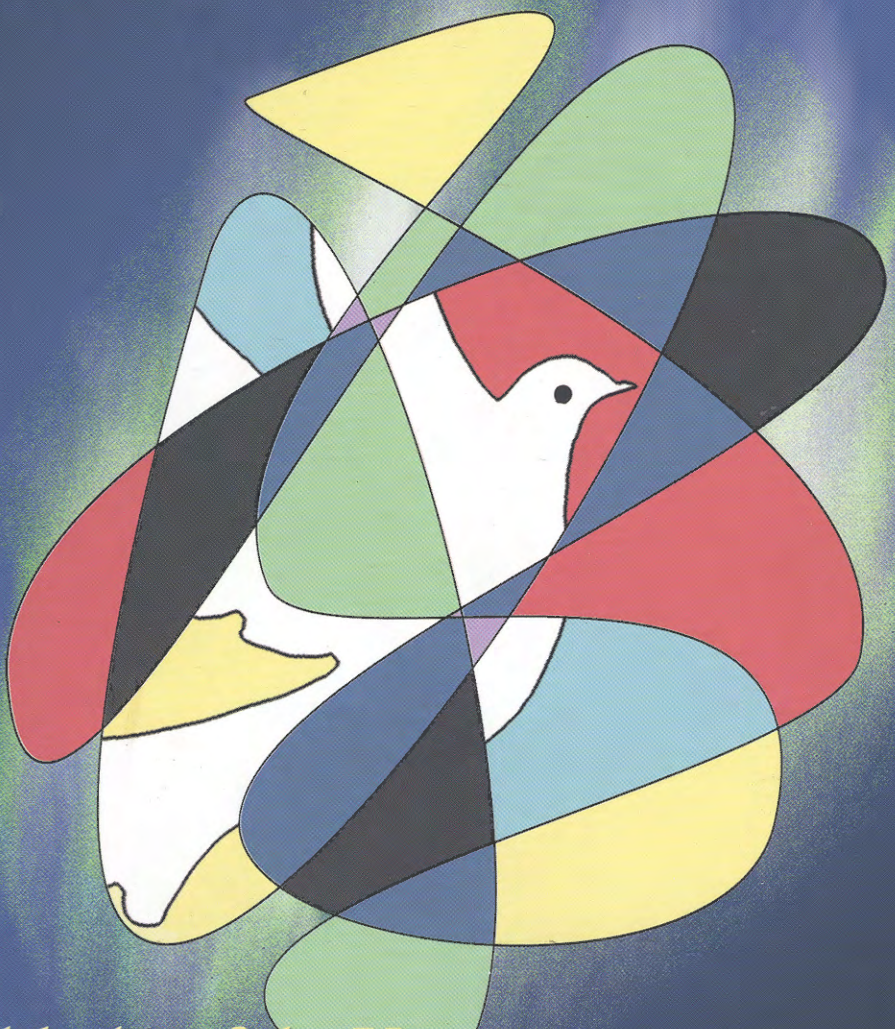
eR09-02-135

Nepal

HUMAN RIGHTS YEARBOOK 2011



Highlight of the Year

Enmeshed Peace Process

Human Rights Yearbook 2011

(ENGLISH EDITION)

(This Report Covers the Period - January to December 2010)

Editor-In-Chief
Yogish Kharel

Editors
Prashannata Wasti
Dipendra Prasad Panta

Executive Editors
Madan Paudel
Nir Lama

Editorial Board
Bhuwan Adhikari
Ganesh Bhandari
Balkrishna Basnet

Data Analysis
Pramin Ghimire
Anuj KC

Graphic Design
Gita Mali

Contributors
Emma Mulhern
Tessa Ferry
Bed Prasad Dhakal
Sreejana Nepal
Binod Gautam

Informal Sector Service Centre (INSEC)
POBox : 2726, Kathmandu, Nepal
Tel: +977-1-4278770 Fax:+977-1-4270551
e-mail: insec@insec.org.np Web-site: www.insec.org.np

All materials published in this book may be
used with due acknowledgement.

First Edition 2000 Copies
February 19, 2011

© Informal Sector Service Centre (INSEC)

ISBN: 978-9937-8265-4-9

Price
NRs 500.00
US$ 20.00 (for South Asia)
US$ 30.00 (for other countries)

Printed at
Dhaulagiri Offset Press, Balkhu
Tel: 2004612

Contents

Preface
Acknowledgement
Acronyms and Abbreviations

Chapters

Chapter 1	Human Rights Situation in 2010: Overall Evaluation		1
Chapter 2	Enmeshed Peace Process		17
Chapter 3	State and Human Rights		
	Chapter 3.1	Judiciary and Human Rights	43
	Chapter 3.2	Executive and Human Rights	71
	Chapter 3.3	Legislature and Human Rights	85
Chapter 4	Enforced Disappearances in Nepal : A Brief Analysis		105
Chapter 5	ERW, Small and Portable Lethal Weapons : Threats and Challenges		121
Chapter 6	Nepal's Human Rights Defenders		135
Chapter 7	Violence Against Women : A Study on Rape		149

Annexes

Annex 1	Facts on Human Rights Violations and Abuses in 2010	165
	1. Eastern Region	167
	2. Mid Region	215
	3. Western Region	289
	4. Mid Western Region	345
	5. Far Western Region	411
Annex 2	Statistics of Human Rights Violations in 2010	441
Annex 3	Views of Political Parties on Human Rights Situation in 2010	451
Annex 4	Views of Institutions on Human Rights Situation in 2010	463
Annex 5	Name of Contributors in Course of Preparation of Yearbook 2011	473

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 25 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 Executive Board

Chairperson
Subodh Raj Pyakurel

General Secretary
Pushpa Karna

Treasurer
Yogendra Bahadur Gurung

Members
Kundan Aryal
Sujeeta Sakya
Tika Ram Bhattarai
Madan Prasad Pariyar
Rakshya Basyal
Lal Babu Yadav

Regional Offices :
Eastern Region
Janapath Tole, Biratnagar
Ph: 021-47102425, Fax: 471127
Mid Region
Pulchowk, Lalitpur
Ph: 01-5526466, 5550961
Western Region
Annapurna Tole, Pokhara
Ph: 061-465512
Mid Western Region
National Trading Road, Nepalgunj
Ph: 081-524504, 522068
Far Western Region
Utter Behadi, Dhangadhi
Ph: 091-522576, 521446

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 margianalised 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.

Documentation for Human Rights Protection

We have been publishing the Nepal Human Rights Yearbook annually since 1992. The book is released on the anniversary of the day when democracy was introduced in Nepal. This has a straightforward message - without democratic polity it is impossible to enjoy human rights. Democracy can be dynamic if only we can set up a mechanism where people formulate the policies for the country via their representatives without fear and independent citizens can monitor the activities of the government. The rule of law is about more than formulating laws and ruling accordingly. Apart from being procedurally correct, law has to reflect international human rights law and should be able to protect and promote human dignity. A matter of prime importance is that rights of the people can be added to but can never be curtailed. Citizens are free to pursue either independent or party based thoughts. Similarly, they are also free to be involved in private and community development activities either individually or in an organized way. Citizens entrust some share of their sovereignty to the state through the Legislature and Executive, formed through elections. However, a citizen's sovereignty cannot be questioned when it comes to the matters of personal life and opinions. Citizens also have some responsibilities which they must always uphold; 1) one cannot impede the rights, dignity, development and culture of others for one's own interest; 2) one cannot obstruct the policies and activities formulated and launched by the government for collective and public development. Controlling these two tendencies and guaranteeing security to the people is the main responsibility of a democratic state.

The trend of human rights violations and abuse that still exists in Nepal represents a major challenge. It is pervasive numerically and is ever expanding spatially. This is why we have been preparing details of the rights violations from all seventy five districts.. Regrettably, the parties, which are representing in the Parliament, have themselves protected crimes and criminals.

People have not been able to feel that they are free from conflict. Recollecting the agreements and the Interim Constitution; certainly we had envisaged a Truth and Reconciliation Commission, a Commission on Disappearances, a High Level Monitoring Committee and a Peace and Reconstruction Commission.

The seven parties that signed the Comprehensive Peace Accord, committed that they would move forward together following the election for the Constituent Assembly. That was why UNMIN was invited to Nepal for six months to monitor the weapons of the Maoist combatants. However, moral, legal and political responsibility towards the constitutional promise was not valued even when UNMIN's term, which was for six month initially, was extended by two years. Contrary to its commitment to return the captured properties, the Maoists kept on capturing properties. Other small and regional groups also kept on capturing property. The Sixth Extended Plenum of the Maoists held at Palungtar from 21 to 27 November passed the agenda of 'people's revolt', hence of capturing the state power

forcefully. Pushpa Kamal Dahal, Mohan Baidhya and Baburam Bhattarai; who were believed to have differing views, however, converged on the party stance in the matter of fulfilling the purpose using street, parliament and government.

Indefinite Mass Strike Rolled Back

The Maoists were compelled to roll back the indefinite mass strike which they had started on May 2. A procession of a large number of citizens that convened spontaneously in white dress on May 7 put serious moral pressure on them. Pushpa Kamal Dahal railed against the city dwellers calling them 'Sukila Mukila' (well-heeled). This expression was against the pressure put on them and prompted more discussions and critiques this year. It is urgent that all the political parties, especially the UCPN-M being the largest party; have to understand the people's yearning for peace.

People expect that international human rights laws be respected. They also expect a moral and accountable character from their leadership. People want development and the achievement of economic, social and cultural rights through the full enjoyment of civil and political rights. The Nepali people are against the division and disintegration of society. The advancement of all and justice for all is their desire. The Madhesi people are freeing themselves from the politics of hatred which had been brewing. The intention of those who want to orient the good intentions of ethnic identity to division and disintegration will not be fulfilled.

The Constitution is not going to be written within the extended time. The truism- 'learn by experience, not only by education' - of our predecessors is going to materialize in Nepal. People are getting the chance to test the leaders and their intentions. Those who do not recognize and pay attention to the thousands of years old culture of the Nepali people who have already made liberalism, honesty and diligence a way of life; and those who make an effort to incite people are not going to have a sustained future.

February 19, 2011

Subodh Raj Pyakurel
Chairperson

Acknowledgement

We express our sincere thanks to Royal Norwegian Embassy, EED/BMZ, ICCO and Danida HUGOU for their continued support on accomplishing this yearbook. Special thanks goes to INSEC District Representatives of all 75 districts working in the forefront the Regional Offices. We are also grateful for many well-wishers, friends for their feedbacks and invaluable suggestions for Human Rights Yearbook 2011. Also we would like to express our thanks to different political parties, Office of the Prime Minister and Council of Ministers, Home Ministry, Ministry of Foreign Affairs, National Human Rights Commission and other agencies for their opinion on Human Rights Situation in 2010.

Acronyms and Abbreviations

ACM	:	Area Committee Member
AHW	:	Assistant Health Worker
AIG	:	Additional Inspector General
ANFA-R	:	All Nepal Farmer's Association (Revolutionary)
ANM	:	Auxiliary Nurse Midwife
ANNFSU	:	All Nepal National Free Students' Union
ANNFSU (Sixth)	:	All Nepal National Free Students' Union (Sixth)
ANNFSU-Unified	:	All Nepal National Free Students' Union (Unified)
ANNISU-R	:	All Nepal National Independent Students' Union (Revolutionary)
ANWA-R	:	All Nepal Women's Association (Revolutionary)
APF	:	Armed Police Force
APO	:	Area Police Office
ASI	:	Assistant Sub-Inspector
ATMM	:	Akhil Tarai Mukti Morcha
ATMM-P	:	Akhil Tarai Mukti Morcha (Pratik)
BEPN	:	Bhisma Ekata Parishad Nepal
BPKIHS	:	BP Koirala Institute of Health Sciences
CA	:	Constituent Assembly
CASP	:	Conflict Affected Security Personnel
CAT	:	Convention against Torture and Other Cruel, Inhuman or Degrading Behavor
CBEP	:	Chure Bhawar Ekta Party
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
CJ	:	Chief Justice
CMA	:	Community Medicine Auxiliary
CoAS	:	Chief of Army Staff
CPA	:	Comprehensive Peace Accord
CPN-M	:	Communist Party of Nepal (Maoist)
CPN-M (Matrika)	:	Communist Party of Nepal-Maoist (Matrika)
CPN-ML	:	Communist Party of Nepal (Marxist-Leninist)
CPN-MLM	:	Communist Party of Nepal (Marxist Leninist Maoist)
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 – Women in Social Service and Human Rights)
DAO	:	District Administration Office
DCM	:	District Committee Member
DCWC	:	District Child Welfare Committee
DDC	:	District Development Committee

DEO	:	District Education Office
DFO	:	District Forest Office
DJP	:	Dalit Janajati Party
DPHO	:	District Public Health Office
DPM	:	Deputy Prime Minister
DPO	:	District Police Office
DSP		Deputy Superintendent of Police
DTLF	:	Democratic Tarai Liberation Front
ECCDC	:	Early Childhood Care & 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 Students' Union
HA	:	Health Assistant
HLPC	:	High Level Probe Commission
HLPM	:	High Level Political Mechanism
HR	:	Human Rights
HYF	:	Hindu Youth Federation
ICC	:	International Criminal Court
ICCPR	:	International Covenant on Civil and Political Rights
ICESCR	:	International Covenant on Economic, Social and Cultural Rights
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 Labour Organisation
INSEC	:	Informal Sector Service Centre
JC	:	Judicial Council
JHT	:	Janbadi Hill Tigers
JMCC	:	Joint Monitoring Coordination Committee
JMMT	:	Janatantrik Madeshi Mukti Tigers
JTMM-A	:	Janatantrik Tarai Mukti Morcha (Ajad)
JTMM-J	:	Janatantrik Tarai Mukti Morcha (Jwala Singh)
JTMM-Pratik	:	Janatantrik Tarai Mukti Morcha (Pratik)
JTMM-Prithvi	:	Janatantrik Tarai Mukti Morcha(Prithvi)
JTMM-Rajan	:	Janatantrik Tarai Mukti Morcha (Rajan Mukti)
JTMM-Rajiv	:	Janatantrik Tarai Mukti Morcha (Rajiv)
JTMM-Ranbir	:	Janatantrik Tarai Mukti Morcha (Ranbir)
JTMMM	:	Janatantrik Tarai Madhes Mukti Morcha
JTMMP	:	Janatantrik Tarai Madhes Mukti 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-D	:	Madhesi Janadhikar Forum (Democratic)
MLF	:	Madeshi Liberation Front
MMKP	:	Mahan Madhes Krantikari Party
MMM	:	Madhesi Mukti Morcha
MMT	:	Madhesi Mukti Tigers
MoPR	:	Ministry of Peace and Reconstruction
MP	:	Member of Parliament
MRJ	:	Madhes Rastra Janatrantrik Party
MRJP	:	Madhesi Rastriya Janatantrik Party
MRJP-R	:	Madhesi Rastriya Janatantrik Party (Revolutionary)
MRP	:	Machine Readable Passport
MSU	:	Madhesi Student Union
MT	:	Madhesi Tiger
MTMM	:	Madhes Tarai Mukti Morcha
NA	:	Nepal Army
NAC	:	Nepal Airlines Corporation
NBA	:	Nepal Bar Association
NC	:	Nepali Congress
NDA	:	Nepal Defense Army
NDYU	:	National Democratic Youth union
NEFIN	:	Nepal Federation of Indigenous Nationalities
NGO	:	Non-Governmental Organization
NHRC	:	National Human Rights Commission
NLSD	:	Nepal Lokatantrik Samajbadi Dal
NRSU	:	Nepal Revolutionary Students' Union
NRTO	:	Nepal Revolutionary Teachers' Organization
NRYO	:	Nepal Revolutionary Youth Organization
NSP	:	Nepal Sadbhawana Party
NSP-A	:	Nepal Sadbhawana party (Anandi Devi)
NSU	:	Nepal Students' Union
NWC	:	National Women's Commission
NWPP	:	Nepal Workers and Peasants Party
OHCHR- Nepal	:	Office of The High Commissioner for Human Rights
PABSON	:	Private and Boarding Schools' Organization, Nepal
PAPAD	:	Professional Alliance for Peace and Democracy
PHSC	:	Parliamentary Hearing Special Committee
PIL	:	Public Interest Litigation
PLA	:	People's Liberation Army
PM	:	Prime Minister
PMCC	:	Programme for Common Minimum Consensus
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 Assitant Health Worker
SAplWs	:	Small Arms portable and lethal Weapons
SC	:	Supreme Court
SI	:	Sub Inspector
SJMM	:	Samyukta Janatantrik Mukti Morcha
SP	:	Superintendent of Police
SPA	:	Seven-Party Alliance
SSB	:	Seema Surakshya Bal (Border Security Force)
SSP	:	Senior Superintendent of Police
STF	:	Special Task Force
STJMM	:	Samyukta Janatantrik Tarai Mukti Morcha
STMM	:	Samyukta Tarai Mukti Morcha
TA	:	Tarai Army
TADA	:	Terrorist and Disruptive Acts (Control and Punishment) Act, 2002
TADO	:	Terrorism and Destructive Ordinance
TJMP	:	Tarai Janatantrik Madhes Party
TJP-M	:	Tarai Janatantrik Party (Madhes)
TKS	:	Tharu Kalayankari Sabha
TMLP	:	Tarai Madhes Loktantrik Party
TMM	:	Tarai Mukti Morcha
TMMM	:	Tarai Madhesh Mukti Morcha
TMSF	:	Tarai Madhes Student Front
TMT	:	Tarai Mukti Tigers
TRC	:	Truth and Reconciliation Commission
TRMS	:	Tarai Rastriya Mukti Sena
TSC	:	Tharuhat State Committee (TSC)
TSRP	:	Tharuhat Swayatta Rajya Parishad
TTJD	:	Tharuhat Tarai Janata Dal
UCPN-M	:	Unified Communist Party of Nepal (Maoist)
UDHR	:	Universal Declaration of Human Rights
ULF, Nepal	:	United Left Front, Nepal
UML	:	Unified Marxist Leninist
UN	:	United Nations
UNHCR	:	United Nations High Commissioner for Refugees
UNICEF	:	United Nations Children's Fund
UNMIN	:	United Nations Mission in Nepal
UTRM	:	United Tharu Rastriya Morcha
VAW	:	Violence Against Women
VDC	:	Village Development Committee
VHW	:	Village Health Worker
WGEID	:	Working Group on Enforced or Involuntary Disappearance
WOREC	:	Women Rehabilitation Centre
YCL	:	Young Communist League
YF	:	Youth Force
ZPO	:	Zonal Police Office

Chapter

1

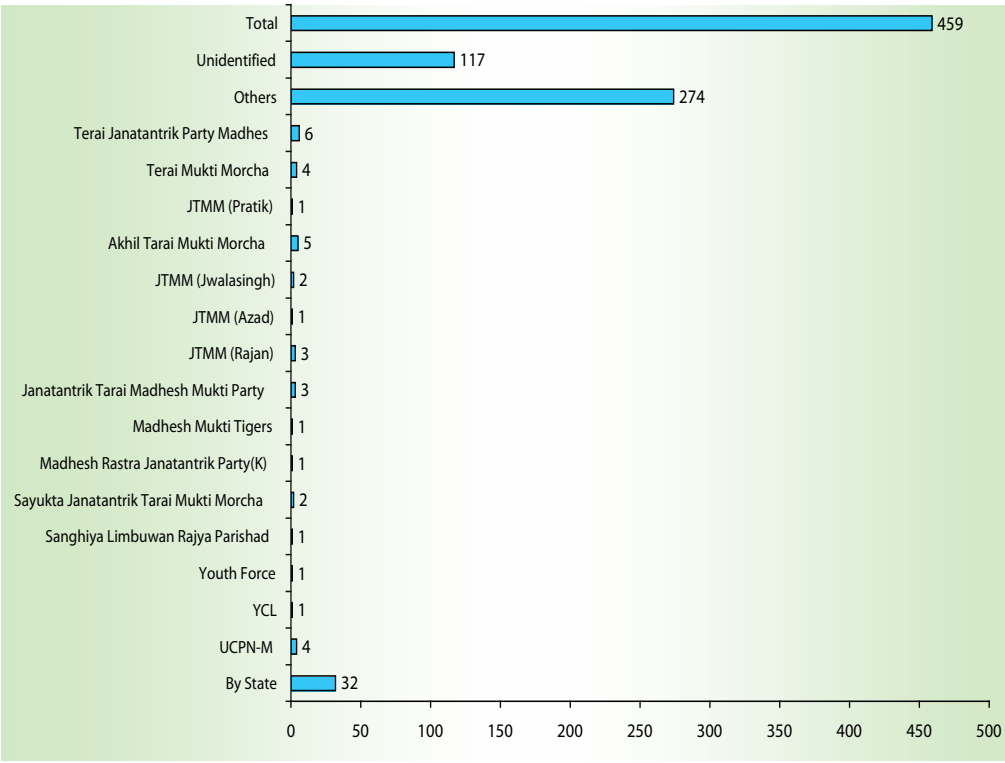
Situation of Human Rights in 2010 : Overall Evaluation

Nepal's peace process, guided by the Comprehensive Peace Agreement (2006), was stunted by the political parties' own interests and power lust towards the end of 2010. The common people did not feel any sense of the commencement of an era of radical change in the field of human rights and social justice as promised and reiterated by the political parties. Rather, increasing uncertainty was felt relating to the consolidation of Nepal's nascent democracy and the ongoing peace process. The culture of human rights cannot flourish without sustainable democracy. Similarly, without consensus, cooperation and harmony, sustainable democracy is not possible in the complex political transition which Nepal is witnessing.

The Constituent Assembly (CA), which has a dual role, was overshadowed by the inter-party political conflict in the country this year. Political parties agreed to work for consensus and in collaboration only minutes before the end of the stipulated two year term of the CA; however, this agreement fell apart within the first six months of the extended time period of one year. Although the high-level task force formed under the coordination of the UCPN-M's Chairman Pushpa Kamal Dahal claimed to have ironed out the differences between the political parties, the task-force did not discuss the main debatable issues. Rather, the task-force triggered many discussions and critiques regarding its mandate and usefulness.

Unfortunately, instead of assisting the Constitutional Committee to draft the new constitution procedurally, disputable issues were made more disputable once the

Figure : 1 **Number of Killing by State and Non-State**

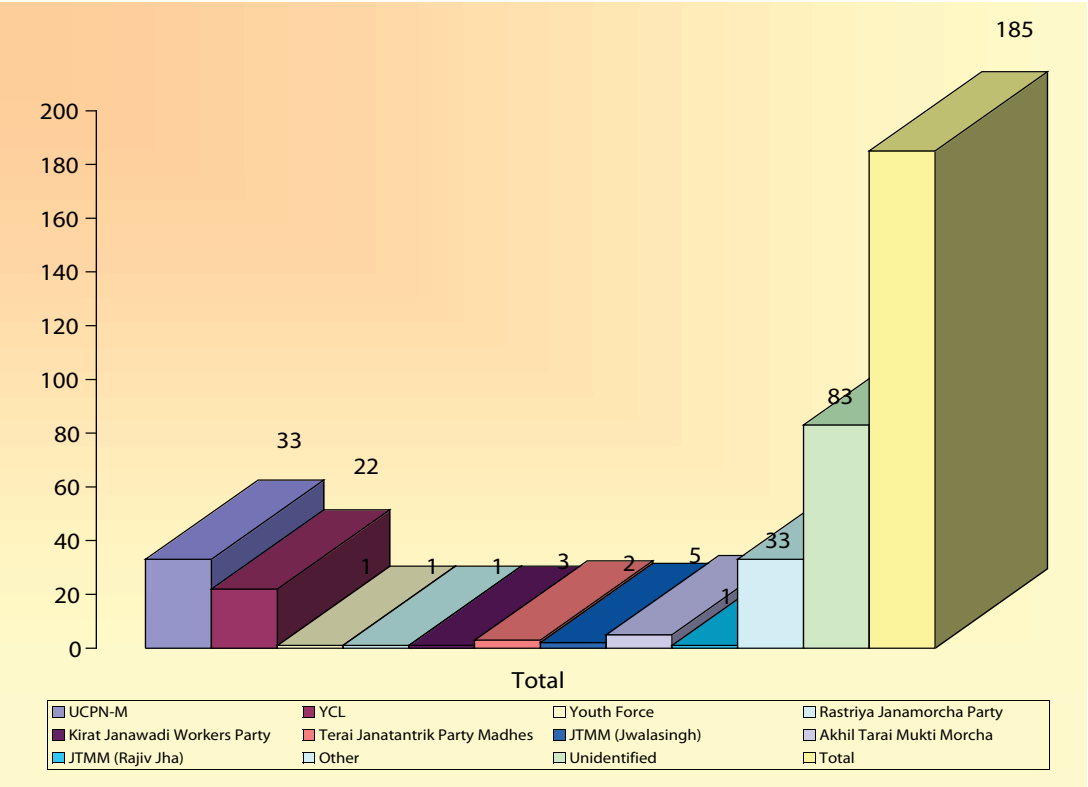


task-force started to function. Therefore, parties agreed towards the end of the year not to extend the term of the task-force. As the parties clashed on whether or not to extend the term of UNMIN, misgivings arose among the people that the peace process could fail. Up until a few weeks before the termination of the term of UNMIN, the UCPN-M continued to lobby politically and diplomatically for extending its term. However, other political parties were already converged that UNMIN and its role could be replaced with an Army Integration Special Committee.

The UCPN-M, which had been protesting against the Government since the they had resigned from Government, resorted to the old ways of protest this year as well. The Prime Minister resigned from the post as per the third point of the three-point agreement reached between the parties in May; however, the country remained without a Prime Minister at the end of the year. The country was run by a caretaker Government.

Due to the inter-party political conflicts, the vested interests of the parties, the tug of war for power and the protraction of the transitional situation, among others, people's desire for peace did not materialize this year as well. Parties were unable to forge consensus politically on how to make the remaining six months of the extended time of the CA fruitful for writing the

Figure : 2 **Number of Abduction**



constitution. It was felt that country was run without a Government.

The political parties were able to transform Nepal into a republican state stepping from the Interim Constitution, the CPA and the 12-Point Agreement. However as time passed by, differences between parties started to increase, especially after the election for the CA. Indications that differences could intensify were seen before the election. The failure of the parties to converge on constitutional posts such as the President, Prime Minister and Chairperson of the CA were the result of embryonic differences seen among the parties at that time. A competition for the accumulation of state power began, especially between parties such as the UCPN-M, NC and UML. Other political parties' mistrust against the Maoists further increased due to the wish it had been expressing to ouster the succeeding Government from the moment that they stepped down from the Government and also due to documents presented by the Maoist party at their plenum and central committee meetings.

Analyzing the role played by the UCPN-M, which emerged as the biggest party following the election of the Constituent Assembly, in the constitution writing and peace process; it seems that its roles are against the commitments expressed in different agreements. The incident of manhandling the Minister for Finance by the UCPN-M CA members while he was due to deliver the budget speech made everyone worry about the overall political situation of the country. Later, the advocacy of the incident by the party also showed that the UCPN-M was not ready to acknowledge the existence of other political parties and competitive politics. If the UCPN-M was seriously concerned about the ongoing peace process and was able to muster all the other parties together, acknowledging their responsibility as the biggest party, the overall situation of the country, though at a slow pace, would probably be different today. However, the events of the year 2010 were contrary to this possibility.

Table : 1

Number of Threats By State & Non-State Actors

Perpetrator	Total
By State	5
UCPN-M	97
YCL	25
ANNISU-R	5
CPN UML	5
ANNFSU	1
Youth Force	3
Nepali Congress	4
CPN (ML)	2
CPN-Maoist (Matrika)	2
RPP	1
Rastriya Mukti Sena	1
Sayukta Jatiya Mukti Morcha	296
Manch Sambaddha Sanghiya Limbhuwan Rajya Parishad	1
Janatantrik Tarai Madhes Mukti Party	2
JTMM	1
JTMM (Jwalasingh)	3
Akhil Tarai Mukti Morcha	3
Limbuwan & Khumbhuwan	1
Kirat Janawadi Workers Party	15
Himal Tarai Tigers Samuha	6
Tarai Mukti Tigers	1
Tarai Janatantrik Party Madhes	3
Other	44
Unidentified	21
Total	**548**

The Universal Declaration of Human Rights states that each person has the right to live a life without fear. However,

Table : 2

Number of Beatings by State & Non-State Actors

Perpetrator	Total
By State	122
UCPN-M	245
YCL	125
ANNISU-R	35
CPN UML	18
ANNFSU	12
Youth Force	42
Nepali Congress	15
Nepal Student Union	10
Kirat Janawadi Workers Party	2
CPN (ML)	1
RPP	1
Rastriya Janamorcha Party	1
Sanghiya Limbhuwan Rajya Parishad (Sanjuhang)	1
Sanghiya Limbuwan Rajya Parishad	3
CPN-Maoist (Matrika)	2
MJF	8
MJF(Democratic)	4
Manch Sambaddha Sanghiya Limbuwan Rajya Parishad	1
Tarun Dal	9
Dharmik Pressure Group	1
Tharuhat Sanyukta Sangharsha Samitti	1
Others	161
Unidentified	23
Total	**843**

cases of death due to a lack of food and also suicide committed by whole families due to a lack of food were reported during the year. At a time when discussions were taking place in the country whether to include right to food in the new constitution, such issues did not glean attention in Parliament despite the fact that Nepal is a party to the International Covenant on Economic, Social and Cultural Rights.

More than a decade long advocacy for the Rome Statute of the International Criminal Court did not yield result this year either, Nepal did not become a state party to this Statute. The reluctance of the UCPN-M and the indifference of other parties were the result of the fear of the retrospective effect of the Statute.

Culture of Impunity

As was the case in the previous year, the culture of impunity remained intact this year as well. The people accused of being involved in serious human rights violations were not punished and the orders of the Supreme Court did not bring the culprits within the compasses of justice. The Government supported the criminalization of the country by withdrawing 288 cases. The political guise of the people whose cases were withdrawn supported the seemingly legitimate withdrawal of the cases.

Abduction and extortion flourished as a profession in the eastern hills and mid and mid-western Tarai. Similarly, the tendency to demand donations soared. Some groups and people who were never heard of before were connected to cases of abductions in order to receive ransoms, justice was not brought against these characters and they continued their missions unobstructed because of their tie with the police administration and the political circle.

Meraj Ahamad Sai who was involved in killing two teenagers in Nepalganj was working as a policeman under the National Investigation Department. Then DSP Rup Kumar Neupane was demoted from his post to one step lower rank by police as a departmental action for his part in the killing. A policeman from Banke, Sakid Abalehana is in custody for his involvement in the murder. Similarly, it has been proved after investigation that the former DSP

Jagadish Chand and Sub Inspector Prakash Chhetri were involved in the killing of media entrepreneur Jamim Shah.

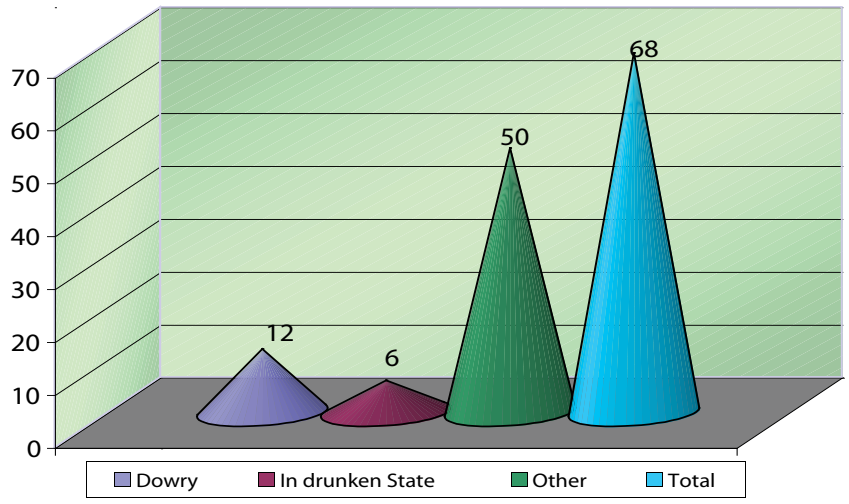
The Supreme Court issued a life sentence to Balkrishna Dhungel, a CA member representing UCPN-M, confirming his involvement in the murder of Ujjankumar Shrestha aka Bhuwan of the same district during the conflict. However, the UCPN-M decided not to follow the decision of the Court because they claimed that it contradicted the CPA. The party refused to submit the culprit as per the decision of the Court saying that the Government and political parties were striving to disrupt the ongoing peace process by reviving incidents of the past. The UCPN-M stated that Kali Bahadur Kham, the central committee member of the party, who was implicated in the killing of Ram Hari Shrestha, was suspended from the party for six months. The UCPN-M demonstrated a serious disrespect of the rule of law by not presenting him to the police.

The guarantee of human rights and the establishment of the rule of law is the foundation for peace; however, the ever growing culture of impunity in the country remained a major hindrance to the peace process of Nepal. While the culture of impunity still exists, it is difficult to promote and protect human rights in the country. The trend of human rights violations and crimes persisted strongly in Nepal primarily because of the deep rooted culture of impunity. Crime breeds easily; mainly because of the liberal policies of the security bodies, the political interference and the inability to initiate action against perpetrators as per the existing law in the country. Responsible political parties and the Government continued to nurture the culture of impunity in the country.

Due to institutional influence and impunity, nobody has been brought to justice. No member of the UCPN-M or the security forces has been made responsible for the crimes they have been involved in. However, the CPA has enshrined both of the parties' commitments to hold independent investigations and take action against the responsible people who impede the enjoyment of the rights guaranteed by

Figure : 3

Number & Cause of Domestic Violence



the CPA. The parties have also expressed the commitment not to harbor impunity. Similarly, it has also been guaranteed that justice would be provided to the victims of conflict, torture and the families of the disappeared.

The tendency of political parties to provide protection to their cadres, who have been implicated in different cases of abuse, certainly impedes the attempts made to address impunity in the country. The police have incessantly faced pressure from the political parties to stop investigations in such cases. *(See Chapter Executive)*

Farewell to the Disqualified Maoist Combatants

The discharge of the disqualified combatants of the Maoists as signed by the Government and the UCPN-M in the previous year and initiated at the beginning of this year remained one of the important achievements of the year. Of the 4,008 combatants disqualified by UNMIN, 2,385 were present at the farewell ceremony. Of the disqualified, 2,415 were not present at the ceremony. Neither the Government, the UCPN-M nor UNMIN felt the need to comment on the absent combatants. The rehabilitation of the disqualified combatants, who had been expressing their dissatisfaction at the discharge process from the beginning, posed a serious question; how would they be rehabilitated into society? It was revealed later that some of the discharged joined other groups.

Most of the combatants who had been enlisted right after the signing of the peace process were declared as disqualified. The discharged combatants who were expecting proper management from their party were anxious about their future following the farewell.

Year against Gender based Violence, 2010

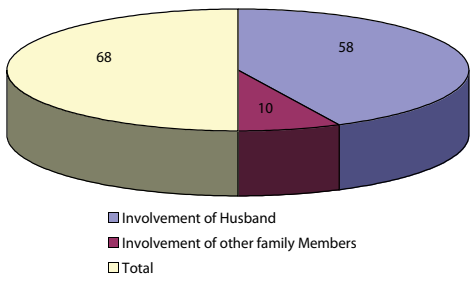
The Government of Nepal observed the year 2010 as a year against gender based violence with special programs. A hotline telephone service was provided by the Office of the Prime Minister to register complaints against domestic violence however, the effectiveness of the service was later questioned. Different plans were formulated for the empowerment of women and against violence against women. We are yet to see what results such plans will yield. Compared to last year, cases of violence against women have increased this year.

Many expected that those accused of domestic violence would be prosecuted, that victims would get justice and that more incidents of domestic violence would surface following the passage of the Domestic Violence (Crime and Punishment) Act. This year women were subjected to domestic violence for not bringing a dowry as demanded, for not giving birth to a son and for demanding food and clothes. 12 women were killed this year by their families for not bringing dowry. Six were killed over disputes involving inebriations and another 50 women were killed by their families for a variety of other reasons. Of the 68 killed, the victim's husbands were involved in the killing of 58 women. Similarly, 10 of the total were killed at the hands of other family members.

Many of the incidents of domestic

Figure : 4

Number of Perpetrators of Domestic Violence



violence remain untold and unreported and many of the incidents which are reported reach a compromise either as initiated by the police or in the society itself. For example, the sons of a woman in the Khotang district filed a complaint saying that her husband had set fire to her but the victim, who was half burnt, reached a compromise later and accepted the incident as an accident. Many similar incidents of compromise have been recorded by INSEC.

54 women were victimized this year when they were accused of practicing 'witchcraft'; one woman was even killed. These incidents and the data are indicative of the fact that social awareness needs to be created to combat this problem and existing laws relating to this needs to be amended.

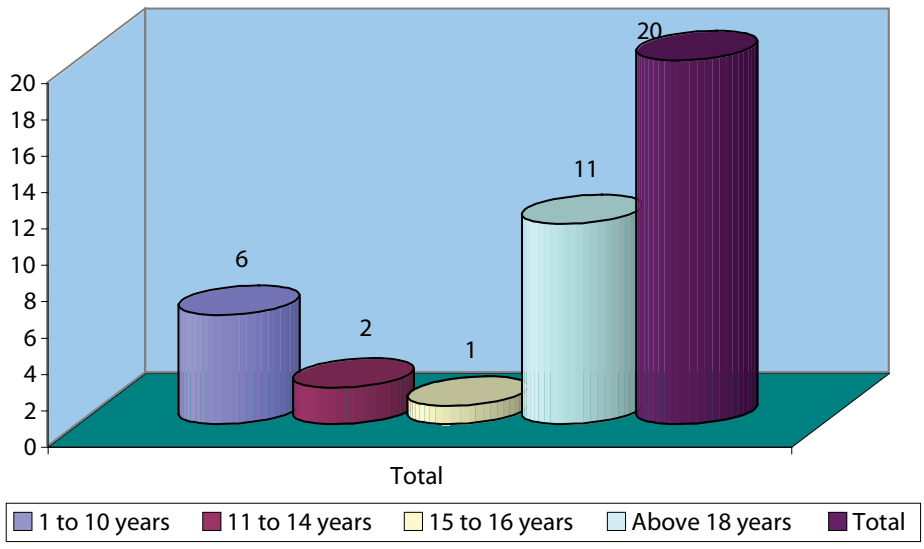
Economic and Cultural Rights

A close look at the incidents made public this year show that people's lives are deteriorating in the absence of good health facilities and a lack of food. Incidents in some of the districts of Mid Western Region show that poverty, price hikes and a lack of access to service providing agencies meant that the people living there were subjected to desperate conditions. These people are only a margin of the many people living in a dire situation.

Seven people committed suicide within the first three months of this year in the Mid- Western Region due to poverty and a woman who was suffering from poor health for a prolonged period committed suicide along with her children saying that she could not receive treatment. One person died in Darchula from starvation; Suman Singh Thekare, 25, of Khandeshwori VDC-3 in Darchula district died on April 11 due to a lack of food. He had been feeding his family before his death by asking for food from the villagers. Laxman Singh Bohora, a local teacher stated that Suman's family had been unfed for three days by the time of his death.

Additionally, more than 11 people lost their life due to diarrhea in Dadeldhura district in the Mid Western Region. More than 400 people died and were affected by

Figure : 5 **Killing After Rape by Age Group**



the disease in the region last year. The disease spread again this year in the same VDCs, which were affected the previous year, affecting hundreds of people within some weeks. This also hints at the negligence of the state towards people's health. Health workers were not posted there and they were not at work as per the quota.

Capture of Land and Property

The act of capturing others' land and property was practiced by groups which were active in different parts of the country. The CPN-M is ahead of the groups in the subject of capturing property. Similarly, different groups who are active in the eastern hills and Tarai have been capturing properties. For example, the Madhesi Mukti Tigers, an armed group, captured three *bighas* of land belonging to Badri Koirala located at Ashokchowk in Biratnagar Sub-Metropolis-11 on January 13 and the group stated that the captured land would be redistributed to landless squatters.

Similarly, the sister organization of the Manch affiliated Limbuwan Rajyaparishad, the Limbuwan Volunteers declared that they captured a three-storied building located at Mangalbare in Urlabari VDC-3 belonging to Mamata Limbu. The building was captured by cadres of the Volunteers led by the District Coordination, Milan Nalwo. Likewise, reports of land capture by the UCPN-M in Banke and Bardiya districts, among others, were made public. Similarly, cadres of the UCPN-M took away produce, in the eastern hill and some other districts, from land which was declared earlier to have been returned to the rightful owners. This deprived people of their right to property. Although the then PM and Chairman of the UCPN-M, on behalf of the Government, said that the captured properties would be returned within 60 days, his cadres did not abide by their leader's commitment.

Table : 3

Number of Abduction in 20 Districts of Tarai

District	Total
Jhapa	1
Morang	2
Sunsari	1
Saptari	21
Siraha	17
Dhanusha	8
Mahottari	8
Sarlahi	10
Rautahat	7
Bara	3
Parsa	1
Chitawan	4
Nawalparasi	1
Rupandehi	4
Kapilvastu	3
Dang	1
Banke	17
Bardiya	1
Kailali	4
Kanchanpur	1
Total	**115**

A total of 27 incidents of property capture were recorded at INSEC this year. The UCPN-M captured land and properties from 44 people and other groups captured them from 10 people. These cases not only involved the declarations of capture, but also cases of depriving people of their properties. The CPN-M (Matrika), Shanghiya Limbuwan Parishad, UCPN-M and its sister organizations, were involved in the incidents of capturing land and properties.

Active Judiciary

The Supreme Court of Nepal, in 2010, has made significant contributions to the area of Human Rights protection, and in the reformation of the laws and the provisions thereof. By issuing a mandamus to prosecute all of the perpetrators in the case of Suntali Dhami, who had been raped by her co-workers 14 months previously in the district police office of Achham, the Supreme Court has proven that while justice may be delayed it will never be denied. The Supreme Court, via the prerogative rights enshrined in the Interim Constitution, issued an order to prosecute all the perpetrators which goes against the provisions as per the Attorney General's power to make the final decision to initiate

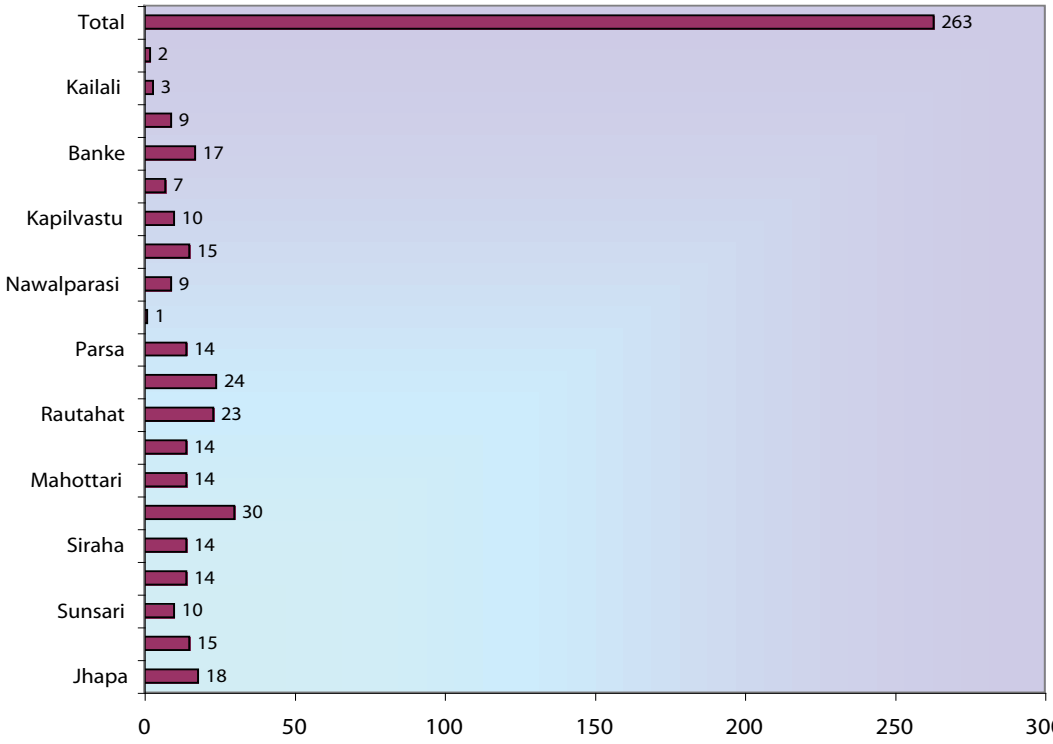
proceedings, and for the first time in history it was recommended that a Supreme Court Justice be impeached during the year.

The Supreme Court, by conducting the final hearing within 25 days of the writ petition of Nepal Mahendra Sanskrit Biwsobidhyala, demonstrated that fast and fair court proceedings are possible. Two decisions made by the Supreme Court regarding DNA tests created a huge debate as to whether law or science were, prima facie, valid in the court. This year, two decisions made by the Supreme Court gave a contradictory view, where one denied the primary value of DNA tests, and the other provided for the possibility that such tests might be acknowledged in cases where it has been properly obtained.

In 2010 there were instances where the Government was seen as being uncooperative in many cases, and the army headquarters were seen ignoring the judicial reminders. The cases regarding the jurisdiction of the President on the reinstatement of the Chief of the Army Staff, the debate over the age of the then Chief of the Army Staff Rukmangat Katwal, the cases on corruption, and the other cases which were of national importance, which had been filed in the Supreme Court did manage to partially negate the lack of cooperation on the part of the Government. It was observed that the Executive and the Legislative tried to increase their influence upon the judiciary.

This year some petitions on the issues of women rights were registered in the court, including petitions on the provision incorporated into the Budget 2009/10 related to the incentive for

Figure : 6 **Number of Killing in 20 Districts of Tarai**



marrying a single woman, similar allowance to all the single women, and the finalization of the complaint guidelines on the issue of violence against women etc. Applications related to the public interest, such as the regulation of the National Human Rights Commission, Extra-judicial Killings, Disappearances and so forth were registered during the year. The applications relating to such issues as the army's promotions and appointments, voters IDs, and the Prime Minister's election, were all filed in the interest of the general public this year.

Legislature

On the whole, the activities in the parliament were not satisfactory in 2010. The inter-party conflict weakened the stature of the legislature-parliament. There were reports that the Parliament's Secretariat was facing problems in providing facilities after the parties split and thus increased their number. The peace process was not a priority. The essential mechanisms for the peace process and transitional justice, which are provisioned in the CPA, such as the Truth and Reconciliation Commission, the Commission on Disappearances, and the Commission for State Restructuring were not formed during the year. No headway was made this year relating to the integration of the Combatants of the Maoist party, weapons management, the restitution of properties captured during the conflict, finding the whereabouts of the people subjected to enforced disappearance, justice, reparations to the victims of conflict and on the Maoist combatants discharged from the cantonments after being disqualified by the UNMIN. The directive issued by the Interim Parliament three years ago to accede to the Rome Statute was not implemented. The bills proposed in the parliament for the establishment of the Truth and Reconciliation Commission and the Commission on the Disappearances remained pending.

The legislature-parliament is a place to resolve all sorts of problems in the country. The parliament is a place in which people have strong faith, and should not become a place for displaying ones ego or emotions, under any circumstances. It is necessary that the distinction of the parliament be maintained to rectify the weaknesses of the past and to also learn from them. Only a new constitution can end the ongoing transition in the country. Therefore, parties have to move ahead in cooperation, by acknowledging the universally accepted values of human rights and democracy and by giving up their unfair and competitive politics. Only this will respect the popular vote. The parties must also make the effort to write the constitution within the extended time, or Nepal may be left with a vacuum as a result of the parties' failure to promulgate a new constitution. The rules should not be disrespected and the process should not be suspended in the name of forging a consensus. Hence, the parties must move ahead, converging around a common view on democratic norms and values.

Table : 4

Number of Victims of Domestic Violence by Districts

District	Total
Surkhet	83
Dhanusha	36
Sindhuli	20
Salyan	10
Syangja	8
Total	**157**

The Issue of the Human Rights Defenders

Of the human rights defenders defined by the UN Declaration on Human Rights Defenders, the rights of the groups, who work at the forefront, such as human rights activists, journalists, teachers, law professionals and health workers, have been violated during this year. The rights as provisioned in the Universal Declaration of

Human Rights 1948, the Paris Declaration adopted by the Human Rights Defenders in 1998, the rights mentioned in the UN Declaration on Human Rights Defenders, and the Interim Constitution of Nepal 2007, were violated during this period. Especially, the right to life, the right to live a dignified life, freedom of speech and expression, and the right to freedom of movement were violated. Furthermore, human rights defenders were killed, abducted, beaten, given death threats and their properties were captured.

As there are no separate laws or institutional mechanisms for the protection of human rights defenders in the country, the international laws and declarations in this regard have not been efficacious. The government has been ignoring the formal requests of the UN Special Representative to visit Nepal to monitor the situation of the human rights defenders.

Government Apathy towards Victims of Enforced Disappearance

The history of disappearances carried out by state agencies in Nepal can be traced back to 1951. The whereabouts of Ram Prasad Rai, who was actively involved in the protests of the Delhi Agreement signed in 1951, are still unknown. Similarly, the status of Sukdev Singh of Hanumannagar in Saptari, who was arrested from Inaruwa in Saptari in 1956, is still not known. This trend of arbitrary arrest and the disappearance of people increased in the authoritarian Panchayat era of 1961 - 1989. Such acts even continued after the restoration of democracy in 1990. The number of cases of alleged disappearances by the state significantly increased after the CPN-M launched a 'people's war' on February 13, 1996. The figure of enforced disappearance again soared once a State of Emergency was declared on November 26, 2001 and with the subsequent issuance of the Terrorist and Destructive Act (Control and Punishment) Ordinance. The CPN-M was also responsible for the forceful abductions and disappearances of people after they adopted abduction as part of their war strategy. One of the major causes of pain to the Nepalese in the context of the prevailing state of impunity are enforced disappearances and the unanswered questions that the victim's families have regarding the act. Although the existing legal provisions do not criminalize the act of enforced disappearance, international law does protect individuals from enforced disappearances. The act of enforced disappearance was carried out in a widespread and organized manner during the armed conflict.

Even after four years since the formal conclusion of the armed conflict, neither the status of the disappeared persons have been made public nor has any formal mechanisms been set up to find the perpetrators.

Incidents of Rape and Immunity

The data recorded by INSEC shows that 190 girls children below the age of 18 were raped during the year and that seven children were killed after rape. Similarly, 103 women above the age of 18 were raped and 16 were subjected to an attempted rape. 11 women were killed after rape. 30 women were also subjected to other forms of sexual violence during the year.

The Interim Constitution of Nepal 2007 has guaranteed that each person has the right to receive justice and to be represented by a legal practitioner. However, due to the weaknesses in the criminal justice system it is not easy for the rape victims to get justice.

The perpetrators involved in such incidents have been escaping from being punished because most of the perpetrators in such incidents are more powerful

than the victims. The victims of rape are compelled to face a serious situation because doctors refuse to administer a medical check up of the rape victim in the absence of a police report, and the police also refuse to register an FIR in the absence of a doctor's report. The victims and their families are also pressured to withdraw the cases and complaints and are threatened for registering cases. Likewise, the political parties put pressure on the police not to register cases.

Women become the victims of gender based violence, and are then made to suffer further due to the weaknesses in the criminal justice system. There are many examples where the perpetrators either do not face punishments or they have their jail term reduced because of a tie between the government lawyers, the personnel in the court and the police.

The rape victims who file a complaint against their perpetrators are re-victimized. Firstly, the victims are physically raped by the perpetrators. Secondly, the process of filing a case with police and the proceedings in the court becomes so painful that they are made to feel as if they committed the crime. Rather than dealing with them as victims, the police and other authorities treat them as if they were the accused. Thirdly, a victim of rape suffers again as a result of social stigma. Many cases of rape do not surface due to familial dignity and reputations. Being a 'secret crime', very few incidents of rape are made public. Additionally, many incidents of rape are solved and a compromise is reached at a community level without using any formal legal mechanisms. A girl, 15, from the Morang district was gagged and raped by a teenager from India on August 8 while the girl was sleeping at her home. The victim's side filed a case against the perpetrator but a compromise was reached between the victim and perpetrator on August 11.

In a rape case in the Syangja district in which two girls, 10 and 8, were raped at their uncle's home by a boy, 17, on January 7, a compromise was reached in the village. The victims and their families would have had to face social boycotts, beatings and threats if they made the incident public instead of reaching a compromise at the village level. The victim's side in a rape case in the Kailali district in which a girl, 11, was raped on February 7, was threatened by the perpetrator's side not to file a case with the police. There are also instances in which police have rebuffed the victims and refused to file their complaints. The relatives of a hearing and speech-impaired woman, 22, tried to file a complaint with police but the police refused to register the complaint saying that there was not enough evidences.

Threats of Explosive Devices

Point 5.1.4 of the Comprehensive Peace Agreement (CPA) signed by the CPN-Maoist and the Government of Nepal 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 them 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

Contrary to the emphasis on establishing sustainable peace as mentioned in the CPA, the weak implementation by both parties of the aforementioned point, has led to new types of emerging violence by allowing for the increase in the use of small arms and portable lethal weapons for criminal purposes, especially in the Tarai belt of Nepal. This has not only caused the loss of lives and the destruction of civilian property, but has also emerged as a new challenge for the ongoing peace process and reconciliation. Unfortunately, there is

still a lack of concern among the relevant stakeholders on the impact that the use of explosives, small arms and portable light weapons has on human lives, the environment, and the psychological and social trauma. Likewise, the lack of a common consensus on the issues of the ongoing peace process and transitional justice among the concerned stakeholders is another challenge for Nepal.

Although the incidents of VAE have decreased, there still remains a fear of it. The Government has the major responsibility to eradicate this problem. The State has to take the initiative to accede to the main international instruments, such as the Convention on Certain Conventional Weapons and the Ottawa Treaty, both of which address the issue of explosive devices. There is the need for the expedition of the de-mining process and of the effective implementation of the Mine Risk Education program.

Although there has been progress in removing the land mines that have remained as a remnant of a decade long war, the abandoned explosives along with the mushrooming armed groups in the Tarai, and the illegal use of weapons and explosives have not only affected the safe environment but also have posed a challenge to the peace process.

Trend of Human Rights Violations in 2010

630 persons were subjected to human rights violations by the state this year and 672 were the victims of human rights abuses by the UCPN-M. The number of persons who were victimized by an unidentified groups and others was 3,080. Of them, 1,257 were female.

The situation of child abuse was similar to that of the previous year but rape cases have increased this year. Children continued to be victims of crimes connected with ransom and inter-familial reasons. A total of 41 children were abducted this year, of them 33 were boys and eight were girls. Most of the incidents of abduction took place in the Tarai for reasons of ransom. Due to the insecurity they felt, the families of the victim did not want confirm the amount that they had paid in ransom. Two teenagers were killed in the Banke district after abduction. *(See the facts on the HR violation & abuses of Banke district)*

When it came to the matter of violent activities, non-state actors were ahead of the state. The state killed 32 people, including three women this year while the non-state actors killed 427 people. Political parties were also found to be involved in killings during the year. The UCPN-M killed four persons and its sister wing, the YCL, killed one person. The sister organization of the UML, the Youth Force and the Limbuwan Force killed one person each, and 29 persons were killed in the Tarai by the armed groups.

Political parties and their sister organizations were also found to be involved in other criminal activities. Despite their involvement in abductions, beatings, threats and extortion, they enjoyed immunity. Rather than bringing the accused within the auspices of justice, the political parties helped to protect them.

As was the case last year, incidents of arbitrary killings in Tarai under the pretext of confrontation were recorded this year. For example, Nawal Kumar Yadav, 30, a cadre of the ATMM, from Raghopur VDC-9 in the Siraha district, was killed at Janakpur Municipality-6 on February 5, supposedly in a confrontation with police but locals stated that he was shot dead after being detained. In the name of controlling the increasing criminal activities in Tarai, the government seems to have been indifferent to the arbitrary killings. The accused were not punished and such

incidents were not even investigated. *(See chapter Executive for detail)*

Although comparatively fewer incidents of human rights violations were recorded during the year, there are many areas for reform. The inability to guarantee the rule of law is the main cause of human rights abuses committed by the non-state actors in the country. The state has the responsibility to establish the rule of law. Recognizing that the state is accountable for human rights abuses committed by whichever side, it must pay attention to the following issues:

- Initiate legal action against those who have been accused of grave human rights violations in the past to end impunity
- Establish mechanisms for transitional justice such as the Commission on Disappearances, and the Truth and Reconciliation Commission without delay
- Pass the bills relating to women and child rights
- Accede to the Rome Statute of the International Criminal Court
- Allocate sufficient budget for the transportation of food in the districts which suffer from food crisis and ensure that food will be stored in these districts before the rainy season starts
- Annul domestic laws which contradict International Human Rights laws and amend them accordingly

Bijay Raj Gautam
Executive Director

Highlight of the Year

Chapter

Enmeshed Peace Process

2

Chronology
January 1- December 31, 2010

January 1

Minister for Foreign Affairs Bidhya Bhandari conducts a formal discussion on the topic of the democratization of the Army in the Ministry

January 2

Bishnulal Maharjan, who was injured in April Movement 2007, dies

The Nepali Congress constitutional party calls the government to ensure the return of the property captured by the UCPN-M and legal action be brought against the UCPN-M

January 3

The Supreme Court orders the government not to execute the decision to promote Toran Jung Bahadur Singh to the post of Major General and also asks them to submit the reason for promotion within 15 days

January 6

Prime Minister Madhav Kumar Nepal submits the 112-day work plan at the Special Committee for Combatants' Care, Integration and Rehabilitation

The United Nation is quoted in the news as saying that it had to repatriate Nepal Army Major Niranjan Basnet because of pressure from human right activists

January 7

The release process of disqualified combatants begins from the cantonment at Dudhauli in Sindhuli

January 14

The United Nations Secretary General Moon submits a report to the UN Security Council stating that the Nepal's peace process is on the verge of collapse

January 17

258 disqualified combatants are released from the UCPN-M third division cantonment in Chitwan

January 19

Minister for Foreign Affairs Bidhya Bhandari says that the decision by the Special Committee on the Integration of Combatants will not be final

The UCPN-M requests the United States to remove its name from their list of terrorists

January 21

622 disqualified combatants are released from the fourth division cantonment at Jyaltundanda in Nawalparasi.

January 24

Prime Minister Madhav Kumar Nepal proposes his plan to integrate 5,000 former combatants to the Special Committee

January 25

The disqualified combatants are released from the first division cantonment at Chulachuli in Ilam

January 30

134 disqualified combatants from the Maoist seventh division cantonment in Kailali boycott their release program

January 31

The Special Committee on Former Combatants Integration and Rehabilitation approves the chain of command of the combatants

February 4

The Standing Committee of the UCPN-M decides to integrate the combatants after the promulgation of the Constitution

February 7

Media Businessperson, Jamim Shah shot dead in Lazimpat

February 8

The member states of the Security Council welcome release of the disqualified combatants

The disqualified Maoist combatants released from Dahaban in Rolpa

February 9

The UCPN-M asks the local committees to stay in touch with the released disqualified combatants

February 23

The NHRC summons the Home Secretary and IGP to their office to draw their attention towards the increasing insecurity and extra-judicial killing

February 25

The UML decides to open up all the alternatives for a political solution on the condition that the UCPN-M transforms into a civilian party by disbanding the former combatants who are demanding to vacant the PLA cantonment and transfer it to the citizen's party

26 February

UNMIN said that they can not disclose the number of Maoist combatants in the cantonments

28 February

Media Business entrepreneur Arun Sinhaniya of Janakpur shot dead

Prime Minister Madhav Kumar Nepal holds a discussion with the concerned ministers, members of the Joint Monitoring and Technical Committee and the chiefs of the three security bodies and concludes with the possibility of absorbing 3,000 combatants into the security forces

March 3

The Ministry for Peace and Reconstruction objects to UNMIN's refusal to provide the number of Maoist combatants living in the cantonment

March 4

Security Minister Bidhya Bhandari says that the Maoists cannot be integrated at any cost into the Nepal Army.

March 7

The UCPN-M claims that there was a pact with the then PM Girija Prasad Koirala about the integration of 15,000 combatants

The government dispatches a letter to UNMIN for the third time asking for a detailed account of the Maoist combatants

March 9

The Ministry of Foreign Affairs issues a proposal to the Council of Ministers to extend the term of OHCHR-Nepal for a further six months

Work schedule of the CA amended for the 10th time

March 10

The UN Under Secretary General B Lynn Pasco, while on tour in Nepal, asserts that the peace process is in a critical, complex state

March 11

Three people shot dead by the Nepal Army at the Baspani area of Bardiya National Park

The UCPN-M proclaims the seizure of 65 Bighas of land in Nepalgunj

March 17

A Committee is formed with the Peace Minister as a coordinator and ministers of Physical Planning and Work, Finance, Health and Energy for the care and management of the Maoist combatants

March 20

The President of NC Girija Prasad Koirala passes away

April 1

The Defense Minister declares the recruitment process of the Nepal Army

The UCPN-M proposes that the combatants willing to join politics be given Rs 2m

The report of the NHRC establishes that the Nepalese Army is guilty of killing the three Dalit women in Bardiya National Park

April 4

The UCPN-M proposes three models for integration; integration and rehabilitation, the creation of a joint force of the Maoist combatants, police and army and the creation of a force comprising solely of the combatants

April 8

The government, the UCPN-M and UNMIN agree to investigate the identity cards of suspected combatants

April 14

The NC said that they are ready to form a government of national consensus if a concrete work plan on four points, including integration of the combatants is agreed to

April 27

The UCPN-M instructs the Maoist combatants to remain in an alert position

Information and Communication Minister Shanker Pokhrel warns of army mobilization if the UCPN-M's strike turns violent

April 28

UNMIN says that Maoist combatants carrying weapons was a breach of the Agreement on Monitoring of the Management of Arms and Armies

May 12

The United Nations Security Council extends the term of UNMIN till September 15

The Supreme Court gives the verdict that the Nepal Army can have recruitment in technical posts

Eleven political parties advised the Prime Minister against resigning his post

May 14

The UML parliament party proposes the extension of the CA term by one year

UNMIN chief Karin Landgren is asked to devise a work plan for PLA integration

May 15

The UML proposes integration of the combatants as a condition for agreement

The NC concludes that the term of CA be extended

May 20

Puspha Kamal Dahal says that the CA would not be dissolved even if its term expires

May 21

Disagreement in the Maoist executive committee meeting on the issue of the extension of the CA term

The Prime Minister Madhav Kumar Nepal said that his party accepted the CA just to appease the Maoists

May 28

The term of the CA extended for one year, major three parties sign three-point agreement

May 30

Debate ensued as to what should come first; PLA integration or the resignation of the Prime Minister

May 31

INSEC chairman Subodh Raj Pyakurel and human rights activists Damannath Dhungana and Padamratna Tuladhar refuse decorations awarded to them by the government

June 3

The UCPN-M decides to call a strike stating that the NC and UML went against the three-point agreement

The eleven parties of the CA demanded the implementation of the three-point agreement

The Committee formed by the Human Rights Cell of the Nepal Police submits its report at the Police Headquarters saying that Sanu Sunar died from a beating sustained while in custody

June 6

The Council of Ministers decides to extend the term of OHCHR by one year

June 8

The NC and UML jointly prepare a manifesto regarding the PLA integration, rehabilitation and formation of a coalition government

June 9

The UML standing committee decides to form the consensus government if the UCPN-M agrees to the joint work plan

June 10

UCPN-M members decide that Dahal will lead the government.

June 30

Prime Minister Madhav Kumar Nepal resigns from his post

July 7

The UCPN-M says that they are ready to formulate the work plan for PLA integration and rehabilitation along with the timetable if it leads to a coalition government

July 8

UNMIN submits its 60-day concept paper regarding PLA integration and rehabilitation to the leaders of the three parties

July 9

UCPN-M members decides to give the authority of PLA integration and rehabilitation to Dahal

July 10

The NC and UML are dissatisfied with UCPN-M's proposal on PLA integration and rehabilitation

July 13

The UCPN-M calls the NC and UML for the proposal of PLA integration and rehabilitation

July 24

The Security Council extended the expiration date of UNMIN for the last time for a further six months

July 31

Maoist leader Mohan Baidya says his party would not accept a multiparty system

August 2

The Nepal Army opens the recruitment process for 3,464 positions

August 3

The UCPN-M calls for applications for the recruitment of combatants

August 4

The Ministry of Security objects to the Maoists' decision to recruit combatants

August 26

YCL cadre Sujit BK, the accused murderer of Youth Force cadre Prachanda Thaiwa is arrested

The UCPN-M in a press statement objects to the Nepal Army's opinion on PLA integration and also to the extension of the UNMIN term

September 16

The meeting of the Committee on Integration and Rehabilitation concludes with an agreement on the manual of PLA

care, control, way of instruction and code of conduct and that 12-member secretariats will be formed

September 23

The UCPN-M and UML jointly submits a letter to the Speaker stating that they will not participate in the election procedure

The UCPN-M suspends its member Kali Bahadur Kham, who is a suspect in the killing of a businessman Rameshwar Shrestha, for six months

October 6

Cadres of the UCPN-M hurl a shoe at Indian Ambassador Rakesh Sudh in Solukhumbu

October 10

UNMIN submitted the statistic to the government that there are 19,541 Maoist combatants in the cantonments

October 13

Prachanda selected as the chairman of a High Level Committee, formed to resolve the differences in Constitution-drafting issues

October 26

UNMIN tells the government that they were oblivious to the visit of UCPN-M commanders to China

November 5/6

Leaders of the three major parties hold a meeting at the Hattiban Resort to end the political instability; the meeting was deemed inconclusive

November 8

The Supreme Court issues a notice to the Legislature-Parliament to bring a fruitful conclusion to the current Prime Ministerial elections

November 30

Former Nepal Army Lt Gen Balananda Sharma appointed as the coordinator of Special Committee for Monitoring and Rehabilitation of PLA

December 20

It is submitted in a meeting of the leaders of major three-party that the paramilitary structure of YCL is to be disbanded

1. Background

During the year headway was not made on the major issues and barriers to the peace process, such as the constitution drafting, the integration of the combatants of the UCPN-M, reparation, rehabilitation and inclusive democracy, even though these issues are enshrined in the Comprehensive Peace Agreement that was signed between then CPN-M and the Government. Although they had been stating that they could conclude the ongoing peace process positively, even with the absence of any international intermediary, the political parties do not appear to be serious about these issues. The Leaders' statements that they could conclude peace process positively, even without an international intermediary, came at a time when international attention was concentrated on Nepal. The People's Movement for democracy in 2006, which is grounded in the Seven-Point Agreement that was signed between the Seven-Party Alliance and then CPN Maoist, had mandated that the parties in Nepal hold an election for the Constituent Assembly (CA) and through this assembly write a new constitution. Despite being elected 31 months ago, the CA has still been unable to yield the results as expected of it. However, Nilambar Acharya, the Chairman of the Constitutional Committee in the CA stated that eighty percent of the constitution making process has been accomplished[1].

The CA was overshadowed by inter-party political conflict in the country during the year. The political parties agreed to work together for consensus and in collaboration just a few minutes before the ending of the stipulated two year term of the CA; however, they could not remain in harmony for even six months of the extended time of one year. Although the high-level task force formed under the coordination of the UCPN-M's Chairman Pushpa Kamal Dahal claimed to have worked a lot to try and iron out the differences seen among the political parties, the task-force did not raise the main debatable issues. Rather, the task-force triggered too much discussion and criticism regarding its mandate and usefulness. Moreover, instead of assisting the Constitutional Committee with drafting the constitution procedurally, the contentious issues were made more disputable once the task-force started to function. Therefore, parties agreed towards the end of the year not to extend the term of the task-force. As the parties disputed on whether or not to extend the term of UNMIN, misgivings among the people were beginning to be felt that the peace process could fail. Until some weeks before the termination of the term of UNMIN, the UCPN-M continued to lobby politically and diplomatically for extending its term[2]. However, other political parties were already united behind the idea that UNMIN and its role could be replaced with an Army Integration Special Committee.

The UCPN-M, which had been in protest against the Government since they resigned from the Government, adopted their old ways of protest this year as well. The Prime Minister resigned from the post as per the third point of the Three-Point Agreement reached between the parties; however, the country did not have a new Prime Minister at the end of the year. The country was instead being run by a caretaker Government.

Due to the inter-party political conflict, the vested interests of the parties, a tug of war for power and the protracting transitional situation, among others, the people's desire for peace was not be

1. http://inseconline.org/index.php?type=interviews&id=7&lang=np
2. http://www.mediawitty.com/test/NewsDetail.aspx?group_id=0&id=12425&folder_id=169&Page_Title=Maoists%20dispatch%20letter%20for%20UN%20term%20extension

materialized this year. The parties were unable to join together politically on how to make the remaining six months of the extended time of the CA fruitful for writing the constitution. It was also felt that the country was run without a Government. The parties seemed to lack concern and thus were unable to provide transitional justice, rehabilitate the combatants of the UCPN-M, to complete the constitution writing and conclude the ongoing peace process positively, even though these were the main responsibilities of the political parties. The intensified inter-party conflict increased political instability in the country.

There were, however, positives seen this year, such as when, at the beginning of the year, the combatants of the UCPN-M, who were disqualified by the UNMIN's verification, were discharged, as had been previously agreed upon and endorsed by the parties. Although they are now relatively free from the terror of war, the victims of the armed conflict could not feel that they have received justice this year. Neither the truth was established, nor were the people who are accused of grave human rights violations brought to justice through the establishment of a Truth and Reconciliation Commission. Various bills drafted as is required by the CPA to form such commissions, remained pending in the parliament[3].

A culture of impunity also continued during the year. The Government could not be different from the previous Government in the matter of withdrawing cases against felony. It withdrew a total of 288 cases of felony; nurturing the culture of impunity in the country. Mass strikes called for by various parties which contained demands and for their recognition, affected general life in the country. The tendency to hold talks and make agreements with a particular party continued during the year as well. The peace process could not gain momentum due to the deepening mistrust between the parties and the continuation of their tendency to remain adamant and uncompromising on their stances. This chapter has endeavored to analyze the ongoing peace process in Nepal taking these very contexts into consideration.

2. Protracting Transition

The political parties were able to transform Nepal into a republican state as a result of the Interim Constitution, the CPA and 12-Point Agreement. However as time has passed, the differences between the parties has started to increase, especially after the election for the CA. The symptoms that these differences could intensify were seen prior to the election. The failure of the parties to converge on the constitutional posts such as the President, Prime Minister and Chairperson of the CA was as a result of embryonic differences seen among the parties at that time. They began to compete for the accumulation of state power, especially between the parties such as the UCPN-M, NC and UML. Other political parties' mistrust against the Maoists further increased due to the views that they had been expressing in an attempt to oust the succeeding Government ever since they stepped down from the Government, and also due to the documents presented by the Maoist party at their plenum and central committee meetings.

The constitution making process was obstructed because of mutual dissensions seen amongst the so called three main political parties that represent the people in the CA. The other political parties represented in the CA, except Rastriya Janamorcha and RPP-Nepal, accepted the decisions and agreements made between

3. http://www.insec.org.np/pics/1292384711.pdf

Agreement Paper

Based on the spirit of the mandate of the historical People's Movement, the Interim Constitution of Nepal 2007, sustainable peace and the Comprehensive Peace Agreement, we, hereby, express our commitments as follows:

1. To take the peace process to a positive end, accomplish the remaining works regarding this without delay and to fulfill the historical responsibility of drafting new constitution, we, hereby, commit ourselves to move ahead in consensus and unity,
2. Although noteworthy accomplishment has been achieved in the process of writing constitution, work towards this has not been completed. So, we have agreed to extend the term of the Constituent Assembly by one year,
3. Based on the agreement to fulfill responsibilities, we are ready to form a national consensus government and for that, the Prime Minister of the incumbent government is ready to resign without delay.

Pushpa Kamal Dahal Prachanda
Chairman, UCPN (Maoist)

Ramchandra Paudel
Vice President and
Leader of the Parliamentary
Nepali Congress

Jhalanath Khanal
Chairman, CPN (UML)

Date: May 28, 2010

the big three parties unquestioningly. The UCPN-M strived to write the constitution while in power so that it might keep its combatants in cantonments and maintain the paramilitary structure of the YCL, whereas the NC and UML remained adamant on their stance that a constitution could only be promulgated in the country after the integration of the Maoist combatants and the transformation of the paramilitary structure of the YCL.[4]

Given the existing inter-party conflict, Prachanda's dossier presented at the Palungtar plenum of the UCPN-M stated that if they opted for forming a national consensus based government, allying with the parties that represent feudalism, brokers and bureaucracy; it would eventually nurture reformism and a class compromise[5].

Similarly, the report presented by Mohan Baidhya, 'Kiran' in the plenum, critiqued the ongoing peace process in the country stating that peace agreements, on the one hand, were against the commitments made at the time of initiating the people's war, and on the other hand, they embraced the rightist reformist principle of a peaceful transition by giving up the universal law of the use of force during revolutions.[6]

Baburam Bhattarai's report presented during the extended meeting advocated that in this situation the proletariat revolutionaries needed to give continuity to the revolution by forming fronts against international imperialism and expansionism with the use of three weapons, namely the Revolutionary Joint Front, the people's army and the party by

4. http://www.hongkongnepali.com/2008-12-29-03-25-09/4219-2010-02-27-09-47-02.html
5. http://www.nagariknews.com/maoist-dastabed.html
6. ibid

returning again to a long-term People's War or National War.[7] Other political parties however, did not agree that these reports were conducive to the CPA and the overall peace process.

Political leaders and intellectuals commented that the decision taken by the UCPN-M to adopt the course of a People's Revolt, in the Central Committee meeting, following the Palungtar Plenum, if efforts for peace and constitution drafting did not yield results was not helpful for peace and constitution writing in the country.[8] The Maoist meeting was not helpful for peace and constitution writing, Pradip Gnayawali, the leader of the CPN-UML said.[9] Similarly, Ramsharan Mahat, the leader of the NC was of the view that the UCPN-M was strategically using the peace process. He said, 'the Maoists are trying to use the peace process, seeing peace and constitution as a short term policy and revolt as a strategy'.[10] However, Political analyst CK Lal stated, "the extended meeting of the UCPN-M substantially does not make any difference when it comes to the matter of the political stalemate, rather it is more an issue connected with the intra-party power balance"[11]

A closer look at the political dossiers presented at the Palungtar Plenum and the discussions that followed make one feel that the UCPN-M, which adopted democratic republicanism as its action plan in the Chunbang meeting held during September/October 2005, and signed the 12-Point Agreement with the Seven Party Alliance, has tried to mislead civil society, the political parties and the people in Nepal. The Maoists signed the 12-Point Agreement with the Seven-Party Alliance and had taken a democratic course based on the decision of the Chunbang meeting.[12] The party remained as one of the key actors on the matters such as the CPA, the Interim Constitution drafting, involvement in the Government and emerged as the biggest party in the country following the election of the CA. However, the party, which led the Government as the biggest party in the country for nine months, and who was supported by other small parties who had representation in the CA, started to move ahead by itself on the matters of running state affairs. However, it had to resign over their decision to sack the then Chief of Army Staff. After stepping down from the Government, the party started its fight against the incumbent government, sometimes for "civilian supremacy' and some other times for 'national independence'.[13]

Civil society, the political parties and the people had contributed a lot to move the Maoist party to the current situation from the situation of an armed conflict. People, with a clear vision that conflict does not move Nepali Society ahead, had expected the democratization of the UCPN-M. The party became the largest party in the CA due to that very expectation. However, it did not cease to strategically use the CA, the legislative parliament and the political deal-making. Although the Maoist leaders had been reiterating that they were not off-track from their mission statement and been utilizing the Constituent Assembly, Legislative Parliament and the peaceful political process as means to reach their goals; generally such views were perceived as a means to give solace to their cadres.[14]

7. ibid
8. Pathak, Tilak.'Maobadi Palungtarko Nirnaya Shanti ra Sambidhanlai Asahayogi' Nagarik Dainik. November, 29, 1010
9. ibid
10. ibid
11. ibid
12. Bohara, Rameshwor, 'Loktantramathi Ghat'. *Himal Khabarpatrika.*
13. ibid
14. ibid

The Maoists put forth the duration and model for the integration of its combatants in meetings that were held for establishing the power relations. However, the political papers presented at Palungtar created doubts as to their intentions. Based on all the political papers made public, it is wrong to perceive that the line of "people's revolt' categorically raised in the reports is merely a stratagem to appease their cadres.[15] The Maoists came up with varied views regarding the dissolution of the 'People's Government' and the decision of confining their combatants in the cantonments. This also created doubts as to whether the peace process will make headway.

The NC and UML raised the issues of the dissolution of the paramilitary structure of the YCL, restitution of the captured properties, bringing the combatants under the control of a special committee, the formation of a Truth and Reconciliation Commission, among others, to aid the transformation of the UCPN-M into a civilian party. Conversely, the UCPN-M kept on sticking to the idea that they would only enter into a discussion regarding the number of combatants to be integrated after a clear outline of the new constitution was made public. The Maoists reiterated its commitments to dissolve the paramilitary structure of the YCL and to return the captured properties to the rightful owners; however, these commitments were not implemented. "Now we are ready to bring the combatants under the special committee, we are ready to integrate and rehabilitate the combatants by June 14; we are ready to integrate the combatants within four months. As the other political parties have expressed their concerns over the barrack styled settlements, we will remove the barracks within four/five days to institutionalize peace and changes in the country. We don't have any problem to form an all-powerful commission by taking the Nepal Army into confidence to solve the problems of the disappearances. A Truth and Reconciliation Commission can be formed for punishing the accused. The differences seen regarding the constitution making process can be minimized by forming a commission.[16]

The UCPN-M has been expressing such commitments again and again; however, the commitments were not translated into action. Quite contradictorily, when Mohan Baidhya 'Kiran' was stating that the 'people's war' was not complete;[17] the Chairperson of the same party was reiterating his commitments to democracy in a meeting with foreign diplomats.

A republican set up was established in Nepal as a result of the peace process that started with the 12-Point Agreement and the People's Movement 2006. The transformation of a Hindu state into a secular one; changing it into a welfare state by making educations, health, employment and social security the responsibility of the state and the fundamental rights of the people; to be inclusive for the Dalits, Janajatis, women and Madhesis and to solve the Madhesi people's citizenship problem, were the achievements obtained on the basis of two elements; namely unity and collaboration, and power sharing. However, when these two principal elements of the peace process ended, the latter suffered.

Other flaws appeared in the peace process in Nepal. Firstly, no effective follow-up mechanism was formed following the signing of the CPA, to follow up and guarantee its implementation. The peace process has incorporated a range of very important issues such as socio-economic

15. 'Nepalko Rajnitik Sanskar'. Crisis Group.
16. An abstract of the Speech Delivered by Prachanda at the Hotel Yak and Yeti on May 12 while Interacting with Intellectuals and the Members of Civil Society.
17. http://theworkersdreadnought.wordpress.com/2010/12/29/the-inner-party-struggle-in-the-ucpnmaoist/

transformation, restructuring, rehabilitation and transitional justice. However, not a single issue incorporated in the CPA has been implemented. This remained the second flaw in the CPA. Thirdly, the integration and rehabilitation of the combatants has been very unclear and abstract, even though this is a very sensitive issue of the peace process. It was a mistake of the three major parties to enshrine the issue of the integration of the Maoist combatants with linguistic ambiguities, allowing for subjective interpretation. This issue has created a problem in the ongoing peace process.[18]

2.1 The Nepal Army and Controversy over Recruitment

A writ was filed at the Supreme Court on March 9 stating that the vacancy announcement made by the Nepal Army earlier this year went against the CPA. The Supreme Court issued an interim order on March 27 to stop the army from enlisting personnel for the time being. Following the order from the court, the Army re-announced the vacancy for enlisting the personnel on April 19. A writ was again filed in the Supreme Court; however, this time the court cancelled the case. After the case was cancelled, the army again announced the vacancy on August 2. The PLA also made a vacancy announcement on August 3 as a response to the announcement of the Nepal Army. However, it was not made public how many people were enlisted following the announcement of the vacancy, whereas the NA filled the same number of vacant posts as required by the vacancy. It is apparent that such a situation in the country was a result of mutual distrust. Even after four years since the signing of the CPA, the Maoist party has kept itself in the category of a rebel, and other parties thus view the Maoists cynically. Such a tendency has resulted in inter-party conflicts in the country.

2.2 Integration of the Maoist Combatants

It is necessary that the Maoist combatants have to be integrated and rehabilitated for the creation of a democratic society, strengthening the rule of law, guaranteeing civil rights, taking the ongoing peace process to a positive conclusion and institutionalizing democratic republicanism by restructuring the state. The management of the Maoist combatants is an important and inseparable part of the ongoing peace process in the country. The peace process that had been steadily gaining momentum since the signing of the 12-Point Agreement has reached a stalemate, being stuck over the issue of the management of the Maoist combatants, making the issue a matter of concern and confusion both nationally and internationally. Although the tenure of the CA has been extended by one year, no meaningful initiatives have been taken so far to conclude the peace process positively. The UCPN-M has remained adamant on its stance, stating that the combatants will not be integrated until there is a guarantee to write a new constitution. This is a political deception. The UCPN-M is the main responsible party in the CA and does have prime responsibility to the combatants. Having said this, it does not mean that the parties other than the Maoist do not have responsibility towards the combatants who have been living on welfare as provided by the state.[19]

The non-Maoist parties continuously made the integration of the Maoist

18. http://www.ekantipur.com/np/2067/8/12/full-story/321162.html
19. Bhatta, Dr. Dipak Prakash. 'Maobadi Ladakuharuko Byabasthapanka Chunauti. *Prachi*, Volume 73, Page 6.

combatants the main agenda of political discourse. This stood as a barrier to the politics of consensus in the country. The NC leader and Minister for Foreign Affair, Sujata Koirala's, expression that neither a new constitution can be written nor the election can be held in the country before the integration of the Maoist combatants substantiated this.[20]

2.3 Political Protection to Criminals

Those involved in crimes are freed from jails under the guise of politics, misusing the transitional period and are again involved in crimes following their release. The Government withdrew 288 cases this year as did the former Government. This has harbored an increase of criminal activity in the country. Abduction and extortion flourishes as a profession in the eastern hills and in the mid and mid-western Tarai. Additionally, the tendency of groups to demand donations has soared. Some groups and people, who were never heard of before, have been made made public in connection to the cases of abductions, which they committed to obtain ransoms, but they remain free and their mission remains unobstructed because of their ties with the police administration and the political circle.[21]Politicians do not harbor the criminals for the purpose of gaining money; rather the criminals help the politicians maintain their authority and power at the time of elections. In return, the criminals are exempt from being punished.'[22]

Police put forth the idea that crimes have increased due to the political protection of criminals. The killing of two teenagers in Nepalgunj best illustrates how criminals receive support from the police and politicians. Meraj Ahamad Sai, who was involved in killing the teenagers, was working as a policeman in the National Investigation Department. Police acknowledge that it is difficult for them to bring the criminals to justice due to political protection. Political leaders threaten the police with transfer if they are disobedient, or they may arrange a transfer anyway, to show their strength.[23]

Many districts in the Tarai have started to turn into places where income can be generated illegally. However, there are some examples when actions have been taken against police officers for having ties with criminal groups. The then DSP, Rup Kumar Upadhaya, was demoted from his post to one post lower. Sakid Abalehana, a policeman from Banke is in custody for his involvement in a killing. Furthermore, it was proven after an investigation that the former DSP, Jagadish Chand, and Sub Inspector, Prakash Chhetri, were involved in the killing of media entrepreneur Jamim Shah.

It seems that administrative mechanisms have become almost defunct as a result of corruption. Political leaders provide protection to the criminals expecting strong support from them in times of need. This illustrates the criminalization of both the administration and politics.

The Supreme Court issued a life sentence against Balkrishna Dhungel, the CA member representing UCPN-M from Okhaldhunga, confirming his involvement in the killing of Ujjankumar Shrestha aka Bhuwan of the same district during the conflict. However, the UCPN-M declared that they were not going to follow the decision of the court, stating that it

20. http://www.dhaulashree.com/?p=19133
21. 'Nepalko Rajnitik Sanskar'. *Crisis Group Asia Report* No, 149, September, 29, 2010.
22. ibid
23. ibid

contradicted the CPA. *(See the Chapter on Judiciary for detail).* The party refused to turn over the culprit as per the decision of the court, saying that the Government and other political parties were striving to disrupt the ongoing peace process by reviving the incidents of the past. The UCPN-M stated that Kali Bahadur Kham, the central committee member of the party, who was implicated in the case of the killing of Ram Hari Shrestha, was suspended from the party for six months. However, the party was unwilling to present the person to the police.

The guarantee of human rights and the establishment of rule of law is the foundation for peace; however, a fast growing culture of impunity in the country remains the main hindrance for the peace process in Nepal. Until there exists a culture of impunity, it is difficult to promote and protect human rights in the country. The trend of human rights violations and crimes persist strongly in Nepal, primarily because of a deep rooted culture of impunity. Crimes are easily proliferated mainly because of liberal policy of the security bodies, political interference and an inability to initiate action against the perpetrators, as per the existing law in the country. The responsible political parties and the Government continued to nurture the culture of impunity in the country. Many culprits were give amnesty as per the decisions of the Council of Ministers on October 3 and October 27, 2008, in which the charges against them were deemed 'political'. A total of 349 cases of serious crimes and of crimes against humanity were withdrawn based on political beliefs.[24]

Even after four years since the beginning of the peace process no particular improvement has been felt in the condition of impunity in the country. Rather, it has been further institutionalized and widespread. The views and reactions of the general people against the parties, which we hear through the media everyday, are indicative of the fact that the people's trust towards the parties has started to waver. People are offended by the immunity and impunity that has been enjoyed by those involved in killing, torture, disappearances and by the violators of international human rights and humanitarian laws during the armed conflict in the country.

The CPA, in article 7.1.3, has enshrined both of the parties' commitment to hold an independent investigation and take action against those persons who impede the enjoyment of the rights guaranteed by the CPA. The parties have also expressed their commitment not to harbor impunity. It has also been guaranteed that justice will be provided to the victims of conflict, torture and the families of the disappeared. However, no person has been brought to justice to date. This is a result of institutional influence and protection. No member of the UCPN-M or the security forces has been made responsible for grave human rights violations and abuses committed during the armed conflict. This has caused the people to be mistrustful towards the rule of law and the political parties have brought the system of social justice into disarray.

A tendency of political parties to protect their cadres who have been implicated in different cases of abuses certainly impedes the attempts made to address impunity in the country. Police have incessantly faced pressure from the political parties to stop investigations on the cases that involve their cadres. Additionally no members of the UCPN-M or the security bodies have been presented to the public courts as suspects following

24. Commitment vs. Reality, INSEC, 2010, p. 19.

the signing of the CPA. The Nepal Army did not allow Major Niranjan Basnet, who has been implicated in the murder of Maina Sunuwar, 15, to be taken to a civilian court. This is a total disrespect to democracy and to the rule of law. A serious question has emerged on the commitment of the Government to end impunity in the country, as the Nepal Army has remained unyielding despite the mounting pressure it has faced from civil society, the NHRC and national and international communities. The decision of the Government to promote General Toran Bahadur Singh, who was involved in grave human rights violations during the armed conflict, has posed a major question in the issue of guaranteeing justice. No persons involved in the human rights violations in the past have received punishment. Rather, the Government nominated DIG Durja Kumar Rai, who was implicated and accused of committing human rights violations in the course of the People's Movement 2006, for state honors. However, the Government rescinded its decision later after being pressured from various sectors of society.[25]

2.3.1 Armed Groups: Hindrance for Sustainable Peace

Data shows that violent activities have increased in the Tarai since the Janatantrik Tarai Mukti Morcha declared an armed movement, saying that it wanted to form a separate Tarai State[26]. Jaya Krishna Goit had formed the party as a splinter group before the signing of the CPA, splitting from the Maoist party. There are also some armed groups active in the eastern hills but the situation there is not as violent as it is in the Tarai.

The Kirant Janabadi Workers' party, which has been carrying out its activities, saying that it would create the Kirant Autonomous State by combining 14 districts in the eastern hills, attacked the Nunthala Police Post this year. The party chased away the 11 police personnel posted there and seized their weapons. However, the police retrieved the seized weapons along with other weapons collected by the party from various other places. The party declared that if the Government could not declare a new constitution it would declare its own constitution. However, this party is a weak party organization. Of the half a dozen armed groups in the eastern hills, the Kirant Janabadi Workers Party seems bigger.[27] Although the parties in the eastern hills were not so violent, they were successful in spreading terror in the region through a regime of compulsory donations and extortion. As a result of internal deception, the KJWP's organizational base was destroyed and its military power disbanded.[28] The Special Security Plan implemented by the Government helped to minimize the activities of the armed groups. *(See the Chapter on the Executive)*. The activities of the other groups also lessened as they were unable to outwit the security forces. However, data at INSEC shows that the Janatantrik Tarai Mukti Morcha led by Rajan Mukti has escalated killings in the Janakpur region. *(See Annex-2)*

The Madhesi people were more affected by the armed activities of the groups that were supposedly aiming to liberate them. The data on killings and abductions recorded at INSEC confirms this. The increasing insecurity in the Tarai has displaced the people of hill origin. This issue was mostly problematic in the Bara, Parsa, Rautahat, Mahottari, Sarlahi, Dhanusha, Siraha and Saptari districts. Ordinary people, professionals, health

25. ibid
26. Nepal Human Rights Yearbook, 2005-2010, Annex -1
27. Rai, Daman and Rai Saind, 'Kamjor Hundaichha Sashastra Samuha' Himal Khabarpatrika, July 1- July 15
28. ibid

workers, business persons, government employees, secretaries of the VDCs and teachers, among others, were targeted by the armed groups in the Tarai. However, the main target of the groups was the Maoist cadres. Data at INSEC shows that the number of Maoist cadres killed this year by the armed groups in the Tarai has reached 15. After they were made the targets, the Maoists cadres who were active in Tarai, began to get displaced. One person accused of killing a Maoist cadre in the Bara district told police, while being interrogated, that he killed the Maoist cadre as retaliation for the killings committed by the Maoists in the past.

3. Commitment and Reality

3.1 The Issue of the People Subjected to Enforced Disappearance

Enforced disappearances, which started in Nepal during the Panchayat regime, increased rapidly during the armed conflict. They still continue under different groups and parties. There have been frequent commitments from the concerned parties to find out the whereabouts of the people subjected to enforced disappearances in Nepal. Finding the whereabouts of the disappeared has been overshadowed as the commitments have not been translated into implementation. The issue of the disappeared persons has been one of the provisions in each and every agreements reached between the parties, beginning with the 7-Point Agreement to the Interim Constitution. The CPA contains a provision to make the whereabouts of people subjected to enforced disappearances by the state and the Maoists public within 60 days from the date of the signing of the CPA. However, neither the state nor the UCPN-M is ready to make the fate and whereabouts of the disappeared public, even after four years has passed since the signing of the CPA.

The state and the political parties abstained from their responsibility to make the whereabouts of the disappeared people public by blaming each other and linking the issue with other political issues. The issue of the disappeared persons has also been marginalized due to a political tug of war. The incidents of disappearances are more horrific than the incidents of other human rights violations. The families of the people subjected to enforced disappearances have repeatedly pleaded to be made aware of the fate of their loved ones; however, the concerned have remained unsympathetic towards the problems of the families. The Government proposed a Bill on Disappearances (Crime and Punishment) Act in the legislative parliament as provisioned for in the CPA. However, the bill could not be passed due to continuous obstruction in the parliament by the opposition parties and also due to lack of willpower among the political parties. The bill contains the provisions to form a high level commission for investigating the people subjected to enforced disappearances, the disappeared and also the persons involved in disappearing persons during the armed conflict i.e. from February 13, 1996 to November 21, 2006. Point 5.2.3 of the CPA states that both sides agree to make public, within 60 days of the signing of the agreement, the real name, caste and address of people subjected to disappearance or killed during the conflict and must also inform the family members about it. Furthermore, point 7.3.2 contains the provision that both sides shall fully respect the individual's right to freedom and security and shall thus not be allowed to keep anyone under arbitrary or illegal detention, kidnap them or hold them captive. Both sides also agreed to make public the status of every individual who was disappeared and held captive, and inform about their family members, legal

advisors and other authorized persons about this. However, despite frequent promises from the political parties, the commission on disappearances has not been formed.

3.2 Truth and Reconciliation Commission

Point 5.2.5 of the CPA states that both sides agree to set up a high level Truth and Reconciliation Commission as per their mutual consensus in order to investigate those involved in the serious violations of human rights and crimes against humanity during the course of the armed conflict, and to develop an atmosphere for reconciliation in society.

This proposed commission was understood to be an important part of the CPA, and would help to formally end the conflict. The commission was not only going to be a center of hope for the victims of the armed conflict but it was also hoped that those who committed crimes during the conflict would be punished. However, the establishment of the commission remained overshadowed. The Ministry for Peace and Reconstruction proposed a bill at the legislative parliament that was drafted with the aim of finding out the true reality of the human rights violations committed during the armed conflict. However; the bill was not passed this year.

3.3 Indifference to Implement the Agreements

The Government struck deals on different dates with different Janajati groups who had been protesting and putting forth their demands, such as of self-determination and recognition. Although the deals expressed commitments to address the demands of the groups, the Government downplayed the deals over time. It was stated that the paramilitary structure of the YCL and their working style would be completely ended and the public, governmental and private buildings and lands would be emptied and given back to the rightful owners within 15 days. The Maoists leadership did not remain committed to implementing these agreements. The Government declared the liberation of the *Haliyas* but this was not implemented effectively, primarily because the declaration had been made without formulating any law regarding the issue. Then Kamaiyas who were freed from their landlords in 2000 could not be rehabilitated during the year. Many Kamaiyas are still protesting due to the state's failure to bear the responsibility for a sustained solution of their problems. A 23-Point Agreement between the Government of Nepal and the UCPN-M took place on December 23, 2007. Point 9 of the agreement had also expressed commitment to restitute the land and properties captured by the UCPN-M to the rightful owners within one month but this too was not implemented.

3.4 Problem of the Internally Displaced Persons

Point 5 of the 12-Point Understanding that was reached between the seven political parties and the CPN-M expressed its commitment to creating an environment to allow the people, leaders and workers of the political parties, who were displaced during the course of armed conflict, to return and stay with dignity in their respective places, to return their homes, land and property that were seized in an unjust manner and to allow them to carry out political activities without hindrance. Additionally, point no. 5.2.4 of the CPA states that both sides agree to create a National Peace and Rehabilitation Commission and carry out work through it to normalize the adverse situation arising as a result of the armed conflict, maintain peace in the society and run relief and rehabilitation works for the people

victimized and displaced as a result of the conflict.

However, there was not any progress towards this commitment at the end of the year. The latest estimation of the Ministry for Peace and Reconstruction, the UN agencies and the NGOs show about 50-70 thousand people are still displaced in the country.[29] At a time when such reports were being made public on the number and situation of the displaced people, the UCPN-M stated that there was no problem with allowing the displaced to return to their original places. However, many displaced worry that by the time they return to their original places, their properties will have been already sold or is being used by others. The internally displaced people do not want to return to their places of origin and want to live in the places they are living currently, for various reasons. However, the states' support policy is targeted only at those who want to return to their original places. No names of the displaced have been registered following the formal end of the armed conflict. Only the persons displaced during the armed conflict have been categorized by the Government as internally displaced persons, even though the number of people displaced from the Tarai region has increased recently, these people, as they are not formally recognized as internally displaced persons, have not got help and security from the Government.[30]

3.5 Constitution Writing Process Overshadowed

As was the case in the previous year, the CA was disregarded by the supreme leaders of the political parties. However, ample discussions took place in the CA, as initiated by the members of the thematic committees, on concept papers and the preliminary drafts reports of the thematic committees. Surprisingly, the chiefs of the major parties did not afford any day for these meetings in the CA. The President of the Nepali Congress, Girija Prasad Koirala, could not attend these meetings due to his ailing health condition. The Chairman of the UCPN-M, Pushpa Kamal Dahal also did not attend the meetings of the thematic committees. Dr. Babu Ram Bhattarai, the leader of the UCPN-M, was the only leader to attend most of meetings in the CA. The UML Chairman, Jhalanath Khanal, and the Prime Minister, Madhav Kumar Nepal, also did not attend any meetings of the CA. There are examples that in other countries where constitutions have been written via the constituent assembly, the supreme leaders there have partaken in the discussions in the CA.[31] The rare participation of the senior leaders in the meetings of the CA is indicative of the fact that they are not enthusiastic about drafting the constitution.

Likewise, it was found that the CA is not a matter of priority for the senior leaders of the Madhesi based parties. The senior most leaders of both the factions of the MJF and the TMLP did not have views on the reports of the thematic committees. The junior members of the CA, however, had strong views during the meetings of the committees but they were not mandated to make decisions on the complicated and differing issues. That was why many committees could not converge on several differing and disputable issues.

3.6 Main Controversial Issues in the CA

A. The first controversial issue in the CA was the compulsory military service to defend the country for those people aged 18 and over.

29. Commitment vs. Reality, INSEC, 2010, p. 17.
30. ibid, p. 20
31. Pant, Shushil, ' Kina Banena Sambidhan'. *Himal Khabarpatrika* February 13-27, p. 21.

The provision was proposed and passed by the Constituent Assembly Committee for Preserving the National Interests, which is headed by Amik Serchan of the UCPN-M, and was perceived by many to show that the country was becoming like North Korea. There may be vested interest of the UCPN-M in securing such a provision, as it may make it easier for the party to integrate the combatants of the party en masse into security forces, as was the case with the Liberation Army following the introduction of democracy in the country in 1951.

B. Some controversies were created unexpectedly, especially by the committees headed by the UCPN-M, in the course of preparing draft reports. Other parties started to doubt the commitment of the UCPN-M to establishing democracy following the controversies. Some controversial proposals such as the appointing of the Chief Justice of the Supreme Court from outside the courts, the appointment of the justices by the legislative, and that the parliament should be the interpreter of the constitution were forcefully passed by the Committee on Judicial System. The CA members from the NC, who were present in the meeting when the proposals were being passed, boycotted the meeting and left the meeting hall proclaiming the decision as a 'defeat of democracy.' The Madhesi based parties also voted for the proposals, partly because they were angry with decision of the Supreme Court to deactivate the duties and responsibilities of the Vice President, Paramananda Jha.

C. Another controversy which occurred was regarding whether or not to include the phrase 'people's war' in the new constitution. When a discussion was taking place on the role of the political movements of the past for the socio-cultural transformation in the country in a meeting of the committee for Determining the Basis for Cultural and social solidarity, one of the CA members from the UML was of the opinion that the pillaging, killings and destruction of physical infrastructures by the UCPN-M could not be accepted as part of a 'people's war'. The expression prompted reactions from the CA members representing the UCPN-M, where the latter called the UML and NC members 'killers'. A vote on the issue took place however, and the phrase 'people's war' was rejected but the phrase 'madhesh movement' was accepted.

D. The proposal put forth by the UCPN-M to impose limits on properties also increased the differences among the parties. Other parties saw the issue of constitutionally prohibiting the right to property as authoritarian. Similarly the Maoists also forcefully passed a proposal for not giving compensation during the time of land reform, which further intensified the mistrust amongst the parties.

E. Parties became more cynical towards the UCPN-M when it proposed an executive president directly elected by the people, a consensus based Government under him/her and a legislature without any opposition party. Other parties perceived such a proposal as a result of authoritarian thinking.

F. At a time when the parties were adopting a voting method on the issues to be finalized as per the recommendations of the State

Restructuring Committee, the Madhes based parties raised questions over the requirement of the CA, saying that other parties were trying to divide the Madhes. The dispute over whether, using the right to self determination, a province has the right to secede from the center if they are dissatisfied with the center, remained unsolved. The UCPN-M advocated for the right of succession in the cases where the center is reluctant to delegate power to the province, but other parties - especially the NC and the UML - were firmly against this proposal. The UCPN-M also put forth the idea of giving preferential rights to the disadvantaged ethnicities, but the NC and UML were of the view that it was wrong to give a special right to a particular ethnic group. It is likely these issues will become more controversial in the future. Controversies were created by the UCPN-M over the national flag as well; however, there was a protest from the people's level on this matter.

4. Positive Move

4.1 Formation of High-Level Task Force

After four months since the extension of the CA, political leaders formed a high-level task force to iron out the remaining differences in the CA. The constitution writing process had reached a stalemate because of the emergence of a dispute regarding whether to first write the constitution or to first integrate the Maoist combatants. The political parties had converged on the need of the task force, realizing that at times of increasing differences between the parties it could create a conducive environment for writing the constitution. The popular expectation that the constitution would be written within the extended time started to flag when the CA did not gain enough momentum to write constitution, even after May 28. Power politics became the prime discourse between the parties even

Work Completed by the CA

- Constituent Assembly Rules of Procedure passed
- 11 thematic and three procedural committees formed
- Interaction held with the citizens on the contents to be incorporated in the constitution
- Thematic committees prepared concept papers of the new constitution
- Discussions held in the CA over the concept papers and the preliminary drafts
- Three reports passed

Work Remaining to be Complete

- To pass eight draft reports of the thematic committees with suggestions and directions
- To prepare an integrated draft by the Constitutional Committee based on the suggestions and directions of the thematic committees
- To hold theoretical discussion on the first draft in the CA and publishing in the Nepal Gazette
- Receiving suggestions from the public on the first draft
- Amending the draft based on the suggestions received from people and preparing bill of constitution
- Correction/amendment by the CA members and holding a section wise discussion before passing
- Signature by all the CA members on the passed constitution, verification by the Chairperson of the CA and promulgation by the President.

Source: Himal Khabarpatrika

after the extension of the term of the CA. Very few meetings were held in the CA this year. The CA remained overshadowed by the legislative parliament. Even though the Chairperson of the Constitutional Committee, Nilambar Acharya, was expressing his optimism as to completion of the constitution writing within the extended time, the CA did not make headway towards this end. Acharya had been stating that about 80 percent of the work of the constitution writing was over and the remaining issues could be solved if the parties converged. Given the pace of the constitution writing, the parties are also likely to waste the additional time that has been afforded to the CA. The UCPN-M claimed that Prime Minister Madhav Kumar Nepal's reluctance to resign from his post was responsible for the obstructed peace process in the country. Dev Prasad Gurung said, 'If the PM resigns and a national consensus government is formed, the stalemate will end and the constitution writing process will automatically speed up, or else, the constitution can not be written even within one year'.[32]

As the constitution is going to be written by parties which have different philosophical backgrounds, there will be some theoretical and practical differences among the parties. Also, there are complexities and controversies on the basic principles of democracy that are to be adopted in the new constitution. However, experts were of the view that 'the CA has resulted in a stalemate because of a lack of consensus between the parties on the basic principles of the constitution'[33]

The only responsibility of the CA is to write the constitution and one of the responsibilities of the legislative parliament is to form a government, but both of them were unable to carry out their responsibilities. The high level task force formed under the coordination of Chairman of the UCPN-M claimed that more than 100 controversies were sorted out but it was stated that 'the task force was formed without considering the sensitivity of the additional time of the CA to prove the Constitutional Committee worthless, and the formation of the task force also questioned the requirement and capacity of the CA'.[34]

The Chairperson the Constitutional Committee, Nilambar Acharya, commented publicly on the mandate and scope of the task force which was formed by bypassing the Constitutional Committee envisaged in the constitution. Although the task force held meetings almost daily and claimed to have solved many of the problems, important issues such as deciding the form of the governance and the structure of federal system remained unsolved.

4.2 Discharge of Disqualified Combatants of the Maoists

The discharge of the disqualified Maoist combatants, as signed by the government and the UCPN-M during the previous year, and initiated on the onset of this year remained one of the important achievements of the year. Of the 4,008 combatants disqualified by the UNMIN, 2,385 that were present in the

January 23, 2007	UNMIN Established
January 23, 2008	Term Extended
January 23, 2009	,,
July 24, 2009	,,
January 21, 2010	,,
May 12, 2010	,,
September 15, 2010	,,
January 15, 2011	Exit of UNMIN

32. ibid
33. ibid
34. Bhattarai, Tikaram. 'Arthahin Shrinkhalaharu'. *Kantipur*, December 27.

farewell ceremony were discharged. Of the disqualified, 2,415 were not present during the farewell ceremony. Neither the Government, the UCPN-M nor UNMIN felt that it was necessary to speak of the combatants who were absent during the farewell. The rehabilitation of the disqualified combatants, who had been expressing their dissatisfaction over the discharge process from the beginning, posed a serious question - how would they be rehabilitated into society? It was revealed later that some of the discharged joined other groups. The discharged combatants, who gave a lot of time and effort to the people's war expressed that they felt that they had been ignored by their party.[35] It is interesting that of the disqualified; most of them were enlisted right after the signing of the CPA. The discharged combatants, who were expecting proper management of their discharge by their party, were seen to be anxious about their future following the farewell.

Although the donor community declared that they would come up with some packages that would be necessary for the socialization of the discharged combatants, the discharged combatants were not attracted to such packages. The combatants were found to be unaware about the packages that included education, training to encourage new entrepreneurship, health, and employment etc. The UCPN-M, which made the disqualified combatants boycott governmental help, opted for involving them in its paramilitary force - the YCL, rather than rehabilitating them into society, so the party did not inform the disqualified combatants about the packages. Although the Government and donor communities advised about the packages through the media again and again, the disqualified combatants were deprived of receiving this facility. Mahendra Singh Dhami, from the Baitadi district, who had joined the Maoist army during the armed conflict, had only the identity of being disqualified, an uncertain future and Rs 22 thousand at the time of his exit from the Maoist Seventh Division Cantonment in Kailali. He was saying, "We spent ten years in wars, what should we do after returning to home, how should we spend our remaining life?"[36]

5. Peace Process after UNMIN's Exit

The future of UNMIN remained uncertain as the Government and the UCPN-M continued to stick to their opinions. The Government had been expressing the view not to extend the term of UNMIN but the UCPN-M was of the view that the peace process would face difficulty if the term was not extended.

UNMIN was established to assist the peace process in Nepal, as provisioned in article 147 of the constitution which states that the arrangements pertaining to the management and monitoring of the army and its arsenal shall be done in accordance with the "Comprehensive Peace Accords" concluded between the Government of Nepal and the Nepal Communist Party (Maoist) on November 21, 2006, and the agreement regarding the 'Monitoring of Arms and Army Management' reached on December 8, 2006.

The Government stated that the work, such as the management, integration and rehabilitation of the Maoist combatants would be carried out by the Special Committee for the Management, Integration and Rehabilitation of the Maoist combatants & its the committee's secretariat. Various opinions were floated

35. Bohara, Rameshwor, ' Bikalpa Chhan Lina Aau.' *Himal Khabarpatrika* February 13-27.
36. ibid

regarding fate of Nepal's peace process after the exit of UNMIN. Diplomats and ambassadors from different countries expressed their concerns regarding this during meetings with the Prime Minister.

UNMIN was established in Nepal on January 23, 2007 after being invited by the Maoists and the Government. UNMIN was mandated to monitor the cease fire code of conduct and the elections for the Constituent Assembly, among others. It had completed such responsibilities following the election for the Constituent Assembly. The other responsibilities of UNMIN were the management and monitoring of the Nepal Army and the combatants of the Maoist party, and providing help to the Government for the implementation of the agreement through the Joint Monitoring Coordination Committee (JMCC).

UNMIN, which was entrusted with the principal responsibility of monitoring the weapons of the Maoist combatants, could not remain undisputable. It not only remained silent on the activities they carried out when they were outside the cantonment, but also stated that it did not have any other responsibility other than monitoring weapons. People were optimistic and enthusiastic when UNMIN started its work in Nepal, however, such hopes had changed into despair by the time it was about to close its office.[37] Its term in Nepal remained controversial due to some of the roles it played. Although monitoring the ongoing peace process was the only responsibility it originally had, it sought to extend its mandate. At a time when the Government was not going to extend its term, UNMIN wanted to remain here for a longer period of time. However, the Government and the political parties did not allow it to extend its tenure further. Amidst the increasing protests in Nepal, the changed equation in the Security Council played the principal role in the exit of the UNMIN from Nepal. Generally there were two opposing factions in the UN Security Council when it came to the matter of UNMIN. Some western countries were stated to have advocated for the mission, whereas China and some other countries were against it. A chasm was apparently seen when a debate on whether or not the mandate of the UNMIN was to be extended intensified approximately two years ago. While the Secretary General of the UN, some western states and some personnel in the UN were advocating for the extension of its term to effectively help Nepal's peace process, China and Russia were speaking against the extension. Moscow, which has a long relationship with India with regards to regional competition, and Beijing, which is seen as a competitor of Delhi, were of the view that the mandate of UNMIN should be decided by the Government of Nepal. Recently, when the Government of Nepal sent a letter to the UN which stated that the Nepal Army should not be monitored by the UNMIN, some western countries within the Security Council interpreted the letter as being one sided, as the letter had not been sent by the Maoists.[38]

The disqualified Maoist combatants were discharged in the presence of UNMIN. As it had a limited mandate in Nepal, expecting many things from it would be wrong. However, it made people hopeful for peace by monitoring the Nepal Army, Maoist combatants and their weapons. UNMIN had a tendency to remain silent with regards to the cases relating to breaches of the peace agreement by the UCPN-M but when it came to the matter of breaches committed by the Government, UNMIN would admonish them.

A constitutionally recognized special committee formed by consensus for the

37. Adhikari, Saroj. ' Shantiprakriya Ra Surakshya Parishad' Kantipur, December 27.
38. http://www.bbc.co.uk/nepali/indepth/2011/01/110113_unminanalysis.shtml

integration and rehabilitation of the Maoist combatants is ready to take the ongoing peace process to a positive conclusion. Article 146 of the Interim Constitution states that the Council of Minister shall form a special committee to supervise, integrate and rehabilitate the combatants of the Maoist Army, and the functions, duties and powers of this committee shall be determined by the Council of Ministers. The activation of such a constitutionally powered special committee will certainly fulfil the vaccuum created after the exit of UNMIN. The committee and the other technical committee under it have already prepared an outline on the management of the combatants, and on the number and nature of the combatants who are interested in being integrated. Hence, it can be affirmed that we will be able carry out a Nepali modelled integration, what we need for this is political consensus, and willpower from the UCPN-M.

6. Conclusion and Suggestions

The first phase of Nepal's peace process will be over once the new constitution is promulgated. Only if there is a federal set up of the state, justice and reparations for the victims of conflict and a guarantee of the reconstruction of the destroyed physical infrastructure, will the peace process be true to its meaning. The obstruction currently seen in the peace process in Nepal has something to do with the increasing mistrust between the political parties. Provided that the the provisions incorporated in the 12-Point Agreement, the CPA and the Interim Constitution were abided by the parties honestly; if an independent mechanism was set up for monitoring the agreements and its suggestions were heeded, we would not face the problems which we have been facing now. Human Rights activists and civil society have expressed their concerns on this issue.

Non-Maoist parties had helped the Maoist party, which has a history of being involved in the decade long armed conflict in the country, to be brought into the peace process. Other parties perceived the Maoist party as a competitor only after the election for the Constituent Assembly. Such perception alone will not resolve the problem. The other parties have to make the effort and have the courage to acknowledge the problems and offer alternative to the action plans of the UCPN-M. Change in the political equation of how the parties were before the election for the CA, the indifference shown by the UCPN-M, following the election of the CA, to implement the agreements of the past, and the attack by the party against the norms and principles of democracy have also been equally responsible for the challenges seen in the constitution writing process.

The agreements previously reached between the parties for establishing sustainable peace in the country by writing a new constitution as per the spirit of the people's movement and democracy should not be overshadowed. If one particular party tries to go against pluralism, the rule of law, human rights and the basic principles of democracy, this will be against the people's movement. It is only through the guarantee of civil and political; and economic, social and cultural rights, and an inclusive constitution that a 'New Nepal' can be made. However, due to inter-party conflict and the dissensions seen between the parties, doubts have started to increase over whether the new constitution will be written within the additional time.

If we are able to follow the path shown by the CPA, the ongoing peace process in the country will clear the way to a 'New Nepal,' for this the political parties of Nepal have to have honest endeavors and keep the commitments made earlier through agreements and pacts.

3.1 State & Human Rights

Chapter

Judiciary & Human Rights

3

Chronology
January 1 - December 31, 2010

January 3

The Supreme Court (SC) instructs the government to postpone the decision of promoting Major General Toran Jung Bahadur Singh to the post of Lt. General and to also provide the reason for his promotion within 15 days. A writ was filed against the decision of his promotion on December 27, 2009 accusing him of being involved in forcefully disappearing people

January 12

The SC issues a mandamus to the District Police Office (DPO) to come to the Court within 15 days, so that the DPO can clarify why it refused to register a murder case brought by the families of the victims were subjected to extra judicial killings

January 13

The SC clarifies that the court had not released the suspects in the Suntali Dhami rape case

The Appellate Court in Nepalgunj directs the District Police Office in Banke to immediately begin an investigation into the extra-judicial killings that occurred during the conflict

January 18

A media centre is established in the SC to disseminate court news

January 19

The SC issues an interim order to the government asking it not to implement its decision to provide Rs 50,000 to a man marry in a widow there is only one bride

January 20

The SC issues a mandamus to the government to implement the latest amendment of the provisions on a cap on land ownership, as is contained in the Land Act

While deciding on the writ petition filed, which demanded the equal inclusion of women, Dalits, ethnic groups and Madhesis, the SC directs the government to effectively implement Article 21 of the Interim Constitution

January 24

The SC cancels its interim order, which had postponed the decision of Toran Jung Bahadur Singh's promotion

February 1

The SC issues a show cause notice to the government while deciding on a writ filed which demands a fair and effective investigation into the cases of violence against women

February 8

The SC submits its Annual Report stressing that independence is a major challenge for the judiciary

February 28

The Appellate Court in Nepalgunj issues a mandamus to the police to investigate and to take action in the killings of Dal Bahadur Thapa and Parbati Thapa from Naubasta and Naulapur in Banke, who were killed by the security forces during the conflict

March 11

The SC directs the government to provide widow allowance irrespective of the woman's age

March 16

The Constitutional Council recommends that Justice Ram Prasad Shrestha should be the Chief Justice

March 22

The SC issues a habeas corpus order asking the District Administration Office to release three illegally detained Tibetan refugees

March 28

Ram Prasad Shrestha is sworn in as the Chief Justice (CJ)

April 5

The SC issues a directive order to the government to draft a law that would allow

men to approach the court to file for divorce, like women are currently able to do

April 6

The Judicial Council decides to conduct a special investigation on the complaints made against the judges of the Appellate Court and the District Court

April 7

The SC issues an interim order to halt the decision allowing India to print the MRP, acting on the writ petition that was filed a day earlier

April 11

The SC overturns the Kathmandu District Court's decisions that awarded prison sentence longer than the maximum terms fixed by the court

April 12

As a unanimous decision could not be reached, the hearing on the writ filed against the President's move to stop the PM's decision to fire the Chief of the Army Staff, moved to a full court.

April 18

The CJ issues a 22-point circular to the chief judges of the Appellate Court with the aim of reforming the Judiciary

April 25

The UCPN-M chairperson, Pushpa Kamal Dahal, files a writ demanding that the April 23 decision of the Constitutional Council to appoint commissioners in four constitutional positions be invalidated

April 26

The Justice changes his decision on the writ petition filed by the UCPN-M chairperson due to the pressure from the appellant's legal team

May 12

The SC decides in favor of the Nepal Army's claim, allowing it to fill its vacant technical positions

May 23

The SC quashes the writ filed which demanded the dissolution of the CA after May 28

June 3

The SC issues an interim order to the government against implementing the decision to award national decorations to 269 individuals

June 6

The SC issues an interim order to the government asking it not to immediately implement the decision on employees' transfer and deputations

June 11

The SC issues a directive order to the government to end the exploitation and discrimination against rural women by the family, despite them having contributed free labor for the financial well-being of the family

June 14

A couple from Saptari Prison files a writ in the SC demanding the right to live together and procreate

July 14

The SC directs the government against implementing the decision to withdraw the murder charges against 20 persons accused of killing four UCP-M leaders and cadres until the final court verdict is released

July 15

The Hetaunda Appellate Court judge, Tej Bahadur Karki, was suspended on of the allegation that he taken a bribe to issue the release order of a suspect. That suspect was later found to have been involved in the abduction of Dr Bhaktaman Shrestha

July 26

The SC team monitors the Ilam district court and its facilities

SC issues a directive order to the court stating no one should be held in violation of the principles of human rights and asked the court for quick judicial procedures

July 28

The SC quashes the writs filed on February 17, 2009 and April 19, 2010 which claimed that recruitment by the Army was a violation of the CPA

A writ was filed against the UML chairperson, which claimed that his decision to withdraw from the candidacy for the PM was illegal

July 30

The SC upheld the life imprisonment sentence which had been handed down to Charles Sobhraj

August 1

The SC orders Nihita Biswas and her mother, Sakuntala Thapa, to record their statement within three days in a contempt of court case, after the mother and daughter expressed anger over the SC decision in the Shobraj case

August 3

The CJ, Shrestha, set up a recommendation committee to help maintain the consistency of the SC precedents

August 11

The SC issues a directive order to the government to ensure no one is detained in violation of their human rights and to speed up legal proceedings

The SC seeks clarification from the government as to why it did not carry out an investigation into the case of people's disappearance from Bhairavnath Battalion

August 16

The SC appoints 26 advocates to the position of senior advocate

August 20

The CJ reiterates that fundamental rights alone are not enough for human rights protection

September 17

The SC quashes the government's five month old decision regarding the appointment of the commissioners in constitutional bodies

September 21

The SC issues an interim order on the government's decision from August 13, which withdrew the murder charges against the Lamjung-based UML cadres, Basu Baral and Govinda Basnet

September 27

The SC finds Nihita Biswas and her mother guilty on contempt of court charges and sends to jail for seven days as well as fining them Rs 50

September 28

A writ is filed in the SC to stop the ninth round of the PM elections

September 30

The full bench of the SC annuls the writ filed against the Presidential step that tried to upend the PM's decision to fire the then CoAS Rookmagad Katoowal, and concludes that the instructions given to Katoowal were of a temporary nature

The SC orders a show cause within seven days, while deciding on a writ filed on the issue of the seemingly endless rounds of meaningless elections for the PM

October 3

The SC report categorizes the districts of Bara, Parsa, Rautahat, Sarlahi, Mahottari, Dhanusha, Saptari and Siraha as being sensitive districts for the security of its employees

October 5

The Kathmandu District Court issues an order to the government to provide Rs 50,000 each to Vicki Sherpa from Spain and female footballer Bimala Poudel, accepting that they had been tortured in police custody

October 7

The SC issues an interim order to stop the sale of government land to individuals, saying the act was illegal

October 10

While deciding on a writ that a 14-year-old boy should have been sent to

a reform center, the SC calls on the defense to produce the boy and reply to the writ in writing within 24 hours

October 11

Bikas Singhkhada of Chhetrapur VDC-2 in the Chitwan district, Bhim Bahadur Rokka of Pandrung VDC-9 and Dilli Prasad Paneru of Namjung VDC-3 in Gorkha, who had been held in the District Administration Office, are released under habeas corpus by the SC

October 25

The Pokhara Appellate Court judge, Om Prakash Subedi, was suspended after he stated in public that the status of a CA member should be revoked if they are not working

October 29

A High Level Working Group meets to try and muster agreement on the controversial issues which are to be included in the new constitution, including freedom of the judiciary, and the appointment of the CJ, justices and commissioners through an independent body.

A writ is filed complaining the vacancy notice published by the Nepal Sanskrit University had violated the principle of inclusiveness ingrained in the Interim Constitution

October 31

An agreement between the members of the High Level Working Group, which met to find agreement on the controversial issues to be included in the new constitution, states that an independent body which would be chaired by the executive head of the country, would appoint the CJ, justices and commissioners

November 3

CJ Shrestha opines that the head of the Judicial Council should be the CJ

November 14

A writ is filed in the SC against the decision of the Election Commission that would allow anyone to be registered in the voters' list, even if they only had an identity card and not a citizenship certificate

November 18

The CJ, Ram Prasad Shrestha, administers the oath of Awadesh Kumar Yadav, Girishchandra Lal and Sushila Karki who were appointed as permanent justices

November 25

The SC directs the Nepal Sanskrit University to issue a vacancy announcement which includes women, ethnic groups, Dalits and Madhesis as per the principle of equality

The SC issues an interim order to the government asking it not to execute the decision of pardoning Makeshwar Das from Dhanusha, who was serving a life sentence after being convicted of murder, until the writ against this government decision is settled

December 1

The SC orders the government to file a case against policemen Dan Singh Bhandari, Biradutta Badu and Nariman Mahattara who had been given impunity in the case of the gang rape of policewoman, Suntali Dhami

December 13

SC orders the government not to arrest the UCPN-M MP, Keshav Rai, of Okhaldhunga, who was on trial for murder

December 14

The Judicial Council recommends that Justice Rana Bahadur Bam be impeached

December 19

The SC issues an interim order to the government asking it not to implement the suspension of AIGP Kalyan Kumar Timalsina, who was accused of influencing the investigation of the robbery of USD 300,000 which belonged to a Chinese businessman, and protecting Hari Agrawal, the prime suspect in the case of the abduction of the businessman Sanjay Surekh, during his tenure as the Valley Police chief

Background

The Supreme Court of Nepal has made significant contributions in the area of Human Rights protection and the reformation of relevant law and provisions in 2010. By issuing a mandamus to prosecute all the perpetrators in the case of Suntali Dhami, who had been raped by her coworkers 14 months beforehand in the District Police Office of Achham, the Supreme Court by using proved that justice may be delayed but will never be denied. The Supreme Court the rights enshrined in the Interim Constitution, issued an order to prosecute all perpetrators though it was in the Attorney General's power to make the decision final to initiate proceedings against perpetrators. (While recommendations and orders like this are progressive it is difficult to escape the fact that) for the first time in history a recommendation for the impeachment of a Supreme Court Judge was made this year.

The Supreme Court, by conducting the final hearing within 25 days of the writ petition of *Nepal Mahendra Sanskrit University,* demonstrated that fast and fair court proceedings are possible. Two decisions made by the Supreme Court regarding DNA test created a new debate as to the *prima facie* validation of either law or science. The two decisions made by the Supreme Court gave a contradictory view, where one refuted the primary value of DNA test; the other considered the possibility of such tests being used as evidence provided that the tests are carried out correctly.

In 2010 there were instances when the government was seen as being uncooperative (in most of the cases). Army headquarter was also seen to be ignoring judicial reminders. Cases, such as the jurisdiction of the President over the reinstatement of the Chief of the Army Staff, the age of the then Chief of the Army Staff Rookmangad Katwal, corruption cases and cases of national importance piled up in the Supreme Court; very few of these saw the light of day in 2010. It was observed that the Executive and the Legislative tried to exercise a degree of influence over the Judiciary.

This year, a few petitions on the issues of women rights were registered in the Court including petitions on provisions incorporated in the Budget 2009/11 relating to issues such as incentives for single women and the finalization of the complaint guidelines on the issues of violence against women. The registrations of applications that are of public interest like the regulation of the National Human Rights Commission, extra-judicial killings, disappearances and so forth were observed. The applications that fell into the public interest category this year included the promotion and appointment of army officials, voters ID and the Prime Ministerial elections.

There were comments and criticism from various sectors regarding the appropriate and objective use of the regulations for the Prime Minister's election via prevailing laws, parliamentary culture and the basic principles of law along with the significant role of the Chairperson of the Constituent Assembly in ending the deadlock of the present situation, which according to them was solely to pressure the Speaker into acting. The Court's decision which was outside the scope of the application regarding the amendment of the relevant provisions of the Interim Constitution 2007 by the Legislature-Parliament provides ground to comment on the overwhelming hypocrisy of the Judiciary regarding its independence this year.

This year there were widespread allegations that the Judiciary is the subject of political pressure and influence. (This year the Judiciary was led by two Chief Justices. Chief Justice Anup Raj Sharma retired from his post on March 25, after only three and

half months in the position due to the age limit. Since then, Ram Prasad Shrestha has been undertaking the leadership of the Judiciary.)

The corruption scandals that the Judges of the Supreme Court and Appellate Court were embroiled in this year are a low point in the operation of the Judiciary. The conduct of the Appellate and the District Courts Justices became a matter of discussion in the Judicial Council. Additionally, the government and political parties were repeatedly found in contempt of court. The debatable issues in the draft Constitution presented by the Judicial Committee to the Constituent Assembly led to some progressive steps in strengthening the independence of the Judiciary. However, it is clear from the actions of the Executive to date that the notion of the independence of the Judiciary will for the immediate future remain just a notion and that the Executive intend to maintain their grip on the Judiciary through the pending Constitution.

As a result of the present transitional political phase, cases of a constitutional or political nature were heard and interpreted by the Supreme Court. However, the Supreme Court attracted criticism for the delay in issuing decisions on serious political issues. The Court failed to take the appropriate steps to ensure the application of justice by solving the delay in the judiciary and administrative irregularities while simultaneously addressing the grievances of the parties in the case. It must be noted that the year 2010 did witness some efforts to improve the efficiency of the Judiciary.

An Independent Judiciary

An Independent Judiciary can only be created and guaranteed if the judiciary can be free from all sorts of encroachment. An active Separation of Powers doctrine is critical; to establish the independence of the Judiciary and the rule of law, the Judiciary should be separated and differed from political encroachment and from the executive and legislative as well. The Judiciary can only be considered in a real sense as independent, if it proactively protects the fundamental and human rights of the citizens as enshrined by the Constitution, legislation and renowned principles.

The decision made by the government led by the UCPN-M regarding the extension of the jurisdiction of the Supreme Court bench was declared to be against the concept of the Separation of Powers by a special bench of the Supreme Court. The decision to establish a bench can only be made by the Supreme Court itself. The order issued by the bench on March 12 declared the government's decision void, as it was made without prior consultation with the Supreme Court or the Chief Justice and was against the notion of the independence of the Judiciary. In this way, the Court halted executive encroachment and asserted its independence.

The Supreme Court decided to take action against the Dhanusha District Administration Office for keeping a suspect in a case related to arms and ammunition in the custody for more than two years making him await trial. The Supreme Court acknowledged the right of detainees to receive a fair and speedy trial and ordered a circular to all the district administration offices instructing them to decide pending cases as soon as possible.

The Court decided to take action against the Secretary of the Home Ministry, the Chief of the Prison Management Department and others, for contempt of court for absolving the convicted Ramdayal Yadav, who had been convicted of homicide,

without permission from the Supreme Court.[1] This encroachment by the Home Ministry and others represented a serious breach of the Judiciary's independence and undermined the Court's decision.

In the writ petition on the Machine Readable Passport, the Supreme Court found that the government's decision to print the passports in India was illegal and breached competition law as established in Public Transaction Act, 2006 (Regulation 2008)

For the fiscal year 2011/2012, the government has allocated 0.49 percent[2] of the national budget to the Judiciary. For the independence of any institution adequate resources are required for it to run effectively. The allocation of only 0.49 percent of the national budget is far from desirable and is a poor reflection on the government's view of the Judiciary in Nepal.

The writ petition filed to declare Ram Chandra Poudel, being the only candidate for the election, as the Prime Minister was dismissed by the Supreme Court. The Supreme Court recognized and respected the Parliament as an integrated organization and signaled for the non-intervention in its internal matters. In the decision of November 10, it was decided that rule 159 in the Constituent Assembly's Regulations can be used and the interpretation made by the Speaker would be the final one but while the Court can express its view, these opinions are not legally binding upon the Speaker. If a provision of the Regulations is deemed unconstitutional, then the right to reconsider the Speaker's decision remains with the Supreme Court.

The Supreme Court furnished recommendations to the Speaker to ensure the concrete use of the Legislature Rules. The Court's decision is centered on the Speaker.

Recommendation of the Court to the Writ Petition regarding Prime Ministerial Election

1. There is a need of new perception for the use of rule 7 of the Constituent Assembly (Conduct of Business of Legislature –Parliament) Rules 2008. The present provision requires review and says that if one proposal is forwarded then that one can be elected unopposed and if it is the case that many proposals are forwarded, then the process shall be continued until one candidate receives a majority vote.
2. The election for the Prime Minister seems to be a problematic issue because of the development of the incident where two proposals were retracted while one remains but repeatedly fails to garner the required number of votes. The process needs to be initiated in a new way reconsidering all the procedural aspects.
3. According to Article 38 of the Constituent Assembly, the establishment of the Council of Ministers is the constitutional obligation of the Legislature. A legal and legislative solution needs to be established for solving the problem of the continuing cycle of elections.
4. To write to the Legislative Parliament and it's Chairperson in order to suggest that they reconsider the provision in the regulation regarding the election of Prime Minister and to bring about a concrete conclusion to the Prime Ministerial elections.

1. The Government had appealed to the Supreme Court on April 16, 2008 with the demand of life imprisonment and the forfeiture of the property being dissatisfied of the decision made with the less punishment by the Dhanusha district Court and Appellate Court Janakpur. For the same purpose, a notice was issued by the Supreme Court to present the convicted for the handing and taking over, but the Mahottari Jail replied of the Yadav already been freed for having completed his imprisonment.
2. http://www.mof.gov.np/publication/speech/2010_1/pdf/annex_nepali.pdf

The Constitution expects many things from the constitutional bodies, which according to the decision are, inter alia, a willingness to abide by the laws and rules, good intentions and the feelings of independence and fairness in order to accomplish ones' work. The appropriate and objective use of the regulations for the Prime Minister's election via the prevailing laws, parliamentary culture, and the basic principles of the law and the significant role of the Chairperson of the Constituent Assembly in ending the deadlock of the situation is not intended to pressure the Speaker. It is merely alerting the Speaker of the need to reconsider the failing rules related to the Prime Minister's election.

The interpretation made by the Supreme Court to provide the right to amend relevant provisions of the Interim Constitution to the Legislative-Parliament, except for amendments that would change the republic to a monarchy and the federal state to a Unitary state, established Parliamentary supremacy instead of supremacy of law. This decision made by the Supreme Court has provided Parliament with the legal ability to amend Article 64[3] thereby extending the term of the Constituent Assembly. This decision, in an environment that is rife with comments and criticism about the establishment of party supremacy over citizen's supremacy, proved to further devalue the judiciary. The debates concerning the jurisdiction of either the Court or the Parliament's role in interpreting the Constitution appears to be evolving in a rather regressive manner.

In the writ petition by Advocate Subodh Man Napit on the second amendment of the Interim Constitution regarding the parliamentary hearing of Judges before their appointments, which according to him is against the independence of the Judiciary, the Supreme Court found the provision to be in line with the principle of the Separation of Powers. The advent of the parliamentary hearing of Judges prior to their appointment is controversial and the Supreme Court's decision to uphold this practice creates the space for the further overlapping of the organs of the State, to the detriment of the ideal that a Judiciary should be independent. However the Supreme Court argues that the hearing provides a useful service by ensuring that the people appointed to the bench do not have any political affiliations and therefore should not be viewed as an intervention into the Judicial process. They have acknowledged that procedural reforms are needed but fail to suggest or recommend what these reforms should entail.

The Interim Constitution, under Article 155(1), provides for parliamentary hearings for everyone appointed in to Constitutional positions. In addition to members of the Supreme Court and Ambassadors, the first amendment made parliamentary hearings compulsory for people who were appointed to posts that required the Constitutional Council's approval. On this very matter, the Supreme Court on April 15 on the writ petition filed by Advocate Subodh Man Napit held that this provision did not violate the principle of the Separation of Powers.

The applicant had challenged the provision under Article 155(1) of the Interim Constitution brought about by the second amendment which made parliamentary hearings compulsory; however the Supreme Court spoke beyond the ambit of the application. In their decision they provided the Legislative-Parliament with the right to amend all the provisions of the Interim Constitution except for amendments that

3. 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.

would change the republic to a monarchy and the federal state to a Central state.[4] There is a generally accepted universal principle that the Judiciary does not create issues that the applicant has not raised themselves. Despite this, the Supreme Court has stepped over the boundaries of the petition presented to them.

Therefore, in today's context, to establish an independent Judiciary and the rule of law, the Judiciary itself has to be more proactive and take the initiative to amend laws or provisions which causes confusion among the Judges. Unfortunately, with the aforementioned case in mind, it is evident that their independence is not one of the Judiciary's priorities at the minute.

Executive and Judiciary

The leaders of the government and the opposition parties too are seen to have been oblivious to the concept of judicial independence this year. In addition, lawyers who have sworn to follow the law and protect the independence of the Judiciary were also seen to have intervened in its independence and disregarded the notion.

There is an example where an order issued by the independent Judiciary was changed due to pressure from the attorneys of the petitioner. This categorically undermines the independent entity of the Supreme Court. The writ petition filed by the Chairperson of the Maoist Party concerned the appointments made by the Judicial Council to vacant positions in constitutional bodies, which he claimed as being in contravention with the Peace Accord and the Interim Constitution.[5] An order issued by the Court was changed on April 26 due to the pressure from the government lawyers. Within 15 minutes of issuing the decision, Justice Rana Bahadur Bam was made retract and change the order. Interventions of this nature in judicial proceedings have a long term and negative impact. The lawyers cannot be singled out to burden all the blame in this scenario; the judges in question are equally guilty of undermining the integrity of the bench and the rule of law.

The government is ignoring its responsibility to respect judicial decisions and to ensure that such decisions are implemented. The government consented to resume the recruitment for the Nepali Army which had been ruled against in the Supreme Court the previous year.[6] Nevertheless, the government gave the Nepal Army permission to admit 200 new candidates to technical and vacant posts. Not only was the government disregarding a decision of the Supreme Court but it was violating the Comprehensive Peace Accord. The Supreme Court had held that any recruitment to the Nepal Army was a contravention of the CPA.

This year also witnessed various political parties openly violating orders issued by the Supreme Court. On January 3 the Supreme Court convicted a Member of Parliament, Balkrishna Dhungel, of the murder of Ujjwan Kumar Shrestha on June 24, 1994 and sentenced him to life imprisonment. His party refused to accept the decision on the premise that it was an infringement of the Peace Accord[7]. Similarly, the Chairperson of the MJF chairperson Upendra Yadav rebuffed the decision of the Supreme Court regarding Voters ID, which

4. Shrestha, Ratna Sansar. Sarwachcha Adalatko Faisala Bata Sarwabhaumsatta Kunthit. *Gorkhapatra.*April 24,2010.
5. The decision on the writ petition filed on April 25 by the Chairperson Dahal had ordered for the presence of defendants in the court on April 29 via Government Attorney's office to discuss on the matter whether to issue an interim order or not
6. The Ministry of Defense provided no decision as to the proposal of the Nepali Army to appoint doctors in the army hospital, nurses along with other 300 new appointees, initiated a year ago. The Supreme Court issued an order not to appoint new candidates in the vacant post until the then ongoing appointment of the army is finalized. The order was issues when the Maoist led government and the army leaderships were having the discussion as to the selection process.
7. Clause no. 5.2.7, Comprehensive Peace Accord

according to him was a political matter, not a judicial one. He submitted that the order was a political intervention on behalf of the Supreme Court.[8]

The officials and the security persons who according to the Supreme Court's order[9] of 1998 had gone to empty the house of Prem Bahadur Shrestha at Teku were prohibited by the UCPN-M cadres.[10] The day when the Supreme Court had given the decision regarding possibility of extending the tenure of the Constituent Assembly by amending the Interim Constitution, the very day UCPN-M registered the proposal of extending the tenure of parliamentary secretarial by one year and the notice of opposition as to the 8th amendment of the Interim Constitution.

The officials of security units, who have the responsibility of maintaining peace and security and implementing laws were also found to have ignored the Courts' orders and were uncooperative in terms of protecting human rights and establishing of the rule of law. It was made public in a newspaper that an order, regarding non-judicial killings, of the Appellate Court, Baglung had still not been executed by the Office of the District Government Attorney and the District Police Office, Baglung over a year later.

An order issued by the Supreme Court regarding an allowance for single women was not implemented due to the government's delay and negligence. In the coming fiscal year as well, single women will not receive an allowance because of the delay in informing the concerned ministry and departments about the Court's order. In next year's fiscal budget there has been no allocation made to provide single women with the allowance despite the fact that the Supreme Court's order was issued last March.[11]

The Law Minister Prem Bahadur Singh, who had been advocating in favor of Justice of the Supreme Court Rana Bahadur Bam who is facing impeachment in the Parliament, criticized the Chief Justice's actions against Rana Bahadur Bam. The Law Minister accused the Chief Justice of violating the Constitution[12] and he criticized the Chief Justice's decision not to let Rana Bahadur Bam decide any cases before the parliamentary impeachment hearing.

A writ petition was filed to dismiss the decision of the government to honor the persons embroiled in the Rayamajhi Commission without prior discussion in the Cabinet of Ministers. The Supreme Court issued an interim order on June 3, 2010 for not executing that very decision promptly. The medals received by erstwhile the Chief of Army Staff Rookmangad Katwal, SSP Durja Kumar Rai and others, who were accused by the Rayamajhi Commission for being active in suppressing the People's Revolution of 2006, will be returned. The medals were awarded on Republic Day and the writ against it was dismissed by the Court on December 5. The Supreme Court said that there was no need to overturn the decorations as they were awarded in a legal manner and the selection was inclusive. The Court observed that they were entitled to review the list of those suggested for decoration, however, government procedure can not be the subject of judicial review

An Independent Judiciary is paramount for the establishment of the

8. Adalat ko Adesh Rajniti ma Hastachep. *Kantipur*.November 26, 2010
9. The house of Shrestha had been auctioned by the Banijya Bank when he was unable to pay the loan of 51 lakhs along with the interest. The auction had been approved by the court and Shobhakr Neuane who had accepted the auctioned house was not able to possess it. So, an application from Shobhakar Neupane had been filed to the court for the possession of the house, according to which a team from the court had visited the house.
10. Adalat ko Adeshma Maobadi Hastachhep.*Annaurna Post.*March 15,2010
11. Bhatta Gumne Bho Ekal Mahilako. *Annapurna Post*. May 27,2009
12. Pradhannyayadhisle Sambidhan Ullangghan Gare: Mantri. *Kantipur*. December 22,1010

Republic of Nepal and the establishment of the imagined federal states. The rule of law and human rights should be the foundation for the administration of the federal states. More importantly, human rights and the rule of law should be guaranteed by an effective legal administration. Thus, for the promotion of human rights in the line of federal administration, the rule of law has to gain appropriate importance and the Judiciary has to work to ensure this. Several economic, social and cultural rights which will be enshrined in the pending Constitution can only be realized via an effective legal administration. An independent Judiciary is a pre-condition to safeguard these rights.

An independent Judiciary encompasses both the functional and organizational aspects of the Judiciary.[13] Traditionally, the components of an independent Judiciary include highly qualified judges, job security, and appointment via an independent entity, functional independence, economic independence, administrative independence and concrete procedures. Recently, there is the added provision that gives the power to review appointments and issues such as salary to an independent body rather than the Executive.

Legislature and Judiciary

The draft prepared by the Committee regarding the legal system of the Constituent Assembly formed for the promulgation of the Constitution, has tried to extract the universally recognized values and principles on the independence of the Judiciary. The preliminary draft by the Committee has provided that 'except for issues that are directly concerned with politics the right to interpret the Constitution and the federal laws shall be vested in the federal Supreme Court'. Likewise, in other clauses of the draft, it has mentioned that the 'head of the state shall appoint the person, as referred by a special judicial committee, as the Chief Justice of the Supreme Court and other judges on the basis of the majority of the sitting members of the federal legislature'.

The first provision mentioned above could be viewed in some regard as an attempt to snatch the power of judicial review from the judiciary while the second provision essentially stunts the independence of Judiciary by keeping the Judiciary under the control of the Executive. The right to judicial review is an important right of the judiciary especially when there is a written constitution. On the basis of judicial review, the Judiciary is able to maintain the constitutional integrity within a state, in absence of which the written constitution becomes dormant. By means of judicial review, the Judiciary has the power to compel the other organs and entities of the state to stay within the ambit of constitutional discipline. If discipline is not maintained, because of the turmoil of constitutional powers then anarchy is sure to ensue. The draft has treated the issues and rights of national importance along political issues as more important than judicial supervision. To protect the supremacy of the Constitution, disputes about the Constitution and national laws should be decided by the Court.[14] The Judiciary should have the power to review and ascertain if a conflict falls within their ambit of review. If this right is left in the hands of the Executive then the state would be given a free reign to act as they please. If disputes are identified as political as opposed to of a constitutional or legal nature then the Executive has the full power to decide the out come of that case; this is open to abuse

13. Bhattarai, Dr. Anandamohan. Swatantra Nyayapalikako Pachhayama. *Kantiur*. October 31, 2010
14. Bajracharya, Meenratna. Sabhamukhka Bikalpa. *Himayala Khabar Patrika*. Issue 5.Novermber 17,2010

and manipulation and should be rolled back in order to maintain constitutional decorum in the county.

The three main political parties, the UCPN-M, National Congress and UML had their own stance on issues such as who would be responsible to interpret issues in contravention with the Constitution and laws. The Maoists have proposed forming a special committee under the Legislature-Parliament to solve such debatable issues. The other political parties disagreed with this proposal. However, there seems to be no debate between the main political parties on the matter of conferring the right of constitutional interpretation and judicial review to the Court.

After the agreement between the leaders of the main political parties to insert the provision that the Chief Justice of the Supreme Court and Judges[15] would be appointed by an independent entity, the issue as to what type of judicial system would be incorporated in the Constitution has taken a positive step forward. After the Maoists reiterated their proposal to establish a special committee of the Legislature-Parliament to appoint judges, an agreement was reached to set up structures like the Constitutional Council and Judicial Council. The Maoists have tabled the proposal that the Speaker or Deputy Speaker should lead the structures in charge of judges' appointments. However, the National Congress and UCPN have expressed their opinion about the Prime Minister heading the present Constitutional Council. Actual agreement on the name, leader and the structure has not yet been reached. In the absence of an independent and reliable Judiciary, the Nepali people will have to struggle on under what is becoming more and more like a dictatorship.[16]

The Legislature-Parliament ignored the Supreme Court's order[17] and amended the Interim-Constitution for the 7th time. After the amendment of the Interim Constitution 2007, Vice-President Parmananda Jha who had been removed from his position by the Supreme Court resumed his position. The MJF and *Sadbhawana party* along with other Tarai parties tabled the proposal to amend the Constitution but then pressurized for its approval. They demanded for the Bill on amendment of the constitution to be made effective from the date of the 4th amendment of the Constitution. The Parliament made the 4th amendment of the Constitution on May 28, 2008. The retrospective law would require high level officials of the Executive to take an oath which made a mockery of the law. The Parliamentarians, who have the responsibility of making law, submitted that a retrospective law was against the general principles of the rule of law.

A vacuum was created between the Parliament and the Judiciary after the Judiciary expressed its dissatisfaction regarding the procedure of electing the Prime Minister. The officials of the Parliamentary Cabinets observed that the Supreme Court was merely avoiding making a concrete decision by issuing political critiques instead. The Parliamentary Secretariat stated that the comments from the Judiciary were irrelevant because the issue was under the jurisdiction of the Parliament.[18] The Secretariat asserted that if any part of parliamentary regulations were in contravention with Constitution, than the Court should be able to render it void or provide a solution by additionally

15. In the Interim Constitution there is a provision of the appointing of the Chief Justice on the recommendation of the Constitutional Council and the appointment of the Judges on the recommendation of the judicial council after the parliamentary hearing.
16. Bhattarai, Dr. Anandamohan. Swatantra Nyayapalikako Pachhayama. *Kantiur*. October 31,2010
17. joint bench of the then Chief Justice Meen Bahadur Rayamajhi and justice Balaram KC had declared the oath in Hindi language taken by the elected Deputy President against the constitution on February 21,2010.
18. Phuyal, Rajendra. Sarwachcha ra Samsadhko doori badhyo. *Kantipur*. November 11,2010

interpreting Article 38 of the Constitution.[19] The directive issued by the Supreme Court to write to the Speaker in order to remind him of his main responsibilities in execution of the decision, shows the alert and careful pursuance of the principle of judicial perseverance.

An independent Judiciary is a foundation of federalism. Any attempt to exercise control over the Judiciary by other state bodies is against the federal system. The Constitution is not a document to institutionalize anarchy, it is the main law to institutionalize democracy, the rule of law and fundamental human rights; an independent Judiciary is the soul of democracy.[20]

Important Decisions from the various levels of the Court System

An order to halt the government's decision to provide financial assistance to single women;

The Supreme Court issued an interim order for the non-execution of the provision mentioned in the budget of the fiscal year 2066/2067[21] with regards to providing Rs. 50,000 to couples getting married in order to encourage single women down the aisle. The Supreme Court on the writ petition filed by the Single Women's Group for Human Rights challenged the budget statement and the guidelines. They mentioned that the social security and empowerment of women as mentioned in the proviso clause of Article 132(3) and Article 35(8), (9) of the Interim Constitution cannot be ensured by the provision of Rs 50,000. The Supreme Court directed an order at the government for the non-execution of the government policy because it hurts the dignity of women because the assumption that after marriage all the problems of single women would be solved is repugnant. The order can be seen as progressive because it acknowledged and respected the dignity of women while also requesting the government to search for alternatives to aid women and discard the traditional assumption that a few thousand rupees can empower women and assure their social security.

The annulment of the provision enshrined in the National Human Rights Commission's Regulation

The Supreme Court quashed rule 4 of National Human Rights Commission's Regulation as being in contravention with Article 13 of the Interim Constitution. The rule, which gave temporary staff permanent positions, was unilaterally amended by the NHRC unilaterally in 2009.

An order to prosecute all the policemen involved in the Rape

The Supreme Court issued a mandamus to the District Government Attorney's Office on December to instruct them to initiate action against all the accused policemen[22] who were involved in the gang rape of Suntali Dhami of the District Police Office in Achham. Last year in March, Suntali Dhami filed a writ petition in the Supreme Court to prosecute the three perpetrators who the Attorney was failing to bring to justice. The Supreme Court ordered the Government Attorney's Office to prosecute the three individuals. The Court also stated that the 35 day statute of limitations did not apply in this case.

The Supreme Court in the hearing

19. *Ibid.*
20. Tripathi, Dinesh. Niyantrit Nyayapalika sanghiyetako Badhak. Himal Khabarpatrika. Issue 2. April 30,2010
21. To encourage the widow marriage, each couple shall be provided Rs 50,000 within 30 days of the marriage registration in district administrative office.
22. Amongst all the accused for the gang rape of Sutali Dhami last year on September 27, the Government Attorney's office had prosecuted only against constable Birendra bam, Karbir Thalan and cadre Jagadish Pandey. But remaining three accused Bhandari, Badu and Mahattara were released on bail from the district police office, Achham in an excuse of lack of evidence. That was accepted by the Government Attorney's Office as well.

of another writ petition on behalf of Suntali Dhami issued a directive order to the government. The order concerned various issues such as the need to amend laws for the welfare of women, the establishment of consultation committees in every district to provide justice to rape victims, the establishment of a separate unit for internal investigation in the Nepal Police within 3 years, the establishment of a body of experts and laboratories in every district hospital to collect evidence from rape victims and the prioritization of the hearing of rape cases as soon as they arrive in the court. Furthermore, the order provided for the reformation of the prevailing criminal justice system and the formulation of a guideline by forming a group for effective criminal investigation within 60 days.

An order to provide allowance to single women

On December 20, 2009 the Supreme Court heard a writ petition which challenged the program created by the government to provide an allowance to single women above the age of 60[23] as being in contravention to Article 13 of the Interim Constitution. The Court ordered the government to provide the allowance to all single women, regardless of their age. The program to provide an allowance to single women above the age of 60, according to the Court, was against the right to equality. The order advocated for the creation of a general means test in the provision of an allowance to single women, based on various aspects as such as their total property and source of income. The Single Women's Group filed the writ petition to have the age limit removed so that all single women receive the same benefits.

Men too can directly approach to the Court for divorce

The Supreme Court on the writ petition filed on April 2 seeking equal divorce rights for issued a directive order to the government, recognizing that the right to get divorced is equal for both men and women. The order sought the amendment of the prevailing unequal law,[24] which provides for the separation of wives from husbands but not the same for the husbands.

An order to finalize the case in time

The Supreme Court issued an order directed at the government on July 25 stating that keeping people in custody for an undue length of time while their cases are pending is violating their human rights. The Court urged the government to ensure speedy trials. The writ petition of habeas corpus was related to the case where the District Police Office of Dhanusha had kept the accused, charged with being in possession of arms and ammunition, in the prison without prosecution. The Court, upon hearing the petition ordered the government not to let this happen in the future. The Court also ordered the Secretary of the Home Ministry to issue circulars regarding the case to all the district administration offices.

Shankar Sah of Mahottari was arrested two years ago in the possession of the material required for manufacturing guns and bombs. A writ petition was filed against the District Administration Office, Dhanusha for having kept him in custody without the initiation of a legal action. The Supreme Court issued an order requiring the case to be heard a soon as possible and that the Court should be informed once the case was heard. The Court acknowledged the right to a legal remedy of all the citizens

23. Government since 2007 had been providing allowance to the single women above the age of 60 years under the social security program. In 2007, the allowance was 1 hundred and 50 Rupees which was increased to 5 hundred in 2009 by the government,
24. According to present law, women can easily get the divorce via an application to the court whereas the men have to either approach VDC or Metropolitan.

and stated that this must be dealt with in a timely and speedy manner; otherwise it violates the rights of the citizens in question.

A directive to investigate extra-judicial killing

The Appellate Court, Nepalgunj issued a mandamus to the armed police force compelling them to investigate and initiate action within three months regarding the murder of a couple, Dal Bahadur Thapa from Naubasta and Parbati Thapa from Naulapur, by the security forces during the armed conflict. The team led by the then Major Ajit Thapa and Captain Ramesh Swar during a search operation murdered the couple. Despite an FIR being filed two years ago, no action had been taken;[25] the victims' family again filed another FIR, demanding the prosecution of the perpetrators for homicide.

Show Cause Order by the Court to the Armed Police Force

The family of the victims of the extrajudicial killings[26] tried to register an FIR in the District Police Office but officers in the Office refused to register the complaint. A writ petition against the District Police Office and the District Administrative Office was then filed in the Appellate Court, Nepalgunj for mandamus on January 10. The Court had previously issued a mandamus directed at the District Police Office on December 10, 2009 ordering the presence of the District Police Office before the Court within 15 days along with the reasons for not registering the case. The victims' family went in the District Administrative Office, Bardiya when the FIR was rejected by the District Police Office, Bardiya. When the District Administrative Office proved to be unhelpful, then they filed a writ petition of mandamus in the Appellate Court, Nepalgunj.

An order to finalize the investigation directive regarding complaints of Violence against Women

In order to investigate cases of violence against women in a fair manner by the state, there is a need for a special law to be introduced and the management of mechanisms accordingly. Thus a writ petition was filed to finalize a directive from the Supreme Court so that investigations of such incidents in a fair and effective manner could be conducted in the meantime. The Supreme Court in this writ petition issued a show cause order. Along with the writ petition, the Court demands the establishment of a familial or similar kind of special bench or court to hear cases related to violence against women.

An order to establish a separate court for the hearing of the cases related to Women and Children

The Supreme Court of Nepal issued an order to the government to establish a fast track Court for the hearing of cases relating to women and children. The Court also ordered a study of the implications that such a bench would create such as human resources and physical location. Within six months of the completion of the study, the Court ordered the finalization of the

25. Yog Maya Dahal of Bankatwa and Bhumi Sara Thapa of Naubasta has filed the writ petition in the court stating that the police force had shown no interest in investigation of the incident.
26. During the armed conflict, Jaikali Kumari Khatri named Jaikala, 34, of Mahadev Puri VDC-3 of Banke was taken under control from the cow shed at Bangesal and was shot and murdered by security forces on December 16,2003.Ram Prasad Dhobi named Bandara, 17 of Sonpur VDC-1, Rajjab Khan Ishrafil 17 of Udharapur VDC-8, Salman Nau aged 19, Munwar Khan, 20 from the same place and Mahendra Burma 30 of Indrapur VDC-8 while sleeping in the temple's balcony at Sonpur VDC-1. They were taken control by the security force in the morning and shot in the near by field on April 11,2004. Likewise, Sohanlal Chaudhary, Radhakrishna Chaudhary and Suryalal Chaudhary of Bardiya, Khairichandpur-6 were murdered by security force on November 2, 2002.

appropriate law for its establishment. The order has also highlighted the lack of appropriate laws to protect the rights of women and children within the legal system. The order also refers of a speedy justice to be provided to the female victims, the maintenance of their privacy and the handing over of responsibility to female judges for such cases after the establishment of the Court.

Demand for clarification as to why no investigation was carried out regarding the disappeared persons at Bhairavnath Battalion

The Supreme Court demanded clarification from the government for their failure to initiate an investigation into the disappearances of people by the then Royal Nepalese Army in the Bhairavnath Battalion. The Supreme Court heard the writ petition filed by the Ram Maya Nakarmi, wife of the disappeared Padam Nath Nakarmi, against Police Officials, who, despite the registration of an FIR from her, had not initiated any action. Ram Maya Nakarmi had registered the FIR in the Metropolitan Police Office at Hanumandhoka on June 19, 2006 against those who were involved in the disappearances of people from Bhairavnath Battalion. The Court also raised questions about the non-implementation of recommendations furnished by the National Human Rights Commission on this very matter.

An order to present a minor detainee within 24 hours to the Court

The Supreme Court issued an order in the name of the defendant to furnish a reply to the writ petition regarding the illegal detention of a 14 year old child, who was being held in a reform house. The child, of Barhabise VDC-4 in Sindhupalchok, was arrested on last August 16 with the charge of being a dacoit[27].

An order to the Election Commission for not issuing a Voter's ID without citizenship

The Court considered the writ petition filed to quash the decision that granted the Election Commission the capacity to issue voter IDs to those who aren't citizens.[28] Recognizing the possible effects this could have on nationality, the Supreme Court issued an interim order on November 25 to the Election Commission not to issue Voter's ID without citizenship. As the collection of voter's name list is a subject of national sensitivity, the right of priority was provided. The writ petition also demanded the annulment of the sections of Voter's regulations which are in contravention with the Interim Constitution.

An order to halt the promotion of an army official

The Supreme Court issued an interim order on January 1 to halt the execution of the decision made by the Council of Ministries to promote Maj. Gen. Toran Jung Bahadur Singh to the rank of Lt. Gen. The Supreme Court issued the order for the non-execution of the decision in the names of the Council of Ministers, Ministry of Defense and Office of Army Commander. The OHCHR stationed in Nepal also requested the government not to promote Singh as he had been accused of

27. Pne of a class of criminals in India and Burma who rob and murder in roving gangs
28. In the first phase, the Election Commission had collected around 1.3m names starting with the collection of name list along with the photographs in 58 metropolitans on the basis of citizenship. After the opposition from the Tarai based parties on the requisite of citizenship for the voter's ID, the commission on November 2 decided that on the basis of other evidential documents as land ownership certificate or any identity card issued by government office, local entity, governmental organization or educational organization, the names on the voter's lists could be inserted.

human rights violations. In spite of this, the government made the decision to promote him to the rank of Lt. Gen on December 24.

An order to end the exploitation against rural women

A directive order was issued on June 11 to the government to end the exploitation and discrimination of rural women, who are victimized and exploited in their homes and by their families for the mere fact of being female. The order stipulated that a woman should not be discriminated against because of her sex and furthermore should not be exploited and discriminated against by her spouse and spouse's family in the name of tradition and culture.

Regarding the extension to the tenure of the Constituent Assembly

The decision of the Supreme Court in favor of the amendment of Article 64 of the Interim Constitution 2007 led to a solution to the Constitutional obstacle by extending the tenure of the Constituent Assembly. The joint bench of Justices Khil Raj Regmi and Krishan Prasad Upadhyaya from the perspective of benefit and balance refused to issue an interim order to halt the action of adding the tenure to the life of the Constituent Assembly.

A writ petition was filed in Supreme Court on May 16 seeking an order to halt the extension of the tenure of the Constituent Assembly, as it would be against the people's directive. The extension of the tenure of the Constituent Assembly now, even for more than two years, would not be against the Constitution as the Judiciary officially has provided an outlet to it. The writ petition had demanded an order to return the past remuneration, allowances and facilities received by the members of the Constituent Assembly and to stop those in the future. The writ petition was filed by Bharat Mani Jangam of Kathmandu Metropolitan on May 16.

An Interim Order against the withdrawal of a case

An interim order has been issued in the name of the government not to execute the decision to withdraw a case where 20 people were accused of murdering four Maoist leaders and cadres[29], until a final decision is rendered by the Court. The government, due to the political nature of the case, withdrew it from being heard on June 30. The government made the decision to withdraw the case on July 1, based on recommendations forwarded by the UCPN central committee.

An order to compensate a member of the media

The Appellate Court, Ilam issued an order to compensate journalist Lava Dev Dhungana with Rs 35,000. The journalist was illegally detained for 50 days during the royal regime in the District Police Office, Panchthar.

An order for inclusiveness in state mechanisms

The Supreme Court on the writ petition, claiming that the Inclusive Act is not inclusive enough and demanding that it is expanded to include Women, Dalits, Janajati and Madhesis in state mechanisms, issued an order in the name of the government to implement the provisions of the Act for the effective execution of Article 21 of the Interim Constitution. The writ petition was filed on March 3, seeking the annulment of the 2nd amendment of the Civil Servant Act which was submitted to

29. After the Maoist and other political parties wrote to the Home Ministry for the withdrawal of the case, the Home Ministry on April 6, 2010 had written to the Law Ministry with the request of permission for the same.

be against the spirit of the Constitution[30]. The government stated that as it has started executing the provision via various organs such as civil servants, the Police and the Armed Police, that there is no need to issue the mandamus.

Dismissal of the writ petition against army recruitment

The Supreme Court dismissed the writ petition against army recruitment. The Court dismissed the writ on July 28 stating that the issue of army recruitment does not fall within the jurisdiction of the Judiciary. The writ petition was filed, stating that the recruitment announcements made on November 2, 2008 and April 19, 2010 were against the Comprehensive Peace Accord. The Supreme Court stated that the Comprehensive Peace Accord[31] provides that debates relating to the Accord should be solved by the signatories themselves. The decision also stated that there is a remedial provision provided by the Joint Monitoring Coordination Committee (JMCC) formed with the inclusion of the concerned parties, which was established by quashing the judicial jurisdiction for the conciliation of the debate. The Court dismissed the writ based on Article 100 of the Interim Constitution, according to which the powers relating to justice in Nepal shall be exercised in accordance with the recognized principles of justice and the Court cannot use its extraordinary jurisdiction granted in Article 107 (2) regarding debates that originate from the Comprehensive Peace Accord.

An order to halt the execution of the decision regarding the pardoning of a convict to life imprisonment along with forfeiture of property

The Supreme Court issued an interim order on November 25 in the name of the government in order to stop the execution of the decision made by the government to pardon Makeshwor Das[32] of Dhanusa district who was convicted of homicide and sentenced to life imprisonment along with forfeiture of his property, until the decision as to the writ petition is finalized. The order stated, according to the writ petition filed by the son of the deceased Pramod Kumar Jha that since the initiation of the registration of the writ petition to date the accused had been absconding. As a result the execution of the original Court decision had not been possible and the government seems to have taken the decision on January 13 to pardon the absconding accused under Article 151 of the Interim Constitution. The order mentioned that, instead of surrendering to the Court after his conviction, the convicted seems to be avoiding the decision of the Court and furthermore, there are no adequate grounds provided to the Council of Ministers in order to issue such a pardon.

The Interpretation of Consumer Law

The Court made a decision to interpret consumer law. The decision talked

30. The Interim Constitution has stated of the right to participate in the state mechanism for Women, Dalit, indigenous tribes, Madheshi community, oppressed group, the poor peasant and laborers, who are economically, socially or educationally backward, on the basis of proportional inclusive principles. Whereas, the government in the 2nd amendment made in 2008 of the Civil Servant Act 1993 has removed the terms economically, socially or educationally backward.
31. There is a provision forbidding the new recruitment by both the Nepal Army and Maoist combatant in the Comprehensive Peace accord and the agreement regarding monitoring of the arms and ammunition and army management of December 8, 2006. The writ petition was filed in Supreme Court despite this provision. At that time, the Supreme Court had ordered for the halt of the new recruitment promptly until the decision was finalized. But, the process was continued stating that the appointment had already been done.
32. The District Court, Dhanusha had convicted Makeshwor Das in the murder of Mahendra Jha on July 26, 1998 according to 13(3) of the Chapter on Homicide of Muluki Ain and sentenced life imprisonment along with the forfeiture of the property. The punishment was approved by the Appellate Court, Janakpur on March 24,1993 and the referral too was accepted by the Supreme Court on June 21,1996.

about various aspects of the law such as how to make the commodity and service provider responsible to the consumer, what constitutes consumer responsibilities, compensation to be provide by the seller or the service provider, how to protect the right to a legal remedy regarding compensation etc. and what happens if the consumer is harmed as a result of negligence by the service provider or the commodity itself. The Supreme Court has not only talked about recovering compensation from the responsible person providing the commodity or service but also about recovery from the organization that particular person represents. It has also considered the statute of limitations, this starts from the date of consumer knowledge of the harm caused by the product.

Directive for Policy Reform

The Chief Justice, Ram Prasad Shrestha, gave an order to the judges under him to carry out their work honestly, so that they might reform the judiciary. By issuing a 22-point directive one month after his appointment, he dictated that a file be compiled and maintained regarding the evaluation of the working procedures of the judges, he directed the judges of the Appellate Courts to be aware of their financial transactions and directed the courts under him to monitor corruption and irregularities. He ordered the judges of the Appellate Courts to maintain judicial discipline and to issue a report in cases of any code of conduct violations. The directive has furthermore, mentioned of the need for the serious monitoring of both the finances of the court and the judicial decisions, along with the effective implementation of the second five year strategic plan, and the use of information technology for the systematic storage of the courts' records.

The directive has been issued in an attempt to avoid the irregularities in the auditing, to avoid undesirable acts being committed by the courts, and to also maintain economic discipline. The directive also attempted to finalize the cases registered over two years ago as soon as possible, to provide correct and proper information, to discuss the cases with the journalists and to encourage a mediation system. The directive was also very important for the Office of the Attorney General and its subordinate offices of the District Government Attorney which are established as significant supporters and experienced institutions in a consolidated manner, for the protection of an independent judiciary.

The Chief Justice, Ram Prasad Shrestha, formed a committee on August 3 to create uniformity in the case law established by the Supreme Court.[33] The committee will conduct a study as to whether the case law established by the Supreme Court contradicts with other laws or not. The Committee was established so that different precedents do no exist for the same types of cases. The committee, via a detailed study, will make recommendations as to the ways or methods that can be used to establish a uniform case law.

The Supreme Court has formed a media unit to make it easier to disseminate judicial information. The media unit was established for the ease of the media persons who report on the constitutional, legal and court issues. The Supreme Court administration is planning to make available to the unit the important decisions, orders and other news regarding the judicial activities.[34] To make the judicial performance both faster and easier, mediation centers are being established in all courts in the country. The mediation centers are being established as a result of the increase in people's grievances as to the delay in judicial actions. The initiation of the expansion and management

33. Najir ma ekrupta lyauna sifarish samiti. *Kantipur*. August 3,2010
34. Sarwachchama Sanchar Kachhya. *Kantipur*. January 19,2010.

of the mediation policy has been carried out in accordance with the strategic programs of the Supreme Court. An effective mediation policy which is in line with judicial practice is an alternative method for fast and fair judicial decisions.

The Decision Execution Directorate of the Supreme Court issued circulars in order to finalize the cases that had been pending in the 75 district courts for a long time. This order was issued after amendments were made to the regulations of the Supreme Court, the Appellate Courts and the District Courts. The order that was issued by the court contains a provision that will reduce the punishment by 75 percent for those who voluntarily present themselves in front of the court; this provision is also applicable for those who present themselves after 50 years. A directive has been provided to the districts for the completion of all cases before the end of the second five year strategic plan.[35]

The Judicial Council initiated legal action against 4 judges, who were all accused of corruption. Complaints against 70 judges had been pending in the Judicial Council for a long time. A meeting of the council that was held in August stated that an investigation was required in 11 of the complaints that had been filed, and, as such, they formed a special committee under the chairmanship of the Justice of Supreme Court, Tap Bahadur Magar, for the initiation of the investigations.[36]

As soon he was appointed the then Chief Justice, Anup Raj Sharma, formed a working group during the first week of January 2010, in co-ordination with justice Ram Prasad Shrestha, and gave them the responsibility to find out the long term means for judicial reform. As per the responsibility that they have been given, Ram Prasad Shrestha, along with Khil Raj Regmi, Girish Chandra Lal and Prakash Osti, have concluded that for the reformation of the judiciary the judges should improve themselves and most of all if the Chief Justice is honest then most of the problems existing within the judiciary would be resolved. The working group has advocated for the need for transparency in the appointment of judges, judicial supervision of all their work after their appointments, and the need for action to be taken against the judges who are corrupt, or acting illegally etc - this is the main reason for all the problems in the judiciary, and as such the working group stated that the punishments handed down to judges be increased. The working group has also recommended for the immediate removal and filing of the cases against the corrupt judges. This has resulted in there being an increase in self criticism, and peer to peer criticism among the judges, to help create a more transparent and open judiciary. It is a positive step, the first time in the history of judiciary, that the Judiciary acknowledge that even the judge can be part of the problems.

A statement by the then Chief Justice which was related to an order to try and control corruption within his short tenure of 3 months was made public. A four member working group was also formed in co-ordination with the next Chief Justice, Ram Prasad Shrestha, to try and develop a flawless judiciary. The study of the working group, which involved senior judges, concluded that the commitment to a corruption free judiciary should be first made by the judges themselves.[37] The establishment of a working group, that contains judges and which was tasked with investigating and analyzing the weaknesses in the judiciary, should be viewed as a positive step to creating a transparent judiciary. It should also be seen as positive that judges are being subjected to critical

35. (SC issues circulars to courts to expedite verdict execution, Himalayan News Service: 2010, 08)
36. Char Nyayadish Maathi Karwahi Garine.*Kantipur*. September14,2010.
37. Balkrishna. Nyayadhishko Aatmalochana. *Kantipur*. March 10,2010

analysis, to make sure that they are acting in a transparent and non-corrupt manner.

Within his three and half year's appointment, the retired Chief Justice, Anup Raj Sharma, was unable to eliminate judicial corruption, irregularities and other flaws. Rather he created the foundations for the ongoing judicial reforms. He began the process of the judicial reform with regards to the delay in receiving justice, and also maintained the judicial discipline of the preceding leaders. He also established a high level working group and tasked them with investigating how to establish a flawless judiciary. The judges' mechanism which has been established under the leadership of the present Chief Justice has highlighted the problems and solutions, which if solved and implemented would result in a flawless judiciary. The report by the working group has highlighted that the judges themselves are responsible for many of the problems in the judiciary, and should look to themselves to begin to solve these problems. The present Chief Justice has got an opportunity to initiate the plans which have been recommended by the working group that was formed during his tenure. Furthermore, a longer tenure than the previous Chief Justice might prove to be helpful in creating results from the plans.

The report of the Judges have stressed for the need for the Chief Justice to be more responsible. If the Chief Justice in the Supreme Court, the Registrar in the administration, the main judge in the Appellate Court, the Senior most judge in the district court and the registrar in lower court are seen to be just and fair, this may help to raise the standards of the authorities working underneath them. It will also be much easier for the Chief Justice to implement the plans which were created by the working group, which was formed under his leadership, during his tenure. The new Chief Justice initiated the reform of the judiciary by transferring two officials on the day that he took the post. The officials were transferred to districts outside the valley for as they had been accused of being involved with the political parties in the CD scandal[38].

The judges play a significant role in keeping the judiciary honorable and dignified. Justice cannot be dispensed unless the judges themselves are fair and sincere. Om Prasad Subedi, a judge in the Appellate Court in Pokhara was prevented from carrying out judicial works and actions as he had been accused of sexual harassing woman, of voicing an opinion that was against the constituent assembly, and of being absent from the office without saying so first, which are all against the judges code of conducts. Likewise, Justice Rana Bahadur Bam was not allowed to look into his cases after he was accused of corruption. 4 days after the submission of a report, along with the recommendations from the judicial council which had been prepared by a one member inquiry committee led by Justice Balaram KC, no cases were assigned to Bam.

For the first time in the history of the judiciary in Nepal a recommendation has been handed down for the impeachment of a Justice of the Supreme Court. Justice Bam has been indicted on 4 charges. The Judicial Council recommended that action be taken against Justice Bam, along with another two Justices, for freeing Sanjaya Shrestha, Rohit Paliwan and Bhimsen Pandit who had been charged with abduction.[39] Under

38. Judiciary. Human Rights Year Book.2008.75.

39. Sarwachchaka Nyayadhish Bam lai Maha Abhiyog Sifarish. *Annapurna Post*. December 14, 2010.
The persons involved in the abduction of Dr. Bhakta Man Shrestha had testified in front of the police that they had abducted in order to compensate Rs 70 m that was required to be free from the prison for the previous criminal charge. In 2009 the joint bench of the then justice Bam and Justice Hari Bahadur Basnet in Appellate Court, Patan had freed the accused with the individual bail of Rs 1 m. Justice Bam was promoted as a permanent judge in Supreme Court whereas Justice Basnet was transferred to Appellate Court, Biratnagar.

the chairmanship of Justice Balaram KC of the Supreme Court, an inquiry committee was formed in August, 2010. In their report, the committee recommended that action be taken against the three judges for; being inefficient at work; being of bad character; lacking sincerity whilst fulfilling their responsibilities; and deliberately misinterpreting the law.

Tej Bahadur Karki, a judge at the Appellate Court in Hetaunda, was removed from his position, following the accusation that he freed the aforementioned abductors from prison after being bribed.

Sanjaya Shrestha, Rohit Paliwan and Bhimsen Pandit who were charged with abduction and homicide, were released on bail. There was no consensus between the members of the judicial council with regards to taking action against Justice Bam, who ordered their release. The Law Minister, Prem Bahadur Singh, thought that no action should be taken, as he felt that the Judicial Council lacked the authority to take action against Bam who was a permanent member of the Supreme Court; he also felt that Justice Balaram KC had acted outside his jurisdiction when he had carried out his investigation. While, the Chief Justice, who had banned Bam from receiving any cases following the report from the committee, thought that action should be taken against the accused. The judicial council recommended, however, that Bam be impeached. The Judicial Council submitted their report to the Parliament, and assigned them with the responsibility to take action against Bam. As per Article 105 of the Interim Constitution, 2007, the right to decide on matters, such as that of Bam, resides with the legislative parliament rather than in the judicial council, accordingly the decision was made to submit the report to the parliamentary secretarial via the Ministry of Law, Justice and Parliamentary affairs. The then Justice Karki of the Kathmandu District Court had already been forbidden from looking at any cases, while the council had decided not to take additional action against Justice Basnet, as he had already resigned before the Chief Justice. This decision upheld the culture of impunity for judges, as it accepted the premise that the prosecution of judges is not required if they resign first. The erstwhile judges of the Supreme Court, Balaram Kumar, Krishna Prasad Verma and Rajendra Nakhwa, along with appellate court's judge, Hari Bahdur Basnet, and the district court's judges Mukti Sharma, Upendra Lal Karna and Raghunath Aryal, had already resigned while action was being taken. It can be argued that by accepting Basnet's resignation, the Supreme Court was essentially granting him his freedom, without going to the courts.

The judicial council also made the decision to take action against the lawyers who were involved in the release of the abductors. Due to which, additional responsibilities have been levied on the Nepal Bar Association and the Council of law professionals, Nepal. This has created a sense of feeling that the law is being interpreted by politicians than by judges.[40] Chief Justice Shrestha has been personally involved in eradicating the flaws and defects of the judiciary using the report, which was prepared for him as he is the co-coordinator of the working group.

A new system in the Supreme Court is being started regarding the registration of the writ petitions of habeas corpus via computer networks from within custody. To start such a system, a discussion has already been initiated with the full bench of the Supreme Court.[41] As it is time consuming to register a writ petition of habeus corpus, the system of registering the writ via

40. Karki, Gauri Bahadur. Maha Abhiyog Naalibeli ra Nyayadhish Bam. *Kantipur*. December 22,2010.
41 Bandipratechikaran writ computer marfat. Nepal Samachar Patra

computer networks will allow the detainees to register such a writ immediately. As there are no application fees in the cases of habeus corpus, it would be convenient to register such a writ via a computer. This plan is meant to commence in mid April, and amendments to the Supreme, Appellate and District Courts' regulations are being made accordingly.

The full bench of the Supreme Court has recommended that there be one thousand judicial policemen in 17 courts including the Supreme Court for the security of judges, court officials, law professionals and the beneficiaries[42]. The Supreme Court demanded the judicial police force from the government for the execution of its decisions. As the non-execution of the decisions increased, the process of establishing a judicial police force was initiated. The Decision Execution Directorate submitted a report on the subject to the Supreme Court which in turn submitted it to the Ministry of Law, Justice and Parliamentary Affairs. However, for there to be a judicial police force, an amendment has to be made in the Regulations of the Directorate of the Supreme Court, 2049. Those judicial forces would be used to maintain the security within the premises of court, the bench, the residences of the judges and the security of court officials. The demand for a judicial force was made because of an increase in criticism against the judicial system.[43] The police forces were supposed to be under the full control, direction and subordination of court but they have been conducting work under the direction and subordination of the related district police offices.

The decision of the Supreme Court on November 10, regarding the election of Prime Minister a take guideline to resolve the stalemate by suggesting for the amendment of the Regulation. The decision has shown that the decisions of the Supreme Court, which is the ultimate interpreter of the constitution, should be interpreted and understood differently in different contexts. The decisions of the court that affect the general public, as opposed to those cases which concern private issues, are not simple ones to make. The courts decisions may be negatively affected by political pressure on the judiciary and those who implement the law, as well as by indirect parliamentary attacks, or hearings.[44]

People's Faith

While people were holding grievances as to the lengthy judicial procedures, the judiciary decided a case within 25 days; this was in the case of *Mahendra University*. The writ petition was filed on October 29, and sought to stop an advertisement, which had been published by the University service commission, for the position of vice-principle, as it was claimed that this advertisement went against the principle of inclusiveness. The Supreme Court issued an interim directive to re-advertise for the position, and that this should be based on the principle of the inclusiveness of Women, Janajati, Dalit and Madhesi. A writ petition which was filed 2 years ago, with the demand to stop the appointment of the then Chief of the Army Staff, Rookmangad Katwal, was dismissed by the Supreme Court stating that there was no need for them to decide on the matter as the defendant had already retired. While there is the obligation for the administration to bring the cases before the court in a timely manner, the lack of a quick

42 Being based on the report of the then Chief Justice of Supreme Court Anup Raj Sharma, the full bench had demanded for 10 policemen in each 75 district courts i.e. 750 in total, for 16 appellate court 1 hundred 60 policemen and 90 policemen for special court, Revenue Tribunal, Labor court, administrative court, Debt Recovery Tribunal and the Supreme Court.

43 Adalat lai Nyayik Prahari Maag. *Kantipur*. February 8,2010.

44 Bhattarai, Tikaram. Sarwochha ko faisala ra Sabhamukh ko Badhyata. *Kantipur*. November 13,2010

decision on cases related to public interest is an example of judicial delay and frustration.

The disagreement amongst the members of the judicial council regarding the finalization of the complaints against the judges in the district and appellate courts, has led to a situation where more than 70 complaints have not been looked at. During the meetings that were scheduled to discuss the implications of the report by Motikaji Sthapit, a member of the Judicial Council, as per the complaints which had been made against the appellate and district court judges, a consensus could not be reached as a result of fierce disagreements between members of the council. The members were divided into two sections regarding the procedure for finalizing the complaints. The retired Chief Justice and the chairperson of the council, Anup Raj Sharma, and the presiding law minister, Prem Bahadur Singh, were in favor of taking action against the accused whereas others were against of it. Sthapit stated that the version of the report that he presented was not the final one, as most of the complaints lacked enough evidence and most of those cases had been filed by parties who had lost.

During the year, the judges and lawyers were involved in a heated debate regarding a forgery case at the Nepal Rastra Bank, this debate degraded into accusations and blame being levied from both sides. Advocate Shailendra Kumar Dahal expressed his dissatisfaction against Justice Rana Bahadur Bam who he believed had not acted in a judicial capacity, nor had he behaved in a manner fitting the judiciary. Another senior advocate, Shree Hari Aryal, presented a written request to the Chief Justice requesting that a full court be arranged to study the alleged maltreatment that he had suffered at the joint bench of Justice Balaram KC and Krishna Prasad Upadhyaya. The bench had issued an order concluding that the lawyers had been hindering the pursuit for justice and that no hearing could be conducted in such an environment. Debates and arguments of this kind, creates a lack of faith amongst the people towards the judiciary and other legal mechanisms.

There was also a sense that trivial issues could result in organizational disagreements. When Advocate Sakuntala Thapa and Nihita Biswas were charged with contempt of court, as a result of their statements about the decision in the case of Charles Shovraj, representatives for both the judges and the Nepal Bar accused each other of wrong doing. The Bar Association raised question as to the integrity of the judges. The bar had stated that it was unethical for Justice Ram Kumar Prasad Shah to sit on the contempt of court case, as he was one of the judges in the Shovraj case. The Bar felt that the judiciary was attacking the lawyers, while the judiciary felt that the Bar was being uncooperative.

The change in the orders issued in the bench of Justice Rana Bahadur Bam as the result of pressure from the lawyers was previously discussed. This issue was criticized as it was seen as being against the principle of an independent judiciary. The writ petition which was filed in dispute of the appointments made by the constitutional council for the constitutional jobs which had laid vacant for three years, demanded that the judge stop the appointments and also speak out against them. The Court succumbed to the demands of the lawyers and issued the order.[45] This sort of behavior creates mistrust among the people for the administration of fair justice. The relationship between the bench and the bar was previously stained as a result of political and legal principles, now it has become strained as a result of

45 Dhawa. *Himal Khabar Patrika*. Issue 2. April 30,2010

the conduct, behavior and views of the individuals involved. It is important for the stakeholders to be aware that an increase in intolerability between the bar and bench is sure to affect the independence of the judiciary.

The lawyers in the District Court in Rautahat evicted all four of the benches due to a rise in corruption in the court. It was alleged that the judges have been involved in corruption in all of their cases, which had made justice impossible and had further violated the rule of law. As a result of the irregularities in the court, the Chief Justice directed the main judge of the Appellate Court in Hetaunda to investigate the eviction of the judges by the lawyers, and to provide a report on his findings.

During the hearing of the writ, which had been filed declaring the steps that the President had taken with regards to the then Chief of the Army Staff, Roomangad Katwal, unconstitutional, the judges Damodar Prasad Sharma and Rajendra Prasad Koirala became embroiled in a debate over their differing opinions. [46]. Sharma was of the opinion that the writ would provide the opportunity to question the role of the President, whereas Koirala was of the opinion that as Katwal had retired the issue was moot, and the writ should be dismissed. The judges eventually decided in favor of Koirala, and dismissed the writ petition. While the Supreme Court did establish a precedent regarding the legality of the steps taken by the President, if the differing opinions of the judges leads to an indecisive supreme judiciary, people will become mistrustful towards the judiciary.

The Supreme Court quashed the decision[47] made by the judges of the Kathmandu District Court who had ordered that the accused be detained for longer than the time stipulated in the law[48]. An order was issued to release Gagan Singh Thakuri of Sarlahi, Lalbandhi declaring that he had been sentenced for more than the limit stated in the law. Likewise, Meraj Ahmed, who was arrested for the of murder of two students, following the abduction and murder of Nageshwor Raidas of Indrapur VDC-7 on August 18, 2007, was released on bail by the Banke District Court.[49] The appellate court in Biratnagar found that in similar cases, the court came to different decisions. For example, it was found that Judges Dambar Bahadur Shahi and Ram Chandra Yadav in a land related case decided differently than in another cases of a similar nature. The verdict given on April 21 dismissed the appeal of the victim being based on General Code, without due consideration of prevailing laws on the very subject. After that decision, the victims re-appealed to the Supreme Court for not having received justice. When the courts make serious errors with their judgments, people lose trust and respect for the judicial process.

Conclusion

After 1990, the inclusion of human rights and fundamental freedoms within the constitution has been widened, and

46 The Moist led government had removed the Chief of the Army Staff Rookmangad Katwal from the position on May 3,2009. But, the President had handed him the letter with the direction to work in the original place. The then Prime Minister Pushpa Kamal Dahal then resigned from the position because of the dissatisfaction regarding the 'step' taken by the His President.

47 Nyayadhish ko Faisala Kanoon Biparit. *Annapurna Post*. April 11,2010

48 Acoording to the law, in charge of dacoity an accused can be held imprisoned in maximum up to 4 years. However, the district court judge Prem Raj Dhakal announced the imprisonment for the accused Thakuri for 8 years, 4 months and 1 days. The section 38 and 53(a) of the Chapter on Sentencing and Punishment of the Muluki Ain has provided for maximum of 4 years imprisonment in case of such a charge.

49 According to the preliminary report of the wife of Nageshwor , Meena Raishad, despite the demand of life imprisonment along with the forfeiture of the property of the accused Meraj Raishad, Badalu Raishan, Jayaram Gadariya named Raju, Heeralal Loniya and Ghanashyam Raishad by the government' attorney, district court judge Rameshwor Nath Amatya had issued an order to release all with the security of 25 thousand on the same year except for Heeralal Loniya.

Nepal has become the party to more than 20 human rights treaties. Nepal cannot deny the provisions of such treaties nor can they prevent anyone from the enjoyment of those fundamentals rights, including that of an independent judiciary – which is accepted as a component of the right to a fair and public hearing, the right to equality before courts and tribunals and right to a fair trial. Therefore, if a democratic and human rights friendly constitution is to be written, Nepal can not shy away from its commitments to an independent, functioning and fair judiciary.

The proposed draft bill goes against the United Nations Principles on the Independence of the Judiciary, 1985, according to which the judiciary shall be free from the influence and intervention of other state organs. If the legislature intervenes in the judiciary, then there can be no separation of powers and there can be no fulfillment of the rule of law. Thus, the judiciary should be freed from all sorts of political interventions. Yet in the draft bill, the judiciary is directly considered to be part of the political process which has seriously impacted the notion of an independent judiciary. From this it is clear that the majority party in the legislature has the objective to keep the judiciary within its control and also to strongly politicize it. This cannot provide security to the citizens of Nepal from the government's despotism and tyranny. The judiciary is not free from the political instability, dilemmas and transitional situation. However, during the election on the Constitution Assembly, various political parties expressed their trust and commitment towards an independent judiciary in their declaration, from which it can be assumed that the new constitution will not curtail the independence of the judiciary.

The Judiciary is not an entity under the control of any of the state's organ. It is an independent organ which has the goal of achieving justice. It is very important that the state be committed towards the principle of an independent judiciary, which has been rightly established by the principle of the separation of powers, and was reinforced in the United Nations declaration and Milan declaration. Unless a state assures the independence of the judiciary, it cannot be believed that justice is independent in that state. The judicial mechanism which is established for the appointment of judges, to be responsible for disciplinary actions, to internalize the principle of transparency, as well as guaranteeing the rights and responsibility of the judiciary, must be made up of a majority of person not connected to either the legislature or the executive. The new constitution shall be promulgated in such a manner that it will result in people having renewed faith in the rule of the law and an independent judiciary.

The judiciary itself should be alert in protecting its independence, image and in maintaining the people's faith by removing its internal flaws. The judiciary has also began to take action against the corrupt judges, which should be continued to improve its independence

3.2 State & Human Rights

Chapter

Executive & Human Rights

3

Chronology
January 1- December 31, 2010

January 6

The member of the CA, Sapana Pradhan Malla was granted permission to be a candidate in the election for the post of Specialist of the CEDAW Committee

The Election Commission was told to collect the details of the entire Nepali citizens aged between 16-18 years in the course of collecting the data of the list of voters

The National Dalit Commission was formed under the chairmanship of Bijul Bahadur Bishwakarma (Swarnakar)

January 27

The tenure of the National Landmine Technical Committee extended by a year

February 25

The principal amount and interest of the loan issued to the people, who later died during the armed conflict or the Madhes Movement written off

The term of the group tasked with the collection of statistics of the people, families and infrastructure that were affected by the conflict extended for three months

The special committee which was formed by the Nepal Government for the Care, integration and rehabilitation of the combatants extended until 14 May

The Committee on Integration and and Management of the Combatants to be formed under the chairmanship of the Peace and Reconciliation Minister

March 30

The case of Bharat Bahadur KC, was withdrawn from the courts.

The member of the Commission for Resolution of the Freed Kamaiyas' Rehabilitation problem

Ranjit kumar Pasman of Siraha appointed as a member of the National Dalit Commission

April 11

Bharat Bhandari and Bikal Prajapati of Bhakatpur are appointed as members of the Committee for Resolution of Problem Squatters' Problem

Dr. Jagdish Chandra Pokharel of Lalitpur appointed as the vice chairman and Dr Ganesh Bahadur Gurung of Kathmandu and Shri Ram Kumar Sharma of Bhojpur are appointed as the members of the National Planning Commission

May 14

The principal amount and interest of the loan issued to the people, who were injured during People's Movement II to be written off

Permission granted, in principle, to draft the Organized Crime (Control and Punishment) Act, 2067

The seven-points agreement between the Nepal Government's talk team and the ATMM signed

The tenure of the Special Committee, which was formed by the Nepal Government for the Maoist combatants care, integration and rehabilitation, was extended until September 15.

May 17

The Law and Justice Minister presents the Eighth Amendment of the Interim Constitution of Nepal, 2007 to the CA

May 25

The tenure of the Committee formed to study the equal rights of LGBTI people was extended for three months

The punishment of Ram Chandra Kushwaha Pyasi overturned

June 2

Mohan Ansari of Nepalgunj Municipalitly-1 appointed as a member of

the National Women Commission

Bauwalal Sharma Khatwe of Saptari appointed as a member of the National Dalit Commission, replacing the place of Shiva Shankar Tahkur.

June 6

Permanent resident for the Geneva mission Dr Dinesh Bhattarai to sign the proposed agreement on OHCHR-Nepal on behalf of the Government of Nepal as per the Ministry of foreign Affairs

June 9

Government decides to withdraw 22 cases from the courts, including the case of Arjun Poudel of Nawalparasi

The tenure of the Technical Committee formed under the Special Committee, which is formed by the Nepal Government for the Integration and Rehabilitation of the Combatants to to extended until September 15

June 16

Decision to endorse amendment of the Article 20 of Convention on the Elimination of all forms of Discrimination against Women (CEDAW)

July 12

The tenure of the working team formed to collect the statistics of the people, families and infrastructure affected by the conflict extended until January 14

Former UN's Under Secretary General Kulchandra Gautam to be nominated in the election for the chairperson of 66th UN General Assembly and to launch diplomatic negotiation to make the contest successful

Aditya Narayan Kashaudhan of Rupandehi and Lalita Sah of Nepalgunj appointed as members, and Puspha Sah of Biratnagar as the expert in the Marginalized Community Upliftment Committee

September 6

The tenure of the special Committee formed by the Nepal Government for the Integration and Rehabilitation of the Combatants extended until January 14

September 15

A delegation led by the Home Minister, Bhim Rawal to be sent to the 65th United Nations General Assembly meeting

September 28

The finalized report for the Universal Periodic Review sent to the OHCHR, Geneva

The International Convention on Control on Financing International Terrorism to be presented to the Legislature-Parliament for approval

November 15

Secretary, Dr Trilochan Upreti, sent to observe the discussions at the United Nations Human Rights Council proceedings

November 20

The working procedure, 2010, on the management of Nepalese laborers working as housemaid approved

November 30

The Periodic report on status of the International Covenant on Civil and Political Rights to be sent to the United Nations

The tenure of the Commission for the Resolution of Freed Kamaiya's Rehabilitation Problem extended until April 13

December 26

A delegation led by Deputy Prime Minister and Foreign Minister was sent to present the report of the Universal Periodic Review at the United Nations Human Rights Committee in Geneva

1. Background

The second government formed after the CA elections faced opposition and obstacles from its first day. Calling it a puppet government and saying that it was anti-national, the UCPN-M, the largest party in the Legislature-Parliament, began protesting against the government from early 2010. By diverting from the main issue of constitution making, the major opposition party, UCPN-M made the resignation of the Prime Minister its main target, while the government was busy most of the times in facing the protests. The government continued to run the country despite the resistance and non-cooperation from the major party of the CA and one of the main actors of the peace process, the UCPN-M.

In the middle of all the disputes the PM Madhav Kumar Nepal tendered his resignation on June 30, citing the third point of the three-point agreement which called for his resignation to ease the formation of a new government. However, a new government could not be formed even at the end of 2010. The formation of the base mechanisms for transitional justice, the Truth and Reconciliation Commission and the Commission on the Inquiry of Disappeared Persons did not happen, and was instead limited to the submission of Bills in the Parliament.

The government has an obligation to compensate for the losses occurred during the armed conflict, to create an environment conducive for the drafting of the constitution and to play a critical role in taking the peace process to a meaningful conclusion, however, the government was successful in none of these. The Maoist combatants disqualified by the UNMIN were released this year. The violent activities in the Tarai decreased but the extra-judicial killings in those districts were still documented. There were no political efforts initiated to deal with the problems of the eastern hilly districts or the Tarai.

The government announced 2010 as the year against gender-based violence but more incidents of violence against women were recorded this year than ever before. The budget allocated for empowering women was unique in Nepal's history.

The National Human Rights Commission (NHRC), called the umbrella of all human rights organizations, found itself embroiled in internal disputes. Members were appointed to the National Dalit Commission where the positions had been vacant for six months. A debate ensued over the need for the future presence of OHCHR, which has been in the country for the past six years, while even UNMIN could not escape controversy.

2. Three-Year Human Rights Action Plan

The challenges of the UML-led government, barely functioning as a coalition of 25 parties, did not go away even after the resignation of the PM. The coalition government, which was formed following the resignation of the UCPN-M chairman Prachanda, did not have an easy time as the caretaker government. The major opposition party, the UCPN-M, tried its best not to support the government calling it, among other things, a puppet government, anti-national and an obstacle to the peace process. Being convinced that the resignation of the Madav Nepal government was the cure for all ailments of the country, the UCPN-M busied itself with its main target of toppling the government and forming its own government or a UCPN-M friendly government.

The UCPN-M called for an indefinite general strike on May 2 demanding resignation of the government. The strike that lasted until May 7 was primarily focused in Kathmandu. The party extracted money from across the country to fund the strike. An OHCHR report published on June 2 mentions that some Maoist combatants from the cantonments were also participating in the general strike.[1]

1. http://nepal.ohchr.org/en/resources/Documents/English/reports/HCR/2010_05_26_Summary_of_Observations_E.pdf

The UCPN-M was forced to call off the indefinite strike after the people, fed up with the continuous bandh, came out to resist the UCPN-M cadres. The government not only faced the pressure and protests from a political adversary, but also from within their own party, after some CA members launched a signature campaign to push Nepal out of the PM's chair. Despite facing incessant opposition and spending significant time retaining the support of the coalition partners, the government did have some substantial achievements.[2]

While continuing the Three Year Human Rights Action Plan, the government continued with several programs this year too. The Action Plan includes education, health and population, law, management reform and judicial administration, indigenous people, ethnic groups and Dalits, labor and employment, promotion of peace, protection and promotion of cultural rights, environment and sustainable development, protection and promotion of human rights in Nepal Army, disability, senior citizens, women rights and social justice, child rights and development, gender and sexual minorities, law and order, implementation of law and the protection of human rights and institutional strengthening.

2.1 Some Positive Efforts towards Social Security

The government allocated Rs 150.3 b for social services, which is 44.40% of the total budget. The finance minister announced that under this provision, the allowances for elderly and single women would be distributed through banks. The scheme of child protection donations, which targeted the children from economically poor and dalit communities and also the children of the Karnali zone was continued. A total of Rs 60.61m was allotted for the direct benefit of women. The government decided to make crime such as violence against women because of dowry, allegation of practicing witchcraft, as well as the rape of girls a criminal case where the government is the plaintiff, to try to deter the population from resorting to such acts. The government declared that it would cover all the costs incurred in the legal proceedings in such cases. A total of Rs 3.04m was allocated for the schemes targeting women from the Dalits, Madhesi, and Janjati marginalized communities under the Poverty Alleviation Fund.

A total of Rs 245.1m was allocated for the health sector. Last year, this amount was Rs 186.7m. The Maternal Protection Scheme, which provides the maternity services, was expanded from community hospital and central level hospitals to non-profit health service centers. A campaign was launched to create a maternity ward in every health service center.

Girls who have been freed from bonded labor will get the chance to attend boarding schools for free or get vocational training, which will be funded by the government. Continuing the existing academic scholarships, the students who pass community schools, were allowed scholarships for higher studies after competing for them; the government has not revealed how many students will benefit from the scheme.

2.2 Child Protection and Development Plan

Nepal is a state party to the CRC. In this context, Nepal has already enacted Children Act, 1992 and Regulation 1995, and Child Labor (Control and Regulation) Act, 1999 for the protection of child rights. The Child friendly Juvenile Justice (Procedure) Regulation, 2007 has already come into effect to speed up trials in cases involving children and 28 districts already have a juvenile bench. A lot more remains to be achieved to meet the international obligation. The draft Bill on the Protection and Promotion of Child Rights, namely the Child Act, 2009 was sent to the Ministry of Law for finalization but it was

2. Rameshwar Bohora. Pradhanmantri Rajinamako. Moodma. *Himal Khabarpatrika* June 15-29, 2010

not proposed to the Legislature-Parliament during the year.

2.3 Expansion of Safe Motherhood Service

This year, the government allocated Rs 245.1 m for the health sector showing its attention towards the sector. No long term or practical policy was adopted, however, for the improvement of the health services. The situation of the lack of health workers and medicine in rural areas did not improve. The media kept reporting on the deaths of people which had occurred while they were waiting for minimal health services.

The health centers and hospitals do not have the provisioned work force, this is shown from the details of the situation of the health services which are mentioned in most of the district profiles in the annex of this book.

Devisara Darji, 25, of Malkot VDC-2 in the Kalikot district died in labor on January 4. Darji, who was taken to nearby health center for delivery did not receive medical help due to the absence of health workers and she was brought back home. She died at home. In the Regional Hospital in Birendranagar, Surkhet, only five doctors were working even though there should have been 24.

2.4 Rights to the People of Third Gender

The joint bench of the SC justices, Balram KC, and Pawan Kumar Ojha, using its extra-ordinary jurisdiction, asked the government to provide citizenship certificates to the people of third gender on the basis of their sexual orientation. Even an Indian court had used this decision as legal precedent in a similar case. Bishnu Adhikari of Pokhara received a citizenship certificate on the basis of the decision. The SC on December 21, 2007 had directed the government to annul the discriminatory laws against the people of third gender, to allow them citizenship on the basis of their sexual orientation, and to form a seven-member committee to study same sex marriage. The people of the third gender criticized the government saying that when the Home Ministry sought clarification from the CDOs of Kaski and Banke for providing the citizenship certificate in the name of the mother, the distribution of the certificate as per their wish was suspended. They also demanded for the implementation of SC order.[3]

In the fiscal years 2009/10 and 2010/11, the government had allocated Rs 2.5m and Rs 3 m respectively to build community centers for the people of third gender. In the preliminary draft constitution, there are provisions including citizenship for the third gender people on the basis of their gender orientation and sexual orientation, and that there should be no discrimination on the basis of their sexual orientation. The state, however, has not devised any programs that would raise the self-esteem of the gender and sexual minorities.

2.5 Women Empowerment and Sensitivity towards Gender-based Violence

This year, the government tried to create a women-friendly budget by allocating Rs 60.61m to programs that would directly benefit them. Likewise, the government decided to initiate criminal cases against the perpetrators of rape and violence against women because of dowry, allegations of practicing witchcraft in order to deter the population from committing such acts. In addition to this, the government announced that it would cover all the legal costs incurred during the proceedings of such cases. A total of Rs 3.04m was allocated for schemes targeting women, dalits, madhesi, janjati and marginalized sections of society under the Poverty Alleviation Fund. The government declared the year 2010 as the year against gender-based violence.

This year, the Domestic Violence (Offence and Punishment) Regulation 2010

3 http://www.ekantipur.com/kantipur/news/news-detail.php?news_id=232946

came into effect. A committee was formed to review, amend and to draft laws relating to gender violence but it remained defunct. The Bill on Sexual Harassment in the Work Place remained under consideration in the Parliament at the end of the year. The government highly prioritized the campaign against gender violence and the management of complaints against gender violence and monitoring unit was established in the Office of the Prime Minister and Council of Ministers. The unit received complaints regarding killings, domestic violence, allegations of witchcraft, rape, trafficking and sexual harassment. Complaint desks were established in 44 District Development Committees in order to receive complaints relating to gender violence.

3. Efforts towards the Peace Process

3.1 The Release of the Disqualified Combatants

The release of the disqualified combatants from the Maoist cantonments this year was an important achievement. The agreement to release them had been signed towards the end of last year. Under this process, 2,385 out of the 4,800 combatants disqualified by UNMIN were released. The remaining 2,415 did not participate in the function. Neither the government nor UNMIN commented on the absent 2,385 disqualified combatants. Nor did the Maoists think it necessary to deal with the topic.

An agreement was reached to release the combatants disqualified by UNMIN on December 16, 2009 after months of discussion and planning. Minister for Peace and Reconstruction Rakam Chemjong, UCPN-M chairperson Prachanda and a UNICEF representative signed the deal.

The Action Plan allows for disqualified minors combatants to decide about the location they would like to return to or resettle in. It was guaranteed by all sides that they could avail of schemes of rehabilitation if they wish to. The support package was also intended for those who had already left the cantonments. The release function was attended by 1,814 combatants, who where leaving the cantonments of their own free will and 337 combatants, who had already left.[4]

The Maoists needed to abide by the agreement to release the disqualified combatants before February 2010 in order to have its name removed from that list as it had been listed in five previous reports of the Special Representative of the UN General Secretary on Children and Armed Conflict.(For details, see Highlight of the Year)

Pursuant to the CPA, the Maoists should have released the disqualified combatants two years earlier. Their recruitment of children shows a blatant lack of respect for international law. The Maoists recruited children, many of them primary level students, with promises or threats. In 2003, the then UN Secretary General Kofi Annan and the General Assembly named Nepal as being in the top 15 countries that had committed human rights abuses against the children. Though, most of the Maoist leaders denied the involvement of the children, Annan's reports mentioned that many children were abducted for recruitment purposes.[5]

3.2 Transitional Justice

This year the government proposed the Bill on Disappeared Persons (Offence and Punishment) to the Parliament. This Bill is crucial for finding out the whereabouts of the disappeared persons and uncovering the truth.

Though, it is mentioned in the CPA that a Commission would be formed to investigate the disappeared persons, it has not been implemented due to the absence of proper laws. The proposed Bill provides for the formation of a High Level Independent Commission to investigate the people who disappeared, were forcefully disappeared and

4. http://peace.gov.np/uploads/NHRTC,CPA%20PROG.pdf
5. http://www.ekantipur.com/np/2067/9/11/full-story/322558.html

those involved in such acts during the armed conflict from February 13, 1996 – November 5, 2006. As per the Bill, the government is obliged to file a case against those who are indicted by the Committee. However, the Bill gives the authority to those reviewing the case to lessen the punishment or to completely withdraw the case depending on the severity of the crime. The human rights community opposed this provision stating that the standard of punishment does not match the extent of the crime perpetrated.

Though the draft Bill for the formation of the Truth and Reconciliation Commission as per the provision in the CPA was proposed to the Parliament on February 7, it has yet to be approved. The human right community, along with legal experts, has been criticizing the Bill, stating that it does not meet international standards and have put forth the demand that it should be revised. The Bill has only focused on the agreement and disregarded the justice and the compensation aspects. INSEC put forth suggestions to make the draft Bill human rights friendly with the aim of drawing attention towards these issues.[6]

4. Government and International Commitments

The Government of Nepal submitted a report about the overall situation of human rights in Nepal in November for the Universal Periodic Review (UPR) under the UN Human Rights Council to be held in January 2011. A review of the Constitution, the inclusion of human rights in other laws and the existing mechanisms are included in the report. Similarly, information on human rights protection, economic, social and cultural rights, economic development and poverty alleviation are included in the report. Furthermore, the information on the rights of children and woman, the rights of indigenous people and the rights of the persons with disabilities are also dealt with in the report. The report also highlights important achievements in the context of human rights protection and promotion.

A coalition of 238 NGOs for UPR also submitted its report on overall human rights situation of the country Nepal civil society also organized a side event to discuss on the implementation status of human rights instruments, to which Nepal is party. The updated reports to be submitted to the treaty-based bodies of the ICCPR and ICESCR were also discussed.

The Special Rapporteur on the situation of the rights of human rights defenders, Margaret Sekagya unofficially visited Nepal this year. The Special Rapporteur on the rights of human rights defenders visited Nepal four times; once in 2003 and 2004, and twice in 2008.

Nepal is the second country in Asia and the first in South Asia to ratify ILO Convention 169 on Indigenous and Tribal Peoples (ILO 169). Nepal became a party to ILO 169 on August 22, 2007 to guarantee the rights of indigenous and aboriginal people. Indigenous and aboriginal people constitute 37 percent of the total population of Nepal, comprising of 59 different groups. The ratification of this Convention is a positive step. But so far, three years after the ratification, the government has yet to fulfill its new obligations and responsibilities by amending contradictory domestic laws and drafting new laws. The Action Plan drafted for implementation of the Convention was not passed by the Council of Ministers. As per the Nepal Treaty Act, 1991, contradictory legislation should be amended. According to clause 9 of the Treaty Act, when a treaty is ratified, acceded to, supported or signed by Nepal then contradictory existing laws automatically become defunct and the treaty itself will be executed as law.

Nepal ratified the Convention on the Rights of the People with Disability in (2006) on May 7, 2010. The 2006 optional

6. Comments on TRC Bill http://www.insec.org.np/files/documents/Comments_on_TRC_Bill.pdf

protocol was also ratified. The Government of Nepal expressed its solidarity to empower and protect the rights of the disabled by signing the optional protocol of rights of the people with disability on January 31, 2008.

5. National human rights organizations

The NHRC, which is defined constitutionally as the guardian of human rights, was entangled in internal disputes this year. The personal disputes among the Commissioners were even taken to the President. Despite being a constitutional body the NRHC is weak; the lack of laws has made the NHRC fragile. The dispute in the NHRC was over petty issues, not policy issues. Commissioners Dr KB Rokaya and Lila Pathak of the NHRC even complained to the Chairman of Human Rights and International Committee, Padamlal Bishwakarma.[7]

The Bill drafted with the policy to amend and update the mandate, rights and jurisdiction of NRHC is still pending. 2011 represents the 10th anniversary of the establishment of the NRHC. Among the 386 recommendations made by the NHRC from mid-April of 2001 until now, only 34 recommendations were fully implemented, 138 were partially implemented and 214 recommendations were not implemented. The government only provided relief to some of the victims upon the recommendation of the NHRC, after it had investigated complaints filed by the victims.

As witnessed in previous years, this year the NWC received complaints about the violation of woman rights and violence against women. Altogether, 147 applications were registered with the NWC including complaints about domestic violence, sexual violence, violence against women in public places, dowry related violence and inhuman and torturous behavior in the name of witch craft. Among these 102 (69.38%) complaints were over domestic violence and 45 (30.62%) were related to other forms of violence 117 applications were decided by the Commission. The other applications filed at the Commission were forwarded to other agencies for legal aid.[8]

The demand for a Constitutional Commission has been raised by Dalit, Madhesi, Woman, Muslim, Minority, indigenous and aboriginal, disabled and marginalized community. The NWC and Indigenous Institution were formed along with the issues of the Act. The NDC was also reformed this year. The 17 designated positions of the Commission that were vacant for six months were filled. The formation of a National Social Justice Commission, to resolve the issues of the Muslims, madhesi, minority, and backward society was suggested this year.[9]

6. Lack of Visionary Plan and Deepening Food Crisis

The World Conference on Food Security in November 2009 called on the world to reiterate the pledge made at the World Food Conference 1996; to end world hunger. As a member state, it is therefore the responsibility of Nepal to fulfill this commitment. Due to declining agriculture production, Nepal is becoming more and more dependent on imported food. Nepal exported food in the 70s but is now importing. Government figures highlight that in 2010/11, 1.6 million people are facing hunger in Nepal. On the 2010 Global Hunger Index (World Hunger Indicator–GHI) list Nepal is 56th. In 2009 Nepal stood at 55th on the list. In the year 2008, Nepal was in 57th position on the GHI. The data reveals that 41% of the population is malnourished. The report of the International Food Policy Research Institute in 2010 stated that Nepal is in 16th position in the list of states suffering from starvation.

In the 80s, at least 30% of the total

7. http://www.ekantipur.com/np/2067/9/11/full-story/322558.html
8. Ayogko Ek Dashak, Ujuriupar Ayogka Sifarishharu, National Human Rights Commission, 2010
9. Chhata Ayog Samajik Nyayaka Nimti. http://www.ekantipur.com/np/news/news-detail.php?news_id=307270

annual budget was allocated to agriculture. In the 90s, 20% of the budget was allocated to agriculture. Gradually the amount allocated in the budget to agriculture has declined. Nepal, once the exporter of food is now the importer of the food.[10] INSEC documented that in the Mid and Far Western Regions, due to problems relating to the transportation of food, there were repeated food crises. The transportation of food was halted despite stockpiles of perishable foods because the government did not provide a transportation subsidy. In the rainy season in Mugu, Humla, Dolpa and Bajhang, food was being airlifted, at four times the cost to overland transportation. It cost Rs 4,400 to carry a quintal of food by land and Rs 15,246 by air to transport the food.[11]

Similarly to the previous year, this year also witnessed the scarcity of food in various VDCs located west of Dolpa district headquarters, Dunai. There were shortages of food in the VDCs of Kaigaun, Laha, Liku, Pahada, Rimi, Samri and Narku in the western part of the district. Similarly, the food scarcity hit locals hard after the stock was all distributed on September 17 in the 15 VDCs of the Jajarkot district. INSEC have documented food scarcity in the VDCs of Nayakwada, Rokaya Gau, Ramidanda, Sakla, Ragda, Bhagawati, Laha, Daha, Archani, Taleguan, Kortang, Majkot, Dashera, Pajaru, Dhime and Garkhakot.

7. UN Offices and the Peace Process

There were more comments this year than last year submitting that the Office of the High Commissioner for Human Rights, Nepal (OHCHR- Nepal) was not necessary in Nepal anymore. The government extended the term of the OHCHR-Nepal by one year until June 2011 and also decided to gradually close its regional offices. The NC advocated for the closure of the Office in mid-May 2011. [12]

Navanetham Pillay, the United Nations High Commissioner for Human Rights, during her visit here, suggested that the Government extend the term of the OHCHR-Nepal by three years but the Government only extended it by one year. The PM of Nepal was not in favor of the extension of the term. He expressed this view early this year while speaking at a function at the National Human Rights Commission (NHRC), he argued that the Commission itself should be able to handle the human rights situation in the country. The NHRC had also submitted a memorandum to the PM saying that although the OHCHR-Nepal was important in Nepal during the reign of King Gyanendra, the work of the Office could now be undertaken by the NHRC.[13]

UNMIN is another UN mission in Nepal; it had direct involvement in the ongoing peace process. However, relations between the Government and UNMIN were strained. Political parties could not reach a consensus on the role of UNMIN in the ongoing peace process. UNMIN did not manage to avoid controversy. The Mission was perceived by the Government and political parties in the government as a body to support the UCPN-M. Relations between the Government and UNMIN became colder when the UN Secretary General Ban Ki Moon presented his report to the Security Council the previous year. Relations between them took a further turn for the worse when the Government demanded that UNMIN supply them with the details and number of Maoist fighters. Later the relationship deteriorated in such a way that both of them started to respond to each other through the issuance of statements. The Government demanded to know the number of combatants, suspecting that not all the

10. http://books.google.com/books/p/pub-8266916332176326¿q=nepal&hl=en_US&vid=ISBN9780896299269&ie=UTF-8&oe=UTF-8#v=snippet&q=nepal&f=false
11. http://www.ekantipur.com/np/2067/7/5/full-story/319400.html
12. The Executive, the Human Rights Yearbook, 2010. P 89
13. ibid, p.87

verified combatants were in the cantonments. UNMIN, issuing a statement on February 25, however, stated that it was unable to provide the number due to confidentiality reasons. The Peace Ministry reacted and issued a statement saying that it had not asked for secret documents. The Minister for Peace and Reconstruction commented saying that UNMIN did not support the peace process in the country. [14] Karen Lundgren, following the issuance of the statement by the Peace Ministry expressed her intention to provide the Government with the number of the combatants. [15]

The PM of Nepal resigned from his post before the termination of UNMIN. Parties were trying to forge a consensus; however, UNMIN distributed a concept paper with an Action Plan of 60 weeks. Perhaps, the move was a strategy to attract the attention of the government that was due to be formed. The caretaker PM accused UNMIN of failing to assist with the writing of the Constitution in time. UNMIN, however, was of the view that the distribution of its concept paper was aimed at helping the government and the parties to integrate and rehabilitate the combatants. Karen Lundgren even expressed her views against the accusations by writing an article in a national daily [16] that branded the accusations as being false.

8. The Rule of Law and the Lack of Good Governance

Impunity remained one of the main challenges to the conclusion of the peace process and the improvement of democracy in Nepal. In particular, the maintenance of the rule of law was weakened. The responsible state actors themselves were observed as reinforcing impunity.

This year the government withdrew 282 cases. Among them, 200 cases were for murder and the remaining 82 cases were for robbery and destruction.[17] This act contravenes the standards of international law; these cases against humanity cannot simply be forgiven and withdrawn. The Interim Constitution provides that only political cases can be withdrawn from legal proceedings. The government has been withdrawing cases of ethnic killing and rape. Prior to this year, the Maoist-led government withdrew 349 cases of which 99 cases were of murder.

Impunity flourishes in the prevailing absence of the rule of law. The impunity situation means that violators and abusers are not brought to justice or there is a marked reluctance to bring them to justice. The Criminal Case Act 1993, section 29 empowers the court to have certain criminal cases withdrawn. Various people are abusing this provision to free themselves of liability. The accused are freed by the government because of their political orientation. The government withdraws cases in the name of membership to political parties.[18]

On the last day of this year, the Maoists submitted that cases against their cadres filed during the conflict were not withdrawn and therefore the CPA and Interim Constitution were not being followed. At the press conference organized at the Maoist party office, Secretary CP Gajurel informed the media that the Maoists were accused in 56 cases of killing including the one by a CA member Bal Krishna Dhungel from Okhaldhunga.[19]

Bal Krishna Dhungel was sentenced to life imprisonment by the Supreme Court for killing Ujjan Kumar Shrestha of Okhaldhunga because of personal dispute. However, Gajurel objected to the verdict claiming it was unconstitutional to continue

14. http://www.ekantipur.com/np/2067/1/29/full-story/311418.html
15. http://www.ekantipur.com/np/2066/11/19/full-story/307786.html
16. http://www.ekantipur.com/np/2067/3/26/full-story/314423.html
17. Rajdhani Daily, December 11, 2010, pg 1
18. http://www.ekantipur.com/np/2067/2/23/full-story/312705.html
19. http://www.ekantipur.com/np/2067/5/31/full-story/317890.html

the case against a Maoist cadres for the killing occurred during the conflict time. The opposition parties refused to acknowledge the Court's decision, demonstrating that the leaders of the political parties are not serious about the image or reputation of the Court. The human rights community blamed the political parties for not establishing the rule of law. "The leaders of the three political parties are responsible for intervening to protect their accused cadres and pressurizing the government not to take any action,[20] NHRC Chief Kedarnath Upadhaya had accused.

9. Effort for peace and security

Extra judicial killing continued this year in the name of crossfire and action against various underground armed groups fighting in the Tarai and eastern hilly districts. Information about the killing of individuals while in custody has been documented.

The government has not been able to find a solution to the armed movement going on in Tarai for the last five years. On the one hand, the government is holding dialogue with them and on the other, it is releasing them. Similarly, the cadres of such groups are also holding talks with the government and simultaneously are also involved in criminal activities including killing and violence. Special Security Pan can be credited for some relent in the violence in comparison to last two years. But, NHRC had concluded that the government had failed to control the incidents like killing, abduction and extortion among others.[21]

After the CPA, up until this year, the government conducted dialogues to reach to an agreement with 22 armed groups.[22] This year the Peace Minister Rakam Chemjong collected arms from the surrendering ATMM faction led by Binod Chaudary in Birgunj on May 21. The faction signed a 7-point-agreement with the government on May 7. They handed over a list of 282 cadres to be freed by the government, who were accused in various criminal cases. The government withdrew all of the 282 cases this year. The names of the cases withdrawn were not made public by the government. Mangal Pandey of the MMT also requested that cases against 87 of their cadres be withdrawn.[23]

On the one hand, these groups are making their cadres sit in dialogue with the government, and on the other hand, the accused are being released in the name of surrender. The leaders and cadres of various armed underground groups, who were being held for the detonation of bombs at different locations, have been released. The leader of the Tarai Army, who was accused of detonating a bomb in Kathmandu that killed three people, was released this year. He was also accused of killing 18 people in other bomb explosions. The chairman of Tarai Army Sanjay Kumar from Rautahat and Central Member Baliram Das surrendered on February 3. The failure of victims to file complaints meant that the police could not launch investigations and allow criminals easy escape in the name of armed groups.

In the name of establishing peace and security, the government freed the accused in cases pending in Court by withdrawing the case or by making the accused surrender to administration. The government also gave continuity to the Special Security Plan. Extrajudicial killings that were carried out after the implementation of this plan attracted the attention of the human rights community. INSEC raised question about such extra judicial killing.[24]

This year, two women and one girl were shot dead by the Nepal Army squad under Lt. Subodh Kunwar in the Baspani forest of Bardiya. The next day, INSEC carried

20. Kedarnath Upadhaya, speaking at the occasion of the 10th anniversary of NHRC
21. http://www.ekantipur.com/np/2067/3/14/full-story/313820.html
22. http://peace.gov.np/uploads/NHRTC,CPA%20PROG.pdf
23. Bartako Namama Unmukti Himal Khabarpatrika pg 23 June 1
24. Nepal Human Yearbook 2010 Executive, Nepal Human Rights Yearbook pg 86

out a fact finding mission. INSEC published the report on March 16, quoting the incident as extrajudicial killings. The state tried to prove that the perpetrators were innocent by claiming that the victims were poachers. INSEC also documented extrajudicial killing in Tarai. (*Please see district reports for Banke, Dhanusha , Bara and Rautahat)*

In this context, the OHCHR mentioned 57 cases of extrajudicial killings from 2008 to June 2010. The report highlighted that the 16 of the deaths took place while the victims were in police custody.[25]

10. Conclusion

In his address to the nation, Prime Minister Madhav Kumar Nepal, on April 25, promised to end anarchy, insecurity and impunity, and ensure constitutional supremacy, the rule of law, good governance, the conclusion of the peace process, the control of high prices and economic development.

The process of the rehabilitation and management of the disqualified Maoist combatants should have concluded two years ago. By discharging them from the cantonments this year, the government has successfully completed one of the main constituents of the peace process. Besides this, there were no other notable results. The attempts for the integration and rehabilitation of the Maoist combatants failed. The main party to the peace process, the UCPN-M, which wanted to form its own government, attempted to foil government policy and program. National consensus could not be established. A three-point agreement was reached in May, only when the Prime Minister promised to resign from the post.

For nearly half of 2010, the country was led by a caretaker goverment. The culture of impunity became deeply rooted. The govenment discarded its responsibility to implement the orders of the Courts. Many cases were withdrawn with the aim to exonerate party cadres of the governing party or to appease the cadres of the coalition partners. There was a complete lack of willingness to implement the recommendations of the National Human Rights Commissions.

Although the peace and security situation improved in some places, many people did not feel secure enough. Criminal activities were not controlled. The goverment continued the culture of impunity by protecting those involved in extra-judicial killings.

Reviewing the three-year Human Rights Action Plan, the government demonstrated activeness in the human rights sector. Launching a specific plan against gender based violence, the government not only revealed its sensitivity towards women but also paved the way for the future of human rights.

The caretaker government failed to garner a consensus for a new government. The basic foundations for the promulgation of the new Consitution by May 28, 2011 were not created. The transformation of the country from a unitary state to a federal state; from a Hindu state to a secular state; from a monarchy to a democtatic republic; from a monolingual lingual state to a multilingual state; from a single racial state to an inclusive democratic state; were based on the decisions of consensus. Thus, the new government should be such which would resurrect politics of consensus and the constitution would be promulgated in the stipulated time.[26]

25. http://nepal.ohchr.org/en/resources/Documents/Nepali/reports/HCR/2010_EJK_Report_N.pdf
26. Hachhethu, Krishna. Bidroha Hoina Sahamati www.ekantipur.com/np/2067/9/16/full-story/322830.html

3.3 State & Human Rights

Chapter

Legislature & Human Rights

3

Chronology
January 1- December 31, 2010

January 5

Unanimous approval of proposal to discuss the proposed Bill on the Function, Duty, Rights and Working Procedures of the Constitutional Council

January 7

The UCPN-M boycotts the Parliament, accusing the government of repressing their third phase movement, violating the Comprehensive Peace Agreement (CPA) and ignoring the Constitution-drafting process

January 11

The Committee of Women, Children and Social Welfare present the "Fact-finding report on the control and management of the cholera epidemic in the Mid and Far Western Regions, 2010"

The National Human Rights Commission Bill 2010 submitted

January 12

The Bill on Racial Discrimination and Untouchability (Offence and Punishment) 2010 submitted

January 17

The UCPN-M Sub-Chairperson Narayan Kaji Shrestha demands that information regarding the import of suspicious material in an army vehicle across the border at midnight on January 14 be shared with the parliament

Unanimous approval of the proposed Bill on the Consolidation of Republican System and the amendment of some Nepal laws 2010

January 18

The UCPN-M boycotts the Parliament, accusing the government with not informing the parliament about weapons imported for the Nepal Army on January 14 and condemning the PM's statement on the UCPN-M, leading to the postponement of Parliament

January 21

PM Madhav Kumar Nepal pledges the government's dedication to implement the Comprehensive Peace Agreement, manage the former combatants and their rehabilitation, and ensure that the Special Committee for the Integration of the Army abides by the Interim Constitution and the Comprehensive Peace Agreement

January 25

Unanimous approval of the proposed National Human Rights Commission Bill 2010

January 26

Unanimous approval of the proposal to discuss the Bill on Racial Discrimination and Untouchability (Offence and Punishment) 2010

Unanimous approval of the proposed Bill on the Elimination of Sexual Harassment in the Work Place 2010

January 28

A resolution, proposed by CA member Posta Bahadur Bogati to reactivate the position of Vice President, passed with a majority vote

Unanimous approval of the proposed 7th Amendment to the Interim Constitution Bill 2010

January 31

The UCPN-M boycotts the Parliament following UCPN-M's CA member Neer Kumari Kunwar's assertions regarding continued political hooliganism, even after the Comprehensive Peace Agreement and her demand for police action to be initiated against the Youth Force cadres who were found with weapons as they were heading for Jhagajholi of Sindhuli for the UML Sindhuli district committee conference on January 29

February 1

CA member Neer Kumari Kunwar asks the Speaker to draw the government's attention to the January 29 incident as the government had failed to take a stance on the subject. The Speaker draws the attention of Home Minister to the incident

Padamlal Biswakarma, Chairperson of the International Relation and Human Rights Committee submits the "Fact-finding mission on border issues in Matiarwa of Bara and other locations, 2010"

Home Minister Bhim Bahadur Rawal briefs the Parliament about the Sindhuli incident

February 3

The Speaker delays the meeting of the Legislature-Parliament for 10 minutes, agreeing with CA member Jayaram Yadav's demand that ministers be present at the meeting, this demand was seconded by Posta Bahadur Bogati

Unanimous approval of the proposed Bill on National Law and International Relation Studies Center 2010

January 8

CA members draw the attention of government to the killing of media entrepreneur Jamim Shah, they submit that this demonstrates a lack of peace and security in the country and demand the resignation of the Home Minster

State Home Minister Muhammad Rizwan briefs the Parliament about the killing of media entrepreneur Jamim Shah

State Minister for Local Development, Ganesh Bahadur Khadka submits the National Dalit Rights Commission Bill 2010

Minister for Law and Justice, Prem Bahadur Singh's proposal to refer the National Human Rights Commission Bill 2010 to the Bill Drafting Committee for section-by-section discussion is unanimously endorsed

CA member Bhim Prasad Acharya's proposal to refer the Bill on National Law and International Relations Studies Center 2010 to the Bill Drafting Committee for section-by-section discussion is unanimously endorsed

The Speaker conclusively briefs about the acts and activities of the 6th session of the Legislature-Parliament and schedules the automatic conclusion of the session, effective from 9 pm same day

April 4

The Speaker informs the Parliament about a letter, received from the President's Office, calling for the session of the Parliament

Finance Minister Surendra Pandey presents the Fiscal (1st Amendment) Ordinance Bill 2010

April 7

Unanimous approval of the proposal to refer the Bill on Sexual Harassment (Elimination) at Work Place 2010 to the Bill Drafting Committee for section-by-section discussion

April 11

Shanata Chaudhary, Chairperson of the Committee on the Distribution of Natural Resources submits a "Fact-finding report of the quarrying and export of stone, concrete and sand from Chure Bhawar and other areas 2010"

April 13

Saying that there was an attempt to cover up the facts about the army's killing of Dalit women in Bardiya, CA members request that the Legislature-Parliament publicize the truth

Defense Minister, Bidhya Devi Bhandari informs the Parliament that a 3-member commission had been formed to investigate the Bardiya incident

April 16

A CA member from the Nepal Sadbhawana Party (Anandi Devi) boycotts the Parliament in protest of the government's failure to take action against those accused of the killing of its cadre and CA election candidate Ram Ekwal Yadav and accused the police administration of bowing to political pressure

Unanimous approval of Minister of Local Development, Purna Kumar Sherma's proposal to refer the Racial Discrimination and Untouchability (Offence and Punishment) Bill 2010 to the Bill Drafting Committee for Section-by-section discussion

April 18

Home minister, Bhim Bahadur Rawal, informs the Parliament about the killing of NSP (Anandi Devi) cadre Ram Ekwal Yadav

April 20

Minister for Peace and Reconstruction, Rakam Chemjong submits the Bill on Disappearance of Person (Offence and Punishment) 2010

April 22

The Legislature-Parliament unanimously approves the proposal made by the Speaker to include Ram Bahadur Thapa Magar (Chitwan) in the Security Special Committee

The Bill on the Truth and Reconciliation Commission 2010 submitted following no objections as per Rule 60 of the Legislature-Parliament Act 2008

Unanimous approval of the proposal to discuss the technical aspects of the Disappearances of Persons (Offence and Punishment) Bill 2010

Chairperson of the Committee on Women, Child and Social Welfare, Sandhya Devi presents the "Fact-finding report on gang-rape of a policewoman in Achham"

Unanimous approval of the Speaker's proposal to discuss the Bill on Truth and Reconciliation Commission 2010

A proposal to mourn the untimely demise of CA member Damodar Chaudhary unanimously passed

May 3, 4, 5, 6, 7

Parliament meeting adjourned through a notice citing the mass strike called for by the main opposition party UCPN-M

May 9

Parliament meeting adjourned through a notice citing special reasons

May 10

The UCPN-M CA members boycott the Parliament after one of the members Amik Sherchan accused the government of protecting the people who resisted the mass strike it called, suppressing the agitation and the lack of response from the government on the UCPN-M agitation

May 11

Home Minister Bhim Bahadur Rawal issues a briefing about the public importance about the agitation called by the UCPN-M and the government response

Member of the Committee on Women, Children and Social Welfare Malamati Devi Rana submits the "Fact Finding report of the killing of two women and a girl by the Nepal Army from the Baspani area in Bardiya National Park 2010"

May 12

The Speaker instructs the secretariat of the Parliament to remove the words "Sheep Shed" that Chitra Bahadur KC used in reference to the Parliament on May 11, from the parliamentary proceeding archive, citing that the words breached the esteem of the Parliament

May 16

The Minister of Peace and Reconstruction Rakam Chemjung's proposal to refer the Bill on Disappearances of Persons (Offence and Punishment) 2010 and the Bill on the Truth and Reconciliation Commission 2010 to the Bill Drafting Committee unanimously passed

May 17

Unanimous approval of the proposal of the Reconciliation Bill 2010

May 20

RPP CA member Chalan Bahadur Tamang boycotts the Parliament demanding the release of the RPP cadre who was abducted, allegedly by the UCPN-M and accusing the authority of not acting on the party's request to discover his whereabouts

UCPN-M CA member Chitra Bahadur Shrestha advocates in the Parliament for the safe release of Dr. Bhakta Bahadur Shrestha, Executive Director of the BP Koirala Memorial Hospital and that severe action be taken against his abductors. The Speaker draws the attention of the government to the incident and directs the Home Minister to inform the Legislature-Parliament about the incident in their next meeting

May 23

CA members from the CPN-ML, RPP, CPN (Unified) Rastriya Janashakti Party, Dalit Janajati Party, churebhawar Rastriya Ekata Party, Rastriya Ekata Party Nepal, Nepal Pariwar Dal and the independent members began sloganeering in favor of the extension of the CA term

Home Minister Bhim Bahadur Rawal expresses the government's opinion on the abduction of Dr Bhaktaman Shrestha and the Nepal Government's regret on the issue

May 24, 25, 26

The Legislative-Parliament meeting adjourns citing special reason

May 28

Voting held on the Bill on the 8th Amendment of Interim Constitution 2010

May 31

CA members draw the government's attention to the attack on the people of Nepalese origin in the Indian State of Meghalaya and demand a government position on the issue

June 1

Minster of Deputy and Foreign Affairs Sujata Koirala expresses regret about the incident in Meghalaya of India and submits that there will be a follow up with the Indian Government

Independent CA member Baban Singh walks out of Parliament, citing his reason as the delay in the drafting of the Constitution caused by the three big parties

June 3

Maoist CA member Dev Prasad Gurung announces his boycott of the Parliament, citing reasons including the lack of implementation of the tripartite agreement signed on May 28 and the conclusion of the 7th Legislature-Parliament session without concluding remarks from the main opposition party. The Legislature-Parliament's 7th Session was scheduled for automatic conclusion effective from 9 pm that day

July 5

The Speaker informs members about the eighth session, summoned by the President on the recommendation of the PM. He also informs members that Madhav Kumar Nepal's Council of Ministers will continue to function despite his resignation from the post until the formation of the new government

July 12

Two weeks after his resignation, PM Madhav Kumar Nepal publicizes his regret on the inability of the parties to agree

July 13

The Speaker informs the Parliament that he has scheduled July 21 Wednesday 11.00am as the date for the election of a new PM

July 21

The Speaker shares that three proposals, endorsing CA members Pushpa Kamal Dahal, Ram Chandra Poudel and Jhalanath Khanal respectively as the PM were received

Madhav Kumar Nepal, who tabled the third proposal, withdraws his proposal citing the failure of his candidate to muster two thirds of the votes as per the party decision

The other two proposals, for Pushpa Kamal Dahal and Ram Chandra Poudel, were rejected due to the lack of majority support

July 23, August 2, 6

The proposals for Pushpa Kamal Dahal and Ram Chandra Poudel were again rejected due to the lack of a majority vote

August 18

A proposal of condolence over the death of a CA member Ram Kumari Yadhav was unanimously passed

August 23, September 5, 7

Again the proposals for Pushpa Kamal Dahal and Ram Chandra Poudel as PM was rejected due to the lack of a majority vote

September 9, 13, 14

The Legislature-Parliament meeting adjourns citing special reason

September 26

The proposal for the withdrawal of Pushpa Kamal Dahal as PM candidate was unanimously passed

The proposal to have Ram Chandra Poudel as the PM was rejected for the eighth time due to the lack of adequate votes

September 30, October 6, 7, 10, 26, 29, November 1, 4

The proposal of Ram Chandra Poudel as the PM was rejected due to the lack of a majority vote

November 15

It is submitted that the PM election was removed from the daily work schedule of Legislative-Parliament due to special reasons.

November 19

UCPN-M CA members destroy the budget documents after grabbing the briefcase belonging to the Finance Minister Surendra Pandey as he was heading to the podium to present the report for the fiscal year 2010/11. The Speaker adjourns the Legislative-Parliament session until 3 pm on December 2 to prevent further confrontation

President Dr Ram Baran Yadav calls for the conclusion of the Legislative-Parliament Session as per the recommendation made by the PM.

Background

The acts and activities of the Legislature-Parliament cannot be called satisfactory in 2010. The political parties disappointed the people by exerting more energy on the attempt to lead a government than on the prime aspiration of the Nepali people; the drafting of the new Constitution. The Legislature-Parliament might have been vilified as never before. The Parliament's inabilities were further exposed when 16 rounds of elections for the PM yielded no results.

The UCPN-M, which was opposing the government of senior UML leader Madhav Nepal claiming the current government as unconstitutional from its inception, obstructed proceedings for days. As there were no parliamentary meetings, the people's concerns and issues of public importance remained unaddressed. The disruption owing to the UCPN-M resulted in the delay in passing the budget which not only halted development works but also deprived government staff of their salary on time. The national economy was in a state of despair. The physical attack on the Finance Minister Surendra Raj Pandey by the UCPN-M CA members made a mockery of the concept of the rule of law and tainted the stature of the Institution.

The UCPN-M, which is the largest party in the CA with 38 percent of the public vote, exploited the opportunity to lead the government to the detriment of public concerns. The party which had claimed that the resignation of PM Nepal was the cure for all national ailments and was causing agitation in the streets and the Parliament, could not garner the support to form government even after the resignation of Nepal nor could it win the PM election on the basis of majority votes. As a result, the country remained without an executive government for the longest period in its history. With focus shifted on formation of the government, regular work of the Parliamentary Committees was affected and that many issues of national importance remained neglected.

The Legislature- Parliament's activism regarding the peace process was not constructive. Even after four years since the signing of the Comprehensive Peace Accord, none of the commissions, essential for transitional justice and the peace process, including the Truth and Reconciliation Commission, the Commission on Disappeared Persons and the State Restructuring Commission, were formed as envisioned by the CPA.

The energy of the parliamentary committees is commendable, although, the implementation of most of the recommendations issued by these committees is another question and in 2010 their implementation remained lacking to say the least. The Speaker, Subas Chandra Nembang was criticized for being unable to find an alternative to the indefinite series of meaningless one-man races for the post of Prime Minister. Several CA members were publicly criticized for their personal conduct. All parties held the Legislature to ransom in some way or the other. The following acts and activities carried out in the Legislature-Parliament gained importance and prominence;

1. Extension of the Term of Constituent Assembly

The legal term of the CA and Legislature-Parliament, as established by the Interim Constitution, expired on May 28 but it was extended for one year. The Legislature-Parliament extended the life of the CA to May 28, 2011 by amending Article 64 of the Interim Constitution which has provided that the term of the CA would come to an end three years from the day of its first meeting. The term of the CA needed to be extended because it could not accomplish the task of drafting the new Constitution within the stipulated time

period. The future of the CA was hinging in uncertainty after the largest party of the CA, namely the UCPN-M, was adamant about not extending the term until Prime Minister Madhav Kumar Nepal resigned. However, the CA term was extended following a three-point agreement between the UCPN-M, NC and UML on the night of May 28. The points of the three-point pact signed by UCPN-M Chairperson Pushpa Kamal Dahal 'Prachanda', NC parliamentary party Chairperson Ram Chandra Poudel and UML Chairperson Jhalnath Khanal were as follows:

1. We are committed to move forward with consent and cooperation, to carry out the outstanding tasks, to take the peace process to a meaningful conclusion and to realize the historical responsibility of making the new Constitution;
2. We agree to extend the term of CA by one year because despite a significant progress in the Constitution drafting, some works remain incomplete;
3. We state that the Prime Minister of the current coalition government is ready to resign to allow the formation of a government on national consensus in order to realize the aforementioned responsibilities and tasks as soon as possible.

The meeting called at 8.00 am to propose the amendment of the Interim Constitution only commenced at 12 pm. The proposal to extend the term of CA got 580 'yes' votes and five 'no's. The RPP Nepal CA members and one other member voted 'no' to the proposal. Out of the 599 members of the 601-member CA, 585 members were present to cast their vote.[1]

Following the agreement among the parties, UCPN-M leader Dev Gurung withdrew the protest proposal registered at the Legislature-Parliament by the UCPN-M. Likewise, Sarita Giri of Nepal Sadbhawana Party (Anandi Devi) also withdrew her protest proposal on the proposal to extend the CA term. Only the RPP Nepal CA member Chandra Bahadur Gurung commented on the proposal presented for the extension of the CA term.

To save the country from a constitutional void, there was no alternative but extend the term of the CA and Legislature-Parliament. The situation of the impossibility to promulgate the Constitution by the scheduled time did not appear overnight. Differences during the drafting process, the sluggish work style of the CA, political polarization and the instability of the government, among other reasons, were indicating the delay in the drafting of the Constitution but the parties did not initiated the proper steps to extend the term of the CA on time. The one year extension of the CA term, following the three-point agreement between the three parties at midnight on May 28 2010, was not only the result of the need of the hour, it was an intentional strategy on their behalf. It was morally wrong of the parties to keep reiterating the need for the timely promulgation of the Constitution despite being aware of the necessity to extend the term and to extend it by bypassing the required procedures and process. If the parties accept that accountability is the backbone of democracy, then they should be conscious not to repeat such mistakes in the future.

2. Elections for PM Seat-No Result in Sight

The incessant opposition from the UCPN-M and inter-party friction resulted in the resignation of Prime Minister Madhav Kumar Nepal on June 30 in order to maintain national consensus, despite

1. Parliament-Legislature Secretariat

having the majority in Parliament. However, this proved futile as a new government failed to be established for the rest of 2010. After the resignation, following Article 38 (1) of the Interim Constitution, the President called on the parliamentary parties to form a new government within seven days. When there was no consensus between the parties, the deadline was extended by five more days. Still the parties could not agree on the formation of a new government. As a result, to elect a new PM, an election on the basis of majority votes was adopted as per no. 7 (2) of the Legislature-Parliament Regulation.

The leaders of the three big parties stood in the first round of the elections for the PM. Pushpa Kamal Dahal alias Prachanda of UCPN-M, the NC parliamentary party leader Ramchandra Poudel and UML Chairperson Jhalnath Khanal were in the race. However, the UML decided to withdraw its candidate before the voting began. The move to withdraw their candidate was due to the inability to achieve the required two thirds or 401 of the votes. Discussions with other parties indicated that the possibility of garnering two thirds of the majority in the election was unlikely. Along with the withdrawal, the party also decided to stay neutral in the election. With the Madhesi parties also deciding on to stay neutral in the election, the UCPN-M too withdrew its candidacy after the seventh round of elections, leaving NC's Ram Chandra Poudel alone in the contest. Poudel refused to step back and the elections went on to the 16th round though a winning result was never in sight.

The reputation of the Legislature-Parliament was marred when the Legislature-Parliament continued to hold elections even though it was well known prior to voting that the election would fail to yield a result. Even the NC MPs, who should have been present to vote for their leader, began absenting themselves from the election proceedings. *(See Box)* People with doubts in the parliamentary system were handed this golden chance to vindicate their claims. The largest party in the CA, the UCPN-M which compelled the PM to resign and claimed that all the deadlocks would ease within two hours of resignation of the PM, had failed to form a government. Even the Supreme Court commented on the situation in the Parliament and advised the Speaker to resolve the issue. The Speaker Sumbas Chandra Nembang also drew criticism for robotically holding elections on the basis of the Regulation. The inability to choose a PM was perceived as a failure of the Parliament institutionally and the Speaker personally. The Legislature-Parliament was forced to linger in indecision by the parties who remained unyielding because of their political egos. The Speaker is certainly under no liability to go on witnessing repeated, worthless elections. It was natural that the Speaker would be criticized for not exploring alternatives to end the stalemate. People were disappointed when the country did not get a new government even after the six months.

The government called off the parliamentary session after the physical attack on Finance Minister Surendra Pandey, as he was heading to the podium to present the budget at midnight on November 19. The 16th round of elections, scheduled for Dec 2, was postponed following the conclusion of the parliamentary session. The suspension of the parliament while the election for PM was pending added to the constitutional complexities. A new legal debate ensued on whether the candidacy of Ram Chandra Poudel became defunct or if it was still valid.[2] The UCPN-M protested the closing

2. 'Poudelko Ummedbari Haisiyat Anyaulma'. Nagarik. November 21 p : 1

of the parliamentary session without its consent. The UCPN-M and NC urged the government to immediately call for another parliamentary session. The UML maintained that commencing with the parliamentary session was meaningless until the UCPN-M issued a public apology and promised that this sort of incident would not be repeated in the future.

The UCPN-M, CPN-M-Socialist, Nepali Janata Dal, Nepal Rastriya Party and Sarita Giri led Nepal Sadbhawana Party (Anandi Devi) called on President to call for a Special Session of parliament on December 12. The President called for the Special Session on December 19. The prorogation mentioned Article 51 (3) of the Interim Constitution to call for the Special Session. The parties agreed to the government's proposal to call regular sessions from January 10 on the condition that the proposal for the Special Session was withdrawn. The UCPN-M retracted the proposal. The Speaker Subash Nembang argued that as there was a lack of a clear provision in this regard in the Legislature-Parliament Regulations and should therefore be decided upon with a consensus. The Regulation does not say anything about how the status of proposals for the candidacy of PM is affected after the conclusion of the Parliamentary Session.

3. Use of Force to Stop Budget

Amidst the debate over whether the acting government should bring the budget, the Finance Minister was scheduled to present it, four months later than the regular time. The decision was made out of compulsion with the support of the UCPN-M after a government was still not formed five months after the resignation of PM Nepal. The preparation to amend the Constitution was also carried out with prior approval from the UCPN-M. At the last minute, the UCPN-M abandoned the agreement, prompting the government to decide to present a regular budget by asking President to invoke his power to resolve the difficulties for its approval. The acting government also proposed the need for an amendment to the Interim Constitution in order to introduce the budget. The government did expect the UCPN-M parliamentarians' protest but certainly not the combatant style that they resorted to.[3]

As Minister Pandey was heading for the podium to present the budget, the UCPN-M members of Parliament assaulted him, broke his briefcase and seized and shredded the top secret finance papers. Minister for Energy Prakash Sharan Mahat tried to help Minister Pandey but was also assaulted. UCPN-M MPs; Lekhraj Bhatta, Chandra Bahadur Thapa, Ramkaji Maharjan and Suryaman Dong were involved in the incident. The incident was preplanned as demonstrated by the fact the senior UCPN-M MPs, such as Krishna Bahadur Mahara, who always occupy the front seats were seated in the back row on that day while MP Bhatta and the others involved were in the front row. The Speaker, other CA members and ministers meekly watched on as the incident unfolded.[4] The Parliament secretariat reported that nine delegates' microphones and four tables were damaged and microphones stands went missing in the incident.[5] The UCPN-M parliamentarians were aggressive, not over the budget itself but over the process adopted for the unveiling of the budget. Following the protest, the government decided to adhere to the traditional way of presenting the budget but this created controversy. The next day the government

3. 'Nindaniya Abhadrata'. Nagarik Editorial.
4. 'Maobadile Chyatepachhi Adhyadeshbata Budget'. Kantipur. November 20 : p 1
5. 'Sabhamukhdwara Karbahi Upayabare Chalphal Suru'. *Nagarik*. November 21 pg : 2

concluded the session and brought the budget through Budget Ordinance.

The incident, seen as an attack on democracy, was widely condemned by the acting government and all the political parties except for the UCPN-M The President expressed regret over the incident. However, the UCPN-M did not even express remorse over the incident. It appears that they have tried to justify the act by citing similar clashes in parliaments in other countries as precedent. The UCPN-M chairperson Prachanda said that his party was acting as an opposition party and that the budget was being introduced amidst disagreement. The next day, at a press conference held to make the party face the public, the UCPN-M parliamentary party's Vice-Chairperson Narayankaji Shrestha 'Prakash' said that the act only involved 'minor shoving.'[6]

The lack of action taken against the people who manhandled the Minister in the Parliament has tarnished the Speaker's image. On November 20, Nembang asked the Parliament Secretariat to investigate and submit a report about the incident. Speaker Nembang's office secretary Sudharshan Kuikel said that the report had been submitted but that the findings could not be made public.

4. Active Parliamentary Committees

The Parliamentary Committees of the Legislature-Parliament remained active this year to respond to public complaints on irregularities in different sectors. The Natural Resources Committee urged the government to stop the felling of trees, citing intensified deforestation across the country. Additionally, it asked for a ban on the export of pebbles and stones to India. The Committee questioned Forest Minister Dipak Bohora on March 25, May 20 and 31 and June 15 regarding the issue of deforestation. The Committee prohibited the proposal from the Forest Ministry to torch the remains of rare animals. It rebuked the Minister for his reply, which the Committee deemed irresponsible. When Minister Bohora stated that a storm had felled 6,500 trees and 15 huts in Sarlahi and Bara on May 20, the members of the Committee cross questioned him by asking how was it possible that just a few huts were damaged when thousands of trees were uprooted by the storm. The Committee advised the government to create a separate institution for the National Park like that of the Army and Police in order to free them from excessive bureaucracy. The Committee concluded that because of the affiliation of assistant forest officers, rangers, foresters and forest guards with the sister organizations of different political parties, a special service was required 'to end the impunity'.[7] It decided that the forest staff should not be allowed to be associated with any trade union.

The Parliamentary Committee on International Relations and Human Rights directed the government to initiate action against the Embassy of India because of the Embassy's response to media reports about the quality of the products from a multinational company called Dabur Nepal Products as being an interference with the freedom of the press. The Committee said that the government should not delay in proceeding with the action and should demand clarification from the Embassy regarding its response to the media reports. The Embassy had accused the media of targeting the company in retaliation for the Company decision not to advertise with some of the newspapers. The Embassy issued a statement after a number of news items appeared in media questioning the

6. 'Sabhamukhdwara Karbahi Upayabare Chalphal Suru'. *Nagarik.* November 21 pg : 2
7. 'Pratipakshiko Bhumika Khelyaun- Dahal'. Kantipur. November 21 pg 3

quality of Dabur Nepal Products.[8] The issue arose after newspapers published reports and pictures of an inedible substance found in one of the company's products, Real Juice, and also questioned its quality.

The Committee on Women and Children directed the government to take action against 17 people, including Lt. Subodh Kunwar from Jwala Dal Battalion posted there for the security of the Bardiya National Park, involved in the incident of the killing of a girl and two women in the Park. The Committee concluded that the team had used excessive force against the villagers who had gone to the Park to collect the bark of a certain tree. Reports from INSEC, the NHRC and the National Women's Commission also alerted the government to the incident which resulted in the killing of a girl and two women from the same Dalit family by members of the Army. The Committee's report said the girl and women had gone inside the National Park not to poach but to collect Kaulo bark in order to sustain an income. The INSEC report made the same comments before the Committee report was made public.[9]

The Committee recommended that the government prosecute those involved in the incident in the civilian court and provide compensation to the victims' families. Soon after the incident, the government decided on March 17 to provide Rs 25,000 per death to cover funeral expenses. A three-member investigation committee comprising of the representatives from the Ministries of Forest and Defense with Saroj Prasad Gautam as the joint-government attorney was formed to investigate the case. However, the government did not make the Committee report public. The Army maintained that their personnel were innocent. Defense Minister Bidhya Bhandari also asserted the Army personnel's innocence. The Army said that the girl and women had died during an exchange of fire with the poachers.

The Public Accounts Committee asked for clarification from the deputy PM and Minister for Physical Planning Bijay Kumar Gachchhadar regarding the move of projects to their respective areas by altering the budget titles. Minister Ghachchhadar along with State Minister Sanjay Sah and Assistant Minister Kalawati Paswan were asked to furnish the Committee with reasons for transferring and changing the of source of money of these parliamentary approved projects from the Road Department and Urban Development and Construction of the Buildings to seeminly distribute the money among influential leaders, ministers and political activists. The Ministry had changed the budget of Rs 200m from the Road Department and Rs 21m from the Building Department despite the fact that the end of the fiscal year was less than a month away. The Committee demanded clarification from Minister Ghachchhadar on June 16 saying that this allocation of the budget at the end of the fiscal year would not be used for the planned purpose and that it could easily be embezzled. Ghachchhdar did not attend the hearing held by the Committee but sent the State Minister and the Assistant Minister in his place. On June 22, he apologized to the Committee for his absence citing ill-health.[10]

Similarly, the Committee issued an order to the Finance Ministry to furnish it with the details of the release of the budget at the end of the fiscal year in the name of development. A meeting of the Committee held on June 28 had asked for the details of the budget which had not been included in the allocated amount but was sent directly to the District Development Committees.

8. Bhandari, Kiran. 'Ban Sewa Banauna Sarkarlai Nirdeshan'. Nagarik. November 21, pg : 1
9. March 17; Ghimire, Kalpana. 'Doshilai Karbahi Garna Nirdeshan'. Kantipur
10. Thapa, Bikas. 'Lekhadwara Ghachchhadarsanga Spastikaran'. Kantipur. June 23

The Committee decided that the three ministers would be summoned if the clarifications they submitted were not satisfactory.[11]

A meeting of the Public Accounts Committee held on February 24, demanded the details of the vehicles being used by the PM, Ministers and high level employees. The details were requested after the Committee received public complaints about the misuse of the vehicles of government organizations. The Committee objected to the absence of the secretary of the Supply Ministry and the general managers of the Nepal Oil Corporation and the Nepal Food Corporation who were summoned to discuss the scarcity of daily consumer goods. It further directed those in question to come to the hearing with an explanation for their absence within two days.[12]

The Committee on International Relations and Human Rights recommended a new treaty with India and the annulling of the 1950 treaty. The Committee mentioned in its report, prepared after field visits to the disputed bordering areas from Jhapa to Kanchanpur, that India had encroached on land at all the controversial sites. The report was handed over to Speaker Subash Nembang on March 16.

The Committee report demanded action is taken to reassert and manage the Das Gaja area on the border with India and finalize the status of the disputed border pillars after comparing the old and new maps. The Committee also recommended the voiding of the lopsided treaty to maintain harmonious relations with India. It recognized that the most serious problems remained in the Susta and Kalapani areas. It is said that India had encroached upon 40,980 hectors of Nepali land in ward number 1 to 9 in the Susta VDC. Additionally, it noted in the report that 60 percent of the population of 37,000 in the VDC were yet to receive their certificates of citizenship.[13]

The Committee also directed the government to retract the permission given to Air Arabia, a private airline company from the United Arab Emirates to operate the Kathmandu-Kuala Lumpur route on December 12. The Committee advised the government to review the options on this route. The Committee directed the Tourism Ministry and National Airlines Corporation (NAC) to resolve the two executive power centers existing in the NAC.[14]

The Committee on State Management asked PM Nepal to submit the details of the weapons brought into the country after the CA elections. The call came around the time when the UCPN-M was expressing its doubts over the peace process, citing the purchase of weapons as being against the provisions of the CPA. The PM appeared at the hearing of the Committee after the UCPN-M raised the issue. In the hearing, the PM claimed that the weapons were brought to strengthen the police and were not meant for the Army. He argued that police batons alone would fail to maintain law and order. He clarified that the government was not preparing for war.[15]

Noting that the serious shortcomings in security intelligence and reactions was exacerbating the deteriorating law and order situation, the Committee directed the government on February 15 to improve the situation within 10 days. The Committee questioned Home Minister Bhim Rawal regarding the worsening law

11. http://www.ekantipur.com/np/2067/3/15/full-news/313844/
12. http://www.ekantipur.com/np/news/news-detail.php?news-id=307396
13. 'Bharatle Sima Michirahekko Sansadiya Samitiko Thahar'. Kantipur. March 17
14. Air Arabiako Anumati Rokna Nirdeshan'. Nagarik. January 11
15. http://www.ekantipur.com/np/news/news-detail.php?news-id=307741

and order situation after several incidents including the killing of media businessman Jamim Shah.[16] For the first time in history, the Committee visited the Army Headquarters to acquire information about its operations. The Interim Constitution has a provision for the preparation of a detailed work plan for the democratization of the Nepal Army by devising a suitable number of personnel to be in the force, a democratic structure and the operation of the Army under democratic and human rights norms.

The Public Accounts Committee demanded clarifications from Minister of Foreign Affairs Sujata Koirala, Secretary Madan Kumar Bhattarai, and the coordinator of the Tender Selection Committee Mohan Krishna Shrestha regarding the cancellation of the tender procedure for Machine Readable Passports (MRP) on February 14. The Committee also asked to see all the documents and files in relation to the MRP. The Ministry of Foreign Affairs had cancelled the process of seeking an international tender for MRP for technical reasons on January 14. The Committee decided to check the files from the cabinet decision taken in 2005 up until the current efforts and to investigate the differences in the issues. The Committee directed the Ministry to consider other alternatives besides India for the printing of the MRP when the Ministry was preparing to grant an Indian press permission to print the MRP, after canceling the procedure for international bids.[17]

A meeting of the Council of Ministers on February 25 decided to reject the proposal made by Minister for Foreign Affairs Koirala to bring the MRPs in from India. Minister Koirala had proposed India because the government was compelled to issue the MPRs from April 1, the international bidding process needed to be cancelled on technical grounds, the nearing deadline, and the difficulty in garnering the physical infrastructure to print them in Nepal. On the basis of such problems, she had advocated for allowing the printing tender to be given to the Security Printing and Minting Corporation of India, which is totally owned by the Indian Government, for 4 million passports at a rate of 4 dollars per book. The Committee directed the government to cancel the proposal before the Council of Ministers had decided on the proposal.

The Committee on Labor and Finance interacted with concerned stakeholders to find a way to control traffic jams and traffic accidents. The authorities participating in the interactions were the Metropolitan Traffic Department, Transport Management Department, Road Department, Finance Ministry and the Ministry for Construction.[18]

5. Controversial Actions of the Parliamentarians

The acts of many members of parliaments drew public criticism this year. UML MP DB Karki was caught red-handed and arrested while accepting a bribe of Rs 100,000 from a young man in return for his recruitment as a police inspector on August 30.[19] He was suspended from the status of MP by his party. Another UML MP Govinda Nepali attracted controversy by making rounds of middlemen to collect money that he had paid for his son's recruitment into police force.[20]

NC MP Kalyani Rijal became infamous for sending the owner of the Bag Bazaar-based apparel store to jail for not

16. Khanal, Durga. '10 Dinbhitra Suraksha Sudharna Nirdeshan'. e-kantipur. February 16
17. Pande, Lekhnath. Sabhasadle Bhane Aru Deshbata Lyau MRP. e-kantipur. February 14
18. Ekantipur.com/np/news/news-detail/ph.. (2/22/2010)
19. 'Ghush Lidalidai Sabhasad Samatiye'. Nagarik. August 31 pg 1
20. 'Sansadko Ijjat Jogau'. Nagarik editorial. September 9 pg 6

The election results for UCPN-M chairpeerson Prachanda					
Sn	**Election date**	**Present MPs**	**Yes vote**	**No vote**	**Neutral**
1	July 21	592	242	114	236
2	July 23	573	242	113	218
3	August 2	581	259	114	208
4	August 4	468	213	99	156
5	August 23	563	246	111	206
6	September 5	504	240	101	163
7	September 7	521	252	110	159

treating her with 'proper respect'.[21] Another NC MP Achyut Raj Pandey was in the media after his arrest from a casino at Bhotebahal. CPN-M's Sharada Nepali was also in the news after attempting to commit suicide by consuming phenyl.[22]

UCPN-M MP Bal Krishna Dhungel was found guilty of murder by the Supreme Court and received a life sentence along with the seizure of his property on September 5. (For details, see chapter on Judiciary). An audio recording of the UCPN-M leader and MP Krishna Bahadur Mahara which makes a mockery of the national and peoples' sovereignty was discovered. It related to the buying of votes for the PM elections, as there is the requiremnt for a two-third majority for the election of the PM. Ram Chandra Poudel and Pushpa Kamal Dahal were running in the third round of PM election. Rumors were circulating about the trading of MPs. Around that time, an audio tape of MP Mahara talking to a Chinese businessman asking for Rs 500m to help with the election surfaced. The tape was first aired on the Nepal 1 television channel and gradually on all television channels. The UCPN-M, which normally adopts an aggressive attitude on minor issues, chose to remain silent on the matter. Mahara said that he might have uttered those words in another context.[23] The revelation that a party had essentially waged war on the parliamentary system and would go as far to seek foreign help to buy MPs' votes to elevate its candidate to the post of PM was a huge issue in the eyes of the media and the public. The tape issue, named as 'Maharagate', was also discussed at the UCPN-M's assembly in Palugtar, Gorkha.[24] Instead of attempting to defend the issue of seeking monetary help to grab power by issuing a press statement, the UCPN-M should have been honest about the incident but instead chose to boycott the Parliament when the issue was scheduled to be discussed.[25] Saying that the tape incident had tarnished the image of the democracy, leading civil society activists including Subodh Raj Pyakurel, Sushil Paykurel, Kanakmani Dixit, Bhimarjun Acharya, Shambhu Thapa and Dipendra Jha met Speaker Nembang to seek an investigation. The government did not heed to this demand for the formation of an

21. ibid
22. Sabhasadko Atmahatya Prayas. Nagarik. July 22 pg 4
23. 'Sabhasad Kinna Paisa Mageko Swikar'. Nagarik. September 13 pg 1
24. Nagariknews.com, accessed on January 1, 2010
25. 'Tape Chhanbin Gara'. Nagarik Sampadakiya. September 5 pg 6

investigation committee or commission.

Bishwendra Paswan, the CA member representing the Dalit Janjati Party made a commendable gesture by returning Rs 120,700 that he received as allowance in the last two years. "The public's accusation about the taking of public money is true" he clarified adding, "It was not right to enjoy the money created by public toil after the Constitution could not be drafted." Paswan has also urged other CA members to return the total amount accepted at the rate of Rs 200 per day.[26]

6. MPs Missing in the Parliament

There were media reports abound about the difficulty the CA Speaker and party chief whips were facing to get attendance at CA proceedings after the MPs became more engaged in foreign trips rather than in the drafting of the Constitution. The CA members were heading abroad and to their constituencies without even informing the CA secretariat. CA Speaker Nembang's request to suspend such travel went unheeded.[27] Nembang repeatedly called on senior leaders not leave the valley and focus instead on Constitution drafting. The MPs remained absent even when their own leaders were competing in the election for the post of PM. Ram Chandra Poudel who got 124 votes in the first round of PM elections dropped to 82 votes in the 16th round. The NC has 114 MPs in the Legislature-Parliament.

NC's MP and Public Accounts Committee Chairperson Ramkrishna Yadav went on a two-week long European tour with Deputy PM Sujata Koirala although she was being investigated by the same committee. Yadav joined the DPM for the European trip even though only two days earlier he was directing her to cancel or their parliamentary party about the excursion. Speaker Nembang complained that the visit was carried out without even informing him. Yadav's name was added to the trip at the last minute by removing NC's MP Ajay Chaurasiya's name from the list. Such an irresponsible act on the part of Yadav tarnished the image of the most important Parliamentary Committee's name and raised questions about the Committee's reliability and legality. Members of other Committees expressed their anger over the move, saying that it was the DPM's attempt to weaken the Committee by influencing its Chairperson. Earlier, when the Committee advised her against the decision, she had declared that she would not abide by a decision made by a pack of corrupt people.[28] It was an

The election results for NC parliametary party leader Ram Chandra Poudel

Sn	Election date	Present MPs	Yes vote	No vote	Neutral
1	July 21	592	124	235	228
2	July 23	573	123	241	214
3	August 2	581	124	246	186
4	August 4	468	122	245	194
5	August 23	563	124	243	200
6	September 5	504	122	242	172
7	September 7	521	119	245	151
8	September 26	189	116	2	71
9	September 30	168	105	2	61
10	October 6	156	109	1	46
11	October 7	145	104	1	40
12	October 10	119	89	1	29
13	October 26	144	98	2	44
14	October 29	138	96	2	40
15	November 1	129	96	2	31
16	November 4	101	82	2	17

26. 'Sabhasadle Pharkaye Dui Barshako Bhatta'. Nagarik. June 11
27. Dhungel, Madhav. 'Sabhasad Bidesh Ghumna Lobhiyepachhi Sambidhansabha Khali'. Nagarik. March 4
28. 'Shankama Bhraman'. Kantipur Editorial. March 20, pg 6

extreme example of the moral failure and the lack of accountability on the part of the Committee Chairperson to accompany a Minister, who had made serious allegations against his own Committee, to Europe for two weeks.

The UCPN-M issued a directive barring its MPs from accepting invitations from NGOs and INGO on foreign trips because of the increasing tendency among its MPs to remain absent or leave the CA premises soon after signing in. The UCPN-M's parliamentary board reiterated a similar directive after the MPs began leaving the country on their own.[29]

7. Crucial Bills

The government tabled the Bill on the formation of the Truth and Reconciliation Commission; it is hoped that once established the Commission will play the vital role of investigating the serious violations of human rights that occured during the conflict. The Bill registered by Minister for Peace and Reconstruction Rakam Chemjong on February 17 mentioned that it intended to end impunity by forming a Commisison to prosecute the persons involved in crime against humanity. The Government tabled the Bill which would seek to publically investigate the incidents of human rights violations that occurred for a decade from February 13, 1996.[30] When the State Minister for Peace and Reconstruction Dilli Bahadur Mahat sought permission to present the Bill in the Legislature-Parliament, it was allowed as per Rule number 60 of the CA (operation of the Legislature-Parliament) Regulation, 2008 on April 22. On the same day, State Minister Mahat also proposed the Bill on Disappearance of Person (Offence and Punishment), 2009. The Speaker said that the technical aspects would be discussed. On April 15, Minister Chemjong presented the Bills for section-by-section discussion, both of which remained under consideration at the Legislature-Parliament at the end of the year.

The Commission on the Inquiry of Disappeared Persons was planned to find out the whereabouts of the persons forcefully disappeared during the conflict. Although it is one of the provisions of the Comprehensive Peace Process, the Commissions have not be set up due to the absence of necessary law. Some Provisions in the proposed Bills are being criticized for not being victim-oriented. The Bill only provides for seven years of a jail sentence and up to Rs 500,000 of a fine but this is a light punishment considering that the act of enforced disappeared is a serious a crime, often resulting in the death of the individual.

The Bill on Caste Based Discrimination and Untouchability (Offence and Punishment) Bill 2009, the National Human Rights Commission Bill 2009 and the Sexual Abuse in the Work Place (Elimination) Bill 2010 remained under consideration in the Parliamentary Committee. The National Dalit Rights Commission Bill 2010 was also submitted to the Parliament. The Bills on Land Reform (Sixth Amendment) 2009, On Voters' List (First Amendment) 2010 and the UN Convention against Corruption remained under consideration. The BIMSTEC Convention on International Terrorism, Transnational Organized Crime and Against Illicit Traffic in Narcotic Drugs 2009, the Distribution of Agreements on Foreign Aid, the International Convention on Control on Financing International Terrorism, the UN Convention on Transnational Organized Crime, the Convention on Peaceful Settlement of

29. http://www.ekantipur.com/np/news/news-detail.php?news-id=307740
30. 'Maobadi Sabhasadlai Arko Nirdeshan'. Nagarik. July 9 pg 2

International Conflicts, 1907 were also endorsed by the Legislature-Parliament in 2010.[31]

The period without a government affected the decision on 43 Bills, four Ordinances and nine Agreements/ Understandings at the Parliament Secretariat. The Bills Section of the Secretariat said this was the first time in history that such a number of Bills and Agreements remained in limbo. The Budget Ordinance, through which the budget was brought four months later than scheduled, following the lack of cooperation by the UCPN-M also, remained in limbo at the end of the year. In the eighth session of the Parliament that began in the first week of July, the focus was on the election of the new PM resulting in no Bills being endorsed. The session came to an abrupt end after the Finance Minister was assaulted by the UCPN-M MPs.

Conclusion

This year the Legislature-Parliament had no achievements to boast of, except for the extension of its own term by one year. The political parties focused more on grabbing and maintaining power rather than the business of the Legislature-Parliament itself. Six months after the resignation of the PM a government still had not been formed. The country was deprived of an executive government for the longest time in its history. Despite voluntarily quitting the government, the UCPN-M kept on resorting to old methods like the obstruction of the parliament and the bugdet.

The previous mistakes of parliamentary history resonated in more vicisious forms. The Finance Minister was asaulted inside the parliament under the veil of opposition but no action was taken against the asaulters. People were forced to watch helplessly as a political party openly challenged the SC verdict and protected a murder convict. Some MPs were caught red-handed while taking bribes, from gambling tables and some even occupied media space by sending small business owners to jail for not treating them with 'proper respect'. The UCPN-M, which never tires of opposing parliamentary exercise, was found asking for Rs 500m to buy the votes of the MPs. The recorded voice of the party's chief of the foreign department, Krishna Bahadur Mahara talking to a Chinese figure was made public. It was the government's responsibility and duty to send the tape for lab testing. Had the tape been fabricated to influence the PM election, it sould have been properly investigated. The UPCPN-M too, should have provided the public with an explanation instead of merely referring to it as it as disingenuous and misleading. Among all these controversies, the Speaker with the responsibility of maintaining the ethics of the Parliament remained silent in the name of concensus. He failed to respect the pious space for the gathering of the people's representatives by not taking concrete steps against those breaking the rules. The MPs lost public respect because of their behavior. The blatant impunity afforded to various MPs resulted in the continuation of the state of impunity. Had action been taken against the MPs arrested from brothels and those found to be assaulting staff, there would have be no repetition of such acts.

The media were reporting about the deserted CA seats while MPs swanned of on national and international visits of their own accord. Several functions were affected when MPs holding important posts in Parliamentary Committees left the country

31. 'Bill Department', Legislature-Parliament Secretariat, Singh Darbar

without informing the secretariat.

Half of the extended term went by without producing any concrete results despite the fact that the first draft of the Constition should have materialized at this stage. Towards the end of the year, a high level political task force sorted out agreements to resolve the differences in the drafting process which can be taken as a positive note. Though the activities of the parliamentary committees were commendable, there was no evidence regarding the implementation of the committee's recommendations. Absence of an accountable government rendered the committees taskless. The acting government escalated a series of disagreements by calling off the parliamentary sessions with the approval of the opposition parties and refusing to call a session when demanded by the largest party in the parliament. The long period of time with only an acting government in place added to the anarchy of the country and jeopradised this transitional phase of the peace process. The accountibility of the state mechanism further deteriorated in the absence of an executive government. Even a high level police personnel made an irresponsible statement that stated that maintaining law and order was not his duty. The vacant positions in the constitutional bodies could not be filled.

In sum, the activities of the parliament were far from satisfactory in the year 2010. Disagreements were not resolved while internal conflict in the parties also weakened the Parliament. The Secretariat found it hard to accomodate the new political parties created after defecting from their mother parties. The peace process was not in the focus. The mechanisms crucial for transitional justice and the peace process as mentioned in the CPA, like the State Restructuring Commission, Commission on the Investigation of Disappeared Persons and Truth and Reconciliation Commission, were not formed. Other important issues like the integration of the army, weapon management, the return of captured property, publicizing the whereabouts of the disappeared persons, the provision of justice and reparation to the conflict victims, the management of disqualified combatants were not resolved this year. The direction issued by the restored House of Parliament three years ago to acede to the Rome Statute is yet to be implemented. The Bills on the Truth and Reconciliation Commission and the Commission on the Investigation of Disappeared Persons were not endorsed. Two MPs lost their lives in different incidents.

In spite of all this, consensus and cooperation remain the need of the hour. The Legislature-Parliament is a common platform to resolve all kinds of disagreements and problems. It should not be turned into a place display around one's ego. The image of the Legislature-Parliment should be maintained while learning from mistakes of the past. Only the new Constitution can end the current tansitional phase, the political parties should move ahead internalising the universal human rights and democratic norms, then, and only then, will it achieve, and indeed deserve, the respect of the public.

Realizing the consequences of the failure to promulgate the new Constituion within the stipulated time, the parties should focus on the Constitution-drafting process. Bypassing the rules and processes should not occur in the name of agreement in the future. For this, the parties should move ahead by creating a common concept on the democratic norms from now on. The need is not about time, it is about sacrifice.

Chapter

4

Enforced Disappearances in Nepal : A Brief Analysis

1. Background

The history of disappearances carried out by state agencies in Nepal can be traced back to 1951. The whereabouts of Ram Prasad Rai, who was actively involved in the protests against the Delhi Agreement signed in 1951, are still unknown. Similarly, the whereabouts of Sukdev Singh of Hanumannagar, Saptari, who was arrested from Inaruwa of Saptari in 1956, is still not known. This trend of arbitrary arrest and disappearance of people increased in the authoritarian Panchayat era of 1961 - 1989. Such acts have continued, even after the restoration of democracy in 1990.

Cases of alleged disappearance by the state significantly increased after the CPN-M launched the 'people's war' on February 13, 1996. The figures of enforced disappearance soared once the State of Emergency was declared on November 26, 2001 and the subsequent issuance of the Terrorist and Destructive Act (Control and Punishment) Ordinance. The CPN-M was also responsible for the forceful abduction and disappearance of people after they adopted abduction as part of their war strategy.

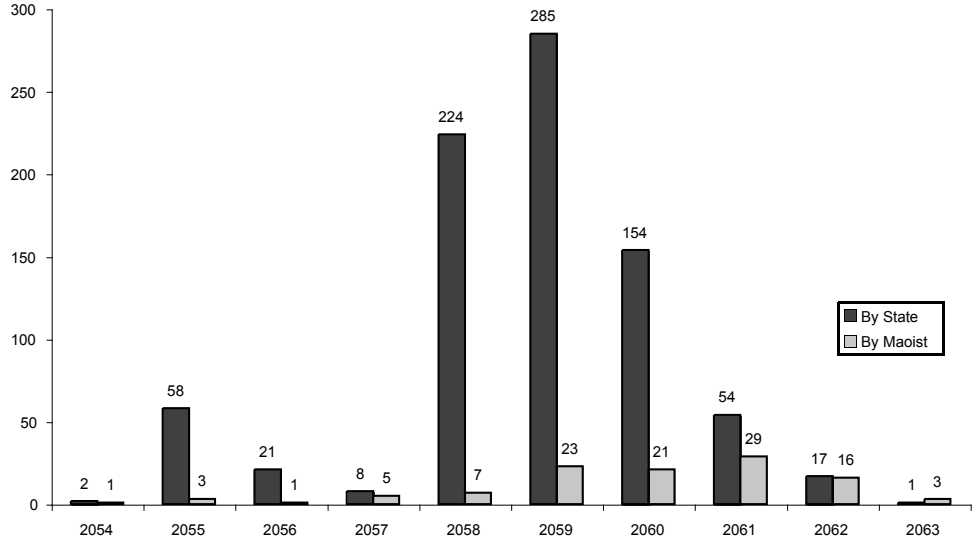
One of the major causes of pain to the Nepalese people, in the context of the prevailing state of impunity, is enforced disappearance and the unanswered questions of the victim's families regarding the act. Although existing legal provisions do not criminalize the act of enforced disappearance, international laws do protect individuals from enforced disappearances. The acts of enforced disappearance were carried out in a widespread and organized manner during the armed conflict.[1] Even four years since the formal conclusion of the armed conflict, neither has the status of the disappeared persons been made public nor have any formal mechanisms been set up to find the perpetrators.

2. Enforced Disappearance in Nepal

2.1 Enforced Disappearances in Panchayat Era

There is no historical evidence of enforced disappearances during the 104 years of the authoritarian Rana Regime

Number of Disappeared Persons (1996-2006)



1. Bandi, Govinda. 'Nepalma Dandahinatako Apasankar Ek Bishleshan', INSEC, 2065. p 6

Number of Disappeared Persons in Eastern Region (1996-2006)

By State		By Non State		Total
		By Maoist		
Male	Female	Male	Female	
731	93	101	8	933

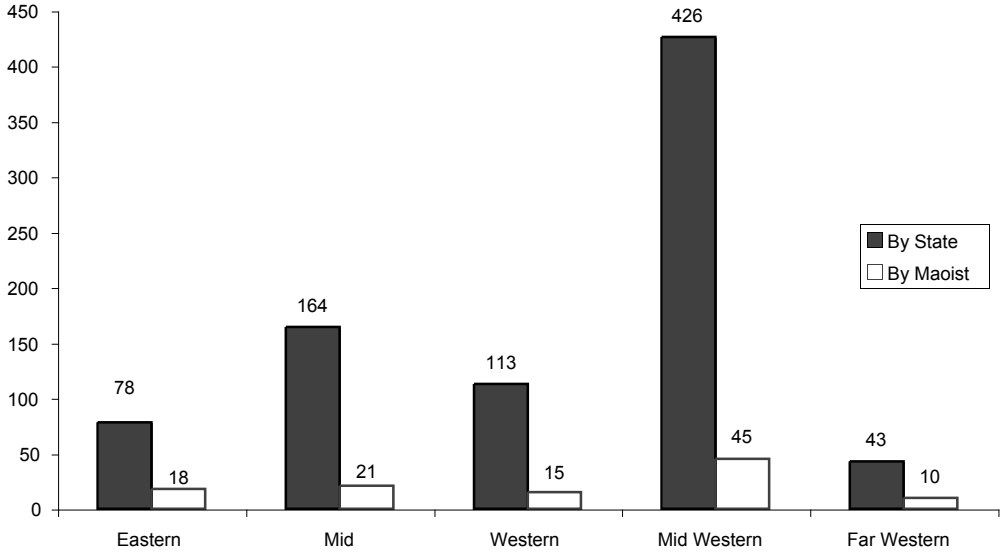
or even before that. Instead, the political opponents or anti-government persons were executed by the government. Ram Prasad Rai is the first known victim of enforced disappearance in Nepal. The act of enforced disappearances became an increasing prevalent practice used by state agencies in Nepal from 1951.

There will be detailed below historical examples of enforced disappearances. The whereabouts of Rudra Prasad Bhattarai from the Ramechhap District and Kalyan Rai, a resident of Ravi in the Panchathar District are still unknown. They were arrested in 1960 and 1961 respectively. Baikuntha Adhikari and Sete Gurung from the Dhading District and Dakman Tamang and Pasang Tamang from the Panchathar District, who were arrested in 1961, remain disappeared to date. The whereabouts of Harihar Ray Yadav from the Sarlahi District is also unknown. He was arrested in 1979. Similarly, the whereabouts of Lal Bahadur Ray of Amberpur VDC in the Panchathar District is still unknown. The date of his disappearance has not been confirmed.

Although it is not known whether they were arrested or not, the whereabouts of political activists Maheshwar Chaulagain, Govinda Prasad Dahal, Tikaram Adhikari, Ramhari Dahal and Pahalman Sarki from Okhaldhunga, Keshar Bahadur Khadka from Ramechhap, Shri Harsha Khanal from Chitwan, Jit Bahadur Sinjali (Rana) from Syangja, Harsha Bahadur Pradhan from Lamjung, Shankar Prasad Sharma (Regmi) from Salyan, Ganesh Raj Gautam from Banke and Balbhadra Joshi from Baitadi also remain unknown.

Following the Bomb Explosion Scandal of June 20, 1985, Padma Bahadur Moktan (Padam Lama), Ishwar Chandra Lama (Ishwar Lama), Dr Laxmi Narayan Jha, Satyanaran Jha and Surya Nath Ray (Yadav) from Dhanusa and Dilip Chaudhary and Shaket Chandra Mishra from the Saptari district were arrested

Number of Enforced by Region (1996-2006)



and forcefully disappeared by the security forces.[2]

A committee was formed in July 31, 1990 comprising of senior advocate Basudev Dhungana, Dr Sachche Kumar Pahadi and the late Prakash Kafle, with Surya Bahadur Shakya as their chair, to find out about the persons disappeared during the struggle for democracy. Its report submitted to then PM Krishna Prasad Bhattarai in April 21, 1991, stated that there were at least 27 persons disappeared after 1960 and seven during the Bomb Attack in 1985. The report mentions that of those seven, five had been killed. However, the recommendations of their report are yet to be implemented.[3]

2.2 Disappearance after the Restoration of Democracy

The trend of disappearances did not come to an end even after the restoration of democracy in 1990. During the local elections of 1992, police personnel arrested Bhuwan Lal Thapa Magar from Doramba VDC in the Ramechhap District; he has remained disappeared since May 23, 1992. The government has neither made his status public, nor has it informed his family members of the details of the incident.

Similarly, Prabhakar Subedi, 20, a resident of Butwal Municipality-6 in the Rupandehi District was arrested by police from Ratnapark, Kathmandu on June 25, 1993 and was subsequently disappeared. A student of the Pulchowk Engineering Campus in Lalitpur, Subedi was arrested by police in connection with a protest which had been organised by the Communist Party of Nepal-UML (CPN-UML) and supported by other communist (leftist) parties in Kathmandu. He was seriously beaten up and injured by the police. Photographs of an unconscious Subedi being dragged away by the police were published in media reports. A case was filed at the Supreme Court on October 1, 1993 regarding the incident; however, five years later, the Court dismissed the case on December 1, 1998. Subedi's whereabouts are still unknown.

Even after the establishment of democracy, the state seemed reluctant to take action against the personnel involved in forceful disappearance and to provide justice to the victims. Most probably, this reluctance

Number of Disappeared Persons in Eastern Region (1996-2006)

District	By Non State	By State			Total
	UCPN - M	Army	Police	Security Personnel	
Ilam	1			1	2
Udaypur		2	1		3
Okhaldhunga		4	7		11
Khotang		1			1
Jhapa		10	1	1	12
Taplejung	2				2
Dhankuta	2				2
Panchthar	1			1	2
Bhojpur		4	1	2	7
Morang	5		2	6	13
Sankhuwasabha		3		1	4
Saptari	1			7	8
Siraha	2		1	8	11
Sunsari	1			14	15
Solukhumbhu	3				3
Total	**18**	**24**	**13**	**41**	**96**

2. Bhandari, Lekhnath. Krishna Gautam, Prakash Gyawali. 'Uniharu Kahan Chhan?', INSEC 2056. Part II, p 26
3. Aryal, Kundan Coordinator. 'Uniharu Kahan Chhan?' INSEC 2050. p 3

Number of Disappeared Persons in Eastern Region (1996-2006)

District	By Non State	By State			Total
	UCPN - M	Army	Police	Security Personnel	
Kathmandu	1	1	4	14	20
Kaverpalanchok	5	4	3	8	20
Chitawan		4	4	6	14
Dhanusha	2			8	10
Dhading	1	19	2	5	27
Nuwakot		14		4	18
Parsa	1	1			2
Bara	1				1
Bhaktapur			3	2	5
Makawanpur		4	1	7	12
Mahottari			2		2
Rasuwa		1			1
Ramechhap	1	4	2	2	9
Rautahat	1		2	2	5
Lalitpur	2	2	1	3	8
Sindhupalchok	5	10	1	1	17
Sindhuli	1	5	2	6	14
Total	**21**	**69**	**27**	**68**	**185**

also encouraged human rights violations, including enforced disappearances.

2.3. Armed Conflict and Trend of Enforced Disappearances

The disappearance of persons occurred in two ways during the armed conflict. The first was that the persons were forced to disappear by the conflict party and the second is the disappearance occurred when a person went missing while voluntarily participating in the struggle. Both categories of disappearances are of the state's concern.

The recent incident reported in the media regarding the disappearance of Bikas Gandharva during the UCPN-M's plenum in Palungtar, Gorkha, falls into the second category. The incidents of disappearance should be examined in the context of human rights on the basis of the definitions provided in the International Covenant on Civil and Political Rights and the Protection of the Persons against Enforced Disappearance.

The news of Samundra Kumari Gangharva of Gorkha fainting in front of the leaders after learning that her son Bikas, who had joined the rebels, had died in Bhojpur seven years previously received national coverage. "I was living and hoping he would come back one day". Her statement represents the sentiment of the families of the disappeared persons. Yet, Bikas was not forcefully disappeared. He was killed in armed conflict. He is now not included in the list of disappeared persons issued by INSEC or the ICRC. However, before the information of his death, he remained a missing person. The status of persons disappeared in such way can be ascertained once the UCPN-M makes available the names of the persons on its side, who were killed during the conflict.

The decade of 1996 – 2006 marked the history in Nepal as the period with the largest number of people disappeared by the state as well as by the rebel forces. During this time, Nepal even topped the list of countries with the largest number of disappearances. The government introduced the 'Kilo Sera II' operation in May 1998 to stop the nascent 'People's War'. Special commando forces were mobilised in

Number of Victims of Enforced Disappearance by Age-group (1996-2006)

Age Group	Male	Female	N/A	Total
0–18	88	44		**132**
19–60	733	57		**790**
61+	2			**2**
N/A			9	**9**
Total	**823**	**101**	**9**	**933**

districts. In 1998, two persons had been forcefully disappeared by the state and one by the Maoists. Within a year, the number went up to 58 by the state and three by the Maoists. During the first ceasefire and dialogue between the government and the rebels in 2002, the number of disappearances came down to eight and five respectively.

Nanda Prasad Neupane, 34, of Tripura VDC-2 and Prasad Budha of Sarmi VDC-3 in the Dolpa District were arrested and disappeared by security forces from Ghyar Khola in Ragda VDC, Jajarkot District on May 26, 1998. Mohan Lal Oli, 32, a teacher from Mahadevpuri VDC-4 in the Banke District was arrested during the night of June 12, 1998, as he was sleeping in his own house, and was then disappeared by the police. Advocate Rajendra Dhakal, a resident of Harmi VDC in Gorkha District, was arrested by police from Jamdi Khola of Khairenitar VDC-6, Tanahu District on January 8, 1999. His whereabouts is still unknown.

Even in Kathmandu a number of people were arrested and disappeared by the security forces. Dandapani Neupane, Navin Gautam, Gore Bahadur Purkoti, Milan Nepali, Palsang Lama and Dundu Tiwari were arrested from Tebahal, Bagbazar and other places in Kathmandu on May 16 and 21, 1999 and were subsequently disappeared by the police. Their whereabouts have not yet been made public. Protesting against the series of enforced disappearance, the then INSEC chairperson Sushil Pyakurel, Kapil Shrestha and Krishna Pahadi, among others, announced a two-month long protest demanding the whereabouts of the persons forcefully disappeared be made available. The number of enforced disappearance increased oncea State of Emergency was imposed on November 26, 2001 along with the implementation of TADO. This increase continued until the restoration of the parliament in 2007.[4]

During the armed conflict, the security authorities would arrest a person who was suspected of being a Maoist, but would not inform his/her family of the actual charge being levied against them. The act of arresting a person from anywhere without providing any information became a common norm. Enforced disappearance also continued because the state was not acting in a responsible manner. A total of 663 persons were forcefully disappeared by the state and 56 by the Maoists from 2001 to 2007. When the family went to the security authorities after finding out about the arrest of their loved ones, they would be told that no such person had been arrested. The Royal Nepal Army was also mobilised during this period. After its mobilization, the army was mainly responsible for the enforced disappearances of people.

On October 29, 2003, Ayodhdhya Prasad Godiya, 20, of Gangapur VDC-4, was arrested by a team of the Unified Command. His father, Bihari Godiya, was also arrested and disappeared. Family members were told by the soldier at the sentry post at Sonbarsa Camp that Ayodhdhya was there and some clothes were sent to him. After one month, however, his status was still unknown. This shows the security authority's lack of concern for its citizens. The number of cases of enforced disappearance declined from 2005 to 2007. During this time, 73 persons were disappeared by the state and 48 by the Maoists. This was the time when the political parties and the Maoists forged an alliance against the authoritarian regime of the then king, Gyanendra.

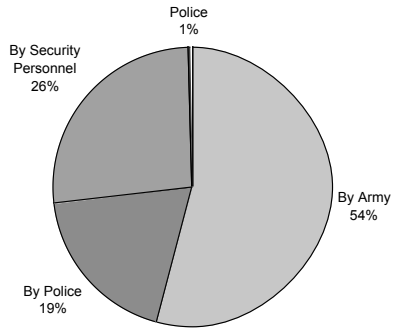
If we analyse the data from the regions, we can see that the Mid-Western

4. Ojha, Prekshya, Bidhya Chapagain. 'Impaired Accountability', INSEC 2008. p 5

Region has the most number of persons who have been forcefully disappeared. This was also the region most affected by the armed conflict. Within this region, the Bardiya district was the most affected, where a total of 207 and 13 people were disappeared by the state and the Maoists respectively. The details in the Yearbook show that Nepal Army's Chisapani Barrack was responsible for most of the cases of enforced disappearance in Bardiya. Dang and Banke have the second highest number of disappearances after Bardiya. While analysing the number of disappearances on the basis of caste and ethnicity, people from nationalities accounted for 408 cases, there were 366 cases involving Brahmin/Chhetri people, while there were 250 cases involving different castes.

With regards to gender, the Maoists have disappeared the lowest number of women. Out of 101 forcefully disappeared women, eight were perpetrated by the Maoists. The district with the highest number of disappearances of women is Bardiya, where the whereabouts of 27 women remain unknown. From February 13, 1996 to November 21, 2006, 824 men and 93 women were disappeared. The Maoists was responsible for the disappearance of 109 people including eight women. The total number of disappearances was 933, after INSEC updated the number at the end of the year. Dangali Rokaya from Mugu, whose name was in the list of disappeared persons, returned home after eight years. Rokaya had headed for India after being released from military custody, and had remained out of touch with his family - leading the family to believe that he was among the disappeared persons.

Number of Persons Forcefully Disappeared by State (1996-2006)



3. Disappearances and International Human Rights Law

As stressed by the United Nations General Assembly, the act of enforced disappearance constitutes a grave violation of human rights. The act of enforced disappearance violates certain human rights as contained in the treaties to which Nepal is a party, including the right of an individual to recognition everywhere as a person before the law (Article 16) and the right to freedom and security (Article 7) of the ICCPR. Additionally, a detainee faces the violation of his rights, including the right to life of a detainee (Article 6), and extra-judicial killing or torture (Article 7 of ICCPR and CAT). Provisions within the UN Declaration on the Protection of All Persons from Enforced Disappearance, 1992 and the International Convention on the Protection of All Persons from Enforced Disappearance have recognized enforced disappearance as a grave breach. According to these documents, the following elements are essential for an act to constitute an 'enforced disappearance':

a. A person is either arrested, detained, abducted or otherwise deprived of their freedom
b. Such deprivation of freedom is carried out by the state representatives/ officials or by an individual or group, authorized or supported by or in collusion of the state, and
c. The condition or the whereabouts of a person who has been deprived of their freedom is refused to be acknowledged, which puts such person out of the ambit legal protection

Although Nepal is yet to ratify the Convention on the Protection of All Persons from Enforced Disappearance, it is the responsibility of Nepal to refrain from committing enforced disappearances, as per the ICCPR. These obligations of international human rights laws are applicable in both times of war and peace. The state has the obligation to investigate the incidents of enforced disappearance and to bring to justice those individuals or groups responsible for the acts undertaken without permission, consent or connivance.

Number of Disappeared Persons in the Western Region (1996-2006)

District	By Non State	By State			Total
	UCPN-M	Army	Police	Security Personnel	
Arghakhanchi		1		1	2
Kapilvastu	4	5		2	11
Kaski	1	6	1	8	16
Gorkha		13	10		23
Tanahu		2	8		10
Nawalparasi	3	4	4	2	13
Parvat		3		1	4
Baglung	2	2		15	19
Myagdi		1		1	2
Rupandehi		1		1	2
Lamjung	2	4	5	7	18
Syangja	3	3		2	8
Total	**15**	**45**	**28**	**40**	**128**

International humanitarian laws bind all sides during a "non-international armed conflict". Nepal is a state party to the four Geneva Conventions, which are the foundations of international humanitarian law. Common Article 3 of the Geneva Conventions recognizes the rights of the persons taking no active part in hostilities, including members of armed forces who have laid down their arms and those deemed to be 'hors de combat' as a result of sickness, wounds, detention, or any other cause, to be treated humanely in all circumstances.

All sides are prohibited from committing violence that would contravene human rights including; murder; mutilation; cruel treatment and torture; the taking of hostages; outrages upon personal dignity, in particular humiliating and degrading treatment; and the passing of sentences and the carrying out of executions without a judgment being pronounced by a regularly constituted court. The customary laws which regulate non-international armed conflict have been developed to ensure the prohibition of the arbitrary denial of freedom, the documentation of detainees and the respect for a detainee's family life, and thus meeting and contacts with family members or close relatives should be allowed. As per the customary laws, each side of the conflict has to adopt all possible measures to maintain a record of all the persons who go missing during combat, and to share with the persons' families any information they have about those missing persons. In sum, international humanitarian law prohibits the act of enforced disappearance.

4.1 Provisions of the Law on Government Cases

Following procedures should be followed to arrest any person:

a. The police can arrest an individual if they have substantial evidence to back up their suspicions. Such person shall not be detained without being first informed of the reason behind their arrest
b. Any person witnessing a crime can hand over the person committing such a crime by taking them to the nearest police station
c. Police should not generally use any force when arresting a person. While arresting a person, the reason for the

Number Disappeared in Mid-West Region (1996-2006)

District	By Non State	By State				Total
	UCPN-M	Armed Police	Army	Police	Security Personnel	
Kalikot	6	1	9	2	7	25
Jajarkot	3		4	14		21
Jumla			1	1		2
Dolpa			2			2
Dang	8	3	37	4	17	69
Dailekh	1					1
Bardiya	13		169	19	19	220
Banke	4	1	21	24	11	61
Mugu	1					1
Rolpa	4		12	11		27
Salyan	2		17	8	1	28
Surkhet	3		6	4	1	14
Total	**45**	**5**	**278**	**87**	**56**	**471**

arrest should be advised, the person should be detained and asked to surrender. If the individual tries to avoid arrest or flee, then the police can use force to arrest them.

d. If the police require that they search a person at the time of arrest, any evidence or weapon recovered from him should be documented

4.2 General Code

Number 116 of the General Code contains a provision, which says that to arrest a person after obtaining a warrant in an arms and ammunitions related case, the suspects possible escape routes should be blocked before entering a house to arrest them. If the person could not be arrested during that attempt, they can be arrested after entering the house from sunrise to the sunset. This shows that there should be no night-time arrests in cases where a warrant has first been obtained. Other provisions state that a female police officer should be present when a woman is arrested and that the men should not touch her. If she resists, the police can hold her wrist. Thus, the legal provision shows that light force can be used if the situation demands.

4.3 Police Act

Several provisions exist to ensure that an individual's freedom is not stifled even after his arrest. Generally, an individual cannot be arrested without an arrest warrant. However, a person who has committed or was about a commit a crime that would result in a prison sentence of three or more years, or a person who has absconded to avoid arrest, or against whom a judicial warrant has been issued, anyone defying the curfew, or those in possession of arms and ammunition or equipment that can be used to break into a house without any justification, or a person who had fled from the jail, or an army or police deserter can be arrested without an arrest warrant.

4.4 Torture and Provision of Compensation

Section 3 of the Compensation for Torture Act says that no person who is in detention in the course of an inquiry, investigation or hearing, or for any other reason, shall be tortured. It further demands that while placing in detention or releasing any person, their physical or mental condition shall be examined by a physician under the government service as far as possible, and by a concerned official himself in circumstances in which no such physician is available, and that a record thereof shall be prepared and maintained. The Act, however, does not criminalize torture as the CAT does.

5. Supreme Court on Issue of Enforced

Number of Disappeared Persons in Far-West Region (1996-2006)

Caste	By Non-State	By State			
	By Maoist	Army	Police	Security Personnel	Total
Other		3			3
Chhetri		1			1
Janjati	5	137	17	18	177
Dalit	1	3			4
Bahram/ Chhetri	5	23	2	1	31
Madheshi	1	2			3
Muslim	1				1
Total	**13**	**169**	**19**	**19**	**220**

Disappearance

Disappointed by the government's inaction, the families of victims did not find any remedy from the Supreme Court to international bodies. The Supreme Court's verdict of June 1, 2007 is considered a landmark on making public the whereabouts of the disappeared persons. The Supreme Court, responding to the 83 Habeas Corpus writ petitions filed on different dates, on June 1 ordered the government to establish a high-level commission of inquiry on disappearance, to enact a law which would criminalize enforced disappearance and to provide compensation to the families of the disappeared.[5]

Responding to a writ which claimed that people arrested on different dates were severely tortured and then disappeared by the army at the Bhariavnath Battalion in Kathmandu, the Supreme Court, on January 9, 2007, gave an order to a panel of judges to submit a report after investigating the whereabouts of the 49 detainees who had been disappeared from the battalion, as had also been mentioned in the report of OHCHR in January 2007. The Supreme Court, for the first time on August 28, 2006, gave an order to investigate the whereabouts of four disappeared persons arrested in 1999 and 2002. A panel which was headed by the Appellate Court Judge, Lokendra Bahadur Mallik, was formed in September 2006 as per the order of the Supreme Court.

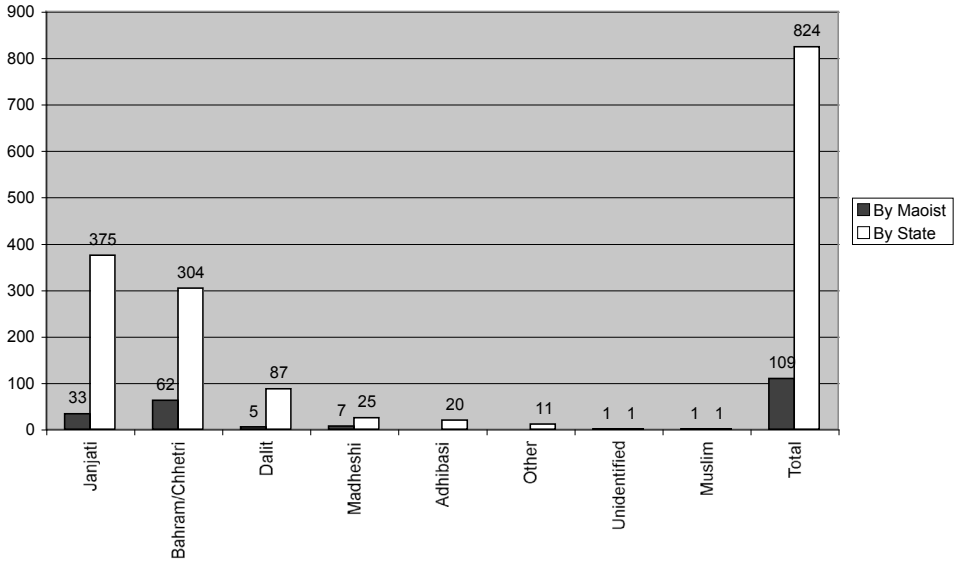
The panel recommended that the government create a law that defines disappearance as an act amounting to a criminal offence and that they should form a high-level investigatory commission to investigate the cases of disappeared persons.

Two government committees were formed a few years ago to publicise the whereabouts of persons allegedly disappeared by the state. The committees publicised the whereabouts of a total of 581 persons. However, the lists publicised by these committees mentioned nothing about hundreds of other disappeared persons. A later effort by the government was the formation of a one member committee on May 25, 2006, to publicise the status of disappeared persons. This committee stated that the status of 602 persons was unknown and it had information on only 174 persons.

The government did not set up any judicial commissions to find out the whereabouts of the disappeared persons and to make them public during the armed conflict. Bowing to the increasing pressure to take action regarding the issue, the government announced a 3-member high level investigatory commission under the coordination of former Supreme Court justice, Narendra Neupane, on June 26, 2007. The other two members were the Nepal Bar Association's former chairperson, Sher Bahadur KC, and its general secretary,

5. SC, 2007, *Supreme Court Bulletin,* Kathmandu: Supreme Court

Number of Disappeared Persons in Eastern Region (1996-2006)



Raman Shrestha.

The government has disregarded the demand raised by the human rights community for the formation of a law against disappearance as directed by the Supreme Court, and for the formation of a powerful commission on the basis of that law. However, there has not even been a letter of appointment provided to the personnel of the commission. Hence, the committee, which was created without the formation of laws against disappearance, and was only announced to show the government's intention, has lead to a situation where actual action regarding the disappeared persons remains practically nonexistent.

The government has proposed the 'Disappearances of Persons (Crime and Punishment) Bill' with the legislature parliament to try to find and investigate the whereabouts of disappeared persons as per the provisions mentioned in the Comprehensive Peace Agreement, the Supreme Court verdict, and the desire of national and international community and the victims side to form a commission to investigate cases of enforced disappearances. The proposed Bill mentions that 'A high level commission will be formed to investigate the whereabouts of disappeared, missing persons and those responsible in such acts that occurred during the armed conflict from the February 13, 1996 to November 21, 2006.' The human rights community, however, presented recommendations from their sides that showed that the bill is insufficient. In this regard, human rights organisations, including INSEC, submitted recommendations for the amendment of some sections of the proposed bill. The report presented by the United Nations Secretary General on January 10, 2010 stated that the draft Bill was not in line with the international standards.[6]

6. Enforced Disappearance and United

6. http://www.insec.org.np/pics/1251717394.pdf

Nations' Concern

No steps have been taken towards initiating legal proceedings in incidents of human rights violations and abuses committed in the past, towards providing compensation to the victims, or towards prosecuting the perpetrators. As a result of the institutionally protected impunity, the state mechanisms have remained completely silent, even on incidents of grave human rights violations. It is obvious that such apathy drew the global community's attention. Regular concerns from the United Nations Secretary General's human rights mechanisms, including Office of High Commissioner for Human Rights, have increased on the deteriorating human rights situation.

In this regard, special rapporteurs and working groups on different thematic issues under the Special Procedures of the United Nations on Human Rights, appealed to the Nepali Government to invite them to visit Nepal and examine the real situation of the country. There was no alternative for the Nepal Government but to formally accept the request of the United Nations Human Rights mechanisms, due to the increasing international concern, and to extend to them an invitation.

The Working Group on Enforced and Involuntary Disappearances (WGEID) received a total of 531 cases of disappearance from 1980 to 2007 and it referred them to the Government of Nepal seeking status and clarification. It has received clarification on 211 cases – 132 by the government and 79 by non-governmental sources. Of the cases submitted by the Working Group, the Government of Nepal is yet to clarify details of at least 320 outstanding cases. Of the cases clarified, 150 persons were living freely, 59 persons were in detention and one person was dead at the date of clarification. At least 61 women were reportedly disappeared in the cases transmitted to the government. However, the WGEID has not received clarification on 47 of them. At the invitation of the Government of Nepal, the WGEID carried out a mission to the country from 6 to 14 December 2004. The Working Group was represented by the Chairman-Rapporteur, Stephen J. Toope, and Working Group member Saied Rajaie Khorasani. The purpose of the visit was to discuss the cases of enforced or involuntary disappearance received and transmitted by the Working Group to the Government of Nepal and to examine the situation of disappearances in Nepal in the light of international human rights standards.

The OHCHR-Nepal has been raising its concerns over the cases and patterns of disappearances right from the beginning of its establishment in Nepal in May 2005. The OHCHR-Nepal has also been working with various stakeholders, including non-governmental organisations, the NHRC, and families of disappeared people etc. The contribution of the Office to the capacity building of national institutions and civil society organisations has been of significant importance. The Office has been calling for the government to put an end to impunity and bring to justice those responsible for crimes of disappearance and other grave violations of human rights. In May 2006, the OHCHR-Nepal publicised a report of its investigations into the arrest, detention, torture and continuing disappearances of individuals arrested by the then Royal Nepal Army (RNA, now the Nepal Army, NA) and then held at the Maharajgunj barracks in Kathmandu in 2003, on the suspicion of being linked to the CPN-M. The report was submitted to the Prime Minister, in his capacity as the

Number of Disappeared Persons in Far-West Region (1996-2006)

District	By Non State	By State			Total
	UCPN-M	Army	Police	Security Personnel	
Achham		3			3
Kanchanpur		22		4	26
Kailai	3	4	1	4	12
Dadeldhura	3			1	4
Doti	1			2	3
Bajura		1			1
Baitadi	3			1	4
Total	10	30	1	12	53

Minister of Defence, as well as to the Chief of Army Staff. In the report, the OHCHR-Nepal included a list of 49 persons allegedly disappeared by the army in 2003 from the Bhairavnath barrack.

In a landmark decision passed on October 28, 2008, the UN Human Rights Committee (HRC), which monitors the implementation of the Civil and Political rights, directed the Government of Nepal to thoroughly investigate the solitary confinement and subsequent disappearance of Surya Prasad Sharma, a resident of Kalika VDC- in the Baglung District, by army personnel after his arrest on January 14, 2002. Sharma was arrested from his home by a group of between 10 and 15 uniformed army personnel at around 5 am in the morning of January 14, 2002. On February 4, 2003, his wife Jashoda Sharma filed a writ petition of habeas corpus but the Supreme Court, in its verdict passed on February 16, 2005, quashed the petition based on the information provided by the civil and military authorities; who had stated that the victim "was not in the custody or control of the state" at the time of his death as he had drowned after jumping into a nearby river to avoid having to identify a Maoist hideout. As all of the existing legal provisions of Nepal were exhausted, Sharma's wife had decided to submit the case to the HRC.

The HRC, an independent body of experts, also directed the government to provide an "effective and enforceable remedy" and report to it as to the measures it has taken within 180 days. The HRC, in its decision, outlined violations of Article 2(3) (the right to an effective remedy), Article 7 (the right not to be tortured), 9 (the right to liberty and security of person) and 10 (respect for the inherent dignity of a human person) of the International Covenant on Civil and Political Rights (ICCPR).

7. Frustration among Victims' Families

The decade long armed conflict formally came to an end after the signing of the Comprehensive Peace Agreement (CPA) between the government and the CPN-Maoists on November 21, 2006. From that day, there have been many written agreements regarding enforced disappearances. Various commitments such as finding the whereabouts of disappeared persons, publicizing their whereabouts, establishing a high-level commission of inquiry on disappearance and providing compensation/relief to the families of the disappeared have been expressed in the Code of Conduct for Ceasefire, 2006, the Decisions of the Seven Political Parties and Maoist Summit Meeting, 2006, the Comprehensive Peace Accord (CPA), 2006, the Interim Constitution of Nepal, 2007, the Common Minimum Program of the Interim Government, 2007 and the 23-point agreement between seven political parties including CPN-Maoist, 2007.

However, neither the government nor the main political parties appear to be serious about fulfilling these commitments. A comment made by the then Prime Minister (PM), Girija Prasad Koirala, to a team including Sharmila Tripathi from the family of a disappeared people ,as the

team was submitting a memorandum is an example of this. PM Koirala said that the government would make public whereabouts of those disappeared by state only after the Maoists disclose details of those they have disappeared. He further said that the government was only prepared to publicise the 'list' of persons disappeared by state.[7]

On the other hand, saying that his party was not in the government, UCPN-M Chairman Prachanda reiterated his commitment to finding out the truth by forming a Commission of Inquiry on Disappearance.[8] Prachanda, who had held the post of Prime Minister himself, said that he had had to tender his resignation for trying to take action against those involved in enforced disappearances.[9]

The above instances show that the parties are not serious and sensitive towards the whereabouts of disappeared persons. The concern for the victims has been inconsistent. The most tangible response has been interim compensation payments to families of those who died or were disappeared. Yet this has been weakened by political manipulation and the lack of effective oversight of fund distribution. For relatives of the more than 1,000 people still missing, distress, frustration and a sense of betrayal has grown.[10]

Owing to this feeling and the decreasing hope of finding their relatives alive, the victim's families have started registering their death certificates to get a sense of relief. In Banke, Bardiya and Surkhet, death certificates of 96 persons disappeared by the state and the Maoists have been registered.[11]

Yet, the concerned officials do not hesitate to reiterate their commitments. Prime Minister Madhav Kumar Nepal expressed his commitment to finding the whereabouts of disappeared persons and take action against the culprits after receiving the five-point memorandum submitted by the family of the disappeared persons on March 18, 2010. Despite the willingness of all three Prime Ministers after the CPA to make the status of disappeared persons public and take action against the culprits, this has not yet happened. Is it that the leaders of the parties are of the opinion that the past will be forgotten with the passage of time? Such questions raised can be obvious. Therefore, the following actions should be taken to make the status of persons disappeared public and not to allow such acts to be repeated in the future. Only then will the victims get justice.

- Form a high-level commission to investigate the cases of disappearance, their causes and the status of those allegedly disappeared by the state and parties to the conflict.
- The UCPN-M should publish a list of

Districts With Highest Number of Disappearances (1996-2006)

District	By State			By Non-State	Total
	Army	Police	Security Personnel	By Maoist	
Bardiya	169	19	19	13	220
Dang	37	4	20	8	69
Banke	21	24	12	4	61
Salyan	17	8	1	2	28
Dhading	19	2	5	1	27
Rolpa	12	11		4	27
Total	**275**	**68**	**57**	**32**	**432**

7. http://www.bbc.co.uk/nepali/news/story/2006/09/060912_disappearance.shtml
8. http://nagariknews.com/politics/party-politics/20828-2010-11-28-14-39-26.html
9. http://cmprachanda.com/samachar-detail.php?id=565583143226
10. http://www.crisisgroup.org/~/media/files/asia/south-asia/nepal/184%20nepal%20peace%20and%20justice.ashx
11. http://202.166.193.40/kantipur/news/news-detail.php?news_id=225576

all its cadres killed during the armed conflict.

- Implement immediately the directive order of the Supreme Court of June 1, 2007 and provide, without any discrimination, the compensation and assistance package to the families of victims.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, 2006.
- Establish enforced disappearances as a crime and promulgate a law on disappearance in compliance with the International Convention for the Protection of All Persons from Enforced Disappearance, 2006.
- Amend the Army Act to provide that army personnel accused of enforced or involuntary disappearances can be tried only in civilian courts.
- Release the full and complete details, including any written judgements, of all court-martial proceedings undertaken by the Nepal Army in the past, and that the Judges and Attorney General undertake, in the future. There should be aggressive prosecution of army personnel accused of abducting/ disappearing and torturing civilians.
- Keep accessible, complete, accurate and fully up-to-date lists of detainees and share these with the families of the detainees, civil society organisations, NHRC and others concerned.
- The Supreme Court should adopt a more active application of its inherent contempt power to hold accountable and punish officials who are not truthful before the Court.
- Take steps immediately to strengthen the NHRC and to facilitate its work; and give the Commission access to all places of detention, including all army barracks, without prior notification or permission.
- Implement immediately the NHRC's conclusions and recommendations regarding the cases of disappearance and of those allegedly disappeared.
- The UN DPKO should evaluate the future participation of Nepali security forces in UN peacekeeping missions, assessing the suitability of such participation against progress made in the reduction of disappearances and other human rights violations attributed to the Nepali security forces, and seek the cooperation of the OHCHR to review progress.
- Extend a standing invitation to the WGEID for its follow-up mission to Nepal.
- Implement immediately the provisions of the CPA, IC and the 23-point agreement, among other agreements, so as to investigate the cases of disappearance and make public the whereabouts of the allegedly disappeared persons.

Chapter

5

ERW, Small and Portable Lethal Weapons : Threats and Challenges

Background

Each year large number of civilians are killed and maimed by the "explosive remnants of war". These are the unexploded and abandoned ordinances, such as artillery shells, mortars, grenades, bombs and rockets, which are left behind after an armed conflict. When an armed conflict is over, the battlefields are often littered with explosive debris. Much of this debris is still dangerous, in particular the stocks of weapons which were left behind by combatants and the explosive munitions that were fired but had failed to go off as intended.[1] For the civilians and communities in war-affected countries the presence of these weapons represents an ongoing threat. Globally, there are millions of explosive remnants of war on the ground today, affecting more than 83 countries. It is known that millions of people living in these 83 countries are affected by land mines, but the size of the global landmine problem has not yet been well defined. It is estimated that 10,000 civilians are killed or maimed every year by landmines, a large number of which are children.[2]

The relative low cost and ease of availability of improvised explosive devices and land mines make them suitable for adoption in civil conflicts, especially in developing countries. In Nepal, the erstwhile CPN-Maoist used IED as anti-tank mines to target security force vehicles. Similarly, the security forces also used fragmentation and blast types of antipersonnel mines and MOTAPM (Mines Other than Anti-Personnel Mines) massively during the period of the 10-year-long civil war.[3] In addition to these, other explosive devices and small arms were also responsible for the loss of thousand of civilian's lives and limbs in Nepal. The peace agreement may have been signed, and the hostilities may have ceased, but landmines and the explosive remnants of war (ERW) are an enduring legacy of the conflict.[4] Even though the 10-year-old armed conflict has come to an end, the threat of explosive remnants of war has been left in its wake.

Point number 5.1.4 of the Comprehensive Peace Accord (CPA) was signed by the CPN-Maoist and the Government of Nepal signed 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 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.

In contrary to the emphasis on establishing sustainable peace as mentioned in the CPA, the weak implementation by both conflicting parties of the aforementioned point, has led to new types of emerging violence by allowing for the increase in the use of small arms and portable lethal weapons for criminal purposes, especially in the Tarai belt of Nepal. This has not only caused the loss of lives and the destruction of civilian property, but has also emerged as a new challenge for the ongoing peace process and reconciliation. Unfortunately, there is still a lack of concern among the relevant stake holders on the impact that the use of victim-activated explosives, small arms and portable light weapons has on human lives, the environmental consequences, and the

1. http://www.icrc.org/eng/war-and-law/weapons/explosive-remnants-war/overview-explosive-remnants-of-war.html
2. www.clearlandmines.com/landmineProb-Impact.cmf
3. Govt to Outline Defense Policy on Landmines", Himalayan Times, 3 February 2004.
4. Global Burden of Armed Violence, Geneva Declaration Secretariat, Geneva, 2008 Global Burden of Armed Violence, Geneva Declaration Secretariat, Geneva, 2008

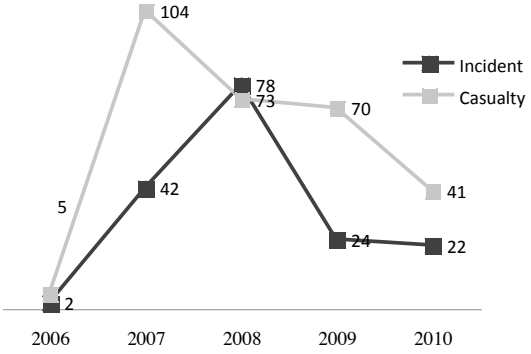
psychological and social trauma. Likewise, the lack of a common consensus on the issues of the ongoing peace process and transitional justice among the concerned stake holders is another challenge for Nepal. Using this backdrop, this chapter has tried to view the impacts caused by the continued use of victim-activated explosives, small arms and portable lethal weapons.

1. Victim Activated Explosion

In this chapter, a civilian casualty of a victim-activated explosion includes those injured or killed by an improvised explosive devices-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.[5]

INSEC's Victim-Activated Explosion, small arms and portable lethal weapons surveillance system (VAE SPLWS) recorded that there were a total of 293 casualties in 128 incidents caused by a victim activated explosion after the signing of the CPA in Nepal to date – i.e. from 21 November 2006 to December 2010. 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 number of casualties decreased to 104 in 42 incidents in 2007. By the year 2008, the number of casualties had decreased to 73 in 38 incidents. There was also a decrease in the numbers observed in 2009, when 70 persons became victims in 24 victim-activated explosions. In the same way, the numbers were seen to further decrease in 2010, where 41 people were injured by 22 incidents. (See figure1), Looking at the INSEC Surveillance system it can be seen that although there has been a decrease in both the number of casualties and the incidents of victim activated explosion, the challenges and threats have not been completely overcome.

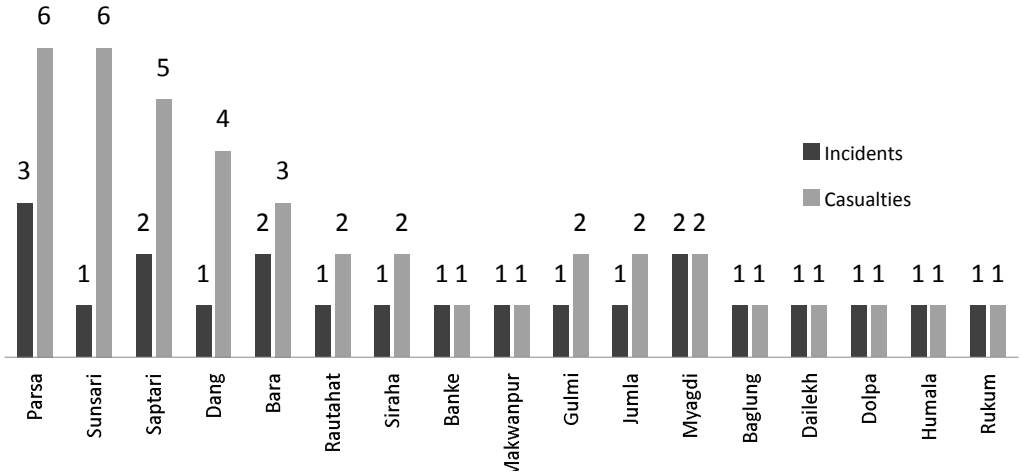
Figure 1 : Incidents & Casualties in VAE
(November 21, 2006-2010)



In the period under review, from 2006 to 2010, INSEC's VAE, small arms and portable lethal weapons surveillance system identified 72 deaths () from 224 VAE incidents. In 2006, there were 39 people killed in 98 incidents caused by improvised explosive devices (IED), mines and explosive devices (ID), and 2 people were killed in two incidents of VAE between

5. *INSEC, Report on casualties of victim-activated explosions Nepal. Kathmandu, 2009, http://www.inseconline.org/pics/1262602365.pdf*

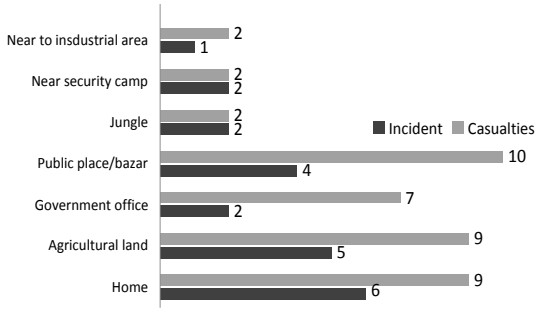
Figure 2 : Incidents of Explosion & Casualties by Districts, 2010



the signing of the Comprehensive Peace Accord i.e November 21 and December 31, 2006. The total number of deaths caused by VAE decreased to 13 and 4 respectively in 2007 and 2008. Although the overall numbers of casualties and incidents has decreased in comparison to the previous years, sixteen people were killed in 2009, which was four times the death rate in 2008. Fortunately, there was not a single death caused by the 22 incidents of VAE in 2010. Despite the decrease in incidents and casualties caused by VAE, there is still a prevailing threat of VAE, which has not yet been solved by the ongoing peace process in Nepal.

Out of the two deaths in 2006 that were identified after the signing of the CPA, one boy was killed in the Ramechap district as he was trying to pull the wires from an ED with his teeth. The device had been dropped near to his house by Maoist cadres prior to the incident. In the other incident, a Muslim girl was killed in the Morang district when she threw the ED onto the ground. The deceased worked as a rag picker and picked up the ED to take for metal to sell (scrap metal). Out of 13 deaths caused by VAE in 2007, nine people - three children, one woman and five men, were killed during one incident in Dang, when villagers were trying to defuse a Bucket bomb. In addition, two boys were killed when they were handling EDs that they had found in a jungle while they were picking mushroom in an area which had been used as a firing range for the army. Two boys were also killed in Doti and Kalikot when they were playing with EDs at their homes. In 2008, 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 when he was playing with a socket bomb at 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 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 for the purpose of collecting grass and wood in the Rolpa and Dang Districts respectively, even though the perimeter was marked as a 'prohibited zone' . Moreover, two children and one man

Figure 3 : Places of Incidents and Casualties, 2010

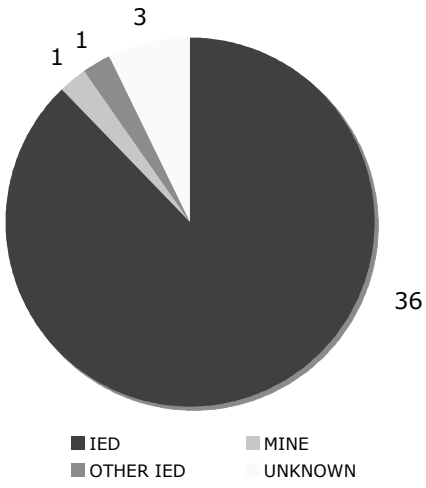


were killed in the Kailali district when the victims were handling a hand grenade that was found near the village. One man was killed by an explosive device which had been placed near his home, the explosion occurred when everyone was asleep. One agricultural labor was killed when the tiffin bomb which he found in a paddy field while harvesting rice in Parsa district, exploded. Three people were killed in Chitwan when a boy was rubbing a mortar against a log near to his house. The seven year old boy had brought the mortar to his home after he had 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 the Sarlahi, Pyuthan and Baitadi districts, and a boy was killed near to a school in the Bajhang district when he tried to open a plastic bag which an ED was wrapped in.

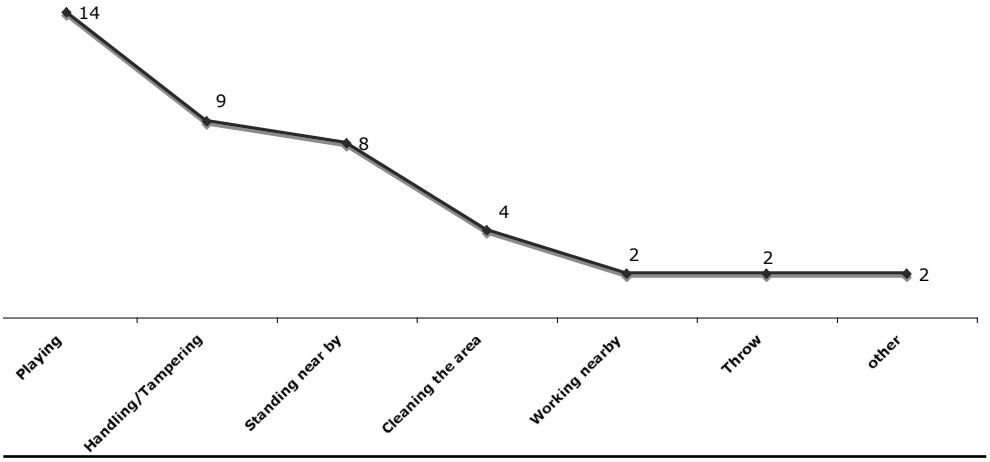
During the four-year-period under discussion (2006-2010), there were 72 people killed, of these 50 were male and 22 were female. Out of total deaths, it was recorded that there were 33 students, 27 Farmers, 5 labors and two employed persons and five unemployed persons killed. Based on their Educational Levels, 48 of these people were literate and the rest were illiterate. Forty-one children were killed during the period, 19 persons aged between 19 and 39 were killed, as were 12 persons aged between 40 and 59. Most of the deceased, i.e. 36, were categorized as being in the lowest economic condition (up to 3 months surplus for hand to mouth), 31 were belonging to the lower class (up to six months surplus grain) and 5 belonged to the middle class (up to 12 month surplus for hand to mouth). Thus it can be seen that poor people are more at risk of being killed by VAEs.

Nepal is divided into geographic three belts, the Mountain, the Hill and the Tarai. Out of total deaths caused by VAE from 2006 to 2010, 48, 21 and three persons were killed in the Hill, Tarai and Mountain regions respectively. In 2006, 18 people were killed in the Hill and 18 in the Tarai-Madhes regions, but in 2007 all the13 people killed were from the Hilly region (Palpa nine, Nuwakot two, Doti one, and Kalikot 1). Additonally, in 2008, 3 people were killed in the Mountain regions and 1 was killed in the Tarai. The casualty trend was reversed in 2009 with nine and seven

Figure 4 : Type of Explosive Device & Casualties, 2010



Figur 5 : Causes of Explosion, 2010



people being killed in the Tarai-Madhes and Hilly regions respectively. INSEC's VAE, SAPlW surveillance system recorded that there were 13 incidents caused by VAEs in the Hill Region and five in the Mountain region. From immediately after the CPA in 2006 till 2008, there were more casualties in the districts of the hill region but from 2009, the incidents of VAE is increasing in the Tarai-Madhes. This is due to the instability caused by the armed Tarai outfits that have abandoned and dropped EDs in public palaces with the aim of creating terror in the area.

Table : 1

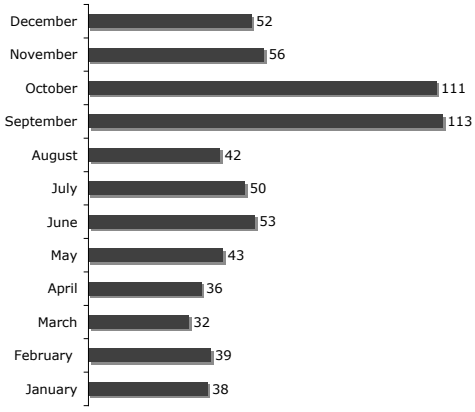
Age Group	Casualties
0-4	1
5-18	19
15-59	20
60+	1
Total	41

1.1 Tarai-Madhes More Affected

As based on the INSEC's (VAE SAPLW) Surveillance System, there were 30 casualties in 13 incidents by VAE in nine districts of the Tarai-Madhes (Prasa, Sunsari, Saptari, Dang, Bara, Rautahat, Siraha, Banke and Makwanpur) out of the total 17 districts. Parsa district had the highest number of incidents (three) in which there were 6 casualties. Four incidents of VAE were identified in four of the districts (Gulmi, Myagdi, Baglung and Dailekh) of the Hill Region. Additionally, it was identified that there were three casualties in three of the districts (Jumla, Dolpa and Humla) of the Mountain region.

Within 12 months of 2010, the most affected districts were located in the southern part of the country– the Tarai-Madhes. The Tarai has become the more dangerous place after the signing of the CPA. There has been an increase in new armed groups who have a veil of being political parties, these groups have tended to use IEDs while organizing violent activities such as extortion, rape, kidnap and murder in the Tarai. Innocent people are caught by the EDs, which are

Figure 6 : Casualties due to the SAPLW, 2010



dropped or abandoned near to industrial and commercial areas and public places to terrorize the business persons and demand that they pay money to the groups. In such situations, innocent people and children will be the victims of EDs. Therefore, the Tarai plains must be prioritized for effective mine action programs: and the use of explosive devices and other arms by these Tarai groups must continue to be highlighted and strongly condemned in order to prevent the high number of VAE related casualties

1.2 More Incidents In Settlement Areas

As shown in figure 3, the highest number of incidents (nine casualties in six incidents) occurred in civilian's homes. It has been observed that civilians, especially children, often bring explosive devices from the surrounding area to their homes, where they then start tampering or playing with the device. Children, by their nature, are curious about new things and they will try to handle and play with EDs, mistaking them for toys. This is the main causes of deaths and injuries by VAEs. It is particularly worrying that the presumed safe haven of the home has become the most frequent setting for victim-activated explosions.

Figure 8 : Casualties on the Basis of Sex & Age, 2006-2010

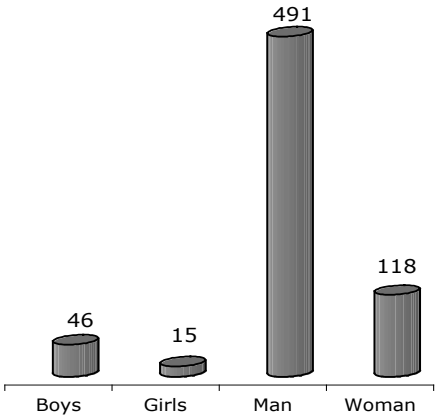
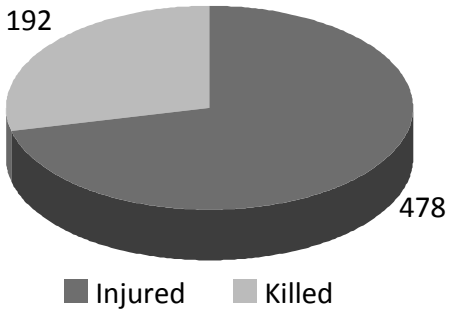


Figure 7 : Casualties die to SAplW, 2010

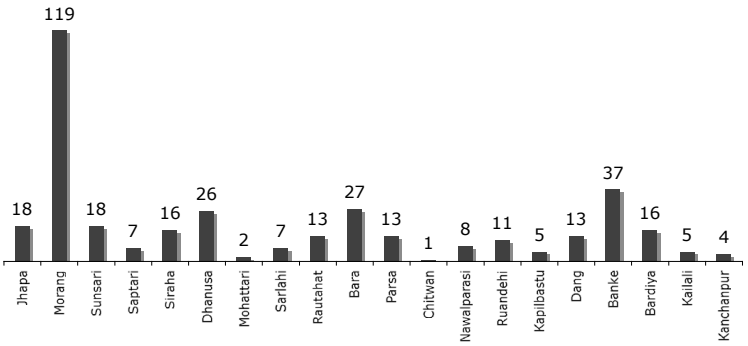


Similarly, the second highest incident of VAE occurred in public places, where 10 persons were injured in four incidents. Likewise, nine people were injured in six incidents after they had been handling the EDs that had been found in agricultural fields. These incidences have occurred as a result of armed groups, who have been mobilizing in the Tarai-Madhes belt of the southern part of Nepal, abandoning the EDs. As the remnants of EDs and mines were used by both the conflicting parties during the decade long violent conflict, there is also a threat posed to civilians, especially in the Hill and Mountain regions of Nepal.

1.3 Children Most Vulnearable

Among the 41 fatalities in the 22 victim-activated explosions in 2010, children accounted for 49% (20). This figure was 54 % (39) and 64% (46) in 2008 and 2009 respectively. It was also found that there were 21 persons (seven women) injured by VAE in 2010. In Nepal, many women fall victim to EDs while they are collecting wood, food or fodder, or cutting the grass within the perimeter of Security Force bases. Figure 4 below details the ages of all casualties resulting from VAE. It highlights that these explosive devices are indiscriminate, in that they injure people from all age groups, particularly those who are unaware of the threats that

Figure 9 : Casualties by SAplW by Districts, 2010



they pose. However, the graph clearly identifies the most affected age group in the aforementioned period, are those children aged between 10 - 14 years. This is followed by people aged between 25 between 30 and then between 5 and 9 years. Young boys from these age groups appear most at risk, accounting for 49% of all casualties, while girls from this age group account for 29.5% (8). Thus, it can be seen that children are particularly vulnerable to VAEs. The majority of child casualties resulted from children handling and tampering with the explosive device or intentionally striking and throwing the device to satisfy their curiosity. In addition, children are responsible for tending cattle and sheep in many societies. They often follow their livestock into new areas in search of new grazing land and thus come across VAEs.

1.4 Types of Explosive Devices And Casualties

As based on the INSEC's VAE, small arms and portable lethal weapons surveillance system, 36 (89%) casualties resulted from an explosion of Improvised Explosive Devices and two persons (2%) were injured when mines exploded, (2%) were injured by other Eds, whereas five (7%) casualties were as a result of unidentified EDs. Out of the 36 casualties, 24 persons were injured by sutali bombs (IED), see figure 6. While most of the bomb were known to be used by the Maoists during the conflict, nowadays these bombs are known to be used by Tarai armed groups. One incident involving mines in the Mid-Western region, where a civilian stepped on mine near a Security Force base.

The largest number of casualties – 14 (33%), out of the total 41 casualties in 22 incidents, were as a result of the victim playing with an ED, which had been dropped or abandoned during the conflict or by the armed groups in the Tarai Belt. The second highest number of casualties resulted from the handling and Tampering of the explosive device (nine persons). Eight of these casualties occurred while the victim was watching or walking near by the persons who were handling the EDs. Four police officers were injured inside the district police office, while cleaning the store room in Dang district. Two persons were injured by explosive devices that were intentionally exploded. See figure 5.

Therefore, to minimize the incidents of VAE, efforts need to be made to stop the armed groups in Tarai using IEDs to achieve their aims. At the same time, the removal and destruction of those abandoned

Figure 10 : Casualties by Place. 2010

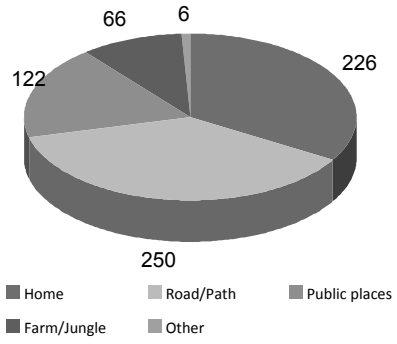
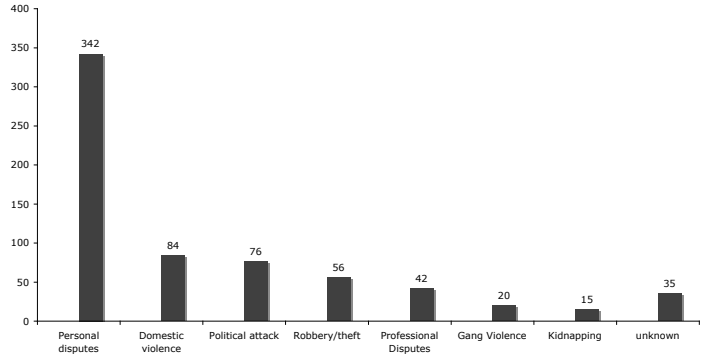


Figure 11 : Causes of Attack, 2010



and stored IEDs, from the conflict period, must also continue to be prioritized. Similarly, efforts should be made for mine risk education among children because they are naturally more curious and have less knowledge of the risks involved with handling EDs and are thus more vulnerable than adults to the dangers these devices pose.

2. Small Arms and Portable Lethal Weapons (Saplw)

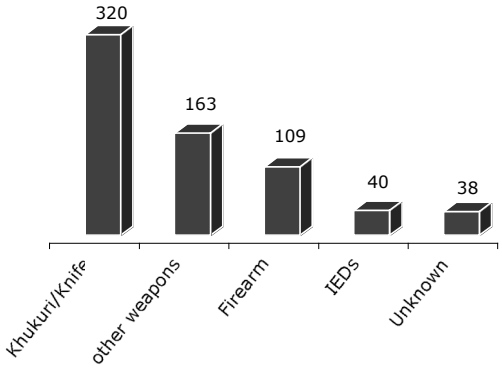
Armed violence corrodes all sectors of a society. Armed violence also has a rippling effect throughout the society, creating a climate of fear, distorting investment, disrupting markets, and closing schools, clinics and roads. Armed violence, while affecting all people, affects certain groups and regions disproportionately. It is the fourth leading cause of death of persons between the ages of 15 and 44 worldwide.[6]

The widespread use of Small Arms and portable lethal Weapons (SAplW) has existed for a long time in Nepal and was exacerbated during the 10-year long conflict. The end of the war does not guarantee the establishment or return of security in the affected areas. Even after the signing of the CPA, Nepal is facing a serious challenge of armed violence caused by the illicit use of small arms and portable lethal weapons. The illegal use of SAplW destroys lives and livelihood, breeds insecurity, fear and terror, increases gender based violence and ultimately hampers the ongoing peace process in Nepal.[7]

Prior to assesing the impact caused by the incidents of SAplW in 2010, the definition of small arms and portable lethal weapons will be reviewed.

As mentioned in the Arms and Ammunition Act, 1962, "Arms" include the rifle gun, pistol, revolver, mining and grenade, their parts and the machinery which manufactures such arms. "Machine Gun" includes brenguns, luis guns, station machine carbines, tomson machine carbines and other similar automatic weapons and their parts, the vehicles to be used for transporting and mounting such machine

Figure 12 : Weopons Used in Attack, 2010



6. Global Burden of Armed Violence, Geneva Declaration Secretariat; ISBN 978-2-8388-0101-4
7. Nepal Working Groups n Small Arms and Other Portable Lethal Weapons Terms of Reference, Kathmandu,

gun and the machinery which manufactures such machine guns. "Ammunition" includes fugsignal fuses (Dhumika Sanket), gun powder, caps, the ball of a gun, shells, detonators, cartridges, as well as similar types of explosives and other ammunitions.[8]

SAplW is defined as small arms and means any lethal weapon that is transported or carried by a person, and that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique or replica small arms and light weapons. The Act also says that small arms are, broadly speaking, weapons designed for individual use. They are relative cheap, easily portable and concealable and, in most cases, require minimal maintenance and logistical support and can therefore be operated relatively easily. They include, inter allia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns. Other portable lethal weapons are understood to be weapons that have been designed for individual use. They include, inter alia, knifes, swords, khukuris and small IEDs. [9]

According to INSEC's VAE, SAplW Surveillance System, there were 670 casualties including 192 deaths from 485 incidents involving SAplW in 2010. The highest number of casualties was recorded in September number 113 and was followed by that in October which was 112. On average, there were 55.5 casualties in each month of the period. See fig 7 and 8 for details.

2.1 Vulnearable Child And Women

Armed violence affects women, men, girls and boys in different ways, as both the perpetrators and the targets of armed violence. Across cultures, most acts of violence are committed by men, and men and boys also account for the majority of fire arms-related deaths and injuries.[10] In Nepal, of the 670 casualties resulting from 485 incidents by the illicit use of SAplW during the 12 months of 2010, 491 men were the victims. Nine percent of the victims were children (61) and 18% (118) have been reported , in addition 41 women including five girls were killed. In most of the cases, women have often been the victims of domestic violence carried out using SAplW. See figure 9.

2.1 Tarai Madhes More Affected

INSEC's surveillance system has recorded armed violence in spread in 58 of the districts in Nepal but severely affects many of the Tarai-Madhes districts. According to INSEC's VAE, SAplW Surveillance System, it has recorded that 55% (369) of the total number of 670 casualties were documented in the 20 districts of the Tarai-Madhes, whereas only 45% (301) of the cases were identified in the districts of the hill and mountain regions. It is found that all the districts of the Tarai-Madhes belt i.e. Jhapa, Morang, Saptari, Siraha, Dhanusa, Mahottari, Sarlahi, Rautahat, Bara, Parsa, Chitwan, Nawalparasi, Rupandehi, Kapilbastu, Dang, Banke, Bardiya, Kailali and Kanchanpur, were affected by incidents involving SAplW. The highest number of casualties was recorded in Morang (119) and followed by Surkhet (73 cases), which is a hill district. Additionally, the third highest number of casualties (37) was recorded in the Banke district. In the same way, Bara and Dhanusa accounted for 27 and 26 casualties

8. Arms and Ammunition Act,2019 (1962)
9. Nepal working Group on Small Arms and Other Portable Lethal Weapons, Terms of Reference
10. Global Burden of Armed Violence, Geneva Declaration Secretariat, Geneva, 2008

respectively, whereas 21 casualties was found in Kathmandu, the capital city of Nepal. Based on the documentation in the VAE, SAplW Surveillance system, 111 and 81 persons were killed in the districts of the Tarai-Madhes and the Hill and Mountain regions respectively. This indicates an extensive use of SAplWs by armed groups in these regions. See fig 10.

It has been said by the security authorities of Nepal that the government of Nepal has not been able to control, as required, the illicit use of SAplW weapons by the secessionist and armed groups in the Tarai-Madhes belt.[11] Furthermore, the instability and armed violence in the Tarai-Madhes districts are due to the proliferation of SAplWs which are easily available in the southern part of Nepal, due in part to the porous boarder it shares with India.

2.2 Small Arms And Portable Lethal Casualties By Setting

The home is usually considered the safest place for human beings. Contrary to this assumption, the home has also become one of the most insecure places for humankind. It was reported that 226 casualties were reported to have occurred inside the home. Roads and paths have also become one of the most dangerous places as 250 people were injured and killed from incidents involving SAplWs in such places in Nepal. People were attacked with SAplWs while they were walking or traveling to meet their needs. Additionally, the surveillance system recorded 122 incidents caused by the use of SAplWs in public places (hotel, temple, Market etc.). See figure11.

2.3 Motivation Behind Attack

The main motivation behind attacks was personal disputes. It was recorded that 342 cases of casualties were as a result of personal disputes. The second highest number of casualties (84) was recorded as being a result of domestic violence; women and girls are often the victims of domestic violence which is perpetrated using SAplWs. This indicates a prevalence of gender based violence and continued discrimination against women. See figure 12.

2.4 Types of Weapons Causing Incidents

Figure 12 shows that the highest number of casualties (320) was caused by khukuri/Knives. While other weapons, including swords, sharp rods etc accounted for 163 casualties. The third highest number of casualties (109) and (40) was caused by the illicit use of fire arms and IEDs respectively. This indicates that to control the prevailing instability that has resulted from lawlessness; an effective criminal justice response to armed violence is an important element in reducing the illicit use of SAplWs.

3. Persistent Threat

Although there has been a decrease in the number of incidents and casualties of victim-activated explosions during the period from 2006-2010, the effects of the explosives remnants of war and UXO are still posing problems in Nepal. The widespread use of EDs and small arms was exacerbated during the ten-year conflict. At that time both conflicting parties used IEDs, mines and small arms in a large scale. The remnants of the war are still a problem even after the formal end of war, which was achieved by the signing of the CPA by both conflicting parties in 2006. It has been said that the end of war does not necessarily herald a return to security.[12] Even after the signing of the Comprehensive Peace

11. *Surakshya Sudharko Lagi Sahi Bato Samatieko Chaa?* Interdisciplinary Analyst and Safer world , Kathmandu, Nepal, 2065
12. Global Burden of Armed Violence, Geneva Declaration 'secretariat, 2008

Accord (CPA) by the Government of Nepal and the CPN (Maoist) in November 2006, and despite the 'Agreement on the Monitoring of the Management of Arms and Armies' (AMMAA), which marked a clear commitment by both sides to ensure a safe environment for Nepali citizens, free from the threat of Landmines and Explosive Remnants of War (ERW), INSEC's VAE and SAplW Surveillance System recorded that there were 41 casualties from 22 incidents of VAE and mines in Nepal. Civilians, usually children, while walking on the road/path, working in the filed or tending cattle and collecting grass, have found the EDs and by virtue of their curious nature have examined and played with the devices, which has led to them being involved in the aforementioned incidents. As a result, even now the members of society still fear the explosion of the remnants of war.

According to the International Campaign to Ban Landmine, it is estimated that 3.25 Sq km areas are still covered with mines and EDs in Nepal.[13] Despite the clearance of mine fields and EDs by the Nepal Army with support from UNMIN, the total achievement of their objectives has not yet been met.. Only five out of 53 mine fields were cleaned in 2008. The Nepal Army had only been able to clear 12 minefields in 2009. At the end of the 2010, the Nepali Army has cleared 18 mine fields and 18 minefields still remained to be cleared.[14] It is also reported that during the clearance of these mine fields over the three years, the Nepal Army destroyed 5,950 anti-personnel mines. In addition to these, 28,273 EDs were also destroyed in seven Maoist Cantonments.[15]

The Unexploded Remnants of war, including Mine, EDs and IEDs, are still found by civilians, thus the abandoned devices still pose a threat to the people of Nepal. In addition to this, instability in the Tarai-Madhes, along with the proliferation of secessionist and criminal armed groups, not only aids in the deteriorating security environment but also directly challenges the progress and success of the peace process in Nepal.

The illicit used of small arms and portable weapons is a main security challenge for Nepal.[16] According to INSEC's VAE, SAplWs Surveillance System, there were 670 casualties from 485 incidents involving the use of SAplWs, in which 192 persons were killed in 2010. More people of the Tarai-Madhes belt were affected by the illegitimate use of SAplW than in other regions. Out of the 670 casualties, 262 were farmers, 113 were students, 104 were employees, 71 were business persons, 60 were unemployed, 30 were politicians, 4 were minors and 26 were unknown persons, these people were the victims of 485 incidents in 2010. The main causes of casualties (320 persons) were attacks by khukuri and knives and followed by attacks by swords and sharp knives (163) and fire arms (109). Additionally 40 persons were victimized by explosive devices, and there were 38 casualties where the type of weapon used could not be be identified.

According to the Nepal Police, 614 men and four women were arrested under the 'Arms and Ammunition Act, 1962" and charged with being involved in 417 criminal activities. Furthermore, 70 pistols, 8 revolver, 28 rifles, 202 home pistols and 67 home made guns, including 654 bullets, were confiscated.[17]

13. International Campaign to Band Land Mine; http://www.the-monitor.org/index.php/ publications/ display?act=submit&pqs_year =2009&pqs_type=lm&pqs_report=nepal
14. Nepal Army : Humanitarian Demining Operation; http://www.nepalarmy.mil.np/demining.php
15. http://www.unmin.org.np/?d=activities&p=mine
16. Presentation by SSP Ramesh Phunyal-Nepal Police in SA&plW meeting, Kathmandu, 2010
17. Presentation by SSP Ramesh Phunyal-Nepal Police in SA&plW meeting, Kathmandu, 2010

4. Conclusion

In spite of the progress achieved by Nepal through demining and IED disposal activities, the recurrence of victim-activated explosions and the increase of the illegal use of SAplWs, especially in the Tarai-Madhes where there has been a growth of secessionist outfits, are serious challenges to the fragile peace process in Nepal. It has also impacted on the situation of Human Rights.

Since the signing of the CPA and the end of hostilities, a number of factors have contributed to the new breeding ground for armed violence in Nepal, this includes:[18]

- Instability in the Tarai-Madhes, with the proliferation of secessionist and criminal armed groups
- Proliferation of Small Arms and other Portable Lethal Weapons among which a large part consists of illicit home-made firearms and small Improvised Explosives Devices
- Lawlessness and a culture of impunity
- Deteriorating security environment, particularly for woman and children
- Weak state presence in a number of volatile areas
- Slow progress on the security sector transformation
- Porous boarder between India and Nepal
- Presence of explosive remnants of war from the decade-long conflict
- Poverty, unemployment and discrimination among youth
- Increase in gender based violence and the continued discrimination against women

A post-conflict period is generally considered to be fertile ground for breeding criminal activities.. It can be asserted that as Nepal is passing through a transition period, it is essential that there be effective co-ordination among the organs of the state, especially among security organizations, to cope with the prevailing situation.

5. Recommendation

The following steps should be undertaken for the reduction of the incidents of victim-activated explosion, small arms and portable lethal weapons

- Accede to the main international instruments, such as the Convention on Certain Conventional Weapons and the Ottawa Treaty, both of which address the issue of explosive devices
- Expedite the demining process. There should be effective implementation of Mine Risk Education
- Provide support to the victims of explosions
- The UCPNM-Maoists should inform the Nepal Government about which houses they captured and their stockpiles of EDs, and should support the government with the clearance of EDs.
- The security situation in the Tarai-Madhes belt should be upgraded and the presence of the state agencies in the remote areas of the region should be improved.
- The law should be enforced against the illegal manufacture, trade and carrying of arm without license, of small arms and portable lethal weapons. The prevailing penalty system should be strongly used against the perpetrators. Enhance coordination among the mechanisms of the government to discourage the trade on Small arms and EDs.
- To bring armed groups in the due process of law.
- Enhance awareness against the uses of and risks of carrying EDs, small arms and portable lethal weapons

18. Nepal Working Group on Small Arms and Other Portable Lethal Weapons-Terms of References

Chapter

6

Nepal's Human Rights Defenders at Risk

1. Background

Human rights defenders are those who are at the forefront protecting, promoting, and strengthening human rights, individually or in groups. They strive to practice universally acknowledged human rights as well as actively drive social change. Human rights defenders are keenly active in all parts of the world. Be it in countries deeply affected by an armed conflict, or in politically instable countries, human rights defenders are obliged to dynamically promote and protect the human rights of the people. Human rights defenders are functional in every situation- from the least democratic country to a country where democracy is fully fledged, from a country; which is the least developed economically to a country topping the list of the most developed countries of the world.

'Human Rights defenders' refer to those personnel who work on individual or in group level to promote and protect human rights. This definition adopted by the United Nation on Declaration of Human Rights Defenders 1998, has defined human rights defenders rather ambiguously[1].

A comprehensive peace agreement was signed between the government and the Nepal Communist Party-Maoist on November 21, 2006 with a pledge to abide by the Universal Declaration on Human Rights 1948, international humanitarian laws, supporting principles on human rights and several other obligations.[2]Despite the agreement to respect international instruments such as the UDHR, several journalists, teachers, law professionals and human rights defenders have lost their lives, while some are disabled; others are leading a life under constant threat for taking up their chosen profession due to state, non state and other armed bodies.

In Nepal, human rights defenders have long been in action, from the establishment of democracy to fighting for and protecting the essential human rights for people. In this chapter, we have tried to trace and summarize the obstacles faced by human rights defenders in Nepal in the process of exercising their rights as well as attempting to shed some light on how their rights have been violated.

2. The State of Human Rights Defenders in Nepal

Every person has the inalienable right to choose an occupation individually, jointly or in groups-legally. Every professional should adhere to the national and international occupational principles, respecting the inherent dignity and worth of other people and that their work should not harm other's human dignity, rights, and basic freedoms. In spite of the ambiguous definition of the human rights defenders by the Universal Declaration of Human Rights Defenders, those mentioned in the documents of Informal Sector Service center (INSEC) from 2007 until 2010 come under five categories of defenders striving to protect and promote human rights.[3] They are teachers, journalists, law professionals, health workers, and human rights activists. This document focuses on the accounts of the violation of human rights inflicted upon these five categories of defenders during the

Victims	Year				Total
	2007	2008	2009	2010	
Killing	5	5	1	7	18
Beating	12	62	44	53	171
Disappearance	-	2	2	-	4
Displacement	12	5	6	-	23
Abduction	31	19	4	9	63
Threat	31	39	29	53	152
Arrest	118	26	17	26	187
Mistretment	-	12	36	21	69
Other	1	8	6	4	19
Total	**210**	**178**	**145**	**173**	**706**

1. INSEC, Manavadhikar Rakshak Ra Uniharuka Adhikar Adharabhut Janakari. 2008, pg. 5
2. Preamble, Comprehensive Peace Agreement 2007
3. Article 11, Declaration on Human Rights Defenders 1948

2007-2010				
Victims (professionals)	**No. of Incident**	**No. of Victims**	**Male**	**Female**
Teacher	150	242	230	12
Journalist	158	268	243	25
Health Worker	22	26	26	0
Human Right Activist	37	157	31	126
Law Practitioner	12	13	13	0
Total	**379**	**706**	**543**	**163**

last four years.

The Interim-Constitution states that, "Every person shall have the right to live with dignity"[4] and the Universal Declaration of Human Rights states that, "Every person has right to life"[5] Despite these quintessential statements made by these important documents to protect the rights to life, 706 people have faced threats to their lives in the last four years, according to the data published by INSEC.

During this time, non state and the unidentified groups killed 18 human rights defenders. 171 were beaten. Likewise, four were disappeared, 23 displaced, 63 abducted, 152 threatened, 187 arrested, 69 harassed and 19 other incidents such as forced donations.

3. Challenges Faced by Human Rights Defenders

Taking advantage of the pervading impunity and increased transitional period, the state and cadres of the political parties, armed groups, unidentified groups, and civilians are violating the rights of the defenders. Due to their activities, over a period of time, defenders have been killed, abducted, beaten, received death threats.[6]

From 2007 until December 2010, 379 incidences were reported where the state, non state and unidentified groups victimized as many as 706 defenders. Of the total, 542 were male victims and 161 were female human rights defenders. During this period, the state, political parties, armed groups established at various locations of the country, and unidentified groups have deprived and violated the human rights of the defenders. Civilians victimized a large number of defenders too. Perpetrators committed acts such as killing, issuing death threats, making defenders disappear, beating, abducting and even maltreatment.

"Every citizen ahs the freedom to practice any profession or to carry on any occupation, industry, or trade,"[7]and "there shall be no prior censorship of publication and broadcasting or printing of any news items, editorials, articles, writing or other readings, audio-visual materials, by any means including electronic publication, broadcasting and press."[8] Despite such clear indications in the Interim-Constitution, teachers, journalists, health workers, law professionals, and human rights activists are being targeted precisely because of their occupation. In the last four years, 150 incidents occurred where 242 teachers-12 female and 230 male teachers had their lives endangered. Similarly, in 158 incidents, 243 make and 25 female, a total of 268

2007-2010										
Parties	**Killing**	**Beating**	**Disappearance**	**Displacement**	**Abduction**	**Threat**	**Mistreatment**	**Other**	**Arrest**	**Total**
State		40	-	-	-	6	22-	4	187	259
Non-State	11	91	2	22	36	109	39	12		322
Unidentified	7	40	2	1	27	37	8	3		125
Total	**18**	**171**	**4**	**23**	**63**	**152**	**69**	**19**	**187**	**706**

4. The Interim-Constitution of Nepal 2007, Article 12
5. Universal Declaration of Human Rights 1948 Article 4
6. INSEC, Condition of Human Rights Defenders 2007-2010 a analytical report, December 2010
   The Interim Constitution of Nepal 2007 Article 12, (3) (f)
7. The Interim Constitution of Nepal 2007 Article 12, (3) (f)
8. The Interim Constitution of Nepal 2007 Article 15 (1)

journalists were victimized. In the same period of time, 37 incidents occurred where 31 male and 126 female human rights activists were victimized. In 22 incidents, 26 health workers were targeted and in 12 incidents, 13 law professionals were victimized.

Reports show that the state[9], non state[10] and unidentified groups were at the forefront of committing these acts of violence. In the last four years, the state, non state and unidentified groups have victimized 706, defenders. In the violence committed by the state, 259 defenders were victimized of which 40 were beaten, six received death threats, 22 were maltreated, 187 were arrested and four were subjected to violation categorized as others[11].

Likewise, from the non state actors, especially armed groups, political parties[12] and civilians together committed 11 murders, were involved in beating of 91 defenders, two were disappeared, 22 were displaced, 36 abducted, 109 received death threats, 39 were maltreated[13] and 12 were included in cases mentioned as others.[14]According to the data, unidentified groups killed seven human rights defenders, 40 were beaten, two were disappeared, one was displaced, 27 were abducted, 37 received death threats, eight were maltreated, and three are categorized in others.[15]

3.1 Killing

The killing of human rights defenders was mostly committed by the then Maoists and different armed groups from Tarai region. Over the four years, 18 human rights defenders were killed; 10 teachers, four journalists, one human rights activists, two health workers and one law professional. The non state actors committed 11 killing and unidentified groups killed seven defenders. Moreover, there were no reported killings on behalf of the state.

Killing	Year				Total
	2007	2008	2009	2010	
Teacher	3	3		4	10
Journalist	1	1	1	1	4
HRD	1	–	–		1
Health Worker	–	–	–	2	2
Law professional	–	1	–		1
Total	**5**	**5**	**1**	**7**	**18**

In comparison to 2007 and 2008, the year 2009 had relatively less killings; however, there was a significant rise of killing in the year 2010. There were five killing in both 2007 and 2008. In addition, in 2009, there was only one murder of a defender, with a rise to seven killings in 2010.

From the killings of human rights defenders, the murder of journalist Birendra Sah is one example. Sah was killed by the then Maoist, Ram Ekwal Shani on October 5, 2007[16]. The perpetrator was accused of killing the journalist on the date mentioned above; however, the Maoist admitted his guilt to the accusation a month after the incident. The Federation of Journalists, Bara filed a complaint against five suspects in the police office on October 5, 2007. Over a year later, on October 31, 2008, a case against those accused of the murder was filed. Of the accused, Ram Ekwal Shani and Manejar Giri were sentenced to prison in Birgunj.[17] To investigate the murder of Birendra Sah,

9 Security forces, staff of government
10 Political parties (Maoists, United Nepal Communist Party, Nepal Peasant Workers' Party, Rastriya Janamorcha, Kirat Janawadi Workers party), several armed groups- Madhesi Tigers, Akhil Tarai Mukti Morcha (Goit), Akhil Tarai Mukti Morcha (Rajan), Akhil Tarai Mukti Morcha, Madheshi Jana adhikar forum, the wing force of political parties and the civilians exempt
11 Exempt from meeting, obstacles in collecting information, made redundant from job
12 The then Maoist, United Nepal Communist Party, Nepal Peasant Workers Party, Rastriya Janamorcha, Kirat Janawadi Workers Party, Nepal Congress
13 Painting face black, defamation
14 Bomb detonation arson
15 Asking for charity, bomb explosion, causing fire, shooting
16 Bhattarai, Binod, Impunity in Nepal, Page no 32

on October 16, 2007 the Parliament of Nepal formed a Parliamentary Committee headed by a Member of Parliament, Urmila Aryal. The Committee listed the names of five people, namely Kundan Faujdar, Ram Ekwal Shani, Manejar Giri, Hareram Patel and Lal Bhadur Chaudhari and, demanded that the government prosecute them for their involvement in the murder.[17] Of the accused, Shani and Giri are in legal custody since January 5, 2009 and November 3, respectively, however actions has yet to be taken against the other three.[18]

A human rights defender, as well as the chair person of Dalit NGO Federation, 38-year-old Purna Bahadur Sunar was shot dead on the evening of August 9, 2007 by the then JTMM-G (now ATMM) in Pakareti. The commander in charge of the Ajad in the western region took the responsibility for the murder, justifying it as a step towards getting rid of all the people who don't belong to Tarai region from Hilly belt. Being a citizen of hilly region was the sole reason behind his murder.

Residence of Kalaiya Municipality in Bara district and advocate Jagasidh Acharya died in during medical treatment in Kathmandu after being shot by the Akhil Tarai Mukti Morcha on May 22, 2008. Similarly, Binddshwor Meheta, a teacher in the Rastriya Primary School in Dhanusha district was shot dead by an unidentified group on June 19, 2008. The murder of Uma Singh, a female human rights defenders and a journalist employed with Radio Today, Janakpur, is another important case to note. An unidentified group, using sharp weapons, killed her on January 11, 2009. Sushila Singh, her mother, testified against 14 individuals in the District Court, Dhanusha. Of the 14, the police arrested only four. In the meantime, Uma Singh's mother has been pressurized to withdraw the case against the perpetrators in the court.[19]

Health Worker, Rup Bahadur Bhandari, a resident of Badhu VDC-8, Bajura was found dead on November 26. Bhandar who had gone to the neighboring village to treat a female patient, was found dead on the banks of Karnali River. He had sustained deep wounds on head and legs.

Bishnumaya Dhakal, resident of Gorkha, Pandrung VDC-4 and a teacher at the Manikamdevi Secondary School, Laprak VDC, was killed and placed in a shallow grave by Jeet Bhadur Gurung of Lapraka VDC-8 on April 25, 2010.

On September 6, 2010, a teacher of the Shree Durga Higher Secondary School, Bara Raghunathput VDC-8, Subash Pande of Joptpur was killed by cadres of the Madheshi Mukti Tigers. Pande was shot dead in Purainiya VDC.

3.2 Beatings

Reported data shows a significant increase in the involvement of the state, non state and unidentified groups in the beating of the human rights defenders. Over the four years, 171 defenders were beaten; 40 by the state, 91 by non state actors and 40 by unidentified groups.

Resident of Rukum district Garaila VDC-8, Tika Bista, aged 22, while on the way to hospital on 8 November 2009 was beaten by an unidentified group in Khalanga VDC-1. Bista was found in an unconscious state that same afternoon. Bista had written an article entitled "Kina Chahiyo Tirthako Seudo Maobadilai" (Why does the Maoist need Thirtha's Sindoor) in the local weekly paper, this was the cause of the death threats she had been receiving from an unknown phone number.

Tika Bista is also the councilor in the Nepal Journalist Federation, Rukum and a correspondent of Rajdhani Dainik from Rukum.

The editor of the "Hamara Pahura"

17 ibid, pg 31
18 ibid. pg. 29.
19 websites http://www.myrepublica.com/portal/index.php?action=news_details&news_id=27179

Beatings	Year				Total
	2007	2008	2009	2010	
State	5	14	4	17	40
Non-State	5	39	29	18	91
Unidentified	2	9	11	18	40
Total	**12**	**62**	**44**	**53**	**171**

dailey and member of Nepal Journalist Federation, Kailali as well as the vice-chairperson of the Press- Chautari, Kailali, Lucky Chaudhari residing in Uma VDC-4 of the same district was beaten by the YCL on May 26, 2008. Chaudhari had written an article about the effects of the fishery contract given by the Maoist on the irrigation of the land around the lake. Mahadevi, Lake, a lake spread over 75 bhigas was the source of irrigation for the locals. However, since the Maoists assumed the entitlement to contract and make commission, the amount of the water in the lake has decreased and the local people are facing difficulties irrigating their land. An unidentified group attacked and seriously injured the campus chief of Bajang district using sharp weapons. Bishnu Giri, aged 37, was on his way home to Matela VDC-2 from the district headquarters when the unidentified group forcefully took him out of the bus in Subeda VDC-4, and attacked him with Khukuri. Giri sustained injuries to his head, hands and abdomen. After the attack, the group robbed Rs 200,000 of the campus, a mobile phone, the land ownership certificate of the campus, decision booklets and the document granting permission to run the Higher Secondary school as granted by the Tribhuvan University.

In Sindhupalchok districts, Limkhu VDC-5, teachers of the Jana Sahayog Secondary School; Janardan Yadav, Chauthilal Chaudhari, Chandra Shekhar Prasad Chaudhari, Navaraj Kharel, Ashok Jha and Krishna Upreti received death threats from a group led by Udaya Lama; they were told to leave the village within two days March 1. The teachers reached the District Education Office and asked for security. After the teachers were chased away from the school, the studies suspended.

Analyzing the reports on violence against teachers, it can be inferred that perpetrators only victimize teachers after they have failed to be manipulated into doing the perpetrators' bidding. "Because the teachers have a positive influence and have led the village ideally, the perpetrators could have believed that only after uprooting or displacing them can hey establish themselves politically."[20]

The staff of the Malla Hotel, Lainchaur Kathamandu beat journalists from Avenues Television who had gone there to collect news on June 11, 2009. As a result of the beating, Avenues Television's reporter Dilliraj Pokhrel and cameraperson Niranjan Baan were injured.

In midst of discussing inter-caste marriage in the District Police Office in Baglung on June 21, 2009, the police beat four Dalit rights defenders. While discussing the inter caste marriage between Ramrekha Rahul Kisan of Baglung municipality and Neeta Thapa of Damek VDC, a dispute arose between the victims and the police. As result of the dispute, the police injured four Dalit defenders.

85-years-old Abharoti Chhetri of Kanchanppur Bhimdatta municipality -6 died during the course of treatment in the Mahakali Zonal Hospital on October 24, 2009. Heath Assistant, Hikmat Kathyayet was accused by family members of Chhetri of having given the deceased the wrong medication and therefore caused her death. Chhetri's family members present in the hospital beat Hikmat.

3.3 Disappearances

Despite the right of the people to live in an environment free of any fear 16 defenders have been disappeared by various

20 website http://www.teacher.org.np/archive/64-10.pdf

bodies in the last four years. In 2007 and 2010 no defenders were disappeared. In 2008 and 2009, non state actors and unidentified groups disappeared two defenders each. "Every person shall have the right against exploitation"[21] and "Traffic in human beings, slavery or serfdoms prohibited."[22] In spite of such constitutional provisions, human rights defenders are being disappeared.

An unidentified group abducted Sonam Sanjel from Mangal Bazar of Lalitpur Sub-Metropolitan city on 16 July 2008 from the Narayani Secondary School, Gimdi Sanjel was enticed by the group with the offer to supply computers to the school before being abducted. He was later released.

Similarly, in Dhanusha district, Laxmipur Bagewa VDC, the principal of the Kumhrauda Village Development Committee Secondary School, 55 year old Kari Yadav was abducted by cadres of the Janatantrik Mukti Morcha (Rajan Group) on 22 February 2009 and disappeared. Yadav was abducted after dispute with the school administration and was later released.

3.4 Abduction

In the four year time span, 63 human rights defenders were abducted. During this time, non state actors abducted 36 and unidentified groups abducted 27 defenders. In comparison to the abductions conducted in the year 2007, there was a significant reduction in abductions committed in 2010. However, according to the data published, abductions conducted by unidentified groups are escalating.

Displacement	Year				Total
	2007	2008	2009	2010	
State	-	-	-	-	0
Non-State	-	5	5	-	10
Unidentified	12	-	1	-	13
Total	**12**	**5**	**6**	**0**	**23**

An unidentified group of five abducted a law professional, Avinesh Pyakurel from Rajbiraj, Saptari on September14, 2008 from his home while he was having dinner. He was later released. Similarly, in Boriya Saptari, an unidentified armed group abducted health worker Tejnarayan Yadav while he was asleep on October 12, 2008.

An unidentified armed group of six abducted 50-year-old teacher of the Community Higher Secondary School, Brajeshbansa Jha while he was asleep from Babarjumh VDC-1 in Sarlahi, at 10 pm on 25 December 2009 and took him near the Indian border.

3.5 Threats

The basic right to lead a life free from any forms of threats has been constantly challenged by the perpetrators threatening the lives, safety, and security of human rights defenders. In the last four years, various perpetrators have threatened 152 human rights defenders. These have included among others, death threats, threats about their job and threats relating to news they have published. Reports indicate that non state groups closely followed by unidentified groups have issued the most threats.

Disappreance	Year				Total
	2007	2008	2009	2010	
State	0	-	-	-	0
Non-State	0	1	1	-	2
Unidentified	0	1	1	-	2
Total	**0**	**2**	**2**	**0**	**4**

Abduction	Year				Total
	2007	2008	2009	2010	
State	-	-	-	-	-
Non State	28	7	-	1	36
Unidentified	3	12	4	8	27
Total	**31**	**19**	**4**	**9**	**63**

21 The Interim Constitution of Nepal 2007 Article 29 (1)
22 The Interim Constitution of Nepal 2007 Article 29 (1)

Employed in the NHRC regional office, Nepalgunj, protection officer Sarita Gyawali was threatened by Sugandha Shrestha of the Nepal Police on May 7, 2009 in Kohalpur VDC-3. A few days before the incident, the NHRC and other human rights defenders had been advocating for a victim who had been raped by the police officer's father.

Ganesh Paudel, a Gorkhapatra Daily correspondent from Parbat was threatened by a person named Ram Prasad Sharma on April 2, 2010 for writing an article about employment with false certificates. On March 31, 2010, the article entitled "Sakkali Faliye, Nakkalile Jagir Paye" (Genuine are Dismissed and the Fakes are Employed) appeared in the Gorkhapatra Daily due to which Paudel received death threats. The Avenue Television correspondent from Kailali, Yuvaraj Neupane and cameraperson Rajendra Thapa were threatened by Bhojraj Joshi for broadcasting news about irregularities practiced in the SLC centre at the Kanti Rajya Laxmi Higher Secondary School under the invigilation of the Center Chief on March 2, 2010. Threatening Joshi, the center chief asked why he had broadcast the news."

Similarly, the Chief of the District Office Kailai, Koshraj Paneru threatened to imprison the journalists who went to the District Education Office to interview him. Journalists, Rajnendra Thapa of Avenues Television, Hikmat Rawal, editor of the Morning Way Daily, Lokeshwari Kunwar, Bir bahadur Chantale from the Nagarik daily and Prakash Bhatta from the Nepal Times were amongst those threatened by the officer. The journalists asked the chief if any action was taken against the female teacher who had rebuked a student for speaking against racial discrimination, he did not make any comments on it; however, he did threatened the journalists saying he could exercise his authority to persecute them for publishing false news. He also snatched the microphone from Rajendra Thapa, a reporter from Avenue Television.

Threats	Year				Total
	2007	2008	2009	2010	
State	2	1	1	2	6
Non-State	28	30	21	30	109
Unidentified	1	8	7	21	37
Total	**31**	**39**	**29**	**53**	**152**

Locals threatened Ram Kumari Das of SIraha Dhohana VDC-8, representing the Network of Violence against Women for helping a woman in a case of domestic violence on December 30, 2009. She was accused of provoking the women in the village and as a result, she received death threats.

After a cadre of the UNCP-M threatened to severe human rights defender and journalist Apsara Upreti of Dhading district into pieces in the middle of the street on April 20, she appealed for protection to the human rights defenders. Upreti, a member of the district NGO women's coalition and sub-editor of the Highway Weekly was threatened for helping Shanti Kupakheti of Jeevanpur VDC, to stake a claim on property. Binod Luitel and Ram Nepali, the UCPN-M cadres confronted Upreti at the Naubise Kharikhola Bazaar and also threatened her repeatedly by phone.

The chairperson of the coalition of women human rights defenders, Dhading Jeevanpur VDC, Ambika Regmi received death threats for the intake of programs brought by Apsara and was further threatened to be killed if she ignored the warnings. Likewise, the chairperson of network of Women human rights defenders, Marpak VDC Susma Tamang received death threats for her community based works in the village from Keshari Prasad Pant, the president of Nepal Red Cross Society, Dhading and the district chairperson of Maoist affiliated Educational Ganatantrik Manch. She has pleaded for her protection to the human rights defenders.

3.6 Arrest

Over the last four years, 187 human rights defenders, demonstrating for the protection of the rights were arrested. The Badi Rights Struggle Committee, while demonstrating in front of the south gate of Singha Durbar on July 26, 2007, the police intervened and injured 18 demonstrators. On the same site, the police arrested 110 Badis as well as Dalit defenders; they were released later that day after being detained in the police station in Maharajgunj.

Arrest	Year				Total
	2007	2008	2009	2010	
State	118	26	17	26	187
Non-State	-	–	–	–	–
Unidentified	-	-	-	-	-
Total	**118**	**26**	**17**	**26**	**187**

At the initiation of the Nepal Journalist Federation, on August 31, 2008 demonstrators sought the attention of the government regarding the demands of the journalists on Nepal 1 television channel. The police from the same site as mentioned above arrested them. Four teachers from the Institutional School Teachers Union were arrested at Parsa District Administration Office for picketing the office.

3.7 Displacement

In the past four years, defenders have been compelled to live away from their homes by perpetrators. Mostly, non state actors have been found responsible for the displacement of the defenders.

While non-state actors were responsible for the displacement of 10 defenders, unidentified groups were responsible for further 13 displacements. All together, in this time period, 23 defenders were displaced.

Displacement	Year				Total
	2007	2008	2009	2010	
State	-	-	-	-	0
Non-State	-	5	5	-	10
Unidentified	12		1	-	13
Total	**12**	**5**	**6**	**0**	**23**

Journalists and human rights activists from the Bara and Parsa districts had to flee to a safe haven over night because of attacks and threats created by house-by-house search by perpetrators seeking to beat defenders on January 28, 2010. When the defenders started getting targeted in the riots created in the Tarai region by the demonstrators, human rights defenders started getting displaced. Demonstrators in the Bara and Parsa districts vandalized the communication centre and threatened to kill defenders.

When the YCL-the wind force of UNCP-M, Ramechhape Pakarwaas VDC threatened to abduct students of the ANNFSU and local UCL cadres, including teachers over the dispute with the principal of the Prageshwori Higher Secondary School and students on 18 January 2008. Five teachers of that school were displaced to the district headquarter.

3.8 Mistreatment

Students and representatives of student union are always the first suspects when it comes to painting teacher's faces black with soot, verbally abusing and disrespecting teachers. Over the four years time period, 69 defenders repeatedly faced abuses such as verbal abuses, and demeaning acts such as painting their faces black. The state, non state and unidentified bodies were also amongst those identified as mistreating the defenders.

The vice chancellor and rector of Tribhuvan University were mistreated on April 22, 2009. The vice-chancellor of TU, Prof. Dr. Madhavraj Sharma and Rector Suryalal Amatya's faces were painted black by the students of the ANNISU-R.

The guardians of students of the Diyolekharkar Lower Secondary School at Pawati in Dolakha Pavati VDC-1, painted

Mistreatment	Year				Total
	2007	2008	2009	2010	
State	-	11	2	9	22
Non-State	-	-	32	7	39
Unidentified	-	1	2	5	8
Total	**-**	**12**	**36**	**21**	**69**

the face of 52-year-old teacher Parshnuram Koirala on school premises on June 5, 2010.

In the process of announcing a bandh, cadres of the UNCP-M mistreated media personnel in Rupandehi on June 11, 2009. On the occasion of bandh by the UNCP-M, cadres mistreated journalists at work collecting news of the bandh in different parts of Rupandehi. They threatened to take the journalist's equipment and burn their motorcycles.

Others Types of Violence	Year				Total
	2007	2008	2009	2010	
State	1	1	2	-	4
Non-State	-	7	4	1	12
Unidentified	-	-	-	3	3
Total	**1**	**8**	**6**	**4**	**19**

The police officer on duty, Ramesh B.K. mistreated the district representative of INSEC, Achham district, Arjun Shah in the police station onDecember 31, 2009. B.K. threatened to take cameras belonging to the journalists documenting the bandh and verbally attacked them.

The customers of Unity Life International, Lalitpur assaulted three journalists for writing negative news regarding the entity. While the central office if Unity International at Jawalakhel to collect news on May 19, 2010, customers attacked and mistreated the journalists. Those targeted were Krishna Gyawali, Rajanish Bhandari and camera person Bikash Adhikari. The sole reason for the mistreatment was the negative news written abobut Unity Life International.

3.9 Other types of incidents human rights defenders face

Forced donation, bomb explosions, and job redundancy are just some of the other kind of violations that have been inflicted upon 19 human rights defenders in the past four years. Forcing teachers to give charity has not ceased by any of the actors. The workers of the Bhojpur Kirat Janawadi Workers' party forcefully collected money from the teachers of a Community School in the southern part of the district on April 14, 2009. Armed with weapons cadres of the Workers' group released a statement stating that it was compulsory for the teachers to give their two to seven day's salary as donation. According to locals, cadres of this party collected monthly donation from teachers of the Bhulke Dalgau, Okhrey, Bastim and Dhodhleykhani VDCs in the name of the Kirat government. After the donations were made, the cadres threatened the teachers with repercussion should they inform the journalists, human rights activists or the police about the donation.

In Morang Biratnagar, Sub metropolitan city-2, Teenpaini, an unidentified group caused a bomb explosion at the home of Dr. Gyanendra Singh Karki at 8 pm on 4 November 2010. Karki was the chairperson of the Nobel Medical College, Kanchanpur.

Under the direction of Judge Kedarnath Giri on September 18, 2008, the chairperson of the Nepal Bar Association, Bishwakant Mainali was barred from practicing law in any of the courts in Nepal

Female Victims (professionals)	2007	2008	2009	2010	Total
Teacher	1	2	5	4	12
Journalist	4	5	10	6	25
Health Worker	-	-	-	-	-
Human Rights Activist	112	7	2	5	126
Law Practitioner	-	-	-	-	-
Total	**117**	**14**	**17**	**15**	163

Killing of Women Human Rights Activist	Year				
	2007	2008	2009	2010	Total
State	-	-	-	-	-
Non-State	-	-	-	2	2
Unidentified	-	-	1		1
Total	**0**	**0**	**1**	**2**	**3**

for six months. This was a joint decision taken by the full bench of the Supreme court. Mainali had expressed that since there is no provision to question Judge, that the position is a license for those positions for corruption.

To support them in a revolutionary demonstration against of the government, cadres of the UNCP-M demanded five percent of the salary of teachers and other staff at the Nepal Rastriya Lower School, Gwani Baitadi on April 30, 2010 on Labor Day. The cadres threatened the teachers and made it mandatory for them to support the cadres financially.

4. Women Human Rights Defenders

Women human rights defenders have to face all the challenges and obstacles faced by their male counterparts; a female defender is also compelled to face the challenges of simply being a female. They are additional types of abuses and attacks. It is understood that women face more verbal and physical attacks, sexual harassments, rape and situations where they are pressurized for just being a woman. In comparison to male defenders, women defenders are more vulnerable.

Women Human Rights Activists	Year				
	2007	2008	2009	2010	Total
Teacher	1	2	5	4	12
Journalist	4	5	10	6	25
Health Worker	-	-	-	-	-
Human Rights Activist	112	7	2	5	126
Total	**117**	**14**	**17**	**15**	**163**

Sexual and personal harrasments are some of the specific violations which women human rights defendes still face today. Over the last four years, the reported data shows that 161 women human rights defenders have been victiimized. Specifically 126 human rights activists, 25 journalist and 10 teachers have been victmized. An unidentified group committed the murder of journalist Uma Singh.

Women human rights defenders are still being subject to disrespectful treatment. The Cordinator of WOREC Nepal, Shyamkumari Shahi was mistreated with by some people in Bhadaiya VDC, in retaliation. The Human Rights Protection Agency Network, Siraha released a press statement demanding that the perpetrators be punished. According to the statement, Shahi was mistreated while in investigating the incident of a woman accused of witchcraft in Lahan, metropolitan city- 6 on the evening of June 21, 2009.

The social coordinator of Dhangadi, WOREC, Kamala Shah received death threat supporting filing of rape case. A man of the same community raped a women of Thapapur VDC on August 14, 2009, when Shan helped file a case in the District Police, the father and uncle of the perpetrator threatened the defender.

A couple involved in inter-caste marriage were thrown out off school in Marpark VDC. When the news was publicized through a newspaper, the principal of the school threatened Susma Tamang, the chairperson of the Women Human Rights Defenders' Coalition, Dhading and Women human rights defender Marpak VDC network. The principal of the school, Pant, acceptd that he had mistreated the defender and justified this act of throwing out the students from the school as a lesson for other students. Pant, who personally met Susma Tamang told her that if she conducted any work regarding the incident; she would be in a grave danger and further added that she

would be placed in an awkward situation if she ignored his advice.

5. Legal Provisions Regarding Protection of Human Rights Defenders in Nepal

In Nepal, there are no legal or institutional mechanisms to protect human rights defenders. The only protection afforded to them is through the basic human rights granted to all citizens of Nepal. The Interim Constitution, Citizen's Right Act, Legal Council Act, Social Welfare Act, Organization Act, Labor Act, and several other acts contain a plethora of provisions for the rights of the Nepalese citizens. The National Human Rights Commission including other national human rights institutions; United Nations institutions, human rights organizations, civil society and professional alliances remaining within the areas of their concern, protect the rights of human rights defenders and form the necessary mechanism to hold the state accountable.[23]

6. International Provisions Regarding Protection of Human Rights Defenders

6.1 Declarations on human rights defenders

The Universal Declaration of Human Rights 1948 was the first document formed to protect the human rights. The "declaration on the rights and responsibilities contains universally recognized human rights as well as advocating for the promotion and protection of inherent freedom of the individual, group and organs of society." It was the first document relating to human rights defenders and was adopted by the United Nations on December 9, 1998, under the proposal number 53/144. In short, this declaration is also known as the "Declaration on Human Rights Defenders."

Similarly, the conventions and the treaties issued by the United Nations are also an explicit means of providing protection to defenders. The treaties and conventions signed by Nepal, all ensure the protection of human rights defenders. However, for the first time, the UN Declaration on Human Rights Defenders recognized and established people as defenders and defined the measures and responsibilities of their rights and about the protection of those rights. On the 50th anniversary of the Universal Declaration of Human Rights, the member states of the United Nations unanimously pledged to adopt a declaration to protect human rights defenders.[24]

According to the this declaration, every person, individually or in group, nationally or internationally, for the promotion and protection of human rights and fundamental freedom, can peacefully meet or assemble, as non governmental organizations, alliance or group formation, and can be involved and participate in the process.[25] Similarly, the declarations have ensured the rights to collect and publish information on human rights. Every person, individually or in groups, has the rights and freedom to take information, search for information, collect and hold the information on national laws, legal or administrative systems and their functioning and have the rights to access and reach such information.[26]

6.2 European Union's guideline on Human rights defenders

The European Union's guideline on human rights defenders is another international document. In order to guide the member states as how to protect and support human rights defenders in non EU countries, the EU council adopted the guideline on human rights defenders on 14 June 2004. This "guideline to guarantee

22. The interim Constitution of Nepal 2007 Article 29 (3)
23. INSEC, Manavadhikar Rakshak ra Uniharuka Adhikar Aadharbhut Jankari, 2065. pg. 11
24. ibid. pg. 11
25. ibid. pg. 38
26. Universal Declaration of Human Rights 1948 Article 6

the protection of human rights defenders, European Union" in short, is also referred to as the "guideline by EU on human rights defenders."[27]

The international document on human rights defenders do carry with them any mandatory, legal obligations on countries. However, the member states of the United Nations have ethical obligations to follow the treaties and conventions. Unfortunately, Nepal has repeatedly failed to implement these documents to ensure the protection of human rights defenders. In the absence of domestic law, the rights of defenders are violated where the state hasn't been able to provide any sorts of protection. It is not just that the state is disregarding the rights of the defenders, but also the rights of the Nepalese.

7. Conclusion and Recommendation

7.1 Conclusion

Over the four years time period, of the 706 victimized human rights defenders, 18 were killed and the rights of the remaining 688 defenders were violated leading to the conclusion that the state of human rights defenders in Nepal is extremely inept. According to the definition of the Declaration on Human Rights Defenders, as adopted by the United Nations, those working at the fore front of human rights defense-people or groups that are human rights activists, journalists, teaches, law professionals, and or health workers are having their rights gravely violated.

All the rights mentioned in the Universal Declaration of Human Rights 1948, the Paris Declaration adopted by the meeting of human rights defenders in 1998, the UN Declaration on the Rights of Defenders, the Interim Constitution of Nepal 2007 and the rights of defenders mentioned in the extended peace agreement a have been extensively and continuously violated over in the past four years.

Especially, the rights to life, the rights to live with dignity, the rights to freedom, the rights to freedom of expression and the freedom to move has been violated. Similarly, during this period, human rights defenders were killed, abducted, beaten, received death threats, had their property ceased and were displaced.

Because the state has no separate legal or institutional mechanism for the protection of human rights defenders in Nepal, international laws and declarations are ineffective. The government of Nepal has constantly over looked the request to invite the Special Rapporteur on the situation of Human Rights Defenders officially to Nepal, to monitor and comment on the conditions that the human rights defenders face here.

7.2 Recommendation

The state should establish a separate body that monitors and punishes those perpetrators violating the rights of the human rights defenders who risk their lives to protect and promote human rights. In accordance wit the United Nations Declaration on the Protection of Human Rights Defenders, a special law needs to be enacted to ensure the protection of the rights of the defenders.

Maintaining the sensitivity towards the situation and the type of violence inflicted upon female human rights defenders, the state, and all other entities should make special arrangements for legal and psychological support for the female human rights defenders.

The UN Special Rapportuer on the situation of Human Rights Defenders should be officially invited to Nepal to monitor the situation of human rights defenders.

27. INSEC, Page no 38, Manavadhikar Rakshak ra Uniharuka Adhikar Aadharbhut Jankari, 2065

Chapter

7

Violence Against Women : A Study on Rape

Background

Violence against Women (VAW) is generally regarded as an outcome of gender discrimination which is predominant in shaping the social, economical, cultural and political structures of a society. These structures, which are founded on inequality and inequity, stem from an unjust society where "unequal power relations" exist. "Unequal power relations" are also dominant in regulating women's sexuality and notions of masculinity that authorize violence and the control men have over women resulting in violence against women. The root cause of VAW thus lies in unequal power relations between men and women that are founded upon differential gender-based norms.[1]

In a global scenario, Nepal's Gender Index ranks towards the bottom of the world scale, which infers to the dismal situation of discrimination that persist between men and women, girls and boys. Although discrimination against women in Nepal varies among various ethnic and cultural groups, women remain a disadvantaged segment in all caste, ethnic and class categories of the population.[2] This scenario leads to the conclusion that violence against women in Nepal is in an entangled form, arising from the pervasive discrimination that exists in the country.

VAW in Nepal exists in various forms ranging from domestic violence to public violence. Domestic violence includes physical abuse such as beating, slapping, strangling, and burning etc and mental torture such as threats, verbal abuse, and neglect etc by intimate partners or other relatives. Public violence on the other hand incorporates violence in public area such as rape, trafficking of women and girls, as well as traditional practices such as deuki, chhaupadi, kamalahari, and accusations of witchcraft etc. VAW is systematically used as a tool of patriarchal control to ensure that 'women stay in their place'.[3]

This year, INSEC has recorded that there were 190 rape victims below the age of 18. 7 victims below the age of 18 were murdered after being raped. Additionally, 103 women above the age of 18, had been the victims of rape and 16 women had been the victims of attempted rape. 11 women were murder after being raped. Furthemore, 30 women and girls had been the victims of other kinds of sexual harassment.

A. Statistical representation of the victims below the age of 18

1. On the basis of Caste

Of the victims who were under 18 at the time of the rape, the highest number of incidents was perpetrated against Janajati children; the lowest number of incidents was committed against Kayastha, Sanyasi, Telli, and Yadav children. With regards to other forms of sexual harassment, the highest number of incidents was perpetrated against Dalit children, while the lowest number was carried out against Kayasth, and Nerwari children.

2. On the basis of occupation

According to the available data based on the occupation of under 16s, the highest number of rapes were committed against Students, whereas child laborers were subjected to the lowest number of rapes. Likewise, the highest number of incidents of sexual harassment was committed against Students, and the lowest number against children working in agriculture.

1. United Nations. "15 Years of The United Nations Special Rapporteur on Violence Against Women, Its causes and Consequences".2009:42. http://www2.ohchr.org/english/issues/women/rapporteur/docs/15YearReviewofVAWMandate.pdf accessed on 3 January 2011
2. Shrestha Bihari, K. "Conflict Resolution through Governance Effectiveness ". *Conflict Resolution and Governance in Nepa*l. Prasad Shrestha, A. and Uprety, A. eds. Kathmandu: Nepal Foundation for Advance Studies and Fredrich-Ebert-Stiftung, 2003:97.
3. Supra note 1 at 41.

Table 1 : Victims on the basis of Caste (below 18)

Caste	Rape	Sexual Abuse	Total
Adhibasi	3		3
Baniya		1	1
Brahman	22	12	34
Chhetri	23	17	40
Dalit	28	20	48
Janajati	45	18	63
Kayastha	1	1	2
Koiri	2		2
Mandal	6		6
Muslim	3	2	5
N/A	47	8	55
Newar	3	2	5
Sanyasi	1		1
Telli	1		1
Yadav	1		1
Total	**186**	**81**	**267**

3. On the basis of economic condition

Economically poor children were subjected to the highest number of both rape and sexual abuse, whereas middle class children were subjected to the least.

4. On the basis of education

Of the child victims of rape and sexual assault, those children who were literate were raped and abused in higher numbers than illiterate children.

B. Statistical representation of the victims above the age of 18

1. On the basis of caste

From the statistics, it can be seen that women from the Janajati community were subjected to a higher number of rapes, than Brahmin women. With regards to attempted rape, the highest number was perpetrated against Janajati and Chhetri women. Chhetri women were subjected to the highest number of sexual assaults, while Muslim, Newar and Adibasj women were subjected to the least.

Table 2: Victims on the basis of occupation (below 18)

Occupation	Rape	Sexual Abuse	Total
Agriculture	17	5	22
Labour	4		4
Student	79	45	124
Unavailable	86	31	117
Total	**186**	**81**	**267**

2. On the basis of occupation

Farmer women were subjected to the highest number of rapes, attempted rapes and sexual assaults, while house wives and police women were subjected to the lowest amount.

3. On the basis of economic status

On the basis of economic status, economically poor women were subjected to the highest number of rapes; low class women were more likely to be subjected to attempted rapes; while middle class women were subjected to the lowest numbers of rapes, attempted rapes and sexual assault.

4. On the basis of education

On the basis of education, literate women were subjected to a higher number of rapes, attempted rapes and sexual assaults than illiterate women.

Among the various forms of VAW existing in Nepal, rape exists as a serious violation of the rights of an individual, in so much that it violates the health, dignity, security and the bodily integrity of the victims. VAW is defined as 'any violence, physical or psychological, carried out through sexual means or by targeting sexuality'[4].

4. M. Cherif Bassiouni, Sexual Violence: An Invisible Weapon of War in the Former Yugoslavia, Occasional Paper No. 1, International Human Rights Law Institute, DePaul University College of Law (1996), p. 3. as cited in McDougall, Gay J. "Final Report submitted by Special Rapporteur on Contemporary Forms of Slavery".1998:20.

Victims

According to the available information, most of the victims were under the age of 18, with the highest number of these aged between 10-14. According to the statistics, 199 victims were under the age of 18 and 114 victims were above the age of 18. 16 victims of attempted rape were above the age of 18.

Amongst the victims under the age of 18, 73 victims were under the age of 10. 6 children were murdered after being raped. For example, a minor from the Makwanpur district, who was 2 years old, was raped by a 23 year old perpetrator in the toilet of a cinema hall on May 15 2010. Two minors from the Dang district, who were aged 5 and 7, were raped by a minor aged 16 on September 11, 2010 in his residence; he showed them porn movies stored in his mobile phone before he raped them.

Moreover, 75 victims were between the ages of 10-14, 2 of these victims were murdered after being raped. For example, a 12 year old minor of the Baglung district was raped by an 18 year old perpetrator of the same place on January 9, 2010 and was then murdered. Her body was then thrown in the nearby Okhreni River. A 12 year old girl of Salyan district was the victim of continued rape for almost 6 months by a 58 year old perpetrator who was a caretaker in her school. Two girls aged 12 and 14 from Okhaldhunga in the Lalitpur district were gang raped continuously for 11 days by four perpetrators who had locked them in a room. The incident was made public on November 6, 2010.

Table 4 : Victims on the basis of Educational Level (below 18)

EDUCATION	Rape	Sexual Abuse	Total
Illiterate	37	21	58
Literate	129	56	185
N/A	20	4	24
Total	186	81	267

Table 3 : Victims on the basis of Economic Condition (below 18)

Economic Status	Rape	Sexual Abuse	Total
Economically Poor	104	37	141
Lower Class Person	48	25	73
Middle Class Person	10	6	16
N/A	24	13	37
Total	**186**	**81**	**267**

The number of rape victims between the ages of 14 to 16 during this year was 31; 1 such victim was murdered after being raped. A 14 year old Indian girl from Gorakhpur, who had been living under the guardianship of the 18 year old perpetrator, had been the victim of rape between December 11, 2009 and January 12, 2010. Likewise, a 14 year old girl from the Bardiya district was raped by her 20 year old husband on March 3, 2010. A 15 year old girl from the Parbat district was gang raped by 7 people and then murdered on September 19, 2010. A 14 year old girl from the Nawalparasi district committed suicide because of an attempted rape subjected upon her by a 30 year old perpetrator on July 29, 2010.

There were 20 victims aged between the ages of 16 and 18. An 18 year old girl from the Dhanusha district, who had been missing since January 24, 2010, was found to have been raped and murdered. Her body was then thrown in the banks of the Kamala River. Another girl aged 18 was gang raped on July 1, 2010 by 6 perpetrators during her stay at the New Rapti Guest House. The victim is psychologically devastated because of the incident.

The number of victims above the age of 18 was 114. In the same age group, 11 victims were murdered after being raped. A 24 year old victim from Sindhupalchowk was injured as she tried to fight off an attempted gang rape by 2 perpetrators, aged 32 and 34, on January 10, 2010. A 45 years old

Table 5 : Victims on the basis of Caste (above 18)

Caste	Rape	Rape Attempt	Sexual Abuse	Total
Adhibasi	2	1	1	4
Baisya	1			1
Brahman	6	2	3	11
Chhetri	18	3	11	32
Dalit	12	2	5	19
Janajati	36	3	6	45
Mandal		1		1
Muslim	4		1	5
N/A	16	3		19
Newar	2		1	3
Sanyasi	2		2	4
Telli	2			2
Yadav	2	1		3
Total	**103**	**16**	**30**	**149**

woman from the Udayur district, was raped and threatened by the founder of a hotel on May 29, 2010, while she was staying at the hotel in Lahan. A 60 year old woman from the Taplejung district was raped by a 45 year old perpetrator of the same place on the night of July 1, 2010. A 25 year old woman from the Dhading district was first murdered by an axe and then raped by a 27 year old perpetrator of the same place on June 20, 2010. Her 9 year old daughter was also killed in the incident.

According to the documentation, many handicapped and mentally disabled girls and women had been the victims of rape and attempted rape during the whole year. An 18 year old physically disabled girl from the Parbat district became the victim of an attempted rape by a 29 year old perpetrator of the same place on June 4, 2010. A 19 year old mentally disabled girl from the Syangja district was raped by a 26 year old perpetrator on June 2010. A 22 year old physically disabled woman from the Nawalparasi district was gang raped by 3 perpetrators aged 20, 25 and 20 from the same place on September 11, 2010.

Perpetrators

As per the documentation, a minimum of 282 perpetrators, ranging between 13 and 75 in age, were involved in the incidents.

In many of the incidents, it was found that the relatives and acquaintances of the victim were involved in the VAW. A study of the 77 cases decided on by the Supreme Court from 1960 to 2006 regarding rape in Nepal, reveals the fact that Nepalese women are in danger of being raped by their colleagues, friends, and neighbors etc.[5] INSEC record shows in 22 incidents, the perpetrators were close relatives. Such perpetrators are always looking for a chance until they are arrested.[6]

In 15 incidents, the perpetrators were found to be the close relatives of the victims. For instance, a 70 year old from the Surkhet district raped his 20 year old daughter in law on April 10, 2010 and May 28, 2010. He was released by the villagers after the rape was committed for the first time on the condition that he wouldn't commit such acts again; however he committed the same act on May 28, 2010, threatening his daughter in law by showing them sickle. A 45 year old perpetrator from the Dang district raped his 55 year old sister who had visited him on the "teej" festival and then murdered her on September 10, 2010. A 35 year old father from the Dang district had been sexually exploiting his daughter aged 15 since June, 2010, after his wife left for foreign employment.

It is known that, 12 teachers were the perpetrators in rape and attempted rape

5. Pradhananga, Rajit Bhakta and Shrestha, Dilli Ram. "Rape Victims in the Criminal Justice System of Nepal: A Critical Observation" *Nepal Bar Council Law Journal*, (2007):12.
6. Sociology of Rape, University of Minnesota Duluth, www.d.umn..edu/cla/faculty/jhamlin/3925/myths.html

Table 6 : Victims n the basis of Caste (above 18)

Occupation Description	Rape	Rape Attempt	Sexual Abuse	Total
Agriculture	59	5	17	81
Armed Police	1			1
Business	2		1	3
Civil/Private Service		2	2	4
Housewife	1	1		2
Journalist			1	1
Labour	8	2	1	11
Refugee	1			1
Student	7		3	10
Teacher	2	1		3
Unavailable	22	5	5	32
Total	**103**	**16**	**30**	**149**

cases. A principal from the Kailali district was arrested on October 21, 2010 for having sexually exploited his 14 year old student time and again. A 22 year old teacher of Dailekh raped a 16 year old physically disabled student of his on November 27, 2010.

According to the statistics, the involvement of the army and the armed police had been found in 12 incidents An Indian woman was raped by a policeman of the railway station at Dhanusa on March 15, 2010, as a result of this people from the areas around Janakpur called on general strike demanding that action be taken against the perpetrator. A 16 year old mentally disabled girl from Banke was raped by an armed policeman aged 28, who was working at the Kohalpur Police camp, on September 11, 2010. A 30 year old woman staying at Kanchanpur was raped by border security personnel of Kanchanpur district on October 17, 2010, the perpetrator has been suspended from work pending an investigation.

In two rape cases, the direct involvement of religious personnel was found. A hindu guru from Saptari raped a woman on April 14, 2010. Likewise, a 36 year old priest from the Rupandehi district raped a 17 year old girl from the Palpa district and then attempted to stab her on August 13, 2010.

From the documentation, it can be concluded that girls and women are at risk from their own close relatives, neighbors and the most trusted persons, such as policeman, army, and religious personnel. A study reveals that 70 percent of the rape victims know the perpetrators.[7]

Justice

The Interim Constitution, 2007, guarantees the right to access justice, the right to a fair trial and the right to be defended by a legal practitioner.[8] However, loopholes in the Nepali criminal justice system result in injustice for the victims of gender based violence, specifically rape. Most of the perpetrators succeed in escaping punishment. Victims of such crimes face a lot of problems, including the refusal of the doctor to attend to them, the refusal of the concerned police officials to register the case and provide them with the preliminary information in absence of a medical report, pressure and threats on the victims and their families to withdraw the cases, and political and high level pressure on the police to ignore such cases etc. As a result of such inefficiencies and the lacunas within the criminal justice system, victims are being doubly victimized. There are many instances where court officials, police and government attorneys are playing an important role in creating an environment that facilitates the release of the perpetrators or one where they

7. Sociology of Rape, University of Minnesota Duluth, www.d.umn..edu/cla/faculty/jhamlin/3925/myths.html
The Interim Constitution of Nepal. 2007. Article 24(2).
8. Adhikari, Yasodha. " Balatkar Huncha Pramanit Hunna". 16-23 Himal Khabar:49.

Table 7 : Victims on the basis of Economic Condition (above 18)

Economic Status	Rape	Rape Attempt	Sexual Abuse	Total
Economically Poor	43	5	14	62
Lower Class	34	6	7	47
Middle Class	9	4	4	17
N/A	17	1	5	23
Total	**103**	**16**	**30**	**149**

receive reduced punishments. According to an example provided by a lawyer, 4 students had registered an FIR on April 5, 2008 against a teacher from the Bal Bikash School, Kathmandu on the charge of attempted rapes committed on March 17, 2008. The government attorney instead filed the charge sheet in the court and changed the accusation to on intention of sex.[9]

Most of the victims who report their cases are found to be re-victimized. Firstly they are physically raped by the perpetrators, secondly, the police and court proceedings may be as traumatic as the offence itself.[10] Instead of being treated as victims, the police and law enforcement agencies treat them as if they themselves are culprits.[11] Furthermore, they are victimized for the third time when they get back to society. Many cases, due to the honor and prestige of the family, do not come to light. Rape is regarded as a 'secret crime' and thus only a few cases are made public. Moreover, many are solved without following the formal legal procedures; rather they are solved via community based mediation with the promise of compensation from the perpetrator. For example, a 15 year old girl of Morang district was raped by an 18 year old Indian perpetrator on August 8, 2010. This incident was mediated by policemen within the premise of a Police station between the victim's and perpetrator's families. Likewise, an incident in which two minors from Syangja aged 10 and 8, who were raped by a 17 year old perpetrator on January 7, 2010 was mediated at a community level. From the documentation, it has been revealed that the victim's family was threatened with social ostracism and battery and that they would be hurt if they refused to mediate. In another incident, where a girl aged 11 from the Kailali district was raped by a perpetrator from the same village, the victim's family was threatened by the perpetrator's family to mediate the case and not to report it to the police. Incidents where the police refused to register the FIR were also observed in the documentation. For example, police refused to register the case of a gang rape perpetrated against a physically disabled 22 year old woman in the Nawalparasi District, as they claimed there was not enough available evidence. The incident was later registered after a week because of pressure from Human Rights Organizations such as INSEC.

Despite the fact that some cases are reported, in most of those cases proper action has not yet been taken by the concerned authorities. For example, in an incident where a 45 year old woman from Kailali was raped by a perpetrator affiliated with the CPN-M on January 9, 2010, no effective action had been taken against the perpetrator because of several reasons - one of those was due to his affiliation to the Maoist party. In many other instances, proper action has not been taken because of the high level pressure exerted from the political parties. For example, a 30 year old perpetrator who had been arrested for having attempted to rape a 22 year old woman from Morang on March 28, 2010, was released because of the pressure from Maoists activists.

9. Pradhananga, Rajit Bhakta ."A study on Rape Law in Changing Context" *Nyaydeep* 2(2062):88.
10. Siddique, A. *Criminology: Problems and Perspectives*. Eastern Books Company: 1999:507.
11. 'Office of the Attorney General', 2066, Yearly Report 2064/65, pp. 8-9. as cited in Bhattarai,Binod *et al.* "Impunity in 12. Nepal". CIJ Nepal & The Asia Foundation.2010:88.

From the study of available incidents, it can be concluded that the Criminal Justice System of Nepal is slow and inactive in both investigation and prosecution. According to the attorney general's report of 2007/08, the prosecution's success rate in rape was 45 percent and attempted rape just 20 percent.[12] Furthermore, the execution of decisions by the judiciary is also weak. For example, a minor aged 11 years old was raped by a 51 year old perpetrator on March 22 2005, the perpetrator was convicted of the charge and sentenced to 10 years imprisonment and the decision was made to provide half of the property of the perpetrator to the victim. The decision was executed on May 30, 2010 a, 6 years after the incident occurred.

In most of the cases, despite the procedural actions initiated by the concerned authorities, due to the loop holes residing in the criminal justice system, victims are unable to get justice in a timely manner, especially in the cases of violence against women. According to Section 11 of the Chapter of Court Procedure of General Code, 2020 B.S and Clause 31(2) of the District Court regulation, rape cases are put in second in the list of priority for the purpose of hearings. However, this is not currently the case. Considering this aspect, the Supreme Court in the case of *Advocate Jyoti Poudel v Government of Nepal and others*[13] recently gave an order to form a Fast Track Court for hearing cases related to violence against women, especially domestic violence. It was found out from the study conducted by WOREC on the rape cases in 10 districts that most of the victims of rape have not been provided justice and still are waiting for it.[14] From the documentation itself, it is known that in a high number of the cases none of the perpetrators were sentenced. Moreover, the implementation of the decisions is also weak and slow, due to which most of the victims do not get compensation in a timely manner. The decision by Supreme Court to speed up the justice mechanism in *Rakesh Kumar Sigh v Government of Nepal*[15] provided a verdict with the special focus on the role of court to take the initiative to implement their judgments.

Table 8 : Victims on the basis of Education level (below) 18

Education	Rape	Rape Attempt	Sexual Abuse	Total
Illiterate	38	4	10	52
Literate	58	11	19	88
N/A	7	1	1	9
Total	103	16	30	149

Obligations of Nepal under International Instruments

In the last decade, the issues of violence against women has moved from the private to the public arena with the active involvement of female human rights activists and an increase in the awareness of the general people. In this mileu, several international instruments have been developed to address the same issue.

The Declaration on the Elimination of Violence Against Women, 1993, has defined VAW[16] in a broad spectrum. Furthermore, Article 2 of this Declaration defines the scope of violence against women, incorporating physical, sexual and psychological violence occurring

12. Writ no: WO-0424.Mandamus Order Date: 2066/4/28.
13. "Balatkrit Mahilale Nyay Payenan." *Ekantipur.com/search* accessed on 10 January 2011.
14. National Law Review, 2064,p.86 as cited in Pradhananga, Rajit Bhakta and Shrestha, Dilli Ram. "Rape Victims in the Criminal Justice System of Nepal: A Critical Observation" *Nepal Bar Council Law Journal*(2007):7.
15. Any act of gender-based violence that results in, or is likely to result in sexual or mental harm or suffering to women, including threats such acts as coercion or arbitrary deprivations of liberty, whether occurring in private and public life.
16. It includes battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.

Table 8 : Victims on the basis of Age-group

Victims	Below 10	10-14 years	14-16 years	16-18 years	Above 18 years
Number	73	75	31	20	114

within the family[17], physical, sexual and psychological violence occurring within the general community[18] and physical, sexual and psychological violence that has been condoned by the state, wherever it occurs. The declaration overall acknowledges and recognizes the civil, political, economic, social and cultural rights and the protection of those rights, and provides the state with the obligation to protect these rights with due diligence. Despite there being no legal obligation as is a declaration, there is however a moral obligation for Nepal to adhere to it being a member of the UN.

The Beijing Platform for Action in 1995 stresses the equality, development and peace of all women and 'recognizes the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms'[19]. It furthermore acknowledges the difficulties such as familial problems, displacement, natural calamities, and violence against women etc that the girl child and women have to face during their life time, and gives special focus on the enhancement and empowerment of the disadvantaged women in society.

The Convention on the Elimination of Discrimination against Women (hereinafter CEDAW), 1979, defines discrimination against women[20] that exists in the various strata of society and pushes for the elimination of such discrimination. Article 2 of the convention establishes a comprehensive obligation on the states, whereby state parties agree to pursue by all appropriate means and without delay, a policy of eliminating discrimination against women. Likewise, CEDAW General Recommendation 19 on VAW views GBV as a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men, and addresses the way in which gender-based violence intersects with the different substantive areas covered by the articles of CEDAW.[21] Moreover, the recommendation gives focus on the full implementation of the Convention for which the state parties is required to take positive measures to eliminate all forms of violence against women; the Committee suggested that States parties review their laws and policies with this goal in mind. Nepal, being a party to CEDAW, has the obligation to take all appropriate measures, including special measures for *de facto* equality, in order to ensure a violence free environment. According to the Treaty Act, 1991, international human rights instruments to which Nepal is a party has the force of domestic law in Nepal and the provisions of international instruments prevail over the domestic laws in case of a conflict between the two.[22] This provision provides the authenticity and the legality to the domestication of the CEDAW provisions to eliminate violence against

17. It incorporates rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
18. Beijing Declaration and Platform for Action.1995. http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf accessed on January 3, 2011.
19. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.
20. General Recommendation No. 19 made by the Committee on the Elimination of Discrimination against Women (11th session). 1992.
21. Nepal Treaty Act. 1991.Section 9.
22. Ertürk , Yakin ."Report of the Special Rapporteur on violence against women, its causes and consequences".2006:8. Coomaraswamy, Radhika Ms. "Report of the Special Rapporteur on violence against women, its causes and consequences". 1995:185.

women in Nepal.

There is an international consensus that, in the cases of VAW, the promulgation of laws is not considered enough to address the situation, the states are also required to act with due diligence. Moreover, all the international human rights instruments require the state parties to protect, promote and fulfill the obligations with due diligence.[23] Likewise, the CEDAW committee, in recommendation no.19, also stressed for the fulfillment of the obligations with due diligence to prevent and respond to VAW. The Declaration on the Elimination of Violence against Women, 1993, also stressed for the States to act with due diligence to prevent, investigate and punish acts of violence against women whether these are perpetrated by the State or by private actors. This provision was also reiterated in the 1995 Beijing Platform for Action. Furthermore, it is considered that if a state does not promulgate laws to eradicate VAW, then it would be just as liable as the perpetrators themselves.[24]

National Laws on Violence against Women, with special focus on Rape Laws

Article 12 of the 2007 Interim Constitution of Nepal 2007 guarantees that every person has the right to live with dignity, it also guarantees that no physical, mental or any other form of violence shall be inflicted on any woman and as such an act shall be punishable by law.[25] This right is also provided for children under the constitution.[26] From these provisions, it is clearly understandable that heinous crimes such as rapes are inexcusable and are punishable under law. These rights enshrined within the Interim Constitution 2007 provide for the state's responsibility and duty to protect its citizens from undue actions and ensure their security.

The General Code, 12th amendment has progressively changed the conceptual aspects of traditional rape laws; however, room for improvement does exist. The 12th amendment has for the first time criminalized marital rape (non-consensual sexual intercourse between a husband and wife).[27] The previous General Code, 11th amendment had no such provisions. This inclusion can be regarded as a progressive improvement with regards to identifying the rights of a woman. The provision was incorporated after the directive order given by the Supreme Court in *Advocate Meera Dhunagana v Ministry of Law,Justice and Parliamentary Affairs.*[28] The order has highlighted the aspect of consent for every activity of marriage which also incorporates the sexual behavior as well. Thus, the order has recognized sexual intercourse without the consent of the wife as a crime, further recognizing the right of a woman to live a dignified life and the right to self-determination.

The 12th amendment of *General Code* has included the provisions of penalizing the convicted on the basis of the age of the victim. According to which, the punishment ranges from 5 to 15 years.[29]

23. The Interim Constitution of Nepal. 2007. Article 20(3).
24. Every child shall have the right against physical, mental or any other form of exploitation. Any such an act of exploitation shall be punishable by law and the child so treated shall be compensated in a manner as determined by law.
25. *General Code*. 12th Amendment. Chapter on Rape. No.1.
Supreme Court order of 2059/05/19.
26. If the victim is below the age of 10, then the punishment ranges from 10-15 years; if the victim is between the age of 10 and 14, then the punishment ranges from 8 to 12 years; if the victim is between the age of 14 and 16, then the punishment ranges from 6 to 10 years; if the victim is between the age of 16 and 20, then the punishment ranges from 5 to 8 years; if the victim is of age 20 and above the age of 20, then the punishment ranges from 5 to 7 years.
27. If the victim is below the age of 10, then the punishment ranges from 10-15 years; if the victim is between the age of 10 and 16, then the punishment ranges from 7-10 years; if the victim is of age 16 and above the age of 16, then the punishment ranges from 5-7 years.
28. Writ no: 064-0035. Order date:2065/3/26.
29. *General Code*. 12th Amendment .Chapter on Rape. No. 3(a).

The 11th amendment had not classified the punishment in this manner.[30] In the case of marital rape, the punishment ranges from 3 to 6 months. The Chapter on Husband and Wife in the section 1(2) provides marital rape as one of the criteria for divorce. However, the minimal length of punishment for the husbands in the cases of marital rape explicitly shows the distinction the law has tried to maintain between rape by others and rape by husbands, merely on the basis of the relationship between the perpetrator and the victim. This provision has tried to give less gravity to this sort of violence against married women, which in turn provides an easy escape for the husbands. The issue of differential punishments between marital rape and other forms of rape, and the minimal punishment to the perpetrator in case of marital rape was raised in *Jeet Kumari Pangeni v Prime Minister and the Ministerial Cabinet and others*[31]. In this case, the Supreme Court had issued a directive order in the name of the Law and Justice Ministry to eradicate the difference between marital rape and other rape by eliminating the discriminatory punishments for the perpetrators by recognizing the equality principle.

According to the current provisions on rape in *General Code,* the punishments for gang rapes, rapes against pregnant women, handicapped or physically disabled women provides for an additional 5 years imprisonment.[32] Likewise, if a HIV/AIDs infected person rapes an individual with the knowledge of one's infection, then such a person is punished additionally with 1 year imprisonment along with other punishments.[33] This provision seems to be farsighted as assumes possibility of such crimes. Similarly, the chapter has created provisions as to oral sex[34] that might be inflicted, generally on minors by elders. The provision provides for an additional 1 year imprisonment in case of incidents regarding oral sex. Furthermore, it provides for the compensation to the victims with due consideration of the age of the victim and the trauma the victim has undergone.

The 12th amendment of *General Code* provides for the compensation to the victims with due consideration of the physical or mental injury inflicted, which is to be provided by the perpetrator.[35] The provision further provides for the calculation of the compensation considering the gravity of the offence, and loss and injury sustained by the dependants of the victim, if the victim has died. This provision has repealed the provision enshrined in the 11th amendment of *General Code* which had provided for the compensation to be half of the property of the convicted defendant. This new provision has changed the notion of the forfeiture of the property, which to some extent is more progressive and contextual in the present context. However, the question still arises as to who will be liable to pay the compensation to the victim, in cases where the perpetrator is insolvent. The UN Declaration on the Basic Principles of Justice for Victims of Crimes and Abuse of Power makes states liable to pay the compensation to the victim.[36] It mentions the obligations that a state has in providing financial compensation to the

30. *Ibid*., No. 3(b).
31. *Ibid*., No. 9(a).
32. *Ibid*.No. 10.
33. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by General Assembly resolution 40/34 of 29 November 1985.Article 12.
34. *General Code*. Chapter on Incest. Numbers 2,3,4,5,6,7 and 8.
Ibid.No. 10(a).
35. According to this provision, if a perpetrator commits incest against the same person that the one had committed earlier, then the one is liable for Rs. 50 fine and again if the person commits incest against the same individual up to third time, for every repetition of incest the perpetrator is liable for the imprisonment up to 3 months.
36. Writ no:064-WS-0010, Order Date:2066/2/21

victim when it is not fully available from the offender. In the context of Nepal, the state to date has no such policy or alternatives for such situations.

In the 12th amendment of the *General Code*, incest is criminalized. According to the chapter on Incest, section 1 provides for the life imprisonment of the perpetrator in cases where he rapes his own mother. In other provisions of the same chapter the crime is defined and the punishment is allocated accordingly.[37] However, number 10 of the same chapter recognizes the cultural and the traditional diversity in Nepal, and provides for the exemption of the charges on incest, if an incestuous relation is established between individuals and is permissible by their tradition.[38] Section 9 of the same chapter provides for the punishment in the cases of repetitive incest, these provisions are very minimal and is not in line with the current human rights context, and thus requires amendment.[39] The issue as to whether the minimal punishments in the cases of repeated rape contravenes the right to equality and the right against exploitation as enshrined in the interim constitution was raised in *Achyut Prasad Kharel v Ministry of Law, Justice and Parliamentary Affairs*[40]. The Supreme Court, in this case, gave the verdict stating that there needs to be no amendment of the law, and that the minimal punishments in the cases of repetitive rape does not undermine the gravity of violence against women and cannot be considered to be in contravention of the right to equality.

The statute of limitations on rape cases, according to the Chapter on Rape, are 35 days.[41] This time limitation is much lower than the provisions of other countries. It has been found that most of the cases are not filed within this time frame for which there might be several reasons, such as that many victims are not mentally strong enough to talk about the incident within the 35 days, especially in the cases involving minors. By the time that they are ready to talk about the incident the statute of limitations would have already elapsed, as a result of which many cases go unreported. In contrast with Nepal, New Zealand and Sweden have a statute of limitation of 10-15 years after the commission of the Crime. In France and India there is no statute of limitation for filing a rape case. It is an eminent need that the statute of limitations in rape cases be extended so that the victims can get justice and to ensure that such crimes do not go unreported, thus recognizing the fact that rape is a crime at all times. A progressive decision has recently been made by the Supreme Court of Nepal. In *Suntali Dhami v Prime Minister's Office and others*[42], where Sutali Dhami had been raped by 6 of her co-workers while she was on duty at the District Police Office in Achham on September 27, 2009. The SC, in this case recognizing the gravity of the case, denounced the statute of limitations i.e. 35 days. Furthermore, the SC, in their directive order, told the government to, amend the law in favor of women rights, that they should establish a consultation committee for the rape victims in every district, and that priority should be given to rape cases in hearings etc.[43] The Supreme Court, on July 11, 2008 had directed the Government to reconsider the statutory limitation of 35 days in one case.[44]

There are no victim or witness protection schemes in Nepal with regards to rape cases. The *General Code* does not

37. *General Code*. 12th Amendment. Chapter on Rape. Section 9.
38. Order of Supremre Court issued on December 1, 2010.
39. "Baki Abhiyukta lai pani Mudda Chalaiene." Ekantipur.com/search accessed on 10 January 2011.
40. Adhikari, Yasodha. " Balatkar Huncha Pramanit Hunna". 16-23 Himal Khabar:49.
41. Advocate Sapana Pradhan Malla v Prime Ministers and Others, N.K.P 2064, Decision No. 7880.
42. Domestic Violence (Offence and Punishment) Act. 2009. Section 2(e).
43. Sapkota, Shreedhar, et al. "Gharelu Himsa(Kassor ra Sajaya) Ain, 2066:Manav Adhikar Kanoon ra Foujdari Kanoonko Sandarvama: Ek Punarawalokan"."Unpublished Report". INSEC & NJA, 2011:62.

contain any provisions with regards to this. The victims of rape are always in danger of intimidation, threats or physical attacks, and so there is the need for witness protection schemes so that there can be successful prosecutions. In the same line, the Supreme Court issued policy guidelines in maintaining confidentiality in cases related to violence against women and people living with HIV and Aids,[45] to ensure the security of the victims and to protect them from any stigma that may arise within society.

The Domestic Violence (Offence and Punishment) Act, 2009 has classified domestic violence into four categories; these are physical harm, mental harm, sexual harm and economic harm. The Act is quite general and not about women specifically. Under the definition of sexual harm, it includes sexual misbehavior, humiliation, discouragement or harm of the self respect of any person; or any other act that hampers safe sexual health.[46] The Act incorporates the aspects and violence within domestic relations, but ignores the violence, such as rape or attempted rape, that might arise in an interpersonal relationship such as violence between people staying together, roommates, and lovers etc. Section 4 of the Act provides for the provision as to mediation in cases of domestic violence. This provision, in the context of some of the cases of domestic violence, such as marital rape or incestuous rape, seems to be problematic as these sorts of crimes are inexcusable and are serious forms of violence against women. The promotion of mediation in such types of crimes seems to be principally wrong.[47]

The Draft Penal Code 2010 has increased the punishment to a maximum of 5 years imprisonment for the perpetrators in the cases of marital rape. The code has tried to increase the punishment that has been mentioned in the *General Code* for marital rape. Likewise, a person who is aware that they are infected with HIV/AIDS when they rape an individual is liable to an additional 3 years imprisonment. Similarly, the draft penal code has made a provision for additional 3 years imprisonment for the perpetrators of gang rape, the rape of a handicapped or physically or mentally disabled person, and those perpetrators who commit rape by threatening the victim with a weapon. This provision seems to be quite progressive as unlike in the 12th amendment of *General Code,* it has tried to foresee the possible future crime trends.

The judiciary, in the context of Nepal, has been proactive in the recent decades which have led to the amendment of more than 100 existing discriminatory laws, and as a result ordering the executive and the legislative to follow and implement the judicial wisdom accordingly. These amendments have led to the promulgation of the 12th amendment of the *General Code* incorporating the notion of equality and gender justice. It has broadened the jurisprudence of gender equality - expanding the ambit of women's rights through judicial interpretation based on the international commitments made by Nepal, which can be easily observed from several judicial proclamations. The role of the judiciary was not limited to the amendment of the discriminatory laws and declaring those *ultravires,* rather it has been active in recognizing the non-existence of laws and the non-recognition of the rights of the women in as required by Nepal's international obligations. However, the implementation of the decisions by the courts is feeble and a debate regarding judicial activism vs legislative wisdom has been raised.

44. Adhikari, Yasodha. " Balatkar Huncha Pramanit Hunna". 16-23 Himal Khabar:49.
45. Advocate Sapana Pradhan Malla v Prime Ministers and Others, N.K.P 2064, Decision No. 7880.
46. Domestic Violence (Offence and Punishment) Act. 2009. Section 2(e).
47. Sapkota, Shreedhar, et al. "Gharelu Himsa(Kassor ra Sajaya) Ain, 2066:Manav Adhikar Kanoon ra Foujdari Kanoonko Sandarvama: Ek Punarawalokan"."Unpublished Report". INSEC & NJA, 2011:62.

Conclusion and Recommendations

In the context of Nepal, there is a deficiency of appropriate laws, policies and programs to address such heinous crimes, plus there is an existence of a social and psychological deficit. Thus, solely using the law to address the issue is not enough; the social and psychological issues that create a societal stigma which blames the victims for the prevalence of rape, needs to also be addressed. Furthermore, an unequal distribution of power between men and women, and the mentality which promotes women as being the subjects of male and patriarchal domination that has resulted in gender based violence, could be better addressed by changing the current perspectives towards women. Therefore, a widespread civic awareness could be one of the methods to address this situation, which could be done by the Government, via a joint venture with civil society.

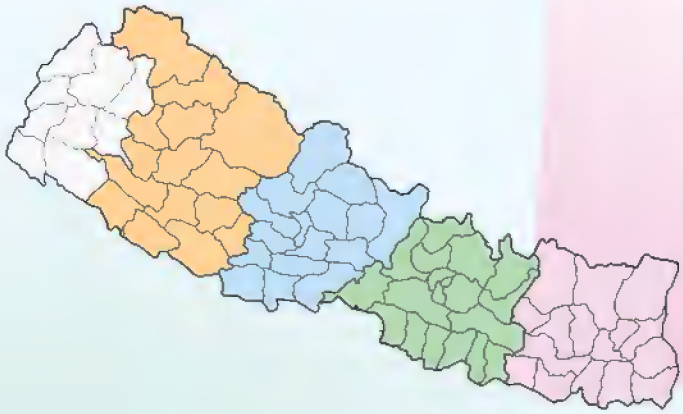
For a democratic regime to foster within a state, the rights of its citizen to live a dignified life should be protected, respected and fulfilled. Moreover, to eradicate such a grievous crime as rape, the government should ensure the following steps:

- Amend the laws and provisions enshrined in the Domestic Violence Act 2010 that is inconsistent with gender justice, specially the definition of discrimination against women along with gender based violence.
- Take action against anyone who encourages out of court settlements (community level settlements) in rape cases; pressures the victim to withdraw a case; offers other incentives for the withdrawal the complaints; and those who show negligence in the investigations of such crimes.
- Amend and repeal the existing laws on rape in accordance with the present context and ensure the safety and protection of the victims and witnesses of such crimes during all the procedures in the criminal justice system.
- Promulgate more stringent laws and punishments in order to prosecute the perpetrators.
- In order to provide fair and speedy justice to the victims of rape, establish family courts in all of the districts of Nepal and encourage fast track courts.
- Establish treaty jurisprudence within domestic jurisdictions. This could in fact ensure the state's obligations towards implementing international treaties and standards.
- Spread massive legal awareness on violence against women at local levels and incorporate topics on violence against women in the curriculums of the secondary and higher secondary level of education.
- Formulate plans and policies to better address the situation of violence against women in conjunction with the civil society.
- Ensure a better environment for the rehabilitation of rape victims, so that they are not re-victimized by society.
- Ensure the presence of medical experts and advanced technology in all district hospitals for the medical investigation of rape victims.

Annex

1

Facts on Human Rights Violations and Abuses in 2010



1. EASTERN REGION

1.1 Jhapa
1.2 Ilam
1.3 Panchthar
1.4 Taplejung
1.5 Morang
1.6 Sunsari
1.7 Dhankuta
1.8 Tehrathum
1.9 Bhojpur
1.10 Sankhuwasabha
1.11 Saptari
1.12 Siraha
1.13 Udaypur
1.14 Khotang
1.15 Okhaldhunga
1.16 Solukhumbu

1.1 Jhapa

Population	: 785383
Literacy(%)	: 76
Women Literacy(%)	: 65
Area(Sq. Km.)	: 1,606
Number of VDC(s)/Municipality(ies)	: 47/3
Number of School(s)	: 576/175
Campus(es)/Higher Secondary School(s)	: 14/66
Hospital(s)/Health Post(s)	: 7/56
Human Development Index	: 0.494
Average Household Size	: 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Others

Jyaruddin Miya, of Uttar Dinajpur, India, Majit Alam of Bandarjhula and another, unidentified Indian national, were beaten to death by villagers at Pathariya VDC on February 17. The locals attacked the men on charge of arriving in the village with the intention of robbery. Mushrahim Miya died at the Mechi Zonal Hospital on February 24 while undergoing treatment. Bhadrapur Municipality performed his funeral. The police did not take any action regarding the incident.

INJURED IN SHOOTING/ EXPLOSION

Arun Limbu, 16, of Budhabare VDC-1 was arrested in injured state while making bombs on November 18. He had lost one finger of the right hand. Limbu was manufacturing bomb at home with his elder brother Darshan Limbu. Four socket bombs found near their house was disposed by the NA bomb disposal team from the Charali Barrack. Police received the information as Limbu had gone to the local pharmacy for treatment. Police filed a case of trafficking and manufacturing of explosive devices against Arun. He was released by the District Court on a bail of Rs 5,000 on December 1.

JAIL AND DETAINEES

The 'C' grade Jail of the Jhapa District has the capacity to hold 200 inmates. At the end of the year, there were 466 inmates including minors in the jail. Among them, 249 were convicted and the other 217 were detainees. There were 23 females inmates of which 13 are convict and nine were detainees. There were three minor dependents in the jail. There were 91 non-Nepali inmates. Among the foreign inmates; 30 were Indian and 61 Bhutanese. The physical condition of the jail was deteriorating. The jail is overcrowded and the inmates were compelled to sleep in corridors and in the court yard.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Chandra Prasad Koirala, 31, of Sanischare VDC-9, was abducted by an unidentified group from the vicinity of his home at dusk on June 1. Police rescued Koirala on the morning of June 4 from Bhanu Primary School at Dhaijan VDC-8 with the aid of information from the locals. Koirala was tied and left by the perpetrators. Police arrested one suspect, Amar Dahal, of Budhabare VDC-4, on June 2. However, he was released on June 5. At the end of the year, the perpetrators were yet to be identified.

Type of Events	By Non-State					By State		
	By Others							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total
Killing	14	12	6		18			
Injured	2	2			2			
Arrest & Torture						1	1	1
Women Rights	8		12		12			
Child Rights	21	1	21	1	23			
Abduction	1	1			1			
Total	**46**	**16**	**39**	**1**	**56**	**1**	**1**	**1**

RIGHT TO PROMPT AND FAIR TRIAL

At the Jhapa District Court 232 criminal cases, where an individual is the plaintiff, were brought forward this year. Out of these, 185 were decided and 47 remained undecided. Altogether 239 criminal cases were brought forward from last year. Among them, 167 were decided and 72 remained undecided. Altogether, 11 special criminal cases were brought forward this year and eight of them were decided. This year 17 special criminal cases were registered and seven of the cases were decided.

Similarly, 375 civil cases were brought forward from last year, of which, 250 were decided and 125 remained undecided. Altogether, inclusive of all cases, 865 were brought forward from last year, 617 were decided and 284 remained undecided. This year altogether, 1,201 were registered, of which, 496 were decided and 707 remained undecided.

The Office of District Government Attorney registered 248 cases at the Jhapa District Court. Out of which 54 cases were decided of them were successful. Similarly, the Office of District Government Attorney registered 181 at the DAO of which 14 cases were decided and all decided cases were successful.

CHILD RIGHTS

Police arrested and filed a case against Iswar Rishidev, 22 , and Lile Besra , 23 , of Garamani VDC-2 for raping a 15-year-old girl of Garamani VDC-4, near her home on the night of February 7. As per the district court order Rishidev was held for further questioning while Besra was released on a bail of Rs 5,000.

Police arrested Dablu Sataar, 17, of Damak Municipality–14 charging him with the rape of a 12-year-old girl from the same locality on May 5. As per a District Court order on June 1, Sataar was at the Jhapa jail for further investigation at the end of this year.

Police arrested Hikkamat Bahadur Basnet, 77, of Chandragadi VDC charging him with the rape of a 5-year-old girl of same locality on March 8. The accused was taken into custody as per the District Court order. At the end of the year, he was still being held at the jail.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 21-year-old woman of the Timai Bhutnese refugee camp of Shantinagar VDC-1 was allegedly raped by Jaya Prasad Kumal of the same place, in a nearby jungle while the victim was collecting firewood on June 5. The police arrested the accused on the same day. The accused was still in the district jail for investigation as per the court order.

Domestic Violence

Sita Karuwa, 25, of Jyamirgahdi VDC-8, her 3-year-old daughter Sonia and 5-year-old son Ranjit were axed to death by her intoxicated husband and their father, Ranju Karuwa, in their home on October 9. The perpetrator was arrested soon after by the police. He was in prison as per a court order for further investigation at the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

By KJWP

The Duwagadhi VDC building located at Duwagadi VDC-7 was set ablaze by cadres of the KJWP, Bibas Bidrohi faction on May 8. The outfit accused state of not providing them with donations and arbitrarily arresting its cadres. The office building, documents and furniture were completely destroyed.

HEALTH SERVICE SITUATION

There is one hospital, six area health centres, six health posts and 38 sub-health posts. 110 doctors and 2,250 health workers are working regularly in the district.

1.2 Ilam

Population	: 340973
Literacy(%)	: 80
Women Literacy(%)	: 55
Area(Sq. Km.)	: 1,703
Number of VDC(s)/Municipality(ies)	: 48/1
Number of School(s)	: 472/38
Campus(es)/Higher Secondary School(s)	: 2/27
Hospital(s)/Health Post(s)	: 1/48
Human Development Index	: 0.521
Average Household Size	: 6

CIVIL AND POLITICAL RIGHTS

THREATS/BEATINGS

By State

Somnath Dhakal, 22, and Arun Gurung of Ilam Municipality-9 were beaten up on September 26 by the APF personnel who accused the duo of physically assaulting APF ASI Sudarshan Chhetri. The duo were taken to the APF station in Ilam following a minor dispute with Chhetri and then severely beaten up. The victims were released on the evening of the same day. The victims urged the local administration and human rights activists to carry out an independent investigation into the incident. However, The APF DSP Sarad Neupane said that they had been taken to the station but denied beating them.

By UCPN-M

Om Narayan Khanal, 50, of Chulachuli VDC-3 and a UML district secretariat member was picketed in his home and given death threats from the UCPN-M on February 23. They accused the victim of distributing land ownership certificates to squatters without their consent. At least 60 Maoists cadres cordoned off Khanal's house and threatened to kill his family. The UCPN-M a cadres ran away when the police arrived at the scene.

By UML

ANNIUS-R cadres Mukesh Katuwal, Dhanbahadur Jabegu, and NSU cadres Saroj Katuwal and Dipen Magar were beaten up by the UML cadres at Sarungmba higher secondary school in Sarungmba VDC on December 15. The victims were beaten up following a dispute over the newly formed school management committee. The incident was resolved after an all party meeting was held at the Area Police Office in Mangalbare on December 24.

Type of Events	By Non-State								By State		
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	N/A	Total	No. of Events	Male	Total
Killing	6	4	2	6							
Injured	5	7	2	9							
Beatings	4	9		9	1	2	12	14	1	2	2
Threats	5	5	1	6	5	4	1	5			
Racial Discrimination	1	1		1							
Women Rights	3		3	3							
Child Rights	4		4	4	1	1	6	7			
Total	**28**	**26**	**12**	**38**	**7**	**7**	**19**	**26**	**1**	**2**	**2**

By FLSC

Damodar Chapagain, 28, and Yuvaraj Guragain, teachers at Adarsha Higher Secondary School in Ilam Muncipality-2 were beaten up by FLSC cadres for defing the closure called for by the party on March 14. Federal Limbuwan State Council (FLSC) cadres in groups of nine arrived at the school early in the morning and beat up the teachers while they were preparing to conduct an exam. The incident was condemned on the same day by the teachers union of the school.

By NC

Toyanath Bhattarai, 29, of Panchkanya VDC-2 and a journalist working for the Sandakpur Daily was threatened with physical action on July 25 by NC cadre Bansidhar Dahal, who accused Bhattarai of not mentioning his name in a news report. The victim said that he was threatened over a phone call.

RIGHT TO PROMPT AND FAIR TRIAL

Up to July 15 there were 62 criminal cases, of which, 47 were decided on. Up to July 15 there were 55 criminal cases, where an individual is the plaintiff, of which 47 cases were decided on. Up to July 15 there were 87 civil cases, of which, 76 reached a verdict. From July 15, until the end of the year, 23 criminal cases were registered, of which five reached a verdict. From July 15 to the end of the year, 63 criminal cases, where an individual is the plaintiff, were registered at the District Court. Of these, eight were decided upon. From July 15 until the end of the year, 93 civil cases were registered of which eight were decided upon.

Altogether there were 192 cases pending in the court, of which, 33 were criminal cases, 63 criminal cases, where on individual is the plaintiff and 93 civil cases. No case had been filed under the Domestic Violence Act. There are no case pending at the court which were filed more than two years earlier.

Office of the District Government Attorney registered 33 cases this year at the DAO. Of them, 40 were successful including those which had been brought forward from the previous year. Moreover, 39 cases were filed at the District Court of which 20 cases were decided.

CHILD RIGHTS

There are 51 community secondary schools, 49 lower secondary schools and 312 primary schools. Likewise, there were 1,688 teachers in those schools. There are 30 higher secondary schools, one private and five private campuses.

Police arrested Biren Rai, 19, of Ilam Municipality-9 on May 31 accusing him of raping a 13-year-old girl from Maipokhari VDC-5 on the same day. The

victim said that she was lured with the promise of marriage and money and was raped at a water tank near her home. As per the district court order, the accused was remanded in the District Jail.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Police arrested Bal Bahadur Rai, 44, Jirmale VDC-8 on August 16 accusing him of raping a 35-year-old physically challenged woman of Jirmale VDC-7 on August 5. The victim alleged that Rai raped her while she was along her children. Rai was remanded in custody on September 5.

Domestic Violence

Harita Basnet, 35, of Ektappa VDC-9 and residing at Ilam Municipality-2 was stabbed to death with a khukuri by her spouse, Res Bahadur Rai, on October 4. The perpetrator killed Harita, accusing her of having extra marital affairs. Immediately after the incident Res Bahadur surrendered to the police station along with the murder weapon. The funeral was performed on the same day after a post-mortem. Res Bhadur was sent to Panchthar Jail on November 26.

ALL KINDS OF RACIAL DISCRIMINATION

Sarbajit Diyali, 61, of Soyang VDC-8 was beaten up by Manbahadur Tamang of the same VDC on March 11 alleging that the victim had entered a non-Dalit's house. The victim's son, Indralal Diyali, filed a complaint at the DAO on March 16. The court refused to register the case on June 7, saying it was not an incident of caste-based discrimination. The victim filed a case at the Appellate Court, Ilam on June 24. The case remained undecided at the end of theyear.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

An unidentified group of 15 people vandalised and set fire at the Sakphara police station in Banjho VDC-5 on July 31. The group overpowered three policemen posted at the station, tied their hands and legs and looted communication sets. The men also scattered pamphlets of Limbuwan State Force and chanted slogans. They vandalized the cabinets, table and other furniture. Police arrested Netra Nambang, 31, of Dharampur VDC-8, Jhapa on August 20 on charge of being involved in the incident. A case of robbery was filed against him and was sent to Sunsari Jail on October 17 by the court order.

Locals, from Rakse, in Sakhejung VDC-5 set fire to two motorcycles owned by UCPN-M on May 5 as the latter were riding the bike and forbidding others to do so during the infinite general strike called for by UCPN-M.

HEALTH SERVICE SITUATION

There is one district hospital, one private hospital and one community hospital in the district. In the government hospital, there is a quota for three doctors of which one doctor was at work while other two were on study leave at the end of the year. There is one Public Health Office, four primary health centers, six health posts and 38 sub-health posts. Thus, total of 31 health workers was working at the district hospital. One position out of 25 is vacant at the DPHO. In primary health centers and health posts, 11 out of 81 positions are vacant while 18 out of 125 positions in sub-health posts are vacant.

1.3 Panchthar

Population : 229599

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

Hospital(s)/Health Post(s) : 1/41

Human Development Index : 0.484

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By State

Dal Bahadur Gyangmi Magar, 45, and Bikram Magar, 25, of Prangbung VDC-4 were beaten to death by local villagers and police on February 13, who accused the victims of being thieves. Dal Bahadur died at the Police station in Prangbung on the same day. His son Bikram was brought to the DPO, Phidim on February 14. Injured Bikram was sent to the BPKIHS in Dharan on February but died the next day while undergoing treatment. The victim's family filed a complaint against 10 villagers, including SI Firal Mahato, head constable Indra Narayan Shah of the Prangbung Police Station and eight villagers on March 2. All of them were released on September 24 as per a District Court verdict that the charges could not be proved. INSEC's Eastern Regional Office conducted a fact finding mission on September 28.

JAIL AND DETAINEES

In the 'E' grade District Jail, there are 53 convicts, of which 47 are male and six are female. There are a further 23 inmates, of which 21 are male detainees and two are female detainees. There is also one minor dependant of a female inmate. The inmates are also brought from Ilam as the district has no jail. All together there are 76 inmates in the jail. The capacity of the jail, however, is only for 25. The jail is overcrowded and the physical infrastructure is deteriorating. There is a television set inside the jail for the inmates.

DISAPPEARANCE/ABDUCTION

By YCL

Ganesha Prasad Dulal, 48, of Lungrupa VDC-9 was abducted by five YCL cadres in the evening of April 21. He was abducted after being accused of killing five persons of Kuber Dulal family at Timbure 17 years ago. The abducted Dulal was taken to the residence of the UCPN-M cadre Laxmi Neupane at Phidhim VDC- 1. The victim escaped the captivity and made his way to the DPO in Ilam on April 22.

THREATS/BEATINGS

By State

Bhupal Bhusal, 27, of Satasidham VDC-7 in Jhapa was injured when he was beaten by APF cosntable Thakur Guragain, 28, on October 19. A driver of the bus, Bhusal was assaulted for obstructing the road by stopping the vehicle on the road. Bhusal was taken to the BPKIHS in Dharan for treatment. A meeting chaired by CDO Dullu Raj Basnet settled the case after a pledge to bear Bhusal's treatment cost of Rs 22,000.

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	3	3	1	4						
Injured	1	1	2	3						
Beatings	4	5		5	2	2	2	3	7	7
Threats					1	1	1			
Racial Discrimination	1	1		1						
Women Rights	3		3	3						
Child Rights	1		1	1						
Economic, Social Rights and Cultural Rights					1	1	1			
Abduction	1	1		1						
Total	**14**	**11**	**7**	**18**	**4**	**4**	**4**	**3**	**7**	**7**

By UCPN-M

Lal Bahadur Basnet, 56, of Phidim VDC-1 was beaten up inside the police premises by UCPN-M cadre Madan Gautam, of Panchami VDC-1 in Gopetaar on July 31 following a dispute over a hotel worker. The victim was beaten when he was at the police station to participate in a discussion regarding a hotel worker in his Hotel Sima. The Gautam admitted mistake and a letter of understanding was signed at the DPO on August 1.

By YCL

Kumari Tamang, 50, Sarita Tamang, 22, and Suresh Tamang, 18, of Bharapa VDC-1, were beaten up with a gun butt and stabbed with a Khukuri on November 10 by YCL cadres Rabin Lawati, 25, Yogendra Lawati, 22, Sita Sherpa Lawati and Sarna Lawati, 36, as the victims did not provide them with alcohol. The injured were treated in India. Some of the accused were arrested along with the gun and were remandad in custody for further investigation on December 3. Sita Sherpa Lawati was still at large at the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

In the district court of Panchthar 65 criminal cases, where an individual is the plaintiff, were brought forward from the previous year, of which 24 were decided on and 41 remained undecided. Furthermore, 36 criminal cases, where an individual is the plaintiff, have been registered this year, of which five were decided on and 31 remained undecided. Altogether there were 101 criminal cases where an individual is the plaintiff, of these 29 were decided on and 72 remained undecided.

There were 26 criminal cases brought forward from the previous year, of which 11 were decided on and 15 remained undecided. 21 additional criminal cases were registered this year, of which five were decided on and 16 remained undecided. Altogether, out of the 47 criminal cases, 16 were decided on and 31 remained undecided.

There were 92 civil cases brought forward from the previous year; of which 31 were decided on and 61 remained undecided. During the year, 49 additional civil cases were registered, of which one was decided on and 48 remained undecided. All together there were 141 civil cases, of which 32 were decided on and 109 remained undecided.

At the end of the year there had been 183 cases in the court, of which 66

reached a verdict and 117 cases remained undecided.

CHILD RIGHTS

The District Education Office figure shows that there are 475 educational institutes including that of government, private, higher secondary and colleges. There are 392 community schools, 50 private schools, five private colleges and 28 higher secondary schools.

A 9-year-old girl of Sidin VDC-1 was allegedly raped by Sundar Rai, 25, on August 11 at Dawaipani. According to a complaint filed by the victim's father, the accused forcefully carried the girl away to rape her in nearby Dawaipani. The accused, who was arrested on August 12, escaped from the custody the next day. DSP Yagya Binod Pokharel advised that five police officials were responsible for the escape and that action was taken against them.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Polygamy

Krishna Maya Lawati, 45, filed a case of polygamy on December 2 against her husband Machhindra Lawati, 39, of Bharapa VDC-1. The Court released the second wife, Indira Kumari Lawati and Machhindra on Rs 20,000 bail for each of them on December 31.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By Youth Force

The cadres of the Youth Force vandalized the office of UCPN-M village committee located at the home of Prem Kafle of Nagi VDC-6 on May 4. The Youth Force cadres Agni Yonghang, 22, and Raj Kumar Idhingo, 20, of Nagi VDC-6 and Mohan Rai, 23, and Bhim Mukhiya, 20, of Nagi VDC-20 were involved in the incident. Police from Gopetar police station arrested all involved on the same day. They were released after a an agreement war reached on May 8 on the condition of compensating for the damage incurred.

HEALTH SERVICE SITUATION

There is one district hospital, 10 health post , 30 sub health post and two primary health centres in the district. There are 3 doctors in district hospital . The three district hospital has 15 beds.

1.4 Taplejung

Population : 149,298

Literacy(%) : 58

Women Literacy(%) : 45

Area(Sq. Km.) : 3,646

Number of VDC(s)/Municipality(ies) : 50/0

Number of School(s) : 304/5

Campus(es)/Higher Secondary School(s) : 1/22

Hospital(s)/Health Post(s) : 1/51

Human Development Index : 0.467

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Unidentified Group

Narayan Prasad Acharya, 53, of Phungling VDC-6 was abducted from Hangdewa VDC-4 and killed by an unidentified group on May 24. The victim disappeared when returning to his residence at Hangdewa. Locals discovered the dead body in the Hangdewa River on June 21. DSP Sudip Raj Bhandari stated that perpetrators had still not been identified at the end of the year.

JAIL AND DETAINEES

The 'C' grade District Jail of Taplejung has the capacity for 25 inmates, however, there are 49 inmates being held in the jail. Among the inmates, 32 are male convicts and 17 are male detainees. Detainees have been asking for access to newspapers but they have not been provided with such facilities. Inmates receive health services only from the district hospital. Since the jail has not been renovated for a long time, prison guard Medini Prasad Sapkota submitted that the living conditions in the jail are poor. The female detainees are kept in custody and then sent to jails in other districts. Telephone facilities are available for detainees based on need.

THREATS/ BEATINGS

By Tarun Dal

Milan Madem, 23, a Youth Force cadre of Phungling VDC- 8, was injured in a shooting by Dilli Lamwa, a Tarun Dal cadre of Lingtep VDC-7, at Deulinge School of Phungling VDC -1 on June 29. The victim was shot in his left leg. The injured was treated at BPKIHS in Dharan. A complaint was filed against three Tarun Dal cadres, including the shooter. The accused had not been arrested at the end of the year.

By Youth Force

Ram Kumar Kedem, 20, a Tarun Dal cadre of Thukima VDC-8 was injured in a shooting by the Youth Force cadre Khadga Nalbo and three others at Thukima Secondary School on September 26. There was firing when cadres of Tarun Dal and youth clashed in the school. The victim was taken to the district hospital by NC cadres for treatment.

By Unidentified Group

Laya Prasad Bimali, 30, of Fulbari VDC-3 and his spouse Karuna Bimali, 28, were injured in a shooting at their home by an unidentified gang in the evening of January 9. Three unidentified persons barged into the house and shot the victims.

RIGHT TO PROMPT AND FAIR TRIAL

In the District Court this year, 23 civil cases were brought forward from last year and 103 new civil cases were registered this year. From all the 126 cases, 43 civil cases were decided and 83 civil cases remained undecided. Altogether 16 criminal cases, where an individual is the plaintiff, were brought forward this year and 40 criminal cases, where an individual is the plaintiff, were registered this year. This year, 18 criminal cases, where an individual is the plaintiff, had been decided and 38 such cases remained undecided. Similarly, 16 criminal cases were brought forward this year and 14 new criminal cases were registered. Among these cases, a verdict was reached in four of the cases and 26 remained undecided. Altogether, inclusive of all types of cases, there were 208 cases in the court this year. There are 16 cases awaiting a verdict for more than one year and 12 cases awaiting a verdict for more than two years.

Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	N/A	Total	No. of Events	Male	N/A	Total
Killing	4	4		4								
Injured	3	3	1	4								
Arrest & Torture									4	5		5
Beatings									1	1		1
Threats	1	1		1	3	2	1	3	1	1		1
Right to Assembly									1	1	8	9
Women Rights	3		3	3								
Child Rights	1		1	1	2	2	79	81				
Abduction	1	1		1								
Total	**13**	**9**	**5**	**14**	**5**	**4**	**80**	**84**	**7**	**8**	**8**	**16**

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Prem Lal Upreti, 82, of Thechambu VDC-9 was tortured by the SI of the Thechambu Police Post during a meeting to resolve a dispute over a transaction with Dhankumar Limbu on July 24. The victim's family said that a complaint was filed by Dhan Kumar over a transaction with Prem Lal. The victim was taken to the district hospital, Taplejung for treatment. Although a complaint was filed at the DAO against the perpetrator, no action had been taken at the end of the year.

CHILD RIGHTS

According to the District Education Office, there are 19,774 girls and 18,600 boys in the schools. In lower secondary level, there are 6,611 girls and 6,283 boys. In secondary level, there are 2,200 girls and 2,384 boys. The teachers' quota in the district is 1,256 teachers.

The UCPN-M used more than 20 minors under 18 years of age by taking them to Kathmandu from Taplejung District Headquarters (DHQ) on May 1. The UCPN-M hired a bus to take the children to Kathmandu. Lakpa Sherpa, 14, of Phakumba VDC-9 said that they were told to be on the way to seize the regime for the UCPN-M. The children returned home after 15 days.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 60-year-old woman of Phungling VDC-2 was allegedly raped by Bir Bahadur Rasaili when the accused barged in to her house on the night of July 1. The victim's screams were overheard by her neighbours and came to her aid. They took control over the accused until the police arrived on the scene. The perpetrator was sent to jail for raping the woman.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

The offices of the Technical Group for Social Development and the Taplejung Cooperatives were vandalized by the UCPN-M cadres on January 5. The NGO's offices were vandalized for defying the closure called for by UCPN-M to protest the killing of its cadre Rajendra Benam properties worth Rs 200,000 was damaged.

DISPLACED BY UCPN-M

Mohan Yakso, 23, a Youth Force cadre of Hampang VDC -3, was threatened by the UCPN-M which induced the victim to be displaced to Birtamod on April 26. The victim was subjected to another attempted attack from the UCPN-M cadres even in Birtamod of Jhapa.

HEALTH SERVICE SITUATION

There is one district hospital with the provision of two doctors. However, only one doctor is working at the hospital. There are two primary health centres in the district. Of the 43 quotas for AHWs in 43 health posts only 25 were working.

1.5 Morang

Population	: 1,028,362
Literacy(%)	: 69
Women Literacy(%)	: 55
Area(Sq. Km.)	: 1,855
Number of VDC(s)/Municipality(ies)	: 65/1
Number of School(s)	: 723/93
Campus(es)/Higher Secondary School(s)	: 15/70
Hospital(s)/Health Post(s)	: 3/73
Human Development Index	: 0.531
Average Household Size	: 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Unidentified Group

Devendra Pokharel, 57, of Gothgaon, Dulari VDC-9 and also an NC district member was shot at his home by two unidentified individuals on April 26. He sustained bullet wounds to his chest. The victim died while undergoing medical treatment at the BPKIHS in Dharan on April 30.

By Others

Bashudev Sah, 55 of Amahiwariyati VDC-7 was gunned down by Hitendra Singh, Inspector of the Indian SSB at Khairwana Chok of the same VDC on May 25. The post-mortem of the dead body was carried out at the Koshi Zonal Hospital. The incident occurred when a dispute flared after Singh entered Nepalese territory saying that an Indian national Hari Chand imported a tin of cooking oil to Nepal by evading custom tax. The Amahiwariyati Police Post seized the motorbike BR 38 0036 used by Singh and handed it to the Rangeli Area Police Office.

The Ministry of Foreign Affairs sent a letter to the Indian government urging to take action against Singh.

INJURED IN SHOOTING/EXPLOSION

By Unidentified Group

Birbal Kamat, 26, of Katahari VDC-4 was injured when he was shot by an unidentified group at Biratnagar Sub-metropolis-11 on February 18. The injured also a worker at the CMA Jute Mill of Katahari, was going to Biratnagar on a motorbike when he was shot. The victim was treated at the Koshi Zonal Hospital and then at the BPKIHS in Dharan. The victim sustained an injury to his abdomen.

Tarabir Kadariya, 32, , a refugee at the Bhutanese refugee camp at Sanischare VDC-1 was injured in a shooting by an unidentified group at Mahendra Highway of Pathari VDC-1 on October 7. He was shot by two bike riders. The injured victim underwent medical treatment at the BPKIHS in Dharan.

JAIL AND DETAINEES

The 'C' grade District Jail of Morang has the capacity for 250 inmates, however,

there were 528 inmates in the jail at the end of the year. 45 of these are female. Altogether there are 287 convicts, of which 265 were male and 22 female. Similarly, 241 detainees in the jail of which there are 218 male and 23 female. There are 35 foreigner inmates in the jail. Among them 14 are convicts and 21 detainees. There are four dependant minors in the jail. This year alone, 11 inmates died due to the lack of proper medical treatment. The Department of Jail Management released Rs 400,000 for health services. The total expense this year in health service exceeded Rs 14 m due to the overcapacity of the jail. The rooms are used on a rotation basis.

DISAPPEARANCE/ABDUCTION

By YCL

Anil Rai, 26, of Bayarban VDC-6 was abducted from Sanischare VDC-4 by YCL cadres Bishnu Magar alias Mukti, 32, a member of YCL State Committee, YCL area committee member Surendra Chapagai, 26, and Lalit Giri, 50, on July 22. They accused the victim of going against the YCL. Police rescued the victim from Letang VDC-8 on July 23. The victim filed a complaint on July 23 at the Area Police Post, Uralabari. One of the accused, Lalit Giri was apprehended by locals and then handed him over to police on July 23. The accused was released on July 24. Another accused, Mukti was arrested on July 24 from the Sorabhag VDC. He was remanded in custody as per a court order on August 17.

THREATS/BEATINGS

By State

Rajkumar Bhattarai, 59, a rickshaw puller from Biratnagar Sub-metropolis–2 was arrested and then beaten up by police for parking his rickshaw on May 29. The victim was severely beaten up with sticks, boots and belts. The victim was released on May 30 after paying Rs 200 fine. The victim received medical treatment at the Kosi Zonal Hospital. The case could not be registered due to the pressure from the police.

By YCL

Sunil Basnet, 21, of Biratngar Sub-metropolis–16 was injured when YCL cadres smashed his head with stick on May 7. He was beaten up for speaking up against the strike called for by Maoists. The victim received medical treatment at the Neuro Hospital, Biratnagar. The victim received eight stitches to the head. He did not file a complaint.

By Youth Force

Bibek Bhattarai, 21, of Pathari VDC-1, a reporter for the Janabidroh Daily was beaten up by Youth force cadres Bikash Limbu, 35, for reporting against the Youth Force on January 5. The journalist, who received injuries, was treated at the local health post. The victim filed a complaint on January 10 at the Area Police Post, Uralabari. The accused was arrested on March 3 from his home. He was released from the DAO on March 13 after depositing Rs 7,000.

By STMM

Pawan Kumar Karna, 45, of Dardarbairiya VDC-5, also a principal at the Saraswati higher secondary school was threatened over phone by Tufan Singh, district in-charge of STMM on September 26. The victim also received death threats. He was asked to provide his month's salary to the STMM.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

At the District Court from July 16, there were 564 criminal cases, of which 316 were decided and 248 remained pending.

Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	15	9	6	15								
Injured	4	5		5					2	3	3	6
Arrest & Torture									4	3	1	4
Beatings	5	4	1	5					2	2		2
Threats	8	9	1	10								
Racial Discrimination	2	4		4								
Women Rights	16		23	23								
Child Rights	19		22	22								
Economic, Social and Cultural Rights	3	3		3	4	5	2	7				
Inhuman Behaviour	1	1		1								
Abduction	2	2		2								
Total	**75**	**37**	**53**	**90**	**4**	**5**	**2**	**7**	**8**	**8**	**4**	**12**

From July 17 until the end of the year, 275 criminal cases were registered, of which 45 were decided and 230 remained undecided. Of 408 criminal cases, were one individual is plaintiff, which were filed from July 17 until the end of the year, 81 were decided and 327 remained undecided. Up until July 16, 754 civil cases were in the Court. At the end of year 392 new civil cases were registered of which 21 were decided. Only one case under the Domestic Violence Act was registered which was undecided at the end of the year. There are 48 cases pending for over two years. At the Office District Government Attorney, 857 cases were registered at the DAO, of which 455 were successful.

Appellate Court

At the Biratnagar Appellate Court, there were 575 criminal cases up to July 16. Of which 307 were decided and 268 were not decided. Similarly, up until July 16, there were 216 criminal cases, where an individual is the plaintiff. At the end of the year, 247 criminal cases, where an individual is the plaintiff, were registered, of which 95 were decided. There were 662 civil cases up until July 16. Similarly this year, 374 new civil cases were registered. Of which, 251 were decided. One case under the Domestic Violence Act was filed.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Arrest and Torture

Kristina Rai, 33, of Biratnagar Sub-metropolis–5 was beaten up while in custody at the DPO, Morang by female police for the rule of law on April 24. The victim was tortured and injured with bamboo sticks. The DAO released her on May 2 after charging her with a fine of Rs 1,000. The case was resolved by the signing of a letter of understanding between the accused and the victim.

CHILD RIGHTS

There are 312 private and 540 community schools in the district. Of 312 private schools, 147 are primary, 27 lower secondary and 138 secondary. Likewise, there are 330 primary government schools, 83 lower secondary schools, 27 secondary schools. There are 54 higher secondary schools. A total of 107,239 girls and 101,200 boys attend government schools. There are 312 madrasas in the district. A total of 985 ECCDCs are there in the

district. The quota for the teachers in the school is 3,928.

Ramala BK, 13, of Letang VDC–2 was beaten to death by Mithumaya BK, 46, of the same place on March 28. The girl was beaten following a dispute over using a water tap. The victim died while undergoing medical treatment at the BPKIHS in Dharan. The accused was remanded in Morang Jail as per a District Court order on April 2.

A 9-year-old girl of Biratnagar Sub-Metropolis-4, was raped allegedly by Balram Sardar, a policeman on patrol while the girl was asleep at her home on March 3. The victim received medical treatment at the Kosi Zonal Hospital. The accused was arrested on March 4. He was released on March 14 on a bail of Rs 6,000 as per the District Court order.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Kabita Bamjam Tamang, 13, of Ilam Municipality-5 was trafficked by Laxmi BK, 29, of Pathari VDC-9 in Morang and Sabina BK, 23, of the same place on April 9. The victim was rescued by police from Biratnagar Sub-Metropolis-13. Police proceeded legal action that day, charging the couple with human trafficking. At the end of the year the perpetrators were still remanded in the district jail.

Rape, Attempt to Rape, Sexual Abuse

A 25-year-old lady of Amahibariyati VDC-1 was subjected to an attempted rape by Harikrishna Mandal, 20, of the same place, while the woman was sleeping in her home on October 21. The victim retaliated and escaped after she hit the perpetrator with a stone. The perpetrator fled the scene. The victim was treated at the Kosi Zonal Hospital, Biratnagar. The perpetrator was still at large at the end of the year.

Domestic Violence

Chandra Kala Rasayili, 37, from the Bhutanese refugee camp located at Sanischare VDC-1 was stabbed to death allegedly by her spouse Narad Rasaili, 42, on February 19. The accused was arrested on the same day by police. At the end of the year, the perpetrator was in jail as per a court order on March 13, pending further investigation.

Inhuman Behavior

Dumani Devi Yadav, 47, of Budhanagar VDC-1 was injured in a beating from Dinesh Yadav, 36, of the same place on March 18. He accused the woman of practicing witchcraft. The victim received medical treatment at the Kosi Zonal Hospital. The victim filed a complaint at the Area Police Station at Rani on March 19. The police post resolved the case by mediating an understanding between the two parties.

ALL KINDS OF RACIAL DISCRIMINATION

Ujjwal Biswakarma, 40, of Pathari VDC-3, Durga Biswakarma, 45, of the same place and Karna Gadal of Sanischare VDC-1 were barred from participating in a Hindu ritual ceremony by Pundit Kewal Krishana Adhikari on December 14. The victims were accused of belonging to the lower caste. The victim filed a complaint at the local police post on December 15. The perpetrator admitted his mistake and the case was resolved.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property, By UCPN-M

UCPN-M affiliated All Nepal Peasants Association chairperson Khagendra Bhandari led a group of the UCPN-M cadres to capture one bigha

and four kaththas of land belonging to Surendra Niraula, 49, of Urlabari VDC-4 on February 23. Niraula filed a complaint at Area Police Office, Urlabari, however, no action was taken till the end of the year.

By MMM

Three bigha of land owned by Badri Koirala of Biratnagar Sub-metropolis-11 was captured by the Madhesi Mukti Morcha with the planting of a flag on January 23. The victim filed a complaint at the Hatkhola Police Post on January 24. The police dismantled the flag planted on the land. At the end of the year the victim's land was not returned back.

1.6 Sunsari

Population	: 1,100,211
Literacy(%)	: 74
Women Literacy(%)	: 50
Area(Sq. Km.)	: 1,257
Number of VDC(s)/Municipality(ies)	: 49/3
Number of School(s)	: 459/53
Campus(es)/Higher Secondary School(s)	: 11/37
Hospital(s)/Health Post(s)	: 3/57
Human Development Index	: 0.5
Average Household Size	: 7

CIVIL AND POLITICAL RIGHTS

INJURED IN SHOOTING/EXPLOSION

By Abandoned Explosive Device

Bikarm Pauddar, 10, of Ramgunj Belgahiya VDC-7, his brother Bikal Pauddar, 7, and Asmita Rajbhar, 11, of the same place were injured when a tin can exploded at the gate of the sub-health post in the same place on February 27. The children were playing with the IED they had found at the entrance. The three victims received injuries from shrapnel in the bomb, to their faces, eyes, ears and other parts of their bodies. Pintu Yadav, 10, Roshan Mehata, 13, and Mansih Sah, 10, also received minor injuries. Bikram was treated at the Golchha Eye Hospital while the others were treated at the Kosi Zonal Hospital.

Sanat Lama of Bethan VDC-7 in Ramechhap was shot and injured by an unidentified group on November 23 at BP Chok in Itahari Muncipality-8 as he was getting off the bus. The injured was treated at the BPKIHS in Dharan. He received an injury to his back. The assailants shot him from the motorcycle that they were riding. Police inspector Shayam Subba said that the hunt for the perpetrators was ongoing.

JAIL AND DETAINEES

The Regional jail located at Jhumka in Bhadgaon Sinuwari VDC- 5 has the capacity for 600 inmates. At the end of the year there were 286 male convicts and 204 male detainees. There are 15 non-national convicts and eight detainees. Altogether there were 513 inmates in the jail at the end of the year. There were no female detainees or minors in the jail. There is only one well in the jail. This has caused a scarcity of water for the inmates. There are inadequate facilities in the jail, such as a lack of a library, TV and sports equipment. During the year, two convicts died while undergoing medical treatment.

Type of Events	By Non-State									By State				
	By Others					By UCPN-M								
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	N/A	Total
Killing	10	7	3		10									
Injured	5	13	1		14									
Beatings	2	1	1		2					3	6	1		7
Threats	4	9		43	52	4	3	1	4	1	1			1
Right to Assembly										5	25	4	15	44
Women Rights	7		7		7									
Child Rights	9		9		9									
Economic, Social and Cultural Rights	1			1	1	1	1		1					
Abduction	1	1			1									
Total	**39**	**31**	**21**	**44**	**96**	**5**	**4**	**1**	**5**	**9**	**32**	**5**	**15**	**52**

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Bikam Prasad Mandal, 32, of Inarwa VDC-1 Saptari, residing in Itahari Muncipality-8 and working at the Health Training Centre was abducted by an unidentified group on January 1 from residence. The victim escaped from Beltaar of Udaypur District on January 2. The reason for the abduction is not known. However, the victim's brother, Narendra Mandal, stated that they had been asked over the phone for Rs 500,000 as a ransom on January 2.

THREATS/BEATINGS

By State

Chandra Mani Kattel, 26, a deputy editor of the Blast Daily and a resident of Barahachettra VDC -1 was beaten up by police from the DPO in Dharan, including Chiranjan Sahani, 30, and Dipak Khatri, 25, on January 7. He was attacked while collecting news about a traffic checkpoint at Putali Line in Dharan Municipality-9. The victim was treated at the BPKIHS in Dharan. In the all-party meeting that was held in connection with the beating on January 9 at the Zonal Police Office, SSP Mingsaar Lama and SP Bhupal Kumar Bhandari vowed to investigate the incident. No action has been taken against the perpetrators.

Rupesh Sah, 33, of Dumraha VDC-5, a Sunsari coordinator for the Matrika led CPN-M, along with the deputy coordinator Kumar Mahato of Darbesha VDC -8 in Morang were beaten up, injured and then arrested at their own party offices located in Inaruwa Municipality-3 on March 12 by the police. The injured victims were treated at the district in Sunsari. The victims were released on March 14 from the police custody.

By UCPN-M

Somnath Bastola, 30, of Itahari Municipality–4 was threatened over the phone on May 12 by the UCPN-M cadre Rajesh Khatiwada, 32, a district member of UCPN-M Bhojpur for reporting against the closures called for by the party. The journalist also received death threats. The district in-charge of the party informed that action would be taken against the cadre if he was found guilty. Various journalist forums criticized the act. At the end of the year no action had been taken against the perpetrator.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

(Political Freedom Including Free and Impartial Election)

Rahaman Miya, 60, of Shripur VDC -8, Akbaal Miya, 50, of the same

place, Abdul Miya, 55, Absaar Miya, 55, Rashim Miya, 45, Batli Miya 50, Bhrahma Dev Marbaita, Gafur Miya, Naim Miya, Islam Miya, Gulab Miya, Bhutai Miya, and Sakur Miya were injured as a result of a baton charge by police on January 24 . They were attacked during the highway closure called for by the Kosi flood victims at Shripur VDC–5. There had been a clash between the demonstrators and the police. The Kosi victims had called for a bandh in order to fulfill their 19-point demand. The demonstrators threw stones at the police. Police personnel Ram Sundar Mehata, Aniklal Thakur, Bechan Yadav and Bijaya Mandal were also injured during the clash. The demonstration stopped after the DAO assured that they would fulfill some of the demands of Kosi victims.

RIGHT TO PROMPT AND FAIR TRIAL

Up to July 16 at the District Court of Sunsari there were 192 criminal cases, a verdict was reached in 56 of these cases. Additionally, up to July 16 there were 302 criminal cases where an individual is the plaintiff, of which 172 cases were decided on. From July 16 to the end of the year 140 criminal cases were registered of which 43 were decided on. From July 16 to the end of the year, 347 criminal cases, where an individual is the plaintiff were registered, of which 143 were decided on. Furthermore, there were 764 civil cases up to July 16, of which 266 were decided on. From July 16 to the end of the year 438 civil cases were registered of which 196 were decided on. During the year, two cases were registered under the Domestic Violence Act. None of those cases were decided on.

Office of the District Government Attorney registered 481 cases at the District Court, of which 186 were decided on and 295 were still pending at the end of year. Another 473 were registered at the DAO, of which 230 were decided on and 243 cases remained pending at the end of year.

CHILD RIGHTS

The District Education Office informed that a total of 150234 students had enrolled in the schools. Among them, 88921 were enrolled in primary level classes, 36405 were enrolled in lower secondary level and 24908 were enrolled in secondary level classes. This year 91 percent of school going children enrolled in the schools while 9 percent children- mostly residing in rural areas are out of the schools.

Bimal Shrestha, 20, of Bharaul VDC-9 was arrested by the police from Mahendranagar on October 1. They accused him of raping and killing a 14-year-old girl of Bharual VDC-5 on September 25 at a local pond. The girl, who was from Khotang and was residing in her uncle's home at Bharual, was raped and killed while she was collecting fodder for pigs. A post-mortem was carried out in the district hospital in Sunsari. The dead body was handed over to her family. The accused was transferred to the Regional Jail on October 26 as per a court order.

Raju Sardar, 17, of Khanar VDC-5 was arrested by police on March 25. He was charged with raping a 6-year-old girl of the same locality on March 24 in her own home. The victim was treated at the BPKIHS in Dharan. The perpetrator was sent to a rehabilitation centre on April 20 as per a court order.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

The family of a 21-year-old woman of Shanischare VDC-1, Morang filed a complaint at Dharan Area Police Office on June 1 accusing seven men of gang raping her on May 18. The accused included Bimal

Rai, 26, of Panchthar, Bimal Gurung, Madan Karki, Kiran Ghimire of Morang and Kushal Rai, Prabin Sundas and Ritesh Shrestha of Sunsari. The woman was taken to BPKIHS for medical check up. A team of human rights activists handed over the girl to WOREC for treatment and counseling on May 20. On June 24, District Court Sunsari issued release order of Kushal Rai after the bail of Rs 75,000, Madan Karki, 60,000, Ritesh Shrestha, 50,000, Bimal Rai, 15,000, Bimal Gurung, 15,000, Prabin Sundas, 15,000 and Kiran Ghimire on general date.

Domestic Violence

Dilmaya Rai, 37, of Kalyan Chok in Dharan Municipality-11 was beaten up by her spouse Maniram Rai on September 2 following a domestic dispute. The victim filed a case under the Domestic Violence Act at the Sunsari District Court on September 5. Her spouse retaliated by assaulting their child and the victim again. The family filed a case of domestic violence at the District Court on November 16. The case was still pending at the end of the year.

Inhuman Behavior

Anita Devi Sah, 35, of Prakashpur VDC-5 was beaten up by Padam Khadka, 60, of the same place, Laxmi Rai, Bonas Khadka, Bijaya Rai and Raju Khadka on January 23. They accused the victim of practicing witchcraft on Bandana Khadka. The victim was injured during the beating and was treated at the Kosi Zonal Hospital in Biratnagar. The victim filed a written complaint against the accused on January 29. The case was resolved on February 6 after the accused vowed to not to repeat the act again.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By UCPN-M

An office in the Sunsari Technical College, which is located at Dharan Municipality-4 was vandalized by the ANNISU-R central member, Madan Chudal, and the CP Bajagain faction on September 13, as the college did not provide the donations that the group had asked for. ANNISU-R had demanded Rs 1.2m from the college. Lekhiraj Limbu, chairperson of the Collage Management Committee refused to provide such a huge sum of money. A written complaint was filed by a representative of the college at the DPO on the same day. No action was taken against the cadres. The ANNISU-R stated it was a minor incident.

By KJWP

The VDC office of Hansposha VDC located at ward number 2 of the same VDC was set on fire by the KJWP cadres on May 14. The fire destroyed everything inside the office. The office was set on fire as they could not provide the Rs 300,000 that had been demanded by the KJWP.

HEALTH SERVICE CONDITION

The quota for the doctor is five but only one is at work in the district hospital. Out of five positions for the staff nurse, two were vacant. There are 36 health posts with 36 in-charges and 40 sub-health posts with as many in-charges.

1.7 Dhankuta

Population	: 186,135
Literacy(%)	: 72
Women Literacy(%)	: 52
Area(Sq. Km.)	: 891
Number of VDC(s)/Municipality(ies)	: 35/1
Number of School(s)	: 319/12
Campus(es)/Higher Secondary School(s)	: 1/30
Hospital(s)/Health Post(s)	: 1/37
Human Development Index	: 0.507
Average Household Size	: 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Unidentified Group

The dead body of Kailash Nepali, 55, of Dhankuta Muncipality-4 was found in the street on December 24. The victim left his home the previous day. The police recovered the dead body and post-mortem was carried out at the district hospital, Dhankuta Bhadra Man Mote. The dead body was then handed over to the family. There was evidence of a physical attack on his body. The police inspector of the DPO, Dhankuta submitted that there were treating the case as a murder but that a perpetrator had not yet been identified.

JAIL AND DETAINEES

The 'D' grade district jail of Dhakuta has the capacity to hold 25 inmates. However, at the end of the year, there were 50 inmates residing in the jail. There are 14 detainees and 36 convicts along with a 16-month-old dependant child living with its detained mother. There are 12 male and two female detainees. There are 36 convicted inmates of which 34 are male and two are female. The female cell is located above the male cell in the same building. The rooms are overcrowded and the condition of jail is deteriorating. Inmates are provided with health facilities.

THREATS/BEATINGS

By UCPN-M

Rabindra Prasad Rai, 30, of Mahabhart VDC-1 was beaten by a UCPN-M cadre Suman Rai, 22, of the same VDC on February 5. The cadre told the victim that he and his brother should quit the Youth Force or to be displaced. He sustained injuries to his face, ear and arm. He was treated in the district hospital.

Chandra Bahadur Karki, 27, from Solma VDC-8, Terhathum, and residing in Dhankuta for the Blast Daily was beaten up by UCPN-M cadres in Dhankuta Municipality-7 on May 6. Karki, who was working as a hawker, was beten with sticks. He was rescued by the police and treated at the district hospital.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

Matrika Rai, 28, of Chhintang VDC-4, Bambahadur Rai, 48, of Mahabharat VDC -2 and Bishnu Rai of Chhintang VDC-4 were injured by baton charge from police on May 5 as the trio was enforcing closure called by Maoists. Victims said that they were severely beaten up and received injuries at their heads. Victims were treated at the District hospital Dhankuta.

Type of Events	By Non-State									By State		
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	4	2	2		4							
Injured	2	3			3							
Beatings	3	5	1		6	3	2	2	4	1	3	3
Threats	4	7		35	42	2	3		3			
Women Rights	7		7		7							
Inhuman Behaviour	1	1			1							
Abduction	1	1			1							
Total	**22**	**19**	**10**	**35**	**64**	**5**	**5**	**2**	**7**	**1**	**3**	**3**

RIGHT TO PROMPT AND FAIR TRIAL

District Court

There were 13 criminal cases pending on July 16, of which none were decided. At the end of the year, 14 new criminal cases were registered, of which only one was decided and the other 13 remained undecided. Out of the total 27 criminal cases in the court this year, only one was decided this year and 26 remained undecided.

37 criminal cases, where an individual is the plaintiff, were brought forward from last year. Only three such cases were decided and the other 34 remained pending. This year 26 new criminal cases, where an individual is the plaintiff, were registered, of which five were decided and 21 remained undecided at the end of the year. Out of the total 63 criminal cases, where an individual is the plaintiff, eight cases received a verdict while 55 were still pending a decision.

Similarly, there were 45 civil cases that brought forward from last year, of which seven were decided and 38 civil cases remained undecided. This year 21 new civil cases were registered, of which only one received a verdict and 20 cases remained undecided. Out of the total 66 civil cases in the court, only eight were decided and 58 remained undecided. Altogether including all types of cases there were 156 cases of which 17 were decided and 139 remained undecided at the end of the year.

At the Appellate Court, 129 criminal cases were brought forward this year. Only 85 of these cases were decided and the other 44 criminal cases were still pending at the end of the year. This year 29 new criminal cases were registered, of which two were decided and 27 remained undecided. Out of the total 158 criminal cases, 87 were received a verdict while 71 are still pending a decision.

A total of 32 criminal cases, where an individual is the plaintiff, were brought forward this year of which 28 were decided and the other four were still pending. This year 12 new cases, where an individual is the plaintiff, were registered, of which three were decided and nine remained undecided at the end of the year. Out of the total 44 criminal cases, where an individual is the plaintiff, 31 received a verdict while 13 were still pending a decision.

Similarly, there were 80 civil cases brought forward from last year, of which 60 were decided and 20 remained undecided. This year 30 new civil cases registered of which only two received a verdict and 28 remained undecided. Out of the total 110 civil cases at the court only 62 were decided and 48 cases remained undecided. There were no case filed under the Domestic Violence Act.

CHILD RIGHTS

The District Education Office informed that 62,682 children enrolled

in the schools this year. There are 275 ECCDCs which are attended by 6,657 students. In primary level, there are 30,791, in lower secondary level, there are 14,451 students, in secondary level, there are 7,225 and in higher secondary schools there are 3,568 students. There is one Madrassa where 41 children are studying.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Mina Subba, 28, of Panchkanya VDC- 5, Sunsari, was gang raped and then killed, by Mukesh Magrati, 20, of Dharan Muncipality-14, Sudip Dangol, 19, of Panchkanya VDC-3 and Sujan Kumar Shrestha, 22, of Dharan Muncipality-15 in the Bandre forest of Bhedetaar VDC-5 on February 27. The victim was unconscious and lying on the road when the perpetrators accosted her. The victim's dead body was discovered in the Bandre forest. The perpetrators admitted their guilt and were sentenced to life imprisonment.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Keshav Pokharel Pahadi, 47, of Dhankuta Muncipality-7, also the Chief of the Dhankuta Multiple Campus, was threatened by an unidentified group on March 18. He was told to resign as chief of the campus and to leave the area along with his family. The victim said he had been receiving repeated death threats. As a result of the threat, Pahadi resigned from the post on March 20. Due to pressure from various civil society organizations, his resignation was not accepted.

HEALTH SERVICE SITUATION

There is a quota of three doctors in the district hospital while at present, there are seven doctors including four on contract. There are two primary health centers, 11 health posts and 24 sub-health posts. All four positions for the staff nurse are occupied while 11 in-charges are at work in 11 health posts. Three out of 24 positions are vacant in sub-health posts while 21 AHWs are working. The hospital said it had already asked the Public Service Commission to recruit the needed staff. Out of 24 positions for VHWs, seven are vacant while all positions for the maternal and child health workers are occupied.

1.8 Tehrathum

Population : 123,158
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
Hospital(s)/Health Post(s) : 1/31
Human Development Index : 0.523
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail in Tehrathum has the capacity for 35 inmates. However, there are a total of 46 inmates, including 40 men, four women and also two minors. The men and women have different

Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	7	3	4	7							
Injured	2	2		2							
Arrest & Torture								7	7	1	8
Beatings	8	10		10	1	1	1	3	7		7
Threats	1	1		1							
Women Rights	8		8	8							
Child Rights	3		3	3							
Total	**29**	**16**	**15**	**31**	**1**	**1**	**1**	**10**	**14**	**1**	**15**

cells in the same building. The water and lavatory facilities inside the jail are poor. The water leaks from roof. The boundary wall of the jail is about to collapse. There is the facility for indoor and outdoor activities. Male inmates have been supplied with a television while female inmates have not. Due to overcrowding, life inside the jail is difficult.

THREATS/BEATINGS

By State

Bikram Khadka, of Sudap VDC-6, a district secretariat member of ANNISU-R and Anil Limbu of Okhre VDC-9, were beaten up by the APF on September 25. They were accused of being rowdy. ANNISU-R called for district closure the next day in protest against the beating up of their cadres by the APF.

By YCL

Umesh Gautam, 37, of Jirikhimti VDC-9 was beaten up by local YCL cadres, Janga Bahadur Limbu, of Jirikhimti VDC-7, Narayan Limbu and UCPN-M district member Bel Kumar Limbu on May 24, following a dispute over the public bus syndication. As per the complaint filed by victim, police arrested the perpetrators, Bel Kumar and Narayan, on June 10. Janga Bahadur was not arrested till the end of the year. Both the perpetrators, who were arrested, were released on Rs 20,000 which was deposited on June 26 at the DAO.

Santosh Sah, 27, a trader of Jirikhimti VDC-9, and Lal Bbahadur Thapa, 25, were beaten up by YCL cadres on March 2 for defying the closure which had been called for by the UCPN-M. The cadres also vandalized their shops. The closure was organized to protest against the assault of innocent the UCPN-M cadres.

RIGHT TO PROMPT AND FAIR TRIAL

At the District Court, 34 civil cases were brought forward from the previous year and 42 new civil cases had been registered this year. There were all together 75 civil cases in the court, of which 49 were decided on and 27 remained undecided. Additionally, 49 criminal cases, where an individual is the plaintiff, were brought forward from the previous year. During the year, another 56 criminal cases, where an individual is the plaintiff, were registered. Out of the 95 criminal cases, where an individual is the plaintiff, 53 were decided on and 42 remained undecided. Six criminal cases were brought forward from the previous year and another three criminal cases were registered during the year. Of the total criminal cases, two were decided on and two criminal cases are still pending.

CHILD RIGHTS

There are 28 higher secondary schools, three secondary schools, 17 lower secondary schools and 317 primary schools. The District Education Office informed that the total number of school students in the district is 16,500.

A 17-year-old girl of Jaljale VDC -8 was trafficked to Hetauda by Birendra Ranavat of Birendranagar in Chitwan on January 8. The girl was rescued with the help of a local NGO. The perpetrator was arrested on February 15 at Terhathum when he made a second attempt to take the girl across the border. He was sent to jail as per a court order on February 24.

Mir Bahadur Limbu, 37, of Anagdim VDC was arrested on June 25 by police, who accused him of raping a 13-year-old girl of Anagdim VDC-2 on June 10 at his home. The perpetrator was remanded in custody at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Dil Kumari Rai, 48, of Samdu VDC-9, was beaten to death by her spouse Mani Kumar Rai, 50, on September 23. Police from the Samdu Post arrested the perpetrator on September 26. The perpetrator was sent to jail on October 3.

HEALTH SERVICE SITUATION

Out of four numbers of doctors as per the quota, three are at work. There are two primary health centers with quota for doctors. In 20 health posts, 36 AHWs are working and in 45 sub-health posts, 33 AHWs are working. There are 32 village health workers, 20 maternal and child health workers and 718 female health volunteers working in the district.

1.9 Bhojpur

Population : 206,887

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

Hospital(s)/Health Post(s) :1/63

Human Development Index : 0.472

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING

By FLSC

Bharat Rai, 50, of Bhaisipankha VDC-7 was stabbed to death by the Federal Limbuwan State Council cadres at nearby Jaljale Forest on January 22. He was on his way home to Bhaisipankha from Uralabari in Morang district. The Limbuwan cadres took control of Rai and then stabbed him to death. The body was discovered by locals at Jaljale forest of Bhaisipakha VDC on January 23. The post-mortem was carried out at the Bhojpur DH .One suspect Lohang Limbu of Lingtep VDC of Taplejung was arrested by police from Bharapa VDC of Panchthar and was charged with murder at the District Court in Bhojpur on March 30. The suspect

Type of Events	By Non-State								
	By Others					By UCPN-M			
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	N/A	Total
Killing	6	1	5		6				
Beatings	3	3	1		4				
Threats	4	3		2	5	2	2		2
Women Rights	3		3		3				
Child Rights	7	2	5		7	1		50	50
Total	**23**	**9**	**14**	**2**	**25**	**3**	**2**	**50**	**52**

was released by the court on a bail of Rs 27,000 on April 27. The Appellate Court, however, withdrew bail and remanded him in the Bhojpur Jail pending trial. The others suspects remained at large.

By Unidentified Group

Gyanu Pradhan, 22, of Bokhim VDC-5, was axed to death by an unidentified group at dusk on August 3. Her dead body was discovered at her own home by neighbors on August 4. The victim's family claimed that Gyanu was killed by army personnel from Kalidhoj Battalion of the Nepal Army at Bhojpur. DSP Narabahadu KC of the Nepal Police also claimed that army personnel were involved in killing of Gyanu. The police submitted an investigative report alleging that three army personnel were involved in the incident. However, the police did not arrest any of the alleged army personnel.

JAIL AND DETAINEES

The 'B' grade District Jail has the capacity for 25 inmates. However, 58 inmates are currently residing in the jail, including one minor. There are 35 male convicts and four female convicts. There are 18 male detainees and one female detainee. This overcrowding has resulted in a poor standard of living for the inmates. Sanitation facilities are poor and there is an acute lack of lavatories for the inmates. Conditions in the jail are deteriorating. However, Jailer Chatra Shrestha stated that renovations in the jail have been ongoing for the last two years.

THREATS/BEATINGS

By UCPN-M

Hari Bahadur Karki, an NC cadre of Kudakaule VDC-5 received death threats from UCPN-M cadres on February 6. UCPN-M threatened him for hosting former Minister Gyanendra Bahadur Karki in his home overnight and threatened him with physical reprisals and displacement. UCPN-M district member Pushpa Chaulagai, along with long-time, local UCPN-M cadre Suresh, threatened Karki in his own home. On February 9, the UCPN-M district in-charge Nikash Rai recognized the mistakes of his party's cadres. Information on any punitive action that may have been taken against the cadres has not been disclosed.

By KJWP

All VDC secretaries from the 63 VDCs of Bhojpur were ordered to provide donations ranging from Rs 100,000 to Rs 300,000 by KJWP cadres on January 9. The letter was issued asking for a donation or face physical harm. The letter was signed by the KJWP central treasurer .

RIGHT TO PROMPT AND FAIR TRIAL

Up until July 16, 105 cases were decided, whereas 46 were still pending in

the District Court. Up until July 16, 21 criminal cases were decided, all together pending criminal cases, where an individual is the plaintiff, totals six. At the end of the year 12 criminal cases, where an individual is the plaintiff, remained undecided. In this period 36 such cases were decided. At the end of the year 2010, altogether, 32 criminal cases were registered, of which only six were decided. Up until July 16, there were 25 civil cases. All together 44 such cases received a verdict. At the end of the year the civil cases registered were 36 civil cases of which 15 were decided.

There were no cases registered under the Domestic Violence Act.

Office of the District Government Attorney registered 36 cases till July 16 at the District Court. Of which, 12 were successful, four were partially successful and five were unsuccessful. From July 17 to December 31, 8 cases were filed in the District Court of which, one case was partially successful while others remained pending. There were 31 cases filed till July 16 of which 24 were successful. From July 17 to December 31, six cases were filed at the DAO. In three cases, there was complete success while in one only partial success.

CHILD RIGHTS

The District Education Office figure shows that there were 283 primary, 57 lower secondary, 61 secondary and three private secondary schools. Likewise, there are 20 higher secondary schools, 232 ECCDCs. There are two colleges and two open schools in the district. The government has handed over 31 levels of 23 schools to the community.

There are 4,139 students in ECCD centers, 41,769 students in primary level, 15,351 students in lower-secondary level, 7,308 in secondary level and 2,776 students in higher secondary schools.

At least 50 children were used by the UCPN-M in a procession organized by the UCPN-M at Bhojpur VDC on May 1. The UCPN-M forced the children to join the procession and to carry their party flags. The children participated in the political procession and were compelled to listen to political speeches.

A written complaint was filed at the DPO by the victim's family on May 23. They accused Indra Parajuli, 21, of Tungecha VDC-3, of raping their 10-year-old child on May 13. The victim's family accused Parajuli of luring the girl with Rs 15 at the local Jharerni stream. The suspect was yet to be apprehended at the end of the year. She was treated at a local primary health centre and was in her own home at Tengecha VDC.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

One woman, 33, of Timata VDC-9, was allegedly raped by Rajkuamr Rai, 26, on November 8 at Chiurbata forest. The police arrested the Rai on December 3. The victim was treated at the district hospital. The perpetrator was sent in the District Jail for investigation as per a court order.

Domestic Violence

Manikala Rai, of Tiwaribhanjyang VDC–5 was beaten to death by her spouse Chandra Hang Rai in their home on January 27. Manikala's death occurred following a domestic dispute. She died on the spot. Her husband ran away after the incident and also took away all the jewelry belonging to his deceased wife. Her dead body was discovered by neighbors at their home on January 28. A post-mortem was carried out at the district hospital. The police had not arrested the perpetrator at the end of the year.

HEALTH SERVICE SITUATION

There is a quota of 358 health workers but only 292 were working at the end of the year. There are 151 ANMs, 190 rural health clinics and vaccination centers 191.

1.10 Sankhuwasabha

Population : 176,459
Literacy(%) : 62
Women Literacy(%) : 35
Area(Sq. Km.) : 3,480
Number of VDC(s)/Municipality(ies) : 33/1
Number of School(s) : 360/10
Campus(es)/Higher Secondary School(s) : 3/17
Hospital(s)/Health Post(s) : 2/25
Human Development Index : 0.481
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Unidentified Group

Ganga Ram Rai, 50, of Mamling VDC-5 was killed by an unidentified group on July 22. The police discovered the victim's body hanging from a tree near his home. The victim was slashed with a sharp weapon and then killed. The victim went missing from his home on July 21. Police had not identified a perpetrator at the end of the year.

JAIL AND DETAINEES

The 'C' grade District Jail has the capacity for 25 inmates. However, there are 54 inmates living in the Jail including 24 male inmates, seven female inmates and two minors. There are 39 convicts and 13 detainees in the Jail. Water facilities in the jail are poor. Inmates have to fetch the water from faraway places. The physical condition of jail is deteriorating. The jail is overcrowded.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Dhana Narayan Tamang, 40, a UML cadre of Madirambeni VDC-2 was abducted by a group of 12 UCPN-M, led by district member Rewati Dahal on January 7. The victim was abducted from his home for opposing the capture of a locals' harvest of paddy by the UCPN-M. The victim was freed with help from the police and the locals after four hours. The victim said that he was beaten and assaulted by the abductors. He did not file a complaint with police for fear of another attack. In connection with the abduction, the UCPN-M district Member Rewati Dahal was abducted by UML cadres for three hours.

THREATS/BEATINGS

By UCPN-M

Ishwar Chandra Rai, 55, of Tamku VDC-5, principal of the Sagarmatha higher secondary school was beaten up and physically assaulted by UCPN-M cadre on June 25. The victim was beaten during a mass meeting organized in the school premises by UCPN-M cadre and chief of the School Management Committee Binod Rai and Kailash Rai. The victim filed a complaint at the Tamku Police Post

Type of Events	By Non-State									By State		
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	8	7	1		8							
Injured	5	5			5							
Arrest & Torture										1	1	1
Beatings	2	3			3	5	10	2	12			
Threats	2	1		33	34	4	10		10			
Women Rights	6		6		6							
Child Rights	1		1		1							
Economic, Social and Cultural Rights						3	3		3			
Abduction	1	1			1	1	1		1			
Total	**25**	**17**	**8**	**33**	**58**	**13**	**24**	**2**	**26**	**1**	**1**	**1**

demanding security and that action be taken against the perpetrators.

By YCL

Rajan Mahanta, 40, a priest of Siddhakali Temple of Siddhakali VDC-2, and Ganesh Bhandari, 38, of Siddhakali VDC-1, a primary school teacher was beaten up and injured by the YCL district member Jivan Bhandari of Siddhakali VDC-2 on March 1. The victims were beaten up at Mahanta's house. The victims received medical treatment at the Chainpur primary health center. The perpetrator was arrested and made to pay Rs 1,500 in compensation to the victim by the police.

By Youth Force

Divya Raj Adhikari, 38, of Akhibhu VDC-1, a teacher at the Rameshwar Higher secondary school and a member of the Nepal Teachers Association, Sankhuwasabha was severely beaten up by a group of about 50 Youth Force cadres on February 18. The Youth Force accused him of being drunk and disturbing the ANNFSU regional conference. The victim was beaten with rods and batons. The victim was treated at BPKIHS in Dharan. Police arrested Dorchi Sherpa of Siddhakali VDC-5, along with another four cadres of the Youth Force and seized a pistol possessed by them. Police also arrested Tirta Gurung, 17, Amrit Rai, 18, and Manoj Rai, 26, in connection with the incident. Police seized khukuri and other homemade arms from them.

RIGHT TO PROMPT AND FAIR TRIAL

At the District Court of Sankhuwasabha up until July 16 there were 58 criminal cases, where an individual is the plaintiff, of which 35 were decided and 23 remained undecided. Similarly, there were 41 criminal cases brought forward, of which 29 were decided and 12 remained undecided. Similarly, there were 121 civil cases brought forward this year, of which 52 were decided and 69 remained undecided.

Additionally, 13 criminal cases were registered this year of which four were decided and nine remained undecided. Similarly, 86 criminal cases, where an individual is the plaintiff, were registered this year, of which 46 were decided and 40 remained undecided. Additionally, this year 136 civil cases were registered this year, of which 38 were decided and 98 remained undecided.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Arrest and Torture

Rana Bahadur Darji, 25, of Dhupu VDC–7 was arrested and tortured at the

Dhupu Police Post on September 28. The victim was taken from his home by the police. The victim sustained injuries. The DSP Shekhar Koirala said that Rajendra Shrestha, the police official accused of torture was subjected to departmental action. The victim was tortured following a minor dispute with neighbors. The victim received medical treatment at local health post.

CHILD RIGHTS

The District Education Office informed that there are 390 government and 25 private schools in the district. Among the government schools, 286 are primary, 64 are lower secondary and 43 are secondary. Among the private schools, 18 are primary; three are lower secondary and four secondary schools. The number of students in government primary school is 34,713, in lower secondary 12,645 and in secondary schools, there are 5,427 students. Likewise, in private primary schools, there are 2108 students, in lower secondary schools 436 students and in secondary level, there are 204 students. In four VDCs Hatiya, Kimathanka, Pawakhola and Barhabise do not have any secondary school. In Kimathanka VDC, there is not even a lower secondary school.

Sudip Tamang, 5, of Khandbari Municipality-4 was abducted by an unidentified individual while on the way to school on August 16. The victim is student of grade 1 at Mangaldev Primary school. Police said that Binod Kafle from Kavre abducted the child. The child was rescued on August 18 from Tumlingtar Airport when the perpetrator was attempting to take him to Kathmandu. The perpetrator was still at large.

Police arrested Sudip Gurung, 17, of Khandbari Municipality-3 and Suman Gurung, 18, of Sitalpaati VDC-9 on August 17. They were accused of raping a 17-year-old girl of Khandbari Municipality–10 on August 17. The victim was treated at the Khandbari Hospital. The perpetrator was charged with rape.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 25-year-old woman of Madimulkharka VDC-5 filed a complaint on April 8 accusing Khadga Bahadur Gurung of raping her at her home on April 7. The victim said that the accused who is also the principal at the Biswapremi primary school raped her at night time when there was no one at her home. The accused was arrested on April 8. The accused was released on May 12 after he deposited Rs 30,000 as compensation as per a District Court order.

Domestic Violence

Police informed that Lakpa Sherpa, 19, of Makalu VDC-3 was killed by her spouse Phurba Sherpa, 30, on December 24. The victim was beaten with firewood. The perpetrator was arrested by the police on December 25 and charged with murder.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By UCPN-M

UCPN-M captured 23 ropanis of land located in Khandbari Municipality-13, owned by Madan Aryal, ex-defence secretary by planting the party flag on the land on August 3. The UCPN-M released a press statement saying that the capture of land was in favour of poor peasants. The UCPN-M had not returned the land at the end of the year. The UCPN-M district member Divya Raj Baral stated that the land will not be returned as it is feudally owned.

HEALTH SERVICE SITUATION

There are three doctors as per the quota in the district. Out of five positions for the staff nurses, only two were occupied, in two primary health centers, two doctors are required but there is only one at work. There are six in-charges at work in 11 health posts and 20 in-charges at work in 25 sub-health posts.

1.11 Saptari

Population	: 684,061
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
Hospital(s)/Health Post(s)	: 1/121
Human Development Index	: 0.453
Average Household Size	: 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By ATMM

Hari Narayan Dev, 52, of Boriya VDC-3, also a retired engineer was shot dead by the ATMM cadres near his house on December 28. The victim was shot dead by a group of masked men when he was on his way back home from Rajbiraj in a bicycle. He died on the spot. The responsibility for incident was claimed by Aditya, the central member of ATMM accusing Dev of being involved in corruption. The post-mortem of the dead body was conducted at the Sagarmatha Zonal Hospital and then handed over to his family. The perpetrator remained at large till the end of the year.

By JTMMP

Shailesh Kumar Mandal, 28, of Launiya VDC-1 was injured when shot by the Janatantrik Tarai Madhesh Mukti Party (JTMMP) cadres in his own home on April 13 alleging him of spying against the party. The victim died while undergoing medical treatment at the BPKIHS in Dharan on April 15. JTMMP Saptari in-charge Manish claimed the responsibility fot the incident over a phone to journalist.

By Unidentified Group

Mohhammad Islam Miya, 38, of Lohajara VDC-8 was abducted and shot dead at Khahare stream of Trikaul VDC-3 by an unidentified group on March 8. Police said that the dead body was discovered with one bullet injury to his chest and a rope tied around his neck. The motive and the actors behind the killing were not known.

INJURED IN SHOOTING/EXPLOSION

By ATMM

Karan Sah, 8, and Parvati Sah, 6, of Bhardaha VDC-6 were injured when a bomb planted by the ATMM cadres near their home went off on February 8. The bomb exploded when the children were playing with it. The victim received shrapnel injuries to their face and legs. They were treated at the Bhardaha Health Post. The ATMM central commander claimed the responsibility for explosion over the phone

Type of Events	By Non-State				By State			
	By Others							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	14	9	5	14				
Injured	5	4	4	8				
Arrest & Torture					1	1		1
Beatings	13	11	6	17	2	3		3
Threats	4	4		4				
Right to Assembly	1	5		5	2	2	4	6
Racial Discrimination	1		1	1				
Women Rights	17		17	17				
Child Rights	3		3	3				
Abduction	17	18	3	21				
Total	**75**	**51**	**39**	**90**	**5**	**6**	**4**	**10**

to journalists. The victim's father claimed that the bomb was planted as he refused to provide the donation demanded by the ATMM cadres.

By MMT

Indrajit Mahato, 12, Rekha Mahato, 5, and Sakhadi Devi Mahato, 40, of Goithi VDC-9 were injured when a socket bomb planted by Madhes Mukti Tigers (MMT) in Goithi VDC office exploded on July 5. The bomb exploded when Indrajit and Rekha played with it. The victims received shrapnel injuries to their back. The victims were treated at the Sagarmatha Zonal Hospital in Rajbiraj.

By Unidentified Group

Ram Udgar Yadav, 42, of Chhinamasta VDC-7 was shot injured by an unidentified group when he resisted the abduction of his neighbor Jaya Prakash Sah on February 12. The bullet hit him on his right arm. He was treated at the local health centre. Police informed that perpetrators could not be identified till the end of the year.

JAIL AND DETAINEES

The 'C' grade District Jail of Saptari has the capacity for 125 inmates. However, there were 149 inmates in the jail including 75 male detainees, two female detainees, 70 male convicts and two female convicts. The physical infrastructure of the jail was deteriorating. Inmates protested on March 7 demanding on an improved condition and facilities of the jail.

DISAPPEARANCE/ABDUCTION

By ATMM

Satya Narayan Jha, 46, of Mauwahabelhi VDC-1, also a principal at Bathnaha Higher Secondary was abducted by the ATMM cadres from Khado Khola on Hanumanagar-Rajbiraj section of the highway on January 12. The group's central member Abinash claimed the responsibility for abduction over the phone to journalists accusing the principal of embezzling school fund. The victim was freed from Prasabani VDC on January 15 after paying a ransom to the ATTM. He did not disclose the amount of the ransom.

By Unidentified Group

Ram Brichya Sah, 45, of Belhi Chapena VDC-4 was abducted by an unidentified group from Sambhunath VDC-1 on February 17. Sah's son Santosh Kumar Sah informed that his father's status was not known till the end of year. The motive and actors behind the abduction could not be known yet.

THREATS/BEATINGS

By State

Suresh Madal of Maletha VDC-5 working at a gas station was beaten up by police inspector Arbinda Dwivedi on September 24 when the victim told them that he did not have any gasoline. Mandal informed that he was suddenly attacked by police when he told them of fuel shortage. No action was taken against the perpetrators.

By ANNISU-R

Kameshor Yadav, 35, of Rajbiraj Municipality–3, a storekeeper at Sagarmatha Zonal Hospital was beaten up by the ANNISU-R district member Madhusudan Yadav on February 18. Yadav was beaten as he could not supply perpetrator with rabies vaccine. He was beaten in the hospital premises. He received injuries to his head and back. He was treated at the Sagarmatha Hospital. The perpetrator was arrested on February 19 and was released on bail.

ARBITRARY ARREST

Maha Narayan Sharma, 38, of Trikaul VDC-6 was arrested by the police on July 4 on charge of his alleged link with the armed groups. The victim was sleeping at his home when he was arrested by police from the Area Police Office. Police claimed that the victim was arrested with weapons. Sharma said that he was compelled to carry arms given by police to forcefully confess his crime. The victim was released after investigation proved that he was innocent.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

(Political Freedom Including Free and Impartial Election)

Suryadev Thakur, 50, of Mushaharniya in Kalyanpur VDC-1 and Indradev Chaudhary were injured in the baton charge by police during an agitation called by landless squatters on August 31 at Landless Squatters Office of Rajbiraj. The victims received injuries to their heads for which they were treated at the Sagarmatha Zonal Hospital. The squatters were demanding fair and prompt filing of their applications.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

There were altogether 1,571 criminal cases in the court including that from last year. Among all cases, 655 criminal cases were decided and 916 criminal cases remained undecided. Similarly, there were altogether 4,079 civil cases including that brought forward from the last year and registered this year. Among all these cases 1,756 were decided and 2,323 remained undecided. Office of the District Government Attorney registered 24 cases at the District Court of which only one was decided.

Appellate Court

The Appellate Court in Rajbiraj had 127 criminal cases, where an individual is the plaintiff, brought forward from the last year, of which, 19 criminal cases were decided and 108 cases were pending. Similarly, 83 criminal cases, where an individual is the plaintiff, were registered this year. Among these 83 cases, six criminal cases, where an individual is the plaintiff, have been decided and 77 cases were pending.

There were 131 criminal cases brought forward from the last year, of which, 40 were decided and 91 remained undecided. Similarly, 126 criminal cases were registered this year. Among these 126 cases, 13 criminal cases were decided and 113 cases remained undecided.

Similarly, there were 534 civil cases brought forward from last year of which

102 were decided and 432 were pending. This year 227 were registered, of which 12 civil cases were decided and 215 remained undecided.

CHILD RIGHTS

There are 58 secondary schools, 41 lower secondary and 227 primary schools and 326 community schools in the district. From grade one to grade eight, there are 55,776 girls and 56,820 boys enrolled. Altogether, there are 112,596 students enrolled from grade 1 to grade 8. Similarly, there are 22,279 studying at grade 9 and grade 10. There are 2,065 higher secondary schools students enrolled in the district. There are 2,184 teachers for basic level. Similarly, there are 325 teachers at the secondary level.

Sushant Singh, 16, of Rajbiraj Municipality-5 was abducted from Rajbiraj by an unidentified group on July 2. The victim was on the way to meet his friend. The cause and actors of the abduction were not known. The victim escaped the abductor on July 22 and freed himself from Rupani Forest.

A complaint was filed by the victim's family on May 7 accusing Pradip Kumar Sah, 18, and Gurudev Sah of Dhangadi VDC-2 of raping 13-years-old girl on May 6. The victim informed that she was raped after being threatened by the accused. Police informed that the victim was treated at the Sagarmatha Zonal Hospital. The accused were at large till the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

One 26-year-old woman of Khoksar VDC-5 filed a complaint on June 7 against Ramandada Sah, 24, of the same place accusing him of raping her on June 5. She was raped when she had gone to graze her cattle. Police informed that her health check up was conducted at the Sagarmatha Zonal Hospital. The perpetrator was at large till the end of the year.

Domestic Violence

Gita Devi Sah, 23, of Kochabakhari VDC-6 was injured when her father-in-law Ram Chandra Sah, 40 and his son Ashok beat her with batons on the allegation of expressing views over a land dispute on June 1.

Gita, who sustained injuries to her head, was treated in the Sagarmatha Zonal Hospital. The victim filed a complaint to the police on the same day of the incident, however, no action was taken against the accused at the end of the year.

Inhumane Behavior

Siya Devi Mandal, 45, of Bavangamakatti VDC-5 was beaten up by Sakal Devi Mandal, Tej Narayan Mandal accusing him of practicing witchcraft upon their cattle on November 24. The victim was treated at Sagarmatha Zonal Hospital. The victim informed that though police vowed to take action against perpetrators no action was taken till the end of the year.

HEALTH SERVICE SITUATION

In Saptari District, there is one zonal hospital, four primary health Centers, nine health posts, three sub-health posts, 425 neighbourhood clinics and 425 immunization centres. The zonal hospital has the capacity of 50 beds. There are 11 doctors working at the zonal hospital. The 13 senior AHAs, 129 HAs and 1,078 woman health workers were serving in the district at the end of the year.

1.12 Siraha

Population : 694,400
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
Hospital(s)/Health Post(s) : 2/112
Human Development Index : 0.427
Average Household Size : 7

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By MRJP-R

Nathuni Pasman, 45, of Durgapur VDC-6 was shot dead by Rambilas Yadav, of Ayodhaynagar VDC-4, a cadre of the Madhesh Rastra Jantantrik Party-R (MRJP-R) on May 11. The victim sustained a bullet wound to his chest. Bechan Pasman of the same place was also injured while rescuing Nathuni. Bechan received medical treatment at the BPKIHS. The perpetrator, Rambilas Yadav, 35, was beaten to death by agitated villagers. The dead bodies underwent post-mortems at the Lahan Hospital on May 12.

By Unidentified Group

Bijayamali Bhandari, 12, of Majauliya VDC-7 and Dilip Sah, 22, of Mirchaiya VDC–2 were shot dead by an unidentified group on March 7. The victims were shot while attending a wedding party in the home of Ramprit Thakur. Dilip died at the scene and Bijayamali died while undergoing medical treatment at the Neuro Hospital in Biratnagar. The police arrested five suspects. All of them were released due to insufficient evidence.

INJURED IN SHOOTING/EXPLOSION

By ATMM-P

Police personnel from the Madar police post at Madar VDC-6; Umesh Khadka, 23, of Okhaldhunga district and Rajiv Bhattarai, 28, of Bhojpur district, were severely injured in an explosion on January 14. They were searching for arms and ammunition at the nearby Ganesh Brick Kiln. The two injured parties received treatment in the Siraha district hospital and the Sagarmatha Eye Hospital. Police discovered 2 pistols and 4 rounds of bullets from the site of explosion. Akhil Tarai Mukti Morcha-Pratik (ATMM-P) central member Biplab claimed responsibility for the explosion.

By Unidentified Group

Bhogendra Sah, 40, of Balhi VDC-4, also a Youth Force cadre was shot at by an unidentified group on January 3. He sustained a bullet wound to his thigh. The victim received medical treatment at the Lahan Nursing Home. The victim stated that he was shot by a group of five unidentified individuals.

JAIL AND DETAINEES

The 'D' grade District Jail of Siraha has the capacity for 150 inmates. However, at the end of the year, there were 154 inmates residing in the jail, this consisted of

Type of Events	By Non-State								By State				
	By Others					By UCPN-M							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	N/A	Total
Killing	12	10	4		14								
Injured	5	7			7								
Arrest & Torture									3	8			8
Beatings	5	4	5		9	1	3	3	2	1	1		2
Threats	4	4	4		8								
Right to Assembly									1			1	1
Racial Discrimination	2		2		2								
Women Rights	7		7		7								
Child Rights	2		2		2								
Economic, Social and Cultural Rights	1			80	80								
Inhuman Behavior	2	2			2								
Abduction	17	16	1		17								
Total	**57**	**43**	**25**	**80**	**148**	**1**	**3**	**3**	**6**	**9**	**1**	**1**	**11**

32 male convicts and 122 detainees. There are five female inmates and 28 non-national inmates in the jail.

DISAPPEARANCE/ABDUCTION

By JTMM (Rajiv Group)

Baliram Thakur, 35, of Siraha Municipality–6 was abducted by JTMM (R) cadres on October 4. The victim was released on the same day with the help of locals and the police from Sarsan. The police arrested seven suspect cadres of the outfit including Ram Sovit Yadav and Jamaludin Khan Sailesh. Ram Sovit was the main suspect and legal action was taken against him by police. The other suspects were released on the day of their arrest.

By Unidentified Group

Balkrishna Yadav, 70, of Sothiyaeen VDC-1, also a central member of the NC was abducted by an unidentified group from his home on the night of May 12. A group of 10 unidentified individuals abducted Yadav. The cause of the abduction was not known. The victim was released on Indian territory on May 18.

THREATS/BEATINGS

By State

Santosh Subedi, 32, of Lahan Muncipality-1, also a central council member of FNJ was severely beaten up by police personnel Santosh Yadav and three other policemen at his home on February 14. The victim was beaten up when the police raided his home. He was beaten with gun butts, batons and boots. The victim received medical treatment in the Lahan Hospital. Police accused refused to file a complaint against the police personnel.

By UCPN-M

Ghuran Rain, 48, Usman Rain, 25, and Mohammad Ali Hussain of Bhawanipur (Pra Dha) VDC-4 was beaten up by the UCPN-M cadres on May 7. The trio was chased on a motorbike by the UCPN-M cadres and then beaten up in Siraha Municipality-9. They also vandalized the victim's motorcycle with the number plate Sa 1 Kha 1848.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

(Political Freedom Including Free and Impartial Election)

At least six UCPN-M cadres were injured during a baton charge by the police on January 19. At the time of the charge, the cadres were waving black flags at Deputy Prime Minister Bijaya Gachchhadar at Lahan Municipality-1. Two UCPN-M cadres were arrested by the police. Both of them were released from the Lahan ward police post that day.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court Siraha had 207 criminal cases, where an individual is the plaintiff by July 16. Of which, 62 were decided and 135 remained undecided. Similarly, at the end of the year 98 criminal cases, where an individual is the plaintiff, were registered of which 69 were decided and 29 remained undecided. Altogether, there were 266 criminal cases, where an individual is the plaintiff, of which, 101 were decided and 165 cases remained undecided.

Additionally, 64 criminal cases were brought forward from last year of which 30 were decided and 34 remained undecided. Similarly, this year 59 criminal cases were registered, of which 39 were decided and 20 remained undecided. Altogether, 132 criminal cases were considered by the District Court, of which 69 were decided and 54 remained undecided.

There was 1,149 civil cases brought forward from last year of which 341 were decided and 808 remained undecided. This year 595 civil cases were registered, of which 114 were decided and 481 remained undecided.

In total, there were 2,133 considered by the court this year, of which 625 cases were decided and 1,508 remained undecided.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Arrest and Torture

Bijay Kumar Singh, Mahendra Bhagat Mahato, Gangaram Yadav of Dhangadi VDC-2 and Ramsufal Mahato of Dhangadi VDC-5 were tortured while in custody at the Lahan ward police office on February 25. The victims were beaten up with gun butts and pipes. Police Inspector Bipin Regmi stated that they were arrested as suspects in an abduction case. However, the victims said that they were innocent and were beaten up by intoxicated policemen. The victims were released on March 1.

CHILD RIGHTS

There are 450 primary schools, 43 lower secondary, 66 secondary schools, and 30 higher secondary schools in the district. There are 571 ECCDCs, 55 Madrasas, four Buddhist monasteries and two Hindu schools. There are 1,313 teachers at the primary level, 223 teachers at the lower secondary level, and 197 teachers at the secondary level. There are 105,133 students attending primary schools in the district. There are 17,205 Dalit students in the primary level schools.

Mohadmad Rajak and Mohadmad Mustak of Bhadaiya VDC were arrested and legal action was initiated against them by police on November 7. They were charged with the rape of a 13-year-old girl from Dhodana VDC-2 on November 6.

Ibrahim Miya, a 3-years-old, of Sakhuwa Nankarkatti VDC-9 was abducted from his home by an unidentified group on October 20. The victim was freed with efforts by the Area Police Office, Maheshpur and the Indian Police from the nearby Indian territory on October 25. The main suspect of the abduction of Ramlochan Yadav was arrested in the possession of a pistol and three rounds of bullets by the police on December 22.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Galiya Devi Sada, 35, of Lalpur VDC-1 was gang-raped and then murdered by a group of unidentified individuals on January 16. The victim's dead body was discovered by locals on January 17 at Golbazar VDC-8. The body underwent a post-mortem at the Lahan Hospital on January 18. The police had still not identified the perpetrators at the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Jogiya Devi Ram, 65, of Naharigol VDC- 1 was beaten up by Kakulti Yadav and her son Brahamadev Yadav on May 2. The victim was beaten up for speaking out against racial discrimination during a festival. The victim was treated at the Lahan Hospital. Action was not taken against the perpetrators.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

At least 80 Mushahar and Dalit faimilies of Asanpur VDC-1 and Chandralalpur VDC-6 were barred from walking in the street by landlords Hira Yadav, Ram Sundar Yadav, Kasiram Yadva, Phuleshwor Yadav and Ramsebak Mahato on June 23. The Dalit labourers, employed by the landlords demanded an increase in their wages. The victims filed a complaint at the Golbazaar police post. The Inspector from the Mirchaiya Area Police Office Sanuram Bhattarai requested that the issue be resolved at a local level. Arjun Thapaliya of Sagarmatha TV, Rambabu Yadav of Annapurna Post and Ganesha Shaha received threats for covering the news of the discrimination.

By UCPN-M

Shyam Kumar Yadav was beaten up by the UCPN-M for defying their strike and riding his bike on May 5. The victim's motorcycle with the number plate Sa 2 Pa was set ablaze by UCPN-M cadres at Ramangar Mirchaiya VDC along the Mahendra Highway.

HEALTH SERVICE SITUATION

There are two hospitals, four primary health centres, 11 health posts and 93 sub health posts in the district. At the end of the year, there were seven doctors, eight staff nurses, 18 HAs and 26 lab assistants at work in the district. There are also 343 neighbourhood clinics in the district.

1.13 Udaypur

Population	: 363,406
Literacy(%)	: 67
Women Literacy(%)	: 50
Area(Sq. Km.)	: 2,063
Number of VDC(s)/Municipality(ies)	: 44/1
Number of School(s)	: 384/34
Campus(es)/Higher Secondary School(s)	: 3/32
Hospital(s)/Health Post(s)	: 1/45
Human Development Index	: 0.488
Average Household Size	: 7

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING
By Others

Karna Bahadur Thapa, 49, of Rampur VDC- 2, and a district member of the Matrika led CPN-M, died on the way to hospital after a masked and unidentified group attacked him on April 2 at his home in Rampur VDC-3. The victim was severely beaten up and his hand and leg were broken. He was beaten for one hour by the unidentified group. A post-mortem was carried out at the District Hospital on April 3. No one claimed responsibility for the incident. However, as per the complaint filed by victim's side, police arrested the suspects, Sashi Sedai, Prem Bahadur Karki, Dipak Karki, Sabin Thapa, Dalabahadur Thapa, Mohan Ghimire and Sitaram Thapa of Rampur VDC-2 on April 3. The alleged perpetrators were remanded in jail for further investigation.

JAIL AND DETAINEES

The District Jail has the capacity for 50 inmates. However, there were 93 inmates in the jail. At the end of the year, there were 25 male convicts and one female convict. There were also 60 male detainees and seven female detainees in the jail. There were altogether 26 convicts and 67 detainees in the jail. The physical condition of the jail is deteriorating. Water leaks from the roof during the rainy season. There are seven lavatories in the jail. There are some income generation activities for the inmates in the jail. The inmates have access to the facilities as television and newspaper.

DISAPPEARANCE/ABDUCTION
By KJWP

Bam Bahadur Rai, 53, of Chaudandi VDC-7 and also the UML VDC chief, was abducted by KJWP cadres on March 19 from his own home. It was alleged that the victim had not provided the demanded donation to the KJWP. The victim was freed the next day from Bubajarghat of the same VDC. Armed cadres of the KJWP, including one who claimed to be their spokesperson, abducted the victim. The locals helped in freeing the victim from the abductors by cordoning off the place.

THREATS/BEATINGS
By UCPN-M

Devendra Biswakarma, 20, of Beltar VDC-9, and a laborer, was beaten up by the UCPN-M cadre, Ram Kumar Tamang, on January 26. The victim was beaten up as he demanded the previously agreed upon wages for collecting stone at the Lama River. The victim received medical treatment at a local clinic.

By YCL

Anil Gupta, 30, a pharmacy owner of Beltar VDC-9 was severely beaten up on May 13 by a group of six YCL cadres, including Om Thapa of the same VDC. The victim received severe injuries to his head. He was treated for five days at the Kosi Zonal Hospital in Biratnagar. The victim filed a complaint at the Area Police Office in Beltar. No action was taken against the perpetrator.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION
(Political Freedom Including Free and Impartial Election)

Narendra Kumar Rai, 41, of Beltar VDC-1 and the APF DSP Bhes Bahadur Sah, were injured on February 14 when the UCPN-M cadres pelted stones at them while they were protesting against the Health and Population Minister, Umakant Chaudhary. Arjun Katuwal, of Triyuga Municipality, and a NC cadre, was also injured when police charged at the crowd with their batons. All the injured

Type of Events	By Non-State									By State			
	By Others					By UCPN-M							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	N/A	Total	No. of Events	Male	N/A	Total
Killing	8	6	2		8								
Injured	1	4	1		5					1	4		4
Beatings	1	1			1	2	3		3	4	11		11
Threats	6	15		1	16	2	6	1	7				
Right to Assembly										2	2	9	11
Women Rights	7		9		9								
Child Rights	4		4		4								
Economic, Social and Cultural Rights						1	1	5	6				
Abduction	2	4			4								
Total	**29**	**30**	**16**	**1**	**47**	**5**	**10**	**6**	**16**	**7**	**17**	**9**	**26**

were treated at the Primary Health Clinic in Beltar. The clash erupted when the UCPN-M cadres were waving a black flag at the Minister. The police arrested 12 UCPN-M cadres from the place of the incident. All of them were released on the evening of the same day.

RIGHT TO PROMPT AND FAIR TRIAL

At the district court, 155 criminal cases, where an individual is the plaintiff, were brought forward from the previous year, of which seven were decided on and 148 were pending. Additionally, 232 civil cases were brought forward from the previous year, of which 19 were decided on and 213 remained pending. During the year, 221 civil cases were registered, of which 55 were decided and 166 remained undecided. 108 criminal cases, where an individual is the plaintiff, were registered during the year, of which 35 were decided and 73 were undecided. During the year, 81 criminal cases were registered, of which 16 were decided and 65 remained undecided. At the end of the year, there were 684 cases in the district court waiting for a decision to be reached. There are no cases in the court that have been pending for longer than five years.

The District Government Attorney office filed 107 cases this year, of which 33 were decided and 32 of these were successful.

CHILD RIGHTS

There are 28 community and three private higher secondary schools, 74 community and 19 private secondary schools, 110 community and five institutional lower secondary schools, and 246 community and 49 private primary schools in the district. There are five colleges. According to the District Education Office, 10 percent students drop out in the primary level, 5 percent in the lower secondary and 3 percent in the secondary level.

A 17-year-old girl of Jogidaha VDC-1 filed a complaint on September 26 accusing Satya Narayan Chuadhary, 30, of the same place, of raping her on September 9 at a nearby forest. Police arrested the accused on October 6. The accused was remanded in custody for further investigation. Police checked the health of the victim at the District Hospital in Udaypur.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Til Maya Ale Magar, 33, of Rauta VDC-9, Ache BK, 21, and Sita Pariyar,

25, filed a complaint against Laxmi Basnet, 30, and Navaraj Basnet of Triyuga Municipality–12, on February 8 accusing them of trafficking. The victims were lured with the promise of foreign employment and were taken to Kathmandu. Police arrested Laxmi on March 12. She was presented to the court on March 14. Laxmi was sent to jail for further investigation. Navaraj was at large at the end of the year.

Rape, Attempted Rape, Sexual Abuse

A 40-year-old woman of Rampur Thoksila VDC-1 filed a complaint at the Area Police Office in Rampur on October 26, accusing Dipak Rai, 19, of the same place, of raping her on October 25 when she was sleeping in her home. Police arrested the accused on the same day and presented him to the court on November 21. The court ordered that the accused be sent to jail for further investigation**.**

Domestic Violence

The family of Indira Pandey, 21, of Birendranagar Municipality-1, Surkhet and currently staying at Triyuga Municipality–2 filed a compliant at the DPO on November 16 accusing her spouse, Padam Prasad Pandey, a soldier at Nanda Box Battalion of killing her on November 15. He was arrested on the same day by the police. The accused was sent to jail as per a court order on December 10 for further investigation. The post-mortem was performed at the District Hospital and the victim's body was handed over to her family.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

The cadres of KJWP torched two buses, operated by Himali Transporters Association, in Triyuga Municipality-11 and Rampur VDC-7 after forcing the passengers out on March 5. The buses were torched for defying the bandh called for by the group. Police arrested Dev Kumar Tamang, Diwase Rai and Prabin Tamang and Shiva Rai of Nunthala VDC in Khotang on the same day while Shivaraj Rai of the same VDC was arrested from Triyuga Municipality-2 the next day. They were remanded in custody.

HEALTH SERVICE SITUATION

There are two hospitals, one primary health center, nine area health offices, 35 sub-health posts and 210 vaccination centers. Seven doctors including those in contract are there while one position of the doctor remains vacant. With one sister, the quota for the nurses is 11. One out of 13 positions of senior AHW is vacant. All 48 positions for the AHW are full. Twelve positions out of 44 village health workers are not occupied but all 45 positions of the maternal and child health workers are taken.

The District Hospital boasts of modern, well-equipped maternity ward but lack of work forces has rendered it non-operational.

1.14 Khotang

Population : 246,157

Literacy(%) : 53

Women Literacy(%) : 40

Area(Sq. Km.) : 1,591

Number of VDC(s)/Municipality(ies) : 76/0

Number of School(s) : 571/7

Campus(es)/Higher Secondary School(s) : 1/21

Hospital(s)/Health Post(s) : 1/71

Human Development Index : 0.442

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail of Khotang was destroyed during the conflict in 2006. Convicts from the district are sent to the Morang Jail or the Regional Jail at Sunsari. However, the convicts have been demanding relocation to a Jail in their home district.

DISAPPEARANCE/ABDUCTION

By KJWP

Nitu Gartaula, 33, of Baluwatar, Kathmandu district, also chief of the NHRC office at Khotang was threatened with displacement by KJWP cadre Subash on June 17. She was accused of not taking an interest in the alleged arbitrary arrests by police of KJWP cadres. She received threats over phone. The perpetrator accused her of not taking action when the KJWP central leader was tortured by police.

By Youth Force and NC

Bhuwan Prasad Acharya, 40, of Diktel VDC-4, also an officer at the Kosh Tatha Lekha Niyantrak Office was beaten up by Youth Force cadre Mahesh Rai and NC cadre Santaraj Rai at Chiuri Dada on February 14. The victim received minor injuries. He was treated at the District Hospital. The perpetrators were arrested on February 18 following mounting pressure from the local civil society. They were released on the same day on a bail of Rs 7,000 each.

THREATS/ BEATINGS

By KJWP

Halesi FM manager, Khem Bahadur Khadka of Chisapani VDC-4 received threats from the KJWP on March 1 for airing news of the group. One KJWP cadre identifying himself as Parbat called Khadka to threaten him for broadcasting news of extortion by the group. Khadka did not complain anywhere.

RIGHT TO PROMPT AND FAIR TRIAL

Until July 16, there were 16 criminal cases in the court of which, three were decided. By the end of the year, five new criminal cases were registered of which none were decided. Until July 16, there were 13 criminal cases where an individual was the plaintiff. Of which, 10 were decided while three remained pending decision. By the end of the year, seven new criminal cases, where an individual is the plaintiff, were registered of which none were decided. Until July 16, there were 15 civil cases of which seven were decided and eight remained pending. By the end of year, five new civil cases were registered, of which only one was decided. Altogether, 71

Type of Events	By Non-State					By State		
	By Others							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total
Killing	8	5	3		8			
Arrest & Torture						2	3	3
Beatings	7	6	1		7			
Threats	7	9	1		10			
Women Rights	7		7		7			
Child Rights	5		6	2	8			
Total	**34**	**20**	**18**	**2**	**40**	**2**	**3**	**3**

were registered this year of which 31 cases were decided and 40 cases are pending. This year Office of the District Government Attorney registered 29 cases.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Arrest and Torture

Rohit Kumar Bhujel, 30, of Sawakatahere VDC–3 was arrested by police and tortured while in police custody by police at Area Police Office, Khotang on May 10. The victim was accused of setting fire to the home of Subash Biswakarma of the same place. The victim said that he was arrested by Inspector Hari Ojha and a police team and was tortured with excessive beatings with pipes and batons in an attempt to coerce him into confessing that he was guilty of the crime. The victim sustained injuries to his right leg. The victim was taken into the custody of the DPO on May 13. The DPO released the victim on May 24 after an investigation.

CHILD RIGHTS

There are 320 primary schools, 19 higher secondary, 63 secondary 87 lower secondary and 19 higher secondary schools. There are 58,779 children of school going age of which 28,637 are boys and 30,142 are girls.

Nabaraj Bhattarai, 14, of Khalle VDC-6 was stabbed to death by an unidentified group near his home while returning from a neighbor's house on May 11. The victim was student at the Sita Secondary School, Khalle. The perpetrators and cause of the killing was unknown. The DPO said that an investigation is ongoing.

Gauriman Pariyar, 76, of Chhitapokhari VDC-4 was arrested by police on June 25 for raping an 11-year-old girl of Chhitapokhari VDC -3 on May 16. The girl was allegedly raped at a nearby forest while grazing cattle. The police filed a case of rape against Pariyar at the District Court on July 6. The perpetrator was sent to the Regional Jail in Sunsari pending further investigation.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Birhaspati Rai, 46, of Buipa VDC-2 was beaten to death by her spouse Ram Kumar Rai, 54, on March 25 on charge of being disobedient. Police arrested the perpetrator and charged him with murder on March 27. The perpetrator is at Regional Jail in Sunsari serving a six month sentence as per the court order on July 6.

Sabitra Darji, 55, of Dumre Dharapani VDC-9 died from poisoning by her spouse Padam Bahadur Darji, 68 on July 23, on charge of being disobedient. The perpetrator was arrested on July 25 and case of murder was filed at the District Court on August 12. The perpetrator is in Regional Jail, Sunsari pending further investigation.

Polygamy

Kamala Pandey, 32, of Dumre Dharapani VDC-4 filed a complaint of polygamy against her spouse, Hiramani Pandey, 35, and his second wife Narbada Gautam, 24, of Morang District on May 19. The spouse married the other wife on March 17. Hiramani was arrested by police on May 23. The Office of the District Government Attorney presented the case to the District Court on June 4. He was released by the court on June 6.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

The Nunthala Police Station in Nunthala VDC was attacked by KJWP cadres on the evening of May 4. The masked, armed KJWP cadres in a group of 20 took control of the police post and looted arms, documents, communication equipment and clothes from the post. The KJWP stated that the police post was attacked because the police refused to remove their post from Nunthala.

HEALTH SERVICE SITUATION

The District Hospital, Khotang has one medical superintendent and four medical officers. There are 10 of 13 HAs and five out of six staff nurses (senior ANMs). Single position of the public health officer is vacant. There are 72 in 79 positions for AHWs and 15 out of 16 ANMs are working. There are only 42 out of 76 required village health workers and 48 out of 65 maternal and child health workers.

1.15 Okhaldhunga

Population : 173,996
Literacy(%) : 55
Women Literacy(%) : 30
Area(Sq. Km.) : 1,074
Number of VDC(s)/Municipality(ies) : 56/0
Number of School(s) : 348/5
Campus(es)/Higher Secondary School(s) : 2/15
Hospital(s)/Health Post(s) : 2/55
Human Development Index : 0.481
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING

By UCPN-M

Chabilal Karki, 42, of Bhadaure VDC- 2, and a UML National Council Member, was severely beaten up by UCPN-M cadres on July 8, at the Tara Hotel in Thulachhap VDC-2. The victim was beaten up with iron rods when he was taking his meal at the hotel. The victim died on the way to the community health post. The victim's wife, Sakuntala Rajbhandari, filed a complaint on July 21 against 13 the UCPN-M cadres. The alleged perpetrators, Chandra Kumar Karki, Dil Bahadur Sarki, Bimarsha Raj Ghimire, Lal Bahadur Bhujel, Tika Ram Bhujel, and Devendra Katuwal were remanded in custody on August 18

Type of Events	By Non-State								
	By Others					By UCPN-M			
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total
Killing	1	1			1	1	1		1
Injured	1	1			1				
Beatings	10	12	3		15	7	9	1	10
Women Rights	2		2		2				
Child Rights	1			1	1				
Total	**15**	**14**	**5**	**1**	**20**	**8**	**10**	**1**	**11**

for further investigation. Other people who were alleged to have been involved in the incident, Babu Ram Subedi, Dipak Katuwal, Yadunath Ghimire, Jitman Rai, Ram Bahadur Rai, Om Rai, and Kaluram Sarki were still at large at the end of the year.

JAIL AND DETAINEES

The 'D' grade District Jail had the capacity for 50 inmates. There were 44 male inmates and four female inmates. Of the 44 men in the jail, 19 were detainees and 25 were convicts. The four female inmates were all convicts. The male cells had the capacity for only 25 inmates, because of this, the male cells were overcrowded. The inmates received some skill training. They wove caps and bags inside the jail. There are facilities such as newspapers and televisions in the jail.

THREATS/BEATINGS

By UCPN-M

Ranjit Gurung, 22, of Okhaldhunga VDC-4 was beaten up by the UCPN-M cadres for being a Youth Force activist on May 10. Gurung was attacked in Barnalu VDC as he was heading for Rumjatar. They even vandalized his motorcycle. Gurung did not file any complaint.

Lal Bahadur Karki, 54, Dil Maya Karki, 52, and Anil Karki, 33, of Yasam VDC-3 were assaulted by the UCPN-M cadres including Bojh Bahadur Khatri and Kamal Magar on March 8. The couple and its elder son were attacked for letting the younger son of the family to join Youth Force. The injured were airlifted to Kathmandu for treatment on March 10. They returned home on March 12. They tried to file an FIR against the accused on charge of attempted murder but the police did not register their complaint.

By YCL

Lekh Bahadur Khadka, 40, of Gamnangtar VDC-9 was beaten up by the YCL cadres Chitra Bahadur Thapa, Kedar Tamang and Nabin Poudel of same locality on March 2 for being involved in UML. He sustained head injuries when hit with a baton. Khadka filed a complaint against the attackers at Gamnangtar police post but no action was forwarded by the police.

By Youth Force

UCPN-M cadre Lalit Bahadur Poudel, 23, of Tarkerabari VDC-6 was injured by the Youth Force cadres Ishwar Timilsina and Tara Bahadur Karki on March 18. Poudel, who was accused of resorting to anti-UML and Youth Force activities, was beaten in the premises of Jalpa Secondary School in Tarkerabari. He sustained head injuries. Poudel filed a case of beating on April 5. It was pending till the end of the year.

By Others

Legal practitioner Tukraj Niraula, of Thulachhap VDC-5 and affiliated to NBA, Okhaldhunga was beaten up and threatened by Milan Rai, 48, of Kalikasthan

in Okhaldhunga VDC-3 on October 4. Niraula was attacked for defending Sher Bahadur Rai in the court. Niraula filed an appeal at the BAR which forwarded a recommendation to take action again. No action was taken against Rai till the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

There were six criminal cases brought forward from last year and two cases filed this year of which, two were decided and seven remained undecided.

There were 84 criminal cases, where an individual is the plaintiff, were brought forward from last year and 28 were filed this year. Of these 29 were decided while 90 remained undecided. There were 88 civil cases brought forward from last year and 28 cases filed this year, Of which, 26 were decided and 90 remained undecided.

CHILD RIGHTS

There are 31,119 girls and 29,928 boys are attending schools in the district as informed by the District Education Office, Okhaldhunga.

Sunil Rai, 29, of Rangadip VDC-6 beat up and threw his sons- Udas, 7, and Sandesh, 2, from a cliff on October 10 in a fit of anger after his wife did not arrive home that day. Both boys sustained serious injuries. Udas died while undergoing treatment and Sandesh was receiving treatment at the community hospital in Sobru till the end of the year. Udas was Sunil's step son while Sandesh was his own son. Udas' grandfather Jhamak Bahadur Rai filed a case against Sunil on October 15. He was remanded in custody as per the decision issued by the District Court on November 2.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempted Rape, Sexual Abuse

An eighteen-year-old girl of Srichaur VDC-4 filed a complaint in the police on November 22 alleging Bijay Tamang, 22, of Chuchure VDC-1 of Ramechhap and staying at Baruneshwor VDC-1 of raping her after luring her marriage on November 21.

The accused was remanded in custody following a court order on December 17.

HEALTH SERVICE SITUATION

There is one government hospital. It has a quota of four doctors but at the end of the year, only two were at work. Likewise, there is quota of a doctor in the single primary health center of the district. In 45 sub-health posts, 33 AHWs are working. There are 32 village health workers and 718 female health volunteers.

1.16 Solukhumbu

Population : 117,985

Literacy(%) : 50

Women Literacy(%) : 40

Area(Sq. Km.) : 3,312

Number of VDC(s)/Municipality(ies) : 34/0

Number of School(s) : 252/1

Campus(es)/Higher Secondary School(s) : 2/14

Hospital(s)/Health Post(s) : 3/34

Human Development Index : 0.479

Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'E' grade District Jail of Solukhumbu has the capacity for 25 inmates. However, there are 39 inmates in the jail. There are 18 male convicts and five female convicts. Similarly, there are 21 male detainees and one female detainee in the jail. The jail is overcrowded. The female inmates make garment inside the jail for sale. There are some sports facilities for the inmates. Both male and female inmates are provided with television sets. Inmates are treated at the District Hospital Phaplu .

THREATS/BEATINGS

By UCPN-M

About 60 UCPN-M cadres hurled a shoe at the Indian Ambassador to Nepal Rakesh Sood on September 7. The UCPN-M cadres also showed black flags in front of the Indian Ambassador. The UCPN-M cadres hitting the ambassador with the shoe was led by CA member of the UCPN-M Gopal Khambu. Police arrested Ram Kumar Rai, the area secretary of the UCPN-M on November 30. He was released on the same day after depositing Rs 12,000.

By YCL

Kami Ingma Sherpa, 22, area no. 9 coordinator of the ANNFSU was beaten up with stick by YCL cadres Kedar Thapa, 26 and Santosh Basnet, 29 on January 24 at Bhakanje VDC-5. The victim filed a complaint at the Kinja police post. Police did not arrest the perpetrators. The perpetrators were taken into captivity by the Youth Force cadres, including Kunjan Shepra and were handed over to the police. Police filed case of beating at the DAO on January 29.

CLASH

Daibe Magar, 26, Roshan Magar, 23, and Rajkumar Magar, 29, of NSU and the YCL cadre Binod Chhteri, 25, were severely injured in the clash between the NSU and YCL cadres on February 10 at Khari Khola of Juving VDC-1. The victims were treated at the District Hospital in Phaplu. The case was resolved on February 11 at the DAO in Salleri after both parties agreed to sign a letter of understanding.

RIGHT TO PROMPT AND FAIR TRIAL

There were 23 criminal cases, where individual is plaintiff, has been brought from last year at the District Court, of which four were decided and 19 remained undecided. There were nine criminal cases, where individual is plaintiff, registered this year, of which none was decided. Similarly, 37 criminal cases were brought forward from last year, of which 15 were decided and 22 cases remained pending. This year 18 criminal cases were registered, of which, three were decided and 15 cases remained pending. There are four cases remaining at the court for more than two years.

CHILD RIGHTS

There are 256 government and seven private schools in the district. There are 37 secondary schools, 50 lower secondary and 178 primary schools. In primary level, there are 23,476 students. there are 18 higher secondary schools and three colleges in the district.

Chatur Man Rai, 17, of Cheskaam VDC–7 died after being left in the open for the night on charge of theft on July 25. Machindar Rai, 28, Basant Rai, 22, and Jambu Dhan Rai, 22, and his own mother Chautimaya Rai, 46, tied him and left outside the house. The boy was found dead the next morning. As per the complaint filed by the deceased's father Ratna Man Rai, police arrested accused on July 29. The post-mortem of the body was conducted at the District Hospital. Police said investigation was going on.

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1	1		1			
Injured	3	3	1	4			
Beatings	3	4	3	7	1	4	4
Threats					1	1	1
Women Rights	8		8	8			
Child Rights	1		1	1			
Total	**16**	**8**	**13**	**21**	**2**	**5**	**5**

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

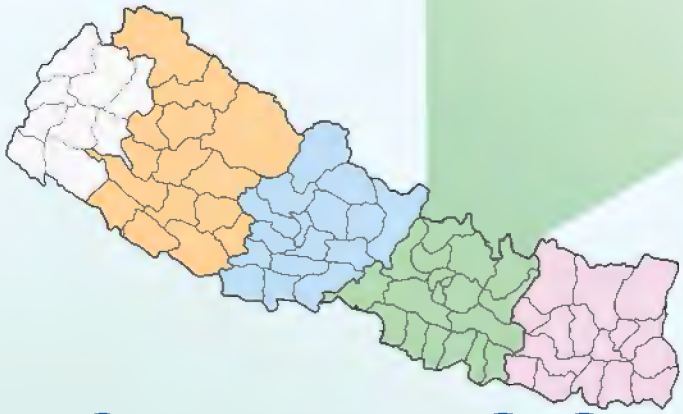
Domestic Violence

Nen Kumari Rai, 36, of Gudel VDC-4 was seriously injured when she was hit with burning firewood by her drunk husband Dilip Khulung, 40, on December 26. The victim was treated at a local health post. Following the incident, she went to live in her maternal home. On December 26, she filed a complaint against her husband on December 28 at the Area Police Office, accusing him of barring her from meeting her three sons.

Susmita Rai, 19, of Sotang VDC-2 was beaten up by her husband Moti Rai, 21, on February 28 for giving birth to a daughter. Susmita received bruisings all over her body. Police arrested the perpetrator on March 1 after the victim filed a complaint. Police released the perpetrator after a letter of understanding was signed between the two parties.

HEALTH SERVICE SITUATION

The district has one district hospital and two hospitals run by different donor agencies. The District Hospital in Phaplu has a quota of 27 health workers including two doctors. Out of that, positions of four HAs, one lab assistant, one medical assistant were vacant at the end of the year. There are two primary health centers with quota for one medical officer and staff nurse in each but the position of one doctor is vacant. Two of required four ANMs are at work. There are nine health posts but only six HAs working. There are 23 sub-health posts where one position is vacant. One ayurvedic hospital is also there. At present, one doctor is available for every 40,000 people of the district.



2. MID REGION

2.1 Dhanusha
2.2 Mahottari
2.3 Sarlahi
2.4 Sindhuli
2.5 Ramechhap
2.6 Dolakha
2.7 Rautahat
2.8 Bara
2.9 Parsa
2.10 Chitwan
2.11 Makawanpur
2.12 Lalitpur
2.13 Kavre
2.14 Bhaktapur
2.15 Kathmandu
2.16 Dhading
2.17 Sindhupalchok
2.18 Nuwakot
2.19 Rasuwa

2.1 Dhanusha

Population	810,163
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
Hospital(s)/Health Post(s)	3/102
Human Development Index	0.449
Average Household Size	7

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By State

Akhil Tarai Mukti Morcha cadre Nawal Kumar Yadav, 30, of Radhopur VDC-9 of Siraha was shot dead by the APF at Balabakhar VDC-5 on February 5. Yadav was killed in an encounter as he opened fire on the police personnel who were trying to interrogate him, the Dhanusha DPO said. The family of the victim claimed that the police arrested him from Janakpur Municipality-2 and killed him after taking him to Balabakhar VDC. The post-mortem of the dead body was carried out at the Janakpur Zonal Hospital and relatives cremated the body the next day.

Janatantrik Tarai Mukti Morcha-Jwala Singh in-charge, Noor Mohamad Ansari aka Badal, 18, hailing from Gosaipur Dumra of Madhubani, India was shot dead on the allegation of firing at police personnel on June 14. Ansari fired at a police patrol team at Pasaha River in Naktajhijha VDC-3, police said. Relatives of the victim claimed that the police killed him in custody. Relatives collected the dead body the next day, following the post-mortem at the Janakpur Zonal Hospital.

By JTMM-R

Lal Kishor Jha, 50, of Janakpur Municipality-8 and a section officer at the Mahottari DEO was gunned down by the Janatantrik Tarai Mukti Morcha (Rajan) at Janakpur Municipality-7 on October 28. He was accused of being involved in the financial irregularities of the DEO. Family members collected the dead body the next day, following the post-mortem at the TU Teaching Hospital, Kathmandu. Accusing them of being involved in the murder, police arrested Rakesh Pandey, 30, of Janakpur Municipality-7 and Shiv Kumar Thakur, 25, of Janakpur Municipality- 6 on October 30. An investigation into the incident was underway at the end of the year.

By TJMP

Media entrepreneur Arun Kumar Singhaniya, 48, of Janakpur Municipality-4 was shot dead by cadres of the Tarai Janatantrik Madhes Party (TJMP) in Janakpur Municipality-2 while he was returning home after celebrating Fagu Poornima with his colleagues on March 1. Two assailants on motorbikes had fired at his forehead and he succumbed to his injuries on the way to hospital on the same day. Family members collected the dead body the next day following the post-mortem at the Janakpur Zonal

Type of Events	By Non-State				By State				
	By Others								
	No. of Events	Male	Female	Total	No. of Events	Male	Female	N/A	Total
Killing	24	18	6	24	6	6			6
Injured	9	6	3	9					
Arrest & Torture					3	7			7
Beatings	1		1	1	1	3			3
Right to Assembly					2	6	4	12	22
Women Rights	45		45	45					
Child Rights	4		4	4					
Abduction	7	8		8					
Total	**90**	**32**	**59**	**91**	**12**	**22**	**4**	**12**	**38**

Hospital. Although the victim's family filed a complaint in the DPO on March 3, the perpetrators had not been arrested at the end of the year.

By ATMM

Cadres of the Akhil Tarai Mukti Morcha (ATMM) gunned down a 4-year-old minor Amit Kumar Kapar, of Malhaniya VDC-6 in Siraha while he was having a meal in front of his family shop in Janakpur Municipality-8 on June 11. The minor, who was critically injured after sustaining a bullet wound to his back, died while undergoing treatment in the BPKIHS in Dharan on June 12. The outfit apologized for the incident stating that they had targeted Ram Pukar Yadav, the secretary of Sakhuwa Mahendranagar VDC, but the minor was mistakenly shot. Secretary Yadav was injured in the shooting. Police, on the allegation of his involvement in the killing, held Sailendra Yadav, 25, of Madenpur VDC-5 in Sarlahi on July 29. The accused was released following an order from the Appellate Court on August 19.

By Unidentified Group

Binod Yadav, 35, the chairperson of the Birendra Bazaar Management Committee, hailing from Bharatpur VDC-1 was shot dead by an unidentified group in Bharatpur VDC-6 on October 10. Two unidentified people fired at him while he was returning home on his motorbike from Birendra Bazaar. Yadav, who sustained bullet wounds to his stomach, died while undergoing treatment at the TU Teaching Hospital, Kathmandu the next day. The victim's family filed a complaint in the DPO on October 24; however, the perpetrators had not been arrested at the end of the year.

INJURED IN SHOOTING/ EXPLOSION

By JTMM-R

Raj Kumar Panjiyar, 35, of Janakpur Municipality-1 was critically injured when the cadres of the Jantantrik Tarai Mukti Morcha (Rajan) fired at him at his residence on June 12. Some four unidentified people urged him to open the door and then shot at Panjiyar, relatives said. It was found during the police investigation that the assailants had come to search for the victim's father Yamuna Panjiyar but they could not find him and then shot the victim. Raj Kumar, who sustained bullet wounds to his stomach, was treated in the BPKIHs, Dharan on the same day. The perpetrators had not been arrested at the end of the year.

By Tarai Ekta Parisad

Narayan Das, 40, a priest, was

injured when the cadres of the Tarai Ekta Parisad opened fire at him in at the Janaki Temple premises on August 15. Two people shot at Das, who is the priest of the Shaligram temple in the Janaki Temple premises, police said. The firing left the priest with minor injuries and he was treated in the Janakpur Zonal Hospital. The group left behind a homemade gun at the site. The Tarai Ekta Parisad chairperson Swami Yadav claimed responsibility for the incident, however, the perpetrators had not been arrested at the end of the year.

ARBITARY ARREST

Singheshwor Gai Yadav, 45, of Bisarbhora VDC-8 was arrested by the police without an arrest warrant on November 11. Yadav, who was in his daughter's house to celebrate the Chhath festival, was arrested by plain clothed policemen while he had gone out of his daughter's house for defecation with Manoj Yadav and Ghanashyam Yadav, brothers of his son-in-law from Lagma village. Even though the police held the trio, they did not let Singheshwor meet with Ghanashyam and Manoj, who were later released. The victim's family filed a complaint with the NHRC. The NHRC's representative, Buddha Sahani, and district coordinator of Advocacy Forum, Raj Kumar Mahaseth, visited the incident site. In the meantime, police informed them that Singheshwor was detained in the DPO. Police also said that a security check team of police had recovered 45 grams of heroin from Singheshwor at the Dharapani Chowk along the East-West highway on November 16. An investigation was underway as Singheshwor was arrested on the charge of drug smuggling, police said.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Police used their batons against protestors as the Madhesi Janaadhikar Forum-Democratic (MJF-D) staged a demonstration in Janakpur on March 21, alleging that the SI at the Railway Station Temporary Police Post at Janakpur Municipality-1, Baburam Jha, had raped an 18-year-old teenager from Laheriyagunj of Madhubani, India on March 19. MJF-D leader Bijay Masta, 23 of Janakpur Municipality-4, Uma Shankar Agariya, 35, of Janakpur Municipality-2, Minister of State for Physical Planning and Works Sanjay Kumar Sah, 33, UCPN-M district chairperson Nanda Kishor Yadav, district office secretary Binod Kumar Pal, and ANNISU-R leader Jagadish Sah, of Mahottari were injured in the baton charge. Police also fired teargas shells to bring the situation under control. Journalists Suresh Yadav, Bikash Kumar Sah, Jaya Narayan Jha, Birendra Raman, Nabin Singh, Dharyakanta Datta, Ishwor Chandra Jha, Laxman Yadav, Jagadish Sah, Sri Narayan Sah, Batuknath Jha and Bimalesh Sah were also injured in the incident.

RIGHTS TO PROMPT AND FAIR TRIAL

221 criminal cases, where an individual is the plaintiff, were brought forward from the previous year and 73 similar cases were filed in the district court this year. Of these, 99 cases were decided on. There were 149 criminal cases which were brought forward from the previous year and 126 similar cases filed this year. Of them, 64 were decided upon this year.

A total of 1,054 civil cases were brought forward from the previous year and another 688 cases were filed this year. Of them, 189 were decided on.

In the Appellate Court, 123 criminal cases were brought forward from the previous year. Of these, 46 were decided on. Of the 64 criminal cases filled at the Appellate Court between July 17 until the end of the year, 18 were decided on. Of the 169 criminal cases, where an individual is the plaintiff, which were brought forward from the previous year, 80 were decided on. Of the 39 similar cases filed between July 17 until the end of the year, 19 were decided on at the Appellate Court this year.

Of the 127 civil cases filed this year, 43 were decided on. Of the six cases of domestic violence filed at the Appellate Court this year, one was decided on.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

The police arrested three people, Ramsukh Raut, 19, and Ramhit Raut, 17, of Boharwa VDC and Jitendra Raut of Janakpur Municipality-14 on the allegation of stealing a mobile phone of Bharat Raut, and then kicked and beat them with batons. Ramhit, who sustained injuries to his waist, returned home after undergoing treatment at the Janakpur Zonal Hospital. The victims said that they were beaten by the head constable of the Boharwa Police Post. The police said that action had been taken against the guilty policeman who had been involved in beating the victims.

CHILD RIGHTS

Of the 107,312 children of school going age in the district, 93,361 were enrolled at the end of the year, the Dhanusha DEO said.

The slain body of a 10-month-old Kajal Kumari Shah of Janakpur Municipality-6 was found in a local pond on May 10. The family of the infant had filed a complaint with the police after the infant had gone missing on May 10. The police searching for the infant found that she had been murdered and thrown in the pond. Police while arrested Shail Devi Mandal, 34, and Renu Devi Mandal, 25, of Pipara VDC-2, Mahottari on May 13 on the allegation of being involved in the incident. They were detained as per the court's verdict on June 8, however, the Appellate Court ordered their release on December 23.

Six-year-old Arjun Mandal, the son of Jit Narayan Mandal, of Makhanaha VDC-3 was abducted from the minor's house by Dhaniklal Mahato, 25, of Phulgama VDC-2 in connection with a financial dispute on October 20. The abducted boy was released by the police, with the help of locals, from a hut that belonged to Paltu Mahato from Ekarhiya VDC-3 in Mahottari the next day. Police arrested the perpetrator on October 21. He was detained in the jail following a court order on November 18.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 20-year-old woman of Godar VDC-2 filed a complaint in the DPO on August 13 accusing Bhola Danuwar of Badhara VDC-1, Siraha of raping her on August 8. The DPO said that a warrant was dispatched to the Siraha DPO to arrest the accused. The accused remained absconded at the end of the year.

Police held Pramod Lama, 28, of Digambar VDC-5 on the allegation of being involved in gang-rape of a local woman on June 6. Pramod along with Shubhalal Lama, 20 and Kabiri Lama, 18, of Digambar VDC-5 and Ashik Ray, 22, and Dhiru Lama, 21, of Mahendra VDC were charged with raping a local 40-year-old woman while she had gone out of her home to defecate. However, other people

accused of being involved in the incident were still at large at the end of the year. Pramod was detained in the District Jail following a court order on August 26.

Domestic Violence

As a result of a complaint filed by Arun Karna, the father of Rupa Karna, 18 of Janakpur Municipality-18, police arrested Kabya Narayan Lal Karna, Rupa's father-in-law on April 8. The complaint stated that Rupa's husband Satishlal Karna, 25, and father-in-law Kabya Narayanlal strangled her to death on January 13 for not bringing expected dowry. Although Kabya Narayan Lal was released on the condition that he be present in the court at the required time on May 10, the Appellate Court ordered to detain him them on May 23. All of the family members of the accused were at large at the end of the year.

Mithilesh Sahani, 28, of Tulsiyahi Jabdi VDC-8, along with other members of his family, strangled his wife to death, Surajkala Devi Sahani, 25, in the course of a family dispute on April 26, police said. Police arrested Mithilesh on April 29. The accused was detained in the District Jail following a court order on May 18.

Inhuman Behavior

Chandreshwor Yadav, 50, Dharmendra Yadav, 35, Amirekha Yadav, 40 and Kiran Yadav, 27, of Bahedabela VDC-3 attempted to kill Phulodevi Mahato, 27, of the same locality, by strangling her on October 5. They had alleged her of practicing witchcraft. Mahato, who sustained injuries to her chest and stomach, was taken to the Janakpur Zonal Hospital with the help of the police. The victim's neighbors, including Chandreshwor and Dharmendra, had been accusing the victim of being a witch after her husband died of cancer a year ago. The victim reported that the perpetrators, who claimed that a buffalo belonging to Kiran Yadav had fallen sick because of her witchcraft, sternly beat her. When her father-in-law Bilat Mahato tried to mediate the incident, the perpetrators also beat him and his wife Bauhuri. Police arrested Chandreshwor on the day of the incident, but was released the same day. The victim's family filed a case in the District Court on November 9.

HEALTH SERVICE SITUATION

Out of the quota for 29 doctors at the Janakpur Zonal Hospital, 15 positions are vacant. Out of the quota for 38 health workers, six positions are vacant. Under the Hospital Development Committee, 13 doctors and 52 health workers are working at the hospital. There are five primary health centers, nine health posts and 88 sub-health posts in the district. Out of the quota of five for medical officers in the primary health centers, four positions are vacant. Out of the quota for five staff nurses, four spaces are vacant. Ten AHWs, 15 ANMs, five lab assistants and five village health workers are working in the primary health centers in the district. In the health posts, 18 AHWs, nine ANMs, seven administrative staffs and nine VHWs were working.

In sub-health posts, 88 AHWs, 83 village health workers and 83 MCHWs were working in the district.

FOLLOW UP

The exhumation of the bodies of Sanjeev Kumar Karna aka Dipu, 25 and Durgesh Labh, 23 of Janakpur Municipality-10, Jitendra Jha aka Machhali, 23 of Janakpur Municipality-4, Pramod Nanaran Mandal, 19, of Kurtha VDC-1 and Sailendra Yadav, 18 of Duhabi VDC-7, who were disappeared by the unified security forces on the allegation of being Maoists on October 8, 2003, was carried out in the probable burial site during the year. An 18-member team, led by the NHRC spokesperson and

member Gauri Pradhan, commenced the exhumation of the burial site in Godar VDC on September 6 and concluded it on September 18. Four human skeletons were recovered from the exhumation. The team leader Pradhan said that remains will be identified by DNA tests and if they match the missing persons, the exhumation of the rest of the bodies would start in mid October. He said that the burial site would be secured by police personnel until more exhumation of the site was carried out. The team had dug 58 ditches and three complete skeletons were recovered while another one was recovered without its head, Pradhan said. The position of two of the skeletons suggested that they had been killed while blindfolded and their bodies had then been buried, Pradhan said, adding that pellets were also found in the ditches from where the skeletons were recovered. The team recorded and documented all the information and evidence found from the exhumation site and gave this to the police in the presence of experts and representatives of various organizations, the victims' families and locals. Then the police, in the presence of the NHRC, handed over the skeletons and evidence to experts for forensic analysis. As per the complaint filed by the families of victims, the NHRC concluded that security personnel had killed the five youths in detention. It had recommended on January 29, 2008, that the government provide compensation to the victims' families and bring the culprits to justice. The NHRC recommendations were yet to be implemented at the end of 2010.

2.2 Mahottari

Population : 678,580

Literacy(%) : 42

Women Literacy(%) : 28

Area(Sq. Km.) : 1,002

Number of VDC(s)/Municipality(ies) : 76/1

Number of School(s) : 272/24

Campus(es)/Higher Secondary School(s) : 2/28

Hospital(s)/Health Post(s) : 1/81

Human Development Index : 0.407

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By State

Ram Kumar Singh Mahato alias Mister Don, 31, of Bhuchakrapur VDC-9 in Dhanusha district was shot dead by police at Khairabanni VDC-9 on May 18. Police, however, stated that they found the dead body of Mahato after being shot by an unidentified group. The police also added that arrest warrants for the victim had been issued for his involvement in a dozen criminal incidents in the Mahottari, Sarlahi, and Dhanushas districts.

By JTMM-R

The district vice president of the Nepal Sadbhabana Party (Anandidevi), Ramekwal Roy, 42, of Nigoul VDC-4 was

Type of Events	By Non-State				By State		
	By Others						
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	13	6	7	13	1	1	1
Injured	3	3		3	2	9	9
Arrest & Torture					1	1	1
Beatings					1	1	1
Threats	1	1		1			
Women Rights	6		6	6			
Child Rights	5		5	5			
Economic, Social and Cultural Rights	1	1		1			
Inhuman Behavior	1	1		1			
Abduction	7	8		8			
Total	**37**	**20**	**18**	**38**	**5**	**12**	**12**

killed by cadres of JTMM-R at Bansghari of ward no. 3 of the same VDC on April 14. The group claimed that the victim was killed for campaigning against their party. Police had not been able to arrest the perpetrators at the end of the year.

By ATMM

The village committee president of the TMLP, Rajaram Yadav was shot dead by cadres of the ATMM on September 19. They accused the victim of spying against their group. Murder charges were filed against the perpetrators based on a police report; however, they were still at large at the end of the year.

INJURED IN SHOOTING /EXPLOSION

By State

Ramparichhan Chaudhary, 60, of Ramgopalpur VDC-4, Ranjit Mahato, Bishnu Dev Mahara, Sanjeev Kumar Mandal, Manoj Kumar Mandal, Mohan Mandal, Rajendra Yadav and Ramjanam Yadav of the same VDC were injured in a shooting by police on October 6. The victims were shot at in a clash with police while they were obstructing Jaleshwor-Bardibas section of the road, protesting that the administration had failed to investigate the monetary embezzlement allegedly committed by the Secretary of the VDC.

JAIL AND DETAINEES

The 'B' grade District Jail has the capacity to hold 135 inmates. A total of 304 inmates were in the jail at the end of the year. Of the inmates, 105 have been convicted and 198 are detained. Of the total inmates, 17 are female. Similarly, the jail has eight dependent children. The roof of the jail leaks and is on the verge of collapse. The inmates have been provided with televisions, radios, a library, latrines and water. As there is no jail in the Dhanusha district, inmates are taken to this jail from Dhanusha so, as a result, the jail has exceeded its capacity.

Krishnadev Mandal, 45, of Sonigamma VDC-7, who was serving a jail term in the jail, died on April 10. The inmates stated that he died because of the jail administration's failure to supply him with medical treatment on time.

DISAPPEARANCE/ABDUCTION

By JTMM-J

Chandra Bhusan Mallik, 50, of Dhamaura VDC-4 was abducted by cadres of the JTMM-J on October 27. They

accused the victim of looking after the land of Sharadananda Thakur of the same place, which was captured by JTMM-J. With help from the police, the victim was freed from Ratukhola in the Dhamaura VDC on October 29.

By Unidentified Group

Ramjeevan Raut, 30, of Sundarpur VDC-7 was abducted from his home by an unidentified group on March 10. The victim's father Dukha Raut stated that the victim was released by the abductors after the payment of a ransom. The victim did not file a complaint about his abduction and also did not disclose how much of a ransom was paid.

Haphidul Kawari, 40, of Mahadaiya Tapanpur VDC-2 was abducted from his home by an unidentified group on May 13. He was released from Mahendranagar in the Dhanusha district after the payment of a ransom. The victim did not reveal how much was paid as a ransom.

THREATS/BEATINGS

By State

A district member of the UCPN-M, Satyendra Yadav, 23, of Bathnaha VDC-3 was beaten by police in connection with the bandh called on by the UCPN-M on May 8. The victim received treatement at the Janakpur Zonal Hospital.

RIGHT TO PROMPT AND FAIR TRIAL

A total of 85 criminal cases were in the District Court by July 16 and 26 such cases were filed in the District Court between July 17 and December 15. Of the total cases, 18 were decided and 85 remained undecided at the end of the year.

Similarly, a total of 1,099 civil cases were brought forward and 505 were filed this year at the District Court. Of these civil cases, 414 were decided and 1,190 remained undecided at the end of the year.

A total of 194 criminal cases, where an individual is the plaintiff, were brought forward at the District Court and 87 were filed this year. Of the total 285 cases, 82 were decided and 203 remained undecided at the end of the year.

One case was filed under the Domestic Violence Act at the DPO but the case remained undecided at the end of the year.

200 cases were brought forward by the District Government Attorney's Office and 39 cases were filed this year. Of the total 239 cases, four cases were decided for the Attorney's Office and three were decided against it.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Manoj Adhikari 22, of Maisthan VDC-5 was beaten and subjected to electric shock by the police from the APO in Bardibas on January 13. The victim had been arrested and kept at the police office based on a complaint from locals on January 12 that he had impregnated a local girl. He was arrested on January 13 and was released on the same day. The victim received treatment at the Bardibas Hospital. He did not file a complaint.

CHILD RIGHTS

According to the District Education Office, this district has a total 261 primary, 83 lower secondary and 43 secondary schools. A total of 8,765 students are at the Secondary level, of which 3,770 are girls and 4,995 are boys. Similarly, a total of 24,035 students are at the lower secondary schools of which 13,567 are boys and 10,468 are girls. A total of 11,979 are at the primary level of which 57,379 are boys and 54,600 are girls.

The family of a girl, 12, of Maisthan VDC-1 lodged an FIR at the APO on

February 9 stating that she was raped at her home by Bal Bahadur Mahat, 18, of the same place on January 31. The accused was still at large at the end of the year.

A girl, 9, of Ramgopalpur VDC-5 filed a complaint at the DPO on October 19 stating that she was raped by Ismail Nadaph, 35, of Khopi VDC-7 when he took her into to a school building in Ramgopal VDC-4 on October 16. The accused was arrested and remanded in custody on November 14 as per an order from the District Court.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Police arrested Kishori Sah, 45, and Sudhari Devi Sah, 40, of Dhramapur VDC-5 on February 25. They were accused of killing their daughter-in-law Anatadevi Sah, 19 on February 14 for not bringing a Box Cot as a dowry. The victim's husband was also allegedly involved in the killing. The accused were remanded in custody on April 11 as per an order from the District Court and the victim's husband was still at large at the end of the year.

Shyam Sada, 30, of Damhimadai VDC-2 was arrested by police on charge of strangulating his wife Deuladevi, 28, to death on October 21. The victim's side filed a complaint on October 24 at the DPO and the accused was remanded in jail on November 16 as per an order from the District Court.

Inhuman Behavior

Sakila Khatun, 55, of Dhamaura VDC-7 was beaten by Alam Kawari, 50, Habib Nadaph, 60, Atiphul Shesh, 51, Saimun Khatun, 40, Atabul Shesh, 42, Rauph Shesh, 50, of the same place on November 26. The victim was accused of parcticing witchcraft. She tried to file a complaint at the DPO on November 30. However, the police initially refused to register the complaint. The complaint was registered on December 26 as a result of pressure from human rights activists. The perpetrators were still at large at the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Proverty By ATMM

Cadres of ATMM detonated a pressure cooker bomb at the Land Revenue Office located in Jaleshwor Municipality-5 on September 7. They stated that the Chief of the Office, Lal Dev Roy was implicated in monetary embezzlement. As a result of the explosion, all the official documents were destroyed.

By SJTMM

Cadres of SJTMM captured and redistributed two bighas, 14 katthas and 17 dhurs of land belonging to Sharadananda Thakur, 34, of Dhamaura VDC-4 on September 19. However, on September 20 police evicted the squatters to whom the land had been given.

HEALTH SERVICE SITUATION

This district has two hospitals, three primary health centers, five health posts and 67 sub-health posts. The quota for doctors is seven but only two were at work at the end of the year. Similarly, the quota for other health workers in the district is 349 but only 338 were at work at the end of the year.

2.3 Sarlahi

Population : 800,574

Literacy(%) : 46

Women Literacy(%) : 35

Area(Sq. Km.) : 1,259

Number of VDC(s)/Municipality(ies) : 99/1

Number of School(s) : 330/24

Campus(es)/Higher Secondary School(s) : 3/34

Hospital(s)/Health Post(s) : 1/103

Human Development Index : 0.408

Average Household Size : 7

SCIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By state

Ram Ekwal Danuwar, the Sarlahi secretary of the Jwala Singh led Janatantrik Tarai Mukti Morcha (JTMM-J) group, and his bodyguard, approximately 25 years old, whose identity could not be established, were killed in police fire on the evening of September 2. They were killed near Amuwa River in Bhaktipur VDC-3. Police said that the duo died in retaliatory fire after the group opened fire on the police patrol. However, JTMM-J district in-charge Bikrant claimed they were killed after arrest. Ram Ekbal was cremated on September 4 after his body was handed over to his family. The police said that the other body was given to the Municipality for cremation.

By JTMM-J

Indra Kumar Shrestha, 45, of Chandranagar VDC-6 and Babagrgunj VDC secretary was shot dead by two cadres of Janatantrik Tarai Mukti Morcha (Jwala Singh) on June 16. He was shot at a bridge near Bhelhi VDC as he was cycling home from the district headquarter Malangawa. Shrestha died on the spot from the bullet wounds which he sustained to his head, chest and hand.

A local businessman, Shambhu Das, 34, of Barhathawa VDC-7, was shot dead by cadres of JTMM-J on September 2. The group shot at him at around 8 pm while he was returning home from his retail shop at ward no. 4 of the same VDC. The district in-charge Bikrant took responsibility for the killing.

CLASH

Ramchandra Ray alias Bikram, 28, of Godaita VDC-7 and a Tarai Army cadre was killed in a police shootout on September 14. He was shot in an exchange of fire between the police and a group of Tarai Army cadres at Bathane Chaudi in Karmaiya VDC-3. Police ambushed the armed men who arrived at the site to force a payment from a VDC secretary of Rautahat district. Policemen fired about 20 rounds of bullets while the Tarai Army group shot six/seven rounds. Ray died instantly while others managed to flee. His body was handed over to the family for his funeral.

INJURED IN SHOOTING/EXPLOSION

By State

Jimdari Sah, 37, of Madhubangoth VDC-4 was injured when shot by the APF on August 14. The APF men fired at him when a dispute ensued with villagers

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	11	9	2	11				2	3	3
Injured	4	8		8				1	1	1
Beatings	2	2		2						
Right to Assembly								1	3	3
Women Rights	3		3	3						
Child Rights	2		2	2						
Inhuman Behavior	1	2		2	1	1	1			
Abduction	8	10		10						
Total	**31**	**31**	**7**	**38**	**1**	**1**	**1**	**4**	**7**	**7**

after the policemen held Pukari Sah of the same place for illegally bringing two sacks of chemical fertilizer from across the Indian border. Three APF men were also injured when attacked by the villagers. The injured were treated at a local health post. Police arrested Sovi Raut, Pankaj Thakur, Shiva Shankar Prasad Chaudhary of Madhubangoth VDC-2, and Ramesh Kumar Sah of ward no. 3 of the same VDC on the same day. Ramesh was released two days later. Sovi, Pankaj and Shiva Shankar Prasad Chaudhary were charged with attempted murder. They were remanded in the District Prison.

By Others

Kamalesh Sah, 26, Nandalal Ray, Madan Ray, Upendra Ray, Arun Ray and Rambabu Ray of Dhankaul VDC-3 were injured in a shoot out on March 12. Cadres of the NC and MJF shot at each other following a dispute about the distribution of the VDC budget. Kamalesh was taken to Kathmandu for treatment while the others were treated at the local hospital.

Purushottam Timalsina, 55, of Hajariya VDC-9 was injured after being attacked with a petrol bomb on April 17. An unidentified group threw the petrol bomb at his back. He received treatment at the local Barahathwa health post.

JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to accommodate 25 female and 75 male inmates. A total of 42 male inmates who are convicted and 88 detainees are in the Prison. There are four Indian inmates including one convict. The inmates have access to water, toilets, electricity, newspapers, radio, television, sports equipment and sewing machines. Jailer Anil Kumar Acharya complained that he did not receive weekend and public holiday leave like that of health workers and postal staff. The prison building was badly damaged in an attack by the then Maoists on April 5, 2006. At the end of the year, a two-story concrete building, a prison administration building and living quarters were under construction.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Rambabu Jha, 30, of Brahmapuri VDC-2 was abducted by an unidentified group from Padariya in Naukelwa VDC-2 on January 15. He was released on January 19. He did not disclose the location of his release. The group abducted two other people Shyambabu and Lalbabu but released them soon after the abduction.

Mishrilal Ray, 45, of Dhangada VDC-4 and a teacher was abducted on March 15. He was abducted from the road

linking the Salempur and Mohanpur VDCs as he was returning home on his motorcycle from school. He was released on March 19 from a jungle in the Bhaktipur VDC after paying a ransom of Rs 150,000 to his abductors.

Binod Sah, 32, of Pokhariya, in Mohanpur VDC-3 was abducted from his field by an unidentified group on June 16. He had gone to check the irrigation of the field. He was released on June 19.

THREATS/BEATINGS

By MJF

Nathuni Sah, 52, of Bahuarwa VDC-6 in Dhanusha and senior officer at the District Agriculture Development Office, Sarlahi was beaten up by cadres of the Madhesi Janadhikar Forum (MJF) at his home on December 23. The attackers were identified as MJF district chairperson Ganesh Yadav, malangawa municipal committee chairperson Binod Yadav, cadres Ganesh Yadav, Santosh Yadav, Ajay Yadav, Mukesh Pandit and Manoj. The dispute was over the office budget. They were arrested by the police immediately after the incident. Sah filed an FIR against them at the DPO on December 24. All were released on a bail of Rs 10,000 on December 29. Following the police's promise that they would take action against the MJF district chairperson and others, government staff handed over a memorandum to the District Administration Office demanding action against him and compensation for the victim.

By UML

Laxmi Narayan Mahato, the executive officer of Malangawa Municipality was beaten up by a group of UML cadres led by Gafar Masur of Malangawa Municipality-35 on November 7. Mahato was attacked for refusing to pay them a donation. The police arrested the cadres and took them to the DPO. They were released on the condition that they would not repeat such an incident.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Bir Bahadur Gole, 50, and Rastriya Jana Morcha central vice-president, Sukendrabandhu Gole, 26, of Paurai VDC, Rautahat and ANNFSU district committee chairperson Bishnu Thing, 21, of Ghukauli VDC-2 were beaten up by the police on January 13. They were beaten up in Hariaun on Mahendra Highway when they were holding a demonstration against federalism.

RIGHT TO PROMPT AND FAIR TRIAL

The District Court had 196 cases at the end of the year including the ones carried over from July 16 and new cases registered till December 31. Of those, 111 cases were decided. A total of 460 criminal cases were pending on July 16, out of which, 258 cases were decided. From July 17 to December 31, a total of 162 criminal cases were registered and 38 cases were decided.

From July 17 to December 17, 390 cases, where an individual is the plaintiff, were registered out of which 54 cases were decided.

The District Court had 1,839 cases undecided on July 16, of which, 1,159 were decided. Of 1,162 civil cases registered from July 17 to December 31, 242 cases were decided. One case of domestic violence was registered this year. The Office of the District Government Attorney filed 168 cases this year.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Tikaraj Pokharel, 45, of Khanar VDC-7, Sunsari and an administrative officer at the Area Administration Office, Hariaun was mistreated by cadres of the

Matrika Yadav led CPN-M on January 17. The cadres smeared soot on his face for allegedly taking a bribe from the public. Action was not taken against the perpetrators.

CHILD RIGHTS

The DEO, Sarlahi said that a total of 700 schools are operational in the district. Primary level education is officered in 631 schools, lower secondary education is available in 115 schools and 70 had secondary level classes. A total of 9,656 students are attending secondary classes among which 4,377 are girls and 5,279 are boys. In lower secondary level, there are 10,498 girls and 12,427 boys. In primary school level, 64,966 girls and 73,515 boys were going to primary level classes. There are 112 private schools which have about 50,700 students in all levels.

Police arrested Hasan Ansari, 40 and Manjur Ansari, 35, of Laxmipur Kodraha VDC-9 on May 18 for allegedly raping a 15 year old girl of the same VDC. The police said along with Manjur and Hasan, Ram Ekbal Kamariya, 25, and Raghub Ansari, 23, had raped the girl in a jungle across the Lakhandehi River in Janakinagar VDC. They were remanded in the District Prison on a court order.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Manjula Devi Sah, 18, of Basantpur VDC-4 succumbed to injuries sustained during a beating from her family members on June 2. She was beaten by her husband Sanjay and father-in-law Rajbanshi and mother-in-law for not bringing enough dowries. The family members took Manjula to India for treatment and cremated her after she died on the way. Police arrested her father-in-law Rajbanshi on June 3 and released him two days later. The husband and mother-in-law of the deceased were absconding.

Bimala Shrestha, 31, of Tinghare in Bhaktipur VDC-8 was shot dead by an unidentified gang on the road in Babargunj VDC-1 on July 22. Police said that their investigation showed that her husband Santosh Shrestha, a head constable in the APF had paid Shesh Bhola of Phattepur in Bagi VDC-1, Rautahat to murder her in connivance with Santosh' aunt Hira Shrestha. All three were arrested on July 24 and were remanded in the District Prison on August 22.

Inhuman Behavior

Lila Devi Chamar, 54, and her family of Janakinagar VDC-1 were beaten up and force-fed human excreta by Mahendra Mahato, 35, Jogi Mahato, 32, and Shatrughan Mahato, 27, of the same place on June 13. The villagers claimed that the family was practicing witchcraft. The victims filed a complaint in the DPO on June 14. Police arrested Mahendra and Jogi on the same day. They were in the District Prison on remand while others were absconding.

ALL KINDS OF RACIAL DISCRIMINATION

Nagendra Sahani of Khairwa VDC-3 filed a complaint at the local police station accusing Tej Narayan Yadav and Parshuram Yadav of Khairwa VDC-9 of killing his son Devendra Sahani, 20. Nagendra claimed his son was strangulated to death by the Yadavs on March 28 for marrying their relative Bibha Yadav. Yadav's consider their caste as higher to that of Sahani.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property

14 huts of the squatters in Janakinagar VDC-2 were destroyed by a joint team of police and District Forest Office staff on December 27. The Forest

staff claimed that the huts were built on forest land. The residents of the settlements at Bhankta Bahadur Sunuwar, Tek Bahadur Sunuwar of Tribeni VDC-5, Udayapur and Padam Bahadur Ghising of Jamda VDC-6, Siraha were arrested and handed over to the District Forest Office.

HEALTH SERVICE SITUATION

One district hospital, three private hospitals and four community hospitals are registered in the district. Though, the hospital has quota for three doctors, only one is present. There are 10 health posts and 84 sub-health posts. There is a quota of nine doctors for the health posts but only five are currently present. A health staff of 65 is working in the Primary health centers. A total of 123 AHWs, 18 Assistants, 25 ANMs, one staff nurse and 252 VHWs and MCHWs are working in the district.

2.4 Sindhuli

Population : 341,260
Literacy(%) : 61
Women Literacy(%) : 40
Area(Sq. Km.) : 2,491
Number of VDC(s)/Municipality(ies) : 53/1
Number of School(s) : 502/15
Campus(es)/Higher Secondary School(s) : 3/46
Hospital(s)/Health Post(s) : 1/55
Human Development Index : 0.469
Average Household Size : 7

CIVIL AND POLITICAL RIGHTS
JAIL AND DETAINEES

The Sindhuli District Jail had four female and 40 male convicts, and 21 male and two female detainees at the end of the year. Thus, there were 67 inmates in the jail even though it only had the capacity for 25. Two convicted mothers each had a child with them in the jail. The jail building is in a dilapidated condition with its roof leaking during the rainy season. As the jail was accommodating more inmates than its capacity, it lacked certain facilities, including drinking water, toilets and sanitation.

The rooms for female inmates were not spacious. Six detainees were being accommodated in a single room which was meant for only two. The inmates had padlocked the main gate of the jail for two days from December 26 after the jail administration deprived them of receiving telephone calls. The facility was later reinstated following the protest. The inmates, using their own initiative, were making bamboo items like pen holders, mobile stands and watch frames.

THREATS/BEATINGS
By UCPN-M

PLA combatants OF UCPN-M from the Dudhauli-based PLA Second Division beat up several youths, including Rajendra Khatri, 21, Yam Bahadur Sunuwar, 20, Anil Sunuwar, 16, Chitra Bahadur Sunuwar, 16, Santosh Sunuwar, 22, Tika Bahadur Sunuwar, 30 and Man Bahadur Sunuwar of Tandi VDC-9 and Shanti Man Sunuwar of Dudhauli VDC-1 when a dispute flared up between the PLA fighters and the youths at Mangalbare of Tandi VDC-9 on September 16. The PLA fighters further beat Rajendra, Yam Bahadur, Shanti Man and Anil after taking them to a local campus. The PLA fighters kept the victims in the campus and handed them over to their relatives on September 19. Yam Bahadur, Shanti Man, Anil, Chitra

Type of Events	By Non-State								By State			
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	8	4	4		8							
Injured	2	8	1		9							
Arrest & Torture									2	2	1	3
Beatings	4	6			6	2	10	10	1	1		1
Threats	1		1		1							
Right to Assembly									1	7		7
Women Rights	28		29		29							
Child Rights	8		7	1	8							
Economic, Social and Cultural Rights	1	1			1							
Abduction	1		1		1							
Total	**53**	**19**	**43**	**1**	**63**	**2**	**10**	**10**	**4**	**10**	**1**	**11**

Bahadur, Santosh and Tikaram, who had received critical injuries, were taken to the TU Teaching Hospital in Kathmandu for treatment during the night of September 19. The PLA Second Division stated that the PLA combatants, who had gone to buy goats, retaliated after the local youths attacked them. The PLA fighters, Meghraj Rai and Sujan Rai, were also injured in the incident, the Division said.

By YCL

Bir Bahadur Gole, of Kyaneshwor VDC-3 was beaten up by YCL cadres, who were led by Bodh Prasad Ghimire, at Kyaneshwor on January 3. In connection with the incident, the YCL cadres also beat up the Nepali Congress district vice-president Dipak Mishra, as cadres of the NC and the UCPN-M argued over Gole's beating in a hotel in Kamalamai Municipality-6 on January 5. Mishra filed an FIR against the UCPN-M Joint in-charge Rajan Dahal and the YCL central member Ajay Giri in the DPO on the same day. The YCL cadres involved in the incident agreed not to repeat such incidents in the future during an all-party meeting held in the DPO on the same day.

By Tarun Dal

A group of the Nepal Tarun Dal cadres beat up fighters from the PLA Third Division, Bibek Kumar Achhami, Arun and Beni Bahadur at Shivanagar of Kamalamai Municipality-6 on December 4. The PLA Third Division fighters had come to participate in a football competition organized by the PLA Second Division. Tarun Dal cadres, who were forcing the closure of the market and transportation services, beat the PLA fighters as they were returning from Sindhuligadhi. Tarun Dal cadres had called for the closure of the district headquarters protesting the beating of the NC district vice-president Dipak Mishra, on the same day. The Tarun Dal district chairman Upendra Kumar Pokharel, aka Ujjawal, also beat up Min Kumar Dahal, a correspondent with Nepal Television, while he was covering the news of the bandh. Dahal, who was injured in the incident, was treated in the district hospital.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Bir Bahadur Bhujel, 50, Rajiv Paudel, 30, and Tul Bahadur Thapa Magar of Kamalamai Municipality-9, Kiran Lama,

27 and Arjun Waiba of Bhadrakali VDC-9 and Tilak Thapa Magar of Baseshwori VDC-6, among others, were injured when police attacked them with batons at Kamalamai Municipality-9 on January 18. The police resorted to the baton charge after transport entrepreneurs stopped vehicles for defying the bandh called for by the BP Highway Transport Entrepreneurs Association. The injured were taken to Kathmandu after they had received first aid in the district hospital.

RIGHTS TO PROMPT AND FAIR TRIAL

Of the 49 criminal cases-30 of which were pending before July 16 and 19 which were filed from the period of July 17 until the end of the year - 20 were decided on and 29 remained undecided.

Of the 39 criminal cases, where an individual is the plaintiff-28 of which were pending before July 16, and 11 which were filed from the period of July 17 until the end of the year - 14 were decided on and 25 remained undecided.

Of 80 civil cases-56 of which were pending before July 16, and 24 which were filed from the period of July 17 until the end of the year - 34 were decided on and 46 remained undecided.

Of the 30 cases filed in the office of the District Government Attorney this year, four were fully successful, one was partially successful, two were unsuccessful and 23 remained under consideration.

Of the 22 cases of domestic violence filed in the community service centre this year, 19 were settled and three could not be settled as the perpetrators did not present themselves for negotiations, the community service center informed.

CHILD RIGHTS

There are 366 community schools in the district. There are a total of 146 schools-143 primary and three lower secondary schools being operated with a subsidy from the DEO. 40 primary schools are in operation and registered at the DEO. There are 12 primary, three lower secondary, three secondary, and seven higher secondary schools being operated by the private sector. Additionally, there are 11 campuses and 53 higher secondary schools in the district.

A total of 88,723 students – 44,605 girls and 44,118 boys study at primary level, 21,941 students – 10,533 girls and 11,448 boys study at the lower secondary level and 9,908 students - 4,659 girls and 5,249 boys study at the secondary level.

A total of 1,248 teachers - 948 at primary level, 155 at lower secondary level and 145 at secondary level are working under the approved quota in the district. Under the relief quota, a total of 976 teachers- 683 at primary level, 171 at lower secondary level and 122 at secondary level are working in the district.

All the schools in the district remained closed for two days from February 5, following the call of the Relief Teachers' Association. Likewise, all the educational institutions remained closed for six days due to the indefinite strike called for by the UCPN-M from May 2, affecting the studies of 100,600 students. Furthermore, the studies of 10,000 students were affected after the ANNISU-R closed 24 private schools for five days from April 25.

As per a complaint filed by the family of a victim, the police held Nihal Singh Budhathoki, 70, of Kamalamai Municipality-6 on August 25 on the allegation of raping a 10-year-old girl of the same locality. The accused was remanded in the custody following a court order on September 13.

A victim's family filed a complaint in the DPO on July 31, stating that Ganesh Bahadur Damai, 24, of Bhimeshwor VDC-4 raped a 14-year-old girl while she was returning home after collecting drinking water from a nearby tap on July

17. The police held the accused on the same day and produced him at the office of the District Government Attorney and the District Court on August 12 and August 15 respectively. The accused was remanded in the custody following a court order on August 16.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Ajay Shah of Tandi VDC-5 and Bijay Karki, 19, of Triveni VDC-7 in Udaypur were accused of murdering Ranju Pahadi, 18, after rape in Triveni VDC on January 24. Ranju, a permanent resident of Godar VDC-1 in Dhanusha had been staying in her maternal uncle's home in Tandi VDC-5. She was killed after rape in Triveni VDC when she was returning to her residence after attending the grade nine examinations. The accused were detained following a court order on March 1. The Court on September 9 gave a verdict of life imprisonment along with confiscation of all his properties to Karki and five years imprisonment to Shah. The perpetrators were imprisoned in the Sindhuli District Jail.

A 60-year-old woman of Kamalamai Municipality-4 was allegedly raped by Min Bahadur Bhujel, 24, of the same locality while she was collecting grass in a nearby forest in Kamalamai Municipality-2 on February 16. The accused was detained following a court order on March 11. On September 13, the court ordered that the perpetrator be imprisoned for six years and that he must also pay Rs 15,000 compensation to the victim. The perpetrator was imprisoned in the Sindhuli Jail.

Inhuman Behavior

Lila Bhujel, 51, of Kamalamai Municipality-5, beat up Minu Lama, 83, of the same locality, on the allegation of practicing witchcraft, while she was returning from the Dhungrebas Bazaar on June 29. According to the victim, Bhujel beat her saying that his daughter had fallen sick after she practiced witchcraft on her. The case was settled on August 10 after Bhujel pledged to the victim of not repeating such incidents in the future.

Phanindra Bishwakarma, Hira Bishwakarma, Gunaraj Bishwakarma and Man Bahadur Magar of Mahadevdanda VDC-5 beat up Mithu Maya Bishwakarma and her mother Gana Maya of the same locality on the allegation of practicing witchcraft on July 18. They had beaten the victims saying that a buffalo belonging to Man Bahadur had fallen sick after Mithu Maya and her mother practiced witchcraft. According to the victims, those involved in beating also threatened them to sign a pledge of not disclosing the incident.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A total of 13,723 people, including elderly citizens, widows, physically challenged persons, Dalits and marginalized persons received an allowance under the Government's social security program during the year. A total of 6,511 elderly citizens, 1,313 Dalits, 1,645 marginalized community people, 3,900 widows, 302 disabled and 52 partially disabled people received the allowance. The allowance recipients complained that they did not get the allowance on time and that the allowance was only provided for 10 months.

HEALTH SERVICE SITUATION

There were 55 health posts and one district hospital in the district. Of the quota for six doctors in the district, two positions were vacant. Of the quota for 16 senior AHWs, two positions were vacant. Of the quota for 60 AHWs, two spaces were vacant, the district hospital said. Of

the quota for seven staff nurses and 42 for maternity and child health workers, the full allocation was at work. Of the quota for 55 VHWs, 38 were working. Of the quota for 21 ANMs, 19 were working. Of the two available posts for lab technicians, both were vacant. Of the quota for four lab assistants, one position was vacant. Of the quota for one immunization supervisor, one Malaria inspector, one dark room assistant and one radiographer, all were vacant. People complained that they are not getting health service regularly and are deprived of the free health services due to the government's inability to provide medicine on time and the tendency of the health workers to not stay in the offices in the rural areas.

2.5 Ramechhap

Population : 236,902
Literacy(%) : 55
Women Literacy(%) : 30
Area(Sq. Km.) : 1,546
Number of VDC(s)/Municipality(ies) : 55/0
Number of School(s) : 412/15
Campus(es)/Higher Secondary School(s) : 2/28
Hospital(s)/Health Post(s) : 3/53
Human Development Index : 0.434
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Unidentified Group

Purna Bahadur Lama, 60, of Rakatham VDC-9 was found dead on the bank of the Sunkoshi River in the same VDC on December 13. The family of the dceased claimed that he was killed by cadres of the UCPN-M. For a long time, Lama had been living a displaced life in Kathmandu due to fear of the UCPN-M but he returned home on November 24. His wife Shobha Lama claimed that the UCPN-M cadres beat him to death in the Maulate Jungle in Rakathum VDC-1 and then threw his body into the river on November 28. Previously, Lama was beaten and left on the bank of the river on September 17, 2003. He was rescued by the Army and was taken to Kathmandu for the treatment. Lama had been living in Kathmandu since then.

JAIL AND DETAINEES

The District Jail has the capacity to hold 50 inmates, however, a total of 60 inmates were in the jail at the end of the year. Of the inmates, 50 were convicted and 10 were detainees. The jail had seven female and 53 male inmates. The jail is lacking in facilities such as a library and adequate drinking water. A new jail building is under construction.

A security guard from the jail, Binod Basnet opened fire in the jail while he was inebriated on March 15. The firing caused alarm in the jail however the bullets did not injure any of the inmates. Basnet was apprehended by police for departmental action.

THREATS/BEATINGS

By UCPN-M

A district committee member of the UML, Manoj Karki, 25, of Sunarpani

Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	6	5	1	6								
Arrest & Torture									3	2	1	3
Beatings	5	4	1	5	2	4		4				
Threats	2	2		2	1	1		1				
Racial Discrimination	1		1	1								
Women Rights	7		7	7								
Child Rights	1		1	1								
Inhuman Behavior	1	1		1								
Abduction					2	3	1	4				
Total	**23**	**12**	**11**	**23**	**5**	**8**	**1**	**9**	**3**	**2**	**1**	**3**

VDC-6 was beaten and injured by local cadres of the UCPN-M on February 1 while he was partaking in a village council meeting in Salu VDC. The UCPN-M denied being involved in the incident.

By YCL

A district committee member of the UML, Padam Khatri of Priti VDC-4 received threats from the district chief of the YCL, Prem Karki Sewak on August 30 He was accused of forming a Youth Force unit in the village. Khatri, who had gone to the District Administration Office, was forced out of the office and threatened for daring to clash with the UCPN-M cadres. Khatri then went to his relative's room in Akashe in Manthali, however, Karki followed him there to further threaten him. Stating that he was unsafe after the incident, Khatri appealed to rights activists for his safety.

By NC

Mithu Maya Shrestha, 45, of Hiledevi VDC-7 was beaten and injured by a supporter of the NC Lukum Bahadur Shrestha, 40, of the same place on October 30. She was accused of being a UCPN-M cadre. Shyam Bahadur, Shrestha's husband stated that he was a UCPN-M cadre during the conflict period and his wife was beaten on allegation that he bothered locals during the conflict. He added that Lukum had picketed his house threatening to take her life. A complaint was filed at police but Shyam Bahadur complained that he did not receive any support from them.

By UML

A district committee member of the UCPN-M and district chairperson of the Nepal Red Cross, Ram Bahadur Karki was beaten and injured by locals affiliated to the UML on February 10. He was beaten while he was at a VDC level meeting representing the UCPN-M. Villagers stated that there had been a dispute in the meeting and Karki was beaten after he provoked the villagers. However, Karki said that he was deliberately attacked. Police arrested Raju Karki, a member of a ANNFSU in connection with the beatings and initiated legal proceedings under the Public Offence Act.

RIGHT TO PROMPT AND FAIR TRIAL

Six criminal cases, 28 criminal cases, where an individual is the plaintiff and 54 civil cases remained undecided in the District Court by July 16. Similarly, 19 criminal cases, 68 criminal cases, where an individual is the plaintiff, and 103 civil cases were filed at the District Court

between July 17 and December 31. Of the total cases, 14 criminal, 46 criminal, where an individual is the plaintiff, and 128 civil cases were decided by the end of the year.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Padma Maya Sunuwar, 47, of Bhuji VDC-6, who was arrested by police from the APO in Pritik as a suspect in the murder of local Hom Bahadur Sunuwar, was tortured by the police on January 16. The victim's hands were swollen and he sustained wounds to his body as a result of the torture. The victim stated that she was kicked and beaten with lathis by the police. Sunuwar was tortured throughout the night and was taken to the DPO in Ramechhap the next day. Police released her on January 18 stating that she was found innocent following an investigation. Durga Bahadur and Padma Bahadur, who were arrested along with her, were also released that day. Padma Maya, who was unable to walk as a result of the beatings, received treatment in Manthali. The victim filed a case against the perpetrators at the District Court. The case had not been decided at the end of the year.

CHILD RIGHTS

A girl, 16, of Sukajor VDC-2 was allegedly raped by Phanindra Shrestha, 24, of Ramechhap VDC-9 and Roshan Tamang, 21, of the same place on October 24. A rape complaint was filed against the accused at the DPO on November 1. The victim said that she was taken to a room in Ramechhap Bazaar from a jungle near the Ramechhap Hospital and was raped there. The accused were still at large at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A woman, 25, of Sukajor VDC-6 was gang-raped in Ramechhap VDC-9 by Santosh Sai, 22, and Shyam Hayu of Ramechhap VDC-8 while she was quarrying mud for a scrubbing floor on March 19. The victim's side field a complaint against the accused on March 20. The victim escaped from the rapists when they were about to strangulate and kill her following the rape. The victim received treatment at the district hospital in Ramechhap for five days. The accused were arrested by police on March 21 and were remanded in jail.

Domestic Violence

Suntali BK, 30, of Rakathum VDC-7 was hit with a sickle and injured by her mother-in-law, Sita BK over a domestic dispute on October 16. After the incident, Sita fled to Kathmandu where she was arrested and kept in custody at the Thimi Police Circle in Bhaktapur. She committed suicide while in custody by hanging herself with a bed sheet.

HEALTH SERVICE SITUATION

This district has one government hospital, two primary health centers, 11 health posts and 42 sub-health posts. Additionally, there are two aayurved centers. A total of 40 health workers were absent in the district at the end of the year. One staff nurse, one HA, one ANM, 12 AHWs, two MCHWs and 19 VHWs were not at work at the end of the year.

2.6 Dolakha

Population : 236,638
Literacy(%) : 60
Women Literacy(%) : 40
Area(Sq. Km.) : 2,191
Number of VDC(s)/Municipality(ies) : 51/1
Number of School(s) : 393/12
Campus(es)/Higher Secondary School(s) : 3/36
Hospital(s)/Health Post(s) : 1/54
Human Development Index : 0.450
Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The District Jail has the capacity to hold 35 inmates. The jail had a total of 38 inmates at the end of the year. Of the inmates, 28 have been convicted and 10 are detainees. The inmates in the jail launched a demonstration on November 3. Transfer of the security in-charge of the jail, Ram Narayan Gautam, was among their nine demands. The inmates said that Gautam demanded money from them, made them buy cellular recharge cards for him and that he is rude to the inmates. The inmates called off their protest when they reached a compromise with the jail administration when the latter agreed to send a letter about their demands to the Department of Prison Management.

RIGHT TO PROMPT AND FAIR TRIAL

Including the ones brought forward from last year and filed this year, there were 64 cases at the District Court. Of the total cases, 35 were decided and 29 remained undecided at the end of the year.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Pemba Dorje Tamang, 17, of Lakuridanda VDC-7 was arrested on charge of theft on June 5. He was beaten and tortured by ASI Rajiv KC, head constable Bhim Basnet and constable Nabaraj Pokharel while in the custody of the DPO on June 6. The victim, who was injured as a result of the beatings, was treated at the primary health center in Dolakha on June 7. The victim filed a case at the District Court on August 13 demanding compensation for the torture. The perpetrators were released on date as per an order from the District Court at the end of the year.

CHILD RIGHTS

This district has 261 primary, 33 lower secondary, 44 secondary, 38 higher secondary government schools and eight government colleges. Similarly, there are 15 primary, four lower secondary, six secondary and one higher secondary private schools.

The family of a girl, 7, of Mirge VDC-8 filed a complaint at the DPO against Ganga Bahadur Khadka of the same place on Janurary 28 stating that the girl was to raped by him at his home on January 24. Police filed a case against the accused on January 29, however; the accused was still at large at the end of the year.

Sanjuram Mahara, 12, permanent resident of Phulahaka VDC-4 in Mahottari District and living in Charikot in Charikot Municipality-10 was abducted from near his home by unidentified people on April

Type of Events	By Non-State			
	By Others			
	No. of Events	Male	Female	Total
Killing	3	3		3
Injured	4	7		7
Beatings	3	3		3
Women Rights	3		3	3
Child Rights	7		7	7
Inhuman Behavior	1	1		1
Abduction	1	1		1
Total	22	15	10	25

18. He was killed on April 22 in Kandol in the Sitamani district of India. The victim was a second grade student. The abductors had called the family demanding Rs 1m Ram Kishor Ram, 40, Nuralam Siddiki, 19, of Sitamadi in India and Juber Mansur, 18, of Laxmipur VDC-1 in Sarlahi district were arrested by police on April 27 on the charge of their involvement in the incident. The accused were remanded in jail as per an order from the District Court on May 23. The victim's father Jogiya Mahara filed a murder case against the accused at the DPO on December 24.

ALL KINDS OF DISCRIMINATIONS AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A woman, 27, of Chhetrapa VDC-1 was allegedly raped by Dhan Raj Khadka, alias Subba, 43, of Namdu VDC-6 on October 5. The victim's family filed a complaint at the DPO against the accused on October 7. The accused was arrested by police and a case of rape was initiated against him. The accused was remanded in custody on October 31 as per an order from the District Court.

Polygamy

Usha Basnet, 26, of Boch VDC-5 filed a complaint against her husband Ram Chandra Basnet, 30, at the DPO on October 17 stating that he took Kunti Thapa of the same place as a second wife. The couple remained absconded at the end of the year.

Inhuman Behavior

Lemi Sherpa, 57, Nistinggaira in Chankhu VDC-3 was beaten by Bainima Sherpa, 15, of the same of place on August 20 She was accused of being a witch. The victim was treated at the Tso-Rolpa Polyclinic. She filed an FIR against the perpetrator at the DPO. However, the police mediated a compromise by making the perpetrator pay Rs 20,000 and promise that such an incident would not be repeated again.

HEALTH SERVICE SITUATION

This district has two hospitals, two primary health centers, nine health posts and 43 sub-health posts. The quota for doctors is two but only one was at work at the end of the year. The quota for staff nurse is two but only one was at work. Similarly, the quota for HAs is 13 but only five were at work and only one ANM was at work whereas the quota for them is 14. Likewise, the quota for AHWs is 56 but only five were at work at the end of the year. The quota for VHWs is 55 but 41 were at work at the end of the year.

2.7 Rautahut

Population	: 677,261
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)	: 3/20
Hospital(s)/Health Post(s)	: 1/97
Human Development Index	: 0.409
Average Household Size	: 6.89

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By State

Jahir Ansari, 27, of Rajpur Pharadhawa VDC-7 was shot dead by the police in Karuniya VDC-7 on April 20. Police said they shot Ansari in retaliation as he along with his group had arrived in the village for a loot. Police also recovered a 315 pistol and two rounds of bullets from the site. The body was handed over to the deceased's family after a post-mortem was carried out on April 21.

Jhaman Yadav alias Bijay, 27, of Maryadpur VDC-3 and Binod Raj Yadav alias Birendra, 22, of Sonariya VDC-1 were killed on the road leading to Jigadawa VDC on the night of February 22. Bijay was the military commander of the Janatantrik Tarai Mukti Morcha while Birendra was a cadre of the same group. Police said that the police team, patrolling the rural area, had to retaliate after being fired at by approximately 10 cadres from the group. They said a home-made pistol and bullets were recovered from the site. The bodies were handed over to the relatives after post-mortems were carried out at the Gaur Hospital on February 23.

Raj Kumar Patel alias Raghubir, 27, of Sangrampur VDC-7 and head of the Tarai Madhes Force was shot dead by police at the Banjaraha Ghat beside the Lal Bakaiya River in Banjraha VDC-6 on November 3. Police said that Patel was shot when a police patrolling team came under fire from a group of approximately six people, including Patel, when the police team tried to stop the group for a security check. Police added that, both sides exchanged fire for nearly 20 minutes. The body was handed over to his family after a post-mortem was carried out at the district hospital on November 4.

Surendra Mukhiya Bin, 32, of Dharampur VDC-3 and staying in Hajariya VDC-7, Sarlahi, and Harish Chandra Sahani alias Umesh, 27, of Gehadi Guthi VDC were shot dead by the police on December 26. Bin was the JTMM-J Rautahat district coordinator while Sahani was platoon commander of the same group for the districts of Sarlahi, Mahottari and Rautahat. Police said they were killed in an encounter between the police and the group members on the bank of the Bagmati River in Dharampur VDC-2. The police said they opened fire when the group fired at them driving a security check. The bodies were handed over to the relatives of the deceased after post-mortems were carried out at the district hospital, Gaur.

By Unidentified Group

Shambhu Raya Yadav, 35, of Sonarniya VDC-4 and UCPN-M Bhojpura

Type of Events	By Non-State				By State		
	By Others						
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	17	9	8	17	4	6	6
Injured	6	3	6	9			
Beatings	4	3	2	5	1	2	2
Threats	6	6		6			
Right to Assembly					1	4	4
Women Rights	11		11	11			
Child Rights	6		6	6			
Inhuman Behavior	1	1		1			
Abduction	7	6	1	7			
Total	**58**	**28**	**34**	**62**	**6**	**12**	**12**

state committee member was shot dead by an unidentified group on February 12. Yadav was killed in Sonarniya VDC-5 on way to his home on a motorbike, with his friend Amar Raya of Phatuha Harshaha VDC. Police said that he sustained bullet wounds to his neck. No groups claimed responsibility for the killing. The body was handed over to the deceased's family after the post-mortem at the district hospital, Gaur on February 13. UCPN-M cadres beat up Ram Sewak Ray Yadav, of Sitalpur Bairganiya VDC-5 on February 13 alleging him of being involved in the killing and then handed him over to the police. Yaday was taken to Narayani Sub-Regional Hospital in Birgunj. The police said that he fled from the hospital on February 15. Armed outfits JTMM-J, Madhes Krantikari Party and Samyukta Tarai Mukti Morcha claimed the responsibility on the killing issuing separate statements.

INJURED IN SHOOTING/EXPLOSION

By Abandoned Explosive Device

Bindu Raut, 10, of Ajgaibi VDC-6 and Ranju Kushwaha, 12, of the same place were injured when an abandoned sutali bomb went off on October 10. The bomb exploded while the girls were playing with it. The victims found the bomb in a field while cutting grass. They sustained minor injuries to their hands. Police said that the victims were taken to the district hospital, in Gaur for the further treatment following initial treatment at the local sub-health post.

By Others

Archana Mishra, 21, of Gaur Municipality-3 and her daughters Murti Mishra, 4, and Shruti Mishra, 2, were injured in an explosion on August 4. A bomb was detonated by an unknown group at their home while they were sleeping. They sustained injuries to the head, eyes and hands. The injured were treated at Gaur Hospital.

JAIL AND DETAINEES

The District Prison located in Gaur was built in 1919. The 'C' grade Prison had 115 inmates at the end of the year. Three female and 75 male inmates are convicts while three female and 34 male are detainees. Two boys are living in the prison as dependents. The inmates have access to a volley ball court, chess and a carom-board. There are four toilets for male inmates and two for female inmates. The male inmates say that they face problems because there are so few toilets. They also complain that they do not have enough space to sleep due to overcrowding in cells.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

Ram Prabesh Sah, 22, of Jhunkhunwa VDC-4 was abducted by a group of approximately five people from his house on March 18. The group released him from Bairganiya in India on April 30 after

Sah's family paid a ransom of Rs 400,000. The police had not arrested anyone at the end of the year.

THREATS/BEATINGS
By JTMM-J

Bechan Sah, 50, the Nepal Electricity Authority Chandranigahpur acting branch manager received death threats from JTMM-J on August 3. The JTMM-J Rautahat district in-charge Kameshwar Patel threatened him over the phone for refusing to pay money as a donation. Patel told Sah that he could be shot dead when he ventures into rural areas on business. Sah informed the police about the death threat. Police had not arrested anyone at the end of the year.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION
(Political Freedom Including Free and Impartial Election)

Rajendra Thakur, 27, Shreechanda Thakur, 45, Nepal Nai Association Rautahat chairperson Bhushan Kumar Thakur of Chandranighapur VDC-5 and Mukesh Giri, 35, of Chandranigahpur VDC-6 were injured in a police beating on March 18. The injured were holding a peaceful demonstration protesting the death of Rekha Devi Thakur, 25, of Chandranighapur VDC-5 and her new born baby in the Janaki Hospital, located at Chandranigahpur VDC-1 on March 17. The demonstrators claimed that hospital negligence had led to their deaths. They were demanding that action be taken against the doctor and compensation be paid to the deceased's family. The injured were treated at the local health center.

RIGHT TO PROMPT AND FAIR TRIAL

The Rautahat District Court had 106 criminal cases pending by July 16. Of which, 20 were decided and 86 remained undecided at the end of the year. There were 44 criminal cases filed till the end of the year, of which, seven were decided and 37 remained undecided.

Out of 267 cases remaining in the court by July 16, where an individual is the plaintiff, 84 cases were decided and 183 remained undecided. Of 171 cases, where an individual is the plaintiff, registered at the district court between July 17 and December 31, 31 cases were decided and 140 remained undecided.

There were 1,087 civil cases by July 16, of which, 337 cases were decided and 748 remained undecided. There were 623 cases, where an individual is the plaintiff, registered between July 17 and December 31. Out of that, 93 cases were decided and 530 remained undecided.

The Rautahat District Bar Association boycotted the bench from April 21 citing that corruption by district judges and court staff was depriving the public of justice. The Bar was demanding the transfer of these figures. A dialogue team led by the Chief Judge of the Appellate Court, Hetaunda held talks with the legal practitioners on April 26 and struck a 7-point deal. Court proceedings resumed that same day. The seven points of the agreement included the transfer of senior judge Kashinath Pokharel within seven days, and the transfer of other judges Hari Pratap KC, Medini Prasad Poudel, Giriraj Gautam and a staff member Ramananda Prasad Adhikari within 15 days.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Ram Pukar Sahani, the secretary of Jayanagar VDC was inhumanly treated by locals on June 12. His face was smeared with soot and he was paraded in the area with a garland of shoes. The reason behind the act was an accusation that Sahani

had embezzled Rs 1.2m allocated for development by producing fake documents. Police had not arrested anyone involved in the incident at the end of the year.

CHILD RIGHTS

The DEO, Rautahat figures show a total of six colleges, 22 madrasas, 30 higher secondary schools, 64 lower secondary schools, 350 primary schools and 30 private schools. In total, 67,320 girls and 99,431 boys are studying in these schools. There is a quota for 1051 teachers in primary schools, 174 in lower secondary schools and 190 in secondary schools. Likewise, 520 teachers are on the relief quota for primary level, 84 for secondary level and 46 for secondary level.

Alfat Raja, 11, son of Shekh Nurul of Karuniya VDC-7 and currently living in Gaur Municipality-5 was abducted by an unidentified group on January 23. He was abducted while sleeping from his home by a group of approximately six people. He was rescued by a joint team of Nepal Police and Indian police following a tip-off. The joint police team found him at Devapursthan of the Shivahar district in India on February 1. The boy was handed over to his mother on the same day.

The family of a 4-year-old girl of Dumariya Matiaun VDC-3 accused Ramphirat Chaudhary, 42, of Santariya Matiaun of raping the girl on September 4. The family claimed that Chaudhary abducted the girl from her home and raped her in a nearby field. The family added that Chaudhary had committed the deed following a dispute over a money transaction. The medical report verified that the girl was raped. Police arrested Chaudhary and filed a case of rape against him. He was remanded in the district prison on a court order.

A 13-year-old girl of Jatahara VDC-1 was abducted from her house by Shekh Bajair, 22, Mukesh Sah Kanu, 16 and Ahamzad Miya, 18, of ward no. 2 of the same VDC on July 14. She was trafficked to Bangalore where she was allegedly gang-raped by her abductors before being sold. She managed to escape and return home on August 2. With the help of her relatives, she filed a case of trafficking at the DPO. In her statement to the police, she said that the men had abducted her from the house, gagged her and took her to India. All four were charged with human trafficking but were absconding at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 28-year-old woman of Bishrampur VDC-8 accused Kishori Patel, 33, and Narendra Ray Yadav, 31, of Ramauli Bairiya VDC-1 of raping her on May 18. She claimed she was threatened and raped while she was alone at home. She filed a case of rape against the accused in the Garuda APO on May 21. Police had not arrested any of the suspects at the end of the year.

Domestic Violence

Manju Devi Sah, 19, of Santapur Matiaun VDC-6 was killed by her family members on the night of January 27. Sah's husband Rambhajan, father-in-law Patilal and mother-in-law Lalo Devi killed her at their house for not bringing the demanded dowry and they then disposed the body. Police arrested Patilal and Lalo Devi on January 28 and charged them with murder. The Rautahat District Court remanded them in prison on February 25. The husband was said to be absconding at the end of the year. Manju was married to Rambhajan some 18 months ago. Manju's brother Rajesh Sah claimed that his sister was killed as the family had demanded Rs 15,000 of a dowry. Rajesh said his family

had paid Rs 5,000 at the time of the wedding but were unable to pay remaining Rs 10,000.

Mamata Devi Das, 18, of Bramhapuri VDC-9 was strangulated to death by her husband Mahendra Das, 23, Manchit Das, 45 and mother-in-law Shiva Kumari Das on December 3. The daughter of Jibachha Das of Harpukala in the Sitamadhi district in India, Mamata was married to Mahendra two years ago. Police said that Mamata's father had been unable to provide a bicycle that was demanded as part of the dowry. Neighbors said that the family had also been verbally abusing Mamata. The post-mortem of the body was conducted in the district hospital, Gaur on December 4. Police had not arrested any of three at the end of the year.

Inhuman Behavior

Sukhali Devi Yadav, 50, of Shitalpur VDC-1 was beaten up by her neighbors Gaurilal Ray Yadav, Ramnath Ray Yadav, 35, Laxmi Ray Yadav, 30 and Khaheru Ray Yadav, 45 on October 26. She was accused of causing the death of the 5-year-old daughter of Gaurilal Yadav by practicing witchcraft. Sukhali Devi was treated at Gaur Hospital for her injuries sustained in the assault. She filed a complaint against the perpetrators at the DPO on October 29. Yadav was released on a bail of Rs 30,000 on November 29. The police said that the other suspects were still absconding at the end of the year.

HEALTH SERVICE SITUATION

There is one district hospital, four private hospitals and two nursing homes registered in the district. The district and primary health centers have a quota of four doctors but only two were working at the end of the year. The district has eight health posts, four primary health centers and 85 sub-health posts. Of 97 positions for VHWs, 69 were working, of 85 for MCHWs, 51 were working and of the eight required staff nurses, only one was working at the end of the year.

2.8 Bara

Population : 726,998
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
Hospital(s)/Health Post(s) : 1/98
Human Development Index : 0.309
Average Household Size : 8

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By State

Ram Babu Sahani, 17, of Ramnagar in Shreenagar Bairiya VDC-8 was shot dead by the police near the Jaitapur Pasaha River in Manaharwa VDC-2 on March 7. He sustained bullet wounds to his head. The deceased's family took his body after post-mortem. The police said that Sahani died during a clash with an armed group.

Type of Events	By Non-State				By State		
	By Others						
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	20	16	7	23	1	1	1
Injured	7	13	8	21	1	1	1
Beatings	1	15	1	16	1	1	1
Women Rights	1		1	1			
Economic, Social and Cultural Rights	1	1		1			
Inhuman Behavior	2	2		2			
Abduction	3	3		3			
Total	**35**	**50**	**17**	**67**	**3**	**3**	**3**

However, his family said that the police had arrested him on March 6 and killed him the next day.

By JTMM-A

Rup Narayan Yadav alias Khesari Prasad Yadav, 32, of Jolgawa Tol in Parashuram VDC-1 was shot dead by the cadres of the Janatantrik Tarai Mukti Morcha (Ajad) while he was sleeping on the roof of his house on July 29. Yadav was shot in the chest and throat. He died while being brought to Kalaiya for treatment. Yadav was a member of Bhojpura sub-state committee area no. 2 and the area no. 2 in-charge of the YCL. He was cremated in the village following a post-mortem in the Kalaiya district hospital. Police arrested Ananta Ray Yadav, 50, Bir Dev Yadav, 28, of ward no. 1 and Ghuman Prasad Yadav, 50, Purushottam Shrestha, 17 and Prem Paswan, 20, of ward no. 5 for their alleged involvement in the incident. They were remanded in Birgunj Prison following the District Court's order at the end of the year.

By JTMM-P

Suresh Patel, 38, of Khajuriya in Mahendra Adharsha Chyutaha VDC-9 was shot dead by cadres of the Janatantrik Tarai Mukti Morcha (Prateek) when he was returning home in a motorbike at Chirayaidaha near the Jamuni River on October 30. Patel was a teacher at the Shree Nepal Rastriya Primary School in Bishunpurwa. Patel sustained four bullets to his back and stomach died instantly. The post-mortem of the deceased was conducted at the district hospital. His relatives cremated him in the village.

By TMM

Member of the Bhojpura state sub-committee of the UCPN-M, Ramprakash Yadav, 35, regional member of the UCPN-M Dara Yadav, 26 of Ganjabhawanipur VDC-7 and Ambika Mahoto, 25, of ward no. 9 of the same VDC were shot dead by cadres of the Tarai Mukti Morcha (TMM) on a road in ward no. 5 on January 6. Injured in the same incident, the UCPN-M regional member and a teacher, Kanhai Yadav, died while undergoing treatment in the Kathmandu-based Norvic Hospital on February 28. Kanhai, 30, was a resident of ward no. 7. Final rites of the deceased were conducted at the Pasaha River on January 7 whereas Kanhai was cremated in Kathmandu on February 29. Siyaram Mahato, 35, of ward no. 7 was also injured in the incident; he returned home after treatment in Kathmandu. Police arrested Ganesh Prasad Jaiswal and Mahesh Prasad Sah Kanu of Ganjabhawanipur VDC-7 on suspicion

of their involvement in the incident. The accused were remanded in the Birgunj Prison by the District Court's orders on February 23.

By MMT

Subhash Pandey, 40, of Jodhpur in Raghunathpur VDC-8, and a teacher at Durga Higher Secondary School was shot dead by cadres of the Madhes Mukti Tigers (MMT) on September 6. He was shot near the bridge of Kukarbhukka in Purainiya VDC. He was shot by a group of four men in the back and stomach, and died instantly. The post-mortem of the body was conducted at the district hospital. His final rites were performed in Raghunathpur.

By Others

Rajesh Mandal, of Lalparsa VDC in Parsa and a trade union leader of the UCPN-M, was shot dead by an unidentified group at Nitanpur chok in Chhatapipra VDC on January 12. Police arrested Bharat Raut Ahir of Parsachorni VDC-5, Kanhaiya Prasad Yadav, Harihar Mahato Nuniya of Chatapipra VDC, and Kameshwor Mahato of Buniyad VDC-4 for allegedly being involved in the incident. They were remanded in Birgunj prison by the District Court's order on February 17.

INJURED IN SHOOTING/EXPLOSION
By SJTMM

Ramananda Patel, 35, of Bhatauda VDC-4 was injured when cadres of the Samyukta Janatantrik Tarai Mukti Morcha (SJTMM) shot at him at a local vegetable market on May 5. Devanti Devi Sah, 38, and her daughter Preeti Sah, 8, of Kalaiya Municipality-4 were also injured by bullet shrapnel in the same incident. They were treated at the Kalaiya Hospital while Patel was admitted to the Bharatpur Medical College after initial treatment at the Narayani Sub-zonal Hospital in Birgunj.

By JTT-R

Manaki Thakur, 70, of Kalaiya Municipality-12, Anamika Das, 10, of Kalaiya Municipality-6, Sona Lal Ram, 40, of Prastoka VDC-4, his wife Inarasi Devi Ram, 35, Lalmati Devi, 50, of Kalaiya Municipality -5, Jagadish Sah of Bhatauda VDC-4, Bhakti Devi, 40, of Kalaiya Municipality -8, Ram Babu Gosai, 26 of Kalaiya Municipality -8, Binod Mali, 20, of Prastoka VDC-7, Sabima Khatun, 10 of Kalaiya Municipality-3 and Sailun Miya, 40 of Kalaiya, were all injured when an improvised explosive device went off in a vegetable market of Kalaiya Municipality-6 on July 17. Cadres of the Janamukti Tarai Tigers Rajan (JTT-R) had used a lunch box to hold the homemade bomb and placed it in the busy market area. Thakur received treatment at the Narayani Sub-regional Hospital, Das was treated in the Kedia Eye Hospital in Parwanipur and the others injured were treated at the Kalaiya Hospital.

By TMM

Bihari Mahato, 55, of Uchidi VDC-7 and Biralal Mahato, 37, of ward no. 9 of the same VDC were injured in an explosion on a road in Uchidi VDC-7 on September 27. The injured were taken to the Kalaiya Hospital for treatment. The explosion occurred when some children found a steel box in the field at the Kankali Higher Secondary School in Simraungadh, Golagunj VDC and hit it with a stone. The bomb was left by TMM cadres in the school field

By Others

The proprietor of Shiva Guru Food Industry Ramesh Kumar Gupta, 35, of Jitpur VDC-3 was injured when an unidentified group shot at him when he was at the factory on November 16. Gupta sustained injuries to his head and face from the bullet shrapnel. He underwent

treatment in the Narayani Sub-regional Hospital in Birgunj. The police arrested Rajesh Karna, 20, of Chorni VDC-8 in Parsa for his involvement in the incident. He was remanded to the Birgunj Prison by the District Court's order on December 9.

By Abandoned Explosive Device

Pashapati Devi Sah, 50, of Kalaiya Municipality-6 was injured in an explosion in the same area on May 18. The explosion took place when an explosive device abandoned in a pile of garbage near a road near the Gadhimai Health Clinic in Kalaiya Municipality-6 went off as she was walking past. Sah sustained injuries to her right leg, body and hands and was treated in the Narayani Sub-zonal Hospital in Birgunj.

DISAPPEARANCE/ABDUCTION

By ATMM

The VDC Secretary of Karaiya VDC Om Narayan Chaudhary, 48, a resident of same VDC was abducted by cadres of the Akhil Tarai Mukti Mocha (ATMM) from the Motishahar chok along the Kalaiya-Birgunj road section on May 4. The group abducted him accusing him of embezzling funds from the VDC. He came into family contact at 10 pm on April 29.

By Others

VDC Secretary Ash Mohammed Ansari, 50, of Kalaiya Municipality-12 was abducted by an unidentified group from a jungle near Ratanpuri village on January 25. Ansari was working as the VDC secretary of Ratanpuri VDC. The police found him in the same jungle two days later. Suk Bahadur Thing of Ratanpur VDC-8, Hasta Bahadur Thing of Nijgad VDC-7, and Om Prakash Kunwar alias Sagar of Ratanpur VDC-1 were arrested in connection with the abduction. They were remanded in the Birgunj Prison by the District Court's order on March 12.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

(Political Freedom Including Free and Impartial Election)

Raj Kumar Yadav, of Kalaiya Municipality-5, and district secretary of the Madhesi Janadhikar Forum (Nepal)-affiliated Madhesi Students' Front, Bara was injured when police charged at him with batons on January 22. The police used batons against him because he was showing a black flag to Deputy Prime Minister Sujata Koirala in protest. He sustained an injury to his head and was treated in the Kalaiya Hospital. The MJF (Nepal) accused the police of using excessive force in their peaceful protest.

RIGHT TO PROMPT AND FAIR TRIAL

Out of the 86 criminal cases brought forward from last year in the District Court, 29 cases were decided by July 16. Out of the 127 criminal cases, where an individual is the plaintiff, 55 cases were decided by July 16. Out of the 762 civil cases brought forward from previous years, 341 cases were decided by July 16. From July 17 to December 31, 65 criminal cases were registered at the District Court. Of these, 19 cases were decided. A total of 123 cases, where an individual is the plaintiff, were registered in the same period. Of these, 14 cases were decided. 545 civil cases were registered in the same period. Of these, 44 cases were decided. One case, which was registered the Domestic Violence Act this year, was settled in a compromise.

The Office of the District Government Attorney registered 34 cases at the District Administration Office this year. Of these, only five cases were decided. Additionally, 108 cases were registered at the District Court by the office this year. Of these, only 26 cases were decided.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Vice-chairperson of the youth front of the Matrika-led CPN-M, Mukesh Sah, was assaulted and tortured in the DPO during an interrogation on June 17. Sah, 22, of Jeetpur Bhawanipur VDC was arrested for smearing soot on the face of Shree Ram Paudel, chief of the Land Revenue Office, Bara on June 14. They accused him of being involved in corruption. The CPN-M cadres barged into his office and mistreated him after locking him inside the office. Sah was arrested for his involvement in the incident. He was released on bail after paying a fine of Rs 1,000.

Cadres of the CPN-M smeared soot on the face of Harishchandra Yadav, manager of the Kaliaya branch of the Agriculture Development Bank in his office on June 16. They accused Yadav of asking for bribes from farmers when approving their loan applications. Yadav reported the incident to the DPO, but no one was arrested.

CHILD RIGHTS

According to the DEO, there are 447 community schools in the district. Of these, 331 are primary level, 50 are lower secondary, 54 are secondary level and 12 are higher secondary level schools. Out of the 166,878 students studying in the primary level, 86,827 are male and 80,051 are female. Out of the 29,997 students studying in lower-secondary level, 16,230 are male and 13,767 are female. Out of the 12,666 students studying in secondary level, 7,240 are female and 5,426 are male. Out of the 3,014 students in higher secondary schools, 1,482 are male and 1,532 are female.

Ramiya Chaudhary, 11, and Kriti Chaudhary, 7, of Shreepur in Sihasani VDC-1 were hacked to death by their father Khushi Chaudhari, 35, on November 13. He attacked them with an axe while they were sleeping in the house. The police arrested Khusi and his second wife Bindu Chaudhary, 19. Both were remanded in the Birgunj Prison by a District Court order.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Moriam Khatun, 20, of Basatpur VDC-9 was beaten to death by her husband Nasir Miyan Ansari on March 20. He was remanded in the Birgunj Prison by a District Court order on April 12.

Inhuman Behavior

Bhukhali Devi Sahani, 45, of Belawa Tol in Laxmipur Kotwali VDC-3 was assaulted and fed human excreta by her neighbors Satya Narayan Mahato, his wife Aashiya Devi, son Binod Mahato and Ashok Mahato on July 21. She was accused of practicing witchcraft. The case was settled after the perpetrators apologized to the victim and agreed to provide her with Rs 37,000 as compensation.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By SJTMM

A vehicle belonging to the Kalaiya Dairy Center in Kalaiya Municipality-7 was damaged after cadres of the Samyukta Janatantrik Tarai Mukti Morcha (SJTMM) detonated a bomb in the factory premises for failing to provide the group with a donation on August 1.

HEALTH SERVICE SITUATION

There is one district hospital, one ayurved hospital, four primary health centres, 11 health posts and 83 sub-health posts in the district. Three doctors were present in the district hospital as allocated at the end of the year. One HA and three AHWs were absent from the health posts at the end of the year.

2.9 Parsa

Population : 642,549
Literacy(%) : 55
Women Literacy(%) : 35
Area(Sq. Km.) : 1,353
Number of VDC(s)/Municipality(ies) : 82/1
Number of School(s) : 331/16
Campus(es)/Higher Secondary School(s) : 7/17
Hospital(s)/Health Post(s) : 2/38
Human Development Index : 0.448
Average Household Size : 8

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By State

The military commander of the Janatantrik Tarai Mukti Morcha-Jwala Singh (JTMM-J) Motiram Dusad alias Kaalicharan, 30, of Mahuwan VDC-3 was shot dead after arrest near a canal in ward no. 5 of the same VDC on February 1. The DPO said that Kaalicharan was killed in police retaliation after JTMM cadres opened fire at them. The post-mortem of the deceased was conducted at the Narayani Sub-regional Hospital in Birgunj. His body was handed over to his family the following day.

Sihasan Sahani, 20, of Pakaha in Mainpur VDC-7 and a cadre of the Janatantrik Tarai Mukti Morcha-Jwala Singh (JTMM-J) was killed in police fire at Nagawa Tol in Birgunj Sub-metropolis-19 on August 29. Sahani and another Mukhlal Kurmi, 50, of ward no. 8 of same VDC were injured when a socket bomb that Sahani was carrying exploded as he was taking shelter in Kurmi's rented room in Nagawa. Sahani died instantly when police opened fire immediately after the explosion. Injured Kurmi was taken to the Narayani Sub-regional Hospital for treatment by the police. SP Rajendra Man Singh said that Sahani opened fire first and died when the police retaliated. However, the family of Sahani claimed that he was killed after arrest.

By SJTMM

Police head constable Anantaraj Khadka, 26, of the Bara district was shot dead by cadres of the Samyukta Janatantrik Tarai Mukti Morcha (SJTMM) at Birgunj Sub-metropolis-12 on January 11. The group were targeting the Assistant CDO Bam Bahadur Malla but the bullet hit his bodyguard Khadka. He died instantly. The group opened fire and left the site as Malla along with the victim were about to get in a vehicle to go to the office. The police had not arrested anybody in connection with the incident at the end of the year.

By Others

Kashinath Tiwari, 45, of Birgunj Sub-metropolis-13 and national chairperson of the Hindu Youth Federation (HYF) was shot dead by an unidentified group at Samshanghat in same place on June 26. The HYF called for a bandh in Birgunj in protest of the incident on June 27 and 28. Tiwari's family cremated his body at Ranighat after an agreement was reached between the security agencies and representatives of political parties to take action against the guilty, declare

Type of Events	By Non-State				By State				
	By Others								
	No. of Events	Male	Female	Total	No. of Events	Male	Female	N/A	Total
Killing	9	5	4	9	5	5			5
Injured	10	10	4	14	1	4			4
Threats	1	1		1					
Right to Assembly					1	2	1	51	54
Women Rights	2		2	2					
Child Rights	1		1	1					
Inhuman Behavior	1	1		1					
Abduction	1	1		1					
Total	**25**	**18**	**11**	**29**	**7**	**11**	**1**	**51**	**63**

him a martyr and provide appropriate compensation to his family. No group claimed responsibility for the incident.

INJURED IN SHOOTING/EXPLOSION

By State

The NC VDC Chairperson Michael Shrestha, 24, Babu Lopchan, 17, Suplal Pakhrin, 55, and Bishal Pakhrin, 14 of Bijaybasti VDC-6 were injured in police firing on October 18. A joint team of Nepal Police and the APF shot at them after the escalation of a debate about providing compensation to the family of Dhanlal Dom, 50, of ward no. 5 of the same VDC. Dom was killed when a local bus belonging to New Raj Travels hit him on October 17. All injured parties were treated at the Narayani Sub-regional Hospital.

By JTMMP

Shesh Akabar, 21, a transport worker of Gahawa in Birgunj VDC-10 was injured when a sutali bomb went off at the Bus Park in Birjung Sub-Metropolis-18 on August 9. He sustained splinter injuries to his face for which he underwent treatment at the Narayani Sub-regional Hospital in Birgunj. A person identifying himself as Rajguru, the Parsa in-charge of the Janatanrik Tarai Madhes Mukti Party (JTMMP) called media personnel by phone, claiming responsibility for the act. Witnesses said that a man was spotted running away after lobbing the bomb in front of the counter in Ramlakhan Travels.

By SJTMM

Gopal Kediya, 43, of Birgunj Sub-metropolis-13, and the General Secretary of the FNCCI district chapter was injured after cadres of the Samyukta Janatantrik Tarai Mukti Morcha (SJTMM) shot him at a shop in Mahabir temple of Birgunj Sub-metropolis-8 on May 19. Kedia sustained a bullet injury to his neck and underwent treatment at the Advance Medicare Center Hospital in Birgunj. The District Commander of the group, Ranjit owned up to the incident, talking to media personnel by phone.

By Others

Rajesh Sah, 22, of Motihari, India and Jamsher Ansari, 15, of Sirsiya Khalwatola VDC-3 were injured when a sutali bomb, abandoned by an unidentified group at Ghantaghar chok in Birgunj Sub-metropolis went off on February 7. Both sustained shrapnel injuries to their hands and feet. They were treated in the Narayani Sub-regional Hospital. They were local street vendors.

A policeman, Suresh Khatiwada, 28, of Kalaiya Municipality-6 in Bara was injured while dealing with an abandoned

socket bomb on April 12. The socket bomb was sighted under the stairs of the Public Development Bank at Adarshanagar in Birgunj sub-metropolis-13. The policeman was injured when the bomb he was bringing out went off. Khatiwada sustained shrapnel injuries to his hand, chest, stomach and face. He received treatment at the Narayani Sub-regional Hospital. It was not confirmed as to which group placed the bomb.

Rajeshwar Prasad Chaudhary, 28, of Ramauli in Harpur VDC-9 was injured after he was shot at by an unidentified group on April 12. He was hit in the abdomen. He underwent treatment in Kathmandu following initial treatment in the Narayani Sub-Regional Hospital.

Alok Patel, 7, and his grandfather Paras Nath Patel, 52, of Birgunj Sub-metropolis-14 were injured when a 'tin bomb' went off at Sripur in Birgunj sub-metropolis-14 on November 8. The improvised explosive device, which was found wrapped in a plastic bag in their garden, had gone off when Alok tried to throw it away. Alok sustained severe wounds to his right hand while Paras sustained minor injuries. Paras received treatment at the Narayani Sub-regional Hospital whereas Alok underwent treatment in Kathmandu. The device was not claimed by any group.

JAIL AND DETAINEES

The 'A' grade District Jail has the capacity to accommodate 1,500 inmates. There were 1,034 inmates at the District Jail at the end of the year. Among the 560 convicted inmates, 526 are male and 34 are female. There were 442 male and 23 female detainees in the District Jail. Three boys and six girls are living there as dependents.

THREATS/BEATINGS

By JTMM-J

The publisher and assistant editor of the Birgunj based daily 'Janapratibimba' and reporter at Narayani FM radio Sanjaya Sah received death threats from cadres of the Janatantrik Tarai Mukti Morcha-Jwala Singh (JTMM-J) on February 18. Barud Singh, who identified himself as the Parsa District in-charge of the group, called him from a mobile phone and threatened to kill him in three days for not publishing a news article about his press statement. The victim said that he had received threats for three days.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

(Political Freedom Including Free and Impartial Election)

A total of 54 people including, CA member from the UCPN-M and standing committee member Prabhu Sah, Shiva Chandra Kushwaha, Anjana Bishankhe, Bal Krishna Shrestha, YCL Bara in-charge Dharti Chaudhary, ANNISU-R Central Member Nisha Sah and Dhuri Sah were injured when police lathi-charged them after cadres of the Hindu Youth Federation (HYF) and the UCPN-M clashed at Ghantaghar chok in Birgunj Municipality on May 6. Police took the action when both sides started pelting stones at each other during the indefinite strike called for by the UCPN-M. Volunteers of the Nepal Red Cross took the injured to the Narayani Sub-regional Hospital for treatment. Police fired five rounds of teargas shells after locals and HYF cadres staged demonstrations against the UCPN-M. A vehicle used for bringing food to the UCPN-M and a tent set up by them was set on fire by irate locals. They also assaulted catering staff who were preparing food for the UCPN-M cadres at City Hall. Two vehicles, parked at Gopal Mandali Dharmashala were also vandalized.

RIGHT TO PROMPT AND FAIR TRIAL

A total of 165 criminal cases and 220 criminal cases, where an individual is the plaintiff, were brought forward from last year at the District Court by July 16. Of these, 56 criminal cases and 73 cases, where an individual is the plaintiff, were decided. A total of 78 criminal cases and 183 criminal cases, where an individual is the plaintiff, were registered in the District Court from that date until the end of the year. Of these, 26 criminal cases and 31 criminal cases, where an individual is the plaintiff, were decided. Of the 812 civil cases brought forward from previous years, 401 were decided by July 16.

CHILD RIGHTS

According to the DEO, there are 330 government and private schools in the district. Of these, 246 are primary level, 47 are lower-secondary level and 37 are secondary level schools. Out of 8,790 students, studying in secondary level, 3,375 are female and 5,415 are male. Out of 21,403 students, studying in lower-secondary level, 9,159 are female and 12,244 are female. Out of 102,131 students, studying in the primary level, 51,871 are female and 50,260 are male.

The family of a 14-year-old mentally and physically handicapped girl of Biranchibarba VDC-8 filed an FIR with the police on December 1. They accused Raj Kapoor Paswan of the same place of raping her on November 30. The police arrested him on December 2. He was remanded in custody pending investigation at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

The body of Shova Devi, 23, of Lalparsa VDC-7 was recovered from bamboo bush near the Kathaha River in ward no. 5 of the same VDC on November 29 with badly burnt face. Police suspected non-payment of dowry as the cause behind Shova's killing. Her family said that although they had promised to pay Rs 200,000 as a dowry, they only managed to pay half of the sum. They cremated her body after a post-mortem was carried out at the Narayani Sub-regional Hospital. The deceased's father-in-law was absconding at the end of the year. Shova's family registered an FIR at the DPO on December 7. The daughter of Kishori Sah of Birgunj Sub-metropolis-15, Shova was married to Sanjay Sah of Lalparsa VDC-7 three years ago.

Inhuman Behavior

Rajkali Devi, 25, Jigana Tol in Pacharukhi VDC-3 was subjected to inhuman treatment by local villagers on May 22. Locals assaulted her and attempted to feed her human excreta, accusing her of practicing witchcraft. They charged her with casting a spell and killing a child in the village. They placed the dead body of the child before the victim and demanded her to resurrect the child before they assaulted her. The victim did not file a complaint about the incident.

HEALTH SERVICE SITUATION

There is one sub-regional hospital, four private hospitals, one government nursing campus, two private nursing campuses and one private teaching hospital in the district. Although there is an allocation of 13 doctors in the sub-regional hospital, 18 doctors were present at the end of the year. There are nine health posts and 71 sub-health posts in the district. There is an allocation of 267 health workers in health centers and sub-health posts. However, only 247 health workers were present at the end of the year.

2.10 Chitwan

Population : 608,422
Literacy(%) : 90
Women Literacy(%) : 65
Area(Sq. Km.) : 2,218
Number of VDC(s)/Municipality(ies) : 36/2
Number of School(s) : 496/117
Campus(es)/Higher Secondary School(s) : 6/52
Hospital(s)/Health Post(s) : 5/42
Human Development Index : 0.518
Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The district jail, which has the capacity for 120 inmates had 23 female inmates and 273 male inmates at the end of the year. There were also four dependent children in the jail. Among the total 301 inmates, 178 male inmates were convicted and 123 inmates were being detained. Meanwhile, of all the female inmates, 10 inmates were convicted and 13 inmates were being detained at the end of the year.

DISAPPREANCE/ABDUCTION

By Others

Executive Director of the BP Memorial Cancer Hospital Bhaktaman Shrestha, 50, from Bharatpur Municipality-7 was abducted by an unidentified group from Bharatpur Municipality-10 on May 20. The victim's car with the number plate Na 3 Cha 989 was found at Kudhar of Pokhara Sub-metropolis-10 and his briefcase was found near Munling on May 22. The victim was released from Majhim of Dhading district 19 days after his abduction. After his release, the victim said that group abducting him had identified itself as the Hindu Janata Dal. The police arrested suspects in the incident Nabin Chhetri, 27, of Darjeeling, India, Badri Dhungana of Jiling VDC-4 and Sunil Shrestha of Mahargunj, Kathmandu. Prime suspects Bhimsen pandit, 37, Charghare VDC in Nuwakot, Lukra Tamang and Rohit Paliwan, 30 of India were still absconding by July 8. According to the police, other perpetrators were absconding at the end of the year. Police claimed that the former driver of the same Hospital, Badri Dhungana, had informed the perpetrators about the victim's property, before abduction. Issuing a joint press statement, human rights defenders, civil society, political parties and health workers from the district condemned the incident.

THREATS/BEATINGS

By YCL

A professor from the Bhawanishankar Multiple Campus, Sarad Kuma Bartaula, 38, from Khairahani VDC of Bharapur Municipality-12 was beaten up by YCL district secretariat member Lalmani Kunwar, 32, and a cadre Harihar Subedi from the same VDC on September 20. He was accused of hitting their motorbike with his car. The unconscious victim underwent medical treatment in the Chitwan Medical Collage Teaching Hospital, Bharatpur and was then referred to the Neuro Hospital, Kathmandu on October 2. He still had health problem because of the attack. In protest of the incident, professors from the Nepal Public Professor Union picketed the District Administration Office. ANNISU-R submitted a memorandum

Type of Events	By Non-State									By State			
	By Others					By UCPN-M							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	N/A	Total	No. of Events	Male	Female	Total
Killing	1		1		1								
Beatings	6	9	1		10					1	1		1
Threats	2	2		35	37								
Right to Assembly										1		3	3
Women Rights	8		8		8								
Child Rights	2		3		3								
Economic, Social and Cultural Rights						1		1	1				
Abduction	2	2			2	1	2		2				
Total	**21**	**13**	**13**	**35**	**61**	**2**	**2**	**1**	**3**	**2**	**1**	**3**	**4**

claiming innocence of the accused and withdrawal of the case against its cadres.

By ANNISU-R

The Nepal Student Union cadres from the Institute of Agriculture and Animal Science of Gadkhet VDC-7 of Dadeldhura, Bed Prasad Bhatta, 20, Pramod Panthi, 21, from Pokhari Bhajyang of Tanahun and Santosh Sanjel, 22, were beaten up a group of ANNISU-R cadres on October 4. The victims sustained bruising to their bodies. They were treated at the Chitwan Medical College Teaching Hospital, Bharatpur. ANNISU-R claimed that their cadres Uttam Acharya, Binaya Ratan and Brijesh Mishra were also injured in the incident.

By Unidentified Group

UCPN-M cadre Sitaram Khanal, 27, from Chhetrapur of Bharatpur Municipality-2 was beaten up by two unidentified people on April 24. He was accused of obstructing their motorbike, while he was heading home after participating in a UCPN-M strike in Chubishkothi. The attackers fled scene the leaving the motorbike behind. The YCL cadres vandalized the motorbike shortly after. Khanal was treated at the Bharatpur Hospital.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom, Free and Impartial Election)

The chairperson of All Party Women Network Mahadevi Khatiwada of Ratnanagar Municipality-7, Neeta Dhakal and Rama Regmi, 37, of the same Municipality-2, and Sarita KC of Bharatpur Municipality-4 were arrested by the police on March 31. They were arrested for demonstrating on the road and obstructing traffic. The women were protesting an attack on Rampur Campus vice-principal Sharada Thapalia. According to the victims they had been beaten up by the police before arrest. The victims were treated at the Bharatpur Hospital. A compromise was reached between both sides when SP Dhiru Basnyat, apologized to the victims.

RIGHT TO PROMPT AND FAIR TRIAL

There were a total of 645 civil and criminal cases, including 584 brought forward from last year. A total of 584 civil and criminal cases were brought forward at the District Court from last year.

1,073 civil and criminal cases were filed at the District Court this year. Of these, 1,017 cases were decided and 56 remained undecided. Five cases were under

consideration in the juvenile bench. Two cases one civil and one criminal that were filed before two years remain undecided at the district court.

CHILD RIGHTS

Two girls aged 15 and 13 of Dhunwakot VDC-7 of Gorkha district claimed that they were raped by Phul Bahadur Nepali, 30, and Min Bahadur Tamang from Bhachchek VDC-3 of the same district in Gaurigunj of Bharatpur Municipality-8 on January 29. The victims filed a complaint against the accused at the DPO on January 30. Both were arrested by the police on the same day. Min Bahadur was detained in Bharatpur Jail and Phul Bahadur was released on March 2 as per an order of the District Court.

Police arrested Dharmendra Tamang, Binod Pun, 17, Suresh Sharki, 20, Mote Magar, 18, and Suk Bahadur, alias Gore, 17, of Birendranagar VDC-5 on allegation of raping a 17-year-old girl of the same VDC nearby the Dudhkoshi Community Forest on February 25. The accused were remanded in Bharatpur jail on March 19.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Sarita Chepang, 21, of Chandi Bhanjyang VDC-6 filed a complaint at the DPO on January 25 accusing Anu Shrestha, 31, of Bharatpur Municipality-8 of attempting to sell her. Chepang said that on January 22, Anu had tried to sell her off in the pretext of employment in Saudi Arabia. According to the police head constable Purna Basnet, the perpetrator attempted to sell the victim, who was working at a hotel in Mungling with promise a job. Shrestha was detained in the Chitwan Jail on February 23 as per an order of the District Court.

Rape, Attempt to Rape, Sexual Abuse

A 24-year-old woman from Ganganagar of Patihani VDC-8 filed a complaint that Tejraj Subedi, 23, Keshab Ranabhat, 22, of the same place, Saiman Adhikari, 26 of Phoolbari VDC-3 and Shashiraj Neupane, 22 of Bhratpur Municipality had raped her on February 17. The Gitanagar Area Police arrested the accused, except Keshab, on the same evening. The accused were remanded in Jail as per an order of the District Court.

Domestic Violence

Sukamaya Basyoula, 45, from Juneli of Dibyanagar VDC-8 was killed by her husband Dip Bahadur Basyoula, 48, on January 22. She was killed on charge of disagreeing to the husband's proposal for migration from the district. According to the police inspector Rabi Ghimire, the accused committed suicide shortly after the incident.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

YCL district Committee Chitwan threatened the FNJ Chitwan chapter in a press statement on May 22. They accused the FNJ of issuing a press statement against them. The YCL district committee demanded that it immediately apologize for the accusations contained in their press statement. FNJ had stated that a vehicle, with the number plate Ba 6 Cha 8700, transporting the Nagarik Daily, was destroyed by a group of YCL cadres, led by Bhanu Neupane. Human rights organizations in the district, including INSEC condemned the incident. A compromise was reached between both sides after the accused apologized to the FNJ Chitwan for the incident.

The Chitwan correspondent for Radio Nepal, also the member of the FNJ Shisir Sinkhada was beaten up by Mohan

Lama on February 23. Lama was angry over the news on purchase of an ambulance by the Nepal Red Cross Society which was published on local newspaper Gambesi. Chairperson of the FNJ Chitwan said that a compromise was reached between both sides after the accused promised that such an incident would not be repeated in the future.

Deconstruction of Property
By YCL

A vehicle, with the number plate Ba 6 Cha 8700, transporting the Nagarik Daily, was set on fire by YCL cadres, near the Anptari Forest of Bharatpur Municipality-1 on May 29. The cadres set the vehicle on fire for publishing news about the abduction of Bhakta Bahadur Shrestha. They had also set fire to all the copies of the Nagarik Daily. Issuing a press statement, the FNJ strongly condemned the incident and claimed that YCL Chitwan district committee member, Bhanu Neupane, was involved in the incident. In protest of the incident, all the journalists did not write editorial of newspapers for one day and all radio and FM stations stopped broadcasting for one minute.

By Others

Important documents from the Presidency College in Bharatpur Municipality-10 were destroyed by an unidentified group on November 6. The group also set fire to the students' records. According to the principal Prakashdhwaj Adhikari they had also set fire to the college office. Important credentials, a computer, a printer and a telephone in the office were destroyed in the incident.

HEALTH SERVICE SITUATION

There is one district hospital, one cancer hospital, one eye hospital and one ayurvedic hospital in the district. Similarly, there are 15 private hospitals in the district. Additionally, there are four primary health centre, 31 sub-health posts, and 144 sub-health posts in the district. In all the health related offices, 250 health workers are at work.

FOLLOW UP

The District Court decided to stall transaction of the properties belonging to Kali Bahadur Kham, alias Bibidh, the third division commander of PLA, Keshab Adhikari alias Rahgu, the brigade commander of the same division and Gangaram Thapa alias Atom on January 21. They were accused of being involved in the killing of Ramhari Shrestha of Katmandu Metropolis-35. Shrestha was killed on May 7, 2008. Among the perpetrators, Govinda Bahadur Batala was detained in the jail while others were at still at large.

2.11 Makawanpur

Population : 478,385
Literacy(%) : 77
Women Literacy(%) : 62
Area(Sq. Km.) : 2,426
Number of VDC(s)/Municipality(ies) : 43/1
Number of School(s) : 512/44
Campus(es)/Higher Secondary School(s) : 5/23
Hospital(s)/Health Post(s) : 1/44
Human Development Index : 0.470
Average Household Size : 7

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLIN

By YCL

Sudip Karki, 24, of Manahari VDC was stoned to death on May 5 by a cadre of the UCPN-M of Lothar Manahari VDC, according to the charges made by the UML. UCPN-M denied the involvement of their cadres in the murder. The DPO Makwanpur arrested YCL cadres Uttam Shrestha, 24, Bijaya Pathak, 22, and Bikash Karki, 25, of of Manahari VDC-1 for being involved in the murder. All three were remanded in custody.

INJURED IN SHOOTING/EXPLOSION

By Abandon Explosive Device

Dubdhi Maya Syangtan, 12, of Dhiyal VDC-3 was injured when a bomb, which she found in a field in her locality, exploded while she was playing with it on February 5. She lost an eye and two fingers from her left hand as a result of the explosion. The INSEC Central Office supported her treatment.

By Unidentified Group

Hari Bahadur Syangtan, 65, of Dhakaltol in Manahari VDC-7 was shot and injured by an unidentified person while he was asleep in his home on March 2. He received treatment at Bir Hospital in Kathmandu.

JAIL AND DETAINEES

The 'D' grade District Prison in Bhimphedi has the capacity for 35 inmates but at the end of the year, it was holding 22 convicts and 23 detainees. As no more inmates can be accomodated, the new inmates were sent to Birgunj Prison. Female inmates are not accomodated here since October 2008 because the building of the women's prison was on the verge of collapse. Female convicts and detainees are also being sent to Birgunj Prison. The inmates have access to sports equipment, radio, newspapers and television. The Jail has the facilities of running water, toilets and electricity as well as a library. The building is narrow, congested and in a dilapidated condition. The inmates said that they do not have enough space to sleep. They can earn extra money by weaving bamboo tools. Citing good weather, the government has begun the construction of a regional level prison in Bhimphedi. This will accomodate 1,500 inmates with long term sentences. Construction work began two years ago with the target for completion within five years.

RIGHT TO PROMPT AND FAIR TRIAL

There is an Appellate Court and District Court. The District Court decided

six percent more cases this year than in previous years. The number of filed cases increased this year by 25 percent. There were 484 cases filed by July 26 and 251 cases carried over from last year. Out of total 735 cases, 464 were decided and 171 remained undecided. In the last fiscal year, only 57 percent of the cases were decided. Last year, there were four cases pending for more than two years. This year the District Court saw more cases seeking divorce with partition of property and rape. There were 85 cases of divorce and 20 cases of rape filed this year.

Type of Events	By Non-State			
	By Others			
	No. of Events	Male	Female	Total
Killing	7	5	2	7
Injured	2	1	1	2
Racial Discrimination	3	1	3	4
Women Rights	11		12	12
Child Rights	14	1	14	15
Total	**37**	**8**	**32**	**40**

A total of 87 cases invoking the Domestic Violence Act were registered, of which 63 were decided.

In the Appellate Court, there were 635 civil cases carried over from last year and 429 were filed this year, of which, 378 cases were decided and 686 remained undecided. Among the undecided cases, 80 cases are older than 18 months.

There were 148 criminal cases, where an individual is the plaintiff, carried over from last year. This year 119 such cases were filed. Of the total 267 cases, 100 were decided and 167 remained undecided. Eleven cases are older than 18 months.

There were 187 criminal cases carried forward from last year and there were 237 new cases registered. Out of 424 criminal cases, 80 were decided and 344 remained undecided. There were 21 cases of hebeaus corpus carried over from last year and 10 filed this year. All of these cases were decided. As for injunction, there were 90 such cases carried forward from last year and 89 filed this year, of which 103 cases were decided and 76 remained undecided. The Appellate Court managed to decide 20 percent more cases than it did in the last fiscal year. In this fiscal year, the Court has already decided on 65.58 percent more cases than in the previous fiscal year which saw 45.37 percent of the total cases decided. The Appellate Court, Hetaunda Registrar Devendra Poudel said that in the last fiscal year, out of 3,286 cases, 2,155 cases were decided and 1,131 cases remained undecided. 1,131 cases were carried over from last year and 935 cases filed this year, out of which, 738 cases are already decided and 1,328 are yet to be decided. There are no cases pending for more than two years. Last year, there were 78 cases pending for more than two years.

CHILD RIGHTS

The DEO data from Mid-June show that there are 589 public and private schools in the district. There are 358 public primary schools, 82 lower secondary, 63 secondary and 20 higher secondary schools. There are 32 private primary schools, 10 lower secondary, 21 secondary and three private higher secondary schools. There are nine campuses including one private campus, which have 11,103 students. A total of 88,798 students are attending primary level out of which 43,927 are girls and 44,871 are boys. In lower secondary level, there are 30,865 students of which 16,500 are girls and 14,365 are boys. In 84 secondary schools, a total of 12,851 students including 7,023 girls and 5,828 boys. There are 118,004 students from primary to secondary level public schools. In 32 primary, 10 lower secondary, 21 secondary and three higher secondary institutional schools, there are 14,510 students. Of

which, 6,251 are girls and 8,259 are boys. The DEO says that six percent of school going age children are deprived of formal education.

A 7-year-old girl of Hetaunda Municipality-8 allegedly was raped by Thulokanchha Moktan in her home on June 8. The police arrested Moktan on June 9 and he was charged with rape. He has been remanded in custody since July 12.

Police arrested Apsara Karki, 26, of Manahari VDC-7 on November 22 for forcing a 16-year-old girl of the same place into prostitution. Karki had taken the girl to Kathmandu under the pretext of employment. She was remanded in Birgunj Prison following a District Court order on December 19.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Surya Bahadur Tamang, 25, of Nuwakot and Binita Tamang, 24, of Kathmandu were arrested by police at Hetauda Bus Park while they were taking a girl and a woman from Nuwakot for trafficking in India on September 21. The accused were in jail as per an order from the District Court on October 22.

Rape, Attempt to Rape, Sexual Abuse

A 22-year-old woman of Chhatiwan VDC-9 was raped by Sandip Lama, 18, of Churiyamai VDC-3 on May 16. Lama raped her in her home, where he had taken shelter for the night. Villagers handed over him to the police on May 17.

Domestic Violence

Indira Rana, 26, of Hetauda Municipality-5 was beaten by her husband Yaman Rana on February 22. A finger on her right hand was broken as a result of the beating. The perpetrator was released as per an order from the District Court on bail after paying Rs 20,000.

Inhuman Behavior

Ashmaya Syangtan, alias known Nirmaya, 35, of Dandakharka VDC-7 was beaten to death by the villagers Hari Bahadur BK, 45, Sahili Maya BK, 41, Dev Maya Lama, 40, Raj Kumar BK, 24, Prem Bahadur Syangtan, 21, Jog Bahadur Syangtan, 24, Jeevan Muktan, 18 and Indra Bahadur Muktan, 40, on the charge of being a witch on May 16. All eight were in Birgunj Jail following order from the District Court on June 5.

ALL KINDS OF RACIAL DISCRIMINATION

Gauri Bartaula, 49, of Hetaunda Municipality-4 was arrested for practicing caste discrimination against a dalit student on September 27. Deuti Pariyar, 20, of Sarikhet VDC and staying in a rented room in Bartuala's house was forced to leave the room on September 21 after Bartaula learnt that the student belonged to the Dalit community. Pariyar filed a case against Bartaula on September 26. She was released on bail following the deposit of Rs 10,000 on October 1.

HEALTH SERVICE SITUATION

This district has three hospitals including private and the cooperative run ones. The district hospital has a quota for seven doctors but only one was at work at the end of the year. There are four primary health centers and the quota for doctors in the centers is four but only two were at work at the end of the year. Likewise, there are 10 health posts in the district but there were no HAs at work in any of the health posts at the end of the year. Additionally, there are 30 sub-health posts but there were no AHWs working in five of the sub-health posts and there were no village health workers working in 22 of the sub-health posts. The district has a quota for 276 health workers including a quota for 11 doctors. Of the total health workers, 67 were not at work at the end of the year.

2.12 Lalitpur

Population	: 430,443
Literacy(%)	: 80
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
Hospital(s)/Health Post(s)	: 10/41
Human Development Index	: 0.588
Average Household Size	: 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'C' grade Nakhkhu jail, which has the capacity for 175 inmates, had 269 convicts and 184 detainees at the end of the year. Among the total number of inmates, 20 convicts and 12 detainees were foreigners. According to the Jailer, Madhav Prasad Subedi, the inmates have inadequate space to sleep due to overcrowding. The inmates have certain facilities such as toilets, sports equipment, electricity, newspapers, radios, TVs and a library. The inmates also have the facility of regular health check ups, for which one HA has been allocated to the jail. The inmates inside the jail had been generating income by doing different works.

Bhakta Bahadur Lama of Bethan VDC-5, Ramechhap, who was serving a jail term for theft, was killed by another inmate Tika BK on April 2. BK was serving a jail term for murder. He died on the way to Patan Hospital. Demanding compensation and punishment against the perpetrator, the victim's family complained at the District Administration Office. An agreement was reached between both sides on April 5 after the administration provided Rs 50,000 for funeral, Rs 30,000 for the daughter's studies and a letter asking the Home Ministry for Rs 500,000.

THREATS/BEATINGS

By State

The executive director of Inhured International, advocate Srikrishna Subedi, 33, of Bijuwa VDC-7, Pyuthan and living in Kathmandu was beaten up by the police in front of the Himalayan Hotel, Pulchok on April 20. He was treated at the Alka Hospital. Even though the victim tried to file a complaint at the Metropolitan Police Range, Jawalakhel, the police refused to register it.

By YCL

The vice-chairperson of the Lalitpur chapter of FNCCI and Industry Dibyagobinda Joshi and the treasurer Raju Nyanchhyo sustained minor injuries during a clash between the locals and the YCL cadres on April 27. The clash had occurred when the YCL cadres attacked a peace rally organized by the locals during the UCPN-M called mass strike.

By UML

The Secretary of the UCPN-M, Shambhu Bista, 42, of Chhampi VDC-2 and Ambika Bista, 48, of the same VDC, were beaten up and wounded by a group of Youth Force cadres, led by former VDC chairperson elected from UML, Madhusudan Bista and the co-coordinator of Youth Force from the same VDC Saroj Bista on April 8. They were accused of running a quarry at the drinking water

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	8	5	3	8						
Injured	1	1		1				1	4	4
Arrest & Torture								1	3	3
Beatings	5	8	1	9	3	3	3	1	1	1
Right to Assembly								2	6	6
Women Rights	6		6	6						
Child Rights	8		8	8						
Abduction	4	2	2	4						
Total	**32**	**16**	**20**	**36**	**3**	**3**	**3**	**5**	**14**	**14**

source used by the locals of Chhampi VDC-1. Madhusudan received an injury to his head and Ambika received an injury to his left hand. The victims' family filed a complaint at the DPO. However, no action had been taken against the perpetrators at the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including political freedom, free and impartial election)

The CA Member representing the UCPN-M Prem Bahadur Pulami, 35, and UCPN-M cadres Khum Bahadur Pun, Shyam Rimal, Uddab Dahal and Tilak Bahadur Bajagain were injured by police on April 27. The incident occurred at Kupondole in Lalitpur sub-metropolis when the UCPN-M cadres obstructed the locals who were travelling to participate in a peace rally, organized by PAPAD and FNCCI. Sanjaya Pandit, a cadre of the Nepal Student Union from Kantipur Valley College was also injured in the incident. The victim was treated at the Alka Hospital.

RIGHT TO PROMPT AND FAIR TRAIL

District Court

123 criminal cases were filed at the District Court by July 16. Of these, 52 cases were decided on and 71 cases remained undecided. A further 76 criminal cases were registered at the District Court between July 17 and December 31. Of these, 15 cases were decided on and 61 cases remained undecided at the end of the year. Of the total of 199 criminal cases, 132 cases remained undecided at the end of the year.

A total of 424 criminal cases, where an individual is the plaintiff, were filed at the District Court by July 16. Of these cases, 57 cases were decided on and 367 remained undecided. Additionally, 101 criminal cases, where an individual is the plaintiff, were filed in the District Court between July 17 and December 31. Of these cases, 37 cases were decided upon and 54 cases remained undecided. Of all the criminal cases, where an individual is the plaintiff, 313 cases remained undecided at the end of the year.

There were 1,010 civil cases filed in the District Court by July 16, of which 168 cases were decided and 842 cases remained undecided. Another 220 civil cases were filed in the District Court between July 17 and December 31. Of these cases, 32 cases were decided and 188 cases remained undecided. Of the total 1,230 civil cases, 1,030 civil cases remained undecided by the end of the year.

Appellate Court

A total of 970 criminal cases, 416

criminal cases, where an individual is the plaintiff, and 1,982 civil cases remained undecided at the Appellate Court in Patan by July 16. Moreover, 713 civil cases, 177 criminal cases, where an individual is the plaintiff, and 520 criminal cases remained undecided at the Appellate Court between July 17 and December 31.

Of 383 cases filed by the Office of the District Government Attorney, 268 cases were decided on at the end of the year.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Soldiers of the Gauchar Barrack, Ramraja Thapa, 23, Ramesh Kari and Purna Thapa of Narjamandal VDC, Nuwakot were tortured inside the residence of the Chief of the Army in Jhamshikhel by Capt. Sanjib Khanal and Lt. Manoj Malla from the same Barrack on December 28. They were accused of arriving 10 minutes late for their duty. Ramraja, who was seriously injured, underwent treatment at the Alka Hospital and was then referred to the Army Hospital in Chhauni, Kathmandu for further treatment, the other injured were treated at the Alka Hospital. According to Ramindra Chhetri, the Army spokesman, a court of inquiry was initiated.

CHILD RIGHTS

There are 107 primary, 37 lower secondary and 66 secondary community schools in the district. Additionally, there are 120 primary, 17 lower secondary and 195 secondary institutional schools in the district.

A 14 year-old-girl from Dhobighat in Lalitpur Sub-Metropolis-13 was subjected to an attempted rape by Sanjay Thapa alias 'Dhan Bahadur' from Khairahani VDC-1, Rupandheli on November 20 near the Dhobighat jungle. CWIN, an organization working for the child rights filed a complaint at the Metropolitan Police Range in Jawalakhel. The accused was detained in Nakhkhu Jail as per the order of district court on December 3.

A 4-years-old girl of Badikhel VDC-4 was subjected to an attempted rape by Suman Pahari from the same VDC on August 13. In protest of the incident, the victim's family filed a complaint at the Metropolitan Police Range in Jawalakhel. The accused was arrested by the police and sent to the District Court. The accused was detained in the jail on September 3 as per the order from the District Court.

A 9-year-old girl of Sidhipur VDC-2 was subjected to an attempted rape by Nawaraj Sunar, Gadi VDC-1 of the Makawanpur district and currently living at the same locality on August 1. The accused was remanded in the jail on September 28 as per the order from the District Court.

The family of a 7-year-old girl of Saptari and currently living in Imadol VDC-7 filed a complaint at Metropolitan Police Sector in Jawalakhel on October 2 accusing Lal Khan, 42, of Mudidbiya in India and currently living in the same locality of raping the girl on October 1. The family claimed the girl was raped at a local temple in the same area. Police arrested Khan on October 2 and filed a case of rape against him. He was remanded in Nakhkhu Jail on October 27.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

A Women Human Rights Defender Network member Sarita Mainali, 32, of Saibu Bhaisepati VDC-3 was set on fire by her husband Hari Mainali, 34, who poured spirits onto her body on March 9. Hari was unhappy with Sarita's activities outside the home. The victim was treated

at Patan Hospital and filed a complaint against the perpetrator at the Metropolitan Police Range in Jawalakhel on March 10. The perpetrator was released after paying a deposit of Rs 15,000 on April 7 as per an order from the District Court.

Polygamy

Upendraman Joshi, the husband of Ambika Joshi, from Chyasal of Lalitpur Sub-Metropolis married Kabita Shrestha, 20, from Sankhu of Kathmandu District, despite having a first wife. Ambika filed a complaint at the Metropolitan Police Range in Jawalakhel on January 1, demanding that her husband be punished. The perpetrator was arrested by the police on the same day and was sent to the District Court. The perpetrator was detained in jail as per the order from the District Court on January 19.

Sima Khadka, 35, of Ekantakuna in Lalitpur Sub-Metropolis-13 filed a complaint against her husband at the Metropolitan Police Range in Jawalakhel on March 10, after her husband Krishna Khadka married Junu Magar, 40, of the same place. However, the couple was absconding at the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Deconstruction of Property By RPP- Nepal

A number of vehicles were vandalized by RPP cadres vandalized at satdobato for defying the party's call for bandh. An RPP cadre, Apsara Nepal, was arrested by the police for participating in the incident. She was released on the same day from the Metropolitan Police Range in Jawalakhel.

HEALTH SERVICE SITUATION

Even though there are 10 hospitals in the district, not one of them is classified as a district hospital. The budget, which is allocated for the district hospital has been used in Patan Hospital. There are four primary health centers, nine health posts, 29 sub-health posts, three ayurvedic medical centers and one family planning clinic in the district. In these medical centers, 120 HWs are at work. As per the quota, there should be one doctor in the district on government quota but no one was at work at the end of the year as the doctor was on study leave.

2.13 Kavre

Population : 450,049

Literacy(%) : 73

Women Literacy(%) : 60

Area(Sq. Km.) : 1,396

Number of VDC(s)/Municipality(ies) : 87/3

Number of School(s) : 655/71

Campus(es)/Higher Secondary School(s) : 12/57

Hospital(s)/Health Post(s) : 7/94

Human Development Index : 0.543

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to accommodate 61 inmates. However, there were 109 male inmates at the end of the year. Out of them, 64 are convicted and 45 are detainees. There is no provision to keep female inmates in the jail. The jail is divided into three sections; inmates with severe mental illness are detained in the middle section. There were 33 such inmates at the end of the year. There jail building and toilet facilities needs renovation.

Shiva Krishna Giri, 22, of Chandannath VDC-1 in Jumla died inside the prison on April 27. Giri, who was transferred to the district jail, was suffering from a mental illness. He was charged with murder. Another inmate Bhadra Bahadur Nepali, 29, of Baalakot VDC-9 in Parbat also died in the District Prison on November 16. He was also suffering from a mental illness for over five years.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Ram Krishna Giri alias Sanukaji, 41, of Tukucha VDC-9 was abducted by UCPN-M cadres led by Gunaraj Dahal on July 1. A UCPN-M cadre himself, Giri was abducted and brought to Banepa on the pretext of holding talks. He was released on the same day. Fearing that the UCPN-M cadres might attack him, the victim did not return home. He filed an appeal seeking security for his life on July 5 after news of his abduction was published in newspapers.

THREATS/BEATINGS

By state

Eight civilians and nine policemen were injured in a clash at Pakucha of Dhulikhel Municipality-1 on August 24. The injured were identified as locals Man Bahadur Tamang, 40, Sanu Tamang, 39, Srikrishna Tamang, 20, Dhan Maya Tamang, 47, Suresh Tamang, 21, Iman Singh Tamang, 25, Pratap Singh Tamang, 40 and Shyam Tamang who were injured when the police baton charged at them. They sustained injuries to nose, ear and head. Police inspector Dwarika Prasad Ghimire, ASI Jayram Dulal and head constable Dev Bahadur Bharati and Chhetra Bahadur among other police personnel were injured in the incident. The incident ensued when a police team stopped Shyam Tamang, arriving in a vehicle from Dhulikhel, at Pakucha and manhandled him. The traveling motorcyclists obstructed the road in support of Tamang. The police tried to open the road but the crowd pelted stones on them leading the administration of deploy more force. The police also fired teargas shells and rubber bullets. The tension subsided after a meeting between the locals and the police administration the next day.

By YCL

Babulal Gole, 22, of Khorbhanjyang in Saldhara VDC-9 was injured when YCL cadres Buddha Thokar, Dil Bahadur Gole, Bikram Syangtan and Phul Bahadur Rumba of the same place assaulted him on July 26. YCL cadres punched and thrashed him with batons after a dispute between the YCL and Youth Force intensified. A compromise was reached between the YCL and Youth Force with the initiation from police after the two sides clashed on June 7 and 8. When asked, UCPN-M said that the incident was not political but only a clash between the two groups.

RIGHT TO PROMPT AND FAIR TRIAL

A total of 220 criminal cases, where an individual is the plaintiff, were filed this year. Out of the total criminal cases, where an individual is the plaintiff, brought forward from last year and filed this year, 193 cases were undecided at the end of the year.

Type of Events	By Non-State								By State		
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	N/A	Total	No. of Events	Male	Total
Killing	11	6	5	11							
Injured									1	1	1
Arrest & Torture									1	1	1
Beatings	5	4	3	7	1	1		1			
Threats	3	4	1	5	2	2		2			
Racial Discrimination	1		1	1							
Women Rights	6		6	6							
Child Rights	4		6	6							
Economic, Social and Cultural Rights					2	2	11	13			
Inhuman Behavior	2	2		2							
Abduction	2	2		2	1	1		1			
Total	**34**	**18**	**22**	**40**	**6**	**6**	**11**	**17**	**2**	**2**	**2**

A total of 58 criminal cases were filed this year in the District Court. Out of the total criminal cases brought forward from last year and filed this year, 88 cases were undecided at the end of the year.

Furthermore, 319 civil cases were filed this year in the District Court. Out of the total civil cases brought forward from last year and filed this year, 309 cases were undecided at the end of the year.

A total of 803 cases including 468 cases filed this year, 232 cases filed within the last two years and 103 cases filed within last five years were still pending a decision at the end of the year.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

By State

Lakpa Tamang, 11, of Muktantol in Thuloparsel VDC-3 was beaten with lathi and pipes and kicked during an interrogation related to a theft at the police post in Pachuwarghat of Samarthali VDC-4 by ASI Purushottam Shrestha and head constable Bhisma Kumar Thapa on November 16. Lakpa's neighbor, Gyan Bahadur, had filed a complaint against the boy after an astrologer in Kathmandu claimed that Lakpa had stolen his daughter's golden ring on October 9. Police had summoned the boy to the police post following Gyan Bahadur's complaint. Police beat the boy for one hour in the police office in presence of the both sides. The boy's parents were forcibly made to sign a paper acknowledging the theft and promising to provide Rs 19,000 for the ring. The boy sustained bruising all over his body due to the police torture. He received treatment in Kathmandu with help from CVICT. The DPO formed an internal investigation committee to look into the incident and take action against the guilty, after the boy filed a case on November 17. Various organizations working with child rights conducted fact finding missions into the incident on November 25 and 26.

By CPN-M (Matrika)

The Chief of Land Revenue Office in Kavre Janardan Guragain was smeared with soot by CPN-M (Matrika) cadres led by Dhawa Blon alias DB Lama, 20, district secretary of the group on September 20. The group mistreated him, accusing him of irregularities in the office. The staff of

the Land Revenue Office halted their work in protest of the incident. Police arrested Lama from Dhulikhel Municipality-7 on the same day. He was charged with under the Public Offence Act and released on October 10 after he deposited Rs 5,000 as bail. The other accused Gandhiv Gautam and Dambar Bahadur Lama were absconding at the end of the year. Various government employee associations issued a joint press statement on September 20, demanding action be taken against the guilty.

CHILD RIGHTS

According to the DEO, there are 437 primary level, 105 lower-secondary level and 181 secondary level schools in the district. Out of 144,493 students studying in government and private schools, 72,660 are female and 71,833 are male.

A 12-year-old girl of Panauti Municipality-6 was allegedly raped by Durga Singh Mahat, 76, of Ganeshsthan VDC-6 on July 31. The girl's brother filed an FIR at the DPO against Mahat on August 25, accusing him of raping the girl after luring her to his house with the promise of a meal. The girl, who had been staying in her aunt's house, revealed the incident two weeks after it happened. Her medical report stated that her health condition was fine and she had not sustained any injuries. Mahat was absconding at the end of the year. The Office of the District Government Attorney registered a case urging the District Court to confirm the incident as the accused remained at large.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 21-year-old physically handicapped and speech-impaired woman was allegedly raped by Shyam Mijar, 22, of the same place at her home while her parents had gone to plant rice on June 28. Locals apprehended him from the site and handed him over to the police. The accused denied the allegation. He has been remanded in custody following the District Court's order on July 11.

Domestic Violence

Shanti KC, 34, of Malpi in Panauti Municipality-9 was allegedly killed by her husband Laba KC, 36, and father-in-law Madhu Sudan KC, 55, and mother-in-law Khadga Kumari KC, 34, on July 23. The deceased's brother Saurav Deuja registered an FIR against them the next day, saying that she was killed by them. Her father-in-law also filed a case at the DPO on the same day stating that she committed suicide by consuming poison. Police arrested all the accused on July 25. Locals picketed the DPO and staged demonstrations at the District Court premises demanding a fair investigation and action against the culprits on August 18 and 19. The District Court gave an order to remand them in custody on August 19. Khadga Kumari was later released by the Appellate Court's order. The deceased's husband, Laba was a Lance Corporal at the Nepal Army. She was survived by two sons.

Polygamy

Mahendra Gopal Shrestha, 48, of Dhulikhel Municipality-4 married Gyani Gurung, 36, of Maharajgunj in Kathmandu as his second wife on July 29. The first wife of Mahendra Mohan Kumari registered a complaint at the DPO demanding action be taken against both. However, Mahendra was overseas with his second wife at the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Parbati BK, 12, of Sharadabatase VDC-7 was injured when Anita Thapa, of ward no. 5 of the same VDC assaulted her for touching a public water tap. A fourth grade student at the Kalika Secondary School, the girl could not attend the school for six days due to the injury she had sustained. Accusing the girl of belonging to a so called lower-caste, Anita beat her with stones and a water container for touching the water which was meant to be used during worship. District-based Dalit NGOs met the victim on March 5. They, along with journalists and rights activists, registered a case against Anita at the DPO after the victim complained about a lack of justice on March 6. In a meeting held at the DPO in Dhulikhel on March 6, an agreement was reached between the local representatives of political parties, rights activists, the victim and the perpetrator. Anita was made to issue an apology to the victim and agreed to provide the victim with compensation.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Motiram Timalsina, 24, of Dhungkharka VDC-2 and currently residing in Naya Basti of Banepa Municipality-3 was threatened by UCPN-M's district member Gopal Ghimire on May 13. He was threatened by Ghimire in his room after the news accusing the UCPN-M of taking money in the name of laborers was published by Timalsina in the Chestha Weekly. Ghimire intimidated the victim by saying that anything could happen anytime to the newspaper staff and the newspaper office. When asked, Ghimire claimed the press statement about the threat was fabricated. Apologizing for his deed on May 17, Ghimire signed a paper pledging not to repeat such an incident in the future.

Capture of Property

Nine ropanis of land belonging to Binod Kharel of Baluwa VDC was captured by sister organization of UCPN-M Danuwar Mukti Morcha on January 23. The cadres of the group accused Kharel of not giving a share of land tenants Krishna Bahadur Danuwar and Devlal Danuwar. Saying that Kharel sold the land without informing his tenants, they announced the capture of the land by hoisting a party flag. The UCPN-M announced the release of the land after an agreement was reached to provide Rs 450,000 to its caretaker in a meeting held at the UCPN-M office on January 28.

HEALTH SERVICE SITUATION

There are no government hospitals in the district. The Methinkot Primary Health Center has been upgraded to a hospital. There are four private hospitals- Shir Memorial Hospital, Hospital and Rehabilitation Centre for Children, Krishna Prasadi Hospital, Spinal Cord Injury Rehabilitation Centre, two nursing campuses- Phulchoki and Kavre Health and one Teaching Hospital of the Kathmandu University. Additionally, there are four primary health centers, nine health posts and 80 sub-health posts in the district. There is an allocation of 342 health workers in the district. However, only 290 health workers were present at the end of the year.

2.14 Bhaktapur

Population	: 285,300
Literacy(%)	: 85
Women Literacy(%)	: 60
Area(Sq. Km.)	: 119
Number of VDC(s)/Municipality(ies)	: 16/2
Number of School(s)	: 336/133
Campus(es)/Higher Secondary School(s)	: 10/35
Hospital(s)/Health Post(s)	: 5/26
Human Development Index	: 0.595
Average Household Size	: 7

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The Bhaktapur district does not have a jail. The district has a Child Reform Center for children below the age of 16, from across the country for those involved in criminal incidents. The Center had 94 children from across the country at the end of the year. Of these children, three were girls.

DISAPPEARANCE/ABDUCTION

By Others

A hotel owner Rajendra Tiwari, permanently resident of Methinkot VDC-8 in the Kavre district and running a hotel at Kamalbinayak in Bhaktapur Municipality-4 was abducted by Sanu Tamang, 22, of Bethan VDC-5, in the Ramechhap district, Mintup Tamang, 22, of Kharpachok VDC-3 in the Kavre District, Raj Kumar Tamang, 25, of the Birta Deurali VDC-3, a driver, Ashok Yonjan (Lama) of Katunje VDC-8, in Bhaktapur district and Khulal Gyapak, 22, of the same place on October 2. They alleged that the victim had not paid them the money he owed after registering land. The victim's wife Manju Tiwari, 25, stated that following the abduction, he was taken away in a van, and that his neighbors had informed the police about the abduction. The accused were arrested by the police from Surya Binayak Chok in Katunje VDC-8 a couple of hours after the abduction. The police also arrested another two people, Resham Bahadur Lama, 41, of Samarthali VDC- 2 and Prasad Lama, 46, of Sarsyoukharka VDC-6 in the Kavre District, for planning the abduction. The police presented the accused to the court on October 7. The driver was released on October 8 and the others were remanded into custody as per an order from the District Court.

THREATS/BEATINGS

By UCPN-M

Pawan Karki, 23, of Japhe VDC-1 in Dolakha district and a student at the Education Campus in Sanothimi was beaten with rod by a group of UCPN-M cadres, led by a district member of the UCPN-M Ramesh Dhakal, on May 9. He was accused of defying the mass strike called for by them. The victim was treated at the Citizen Community Hospital.

RIGHT TO PROMPT AND FAIR TRIAL

A total of 167 criminal cases were in the District Court by July 16. Of the criminal cases, 128 were decided on and 39 remained undecided. A total of 33 cases criminal cases were filed in the District Court between July 17 and December 31. Of these cases, 14 were decided and 19 remained undecided at the end of the year.

A total of 538 criminal cases, where

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	4	1	3	4			
Injured	3	3	3	6			
Beatings	2	9		9	2	2	2
Women Rights	3		3	3			
Child Rights	2		2	2			
Abduction	1	1		1			
Total	**15**	**14**	**11**	**25**	**2**	**2**	**2**

an individual is the plaintiff, were in the District Court by July 16. Of these criminal cases, where an individual is the plaintiff, 358 were decided and 180 remained undecided at the end of the year. A total of 257 criminal cases, where an individual is the plaintiff, were filed in the District Court between July 17 and December 31. Of these cases, 105 were decided and 152 remained undecided at the end of the year.

A total of 1,522 civil cases were in the District Court by July 16. Of these civil cases, 990 were decided and 522 remained undecided. A total of 484 civil cases were filed at the District Court between July 17 and December 31. Of these cases, 99 were decided and 385 remained undecided at the end of the year.

Office of the District Government Attorney succeeded in 40 of the 113 cases filed this year.

CHILD RIGHTS

This district has 137 government, 237 private and institutional and 12 higher secondary schools. A total of 80,280 students were in these schools. The quota for primary, lower secondary and secondary level teachers is 872, 206 and 177 respectively. This district has 14 colleges.

A 7-year-old girl of Chochhe in Bhaktapur Municipality-9 was subjected to sexual abuse allegedly by Mahesh Shrestha, 24, of Sallaghari in ward no, 17 of the same Municipality on June 19, while the girl was at her relatives' home at Sallaghari in Bhaktapur Municipality. The relatives of the victim lodged an FIR against the accused at the Metropolitan Police Sector on June 20. The accused was still at large at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A woman, 25, of Tansen Municipality-7 in the Palpa district was raped allegedly at Chihandanda in Chhaling VDC-7 by Gobinda Tamang, 20, and Rajesh Tamang, 15, of Changu Narayan VDC-4 on April 19. The accused were arrested by police from their homes on April 21 based on the complaint filed by locals. Govinda was remanded in custody as per an order from the District Court on May 16 and Rajesh, being a minor, was released on bail after he paid Rs 50,000.

Domestic Violence

Bhagwati Shrestha, 25, of Madhyapur Thimi Municipality-14 was strangled to death with a cell phone cord by her husband Chandra Krishna Shrestha, 35, on October 1. It was learnt that the victim was demanding divorce. The perpetrator confessed his crime to police. He was remanded in jail as per an order from the District Court. The police office in Thimi stated that the victim was pregnant.

HEALTH SERVICE SITUATION

This district has one government hospital which has 75 beds. The hospital has a quota for 10 doctors and 81 health workers but seven of the personnel were not at work at the end of the year. There are two primary health centers, seven health posts and 12 sub-health posts, where the quota for doctors is two and for the health workers and personnel it is 150.

2.15 Kathmandu

Population	: 1,637,037
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
Hospital(s)/Health Post(s)	: 40/70
Human Development Index	: 0.603
Average Household Size	: 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By state

Sanu Sunar, 46, died on May 25 while undergoing treatment at the Bir Hospital in Kathmandu after being tortured in police custody. Sanu, hailing from Godavari VDC-9 in Lalitpur, used to live in Patan. After receiving a complaint which accused him of cheating people out of money, the police arrested him from Balkhu on May 23 and kept him in custody in the Metropolitan Police Circle in Kalimati. A grocery store owner, Bishnu Kapri, of Balaju, accused him of cheating him of Rs 25,000 and had filed an FIR at the Balkhu police station on May 23. After Sunar's death, the police arrested Kapri and kept him in custody. After it was confirmed that Sunar's death was due to the torture inflicted on him in the police custody, the District Court of Kathmandu, on June 24, ordered the three policemen involved in the investigation be sent to jail on remand. Those sent to jail were sub-inspector Madhusudhan Bista, 38, police constables Roshan Bista, 27, and Krishna Khatiwada, 29 of the Metropolitan Police Circle in Kalimati. Prior to the action against the policemen, the police had filed a case naming Bishu Kapri, 24, as the main suspect in Sunar's death. Police produced him in court asking that the Court remand him in custody for investigation. The District Court ordered the release of Kapri after finding no evidence against him. The Office of the Metropolitan Police and the Police headquarters submitted a report confirming that Sunar's death was due to beatings received in custody. The NHRC also published a report after investigating the series of events from May 25 to June 9.

By Others

Santosh Karki, of Shailungeshwar VDC-1 in Dolakha, and staying with his parents in a rented place at Gothatar VDC-7 was shot dead in a brawl at Birendra Chok in Gothatar VDC-8 on January 20. The boy was a grade II student at the local Bhimeshwar Academy in Kandaghari. The incident occurred

Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	N/A	Total
Killing	7	3	4	7					1	1		1
Injured	6	12		12	5	11	1	12	3	16		16
Beatings	4	9	1	10	10	20	2	22				
Threats	1	1		1	2	4		4				
Right to Assembly									3	7	2	9
Child Rights	8	1	10	11								
Inhuman Behavior	1	1		1								
Abduction	3	3		3	1	1		1				
Total	**30**	**30**	**15**	**45**	**18**	**36**	**3**	**39**	**7**	**24**	**2**	**26**

when the locals asked Ratna Lama, also the UCPN-M Kavre district advisor, to remove construction materials from the road. They called two people from outside, who then fired shots at locals. Rajaram Thapa, 26, Gajendra Basnet, 32, of Gothatar VDC-8 and Shova Karki, 26 of Gothatar VDC-7 were also injured in the incident. Rajaram was treated at the B & B Hospital in Lalitpur and Basnet and Karki were treated at the Kathmandu Medical College Teaching Hospital at Sinamangal in Kathmandu. The prime suspect in the incident Ratna Lama was arrested by the police from Banepa of Kavre district on July 15. The Kathmandu District Court remanded him in custody the next day. Four others, including Lama's elder son Palden Lama, were remanded in custody. Another person accused of being involved in the incident, Ganesh Lama of Kathmandu Metropolis-35, was released on bail of Rs 27,000 on August 31. Amrit Lama, of the same place, was released on bail of Rs 27,500 on March 30 and Dawa Lama was released on bail of Rs 27,000 on July 23. Palden was arrested from his hideout in Kamidanda, in Kavre. Pasang Lama and Ramesh Shrestha, who fired the gun, were overpowered by the locals immediately after the shooting and were handed over to the police. UCPN-M issued a statement on January 29 informing that Ratna Lama had been expelled from his position as district advisor.

Jamim Sah, 48, of Panipokhari in Kathmandu and the managing director of the Space Cable Network was shot dead in the Lazimpat area on February 7. Shah sustained bullet wounds to his head and chest after two unidentified gunmen riding a motorcycle with the number plate Ba 15 8733 opened fire at his car near the French Embassy in Lazimpat. He died on the way to the Teaching Hospital in Maharajgunj. Shah's driver, Mathura Malakar, also sustained bullet wounds to his legs and was treated in the same Hospital. The media reported that a man who identified himself as Bharat Nepali, a member of an Indian gangster gang, Chhota Rajan, claimed that his group had carried out the killing because of Shah's anti-Indian activities.

INJURED IN SHOOTING/EXPLOSION

By Others

Om Shrestha, 46, of Bhirpani VDC-8, Ramechhap and currently living in Dhapasi VDC-9, Arjun Pandit, 53, Bharat KC, 46, of Dhapasi VDC-9 and Potan Thakur, 24, of Siwan, India and currently living in Dhapasi VDC-9 were injured when a bomb went off in a car parked in front of the Ishan Nursing Home at Basundhara in Kathmandu,on the morning of June 8. The injured were treated at the

same nursing home. Police arrested Bishnu Shah, 22, of Tulsipur Municipality-5 in Dang for carrying out the explosion. He was remanded in the Dillibazaar Prison by the District Court on July 6. The Maharajgunj Police Circle said that the other people accused of being involved in the incident, driver of the damaged car Dipak Bishwakarma and Raju Khatri were released on bail of Rs 75,000 per person by the District Administration Office on July 8.

JAIL AND DETAINEES

The administration of the Central Prison runs two prisons at Sundhara namely the Central Prison to accommodate male prison inmates and the Women's Prison. The total capacity of the two prisons is 1,200. At the end of the year, however, there were 1,932 inmates. In the Central Prison, there were 732 convicts and 1,002 detainees. In the Women's Prison, there were 86 convicts and 122 detainees. There were 11 children living with their mothers in this prison.

The Charkhal Prison at Dillibazaar has the capacity of 150 inmates. At the end of the year, there were 437 male inmates including 311 convict and 126 detainees. The prison had a problem with electricity and drinking water, and the building is in a dilapidated condition.

One inmate, Narayan Shrestha, 35, of Tokha in Kathmandu, died while undergoing treatment at Bir Hospital. Likewise, Akkal Bahadur Gurung, 65, of Pokhara in Kaski, died while undergoing treatment at the Sahid Gangalal National Heart Disease Centre, in Bansbari.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Surendra Tamang, 30, of Jharlang VDC-3 was disappeared by the UCPN-M cadres following his abduction from Gongabu in Kathmandu on May 7. The UCPN-M cadres had abducted Tamang on the allegation of infiltrating the general strike called by their party. Immediately after the abduction, he was kept in the Forward Academy which had been captured by the UCPN-M during the general strike. Police arrested the UCPN-M cadre, Yoban Tamang, for his alleged involvement the incident on May 11. He was released after two days. The Rastriya Prajatantra Party (RPP) had claimed that Surendra was its cadre.

The UCPN-M Kathmandu constituency number 1 area secretary Bharat Karki, 39, of Bayarban VDC-5 in Morang, was abducted by the YCL cadres on March 22. The YCL cadres accused Karki, who was leaving the UCPN-M for the UML, of financial irregularities. Kakri was kept at the area number 1 YCL camp at Aloknagar in Minbhawan for three days. He said that during his captivity, the YCL cadres tortured him inside the camp. He added that the YCL area number 9 in charge had also forced him to cash in his check and withdraw Rs 700,000 from his bank account.

THREATS/BEATINGS

By UCPN-M

Surya Bahadur Nepali, 40, of Pyuthan, and living in a rented room in Kathmandu, was attacked by the UCPN-M on January 10 for opposing a federal system. The UCPN-M cadres cut off his nose with a sword at Maitidevi in Kathmandu Metropolis-33. He was treated at the Bir Hospital. Nepali is a cadre of the Rastriya Jana Morcha Party.

Ram Thapa, 22, of Madanpokhara VDC-4 in Palpa, and currently staying at Chabahil of Kathmandu Metropolis-7, was attacked with iron rods by UCPN-M cadres who were heading to participate in a UCPN-M demonstration on May 4.

Thapa, who works at National Television, was attacked at a local shop in front of his office at Chuchchepati Chabahil, where he had gone to buy some goods. The cadres hit him on the head with a rod for defying the UCPN-M's call for a bandh. Thapa was treated at the Grace Hospital in the same locality. Thapa was attacked despite producing his office identity card.

A Sagarmatha Television reporter, Shruti Niraula, 27, of Bhimsengola in Kathmandu Metropolis-34, an Avenues Television's cameraperson, Rabindra Shrestha, 30, of Satungal, Kathmandu and an Associate News Agency's photographer, Prabeen Maharjan were assaulted by the UCPN-M cadres on May 9. They were assaulted for taking pictures and shooting a clash between the UCPN-M cadres and the police. Shrestha sustained head injuries, and his camera was also smashed by the UCPN-M cadres.

By YCL

Police constables based in the Kapan Police Station, Bhagwan Khatri, 23, of Bhaktapur, Paras Khadka, 22, of Dolakha and Bikas Thapa, 24, of Udaypur, were injured when their patrol came under attack from the YCL cadres on April 7. They attacked the post when the policemen began searching their belongings. They were treated at the Nepal Police Hospital at Lazimpat in Kathmandu.

The Pashupati Campus' ANNFSU joint secretary, Sanjay Dawadi, 23, the Public Youth Campus' ANNFSU vice-chairperson Rajan Rokaya, 20 and the Public Youth Campus' ANNFSU joint secretary Sajjan Silwal, were injured in a beating by the YCL. The students, who were from Jayarunta in Ghola VDC-9 of Dhading, Kolti VDC-7, Bajura and Dhusa VDC-9, Dhading respectively, were called to the YCL camp in Balaju, under the pretext of doing some business, by the YCL cadre Gunaraj Khanal on May 18. They said that the YCL blindfolded them before assaulting them. All were treated at the Kathmandu Model Hospital. The ANNFSU general secretary Madhav Dhungel, issued a statement condemning the incident and demanding action against the perpetrators and for the removal of the YCL camp.

By Nepali Congress

The ANNFSU Tri-Chandra college committee chairperson Samik Badal, 25, of Magaltar VDC-5 and the ANNFSU Tri Chandra College zonal committee secretary, and the ANNFSU activists Deepak Dhamala and Rupak Adhikari were injured in an attack by NC-affiliated NSU on April 12. They were attacked after being accused of being involved in the shooting of the NSU central committee member Bhimsingh Gurung of Chabahil in Kathmandu Metropolis-7. The injured were treated at the Kathmandu Model Hospital. Police arrested the Tri Chandra College student union's vice-chairperson, Bishnu Poudel, on April 22 for injuring the ANNFSU students. He was released by the District Court on April 27.

By Others

Rajesh Lama, 19, an UCPN-M cadre and resident of Bishalnagar in Hetaunda, and laborer Rajesh Lama, 16, of Mahendranagar in Dhanusha district, were injured when they were beaten up by locals at Satungal on May 4. The duo was accused of participating in the strike called for by the UCPN-M that had affected normal public life. The injured were treated at the APF hospital at Balambu and taken to the Neuro Hospital in Bansbari for further treatment. Rajesh sustained serious head injuries in the incident.

RIGHT TO EXPRESSION, ASSEMBLY AND ASSOCIATION
(Including Political Freedom, Free and Fair elections)

Dharma Shrestha, 39, of Dhapasi VDC-3 and Rabin Karki, 34, hailing from Sindhuli and running a business in Dhapasi, were injured after being beaten up by UCPN-M cadres on May 6. They were attacked for resisting the UCPN-M cadres during the bandh called for by the party. Shrestha was seriously injured in the incident. Both were treated at the Teaching Hospital in Maharajgunj.

A clash ensued between the participants of a peace rally and the cadres of the UCPN-M at Ratnapark in Kathmandu Metropolis-31 on May 7. Civil society and the umbrella organization of professionals, PAPAD, had called for a peace rally on the sixth day of the general strike called for by the UCPN-M. Police had to charge at the crowd with their batons to disperse them. The UCPN-M's MP Renu Chanda, UCPN-M cadres Yogendra Basnet, Ranjit Karki, 19, Laxmi Basnet, 17, Yogendra Pun, 23, and Hisharan Luintel were injured in the incident. On the same day, UCPN-M caders, Kailash Yogi of Kailali, Prakash Dhakal, 30, and Shiva Magar, 17, of Chitwan, Dev Maya Moktan, 16, and Krishna Kumar Tamang, 16, of Sindhuli, among others, were injured in a clash with the police. The injured were treated at the Kathmandu Model Hospital. Chand sustained head injuries.

Sunil Babu Panta, 38, of Gaikhur in Gorkha and Bhumika Shrestha of the Blue Diamond Society, among others, were arrested from the South Gate of the Singh Darbar on September 14. They had been demanding citizenship certificates on the basis of their sexual orientation. They were kept at the Metropolitan Police Sectors in Singh Darbar and Kamal Pokhari and released a few hours later on the same day. They were waiting for the PM at the gate to submit a memorandum to him reminding the government of a Supreme Court order, issued on December 21, 2007, which directed the government to provide citizenship certificates to the people of third gender, on the basis of their sexual orientation.

RIGHT TO PROMPT AND FAIR TRIAL

A total of 2,512 criminal cases were carried forward from last year at the Kathmandu District Court out of which 1,562 cases were decided and 950 remained pending. Out of the 604 criminal cases filed between July 17 and December 31, 291 were decided and 303 cases remained undecided.

A total of 3,502 criminal cases, where an individual is the plaintiff, were carried over from last year in the district court of which 2,165 cases were decided and 1,337 remained undecided. Out of the 1,041 criminal cases, where an individual is the plaintiff, filed between July 17 and December 31, 665 cases were decided and 396 cases remained undecided.

A total of 6,020 civil cases carried forward from last year until July 17 of which 3,006 cases were decided and 3,014 cases were undecided. Of the 1,348 civil cases filed between July 17 and December 31, 745 were decided and 603 cases remained undecided.

This year, the Office of the District Government Attorney filed 1,285 cases.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT
By CPN-M

The cadres of the Matrika Yadav led CPN-M smeared soot on the face of Madav Prasad Acharya, the director of the forest department. A group of about 20 cadres came into his office at the Forest

Department in Babarmahal, Kathmandu and smeared the soot, alleging that Director Acharya was involved in corruption, and that he had given protection to corrupt DFOs involved in the illegal felling of a massive number of trees across the country.

CHILD RIGHTS

Figures provided by the DEO in Kathmandu showed that there were 1,556 public and private schools in the district. The number of ECCDCs was 291, the number of primary schools was 292, lower secondary schools was 176, secondary schools was 685 and higher secondary schools was 143. There were 25,547 girls and 26,864 boys in secondary level. In lower secondary level, there were 43,380 girls and 47,281 boys while in primary level, there are 10,705 girls and 10,887 boys.

The quota for the total number of teachers at all levels in the district was 3,579. There were 2,776 permanent teachers, 803 temporary teachers and 577 teachers were supported by private resources.

Ghanshyam Mahato, 14, of Gaurigunj VDC-7 in Jhapa, and currently working as domestic helper at Kapan in Kathmandu, was beaten up and tortured by his employer Sushila Pathak, the wife of inspector Chet Bahadur Pathak, on June 2. As well as beating him, Sushila had used hot irons over Mahato's body. The boy was rescued by human rights activists with the help of locals and taken to Kantipur Hospital for treatment in the evening. The boy had burns and bruises all over the body parts and his lips were cut. Sushila, her daughter Pratiksha, son Pramod and brother Mindhoj had beaten him, on the suspicion of stealing money. Mahato stayed at the CWISH centre after a compromise was reached between the both sides. Human rights organizations filed a case on behalf of the boy against Sushila, Pramod and Pramila on June 4. They were later accused of attempted murder. Mahato's sister Sunita filed an application at the District Administration Office requesting the authorities to hand over Mahato to her. The CDO, Laxmi Prasad Dhakal, granted an appeal despite protests from the victim. The accused manhandled the human rights activists present at the District Administration Office and requested not to hand over the boy. Sushila was remanded in custody for investigation while Pratiksha and Pramod were released with bail of Rs 15,000 each. Mindhoj absconded. Mahato was rescued from India, by the Central Child Welfare Committee and handed over to the CWISH for shelter.

Ajay Tamang, 17, of Jarayotar VDC-2, Sindhuli and Prem Raut, 22, of Chyasmeta VDC-1, Khotang were arrested on September 24; it was alleged that they had raped a 14-year-old girl from Khadka Bhadrakali VDC-1 on the same day. The arrest was made after the girl registered an FIR against the duo. She said she was thrown from a taxi at Sukedhara and was rescued by the Sukedhara Police. Both suspects were remanded in custody by the district court on October 7.

The family of a 16-year-old girl filed an FIR at Naya Baneshwar Metropolitan Police Circle against Dhruba Sapkota, 47, of Minbhawan, Kathmandu Metropolis-34 on November 25. The family claimed that Sapkota, a staff at the Regional Education Directorate in Bhaktapur, had raped the girl. He was released on the bail of Rs 75,000 by the District Court. A medical check up was conducted at Prasuti Griha at Thapathali. The girl had been working as a domestic helper at Sapkota's house.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Anita Tamang Shahi, 18, of

Narayanpokhari VDC, Kavre died while undergoing treatment at the Om Hospital in Kathmandu on September 11. Her family filed a complaint at the local police station on September 27 claiming that Anita had sustained her injuries during a beating by her husband, Dil Krishna Shahi, 19, of Kathmandu Metropolis-13 and running a business at Hanumanchok in Gorkarna VDC, and other members of his family. Anita was admitted to the Om Hospital in Kathmandu on September 10. Anita's mother said that Anita had called her on September 9 saying that her in-laws were torturing her and that she feared for her life. Police had arrested Dil Krishna on September 10. The Kathmandu District Court remanded Dil Krishna to prison.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property

A patrol bomb was hurled at the Rai School in Jorpati VDC-6 on the evening of May 27. Two windows, a cabinet and a computer were damaged in the attack. A man identifying himself as Himal, the central member of the Nepal Communist Party (Rastrabadi), said his group had carried out the attack because the school had adopted an Indian Curriculum. However, the police said the attack was the result of the School's refusal to pay Rs 50,000 to the group.

The NC-affiliated student wing, the NSU, vandalized government vehicles at Chabahil on April 26 demanding the release of its arrested cadres. They vandalized the vehicles of Nepal Telecom, the Lalitpur Tax Office and Bagmati Integrated Sanitation Project among others. Police arrested four people in connection with the incident.

HEALTH SERVICE SITUATION

There are 10 government central hospitals, eight primary health centers, five health centers, 53 sub-health posts, three institutional clinics, three institutional family planning clinics and over 200 health facilities run by donor agencies, NGOs and private parties. There are positions for 24 doctors in the District Public Health Office, 32 in institutional family planning clinics, 101 in primary health centers, 27 in health posts and 158 in sub-health posts.

2.16 Dhading

Population : 403,659
Literacy(%) : 52
Women Literacy(%) : 37
Area(Sq. Km.) : 1,926
Number of VDC(s)/Municipality(ies) : 50/0
Number of School(s) : 593/30
Campus(es)/Higher Secondary School(s) : 4/35
Hospital(s)/Health Post(s) : 1/51
Human Development Index : 0.410
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING

By UCPN-M

UCPN-M cadres killed former UML district committee member, Shiva Thapa Magar, 43 of Darkha VDC-1 by slitting his throat with a sharp weapon on

Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	5	2	4	6	1	1		1				
Injured	5	5	1	6					3	10	2	12
Beatings	8	9		9	3	3	2	5				
Threats	2		2	2	4	2	2	4				
Right to Assembly									1	4	2	6
Racial Discrimination	1		1	1								
Women Rights	7		7	7								
Child Rights	5		8	8								
Abduction	3	3		3	3	4		4				
Total	**36**	**19**	**23**	**42**	**11**	**10**	**4**	**14**	**4**	**14**	**4**	**18**

October 18. The victim's family filed an FIR against the UCPN-M cadres including the district committee member and the YCL Area No 1 in-charge Tek Bahadur Tamang aka Bikram, Durga Bahadur Tamang alias Sailo, Asha Bahadur Tamang, Phatta Bahadur Tamang, Dhiraj Tamang, Tikaram Tamang alias Lopchan, Ram Saran Thapa Magar, and Rajendra BK of Darkha VDC-1 stating that they murdered Magar while he was returning home after watching a football tournament organized in the village at 5 pm on October 18. Magar's dead body, missing since October 18, was found hanging from a tree in a forest at Raute on October 20 at 11am. The UCPN-M, in a press release on November 15, stated that it had expelled its cadres including district member Tek Bahadur Tamang alias Bikram and Rajendra BK on September 15. Nobody involved in the incident had been arrested at the end of the year. Various organizations including INSEC visited the site of the incident and concluded that the incident took place due to political enmity. Although it was stated that the incident did not occur due to a political decision of the UCPN-M, a report made public after the field study stated that the alleged perpetrators were affiliated to the UCPN-M.

CLASH

By State

13 persons were injured in a clash that flared up after the police intervened in a demonstration that was being staged by farmers in Gajuri along the Prithvi Highway on May 24. They were demanding chemical fertilizers. Kumar Thapaliya, 32, of Kumpur VDC-3, a teacher at the Adharsha Higher Secondary school in Gajuri, Bina Kharel, 42, Sima Subedi, 32 of Gajuri-1, Uttam Adhikari, 33 of Baireni VDC-7, Bashudev Subedi, 25 of Pida VDC-4, Ghaman Bahadur Magar, 54 of Kalleri VDC-4, Ram Saran Shrestha, 35 of Pida VDC-5, and Khadga Bahadur Shrestha, 45 of Kumpur VDC-7, as well as head constable Madan Prasad Khanal, 30, Inspector Bishnu Aryal and constables Ghanashyam Alemagar and Nadev Pathak were injured in the clash. Kharel was taken to Kathmandu after her treatment was not possible at the district hospital. The other injured were treated at the Gajuri based health centre. The police had fired six teargas shells to bring the situation under control during the clash.

By UCPN-M

Three people were injured when cadres of the UCPN-M and the NC clashed at Nilkantha VDC-5 on July 29.

The NC cadres, wielding khukuris and swords, vandalized the Unique Café and mistreated its owner. The UCPN-M cadres closed the Dhadingbesi bazaar in protest against the incident. They launched a search by stopping motorbikes in Puchharbazaar Chok. They beat up NC cadre Narayan Silwal, 35, of the VDC during the search and also vandalized his motorbike. A constable at the DPO Lal Bahadur Saru Magar, 23, was injured when the UCPN-M cadres threw stones at him. Kumar Tamang, 25, an YCL cadre was injured when the police attacked protestors with batons to bring the situation under control. The UCPN-M cadres, who were forcing the closure of the market, vandalized four motorbikes and the Daju-Bhai Restaurant and Lodge. The injured were treated in the district headquarters, Dhadingbesi.

JAIL AND DETAINEES:

The 'C' grade District Jail had four female and 27 male convicts and seven female and 49 male detainees at the end of the year. Thus, there were 87 inmates—76 male and 11 female in the jail, even though it only had the capacity for 25. The inmates were forced to sleep under tents in the relatives' reception area due to a lack of rooms in the prison. The inmates, using their own initiative, were generating incoming by making bamboo items.

DISAPPEARANCE/ABDUCTION

By UCPN-M

NC cadres Raju Khan, 26, and Nabin Khan, 43 of Sunaulo Bazaar VDC-1 were abducted by the local UCPN-M cadres on the allegation of trying to disrupt a khukuri and baton training session, which had been organized by the UCPN-M, on April 24 at 6 am. The Police released the abductees on the same day at 2pm.

By Others

A manager at the Madyamanchal Gramin Bikash Bank, Bishwonath Adhikari, 38, of Byas Municipality-3 in Tanahun was abducted from Gajuri VDC-1 by the Democratic Security Forces on June 23. The abductors informed the bank staff over the phone that Adhikari had been abducted and they demanded that money collected by the Unity Life International from people be returned. Adhikari was rescued by his family members and the INSEC Chitwan District Representative, among others, from underneath the Jugedi Bridge on June 26 after 34 days. He was found in a feeble state with his hands bound. According to the victim, he was released on the condition of giving Rs 1m to his abductors and also printing 100,000 pamphlets of their outfit and distributing them.

THREATS/BEATINGS

By State

A UML district committee member, Jagannath Timalsina, 60, of Nalang VDC-6 was beaten by a Nepal Army soldier Nawaraj Paudel, 34, and his brother Bhimsen Paudel, 38 of the same locality on the allegation of encroaching onto their land, on December 11. Nawaraj, who was on home leave and his brother Bhimsen, posing as cadres of the UCPN-M, kicked and beat up Timalsina with fists and boots. The victim was treated in the district hospital. The police arrested Nawaraj and handed him over to the Sabujha Battalion of the NA in Dhadingbesi. Action against Paudel was underway as per the Army Act, an NA source said.

By UCPN-M

The Chairperson of the Marpak VDC Women Human Rights Defender Network, Sushma Tamang, 24, of Marpak VDC-3 was threatened by cadres of the UCPN-M on April 9. She was warned that

her life would be at a risk if she involved herself in social work. Keshari Prasad Panta, the district chairperson of the UCPN-M aligned Educational Republican Forum, who is also president of the Dhading chapter of the Nepal Red Cross Society, while addressing a function organized by the Red Cross and the Janajati Federation in the VDC, had threatened women working under the Women Human Rights Network not to do any social work in the village. He also used derogatory words against the women. Even though the network filed a complaint against Panta, no action had been taken against him at the end of the year.

The ANNFSU Dhading secretary, Ram Kumar Shrestha, 25, of Kumpur VDC-8 was beaten up by the UCPN-M cadres, who accused him of not supporting the UCPN-M's proposal in the VDC office on May 23. The YCL cadres attacked him with batons and iron rods alleging that he did not support the UCPN-M's proposal of constructing a road during a meeting of consumers. Shrestha, who sustained injuries to his nose, eyes and different organs of his body, received treatment in the district hospital. The victim did not file a complaint with any authority.

By NC

A UCPN-M cadre Jhanka Nepali, 32, of Sunaulo Bazaar VDC-7 was injured when a group of NC cadres, on the allegation that he had attacked their colleagues, assaulted him with iron rods and khukuris on April 16 in his house. Nepali was taken to the Bir Hospital in Kathmandu after refferal from the district hospital. Nepali filed a complaint of attempted murder against the attackers on April 20. There had been no development in the case at the end of the year.

The Dhadingbesi city committee secretary of the Youth Association Nepal, Shashi Khand, 19, of Nilkantha VDC-5 was injured when a group of NC cadres attacked him near Chyadu in Muralibhanjyang VDC-3 along the Kalu Pandey Highway on July 29. Khand, who was critically injured in the attack, was taken to the Manmohan Memorial Hospital in Kathmandu as needed advanced treatment. The people involved in the attack were still absconding at the end of the year.

By UML

A UCPN-M cadre Kumar Pulami, 24 of Maidi VDC-4 was injured when the UML cadres attacked him on November 15. Pulami was attacked with khukuris at 2 am while playing Deusi in Maidi VDC-7. The victim, who sustained injuries to his back, was taken to Kathmandu for further treatment from the district hospital. The victim did not file a complaint with any authority.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION

(Political Freedom Including Free and Impartial Election)

Eight persons were injured when police charged batons at them after they had opened a market during a bandh called for by the Tamsaling Nepal Rastriya Dal, demanding an autonomous Tamsaling State, at Mahadevbesi of Thakre VDC-3 on March 14. Bishnu Baiju, 28, Rita Baiju, 23, Ashok Thakur, 25, Jitendra Ghale, 31, Nakul Lama of Thakre VDC-3, and Maila Tamang, Kamal Ale and Krishna Tamang of Goganpani VDC-6 were injured during the baton attack. All of the injured were treated at a local health centre. On the allegation of their involvement in the incident, police arrested Sangam Lama, 20 of Thakre-3, Niraj Lama, 28 and Tshring Lama, 18 of Bhumesthan VDC-4, Anil Lama, 22, Prem Lama, Raj Kumar Lama, Maila Ghale, 58 and Sur Bir Ghale, 26 of Thakre VDC-3 on the same day.

RIGHTS TO PROMPT AND FAIR TRIAL

Of the 183 criminal cases—146 of which were pending before July 16, and 37 which were filed from the period of July 17 until the end of the year- 60 were decided on and 123 remained undecided. Of the 122 criminal cases, where an individual is the plaintiff- 106 of which were pending before July 16, and 16 which were filed from July 17 until the end of the year- 54 were decided on and 68 remained undecided. Of the 232 civil cases- 202 of which were pending before July 16, and 30 which were filed from July 17 until the end of the year- 56 were decided on and 176 remained undecided. Of the 76 cases filed in the Office of the District Government Attorney 73 were successful and three were unsuccessful.

A rally planned by the civil Society and professionals from various sectors on May 7 was cancelled following a threat from the UCPN-M. The rally was planned to protest the general strike called for by UCPN-M and its crippling effect on normal life. The UCPN-M district co-in-charge Ram Bahadur Bhandari came to a meeting of the civil society and threatened to intervene if any rally or assembly that was organized. UCPN-M cadres had also met civil society members individually and pressured them not to organize the rally.

The UCPN-M cadres, led by district joint-in-charge Ram Bahadur Bhandari, 55, of Aginchok VDC-1, staged a demonstration in front of the district court after the court gave a verdict in connection with a rape case filed against Raj Kumar Thapa Magar, 25 of Nilkantha VDC-4 on May 28. Justice Nawaraj Upadhayay had given a sentence of seven years imprisonment to Magar and a fine of Rs 100,000 which was payable as compensation to the victim, on May 25. The UCPN-M cadres staged the demonstration stating that Thapa Magar was innocent. On November 5, 2008, a case had been filed in the District Court alleging that Magar had raped a 15-year-old girl from Nilkantha VDC-4.

CHILD RIGHTS

According to the DEO, there were 436 were primary Schools, 89 lower secondary and 66 secondary schools. A total of 10,546 students - 5,731 girls and 4,875 boys study at secondary level, 23,237 students- 12,099 girls and 11,138 boys study at the lower secondary level, and 68,832 students– 35,359 girls and 33,473 boys study at the primary level. There are 36 private schools in which 5,737 students study. Of them, 2,527 are girls and 3,210 boys.

Ananta Bahadur Thapa, 62, of Nilkantha VDC-2 allegedly raped two five-year-old girls of the same locality on August 5. According to the victims, Thapa raped them after giving them Rs 5 to buy chocolate. Police held the accused on August 6 and filed a rape case in the court. The relatives of the victims, demanding action against the perpetrator, staged a sit-in protest in front of the DPO on August 5. Thapa was remanded in custody.

A 6-year-old girl, of Sunaula Bazaar VDC-9 reported that she was raped by Pradip Shahi, 17, of the same locality on November 14, after he took her to a nearby forest. According to the police, during an interrogation, Shahi admitted that he had raped the girl while locals were heading for a picnic in the jungle. The police arrested Shahi with the help of locals on the same day and remanded him in custody after filing a rape case against him.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Chanamati Thapa, 65, of Chhatredeurali VDC-5 was raped after

murder by Niraj Tamang, 19, and Ram Lal Tamang, 18, of the same locality on August 21. They strangled her to death. Niraj and Ram Lal entered Thapa's house while she was sleeping alone. "We tried to rape her but could not as she firmly resisted. Then, we strangled her and then raped her," they told the police during an interrogation. The accused were remanded in custody after the cases of rape and murder were filed against them.

Domestic Violence

Sabitri Adhikari, 35, of Sunaula Bazaar VDC-8, was injured when her husband Dandapani Rijal, 45, attacked her with a sickle, on the allegation of having illicit relations with others, on February 5. The locals took the victim to hospital while the husband was arrested by the police on the same day. The victim was treated in the district hospital which was paid for by donations. On the appeal of the victim, Dandapani was released without any action on February 9.

Inhuman Behavior

Kulpi BK, 51, of Muralibhanjyang VDC-7, was beaten up by villagers on the allegation of practicing witchcraft on December 16. Villagers picketed her house and insulted her saying that Mira BK, who was under the influence of alcohol, had trembled after Kulpi cast witchcraft on them, on December 15. The locals kicked her and beat her with batons the next day. The villagers admitted that they beat up Kulpi on the allegation of killing several infants by casting spells on them and also for causing the death of several cows and buffalos in the village. They also tried to force her to eat human excreta. Police arrested Mira BK, Suntali BK, Bina BK, Jamuni BK and Laxman BK on December 21, on the charge of being involved in torturing Kulpi, but were released without any action the next day. The victim was treated in the district hospital and displaced to the district headquarters for a week following the incident.

ALL KINDS OF RACIAL DISCRIMINATION

Sita Basel, 17, of Jyamrung VDC-7 was insulted and abused by so-called upper caste people on the allegation of jumping over a drinking water supply pipe on April 8. The non-Dalits also mistreated her and deprived her of the ability to collect water from the local tap. They later restricted all Dalits from collecting water from the tap. The Dalits are now forced to collect water by walking half an hour from their houses. "We fixed the water pipes with our own investment, but non- Dalits damaged the pipes and constantly insulted and humiliated us," Ram Bahadur Basel, a Dalit, said.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The minimum wage of agriculture laborers had not been fixed by the government authorities in the district at the end of the year. Generally from mid December to mid March, man's labor's wage is Rs. 100 and woman's Rs. 50 per day, while the wage for men is Rs 150 and for women was Rs 100 during planting and harvest season of May, June, November and December.

Destruction of Infrastructure

Tamsaling Nepal Rastriya Dal vandalized 18 vehicles at Mahadevbesi of Thakre VDC-3 for defying bandh on March 14. The bandh was called for to demand Autonomous Tamsaling State. The vehicles with the number plate BA 1 Pa 710, Ba 7 Cha 3494, Ba 2 1538 and Ba 2 Cha 5291 among others were vandalized. They also torched 1,000 copies of Kantipur daily being transported to Dhading.

HEALTH SERVICE CONDITION

There are three private hospitals and one district hospital in the district. Of the four positions for doctors in the district hospital, only one doctor was working. Of the 181 quotas for health workers in the health posts and the sub-health posts, 143 were working. Three positions for doctors and 38 health workers were vacant in the district.

2.17 Sindhupalchok

Population : 353,515
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
Hospital(s)/Health Post(s) : 1/78
Human Development Index : 0.414
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES:

The 'D' grade Sindhupalchok District Jail had 14 male convicts and one female and 48 male detained prison inmates at the end of the year. Thus, there were 63 inmates in the jail even though it only had the capacity for 35. Stating that the jail was accommodating more inmates than its capacity allowed for and they were therefore facing difficulties, the inmates staged a sit-in protest demanding their transfer to Kathmandu on May 7. The prison administration later transferred 25 detainees to Kathmandu.

DISAPPEARANCE/ABDUCTION

By YCL

Yogendra Bahadur Ghale, 35, of Sanosirubari VDC-1 was abducted from his home by YCL cadres, on the allegation of deceiving them, on January 28. The victim was released from Kathmandu in the presence of the Metropolitan Police in Kalimati the next day.

THREAT/BEATING

By State

Dhan Bahadur Shrestha, 50, of Golchhe VDC-4 was injured when a team of the APF Border Security Force at Tatopani, led by DSP Sanjay Bikram Rana, beat him on the allegation of staying in the market late at night, on July 27. The APF admitted him to Sadabahar Hospital in Khandichaur and he returned home on the same day.

By YCL

A Rastriya Jana Morcha cadre, Prem Kumar Yonjan, 25, of Lisankhu VDC-1, was beaten by YCL cadres in his house, on the allegation that he had expressed anti-federalism views, on January 18. The victim received treatment at the Model Hospital in Kathmandu. He filed a complaint in the Nawalpur APO on January 20. No action had been taken against the perpetrators at the end of the year.

By NC

The joint secretary of the Federation of Nepalese Journalists (FNJ), Dhruba Dangal, 28, was threatened by the NC

Type of Events	By Non-State				By State		
	By Others						
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	5	3	2	5			
Injured	1	1	1	2			
Arrest & Torture					1	1	1
Beatings	3	3		3	1	1	1
Threats	3	4		4			
Women Rights	10		10	10			
Child Rights	9		9	9			
Inhuman Behavior	1	1		1			
Abduction	1	1		1			
Total	**33**	**13**	**22**	**35**	**2**	**2**	**2**

district president, Mohan Bahadur Basnet, over the phone on August 30. He was threatened for not writing pro-NC news. The victim verbally informed CDO Hari Krishna Upadhyaya about the incident the next day and demanded action against the perpetrator. The district chapters of the FNJ, Press Union and Press Chautari condemned the incident on August 31.

RIGHTS TO PROMPT AND FAIR TRAIL

Of the 52 criminal cases which were pending before July 16, nine were decided on and 43 remained undecided. A total of 26 criminal cases were filed at the district court from the period of July 17 until the end of the year.

Of the 44 criminal cases, where an individual is the plaintiff, which were pending before July 16, 16 were decided on and 28 remained undecided. A total of 24 criminal cases, where an individual is the plaintiff, were filed between July 17 and the end of the year. Of these cases, six were decided on.

Of the 447 pending civil cases, 169 were decided this year. A total of 39 more civil cases were filed during the year. Of these, 29 were decided on.

Of the two cases of domestic violence that were registered at the district court this year, both were settled. Additionally, 62 cases were filed in the Office of the District Government Attorney, of these, 37 were successful, 17 were unsuccessful and eight were under consideration.

CHILD RIGHTS

According to the DEO, there are 564 community and government schools in the district. Of them, 348 are primary, 92 lower secondary and 124 secondary schools. A total of 9,877 students - 4,854 girls and 5,023 boys study at secondary level, 20,883 students - 10,157 girls and 10,726 boys study at the lower secondary level, 62,729 students - 30,019 girls and 32,710 boys study at the primary level. A total of 28 private schools were operational in the district.

A victim's family filed a complaint in the DPO on July 17 stating that a 10-year-old minor girl of Sangachowk VDC-5 was raped by Lok Bahadur Puri, 26, of the same locality, on July 14. The police arrested Puri on July 17. The victim was taken to the district hospital for a medical check up on the same day. The perpetrator was remanded at the District Jail following a court order.

A victim's family filed an FIR at the DPO on December 5 stating that a 13-year-old minor girl of Kubhinde VDC-9 was raped by Rabi Lal Subedi, 75, of the same locality, on November 29. It was said that the incident occurred when the girl was collecting fodder in the field. Police arrested Subedi on December 5. The victim was taken to the district hospital for a medical check up on December 5. An investigation into the incident was underway at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Kanchhi Giri, 27 of Kunchok VDC-1 was badly beaten by her husband, Nawaraj Giri, and her father-in-law Hasta Bahadur Giri, on November 21. The victim received treatment at the district hospital. She filed a complaint at the DPO the next day. Police arrested Hasta Bahadur on November 29 but he was released on bail on December 8. Nawaraj was absconding at the end of the year.

Sharada Sapkota, of Pipaldanda VDC-2, was beaten with firewood by her husband Kedar Sapkota on December 6. The victim filed a complaint in the DPO the next day. The police detained Kedar on December 8 and sent him to the Chhauni Barrack of the Nepali Army, as he is a soldier stationed in that barrack.

Polygamy

An APF constable, Jivan Khadka, 24, of Sangachowk VDC-6, got married second time on October 13 even though he had a first wife, Yasodha. Yasoha filed a complaint against her husband in the DPO on August 4. The DPO wrote a letter to the headquarters of the APF in Kathmandu in line with their investigation of the incident.

A Nepal Army soldier stationed at the Pahara Battalion in Tripureshwor, Kathmandu, Junga Bahadur Katuwal, 30, of Batase, VDC-8, got married for the second time on September 13 despite having a spouse Bhoj Kumari. Bhoj Kumar filed a complaint against her husband in the DPO on October 27. No action had been taken against the perpetrator at the end of the year.

HEALTH SERVICE SITUATION

There are two community hospitals and a district hospital in the district. There was a quota for three doctors in the district hospital and this quota was filled. There are three primary health centers, 65 sub-health posts and 10 health posts. Of the quota for 276 health workers, 220 were working and 56 positions were vacant at the end of the year.

2.18 Nuwakot

Population : 333,369
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) : 4/32
Hospital(s)/Health Post(s) : 1/66
Human Development Index : 0.463
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade district jail, constructed recently, has the capacity to hold a total of 50 inmates. There were a total of 79 inmates in the jail at the end of the year. Of the inmates, 51 were convicted and 28 are the detainees. The inmates in the jail were provided with facilities such as radio, televisions, newspapers and telephones. The jail also had facilities such as water, latrines and sports equipment.

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	3	2	1	3			
Injured	4	6		6			
Beatings	3	10		10	1	2	2
Women Rights	1		1	1			
Child Rights	4		4	4			
Abduction					1	1	1
Total	**15**	**18**	**6**	**24**	**2**	**3**	**3**

DISAPPEARANCE/ABDUCTION

By UCPN-M

Krishna Bahadur Tamang, 41, of Ghyangphedi VDC-7 was abducted from the Betani Jungle in Madanpur VDC-9 by a group of about 10 UCPN-M cadres including Abinav Phuyal, 34, of Kabilas VDC-8 and Idras Miya, permanent resident of Baruwatar VDC-3 and living at Battar Bazaar from Bidur Municipality-4 on January 7. He was rescued by police from Abinav's home located in Kabilas VDC-8 on January 8. The police arrested the abductors in Bidur Municipality-3 on January 8 based on a complaint filed by the victim. The abductors were remanded in jail as per an order from the District Court and were released on February 3.

THREATS/BEATINGS

By UCPN-M

UML cadres Bishal Lama Tamang, 20, and Surya Bahadur Tamang, 22, of Dhuwakot VDC-1 were beaten by cadres of the UCPN-M at Phalante in Dangsing VDC-2 while they were returning home from Trisuli on November 8. Approximately 30 UCPN-M cadres attacked them with sticks and logs and took him to the home of UCPN-M cadre Tek Bahadur Tamang, 35, in Dangsingh VDC-4. They were kept in a contact office of the UCPN-M in Nuwakot and interrogated for the whole night before being released. Bishal's leg was broken and Surya sustained deep injuries to his body as a result of the beatings. The victims were treated at the Manamohan Memorial Hospital in Kathmandu. A complaint was filed against the perpetrators; however legal proceeding had not been initiated against them by the end of the year.

By YCL

The village unit committee secretary of the NC Ramji Paudel, 24, of Hallakalika VDC-2, Achyut Raj Giri, 28, of Bidur Municipality-4 and Santosh Upreti, 27, of ward no. 3 of the same Municipality were beaten by cadres of the YCL on April 11. The beating was over election issues for the School Management Committee at the Bageshwori Higher Secondary School. The victims were beaten with rods and khukuri. They were treated at the Teaching Hospital in Kathmandu.

RIGHT TO FAIR AND PROMPT TRIAL

A total of 36 criminal cases, where an individual is the plaintiff, were there in the District Court by July 16. Of these cases, nine were decided at the end of the year. Similarly, a total of 34 criminal cases, where an individual is the plaintiff, were filed in the District Court between July 17 and December 31. Of these cases, only three were decided at the end of the year.

A total of 27 criminal cases were considered by District Court by July 16. Of these cases seven were decided at the end of the year. Similarly, a total of eight criminal cases were filed between July 17 and December 31. None of these cases were decided at the end of the year.

A total of 119 civil cases were there at the District Court by July 16. Of these cases 41 were decided at the end of the

year. Similarly, a total of 67 civil cases were filed at the District Court between July 17 and December 31. Of these cases, only one was decided at the end of the year.

A total of 12 cases were filed by the Office of the District Government Attorney. Of them, two of the cases were decided for the Attorney's Office and one was decided against it at the end of the year.

No cases were filed in the District Court under the Domestic Violence Act.

CHILD RIGHTS

There are a total of 507 schools, including those run under trusts, in the district. Of the schools, 336 are primary, 82 are lower secondary and 89 are secondary. A total of 9,782 students are studying an the secondary schools, of them, 5,070 are girls and 4,712 are boys. Similarly, a total of 20,706 students are there at the lower secondary level, of them, 10,977 are girls and 9,729 are boys. Likewise, there are a total of 58,521 students at the primary level, of them, 29,982 are girls and 28,529 are boys.

This district has a total of 57 private schools, of them, 35 are primary, nine are lower secondary and 13 are secondary.

Gopal Nepali, 40, of Bidur Municipality-3 was arrested by police at Bidur Municipality-2 on the charge of raping a girl, 4, of Bidur Municipality-2 in her home on March 15. Nepali was remanded in custody as per an order from the District Court on April 1.

A girl, 16, of Raluka VDC-6 was allegedly raped by Shailesh Dahal, 18, of the same VDC on July 13. Police said that the accused was still at large at the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The Chief Editor of the Gatishil Samachar Daily Badri Pyakurel, 30, of Gerkhu VDC-4 was beaten at his office and the office was vandalized on September 5. The incident was over the issue of news published in the newspaper. His office was vandalized by locals Dharma Thapa, Shushil Thapa, Krishna Nagarkoti and Rajan Shrestha of Bidur Municipality-3. Police arrested them on the same day. However, they were released on September 6 on the condition that they would pay for the damage and would not assault journalists in the future.

HEALTH SERVICE SITUATION

This district has one district and four private hospitals. Additionally, there are six ayurvedic hospitals, three primary health centers, 11 health posts and 53 sub-health posts. The quota for doctors in the district hospital is six but only four were at work at the end of the year. According to the District Public Health Office, the quota for health workers in the district is 385 but only 324 were at work at the end of the year.

2.19 Rasuwa

Population : 53,316
Literacy(%) : 47
Women Literacy(%) : 35
Area(Sq. Km.) : 1,544
Number of VDC(s)/Municipality(ies) : 18/0
Number of School(s) : 108/3
Campus(es)/Higher Secondary School(s) : 1/4
Hospital(s)/Health Post(s) : 1/18
Human Development Index : 0.394
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'E' grade District Jail had 19 male convicts and one male detainee at the end of the year. The jail has the capacity to accommodate 25 inmates. The jail building is in a dilapidated condition. The inmates had provided with a television set, a radio set, newspapers, carom-boards and chess boards.

DISAPPEARANCE/ABDUCTION

By YCL

Cadres of the Nepal Tarun Dal Kami Sangbo Tamang of Gatlang VDC-4, Pasang Dorje Tamang and Mingmar Tamang of ward No. 6 of same VDC were abducted by YCL cadres from their home on January 17. The YCL cadres had barged into their house and blindfolded them before taking them to a jungle. Locals found the victims in an unconscious state in the river near the Nepal Rastriya Secondary School the next morning. They received treatment at the TU Teaching Hospital in Kathmandu following initial treatment at the district hospital. A YCL cadre was arrested for being involved in the incident; he was released after a compromise was reached between the two sides on January 26.

THREATS/BEATINGS

By UCPN-M

The Youth Federation district committee member, Dev Bahadur Tamang, 31, of Dhaibung VDC-4 and the UML Dhaibung village committee member, Aitaram Tamang, 30, were assaulted by a group of the UCPN-M cadres at Dharapani of Dhaibung VDC-3 on April 11. Dev Bahadur's both hands and legs were broken while Aitaram sustained injuries to his head. Both were treated at the Manmohan Memorial Hospital. Police arrested Narayan BK for being involved in the incident on April 12. He was released after both sides reached a compromise on April 27.

By YCL

NC cadre Mingmar Chowang Ghale of Goljung VDC-6 was injured when a group of the YCL cadres led by Dilip Tamang attacked him with a khukuri while he was returning from a monastery near his village. He underwent treatment at the district hospital for injuries he sustained to his head.

By Tarun Dal

The UCPN-M district committee member and Tamsaling state committee advisor Megh Bahadur Dhakal of Dhaibung VDC-5 and UCPN-M cadre Tasi Tamang were assaulted by cadres of the NC-affiliated Tarun Dal on January 20. The Tarun Dal cadres, who had called for a district bandh protesting the attack on its cadres by UCPN-M, assaulted them accusing them of riding a motorbike during the bandh.

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Injured	2	3		3	3	3	3			
Arrest & Torture								1	1	1
Beatings	1		1	1						
Threats	2	2		2	1	1	1			
Women Rights	8		8	8						
Child Rights	1		1	1						
Abduction	2	4		4						
Total	**16**	**9**	**10**	**19**	**4**	**4**	**4**	**1**	**1**	**1**

Dhakal and Tamang sustained injuries to their body and head. They were taken to the TU Teaching Hospital in Kathmandu for treatment.

RIGHT TO PROMPT AND FAIR TRIAL

Eleven cases, brought forward from the previous year in the District Court, were decided by July 16. Eight cases were filed after that date until the end of the year. None of them had been decided on.

CHILD RIGHTS

According to the DEO, there are 155 government and private schools in the district. Of these, 71 are primary level, 19 are lower secondary level and 10 are secondary level schools. Out of 8,341 students in primary level, 4,252 are female and 4,089 are male. Out of 3,216 students in lower secondary level, 1,644 are female and 1,425 are male. Out of 1,678 students in secondary level, 817 are female and 861 are male.

There are eight private schools in the district. Out of 876 students in these schools, 404 are female and 472 are male. Many children do not go to school as the schools are far from their homes. Many students do not continue schools as not all the VDCs have secondary schools.

A 17-year-old girl of Dhaibung VDC-4 was allegedly raped by Dilli Bahadur Tamang, 28, of Dharapani in ward no. 3 of same VDC on November 28. According to the girl's family, Tamang entered inside her house, wielding a khukuri and raped the girl after evicting her mother. The accused left the scene threatening to kill them if they reported the incident to the police. The Police Post in Kalikasthan arrested Tamang on November 30 after the victim's family lodged a complaint. He was remanded in custody following the District Court's order.

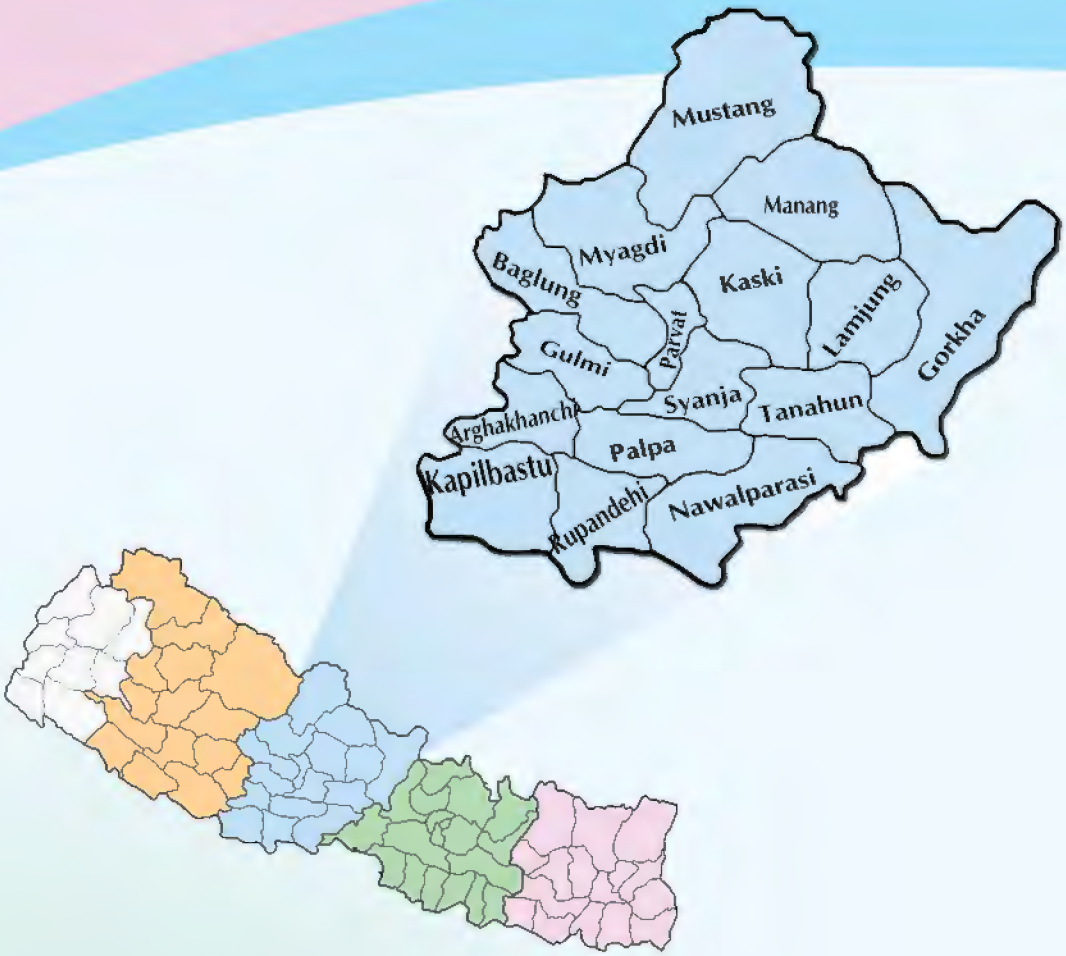
ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Polygamy

Mahesh Raj Sharma of the Tanahun district and a staff at the District Development Committee in Rasuwa married Bishnu Bhandari of Gulmi on November 26. Sharma's first wife Manjushree Paudel registered a case of polygamy against Sharma at the District Court. Police arrested Sharma and Bishnu following the complaint. The District Court released them on bail after they deposited Rs 20,000.

HEALTH SERVICE SITUATION

There is one district and one community hospital in the district. Although five doctors are allocated for the district hospital, only four were working at the end of the year. There are eight sub-health posts, nine health posts and one primary health centre in the district. There is an allocation for 119 health workers in the district yet only 85 health workers were present at the end of the year.



3. WESTERN REGION

3.1 Tanahun
3.2 Gorkha
3.3 Lamjung
3.4 Syangja
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 : 364,292
Literacy(%) : 72
Women Literacy(%) : 63
Area(Sq. Km.) : 1,546
Number of VDC(s)/Municipality(ies) : 46/1
Number of School(s) : 600/84
Campus(es)/Higher Secondary School(s) : 4/44
Hospital(s)/Health Post(s) : 2/46
Human Development Index : 0.524
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By State

Pritam Bista, 22, of Barbhanjyang VDC-2, who was serving a jail term at the District jail, was killed on April 9 when police opened fire at him while he was trying to escape from the jail. Bista was in the jail on rape and other charges. Damodar Sharma, the prison guard, stated that the victim was shot by the police while he was trying to escape from the jail with the help of a bamboo pole that had been used to erect a tent inside the jail. Police said that they opened fire because he ignored their warnings telling him not to flee away. The victim received four bullet injuries to the head, waist and chest. The INSEC Regional Office in Pokhara, following an investigation, produced a report on the incident which said that police shot him before exhausting other measures to apprehend him.

JAIL AND DETAINEES

The 'C' grade District Jail had the capacity to hold 25 inmates but a total of 94 inmates were in the jail at the end of the year, of these, 59 have been convicted and 35 are detainees. A total of 30 inmates have been charged with intentional homicide. Of these, 14 have been convicted and 16 are detainees. Additionally, eight inmates are in the jail on charges relating to narcotics. Of these, three are convicts and five are detainees. A total of 18 inmates are in the jail on rape charges, of these, 13 have been convicted and five are detainees. Furthermore, a total of 21 inmates are there on theft and robbery charges, of these, 20 are convicts and one is a detainee. Accompanying this, there are four convicted of burglary. One inmate has been convicted under the Arms and Ammunitions Act and another one has been detained under the same Act. Two detainees accused of causing death in road accident are also in the jail. As well as this, one inmate has been convicted of murder and another one has been detained on charges relating to human trafficking. A total of five inmates are in the jail on cheating charges, of these, two have been convicted and three are detainees. One inmate has been convicted of polygamy and another one has been detained accused of it. Furthermore, one inmate accused of public offence charges has been detained.

DISAPPEARANCE/ABDUCTION

By Unidentified Group

The Office Secretary of the UCPN-M in Lamjung district Devendra Poudel, 32, of Jeeta VDC-8, was abducted by an unidentified group from near the

Type of Events	By Non-State				By State			
	By Others							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	3		3	3	1	1		1
Injured	1		1	1				
Arrest & Torture					2	2		2
Beatings	6	7	1	8				
Right to Assembly					2	5	4	9
Women Rights	2		2	2				
Child Rights	2		2	2				
Abduction	1	1		1				
Total	**15**	**8**	**9**	**17**	**5**	**8**	**4**	**12**

Bandipur Hotel at Dumre in Bandipur VDC-8 on September 30. He was released later from Mugling in the Chitwan district on October 6. The victim stated that he was blindfolded and taken to an unknown place following the abduction. He was in a serious condition at the time of release and was treated at the Lamjung Community Hospital. The victim was abducted as he was leaving for Dumre from party office.

THREATS/BEATINGS

By YCL

Business owners, Bhimsen Thapa, 35, Krishna Shrestha, 40, and regional member of the UML Tara Thapa, 40, of Bhimad VDC-1, were beaten by cadres of the YCL on April 27 while the victims were at a hotel at Bhimad. The victims were beaten for not providing a donation as demanded. Bishnu Chhetri, the YCL secretary of area no. 3 said that they were beaten for making noise and playing cards. Business owners shut the Bhimad bazaar the next day in protest of the incident.

Amjad Hussen, 21, of Byas Municipality-2 was beaten by a group of masked YCL cadres, numbering around 20, at Kalika Marga of the same place on May 8. He was treated at the Damauli Hospital. Eyewitnesses stated that the perpetrators fled using the bus in which they had arrived in before beating the victim. Youths in Damauli attacked and pelted stones at the office of the UCPN-M located at Byas Municipality-10 in protest. Hari Bahadur Chuman, the district in-charge of the UCPN-M stated that cadres of the YCL were not involved in the incident.

ARBITRARY ARREST

Rabindra Khadka, 25, of Aanbukhaireni VDC-6 was arrested at the office of a law practitioner at Saphasadak in Byas Municipality-2 on October 24. He was arrested without any arrest warrant and was detained for 31 days. Police released him later on November 24 as per an order from the Appellate Court in Pokhara. Police did not present the victim to court for up to one week after the arrest. Prior to the arrest, Rajesh's wife Arati had filed a complaint relating to polygamy against him stating that he married Apsara of Nareshwortar in Bhanu VDC as a second wife. Rajesh is an elder brother to Rabindra. Police called Rajesh to discuss the complaint on October 22. Following the discussion, Rabindra signed a paper agreeing that he would present his brother Rajesh to the police on October 24. However, Rajesh who works in the Indian Army fled from his home on October 22. Rabindra was arrested by the police for helping his brother Rajesh to flee.

RIGHT TO PROMPT AND FAIR TRAIL

A total of 131 criminal cases were filed in the District Court by July 16. Of these cases, 94 were decided and 37 remained undecided. Similarly, a total of 63 criminal cases were filed in the District Court between July 17 and December 31,

of these cases, 10 were decided and 53 remained undecided. A total of 90 criminal cases remained undecided at the end of the year.

A total of 255 criminal cases, where an individual is the plaintiff, were filed in the District Court by July 16. Of these cases, 152 were decided and 103 remained undecided. Similarly, a total of 168 criminal cases, where an individual is the plaintiff, were filed in the District Court between July 17 and December 31. Of these cases, 33 were decided and 135 remained undecided. A total of 238 criminal cases, where an individual is the plaintiff, remained undecided at the end of the year.

A total of 356 civil cases were filed in the District Court by July 16. Of these cases, 186 were decided and 270 remained undecided. Similarly, a total of 262 civil cases were filed in the District Court between July 17 and December 31. Of these civil cases, 53 were decided and 109 remained undecided at the end of the year. A total of 379 civil cases remained undecided at the end of the year.

On the whole, a total of 707 cases remained undecided in the District Court at the end of the year.

One case was filed in the District Court under the Domestic Violence Act but it remained undecided at the end of the year.

CHILD RIGHTS

This district has 281 Early Childhood Care and Development Centre. There are 397 primary, 54 lower secondary, 75 secondary and eight higher secondary community schools. Additionally, the number of Primary, Lower Secondary, Secondary and Higher Secondary institutional schools are 77, 6, 34 and 7 respectively. This district has, Early Childhood Care and Development Centre excluded, a total of 542 schools where 1 17,329 students study. Of the students, 59,127 are girls and 58,202 are boys. Of the total school-age children, 94 percent attend school.

A 7th grader at Chandrawati Higher Secondary School, Juna Adhikari, 13, of Basantapur VDC-7 was beaten and injured by Sunita Adhikari, a teacher from the school on January 21 for making noise in the classroom. The teacher struck her on her head with a duster to control the noisy class. The victim, who fell unconscious as a result of the beating, was treated at the Laxmi Hospital at Dumre. Following the incident, the management committee of the school held a meeting and made the teacher apologize to the student's family for what happened.

A 7th grade student at Dibyajyoti Boarding School located at Byas Municipility-2, Anamol Pradhan, 13, was beaten and injured by GP Paudel, a teacher from the school on December 7. The victim was beaten with a stick because he opened a book of subject other than the one being taught. The victim sustained injuries to his ear, eye and head and was treated at the Damauli Hospital. The perpetrator had not been punished at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Ganga Devi Gurung, 31, of Bilaune in Risti VDC-9 was strangulated to death at her home by her husband, Rup Bahadur Gurung on February 27. Rup Bahadur and his family had claimed that she killed herself by hanging, but an investigation later proved that she was strangulated to death. The parental side of the victim filed a complaint against Rup Bahadur on March 2 demanding that the perpetrator be punished. The perpetrator was arrested by the police on March 3 and released on court date on June 4.

Inhuman Behavior

Devi Ale, 56, of Ghansikuwa VDC-5 was accused of being a witch by her daughter-in-law, Heemala Thapa. Devi filed a complaint at the DPO against Heemala on November 15 stating that the latter slandered and accused her of being a witch. However, they reached a compromise, following the registration of the complaint, when police mediated a discussion and made the perpetrator apologize to the victim. Police also made the perpetrator pay Rs 4,000 to the victim as a fine. The perpetrator is a teacher from the BP Primary School in the locality.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

A truck with the number plate Na 4 Kha 2627 was torched and vandalized at Musekhola in Ghansikuwa VDC-5 by a group of Ex-Personnel from the Police and Army Affected by the Conflict on April 22. The truck, which was carrying cement and was heading towards Pokhara from the Bara district, was torched with paraffin. The Ex-Personnel from Police and Army Affected by the Conflict had called a strike in the Western Region on the same day demanding that they be reinstated to their jobs.

HEALTH SERVICE SITUATION

The quota for doctors in this district is six but only three were at work at the end of the year. As per the quota, there have to be seven staff nurses in the district but only three were at work at the end of the year. Similarly, the quota for HAs is 18 but only 15 were at work. The quota for AHWs is 51 and 48 were at work and 31 VHWs should be present in the district as per the quota but only 22 were at work at the end of the year. Likewise, the quota for ANMs is 21 and 20 were at work. The quota for MCHWs is 31 and 30 were at work at the end of the year.

As per the DHO, there are two hospitals, one primary health center, 12 health posts, 31 sub-health Posts, 181 village health clinics and 11 Aayurveda health centers. Hence, this district has a total of 245 offices relating to health.

3.2 Gorkha

Population	: 324,228
Literacy(%)	: 61
Women Literacy(%)	: 41
Area(Sq. Km.)	: 3,610
Number of VDC(s)/Municipality(ies)	: 66/1
Number of School(s)	: 496/24
Campus(es)/Higher Secondary School(s)	: 2/38
Hospital(s)/Health Post(s)	: 2/74
Human Development Index	: 0.454
Average Household Size	: 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'E' grade District Jail has the capacity to hold 55 inmates but there were a total of 65 inmates in the jail at the end of the year. Of these, six are female and 59 are male. Of the total inmates, 38 have been convicted and 27 are being detained. The inmates are provided with facilities such

as television, sports items, newspapers and a library. The jail administration stated that there is a quota for one HA for the inmates in the jail. However, no one was present as per the quota at the end of the year.

Type of Events	By Non-State							
	By Others				By UCPN-M			
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	1		1	1				
Beatings	2	4		4	7	17		17
Threats					2	5		5
Right to Assembly					1	1	1	2
Women Rights	1		1	1				
Total	**4**	**4**	**2**	**6**	**10**	**23**	**1**	**24**

THREATS/BEATINGS

By UCPN-M

A teacher form Chandrakala Lower Secondary School, Suk Bahadur Baram, of Takumajhlakuri VDC-9 was beaten by cadres of the UCPN-M on April 24 while he was at his home. The victim, who sustained minor injuries as a result of the beating returned to his home on April 25 after receiving treatment at the DH in Gorkha. The NC in the Gorkha district condemned the incident by issuing a statement.

A cadre of the NC, Khila Prasad Devkota, of Khagithok in Masel VDC-6 was beaten by NC cadres up by cadres of the UCPN-M on June 26. The victim was beaten at his home. He received treatment at the local health post. No action had been taken against the perpetrators at the end of the year.

By NC

A local cadre of the UCPN-M, Ram Kumar Uparkoti, 23, of Aruchanaute VDC-3 was beaten at Arughat Bazaar in Aruchanaute VDC-1 on April 16. The victim stated that he was beaten by a team, including of Santosh Tamang of Dhawa VDC-8. The UCPN-M stated that the beating was systematic and politically incited.

A teacher from Dullav Higher Secondary School, Ram Chandra Shrestha, 43, of Ghyampesal in Masel VDC-9 and Karna Raj Wonta and Bikas Shrestha of the same locality were beaten up at Masel VDC-9 by cadres of the NC on June 27. The victims received treatment at the local health post.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Cadres of the UCPN-M blocked about 100 people from going to Kathmandu to partake in a program of the Chhetri community on February 11. The people who were heading to Kathmandu were blocked at Haramtari in the Gorkha Municipality. They returned to their homes when the UCPN-M remained adamant in a meeting held at the DPO between the UCPN-M and the Chhetri Samaj in Gorkha, against allowing them to go to Kathmandu. The UCPN-M stated that they had to block people of the Chhetri community because the Chhetris were on a mission to escalate communal hatred and divide the country by forming an organization in the name of Chhetri Samaj.

RIGHT TO FAIR AND PROMPT TRIAL

27 criminal cases, where an individual is the plaintiff, were brought forward from last year and 24 criminal cases, where an individual is the plaintiff, were filed this year. Of the total 73 criminal

cases, where an individual is the plaintiff, 52 were decided and 21 remained undecided at the end of the year.

30 criminal cases were brought forward from last year and 34 criminal cases were filed this year. Of the total 64 criminal cases, 32 were decided and another 32 remained undecided at the end of the year.

65 civil cases were brought forward from last year in the District Court and 42 were filed this year. Of the total 107 civil cases, 39 were decided and 68 remained undecided.

On the whole, a total of 121 cases remained undecided at the end of the year.

CHILD RIGHTS

Of the total school-age children, 99.5 percent attend school in the district. This district has 345 ECCDCs. There are 343 primary, 73 lower secondary, 47 secondary and 37 higher secondary governmental schools. Similarly, there are 21 primary, five lower secondary, two secondary and one higher secondary private and institutional school.

A total of 86,383 students attend these schools of which 44,525 are girls and 41,858 are boys. 16,279 students are from the Dalit community.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A teacher from Manikam Devi Secondary School located at Laprak VDC, Bishnu Maya Dhakal, 26, of Pandrung VDC-4 was allegedly raped and killed at Gupsidanda in Laprak VDC-6 by Jit Bahadur Gurung, 20, of ward no. 8 on April 25. The accused, who had been working as a mule herder, confessed and told the police that he raped her while she was on her way to school. Police arrested him on May 4 and he was still remanded in jail at the end of the year.

A woman, 38, of Gorkha Municipality-9 was allegedly raped by Tanka Bahadur BK, 69, of Gorkha Municipality-8 on May 28 while she had gone to a tap nearby her home to fetch drinking water. The woman filed a complaint at the DPO on July 1 but the alleged was still at large at the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By UCPN-M

Cadres of the UCPN-M vandalized the office of NC located in Gorkha Municapality-2 on May 6.

By NC

Cadres of the NC vandalized the Regional Office of the UCPN-M, Gorkha located at Ghyampesal in Masel VDC-9 on June 25. The cadres had vandalized the office as revenge for an earlier incident in which the UCPN-M cadres had beaten cadres of the NC at Dhungagade in Gorkha Municipality-7.

HEALTH SERVICE SITUATION

This district has a total of three hospitals. The quota for doctors in the district hospital is three but six doctors, including four working on a contract basis, were at work. The hospital has quota for two nurses but only one was at work at the end of the year. This district has three primary health centers, 10 health posts and 55 sub-health Posts. As per the DPHO, the quota for doctors in the three primary health centers is three but only two were at work at the end of the year. Similarly, the quota for staff nurses is three but not a single staff nurse was at work. Only 10 HAs were at work at the end of the year whereas the quota for them is 16 and the

quota for ANMs is 23 but only 13 were at work. Likewise, the quota for village health workers is 55 but only 42 were at work and the quota for maternal and child health workers is 53 but 55 were at work at the end of the year.

3.3 Lamjung

Population	: 201,118
Literacy(%)	: 65
Women Literacy(%)	: 54
Area(Sq. Km.)	: 1,692
Number of VDC(s)/Municipality(ies)	: 61/0
Number of School(s)	: 530/22
Campus(es)/Higher Secondary School(s)	: 6/24
Hospital(s)/Health Post(s)	: 1/61
Human Development Index	: 0.492
Average Household Size	: 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'E' grade district jail, which has the capacity to hold 25 inmates had a total of 34 inmates at the end of the year. Of these, 28 are male and six are female. A total of 13 inmates have been convicted of murder, of these, four are female and nine are male. Similarly, a total of seven inmates have been imprisoned on a seperate murder case, of these, six are male and one is female. Five male convicts are imprisoned on robbery charges and two have been charged with rape. Two male detainees accused of committing murder are in prison and two have been detained on public offence charges. Additionally, one male convict has been imprisoned for causing death in road accident and one woman has been imprisoned on charges relating to human trafficking. One male convict has been detained and charged with burglary and another male convict has been charged with arson. Facilities such as television and newspapers are provided in the jail however, television has not been provided in the women's ward. The inmates weave bamboo stools inside the jail.

THREATS/BEATINGS

By State

Phadindra Rana, Indra Bahadur Rana and Ashsih Rana of Thanti in Bichaur VDC-5 were beaten up and wounded at their home by police personnel from the Bichaur police post on April 20. They were charged with quarrelling with each other. Police fired two rounds of tear gas shells at the locals who had been picketing the police post in protest against the beatings. police head constable Bijaya Sedhain, police constable Basu Shrestha and Dhruba Barakoti were injured during the locals' protests.

A UML cadre, Sher Bahadur Bogati,42, of Dhodeni VDC-2 was beaten up and injured by the YCL cadres on November 28. The perpetrators had accused the victim of not providing them with the contract for a drinking water scheme. The victim was treated at Beshisahar Community Hospital in Beshisahar. The victim lodged his complaint against the perpetrators but they were at large at the end of the year.

Type of Events	By Non-State			By State		
	By Others					
	No. of Events	Male	Total	No. of Events	Male	Total
Arrest & Torture				1	2	2
Beatings	8	26	26	1	3	3
Racial Discrimination	1	1	1			
Total	**9**	**27**	**27**	**2**	**5**	**5**

By ANNISU-R

Cadres of the NSU and Bachelor level students from Lamjung Agriculture Campus at Sundar Bazaar; Shreekrishna Adhikari, Prakash Parajuli, Balkrishna Maharjan, Kumar Shrestha and Basudev Devkota were beaten up and injured by a group of ANNISU-R cadres on February 4 over a minor argument.

By NSU

Members of ANNISU-R and students from Lamjung Agriculture Campus located at Sundar Bazaar Nabin Baniya, Bikas Shrestha and Sagar Bista were beaten up in Bhoteodar VDC by cadres of the NSU on February 4. This was a retaliatory attack as it was alleged that cadres of the NSU were assaulted in the college premises by cadres of the ANNISU-R on the same day.

CHILD RIGHTS

This district has a total of 19,610 children of school age; only 94.5 percent, however, attend school. As per the District Education Office, 5.5 percent students are deprived of getting an education. This district has 249 ECCDCs. In addition, the number of primary, lower secondary, secondary and higher secondary community schools are 287, 34, 43 and 19 respectively. Similarly, the number of primary, lower secondary, secondary and higher secondary institutional schools are nine, three, nine and four respectively. 60,112 students study in these schools of which 30,415 are girls and 29,697 are boys. A total of 12,014 Dalit students attend school in the district of which 6,115 are boys and 5,899 are girls.

A 9th grader at Adarsha Bal Higher Secondary School, Shreekanta Kumal, 15, of Sundarbazaar VDC-8 was beaten by Nareshkant Adhikari, a teacher in the school, on January 2 for a minor mistake. As a result of the beating the victim's eardrum was ruptured and he was taken to Kathmandu for treatment. The victim and Adhkari, the teacher involved in the beating, reached a compromise after the perpetrator paid Rs 16000 to the victim.

ALL KINDS OF RACIAL DISCRIMINATION

A student of Sewa Sadan Secondary School, Suk Bahadur Bishwakarma, 15, of Purankot VDC-5 was driven out of his home by Krishna Prasad Adhikari, a teacher from Chandreshwor VDC-3 on March 28. Suk Bahadur who was living at Adhikari's home to attend his SLC examination, was driven out because he belonged to a Dalit community. The incident was condemned by the Dalit Service Association and other organizations in the district. However, a compromise was reached after the perpetrator apologized to the victim.

HEALTH SERVICE SITUATION

This district has a quota for three doctors but only one was at work at the end of the year. The quota for Staff Nurses is three, whereas only one was at work. Similarly, the quota for HAs is 12 but only 11 were at work at the end of the year and the quota for AHWs is 62 but only 54 were at work. The quota for VHWs is 50 but only 35 were at work at the end of the year. Likewise, the quota for ANMs is 14 and only 11 were at work. The quota for MCHWs is 50 but only 47 were at

work at the end of the year. As per the district health office, the district has two primary health centers, eight Health Post and 50 sub-health posts. Hence, a total of 60 health-related offices are present in the district.

3.4 Syangja

Population	: 340,304
Literacy(%)	: 71
Women Literacy(%)	: 60
Area(Sq. Km.)	: 1,164
Number of VDC(s)/Municipality(ies)	: 60/2
Number of School(s)	: 691/64
Campus(es)/Higher Secondary School(s)	: 7/62
Hospital(s)/Health Post(s)	: 1/60
Human Development Index	: 0.535
Average Household Size	: 5

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'E' grade District Jail has the capacity for 35 inmates. There were a total of 39 inmates in the jail at the end of the year. Seven are female and 32 are male. A total of 20 convicts are spending their jail terms for different crimes such as robbery, intentional homicide, murder, rape, human trafficking, polygamy, public offences and drug trafficking. Two females and 17 males are being detained for these crimes. Given that the capacity of the jail has been exceeded, the inmates have faced problems there. The inmates do not get regular health check ups, however; they are provided with facilities like water, latrines, electricity, newspapers, radio and television. Sports items are not available in the jail. The inmates generate income by weaving bamboo stools. The women inmates are in need of some sort of training to enhance their skills.

THREATS/BEATINGS

By State

Mohamadrasid Miya, 27, Nur Mohamad Miya, 34, Shahkhalid Miya, 28, Lal Prasad Shrestha, 56, and Bhupendra Gurung, 19, of Putalibazar Municipality-1 were beaten by police on October 19. They were accused of quarrelling in the premises of the DPO. The victims are business owners in Syangja. They had gone to the DPO demanding that Kamal Thapa of Putalibazar Municipality-4, who, under the influence of alcohol, had been threatening to close the bazaar, be punished. Police said that a minor clash ensued at the police office between the business owners and them. The latter were beaten with lathi. Of the victims, Mohamad Rasid Miya was treated at Charak Hospital in Pokhara and rests were treated at the district hospital in Syangja. The victims and the police came to a compromise on October 21 when the police agreed to bear the expenses of the victims' treatment and to transfer the police personnel involved in the lathi charge after the investigation.

By UCPN-M

The former VDC chairperson Deb Kumar Manandhar, 47, Bishnu Bahadur Chand, 41, Krishna Prasad Subedi, 35, Rajendra Raj Chand Thakuri of Kyakmi

Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	1		1	1							
Arrest & Torture								2	2	1	3
Beatings	5	7	2	9	1	8	8	1	5		5
Racial Discrimination	1	1		1							
Women Rights	9		9	9							
Child Rights	4		5	5							
Total	**20**	**8**	**17**	**25**	**1**	**8**	**8**	**3**	**7**	**1**	**8**

VDC-3; Netra Narayan Manandhar, 46, and Ramnath Sharma, 66, of ward no. 2 of the same VDC and Bal Bahadur BK, 67, and Bali Bhadra Paudel, 30, were beaten by cadres of the UCPN-M on October 23 over the issue of electrification while a meeting of the VDC Mechanism was going on. The police arrested Durga Gotame, 32, of ward no. 9 of the same VDC; Yam Bahadur Gurung, Man Bahadur Thapa, 46, Prem Paudel, 41, Binod Hamal, 17, of ward no, 3 of the same VDC and Ram Sharma, 41 and Prem Narayan Manandhar of ward no. 5 of the same VDC and Indra Bahadur Thapa of ward no. 4 of the same VDC on October 30 for questioning after the victims informed the police about the incident verbally at the DPO. The perpetrators were released by the District Administration Office the day after each one paid a fine of Rs 10000. Of the victims, Krishna Prasad Subedi and Dev Bahadur Manandhar were treated at the Manipal Teaching Hospital in Pokhara and rest at a private medical clinic in Walling. The victims are local leaders and cadres affiliated to the NC and the UML.

By YCL

Humakanta Chapagain, 60, Laxman Chapagain 58, Ghanashyam Chapagain, 40, Parbati Chapagain, 35 and Krishana Prasad Parajuli, 48, of Dhumpokhara VDC-6 were beaten up and injured by a group of YCL cadres led by the YCL in-charge of the district, Kiran on March 9. Of the victims, Parajuli, whose hand and leg were broken as a result of the beating, was treated at the Western Regional Hospital in Pokhara and the rest at the Primary Health Centre in Waling. Humakanta Chapagain, one of the victims, stated that his second son Bhim Prasad is the district in-charge of the Matrika led CPN-M party and the victims were beaten because of this, as directed by the UCPN-M party. The victims' side lodged a complaint at the ward police office in Waling but no action had been initiated against any of the perpetrators at the end of the year.

By Others

A Police Inspector, Resham Bahadur Shrestha,46, of Bunkot VDC-2 in Gorkha district was injured when the locals of Putalibazar Municipality-1 attacked him with stones and bricks on March 4, accusing him of protecting Indian citizens Malajin Miya and Mohamad Nahim who, allegedly, were due to take away local children for trafficking purposes. Shrestha was treated at the Manipal Teaching Hospital in Pokhara and later, at the Model Hospital in Kathmandu. He sustained an injury near his right eye.

RIGHT TO PROMPT AND FAIR TRAIL

21 criminal cases, where an individual is the plaintiff, were brought forward from the previous year in the

District Court. Of these cases, six were decided this year and 15 remained undecided. Similarly, 57 criminal cases, where an individual is the plaintiff, were filed this year. Of them, 37 were decided and 20 remained undecided. In total, 35 criminal cases, where an individual is the plaintiff, including those brought forward from last year remained undecided at the end of the year.

22 criminal cases were brought forward from last year. Out of these cases, seven were decided this year and 15 remained undecided. Similarly, 21 criminal cases were filed this year. Of them, four were decided and 17 remained undecided. Of the total number of criminal cases, including the ones brought forward from last year, 32 remained undecided by the end of the year.

84 civil cases were brought forward from last year. Out of these cases, 16 were decided this year and 68 remained undecided. Similarly, 44 civil cases were registered this year. Of them nine were decided this year and 35 remained undecided. Out of the total civil cases, a total of 103 remained undecided at the end of the year.

The District Court has a Juvenile Bench. One case was filed at the Juvenile Bench and it was decided at the end of the year.

CHILD RIGHTS

This district has a total of 555 ECCDCs. Of the 102,621 students who attend school, 52,999 are girls and 49,622 are boys. A total of 37,034 janajati students attend school in the district in which 18,969 are girls and 18,065 are boys. Similarly, 19,345 students are from the Dalit community among whom 10,030 are girls and 9,319 are boys. 98 percent of students of school-age attend school in this district.

Two girls, 10 and 8, of Jagatbhanjyang VDC-4 were allegedly raped by Sunil Khadka, 18, on January 7. Sunil is a brother of the victims. The victim's mother complained about the incident at the Ward Police Office. Police arrested the accused at Shankarnagar VDC-8 in Rupandehi district on January 12 and remanded him in custody.

A 4th grader of Bishwashanti Primary School, Deupa Tamang, 12, hailing of Dhading district and temporarily living in Putalibazar Municipality-13 was beaten by Kaushila Aryal, 35, a teacher from the same school, on January 8 for making the classroom dirty. The victim's left leg was broken as a result of the the beating. The victim's side lodged a complaint at a police office, however, they reached an agreement when Kaushila agreed to bear all the expenses for the treatment of the victim and deposited Rs 25,000 in the name of the victim at Garima Development Bank in Syangja.

An 8th grader at Jyoti Higher Secondary Boarding School,Punya Prasad Sharma,13, of Darou VDC-3 was beaten at school with a stick by Mundrika Prasad Chaudhary, the math teacher of the school on June 18 for not knowing a mathematical formula. Sharma's left hand was broken as a result of the beating. The victim was treated at the Manipal Teaching Hospital in Pokhara. Chaudhary bore all the expenses for the treatment. The case was resolved when the school agreed to bear all the expenses of the victim's study for up to grade 12.

Hemkala BK, 7, of Chitrebhanjyang VDC-3 was allegedly raped and strangulated to death by Lal Bahadur Suchikar, 19, of the same place on July 3. Suchikar was accused of taking the victim was taken to a maize field nearby, under the pretense that he would give her money if she went with him to cut grass. The

police arrested him on July 4 based on the complaint lodged by the victim's family. He was remanded in custody as directed by the District Court on July 20.

A girl 10, of Putalibazar Municipality-1 was rescued while being taken to India by Malajin Miya, 38, and Mohammad Miya, 30, of Motihari in India. The child was rescued by Bishnu Kuwar, the brother of the child when he saw her being taken onto a bus on March 4. The perpetrators were apprehended and handed over to police. The perpetrators were imprisoned at the district jail under human trafficking charges.

All KINDS OF DISCRIMINATIONS AGAINST WOMEN

Domestic Violence

Kalpana Kaphle, 29, of Samadikhola in Banethokdeurali VDC-7 was beaten and driven out of her home by her husband Krishna Prasad Kaphle, 35, on February 24 for not bringing expected dowry. Being unable to withstand the physical and mental torture inflicted on her by her husband, she committed suicide on February 27 by hanging herself on a tree near her home. The victim's parental side lodged a complaint against Krishna Prasad, who is working as a police constable in the Dang district. Police arrested him on February 28 for the investigation and released him on court date on March 15.

ALL KINDS OF RACIAL DISCRIMINATION

The Vice President of the Dalit Upliftment District Coordination Committee, Khadga Darji, 46, of Putalibazar Municipality-1 was prevented from entering the Kalika temple located at Deurail VDC-1. Darji was not allowed to enter the temple on October 14 by the Chairperson of the Temple Management Committee, Bhuwan Singh Adhikari through the main priest of the temple, stating that he was a low caste person. Darji submitted an application at the DPO ragarding the incident on October 16, but it was registered only on October 20. While holding a discusssion about the complaint at the Police Office, the priest apologized for what had happened but Bhuwan Singh did not. Nothing more developed ragarding the complaint lodged by Darji at the end of the year.

HEALTH SERVICE SITUATION

This district has a quota for five doctors. At the end of the year a total of eight doctors, including four working on a contract basis, were at work. Similarly, four staff nurses were at work whereas the quota for staff nurses is six. The quota for HAs is 16 but only 12 were at work at the end of the year. The quota for AHWs is 73 but only 61 were at work. As per the quota, 59 VHWs have to be present in the district but only 37 were at work at the end of the year and the quota for MCHWs is 49 but only 37 were at work at the end of the year. The district has one district hospital, three primary health centres, 10 health posts and and 55 sub-health posts.

3.5 Kaski

Population : 480,257
Literacy(%) : 91
Women Literacy(%) : 70
Area(Sq. Km.) : 2,017
Number of VDC(s)/Municipality(ies) : 43/2
Number of School(s) : 609/196
Campus(es)/Higher Secondary School(s) : 16/77
Hospital(s)/Health Post(s) : 7/48
Human Development Index : 0.550
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold only 60 inmates but a total of 269 inmates were residing in the jail at the end of the year. Of the inmates, 138 had been convicted and 231 were detainees. Additionally, there were three dependent children, one 85-year-old man and three Indian citizens. As the jail exceeded its capacity, the inmates had to live in a congested environment. However, the inmates were provided with facilities such as drinking water, latrines, general health services, newspapers, radio, televisions, sports equipment, telephones etc. The male inmates in the jail weave bamboo stools to generate income and female inmates produce mushrooms and make candles to generate income. This jail is going to be upgraded to a regional jail and works are being carried out accordingly.

THREATS/BEATINGS

By State

Policemen at Ward Police Office Baidam thrashed and arrested laborers Sandesh KC, Laxman Bhandari, Buddhi Bahadur Sunar, Kisan Sunar, Chhabi Lal Sunar and Birendra Sunar who were working on the construction of the District Court Building in Pokhara Sub-metropolis-6 on June 12. Following the arrest, they took them to the Ward Police Office and beat them with boots, pipes and lathis. The police said that the laborers had to be taken into custody because they were involved in a quarrel with each other and inebriated. Although the victims sought action against the policemen and demanded compensation, action was yet to be taken against the perpetrators at the end of the year.

By UCPN-M

A total of 30 workers were injured in a clash between the workers and the UCPN-M cadres on May 4. The workers, living at Ramghat in Pokhara Sub-metropolis-11, clashed with the party cadres at the sandmine at Ramghat on the Seti River when they forced them to join a rally being held by the party. The workers at the site Netra Bahadur Sinjali Magar, 44, Chakrapani Nepali, 42, Kailash Lama, 41, Nara Bahadur Shahi, 40, Jaya Gurung, 32 and five women were injured in the incident. The victims were beaten with bamboo poles for refusing to join the UCPN-M led strike. UCPN-M cadres Parbanath Sanjel, 41, and Mani Ram Khatiwada, 25, who reached to the incident site for fact finding on the incident, were also beaten by the laborers. Sanjel was treated at the Western Regional Hospital and Khatiwada was treated at the

Type of Events	By Non-State									By State			
	By Others					By UCPN-M							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	3	2	1		3								
Injured	3	9			9								
Beatings	12	31			31	2	27	5	32	2	7		7
Threats	1			1	1								
Right to Assembly	1	6			6	1	5		5	1	12	2	14
Women Rights	8		8		8								
Child Rights	7	2	5	1	8								
Inhuman Behavior	2	2	1		3								
Total	**37**	**52**	**15**	**2**	**69**	**3**	**32**	**5**	**37**	**3**	**19**	**2**	**21**

Sahid Memorial Hospital in Pokhara. The laborers who were involved in the beating were taken into control by the UCPN-M and made to apologize.

By ANNISU-R

Bibek Paudel, 23, an ANNFSU cadre and student at the Western Engineering Campus, Lamachaur was attacked with khukuri and rods by a group of 20-25 ANNISU-R cadres including Unit President IB Devkota, FSU Secretary Bishnu Pande, unit secretary, Sunil Pokharel and Shridhar Tamata on September 6. Paudel was treated at Charak Hospital, Pokhara. The ANNFSU district committee said that ANNISU-R reprimanded its cadre over the scuffle between the two groups on August 26.

By Youth Force

Regional members of the ANNISU-R Binod BK, 20, Manish Subedi, 16, Dipak Sunar, 20, of Sishuwa in Lekhanath Municipality-8 were beaten at Shishuwa of the same place on February 24 by cadres of the Youth Force. They were accused of disrupting peace in the society by making noise. The victims who were wounded as a result of the beatings were treated at the Sahid Memorial Hospital located in Pokhara Submetropolis-9.

By ANNFSU

Students from Prithvi Narayan Campus and members of ANNISU-R Chiranjibi Lamsal, Bikas KC and Vice-President of the National Intellectuals Association affiliated to the UCPN-M Jhalakpani Tiwari and security guard, Mukti Prasad Adhikari were beaten by cadres of the ANNFSU on January 16. The ANNISU and cadres entered the campus on motorbikes demonstrating for the timely drafting of the new constitution but the ANNFSU cadres beat them stating that they made a commotion inside the college premises.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION
(Including Political Freedom and Free and Impartial Election)

Gandaki-Dhaulagiri coordinator of a youth organization affiliated to the Rastriya Jana Morcha Tilak Thapa and Chitra Thapa, the president of the ANNFSU (Sixth) and cadres Dilip Regmi, Chudamani Bhandari, Sagar Kunwar and Prakash Pariyar were beaten at Nayabazar in Pokhara Sub-metropolis by cadres of the YCL on March 29. The victims were beaten while they were rallying against a federal set up for Nepal and for the timely drafting of the constitution. Tilak Thapa, who was wounded as a result of beating, was treated

at the Charak Hospital and others were treated at the Pokhara Hospital.

Cadres of the UCPN-M and people rallying for peace clashed at Amarsingh chock in Pokhara Sub-metropolis-10 on May 7, on the sixth day of a mass strike called for by the UCPN-M. Locals Ramesh Tripathi, 35, Sherjung Gurung, 35, Krishna Acharya, 28, Chhetra Bahadur Nepali, 28, and police constable Karna Bahadur Baduwal were wounded in the clash. The victims were treated at the Western Regional Hospital in Pokhara. The UCPN-M cadres also vandalized the houses of locals during the clash.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

A total of 226 criminal cases were filed in the District Court by July 16. Of these cases, 124 were decided and 112 remained undecided. Similarly, a total of 226 criminal cases were filed between July 17 and December 31. Of these cases, 80 were decided and 156 remained undecided. A total of 268 criminal cases remained undecided in the District Court at the end of the year.

A total of 242 criminal cases, where an individual is the plaintiff, were filed in the District Court by July 16. Of these cases 45 were decided and 197 remained undecided. Similarly, a total of 483 criminal cases, where an individual is the plaintiff, were filed between July 17 and December 31. Of these cases, 230 were decided and 253 remained undecided. A total of 450 criminal cases, where an individual is the plaintiff, remained undecided in the District Court at the end of the year.

A total of 444 civil cases were filed in the District Court by July 16. Of these cases, 251 were decided and 193 remained undecided. Similarly, a total of 557 civil cases were filed between July 17 and December 31. Of these cases, 134 were decided and 423 remained undecided. A total of 616 civil cases remained undecided in the District Court at the end of the year.

On the whole, a total of 1,334 cases remained undecided in the District Court at the end of the year.

Appellate Court

A total of 357 criminal cases, where an individual is the plaintiff, were filed in the Appellate Court by July 16. Of these cases, 217 were decided and 140 remained undecided. Similarly, a total of 23 criminal cases, where an individual is the plaintiff, were filed between July 17 and December 31. Of these cases, five were decided and 18 remained undecided. A total of 158 criminal cases, where an individual is the plaintiff, remained undecided in the Appellate Court at the end of the year.

A total of 318 criminal cases were filed in the Appellate Court by July 16. Of these cases, 206 were decided and 112 remained undecided. Similarly, a total of 126 criminal cases were filed between July 17 and December 31. Of these cases 68 were decided and 58 remained undecided. A total of 170 criminal cases remained undecided in the Appellate Court at the end of the year.

A total of 267 criminal cases were filed in the Appellate Court by July 16. Of these cases, 85 were decided and 182 remained undecided. Similarly, a total of 99 criminal cases were filed between July 17 and December 31. Of these cases, 51 were decided and 38 remained undecided. A total of 220 criminal cases remained undecided in the Appellate Court at the end of the year.

On the whole, a total of 548 cases remained undecided in the Appellate Court at the end of the year.

Office of the District Government Attorney filed a total of 356 cases this year, out of which, 100 cases were filed at the District Court, of these, 18 cases

were successful and 82 cases remained undecided. Out of 256 cases filed at the District Administration Office, six cases were successful and 256 cases remained undecided.

There were 297 cases filed in the Appellate Court by the Office of the Appellate Attorney this year. A total of 52 cases were successful and 245 remained undecided.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

The Campus Chief of IOM in Pokhara, Lal Kumari Gurung was smeared with soot by female students from the campus on March 8. They accused her of giving an interview to the Chautari Darpan, a monthly publication from Kathmandu where she expressed that the girls in the hostel were involved in the sex trade. Following the incident, Gurung tendered her resignation on March 10.

A correspondent for Radio Gandaki Yuvraj Gurung among others, was beaten by the police on December 14 while he was at the Phoolbari Resort in connection with reports relating to the former prince Paras Shah. The incident was condemned by FNJ Kaski and the Association of Nepalese Indigenous Journalists through a statement on the same day.

CHILD RIGHTS

Of school-aged children, 98.4 percent attend school in this district. There are 535 ECCDCs. There are 438 primary, 98 lower secondary, 86 Secondary and 34 higher secondary government schools. Similarly, there are 27 primary, 22 lower secondary, 121 secondary and 29 high secondary private and institutional schools in the district. Excluding, the ECCDCs, there are a total of 656 schools and a total of 167,462 students studying there. Of the total students, 80,118 are girls and 86,334 are boys. As per the District Education Office, a total of 32,653 students from the Dalit community attend school. Similarly, a total of 56,247 students represent the Janajati community.

Bibek Pariyar, 15, of Pokhara Sub-metropolis-13 was attacked with khukuri by a group of people, including Rajesh Gurung and Amrit Shrestha of the same place, while he was sleeping on April 24. The victim, who sustained serious injuries to his head and other body parts, died at the B&B Hospital while undergoing treatment there on April 25. The perpetrators attacked him in his room, mistaking him for his brother whereas the latter was hiding under the bed in the room at the time of attack. The victim's side filed a complaint at the District Police Offfice on April 26 and the police arrested Rakesh Gurung, Santosh Gurung, Chitra Bahadur Rana, Birendra Gurung, Bijaya Gurung, Amrit Shrestha and Rajesh Shrestha on the same day. Of them, Birendra Gurung and Bijaya Gurung were released that day and the rest were remanded in custody until May 25.

The family of a 13-year-oldgirl of Pokhara Submetropolis-6 filed a complaint against Suman Itani, 26, of Jyamruk VDC-7, Dhading at the ward police office on July 8. They accused hin of raping the girl at Komagane Park on July 7. Itani, who was working at a hotel in Baidam, in Pokhara Submetropolis, was arrested the same day. Justice Nilkantha Upadhyaya of the District Court gave an order to remand him in custody on August 4 pending further investigation while the owner of the hotel, Sharada Paudel, was released on bail the same day.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Inhuman Behavior

Devi Pun and others from the Kantipur Dental College, situated at New Road, Pokhara Sub-metropolis-9 beat up

fellow student Prapti Gurung, 23, resident of Rani Pauwa in Pokhara Sub-metropolis-11 and others on campus premises, accusing her of practicing witchcraft on May 31. Gurung filed a complaint at the DPO on June 1. However, they reached a compromise on June 2 after the perpetrators apologized and promised that such an incident would not be repeated again.

Saraswoti Thapa, 67, of Milantole in Pokhara Submetropolis-10, was beaten at her home by Bhim Kumari Shrestha, 40, and others on October 19. They accused her of practicing witchcraft The victim was treated at the Western Regional Hospital in Pokhara. The victim tried to file a complaint againt the perpetrator at the DPO on the same day but the police did not register her complaint. Later, she filed her complaint at the women cell of the DPO against Bhim Kumari. The police arrested the perpetrator, her son Nirmal Shrestha and nephew Dhruba Shrestha on October 30. Bhim Kumari was released on bail after paying Rs 28,000 and two others paid Rs 20,000 each and were released on bail on October 27.

Rape, Attempt to Rape, Sexual Abuse

A speech-impaired woman, 41, of Galeshwor Temple area in Pokhara Submetropolis-15 was allegedly raped at her home by Bikram Karki, 39, of the same place on December 7. The family of the victim filed a complaint at the DPO on December 8. Police said that the investigation regarding the complaint was ongoing and that the accused had been arrested.

Domestic Violence

Anju Phuyal Khanal, 19, was strangled to death in the room of the Motherland Hotel located at Dihikopatan in Pokhara Sub-metropolis on July 18 by her husband Saroj Phuyal, 20, of Kabhresthali in Kathmandu Metropolis-4. Police said Saroj took the step on the behest of his girl friend. The couple was in the hotel celebrating their honeymoon. Saroj and Anju were married several weeks before the incident occurred. The perpetrator, who had been absconding following the incident, was arrested by police in Kathmandu on July 19. The victim's family filed an FIR against the perpetrator at the DPO in Kaski and the he was remanded in custody on August 15 as per an order from the District Court in Kaski.

Poligamy

Kedar Lamichhane, 28, of Begnastal in Lekhnath Municipality-11 married Radha Kandel, 20, of Lekhnath Municipality-1 on May 14. Kedar's first wife Rita Lamichhcane filed a complaint of polygamy against her husband at the DPO on May 18. The police arrested Kedar and Radha on May 19. However, they were released on May 31 on bail as per the order from the District Court when Kedar and Radha paid Rs 50,000 and 25,000 respectively.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property
By UCPN-M

Cadres of the UCPN-M damaged the houses of Laxmi Sunar and Raju Chhetri of Gharipatan in Pokhara Sub-metropolis and Sher Bahadur Chhetri of Pokhara Sub-metropolis-7 on May 2. They attacked the properties with lathis and pelted them with stones during the Maoists' mass strike. The houses were damaged by the angry cadres of the UCPN-M stating that cadres of the Youth Force pelted stones at them a hiding in the homes.

By ANNFSU

Cadres of the ANNFSU torched and vandalized the offices of the Vice-

Chancellor and the Dean of Pokhara University on May 2. They claimed that the University had financial irregularities regarding students' enrollment and tender call. Prior to the incident, the students had presented a 7-point demand to the university administration and had padlocked it on April 4. The incident was a reaction to the administration's failure to heed their demands. Police arrested the Kaski President of the Youth Force Darshan Lama, Suman Paudel and Santosh Adhikari, among other five persons, on April 22 and released them some hours later.

By ANNFSU AND NSU

Cadres of the UML-affiliated ANNFSU and the NC-affiliated NSU vandalized the central office of Pokhara University (PU) at Dhungepata in Lekhnath Municipality-12 on August 22. They attacked the office saying that instead of selecting a capable teacher in the School of Engineering Branch, the PU had selected a pro-UCPN-M teacher. The Dadakonak Police Post said that window panes of the office were broken in the incident. The students had padlocked the PU on August 20.

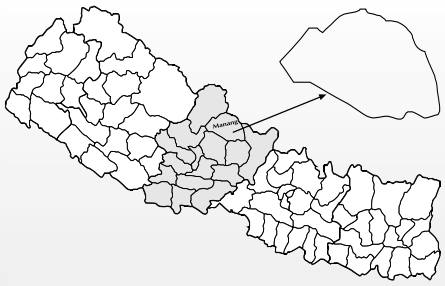
HEALTH SERVICE SITUATION

The Regional Hospital in Pokhara has a quota for 103 doctors but only 60 were at work at the end of the year. Similarly, the quota for staff nurses in the district is 170 but only 115 were at work at the end of the year and only 14 AHW were at work at the end of the year whereas the quota for them is 20. Likewise, the quota for ANMs is 34 but only 14 were at work at the end of the year.

Under the DPHO, two doctors were at work. The quota for staff is three and all of them were at work at the end of the year. The quota for HAs is 14 and 13 were at work at the end of the year. 46 AHW were at work at the end of the year whereas as per the quota 41 should be present at work. The quota for VHWs is 44 but only 33 were at work. Likewise, the quota for MCHWs is 34 but 33 were at work at the end of the year.

According to the DHO, there is one Regional Hospital, one eye hospital, one leprosy hospital, one Regional TB Center and 11 privately run hospitals in the district. Likewise, there are three primary health centers, 11 health posts and 34 sub–health posts in the district.

3.6 Manang



Population : 15,938
Literacy(%) : 60
Women Literacy(%) : 35
Area(Sq. Km.) : 2,246
Number of VDC(s)/Municipality(ies) : 13/0
Number of School(s) : 31/1
Campus(es)/Higher Secondary School(s) : 0/2
Hospital(s)/Health Post(s) : 1/13
Human Development Index : 0.502
Average Household Size : 9

CIVIL AND POLITICAL RIGHTS
JAIL AND DETAINEES

This district has a nongraded district jail run in a rented building. The jail has 12 convicts and 20 detainees. The jailer Anna Bahadur Adhikari stated that all the inmates are male.

THREATS/BEATINGS

By YCL

The headmaster of Annapurna Secondary School located in Manang VDC-3, Ananda Ghimire, 43, permanent resident of Ishaneshwor VDC in Lamjung district and another teacher from the same school, Rajya Prasad Ghimire, 45, of Shreebhangyang VDC in the same district, were beaten by a YCL district committee member Palten Gurung, 37, of Manang VDC-9 on May 3. They were accused of opening the school during the strike called for by the UCPN-M. A Health Camp was going to be organized in the school's hall by Tankimanang and the Manang sub branch of Nepal Red Cross Society. The school was opened for the preparation of the program. The victims were beaten with a horsewhip Binod Gurung, one of the locals, stated the victims were beaten while they were helping to make the health camp a success.

By Others

A member of the UCPN-M Secretariat, a member of the Tamuwan State Committee and the Secretary of the YCL in Manang district, Deep Tamu, 32, of Dharapani VDC-5 was beaten with firewood by the chairperson of the School Management Committee of Lokpriya Secondary School, Tsering Dhorje Lama, 34, and also by Ngim Dhorje Lama, 31, of the same place on May 22. As a result of the beating, the victim sustained injuries to the head and eyes. He received primary treatment at the district hospital in Manang and was taken to Kathmandu for further treatment. The perpetrators were arrested by police on May 25, sent to custody and released after a week. The UCPN-M and the YCL in Manang, issuing a press statement, condemned the incident and closed Chame Bazaar on May 23 protesting the incident.

Type of Events	By Non-State			
	By Others			
	No. of Events	Male	Female	Total
Beatings	5	5	2	7
Total	**5**	**5**	**2**	**7**

RIGHT TO PROMPT AND FAIR TRIAL

Four criminal cases were brought forward from the previous year and two new criminal cases were registered this year. Of the total six criminal cases, three were ruled on, while the other three remained undecided at the end of the year.There were no civil cases in the court. There is one public offence case at the District Administration Office.

CHILD RIGHTS

This district has 19 ECCDCs. The number of community schools is 28, of which 16 are primary, eight are lower secondary, two are secondary and another two are higher secondary. Furthermore, there is only one institutional lower secondary school in the district. As per the District Education Office, a total of 74 Dalit students attend school in the district.

HEALTH SERVICE SITUATION

This district has quota for three doctors and at the end of the year there are three doctors are at work. The quota for a Staff Nurse is one and one is at work at the end of the year. Similarly the quota for a Senior HAs is one as such, one is at work. The quota for AHWs is two and only one is at work at the end of the year. As per the quota there have to be two ANMs in the district and both of them were at work at the end of the year.

3.7 Nawalparasi

Population : 706,040
Literacy(%) : 66
Women Literacy(%) : 35
Area(Sq. Km.) : 2,162
Number of VDC(s)/Municipality(ies) : 73/1
Number of School(s) : 546/93
Campus(es)/Higher Secondary School(s) : 6/73
Hospital(s)/Health Post(s) : 3/82
Human Development Index : 0.482
Average Household Size : 7

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Others

Dhummul Banjara, 35, of Bodhbare VDC-9 in the Rupandehi district was killed by locals from Naudihawa in Hakui VDC-6 on January 11. The victim was accused of being involved in a theft. The victim's side did not file a complaint; therefore no perpetrators had been punished at the end of the year.

JAIL AND DETAINEES

The 'D' grade district jail has the capacity to hold 35 but a total of 85 inmates were residing in the jail at the end of the year. Of the inmates, 40 had convicted and another 45 were detainees. 12 of the inmates are female.

DISAPPEARANCE/ABDUCTION

By Others

A 5th grade student from the Little Angels Higher Secondary School Ashish Baniya, 11, of Pokharapali in Ramgram Municipality-6 was abducted from near his home by an unidentified group on June 20. No group claimed responsibility for the act. The abductors demanded Rs 5m in ransom for his release by making a call from the abductee's cell phone. The whereabouts of the abductee were still unknown at the end of the year.

THREATS/BEATINGS

By State

MJF district chairperson, Kailash Mahato of Ramgram Municipality-5, his deputy Sri Krishna Yadav Sanai, of Amraut VDC-2, party district secretary Dhanendra Yadav of Ramgram Municipality-2 and other MJF leaders and cadres were injured in baton charge by the police on November 21. The MJF leaders were beaten after the MJF leaders and cadres snatched the key of the police vehicle. They said the key was snatched to create an environment for dialogue with the police and accused police of using of excessive force. The injured were treated at local hospital. The MJF called for indefinite bandh from December 9. The bandh was called off when a meeting with the police where they agreed to bear the cost of the treatment of the injured and a pledge that there would be no repetition of such acts.

By UCPN-M

Sheshkant Adhikari, 49, and Ruk Bahadur Balal of Sunbal VDC-5 were injured in a assault by UCPN-M cadres on May 5 on charge of running the rice mill on the day of strike called by their party. UCPN-M cadres Shraban Kumar Mishra of Sunwal VDC-1, Lila Ballav Pandey of Sunwal VDC-5, Shankar Nepal and

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	8	7	2	9						
Injured	2	9	1	10						
Arrest & Torture								2	2	2
Beatings	6	10		10	1	2	2	1	8	8
Threats	4	4		4						
Racial Discrimination	2	2	2	4						
Women Rights	21		25	25						
Child Rights	15		15	15						
Economic, Social and Cultural Rights	1		1	1						
Inhuman Behavior	1	1		1	1	1	1			
Abduction	1	1		1						
Total	**61**	**34**	**46**	**80**	**2**	**3**	**3**	**3**	**10**	**10**

Khadka Bahadur Basnet of Sunwal VDC-1 were involved in the attack. The injured were treated at Prithvi Chandra Hospital, Parasi. They said they were not running the mill but were just watching news on television.

By MJF

MJF cadres Ramsamuj Pasi of Ramgram Municipality-9, Nathu Gupta of Kushma VDC-7, Sugrim Gupta of Ramgram Municipality-7 and Jalil Miya Ansari of Harpur VDC-3 were injured in an attack by MJF cadres led by Sanjay Yadav of Ramgram Municipalitly-5 on January 11. They were attacked for going against the party policy. MJF cadres Prabhu Loniya, 37 and Deepchandra Kaushal, 35, were injured when attacked by another faction of MJF in connection with earlier attack. The injured sustained head injuries and were treated at the district hospital Nawalparasi. Both MJF faction of district chairperson Kailash Mahato and faction of party member Sanjay Yadav filed separate complaints at District Administration Office against each other. A case of public offence has been initiated.

By YCL

Bhoj Prasad Neupane, 27, of Bhumahi in Ramnagar VDC-1 was beaten by YCL cadres Shankar Nepal, 28, of Sunwal VDC-1, Jeevan Paudel of ward no. 6 of the same VDC on January 28. He was beaten in front of the Lumbini Petrol Pump in Sunwal VDC-1 with rods and wooden planks. The victim sustained an injury to his head and his hand was broken. He received treatment at the Bhairahawa Medical College. Although the victim lodged an FIR at the DPO on February 10 against the perpetrators, they were still at large at the end of the year. The UCPN-M said that the incident was personal but the victim claimed it was politically incited.

By JTMP

The Secretary of Gerami VDC, Raj Kumar Das, 51 and resident of Palhi VDC-5 received death threats from cadres of the Jantantrik Tarai Mukti Party on May 7. The group had sent him a letter demanding Rs 50,000 as a donation. He expressed concern over his own safety citing inaction from police administration and local development officials towards the incident.

By ANNISU-R

Shambhu Adhikari, 23, the NSU Unit President from Lumbini Degree College, of Kawasoti VDC-7 was beaten by a group of ANNISU-R cadres, led by the District President of ANNISU-R, Ramesh Basyal, 25, on March 25. The group beat the victim for failing to admit the existence of other political thoughts. The victim who was beaten at the premises of the college was treated at the Kaligandaki Hospital in Kawasoti. Following the incident, teachers in the college mediated a compromise between them on March 27 and both sides agreed that such an incident would not be repeated.

ARBITRARY ARREST

Lorik Yadav, 40, of Sekhuanawa in Kudiya VDC-3 and former VDC vice-chairperson was arrested from his home by a police team who had come to arrest an Indian national Rudal Yadav on July 15. He was arrested on charge of beating up the policemen arriving to arrest Rudal and snatching the police weapons. Lorik had his hand broken in the police beating and was treated at Bhim Hospital, Bhairahawa in police supervision. He was detained in the custody at the DPO, charged with use of arms and ammunition. Lorik was released on December 2 as per an order by the District Administration Office.

RIGHT TO PROMPT AND FAIR TRIAL

A total of 470 civil cases were filed in the District Court this year. Of these cases, 335 had been decided at the end of the year. Similarly, a total of 185 criminal cases were filed in the District Court this year. Of these cases, 109 were decided at the end of the year. A total of 193 criminal cases, where an individual is the plaintiff, were filed this year in the District Court and of these cases, 241 were decided at the end of the year. On the whole, a total of 579 cases had been decided by the end of the year.

There remained, including those brought forward from the previous year, 506 civil, 78 criminal and 159 criminal cases, where an individual is the plaintiff, undecided at the end of the year. Hence, a total of 766 cases remained undecided in the District Court at the end of the year.

Similarly, a total of 22 cases are pending for more than two years in the District Court.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Shreeniwas Pasi, 30, of Makar VDC-9 was smeared with soot and garlanded shoes by a group of people led by Sima Giri, an area committee member of the UCPN-M affiliated to the All Nepal Women Federation on April 2. He was accused of attempting to rape a 12 year-old-girl of the same place while she had gone to a tap nearby her home to fetch drinking water. However, the girl did not file any complaint regarding the rape.

CHILD RIGHTS

This district has 484 primary, 221 lower secondary, 115 secondary and 50 higher secondary government schools. Similarly, there are 153 primary, 102 lower secondary, 57 secondary and 23 higher secondary institutional schools in the district. Additionally, there are 48 Primary and two lower secondary madrasas in the district. A total of 124,180 students attend these schools, of them, 62,927 are girls and 61,253 are boys. Of the total students, 13,633 are from the Dalit community. Similarly, 63,443 janajati students attend school in the district.

A 12 year-old-girl of Devgaun was allegedly abducted, taken to Goa in India and raped there by Rambha Sunar, 32, of the same place, Hasibun Nisa, 42, and Suphil Pathan, 26, of Sarawal VDC-6

on May 9. The family of the girl filed a complaint at the DPO on December 31. As the accused were still at large at the end of the year, legal action had not been initiated at the end of the year regarding the complaint. Relatives of the victim stated that she had been able to flee and return to Nepal. The relatives further added that the victim fell pregnant as a result of the rape.

Gita Nepali, 16, of Deurali VDC-4 was sent abroad for employment through India by Maheshwor Bhattarai, of Butwal Municipality in the Butwal district, three years ago and she has not returned home since. Gita's mother filed a complaint against Bhattarai on July 16 accusing him of selling her daughter. The accused was arrested by the police and he was remanded in custody on July 13 as per an order from the District Court.

An 8-year-oldgirl of Makar VDC-4 was raped by Lalit Kumar Chettri, 68, of the same place at her home on June 23. Police arrested him on the same day and as per a court order on September 14 the perpetrator was sentenced to a jail term of 12 years.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Rukmini Harijan, 19, of Tilakpur VDC-5 was taken to Bargadaha in India on the day of Shivaratri and allegedly sold by Phuladevi Harijan, 55, and her son Baburam Harijan, 21, of the same place on March 13. According to the victim, she tried to return to Nepal after realizing that she had been sold but the accused stopped her. However, she managed to return home on July 23 and filed a complaint against the alleged perpetrator on the same day. They reached a compromise in a meeting at the Police Office, when the perpetrator agreed to pay Rs 35,000 to the victim.

Rape, Attempt to Rape, Sexual Abuse

A 22-year-old speech and hearing-impaired woman of Baruwa in Rupauliya VDC-3 was allegedly gang-raped by three men including Binod Budathoki, 20, of Daunne Devi VDC-6 on September 11. The identity of the other two accused persons could not be ascertained. The woman was raped when she went to buy goods from a nearby shop. The men fled the scene after locals heard the woman screaming and gathered at the site of the incident. Binod was identified by locals as he was fleeing the site. The family of the woman filed a complaint at the DPO on September 15 against the three men. Police said that the accused were still at large.

Domestic Violence

Maya Rajbhar, 23, of Ramgram Municipality-12, was beaten with a bicycle chain by her husband Nagendra Rajbhar, 28, on May 31. He beat her because she did not allow him to marry a second wife. She sustained injuries to her hip, waist and mouth as a result of the beatings and received treatment at the district hospital in Parasi. The victim filed a complaint at the DPO on June 2. However, the police mediated a meeting between them and they reached a compromise when Nagendra promised that the incident wouldn't happen again.

Khuma Neupane, 23, of Prithvibasti in Daunnedevi VDC, was hanged to death allegedly by her husband Buddhi Sagar Neupane, 24, and her mother-in-law, Mathura Devi Neupane, 39, on July 27. Police arrested both of the accused on July 28 and Buddhi Sagar was remanded in jail as per an order from the District Court on the same day. However, another suspect, Mathura Devi, hanged herself to death.

Inhuman Behavior

Manmati Pasi, 58, of Sunwal VDC-7 was accused of practicing witchcraft and threatened to be burned alive by Jogu Pasi, 48, and his wife Sona

Devi Pasi, 45, of the same place on July 23. Manmati filed a complaint at the DPO on August 2. However, they reached a compromise when the police mediated a meeting between both sides regarding the complaint and made the perpetrators sign a paper promising that such behaviour would not be repeated.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property

By UCPN-M

UCPN-M cadres caused damage to the UML District Office in Ramgram Municipality-3 by setting it on fire on April 23. The UCPN-M cadres, including Man Bahadur Gurung, 32, of Narsahi VDC-1, Krishna Sahani, 28, of Ramgram Municipality-6, Khum Bahadur Thapa, 27, Tilakpur VDC-6, Yam Bahadur Thapa of Makar VDC-2 and Basudev Chaudhary of Ramnagar VDC-1 poured petrol on the building and set it alight. The fire damaged a computer, a fax machine, a photocopier, a telephone and furniture, among other goods. They also beat up the Office Secretary, Tulasi Pasi and district committee member Kanhaiya Lal Yadav. Five UCPN-M cadres also sustained burn injuries. Among them, Man Bahadur Gurung died while undergoing treatment at the Bir Hospital on April 25 and Bir Bahadur Gurung died in the same hospital on April 29. Prem Prasad Dhakal, a member of UCPN-M's Awadh State Committee, arrested on the charge of being involved in the arson, was released on May 18 on date as per an order from court.

HEALTH SERVICE SITUATION

This district has a quota for 10 doctors and nine were at work at the end of the year. Similarly, the quota for HAs is 16 and all of them were at work at the end of the year.Only five staff nurses were at work at the end of the year whereas the quota for them is nine. The quota for AHWs is 92 but only 81 were at work at the end of the year. Furthermore, the quota for MCHWs is 60 and all of them were at work and 49 VHWs were at work at the end of the year whereas the quota for them is 73 in the district.

3.8 Rupandehi

Population : 928,372

Literacy(%) : 66

Women Literacy(%) : 55

Area(Sq. Km.) : 1,401

Number of VDC(s)/Municipality(ies) : 69/2

Number of School(s) : 498/62

Campus(es)/Higher Secondary School(s) : 16/64

Hospital(s)/Health Post(s) : 6/69

Human Development Index : 0.500

Average Household Size : 8

CIVIL AND POLITICAL RIGHTS

RIGHT TO DIGNIFIED LIFE

KILLING

By State

A central member of the JTMM (Jwala Singh), Istiyak Musalman, 45, of Belahiya, Sidhharthanagar Municipality-1, was shot dead by police near the Danab Bridge along the Bhairahawa-Lumbini road

Type of Events	By Non-State								By State			
	By Others				By UCPN-M							
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total
Killing	13	9	4	13					2	2		2
Injured	5	8	2	10								
Arrest & Torture									1	1		1
Beatings	2	2	1	3	2	2		2	1	1		1
Threats					1		1	1				
Right to Assembly									1	4	1	5
Women Rights	6		6	6								
Child Rights	9		9	9								
Abduction	1	1		1	1	3		3				
Total	**36**	**20**	**22**	**42**	**4**	**5**	**1**	**6**	**5**	**8**	**1**	**9**

section on September 24. SP Sher Bahadur Basnet of the DPO said that Musalman died after police fired in retaliation as he tried to attack the police team. The police informed that Musalman had escaped from Palpa Prison with other inmates when the Maoists had attacked the town during the conflict. He was in prison serving a sentence for murder. The police claimed that Musalman had been carrying out activities with an armed group in different parts of the country, and had been staying in the Indian border areas. Police said that weapons were recovered from his body.

Dharmendra Barai, 14, of Gonaha VDC-2 was arrested by the police from the Shivapur Bagaha Police Post on July 3 and he died inside that post on July 4. The family of the victim filed a complaint stating that the victim died as a result of the torture inflicted in the police post and demanded action against the perpetrators on July 5. The post mortem of the deceased was carried out at the Bhim Hospital in Bahairahawa. A committee was formed to investigate the incident, and a report was made public on August 4 which pointed to the negligence of ASI Netra Bahadur Khatri in the incident and recommended that departmental action be taken against him. The Ministry of Home Affairs formed an investigatory team on July 18 and the team started its investigation on July 22, however, the committee's report had not been made public at the end of the year.

By ATMM

The area in charge of the UCPN-M Sapatu Yadav, of Bishnupura VDC-1 was shot dead near his home on May 31 by members of ATMM. The victim was shot with three rounds of bullets while he was traveling home on a motorbike from Rudrapur. The commander of the ATMM, Bhawani Singh claimed responsibility for the killing when he talked to the media over the telephone. Police arrested Dev Narayan Jaiswal, 42, of Bishnupura VDC-7, Rajendra Pasi, 27, of Sadi VDC-1 and Ram Bilas Nayak, 31, of Sadi VDC-3 on June 2 for their involvement in the killing. The perpetrators were remanded in custody.

By Unidentified Group

A cadre of the UCPN-M, Raj Kumar Kumal, 25, of Motipur VDC-1 was beaten to death by locals on June 22. Kumal was attacked with a lathi and an iron rod at his home. The Rupandehi Secretary of the UCPN-M, Yagya Pokharel, alleged that the NC cadre, Baliram Yadav, and others had beaten Kumal to death, so he filed a

complaint at the District Administration Office on June 23. SP Sher Bahadur Basnet of the DPO said that investigation into the incident was still ongoing. The perpetrators were still at large at the end of the year.

An unidentified group shot dead the owners of the Bishnu Bhandari Stores, Ramesh Bhandari, 36, and his wife Aasha Bhandari, 29, of Sangamchok Butwal Municipality-6 on June 23. Three armed assailants, who traveled on a motorbike, shot three rounds at the couple. No group claimed responsibility for the incident. The police informed that the investigation was ongoing, but that Shambu Gautam, 33, of Saljhandi VDC-9, Shyam Bahadur BK, 35, Min Prasad Sharma, Nim Prasad Thapa, of Gagedi VDC-2 and Purna Bahadur Shris Magar were arrested in connection with the incident on July 8. The accused were remanded into custody as per an order from the District Court.

INJURED IN SHOOTING /EXPLOSION
By JTMMM

Kundan Shrestha, 54, of Hetauda Municipality-7 in Makwanpur, Deu Maya Bhujel, 20, of Gajedi VDC-3, Shiva Sharma, 27, of Sorauli in Parroha VDC-5 and Sunita Paudel, 20, of Sukkha Nagar in Butwal Municipality-10 were injured when a socket bomb that had been kept hidden under a seat of the bus they were traveling on along the Bhairawaha- Sunauli route exploded on October 26. The injured were treated at the Lumbini Zonal Hospital in Butwal. Bhawani Singh, stating that he was the District in charge of JTMMM, claimed responsibility for the incident, when he spoke to the media over the telephone.

By Own Explosive Device

Two police constables from the DPO in Rupandehi, Sushil Kandel, 21 and Khum Bahadur Nepali, were injured when a socket bomb, which had been kept in the cupboard in the case department of the office, went off on November 4. The injured were treated at the Universal Medical College in Bhairahawa. The police had brought the bomb from Chilhiya VDC where it had been left by thieves and had kept in the cupboard.

JAIL AND DETAINEES

The 'D' grade jail in the district has the capacity to hold a total of 60 inmates; however there were 283 inmates at the end of the year. Of the inmates, 109 had been convicted and 176 were detainees. Of those inmates, 22 were foreigners. As there were not wards for female convicts, they were sent to the Palpa jail, among others. The district jail has four times more inmates than its capacity.

DISAPPEARANCE/ABDUCTION
By YCL

Dhune Sarki, 25, Shambhu Khatri, 31, Rudra Bahadur Bohara alias Thulabhai, 30, of Asamtol in Devdaha VDC-9 were abducted and held in the YCL camp at Buddhapath of same place by the YCL cadres, including Yubaraj Neupane on May 14. The YCL cadres accused them of stealing hen. All the abductees' heads were shaved and smeared soot. They were assaulted and taken around the village. When the police team from the ward police office came for their rescue, the YCL cadres made them return back saying that they had taken 'people's action' against the trio by keeping them in the labor camp. The YCL cadres threatened to kill Saraswati Khatri, wife of one of the victims Shambu, accusing her of speaking against the UCPN-M. The victim informed about the intimidation to rights activist and media-persons but did not register complaints. The abductees were released on May 1.

By Unidentified Group

Dilip Kunwar KC, 42, of Murgiya in Parroha VDC-4 was abducted by an unidentified group on November 5 while he was in a bazaar some distance away from his home. His whereabouts were still unknown at the end of the year. No group claimed responsibility for the abduction. The family of the victim submitted an application at the District Administration Office on December seeking help in the search for the victim and in ensuring that he was found alive.

THREATS/BEATINGS

By State

A cadre of the CPN-M(Matrika), Phiroj Gaha, 33, of Siddharthanagar Municipality-3 was beaten by an on-duty head constable of the police, Jit Man Gurung on January 25. Gaha, who is city in-charge of the Matrika-led Maoist party, was beaten by Gurung because he had changed his party membership. Some cadres of the CPN-M, Govinda Singh Mahara, Jitu Chaudhary, Ullab Nishad, Anurag Shrestha and Anup GC, who had gone to the DPO on January 27 to discuss the beatings, were kept in custody the whole day and released in the evening.

By UCPN-M

Daya Shankar Teli Gupta, 45, of West Amawa VDC-1 received death threats from a cadre of the UCPN-M, Radheshyam Teli, 48, on August 5. Following the frequent threats from Radheshyam, the victim filed a complaint at the District Administration Office on September 12. Police arrested the accused on September 12, however a compromise was reached between them, so the accused were released on September 29.

By CPN-M (Matrika)

Prem Bahadur BK, 36, of Inguriya in Dudhrakhsya and Sunil Chhetri, 30, of Gargare in Rudrapur VDC-1 were abducted from their home, taken to Sukkhanagar in Butwal Municipality-10 and subsequently beaten by the cadres of the CPN-M (Matrika) on February 1. Police rescued them on February 2 and 10 people, including Dan Bahadur Gharti, 27, of Suryapura VDC-2, were arrested by the police on the same day in connection with the incident. The accused were remanded in jail as per an order from the District Court. The victims were the UML cadres.

By Others

The district treasurer of the NSU, Prashant Koirala of Butwal Municipality -11, and a district level cadre of the same organization, Dilip Galami, 25, of ward no. 13 of the same Municipality were attacked with khukuri by an unidentified group at Chidiyakhola in Butwal Municipality-5 on May 29. The victim was treated at the Lumbini Zonal Hospital in Butwal. No group had claimed responsibility for the incident at the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

Basanta Shrestha, the assistant in-charge of the UCPN-M, of Parroha VDC-4, along with other cadres of the party, Hari Prasad Ghimire, Hari Tulachan, Tek Bahadur Pariyar, Som Nath Ghimire, Ram Prasad Shrestha, MB Thapa, Bhoj Bahadur Khadka, Asmita Chaudhary and Durga GC were beaten and wounded by police as they were picketing the Butwal Municipality Office on May 5 stating that they were going to capture the municipality office. The victims, who sustained injuries to their heads and limbs, were treated at the Lumbini Zonal Hospital in Butwal.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

A total of 350 criminal cases were in the District Court by 16 July. Of these cases, 155 were decided and 195 remained undecided. A further 270 criminal cases were filed in the District Court between July 17 and December 15. Of these cases, 90 had been decided at the end of the year.

A total of 264 criminal cases, where an individual is the plaintiff, were in the District Court by 16 July. Of these cases, 157 were decided on and 107 remained undecided. Additionally, a total of 254 criminal cases, where an individual is the plaintiff, were filed in the District Court between July 17 and December 15. Of these cases, 105 had been decided at the end of the year.

A total of 805 civil cases were there in the District Court by 16 July. Of these cases, 675 were decided and 130 remained undecided. Furthermore, a total of 376 civil cases were filed in the District Court between July 17 and December 15. Of these cases, 157 had been decided at the end of the year.

Appellate Court

A total of 267 criminal cases were in the Appellate Court by July 16. Of these cases, 199 were decided on and 68 remained undecided. A further 217 criminal cases were filed in the Appellate Court between July 17 and December 15. Of these cases, only 60 had been decided on at the end of the year.

A total of 254 criminal cases, where an individual is the plaintiff, were in the Appellate Court by July 16. Of these cases, 187 were decided on and 67 remained undecided. A total of 124 more criminal cases, where an individual is the plaintiff, were filed in the Appellate Court between July 17 and December 15. Of these cases, only 65 had been decided on at the end of the year.

A total of 775 civil cases were in the Appellate Court by July 16. Of these cases, 575 were decided and 130 remained undecided. Furthermore, a total of 326 civil cases were filed in the Appellate Court between July 17 and December 15. Of these cases, 137 had been decided at the end of the year.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Utiullah Dhobi, 42, of Patkhauli VDC-8, was arrested by police on August 25 for harrassing women. Following the arrest he was taken to Dhakdhai Area Police Post and subsequently tortured. Mohammad Israil Ansari, the Police Inspector in the post beat him with the butt of a gun, lathi and also kicked him. The victim sustained injuries to his chest, head and hands as a result of the beatings. The victim was treated at the Bhim Hospital in Bhairahawa.

CHILD RIGHTS

83 percent of school-age children attend school in this district. The district has a total of 586 ECCDCs. There are also 175 primary, 76 lower secondary, 63 secondary and 35 higher secondary governmental schools. The number of primary, lower secondary, hecondary and higher secondary private and institutional schools is 71, 30, 80 and 33 respectively. There are 101 Madarasas.

A 12-year-old girl of Chidiyakhola in Butwal Municipality-5 was allegedly raped by a local Som Thapa, 25, in her home on April 12. Relatives of the girl filed a complaint at the Area Police Office in Butwal on May 13. Police arrested the accused and sent him to the District Prison on remand following an order by the District Court on June 9. The victim was

treated at the Lumbini Hospital in Butwal.

A 17-year-old girl of Palpa district and currently living in Butwal Municipality-5 was allegedly raped and later subjected to an attempted murder at Dhovan VDC-5 by Kamal Bhitrikoti, the Pastor of the Bethlehem Church of Golpark, in same place on August 13. Kamal, 36, was accused of attempting to kill the girl with a knife after the rape. Police took the girl to Lumbini Zonal Hospital for treatment. Kamal was arrested and charged with rape on August 14 after the victim filed a complaint at the Area Police Office in Butwal. The pastor was remanded in jail on August 20 as per an order from the District Court.

ALL KINDS OF DISCRIMINATIONS AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 19-year-old girl from Baglung district and working at Shangrila Restaurant and Hotel in Milan Chok of Butwal Municipality-11 accused the owner of the Hotel, DB Karki, 42, of raping her in the hotel on August 9. Police arrested Karki the next day after the girl filed a complaint against him. Police presented Karki before the court on August 10 and charged him with rape. Karki was released on August 11 on date as per an order from the District Court.

The family members of a woman, 20, of Bhagawanpur VDC-6, filed a complaint at the Area Police Office in Lumbini on December 5 alleging that the woman was raped by Radhe Shyam Lodh of the same locality on December 4. Based on the complaint, police arrested the accused on December 6. The accused was remended in jail as per an order from the District Court.

Domestic Violence

Kamala Pariyar, 23, of Butwal Municipality-12 was set on fire by her husband, Tikaram Budhathoki, on April 2. He sprayed paraffin over her body and set it alight. The victim was rescued by her neighbours and taken to the Lumbini Zonal Hospital for treatement. She received fruther treatment at the Tansen Mission Hospital and was helped by local organizations and the Dalit Commission. The perpetrator was arrested and remanded in custody as per an order from the District Court on May 28.

Sita Chaudhary, 35, of Bhaisahi, Rudrapur VDC-3 was killed with an axe and knife by her husband Ram Bahadur Chaudhary over a domestic dispute on September 3. Relatives of the deceased performed her last rites after her post-mortem was conducted at the Lumbini Zonal Hospital. Police said that her husband was at large following the incident.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By JTMMM

Cadres of the Janatantrik Tarai Madhesh Mukti Morcha (JTMMM) exploded a socket bomb at the Goenka Steel Industry, located at Guravniya in Gonaha VDC-4, on September 14. The window panes were smashed and the wall of the building cracked as a result of the explosion. Bhawani Singh, who identified himself as the incharge of the group, claimed responsibility for the incident over the telephone while talking to the media.

HEALTH SERVICE SITUATION

The quota for doctors in this district is six but only two were at work at the end of the year. The quota for staff nurses is 10 and all of them were at work at the end of the year. The quota for HA is one, this was filled. Similarly, the quota for AHWs is four but five were at work at the end of the year. The quota for the HAs for the whole

district is 80. The quota for VHWs is 69 but only 65 were at work at the end of the year. Four ANMs were at work which is the same as the quota. The quota for ANMs is 25 and the quota for MCHWs is 58.

This district has five primary health centers, six health posts and 58 sub-health posts.

3.9 Palpa

Population : 301,128
Literacy(%) : 74
Women Literacy(%) : 60
Area(Sq. Km.) : 1,373
Number of VDC(s)/Municipality(ies) : 62/1
Number of School(s) : 4/25
Campus(es)/Higher Secondary School(s) : 5/44
Hospital(s)/Health Post(s) : 2/65
Human Development Index : 0.486
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING
By Others

Man Kumari Darji, 50, of Humin VDC-2 was killed by Binod Darji, 25, of Tahu VDC-8 on January 27. The perpetrator, who killed the victim by striking her with firewood over her head, works at the cantonment of the Maoist combatants in the Nawalparasi district. The perpetrator absconded after the incident, however; police arrested him at Devinagar in Butwal on May 13. The perpetrator was remanded in custody on May 19 as per an order from the District Court.

Yam Kumari Bagale, 56, of Budhichaur at Thimure VDC-1, her married daughter Tulasa Gharti, 25, granddaughter Sandhya Gharti, 6, and grandson Sandip Gharti, 4, of Kusumkhola VDC-3 were killed at their home with khukuri by Tara Balami, an army man working at the Phulbari Barrack in Pokhara, on February 9. The perpetrator was arrested at home by the DPO on April 20 and was remanded in custody on April 25 as per an order from the District Court. His case was not decided by the end of the year.

JAIL AND DETAINEES

The 'D' grade district prison has 289 inmates at the end of the year whereas it has the capacity to detain only 175 inmates. At the end of the year a total of 224 convicts are in the jail, of which, 21 are female and 203 are male. Similarly, there are a total of 62 detainees in which 26 are female and 36 are male. Three dependent children are also there in the jail. The inmates stated that they have been dependent on tankers for drinking water. Due to a lack of water they have faced problems for bathing and washing. The personnel at the jail stated that the inmates have not received proper treatment due to the limited budget. However, they are provided with facilities like newspapers and are trained to knit hosiery and weave bamboo stools.

THREATS/BEATINGS
By UCPN-M

The founding editor of Palpa Daily, NR Paudel, 32, of Chitwan received a death threat from the district secretary of the

UCPN-M, Netra Pandey, of Argali VDC on February 14 for news which he had published. He received the death threat at his office premises located at Tansen Municipality-15. The victim left for Kathmandu on March 1 due to the insecurity he felt following the threat. Organizing a press meeting at Tansen in Palpa district on March 18, Paudel appealed and urged to all the concerned to lobby for his security and rehabilitation. He was not rehabilitated at the end of the year.

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	4	1	6	7			
Threats					1	1	1
Women Rights	4		4	4			
Child Rights	2	1	1	2			
Inhuman Behavior	1	1		1			
Total	**11**	**3**	**11**	**14**	**1**	**1**	**1**

RIGHT TO PROMPT AND FAIR TRIAL

21 criminal cases were brought forward from last year in the District Court and 12 criminal cases were filed this year. Of the total 33 criminal cases, seven were decided and 26 remained undecided.

17 criminal cases, where an individual is the plaintiff, were brought forward from last year and 16 such cases were filed this year in the District Court. Of the total 33 criminal cases, where an individual is the plaintiff, 10 cases were decided and 23 remained undecided.

49 civil cases were there in the district court by July 16 and 17 such cases were filed after that date. Of the total 66 civil cases, 16 were decided and 50 remained undecided.

The Palpa District Court has a juvenile bench as well. One case was filed under the juvenile bench however, the case remained undecided. According to the District Court and the DPO, no cases relating to domestic violence were filed.

The number of cases filed by Office of the District Government Attorney was 43, of which, 13 cases were decided and 30 remained undecided.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

The officer working at the Area Forest Office at Dovan, Ramesh Prasad Chaurasiya, 51, of Amarpatti VDC-4 in the Parsa district was smeared with soot at his office by a cadre of the CPN-M (Matrika) Khagendra K.C, 23, of Dovan VDC-7, and Karna Bahadur Magar, 24, of Kanda VDC-6 in Rukum district, among others, on June 9. He was accused of being involved in financial embezzlement. The victim filed a complaint at the DPO on the same day, demanding that the perpetrators be punished. KC and Magar were arrested by police on June 11. The police mediated a discussion between the victim and the perpetrators on June 15 and they were released on the same day when the perpetrators agreed to pay Rs 10,000 each to the victim.

CHILD RIGHTS

This district has 405 ECCDCs. There are 244 primary, 77 lower secondary, 57 secondary and 39 higher secondary community schools. This district has, ECCDCs excluded, a total of 498 schools and 98,743 students study in these schools. Of the total students, 49,827 are girls and 48,916 are boys. As per the District Education Office 13,276 students are from

the Dalit community of which 6,376 are boys and 6,900 are girls.

The guardians of a boy, 15, of Rahabas VDC-2 filed a complaint at the District Administration Office on January 8 stating that Balbhadra Khanal, 50, of Laharepipal in Tansen Municipality-3 sexually exploited the boy at his home on December 17, 2009. Following the incident the victim was treated at the Tansen Mission Hospital and when his health did not improve, the victim's family filed a complaint at the District Administration Office. Based on the complaint the District Administration Office arbitrated a meeting at the office on January 11 in which Khanal agreed to pay Rs. 500,000 to the victim and the both sides agreed to close the case. The child was back to full health at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A woman, 25, of Bandipokhara VDC-4 filed a complaint at the DPO on January 1 stating that Jhapendra Thadarai, 18, and Ram Bahadur Thadarai, 18, of the same place raped her on December 30. Based on the complaint, police arrested the Thadarai duo at their home on January 3. Jhapendra Thadarai was remanded in custody and Ram Bahadur was released on January 14 on the condition that he would pay Rs 25,000 to the woman. The case was not decided by the end of the year.

A woman, 35, of Tansen Municipality-9 was allegedly raped and killed by Mahendra Disuwa, 37, of the same place on March 2. The family members of the victim filed a complaint at the DPO on the same day, stating that the victim was killed by Disuwa while she was in the neighborhood to attend a marriage party. The post-mortem of the dead body was carried out at the district hospital. Disuwa was arrested on the same day and was remanded in custody on March 23 as per an order from the District Court. The case was not decided at the end of the year.

Domestic Violence

Laxmi Sunar, 30, permanent resident of Gulmi district and living in Tansen Municipality-4, applied for divorce at the District Court on August 27 stating that her husband Govinda Thapa, 32, frequently beat and threatened to kill her under the influence of alcohol. One year ago, her husband had beaten her and broken her left hand and it was on August 10 that she was beaten for the last time. No decision was taken regarding her divorce application at the end of the year.

Dil Kumari Pachabhaiya, 34, of Khaliban VDC-5 was strangulated to death by her husband Dob Bahadur Pachabhaiya, 38, over a domestic dispute on October 30. The perpetrator, who absconded after the incident, was arrested at Birkot in Birkot VDC by police with the help of the victim's neighbors on October 3. He was remanded in custody on November 30 as per an order from the District Court. The case was not decided at the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Property By UCPN-M

The cadres of the UCPN-M vandalized a motorcycle belonging to the St. Capitanio Boarding School located at Tansen Municipality-6. The motorcycle with the plate number Ba10 Pa4355 was vandalized on May 2 for defying a strike called by them. It was vandalized at Shittalpati at Tansen Municipality-8.

HEALTH SERVICE SITUATION

The quota for doctors in this district is six and they were all at work as per the

quota at the end of the year. The quota for HAs is 15 and they were all at work as per the quota while 67 AHWs were at work whereas the quota for them is 70.The quota for VHWs in the district is 65 but only 48 were at work at the end of the year and the quota for ANM is 24 and they were all at work as per the quota. The quota for MCHWs is 53 but 54 were at work at the end of the year. As per the DPHO, this district has four primary health centers, nine health posts and 53 sub-health posts. In addition, this district has one district hospital, one mission hospital and one medical college.

3.10 Kapilbastu

Population	: 607,228
Literacy(%)	: 52
Women Literacy(%)	: 35
Area(Sq. Km.)	: 1,738
Number of VDC(s)/Municipality(ies)	: 77/1
Number of School(s)	: 355/31
Campus(es)/Higher Secondary School(s)	: 2/31
Hospital(s)/Health Post(s)	: 3/78
Human Development Index	: 0.437
Average Household Size	: 8

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING
By ATMM (Goit)

An unidentified group shot dead Rajendra Tiwari, 35, a member of UCPN-M Awadh State Committee and Madhesi Rastriya Mukti Morcha central committee member at 7.30 pm on April 25. Tiwari was shot dead at Rehara of Baluhawa VDC-3 by the group of about 12 persons arriving from the Indian border as he was heading home from his brick factory. The victim sustained injuries to his head and different parts of his body. The Organization Head of Akhil Tarai Mukti Morcha ATMM (Giot) Amitav claimed responsibility for the incident. Postmortem of his body was carried out at the district hospital in Taulihawa on April 26. Police arrested Asthabhuja Shukla, who was withTiwari on his motorbike on April 27. The accused was remanded in custody after his arrest.

By STJMM

Gyan Bahaur Sunar, 35, of Parroha VDC-1, Rupandehi and working as a laborer in Shivam Crusher Industry of Purushottampur VDC was shot dead by cadres of Samyukta Jantantrik Tarai Mukti Morcha (SJTMM) on July 7. The SJTMM cadres dragged him from the industry premises and shot at him indiscriminately. The District in-charge of the SJTMM, Shiva told journalists that sunar was killed for spying against the organization. Sunar sustained bullet wounds to his neck and chest. The post-mortem of his body was conducted at the Bahadurgunj-based Shivaraj Hospital. Shiva of SJTMM claimed responsibility for the killing talking to media personnel over phone. His dead body was handed over to family members after the post-mortem. Shiva,

Type of Events	By Non-State									By State		
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	10	8	2		10							
Injured	3	7			7	1	4		4			
Arrest & Torture										5	7	7
Beatings	3	3	1		4	1	1		1	1	2	2
Threats	1	1			1							
Right to Assembly										1	5	5
Racial Discrimination	1	5			5							
Women Rights	5		10		10							
Child Rights	1		1		1							
Economic, Social and Cultural Rights	3	2	3	1	6	1	2	1	3			
Inhuman Behavior	1	1			1							
Abduction	3	3			3							
Total	**31**	**30**	**17**	**1**	**48**	**3**	**7**	**1**	**8**	**7**	**14**	**14**

was arrested on August 14 and remanded in custody.

By JTMMP

Sitaram Pasi, aka Muni, 40, of Udarapur VDC-7 was shot dead by an unidentified group on October 17. He was killed while he was at Bhalbadi in Bhalwadi VDC-8 to consign the image of Goddess Durga to water. Police said that the victim sustained four bullet wounds to his head, chest and back. The post-mortem of the dead body was carried out at the district in Taulihawa on October 18. Cadres of the Janatantrik Tarai Madhes Mukti Party (JTMMP) claimed restposibility for the incident over phone.

INJURED IN SHOOTING/EXPLOSION

By STJMM

Mahul Dhobi, 50, of Jawabhari VDC-7 was beaten and attacked with an explosive device by an unidentified group, while he was asleep in his home on October 2. The victim was severely injured as a result of the explosion. He was beaten and attacked by a group of people numbering 5-6 and his shop was robbed. He was found in an injured condition when police from Bahadurganj reached there upon hearing the sound of the explosion. The police sent the victim to Butwal for treatment. A banner found at the scene stated that the victim was attacked for his activities against STJMM. Police said that Pawan had been mentioned as the central coordinator of the party.

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold 85 inmates, however, there were a total of 157 inmates in the jail at the end of the year. Of the inmates, 57 have been convicted and 100 are detainees. As the female ward has been destroyed, no female inmates are kept there. One dependent child is also residing in the jail. The jail has exceeded its capacity so the inmates have faced problems, especially, for sleeping. A total of eight inmates escaped from the jail on January 15. The inmates fled by digging a 21-foot-long underground tunnel in the dead of night when power was not supplied in the jail due to loadshedding. Following their escape, the District Administration Office

formed two committees to investigate the incident. A three-member committee was formed under the coordination of the Assistant Chief District Officer Kaushal Raj Sharma and the committee submitted a report to the Chief District Officer on January 30. The report stated that 14 members of the Nepal Police and two personnel of the jail assisted the inmates to flee and a case was filed against those who helped the inmates flee. However, all of them were released on February 7 as per an order from the District Court. The inmates in the jail chanted slogans in a protest and presented demands to the administration on July 26.

Binod Kumar Pathak, 35, of Prakriti, Rajpur VDC-5 died inside the district prison on September 2. Pathak was believed to have talked with Naike Ganesh Tamang while having breakfast, complaining about the watery lentil soup. Following the discussion Tamang beat him with a plastic pipe. Pathak died two hours after the beating. According to prison guard Rishi Shrestha, Pathak was suffering from asthma and he had fallen near the tap the previous day. He suspected that Pathak might have died due to those reasons. Pathak was serving a sentence in the prison from March 26, under an arms and ammunition charge. A committee was formed to investigate the incident and the committee submitted a report to the Chief District Officer, Laxman Thapa within 35 days of the incident.

Aga Musalman Phakir, 70, of Birpur VDC-9 and serving a jail term charged with murder, died in the jail on September 26. He died because the jail failed to supply him with timely medical treatment. Other inmates said that he was suffering from malaria and anemia and he could have died due to that reason. Relatives of the deceased said that he had been receiving treatment for some months but he did not receive this treatment in time and died as a result. Mahendra Man Shakya, the health worker in the jail stated that the dead was in need of blood but there was no blood donor in the jail and that preparation was being made to take him outside for treatment. A murder case was filed against the deceased in 1986 and he was sentenced to a jail term in 2005 and was arrested and sent to jail on February 3, 2008.

RIGHT TO PROMPT AND FAIR TRIAL

371 civil cases were brought forward in the District Court from last year. 666 cases were filed by July 16 of this year. Of these civil cases 611 were decided and 426 remained undecided by July 16 of this year. A total of 310 civil cases were filed in the District Court between July 17 and December 25. Of these cases, 185 were decided.

138 criminal cases were brought forward in the District Court from last year. 256 cases were filed by July 16 of this year. Of these civil cases 219 were decided and 175 remained undecided by July 16 of this year. A total of 73 criminal cases were filed in the District Court between July 17 and December 25. Of these cases, 37 were decided.

A total of 68 cases, where an individual is the plaintiff, were filed between July 17 and December 25. Of these cases, 32 were decided.

Office of the District Government Attorney filed 162 cases at the District Court from Mid-July of 2009 to Mid-July of 2010, of which, 83 were decided. Out of 111 cases filed at the District Administration Office, 52 cases were decided. Similarly, three cases were filed at the District Forest Office. From July 17 to December 31, there were 34 cases filed at the District Administration Office, 43 at the District Court and seven at the Forest

Office. Record of the status of the cases was not available.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Anarjit Loniya, 56, Ram Adal Loniya, 35, and Pradip Loniya, 36, of Tirtirkhi VDC-8 were beaten and tortured by the Police from the Pipara Police Post. Police had arrested and taken them to the police office on August 14 based on a complaint filed by their elder brother Alturam Loniya regarding their property partition. The victims were locked inside a room in the office and beaten on the feet for about 20-25 minutes with a cane by the police led by the in-charge of the police post, SI Krishna BK. The victims had filed a case demanding compensation for the beatings and torture.

By CPN-M(Matrika)

The VDC Secretarty of Niglihawa, Durga Singh Thapa, 50, was smeared with soot by cadres of the CPN-M(Matrika) party in his office on June 29. They accused him of embezzeling money while he was the secretary for the Krishnanagar VDC.

CHILD RIGHTS

This district has a total of 484 ECCDCs. There are 284 primary, 67 lower secondary, 30 secondary and seven higher secondary government schools. Similarly, there are 23 primary, 26 lower secondary, 26 secondary and five higher secondary private and institutional schools in the district.

Excluding the ECCDCs, there are a total of 405 schools and 150 Madarasas. A total of 162,947 students study in these schools. Of these students, 83,910 are boys and 79,037 are girls. According to the District Education Office, a total of 26,200 students are from the Dalit community. Similarly, 56,777 students are janajatis.

Yubaraj Gaire, 35, of Motipur VDC-4 was apprehended by locals and handed over to police for raping a girl, 8, of the same place on April 11. The accused was smeared with soot and taken around the bazaar before he was handed over to the police. Police filed a rape case against him and the District Court sentenced him to a 15-year jail term and a fine of Rs 200,000. The convict is in the District jail in Taulihawa.

Shah Alam, 12, of Gaudichok in Kapilbastu Municipality-4 was abducted by the driver of a car from near a petrol pump located at Pakadi in Pakadi-VDC on June 16. The victim, who was waiting for a vehicle to return home from his maternal uncle's home, was taken by the driver in the car stating that he would give him a lift home. According to the victim, afterwards, his hands were tied, mouth gagged and he was taken to Gonda in India. However, the victim escaped the abduction when the abductor got out of the care to urinate. He then alerted the Indian police and they helped him return to his family.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

A woman, 21, of Shibhagadhi VDC-2 and another one, 31, of Bhimgitthe VDC in Baglung district were rescued by the police from Area Police Office in Krishnanagar from the Krishnanagar check post on December 28. The women were being taken to India with the promise of work in Qatar. Police arrested Him Bahadur Sunar and Kabita Sunar, of Patthardehiya VDC-6 from Krishnanagar for being involved in the incident. The accused were remanded in custody and the rescued women returned to her family.

Rape, Attempt to Rape, Sexual Abuse

A gril, 23, of Gajehada VDC-7 filed an FIR against Sujut Thapa, 27, Mohan KC, Ishwor Thapa, 22, and Anjan Thapa, 22, among others of Banganga VDC-7 stating that she was raped by them at the Bungchi Community Forest in Banganga VDC-7 on April 14. She filed the complaint at the Gorusinghe Area Police Office. The police said that four of the accused were arrested on April 15 and remanded in custody. The remaining four were still absconding at the end of the year.

Domestic Violence

Chanarmati Kori, 35, of Balrampur VDC-1 died while undergoing treatment at the primary health centre in Maharajgunj on July 13. She was severely injured after her brother-in-law Brijaman Kori and his wife Shanti Kori beat her over a property dispute on July 12. Locals took her to the health centre for treatment when she fell unconscious as a result of the beating. The couple had beaten Chanarmati with lathi and logs while her husband was away. The DPO said that they succeeded in arresting Brijaman, who along with his wife Shanti, had been absconding after the incident

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Property Capture

32 *Bigaha* of land registered in the name of Ikwal Musalman, Ayastha Musalman and Ittihas Musalman was declared to have been captured by the All Nepal Peasants Association (Revolutionary), affiliated to the UCPN-M, on January 21. The UCPN-M stated that the land owners were permanently living in India and the land was being sold.

HEALTH SERVICE SITUATION

This district has four hospitals including two Ayurved hospitals in the district. There are three primary health centers, seven health posts and 66 sub-health posts. The quota for doctors in the district is nine but eight were at work at the end of the year. The quota for HAs is 13 but 12 were at work at the end of the year. Only four staff nurses were at work at the end of the year whereas the quota for them is nine. Similarly, the quota for AHWs is 88 but 84 were at work at the end of the year.The quota for ANMs is 19 but 18 were at work at the end of the year. Likewise, the quota for MCHWs is 66 but 62 were at work. 76 VHWs were at work at the end of the year whereas the quota for them is 77.

3.11 Arghakhanchi

Population : 236,587

Literacy(%) : 64

Women Literacy(%) : 54

Area(Sq. Km.) : 1,193

Number of VDC(s)/Municipality(ies) : 42/0

Number of School(s) : 484/15

Campus(es)/Higher Secondary School(s) : 2/24

Hospital(s)/Health Post(s) : 1/41

Human Development Index : 0.471

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS
JAIL AND DETAINEES

The District Jail was destroyed when the UCPN-M attacked Sandhikharka during the time of the armed conflict. The destroyed jail is yet to be been reconstructed. Inmates from the district are sent to jails in the Kapilbastu, Gulmi and Palpa districts.

DISAPPEARANCE/ABDUCTION

By Others

A girl, 2, of Ratmata in Dhanchaur VDC-5 was abducted from her home by Raju Nepali, 19, of ward no.1 of the same VDC on September 1. The family members of the victim filed a complaint at the DPO on September 2 and the police arrested the abductor at the home of Gade Sarki located at Hadesyala in Juluke VDC-7. The perpetrator was sent to jail on December 12 as per an order from the District Court.

THREATS/BEATINGS

By UCPN-M

UML cadres Baburam Chudali, 34, of Subarnakhal VDC-3, Narayan Bhattrai, 24, of ward no. 6, Thaneshwor Pokhrel, 34, of ward no. 1, Jhabindra Belbase, 34, Pitambar Regmi and Ram Prasad Bhattrai, Dev Bahadur Raskoti, 34, of ward no. 5 of the same VDC were beaten up by the UCPN-M cadres Karna Bahadur Bhattarai, 35, Kamal Adhikari, 31 and Tiku Adhikari, 26, among others, at Mandre Secondary School in Subarnakhal VDC-7 on August 20. They were beaten with logs and sticks when they tried to stop the UCPN-M cadres from disrupting the election of a school management committee. Injured Baburam underwent treatment at the district hospital in Sandhikharka while the rest were treated at the Thada sub health post. A compromise between the two sides was reached on August 27, when the perpetrator's side agreed to incur the expenses for the medical treatment of the victims.

By YCL

The Village Committee Chair of the UML, Mekh Bahadur Karki, 40, of Argha VDC-5 was beaten by YCL cadres Rem Bahadur Khadka, Narayan Pandey of Bangi VDC-5 on November 9. The victim was beaten for political reasons at Bangi VDC-8 while he was attending a Bhailo Program that night. The victim received primary treatment at the district hospital in Sandhikharka and was later taken to the Universal Medical College in Bhairawaha for further treatment. Police arrested both of the perpetrators based on a complaint filed on November 11 at the DPO. They were released later the same day. The UML district committee condemned the incident in a statement on November 10, stating that the incident occurred in the presence of the District In-charge of the UCPN-M, Chandra Bahadur Khadka. However, in response to the statement, the UCPN-M issued a statement on November 24 clarifying that the YCL in-charge was not involved in the incident. The perpetrators were released on bail, as per an order from the District Court on November 24 after paying Rs 35,000 each.

By ANNISU-R

Students from Siddhartha Higher Secondary School located at Hanshapur VDC-5, Anjan Marasini, 20, Ramita Marasini, 17, Shobhakhar Aryal, 17, Shankar Paudel, 18, and Ramlal Rajbanshi, 18, were beaten up by cadres of the ANNISU-R on February 25. The former were accused of political activism. Of the victims, Shankar Paudel was treated at the DH in Sandhikharka and the rest received treatment at the local Health Post.

RIGHT TO PROMPT AND FAIR TRIAL

A total of seven criminal cases were filed in the District Court by July 16. Of these cases, one was decided and six remained undecided. Similarly, a total of 10 criminal cases were filed in the District Court between July 17 and December 31 but not a single case was decided. A total of 16 criminal cases remained undecided at the end of the year.

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	4		4	4			
Injured	1	1	2	3			
Beatings	4	7	1	8	1	7	7
Threats					1	3	3
Women Rights	1		1	1			
Child Rights	2		2	2			
Abduction	2		2	2			
Total	**14**	**8**	**12**	**20**	**2**	**10**	**10**

A total of 21 criminal cases, where an individual is the plaintiff, were brought forward from last year in the District Court. Of these cases, eight were decided and 23 remained undecided. Similarly, a total of 14 criminal cases, where an individual is the plaintiff, were filed this year. Of them, seven were decided and another seven remained undecided. A total of 30 criminal cases, where an individual is the plaintiff, remained undecided at the end of the year.

A total of 35 cases were brought forward from last year in the District Court. Of these, 13 were decided and 22 remained undecided. Similarly, a total of 37 civil cases were filed this year. Of them, one was decided and 36 remained undecided at the end of the year. A total of 58 civil cases remained undecided at the end of the year.

A total of eight cases were filed at the Office of the District government Attorney. Of them, not a single case was decided at the end of the year.

No cases were filed in the District Court under the Domestic Violence Act.

CHILD RIGHTS

This district has a total of 372 ECCDCs. There are 283 Primary, 53 Lower Secondary, 37 Secondary and 30 Higher Secondary governmental schools in the district. Similarly, there are 44 primary, one lower secondary and eight secondary private and institutional schools in the district. There are a total of 457 schools, ECCDCs excluded, in the district.

A girl, 16, of Pharsamata in Jukena VDC-7 was allegedly raped by Hum Bahadur Bhat Chhetri, 17, of Deurali in ward no. 7 of the same VDC on April 9 while she was in jungle herding cattle. The family of the girl lodged an FIR at the DPO on the same day. The accused was still at large at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Basanti Sunar, 48, of Ratamata in Thada VDC-3 was hacked to death with an axe in her home by her husband Dil Bahadur Sunar, 52, on June 5 for allegedly having an illicit relationship with another man. On the same day, Dil Bahadur committed suicide by hanging himself on a tree near his home.

Khagikala Khatri, 62, of Sirukharka in Dhatiwang VDC-3 was killed by her husband Man Bahadur Khatri, 77, on November 30 with a sickle. The perpetrator was under the influence of alcohol. Relatives of the victim filed a complaint against the perpetrator at the DPO on December 2. Police said that the investigation was ongoing at the end of the year.

Inhuman Behavior

Jhabi Kumal, 42, of Kargeli in Pali VDC-9 was beaten up by Ram Bahadur Kumal, 60, and Nam Bahadur Kumal, 45, of the same of place on March 2. They accused her of being a witch. She was beaten up by the perpetrators when Nam Bahadur's son, a two and a half year old, died due to a fever Kumal was accused of bewitching the dead. The victim filed a complaint at the DPO on March 3. However, they reached a compromise when the perpetrators apologized to the victim.

HEALTH SERVICE SITUATION

The quota for doctors in the district is five and all of them were at work. Similarly, the quota for staff nurses is six and five were at work at the end of the year. The quota for HAs is 13 and all of them were at work. 43 AHWs were at work at the end of the year although the quota allocates 45 AHWs for the district. The quota for ANMs is 16 and 15 were at work. Likewise, the quota for VHWs is 42 but 35 were at work and the quota for MCHWs is 31 but 29 were at work at the end of the year.

As per the DPHO, there are two primary health centers, eight health posts, and 32 sub-health posts in the district.

3.12 Gulmi

Population	: 326,766
Literacy(%)	: 66
Women Literacy(%)	: 53
Area(Sq. Km.)	: 1,149
Number of VDC(s)/Municipality(ies)	: 79/0
Number of School(s)	: 545/22
Campus(es)/Higher Secondary School(s)	: 2/38
Hospital(s)/Health Post(s)	: 1/70
Human Development Index	: 0.467
Average Household Size	: 6

CIVIL AND POLITICAL RIGHTS

INJURED IN SHOOTING/EXPLOSION

By Others

Chhabi Lal Kumal, 18, of Darlamchaur VDC-9 was injured when a socket bomb, which he brought home after finding it in a stream, exploded on October 31. The bomb went off while he was playing with it, taking it for a toy. The victim received primary treatment at the district hospital in Tamghas and further treatment at the United Mission Hospital in Palpa. The INSEC Regional Office in Pokhara supported for his treatment.

JAIL AND DETAINEES

The 'D' grade District Jail had a total of 62 inmates at the end of the year but it only has the capacity to hold 25 inmates. Of the inmates, 31 have been convicted and

another 31 are detainees. Of the convicted, 28 are male and three are female and of the detainees, 20 are male and 11 are female. The jail has one dependent child as well.Given that the capacity of the jail has been exceeded, the inmates have faced problems. Comparatively, the infrastructure of the jail has been improved. The inmates have been provided with facilities such as radio, newspapers, television, water, latrines and regular health check ups. Additionally, they weave stools and cloth inside the jail to generate an income.

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	2		2	2			
Injured	4	3	2	5			
Beatings	3	2	1	3	1	2	2
Threats	2	1	1	2			
Women Rights	6		6	6			
Child Rights	4		4	4			
Inhuman Behavior	1	1		1			
Abduction	1	1		1			
Total	**23**	**8**	**16**	**24**	**1**	**2**	**2**

DISAPPEARANCE/ABDUCTION

By Rastriya Jana Morcha

UCPN-M cadre Dilaram Gautam, 35, of Bisukharka VDC was abducted by a group of Rastriya Jana Morcha from the same VDC on May 28. A group of Jana Morcha cadres led by its district secretary Chhabilal Sartungi had taken him in Baglung for obstructing the party's culture tour in the rural area and threatening the cultural team. He was released the next day following a dialogue between the two sides.

THREATS/BEATINGS

By UCPN-M

The Secretary of Daha VDC, Bishnu Bahadur Gharti, 33, of Bhanbhane VDC-5 and an office assistant, Bishnu Prasad Ghimire, 36, of Purkot Daha VDC-9 were slandered and beaten up by a member of the UCPN-M, Sher Bahadur Kunwar,52, of Purkotodaha VDC-6 on December 8 while a meeting of the Village Council was going on. The meeting was postponed following the incident. Various organizations of civil servants condemned the incident, demanding punitive action be taken against the perpetrator and compensation provided to the victim.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

A local journalist, Newton Barali,22, of Birbas VDC-6 received threats on May 1 from the Principal of Saraswoti Primary School, Keshab Raj Pandey, over the issue of news which the former had aired. Barali was threatened for airing information regarding the expensive fee structure of the school through the Radio Resunga. The victim stated that the perpetrator also seized his camera and recorder. Later, the Principal promised that such incidents would not be repeated in the future, in a meeting witnessed by the local intellectuals on May 2 and a compromise was reached.

RIGHT TO PROMPT AND FAIR TRIAL

A total of 65 criminal cases, where an individual is the plaintiff, were filed this year in the District Court in which 20 were filed by July 16 and another 45 cases, where an individual is the plaintiff, were filed between July 17 and December 31. Of these cases, 32 were decided and 33 remained undecided.

Nine criminal cases were brought forward from last year in the District Court

and 19 cases were filed this year. Of the total 28 criminal cases, six were decided and 22 remained undecided.

64 civil cases were brought forward from last year in the District Court and 57 cases were filed this year. Of the total 121 civil cases 43 were decided and 78 remained undecided.

On the whole, of the 214 cases, 81 were decided and 133 remained undecided at the end of the year. There are not any cases in the District Court that have been pending for more than two years.

CHILD RIGHTS

Laxmi Pariyar, 10, permanent resident of Bohoragaun VDC-6 in Baglung District and temporarily living in Tamghas VDC-3 was allegedly raped and killed by Chandra Bahadur BK, 18, of Dhurkotbastu VDC-9 on January 10. The victim was raped and killed after being taken to a gully near her home. Locals informed the police about the incident when her dead body was found. The accused absconded shortly after the incident, however, the police arrested him on the same day with the help of the locals. BK was sent to jail at the end of the year as per an order from the District Court.

A girl, 3, of Marbhung VDC-1 was allegedly subjected to an attempted rape by Ishwori Prasad Upadhaya, 35, of Tamghas VDC-8 on April 19. The relatives of the victim lodged an FIR against Upadhaya at the DPO on April 20. The accused was believed to have lured and taken the girl to a hotel to rape. The accused was arrested following the registration of the FIR and presented to the Court on May 6. The accused was remanded in jail at the end of the year as per an order from the Court.

This district has a total of 424 ECCDCs. As per the District Education Office, there are 550 primary, 66 lower secondary, 83 secondary and 39 higher secondary schools in the district. Additionally, there are 10 campuses. Hence, a total of 573 schools, ECCDCs excluded, are in the district in which a total of 12,950 students are studying. Of the students, 52,5082 are girls and 50,368 are boys. The Education Office stated that a total of 26,029 Dalit students attend school, of which 13,625 are girls and 12,414 are boys. Similarly, a total of 28,834 children of Janajati community attend schools in which 14,870 are girls and 13,964 are boys. The literacy percentage in the district is 71.5 of which female literacy is 63 and the percentage for males is 80.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempted Rape, Sexual Abuse

A woman, 40, of Hardineta VDC-1 was subjected to attempted rape by Khim Bahadur Saru, 22, of Kharjyang VDC-4 on January 23 while she was walking near her home. Locals rescued her when she cried for help following the incident. The victim filed a complaint with police on January 24 and the perpetrator paid Rs 10,000 to the victim before he was released on bail.

A woman, 22, of Bharse VDC-1 was allegedly subjected to attempted rape by Bal Bahadur Rana, 20, of the same place on October 31 when she was retruning to her home from Butwal. Relatives of the the woman filed a complaint at the DPO on November 20 and the police arrested the accused from his home on November 20. The perpetrator has been remanded in jail as per an order from the Court.

Domestic Violence

Ganga BK, 35, of Thulolumpek VDC-6 was beaten to death inside her home by her husband Harka Bahadur BK, 34, on February 19. Locals stated that the perpetrator, who has a job in India, had been beating the victim frequently since February 25. The perpetrator was arrested on March 12 from his home and was

remanded in jail.

Puspa Aryal, 23, of Anpchaur VDC-7 was driven out of her home by her husband, Pradip Aryal, 27, on March 11 for not bringing a full dowry with her. The victim stated that her husband had been inflicting torture on her regularly and that the torture had affected her mental health. The victim filed a complaint at the District Administration Office on July 20 after she returned from her parental home located at Bami VDC-9. Her family agreed to pay Rs 250,000 to the victim due to mediation by rights activists and journalists in the district.

Polygamy

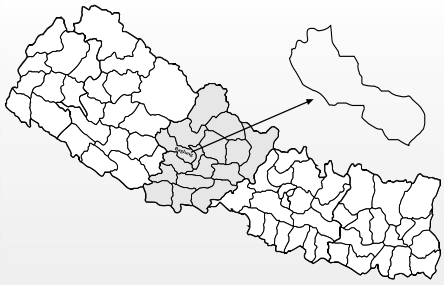
Dhruba Thapa, 28, the husband of Sita Thapa, 26, of Juvung VDC-1 married Sita Khatri, 20 as a second wife on February 13. Sita filed a complaint against her husband on March 4 at the DPO but Dhruba, who works in the Indian Army, was absconding at end of the year.

Narayan Nepali, 29, the husband of Kamala Nepali, 26, of Hastipur VDC-6 married Bishnu Pariyar, 22, of ward no. 7. Kamala stated that she only came to know about her husband's second marriage in February and filed a complaint against her husband for polygamy on May 10.

HEALTH SERVICE SITUATION

The quota for doctors in this district is eight and they were all at work as per the quota at the end of the year. The quota for staff nurses is also eight but only five were at work. Similarly, as per the quota, there should be 19 HAs at work but only 15 were present at the end of the year. The quota for AHWs is 86 but only 79 were at work and 80 VHWs should be at work as per the quota but only 57 were working at the end of the year. The quota for ANMs in the district is 26 but not one ANM was at work at the end of the year. The quota for MCHWs is 64 but 60 were working at the end of the year.

3.13 Baglung



Population : 306,411
Literacy(%) : 70
Women Literacy(%) : 55
Area(Sq. Km.) : 1,784
Number of VDC(s)/Municipality(ies) : 59/1
Number of School(s) : 514/11
Campus(es)/Higher Secondary School(s) : 4/33
Hospital(s)/Health Post(s) : 1/59
Human Development Index : 0.492
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

INJURED IN SHOOTING/EXPLOSION

By Abandoned Explosive Device

Yam Prasad Budha Magar, 35, of Pandavkhani VDC-2 was injured when an abandoned bomb exploded at Lammu in Pandavkhani VDC on the afternoon of May 3. The victim sustained shrapnel injuries to his legs. He received initial treatment at the district hospital and was later transferred to Pokhara.

JAIL AND DETAINEES

The 'E' grade District jail in the district has the capacity to hold 32 inmates but it had a total of 51 inmates at the end of the year. Of the inmates, 30 have been convicted and 21 were detainees. As the number of the inmates exceeded the capacity of the jail, they had been facing such problems as a lack of water, latrines

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	8	6	2	8						
Injured	1	1		1						
Beatings	4	9		9	1	1	1			
Racial Discrimination	1	1	1	2						
Child Rights	2		2	2						
Inhuman Behavior								1	2	2
Total	**16**	**17**	**5**	**22**	**1**	**1**	**1**	**1**	**2**	**2**

and space for sleeping at the end of the year.

An inmate in the District jail went on a hunger strike on April 24 demanding that the Government of Nepal take time off his jail sentence. The other inmates expressed their solidarity with his hunger strike and padlocked the main gate of the jail. However, he ended his hunger strike on April 25 when the administration agreed to write to the Department of Prison about his demand.

THREATS/BEATINGS

By YCL

Bishnudutta Subedi, 55, of Bihun VDC-9, the Principal of Lekhani Higher Secondary School which is located in Lekhani VDC along with other teachers from the same school, Khagraj Kandel, 36, and Khimananda Kandel, 39, were beaten in the school premises by a group of YCL cadres led by the district member, Nara Bahadur Chhetri on April 21. The incident occurred due to the results of examinations conducted in the school. Teachers from the school halted teaching on April 22 in protest of the incident. However, a meeting held at the District Education Office reached a compromise and regular teaching resumed on April 24.

By ANNISU-R

Pujan Budha and Dipak Gharti, both eleven graders from the Burtibang-based New Modern Academy, and the Executive Editor of the Burtibang Weekly, Prakash Regmi, 28, were beaten by the YCL cadres when a meeting was taking place over the school closure on April 27. The injured Budha and Gharti were treated at the United Mission Hospital in Palpa. Police arrested the UCPN-M's Magarat State Committee member cadre Chama Sen, and cadres Chandra Aryal, the Area chairperson of the ANNISU-R Birendra Kharel, Surendra Budha and Dilip Karki on April 29 and released them three days later.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION

(Including Political Freedom and Free and Impartial Election)

A group of people led by the District Member of the NC, Chitra Bahadur Karki and Omkar Thapa set fire to The Dhorpatan Daily on August 30 stating that the newspaper published incorrect information about the NC district chairperson, Prakash Paudel and a General Convention Representative, Jagannath Acharya. A team formed by the FNJ held a discussion with the NC representatives in the district over the burning of the newspaper. The NC acknowledge that burning down was a mistake on their part which they committed in a fit of anger, after which they reached a compromise on September 5.

RIGHT TO FAIR AND PROMPT TRIAL

District Court

There were a total of 202 civil

cases in the District Court by July 16. Of these cases, 132 were decided upon and 70 remained undecided. A total of 72 civil cases were filed in the District Court between July 17 and December 25. Thus, there were a total of 142 civil cases in the District Court by December 25. Of these civil cases, 62 were decided on and 80 remained undecided at the end of the year.

There were a total of 144 criminal cases in the District Court by July 16. Of these cases, 112 were decided on and 32 remained undecided. A total of 62 more criminal cases were filed in the District Court between July 17 and December 25. Thus, there were a total of 94 criminal cases in the District Court by December 25. Of these criminal cases, 41 were decided on and 53 remained undecided at the end of the year.

The District Court informed that not a single case was filed at the court under them Domestic Violence Act during the year.

Appellate Court

There were a total of 94 civil cases in the Appellate Court by July 16. Of these cases, 40 were decided upon and 54 remained undecided. A total of 15 more civil cases were filed in the Appellate Court between July 17 and December 25. Therefore, there were a total of 69 civil cases in the Appellate Court by December 25. Of these civil cases, 24 were decided upon and 45 remained undecided at the end of the year.

There were a total of 76 criminal cases in the Appellate Court by July 16. Of these cases, 42 were decided upon and 34 remained undecided. A total of 21 additional criminal cases were filed in the Appellate Court between July 17 and December 25. Therefore, there were a total of 55 criminal cases in the Appellate Court by December 25. Of these criminal cases, 28 were decided upon and 27 remained undecided at the end of the year.

CHILD RIGHTS

This district has a total of 304 ECCDCs. There are 364 primary schools, 65 lower secondary, 55 secondary and 43 higher secondary government schools. There are also 37 Primary, 11 sower secondary, 13 secondary and four higher secondary private and institutional schools. Excluding the ECCDCs, there are a total of 592 schools in the district where 50,579 girls and 50,016 boys recieve an education. According to District Education Office, a total of 29,245 students are of the Dalit community. Of the Dalit students, 14,893 are girls and 14,352 are boys.

A 17-year-old girl of Paiyunthap VDC and currently living in Baglung Muncipality-2 was allegedly raped by Surya Bahadur Nepali of Pipaltari VDC-6 in Parvat and Raju Bohora of Khaulalakuri VDC-2 on May 3. The duo was arrested on May 4 and was remanded in jail by court order on June 7.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Sangita Shrestha, 28, of Naraynsthan VDC-5 was allegedly strangled to death by her husband Dip Kumar Shrestha, 35, and his second wife Devi Shrestha, 33, on July 16. Following the incident the alleged filed a case with the police stating that Sangita had committed suicide. However, an investigation carried out by police showed that it was a murder case. The police arrested both of them on September 15 and sent them to jail on September 16 as per an order from the court.

HEALTH SERVICE SITUATION

The proposed Zonal Hospital in the district had a quota for six doctors

last year, however, a total of 21 quotas have been approved during the year. As it has not started to provide service as a Zonal Hospital, only three doctors were at work at the end of the year. The quota for staff nurses is nine but eight were at work. A quota has been approved for nine additional staff nurses. The quota for HAs is one and this was filled at the end of the year. A quota for one more HA has now been approved. The quota for AHWs is four and all of them were at work at the end of the year. The quota for VHWs is 59 but only 42 were at work at the end of the year. According to the DPHO, there is one Zonal Hospital, three primary health centers, 58 health posts and sub-health posts. There are a total of 62 health related offices in the district.

3.14 Parvat

Population : 171,844
Literacy(%) : 63
Women Literacy(%) : 57
Area(Sq. Km.) : 494
Number of VDC(s)/Municipality(ies) : 50/0
Number of School(s) : 327/13
Campus(es)/Higher Secondary School(s) : 4/31
Hospital(s)/Health Post(s) : 2/53
Human Development Index : 0.504
Average Household Size : 5

CIVIL AND POLITICA RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold a total of 25 inmates but 43 inmates were in the jail at the end of the year, of these, three were female. Of the inmates, 34 have been convicted and nine are detainees. The female ward in the jail does not have a television and it also lacks a library. The inmates stated that they did not have other means to generate income, except weaving bamboo stools. The inmates also complained that they had to sleep under a tent, even during the winter season, because the jail had exceeded its capacity.

THREATS/BEATINGS

By YCL

An ASI from the Dimuwa Police Post, Khimananda Pageni, Narayan Prasad Paudel and Durga Kumari Lamsal of Tilahar VDC were beaten by cadres of the YCL on February 13. Khimananda received treatment in Pokhara and the rest at the local health post. They reached a compromise making the perpetrators bear the expense of the victim's treatment.

RIGHT TO PROMPT AND FAIR TRIAL

17 criminal cases, where an individual is the plaintiff, were brought forward from the previous year and another 29 criminal cases, where an individual is the plaintiff, were filed this year in the District Court. Of the total 46 criminal cases, where an individual is the plaintiff, 12 were decided upon and 34 remained undecided at the end of the year.

36 civil cases were brought forward from the previous year and a further 26 civil cases were filed this year in the District Court. Of the total 62 civil cases, 16 were decided upon and 46 remained undecided at the end of the year.

Type of Events	By Non-State				By State		
	By Others						
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1		1	1			
Injured	1	2		2			
Arrest & Torture					1	9	9
Beatings	4	6	2	8			
Threats	1	1		1			
Women Rights	8		8	8			
Child Rights	1		1	1			
Total	**16**	**9**	**12**	**21**	**1**	**9**	**9**

CHILD RIGHTS

97 percent of the school age children attend school in this district. There are 275 ECCDCs in the district. There are also 230 primary, 33 lower secondary, 43 secondary and 32 higher secondary government schools in the district. Additionally, there are 30 Primary, four lower secondary and eight secondary private and institutional schools in the district. Excluding the ECCDCs, there are a total of 370 schools in the district and a total of 58,200 students study in these schools. Of the total students, 28,444 are girls and 26,199 are boys.

Pratikshya Paudel, 15, of Patechaur in Bajung VDC-1 and 9th grader at Saraswati Lower Secondary School, was allegedly gang-raped and killed on September 18 by Tej Bahadur Kunwar, 23, Prakash KC, 22, Amrit Kunwar, 20, Bal Bahadur Paudel, 24, and Phanindra KC, 23, of Bajung VDC-1 while she was cutting grass in Modikhet. The victim's family lodged an FIR on September 21 against the accused. The accused were detained for legal action at the end of the year.

The mother of a five-year-old girl of Bungadovan VDC in Baglung and currently living in Majhphat VDC-3 filed a complaint at the police on July 26, against Ram Bahadur Darji, 24, of Majhphat VDC-3, accusing him of raping the girl on July 23. The police arrested Darji after the complaint was filed and remanded him in custody following the District Court's order on August 6. Doctors at the Myagdi Hospital, where the victim was taken for treatment, confirmed that she had been raped. The perpetrator was remanded in custody at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Police arrested Dhruba Shrestha, 30, of Devisthan VDC-3 as per the complaint filed against him on May 5 which accused him of raping a woman, 35, from Mudikuwa VDC-1 on May 2. Following an order from the District Court, the accused was remanded in jail at the end of the year.

Domestic Violence

Gumadevi Bhusal, 30, of Huwas VDC-3 filed a complaint at the DPO on January 1 stating that her husband Jiblal Bhusal, 32, had taken Sita Bhusal as his second wife. Police arrested Jiblal and Sita as per the complaint. They were remanded in custody at the end of the year.

The family of Padmi Kunwar Paudel, 42, of Bajung VDC-8, drove her out of her home on May 15. The victim who had been slandered and deprived of food and proper clothes prior to the incident, filed a case at the District Court on May 17. She was driven out of her home by her husband Ram Bahadur Kunwar, and her brother-in-law Chandra Bahadur Kunwar, Lekh

Bahadur Kunwar. However, they reached a compromise on June 28 when her husband agreed to provide her with a place to live and a partition of their property.

Inhuman Behavior

Man Kumari Subedi, 68, of Thanamaula VDC-4 was beaten by her brother-in-laws Bikas Subedi, Bishnu Prasad Subedi and Prakash Subedi on March 31. They accused her of practicing witchcraft. The victim who was seriously injured as a result of the beating was treated at the Helping Hands Community Clinic at Phalebas. The victim filed a complaint against the perpetrators at the DPO on April 3. The police made the perpetrators pay Rs 1,000 for the treatment of the victim and they reached a compromise on April 7.

HEALTH SERVICE SITUATION

The quota for doctors in this district is five but four doctors were at work at the end of the year; the quota for staff nurses is five but only three were at work at the end of the year. Similarly, the quota for HAs is 16 but only 14 were at work and 50 AHWs were at work whereas the quota for them is 58. 32 VHWs were at work at the end of the year but the quota for them is 42 and the quota for ANMs is 16 but only 10 were at work at the end of the year. The quota for MCHWs is 42 and they were all at work as per the quota. As per the DHO, there is one DH, two primary health Centers, 10 health posts, 42 sub-health posts and 4 aayurvedic hospitals. Hence, there are a total of 59 health related offices in the district.

3.15 Myagdi

Population : 128,441
Literacy(%) : 63
Women Literacy(%) : 50
Area(Sq. Km.) : 2,297
Number of VDC(s)/Municipality(ies) : 40/0
Number of School(s) : 230/10
Campus(es)/Higher Secondary School(s) : 1/17
Hospital(s)/Health Post(s) : 1/42
Human Development Index : 0.498
Average Household Size : 5

CIVIL AND POLITICAL RIGHTS

INJURED IN SHOOTING/EXPLOSION

By State

Subindra Shahi, 29, from Piple VDC-4 and living in Ghatan VDC-6 was injured when an explosive, which had been abandoned by the Nepal Army, went off at Ghumaune Tal in Piple VDC- 1 on June 14. The victim, who sustained injuries to his face and chest, was treated at the Manipal Teaching Hospital in Pokhara. The incident took place at a base camp that had been established by the Kaliprasad Battalion (E) of the Nepal Army for the construction of the Beni-Jomsom road. The army had planted landmines there in the past.

By UCPN-M

Sundar KC, 7, of Muna VDC-2 was injured when a detonator that he found at a relatives home, went off on November

Type of Events	By Non-State								By State		
	By Others					By UCPN-M					
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Injured						1	1	1	1	1	1
Threats	1			1	1						
Racial Discrimination	1	1	1		2						
Women Rights	4		6		6						
Child Rights	3		3		3						
Total	**9**	**1**	**10**	**1**	**12**	**1**	**1**	**1**	**1**	**1**	**1**

10. The incident took place at the victim's maternal uncle's home in Takam VDC-4, while he was with his mother to celebrate the festival of Tihar. The explosion blew off three fingers of his right hand and also injured his face. Police claimed that the UCPN-M had stored the explosive in the house during the conflict. The police also seized another seven detonators from the site of the incident. However, Lalu Kisan, the District Secretary of the UCPN-M stated that other people with ill-intentions could have kept the explosive in that house; he also added that investigation into the incident was still on going.

JAIL AND DETAINEES

The 'D' grade District Jail only has the capacity to hold 25 inmates, but there were a total of 63 inmates in the jail at the end of the year. Of the inmates, five are female, 57 are male and one is a dependent child. 34 inmates have been convicted and 48 are detainees. The jail has facilities such as drinking water, sports equipment, televisions and telephone. Inmates have been weaving bamboo stools and cloth to generate income.

RIGHT TO FAIR AND PROMPT TRIAL

A total of 335 cases had been filed at the District Court by December 22, of these only 220 cases were decided upon and 127 remained undecided. Of the total decided cases, 145 had been brought forward from the previous year.

CHILD RIGHTS

This district has a total of 273 schools. There are 156 primary, 38 lower secondary, 32 secondary and 16 higher secondary government schools., There are also 17 primary, seven lower secondary, five secondary and two higher secondary institutional and private schools. This district has one private and two community colleges. There are a total of 10,980 girls and 10,509 boys studying at a primary level and a total of 4,647 girls and 4,258 boys at a lower secondary level. Furthermore there are a total of 2,297 girls and 2,115 boys at a secondary level. A total of 15,576 students belong to the Janajati community and a total of 10,341 students are from the Dalit community.

Schools remained closed for seven days in the district as a result of the strike called for by the UCPN-M from May 1 to 7. All 273 schools remained closed during the strike depriving a total of 35,686 students of getting an education. On almost everyday of their strike the UCPN-M had used the school children and had provided them with sticks. However, the District Secretary of the UCPN-M, Lalu Kisan claimed that no school students or children were formally used by them during the strike.

Kamal Purja, 29, and Gunmaya Purja, 31, of Bakhet in Patlekhet VDC-9 killed their 11-month-old daughter on May 29 by stabbing her with a khukuri. The victim, who was sick, was killed by

her parents on their way back from a witchdoctor's home. The perpetrators were remanded in jail as per an order from the District Court. The perpetrators have a two-and a half year old son with them in jail.

ALL KINDS OF DISCRIMINATON AGAINST WOMEN

Women Trafficking

Police filed a case related to human trafficking against Maya Sarki, 26, of Arthunge VDC-6 on October 18 as per a complaint filed by Mansuwa Sarki, 51, of Ghatan VDC-5, Chankumari Sarki, 32, of ward no. 6 and Manju Sarki, 18, of Majhphant VDC-1 in Parbat District. The complaint stated that they had been taken to Delhi in India for trafficking purpose. They were lured there with the promise that they would be sent to Saudi Arabia for jobs. The victims, who had been taken to Delhi using fake citizenship identity cards, were brought back to Nepal with the help of the police, human rights defenders and Kopila Shrestha, a relative. Maya was arrested and remanded in custody as per the order of the District Court on November 16.

Rape, Attempt to Rape, Sexual Abuse

A hearing and speech-impaired woman from Babiyachaur VDC in Salyan was allegedly raped by Dan Bahadur Karki, 31, of the same place on September 11 while she had gone to the buffalo shed alone to feed the buffalos. The accused was remanded in custody on September 30 as per an order from the District Court.

Polygamy

Gyanmaya Phagami, of Arman VDC-9 filed a complaint at the DPO on August 24 stating that her husband Gam Bahadur Phagami took a second wife when he married Beskumari Rai on July 11. Gam Bahadur was remanded in jail on October 7 as per an order from the District Court whereas Beskumari was at large.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The report of the District Development Committee states that 70 percent of the people in the district do not produce enough food to live on for the whole year. 20 percent of people have insufficient produce to live on for three months, and only 20 percent of people in the district can live on their produce for three to six months. In addition, only 30 percent of people can live on their produce for six to nine months. 10 percent of the people in the district are landless and squatters and 35.5 percent of people have less than half a hectare of agricultural land.

Destruction Property

The ANNISU-R cadres vandalized Beni Secondary School and Buddha Academy located in the district headquarters Beni on April 25. They stated that the attack was the resut of defying the closure which had been called for an uncertain period. The ANNISU-R had called for private schools closure demanding that they reverse the decision to increase tuition fees. Furniture and glass in the school buildings were damaged om the incident. Police arrested the District Secretary of the ANNISU-R Prakash B K, and other cadres Ram Prasad Sharma, Gokul Bohora, Sajjan Bohora and Wakil Bhandari on the suspicion of being involved in the incident. However, they were released in the evening after a compromise was reached. The private schools remained shut for four days. because of the closure.

HEALTH SERVICE SITUATION

The quota for doctors in the district is two and this was filled at the end of the year. The quota for HAs is 31 but only 26 were at work at the end of the year. Additionally, the quota for staff nurses is four but only two were at work; 35 AHWs were at work whereas the quota for them is

43. Likewise, the quota for ANMs is eight but four were at work at the end of the year, and the quota for VHWs is 31 but only 14 were at work at the end of the year.

This district has two hospitals of which one is government and the other private. Additionally, the number of primary health centers, health posts and sub-healh Posts is one, eight and 31 respectively.

3.16 Mustang

Population	: 15,627
Literacy(%)	: 54
Women Literacy(%)	: 40
Area(Sq. Km.)	: 3,573
Number of VDC(s)/Municipality(ies)	: 16/0
Number of School(s)	: 65/5
Campus(es)/Higher Secondary School(s)	: 0/2
Hospital(s)/Health Post(s)	: 2/18
Human Development Index	: 0.482
Average Household Size	: 5

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'E' grade District Jail has the capacity to hold 10 inmates. At the end of the year, there were four inmates, of which one is a convict and three are detainees. At the time of monitoring of the jail, it was found that the jail building was in need of renovations and it was felt that a compound and a play ground were also required. Additionally, the sleeping rooms were too cold, and there is a need for beds or for the inmates with.

THREATS/BEATINGS

By Others

The chief editor of the Himalpariko Awaz weekly newspaper, Bhim Bahadur Rasaili, 37, of Marpha VDC-5, was beaten and had soot smeared on him at Tukuche village in Tukuche VDC by the locals and members of the Shushri Melbandha Group on August 30. The President of the Shushree Melbandha Group, Sumita Sherpa, stated that the weekly had published an article on the involvement of a mother and daughter in the sex trade in the village. They added that the editor could not, when asked for, provide the name of the mother and daughter, so he was beaten by an irate mob who felt that the news had a negative affect on the whole village.

RIGHT TO PROMPT AND FAIR TRIAL

One murder case was brought forward from last year in the District Court and three other cases were filed this year. At the end of the year, no case had been ruled on. Being a small district with a low population, very few cases are filed in this district. The number of filed cases is also low here because of the traditionally practiced Mukhiya custom (to have a village ead) in which minor cases are settled at the village and community level. However, the number of filed cases is gradually increasing in the District Court.

CHILD RIGHTS

There are 44 primary child development centers in this district. In addition, the number of primary, lower secondary and higher secondary community schools is 46, nine, five and two respectively. This district has 4 primary, 1 lower secondary and 1 secondary institutional/

Type of Events	By Non-State			
	By Others			
	No. of Events	Male	Female	Total
Beatings	1	1		1
Child Rights	1		2	2
Inhuman Behavior	1	1		1
Total	**3**	**2**	**2**	**4**

private school. Thus, excluding the Primary ECCDCs, there are a total of 68 schools in the district. There are a total of 2794 students in the district, of which 1407 are girls and 1387 are boys. As per the records of the District Education Office 847 students are Dalits, of which 404 are girls and 443 are boys.

All the schools in the district remained closed on May 2 due to a strike called for by the UCPN-M. In addition, Jahahit higher secondary school and Dhaulagiri Boarding Secondary School, located at the district headquarters remained padlocked. However, a meeting among civil society, the NC, the UML, the UCPN-M and the District Administration reached an agreement to open the school on the same day. They also agreed not to close schools in the future in the district Because of Bandha. Similarly, the Teachers' Struggle Committee of Mustang called for the closure of all schools in the district from June 22 to July 2 demanding that the local teachers be treated equally in the matter of getting an allowance. The students were deprived of getting education due to such closures.

Two girls, 6 and 7, of Darwang VDC in Myagdi district were allegedly raped by Dhan Bahadur Thakali of syang, Marpha VDC-6 on April 27. The girls were raped in a Buddhist monastery and the perpetrator was released on bail on June 23 after he paid Rs 10000.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Jhuma Custom

The traditional Jhuma custom exists in the district. The custom means that the second daughter in the family (if the parents have three daughters) has to live in a Buddhist monastery. Although this custom is no longer in practice in many places of the district, it continues to exist in some places. Jhuma Palchom Gurung of Jhong VDC stated that this problem is decreasing slowly as, nowadays, the parents tend to only have one or two daughters. The marriage of Jhuma is not restricted in the district; however, once a Jhuma gets married, she has to apologize to the chief Lama or Guru in the monastery rather than to her parents. Furthemore, she has to pay Rs 6,000 to the monastery. Jhumas have equal status to Lama and Dhawa in the matters of worshipping, however, the former have to allocate a certain amount of money, which they get as a wage and from offerings by devotees to the monasteries. Although, they enjoy equal facilities there, Jhumas have not got the opportunity to become the chief of the monasteries.

Mukhiya Custom

The Mukhiya custom (to have a Village Head) traditionally exists in this the district. This custom tends to take law of land into its own hands and, thus, sometimes decides in violation of the existing laws of the country. This custom is used to collect taxes from the entrepreneurs, for the development of the villages. The locals say the collected amount is spent based on the consensus and decisions of the locals in various development activities of the village. As per this custom, the tax payers need not donate physical labor at the time of the construction works in the village. Most of the people in the

district feel that they are satisfied with this custom. The chairperson of Civil Society in Mustang, Chandra Bahadur Thakali said that at a time when there is a lack of local government bodies and policies in the country, this custom made the work easier, faster, more transparent and less problematic. He added that the working procedures were getting improved and the process of selecting Mukhiya was also becoming democratic. Umesh Kumar Dhakal, the Chief District Officer stated the Mukhiya custom is not bad in itself however; the Mukhiyas are in need of some training to help strengthen the perceived weaknesses in this custom. Some of the villages of Upper Mustang do not have the provision of having a Mukhiya.

HEALTH SERVICE SITUATION

This district has a quota of four doctors and four doctors were working at the end of the year. There is also a quota for 10 SAHW/HA but only six were working in the district, and a quota for 20 AHW, whereas only 15 were at work at the end of the year. Likewise, the quota for ANM in the district is 13 but only six were at work at the end of the year. The quota for maternal and child health workers is seven but only six were at work at the end of the year.

There are a total of 18 health related offices in the district. According to the DPHO, there is one primary health centre, eight health posts, seven sub-health posts and two arrived clinics offices in the district. Additionally, there exist non-government and the privately run health institutions. However, there is a lack of specialists for particular health problems and often planes or helicopters have to be chartered to airlift the sick people to major cities. This has made the people in the district bear the burden of expensive treatment.

4. MID WESTERN REGION

4.1 Dang
4.2 Pyuthan
4.3 Rolpa
4.4 Salyan
4.5 Rukum
4.6 Banke
4.7 Bardiya
4.8 Surkhet
4.9 Jajarkot
4.10 Dailekh
4.11 Dolpa
4.12 Jumla
4.13 Kalikot
4.14 Mugu
4.15 Humla

4.1 Dang

Population	: 585,613
Literacy(%)	: 673
Women Literacy(%)	: 50
Area(Sq. Km.)	: 2,955
Number of VDC(s)/Municipality(ies)	: 39/2
Number of School(s)	: 461/84
Campus(es)/Higher Secondary School(s)	: 2/37
Hospital(s)/Health Post(s)	: 5/40
Human Development Index	: 0.409
Average Household Size	: 7

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Others

The chairperson of the management committee of Community Radio Tulsipur, Devi Prasad Dhital 'Hemraj' was shot dead by an unidentified group while returning from Urahari on July 22. Dhital, 42, of Rajoura, Tulsipur VDC-6 was shot by the group of around five men at Jaspur, in Urahari VDC-4 as he was returning from election preparations for NC, Urahari VDC Unit. A previously unheard of group, identifying themselves as the Hijackers Defense Group, owned up to the killing in a letter sent to a local FM station two weeks later. The letter with a sender's address of Libang VDC-12, Rolpa was sent to Radio Madhyapaschim, the date it was posted is unknown. The letter contained a warning that action would be taken if the letter was not made public on air. The letter further stated that Dhital was killed because he had carried out activities which the group opposed. Police refused to accept the group's claim, they concluded that an investigation was ongoing. No one had been arrested in connection with the murder.

INJURED IN SHOOTING/EXPLOSION

By State

Four policemen from the DPO of Ghorahi Municipality-11, Education Office Road, were injured when a sutali bomb went off in the weapon warehouse on April 21. The injured were identified as ASI Pramod Bhandari, 26, of Sitalpati VDC-9 of Salyan District, Head Constable Kamla Oli, 28, Police Constables Madhu Shrestha, 24, of Kutichaur, Tarebang VDC-7 of Pyuthan district and Rajkumar Chaudhary, 27, of Chitkaiya, Thakurduar VDC-3 of Bardiya District. Madhu Shrestha and Rajkumar Chaudhary received treatment from Rapti Sub-Regional Hospital of Ghorahi and the severely injured Kamal Oli and Pramod Bhandari underwent treatment in Kathmandu.

By Others

In the home of Jibraj Dhital, 72, of Malwar, Duruwa VDC-8 a cylinder bomb was detonated by an unidentified group on the night of September 4. The explosion caused damage to a three-storey, vacant house. The Area Police Office, Tulsipur removed a remaining cylinder bomb that had not exploded. On the same night, the victim filed a complaint demanding compensation in the Area Police Office, Tulsipur. No one claimed responsibility for the blast. The Dhital family was staying in Tulsipur after the Maoists captured their land and house in 1999.

Type of Events	By Non-State									By State		
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	N/A	Total	No. of Events	Male	Total
Killing	6	3	4		7							
Injured	2	3			3					1	4	4
Beatings	6	11	1		12	5	11		11	3	3	3
Threats	1			39	39	1	1		1			
Racial Discrimination	1	1	1		2							
Women Rights	4		4		4							
Child Rights	4		3	4	7	1		1	1			
Inhuman Behavior	1	1			1					2	3	3
Abduction	1	1			1							
Total	**26**	**20**	**13**	**43**	**76**	**7**	**12**	**1**	**13**	**6**	**10**	**10**

JAIL AND DETAINEES

Tulsipur Jail

The 'B' grade Tulsipur Jail has the capacity for 100 inmates. At the end of this year there were a total of 110 inmates; including 89 male convicts, 16 female convicts and five male detainees. There are four children in the Jail. Due to this overcrowding there are a number of problems in the Jail. While the inmates are provided with facilities, such as, electricity, health, newspapers, radio, television and sports equipment, there remains a problem of adequate drinking water despite the fact that three tanks of drinking water have been allocated.

Gorahi Jail

The 'E' grade Gorahi Jail has 58 male convicts and 63 male detainees, altogether 121 inmates at the end of this year. The Jail has the capacity to accommodate only 50 inmates. The Jail doesn't have any female inmates or children. Inmates face a number of problems due to the extreme overcrowding in the Jail. The inmates are provided with health facilities, radios, newspapers, televisions, sports equipment and reading materials. However, there is a problem of a lack of adequate drinking water and toilets.

DISAPPEARANCE/ABDUCTION

By Others

Mukunda Gautam, 59, of Bijauri, Bijauri VDC-5 and also a cadre of NC was abducted by an unidentified group on his way to Kathmandu from Dang on the night of August 1. He had been in Dang attending a party election of Bijauri village. The victim's family suspected that he had been abducted when they realized that his mobile was switched off. Gautam's son filed a missing person report at the Area Police Office, Tulsipur on August 5. His whereabouts remained unknown at the end of the year.

THREATS/BEATINGS

By State

Kamal Pun, 22, of Milan Chok, Ghorahi Municipality-10 was beaten by Inspector Naresh Dangi of the Ghorahi City Police Office on February 23. According to the victim, he went with policemen, dressed in plain clothes, under the pretext of receiving work. They then beat him with boots and pipes in an attempt to coerce a confession of theft from him. Pun sustained bruising to his back and leg. He stated that he was released three days later, when, his wounds had healed. He did not file any complaints regarding

the incident.

The driver of a car with the number plate Ra 3 Kha 829, Fulpat Chaudhary, 30, of Bankatta, Sonpur VDC-6 was beaten up by Traffic Police Constable, Baburam Sunar, for allegedly refusing to stop his vehicle at Lamahi Chok in Gorahi MCP-11 on July 13. Chaudhary sustained bruising to his hands, back and legs. Later that day, the Traffic Police, a Transportation Business representative and the victim reached an agreement, as retribution to the victim, Sunar was transferred and asked to apologize to Chaudhary.

Mukesh Sharma Rijal, 18, of Lamahi, Chaulahi VDC-2 was taken to the Lamahi Area Police Office and was severely beaten up by ASP Sombahadur Saru Magar on July 7. Rijal's mother, Geetadevi Sharma Rijal, said that Rijal was arrested without a warrant from Bangaun, Chailahi VDC-9 and was tortured for organizing a press conference on July 17. The victim said that he was severely beaten with a pipe and boot by Saru. He sustained injuries to his feet, back, legs and stomach. He received treatment at Butwal Community Hospital Lamahi. The perpetrator went unpunished.

By UCPN-M

Tarun Dal general convention representative, Guman Singh Gurung, 36, of Gadawa, Gadawa VDC-2 and a cadre of NC, Manikapur Dorna KC of Gadawa VDC-5 received threats to their lives as political revenge from cadres of the UCPN-M on May 2. According to the victims, on the day of a general strike called by the UCPN-M, a group of 10/15 cadres of the UCPN-M called them at night under the pretext of having work for them at Gadawa Bazaar. When they went there, they were threatened and beaten. Political Parties except that of UCPN-M tried to take action against the perpetrators of the incident by organizing a meeting at Gadawa on May 4. The victim did not lodge a police complaint.

Business people, Top Bahadur Jhakri, 45, Jivlal Khanal, 32, Binod Pandey, 38, and Amit Tiwari, 34, of Bhaliwang, Lalmatiya VDC-3 were harassed and assaulted by cadres of the UCPN-M for defying an indefinite general strike called by the party. The UCPN-M had allowed shops to open from 6 pm to 8 pm. The victims said that they were accused of defying the strike because they closed the shop shortly after 8 pm. On May 7, UCPN-M Bhaluwang said that the incident was unintentional and unplanned. The victims did not file a complaint.

Sarita Subedi, 25, of Bhaiskurma, Laxmipur VDC-2 and the Dang reporter of the Gorkhapatra Daily, Dang was harassed and threatened by the UCPN-M 11 no. Area member and the YCL in-charge of Laxmipur Basanta Adhikari alias Bishwa on May 9. This was due to an article published in the Sanghiya Rastriya Daily on May 7. In a meeting at the FNJ, Dang on May 11 both the victim and the perpetrator promised that such incidents would not be repeated in the future. The victim did not file a complaint.

The vice chairperson of Hapur village unit committee of NC, Laxche Chunara Kami, 72, of Gurje, Hapur VDC-2 was injured in a beating by cadres of the UCPN-M on May 13. The victim said that he was beaten up by cadres Chitra Bahadur Thapa and Man Bahadur Buda when he was building his house. The victim received treatment at the Rapti Sub Regional Hospital, Ghorahi. A complaint was filed at the DPO, Dang by the victim on May 14. Later that day the police arrested both perpetrators. A compromise was reached, in the DPO on May 16 when the perpetrators agreed to pay the victim's medical bill .

Binit Khadka, 32, and Pradip

Bhandari, 29, of Satbariya VDC-8 were severely beaten up by the UCPN-M cadres in the Jungle of Tele in Satbariya VDC-9 on May 20. The victims said that while returning from Tele Jungle after the completion of their work, the cadres demanded a huge amount of money from them and when they refused to handover the money they were beaten with khukuri, stones and sharp weapons. Khadka and Bhandari sustained injuries to their heads, hands, and legs. Khadka received treatment in Kathmandu while Bhandari was treated in Nepalgunj. The victims filed a complaint, at the Area Police Office on May 21 seeking strong action to be taken against the perpetrators, Lamahi. Man Singh Oli, Amar Giri, Suresh BK, Juddhabir Chaudhary and Bikram Chaudhary were arrested by the police. Bikram Chaudhary was released as per the order of District Court Dang after paying a bail of Rs 15,000 while the rest were released after paying a bail of Rs 8,000 per person on June 15.

By UML

Cadres of the UCPN-M Deepak Gautam, 26, Kiran Gautam, 35, Chakraman Giri, 32, of Hekuli VDC were attacked and beaten up by UML cadres during a discussion in the Hekuli Area Police Office on June 17. Police arrested Om Chaudhry, Anil Chaudhary and Ramit Chaudhary on the same day. The victims said that the perpetrators were released six days later, without any action taken against them.

By YCL

Sharad Shejuwal, 28, and Ramesh Sejuwal, 28, of Dhikpur, Dhikpur VDC-1 were injured in a beating by cadres of the YCL during a transportation strike of three hours called by UCPN-M at Narayanpur Bazzar on June 11. Sharad and Ramesh sustained injuries to their heads. They received treatment at the Rapti Sub-Regional Hospital, Ghorahi. The victims did not file a complaint.

By Youth Force

District member of the UCPN-M and YCL Tharuwan National Council member, Babin KC alias Patan, 23, of Rukum district was severely injured with khukuri by cadres of the Youth Force at Lamahi in Chailahi VDC-2 on June 10. Police said that the victim sustained injuries to both his hands. Central Committee member of the Youth Federation Arjun Gurung and 10/15 members said that the attack was for political revenge. To protest the incident the UCPN-M, Dang called a strike from 12 pm to 3 pm throughout the district on June 11. The victim filed an FIR at the Area Police Office, Lamahi on June 16. Police arrested one of the perpetrators Kuldip KC, 38, of Chailahi VDC-2. He was released after paying a bail of Rs 10,000. Police said that the other perpetrators including; Arjun Gurung, 30, Krishna Gurung, 32, Suman KC, 27, Kumar Bhattarai, 40, Gaurav Singh, 29, Parsu Chaudhary, 24, were still absconding at the end of the year. The victim underwent treatment in Lucknow.

By MJF-Loktantrik

Along with the Tharuhat Federal State Council office secretary, Ramraj Chaudhary, 36, of Katewarua, Bela VDC-2, Tek Bahadur Chaudhary, 19, of Satbariya ,Satbariya VDC-5, Ganesh Chaudhary, 22 and Sunil Khadka, 23, of Lamahi, Chaulahi VDC-2 were injured in a beating by cadres of MJF-Loktantrik at Dhankhola, Goberdiha VDC-1. All the injured underwent treatment at the Community Hospital Lamahi. MJF-Loktantrik cadre Binod, Chaudhary said that the attack was an effort to defend themselves because the Tharuhat cadres had attacked them and used abusive language. Chaudhary also

claimed that his three cadres Phiroj Khan, 22, of Gadawa VDC-2, Santosh Chaudhary, 23, of Lamahi and Rajkumar Chaudhary, 26, of Lamahi sustained injuries after the Tharuhat attack. Tharuhat filed a complaint demanding strong action against the cadres of MJF-Lokatantrik Birendra Chaudhary at the Area Police Office, Bhaluwang on April 18. No action had been taken against the accused at the end of this year.

By Others

Yubraj Pokhrel, 60, of Narayanpur, Narayanpur VDC-1 and Hridyalal Pandit, 30, of Barmajiya VDC-5 of Saptari District, staying in rented accommodation at Narayanpur, were injured when an unidentified group attacked them with Khukuri on May 16. A group of five/six people attacked Pokharel near a spring while he was fetching water. Pandit was attacked in his room at around 7 pm. Pandit underwent treatment at Ghorahi whereas Pokharel received his initial treatment at Rapti Sub-Regional Hospital, Ghorahi and was later transferred to Nepalgunj for further treatment. The victims did not file a complaint. The whereabouts of perpetrators remained unknown.

RIGHT TO PROMPT AND FAIR TRIAL

At the District Court, there were 187 criminal cases till July 16 of which 132 were decided. From July 17 to November 21, 582 criminal cases were filed out of which 377 were decided. A total of 316 criminal cases, where an individual is the plaintiff, were filed, of which, 230 were decided. From July 17 to November 21, 31 criminal cases, where an individual is the plaintiff, were filed and 22 of them were decided. Similarly, 37 civil cases filed before July 16, of which, 35 cases were decided. Of 81 civil cases filed between July 17 to November 21, 25 cases were decided.

At the Appellate Court, there were 259 criminal cases by July 16, of which, 184 were decided and 85 remained undecided. From July 17 to November 21, out of 47 cases, seven were decided. Out of 75 cases, where an individual is the plaintiff, 51 cases were decided and 24 remained undecided. From July 17 to November 21, 15 cases were filed out of which five were decided. Till July 16, a total of 195 civil cases were pending of which 117 were decided. From July 17 to November 21, 62 cases were filed of which eight were decided.

Office of the District Government Attorney registered four cases of public offence, six cases of murder, 10 cases of road accidents, one case of arson, three cases of theft, two cases of rape, 17 cases of compensation, two cases of smuggling of forest products, three cases of attempted murder, two cases of drug trafficking, polygamy and one case of arms and ammunitions.

CHILD RIGHTS

Altogether the Dang District has 507 ECCDCs. Under community schools there are 275 primary, 50 lower secondary, 50 secondary schools and 15 higher secondary schools. Likewise, there are 64 primary, 11 lower secondary, 35 secondary, 12 higher secondary private schools. There are 128,664 students in community schools and 20,698 students in private schools up to secondary level.

A 14 year-old-girl of Masuriya, Lalmatiya VDC-8, was allegedly raped by four local youths from the same place on September 2. ASI Dalbir Chaudhary of the Area Police Office, Bhaluwang said that Subash Chaudhary, 20, Sandip Chaudhary, 18, Rabin GC, 18, and Anil Gharti, 18, raped the girl inside the house of Rabin. Police arrived at the site after locals reported the incident. The APO, Bhaluwang said that among the accused, Subash was arrested on the day of the

incident while the others were arrested on September 4. The accused were kept at the police station on remand following the order of the District Court on September 28. The girl underwent treatment at the primary health centre, Lamahi.

Hom Bahadur Chaudhary, 10, of Dubichaur, Dikhpur VDC-7 was abducted by Diplap Sen Oli, Bhadra Singh Oli and Ram Bahadur Oli of Okhara, Narayanpur VDC-4 on January 26. He was abducted from the Swargadwari School of Narayanpur, Narayanpur VDC-1. The body of the boy was found buried at the house of the accused Diplap Sen Oli on February 11. The accused had asked for a ransom of Rs 500,000. The DPO, Dang arrested the accused from their homes on February 11. The accused are being kept at Gorahi Jail and the case was going on at the end of the year.

Madan Chaudhary, 11, of Bodipur, Gangaparaspar VDC-9 was severely beaten by the science teacher Nishant GM, of Pal Academy Boarding School of Ghorahi Municipality-11 for failing to answer his questions on September 16. Madan, the son of Mangal Prashad Chaudhary, was staying in rented accommodation at Gulariya, Ghorahi Municipality-2. He sustained injuries to his leg as a result of the beating,. Chaudhary was a fourth grade student at the school. The victim did not file a complaint.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

An 18-year-old woman of Chunbang VDC-2 of Rukum District was allegedly gang-raped by Sachin Yogi, Sunil Oli, Yaddav Tandan, Niketan Giri, Buddhi KC, Suresh KC, Chandrabahdur BM, Krishna Sagar Oli, Rajiv Koirala and Nabin Basnet at a farm on June 29. She was taken to the farmland, three kilometers away from the "New Rapti Guest House" where she was staying. The accused were allegedly under the influence of alcohol. The victim filed a complaint at the Area Police Office, Tulsipur on June 30. Police arrested Sachin Yogi, Sunil Oli, Yadav Danda, Niketan Giri, Buddhi KC and Suresh KC and they were kept at the District Court following a court order on October 25. The others were still absconding at the end of this year. The DPO said that the investigation was going on.

A 46-year-old woman of Jaubari, Purandhara VDC-8 accused two police head constables of the police post at Hansapur with gang-raping her at Kuirepani, Purandhara VDC-8 on December 27. The accused were identified as police head constable Dharmabahadur Malla, 36, of Attariya VDC-8 of Kailali district and constable Balaram Chunar of Khalanga VDC-8 of Rukum district. The victim said that she was arrested, charged with disputing with a neighbor and was gang-raped on the way to the police station by the accused, who were allegedly drunk. The victim filed an FIR at the Area Police Office, Tulsipur on December 31 seeking strong action be taken against the accused. The accused were arrested on December 30 after an oral complaint from the victim and police said that the investigation into the incident was underway.

Domestic Violence

Parbati Bohara, 50, of Tarigaun VDC-1 was severely injured from a beating with steel rod by her husband Gorilal Bohara, 56 who was in inebriated condition on November 17. The victim died while undergoing treatment at Rapti Zonal Hospital, Tulsipur on November 19. The accused was arrested after the victim's brother filed an FIR at the Area Police Office, Tulsipur on November 20. The accused was kept in jail following an order

of the District Court, Dang on December 10.

ALL KINDS OF RACIAL DISCRIMINATION

Lokbahadur Mahatara Chhetri, 23, and Puspa BK, 28, of Gooberdiha VDC-1 were evicted from their home by their families on September 23 due to their inter-caste marriage. The victims said that the family members refused to accept the new bride as she was Dalit and both of them were expelled from the house. The couple got married on September 15. The couple was staying in the girl's house at the end of the year.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property, By ANNISU-R

ANNISU-R vandalized the property and computer of the Rosy Borders Balbatika School for defying the indefinite private school strike called by the party in protest of the increment of school fees on April 25. Raj Yadav, a school teacher, said that the damage amounted to around Rs 50,000. Similarly, the protestors also vandalized the property of the Sunlight Secondary School of Chailahi VDC-2 on the same day. ANNISU-R also vandalized the property of the Tulsi Higher Secondary School of Tulsipur MCP-5 on April 27. School officials said that furniture and windows panes had been damaged. Principal Bhisma KC said that along with him, school teachers Kashiram Nepali, Kailash Khatri and Chimlal Chaudhary were mistreated for defying the strike.

By Others

The Secondary School of Sewar, Ghorahi Municipality-8 was set on fire by an unidentified group on the night of June 17. The fire caused about Rs 700,000 worth of damage to the property; this included damage to the school's warehouse, desk, chairs, benches and 20 sacks of cement. The perpetrator of the incident was not identified till the end of the year.

HEALTH SERVICE SITUATION

The Dang district consists of one sub-regional hospital. The sub-regional hospital stated that although the hospital has altogether 72 health staff including as the quota for 19 doctors, four assistant health workers and three ANMs seven doctors and nine others were vacant. There is one Zonal Hospital in which there is quota for one medical superintendent, two medical officers, 18 staff nurses, four ANMs, four AHWs and 15 others. There was one medical superintendent, two medical officers, 18 staff nurses, four ANMs, four AHWs, five medical officers on contract and three ANMs and three assistant health workers at work in the hospital and 15 of various allocated positions were still vacant at the end of the year. There are four area health centers, 10 health posts, and 26 sub-health posts. Similarly, there is one ayurvedic hospital which has a quota for 24 health personnel. There is one eye hospital and two ayurvedic medical stores in the district.

4.2 Pyuthan

Population : 251,929

Literacy(%) : 55

Women Literacy(%) : 40

Area(Sq. Km.) : 1,309

Number of VDC(s)/Municipality(ies) : 49/0

Number of School(s) : 333/13

Campus(es)/Higher Secondary School(s) : 1/13

Hospital(s)/Health Post(s) : 1/11

Human Development Index : 0.416

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail had 36 male and four female convicts at the end of this year. There are eight male and two female detainees. Altogether there are 50 inmates in Pyuthan Jail. These 50 inmates find the living conditions in the jail difficult because it only has the capacity to hold 25 inmates.

DISAPPEARANCE/ABDUCTION

By Others

Keshav Bohara, 20, of Kasheri, Khalanga VDC-1 was abducted by an unidentified group from Pani Tanki on his way to Tiram VDC from Devisthan during the course of his work on June 30. He was released from Mahendrapur in Kapilvastu on July 1. He was the vice-chairperson of Radio Mandavi and HIV/AIDS program supervisor of the District Red Cross, Pyuthan. The abductors had not been identified and the reason of abduction was unknown. The victim was displaced to Kathmandu after the incident.

THREATS/BEATINGS

By UCPN-M

Suresh Adhikari, 25, of Dharampani VDC-4 was beaten up at Nishantakura by a group of the UCPN-M on his way home from the headquarters Khalanga on May 5. He underwent treatment at the local health post. After the incident, cadres of the Rastriya Janmorcha abducted two cadres of the UCPN-M for one night and then handed them over to the DPO.

RIGHT TO PROMPT AND FAIR TRAIL

A total of 47 criminal cases were decided and 12 remained undecided in the District Court by July 16. Similarly, a total of 11 criminal cases were filed at the District Court between July 17 and December 31, of these cases, two were decided and nine remained undecided.

A total of 43 criminal cases, where an individual is the plaintiff, were decided and 25 remained undecided in the District Court by July 16. Similarly, a total of 16 criminal cases, where an individual is the plaintiff, were filed in the District Court between July 17 and December 31. Of these cases, five were decided and 11 remained undecided.

There were 72 civil cases decided and 27 remained undecided in the District Court by July 16. Similarly, a total of 14 civil cases were filed in the District Court between July 17 and December 31. Of these civil cases, only one was decided and 13 remained undecided at the end of the year.

Office of the District Government Attorney registered 16 cases this year, of which, none were decided.

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	2	1	1	2			
Beatings					2	2	2
Women Rights	2		2	2			
Child Rights	1		1	1			
Abduction	1	1		1			
Total	**6**	**2**	**4**	**6**	**2**	**2**	**2**

CHILD RIGHTS

There are 321 ECCDCs, two alternative schools, three community education centers, 284 primary schools, 54 lower secondary schools and 38 secondary schools in the Pyuthan district. Altogether there are 68,106 students studying in 376 community schools, excluding ECCDCs in the district.

Two girls of Aglung VDC-5 of Gulmi District were allegedly gang-raped by Subash Khadka, 24, of Okharkot VDC-6 and Jitendra DC, 24, of Tusara Gagis at Khungkhola, Khung VDC-4 on November 3. Victims filed a complaint at the DPO on November 4. Those accused of the incident were remanded in the District Jail on December 4.

ANNISU-R called for a nation wide closure of private schools from April 25-29 in protest against the high fees being charged by the schools charge during the admission period. The closure of these 22 private schools in the district deprived about 5,000 students of their education.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

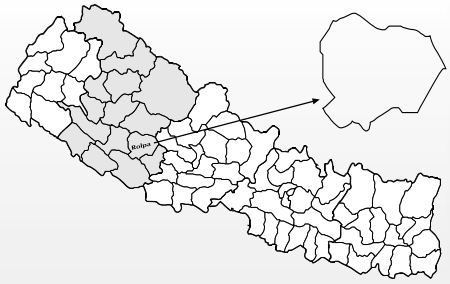
Rape, Attempt to Rape, Sexual Abuse

A 22-year-old woman, of Puja VDC-2, was allegedly subjected to an attempted rape by Deepak Bhandari, of Khunga VDC-3, while she was in her room at the Khalanga headquarters on November 23. She filed a complaint asking for strong action to be taken against the accused at the DPO on November 24. The accused absconded after the incident and was yet to be apprehended at the end of the year.

HEALTH SERVICE SITUATION

The district hospital of Pyuthan has been provided with a quota for three doctors, four staff nurses, one health assistant, two CMAs, two ANMs, one radiographer, one lab technician and two assistants. However, the quota for one staff nurse and one quota lab technician were vacant at the end of this year. Similarly, health posts and sub-health posts have a quota for 16 HAs, 52 AHWs, 49 VHWs and 35 MCHWs. 18 out of the allocated 49 rural health workers were not at work at the end of the year.

4.3 Rolpa



Population : 241,397
Literacy(%) : 43
Women Literacy(%) : 31
Area(Sq. Km.) : 1,879
Number of VDC(s)/Municipality(ies) : 51/0
Number of School(s) : 297/8
Campus(es)/Higher Secondary School(s) : 1/10
Hospital(s)/Health Post(s) : 1/51
Human Development Index : 0.387
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail has 54 male and four female inmates at the end of the year, though it only has the capacity to accommodate 50 inmates. There were 21 male and two female convicts, and 33 male and two female detainees.

Inmates are compelled to live in overcrowded rooms. During the rainy season there is a problem of water leaking from the roof.

THREATS/BEATINGS

By YCL

Asharam Gurung, 38, of Bariwang, Dubring VDC-5 and a district member of the UML was beaten up by three cadres of the YCL, lead by Purna Bahadur Pun, 29, of Dubring VDC-8 on September 4. The victims were accused of spreading rumors about party entry at Khara of Dubring VDC-8. Issuing a statement on September 6 the UML in Rolpa said that Gurung was beaten up by the YCL cadres stating that he was in the premises of their base area as he was heading towards his sister's house. After a meeting, on September 8 both the parties agreed that the YCL would pay the medical expenses of the injured Gurung.

By Others

Ramesh Neupane, 40, of Tulsipur and a community development officer for the District Development Committee, Rolpa was threatened by nine organizations of Rolpa to leave the district within 24 hrs. He was asked to apologize and leave the district after he was accused of selecting the Development Concern Society (DCS) for the poverty alleviation program in the western high hills and maintaining irregularities amongst the District Development Committee and other NGOs. The nine organizations issued a statement in which they laid 11 charges against Neupane and put forth a 9-point-demand. The organizations were Jansarokar Sewa Kendra, Gramin Bikash Nepal, Jaljala Shanti Bikash Samaj Nepal, Samudayik Bikash Sanstha, Seto Gurans Balbikash Sanstha, Jaljala Janamaitri Sanstha, Gramhin Prabidhi Samaj Nepal, Athar Magarath Magar Pratisthan and Rapti Sanskriti Samaj. They had set the office documents on fire, stating that there were irregularities in the selection of the DCS on October 4. An open proposal had been called for implementing plans in the seven VDCs of Rolpa; Gajul, Pakhapani, Jinawang, Gairigaun, Jaimakasala, Thawang, Rangshi on October 5.

RIGHT TO PROMPT AND FAIR TRIAL

Four criminal cases remained

Type of Events	By Non-State					By State		
	By Others							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total
Killing	2		2		2			
Injured	3	5			5			
Arrest & Torture						1	2	2
Beatings	1	1			1			
Threats	3	2		34	36			
Racial Discrimination	1	1	1		2			
Women Rights	5		5		5			
Total	**15**	**9**	**8**	**34**	**51**	**1**	**2**	**2**

undecided at the District Court by July 16. A total of 12 criminal cases were filed at the District Court between July 17 and December 31, of these cases, two were decided on and 10 remained undecided.

27 criminal cases, where an individual is the plaintiff, were decided by July 16 in the District Court. Moreover, 19 criminal cases, where an individual is the plaintiff, were filed in the District Court between July 17 and December 31. Of these cases, two were decided on and 17 remained undecided. A total of 29 civil cases were filed at the District Court by July 16. Of these cases, four were decided on and 25 remained undecided. Furthermore, a total of seven civil cases were filed at the District Court between July 17 and December 31. Of these civil cases, four were decided and three remained undecided.

Out of 37 cases of domestic violence filed at the court only 13 were decided on. Office of the District government Attorney had filed 24 cases. Reconciliation Centre was established in the court in May/June.

CHILD RIGHTS

There are 276 primary schools consisting of 57,883 students (28,703 boys and 29,180 girls) and 1004 teachers in the Rolpa District. There are another 12,897 students (5,961 girls and 6,936 boys) and 208 teachers in 86 lower secondary schools and 4,076 students (1,873 girls and 2,203 boys) and 174 teachers in secondary schools. There are 10 higher secondary schools which have 768 students (374 girls and 398 boys). The literacy rate of the district is 37%. The District Education Office, Rolpa informed that they are lacking about 700 teachers in the district. There are altogether 1,331 teachers including all the quotas, relief quota and financed by local sources. At primary level there is one teacher for every 45 students and one teacher for 35 students in lower secondary. In proportion to the total number of students there is a lack of 1,286 teachers in primary school, 368 teachers in lower secondary schools and 150 teachers in secondary schools. The District Education Office said that even though they have been informing the Education Division and Ministry about the problem, no appropriate action has been taken.

The general strike called by UCPN-M from May 2 to 7 affected 75,624 students from 418 schools in the district as all the schools remained closed. The strike also caused the postponement of the Grade 12 examinations in the Rolpa District.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Chandra Giri, 28, of Khugri VDC-2 died after she was hit with a spade by her

husband Jedu Giri, 30, following a family dispute on July 5. She was hit on the head. He committed suicide after killing his wife. Giri had previously attacked Chandra, also with a sharp weapon. Both bodies were cremated after the postmortem at the district hospital in Pyuthan on July 6.

Gauni Sunar, 26, of Sunargaun in Raank VDC-9 was killed with a sharp weapon by first wife of her husband on September 11. Gauni was married to Khadga Bahadur, 52, on consent of his first wife Subhadra Sunar, 50, a year ago. She urged Khadga for the marriage expecting his second wife to bear a son. The couple had eight daughters before Khadga's second marriage with Gauni. Subhadra admitted that she killed Gauni after she gave birth to a daughter on mid-August this year. The couple was arrested on September 12. Police released Khadga on court date on September 19 stating that the investigation showed he was not involved in the incident. Subhadra was remanded in the district jail.

HEALTH SERVICE SITUATION

There are 40 sub health posts, nine area health posts, two primary health centres and one district hospital in the Rolpa District. The district hospital in Reugha, Lewang has a quota for four doctors, two staff nurses, four ANMs. However, onlytwo doctors, one staff nurse, two ANMs were at work at the end of the year. Despite the quotas, there are vacancies for HAs and lab assistants. The Hospital lacks and specialist doctors. In some places of the district the quotas for Maternal and Child Care volunteers and VHWs have not been reached. The DPHO, Rolpa informed that the quotas for AHWs and ANMs had been fulfilled on a contractual basis from internal sources and the National Planning Commission.

4.4 Salyan

Population : 246,505

Literacy(%) : 546

Women Literacy(%) :42

Area(Sq. Km.) : 1,462

Number of VDC(s)/Municipality(ies) : 47/0

Number of School(s) : 381/5

Campus(es)/Higher Secondary School(s) : 1/18

Hospital(s)/Health Post(s) : 1/47

Human Development Index : 0.399

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Others

Kamala Sahu, 25, of Reem VDC-4 was killed by Purna Bahadur Yari, 37, of Kupinde VDC-4 with a sickle while she was collecting grass in the nearby Dharchaur Forest on May 16. Later that day the police arrested Yari, a mentally-challanged person from Sital Bazaar. In protest of the murder, some 500 locals from Reem and Dhawang VDCs beat up Police Inspector Krishna Kumar Chhetri, sub-inspectors Jit Bahadur DC and Raj Bahadur Shrestha and constables Buddhi Ram Tharu, Lalit Bahadur Chaudhari and Top Bahadur Bhandari from, the Liham Area Police Post. They then killed Yari, in

Type of Events	By Non-State								By State			
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	6	3	3		6							
Injured	1	6			6	1	3	3				
Arrest & Torture									3	5	1	6
Beatings	5	8	1		9	4	4	4	1	2		2
Threats						2	2	2				
Women Rights	22		22		22							
Child Rights	6		5	1	6							
Abduction	1	2			2	4	7	7				
Total	**41**	**19**	**31**	**1**	**51**	**11**	**16**	**16**	**4**	**7**	**1**	**8**

the police custody. The police held Amar Bahadur Mahatara, Aksan Budhathoki, Bhim Bahadur Mahatara, Sher Bahadur Budhathoki, Phatte Bahadur Pun and Hira Lal Budhathoki of Reem VDC-5 for their alleged involvement in Yari's murder on May 21. The arrestees were remanded in jail following a court order on June 14. The case was not decided at the end of the year.

JAIL AND DETAINEES

The 'D' grade Salyan District Jail has the capacity to hold 20 inmates but had 14 male and three female convicts and 35 male and three female detainees at the end of the year. Thus, there were a total of 55 inmates in the jail.

Chief of Prison Bhup Bahadur Malla said that inadequate drinking water and sanitation is a problem due to the over-crowding of inmates in the jail.

The inmates staged a three-day demonstration from March 19 demanding the provision of water and more toilet facilities. Some of the inmates, who led the demonstration, were later transferred to the Dang District Jail.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Bal Bahadur Budhathoki, 24, of Laxmipur VDC-7 was abducted by a gang of 50 people led by Dambar Bahadur Chalaune, a UCPN-M cadre and teacher at a local primary school on January 10. He was taken way from Karagithi VDC-3. The gang abducted Budhathoki on the allegation of depriving his first wife and son of their basic needs. The group also abducted Bal Bahadur's father, Sarki Budhathoki, 45, from his home the next day. The abductors took Bal Bahadur and his father to Hiwalcha VDC-1 and beat them up. The abductees were released on the condition that Bal Bahadur would provide Rs 200,000 to his first wife by January 12. The victims did not file a complaint to the authorities.

By YCL

Nim Bahadur Kawar, 20, and Krishna Bahadur Kawar, 29, of Hiwalcha VDC-8 were abducted by YCL cadres Ganesh Bahadur Rawat and Narayan Thapa of Hiwalcha VDC-8 on November 3. Rawat and Thapa abducted the duo on the allegation of filing a complaint about beatings to the DPO. The YCL cadres tied the victims up, took them to Syalagaon and beat them up. They forced Krishna Bahadur and Nim Bahadur to pay Rs 15,000 and Rs 2,000 respectively for their release. The victims said that they did not lodge a complaint with the authorities because of death threats they had received from the YCL cadres.

THREATS/BEATINGS

By UCPN-M

Chadamani Pun and UCPN-M cadre Lal Bahadur BK, of Dhanauri VDC-2, made an attempt to abduct Kriti Bahadur Basnet, 52, of Shivrath VDC-9 on March 14. They accused him of filing a complaint to the local peace committee seeking the return of his land which was seized by the UCPN-M during the conflict. As the abduction bid failed, other YCL cadres joined Pun and BK and they threatened to break Basnet's hands and legs. The victim fled the scene and reached the district headquarters on March 15. The UCPN-M had seized the victim's land in Dhanauri VDC-8 during the conflict for failing to provide donation. Although the victim filed a complaint to the police seeking action against the perpetrator on March 14, action was not taken against them at the end of the year.

Dhan Bahadur Malla, 33, of Rugha VDC of Rukum was heading to his father-in-law's house at Rahaneta of Kotbara VDC when he was beaten by the UCPN-M cadres, including District Committee Member Shovaram Bhandari and Kotbara Area Committee Member Purna Bahadur Oli, alias Palaman, on June 9. The victim filed a complaint at the Tharmare Area Police Office; however, action was not taken against the perpetrator at the end of the year.

By UML

A group of 25 people, UML cadres Tojendra Budhathoki and Ramesh Budhathoki and cadres of NC of Bajhkada VDC-7 beat up the UCPN-M cadres, Kali Bahadur Budhathoki, 36, of the same VDC and Hari Chand of Bijeshwori VDC in Rukum on March 25. They accused the victims of interrogating UML and NC cadres in their houses. The group barged into the house and shop of Kali Bahadur in Siddeshwori VDC-1, before beating him up. A team of police arrived and arrested Tojendra. The police contacted both sides for negotiation. The issue was settled after the perpetrators agreed to provide the victims with the cost of their medical treatment on March 27.

By YCL

The UML Regional Committee Member, Lokenda Singh Khadka, 27, of Gogane in Kavra VDC-2 and the Village Committee Vice-chairperson, Chhavilal Khatri, 36, or ward no. 1 were assaulted by a group of about 50 people, led by the YCL cadres, Shukalal Khadka, Bishwa Rana and Naba Bahadur Budathoki on April 15. Accusing the two UML cadres of making complaints about them to the police, the group called them to Rikhebazaar over phone and attacked them there. The injured underwent treatment in Kathmandu. They lodged a complaint against the perpetrators at the DPO; however, no one was arrested.

RIGHT TO PROMPT AND FAIR TRIAL

Of the 22 criminal cases which were brought forward from the previous year, eight were decided at the end of the year. Of the 19 criminal cases filed in the District Court this year, two were decided this year.

Of the 43 criminal cases, where an individual is the plaintiff, brought forward from the previous year, 19 were decided. Of the 19 cases filed this year, three were decided.

Of the 112 civil cases which were brought forward from the previous year, only 68 were decided. Of the 31 civil cases filed this year, none were decided this year. A total of 100 cases were decided and 180 cases remained undecided.

Similarly, 30 cases were filed in Office of the District Government Attorney, of these, eight were successful, one was unsuccessful and 21 were pending.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BAHEVIOR OR PUNISHMENT

Man Bahadur Basnet, 30, his wife Santakali, 29 and his wife's brother Resham Oli, 16, were arrested by the Tharmare Area Police Office without arrest warrants on January 6. The police, however, produced detention and arrest warrants with different dates on January 11. According to the victims, the police inflicted mental torture on Sakuntali while security personnel tied up Resham's hands and legs and beat his feet with batons and also subjected him to electric shocks while he was in the custody of the DPO. Man Bahadur said that the police beat his feet with batons, stripped him, tied him up with ropes, gagged him with a handkerchief and beat him up with plastic pipes.

CHILD RIGHTS

There are 328 primary schools, 61 lower secondary schools, 43 secondary schools, 18 higher secondary schools and five campuses. In the primary level, there are 29,750 boys and 32,164 girls. In lower secondary level, there are 10,438 boys and 11,214 girls. In secondary level, a total of 1,012 boys and 1801 girls are studying. There are five private lower secondary schools and 37 private primary schools.

Lal Bahadur Budhathoki, 58, a peon at Salyan Campus was held by police on March 17 after it was alleged that he had been raping a 12-year-old girl, studying in grade VI at the local Trija Higher Secondary School in Khalanga VDC-6, for six months. The police filed a rape case against the accused in the District Court. He was in jail following a court order on March 25.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Tek Prasad Sharma, 18, of Chisapani VDC-9 was held by police on October 31. A complaint was filed against him stating that he had raped a 39-year-old hearing-impaired woman of Khalanga VDC-6 while she was heading cows in a forest that day. The accused was remanded in the district jail following a court order on December 2.

Domestic Violence

Bhadi Pun, 40, of Damchaur VDC-6 was beaten and forced to leave the house by her husband Karna Bahadur Pun, 45, on allegation of having an illicit relation with a third person on January 14. The victim, the mother of a son and a daughter, filed for divorce in the District Court on January 31. The case had not been decided at the end of the year.

Bindu Thapa, 25, of Khalanga VDC-2 was beaten by her husband Kamal Thapa, 31, a teacher at the local Shivjan Higher Secondary School, Shitalpati, under the influence of alcohol on March 29. The victim filed a complaint in District Administration Office on April 2. The issue was discussed at the DAO and the Srinagar Area Police Office, however, action was not taken against the perpetrator. According to the victim, she was being mistreated and beaten by her husband and his family members for the last two years. She has been drawing half of her husband's monthly salary with the help of the DAO and is living in a separate room.

Polygamy

Bal Kumari Chanara, 19, of Darimchuar in Khalanga VDC-2 was forced out of the house by her husband Santosh Chanara, 26 on August 25. She was severely beaten a day earlier. She took shelter at her maternal home at Kotbet of Tharmare VDC-2. On September 27, she found out that Santosh had got married with Sunita BK of Gidanne in Dhanauri

VDC of Dang district on September 11. Bal Kumari filed a case of polygamy against her husband on September 28 earlier. Santosh was arrested on November 14 and was released on bail of Rs 25,000 on December 13.

Inhuman Behavior

Dilli BK, 36 of Marke VDC-7 was assaulted by Yakendra Rokka, 21, on the allegation that Dilli practiced witchcraft on his wife on October 10. Rokka, along with three other people wielding khukuris barged into BK's house, assaulted her family members and threatened to kill them, including BK's husband Bhadra Bahadur, 40. The perpetrators also felled trees and fruit plants in the premises of BK's house. The victim filed a complaint seeking security in the DPO on October 11. The police visited the victim's house on the same day and both sides agreed that such incidents would not be repeated in the future.

HEALTH SERVICE SITUATION

There is one hospital, two primary health centers, nine health posts and 36 sub-health posts in the district. In the hospital, the positions for one medical officer, one radiographer, one darkroom assistant and one lab assistant were vacant. In primary health centers, positions of two medical officers, two staff nurses and ANMs were vacant. Likewise, four AHWs, one ANM, four MCHW, 12 village health workers and four peons' positions were vacant.

4.5 Rukum

Population : 223,616
Literacy(%) : 47
Women Literacy(%) : 35
Area(Sq. Km.) : 2,877
Number of VDC(s)/Municipality(ies) : 43/0
Number of School(s) : 373/5
Campus(es)/Higher Secondary School(s) : 1/21
Hospital(s)/Health Post(s) : 1/44
Human Development Index : 0.386
Average Household Size : 7

CIVIL AND POLITICAL RIGHTS INJURED IN SHOOTING/EXPLOSION

By State

Gita Darlami Magar, 14 of Khalanga VDC-6 sustained critical injuries in a landmine explosion while she was collecting firewood in the area of the Shree Famous Mahindra Dal Battalion on December 11. She lost her left foot in the explosion. The victim received treatment in Kathmandu with the help of the Nepal Army. She had been undergoing treatment in Kathmandu at the end of the year.

JAIL AND DETAINEES

The Rukum District Jail, a 'D' grade jail, has been accommodating nine male and four female prisoners at the end of the year. Additionally, a total of 18 detainees- 14 males and four females are also staying

Type of Events	By Non-State								By State		
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Female	Total
Killing	1		1	1							
Injured									1	1	1
Beatings	3	6		6	4	7		7			
Threats					1	1		1			
Right to Assembly					1	2	1	3			
Women Rights	1		1	1							
Child Rights	1		1	1							
Abduction	1	1		1							
Total	**7**	**7**	**3**	**10**	**6**	**10**	**1**	**11**	**1**	**1**	**1**

in the jail which only has the capacity for 30 inmates. The inmates complained of a dilapidated building, lack of toilets and sports facility. According to them, the wall of the women prison is not thick enough. They demanded that the government provide them with skill-oriented training.

ABDUCTION/DISAPPEARANCE

By Youth Force

Khadak BK, 16, of Ghetma VDC-4, a correspondent with the Radio Sanobheri, was abducted from his home on October 18 by some seven Youth Force cadres who were led by Binod Pun. They accused him of disseminating incorrect news. The abductors took BK to a forest and released him from Ratamata on October 19. The victim filed a complaint in the DPO on October 24. Following the complaint, both sides were summoned to the DAO for negotiations and the perpetrators agreed not to repeat such incidents in future.

THREATS/BEATINGS

By UCPN-M

Nanda Lal Sharma, of Rukumkot VDC-5, who is the coordinator of the UML sixth district conference organizing committee, was critically injured when a group led by the UCPN-M DCM Buddi Prasad Sharma attacked him as he was entering the entrance gate of the Rukum District Development Committee on April 12. The victim was taken to the Model Hospital in Kathmandu after his treatment was not possible at the district hospital. Both sides reached an agreement in the DAO on April 19 where the perpetrators agreed not to repeat such incidents in the future.

Cadres of the UCPN-M beat up the NC cadres, Man Bahadur Bista, Krishna Bahadur Pun and UML cadre Kamal Gharti of Bijayshwari VDC-9 at Malika Primary School in Amala Takura of the some VDC on November 24. The Maoist cadres beat them up following a dispute over the issue of recruiting administrative staff and teachers in the school. According to the victims, the UCPN-M cadres Gopal Pun, Shiva Pun and Moti Kami, among others, beat them with batons and firewood. The victims received treatment at the Chaurjahari Mission Hospital. They filed a complaint at the Chaurjahari Area Police Office on November 25, however, the police had not arrested the accused at the end of the year.

By YCL

A UML District Committee\ Secretariat Member, Rikhi Prasad Sharma of Kotjahari VDC committee chairman Indra Bahadur Shahi, village committee member Kul Bahadur Basyal and Radio

Sisne FM correspondent Diwakar Sharma were injured when a gang led by the YCL district member Laxman Shahi attacked them in the UML Kotjahari Village Committee meeting on December 3. The victims were treated at the local health centre and then at the Kotjahari Mission Hospital. The victims filed an FIR at the Kotjahari Area Police Office on December 6. The perpetrator was still on the run at the end of the year.

Six persons, including the UML National Council member Khemman Khadka, the Baphikot Village Committe secretary Ganesh KC, a UML general member Shasiram Dhital and the artiste Shova Chand, were injured when cadres affiliated with the UCPN-M attacked an assembly organized by the UML, Rukum in Neta Pokhara of Baphikot VDC-2 on May 18. The UCPN-M cadres vandalized the furniture on stage and looted the microphone and other equipments. Both sides reached an agreement to help treat the injured and return the looted goods in a meeting in the DAO on May 26.

RIGHTS TO PROMPT AND FAIR TRIAL

All of the five criminal cases, where an individual is the plaintiff, which were brought forward from last year were decided on this year.

A total of 101 criminal cases, where an individual is the plaintiff, had been filed in the district court by the end of the year. Of these, 36 cases were decided on.

Of the five criminal cases which were brought forward from the previous year, all were decided this year. Of the 13 criminal cases filed this year, only one was decided upon.

Of the eight civil cases which were brought forward from last year, seven were decided on during the year. Of the 118 civil cases which were filed this year, 24 were decided on. 95 civil cases remained undecided at the end of the year.

A total of 171 cases remained undecided in the district court at the end of the year.

CHILD RIGHTS

There are 258 primary schools, 70 lower secondary schools, 40 higher secondary schools and five colleges in the district, where a total of 1,225 teachers are working. A total of 44,778 female and 44,683 male students are studying in the district.

A five-year-old minor, of Ratamata of Khalanga VDC-8 was allegedly raped by Shiv Bahadur Pariyar, of Rukumkot VDC-7 in the minor's house on September 18. The minor, who fell unconscious after the rape, returned home after undergoing treatment at the district hospital for three days. The police arrested the accused and remanded him in custody after the victim's father filed an FIR against the accused the next day.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Relatives of Seti Oli, 30, of Khara VDC-2 accused that she was strangulated to death by her husband Prabesh Oli on March 2. They blamed Prabesh of covering up the incident saying that she had committed suicide. As per the complaint filed by the victims' relatives, police held Prabesh on March 8. The post-mortem of the deceased was carried out at Rukum district hospial. "A clear report was not received from the post-mortem, hence, the viscera were sent to Kathmandu for further tests the DPHO said. Prabesh was remanded in the district jail following an order from the court.

HEALTH SERVICE SITUATION

There is single quota for a medical superintendent in the district and one is

working. Of the three quotas for medical officers, two were working in the district. Out of the one quota for a public health officer in the district, one was serving. Three staff nurses were working, out of the quota for five. One immunization supervisor was working, fulfilling the quota. There was also one family planning assistant fulfilling the single quota in the district. One tuberculosis and leprosy assistant was working with a quota for one. There was one lab technician and the post of radiographer is vacant of 47 assistant. 46 assistant were working and 14 ANMs are serving in the district as per the quota. Two lab assistants are serving out of the quota for three and 31 VHWs are working out of the quota of 43. Furthermore, 34 MCHWs are serving their full quota in the district.

4.6 Banke

Population	: 503,874
Literacy(%)	: 57
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)	: 6/323
Hospital(s)/Health Post(s)	: 3/46
Human Development Index	: 0.479
Average Household Size	: 7

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING
By TJP-M

Indra Bahadur Shrestha, 34, of Indrapur VDC-3 and secretary of the same VDC was shot dead by cadres of the Tarai Janatantrik Party-Madhes on January 26. Shrestha was abducted by the group from Banjade Village along the Paraspur-Gaughat road sector. He was cycling home after holding an all-party meeting to discuss a village council meeting due to be held on January 28. Police found Shrestha's body in the field near Manpur village of Indrapur VDC-9. According to DSP Raj Bahadur Baidawar of DPO, the body was facing upwards with both hands tied behind the back, he was blindfolded and his mouth was stuffed with a cloth. A letter recovered near the body, signed by the group's Banke-Bardiya in-charge Adarsh, stated that Shrestha was killed for being a government employee and being corrupt. Police arrested Sabitram Kurmi, 25, of ward no. 2, Laxminath Mishra, 24, of ward no. 4 VDC and Raghu Yadav, 18, of ward no. 3 of Khajurakhurda VDC, on February 13. The arrests were made public on February 16. One Nanku Darji of Indrapur VDC-7 was arrested on Febraury 17. All four were charged with murder by the DPO on March 7 and were remanded in jail on March 11. The case remained undecided at the end of the year.

Prakash Kumar Shrestha, 42, of Bageshwori VDC-2 was shot dead by a group from the TJP-M on February 10. A letter, signed by the Banke-Bardiya In-charge of the group, Aadarsh, was found at the site of the incident. He was shot about 150 meters away from his home. Shrestha, who worked in Kuwait for six years, had returned home three years ago. Police arrested Samsuddhin Bagnawan, alias Bhure, from Indrapur VDC-8 on April 30

Type of Events	By Non-State									By State			
	By Others					By UCPN-M							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	N/A	Total	No. of Events	Male	Female	Total
Killing	14	11	3		14					1	3		3
Injured	12	16	2		18								
Arrest & Torture										1	5		5
Beatings	3	5			5					2	11	2	13
Threats	9	8		46	54	1	1		1				
Right to Assembly	1		1		1	1	1		1	1	5	1	6
Racial Discrimination	2	2			2								
Women Rights	8		8		8								
Child Rights	4		2	2	4								
Economic, Social and Cultural Rights	1	1			1	4	3	1	4				
Abduction	5	16	1		17								
Total	**59**	**59**	**17**	**48**	**124**	**6**	**5**	**1**	**6**	**5**	**24**	**3**	**27**

on the basis of the FIR filed against him by the Shrestha family on February 15. He was remanded in the District Jail on May 26. The case was still pending at the end of the year.

Sitaram Godiya, 35, of Behatani VDC-6 was shot dead by cadres of the TJP-M on April 26. They abducted him from a road near Gandhali village in Bankatti VDC-1 while he was returning home from Nepalgunj. They shot him after taking him 100 meters away from the place of his abduction. Police said that a letter from TJP-M Banke-Bardiya Special in-charge was recovered from his body. Inspector Shashiram Adhikari of the DPO, Banke said that the letter stated that such action would be taken against anyone who did not support TJP-M. His family did not file a complaint at the end of the year.

Liladhar Bhatta, 16, of Bhimdutta Municiaplity-7 in Kanchanpur and living in Nepalgunj Municipality-15 and a ninth grade student at Bageshwari Higher Secondary School was killed with a sharp weapon by cadres of the TJP-M on October 3. Another, Kapil Dwibedi, of Nepalgunj Municipality-15 was killed in same manner on October 4. Both were abducted from Dhambojhi in Nepalgunj Municipality-1 on September 30. The abductors had demanded a ransom of Rs 5m from Kapil's family. After negotiation, his family paid Rs 1m to the abductors at ABC Brick Factory in Indrapur VDC on October 4. Liladhar's body was recovered from a field behind a training centre in Khaskarkado VDC-5 on October 3. Kapil's body was found buried near a pond in Indrapur VDC-7 on October 20. The boys' throats were slit and they had sustained deep cuts to their ankles. Meraj Aahamad Sai, alias Adarsh, 24, of Indrapur VDC-3, the prime suspect and Rajitram Barma, 38, Ram Shovit Barma, 23, Ibrahim Manihar, 42, and Rajjav Ali Khan, 27, of the same VDC were arrested by the police from Indrapur VDC-3 on October 5. The police charged Meraj Ahamad Sai, Ram Suresh Barma, Rizwan Sai, Jiya UL Siddhiki, Ibrahim Manihar, Kailash Kumar Gadoriya, Rajitram Kurmi, Ram Shovit Barma, Nazir Khan, Rajjab Ali Sekh, Insaf Alisekh, Manoj Barma, Kamaluddin Gadoriya, Shatrudhan Kurmi , Police Head Constable Sakir Ali Behana and rights activisit Chandreshwar Prasad Singh, alias CP Singh, with murder at the District Court Banke on October 31. Among the

accused, Meraj, 24, who claimed to be TJP-M Banke chairperson and Western Regional commander, Rajitram, 38, Ramsobhit, 23, Ibrahim Manihar, 42, Rajjab Ali, 27, Police Constable Sakir Ali Behana, Kailash Gadriya of Indrapur VDC-3 and Nasir Khan, alias Barshadi, of Indrapur VDC-7, were arrested but others continued to remain at large at the end of the year. Statements from those arrested have been recorded and completed. There was no legal practitioner willing to represent the accused, while 63 lawyers came forward to represent the victims free of charge. Eight lawyers had already presented themselves in the court at the end of the year. Those arrested were remanded in the Banke District Prison on November 2.

By Others

UML cadre Gulam Hussein Nau, 45, of Betahani VDC-3, was injured in an attack by a group of nearly 65 men led by Narendra Kumar Chaudhary, alias Pappu, 40, Meghnath Kurmi and Badri Mishra of ward no. 1 of the same VDC on April 12. He died on April 13 on his way to Lucknow in India for further treatment after initial treatment at the Bheri Zonal Hospital. The victim was beaten following a dispute on April 10 over the formation of a consumers' committee for constructing a road linking Betahani and Holiya VDCs. On May 4, Nau's uncle, Mansab Ali, 55, died of the injuries which he incurred in the same incident. He was also taken to the Bheri Zonal Hospital for treatment. Police recovered two home-made guns, one khukuri and bullets at the site. Mujibur Rahman and Gyanendra Chaudhary of Bankatti VDC-1 were arrested from their homes, charged with being involved in the incident. Deceased Nau's elder brother Akub Ahamad Nau filed an FIR against 15 people, inlcuding Narendra Kumar Chaudhary, alias Pappu, at the DPO on April 15. He had received injuries to his head. He received primary treatment at the Bheri Zonal Hospital. Police arrested NC cadre Gyanendra Chaudhari, Mujiwar Rahaman Khan for their alleged involvement in the incident on April 12. Those arrested were remanded in custody by the District Court on May 13 but were later released by the Appellate Court, Nepalgunj on July 8. The victims' family claimed that NC cadres were behind the killing. In a letter sent to INSEC Mid-Western Regional Office on January 10, NC acknowledged that the accused were affiliated to NC but that they did not hold any responsible posts in the party and that the party was not involved in the incident.

Suresh Dhobi, 13, of Bankegaun, Nepalgunj Municipality-12, was killed by a group of unidentified people on April 3. The victim's body was found in the septic tank of the Bal Mandir Primary School, of the same place the next day. Suresh, who had left home saying that he was going to watch a movie, was attacked with a sharp weapon. No group claimed responsibility for the incident. The police have failed to identify the persons involved in the incident.

CLASH

By State

Rajesh Maurya, 28, of phattepur VDC-3, Babadin Yadav, 30, of Baharaich in India and Janu Darji, 30, of Lakhimpur in India were killed in a shootout with police at Murgiya jungle in Phattepur VDC on July 6. The deceased, along with others, were being looked for by the police in connection with the abduction of five people. Hikmat Singh, 25, of Fattepur VDC-6, his wife Rupsara Singh, 20, Ramjan Sai, alias Chheda, 50 of Gangapur VDC-7, Ganesh Chamar, 28 and Purna Bahadur Khatri, 17, were abducted by the group at on July 4 from a jungle near Sidhaniyaghat of

Phattepur VDC-7 as they were heading for Gangapur VDC from Nepalgunj. A joint team of the APF and Nepal Police, led by inspector Bichitra Shah of DPO, Banke initiated this search for the abducted. The information of the death of three abductors was made public at a press conference on July 6. The affiliation of the deceased people were still unknown at the end of the year.

INJURED IN SHOOTING/EXPLOSION
By JTMMP

Dilliraj Regmi, 43, of Manikapur-8, Dirgharaj Acharya alias Kaushal, 42, of Khaskarkado VDC-5, Shivaraj Chalise, 49, of Kathmandu Metropolis-4 and currently running the Nepal Wild Life Resort and his nephew Ramhari Chalise, 26, of Nuwakot and currently residing at Thakurdwara in Baridya were critically injured when cadres of the JTMMP detonated a socket bomb in Gaurishankar Hardware in Khaskarkado VDC-5 on December 29. Dilliraj lost his left leg in the explosion and had his right leg broken. Shiva Prasad sustained splinter injuries to his left hand, chest and abdomen. Dirgharaj had injuries to his chin and right leg and Ramhari sustained splinter injuries to his right leg. Following preliminary treatment at Nepalgunj Medical College, Dilliraj, Shiva Prasad and Ram Hari were referred to B & B Hospital in Lalitpur for further treatment while Dirghraj was treated at the Nepalgunj Medical Hospital. The group's chairperson Bhagat Singh took responsibility for the blast. The victims said the bomb was detonated at the Hardware Shop because they had refused to provide a donation, as demanded.

By Abandoned Explosive Device

Birman Khatri, 66, of Kachanapur VDC-7, Banke, was injured in an explosion on April 8. The explosion occurred when he tried to unwind the jute thread of a sutali bomb that he found at the granary of his residence. Khatri lost two fingers and has partially damaged his hearing. He also received injuries to the palm of his hand and minor injuries to his right eye in the explosion. The victim was treated at the Nepalgunj Medical College, Kohalpur. Khatri's son Krishna Bahadur sought help from INSEC on April 15 for the treatment cost, citing his weak economic status. INSEC provided Rs 26,903 on September 14 to pay the hospital bills.

By Others

Rizwan Bagwan, 21, of Puraina VDC-1 and currently staying in Nepalgunj Municipality-16 was injured in a bomb blast on November 8. The explosion occurred when Bagwan lifted the bomb to move it in his rented room in the house of Lal Bahadur Shahi. He claimed that the bomb was placed there forcibly by the Janatantrik Tarai Madhes Party (Bhagat Singh). Bagwan sustained hand and face injuries and received treatment at the Nepalgunj Medical College. Police recovered a letter addressed to a private school demanding Rs 300,000, pamphlets for the Bhagat Singh group and explosives and batteries used for manufacturing bombs. Police filed a case against him under the Explosive Devices Act on November 4, but he was released on a bail of Rs 15,000 on December 12.

JAIL AND DETAINEES

The 'C' grade District Prison in Banke had a total of 219 inmates at the end of the year. Among them, 68 male and 10 female have been convicted while there are 137 male and four female detainees. The capacity of the jail is 150 but the placement of 219 inmates there has made it overcrowded. There are 10 rooms available for male inmates and one for female inmates. The old building is in need of renovation. The inmates complain that the roof leaks during rainy season.

Chief of the prison, Shyamlal Lamichhane said that the number of inmates was exceeding its capacity because many were being transferred from jails in the Mid and Far Western Regions for treatment in Nepalgunj. There are 28 Indian inmates in the jail among whom eight have been convicted and 20 are being detained.

DISAPPEARANCE/ABDUCTION

By YCL

UML cadres, including, Megh Bahadur Thapa, 38, Raju Sarki, 20, Yogesh Pun, 15, Jhilke Pun, 20 and Rata Buda Magar, 17, of Dandatepari in Phattepur VDC-9, were injured when the YCL cadres beat them on April 15 after abducting them from their homes. The YCL cadres took them to a field near Chatakpuruwa village in ward no. 9 of the same VDC. Thapa sustained a broken foot and bruising to his hands and feet. He was treated at Bheri Zonal Hospital in Nepalgunj. Thapa said that the group of around 35 YCL cadres forced them out of their homes saying that their names had been listed by the party. The victims added that they were beaten with the butts of guns, iron rods and lathi. They were released from Chhatakpuruwa on the same day. All the injured were treated at Bheri Zonal Hospital Nepalgunj.

By TJP-M

Rajit Ram Pathak, 56, of Nepalgunj Municipality-13 and chief of Mahendra Multiple Campus in Nepalgunj was abducted by a group of men identifying themselves as cadres of the Tarai Janatantrik Party (Madhes) from Surkhet Road, Nepalgunj Municipality-13 on March 25. He was freed from Babagunj in India after his family paid a ransom of Rs 1.5 m to the abductors. Though the group issued a statement on March 28 denying its involvement in the abduction, a statement issued by the DPO on October 6 stated that the group's Banke chairperson and Western Commander Meraj Ahamad Sai was involved in Pathak's abduction.

Padam Bahadur GC, 49, of Khanskarkado VDC-3 and working at Fund and Account Control Office in Nepalgunj and Chakra Bahadur Parajuli, 41, of Dailesh and working as computer operator in the same office were abducted by cadres of the TJP-M on June 15. They were released three kilometers south of the bordering Indian town of Rupaidiha after a ransom of Rs 1.8 m was paid on June 18.

THREATS/BEATINGS

By State

Karbo Lama, 22, of Theya VDC-9 in Humla and running a convenience store in Ranjha of Manikapur VDC-8 was injured in a beating by the police on February 11. He sustained injuries to his head, back and face and also lost consciousness. He was sent to Samara Hospital in Lukhnow for treatment by the DPO, Banke. A police constable Gokarna Tharu was sent with him to Lukhnow and Tharu was given Rs 32,000 for Lama's treatment. Lama had not filed a complaint at the end of the year.

By UCPN-M

Indra Bahadur Thapa, 32, of Nabasta VDC-4 and UML constituency no. 4 member was threatened by a UCPN-M district committee member and resident of Bankatuwa VDC-4, Deep Bahadur Mahat on May 29. Thapa received a phonecall warning him for speaking out against the UCPN-M and urging the public against attending the assembly called by UCPN-M for May 1.

By TJP-M

Kismat Kumar Kakshapati, 48, of Bageshwari VDC-2 was threatened to be killed within three days by Tarai Janatantrik

Party (Madhes) on February 13. Also the chairperson of Nepal Cancer Hospital, Khajura and UML Banke District Committee Secretariat member, Kakshapati said he was threatened by a man identifying himself as the group's city in-charge Tuphan. He informed the police about the incident but did not lodge a complaint.

J Pandey, 46, of Nepalgunj Municipality-16 and Kantipur daily's Mid-Western Bureau chief, received death threats from the TJP-M chairperson Arjun Singh on July 8. He was accused of disseminating news against the group over phone and email. A news article saying that one Sikandar, the western commander of TJP-M had managed to escape during a clash between police and abductors was published on July 7 edition of the Kantipur Daily. The group claimed that the news was baseless. Pandey did not file a complaint regarding the threat at the end of the year. A memorandum was submitted to the PM through CDO Basudev Dahal on July 22 by FNJ Banke chairperson Jhalak Gaire, Press Chautari Nepal chairperson Rudra Subedi and Revolutionary Journalists Association vice-chairperson Bhim Rawat demanding security for journalists, among others.

Damodar Bhandari, 29, the Bardiya reporter for the Annapurna Post daily and publisher/editor of the Nepalgunj-based Sadbhav daily received death threats from the TJP-M. A resident of Tejnagar in Nepalgunj Municipality-1, Bhandari was threatened in a press statement issued by the group Banke-Bardiya in-charge Adarsh on August 21. The statement accused Bhandari of spying on the group and pressurizing the police to arrest its cadres. Saying that earlier threats had not improved Bhandari conduct, the group threatened to give Bhandari the same treatment as Arun Singhniya had received. Singhaniya, the publisher of the Dhanusha-based Janakpur Today, was gunned downed by an unidentified group. Following the threats, Bhandari was forced to leave Nepalgunj for some time. The FNJ resolved the issue after initiating a dialogue with the group. Meraj Ahamad Sai alias Adarsh who issued the threat was remanded in Banke Prison on November 2 after being arrested on October 6 in connection with the abduction and murder of two boys from Nepalgunj.

By JTMMP

Mohammad Istiyak Rain, 30, of Jayaspur VDC-6, CA member and central committee member of MJF Nepal was threatened with physical assault by the Janatantrik Tarai Madhes Mukti Party on August 5. They accused him of going against the will of the Madhesi people by voting for the UCPN-M. A statement issued by the group threatened 11 CA members, including CA member Rain.

By JTMM-J

Thule Tamang, 46, of Nepalgunj Municipality-12 was threatened with assault by cadres of the Jwala Singh led-Janatantrik Tarai Mukti Morcha (JTMM-J) for failing to provide donation on June 20 and 21. The JTMM-J demanded Rs 200,000 from him as donation. The group planted a socket bomb under the stairs of his house on June 24 after he did not provide them money. Bomb disposal squad from the Ranjha based Kalidal battalion of Nepal Army defused the bomb the same day.

By CPN-MLM

Business person, Jagadish Baisya, 56, of Nepalgunj Municipality-5 was threatened to provide donation by cadres of CPN (Marxist Leninist Maoist) on June 30. They improvised a bucket to an explosive device and planted it at his house in New Road of same place on the same day for failing to provide the donation. Bomb disposal squad from the Ranjha

based Kalidal battalion of Nepal Army defused the bomb the same day.

By Others

Police constable Tilak Bahadur Shahi, 24, of Narayan Municipality-7 in Dailekh and posted at Municipal Building Nepalgunj was injured when attacked by Abdul Salam Ansari, 23, of Nepalgunj Municipality-11. Ansari attacked Shahi for attempting to arrest him. Ansari was arrested soon after the incident. The locals pelted stones at the police station demanding the release of Ansari during which ASI Bal Bahadur KC, Chakra Bahadur Nepali, 30, police head constables Shyamlal Chaudhary, 23, Ram Prasad BK, 22, constables Santosh Sonkhar, 22, and Ganesh Barma, 22, were injured. The attack also damaged windows and doors of the police station.

Police constables Sher Bahadur Baduwal, 22, of Malakheti VDC-3 in Kailali, Ganesh Bhatta, 23, of Krishnapur VDC-2 in Kanchanpur, both posted at Regional APF Battalion no. 2 and Ghanshyam KC, 21, of Marke VDC-1, Salyan and posted at DPO, Banke were injured when attacked by locals from Khalesah village in Kamdi VDC-4 on December 15. They were attacked after arresting Rafis Khan, of Bankatti VDC-4, with a 12 bore gun. Sher Bahadur sustained a deep cut to his head. He was taken to the Samara Hospital in Lukhnow, India after preliminary treatment. Another two were injured and were treated at Bheri Zonal Hospital. A police team led by SP Mahesh Bikram Shah arrived at the site soon after the incident and arrested Sagir Khan, 32, Bhikhu Kurmi, 48, Jamaluddin Khan, 33, Ranjit Khan, 50, Shovaram Barma, 40, Hariram Lohar, 35, Dulare Lohar, 50, Ishrafil Khan, 21, Shahid Khan, 22 and Kalam Khan, 20. The police recovered five guns from the arrested men. Among the arrested men, Bhikhu, Hariram and Shovaram were released on December 16 while others were charged with attempted murder. All 10 were held in DPO custody at the end of the year.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Bhakta Bahadur Karki, 22, Sita Timilsina, Chandrakant Chwai of Kohalpur VDC-4, Remanta Oli, Sama Thapa and Khulasata Pun of Kohalpur VDC-4 were injured on July 29. Police baton charged them for staging a peaceful demonstration organized by the Federation of Community Forest Users' Groups at a junction on the highway in Kohalpur VDC-3. All of the injured were treated at Kohalpur Medical College.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

A total of 335 criminal cases were filed in the District Court by July 16. Of these cases, 174 were decided and 161 remained undecided. Similarly, a total of 107 criminal cases were filed in the District Court between July 17 and December 15, of these cases, 31 were decided and 76 remained undecided. A total of 237 criminal cases remained undecided at the end of the year

A total of 833 criminal cases, where an individual is the plaintiff, were filed in the District Court by July 16. Of these cases, 448 cases were decided and 385 remained undecided. Similarly, a total of 194 criminal cases, where an individual is the plaintiff, were filed in the District Court between July 17 and December 15. Of these cases, 69 were decided and 125 remained undecided. A total of 510 criminal cases, where an individual is the plaintiff, remained undecided at the end of

the year.

A total of 921 civil cases were in the District Court by July 16. Of these cases, 845 were decided and 76 remained undecided. Similarly, a total of 354 civil cases were filed in the District Court between July 17 and December 15. Of these civil cases, 146 were decided and 208 remained undecided at the end of the year. A total of 284 civil cases remained undecided at the end of the year.

On the whole, a total of 1,031 cases remained undecided in the District Court at the end of the year.

Three cases under the Domestic Violence Act were filed in the court, none of which had been decided.

Appellate Court

A total of 128 criminal cases were decided in the Appellate Court by July 16 while 68 remained undecided. Similarly, a total of 73 criminal cases were filed in the Appellate Court between July 17 and December 15, of these cases, 16 were decided and 57 remained undecided. A total of 125 criminal cases remained undecided at the end of the year.

A total of 129 criminal cases, where an individual is the plaintiff, were filed in the Appellate Court by July 16. Of these cases, 88 cases were decided and 41 remained undecided. Similarly, a total of 86 criminal cases, where an individual is the plaintiff, were filed in the Appellate Court between July 17 and December 15. Of these cases, seven were decided and 79 remained undecided. A total of 120 criminal cases, where an individual is the plaintiff, remained undecided at the end of the year.

A total of 580 civil cases were in the Appellate Court by July 16. Of these cases, 350 were decided and 230 remained undecided. Similarly, a total of 149 civil cases were filed in the Appellate Court between July 17 and December 15. Of these civil cases, 13 were decided and 136 remained undecided at the end of the year. A total of 366 civil cases remained undecided in the Appellate Court at the end of the year.

Office of the District Government Attorney filed a total of 335 cases by July 16 and 107 cases between July 17 and December 31. Out of these, the Office was successful in 114 cases but lost 60 cases. They were successful in 15 cases of theft, with failure in four, seven out of 10 cases were won in cases of Drug Abuse, they were successful in one attempted rape case, they only had one success out of five rape cases, no success in 13 murder cases, one success in two human trafficking cases, two successes in six polygamy cases, no successes in three extortion cases, they were successful in all 43 cases of death in road accidents, they won eight forest related cases, they lost two cases relating to the killing of cows and in other cases, 28 cases were a success while 22 were not.

CHILD RIGHTS

There are 477 ECCDCs in the district. There are 250 public primary schools, including 112 madrasas and six gurukuls, 66 public lower secondary schools including four madrasas, 62 public secondary school and 25 higher secondary schools. There are 41 private schools, 28 lower secondary, 45 secondary and 19 higher secondary private schools. Besides the child development centers, there are a total of 482 schools in the district. There are 139,124 students in the district, including 23,821 dalit students. All the posts of the teachers, including 813 for primary schools, 183 for lower secondary schools and 152 for secondary schools are full. Likewise, there are 460 relief quota teachers for primary schools, 102 lower teachers for lower secondary schools and 54 relief quota

teachers for secondary schools.

Nearly 35,000 students of 115 private schools of the district were affected following the nation-wide shut down of such schools effective from April 25 by the UCPN-M's student wing ANNISU-R. The schools were forced to close because of a sharp hike in fees. The schools resumed studies on April 30 following an agreement with the student wing to form a committee to decide a fee structure.

The family of a 16-year-old girl of Banakatti VDC-9 filed a complaint at the DPO Banke accusing Bir Bahadur Bohara, 28, working as a sweeper in the Armed Police Force Camp Kohalpur, of raping the girl. Police arrested Bohara, 28, on September 12. DSP Binod Ghimire of the DPO said that Bohora raped the mentally challenged girl at Tilakpur village in Kamdi VDC-9 on September 11. A medical checkup of the girl was conducted at Bheri Zonal Hospital, Nepalgunj on September 12. The accused, Bohara, was remanded in custody for questioning on October 4. He was released by the District Court, Banke on a bail of Rs 50,000 on October 5. The case was still pending at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

A 24-year-old woman of Kohalpur VDC-4 was sold to a brothel in New Delhi, India by Sete Pun, 28, of Chhinchu VDC-3 on March 2. She was taken to India with the promise of marriage. The victim filed an FIR against Pun at the Kohalpur Area Police Office on October 31 under the charge of women trafficking. He was arrested from Kohalpur VDC-4 a day earlier upon victim's verbal complaint to the police. He was remanded in the Banke Prison on November 25. The case was yet to be decided at the end of the year.

Rape, Attempt to Rape, Sexual Abuse

A 20 year-old-woman of Puraina VDC-2 filed a complaint of attempted rape against Sakil Ahmad Ansari, 25, of Kamdi VDC-4 at the DPO, Banke on September 4. The woman said that Ansari tried to rape her at Puraina VDC-4 on the morning of September 3. Ansari was arrested on September 4 and remanded in custody at the DPO. The court ordered his release on date on September 28.

Domestic Violence

The relatives of Saduran Darji, 26, of Baduwa in Sonpur VDC-4, claimed that Sadurun was beaten to death by her husband Idris Darji, 35, and his family members on June 11 for not providing them with a dowry. The body of Saduran was found 500 meters away from her home in a field the next day. The deceased had suffered bleeding from her mouth, ears and eyes and had sustained bruising all over her body. Saduran's father, Sahezad, and locals jointly filed a case of murder against her husband and family at the DPO, Banke on June 14. The DPO, Banke's Inspector Shashidhar Adhikari said that her viscera had been sent elsewhere for tests and that the investigation was ongoing. No one was arrested in connection with the incident at the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Lokendranath Yogi, 22, of Bankatuwa VDC-5 was barred from living in his home by his father for marrying Amrita BK, 19 of the same place. They got married on January 18. Since then, they have been living with Amrita's parents. He filed an appeal at NHRC, Nepalgunj saying he was receiving threats to his life regarding the marriage.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Landless Squatter's Problems

Freed Kamaiya Kadhailal Tharu, 41, of Titihariya VDC-8 faced a case of defaulting on a loan on January 3. Tharu, who was freed 10 years ago from the bondage of Ishard Khan of Sonpur VDC-5, had paid off the loan a year later. Khan filed the case against Tharu at the District Court, Banke. Tharu had borrowed Rs 18,000 to pay for the medical treatment of his father on February 10, 2000 and had agreed to work as a kamaiya for a year for free. He had paid off the loan by staying six months beyond the stipulated time but Khan claimed in his complaint that Tharu had defaulted on Rs 35,880 when loan and the interest were combined. He sought legal support from human rights organizations, including INSEC. Upon the request, INSEC asked the District Legal Support Committee to help him. A reply to the charge was filed on July 8 but it was still pending at the end of the year.

Destruction of Infrastructure, Capture of Property

By UCPN-M

65 bighas of land belonging to Muktinath Devkota, 48, of Naulapur in Naubasta VDC-9 was captured by cadres of the UCPN-M's sister organizations-All Nepal Landless Squatters Association and Tharuhot State Committee (TSC) on March 11. The group was led by TSC's coordinator Amar Pariyar. The group said that the captured land would be distributed among the landless people, freed kamaiyas and small farmers. According to Pariyar, the land was distributed to 196 landless persons in 2000, adding that they were forced to recapture the land after Devkota began selling the plots without any consultation with the people using that land. He claimed Devkota, residing in Kathmandu, had permitted local Karna Singh Kathayat to sell the land. The land was not distributed to landless squatters at the end of the year.

By ANNISU-R

A group of five cadres of the ANNISU-R vandalized a computer at the Hope International Academy, located at Khaskarkado on April 26 for defying a closure called by the group. The vandalism was carried out even though the school vice-principal Keshav Regmi had stated that the room was opened only to receive phone calls. The ANNISU-R cadres also vandalized Buddha High School and Samabesi Boarding School in Nepalgunj Municipality-5 for defying their strike. Telephone sets and furniture were damaged in those schools.

By TJPM

The UCPN-M district office at Koreanpur in Nepalgunj Municipality-16 was damaged in a bomb explosion on March 28. The pressure cooker bomb, detonated by the Tarai Janatantrik Party (Madhes) caused damage to two rooms, windows, walls and furniture on the ground floor of the building. The group said that the explosion was a warning for activities against Madhes interests. The group's Banke-Bardiya Special in-charge Adarsh claimed responsibility for the explosion on the same day. UCPN-M's ACM Tabil Sunar said that the explosion had affected his hearing.

An explosion took place at the Bageshwori Iron and Steel Pvt. Ltd situated in Parbatipur of Ganapur VDC-7 on June 10. Windows of the office were broken and a wall near the office door cracked due to the explosion. Central Member of TJPM Bhagat Singh claimed responsibility for the incident, over phone. Inspector Rupesh Rawal of the Area Police Office stated that a pressure cooker bomb was detonated in the incident. The manager of the factory, Tara Chandra Sharma, said that he had not

received any threats prior to the incident.

A socket bomb was detonated at the house of Madhesi Janadhikar Forum Nepal Constituent Assembly Member, Mohammad Istiyak Rain, 30, in Jayaspur VDC-6 on September 8. The explosion damaged the wall of the house and caused minor damage to an Indian plated car used by Ray. The bomb was reportedly placed at the main gate of the house. The TJPM claimed responsibility for the blast. A press statement, issued by the group on September 8, said that the bomb was detonated as a warning to Rain not to support the UCPN-M. Another outfit, the Janatantrik Tarai Madhes Mukti Party also owned up the incident. Central Chairman of the group Bhagat Singh phoned Nepalgunj-based media personnel claiming responsibility for the blast. According to Sanshul Hak Rain, personal secretary of Rain, two men on a motorbike had detonated the bomb and left in the direction of Balegaun. Four policemen deployed for the CA member's security were on the roof of the house when the incident occurred. The Border Police Office is 100 meters north of the house while the office of the APF lies 50 meters south away. Police arrested Babulal Chamar and Kishor Khatik of Indrapur VDC-3 on the charge of being involved in the incident on September 24 and they were remanded in the Banke Prison on November 8.

A socket bomb was detonated at the main gate of Parashuram Shukla, 52, of Nepalgunj Municipality-6 and secretary of Piprahawa VDC and the head of the Banke Chapter of the Center for the Protection of the Rights of the VDC Secretaries on August 20. The explosion damaged his door and television set. The bomb was detonated after the TJPM's demand to collect Rs 15,000 from every VDC of the district was refused.

By TASC

The cadres of Tharuhat Autonomous State Council vandalized a jeep with the number plate Bhe 1 Ja 86 and a motorcycle, Bhe 2 Pa 5557, at Maitahawa Chok of Rajhena VDC-1 for defying the bandh the group had called on August 18. The bandh was called to demand an ethnic government and call for the implementation of past agreements, among others. The jeep was heading for Kohalpur from Basgadhi while the motorcycle was heading west from Kohalpur.

HEALTH SERVICE SITUATION

There are 71 positions in Bheri Zonal Hospital, Nepalgunj, including 30 doctors, 25 nurses, one health assistant, five AHWs, one medical recorder, one pharmacist, two radiographers and one physiotherapist. The hospital said 16 regular and two temporarily posted doctors were there and others vacancies were full. The District Public Health Office, Banke said there are 47 other health facilities including three primary health posts, 35 sub-health posts, and nine health centers. A total of 220 technical and eight administrative positions exist in those centers. Though, each primary health center has a doctor, there are none in eight primary health centers. In Laxmanpur Primary Health Center, there was a doctor at work but he left to go to Medical College leaving the Center empty. The doctor deputed for the Khajura Primary Health Center has been away for further studies and there is no substitute posted. The posts of the senior public health nurse in the District Public Health Office and assistant health worker in Indrapur Health Centre are vacant. Likewise, there is a lack of village health workers by seven, affecting services such as vaccination, nutrition and family planning, among others. The child mortality rate in the district is 61 per 1,000.

4.7 Bardiya

Population : 488,897
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
Hospital(s)/Health Post(s) : 1/33
Human Development Index : 0.429
Average Household Size : 8

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By State

Devisara BK, 35, of Hariharpur VDC-2, her sister Amrita BK, 33, and daughter, 12-year-old Chandrakala BK were killed when Nepal Army personnel, deployed to maintain the security of Bardiya National Park, opened fire inside the national park on the night of March 11. The patrol team of forest guards and army men from Jwaladal Barrack in Thakurdwara, Bardiya, led by Lieutenant Subodh Kunwar, shot the victims. The army personnel also arrested Tul Bahadur BK from the site. Tul Bahadur was released from Bardiya National Park on March 17 following pressure from Human Rights activists, civil society and the victim's families, whom claimed his innocence. The bodies were cremated at Badhaghat on the banks of Babai River on March 17. The National Park provided Rs 20,000 as part of an agreement to provide Rs 25,000 per deceased for funeral expenses. The remaining amount was handed over to the relatives of the deceased, Krishna Bahadur BK and Ratna Bahadur BK by the National Park's warden Tikaram Adhikari on July 2. The DPO filed a case of murder against Lieutenant Subodh Kunwar and his subordinates on March 16. Tikaram BK, representing the victims, filed another FIR against Lieutenant Kunwar at the DPO in Bardiya on March 26. Police said the case would be tied to the earlier registered murder case. On March 16, INSEC released the fact finding report incriminating the Nepal Army. Other reports including that of the Parliamentary Committee on Women and Children, the NHRC and the NWC also indicted the Army. The army claimed that the victims were killed in an exchange of fire. There was no action taken against any accused at the end of the year.

Meanwhile, a meeting held at the DPO in the presence of the representatives of Bardiya National Park decided to issue dissent on the charges of rape of the girl and the women as made by media and other organizations. Likewise, the meeting also decided to immediately resolve the case of Krishna Bahadur BK and the others arrested in the incident. The meeting was called when the relatives of the deceased had gone to collect the first installment of the money on March 17. The victims' side agreed to withdraw the complaints filed against the Nepali Army and the National Park staff.

By JTMMP

Chhotelal Tharu, 32, of Bhaisahi in Mahammadpur VDC-8 and a district

Type of Events	By Non-State										By State			
	By Others					By UCPN-M								
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total
Killing	6	3	3		6						1		3	3
Injured	1	1			1						1	7	5	12
Beatings	2	2			2	2	4			4	1	1		1
Threats						2	2			2	1	1		1
Right to Assembly	1	1			1									
Racial Discrimination	1	1			1									
Women Rights	21		21		21									
Child Rights	9	3	8	1	12	5	18	5	2	25				
Economic, Social and Cultural Rights						2	4	1		5				
Abduction	1		1		1									
Total	**42**	**11**	**33**	**1**	**45**	**11**	**28**	**6**	**2**	**36**	**4**	**9**	**8**	**17**

committee member of UCPN-M Bardiya, died on May 30 while undergoing treatment at Bir Hospital, Kathmandu. Two cadres of the Janatantrik Tarai Madhes Mukti Party had shot Tharu, who was also a Tharuwan Rastriya Mukti Morcha member, with a pistol on May 28. The Bardiya in-charge of the group, Pawan, owned up to the incident saying that his cadres took the step as Tharu was spying against them. The victim's wife Mandarani Tharu filed a case against Shankar Tharu, 32, Baliram Tharu, 30, Ram Lal Tharu, Govinda Tharu and Gurusai Tharu of Bhaisahi in Mahammadpur VDC-8 on June 2. Of the accused, the police arrested Govinda and Gurusai on June 2. Both were released on bail of Rs 50,000 each on October 24. The other accused were still absconding at the end of the year.

By Others

Dal Bahadur Gurung, the NC treasurer of Bardiya area number 3 and a resident of Sanoshree VDC-5, was injured in village no. 3 of Taratal VDC-1 on November 15 when he was attacked by two people with sharp weapons. Gurung died while undergoing treatment at the Nepalgunj Medical College. Gurung along with Sanoshree VDC-5 resident and UCPN-M Bardiya District Committee member, Mewalal Gautam and Anand Pariyar were attacked at around as they were passing by Gurans Higher Secondary School. Gautam sustained injuries to his hand. Police arrested Dhiraj Chaudhary, 19, and Bijay Bk 16, of village no. 3 in Taratal VDC-1 from Bikshya Bazzar on the Indian side of the border on November 16, in relation to Gurung's murder. The angry locals vandalized the Sanoshree Area Police Office demanding to make the accused public. Mewalal and Anand were arrested by the police on November 16 for the investigation. The father of the deceased, Gagan Singh Gurung, filed an FIR against Dhiraj Chaudhary, Bijay BK, Mewalal and Anand at the DPO in Bardiya on December 10. Dhiraj and Bijay were remanded in the District Prison while Mewalal and Anand were released on court date on December 12.

INJURED IN SHOOTING/EXPLOSION

By Others

NC cadre, Kittu Yadav, 28, of Katthi in Gulariya Municipality-4, was shot

and injured by two unidentified men in Gulariya on June 29. He sustained bullet injuries to his back and thigh. He was immediately taken to Bheri Zonal Hospital in Nepalgunj for treatment. His family took him to Lukhnow, India for further treatment. His did not file any complaint saying it was a political issue.

JAIL AND DETAINEES

The 'D' grade jail has the capacity to hold 100 inmates. At the end of the year, there were 54 inmates. One female and 26 male inmates are convicted while while one female and 26 male prison inmates are detainees. A 2-year-old boy, Sumit BK, is living in the jail as the dependent of his mother. There are two water taps and two tanks for arsenic-free drinking water. The inmates have access to electricity, newspapers, radio and television, and sports equipment. There are health staffs posted in the jail to deal with emergency and minor health problems.

DISAPPEARANCE/ABDUCTION

By Others

Puja Tharu, 14, of Banjariya in Pashupatinagar VDC-5 was abducted by Dipendra Tharu, 15 and Bandhu Tharu, with the help of Bina Tharu, 18, and Anita Tharu, 18, of Pashupatinagar VDC-5 on January 20. Puja was abducted for the purpose of marriage. She was abducted from the house of Binu Kumari and Anisha Kumari in Patharaiya of Pashupatinagar VDC-3 under the pretext of some business. Dipendra Chaudhary of Pashupatinagar VDC-3, Ramesh Chaudhary of ward no 4 and Shyam Chaudhary, Mahesh Chaudhary and Shankar Chaudhary had also helped in the abduction. She was first kept at Badkar Bhimmapur in Bhimmapur VDC-1 and brought to Dipendra's home on January 22. She managed to flee from the house on January 24 and went to a relative's house in Dang. She filed a complaint at the Patabhar Area Police Office on February 28 after receiving repeated threats from her abductors. No one had been arrested at the end of the year.

THREATS/BEATINGS

By State

A UML Bardiya district committee member, Hari Gyawali, 50, of Gulariya Municipality-6, was beaten and injured by a police team from the DPO in front of a petrol pump in ward no. 6 on June 5. Police thrashed him over a dispute that ensued after the vehicle of the Chief District Officer hit a motorbike which had been traveling on the wrong side. Gyawali was treated at the district hospital in Gulariya on that evening and was taken to Nepalgunj the next day. Gyawali said the District Administration Office driver Narayan Gurung had hit a motorcycle as he was driving in an inebriated state. Political Parties called for a promise to draw the concerned persons' attention, action against the police and compensation for the damage of the motorcycle. CDO Beni Madhav Gyawali and SP Surya Prasad Upadyaya agreed to take action against the guilty in a meeting held with political parties on June 7. CDO Gyawali said that driver of the vehicle, Narayan Gurung, faced departmental action for drunk driving.

By UCPN-M

Ram Mandal, 35, of Bangain in Dhadhabar VDC-6 was severely beaten by three UCPN-M cadres, including Prakash Adhikari of Dhadhabar VDC-3, on May 4. He was beaten at his house for not providing the money on time as was demanded by the group. He was treated at a pharmacy in Bansgadhi Bazaar in Motipur VDC. The victim added that after the incident, the UCPN-M leader said that the

assault against him was a mistake. He did not file any complaint against the assailants.

The UML District Committee Member, Bhakta Bahadur BK, of Lamki in Dhadhabar VDC-9 was threatened by the UCPN-M regional in-charge Pati Ram Tharu alias Bahak on May 18. Tharu threatened BK over the phone, and said he would break his hands and feet if he tried to become a leader of the freed Kamaiyas and squatters. BK had participated in a meeting held in Magaragadi VDC a day earlier regarding issues of freed Kamaiyas and squatters. He did not file any complaint.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

By YCL

The cadres of the YCL disrupted a program being held by RPP Nepal at Bantariya Village of Thakurdwara on April 20. The armed YCL cadres surrounded the team led by RPP Nepal leader Pramod Bikram Rana and snatched their pamphlets and microphone near the jungle of Bantariy Village. The YCL team was led by area no. 3 in-charge Chakra Bhandari. The window pane of Rana's vehicle was damaged in the attack. The victim did not file a complaint.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

A total of 42 criminal cases carried over from last year were decided upon while 14 remained undecided. Out of 70 cases filed this year, 36 cases were decided on and 34 remained undecided. A total of 48 cases remained undecided.

A total of 101 cases, where the individual is the plaintiff, were carried over from last year. Among them, 63 cases were decided and 38 were still pending. This year, a total of 191 cases, where the individual is the plaintiff, were registered. Among them, 58 cases were decided on while 33 remained undecided. At the end of the year, 71 cases were still pending.

A total of 278 cases were carried over from last year among which 183 cases were decided on and 95 were not decided. Out of 262 cases registered this year, 123 cases were decided upon and 139 remained undecided. A total of 244 civil cases remained undecided. At the end of the year, 363 cases remained undecided.

A total of 63 cases were filed by the Office of the District Government Attorney by July 16, out of which, 94 cases were decided. Likewise, from July 17 to December 31, 42 cases were filed and 12 were decided. The Office was successful in 78 cases and unsuccessful in 28 cases. Out of which, six rape cases, one attempted rape case, two murder cases, four attempted murder cases, 12 cases of death in road accidents, one case of drug abuse, three polygamy cases, one case of physical assault, one case relating to foreign exchange regulations, one robbery case, eight cases of poaching, six cases of illegal logging, one case of trading of banned animal parts and flora, 13 cases of the trading of the dried meat of protected animals, one case of damaging a forest, one case of poisoning animals, one case concerning arms and ammunition and six cases of public offence were successful. One case of the handling of explosive materials, four cases of robbery, three cases of attempted rape, two cases of attempted murder, two cases of murder, one case of polygamy, three cases of arson, one case of the killing of a cow, one abduction case, one extortion case, two human trafficking cases, two cases of forgery of official documents and one case of using fake currency were unsuccessful.

CHILD RIGHTS

A total of 138,769 children were studying in 352 schools in the year. In 206 primary schools, there were 79,100 students

while 37,710 students were studying in 75 lower secondary. In 44 higher secondary schools, there are 16280 students while in 27 higher secondary schools, there are 5679 students. A total of 1162 students are studying in 595 child centers.

There is a quota of 862 permanent teachers for primary schools, 184 for lower secondary and 1200 for secondary level schools. There is a quota of 490 relief teachers available for primary schools, 164 for lower secondary schools and 86 for secondary schools. Additionally, 155 teachers for primary schools and 112 for lower secondary schools are from the PCF. The ideal number of teachers falls short in primary schools by 72, 372 in lower secondary and 86 in secondary schools. Even though the government's education policy demands one teacher for every 50 students, currently one teacher is handling 64 students at the secondary level. Similarly, instead of having one teacher for 40 students at the lower secondary level as per the policy, there is one teacher for 109 students. The burden on the teachers is hampering the quality education of the students.

A total of 778 teachers in primary schools, 208 teachers in lower secondary schools and 80 teachers in secondary schools are funded by the community.

There are 57 pre-schools, 40 primary, 14 lower secondary schools, eight secondary schools and two higher secondary schools being operated by the private sector. There are 9035 children attending these private schools.

Motiraj Aryal, 13, of Budkawa in Thakurdwara VDC-6 and Harke Damai, 14 of Marchiya in Thakurdwara VDC-3 were rescued while being trafficked to India on January 30. They were being taken to India by Jasbir Damai, 45, of Budkawa in Thakurdwara VDC-6, Chhunuklal Tharu, 35, of Chitkaiya in Thakurdwara VDC-3 and Nar Bahadur BK of Chailahi VDC-2, Dang. The boys were rescued by the villagers from Amreni of Neulapur VDC-1. The boys' relatives filed a complaint at the Bhurigaon Area Police Office on January 31. The police's attempt to reach a compromise between the two sides failed. After that, the accused was sent to the DPO in Bardiya on February 1. All three were released on February 4 on the condition that they would be subjected to legal case if they were found involved in taking children across the border next time.

Narendra Giri, 17, of Sanshree VDC-3 was hacked to death by police constable Nokh Bahadur Khatri, 21, and Krishna Bahadur Dangi of the same place because of a personal dispute on February 22. Khatri was home on leave at the time. Giri's decapitated body was found near Shivadurga Community Forest in the Babai River on February 25. They were arrested soon after the recovery of the body. Saying that they had confessed to the crime, police kept them in custody for further investigation on March 31 as per the court order. Both were remanded in the District Prison on March 23.

A bandh called for by the Nepalese Federation of Indigenous Peoples and Nationalities (NEFIN) on January 1 affected nearly 161,000 students when 403 schools in the district were shut down. The bandh was called for to protest the government's failure to implement early agreements made with the NEFIN.

A 5-year-girl of Dhadhabar VDC-6 was abducted by Balkrishna Neupane alias Suraj, 31, of Taratal VDC-6 on October 17. The girl was found in semi-conscious state near Phiriya River Bridge at Thanphena in Dhadhabar VDC-7 on October 19. She was rushed to the Bheri Zonal Hospital for treatment but succumbed to her injuries. The police team who had been searching for the girl arrested Indra Bahadur Dangi

and Prem Prakash Oli from the same VDC on October 18. The girl's father Ammar filed an FIR against Bal Krishna, the prime accused and his accomplices Indra Bahadur Dangi of Dhakela in Dhadhabar VDC-6 and Prem Prakash Oli of Toli Village of Chhinchu VDC in Surkhet. District Court remanded Indra Bahadur and Prem Prakash in jail on November 14 but Bal Krishna remained at large at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

An 18-year-old woman of Sanoshree VDC-8 was sold in a brothel in New Delhi, India by Sher Bahadur BK, 25, Shova Nepali, 22 and Juna Nepali, 28 of the same place on June 18. She was taken to India with the promise of a job. The victim filed an FIR against them at the DPO on July 14. District Court remanded Sher Bahadur and Shova in the District Prison on August 6 while Juna was still at large at the end of the year.

Rape, Attempt to Rape, Sexual Abuse

A 44-year-old woman of Gulariya Municipality-12 accused Ram Bahadur Darji, 45, of same place of raping her on October 6. Police arrested him the same day. She filed a complaint at the DPO on October 7. The accused was remanded in the District Prison by the court order on October 31.

Domestic Violence

Laxmi BK, 26, of Dhadhabar VDC-9 was severely beaten by her husband Sanju BK, 30, on November 1. An inebriated Sanju beat her for smiling with the customers coming into her shop. Laxmi lost consciousness due to the beating. She received treatment at a local pharmacy. She did not file a complaint against Sanju.

Polygamy

Ram Shahi, 26, of Tulsipur in Gulariya VDC-7 got married to Rabina Limbu, 24, of the same place on May 28 despite having a spouse. Shahi's first wife Ratna Shahi, 25 filed a complaint against both of them at the DPO. Both of them remained at large at the end of the year.

Ram Shahi, 26, of Tulsipur in Gulariya Municipality-7 married Rabina Limbu, 24, of same place on June 7. Shahi's first wife Ratna, 25, filed a case of polygamy against her husband at the district police office on August 23. The couple was at large at the end of the year.

Inhuman Behavior

Ujyali Tharu, 45, of Kartaniya in Dhadhabar VDC-3 was beaten by locals, Hari Bahadur Tharu, 26, his brother Anshu Thaur, 23 and father Bhosu Tharu, 45, on June 1. They accused her of practicing witchcraft. They attacked Ujyali with a lathi, accusing her of making Hari Bahadur's sister ill. The victim sustained a broken hand and bruises all over her body as a result of the assault. Ujyali's daughters Sumitra, 17, Dulari, 14, Maya, 11 and Sipahi Tharu, 7, were injured while trying to shield their mother. The mother was treated at the Kohalpur Medical College while the girls were treated at the local health centre. She filed a complaint at the Motipur Area Police Office on June 2. The local villagers called for her husband Sarju and convinced him to accept Rs 6,000 from the perpetrators for her treatment. She tried to go to court and requested the human rights activists for their support on June 23 but the case did not move forward due to political pressure.

ALL KINDS OF RACIAL DISCRIMINATION

Gaya Prasad Yadav, 35, of Mahammadpur VDC-7 mistreated

Bhagiram Raidas, 35, of the same place on July 2 stating that he would not have any business or discussions with a so-called low caste person. Raidas filed a complaint against Yadav at the DPO on July 8 for caste discrimination. As Yadav was absconding, the District Court registered the case on August 6 and issued the court appearance date on August 10. Yadav accepted the court summon on September 29 and appeared in the court on October 4. He was released on bail for the amount of Rs 15,000.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property, Capture of Property

By UPCN-M

The cadres of UCPN-Maoists and its sister organizations captured one bigha of land belonging to Swargeman Shrestha of Bholagaudi in Sorahawa VDC-9 on June 16. Around 200 cadres of the UCPN-M, All Nepal Squatters Association, All Nepal Peasants Association and the YCL captured the land at Bholagaudi by planting a party flag. Police uprooted the party flag immediately after being informed about the incident. UCPN-M's local leaders and cadres said the land captured during the conflict and given to farmers for cultivation was re-captured as the land-owner tried to sell it without their consent. Shrestha did not file any complaint.

The UCPN-M's sister organization, All Nepal Peasants Association, captured five bighas of land belonging to Rudra Bahadur Shahi, one bigha of Shreerma Dawadi, 12 bighas belonging to Prem Kumari Rana, 70 bighas jointly owned by Ramesh Gyawali, Santosh Gyawali and Kallu Gyawali, 150 bighas belonging to Rabindra Sharma and 21 bighas belonging to Dwatta Bahadur Banstola of Daulatpur VDC-3 from May 16 to 19. The land that was captured during the armed conflict was released after the end of conflict by the UCPN-M. The All Nepal Squatters Association's District Chairperson, Chhalluram Tharu, said the move was taken after the landowners began selling the land to feudal men and depriving squatters and small farmers from using it. Following a complaint filed at the Rajapur Area Police Office, the organization's cadres agreed to give them half of the produce. However, the landowners said they did not get anything due to pressure from the UCPN-M cadres.

By JTMM

A tractor with the number plate Bhe 1 Pa 1473 which was owned by Shalikram Yadav of Dallapur in Mahammadpur VDC-4 was damaged in a bomb explosion on December 3. Janatantrik Tarai Mukti Morcha took the responsibility for the explosion saying it was carried out as Yadav had not given them a donation and was involved against the group. The Ganeshpur Police Station said the explosion damaged property worth about Rs 100,000.

By Others

A group detonated a socket bomb at the home of junior engineer of the District Development Committee, Bardiya Bhim Prasad Lamichhane, of Khairapur in Gulariya Municipality-2 on June 23. The explosion damaged the window glass at the front of the house. A group called Tarai Janatantrik Mukti Morcha claimed responsibility for the act saying the bomb was detonated for refusing to pay them donations.

A group detonated a socket bomb at the house of the UML District Committee Chairperson, Dip Bahadur Rana, on the night of September 21. Two men detonated the bomb at Rana's house in Sangam tol in Guralriya Municipality-7. The explosion caused minor damage to a room.

Janatantrik Tarai Mukti Morcha claimed responsibility for the incident saying that Rana had refused to pay a 'donation' to the group. Rana's family said that the group had been issuing threats to Rana asking for donations.

HEALTH SERVICE SITUATION

There are 34 governmental health facilities in the district. The quota includes six doctors, 11 HAs, 49 AHWs, 16 staff nurses, 20 ANM, 13 VHWs, 34 Maternal and Child Care Workers, one radiographer and five administrative staff. There is one district hospital which has quota for three doctors but at the end of the year, only two were there. Three staff nurses, nine ANMs, one senior HA, two HAs, one lab technician, one lab assistant, two assistants, and two administrative staffs are in the DH. Likewise, the Hospital Development Committee has provided financial support for one dark room assistant, one AHA, one ANM and five administrative staffs.

There are three primary health centers with a quota of one doctor, one HA, three ANMs, one staff nurse, one village health worker and one lab assistant in each such center. All the staffs are in place except for the doctors.

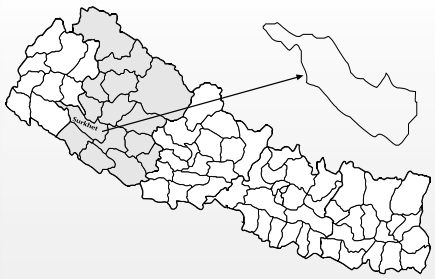
There are eight health posts in the district. There is one HA, two AHWs, one ANM, eight VHWs and two office assistants in each health center.

There are 22 sub-health posts with one sub-health post having the planned workforce of one AHW, one VHW, one MCCW and one office assistant.

The District Development Committee has posted one health worker each at Chepang of Belawa VDC-7, Mathura of Gulariya Municipality, Sorahawa VDC and Mahammadpur VDC. For safe maternal care, there is a provision of an ANM in primary health centers in Rajapur, Sorhawa, and Magaragadi and in health posts of Sanoshree, Neulapur, Bagnaha, Patabhar, Nayagaon, Khairagaon and Deudkala. Furthermore, the management committees of sub-health posts of Dhadhawar, Shivapur and Dhodhari VDC have recruited staffs to assist in safe delivery service. The absence of doctors in the primary health centers has rendered all the equipments and physical infrastructure useless. The locals are forced to go to private clinics for a similar service.

The district also has one ayurbedic health center, with one doctor, two kabiraj, two baidhyas, one assistant and two administrative staff. There are also two ayurbedic clinics with one kabiraj, one baidhya and two office assistants in each.

4.8 Surkhet



Population : 358,752
Literacy(%) : 68
Women Literacy(%) : 52
Area(Sq. Km.) : 2,451
Number of VDC(s)/Municipality(ies) : 50/1
Number of School(s) : 532/31
Campus(es)/Higher Secondary School(s) : 3/21
Hospital(s)/Health Post(s) : 1/51
Human Development Index : 0.486
Average Household Size : 7

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Youth Force

A YCL cadre, Asharam BK, 21, of Maintada VDC-2, was killed with khukuri by Youth Force (YF) cadres in Sahare VDC-8 for having different political belief on February 27. BK, who sustained multiple injuries to his chest, head and other parts of body, succumbed on the way to hospital. The body was kept in the morgue in the regional hospital for three days. The family, relatives and cadres of the UCPN-M formed a procession from Birendrangar to Botechaur Bazaar, a distance of 40 kilometers and cremated the body in Maintada VDC-2 on February 30. Although an FIR was filed against the YF cadres Chokendra Rakhal, Upendra Pun, Janak Budha, Bir Bahadur Oli and Dal Bahadur Gharti of Sahare VDC-8 on February 29, police was unable to arrest them at end of the year. On the same day, YF cadres attacked UCPN-M cadres Khim Bahadur Oli, 33, of Sahare VDC-9, Hira BK, 30 of Sahare-8 and Setiram Sunsar, 21 of Maitada VDC-2, with khukuri. They sustained injuries to the head, back, and limbs and were treated in the Surkhet Regional Hospital.

JAIL AND DETAINEES

The 'E' grade Surkhet District Jail has 31 male and two female convicts, 62 male and one female detainee at the end of the year. Thus, there are 96 inmates in the district jail which only has the capacity for 25 inmates. Although the inmates are provided with facilities including drinking water, toilets, electricity, newspaper, sports, and radio and television, they complained that they are forced to sleep on the cold floor as their number thrice exceeds the actual capacity of the jail.

DISAPPEARANCE/ABDUCTION

Rudra Thapa Magar, 35, of Sahare VDC-8 was abducted by UCPN-M cadres, including, Kalyan KC on the allegation of his involvement in the murder of YCL cadre Asharam Sunar, on February 28. The abductors took him to Mehelkuna VDC and released him the next day. The victim said that he did not lodge a complaint with the authorities thinking that the police could not take any action against the perpetrators. The UCPN-M cadre Kalyan KC stated that Magar was held with the view to help search for Youth Force cadres, who were alleged to have been involved in Sunar's murder.

By YCL

Ananda Gurung, 41, of Lekhpharsa

Type of Events	By Non-State								By State		
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	3	1	3	4							
Injured	1	1		1							
Arrest & Torture									12	30	30
Beatings	18	31	6	37	6	7		7	4	5	5
Threats	18	27	6	33	15	16	1	17	1	1	1
Right to Assembly									1	1	1
Racial Discrimination	2		4	4							
Women Rights	91		93	93							
Child Rights	8	1	8	9							
Abduction	1	1		1	3	3		3			
Total	**142**	**62**	**120**	**182**	**24**	**26**	**1**	**27**	**18**	**37**	**37**

VDC-9 was abducted by YCL cadres, including, Hariyali on the allegation of beating up UCPN-M cadre Dharma Raj Sapkota from Bheri Bridge on May 24. The bridge links Gumi VDC and Maintada VDC. According to the victim, the abductors took him to Dahachaur VDC via Dasharathpur VDC and inflicted mental and physical torture on him. He was released from Dahachaur VDC on May 28. The victim said that he did not file complaint against the UCPN-M due to fear. When the UCPN-M district in-charge Krishna Dhamala was asked about the incident, he denied that any torture was inflicted during Gurung's four-day captivity.

THREATS/BEATINGS

By State

Journalist Ramesh Bam, 21, of Birendranagr Municipality-6, was kicked and beaten with the butt of the gun by police on the allegation of not obeying their orders in Khulla Manch, an open air theatre in Birendranagar on March 9. According to Bam, who is also a correspondent for the local Bulbule FM, he was beaten by the police while covering news of the International Cultural Festival being organized in the Open Air Theatre even though he produced his identity card. A team from FNJ Surkhet met SP Ganesh Thapa immediately after the incident and demanded action against the guilty; however, no action had been taken against the perpetrators at the end of the year.

By UCPN-M

UML cadre Ganga Bahadur Oli, 43, of Dharapani VDC-4 received death threats over the phone by UCPN-M cadre Bhupendra Oli for having different political belief on January 9. Oli, who was staying in Birendranagar following a beating by UCPN-M cadres on May 12, 2009, said that the UCPN-M cadres had threatened to kill him at any time. The victim, who returned home after three months, filed a case against 12 persons including, UCPN-M cadre Nara Bahadur Dangi, in the district court on May 26. The court has not given its verdict at the end of the year.

A UML cadre, Nandaram Khanal, 45, of Ghatgaun VDC-5, was threatened and his mill was vandalized by UCPN-M cadre, including Nabin Bam, for having different political belief on April 21. The victim was displaced to Birendranagar for a month following the threats. Due to fear, the victim did not file a complaint with any authority. With the help of INSEC

and the District Peace Committee, the victim returned to his home on May 26. UCPN-M cadres informed that the incident occurred in retaliation after Youth Force cadres attacked them.

Tej Kumari Chapai, the head teacher of Nepal Rastriya Lower Secondary School in Birendranagar Municipality-5 was threatened by UCPN-M cadres, including Gangaram Timilsina, over the phone during the general strike called for by the party, for not allowing their cadres to stay in the school on April 29. The victim said that she did not file her complaint due to fear. Even though the school did not grant permission, UCPN-M cadres stayed in the school during the general strike. UCPN-M cadres said that they did not threaten Chapai though there was minor dispute over the giving of shelter to the party cadres in the school.

The RSS correspondent of Surkhet, Kanshiram Sharma, 25, of Ghorata VDC-3, was beaten up by UCPN-M cadres on May 5 on the allegation of obstructing to their movements on the road during the general strike called for by the party in Birendranagar Municipality-6. The perpetrators kicked and beat him with fists and batons and he was treated in the local health centre. The victim did not lodge a complaint with any authority. Various organizations including INSEC, FNJ Surkhet, Advocacy Forum, Press Union and Press Chautari condemned the incident, issuing a joint press release immediately after the incident.

By YCL

YCL cadres, including Kalyan KC beat up UML cadres Prem Bahadur Rana, 42, and Shashi Bhattarai of Sahare VDC-8 for having different political belief on February 27. The attack left Rana with four broken teeth. The victims were treated in a health centre in Chhinchu. The policemen from the Chhinchu Area Police Office rescued the victims who were beaten up by the YCL cadres following abduction. The duo remained in Birendranagar for 10 days due to the death threats from the YCL cadres. The victims did not lodge a complaint with any authority.

By UML

UCPN-M cadre Tul Bahadur Nepali, 32, of Gutu VDC-8 was assaulted by UML cadres, including Gajaraj Bayak at Gutu bazaar for having different political belief on June 11. The victim was treated in a local health centre.

By Youth Force

A UCPN-M cadre, Rana Bahadur Raskoti, 25, of Neta VDC-5 was beaten up by the Youth Force cadres Yagya Khatri, Shyam Khatri and Ahok Khatri for having different political belief on January 15. The injured were treated in a local health centre. They informed that they did not file a complaint thinking that it would not be addressed.

The UCPN-M cadres, Bishna Shahi, 60, Ganesh Bista, 22, Kriparam Bista, 45, Rajmati Bista, 20, Padam Bista, 22 and Prem Bista, 21, of Ghatgaun VDC-7 were beaten up by Youth Force cadres, including Kalam Shahi, for having different political belief on April 21. Rajmati was taken to Kathmandu for treatment while all the others received treatment in the Surkhet-based Regional Hospital. The victims did not file a complaint thinking that their concerns would not be addressed.

By ANNISU-R

Sitaram Karki, 48, the principal of Adeshraj Memorial School, Latikoili VDC-8, was threatened on April 25 by cadres of ANNISU-R on the allegation of defying the school closures called for by them. According to Karki, the ANNISU-R

cadres vandalized the school office and minibus, incurring the loss of over Rs 200,000. Karki informed that he did not file a complaint with any authority thinking that the police could not take action against the ANNISU-R.

By Unidentified Group

A Journalist of Lok Manch Dainik, Dipak Budha, 22, of Latikoili VDC-9 was beaten by an unidentified gang at Airport Chok in Birendranagar Municipality-11 on February 22. The victim stated that the masked gang of three people attacked him while he was heading to his rented room from the Birendrangar bazaar. He added that he could not file a complaint with the authorities as the group involved in the attack could not be identified.

RIGHTS TO ASSEMBLY, EXPRESSION AND ASSOCIATION (Including Political Freedom and Free and Impartial Election)

Chudamani Chapai, 45, of Birendranagar Municipality-12 was arrested by police on April 13 on the allegation of chanting slogans in the District Land Revenue Office. He said that he staged the protest because the people faced hardship in the absence of the office chief. He was released three hours later.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

A total of 180 criminal cases were filed in the district court by July 16. Of these cases, 18 were decided on. A total of 46 criminal cases were filed in the District Court between July 17 and December 31, of these cases, six were decided on.

A total of 111 criminal cases, where an individual is the plaintiff, were filed in the District Court. Of these, 28 were decided on. Another 41 criminal cases, where an individual is the plaintiff, were filed in the District Court in between July 17 and December 31. Of these cases, 16 were decided.

Furthermore, a total of 190 civil cases were filed in the District Court by 16 July, of these, 104 were decided.

Although two cases were filed under the domestic violence act in the district court, they were undecided at the end of the year.

Similarly, 250 cases were filed in the office of the District Government Attorney, of these, 52 were settled, two were under consideration and the remaining cases were deferred.

Among the settled cases, there was one case of shooting, five cases of rape, three cases of attempted rape, one murder, two attempted murders, two cases were death as the result of an accident, four cases related to drug addiction and four cases of polygamy.

Among the undecided cases there was one case of injury as a result of an accident, one case of cheating, three cases of rape, seven cases of attempted murder, one case of causing death in road accident, six cases related to drug addiction and four cases of polygamy.

Appellate Court

A total of 17 criminal cases were filed in the Appellate Court by July 16. Of these cases, nine were decided on. A total of 45 criminal cases were filed in the Appellate Court between July 17 and December 31, of these cases, six were decided on.

A total of 12 criminal cases, where an individual is the plaintiff, were filed in the Appellate Court by July 16, of these, four were decided on. Another four criminal cases, where an individual is the plaintiff, were filed in the Appellate Court between July 17 and December 31. Of these cases, only one was decided on.

Furthermore, a total of 18 civil

cases were filed in the Appellate Court by 16 July. Of these, nine were decided on. A total of 15 more civil cases were filed in the Appellate Court between July 17 and December 31. Of these cases, five were decided upon.

TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING BAHEVIOR OR PUNISHMENT

Bhuwan Nepali, 13, of Birendranagar Municipality-3 was beaten with pipe and kicked by police in the custody of the DPO on April 7. Police inflicted torture on him for refusing to accept a theft charge. He was released two days later. The victim underwent treatment at the Surkhet-based regional hospital.

CHILD RIGHTS

There are 516 public schools in the district including 23 higher secondary schools, 70 secondary schools, 70 lower secondary schools, 353 primary schools. In secondary schools, there is a quota of 104 permanent teachers, 52 temporary and 96 teachers supported by private resources. In lower secondary level, 165 permanent teachers, 80 temporary, 149 teachers on relief quota are working. In primary level, there are 1,025 permanent, 172 temporary and 410 teachers on relief quota. There are 2,073 boy and 1,512 girl students in higher secondary level, 6,421 boy and 5,761 girl students in secondary level, 14,022 boy and 13,733 girl students in lower secondary level and 38,302 boy and 38772 girl students studying in primary level. Similarly, there are three higher secondary schools, 14 secondary schools, 11 lower secondary schools and 36 primary level private schools. In primary level, there are 2,392 boys and 1,858 girls, in lower secondary schools, there are 910 boys and 641 girls, in secondary schools, 253 boys and 154 girls and in higher secondary schools, there are 76 boys and 60 girls. There are 411 ECCDCs in which 3,706 children are attending and 411 teachers are working.

Laxmi Nepali, 13, of Babiyachaur VDC-5 received death threats from Binod BK, 19 of Babiyachaur-4 on the allegation of refusing his offer of marriage on May 11. Following the threat, the victim was displaced to Birendranagar. She said that she did not complain about the incident due to fear.

Family of a 9-year-old girl of of Ghumkhahare VDC-9 lodged a complaint against Nekhi Bahadur Khatri, 25, of same place at the police post in Ghumkhahare on November 24. They accused Khatri of raping the girl at her home on November 22. The accused absconded after the incident.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Pabitra BK, 21, and Shanti Nepali, 19 of Goganpani VDC-6, Dailekh were rescued as they were being taken to India by Bharat BK, of Latikoili VDC-1, Surkhet on July 31. Bharat BK was arrested from Birendranagar Bus Park the same day. A case human trafficking was filed against the perpetrator and he was remanded in custody following an order from the Surkhet District Court on August 3.

Rape, Attempt to Rape, Sexual Abuse

Kul Bahadur Sunar and Gagan Bahadur Sunar, of Kalyan VDC-8 allegedly attempted to rape a local 35-year-old woman in her home on August 13. According to the victim, the duo tried to rape her by locking the door but they could not do so as her neighbors rescued her.The victim filed an FIR against the perpetrators in the DPO on August 14. The case was

still undecided at end of the year. The perpetrators were still at large.

Domestic Violance

Laxmi Koirala, 25, of Birendranagar Municipality-7 was assaulted and forced out of home by her husband Hemraj Koirala for not bearing son on November 16. She filed a case of divorce at the District Court Surkhet demanding share of his property on November 18. The case was not decided at the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Ranju Nepali, 21, Nilam Giri, 19, and Janaki Giri, 45, of Uttarganga VDC-8 were beaten by their neighbors Asha Thapa, Bhadra Thapa and Sagun Thapa on May 23. They were insulted as belonging to a lower caste and were accused of touching the perpetrator. Ranju, who was injured as a result of the beating, was treated in Surkhet Hospital. The victims filed a complaint in the DPO on May 28 but the case was undecided at the end of the year.

HEALTH SERVICE SITUATION

The district has a regional hospital where five doctors are working out of the quota for 24 doctors. There is a quota of one HA, four AMWs, 14 nurses and two assistant health workers in the regional hospital. One health assistant, 12 staff nurses, four AMWs and two assistant health workers are working in the hospital.
Similarly, there is the quota for four doctors, 55 AHWs, 23 assistant mid wives, 51 VHWs and 38 MCHWs under the district health office. One doctor, 54 AHWs, 49 VHWs and 36 MCHWs are working under that remit.
There are four primary health centers, 46 health posts and four sub-health posts in the district.

4.9 Jajarkot

Population : 156,685
Literacy(%) : 446
Women Literacy(%) : 31
Area(Sq. Km.) : 2,230
Number of VDC(s)/Municipality(ies) : 30/0
Number of School(s) : 347/7
Campus(es)/Higher Secondary School(s) : 1/9
Hospital(s)/Health Post(s) : 2/33
Human Development Index : 0.343
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS
JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates. There were 19 male and two female convicts, two detainees and two dependent girls at the end of the year. The Jail has the facilities of electricity, radio, newspapers and sports. Due to the narrow width of the jail the inmates have difficulty in walking within the jail.

DISSAPERANCE/ABDUCTION
By UCPN-M

Hemba Bahadur Kushari, 32, of Laha VDC-6 was abducted from his house by the cadres of the UCPN-M, led by Amrit Kusari on April 8. He was alleged to be involved in a political debate with the UCPN-M a few days ago, and was beaten up in the jungle of the same VDC.

Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	2	2		2							
Injured	1	1		1							
Arrest & Torture								2	3		3
Beatings	10	14	1	15	5	5	5	1	1		1
Threats	1	3	1	4							
Right to Assembly								1	1	2	3
Women Rights	13		13	13							
Child Rights	15	30	4	34							
Abduction	1	1	1	2	2	2	2				
Total	**43**	**51**	**20**	**71**	**7**	**7**	**7**	**4**	**5**	**2**	**7**

He was released under the condition of not arguing with the cadres of the UCPN-M. Even though the victim filed a complaint against the cadres at the Area Police Office in Dalli, no action was taken against the perpetrators.

THREATS/BEATINGS

By State

Shiva Bikram Shah, 41, of Khalanga VDC-1 was beaten up by a group of 10 policemen officers led by Inspector Krishna Sapkota of the Area Police Office in Garkhakot on August 24. The policemen were drunk at the time of the incident. There was an agreement reached between both parties as the Inspector apologized after the victim filed a complaint at the DPO in Jajarkot on August 26.

By UCPN-M

Rudra Bahadur Khatri, 27, of Sakla VDC-1 was beaten up by a group of UCPN-M cadres led by Amrit Bahadur Kusari on April 24. They accused him of not providing them with the donations asked for by the party. The victim did not file a complaint.

By YCL

Sare Kami, 56, of Punma VDC-6 was injured in a beating by a group of 18 people, led by the YCL district member Bhim Bahadur Shahi on November 7. The victim was accused of debating with the cadres of YCL a few days ago. The victim received treatment at the district hospital in Jajarkot. The victim filed a complaint at the DPO seeking action against the perpetrators on November 9. The Area Police Office in Jagatipur mediated a compromise between both of the parties, and asked the perpetrators to pay Rs 15,000 on December 8.

By Youth Force

A district member of the Nepal Teacher's Association (Revolutionary) Dal Bahadur Basnet of Bhur VDC-2, was injured in a beating by the cadres of the Youth Force, Narendra Gharti, Keshav Poudel and Khadka Singh at Sualibazzar, Punma VDC-1 on January 23. They assaulted him over a political debate. The victim received treatment at the community health post. The victim did not file a complaint.

By NC

Police Constables Khim Bahadur GC and Deepak Thapa of the Panchala Area Police Office, who were sent to Kortang VDC-5 to patrol the area, were beaten up by a group of NC cadres led

by Narendra Shahi, 31, on November 22. The perpetrators were arrested and kept in the custody of the DPO on the same day. Police released them after fining them Rs 7,000 and making them sign a piece of paper stating that they would not repeat such mistakes in the future.

By Nepal Tarun Dal

YCL cadres, Prakash Singh, 16, of Talegaun VDC-1 and Umesh Singh, 20 of the same place, were injured in a beating by the cadres of Tarun Dal, Mahendra Shahi, Gorakhbahadur Shahi, Bhaktabahudr Shahi, over a political debate on April 1. The victims were treated at the district hospital in Jajarkot. The victims filed an FIR demanding strong action be taken against the perpetrator at the DPO on April 3. The DPO asked both the parties to compromise under the condition that the perpetrators cover the costs of the medical expenses on April 9.

ARBITRARY ARREST

The treasurer of the FNJ District chapter in Jajarkot, Ram Bikram Shah, 33, of Jagatipur VDC-1 and currently staying at Khalanga VDC-2 was arrested without warrant by a Police team led by ASI Saram Bahadur Bhandari from his house on October 16. They accused him of arguing with the police. Police released him on October 17. DSP Rampyara Kharel offered an apology to the victim over the incident.

RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Teachers affiliated to the District Teacher Struggle Committee in Jajarkot were injured when the police beat them while they were trying to padlock the District Administration Office, demanding similar facilities provided to the teachers of the Karnali region, on March 3. The injured teachers were identified as Bhagiram Jaishi, Kaushila Shahi, Uma Shrestha, Sulochana Singh, Bimala Basnet, Rajendra Mandal, Shashiram Singh, Madhav Ghimire, Radhika Sharma, Asha Karki, Kiran Shah, Devbahadur Basnet, Tejraj Shahi, Manbahadur Singh and Uttar Batala, among 17 teachers. Police constables, Bishnu Bista and Bimala Basnet were also injured in the incident. Three of the injured teachers were referred to Nepalgunj for further treatment while the others received treatment at the district hospital in Jajarkot. The police fired six rounds in the air as well as six teargas shells to control the situation.

RIGHT TO PROMPT AND FAIR TRAIL

A total of 42 criminal cases were filed in the District Court by 16 July. Of these cases, 22 were decided on and 20 remained undecided. Additionally, a total of 22 criminal cases were filed in the District Court between July 17 and December 31, of these cases, all remained undecided. A total of 42 criminal cases remained undecided at the end of the year.

A total of 52 civil cases were filed in the District Court by July 16. Of these cases, 22 were decided on and 30 remained undecided. Another 18 civil cases were filed in the District Court in between July 17 and December 3, none of these cases were decided. A total of 48 civil cases remained undecided at the end of the year.

Office of the District Government Attorney filed four cases in the district court by July 16. The office filed two cases from July 17 until the end of the year. Of the total cases, it was successful in two cases and unsuccessful in one. One case was deferred while two cases were awaiting decision.

CHILD RIGHTS

The Jajarkot district has 219 ECCDC centers, 385 primary, 106 lower secondary, 42 secondary, nine higher secondary schools and one college. According to the statistics of the District Education Office, there are a total of 82,140 students, of which 4,250 students are in ECCDC centers, 55,203 students are in primary level, 13,191 students are in lower secondary, 6,878 students in secondary, and 2,618 students are in higher secondary schools. Some of the rural parts of the district still do not have schools. Due to a lack of proper infrastructure, students face difficulties even in the areas where there are schools. Furthermore, books are not received on time, Government scholarships are not made available on time, and there is a lack of teachers in relation with the number of students; these are some of the various problems that the district faces in its educational sector. The closure of schools by the different political parties has also hampered the education of the students of the district.

A 14-year-old girl of Laha VDC-2 was allegedly raped by her father while she was sleeping in the house on June 12. The accused raped her while none of the other family members were in the house. The victim said that villagers rescued her after hearing her scream. The victim filed a complaint at the DPO requesting that the police take strong action against the accused on June 13. The accused was remanded in custody at the District Jail on June 13.

Bharat Khadka, 12, Karna Bahadur Khadka, 14 and Tej Bahadur Khadka, 15, of Khalanga VDC-6 were made to carry stone by the Road Users Committee, of same VDC during the construction of a road for five days from August 27.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Mankumari Khatri, 27, of Khalanga VDC-7 was assaulted by her father-in-law, Dhan Bahadur Khatri, his wife, Lali Khatri, and her sister-in-law, Lalita Khatri and evicted from home on July 31. Mankumari stayed at her maternal home following the eviction. The victim filed a complaint about the incident at INSEC. The victim did not file a complaint at the police office.

Polygamy

Husband of Jaikali Sunar, 24, of Dhime VDC-9, Kali Bahadur Sunar, 27, married Rupa Nepali, 23, of Rolpa district despite already having a wife on May 15. Jaikali filed a complaint at the Area Police Office at Pachkatiya seeking justice on May 16. The police arrested Kali Bahadur on the same day the complaint was filed. He was released on May 17 after he agreed to provide for the basis needs for his first wife.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

During the period of the Dashain festival there were depleting food stocks in the 15 VDCs of the district since September 17. The VDCs were identified as Nayakwada, Rokayagaun, Ramidada, Sakla, Radga, Bhagwati, Laha, Archani, Talegaun, Kortang, Amjkot, Dashora, Pajaru, Dhime and Garkhakot.

HEALTH SERVICE SITUATION

There is one district hospital, two primary health centers, seven health posts and 25 sub-health posts in the Jajarkot district. Even though there is the provision for two doctors, only one doctor is available at the hospital. Additionally, despite the provision of one doctor per primary health center, the allocated quotas are still vacant. Two people had died from diarrhea due to the lack of sufficient medical treatment in the district during the year.

4.10 Dailekh

Population : 265,360
Literacy(%) : 55
Women Literacy(%) : 35
Area(Sq. Km.) : 1,502
Number of VDC(s)/Municipality(ies) : 55/1
Number of School(s) : 351/13
Campus(es)/Higher Secondary School(s) : 2/29
Hospital(s)/Health Post(s) : 1/62
Human Development Index : 0.381
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail has 22 male and one female convict and four detainees at the end of the year. Thus, there are a total of 27 convicted and detained inmates in the Dailekh Jail. The jail only has the capacity for 15 inmates. The jail does not have proper drinking water, toilets or a regular supply of power. It also lacks facilities such as newspapers and sports equipment.

THREATS/BEATINGS

By UCPN-M

NC cadres Dhirendra Sapkota, 20 and Rajan Tiwari, 25, of Kusapani VDC-6 were threatened by cadres of the UCPN-M on March 1. They accused the victims of holding different political beliefs and ordered them to leave their houses. The NC, issuing a press release on the same day, demanded that the guilty be brought to justice. The victims were displaced to the district headquarters on same day, however, they returned home following an agreement on March 9.

RIGHT TO PROMPT AND FAIR TRIAL

A total of 61 criminal cases were filed in the District Court at the end of the year. Of these, 38 were decided upon.

Of the 70 criminal cases, where an individual is the plaintiff, which were either filed before mid July of the year or brought forward from the previous year, only 56 were decided upon. In addition, of the 43 criminal cases, where an individual is the plaintiff, which were filed between July 17 and December 31, 16 were decided upon.

Of 48 civil cases either filed before mid July of the year or brought forward from the previous year, 38 were decided on. Moreover, of the 18 civil cases filed between July 17 and December 31, seven were decided on.

A total of 84 cases were left undecided in the Dailekh District Court at the end of the year.

CHILD RIGHTS

There are three campuses, 29 higher secondary schools, 77 secondary schools, 155 lower secondary schools, and 450 primary schools in the district. A total of 52,448 male and 52,477 female students are studying from grade 1 to 10 in the schools. There are 135 female and 923 male teachers working in the schools.

The family of a 9-year-old girl of Lalikada VDC-9 accused Jaya Bahadur BK, 22, of Matela VDC of Surkhet of raping her. The family said she was violated while she was herding goats in a nearby forest on February 23. The minor, who was injured

Type of Events	By Non-State								By State		
	By Others					By UCPN-M					
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Injured	2	2			2	1	1	1	1	1	1
Beatings						1	2	2			
Threats	1			1	1	1	2	2			
Racial Discrimination	4	4	1		5						
Women Rights	7		7		7						
Child Rights	4		4		4						
Inhuman Behavior	1	1			1						
Total	19	7	12	1	20	3	5	5	1	1	1

and bleeding, was treated in the Dailekh district hospital. BK, who had absconded, was arrested by police on March 1. He was in prison following the court's order on December 7.

The family of a 10-year-old girl of Lalikada VDC-9 accused Bhakta Bahadur Katwal, 24, of Bindhyabasini VDC-4 of raping the girl on April 28. Katwal, who is studying for a Bachelor's Degree in the Narayan Campus in the district headquarters allegedly raped the minor while she was alone in the house. The victim was treated in the district hospital. The police arrested the accused and sent to the district jail on remand as per the order of district court on November 7.

A 16-year-old teenage girl with disability of Kharigaira VDC-8 was allegedly raped by Jit Bahadur BK, 22, a teacher in the local primary school on November 27. BK of Narayan Municipality-4 allegedly raped the girl, a ninth grader in Mahendra Higher Secondary School based in Narayan Municipality-4 while she was alone in her rented room in Deshigade bazaar at 7 PM. The girl filed an FIR against the accused in the district police office on November 30. The police arrested BK and he was still in police custody at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Bhupendra Prasad Regmi, 45, of Narayan Municipality-6 was accused of raping a local mentally-handicapped woman on May 11. According to the victim, Regmi raped her while she was walking alone at Bhabisya Ban near to Ganesh Chok. The victim's relatives filed an FIR against the perpetrator in the DPO on May 12. The accused is in jail following a court order on July 13.

A 40-year-old woman of Siradi in Lakandra VDC-9 accused Nanda Buda, 33, of ward no. 8 of raping her on August 26. She said that Nanda took her some 500 meters away from her home after tying her hands and raped her. She underwent treatment in the Dailekh District Hospital. The accused was absconding at the end of the year.

Domestic Violence

Padam Badi, 38, of Narayan Municipality-6, while under the influence of alcohol, sternly beat up his wife Janaki on March 2. Janaki sustained critical injures to her head, back and other parts in her body. The victim reached out to a local human rights organisation for justice. The local organisations called the couple

and it reached an agreement on March 3 that the perpetrator would not repeat such incidents.

ALL KINDS OF RACIAL DISCRIMINATION

Purna Bahadur BK, 33, of Kasikandh VDC-3 was severely beaten by a local Dalmardan Tarami Magar on the allegetion of trying to enter in his house forcefully on November 5. According to BK, he asked Magar to provide space to sleep in his house in the night and Magar suggested that he sleep on the varandah. "As there was extreme cold outside, I tried to enter inside the house, but Magar badly beat me saying that I am untouchable," BK said. The beating left injuries on BK's nose, eyes, cheeks, head and back. The victim was treated in a medical centre in the district headquarters. The perpetrator admitted his involvement in the incident and both sides reached an agreement after Magar apologized and provided money for the treatment of BK.

HEALTH SERVICE SITUATION

The district has one hospital, three primary health centers, six health posts and 50 sub-health posts. The quota of medical staff in the district include a medical superintendent, four medical officers, one public health officer, 12 senior AHWs, six staff nurses, 50 AHWs, 56 village health workers, 48 maternal and child care workers, 60 office assistants, one lab technician, one radiographer, one colchen assistant, 16 ANMs, four lab assistants, one assistant looking for lepers/TB patients and one public health nurse. The position of one public health officer, one senior AHW, 10 AHWs, two maternal and child care workers, 25 village health workers, two lab assistants and 26 office assistants were vacant at the end of the year.

4.11 Dolpa

Population : 24,294
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
Hospital(s)/Health Post(s) : 1/23
Human Development Index : 0.379
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING
By UCPN-M

Sonam Jhyampal Lama, 26, of Dolphu VDC-7 in Mugu district and living in Dunai VDC-1 and Sonam Tundup Gurung, 35, of Bijher VDC-8 and living in Dho VDC-9 were killed with khukuri on August 4. They were killed by Govinda Budha, 21, of Laun VDC-7 in Dolpa, YCL district member, Kamal Aidi, alias Basant, 28, of Barai VDC-2, UCPN-M state committee member and UCPN-M cadre Ajay Bahadur Budha, alias Sahasi, 30, of Melchham VDC-8 and Rangalal Rokay, 31, of Gothi VDC-2 in Humla district. They attacked the victim with khukuri in Saldang VDC-9. The relatives of the victims said the

Type of Events	By Non-State							
	By Others				By UCPN-M			
	No. of Events	Male	Female	Total	No. of Events	Male	N/A	Total
Killing	1	1		1	1	2		2
Injured	3	6		6				
Beatings	3	3		3	1	1		1
Women Rights	1		1	1				
Child Rights					3		3	3
Total	**8**	**10**	**1**	**11**	**5**	**3**	**3**	**6**

UCPN-M cadres also looted Rs 6.8 m. The DPO arrested Govinda Budha and Kamal Bahadur Aidi on August 28. The men are remanded in jail. The others still remained at large at the end of the year.

CLASH

YCL cadres Chandakhar BK, 35, Siddhaman BK, 33 of Su VDC-6, Youth Force cadre Ram Prasad Budha, 36, of Dunai VDC-3 and Saroj Thapa, 32, of Kalika VDC-9 were injured in a clash between the cadres of the UCPN-M and UML on March 11. Ram Prasad, Saroj and Chandkhar were taken to Kathmandu for treatment. The others received treatment at the district hospital. The clash ensued after Youth Force cadres, patrolling Dunai Bazaar for the UML district convention scheduled for March 16 and 17 began a verbal exchange with UCPN-M on the evening of March 10.

INJURED IN SHOOTING/EXPLOSION

By Abandoned Explosive Device

Dil Bahadur Sunar, 13, of Durgaon in Majhphal VDC-7 and a fourth grade student at Shree Himalaya Primary School was injured in an explosion on January 30. He was injured when he picked up an abadoned bomb at Kale cave in a jungle, when he was herding cows. Sunar was treated at the local health center and then brought to the Nepalgunj Medical College, Kohalpur. INSEC provided support for his treatment.

JAIL AND DETAINEES

The 'E' grade Dolpa Prison has the capacity to hold 25 inmates. There are three inmates with fixed jail terms while eight inmates did not have the fixed terms. The inmates have access to toilets, electricity, newspapers, a radio set, a television and sports materials. The inmates also receive informal education inside the jail. However, the prison suffers from a shortage of water and the roof leaks when its raining.

THREATS/BEATINGS

By UCPN-M

Angad Budha, 36, of Dunai VDC-1 and the UML district committee chairperson was assaulted by UCPN-M cadres for speaking out against their party on April 6. The cadres, who were there to observe Janandolan Day, took the victim captive from his home before assaulting him. The UCPN-M cadres also vandalized the UML district office. Police had to fire four rounds of fire in the air and three tear gas shells to control the situation. No action was taken against the perpetrators.

By UML

NC cadre Laxman Shahi, 32, of Dunai VDC-5 was injured in an attack by UML district committee member Lekhnath KC of Dunai VDC-1 on March 11. KC attacked Shahi with a stone at Dunai Bazaar for having a different political ideology. Injured Shahi was taken to Kathmandu for treatment. Both

sides reached a compromise the next day after KC agreed to cover Shahi's medical expenses.

NC cadre Rajiman Sarki, 36, of Tripurakot VDC-1 was beaten up by a group of men led by UML cadre Tule Sarki, 32, of the same place on April 24. Rajiman sustained injuries to his right eye and forehead. He filed a complaint against Tule Sarki the next day. The case was settled after an all-party meeting agreed to close the case on the condition that Tule Sarki covered Rajiman's medical expenses.

By RPP

Langman Roka, 55, of Chalau VDC-8 was beaten by a group led by RPP cadre Dhan Bahadur Budha of Dunai VDC-1 on July 21. Roka was attacked for trying to apply for a tender bid. Roka sustained head injuries for which he was taken to the district hospital for treatment. He said he did not file a complaint out of the fear.

RIGHT TO PROMPT AND FAIR TRIAL

One criminal case, carried over from last year, was decided. Out of the three criminal cases filed this year, none was decided.

Out of eight criminal cases, where an individual is the plaintiff, carried over from last year, five cases were decided and three remained undecided. There were eight criminal cases, where an individual is the plaintiff, registered this year, out of which, one case was decided and seven remained pending.

Two civil cases were carried over from last year and both were decided. This year, seven civil cases were registered in which one case was decided.

There are 29 cases pending at the end of the year. Among them, seven cases are more than five years old.

Office of the District Government Attorney filed three cases this year. It was successful in one case while remaining two cases were awaiting decision.

CHILD RIGHTS

The district has one campus, three higher secondary schools, 11 secondary schools, 12 lower secondary schools, 109 primary schools and 88 ECCDCs. There are 4426 boys and 4433 girls are going to schools and ECCD Centers.

Over 10,000 students from 128 schools were affected when the schools closed from May 2 to 7. The closure was due a nation-wide strike called for by the UCPN-N.

Narendra Thapa, 12, of Tripurakot VDC-5 was injured when hit by a stone at his home on December 3. The stone was thrown during a scuffle among Bhakta Budha, 32, Netra Budha, 26, and Manchanda Thapa, 25, who were in drunken state. He was taken to Bheri Zonal Hospital in Nepalgunj for treatment. His father filed a complaint at the Tripurakot Police Station the next day. The men were released on the condition that they would pay for the boy's medical expenses and such incidents would not be repeated in the future.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Shortage of Food

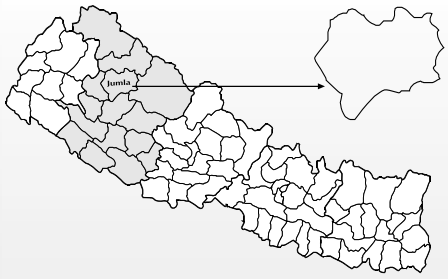
The VDCs west of the district headquarters in Dunai faced food shortage as in previous years. The VDCs including Kaigaon, Laha, Liku, Pahada, Rimi, Sarmi and Narku did not receive the required amount of food grain. Last year, the government allocated 1,500 quintals but this year, the District Management Committee said that it had no idea what quantity of food grain was allocated for those VDCs. The Nepal Food Corporation

could not deliver the food on time, further aggravating the shortage of food.

HEALTH SERVICE SITUATION

There is a district hospital in the district which has a quota for 18 staff including one medical superintendent, one medical officer, two staff nurses, three AHWs, one lab technician, one dark room assistant, three ANMs, six peons and one assistant officer. At the end of the year, one medical officer, one staff nurse, three AHWs, three ANMs adn six peons were at work. Ther are 14 health posts in the district.

4.12 Jumla



Population : 103,435

Literacy(%) : 37

Women Literacy(%) : 23

Area(Sq. Km.) : 2,531

Number of VDC(s)/Municipality(ies) : 30/0

Number of School(s) : 137/4

Campus(es)/Higher Secondary School(s) : 1/8

Hospital(s)/Health Post(s) : 1/29

Human Development Index : 0.348

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

INJURED IN SHOOTING/EXPLOSION

By Abandoned Explosive Device

Rama Laxmi Jaisi, 35 and Man Prasad Jaishi, 39, of Haku VDC-1, were injured when an abandoned bomb went off in Rupa Chandra's house on April 6, while the victims were working in his house. According to Kulachandra Gautam, a relative of the victims, the bomb was left there during the Maoist insurgency. Rama Laxmi Jaisi, who was seriously injured in the incident, was treated at Bheri Zonal Hospital and Man Prasad was treated at the DH. The INSEC Regional Office gave Rs 40,972 to assist with the victim's treatment.

JAIL AND DETAINEES

The 'E' grade district jail, which has the capacity for 20 inmates, has one female and six male convicts and one female and seven male detainees at the end of the year. Altogether, there were 15 inmates in the jail. There is also one dependent child in the jail. The inmates have the facility of regular health check ups, for which, one HA has been allocated for the jail.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

Eleven criminal cases, where an individual is the plaintiff, were brought forward in the District Court from the previous year. Of these, six cases were decided on and five remained undecided. Another three criminal cases, where an individual is the plaintiff, were filed during the year. Of these, one was decided on and two remained undecided. A total of seven criminal cases, where an individual is the plaintiff, remained undecided at the end of the year.

In the District Court, six criminal cases were brought forward from the previous year. Of these, two cases were decided on and four remained undecided.

Type of Events	By Non-State					By State			
	By Others								
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	Total
Injured	1	1	1		2				
Arrest & Torture						2	2		2
Beatings	1	1			1	1		1	1
Women Rights	3		3		3				
Child Rights	3		2	1	3				
Total	**8**	**2**	**6**	**1**	**9**	**3**	**2**	**1**	**3**

Another three criminal cases were filed in the district court this year. Of these, one was decided and two remained undecided at the end of the year. A total of five criminal cases remained undecided at the end of the year.

In the District Court, 46 civil cases were brought forward from the previous last year. Of these, 10 cases were decided on and 36 remained undecided. 21 new civil cases were filed this year. Of these, 11 cases were decided on and 10 cases remained undecided. A total of 46 civil cases remained undecided at the end of the year.

Appellate Court

A total of 13 criminal cases were filed in the Appellate Court by July 16. Of these, three were decided on and 10 remained undecided. A total of eight additional criminal cases were filed in the Appellate Court between July 17 and December 31, of which all remained undecided at the end of the year. A total of 18 criminal cases remained undecided at the end of the year.

A total of five criminal cases, where an individual is the plaintiff, were filled in the Appellate Court by July 16. Of which, two cases were decided on and three remained undecided. Eight criminal cases, where an individual is the plaintiff, were filed in the Appellate Court between July 17 and December 31. Of these, no case has been decided on at the end of the year. A total of 11 criminal cases, where an individual is the plaintiff, remained undecided at the end of the year.

A total of 16 civil cases were filed in the Appellate Court by July 16. Of which, seven cases were decided on and nine remained undecided at the end of the year. Another eight civil cases were filed in the Appellate Court between July 17 and December 31. Of which no case was decided on. Thus, a total of 17 civil cases remained undecided at the end of the year.

14 cases were filed in the Appellate Court by the Office of the District Government Attorney the year. Among the cases, one was unsuccessful, two were successful and 11 remained undecided at the end of the year.

CHILD RIGHTS

There are 89 primary level schools, 33 lower secondary schools, 22 secondary schools and 10 higher secondary schools. In primary level, there are 114,447 girls and 13,535 boys while in lower secondary level, there 2,087 girls and 3,595 boys. In secondary level, there were 890 girls and 1,550 boys are studying.

The education of approximately 25,000 students from 233 schools in the district was disrupted by a mass strike which was called for by the UCPN Maoist from May 2 to 7.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 36-year-old woman of Chandannath VDC- 5 was subjected to an attempted rape by Man Bahadur *Rawat* from the Chandannath Army Battalion and resident of Brummadichour VDC-9 on January 15. The victim filed a complaint against the accused at the Army's Office. The Chandannath Battalion provided Rs 50,000 to the victim as compensation.

A 35-year-old woman of Talium VDC-3 was subjected to an attempted rape by Prem Nepali, 33, of the same VDC on December 2. The accused reportedly entered the house by breaking the windows. The victim filed a complaint at the DPO on the same day. An agreement was reached between both sides after the accused gave her Rs 5,000 and promised not to repeat such actions in the future.

HEALTH SERVICE SITUATION

There are two doctors at work in the hospital as per the stipulated quota. Moreover, there should be one doctor in the Primary Health Centre as per the quota, but no one was at work at the end of the year. As per the quota, there has to be one HA in the Primary Health Centre but no one was at work at the end of the year. There were two AHWs, one staff nurse and three ANMs at work, as per the quota, in the Primary Health Centre at the end of the year. There should be eight HAs in the Health Post but only six were at work at the end of the year.

4.13 Kalikot

Population : 123,204
Literacy(%) : 44
Women Literacy(%) : 26
Area(Sq. Km.) : 1,741
Number of VDC(s)/Municipality(ies) : 29/0
Number of School(s) : 211/7
Campus(es)/Higher Secondary School(s) : 1/5
Hospital(s)/Health Post(s) : 1/30
Human Development Index : 0.322
Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade district jail, which has the capacity of 25 inmates, has 27 male and three female inmates. Among them, nine have been convicted and 21 are being detained. The inmates have facilities such as, TV, volleyball, and electricity. The inmates are facing an acute shortage of water.

THREATS/BEATINGS

By State

UML chairperson of Kalikot district, Kurma Raj Shahi, 44, of Sukatiya VDC-1 received death threats from a group of police from the Kalikot district, led by police head constable, Deepak Singh, because they were being transferred by the UML Home Minister on May 1. The

Type of Events	By Non-State									By State			
	By Others					By UCPN-M							
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	N/A	Total	No. of Events	Male	Female	Total
Beatings	8	14			14	4	4		4	2	8	1	9
Threats	5	4	1		5	4	4		4	1	1		1
Women Rights	5		5		5								
Child Rights	2		2	1	3	2		2	2				
Total	**20**	**18**	**8**	**1**	**27**	**10**	**8**	**2**	**10**	**3**	**9**	**1**	**10**

victim was threatened in his own room at the District headquarters Manma. The victim filed a complaint at the DPO on May 12. Nevertheless, no action was taken against the perpetrator at the end of the year.

Ganesh Shahi, 22, Dhana Raj Shahi, 21 and Raj Shahi, 24, of Chilkhaya VDC-9 were beaten up by the police from the Patmaghat Area Police Office, led by the officer incharge Jaya Bahadur Thapa on November 18. They were accused of making noises in Padmaghat fair. The injured were treated at the local health post. Two policemen were also injured during the incident when the locals pelted stones. A compromise was reached between both sides on November 23 at the DPO after the accused promised that such incidents would not be repeated in future.

By UCPN-M

The head teacher of Panche Lower Secondary School, Chandrakhar Sanjel, 41, of Syuna VDC-3 received death threats from UCPN-M cadres, led by Dharmaraj Shahi, on June 10. They accused him of carrying out political activities in the village. The victim was displaced to the district headquarters but returned home on July 11.

Man Bahadur Budha, 40, and an NC cadre of Dhaulagaha VDC-5 was beaten up by UCPN-M cadres, led by Bishnu Kanta Pyakurel, on February 24. They accused him of working against the Maoist party. The victim underwent treatment at the local hospital. The NC District Committee issued a press statement and condemned the incident.

The Chairperson of the UML Village Committee, Prem Bahadur Malla, 42, of Odanaku VDC-1 was threatened by UCPN-M cadres, led by Prem Bahadur Malla alias 'Manoj', the village in-charge of the same VDC on June 9. He was accused of opposing the move of the Dev Lower Secondary School at Patmaghat VDC-3 of the same VDC. The victim was displaced to the district headquarters Manma and filed a complaint against the perpetrators on June 18. An agreement between both sides was reached at the DPO on the same day.

By YCL

Purna Bahadur Singh, 30, of Odanaku VDC-4 received a death threat from a group of UCPN-M cadres, led by Devi Singh, district committee member of UCPN-M on May 25. The threat was issued because Singh had left the party. The victim filed a complaint at the DPO on May 29. However, no action was taken against the perpetrators at the end of the year.

Pure Sunar, 30, of Sukatiya VDC-3 was beaten up and wounded by a group of YCL cadres, Naine Sunar, Khante Sunar, Purbe Sunar, and Birkha Sunar, among others, on February 25. The victim was beaten with stones in Parsekhola of the same VDC, while he was returning home from the Health Camp of the Gela VDC. The victim sustained injuries to his neck, hand and lower-chest. He underwent treatment in the district hospital and was referred to the Mid-Western Regional

Hospital for further treatment. The victim's family filed a complaint at the DPO on February 26. The perpetrator was arrested by the police on February 27 and released after three days without further action.

By NC

The program coordinator of Chulimalika FM Ramjee Bogati, 25, was threatened by the NC district secretary, Harsha Bam and vice-chairperson Ammar Bahadur Shahi, on April 28. The victim was threatened for broadcasting news about the killing of Gajendra Shahi of Gela VDC. Shahi was killed by an unidentified group on April 27. The relatives of Shahi claimed that a tractor driver and Laxman Shahi of Rachuli VDC were involved in the incident. The victim did not file a complaint.

Baliraj Shahi, 33, of Pakha VDC-8 was beaten up by a group of UML cadres led by Manjit Tamang, Chairperson of NC from the same Village Committee and Janak Shahi, Village Committee Member from the same village on October 18. He was accused of supporting the Maoists. The victim was treated at a local hospital. The victim did not file a complaint.

A teacher of Dev Lower Secondary School and Kalikot representative of Itej Weekly, Deula Singh Thakuri was beaten up by about seven NC cadres, led by Bakhat Bahadur Singh, on June 15. They accused him of carrying out political activity in school against the NC. The victim was treated at the local health posts and he did not file a complaint at the end of the year.

By Nepal Tarun Dal

Lanka Bahadur Shahi, the Principal of Panchakule Secondary School, Dumre, Purna Bahadur Shahi, 24, and Sher Bahadur Shahi, 28 of Daha VDC-7 were beaten up by a group of Tarun Dal cadres, led by Ghynendra Shahi and Bishnu Bahadur Shahi, on June 18. The victim was accused of misusing school fund. He was treated at Kalikot district hospital. Even though the victim filed a complaint at the DPO on June 20, action was yet to be taken against the perpetrators at the end of the year.

By Youth Force

Madan Shahi, 21, of Chilkhaya VDC-9, received a death threat from a group of Youth Force cadres on Februay 11. They accused him of supporting the killing of ANNFSU cadre, Raj Bahadur Malla of Pankha VDC-4. The victim filed a complaint at the DPO on February 12. A compromise was reached between both sides after the accused promised such actions would not be repeated in the future.

RIGHT TO PROMPT AND FAIR TRIAL

37 criminal cases, where an individual is the plaintiff, were brought forward from last year in the District Court. Of these, 25 cases were decided and 12 remained undecided. Similarly, 13 criminal cases, where an individual is the plaintiff, were filed this year; of these, three were decided and 10 remained undecided. Among the total 50 criminal cases, where an individual is the plaintiff, 22 cases remained undecided at the end of the year.

13 criminal cases were brought forward from last year in the District Court, of these, three were decided and 10 remained undecided. Similarly, three criminal cases were filed in the District Court this year, of these. All remained undecided at the end of the year. Among the total 16 criminal cases, 13 cases remained undecided at the end of the year.

42 civil cases were brought forward from last year in the District Court, of these, 27 cases were decided and 15 remained undecided. Similarly, 18 civil cases were filed in the District Court this year, all cases remained undecided at the end of the year. Of all 60 civil cases, 33 cases remained undecided at the end of

the year. Altogether, 100 cases remained undecided in the District Court at the end of the year.

Office of the District Government Attorney filed three cases this year. None were decided this year.

CHILD RIGHT

As per the District Education Office, there are 195 Primary Schools, 286 Lower Secondary Schools, 107 Secondary Schools, 14 Higher Secondary Schools and three Colleges in the district wherein 52,725 students attend. Among the total number of students, 25,228 of this number are boys and 27,595 are girls. The quota for primary school teachers is 426, the quota for lower secondary school teachers is 86 and the quota for secondary school teachers is 50. Similarly, there is a relief quota of 229 for primary school teachers, 56 for lower secondary school teachers and 50 secondary school teachers. As per the quota all teachers were at work at the end of the year in the district.

Janajagriti Secondary School of Dungrudanda was padlocked by a group of ANNISU-R, led by Raj kumara Shahi from June 3 to June 8. They accused the teachers of carrying out political activities in the school. The education of 430 students was disrupted due to the incident.

The education of approximately 42,000 students from 286 schools was disrupted by a strike called for by the Central Ad Hoc Struggle Committee of Relief Teachers from February 7-9.

Family of two girls, one nine-year-old and another 10-year-old, of Manma VDC-8 accused Kul Chandra Pandey, 21, and Dammar Pandey, 19, of same place of attempting to rape the girls on November 16. They lodged an FIR at the DPO on November 18 saying that the duo tried to rape the girls while they were returning from a shed in Siyala. No action was taken against the accused as they were absconding.

WOMEN RIGHTS

Domestic Violence

Budi Pandey, 31, of Manma VDC-8 was expelled from the family home by her brother-in-law on April 15. The victim was expelled from the house after her husband Jayarup Pandey left her for Koushila Devkota of Raku VDC-7, whom he took as a second wife. The victim was displaced to the district headquarters with her 9-year-old daughter. The victim filed a complaint polygamy against her husband and Kaushila at the DPO on April 16. The perpetrator was released on bail on April 19.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

People from the remote VDCs of Khin and Doulagaha faced a food crisis from April 6 to April 10. Nearly 12,000 people from these VDCs were compelled to survive on items found in wild.

HEALTH SERVICE SITUATION

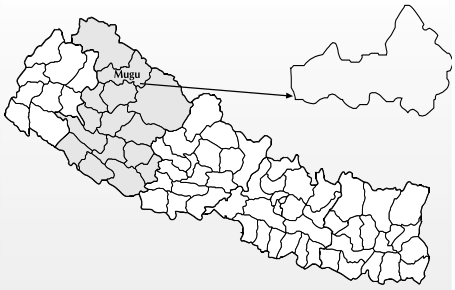
As per the DHO, there is one Hospital, one primary health centre, 10 health posts and 18 sub-health posts in the district. There is a quota for three medical superintendents in the district hospital but only one is currently at work. As per the quota, there should be three AHWs in the district, but only one is at work and there is one assistant officer for administrative work, one dark room technician and one sweeper at work as per the quota in the hospital. Similarly, two staff nurses, two ANMs and five office assistances are at work as per the quota in hospital.

In the primary health centre, there is one medical superintendent, one staff nurse and one lab assistant at work as per the quota. There should be two office assistants in the centre but only one is currently at

work. There is one senior AHW, three ANMs and one Village Health worker at work as per the quota.

In health posts and sub-health posts, there should be 24 senior AHWs as per the quota but only six are at work. Similarly, there should be 13 AHWs as per the quota but only one is at work. The quota for VHW is 25 but only seven are currently at work. With regard to the quota for 16 MCHWs, one position is vacant, in the quotas for 16 office assistances and three ANMs, one position each is vacant.

4.14 Mugu



Population : 52,001
Literacy(%) : 33
Women Literacy(%) : 20
Area(Sq. Km.) : 3,535
Number of VDC(s)/Municipality(ies) : 24/0
Number of School(s) : 128/3
Campus(es)/Higher Secondary School(s) : 0/5
Hospital(s)/Health Post(s) : 1/25
Human Development Index : 0.304
Average Household Size : 6

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING
By Unidentified Group

Harikrishna Shahi, 24, of Katdanda VDC-1, an 11th grader in Mahakali Higher Secondary School, was killed by an unidentified group on June 22 while he was on his way to Nigale in SrinagarVDC-5. The victim was missing for four days before his body was found. The victim's head had a deep wound and his right hand had been severed from his body. The victim's family filed a complaint at the DPO on June 25. The group involved in the incident was not identified at the end of the year.

JAIL AND DETAINEES

The 'D' grade district jail has two convicts and three detainees at the end of the year. However, as the District Jail does not have its own building, two detainees were transferred to Bardiya Jail, one was transferred to Jumla jail and one was transferred to Kavre Jail. One was detained in the custody of the DPO.

THREATS/ BEATINGS
By UCPN-M

Laxman Kumar Shahi, 35, a teacher at Guru Lower Secondary School and resident of Bhiee VDC-4 was injured and wounded by UCPN-M cadres on March 5. The perpetrators were led by Prithivi Bumi 'Jeneva', 23, an area commander for the UCPN-M, Beer Raj Bumi, 28, Kalyan Bumi, 28, and Jagat Bumi, 18 of the same VDC. The victim was injured with a sharp object, while he was heading towards his home from Janajyoti Secondary School, after participating in the school's Annual Program. The victim received an injury to his head and underwent treatment at the local hospital. The victim underwent further treatment in the Nepalgunj Hospital and was then transferred to the Bir Hospital

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	1	1		1			
Injured					1	1	1
Beatings	1	1		1			
Right to Assembly					1	1	1
Women Rights	2		2	2			
Total	**4**	**2**	**2**	**4**	**2**	**2**	**2**

in Kathmandu. The victim's wife Dil Maya Shahi filed a complaint at the DPO on April 4. According to the DPO, the perpetrators absconded.

By Youth Force

The Secretary of the NSU of Mahakali Higher Secondary School, Gamgadhi Ramkrishna Shahi, 15, of SrinagarVDC-1 was beaten up on November 6 by a group of Youth Force cadres from the same school, who were led by Hem Bahadur Malla, of the same VDC-2. The victim was beaten up in Srinagar VDC-5, while he was celebrating Tihar. The victim sustained wound to his head and went to Nepalgunj for treatment after receiving his initial treatment in the district headquarters. Hem Bahadur Malla, one of the perpetrators was arrested by police and released on bail on the same day as it was a festival. The police arrested him again from Pina VDC on November 13 after he refused to come in contact with the police. The police released him after a compromise was reached between both sides on November 15.

RIGHT TO PROMPT AND FAIR TRIAL

One criminal case was forwarded from previous year by July 16, but remained undecided at the end of the year. Four criminal cases were filed between July 17 and December 31. Of these, one was decided upon and three remained undecided. Of the total five criminal cases, four criminal cases were still undecided at the end of the year.

Eight criminal cases, where the individual is plaintiff, were filed in the district court by July 16. Of these two cases were decided upon and six remained undecided. Nine criminal cases, where the individual is plaintiff, were filed between July 17 and December 31 of this year, they remained undecided at the end of the year. Of the total 17 criminal cases, where the individual is plaintiff, 15 remained undecided by the end of the year.

Six civil cases were filed in the district court by July 16. Of these two cases were decided upon and four remained undecided. Five civil cases were filed between July 17 and December 31 of this year, which remained undecided. Of the total 11 civil cases, nine remained undecided at the end of the year.

Six cases were filed in district court by Office of the District Government Attorney this year. Of these, three cases were brought forward from last year and three were filed this year. Of these cases, one was decided, it was successful in that case.

CHILD RIGHTS

There are 132 government and seven private schools in the district. Out of which, seven are higher secondary schools, 11 government and two private secondary schools, 14 lower secondary schools, 100 primary schools and two campuses. There

are a total of 18,592 students of which 8,766 are boys and 9,826 are girls. There are 132 government schools and seven private schools.

The education of over 18 thousand students from 139 schools was disrupted from November 5-10 due to the mass strike called for by UCPN-Ms, demanding resignation of Prime Minister Madhav Kumar Nepal.

The education of over 1 thousand students from seven private schools was disrupted from April 25-29 due to strike called for by ANNSU(R), protesting the fee hike in private schools.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Food Crisis

People of the remote district in Mugu faced a food crisis again this year. Approximately 15 thousand locals from Bhiee, Narthu, Photu, ma, Kalai, Dhain, Runga, Mangri, Pulu, Pina, Srinagar and Karki Wada also faced a food crisis during the year. The food crisis in the district has increased from past years due to the decrease in food quota by the Government, the high population of the district and low rain fall in the district, among other reasons. The salt crisis also repeated this year because of the inadequate supply of salt by the Government.

HEALTH SERVICE SITUATION

As per the District Health Centre, there is one hospital, 10 health posts and 16 sub-health posts. The quota for the doctor is three but only one was at work at the end of the year. There should be three staff nurses at the district, as per the quota, but only two were at work at the end of the year. As per the quota, there have to be 11 SAHWs in the district but only nine were at work. 29 SAHWs and 13 MCHWs were at work, as per the quota for the district.

4.15 Humla

Population : 48,131
Literacy(%) : 32
Women Literacy(%) : 18
Area(Sq. Km.) : 5,655
Number of VDC(s)/Municipality(ies) : 27/0
Number of School(s) : 112/6
Campus(es)/Higher Secondary School(s) : 0/5
Hospital(s)/Health Post(s) : 1/26
Human Development Index : 0.367
Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

INJURED IN SHOOTING/EXPLOSION

By State

Buttu Rokaya, 40 of Chhipra VDC-6 was shot and injured by police on April 7. She was accused of defying the curfew. The victim sustained bullet wound in her left hand. The victim had come to district headquarter for work and was unaware about the curfew. The Local Administration had declared a curfew to control the situation after the NC and UCPN-M cadres clashed a day earlier. An APF team from Raktakali battalion in Surkhet was airlifted to Humla to control the situation aggravated by the UCPN-M cadres' attempt to set ablaze the NC's party office. The UCPN-M cadres Netra Bahadur Shahi, 30, Dubla

Type of Events	By Non-State								By State			
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Injured	4	10	1		11	2	3	3	1		1	1
Arrest & Torture									1	2		2
Beatings	2	2			2	6	8	8				
Child Rights	2		1	2	3							
Abduction	1	1			1	2	3	3				
Total	**9**	**13**	**2**	**2**	**17**	**10**	**14**	**14**	**2**	**2**	**1**	**3**

Lama, 38, and Tek Bahadur Shahi, 25, NC cadre Dinesh Rokaya, 30 and an officer from the Department of National Investigation Bureau, Shankar Sharma, were injured when they were hit with glass and stones in the incident. Among the injured, Buttu Rokaya was airlifted to Nepalgunj for treatment, while the other victims underwent treatment at the district hospital.

By Abandoned Explosive Device

Basanti Bohora, 7, of Raya VDC-2 was injured when a abandoned bomb went off on January 28. The victim received an injury to forehead and hand. The bomb went off when she was playing with it. She found the explosive device on the way to the building ECCDCs. The victim received initial treatment at the local hospital and then underwent further treatment at the Bheri Zonal Hospital, Nepalgunj. INSEC assisted her treatment.

JAIL AND DETAINEES

The 'D' grade jail has the capacity to detain 25 inmates. There were only five detainees at the end of the year. Of these, one inmate is under 17 years of age. The jail is in a dilapidated condition. The inmates faced problems such as shortage of drinking water, less toilets, no access to electricity, lack of regular health check and limited access to newspapers, TV and radio.

DISAPPEARANCE/ABDUCTION

By UCPN-M

Man Bahadur Thapa, 20, a correspondent from Kailash FM, and Krishna Bahadur Bogati, 24, of Madana VDC-3 were abducted on April 26 from Chyama in Kalika VDC by UCPN-M cadres Khadak Singh and Lal Bahadur Thapa. They were accused of broadcasting news against the party. The perpetrators looted Rs 8,000 from the victims after beating them up. The victims managed to escape from the captivity after four days and reached Simikot, the headquarters of the district with help from police post Mailakabadi. The victims did not return home from the district headquarters at the end of the year.

By YCL

The Sub-Engineer of the District Technical Office, Mohan Rokaya, 41, of Simikot, VDC-2 was abducted by YCL cadres from the same village on April 26, while he was heading towards Thehegaun, to conduct a work on irrigation plan. Issuing a press statement, the YCL in-charge, Lab Bohora, said that the victim was released after the discussion about the plan on April 27.

Barkh Rokaya, 35, of Srinagar VDC-5 and a district member of UML was abducted by UCPN-M cadres from his home cadres on May 3. He was accused of

the conspiring murder of UCPN-M cadres. The perpetrators handed the victim to the Srinagar police post following pressure from the political parties, civil society and the local administration. The victim was released from Shreenagar police post on May 5. The UCPN-M cadres tied his hands and took him to different villages prior to his release.

CLASH

The District Secretary of the UCPN-M, Bijaya Bhandari, 28, of Dehe VDC-4, Dorje Lama, 35, of the same VDC-8, Jaya Rudra Chaulagain, 39, of Mimi VDC-7, Udip Bhandari of Darma VDC-9, and Bishnurishi Jaishi of Madana VDC-2 were injured in a clash on May 5. The incident happened after the UCPN-M cadres attacked a peace rally organized by NC and UML during the period of UCPN-M called mass strike. The victims were treated at the DH.

THREATS/ BEATINGS

By UCPN-M

The UML District Secretary of Humla, Khagendra Karki, 30, of Lajaer VDC was beaten up by UCPN-M cadres on March 31. He was accused of making a one-sided decision on the formation of an Irrigation Users' Committee of Thehe VDC. A compromise was reached between both sides on April 2 after the victim informed the UCPN-M about the formation of the committee.

Bishnu Budha, 24, of Srinagar VDC-2 was beaten up by UCPN-M cadres, led by Makkabir Chhatyal, at Bokache Gouda Hotel of Lali VDC on April 10. The victim was accused of working against them. He was assaulted while heading for the district headquarters to open a bank account for a school. Rs 5,000 was also looted from the victim by UCPN-M cadres. The victim filed a complaint at the DPO in Srinagar on June 8. An agreement was reached between the perpetrator and the victim in an all-party meeting on June 9.

A UML cadre, Deulu Rokaya, 30, of Srinagar VDC-5 was beaten up by UCPN-M cadres in a hotel on April 14. The victim was accused of working against them. A solar panel and other physical materials in the hotel were destroyed in the incident. The victim filed a complaint at the DPO about the incident. An agreement was reached between the perpetrator and the victim in a meeting between all parties in the district on June 9.

An NC cadre, Harisharan Bumi, 28, of shrinagar VDC-9 was beaten up by UCPN-M cadres at Sarkideu VDC on April 12 while he was heading home from the district headquarters. The victim was beaten up on suspicion of throwing stones against the UPCN-M cadres in a clash that occurred at the district headquarter on April 6. Even though the victim filed a complaint at the DPO, no perpetrator was punished.

By Youth Force

The Humla Correspondent of the Janadesh Daily, Sanjaya Budha, 27, of Jair VDC-2 was beaten up by Youth Force cadres led by the district sub-coordinator Gaurilal Mahatara at Lamabisouna in Srinagar VDC on November 11. He was attacked on charge of calling the UCPN-M cadres to the site of the clash that occurred in Srinagar VDC-4 on November 9. The victim was treated at a local health post. A compromise was reached between the two sides on November 13 after the YF cadres agreed to bear the medical costs of the victim.

RIGHT TO ASSEMBLY, EXPRESSION AND ASSOCIATION
(Including Political Freedom and Free and Impartial Election)

The party flag of the UCPN-M

from Warigaun in Kalika VDC-3 was torn by an unidentified group on March 15. Even though, the UCPN-M cadres claimed that NC cadres were involved in the incident, this could not be proved.

RIGHT TO PROMPT AND FAIR TRIAL

In the District Court, 11 criminal cases, where an individual is the plaintiff, were brought forward from the previous year. Of these, two were decided and nine remained undecided. Six more criminal cases, where an individual is the plaintiff, were registered this year. Out of these, one was decided and five remained undecided. Among the total 17 criminal cases, where an individual is the plaintiff, 14 cases remained undecided at the end of the year.

One criminal case, which was brought forward in the District Court from last year, remained undecided. Additionally, six criminal cases were registered this year. Of these, one was decided and five remained undecided. Among the seven criminal cases, five remained undecided at the end of the year.

10 civil cases were filed in the District Court at the end of the year. Of these, eight were brought forward from last year and two were filed in this year. Among the total number of civil cases, one was decided and nine remained undecided at the end of the year.

Office of the District Government Attorney filed two cases this year. Of these, one was decided and one remained undecided.

CHILD RIGHTS

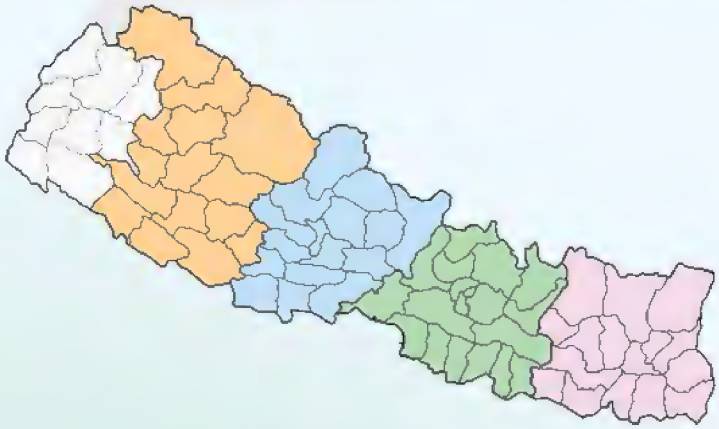
There are 71 primary schools, 35 lower secondary schools, 13 secondary schools, five higher secondary schools and one campus. In primary level, there are 12,000 students, in lower secondary school, 3,200 and in secondary level, the number of students is 1,700.

The private schools in the district remained closed due to the bandh called for by ANNISU-R from April 26 to April 30. The bandh was called in protest of fee hike being charged to the students. Approximately 500 students from two private schools in the district were deprived of education during the bandh.

12 government and private schools remained closed during the indefinite mass strike called for by the UCPN-M from May 2. Because of the mass strike, exams of 12 th grade scheduled to take place on May 3 were postponed.

HEALTH SERVICE SITUATION

There is one district Hospital in this district. Locals are compelled to go for treatment at Nepalgunj Hospital because of the irregularity of the service at the district hospital. The free health service promised by the government is yet to be implemented due to the lack of treatment from the local health posts.



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	: 869,432
Literacy(%)	: 73
Women Literacy(%)	: 40
Area(Sq. Km.)	: 3,235
Number of VDC(s)/Municipality(ies)	: 42/2
Number of School(s)	: 566/99
Campus(es)/Higher Secondary School(s)	: 4/56
Hospital(s)/Health Post(s)	: 2/49
Human Development Index	: 0.413
Average Household Size	: 9

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Others

Khadak Bahadur Chaudhary, 50, of Gadariya VDC-9, was hacked to death by Sitaram Chaudhary, 33, Garibdas Chaudhary, 25 and Suraj Chaudhary, 24, of ward no. 8 of same VDC on October 12. The victim was accused of practicing witchcraft. Khadak was attacked with a sickle from behind while he was returning home from working in a field at the community forest in ward no. 8. Police arrested the perpetrators on October 18 and SP Yogeshwar Romkhami of the DPO in Kailali made the incident public in a press meet on October 29. The arrestees were sent to the district jail following an order from the District Court on November 15. The post-mortem of the deceased was conducted at the Seti Zonal Hospital in Dhangadhi.

JAIL AND DETAINEES

The 'C' grade District Jail had 95 male and seven female convicts and 66 male and three female detainees at the end of the year. Therefore, there are a total of 171 convicted and detained inmates in the Kailali Jail. However, the jail has the capacity to accommodate only 100 inmates. Additionally, there are three dependent children in the jail. Newspapers, television, radio sets and sports equipment are provided for the inmates.

DISAPPEARANCE/ABDUCTION

By UCPN-M

The village committee chairperson of the UML Sitaram Chaudhary of Pahalmanpur VDC-8 was abducted by a group of UCPN-M cadres, led by the local area in-charge Khusiram Chaudhary alias Bhimsen of Pahalmanpur VDC-7, from Pahalmanpur Bazaar on October 30. He was accused of buying land that had been captured by the UCPN-M in 2001. Sitaram managed to escape from his captors a few hours after his abduction. He filed a complaint at the DPO in Dhangadhi on October 31 demanding action against the persons involved in his abduction. The UCPN-M district in-charge Hari Gyawali said that Sitaram was only brought in to discuss the disputed land. Khusiram, however, denied his involvement in the incident, in a press statement on November 2.

By YCL

A district member of the UML-affiliated Youth Federation, Durga Prasad Pandey, 28, of Masuriya VDC-1 was abducted from his home by a group led

Type of Events	By Non-State								By State			
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	3	1	2		3							
Injured									2	7		7
Arrest & Torture									2	5		5
Beatings	10	14	1		15	3	3	3	1	2		2
Threats	3	4		1	5	1	1	1				
Right to Assembly									1	1	2	3
Racial Discrimination	6	4	4		8							
Women Rights	13		14		14							
Child Rights	11		9	2	11							
Inhuman Behaviour	1	2			2							
Abduction	3	2	1		3	1	1	1				
Total	**50**	**27**	**31**	**3**	**61**	**5**	**5**	**5**	**6**	**15**	**2**	**17**

by the YCL local area in-charge Bhakta Bahadur BK on May 12. Pandey, who is also the Secretary of Betal Community Forest, was released from the UCPN-M Party Office in Masuriya Bazaar on the same day, on the condition that he provides financial support to the UCPN-M out of the economic fund for the community forest. Organizing a press meet at the UML office on May 13, Pandey said that the YCL cadres, including Prem Bahdur Tadi and Prakash Bista, released him after they had forced him to sign a piece of paper which stated that he would face action if he failed to pay them Rs 120,000 by May 16. The UCPN-M district in-charge Hari Gyawali alias Akhanda said that Pandey was only called in for discussions regarding the financial irregularities of the income, generated from the forest.

THREATS/BEATINGS

By State

The vice-principal of the local Tripura English School, Shailendra Jha, 25, and Shyam Khadka, 42, of Chaumala VDC-8 were assaulted by a team of APF men posted at Badimalika APF Battalion, Banbehada of the same VDC on June 3. The team, led by ASI Tara Chaudhary, 29, beat them up in front of the main gate of the APF battalion. Jha sustained injuries to his chest, face and throat. Khadka sustained injuries to his right eye when he tried to stop the policemen. Both were treated at Sewa Nursing Home, Attariya. The APF personnel had attacked the duo saying that the SP had sought their presence in the APF base. ASI Chaudhary, who rented a room at Khadka's house, had assaulted Khadka's wife Madhu on June 2, after she tried to stop him vandalizing the doors and windows in the house, following an argument with his own wife. Following the incident, Jha, amongst others, handed Chaudhary over to the Battalion. APF DSP Mukunda Thapa expressed his commitment to take action against the perpetrators and cover the expenses for the treatment of Jha and Khadka.

By UCPN-M

Saroj Chaudhary, 38, of Dhangadhi Municipality-8 and the owner of Saroj Oil Store and Sujata Trades was beaten up by the UCPN-M cadres on June 4 for not giving a share of the property to his first wife, Rammaya Chaudhary, 39. He was assaulted after being called to the UCPN-M party office in Dhangadhi

Campus road. After Chaudhary agreed to give his wife a share of the property, the UCPN-M made him sign a piece of paper stating he would also pay Rs 5 m to his wife. The YCL city in-charge Ramesh Dhami said Chaudhary was interrogated about not giving property to his first wife after she filed an appeal for help. He added that Chaudhary assaulted Tula, a female UCPN-M leader, and as a result, an altercation had ensued.

The president of the NC village committee, Krishna Bahadur Khadka, 45, of Masuriya VDC-6 was beaten up at a local hotel by the UCPN-M cadres Bhakta Bahadur BK, 26, Lila Neure, 24, and Kiran Joshi, 23, of ward no. 4 on October 23. He was accused of exploiting people. The victim made the incident public and organized a press meet at the NC party office on October 24. Even though Khadka filed a complaint against the UCPN-M cadres at the DPO on October 24, no one was arrested at the end of the year. Police conducted medical tests following the victim's complaint. The NC district committee secretary, Ram Charan Chaudhary issued a press statement on October 23 condemning the incident. The District in-charge of the UCPN-M, Hari Gyawali alias Akhanda said that Khadka was not beaten.

By YCL

Shiva Narayan Rana, 26, and Sabhapati Rana, 29, of Dhangadhi Municipality-8 were severely injured after a group of YCL cadres attacked them with Khukuri and iron rods on December 12. The duo said they were attacked by a group of five people, who were led by local YCL cadre Prem Bahadur Chaudhary. The group beat them while the former were involving in a heated debate with a tractor driver. The victims had inquired about the disagreement with a tractor driver. The injured were treated at Seti Zonal Hospital. They filed an FIR at the DPO on December 13 demanding action against the culprits. Inspector Jiwan Giri from the DPO Kailali said that the culprits had absconded.

By ANNISU-R

Jeevan Rawal, 22 and his elder brother Chetan of Tikapur Municipality-9 were injured on August 12 as a result of a beating by the YCL cadres Gajendra Bohora, 22, of Chuwa VDC-5 and Daman Nath, 23, of Khimtadi VDC-9, Bajhang of ward no. 8 of the same Municipality. They were beaten when they tried to rescue a man who was being assaulted by the YCL cadres for teasing a female YCL cadre. Both were treated at the Tikapur Community Hospital. The brothers filed a complaint against the YCL cadres at Tikapur APO on the same day. Following the detention of the accused, the YCL cadres held a rally in Tikapur Bazaar demanding for their release. The case was settled when the YCL cadres apologized to the Rawal brothers.

By Others

Sushil Dhungana, 21, the publisher of and journalist from the Ghodagodi Weekly, which is published in Sukhad bazaar of Darakh VDC-5 was abducted by a group of masked men from the Sadepani section of the east-west highway on November 15. He was accused of writing articles about them. They took him to the nearby Mohanyal Community forest and cut his fingers with blades. The group released him the same evening but threatened to kill him if he reported the incident to anyone or wrote more articles about them. The victim underwent treatment at the Seti Zonal Hospital. He made the incident public in a press meet organized in Dhangadhi on November 16. Suspecting their involvement in the incident, Dhungana filed a complaint at the

APO in Sukkhad against the Chairperson of the Sukhad Bazaar Management Committee, Shyam Sapkota and local businessman Shyam Acharya on November 17. Police arrested and later released the accused on November 17 saying that they had been found innocent during the investigation. Earlier this incident, Sapkota and Acharya had threatened Dhungana after he published a news article on corruption in the November 14 edition of the Ghodagodi weekly. FNJ district chapter issued a press release on November 16, and called for an investigation and action against the culprits. However, The case was settled after Sapkota and Acharya apologized to Dhungana and expressed their commitment in helping to search for the culprits.

RIGHT TO PROMPT AND FAIR TRIAL

In the District Court, 155 criminal cases were brought forward from last year. Of these, 72 cases were decided upon this year and 83 cases remained undecided. Additionally, 90 criminal cases were filed this year. Of these, 52 cases were decided upon and 38 cases remained undecided. Among the total 245 criminal cases, 121 cases remained undecided at the end of the year.

In the District Court, 93 criminal cases, where an individual is the plaintiff, were brought forward from the last year. Of these, 60 cases were decided upon this year and 33 remained undecided. Another 58 criminal cases, where the individual is plaintiff, were filed this year. Of these, 35 were decided upon and 23 remained undecided. Among the total 151 criminal cases, where the individual is plaintiff, 56 cases remained undecided at the end of the year.

145 civil cases were brought forward from last year in the District Court. Of these, 119 cases were decided upon this year and 26 cases remained undecided. 71 civil cases were filed this year. Of these, 40 cases were decided upon and 31 cases remained undecided. Among the total 216 civil cases, 57 cases remained undecided at the end of the year.

Three cases were filed under the Domestic Violence Act this year in the District Court. Of these, two were decided upon and one remained undecided.

From the total number of cases, 235 cases remained undecided at the end of this year at the District Court.

Office of the District Government Attorney filed 85 cases of different nature at the District Court, Kailali this year. The District Attorney's Office was successful in 12 cases and unsuccessful in 73.

CHILD RIGHTS

According to the District Education Office, there are 699 schools in the district including government, private and community schools. Of these, 284 are primary level, 160 are pre-secondary and 155 are secondary level schools. 10,138 male and 10,995 female students are studying in the secondary level, 23,768 female and 24,037 male students in the pre-secondary level and 62,428 male and 68,104 female students in the primary level. There are 5,392 students studying in the 180 private schools in the district.

The family of a 10-year-old girl from Jugeda village in Dhangadhi Municipality-11 filed a case at the Jugeda police post on February 10 stating that she was raped near her home on February 7 by Ashok Rana, 18, from the same place. The girl was treated at the Seti Zonal Hospital on the same day. The accused and his father Kaushal Rana took the girl to Lukhnow, India claiming that the hospital had referred her there for further treatment. They kept the girl in India for 35 days on the pretext treating her. Police took no action on the

case saying that the girl's family did not contact them following the complaint. The uncle of the girl, Sriram Rana, filed the case again at the DPO on March 14. Although the police did not file the case earlier, they nevertheless took action against the father of the accused, after receiving information that he had already settled the case with the family by providing them with Rs 100,000. The police arrested Kausal Rana on April 10 and charged him with kidnapping the girl; they stated that he had taken the girl to India in order to invalidate the proceeding date of the case. The District Court released Kaushal on May 4 on bail of Rs 25,000. The accused absconded and was still on the run at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Bishnu Maya Pariyar, 63, of Aaigaun in Phulbari VDC-3 was mistreated by Deepa Dhamena, 17, Santosh Dhamena, 18 and Bishnu Dhamena, 40, of the same place on June 8 on charge of being a witch. Locals, led by Santosh, brought shamans to Bishnu Maya's house accusing her of be witching his wife, Deepa. The victim lodged a complaint at the police post in Bahuliya on June 8. She filed a case against Santosh, Deepa and Bishnu at the DPO on June 11 after the efforts by the local police to settle the case failed. The perpetrators were arrested following the complaint. The District Administration Office released them on bail after fining them Rs 200 each on June 18.

Rape, Attempt to Rape, Sexual Abuse

A 20-year-old woman from Chaumala VDC-4 lodged a case against Milan Bohara, 27, of ward no. 3 of the same VDC at the DPO on July 25 saying that she was raped by him on the same day. The police arrested Bohara following the complaint. He was remanded in judicial custody following the District Court's order on August 17.

Domestic Violence

Shanti Bohora, 19, of Darakh VDC-5, filed a case of polygamy against her husband Dan Bahadur Bohara, 24, at the APO in Sukkhad on November 4. The police arrested Dan Bahadur and his second wife Pushpa Kathayat, 20, following the complaint. The District Court remanded them in judicial custody on December 6. Both were detained in the District Jail at the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Bhim Prasad Mishra a priest and teacher at Mahunyal Higher Secondary School in Bhajani VDC-3 refused to conduct puja, which had been organized by Mahila Pairabi Manch on the occasion of Teej on September 11, citing the involvement of dalit women. The dalit community padlocked Mishra's school on September 13 in protest of his action. The school reopened from September 14 after Mishra apologized for his deed and pledged that he would not repeat such acts.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property By BEPN

Three buses were vandalized by cadres of BEPN at Teghari of Malakheti VDC-8 on February 15, for defying the Far-Western Region bandh called for by them. The buses were vandalized as they were leaving for Attariya. The group had called on a bandh putting forward 12 demands, which included the declaration of Nepal as a Hindu Federal Republic and making cows the national animal. Similarly, the cadres of the group torched two vehicles in the Omkhoiya jungle in Pahalmanpur

VDC and Chatakpur of Dhangadhi Municipality on March 22 for defying their bandh.

By TTJD

The radio station of Janaawaj FM 89.4 Mhz, which is situated in Dhangadhi Municipality-8, was ransacked by armed cadres from TTJD on November 21. According to the FM program coordinator, Pratibha Bhandari, around 20 masked men assaulted technician Tej Bahadur Chaudhary and news chief Hemraj Bhandari, and looted 1 hybrid phone, 2 CDMA mobile phones, 5 LCD computers, 1 FM receiver, 1 cassette player, 4 telephone sets, 2 microphones, 4 headphones, 3 recorders and some CDs. The APO in Bhajani arrested Ram Krishna Chaudhary, 25, Kancha Chaudhary, 23, of Narayanpur VDC-7 and Raju Chaudhary, 24, of Ramshikharjhala VDC-7 and confiscated the pamphlets of the TTJD from Lalbojhi VDC-2 in connection with the incident on November 25. In a press meet organized on November 26, SP Yogeshwor Romkhami from the DPO advised that the looted materials were recovered from a local's house in Dhansinghpur VDC after the police searched the area based on the information provided to them. Civil society, FNJ and Janaawaj FM condemned the incident issuing separate press statements. The central chairperson of the TTJD Redson claimed responsibility for the incident in a press statement on November 23.

HEALTH SERVICE SITUATION

There is one zonal hospital, one community hospital, five private hospitals, seven health posts, 30 sub-health posts and five primary health centers in the district. Although there is a quota of 31 doctors in the zonal, community and private hospitals, only 26 are working. 181 health workers are working in the health posts, sub-health posts and primary health centers even though there is an allocation for 201 health workers. The posts of five doctors and 20 health workers are vacant in different health institutions in the district.

5.2 Achham

Population : 265,388

Literacy(%) : 45

Women Literacy(%) : 25

Area(Sq. Km.) : 1,680

Number of VDC(s)/Municipality(ies) : 75/0

Number of School(s) : 400/8

Campus(es)/Higher Secondary School(s) : 2/23

Hospital(s)/Health Post(s) : 2/76

Human Development Index : 0.350

Average Household Size : 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail had 16 male and two female convicts and 16 male and one female detainee at the end of the year. The jail has the capacity to accommodate only 25 inmates. Whereas a total of 35 inmates were in the jail at the end of the year. Inmates in the jail are provided with television sets, radios, sports equipment, and newspapers.

Type of Events	By Non-State								By State			
	By Others					By UCPN-M						
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Female	Total
Killing	2	1	1		2							
Injured									1	4	1	5
Beatings	2	2			2							
Threats	2	2		1	3	3	3	3				
Women Rights	2		3		3							
Child Rights	3		3		3							
Economic, Social and Cultural Rights	1			1	1							
Total	**12**	**5**	**7**	**2**	**14**	**3**	**3**	**3**	**1**	**4**	**1**	**5**

THREATS/BEATINGS

By UCPN-M

Purna Bahadur Rawal, 32, of Toli VDC-5 and Jivan Dhamala, of Muli VDC-2 were threatened by cadres of the UCPN-M on April 21. They were told to provide the cadres with Rs 55,000 and Rs 5,000 respectively. The UCPN-M cadres had demanded the amount while Rawal was at his shop in Binayak VDC-5 and Dhamala was at his shop in Kamal bazaar in Bayala VDC. The district in-charge of the UCPN-M, Ram Prasad Timilsina said that the duo had been asked for voluntary donations.

By Others

The editor of the Ramaroshan Daily, Krishna Shahi, 30, of Nada VDC-9 and the executive editor of the daily Shivaraj Dhungana, 25, of Mangalsen VDC-6 was threatened in a letter by an unidentified group on June 10. The letter contained no name or signature and said that the journalists' writing hands and minds would be destroyed within a month because the newspaper was disrupting the unnamed party's goals. Shahi is also a reporter for RSS and Nepal Samacharpatra and is the Press Chautari district chairperson. Condemning the incident, FNJ Achham issued a press statement on the same day, in which he demanded security for journalists.

RIGHT TO PROMPT AND FAIR TRIAL

In the District Court, two criminal cases, where on individual is the plaintiff, were brought forward from the previous year. None of these cases were decided on during the year. No criminal cases, where the individual is the plaintiff, were filed this year. In the District Court, 16 criminal cases were brought forward from the previous year. Of these, 11 cases were decided upon and five remained undecided. Three criminal cases were filed this year. Of these, none were decided on. Of the total 21 cases, including the criminal cases, and the criminal cases where the individual is the plaintiff, 10 cases remained undecided at the end of the year in the District Court.

Office of the District Government Attorney's Office filed nine cases at the District Court this year. Of these, it was successful in two cases and unsuccessful in seven cases.

CHILD RIGHTS

According to the District Education Office, there are 447 government schools in the district. Of which, 337 are primary level, 54 are lower secondary and 51 are secondary level. There are also 15 private schools in the district. 2,400 female and 4,325 male students are studying at a secondary level, 6,292 female and 9,142

male students at a pre-secondary level and 36,349 female and 36,328 male students at a primary level. There are 2013 primary level, 475 lower secondary level and 2,084 secondary level teachers working in the district.

A total of 105,000 students were affected when the UCPN-M called for general strike in the district from May 2 to 7.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Mamita Kunwar, 32, and Santoshi Kunwar, 18, of Sengaun in Siddheshwar VDC-3 were made to follow chhaupadi tradition and stay in a makeshift hut near their home on September 18. According to this tradition, which is prevalent in the far-western part of Nepal, women and girls have to stay in a makeshift hut or secluded place away from their home during their menstruation period. Mamita and Santoshi were injured when a flood damaged the hut on the same night. Both were taken to the Bayalpata Hospital for treatment. Mamita received further treatment in Dhangadhi on September 19.

HEALTH SERVICE SITUATION

There is one district hospital, one Ayurvedic Hospital, one semi-governmental hospital, three ayurbedic medicine shops, 13 health posts, 60 sub-health posts and two primary health centers in the district. Even though there is a quota for five doctors in the district hospital, only one is working. 240 health workers are working in the health posts, sub-health posts and primary health centers even though there is an allocation for 1,013 health workers. The posts of four doctors and 773 health workers are vacant in the district.

5.3 Doti

Population : 250,537
Literacy(%) : 51
Women Literacy(%) : 25
Area(Sq. Km.) : 2,025
Number of VDC(s)/Municipality(ies) : 50/1
Number of School(s) : 344/17
Campus(es)/Higher Secondary School(s) : 1/24
Hospital(s)/Health Post(s) : 4/51
Human Development Index : 0.420
Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail had 19 male convicts and four male detainees at the end of the year. The jail has the capacity to accommodate 45 inmates. ICRC has constructed a tank for drinking water and latrine inside the jail. Radio, TV set, newspapers and sports materials are provided to the inmates.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

13 criminal cases, where an individual is the plaintiff, were brought forward from last year in the District Court. Of these, eight cases were decided this year and five cases remained undecided. Seven criminal cases, where an individual

is the plaintiff, were filed this year. Of these, two cases were decided this year and five cases remained undecided. Among the total 20 criminal cases, where the individual is plaintiff, 10 cases remained undecided at the end of this year.

19 criminal cases were brought forward from last year in the District Court. Of these, 12 cases were decided this year and seven cases remained undecided. 17 criminal cases were filed this year. Of these, eight cases were decided and nine cases remained undecided. Among the total 36 criminal cases, 16 cases remained undecided at the end of this year.

Eight civil cases were brought forward from last year in the District Court. Of these, six cases were decided this year and two cases remained undecided. Seven civil cases were filed this year. Of these, three cases were decided and four remained undecided. Among the total 15 civil cases, six cases remained undecided at the end of this year.

Among the total 71 cases including criminal cases, where the individual is plaintiff, criminal cases and civil cases, 32 cases remained undecided at the end of this year in the District Court.

Appellate Court

Eight criminal cases, where an individual is the plaintiff, were brought forward from last year in the Appellate Court. Of these, six cases were decided this year and two cases remained undecided. 10 criminal cases, where the individual is plaintiff, were filed this year. Of these, one case was decided this year and nine cases remained undecided. Among the total 18 criminal cases, where an individual is the plaintiff, 11 cases remained undecided at the end of this year.

36 criminal cases were brought forward from last year in the Appellate Court. Of these, 16 cases were decided this year and 20 cases remained undecided. 89 criminal cases were filed this year. Of these, 24 were decided this year and 65 cases remained undecided. Among the total 125 criminal cases, 85 cases remained undecided at the end of this year.

Type of Events	By Non-State			
	By Others			
	No. of Events	Male	Female	Total
Beatings	1	3		3
Racial Discrimination	1		1	1
Women Rights	6		6	6
Child Rights	1		1	1
Abduction	1		1	1
Total	**10**	**3**	**9**	**12**

22 civil cases were brought forward from last year in the Appellate Court. Of these, eight cases were decided this year and 14 cases remained undecided. 50 civil cases were filed this year. Of these, six were decided this year and 44 remained undecided. Among the total 72 civil cases, 58 cases remained undecided at the end of this year.

Among the total 215 cases including criminal cases, where an individual is the plaintiff, criminal cases and civil cases, 154 cases remained undecided at the end of this year at the Appellate Court.

Office of the District Government Attorney, Doti, filed 15 cases of different nature at the District Court this year. Of these, it was successful in four cases and unsuccessful in three. Eight cases were undecided at the end of the year.

CHILD RIGHTS

According to the District Education Office, there are 408 private and government schools in the district. Of these, 260 are primary level, 75 lower secondary level and 73 are secondary level schools. Out of 52,654 students in primary level,

26,037 are female and 26,617 are male. Out of 12,280 students in lower secondary level, 5,634 are female and 6,646 are male. Out of 4,916 students in secondary level, 2,162 are female and 2,754 are male. 8,885 students are studying in the 12 private schools of the district. Out of them, 4,000 are female and 4,585 are male.

A 14-year-old girl of Ghanteshwor VDC-3 was subjected to rape attempt by Dan Bahadur Air, 27, of Amargadhi Municipality-3 in Dadeldhura on May 25 while she was taking bath near her home. Locals took him in control after hearing her shout for help and later handed him over to the Police Post, Gaira. The DPO registered a case under Public Offense Act at the District Administration Office on June 27. He was released on the same day after paying a fine of Rs 5,000.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Lalita Khadka, 23, of Bajhkakani VDC-1 was sold by her husband Dabal Bahadur Khadka, 28, for Rs 50,000 in India on March 21. Dabal had sold her to a hotel in Ajmeru, India. Lalita managed to escape from the hotel and returned to the district. She filed a complaint against Dabal at the DPO, Doti on July 20 seeking action against him. Police said that Dabal was absconding till the end of the year.

Domestic Violence

Kiththee Koli, 24, of Dipayal Silgadi Municipality-5 was beaten and expelled from home by her husband Sher Bahadur Koli, 24, on May 16. Sher Bahadur used to assault her repeatedly after consuming alcohol. She filed a case for divorce at the District Court, Doti on June 30. The case is pending at the District Court.

ALL KINDS OF RACIAL DISCRIMINATION

Roshani Nepali, 20, of Dipayal Silgadhi Municipality-9 was beaten by Roshan Dhami, 18, of the same place on August 22 while she was filling her water container in a public tap. Roshan assaulted her accusing of filling her container first though she belonged to a lower caste. Victim's father filed a case against Roshan at the APO, Dipayal on the same day. The victim underwent treatment at Team Hospital, Dadeldhura after her treatment was not possible at Sujang Hospital. A compromise was made between the two sides in the initiation of police on August 23 after Roshan agreed to bear the cost of her treatment.

HEALTH SERVICE SITUATION

According to the DPO, there is one district hospital, two primary health centres, 39 sub-health posts and 10 health posts in the district. Although five doctors are allocated for the district hospital, only three of them are working. There is an allocation of 190 health workers in the health posts and centres, however, only 175 are working.

5.4 Bajura

Population	: 126,267
Literacy(%)	: 39
Women Literacy(%)	: 25
Area(Sq. Km.)	: 1,188
Number of VDC(s)/Municipality(ies)	: 27/0
Number of School(s)	: 209/3
Campus(es)/Higher Secondary School(s)	: 4/8
Hospital(s)/Health Post(s)	: 1/27
Human Development Index	: 0.310
Average Household Size	: 6

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail had 28 male convicts and seven detainees at the end of the year. Of the seven detainees, four are male and three are female. The jail has the capacity to accommodate 25 inmates. Two dependent boys are also staying with female detainees inside the jail. The jail building is in a dilapidated condition. Although the inmates have drinking water facilities, it is not properly managed. Inmates in the jail are provided with a television set, a carrom board and a chess board.

THREATS/BEATINGS

By Clash

District chairperson of the YCL, Dipendra Buda, 33, of Sappata VDC-8, the district secretary of YCL, Moti Singh Buda, 28, of Kailashmandu VDC-1, and the district secretary of Youth Federation, Bhim Bahadur Rawal, 23, of Martadi VDC-4 were injured following a clash between the youth wing of the UML-Youth Federation and the youth wing of the UCPN-M-YCL at the district headquarters Martadi on April 6. Although the two sides had agreed not to engage in confrontations during a meeting held in the District Administration Office on April 7, a clash ensued between the sides that night. The UCPN-M cadres Bharat BK, Bhakta Bahadur Bista, Dipak Bahadur Buda, Kallane Buda and UML cadre Balwan Thapa were injured in the incident. The injured underwent treatment at the district hospital. The clash ensued after the UCPN-M cadres picketed the home of UML cadre Dil Bahadur Kunwar and tried to attack him. The incident was settled after both sides made a written agreement at the District Administration Office on April 8, that such incidents would not be repeated.

ARBITARY ARREST

President of the National Unemployment Youth Protection Forum, Madhav Bhandari, 50, of Kathmandu, Dr Hari Sharan Aryal and Sudan Neupane, 42, were beaten by political cadres in Martadi as ordered by the UCPN-M and NC district leaders for speaking out against the political parties on April 5. The three men were beaten at a program in the DDC hall and then held for over 24 hours in custody due to pressure from the political leaders. They were released at 9 pm on April 6 after signing a letter of apology.

RIGHT TO PROMPT AND FAIR TRIAL

Seven criminal cases, where an individual is the plaintiff, were brought forward from last year in the District Court. Of these, none were decided this year. Four

Type of Events	By Non-State								By State		
	By Others				By UCPN-M						
	No. of Events	Male	Female	Total	No. of Events	Male	N/A	Total	No. of Events	Male	Total
Killing	6	4	2	6							
Injured	3	8		8	1	1		1			
Arrest & Torture									1	3	3
Beatings	1	3		3							
Threats					1	1		1			
Racial Discrimination	2	1	2	3							
Women Rights	3		3	3							
Child Rights	2		2	2	1		1	1			
Economic, Social and Cultural Rights	1	1		1							
Total	**18**	**17**	**9**	**26**	**3**	**2**	**1**	**3**	**1**	**3**	**3**

criminal cases, where an individual is the plaintiff, were filed this year. Of these, three cases were decided this year and one case remained undecided. Among the total 11 criminal cases, where an individual is the plaintiff, eight cases remained undecided at the end of the year.

Two criminal cases were brought forward from last year in the District Court. Of these, one was decided this year. One criminal case, which was filed this year, remained undecided at the end of this year. Among the total three criminal cases, two cases remained undecided at the end of the year.

One civil case, which was brought forward from last year in the District Court, was decided this year. Two civil cases, which were filed this year, remained undecided at the end of the year. Among the total three civil cases, two cases remained undecided at the end of the year.

Among the total 17 cases including the criminal cases, where an individual is the plaintiff, criminal cases and civil cases, 12 cases remained undecided at the end of the year.

12 cases were registered by the Office of the District Attorney at the District Court this year. Of these, it was successful in eight cases and unsuccessful in two. Two cases remained undecided at the end of the year.

CHILD RIGHTS

According to the District Education Office, there are 244 private and government schools in the district. Of these, 154 are primary level, 49 are lower secondary level and 41 are secondary level schools. Out of 34,967 students in primary level, 18,645 are female and 16,322 are male. Out of 9,279 students in lower secondary level, 3,778 are female and 5,501 are male. Out of 4,270 students in secondary level, 1,470 are female and 2,810 are male. 1,299 students are studying in the 17 private schools in the district. Out of them, 323 are female and 976 are male.

A 14-year-old girl of Bahadugra tol in Gotri VDC-8 was raped allegedly by Padam Buda, 20, and Khadga Buda, 17, of the same place while she was herding cattle in a jungle near her home on March 30. The family of the victim filed a complaint at the police post in Kolti on March 31. The DPO arrested both of the accused on April 2. The District Court handed Khadga over to his relatives under the condition that he would be sent to a Child Reform Centre under

the supervision of the District Children Welfare Officer Sarpalal Giri because he was under 18 while Padam was sent to the District Prison for a three year sentence.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 20-year-old woman of Pandusen VDC-5 said that she was gang-raped by Dharma Giri, 27, of Dadeldhura, Nari Nath, 24, and Padam Thakurathi, 27, of Rupal VDC-5 at her sister's shop in Pandusen VDC-8 on March 21. The accused were arrested on the same day after the victim's sister filed a complaint at the DPO. She was treated at the district hospital. The District Court sentenced each of the perpetrators to 10 years imprisonment and ordered each of them to provide the victim with Rs 300,000 on May 25. The victim was yet to receive the compensation at the end of the year.

Domestic Violence

Man Bahadur Rawal, of Martadi VDC-4, attempted to expel his daughter-in-law Deuma Rawal, 30, from home on November 22. She registered a complaint at the Community Police Service Centre in Martadi on November 23. Man Bahadur, made an written agreement after both sides were called for a meeting by the police that such an incident would not be repeated.

ALL KINDS OF RACIAL DISCRIMINATION

13 households belonging to the Dalit community of Badhu VDC-1 were barred from participating in a religious ceremony by priests Masti Padhya and Mani Joshi. The priests barred them from entering into the religious ceremony organized at Pani Village, from November 15 to December 20, saying that their presence would pollute the occasion. Local human rights organizations condemned the incident.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Rana Bahadur BK, 29, of Martadi VDC-8 was threatened by a cadre of the UCPN-M Binita BK of Gotri VDC-9 for publishing a news article with headline 'Horse Stolen by UCPN-M' on December 2. In a press statement on December 5, journalist BK said that he received repeated threats from the UCPN-M urging him to correct the news and issue an apology letter. A compromise was reached between the two sides on December 8 after the UCPN-M cadre Binita admitted her mistake and offered an apology to BK.

HEALTH SERVICE SITUATION

There is one district hospital and one primary health center in the district. Although three doctors are allocated for the district hospital and primary health centre, only two are working. There is an allocation for 117 health workers in the 11 health posts and 15 sub-health posts. However, only 101 health workers were at work at the end of the year.

5.5 Bajhang

Population : 196,637

Literacy(%) : 42

Women Literacy(%) : 23

Area(Sq. Km.) : 3,422

Number of VDC(s)/Municipality(ies) : 47/0

Number of School(s) : 372/9

Campus(es)/Higher Secondary School(s) : 1/26

Hospital(s)/Health Post(s) : 1/46

Human Development Index : 0.343

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'E' grade District Jail had 16 male convicts and six male detainees at the end of the year. The jail has the capacity to accommodate 25 inmates. The inmates in the jail are provided with the facilities such as proper drinking water, toilets, electricity, newspapers, and sports material.

THREATS/BEATINGS

By State

Ram Bahadur Rokaya, 45, of Majhigaun VDC-9, was severely beaten by police constables Ganesh Singh Dhami, Narjit Giri of the Chhanna Police Post while he was fencing his field on December 12. Locals picketed the police post the next day in protest. Police agreed to provide Rs 40,000 to the victim for his medical treatment. He was treated at the district hospital.

By UCPN-M

The Campus Chief of Seti Campus Bagadgaun, Bishnu Bhakta Giri, 37, of Matela VDC-2 was attacked by 8-10 armed UCPN-M cadres with Khukuri at Kachali River in Subeda VDC-4 while he was heading to Dhanagadhi by bus on April 27. He sustained injuries to his head, stomach, one of his legs and both his hands. He received further treatment at the Teaching Hospital in Kathmandu after initial treatment at the district hospital in Simkhet. The family of the victim registered an FIR against the perpetrators in the District Administration Office and the DPO on the same day. The accused were still absconding at the end of the year.

RIGHT TO PROMPT AND FAIR TRIAL

Seven criminal cases, where an individual is the plaintiff, were brought forward from last year in the District Court. Of these, one case was decided this year and six cases remained undecided. 36 criminal cases, where an individual is the plaintiff, were filed this year. Of these, none were decided this year. Out of the total 43 criminal cases, where an individual is the plaintiff, 42 cases remained undecided at the end of the year.

Six criminal cases were brought forward from last year in the District Court. Of these, none were decided this year. Four criminal cases were filed this year. Of these, none were decided this year. Out of the total 10 criminal cases, all remained undecided at the end of this year.

24 civil cases were brought forward from last year in the District Court. 27 civil cases were filed during the year. Among the total 51 cases, three cases were decided and 48 cases remained undecided at the

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Injured					1	1	1			
Beatings								1	1	1
Threats					1	1	1			
Racial Discrimination	1	1		1						
Women Rights	6		6	6						
Child Rights	1		1	1						
Inhuman Behavior					1	1	1			
Total	**8**	**1**	**7**	**8**	**3**	**3**	**3**	**1**	**1**	**1**

end of the year.

Among the total 104 cases including criminal cases, where an individual is the plaintiff, criminal cases and civil cases, 100 cases remained undecided at the end of the year.

Office of the District Government Attorney filed 16 cases in the District Administration Office. Of these, it was successful in four cases. Additionally, the Office also filed 16 cases in the District Court. All of them were unsuccessful.

TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

By UCPN-M

Chief of the District Agriculture Development Office and resident of Mahottari district, Birendra Sinha was inhumanely treated by a group of 20 UCPN-M cadres led by district joint-in-charge and Seti Mahakali state committee member Top Bahadur Khadka on July 1. The UCPN-M cadres smeared with soot on his face, accusing him of not taking action regarding their complaints about irregularities in the distribution of fertilizers.

CHILD RIGHTS

According to the District Education Office, there are 455 government and community schools in the district. Of these, 303 are primary level, 76 are lower secondary and 75 are secondary level.

Out of 56,010 students in the primary level, 28,010 are female and 28,000 are male. Out of 14,640 students in lower secondary level, 4,645 are female and 9,995 are male. Out of 8,688 students in secondary level, 2,929 are female and 5,749 are male. Additionally, out of 7,322 students studying in the Early Childhood Development Centers, 3,629 are female and 3,693 are male.

An 11 year-old-girl of Majhigaun VDC-3 was allegedly raped by Damodar Padhya at a cowshed in ward no. 1 of the same VDC on June 18. A local, Satananda Padhya registered a complaint against the accused at the DPO on July 4 after the girl informed her that the accused raped her, luring her to the cowshed with the promise of buying her sweets and clothes. He was arrested on the same day and remanded in the District Prison following the District Court's order. Dr. Ram Bahadur KC of the district hospital said that the victim's medical test showed that she was subjected to an attempted rape.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Polygamy

Manju Snehi Rasaili, 25, of Chainpur VDC-1 was abandoned along with her one son and one daughter by her

husband Dhan Prakash Giri, 27, of Aicheli Bagad in Lamatola VDC-6 in Banglore of India saying she belonged to 'lower-caste'. Manju and Giri had eloped in June 22, 1997. When her father brought her home, she found out that Giri had remarried. She filed a case of polygamy against him in the District Administration Office on May 19. No decision was made regarding the case at the end of the year.

ALL KINDS OF RACIAL DISCRIMINATION

Ramesh Damai, 35, of Riththapatha VDC-8 was mistreated by Mohan Bahadur Khadka, 50, of ward no. 6 of the same VDC for touching a cup of tea in a local hotel on June 7. Ramesh filed a complaint at the DPO on the same day. A compromise was reached between the two sides at a meeting called by the DPO after Mohan offered an apology and promised not to practice caste-based discrimination again.

HEALTH SERVICE SITUATION

There is one district hospital and two primary health centers in the district. Although four doctors are allocated for the district hospital and primary health centers, only two are working. There is an allocation for 187 health workers in the 10 health posts and 35 sub-health posts. However, only 166 health workers were present at the end of the year.

5.6 Kanchanpur

Population : 529,548

Literacy(%) : 84

Women Literacy(%) : 56

Area(Sq. Km.) : 1,610

Number of VDC(s)/Municipality(ies) : 19/1

Number of School(s) : 327/51

Campus(es)/Higher Secondary School(s) : 5/47

Hospital(s)/Health Post(s) : 3/21

Human Development Index : 0.463

Average Household Size : 9

CIVIL AND POLITICAL RIGHTS
JAIL AND DETAINEES

The 'C' grade District Jail had 82 male and 10 female convicts and 45 male and five female detainees at the end of the year. Two children were also staying with female detainees inside the jail. The jail has the capacity to accommodate 75 inmates. Inmates in the jail are provided with newspapers, radio sets, TV sets and sports equipment.

THREATS/BEATINGS
By ANNISU-R

The chairperson of the management committee of the Siddhanath Multiple Campus, Surendra Bista, 37, of Bhimdatta Municipality-4 and the campus chief, Bharati Joshi, 42, were assaulted by students affiliated ANNISU-R at a meeting of the

Type of Events	By Non-State							By State		
	By Others				By UCPN-M					
	No. of Events	Male	Female	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	2	2		2						
Injured	1	1		1	1	1	1			
Beatings	2	2	1	3				1	1	1
Threats	2	2		2						
Racial Discrimination	4	3	2	5						
Women Rights	11		11	11						
Child Rights	1		1	1						
Abduction	1	1		1						
Total	**24**	**11**	**15**	**26**	**1**	**1**	**1**	**1**	**1**	**1**

management committee on June 16. Bista broke his leg while trying to jump off the campus building as the ANNISU-R students tried to lock them inside their office room, accusing them of corruption. They locked Joshi in the office room for one and half hours. Bista underwent treatment at the Mahakali Zonal Hospital and Bareli in India. Issuing a joint press statement on June 17, civil society, the NGO Federation of Kanchanpur chapter, and other organisations condemned the attack on Bista and Joshi.

By Others

The Publisher and Editor of the Abhiyan Daily, Laxman Tiwari was threatened with assault by Devendra Chand, the Principal of Maheshwor Secondary School in Bhimdatta Municipality-5 for publishing a news article on the irregularities in the distribution of scholarship funds on December 1. Chand also threatened to set office of the newspaper in Mahendranagar on fire. Kanchanpur Chapter of FNJ issued a press statement, condemning the intimidation on December 2.

RIGHT TO PROMPT AND FAIR TRIAL

District Court

46 criminal cases, where an individual is the plaintiff, were brought forward from the previous year in the District Court. Of these, 20 cases were decided during the year and 26 cases remained undecided. 35 cases, where an individual is the plaintiff, were filed this year in the district court. Of these, nine cases were decided during the year and 26 cases remained undecided at the end of the year. Out of the total 81 criminal cases, where an individual is the plaintiff, 52 remained undecided at the end of the year. 59 criminal cases were brought forward from the previous year in the District Court. Of these, 34 were decided this year and 25 remained undecided. 39 cases were filed during the year. Of these, 11 cases were decided and 28 remained undecided at the end of the year. Out of the total 98 criminal cases, 53 remained undecided at the end of the year. 129 civil cases were brought forward from the previous year in the District Court. Of these, 50 cases were decided during the year and 79 cases remained undecided. 59 civil cases were filed during the year in the District Court. Of these, two cases were decided in the year and 57 cases remained undecided. Out of the total 188 cases, 136 civil cases remained undecided at the end of the year.

Out of the total 367 cases, including criminal cases, where an individual is the plaintiff, criminal cases and civil cases, 141

cases remained undecided at the end of this year.

Of the three cases registered in the District Court under the Domestic Violence Act, one was decided on and two remained undecided.

Office of the District Government Attorney filed 152 cases in the District Court this year.

Appellate Court

31 criminal cases, where an individual is the plaintiff, were brought forward from the previous year in the District Court. Of these, 23 cases were decided during the year and eight cases remained undecided. 37 cases, where an individual is the plaintiff, were filed during the year in the District Court. Of which, 18 cases were decided upon and 19 cases remained undecided at the end of the year. Out of the total 68 criminal cases, where an individual is the plaintiff, 27 cases remained undecided at the end of the year.

Four criminal cases, which were brought forward from last year in the District Court, were decided this year. Seven cases were filed this year. Of these, two cases were decided and five cases remained undecided at the end of the year. Out of the total of 11 criminal cases, five cases remained undecided at the end of the year. 20 civil cases were brought forward from last year in the District Court. Of these, 16 cases were decided this year and four remained undecided. 21 civil cases were filed this year in the District Court. Of these, two cases were decided this year and 19 cases remained undecided. Out of the total 41 civil cases, 23 cases remained undecided at the end of the year.

Out of the total 120 cases, including criminal cases, where an individual is the plaintiff, criminal cases and civil cases, 55 cases remained undecided at the end of this year.

CHILD RIGHTS

According to the District Education Office, there are 455 government, private and community schools in the district. Of these, 204 are primary level, 94 are lower secondary level, 108 are secondary level and 39 are higher-secondary level schools. Out of the 76,058 students in primary level, 38,806 are female and 37,252 are male. Out of 30,207 students in lower secondary level, 15,152 are female and 15,055 are male. Out of 14,910 students in secondary level, 7,331 are female and 7,579 are male. Additionally, out of 3,842 students studying in the higher secondary level, 1,985 are female and 1,857 are male. There are 97 private schools in the district. Out of 10,503 students in these schools, 5,325 are female and 5,178 are male.

Ramesh Nath Chunara, 14, an eighth grader at the Baijanath Siddhanath Secondary School in Bhimdatta Municipality-9 was injured when the Principal of the school Khadak Bista, 44, beat him for not bringing his books on May 24. He received treatment at the Nepalgunj Medical College in Kohalpur. The family of the boy filed a complaint at the District Education Office on May 25. In a meeting called by the District Education Office, Principal Bista agreed to pay Rs 25,000 for the cost of treatment for Ramesh on June 3.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Women Trafficking

Laxmi Bohora and Laxmi Bhandari of Jhalari VDC-9 were apprehended and handed over to the APO in Jhalari on July 30 for allegedly trying to sell a local woman in Gujarat, India. The family of the woman had filed a complaint against them at the DPO on August 2, accusing them of taking her to Gajaraula, India on July 26. The accused had taken her to India on the pretext of taking her to the Mahendranagar bazaar. The woman had returned to her

home at the end of the year. Both accused were remanded to jail following an order from the District Court on August 29.

Rape, Attempt to Rape, Sexual Abuse

A 19-year-old girl of Tilakpur in Bhimdutta Municipality-3 was allegedly raped by a group on August 6. She filed an FIR at the DPO, saying that a group of five men had raped her when she had gone to the nearby jungle. The police arrested Man Bahadur Kami, 40, of Bhimdutta Municipality-9 and Guddu Ansari, 28, of UP, India, and charged them with being involved in the incident. The District Court remanded them in custody on September 3. Police took the victim to the Mahakali Zonal Hospital for a medical check-up on the same day. The other accused were still absconding at the end of the year.

Domestic Violence

Dhana Devi Kunwar, 23, of Tilakpur in Bhimdutta Municipality-3 was injured when her husband Suresh Kunwar, 30, beat her over a domestic dispute on July 30. She underwent treatment at the Mahakali Zonal Hospital for an injury to her head. The victim took shelter at the Protection Centre in the Women Service Centre after the incident. She filed an FIR against her husband at the DPO on August 3. A compromise was reached between the couple on August 4.

Polygamy

Hira Karki of Bhimdutta Municipality-18 registered a case of polygamy against her husband Bhim Karki at the DPO on November 10. She alleged that her husband had been inflicting physical and mental torture on her after his second marriage. Police arrested Bhim and his second wife after the complaint. District Court gave the order to release Bhim on bail of Rs. 50,000. His second wife was released on court date.

ALL KINDS OF RACIAL DISCRIMINATION

Khima Devi Nepali, 35, of Domilla in Krishnapur VDC-1 was injured when her neighbour, Kalu Bishta, attacked her with an axe on May 27. She was attacked after she stopped Bishta from trying to remove a public tap that was placed on her land. Bishta wanted to move the tap onto his premises as the land belonged to a dalit. Nepali sustained a deep cut to the head, for which she required six stitches. She received medical treatment at the Mahakali Zonal Hospital. Bishta was arrested on May 27 and was presented to the court on June 13. He was released on June 13 after paying Rs 5,000 as per the court order and reached a compromise with Nepali after paying Rs 6,000 as treatment costs.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property, By YCL

YCL cadres vandalized a motorcycle belonging to Khusiram Chaudhary, 35, of Gulgir in Krishnapur VDC-5. They accused him of defying the indefinite strike called for by them on May 5. The bike was vandalized near the Traffic Chok of Bhimdutta Municipality-3 by the YCL cadres participating in a rally. Chaudhary said that about Rs 4,000 worth of damage was caused when the lights were broken.

HEALTH SERVICE SITUATION

There is one zonal and one private hospital in the district. Even though 18 doctors were allocated for the zonal hospital, only three were working at the end of the year. There was an allocation for three doctors and 106 health workers in three primary health centres, 10 health centres, and eight sub-health posts. However, only 101 health workers were present at the end of the year.

5.7 Dadeldhura

Population : 149,055
Literacy(%) : 61
Women Literacy(%) : 35
Area(Sq. Km.) : 1,538
Number of VDC(s)/Municipality(ies) : 20/1
Number of School(s) : 232/11
Campus(es)/Higher Secondary School(s) : 1/19
Hospital(s)/Health Post(s) : 2/25
Human Development Index : 0.434
Average Household Size : 7

CIVIL AND POLITICAL RIGHTS
RIGHT TO DIGNIFIED LIFE
KILLING

By Others

Bir Bahadur Bishta, 21, of Jogbudha VDC-9 was shot dead by gunman Deepak Bahadur Shahi in a jungle, some 500 meters from Bishta's home on December 9. Shahi shot him after deserting his post in Chandi Prasad Battallion, based in the Arjuni Barrack. Bishta's wife Lila Bishta received a gun wound to her face. She had been undergoing treatment at the Army Hospital in Chhauni Kathmandu. Shahi, hailing from Sugarkhal in Kailali was arrested by the Army from a jungle at Chaumala of Kailali district on December 16. He has been detained at the Bhagatpur Barracks in Kanchanpur and army investigation was ongoing. The motive of the shooting remained unknown at the end of the year.

JAIL AND DETAINEES

The 'D' grade District Jail has the capacity to hold 25 inmates. It had 29 male convicts and four female convicts, and one female and four male detainees. There is a girl and a boy minor living as dependants in the jail.

THREATS/BEATINGS

By State

Dambar Bishta, 25, of Belapur VDC-6 and BA first year student at Dadeldhura Education Campus was arrested and then beaten by police on April 9. He was arrested from his room at Kirmade of Amargadhi Municipality-5 by police constables from the APO base camp. The arrest was prompted after he accidentally spat on an APF vehicle. He was released about an hour later when Bishta's family informed the police that he suffered from an mental illness. In protest of his arrest and assault, students of the Dadeldhura Campus obstructed the Dasharathchand Highway. Operation of the highway resumed at around 10 pm on the same day when the police admitted that they had made a mistake.

By UCPN-M

A district working committee member of the NC Ramchandra Air, 40, Village Committee Member of the same party Dan Bahadur Air, 41, and Sher Bahadur Air, 46, were assaulted by UCPN-M cadres led by district committee member Harikrishna Pal on April 9. The NC cadres were beaten before being thrown down the Paseli cliff in Ajaymer VDC-2 due to political rivalry. All three were taken to the Teaching Hospital in Kathmandu after receiving preliminary treatment at the local Team Hospital. NC

Type of Events	By Non-State								By State		
	By Others					By UCPN-M					
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Total	No. of Events	Male	Total
Killing	5	3	2		5						
Beatings						3	5	5	1	1	1
Racial Discrimination	1	1			1						
Women Rights	7		7		7						
Child Rights	1			1	1						
Total	**14**	**4**	**9**	**1**	**14**	**3**	**5**	**5**	**1**	**1**	**1**

district chairperson Raghubar Bhatta filed an FIR against six people, including Pal at the DPO on March 10. Police arrested all six the next day and charged them with attempted murder. The District Court released them on a bail of Rs 6,000 each. The Court found the suspects not guilty of the charge on October 28.

Shivaraj Bhatta, 50, of Amargadi VDC-10 and secretary of Samaiji VDC was assaulted by cadres of the UCPN-M on July 14. He was beaten up for allegedly embezzling funds and failing to provide a donation to the party. The UCPN-M also looted Rs 18,000 from Bhatta's room.

RIGHT TO PROMPT AND FAIR TRAIL

A total of 26 criminal cases were carried over from last year. Three cases were filed this year. Out of the 29 criminal cases, 23 were decided and six were undecided. Forty-five criminal cases, where an individual is the plaintiff, were carried over from last year, out of which, 40 cases were decided this year. 15 cases were filed this year. Out of last year's five cases and this year's 15, 10 were decided and 10 remained pending.

Between January 1 and December 31, Office of the District Government Attorney filed 25 cases. Seventeen of the 25 cases were won, two were lost and six remained undecided.

CHILD RIGHTS

There are 241 schools in the district. Out of them, 41 are primary level schools, 160 lower secondary school and 40 secondary level schools. There are 4,667 students in secondary level out of which 2,148 are girls and 2,488 are boys. In lower secondary schools, there are 5,916 girls and 5,807 boys. In primary level, a total of 15,558 girls and 14,590 boys study. The number of private schools in the district is 12 in which 16,062 students are attending of which 4,077 are girls and 11,085 are boys.

A total of 222 schools in the district remained closed from May 2 to 8 when the UCPN-M called for a strike to demand the resignation of Prime Minister Madhav Kumar Nepal. Nearly, 50,000 students were affected by the strike.

Radha Devi Malla, 30, of Thuda Gunpal in Bhadrapur VDC-4 and her relative Nar Bahadur Malla, 35, were arrested on November 18 for the drowning of a baby born as a result of their illicit relationship on November 13. A local Mothers' Group filed an FIR against them. Both were remanded in prison by the District Court on December 6. Both were still in prison at the end of the year.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

A 20-year-old woman of Gangkhet

VDC-8 was subjected to attempted rape allegedly by Ramesh Sunar, 20, of the same place at a forest near Gaira Bazaar on September 29. He was arrested after the woman filed a complaint on October 1 stating that she escaped from the rape when her call her help made Sunar flee from the spot. Sunar was remanded in custody on October 6.

Domestic Violence

Susmita Devi Budha Magar, 21, of Damauta in Shirsha VDC-3 was beaten to death by her husband Prakash Budha Magar, 28, on September 21. Prakash tied her hands and feet together before beating her to death. Officers from the APO, Jogbudha arrested him the next day and filed a murder case against him on September 27. He was remanded in prison on October 5.

Aruna Mahar, 36, of Lamikande in Bhageshwar VDC-9 was axed to death by her husband Shukra Bahadur Mahar, 43 on December 17. Police arrested Shukra later that day. Aruna was cremated on December 19 after a post-mortem was carried out at the district hospital.

ALL KINDS OF RACIAL DISCRIMINATION

Dev Bahadur Ode, of Bhadrapur VDC-2 was abused by Ram Dutta Bhatta, 35, of Matela of the same VDC. Ode was forcefully fed human excreta and a stick was forced into his anus. Bhatta also abused the victim with derogatory racial terms. At the time of these acts, Bhatta was holding Ode captive in his house from 9 pm to 12 pm following minor dispute. Police summoned both sides on June 6 and made Bhatta apologize for the deed.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Destruction of Infrastructure, Property

The underground group Bhisma Ekata Parishad torched a jeep transporting fruits to Baitadi from Dhangadhi, which had stopped at Bagdhunga of Asigram VDC-7 on April 1. The vehicle was torched for defying the group's bandh, called to demand the declaration of Nepal as a Hindu state.

HEALTH SERVICE SITUATION

The district has one district hospital and one Community Hospital. Though the district hospital has a quota of three doctors, four are currently working. There are 26 health posts and sub-health posts with a quota for 160 health workers, at the end of the year there were only 151 health workers in place.

5.8 Baitadi

Population	: 269,222
Literacy(%)	: 59
Women Literacy(%)	: 38
Area(Sq. Km.)	: 1,519
Number of VDC(s)/Municipality(ies)	: 62/1
Number of School(s)	: 434/11
Campus(es)/Higher Secondary School(s)	: 2/36
Hospital(s)/Health Post(s)	: 1/70
Human Development Index	: 0.391
Average Household Size	: 7

CIVIL AND POLITICAL RIGHTS

JAIL AND DETAINEES

The 'D' grade District Jail which has the capacity for 25 inmates, had 39 male and one female convict and 22 detainees at the end of the year. As the jail is accommodating twice as many inmates as per its capacity, the inmates complained of a lack of room and facilities such as drinking water and toilets. The inmates had staged a protest demanding a regular supply of drinking water in May. They informed that their health was being checked regularly.

THREATS/BEATINGS

By UCPN-M

A dozen of All Nepal Formers Association -Revolutionary (ANFA-R) cadres, including Janak Chand, 32, of Srikot VDC-1, and Dipak Bhatta of Srikaidar VDC-8, beat up UML cadre Sher Singh Airi, 41 of Basuling VDC-8 on January 10, on the allegation that he held different political beliefs. Airi, who was taken to Pithauragarh in India after it was deemed that his treatment would not be possible in the district hospital, returned home after receiving the treatment. Police arrested the main perpetrators, Chand and Bhatta, after the victim filed a complaint in the District Administration Office on January 13. The case was ongoing. The DAO had issued names of other people accused of being involved in the incident.

By UML

A group of UML cadres, including Hikmat Singh Karki, 25, Krishna Singh Karki, 23 and Kisan Singh Karki, 19, of Bhauneli VDC-8, beat up UCPN-M cadre Mahadev Bhatta, 28 of the same VDC in Darmarghar on February 27, on the allegation that the victim held different political beliefs. According to the victim, the UML cadres beat him while they were under the influence of alcohol. The victim, who received treatment in the Baitadi district hospital, filed a complaint at the police the next day. The police summoned both parties and during the negotiations, which were held in the DPO, both sides agreed not to repeat such incidents in future.

RIGHT TO PROMPT AND FAIR TRIAL

A total of 94 cases had been filed in the Baitadi District Court at the end of the year. Of them, 64 were criminal cases and 30 were civil cases, where an individual is the plaintiff. Of the 64 criminal cases, 47 were decided upon. Of the 30 criminal cases, where an individual is the plaintiff, 17 were decided on this year. Of the two cases filed under domestic violence, both were decided on. Of the 47 cases filed in the Office of the District Government Attorney, 24 were successful, 13 unsuccessful and 10 are awaiting decision.

CHILD RIGHTS

A total of 331 are primary schools, 107 lower secondary, 65 secondary and 38 higher secondary schools are in the district. A total of 78,233 students 39,742 female and 38,491 male study in primary level, 19,238 students 9,042 female and 1,196 male study in lower secondary level, 8,976 students 3,705 female and 5,271 male study in the secondary level. In higher secondary level, a total of 4,024 students 1,571 female and 2,453 male study there.

The studies of students were affected after 28 schools under the Kulau Resource Centre were closed for forth days from 16 June. The schools were closed as local guardians filed a complaint in the DPO; they alleged that Sunil BK, a four grader at Dethwala Secondary School was assaulted by the school headmaster Shukra Bahadur Chand and another teacher, Shishupal Singh Mangola, on June 17. Representatives of the Teacher Unions and the district-

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Killing	3	1	2	3			
Beatings	3	3		3	5	5	5
Threats	1	1		1	2	2	2
Racial Discrimination	2	1	1	2			
Child Rights	1		1	1			
Abduction	2	1	1	2			
Total	**12**	**7**	**5**	**12**	**7**	**7**	**7**

based Dalit NGO organizations held a meeting in the District Administration Office on June 25 and the perpetrators agreed not to repeat such incidents in the future.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Domestic Violence

Kalawati Panta, 30, of Silanga VDC-8 was hacked to death by her brother-in-law Laxman Panta, 17, on April 1. Laxman killed Kalawati by attacking on the head with an axe. Police recovered the dead body which was buried in a ditch near to the house on April 5. Police held Laxman for his alleged involvement in the incident on April 6. During interrogation, Laxman told the police that Kalawati died when he attacked her with the axe in the course of a family dispute. Laxman was sentenced to life imprisonment in Baitadi District Jail and all of his property was confiscated on May 3.

ALL KINDS OF RACIAL DISCRIMINATION

Shyam Ode, 19, of Gokuleshwor VDC-2 was beaten and verbally abused by several people, including Uttam Bahadur Chand, 38, of same the locality on February 13, on the allegation of touching a water tap. The victim filed a case against the accused. Later, the victim withdrew the case from the district court on February 20. The case was settled in the presence of court official.

HEALTH SERVICE SITUATION

There are three doctors in the district hospital as per the quota and 10 health workers of the quota of 11. There are two primary health centers which have the quota for two doctors and 11 health workers in which one position is vacant. There are 40 health workers in 10 health posts out of six positions are vacant. Out of 220 health workers, 19 positions are vacant.

5.9 Darchula

Population : 143,497

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

Hospital(s)/Health Post(s) : 1/41

Human Development Index : 0.411

Average Household Size : 7

CIVIL AND POLITICAL RIGHTS
JAIL AND DETAINEES

The 'D' grade district prison has the capacity for 40 inmates. Currently, there are 20 male and four female inmates whose sentence has been decided. The sentences of nine prison inmates have not yet been determined. The inmates have access to drinking water, television, newspapers and sports equipment. They have been getting all the facilities as per the government's regulations.

THREATS/BEATINGS
By UCPN-M

Nabaraj Joshi, 25, of Patigair in Bohorigaon VDC-1 was beaten up by a group led by the UCPN-M Seti Mahakali State Committee member, Keshav BK, 28 of ward no. 2 of the same VDC on June 17. He was beaten for not going door to door to offer the PPR vaccine. Joshi's elder brother Gangadutta, 41, was also attacked in the incident. Joshi said that the UCPN-M cadres dispersed after the villagers arrived at the site. Joshi said he was asked by the UCPN-M to visit every house of the VDC but he refused which had angered the UCPN-M cadres.

Akkal Bam, 22, of Hikila VDC-8 was beaten up by the UCPN-M district committee member Lal Bahadur BK, 32, of Shikhar VDC-2 and others at a local restaurant in Khalanga VDC-4 on May 9. A former district committee member, Bam was attacked after a minor dispute with the UCPN-M at the restaurant. BK stated after the dispute, that the UCPN-M cadre had brought his comrades to assault him. He added that the group led by Lal Bahadur BK hit him on the head with a pepsi bottle. He needed three stitches as a result of the injury. He was taken to Pithauragadh, India for further treatment and was reported to still be on medication at the end of the year. Bam filed a case of public offence against the perpetrator at the DPO on May 11. The DPO took the case to the District Administration Office on June 10. Assistant Officer, Jaya Bahadur Singh of the DAO said BK was released on the bail of Rs 1,000.

By Others

Shankar Singh Dhami, 30, of Malikarjun VDC-1, a district reporter with the Gorkhapatra daily and publisher of the Darchula Sandesh bi-weekly, and Kamal Raj Joshi, 32, of Khalanga VDC-1 a reporter with Avenues Television received death threats from Haribhansingh Thagunna, 31 on February 28. They were threatened in Chiurani of Latinath VDC-9 for not reporting news in his favor. Both filed a complaint against Thagunna at Latinath Police Station the next day. Police arrested Thagunna and transferred him to the DPO. A case of public offence was filed against him on March 3 at the DAO. He was released on March 17 with a bail amount of Rs. 1,000.

Bhuwan Danga, 33, of Gwani VDC-6 and the sub-editor of Darchula Sandesh was beaten up by Lulesingh Danga, 44, and Kaushadevi Danga, 40, on March 15. He also received death threats from them. The journalist was assaulted for publishing a news item which reported that some non-dalit persons sang at the wedding ceremony of a dalit person. The news said that such incidents were evidence of a weakening perception regarding caste based discrimination. The perpetrators claimed that such news insulted them. At a discussion that included local intellectuals and political representatives, the perpetrators apologized on March 16. Danga did not file a complaint.

Dev Singh Dhami, of Childhungra in Khandeshwari VDC-8, was injured in a beating by the YCL cadres on July 15. He was beaten up when he protested the

Type of Events	By Non-State						
	By Others				By UCPN-M		
	No. of Events	Male	Female	Total	No. of Events	Male	Total
Beatings	2	2		2	3	3	3
Threats	1	2		2	1	1	1
Racial Discrimination	1	1		1			
Women Rights	2		2	2			
Total	**6**	**5**	**2**	**7**	**4**	**4**	**4**

YCL demand for donations for the export of local herbs. The YCL cadres wanted Rs 10,000 per kg of Yarsakumbu. Dhami was beaten up at the shop of Kamalesh Singh Rokaya in Khandeshwari VDC-7 where he was called to discuss the issue. YCL cadres, Prayag Bhatta, 31, and Kamal, 24, of Bajhang district, were beaten by the villagers when they found out about the assault on Dhami. Dhami was treated at a private clinic in Simar of Latinath VDC-2. A meeting of locals and local level UCPN-M leaders was called by the police on July 22. The situation calmed down after the UCPN-M's district in-charge leader, Lalit Thagunna, apologized for the incident and promised that there would be no extortion in the future.

RIGHT TO PROMPT AND FAIR TRIAL

There were 45 criminal cases carried over at the District Court in Darchula. Of these, 40 cases were decided and five remained undecided. A total of 15 cases were filed at the end of the year. Out of those 15 cases and the five cases carried over from the previous year, 10 were decided on and 10 remained undecided. There were 26 civil cases carried over from the previous year, out of which, 16 cases were decided upon and 10 remained undecided. Of the three cases filed this year and the 10 cases carried over from the previous year, eight cases were decided on and five remained pending. At the end of the year, a total of 108 cases were filed, out of which, 74 cases were decided and 34 remained undecided.

Office of the District Government Attorney filed 17 cases from January 1 to December 31 at the District Court. 12 of those cases were decided on while five remained pending. In those 12 cases, 10 were won and two were lost by the Office.

CHILD RIGHTS

The figures provided by the District Education Office show that 15,792 girls and 14,688 boys attend 232 primary schools, while 4430 girls and 5,122 boys are enrolled in 64 lower secondary schools. The number of girls attending 57 secondary schools is 2,297 and the number of boys is 2,674. A total of 1,471 girls and 1,699 boys are attending 23 higher secondary schools.

ALL KINDS OF DISCRIMINATION AGAINST WOMEN

Rape, Attempt to Rape, Sexual Abuse

Bhanu Ram Parki, 25, of Uku VDC-4 was arrested on July 25 after being charged with the rape of an 18-year-old woman of ward no. 8 of the same VDC. He confessed to the police that Dipendra Thapa, the husband of the woman and Koushila Thapa, her mother-in-law had asked him to rape the woman on July 2. Police also arrested the accused Dipendra, his mother Kaushila, and Mina Dhami, Dipendra's second wife. All of the accused were arrested after the woman verbally complained at the Dattu Police Station on July 25. She said that she could not complain earlier because Bhanuram had threatened to kill her if she made the

incident public. She filed a case of rape against Bhanuram and her mother-in-law Kaushila at the DPO and a case of polygamy against her husband Dipendra on July 26. The District Court, on November 6, sentenced Bhanuram to eight years in prison and a fine of Rs 25,000 for raping the victim. Kaushila was sentenced to four years in prison for creating a favorable situation for Bhanuram to carry out the act. Dipendra was sentenced to three years in prison for polygamy.

A 31-year-old woman of Chhapari VDC-5 accused Karan Singh Karki, 44, of Chhapari VDC-6 of sexually harassing her at Bangabagr of Khalanga VDC-5 on March 11. She filed an application at the Community Service Centre in Khalanga. The Center summoned both sides for discussion. At the discussion, Karki confessed to his act and apologized. The case was settled on March 14 after Karki promised not to repeat such incidents.

ALL KINDS OF RACIAL DISCRIMINATION

Rastriya Jana Morcha district chairperson, Manbir Damai, 52, of Katai VDC-9 and currently residing in Khalanga VDC-5 was abused on March 29. Karna Bahadur Bam, 32, of Simali in Brahmadev VDC-5 and currently residing at Bang Bagar in Khalanga VDC-5 assaulted him and insulted him using an insulting racial term. Damai filed a case against Bam for caste-based discrimination at the DPO on April 1. Bam absconded soon after the incident. The court issued a warrant for his arrest on May 2. Bam volunteered to appear in the court on July 1. The court decided to fine him Rs 2,000.

HEALTH SERVICE SITUATION

One district hospital, one primary health center, 11 health posts and 29 sub-health posts are present in the district. The quota for doctors in the district is two but only one is currently working. The health posts and sub-health posts have a quota of 158 health workers but only 132 are working while 26 positions remain vacant.

Annex

2

Statistics of Human Rights Violations in 2010

Annex 2.1 Number of Incidents and Victims

Type of Events	By Non-State										By State				
	By Others					By UCPN-M									
	No of Events	Male	Female	N/A	Total	No of Events	Male	Female	N/A	Total	No of Events	Male	Female	N/A	Total
Killing															
Beaten to Death	120	69	56		125	1	1			1	1	1			1
Beheaded	1	1			1										
By Giving Poison	5		5		5										
By Hanging	4		4		4										
By Torture	1	1	1		2						1	1			1
By Using Sharp Weapons	90	61	37		98										
Hacked to Death	1		1		1										
Killed After Rape	18		20		20										
Killed by Firing	68	66	5		71						14	14	3		17
Killed in Clash	2	2			2										
Killed in Cross-fire											9	13			13
Nature of Killing Unexposed	30	20	10		30										
Setting Fire	2	1	1		2										
Slitting Throat to Death	10	8	2		10	1	1			1					
Squeezed to Death	18	3	15		18										
Striking Khukuri	22	19	5		24	1	2			2					
Striking Lathi	10	6	4		10										
Total	**402**	**257**	**166**		**423**	**3**	**4**			**4**	**25**	**29**	**3**		**32**
Injured															
Injured By Beatings	12	20	4		24	2	2			2	3	4	3		7
Injured By Blank Firing	3	3			3						1	1			1
Injured By Bomb Blast	32	47	24		71	1	1			1	3	5	1		6
Injured By Firing	37	43	6		49	1	2	1		3	5	15			15
Injured By Own Bomb Blast	3	4			4						1	1			1
Injured By Using Sharp Weapons	60	69	17		86	6	8			8					
Injured by setting fire	1	2			2										
Injured in Clash	17	63	1		64	8	17			17	10	51	9		60
Total	**165**	**251**	**52**		**303**	**18**	**30**	**1**		**31**	**23**	**77**	**13**		**90**
Arrest & Torture															
Arrest & Torture											74	129	6		135
Beatings															
Beatings	272	420	56		476	117	219	14	12	245	55	116	6		122
Threats															
Life Threat	43	52	4	36	92	23	28	2		30	1	1			1
Threat	78	90	16	235	341	42	52	3	2	57	3	3			3
Threats for Donation	9	11		2	13	10	9		1	10	1	1			1
Total	**130**	**153**	**20**	**273**	**446**	**75**	**89**	**5**	**3**	**97**	**5**	**5**			**5**
Right to Assembly															
Lathi Charge											22	72	21	94	187
Right to Assembly	5	12	1		13	5	10	2		12	11	31	9	4	44
Total	**5**	**12**	**1**		**13**	**5**	**10**	**2**		**12**	**33**	**103**	**30**	**98**	**231**

Type of Events	By Non-State										By State				
	By Others					By UCPN-M									
	No of Events	Male	Female	N/A	Total	No of Events	Male	Female	N/A	Total	No of Events	Male	Female	N/A	Total
Racial Discrimination															
Deprived from Entering in Public Places	3	2	1		3										
Intercaste Marriage	14	12	12		24										
Untouchability	32	25	17		42										
Total	**49**	**39**	**30**		**69**										
Women Rights															
Domestic Violence	294		297		297										
For Practicing Witchcraft	49		58		58										
Polygamy	70		70		70										
Rape	100		103		103										
Rape Attempt	16		16		16										
Sexual Abuse	30		30		30										
Women Trafficking	27		44		44										
Total	**586**		**618**		**618**										
Child Rights															
Child Labour	17	30	5		35										
Child Marriage	8	1	8		9										
Child Trafficking	13	3	15		18										
Deprived From Education	8			11	11	9			9	9					
Killing of Newborn Baby	15	4	1	10	15										
Rape	176		186		186										
Sexual Abuse	68	4	77		81										
Use of Child in Political Activities						7	21	5	135	161					
Total	**305**	**42**	**292**	**21**	**355**	**16**	**21**	**5**	**144**	**170**					
Economic, Social and Cultural Rights															
Denied Wages	7	3	1	82	86										
Others	1	1			1										
Right to Own Property	7	6	3	1	10	20	22	4	18	44					
Total	**15**	**10**	**4**	**83**	**97**	**20**	**22**	**4**	**18**	**44**					
Inhuman Behaviour															
For Practicing Witchcraft	3	5			5										
Others	5	6			6						3	5			5
Rubbing Soot on the Face	18	17	1		18	2	2			2					
Shoes-garlanded						1	1			1					
Total	**26**	**28**	**1**		**29**	**3**	**3**			**3**	**3**	**5**			**5**
Abduction															
Abduction	125	136	16		152	23	32	1		33					
Grand Total	**2080**	**1348**	**1256**	**377**	**2981**	**280**	**430**	**32**	**177**	**639**	**218**	**464**	**58**	**98**	**620**

Annex 2.2 Number of Victims (Children)

Type of Events	By Non-State							By State			
	By Others				By UCPN-M						
	No of Events	Male	Female	Total	No of Events	Male	Total	No of Events	Male	Female	Total
Killing	45	28	23	51				3	2	1	3
Injured	23	28	15	43	1	1	1	2	2	1	3
Arrest & Torture								14	28		28
Beatings	29	41	6	47	9	18	18	3	8		8
Threats	2	1	1	2							
Abduction	37	33	8	41							
Total	**136**	**131**	**53**	**184**	**10**	**19**	**19**	**22**	**40**	**2**	**42**

Annex 2.3 Number of Victims by Occupation

Occupation	By Non-State										By State				
	By Others					By UCPN-M									
	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total	No. of Events	Male	Female	N/A	Total
Agriculture	760	311	569		880	72	110	14	11	135	60	121	23	8	152
Armed Police	2	1	1		2	1	1			1					
Business	131	117	42	1	160	17	27			27	18	35	4		39
Civil/Private Service	88	95	8	190	293	17	15	2	2	19	4	6			6
Health Worker	5	5			5	1	1			1					
Human Rights Activist	7	3	9		12						1	1			1
Journalist	61	74	3		77	20	22	2		24	14	26		12	38
Labour	106	63	69	1	133	6	33	5		38	15	25	7		32
Law Professional						2	2			2					
Military						1	1			1	3	5			5
Police	26	45	2		47	5	11			11	4	8			8
Political Worker	103	161	6	4	171	55	82			82	39	85	3	52	140
Social Worker	4	2	2		4	2	2			2	2	1	3		4
Student	308	243	182	11	436	31	46	5	64	115	29	71	1		72
Teacher	66	72	19	1	92	28	38	2		40	7	14	11		25
Other	80	7	79		86	3	3	1		4					
Unavailable	412	169	266	247	682	46	47	2	121	170	35	76	6	26	108
Total	**2159**	**1368**	**1257**	**455**	**3080**	**307**	**441**	**33**	**198**	**672**	**231**	**474**	**58**	**98**	**630**

Annex 2.4 Number of Destruction

Type of Events	By Non-State			
	By Others		By UCPN-M	
	No of Events	Total	No of Events	Total
Civil Aviation Office	1	1		
College	4	4		
Communication Sector	2	2		
DDC	1	1		
Government Offices	3	3	1	1
Government Vehicles	3	7		
Health Post	1	1		
Municipality	1	1		
Police Post	1	1		
Political Party Office	9	9	3	3
Post Office	1	1		
Private Home	12	12	2	4
Private Offices	5	5	3	3
Private Property	3	3	2	3
Private Vehicle	23	30	10	13
School	5	7	2	6
University	2	2		
VDC	9	9		
Total	**86**	**99**	**23**	**33**

Annex 2.5 Number of Victims by Month

Type of Events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Killing	43	53	32	42	38	31	43	24	42	53	36	22	459
Injured	34	25	44	53	47	24	36	47	15	56	24	19	424
Arrest & Torture	21	11	7	16	19	12	9	9	6	5	16	4	135
Beatings	83	69	60	108	176	77	54	35	52	46	55	28	843
Threats	26	30	31	37	42	180	114	17	12	38	14	7	548
Right to Assembly	23	17	45	30	89	18	6	6	12		4	6	256
Racial Discrimination	3	6	7	4	13	7	5	3	7	6	5	3	69
Women Rights	63	41	64	45	61	42	52	51	64	44	61	30	618
Child Rights	30	20	29	47	193	35	33	41	33	22	30	12	525
Economic, Social and Cultural Rights	25	3	5		12	82	5	1	3	1	3	1	141
Inhuman Behavior	5	2	6	3	2	12	4	1	1		1		37
Abduction	30	12	10	23	26	18	19	7	4	16	11	9	185
Total	**386**	**289**	**340**	**408**	**718**	**538**	**380**	**242**	**251**	**287**	**260**	**141**	**4240**

Annex 2.6 Eastern: Number of Incidents and Victims

Type of Events	By Non-State										By State				
	By Others					By UCPN-M									
	No of Events	Male	Female	N/A	Total	No of Events	Male	Female	N/A	Total	No of Events	Male	Female	N/A	Total
Killing	119	84	44		128	1	1			1					
Injured	43	60	12		72						3	7	3		10
Arrest & Torture											23	29	2		31
Beatings	70	78	22		100	23	36	5	12	53	21	43	2		45
Threats	49	68	7	114	189	24	32	1	3	36	2	2			2
Right to Assembly	1	5			5						11	30	8	33	71
Racial Discrimination	7	6	3		9										
Women Rights	111		125		125										
Child Rights	82	3	83	4	90	4	3		135	138					
Economic, Social and Cultural Rights	5	3		81	84	10	11	2	5	18					
Inhuman Behavior	4	4			4										
Abduction	44	46	4		50	1	1			1					
Total	**535**	**357**	**300**	**199**	**856**	**63**	**84**	**8**	**155**	**247**	**60**	**111**	**15**	**33**	**159**

Annex 2.7 Mid: Number of Incidents and Victims

Type of Events	By Non-State										By State				
	By Others					By UCPN-M									
	No of Events	Male	Female	N/A	Total	No of Events	Male	Female	N/A	Total	No of Events	Male	Female	N/A	Total
Killing	161	102	64		166	1	1			1	20	23			23
Injured	67	90	28		118	8	14	1		15	12	46	2		48
Arrest & Torture											13	18	2		20
Beatings	57	94	12		106	24	45	4		49	8	11			11
Threats	24	23	4	35	62	10	10	2		12					
Right to Assembly											13	39	10	65	114
Racial Discrimination	6	1	6		7										
Women Rights	166		168		168										
Child Rights	91	2	98	1	101										
Economic, Social and Cultural Rights	3	3			3	3	2		12	14					
Inhuman Behavior	12	13			13	1	1			1					
Abduction	53	55	4		59	9	12	1		13					
Total	**640**	**383**	**384**	**36**	**803**	**56**	**85**	**8**	**12**	**105**	**66**	**137**	**14**	**65**	**216**

Annex 2.8 Western: Number of Incidents and Victims

Type of Events	By Non-State									By State			
	By Others					By UCPN-M							
	No of Events	Male	Female	N/A	Total	No of Events	Male	Female	Total	No of Events	Male	Female	Total
Killing	57	33	29		62					3	3		3
Injured	21	40	8		48	2	5		5	1	1		1
Arrest & Torture										14	25	1	26
Beatings	63	120	11		131	17	67	5	72	7	26		26
Threats	10	7	1	2	10	5	9	1	10				
Right to Assembly	1	6			6	2	6	1	7	5	26	7	33
Racial Discrimination	7	11	4		15								
Women Rights	75		86		86								
Child Rights	53	3	52	1	56								
Economic, Social and Cultural Rights	4	2	4	1	7	1	2	1	3				
Inhuman Behavior	7	7	1		8	1	1		1	1	2		2
Abduction	9	7	2		9	1	3		3				
Total	**307**	**236**	**198**	**4**	**438**	**29**	**93**	**8**	**101**	**31**	**83**	**8**	**91**

Annex 2.9 Mid Western: Number of Incidents and Victims

Type of Events	By Non-State										By State			
	By Others					By UCPN-M								
	No of Events	Male	Female	N/A	Total	No of Events	Male	Female	N/A	Total	No of Events	Male	Female	Total
Killing	44	26	20		46	1	2			2	2	3	3	6
Injured	31	52	4		56	5	8			8	5	12	7	19
Arrest & Torture											22	49	11	50
Beatings	61	99	9		108	39	55			55	15	31	4	35
Threats	38	44	8	120	172	27	29	1		30	3	3		3
Right to Assembly	2	1	1		2	3	4	1		5	3	7	3	10
Racial Discrimination	11	9	7		16									
Women Rights	185		187		187									
Child Rights	59	34	41	12	87	11	18	5	8	31				
Economic, Social and Cultural Rights	1	1			1	6	7	1	1	9				
Inhuman Behavior	2	2			2						2	3		3
Abduction	13	24	3		27	11	15			15				
Total	**447**	**292**	**280**	**132**	**704**	**103**	**138**	**8**	**9**	**155**	**52**	**108**	**18**	**126**

Annex 2.10 Far Wstern: Number of Incidents and Victims

Type of Events	By Non-State									By State			
	By Others					By UCPN-M							
	No of Events	Male	Female	N/A	Total	No of Events	Male	N/A	Total	No of Events	Male	Female	Total
Killing	21	12	9		21								
Injured	4	9			9	3	3		3	3	11	1	12
Arrest & Torture										3	8		8
Beatings	21	29	2		31	14	16		16	4	5		5
Threats	9	11		2	13	9	9		9				
Right to Assembly										1	1	2	3
Racial Discrimination	18	12	10		22								
Women Rights	50		52		52								
Child Rights	21		18	3	21	1		1	1				
Economic, Social and Cultural Rights	2	1		1	2								
Inhuman Behavior	1	2			2	1	1		1				
Abduction	7	4	3		7	1	1		1				
Total	**154**	**80**	**94**	**6**	**180**	**29**	**30**	**1**	**31**	**11**	**25**	**3**	**28**

Annex 2.11 Number of Inmates in Jail at the end of 2010

S.No	District	Detainees	Convicts	Male	Female	Child		Total
						Male	Female	
1.1	Jhapa	215	248	440	23	3		466
1.2	Ilam	No Detainees						
1.3	Panchathar	23	53	68	8		1	77
1.4	Taplejung	17	32	49				49
1.5	Morang	241	287	483	45	1	3	532
1.6	Sunsari	212	301	513				513
1.7	Dhankuta	14	36	46	4	1		51
1.8	Terhathum	8	36	40	4	1	1	46
1.9	Bhojpur	19	39	53	5	1		59
1.10	Sankhuwasabha	13	39	45	7	2		54
1.11	Saptari	77	72	145	4			149
1.12	Siraha	122	32	149	5			154
1.13	Udaypur	67	26	85	8			93
1.14	Khotang	No Detainees						
1.15	Okhaldhunga	19	29	44	4			48
1.16	Solukhumbu	22	23	39	6			45
2.1	Dhanusha	No Jail						
2.2	Mahottari	198	105	276	27	6	2	311
2.3	Sarlahi	88	42	130				130
2.4	Sindhuli	23	44	61	6	2		69
2.5	Ramechhap	10	50	53	7			60
2.6	Dolakha	10	28	38				38
2.7	Rautahat	78	37	109	6	2		117
2.8	Bara	No Jail						
2.9	Parsa	465	560	968	57	3	6	1034
2.10	Chitawan	123	178	278	23	2	2	305
2.11	Makawanpur	23	22	45				45
2.12	Lalitpur	184	269	453				453
2.13	Kavre	45	64	109				109
2.14	Bhaktapur	94		91	3			94
2.15	Kathmandu	1260	1129	2181	208	11		2400
2.16	Dhading	63	35	87	11			98
2.17	Sindhupalchowk	49	14	62	1			63
2.18	Nuwakot	28	51	65	14			79
2.19	Rasuwa	1	19	20				20

S.No	District	Detainees	Convicts	Male	Female	Child		Total
						Male	Female	
3.1	Tanahu	35	59	94				94
3.2	Gorakha	27	38	59	6			65
3.3	Lamjung	10	24	28	6			34
3.4	Syangja	19	20	32	7			39
3.5	Kaski	131	138	236	33	3		272
3.6	Manang	20	12	32				32
3.7	Nawalparasi	45	40	73	12	3	1	89
3.8	Rupandehi	176	109	285				285
3.9	Palpa	62	224	239	47		3	289
3.10	Kapilvastu	100	57	157				157
3.11	Arghakhanchi	No Detainees						
3.12	Gulmi	31	31	48	14	1		63
3.13	Baglung	21	30	44	7			51
3.14	Parvat	9	34	40	3			43
3.15	Myagdi	28	34	57	5	1		63
3.16	Mustang	3	1	4				4
4.1	Dang	68	163	215	16	2	2	235
4.2	Pyuthan	10	40	44	6			50
4.3	Rolpa	35	23	54	4			58
4.4	Salyan	38	17	49	6			55
4.5	Rukum	18	13	23	8			31
4.6	Banke	141	78	205	14			219
4.7	Bardiya	27	27	52	2			54
4.8	Surkhet	63	33	93	3			96
4.9	Jajarkot	2	21	21	2		2	25
4.10	Dailekh	4	23	26	1			27
4.11	Dolpa	8	3	11				11
4.12	Jumla	8	7	13	2			15
4.13	Kalikot	21	9	27	3			30
4.14	Mugu	No Detainees						
4.15	Humla	5		5				5
5.1	Kailali	69	102	161	10	2	1	174
5.2	Achham	17	18	32	3			35
5.3	Doti	4	19	23				23
5.4	Bajura	7	28	32	3	2		37
5.5	Bajhang	6	16	22				22
5.6	Kanchanpur	50	92	127	15	1	1	144
5.7	Dadeldhura	5	33	33	5	1	1	40
5.8	Baitadi	22	40	61	1			62
5.9	Darchula	9	24	29	4			33
Total		**5165**	**5580**	**10011**	**734**	**51**	**26**	**10822**

Annex

3

Views of Political Parties on Human Rights Situations in 2010

CPN-UML

Even though 2010 could be seen as the year in which the human rights situation improved, the number of human rights violations was still noteworthy. Although the tenure of the CA was extended by one year, the people are still uncertain as to whether the new constitution will be promulgated within the scheduled time. The human rights violations can be linked to the fact that there is no constitution in the country, and that there is a lack of serious concern about this issue. Our country has asked for consensus, internalizing that feeling, CPN-UML has attempted to form a consensus government to resolve the current situation and to formulate the constitution on time. However, the country was held to ransom for a long time as the other major parties were not willing to form a consensus government. This has resulted in a greater number of human rights violations.

As was the case in previous years, many incidents of human rights violations occurred this year. Violations have been perpetrated by the UCPN-M. Many UML cadres became the victims of abduction, intimidation and killings carried out by the UCPN-M cadres. Chhabilal Karki, the national representative council member of Okhaldhunga, Ramhari Shrestha, a UML cadre from Kathmandu, Shiba Thapa from Dhading, Sudip Karki a Youth Federation cadre from Makawanpur and Uddhav Aryal, the party sub-chairperson of Parsa were killed by the UCPN-M cadres. The attempted murder of Ram Chandra Jha, Bisham Lal Adhikari and Keshab Devkota, the UML politburo members, by the UCPN-M cadres, led by Rajan Dahal, a district sub-in-charge in Sindhuli, can be taken as examples of human rights violations committed by the UCPN-M. Meanwhile, the UML cadres are prohibited from expressing different opinions and the incidents of killing, abduction, beating and intimidation of UML cadres in the districts of Rukum, Sindhuli, Dhanusha, Dhangadhi, Mugu, Jajarkot, Nawalparasi, Surkhet, Dolpa, Lamjung, Taplejung, and Rasuwa, and the arson and vandalism of the UML party offices has resulted in serious violations of human rights. It has also been observed that various apolitical and armed groups of the Tarai have committed grave violations of human rights. The abduction of Dr Bhaktaman Shrestha, the executive director of the BP Koirala Memorial Hospital, the killings of Arun Singhaniya, a media entrepreneur of Janakpur, Hemraj (Devi Prasad) Dhital and the president of Radio Tulashipur, Jamim Shah, a media entrepreneur, and other similar killings, abductions, extortion of the independent media, employees, and businesspersons are some of the grave human rights violation.

Many agreements following the 12-point agreement have not been implemented. The properties captured during armed conflict have not yet been returned. The people displaced during the same period have not yet been rehabilitated. The Truth and Reconciliation Commission and the State Restructuring Commission have not been formed. Our party holds the stand that such incidents of grave violations of human rights should be impartially investigated and strong be action taken against the perpetrators, as per the spirit of the Comprehensive Peace Agreement. Our party is ready to take the peace process to its conclusion by drafting the Constitution of the Federal Democratic Republic of Nepal and is ready to reform the poor situation of human rights in collaboration with human rights stakeholders, more now than in the past.

Lastly, appreciating the activities being carried out by INSEC in the field of

human rights and social justice, I would like to wish it further success.

Jhalanath Khanal
Chairperson of CPN-UML

CPN-M

The most basic Human Right is the right to life. The right to life encompasses the basic needs of a person including food, shelter, clothing, medicine, fuel, education and employment. At present, some human rights organizations are limiting the real meaning of human rights by dealing with them from ethnical, religious, communal or regional perspectives. Moreover, in the capitalist system, human rights do not recognize emerging issues such as eliminating unemployment and high food prices, guaranteeing social security, education and health services as inherent rights.

For us, the communists, the following rights are considered human rights:

a. The opportunity for all people to get a chance to enhance their capacity
b. The guarantee of income as per the work and work as per the qualification for those who can work
c. The eradication of the exploitation of people
d. A Free medical service and education
e. The guarantee of social security and the right to freedom of expression, opinion and assembly

Following the Maoist rebellion (1996-2006), it is found that voices were raised in the name of the protection of the rights of particular religions, faiths, communities and ethnic groups. There were also instances where the issue of human rights was raised if an individual belonging to one's side was killed and ignored when the person belongs to the other side. We should be clear that human rights are the rights of an individual to live as a human.

The human rights situation in the country last year remained painful. Firstly, the CPN (M) believes that the abduction and killing of the innocent children who are the future of the country and the abduction and killing of journalists and business-people are examples of the most serious type of human rights violations.

Secondly, hindering the right to work, girl trafficking and rape, starvation in remote areas, death due to extreme weather and the spread of a culture of murder are violations of human rights and a concern of the state.

Politics is the centralized expression of economic and social conditions. At present, the political situation of our country is in transition. Impunity, negligence in discipline and anarchy increase at during these phases. This leads to a rise in the incidents of human rights violations. If there is peace, good governance and political stability in the country, incidents of human rights violations decrease even if human rights are not well established.

Primarily, human rights mean the security and guarantee of the life of the people; from the womb, to old age and to the grave. Only in a system where there is no chance of social vices and conflict cannot flourish due to the unemployment and financial problems can such a vision be realized. All people work and are paid according to their work. The state acknowledges education and health as inherent right. Criminals are sternly punished. Till such rule is established, human rights violation will certainly continue to go up.

***CPN-Male*,** Central Committee

Nepal Communist Party (Maoist)

Every year, INSEC publishes a book about the human rights situation in Nepal. I have tried to present the views of my party

in a nutshell as per the request of INSEC. The book will be a worthwhile read for all concerned people across the globe and help them understand the human rights crisis of Nepal. I would like to express my gratitude to the INSEC family for this great work.

Many of the parties and leaders have forgotten the pledges expressed during the decade-long people's war, the joint Movement and the Madhes movement, they have betrayed the dreams of the martyrs and aspiration of the people. They have instead, become involved in looting national funds, acting as lackeys for foreign states and criminalizing and commercializing politics. They participate in corruption, the black market, smuggling, institutionally developing commission demands, the rise of impunity in government bodies, the trafficking of women and girls, human smuggling in the name of employment, state killing, violence and robbery. They have all created the dreadful human right situation which this country now faces.

The silence of the honest human rights activists and the dominance of dishonest human rights activists is also a reason behind the dreadful situation of human rights.

Matrika Prasad Yadav, Coordinator
Nepal Communist Party (Maoist)
Central Ad Hoc Committee

Nepali Congress

To give the picture of human rights situation of our country in 2010 as that of earlier years I am delighted as INSEC is publishing Nepal human rights year book 2011.

The relation between democracy and human rights is inseparable. The dire strait situation of human rights violations have been improving after abolishing autocracy and maintaining liberal democratic practices. Some year before Nepal was terrorized by extremely barbaric violent attacks at its people. This listed Nepal in list of most human rights violating countries.

With the onset of year 2063 state terror had stopped. But killing and abduction and incident of terrorism in the name of Maoists and others groups has not come to stop. Currently such inhuman incidents are on decline as compared to that of last years. However, the human rights situation of our country could not be consider satisfactory, it can only be said improving.

Beside these, till now the untouchability is not eradicated from our country. Racial and gender discrimination has not been abolished. Bonded labor, child labor and Kamalari system could not be ended. The incidents of superstitious abuses on innocent woman in the name of witch crafts still persist. Scores of children are deprived of education. Human rights sectors will be observed with expected improvement after controlling all the adverse trends in the society.

NC is serious about human rights since its establishment. The four stars in the flag of NC are symbols of freedom of speech, freedom of religion, economic freedom and freedom of security. NC has always been proactive to end all kind of suppression, oppression, racial and gender discrimination. NC is always committed to protect human rights. I heartily appreciate INSEC contribution in this sector.

Sushil Koirala
President

Nepal Workers and Peasants Party (NWPP)

As the year 2010 elapsed various positive and negative messages were left among the people.

A constitutional government could

not be formed for almost half of the year. The nation was governed by a caretaker government after Prime Minister Madhav Kumar Nepal stepped down following pressure from his own party, the UML. The promise of the UML Chairperson Jhalanath Khanal, UCPN-M Chairperson Pushpa Kamal Dahal 'Prachanda' and Vice-chairperson Baburam Bhattarai to form a new government within two hours after Nepal's resignation did not happen.

CA members, who were entrusted with the important responsibility of drafting a new constitution, were made the subjects of ridicule due to the personal interests of the UCPN-M, the NC and the UML leaders. Hatred towards the leaders of the 'big' capitalist parties has gradually grown among the people. A government, as per the constitutional provision, could not be formed for more than six months in the name of consensus. Neither did the statute drafting process moved ahead as conceived by the people, nor did the Legislature Parliament form a government. Voices were raised for the dismissal of the parliament stating that it had failed to form a government or to pass bills. The leaders of the big parties shamelessly listened to these voices as raised by the people.

To dismiss the Parliament is to prevent the right of the people's representatives to speak. In the name of consensus, the leaders of the big parties deprived the people's representative of their right to speak. The parties, which boast for advocating democracy, acted undemocratically by leaving the country in a bond of indecision for more than six months, so that they might fulfill their personal ambitions and interests.

The CA members of the UCPN-M prevented Surendra Pandey, the Finance Minister of the caretaker government to present the budget in the parliament. They manhandled him and tore the copy of the budget while he was trying to propose the budget in the parliament. Minister Prakash Sharan Mahat was also attacked in the parliament. The lawmakers deliberately violated the law. As a result of this, the caretaker government introduced the budget through an ordinance. The people's representatives were derived of their right to have their comments and recommendations included in the budget. No action was taken against the CA members involved in the manhandling of the ministers in the parliament. This may boost the confidence of such CA members. However, it is important that action be taken against anyone who violates the law and the legal provisions.

The abduction of the Executive Director of the Bharatpur Cancer Hospital, Dr Bhakta Man Shrestha, was one of the main incidents of human rights violations in 2010. He was held in captivity for several days, and was released after his family paid the ransom to the abductors, who were later arrested. It was revealed that they had abducted Dr. Shrestha to pay off the debts of Rs 7 m that they had incurred in getting released in their previous court case. Corruption in the legislative bodies surfaced and Justices Rana Bahadur Bam and Tej Bahadur Karki, who ruled the case, came under scrutiny. As per the report prepared by a one-man commission chaired by the Supreme Court Justice Balram KC, preparations to impeach Justice Rana Bahadur Bam were underway in the Legislature Parliament. The report was given to the leaders of the political parties who represent the people in the CA. Leaders of the UCPN-M, the NC and the UML are not ready, however, to impeach the Justice as recommended by the commission.

The government completely failed to maintain law and order. Some of the incidents that occurred in 2010 clearly

depict the human rights situation of the country. For instance, the attack by ANNISU-R cadres on the NWPP's student wing, the Nepal Revolutionary Students Union (NRSU) at Sanothimi Campus on May 26 left more than 20 injured, the eviction of Kulpi BK of Dhading on December 20, and the killing of Madan Kumar Jha of Mahottari on December 22, represent some of the incidents that occurred in several parts of the country during the year 2010.

The constitution writing, which had to be completed within the previously given two-year-term of the CA, did not happen due to the frequent power sharing games among the big parties. Now, more than half of the tenure of the extended term of the CA has already expired, however, there is no progress on the statute writing. Completing the task of writing the constitution in the given one year deadline is under question due to the self interests and ambitions of the big political parties.

Foreign intervention in the political, economic, cultural and social sectors has increased. The government could not achieve progress in the sectors including maintaining law and order, load-shedding, inflation, poverty alleviation. Like in previous years, the constitution drafting, government formation and peace process remained incomplete and 2010 passed as a year of despair.

Rastriya Prajatantra Party (RPP)

The number of incidents of human rights violations in 2010 could not be included here so an attempt has been made to discuss the dreadful situation faced by the country. The government failed to form the Truth and Reconciliation Commission and the Disappearance Investigation Commission, both of which are related to human rights. Properties captured during the conflict period were not returned. Instead, homes and land continued to be captured in various locations in 2010. The land owners could not yield the harvest from their land. Additionally, a favorable environment was not created to return IDPs to their homes.

The nation was horrified by the many incidents of killings, abductions, beatings and pillaging in various places of the country. The sister wings of the three major political parties themselves used khukuri and swords on college premises. In the meantime, Maoists Chairman Prachanda sought to change the college into a barrack.

The country was subjected to the terror of forced donations. General citizens, VDC secretaries, government employees, businessmen and industrialists were all coerced into providing donations. Incidents of abductions and the huge ransom requests that followed were made public. The heinous killings that often resulted after abductions left the Nepali people shocked. The killing of students in Nepalganj after their abduction was traumatizing.

Violence was forced upon many sectors such as the educational and industrial sectors. The periodic closures, strikes and transportation halts caused national suffering. The nation was compelled to experience the trauma of the death of a citizen due to the inability to take the victim for medical treatment because of a transportation strike. The strike left many people stranded.

The news of several cases of human smuggling and trafficking were covered by the newspapers. The government totally failed to stop such crimes. The fact that the currency had inflated by 12% was made public. The price of food and commodities skyrocketed. Unemployment was a major challenge, forcing the youth and skilled

citizens to emigrate.

The citizens of Nepal were faced with 14/15 hours of load shedding. This has adverse effects on students and all other sectors. A government employee was beaten up by a Minister. The government was condemned for withdrawing criminal cases from the courts. Due to this political shelter, criminals escaped from the law. There were complaints that both the small and big political parties protected criminals. These complaints remained unheard. Bribery and corruption brewed in this period. There was a care taker government for a long period of time. The Parliament was obstructed for various reasons. The CA did not produce the expected Constitution.

The peace process did not find its way to a logical end. The condition of the PLA in cantonments remained the same. The latest agreement between the government and the Maoists has brought the PLA under a Special Committee. This is a positive step. The protection of human rights is connected with the rule of law. The value of democracy is also connected with the rule of law. However, the rule of law faced various challenges this year.

In summary, this reporting year does not portray hope for the human rights situation. Due to impunity, anarchy was persistent. Anarchy created an empire in the country. As a result, the nation was forced to experience various dreadful incidents of human rights violations. Political instability also became a cause of the violation of human rights.

Parshuram Khapung
General Secretary

Tarai Madhes Loktantrik Party

The human rights situation of 2010 of Nepal is overall not satisfactory. No progress has been made in the prevailing condition of killing of innocent because of impunity, the situation of justice and compensation to the victims, the extrajudicial killing and the peace and security situation. The conditions of human rights violation in practice are frustrating. The 49% of Nepalese citizen residing in Tarai Madhes and living under discrimination due to internal colonization of state runner are deprived of enjoying human rights. Due to their low presence in state mechanism this condition has not been improved to nominal level.

Various reports has clarified that after the Special Integrated Security Plan since July 2009 the extrajudicial killings in Tarai Madhesh is on the rise. The incident of killing of unarmed individual after arrest and killing in the name of encounter are minor issues. These kinds of incidents are also on the rise.

From 2008 to June 2010 there were 39 incidents of extrajudicial killings. The reports suggest that 57 youths aged between 20 and 30 were killed. Even after the June 2010 such incidents are on the rise. The cases of Jamuna Sing of Bara, Nagendra Yadav, Md Miya Ansaari, Asarfi Mohammad, Asmudding Devi, Bechan Yadav of Saptari, Kameshwor Mukhiya, Rajkumar Mandal, Jitendra Jituwa, Ramnarayan Mahato of Siraha, Parsuaram Yadav, Sonelal Yadav, Ramnarayan Yadav, Indal Mahato, Kaushal Sahani of Rautahat, Mahantha Sahani, Kheharu Deman, Jhaman Yadav, Binod Yadav, Manoj Yadav of Dhanusha, Surer Yadav, Udagar Mahato, Ghuran Saha, Ajya Mandal,Surendra Mahato, Akash Tyagi, Nabalk Kisor Yadav, Md Badal Ansari, Abdesh Mandal, Sudhir Pandey of Mahattori are severe. The recent killing of Dipendra Jha an ex-official at RBB campus is also the incident of immense concern. Dhanusha, Parsa, Saptari, Sirha, Bara, Rautahat, Bardiya etc are district with extra judicial killing.

Police has been denying registration

complaint in such incidents. Despite various continuous efforts by the TMLP to attract the attention of Government of Nepal, there is no relent in extra judicial killing under special security plan.

Govinda Chaudhary, General Secretary

Rastriya Jana Morcha

People's aspiration to take the peace process to a logical conclusion has not been accomplished yet. Some tasks related to the peace process have, however, progressed to some extent. The departure of the UNMIN and bringing the PLA fighters of UCPN-M under the Special Committee (SC) are some of the achievements. Other tasks like the rehabilitation and integration of the PLA fighters are yet to begin. Though it had already been decided to dismantle the paramilitary structure of the YCL and to return the captured land and properties of general and lower-class people, there is no progress in these regard. The politics will continue to remain in the fluid until these issues are addressed. This has also affected political and social sector. In such a context, extortion drive, abduction, killing, violence, rape and beating by the armed groups are taking place. Impunity has been institutionalized in a way and the government is acting as a mere spectator. The security agencies, which feel themselves insecured, are unable to utilize their potential capabilities to prevent violence and guarantee the security of the people. The entire nation is in the labyrinth of anarchy and impunity, which is a serious condition of human rights violation in the present context.

Compared to the previous years, human causalities or violent activities decreased to some extent this year. As per the incident being reported in the media, we can not say that there is progress in human rights protection this year. The armed outfits are carrying out killings, abductions, lootings and intimidations in Terai. People do not have any idea though the armed gangs are claiming that they are operating their armed activities with political agendas. There is no atmosphere for talks as the government has not recognized the activities of the armed outfit as political. That is why, several persons affiliated to the armed gangs are being killed in encounters with the security personnel. The killing in encounter neither is a solution to the problem nor it eliminates fear and suspicion among the people. A fearless environment could not be created among the Madhesi community as the government has not drafted any balanced or concrete policy regarding the armed criminal gangs.

Before the Chinese People's Revolution, there were several warlords in China. They were involved in all kinds of criminal activities in their areas. They had their stronghold in certain territories. Same is the condition in Nepal now. Limbuwans have restricted the presence of other political parties in the East. They have restricted parties which oppose the concept of federalism and ethnic states. Same strategy is being adopted by the Madhes based parties. The following instances substantiate it.

1. Rastriya Janamorcha (RJM) had launched a nationwide campaign against federalism for a month from December 23. A team of Area No 4 cadres which comprised of the party CA member Mina Pun, chairperson of the Youth Association Kashinath Pokharel, general secretary of the Janajati Conference Ram Bahadur Budha, Rastriya Janamorcha central vice chairperson Bir Bahadur Gole, central member and Mechi-Koshi in-charge Surendra Bhandari among others inaugurated the campaign in Biratnagar on December 29 and a program was organized at Kakarvitta of Jhapa on same

day. A gang of Federal Limbuwan State Council (FLSC) belonging to the factions led by Sanjuhang Palungwa and Kumar Lingden attacked the program organized by the party in Biratmod, Jhapa. The gang snatched party flag, banner, mike and pamphlets. They took control over party vice-chairperson Bir Bahadur Gole and freed him after beating him at their party office.

2. As per the campaign, a program was organized in Birgunj on January 5 and cadres of the Madhesi Janaadhikar Forum attacked the program which was organized at Ghantaghar Chok. Party general secretary and CA member Santa Bahadur Nepali, vice-chairperson and CA member Rashmiraj Nepali, chairperson of Terai Madhes Janabadi Morcha Badri Alam, central advisor of Peasants Association Krishna Acharya, general secretary of Raktim Sanskritik Aviyan Rem Rana, peasants' leader Indal Kewat, among others were attending the program. The MJF cadres snatched microphone while Alam was addressing the program and threw it. They tore the banners and the party flags and vandalized the equipment of the artistes and furniture and chanted pro-federalism slogan with the threat of preventing to organize the program.

3. In Damak, Jhapa on January 2, a program was organized under the campaign. Cadres of Kumar Lingden led FLSC attacked the Rastriya Janamorcha cadres who were distributing pamphlets. They thrashed CA member Mina Pun and Ram Bahadur Budha.

4. The same team was attacked by the Limbuwan and Khambuwan cadres in Itahari on December 3. They beat up and mistreated Bal Krishna Sharma, secretary of Mechi-Koshi Committee and snatched mike set and party flags. RJM cadres were also attacked at Inaruwa in Sunsari. MJF-D cadres attacked RJM cadres Ram Bahadur Budha of the Janajati Conference and Chhatra Raut, Udaypur chairperson of the All Nepal Trade Union Federation and RJM Sunsari chairman Amrit Pandey.

5. Lingden led cadres of FLSC attacked the RJM cadres at Bhanuchowk in Dharan on January 16. Vice chairman Gole, Kashninath Pokharel, Surendra Bhandari, Ram Bahadur Budha, Nawaraj Dhungana, Bishal Pahadi, Krishna Sharma, Chhatra Raut, Binod Tamang and Bhumika Khadka were injured in the attack.

6. Cadres affiliated to the FSLC-Sanjuhang tried to attack RJM cadres at Myanlung Bazaar of Terhathum on January 19 and tore away and gutted posters.

7. Cadres of the UCPN-M prevented RJM to organize a program at Gaighat, Udaypur on January 20 as the UCPN-M cadres occupied the program venue under the direction of UCPN-M CA member Dipak Paudel. UCPN-M took out a rally which was led by Bhupal Kiranti in Gaighat before they occupied the program venue.

8. YCL VDC in-charge Pasang Lama and his son Gyan Kumar Lama, among others had attacked Prem Kumar Yonjo, Bharat Shrestha, Raju Giri of the Raktim Sanskritik Aviyan and UML former VDC chairman Sammilit Yonjan on the charge of organizing a cultural program at Gyandanda Bazaar of Lisankhu in Sindhupalchowk district on January 18.

The above examples clarify that ethnic parties and organizations are trying to impose ethnic dictatorship upon the political parties having different ideologies. The instances are conspicuously mocking the republic which was the achievement of the people's sacrifice. Though people outwit the feudal dictators, ethnic dictatorship has emerged in new form in the country.

Imposition of restriction on people's fundamental rights in the name of ethnicity reflects lack of understanding of the norms

and values of republic. When a political party is treated in such manner, how will an individual, who has a different opinion, be treated? How will the ethnic conflict move forward after the nation adopts federal structure in future? Such serious questions are before us in connection with human rights.

The government has failed to arrest and punish the criminals involved in killings. Devi Prasad Dhital of Tulsipur in Dang was murdered by an unidentified gang on July 22, however, the assailants are still at large. Similarly, Dharma Bahadur Raut, member of the Nepal Teachers' Association was murdered by an unidentified gang in Arghakhanchi on July 8, however, the culprits are not booked yet.

Liladhar Bhatta and Kapil Diwedi were killed after abduction in Nepalgunj in the last week of September. 11-year-old Ashish Baniya, of Parasi was abducted by an unidentified gang on June 20, however, his whereabouts are still unknown.

Nawaraj Chaulagain, the Regional Director of the Public Service Commission at the Far Western Region was abducted from Doti on November 15, however, his whereabouts are still unknown. Businessman Ramesh Bhandari and his wife were murdered in Butwal on June 23. Similary, Rs 350,000 was looted from Jagadish Yadav, of Kapilvastu after firing at him on December 13.

Several journalists, civil servants, VDC secretaries, teachers, businessmen and industrialists are being murdered across the nation. However, no proper action has been taken against the culprits. The UCPN-M led government freed the persons who were imprisoned by giving amnesty for their crimes. The culprit involved in the murder of RJM Banke constituency no. 2 candidate Kamal Adhikari was sentenced to jail, however, the UCPN-M led government released him. The leaders of political parties are protecting criminals, giving rise to impunity. If the government is committed to protect human rights of its civilians, the parties in government should be serious and accountable.

Human rights of Nepalis staying in the foreign countries are being violated and at risk. Several Nepalis are being beaten and killed in the foreign land, however, the victims' voices have not been heard. Who will speak for them?—it is a serious concern.

The oppression of Dalits still exists in society despite equality of castes in the legal provision. Dhan Bahadur Shahi of Sadakhani VDC-4 of Surkhet was expelled from village after he had inter-caste marriage with Kumari Nepali of Latikoili in September. Similarly, Dil Bahadur Pariyar of Satakhani VDC of Surkhet had inter-caste marriage with Usha Dhakal of Garpan VDC this year but their school barred them to attend the SLC Send-up Exam in December. The human rights of Dalits are being violated.

Life of women is extremely unsafe as the incidents of rape, forcing women to leave houses on the allegation of not bringing dowry continue unabated. There is no reform in the society due to lack of as it is being guided by feudal and capitalistic ideologies. Women are being trafficked in the foreign countries and they are being inhumanly treated on the charge of practicing witchcraft.

The perpetrators, who involve in racial discrimination, untouchability and insulting Dalits, have respectful position in the society while the victims are being oppressed and lag behind in the society.

There are also classes in human rights. The haves talk about their human rights and the haves-not talk about protection of their human rights. Nevertheless, the attempt of using the Univeral Declaration of Human Rights is

a positive means to minimize oppression and suppression of all kinds to the human beings. As to human rights protection, creating awareness on human rights violation has not sufficiently reached to the grassroots.

It is a fact that humanitarian education and idealism could not eliminate class ideology, discrimination and oppression in the feudal and capitalist system. For this, there is a need of the long process of end of class structure.

All sectors of society, including political parties, journalists, law practioners and civil society should be alert for the elimination of the ills and oppression prevailing in the society to establish a justifiable, independent and equal society as per the changes and the norms of the newly established democratic republic in the country.

Our party has been protesting over the violation of human rights—either by the government or by any armed group.

The party is of the view that human rigths should not be confined to slogans. People can feel secured when human right is ascertained in practice. Therefore, we consider that all stakeholders should be serious towards human rights.

Santa Bahadur Nepali
General Secretary, Rastriya Janamorcha

Annex

4

Views of Institutions on Human Rights Situation in 2010

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. The Law and Human Rights Division of the PMO and the Council of Ministers has been working by coordinating with GOs/NGOs/INGOs. As Nepal is a party to 22 international conventions on human rights, the PMO is making all possible efforts to develop a culture of human rights while fulfilling national and international responsibilities.

As guided by the Vienna Conference 1993, the GoN has come up with a three year national action plan to respect, protect and promote human rights. The National Action Plan for Human Rights was drafted in 2005/06 work in close coordination with civil society and the private sector. In this course, two three-year action plans have already been executed and the third Human Rights National Action Plan (067/068-069/070) is currently being implemented.

It is believed that with the effective implementation of the action plan, it will be helpful to assure the citizens of Nepal of the rule of law, the guarantee of fundamental human rights and develop a culture of human rights in the country. Similarly, to minimize gender based violence, an action plan has been drafted and implemented through various ministries. With the objective to facilitate complaints on gender based violence, the PMO has created a separate unit to monitor and manage the complaints against gender based violence from November 25, 2010.

The PMO has been monitoring and updating the recommendations made by the NHRC from 2001 to date on incidents of human rights violations. The Office is continuously coordinating with different agencies to ensure the effective implementation of the NHRC's recommendations. In addition to this, relief has been distributed as per the recommendations made by the MOPR.

The Office has been making information readily available to different human rights organizations and is involved in drafting human rights reports after consultations with different agencies.

At the initiation of the PMO, Nepal's national report on the UPR was submitted. The report submitted on January 25, 2011 at the HRC's 10th Session was adopted on January 27, 2011 by the Council. The PMO is actively working on an ICESCR report to be submitted to the UN. The Office is compiling the report after multiple interaction and consultations with stakeholders.

Lastly, the PMO is confident that the Human Rights Year Book published by INSEC will have various important uses in protecting, promoting and respecting human rights. The PMO expresses its best wishes to INSEC for their prosperity.

Dr.Trilochan Upreti
Secretary

Home Ministry

The Home Ministry and security agencies are effectively active in protecting the life and property of citizens by ensuring peace with the mobilization of state resources and by guaranteeing the rights of citizens as provided by the state. Laws and policies have been timely amended according to the treaties and conventions on human rights, as ratified by the state and as per its commitment. The report on the ICCPR is on the verge of completion which is to be submitted to the UN.

The activeness for the promotion of human rights, monitoring and investigation of human rights violations is reinforced by establishing human rights units at the

Home Ministry and the security agencies under it. The training of security personnel about human rights is ongoing. The work of enquiry and investigation into incidents of human rights violations as pointed out by various national and international human rights organizations is also ongoing. The Ministry is working to punish the perpetrators of these violations as per the recommendations of the NHRC. The Ministry is also working to provide free education to the children of the victims as per the NHRC recommendations.

The Ministry has been making progress in ensuring the rights of detainees by transforming jails into rehabilitation centres and by providing inmates with education and health services. The work to manage juvenile inmates and to establish child rehabilitation centres is also underway.

Compared to the previous year, there has been some progress in identifying and taking legal action against perpetrators and criminals involved in incidents of abduction, looting and donation drives in the Terai and urban areas. Security forces have been mobilized this year to aid this movement. There is improvement to the rule of law this year. However, it is necessary that human rights values should be internalized and while exercising one's rights, one should not violate other's rights; currently it is the situation where human rights violations by different groups are still persisting.

By trusting the improving situation of human rights in Nepal in 2010, the Home Ministry is committed to cooperate with national and international organizations to protect human rights.

Jagannath Sharma
Section Officer, Home Ministry

Ministry of Foreign Affairs

In the present world milieu, human rights are significant in the field of foreign relations. Being a state party to 22 international treaties on human rights, Nepal has already internationally established the fact that it is committed towards human rights. The Interim Constitution of Nepal has widened the field of human rights by giving some other fundamental rights to the citizens of Nepal.

The National Human Rights Commission has been established as a constitutional organ for the protection and promotion of human rights. The Human Rights Action Plan is underway to fulfill the obligations required under the major international Treaties and Conventions to which Nepal is a state party and to fulfill the commitments provisioned by the Interim Constitution 2007 of Nepal. The Government has made the commitment to empower the National Human Rights Commission and to develop it as the leading component 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 as the centre of the field of human rights. To make the protection and promotion of human rights effective it has prepared a national report, which will be submitted in the committee of the United Nations Human Rights Commission for the Universal Periodic Review, under the coordination of the governmental and non-governmental organizations. The Deputy and Foreign Affairs Minister, Sujata Koirala, presented the report on January 25, 2011 as the representative from Nepal.

The overall human rights situation of Nepal is being reviewed in a program for which Nepal had already committed

its active participation for the protection and promotion of human rights. For the past few years, the United Nations High Commissioner for Human Rights in Nepal has worked to consolidate the institutions of human rights.

Owing to the positive attempts of a dynamic and enthusiastic Civil Society involved in the field of human rights, in addition of 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 the human rights organizations, maintaining the collaboration between the government's policies and the role of 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

The Nepal Army

1. It is the responsibility of the state to follow the Universal Declaration of Human Rights, adopted by the UN in 1948; in which people's political, social, economic, cultural and fundamental rights are guaranteed. Similarly the Geneva Convention 1949, ratified by Nepal in 1965, emphasizes the humanitarian aspects of war such as, not harming citizens and their property, not destroying crops, respecting woman, children and elderly people, not destroying cultural and religious sites and treating prisoners of war and the injured humanly. The Nepal Army has been trained with these principles in mind.

2. The Interim Constitution of Nepal 2063 and the Army Act 2063, Article 20(1) provides that army personnel must be trained in human rights and international humanitarian laws (IHL) because of this an IHL integration order was implemented into the Nepal Army. Forces in the Army are trained in human rights and the implementation, protection and promotion of IHL theoretically and practically. The Nepal Army envisions itself as an Institution free of human rights and IHL violations.

3. With the help of the ICRC, the Nepal Army has been receiving training on IHL. Since 2009 the Nepal Army is itself carrying out such training at Brigade and Division. In training from entry level to special training and training on personal development the theoretical and practical aspects of IHL and human rights has been integrated.

4. The Nepal Army has been briefing its newly appointed officer about human rights and IHL thereby alerting the forces under these officers about the zero tolerance policy of the Army.

5. Before going on peace keeping missions Army personnel receive training on human rights and IHL during screening and pre-deployment. The peace keeping force shares knowledge on human rights, IHL, Command Responsibility, superiors orders, gender equality, sexual abuse and UN Resolutions 1325 and 1820.

6. A letter of agreement was signed on June 9, 2010 by the Defense Secretary, Defense Ministry, GoN, UNIFEM South Asian Regional Office and the Regional Director for Promoting Gender Responsive Security Sector (PROGRESS). This was done to ensure the inclusion of female forces in the peace keeping missions. To improve Nepal Army's reputation at the international level the Nepal Army has been conducting training and interactions on UN Resolutions 1325 and 1820.

7. The Nepal Army believes that schools and children are zones of peace. The Nepal Army has continually not used schools and children for military purposes.

8. These days, human rights are observed as the most fundamental and innate rights of individuals. In the year 2009, human rights were discussed not only in security agencies of the state but in other agencies of the state as well.

9. The Nepal Army's human rights directorate has been publishing and distributing a 'Human Rights Journal-2010' which contains various aspects of human rights and IHL. To give continuity to the committment to IHL during the armed conflict, the Nepal Army published the "Nepal Army Handbook on the Law of Armed Conflict". The human rights directorate of the Nepal Army is currently making a documentary about IHL.

10. Nepal has committed and is responsible to human rights law and IHL by ratifying various treaties and conventions under the UN. The various commitments and expressions by political parties and organizations give the international arena the impression of Nepal as a peace loving country that protects and promotes human rights.

11. Lastly, the Nepal Army would like to express its good wishes to INSEC for publishing the Human Rights Yearbook 2011.

Brig. Gen, Nirendra Prasad Aryal
Director, Human Rights Cell

Armed Police Force (APF)

1. The Armed Police Force extends its best wishes to the Informal Sector Service Centre (INSEC) for the success of the upcoming Human Rights Yearbook 2011. INSEC, established for human rights and social justice, has been publishing the year book based on facts and figures incorporating issues of human rights every year. The APF believes that INSEC will continue to work effectively for the protection and promotion of human rights in a fair and transparent manner in the days to come.

2. The APF is always aware of and committed to respecting the internationally established norms, values and principles of human rights and to practice them within the organization. The APF has adopted the principle of zero tolerance over the violation of human rights.

3. The APF has formed human rights cells from the central to the regional levels within the organization for the promotion and protection of human rights and incorporate human right issues in the trainings organized by the organization. Human rights issues like International Humanitarian Law, the NHRC and the UDHR are being incorporated into most of the trainings.

4. By inviting experts, in coordination with national and international organizations, various issues including the Application of International Law to Policing Operation Course, the Code of Conduct for Law Enforcement and the Use of Force and Fire Arms have been imparted on the APF personnel for capacity building during the trainings.

5. The issue of gender violence is also a key concern of the APF. With the view to protect and promote the rights of female staff within the organization, a women's cell has been established to record complaints related to violence against women and a provision of a female officer has been made in the centre. The organization is also organizing orientations and interactions on gender based violence from the central to the regional levels.

6. The APF has been ensuring confidentiality and the protection of witnesses and evidence in the course of

investigations when people and stakeholders file complaints against APF personnel.

7. If a problem occurs between APF constables due to the formal and informal orders, briefings or special directions from the commanders including the APF IGP, the principles of non-violent measures and understanding have been encouraged to be adopted while solving such problems within the organization.

8. APF personnel are always conscious to protect, promote and respect the fundamental rights of the citizens without any discrimination based on ethnicity, gender, sex, language, religion and so on.

9. The APF praises INSEC for its role in protecting and promoting human rights in the country.

10. The APF expresses its commitment and cooperation towards human rights organizations including INSEC for the enforcement of established norms, values and principles of human rights. The APF welcomes any constructive suggestions from INSEC and wishes them success in their positive endeavors. x***Sanat Kumar Basnet***

Armed Police Force Inspector General

Nepal Police

As in previous years, it is a pleasure to be informed about the publication of the "Human Rights Year Book 2011" by the Informal Sector Service Centre (INSEC). INSEC's endeavor to present this annual record for the promotion and protection of human rights is both honorable and appreciated.

The Nepali Police was established with the objective of maintaining peace in society; as protecting the basic rights of people helps guarantee both security and justice, it can be asserted that the main duty of the police is to promote and protect human rights. Due to the goal of promoting and protecting human rights, the police have made this an organizational policy, and have been utilizing this in all its activities for the promotion and protection of human rights. As the Nepal police are the implementers of the law and work directly with the people, they have prepared a Pocket Book entitled the "Nepal Police Human Rights Permanent Directive Book" and issued it to the police personnel, for the protection and promotion of human rights. The Book has been published in coordination with the United Nations High Commissioner for Human Rights, 58,000 copies were distributed in 2009, and 25,000 during 2010. All the basic and elevated training related to Human Rights Education and Skills were conducted for 16 days during the year. During the year, training about women and child rights and the crimes that are committed against them was conducted after preparing a specific curriculum and employing a number of trainers. In coordination with the American embassy, the "Human Rights and Democratic Policing" and "Mobile Trainers" were conducted. The three year Human Rights National Work Plan, which was proposed by the Office of the Prime Minister and Council of Ministers, has been made effective in coordination with the United Nations High Commissioner for Human Rights in Nepal, the International Committee of Red cross, INSEC, and other Diplomatic Missions, including other international Offices, was implemented for the protection and promotion of human rights. The Nepali Police conducted national programs entitled the "Role of Nepal Police in the protection of Human Rights" and "Rule of Law" in an attempt to protect and promote both human rights and the rule of law. The Nepali Police also participated in the National Convention and the Day against Torture as the convener.

The Nepali Police is also taking action against the perpetrators involved in human rights violations. The Police are ready to initiate action as per the culture of zero tolerance in the context of human rights violations. Action has been taken against approximately 55 policemen, from inspectors to police constables and 9 other police personnel for violating human rights. Eight police personnel have been convicted as per a court order on the charge of violating human rights, and others were subjected to departmental action. The police regularly investigates the allegations of torture and other violations of human rights of those remanded in custody.

The aforementioned are some of our attempts to protect and promote human rights. Our commitment and attempts will also continue in the future. We thank all of the institutions which are helping our mission for the protection and promotion of human rights. Lastly, we wish INSEC the complete success for the publication of the "Nepal Human Rights Yearbook 2011".

Nepal Police Human Rights Cell

NHRC

As Nepal Human Rights Year Book 2011 is on the verge of publication, I would like to extend my special thanks to the Informal Sector Service Centre (INSEC) for the publication. I am confident that the book will this year also incorporate overall pictures of human rights violation and abuses as that of the previous years.

During the year 2010, the NHRC offices received 403 complaints across the country. The complaints include killing, disappearance, abduction, torture, threat, extrajudicial detention, property capture, internal displacement, discrimination and extortion. Additionally, complaints related to violation of the rights of women, children and tribal people were also filed in the NHRC offices.

This year, the NRHC monitored overall situation of human rights and various thematic issues. During the year, the NHRC on its own monitored 229 times and other 23 times it was involved in joint monitoring. The NHRC had carried out monitoring in 10 districts in 2010. The 219 monitoring visits were for different incidents of human rights violations. During 2010, 217 cases were investigated. Incidents of killing, disappearance, property capture and extrajudicial detention are some of the key issues investigated by the NHRC.

In 2010, the NHRC made final decisions on 743 complaints filed by 781 victims. This is the highest figure of the decisions made so far. Of these, 628 decisions were made by single bench. Others 115 complaints were decided by a 3 member bench. Among the decisions made, 63 were recommended to the government for compensation and legal action against the perpetrators, 22 for interim relief, 16 held for further investigation and six remained pending.

NHRC has been recommending the government for compensation to victims and legal action on the perpetrators after carrying out investigation and monitoring of the complaints registered at the NHRC. In some instances, the NHRC recommends for immediate interim relief to the victims. It is observed that the NHRC has recommended 63 complaints to the government for immediate interim compensation and other 22 complaints for immediate relief. During the year 2010, the NHRC recommended 63 complaints for compensation, 82 for action on the perpetrators and 22 for interim relief. This year, there was only partial implementation of the recommendations.

After analyzing complaints and their types, monitoring and investigation of the

incidents, we can say that the situation of human rights was not satisfactory in 2010. People's right to life has been affected. There had been no expected improvement in the rule of law. The rights of women, children, senior citizens, physically challenged people, Dalits and people of the backward community could not be institutionalized. Despite this situation, the government has been actively involved in providing compensation to the conflict victims.

The year 2010 was not observed satisfactory as expected in the perspective of the respect and protection of human rights. The nature of complaints, monitoring and investigation of the complaints and recommendation made substantiates it. The stakeholders were not able to come strongly despite their commitments to human rights. The situation is not improving despite several events including discussions, dialogues, interactions were organized to help in taking the ongoing peace process to its logical end. The constitution could not be drafted by May 28, 2011. There are no bases for being confident that the statute will be drafted in the given deadline.

National Women Commission

The subject of human rights protection and promotion has become very important in the current situation. Human rights are essential for women, who make up more than half of the population of the country, and are deprived of enjoying their rights. Government Organizations and NGOs are playing a vital role in protecting women's rights. The Informal Sector Service Centre (INSEC) has been partnering with us and pressurizing the Government of Nepal to transform the universal values into practice.

INSEC has been assisting the NWC establish their objectives of the overall development of women and gender justice, thereby, protecting and promoting the rights of women and mainstreaming the women in to the development process. This has reinforced the work of the NWC in protecting and promoting the rights of women. As per the National Women's Commission Act, 2007, the NWC has been working to draft and implement national policies regarding women rights, to amend current laws to ensure gender justice, to monitor the implementation of the international conventions signed by Nepal and the status of implementation of such conventions and treaties, and to monitor and to research women's rights violations.

While analyzing the human rights situation of 2010, no substantial progress was observed this year in the protection and promotion of women rights. There have been regular occurrences of women rights violations. The killing of one unarmed girl and two other women inside Bardiya National Park; the expulsion of a women from Kailali for ploughing and wearing a white dress; the rape of a women by police personnel working at the Janakpur Railway Station; the incidents of inhuman behavior against women who are alleged to be practicing witchcraft in various parts of the country; the rape of children and elderly women; the killing of women; and the fact that a female student studying in India was sent back to Nepal are prime examples of women's rights violations. It is observed that justice is not granted to women due to a lack of effective laws, social institutions and social values. The Government of Nepal has not implemented the recommendations forwarded by the NWC.

This year, like in previous years, complaints of women's rights violations and violence against women were registered at the NWC. All together 147 applications, including that of domestic violence, sexual violence, dowry related violence, torture and inhuman behavior on the allegation

of practicing witchcraft, killing, beating and polygamy were registered. Among the applications, 102 (68.38%) are of domestic violence incidents and 45 (30.52%) are of other violent crimes. Of the applications filed at the NWC, 117 applications have been processed. The other applications were forwarded to other agencies for legal aid. The NWC has also drafted a Bill on the witchcraft allegations and has forwarded it to Ministry of Women, Children and Social Welfare.

Nepal is already a party to various international human rights Conventions and Treaties. In order to transform the Convention and the Treaties in to practice, new laws need to be drafted, and discriminatory laws should not be allowed to prevail. The trend to ratify the treaties and convention is on rise but their implementation is weak. The NWC has been recommending that the Government of Nepal amend the unequal provisions based on gender, but these recommendations have not been taken seriously. Although there has been some improvement in the situation of human rights, there is still discrimination in the protection of human rights of men and women. The Government of Nepal has took a step towards the protection of women's rights by declaring 2010 as the year against gender based violence which is in itself an important effort.

The NWC is confident that the INSEC publication, the Nepal Human Rights Yearbook, will certainly help to protect and promote women rights like it has in the past. We also want to express our well wishes for the prosperity of INSEC.

National Women Commission

Federation of Nepalese Journalists (FNJ)

The Federation of Nepalese Journalists (FNJ) was established to protect the freedom of expression and guarantee the human rights of the press. The FNJ, which adheres to the Universal Declaration of Human Rights and its established norms, appreciates that other associations are working to protect and advocate for human rights. The FNJ highly appreciates the role of INSEC, which collects data and monitors human rights violations. The FNJ has established a human rights desk in its office and it has been closely watching the country's human rights situation and regularly monitoring the attack, assault and abduction, among other incidents, perpetrated against media personnel.

According to FNJ data, the year 2010 was not a pleasant year for people working in the media. Three media entrepreneurs were killed and 25 media personnel were assaulted this year. However, the perpetrators were not punished. 42 media personnel were threatened and 30 were mistreated. Similarly, two members of the media were abducted and one was arbitrarily arrested. This year 11 newspaper premises were set on fire and seven were prohibited from disseminating information. The responsible parties involved in most of these incidents have been identified.

The above data gives a broad picture of the human rights situation in our country. It is sad to see the involvement of state organs and political parties in such grave crimes against humanity. It is not natural that important organs of the state, which should provide a sense of security and end the culture of impunity, are involved in incidents of human rights violations. The FNJ strongly condemns

human rights violations and demands action be taken against the human rights violators.

Poshan KC, General Secretary
Federation of Nepalese Journalists

National Dalit Commission

Human Rights are universal rights. They are inherent rights. From this it can be asserted that human rights are natural, inherent, innate, universal and independent rights. Without any discrimination, all people should be able to enjoy their human rights. No one has the right to take away their human rights. The development of human rights started with the establishment of human civilization. When there is development of new concerns in the nation, the human rights field will be broadened. From the Universal Declaration of Human Rights to other International Conventions, many White Papers and international humanitarian law, the principles of human rights have been secured. Nepal has ratified the Convention on the abolition of Slavery 1956, the Convention on the Elimination of All forms of Discrimination against Women, 1979, the Convention on the Rights of the Child 1989, the Convention on the Elimination of All forms of Racial Discrimination, 1965, the International Covenant on Civil and Political Rights, 1966, among others. It is the main duty of the countries of the world to help implement the decisions of the committees of these conventions.

In the context of Nepal, approximately 1m Dalits were oppressed and discriminated against by the government since the promulgation of the General Code in 1867. After the formation of Muluki Ein 1910, many other Acts were formed which discriminated against the Dalits. Even though the interim Parliament 2007 declared Nepal to be free from Untouchability, people's behavior has not been changed. The Interim Constitution, 2007, has also included the right to be free from Untouchability and racial discrimination as part of its fundamental rights. However, these rights have not been implemented.

This year, like in previous years, the violation of Dalits' human rights occurred in different parts of the country. These incidents included, inhuman behavior like racial Untouchability, refusing to let a couple who had undertaken an inter caste marriage into a village, different punishments being levied against Dalits compared to those levied on other people charged with similar crimes, threats, assaults, setting fire to their clothes, refusal to provide education certificates and arbitrary arrests. Lal Bahadur Sunar, from Pakuwa VDC-4 of Parbat district and Punyawati Sharma (Sunar) of Ei Durlung VDC-4 were arrested by the police, who then attempted to forcibly divorce the couple, on the basis of their inter cast marriage, on July 11. Sharma was locked in the toilet and Sunar was threatened and told to start divorce proceedings. Additionally, two women and a girl were shot dead by the army from the Bardiya National Park in Hariharpur of Bansbari. On April 5 of the year, Latinath Primary School's was boycotted by non-Dalits people of the same place, because the school had appointed a Dalit head teacher. Sumitra and Chandrakali B.K of Hatiya VDC-2 of Makawanpur district were accused of practicing witchcraft and were beaten up by the locals on April 18. Sanu Sunar, who was detained in custody in Kathmandu, was killed after being tortured by the police on May 25. Although the National Dalit Commission made the Government aware of the incident, and requested that they take action, the Government has remained silent about the incident.

By analyzing the above incident it can be claimed that the human rights situation in our country is extremely pitiable. Although the state has expressed it's commitment via national and international agreements to implement the law and order of human rights it was unable to do this. No action was taken against the violators of human rights. The Dalit oriented policies and programs were not implemented due to the ignorance of the state administration mechanisms about Dalits. About a dozen laws and orders have been formed which discriminate against the Dalits. No action is taken by the government, however, to amend these laws and orders. Although this commission filed the "Bill on Racial Discrimination and Untouchability (Offence and Punishment) 2010" and the Bill for the formation of the "National Dalit Human Rights Commission 2010", the bills remain pending in the parliament. The Nepal Dalit Commission is trying to pass these bills.

Government of Nepal
National Dalit Commission, Baneshwar
Kathmandu

Annex 5

Name of Contributors in Course of Preparation of Yearbook 2011

Contributors to Chapters

Chapter 2 : Enmeshed Peace Process
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 : Yogish Kharel
3.3 Legislature and Human Rights
Writer : Bal Krishna Basnet

Chapter 4 : Enforced Disappearances in Nepal : A Brief Analysis
Writer : Bijay Raj Gautam

Chapter 5 : ERW: Threats and Challenges (Report)
Writer : Krishna Prasad Subedi

Chapter 6 : Nepal's Human Rights Defenders at Risk
Writer : Samjha Shrestha

Chapter 7 : Violence Against Women : A Study on Rape
Writer : Puspa Pokharel

Chronology Compilation
1. Raju Pasawan 2. Gopi Krishna Bhattarai

District Representatives

Eastern Region

1.1	Jhapa	- Arjun Kumar Basnet
1.2	Ilam	- Asok Kumar Rai
1.3	Panchthar	- Krishna Ojha
1.4	Taplejung	- Chandra Prakash Bhattarai
1.5	Morang	- Deepen Neupane
1.6	Sunsari	- Sukdev Chaudhary
1.7	Dhankuta	- Gita Adhikari/Santosh Ruchal
1.8	Tehrathum	- Chhatra Rimal
1.9	Bhojpur	- Gyanendra Khadka
1.10	Sankhuwasabha	- Kisor Budhathoki
1.11	Saptari	- Prakash Khatiwada
1.12	Siraha	- Dev Raj Pokhrel/ - Guru Saran Sada
1.13	Udaypur	- Kushal Babu Basnet
1.14	Khotang	- Lok Nath Ghimire
1.15	Okhaldhunga	- Guru Bahadur Basnet
1.16	Solukhumbu	- Bed Prasad Rai

Mid Region

2.1	Dhanusha	- Roshandip Dhakal/ 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	- Bipin Gautam
2.8	Bara	- Roshan Raj Aryal
2.9	Parsa	- Niraj Kumar Sah
2.10	Chitwan	- Mukunda Dahal
2.11	Makanwanpur	- Pratap Bista
2..12	Lalitpur	- Gopi Krishna Bhattrai
2.13	Kavrepalanchok	- Bhoj Raj Timalsina
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
3.10	Kapilbastu	- Nanda Ram Poudel
3.11	Arghakhanchi	- Khim Prasad Marasini/ Narayan Prasad Bhusal
3.12	Gulmi	Hira Kunwar/ Naresh Kumar Bhandari
3.13	Baglung	- Ram Bahadur GC
3.14	Parvat	- Madhav Raj Pandey
3.15	Myagdi	- Ghanashyam Khadka
3.16	Mustang	- Sarmila Gurung

Mid-western Region

4.1	Dang	- Salik 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	- Rajendra Neupane/ Man Datta Rawal
4.13	Kalikot	- Kali Bahadur Malla
4.14	Mugu	- Lokendra Hitan
4.15	Humla	- Ramesh Aidi

Far-western Region

5.1	Kailali	- Sur Bahadur Pariyar
5.2	Achham	- Ratan Bahadur Rawal
5.3	Doti	- Lav Dev Bhatta
5.4	Bajura	- Arjun Shah
5.5	Bajhang	- Prakash BK
5.6	Kanchanpur	- Komal Niranjan Bhat
5.7	Dadeldhura	- Keshav Bahadur Bohora
5.8	Baitadi	- Sher Bahadur Chand
5.9	Darchula	- Madan Singh Dhami

INSEC Regional Offices

Eastern Region

1. Som Raj Thapa 2. Bhuwan Adhikari

Mid Region

1. Krishna Gautam 2. Ganesh Bhandari

Western Region

1. Shiva Khakurel 2. Tanka Khanal

Mid-western Region

1. Bhola Mahat 2. Bal Krishna Basnet

Far-western Region

1. Khadak Raj Joshi 2. Krishna Bahadur BK

Resource Centre: INSEC Library
Photo Source : www. madhavnepal.com

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

Narayan Parajuli
Nawalparasi

Best Representatives

Asok Kumar Bantawa
Ilam, Eastern Region

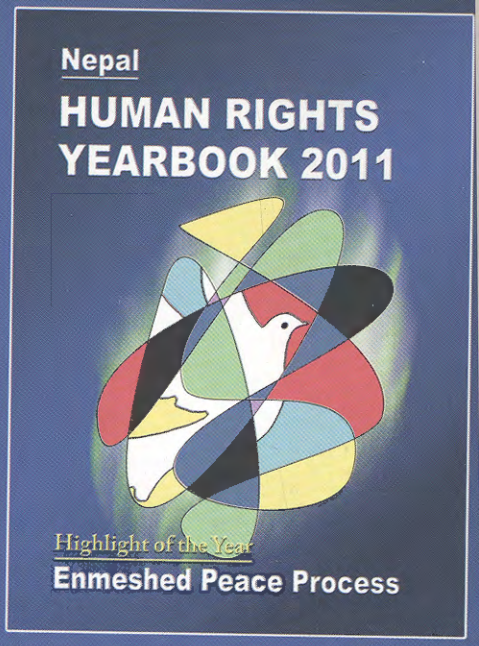
Bipin Gautam
Rautahat, Mid Region

Amrit Giri
Rupandehi, Western Region

Rom Prakash Thapa
Salyan, Mid-Western Region

Komal Niranjan Bhat
Kanchanpur, Far-Western Region

INSEC BOOK No. 148 /2011



Nepal's peace process, guided by the Comprehensive Peace Agreement (2006), was limited to the interest and power lust of the political parties towards the end of 2010. The common people could not feel any sense of the commencement of an era of radical change in the field of human rights and social justice as being reiterated by the political parties. Rather, increasing uncertainty was felt relating to consolidation of Nepal's nascent democracy and the ongoing peace process. Culture of human rights can not flourish without sustainable democracy. Similarly, without consensus, cooperation and harmony, sustainable democracy is not possible in this complex political transition in Nepal.

For Human Rights & Social Justice
Informal Sector Service Centre (INSEC)
Syuchatar, Kalanki, P.O.Box : 2726, Kathmandu, Nepal
Tel : +977-1-4278770, Fax: +977-1-4270551
E-mail : insec@insec.org.np
Web site : www.insec.org.np

ISBN : 978-9937-8265-4-9