. YAN cadres vandalized a tractor Ko 1 Ta 6496 belonging to Sikchali Mandal of Rangeli VDC-1 in Rangeli Bus Park. Alleging his involvement in the incident, police arrested YAN village unit committee chairperson Shiv Kumar Mandal on the same day. Police released the accused after making a written agreement to repair the tractor that day.

By Brahmada Samaj, Khas Chhetri Ekta Samaj, FLSC

Laligurans Saving and Credit Cooperatives Limited, Belbari accused that cadres of Brahma Samaj, Khas Chhetri Ekta Samaj and FLSC vandalized its ambulance plated Ko 1 Cha 3658 at Kharji Barricade along the Kosi Highway for defying a bandh called by the groups on May 27. The Cooperatives filed a complaint at the DPO but police did not take action against anybody. The groups called for the bandh demanding incorporation of their concerns in the new constitution.

By Sanghiya Volunteers

A group led by Tedhang, deputy commander of Sanghiya Volunteers, a sister wing of Sanghiya Loktantrik Party, saying that Raj Kumar Dahal of Gauradaha VDC-8 of Jhapa did not return Rs 65,000, padlocked the house belonging to Buddhi Prasad Bhattarai of Uralabari VDC-2 on February 22. The victim filed a complaint at Uralabari Area Police Office on February 23. Police broke the lock at victim's house on the same day.

HEALTH SERVICE SITUATION

Morang Hospital

Hospital	2		
Health Post	10		
Sub-Health Post	49		
Position	Available Position	Working	Vacant
Doctor	10	7	3
Staff Nurse	11	9	2
Lab Assistant	8	8	
AHW	98	86	12
AMW	73	73	
Vaccine Supervisor	2	2	
TB/Leprosy Supervisor	2	2	
HA	1	1	

Kosi Hospital

Position	Available Position	Working	Vacant
Doctor	78	53	25
Staff Nurse	78	77	1
Lab Assistant	5	5	
AHW	25	25	
AMW	49	49	
HA	1	1	



1.6

Sunsari



Population : 751,125

Male : 365,927

Female : 385,198

Literacy(%) : 74

Women Literacy(%) : 50

Area(Sq. Km.) : 1,257

Number of VDC(s)/Municipality(ies) : 49/3

Number of School(s) : 507/53

Campus(es)/Higher Secondary School(s) : 11/39

Human Development Index : 0.5

Average Household Size : 4.51

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING

By State

NC cadre, Sanu Yadav, 40, of Dewangunj VDC-5 sustained stomach injury in a police shooting on August 29. Yadav succumbed to the injury while undergoing treatment at BP Koirala Institute of Health Sciences on the same day. Following the handover of his body, the relatives of the deceased held a protest rally before cremating him on the banks of Sunsari River. Yadav was stopped by Dewangunj Area police office as he was bringing cotton from the Indian town of Phulkaha. Yadav, along with 30 others, were injured when the police used batons and fired at protesting locals. Khatar Ansari of Dewangunj VDC-8, Jaya Krishna Mehata,

45, Phukun Devi Mehata, 65, Mira Devi Mehata, Birendra Mehata, Mithilesh Sah and Brahmadev Mahato of ward no. 3 of the same VDC were also injured in the incident. They were treated at a local health center. No action was taken against the involved policeman until the end of the year.

INJURED IN SHOOTING/EXPLOSION

By Khambuwan Mukti Morcha Samyukta

Raju Manandhar, 54, SP at Sunsari DPO, Eakraj Giri, 24 and Pramin Bhujel, 13, of Itahari Municipality-4, Surendra Pokharel, 24, of Itahari Municipality-3 and Rit Bahadur Thapa, 44, of Salakpur VDC-3 were injured while preparations were underway to deactivate a pressure cooker bomb planted by Khambuwan Mukti Morcha at the main Chok of Itahari Municipality-1 on December 3. A squad of the Nepal Army was preparing to dispose the bomb after dispersing the crowd but the bomb exploded all of a sudden leaving five persons injured, police said. All the injured were taken to BP Koirala Institute of Health Sciences in Dharan for treatment while Giri who sustained injuries to his chest was taken to Siliguri of India for further treatment. Aakar Limbu, the spokesperson of Khambuwan Mukti Morcha (Samyukta), claimed responsibility to journalists over the telephone for planting the bomb.

By Own Explosive Device

Sagar Miya, 25, of Sripur VDC-3, Narayan Mehata, 18, and Shyam Kumar Mehata, 22, of Babiya VDC-3 were injured when a socket bomb stored in the house of Rameshwor Mehata in Babiya VDC-3 on August 3 exploded. They sustained shrapnel injuries to the hand, leg, face, head and other parts of the body. Police arrested all three soon after the incident. The bomb exploded at around 8 pm at the verandah

of the house which was being used to store explosives, Inspector Rajendra Parajuli said. All three were treated at Biratnagar-based Neuro Hospital and later at Kosi Zonal Hospital. Another socket bomb found on the site was defused by a bomb disposal team from Eastern Division of the Nepal Army at around 10 am, police informed. Shyam was released on bail while Narayan and Sagir were sent to jail after District Court order on September 6.

JAIL AND DETAINEES

The regional prison with a capacity of 500 inmates, housed 659 at the end of the year. All the inmates were male and there was no dependent minor. Out of 659, 370 are convicted while 289 were under trial. There are 35 rooms for the inmates while water is in plenty supply. The inmates have access to daily and weekly newspapers and most of the rooms have a television. There are facilities to play badminton, volleyball, cricket and carom board. A team of 50 police personnel led by Inspector Ishwar Kumar Basnet is providing security. The inmates receive medical treatment from prison's AHW Yam Prasad Gautam. The inmates of the jail work at weaving bamboo stools, dhaka fabric, running a hair saloon, a furniture workshop, running canteen, and photo frame workshop. Three telephone sets are available for the inmates to talk to their families. There are only 16 toilets forcing the inmates to queue. Up to 18 inmates are placed in a room making it crowded. Commander of the Prison Tara Nepal said they have to take meals in the rooms as there is no separate dining space. The building meant for female prisoners is underconstruction.

THREATS/BEATINGS

By State

Rajendra Mandal, 36, Shyam Dev Mandal, 33, Sanjay Kumar Mandal, 12, Chanchal Mandal, 14, Upendra Mandal, 23,

Type of Events	By State			By Non-State			
	Male	N/A	Total	Female	Male	N/A	Total
Injured					13		13
Child Rights				9			9
Inhuman Behavior					1		1
Abduction				1	1		2
Women Rights				6			6
Right to Assembly	1	66	67			1	1
Racial Discrimination					1		1
Arrest & Torture	1		1				
Beatings	6		6	1	2		3
Threats					4		4
Killing	1		1	3	5		8
Total	9	66	75	20	27	1	48

and Dev Narayan Mandal, 45, of Ghuski VDC-8 were injured in a police beating on May 2. The victims said they were attacked by ASI Rajendra Prasad Khatiwada and Head Constable Rajak Miya without any provocation as they were returning from an engagement party. The injured were treated at District Hospital, Inaruwa.

By Unidentified Group

Newsreader of Makalu Television, Pabitra Pandey, 22, of Biratnagar Sub-Metropolis-15 and cameraperson Basu Paudel, 20, of Batase VDC-5 in Khotang and currently living in Itahari Municipality-5 were attacked by an unidentified group on April 22. They were attacked in Itahari Municipality-5 as they were returning to the office from a district assembly of the reporters. The injured were treated at Neuro Hospital in Biratnagar. The police could not identify the attackers until the end of the year.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Devi Prasad Regmi, 49, of Bharaul VDC-1 was arrested on the charge of

slapping UML chairperson Jhahnath Khanal, 61, on January 20. Regmi slapped Khanal in the premises of the UML office in Itahari Municipal Building while the UML Chairperson was welcoming the newly joined UML cadres. Area Police Officer, Itahari arrested him after the incident. SP Bhupal Bhandari said Regmi was released on January 25 after he admitted that his act was a mistake.

The cadres of Limbuwan Morcha disrupted the corner meeting organized by the Jana Morcha Nepal on January 8 evening in Itahari Municipality. The program was disrupted as Jana Morcha Nepal was campaigning against Federalization of Nepal. The Limbuwan cadres had already begun to beat up the leaders before the program began. They also tore the party's flag. The Limbuwan cadres were detained by the Area Police Office, Itahari and were released after a few hours. Limbuwan cadres disrupted similar program being held at Loktantrik Chautari in Dharan on January 15. The Limbuwan cadres snatched the mike and party flag when the program organizers attempted to hold a corner meeting. The arrested persons were released later in the evening.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with three judges decided 920 criminal cases and 729 remained pending. 1,002 civil cases were decided and 900 cases remained pending. 11 criminal cases and 11 civil cases older than two years remained pending.

July 17, 2011-December 31, 2011

The District Court with three judges decided 257 criminal cases and 890 remained pending. 232 civil cases were decided and 1,080 cases remained pending. 18 criminal cases and 32 civil cases older than two years remained pending.

The Office of the District Government Attorney filed 1,143 cases between July 17, 2010 and July 16, 2011, out of which 449 cases were won and 123 cases were lost. Appellate Court has been moved in 123 cases. The Office, with two government attorneys, informed that 571 cases filed until July 16, 2011 remained pending.

Among the filed 60 murder cases, 19 cases were won and 13 lost. Out of 64 rape cases, 23 cases were won and 13 lost. Out of 21 attempted rape cases, five were won and six lost. Out of 13 cases of abduction, one was won and three lost. Out of a total of 18 cases of polygamy, six were won and four lost.

CHILD RIGHTS

Status of Education

Of 132,460 children of school going age, 63,679 boys and 68,777 girls were enrolled in schools of primary and secondary level. Among them, 13,858 girls and 13,650 boys were dalits. District Education Office said nine per cent of children of school going age do not attend school. 1,192 teachers are at primary level government and community schools. 442 teachers are at lower-secondary level in government and community schools. 293

teachers are at secondary level in government and community schools. 7,525 boys and 8,053 girls are attending Early Child Development Centers in the district. The District Education Office did not have updated data related to education.

Kedison Katuwal, 8, of Prakashpur VDC-8 was abducted by Anjan Bishta, 18, of Itahari Municipality-3 with the help of his friend on August 14. Police rescued the boy as he was being taken to Jhapa on the same day. Bishta was arrested on the same day and was sent to the jail on September 9 after the order of the District Court.

Ajmul Khatun, 17, of Chirauli Chok in Bhokraha VDC-9 was found dead in a wheat field, about one kilometer east of her home on March 6. She was killed after being raped as she had left home a day earlier to collect fodder. The family began looking for her after she did not return home by late evening. Her body was found buried, locals informed. The postmortem of the body was conducted at District Hospital Inaruwa and handed over to her family on the same day. Inspector Rajendra Parajuli said the police were investigating the case.

A 14-year-old girl of Dumraha VDC-5 was raped allegedly by Manoj Chaudhary, 17, of the same place on February 13. The girl's family filed a FIR against him at Sunsari DPO on March 3 saying the incident happened when the girl was alone at home. The accused was arrested on March 11 and was sent to Child Reform Home in Bhaktapur on March 17.

Hari Gautam, 46, of Janata Basti in Itahari Municipality-5 was arrested on October 11 on charge of raping a 15-year-old girl of the same place a day earlier. The girl's family had filed a complaint against him at Area Police Office Itahari on October 11. He was remanded in custody allowing a District Court order.

A 16-year-old girl of Madhyahar-

shahi VDC-9 was raped allegedly by Raj Kumar Mehata, 23, and Siyaram Mehata, 22, of the same place on October 31. She was assaulted as she was returning home with her mother working in the paddy field. The girl's family filed a complaint against the duo on November 2. Raj Kumar was arrested on the same day and was remanded in custody by the Court on November 23. Another accused remained in custody until the end of the year.

A 14-year-old girl of Shikhar tol in Dharan Municipality-1 was trafficked to Mumbai, India by Radha Rai, 36, of the same place; Yasoda Giri, 23, and Ishwor Shrestha of Panchthar on April 26. They trafficked the girl by luring her with the promise of a job. She was rescued with the help of rights activists in India and handed over to her family on May 3. The victim's family filed a complaint to the area police office in Dharan on May 4. The accused were arrested from Dharan Municipality-1 on May 4. They were held in custody in the Jhumka Prison after the District Court gave an order to remand them in custody for investigation on human trafficking charges on May 30.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuses

The family of a 20-year-old woman of Kechana VDC-1, Morang filed a complaint at Pakali Area Police Office against Shankar Shah, 28, of Pakali VDC-4 and Mohammad Allauddin, 27, of Pakali VDC-3 on April 25 on the charge of raping the girl. According to the complaint, the girl was raped on April 22 at different places in Pakali and Hansposa VDC. The accused were arrested on the same day. Both were released on May 22 after depositing a bail amount of Rs 50,000 after the court order.

The family of a 19-year-old woman

of Khanar VDC-5 filed a complaint against Mohammad Wakil Miyan, 19, of Duhabi VDC-5 and Mohammad Ibrahim Miyan of Hattimuda VDC-7 in Morang on October 28 accusing them of raping her. The family said that the men raped her as she was working alone at home on the previous day. The accused were arrested on the same day as the complaint was lodged. A medical checkup of the woman was conducted at BPKIHS, Dharan. Both were remanded in jail as per the November 20 court order.

DOMESTIC VIOLENCE

Killing by Family Members

Bhago Devi Sardar, 42, of Khanar VDC-4 was hacked to death by her husband Ramchandra Sardar, 45, on January 20. She was attacked from behind with a khukuri as she was having a meal at home. The body was taken to BPKIHS, Dharan for postmortem and handed over to the family. Police said they were searching for the husband who absconded after the incident.

Tika Paudel, 26, of Madhesha VDC-9 and her 3-year-old daughter Ayusha Paudel were killed by her husband Umesh Paudel, 30, and his second wife Santu Subba on March 2. Tika was hanged while Ayusha was strangled following a domestic dispute. A postmortem of the deceased was conducted at BPKIHS and handed over to the family. The couple was arrested on the day of the incident. Both were remanded in custody by the court on March 27.

Eviction from Home

Yamuna Dhakal, 25, of Itahari Municipality-4 was thrown out of her house by her husband Laxmi Krishna, mother-in-law Chhatra Maya and father-in-law Hari Prasad on November 1 for not bearing a child. Yamuna said she was subjected to physical and mental torture by the family for after two months of her marriage. She

added that she had a miscarriage when she was five months pregnant and later when she was three months pregnant because of the torture. When she returned home after a visit to her maternal home for Dashain and Chhath, she was barred from entering home. She filed an appeal at Itahari Area Police Office on November 4 seeking justice but nothing was done until the end of the year.

Mistreatment

Purni Devi Chaudhary, 35, of Bhadgaun Sinuwari VDC-5 was critically injured after locals Ram Chandra Singh, 45, Indra Subba, 32, and Deepak Paudar, 33, placed hot iron spatulas on both of her cheeks on June 13. She was charged with being a witch. She was treated at a local sub-health post and from there at Kosi Zonal Hospital in Biratnagar, Morang. All three were arrested by the police on June 15. They were released on July 4.

Samkhu Devi Urab, 26, of Bhokraha VDC-3 was injured in a khukuri attack by her brother-in-law, head constable Dukhan Lal Urab alias Bindra, 31 on November 23. Dukhan Lal hit her in the head as she was sleeping at home and accused her of being a witch. SP Raju Manandhar said Dhukhan Lal was arrested on November 27 after the brother of her father-in-law Sukalal filed a complaint at Inaruwa Area Police Office. She was treated at Neuro Hospital in Biratnagar. He attacked the victim on the charge of claiming the lives of his mother and elder brother by casting spells. Dhukhan Lal, posted at Kanchanjangha Company of APF, had come home on leave after his father became ill. He was remanded in custody after District Court order of December 26.

ALL KINDS OF RACIAL DISCRIMINATION

Ramesh Mallik, 14, of Chiniyachok in Dharan Municipality-3 was verbally

abused with a racial slur by Kaushal Rai, 35, of ward no. 16 of the same Municipality on October 8 after Mallik touched Rai's lunch plate. The family of the boy filed a complaint at Dharan Area Police Office on October 10. Rai was held in custody for 24 hours after the complaint. The case was settled on October 13 after Rai agreed to pay Rs 5,000 to the boy.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Cadres of the Matrika Yadav led CPN-M smeared soot on the face of Forest Officer Rambriksha Thakur at his office in Inaruwa Municipality-5 on February 28, accusing him of being involved in timber smuggling and deforestation. The group of three led by CPN-M's district in-charge Pappu Yadav accused him of revoking action against Ananda Kaththa Factory after taking a substantial amount as a bribe and showing no urgency to recover timber in Dumraha. Police arrested one local CPN-M cadre Dawa Lama in connection with the incident and informed DPO Sunsari's inspector Devi Prasad Baral. Rejecting the allegation of corruption, Thakur said that the CPN-M took the action because he had expressed his inability to pay all the money demanded by the group as a donation.

Avenues Television camera-person, Deepak Karki, 34, and reporter, Manoj Bhujel, 22, of Itahari Municipality-1 were thrashed as they were covering a protest on April 18. They were slapped by Mina Sherpa, the owner of Children Day Care Home and teacher Ashwin Khanal as they were covering the protest by the parents after the day centre raised its fees. Sherpa and Khanal were arrested after the journalists filed a complaint at Itahari Area Police Office on the same day. They were released on April 29 after each paid a Rs 10,000 fine as per the verdict of the DAO.

Destruction of Infrastructure, Property By UCPN-M

UCPN-M cadres captured one bigaha nine kaththas of land at Majhaura in Hansposha VDC-7 registered in the name of a religious trust on July 11. They planted paddy after capturing the land registered in the name of Narsingh temple. The priest at the temple Tirudas Chaudhary filed a complaint at the VDC office Hansposha demanding return of the land. The guthi management said that no initiatives were taken by any side for the return of the land. UCPN-M district in-charge Mukesh said that the land was captured in order to distribute the harvest to the poor people.

By Others

Bhuvan Yakhkha, 31, and Basanta Rai, 22, of Dharan Municipality-16 were arrested for vandalizing the Nepal Samacharpatra Office based at Chhatachok of Dharan on June 7. A reporter of the daily, Mahesh Shrestha informed that the duo broke shutters of the paper's office and vandalized goods worth Rs 50,000 inside the office, alleging that the paper did not publish a news story related to a program organized by the City Committee of the Kirant Yakhkha Chhumma on June 6. Police arrested the accused duo the same day. They were released after posting a bail of Rs 10,000 by the DAO's order. The FNJ Sunsari chapter filed a case against them at the police office.

HEALTH SERVICE SITUATION

There is one account office, one accountant and three assistant accountants while the posts of rural health worker and Mother and Children Health Workers have been renamed Assistant Health Worker and Auxiliary Mid Wife respectively.

Hospital	1		
Health Post	7		
Sub-Health Post	40		
Position	Available Position	Working	Vacant
Doctor	10	4	6
Staff Nurse	9	6	3
Lab Assistant	8	8	
AHW	18	18	
AMW	29	29	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	15	15	
H W	92	89	3



1.7 Dhankuta



Population : 164,133

Male : 76,980

Female : 87,153

Literacy(%) : 72

Women Literacy(%) : 52

Area(Sq. Km.) : 891

Number of VDC(s)/Municipality(ies) : 35/1

Number of School(s) : 332/12

Campus(es)/Higher Secondary School(s) : 1/30

Human Development Index : 0.507

Average Household Size : 4.30

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to accommodate 25 inmates but it had 51 inmates at the end of the year, 47 of them were male and four were female. In addition, there was one male dependent residing in the jail. Out of 50 inmates, 37 were convicted and 13 were awaiting trial. There is no separate building for male and female inmates; they have been kept separately on the ground floor and first floor of the jail. The building is dilapidated and the rooms are narrow and damp. Even though the inmates have a library, there are not enough reading materials in it, complained inmate Roshan Bohara. As per the demand of the inmates, INSEC's Dhankuta District Reporter donated one set books of grade IX and X level. Jail warden Nagendra Acharya said that a TV set which was bought by the inmates themselves needed repair. According to him, a new television set had been promised to the inmates. The inmates have access to medical facilities. Meanwhile, the construction of a building for female inmates is underway near the DPO.

THREATS/BEATINGS

By state

Sundarbabu Shrestha, 40, of Dhankuta Municipality-6 was beaten up by police on the order of SI Raju Niraula on May 24. Shrestha, chairperson of Nepal National Parents Union, along with representatives of different political parties and civil society had gone to the DPO to resolve domestic disputes between Bijaya Biswakarma and Bimala Biswakarma of Belahara VDC-1. According to the Shrestha, police constables Ramesh Thapa and ASI Ganesh Shrestha, among others, assaulted him up for slamming the table during the discussion. Shrestha claimed at a press conference that about 20 police

beat him up after the incident. However, Inspector Anil Paudel said that Shrestha attacked him first during the discussion and they took the action to control the incident.

RIGHT TO PROMPT AND FAIR TRIAL

DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 149 criminal cases, the District Court with one judge decided 115 cases and 34 cases remained pending. Of 124 civil cases, 77 cases were decided and 47 cases remained pending.

APPELLATE COURT

July 17, 2011-December 31, 2011

Of the 123 criminal cases, the District Court with three judges decided 46 cases and 77 remained pending. Similarly, of the 51 civil cases, 12 cases were decided and 39 remained pending during this period.

The Office of the District Government Attorney, with three government attorneys, 9 filed 59 cases between July 17, 2010 and July 16, 2011, out of which 28 cases were won and 31 cases were lost. Nine criminal cases were won and three were lost. Similarly, three rape cases were won and five were lost.

CHILD RIGHTS

Situation of Education

Of 47,727 children of school going age, 23,318 boys and 24,409 girls enrolled in schools from primary to secondary level. 3,564 boys and 3,461 girls are attending an Early Child Development Center in the district.

Bandh

The district saw 33 days of bandh this year. The bandhs were called by different political parties, student unions, ethnic groups and transporters on different days. The studies of the children were affected due to the bandh.

A 7-year-old girl of Belahara VDC-4 was wounded when her

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			5	1	6
Women Rights			3		3
Beatings	1	1	1	2	3
Threats			2	4	6
Killing			1	2	3
Total	1	1	12	9	21

stepmother, Maitimaya Rai, hit her with firewood on March 25 after accusing her of stealing rice. The girl's mother died three years ago and her father is now employed in Saudi Arabia. Namuna Child Club filed a complaint at the VDC on March 28 after it received information about the incident. Coordinator of the club Govinda Dahal said an agreement was reached to keep the victim at her uncle's home until her father returns home.

Rape, Attempt to Rape, Sexual Abuse

The relatives of a 10-year-old girl of Dhankuta Municipality-2 lodged a complaint against Kamal Rai, 42, of same place at DPO on May 31 accusing him of raping her on four occasions. Police arrested the accused and he was sent to jail on remand as per the order of District Court on June 28.

ALL KINDS OF DISCRIMINATIONS AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 41-year-old woman of Parewadin VDC-8 was raped allegedly by Mingma Sherpa, 40, of the same place on May 17 while she was going home from the bazaar. The victim filed a complaint at the DPO on June 3. The accused was sent to jail on remand after order of the District Court on June 28.

DOMESTIC VIOLENCE

Killing by Family Members

Devimaya Limbu, 43, of Mahabharat

VDC-4 was beaten to death by her spouse Tanka Bahadur Limbu, 52, on May 14. The accused was arrested by police that day. He was sent to jail on June 5 as per the order of District Court.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By FLSC

Manch affiliated Federal Limbuwan State Council (FLSC) torched a microbus with the number plate Ko 1 Ja 2850, owned by Ongda Tamang, 31, of Dhankuta Municipality-1, on February 5 for defying the bandh they had called. Tamang filed a complaint against seven FLSC cadres on February 8. DAO fined each of the seven cadres Rs 250. Tamang received Rs 150,000 from the insurance company but was yet to receive Rs 350,000 provided by the government for such type of damage.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	13		
Sub-Health Post	24		
Position	Available Position	Working	Vacant
Doctor	6	5	1
Staff Nurse	1	1	
Lab Assistant	6	5	1
AHW	41	39	2
AMW	5	5	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	16	15	1
H W	61	52	9

There is an ayurvedic and private hospital and a government hospital in the district. The Ayuvedic Hospital is in a dilapidated condition and it is poorly staffed.

1.8 Tehrathum



Population : 101,709

Male : 47,357

Female : 54,352

Literacy(%) : 64

Women Literacy(%) : 43

Area(Sq. Km.) : 679

Number of VDC(s)/Municipality(ies) : 32/0

Number of School(s) : 376/8

Campus(es)/Higher Secondary School(s) : 2/24

Human Development Index : 0.523

Average Household Size : 4.54

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade Terhathum Jail has the capacity to accommodate 35 inmates but had 42 male and four female inmates at the end of the year. The prison has separate blocks for male and female inmates in one building. The jail does not manage drinking water properly and the toilets are in an abysmal condition. There is no bathroom facility in the jail but has electricity. The building is very old and water leakage is a problem in the blocks where detainees reside. The wooden planks which serve as the designated sleeping area for detainees are in such a poor state that they have few other options but to sleep on the concrete ground. Due to the absence of adequate

renovations, the plaster is falling from the walls and floors of the building making the prison's situation worse. The highest wall in the jail is on the verge of collapse. Games such as volleyball, chess, carom board and ludo are available for both male and female inmates to play. The male inmates have television for entertainment but the female inmates do not.

THREATS/BEATINGS

By UCPN-M

Saran Kumar Rai, 13, of Simle VDC-7 was attacked with a sharp weapon and was seriously injured by UCPN-M committee member Ram Bahadur Nepali and others on October 4 following a dispute during a marriage ceremony in the village. The victim received treatment at BPKIHS, Dharan. The dispute was settled after the perpetrator agreed to pay for the treatment.

By NC

Raj Kumar Mehata, 38, of Simle VDC was beaten at his workplace by NC Village Unit President, Sujan Kumar Limbu 35, for not being present when called to provide treatment during the night. Limbu was arrested on November 20 but he was released on the day of the arrest due to political pressure. Mehata who went for treatment did not return to the VDC after the incident.

By FLSC

ANNISU-R district committee member Indra Bahadur Nepali, 23, of Jaljale VDC-1 and ANNISU-R cadre Manoj Rimal, 20, of ward no. 7 of the same VDC were beaten up by FLSC cadres for padlocking Sankar Higher Secondary School on January 1. In response to the irregular presence of the principal and five other teachers of the school, the school was padlocked by the students. The victim received treatment at a local health post. No

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured				1	1
Child Rights			4	2	6
Women Rights			6		6
Right to Assembly				2	2
Racial Discrimination			1	3	4
Arrest & Torture	3	3			
Beatings				9	9
Threats				2	2
Killing			2	1	3
Total	3	3	13	20	33

action was taken against the FLSC cadres even after the complaint was made.

Suman Kumar Limbu, 18, of Ishibu VDC was beaten and injured on January 2 by FLSC cadre Milan Kumar Limbu of the same place following a discussion on lending matters. The victim was treated at the District Health Office from January 3 to January 21. The victim filed a complaint at the local administration. No action could be taken against the perpetrator as he remained at large although the victim filed a complaint at a local police station.

Bir Bahadur Rai, 25, of Jhapa district who was working at the Tehrathum Road Section was attacked with a khukuri by FLSC cadres Chakra Bahadur Limbu, 27, of Jaljale VDC-4 over a political debate on February 1. The victim sustained severe injuries. The victim was prevented by FLSC cadres from going to the district headquarters for treatment and was forced to be treated at a local health post.

A teacher, Bhogendra Limbu, 40, was beaten up by a group of FLSC cadres Rambahadur Limbu, 22, Dil Bahadur Limbu, 20, and Man Kumar Limbu, 24 of ward no. 4 of the same VDC on October 2 following a discussion during a local marriage ceremony. The victim was attacked with baton and was treated at the District Hospital. The accused was arrested and released on November 8 after depositing Rs

50,000 for the medical treatment of the victim.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT July 17, 2010- July 16, 2011

The district court with a single judge decided four criminal cases and nine remained pending. Out of 36 civil cases, 19 were decided and 17 cases remained pending.

The Office of the District Government Attorney filed 53 cases between July 17, 2010 and July 16, 2011, out of which 21 were decided. The Office, with one government attorney, informed that 32 cases filed by July 16, 2011 remained pending.

Among the filed murder cases, two cases were won. One filed case of rape was won. One case of trafficking filed was won.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT Arbitrary Arrest

Nar Bahadur Limbu, 22, Birkha Bahadur Limbu and Pingal Rai, 21, of Ojyakjung VDC-9 were arrested and tortured in the local police station on May 7 on the charge of attempting to destroy a temporary police station in the same vicinity. The victims were treated at the local police station. ASI Madan Bhandari was transferred following the incident after locals demanded the DPO take action against him.

CHILD RIGHTS Situation of Education

Of 39,000 children of school going age, 18,000 boys and 21,000 girls enrolled in schools of primary and secondary level. 132 female and 723 male teachers are working at

primary level government and community schools. 14 female and 219 male teachers are working at lower-secondary level in government and community schools. Six female and 163 male teachers are working at secondary level in government and community schools. The District Education Office did not have other updated data related to education.

Killed

Buddhiman Kamri also known as Sandip, 6, of Sudnama VDC-9 died when he was beaten and hanged allegedly by Madan Katuwal, 18, of same place VDC on 3. The accused remained at large after the incident.

Rape, Attempt to Rape, Sexual Abuse

An 11-year-old boy of Piple VDC-9 was sexually abused and injured by Sujun Kumar Tamang, 18, of the same VDC on June 27. The accused was arrested and remanded in custody on July 7.

A 17-year-old girl of Basantapur VDC-7, of Ratopati was sexually abused by Sandip Rai, 23, of Morang VDC- 7 on December 14. The victim's family filed a complaint on December 15. The accused was at large.

Women Trafficking

Police rescued a 13-year-old girl of Basantapur VDC-9 who was living at Musangkhelel on May 18 from Dharan Municipality when Sarita Sunar, 28, of Khamlalung VDC was taking her across the border. The rescued girl was handed over to her family on May 22. The accused was arrested on the same day and was released on June 3.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Reenu Budathoki of Jaljale VDC-7 and Tulasi Karki of Jaljale VDC-9 were

rescued on May 9 from Jhapa by the DPO when 33-year-old Motilal, an Indian citizen of Bihar, attempted to traffic the girls after luring them with the promise of a job. The accused managed to escape at the Indian border. The accused had been making quilts at Jaljale VDC for the previous two years.

DOMESTIC VIOLENCE

Killed by Family Members

Tilmaya Dahal, 48, of Myanglung VDC-8 who was working at Jaljale sub-health post as office assistant was beaten to death near Ashuwa Khola Kuti by Nir Bahadur Dahal, 48, of Oyajung VDC-2 on January 31. The deceased was attacked while she was taking materials from the District Hospital to Jaljale. The accused was arrested the next day and was sent to jail on remand on February 11.

Dhan Maya Tamang, 48, Ishibu VDC-7 was attacked and killed with a khukuri by Prem Bahadur Tamang, 50, and his second wife Indra Maya Tamang following a dispute on November 8. The perpetrators remained at large.

Beating by Family Members

Ram Kumari Siwal, 37, of Moharahang VDC-4 was injured when her brother-in-law Dev Kumar Shiwal attacked her with a khukuri on February 17 following a dispute with him. The victim received treatment at BP Koirala Institute of Health Sciences. The accused was arrested on February 19 and was sent to jail on remand on March 11.

Mistreatment

A 30-year-old woman of Piple VDC-5 filed a complaint at DPO against Dil Bahadur Bhandari, 35, Myanglung VDC-5 on the charge of sexually abusing her on July 20. The whereabouts of the accused remained unknown by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Deepa Sunwar, 27, of Aangdim VDC-3 was beaten up by family member Rewanta Basnet. The perpetrators wanted Sunwar to vacate the house as she had an inter-caste marriage with Milan Kumar Basnet five years ago. The victim filed a complaint on February 15 at the DPO. The two parties came to an agreement following a discussion at the DPO.

Kumar Shankar, 34, Rudra Bahadur BK, 37, and Dhan Bahadur BK, 27, of Piple VDC-8, were beaten and injured by Hem Chandra Limbu and Jitendra Limbu of Sabla VDC-7 on May 9 because they touched food prepared for a marriage ceremony. The accused were arrested on May 10. The parties reached an agreement after the accused promised to pay for the victims' treatment

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	3		
Sub-Health Post	24		
Position	Available Position	Working	Vacant
Doctor	3	1	2
Staff Nurse	4	2	2
Lab Assistant	1	1	
AHW	33	30	3
AMW	1		1
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	23	14	9



1.9 Bhojpur



Population : 183,918

Male : 86,663

Female : 97,255

Literacy(%) : 55

Women Literacy(%) : 44

Area(Sq. Km.) : 1,507

Number of VDC(s)/Municipality(ies) : 63/0

Number of School(s) : 371/6

Campus(es)/Higher Secondary School(s) : 1/17

Human Development Index : 0.472

Average Household Size : 4.52

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Others

Central Chairperson of Kirat Janabadi Workers Party, Dinesh Rai aka Bibash Bidroha of Beltar VDC-4, Udaypur was killed by local people on March 16 during a clash with them. Rai was frequently threatening local people and demanding money as a donation. The clash ensued when the Kirat Janabadi Workers Party attempted to kill Man Bahadur Bista, chairperson of the School Management Committee of Karkichhap Primary School. DSP of DPO Nar Bahadur KC said that Rai died when he fell and drowned in Dudhkoshi River near Pancha VDC-4 while he was fleeing local people. The DPO,

Bhojpur informed that the victim's dead body was found in Dudhkoshi River near Pancha VDC-4. However, Kirat Janabadi Workers Party was demanding be made public of his whereabouts at the end of the year.

Indrakala Thapa, 23, of Baikunthe VDC-8 was killed when her cousin Nabin Thapa attacked her with Khukuri on August 11 as she was going to the farm. The victim's relatives lodged a complaint at DPO on August 12. Police arrested the perpetrator from Beltar Bazaar of Udaypur. The police lodged a complaint against him at the Office of the District Attorney on the charge of murder on August 28. The District Court on September 11 ordered to send Nabin Thapa, Durga Bahadur Thapa, Bikram Thapa, Madumaya Thapa, Deepak Thapa and Prakash Thapa to Jail on remand.

JAIL AND DETAINEES

The 'B' grade District Jail has the capacity for 25 inmates. However, 86 inmates are currently residing in the jail, including three dependents. There are 47 male and six female convicts and 30 male and three female detainees in the jail. The daily life of the inmates is difficult because of the overcrowding as the number of inmates is thrice that of its capacity. The kitchen and lavatory facilities inside the jail are poor. Due to overcrowding, the inmates are compelled to sleep on the kitchen floor and in the tent on a rotation basis. According to jailor Chhatra Shrestha, the female inmates have been shifted to the new building. Although there is a quota for AHW, no one is working there yet. The inmates receive health facilities only from the District Hospital. The infrastructure of the jail is in a dilapidated condition.

DISAPPEARANCE/ABDUCTION

By UCPN-M Cadres

Shekhar Dahal, an overseer at

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			4		4
Abduction				1	1
Women Rights			5		5
Beatings	1	1		3	3
Threats				2	2
Killing			1	3	4
Total	1	1	10	9	19

Kunsaling Company of Madi VDC-4, Sankhuwasabha was working in the Mid Hill Highway when abducted from Chhinamakhu VDC by UCPN-M cadres on February 28 on the charge of not giving a donation to their party. The UPN-M cadres had threatened him not to make the incident public and to stop the work of road construction. He was released on March 1 from the jungle of Nagi VDC. The accused UCPN-M district member Bom Bahadur Bista, NC cadre Jiban Karki and Ashish Sonam of Gachhiya VDC in Morang district were arrested by police on March 1 from Siddheshwar VDC. The DPO released them on March 8 on bail after the UCPN-M and Dahal's employers Dawa Sherpa and Lakpa Sherpa agreed not to proceed with any legal complaint.

THREATS/BEATINGS

By State

School observer of District Education Office, Dharma Tiwari of Tiwaribhanjyang VDC-1 was beaten up by two policemen from Area Police Office on June 25 while he was on the way to attend a workshop. Police Head Constable Jogindra Yadav and Constable Ramchandra Pandit punched him on the charge of bargaining with bus staffs. The bus staffs had collected the bus fare to Leguwa in Dhankuta from Shyamsila VDC but refused to go ahead from Tiwaribhanjyang VDC. A debate occurred when the passengers, including the victim demanded return of the exceeding

fare. The plain cloth policemen suddenly beat him up when the bus owners refused to give back the money, informed another school observer of District Education Office, Sewanta Gautam. Tiwari received minor face injuries in the scuffle. DSP Nar Bahadur Bista of DPO said that his office had initiated the departmental action against the duo. According to him, their promotion and grade up respectively had been halted.

By Kirat Janabadi Workers Party (KJWP)

VDC secretary of Lekharka and Gogane VDCs Lekhraj Timalisina were asked to resign from the post by Janabadi Workers Party cadres over the phone on March 25. Timalisina had been displaced to the district headquarters following a threat issued on March 11. KJWP had sent a letter to all VDCs demanding Rs 150,000 from each VDC. The VDC secretaries of the district even handed over a memorandum to the DAO on March 13. Timalisina returned to his home on April 5.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Among the total 18 criminal cases, the District Court decided seven cases and 11 cases remained pending. The district court has one judge. Out of 14 civil cases filed in the District Court, four cases were decided and 10 cases remained pending. Five criminal cases and two civil cases older than two years remained pending in the District Court.

July 17, 2011-December 31, 2011

The district court has one judge. Of the 24 criminal cases, the District Court decided five criminal cases and 19 remained pending. Out of 66 civil cases, 40 civil cases were decided and 26 cases remained pending.

The Office of the District

Government Attorney filed 81 cases between July 17, 2010 and July 16, 2011, out of which 36 cases were won and 15 cases were lost. Of them 14 cases were moved to the Appellate Court. The Office of District Government Attorney informed that 30 cases filed before July 16, 2011 remained pending.

Among the filed 18 murder cases, nine cases were won, two were lost and rest of the seven cases remained pending. Out of seven rape cases, five cases were won and one was lost. All the three cases of polygamy were won during this period.

CHILD RIGHTS

Situation of Education

Of 60,317 children of school going age, 29,614 are boys and 30,703 girls are enrolled in schools of primary and secondary level. Among them, 3,660 girls and 3,416 boys are from Dalit community. Out of 1,012 teachers of primary level, 299 are female and 803 are male. Similarly, of 211 teachers of lower secondary level, 18 are female and 193 are male. Among 154 teachers of secondary level, three are female and 151 are male.

Rape, Attempt to Rape, Sexual Abuse

Police arrested Narahang Rai, 65, of Kudakakaule VDC-8 on June 20 on the charge of raping a 12-year-old girl of the same place. The victim was treated at Khandbari Hospital in Sankhuwasabha. The victim's relatives lodged a complaint at the DPO on June 23. The District Court sentenced him to five years in jail on December 22.

A-13-year-old girl of Homtang VDC-4 filed a complaint at the DPO against Chandra Bahadur Tamang, 24, of the same place on August 12 on the charge of raping her on July 30 near her house. She said that Tamang raped her at his cow shed and threatened to kill her if she resisted. Local people brought the victim

to the Primary Health Centre of Ghotedar after the incident. The accused was sent to the District Jail as per the order of District Court on September 5.

ALL KINDS OF DISCRIMINATIONS AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 20-year old woman of Amtek VDC-5 was raped by Parbat Rai, 26, of same place on June 16 while she was in the farm, according to the victim's family. The victim was treated at the District Hospital. She filed an complaint at DPO on June 18. The Office of the District Government Attorney lodged the case at the District Court on July 20 but Rai's location remained unknown, having absconding, at the end of the year.

DOMESTIC VIOLENCE

Devi Tamang, 31, of Bhainsipankha VDC-9 was injured in a beating by her husband and his second spouse Bimala on July 31. The victim sustained injuries to the head, back part of the body and other critical organs in the incident. She was treated at the District Hospital with the help of local people. The victim's mother-in-law Dol Maya Tamang lodged a complaint against the duo at the DPO on August 3. They were arrested from their home by police on the same day. The Office of District Government Attorney filed a complaint at the District Court on August 28 under an attempt to murder. Both were sent into custody on remand as per the order of District Court on the same day.

Polygamy

Kailash Rai of Khatamma VDC-4 filed a complaint against her husband Uttam Rai at the DPO on July 16 stating that he took Srijana Tamang of the same place as the second wife. The District Court ordered to release the perpetrator by taking 14,000 as a bail. Another perpetrator,

Sirjana, who absconded, remained a large by the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

By KJWP

Kirat Janabadi Workers Party set ablaze the VDC and post office buildings of Thulodumba VDC on March 28. They also torched different important documents and furniture of the offices. About Rs 600,000 worth of property were destroyed in the incident.

By KRM-U

Khambuwan Rastriya Morcha (Unified) detonated a sutali bomb at the main gate of District Land Revenue Office on September 28. The bomb damaged two windows and light bulbs in the office. Although police claimed that the group had detonated a sutali bomb, different pieces of a pressure cooker were found on the site. Various pamphlets of Khambuwan Rastriya Morcha (Unified) were also recovered from the incident site. Local leader of KRM (U) Deep Chandra Khambu claimed the responsibility for the incident.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	9		
Sub-Health Post	51		
Position	Available Position	Working	Vacant
Doctor	6	6	
Staff Nurse	7	7	
Lab Assistant	4	3	1
AHW	68	59	9
AMW	20	18	2
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	15	13	2
H W	102	59	43

Many people are still deprived of health services, as there are no health workers as per the quota in the district. People with serious illnesses are compelled to go Biratnagar and Kathmandu for treatment because of the lack of well-equipped hospitals in the district. Although the Nepal Government has promised to allocate support allowances for delivering at the hospital, many mothers and infants are dying due to the difficult geographical terrain. The delivery home constructed together with District Hospital building is still not operational due to the unavailability of well-skilled health workers. Dr Nagendra Jha, chief of the District Public Health Office informed that the government has not yet provided any health workers for post-natal and ante-natal services despite repeated demands.



1.10 Sankhuwasabha



Population : 159,649

Male : 75,973

Female : 83,676

Literacy(%) : 62

Women Literacy(%) : 35

Area(Sq. Km.) : 3,480

Number of VDC(s)/Municipality(ies) : 33/1

Number of School(s) : 400/10

Campus(es)/Higher Secondary School(s) : 1/20

Human Development Index : 0.481

Average Household Size : 4.33

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Bomb Explosion

Dil Bahadur Khadka, 26, of Jaljala VDC-5 was killed when a pipe bomb went off in Madi Hotel of Chainpur VDC-4 on December 16. The bomb, which was carried by Khadka himself, went off as he entered his hotel room at around 9.45 am. Khadka, aka Anurodh, was the district in-charge of Khumbuwan Mukti Morcha, informed the Regional Police Office. The victim's body was handed over to his family following a postmortem examination at the Primary Health Centre on December 17.

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to accommodate 25 inmates but had 85 inmates at the end of the year. Of the 85, 60 are convicts and 25 are awaiting trial and three boys are dependents. Jailor Tanka Dangi said that a new building is being constructed for the inmates as they are facing space shortages in the kitchen and bedrooms. According to inmate Gobinda Shrestha, they are sleeping on a rotation basis in the jail due to the space shortages. There is quota for one AHW for the inmates. However, no one was present despite the quota at the end of the year.

THREATS/BEATINGS

By Others

Municipality Executive Officer of Khandbari Municipality, Tek Kumar Regmi, was injured in a beating by Prameshwar Shrestha and Kaji Katuwal of the same Municipality-13 on January 30 during a discussion on drinking water and road construction. The victim was heading to Kathmandu from Khandbari. Demanding action against the perpetrators, the victim lodged a complaint at the DPO on February 1. He was treated at the District Hospital in Khandbari.

By Unidentified Group

UCPN-M cadre Pravin Rai, 28, of Syabun VDC-2 was wounded when an unidentified group attacked him with a khukuri on February 15 as he was returning home. The injured was treated at a sub-health post of Chaukiwana VDC. The perpetrator had not been identified by the end of the year.

Type of Events	By State		By Non-State		
	Female	Total	Female	Male	Total
Injured				1	1
Child Rights			3	2	5
Inhuman Behavior				1	1
Economic, Social and Cultural Rights			1		1
Women Rights			11		11
Racial Discrimination				1	1
Arrest & Torture	1	1			
Beatings	1	1	1	2	3
Killing			2	2	4
Total	2	2	18	9	27

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 166 criminal cases, the single judge in the District Court decided 113 cases and 53 remained pending. Of 200 civil cases, 137 cases were decided and 63 remained pending.

The Office of the District Government Attorney filed 84 cases between July 17, 2010 and July 16, 2011, out of which 39 cases were won and seven cases were lost. Five cases were moved to the Appellate Court. The Office, with a government attorney, informed that 39 cases filed until by July 16, 2011 remained pending.

CHILD RIGHTS

Situation of Education

Of 46,663 children of school going age, 22,847 boys and 23,816 girls are enrolled in schools of primary and secondary level. 332 female and 845 male teachers are working at primary level government and community schools. 29 female and 230 male teachers are working at lower-secondary level in government and community schools. 11 female and 189 male teachers are working at secondary level in government and community schools. 2,935 boys and 3,045 girls are

attending Early Child Development Center in the district.

Killing after Rape

Menuka Rai, 13, of Yaphu VDC-7 was raped and killed by her father Baburam Rai on March 25. The victim's body was found in the jungle in the same locale on March 28. According to DSP Shekhar Koirala, the accused admitted that he first raped her and then killed with her with a khukuri. A postmortem examination of the body was carried out at Khandbari Hospital. Rai was sent to the District Jail on remand on April 26.

Rape, Attempt to Rape, Sexual Abuse

A 12-year-old girl of Khandbari Municipality-12 was raped by Bhagi Kumar Darjee, 24, of same place, according to the victim's relatives. The victim's health checkup was conducted at Manakamana Polytechnic of Tumlingtar. The accused was sent to jail on remand as per the order of the District Court on November 14.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Police Constable Manoj Cahulagain of Hetauda Municipality-6, Makawanpur who was posted at an Armed Police Base

Camp at Manebhanjyang raped a 35-year-old woman of Khandbari Municipality-3 on May 6. She was treated at Khandbari Hospital. The victim said that she was raped in her house after she returned from a neighbor's wedding. The accused was sentenced to three years in jail as per the order of the District Court.

A Buddhist nun of Khatamba VDC-5, Bhojpur was gang raped by the staffs of a bus with the number plate Na.2.Kha 1395 on June 25 in Kharang VDC-8. She was raped by bus driver Raju Limbu, 21, of Terhathum, conductor Bhuwan Gurung, 25, of Kalabajar VDC-5, Sunsari, co-staffs Abhisek Magar, 16, of Dhara Municipality-15 and Shobhit Magar, 17, of Pakhribas VDC-7, Dhankuta and a co-staff member of another bus with the number plate Ko.1. Kha. 2728 Dorna Bahadur Rai, 18, police said. The victim who was found in an unconscious state was treated in Siliguri, India. The accused were arrested and charged with rape by the police.

DOMESTIC VIOLENCE

Shanta Kumari Rai, 28, of Yaphu VDC-2 was injured in beating by her mother-in-law Maita Kumari on January 3. The victim was treated at Khandbari Hospital. The police arrested the accused and released her on January 5 when she promised not to repeat such action in future.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property

FLSC cadres vandalized three laptops, which belonged to the employees of Nepal Election Commission, in Dhupu VDC-3 during the collection of voter's name with photos on May 23. According to the coordinator of the team, Chunda Bahadur Thapa, they also vandalized the web camera and scanner of the collectors. Parishad cadres had also taken into control the police and other employees of the team. However, the police did not arrest any of the vandals until the end of the year. The chairperson of FLRP, Indraman Lingthep informed that they were compelled to take action as the Nepal Election Commission employees refused to postpone their program.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	16		
Sub-Health Post	20		
Position	Available Position	Working	Vacant
Doctor	5	2	3
Staff Nurse	6	5	1
Lab Assistant	3	3	
AHW	47	42	5
AMW	27	20	7
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	21	14	7
H W	51	29	22



1.11 Saptari



Population : 646,250

Male : 316,888

Female : 329,362

Literacy(%) : 59

Women Literacy(%) : 25

Area(Sq. Km.) : 1,363

Number of VDC(s)/Municipality(ies) : 114/1

Number of School(s) : 346/10

Campus(es)/Higher Secondary School(s) : 2/28

Human Development Index : 0.453

Average Household Size : 4.98

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING

By State

Ram Bahadur Chaudhary, 52, of Swyambhunath VDC-7 was shot dead by a bodyguard of former Member of Parliament, Jagadish Prasad Sah on July 16. Chaudhary was killed when Sah's bodyguard, the Police Constable Parbez Mahato, fired at him after some local youths had a dispute with him. Mahato, who was critically injured in a beating by locals following the incident, received treatment at Dharan based BP Koirala Institute of Health Sciences. The incident occurred when Chaudhary arrived at 9:45 pm while some local youths were disputing with Mahato in front of the former MP's

house at Swyambhunath VDC-8. Mahato opened fire after the youths attacked the ex-MP, the former MP said. Police filed a case against Mahato at the DPO on July 17 and took the case to the District Court on August 17. The District Court sent Chaudhary and Mahato to Rajbiraj Prison on August 25. The former MP was released after depositing a bail of Rs 150,000. Warrant has been issued against Saroj Kumar Chaudhary, Balram Chaudhary and Asharam Chaudhary, who had a spat with Mahato. All absconded and their whereabouts remained unknown by the end of the year.

By Unidentified Group

A farmer, Sahadev Kurmi, 45, of Goabargada VDC-3 was killed with a sharp weapon by an unidentified group on June 8. Kurmi had been missing since May 20. His body was found buried in the sand at Kosi Palar. The body was handed over to the police after a postmortem examination was conducted at Sagarmatha Zonal Hospital. Police said they were investigating the case.

INJURED IN SHOOTING/EXPLOSION

By Unidentified Group

Hotelier Shivaji Sah, 39, of Kalyanpur VDC-2 was injured by the gun fire of an unidentified group on January 14. Sah was among the villagers trying to resist the group who had come to rob the electronics shop owned by Seru Agrawal of Kalyanpur VDC-2. The locals came to help Agrawal as the group tried to abduct him after robbing the shop. Sah was hit in the right arm. He was treated at BPKIHS, Dharan.

Parameshwar Pasi, 42, of Rajbiraj Municipality-3 was injured by the gun fire of an unidentified group on March 15. The armed men shot Pasi while taking him away from his home where he was sleeping at the time. He was shot in the right leg for which he was treated at BPKIHS, Dharan. He

Type of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Injured						4	4
Child Rights					3		3
Inhuman Behavior						1	1
Abduction					5	12	17
Women Rights					5		5
Economic, Social and Cultural Rights	1	3	19	23			
Beatings	1	3		4	1	8	9
Threats		1		1			
Killing		1		1	6	3	9
Total	2	8	19	29	20	28	48

filed a complaint at the local police station the next day. Police said the investigation in the case was ongoing.

JAIL AND DETAINEES

The 'C' grade District Prison, which has the capacity to hold 125 inmates, had 160 detainees at the end of the year. Among them, three were female and those remaining were male. 78 inmates were convicted while 82 were awaiting trial. The inmates made demands for informal education, a library, the provision of newspapers and the marketing of the products they make in prison. Jailer Amrit Pokharel pointed to the need for a new building, a better compound wall, more security personnel, a separate block for those who on trial and those who have been sentenced, official residence for the jailer, a resolution for the problem of encroachment of prison land and updated information regarding prisoners using the modern technology.

DISAPPEARANCE/ABDUCTION

By ATMM

Akhil Tarai Mukti Morcha (ATMM)'s cadres abducted a truck driver of Inaruwa Municipality-9 in Sunsari, Ram Prasad Sah, 48, and a helper, Krishnahari

Rishidev, from the Kosi Barrage stretch of road on July 21. The truck with the registration number Na1Kha. 2991 was carrying rice husks. The group released Rishidev after taking him to some distance. Talking with the media persons over the phone, Saptari ATMM in-charge Indrajeet claimed responsibility for the abduction. Sah was released with the help of Indian police on July 31 from Bhimnagar in Bihar, India.

By Unidentified Group

Madhu Pal, 35, of Harsahi VDC-3 in Sunsari who is currently residing near Kankalini Temple in Bhardaha VDC-1 was abducted by a group of armed unidentified people from his hut as he was sleeping on January 6. Pal was making a living by rearing sheep and goats. Nepal Police rescued him with the support of its Indian counterparts from Bhimnagar, India on January 10.

Santosh Kumar Mukhiya, 30, of Danda VDC-8 was abducted by an unidentified group of about 15 people from his home on February 28. His father Amatilal said the group was beating his son as they were taking him away. He filed a complaint at the DPO on March 11, notifying them of abduction of his son.

Mukhiya's whereabouts remained unknown. Police said the search for the victim was ongoing.

A ninth grader at Mahendra Janata Higher Secondary School of Baluwa Sitapur, Anil Thakur, 15, of Dharampur VDC-5 was abducted by an unidentified group of approximately seven people while sleeping on April 14. The abductors abandoned Thakur after taking him 500 meter away from his house when they noticed that armed locals were following them. The abductors attacked all family members after blind folding them. The victim's grandfather Laxmi Thakur, 65, and his grandmother, Subiya Devi Thakur, sustained injuries to the eyes, mouth, hands and back in the attack. They underwent treatment at local health center in Kanchanpur.

THREATS/BEATINGS

By State

Umesh Sah, 13, of Kamalpur VDC-2 was injured after soldiers who were deployed for the security of the Koshi Tappu Wildlife Reserve attacked him on April 20 on the charge of entering the protected area without permission. The boy was beaten with the butt of the gun, lathi and fists by army men from the Indradal battalion. The boy lost three teeth in the incident. The victim was treated in a local dental clinic after his treatment was not possible in a community hospital in Phattepur. Dr. Rajendra Sah involved in his treatment said that all three broken teeth had to be removed and replaced with artificial ones. According to the victim, his parents, Bilekshan Yadav, Jagadish Sah, Bachhalal Yadav and Buddhilal Yadav were also beaten by the army when they came to inquire about the incident. They were treated at the Phattepur Community Hospital. Captain Ramesh Adhikari of the battalion said the incident occurred because

the boy made an unauthorized entry into the protected area.

News Today cartoonist, Diwakar Sah, 20, of Rajbiraj Municipality-3 was held for three hours by SP Ganesh Bahadur Air on October 13. Condemning the incident, FNJ and Press Chautari among others demanded action against the SP. Saptari police chief apologized for the incident.

By CPN-M (Matrika)

Mithilesh Mishra, 32, of Tilathi VDC-5 was injured after cadres of Matrika-led CPN-M attacked him with stones on May 24. The CPN-M cadres attacked the bus which he had boarded at Bisanpur chok for defying their strike. Mishra underwent treatment at Sagarmatha Zonal Hospital in Rajbiraj. A clash ensued between the bandh enforcers and police after the incident. Police resorted to lathi-charge to clear the obstructions on the road.

By Unidentified Group

A teacher at Mahabir Secondary School, Shailendra Kumar Chaudhary, 42, of Bishahariya VDC-5 was beaten up by an unidentified group on July 29 on charge of not providing donation. The teachers' unions issued press statements demanding action against the involved people. Police said that they were searching for the offenders.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Zakir Ansari, 40, of Kalyanpur VDC-3 and his wife Jamila Ansari, 38, were injured during a police baton charge in front of the Municipality building on July 23. Both sustained head injuries and broken hands. The couple was treated at Sagarmatha Zonal Hospital in Rajbiraj. The couple were members of one of the villages of Kalyanpur holding a sit-in and road

obstruction demanding that their village form the center of a newly-announced Municipality instead of the already chosen Mohanpur.

Nepal One Television reporter, Hem Shankar Singh, 33, of Komadhepura VDC-3 was beaten up by Samir Jha, former FSU president of Mahendra Bindeshwari Multiple Campus on September 9. He was attacked after being accused of pelting stones while filming the clash between local youths and police after a dispute regarding police checks of motorcycles. Police arrested Jha and later released him after making him apologize to the FNJ.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 1,650 criminal cases, the District Court with five judges, decided 860 cases and rest of the 790 cases remained pending. Among the 4,367 civil cases, 2,199 cases were decided and 2,168 cases remained pending. There were 130 criminal cases and 332 civil cases older than two years remained pending in the District Court.

APPELLATE COURT

July 31-December 31, 2011

Out of 402 criminal cases, the Appellate Court decided 83 cases and the 319 cases remained pending. Among the 572 civil cases, 127 cases were decided and 445 cases remained pending. There were two criminal and 12 civil cases older than two years.

The Office of the District Government Attorney until July 16, 2011 filed 56 cases of murder of which eight were won and 24 were lost. Out of the 25 rape cases, two were won and eight were lost. Of 40 abduction cases, four were won and eight were lost and 18 remained pending. Of five cases on accusation of witchcraft, two were won and one was lost.

CHILD RIGHTS

Of 249,575 children of school going age, 122,421 boys and 127,154 girls enrolled in schools of primary and secondary level. There are 1,307 teachers working at primary level government and community schools and 268 teachers working at lower-secondary level in government and community schools. Likewise, 234 teachers are working at secondary schools. 9,085 boys and 5,797 girls are attending Early Child Development Centers. The District Education Office does not have updated information.

Abduction

Sanjiv Kumar Sah, 15, of Barahi Birpur VDC-5 was abducted by an unidentified group from near his home on January 11. The identity and motive of the abductors was not known. The family approached all relevant official seeking help to search for the boy. Police said they were working on the case. The boy's whereabouts remained unknown at the end of the year.

An unidentified gang abducted 6-year-old Ayush Sah from Rajbiraj on February 21. Two men who arrived in a motorcycle abducted Ayush, son of Ram Kumar Sah of Banauli VDC-7 who is currently residing in Rajbiraj Municipality-5. He was abducted from in front of the office of the Saptari chapter of FNJ in Rajbiraj Municipality-1. The boy who was in nursery school at the local Gautam Shishu Sadan, was abducted at around 2.30 pm as he was returning home, the boy's guardians informed. He was freed from Arariya in India with the help of Indian police on March 21. The abductors were not identified.

Deepak Sah, 10, of Kalyanpur VDC-2 who is currently living in Rajbiraj Municipality was abducted by an unidentified group on November 6. A third grader at Rose Boarding School, Sah was abducted as he was en route to a tuition

center, the boy's father informed. He was released two days later from a village on the Indian side of the border when the family paid an undisclosed amount of money as ransom.

Killing after Abduction

Pawan Kumar Mandal, 9, the son of Kishor Mandal of Jamuni Madhepura VDC-5 was abducted by an unidentified group on October 8. The boy was abducted as he was playing near his home. His body was found in the Godhdaha River on October 11. The family said the boy could have been killed because the family could not pay the demanded ransom of Rs 500,000 that was demanded from the family through a telephone call by a person who refused to identify himself. The postmortem examination was conducted at Sagarmatha Zonal Hospital and the body was then handed over to relatives.

Rape, Attempt to Rape and Sexual Abuses

A 14-year-old girl of Kamalpur VDC-2 filed a case against CPN-M district committee member Jagadish Yadav of the same place at the Area Police Office, Kanchanpur who she accused of raping her on May 21. The girl claimed that she was raped by Yadav at gunpoint while no one was at home. According to the victim, Yadav had first attempted to rape her after enticing her with Rs 500. The accused was arrested on May 30 and was remanded in custody.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

DOMESTIC VIOLENCE

Dowry Death

Bhibha Devi Mandal, 22, of Chhinnamasta VDC-9 was beaten to death by her husband Puran Mandal, brother-in-law Kamalesh Mandal and mother-in-law Phuli Devi Mandal on April 13 for

not bringing expected dowry. The father of the victim, Ram Dev Mandal filed a case against the trio at the Area Police Office in Chhinnamasta. The accused were arrested following the complaint. Bhibha Devi had married Puran 15 months earlier. Puran had demanded a motor cycle, Rs 101,000 and a television set as dowry from Bhibha's family. Puran's family had been inflicting physical and mental torture on Bhibha after she could not provide them with the money and the television set. A postmortem of the deceased was held at Sagarmatha Zonal Hospital in Rajbiraj.

Aashadevi Mandal, 24, of Lalpur in Banauli VDC-9 was poisoned to death by her mother-in-law, Kusumidevi, on September 25. Police said that Kusumidevi mixed poison in her medicine because the dowry she brought was deemed insufficient. According to the victim's father Jhau, Kusumidev and her family had been inflicting mental torture on her demanding dowry from last year. He filed a case at the area police office in Kalyanpur on September 26. Kusumidevi was arrested the next day. The postmortem examination of the deceased was held at the Sagarmatha Zonal Hospital. Police said that they were investigating the incident after remanding Kusumi Devi in custody.

Killed by Family Members

The body of Rita Devi Mishra of Bhardaha VDC-4 was recovered on June 22. Her maternal family claimed she was killed by her husband Nripit Mishra because of a dowry related dispute. The family members said Rita Devi sustained injuries when she slipped and hit the ground at home and died on the way to the BPKIHS, Dharan. A postmortem examination confirmed that she had broken neck and had bruises all over her body. Police said investigation was ongoing.

The maternal family of Rita Devi Yadav, 27, Pharseetha VDC-4 accused her husband and in-laws of killing her on September 25. Hareram Yadav, the brother of the deceased filed an FIR at the DPO the next day against her husband Dharendra Yadav, brother-in-law Birendra Yadav and his wife Jhanakwati Devi Yadav for poisoning her for a bringing low dowry. He added in the complaint that Rita Devi was being pressured to bring Rs 100,000 from her maternal family. Police said investigation was going on.

Mistreatment

Badam Devi Bhagat, 65, of Mohanpur VDC was beaten up by her neighbors, including Lalu Sah Sonar, on April 21. She was accused of casting spells on Sonar's 17-year-old daughter Kushbu. She said that she was beaten with firewood and punched. She added that despite filing a complaint at the DPO, there was no action taken against the perpetrators.

Sajani Devi Mandal, 25, of Komadhepura VDC-2 was mistreated by her father-in-law, Kisan Mandal, on July 1 after she requested his recommendation to assist her in obtaining a citizenship certificate. Sajani Devi's husband Binod was murdered in New Delhi four years ago. She said that her father-in-law said he would never recommend her for a citizenship certificate. She filed a complaint at the DPO following the incident on July 2. He was released after he agreed to sign the document for Sajani Devi's citizenship certificate. A team of Single Women Group, which had gone to monitor the incident, had manhandled Kishan Mandal.

HEALTH SERVICE SITUATION

Hospital	14		
Health Post	9		
Sub-Health Post	103		
Position	Available Position	Working	Vacant
Doctor	15	6	9
Staff Nurse	23	17	6
Lab Assistant	8	6	2
AHW	133	133	
AMW	85	76	9
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	15	15	
H W	115	83	32



1.12

Siraha



Population : 643,116

Male : 313,292

Female : 329,844

Literacy(%) : 49

Women Literacy(%) : 30

Area(Sq. Km.) : 1,188

Number of VDC(s)/Municipality(ies) : 106/2

Number of School(s) : 408/31

Campus(es)/Higher Secondary School(s) : 3/26

Human Development Index : 0.427

Average Household Size : 5.09

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Unidentified Group

Santosh Yadav, 25, of Laxmipur Pra. Ma VDC was killed by an unidentified group on April 8 while he was at a carnival at Bishnupur. A postmortem of the deceased was conducted at the District Hospital.

A district Member of the UCPN-Maoists, Bindeshwar Mahato, 47, of Rampur Birta VDC-5 was shot and killed on May 6 by an unidentified group while he was watching a marriage procession. Police said that he was most likely killed due to personal enmity. Police Inspector Basudev Khatiwada informed that the murderers were being searched for.

JAIL AND DETAINEES

The 'D' grade Prison in Siraha, with the capacity to hold 150 inmates, had 167 inmates at the end of the year. There were six female and 161 male inmates. Out of the 167 inmates, 76 have been convicted and 93 are on trial. One inmate died in jail this year.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Hare Ram Das, 65, of Lahan Municipality-1 was abducted from his home on February 1 by a group of unidentified persons. Inspector Lal Dhvaj Subedi stated that the victim was rescued from Pato VDC in the Saptari District while he was being taken to India after being abducted. The whereabouts of the abductors was unknown at the end of the year.

Arun Kumar Yadav, 23, of Sakhuwannakarkatti VDC-1 was abducted by an unidentified group on October 9 from Khairbona chok. An inspector at the Ward Police Office informed that the

victim was freed from Malhaniya VDC-4 in Saptari District on October 18 by police with the help of locals.

THREATS/BEATINGS

By JTMM (Rajan)

Journalist Santosh Kumar Yadav of Aurohi VDC-4 was threatened with physical action on July 17 by an armed group through a facebook message. He was issued the threat by the central member of the JTMM(Rajan) Bhaskar Mukti who alleged that Yadav assisted police in arresting Jaya Mukti.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with three judges decided 125 criminal cases and 131 remained pending. 206 civil cases were decided and 1,205 cases remained pending. 12 civil cases older than two years remained pending.

APPELLATE COURT

July 17, 2011 -December 31, 2011

The Appellate Court with three judges decided seven criminal cases and 51 remained pending. 63 civil cases were decided and 506 cases remained pending.

The Office of the District Government Attorney filed 241 cases between July 17, 2010 and July 16, 2011, out of which 57 cases were won and 27 cases were lost. The Appellate Court has moved in 84 cases. 44 cases older than two years remained open. The Office, with two government attorneys, informed that 157 cases filed by July 16, 2011 remained pending.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Anirudh Shah, 32, of Lalpur VDC-4, who was running a staff hotel at

Type of Events	By State			By Non-State		
	Male	N/A	Total	Female	Male	Total
Injured					2	2
Child Rights				3	1	4
Economic, Social and Cultural Rights				1	1	2
Abduction				1	9	10
Women Rights				9		9
Right to Assembly	8	5	13			
Racial Discrimination					1	1
Arrest & Torture	2		2			
Beatings				4	5	9
Threats					3	3
Killing				6	11	17
Total	10	5	15	24	33	57

Golbazar at Asanpur VDC-7, was beaten in custody after being arrested by Police from the Area Police Office, Golbazar on December 14 on the charge of polygamy. The victim sustained an injury to his right thigh which hindered his ability to walk with ease. The victim stated that he was beaten with a boot by SI Rudra Shrestha. The victim complained that he had bruises on his back, that his ears bleed and that he sustained an injury to his left eye and gums. The victim was treated at Bhumija Hospital at Golbazaar and released on December 14.

CHILD RIGHTS

Situation of Education

Of the total 152,210 children of school going age, 75,124 boys and 77,086 girls were enrolled in schools at different levels ranging from primary to secondary level. The District Education Office did not have updated data related to education.

Abduction

Shiva Shankar Yadav, 5, son of Ram Prayag Yadav in Malhaniya Gamhariya VDC-1 was abducted from his home by an unidentified group in the night of December 9. He was abducted as the family was holding feast to mark his head-

shaving day. His father informed the police about the incident soon after discovering that the boy was missing. He was released from Maisotha in Siraha Municipality on December 18.

Rape, Attempt to Rape, Sexual Abuse

A girl, 11, of Sothiyain VDC-8 was raped allegedly by Pappukumar Yadav, 18, of the same place on September 16. The victim's family said that she was raped after being lured with Rs 100. Police Inspector Lal Dhwaaj Subedi informed that an investigation was underway in accordance with the relevant section of the General Code after Pappu Yadav was arrested on September 18.

Deprived from Right

The Dalit students from Janata Namuna Secondary School at Golbazaar, Santosh Sada, Karchin Sada Ayodhi Sada of Jamdaha VDC-4, Shivasharan Sada, Sarmila Sada and Jagdish Sada of Hanuman Nagar in Kurwa were not issued with academic certificate as they could not pay monthly fees to the school. They were aggrieved because without the certificates they were unable to enroll at Bachelor level in pursuance of their studies. Although the

Management Committee of the school assured the students who passed their exams of assistance, this promise was not fulfilled.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A married woman, 22, of Ayodhyanagar VDC-9 filed a complaint at the Area police Office in Golbazaar alleging that she was raped by Sanjaya Yadav, 23, of the same place on November 22 while she was going to her field to work. The alleged was at large by the end of the year. However, SI Rudra Shrestha of the police office informed that the accused was being searched for.

DOMESTIC VIOLENCE

Killing by Family Members

Rita Devi Mandal, 28, of Kalyanpur Jabdi VDC-4 was killed by her husband Nathuni Mandal on July 22. SP at Area Police Office, Siraha, Bikas Shrestha informed in a press meeting on September 18 that Nathuni was arrested on September 18. The SP said that Rita was strangled over a familial dispute.

Beating by Family Members

Rina Sada, 26, of Dhodana VDC-5 was severely beaten by her husband Laru Sada on May 5 while he was under the influence of alcohol. Rina, who fainted and sustained severe injuries due to the beatings, was taken to Lahan Hospital by villagers for the treatment. The perpetrator was arrested and put into custody for seven days after a complaint was filed at the Area Police Office, Lahan on May 6. Afterwards, a compromise was reached between Rina and Laru, in the presence of the villagers, on the condition that the perpetrator would not repeat his mistake.

Mistreatment

Krishna Maya Sarki of Dadatole in Govindapur VDC-8 was beaten by her brother-in-law Gopal Sarki on June 5 after he accused her of being a witch. The victim said that she was beaten on charge of causing sickness to a child who was at their home. The victim filed a complaint at Bastipur Police Post on the same day. However, a village meeting held on June 13 resolved the case by making the perpetrator apologize for the beating and not to promise to not commit such a mistake again.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Rita Sada, 18, Bindi Sada, 28, of Barchhawa VDC-5 were beaten by farmers Ram Bharoshi Yadav, Rajesh Yadav and Lalo Yadav, among others, on September 4 when they did not go to work as ordered. 70 household laborers of Barchhawa VDC-5, who demanded that they be given 6 kgs of unhusked rice and 4 kgs of husked rice for a day's work, stopped their work in the village. No action was taken against the perpetrators.

Destruction of Infrastructure, Property by Unidentified Group

An unidentified group destroyed two vehicles, belonging to the White House Boarding School located at Ramnagar Mirchaiya, which were parked in the school premises on January 17. Inspector Basu Dev Khatiwada of Area Police Office informed that one of the vehicles was completely burnt and the other was partially damaged. Earlier, JTMM-J had demanded a donation from the school administration.

By JTMM-Rajan

Cadres of the JTMM-Rajan detonated bomb the Sagarmatha Transport Management Office in Lahan on April

16. Inspector Lal Dhvaj Subedi from the Ward Police Office informed that the outer top and Registration Section of the Office was destroyed due to the explosion. The Officiating head of the JTMM-Rajan claimed responsibility for the explosion through the media.

By CPN-M

The cadres of CPN-Maoist vandalized 13 vehicles in the district on May 24 alleging that they were parked on the road in defiance of the closure strike called by them. SP Bikas Thapa, however, informed that a total of seven vehicles were vandalized. According Thapa, the glass of four buses, two pick up vans and one truck was smashed.

HEALTH SERVICE SITUATION

Hospital	2		
Health Post	11		
Sub-Health Post	93		
Position	Available Position	Working	Vacant
Doctor	6	1	5
Staff Nurse	8	8	
Lab Assistant	7	6	1
AHW	125	116	9
AMW	108	74	34
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	18	17	1
H W	201	55	146



1.13 Udaypur



Population : 321,962

Male : 151,649

Female : 170,313

Literacy(%) : 67

Women Literacy(%) : 50

Area(Sq. Km.) : 2,063

Number of VDC(s)/Municipality(ies) : 44/1

Number of School(s) : 431/34

Campus(es)/Higher Secondary School(s) : 3/32

Human Development Index : 0.488

Average Household Size : 4.55

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'E' grade Jail has a capacity of 50 inmates but it had 105 at the end of the year. Among the inmates, 45 were convicted while 60 were awaiting trial. The inmates demanded a new building saying the present one had become over-crowded. The September 18 earthquake has weakened the building and the roof now leaks as a result of the earthquake. Guard Dipen Limbu complained that it is vulnerable security wise because there is no compound in the jail. DDC provides newspapers for the inmates. There are five toilets and two drinking water taps. Inmates said that available water tanks, meant for capacity

Type of Events	By Non-State		
	Female	Male	Total
Injured	1		1
Child Rights	6		6
Abduction	3	13	16
Women Rights	13		13
Beatings	1	3	4
Threats		3	3
Killing	3	3	6
Total	27	22	49

inmates, are insufficient for the current population.

DISAPPEARANCE/ABDUCTION

By UCPN-M

UML district committee member, Dik Bahadur Raut, 42, of Baraha VDC-5 was abducted by the UCPN-M cadres on January 19 for causing a dispute during the process of project selection in the VDC. Raut was abducted by 11 UCPN-M cadres including Jeevan Niraula, Bhabindra Rai, Dhan Bahadur Pariyar, Tanka Bahadur Magar, Jhanak BK, Katak BK, Netra Bahadur BK, Bhakta Bahadur Magar, Karna Bahadur Rai and Hom Bahadur Rai. He was abducted from Dhuledanda of Baraha VDC and released three hours later from Sikari Bhanjyang in Tamlichha VDC-6. He was released after the locals, seeing the UCPN-M cadres taking him while tying him with a rope, followed them with the motive of rescuing him. Raut sustained bruises due to the beating. He was displaced to the district headquarters for five days. UML filed a case under the Act of Abduction against the 11 abductors on January 27. The case was settled after a discussion was initiated by the Local Peace Committee, human rights defenders, police and the administration but the case is still pending at the District Court.

Dik Bahadur Thapa, 44, Kamal Rai, 24, Parshuram Thapa, 30, Keshar Rai, 17, Karna Bahadur Rai, 22, Hasta Bahadur

Rai, 52, Tik Man Pariyar, 29, Chunukala Rai, 30, Kumar Rai, 30, Ishwar Rai, 17, Sani Pariyar, 16, Krishna Kumar Rai, 40, Yubkumar Pariyar, 27, Nahal Bahadur Rai and Ek Kumar Rai of Pakana in Lafagaon were abducted by the UCPN-M cadres on January 25. Nearly a dozen UCPN-M cadres including Kedar Rai, 41, the UCPN-M's Kirant State Committee members, Chandra Kumar Karki and Chiranjivi Karki, 39, abducted them. The abductees were cadres of UML and NC. The abductees, taken away from their respective homes, were released on January 25. They held a press conference at the district headquarters on January 29 demanding action against the involved UCPN-M cadres. The case was settled on February 14 after negotiations with the Local Peace Committee.

THREATS/BEATINGS

By UCPN-M

Teachers of Baraha Secondary School, Chhatra Bahadur Raut, 41, and Parbat Karki, 33, of Baraha VDC-5 were beaten up at Dhuledanda of the same VDC on January 19 for trying to free the UML cadres from their captivity. The injured were treated at a local health facility. UCPN-M's co-in-charge Min Kumar Raut claimed that his cadres had only resisted an assault by the teachers. Peace was brokered between the two sides by the Local Peace Committee on February 16.

By KJWP

Sitaram Koirala, 38, of Chaudandi VDC-9 and working as a contractor was beaten up at Bubajor Ghat bordering Bhojpur and Udaypur by the KJWP cadres on April 9. About 16 masked men led by KJWP chairperson Bibas Bidrohi beat him up for taking his timber across the river without their permission. Koirala was treated at a local health clinic. The

KJWP had been extorting money from the contractors.

By KSM

Khambuwan Samyukta Morcha (KSM) placed a powerful pressure cooker bomb at the crusher factory, located at Ambasi of Tapeswari VDC-9, belonging to Mahesh Regmi, 39, of Triyuga Municipality-2 on early hours of July 14. The bomb was defused by Nepal Army's Bhawani Dal Battalion based at Bokse in Gaighat later in the morning. A pamphlet discovered from the site said that the group had earlier warned Regmi to shut down the factory as he had not taken permission from KSM. Police said the people responsible for the incident were arrested in Sunsari.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 248 criminal cases and 162 remained pending. 183 civil cases were decided and 192 cases remained pending.

The Office of the District Government Attorney filed 19 cases of homicide between July 17, 2010 and July 16, 2011, out of which 12 cases were won and one case was lost. Appellate Court was moved in one case. The Office, with two of government attorneys, informed that six cases filed until July 16, 2011 remained pending.

CHILD RIGHTS

Of 101,274 children of school going age, 52295 boys and 48979 girls enrolled in schools of primary and secondary level. Among them, 199 female and 732 male teachers are at primary level government and community schools. Four female and 178 male teachers are at lower-secondary level in government and community schools. One female and 128 male teachers are at secondary level in government and community schools. District Education Office did not have an updated data related to

education.

Sibai Secondary School, located at Sundarpur VDC-2 withheld the exam results of 126 students on March 31 saying they had not cleared their dues. Saying that the move was a violation of children's rights, human rights organizations including INSEC, HURENDEC, Advocacy Forum, Seto Gurans and WOREC among others filed a writ at Appellate Court, Rajbiraj on April 10 asking for an interim order. The Court summoned the school and District Education Office and directed the school to immediately provide the results and told it not to repeat such acts in the future.

Police arrested Pradeep Bhujel, 32, of Chisapani in Khotang, David Chaudhary of Hadiya VDC, Rabin Pariyar, 19, of Beltar VDC-2 and Deepak Pariyar, 18, of Beltar VDC-1 on January 23 on the charge of raping two minor girls hailing from Devasthan VDC in Khotang a day earlier. The girls were raped in a bus parked at the Bus Park and were dumped early in the morning. The girls complained to police verbally about their situation. They were later taken to the District Hospital for a medical checkup. All accused were remanded in Jail as per District Court order of February 20.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

The family of a 30-year-old woman of Anptar VDC-9 filed a complaint against Hasta Bahadur Bhattarai alias Kumar, 45, of Mattim VDC-2 at DPO on July 31 accusing him of selling her off in Kuwait on April 14. Bhattarai was arrested on August 1 following pressure from women human rights defenders and a case was filed against him the next day. He was remanded in Jail on August 2 after a Court order was issued.

Rape, Attempt to Rape, Sexual Abuse

The family of a 51-year-old

woman of Lafagaon VDC-4 filed a complaint at DPO on September 21 saying that she was raped by Prithvi Bahadur Tamang, 20, of the same place on September 18 in Dirempa Jungle. The victim was taken to District Hospital, Gaighat for a medical checkup. The case was taken to the District Court on October 14. The accused was at large until the end of the year.

DOMESTIC VIOLENCE

Killing by Family Members

Jamuni Maya Magar, 61, was hacked to death by her husband Dirgha Singh Magar, 68, at home on November 3 as Jamuni had become chronically ill. Her son Chok Bahdaur filed an complaint at Beltar Area Police Office the next day. Police arrested Dirgha Singh from his hiding in a nearby jungle. The body was handed over to the relatives after postmortem at District Hospital, Gaighat. Dirgha Singh was remanded in custody following November 21 District Court order.

Beatings

Gyanu Laxmi Rai, 45, of Balamta VDC-4 was seriously injured in a khukuri attack by her son-in-law Mandip Rai, 28, of Tamlichha VDC-2 on February 26. The family filed a complaint against him at DPO on March 1. The victim received treatment for her head injuries at a local sub-health post. Rai also set her house ablaze after the attack. The house was completely gutted.

Mistreatment

Man Maya Nepali Sarki, 60, of Tapeshwari VDC-9 was beaten up by local

Mamata Raut, 35, on June 5 on charge of being a witch. Her family filed a complaint at police station on June 11. Raut was arrested by the police the next day. She was taken to the Court on June 28. She was released on the same day after depositing Rs 10,000 as per the Court order.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure

By KJWP

KJWP set ablaze the furniture and documents of Uchcha Jyoti Mahila Bachat and Rin Sahakari, housed in the building of Siddhipur VDC on March 2. The group of six cadres also torched a cupboard and documents of the VDC. Police estimated the fire gutted property worth Rs 150,000. Police was not been able to arrest anyone involved in the incident until the end of the year.

HEALTH SERVICE SITUATION

Hospital	2		
Health Post	9		
Sub-Health Post	35		
Position	Available Position	Working	Vacant
Doctor	9	6	3
Staff Nurse	13	12	1
Lab Assistant	3	2	1
AHW	68	59	9
AMW	54	54	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1		1
HA	1		1
H W	44	33	11



1.14 Khotang



Population : 209,130

Male : 98,860

Female : 110,270

Literacy(%) : 53

Women Literacy(%) : 40

Area(Sq. Km.) : 1,591

Number of VDC(s)/Municipality(ies) : 76/0

Number of School(s) : 482/7

Campus(es)/Higher Secondary School(s) : 1/21

Human Development Index : 0.442

Average Household Size : 4.90

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

THREATS/BEATINGS

By State

Man Kumar Rai, 21, of Dorpachauridanda VDC-1 was arrested by police on charge of beating up Saroj Acharya of Diktel during a dispute among local groups on April 14. Arjun KC, Inspector at Khotang DPO beat Rai in while he was custody. Rai was released on bail on May 8. He claimed that police arrested him even though he was not involved in the dispute and that they forced him to admit his involvement in the incident after the arrest. The victim was not treated at any health institution.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with a single judge decided 53 criminal cases and 17 remained pending. 39 civil cases were decided and 20 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with a single judge decided 14 criminal cases and 23 remained pending. 32 civil cases were decided and 18 cases remained pending.

The Office of the District Government Attorney filed 30 cases between July 17, 2010 and July 16, 2011, out of which 17 cases were won and six cases were lost. The Office, with one government attorney, informed that seven cases filed until by July 16, 2011 remained pending.

Among the filed six murder cases, four cases were won and two lost. Out of five rape cases, four cases were won and one lost. Out of two polygamy cases, one was won and one was lost.

CHILD RIGHTS

Situation of Education

Of 75,113 children of school going age, 34,976 boys and 40,137 girls were enrolled in schools of primary and secondary level. 1,466 teachers are working at primary level in government and community schools. 460 teachers are working at lower-secondary level in government and community schools. 269 teachers are working at secondary level in government and community schools. The District Education Office did not have an updated data related to education.

Rape, Attempt to Rape, Sexual Abuse

A 14-year-old girl of Mattim VDC-3 filed a complaint at the DPO alleging that Omraj Pariyar, 18, of Mattim VDC-9 raped her on November 18. The appellant stated that the accused raped her

after taking her to Hetauda on November 10 with a promise to marry her. Police arrested the accused on November 15 and he was remanded in custody following an order from the District Court on December 1.

Killing by Family Members

Bipana Thapa, 4, of Bakachol VDC-4 was murdered by her father Suman Thapa when his wife had gone to her paternal home to celebrate Tihar Festival on November 2. Locals informed police after they discovered the dead body. A complaint was filed at the DPO on November 4. Thapa's whereabouts remained unknown by the end of the year.

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			1		1
Women Rights			12		12
Racial Discrimination			1		1
Beatings	1	1			
Threats				1	1
Killing			1		1
Total	1	1	15	1	16

from her home by her husband, Bhuwan Shrestha aka Bibek on June 9. Ranjana said her husband had beaten her and said that she had to leave the house immediately. The victim, who returned to her paternal home at Simpani VDC-7, filed a complaint at the Sub-Regional Office of National Human Rights Commission at Diktel on July 12.

Bandh/Strike

The studies of some 48,000 students were affected after Khambuwan Rastriya Mukti Morcha enforced a two-day district strike. A group led by Morcha's central member Biswas Khamb closed schools in the district. All the private and government schools were closed due to the strike which affected the studies of students for two days.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

An 18-year-old girl of Dadagaun VDC-6, alleging that Yubaraj Gurung, 25 of the same locality raped her on January 26, filed a complaint at Khotang DPO on January 31. Police arrested the accused and filed a case at the District Court. The accused was taken to Sunsari based regional prison after the District Court ordered he be remanded in custody on February 27.

DOMESTIC VIOLENCE

Ranjana Shrestha, 37, of Barahapokhari VDC-1 was expelled

ALL KINDS OF RACIAL DISCRIMINATION

Purubhakta Sewa Rai and Sidha Kumari Rai, alleging that Abisa Rai, 23, of Phedi VDC-3 had inter-caste marriage with Raj Kumar Sewa, 27, of Patheka VDC-7, forcefully separated her from her husband on January 23. Purubhakta is Abisa's brother and Sidha Kumari is her aunt. Abisa, who had been staying in Dharan Municipality-14, has a son. Raj Kumar said that his wife was sent to Malaysia by her paternal family after being issued with a citizenship certificate from the DAO which cited her marital status as unmarried. He had filed a complaint at the DAO and DPO on September 2. The local administration was still trying to make a contact with Abisa through the Nepalese Embassy in Malaysia at the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By KJWP

KJWP cadres set a CDMA Repeater Tower of Nepal Telecom on fire at Kahule

VDC-8 on 23 February, damaging the tower and CDMA 500 BTS equipment. Property worth Rs 2,00000 was damaged in the arson, police said. Pamphlets scattered in the incident site mentioned that the party had resorted to arson as the government did not release its leaders and cadres from custody.

By UCPN-M

Cadres of UCPN-M seized eight *anas* of land belonging to CPN-UML at Kubhinde VDC-4 on February 27. The land, which was purchased by the UML in 2000, was seized by Maoist cadre Sanjeev Rai under the direction of the party district committee member Ram Bahadur Rai, said UML District committee. It was added that the incident was reported to Diktel based Sub Regional Office of the National Human Rights Commission and the INSEC district representative on September 23.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	8		
Sub-Health Post	65		
Position	Available Position	Working	Vacant
Doctor	4	4	
Staff Nurse	6	5	1
Lab Assistant	3	2	1
AHW	79	75	4
AMW	16	16	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	13	13	
H W	141	82	59



1.15 Okhaldhunga



Population : 148,320

Male : 68,893

Female : 79,427

Literacy(%) : 55

Women Literacy(%) : 30

Area(Sq. Km.) : 1,074

Number of VDC(s)/Municipality(ies) : 56/0

Number of School(s) : 350/5

Campus(es)/Higher Secondary School(s) : 2/15

Human Development Index : 0.481

Average Household Size : 4.52

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE THREATS/BEATINGS

By State

Roshan Shakya, 29, and Yogeshwar Rajbhandari, 30, of Okhaldhunga VDC-6 were beaten up by a team led by Krishna Khatri, Inspector at the Armed Police Base Camp alleging that they made a noise while staying at Siddhicharan Park at 8 pm on October 6. The victims did not file a complaint after the accused asked for an apology with them.

By Rastriya Janashakti Prajatantra Party

Topinchandra Bahadur Tamang, of Kalika VDC-6 was threatened by Jagat Prasad Luintel, 45, of Kalika VDC-8 on December 9. Lunitel, who is also district

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			4		4
Economic, Social and Cultural Rights				1	1
Women Rights			5		5
Beatings	2	2	1		1
Threats				1	1
Killing			2	1	3
Total	2	2	12	3	15

secretary of Rastriya Janashakti Prajatantra Party, had threatened Tamang to imprison him. The victim did not lodge a complaint out of fear.

JAIL AND DETAINEES

The 'D' grade Jail has the capacity to hold 50 inmates but had 69 at the end of the year. 41 persons had been convicted while 28 were awaiting trial. There were four dependents, one boys and three girls, residing in the jail.

Eestablished some 20 years ago, the jail has the capacity of accommodating 50 inmates. Presently they are forced to face several problems as the dilapidated buildings are accommodating inmates more than their capacity. Jailer Subash Bhattarai complained about lack of drinking water while male prisoners and detainees are forced to wait for their turns to sleep in the lack of sufficient rooms. There are two buildings—one for male and another for female, one kitchen and two toilets, however, they are not sufficient. According to Bhattarai, the jail has facility of television and newspaper.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with single judge decided 149 criminal cases and 80 remained pending. 104 civil cases were decided and 87 cases remained pending. One criminal case and four civil cases older than two years remained pending.

The Office of the District Government Attorney filed 52 cases between July 17, 2010 and July 16, 2011, out of which 13 cases were won and nine cases were lost. Appellate Court has been moved in five cases. The Office, with single of government attorney, informed that 30 cases filed until July 16, 2011 remained pending.

Among the filed 15 murder cases, five cases were won and three lost. Out of three rape cases, one case was won and three were lost. One case of polygamy was filed and it was won.

CHILD RIGHTS

Situation of Education

Of 47,935 children of school going age, 18,902 boys and 29,033 girls enrolled in schools of primary and secondary level. 448 female and 624 male teachers are at primary level government and community schools. 27 female and 232 male teachers are at lower-secondary level in government and community schools. Seven female and 174 male teachers are at secondary level in government and community schools. 1,936 boys and 1,922 girls are attending Early Child Development Center in the district. District Education Office did not have an updated data related to education.

Rape, Attempt to Rape, Sexual Abuse

Family of a 15-year-old girl of Sinhadevi VDC-8 filed a complaint against Bhim Bahadur Khadka, 29, of same place accusing him of raping the girl at her home

on July 9. The victim's family registered a complaint at DPO on July 14. Police arrested the accused same day. Following an order of the district court, the accused has been remanded in custody on August 8

Mother of a six-year-old girl of Salleri VDC-6, alleging that Ajay Tamang, 18, of same locality raped his daughter at her house, filed a complaint at police on April 3. Police arrested the accused same day. The accused has been remanded in custody since May 8 following an order from the District Court.

Relatives of a 13-year-old girl of Srichaur VDC-7 alleging that Sushil Sherpa aka Kusang, 21 of same locality raped the minor by taking her to Baldanda forest nearby the house on February 8 filed a complaint at police on February 10. Police arrested the accused same day and he was remanded in custody following an order from the District Court on March 9.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE

Desh Maya Rai, 31, of Unbu VDC-8 was hacked to death by Man Bahadur Rai, 21, of same locality on April 12. Man Bahadur strangulated Desh Maya saying that she beat up his son. Man Bahadur is Desh Maya's husband's elder brother. Accused Man Bahadur is remanded in custody of district jail on May 20.

Mistreatment

A 25-year-old woman, and office assistant at Nepal Food Corporation Office filed a complaint at DAO alleging that Shambhu Prasad Regmi, 45, hailing

from Siraha Municipality-3 of Siraha and working at same office mistreated her on June 25. Regmi had mistreated the victim at 10 am in the office on June 24, according to the complaint. Victim alleged that Regmi had tried repeatedly to manhandle and mistreat her. The accused was transferred as per the recommendation of CDO Sagarmani Parajuli.

Krishna Kumari Karki, 72, of Phediguth VDC-1 was mistreated by Raju Karki, 29, and his father Bishnu Bahadur Karki of same locality on October 6 alleging that she practiced witchcraft. Karki duo tried to feed her human excreta, threatening her with spears at 11:30 am. The victim registered a complaint against the accused at Koshhat Police Post, however, no action was taken against the accused. Saying that the police did not address her concern, the victim filed a case against the accused at District Court on October 13.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	10		
Sub-Health Post	45		
Position	Available Position	Working	Vacant
Doctor	4	2	2
Staff Nurse	3	2	1
Lab Assistant	1	1	
AHW	58	45	13
AMW	15	13	2
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	13	9	4
H W	100	70	30



1.16 Solukhumbu



Population : 106,772

Male : 51,885

Female : 54,887

Literacy(%) : 50

Women Literacy(%) : 40

Area(Sq. Km.) : 3,312

Number of VDC(s)/Municipality(ies) : 34/0

Number of School(s) : 287/1

Campus(es)/Higher Secondary School(s) : 2/14

Human Development Index : 0.479

Average Household Size : 4.21

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 35 inmates. The capacity for male inmates is 25 and the capacity for female inmates is 10. The prison had a total of 56 inmates at the end of the year, out of which 50 were male and six were female. 44 male and six female inmates were convicts while six male were awaiting trial.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

President of the Teachers Union, Kumar Raj Shrestha, 46, ANNISU-R Jana Jagrit Higher Secondary School unit member, Pemba Sherpa, 19, were injured in a clash between the Nepal National Teachers Union and the police in Salleri

VDC-5. The victims sustained severe injuries to the head and were treated at a sub-health post in Salleri. The union started to demonstrate after the police refused to register a complaint regarding the death of a teacher at Himganga Higher Secondary School Bipin Bastola that led to a clash between the police and the Union at the gate of DAO.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with single judge decided 73 criminal cases and 13 remained pending. Out of 42 civil cases, 30 civil cases were decided and 12 cases remained pending.

APPELLATE COURT

July 17-December 31, 2011

The Appellate Court with one judge could not decide any of the eight criminal cases that were filed during the period. All four civil cases filed during this period were not be decided.

The Office of the District Government Attorney filed four murder cases between July 17, 2010 and July 16, 2011, out of which two cases were won and two cases were lost. The Appellate Court was moved in one case. There is one government district attorney in the district.

CHILD RIGHTS

Situation of Education

Of 37,466 children of school going age, 19,143 boys and 18,323 girls enrolled in schools of primary and secondary level. The District Education Office did not have updated data related to education.

Rape, Attempt to Rape, Sexual Abuse

An 8-year-old child of Bhakanje VDC-7 was raped allegedly by Tendu Sherpa, 45, of Priti VDC-1 on June 15. The victim's father said that Sherpa raped her in the kitchen of their home. He said that he

Type of Events	By State		By Non-State	
	Male	Total	Female	Total
Child Rights			2	2
Women Rights			3	3
Right to Assembly	2	2		
Killing			2	2
Total	2	2	7	7

came to know about the incident after his daughter began crying and started to get scared when she saw people. The accused absconded following the incident. The Solukhumbu DPO stated that the accused is being searched for.

A 5-year-old child of Mulki VDC -7 was raped on the afternoon of October 16 allegedly by Hom Bishwakarma of the same area. The child was raped at her home. The victim's father filed the complaint on October 17. The Nele Police Station arrested the accused on October 18, and handed him over to the DPO of Solukhumbu. The District Court of Solukhumbu sent the accused to the prison on November 8 on remand.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE

Rinji Bhujel, 53, of Gumbatol in Kerung VDC-9 died of injuries sustained during an attack by her husband Danuri Bhujel, 60, on July 24. Danuri was arrested in a nearby village on July 26 on the charge of murder. The victim died as a result of injuries sustained when she was hit on the head with firehood on July 24. The accused set the house on fire after killing her. The accused was sent to jail on August 18 on remand.

Doma Tamang, 19, Garma VDC-9 was severely beaten and injured by her mother-in-law, Bhattimaya, and her husband, Chirring, on August 12. The victim sought justice from the Domestic Violence Service Centre in Salleri on August 14. The victim was attacked while she was on her way to seek a cure for

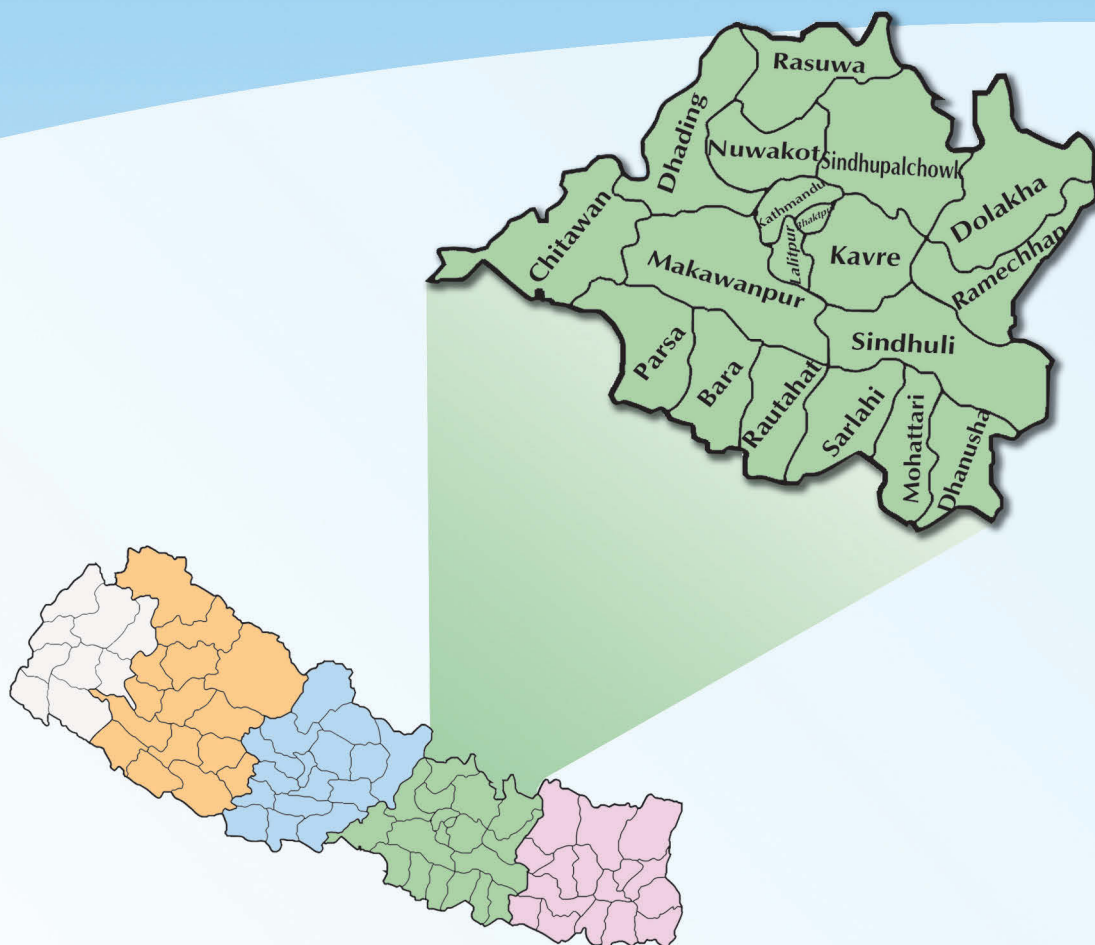
sickness from a Shaman. The victim was treated at Solu Hospital in Phaplu.

Chitrakala Karki, 25, of Basa, VDC-2, who was not taken home by Durga Thapa, 27, of Basa VDC-1 after their marriage reached out to a local human rights organization for assistance in Salleri on September 1. The Office for Women and Children called the father of the accused and Karki on September 11 for a discussion. Her father-in-law declined to reach an agreement as he claimed he was unaware of the incident. Thapa's whereabouts remained unknown at the end of the year. Karki was staying at her maternal home until the end of the year.

Purna Bahadur Shrestha, 34, of Beni VDC-1, husband of Durga Maya Shrestha, 29, travelled abroad after they got married and then stayed in Kathmandu working as a taxi driver upon his return to Nepal. Durga sought the assistance of the local body of the Office of Women and Children in Salleri on September 20. She later travelled to Kathmandu and was taken to a guest house by her husband rather than to his home there. At the guesthouse, she was beaten and verbally abused, she said. Police were searching for the accused with the aid of a photograph of him and other details concerning him provided to them.

HEALTH SERVICE SITUATION

Hospital	4		
Health Post	9		
Sub-Health Post	23		
Position	Available Position	Working	Vacant
Doctor	5	4	1
Staff Nurse	6	6	
Lab Assistant	4	4	
AHW	38	37	1
AMW	16	15	1
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	14	12	2
H W	57	27	30



2. MID REGION

- | | |
|---------------|--------------------|
| 2.1 Dhanusha | 2.11 Makawanpur |
| 2.2 Mahottari | 2.12 Lalitpur |
| 2.3 Sarlahi | 2.13 Kavre |
| 2.4 Sindhuli | 2.14 Bhaktapur |
| 2.5 Ramechhap | 2.15 Kathmandu |
| 2.6 Dolakha | 2.16 Dhading |
| 2.7 Rautahat | 2.17 Sindhupalchok |
| 2.8 Bara | 2.18 Nuwakot |
| 2.9 Parsa | 2.19 Rasuwa |
| 2.10 Chitwan | |

2.1 Dhanusha



Population : 768,404

Male : 383,711

Female : 384,693

Literacy(%) : 58

Women Literacy(%) : 32

Area(Sq. Km.) : 1,180

Number of VDC(s)/Municipality(ies) : 101/1

Number of School(s) : 422/9

Campus(es)/Higher Secondary School(s) : 7/47

Human Development Index : 0.449

Average Household Size : 5.18

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By State

Shambhu Paswan, 18, of Janakpur Municipality-15 was beaten to death by police on January 13 after they accused him of using drug. Locals said that he sustained serious injuries to his critical organs in the attack. Police constables Prem Shankar Thakur and Shyam Singh had brought the victim to hospital but according to a doctor there, the Paswan died while en route to the hospital. A postmortem examination of the deceased was carried out at Janakpur Zonal Hospital on January 14. Paswan's family lodged a complaint against police constables Prem Shankar and Shyam Singh at the DPO on January 15. However, no action had been taken against them by the

end of the year.

Phuldhari Mukhiya, 42, of Musaharniya VDC-2 died on October 7 while he was in police custody. Mukhiya was arrested by police on September 28, as he was attending a village fair, according to witnesses. However, the DPO claimed that he was arrested after he stabbed police constable Upendra Yadav, 25, while he was on duty. The report of an investigation team led by DSP Tek Bahadur Gurung claimed that the incident occurred due to the negligence of the police Head Constable Jaya Narayan Yadav. A postmortem report of the deceased said that the victim died due to extreme blood loss.

By ATMM-G

Mathawar Mukhiya, 36, of Janakpur Municipality-12 was shot dead by an unidentified group on August 8 as he was returning to home from Rajdevi temple. Mukhiya died while undergoing treatment at Janakpur Zonal Hospital. The body of the deceased was handed over to his family members following a postmortem examination that was conducted at the same hospital. ATMM-G cadre Mukesh Pandit, 25, of Malangawa Municipality-12, Dharmanath Khatwe, 23, of Janakpur Municipality-12, Shirchan Mukhiya, 34, of Binhi VDC-2 were arrested by police for being involved in the incident. All the arrested were sent to jail on September 9.

By UML

Madheshi Janaadhikar Forum-Ganatantrik (MJF-G) cadre Ram Ekwāl Mandal, 45, of Jhatiyahi VDC-7 was shot dead by UML cadres on July 22. Mandal, who received injuries to the chest, died while undergoing treatment at Janakpur Zonal Hospital. According to police, a group of UML cadres led by Sushil Shah shot him when a clash ensued during the election of a school management committee

Type of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Injured	1			1		4	4
Child Rights					4	1	5
Abduction						9	9
Women Rights					38		38
Right to Assembly		1	11	12			
Arrest & Torture		4		4			
Beatings		2		2	1		1
Threats						2	2
Killing		3		3	9	11	20
Total	1	10	11	22	52	27	79

of Mithila Tilak Nandkumari Karki School. A postmortem of the deceased was held at Janakpur Zonal Hospital on July 23. Sunil Kumar Yadav, 23, of Makhanah VDC-9 was arrested by police for his involvement in the incident. He was sent to jail on remand on August 19. However, the whereabouts of another person linked to the incident was unknown by the end of the year.

By Unidentified Group

UCPN-M cadre Paltu Mahato, 45, of Yagyabhumi VDC-4 was shot dead by an unidentified group on February 6 as he was sleeping. The cause of the incident was yet to be ascertained. A postmortem examination was held at Janakpur Zonal Hospital on February 7. Mahato's family members lodged a complaint at the DPO on February 9. However, the group involved in the incident had not been identified by the end of the year.

Doma Mahara, 34, of Ekrahi VDC-4 was killed by an unidentified group on July 13. The victim's body was found in a pond in Haththipur VDC-6, according to police. Mahara's family members instigated a search after he failed to return home from Yadukha VDC after two days. A postmortem examination was held at Janakpur Zonal Hospital on November 30. Although his family filed a complaint at the DPO, the group involved in the incident was not identified.

INJURED IN SHOOTING/EXPLOSION By Abandoned Bomb

Dinesh Yadav, 20, of Lakkad VDC-2 was injured when an abandoned bomb detonated at Agajewa Chouri of same place on May 14. The victim whose two legs were badly damaged in the explosion was treated at Janakpur Zonal Hospital. DSP at DPO Jagadish Pokharel suspected that the bomb might have been planted during the Maoist insurgency.

By Unidentified Group

Surya Dev Das, 33, of Baphe VDC-6 sustained critical injuries to his chest in a gun attack carried out by an unidentified group on September 6. Inspector Hari Khatiwada said that Das was referred to BPKIHS, Dharan, after it was decided that he could not be treated at Janakpur Zonal Hospital. Khatiwada said that an investigation of the group involved in the incident was underway.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Bhuman Mandal, 20 and Rabi Singh, 20, of Janakpur Municipality-16 were abducted by a group of unidentified persons on August 29. The victims could not identify the location at which they were held because they had been blindfolded. The group demanded Rs 20,000,000

ransom over the phone from the victims' family members. They were released from Kushbaha of Saptari with the help of police on September 18. The victims' family members had not filed a complaint by the end of the year.

THREATS/BEATINGS

By State

Principal of Dhudhmati Primary School Suryanath Yadav, 45, of Mahendranagar VDC-1 was injured in an assault by the personal security guard of the District Education Officer, Sudananda Jha, 30, on January 10. Yadav was referred for treatment in Kathmandu as he was unable to be treated at Janakpur Zonal Hospital. According to the District Education Officer, his security guard assaulted him in an attempt to control the crowd. No action had been taken against the guard by the end of the year.

RIGHTS TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 967 criminal cases, the District Court with four judges decided 393 cases while a decision had yet to be made in 574 cases. Of 3,389 civil cases, a verdict was reached in 1,666 cases while 1,723 cases remained under the consideration of the court. 103 criminal cases and 251 civil cases older than two years remained pending.

July 17, 2011-December 31, 2011

Out of 227 criminal cases, the District Court which has four judges decided 45 cases while 182 remained pending. Of 738 civil cases, 143 cases were decided and 593 remained under the review of the court. 150 criminal cases and 396 civil cases older than two years remained pending.

APPELLATE COURT

July 17, 2010- July 16, 2011

Of 767 criminal cases, the Appellate Court with eight judges decided 433 cases and 334 cases remained pending. Out of 1,165 civil cases, 663 cases were decided and a decision had not been reached in 502 cases. 12 criminal cases and 17 civil cases older than two years remained pending.

July 17, 2011 -December 31, 2011

Out of 467 criminal cases, the Appellate Court with eight judges decided 32 cases and 435 remained pending. Of 741 civil cases, 65 cases were decided and 676 cases remained pending. Seven criminal cases and 11 civil cases older than two years remained pending.

The Office of the District Government Attorney filed 174 cases between July 17, 2010 and July 16, 2011, out of which 39 cases were won and 22 cases were lost. 12 cases were moved to the Appellate Court. Two cases older than two years remained undecided by the court. The Office, with two of government attorneys, informed that 113 cases filed by July 16, 2011 remained pending.

Of the 55 murder cases filed, 13 cases were lost and 37 cases remained undecided. Of 14 rape cases, four cases were won and three were lost. Out of 25 cases of abduction, one was won and five were lost. The Office of the District Government Attorney filed 132 cases between July 17, 2011 and December 31, 2011. One case was moved to the Appellate Court. 43 cases older than two year remained under the review of the court.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

CPN-M (Matrika Group) district members Ranjit Kumar Adhikari, 25, of Damhi Madai VDC in Mahottari district and Gulab Yadav, 28, of Yagyabhumi

VDC-5 were arrested by police without an arrest warrant on November 28. Local people obstructed the police vehicle from proceeding after the Adhikari and Madai alerted their attention. Yadav was released that night from the DPO whereas Adhikari was detained and tortured in police custody. Adhikari's family filed a writ of habeas corpus at the Appellate Court on November 16. He was treated at Janakpur Zonal Hospital on November 20. Adhikari was released on December 22 in accordance with the order of the District Court.

CHILD RIGHTS

Situation of Education

Of 361,594 children of school going age, 184,565 boys and 177,029 girls were enrolled in schools of primary and secondary level. Among them, 48,046 girls and 51,808 boys were from the dalit community. A total of 1,331 teachers work in primary level government and community schools. Similarly, 239 teachers work at lower-secondary level in government and community schools. Meanwhile, 278 teachers are employed at secondary level in government and community schools.

8,651 boys and 8,909 girls are attending the Early Child Development Center in the district. The District Education Office did not have updated data related to education.

Abduction

A 3-year-old Ritik Thakur, aka Chhotu, of Mahottari VDC-3 was abducted from his maternal uncle's home by Nuramohammad Nadaf, 18, of Lohrpatti VDC October 8. Nadaf demanded a ransom of Rs 50,000,000 over the phone. The ransom was paid following the request of the child's mother. Police arrested him in Kaward hall of Janakpur on October 12 as he was fleeing police. Nadaf and Kalpana Chaudhary were arrested later that day. It was proved after an investigation that

Kalpana was the main conspirator of the incident. They were sent to jail on remand in accordance with the District Court order of November 10.

Rape, Attempt to Rape, Sexual Abuse

Family members of a 14-year-old girl of Nagarain VDC-9 filed a complaint against Ramchandra Shah, 61, of Janapur Municipality-12 at the DPO on June 17 on the allegation of raping her. He was arrested by police on June 19. He was sent to jail on remand as per the order of the District Court on July 14.

A 13-year old girl of Naktajhih VDC-1 filed a complaint against Akaram Miya Mansuri, 20, of ward no. 9 of the same VDC on August 27 on charge of being raped in Soninama VDC-9. However, the accused was not arrested at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Bipata Kewat and Rebiya Yadav, 52, of Baghachaura VDC-9 attempted to rape 19 year old Hansapur Kathpulla of VDC-3 Yadav on May 12. They absconded after the victim's brother-in-law asked locals for help. Bipata was arrested on the same day with the help of local people. Police lodged a file of public offence against Rebiya at the District Court on May 13.

DOMESTIC VIOLENCE

Killing by Family Members

Sudama Devi Mahato, 19, of Hariharipur VDC-4 was stabbed to death by her husband Ram Ekwat Mahato, 21, on May 24. The victim's right hand and head were injured in the incident. A postmortem examination of the victim's body was held in Janakpur Zonal Hospital on May 27. The perpetrator committed suicide on May 27 after fleeing the place, police said.

Polygamy

Ali Mohamad, 20, husband of Nasima Khatun of Raghunathpur VDC-9 married Munajila Khatun, 18, of India on February 25 despite being already married. Ali was arrested by police on March 14 on the basis of the victim's complaint. He was released on March 9 on bail in accordance with the order of the District Court.

Arun Gupta, 34, the husband of Sunita Devi Gupta, 32, of Raghunathpur VDC-5 married with Anita Devi Gupta, 20 on June 10. The victim said that her husband beat her up after second marriage. She lodged a complaint at DPO on June 1. The accused was arrested by police on the same day. He was released on July 19 on bail as per the order of the District Court.

Mistreatment

Kushma Khatun, 65, of Dodar VDC-7 was force-fed human excreta by local people on October 12 after they accused her of practicing witchcraft. The villagers admitted that they assaulted her and expelled her from the village after it was alleged that she was involved in the death of Rojani Khatun, 70, of the same place. The victim's whereabouts remained unknown at the end of the year. According to police, her family members felt hesitation to name the accused.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By JTMM

JTMM cadres detonated a socket bomb near the District Forest Office of Janakpur Municipality-4 on October 12. The bomb was diffused by personnel from the Nepalese Army. According to police, some pamphlets signed by military commander of JTMM were recovered from the site. However, no casualties occurred in the incident.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	9		
Sub-Health Post	88		
Position	Available Position	Working	Vacant
Doctor	5	4	1
Staff Nurse	5		5
Lab Assistant	8	7	1
AHW	116	116	
AMW	24	20	4
Vaccine Supervisor	2	2	
TB/Leprosy Supervisor	1	1	
HA	16	16	
HW	190	182	8



2.2 Mahottari



Population : 646,405

Male : 320,886

Female : 325,519

Literacy(%) : 42

Women Literacy(%) : 28

Area(Sq. Km.) : 1,002

Number of VDC(s)/Municipality(ies) : 76/1

Number of School(s) : 333/24

Campus(es)/Higher Secondary School(s) : 1/29

Human Development Index : 0.407

Average Household Size : 5.29

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
**INJURED IN SHOOTING/
EXPLOSION**

By JTMM-J

Bijaya Mandal, 22, of Sahasaula VDC-3 was injured after being shot by JTMM-J cadres on July 24. Mandal, who received serious injuries to his left thigh, was treated at Hope Hospital in Bardibas. The perpetrators had not been arrested by the end of the year.

JAIL AND DETAINEES

The 'B' grade district jail, which has the capacity to hold 135 persons but, 381 were being held there at the end of the year. 162 had been sentenced while 219 were awaiting trial, of whom 344 were male and 37 were female. Five boys and three girls were living as dependants in the jail.

The jail building is in an abysmal condition and the jail warden Bikaru Mijar said that the inmates are facing space restrictions due to the overcrowding. The inmates have the facilities of a library, television, radio and newspapers. However, they encounter difficulty in accessing medicine because the government has allocated medicine for only 135 inmates.

DISAPPEARANCE/ABDUCTION

By JTMM-J

Shiba Sharan Mandal, 40, of Sonoul VDC-5 was abducted by JTMM-J cadres on December 8. He was released from the Sitamadhi district of India on December 9 when the family members submitted a ransom of Rs 200,000.

By Unidentified Group

Haphid Nadaf, 23, of Sonama VDC-3 was abducted by an unidentified group from Bishnupur VDC-9 on September 17. He was released from the Sitamadhi district of India after depositing a ransom of Rs 200,000 on September 21.

Krishna Kumar Mahato, 20, of Bardibas VDC-5 was abducted from Bardibas VDC-1 by an unidentified group on December 8. He was released from the Madhuwani district of India on December 16 when his family members submitted a ransom of Rs 300,000.

RIGHT TO PROMPT AND FAIR TRIAL
DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 588 criminal cases filed, the District Court with three judges decided 223 cases while 365 cases were yet to be decided. Of 2,433 civil cases, 1,289 were decided and 1,144 cases remained pending. A total of 30 criminal cases and 51 civil cases older than two years remained pending.

July 17, 2011-December 31, 2011

Of 470 criminal cases filed, the District Court with three judges decided 71 criminal cases while 399 remained under the review of the court. Out of 1,656 civil cases, 394 cases were decided and 1,262 cases had yet to be closed. A total of 33 criminal cases and 192 civil cases older than two years remained pending.

The Office of the District Government Attorney filed 66 cases between July 17, 2010 and July 16, 2011, out of which nine cases were won and 14 cases were lost. Six cases were moved to the Appellate Court. Seven cases older than two years remained open. The Office, with two of government attorneys, stated that a verdict had yet to be reached in 43 cases filed by July 16, 2011.

Type of Events	By Non-State		
	Female	Male	Total
Injured		6	6
Child Rights	6		6
Abduction	1	15	16
Women Rights	15		15
Killing	2	9	11
Total	24	30	54

Of the 35 murder cases filed, eight cases were won and three cases lost. Out of 12 rape cases, one case was won and one was lost.

CHILD RIGHTS

Situation of Education

A total of 89,820 boys and 81,745 girls were enrolled in schools of primary and secondary level. Among them, 28,397 boys and 26,352 girls were from the Dalit community. The District Education Office said 15.7 per cent children of school going age do not attend school. 521 female and 537 male teachers are employed at primary level in government and community schools. Similarly, a total of 106 female and 115 male teachers work at lower-secondary level. 40 female and 167 male teachers are employed at secondary level.

1,870 boys and 1,690 girls attend the Early Child Development Center in the district, among which 210 boys and 140 girls are from the Dalit community. The District Education Office did not have updated data related to education.

Killing by Family Members

Father of Bibha Kumari Chaudhary, 16, of Balawa VDC-3 was Ram Ekbal Chaudhary was arrested on August 11 on charge of hanging her to death for having an affair with a local boy. But, he was later released as the Office of the District Government Attorney cited there was lack of evidence against him.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE

Killing by Family Members

Jibachhidevi Thakur, 45, of Itaharwakatti VDC-7 was hacked to death by her nephew Phulbabu Thakur, 35 on October 9. Though the victim's relatives lodged a complaint against the accused, he had not been located by the end of the year.

HEALTH SERVICE SITUATION

Hospital	2		
Health Post	8		
Sub-Health Post	67		
Position	Available Position	Working	Vacant
Doctor	10	6	4
Staff Nurse	14	8	6
Lab Assistant	6	6	
AHW	91	86	5
AMW	27	22	5
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	16	11	5
HW	142	136	6



2.3

Sarlahi



Population : 768,649

Male : 388,872

Female : 379,777

Literacy(%) : 46

Women Literacy(%) : 35

Area(Sq. Km.) : 1,259

Number of VDC(s)/Municipality(ies) : 99/1

Number of School(s) : 443/24

Campus(es)/Higher Secondary School(s) : 3/34

Human Development Index : 0.408

Average Household Size : 5.49



CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Unidentified Group

The body of Marani Devi Mahato, 55, of Belwajabdi VDC-9 was recovered one km south of her home on November 29. She was missing for the last six days. Her husband and other family members were at large since her body was found.

Sukeshwari Devi Mahato Nuniya, 65, of Simara VDC-4 was shot dead by an unidentified group on September 22. She was shot as she was walking on the road at around 9 pm. She died on the spot after being shot in the head. Police arrested her son and daughter-in-law on September 23 for investigation and released them after two days. Police said that investigation was ongoing by the end of the year.

INJURED IN SHOOTING/EXPLOSION By Unidentified Group

Chunchun Bhandari Mali, 35, of Sudama VDC-7 was shot injured near Manusmara in Mahinathpur VDC-9 on September 24 by an unidentified group. Bhandari was working as a security guard for an under-construction bridge of the River when was shot in left thigh by the group after making some queries. He was treated at Barathwa Sub-health post and later taken to Narayani Sub-Regional Hospital.

Businessman Antosh Das, 30, of Hajariya VDC-1 was shot at by an

unidentified group on December 26 as he was walking on the road in Barathahawa VDC-4. He sustained injuries on chest and arms. He was treated at National College, Birgunj.

JAIL AND DETAINEES

The 'C' grade Jail has the capacity of 100 inmates but had 163 inmates at the end of the year. Among them, 58, were convicted and 105 were awaiting trial. The prison has the facilities of water, toilets, electricity, newspapers, radio, television, sports and sewing machine. One inmate Nabin Lama was injured when he got into fighting with the prison cook Ram Pukar Mandal demanding better food quality. He was treated in Kathmandu and later transferred to Birgunj Jail.

DISAPPEARANCE/ABDUCTION By Unidentified Group

Bhakta Bahadur Thapa, 40, of Patauna in Atrauli VDC-3 was abducted by two men on March 11 from near his home. He was released on March 13. Thapa's brother Makar filed a case at Hariuan APO on March 12. The identity of the abductors could not be known.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

A clash occurred between the police and sugarcane farmers at Hariuan Chok on East-West Highway on January 2. The farmers were demanding for the hike in sugarcane price. Farmers Tanka Prasad Luintel, Hom Bahadur Mainali, Madhav Prasad Upreti, Durga Bahadur Chauhan, Gokarna Bartaula, Samir Ghimire, Binod Mahat and Brijlal Mahato, among others, were injured in the police beating. The angry

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured				3	3
Child Rights			3		3
Abduction				1	1
Women Rights			4		4
Right to Assembly	2	2			
Killing			8	4	12
Total	2	2	15	8	23

farmers set the police beat on fire. The police fired rubber bullets and dozens of teargas shells to disperse the protestors. Local administration imposed curfew order in the area from Karmaiya to Sasapur the next day. Journalists Chudamani Wagle and Krishna Kumar Asmali of Radio Sarlahi were beaten up as they were returning from APO after interviewing the police. They were treated at local Namuna Hospital, Hariaun.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with three judges decided 412 criminal cases and 402 remained pending. 901 civil cases were decided and 937 cases remained pending. 11 criminal cases and 34 civil cases older than two years remained undecided.

July 17, 2011-December 31, 2011

The District Court with three judges decided 22 criminal cases and 39 remained pending. 47 civil cases were decided and 394 cases remained pending.

The Office of the District Government Attorney filed 470 cases between July 17, 2010 and July 16, 2011, out of which 54 cases were won and 255 cases were lost. The Office, with one government attorney, informed that 161 cases filed until July 16, 2011 remained pending.

Among the filed 20 murder cases, six cases were won and 14 were lost. Out of 23 rape cases, eight cases were won and 15 lost. Out of 27 abduction cases, 11 were won and 16 were lost. All three cases of polygamy were lost. All six cases related to mistreatment on charge of practicing witchcraft.

CHILD RIGHTS

Situation of Education

A total of 198,979 boys and 197,854 girls are enrolled in schools of primary and

secondary level. Among them, 27,624 girls and 29,061 are boys are dalits. District Education Office said 13.7 per cent of school going age do not attend school. There are 1,221 teachers working at primary level in government and community schools. 287 teachers work at lower-secondary level. 174 teachers work at secondary level.

29,163 boys and 26,753 girls are attending 446 Early Child Development Centers in the district. It was found that the District Education Office did not update all data related to education.

Rape, Attempt to Rape, Sexual Abuse

Mukesh Pandit, 21, of Hajariya VDC-6 was arrested on charge of raping a 6-year-old girl of ward no. 4 of the same VDC. The villagers nabbed the accused and handed him over to the police soon after the incident. The accused was remanded in prison since May 8.

An 8-year-old girl of Netragunj VDC-9 was raped allegedly by Biru Lama, 19, of the same place in the jungle near the village on May 20. The accused was arrested the next day. The girl was taken to District Hospital in Malangawa for medical checkup. The accused was taken to District Prison in remand as per the District Court order issued on June 8.

A 10-year-old girl of Rajghat VDC-7 was raped allegedly by Dinesh Rai of the same place on August 17. He was arrested by the police on August 19. He was remanded of District Prison at the end of year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Police arrested Jaya Prakash Paswan, 28, of Netragunj VDC-2 on March 31 on charge of raping a 40-year-old woman a day earlier. He was remanded in prison since April 26.

DOMESTIC VIOLENCE

Killing by Family Members

Phuleswhari Devi Sah, 55, of Basantpur VDC-9 was hacked to death by her daughter-in-law Saheli Devi Sah, 20, on January 25. Saheli had attacked the victim with a sharp weapon during a dispute. After killing the mother-in-law, Saheli buried the body in the manure pit. The police began searching for the elderly lady after the neighbors noticed her absence. Saheli was arrested on August 18 and was sent to Prison on remand.

Dowry Death

Ram Kumari Sah, 19, of Pidari VDC-1 was poisoned and then strangled by her family members including mother-in-law Sita Sah on May 17. It is reported that the family was unhappy with the amount Ram Kumari brought as dowry. Haripur Area Police Office's Inspector Naresh Raj Subedi said the accused had confessed to the crime. Other accused persons were absconding. Sita Sah was remanded in jail after the order issued by the District Court on June 1.

Mistreatment

Deuli Kumar Danuwar, 55, of Hariuan VDC-3 was mistreated by the villagers on June 3. Locals including Shital Dhami, 20, Taita Dhami, 68, Anuplal Dhami, 60, Bauwa Dhami, 60, Pramesh Chaudhary, 20, and Laxmikant Kumar, 35, beat her up and also fed her human excreta, her head was shaved and face smeared with soot. She filed a complaint at Haripur Area Police Office on June 5 saying that she was accused of practicing witchcraft and was mistreated. On June 30, the District Court released the accused after fining Shital and Laxmikant Rs 25,000 and Taita, Anuplal, Bauba and Prabeen Rs 20,000.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	16		
Sub-Health Post	78		
Position	Available Position	Working	Vacant
Doctor	9	7	2
Staff Nurse	10	1	9
Lab Assistant	8	6	2
AHW	217	198	19
AMW	119	88	31
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	24	16	8
HW	99	86	13



2.4

Sindhuli



Population : 294,621

Male : 141,573

Female : 153,048

Literacy(%) : 61

Women Literacy(%) : 40

Area(Sq. Km.) : 2,491

Number of VDC(s)/Municipality(ies) : 53/1

Number of School(s) : 556/15

Campus(es)/Higher Secondary School(s) : 3/46

Human Development Index : 0.469

Average Household Size : 5.06

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
INJURED IN SHOOTING/EXPLOSION
By UCPN-M

Shyam Jarga Magar, 42, of Lakhanpur, Jhanga Jholi Ratamata VDC-9 was injured in a shooting by Supat Rai, 30, a central member of the Trade Union affiliated to UCPN-M after a minor debate at Purano Jhanga Jholi VDC-4 on March 23. Jarga Magar, a YCL cadre, was working as a security guard at the construction site of the BP Highway. Magar was treated at B&B hospital, Kathmandu after the shooting. Rai was charged with assault. The court subsequently sentenced him to 32 months imprisonment in absentia.

JAIL AND DETAINEES

The 'E' grade District Jail has the capacity to accommodate 35 inmates. By the end of this year 90 inmates were residing in the jail of whom 54 had been convicted and 36 were awaiting trial. 80 of the 90 inmates were male and 10 were female. One dependent was also in the jail.

Leaks from roof of the dilapidated building affect every room. The inmates said that they find it hard to sleep due to a lack of space and that they had to queue for a long time to obtain drinking water and to use the toilet due to the overcrowding. The space allocated for female detainees is particularly narrow, they said. Ten detainees and the dependent occupy one room. The inmates are involved in the making of bamboo chairs, winnowing trays, mobile stands, sieves, watch frames, including other goods. They claimed that it is difficult for them to find the raw materials require for these activities.

Jail warden Kulanath Pokhrel said that the already high number of detainees and the increment in additional detainees was causing further overcrowding. He further stated problems related to a lack

of firewood are encountered and that the District Forest Office and District Administration Office did not make efforts to rectify this situation after being informed of the problem.

THREATS/BEATINGS

By State

Kul Bahadur Shrestha, 25, alias Sunil, of Kamalamahi Municipality-6 in Ratamata, Stalbazar, and Bibek Tamang, 22, of the same place were beaten by Armed Police Forces at Stalbazar on October 23. A debate between the youths and the APF had taken place while they were inspecting the youths's motorbike. As the debate continued, more locals assembled. The APF temporarily left the scene to gather more force members before returning and assaulting locals with sticks, stated eye-witness Arjun Shrestha, GS of FNCCI. The victims demanded that the treatment costs of the injured be managed by the APF and that the identity of the APF members involved in the attack be made public and also that the APF camp district headquarter be moved from the district. A strike was held to further these demands in Sindhuli in October 24. The incident was resolved after CDO Beni Madhav Gyawali assured those affected in the assault that departmental action against the alleged police personnel would be taken and that the incident would not be repeated. Shrestha was treated at Bharatpur hospital.

By UML

UCPN-M cadre Duni Raj Nepal, alias Pradip of Bhimeshwor, VDC-8, 24, was attacked at Mulkot in Purano Jhangajholi VDC-4 by a group of 25 UML cadres from Dhulikhel on January 13, just one day before Youth Force cadre Min Kumar Shrestha was beaten. It was later asserted that UML cadres led by District Committee member Ram Krishna Shrestha

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured				3	3
Child Rights			8		8
Women Rights			10		10
Arrest & Torture	15	15			
Beatings	2	2		4	4
Killing			5	6	11
Total	17	17	23	13	36

along with Min Kumar Shrestha attacked Pradip who was subsequently treated in Kathmandu. An agreement was made between them on the condition that Pradip would not file a complaint against them.

ARBITRARY ARREST

Bijaya Moktan, 28, of Bhadrakali VDC-8 and Regional In-Charge of the Federal Democratic National Party along with Devi Kishwor Dong, 23, and cadres Rabin Shrestha, 20, and Arun Thakur, 21, of Bhadrakali VDC-4, Niraj Tamang, 21, and Sange Chedak Lama, 23, of same VDC-5 were arrested by police on November 9 in Kamalamai Municipality-4 in Madhutar. The victims said that their human rights were violated by the police when they were arbitrarily arrested on the charge of extorting money. However, the police claimed that they were arrested because they were, in fact, guilty of extorting money. A case was filed under the Public Offense Act against the accused and they were released from the District Administration Office, Sindhuli, after bail of Rs 2,000 was received from each of them on November 14.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge reached a verdict in 82 criminal cases while 56 remained undecided. 86 civil cases were decided while and 34 cases remained pending. One criminal case and one civil

case older than two years remained under the review of the court.

July 17, 2011-December 31, 2011

The District Court with one judge decided 26 criminal cases while 60 cases remained undecided. 19 civil cases were decided and 45 cases remained unsettled.

The Office of the District Government Attorney filed 74 cases between July 17, 2010 and July 16, 2011, out of which 23 cases were won and two cases were lost. Two cases were moved to the Appellate Court. The Office, with one government attorney, stated that 49 cases filed by July 16, 2011 remained under review.

Of the nine murder cases filed, two cases were won and a conclusion to seven cases had not been reached. Out of seven rape cases filed, three cases were won and one was lost and three remained under the consideration of the court.

The Office of the District Government Attorney filed 24 cases between July 17, 2011 and December 31, 2011, out of which three cases were won and one case was lost. One case was moved to the Appellate Court. The Office, with one government attorney, informed that 20 cases filed by July 16, 2011 remained pending. Of the five murder cases filed, two cases were won and three remained pending.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

The central treasurer of the Federal Democratic National Party, Pancharam Lo, 40, of Sarlahi district Narayan Khola VDC-3, Municipal Committee president Dhanalal Syangba, 46, of Kamalamai Municipality-4, number 3 Regional In-Charge Bijaya Moktan, 28, of Bhadrakali VDC-8, 3 Number Regional Sub-In-

Charge Dev Kishwor Dong, Bijaya Yongan, 19, the of same VDC-9, Prithivi Yongan, 17 of same place VDC-5, Ranin Shrestha, 20 of the same VDC-1, Raju Dong Tamang, 19, and Arun Thakur of the same VDC-4, Niraj Tamang, 21 of the same VDC-5 and Junkhu Tamang, 19, of Jinkhu VDC-3 were arrested by the police in Kamalamai Municipality-4 in Madhutar on November 29. The victims claimed that police tortured them after arbitrarily arresting them. Of those detained, Rabin Shrestha said that he was beaten with sticks by DSP Lokendra Shrestha. The police stated that they were brought for an inquiry into the alleged crime of planting a bomb at the Office of the District Attorney General on November 27. Pancharam Lo, Dhana Lal Syangba, Bijaya Yongan, Prithivi Subba, Raju Dong and Sandesh Tamanag were released on November 30 while the others were released on December 1

CHILD RIGHTS

Situation of Education

Of 114,290 children of school going age in the district, 56,203 boys and 58,087 girls are enrolled in schools of primary and secondary level. 9,222 girls and 8,807 boys are Dalits. There are 160 female teachers and 788 male teachers working at primary level government and community schools. 10 female and 145 male teachers are working at lower-secondary level. Five female and 140 male teachers work at secondary level. 5,271 boys and 5,046 girls attend the Early Child Development Center in the district of whom 783 boys and 860 girls are Dalits.

It was found that the District Education Office did not update data related to education.

Rape, Attempt to Rape, Sexual Abuse

A 9-year-girl of Ginakhu VDC-9

was lured by promises of food and money and was subsequently raped by Ram Bahadur Ghalan, 22, of the same locality on February 17. The victim received a medical check-up at the District Hospital, Sindhuli. The victim's relatives filed a complaint at the DPO on February 23. Ghalan's whereabouts was unknown at the end of the year.

Girl Trafficking

A 15-year-old girl of Kamala Mai Municipality-12 who was residing at her maternal aunt's house at Hatpate VDC-8 was rescued by the police with the support of organization KI Nepal from Sunauli while she had been trafficked to India by Bodha Nath Luitel, 22, alias Bhoj Raj, of Ladhavari VDC-9 on September 5. She said that the accused forced her to leave Kathmandu despite her objection before she was forcefully transported to Delhi. The police informed that Lok Nath Pahadi, 32, alias Arjun of Hatpate VDC-8 had initiated the introduction of Kamala to Bhok Raj. Kamala registered a case against the accused at the DPO on September 11 after which he was remanded in the Sindhuli District Court on September 26.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Renu Gole, 18 of Majhuwa VDC-8 was killed after rape by Sovit Gole, 18 of same VDC-7, when she had gone to the jungle at Majhuwa VDC-7 for bringing firewood and grass on January 1. The police arrested him after the incident. The postmortem of the dead body was conducted at District Hospital, Sindhuli. The accused, after the decision of court was remanded at jail for decision on February 26.

DOMESTIC VIOLENCE

Beating by Family Member

Purna Maya Nepali, 40, of Dadi Guranse VDC-1 left her home after being assaulted and threatened with death by her husband Bharat Nepali on April 28. The victim said that she stayed in the jungle in hiding from her husband and his other wife for 14 days. The victim filed a complaint at the Community Service Center on April 28.

Mistreatment

Madhu Kumari Ghising, 35 of Rani Churi VDC-4 and Som Maya Ghising, 40 of same place on the accusation of being a witch, were forced to eat human excreta and were whipped with nettles by Hasta Bahadur Tamang, 50, Dil Bahadur Thing, 38, Chanak Bahadur Thing, 38 of the same VDC on April 13 on the order of a local witch-doctor Chanak Bahadur Thing. The victims filed a complaint at the DPO on April 16. The accused Hasta Bahadur Tamang, Dil Bahadur Thing and Chanak Bahadur Thing were arrested by the police and submitted to the court. The District Court ordered to release the accused on bail of Rs. 15,000 each on May 8. The court made a decision in the case on November 28 in which it was ordered that Hasta Nahadur and Chanak Bahaur serve three months imprisonment and pay Rs 15,000 compenation while Seti Maya and Dil Bahadur were ordered to pay Rs 5,000 each to the vicitms. However, neither of the Bahadur's had paid the compensation or served their prison sentence by the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Right to Work in Proper Environment

Govinda Prasad Acharya, 40, of Bhaktipur VDC-7 in Sarlahi district and a teacher at Shree Secondary

School of Hariharpurgadhi VDC-8 in Kamidada was assaulted on November 8 by Bikram Ghalan, 26, cadre of NC of Hariharpurgadhi VDC-8 and a group of seven people led by Karsang Lama, alias Ramesh, of the same VDC-7, on charge of recruiting a teacher without their consent. A debate ensued between representatives of the NC and UCPN-M regarding the process by which Shova Bhujel of Chadranigapur was recruited as a teacher in the school. The position had been vacant for a long period of time. Acharya filed a complaint at the DPO and at the DEO. Many efforts were made for a discussion to take place at the DEO. However, consensus was not reached. Tom Prasad Kafle, president of Nepal Teachers Union, said that the case had been registered at the DAO under the Public Offense Act on December 12.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	17		
Sub-Health Post	35		
Position	Available Position	Working	Vacant
Doctor	6	6	
Staff Nurse	1	1	
Lab Assistant	2	2	
AHW	115	80	35
AMW	71	56	15
Vaccine Supervisor	1		1
TB/Leprosy Supervisor	1	1	
HA	23	14	9

FOLLOW-UP

A 14-year-old girl of Kamalamai Municipality-6 was trafficked to Mumbai, India by Phul Maya Tamang, 53, of Chambari-2 Sikkim, India on February 3 2002 after she was told that she would be employed there. Tamang was arrested by

police on June 6 on the trafficking charges. The police informed that the victim's mother Sundari Tamang filed a complaint against Phul Maya Tamang at the DPO on June 6 after her daughter had been missing for 10 year. Phul Maya was arrested after she returned to her maternal home. The accused was remanded in police custody as decided by the District Court on June 30.



2.5 Ramechhap



Population : 205,312

Male : 94,925

Female : 110,387

Literacy(%) : 55

Women Literacy(%) : 30

Area(Sq. Km.) : 1,546

Number of VDC(s)/Municipality(ies) : 55/0

Number of School(s) : 478/15

Campus(es)/Higher Secondary School(s) : 2/28

Human Development Index : 0.434

Average Household Size : 4.56

CIVIL AND POLITICAL RIGHTS **RIGHT TO DIGNIFIED LIFE** **JAIL AND DETAINEES**

The 'C' grade District Jail has the capacity to hold 50 inmates at a time. However, 182 inmates, of whom 159 had

been convicted and 23 were awaiting trial by the end of the year. Of them, 175 were males and 7 were females. One inmate died in 2011.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Bhuwandhwoj Basnet, 60, of Okhreni VDC-4, his daughters Lalita Basnet, 25, Kunta Basnet, 19, Menuka Basnet, 15 and Lalita's twin sons Sakhyam and Sarthak, 3, were abducted by UCPN-M cadres over a minor dispute on April 17. A team led by UCPN-M Village In-Charge Moti Bahadur Tamang, 26, abducted them after the minor dispute Bhuwandhwoj's family had with his uncle's son, Jaya Bahadur Basnet, was raised. The Maoist cadres assaulted Bhuwandhwoj and handed him over to police in Ramechhap later that night. They disposed of him in the bazaar after police declined to charge or detain him. The other members of the Basnet family involved in the incident were taken to a nearby jungle. A press release regarding the event was issued by the NC as the Basnet family, supported their Area No 1 Committee. They requested the local administration to make public the whereabouts of all family members without delay. The DPO publically identified the abducted members of Basnet family the same day while they also announced Tamang's role in the affair. The DSP Prem Bahadur Karki said that an attempt had been made to politicize a family dispute.

Yogesh Sange Yonjan, 18, of Doramba VDC-3 was abducted from Manthali VDC-4 by UCPN-M cadres who said that they had wanted to interrogate him in their district office in Manthali on May 25. They handed him over to the DPO following pressure from locals. Police released him the following day.

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured	1	1		1	1
Child Rights			6		6
Abduction			3	4	7
Women Rights			10		10
Death in Jail	1	1			
Racial Discrimination			1	2	3
Arrest & Torture	1	1			
Beatings	2	2	1	1	2
Killings				1	1
Total	5	5	21	9	30

THREATS/BEATINGS

By State

Dinesh Moktan, 23, of Nagdaha VDC-9 was arrested by officers of the Dhobi Area Police Office after it was alleged that he beat up Dhabir Tamang of same locality on June 29. He was beaten following his arrest. Police inspector Tanka Bhattarai said Moktan was beaten as he tried to flee while he was being arrested. The victim was treated at Lalit Memorial Hospital at Devitar the next day. No action was taken against the police personnel involved in the incident.

Arun Shrestha, 20, of Kathjor VDC-9 was assaulted by police at Devkota Chowk of Manthali VDC-4 on January 1. Shrestha, a teacher at Manthali based Tamakoshi English Boarding School, was beaten when was walking at a local market. Shrestha received treatment at Tamakoshi Cooperative Hospital on January 2.

By Revolutionary Journalists' Association

Binod Bhattarai, secretary of Bamti VDC, stated that Bed Bahadur Shrestha, 33, of Khimti VDC-8, a member of Revolutionary Journalists Association and also affiliated to local Pushpa Bristi Weekly, manhandled him after he alleged that he did not provide money for the publication of an advertisement in the paper as requested. Bhattarai filed a complaint at the DAO on May 26. The issue was resolved

after a talk was held between the two men, representatives of the VDC Rights Protection Forum, CDO and CA member Tara Narayan Shrestha. The accused claimed that he had not manhandled Bhattarai.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with a single judge reached a decision in 27 criminal cases while 61 cases were undecided. 39 civil cases were closed and 77 cases remained open.

The Office of the District Government Attorney filed 26 cases between July 17, 2010 and July 16, 2011, out of which 9 cases were won and one case was lost. One case was moved to the Appellate Court.

The Office, with one government attorney, stated that a decision had not been reached in any of the 16 cases filed by July 16, 2011.

One murder case was filed and was won. Similarly, one case of polygamy was filed and was won.

July 17, 2011-December 31, 2011

The Office of the District Government Attorney filed 9 cases between July 17, 2010 and July 16, 2011, out of which one case was won and one case was lost. One case was moved to the Appellate Court. The Office, with one government attorney, stated that of the nine cases filed by July 16, 2011, seven remained pending.

CHILD RIGHTS

Situation of Education

36,405 boys and 39,755 girls were enrolled in schools of primary and secondary level, among whom 3,979 girls and 3,749 boys were Dalits. 384 females and 878 males teach at primary level government and community

schools. 43 female and 302 male teachers work at lower-secondary level. 16 female and 209 male teachers work at secondary level.

3,263 boys and 3,523 girls attend Early Child Development Centers in the district among whom 419 boys and 479 girls are Dalits. It was found that the District Education Office did not update data related to education.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE

Govinda Kafle, 40, of Salu VDC-1, who was under influence of alcohol, set fire to his house after padlocking his wife Indira Kafle, 36, his seven-year-old daughter Gita Kafle, four year old son Rishi Kafle inside it on February 4. He had had a minor dispute with his wife earlier in the day and had fled away. Indira and her children managed to escape from the house. Locals took control of Govinda the following day and handed him over to police. He was remanded in custody after he could not pay the bail of Rs. 2000 on March 29. He was still in custody at the end of the year.

Beating by Family Members

Sushila Rokka, 32, of Sunarpani VDC-2 was assaulted by her relatives Dor Bahadur Sarki, 36, and Rate Sarki on July 11. They verbally abused her and Dor Bahadur, who was under the influence of alcohol at the time, beat her, leaving injuries to her face. The victim received treatment at Manthali Community Hospital. She did not file a complaint.

Reena Budhathoki, 30, of Kathjor VDC-5, who was pregnant at the time, was attacked by her brother-in-law Mailo Budhathoki, 21, of same locality after alleging that she trespassed on his land on July 31. Reena received treatment at Manthali Community Hospital later that day. Police arrested the accused on August 2 but released him after he agreed to not

repeat the incident.

A 29-year-old woman of Jiri VDC-5 alleged that Ganesh Sherpa of Rasnalu VDC-2 of Ramechhap district raped her while she had gone to graze cattle in a nearby forest on August 27. She filed a complaint at the Jiri Area Police Office on August 30. She received a health check-up at the district hospital on August 28. She also filed a complaint at DPO on September 7.

An 18-year-old woman of Bhimeshwor Municipality-11, claimed that Bhola Khatri of ward no 13 of the same municipality made an attempt to rape her after taking her to a jungle on November 23. The woman filed a complaint at the DPO on November 25. Police arrested the accused and he was released after submitting Rs 27,000 as bail following an order from the District Court on November 30.

Polygamy

Mohan Bahdur Khatri, 35, husband of Devi Khatri, 26, of Deurali VDC-8, married Kamala Rai, 32 of Damak Municipality-4, Jhapa on March 6. Devi filed a complaint of polygamy against her husband and Kamala at the DPO on March 21. Police arrested them and they were held in custody of the district jail following an order from District Court on March 30.

Mistreatment

Tulimaya Thami, 40, of Daduwa VDC- 3 was mistreated by Panche Thami, 35, after he alleged that she had practiced witchcraft on him on May 11. The victim filed a complaint at Phulasi Police Post on May 17. Police released him after he made an agreement to provide Rs 3,000 to Tulimaya to cover the cost of treatment for the injuries he inflicted on her in the attack.

Bal Kumari Shrestha, 26, of Kathjor VDC-9, was beaten by Bhuna Kumari Shrestha, 32, of the same place when Bhuna

alleged that her Buffalo stopped producing milk because Bal Kumari had practised witchcraft on July 21. A discussion was held in the presence of community members and Bhuna agreed to stop calling Bal Kumari a witch.

ALL KINDS OF RACIAL DISCRIMINATION

Non-members of the Dalit community protested when so-called Dalits tried to enter the Jhateshwor Temple in Bijulikot VDC on August 31. Despite this obstruction, some 50 Dalits, led by Purna Bahadur BK, succeeded in their attempt to worship at the temple. Members of the Dalit community had entered the temple after breaking the lock placed there by those who objected to their presence at the temple. Those who created the obstruction offered a five-foot-long trident in the temple and then tried to prevent members of the non-Dalit community from entering the temple.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	17		
Sub-Health Post	35		
Position	Available Position	Working	Vacant
Doctor	3	3	
Staff Nurse	5	5	
Lab Assistant	3	3	
AHW	58	51	7
AMW	19	17	2
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	16	13	3
HW	96	73	23



2.6 Dolakha



Population : 188,186

Male : 88,163

Female : 100,023

Literacy(%) : 60

Women Literacy(%) : 40

Area(Sq. Km.) : 2,191

Number of VDC(s)/Municipality(ies) : 51/1

Number of School(s) : 421/12

Campus(es)/Higher Secondary School(s) : 3/36

Human Development Index : 0.450

Average Household Size : 3.89

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'E' grade District Jail has the capacity to hold 35 inmates at a time. However, 53 inmates, including 33 convicts and 20 detainees were in the jail at the end of the year. A library, television and newspapers are available for use. There are two toilets and a bathroom. Despite such basic facilities, inmates complained of overcrowding in the jail. The administration said that the construction of separate building for female inmates had been completed and the construction of another building was underway at the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with two judges decided 94 criminal cases while 96 cases had not been decided. 158 civil cases were closed and 158 cases remained pending.

The Office of the District Government Attorney filed 39 cases between July 17, 2010 and July 16, 2011, out of which 12 cases were won and 2 cases were lost. The Office, with one government attorney, informed that all cases filed by July 16, 2011, 25 remained under review.

Out of five murder cases filed, three cases were won and one was lost. Out of three rape cases filed, one case was won. Out of four rape cases, one was won.

CHILD RIGHTS

Situation of Education

Of 57,041 children of school going age, 24,959 boys and 32,082 girls are enrolled in schools of primary and secondary level, among whom, 4,059 girls and 3,504 boys are Dalits. 208 female and 785 male teachers work at primary level government and community schools. Five female and 141 male teachers work at lower-secondary level. One female and 131 male teachers work at secondary level. 3,479 boys and 3,319 girls are attending Early Child Development Centers in the district –of whom 408 boys and 424 girls are Dalits. It was found that the District Education Office had not updated data related to education.

Beating

Sushmita Shiwakoti, 13, of Sunakhani VDC-3 was assaulted by Bharat Singh Shiwakoti, the head teacher of Tamrakaushik Lower Secondary School on March 18. The school had asked students from grade II to fetch sand from the Tamakoshi River for a construction project

Type of Events	By Non-State		
	Female	Male	Total
Injured		1	1
Child Rights	6		6
Women Rights	4		4
Beatings	1		1
Killing	1	4	5
Total	12	5	17

taking place in the school. The head teacher beat up the girl as he felt she was unwilling to cooperate with his requests. The beating left bruises to her right eye. Dhruva Shiwakoti, father of the victim, filed a complaint at the DPO the next day and the case was settled after the accused provided Rs 7,000 to victim's family.

Rape, Attempt to Rape, Sexual Abuse

The family of an 11-year-old girl of Jungu VDC-7 filed a complaint at the DPO on May 8 alleging that Ganesh Jirel, 38, of same locality made an attempt to rape the girl after taking her to a nearby forest on May 1. According to the complain, Jirel had raped the victim as she had gone to his house to fetch mutton. The accused remained at large by the end of the year.

The family of a 15-year-old girl of Khimti VDC-1 filed a complaint at the DPO on June 5 accusing Tikaram Ghimire, 30, of Baramchi VDC-2 of Sinchupalchok district to trying to rape her after taking her to Tamakoshi Bazaar on June 3. The accused remained at large by the end of the year.

The family of a 14-year-old girl of Shailungeshwar VDC-7 accused Lokendra Khadka, 19, of same locality of raping her on August 26. She filed a complaint at the DPO on August 28. The accused was remanded in custody on September 16 following an order from the District Court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 29-year-old woman of Jiri VDC-5, alleging that Ganesh Sherpa of Rasnalu VDC-2 of Ramechhap district raped her while she had gone to graze cattle in nearby forest on August 27, filed a complaint at Jiri Area Police Office on August 30. She had a health check-up at District Hospital on August 28. She also filed a complaint at the DPO on September 7.

An 18-year-old woman of Bhimeshwar Municipality-11 filed a complaint at DPO on November 25 alleging that Bhola Khatri of ward no. 13 of same municipality made an attempt to rape her by taking her to a jungle on November 23. Police arrested the accused. He was released after depositing Rs. 27, 000 as bail following an order from the District Court on November 30.

Polygamy

Dhruba BK, 27, of Sailungeshwar VDC-2 married Kalika BK, 24, of the same locality on June 17 despite already being married to Kalika BK, 27. Kalika filed a complaint at the DPO on July 13. Dhruba, who was remanded in custody, was released after submitting Rs 5,000 bail following an order from District Court.

Prem Bahadur Karki, 58, of Bhimeshwar Municipality-8 married Maiya Shrestha of the same locality on June 8 although he had previously married to Kamala Karki, 39. Kamala filed a complaint at the DPO on June 10. Prem, who was remanded in custody, was released after submitting Rs. 10,000 bail following an order from District Court on November 10.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	19		
Sub-Health Post	33		
Position	Available Position	Working	Vacant
Doctor	2	2	
Staff Nurse	2	1	1
Lab Assistant	3	3	
AHW	128	106	22
AMW	76	57	19
Vaccine Supervisor	2	1	1
TB/Leprosy Supervisor	1	1	
HA	23	8	15



2.7 Rautahut



Population : 696,221

Male : 354,909

Female : 341,312

Literacy(%) : 40

Women Literacy(%) : 25

Area(Sq. Km.) : 1,126

Number of VDC(s)/Municipality(ies) : 96/1

Number of School(s) : 383/20

Campus(es)/Higher Secondary School(s) : 3/31

Human Development Index : 0.409

Average Household Size : 6.33

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Unidentified Group

UCPN-M's Bhojpur State Committee member Ruksana Khatun, 40, of Saruatha VDC-9 was shot dead on January 23. She was shot in the head by an unidentified group who were waiting for her at the banks of the local Jhanjh River. She was on her way home from Sarlahi at the time. Police arrested Sekh Bajul of Saruatha VDC-9 in connection with the murder. The district court remanded him in prison.

An unidentified group shot dead former international wrestler Upendra Das Bairagi, 48, of Prempur Gonahi VDC-1 on July 7. He was shot dead at around 8 pm while heading towards his rented room in Gaur Municipality-8. Upendra was hit in the shoulder with a bullet and died while undergoing treatment at the District Hospital in Gaur. A postmortem examination was conducted on July 8. Police arrested Jagarnath Ray Yadav, 50, of Prempur Gonahi VDC-2 and Sarfalal Mahato, 43, of ward no. 4 of the same VDC on July 30 after a complaint was filed by the deceased's wife against them on July 8. Both were remanded in the district prison by the District Court.

INJURED IN SHOOTING/EXPLOSION

By Janatantrik Tarai Madhes Party

Rajan Shah, 12, of Tendraha VDC-3 was injured when Janatantrik Tarai Madhes Party detonated a pipe bomb at his house on January 12. He received a splinter wound to his right hand and received treatment for the wound at a nearby pharmacy. Nobody had been arrested in connection with the blast by the end of the year.

By Unidentified Group

Brij Kishor Baitha, 19, of Laxminiya VDC-2 was injured in an explosion on June

16. Baitha was injured when a sutali bomb went off as he was attending the wedding ceremony. Police said the group who detonated the device could not be tracked. He sustained splinter injuries to thigh and was taken to Anamika Hospital in Garuda.

By Others

Thirteen people were injured when a socket bomb went off in a public bus (Ba2Kha 5721) heading from Chandranigahpur to the district headquarters Gaur on March 25. The injured were taken to Gaur Hospital for treatment. The injured were identified as Shekh Injaul, 30, of Karuniya VDC-3, Durga Prasad Yadav, 30, of Oraya VDC-7, Shekh Kalimullah, 25, of Karuniya VDC-6, Nandulal Sah, 32, of Karunuiya VDC-8, Bijay Sah, 28, of Pipariya (Do) VDC-5, Najir Hussain, 26, of Samanpur VDC-5, Mahamad Islam, 30, of Simrahhabhawanipur VDC-7, Bisundev Ray Yadav, 60, of Manpur VDC in Sarlahi district, his wife Manwati Devi Yadav, 55, Amichan Thakur of Mudbalawa VDC-2, Daroga Mukhiya, 50, of Laxmipur Belbichhawa VDC-2, Sunainadevi, 45, of Judibela VDC-3 and Sunil Kesari, 21, of Gaur Municipality. The injured persons sustained shrapnel and burn injuries. They received treatment at Gaur hospital. Two armed Tarai groups-Tarai Tigers and Tarai Madhesi Janatantrik Mukti Morcha claimed responsibility for the explosion

JAIL AND DETAINEES

The 'C' grade district prison has the capacity to accommodate 75 persons. There were 39 convicts and 64 detainees being held in the prison at the end of the year. Volley balls, chess and carom boards are made available to the inmates. There are four toilets for male inmates and two for female inmates. They have complained there is a shortage of toilets

Type of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Injured				4	17	21
Child Rights				6	3	9
Inhuman Behavior				2		2
Abduction				1	4	5
Women Rights				8		8
Right to Assembly	1		1			
Racial Discrimination				1		1
Arrest & Torture		4	4			
Beatings		1	1			
Threats					1	1
Killing				9	6	15
Total	1	5	6	31	31	62

and a lack of sufficient sleeping place due to overcrowding. A new jail building with the capacity to hold 75 persons is being constructed. Jail warden Bajair Aalam said that the new building would be equipped with various facilities and would provide more space for the inmates.

DISAPPEARANCE/ABDUCTION By Unidentified Group

Anish Sah Teli, 19, of Rajdevi VDC-6 was abducted by an unidentified group on May 1. Police rescued him from the banks of the Bagmati River in Brahmapur VDC-5 the next day while the group was attempting to take him to India. No one was arrested in connection with the incident.

ARBITRARY ARREST

Mahesh Rai, 16, Chandranigahapur VDC-7 was held in illegal detention on July 12. Rai was arrested and held for questioning in connection with the murder of APF constable Rajan Basnet, 28, of Ladabhir VDC-1 in Sindhuli. Basnet, who was deployed at the APF basecamp in Chandranigahapur was killed with a sharp weapon on June 27. Surya Bahadur, Rai's father, said that the APO in Chandranigahapur handed Raj over to the

DPO after they released him. SP Ghanashyam Aryal of the DPO in Rautahat said that Rai was released on July 16 on the condition of appearing at the police office whenever required.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Maya Devi Pandit, 45, of Padariyatol in Dumariya VDC-6 was injured on January 19 when locals who were obstructing the Gaur Chandranigahapur road section clashed with police. Police assaulted them with lathis as they were staging a protest demanding the repair of the electricity transformer in the area. Inspector Janak Shahi of the APO Garuda, SI Nageshwar Yadav of the APO in Dumariya and ASI Jagatlal Yonjan of the APO in Chandranigahapur were injured after locals pelted stones at them. The injured were treated at the primary health center.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with four judges decided 532 criminal cases while a decision had yet to be made in 359 cases. 1,537 civil cases were decided and 1,112 cases remained under review. One criminal case older than two years remained pending.

The Office of the District Government Attorney filed 428 cases between July 17, 2010 and July 16, 2011, out of which 22 cases were won and 26 cases were lost. The Office, with two government attorneys, informed that 380 cases filed by July 16, 2011 had not been closed.

Of the 28 murder cases filed, two

cases were won and five were lost while a conclusion had yet to be reached in 21 cases. Out of 12 rape cases filed, two cases were won and 10 cases remained open. Out of four polygamy cases, one was lost and three remained pending. Out of seven cases of abduction, two were lost and five were under the review of the court.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Shyam Bahadur Majhi, 42, of Chandranigahpur VDC-1 was tortured while in the custody of the District Forest Office (DFO). Majhi said that he was arrested by a team led by assistant Forest Officer Nagendra Singh at around 3 am on May 6. Majhi said that Singh assaulted him with a bamboo stick and made him confess in a statement that he had caused damage to the forest. The DFO admitted its mistake and released him the next day. He received treatment at Gaur hospital.

Rahul Sah Sonar, 16, of Garuda VDC-6 was arrested by police on July 20 on the charge of stealing from the shop of Santosh Chaudhary Kalwar of the same vicinity. Police inflicted physical and mental torture on Sonar while he was in the custody of the APO and he was made to confess to the crime. He was punched and beaten with rubber pipes. Police released him the next day and handed him over to his mother Mira Devi. Sonar repeatedly fainted as a result of the attack. This prompted locals to stage an anti-police protest. Following the call for a strike on July 24, police took him to the National Medical College in Birgunj and covered his treatment expenses. SI Pramod Kumar Yadav was transferred to the DPO, Rautahat as a result of police action in relation to the incident. SP Ghansyam Aryal said an investigation team led by Inspector Raju Thapa was formed. The

NHRC also conducted an investigation into the incident.

CHILD RIGHTS

Situation of Education

Of 74,160 children of school going age, 36,405 boys and 39,755 girls were enrolled in schools of primary and secondary level. Of them, 3,979 girls and 3,749 boys were Dalits. The district education office said that 3.2 percent children of school going age were not enrolled in school. 384 female and 878 male teachers are employed at primary level government and community schools while 43 females and 302 male teachers at lower-secondary level. 16 female and 209 male teachers work at secondary level.

A total of 3,263 boys and 3,523 girls are attending in Early Child Development Center in the district among which 419 boys and 479 girls are Dalits.

Killing

Sunil Kumar Sah, 13, the son of Achchhelal Sah of Garuda Bairiya VDC-3 was shot dead by an unidentified group on the night of May 27. The boy was shot at around 9.30 pm while attending the wedding of local man Rajaram Sah. He died at around 11 pm as he was being taken to Kathmandu for treatment, Garuda APO. A postmortem examination of the body was conducted at the District Hospital. Six persons were arrested and held for questioning that night but were released the following day. Police said an investigation into the incident was ongoing.

Abduction

Kyamul Haq, 15, of Gaur Municipality-1 was abducted from Rice Mill in Gaur Municipality-4 by an unidentified group on March 4. The boy, who was being taken west from Chandranigahapur in a car, managed to escape as the abductors were repairing the

car which broke down in the middle of a jungle. Police rescued him from the jungle soon thereafter. No one had been arrested in connection with the incident by the end of the year.

Girl Trafficking

Police arrested Raj Kumar Sah of Bairganiya in Bihar, India while he along with Arun Kumar Patel and Bobby Sah were trafficking a 15-year-old girl of Siunjure VDC-8 in Kaski to India on January 25. They were taking the girl from Pokhara to India through Gaur. Raj Kumar was charged with human trafficking and was remanded in jail while the others managed to escape. Their whereabouts were unknown at the end of the year.

Rape, Attempt to Rape, Sexual Abuse

A 9-year-old boy of Judibela VDC-4 alleged that Krishna Nandan Nuniya of the same locality raped him on May 12. According to the victim, Nuniya, who enticed the boy after providing him with a parrot, took him to the banks of the Bagmati Canal in the jungle at Judibela VDC-9 and molested him. The boy's family filed a complaint to the Chandranigahpur Area Police Office after the minor informed them about the incident. Police said that Nuniya was arrested later that night. The boy was taken for treatment at the District Hospital the next day. The doctor confirmed his claim of having being raped, informed Inspector Gautam Mishra who added Nuniya was subsequently charged with. Nuniya later remanded in custody at Chandranigahpur APO.

The family of an 8-year-old girl of Lakshminiya VDC-9 filed a complaint at the APO in Santapur Dostiya on August 25, accusing Dhan Bahadur Biswakarma, 45, of the same place of raping her on August 23. According to the victim's father, Biswakarma lured the girl and raped her

after taking her to his brother's home. He said that Biswakarma ran away after the incident. The victim received treatment at the Narayani Sub-Regional Hospital in Birgunj.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 40-year-old woman of Paurai VDC-3 filed a rape case against Archan Sahani, 35, of the same place at the APO in Chandranigahpur on May 10. According to the victim, Sahani gagged her and raped on the night of May 8. He was arrested after the victim informed locals. Sahani was released by the District Court after he posted a bail of Rs 50,000. A medical check-up of the victim took place at the primary health post Chandranigahpur on May 9.

DOMESTIC VIOLENCE

Killing by Family Members

Siladevi Raut, 21, of Sano Ghiura in Jokaha VDC-7 was killed by her husband Shivaji Raut Kurmi, father-in-law Kosori Raut Kurmi and mother-in-law Gayatri Devi Raut on September 14. The family cremated her body after murdering her. Shila, whose maternal home is in Sitalpur Bairganiya VDC, married Shivaji three years previously. Inspector Madhu Kumar Thapa said that Shivaji and his family managed to escape by the time police reached the site on September 15. Thapa added that the initial investigation into the incident proved that Shivaji had beaten Siladevi to death. The deceased's mother-in-law Gayatri was arrested on September 15 while she was hiding in the village. She was released on September 18 after police could not prove her involvement in the incident. The other accused had not been arrested by the end of the year.

Dowry Death

Anita Devi Sah, 20, of Inarbari VDC-7 was killed by her husband Sukhal Sah, 32, father-in-law Jiyalal Sah, 62, and mother-in-law Rajur Tulasibali on January 4, the police said. Her body was burnt to ashes by the accused. Police said there was no arrest in the case until the end of the year as no written complaint against them was filed.

Sangita Devi Sah, 18, of Sabgadha Tole in Gaur Municipality-10 was killed after being poisoned by her family who then cremated her body shortly afterwards on the night of May 27. According to the police, Sangita's husband Ram Prabesh Sah, father-in-law Sahadev Sah and mother-in-law, whose name was not known were responsible for the murder. Sangita, a daughter of Mahendra Sah of Nahargunj in Achalgadh VDC of Sarlahi district had had an arranged marriage the previous year. All of the accused fled after the incident. Police arrested Prabhu Sah, 26, and Jodha Sah, 55 of Gaur Municipality-10, Sundas Sah, 44, of Gaur Municipality-44, and Ram Bahadur Sah, 25, of Madhopur VDC-6 on the charge of helping the family to cremate Sangita's body. Saying that no complaint had been filed from the deceased's maternal family, SP Pitambar Adhikari said the accused were being searched for nonetheless.

Beating

Anita Devi Paswan, 40, of Sakhuawa Dhamaura VDC-1 was injured after her husband Shreechan Paswan, 43, stabbed her with a knife on July 19 after they had a domestic dispute. Anita Devi sustained critical injuries to her left abdomen. She was taken to Duncan hospital in Raksaul, India after it was decided that she could not be treated in the Narayani sub-regional hospital in Birgunj. Though Shreechan was arrested the same day, he was released

on July 26 after the victim did not file a complaint against him.

Polygamy

Shekh Nabi Alam, 24, of Gamhariya Birta VDC-4 got married for the second time after marrying Taslima Khatun, 15, of Karuniya VDC on April 13. His first wife, Ajmeri Khatun, 21, filed a polygamy case against Shekh, his father Shekh Islam and the second wife Taslima at the DPO on April 20. Police had not arrested any of those named above by the end of the year.

Mistreatment

Mailimaya Gole, 65, of Chandranigahapur VDC-4 was beaten up and forcibly fed human excreta by Maya Syantan, 20, of the same place, Binod Lama, 24, Raju Lama, Kanchha Syantan, Ram Lama and Kanchha Lama of Ragpur VDC-5, Rajan Joshi of Ratanpur VDC, Bara, Kahantar Syantan of Dhinyal VDC-2, Makawanpur on January 18 on the charge of practicing witchcraft. The assailants accused her of using spells to cause illness to the 6-year-old daughter of Maya Syantan. Among the accused, Maya Syantan and Kanchha Lama were arrested by police on January 5. They were released by the District Court after posting a bail of Rs 15,000 each. The others accused had not been arrested by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Members of the Dalit community were mistreated by non-Dalits as they were on their way to worship at the Baram Baba temple in Benauli village of Bishrampur VDC-7 on October 5. The so-called upper caste people buried the worshipping materials inside the temple premises and padlocked the temple after forcing Dalit woman Patasiya Devi Paswan out of the temple. Local woman Surendra

Paswan said that people belonging to the Sah community had sacrificed a goat in the temple after throwing away the puja materials of the Dalit community. The Dalit community said that no action had been taken against the accused even though they had filed a case at the local Bishrampur police post. Ram Binay Paswan, central secretary of Madhesi Dalit Network, said that the Dalit community revoked their complaint after people from so-called upper caste agreed to let them worship in the temple and apologized for the incident at a meeting held in the APO at Garuda on October 8.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	12		
Sub-Health Post	85		
Position	Available Position	Working	Vacant
Doctor	7	3	4
Staff Nurse	8	1	7
Lab Assistant	7	6	1
AHW	111	111	
AMW	22	15	7
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	13	13	



2.8

Bara



Population : 701,037

Male : 358,144

Female : 342,893

Literacy(%) : 55

Women Literacy(%) : 35

Area(Sq. Km.) : 1,190

Number of VDC(s)/Municipality(ies) : 89/1

Number of School(s) : 383/68

Campus(es)/Higher Secondary School(s) : 2/29

Human Development Index : 0.309

Average Household Size : 6.11

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By State

JTMMP District In-Charge Jaya Mangal Yadav, aka Ajaya, 25, of Kabahi VDC-9 was shot dead by police on September 19 in Badakibariya VDC-8. According to police, he was trying to flee after firing shots at Police Constable Rahesh Raut. A postmortem examination was held in the District Hospital on the day of the shooting. The victim's family members performed the final rites on September 20.

By Madhesh Jagaran Tarai Mukti Morcha (MJTMM)

An employee of Area Post Office, Dhiraj Mahato, 45, of Bariyarpur VDC-1

was shot dead by Madhesh Jagaran Tarai Mukti Morcha cadres near his home on June 10 while he was returning home from a neighbor's marriage ceremony. No one was arrested in connection with the incident although the victim's family filed a complaint at the DPO. Morcha claimed responsibility for the incident to the media.

By ATMM

First class Gazette Officer of the District Land Revenue Office Madhav Thapa, 55, of Kalaiya Municipality-10, was shot dead by ATMM cadres on February 22 as he was watching television at his home. He died on the way to hospital due to extreme blood loss. Nurahasan Minya Thakurai, Riyaj Minya, Saudin Minya, Abbas Alam, Santosh Yadav, Prahlad Sah were arrested by police for being involved in the incident. They were remanded in jail as per the order of the District Court. However, the others accused including Rajesh Rauniyar, Rakesh Pandey, Sultan Miyan, Tahir Ansari (Sanu) and Afoj Alam ran away and had not been located by the end of the year. ATMM claimed responsibility for the incident talking to the media.

SI at DPO Sikendra Yadav, 38, of Bhagawanpur VDC-8 was shot dead by ATMM cadres on February 8 as he was heading home. The group admitted their involvement in the incident to the media. Police said that investigation of the incident was underway. The motive for the killing had yet to be ascertained.

By JTMM

Police Constable of Babadipulbariya Police Office, Rahesh Yadav, 30, of Patauli VDC-5 was shot dead by JTMM Party Bara district in-charge Jay Mangal Yadav, aka Ajaya, in Kawahi

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured				1	1
Inhuman Behavior			1		1
Abduction				1	1
Women Rights			2		2
Killing	1	1	3	9	12
Total	1	1	6	11	17

VDC-9 on September 19. Yadav, who received serious injuries to the head died while undergoing treatment in Kathmandu. Local people handed over Mishri Lal Yadav to DPO for being involved in the incident. He was sent to jail on remand as per the order of the District Court on October 14.

By Unidentified Group

A teacher of Nepal Rastriya Primary School, Mewalal Mandal of Piparpati Jabdi VDC-1 was shot dead by an unidentified group on April 27. He died on the same day while undergoing treatment at Norvic Hospital in Kathmandu.

INJURED IN SHOOTING/EXPLOSION

By Abandoned Bomb

Brijesh Das, 15, of Bhalhibahar VDC-7 was injured when an abandoned socket bomb went off at his home on January 23. The victim had unwittingly brought the bomb from Bhulahi Chok to extract scrap metal from it. However, it exploded as the victim tried to break it open. Das received injuries to his forehead and palms. He was treated at the District Hospital.

RIGHT TO PROMPT AND FAIR TRIAL

DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 651 criminal cases, the District Court with three judges decided 412 criminal cases and 239 remained pending. Of 1,963 civil cases, 1,231 cases were decided and 732 cases remained under review.

The Office of the District Government Attorney filed 339 cases between July 17, 2010 and July 16, 2011, out of which 154 cases were won and 38 cases were lost. 38 cases were moved to the Appellate Court. One case older than two years remained open. The Office, with two government attorneys, informed that 147 cases filed by July 16, 2011 remained pending.

CHILD RIGHTS

Situation of Education

A total of 106,297 boys and 99,244 girls were enrolled in schools of primary and secondary level. Among them, 26,303 girls and 27,793 boys were from the Dalit community. The District Education Office said 11.8 per cent children of school going age do not attend school. 151 female and 767 male teachers work at primary level government and community schools. Three female and 186 male teachers work at lower-secondary level. Three female and 1,231 male teachers are employed at secondary level. Out of the total teachers of the district, 123 female and 342 male teachers are at work on a temporary basis.

A total of 6,197 boys and 5,667 girls are attending Early Child Development Center in the district among which 1,388 boys and 1,531 girls are from the Dalit community. The District Education Office did not have updated data related to education.

Killing

Daughter of Shreekanta Yadav, Radhika Kumari Yadav, 1, of Dachhinjhitkaiya VDC-8 was found dead behind her home on February 20. Rijumanullaha Dewan of Birgunj Sub-Metropolis-16 was arrested by police and sent to jail on remand as per the order of the District Court on June 14.

Bishal Yadav, 6, of Bhogada VDC-2 who was living at his maternal uncle's home in Bhataudi VDC-1 was strangled to death by his maternal uncle Lal Babu

Yadav, 28. The accused was sent to jail on remand as per the order of the District Court on March 22.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Mistreatment

A 50-year-old woman of Kachorwa VDC-2 was beaten up by Khairul Raut, 60, Shreeram Raut, 40, Bhola Raya Yadav, 37, Sitapati Devi, 37, Bijuli Devi, 33, and Rina Devi Yadav, 30, of the same place on July 30 on the allegation of practicing witchcraft. The victim filed a complaint at the DPO on July 31. Among the accused, Khairul Raut, Shreeram Raut, Bhola Yadav, Sitapati Devi and Bijuli Devi were released after depositing Rs 43,000 bail. However, Rina Devi had not been located by the end of the year.

A 40-year-old woman of Amritgunj VDC-1 was beaten up by Moharamma Minya, 23, Saphi Alam, 27, Mandu Naiyamudin Minya, 50, Mamataj Minya, 22, Haruni Minya, 45, Alam Minya, 35, and Jamila Khatun, 45, of the same place on April 18 after he accused her of practicing witchcraft. Her family members lodged a complaint at the DPO on April 29. Jalima was released after depositing Rs 15,000 bail while the others accused was released after depositing Rs 20,000 bail.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	11		
Sub-Health Post	11		
Position	Available Position	Working	Vacant
Doctor	3	3	
Staff Nurse	15	15	
Lab Assistant	6	4	2
AHW	120	120	
AMW	120	120	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	

2.9

Parsa



Population : 601,701

Male : 313,270

Female : 288,431

Literacy(%) : 55

Women Literacy(%) : 35

Area(Sq. Km.) : 1,353

Number of VDC(s)/Municipality(ies) : 82/1

Number of School(s) : 379/26

Campus(es)/Higher Secondary School(s) : 7/17

Human Development Index : 0.448

Average Household Size : 5.55

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING

By Unidentified Group

Hari Narayan Sah of Birgunj Sub-Metropolis-18, an employee of Bibek Body Builders, was shot dead by an unidentified group near the Himalayan Institute while he was returning home from work on December 9. Claiming that police shot him in captivity, they locals protested in front of the hospital and held strike on the road for whole day on December 10. A postmortem examination was held at Narayani Sub-Regional Hospital. Police sent the body to the Narayani Sub-Regional Hospital

for the postmortem. Police stated that an investigation into the incident was ongoing.

INJURED IN SHOOTING/EXPLOSION

By State

Dhrupa Chamar, 28, of Masahani VDC-6 and Shiva Chandra Chamar, 32, of the same place were injured while gun fire was being exchanged between the police and hemp-smugglers on January 25. They received treatment in their locale after the incident and were subsequently treated at Narayani Sub-Regional Hospital.

By Unidentified Group

Aasha Narayan Sah, 45, of Birgunj Sub-Metropolis VDC-9, and a cadre of Madheshi Tigers was injured after being shot by an unidentified group at Bypass Road while he was returning home from Birgunj Bus Park on June 1. He sustained injuries to leg in the attack. He was treated at Narayani Sub-Regional Hospital on the same day. Police stated that the accused were being searched for.

JAIL AND DETAINEES

The 'A' grade District Jail has the capacity to accommodate 750 inmates. However, by the end of the year, a total of 1,097 inmates were being detained in the jail, 587 had been convicted and of whom, 510 were awaiting trial. Six dependent boys were residing in the jail.

THREATS/BEATINGS

By Unidentified Group

Shree Ram Rayamajhi, 42, of

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured	4	4	3	2	5
Child Rights			2		2
Abduction				1	1
Women Rights			1		1
Threats	2	2		2	2
Killing	1	1	1	4	5
Total	7	7	7	9	16

Birgunj Sub-Metropolis-15, the president of Mechi Mahakali Media Society, and Sanjay Sah, 32, of the same VDC-15, the editor of Jan Pratibimba Daily, were issued death threats from an unidentified person on January 24. Police stated that they are investigating the incident with the cooperation of Indian police. No body had been arrested in connection with the incident by the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with three judges reached a verdict in 412 criminal cases while 239 cases remained under the review of the court. A decision was made in 1,231 civil cases while a decision had yet to be made in 732 cases.

The Office of the District Government Attorney filed 349 cases between July 17, 2010 and July 16, 2011 out of which 138 cases were won and 56 cases were lost. 56 cases were moved to the Appellate Court. Two cases which had been filed over two years ago remained pending. The Office, with two of government attorneys, stated that a decision had not been made in 155 cases that had been filed by July 16, 2011.

CHILD RIGHTS

Situation of Education


A total 142,709 children of school going age girls enrolled in schools at primary and secondary level. The District Education Office said that 9.2 per cent children of school going age do not attend school. 640 female and 2,358 male teachers work in primary to secondary level government and community schools. The District Education Office did not have updated data related to education.

HEALTH SERVICE SITUATION

Hospital	2		
Health Post	28		
Sub-Health Post	51		
Position	Available Position	Working	Vacant
Doctor	6	3	3
Staff Nurse	9	7	2
Lab Assistant	6	5	1
AHW	119	75	44
AMW	40	14	26
TB/Leprosy Supervisor	1	1	
HA	34	14	20



2.10
Chitwan



Population : 566,661

Male : 272,289

Female : 294,372

Literacy(%) : 91

Women Literacy(%) : 65

Area(Sq. Km.) : 2,218

Number of VDC(s)/Municipality(ies) : 36/2

Number of School(s) : 511/117

Campus(es)/Higher Secondary School(s) : 6/52

Human Development Index : 0.518

Average Household Size : 4.27

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to accommodate 110 inmates. However, by the end of the year, a total of 360 inmates were being held there, of whom 172 were convicted and 188 were awaiting trial. 319 males and 42 females are residing in the jail. One boy and one girl are living as dependents. Two inmates died in the jail during the year.

The jail administration was transferred to a new building and two more buildings are being constructed. The jail warden Rambabu Shrestha stated that water is available and that a sanitation system had been installed. He said for male inmates, there are three tube wells, 15 taps, six toilets and for female inmates, there is one tube well, one tap and two toilets. He added there were six televisions for male inmates and three for female inmates. An outdoor area and library are also available for use. Overcrowding was cited as a problem.

District chairperson of Tarun Dal, Shiva Prasad Paudel, 35, of Bharatpur Municipality-10, who was an accused murderer, sustained injuries after being assaulted by a group of inmates on December 6. Paudel died while undergoing treatment at Neuro Hospital. He was hit on the head with an iron rod, the handle of a tube well and bamboo. He was treated at Bharatpur Medical College for one week and later transferred to Neuro Hospital in Kathmandu on December 14. Hari Gurung of Parbatipur VDC-2, Madan Pariyar, alias Gopi, of Bharatpur Municipality-10, Pradip Bhatta of Ratnanagar Municipality-6, Badri Prasad Dungana of Bidur Municipality-4 in Nuwakot sustained injuries in the same incident. Govinda Adhikari, DSP of the DPO in Chitwan informed that Badri Prasad Dhungana was brought back to

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured	1	1	3	6	9
Child Rights			18		18
Abduction				4	4
Women Rights			8		8
Beatings	3	3		4	4
Killing			2	5	7
Total	4	4	31	19	50

the jail after receiving treatment whereas three other inmates were transferred to the central jail, Kathmandu on December 28 after treatment at Bharatpur Medical College.

Police informed that Sunil Gurung, 21, of Phujel VDC-2 in Gorkha district, Amir Gurung, 23, of Sharadanagar VDC-8, Chandra Bahadur Thapa Magar of Piple VDC-2, Sunil KC, 27, and Phadindra Shrestha, 30, Suraj Shrestha, 29, of Bharatpur-12, Saran Gurung, 30, of Bharatpur Municipality-10, Bhim Bahadur Pakharin of Sharadanagar VDC-8, Amrit Lama, of the same VDC-2, Dil Bahadur Lama, 30, of Thori VDC-4, Sunendra Rai, 17, of Chainpur VDC-4, Dipak Sah of Birgunj Sub-Metropolis-6 and Prakash Tamang, 26, of Gaidakot in Nawalparasi district and residing in Bharatpur Municipality-12 were involved in the incident. The government declared at the meeting of Council of Ministers that the Paudel family would be provided with Rs 1m compensation and one judicial commission would be formed to investigate the incident. The committee was coordinated by former judge Mohan Sitaula and others including Deputy Attorney General Krishna Prasad Paudel and DIG Bigyan Raj Sharma. The commission was given one month to submit the report.

THREATS/BEATINGS

By YCL

Treasurer of Tarun Dal, Nagawant Shah, 30, and his mother Tara Devi Shah,

50, of Bagahuda VDC-2 were beaten up by a group of eight masked YCL cadres on January 7. The victims said that they were beaten on the charge of assaulting one Maoist cadre who was working at the local Cinema Hall. Nagawant sustained serious injuries to his head and bruises to his left thigh whereas Tara Devi sustained injuries to the head and hand. They were treated at Bharatpur Medical College. Shah accused YCL Baghauda in-charge Mukti Kafle of leading the attack while YCL district in-charge Shasakta Saran Gole and YCL's Chitwan District committee informed that the claim was false.

By Others

Former chairperson of FNJ Bishnu Chhimeki, vice chairperson Ramesh Kumar Paudel, board members Binodbabu Rijal, Amrita Gurung, journalists KP Kiran Sharma, Dipendra Adhikari, Mahesh Pandey, Ekal Silwal, Dipendra Baduwal, Hari Prasad Pokharel, Amrita Pokharel and Santosh Devkota were beaten up by hoteliers Jiwa Chaudhary and Bikram Chaudhary of Bachhauli VDC-2 on August 17. Ekal Silwal and Bikram Chaudhary sustained injuries in the incident. They were treated at Bharatpur Medical College. The assailants were arrested by police on the same day. The victims lodged a complaint at the DPO on August 18. Jiwa Chaudhary and Bikram Chaudhary were arrested by police and released on August 24 after depositing Rs 3,000 bail.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 880 criminal cases, the District Court with three judges decided 604 cases and 276 remained undecided. Of 732 civil cases, a decision was reached in 408 cases while 324 cases remained under the review of the court. One criminal case older than two years remained pending.

July 17, 2011-December 31, 2011

Of 657 criminal cases, the District Court with two judges concluded 286 criminal cases and 371 remained pending. Out of 565 civil cases, 187 cases were closed and 378 cases remained open. Three criminal cases and three civil cases older than two years have yet to be decided.

The Office of the District Government Attorney filed 171 cases between July 17, 2010 and July 16, 2011, out of which 97 cases were won and 21 cases were lost. 21 cases were moved to the Appellate Court. One case older than two years remained open. The Office of the District Attorney informed that 53 cases filed by July 16, 2011 had not been decided.

Of the 14 murder cases filed, three cases were won and five were lost. Out of 23 rape cases filed, seven cases were won and three were lost. Both cases of human trafficking filed were lost. One case of polygamy filed was won. Three criminal cases and three civil cases older than two years remained under the review of the court.

The Office of the District Government Attorney filed 112 cases between July 17, 2011 and December 31, 2011, out of which eight cases were won and 13 cases were lost. 13 cases were moved to the Appellate Court. One case older than two years remained open. The Office, with two government attorneys, informed that 91 cases filed by July 16, 2011 remained pending.

Out of 18 rape cases, five cases were lost and 13 cases remained pending. Of seven cases of abduction, one was won and one was lost.

CHILD RIGHTS

Situation of Education

Of 91,915 children of school going age, 42,876 boys and 49,039 girls were enrolled in schools of primary and secondary level. Among them, 3,616 girls and 3,330 boys were

from the Dalit community. A total of 1,890 teachers work in primary level government and community schools. Similarly, a total of 538 teachers are at work in lower-secondary schools. Meanwhile, 383 teachers are at work in secondary level.

4,227 boys and 4,398 girls are attending Early Child Development Center in the district among which 571 boys and 561 girls are from the Dalit community.

Rape, Attempt to Rape, Sexual Abuse

The family members of a 4-year-old girl of Ratnanagar Municipality-7 accused Ashok Shrestha, 20, of same Municipality-8 of attempting to rape her in his room on February 9. He was arrested on the same day and later sent to jail on remand as per the order of the District Court.

The family members of a 9-year-old girl of Ratnanagar Municipality-3 filed a complaint against Sada Hussain of Ratnanagar Municipality-3 at the DPO on August 25 on the allegation of raping her. The victim's health checkup was conducted at Bharatpur Hospital. The accused was arrested by police on August 28. He was sent to jail on remand as per the order of the District Court order issued on September 15.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 55-year-old woman of Meghauli VDC-6 filed a complaint stating that she was raped by Neem Bahadur Mahato, 27, of Dibyanagar VDC-5 in Narayani River Bank on March 18. The accused was arrested by police on March 25. He was sent to custody on remand as per the order of the District Court on April 21.

DOMESTIC VIOLENCE

Killing by Family Members

Pushpa Ramdas, 20, of Parbatipur VDC-8 was poisoned allegedly by her family members on June 23. She was taken to Bharatpur Hospital but she died at 4 am on June 24. Her natal family claimed that her husband Laxman Ramdas, 24, sister-in-law Sumitra Rasaili, mother-in-law Tulasi Ramdas, 50, and father-in-law Krishna Ramdas, 50, poisoned her. The family said Pushpa used to be abused on basis that she was not good at her work. The brother of the deceased, Mahesh BK, filed a complaint against her in-laws at the DPO on June 9. Police had arrested Tulasi, Sumitra and Laxmandas on June 6 while Ramdas was arrested on July 3. Pushpa's husband Laxman was remanded and the others were released on bail as per the order of the court on July 3.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	5		
Sub-Health Post	31		
Position	Available Position	Working	Vacant
Doctor	4	4	0
Staff Nurse	4	4	0
Lab Assistant	7	7	0
AHW	49	47	2
AMW	49	48	1
Vaccine Supervisor	1	1	0
TB/Leprosy Supervisor	1	1	0
HA	11	11	0
HW	41	30	11



2.11 Makawanpur



Population : 427,494

Male : 210,564

Female : 216,930

Literacy(%) : 77

Women Literacy(%) : 62

Area(Sq. Km.) : 2,426

Number of VDC(s)/Municipality(ies) : 43/1

Number of School(s) : 586/44

Campus(es)/Higher Secondary School(s) : 5/23

Human Development Index : 0.470

Average Household Size : 4.77

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Unidentified Group

Thuli Maya Thing, 62, of Hadikhola VDC-7 was shot dead by an unidentified group while she was sleeping at her home on February 16. The assailants had not been identified by the end of the year.

INJURED IN SHOOTING/EXPLOSION

By Unidentified Group

Jhalak Man Chepang, 50, of Sarikhet VDC-6 was injured after an unidentified group shot at him while he was sleeping at his home on April 23. Chepang sustained a bullet injury to his left thigh. He received treatment at the Chitwan-based medical college.

By Abandoned Bomb

Chin Bahadur Tamang, 34, of Phakhel VDC-6 was injured when an abandoned bomb went off while he was walking through the Simpani forest on November 14. The victim sustained injuries to his right thigh and finger. He was treated at the Bir hospital in Kathmandu the same day. Nepal army bore the cost of his treatment.

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold 35 inmates. However, there were 175 convicts and 103 detainees being held there at the end of the year. As the jail building is in a dilapidated condition, another B grade jail was under construction at the end of the year. Only the female ward has been constructed in the new building but male inmates have been kept there since August 31. The jail department is also constructing a male ward in the jail. Jail warden Chiranjivi Thapa said that the new jail would be able to accommodate 1,200 inmates. 278 male inmates were being detained in the new building while female inmates have been sent to Birgunj. The jail has running water, electricity and toilets. Inmate Harish Chandra Sah said that they have access to a radio, television, newspapers and telephone. Volleyball, snakes and ladders and carom-boards are provided to the inmates for recreational purposes. The inmates earn money by weaving bamboo chairs.

10 inmates, including Sulok Lama, 30, Bijay Adhikari, 34, Ganga Thing, 29, of the Bhimphedi Regional Jail were critically injured after another group of inmates led by Tasi Lama attacked them on November 30. The injured inmates were treated at Hetauda and Bharatpur Hospital. Citing the possibility of another clash if they were taken to the same jail, the jail administration shifted 40 inmates including those injured to the old jail.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 118 criminal cases and 196 remained pending. A decision was reached in 193 civil cases while 230 cases remained under review. One criminal case older than two years remained to be decided.

APPELLATE COURT

July 17, 2010- July 16, 2011

The Appellate Court with eight judges decided 113 criminal cases and 358 cases remained open. A decision was reached in 380 civil cases while 1,014 cases remained pending

The Office of the District Government Attorney filed 115 cases between July 17, 2010 and July 16, 2011, out of which 36 cases were won. The Office, with two government attorney, informed that 79 cases filed by July 16, 2011 remained pending.

Of the six murder cases filed, four cases were won and one was lost while a verdict was still to be reached in one case. Out of 18 rape cases, 11 cases were won and seven remained pending. Out of a total of seven trafficking cases, five were won and two remained pending.

CHILD RIGHTS

Situation of Education

Of 131,870 children of school going age, 63,773 boys and 59,326 girls were enrolled in schools of primary and secondary level. Among them, 8,262 girls and 7,318 boys were Dalits. 354 female and 1,153 male teachers work at primary level government and community schools. 14 female and 171 male teachers work at lower-secondary level. Six female and 140 male teachers are employed at secondary level.

A total of 8,247 boys and 7,844 girls are attending in Early Child Development

Type of Events	By Non-State		
	Female	Male	Total
Injured		2	2
Child Rights	13		13
Women Rights	8		8
Killing	2	5	7
Total	23	7	30

Centers in the district among whom 2,102 boys and 1,131 girls are members of the Dalit community.

Deprived of Education

Around six per cent of children of school going age in Makawanpur do not attend school. According to the District Education Office (DEO) there are 68,374 children in the 5-9 age group in Makawanpur, however, only 64,272 of them are enrolled in school. The officer at the DEO, Yubaraj Dahal said that more than 4,000 children were deprived of receiving an education due to poverty and a lack of access to schools. He said that many children could not be admitted to school due to food insecurity. Around 35 percent of children have not joined an Early Child Development Centre (ECDC) in the district. Among 25,667 children of 3-4 age group, only 16,891 children attend ECDC. Among those students who are admitted to grade one, the dropout rate is 77 percent.

Rape, Attempt to Rape, Sexual Abuse

Man Bahadur Thapa, 19, of Sukaura VDC-6 was remanded in the Birgunj Prison by the District Court on February 16 on the charge of raping a 6-year-old girl of the same place on January 23.

Family of a 16-year-old pregnant girl, of Handikhola VDC-8 filed a complaint to police saying she was gang raped by seven people including Bala Rai and Chandra Bahadur Rai of Handikhola VDC-8 on December 11. The complaint informed that the group also looted her gold jewelry and Rs 17,000.

Girl Trafficking

Maiti Nepal, Hetauda, rescued three girls from Hetauda Municipality-1 on July 1 as they were being taken to India by Kamal Rai, 28, of Ratnanagar Municipality-2 and Ramji Pariyar, 43, of Handikhola VDC-3. The duo was involved in trafficking of the girls to India under the pretext of taking them to Chitwan. They were remanded in Bhimphedi Jail by the order of the District Court on September 16.

Arrest

Police arrested Surendra Raut, 30, of Chhatiban VDC-9 on December 5 after the mother of a 15 year old girl of the same place filed a case against him. Raut had married the girl as his fifth wife on December 3.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

A 27-year-old woman of Churiyamai VDC-1 filed a case against Kamal Moktan, 27, and Sunita Moktan, 28, of the same place on April 8 in which she accused them of trafficking her to Bahrain. Police arrested Kamala later that day. She was released on bail by the Appellate Court while Sunita managed to flee before being arrested.

Rape, Attempt to Rape, Sexual Abuse

Police arrested Laxman Basnet, 28, of Lewat in Basamadi VDC-3 on the charge of raping a 22-year-old woman of the same place on July 16. He was remanded in prison by the District Court on August 30.

DOMESTIC VIOLENCE

Thuli Kanchi Bal, 30, of Chhatiban VDC-9 was killed with a sharp weapon on

October 14. Police arrested her husband Seteman Bal, 32, Ganesh Dhaba Lama, 21, and Chet Bahadur, 22, for their involvement in the murder. They were remanded in the Bhimphedi Prison by the District Court.

Polygamy

Roshan Khan, 26, husband of Roshina Khan, 24, was arrested on the charge of polygamy on March 30. He was remanded in the Bhimphedi Prison by the District Court.

Mistreatment

Saili Maya Blon, 35, of Makawanpur Gadi VDC-3 was forcefully fed human excreta and beaten by Durga Maya Blon, 28, and Ram Bahadur Blon, 31, of the same place on January 29 on the charge of being witch. The victim filed a complaint against the duo at the District Court.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

About three hundred workers lost their jobs after the proprietor of the Everest Vinyl Company Pvt. Ltd. Bikash Thakuri ran away after shutting down his company located in the Hetauda Industrial Area on April 14.

Landless and Squatters' Problem

More than 300 families become homeless in the district every year due to natural calamities. The Commission on Squatters said that there were approximately 2,800 people squatting in the district. It is estimated that the number has increased to about 5,500. Roughly 275 families have been squatting on the banks of the Rapti river for seven years.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	16		
Sub-Health Post	24		
Position	Available Position	Working	Vacant
Doctor	11	2	9
Staff Nurse	14	8	6
Lab Assistant	6	4	2
AHW	95	48	47
AMW	52	51	1
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	23	14	9



2.12

Lalitpur



Population : 466,784

Male : 237,114

Female : 229,670

Literacy(%) : 90

Women Literacy(%) : 65

Area(Sq. Km.) : 385

Number of VDC(s)/Municipality(ies) : 41/1

Number of School(s) : 477/314

Campus(es)/Higher Secondary School(s) : 27/85

Human Development Index : 0.588

Average Household Size : 4.08

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to accommodate 175 persons but 293 who had been sentenced and 210 who were awaiting trial were being held in the jail at the end of the year. 19 of the convicted inmates and 16 of the 210 on trial are foreigners. There are two blocks in the prison- DRC and CRC. There were 336 Nepali and 17 foreigners in DRC block while there were 232 Nepali and 18 foreigners in the CRC block. There were no female inmates or minors in the jail. Prison head Khadgaraj Sharma said that overcrowding was a problem for the inmates. It has the facilities such as sports materials, electricity, newspapers, a radio, television and library and has 20 toilets but is facing water shortages. The inmates work on income generating activities and a senior health assistant is available for consultation.

DISAPPEARANCE/ABDUCTION By UCPN-M

Deputy General Secretary of pro-UCPN-M All Nepal Trade Union Federation, Laldhoj Nembang, was abducted from Patan Industrial Zone by some members of the same association. He was held for five hours in a building in the same zone and beaten up. The abductors also vandalized Nembang's motorcycle (Ba 1 Pa 1107). Nembang, was beaten up following internal party dispute. He was released after efforts were made by other leaders of the same trade union.

By Unidentified Group

Rabi Karna, 19, of Maheshpur VDC-6 in Siraha was abducted from Lagankhel of Lalitpur Sub-Metropolis-15 on November 27. He was heading for a party from his rented room in Lagankhel when he was abducted by an unidentified

Type of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Injured						2	2
Child Rights					7		7
Abduction						4	4
Women Rights					7		7
Right to Assembly	6	7	62	75			
Arrest & Torture		4		4			
Beatings						3	3
Killing					4	3	7
Total	6	11	62	79	18	12	30

group. Three days after the abduction, the family received a call demanding money or they would kill him. He was released in Mirchaiya of Siraha District on December 2. A relative Gajendra Karna said Rabi was too afraid to share any details.

THREATS/BEATINGS

By UCPN-M

Dinesh Thapa, 20, of Simpani VDC in Khotang and the Lalitpur chairperson of pro-UCPN-M All Nepal Trade Union Federation was abducted by a group led by Rajan Timalisina of the same group from Imadol VDC on February 16. He was taken to Khanna Garments where he was beaten up on the charge of establishing a trade union supporting another party leader. When he went to the police in Imadol the next day, he was turned back by police who said that they should settle such disputes themselves.

Shailendra Pradhan, 55, of Dhalachhe, Sundhara in Lalitpur Sub-Metropolis-17 and proprietor of Shree Textiles was abducted by pro-UCPN-M All Nepal Trade Union Federation (ANTUF) on March 18. He was taken to Patan Industrial Zone where he was beaten badly for not allowing the workers of his factory to attend an assembly organized by ANTUF. Its cadres also vandalized the factory.

By Chhetri Samaj

The cadres of Chhetri Samaj assaulted Aviyan daily's photo journalist Ashok Dulal, 28, of Chapagaon VDC-6 at Satdobato on May 22 for taking pictures of the strike called by Chhetri Samaj. He did not file a complaint.

RIGHT TO PROMPT AND FAIR TRIAL

DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with three judges decided 93 criminal cases and 291 remained pending. 106 civil cases were decided and 106 cases remained under review. 106 criminal cases and 35 civil cases older than two years remained open.

APPELLATE COURT

July 17, 2011 -December 31, 2011

The Appellate Court with 18 judges reached a verdict in 713 criminal cases while a decision had yet to be made in 1,959. 884 civil cases were closed and 2,594 cases remained pending. 440 criminal cases and 363 civil cases older than two years remained pending.

The Office of the District Government Attorney filed 78 cases between July 17, 2010 and July 16, 2011, out of which 37 cases were won and 14 cases were lost. The Office, with two government attorneys, informed that 27 cases filed by July 16, 2011 remained pending.

Out of 19 murder cases filed, eight cases were won and four were lost and seven remained open. Out of 28 rape cases, 14 cases were won and eight were lost while six had not been decided. Out of 13 cases of abduction, five were won and two were lost.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Niroj Thapa, 15, of Lele VDC-6, Suresh Nepali, 15, and Sajan Nepali, 14, of Lele VDC-9 and Milan Maharjan, 15, of Sunakothi VDC-5 were arrested and assaulted at Tikabhairav police station on the charge of thievery on July 9. They were later sent to Metropolitan Police Circle, Chapagaon. They were also assaulted in the custody of the Circle. Suresh and Sajan were released on July 12 and Niroj and Milan were released on July 14. Niroj received treatment with the support of CVICT. None of the victims filed a complaint against the police action.

CHILD RIGHTS

Situation of Education

Of 38,836 children of school going age, 18,828 boys and 20,008 girls are enrolled in schools of primary and secondary level. Among them, 1,550 girls and 1,302 boys belonged to the Dalit community. 1,147 teachers are working at primary level government and community schools. 388 teachers are working at lower-secondary level in government and community schools. 330 teachers are working at secondary. There were 2,244 boys and 2,275 girls attending Early Child Development Centers in the district among whom 186 boys and 145 girls are from the Dalit community. The District Education Office did not have updated data related to education.

Rape, Attempt to Rape, Sexual Abuse

The family of a 16 year old girl of Chhattiwan VDC-1 currently living in Iamdol VDC-6 filed a complaint against Prabin Ale Magar, 22, of Panauti Municipality-5 in Kavre, staying in Imadol VDC-6 at Metropolitan Police Range on March 21. The family claimed that the girl had been raped by Magar on March 20. Magar was remanded in prison on April 10 following the order of the Court.

The family of a 7 year old girl of Jharuwabasi VDC-9 filed a police complaint at Metropolitan Police Range Chapagaon on December 20 accusing Ram Prasad Deshar, 50, of Sheraphant in Chapagaon VDC of raping her near a mushroom plantation a day earlier. He was arrested on the day of filing the complaint. A medical checkup of the girl was conducted at Patan Hospital.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 32-year-old woman of Bunmati VDC-4 filed a case at the Metropolitan Police Range, Jawalakhel on February 22 accusing Dipendra Shrestha, 31, of raping her at her home. The accused was arrested by police on February 23 on the basis of the victim's complaint and a case of rape was filed against him. The accused was remanded in custody by the District Court, Patan on March 17.

DOMESTIC VIOLENCE

Killing by Family Members

Laxmi Gurung, 37, of Angridanda in Bungkot VDC of Gorkha district was strangled to death on September 26. Gurung, who was living at Satdobato of Lalitpur Sub-Metropolis-15, was killed by her husband Hasta Bahadur Gurung. Police said the motive behind the killing was related to a domestic dispute. A postmortem examination of the body was conducted at Patan Hospital at Lagankhel. Hasta Bahadur was arrested and remanded in jail on October 16.

Polygamy

Radha Tamrakar, 30, lodged a complaint on February 19 at the Metropolitan Police Range in Jawalakhel against her husband Sagar Tamrakar, 36, of Beltar VDC-1, Udaypur who was then

residing in Lalitpur Sub-Metropolis-13, accusing him of marrying Tulasha Thapa of Hatiya VDC-5. The police arrested both Sagar and Tulasha on February 20 and registered a case of polygamy at the District Court, Patan. Sagar was sent to custody on remand and Tulasha was released by the District Court, Patan on March 10.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure

The students of Udayakharka Secondary School of Chapagaun VDC-8 vandalized the school building on February 21 and targeted the school administration after they failed some students in their exams. Window panes of the school's library were shattered in the incident.

By Locals

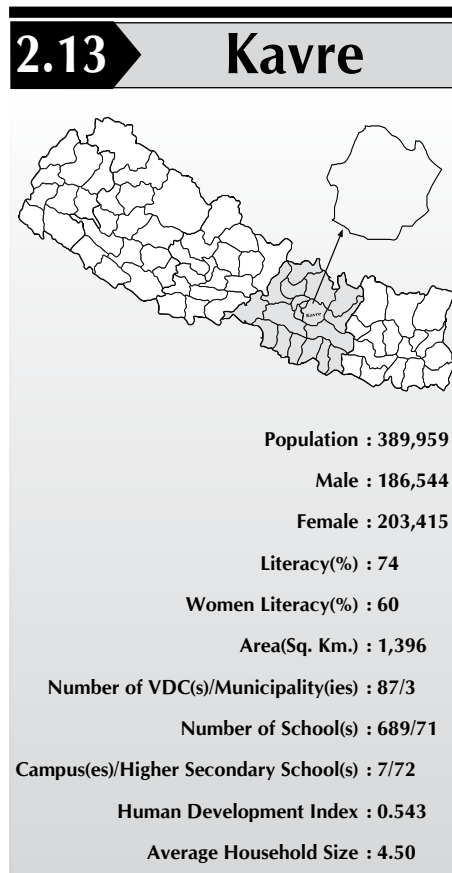
The locals of Patan, during their protest against the killing of Rosy Maharjan, 21, of Kupandole in Lalipur Sub-Metropolis-10, vandalized vehicles on August 12. They damaged nine vehicles at various spots in Lalitpur for defying the bandh.

By NC

A pick-up van with the number plate Ba 8 Cha 3719 belonging to Naya Patrika Daily was vandalized by NC cadres on December 19 after they defied the strike called by NC after the death of Nepal Tarun Dal Chitwan chairperson Shiva Paudel.

HEALTH SERVICE SITUATION

Hospital	11		
Health Post	9		
Sub-Health Post	29		
Position	Available Position	Working	Vacant
Doctor	6	5	1
Staff Nurse	4	4	
Lab Assistant	3	3	
AHW	45	42	3
AMW	23	23	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	14	12	2
HW	70	66	4



CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
INJURED IN SHOOTING/EXPLOSION
By unidentified Group

Indira Acharya, 45, of Thokarpa VDC-2, who was running a hotel at Panauti Municipality-2, was injured when an unidentified person fired at her in her hotel on January 12. She was shot by a youth, who had come to the hotel on the pretext of purchasing a cigarette while she was having her meal in a corner. The bullet pierced her left shoulder. According to the victim, she realized that she had been shot after he fled away. The victim received treatment at Shir Memorial Hospital in Banepa. The youth involved in firing had not been identified by the end of the year.

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold 61 inmates at a time, however, 131 including 74 convicted inmates and 57 awaiting trial were held there at the end of the year. All inmates are male. One inmate died in 2011. There is no provision to detain female and juveniles. There are 33 inmates suffering from mental problems. Inmates suggested that the jail building and toilets should be repaired and its capacity be further extended.

THREATS/BEATINGS

By UCPN-M

UCPN-M district member, Sitaram Dahal aka Abiral, 26, of Debbhumibaluwa VDC-8, was beaten by a group of about 200 UCPN-M cadres led by Area No 4 in-charge Narayan Baniya aka Dipesh and district member Bikash Shrestha; protesting the handing over of the keys of PLA cantonments to special committee on September 1 at Tinipale of Panchkhal VDC-9 on September 2. Dahal, who was injured in the attack, received treatment in Kathmandu on the same day. A group of

UCPN-M cadres including CA member Tej Bahadur Mijar had arrived at Panchkhal to hold a discussion in connection with a program that was to be organized under Janasangitik Aviyar by Samana Sanskritik Pariwar on September 3.

By Unidentified Group

Hiraman Lama, 26, of Sasryukharka VDC-4, who was a public relation officer at Namobuddha FM, was threatened by an unidentified person over phone on February 27. The person threatened to immediately stop a program entitled 'Namobuddha FM with People' being aired by the FM. A public hearing on effectiveness of Local Peace Committee was organized at the program hall of District Development Committee in Dhulikhel on the same day.

By Others

Bikash Acharya, 25, Dhungekharka VDC-1, executive editor of Abeg Weekly, alleging that some persons including Ashman Tamang, executive officer at Banepa Municipality threatened him over a news story related to sewage processing in the Municipality which had been broadcasted over the television, issued a press release protesting against the threat. Acharya, who is also the district correspondent of ABC Television, had broadcasted a news story related to completion of a sewage processing centre in Kaukot. Aabeg weekly had also covered the news on its two editions.

Bishnu Bahadur Bista, 50, of Mahadevsthan VDC-4, secretary of Chandenimandan VDC and Raju Nepal, of Chandenimandan VDC-1, technical assistant at the VDC were beaten by locals of Chandenimandan VDC alleging that the duo returned without completing the task of collecting the voter's list from Uma School at Chandenimandan VDC-6 on February 22. The victims were treated

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured			2		2
Child Rights			6		6
Abduction			1	1	2
Women Rights			4		4
Right to Assembly	1	1			
Beatings				4	4
Threats				2	2
Killing			7	6	13
Total	1	1	20	13	33

at Dhulikhel Hospital same day. Chin Bahadur Tamang and Biras Tamang of Chandenimandan VDC-6 were arrested for their alleged involvement in the incident on March 9. A public offence case was filed against them. They were remanded in custody and released after submitting Rs 1,000 each following an order from the District Court on September 1. The other 10 people, who were also involved in the incident, remained at large by the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with three judges decided 259 criminal cases and 387 remained pending. 259 civil cases were decided and 462 cases remained pending. 32 criminal cases and 70 civil cases older than two years remained pending.

The Office of the District Government Attorney filed 232 cases between July 17, 2010 and July 16, 2011, out of which 88 cases were won and 18 cases were lost. Appellate Court has been moved in 18 cases. 34 cases older than two years remained undecided. The Office, with two government attorneys, informed that of all the cases filed until July 16, 2011, 126 remained pending.

Among the 25 murder cases filed, five cases were won and five were lost. Out of 14 rape cases, four cases were won and

three were lost. Out of five polygamy cases, two were won and three remained opened. Of five cases of polygamy, two were won, two lost and one remained pending. One case filed against witchcraft was won.

CHILD RIGHTS

Situation of Education

Of 129,375 children of school going age, 63,287 boys and 66,088 girls were enrolled in schools of primary and secondary level.

1,529 female and 2,072 male teachers are at primary level government and community schools. 329 female and 768 male teachers are at lower-secondary level. 118 female and 839 male teachers are at secondary level.

It was found that the District Education Office did not have updated all data related to education.

Kanchhi Rai, 47, and her daughter Manju Rai, 18, of Mahadevsthan VDC-1 were arrested on March 15 on the allegation that Hira Maya Rai (Danuwar), 10, of the same locality was beaten to death by them on March 5. Police arrested them in per complaint filed against them by Ratna Bahadur Rai, father of the deceased. The deceased girl was studying at grade one at local Chandani Secondary School at Jaishithok. The accused were remanded to custody following an order from District Court on April 1.

Killing by Family Members

Shanti Devi Yadav, 35, of Bishnupurkatti VDC-7, and staying at a rented house in Ugratara Janagal VDC-1 killed her daughters Priyanka Devi Yadav, 13, and Ashmita Yadav, 9, by poisoning their food over a minor dispute she had with them on December 6. The deceased were studying at Samata Sishya Niketan in Banepa. Shanti confessed that she had poisoned her daughters as she regretted not being able to provide them proper care.

She said that she had also tried to poison herself. Her husband Lal Babu Yadav works at Mayos Noodles Factory in Banepa. The accused was treated at Shir Memorial Hospital in Banepa before her arrest.

Abduction

Sudip Humagain, 14, of Banepa Municipality-4 was abducted by a group involving Rabilal Tamang aka Jwala, 21, Yam Bahadur Yonjan aka Sainla, 19, Khandadevi VDC-2 of Ramechhap, Newang Yonjan aka, 24, Bikash Yonjan, 17, of Gokule VDC-7 while the boy was heading to his tuition class in Banepa on February 19. The abductors released the boy the next day. Police arrested all the abductors who were remanded in custody following an order from the District Court on February 24. The abducted boy was a X grader at Kathmandu University Higher Secondary School.

Rape, Attempt to Rape, Sexual Abuse

Police arrested Hari Krishna Shrestha, 60, of Bhaktapur Municipality-10, who was staying in Banepa Municipality-11 after the family of a 12-year-old girl, of Ratmate VDC-6 of Makwanpur, staying at Banepa Bazaar alleged that Shrestha had raped the girl on March 25. They filed a complaint with the police on April 3. The accused was remanded in custody following an order from the District Court on April 28.

Family of a 12-year-old girl of Bankhu VDC-8, alleging that Dhan Bahadur Shrestha, 32 of the same locality had raped the girl on March 28, filed a complaint with the police on April 4. The police arrested the accused on June 26. The accused was remanded in custody following an order from the District Court on the same day.

Family of a 9-year-old girl of Mahankalchaur VDC-2, alleging that

Sudas Waiba, 20 of same locality made an attempt to rape the girl on July 21, filed a complaint with the police on July 25 and the police arrested the accused on August 1. The accused was remanded in custody following an order from the District Court on August 21.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Family of a 40-year-old speech impaired woman of Dhulikhel Municipality-1, made allegations against Rameshwor Shrestha, 43, of Dhulikhel Municipality-5 stating that he took her to his Kamana Lodge and raped her on August 13. They filed a complaint with the police on August 15 and the police arrested the accused on the same day. A health checkup of the victim was done at the Maternity Hospital in Thapathali on August 22. The accused was remanded in custody following an order from the District Court on September 7.

An 18-year-old girl of Sarmathali VDC-2 alleging that Raju Tamang, 26, of the same place had raped her on April 18, filed a complaint with the police the next day. The District Court issued an arrest warrant in the name of the accused on May 2.

DOMESTIC VIOLENCE

Kanchhi Maya Tamang, 87, of Bhulusalle VDC-2 was beaten up by her daughter-in-law Devi Maya Tamang, 54, with fists and batons on September 22 alleging that the former always annoyed the latter. The victim died at home on September 24. Police arrested the accused after her husband filed a complaint on September 26. The accused was remanded in custody following an order from the District Court on October 20.

Polygamy

Sangita Khatri Giri, 24, wife of Krishna Giri, on the grounds that her husband married Arpana Khakurel, 25, as his second wife, filed a complaint of polygamy against her husband with the police on July 22. Police arrested him on the same day and he was released following an order from the District Court after depositing Rs. 15,000 as bail on August 14.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

97 persons of different VDCs including Hokse, Panchkhal, Baluwa and Sathighar Bhagawati sold their kidneys to various hospitals in India. Seven family members of Ram Kumar Thakuri of Hokse VDC-1 had sold their kidneys. Some persons selling their kidneys returned home barehanded after being duped by kidney brokers, it was complained. Even though these were people from poor economic backgrounds who sold their kidneys for money, there turned out to be no improvement in their lives.

Destruction of Infrastructure By Tamsaling Nepal Rastriya Dal

A dozen cadres of Tamsaling Nepal Rastriya Dal, torched a mini truck (Ba1Kha 9226) heading to Kathmandu from Tatopani on August 28 for defying a bandh called by their party demanding autonomous Tamsaling State. The agitators had taken out the truck driver Surendra Balami and assistant driver Surya Man Balami before the arson which completely gutted the vehicle.

HEALTH SERVICE SITUATION

Methinkot Primary Health Centre has been converted into a hospital. According to the district health office, 138 persons of poor economic background have been recommended for

Hospital	2		
Health Post	14		
Sub-Health Post	80		
Position	Available Position	Working	Vacant
Doctor	7	6	1
Staff Nurse	10	9	1
Lab Assistant	4	3	1
AHW	188	143	35
AMW	107	92	15
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	24	15	9

free treatment during 2011. Sub health posts at Ghartichhap and Salle, which were destroyed during the conflict, were reconstructed. Maternal health services is available at 32 health institutions round the clock at free of cost, however, there is a need for creating awareness regarding the services being provided by health institutions among the public.

FOLLOW-UP

Women Trafficking

Keshav Shrestha, 24, of Harnamadi VDC-8 of Makwanpur, who was staying at Dhulikhel Municipality-5, was arrested following an order from the Kavre District Court on April 5. Shrestha was accused of selling a 19-year-old woman, of Banepa Municipality-3 in a brothel at Medinipur of West Bengal in India for Rs. 50,000 on May 4, 2007. The victim managed to flee from the brothel from the back door and reached Nepali Consulate General which handed her to Birgunj DAO. The DAO handed her over to Maiti Nepal on July 8, 2007. The accused was arrested on March 12 after the victim filed a complaint on June 23, 2007. The Office of Government Attorney in Kavre filed a case against him on March 6 and he was remanded in Dhulikhel Jail.

2.14 Bhaktapur



Population : 303,027

Male : 154,006

Female : 149,021

Literacy(%) : 89

Women Literacy(%) : 57

Area(Sq. Km.) : 119

Number of VDC(s)/Municipality(ies) : 16/2

Number of School(s) : 338/133

Campus(es)/Higher Secondary School(s) : 10/35

Human Development Index : 0.595

Average Household Size : 4.15

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

A Juvenile Reform Center was constructed with the support of UCEP Nepal at Sanothimi of Madhyapur Thimi Municipality-17. The Center receives children from all over the country who are sent here in remand. There were 110 children in the centre at the end of the year. In Block A of the center, there were 77 children while in Block B, there were 33 children. Out of 110 children, four were girls.

THREATS/BEATINGS

By UCPN-M

UCPN-M Bhaktapur district committee member and Tamu Rajya Mukti Morcha central committee member, Devraj Gurung, 24, All Nepal Trade Union Federation (ANTUF), Bhaktapur

office secretary Raj Kumar Timalsina, 30, and All Nepal Auto Mechanics Trade Union Bhaktapur district member, Sundar Shrestha, 25, were injured in an attack on March 28 perpetrated by a group of approximately 50 people led by Sanu Kanchha, 40, of Sipadol VDC-4. They were treated in Dr Yuwamura Hospital in Bhaktapur and KMC Hospital in Sinamangal, Kathmandu. UCPN-M Bhaktapur co-in-charge Debendra Shrestha said that action was taken against 12 people accused of being involved in the incident.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The single judge in the District Court did not reach a verdict in any of the 216 criminal cases and 469 civil cases filed during the year.

July 17, 2011-December 31, 2011

The District Court with two judges decided 103 criminal cases while 325 cases remained under review. 224 civil cases were decided and 647 cases remained pending.

The Office of the District Government Attorney filed 250 cases between July 17, 2010 and July 16, 2011, out of which 199 cases were won and 28 cases were lost. 28 cases were appealed. The Office, with two government attorneys, informed that 23 cases filed by July 16, 2011 remained pending.

Of the 15 murder cases filed, seven cases were won and six were lost. Out of 12 rape cases filed, three cases were won and nine remained under review. Out of four cases of trafficking, one was won and three were lost. All three cases of abduction filed were lost.

CHILD RIGHTS

Situation of Education

Of 24,172 children of school going age, 10,995 boys and 13,177 girls were enrolled in

Type of Events	By Non-State		
	Female	Male	Total
Child Rights	7		7
Women Rights	3		3
Racial Discrimination	1	1	2
Beatings	1	3	4
Threats	1		1
Killing		2	2
Total	13	6	19

schools of primary and secondary level. Among them, 1,260 girls and 1,071 boys are dalits. 348 female and 525 male teachers work at primary level government and community schools. 52 female and 154 male teachers work at lower-secondary level. 22 female and 155 male teachers work at secondary level. The District Education Office did not have updated data related to education.

Rape, Attempt to Rape, Sexual Abuse

A 17 year old girl of Baramarchi VDC-8 in Sindhupalchok district who was staying in Kamal Binayak of Bhaktapur Municipality-4 at the time was sexually assaulted in a police station by DSP Bheshraj Shrestha on August 7. The girl, who had been arrested on the charge of stealing, was called to the DSP's office room in the night. She had been in custody since August 1 after being arrested soon after Kalika Milk Dairy at Kharipati of Bageshwari was broken into on July 20. DSP Thapa was transferred to Metropolitan Police, Kathmandu and SSP Madhav Nepal was appointed to conduct an investigation into the incident. The girl was acquitted by the Court on August 11. She did not file a complaint against the DSP.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Subas Tamang, of Gati VDC was arrested by the Metropolitan Police Range

on August 3 on the charge of raping a 19-year-old woman of Lamatar VDC-5, Lalitpur. She filed a complaint at the Range in which she accused Subas, the driver of a minibus Ba 1 Kha 3897 and its conductor Pemba Tamang, on the same day of raping her in Katunje VDC-8 as she was travelling in the bus from Bahakha to Bhaktapur. Police took her to the Thapathali Hospital soon after the complaint was registered. The accused was remanded in a prison in Kathmandu on the order of the District Court on August 31. Another accused in the incident, Pemba Tamang, of the same place remained fled after the incident by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

The Inter-caste Marriage Protection Society held a press conference on January 26, informing that an inter-caste couple-Sagar Pariyar and Sangita Thapa of Chitpol VDC-9 was prohibited from entering the village. Pariyar and Sangita had registered their marriage on January 12. The bride's family was unhappy about the marriage and had even assaulted the couple. They did not file a complaint.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	7		
Sub-Health Post	12		
Position	Available Position	Working	Vacant
Doctor	10	7	3
Staff Nurse	23	19	4
Lab Assistant	2	2	
AHW	29	28	1
AMW	21	21	
HA	12	12	
HW	33	33	



2.15 Kathmandu



Population : 1,740,977

Male : 909,786

Female : 831,191

Literacy(%) : 78

Women Literacy(%) : 60

Area(Sq. Km.) : 395

Number of VDC(s)/Municipality(ies) : 57/2

Number of School(s) : 945/1,075

Campus(es)/Higher Secondary School(s) : 121/251

Human Development Index : 0.603

Average Household Size : 3.71

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE

KILLING

By Others

The Islamic Association General Secretary, Ahijan Ahamed, of Bhokraha VDC-2 Sunsari, was shot dead by an unidentified group who arrived on motorcycle to Kathmandu on September 26. Ahamed, who sustained injuries to the chest, head, hands and legs, was rushed to Bir Hospital where he was pronounced dead upon arrival. Police prepared a sketch of the assailants after consulting with witnesses. However, no one had been arrested by the end of the year. The Government formed a three-member investigation commission on October 12 which was coordinated by former Chief

Justice Rajendra Bhandari. However, the commission had not submitted its reports by the end of the year.

INJURED IN SHOOTING/EXPLOSION By Unidentified Group

Surendra Shah, 30, of Bishrampur VDC in the Rautahat district was injured when a masked unidentified group, who arrived on a motorcycle, shot at him on January 19 while he was selling goods. Shah was treated at Nepal Medical College. Though the police claimed that an investigation of the incident was underway, no one was arrested in connection with the incident.

UML central member Gokarana Bista of Dohali VDC-3, Gulmi and who was then staying in Kathmandu Metropolis-29 was stabbed by an unidentified group on April 10 while he was talking on his mobile phone. Bista sustained injuries to his left hand and head. He was treated at Manamohan Memorial Hospital. The incident occurred soon after he was named as the new Minister for Energy.

JAIL AND DETAINEES

The 'A' grade Central Jail has the capacity to hold 1,002 inmates. However, a total of 1,992 persons were being held at the jail by the end of the year, of whom 885 had been sentenced and 1,107 were awaiting trial. Out of them, 1,708 are male and 284 are female while two dependents are also residing within the jail. Two inmates died inside the jail during the reporting year.

Similarly, the B grade jail of Charkhal has the capacity to hold 150 inmates but 637 inmates of whom 277 had been sentenced and of whom 367 were awaiting trial in the jail. One inmate died in the jail this year.

Jail warden Krishna Prasad Sigdel

Type of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Injured	7	10		17	2	18	20
Child Rights					1		1
Inhuman Behavior						1	1
Abduction						7	7
Woman Rights					5		5
Right to Assembly	34	55	24	113			
Death in Jail		3		3			
Arrest & Torture	1	3		4			
Death in Detention		1		1			
Beatings	1			1	1	6	7
Threats						1	1
Killing						11	11
Total	43	72	24	139	9	44	53

said that the inmates are facing problems related to inadequate sleeping space, toilet facilities, drinking water, and electricity. He added that the jail building is dilapidated. Many inmates are suffering from different diseases. The allocated government budget was found to be too insufficient to cover the cost of necessities.

Ganesh Bahadur Tamang, 50, of Piple VDC-7 from Chitwan district who was serving a jail term for poaching committed suicide by hanging himself inside the jail on July 16. According to jail warden Tirtha Bhattarai, he committed suicide while he had gone to the latrine. His jail term had begun on May 1 in Chitwan but was moved to Kathmandu due to health problems.

Executive Chairman of the National Television Yunish Ansari, 26, of Rampur VDC, Bara district was injured in a gun attack carried out by Indian man Manjit Singh, aka Jasjit Singh, on March 9. Yunish was serving a jail term for holding fake Indian currency. Manjit had met him a few times the incident occurred. Ansari was treated at the Norvic Hospital in Thapathali.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

ANTUF central member and Limbuwan State Committee in-charge Chandra Sapkota, 30, was abducted by four unidentified persons on February 8 from Koteswar in Kathmandu Metropolis-25. He was released on March 15 after he agreed to not disclose information about the incident to anyone. Sapkota had come to Kathmandu to participate in a coaching program being held by the Youth Mobilization Bureau, faction of the UCPN-M.

THREATS/BEATINGS

By State

Central Member of Nepal Student Union Urmila Thapaliya, 37, of Nilakantha VDC-5 of Dhading district was assaulted by police on December 18 while she was going home after participating in a rally organized by the Nepali Congress. She was treated at Capital Hospital and referred to TU Teaching Hospital for further treatment.

By UCPN-M

UCPN-M Vice-Chairperson Baburam Bhattarai, 54, of Khoplang VDC-4, Gorakha and who was then

staying in Sanepa, Lalitpur district was issued a death threat by UCPN-M cadre Janak Bartaula of his own party office at Parisdanda, Koteswar on March 16. The UCPN-M central committee meeting held on May 21 decided to suspend Koteswar from the party.

By Unidentified Group

Lawmaker Shambhu Hajara Paswan, 46, of Birgunj Sub-Metropolis-18 who was then living at New Baneshwar in Kathmandu Metroplis-34, was injured when a group of about five unidentified persons attacked him with an iron rod on December 13 at around 6.00pm. He was treated at the Civil Servant Hospital in Minbhawan. Although the Metropolitan Police Range claimed that an investigation of the incident was underway, no one had been arrested by police by the end of the year.

By Others

Lawmaker Jhakku Prasad Subedi, 49, of Rolpa district who is currently living at Kathmandu Metropolis-35 was slapped by hotelier Prem Raj Devkota, 56, of Kathmandu Metropolis-10 on May 2 for not drafting the constitution on time. Devkota was arrested and remanded in custody at Kathmandu Metropolitan Police Range. He was released on June 18 after depositing Rs 7,000 bail.

ARBITRARY ARREST

Rajlal Mandal, 24, of Shambhunath VDC-1 in Saptari was arrested by police on July 20 on the allegation of marrying to the daughter of lawmaker Bishwendra Paswan. Mandal married Bidhya Paswan on July 3. The victim's uncle Bindi Mandal, 48, and sister Lalita Mandal, 28, were also arrested by police on the same day for being involved in the incident. They were released on July 31 after depositing Rs 3,000 bail

after a habeas corpus writ was lodged at the Supreme Court on July 24. DSP Abhushan Timilsina said that they were arrested and held for investigation after an abduction case was lodged at the Metropolitan Police range. Paswan took his daughter from a hotel in Pokhara and Rajlal was arrested by police. His daughter went to Mandal's home and stated in a press conference that they had had inter-caste marriage on July 21.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Police Constable Bharat Baniya, 20, of Maitidevi, Harimaya Ranjitkar, 22, of Gothatar who is currently working at Marajgunj Police Office was injured on May 26 when Rastriya Prajatantra Party cadres hurled stone in front of the Constitution Assembly building. Sima Baral, 27, of Biratnagar sustained injuries in the same incident when the police baton charged her. They were treated at the Citizen Hospital. The police assaulted protesters with a baton after they tried to enter a restricted area. RPP organized sit-in and a demonstration demanding the suspension of the CA and new elections.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 6,352 criminal cases, the District Court with 14 judges decided 3,386 criminal cases while 2,966 cases remained pending. A decision was reached in 2,922 cases out of a total of 6,216 civil cases filed while 3,294 cases remained under the consideration of the Court. 209 criminal cases and 256 civil cases older than two years remained pending.

The Office of the District Government Attorney filed 80 murder cases

between July 17, 2010 and July 16, 2011, out of which 12 cases were won and eight cases were lost. 48 murder cases remained open at the end of the year. A total of 20 cases were moved to the Appellate Court. There were 11 cases older than two years to be decided at the end of the year.

CHILD RIGHTS

Situation of Education

Of 307,108 children of school going age, 159,187 boys and 147,920 girls were enrolled in schools of primary and secondary level. 1,186 female and 873 male teachers work at primary level government and community schools. 358 female and 437 male teachers work at lower-secondary level. 191 female and 534 male teachers work at secondary level. District Education Office did not have updated data related to education.

Rape, Attempt to Rape, Sexual Abuse

Child Home shift In-Charge of Sagar Thapa, 32, of Jhapa and currently living in Bajrayogini VDC-7, Kathmandu was arrested by police on July 19 attempting to rape a 15-year-old girl on July 14 at around 10.00 pm. 50 are children, including 30 girls are residing in the organization.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Kedar Prasad Phunyal, 28, of Kathmandu Metropolis-16 and Rajan Shrestha, 28, of Dhapashi VDC-33 were arrested by police on December 29 on the charge of raping an 18-year-old woman

of Kathmandu Metropolis-16. Rajan took the victim to Seti Dovan Guest House in Thamel and called his friend Kedar to rape her. The victim's family members lodged a complaint at the police office at Sorhakhutte against the duo.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By YAN

A government car with the number plate Ba.1Jha. 5471 was set ablaze by YAN Nepal cadres on June 16 in front of Shankar Dev Campus. They were demanding the release of YAN's chairperson who had been arrested by police. They also set ablaze a Nepal Electricity Authority's car with the number plate Ba1Ya 1833 near Tri-Chandra College.

HEALTH SERVICE SITUATION

Hospital	10		
Health Post	15		
Sub-Health Post	43		
Position	Available Position	Working	Vacant
Doctor	12	10	2
Staff Nurse	14	14	
Lab Assistant	9	8	1
AHW	77	76	1
AMW	39	38	1
Vaccine Supervisor	2	2	
TB/Leprosy Supervisor	1	1	
HA	15	15	
HW	117	117	



2.16 Dhading



Population : 336,250

Male : 157,928

Female : 178,322

Literacy(%) : 52

Women Literacy(%) : 37

Area(Sq. Km.) : 1,926

Number of VDC(s)/Municipality(ies) : 50/0

Number of School(s) : 602/20

Campus(es)/Higher Secondary School(s) : 1/38

Human Development Index : 0.410

Average Household Size : 4.34

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold 30 inmates, including five females at a time, however, 115 persons, including 73 prisoners and 42 detainees were being detained there at the end of the year. Constructed in 1976, the jail building is in a dilapidated condition and its walls and roofs need repair often, jailer Madan Shrestha said. The inmates are forced to wait for their turn to sleep as the jail is accommodating inmates exceeding four times its actual capacity. Due to the lack of space, the inmates also sleep in jail office, warden Prakashbabu Simkhada said.

THREATS/BEATINGS

By State

Truck driver Durga Prasad Kapri, 40, of Muralibhyang VDC-3 and Madan Thapa, 25, of Jyamrung VDC-2 were beaten by the Khanikhola Area Police Office after arrest on September 6. Police arrested them alleging that the owner of the truck Shiva Dhamala, 38, of Jyamrung VDC-2 did not inform the police about YCL demanding Rs 5,00,000 from him. The truck loaded with scraps was heading to Kathmandu when the police arrested them. They were treated at Naubise Health Centre. The victims said they did not inform the police about YCL's demanding money from the truck owner as YCL cadres took them under control for a while and released him immediately.

By UCPN-M

UML district committee member Umesh Thapa of Mulpani VDC-2, Phulkharka VDC chairperson Bal Bahadur Adhikari, secretary Ram Chandra Adhikari, YAN Nepal district committee member Balram Shrestha and Khadga Bahadur Ghale of Phulkharka VDC-5 were mistreated and attacked by UCPN-M cadres when a meeting of Phulkharka village council was about to start on January 27. YAN district committee chairperson Arjun Shrestha, in a press release on January 28, stated that Maoist cadres resorted to attack and mistreatment after they were prevented from taking the decision of the council unilaterally. The victims did not file a complaint to the police.

By YCL

Six cadres of YAN Raju Bhujel, 18, Anil Bhujel, 20, Sanukaji Bhujel, 31, of Kebalpur VDC-9, Prakash Bhujel, 27, and Rajan Bhujel, 26, of Naubise VDC-1 and Bishnu Bhujel of Jivanpur VDC-9

civil cases older than two years remained pending.

The Office of the District Government Attorney filed 286 cases between July 17, 2010 and July 16, 2011, out of which 75 cases were won and 16 cases were lost. 16 cases were moved to the Appellate Court. The Office, with two government attorneys, informed that 195 cases filed by July 16, 2011 remained pending.

Of the 29 murder cases filed, five cases were won, eight were lost and 16 cases remained undecided. Of 13 rape cases, two cases were won, three were lost and eight cases remained undecided. Of four attempted rape cases, two cases were won and two cases were lost. Of nine polygamy cases, four cases were won, one case was lost and four cases remained undecided.

The Office of the District Government Attorney filed 255 cases between July 17, 2011 and December 31, 2011, out of which 26 were won, five were lost. Five cases were moved to the Appellate Court. The Office, with two of government attorneys, informed that 24 cases filed by December 31, 2011 remained pending.

Of the 20 murder cases filed, two were lost and 18 cases remained undecided. Of 11 rape cases, one was won and 10 cases remained undecided.

CHILD RIGHTS

Situation of Education

Of 121,015 children of school going age, 58,581 boys and 62,434 girls were enrolled in schools of primary and secondary level. Among them, 9,194 girls and 8,202 boys were from the dalit community. There are 1,451 female teachers and 1,735 male teachers working at primary level government and community schools. 171 female and 555 male teachers are working at lower-secondary level in government and community schools. 52 female and 403 male teachers work at secondary level.

7,318 boys and 6535 girls attend the Early Child Development Center in the district of whom 974 boys and 1073 girls are dalits. It was found that the District Education Office did not have updated data related to education.

Rape, Attempt to Rape, Sexual Abuses

A 14-year-old girl of Bhumesthan VDC-6 was forced to leave her house after Binod Gupta, 43, of Motihari of India and Shekh Alyas, Rautahat who was running a shop at Thakre VDC-3 took her obscene photographs after sexually abusing her on January 16. The victim, alleging that the accused had taken naked photographs of her by repeatedly abusing her, filed a complaint at the DPO on February 18. Police arrested the accused on February 22 and filed a case in the court. Alyas, who was remanded in custody, was released by submitting bail amount of Rs 20,000 following an order from the District Court on March 22 while the chief accused Gupta was remanded in custody same day. The victim took refuge at her sister's house in Kathmandu following the incident.

Girl Trafficking

Gopal Bishwakarma, 38, of Tandrang VDC-2 of Gorkha and Kamal Bishwakarma, 22, of Salyankot VDC-8, made an attempt to sell a 16-year-old girl of Salyankot VDC-7 on September 20 after luring with promise to marry her. The girl was rescued after her family informed the police that the accused were trying to sell the girl from a hotel in Salyantar. Police arrested the accused on September 21 and they were remanded in custody following an order from the District Court on September 23.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Sushila Chepang, 18, of Jogimara VDC-2, was made to disappear allegedly

by Janak Chaudhary, 25 of Dhadhabar VDC-6 of Bardiya district on the pretext that he would marry her on October 12. Chandra Bahadur Chepang, father of the victim, stating that his daughter had been missing and who he suspected might have been trafficked, filed a complaint at the DPO on November 3 and urged human rights activists to help search for her. Chaudhary had come to the village to work for an irrigation project. Chepang quoted Chaudhary as saying that he had taken her, to his home in Bardiya but later returned her but he added that his daughter was still out of contact. Police said that the search for the missing girl would be initiated by Bardiya DPO. Sushila's whereabouts were unknown by the end of the year.

DOMESTIC VIOLENCE

Pabita Rijal, of Nilkantha VDC-5 was beaten by her husband Yubaraj Rijal for speaking to a third person on March 20. The victim was treated at local health centre. Victim filed a complaint at the DPO the next day. No action was taken against the accused by the end of the year. The victim was displaced to the district headquarters following the incident.

Beating by Family Members

Bishnu Maya Gurung, 28, of Sangkosh VDC-7 was beaten by her brother-in-law Julphe Gurung, and his wife Dalli Gurung on February 5 accusing her of having an extra-marital affair while her husband was abroad for work. The victim, who fell unconscious following the incident, was taken to Bir Hospital, Kathmandu as her treatment was impossible in the district hospital. She filed a complaint at the DPO on February 11; however, no action was taken against the accused.

Polygamy

Rama Chapagain, 29, wife of Tara Chapagain, 32, of Naubise VDC-3,

saying that her husband married Bhawana Subba, 32 of Damak Municipality-1, Jhapa on February 17, filed a complaint of polygamy against her husband at the DPO on February 19. Police arrested Tara on the same day and he was remanded in the District Jail following an order from the District Court on March 28.

Mistreatment

Bishnu Shrestha, 43, of Budhathum VDC-5 was expelled from her home by her family members on August 29 including her husband Naniram Shrestha on the allegation of having extra-marital relations with another person. The police, on the basis of a complaint filed by the accused, arrested the victim on September 5 and kept her in the custody of the district police office for four days. The victim said that the police, instead of delivering justice victimized her by keeping her in custody. Meanwhile, human rights activists issuing a joint press release on September 5 protested saying that villagers expelled the victim from the village and the police detained her instead of delivering justice. The victim was displaced following the incident. She filed a complaint at the DPO, however, police refused to register the complaint.

Ambika BK, 26, her brother Ishwarman BK, 38, and their mother Sukmaya BK of Muralibhanjyang VDC- 3 were beaten by villagers alleging that they helped a 'witch' in the village on February 2. Villagers including Dhanman BK, Kamala BK and Bimala BK beat up the victims while they were having their meal in the house. The attackers shaved Ambika's head who then had to be treated for 15 days in a hospital. Kulpi BK of Muralibhanjyang VDC-7 was beaten on the allegation of practicing witchcraft on December 16 and villagers had beaten up the victims alleging that they helped Kulpi. The victims filed a complaint at the DPO on February 5.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	25		
Sub-Health Post	24		
Position	Available Position	Working	Vacant
Doctor	4	2	2
Staff Nurse	6	6	
Lab Assistant	5	3	2
AHW	56	55	1
AMW	26	24	2
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	21	13	8
HW	109	66	43



2.17 Sindhupalchok



Population : 289,445

Male : 139,602

Female : 149,853

Literacy(%) : 46

Women Literacy(%) : 32

Area(Sq. Km.) : 2,542

Number of VDC(s)/Municipality(ies) : 79/0

Number of School(s) : 564/28

Campus(es)/Higher Secondary School(s) : 4/37

Human Development Index : 0.414

Average Household Size : 4.16

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity of 35 inmates. However, a total of 68 inmates are residing in the jail of which 23 are convicts and 45 are detainees. According to the jail warden Topilal Shrestha, some symptoms of different diseases are being noticed among people inside the jail due to overcrowding. Jailor Ramesh Ghimire said that the construction of a new jail building is underway.

THREATS/BEATINGS

By UCPN-M

RPP cadre Pemba Lama, 48, of Bhotang VDC-1 was injured in stabbing by UCPN-M cadres Raju Tamang and Mangale Tamang of the same place on November 1. Lama was treated at TU Teaching Hospital Kathmandu. He filed a complaint at the Police Office of Manekharka on November 2. However, no action had been taken against the accused until the end of the year.

RIGHTS TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 259 criminal cases, the District Court with one judge decided 187 cases while a decision had yet to be made in 72 cases at the end of the year. Of 228 civil cases, a verdict was reached in 155 cases while 73 cases remained for consideration of the court.

The Office of the District Government Attorney filed 96 cases between July 17, 2010 and July 16, 2011, out of which 28 cases were won and five cases were lost. Two cases were moved to the Appellate Court. The Office, with one government attorney, informed that 36 cases filed within July 16, 2011 remained pending.

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured			2	3	5
Child Rights			6	6	12
Abduction				1	1
Women Rights			18		18
Racial Discrimination			1		1
Arrest & Torture	2	2			
Beatings			3	2	5
Threats			1	3	4
Killing			2	5	7
Total	2	2	33	20	53

Of the four murder cases filed, one case was won and three were lost. Of three rape cases, two cases were won and one was lost.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Dinesh Silwal, 14, and Sujan Silwal, 15, of Selang VDC-7 were beaten in custody by SI Jagadish Khadka of DPO on May 3 for not accepting the police charge. They were taken to the District Hospital for medical checkup on May 10 following the District Court order. The victims tried to file case under torture in the Court but refrained after DSP Sthaneshwar Regmi and Inspector Ek Narayan Koirala apologized in the presence of INSEC district representative and Child Protection Officer and promised to take action against the perpetrator.

CHILD RIGHTS

Situation of Education

Of 103,417 children of school going age, 50,096 boys and 53,321 girls were enrolled in schools of primary and secondary level. Among them, 5,412 girls and 5,067 boys were from the Dalit community. There are 169 female teachers and 1,646 male teachers working at primary level government and community schools. 120 male teachers only are working at lower-secondary level. Two female

and 139 male teachers work at the secondary level.

3,862 boys and 4,151 girls attend the Early Child Development Center in the district among whom 464 boys and 462 girls are from Dalit community. It was found that the District Education Office did not have updated the data related to education.

Rape, Attempt to Rape, Sexual Abuse

Police arrested Kali Prasad Parajuli, 70, of Mankha VDC-7 on the allegation of raping an 8-year old girl of the same place on January 19, while she was going to home from school. The victim's health checkup was held at Barhabise Primary Health Post. The accused was remanded in custody as per the order of the District Court on January 27.

Beatings

Third grader at Shree Primary School Ritima Tamang of Chautara VDC-4 was beaten up by teacher Rajesh Shrestha, 21, on September 3 for not doing homework. Shrestha was suspended from the post when the parents picketed the school on September 4 protesting the incident.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Santosh Karki, 21, of Syaule VDC-2 was arrested by police on June 30 on charge of attempted trafficking of two women. Karki had tried to bring two girls- one 17-year-old and another 18 year- belonging to the same place to Pokhara on the pretext of managing a job for them. The victims ran away from Thankot Check post on the same day when they found out the truth. They lodged a complaint at the DPO on the same day. The accused was remanded in custody as per the order of the District Court on June 24.

Geeta Tiruwa, 27, of Thulosiruwari VDC-2 was beaten and expelled from her home by her husband Ram Bahadur BK in an inebriated state on January 9. The injured was treated while staying at her maternal home. Although she lodged a file against her husband at DPO, no action was taken by police even until the end of the year.

Polygamy

Sharmila Giri, 22, of Thulosiruwari VDC-3 lodged a file against her husband Binod Giri, 21, at DPO for marrying Sujata Sarki, 20, of Kubinde VDC-1 on July 16. However, no action was taken against the accused until the end of the year.

Mistreatment

Sukalaxmi Shrestha, 25, of Pantang VDC-2 was beaten up by Purnalal Shrestha of the same place on February 30 accusing her of practicing witchcraft. The victim lodged a complaint at the DPO on the same day. However, the accused remained absconding until the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure By NEFIN

A truck loaded with goods (Ba2Kha 6462) was vandalized by NEFIN cadres in Chautara VDC-8 on May 13 for defying the called by bandh them. A clash ensued between the obstructers and other locals

when the locals tried to break the bandh. However, no destruction appeared to have occurred due to the clash.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	10		
Sub-Health Post	65		
Position	Available Position	Working	Vacant
Doctor	3	3	
Staff Nurse	7	4	3
Lab Assistant	4	1	3
AHW	83	67	16
AMW	20	19	1
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	16	11	5
HW	144	105	39

FOLLOW-UP

A 19-year-old woman, living in Maneshwara of Chautara VDC-9 filed a complaint against Ishwar Ghale, 76, Ram Sharan Ghale, 28 of Duwachaur VDC-6 and her father Lok Bahadur Ghale, of Duwachaur VDC-9 on January 24 accusing them of trafficking her to India. Police arrested the accused on January 28. According to the complaint, the victim was sold in India on January 27, 2009. They were remanded in jail after the District Court order on February 21.



2.18 Nuwakot



Population : 278,761

Male : 134,071

Female : 144,690

Literacy(%) : 59

Women Literacy(%) : 45

Area(Sq. Km.) : 1,121

Number of VDC(s)/Municipality(ies) : 61/1

Number of School(s) : 501/53

Campus(es)/Higher Secondary School(s) : 2/34

Human Development Index : 0.463

Average Household Size : 4.50

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to accommodate 90 inmates. There were a total of 118 inmates including 41 convicts and 77 were awaiting trial among whom 97 were male and 21 were female. There were two dependents, one boy and one girl. Jailer Khagendra Ghimire informed that facilities of water, electricity and telephone are available in the jail. Inmates expressed the need for additional toilets in the Jail.

THREATS/BEATINGS

By NC

Area In-charge of UCPN-M, Yamlal Tamang, Dorje Tamang of

Dhyangfedi VDC and Ramsahran Pandit, Raman Pandit, Rajkumar Shrestha and Kalyan Dhungana of Sikharbesi VDC-6 of Samundratar VDC-6 were injured in the beating by the NC cadres on April 2. A group of 20-25 people led by NC member Sun Bahadur Tamang and Local Peace Committee Chairperson Sel Dorje Tamang were involved in the beating which started over a dispute related with the construction of a toilet in Indreni Primary School of Ghyanfedi VDC-6. The injured Yamlal and Dorje received treatment in the District Hospital, Trishuli while others underwent treatment at a local sub-health post. No one filed a complaint against the incident.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 65 criminal cases, the District Court with one judge decided 33 cases while a decision is yet to be made regarding 32 cases. Out of 135 civil cases, verdict was reached in 11 cases while 124 cases remained under the consideration of the court.

July 17, 2011-December 31, 2011

Out of 156 criminal cases, the District Court which has four judges decided 82 cases while 74 remained pending. Of 63 civil cases, seven cases were decided and 56 remained under the review of the court.

The Office of the District Government Attorney filed 129 cases between July 17, 2010 and July 16, 2011, out of which 26 cases were won and six cases lost. Three cases were moved to the Appellate Court. The Office, with one government attorney, informed that 97 cases filed by July 16, 2011 remained pending.

Of the 16 murder cases filed, two cases were won and 14 cases remained

undecided. Of six rape cases, one case was lost and five cases remained undecided. Single abduction case filed during this period was lost. Of three polygamy cases, one case was lost and two cases remained undecided.

CHILD RIGHTS

Situation of Education

Of 83,453 children of school going age, 39,722 boys and 43,731 girls were enrolled in schools of primary and secondary level. Among them, 7,396 girls and 6,694 boys were from the Dalit community. There are 411 female teachers and 1,078 male teachers working at primary level government and community schools. 65 female teachers and 291 male teachers are working at lower-secondary level. 13 female and 255 male teachers work at secondary level.

1,178 boys and 1,118 girls attend Early Child Development Center in the district of whom 586 boys and 568 girls are Dalits. It was found that District Education Office does not have updated data related to education.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Three women of Kalyanpur VDC-2 were rescued by the police from Trishuli Bazaar of Bidur Municipality-11 on January 16. They had been taken there for trafficking purposes by Phulmaya Tamang, 37, of Deurali VDC-8. The perpetrator were arrested on the same day and later remanded in Jail by the order of the District Court on February 21.

Rape, Attempt to Rape, Sexual Abuse

A 21-year-old woman of Gorsyang VDC-8 filed a complaint against Min Kumar Lama, 27, on November 17 accusing

Type of Events	By Non-State		
	Female	Male	Total
Injured		2	2
Child Rights	1		1
Women Rights	7		7
Beatings		3	3
Killing	4	6	10
Total	12	11	23

him of raping her while she had been out to cut grass. The perpetrator was absconding.

A 48-year-old woman of Thaprek VDC-7 accused Surya Bahadur Tamang, 40, of the same VDC of raping her in a nearby jungle on November 15. The police arrested the perpetrator on November 17 and he has been remanded in Jail as per the order of the District Court on December 5.

DOMESTIC VIOLENCE

Killing by Family Members

Januka Lamichchane, 40, of Ratmate VDC-2 was strangled to death at 9 pm in her own house by Bishnu Prasad Lamichchane, 31, of the same place on June 16. Victim's family members filed a complaint accusing her spouse, Arjun Lamichchane, 42 and Tara Chandra Lamichchane, 35, Jivannath Lamichchane, 54, Rameshwar Lamichchane, 35, Ramesh Lamichchane, 28, accusing them of killing her on June 17. The perpetrators were arrested on November 19 and they were remanded in Jail as per the order of the district court on July 7.

The dead body of Laxmi Rai, 21, of Suryamati VDC-4 was found in her house on September 25. Though it was said that she committed suicide earlier, police arrested her husband Keshav Rai, 25, and his second wife Sita Rai, 26, on September 26 on charge of killing her. The perpetrators are in Jail as per the court order on October 15.

Polygamy

A complaint was filed against Shanker Thapa, 23, of Kabilas VDC-1 by his first wife Sushila Thapa on charges of marrying Parbati Ghimire, 20, on December 7. The perpetrators were arrested on December 7 and they were sent to Jail as per the District Court order on December 16.

Mistreatment

Tulasa Karki, 45, of Charghare VDC-8 claimed that Mahendra Tamang, 41, and Krishna Prasad Aryal of mistreated with her after she ploughed her field on July 22. She added the duo initiated action against her in the name of social boycott. Police arrested the accused on August 21. They were released on bail of Rs 500 as per the order of the DAO on August 30.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	11		
Sub-Health Post	53		
Position	Available Position	Working	Vacant
Doctor	6	4	2
Staff Nurse	7	4	3
Lab Assistant	6	6	
AHW	72	69	3
AMW	21	16	5
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	17	12	5
HW	119	93	26



2.19

Rasuwa



Population : 43,798

Male : 21,775

Female : 22,023

Literacy(%) : 47

Women Literacy(%) : 35

Area(Sq. Km.) : 1,544

Number of VDC(s)/Municipality(ies) : 18/0

Number of School(s) : 111/3

Campus(es)/Higher Secondary School(s) : 1/4

Human Development Index : 0.394

Average Household Size : 4.41

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'E' grade District Jail has the capacity for 25 inmates. However, a total of 31 inmates consisting of 27 convicts and four detainees were in the jail. The jail building is in a dilapidated condition. The inmates are provided with the facilities of radio, TV and newspapers. They are compelled to stay in limited areas due to the lack of sufficient space in the building.

DISAPPEARANCE/ABDUCTION By UCPN-M

Nepal Tarun Dal cadres Kamisanbo Tamang, of Gatlang VDC-4, Pasangdorje Tamang and Minmar Tamang, belonging to the same VDC-6, were abducted and

beaten up by UCPN-M cadres on January 17, while they were sleeping in their homes. After beating them up, the accused ran away leaving them in an unconscious state in the jungle. They were referred to TU Teaching Hospital following initial treatment at District Hospital. The victims had not filed any complaint until the end of the year.

THREATS/BEATINGS

By UCPN-M

Nepal Tarun Dal District Working Committee member Hisi Tamang, 35, of Goljung VDC-7 was injured when stabbed by UCPN-M cadres on January 19 as he was heading towards the district headquarters on his motorcycle. He was admitted at the District Hospital on the same day and referred to TU Teaching Hospital for further treatment. The victim filed a complaint of the incident at the DPO on the following day. Nepal Tarun Dal called a district bandh on January 20 for not taking any action against the accused.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 13 criminal cases, the District Court with one judge decided six cases while a decision was still pending with regard to seven cases. Of five civil cases, a verdict was reached in one case while four cases remained under the consideration of the court. One criminal case older than two years remained pending.

July 16, 2011-December 31, 2012

The District Court with one judge had five criminal and two civil cases left undecided by the end of the year.

The District Court which has one judge had five cases which were to be decided. Two civil cases remained under the

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured			1	1	2
Child Rights			4		4
Abduction				3	3
Women Rights			9		9
Beatings	1	1			
Threats			1		1
Total	1	1	15	4	19

review of the court.

The Office of the District Government Attorney filed 13 cases between July 17, 2010 and July 16, 2011, out of which eight cases were won and one case was lost. One case older than two years remained undecided by the court. The Office, with two of government attorneys, informed that four cases filed by July 16, 2011 remained pending.

Of the four murder cases filed, two cases were won, one was lost and one case remained undecided. Of three rape cases, one case was won and two cases remained undecided.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Karmagyalbo Taman of Timure VDC-1 was beaten up by Police Head Constable of Timure Police Office, Ram Bahadur Karki on January 22 when a debate ensued in a shop regarding a land deal. Other four persons were also arrested and beaten up from the same place. The victims who received injuries in eyes and face were treated at District Hospital. The locals organized a pressure rally protesting the incident.

CHILD RIGHTS

Situation of Education

Of 12,774 children of school going age, 6,187 boys and 6,587 girls were enrolled in schools of primary and secondary level.

Among them, 28 girls and 25 boys were from the Dalit community. At the end of the year, there were 75 female teachers and 277 male teachers working at primary level government and community schools. Four female teachers and 49 male teachers were working at lower-secondary level. Two female and 35 male teachers were working at the secondary level.

936 boys and 1,017 girls attend the Early Child Development Center in the district of whom 45 boys and 49 girls are Dalits. It was found that the District Education Office has not updated the data related to education.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

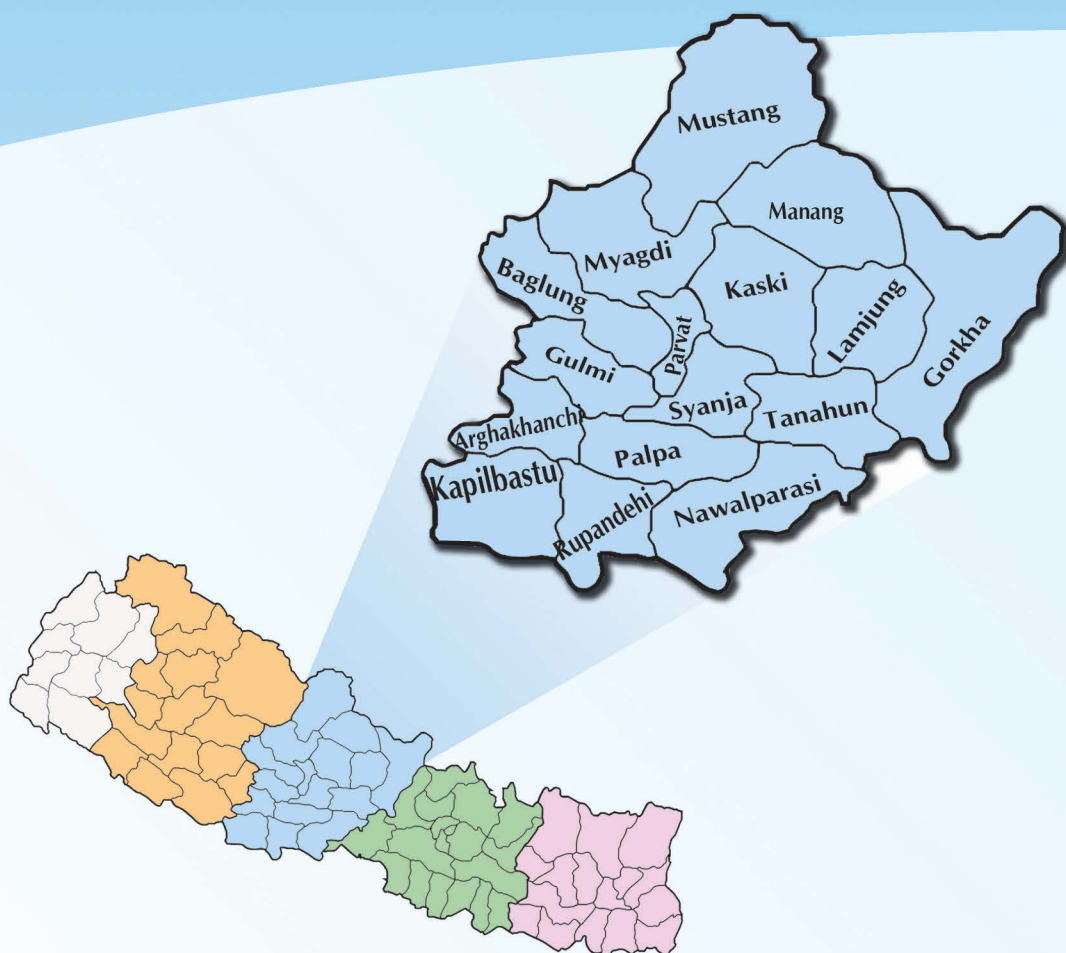
A 55-year-old woman of Gatlang VDC-1 was raped allegedly by Cher Singh Tamang of the same VDC-2 on December 1 at around 11.00 pm. Tamang was arrested

and remanded in custody by the police on December 6 after the victim lodged a complaint at the DPO. The victim's health checkup was conducted at the District Hospital.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	11		
Sub-Health Post	6		
Position	Available Position	Working	Vacant
Doctor	3	3	
Staff Nurse	3	2	1
Lab Assistant	3	2	1
AHW	22	12	10
AMW	14	11	3
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	11	11	
HW	27	14	13





3. WESTERN REGION

3.1 Tanahun

3.2 Gorkha

3.3 Lamjung

3.4 Syanja

3.5 Kaski

3.6 Manang

3.7 Nawalparasi

3.8 Rupandehi

3.9 Palpa

3.10 Kapilbastu

3.11 Arghakhanchi

3.12 Gulmi

3.13 Baglung

3.14 Parvat

3.15 Myagdi

3.16 Mustang

3.1 Tanahun



Population : 330,581

Male : 147,411

Female : 183,170

Literacy(%) : 72

Women Literacy(%) : 63

Area(Sq. Km.) : 1,546

Number of VDC(s)/Municipality(ies) : 46/1

Number of School(s) : 632/84

Campus(es)/Higher Secondary School(s) : 4/44

Human Development Index : 0.524

Average Household Size : 4.03

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold 25 persons, however, a total of 130 inmates were being held in the jail at the end of the year, of whom 59 had been sentenced and 71 of whom were awaiting trial. Among the inmates, five boys are under 16 years of age. The inmates are living in discomfort because there are five times as many inmates residing in the jail than it has the capacity for. Regular health check-up are available and magazines, a radio, television, chess and carom boards are also available for the inmates.

THREATS/BEATINGS

By State

Dipesh Sunar, 20, and Sukaram Rahapal, 40, of Bayash Municipality-2 were beaten by police on Tarkari Line on February 16. The police started to assault Sunar without any reason while he was returning from a tuition class. When Sukaram went to help him, he was also beaten by Constable Dhana Singh Gurung. Both injured parties were treated at Damauli Hospital. Traders held a strike at Damauli Bazar in protest against the incident and blockaded the DPO on February 17. A meeting of stakeholders was held at the local police office later that day to discuss the incident. An agreement was subsequently made in which it was decided to take official action against Constable Gurung. No such action had been taken by the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 268 criminal cases and 139 remained pending. 259 civil cases were decided and 139 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided seven criminal cases and 40 remained pending. 69 civil cases were decided and 27 cases remained pending.

The Office of the District Government Attorney filed 19 cases between July 17, 2010 and July 16, 2011. The Office, with two government attorneys, informed that 19 cases filed by July 16, 2011 remained open for review.

The Office of the District Government Attorney filed 20 cases between July 17, 2011 and December 31, 2011. The Office, with two government attorneys, informed that 20 cases filed by July 16, 2011 were remained be decided.

Types of Event	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured			1		1
Child Rights			12		12
Women Rights			2		2
Racial Discrimination			2		2
Beatings	2	2		2	2
Killing			1	2	3
Total	2	2	18	4	22

CHILD RIGHTS

Situation of Education

Of 95,683 children of school going age, 46,850 boys and 48,833 girls were enrolled in schools at primary and secondary level. 19,200 of the children were members of the Dalit Community. The District Education Office said 5 per cent of children of school going age do not attend school. 2,933 teachers are working in primary to secondary level government and community schools. The District Education Office did not have updated data related to education.

Ashok Uchai Thakuri, 22, of Phirphire VDC-4 forcefully married a of 12-years-old on January 18. Thakuri stated that the girl did not have a guardian and that she was living with her aunt, which gave him reason enough to marry him, he said. The District Children Forum filed a complaint to the District Child Welfare Committee on January 24 to annul the child marriage. The District Child Welfare Committee nullified the child marriage and sent the girl to a Child Home on March 25.

A 10-year-old girl of Byash Municipality-1 was raped at her house allegedly by Ram Bahadur Gurung, 35, of same vicinity on December 15. The victim's family filed a complaint at the DPO on December 20. She received a medical check-up at Damauli Hospital on December 5. She disclosed to police that she was being raped by Gurung on a regular

basis. The accused was arrested by police on December 5 and he remained in police custody by the end of the year.

Girl Trafficking

Two girls aged 15 and 17 of Khairinitar VDC-9 were being trafficked to India on June 27 after being assured by Maina BK and Mekh Bahadur

Bika of the same place, Baburam BK of Bhanumati VDC-2 and Sumina Ale of Raipur VDC-3 of employment in Qatar. Both girls were rescued by Bhairahawa Police and staff of Maiti Nepal from the Nepal-India border on June 29. The police sent the victims back to their homes. The victims filed a complaint at the Area Police Office, Belchautara on July 5 demanding that necessary action be taken against the four for their intention to traffick them to India. The police arrested Maina BK on July 7 and Babu Ram, Mekh Bahadur and Sumina on July 9. They were remanded in custody by an order of the District Court on August 3. Among them, Maina and Sumina are in Kaski Jail and Baburam and Mekh Bahadur are in the District Jail.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Rekha Dahal, 19, of Bhanu VDC-6, was trafficked to Kathmandu by her mother-in-law, Surya Maya Dahal, 54, Manju Budathoki, Sanjay Tamang of Sirket VDC-8 of Nuwakot district and Tanka Thapa of Sarlahai. Police rescued her on September 27, 2011. The victim's father Pashupati Adhikari of Bharate VDC-4 of Lamjung district filed a complaint at the Area Police Office, Bhanu after searching for his daughter on September 7. Police in Kathmandu rescued her from Sanjay's house. The victim's husband is working in

Saudi Arabia. The police arrested Surya Kumari on September 10 and Manju and Tanka on September 14 in Kathmandu whereas Sanjay had already absconded. The victim's father filed a complaint at the DPO in which he requested that legal action be against the four. The police filed a case against the accused Act; 2048. On the basis of an order from the District Court, the accused were remanded on October 16.

ALL KINDS OF RACIAL DISCRIMINATION

Maya Bishwakarma, 27, of Ghansikuwa VDC-1 was accused of 'touching the water pitcher' and subsequently beaten at a public tap by Achit Kumar Shrestha of the same VDC, his daughter Aaradhana Shrestha, 18, and Pooja Shrestha, 13, on December 25. BK was treated at Ratna Hari Memorial Hospital, Damauli. After a complaint was filed by the victim at the DPO, the police arrested the accused Achit Kumar along with his daughters on the same day. The accused were still in police custody by the end of the year. The police informed that they would file a case under the Caste-Based Discrimination and Untouchability (Offense and Punishment) Act, 2068.

FOLLOW-UP

Dilip Chandra Hadkhale, 27, of Byas Municipality-1 was arrested in Kathmandu by the then RNA on January 21, 2004. He was made to disappeared after a few days of custody. He returned home after eight years on December 8. Dilip said that he was working at a hotel of Banaras, India after being released from army custody.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	12		
Sub-Health Post	31		
Position	Available Position	Working	Vacant
Doctor	5	4	1
Staff Nurse	4	4	
Lab Assistant	5	4	1
AHW	50	44	6
AMW	20	18	2
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	15	13	2
RH W	63	50	13

गठबन्धन

3.2

Gorkha



Population : 269,388

Male : 120,541

Female : 148,847

Literacy(%) : 61

Women Literacy(%) : 41

Area(Sq. Km.) : 3,610

Number of VDC(s)/Municipality(ies) : 66/1

Number of School(s) : 528/24

Campus(es)/Higher Secondary School(s) : 2/38

Human Development Index : 0.454

Average Household Size : 4.01

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
JAIL AND DETAINEES

The 'D' grade Jail has the capacity to hold 55 persons but six female and 76 male inmates were residing there at the end of the year. Of the 82 inmates, 66 detainees were convicts while 17 inmates were awaiting trial. There is a library, sports materials, magazines and a television in the jail. The detainees also receive health check-ups. Jail warden Raj Dhakal informed that the building is old and there is a scarcity of drinking water.

THREATS/BEATINGS
By UCPN-M

UCPN-M cadres of Ashrang VDC-6 assaulted teacher and president of the Guardians Union Tek raj Pandey, 38, of Ashrang VDC-6, teacher Nim Prasad Bhatta, 38, of Ashrang VDC-4, teacher Mohamad Ishak Miya, 40, Ashrang VDC-1 on June 16. Pandey sustained a head injury in the attack while Bhatta's left leg was injured and Miya also received injuries. They received treatment at Gorkha District Hospital. UCPN-M cadres assaulted them while they were returning home after a meeting with students, guardians and teachers which was organized to resolve a debate between ANNISU-R and the Nepali Students Union. The victims filed a complaint at the DPO on June 17 but no legal action was taken against the accused.

By ANNISU-R

Prabin Gurung, 17, and Saman Sirmal, 16, of Mahendra Jyoti Higher Secondary School of Gorkha Municipality-1 were beaten up by a group of ANNISU-R cadres on February 1 following a dispute between the School Management Committee and their math teacher Bhaikaji Shrestha. Following accusation by some students that the math teacher was more interested in giving tuitions rather than teaching them

in the school, the School Management Committee had called for the meeting on the same day. The ANNISU-R cadres beat the students on charge of supporting the math teacher. The dispute occurred when the School Management Committee recommended the District Education Office for action against Shrestha. The school remained closed from January 31 to February 3 and sent-up examination of the school was postponed due to the incident. According to the parents, 14 students, who were displaced after the incidents, were rescued by the police from the Ghalang Jungle in Nageshwar VDC-8 on February 2. Shrestha was transferred to the District Education Office after the incident.

**RIGHT TO EXPRESSION/
ASSEMBLY AND ASSOCIATION**
(Political Freedom Including Free and Impartial Election)
By Others

ANNISU-R cadres burnt copies of the Daraudi Daily newspaper at the main entrance of Mahendra Jyoti Higher Secondary School of Gorkha Municipality-1 on February 1. They burnt the newspaper because it carried news about the dispute of Mahendra Jyoti Higher Secondary School in the title of "School Strike due to dispute between Students and Managing Committee".

RIGHT TO PROMPT AND FAIR TRIAL
DISTRICT COURT
July 17, 2010- July 16, 2011

The District Court with one judge decided 93 criminal cases and 46 remained pending. 58 civil cases were decided and 57 cases were yet to be decided.

July 17, 2011-December 31, 2011

The District Court with one judge decided 28 criminal cases and 63 remained pending. 20 civil cases were decided and 59 cases remained pending.

The Office of the District Government Attorney filed 50 cases between July 17, 2010 and July 16, 2011, out of which 23 cases were won and five cases were lost. Appellate Court has been moved in 15 cases. The Office, with one government attorney, informed that 22 cases filed until July 16, 2011 remained pending.

Among the filed 29 murder cases, 14 cases were won, four lost and 15 pending. Out of 17 rape cases, eight cases were won and one was lost. Out of three polygamy cases filed, one was won.

The Office of the District Government Attorney filed 10 cases between July 17, 2011 and December 31, 2011. The Office, with one government attorney, informed that all cases filed until July 16, 2011 remained pending.

CHILD RIGHTS

Situation of Education

Of 86,389 children of school going age, 41,864 boys and 44,525 girls were enrolled in schools at primary and secondary level. Among them, 407 girls and 853 boys were members of the Dalit community. The District Education Office said that 5.5 per cent of children of school going age do not attend school. 416 female and 113 male teachers employed at primary level government and community schools. 39 female and 237 male teachers work at lower to secondary level in government and community schools. Four female and 234 male teachers are employed at secondary level in government and community schools.

8,859 boys and 7,952 girls are attending Early Child Development Center in the district among which 998 boys and 928 girls are members of the Dalit community. The District Education Office did not have updated data related to education.

Rape, Attempt to Rape, Sexual Abuse

A 4-year-old girl of Nageshwar VDC-7 was raped allegedly by her 58-

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	5		5
Women Rights	1		1
Beatings	1	14	15
Total	7	14	21

years-old relative who was arrested by police on February 27. The police arrested him after a complaint was filed by her parents in which it was claimed that she was called to his house and raped by him on the same day. The District Court sent him to Gorkha Jail on March 31.

A 10-year-old girl of Namjung VDC-6 was raped allegedly by Sunil BK, 24, of the same vicinity. He was arrested by police on the charge of rape on September 2. The police arrested him on September 4 after the girl's father filed a complaint. The District Court remanded him in Gorkha Jail on September 22.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A woman, 87, of Phujel VDC-2 was raped allegedly at her house by Punte Shrestha, 65, of the same location. He was arrested by police on rape charges on November 4. The police arrested him after the victim's son filed a complaint on November 6. The accused was remanded in Gorkha Jail on November 24.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

NC cadres, on the day of the strike organized to protest the murder of Shiva Paudel, was President of Nepal Tarun Dal in Chitwan, demolished a jeep with plate number Ga.1 Jha. 372 of Eghara Kilo Chhepetar Bhaluswora Warpak Road Project, a truck with the plate number Na 1 Kha 2,993 of the Land Revenue Office and District Education Office on December

19. Congress cadres broke the windows of the jeep and truck, some chairs in the Land Revenue Office and the door of the District Education Office.

HEALTH SERVICE SITUATION

Hospital	2		
Health Post	19		
Sub-Health Post	46		
Position	Available Position	Working	Vacant
Doctor	8	4	4
Staff Nurse	10	1	9
Lab Assistant	1	1	
AHW	83	67	16
AMW	83	67	16
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	16	16	
H W	53	36	16



3.3 Lamjung



Population : 169,104

Male : 77,505

Female : 91,599

Literacy(%) : 65

Women Literacy(%) : 54

Area(Sq. Km.) : 1,692

Number of VDC(s)/Municipality(ies) : 61/0

Number of School(s) : 530/24

Campus(es)/Higher Secondary School(s) : 6/24

Human Development Index : 0.492

Average Household Size : 3.84

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade Jail has the capacity to hold 25 persons but at the end of the year, there were 46 inmates including 28 convicts and 18 awaiting trial. There were 41 male and five female inmates residing in the jail. The inmates weave bamboo stool to generate an income. The prison has a television and receives newspapers. The physical condition of the jail was satisfactory.

THREATS/BEATINGS

By State

UCPN-M secretary, Murari Bhujel, 34, of Bhoteodar VDC-8 was beaten up by the police on the night of October 29 for unruly behavior. He was taken to Manipal Hospital in Pokhara for treatment the next day. UCPN-M issued a statement condemning the incident. There was no action taken against the police persons.

By YCL

Rameshwar Ghimire, 35, of Chandreshwar VDC-2, and teacher at Himalaya Primary School in Chhatigaon of Pachok VDC-6 was beaten up by YCL cadre Mangal Singh Gurung on June 9 for not giving him a donation. Ghimire was assaulted at Chitrebagar of Chiti VDC-4 as he was returning home from the school. There was no legal action taken against Gurung as Ghimire did not file the complaint out of fear.

By Tarun Dal

Lamjung Agriculture Campus students, Sagar Bishta, 22, of Chitwan and Milan Sapkota of Lamjung were beaten up by Nepal Tarun Dal cadres on January 20 accusing them of threatening its supporters. The duo was beaten up at Siudi Bazaar in Bhoteodar VDC. Both were taken to Kalika Polyclinic in Bhoteodar. They did not file a police complaint.

By Chhetri Samaj Nepal

Ambika Dhakal, 59, of Besisahar VDC-1 was beaten up by the Chhetri Samaj Nepal activists on May 11 on the charge of opening his shop in defiance of the strike called by the group. He was treated at the community Hospital in Besisahar. None of those involved were arrested. The group's western regional member Raju Thapa, 45, of Besisahar VDC-2 and activist Basant Rawat, 33, of Besisahar VDC-4 were arrested by the police at Tribeni Tole on the charge of being involved in the incident and were released later in the evening.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 86 criminal cases and 15 remained pending. 74 civil cases were decided and 20 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with single judge decided 20 criminal cases and 35 remained pending. 21 civil cases were decided and 31 cases remained pending.

The Office of the District Government Attorney filed 60 cases between July 17, 2010 and July 16, 2011, out of which 38 cases were won and four cases were lost. Appellate Court has been moved in 11 cases. The Office, with one government attorney, informed that 18 cases filed until July 16, 2011 remained pending.

Among the filed six murder cases, five cases were won and one remained pending. Out of three rape cases, two cases were won and one lost. Out of two cases of polygamy, one was won and another was pending.

The Office of the District Government Attorney filed 20 cases between July 17, 2011 and December 31, 2011, out of which one case was won and two were lost. Appellate Court has been moved in

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			4		4
Women Rights			1		1
Beatings	1	1	1	6	7
Total	1	1	6	6	12

two cases. The Office, with one government attorney, informed that 17 cases filed until July 16, 2011 remained pending. Out of the three cases of polygamy filed, one case was lost and two remained pending.

CHILD RIGHTS

Situation of Education

Of 56,915 children of school going age, 28,158 boys and 28,757 girls enrolled in schools of primary and secondary level. Among them, 12,574 girls and 12,154 boys were Dalits. 1,291 teachers including 346 female and 945 male are working at primary level government and community schools. 14 female and 243 male teachers are working at lower-secondary level in government and community schools. Four female and 192 male teachers were working at secondary level in government and community schools. There were 3,935 boys and 3,647 girls were attending Early Child Development Center among which 8,52 boys and 779 girls were Dalits. The District Education Office did not have an updated data related to education.

Rape, Attempt to Rape, Sexual Abuse

The family of a 6-year-old girl of Mohoriyakot VDC-4 filed a complaint at local police station on March 17 accusing Sachin BK, 19, of Pyarjung VDC-2 of raping their daughter on March 19. He was arrested in Mohoriyakot VDC-4 on April 11. He has been remanded in Jail as per the District Court order since April 27.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

The family of a mentally unstable 35-year-old woman of Besisahar VDC-4 filed a complaint against Jung Bahadur

Gurung at a police station on February 15 on charge of raping the woman a day earlier. Police arrested Gurung, 56, on February 16. He was remanded in jail on March 6.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	8		
Sub-Health Post	50		
Position	Available Position	Working	Vacant
Doctor	3	2	1
Staff Nurse	2	1	1
Lab Assistant	2	2	
AHW	61	51	10
AMW	14	9	5
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	2	2	
H W	100	71	29



3.4 Syangja



Population : 288,040

Male : 125,872

Female : 162,168

Literacy(%) : 71

Women Literacy(%) : 60

Area(Sq. Km.) : 1,164

Number of VDC(s)/Municipality(ies) : 60/2

Number of School(s) : 621/62

Campus(es)/Higher Secondary School(s) : 7/62

Human Development Index : 0.535

Average Household Size : 4.08

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'E' grade District Jail has the capacity to hold 25 male and 10 female prisoners. There were 61 inmates including 33 convicts and 28 were awaiting trial. Among the convicts, 26 were male and seven were female. Similarly, 23 male and five female were on trial. There is one girl living as a dependent. The inmates have access to newspapers, electricity and television and sports materials. They receive clothes twice a year. They were also involved in weaving bamboo stools. There is no health worker based in the prison. The jailer said the prison is overcrowded and experiences water shortages.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 168 criminal cases and 81 remained pending. 124 civil cases were decided and 104 cases remained undecided.

July 17, 2011-December 31, 2011

The District Court with a single judge decided 68 criminal cases and 99 remained pending. 61 civil cases were decided and 99 cases remained pending.

The Office of the District Government Attorney filed two murder cases between July 17, 2010 and July 16, 2011, out of which one was won. The Office, with two government attorneys, informed that there was one case filed by July 16, 2011 which remained pending. All six murder cases filed between July 17 and December 31, 2011, were lost.

CHILD RIGHTS

Situation of Education

Of 69,893 children of school going age, 32,815 boys and 37,078 girls were enrolled in schools of primary and secondary level.

Among them, 7,769 girls and 8,634 boys were Dalits. 606 female and 1,246 male teachers are working at primary level government and community schools. 46 female and 384 male teachers are working at lower-secondary level in government and community schools. 13 female and 297 male teachers are working at secondary level in government and community schools. 3,109 boys and 3,321 girls are attending Early Child Development Centre in the district among which 303 boys and 907 girls are dalit. The District Education Office did not have updated data related to education.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 35-year-old woman of Bhutiyadanda in Pakabadi VDC-5 filed a complaint against Khim Narayan Shrestha, 70, of Waling Municipality-1 on May 26, accusing him of raping her at his home a day earlier. She filed the complaint at Ward Police Office, Waling. Police arrested the accused on the same day. The District Court ordered his release on the bail of Rs 30,000 on June 9.

DOMESTIC VIOLENCE

Sita Rana, 22, of Karkidanda in Putali Bazaar Municipality-11 was expelled from her house by her family on January 29 because she was accused of being characterless. She filed a complaint at the DPO on February 4. The police did not initiate any action and said the case would be moved forward once her husband returned from foreign employment.

Balika Aryal Regmi, 24, of Mayatar in Putali Bazar Municipality-13 committed suicide on February 28 after experiencing constant torture by her family for bringing low dowry. In her suicide note, Balika wrote that soon after her marriage with Rudra Prasad Aryal on February 15, 2010, she felt

Type of Events	By Non-State		
	Female	Male	Total
Injured		1	1
Child Rights	1	1	2
Women Rights	15		15
Killing	3	1	4
Total	19	3	22

she was being mentally tortured. The police report made on the site next day said it was a suicide. Her natal family filed a complaint against her father-in-law Teknath Aryal, 72, mother-in-law Khina Aryal, 52, sister-in-law Sarita Paudel, 35, and her husband Rudra Aryal on March 2. The Aryal family returned the dowry of Rs 600,000 to the deceased's brother Shivalal Regmi on March 24. They were released on the same day. The case has been adjourned.

Killing by Family Members

Sita Chhetri, 22, of Baglung district and who was living in Rangkhola of Putali Bazar Municipality-12 was hacked to death by her husband Shyam Bahadur Chhetri, 28, on July 28 following a domestic dispute. He committed suicide after killing his wife.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	10		
Sub-Health Post	55		
Position	Available Position	Working	Vacant
Doctor	6	5	1
Staff Nurse	6	6	
Lab Assistant	2	1	1
AHW	73	61	12
AMW	22	19	3
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	16	11	5
H W	100	80	20





Population : 490,429

Male : 235,576

Female : 254,853

Literacy(%) : 91

Women Literacy(%) : 70

Area(Sq. Km.) : 2,017

Number of VDC(s)/Municipality(ies) : 43/2

Number of School(s) : 621/196

Campus(es)/Higher Secondary School(s) : 16/77

Human Development Index : 0.550

Average Household Size : 3.75

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'D' grade Kaski Jail has the capacity to hold 40 male and 60 female inmates. By the end of the year, it had 304 inmates of which 172 had been sentenced and 132 were awaiting trial. Of those convicted, 147 are male and 24 are female while there are 119 males and 13 females awaiting trial. There is one dependent child residing in the jail. The jail is overcrowded and inmates are facing space restrictions in their sleeping quarters. Compared with the number of the detainees in the prison, the number of vehicles and security persons is insufficient. For the 304 detainees there are only 30 security personnel.

According to a leader of the prison inmates, Chandra Gurung, there is a water leakage in the kitchen and the tin roof is

very old. According to female guard, Maya Pun, the dependent child is facing problems due to a lack of heater. The prison provides drinking water, toilet facilities, a primary health center, a radio and television, newspapers, sports materials and a phone. The male inmates are earning money by making bamboo stools and female inmates are earning money by making candles and by farming mushrooms. According to Jail Chief Umakanta Poudyal, a budget of 10m was allocated in order to upgrade the standard of the prison to the district level in the fiscal year 2009/10. A one storey building was under construction and paint work was taking place on it. He added that that the construction was stopped as there was no budget allocated for it in 2010/11 and a compound needed to be constructed before it could be used.

THREATS/BEATINGS

By State

Hoteliers and the staffs of Pokhara Sub-Metropolis-2 of new Bus Park were beaten by the Pokhara Police at the Ward Police Office in Sub-Metropolis-1 on March 28. They were beaten when they went to the police office to draft a code of conduct regarding the operation of restaurants and hotels. Harka Bahadur Tamang, 23, of Sub-Metropolis, Teena Gurung, 21, of the same place, Sangeeta Shrestha, 22, of Panauti Municipality-5, Deepa Pandey of Kathmandu, SapanaKC of Sub-Metropolis-2, Nawaraj Subedi, 27, of Sindhupalchok, Soni Khadka, 22, of Dang, Anu Gurung, 21, of Kathmandu, Maya KC of Naubise VDC-4 in Dhading, and Maya Magar, 22, of Butwal Municipality-11 sustained injuries in the incident. The victims stated that they were attacked the order of Inspector Bhuwaneshwar Tiwari. They were beaten with batons and boots. They were treated at the Western Regional Hospital in Pokhara. The Hotel and Restaurant's Committee

Type of Events	By State			By Non-State			
	Female	Male	Total	Female	Male	Third Gender	Total
Injured					1		1
Child Rights				13	2		15
Inhuman Behavior						1	1
Women Rights				12			12
Rights to Assembly		6	6				
Racial Discrimination				2	2		4
Arrest & Torture		2	2				
Beatings	7	3	10	4	18		22
Threats		1	1				
Killing				6			6
Total	7	12	19	37	23	1	61

filed a complaint in which they requested action be against Inspector at the DPO on March 29 however, no action was taken.

A FNJ member Yadunath Banjara, 39, of Pokhara Sub-Metropolis, and editor of Sarangkot Weekly received death threats by District Education Officer Baikuntha Aryal on May 4 for publishing 'slanderous news'. He received a phone call on May 14 in which death threats were issued by two persons from a cyber cafe located at Sabhagriha Chok regarding the same issue. The victim said that he was abused and received death threats on the charge of publishing news on the irregularity of the District Education Office. FNJ issued a press release on May 16 in which they stated that they wanted action against him

By ANNISU-R

Secretary of Nepal Magar Students Union, Bharat Thapa Magar, 19, of Narayan Municipality-5 in Dailekh district, who was studying at Pachhimanchal Engineering Campus, NSU cadres Bibek Yadav, 18, of Rautahat, Rajesh Pant of Mahendranagar Municipality-19, and Jitendra Yadav, 20, of Mahhotari were beaten by ANNISU-R cadres on campus grounds on February 3. The injured Bharat Thapa received treatment at Manipal Hospital that night whereas the others were treated at a

local medical hospital. The victims were attacked by a group of about 12 people led by ANNISU-R Shreedhar Tamta with rod and khukuri in the middle of a program being held to welcome the new students. The union later issued a press release condemning the act. No action was taken against the accused as no one filed a complaint.

By ANNFSU

ANNISU-R cadre Pratap Kuwar, 19, of Khaula VDC-1 in Parbat district, who was studying at the Institute of Engineering Studies, Lamachaur in Pokhara Sub-Metropolis-16, was attacked on June 20 at the college canteen with a khukuri and rod by ANNFSU cadre Bibek Paudel, 23, and Umesh Adhikari, 22, who were studying in the same campus. Kunwar was treated at Manipal Teaching Hospital and Western Regional Hospital. No action was taken against the perpetrator since no complaint was filed.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Workers affiliated with the pro-UCPN-M All Nepal Industrial Trade Union (ANITU) assaulted and wounded

nine pro-NC Nepal Trade Union Congress (NTUC) cadres who were working at Karmacharya Wax and Foods Ltd., located at Rithhepani of Lekhnath Municipality-2 on July 1. They were beaten up at Jalpa Road of Pokhara Sub-Metropolis-8 for making preparations for the opening of a new trade union at the factory. Gyan Bahadur Pun, 30, Prem Bahadur Gurung, 40, Bhimraj Gurung, 40, Sas Bahadur Pun, 40, of Rittheapani, Ram Kumar Gayak of Baglung district, Prakash Bohora of Rupakot VDC-8, Prabin Dhungana of Siddha VDC-8, Bishnu Paudel of Bharatpokhari VDC-3 and Pramod Bhattarai of Tanahun were injured in the attack. They were treated at Metrocity Hospital in Pokhara. They were attacked with a rod, khukuri, batons and brick as they were en route to the Labor Office to register their union. Out of 112 employees of the factory, 53 filed an application two weeks before the incident to register the union with the Nepal Industrial Trade Union unit. The ANITU staged a protest on June 26 saying that some of the 53 workers were affiliated to this union. The NTUC filed a complaint against Devi Rayamajhi, Tirtha Adhikari and Resham Ranabhat. The incident was settled on July 2 after the ANITU apologized and pledged not to repeat their actions in the future.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District court with three judges decided 999 criminal cases while 259 cases remained pending. Out of 809 civil cases, 503 were decided and 306 cases remained pending.

July 17, 2011 - December 31, 2011

The District Court with three judges decided 287 criminal cases and 322 remained pending. Out of 513 civil cases, 186 were decided and 327 cases remained

pending. Two civil cases older than two years remained pending.

APPELLATE COURT

July 17, 2010- July 16, 2011

The Appellate Court with six judges decided 286 criminal cases and 140 remained pending. Out of 314 civil cases, 218 were decided and 104 cases remained pending.

July 17, 2011 -December 31, 2011

The Appellate Court with six judges decided 118 criminal cases and 252 remained pending. Out of 245 civil cases 68 were decided and 177 cases remained pending. One civil case older than two years remained pending.

The Office of the District Government Attorney filed 670 cases between July 17, 2010 and July 16, 2011, out of which 390 were won and 18 lost. 18 cases were forwarded to the upper court for judicial review. The Office, with two Government Attorneys, said that 262 cases filed by July 16, 2011 remained pending.

Of the 31 murder cases filed, 12 cases were won, six were lost and 13 remained pending. Of the eight cases of trafficking in persons filed, one was won, four were lost and three remained pending. Of the five cases of abduction filed, two were won and one was lost while two were pending.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Arrest and Torture

Deepak Kandel, 21, of Pangara VDC-3 in the Parbat district was arrested on April 22 and tortured in police custody on April 23. Kandel filed a complaint at the Area Police Office asking for action to be taken against the accused and he approached different human rights organizations on April 25 to assist him in

seeking justice. The victim sustained bruises to his entire body. He stated that he was threatened by the police with imprisonment of 15 years and was then forced to sign a paper of financial transaction with Damodar Paudyal, a former soldier of Devasthan VDC, Parbat. The victim was released from jail after his wife gave Rs 70,000 to a police officer on April 24. The police denied charges of torture. Both parties met on June 2 and reached an agreement after the accused promised to pay back the sum taken on July 22.

CHILD RIGHTS

Situation of Education

Of 149,657 children of school going age in the district, 76,225 boys and 73,432 girls had enrolled in schools of primary to secondary level. Dalit students among them amounted to 10,125 male pupils and 9,233 female pupils. 1,026 female and 1,187 male teachers are employed at primary level in government and community schools. 143 female and 471 male teachers work at lower secondary level in government and community schools while 48 female and 468 male teachers are working at secondary level in government and community schools.

26,770 children are enrolled in Early Child Development Centers of which 14,352 are boys and 12,418 are girls. Of this number, 2,731 boys and 2,449 girls are members of the Dalit community. The District Education Office did not have updated data related to education.

Tika BK, 14, of Mijuredada VDC-8 and currently living in an orphanage in the Pokhara Sub-Metropolis-14 was beaten by Ramesh Thapa, head of the orphanage, on February 9. The accused called the victim into a room and beat her with lathi on her legs and hands. The victim was treated at the Western Regional Hospital, Pokhara later that day. The victim said that the accused had beaten her while he was in an

inebriated condition. The victim's family filed a complaint at the Ward Police Office and the DPO on February 10. Both parties came to an agreement at the Police Station of Rambazar after the accused asked for pardon in public on February 13. The orphanage agreed to pay for her education until SLC and an amount of Rs. 500 and transportation charges on a monthly basis to the victim.

Ujjwal Tamang, 11, of Itahari Sunsari and a student of Dungesadhu Bording School in Pokhara Muicpality-17 was attacked with hot irons on his back by his landlord Jung Bahadur Shahi's son, Jagat Bahadur Shahi, 18, on November 2, after being accused of stealing. The victim was left in Shahi's protection by his mother two years ago, before she travelled abroad for employment after the boy's father took a second wife. The victim was treated in Manipal Hospital in Pokhara Municipality-11. The accused said that it was a correctional experience for Ujjwal as he was stealing money and had other bad habits. The accused was arrested on November 3 and a case was filed under public offence. He was released on bail of Rs 1,000 on November 16.

Rape, Attempt to Rape, Sexual Abuse

A 13-year-old girl of Gairapatan in Pokhara Sub-Metropolis-4 was raped allegedly by Sanju Kumar Shah, 22, of the same place at her home on March 17. The victim's family filed a complaint at the DPO on March 18. The victim was examined in the Western Regional Hospital on March 19. The accused was arrested and put on remand on April 15.

A 12-year-old girl of Baidam in Pokhara Sub-Matropolis-6 was raped allegedly by Buddhi Bahadur BK, 60, of the same place at the victim's home on May 16. The victim's relatives filed a complaint at the DPO on May 17. The accused was

arrested and put on remand on June 10.

A 15-year-old girl of Pokhara Sub-Metropolis-6, Baidam was raped allegedly by Shyam Dhamal, 36, of the same place on July 23. The victim's mother filed complaint at the DPO on July 24. The accused was arrested on July 26 and put on remand on August 22.

A 12-year-old girl of Pokhara Sub-Metropolis-12, was raped allegedly by Kishor Pariyar, 20, of the same area on July 26. The victim filed a complaint with the DPO on July 27. The accused had been at large since the incident.

A 9-year-old girl of Siddha VDC-6 filed a complaint at the DPO against Raju Silwal, 32, of the same place on August 14 accusing him of sexually abusing her a day earlier. Police arrested the accused on the day of complaint. He was arrested and sent on remand on September 9.

A 15-year-old girl of Bharatpokhari VDC-7 was subjected to an rape attempt allegedly by Ramesh Bastakoti, 22, Dependra Bhugai, 19, Govinda Acharya, 15 and Pushpa Acharya, 16, of the same place on November 1. The victim's relatives filed a complaint at the DPO on November 6. The accused were arrested on the same day. Accused Govinda Acharya and Pushpa Acharya were handed over to their parents on November 11, Dependra Bhuagi and Ramesh Bastakoti were released on bail on November 20.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 24-year-old woman of Rupakot VDC-3 was tied and gang raped allegedly by Pawan Gurung, 28, Pukar Gurung 26, and Nabin Gurung, 26, of the same place at the victim's house on May 12. The victim filed a complaint at the DPO on May 23. The accused were arrested on May 26. Pukar Gurung was sent to jail on remand on June 1. Pukar Gurung and Nabin

Gurung were released on a bail deposit of Rs 1,000 each.

A 35-year-old woman of Mangalapur VDC-6 in Chitwan district who was working in Pokhara was raped allegedly by Lakshya Thapa of the same place on August 13. The incident occurred on the Jalpa Road section in Pokhara Sub-Metropolis. The victim's husband, after having sexual intercourse with her, asked the accused to rape her. The victim filed a complaint at the DPO on August 14. The accused was arrested on the same day and was sent to jail on remand on September 9.

A 20-year-old woman of Batulichaur in Pokhara Sub-Metropolis-16 was raped allegedly by 21-year-old Umesh Thapa of the same place on October 20. The victim's family filed a complaint at the DPO on October 21. The accused was arrested on October 24 and was sent to jail on remand on November 17.

Bhim Bahadur Malla, 55, of Siddha VDC-4 allegedly tried to rape a 28-year-old woman of the same locale on July 9. The victim's family filed a complaint at the DPO on July 10. The accused was arrested on July 13 and released on bail by the District Court on August 3.

DOMESTIC VIOLENCE

Sushila BK Sunar, 35, of Mathillo Gagangaundain in Lekhnath Municipality-1 was beaten by her husband Baburam BK, 41, who was intoxicated at the time, and her sister-in-law, Dev Maya BK, 38, on March 5. The victim sustained injuries to her right eye, right rib and had to get eight stitches on her head. She was treated at Maniपाल Hospital. The victim was assaulted as soon as she called her husband and sister-in-law, both inebriated, for dinner. The victim's family filed a complaint at the DPO on March 6 and the accused were arrested. The locals helped the accused to get out of the jail and both parties reached an agreement after they

were pressured by the locals and the local Mothers' Group at the DPO on March 9.

Killing by Family Members

Bishnu Maya Rai, 42, of Solukhumbu district and living in Pokhara Sub-Metropolis-12 was killed by her husband Arjun Rai, 48, on January 29 following a family dispute. The accused attacked her with the grinding stone at their rented room. The accused was arrested on January 30 and sent to jail on remand on February 23.

Manu Malla Gurung, 18, of Myagdi district and living at Simalchaur in Pokhara Sub-Metropolis-8 was strangulated with a shawl by her husband Madhav Gurung, 23, on June 8 in her rented home. The accused admitted to killing her for having an affair. The police arrested the accused as he was going to Ramghatin in a taxi (GA1JA 3384) with the body. The accused was sent to jail on remand on June 16.

Belkumari Gurung, 65, of Sildjure VDC-8 and living at Kahukholain Pokhara Sub-Metropolis-13 was beaten to death by her son Man Bahadur Gurung on July 3 for refusing to give him her pension. He was arrested on the same day and sent to jail on remand on July 28.

Polygamy

Nirmala Giri, 31, of Kaskikot VDC-7 filed a complaint of polygamy against her spouse Ramji Giri, 35, and his second wife, Nita Giri, 29, on May 15 at the Area Police Office. Giri got married for the second time on May 13. The whereabouts of the perpetrators were unknown by the end of the year.

Purnakali Paija, 21, of Machhapuchhre VDC-5 filed a complaint of polygamy against her spouse Dhan Bahadur Paija, 22, and his second wife, Bindu Phagami, 20, at the Area Police Office on June 3. The spouse married the

other woman on June 1. The accused were arrested on July 12. They were sent to jail on remand on August 5 and on December 1 they were sent to jail for one year and fined Rs 20,000.

Amrita BK, 26, of Pokhara Sub-Metropolis-18 filed a complaint of polygamy against her spouse, Pech Bahadur BK, 27, and his second wife Meena BK, 21, at the Area Police Office on November 5. Bahadur BK married his second wife on October 5. Pech Bahadur was arrested on October 12. He was released on bail of Rs. 10,000 on October 25. Meena BK, who absconded after the incident, has not returned the said location.

ALL KINDS OF RACIAL DISCRIMINATION

Karna Bahadur Nepali, 48, of Ghandruk VDC-3 and Numa BK, 37, of the same place VDC-1 were smeared with soot by Kisan Gurung, Ram Prasad Gurung, Renuka Gurung, Bishnu Gurung, Yam Gurung, Kumar Gurung, Kiran Gurung and Durga Maya Gurung of the same area on November 12. Shital BK, 32, and Suresh BK, 38, of the same place were badly beaten and inhumanly treated by the accused. Yam Gurung refused to eat food prepared by people of the 'Kami' and 'Damai' communities on the occasion of the installation of the Imlehudo drinking water project built with the support of Rs 6m by Gurkha Welfare in VDC-3. The Dalits also refused to eat foods prepared by Gurung. Karna Bahadur stated that he received threatening calls after that incident.

On November 12, local Kisan Gurung called the Dalits to the Annapurna Conservation Area Office situated at Kotdanda VDC-5 for a discussion. There the Gurungs threatened to cut their tongues, beat them, smear soot and place a garland of shoes on the members of the Dalits community. One of the perpetrators,

Durga Maya Gurung, forcefully put chemise on while another perpetrator Renuka Gurung smeared soot on his face and Yam Gurung assaulted the victim. After the incident, the Dalits took refuge at Ghandruk Police Station.

One of the victims, Shital BK reported that they were forcefully made to compromise on November 13. Also the Principal of Talbarahi Primary School, Kisan, lodged a complaint at the DPO against the perpetrators on the charge of caste-based discrimination on November 16. He also sought the help of human rights activists. Nepal Rastriya Dalit Mukti Morcha issued a press release in which they asked for action to be taken against perpetrators for their inhuman treatment of Dalits. The accused were arrested on November 18. The District Court released Ram Prasad Gurung and an employee of ACAP and teacher Renuka Gurung on a bail amount of Rs 75,000 for each person while Yam Gurung, Kisan Gurung, Kumar Gurung, Bishnu Gurung, Kiran Gurung and Durga Maya Gurung were released on the bail amount of Rs 50,000 each on December 4.

The National Human Rights Commission and INSEC monitored the incident on December 12 and the Parliamentary Sub-Committee's monitored the issue on December 3.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

Chhetri Samaj called for a strike in the Western Development Region on May 11, with the demand that federalism should not be decided on the basis of caste and that Khas Chhetris should be enlisted as an indigenous group. The strike organiser damaged Pokhara Noodles situated at the industrial area in Pokhara Sub-Metropolis-10. They entered the

factory and damaged the packing machine, broke the windows and computers and destroyed the vehicles numbered (Ga1 Cha 1624, Ga1 Cha 4779 and Ga1 Ka 353). Director of Pokhara Noodles, Baburam Pant reported that around 60 people entered the factory and damaged machinery. Production manager Tulsiram Khanal, 40 and laborers Chakrapani Baral, 35, Laxmi KC, 34, and Bisara Gurung, 35, were injured in the incident. Baral was treated at Western Regional Hospital in Pokhara while others were treated at the local pharmacy. The strike organisers also entered the Taja Bread Factory, Fishtail Dairy and Goseli Packing Industries and damaged machinery and broke windows. They injured the workers of those factories as well. They also damaged the furniture of retail shops at Mustang Chok in Pokhara Sub-Metropolis-7 and also injured a journalist Surya Banstola. No action was taken against them.

Brahman Samaj called for a strike in the Western Development Region on May 20 with the demand of reservations and to enlist as an indigenous group, enforcers damaged Machhapuchhre Bank situated in Pokhara Sub-Metropolis-9 and Sonu Mo:Mo Restaurant situated at Prithvi Chok. Police charged batons on them to stop the violence. Ram Chandra Giri, 41, Ishwar Adhikari, Yubaraj Poudel and Prem Devkota of Kaskikot VDC-9 and Raju Bastola of Lahachok VDC-9 sustained injuries in the incident and were treated at Charak Hospital. Police arrested Yubraj Paudel, 21 of Kalika VDC-4, Prem Devkota, 36, of Lumle VDC-5, Raju Bastola, Ishwor Adhikari, 21, of Kalika VDC-4 and Bishnu Bhndari of Kaskikot VDC. They were released in the evening and no further actions were taken against them.

Labourers associated with UCPN-M and ANITU called for a strike

and padlocked the Himshree Foods Pvt. Ltd. of Pokhara Sub-Metropolis-10 from September 11- 23 and made a 20-point demand, which included an increase in salary, Dashain allowances and bonuses. The workers resumed their work on September 23 after they and industry management came to an agreement to provide them with a Dashain equivalent to salary of one month.

Members of Tarun Dal and NC called for a strike after the death of Dhiva Poudel, president of Nepal Tarun Dal in Chitwan on December 1. The protesters damaged one Tourist, two micro buses and one numbered minimicro bus. They also damaged furniture of Laxmi Marwadi Bhojnalaya located at Prithvi Chok.

HEALTH SERVICE SITUATION

Hospital	11		
Health Post	11		
Sub-Health Post	34		
Position	Available Position	Working	Vacant
Doctor	3	3	
Staff Nurse	3	3	
Lab Assistant	6	6	
AHW	51	48	3
AMW	19	17	2
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	16	15	1
RH W	75	63	12



3.6 Manang



Population : 6,527

Male : 3,664

Female : 2,863

Literacy(%) : 60

Women Literacy(%) : 35

Area(Sq. Km.) : 2,246

Number of VDC(s)/Municipality(ies) : 13/0

Number of School(s) : 32/1

Campus(es)/Higher Secondary School(s) : 0/2

Human Development Index : 0.502

Average Household Size : 4.37

ANALYSIS OF HUMAN RIGHTS

Situation in The District

This district has very nominal incidents of human rights violation. Although some crimes are committed in the district, incidents of human rights violations and abuses are very low. Figures in the leading seats of political parties such as the UCPN-Maoist, the Nepali Congress, CPN (UML) and the Rastriya Prajatantra Party are relatives. Almost all of the people in the district are Buddhist and the armed conflict did not particularly affect this district. The effects of urbanization are minimal. People in the district live a relatively harmonious life through their common social tradition, cultural norms and religious tolerance.

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The none-graded Jail had 16 inmates at the end of the year, all of whom were male. 15 persons had been convicted while one was awaiting trial at the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided two criminal cases and one remained pending.

The Office of the District Government Attorney filed three cases between July 17, 2010 and July 16, 2011, out of which two were lost. one case was forwarded to Appellate Court.

Among the filed two murder cases, one case was won and one was lost. One rape related case was filed and was won.

The Office, with one government attorney, informed that one case filed by July 16, 2011 remained pending.

Among the filed three murder cases two were lost and one case remained undecided.

CHILD RIGHTS

Situation of Education

Of the total 768 children of school going age, 364 boys and 440 girls were enrolled at school. Of the total enrolled students, 34 girls and 51 boys are from the Dalit community. Government and private schools combined, a total of 142 teachers work at the primary level of which 49 are female and 93 are male. A total of 40 teachers teach at the lower secondary level in which 6 are female and 34 are male. Similarly, a total of 22 male teachers teach at the secondary level.

A total of 183 students attend the Child Development Center. Of the total students,

91 are boys and 92 are girls. Not all the data relating to education had been updated by the District Education Office in the district.

Some hotels at the Annapurna circuit area in the district have used child laborers. Hotel entrepreneurs in the area informed that the children working there are the ones who have fled from their homes especially from the Gorkha and Rukum districts.

ALL KINDS OF DISCRIMINATION

AGAINST WOMEN

Although no complaints or cases related to violence against women were filed in the district, some cases of violence do exist but they are rarely made public.

ECONOMIC, SOCIAL AND

CULTURAL RIGHTS

Jhuma Custom

Traditionally, the second daughter of a family becomes Jhuma. However, over time, becoming a Jhuma has been a matter of choice rather than obligation. With the passage of time, Jhumas are not forbidden to marry; however, they have to apologize for their marriage to the Lamas of the Monasteries in accordance with their tradition.

Mukhiya (Village Head) Custom

The Mukhiya custom is a long practice in this district. However, with the introduction of democracy, this tradition is slowly being displaced by elected people's representatives. The process to choose a Mukhiya is consensus based. Given the present situation that there are not people's representatives in the district, almost all the administrative and developmental activities are carried out by Mukhiyas. Nima Gurung of Nawal village stated that the administration under the Mukhiya custom is speedy, efficient, transparent and convenient.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	10		
Sub-Health Post	3		
Position	Available Position	Working	Vacant
Doctor	3	2	1
Staff Nurse	2	2	1
Lab Assistant	1	0	1
AHW	16	15	1
AMW	4	2	2
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	12	4	8
H W	8	6	2



3.7 Nawalparasi



Population : 635,793

Male : 300,650

Female : 335,143

Literacy(%) : 66

Women Literacy(%) : 35

Area(Sq. Km.) : 2,162

Number of VDC(s)/Municipality(ies) : 73/1

Number of School(s) : 661/93

Campus(es)/Higher Secondary School(s) : 6/73

Human Development Index : 0.482

Average Household Size : 4.83

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Unidentified Group

Dhan Prasad Mahato, 32, of Deurali VDC-5 in Beluwa was beaten and killed by an unidentified group near the jungle at Koliya on March 28. The victim had been missing since March 7. The victim's family filed a complaint at Kawasoti Police Office on March 29. No one had been arrested in connection with the incident by the end of the year.

Birendra Jaiswal, 22, of Ramgram Municipality-6 was strangled by an unidentified group near the pond of his house on September 4. Police found the body that day and sent it to the District Hospital for a postmortem examination. The victim's family filed a complaint at the DPO later that day but an arrest in connection with the incident was still to be made by the end of the year.

JAIL AND DETAINEES

The 'E' grade Jail has the capacity to hold 80 people but 100 persons were residing there at the end of the year, 34 of whom had been convicted and 66 were awaiting trial. The jail is in a dilapidated condition. Jail warden Toya Nath Bhattarai stated that the jail used to be a stable during the Rana Regime. He further informed that a new building was under construction and added that it was necessary to complete the building as soon as possible.

THREATS/BEATINGS

By UCPN-M

central member of the FNJ, Shree Ram Sigdel, 32, a of Kawaswoti in Kawaswoti VDC-5 was issued a death threat over the phone by assistant-in-charge of the UCPN-M, Dhrona Babu Siwakoti on July 22 after he wrote a news story on him. FNJ-Nawalparasi demanded

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured				2	2
Child Rights			9	1	10
Inhuman Behavior				2	2
Economic, Social and Cultural Rights				2	2
Abduction			1	5	6
Women Rights			27		27
Arrest & Torture	1	1			
Beatings				1	1
Threats			1	4	5
Killing			6	5	11
Total	1	1	44	22	66

action against the accused and security for journalists in a press release issued later that day.

By Unidentified Group

Mohan Kalwar, 55, the headmaster of Bhanudaya Higher Secondary School, Dumkibas and resident of Kapilbastu district was seriously injured when attacked with a knife by an unidentified group in his room in Dumkibas VDC-1 on January 31. He sustained injuries to his head, hands and face and received medical treatment at Lumbini Zonal Hospital in Butwal. The victim did not file a complaint out of fear of reprisals.

Tika Ram Tiwari, 42, of Prithivi Basti in Daunne VDC-7 was issued a death threat by an unidentified group in a phone call made on February 22. They demanded that he provide them with money. When the victim's family made an appeal for security to different human rights organizations on February 25, the calls stopped, Tiwari said.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with two judges decided 418 criminal cases and 249

remained pending. 711 civil cases were decided and 458 cases remained pending. Two civil cases older than two years remained pending.

July 17, 2011-December 31, 2011

The District Court with two judges decided 184 criminal cases and 246 remained pending. 232 civil cases were decided and 360

cases remained pending. Two civil cases older than two years remained pending.

The Office of the District Government Attorney filed 271 cases between July 17, 2010 and July 16, 2011, out of which 200 cases were won and 19 cases were lost. The Office, with two government attorneys, informed that 52 cases filed by July 16, 2011 remained pending.

Of 34 murder cases filed, 16 cases were won and three were lost. Out of 27 rape cases, 19 cases were won. Six out of eight trafficking cases were won. Four out of eight cases of abduction were won and one was lost. Six out of a total of eight trafficking cases were won. Eight out of 13 polygamy cases were won.

The Office of the District Government Attorney filed 79 cases between July 17, 2011 and December 31, 2011. The Office, with two government attorneys, informed that of none of the cases filed by July 16, 2011 were decided.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Tika Chaudhary, 35, of Manari VDC-4 was summoned by the police of Sunbal Police Post of Bhumahi in

Ramnagar VDC-1 on March 22 after which he was taken into the custody and assaulted. The victim's hand was fractured as a result of the assault. He received treatment at Butwal City Hospital. He was arrested after a verbal complaint was made about him concerning a financial issue. He was kept in custody without the permission of the court for an extended period of time and information regarding his whereabouts was not provided to his family. A petition was filed by his family on March 29 against his detention. The Appellate Court released the victim that day. The victim filed a case at the court for compensation on May 12.

CHILD RIGHTS

Situation of Education

Of 140,258 children of school going age, 65,598 boys and 74,660 girls were enrolled in schools at primary and secondary level. Among them, 12,481 girls and 11,457 boys are members of the Dalit community. 359 females and 1,143 males are teaching at primary level government and community schools. 21 females and 289 males are teaching at lower-secondary level in government and community schools. Six females and 224 males are teaching are at secondary level in government and community schools.

6,369 boys and 6,372 girls are attending Early Child Development Center in the district among which 1,323 boys and 1,474 girls are members of the Dalit community. The District Education Office did not have updated data related to education.

Beating

Sushil Giri, 14, of Shiva Mandir VDC-4, and student at class 8 at Samata Shikshya Niketan Boarding School was beaten on the hand with a stick by his teacher, Pratik Bhandari, 21, of the same VDC, on July 26 because he was using his mobile phone. Giri's ear was ruptured and he sustained several bruises as a result of the beating. The victim was treated at

Chitwan Medical College. Giri filed a verbal complaint to Kawsawoti police on July 28 and an agreement between the two parties was reached on August 28 in which the victim was provided for the cost of his medical treatment.

Rape, Attempt to Rape, Sexual Abuse

Subheksya Chapagain, 17, of Makar VDC-4 was taken from her room in the early morning and taken to the roof of house where she was raped and killed with a knife by Ashok Gurung, 20, alias Item, Raju BK, 19, named Grade, Raj Kumar Argeja Magar, 19, named Gore, Subash Darji, 18, Aryan BK, 19, alias Deshi and Bishnu Sunar, 19, of Makar VDC-4 on June 14, 2011. The victim's family filed a complaint against them to the DPO on June 17. Gyan Bikram Shah, SP of the DPO said that one of the accused Ashok Gurung, who claimed that Chapagain rejected his proposal of love and marriage, confessed to the murder. All of the accused were remanded in jail.

A 10-year-old girl of Mukundapur VDC-9 in Sikhauli become victim of an attempted rape at her home by Baburam Thapa, 22, of the same place on October 20. The victim's family filed a complaint against him to the APO on October 21 but he had absconded by that time.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Reena Mahato, 22, of Pithaula VDC-6 and Sabitri Ghimire, 20, of Shiva Mandir VDC-4, were trafficked to India by Ram Krishna Nepali, 28, of Pithauli VDC-1 and Narayan Pariyar, 31, under the pretext of providing on the name of foreign employment Bhairahawa Police of Rupandehi arrested Ram Krishna on October 11. District Court ordered to send Ram Krishna to jail on November 10, whereas Narayan was absconding at end of the year.

Rape, Attempt to Rape, Sexual Abuse

A 24-year-old woman who was running a hotel at Dumkibas VDC-5 filed a complaint at the DPO against Pradip Jung Rana, 42, and Subash KC, 32, of Kathmandu for sexually assaulting her on December 3. The victim said that she was assaulted by them while they were having lunch at her hotel before returning to Kathmandu from Surkhet in a private vehicle. They produced a pistol and made threats when their activities were protested by the victim's elder brother, mother and local people. The local people kept both men in control and called for the police. The victim filed a complaint to the DPO on December 4. The police released them on February 4 and said that the incident was minor and their being called to the scene was unnecessary.

DOMESTIC VIOLENCE

Sulochana Sahani, 32 of Sanahi VDC-2, was assaulted and expelled from her home by her husband, Birendra Sahani, 35, on April 29 accusing her of having an affair. The victim filed a complaint at the DPO on April 30. The victim received medical treatment from April 30 to May 15 from the Temporary Service Center managed by Office for Women and Children. She complained that police did not take any action against the accused. No citizenship certificate or registration of marriage was issued to her.

Sunita Gauda, 32, of Palhi VDC-4, was beaten at home by her husband Brij Kishwor Gauda on May 11. She felt unsafe at home so she started to seek services and treatment from the Temporary Service Center on May 12. Her husband went to the Centre on May 22 and mentioned in a written statement his commitment and respect. Sunita subsequently returned home.

Sima Paswan, 23 of Guthi Surya Pura VDC-3, was beaten at home on May 17 by three persons, including her husband Manoj Paswan (Harijan), 26, and father-in-law Pravansa Paswan, 59, for not giving them a sufficient dowry. The victim filed a complaint on May 30 to the DPO in which she demanded justice. An agreement was reached after a discussion was held at the DPO and Women and Children Service Center on June 1. Manoj made the promise that he would regard his wife with honor at their home and he would not repeat the incident again. She returned home afterwards the agreement was reached.

Killing by Family Member

Meera Kurmi, 35 of Sukrauli VDC-5, who was accused of having an extra marital affair, was killed by her husband Tek Bahadur Kurmi, 35, known as Jhinau, on October 20. She was killed near to her house after being attacked with bricks. The complaint was filed by victim's family at the DPO on October 21. The accused was arrested by police on November 8 and he was remanded in jail after an order was issued by the District Court on December 4.

Polygamy

Kausalya Devi Chaudhary, 30, of Ramgram Municipality-11, filed a complaint to the District Police on June 3 against her husband Arjun Chaudhary after he attacked her. The accused had recently performed second marriage with Durpati Chaudhary, 31, of Manari VDC. An agreement was reached after a discussion was held at the DPO and Women and Child Service Center on September 14. Arjun said that he would look after Kausalya and that he would not repeat the assault.

Laxmi Yadav, 25, the wife of Angad Yadav, 27 of Jamuniya VDC-6, filed a

complaint on December 26 to the DPO against her husband after he married Nirmala Yadav, 22 of Sukraula VDC on October 3. Police arrested Angad and took him into the custody on the same day for investigation.

Mistreatment

Usha Devi Kunwar, 67 of Swathi VDC-5 was threatened of eviction from her village on the accusation of being a witch by Rajesh Darlami, 28, of the same VDC on January 5. The victim filed a complaint to the DPO on January 9. However, the accused was at large.

ALL KINDS OF RACIAL DISCRIMINATION

A 37-years-old woman the Dalit community at Triveni Susta, VDC-3 was blamed for having an illicit relationship with a non-Dalit. The so-called upper caste local people assaulted her, shaved her hair into four her head and evicted her from the village on January 1. With the support of human rights workers and media persons, she successfully returned to her home. However, she opted not to file a complaint against the accused out of fear for her security.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Capture of Property

UCPN-M cadres captured a motorbike from Makar VDC-4 with the number plate Lu 9 Pa3074, which belonged to Kabi Raj Pun, 39, of Sunwal VDC-3 on January 23. The cadres accused him of financial corruption. UCPN-M cadres left the motorbike on February 1 in the presence of INSEC district representative after a discussion was held on the appeal of the Nepal Bar Association and INSEC district representatives.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	8		
Sub-Health Post	63		
Position	Available Position	Working	Vacant
Doctor	9	8	1
Staff Nurse	10	7	3
Lab Assistant	8	8	
AHW	90	80	10
AMW	28	28	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1		1
HA	16	16	



3.8 Rupandehi



Population : 886,706

Male : 436,318

Female : 450,388

Literacy(%) : 66

Women Literacy(%) : 55

Area(Sq. Km.) : 1,401

Number of VDC(s)/Municipality(ies) : 69/2

Number of School(s) : 544/62

Campus(es)/Higher Secondary School(s) : 16/64

Human Development Index : 0.500

Average Household Size : 5.21

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By State

District in-charge of Janatantrik Tarai Madhesh Mukti Morcha, Kripa Singh Sonar, aka Bhawani Singh, 35, of Siddarthnagar Municipality-3 and cadre Surya Prakash Shukla were shot dead by police on February 6. According to police, they were affiliated to different outfit groups of Tarai. According to SP Sher Bahadur Basnet, Singh first attacked police and was killed in a retaliatory fire. The family members received the victims' bodies after a postmortem examination was conducted at Bhim Hospital on March 5.

Nawalparasi district in-charge of JTMM (Bhagat Singh), Anil Harijan, aka Samrat, 24, of Swathi VDC-8 was shot dead by police in Dhakadhai VDC-3 on May 26. Although the police claimed Harijan was killed in a cross-fire, his family members said that he was shot dead by police in captivity. According to police, a pistol and some pamphlets were recovered from the scene of the incident. The victim's family lamented that they had not received his dead body by the end of the year.

By Unidentified Group

Netra Kumari Basnet, 73, of Shankarnagar VDC-5 was beaten to death at her home on October 3 by an unidentified group. According to police, investigation of the incident was underway at the end of the year.

At least 24 persons were injured when a bomb went off inside a public vehicle at Milanchok of Butwal Municipality-10 on March 27. The bomb went off at around 6.20 pm inside the minibus (Lu 1 Kha 3666) which was heading towards Butwal from Bhairawa. Among the injured, one unidentified person died while being rushed to Kathmandu for treatment. Radha Kandel, 32, of Digam

VDC-2 died while undergoing treatment at B&B Hospital on April 5.

Basudev Shrestha, 50, of Butwal Municipality-5, Meetna Kunwar, 30, of Tamghas, Dhruba Parajuli, 27, of Parbat, Bal Krishna Kharel of Butwal Municipality-5, Tikaram Neupane, of Butwal Municipality-9, Shailendra Kumar Karna, 29, of Dhanusha, Dhruba Khati of Palpa, Lal Bahadur Darji, 25, of Butwal Municipality-13, Sunita Shrestha, 19 of Butwal Municipality-5, Arjun Karnel, Tilakram Subedi of Shringa in Gulmi, Kamal Prasad Belbase of Shankarnagar VDC-7, Narayan Prasad Gyawali of GwagaVDC in Gulmi, Srijana Thaiba of Gulmi, Mukti Ram Regmi of DobhanVDC in Palpa, Dal Bahadur Thapa of Chok Pharsatikat, Tika Tamang, Sapana Tamang, Resham Regmi, of Butwal Municipality-8, Prakash Shahi and Sunil Lama of Butwal were injured during the incident. Police suspected that a powerful time bomb might have been planted inside the storage space at the back of the vehicle. There were about 40 passengers inside the vehicle at the time of the explosion. The injured were treated at Lumbini Zonal Hospital, B&B Hospital of Kathmandu and City Hospital of Butwal. An unidentified man identifying himself as in-charge of the underground outfit Tarai Madhes Mukti Party has claimed responsibility for the incident after talking to media persons over the phone.

Prashanta Pandey, 26, of Bogadi VDC-3, Raj Kumr Chauhan aka Guddu Pappu of Sakrounpakadi VDC-2 and Islam Musalman, an Indian citizen, were arrested by police for their involvement in the incident. The accused were sent to jail as per the order of the District Court on May 11.

JAIL AND DETAINEES

The 'D' grade District Jail, which has the capacity for to hold 100 inmates had 259 inmates at the end of the year. 132 of them have been convicted while

127 are awaiting trial. Som Bahadur Thapa, of Juniya VDC-5, who was affected on HIV patient died in the jail on November 28. The inmates informed that they face food shortages, lack of space to sleep and lack of toilet facilities due to the overcrowding. According to jail warden Surya Bahadur Yadhav, the inmates receive regular health checkups in the jail.

THREATS/BEATINGS

By SJTMMM

Prem Chauhan, 40, of Rayapur VDC-1 was shot and injured by SJTMMM cadres on April 4 while he had gone to his relative's home. The injured was treated at Universal Medical College in Bhairahawa. Ram Bhuwan identified himself as a STMMM in-charge and took responsibility for the incident when talking with the media over the phone. However, no one had been arrested in connection with the incident by the end of the year.

BY ANNISU-R

Former vice-chairperson of ANNFSU, Jivan Gyawali, 25, of Rudrapur VDC-2 was beaten up by ANNISU-R cadres Bishal Thapa, 32, and Madan Thapa, 23, of Dhudhrachha VDC-2 in the premises of Narayan Pokharel Memorial Multiple College on January 23. The victim was treated at the local clinic on the same day. An agreement between both sides was reached when the ANNISU-R apologized to the victim.

CPN-M (Matrika)

Sanjaya Napit, 24, of Nawalparasi and staying at Butwal Municipality-12 was set on fire by CPN-M (Matrika) cadres on May 24 after being accused of defying a

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured			4	21	25
Child Rights			12		12
Women Rights			5		5
Racial Discrimination			1	1	2
Arrest & Torture	1	1			
Beatings				1	1
Killing	3	3	2	1	3
Total	4	4	24	24	48

strike called by them. Napit, who received injuries to his legs, was treated at Lumbini Zonal Hospital. Police arrested Tikaram Bhandari, 29, of Kerabari VDC-6 and Gobinda Pangen of Debadaha VDC-2 on the same day. The accused were sent to jail as per the order of the District Court on July 11.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of the 1,079 criminal cases, the District Court with four judges decided 673 cases and 406 remained pending. Of the 1,662 civil cases, a number of 916 cases were decided and 746 cases remained pending. Four civil cases older than two years remained pending.

July 17, 2011-December 31, 2011

Of the 766 criminal cases, the District Court with four judges decided 216 criminal cases and rest of the 550 remained pending. Among the 1,061 civil cases, 242 civil cases were decided and 819 cases remained pending. Four civil cases older than two years remained pending.

APPELLATE COURT

July 17, 2010- July 16, 2011

Among the 461 criminal cases, the Appellate Court with seven judges decided 110 criminal cases and 351 remained pending. Out of the 458 civil cases, 105 cases were decided and 353 cases remained pending.

July 17, 2011 -December 31, 2011

Out of the 463 criminal cases, the Appellate Court with seven judges decided 111 criminal cases and 352 remained pending. Of the 458 civil cases, 138 cases were decided and rest the 320 remained pending.

The Office of the District Government Attorney filed 66 cases between July 17, 2010 and July 16, 2011, out of which 32 cases were won and 12 cases were lost. 67 cases were moved to the Appellate Court. There were eight cases older than two years. The Office, with two government attorneys, informed that 22 cases filed until July 16, 2011 remained pending.

Of the 36 murder cases filed, 18 cases were won and 13 were lost. Out of 12 rape cases, four cases were won and two were lost. Out of 18 trafficking cases, 10 cases were won and five were lost.

The Office of the District Government Attorney filed 66 cases between July 17, 2011 and December 31, 2011, out of which 20 cases were won and 11 cases were lost. 42 cases were moved to the Appellate Court. There were eight cases older than two years. The Office, with two government attorneys, informed that 35 cases filed by July 16, 2011 remained pending.

Of the 36 murder cases filed, nine cases were won and four were lost. Out of 12 rape cases, five cases were won and were three were lost. Out of 18 cases of trafficking, six were won and four were lost.

CHILD RIGHTS

Situation of Education

Of 145,513 children of school going age, 69,495 boys and 76,018 girls were enrolled in schools of primary and secondary level. Among them, 1,079 girls and 1,253 boys were members of the dalit community. 878 female and 1,068 male teachers are employed

at primary level government and community schools. A total of 134 female and 301 male teachers are employed at lower-secondary level. Meanwhile, 46 female and 372 male teachers are employed at secondary level.

20,380 boys and 17,313 girls are attending in Early Child Development Center in the district among which 2,740 boys and 2,593 girls are members of the dalit community.

Rape, Attempt to Rape, Sexual Abuse

The family members of a 15-year old girl of Debdaha VDC-8 lodged a complaint against Indra Bahadur Pariyar, 57, of the same place on March 5 on the charge of raping her. Police arrested the accused on the same day. He was sent to jail on remand as per the order of the District Court on April 8.

Hom Nath Subedi, 50, of Lekhnath Municipality-9 and who was residing at Butwal Municipality-14 was arrested by police on April 4 on the charge of raping a 10-year old girl of the location. The victim's family member filed a complaint against him on that day. The accused was sent to jail on remand as per the order of the District Court on May 2.

The family member of a 15-year old girl of Sankarnagar VDC-8 filed a complaint against Suresh Malla, 39, of the same place on September 29 for attempting to rape her on September 27. The whereabouts of the accused was unknown by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Butwal Area Police Office arrested Shusil Pariyar, 21, of Bhulahi in Devdaha VDC-8, Puran Thapa, 22, of Semlar VDC-3 and Ramlal Rai, 23, of Sisneri VDC-8 were arrested on January 15 on charge of raping a 19-year-old woman

of Patthardanda in Madavaliya VDC-3 on January 10. They were arrested after a complaint filed by the woman's family. District Court remanded Pariyar and Thapa in Jail on February 3 and acquitted Ramlal.

ALL KINDS OF RACIAL DISCRIMINATION

Santosh Sunar, 25, of Rudrapur VDC-9 and Puspa Sherchan of Suryapura VDC-2 received death threats from Serchan's family members on March 26 for having an inter-caste marriage. Concerned for their lives, the victims lodged a complaint at the DAO, DPO, Maiti Nepal, and dalit Mukti Morcha, among others, on March 31. Both sides reached an agreement on March 29 when the accused promised in the presence of Dalit representatives and security personnel to not repeat the incident in the future.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	11		
Sub-Health Post	58		
Position	Available Position	Working	Vacant
Doctor	6	2	4
Staff Nurse	12	9	3
Lab Assistant	6	6	
AHW	83	83	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	18	16	2
H W	127	117	10



3.9

Palpa



Population : 269,372

Male : 119,167

Female : 150,205

Literacy(%) : 74

Women Literacy(%) : 60

Area(Sq. Km.) : 1,373

Number of VDC(s)/Municipality(ies) : 62/1

Number of School(s) : 484/25

Campus(es)/Higher Secondary School(s) : 5/44

Human Development Index : 0.486

Average Household Size : 4.28

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'B' grade District Jail has the capacity to hold 175 detainees. However, 328 detainees were residing inside the jail at the end of the year, of whom 58 were female and 270 were male while four girls and four boys were living as dependents. 270 inmates have been sentenced and 58 are awaiting trial. There was one death in the jail during the year. Overcrowding has resulted in a scarcity of drinking water and the detainees said that they received the opportunity to bath only once every 15 days or so. As the jail building is in very poor condition, the walls in some of the rooms are on the verge of collapse and are supported with wooden beams from the outside. It was difficult to transport

sick detainees to hospital due to the lack of a vehicle. Government vehicles are used when inmates need to go for treatment. The detainees complained that they had to pay for the costs of transportation and treatment themselves.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 107 and 42 remained pending. 75 civil cases were decided and 36 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided 11 criminal cases and 63 remained pending. 13 civil cases were decided and 44 cases remained pending. One civil case older than two years remained pending.

The Office of the District Government Attorney filed 137 cases between July 17, 2010 and July 16, 2011. The Office, with one government attorney, informed that 48 cases filed until by July 16, 2011 remained pending. Of the nine murder cases filed, four cases were won and one was lost.

The Office of the District Government Attorney filed three cases between July 17, 2011 and December 31, 2011. The Office, with one government attorney, informed that three cases filed by July 16, 2011 remained pending.

CHILD RIGHTS

Situation of Education

Of 73,535 children of school going age, 36,116 boys and 37,419 girls were enrolled in schools of at primary and secondary level. Among them, 5,048 girls and 5,605 boys were members of the dalit community. 417 female and

1,179 male teachers work at primary level in government and community schools. 31 female and 291 male teachers work at lower-secondary level. 12 female and 234 male teachers are employed at secondary level.

16,263 boys and 17,080 girls are attending Early Child Development Center in the district of whom 1,245 boys and 1,235 girls are Dalits. The District Education Office did not have updated data related to education.

A 16-year-old boy, Kishor Neupane of Tansen Municipality-4 went missing on August 6. His family filed an application at the District Administrative Office on August 14 as they suspected that he had been abducted. An unidentified person called the boy's family from his mobile phone and demanded Rs 10m and also demanded Rs 150,000 for his release by August 13. However, the family said that the boy's phone was unreachable since August 11. On August 14, his family publicized the incident by organizing a press meet in front of the District Administrative Office. Police said that Neupane was not abducted but had disappeared of his own accord. His whereabouts were still unknown by the end of the year.

Rape, Attempt to Rape, Sexual Abuse

The family of a 12-year-old girl of Hungi VDC-4 accused Shovakar Pathak, 26, of the same place of sexually abusing her on April 2. The complaint was filed at DPO on April 3 and the police arrested Pathak on the same day. He was remanded in custody

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			2		2
Abduction				1	1
Women Rights			15		15
Arrest & Torture	1	1			
Beatings				1	1
Total	1	1	17	2	19

by the District Court on April 13. The Court adjourned the case since then saying there was no medical report available.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 60-year-old woman of Dobhan VDC-7 filed a complaint against Dhan Bahadur Khadka, 34, of same place on October 12, accusing him of raping her. She filed the FIR at Dobhan Ward Police Office. Police arrested the accused on the same day. The accused was sent to the District Jail as per the order of District Court on November 6.

DOMESTIC VIOLENCE

Pema Kumal, 28, of Gaijha VDC-8 filed an application to Hungi Police Office against her father-in-law, Hari Ram Kumal, 78, after she was beaten by him while he was intoxicated on August 3. Police helped both parties to come to an agreement on August 3.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure

A strike was called by the NC on December 19, in protest of the murder of Shiva Paudel, a cadre of Tarun Dal, Chitwan. Damage was caused to the District Education Office after stones were pelted at it. Window panes were also broken due to the pelting.

HEALTH SERVICE SITUATION

Hospital	3		
Health Post	53		
Sub-Health Post	9		
Position	Available Position	Working	Vacant
Doctor	6	4	2
Staff Nurse	7	7	
Lab Assistant	6	5	1
AHW	70	69	1
AMW	22	21	1
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	16	15	1
RH W	106	73	33



3.10 Kapilbastu



Population : 570,612

Male : 284,813

Female : 285,799

Literacy(%) : 52

Women Literacy(%) : 35

Area(Sq. Km.) : 1,738

Number of VDC(s)/Municipality(ies) : 77/1

Number of School(s) : 504/31

Campus(es)/Higher Secondary School(s) : 2/31

Human Development Index : 0.437

Average Household Size : 6.03



CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Unidentified Group

Dharma Prasad Chaudhary, 55, of Birpur VDC-5 was injured in a shooting by an unidentified group of approximately eight people on March 25 at 11.45 pm. He died shortly afterwards while undergoing treatment at Bhairahawa Medical College. Chaudhary, the owner of a liquor shop, was shot in his head and back by the group after entering his house while he was asleep. No one took responsibility for the incident. No one was arrested until the end of the year.

JAIL AND DETAINEES

There 80-inmate capacity 'D' grade District Prison had 215 inmates at the end of the year. Among them, 89 were sentenced and 126 were detainees. With more than double the capacity, it is uncomfortable living for the detainees. There are six rooms which have the capacity to accommodate 12 to 15 inmates but 40 to 50 inmates are living in due to lack of space. They are even residing in the food storage room, informed Jailer Bishnu Prasad Bhattarai. The building is in a dilapidated condition. For the past four years, a building to house women and political detainees has been under construction adding that due to the large number of detainees, they sleep in turn and problems related to the availability of water and toilet facilities have increased.

THREATS/BEATINGS

By Local People

UCPN-M State Committee member, Mahendra Aryal, 42, of Bhadasarwain Hathausa VDC-6 was mistreated by locals on the charge of encroaching land meant for the construction of a road. He was beaten, smeared black and abused by nearly 500 local people led by Bhumishwar Sharma, 30, of the same VDC

on December 3 at 8.30 am. On the way from Obari to Bhadasawa on December 2, three Kaththas of Aryal's registered land crossed a track. He moved the track 10 to 15 meters behind to free space by using the dozer when local people protested and stopped him. He brought another dozer on the same night after the debacle earlier that day and moved the track as he had previously intended. Consequently, the local people attacked him at the same place on December 3 at 8.30 am. He sustained a head injury, was pulled and in an unconscious stage, he was smeared black and mistreated, his family said. His family further stated that the local people prevented them from providing him with water and from taking him for treatment. Assistant In-charge of the UCPN-M, Ram Lotan Tiwari, condemned the incident in a statement. After hearing of the incident, personnel from the Area Police Office of Bhadasarwa rescued him. Incapacitated, Aryal was treated at Zonal Hospital, Butwal on the same day. He attempted to file a murder charge at the DPO against the local people who were involved in the assault against him while the same locals filed a case of Public Offence against Aryal at the District Administrative Office on December 4 in response to their accusation that he trespassed on the land.

By Unidentified Group

A reporter of Radio Buddha Awaj, Baburam Rayamajhi of Jituwain Bhalwang VDC-4, was assaulted by an unidentified group of approximately five persons while he was returning home from work on February 1. FNJ District Branch, Press Chautari Nepal, among other organizations published statements on February 2 demanding for the prosecution of alleged perpetrators of the incident. No suspects were arrested by the police until the end of this year.

By Others

Sub-Inspector Lalit Bahadur Godar who was in-charge of Rangapur Police Post along with other police persons of Rangapur VDC were issued death threats by Javed Khan, 26, of same VDC on October 16. Sub-Inspector Godar further stated that Javed Khan claimed to own that area and made threats to bomb the police post as well if police encroached upon his work. The accused was arrested on the same day and charged with Public Offence. With the permission of the District Administrative Office. He was remanded he was taken into custody on October 17. Dr Kamlesh Kumar Sinha, the Chief District Officer ordered to release him on bail of Rs 5,000 on November 4. Police said that Khan used to extort money in the name of different armed groups and that he was also involved in trafficking.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16

The District Court with three judges decided 331 criminal cases and 203 remained pending. 677 civil cases were decided and 536 cases remained pending. Five criminal cases older than two years remained pending.

July 17, 2011-December 31, 2011

The District Court with three judges decided 70 criminal cases and 289 remained pending. 136 civil cases were decided and 688 cases remained pending. Seven criminal cases and 17 civil cases older than two years remained pending.

The Office of the District Government Attorney filed 376 cases between July 17, 2010 and July 16, 2011, out of which 172 cases were won and 40 cases were lost. There were 18 cases older than two years. The Office, with two government attorneys, informed that 164 cases filed until July 16, 2011 remained

Type of Events	By Non-State		
	Female	Male	Total
Injured		3	3
Child Rights	1		1
Inhuman Behavior		1	1
Economic, Social and Cultural Rights		6	6
Abduction	1	1	2
Women Rights	1		1
Beatings		7	7
Threats		1	1
Killing	2	2	4
Total	5	21	26

pending.

Among the filed 35 murder cases, 12 cases were won and six lost and 17 remained pending. Out of eight rape cases, six cases were won and two remained pending. Both attempted rape cases were won. Both cases of abduction remained pending. Out of a total of eight trafficking cases, three were won and one was lost. Out of six polygamy cases, three were lost.

The Office of the District Government Attorney filed 329 cases between July 17, 2011 and December 31, 2011, out of which 25 cases were won and two cases were lost. Appellate Court has been moved in 34 cases. There were 14 cases older than two years. The Office, with two government attorneys, informed that 302 cases filed until July 16, 2011 remained pending.

Among the filed murder cases, 24 cases remained pending. Four rape cases remained pending. Two attempted rape cases remained pending. Three cases of abduction remained pending. Six trafficking cases remained pending. Three cases of polygamy remained pending.

CHILD RIGHTS

Situation of Education

Of 151, 277 children of school going age, 78,622 boys and 72,655 girls were

enrolled in schools of primary and secondary level. Among them, 14,530 girls and 13,418 boys were dalits. 213 female and 783 male teachers are working at primary level government and community schools. 18 female and 143 male teachers are working at lower-secondary level in government and community schools. 8 female and 131 male teachers are working at secondary level in government and community schools.

9,412 boys and 8,233 girls are attending Early Child Development Center in the District among which 1,725 boys and 1,622 girls are dalits.

Sima Gupta, 13, of Dohani VDC-4, a student of grade 8 at Tauleshor Sanskrit Secondary School was abducted by an unidentified group while she was returning from a tuition class to her home on July 30. She managed to escape from the jungle of Buddi VDC on July 31. The victim's family filed a complaint at the local police station and requested a search for her on July 30. After her abduction, an unidentified group from the border area called her father for a donation.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Mistreatment

Basanta Pokharel, 45, of Madwakiin Chanai VDC-9, was called to the house of Sunil Chhetri and Giddhu Chhetri while she was sleeping in her own home on July 18, Pokharel claimed. She said she was beaten by them and their family in front of 20 to 25 local people on the charge of being a witch. The accused pulled her hair and beat her with shoes and sandals. Besides that, local people declared that she would be ostracized from society. The paralegal committee of Chanai VDC monitored the incident after receiving information about the case. During the monitoring, it was found that the victim was compelled

to agree not to make the case public or otherwise she would be expelled from the village. However, the paralegal committee filed a case on July 19, by forwarding the argument that criminal cases are not a subject matter to be debated. Area Police Officer, Chandrauta called both parties on July 21 and set an agreement that the victim would receive treatment costs and that the case wouldn't be extended further. Yet, the victim was not provided any amount for the medical treatment she needed said Shweta Giri of the paralegal committee.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure

By Unidentified Group

An unidentified group detonated a socket bomb at Ganapati Rolling and Turpentine Industry in Birpur VDC-4 on June 19 at 5 am. The explosion damaged windows, doors and rooms. The socket bomb went off in the kitchen when staffs were sleeping. No human loss was reported. The motive of the explosion remained unknown. Nobody claimed responsibility for the incident.

HEALTH SERVICE SITUATION

Hospital	4		
Health Post	16		
Sub-Health Post	57		
Position	Available Position	Working	Vacant
Doctor	8	5	3
Staff Nurse	12	8	4
Lab Assistant	7	7	
AHW	163	152	11
AMW	94	90	4
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	23	13	10
H W	150		

3.11 Arghakhanchi



Population : 200,446

Male : 88,309

Female : 112,137

Literacy(%) : 64

Women Literacy(%) : 54

Area(Sq. Km.) : 1,193

Number of VDC(s)/Municipality(ies) : 42/0

Number of School(s) : 414/15

Campus(es)/Higher Secondary School(s) : 2/24

Human Development Index : 0.471

Average Household Size : 4.15

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

THREATS/BEATINGS

By UML

UCPN-M cadres Laxman Pandey, 19, Chandra Bahadur Pandey, 23 and Gupta Bahadur Khadka, 21, of Bangi VDC-3 were beaten up by a group of approximately 15 UML cadres on January 15 for taking a different political ideology. They were threatened and assaulted while going home from the Maghe Sakranti Fair. The injured were treated at the District Hospital. Both sides reached an agreement on January 17 when the accused promised to give Rs 19,700 for the victim's treatment.

By UCPN-M

UCPN-M cadres attacked the house of Rastriya Janamorchha member Romlal Poudel, 54, of Argha VDC-8 on October 28. A clash between UCPN-M cadres and Janamorchha cadres ensued on October 29 after the incident. Four cadres from each side were injured during the clash. A minor dispute between the both sides occurred when they were playing Deusi during the night. Rastriya Janamorchha cadres Romlal Poudel, 54, Sonu Poudel, 24, and Punaram Poudel, 18, were injured during the clash. An agreement was reached between the opposing sides after the coordinator of the Local Peace Committee Bishnu Muskan intervened and the UCPN-M promised to give Rs 15,000 to the victims. Both cadres agreed not to repeat such incident in the future.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 32 criminal cases, the District Court with three judges decided 21 cases and 11 cases remained pending. Of 74 civil cases, 28 cases were decided and 46 cases remained pending.

July 17, 2011-December 31, 2011

Among 51 criminal cases, the District Court with two judges decided 18 cases and 33 cases remained pending. Similarly, out of 47 civil cases, 10 cases were decided 37 remained pending.

The Office of the District Government Attorney filed 24 cases between July 17, 2010 and July 16, 2011, out of which nine cases were won and 12 cases were lost. The Office, with one government attorney, informed that three cases filed by July 16, 2011 remained pending.

Among the four murder cases filed, one case was won and three were lost.

Type of Events	By Non-State		
	Female	Male	Total
Child Rights	3	1	4
Women Rights	8		8
Racial Discrimination	1		1
Beatings		4	4
Threats	1		1
Killing	1		1
Total	14	5	19

Out of two cases, one were won and one remained pending. Out of four rape cases, one case was won and three cases were lost. Out of two polygamy cases, one was won and the other case was lost.

The Office of the District Government Attorney filed 20 cases between July 17, 2011 and December 31, 2011, all of those cases remained pending.

CHILD RIGHTS

Situation of Education

Of 65, 260 children of school going age, 31,667 boys and 33,593 girls are enrolled in schools at primary and secondary level. 476 female and 839 male teachers are working at primary level in governmental and community school. Similarly, 203 female and 258 male teachers are employed at lower-secondary level. Meanwhile, 15 female and 232 male teachers are employed at secondary level.

5,204 boys and 5775 girls are attending Early Child Development Center in the district among which 1,202 boys and 1267 girls are dalits.

Rape, Attempt to Rape, Sexual Abuse

A 15-year-old girl of Hansapur VDC-2 subjected to attempted rape allegedly by Tika Bahadur GC, 26, and Khadak Bahadur GC, 24, of same place on September 2 while she was heading home from the fair of Indreta VDC. The accused was arrested on the same day by police. Demanding legal action against the accused, the victim's family lodged a complaint at the DPO on September 4.

The victim's health checkup was held at the District Health Post. The accused was sent to jail on remand as per the order of the District Court on October 21.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

The relatives of a 26-year old woman of Dharapanee VDC-6 filed a complaint against Man Bahadur BK, 22, of same place on April 24 on the charge of raping her on April 14. The victim's checkup was held at District Hospital. The accused was arrested by police on the same day. He was sent to jail on remand as per the order of the District Court on June 19.

The family of a 50-year old woman of Kerunga VDC-1 lodged a complaint against Ganesh Darjee, 20, of Balkot VDC-1 on June 5 accusing him of raping the women while she was on the way to Peepalbot of Jhatara VDC. The accused was arrested by police on that day. The victim's health checkup was held at the District Hospital on June 7. The District Court announced a 10-year jail term with Rs 200,000 against the accused on October 23.

Polygamy

Manju Acharya, 22, of Jukenna VDC-7 lodged a complaint against her husband Jeet Bahadur Acharya on December 12 stating that he took Maya Nepali of Dhakawang VDC-7 as a second wife. Acharya married with Nepali on November 29. Both were arrested by police at the Sunauli boarder on December 8 while they were attempting to cross the border. They were placed in police custody at the DPO.

Mistreatment

Khim Kumari Raut, 69, of Hansapur VDC-3 was assaulted and mistreated by astrologer Ganesh Panthi, 19, of Bangi VDC on March 19 for donating small sum of money for his service. The incident

occurred at Bus Park where Panthi runs his business. Saying that Khim Kumari was a witch and that he required large sum of money and a kid goat to cure her, Panthi had tried to extort money from her. He even told Khim Kumari to give his her gold jewelry. She complained at District Police Station on the same day. Panthi apologized to her during a meeting between both sides at the DPO and returned Khim Kumari's Rs 1,000 that she had given Panthi on the day of the assault.

ALL KINDS OF RACIAL DISCRIMINATION

Mitralal Paudel, 45, and Shanta Poudel, 41, of Pali VDC-5 mistreated Goma Nepali of the same place on April 12 after she touched a public tap. The INSEC district office and Dalit Women Organization jointly monitored the incident on April 16. The victim lodged a complaint at the DPO on April 16 when the incident could not be resolved at a local level. Both sides reached an agreement in the presence of HR defenders, different political parties and police on April 18 after the accused promised not to repeat such an incident in future.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	8		
Sub-Health Post	31		
Position	Available Position	Working	Vacant
Doctor	5	3	2
Staff Nurse	5	3	2
Lab Assistant	5	3	2
AHW	58	54	4
AMW	16	14	2
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
H W	73	49	24



3.12 Gulmi



Population : 283,577

Male : 122,818

Female : 160,759

Literacy(%) : 66

Women Literacy(%) : 53

Area(Sq. Km.) : 1,149

Number of VDC(s)/Municipality(ies) : 79/0

Number of School(s) : 583/22

Campus(es)/Higher Secondary School(s) : 2/38

Human Development Index : 0.467

Average Household Size : 4.18

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'E' grade Jail has the capacity to hold 25 inmates but had 61 at the end of the year. 40 persons had been convicted while 21 were awaiting trial. There were 54 male and seven female inmates at end of the year.

The building of the District jail is in a dilapidated condition. The inmates stated that there is a lack of sufficient drinking water, toilets and newspapers in the jail.

THREATS/BEATINGS

HRERLC Nepal member and journalist Rishiram Bhusal, 23, of Banjhakateri VDC-5 was assaulted by SI Dharmagat Bhandari, 41, of the Area Police Office, Dahakot on January 23. Bhandari had gone

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			4		4
Women Rights			6		6
Racial Discrimination			1	1	2
Arrest & Torture	1	1			
Beatings	8	8			
Killing			1	1	2
Total	9	9	12	2	14

to the Area Police Office seeking protection when a group of youths manhandled him at Phurkot VDC-8. However, Bhandari attacked him accusing him of disturbing the police during the night. The victim was released later that day after INSEC district representatives intervened. The accused apologized to the victim in the presence of human rights defenders and journalists on January 26.

ARBITRARY ARREST

Ram Bahadur Biswakarma, 34, of Tamghas VDC-8 was arrested by police, on June 20 on the charge of beating up Judda Bahadur Biswakarma of the same place. The DPO informed that the police were compelled to arrest him as Judda's health condition was deteriorating. The victim was released on bail on June 28.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of the 168 criminal cases, the District Court with one judge decided 126 cases and 42 cases remained pending. Among the 209 civil cases, 136 cases were decided and 73 cases remained pending. There was one civil case older than two years which remained pending in the District Court.

July 17, 2011-December 31, 2011

Of the 102 criminal cases, the District Court with one judge decided

42 cases and 60 cases remained pending. Out of the 118 civil cases, 43 cases were decided and 75 cases remained pending.

The Office of the District Government Attorney filed 74 cases between July 17, 2010

and July 16, 2011, out of which 45 cases were won and three were lost. The Office with one government attorney informed that 26 cases filed by July 16 2011 remained pending.

Among seven murder cases filed, four cases were won and one was lost. Out of three rape cases all cases were won. A case of attempted rape was lost. Out of nine polygamy cases, five cases were won and four cases were lost.

The office of the District Government Attorney filed 55 cases between July 17, 2011 and December 31, 2011 out of which seven cases were won and three cases were lost. Two cases were moved to the Appellate Court. The Office, with two government attorneys, informed that 51 cases remained pending at the end of the year.

CHILD RIGHTS

Situation of Education

Of 81,148 children of school going age, 38,480 boys and 42,648 girls enrolled in schools of primary and secondary level. Among them, 11,197 girls and 10,209 boys were from the dalit community. 431 female and 1,012 male teachers work at primary level government and community schools. 43 female and 239 male teachers are employed at lower-secondary level. A number of seven female and 250 male teachers work at secondary level.

A number of 6,684 boys and 6,301 girls are attending Early Child Development Center in the district among which 1,669

boys and 1,568 girls are member of the Dalit community.

Rape, Attempt to Rape, Sexual Abuse

The family members of a 12-year old girl of Neta VDC-1 lodged a complaint against Gopal Kumal, 26, of same place on July 1 on the charge of raping her on June 30. The accused was arrested by police on July 3. He was sent to jail on remand as per the order of District Court on July 19. The case remained pending at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Ram Bahadur Bucha of Khajyang VDC-9 allegedly attempted to rape a 45-year old woman of Pallikot VDC-7 on July 27 while she had gone to buy some goods in his shop. The victim lodged a complaint at the DPO on July 28. The accused was arrested by police on July 30. He was released on bail on September 6 following an order of the District Court.

A 39-year old woman of Hunga VDC-9 filed a complaint against Ramesh Bahadur Thapa, 27, of Rupakot VDC-9 on September 24 in which she accused him of attempting to rape her in Rupakot VDC-9 on September 23. On the basis of the victim's complaint, police arrested the accused on September 25. The accused was released after depositing Rs 50,000 as per the order of Justice Krishna Ram Koirala. The victim's health checkup was held at District Hospital on September 23.

DOMESTIC VIOLENCE

Amrita Pun, 31, of Poudiamarai VDC-1 was killed by her husband Dilip Pun aka Dilu, 34, on June 2 after she expelled his second wife from their home. The victim's elder brother lodged

a complaint at the DPO on June 3. The accused was arrested by police on the same day and was sent to jail on remand as per the order of Justice Khadananda Tiwari on June 30. The case remained pending at the end of the year.

Polygamy

Man Bahadur Sunar, 38, the husband of Shanti Sunar from Paralmi VDC-5 committed polygamy by marrying Deepa Sunar, 23, of same place on March 20. The Shanti Sunar lodged a complaint at the DPO on April 1. The accused were arrested by police on April 3. They were released as per the order of the District Court on April 13 after depositing Rs 36,000 on bail.

Lala Bahadur Thapa, 27, husband of Bijula Thapa, 26 of Shantipur VDC-8 committed polygamy when he married Sarita Kunwar, 21, of Thulolumpek VDC-8. His first wife lodged a complaint at the DPO on October 19. Sarita was arrested by police on October 24 and was released after depositing Rs 15,000. However, her husband could not be traced.

ALL KINDS OF RACIAL DISCRIMINATION

Seti Biswakarma, 45, of Bastu VDC-6 was beaten up by the vice-chairperson of Kalika Temple Management Committee of same VDC-7 on April 11 on the charge of trying to enter the temple. The victim's relatives filed a complaint at the DPO on April 12. The DPO called the accused to investigate the incident on April 13. Biswakarma, who received an injury to his left leg and right hand, was treated at the District Hospital on April 12. An agreement between both sides was reached at the DPO on April 17 when the accused promised to give NRs 18,000 to the victim.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	12		
Sub-Health Post	64		
Position	Available Position	Working	Vacant
Doctor	7	5	2
Staff Nurse	8	4	4
AHW	86	81	5
AMW	26	26	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1		1
HA	19	16	3
H W	144	117	27



3.13 Baglung



Population : 270,009

Male : 119,021

Female : 150,988

Literacy(%) : 70

Women Literacy(%) : 55

Area(Sq. Km.) : 1,784

Number of VDC(s)/Municipality(ies) : 59/1

Number of School(s) : 557/11

Campus(es)/Higher Secondary School(s) : 4/33

Human Development Index : 0.492

Average Household Size : 4.25

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'E' grade Jail which had the capacity to hold 25 persons had 69 at the end of the year. Among them, four were female and the remaining 65 were male. 40 inmates have been sentenced and 39 are awaiting trial. The inmates are facing problems related to eating and sleeping due to overcrowding. The male inmates are compelled to sleep in a tent outside the building due to overcrowding. However, the female inmates do not experience such problems due to their low number in the prison. An inmates, Sas Bahadur BK said that they are facing an acute shortage of water. Jail warden Tikaram Acharya said that the jail administration will allocate a temporary room for the inmates in the near future.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Seven cadres of the UCPN-M and Rastriya Jana Morcha were injured when a clash occurred among them during the 20th Village Council meeting of Khunga VDC on December 19. The clash ensued when the UCPN-M captured the minute book of the council. They captured it when a discussion concerning road construction was going underway. Injured UCPN-M cadres Harkajit BK, 35, of Khunga VDC-5, Kul Prasad BK, 38 and Tek Bahadur BK, 43, were treated at Dhaulagiri Zonal Hospital. Meanwhile, injured Jana Morcha cadres Gan Bahadur Phagami of Khunga VDC-7, Hemlal Phagami, Rajesh Chhantyal of Khunga VDC-9 and Indra Man Chhantyal all of Khunga VDC-7 were treated at the Primary Health Centre of Burtibang.

Type of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Child Rights				3		3
Women Rights				2		2
Right to Assembly	1	6	7			
Racial Discrimination				4		4
Killing				1	1	2
Total	1	6	7	10	1	11

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 131 criminal cases, the District Court with one judge decided 44 cases and 87 cases remained pending. Similarly, of the 92 civil cases, 23 cases were decided and 69 cases remained pending. Meanwhile, two criminal cases older than two years remained pending.

July 17, 2011-December 31, 2011

Out of 229 criminal cases, the District Court with one judge decided 56 criminal cases and 173 remained pending. Of the 154 civil cases, 27 cases were decided and 127 cases remained pending.

APPELLATE COURT

July 17, 2010- July 16, 2011

Among 140 criminal cases, the Appellate Court with one judge decided 42 criminal cases and 98 cases remained pending. Out of 27 civil cases, eight cases were decided and 19 cases remained pending.

The Office, with one government attorney, informed that all three murder cases filed, three by July 16, 2011 had been lost.

The Office, with one government attorney, informed that among the three murder cases filed between July 17 and December 31, all remained pending by the end of the year.

CHILD RIGHTS

Situation of Education

Of 78,297 children of school going age, 41,004 boys and 37,293 girls were enrolled in schools at primary and secondary level. Among them, 13,612 girls and 12,836 boys were members of the dalit community. 651 female and 1,062 male teachers are employed at primary level in government and community schools. Similarly, 80 female and 630 male teachers are working at lower-secondary level. Meanwhile, a total of 23 female and 347 male teachers are employed at secondary level.

3,830 boys and 3,823 girls are attending Early Child Development Center in the district among which 1,179 boys and 1,247 girls are members of the Dalit community.

Rape, Attempt to Rape, Sexual Abuse

The father of a 13-year old girl of Kunga VDC-7 filed a complaint against Gopal Argeja, 23, of same place at the DPO on June 24 on the charge of raping her. The accused was arrested by police on June 29. He was sent to jail on remand as per the order of the District Court on July 22.

Lal Bahadur Shris aka Lalupate, 55, of Bhakimli VDC-3 allegedly attempted to rape an 11-year-old girl of Baglung Municipality-11 on July 24 as she was playing near Shiva Mandir in the same locale. The victim's elder brother lodged a complaint against Shris at the DPO that day and police arrested and lodged a case against him at the District Court. He was

sent to jail on remand as per the order of the District Court on August 7.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

The elder brother of an 18-year old woman of Nisi VDC-3 filed a complaint against Om Bahadur Shri on September 14 on the charge of raping her. The accused was arrested by police on September 16. He was sent to jail on remand as per the order of the District Court on September 29.

DOMESTIC VIOLENCE

Ayari Thapa, 35, of Bhakunde VDC-7 was stabbed by her husband Bhakta Bahadur Thapa, 38, on June 4. The accused was arrested by police on June 5 after the victim's brother filed a complaint. He was sent to jail on remand as per the order of the District Court.

ALL KINDS OF RACIAL DISCRIMINATION

Sapana Pariyar, 18, and Samjhana Pariyar, 17, of Khunkhanee VDC-6 and Garima BK, 18, of VDC-4 were banished from the house of Seeta Poudel, aka Seema, and Bhimnath Poudel, aka Hari, of Baglung Municipality-2 on November 4 because they were members of the Dalit community. The accused had rented them rooms for Rs 2,000 per month. Both sides reached an agreement at the DPO on November 7 after the accused provided Rs 3,000 per person and promised not to repeat such incident in future.

FOLLOW-UP

Bijula Kandel, 24, of Paiyuthanthap VDC-9, registered as disappeared person after being abducted by the UCPN-M, returned home. Kandel's whereabouts

remained unknown after she was abducted from home and taken to Timurkhola of Kusmisera on August 19, 2005 following a complaint by some of her family members accusing her of sexual promiscuity. She had remarried to Raju Adhikari of Simlar VDC in Rupandehi district. Bijula was brought to Baglung by her father Tikaram Sapkota and her brother Ramakanta Sapkota and made public at a conference on August 26. She told the journalists that she was kept at several Maoists' labor camps in Baglung for 20/22 days and then managed to flee to Butwal. She got married while she was working at a hotel there and had two daughters from the marriage. Bijula's family had received Rs 100,000 from the Government of Nepal as a victim's family. She said she contacted her family seeing her photo in the television which aired the event of release of a banner with the pictures of the disappeared persons, jointly financed by INSEC and local peace committee.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	9		
Sub-Health Post	48		
Position	Available Position	Working	Vacant
Doctor	21	2	19
Staff Nurse	3	2	1
Lab Assistant	5	4	1
AHW	64	61	3
AMW	64	61	3
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	14	12	2
H W	65	62	3



3.14 Parvat



Population : 147,076

Male : 65,357

Female : 81,719

Literacy(%) : 63

Women Literacy(%) : 57

Area(Sq. Km.) : 494

Number of VDC(s)/Municipality(ies) : 50/0

Number of School(s) : 357/13

Campus(es)/Higher Secondary School(s) : 4/31

Human Development Index : 0.504

Average Household Size : 4.08

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold 25 inmates but had a total of 58 at the end of the year. Among the inmates, 54, were male and two were female. The number of those convicted was 30 and the number of those awaiting trial was 28. The District Jail has two separate buildings for male and female inmates. However, the male inmates are now being kept in the female's building due to overcrowding in their own building. The female inmates have been shifted to police quarters outside of the jail. The inmates have no access to television in the second building. According to the inmates, they sleep outside the jail

under a tent due to overcrowding. However, the inmates have access to the radio and newspapers. They are also facing a shortage of toilets.

THREATS/BEATINGS

By UCPN-M

Buddisara Thapa, 71, of Shaligram VDC-7 was threatened with death by a UCPN-M cadre Kashiram Pariyar, 45, of same place on April 6. The victim lodged a complaint at the DAO on the same day. An agreement was reached between both sides on April 8 when the accused promised not to repeat such incident in the future.

Sher Bahadur KC, 58, of Chitre VDC-6 was beaten up by UCPN-M secretary Gam Bahadur BK of the same place, Principal of Laxmi Primary School Shalikram Paudel and UCPN-M cadre Shobhakar Lamsal on May 31 on the charge of not giving a donation to them. The incident occurred during the discussion of the construction of a road linking Saradikhola to Salyan. The victim filed a complaint at the DPO on June 1. Both sides reached an agreement at the DPO on June 8 after the accused promised not to further disrupt the construction of the road.

RIGHT TO PROMPT AND FAIR TRIAL District Court

July 17, 2010- July 16, 2011

Out of 87 criminal cases, the District Court with one judge decided a number of 70 cases and remaining 17 cases are pending. Among 106 civil cases, 67 cases were decided and 39 cases remained pending.

July 17, 2011-December 31, 2011

Of the 22 criminal cases, the District Court with one judge decided three criminal cases and 19 cases remained pending. Out of the 28 civil cases, a number of 18 cases were decided and rest of the 10

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured			2	1	3
Child Rights			2	1	3
Women Rights			3		3
Arrest & Torture	1	1			
Beatings				1	1
Threats			1		1
Killing			5	1	6
Total	1	1	13	4	17

remained pending

The Office of the District Government Attorney filed 40 cases between July 17, 2010 and July 16, 2011, out of which two cases were won and seven cases were lost. An appeal was made in 29 cases at the Appellate Court. One case was older than two years. The Office, with one Government Attorney, informed that 31 cases filed by July 16, 2011 remained pending.

The Office of the District Government Attorney filed 22 cases between July 17, 2011 and December 31, 2011, out of which six cases were won and 16 cases were lost.

CHILD RIGHTS

Situation of Education

Of 38,755 children of school going age, 18,497 boys and 20,258 girls enrolled in schools of primary and secondary level. Among them, 6,741 girls and 6,073 boys were dalits. There are a total of 1,311 teachers at work in primary level government and community schools. Similarly, 364 and 304 teachers are at work in lower-secondary level and secondary level of government and community schools respectively.

3,247 boys and 3,132 girls are attending Early Child Development Center in the district among which 978 boys and 936 girls are dalits.

Killing

Nabina Tiwari, 6, and Namuna Tiwari, 8, of Peepaltari VDC-9 were killed by their father Krishna Sharma Tiwari on July 31. He threw them into the river saying that he failed to look after them as the family was facing financial problem. The accused himself lodged a complaint at the DPO on August 3, claiming an unidentified group had abducted his daughters and that the group demanded Rs 100,000 as ransom. One of the locals of same place, Kapil Mani Tiwari, filed a complaint against Krishna on August 11. The accused was arrested by police on the same day. Tiwari confessed to Sher Bahadur KC, inspector of Central Investigation Bureau of killing the girls. He was sent to jail as per the order of the District Court on September 4.

Rape, Attempt to Rape, Sexual Abuse

A 15-year-old girl of Deurali VDC-5 was raped allegedly by Harka Bahadur Gurung, 35, of Bhuktanle VDC-7 on October 28 after giving her Rs 10. Police arrested the accused on the same day with the help of local people. The victim's mother lodged a complaint at the DPO on October 29. The accused was sent to jail on remand as per the order of the District Court on November 24.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE

Reeta Gurung, 34, of Bhuktanle VDC-2 and currently residing at ward no 1 of the same VDC was killed when struck with an axe by her husband Santa Bahadur Gurung, 35, on November 12. A domestic dispute occurred between the victim and her husband on November 11. The locals handed over the accused to the DPO on

November 12, when the victim's mother asked for help from them after witnessing the incident. The victim's elder brother Tara Prasad Gurung of Lumle VDC-1 filed a complaint at the DPO against Santa Bahadur on the same day. The District Court ordered to send the accused in jail on November 24.

Polygamy

Som Nath Acharya, 31, of Dhairing VDC-9, husband of Saraswati Acharya married Sarita Acharya, 19, of same place on September 22. The accused was arrested by police on the basis of Saraswati's complaint on the same day. He was sent to jail on September 27 as per the order of the District Court. Krishna Prasad Acharya, the victim's father lodged a complaint against him on the charge of trafficking women on September 4.

Mistreatment

Harikala Bhandari, 60, of Limithana VDC-9 was killed after being struck by a sickle by her nephew Bhakta Bahadur Bhandari, 48, on August 2 after being accused of practicing witchcraft. Bhakta Bahadur also attacked his wife Meena Bhandari, 42, who died on the spot. He also injured his mother Dhanasara Bhandari, 75, and Bhim Bahadur Chhetri, 78, of Thanamaula VDC-2. Bhim Bahadur Chhetri and Pabitra Bhandari, 26, also sustained injuries during the incident. Of the injured, Bhim Bahadur and Dhansara were treated at the District Hospital on August 3 whereas Pabitra was referred to Kathmandu for further treatment. The accused was handed over to the DPO by the local people on August 2. He was sent to jail as per the order of the District Court on August 26.

HEALTH SERVICE SITUATION

Hospital	5		
Health Post	10		
Sub-Health Post	42		
Position	Available Position	Working	Vacant
Doctor	4	2	2
Staff Nurse	5	3	2
Lab Assistant	4	4	
AHW	58	13	45
AMW	18	13	5
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	15	12	3
H W	84	74	10



3.15
Myagdi

Population : 113,731

Male : 51,656

Female : 62,075

Literacy(%) : 63

Women Literacy(%) : 50

Area(Sq. Km.) : 2,297

Number of VDC(s)/Municipality(ies) : 40/0

Number of School(s) : 254/10

Campus(es)/Higher Secondary School(s) : 1/17

Human Development Index : 0.498

Average Household Size : 4.06

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates. At the end of the year, there was a total of 64 inmates, of whom 53 had been sentenced and 11 were awaiting trial. There are 61 male and three female inmates. The inmates face several problems due to overcrowding, such as a lack of sleeping space, lack of toilet facilities, problems related to waste management. The Inmate's leader, Dabahadur Pun, pointed out that as there are only two bedrooms in the prison which do not accommodate all of the inmates at the same time, they are compelled to live between the kitchen room, corridor of the temple inside the prison and the bathroom. The prison has drinking water, sports materials and televisions including other communication goods. The inmates are involved in income generating works such as making bamboo stools and weaving fabric from loom fiber. Jail warden Ram Chandra Regmi said that the construction of an additional room which would accommodate 14 male detainees had begun.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 24 criminal cases and 13 remained pending. 30 civil cases were decided and 12 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided 30 criminal cases and 18 remained pending. Three civil cases were decided and 25 cases remained pending.

The Office of the District Government Attorney filed 21 cases between July 17, 2010 and July 16, 2011, out of which 13 cases were won and three

cases were lost. The Appellate Court has been moved in four cases. The Office, with one government attorney, informed that eight cases filed by December 31, 2011 remained pending.

Among the filed two murder cases, one case was won and one remained pending. Out of seven rape cases, three cases were won and four remained pending. One human trafficking case was won.

CHILD RIGHTS

Situation of Education

Of 29,829 children of school going age, 13,903 and 15,926 girls were enrolled in schools at primary and secondary level. Among them, 4,808 girls and 5,123 boys were members of the Dalit community. 215 females and 482 males teach at primary level government and community schools. 17 female and 158 male teachers are employed at lower-secondary level in government and community schools. 116 male teachers work at secondary level in government and community schools. Among them, 10 female and 28 male are members of the Dalit community.

Abduction

Nikesh Phagami, a 6-year old boy of Kunhu VDC-4, and student at Tatopani English Boarding School was abducted nearby his home and thrown into the Myagdi River by Subash Bishwakarma, 19, an owner of an ornaments repair shop at Tatopani of Singa VDC-4 and resident of Banglung Municipality-4 on November 13. The victim's body was found behind the Dhaulagiri Secondary School of Singha VDC on December 25. The police arrested Bishwakarma at his house after a complaint was filed against him on November 14. The police informed that the accused admitted that he murdered Phagami after stealing his earring. As per the order of District Court, Bishwakarma was remanded in jail on December 7.

Type of Events	By Non-State		
	Female	Male	Total
Child Rights	3		3
Women Rights	4		4
Killing		1	1
Total	7	1	8

A 15-years-old girl of Singha VDC-8 was raped at her home by Tek Bahadur Kishan, 18, of same VDC on May 6. The victim's family filed a complaint with the police on May 7. The accused was arrested by police on the same day. The District Court sentenced him 10 years imprisonment and ordered that the victim be compensated with Rs 50,000. She received medical treatment at the district hospital on May 7.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 23-year-old woman of Piple VDC-6 was raped at Jhankri cave allegedly by Tika Bahadur Bhandari, 45, of same VDC on February 15. The victim's family filed a complaint at the DPO on February 16. The accused was arrested by police on February 16. The District Court released Bhandari on June 30, after he claimed that they were engaged in consensual sexual relation when a third person saw them. He claimed that the victim's family accused him of rape to avoid public shame. The District Attorney's Office filed a petition at the Appellate Court, Baglung, on July 11. No decision had been made until in the case by the end of this year.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	1		
Sub-Health Post	42		
Position	Available Position	Working	Vacant
Doctor	3	3	
Staff Nurse	4	4	
Lab Assistant	1	1	0
AHW	74	56	18
AMW	48	44	4
Vaccine Supervisor	1	1	0
TB/Leprosy Supervisor	1	1	0
HA	16	11	5
H W	48	44	4



3.16 Mustang



Population : 13,799

Male : 7,317

Female : 6,482

Literacy(%) : 54

Women Literacy(%) : 40

Area(Sq. Km.) : 3,573

Number of VDC(s)/Municipality(ies) : 16/0

Number of School(s) : 70/5

Campus(es)/Higher Secondary School(s) : 0/2

Human Development Index : 0.482

Average Household Size : 3.96



CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'E' grade Jail which had the capacity to hold 10 persons had three at the end of the year. Three persons had been convicted, all of whom were male.

As the jail in this district doesn't have a compound, inmates are deprived of moving around outside. There are no toilet facilities inside the jail building. Jail warden Sujan Shrestha stated that toilets inside the jail building are essential but could not be constructed due to the dilapidated condition of the buildings. Prisoners have beds for sleeping from this year. There is also a television set in the jail.

RIGHT TO PROMPT AND FAIR TRIAL

DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided four criminal cases and one remained pending. One civil case was decided and four cases remained pending.

July 17, 2011-December 31, 2011

The District Court, with one judge, had two criminal cases but decision had not been reached on either of them. Similarly, four civil cases were filed in the court but all of them remained pending.

The Office of the District Government Attorney filed eight cases between July 17, 2010 and July 16, 2011, out of which seven cases were won and one case was lost.

Of the two murder cases filed, one case was won and one was lost. One rape case was filed and won.

The Office of the District Government Attorney filed nine cases between July 17, 2011 and December 31, 2011, out of which three cases were won and two cases were lost. The Appellate Court has been moved in one case. The Office, with one government attorney,

Type of Events	By Non-State	
	Female	Total
Child Rights	2	2
Economic, Social and Cultural Rights	1	1
Women Rights	2	2
Total	5	5

informed that all four cases filed up to July 16, 2011 remained pending.

Of the two murder cases filed, one case was won and one was lost. Out of three rape cases, one case was won.

CHILD RIGHTS

Situation of Education

Of the total 2,046 children of school going age, 974 boys and 1,720 girls were enrolled at primary to secondary level. Of the enrolled children, 491 girls and 479 boys were from the dalit community. Government and community schools combined, a total of 128 teachers are teaching at primary level, of which 75 are female and 153 are male. Similarly, a total of 52 teachers work at the lower secondary level in which 4 are female and 48 are male. Of the total of 42 teachers working at secondary level, one is female and 41 are male. Of the total number of teachers, 5 female and 11 male teachers are from the dalit community.

A total of 618 children are studying at the Early Child Development Center, of which 316 are boys and 302 are girls. Of the total number of students, 55 boys and 53 girls are from the dalit community. Not all the data found had been updated by the District Education Office.

Rape, Attempt to Rape, Sexual Abuse

A 14-year-old girl working in Jomsom as a domestic worker was raped allegedly by Sangbo Sherpa, 34, who had been working as a laborer in Mustang on November 29. The family for whom the girl was working filed a complaint against Sherpa on the same day at the DPO. Police

arrested the accused on the same day. The accused was still under investigation at the end of the year.

Alleging that a girl, 5, of Marpha VDC-1 was raped by Sunil BK, 18, of the same place on December 10, her family filed a complaint at the DPO on December 11. Police arrested the accused on the same day and he was under investigation at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Abuse

A woman leader of Dhagarjung village in Kagbeni VDC-4, Sabitri Gurung, 39, was socially boycotted the proposal for refusing of Sonamongdi Gurung, Chhangrinjin Gurung and Sonamyungdyung Gurung. The decision was reached as she allegedly did not accept a decision made by the head of the village to pay the fine she was obliged to pay on August 2 for defying the decision of the chiefs of the village. She was boycotted for approximately 25 days. However, on 28 September, an agreement was in the presence of the District Administration and representatives from political parties to revoke the boycott after Sabitri agreed to pay the minimum fine in accordance with the village rule.

Jhuma Custom

Traditionally, the second daughter of a family becomes a Jhuma. However, over time, becoming a Jhuma has been a matter of choice rather than a cultural or social obligation. Jhumas are not forbidden to marry as was the case in the past but they have to apologize for their marriage to the Lamas of the local Monasteries. Chief of the Ghar Monastery, Ani Chhewang, said that Jhumas can study like other Lamas or Dhawas in the Monasteries, can equally participate in worshipping and receive pay

from the villagers on a par with monks. As a couple rarely have more than two children, this tradition is vanishing gradually in the district. For this reason, Ani Dhawa and Ani Dhawa Khando of Jhong VDC said that most of the Jhumas in the region are from the places outside the district such as Dolpa, Mugu, Kathmandu, Boudha etc.

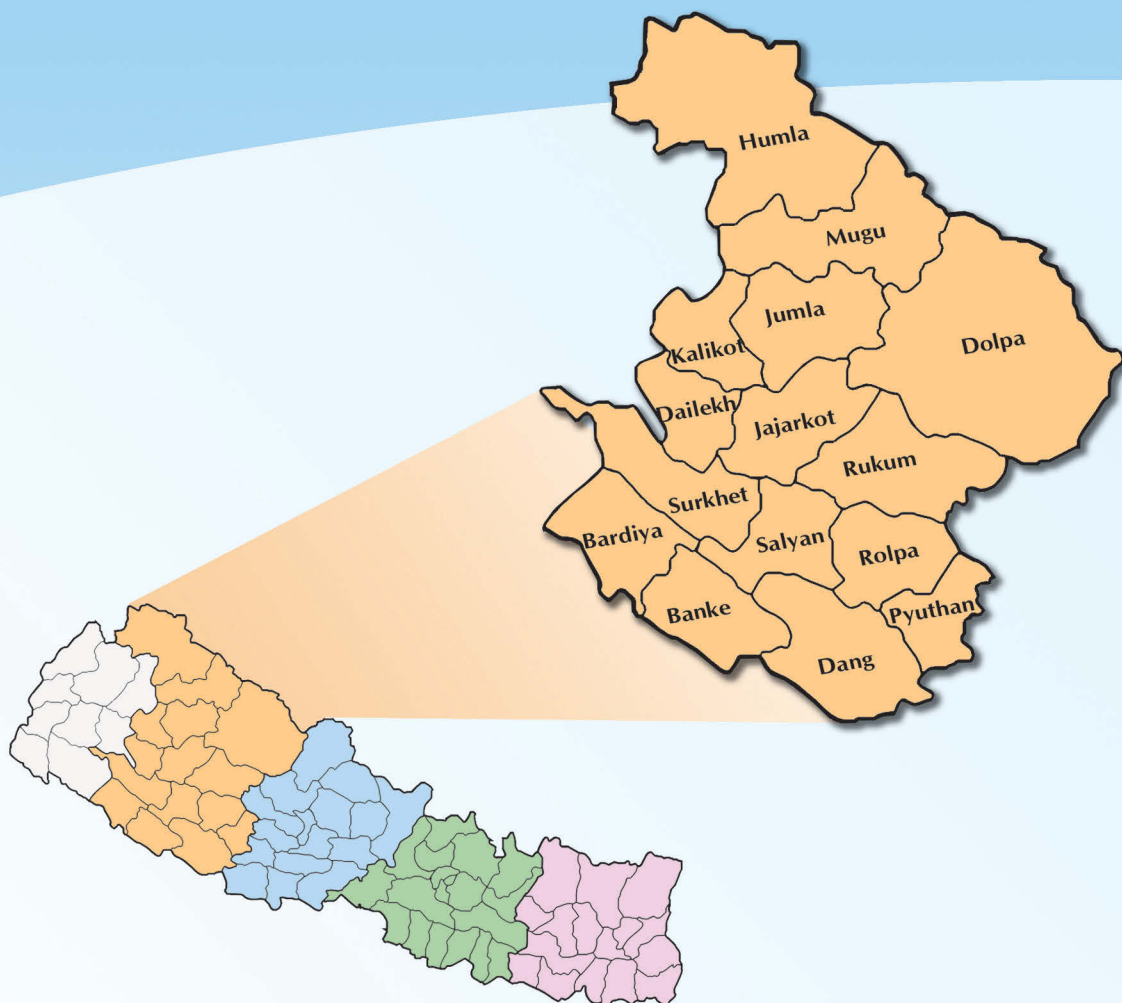
Mukhiya (Village Head) Custom

Mukhiya custom is a long practice in this district. Mukhiyas take law making into their own hands. However, most of the locals in the district are satisfied with the custom. Civil society member Chandra Bahadur Thakali and a local Ratne BK stated that the administration under the Mukhiya custom is speedy, efficient, transparent and convenient. They also expressed that the process to choose the Mukhiya is consensus based. All members of the village have a right to be a Mukhiya. In some villages it was also deemed that Mukhiyas are selected on a rotation basis. Overall, the custom is not bad but one cannot defy the decisions of the Mukhiya and women and Dalits cannot attend the village meetings.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	8		
Sub-Health Post	7		
Position	Available Position	Working	Vacant
Doctor	3	2	1
Staff Nurse	3	2	1
Lab Assistant	3	2	1
AHW	19	14	5
AMW	14	11	3
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	11	5	6
RH W	22	11	11





4. MID WESTERN REGION

- | | | | |
|-----|---------|------|----------|
| 4.1 | Dang | 4.9 | Jajarkot |
| 4.2 | Pyuthan | 4.10 | Dailekh |
| 4.3 | Rolpa | 4.11 | Dolpa |
| 4.4 | Salyan | 4.12 | Jumla |
| 4.5 | Rukum | 4.13 | Kalikot |
| 4.6 | Banke | 4.14 | Mugu |
| 4.7 | Bardiya | 4.15 | Humla |
| 4.8 | Surkhet | | |

4.1

Dang



Population : 557,852

Male : 264,110

Female : 293,742

Literacy(%) : 73

Women Literacy(%) : 50

Area(Sq. Km.) : 2,955

Number of VDC(s)/Municipality(ies) : 39/2

Number of School(s) : 507/84

Campus(es)/Higher Secondary School(s) : 2/37

Human Development Index : 0.409

Average Household Size : 4.55

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

Tulashipur Jail

The 'D' grade Jail has the capacity to hold 100 inmates. However, 126 male and 19 female inhabited the jail, of whom 134 were convicted and of whom 11 were awaiting trial. 126 were male and 19 were female. Seven dependent including one boy and six girls were residing in the jail. Inmates face problem of lack of sleeping space. The inmates have access to facilities such as a latrine, electricity, health services, newspapers, a radio, playground and TV, among others. According to jail warden Udaya Dangi, the inmates had the opportunity to participate in various training programs in the jail.

Ghorahi Jail

The 'E' grade jail has the capacity to hold 50 inmates. It has a total of 124 inmates at the end of the year. 86 were convicted and 38 are awaiting trial. The inmates were facing problems related to overcrowding, lack of drinking water, lack of toilet facilities. According to jail warden Ranbir Budha, they have the facilities such as electricity, health check ups, newspapers, a radio, TV, amongst others.

THREATS/BEATINGS

By Tharuhat and Janajati Mahasangh

Local facilitator of Hurplace Rolpa Nandalala Khatri, 30, of Dubidanda VDC-4 was injured when Tharuhat and Janajati Mahasangh cadres hurled stone at him on May 13 during a strike they had called. The victim was heading to Tulsipur from Ghorahi when the incident occurred. The victim, who received deep wounds to the forehead, was treated at Nepalgunj after initially receiving treatment at Rapti Sub-Zonal Hospital. Tharuhat central member Dhani Ram Chaudhary, 38, and its military chief Rajendra Chaudhary, 22, were arrested by police on the same day for their involvement in the incident. However, Tharuhat Rajya Parisad denied their involvement in the incident. An agreement between both sides was reached in the presence of rights activists from various organizations and police personnel on May 15 when the accused promised to bear the victim's treatment costs. However, the victim had not received the compensation for the cost of his treatment by the end of the year.

By Unidentified Group

Principal of Srijana Balbatika Secondary School, Ashok Kumar Pokhrel, 52, of Bijouri VDC-5 was issued a death threat over the phone by an unidentified group on March 29. The group, which

Type of Events	By Non-State		
	Female	Male	Total
Injured	1	2	3
Child Rights	4		4
Women Rights	8		8
Beatings	1	5	6
Threats		3	3
Killing	2		2
Total	16	10	26

eventually identified itself as Vhillen Group, demanded Rs 500,000 from him. Demanding action against the accused, the victim lodged a complaint at the DAO on April 18. However, the group involved in the incident had not been reprimanded by the end of the year.

A journalist of Janaubhar Weekly Govinda Khadka, 32, of Chaukhawan VDC-6 was beaten up by an unidentified group on July 27 while he was heading home from a hotel in Sahid Chowk at Ghorahi Municipality. Demanding action against the accused, the Federation of Nepalese Journalist filed a complaint at the DAO on July 28. However, no one had been arrested by police by the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Of 407 criminal cases, the District Court with one judge decided 268 cases and 139 remained pending. Out of the 325 civil cases, 134 cases were decided and 191 cases remained pending.

July 17, 2011-December 31, 2011

Out of 191 criminal cases, the District Court with one judge decided 72 cases and 119 remained pending. Among the 158 civil cases, 36 cases were decided and 122 cases remained pending.

APPELLATE COURT

July 17, 2010- July 16, 2011

Out of 298 criminal cases, the Appellate Court with one judge decided 208 cases and 90 cases remained pending. Of the 202 civil cases, 113 cases were decided and 79 cases remained pending.

July 17, 2011 -December 31, 2011

Of 268 criminal cases, the Appellate Court with one judge decided 26 cases and 242 remained pending. Out of 135 civil cases, 13 cases were decided and 122 cases remained pending.

The Office of the District Government Attorney filed 504 cases between July 17, 2010 and July 16, 2011, out of which 140 cases were won and 23 cases were lost. Nine cases were moved to the Appellate Court. The Office, with one government attorney, informed that 341 cases filed by July 16, 2011 remained pending.

Among the 37 murder cases filed, 15 cases were won and three were lost 19 remained pending. Out of 15 rape cases, 13 cases were won and two were lost. Out of seven cases of rape attempted, two were won, two were lost and three were pending. Out of cases of women trafficking, one case was won while one remained pending. Out of 13 cases of abduction, one case was won and 12 remained pending. Out the total of 10 cases of polygamy, five cases were won, two cases were lost and three remained pending.

CHILD RIGHTS

Situation of Education

Of 12,371 children of school going age, 56,173 boys and 66,898 girls were enrolled in schools at primary and secondary level. 5,000 boys and 5,500 girls are attending Early Child Development Center in the district among which 700 boys and 400 girls are members of the Dalit community.

Bandh/Strike

All schools in the district were shut down due to the strike called for by the Nepal Educational Democratic Forum after they submitted a 10-point demand on July 8. Approximately 1,300,000 students were prevented from attending school on that day. According to Narayan Bhandari, chairperson of the Forum, they called the strike when the government did not fully commit to fulfill their demands. They called the strike and demanded the permanent appointment of temporary teachers, uniformity in the remuneration among the teachers of the governmental and community schools, among other demands.

Students of the district were prevented from attending school when the Nepali Congress called a nation-wide strike on December 19 in protest of the killing of Shiva Poudel, Chitwan district chairperson of Nepal Tarun Dal. All schools remained closed on the day.

Rape, Attempt to Rape, Sexual Abuse

Police at Tulashipur Ward Police Office arrested Rajesh Nepali, 32, of Tulashipur Municipality-4 after it was alleged that he raped a 14-year-old girl of Halwar VDC-2 on July 6. According to police, Nepali had brought the victim to Ghorahi in his car after enticing her to leave her home. Mangal BK was also accused of being involved in the incident but he had not been found by the end of the year. Nepali was sent to jail on remand as per the order of the District Court on August 1.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A police patrol team caught Liladhar Sunar, 23, of Tulsipur Municipality red-handed as he was molesting a mentally unstable woman, originally from Salyan and

currently living in Tulsipur Municipality on July 10 night. It is said that Sunar had dragged the woman from the road and took her inside a bus at the bus park. He was remanded in jail by the District Court on August 3.

DOMESTIC VIOLENCE

Killing by Family Members

Manamati Kumal, 45, of Gowardiha VDC-1 was axed to death by her sister-in-law on April 24 while she was having dinner. The victim died instantly due to serious injuries sustained to her ears and neck. The accused was arrested by police and remanded in custody as per the order of the District Court on May 5. A post-mortem of the deceased was held at Lamahi Health Post later that day.

Mistreatment

Gammi BK, 57, Kumari BK, 35, Bishni BK, 85, of Hapur VDC-9 were beaten and force-fed human excreta by Tilak Nepali, 25, of the same VDC-9, Bikki BK, 21, Binod BK, HariKhadka and Gou Prasad BK and Shahi BK of the same place on April 27 after they accused the victims of practicing witchcraft. They forcibly kept the victims inside their home for six hours. Demanding action against the accused, the victims' relatives filed a complaint at the DPO on May 2. Among the accused, Gou Prasad BK and Shashiram BK were arrested by police on May 2. They were released on May 20 after depositing Rs 2500 bail. However, the others accused absconded and had not been found by the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

The cadres of NEFIN set the buildings of Saigha Village Development Committee on fire on November 7 for

not paying attention of their demands. The accused claimed responsibility for the incident over the phone while talking to the media. According to the VDC secretary, important valubles of the office including a solar panel, furniture etc. were set ablaze in the incident. A party meeting of in the district headquarters condemned the incident later in the day. It was concluded in the meeting that severe action be taken against the guilty parties.

An unidentified group set a public bus ablaze (Na 4 Kha 5308) while it was travelling on the Tulashipur-Ghorahi stretch of road on December 13. All the seats and much of the glasses in the bus was destroyed in the incident. The fire was taken into the control at the initiation of local people and the police. However, the whereabouts of the perpetrators had yet to be ascertained at the end of the year.

HEALTH SERVICE SITUATION

Hospital	3		
Health Post	10		
Sub-Health Post	26		
Position	Available Position	Working	Vacant
Doctor	66	31	35
Staff Nurse	41	41	
Lab Assistant	7	4	3
AHW	64	56	8
AMW	36	27	9
HA	7	5	2
HW	55	50	5



4.2 Pyuthan



Population : 235,165

Male : 103,459

Female : 131,706

Literacy(%) : 55

Women Literacy(%) : 40

Area(Sq. Km.) : 1,309

Number of VDC(s)/Municipality(ies) : 49/0

Number of School(s) : 354/13

Campus(es)/Higher Secondary School(s) : 1/13

Human Development Index : 0.416

Average Household Size : 4.75

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'D' grade District Jail, which has the capacity to hold 25 inmates, had 55 inmates. Out of them, 41 were sentenced and 14 were awaiting trial. Because the jail was overcrowded, the inmates suffered from a lack of sleeping space. According to jail warden Dilip Shrestha, the construction of an additional building was underway. Inmate Matlal Kami, 61, of Tiram VDC-3 became unconscious in the jail on February 16 and died on the same day while undergoing treatment at District Hospital. The post mortem report stated that he died of heart attack, according to the jail warden.

THREATS/BEATINGS

By Others

FNJ district head and editor of Ekata Weekly, Sushil Pokharel, 38, of Bijubar VDC-4 was threatened by Balaju Shrestha, 32, of Bijubar VDC-6 and Resham KC of Dharmawati VDC on October 24. The threat was due to an editorial dated October 16 which claimed that the land mafia was converting fertile land of the place into residential area. They warned of dire consequences if similar issues were published again. Pokharel filed a complaint at the DPO on October 27 seeking security. The journalists' associations issued statements condemning the incidents. Police said no progress had been made in the case.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 125 criminal cases, the District Court decided 72 cases and 53 remained pending. Of 105 civil cases, 52 cases were decided and 53 remained pending.

July 17, 2011-December 31, 2011

Among 101 criminal cases, the District Court decided 24 and 77 cases remained pending. Out of 65 civil cases, 9 cases were decided and 56 cases remained pending.

The Office of the District Government Attorney filed 72 cases between July 17, 2010 and July 16, 2011, out of which 43 cases were won and 19 cases were lost. Three cases were moved to the Appellate Court. The Office, with one of government attorney, informed that ten cases filed by July 16, 2011 remained pending.

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured			1		1
Child Rights			1		1
Women Rights			9		9
Death in Jail	1	1			
Racial Discrimination			1	1	2
Beatings			6		6
Threats			1	1	2
Killing			1	2	3
Total	1	1	20	4	24

Among the 11 murder cases filed, ten cases were won and one was lost. Out of two rape cases filed, one case was won and one was lost. Meanwhile, out of the two polygamy cases filed, one case was won and another was lost.

CHILD RIGHTS

Situation of Education

Of 71,785 children of school going age, 36,458 boys and 35,327 girls were enrolled in schools at primary and secondary level. Among them, 7,036 girls and 7,647 boys were dalits. 206 female and 643 male teachers work in primary level government and community schools. A total of eight female and 114 male teachers are employed at the lower-secondary level. Meanwhile, a number of two female and 116 male teachers are employed at secondary level.

A total of 4,264 boys and 3,920 girls are attending the Early Child Development Center in the district, of whom 1,046 boys and 963 girls are dalits.

Strike

A total of 83,523 students from 420 schools were unable to attend school due to the strike called for by NCAfter the killing of its cadre Shiva Poudel on December 19.

Killing by Family Members

A five-month-old infant of Rajbara VDC-1, the son of Dor Bahadur Malla, was killed after being fed poison by his aunt Bishnu Malla, 31, on July 25 while there was no one at home. The accused was arrested by police on July 26. She was remanded in district jail on August 14 as per the order of the District Court. A post mortem examination of the deceased was held at the District Hospital on July 26. The accused accepted responsibility for the murder and claimed that she killed him as the result of a domestic dispute that had taken place in the house sometime before the incident.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 68-year-old woman of Udayapurkot VDC-1 was raped allegedly by Balaram Mahara, 30, of Rumdi VDC-5 in her home on July 19. The accused had entered the victim's house on the pretext of wanting to drink water. He was arrested by police on July 20. The accused had run away from the victim's home when her sister-in-law came to her home from nearby cow shed. She received a health checkup and was kept at District Hospital for treatment. The accused was sent to jail on remand as per the order of the District Court on August 7.

A 53-old woman of Rumdi VDC-5 lodged a complaint at Bijuwar Police Office on December 1 alleging she was raped by Dipak Malla, 28, of Rumdi VDC-5 as she was heading home from her maternal home. The victim's health checkup was held at the District Hospital, Bijuwar. The accused remained in an unknown location at the end of the year.

DOMESTIC VIOLENCE

Killing by Family Members

Yamidevi Gharti Magar, 37, of Bhigri VDC-9 was beaten to death by her husband on May 18. The accused was arrested by police on May 19. He was sent to jail on remand as per the order of the District Court on June 16. The case remained pending at the end of the year.

Polygamy

Nawaraj Gorathoki, 30, of Belbas VDC-5, husband of Bimala Gorathoki married Hira KC, 25, of Bigri VDC-1 on August 18 despite already being married to Bimala. Bimala filed a complaint against her husband at the DPO on August 27. Police transferred the land, which belonged to Nawaraj, to Bimala after making arrangements in the District Revenue Office on August 28.

Mistreatment

The brother-in-law of Saraswati Subedi, 35, of Phopli VDC-7 threatened to kill her on May 14 on the allegation of practicing witchcraft. She was mistreated alleging that she killed cows and buffalos in the village. The victim lodged a complaint at the APO, Bahane on June 10. Both sides reached an agreement on July 23 when the accused apologized to the victim.

ALL KINDS OF RACIAL DISCRIMINATION

Neera Pun BK, 23, of Tiram VDC-9 was beaten up by Chhabi Roka, 22, of the same place for touching his pitcher of water, on July 2. Demanding justice, the victim lodged a complaint at the DAO and DPO on July 7. An agreement between both sides was made at the DAO on August 1 when the accused promised not to repeat such an incident in the future.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	29		
Sub-Health Post	17		
Position	Available Position	Working	Vacant
Doctor	5	5	
Staff Nurse	6	4	2
Lab Assistant	1	1	
AHW	53	43	10
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	2	2	
HW	84	67	17



4.3

Rolpa



Population : 227,075

Male : 104,654

Female : 122,421

Literacy(%) : 43

Women Literacy(%) : 31

Area(Sq. Km.) : 1,879

Number of VDC(s)/Municipality(ies) : 51/0

Number of School(s) : 392/8

Campus(es)/Higher Secondary School(s) : 1/10

Human Development Index : 0.387

Average Household Size : 5.12

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Abandoned Bomb

Rajendra Pun, 15, of Korchawang VDC-8 was killed when a bomb detonated on May 8 as he was handling it. He died while being rushed to hospital for treatment. Bishal Pun, 16, of Korchawang VDC-8 sustained injuries in the incident and was treated at the District Hospital. The group involved in the incident was yet to be discovered at the end of the year.

INJURED IN SHOOTING/EXPLOSION

By Abandoned Bomb

Talima Bista, 27, of Tewang VDC-3 was injured on May 26 when an explosive device detonated at a shed near her home. Her left hand was badly injured in the incident. She was treated at Kohalpur Teaching Hospital. The victim had shrapnel injuries to the stomach and knees in the incident but was unable to get help to remove them.

JAIL AND DETAINEES

The District Jail, which has the capacity to detain 50, had 59 inmates. Out of them, 36 were sentenced and 23 were awaiting trial. Two inmates, Lal Bahadur Dangi and Dhan Bahadur KC sustained head injuries when they clashed with each other on August 24. They were treated in the jail.

THREATS/BEATINGS

By Unidentified Group

A FNJ member and reporter of ABC Television Channel, Dhaniram Sharma of Liwang VDC-6 received threats over the phone from an unidentified group on January 6. The victim lodged a complaint at the DPO on the same day. However, the group involved in the incident was not known at the end of the year.

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured			2	5	7
Child Rights			6	1	7
Abduction			1		1
Women Rights			7		7
Arrest & Torture	1	1			
Beatings				6	6
Threats				2	2
Killing			1	2	3
Total	1	1	17	16	33

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 105 murder cases, the District Court with one judge decided 68 criminal cases and 37 cases remained pending. Of 85 civil cases, 58 cases were decided and 27 cases remained pending.

July 17, 2011-December 31, 2011

Of 57 criminal cases, the District Court decided 18 cases and 39 cases remained pending. Of 59 civil cases, 15 cases were decided and 44 remained pending. Two criminal and civil cases older than two years remained pending at the end of the year.

The Office of the District Government Attorney filed 48 cases between July 17, 2010 and July 16, 2011, out of which 25 cases were won and one case was lost. The Office, with one government attorney, informed that 23 cases filed until July 16, 2011 remained pending.

Of the 13 murder cases filed, seven cases were won and six were remained Pending. Out of three rape cases, one was won.

CHILD RIGHTS

Situation of Education

Of 78,325 children of school going age, 38,739 boys and 39,586 girls were enrolled in schools at primary and secondary

level. Among them, 7,492 girls and 7,341 boys were members of the Dalit community. 1,007 teachers were working at primary level government and community schools. Similarly, 208 teachers work in lower or secondary level. Meanwhile, 1,196 teachers are at work at secondary level.

A number of 3,910 boys and 3,937 girls are attending the Early Child Development Center in the district. The District Education Office did not have updated data related to education.

Bhanda/Strike

The students of the Bhanubhakta Secondary School at Rekunneta in Uwa VDC-6 padlocked the school on May 17 accusing the Principal Durga Prasad Dangi of 'working using his discretion'. Nearly 600 students were deprived of the education because of that. The agitating students were demanding qualified subject teachers and improving discipline in the school, among others. They also held the teachers in the teachers' room for an hour. The lockout ended on May 20 when the School Management Committee agreed to their demands.

Rape, Attempt to Rape, Sexual Abuse

Champhe BK, 28, of Jedwang VDC-4 was remanded in custody on August 15 on the charge of raping a 14-year-old-girl of GhartigaunVDC-6. The victim's family members informed that she was raped by him in Bal Mandir tole of Liwang VDC-6 on July 16. The accused was sent to jail on remand as per the order of the District Court on August 11.

JTA Ashok Kumar Keshari, 38, of Rautahat district who was working at District Agriculture Office was remanded in jail on September 23 for attempting to rape an 8 year old girl of Libang VDC-6. The victim's family members informed that Keshari had attempted to rape her in Libang Bazaar.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Polygamy

Dil Bahadur Wali, 35, husband of Malati KC, 36, of Jangkot VDC-7 married Anita Dangi, 19, of Gourigaun VDC-3 despite already being married. His first wife filed a complaint at the DPO on November 11. The accused had not been arrested by the end of the year.

Mistreatment

Kumari Wali, 51, of Ghartigaun VDC-5 was mistreated by Hiralal Budha, 43, of the same VDC-9 on January 22 after being accused of practicing witchcraft. The victim filed a complaint at the Area Police Office, Ghartigaun on January 24. Police arrested the accused from Jugar VDC-4 the same day. An agreement between both sides was reached at the DPO in the presence of journalists on January 25 when the accused promised not to repeat such an incident in future.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	9		
Sub-Health Post	40		
Position	Available Position	Working	Vacant
Doctor	4	4	
Staff Nurse	4	4	
Lab Assistant	2	2	
AHW	56	46	10
AMW	16	16	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	18	11	7
HW	91	64	27



4.4

Salyan



Population : 243,575

Male : 116,615

Female : 126,960

Literacy(%) : 56

Women Literacy(%) : 42

Area(Sq. Km.) : 1,462

Number of VDC(s)/Municipality(ies) : 47/0

Number of School(s) : 383/5

Campus(es)/Higher Secondary School(s) : 1/18

Human Development Index : 0.399

Average Household Size : 5.20

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING

By Explosive Device

Dalmati Chand, 42, of Kamichaur in Dhanbang VDC-1 was killed when a landmine laid during the armed conflict for the protection of the Kapurkot-based telephone repeater tower detonated as she entered the mined area to cut grass on January 8. The Bhagawati Dal barracks of the Nepalese Army was posted to ensure the safety of the repeater tower. An NA bomb disposal team from Rukum recovered Dalmati's mutilated body on January 9. Army sources said the body was found in a brook in a jungle, 120 meters inside the first perimeter. A postmortem of the deceased was conducted at the Dang-based Tulsipur Hospital. Her body was handed over to the family on January 10. The government had

Type of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Injured					4	4
Child Rights				9	1	10
Inhuman Behavior					1	1
Women Rights				15		15
Beatings		3	3		12	12
Threats					1	1
Killing	1		1	2	6	8
Total	1	3	4	26	25	51

not provided any support to her family by the end of the year.

JAIL AND DETAINEES

The 'D' grade Jail of the district has the capacity to cater for 20 inmates but had 60 at the end of the year. Among the inmates, eight were female and 52 were male. 39 of the inmates had been sentenced while 21 were awaiting trial. The prison building is in a dilapidated condition. The inmates face problems regarding basic needs including drinking water, toilets, health services which are exacerbated due to the overcrowding, said Jail warden Netra Bahadur Budhathoki. One of the inmates had a psychological condition which has created fear among them, one female inmate, Bhagirathi Basnet, said. Bhim Bahadur Budha Chhetri, a male inmate, said they were facing problems due to shortages of drinking water and toilets. They said that daily allowance of Rs 45 was not nearly sufficient considering the market price of the goods.

THREATS/BEATINGS

By State

NSU Chairperson, Jal Kalyan Campus, Thalmare Krishna Khadka, 24, of Pipalneta VDC-5 and Giridhar Sharma of Wadagaon VDC-5 and who had been living in Tulasipur Dang was beaten up by a police team who arrived from Damachaur Area Police Office (APO) on February 18. They were beaten up while they were

sleeping in the Chanda Hotel in Damachaur VDC-3 after a dispute with the owner of a bus, belonging to Rapti Transportation Committee, arose in relation to the price of the bus fare. Locals arrived to rescue them later that night. They filed a complaint at the Tharmare Area Police

Office the next day. An agreement was reached between both sides on February 20 when the police agreed to pay Rs 30,000 to the injured parties to cover their treatment costs, departmental action against the involved policemen was initiated and the vehicle owner agreed to pay Rs 30,000 to them for providing wrong information to the police. Both were treated at Jana Maitri Hospital in Kathmandu.

By UCPN-M

Nandalal Thapa, 42, of Hiwalcha VDC-5 was beaten up by UCPN-M cadres Bed Prasad Rana, 64, Ranesh Rawat, 45 and YCL cadre Durga Thapa, 32, on May 26 for being an NC cadre. He was attacked at Gairamadana of the same VDC-5 as he was returning home from Hiwalcha Bazaar. The victim filed a complaint at the DPO on May 28. However, when the police did not show any interest in addressing the incident, the locals assaulted YCL cadre Thapa in the evening in protest of the inaction of the police.

By YCL

A 10th grader at Mahendra Ratna Secondary School, Nim Bahadur Basnet, 18, of Hiwalcha VDC-4 was beaten up by three people, including YCL district committee member Sitaram Sunar Mahar, 31 of same VDC-5, on March 13. The trio forced Basnet to leave his tuition class and then attacked him for being involved in the

rescue of local man Rup Lal Thapa who was injured in a beating by the YCL on July 17, 2010. Nim Bahadur, who lost consciousness after the assault, was brought to the District Hospital in Salyan for treatment. He said he did not file any police complaint as he feared a reprisal from them.

By Unidentified Group

Rapti FM radio reporter, Durga BC, 26, of Chyura in Mulkhola VDC-5 was seriously injured in an attack by an unidentified group of five people at Shankhapipal in the same VDC-4 on February 6 for writing news against him. He sustained injuries to his head, hands and legs when attacked with a khukuri. He was treated at Nepalgunj Medical College. FNJ Salyan demonstrated in protest of the incident. Salli Bazar Area Police Office personnel arrested Wakil Pariyar, 23, of Devsthal VDC-4 at his home on February 7 on the charge of being involved in the incident. Rakesh Pun, 41, of Banme VDC-8 was called to the DPO in a letter on February 8 and charged with attempt to murder. Both were remanded in custody following a District Court order on February 9. Both were released on a bail deposit of Rs 300,000 each as decided by the District Court on March 15. On December 12, the Court rejected the charge of attempted murder and decided that it was a case of assault.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 125 criminal cases and 35 remained pending. 85 civil cases were decided and 56 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided 13 criminal cases and 25 remained pending. Four civil cases were decided and

16 cases remained pending.

The Office of the District Government Attorney filed 64 cases between July 17, 2010 and July 16, 2011, out of which 36 cases were won and 14 cases were lost.

The Appellate Court has been moved in 10 cases. The Office, with one government attorney, informed that 14 cases filed by July 16, 2011 remained pending.

Of the 20 murder cases filed, 12 cases were won and one was lost. Out of two trafficking cases, one was won and one remained pending. Both cases of abduction filed were lost. Out of four cases of polygamy, three were won and one was lost.

CHILD RIGHTS

Situation of Education

Of 86,527 children of school going age, 41,223 boys and 45,294 girls were enrolled in schools of primary and secondary level. Among them, 8,550 girls and 9149 boys were Dalits. 25 females and 1,196 males teach at primary level government and community schools.

203 male teachers are employed at lower-secondary level. 153 male teachers teach at secondary level. The District Education Office did not have updated data related to education.

Killing by Family Members

Six-month-old Sunil BK was killed when his mother Chijmali BK, 45, of Khalanga VDC-6 slammed him on the floor on March 16 at around 4 am as the baby had been crying for a long time. She was arrested at her home that day by the DPO. She was remanded in jail by the District Court on April 1. She was given a sentence of six months by the same bench on June 27.

Beating

A 13-year-old girl of Taratal VDC, Bardiya district and currently working at the Ama Hotel at Tharmare in Tharmare

VDC-4 lost her tooth after being beaten up by her employer, Gori Bohora, 56, on June 15. The girl said Bohora had often beaten her for refusing to get involved in prostitution on his suggestion. The Inter-party Women Network filed a written complaint at Tharmare APO regarding the incident. Police arrested Bohora later that day and filed a case of trafficking against her on September 3. The Court remanded her in jail on the same day.

Child Marriage

Dhani Kumari BK, 15, of Korwang Jhimpe VDC-9 was forced to get married to her brother's brother-in-law on June 28. She was forced to leave with him later that evening but she returned home after going half way to his destination. BK's brother beat her up and expelled her and his mother from their home. The victim and her mother were staying in a rented room at the end of the year. They did not file any complaint because of fear of more physical assaults.

Rape, Attempt to Rape, Sexual Abuse

Police arrested Gopal Chanda, 25, of Simpani in Kotbara VDC-1 on October 14 on the charge of raping a 13-year-old girl of the same place on October 12. Police filed a case of attempted rape against him at the District Court on October 23. The Court sent him to prison on remand that day.

Bandh/Strike

Balsakha Secondary School in Madamkanda in Kajeri VDC-5 was padlocked by ANNISU-R school unit committee on November 29 demanding for the of the school accountant. They claimed that there were irregularities during the exam held on November 22. Studies resumed in the school on December 19 but the padlocking of the school administration continued until the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 29-year-old woman of Kalimati Kalcha VDC-8 filed a complaint at Kalimati Rampur APO on July 20 accusing Krishna Bahadur Pun, 26, of the same place of raping her on July 17. Police arrested Pun and Rajesh Sijali, 19, of ward no. 9 of the same VDC on the charge of being involved in the incident. They were arrested at their homes on July 20 and were remanded in prison by the District Court on August 15.

DOMESTIC VIOLENCE

Sobi Budhathoki, 38, of Dhangang VDC-2 was killed by her husband Kadak Bahadur Budhathoki, 40, on June 24 for answering him inappropriately. She died when he hit her with the spade he had been using for his work. Kapurkot APO arrested him on the same day and handed him over to Luham APO. A murder case was filed against him at the District Court on July 10. In its verdict on September 12, the Court sentenced him life imprisonment and ordered the confiscation of his property.

Bheusari Gharti, 42, of Kapurkot in Dhanbang VDC-7 was strangled to death by her inebriated husband Phakta Bahadur Gharti, 43, in the night of November 18 for refusing to give him money. Luham APO arrested Gharti on November 19. A murder case was filed against him at the District Court on December. The Court remanded him in jail on the same day.

Polygamy

Krishna Bahadur Khadka, 25, of Singbang VDC-3 got married to Lok Maya Khadka, 21, of the same place on April 8. Krishna was arrested at his home after his first wife Bhumika Khadka, 22, filed a complaint at Luham APO on May 10. He was remanded in jail on May 25 and was released on the bail amount of Rs 50,000 on June 1. The District Court,

Salyan sentenced both Krishna and Lok Maya to imprisonment for a year and fined them Rs 5,000.

Mistreatment

Cheti Kumain, 80, of Sejwaltakura VDC-2, was beaten up by Arjun Yari, 26, on March 18 accusing her of casting witch spells on his sister and goats. He beat her up with a bell leaving Kumain badly bruised. Police arrested Yari at his home on March 19 following verbal complaint by the victim at DPO. But, police released him on March 20 saying that Kumain had not filed her written complaint within 24 hours of the incident. She had said that she would file such complaint once her son returned from Nepalgunj. The elders of the village settled the case on April 16 making Yari pay Rs 1,000 for her treatment and refraining from making such allegations.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	9		
Sub-Health Post	36		
Position	Available Position	Working	Vacant
Doctor	6	2	4
Staff Nurse	6	3	3
Lab Assistant	3	2	1
AHW	51	49	2
AMW	16	14	2
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	14	14	
HW	83	66	17



4.5

Rukum



Population : 210,878

Male : 101,090

Female : 109,788

Literacy(%) : 47

Women Literacy(%) : 35

Area(Sq. Km.) : 2,877

Number of VDC(s)/Municipality(ies) : 43/0

Number of School(s) : 374/5

Campus(es)/Higher Secondary School(s) : 1/21

Human Development Index : 0.386

Average Household Size : 4.98

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade District Prison can accommodate 20 inmates but had 50 at the end of the year. Among them, 24 had been convicted and 26 were on trial. The number of male inmates stood at 44 while six were female. The inmates were facing problems due to the shortage of space, detainee Shashiram Khadka said. There was only one drinking water tap and one toilet in the male ward. The inmates have irregular access to newspapers and other reading materials and no sports facility. Jail warden Arjun Paudel said that renovation works to the prison building was underway.

Female prisoner Kamala Oli, 21, an inmate hailing from Khara VDC and

Type of Events	By State		By Non-State		
	Female	Total	Female	Male	Total
Child Rights			4		4
Women Rights			7		7
Beatings	1	1	4	4	8
Killing			1		1
Total	1	1	16	4	20

serving a murder sentence was injured in a beating on October 6 by policemen and an inmate spokesperson when she criticized the short time allotted for receiving tika. Police Head Constable Lal Singh Giri and inmate spokesperson Ghiu Kumari Pariyar punched her and assaulted her with a baton. She sustained injuries on back and other parts of the body for which she received treatment at District Hospital, Salle. Police said there was minor scuffle when the policeperson had gone to intervene the fighting among the inmates and she attacked the policepersons snatching their communication set.

THREATS/BEATINGS

By UCPN-M

Dil Kumari Khatri, 65, of Pipal VDC-9, her daughter Phul Maya Khatri, 32, and grand daughter Poonam Khatri, 10, were beaten up by a group of UCPN-M cadres led by Pipal VDC in-charge Dhan Bahadur Khatri and UCPN-M district committee member Mane Badi on accusation of building a hut on public land. Dil Kumari was treated at the District Hospital while others were treated at a local pharmacy. They filed a complaint at the DPO but none of the accused had been arrested by the end of the year.

Til Bahadur Gharti, 43, of Hukam VDC-3 was beaten by UCPN-M district secretary Ramsur Budha on March 15 in the premises of the DPO. He had arrived there to discuss a clash that ensued between the student wings of NC and UCPN-M.

RIGHT TO PROMPT AND FAIR TRIAL

DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 135 criminal cases and 41 remained pending. 125 civil cases were decided and 81 cases remained pending. One

criminal case older than two years remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided 24 criminal cases and 89 remained pending. 48 civil cases were decided and 88 cases remained pending. One criminal case and one civil case older than two years remained pending.

The Office of the District Government Attorney filed nine murder cases between July 17, 2010 and July 16, 2011, out of which seven cases were won and two cases were lost. The Appellate Court has been moved in one case. The Office, with one government attorney, informed that two cases filed by July 16, 2011 remained pending.

CHILD RIGHTS

Situation of Education

Of 95,701 children of school going age, 46,663 boys and 49,038 girls were enrolled in schools of primary and secondary level. Among them, 280 female and 785 male teachers work at primary level government and community schools. 18 female and 267 male teachers work at lower-secondary level. Five female and 171 male teachers are employed at secondary level. The District Education Office did not have updated data related to education.

Rape, Attempt to Rape, Sexual Abuse

A 13-year-old girl of Syalapakha VDC-1 filed a complaint of rape against a teacher of her school, Gopal KC, 26, at the DPO on March 12. The victim accused that

KC raped her after luring her under various pretences. Although police refused to file the complaint by citing a lack of evidence, the complaint was registered following the initiation of organizations including INSEC and the Women's Network on March 12. The accused was at large by the end of the year. When asked, ASI Lok Bahadur KC said the police searched for him for 35 days as required and then the responsibility to locate Gopal was shifted to the District Court.

Child Marriage

A 17-year-old boy of Khalanga VDC-2 got married to a 14-year-old girl of ward no. 1 of the same VDC on July 29. A clash ensued when the girl's family went to his home to reclaim the girl on July 31. Dalit Jan Adhikar Forum supporting the boy, helped him to file a complaint against the girl's family. Instead of taking action to annul the marriage, the police also brokered a compromise in the presence of representative from the Forum and Women's Network on August 1.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 25-year-old woman of Khara VDC-5 was allegedly raped by Shashiram Khadka, 32, of ward no. 4 of the same VDC. Khadka was arrested in Rugha VDC-2 by a joint police team of Simrutu police station and DPO on June 3. He was sent to the district prison on remand on June 27.

DOMESTIC VIOLENCE

Ganesh Khadka, 18, husband of Radhika Khadka, 18, of Khara VDC-1

poisoned his wife to death on July 2. He added rat poison to Radhika's food. She had given birth to their baby just eight days before. Radhika was taken to the District Hospital, Salyan in unconscious state where she recovered. Ganesh was arrested by police at his home on July 5 and was remanded in prison on July 18.

Polygamy

Purna Prasad Sharma, 23, of Nuwakot VDC-7 got married to a 16-year-old girl of ward no. 7 of the same VDC on June 24. His first wife complained at the Nuwakot police station but Sharma remained at large by the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Cadres of the NC vandalized a police vehicle which was escorting CA members during a strike on December 19. The strike was called to protest the killing of Shiva Paudel, chairperson of Tarun Dal, Chitwan.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	11		
Sub-Health Post	32		
Position	Available Position	Working	Vacant
Doctor	5	4	1
Staff Nurse	5	3	2
Lab Assistant	2	2	
AHW	48	46	2
AMW	14	14	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	12	12	
HW	77	65	12



4.6

Banke



Population : 493,017

Male : 254,004

Female : 248,013

Literacy(%) : 75

Women Literacy(%) : 50

Area(Sq. Km.) : 2,337

Number of VDC(s)/Municipality(ies) : 46/1

Number of School(s) : 452/65

Campus(es)/Higher Secondary School(s) : 6/33

Human Development Index : 0.479

Average Household Size : 5.12

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE

KILLING

By JTMM

Molahi Kori, 40, of Basudevpur VDC-2 was stabbed to death by JTMM cadres on June 26, after being accused of collecting a donation for the party during the night. The victim died on June 27 while undergoing treatment at Bheri Zonal Hospital. JTMM claimed that she was killed by its cadres who were led by its military commander Binod. The victim's relatives filed a complaint at the DPO on June 29. Pappu Khan, 39, of Kamdi VDC-3 was arrested by police on the charge of being involved in the incident. He was sent to jail as per the order of the District Court on July 25.

By Own Bomb

Baburam Kasyap, 24, of Nepalgunj Municipality-12 died in Bheri Hospital when an explosive device detonated in the house of Birendra Shah on October 8. Shalikram Kashyap, 22, of Nepalgunj Municipality-12 and Bablu Morya, 23, of Himriniya VDC-1 sustained injuries in the incident. DSP at the DPO said that the victims were making socket bombs in Shah's house.

INJURED IN SHOOTING/EXPLOSION

By JTMM-Bhagat Singh

Ramdatta Sharma, 39, Tilakbikram Chand, 38, of Kohalpur Municipality-8, Radha Yadhav, 40, of Nepalgunj Municipality-13, Surjana Yadav, 35, of Ganapur VDC-2, Chhanga Yadhav, 60, of same place, Asma Jagsadh, 5, of Jayaspur VDC-5 were injured when a bomb exploded inside a micro bus (Na4Kha 1332) which was travelling from Nepalgunj to Kohalpur. The injured were treated at Nepalgunj Medical Teaching Hospital. JTMM-Bhagat Singh claimed responsibility of the incident to the media. Police arrested Sanjaya Kumar Barma, 22, of Karkado VDC-1 and Jodhi Luniya, 23, of the same place on May 2 for their involvement in the incident. All of the accused were sent to jail on remand as per the order of the District Court on May 27.

By Others

Neer Bahadur Ahikari, 64, of Behani VDC-9 was injured when a group of five to six unidentified persons shot him on the night of February 21. Ahikari was referred to Bir Hospital in Kathmandu by Bheri Zonal Hospital for further treatment. The police recovered pamphlets signed by JTMM Banke-Bardiya, four explosive devices and a mobile from the scene. The victim of the attack filed a complaint at the DPO on February 22. Police arrested

Kamta Ahir of Betahani VDC-3, Amerika Yadav and Kujbuddin Yadav of the same place on the charge of being involved in the incident. They were released on April 20 after depositing Rs 100,070 bail.

Nawaraj Budhathoki, 13, of Gangapur VDC-7 was injured when an unidentified group shot him on June 25 as he was returning home after attending a neighbor's party ceremony. The victim was treated at Bheri Zonal Hospital and referred to Kohalpur Medical College for further treatment on June 26. The victim lodged a complaint at the Area Police Office of Bhoj Bhagawanpur later that day. However, no one had been arrested in relation to the incident by the end of the year.

JAIL AND DETAINEES

The 'C' grade District Jail has the capacity to accommodate 200 inmates. However, 361 inmates were residing in the jail, 101 of whom were convicted and 260 of whom were awaiting trial. The inmates were facing problems such as sleeping and the availability of drinking water in the jail. They were compelled to sleep in a tent due to overcrowding. According to jail warden Shyamlal Lamichhane, the inmates were also kept in the TV hall and other places due to the lack of space inside the jail.

THREATS/BEATINGS

By State

Reporter of Pipalbot Daily Chakrapani Devkota, 22, of Kachanapur VDC-5 and publisher of Mission Today daily Binod Poudel of Kohalpur Municipality-3 were beaten up by staff of the Area Police Office on April 22 while they were gathering information of a strike. The victims received injuries to the head and tongue and were treated at Kohalpur

Type of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Injured		2	2	5	11	16
Child Rights				13	2	15
Abduction					3	3
Women Rights				4		4
Right to Assembly	2	5	7			
Racial Discrimination				1	3	4
Arrest & Torture	1	6	7			
Beatings		4	4	1	5	6
Threats					4	4
Killing				1	6	7
Total	3	17	20	25	34	59

Medical College and later referred to the Teaching Hospital of Kathmandu for further treatment. The DAO handed over Rs 34,300 for their treatment after a complaint was filed at the same office on April 23.

By UCPN-M

Top Bahadur Sunar, 43, of Kachanapur VDC-5, a teacher of Bhawani Higher Secondary School, was beaten up by UCPN-M cadres Maniram Tharu, 25, of Bilauna VDC-5 and Lachhiram Tharu of same locality on May 12 after they accused him of being involved in human trafficking. Sunar, who sustained injuries to the neck and waist in the attack, was treated at the Western Hospital of Nepalgunj. Demanding action against the perpetrators, he filed a complaint at the DPO in Dhampur on May 13. The accused were arrested by police on May 14. Both sides reached an agreement on May 15 when the accused promised not to repeat such an incident in future and agreed to handle the cost of treating the victims.

By JTMM-Bhagat Singh

JTMMP-Bhagat Singh party cadres planted a socket bomb in the home of SI Pramod Chhetry, 40, of Nepalgunj Municipality-13 on February 23. The

bomb disposal team of the Nepalese Army diffused the bomb that day, informed inspector Rishi Dhungana of the Ward Police Office. Heads of the party disclosed information of the incident while speaking to the media over the phone.

Pipraha VDC secretary Parshuram Shukla, 52, of Nepalgunj Municipality-6 was threatened with death over the phone by JTMM cadres on January 28 who were demanding a donation. Shukla was attending a program organized by Local Peace Committee at Swastik Cottage of Nepalgunj. The cadres had demanded Rs 25,000 as a donation from all the VDC secretaries of the district. JTMM cadres Anil Jaisawal aka Bikram Sharma of PaspurVDC-1 and JakirHusen aka Suraj Sharma of UdharapurVDC-7 were arrested by police on September 6 for their involvement in the incident. They were sent to jail as per the order of the District Court on October 12.

By Unidentified Group

A reporter of Radio Himal, Hemanta Chaudhary of Baijapur VDC-6, was attacked with sharp weapons on January 2 by a group of seven to eight unidentified persons who accused him of writing a news story against them. Demanding action against the perpetrators, the FNJ and Press Chautary Nepal jointly issued a press statement on January 3.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Gyanu Rokaya, 25, of Simkot VDC, Humla, Bhakta Bahadur Eidi, 25, of Barai VDC-2, Ram Krishna Budha of Rudikot VDC-4 and Man Bahadur Thapa of Karnali were injured when police baton charged them during a peaceful sit-in on March 15. They were attending the

sit-in as part of a demand to revoke the price hike in aviation fuel. Nagendraanth Yogi of Jumla, Man Bahadur Thapa, 40, of Simkot VDC-4, Humla, Dharmaraj EiDi of Rodikot VDC-4, Tirtharaj Rokaya, 40, of Simkot VDC-4, Prem Bahadur Shahi, 45, of Dandaphanya VDC-1, Humla, Janga Bahadur Shahi, 23, of Kharpunath VDC-5 of the same district and Krishna Raj Shahi, 23, of Kalikot district were arrested by police on the charge of participating in the demonstration. However, all were released later that day.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 1,321 criminal cases, the District Court with six judges decided 645 criminal cases and 676 cases remained pending. Out of 1,886 civil cases, 1,000 were decided and 886 cases remained pending. A number of 22 criminal cases and 11 civil cases older than two years remained pending.

July 17, 2011-December 31, 2011

Out of 1,007 criminal cases, the District Court with four judges decided 215 cases while 792 cases remained pending. Of 1,277 civil cases, 200 cases were decided and 1,077 remained pending. A total of 26 criminal cases and 35 civil cases older than two years remained pending.

APPELLATE COURT

July 17, 2010- July 16, 2011

Out of 142 criminal cases, the Appellate Court with five judges decided 85 criminal cases and 57 cases remained pending. Of 347 civil cases, a number of 182 cases were decided and 165 cases remained pending.

July 17, 2011 -December 31, 2011

Of 134 criminal cases, the Appellate Court with five judges reached a decision

on 61 cases while 73 cases remained pending. Out of 152 civil cases, 61 cases were decided and 91 remained pending. A total of 26 criminal cases and 35 civil cases older than two years remained pending.

The Office of the District Government Attorney filed 368 cases between July 17, 2010 and July 16, 2011, out of which 265 cases were won and 101 cases were lost. A total of the 1,01 cases were moved to the Appellate Court. The Office, with two of government attorneys informed that two cases filed by July 16, 2011 remained pending.

Of 13 murder cases filed, five cases were won and eight were lost. Out of 15 rape cases filed, a number of five cases were won and eight were lost one pending. Out of four cases of attempted rape filed, three cases were lost and one remained pending. Out of five cases women trafficking 3 were won & two were lost. Out of six cases of abduction, one was won and five were lost. Out of a total of six polygamy cases, two were won and four were lost.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Harkali Pun, 49, of Motipur of VDC-6 who was serving a jail sentence for human trafficking was tortured in custody by police on the night of July 12. The victim claimed that her right hand was broken in the incident. Pun's daughter filed a complaint at the District Court and requested that a health check-up be performed on Pun. The District Court ordered the DPO to ensure a health checkup within three days. Pun was treated at the Western Hospital and Research Centre on September 1. The victim made a request for compensation at the District Court on August 24.

CHILD RIGHTS

Situation of Education

Of 113,460 children of school going age, 55,395 boys and 58,065 girls were enrolled in schools at primary and secondary level. Among them, 10,083 girls and 10,289 boys were members of the Dalit community. 236 female and 577 male teachers are employed at primary level in government and community schools. 34 female and 149 male teachers are employed at lower-secondary level. 16 female and 136 male teachers are employed at secondary level.

A total of 5,728 boys and 5,626 girls are attending the Early Child Development Center in the district of whom 661 boys and 689 girls are members of the Dalit community.

Abduction

Shusanta Adhikari, 5, of Kohalpur VDC-3 was abducted by an unidentified group on April 20, as he was playing near his home. He was rescued from Baharaich in India by a team led by DSP Binod Ghimire on April 23. An unidentified group made contact with the victim's family over the telephone Ram Baran Yadhav and Mohammad Husen of Kohalpur VDC-3 were arrested by police for being involved in the incident. They were sent to jail on remand on May 22 as per the order of the District Court. The police also arrested Punam Sunar of Nepalgunj Municipality-1 on September 11 on the charge of being involved in the same incident. Sunar was also sent to jail as per the order of the District Court on the same day. Police informed that the child was abducted for ransom.

Santosh Poudel, a 16 year old 10th grader of Siddeswari Higher Secondary School in Phattepur VDC-9 was abducted by a group of five to six unidentified persons on September 14. The victim was released from Rupedia, India when his brother provided the group with a

ransom of Rs 300,000. Rajbir Budhathoki, Sukailal Budhathoki and Dayaram Yadav of same vicinity were arrested by police on September 19 on the charge of being involved in the incident. They were sent to jail after an order was issued by the District Court on October 18.

Rape, Attempt to Rape, Sexual Abuse

A 14-year-old girl of Guleria Municipality-1 was raped allegedly by Bishnu Prasad Sharma, 42, of same place on January 29, her parents said. They filed a complaint at the DPO in which they claimed that Sharma raped her after deceiving her when he told her that he could take her to a foreign country for employment purposes. The accused was arrested by police on February 7. The District Government Attorney lodged a complaint at the District Court on March 4. However, the case remained pending at the end of the year.

Family members of an 11-year old girl filed a complaint against Chandra Yadav of Kohalpur Municipality-3 at the APO on December 9 on the charge of raping her on December 7. The accused was later sent to jail on remand as per the order of the District Court. The victim has been kept in CIWIN of Nepalgunj on the recommendation of the DPO since December 16.

A 9-year old girl of Chisapanee VDC-1 was gang raped allegedly by Purna Bahadur Sunar, 15, Keshab Nepali, 15, Arjun Priyar, 13, and Santosh Baigar aka Suresh, 11, on May 20. The victim's family lodged a complaint at the APO, Kohalpur on May 21. Among the accused, Santosh and Arjun were handed over to their parents as they are minors whereas the others were sent to a Child Reform Home in Kathmandu.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Family members of a woman of Paraspur VDC-8 lodged a complaint at the DPO against Mahesh Teli of the same place on June 9 on the charge of attempting to rape her on June 6. Demanding that action be taken against Teli, a group of women took staged a rally in Nepalgunj on June 8. The National Women Rights Forum, Banke, handed over a memorandum to the Office of the Prime Minister, Office of the President, Home Ministry and DAO on the same day. However, no one was arrested by police in conjunction with the incident by the end of the year.

DOMESTIC VIOLENCE

Killing by Family Members

Srijana Giri, 29, of Kohalpur Municipality-8 was beaten to death by her husband Ram Bahadur Giri, 32, on August 28 following a minor dispute. The victim, who was seven months pregnant, received serious wounds to her internal organs and died while she was being rushed to Lakhana, India for treatment. Police arrested the accused on the day of the incident and lodged a complaint accusing Giri of murder at the District Court on September 1. Giri was sent to jail as per the order of the District Court on September 26.

ALL KINDS OF RACIAL DISCRIMINATION

Ajaya BK, 18, and his wife Bhabisara Magar, 19, Yamraj Gosai, 19, and his wife Sapana BK, 18, of Manikapur VDC-3 were expelled from their village by local people on June 19 for having inter-caste marriages. Ajaya said that while his family accepted their marriage, locals, including Bhabisara's

family, objected to them remaining in the village. Both couples were studying at Gyandeeep Secondary School in grade 8 and 10 respectively. While the government announced that an allowance of Rs 100,000 be granted to the couples, they had not received the allowance by the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The employees of Regional Agriculture Training Center Khajura organized a sit-in on July 4 demanding the wage as agreed by the government. Their daily wage was Rs 150 which had been hiked to 231 per day. The protest ended on July 6 once the management agreed to their demands.

Destruction of Infrastructure, Property

A bomb detonated in the house of businessman Ramesh Thapa, of Nepalgunj Municipality-1 by Janatantrik Tarai Mukti Party on September 24. However, the bomb caused no damage. Police arrested Naresh Barma, Bhagirath Murau, Mahesh Raidash and Radheshyam Mourya of Indrapur VDC-6 later that day for their involvement in the incident. They were sent to jail on remand as per the order of the District Court on October 18.

The window panes at the District Technical Office of Nepalgunj Municipality-1 were damaged when a socket bomb planted by JTMM-J detonated on August 5. Banke district in-charge of the Jantantrik Tarai Madhes Mukti Party(Bhagat Singh), Abdul Salam Makeri, 30, of Nepalgunj Municipality-13, Nepalgunj Municipality in-charge of same party Hari Shankar Kahar, 21, of Jayapur VDC-6 and cadre Pappu Ansari, 22, of same place were arrested by police on

September 24 for their involvement in the incident. All were remanded in jail as per the order of the District Court on October 24. The police recovered one pistol, 10 set mobiles and two motorbikes from the accused.

Landless and Squatters Problem

The landless people of the district held padlocked the Manikapur VDC office on January 25 accusing it of recommending wrong people at Commission for Squatters for distribution of land. Dhan Prasad Sharma, the chairperson of National Land Rights Forum, Banke said that they also accused the Commission of allotting same plot to two people and a ceiling on the land fixed by it. They also charged the VDC was charging Rs 150 per kattha for village land and Rs 500 per kattha by gravel road as tax. They had handed over a memorandum to the VDC secretary regarding the issue on January 21. Local Development Officer Shambhu Prasad Luintel said the problem of tax arose because the VDC secretaries had not been trained on the issue including how much to tax on such land.

HEALTH SERVICE SITUATION

Hospital	9		
Health Post	12		
Sub-Health Post	35		
Position	Available Position	Working	Vacant
Doctor	3	3	
Staff Nurse	3	2	1
Lab Assistant	6	5	1
AHW	59	56	3
AMW	22	15	7
Vaccine Supervisor	2	2	
TB/Leprosy Supervisor	1	1	
HA	12	12	
HW	82	71	11



4.7 Bardiya



Population : 426,946

Male : 205,096

Female : 221,850

Literacy(%) : 58

Women Literacy(%) : 42

Area(Sq. Km.) : 2,025

Number of VDC(s)/Municipality(ies) : 31/1

Number of School(s) : 400/65

Campus(es)/Higher Secondary School(s) : 1/27

Human Development Index : 0.429

Average Household Size : 5.07

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By State

Jivan Tharu, 55, of Shivapur VDC-8 died instantly when a patrol team of the Nepalese Army opened fire at him on the allegation of poaching while he was sitting by a fire at Baghauda area of the Bardiya National Park (BNP) on February 13. A postmortem examination of the body was conducted at the District Hospital the following day. The family of the victim collected the body and cremated on February 15. The BNP said that Jivan was killed when poachers clashed with a patrolling team of police. The family of victim did not file a complaint to any authority due to fears for their security. The

army arrested Dal Bahadur Chaudhari, aka Raj Bahadur, 26, of same place at the scene of the incident and handed him over to the BNP office at Thakurdwara. The BNP office filed a case of poaching against Dal Bahadur. He was released after submitting Rs 28,250 bail on March 3.

By JTMP

Madhu Jaga, 28, of Motipur VDC-8 was shot by four unidentified people entering her house while she was sleeping on January 18. Jaga, who received a bullet to the head, succumbed while undergoing treatment in Lucknow, India the following day. Aftar Ali, husband of the deceased, received a bullet wound to his left hand while retaliating against the attackers. He received treatment at local pharmacy. Pawan Tharuhat who was in-charge of JTMP claimed responsibility of the incident to journalists over the phone later that day. The victim's family filed a complaint at the DPO on February 13. Police arrested Asim Ahamad, 36, and Rajali Jaga, 23, of Motipur VDC-8, Meraj Khan, of Rajhena VDC-4 and Shamsuddin Jaga, aka Bade Jaga, 45, of Bankatuwa VDC-6 on February 21. All of those arrested were released by police on March 7 on the condition that they would present themselves at the DPO when summoned.

By Unidentified Group

UML district committee member Indira Bhusal, 41, of Sorhawa VDC-2 was shot dead by an unidentified gang on August 28. The gang fired at her head and stomach while she was in her home. A postmortem examination was carried out on the body at District Hospital and cremated the next day. Police arrested the victim's brother Partha Bhusal of the same locality and Patiram Tharu of Soharwa VDC-1 in conjunction with the incident on August 29 and released them on the condition of presenting themselves at the police when

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured	4	4	1	5	6
Child Rights			17		17
Economic, Social and Cultural Rights				9	9
Abduction			1	1	2
Women Rights			28		28
Right to Assembly	5	5			
Arrest & Torture	7	7			
Beatings			1	10	11
Threats				1	1
Killing	1	1	5	1	6
Total	17	17	53	27	80

called to do so.

Ramkali Sunar, 42, of Sorhawa VDC-2 was hacked to death with a sharp weapon by an unidentified group nearby Barki Community Forest on September 15. Ramkali was reported missing when she failed to turn up for work in the shop she ran in Motipur VDC-9. Her family members searched for her and found her dead body in the forest. A postmortem examination of the body was held at the District Hospital. The reason for Sunar's murder and the location of those involved had not been established by the end of the year.

INJURED IN SHOOTING/EXPLOSION By State

Ram Khelaune Tharu, 54, a resident at Badghar of Neulapur VDC-1, was injured in a clash between police and locals after the police ordered the locals to clear an obstructed road at Balati of Neulapur VDC-1 on November 7. Tharu's left thigh was wounded when police fired rubber bullets to disperse the locals who were obstructing the road. Kamal Chapai, 40, and Buddhi Dahit, 22, of Neulapur VDC-1, Ramesh Oli, 22, of Shivapur VDC-9 were also injured in the police

firing. They were later arrested by police. The agitators, DAO and representatives of the Bus Transport Entrepreneurs Association held talks on November 8 in which an agreement was reached. It was agreed that the police would apologise for the atrocity they perpetrated during the clearing of the road and that transport entrepreneurs would provide Rs 500,000 to the family of Bhumisara Tharu who was killed in the incident

and that those arrested be released by the police that day.

By JTMM-J

Purna Bahadur Shrestha, 31, a constable at Ganeshpur Police Post and a permanent resident of Maranthana VDC-9, was injured when a socket bomb planted by cadres of JTMM-J went off while he was leaving the police post on patrol on the night of June 19. Shrestha, who was sustained shrapnel injuries, received treatment at the District Hospital in Gulariya. The window panes and wall of the building of the police post were damaged in the explosion.

By Unidentified Group

An unidentified gang detonated a bomb at Pusparaj Traders which belonged to Tej Narayan Acharya, 44, of Sorhawa VDC-9 on December 12, leaving damage to the counter. Mohan BK, 24, of Bageshwori VDC-7 and Dima Kumari Acharya, who were purchasing goods from the shop, were injured in the incident. BK, who sustained injuries to his arms, ears and head, received treatment at Nepalgunj Medical College while Acharya complained that the incident rendered his hearing poor.

JAIL AND DETAINEES

The 'C' grade District Jail has the capacity to accommodate 100 inmates. However, there were 93 prisoners and 52 detainees, of whom 137 were males and 8 were female, in the jail by the end of the year. There was one dependent minor residing in the jail by the end of the year. According to jail warden Rohit Kumar Shrestha, there were problem related to the availability of drinking water and an insufficient number of toilet due to the overcrowding. He said that the construction of a separate building for women inmates was underway.

DISAPPEARANCE/ABDUCTION

By Others

Harka Bahadur Shahi, 50, of Jamuni VDC-8 was disappeared after being arrested by the Indian Border Security Force (SSB) on March 17. The SSB came some 500 meters inside the Nepali border and took Shahi on a motorbike after shooting him. The SSB denied knowledge of Shahi's whereabouts after his family, locals and police made inquiries about his whereabouts. A result of a fact-finding mission jointly conducted by INSEC, the Appellate Court Bar, Advocacy Forum, Himrights and HURON was made public on March 28 at a press conference in Nepalgunj. The report quoted witnesses' accounts and concluded that the SSB had disappeared Shahi after arresting him on Nepali Territory and subsequently tortured him. Those who witnessed the torture claimed that Shahi had died, but the team did not find evidence to confirm his death, the report said. The report urged the police administration, Foreign Ministry and the Government of Nepal to find the whereabouts of Shahi by taking steps through diplomatic channels.

THREATS/BEATINGS

By UCPN-M

Ganesh Aryal, aka Yuddha, 33, of Manau VDC-3 who is in-charge of area no 4 of the UCPN-M was beaten by a gang of some 25 persons led by Jagatram Tharu, a resident of Rajapur VDC-3, who is the party's Rajapur VDC secretary, and district committee member and Nepal Tharu aka Jilbulwa, 44, of Khairichanpur VDC-3 at Muraiya of Rajapur VDC-3 on November 17. Aryal sustained injuries to the mouth, ribs and ears after attackers assaulted him. Aryal was treated at Nepalgunj after receiving first aid at the local health centre. Aryal filed a public offense case against Jagatram and Nepal Tharu at Rajapur Area Police Office the next day, however, no action had been taken against the accused by the end of the year.

By Unidentified Group

NC cadre Imlal Pandey, 47 of Badalpur VDC-5 was attacked by a masked and armed gang of five persons alleging that he did not provide a donation to them on May 23. The gang targeted his head with a sharp weapon and looted Rs 2.5m from him. Pandey was taken to Nepalgunj Medical College after receiving first aid at Rajapur Health Centre. Though the victim filed a complaint at Rajapur APO on June 22, nobody had been arrested in relation to the incident by the end of the year.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

ANNFSU district coordinator Ganesh BC, 24, of Gola VDC-5, secretary, Jivan Sharma, of Badalpur VDC-5, Bhupendra Paudel, 29, and Prakash Paudel of Gaulariya Municipality-7 and Khagendra Shahi, 30, of Thakurdwara VDC-9, who

are also district committee member of ANNFSU were injured when police rained batons on them as they staged a torch rally protesting the murder of ANNFSU district committee member Khagendra Shahi, 30, on September 5. Sharma, who sustained injuries to his knee, was treated at the District Hospital while the others were treated in the local pharmacy.

Kamal Panthi, 50, of Gulariya Municipality-7, who is a district correspondent of Kantipur Daily, was threatened by Dipu Gupta, an Indian national, who was running a hotel at Ramkrishna Tharu Chowk. Gupta claimed that Panthi wrote a news story in his disfavour on October 13 in which it was mentioned that a girl and boy were arrested on the charge of being involved in sexual activities in Gupta's hotel. Panthi demanding justice and security after being issued with the death threat and filed complaints at FNJ and the DAO on October 19. The accused admitted his mistake, apologised to the victim and signed an agreement stating that he would be responsible if any untoward situation arose for Panthi during a discussion held at the DAO later that day.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 170 criminal cases and 111 remained pending. 303 civil cases were decided and 165 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with a single judge decided 74 criminal cases and 163 remained pending. 72 civil cases were decided and 239 cases remained pending. There were two criminal cases and two civil cases older than two years.

The Office of the District

Government Attorney filed 208 cases between July 17, 2010 and July 16, 2011, out of which 75 cases were won and 10 cases were lost. There were four cases older than two years. The Office, with one government attorney, informed that all cases filed until July 16, 2011, 119 remained pending.

Of the 16 murder cases filed, four cases were won and three were lost. Out of 19 rape cases, seven cases were won and two were lost. Out of four of women trafficking, one was won and rest remained pending.

The Office of the District Government Attorney filed 52 cases between July 17, 2011 and December 31, 2011, out of which 7 cases were won. The Office, with one government attorney, informed that all cases filed by July 16, 2011, 45 remained pending.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Padam Bahadur Khadka, 14, Prakash BK, 14, Dipak BK, 14, Govinda BK, 18, Manish BK, 19, Dhiraj BK, 19, Padam BK, 18 of Manau VDC-1 were arrested by Man Bahadur Khadka, 24, of Nara Singh Battalion of Bardiya National Park on the allegation that they killed and ate spotted deer on September 2. It has been alleged that Nara Singh took all of the arrestees to a camp and beat them up. Padam Bahadur, who had lost consciousness from the beating, was treated in Kohalpur Medical College and Bheri Zonal Hospital. All the arrestees were kept in the custody of the BNP office at Thakurdwara. The BNP fined three minor boys Rs 2500 each and remaining four persons with Rs 5000 each and kept them in custody for 14 days as per National Park Act. They were released on October 15. Padam Bahadur Khadka filed a case against NA personnel Nara Bahadur at

the district court on November 11. Though the district court ordered Nara Bahadur to respond on November 26, he had not responded by the end of the year.

CHILD RIGHTS

Situation of Education

Of 126,874 children of school going age, 61,481 boys and 65,393 girls were enrolled in schools of primary and secondary level. 219 female and 1,206 male teachers are employed at primary level government and community schools. 24 female and 287 male teachers are employed at lower-secondary level in government and community schools. 17 females and 239 males teach at secondary level in government and community schools. 9,610 boys and 8,889 girls are attending Early Child Development Centers in the district of whom 1,107 boys and 1,173 girls are Dalits. It was found that the District Education Office has not updated all data related to education.

Bandh/Strike

The studies of some 15,000 students of various schools, higher secondary schools and colleges were affected due to a strike called by Tharuhat Autonomous State Council which began on April 8 and lasted for two days. The Council imposed the strike to further their demands for the implementation of all past agreements between them and the government.

Guardians padlocked Jayakalika Secondary School at Munalbasti in Kalika VDC-4 on August 11 after blaming Manoj Paudel, 35, a teacher at the school, of taking a girl student to visit various places with him without asking the permission of her parents. The padlocking affected the studies of some 500 students. The school reopened after an agreement was reached on August 14 between the girl's family and school management to transfer Paudel.

The studies of approximately 15,000 students of 400 schools were affected due to a two-day strike called

by the Bardiya chapter of Hindu Yuba Parisad in the district on May 25. The Council imposed the strike and demanded that the government implement all the past agreements they had made with the council.

Rape, Attempt to Rape, Sexual Abuse

Birkha Bahadur Sunar, alias Neule, 58, of Gujranaphanta in Gulariya Municipality-2 attempted to rape a 12-year-old girl of the same place on March 4. Neule beat her up with a baton when she resisted him. The girl sustained injuries to her head, face, both hands and bruises on her back. She received primary treatment in the District Hospital in Gulariya and underwent further treatment at Nepalgunj Medical College Teaching Hospital in Kohalpur. The victim had difficulty in speaking due to the injuries sustained to her head. The father of the girl registered a complaint against Neule two days later. He was arrested on March 13 and kept in the custody of the DPO. The case was settled after the accused agreed to bear the treatment costs of the victim and the victim's family agreed not to initiate legal proceeding against him.

A 14-year-old girl of Sorhawa VDC-4 claimed that Ram Kumar Tharu, 20, of the same locality raped her on March 5. Police arrested the accused after the girl made the incident public. The girl's family filed a complaint at the DPO on March 16. The accused was remanded in the custody of the District Jail following an order from District Court on April 6. The case had not been heard by the end of the year.

The family of a 12-year-old girl of Magaradi VDC-5 alleged that Ram Chandra Basyal of the same locality raped the girl while she was sleeping in her house on June 24. The family filed a complaint at Baniyabhar APO on July 1. Police said that the accused remained at large by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Krishna Soni, aka Abhishesh, 28, of Narayan Municipality-2 of Dailekh district made an attempt to sell a 26-year-old woman of Gulariya Municipality-8 in Deharadun, India after falsely proposing marriage to her on July 26. The victim filed a case of trafficking at Bardiya DPO on August 9 after returning to Nepal. The accused remained at large by the end of the year.

Ram Prasad Pandey, 62, of Taratal VDC-6 made an attempt in India to sell two girls, one aged 18, the other aged 23, of Sanoshree VDC-2 on November 11. The victims filed a case of trafficking at the Bardiya DPO on November 18. The accused were remanded in custody following an order from District Court on December 6.

Rape, Attempt to Rape, Sexual Abuses

A 36-year-old woman of Sanoshri VDC-3 alleged that Radhe Tharu, 25, of the same locality raped her. The woman filed a complaint at the DPO on March 26. Police informed that the accused remained at large by the end of the year.

A 45-year-old woman of Taratal VDC-4 accused Purna Bahadur BK, 40, of same locality, of raping her. She filed a complaint at the DPO on March 25. Police informed that the accused remained at large by the end of the year.

Police arrested Ammar Raidas, 29, of Gulariya Municipality-4 on July 10 after his sister-in-law, 40, of the same locality alleged that Ammar raped her. The victim filed a complaint at the DPO the following day. The accused was remanded in custody following an order from the District Court on July 29. The case had not been heard by the end of the year.

DOMESTIC VIOLENCE

Tulasi BK, 23 of Dhadhabar VDC-9 was expelled from her house by her mother-in-law, Amrita BK, 40, on November 30. The victim and her son took refuge in the home of a relative following the incident. Her husband, Isab, was working overseas at the time of the incident. Seeking justice, Tulasi filed a complaint at Jayanagar Police Post. However, no action was taken against the accused by the end of the year.

Binod Lodh, 20, and his father Sitaram Lodh, 50, of Gulariya Municipality-11 were arrested by DPO on September 22 who alleged that they strangled Rinki Lodh, 24, wife of Binod to death on September 18. They were released after submitting Rs 5000 bail following an order from District Court on October 14.

Polygamy

Mihadi Hussein Dhobi, 26, of Gulariya Municipality-6 married Jakira Dhobi, 23, of the same locality on July 9 though he was already married to his first wife Seema Khatun, 27. Seema filed a complaint at the DPO on August 22. Both Mihadi and Jakira remained at large by the end of year.

Singha Singh BK, 30 of Patimotipur VDC-6 married Laxmi BK, 18, of the same locality on June 3 despite being already married to his first wife Basanti Batala, 24. Basanti filed a complaint against Singh and Laxmi at the DPO on June 10 and police arrested the accused shortly thereafter. Singh and Laxmi were released after submitting Rs. 25,000 bail following an order from the District Court on June 26.

Mistreatment

Jamuna Gharti Magar, 35, of Sanoshree VDC-8 was accused of practicing witchcraft by Buddhisara Magar, 34 of Sanoshree VDC-7 on November 5. The accused claimed that she fell sick because Jamuna put spell on her. The victim

filed a FIR against Buddhisara at the DPO on November 9. No action had been taken against the accused by the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A group led by Sitaram Bista, chairperson of the Buffer Zone Community Forest, Sitaram Bista, Arjun Sharma, Durga Tharu and Haulau Tharu dismantled 110 huts of bonded labours at Bankhet of Neulapur VDC-9 on May 19. The labours had been living there since 2001. Kamaiyas including Hari Prasad Tharu, 34, Buddhi Ram Tharu, 56, Phatte Singh Tharu, 45, Keshav Bahadur Tharu, 53, Ainu Tharu, 42, Rukmini Tharu, 40 and Bhusna Tharu, 60 were injured as they clashed with members of the community forest consumers as their huts were dismantled. The injured received treatment at the District Hospital and Nepalgunj Medical College. Prabhu Tharu, 35, a member of the community forest consumer group, sustained critical injuries to his back while his hands were fractured in the attack. He received treatment at Kohalpur Medical College. The victims filed complaints at Neulapur Area Police Office and DPO on May 21.

Destruction of Infrastructure, Capture of Property

By ANSA

All Nepal Squatters' Association (ANSA) captured land located at Moraiya of Rajapur VDC-2 and Paryagpur of ward no. 7 belonging to locals on March 16. ANSA cadres announced their intention to capture the lands by planting their party flag at the 45 bigahas of land belonging to Binaya Dwoj Chand, 40, bigahas of land belonging to Krishna Bastola and Damodar Bastola, and 40 bigahas of land belonging to Shree Das Sapkot of Rajapur VDC. The UCPN-M affiliated ANSA said that they captured the land as the land owners tried

to sell it to people of other places without their consent. They added that the land was captured by UCPN-Maoist during the armed conflict and was distributed among landless people. The victims had not filed complaint by the end of the year.

By ANNFSU

A motorbike plated (Bhe1Ba214) belonging to the District Health Office was vandalized by agitators who alleged that the bike was parked in defiance the strike called by the ANNFSU in protest against the murder of ANNFSU district member Bishnu Bikram Shahi on September 7. The act of vandalism incurred a loss equivalent to Rs 5,000, the DPO said.

By JTMM

An unidentified gang planted a socket bomb in the toilet of the District Land Revenue Office on September 27. However, police did not arrest anybody involved in the attack. Tharuhat in-charge of Jantantrik Terai Madhes Mukti Party Pawan claimed responsibility for the incident to local journalists over the phone on September 27. He said that the bomb was planted in the office as a part of warning to staff against demanding bribes from people.

By Unidentified Group

An unidentified gang detonated a bomb in the house of Chhabhi Lal Pathak, 50, of Gulariya Municipality and Nayabsubba at Agricultural Development Bank at 11 pm on November 27. The explosion incurred minor damage to the house. Ranabir Singh, in-charge of Terai Madhes Mukti Tigers said that the bomb was detonated at Pathak's house as he was opposed to the the party. The victims cited security reasons for not making a complaint about the incident to any authority.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	11		
Sub-Health Post	19		
Position	Available Position	Working	Vacant
Doctor	6	5	1
Staff Nurse	7	7	0
Lab Assistant	6	5	1
AHW	46	46	0
AMW	21	21	0
Vaccine Supervisor	1	1	0
TB/Leprosy Supervisor	1	1	0
HA	13	13	0
HW	55	49	6



4.8

Surkhet



Population : 360,104

Male : 177,612

Female : 182,492

Literacy(%) : 78

Women Literacy(%) : 52

Area(Sq. Km.) : 2,451

Number of VDC(s)/Municipality(ies) : 50/1

Number of School(s) : 573/31

Campus(es)/Higher Secondary School(s) : 3/21

Human Development Index : 0.486

Average Household Size : 4.78

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'E' grade Jail has the capacity to accommodate 25 inmates. At the end of the year, however, there were 106 inmates. Out of that, 94 were male and 12 were female. Among them, 48 were convicted and 58 awaiting trial. One inmate died in the jail during the year. Jail warden Lal Bahadur Khatri reported that a new well-equipped reform home was under construction, as the present jail building is in a dilapidated condition. According to Khatri, the inmates faced problems such as a lack of sleeping space due to the fact that there are five times more inmates than can be kept comfortably in the jail.

DISAPPEARANCE/ABDUCTION

By UCPN-M

The then Nepal Army Soldier Ammar Bahadur Chand, 42, and Prem Bahadur Shahi, 40, of Ramghat VDC-4 were beaten up by a group of UCPN-M combatants on January 19 on the charge of not supporting their party. The victims, who received injuries to the back part of the body and head, were treated at Ramghat Health Post. Although Shahi ran away from the scene of the incident, Chand was abducted by the accused and kept in the Smriti Brigade Camp. The victim was released on January 21 from the Brigade. He did not file a complaint.

THREATS/BEATINGS

By State

Min Bahadur Khadka, 24, of Birendranagar Municipality-6, an employee in the Hero Honda Showroom, was assaulted by Police Head Constable Bhim Bahadur Rawal and Constable at the DPO Nar Bahadur Thapa on September 25 on the charge of not wearing a helmet while driving a motorbike. The victim received

Type of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Injured						4	4
Child Rights					8	1	9
Abduction						1	1
Women Rights					76		76
Right to Assembly		1	12	13			
Racial					2	1	3
Discrimination							
Arrest & Torture		13		13			
Beatings	1	5		6	3	23	26
Threats		1		1	1	3	4
Killing					2	1	3
Total	1	20	12	33	92	34	126

head and leg injuries and was treated at Deuti Nursing Home. However, he did not file a complaint.

By PLA

Reporter of Rajdhani daily Ramesh Shahi, 28, of Birendranagar Municipality-6 was issued with a death threat by a group of PLA combatants led by Ratan Bahadur Shahi on April 22 on the charge of taking photos. The victim took the photos of the clash between PLA combatants and local youths during a football match which was organized in Birendranagar on April 22. The accused threatened to kill him if he refused to delete the photos. FNJ Surkhet condemned the incident in a press statement on April 23.

Hasta Bahadur Pun, 35, Dilip Pun, 36, Dal Bahadur Karki, 23, Yadav Khatri, 23, and Rajendra Sharma, 25, of Mehelkuna VDC-1 were assaulted by a group of PLA combatants on April 23 on the charge of debating during a football match. The victims were treated at Mehelkuna Primary Health Post. Protesting the incident, the victims and locals called a strike at Mehelkuna Bazaar on April 24 and 25. Both sides reached an agreement at the initiation of the Local Peace Committee. The accused promised to bear the cost of the victim's treatment.

By UCPN-M

RPP Nepal cadre Chakra Bahadur Nepali, 56, of Satakhani VDC-5 was beaten up by a group of UCPN-M cadres led by Krishna Sapkota on January 4 for his political ideologies. The victim was treated at Local Health Post. He lodged a complaint at the DPO on January 6. However, the case had not been decided by the end of the year.

A teacher in Mahakal Secondary school, Tulshi Ram Shah, 42, and Surya Bahadur Shahi and Mohan Dharmi were beaten up by a group of UCPN-M cadres led by Min Bahadur Banstola on September 18. The victims were treated at a local health post. However, they did not file a complaint.

By YCL

Assistant Health Workers of Neta VDC Ramesh Shahi, 38, and Parshuram Masrangi, 40, of same VDC-4 were assaulted by a group of YCL cadres on June 28 on the charge of treating persons injured during a clash at a football match. The victims were treated at the Regional Hospital. They were displaced to Birendranagar on June 12 because of the incident. Protesting the confrontation, the employees of the sub-health post closed it for two days. The victims lodged a complaint at the DPO on May 17. No action was taken against the accused.

By UML

YCL cadres Pramod BK, 18, and Chhatra BK, 17, of Ghatgaun VDC-4 were beaten up by a group of UML cadres on March 29 for political differences. The victims who received injuries to the head

were treated at a Local Heath Post. They did not file a complaint over the incident.

By YAN

Bhuwan BC, 17, Kilash BC, 18, Keshab Bayak, 18, and Tekendra Bayak of Bijaura VDC-3 were beaten up by a group of YAN cadres on March 26 for political differences. The victims were treated at local heath post. They did not file a complaint.

By Unidentified Group

A teacher in Dasharathpur VDC-3, Purna Bahadur Thapa, 51, and his son Shyam Thapa, 24, were stabbed by an unidentified group on June 4. The victims were treated at Deuti Nursing Home. A group of approximately 20 unidentified people also looted three sets of mobile phones, gold and Rs 27,000 from their home. The group assaulted Jhappu Thapa, Purna's wife, his daughter Chetana Thapa and his niece Chhupisara Gharti. The family was displaced to Birendranagar when the group threatened to kill all family members if they did not provide Rs 100,000 to the group. Demanding his family's security, Thapa filed a complaint at the DPO on June 6. However, no one had been arrested by the police at the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Among 110 criminal cases, the District Court with one judge decided 36 cases and 74 cases remained pending. Out of 85 civil cases, 30 cases were decided and 55 cases remained pending. A number of six criminal cases and four civil cases older than two years remained pending.

July 17, 2011-December 31, 2011

Of 115 criminal cases, the District Court with one judge decided 32 cases and 83 remained pending. Out of 72 civil cases,

11 cases were decided and 61 remained pending. Two criminal cases and two civil cases older than two years remained pending.

APPELLATE COURT

July 17, 2010-July 16, 2011

Of 51 criminal cases, the Appellate Court with two judges decided six criminal cases and 45 cases remained pending. Among the five civil cases, two cases were decided and three remained pending. A number of two criminal cases older than two years remained pending.

July 17, 2011-December 31, 2011

Of the 94 criminal cases, the Appellate Court with two judges decided 26 cases and 68 cases remained pending. Out of the 36 civil cases, six cases were decided and the remaining 30 cases remained pending.

The Office of the District Government Attorney filed 338 cases between July 17, 2010 and July 16, 2011, out of which 117 cases were won and 30 cases were lost. One case was moved to the Appellate Court.

Among the filed 25 murder cases, five cases were won and one lost. Out of 20 rape cases, eight cases were won and were four lost. Out of 17 cases attempted rape, four were won and four were lost. Out of 10 cases of polygamy, five cases were won and one was lost. Out of four cases of abduction one case was won.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Businessman Shisir Shrestha, 28, of Birendranagar Municipality-6 was tortured by police on August 1 while in custody on the charge of riding a motorbike while inebriated. The victim was treated at the Regional Hospital. He was released on August 2 after depositing a Rs 600 fine.

CHILD RIGHTS

Situation of Education

Of 129,171 children of school going age, 70,085 boys and 59,086 girls enrolled in schools of primary and secondary level. A number of 92 female and 183 male teachers are working at primary level government and community schools. A number of 47 female and 121 male teachers are working at lower-secondary level. Meanwhile, a number of 35 female and 148 male teachers work at secondary level.

A total of 2,467 boys and 1,890 girls are attending the Early Child Development Center in the district among which 180 boys and 168 girls are Dalits.

Rape, Attempt to Rape, Sexual Abuse

Police arrested Gudu Kabodiya, of Nepalgunj Municipality on September 24 on the charge of raping a 6-year old girl. Kubodiya was sent to jail as per the order of the District Court on October 17.

A 12-year old girl of Birendranagar Municipality-9 lodged a complaint of sexual abuse, which occurred on 11 November, against Ram Prasad Acharya, 42, of Jarbuta VDC-1 at the DAO on November 24. The girl was staying a hostel in Birendranagar for her studies. Acharya, a staff member at the local Red Cross office, sought to spend the night at the hostel claiming he was barred by traffic police from travelling, the victim's relatives informed.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Police arrested Ashok Gurung, 24, of Birendranagar Municipality-12 on October 19 on the charge of raping a 35-year-old woman of the same place. The police lodged a file against three persons, including Gurung, on charge of being

involved in the same incident. Gurung was sent to jail as per the order of the District Court on December 1. However, the other two accused could not be located.

DOMESTIC VIOLENCE

Beating by Family Member

Jhuma Badi, 27, of Latikoili VDC-1 was injured in a beating by her husband Purna Badi, 28, on February 1 after being reprimanded for not giving birth to a son. The victim was treated at the Regional Hospital. She filed a complaint at the District Court and demanded a divorce and a share of her husband's property on February 15. However, the case remained pending in the District Court at the end of the year.

Lila BK, 30, of Tatapanee VDC-9 was injured when she was stabbed by her husband Aite BK on April 3 for not having prepared a meal. The victim, who received a deep wound to the chest, was treated at the Regional Hospital. She lodged a complaint at the DPO on April 6. However, the accused remained at large since the incident.

ALL KINDS OF RACIAL DISCRIMINATION

Sita Mahar, 21, Laxmi Mahar, 21, and Pappi Mahar, 30, of Maintada VDC-3 were stopped from filling their water pitcher by Ganesh Rana and Lila Batala of the same place on October 5 saying that by touching the spring, Mahar would make their god angry. They filed a complaint at Chhinchhu Surkhet on October 9. The case was settled on October 12 after it was decided that Maintada VDC-3 would be declared a caste-based discrimination free village and when the perpetrators apologized.

HEALTH SERVICE SITUATION

Hospital	2		
Health Post	3		
Sub-Health Post	47		
Position	Available Position	Working	Vacant
Doctor	28	10	18
Staff Nurse	20	13	7
Lab Assistant	6	3	3
AHW	60	55	5
AMW	25	21	4
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	2	2	
HW	100	85	15



4.9

Jajarkot



Population : 172,565

Male : 86,082

Female : 86,483

Literacy(%) : 46

Women Literacy(%) : 31

Area(Sq. Km.) : 2,230

Number of VDC(s)/Municipality(ies) : 30/0

Number of School(s) : 385/7

Campus(es)/Higher Secondary School(s) : 1/9

Human Development Index : 0.343

Average Household Size : 5.51

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold 25 inmates. However, there were 33 inmates in the district jail at the end of the year of whom two were female and 31 were male. 24 inmates had been convicted while nine were awaiting trial.

According to inmate leader Bir Bahadur BK, the inmates did not have access to outdoor recreational facilities due to the small area of of the jail's compound. Jail warden Sarbadal Shahi claimed that inmates are provided with facilities such as a library, sports materials, a TV and newspapers.

THREATS/BEATINGS

By UCPN-M

Joint secretary of the district chapter of FNJ Dilli Bahadur Thapa, 29, of Panchkatiya in Dhime VDC-1 was threatened of life by UCPN-M district committee member Purna Bahadur Khattri on April 5 on charge of working for UML. Police arrested Khattri after Thapa filed a case at the Panchkatiya police post on the same day. He was released after promising not to repeat such incident again.

By YCL

Hari Bahadur Chalaune, 35, of Nayakwada VDC-9 was beaten up by a group of three YCL cadres on July 30 for leaving the party. The YCL team led by Mal Bahadur Chalaune, 34, of the same locality committed the assault. Hari, who sustained injuries to the head in the attack, was taken to the District Hospital for treatment. He filed a complaint at Ramidanda Police Station on July 31. All three were arrested on the day of the assault and were released on August 4. The case was settled after UCPN-M provided Hari with Rs 4,500 on August 4 to cover the cost of his medical treatment.

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			2	1	3
Women Rights			11		11
Racial Discrimination			1	1	2
Arrest & Torture	3	3			
Beatings			4	9	13
Threats	1	1		3	3
Killing			2	1	3
Total	4	4	20	15	35

By NC

UCPN-M cadres Saram Bahadur Khattri, 36, Ratna Prasad Jaisi, 41, Lakshman Khattri, 42, Chandra Prasad Khattri, 35, of Managhat in Karkigaun VDC-3 were injured when a group of approximately 25 NC cadres led by NC area no. 2 president Ratna Bahadur Shahi attacked them on June 6. The victims filed a complaint at the area police office in Dashera on June 7. An agreement was reached at a meeting called by the district police on June 14 after the Maoist cadres agreed to not repeat the incident.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided one criminal case. Six civil cases were decided and 12 cases remained pending. Five civil cases older than two years remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided two criminal cases and eight remained pending. 16 civil cases remained pending.

The Office of the District Government Attorney filed 13 cases between July 17, 2010 and July 16, 2011, out of which eight cases were won and five cases were lost. The Office has one government attorney.

Of the six murder cases filed, three cases were won and three were lost. Out of four rape cases filed, three cases were won and one was lost.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Sher Bahadur Kami of Khalanga VDC-9 was tortured on July 8 by ASI Bir Bahadur Kunwar and head constable Begam KC while in the custody at the Rimna Police Post. Kami was arrested on the charge of stealing a local's sheep. He lost consciousness after being beaten with a lathi on the soles of his feet and his body for four hours. He was released the same day. He received treatment at the local pharmacy. The victim did not report the incident to any agencies.

CHILD RIGHTS

Situation of Education

Of 79,949 children of school going age, 40733 boys and 39,216 girls were enrolled in schools of primary and secondary level. Among them, 14,158 girls and 15,213 boys were Dalits. 681 teachers work at primary level government and community schools. 501 teachers are employed in lower-Secondary level government and community schools. 56 teachers are employed at secondary level. The DEO did not have updated statistics related to education.

Rape, Attempt to Rape, Sexual Abuse

A 14-year-old girl of Kaffla in Jhapra VDC-7 filed a case against Ajay BK, 19, of Punma VDC-5 in which she accused him of raping her at a nearby jungle nearby on December 6. The victim filed the complaint at the Badaban police post on December 7. The accused was being remanded in the custody of the DPO at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 46-year-old woman of Dhime VDC-7 filed a case against ASI Mohan Bahadur Kunwar, 41, of Panchkatiya police post on January 2, in which she accused him of attempting to rape her at her hotel in Panchkatiya on January 1. Police arrested him that day. An agreement was reached at the Panchkatiya police post after ASI Kunwar apologized and provided Rs 10,000 to the victim as compensation.

DOMESTIC VIOLENCE

Killing by Family member

Battisara Nepali, 19, of Thalaraiakar VDC-7 was beaten to death by her husband Krishna Bahadur Nepali, 21, and father-in-law Kul Bahadur Nepali on July 10. Her badly bruised body was found the next morning. Police arrested the father-son duo on the day the body was discovered. Both were in prison since July 25. Tension had been building between husband and wife over the two months prior to the murder and Battisara was forced out of her house by the husband on July 8. She was killed on the day when her father-in-law brought her back from her maternal home in Sati in Katti VDC-2 of Dailekh district.

Sangita Badi, 17, of Jhapra VDC-1 was killed when her husband Bam Bahadur Badi attacked her with a sharp weapon on August 1 after she refused to go to his home. Sangita had become Bam Bahadur's fourth wife three months before the incident. Bom Bahadur attacked Sangita while she had gone to the house of her maternal uncle Janak Badi in Tolegaun VDC-1. He disposed of the body at the nearby VDC building. Police arrested Bom Bahadur on August 3 and he was remanded in custody on August 10.

Beating by Family Member

Kalpana Thapa, 21, of Punma VDC-5 was beaten and evicted from home by her husband Nar Bahadur Thapa, 23. The victim filed a case at the DPO on November 26 seeking action against him. Nar Bahadur had not been arrested at the end of the year.

Mistreatment

Laxmi Chand, 32, of Khalanga VDC-4 was beaten and injured by Sarita Chand, 39, and her daughter Kalpana Chand, 16, of same place on March 12 on the accusation of being a witch. The victim filed a complaint at the DPO on that day. Both sides reached an agreement two days later on the condition of not repeating such an incident.

ALL KINDS OF RACIAL DISCRIMINATION

Chanda Singh, 18, of Relkot in Pajaru VDC-4 was beaten by her brother Dipu Singh, Kaldhar Singh, Tile Singh and Lalu Singh on August 14 after marrying a man of the Dalit community. She sustained a broken right hand in the beating.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By Maoist Communist Kendra (Party) Nepal

Cadres of the Maoist Communist Kendra Nepal (MCKPN) set fire to a dozer owned by the proprietor of PS Constructions, Prakash Jung Shah, on March 22. A resident of Khalanga VDC-1, Shah was the contractor of for the Mid hill highway. Police arrested MCKPN cadres Amrit Buda alias Ajit, 22, of Rolpa, Shreedhar Kanwar alias Samrat, 23, of Pyuthan, and Milan Thapa, 24, of Dang from Seema VDC-1 on March 25. They were charged under the arms and ammunition act. They were awaiting trial at the end of the year.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	7		
Sub-Health Post	25		
Position	Available Position	Working	Vacant
Doctor	4	2	2
Staff Nurse	5	5	
Lab Assistant	3	2	1
AHW	38	5	33
AMW	15	12	3
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1		1
HW	59	45	14



4.10

Dailekh



Population : 263,865

Male : 128,281

Female : 135,554

Literacy(%) : 56

Women Literacy(%) : 35

Area(Sq. Km.) : 1,502

Number of VDC(s)/Municipality(ies) : 55/1

Number of School(s) : 457/13

Campus(es)/Higher Secondary School(s) : 2/29

Human Development Index : 0.381

Average Household Size : 5.14

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

INJURED IN SHOOTING/EXPLOSION

By Unattended Bomb

Til Bahadur Pun Magar, 11, of Kagate in Baluwatar VDC-8 was seriously injured when an abandoned socket bomb that he tampered went off on October 5. The boy was injured after he struck the bomb with a stone. According to the victim's father Nar Bahadur Pun Magar, his son had found the bomb in the nearby Bhawarsen jungle while herding goats. The boy lost two fingers of his left hand due to the explosion. He sustained shrapnel injuries to his face and leg. The victim received treatment in Bheri Zonal Hospital after primary treatment at a local medical clinic in the district headquarters.

JAIL AND DETAINEES

The 'D' grade Jail has the capacity to hold 16 inmates but had 50 inmates at the end of the year. There are four female and 46 male inmates. 28 male and one female inmates have been convicted while 18 male and three female inmates are awaiting trial. There is one boy and one girl living as dependents in the jail. As district jail of Dailekh holds three fold as many inmates of its capacity inmates face shortages of drinking water and a lack of toilet facilities due to the over-crowding. Inmate Tirtha Bahadur Thapa complained that water trickles from the roof during the monsoon season as the jail building is in a dilapidated condition. Jail warden Sharada Prasad Shrestha said that though a new building is being constructed for the inmates at the district headquarters, he does not have the details.

THREATS/BEATINGS

By State

Pushkar Thapa, FNJ Dailekh chairperson and Avenues television repo-

rtter Bhupendra Shahi, Himalayan Television reporter Ratna Shahi and National Employee Association Dailekh chairperson and DDC staff Khagendra Thapa were beaten up by a police patrol team on the night of September 12. They were beaten up at Ganesh Chok in Narayan Municipality-6 with batons and were also kicked. Journalists Bhupendra and Ratna suffered injuries on hand, ribs, and face. They were treated at the local pharmacy and District Hospital. Both sides reached an agreement after DSP Deepak Basnet of DPO promised departmental action against those involved in the incident.

By UCPN-M

Govinda KC, FNJ district vice-chairperson and district correspondent of Himalaya Times was threatened by UCPN-M district joint secretary and Bheri Karnali State Committee member Krishna Prasad Jaisi on December 15. According to KC, Jaisi threatened to kill him over the publication of a news item while he was heading to the office of Teshro Aankha Weekly at Ganesh Chowk in Narayan Municipality. Police arrested Jaisi from Narayan Municipality-6 the same day after KC filed an application at the DAO. Though Jaisa admitted his mistake at a meeting in the DAO on December 16, the two sides failed to reach an agreement. A news item stating that a woman was forced to stay at her maternal home for three years was published in the December 10 issue of the Himalaya Times and Jaisi's name was mentioned in the news.

Bir Bahadur Majhi, 30, of Karnali VDC-4 received a death threat from UCPN-M leader and Bheri Karnali State Committee member Yogendra Raj Bikram Thapa alias Anam on November 2. According to Majhi, Anam, a resident of Lakandra VDC-5 threatened him after

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured				2	2
Child Rights			2		2
Women Rights			11		11
Racial Discrimination			3	1	4
Beatings	5	5		5	5
Threats				3	3
Killing			1	3	4
Total	5	5	17	14	31

Majhi passed the exam to become a science teacher at Krishna Secondary School in Lakandra VDC. Anam who was selected as an alternative candidate threatened to abduct and kill him after meeting Majhi at Thatikand in Lakandra VDC. Majhi said police held him for security purposes at Thatikandh police post for two days following his request. Six teachers' unions issued a statement on November 5 seeking action against Anam.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

President of the Federation of the Nepalese Chamber of Commerce and Industries (FNCCI) Dailekh chapter, Shanti Prasad Sharma, threatened to vandalize and set fire to the office of the local Tesro Aankha daily. Sharma issued the threat on November 16, accusing the daily of publishing false news about his organization. According to the chief editor of the daily Govind Dev Bharati, Sharma threatened publisher of the daily Yam Bahadur Shrestha on November 17 to shut down the newspaper. The daily had published news on FNCCI in its November 15 edition with the title "FNCCI greater than state". Sharma and the general secretary of FNCCI Krishna Prasad Shrestha issued a joint release on November 17 accusing the daily of publishing biased news without acknowledging the truth.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 101 criminal cases and 20 remained pending. 42 civil cases were decided and 15 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided 40 criminal cases and 28 remained pending. 12 civil cases were decided and 19 cases remained pending.

The Office of the District Government Attorney filed 35 cases between July 17, 2010 and July 16, 2011, out of which 30 cases won and five were lost. The Appellate Court has been moved in 11 cases. The Office has one government attorney.

Of the 13 murder cases files, 11 cases were won and two were lost. Out of five rape cases, two were won and three were lost. One case of polygamy and one case of human trafficking was won.

CHILD RIGHTS

Situation of Education

Of 103,644 children of school going age, 52,498 boys and 51,046 girls were enrolled in schools at primary and secondary level. Among them, 14,491 girls and 14,447 boys were Dalits. 350 female and 904 male teachers are employed at primary level.

A total of 3,977 boys and 4,143 girls are attending an Early Child Development Center in the district of whom 860 boys and 785 girls are Dalits. The district education office (DEO) has not updated statistics related to education.

Padlock

Around 500 students were affected when parents of the students of Janata Secondary School in Room VDC shut down the school from October 18 to November 1. They alleged that the school management committee spent Rs 400,000

allocated for the renovation of the school in paying salaries to the teachers. The school reopened after an agreement was reached to take action against those involved in such irregularities.

Rape, Attempt to Rape, Sexual Abuse

A 6-year-old girl of Nepa VDC-5 was raped by Kare Kami, 61, of Malika VDC-6 on June 2. The girl's father filed a case at the DPO on June 4. Critically injured in the incident, the girl received treatment at the Dailekh District Hospital on the day of the attack. Police arrested Kami on June 5. The District Court of Dailekh on July 12 sentenced him to 10 years in prison and ordered him to provide Rs 50,000 to the victim. Kami is serving time at the District prison.

A 7-year-old girl of Narayan Municipality-1 was raped on August 21. A local Keshav KC, 21, of ward no. 1 of the same VDC was handed over to the police by locals on the same day on the charge of raping the girl. The girl was found lying unconscious and bleeding in a field near a water source at Goganpani of the same Municipality-2. The girl received treatment at Dailekh District Hospital. The family of the girl filed a case of rape and attempted murder at the DPO later that day. The District Court of Dailekh sentenced KC to 13 years in prison and ordered him to provide Rs 100,000 to the victim.

Beating by Family

Lok Bahadur Thapa, 32, of Jaharkot in Narayan Municipality-2 cut off the finger of his son Keshav Thapa, 8, on the accusation of stealing a biscuit from the neighbor's shop on November 1. According to his neighbor, Thapa put the boy's left hand on a chopping block and chopped off his index finger with a khukuri after the shop owner told him that his son had stolen a pack of biscuits from his shop. Critically injured, the boy received treatment at Deuti Nursing Home in Surkhet following

primary treatment at a local pharmacy in the district headquarters. The Women and Children's Office in Dailekh filed a case over the incident at the local police office on November 2. Police arrested Thapa the next day and released. The boy as undergoing treatment in Surkhet at the end of the year. INSEC provided Rs 5,000 to the victim for treatment.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

An 18-year-old woman of Paduka VDC-4 filed a case of human trafficking against Kabiram Sunar, 48, of the same locale and Maya KC, 35, of Manikapur VDC-2 in Banke at the DPO of Dailekh on April 6. She accused them of selling her in India after luring her with the promise of foreign employment in Saudi Arabia. According to her, Kabiram handed her over to Maya in Nepalgunj on December 22, 2010 and Maya took her to Mumbai, India from there. She was forced to work as a sex worker in Mumbai and two months later flown to Saudi Arabia using the passport of a woman by the name of Fulmaya Tamang. She added that she was drugged and forced to engage in sexual activities in Saudi Arabia. The victim was brought back to Gorakhpur train station through Mumbai in a ship a month later following her repeated complaints. She was rescued from Gorakhpur with the help of Peace Rehabilitation Centre (PRC) Kapilbastu and Aawaj organization on April 2. Bhumiraj Bhattarai of PRC said that the victim was found unconscious in Gorakhpur and was donning a Muslim woman's outfit when they rescued her. She was staying at the protection of PRC at the end of this year. Kabiram was arrested by personnel of the area police office of Dullu on April 6. The District Court remanded him in prison on May 3 while Maya had

already absconded and had not been located by the end of the year.

DOMESTIC VIOLENCE

Beating by Family Member

Rekha Shahi, 40, of Bisala VDC-4 and daughter-in-law of former parliamentarian Ranga Bahadur Shahi of Bisala VDC-4 filed a case of libel and domestic violence against him at the District Court on October 14. According to Rekha, she sought the court's help as her father-in-law repeatedly assaulted and tried to evict her from her home. She complained that Ranga 'tortured her mentally and physically'. She received injuries to her hands, head and different parts of body from Ranga's beatings.

Polygamy

Mohan Kumar BK, 35, of Pagnath VDC-6 married Goma BC, 30, of Dang on February 17 despite having a living wife. Mohan and Goma evicted his first wife Sushila and her son and daughter from their home on the day they got married. Sushila was staying with her children at her maternal home in Serigaun, Rukum at the end of the year. She filed a complaint at the DPO seeking legal action against her husband on February 21. Police informed that Mohan could not be arrested as he could not be located.

ALL KINDS OF RACIAL DISCRIMINATION

Anita BK, 18, of Narayan Municipality-6 was mistreated by local Deepa Singh of the same place at a public tap on May 21. According to Anita, Deepa had thrown her water pot calling caste-based names. Anita filed a complaint at police station the next day. Police said Deepa did not turn up at the station when they summoned her.

Sarbajit Kami, 40, of Room VDC-8 was beaten and injured by Dhanu Chanda,

60, and his wife Dhansara, 50, of same the place on June 4. They attacked Sarbajit with a khukuri and lathi, called him untouchable and accused him of marrying his daughter to their son. He underwent treatment at the district hospital for head injuries he sustained in the beating. Police arrested the couple on June 6 after the victim filed a case at the DPO. Sarbajit's daughter Shitala, 16, and Chandas' son Raju, 16, had got married on May 14 after having had affair. But Raju's family, objecting to the marriage, assaulted him for supporting the marriage 'despite of belonging to a lower caste'. The two sides reached a settlement after the Chanda couple agreed not to discriminate on the basis of caste at a meeting held in the police office on June 8.

Sete Damai, 50, of Toli VDC-2 died on August 31 while undergoing treatment at Regional Hospital in Surkhet, a day after being seriously injured in an attack on August 30. He was attacked with a khukuri by the family members of Raj Kumari Shahi, 20, with whom his 20-year-old son Sante had got married on August 13. Sante, the deceased's son, said the girl's family, unhappy with the inter-caste alliance, was threatening his family. DPO, Dailekh said Tul Bahadur Chand, Ganesh Singh, Madan Shahi, Bindakala Shahi, Jeevan Shahi, Prem Shahi of the same place and Krishna Khatri, Subash KC and Dilli Khatri of Narayan Municipality-3 were arrested on August 31 on charge of attacking Sete. The deceased's son has filed a complaint at DPO against the accused on September 1. The District Court remanded Subash, Bindakala, Jeevan, Krishna and Dilli in prison on September 27 while released Madan, Ganesh and Tul Bahadur on bail of Rs 25,000 and Prem on bail. The Government formed a three-member investigation committee with home joint-secretary Buddhi Bahadur Khadka, SSP Manohar Rimal and Appellate Court, Patan's attorney Chandra Kant Khanal on September 3. The report of the committee

has not been made public yet by the end of the year.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	11		
Sub-Health Post	45		
Position	Available Position	Working	Vacant
Doctor	4	3	1
Staff Nurse	6	6	
Lab Assistant	4	2	2
AHW	64	61	3
AMW	16	16	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	14	9	5
HW	106	76	30



4.11
Dolpa

Population : 36,701

Male : 18,033

Female : 18,668

Literacy(%) : 40

Women Literacy(%) : 25

Area(Sq. Km.) : 7,889

Number of VDC(s)/Municipality(ies) : 33/0

Number of School(s) : 137/2

Campus(es)/Higher Secondary School(s) : 1/3

Human Development Index : 0.379

Average Household Size : 4.82

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By UCPN-M

UML Village Committee member, Bangdi Gurung, 40, of Tinje VDC-8 was attacked with a sharp weapon and was killed by UCPN-M cadres Chewang Gurung, 24, and Dhawa Tamang, 24, of the same VDC-7 on January 14 following a political dispute while she was at home. A complaint was lodged and the accused were arrested in the same VDC-8 on the same day. The District Court judge Mohan Bhattarai sentenced them to jail on March 8. The Appellate Court released them on bail on July 21. The date for the final verdict of this case had not been given by the end of the year.

By UML

UCPN-M Village Committee member, Kaji Chocha, 41, of Lawan VDC-3, was attacked by UML cadres of the same VDC Dhawa Budha, 34, of Sahartara VDC-3 on July 27. He was attacked with a sharp weapon and killed while having lunch. He was attacked for torturing them during the conflict in the capacity of head of People's Government. The victim's family filed a complaint on the same day at the local police station. The accused was at large at the end of the year.

By Abandon Explosive Devices

Gauri Shahi, 51, and her daughter Chadani Shahi, 27, of Dunai VDC-5, died while her elder son Himel Shahi, 37, sustained injuries after a socket bomb at their house exploded on April 10. Chadani Shahi died after the bomb was passed to her while they were searching amongst their belongings. Gauri Shanker died while she was being taken to the District Hospital. Himel Shahi received treatment at Medical Hospital at Nepalgunj. Their house was destroyed completely.

Type of Events	By Non-State		
	Female	Male	Total
Injured		1	1
Abduction		3	3
Racial Discrimination	1		1
Beatings		7	7
Threats		1	1
Killing	2	5	7
Total	3	17	20

JAIL AND DETAINEES

The 'E' grade Jail, with the capacity to hold 25, had 17 inmates at the end of the year. Six inmates were convicted and 11 were awaiting trial. There are four rooms for male inmates and four for female inmates, informed Jail warden Bishnu Bahadur Shahi. The jail has two toilets, one kitchen, one administration office and one room for the security guard. The leader of the detainees, Lakpa Gurung, said the jail does not have drinking water facilities, a television, telephone, newspapers or sports materials. Furthermore, he said that the condition of the jail is pathetic and they have to face the problem of water leakages.

THREATS/BEATINGS

By RPP

UML cadre, Hira Rokaya, 32, of Lawan VDC-1 and currently living at Headquarters Dunai VDC-1 was injured in an assault near the Purano Adalat at Dunai VDC by RPP cadres Kamal Shahi, 32, Jitendra Shahi, 40 and Laxman Shahi, 40, of same place VDC-4 under the leadership of Dendra Shahi of VDC-1 on May 23 for speaking against them. The victim sustained a head injury and was treated at the District Hospital. The accused were arrested on the same day from Dunai Bazaar. Both the parties came to an agreement after the accused agreed to pay Rs 700,000 for Rokaya's medical expenses. The victim received the money but the case was not registered.

By UML

UCPN-M cadre, Kamal Thapa, 35, of Narku VDC-4 was attacked with wood by UML member Rabindra Shahi, 40, of VDC-5 at night time on July 18. He was attacked as he was returning home after attending a marriage ceremony. He suffered head injuries in the attack. The reason for the attack was a dispute regarding a bridge construction. The victim received treatment at the Bheri Hospital, Nepalgunj. The victim filed a complaint at the police station on July 20. The perpetrator was at large by the end of the year.

INSEC district representative and chief editor of Dolpali Awaz quarterly, Bishnu Devkota, 35, of Tripurakot VDC-2 was issued a death threat by UML president Angat Buda, 38, for publishing news against him on September 20. The victim filed a complaint in the DPO and also asked for the protection of his life. The editor had published news about corruption of UML president Buda and UCPN-M in-charge Nain Prasad Pahadi. No action was taken against him.

By Others

NC District Working Committee member and director of the Local Peace Committee, Gauri Shankar Upadaya, 41, of Tripura VDC-2 was beaten up in the party office by Dipendra Bahadur Shahi, 41 of Dunai VDC-1, Dhan Bahadur Buda, 39, and Shree Bahadur Shahi, 50 of same place on November 12 for protesting against corruption in a rally. The victim sustained injuries to the head, forehead, nose and other parts of body. The victim was treated at the District Headquarters in Dunai and then taken to Nepalgunj and Kathmandu for further treatment. The victim filed a complaint at the DPO on November 13 but no action was taken.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court, with a single judge, decided 33 out of 42 criminal cases and nine remained pending. Out of four civil cases, two were decided and two remained pending.

July 17, 2011- December 30, 2011

District Court, with a single judge, decided two out of 24 criminal cases and 22 remained pending. All five civil cases remained pending.

The Office of the District Government Attorney filed 11 cases between July 17, 2010 and July 16, 2011, of which 8 were won. The Office, with one government attorney, informed that three cases were filed by July 16, 2011 remained pending. There are three cases pending for over two years. Of the three murder cases filed, two cases were won.

CHILD RIGHTS

Situation of Education

Of 9,594 children of school going age in this district, 4,794 boys and 4,800 girls are enrolled in schools of primary to secondary level. Among them, Dalit students amount to 996 males and 896 females. The DEO reported that 5.5% of children of school going age do not attend schools. 99 female and 313 male teachers work at primary level in government and community schools. 8 female and 67 male teachers are working at lower secondary level. One female and 45 male teachers are working at secondary level.

The Early Child Development Center in the district has 883 boys and 906 girls of which 138 boys and 156 girls are dalits. The District Education Office did not have updated data related to education.

Bandhs/Strike

Teachers associated with the Nepal Teachers' Association and Nepal Teachers' Union called for indefinite strikes in the district, protesting against the state for discriminating government employees while distributing allowances for teachers situated in remote places on March 17. All the educational institutions of the district were closed because of the strike and 10,000 students going to 128 schools could not study or attend classes as a result of the strike. No response was received from the state and schools re-opened on March 29.

ALL KINDS OF RACIAL DISCRIMINATION

Ganga Sarki, 20, of Sarma VDC-4 was mistreated by Yagya Prasad Upadaya, 35, a priest of Bala Tripura Sundari Bhagwati Temple situated at Tripurakot VDC-1 on November 19 for entering the temple without permission. The victim was made apologize and fined Rs 100 and Sarki made a promise to the priest that she would not to re-enter the temple.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	9		
Sub-Health Post	14		
Position	Available Position	Working	Vacant
Doctor	2	1	1
Staff Nurse	2	1	1
Lab Assistant	1	1	
AHW	3	3	
AMW	2	2	
Vaccine Supervisor	1		1
TB/Leprosy Supervisor	1		1
HA	2	2	



4.12

Jumla



Population : 108,734

Male : 54,790

Female : 53,944

Literacy(%) : 37

Women Literacy(%) : 23

Area(Sq. Km.) : 2,531

Number of VDC(s)/Municipality(ies) : 30/0

Number of School(s) : 152/4

Campus(es)/Higher Secondary School(s) : 1/8

Human Development Index : 0.348

Average Household Size : 5.60

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'E' grade District Jail has the capacity to accommodate 20 inmates. It had a total of 14 inmates at the end of the year. Of them, eight were convicted and six were awaiting trial. A minor dependent girl is also residing in the jail. The jail building is in a dilapidated condition. There is a lack of drinking water, no access to a telephone or newspapers in the jail. The male and female inmates were residing in the same building.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 65 criminal cases, the District Court with one judge decided

Type of Events	By State		By Non-State		
	Female	Total	Female	Male	Total
Injured				1	1
Economic, Social and Cultural Rights	1	1			
Women Rights			2		2
Total	1	1	2	1	3

45 cases and 20 cases remained pending. Among the 27 civil cases, 22 cases were decided and five cases remained pending.

July 17, 2011-December 31, 2011

Of the 44 criminal cases filed, the District Court with one judge decided 15 cases and 29 remained pending. Among 17 civil cases, four cases were decided and rest of the 13 cases remained pending.

The Office of the District Government Attorney filed 18 cases between July 17, 2010 and July 16, 2011, out of which nine cases were won and one case was lost. One case was moved to the Appellate Court. There was one case older than two years. Among the filed three murder cases, one case was won.

The Office of the District Government Attorney filed seven cases between July 17, 2011 and December 31, 2011, out of which seven cases were won and one case was lost. Of the four murder cases filed, one case was lost.

CHILD RIGHTS

Situation of Education

Of 36,098 children of school going age, 18,895 boys and 18,013 girls were enrolled in schools of primary and secondary level. A total of 132 females and 308 males are teaching at primary level government and community schools. Similarly, a number six female and 74 male teach at lower-secondary level in government and community schools. One

female and a total of 59 male teachers work at secondary level in government and community schools.

A total of 6,680 boys and girls are attending in Early Child Development Center. District Education

Office did not have updated data related to education.

Bandh/Strike

A total of 154 schools, 89 primary, 33 lower-secondary and 22 secondary, of district shut down due to the bandh called for by Nari Welfare Centre on March 14 in protest against the price hike of aviation fuel. A total of 36,107 students from government schools and 2,500 students from private schools could not attend school on the day of the strike and their right to education was thus interfered with. All schools were re-opened on March 13.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

The family members of a 36-year old woman of Dillichour VDC-5 lodged a complaint against Bal Bahadur, 32, Sur Bahadur Bohora, 14, Buddi Bohora, 36, Lal Bahadur Bohora (A), Lal Bahadur Bohora, (B) of Patabasi VDC-1 at the DPO on September 10 on the charge of raping her. The District Government Attorney filed the case at the District Court on September 26. All the accused were sent to jail on remand as per the order of the District Court on September 27. Among the accused, Sur Bahadur was released on November 18 on bail whereas the others accused were released on December 16 after depositing a Rs 20,000 fine.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	8		
Sub-Health Post	20		
Position	Available Position	Working	Vacant
Doctor	21	4	17
Staff Nurse	18	4	14
Lab Assistant	3	2	1
AHW	4	3	1
AMW	4	2	2
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	2	1	1
HW	49	49	



4.13 Kalikot



Population : 141,620

Male : 71,196

Female : 70,424

Literacy(%) : 44

Women Literacy(%) : 26

Area(Sq. Km.) : 1,741

Number of VDC(s)/Municipality(ies) : 30/0

Number of School(s) : 267/7

Campus(es)/Higher Secondary School(s) : 1/10

Human Development Index : 0.322

Average Household Size : 5.79

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

INJURED IN SHOOTING/EXPLOSION

By Abandoned Explosive Device

Jivan BK, 12 of Malkot VDC-4 was injured when a pipe bomb exploded at his house on July 7. He had found the bomb near his house and had brought it home. The boy lost all the fingers of his right hand. Jivan, who also sustained critical injuries to his chest and mouth, was taken to Bir Hospital in Kathmandu after receiving first aid at the Kalikot District Hospital on June 23. According to locals, the area where the bomb was planted was the former site of an office of the UCPN-M during the conflict. BK returned home from Kathmandu after receiving treatment on June 27.

Ananda Prasad Pandey, 18, of Phoimahadev VDC-6 and Upendra Hamal, 17 of Phoimahadev VDC-7 were injured when a bomb went off while they were dismantling a wall constructed in a field belonging to Upendra on June 16. Pandey sustained injuries to his head, mouth and hands while Hamal suffered minor injuries to his chest. Both of the victims were seventh graders at the local Mahadev Higher Secondary. Hamal was treated at the local pharmacy while Pandey was taken to Bir Hospital in Kathmandu after receiving first aid at the district hospital on June 17. He returned home on October 2 after receiving treatment.

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold 15 inmates at a time, however, 37 persons were being detainee there at the end of the year. 34 males and 3 females were included in this figure. According to jail warden Bhakta Ram Acharya, the prison has the capacity to hold 15 males but has been accommodating double the amount of its actual capacity which has, in turn, created accommodation

issues. There are problems related to the shortage of drinking water and newspapers are not made available to the inmates claimed detainee Parmil Shahi.

DISAPPEARANCE/ ABDUCTION

By UCPN-M

Shyamnath Upadhyay, 42, of Phulkot VDC-7 was abducted by a group of 14 persons including UCPN-M District Committee member Jagat Shahi, ANNISU-R and district committee member Kamal Shahi from the former's house on August 7. The victim was released on August 14 on the initiation of the DPO from Bankharkot of the same VDC. The victim was being held at the district headquarters by the end of the year. Though the victim filed a complaint against the accused at the DPO, no action had been taken by the end of the year.

THREATS/BEATINGS

By UCPN-M

Basanta Bahadur Shahi, 34, of Nanikot VDC-6, who is a teacher at the local Kalika Primary School was attacked by a group of 14 persons, including UCPN-M village committee member Dilli Bam and Anipal Bam, who alleged that Shahi did not let them cheat in an exam at the SLC exam centre on March 24. He was treated at the local pharmacy. The case was settled after Shahi and the accused made an agreement on March 27 according to which the accused claimed that they would bear Shahi's treatment costs. The victim complained that he had not received the promised reparations by end of the year.

Sadan Kathayat, 32, of Badalkot VDC-8 was beaten by a group of six persons, including local UCPN-M cadre Barma Aidi and Pradip Aidi, who alleging on June 5 that Kathayat promoted old traditions. Kathayat, who suffered critical

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured				7	7
Inhuman Behavior			1		1
Abduction				1	1
Women Rights			1		1
Arrest & Torture	1	1			
Beatings				6	6
Threats				5	5
Killing			1	1	2
Total	1	1	3	20	23

injuries to his head and eyes, received treatment at Bir Hospital in Kathmandu. The victim filed a complaint at DPO on June 7, however, nobody had been arrested by the end of the year.

By NC

Nanda Bahadur Shahi, 36, of Mehalmudi VDC-2, a teacher at Dillikot Secondary School at Odankuna, was beaten by a group of seven persons, including NC local cadres Takka Singh and Surendra Shahi, after they alleged that Shahi did not let them cheat in an exam at the SLC exam centre on March 27. Shahi, who sustained injuries to head and back, received treatment at the district hospital. He was sent to the district headquarters after NC cadres threatened to kill him if he returned to the school. Shahi returned to the school on March 28 after he filed separate complaints at the DPO and DAO on March 29.

Kalu Singh, 24, of Odanuk VDC-4 was beaten by a group of eight persons, including Nepal Tarun Dal village committee member Nanda Bahadur Singh, on 14 September 2011 after it was alleged that he had terrified villagers while he was a Maoist cadre during the conflict. Singh, who was stabbed in the chest leaving him critically injured, was treated in Lucknow, India as his injuries could not be treated at the district hospital. He returned home on October 12. Singh filed a complaint at the

DPO on September 16, however, the case was settled on 15 October after the accused made an agreement to provide him with Rs. 100000 to cover the cost of his treatment.

By UML

Bharatraj Bista, of Thirpu VDC-4, a journalist of Radio Naya Karnali, was threatened by a group led by UML affiliated with Yuva Sangh district committee secretary Anipal Bam. It was alleged that news broadcasted on the radio on August 26 defamed the founding faction of the UML. The accused issued a death threat to the Bista while the latter was staying at his house.

Bishnu Maya Paudyal, chief of the Women and Children's Office was garlanded with shoes had her face tarred by UML cadres, including district member Meen Shahi, Radhi Shahi, Nini Shahi of Manma VDC-5, on November 1 who alleged that she did not act fairly when she appointing an officer and social mobilizer at her office in Buspark on January 12. The victim filed a complaint at the DAO on January 13 after which the police arrested the accused. The accused were released on August 3 after CDO Durga Dutta Dhakal issued an order that they would be released after a sum of Rs. 28, 000 bail was lodged.

By NWPP

Arun Kumar Singh, 42, of Lahan Municipality- 5 of Siraha, a teacher at Janjyoti Secondary School at Bharta VDC was beaten by NWPP cadre Lanka Bahadur Shahi at the school on May 22. The victim was treated in a local health post. Though the victim filed a complaint at DPO on May 22, no action was taken against the accused by the end of the year.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Rupendra Aidi, 28, of Badalkot

VDC-3, an RSS district correspondent, was threatened by a group of 12 persons including Netra Mahatara, vice chairperson of Karnali Transport Entrepreneurs Association, after he was accused of publishing a news story against Mahatara in the local Avibhara Weekly on January 1. Revolutionary Journalists' Association condemned the incident and issued a press release the following next day. Although the victim filed a complaint against the accused at the DPO on January 2, no action had been taken by the end of the year.

Deula Singh Thakuri, 41, Odanku VDC-4, a correspondent of E-page, an educational magazine, was threatened by an unidentified group over the phone on April 10. Thakuri was accused of publishing a news story related to an irregularity in SLC exams conducted in the Gela centre on March 26. The gang had thus threatened to kill him. The victim, who was displaced to Surkhet following the incident, returned home on April 24. Despite filing a complaint at DPO on April 12, the gang who issued the threat had not been identified by the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 234 criminal cases and 48 remained pending. 27 civil cases were decided and 33 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with a single judge decided 42 criminal cases and 55 remained pending. 50 civil cases were decided and 23 cases remained pending.

The Office of the District Government Attorney filed 47 cases between July 17, 2010 and July 16, 2011, out of which 23 cases were won and 23 cases were lost. There was one case older than two years. The Office, with one government

attorney, informed that of all the cases filed by July 16, 2011 one remained pending. Of the 16 murder cases filed, three cases were won and were five lost. Out of the six rapes cases filed, three cases were won and three were lost.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Amar Bista, 15, of Lalu VDC-5, claimed that district police arrested him without producing an arrest warrant on December 17 on the charge of walking on the road while carrying a knife from the local market. Bista filed a complaint at the regional office of the NHRC in Nepalgunj on December 19. Bista stated that he was beaten with batons while in police custody. Bista's relatives demanding his release had picketed outside the DPO on December 19. He was released later that day.

CHILD RIGHTS

Situation of Education

Of 44,610 children of school going age, 26,970 boys and 17,640 girls were enrolled in schools at primary and secondary level. 655 teachers are employed at primary level government and community schools. 142 teachers are employed at lower-secondary level. 115 teachers are employed at secondary level.

4,021 boys and 3,411 girls are attending Early Child Development Centers in the district. It was found that the District Education Office has not updated data related to education.

Strike/Bandh

A group of some 25 persons led by UCPN-M Bheri Karnali Rajya Samiti member and Karna Bahadur Bhandari alleged that the school administration did not act fairly in the formation of the school management committee padlocked the school indefinitely on February 27, affecting the studies of 538 students. The

school reopened after five days after an agreement was reached on March 3 to form a new school management committee.

A group of some 11 persons led by UCPN-M cadre Top Bahadur Shahi and Bhupendra Shahi and NC village committee secretary Takka Shahi, alleging that the school management committee appointed UML affiliated teacher in the school, padlocked Shibalaya Chilkhaya School at Chilkhaya VDC-5 on June 17. The study of 872 students was affected due to the padlocking of the school. The school reopened after an agreement was reached to cancel the appointment of the teacher on June 21.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Mistreatment

The family of a girl of Manma VDC-1 alleged that Bishnu Prasad Pandey, 23, of the same locality sexually abused her nearby her house. They consequently filed a complaint at the DPO the next day and the police arrested the accused from Manma VDC-5 shortly after. The District Court handed down a sentence of two years and six months imprisonment on August 22.

Killing by Family Members

Nanda Shova Koirala, 26 of Ranchuli VDC-9 was murdered by her husband Dilli Koirala, who was under the influence of alcohol at the time, on August 19. Police arrested Dilli, his mother Nanda Shova and brother Jatan on August 21 for being involved in the murder. Jatan was released on August 25 following a primary investigation while the others accused were still being remanded in the custody of the district jail by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Manbire Sunar, 31, of Jubitha VDC-4 was injured in the beating by Dip

Bahadur Shahi and Min Bahadur Shahi of the same village on December 10. He was assaulted by the Shahis after a dispute ensued when Manbire was refused to be offered drinks and during the exchange of words, they hurled derogatory term 'Dum'. Sunar was taken to treatment at local clinic and from there to the district headquarters Manma. He died at a hotel in Manma on December 11. the locals informed the police at Kallagad police station soon after the brawl. Police arrested Dip Bahadur and Min Bahadur and brought them to Manma along with injured Sunar and handed them over to DPO. Sunar had lost consciousness before death and had some urinary problem. The postmortem of the body was conducted at District Hospital, Kalikot and his final rites were performed at December 12. The family of the deceased filed a complaint at DPO against Min Bahadur, Dip Bahadur, Jas Baahdru Shahi and Bal Kumari Shahi on December 12 under the case of homicide and Caste-based Discrimination and Untouchability (Crime and Punishment Act) 2011. Jasbir and his wife Bal Kumari were arrested on December 14. Nepal National Dalit Welfare Society, Dalit Service Center and Dalit Women Empowerment among others issued press statements condemning the incident. INSEC Mid-Western Regional Office conducted a fact finding mission between December 16 and 22. Dalit rights activists claimed that the incident resulted from caste-based bias while INSEC Nepalgunj made its report published on December 30 concluding a combination of caste-based bias, alcohol and personal grudges was probable cause of the incident. The arrestees were in custody on remand at DPO until the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Karnali Zonal Bus Entrepreneurs Committee, who claimed that staff were abducted by the Mid-West Bus Entrepreneurs Committee in Dailekh, enforced an indefinite district strike on January 5. Transportation, government and non-governmental offices, markets, schools remained closed due to the strike which was eventually called on January 7 after the administration did not make an agreement with the agitators.

An unidentified gang vandalized the FM studio of Chulimalika FM at Manma on August 24. Journalist Keshav Koirala sustained minor injuries when radio journalists, who were about to leave for their homes after closing the regular transmission, were attacked. District chapter of FNJ and Radio Broadcasters Committee condemned the incident and issued a joint press release the next day. Though the victims filed a complaint at the DPO on August 25, the gang involved in the attack had not been identified by the end of the year.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	10		
Sub-Health Post	18		
Position	Available Position	Working	Vacant
Doctor	4	2	2
Staff Nurse	2	2	
Lab Assistant	1	1	
AHW	43	39	4
AMW	8	8	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1		1
HW	43	36	7



4.14

Mugu



Population : 55,311

Male : 28,197

Female : 27,114

Literacy(%) : 33

Women Literacy(%) : 20

Area(Sq. Km.) : 3,535

Number of VDC(s)/Municipality(ies) : 24/0

Number of School(s) : 130/3

Campus(es)/Higher Secondary School(s) : 0/5

Human Development Index : 0.304

Average Household Size : 5.72

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' Grade Mugu Jail does not have its own building due to which two people waiting trial were sent to neighboring Jumla DAO Mugu. The jail building is under construction.

THREATS/BEATINGS

By UCPN-M

President of the pro-NC Nepal Teachers Union, Jaya Bahadur Dagar, 45, of Gamtha VDC-7, Amar Dagar, 28, of the same place, NC cadre, Namraj Jaisi, 62 of VDC-9, NC committee member, Jay Rishi Jaishi, 33, VDC-6, the Congress village working committee president, were beaten by UCPN-M cadres at Chima Dhungri of Shreekot VDC-5 on March

31. The NC cadres sustained injuries to the head and hands. The victims received primary treatment at the district hospital an additional treatment at the Teaching Hospital in Kathmandu. Mangal Bahadur Shahi, District in-charge of UCPN-M, denied the party's involvement in the incident and stated that the reason behind the clash may have been due to the deteriorating standard of the district schools which could have been addressed by Congress cadres. UCPN-M, NC, UML and RPP met on April 2 and came to the agreement that a complaint would not be filed against the perpetrators and medical expenses would be requested from the Home Ministry. The victims did not receive the medical expenses as per the agreement while no FIR had been lodged by the end of the year.

By Others

FNJ district vice-president, Radio Mugu FM manager, Suman Malla, 30, of Shreenagar VDC-2, was beaten and injured on the night of December 29 by Arjun, 28, of Kolahapur in Banke district who was then residing in Shreenagar VDC-5, Jeewan Shrestha of Computer section, amongst others, after being accused of slander. FNJ filed a complaint at the DAO. Both parties met at the Administration Office on December 31 and an agreement to not file a complaint was made after Jewan Shrestha promised not to repeat the incident. Suman resigned on January 1 saying that the administrative committee ignored him.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

District Hospital head Dr Krishna Acharya, 30, of Kalika VDC-3, Bardiya district, was stopped at the Talcha Airport on February 3 by police acting under

an order of CDO Karna Timilsina. He was approached as he was on his way to attend a regional workshop on United Health Service in Nepalgunj which was organized by District Health Directorate, Surkhet. He was stopped for attempting to leave the district without first seeking the permission from the Local Administration. He fainted after he was barred from leaving but he was sent Surkhet the next day. No complaint was filed.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court, with a single judge, decided 39 criminal cases and 28 remained pending. Out of 27 civil cases, 16 were decided and 11 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided one criminal case and 23 remained pending. Out of eight civil cases, seven were decided and one case remained pending. One civil case older than two years remained pending.

CHILD RIGHTS

Situation of Education

Of 21,307 children of school going age, 11,033 boys and 10,274 girls were enrolled in schools of primary and secondary level. Among them, 1,283 girls and 1,310 boys were Dalits. 44 female and 89 male teachers are employed in primary level government and community schools. Two female and 62 male teachers are employed in lower-secondary level. One female and 44 male teachers work at secondary level. 1,003 boys and 1,002 girls are attending the Early Child Development Center. The District

Type of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Child Rights				1		1
Economic, Social and Cultural Rights	1		1			
Women Rights				1		1
Right to Assembly		1	1		1	1
Beatings					5	5
Total	1	1	2	2	6	8

Education Office did not have updated data related to education.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	12		
Sub-Health Post	13		
Position	Available Position	Working	Vacant
Doctor	3	1	2
Staff Nurse	3	2	1
Lab Assistant	2	1	1
AHW	32	3	29
AMW	11	7	4
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1		1
HA	14	9	5
HW	39	23	16

Shanta Shahi, 22, of Dhankuta VDC-7 died due to excessive bleeding while she was pregnant. She died at home in the absence of a health worker at the Area Health Post. In order to reach Dhaunkot Health Post, people have to walk for two days from the headquarters. The locals die in want of standard medicine because of inaccessibility to medical facilities.

The District Hospital of Mugu, with 15 beds, remained without doctors from April 2010-May 2011. Dr Badri Chapagain left for Bir hospital of Kathmandu for further studies was not replaced. Chief of

the District Public Health Office, Chakra Bahadur Malla, said that two more doctors were needed in the district yet the Ministers sent the one doctor they had to pursue his studies. Dr Kishor Pariyar came to fill the vacant place in 2011 but another doctor was yet to join him. Due to lack of doctors, patients with serious illness' were referred to Nepalgunj and Surkhet.



4.15 Humla



Population : 51,008

Male : 25,940

Female : 25,068

Literacy(%) : 32

Women Literacy(%) : 15

Area(Sq. Km.) : 5,655

Number of VDC(s)/Municipality(ies) : 27/0

Number of School(s) : 119/6

Campus(es)/Higher Secondary School(s) : 0/5

Human Development Index : 0.367

Average Household Size : 5.37

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Abandoned Bomb

Man Bahdur Bohora , 9, of Thehe, VDC-3 and Asmita Bohora, 7, from VDC-3 were killed instantly on April 1 while they were playing near their village and misguidedly played with a socket bomb they found nearby. The boy had shrapnel wounds to his stomach while the girl's lower body parts were injured in the blast. The funeral of both children was held after a postmortem examination was conducted at the District Hospital, Humla on April 2.

INJURED IN SHOOTING/EXPLOSION

By Abandoned Bomb

A fifth grader at Laligurans Lower Secondary School, Lipne, Kamal Mahatara, 9, of Sarkideu VDC-2 was injured while going to the school in the morning time. The victim lost all the fingers of his left hand as he threw a socket bomb in a nearby fire that was being burnt by a shepherd. The victim received primary medical treatment in the Humla District Hospital and was sent to Nepalgunj on May 24 for further treatment with the financial assistance of Rs 5,000 from both the Himali Navin Society and the Nepal Australia Partnership Organization.

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to house 25 inmates. Even though the jail is inside the DPO, the state of the jail is abysmal as there are no water or toilet facilities or roof. According to jail warden Khemraj Devkota, the convicts are sent to jail as soon as their case is concluded. There are three detainees who are awaiting trial who are kept in police custody. One of the detainees, Lok Lama, complained that the jail becomes even more congested on a

daily basis as many people are arrested on alcohol related charges.

THREATS/BEATINGS

By State

A technical Assistant in Radio Nepal Simikot, Ram Chandra Budha, 36, of Gothi and reporter Jaya Bahadur Rokaya, 50, of Simkot VDC-3 were arrested and beaten by the police after a dispute on November 19 at Kalichok in Simkot. Budha sustained injuries to his thighs while Rokaya was insulted by the police officers. Both the victims were freed after the district president of Nepali Congress, Jayapati Rokaya intervened.

By NC

A committee member of UCPN-M, Govinda Bahadur Shah, 50, and another officer, Tulibahadur Shahi, of Darma, VDC-2 were assaulted on May 11. They were assaulted by a group of seven people who accused them of killing Netra Bahadur Shahi, one of the cadres of the Nepali Congress, when they were attending a marriage ceremony in Mathawada village. Both victims were airlifted to Kathmandu on the same day and were treated at Om Hospital. They returned home after sometime. The victims registered a lawsuit but there was no decision until the end of the year.

By UML

A UML cadre, Jeevan Shahi, 24, of Maila VDC-5 beat up UCPN-M cadre Ratna Bahadur Shahi of the same village at his home on November 5 when asking for the donations he had given to Ratna Bahadur during insurgency to be returned. Ratna Bahadur filed a petition against Jeevan Shahi. The petition was settled after an agreement that there would be no more disputes regarding incidents from the period of insurgency was reached.

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured				1	1
Women Rights			7		7
Racial Discrimination			1	2	3
Arrest & Torture	4	4			
Beatings				3	3
Killing			1	1	2
Total	4	4	9	7	16

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010-July 16, 2011

10 criminal cases were brought forward in the District Court where there is only one judge. Out of 10 criminal cases, only four were decided whereas six criminal cases were pending. In case of civil cases, only one civil case was decided and five are pending.

In Office of the District Government Attorney, five cases were registered between July 17, 2010 and July 16, 2011. According to the Office, there was only one government lawyer and none cases registered until the end of July 16, 2011 remained undecided.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

The organizer of the Karnali Integrated Rural Development and Research Centre (KIRDRC), Raj Bahadur Rokaya, 30, and his brother Bhim Rokaya, 26, of Simikot VDC-5 went to the house of the District Education Officer, Dharmajeet Shahi, in the night of March 23 and vandalized his residence as the result of a dispute regarding their jobs. The police arrested them on the same night without any warrant. Both of them were beaten severely in custody and received blue marks which were visible on their backs and calves. They were treated in the District Hospital in Humla. Even though they made an agreement with Shahi the next

day, the father of victims, Prabal Rokaya filed a petition against the police on March 25 after his sons became ill again. CDO, Ram Prasad Upadhyaya then provided Rs 50,000 in cash to the victims. After that, the victims were treated in Kathmandu.

CHILD RIGHTS

Situation of Education

There are 16,935 children who are of school going age. Among them, 8,984 boys and 7,951 girls have been admitted to primary to high school level. Out of these students, 403 girls and 516 boys are Dalits. There are a total of 319 teachers from both government and community schools. Among them, 54 teachers are female and 165 teachers are male. In the lower secondary level, there are 76 teachers out of which two are women and 74 of are males. In the secondary level, there are 24 male teachers.

In the Early Child Development Centre, there are total of 1,276 children out of which 232 are girls and 1,044 are boys. The number of Dalit boys is 201 and Dalit girls is 120.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 40-year-old of Raya VDC-5 was allegedly raped by Prem Bahadur Rawal, 30, of the same VDC in her home on December 3. The woman filed a case against Rawal at the DPO, Humla on December 5. The police arrested Rawal on December 8. The DPO registered the case in the District Court on December 9. The court has not been able to decide as there was no judge in the district.

ALL KINDS OF RACIAL DISCRIMINATION

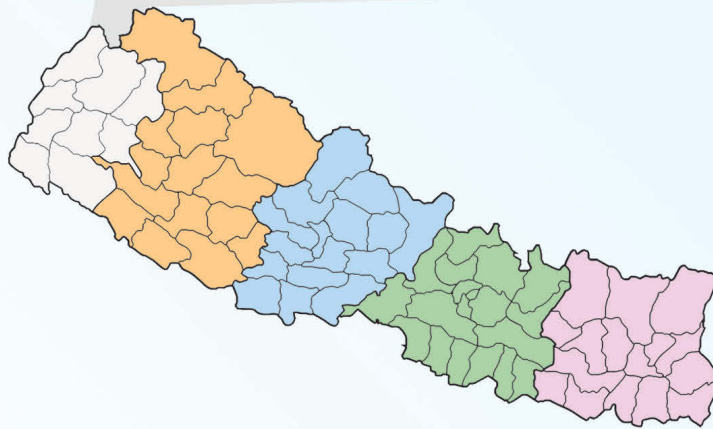
Janmani BK, 24, of Dandaphaya VDC-3 was struck on the head on January

9 by Hans Bahadur Shahi and Main Shahi in the Kailash Hotel situated at Paninaula. He said he was assaulted because he touched persons who were supposedly of a higher caste than him. The victim filed a petition against them on January 10 and the police summoned both parties to settle the case and the victim was also given Rs 10,000 for his treatment.

Raj Kaura Damai, 34, of Raya VDC-5 and Mimsi Nepali of Simkot VDC-3 were not allowed to enter the District Office on August 10 by a DDC staff, Ujir Rokaya, 36, after they had gone to registering their name for widow's allowance. According to Mimsi Nepali, they were not allowed to enter the office and were threatened. They were told they were from lower caste and that it was time for Janai Purnima Puja. After they were threatened, they returned back without registering their names. Rajkaura Damai had gone to the VDC office to register her name for the widow's allowance after she lost her husband last year. She was deprived of the Rs 500 that is provided to widows monthly by the government.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	10		
Sub-Health Post	16		
Position	Available Position	Working	Vacant
Doctor	2	1	1
Staff Nurse	2	2	
Lab Assistant	1	1	
AHW	29	26	3
AMW	3	2	1
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1		1
HA	12	5	7
HW	32	20	12



5. FAR WESTERN REGION

- 5.1 Kailali
- 5.2 Achham
- 5.3 Doti
- 5.4 Bajura
- 5.5 Bajhang
- 5.6 Kanchanpur
- 5.7 Dadeldhura
- 5.8 Baitadi
- 5.9 Darchula

5.1

Kailali



Population : 770,289

Male : 378,970

Female : 391,309

Literacy(%) : 73

Women Literacy(%) : 40

Area(Sq. Km.) : 3,235

Number of VDC(s)/Municipality(ies) : 42/2

Number of School(s) : 578/99

Campus(es)/Higher Secondary School(s) : 4/56

Human Development Index : 0.413

Average Household Size : 5.26

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

INJURED IN SHOOTING/EXPLOSION

By Unidentified Group

Manager at the Manisha Petrol Pump, Balamram Dhakal, 29, of Geta VDC-3 was seriously injured when a group of unidentified men shot at him on August 23. Four men on two motorbikes shot him inside his office room in the pretext of paying the money. He received two bullets to his right thigh. No one had been arrested in the incident.

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to detain 100 inmates. However, there were a total of 241 inmates including 147 convicted and 94 detainees in the jail.

137 males and 10 females were convicted whereas 75 males and 19 females were awaiting trial. There were four dependent boys and three girls in jail.

Death at Custody

Rudha Shahi, 40 of Dodhara VDC-2 was arrested on charges of stoning Bibek Barma, 23 of Dhangadi Municipality-1 and taken to custody by the Ward Police Office of Dhangadi from the same ward on June 5. He was found dead at custody on June 6. Sub-Inspector Ganesh Bista informed that he committed suicide at custody by hanging from the window by using his own under garment at 9 am. The dead body was put through postmortem at Seti Zonal Hospital on June 6. Brish Shahi, the dead man elder brother claimed that there was no reason for him to commit suicide over a simple dispute. He filed a complaint under the charge of murder at the District Police Office against the Ward Police Office In-charge Ganesh Bista, Police Head Constable Karna Bahadur Mahara and duty police constable Gorakha Bahadur Chand on June 7. The accused were suspended and taken to the custody for investigation after the complaint. SP Basanta Panta informed that an understanding was reached leading to the withdrawal of the case by the victim's side on June 19. SP Panta further informed that murder was not proved after the post-mortem.

THREATS/BEATINGS

By State

Ganesh Shrestha, 30, of Dhangadi Municipality-6 was arrested and severely beaten in the premises of the District Police Office, Dhangadi by police personnel on February 17. His head, legs and right hand were injured after the beating. He was treated at Sewa Nursing Home in Atariya. The SP, Prem Chand informed that he was

Type of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Injured					1	7	8
Child Rights					20	1	21
Inhuman Behavior						1	1
Economic, Social and Cultural Rights						2	2
Abduction						4	4
Women Rights					13		13
Right to Assembly	2	11	3	16			
Racial Discrimination					1	4	5
Arrest & Torture		1		1			
Death in Detention		1		1			
Beatings		10		10	4	11	15
Threats					1	10	11
Killing					2	5	7
Total	2	23	3	28	42	45	87

not beaten; but was called for the discussion on the dispute between Shrestha's brothers.

By UCPN-M

Gyan Chanda Upadhyaya, 43, teacher of Sanatan Dharma Secondary School of Dharakha VDC-5, on charge of being involved in an illicit relationship, was beaten by UCPN-M cadres Om Acharya, 25, Siddha Acharya, 27, Gauri Joshi, 25, Keshav Shah, 24 and Kamal Chhetri, 28 of Darakh VDC-5 on May 29. He said that he was forcefully taken on a motorbike by Maoist cadres and was beaten after reaching Shankarpur Jungle. He was also forcefully made to sign over a consent or letter saying he was leaving the school. He filed a complaint addressing the accused at Area Police Station, Sukhad on May 29. The accused were not arrested by the Area Police until the end of this year. On being questioned, Hari Gyawali, district In-charge of UCPN-M of Kailali stated that Upadhyaya had not been beaten by Maoist cadres; instead, he had been called for an investigation into the change of illicit sexual relation he was carrying on with a student in his school, in order to protect the school environment from such kind of activities.

By NC

Ranjit Shrestha, Journalist and Station Manager of Tikapur FM of Tikapur Municipality-9 was beaten and mistreated at the FM office by former MP and leader of Nepali Congress, Ganga Kunwar on March 3 for broadcasting news against him. He was arrested by police on same day after a complaint was filed by the victim. The APO informed that a consensus was reached on March 4th between both parties after Kunwar requested to be excused and promised not to repeat such a mistake in the future, .

RIGHT TO EXPRESSION/ASSEMBLY AND ASSOCIATION

(Political Freedom Including Free and Impartial Election)

A clash occurred between demonstrators and the police while UCPN-M cadres raised black flags at Stadium in Tikapur Municipality-9 against the Indian Ambassador, Rakesh Sood on March 29. During the clash, UCPN-M district in-charge Hari Gyawali, 38 alias Akhanda, Dan Bahadur Bika, 44, Yubaraj Sharma, 26, Shrikana Shahi, 24, Kamala Shahi, 25 and Hari Timalisina, 32 were injured by assault by the police using

sticks. The injured were treated at a private health clinic in the vicinity. UCPN-M organized a strike in Kailali district on March 30, protesting police intervention during the peaceful demonstration that took place earlier. UCPN-M cadres had protested against the Indian Ambassador because he was invited as a chief-guest in cultural program of the Tharu community. Area Police Office, Tikapur informed that to bring the situation under control, the police used sticks to control and at disperse the while protesters they hurled stones at the program area.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 231 criminal cases and 181 remained pending. 130 civil cases were decided and 178 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided five criminal cases and 59 remained pending. Four civil cases were decided and 64 cases remained pending. One criminal case older than two years remained pending.

Among all cases filed by the Office of the District Government Attorney between July 17, 2010 and July 16, 2011, 33 cases were related to murder. Among filed murder cases 18 were won and four cases were lost. The Office, with one of government attorney, informed that 11 cases filed until July 16, 2011 remained pending.

CHILD RIGHTS

Situation of Education

Of 2,16,925 children of school going age, 82,067 boys and 1,10,858 girls were enrolled in schools of primary and secondary level. Among them, 20,284 girls and 20,775 boys were dalits. 188 female and 1,683 male

teachers are at primary level government and community schools. 11 female and 568 male teachers are at lower-secondary level. Six female and 363 male teachers are at secondary level.

4,855 boys and 5,147 girls are attending the Early Child Development Center in the district. The District Education Office did not have updated data related to education.

Rape, Attempt to Rape, Sexual Abuse

A 15-year-old girl of Baliya VDC-8 in Motipur was captured and raped by Khagendra Bhandari, 28 of the same place while she was walking at night on February 13. The victim girl filed a particular complaint at Area Police Station, Baliya on the same day. The victim girl got a health check-up done at Tikapur Community Hospital on February 14. The police was not able to arrest Bhandari. Sub-Inspector of police, Upendra Bam informed that the accused Bhandari can be arrested anytime as the case was already registered.

A 14-year-old girl of Pathariya VDC-9 was gang raped by Ratan Saud, 27, Padam Saud, 28, Ganesh Bhandari, 26 and Pappu Saud, 28 of Pathariya VDC-9 on June 20. The victim's family registered a particular complaint against them at Tikapur Area Police Office. The police had arrested accused Pappu Saud and abettor Parbati Buda Magar, 45 on June 6. Upendra Bam, Sub-Inspector of Police informed that the case was registered against all accused at district court on June 23. The police informed that three accused were still absconding. Arrested Pappu Saud and Buda Magar were remanded at the district jail as per the order of the district court.

A 17-year-old girl of Tikapur Municipality-9 was allured in to going to the market held Muda Bazar of Kota Tulshipur VDC and raped at Chisapani hotel on April 10 by Sarswoti Rawol, 19 of same location. The girl contacted her

parents from Chisapani on the same day. The victim filed a particular complaint at APO, Tikapur on April 10. The police arrested Rawol on May 4. The District Court remanded him for two years as per the decision on September 18. She is in the district jail now.

Killing After Rape

On August 24, Lilawati Rana, 15, of Gadariya VDC-4, student of grade 6 at Janata Higher Secondary School was killed after being raped at the Kanakai hotel by Ram Binod Rana, 26, teacher in the same school. The accused was arrested in his house at night by the Chaumala Police Office search team on August 25. After clearing the Hotel and bills with the Hotel Manager, Arjun Luitel; Rana came out alone from there in a motorbike on August 25. When the hotel manager Luitel asked about the girl while taking the bill amount; he replied that she had already been sent to her house by a truck at 4 o'clock morning. The dead body of the girl was found in room of the hotel inside a cupboard wrapped in a bed sheet. The hotel personnel informed the Chaumala police about the incident. The police arrested him on the grounds that he had used the red motorbike (number Se. 2 Pa. 1775) while he absconded from the hotel. The DPO informed that the dead's postmortem underwent at Seti Zonal Hospital River. The accused Rana accepted that he killed the girl after rape, during the press meet organized at the DPO. The district court ordered him to be kept on remand in jail until trial aSeptember 19th.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Raju Sunar, 19 of Malakheti VDC-7 attempted to rape a 30-year-old woman of the same location on the night of February 22. The victim filed a particular complaint

at the District Police Office, Kailali on February 23. The accused is still to be arrested by the police.

A 22-year-old woman of Tikapur Municipality-9, while sleeping in a house in the same location, was raped by the head constable of Area Police Office, Tikapur Bam Bahadur Singh, 28 of Byashi VDC-8 in Bajang district on June 15. The victim filed a complaint at the DPO in Kailali on July 10. The DPO, after investigating the incident, registered the case at Kailali District Court on July 10. Singh was released on bail of Rs 75, 000 after the court decision on July 19.

Polygamy

Rajya Laxmi Shahi, 23, of Darakh VDC-5 filed a particular complaint on charges of polygamy against her husband Rajesh Bam and his second wife Kheti Shahi at the DPO on Jan 25. Rajya Laxmi had got married to Rajesh on December 8, 2010. The police informed that both were still absconding.

ALL KINDS OF RACIAL DISCRIMINATION

Chhetra Singh Parki, 21, of Dhangadi Municipality-9 was abused for acting smart despite being 'untouchable' and beaten at the main path near the Bhawani Secondary School by Om Dhanuk, 22, of same locality on July 13. The police arrested Dhanuk after Parki filed a complaint at the Ward Police Office, Dhangadi on July 15. The ward police informed that an agreement was made between them with the accused asking Parki to excuse him and on the condition that Dhanuk would be meeting his treatment costs. Parki had injuries to his eyes and face. He was treated at a local pharmacy.

The dalit teachers and students were barred from the worship of goddess Sarswoti when Durga Prasad Joshi,

headmaster of Rastriya Lower Secondary School in Beladevipur VDC-3 provided and tika in separate leaves to them on February 8. On March 5, dalit rights activists protested against the incident stating that it was a case of caste based discrimination and demanded that the headmaster Joshi should resign from his position. An agreement was made after the headmaster apologized on March 6.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure By UCPN-M

A group of UCPN-M cadres led by constituency no. 1 in-charge Mahesh Baduwal captured the land belonging to two people of Tikapur Municipality-9 on March 30. The land belonged to Tikapur FM director Resham Lal Chaudhary, 42, and Min Bahadur Rawal, 48, of the same area. Chaudhary's five-kattha-plot and Rawal's two-kattha-plot were declared seized by the UCPN-M cadres unfurling the flag. The victims complained that the UCPN-M had captured their property without any reason. UCPN-M district in-charge Hari Gywali Akhanda said Chaudhary had abused the influence of media while Rawal had bought the land in violation of the law while he was the chairperson of city council during the state of emergency nearly a decade ago. Reshamlal said the UCPN-M cadres carried out the act as they were not happy with choosing Indian envoy Rakesh Sood as the chief guest of a culture program organized in Tikapur on March 29.

HEALTH SERVICE SITUATION

Hospital	2		
Health Post	7		
Sub-Health Post	30		
Position	Available Position	Working	Vacant
Doctor	28	23	5
Staff Nurse	18	16	2
Lab Assistant	8	6	2
AHW	60	56	4
AMW	36	36	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	15	13	2
H W	72	65	7

FOLLOW-UP

Shiva Raj Joshi, 30 of Chaumala VDC-8 moved to India on August 15, 2010 for gynecological treatment of his wife, age 25. During the course of the treatment, he sold his wife to Setu Bhat in Gujarat for Rs 30,000 in January. On March 8, the victim's father Dilli Joshi of Masuriya VDC-6 filed a complaint at the DPO on charges of human trafficking. After this, Joshi was arrested by the police on March 9 and the police registered a case under Human Trafficking and Transportation Act, 2064 at District Court on March 10. On July 6, Joshi was sentenced for 20 years imprisonment with Rs 200,000 compensation under the provision of Human Trafficking and Transportation Act 2064, Article 4; based on the decision of a single bench of judge, Narayan Prasad Dhital. He has been remanded at Kailali Jail. Unfortunately, the trafficked woman has still not been able to return home. Advocate Gambhir Singh Air informed that consultation with Indian police is going on for his safe return.



5.2 Achham



Population : 258,022

Male : 120,367

Female : 137,655

Literacy(%) : 45

Women Literacy(%) : 25

Area(Sq. Km.) : 1,680

Number of VDC(s)/Municipality(ies) : 75/0

Number of School(s) : 438/8

Campus(es)/Higher Secondary School(s) : 2/23

Human Development Index : 0.350

Average Household Size : 5.13

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Explosive Device

Bikram Saud, 12, of Khimdaka in Bindebasini VDC-7 was killed in a bomb explosion on July 15. Kabita Saud, 5, of the same place was injured in the explosion, which triggered when they mistook the bomb for a play item and tried to play with it while they were grazing cattle at Mungra stream near their village. The injured was referred to the District Hospital in Achham because it was impossible to get treatment at the local health post in Mellekh.

JAIL AND DETAINEES

The 'D' grade Jail in the district has the capacity to detain 25 people. By the end of the year, a total of 41 detainees were in

the Jail whereof 38 were prisoners and three were detainees. 37 were male and four were female.

RIGHT TO PROMPT AND FAIR TRIAL District Court

July 17, 2010- July 16, 2011

The District Court with one judge decided 32 criminal cases and 12 remained pending. Four civil cases were decided and one case remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided six criminal cases and nine remained pending. All four civil cases filed in the court remained pending.

The Office of the District Government Attorney filed 24 cases between July 17, 2011 and December 31, 2011, out of which 11 cases were won and six cases were lost. Appellate Court has been moved in five cases. Two cases older than two years were pending. The Office, with one government attorney, informed that seven cases filed until July 16, 2011 remained pending. Of the eight murder cases filed, one case was won and three were lost. All four rape cases were won.

CHILD RIGHTS

Situation of Education

Among the 94,567 children of school going age, 54,045 boys and 42,612 girls were enrolled in schools at different levels. Of the enrolled, 16,812 girls and 18,114 boys were from the Dalit community. Government and community schools combined, a total of 2,013 teachers were from the primary level among whom, 418 were female and 1,594 were male. A total of 475 teachers were working for the Lower Secondary Level among whom 48 were female and 427 were male. Similarly, a total of 284 teachers were found to be working at the secondary level among whom 5 were female and 279 hundred male.

A total of 11,247 children were

studying at Child Development Centers. Of them, 5,479 boys and 5,768 girl were attending Early Child Development Centre, of them 1,023 boys and 1,160 girls were dalit.

It was found that the District Education Office (DEO) was did not have update the education related data. This district has 25 private schools but only two schools as such have provided student related data to the DEO.

Bandh/Strike

Malika Proposed Lower Secondary School, located in the area covering wards no. 4, 5 and 6 of Kushkot VDC was locked out for four days since September 12 affecting studies of 270 students. The lockout was carried out by some guardians of students who differed on the choice of new teacher made by School Management Committee chairperson Naule Saud and School Principal Bir Bahadur Saud. The duo had decided to appoint Chandra Bahadur Saud who was teaching at primary level of the same school on relief quota. Other guardians requested the police station at Mallekh for intervention as the school did not open for four days. A police team arriving from the station mediated a dialogue after which the lock out was withdrawn.

Use of Children in Procession

The ANNISU-R cadres forcefully took about 50 students from Shadosha Higher Secondary School in Mangalsen to a program conducted by the former on February 9 despite it being a school day. The children were taken to a procession saying that they would be taken to the DEO to discuss the fees being collected by the school as well as the rights of the students.

Lack of Text Books

Most of the students studying at lower secondary and secondary level in

Type of Events	By State		By Non-State		
	Female	Total	Female	Male	Total
Injured			1		1
Child Rights			1		1
Economic, Social and Cultural Rights	1	1			
Women Rights			2		2
Killing				1	1
Total	1	1	4	1	5

the district could not get textbooks until August 27, even after five months into the new education session in schools. The 6, 7 and 8 graders attended their first quarterly exams without getting English, Math and Nepali subject books. Students from the areas such as Bindebasini, Timilsain, Janalibandali were more affected by this situation. Book sellers in the district blamed Sajha Publication for not providing books to the district in time as demanded. The DEO however stated that schools in the district were provided necessary amount number of books in time.

Rape, Attempt to Rape, Sexual Abuse

The family of a girl, 7, of Binayak VDC-8 filed a complaint against on at Binayak Police Post on June 19 alleging Nanda Kami, 20, of the same place of raping her on June 18 at the girl's courtyard while she was playing. Police arrested the accused on the same day. The accused was remanded in jail as per the decision of the District Court. The case had not been finalized by the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Polygamy

Dipak Rawal, 28, of Waligaun VDC-9 married Dhana Khatri, 22, of Daiji in Kanchanpur as his second wife. His first wife Basanti Thapa (Rawal), 25, filed a complaint against Dipak at the District Police Office on December 16. Police arrested Dipak and Dhana on the same day and they were remanded in jail. Basanti has

a 6-year- old daughter and she has been living separately from her in-laws as well because according to Basanti , even they had been torturing her in many ways.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By Unverified Combatants

Saying that their call for closure strike in the Far Western Region was defied, Maoist combatants not verified by UNMIN vandalized a public bus with number plate Na. 2. Kha 7547, on December 29 at Tolagada in Mangalsain VDC-9. The bus, which was heading towards Achham headquarters from Tikapur in Kailali, was damaged by stone pelting from a distance. According to Madan Raj Joshi, the owner and driver of the bus, the windscreen and the glass on the doors were damaged due to stone- pelting. The bus incurred about Rs 40,000 worth of damage, hence, Joshi filed a complaint at the District Administration Office seeking compensation. However, the case was resolved when the District Secretary of UCPN-M Ram Prasad Timilsina signed a paper that his party would compensate for the damage.

HEALTH SERVICE SITUATION

Hospital	2		
Health Post	12		
Sub-Health Post	60		
Position	Available Position	Working	Vacant
Doctor	4	1	3
Staff Nurse	5	2	3
Lab Assistant	3	1	2
AHW	74	68	6
AMW	18	18	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	13	9	4
HW	135	108	27

Saraswati Shah, 27, of Thanti VDC-1 died at a local Health Post on September 13 for not getting any medical care there. Shah, who had given birth to a baby in a cowshed on September 12, was taken to the health post due to excessive post-delivery bleeding but no health workers were available at the post. She died while she was being transferred to another medical facility for the treatment.



5.3

Doti



Population : 211,827

Male : 97,007

Female : 114,820

Literacy(%) : 51

Women Literacy(%) : 25

Area(Sq. Km.) : 2,025

Number of VDC(s)/Municipality(ies) : 50/1

Number of School(s) : 380/17

Campus(es)/Higher Secondary School(s) : 1/24

Human Development Index : 0.420

Average Household Size : 4.99



CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade Jail in the district has the capacity to hold 45 inmates. A total of 36 inmates were in the jail at the end of the year; among whom 29 were prisoners and seven were in remand. According to jailer Puskar Khadka, most of the inmates in the jail were convicted on the charges such as rape and murder. Khadka also informed that a separate cell for women was being constructed inside the prison building by the Prison Management Department. Facilities in the prison were found to be satisfactory, however, inmates demanded that they be provided with skill generation trainings.

RIGHT TO PROMPT AND FAIR TRIAL

DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided all eight criminal cases. Three civil cases were decided and 12 cases remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided three criminal cases and 21 remained pending. Nine civil cases were decided and 12 cases remained pending.

APPELLATE COURT

July 17, 2011 -December 31, 2011

The Appellate Court with one judge decided 114 criminal cases and 64 remained pending. 25 civil cases were decided and 54 cases remained pending.

July 17, 2011-December 31, 2011

The Appellate Court with one judge decided 18 criminal cases and 123 remained pending. 15 civil cases were decided and 51 cases remained pending.

CHILD RIGHTS

Situation of Education

Of the total 71,410 children of school

Type of Events	By Non-State		
	Female	Male	Total
Women Rights	6		6
Racial Discrimination		2	2
Beatings	1		1
Total	7	2	9

going age, 36,763 boys and 34,647 girls were enrolled in schools ranging from primary to secondary level. Of the enrolled children, 15,674 girls and 14,338 boys were from the dalit community.

Government and private schools combined, a total of 1,067 were there in the community schools level in which 190 were female and 877 male. Similarly, a total of 266 teachers were there in the lower secondary level in which 23 were female and 243 male. A total of 182 teachers were there in the secondary level in which three were female and 179 male. The District Education Office did not have updated data related to education.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Polygamy

A permanent resident of Amargadhi Municipality-5 in Dadeldhura district and staying at Budar in Chhatiban VDC-4 for his study, Rajendra Prasad Nagarkoti, 36 was arrested by the police on June 8 on polygamy related charges filed by his first wife Jamuna Nagarkoti. In the complaint Jamuna claimed that her husband married Khandu Lama as his second wife on April 15. Khandu Lama was also arrested on the same day along with Rajendra. As per the order from the court on May 3, Rajendra and Khandu paid each Rs 50,000 and were released on bail when summoned. The case remained undecided by the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Karan Nepali of Pachnali VDC-6 was verbally abused and issued death threats

by Karna Malla, 40, of the same place on June 27. Karna Malla also threatened him against sharing the public water tap as he belonged to a 'lower caste' adding he would expel him from the village by setting his home on fire. Karan filed a complaint against the abuser on June 28 at the DPO, however, the police reconciled them on June 30 on when Malla confessed his misbehavior and agreed to not repeat such an act in the future.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	15		
Sub-Health Post	34		
Position	Available Position	Working	Vacant
Doctor	4	2	2
Staff Nurse	6	4	2
Lab Assistant	5	5	
AHW	60	58	2
AMW	25	18	7
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1		1
HA	20	10	10
H W	90	77	13

FOLLOW-UP

Women Trafficking

Dipendra Sop, 26, of Dipayal Silgadhi Municipality-3 sold his wife to a Mr Khanna in India on April 2010. She was enticed into going to Punjab, India on false grounds of employment. He disappeared after selling her for Rs. 50,000. The victim, however, managed to escape from captivity on the pretext of going to market to buy clothes. After arriving in Nepal, she filed a complaint against her husband at the DPO on October 24. The police arrested him on the same day. Inspector Krishna Nanda Ojha informed that the perpetrator was being prosecuted.

5.4

Bajura



Population : 135,506

Male : 65,893

Female : 69,613

Literacy(%) : 39

Women Literacy(%) : 25

Area(Sq. Km.) : 1,188

Number of VDC(s)/Municipality(ies) : 27/0

Number of School(s) : 229/3

Campus(es)/Higher Secondary School(s) : 4/8

Human Development Index : 0.310

Average Household Size : 5.45

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

By Unidentified Group

A district committee member of the UCPN-M, Tek Bahadur Budha, 32, of Chatara, VDC-6 was found dead on January 3 near the Tribhuneshwari Higher Secondary School in the locality. The deceased, who was seen for the last time near a tea shop earlier that evening, was found with bruises on his back. A postmortem examination was conducted at the District Hospital in Martadi on January 5. Claiming that he was murdered, his family filed a complaint on January 5. Police informed that an investigation was taking place in relation to the incident,

JAIL AND DETAINEES

The 'E' graded Jail in the district has the capacity to detain 25 inmates. At the end of the year a total of 35 inmates were residing in the prison wherein 25 persons had been sentenced and 10 persons were awaiting trial.

THREATS/BEATINGS

By UCPN-M

Non Gazetted staff at District Administration Office Jaya Bahadur Kunwar 31, of Nawadeu VDC-8 in Baitadi district, was intimidated by district secretariat member of the UCPN-M Binita BK at his office on the charge that he did not do as told by her. He was intimidated by her as she threatened to hit him with sandals. Kunwar stated that he faced the intimidation because he did not agree to correct names in a list, as per the interest of BK, of a relief package to be distributed by the District Administration Office under the recommendation of Local Peace Committee. The victim did not file a complaint against the perpetrator.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 15 criminal cases and seven remained pending. Two civil cases were decided and one case remained pending.

The Office of the District Government Attorney filed 24 cases between July 17, 2010 and July 16, 2011, out of which one case was won and 23 cases were lost. Two cases were moved from the District Court to the Appellate Court.

CHILD RIGHTS

Situation of Education

A total of 50,148 children of school going age were enrolled in schools at different

Type of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Child Rights				1		1
Economic, Social and Cultural Rights	2	1	3			
Women Rights				1		1
Racial Discrimination				1		1
Beatings				1	2	3
Threats				1	1	2
Killing					1	1
Total	2	1	3	5	4	9

levels; 25,240 were boys and 24,908 were girls. Of the total number of students 7,434 girls and 7,686 boys were from the dalit community. Government and community schools combined, a total of 551 teachers were working at primary level wherein 153 were female and 398 are male teachers. In the lower secondary level, a total of 133 teachers are working of whom one is female and 132 are male. Similarly, a total of 72 teachers are working at the secondary level wherein one is female and 71 are male.

A total of 4,604 students attend Early Child Development Centers, 2,410 of whom are boys and 2,194 of whom are girls. Of the total number of students, 450 boys and 534 girls are from the Dalit community

ALL KINDS OF RACIAL DISCRIMINATION

Mata BK, 30, of Bandhu VDC-7 was mistreated by her family member on January 4 after they pointed out that she is from a low caste family. Mata had left for India with her husband Gorakh Bahadur Bhandari after they married as their inter-caste marriage was not accepted in the village. Upon their return home on January 3, her family members, including her husband, started to call her "untouchable". However, she said that she did not make a complaint about the treatment.

ECONOMIC SOCIAL AND CULTURAL RIGHTS

Food Shortage

The people of Bichhiya, Kanda, Jayabageshwori, Gudkhati, Dogadi, Atichour, Chhatara, Kailashmando, Martadi, Bandh, Bai, Jukot, Dahakot, Jagannath, Rugin, Sampata VDCs underwent a food crisis in March. The District Food Security Network urged the to promptly supply required foodstuffs to the affected VDCs.

Destruction of Property By Unidentified Group

An unidentified group vandalized the administration room of Trishakti Higher Secondary School located at Barhabisa VDC on January 17. Furniture inside the room and a litho machine were damaged in the attack. The school administration stated that it incurred a the loss of approximately Rs 15,000.

An unidentified group vandalized the Malika Higher Secondary School located at the district headquarters, Martadi on January 18. Furniture and other assets in the administration and store room were damaged.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	25		
Sub-Health Post	2		
Position	Available Position	Working	Vacant
Doctor	3	2	1
Staff Nurse	3	2	1
Lab Assistant	2	2	
AHW	32	31	1
AMW	16	16	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	15	14	1
H W	41	35	6

Nandu Devi Dadal, 40, of Tharikanda in Gotri VDC- 5 died on March 19 at Kolti after not receiving medical attention while she was in labor and during and after the baby was delivered. Dadal was referred to a hospital in Nepalgunj by Kolti Primary Health Post. However, she could not be airlifted to Nepalganj as no flights were there due to a strike called on by locals against the aviation fare hike.

Approximately 700 children and women from 11 VDCs such as Kuldevmandau, Brahmatola, Barhabisa, Toli, Chhatara, Kailashmandau, Atichour, Dogadi, Gudukhati, Kanda, Jayabageshwori, among others, were deprived of receiving vaccines in July as the vaccine fridge at the Tante Health Post was out of order.



5.5 Bajhang



Population : 196,277

Male : 93,912

Female : 102,365

Literacy(%) : 42

Women Literacy(%) : 23

Area(Sq. Km.) : 3,422

Number of VDC(s)/Municipality(ies) : 47/0

Number of School(s) : 398/9

Campus(es)/Higher Secondary School(s) : 1/26

Human Development Index : 0.343

Average Household Size : 5.64

CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'E' grade Jail in the district has the capacity to detain 25 inmates. A total of 25 detainees were in the jail at the end of the year of whom 16 had been sentenced and nine of whom were awaiting trial. The jail building is dilapidated and it does not have a compound. It also faces an acute shortage of drinking water.

RIGHT TO PROMPT AND FAIR TRIAL District Court July 17, 2010- July 16, 2011

The District Court has one judge. It decided 16 criminal cases while 58 remained pending. 15 civil cases were decided and 56 cases remained pending. There was one criminal and one civil case that were pending for more than two years.

The Office of the District Government Attorney said that of the criminal cases filed between July 17, 2010 and July 16, 2011, one was still pending.

CHILD RIGHTS Situation of Education

Of the 78,646 children of school going age in the district, a total of 40,773 boys and 36,973 girls were enrolled in schools at different levels. Out of the enrolled children, 7,586 girls and 8,135 boys were from the Dalit community.

Government and community schools combined, a total of 715 teachers are employed at primary level, of whom 35 are female and 680 are male. Similarly, a total of 92 teachers work in lower secondary level schools wherein

there is no female teacher. 81 male teachers tutor at the secondary level.

A total of 7,994 students study at Early Child Development Centers in the district. Out of the total number, 4,005 are boys and 3,989 are girls. Of the total number of children, 765 boys and 790 girls are from the Dalit community.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

A woman, 22, of Naura in Lekgaun VDC-4 filed a complaint at the District Police Office with the help of human rights activists on October 23 in which she claimed that she was sold to Sunpal Dhimi, 25, of the same village by her brother-in-law Dhan Bahadur Dhimi on July 31. Police informed that a search was underway for the accused parties. The woman is now staying in Dhangadhi with the help of human rights activists.

ALL KINDS OF RACIAL DISCRIMINATION

Ranga Kami, 25, of Daulichaur VDC-8 was vilified due to her supposed low caste and barred from entering a local temple by Ganesh Bohora, 31, of ward no 7 of the same VDC on September 11. Locals reconciled them on the same day on the condition that Ranga would be allowed to enter the temple in the future.

Ishu Devi Nepali, 26, of Sunikoti VDC-6 was defamed by Dharendra Bahadur Aidi, 20, of Sunikot in ward number 7 of the same VDC on August 3. Dharendra claimed that Ishu, being a so called 'low caste' woman should not have celebrated Teej festival with non-Dalit women. The victim filed a complaint against Dharendra at the local Paralegal Committee but no action was taken against the perpetrator.

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured				1	1
Women Rights			2		2
Racial Discrimination			1	6	7
Arrest & Torture	1	1			
Killing				2	2
Total	1	1	3	9	12

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	10		
Sub-Health Post	35		
Position	Available Position	Working	Vacant
Doctor	4	3	1
Staff Nurse	4	4	
Lab Assistant	3	3	
AHW	54	53	1
AMW	18	17	1
Vaccine Supervisor	1		1
TB/Leprosy Supervisor	1	1	
HA	14	10	4
H W	83	72	11



5.6 Kanchanpur



Population : 444,315

Male : 213,109

Female : 231,206

Literacy(%) : 84

Women Literacy(%) : 56

Area(Sq. Km.) : 1,610

Number of VDC(s)/Municipality(ies) : 19/1

Number of School(s) : 402/51

Campus(es)/Higher Secondary School(s) : 5/47

Human Development Index : 0.463

Average Household Size : 5.35

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING

Clash

Bhangi Rana, 41, of Shreepur VDC-4 and ASI at the DPO Kanchanpur died in crossfire between the police and robbers at Daiji Chaurah in Daiji VDC-2 on December 2. Ganesh Dhimi, 26, of Bagun in Daiji VDC-4 also died in the same incident. The crossfire had occurred between plain-clothe policemen and the robbers. District police office informed that head constable Prem Bahadur Chand was treated in Bareilly, India after his treatment was not possible in Mahakali zonal hospital. A local Shreeram Chaudhary of Daiji VDC-2 was critically injured in the incident. He received treatment at Bir Hospital in Kathmandu.

JAIL AND DETAINEES

The 'C' grade District Jail has the capacity to hold 95 inmates. There are 101 male and 11 female convicts and 68 male detainees at the end of the year. Two children were also staying with female detainees inside the jail.

THREATS/BEATINGS

By Unidentified Group

Woman human rights defenders network, Kanchanpur treasurer, Naru Singh, 30, of Haldukhali in Bhimduttanagar Municipality-7 was injured in an assault carried out by an unidentified group on December 8. Sana Hat Nepal's coordinator Surendra Deuba said Network chairperson Bharati Singh and he himself took Naru to the Hospital after he got information of the incident. She returned home after getting treatment in Kathmandu.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

(Political Freedom Including Free and Impartial Election)

Dev Bahadur Manandhar, 51, of

Dodhara VDC-3 sustained a bullet injury on July 24 during a protest being held to demand action against those who murdered Yagyaraj Upadhaya on July 17. Manandhar was taken to Mahakali Zonal Hospital for treatment.. Approximately a dozen people were injured in a clash between locals and police in Dodhara on the India-Nepal border as police fired dozens of shots and teargas shells into the air after the protesters defied a repeated police larer to vacate the area.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court with one judge decided 229 criminal cases while 52 were pending. 191 civil cases were decided and 143 cases were pending.

APPELLATE COURT

July 17, 2010- July 16, 2011

The Appellate Court with three judges decided 161 criminal cases while 32 remained pending. 74 civil cases were decided and 19 cases remained pending.

July 17, 2011 -December 31, 2011

The Appellate Court with three judges decided 27 criminal cases and 93 remained pending. 15 civil cases were decided and 40 cases remained pending.

The Office of the District Government Attorney filed 144 cases between July 17, 2010 and July 16, 2011, out of which 78 cases were won and 12 cases were lost. Eleven cases were moved from the District Court to the Appellate Court. The Office, with one government attorney, stated that 54 cases that were filed by July 16, 2011 had not been decided.

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Injured	4	4	1	7	8
Child Rights			4	1	5
Inhuman Behavior				2	2
Women Rights			8		8
Right to Assembly	6	6			
Racial Discrimination			1	1	2
Beatings			4	5	9
Threats	1	1		5	5
Killing			1	3	4
Total	11	11	19	24	43

Of the eight murder cases, five cases were won and two were lost. Out of 17 rape cases, 10 were won and three were lost. Out of eight polygamy cases, six were won and one was lost while a verdict had not been reached in one case. The single case of abduction under the review of the court was lost. Out of a total of five trafficking cases, four were won and one was lost.

CHILD RIGHTS

Situation of Education

Of 105,120 children of school going age, 48,793 boys and 56,327 girls were enrolled in schools at primary and secondary level. Among them, 11,981 were girls and 11,571 boys were dalits. A total of 5,330 boys and 7,995 girls are attending the Early Child Development Centers in the district.

Beating

Diwakar Nath, 13, a ninth grader at the Baijanath Secondary School in Matena at Bhimdatta Municipality-9 was injured when the principal of the school, Khadak Singh Bista, 43, beat him with a cane and the fist on August 30. The boy sustained an injury to his right hand and ear in the assault. Bista assaulted Nath when he asked for a break after carrying bricks for the construction of a toilet inside the school. He underwent treatment at the Mahakali Zonal Hospital the next day. No action has been taken against Bista though the

boy filed a case against him at the District Education Office.

Padlock

The studies of more than 1,000 students was affected when Mahakali campus-level ANNFSU Committee padlocked the Mahakali Secondary School in Shreepur VDC for five days from December 6 after accusing the principal of irregularities while appointing a new teacher.

Mistreatment

Guardians of the students attending Panchadhin Secondary School of Ghodaghat in Raikabarbachawa VDC-7 smeared soot on the face of teacher Tarkaraj Pant on November 20 as they believed he attempted to molest a female student. The girl appealed to the school administration to take action against Tarkaraj after she claimed that he had tried to sexually abuse her when the school took them on a picnic on November 10. SI Kul Bahadur Saud of APO Raikabar Bichawa said that they irate guardians smeared soot on Tarkaraj's face and garlanded him with shoes before handing him over to police as the school did not take action against him. It was decided to expel Pant after a meeting was held between the victim, guardians, and the school management committee at the APO.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE

Bishna Khattri, 35, of Chandani VDC-1 was injured when her husband Hari Khattri, 37, attacked her with a sickle after they had a domestic dispute. Bishna sustained injuries to her face and forehead. She was taken to Mahakali Zonal Hospital

which then referred her to India for further treatment. The victim returned home after the treatment. The Area Police Office at Dhodhara said that Hari had absconded and that the search for him was ongoing.

ALL KINDS OF RACIAL DISCRIMINATION

The family of Hira Lohar of Krishnapur VDC-1 was warned by locals of a higher caste that they would take action against him unless he vacated his land which he had occupied for the previous 10 years. The threat was made public when the family of Lohar filed a complaint against the perpetrators at the District Administration Office on July 19. Lohar stated in the complaint that they were planning to construct a temple on his land. Lohar does not possess a land ownership certificate. The Lohar family were displaced from Suklaphanta Wildlife Reserve a decade ago. Lohar said that those from the supposed higher caste had forced him to leave his one katha and 16 dhurs of land which is located nearby the East-West highway. The DAO informed that it has directed the Krishnapur Area Police Office to ensure the security of Lohar's family.

Haru Devi Luhar, 30, of Nimbukheda in Bhimdatta Municipality-15 filed a case against neighbor Dhana Chettri at the District Police Office on November 7 in which Luhar accused Chettri of beating her for touching a water bucket. She sustained injury to her nose and neck in the beating. Luhar was treated in the Mahakali Zonal Hospital later that day. The District Police Office informed that both sides reached a settlement after Chettri agreed to accept the costs of Luhar's medical treatment and promised not to repeat the incident.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property

Students demanding a far-Western University vandalized various government offices after government officials defied their strike on July 28. The students smashed window panes of the Agriculture Development Bank and Rastriya Banijya Bank at Bhimdatta Municipality-4. They vandalized three computers, one fax machine and one printer after entering the Skill Development Training Centre (SDTC) at Katan in Bhimdatta Municipality-18. The SDTC informed that property worth Rs 150,000 was damaged in the incident.

The agitating students vandalized a vehicle of Nepal Electricity Authority, Mahendranagar at Aithpur on Bhimdutta Municipality-6 on July 29 for denying their call for bandh called demanding the establishment of Far-Western University. The damage of the attack was estimated as Rs 20,000

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	8		
Sub-Health Post	11		
Position	Available Position	Working	Vacant
Doctor	21	7	14
Staff Nurse	22	22	
Lab Assistant	10	10	
AHW	44	44	
AMW	22	22	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	5	5	
H W	19	19	



5.7 Dadeldhura



Population : 141,543

Male : 66,358

Female : 75,185

Literacy(%) : 61

Women Literacy(%) : 35

Area(Sq. Km.) : 1,538

Number of VDC(s)/Municipality(ies) : 20/1

Number of School(s) : 248/11

Campus(es)/Higher Secondary School(s) : 1/19

Human Development Index : 0.434

Average Household Size : 5.12

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to accommodate 25 inmates. By the end of the year, 33 males and four females were serving sentences and four male and one female were being detained there while awaiting trial. The son of a female inmate was also residing in the jail. Various organizations provide newspapers, sports materials and publications to the inmates while a radio and television are also available. A separate meeting room is being built for visits. Inmate Krishna Pandeya cited overcrowding as a problem.

THREATS/BEATINGS

By State

A staff at Ugratara Transporters Association Dadeldhura, Raju Air, 36, of Muduwa in Amargadhi Municipality-2 was left with a broken finger when beaten by the police as he was travelling to Bag Bazaar from Kritipur on July 7 on charge of enforcing closure of the bandh. He was kept in the custody for the day and released on July 8.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Dipak Air, 34, of Amargadhi Municipality-2 and Yogendra Air, 20, of ward no. 7 of the same Municipality were injured when police personnel assaulted them with a lathi at Syaulebazaar on July 9. The two men were attempting to disrupt the transportation strike called by Ugratara Transportation Entrepreneurs Committee who were demanding that the registration of the newly registered Dadeldhura Transport Committee be annulled. The injured parties received treatment at the District Hospital. The duo was arrested along with Basanta Thakurathi, Gyanendra Palpali, Chetraj Bhatt, Dambar Dev Bhatt, Bir Bahadur Balayar for imposing the transportation strike. They were charged with public offense on July 13. The District Administration Office Dadeldhura released them two days later. A patrol team of APF Base Camp, Dadeldhura, attacked Dhan Bahadur Air, Arjun Bista, Prem Chand, Govind Bista, Kamal Singh Mahar, Dharmaraj Awasthi and Mahesh Bhat of Baitadi after accusing them of imposing the transportation strike on July 10. All of those injured were treated at Team Hospital, Dadeldhura. Similarly, Raju Air, 36, of Muduwa in Amargadhi Municipality-2 who was working at the

Ugratara Transportation Entrepreneurs Committee was also beaten by policemen for enforcing the strike on July 7. He sustained a broken finger in the beating. He was released a day after being arrested.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court, with one judge, decided 41 criminal cases while 14 cases remained undecided. Eight civil cases were decided and 15 cases remained pending. One criminal case and two civil cases older than two years remained pending.

July 17, 2011-December 31, 2011

The District Court with one judge decided 14 criminal cases and 17 remained undecided. Seven civil cases were decided and 17 cases remained pending. Six civil cases older than two years remained pending.

The Office of the District Government Attorney filed six murder cases between July 17, 2010 and July 16, 2011, out of which four cases were won and two cases were lost. The Office, with one government attorney, informed that two cases filed by July 16, 2011 remained pending.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Rekha Rawal, 35, of Tallo Khalanga in Amargadhi Municipality-4 was beaten while being held in custody in the District Police Office in Dadeldhura on September 17. She had been arrested after her sister-in-law, Sharada, filed a complaint against her over a domestic dispute. Rekha sustained an injury to her right thigh and bruises all over her body. The victim said that police constable Dhana Shahi of the women's cell in the DPO beat her with

a cane and kicked her after taking her inside the detainee room. Police released her later that day after she was made to apologize to Sharada. Police constable Janak Raj Pant assaulted Rekha's husband Dhan Bahadur Rawal while he had gone to her home to arrest her. Rekhas said that she filed a complaint at the National Human Rights Commission against the policemen involved on September 20. She received treatment at the district hospital.

CHILD RIGHTS

Situation of Education

Of 50,781 children of school going age, 24,161 boys and 26,620 girls were enrolled in schools at primary and secondary level. Among them, 6,396 girls and 6,087 boys were Dalits. 109 female and 484 male teachers are employed in primary level government and community schools. 23 female and 395 male teachers work at lower-secondary level. Nine female and 261 male teachers work at secondary level.

A total of 3,966 boys and 3,655 girls are attending the Early Child Development Center in the district among which 896 boys and 922 girls are Dalits. The district education office did not have updated statistics related to education.

Padlock

The studies of more than 300 students of Birbalbhadrha higher secondary school at Koteli VDC-3 were affected after locals padlocked the school for three days from May 26 after a dispute between them arose. The dispute concerned the construction site of the new school building. The school reopened after the locals and school management committee agreed to construct the new building at

Type of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Child Rights				4		4
Abduction					1	1
Women Rights				5		5
Right to Assembly		2	2			
Arrest & Torture	1		1			
Beatings		7	7			
Threats					1	1
Killing				1	1	2
Total	1	9	10	10	3	13

Koteli VDC-7. The District Development Committee, Dadeldhura had allocated Rs 500,000 for the construction of the school building under the LGCDP program.

Rape, Attempt to Rape, Sexual Abuse

Students from Saraswati Secondary School handed over Karan Bohora, 18, along with his two friends Min Bahadur Bohara and Chakra Bohara of Nawadurga VDC-5, to police after they forcibly put vermilion powder on a female student near the school on May 22. All three were arrested the same day and charged with a public offense on June 2. Chakra was proved innocent by the court on May 23 while Karan and Man Bahadur were released after paying a fine of Rs 10,000 on October 13. The tradition of marrying a girl forcibly by putting vermilion powder on her forehead still prevails in some parts of the district.

The family of a 15-year-old girl of Hamtad in Aalital VDC-5 filed a complaint against Ganesh Dhama, 28, of the same place at the Aalital police post on June 17. They were accusing him of molesting her after luring her. Though he was arrested, police released him saying that the case had exceeded its time limitation for filing complaint. He was released on June 24 on the condition of not repeating such an incident.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Police arrested Sunil Kumar Beriwal, 23, and Pawan Beriwal, 27, of Hariyana, India on April 14 from Dhangadhi bazaar while they were taking a 19-year-old woman of Amargadhi Municipality-7 with the promise of arranging a marriage for her. The DPO Kailali handed the duo over to the DPO Dadeldhura that day. The duo, who were charged with human trafficking, were being detained in the District Prison at the end of the year.

Rape, Attempt to Rape, Sexual Abuse

Khagi Thami, 31, of Sadani in Jogbuda VDC-4 killed her father-in-law Tara Thami, 61, on April 20 after he attempted to rape her. Khagi killed him using a sickle. Policemen from Seema police post arrested her the same day. A postmortem examination of the deceased was held at the district hospital on April 22. The District Court sentenced her to life imprisonment with the confiscation of her property on July 11.

HEALTH SERVICE SITUATION

Hospital	2		
Health Post	10		
Sub-Health Post	15		
Position	Available Position	Working	Vacant
Doctor	2	1	1
Staff Nurse	4	2	2
Lab Assistant	4	4	
AHW	28	27	1
AMW	16	16	
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	13	10	3
HW	40	22	18



5.8

Baitadi



Population : 252,116

Male : 118,015

Female : 134,101

Literacy(%) : 59

Women Literacy(%) : 38

Area(Sq. Km.) : 1,519

Number of VDC(s)/Municipality(ies) : 62/1

Number of School(s) : 507/11

Campus(es)/Higher Secondary School(s) : 2/36

Human Development Index : 0.391

Average Household Size : 5.39

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold 25 inmates. However, a total of 46 inmates are residing there. Out of them, 36 have been convicted and 10 are awaiting trial.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

Out of 22 criminal cases, the District Court with one judge decided 19 cases and three remained pending. Among 26 civil cases, 12 cases were decided and 14 cases remained pending.

July 17, 2011-December 31, 2011

Of eight criminal cases, the District

Court with one judge decided two cases and six remained pending. Out of seven civil cases, all cases remained pending.

Between July 17, 2010 and July 16, 2011, the Office of the District Government Attorney won four murder cases and lost one. One of these cases has been taken to Appellate Court. One rape case was won and one case on polygamy was won. One case of caste-based discrimination was yet to be decided by the time. There is one government lawyer in the Office.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOUR OR PUNISHMENT

Rajendra Bohara, 28, and Bhuwan Bohara, 24, of Dehimandau VDC-3 were beaten up by the police at the Chauraha Area Police Office on October 5 accusing them of making noises. The police led by Head Constable Surat Singh Bohara arrested them on the same day. They were released after being kept in the DPO for two days. However, DSP at the DPO, Bishnu Bahadur Karki denied the arrest of the victims. The victims are army personnel posted in Achham.

CHILD RIGHTS

Situation of Education

Of 89,992 children of school going age, 46,757 boys and 17,835 girls were enrolled in schools of primary and secondary level. Among them, 3,962 girls and 11,406 boys are from the Dalit community. 330 female and 994 male teachers are at primary level government and community schools. Six female and 369 male teachers are at lower-secondary level in government and community schools. Four female and 258 male teachers are at secondary level in government and community schools.

5,298 boys and 5,194 girls are attending the Early Child Development Center in the district among which 1,228 boys

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Economic, Social and Cultural Rights				1	1
Women Rights			6		6
Racial Discrimination				2	2
Arrest & Torture	2	2			
Beatings	1	1	1	4	5
Threats				1	1
Killing				1	1
Total	3	3	7	9	16

and 1,231 girls are from the Dalit community. The District Education Office did not have updated data related to education.

Beating

Shambhu Luhar, 12, a fourth standard student of Shree Kulaun Higher Secondary School in Durga Bhawani VDC was beaten up by his teacher Govinda Joshi on June 6 for dropping his pencil on the floor. The boy sustained injuries on his head and eyes for which he was treated at the District Hospital, boy's father Jantare said. A meeting held at the District Education Office on June 7 agreed on making the teacher bear Shambhu's treatment cost and not repeating the act.

Killing by Family Members

Tek Bahadur Saud, 26, of Udaypur VDC-3 killed his one and a half year old son on April 11. The victim's mother had gone to her maternal home leaving her son behind due to some disputes between the couple at the time. Saud beat up his son as a result of which, he started crying, searching for his mother. The beating finally resulted in the death of the child. The accused was remanded in custody as per the order of the District Court on April 12.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Biruwa Karki of Sittad VDC-7 attempted to rape a 27-year old woman of

Shreekot VDC-7 on October 28 while she was going to her marital home from her maternal home. Police arrested the accused on October 30 on the basis of the victim's complaint. The victim said that she was on her way home after observing Bhai Tika in her maternal home when the incident took place. According to the police, the accused was remanded in custody and the case is pending at the District Court.

A 22-year-old woman of Amara-gadhi Municipality of Dadeldhura district filed a complaint against Lok Bahadur Bam, 19, of Satjhari VDC-2 on June 29 for raping her in Shikharpur VDC-8. The accused was arrested by the police on July 1. He was remanded in custody as per the order of the district court.

DOMESTIC VIOLENCE

Setu Bhatta, 22, of Melauli VDC-6 was injured when her husband Suresh Nayak lacerated her on January 16. The victim said that she treated the injuries in her home when the accused denied her from going outside for treatment. She filed a complaint at the Area Police Office of Melauli on January 26. An agreement between both sides was reached at the Area Police Office when the accused promised not to repeat such an act in the future.

Mistreatment

Traffic Police chief located at Shahilek of Dasharath Chanda Municipality-1, SI Dev Bahadur Khatri misbehaved with local Sita Thagunna on May 25. Saying that Khatri had misbehaved with Thagunna in inebriated condition,

locals complained at DPO on the same day. Khatri was held soon after. Thagunna said she was subjected to sexual violence as Khatri uttered lewd comments as she was passing by. When it was confirmed at Khatri was drunk on duty, DSP Shukdev Neupane promised to take action.

ALL KINDS OF RACIAL DISCRIMINATION

Naresh Damai, 20, of Rudreshwar VDC-7 was beaten and expelled from home by Haruwa Odd and other 10 persons of the village on January 18. Damai had married Janaki Ode of the same place some days ago. The victim said that after their marriage, he was issued death threats by his wife's relatives. He filed a complaint at DPO on January 26. Reconciliation between both sides was reached at the DPO on the same day in the presence of human rights defenders.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	10		
Sub-Health Post	55		
Position	Available Position	Working	Vacant
Doctor	5	3	2
Staff Nurse	6	4	2
Lab Assistant	3	2	1
AHW	67	63	4
AMW	18	17	1
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	15	11	4
HW	123	89	33



5.9 Darchula



Population : 133,464

Male : 63,609

Female : 69,855

Literacy(%) : 58

Women Literacy(%) : 38

Area(Sq. Km.) : 2,322

Number of VDC(s)/Municipality(ies) : 41/0

Number of School(s) : 304/4

Campus(es)/Higher Secondary School(s) : 1/20

Human Development Index : 0.411

Average Household Size : 5.17

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold 40 inmates. 36 inmates, 32 males and four females, were convicted while seven male detainees were awaiting trial. The jail has drinking water facilities, a carromboard, a television, a volleyball, a chess set and it receives newspapers. Inmates can also participate in skill building programs. The jail building is in an abysmal condition. There are five rooms in the jail; four rooms are used as inmates' sleeping space, kitchen and administration while the remaining room is reserved for the security guard. There are approximately 20 to 25 inmates staying in

one room due to the lack of space. Keshar Singh Mahar, of Khalanga VDC-5 who has spent five years in the jail said that the some facilities in the jail are satisfactory, but that the jail lacks sufficient space. Lila Badi, 36, of Gokuleshwar VDC-5 who was imprisoned in the jail five years ago stated that facilities regarding skill development and television in the jail are satisfactory. The chief of the jail, Padam Raj Joshi, accepted that the detainees are facing problem concerning adequate accommodation. He further stated that efforts are being taken to improve the situation.

THREATS/BEATINGS

By UCPN-M

Charan Singh Budathoki, 35, the UML district Committee's Deputy Secretary of Shitale VDC-5 was beaten by UCPN-M cadre Jaya Singh Mahar, alias Shreengar, of Guljar VDC-4, on December 5. The incident occurred during the Chamber of Commerce's general assembly and during a campaign for the election for a leader as scheduled to take place on December 10. Inspector Shyam Bahadur Saud said that Madan Singh Budathoki from UCPN-M and Mangal Singh Thaganna from the UML side were competing for the post in the election and were promoting themselves when the incident occurred. The two involved in the beatings were arrested on the night of the incident. Shreengar, the assistant of Madan, is at large. Budathoki sustained a head injury and light bruises on the cheek and was treated at the District Hospital. Prior to this incident Madan Singh had filed a case on December 5 accusing Sahadev Bohora of attempted murder. Bohora was subsequently sent to jail. Both of the accused were released after they agreed on December 6 to let the election proceed in a peaceful manner.

By YAN

Bhoiraj Joshi, 40, a news reporter of Nepal Television Darchula and FNJ member of Katai VDC-9 was mistreated by the president of YAN Dhan Bahadur Kuwar, 36, of Pipalchauri VDC-5 on September 12. FNJ Darchula issued a press release on September 16 criticizing the mistreatment of journalists. Kuwar said that Joshi did not agree to write news and or take photos even after being requested to do so. Kuwar verbally abused Joshi as a result of his refusal to act on his demands. The Federation requested further action be taken against the accused but no action was taken.

RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2010- July 16, 2011

The District Court, with two judges, decided 34 criminal cases while 21 cases remained undecided. Out of 28 civil cases filed, 16 were decided and 12 were pending at the end of the year.

July 17, 2011-December 31, 2011

The District Court, which has two judges, reached a decision in nine criminal cases while 19 cases remained undecided. Out of 18 civil cases, seven were decided and 11 cases remained under review.

The Office of the District Government Attorney filed 26 murder cases between July 17, 2010 and July 16, 2011, out of which nine cases were won and three cases were lost while five cases were appealed. The Office, with one government attorney, informed that 14 cases filed by July 16, 2011 remained undecided.

CHILD RIGHTS

Situation of Education

Of 48,035 children of school going

Type of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			3	1	4
Women Rights			3		3
Arrest & Torture	1	1			
Beatings			1	1	2
Threats				2	2
Killing				1	1
Total	1	1	7	5	12

age in this district, 23,673 boys and 24,362 girls were enrolled in schools of primary to secondary level. Among them, Dalit student's amount to 2,905 males and 2,923 females. 197 females and 604 males teach at primary level in government and community schools. 11 female and 112 male teachers are working at lower secondary level. 99 male and two female teachers are working at secondary level.

6,469 children are enrolled at Early Child Development Centre of whom 3,319 are boys and of whom 3,150 are girls. Of this figure, 508 boys and 523 girls are Dalits. The District Education Office did not have updated data related to education.

Killed after Abduction

Sunil Dhami, 9, a fourth grade student of Malikarjun, VDC-1 was kidnapped by an unknown group on January 13 while on his way home from school. His body was found buried in a community forest on January 2. The victim's father Dendendra Dhami lodged a complaint against Hari Singh, Dan Singh, Nidha Dhami, Surendra Singh Dhami, Durga Dhami at the DPO on January 4. All of the accused were arrested on February 11 but were released on bail on March 24. A postmortem examination was conducted on January 28 at the District Hospital.

Rape, Attempt to Rape, Sexual Abuse

A 15-year-old child of Katau VDC-5 was allegedly gang-raped by Prakash Kunwar, 25, of Chhapari VDC-5, Krishna Kuwar, 24, of Dhaulakot VDC-8

and Bhojraj Bhatta, 35, of Dhap VDC-6 at a hotel in Dhap VDC on October 10. The accused were arrested on the night of the incident after the victim fled from the site of the incident and informed the DPO. The victim's father filed a complaint at the DPO on October 12. The accused were taken to court on October 16. Of the three accused, Bhojraj Bhatta was acquitted and the remaining two were sent to jail on remand on November 28.

The family of a 13-year-old child of Kamda in Hikila VDC-2 alleged that Kamda Lower Secondary School Principal Jaman Singh Karki, 40, attempted to rape the teenager at her home on May 13. The victim's family filed a complaint at the DPO on May 15. The accused was arrested on May 17 and the case is still under investigation. The victim was examined at the District Health Office on the day of incident. The case was filed in the court in June, but the decision has not yet been reached.

Child Marriage

Geeta Mahara, 14, and Sewan Ram Tamta, 22, of Sheri VDC-2 got married on November 8. Madan Ran Lohar, 38, brother-in-law of Sewan was assaulted by Kalchae Mahara, Kundi Mahara, Amar Mahara on November 13 on the charge of facilitating their marriage. The assaulters also set Lohar's house on fire on November 16. SI Yagya Raj Ojha said that Lohar's wife informed the APO on November 17. Babu Kalche, father of Geeta Mahara, filed a complaint against Madan Ram Lohar and Sewan Ram on November 21 claiming that the men were involved in human trafficking and child marriages. The case was settled after both sides withdrew their complaints saying it was misunderstanding

between them that now had been cleared. DSP Bogati said that investigation regarding the cause of arson was still in process.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Krishna Singh Samanta, 24, was accused by an 18-year-old girl of Rithachaupata VDC-3 of attempted rape on November 18 as she was en route to her maternal home in Bhagwati VDC-1 on the same day. The victim filed a complaint at the DPO, Darchula, on November 20. No further action was taken, so she again filed a complaint again at the DPO, Darchula five days later. The victim's husband said that DPO requested a medical report and would not register the complaint until the report was produced. DSP Dev Bahadur Bogati of the DPO said that the accused escaped to India and affirmed that further actions would be taken if he could first be located and arrested.

HEALTH SERVICE SITUATION

Hospital	1		
Health Post	20		
Sub-Health Post	21		
Position	Available Position	Working	Vacant
Doctor	3	3	2 Contract
Staff Nurse	4	3	1
Lab Assistant	2	2	
AHW	43	40	3
AMW	16	15	1
Vaccine Supervisor	1	1	
TB/Leprosy Supervisor	1	1	
HA	15	13	2
HW	82	73	9



Statistics of
Human Rights
Violations in 2011

Annex

2

Annex 1.1 Incidents and Number of Victims

Type of Events	By State				By Non-State				
	Female	Male	N/A	Total	Female	Male	Third Gender	N/A	Total
Injured									
Injured By Bomb Blast					15	57			72
Injured in Clash					2	10			12
Injured By Own Bomb Blast						6			6
Injured by Own Firing						1			1
Injured by Setting Fire						1			1
Injured in Cross Firing						2			2
Injured In Land Mines						1			1
Injured By Beatings	8	13		21	7	27			34
Injured By Firing		13		13	5	40			45
Injured by using Sharp Weapons					11	53			64
Total	8	26		34	40	198			238
Child Rights									
Child Labour					4	2			6
Child Trafficking					38	2			40
Child Marriage					16				16
Rape					217				217
Killing of Newborn Baby					12	13			25
Sexual Abuse					92	13			105
Torture						1			1
Total					379	31			410
Inhuman Behavior									
For Practicing Witchcraft						6			6
Others					1		1		2
Rubbing Soot on the Face					2	7			9
N/A						1			1
Shoes-Garlanded					1				1
Total					4	14	1		19
Economic, Social and Cultural Rights									
Right to Health	5	2		7					
Right to Own Property					1	21			22
Others					1	1			2
Discrimination in Wages					1	1			2
Total	5	2		7	3	23			26
Abduction									
Abduction					23	121			144

Type of Events	By State				By Non-State				
	Female	Male	N/A	Total	Female	Male	Third Gender	N/A	Total
Women Rights									
Attempt to Trafficking					3				3
For Practicing Witchcraft					51				51
Rape					111				111
Rape Attempt					29				29
Polygamy					114				114
Women Trafficking					30				30
Torture Due to Being Woman					5				5
Jari (Compensation to elope with other's wife)					2				2
Domestic Violence					272				272
Sexual Abuse					31				31
Total					648				648
Right to Assembly									
Right to Assembly	19	84	188	291		3		1	4
Lathi Charge	35	43	14	92					
Total	54	127	202	383		3		1	4
Racial Discrimination									
Deprived from Entering in Public Places					4	4			8
Intercaste Marriage					11	12			23
Untouchability					17	24			41
Total					32	40			72
Arrest & Torture									
Arrest & Torture	4	90		94					
Death in Detention									
Death in Detention		2		2					
Beatings									
Beatings	12	82		94	62	297		3	362
Broken Hand						1			1
Total	12	82		94	62	298		3	363
Threats									
Life Threat		2		2	6	32			38
Threats for Donation						8			8
Threat		5		5	6	53			59
Total		7		7	12	93			105

Type of Events	By State				By Non-State				
	Female	Male	N/A	Total	Female	Male	Third Gender	N/A	Total
Killing									
Slitting Throat to Death					5	2			7
Squeezed to Death					16	6			22
Hacked to Death					3				3
Striking Hammer					2	4			6
Crushing with Stone					2	4			6
By Bomb Blast	1			1	5	3			8
Killed After Rape					10	1			11
Killed in Cross-Fire		1		1		2			2
Killed in Clash						3			3
By Own Bomb Blast						3			3
Killed by Own Bullet						1			1
Setting Fire					1				1
Pushing Down from the Landscape/Hill					3	1			4
By Hanging					5	2			7
By Giving Poison					8	7			15
Striking Lathi					2	5			7
Death Due to Torture		1		1					
Beaten to Death					36	50			86
Killed by Firing		9		9	10	43			53
Striking Khukuri					9	9			18
By Using Sharp Weapons					25	52			77
Nature of Killing Unexposed					12	13			25
Total	1	11		12	154	211			365
Grand Total	84	347	202	633	1357	1032	1	4	2394

Annex 1.2 By Occupation

Occupation	By State				By Non-State				
	Female	Male	N/A	Total	Female	Male	Third Gender	N/A	Total
Political Worker	6	49		55	5	90			95
Health Worker		1		1	4	9			13
Social Worker	28	12		40	5	11			16
Prisoner		3		3					
Overseer						3			3
Human Rights Activist					4				4
Labour	7	35		42	51	56			107
Civil/Private Service	5	3		8	8	34	1		43
Forest Security Guard					1	2			3
Police		5		5		21			21
Journalist	1	24		25	4	68			72
Student	6	59		65	307	158			465
Teacher	3	11		14	11	63			74
Business Professional	6	25		31	24	68			92
Agricultural Worker	12	67		79	631	306			937
Law Professional						3			3
N/A	10	62	202	274	303	142		4	449
Total	84	356	202	642	1358	1034	1	4	2397

Annex 1.3 Destruction of Property

Type of Events	By Non-State
	Total
Government Vehicles	2
Government Offices	9
Communication Sector	2
Bank	2
Communication Tower	2
Private Vehicle	49
Private Home	8
Private Offices	7
Municipality	1
Private Property	11
School	5
College	3
NGO	1
VDC	5
Total	107

Annex 1.4 Children

Types of Event	Female	Male	Total
Abduction	12	36	48
Arrest & Torture		20	20
Beatings	16	39	55
Injured	8	16	24
Killing	30	42	72
Total	66	153	219

Annex 2.1 Eastern: Number of Incidents and Victims

Type of Events	By State				By Non-State			
	Female	Male	N/A	Total	Female	Male	N/A	Total
Injured					3	25		28
Child Rights					93	8		101
Inhuman Behavior						6		6
Economic, Social and Cultural Rights		1		1	2	3		5
Abduction					13	45		58
Women Rights					130			130
Right to Assembly	8	18	90	116		2	1	3
Death in Jail		4		4				
Racial Discrimination					3	9		12
Arrest & Torture	1	8		9				
Beatings	2	22		24	15	73	3	91
Threats		1		1	2	30		32
Killing		2		2	40	49		89
Total	11	56	90	157	301	250	4	555

Annex 2.2 Mid: Number of Incidents and Victims

Type of Events	By State				By Non State		
	Female	Male	N/A	Total	Female	Male	Total
Injured	8	16		24	17	86	103
Child Rights					111	10	121
Inhuman Behavior					3	1	4
Abduction					6	55	61
Women Rights					181		181
Right to Assembly	41	66	97	204			
Death in Jail		4		4			
Racial Discrimination					4	3	7
Arrest & Torture	1	35		36			
Death in Detention		1		1			
Beatings	1	11		12	9	47	56
Threats		2		2	3	11	14
Killing		5		5	60	103	163
Total	51	140	97	288	394	316	710

Annex 2.3 Western: Incidents and Number of Victims

Type of Events	By State			By Non-State			
	Female	Male	Total	Female	Male	Third Gender	Total
Injured				7	29		36
Child Rights				76	6		82
Inhuman Behavior					3	1	4
Economic, Social and Cultural Rights				1	8		9
Abduction				2	7		9
Women Rights				104			104
Right to Assembly	1	12	13				
Racial Discrimination				11	4		15
Arrest & Torture		7	7				
Beatings	7	14	21	6	55		61
Threats		1	1	3	5		8
Killing		3	3	28	15		43
Total	8	37	45	238	132	1	371

Annex 2.4 Mid Western: Incidents and Number of Victims

Type of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Injured		6		6	10	43	53
Child Rights					67	6	73
Inhuman Behavior					1	1	2
Economic, Social and Cultural Rights	2			2		9	9
Abduction					2	9	11
Women Rights					187		187
Right to Assembly	2	12	12	26		1	1
Death in Jail		1		1			
Racial Discrimination					10	9	19
Arrest & Torture	1	35		36			
Beatings	2	17		19	20	100	120
Threats		2		2	2	27	29
Killing	1	1		2	22	29	51
Total	8	74	12	94	321	234	555

Annex 2.5 Far Western: Incidents and Number of Victims

Type of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Injured		4		4	3	15	18
Child Rights					33	3	36
Inhuman Behavior						3	3
Economic, Social and Cultural Rights	3	1		4		3	3
Abduction						5	5
Women Rights					46		46
Right to Assembly	2	19	3	24			
Racial Discrimination					4	15	19
Arrest & Torture	1	5		6			
Death in Detention		1		1			
Beatings		18		18	12	23	35
Threats		1		1	2	20	22
Killing					4	15	19
Total	6	49	3	58	104	102	206

Annex 3 Number of Victims by Month

EventType	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Abduction	34	14	8	13	10	10	13	8	11	7	7	9	144
Arrest & Torture	6	1	7	5	15	4	13	1	6	13	21	2	94
Beatings	58	31	51	45	59	33	47	23	26	37	25	22	457
Child Rights	24	25	40	30	40	42	56	37	29	38	30	22	413
Death in Detention	1					1							2
Death in Jail	1	2			1		1			1	2	1	9
Economic, Social and Cultural Rights	2	5	6	6	1	3			5		1	4	33
Inhuman Behaviour	1	4		2	8	1		1			1	1	19
Injured	19	8	66	15	24	38	13	18	13	13	23	22	272
Killing	37	28	36	30	31	34	39	36	31	21	29	25	377
Racial Discrimination	6	5	4	7	9	8	5	5	3	9	10	1	72
Right to Assembly	23	32	37	111	71	11	49	34	5			14	387
Threats	12	10	15	14	10	6	12	8	3	10	8	4	112
Women Rights	68	60	51	59	55	65	68	56	50	46	45	25	648
Total	292	225	321	337	334	256	316	227	182	195	202	152	3039

Annex 4 Victims by Caste/Ethnic Group

Victim Caste	By Non-State					By State			
	Female	Male	Third Sex	N/A	Total	Female	Male	N/A	Total
Adhibasi	32	22			54	2	9		11
Baisya	11	13			24	1	3		4
Baniya	2	1			3		1		1
Brahman	171	201			372	33	77		110
Chhetri	257	263			520	27	104		131
Dalit	266	109			375	4	39		43
Janajati	356	221	1		578	12	57		69
Kayastha						1	1		2
Koiri	10	11			21				
Mandal	16	21			37		7		7
Muslim	42	29			71	1	5		6
Newar	32	20			52	1	17		18
Sanyasi	9	8			17		1		1
Telli	25	31			56		8		8
Yadav	29	42			71		13		13
N/A	100	42		4	146	2	14	202	218
Grand Total	1358	1034	1	4	2397	84	356	202	642

Annex 5 Victims by Religion

Religion	By State				By Non-State				
	Female	Male	N/A	Total	Female	Male	Third Gender	N/A	Total
Buddhist	3	6		9	52	27	1		80
Muslim	1	6		7	37	29			66
Jain						1			1
Kirat	1	4		5	17	15			32
Christain					2	1			3
Hindu	72	289		361	946	774			1720
N/A	7	51	202	260	304	187		4	495
Total	84	356	202	642	1358	1034	1	4	2397

Human Rights Abuses

Annex 6.1 UML & it's Affiliated Groups

Types of Event	Female	Male	N/A	Total
Beatings	1	22	3	25
Inhuman Behavior				1
Injured		7		7
Killing		2		2
Threats		3		3
Total	1	34	3	38

Annex 6.2 By Agitating Groups of Hills Eastern

Types of Event	Female	Male	N/A	Total
Abduction	2	1		1
Beatings		17		19
Economic, Social and Cultural Rights		1		1
Injured		5		5
Right to Assembly		2	1	3
Threats	2	7		9
Total	4	33	1	38

Annex 6.3 Number of Incidents by UCPN-M

Types of Event	Female	Male	Total
Abduction	6	31	37
Beatings	14	130	144
Child Rights	1		1
Economic, Social and Cultural Rights	1	18	19
Inhuman Behavior		2	2
Injured	4	20	24
Killing		2	2
Threats	4	20	24
Women Rights	1		1
Total	31	223	254

Annex 6.4 By Armed Tarai Groups

Types of Event	Female	Male	Total
Abduction		6	6
Beatings		1	1
Injured	10	42	52
Killing	2	9	11
Threats		7	7
Total	12	65	77

Annex 6.5 By Unidentified Groups

Types of Event	Female	Male	Total
Abduction	8	51	59
Beatings	5	18	23
Child Rights	8	1	9
Injured	12	62	74
Killing	25	64	89
Threats	2	13	15
Women Rights	3		3
Total	63	209	272

Annex 6.6 By Others

Types of Event	Female	Male	Third Sex	Total
Abduction	9	32		41
Beatings	41	90		131
Child Rights	371	32		403
Economic, Social and Cultural Rights	2	4		6
Inhuman Behavior	3	12	1	16
Injured	14	60		74
Killing	127	134		261
Racial Discrimination	32	40		72
Threats	4	43		47
Women Rights	644			644
Total	1247	447	1	1695

Annex 6.7 NC & it's Affiliated Groups

Types of Event	Male	Total
Beatings	20	20
Injured	2	2
Right to Assembly	1	1
Total	23	23

Annex 7 No. of Victims by Place of Origin

District	By State	By Non-State
Jhapa	5	45
Ilam	2	37
Panchthar		31
Taplejung	2	16
Morang	20	77
Sunsari	12	43
Dhankuta	4	21
Terhathum	5	32
Bhojpur	2	19
Sankhuwasabha	1	29
Saptari	15	47
Siraha	9	62
Udayapur	1	45
Khotang	1	21
Okhaldhunga	1	15
Solukhumbu	3	8
Dhanusha	11	76
Mahottari	4	54
Sarlahi	2	30
Sindhuli	17	37
Ramechhap	4	33
Dolakha		16
Rautahat	4	57
Bara	3	19
Parsa	6	12
Chitwan	6	48
Makawanpur		31
Lalitpur	8	19
Kavre	4	31
Bhaktapur	5	11
Kathmandu	13	21
Dhading	6	61
Sindhupalchok	3	52
Nuwakot		25
Rasuwa	2	19
Tanahu	2	22
Gorakha	1	25

District	By State	By Non-State
Lamjung	1	11
Syangja	1	23
Kaski	19	53
Nawalparasi	3	63
Rupandehi	4	32
Palpa	2	25
Kapilvastu	1	27
Arghakhanchi	1	19
Gulmi	10	25
Baglung	8	13
Parbat	4	20
Myagdi		10
Mustang		3
Dang	5	24
Pyuthan	1	27
Rolpa		35
Salyan	4	52
Rukum	1	24
Banke	16	55
Bardiya	19	84
Surkhet	17	123
Jajarkot	4	33
Dailekh	4	32
Dolpa		14
Jumla	2	5
Kalikot	2	23
Mugu	1	7
Humla	5	16
Kailali	27	83
Achham	2	5
Doti		9
Bajura	3	8
Bajhang	2	14
Kanchanpur	10	41
Dadeldhura	4	13
Baitadi	8	17
Darchula	2	15
N/A	265	67
Total	642	2397

Annex 8 No. of Detainees in Jail at the End of 2011

S.No	District	Grade	Capacity	Number of Inmates in Jail at the end of 2011					Dependants		Death in Jail
				Detainees	Convicts	Male	Female	Total	Male	Female	
1.1	Jhapa	‘C’	200	323	268	549	42	591	5	4	3
1.2	Ilam	‘E’	No Detainees								
1.3	Panchthar	‘E’	25	84	47	116	15	131	1	1	
1.4	Taplejung	‘E’	25	43	50	93		93			
1.5	Morang	‘C’	250	349	262	553	58	611	2	4	6
1.6	Sunsari	‘B’	500	370	289	659		659			
1.7	Dhankuta	‘E’	25	37	13	46	4	50		1	
1.8	Terhathum	‘E’	35	29	17	42	4	46			
1.9	Bhojpur	‘E’	25	53	33	77	9	86	2	1	
1.10	Sankhuwasabha	‘E’	25	60	25	85		85	3		
1.11	Saptari	‘D’	125	78	82	157	3	160			
1.12	Siraha	‘D’	150	76	93	163	6	169			1
1.13	Udaypur	‘E’	50	45	60	102	3	105			
1.14	Khotang	‘E’	No Detainees								
1.15	Okhaldhunga	‘E’	50	41	28	44	25	69	1	4	
1.16	Solukhumbu	‘E’	35	50	6	50	6	56			
2.1	Dhanusha	No Jail									
2.2	Mahottari	‘C’	135	162	219	344	37	381	5	3	
2.3	Sarlahi	‘C’	100	58	105	163		163			
2.4	Sindhuli	‘E’	35	54	36	80	10	90		1	
2.5	Ramechhap	‘E’	50	159	23	175	7	182			1
2.6	Dolakha	‘E’	35	33	20	53		53			
2.7	Rautahat	‘D’	75	39	64	100	3	103	1	1	
2.8	Bara	No Jail									
2.9	Parsa	‘B’	750	587	510	1037	60	1097	6		
2.10	Chitwan	‘D’	110	172	188	319	41	360	1	1	2
2.11	Makawanpur	‘B’	35	175	103	278		278			
2.12	Lalitpur	‘C’	175	293	210	503		503			
2.13	Kavre	‘E’	61	74	57	131		131			1
2.14	Bhaktapur	Child Reform Center		81	29	106	4	110			
2.15	Kathmandu	‘A’	1152	1062	1467	2245	284	2529		9	3
2.16	Dhading	‘E’	30	73	42	105	10	115			
2.17	Sindhupalchok	‘E’	35	23	45	68		68			
2.18	Nuwakot	‘E’	90	41	77	97	21	118	1	1	
2.19	Rasuwa	‘E’	25	27	4	31		31			

S.No	District	Grade	Capacity	Number of Inmates in Jail at the end of 2011					Dependants		Death in Jail
				Detainees	Convicts	Male	Female	Total	Male	Female	
3.1	Tanahu	'E'	25	59	71	130		130	5		
3.2	Gorkha	'E'	55	66	17	77	6	83			
3.3	Lamjung	'E'	25	28	18	41	5	46			
3.4	Syangja	'E'	35	33	27	49	11	60		1	
3.5	Kaski	'D'	60	171	132	266	37	303		1	
3.6	Manang	Non-Graded		15	1	16		16			
3.7	Nawalparasi	'E'	35	34	66	86	14	100			
3.8	Rupandehi	'C'	100	132	127	259		259			1
3.9	Palpa	'C'	175	270	58	270	58	328	4	4	1
3.10	Kapilvastu	'D'	80	89	126	215		215			
3.11	Arghakhanchi	'E'		No Detainees							
3.12	Gulmi	'E'	25	40	21	54	7	61			
3.13	Baglung	'E'	25	40	29	65	4	69			
3.14	Parbat	'E'	25	30	26	54	2	56			
3.15	Myagdi	'E'	25	53	11	61	3	64			
3.16	Mustang	'E'	10	3		3		3			
4.1	Dang	'E'	150	220	49	250	19	269	1	6	
4.2	Pyuthan	'E'	25	41	14	49	6	55			
4.3	Rolpa	'E'	50	36	23	54	5	59			
4.4	Salyan	'D'	20	39	21	52	8	60			
4.5	Rukum	'E'	20	24	26	44	6	50			
4.6	Banke	'C'	200	101	260	333	28	361			
4.7	Bardiya	'D'	100	93	52	137	8	145	1		
4.8	Surkhet	'E'	25	48	58	94	12	106			1
4.9	Jajarkot	'E'	25	24	9	31	2	33			
4.10	Dailekh	'E'	16	29	21	46	4	50	1	1	
4.11	Dolpa	'E'	25	6	11	14	3	17			
4.12	Jumla	'E'	20	8	6	12	2	14		1	
4.13	Kalikot	'E'	37	20	17	34	3	37			
4.14	Mugu	'E'		No Detainees							
4.15	Humla	'E'	25		3	3		3			
5.1	Kailali	'D'	100	147	94	212	29	241	4	3	
5.2	Achham	'E'	25	38	3	37	4	41			
5.3	Doti	'E'	45	29	7	36		36			
5.4	Bajura	'E'	25	25	10	33	2	35			
5.5	Bajhang	'E'	25	16	9	25		25			
5.6	Kanchanpur	'D'	95	112	68	169	11	180	1	1	
5.7	Dadeldhura	'E'	25	37	5	37	5	42	1		
5.8	Baitadi	'E'	25	36	10	46		46			
5.9	Darchula	'E'	40	36	7	39	4	43			
Total			6256	6979	5985	12004	960	12964	46	49	20

Views of Political
Parties on Human Rights
Situations in 2011

Annex

3

Nepali Congress

To fully understand the human rights situation of Nepal in 2011, it is necessary to assess the implementation of international treaties, covenants and conventions which Nepal has ratified for the protection and promotion of human rights.

The human rights situation in Nepal this year has been problematic and has consequently been criticized at the national and international levels following the historical people's movement of 2006.

It has been seen that political parties in government have been involved in human rights violations as the security forces of the nation. The political parties encouraged the police administration to attack the opposition political party cadres. Criminal activities like killings, abductions among others have also been highly reported this year.

The CPN-M and UML cadres became actively engaged in criminal activities, thus, discouraging the security agencies and forces. The police administration also sometimes used unnecessary force against journalists and people in general, making media sector insecure. The Council of Ministers decided to grant amnesty to a CA member accused of murder. Such a recommendation was made despite verdict of the apex court to give a life sentence to the member and confiscate all his properties. This decision was criticized at the national and international levels. However, the government went ahead with recommending him for amnesty to the President.

Nepal Tarun Dal cadre Siva Prasad Paudel, who was serving a term in Chitwan district jail, was killed by a group of other inmates on December 6. The police aided the group in attacking him, which reflects incredibility of security agencies. After mid-

2011, incidents of human rights violations soared across the country. Some incidents of human rights violations in 2011 are mentioned below:

On January 20, a local of Itahari was in a debacle with CPN-UML Chairperson, Jhalanath Khanal. Chairperson of Itahari Municipality sustained injuries due to a shooting carried out by UML cadres at Itahari Chowk on February 5. Meanwhile, on April 1, about a dozen NC cadres of Shreekot VDC in Mugu were beaten up by CPN-M cadres. Maoist cadres mistreated Indian Ambassador Rakesh Sood at Dingla Bazaar in Bhojpur on February 28.

Different journalists were attacked in Biratnagar, Kanchanpur, Dhanusha, and Sunsari among other places. Speaking at a public program, Mashesh Basnet, Chairperson of Youth Association Nepal threatened to close Nagarik Daily and to imprison its editor as well.

Police were reported to have acted irresponsibly to lecturers of Public Campus in front of the Ministry of Education during a peaceful sit-in program on December 18. Consumers' lives were affected due to the price hike of essentials by the end of the year.

Despite the decision of the government to return the property captured by the UCPN-M during the armed conflict to their rightful owners, the party has been involved in capturing more properties by the end of the year. The independent judiciary and legal experts were frequently victimized by ruling political parties. Such incidents protect the activities of totalitarian hooligans rather than helping formation of a democratic constitution. If such activities are repeated frequently in the future, it is certain that, the overall situations of human rights in Nepal will not be good.

Basant Kumar Gautam
Chief Secretary

CPN-UML

Indicators would suggest that an improvement in human rights took place in 2011 although the double tasks of taking the statute draft and peace process to their successful conclusions was not realized. Incidences of human rights violation occurred due to strikes, abductions, donation requests, incidences of caste discrimination and gender based discrimination instigated by various groups and individuals. Despite attempts made by major political parties to strengthen the peace process and conclude the constitution writing process in order to build national unity, these two objectives were not realized during the extended term of the Constituent Assembly. Further confusion was created as agreements reached between parties were not implemented. Incidences of intimidation, the use of force by certain party cadres against the cadres of other political groups ultimately hampered democratic progress in the country. Several incidents arose in which people's right to assembly was interfered with. Many people, who were displaced during the decade long armed insurgency, could not be reintegrated into their respective societies as the Truth and Reconciliation Commission has not yet been formed.

The CPN-UML believes that firm action should be taken against those guilty of committing human rights violations against the values inherent in the Interim Constitution and the Comprehensive Peace Accord. The CPN-UML is always prepared to collaborate with human rights organizations and concerned stakeholders to assist them in improving the human rights situation of the country. We appreciate the role INSEC has played in protecting and promoting human rights and social justice. I hope that INSEC will play a vital role in the protection and promotion of human rights in the days to come.

Jhalanath Khanal, Chairperson

Rastriya Prajatantra Party

The year 2011 was not good from the perspective of human rights. Here, we do not wish to refer to the totality of incidents of human rights violations that occurred 2011. We do, however, wish to instead refer to some isolated incidents.

Several persons were abducted and killed in different parts of the country, including the Capital and Terai districts. Faijan Ahmad, General Secretary of the Islamic Association, was shot dead in broad daylight at Ghantaghar, Kathmandu. Entrepreneurs dealing gold were also murdered in the capital. The government could not bring those involved in such incidents to justice which thus gave rise to criminal activity.

Women were mistreated, sexually exploited and in some instances they were killed due to superstitious beliefs in various parts of the country. The rape of a Buddhist nun by bus staff in Bhojpur is still fresh in the minds of people. This incident is only representative of the wider picture; several such incidences have not yet been made public.

Incidences of terror, theft, burglary, robbery, assaults and looting terrified people as anarchy and insecurity prevailed in the country. Not only industrialists and entrepreneurs but university teachers, students, school students and teachers, journalists and health workers were also threatened and assaulted during 2011. Persons admitted to hospitals throughout the country died due to a lack of treatment. Civil servants, including VDC secretaries, were also threatened and attacked while news reports stated that even police personnel also felt unsafe.

Manbire Sunar of Kalikot was killed in the name of untouchability; an outcome of superstition and ill-practice that has long prevailed in Nepali society. There is

no alternative but to launch awareness and education programs in order to prevent such incidences from occurring in the future.

Though political parties agreed to return land and property seized by the UCPN-M during the armed conflict to their rightful owners, this agreement was not implemented and, instead, the Maoists continued to seize the land and property of civilians in 2011.

Impunity and anarchy flourished due to the unaccountability of the government. Moreover, those convicted by the Supreme Court moved freely regardless and even delivered public speeches. The government and the ruling parties, instead of bringing criminals to justice, protected them and did not take appropriate legal action against them.

In conclusion, the condition of human rights was quite discouraging as well as shocking during the year 2011. RPP is of the view that this reality cannot be excused just because the major political parties would not bear responsibility for such a bleak picture of human rights 2011.

Parshuram Khapung
General Secretary

Rastriya Jana Morcha

We are happy that INSEC, as usual, is going to publish a Human Rights Year Book in 2012 which will depict the status of human rights of the country for the year 2011.

INSEC is a leading human rights organization in the country and has played an important role in making the government and non-governmental sectors responsible and accountable for the protection and promotion of human rights. The newly established Republic is in a precarious phase as the Constituent Assembly has proved unable to present a new constitution in a timely fashion.

Although the UCPN-M joined

the peace process, the basic tasks of it have yet to be accomplished. The protection and promotion of human rights is a very serious concern at this time when the nation is in a transitional period and the ongoing peace process has not been successfully completed.

It is imperative that the government act more seriously and sensitively with regard to the protection and promotion of human rights during the transitional and post-conflict phase through which the country is now passing. Unfortunately, the government has not provided cause enough for it to be believed that they regard human rights with sufficient value or concern.

Rastriya Jana Morcha has long stressed that those guilty of committing crimes during the conflict should be brought under legal redress. However, instances of killings that took place during clashes that occurred between the government and rebels during the conflict may be of minor importance but instances in which civilians were killed, tortured or abducted by either party should be taken seriously.

Atrocities committed by any parties should be investigated and the names of those found guilty should be published irrespective of the posts they now hold. To such an end, a Truth and Reconciliation Commission and Disappearances Commission should be formed without further delay. However, the government does not seem serious with regard to this matter.

Those involved in violations of human rights have been promoted while the UCPN-M is of the view that an amnesty should be granted to its cadres, many of whom committed human rights violations during the conflict. Maoist cadres and leaders, who were convicted by the Supreme Court for their crimes, have been allowed to move freely. The government formed after Jana Andolan II continue to release criminals from their jail sentences after making political decisions which in turn ultimately gives rise to a growth in impunity in the country.

The political parties are almost competing with one another to protect criminals so as to increase the numbers of supporters of their respective party. Crime and corruption in the political arena has increased as ruling parties attempt to protect those involved in serious crimes. A good example of this is the attack made on Biratnagar based journalist Khilanath Dhakal after he wrote a news piece concerning a UML party cadre. A faction of the UML tried to give political protection to those involved in attacking Dhakal who is now forced to live his life in fear as a result of the incident. Prabhu Sah, Law Minister in the cabinet led by Prime Minister Baburam Bhattari was accused of being involvement in the murder of Kashi Tiwari in Parsa. Sah resigned following pressure from opposition parties and human rights activists, however, justice has not been delivered to the family of the victim and to date Sah has not been brought to justice. A Maoist CA member, who has been convicted by the Supreme Court for murder, has not yet been jailed due to political pressure made on his behalf. As those involved in criminal activities have been representing policy making bodies and have even been selected for the Cabinet, it cannot truthfully be said that human right are being represented with any sense of seriousness or integrity. Instead, the conditions for creating a significant rise in impunity are ample.

The incumbent Maoists led government has mocked the rule of law by deciding to legitimize the purchase and selling of land and houses seized by the so called People's Government during the armed conflict. Maoist party cadres are still involved in beating cadres of other political parties. They had beaten up Jana Morcha supporter teacher Rom Lal Paudel and his family members at Dharapani VDC of Arghakhanchi on October 29. They also beat up his daughter Sita Khanal and damaged property worth thousands of rupees.

Caste discrimination is still prevalent.

Manbire Sunar was killed for touching an oven of a so called upper caste family in Kalikot while a Dalit was killed after saying that his son married a girl from so called upper caste family in Dailekh district in 2011. The government is indifferent to the protection the human rights Nepalis working in foreign countries while several Nepalis in foreign land were depriving of voting during CA elections. Nepali women working in different countries have become victims of serious sexual exploitation. Nepali workers are victims of various kinds of discrimination overseas. Several women and girls have been trafficked to India and sold in other countries and are forced to work in brothel. However, the government is not serious about protecting their human rights.

Supporters of federalism have been attacking cadres of Rastriya Jana Morcha in several parts of the country as the party has expressed different opinions over issues such as the rights to self-determination. Several minorities have been forced to migrate from the places they have been living from the time of their ancestors as demands have been made for ethnic states in eastern districts. The concept of ethnic states has, to some extent, contributed to the violation of human rights.

Manoj Bhatta, Treasurer

CPN (ML)

First of all, we heartily appreciate Informal Sector Service Center (INSEC)'s efforts to publish "Human Rights Year Book 2012" by documenting and analyzing the entire human rights situation of one year i.e. of year 2011 and including our party views in this book as in the previous years.

The situation of human rights seems to have progressive in 2011 as compared to the previous years. The ground of democracy is being made after the end of autocracy and the establishment of the republic after the end of Monarchy. The end of 10 years long

armed conflict has led to the peace process in the nation and the real constitution making process is moving ahead albeit in slow pace. These developments have shown some positive results in the area of human rights as desired. If we compare our bitter past of terrible human rights violations, we can say the changes are being made with regard to the recognition and guarantee of human rights. However, our progressive governments of transitional period have not been able to deliver peace, security and good governance. UCPN-M, the largest party of the state has not given importance to the rule of law and in order to fulfill their own violent desires, they have been using terror in different ways.

Similarly, different underground armed groups in the Terai region and, ethnic armed groups in the hilly areas have used force as a strategy; thus, reflecting how far we have to go in order to guarantee full protection of human rights. Similar kinds of human rights violations have continued even though in smaller numbers in 2011. Abduction of famous doctor Bhaktaman Shrestha, shooting at media entrepreneur Yunus Ansari was shot inside the jail, and Fajjan Ahamad, leader of Islamic Organization in the center of the capital, two daughters were thrown in a river by their own father, and women are being killed in the name of dowry and other acts of domestic violence are some of the representatives incidents happened in this year. Similarly the UCPN-M led government, instead of fulfilling government responsibilities of ensuring basic human rights to the people, has been trying to pardon the human rights violators and nurturing impunity. Instead of effectively and quickly establishing the TRC to heal the wounds of conflict victims, pardon and amnesty is being granted to the accused. Furthermore, the four-point agreement made between UCPN-M and United Madhesi Morcha has clearly stated that the

government would withdraw the cases under investigation of the police or under court's review. Incidents of gross human rights violations like the killing of innocents and unarmed civilians, abduction and extortion have continued in 2011 in the country, especially in the Tarai and eastern hilly areas by underground armed groups. Incidents like full and partial strikes in different parts of Nepal to fulfill the demands of different groups, even though other less disruptive methods can be used, have also resulted in human rights violations in the year 2011.

If food, shelter, clothes, education, health, security, employment and the costs of goods and services are taken as a standard for comparison, we will not find any remarkable progress in human rights situation in 2011. The rights of the general working class people have not been ensured. The issues of people's living and relief from suppression have been the same in 2011 as in the previous years. But, if we consider the year 2011 with regard to the establishment of a formal standard of democracy, we can say that it has seen satisfactory developments as compared to the period of the 10 years long conflict.

Thank you. CP Mainali, General Secretary

Nepal Workers and Peasants' Party

The Jhalanath Khanal led government was formed after the collapse of the previous government led by fellow UML leader Madhav Kumar at the beginning of 2011. Before the Khanal governments instated, the NWPP forwarded an 18-point demand which called for load shedding to end, an increased and more balanced distribution of drinking water, maintaining law and order, controlling price hike of essential goods and controlling corruption. However, the Khanal led government neglected the demands. As a result, NWPP withdrew its support of the

government.

People are discouraged by the political discourse because parties have been promoting the criminalization of politics and the politicization of crime. The government protects those who have been involved in heinous crimes and many of those convicted by the courts have been released from jail. A number of persons convicted by the Supreme Court have subsequently been appointed to positions in the CA in direct defiance and in a blatant mockery of the rule of law. Many CA members are involved in collecting bribes in exchange for the assurance of a good job, hiring people to sit their SLC examinations, misusing diplomatic passports and mistreating civilians while under the influence of alcohol. The public is losing faith in the CA as a result of such behavior.

When Baburam Bhattarai was elected as Prime Minister, he made commitments to strengthen the economy, to increase transparency and create a zero tolerance approach to corruption. However,

he did not respond to questions concerning the misuse of State funds which were originally issued for the PLA fighters who were discovered to have been absent from their cantonments and therefore not in receipt of the payments initially issued and intended for them. Dr. Bhattarai signed the Bilateral Investment Promotion and Protection Agreement (BIPPA) against the interest of the State and raised the price of petroleum products several times.

Corruption, killings, abductions, violence and irregularities as well the price of some essential goods all increased during 2011. The major political parties made guaranteed around the issues of peace process and constitution writing process only as means to gain entry to government. Ultimately, people's hopes were left unfulfilled during 2011.

Sunil Prajapati
Secretary



Views of Institutions on Human Rights Situation in 2011

Annex

4

National Human Rights Commission

We acknowledge INSEC as it is going to publish Human Rights Year Book 2012. I appreciate the attempts taken by INSEC to publish the year book after analyzing the human rights situation throughout the year. The book is a useful reference material in the sector of human rights.

The criminalization of politics and politicization of crimes have become major issues in Nepal. As a result, there is the possibility that people might have negative feeling towards politics in general. For people to distrust politicians is a serious impediment to democracy and human rights. People have been complaining that crimes of a political nature are not reported to police and if they are reported, police either do not registered the complaint or delay investigations.

Though commitment was made in CPA to deliver justice to victims of the armed conflict, they have only received limited relief and compensation. At the same time, however, action has not been taken against those involved in human rights violations or crimes against humanity. Impunity has been rising as political parties have called for the withdrawal of cases and the granting of amnesties related to past abuses.

Though five years have passed since the endorsement of CPA, a commission on enforced disappearances has yet to be formed. The issues of land, houses and properties seized during the conflict have not been settled either. It has been difficult to maintain the rule of law and the protection of human rights as the Truth and Reconciliation Commission has not been formed at a time when talks are underway to withdraw cases related to the armed conflict and grant amnesty to those involved in crimes.

The year 2011 was not satisfactory from human rights perspectives. The government is not capable of implementing

its commitments as desired by the nation. However, some important achievements were made in the protection and promotion of human rights in 2011. In this context, NHRC, which was established as a constitutional national organization, has been working for the protection, promotion and respect of human rights. It received a total of 345 complaints related to human right violations during 2011. The cases include killings, disappearances, abductions, torture, threats and illegal detentions. Incidences of property seizures, internal displacement, discrimination, extortion, economic and social rights, violations of women rights, child rights and the rights of Dalits and indigenous people were also recorded in the year 2011.

Principally, commitments of the State towards human rights protection and promotion are progressive and positive. Law, policies and action plans have been formulated to implement the commitments of the government in some contexts while in some situations, the State has not formulated necessary laws or policies. In some circumstances formulated action plans have not implemented effectively.

As recorded at NHRC, it monitored 179 human rights situations while it investigated 311 times during 2011. It made recommendations on 146 complaints and 596 complaints were settled while 7 were scrapped and 13 remain on hold. As per the information provided by PMO on May 26, 121 (28 %) recommendations were implemented completely, 236 (55 %) were implemented partially and 79 (17 %) left unimplemented.

NHRC is taking the protection and promotion works side by side. Interaction, day celebrations, trainings and seminars were organized concerning issues related to human rights in different parts of the country. Several staff of NHRC have contributed to different programs during 2011. NHRC has started giving priority to the rights of

women, children, Dalits, elderly citizen and persons with disabilities. It has also extended protective and promotional activities related to right to health and food security, consumers' rights protection and the protection of the rights of Haliya, Kamaiya, Kamlahari and squatters. NHRC has also formulated action plans and commits to monitoring their implementation by making effective implementation policies and programs under the 'Human Rights Based Concept' relating to issues of education, health, employment and livelihood.

NHRC has been coordinating with and receiving the support of Legislature Parliament, government, various commissions, civil society, NGOs and profession organizations to accomplish its activities. It is also extending its coordination with UN, international agencies, embassies and NHRIs of different nations. In this course, NHRC got an 'A' status from International Coordination Committee (ICC) during 2011.

It is the top priority of each State to protect, promote and respect the human rights of its citizens. It is the need of the hour to complete the task of concluding the peace process and constitution draft as well as working towards transitional justice in the country. For this, government and political parties should be guided by past agreements and accords.

Historic achievements may be forgotten while political parties may tarnish their images if the constitution process and peace process do not reach successful conclusions in good time. Without such progress, there is the possibility of a further deterioration of the human rights condition in the country. Thus, maintaining law and order, peace and security and the protection and promotion of human rights should be initiated effectively if the government and political parties wish to give first priority to peace and the constitution.

Finally, wishing success of Human Rights Year Book 2012, I believe that INSEC

will play a vital role in the sector of human rights in the days to come.

Gauri Pradhan

Member, National Human Rights Commission

The Office of Prime Minister (PMO) and Council of Ministers

It is the primary responsibility of the State to respect, protect and promote human rights. In relation to this, the Law and Human Rights Division of the Office of the Prime Minister and Council Ministers has been carrying out its duties and coordinating with national and international human rights organizations and various government agencies. The government is always taking the maximum attempts to bear on its shoulder national and international responsibilities and to develop a human rights culture in the country given that Nepal has ratified 22 conventions related to human rights.

As per the guidelines of UN World Human Rights Conference held in Vienna in 1993, that directed all state to formulate a national action plan to respect, protect and promote human rights and to develop a human rights culture in their respective states; Nepal has been formulating three year-human-rights national action plans and implementing them to uphold such values in coordination with civil society and private sectors since the fiscal year 061/62. The implementation of two three-year human rights national action plans has already been completed while the implementation of a third three-year national human rights action plan (067/68-69/70) is underway.

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 developing a strong culture

of human rights in the country. All ministries have developed action plans to eliminate gender based violence and these are currently being implemented. By the same token, effective programs have been implemented to eliminate caste based discrimination.

The Complaint Management and Monitoring Unit has been established at the PMO Office with the objective of receiving complaints of victims and managing and monitoring such complaints when authorized agencies do not receive and accept complaints or do not take proper action in connection with gender based violence.

The PMO has been monitoring and updating the recommendations made by NHRC since 2001 with regard to incidents of human rights violations. The office is continuously coordinating with different agencies to ensure effective implementation of the NHRC's recommendations. In addition to this, relief has been distributed to victims and their families as per the recommendations made by Ministry of Peace and Reconciliation.

The office has made information readily available to different international human rights organizations and is involved in drafting human rights reports after consultations with different agencies.

PMO prepared the third updated report on ICESCR and submitted it to the UN as it the Office that is coordinating the preparation of reports in connection with the implementation of human rights conventions to which Nepal is a state party. The Office prepared a national report for the Universal Periodic Review (UPR) and submitted it to UN Human Rights Council in January 2011. As per the suggestions and recommendations received during the UPR; action plans of all concerned bodies were prepared and they are currently being implemented.

At the initiation and involvement of the PMO, a new bill was drafted with the objective of managing and regulating activities of NHRC. Recently, the bill has

fulfilled House proceedings and has been converted into an Act. It is hoped that the working procedures of NHRC would be more effective after the Act is implemented.

Lastly, the PMO is confident that INSEC's Human Rights Year Book 2012 will have various important uses in respecting, protecting and promoting human rights. We wish that INSEC will achieve its desired goals.

Dr Trilochan Upreti,
Secretary, PMO

Ministry of Home Affairs

Considering that the protection of the lives and property of citizens are basic human rights, the Home Ministry and security agencies are effectively active in maintaining law and order with maximum mobilization of State resources and by guaranteeing the rights of citizens as provided by the State.

Laws and policies have been revised as per the human rights treaties ratified by the State. As Nepal is a state party to the ICCPR, the report to the HRC has been prepared and submitted to the UN.

Human rights units at the Ministry and security agencies undergo trainings on various aspects of human rights. They also reinforce and promote human rights values and, monitor and investigate of human rights violations.

The Ministry, as per the recommendations of NHRC, has been providing relief and compensation to victims of the armed conflict, taken action against those guilty of committing human rights abuses and regularly refers to the relevant bodies in order to arrange the provision of free education to the children of victims.

The Ministry has made timely progress in ensuring the rights by converting jails into correction houses and providing inmates with education and health services. Managing juvenile inmates and establishing child correction centers is also underway.

Preparations are underway to implement new action plans in order to improve security management in the ongoing transitional phase in the country.

There was an improvement in law and order during 2011 however; various groups were involved in human rights violations.

It seems that the situation of human rights improved in the country in 2011. The Ministry of Home Affairs is always committed to the protection of human rights with the cooperation of national and international human rights organizations.

Nepal Army

1. Human rights have been much discussed in various organs of the State and security agencies. It can be said that the implementation of human rights is increasing positively.

2. As Nepal is a state party to various human rights treaties, it is committed to and responsible for upholding the norms of humanitarian law and human rights. As all stakeholders, including political parties, have continually expressed their commitment to protect and promote human rights, a peace-friendly image of Nepal can be presented to the international community.

NA is always aware of and committed to protecting human rights as ensured by the constitution. NA has been guided to protect and promote human rights as per the commitment made by the State to various human rights treaties. NA has undertaken the following for the protection and promotions of human rights:

A. It is the responsibility of the state to follow the Universal Declaration of Human Rights, adopted by the UN in 1948 in which political, social, economic, cultural and fundamental rights are guaranteed. Similarly, the Geneva Convention 1949, ratified by Nepal in 1965, emphasizes humanitarian aspects of war such as, not destroying crops,

respecting women, children and elderly people, not destroying cultural and religious sites and treating prisoners of war and the injured in accordance with the values of the convention. NA has been trained with these principles in mind.

B. In the Interim Constitution of Nepal 2063 and Army Act 2063, Article 20 (1), it is stipulated that army personnel must be trained in human rights and International Humanitarian Law (IHL). As per the provision, an IHL Integration Order has been implemented into the workings of the NA. Forces in the army are trained in human rights and their implementation and the protection and promotion of IHL theoretically and practically. With the view to impart these trainings from senior officers to lower level staff, a book entitled 'Nepal Army Book on Law of Armed Conflict' and a documentary on IHL prepared by NA Directorate have been distributed to all units of NA. These rules are also instructed during trainings. Similarly, a memorandum of understanding was signed in June 2010 by the Secretary of Defense Ministry, GoN and UNIFEM South Asian Regional Office and Regional Director for Promoting Gender Responsive Security Sector (PROGRESS). UNIFEM and NA Directorate signed a letter of agreement on November 11, 2010. With the joint initiation of human rights directorate of NA and UN Women, trainings related to UN Resolutions 1325 and 1820 were organized in army regional headquarters and brigades.

C. As NA has agreed not to allow impunity to take place, action has been taken against those involved in violations of human rights if and when a complaint is filed against any NA personnel. NA has been briefing its officers about human rights and IHL thereby alerting the forces under these officers about the zero tolerance policy of NA.

D. NA personnel, who go to the UN peace keeping forces, have been selected through strict selection processes and they

have been trained appropriately in the pre-deployment sessions which take place at Birendra Peace Keeping Training Centre at Panchkhal. The content of the training includes human rights, IHL, command responsibility, superior orders, gender equality, sexual abuse, UN resolutions 1325 and 1820 among others.

3. Lastly, NA would like to express its good wishes to INSEC which has been working for the protection and promotion of human rights. We believe that INSEC will achieve its goals in days to come. We also wish for the success of Human Rights Year Book 2012.

Nirendra Prasad Aryal

Brigadier Gen,
Director, Human Rights Cell

Nepal Police

It's our pleasure to hear that INSEC, as usual is going to publish the Human Rights Year Book 2012 by covering incidents of human rights that occurred during 2012. INSEC's endeavors to publish the annual record for the protection and promotion of human rights are remarkable and much appreciated.

Human rights are basic characteristics of a democratic system; however, it is impossible to imagine human rights and a democratic system until the rule of law is exercised. The state, which gets its ruling power from sovereign people, has to protect and respect the lives of its citizens first and has to effectively guarantee the inherent rights of its people.

A welfare state can be realized if the State is committed to providing for the maximum happiness and overall development of its people. Thus, the ultimate objective of the State is to ensure the rule of law and to protect the property and lives of its citizens. These are compulsory terms and conditions for a welfare state. The important and

sensitive duty of implementing laws in society falls under the responsibilities of the Nepal Police. The police force has been skillfully fulfilled its duties since its establishment. The entire organization of the Nepal Police and its activities are being revised and guided to provide security to civilians and to protect and promote the rights of civilians.

The Nepal Police have given priority to the protection and promotion of human rights and are aware of the Universal Declaration of Human Rights (UDHR) and its recommendation to monitor the overall situation of human rights within the organization. The Nepal Police Human Rights Unit has been established under the direct supervision of the IGP in order to investigate and take necessary action over complaints filed concerning violations of human rights. Human rights have been included in the curriculum of trainings organized at all levels within the organization. Special orientations and training programs have been organized focusing on women and children's issues. As per the three-year national action plan of the government related to human rights, programs have been developed and implemented accordingly. The police have been seeking the cooperation of NHRC, government agencies and non-governmental organizations for the protection and promotion of human rights. As in the previous year, the police, in coordination with and cooperation of civil society, organized a program in connection with the International Day against Torture and participated as one of the organizers in the Human Rights Magna Meet.

Orientation and special training sessions were imparted to over 10,000 police personnel on the concept of human rights and implementation of law in a campaign during 2011. Incidences of human rights violations and complaints have drastically reduced due to human rights related campaigning and trainings.

Compared to the fiscal 065/66, the numbers of complaints have reduced by

98.65 % in the fiscal 067/68. Action has been taken against 584 police staff as they were allegedly involved in human rights violations, it was found.

As human rights is an issue that comes up when talking about legal procedures, human rights is the most important subject in the course of carrying out duties in the Nepal Police Force; which is always aware that the human rights of citizens should not be violated in any situation.

To materialize our commitment and efforts, to control crime effectively and to carry out successful investigations, we need positive support from all sectors in society to maintain law and order and to create an environment of social justice. Such support is also necessary to make us more professional, resourceful, systematic and independent.

Lastly, we wish INSEC complete success in the publication of Human Rights Year Book 2012.

Nepal Police
Human Rights Unit
Police Headquarters,
Naxal, Kathmandu

Armed Police Force

Armed Police Force (APF) extends its best wishes to Informal Sector Service Centre (INSEC) for the success in publishing the Human Rights Yearbook 2012. INSEC, working for the protection and promotion of human rights, has given continuity to creating an atmosphere of co-existence and justice with the documentation and dissemination of truth.

Human freedom, humanitarian values and norms will be protected and realised if internal security mechanisms are strengthened. It is the people involved in security forces who are responsible for protecting and safeguarding rights. Skilled APF staffs are always aware and committed to carry out the duties entitled to them by the

State in order to create an atmosphere so that human rights and IHL are not violated. APF has been implementing the protection and promotion of human rights in practice.

The APF is mobilized to provide security and to help implement law as per the mandate given by the State. In order to ensure this objective, 'Human Rights Directives 2066' was published and distributed to APF staff with the belief that human rights would not be violated as long as the APF personnel effectively carry out their work in their respective fields. Similarly, Deployment Handbook 2068 has also been distributed to the staff of APF.

There is a provision for taking necessary action and carrying out investigations if any APF staff is found to be involved in any violation of human rights under APF Regulations as per the principle of zero tolerance. A provision has been made to investigate cases of human rights violations by APF personnel. We have also ensured the protection of witnesses and privacy during investigation processes.

Human rights education and skills have been incorporated in all kinds of training and orientations organized by the APF. Similarly, human rights classes are also being organized. With the objective to conduct specialized human rights training, a Human Rights & Democratic Policing Instructor Development Course was organized with the support of the US Embassy. APF also organized a seminar on International Best Policing Practices in 2011.

APF has given continuity to the implementation of the three-year human rights national action plan which is issued by the PMO and the Cabinet. APF, in coordination with civil society, representatives of political parties, intellectuals and representatives of government agencies and human rights organizations, has organized seminars, awareness programs, public rallies and orientations in order to protect human rights.

Gender based discrimination would not only interfere with productivity of the force but would also minimize human resources and create an obstruction to the extension of the organization. With this in mind and with the objective of protecting and promoting women's rights, a women's cell has been established to record complaints related to violence against women while an APF female officer has been placed in the Centre. The organization is also arranging orientations and interactions on gender based violence from the central to regional levels.

Lastly, APF will committedly work for the protection and promotion of human rights with the principle of zero tolerance to human rights violence. Expressing gratitude to all national and international human rights organizations that help in the coordination and cooperation in the sector of human rights, we wish for the success of INSEC's Human Rights Year Book 2012.

National Dalit Commission

This year, like in previous years, many incidents of injustice, oppression, caste-based discrimination and human rights violations were filed in the National Dalit Commission. Of the cases filed, a total of 14 were concerned with racial discrimination and untouchability, a total of four cases are related to rape, a total of 17 to inter cast marriage and a total of 12 to women against violence. The National Dalit commission investigates cases filed before taking any further course of action. Cases are treated to the extent that the commission's mandate allows, otherwise the relevant agencies are contacted the case is passed on to them. The commission has issued press releases and initiated a press conference to draw the government's attention towards the promotion and protection of Dalit Rights. The National Dalit Commission emphasizes its priority to investigate cases concerned with racial discrimination and untouchability and

to monitor situations in which either occurs.

Bhim Narayan Biswakarka
Section Officer
National Dalit Commission

Ministry of Foreign Affairs

Being a state party to 22 international human rights treaties, Nepal has established the fact that it is committed to the promotion and protection of human rights. The Interim Constitution of Nepal has expanded upon the provisions contained in such treaties by granting additional rights to the citizens of Nepal.

The National Human Rights Commission has been established as a constitutional body for the protection and promotion of human rights. The Human Rights Action Plan is underway to contribute to the fulfillment the obligation of the state under the international treaties to which Nepal is party and to fulfill the provisions of a human rights nature contained in the Interim Constitution. The Government has made the commitment to empower the National Human Rights Commission and to develop it as the leading body for the protection and promotion of human rights in the country.

The Human Rights Promotion Department under the Office of the Prime Minister and the Council of Ministers has been working at the center of the field of human rights. It submitted a report to the United Nations Human Rights Committee for the Universal Periodic Review under the co-ordination of the governmental and non-governmental organizations. The Deputy and Foreign Affair Minister Sujata Koirala presented the report on January 25, 2011.

Owing to the positive attempts of a dynamic and enthusiastic civil society involved in the field of human rights, in addition to the above institutions, the information and knowledge of human rights, the role of the state and other institutions for the protection,

promotion and implementation of human rights is remarkable.

It can be said that today's main priority is to consolidate human rights organizations and to maintain the collaboration between the government and civil society. For this institutional coordination, partnership and collaboration is necessary as per the objectives of the interim plan. The Ministry of Foreign Affairs has been working for the implementation of human rights by coordinating, collaborating and monitoring in its respective fields.

Sewa Adhikari
Under-Secretary

National Women Commission

NWC has actively been working for the protection and promotion of women's rights since its inception.

It has been involved in several activities like forming national policies and programs concerned with women's rights and their effective implementation for the purposes of maintaining gender justice and improving existing laws. NWC, which is involved in monitoring the implementation of women related international conventions to which Nepal is a state party and recommending to the government, is also involved in monitoring the violation of women's rights.

Women are victims of dowry, domestic violence, murder, sexual harassment in the workplace, gang rape and trafficking in Nepal. Similarly, social practices of implicating women on charges of practicing witchcraft, child marriage and Chhaupadi system are still prevalent in the country.

Female victims have not received proper justice as per the directives given by the Supreme Court to the government for formation of appropriate law. Further, the amendment of existing law in accordance with gender-just practices has not been

achieved. The bill drafted for the protection of women's rights has not been enacted yet. Women have not received justice due to a hierarchical and oppressive social structure and consequent discriminatory norms and values existing in society.

178 complaints of domestic violence and 112 of violence against women were registered with the NWC during 2011. NWC has been playing the role of settling some complaints by forging agreements among the parties involved in the, recommending them to concerned bodies, providing legal support as well as providing psychosocial counseling.

From studies of news and articles published in various newspapers, NWC found the 125 incidences of sexual violence, 105 incidents of human trafficking, 104 incidents of killing, 73 incidents of domestic violence, and 88 incidents women's rights violations occurred due to social ills in 2011.

NWC has also carried out studies and fact findings in connection with incidences of expelling women from their homes in the name of witchcraft, gang rape, sexual harassment in the workplace and suicide. After the study of such incidents, NWC has demanded justice for victims and action against the perpetrators.

To identify the current status of women's rights and the problems women have been facing, NWC has carried out studies on issues of suicide, dowry system and women's health in Nepal. NWC also participates in the Committee for Elimination of Discrimination against Women (CEDAW) meetings, UN Human Rights Council's UPR meeting, and carries out monitoring of UN Security Council resolutions 1325 and 1820.

Finally, NWC expresses its best wishes to INSEC as it is going to publish the Human Rights Year Book 2012 covering factual data and relevant facts on human rights issues in the country.

Federation of Nepalese Journalists (FNJ)

From the point of press freedom, the year 2011 was disheartening and disappointing. The government made attempts to impose autocracy in the name of the categorization of information, however, the government's move was foiled due to intensified nationwide protests the part of the FNJ.

To name a few atrocities faced by the Nepali media in 2011, the death of one journalist was suspicious while some journalists were heinously attacked and the media became the target of constant attacks during 2011.

There were 99 incidents of violations against journalists in 2011. Of them, 25 incidents involved direct physical attacks, 28 involved threats, 15 involved mistreatment while seven journalists were arrested, one was abducted, while there were four attacks on media houses, 5 obstructions to press freedom and press vehicles were attacked on five occasions.

Journalist Babur Kharel was found dead in the state of West Bengal in India. Kharel, who was missing for some days, was found dead under suspicious circumstances; however, the reason behind his killing and those involved in the incident had not been established by the end of the year. Though FNJ had demanded the government to look into the incident, the government had not made the details of the incident public by the end of the year.

Cadres of political parties, various organizations affiliated to political parties and groups demanding separate states, persons of responsible bodies, government officials and responsible mechanisms of the government also attacked and threatened journalists during 2011. Journalists were not safe from security agencies either.

Khilanath Dhakal, Morang correspondent of Nagarik Daily, was attacked on June 5 by UML cadres including Youth Force Morang in-charge Parshuram Basnet, Biratnagar city committee in-charge Rohit Koirala and Manoj Rai. Kishor Budhathoki, Sankhuwasabha correspondent of the Annapurna Post was attacked on August 12.

Though Morang District Court issued an order to arrest Basnet, he has been at large as noted at the end of the year. The perpetrators not only attacked journalists but also threatened editors in several places in the country.

The Sankhuwasabha District Court sentenced Bikash Rai and Rupak Rai on December 5 to a five year jail sentence for their involvement in attacking Budhathoki.

NSU cadres attacked the office of Naya Patrika at Kamalpokhari on September 4. Damage was incurred to the office and journalist Bharat Pokharel was mistreated in the incident. Questions arose over NC's support of press freedom and the right to the freedom of expression as NC, which boasts of being a party with faith in democracy, attacked the media house. This course of action was taken by the party instead of opting for a more ethical and legal recourse to deal with a disagreement over disparaging news concerning them published in a particular paper. Journalist Madhujung Pandey was attacked and his bike was torched during a strike in Chitwan called by Nepal Tarun Dal over the death of Shiva Paudel, Chitwan chairperson of Nepal Tarun Dal. Several vehicles belonging to various media houses were vandalized by Tarun Dal cadres during the strike.

Cadres of Janasarak Manch, saying that their news was not published, burned down copies of Fast Time and Morning Times daily in Morang. Similarly, cadres of Kirant Yakthung Chumlung, alleging that news related to an agitation launched by the party was not covered, vandalized the Dharan

based office of Nepal Samacharpatra Daily.

Cadres of Madhesi Janaadhikar Forum burned copies of daily papers due to controversy over news published in connection with the misuse of diplomatic passports by CA members in Bara and Janakpur. Journalists were mistreated after news of Minister Prabhu Sah and his personal secretary's involvement in the killing of Kashi Tiwari was published in newspapers. UCPN-M cadres torched copies of Kantipur Daily because the name of one of their ministers' was mentioned in connection with an incident in Rautahat. Similarly, cadres of the Matrika Yadav led CPN-Maoists burnt copies of Kantipur daily alleging that news related to their chairperson had not been published in Siraha.

Commander of Terai Madhes Mukti Morcha threatened FM stations in Jhapa demanding that news in Maithali language should be broadcasted from the FM stations compulsorily. They had threatened FM radios that they would attack them if news in Maithali was not broadcasted from the FMs within a month in Jhapa.

Cadres of political parties, which boast of advocating for democracy, were involved in the violation of press freedom in 2011. This shows that cadres of political parties lack knowledge about the freedom of the press to expression and the right to information; along with their commitment to these values and rights.

UCPN-M made an attempt to withdraw a case filed against its cadres

involved the abduction and killing of journalist Dekendra Thapa in Dailekh. The court prevented the withdrawal of a case filed against the abduction and disappearance of journalist Prakash Singh Thakuri when the government made an attempt to do so, this year. These instances show that political parties are responsible for giving rise to impunity in the country.

Rohit Bhandari, correspondent and Jayaram Thapaliya, cameraperson of Mountain TV were manhandled by the staff of the Social Welfare Council alleging that they tried to cover news related to an agitation launched against corruption in SWC.

Tanahun assistant CDO, Rajendra Ghimire, under the influence of alcohol mistreated Dambar Bahadur Adhikari, editor of Setimadi Daily and Madiseti editor Omkar Acharya, who visited Ghimire's office to cover news related to elephantiasis.

The attack on journalists in different parts of the country is condemnable. If anyone is dissatisfied with news published or broadcasted by the media, they can initiate a legal process; instead, media houses are being attacked.

Moreover, when the accused involved in attacking and threatening journalists are not arrested, it reflects lack of seriousness on the part of the government with regard to protecting the rights of journalists and media houses.

Shiva Gaunle,

President

Federation of Nepalese Journalists



Annex 5

Name of Contributors in Course of Preparation of Yearbook 2012

Contributors to Chapters

Chapter 2 : Power Obsession Delays Peace

Writer : Madan Paudel

Chapter 3 : State and Human Rights

3.1 Judiciary and Human Rights

Writer : Bidhya Chapagain

3.2 Executive and Human Rights

Writer : Prashannata Wasti

3.3 Legislature and Human Rights

Writer : Nir Lama

Chapter 4 : Nepal's Violence Against Women:

An Anlysis 2011

Writer : Samjha Shrestha

Chapter 5 : Victim-Activated Explosions:

An Analysis

Writer : Srijana Nepal

Chronology Compilation

1. Raju Paswan 2. Gopi Krishna Bhattarai

District Representatives

Eastern Region

- | | | |
|------|---------------|---|
| 1.1 | Jhapa | - Arjun Kumar Basnet |
| 1.2 | Ilam | - Asok Kumar Rai |
| 1.3 | Panchthar | - Sandip Rai |
| 1.4 | Taplejung | - Chandra Prakash Bhattarai |
| 1.5 | Morang | - Deepen Neupane |
| 1.6 | Sunsari | - Sukdev Chaudhary |
| 1.7 | Dhankuta | - Santosh Ruchal |
| 1.8 | Tehrathum | - Chhatra Rimal |
| 1.9 | Bhojpur | - Gyanendra Khadka |
| 1.10 | Sankhuwasabha | - Kishor Budhathoki/
Chhetu Sherpa |
| 1.11 | Saptari | - Prakash Khatiwada |
| 1.12 | Siraha | - Guru Saran Sada |
| 1.13 | Udaypur | - Kushal Babu Basnet |
| 1.14 | Khotang | - Lok Nath Ghimire/
Saindra Rai |
| 1.15 | Okhaldhunga | - Guru Bahadur Basnet/
Shiva Prasad Dhungana |
| 1.16 | Solukhumbu | - Budda Bir Rai |

Mid Region

- | | | |
|------|----------------|------------------------|
| 2.1 | Dhanusha | - Binod Kumar Rabidas |
| 2.2 | Mahottari | - Ishwari Kaphle |
| 2.3 | Sarlahi | - Bidur Pyakurel |
| 2.4 | Sindhuli | - Anand Prasad Dahal |
| 2.5 | Ramechhap | - Nava Raj Pathik |
| 2.6 | Dolakha | - Uddhav Pokhrel |
| 2.7 | Rautahat | - Bipeen Gautam |
| 2.8 | Bara | - Roshan Raj Aryal |
| 2.9 | Parsa | - Niraj Kumar Sah |
| 2.10 | Chitwan | - Sabitri Sapkota |
| 2.11 | Makanwanpur | - Pratap Bista |
| 2.12 | Lalitpur | - Gopi Krishna Bhattra |
| 2.13 | Kavrepalanchok | - Bhoj Raj Timalisina |
| 2.14 | Bhaktapur | - Akur Neupane |
| 2.15 | Kathmandu | - Raju Paswan |
| 2.16 | Dhading | - Sita Ram Adhikari |
| 2.17 | Sindhupalchok | - Natibabu Dhital |
| 2.18 | Nuwakot | - Keshav Mishra |
| 2.19 | Rasuwa | - Hem Nath Khatiwada |

Western Region

- | | | |
|------|--------------|-----------------------------------|
| 3.1 | Tanahun | - Prakash Chandra Bhattarai |
| 3.2 | Gorkha | - Bhim Lal Shrestha |
| 3.3 | Lamjung | - Krishna Prasad Adhikari |
| 3.4 | Syanja | - Nirmala Tiwari |
| 3.5 | Kaski | - San Bahadur Thapa |
| 3.6 | Manang | - Kaman Bahadur Gurung |
| 3.7 | Nawalparasi | - Narayan Parajuli |
| 3.8 | Rupandehi | - Amrit Giri |
| 3.9 | Palpa | - Durga Neupane/
Madhav Basyal |
| 3.10 | Kapilbastu | - Nanda Ram Poudel |
| 3.11 | Arghakhanchi | - Narayan Prasad Bhusal |
| 3.12 | Gulmi | - Naresh Bhandari |
| 3.13 | Baglung | - Ram Bahadur GC |
| 3.14 | Parvat | - Madhav Raj Pandey |
| 3.15 | Myagdi | - Ghanashyam Khadka |
| 3.16 | Mustang | - Sharmila Gurung |

Mid-western Region

- 4.1 Dang - Shalik Ram Musaphir
 4.2 Pyuthan - Rabindra Pandey
 4.3 Rolpa - Dharendra Dangi
 4.4 Salyan - Rom Prakash Thapa
 4.5 Rukum - Jivan Khadka
 4.6 Banke - Narayan Subedi
 4.7 Bardiya - Man Bahadur Chaudary
 4.8 Surkhet - Durga Thapa
 4.9 Jajarkot - Raju Kumar Shakya
 4.10 Dailekh - Yaggya 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 - Ramesh Aidi

Far-western Region

- 5.1 Kailali - Sur Bahadur Pariyar
 5.2 Achham - Ratan Bahadur Rawal/
 Shiva Raj Khatri
 5.3 Doti - Lav Dev Bhatta
 5.4 Bajura - Arjun Shah
 5.5 Bajhang - Prakash BK

- 5.6 Kanchanpur - Komal Nirajan Bhat
 5.7 Dadeldhura - Keshav Bahadur Bohora
 5.8 Baitadi - Sher Bahadur Chand
 5.9 Darchula - Madan Singh Dhami/
 Narendra Singh Karki

INSEC Regional Offices**Eastern Region**

1. Som Raj Thapa 2. Dipak Raj Tiwari

Mid Region

1. Krishna Gautam 2. Ganesh Bhandari

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

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Best District Representatives

As in the last year, we have selected the following representatives as the 'excellent representative' (one) and other five as 'best representatives'.

Excellent Representative

Pratap Bista

Makawanpur

Best Representatives

Gyanendra Khadka,

Bhojpur, Eastern Region

Bhoj Raj Timilsina

Kavre, Mid Region

Ram Bahadur GC

Baglung, Western Region

Man Datta Rawal

Baglung, Mid-Western Region

Sur Bahadur Pariyar

Kailali, Far-Western Region



For Human Rights & Social Justice

Informal Sector Service Centre (INSEC)

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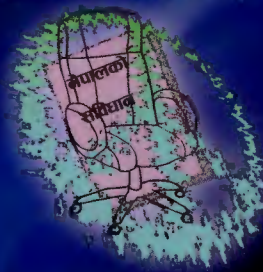
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Nepal

HUMAN RIGHTS YEARBOOK 2012



Highlight of the Year

Power Obsession Delays Peace

The provisions stipulated in the seven-point agreement were not materialized by the end of the year. Non-cooperation within the party impeded the UCPN-M's commitment to restitute land and property they captured during conflict. The TRC Bill was perceived as a bill designed to grant official pardon to those accused of war time crimes on the pretext of reconciliation. Delays in formation of the Commission on Disappearances clearly demonstrate the political indifference towards the whereabouts of the conflict-era victims of enforced disappearances.

If the peace process is consistently undermined by the ongoing power dynamics, it will be difficult to ensure lasting peace and finalization of a constitution, regardless of the number of agreements. If political parties fail to acknowledge that the new constitution is a crucial means to achieve peace, the citizenry will be skeptic about getting new constitution no matter how often the CA term is extended. The country cannot function for long only with the Interim Constitution. The new constitution will be promulgated in good time only if political parties in Nepal can transform the challenges of the ongoing peace process into opportunities.

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