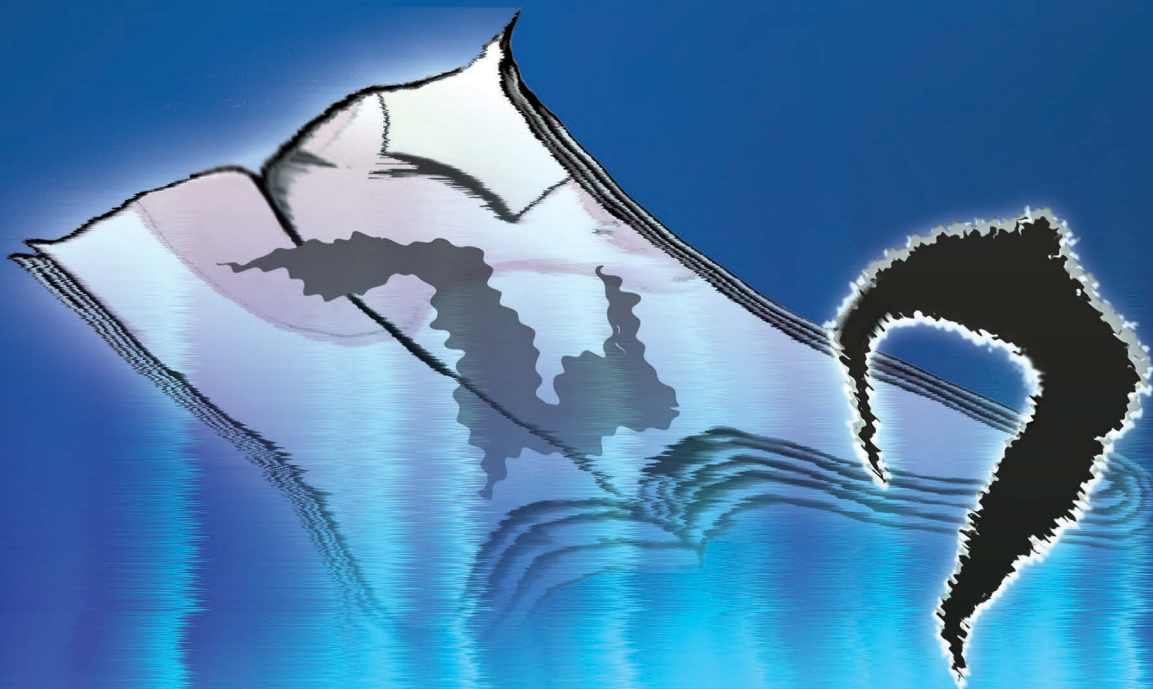


Nepal

HUMAN RIGHTS YEARBOOK 2014



Highlight of the Year

Constituent Assembly:

An Entry Point of Progression

Human Rights Yearbook 2014

(ENGLISH EDITION)

(This Report Covers the Period - January to December 2013)

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Informal Sector Service Centre (INSEC)

Founded in 1988, INSEC is actively involved for human rights and social justice. INSEC runs its regular programs through one regional office in each of five development regions and 14 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 May 6, 2012
elected a new Executive Board
for three years

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Subodh Raj Pyakurel

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Human Rights Documentation and Dissemination Program

This Program, involved in monitoring, study, investigation and documentation of incidents of human rights violations and abuses, publicises the report based on field study. Publications, including central and regional level quarterly situation reports, 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 international human rights and humanitarian laws and identify the rights of the marginalised communities. Review of law, human rights treaty monitoring and human rights campaign are also conducted through this Program.

Human Rights Education Radio Program

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

Management Program

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

Respecting Popular Mandate is the Way Forward

1. The second Constituent Assembly election on November 19 has given a clear mandate by restoring the people's agenda. The popular mandate is an indication of the presence of an unprecedentedly strong feeling of nationality among the Nepali people. They want to remain united. The people this time around understood very well the intentions made to divide the people by misconstruing ethnicity-based identity and translating that weak state of a divided population to gain power for self-interest. The popular mandate of the recent election is a strong testimony of the fact that Nepali people in the 21st century are no less than anybody as far as global consciousness is concerned.
2. Then king Mahendra introduced the law against untouchability in 1964. But in practice it could not bring about any meaningful difference in the discrimination meted out to the Dalits. With the restoration of democracy in 1990, the independent civil society took up this issue and that led to gradual success in the fight against racial discrimination. Slavery was already abolished in the law during the Rana regime. But one had to wait for the multiparty system in order to see the law coming into real effect. The responsibility of changing attitude and practice lies on the conscious citizens. And as the repository of all consciousness and agenda of the people, it is the work of the politicians to coordinate such conscious deeds. But the act of promoting communal hatred by creating imaginary enemies, instigating it further to lead it to a conflict and calling the same a revolution put an end to the possibilities of a generation of the Nepalese population.
4. Instead of working to point out the shortcomings in prioritizing of building of education, health and development structures including fixing minimum wage of agro workers and guaranteeing reservation for women in political election, the impulsiveness of then CPN-Maoist dragged us into a civil war. Furthermore, the acts of categorizing linguistic groups into a separate ethnic group by misinterpreting the international definition, making selfish demands by coining definitions that gave dual meaning and going to extent of even changing the national flag and name in the pretext of change to confuse the people and then calling it 'people's agenda' received a strong rebuttal from the people in the recent elections. There is no future of those who do not understand the people's mandate or understand but act as if they don't. The people are in favour of ideal conduct, justice and freedom. They are in search for exemplary leadership. They are capable enough to lead their own development. The people no longer want to see obstacles being laid and partisan and groupism-induced discrimination made on unnecessary issues in the name of politics. It would suffice if the State limits itself to the role of a supporter, information-provider and facilitator.
4. Addressing the injustices of the past and strong determination not to repeat it is another major agenda of the day. Remedy to the institutional crimes committed

in the past must be made through institutional reforms. Nepal is a State party to the international definition and common commitments of transitional justice. Our Supreme Court has already delivered sufficient verdicts and directives in this regard. The reinstated parliament had already issued a unanimous directive to become a State party to the International Criminal Court. We cannot stay aloof of the world. We must find a solution to conflict of the past through the promulgation of transitional penal code and special courts without disturbing established judicial norms. In case of executing criminal offence, we cannot reach to a decision contrary to the norms of the ICC and the United Nations. As State party to International Humanitarian Law, we must also respect Common Article 3 of the Geneva Conventions. We must all be mindful of the fact that the world today is an era of international jurisdiction. Otherwise, the civilized world will not recognize our judgments.

5. As of today we are still in a state of a monopoly of the conservative thoughts of our old generation leaders. They have been showing us their mentality that politics can be practiced only by joining the government, running the State and exercising state power. They are even defining a particular ministerial portfolio as of more or less importance. As per their understanding the State budget is where all the resources lie. The political consciousness that politics is developed and established in the foundation of people's consciousness, motivation and participation is not coming into practice here. But, the hard reality that we should beware of is that nearly 4 million youths are facing the aftermath of foreign employment today. More than 20 million people today have access to telecommunications while more than 10 million are familiar with the world of internet. More than 400 community radios and other forms of mass media are realizing the awakening and participation of the citizenry. So the politics of lies will no longer work in Nepal that has access to natural, human and international capabilities. The recent CA election is a testimony of the same. The apolitical government, formed under the leadership of the Chief Justice as a result of the failure of the political parties, ran the government with much efficiency. It has fulfilled its duties by successfully holding free and fair elections. And this was made possible with the backing and support of the people.
6. The mindset of impunity and culture of discrimination are our major challenges. Violence against women has increased very sharply of late. Such reports of discrimination are coming out in the public also because women are becoming more conscious and taking up the courage to report them. If the law executing bodies are empowered with efficiency and consciousness, other forms of human rights violations and excesses will start coming to the fore as well. That will also increase concern as well as compulsion towards finding solutions.
7. It is comparatively easier for the newly constituted Legislature-Parliament to execute its work. Recommendations have also been made on the laws to be drafted and the works to be executed through the civil society, various commissions and through periodic reviews of various human rights conventions. The directives by the Supreme Court have provided clear guidelines while deliberations at the erstwhile CA have already shown the way forward. The work of the State is to support the intellectual

progress and economic consolidation of its people. Practicing modern knowledge, intellect and conscience in prioritizing the advancement of the people after setting scientific criteria of what constitutes the state of backwardness of the people in the modern world today is the major challenge of the day. Impartial enforcement of the existing laws and honest fulfillment of the promises made could successfully lead us towards the path to building a State ideal in terms of human rights. Democracy and human rights are complementary to one another. We would like to see the citizens looking for a dignified life peacefully, exercising their creativity without any obstruction.

8. I wish that the information compiled in the Human Rights Yearbook motivate us to improve and amend and become conscious in the days to come. I wish that the leaders today comprehend well the dreams carried by the martyrs since the past 63 years. And I hope that the people teach a good lesson to those who fail to do so.
9. Finally, this compilation is a result of the continuous involvement of our friends across the country in the human rights campaign. It has been widely used by all including the UN and peace committees in Nepal to identify the victims. And I also commit that the 22 years long presence of INSEC in the field would come handy in formation of the Commissions on Truth and Reconciliation and on enforced Disappearances.

Hearty Greetings !

Subodh Raj Pyakurel
Chairperson

Acronyms and Abbreviations

AHW	: Assistant Health Worker
AIG	: Additional Inspector General
ANNISU-R	: All Nepal National Independent Students Union (Revolutionary)
APF	: Armed Police Force
APO	: Area Police Office
ASEAN	: Association of Southeast Asian Nations
ASI	: Assistant Sub-Inspector
BASE	: Backward Education Society
BPKIHS	: BP Koirala Institute of Health Sciences
CA	: Constituent Assembly
CAT	: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment
CCC	: Citizen Campaign for Clean Election
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
CMW	: Convention on Migrant Workers
CPA	: Comprehensive Peace Agreement
CPN-M	: Communist Party of Nepal-Maoist
CRC	: Convention on the Rights of the Child
CRPD	: Convention on the Rights of Persons with Disabilities
CSOs	: Civil Society Organization
CWIN	: Child Workers in Nepal Concern Centre
DAO	: District Administration Office
DEO	: District Education Office
DIG	: Deputy Inspector General
DPO	: District Police Office
DR	: District Representative
DSP	: Deputy Superintendent of Police
EPS	: Employment Permit System
FIR	: First Information Report
FNJ	: Federation of Nepalese Journalists
FSU	: Free Students Union
FWLD	: Forum for Women, Law and Development
HLPC	: High Level Probe Commission

HR	: Human Rights
HRDs	: Human Rights Defenders
ICCPR	: International Covenant on Civil and Political Rights
ID	: Identity
IGP	: Inspector General of Police
ILO	: Internal Labor Organization
INGOs	: International Non-government Organizations
INSEC	: Informal Sector Service Centre
IOM	: Internal Organization of Migration
JITCO	: Japan International Training Cooperation Organization
JTMMP	: Janatantrik Tarai Mukti Party
MGDs	: Millennium Development Goals
MPC	: Metropolitan Police Circle
NA	: Nepal Army
NBA	: Nepal Bar Association
NC	: Nepali Congress
NGO	: Non-Governmental Organization
NHRC	: National Human Rights Commission
NIDS	: Nepal Institute of Development Studies
NSU	: Nepal Students Union
NWC	: National Women Commission
NWPP	: Nepal Workers and Peasants Party
PIL	: Public Interest Litigation
PM	: Prime Minister
RJA	: Revolutionary Journalist Association
SAARC	: South Asian Association for Regional Cooperation
SC	: Supreme Court
TIA	: Tribhuvan International Airport
TMDP	: Tarai Madhesh Loktrantrik Party
TRC	: Truth and Reconciliation Commission
TU	: Tribhuwan University
UCPN-M	: Unified Communist Party of Nepal (Maoist)
UDHR	: Universal Declaration of Human Rights
UML	: Unified Marxist Leninist
UN	: United Nations
UNESCO	: United Nations Education, Scientific and Cultural Organization
UNGA	: United Nations General Assembly
UNICEF	: United Nation Children's Fund
VDC	: Village Development Committee
WCSC	: Women and Children Service Center
WHRDs	: Women Human Rights Defenders
WOREC	: Women Rehabilitation Centre
YCL	: Young Communist League

**Situation of
Human Rights in 2013:
Overall Assessment**

Chapter

1



1. Introduction

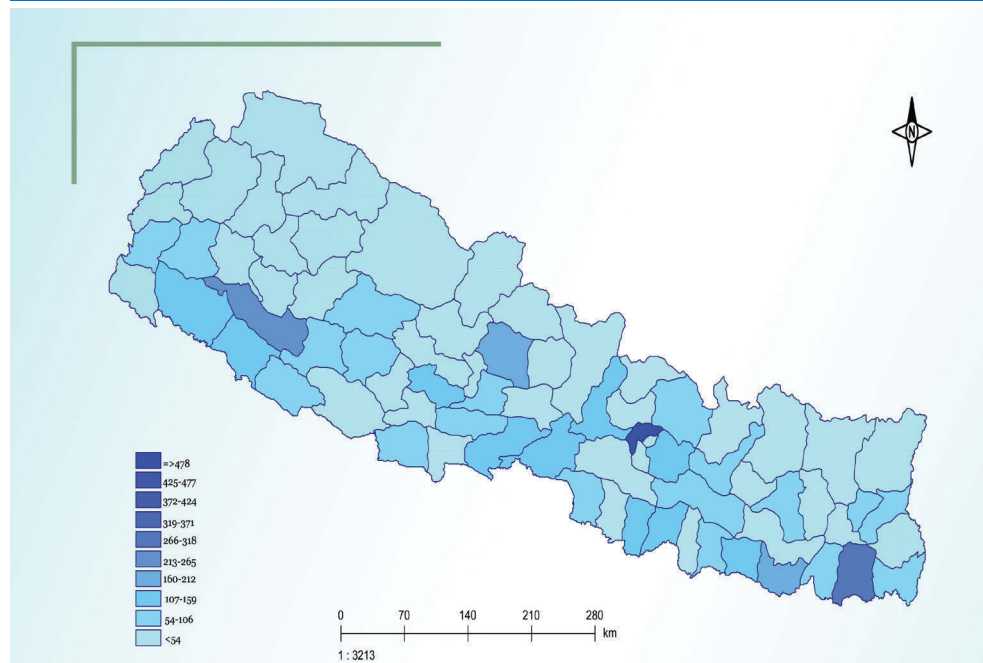
Year 2013 with its uncertain first half, bid farewell showing positive rays in its latter half. Some complicated issues related to peace process, which were pending for years, were resolved this reporting year. Since the government announced as a caretaker by President in 2012 did not have significance constitutionally, a number of constitutional bodies - whose presence and full functionality are embedded with the rights and privileges of citizenry - remained vacant and incomplete.

Seven years elapsed since the formal ending of armed conflict in the country. However, issues related with conflict victims remained unaddressed whereas their resolution was indispensable. It was realized that popular belief in political parties was diminishing gradually probably due to dramatic dissolution of the Constituent Assembly (CA), to a lack of elected institution and also to inadequate functioning of rule of law.

Political stakeholders were unable to respect the mandates of the Interim Constitution of Nepal 2007 and the Comprehensive Peace Agreement (CPA). As a result, the nation faced a number of hurdles. Transitional justice related mechanisms could not be established. Although Ordinances were issued for the formation of these mechanisms, the provisions of the mechanisms proposed under those ordinances did not meet international standards.

With the beginning of 2013, senior citizens started their movement by establishing a joint struggle committee for their rights; however, the State did not pay any attention towards their demands. The problems such as inability of the government to maintain required quotas in health institutions and the reluctance of health workers to go and serve in the remote areas continued as always. According to the reports from the INSEC representatives based in all 75 districts of the country, a

Figure 1: No. of Victims of Human Rights Violation (2013)



total of 4,616 posts of health workers were vacant in this reporting year. Article 18 (3) of the Interim Constitution of Nepal 2007 does incorporate the right to food as one of the fundamental rights, however, in the end of each year, people from the western part of the country face food crisis. Its impact has been reflected in health condition of the children from the region. 50 per cent of children from the Mid-Western and Far-Western region are underweight. According to governmental data, 27 out of 75 districts of Nepal, are not self-sufficient in terms of food security.

As mentioned above, constitutional crisis affected a number of sectors this year. In the absence of Legislature-Parliament, the National Human Rights Commission remained without Commissioners after their six-year tenure terminated on September 15 and Commissioners were not appointed in the Commission by the end of this reporting year.

Problems faced by migrant workers from Nepal remained one of the burning human rights issues. The State remained apathetic towards their problems. However, remittance sent by such workers is a matter of glory for the government but it neither carries out any study on the implication of

remittances nor does it heed to the migrant workers' trials and tribulations. Due to the failure on the part of the government to forge cordial relationship with the migrant workers receiving countries, the latter's problems remain unresolved. On average, almost 1,500 youths from Nepal leave for foreign lands with a dream of good job and better life for their families. And, a number of dead bodies of Nepali workers are sent back to Nepal every day. Surprisingly, big numbers of youths queue before the Ministry of Foreign Affairs every day to obtain their passports before leaving for foreign destinations. These realities portray a grim situation of Nepal's foreign employment sector, which is awaiting reform and special attention of the concerned stakeholders.

Unlike in the past, the government of Nepal formulated a five-year Human Rights Action plan. Such plans used to be three-yearly in the past. Its effectiveness is yet to be assessed.

By taking such issues into account, INSEC has published Nepal Human Rights Yearbook 2014. Monitoring the situation of human rights of the country is one of the key scopes of INSEC campaign. The contents included in this book are based on the reports from 75 District Representatives of INSEC. Hence, this book is a comprehensive monitoring report especially on the incidents of human rights abuse/violations committed during 2013.

Table 1: No. of Victims Above 60 Years of Age

Types of Events	By Non-State		
	Female	Male	Total
Beatings	3	9	12
Inhuman Behaviour	1	4	5
Injured	4	7	11
Killing	14	10	24
Racial Discrimination		1	1
Women Rights	35		35
Total	57	31	88

2. Pending Issues of Peace Process

The integration of former Maoist combatants into Nepal Army, which was understood as one of the complicated issues of ongoing peace process, completed this year. United Nations Mission in Nepal (UNMIN), out of almost 32,000 Maoist combatants, had verified a total of 19,602 combatants. By the time integration process entered the last phase, about 10 per cent of verified combatants were keen to

be subsumed into the Nepal Army. At the political level, an agreement was reached to integrate a total of 6,500 former combatants into army. However, only 1,400 combatants opted for integration, which was one of the remarkable achievements of this reporting year.

3. Interim Arrangement for Operational State

Following the dissolution of the CA in 2012, President Ram Baran Yadav, as per Article 38 (7) of the Interim Constitution of Nepal, announced Dr. Baburam Bhattarai Government as caretaker one. Since the Constitution does not envisage second CA or an election for it and also there are not any clear provisions on it, dissolution of the CA invited a number of constitutional and political complications. However, such dif-

ficulties were sorted out in terms of political consensus.

After long deliberations and heated debates, political parties converged to form a non-political government led by Khil Raj Regmi- Chief Justice of the Supreme Court. However, their decision came under intense fire. Arguing that one cannot be the head of two organs of state simultaneously, human rights community put forth the principle of separation of power. A Front led by CPN-M party even launched movement against the decision of the political parties. However, over days, voices of the opponents faded away gradually when Regmi administration moved ahead committedly to create a conducive environment for the CA election. Finally, government slated November 19 as the date to hold election for the CA.

Table 2: No. of Victims by Region (2013)

Victim Event Type	Eastern	Mid	Western	Mid Western	Far Western	Total
Abduction	18	22	12	21	4	77
Arrest & Torture	28	22	65	47	9	171
Beatings	131	182	112	210	39	674
Child Rights	228	221	188	87	75	799
Death in Detention	1		2	1		4
Death in Jail		2		1	1	4
Economic, Social and Cultural Rights	16	2	9	9	3	39
Inhuman Behaviour	23	4	7	4	2	40
Injured	34	132	88	86	55	395
Killing	128	104	41	34	24	331
Landless and Squatters Problem				6		6
Racial Discrimination	8	39	9	26	19	101
Right to Assembly	81	159	35	38	13	326
Threats	26	25	19	43	7	120
Women Rights	534	900	344	355	215	2348
Total	1256	1814	931	968	466	5435

4. Constituent Assembly: An Entry Point of Progression

As most of the political parties were preparing for the election, CPN-M, a fringe political group started its movement with an aim to foil the election for CA. The movement, which came at a time when their demands and pre-conditions related to their participation in the CA were not addressed by government and political parties, turned violent as the date for election approached. Although the party had been refusing their involvement in the escalating violence across the country initially, following the election, it asserted its involvement in the violence and even challenged to be punished. In the violence committed during election period, two persons were killed and a number of others were injured (*See: Chapter Executive*).

Amid violence and terror, voters' turnout increased in this election. According to the Election Commission, 78 per cent of the voters participated in the elec-

tion. However, a big section of population could not cast their votes. Those living abroad were not included in the electoral roll. It is believed that about 5 million Nepalese people have been living in different countries. Arranging an appropriate and reliable mechanism for them to cast vote could ensure their electoral right and duty. Families of those living abroad had drawn attention during local level discussions held by INSEC, among other organizations, under Citizens' Campaign for Clean Election, which conducted classes and interactions on electoral education ranging from central to VDC level. More than 10,000 people participated in such programs. Due to co-operation from media, especially from community radios and televisions and from national to local newspapers, about 10 million people were sensitized on fair election. Under the Campaign, a total of 301 election observers monitored election activities before, after and on the day of election. Since, those observers were supported by local

Table 3: No. of Victims by Region (2012)

Victim Event Type	Eastern	Mid	Western	Mid Western	Far Western	Total
Abduction	18	48	1	3	1	71
Arrest & Torture	13	19	15	19		66
Beatings	143	118	131	134	59	585
Child Rights	102	208	74	63	45	492
Death in Detention		1				1
Death in Jail	3		1			4
Disappearance		1				1
Economic, Social and Cultural Rights	7	10	4	7		28
Inhuman Behaviour	10	10	9	3	2	34
Injured	34	105	6	14	50	209
Killing	114	202	34	34	39	423
Landless and Squatters Problem	8					8
Racial Discrimination	21	26	12	21	31	111
Right to Assembly	88	126	141	69	18	442
Threats	27	17	14	63	15	136
Women Rights	162	222	113	328	85	910
Total	750	1113	555	758	345	3521

networks and by about 20,000 members of Human Rights Radio Listeners' Clubs; the Campaign was able to receive detailed information from almost all polling booths of all 240 election constituencies.

Due to arrangement of electoral rolls and of voter identity cards, casting proxy votes seemed to have been discouraged in this election. INSEC claims that election this time was fairer.

5. Transitional Justice

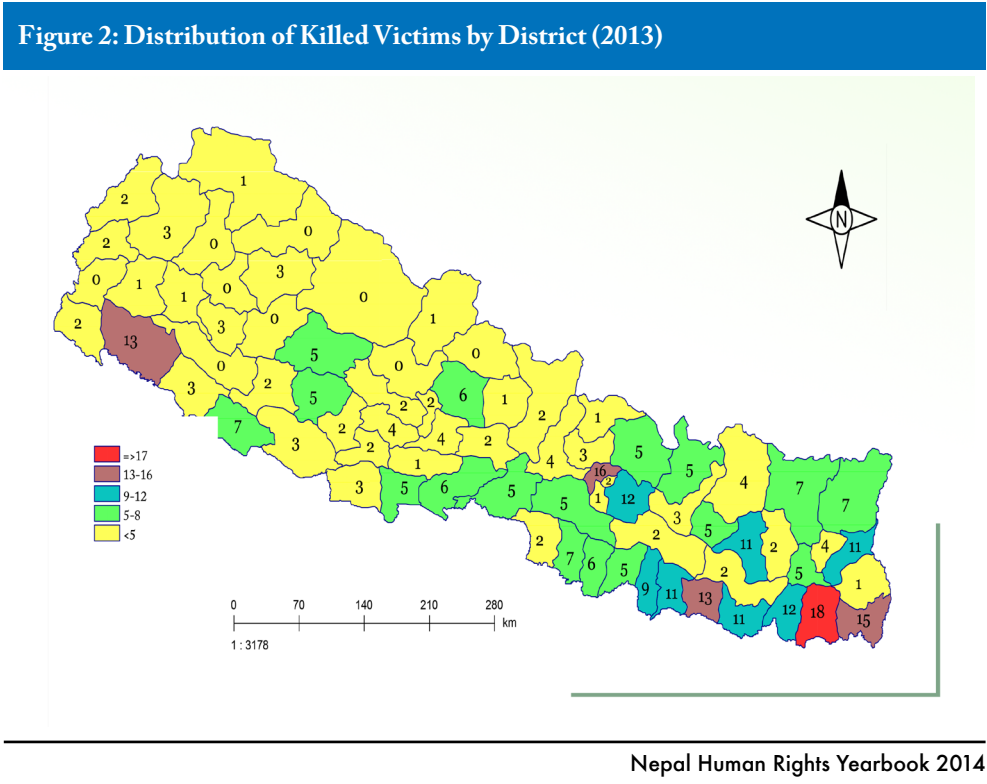
Point number 5.2.5 of the CPA states that a high level Truth and Reconciliation Commission would be established with a mutual consent to find out the truth and to create an environment conducive to reconciliation which in turn would address the human suffering inflicted by the human rights violations and during the 10 years of armed conflict. An Ordinance was endorsed by the President this year; however, the motive of Ordinance was criticized as it did not meet the international standard.

The government had forwarded to the President an Ordinance that proposed a Commission of enquiry into disappearance, on truth and reconciliation. Proposed Ordinance included a provision that could grant amnesty even to those who involved in grave violation of human rights. The Ordinance drew national and international criticisms. *(see Chapter : Judiciary)*

Sections 2 and 3 of the Ordinance have defined the grave human rights violation differently, Section 21 allows proceeding of the case despite having insufficient base, Section 22 can grant amnesty to the perpetrators if they apologize to the commission, Section 23 has provisions for amnesty and Sections 25, 27, and 28 has encouragement and impunity to perpetrators rather than justice to the victim.

6. Disturbing Situation of Impunity

Even the international community has been expressing their regrets and concern over the culture of impunity existing in



Nepal. Five governments have been formed since the signing of the CPA but none of them had serious consideration on this issue. There was no concrete attempt whatsoever to tackle the situation; instead the actors were involved in withdrawing cases of those found guilty by the court, promoting or appointing them to senior public post or protecting them from action. One of such people, murder convict Bal Krishna Dhungel of Okhaldhunga was seen accompanying PM Baburam Bhattarai in a program in district.

The Bhattarai Government had instructed Dailekh District Attorney's Office and Police to immediately stop the recording of the statement of those arrested on charge of being involved in the killing of journalist Dekendra Thapa. Attorney General Mukti Pradhan issued a decree, asking the District Attorney's Office and District Police to stop investigation of the case.

The UCPN-M leaders said that the Truth and Reconciliation Commission would conduct inquiry of the conflict era cases. Former PM Pushpa Kamal Dahal, Dr Baburam Bhattarai and former Vice-Chairperson Narayan Kaji Shrestha had expressed this statement during a meeting with Chairperson of Interim Government,

Khil Raj Regmi after the police in Chitwan arrested some of the accused mentioned in FIR filed by Nanda Prasad Adhikari of Phujel VDC-7, Gorkha. (*See. Chapter Executive*).

The wish of Nanda Prasad, 56, and his wife, Ganga Maya, 55, who resorted to hunger strike demanding legal action against those responsible for the killing of their younger son, Krishna Prasad, 18, remained unfulfilled this year too. These are only the representative victims; thousands like them are awaiting justice.

7. State and Human Rights

7.1 Judiciary

Chief Justice Khil Raj Regmi assumed the position of the Chairperson of Interim Election Government. Human Rights Defenders and the lawyers vehemently rejected the idea. The points of disagreement were that the same person heading two state organs would compromise justice and would go against the principle of separation of power.

Even though some good decisions were issued which will have long-term influence in the human rights sector, its image was tarnished by Regmi's step. The decision to break the hunger strike of Adhikari couple forcibly infringed the personal liberty of

Table 4: Victims of Child Rights Violation (2013)

Types of Events	By State		By Non-State			Grand Total
	Female	Total	Female	Male	Total	
Child Labour			4	3	7	7
Child Marriage			18	2	20	20
Child Trafficking			51	15	66	66
Corporal Punishment			26	58	84	84
Kamalari			7		7	7
Killing of Newborn Baby			16	11	27	27
Rape			406		406	406
Sexual Abuse	1	1	171	10	181	182
Total	1	1	699	99	798	799

a civilian.

The verdict quashing the much criticized Ordinance on Investigation of Disappeared People and Truth and Reconciliation Commission and establishing the standing of the NHRC were crucial decisions for the human rights community in Nepal. The Court, which the people still perceive as the last resort of hope for justice and to protect the national sovereignty, should maintain its autonomy and independence.

7.2 Executive

Regmi-led Council of Ministers accomplished its mandate to some extent. He was able to hold election successfully and peacefully. However, it failed to ensure participation of all political parties in the election for CA. Since State's role in providing people with basic human rights such as education, health, accommodation, food-stuffs and employment was shrunk, Regmi government could not contribute to these areas as expected.

Government did not attempt to bring the perpetrators of human rights abuses and violations committed during armed conflict to justice. Under unexplained pretexts, government continued to postpone its responsibility to form TRC and other related commissions. Due to which victims were compelled to go for various ways for justice.

7.3 Legislature

After nine months following the dissolution of the Constituent Assembly (CA) in 2012, political parties agreed to form a Chief Justice-led government mandating it to hold election for a new CA. Going for such a government was possible due to 11-point agreement reached between political parties and a 25-point order to remove difficulties for holding the election. Parties agreed to provide would be

elected CA with dual roles - as the CA and as Legislature-Parliament.

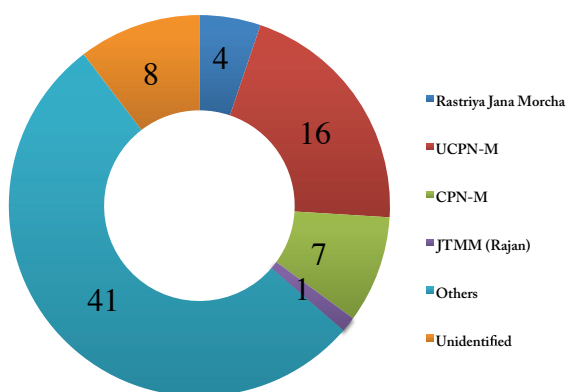
In absence of Legislature-Parliament, peoples' concerns did not find any space to be addressed as no committees were there to draw government's attention towards human rights related issues. Several laws which should have passed through the parliament facing intense scrutiny were issued as Ordinances.

8. Facts and Figures of Human Rights Violation in 2013

8.1 Civil and Political Rights

As per the universal principle of Human Rights, until all citizens have a guarantee to live in a free and secure environment, that State cannot be called as having positive human rights situation. INSEC documentation this year showed that there were 4,511 human rights violation incidents. Tarai Madhes, where Human Rights violation was higher due to the activities perpetrated by the armed Tarai outfits, saw very few incidents. Major types of Human Rights violation, documented this year were related to women's rights violation including rape, domestic violence, dowry death and inhuman treatment on charge of being witch.

Figure 3 : No. of Abducted Victims (2013)



This year saw lower number of clashes between the student wings of the political parties. There were very few such incidents this year. The UCPN-M used to be involved in most number of incidents but this year, they were less involved. In 2013, a total of 5,435 victims of human rights violation were documented. This year, non-state actors were involved in the rights violation of 3,468 women, 1,325 men and two others. This number is nearly the double than the last year's number of victims which stood at 3,521. There were 910 victims of women's rights violation in 2012 while in 2013, a total of 2,348 women were the victims.

8.2 Increasing Incidents of Women's Rights Violation

INSEC documented a few very gruesome cases violence in this year against women. A father in Saptari hired contract killers to eliminate his daughter for marrying a man of lower caste as one incident of honor killing. A woman in Parsa was beaten to death by the villagers on charge of being a witch. The family members were involved in the killing of 108 women. In Siraha, seven women were killed by the family mem-

bers whereas in Kailali and Morang, five women each were killed. This year, 406 girls, aged between 1 and 17 were raped while 182 girls were the victims of sexual abuse.

Likewise, 68 women were the victims who were alleged of being witch. In Kathmandu, a woman in Jaisidawal was found being tortured for the last nine years by her families and in-laws who labeled her as a witch. There were very few cases of allegation of being witch which were filed at WCSC that were moved to court. Compromise was brokered in some serious and violent cases.

The society still has not developed the culture of identifying mental and emotional trauma resulting from domestic violence. It was observed that domestic violence was perceived as part of tradition. Our District Representatives in all 75 districts monitored the Women and Children Service Centre (WCSC) in their respective districts. There was no such complaint filed at WCSC in Rukum while most of the cases were filed in Kathmandu i.e. 1,567. Most of the cases were settled in mutual consent and only 68 cases were moved to court. The provision of compromise, stressed in the

Table 5: Victims of Women's Rights Violation (2013)

Types of Events	By State		By Non-State	
	Female	Total	Female	Total
Abortion			1	1
Attempt to Trafficking			13	13
Domestic Violence			1569	1569
For Practicing Witchcraft			69	69
Jari (Compensation to elope with other's wife)			1	1
Polygamy			283	283
Pre and post natal Services	4	4		
Rape			215	215
Rape Attempt			89	89
Sexual Abuse			52	52
Women Trafficking			52	52
Total	4	4	2344	2344

Domestic Violence (Crime and Punishment) Act, 2009 includes the provision of compromise in several types of cases, the police officers said. INSEC assumes that weak law and poor implementation of those laws might not be discouraging the perpetrators.

9. Human Rights Defenders in 2013

A total of 126 human rights defenders (HRDs)' rights were violated this year. One HRD was killed and 60 were physically abused. Four HRDs were abducted and 47 received threats, one was arrested, nine were mistreated and four were injured.

10. Regional Topics

10.1 Haliya Practice in Dadeldhura District

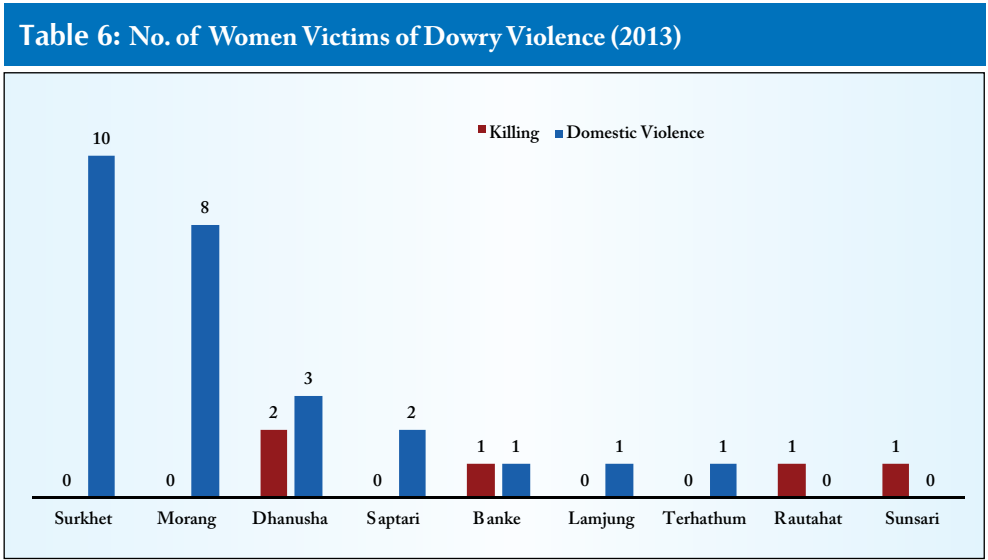
The Haliya system exists in 12 districts including nine in the Far-West and three in the Mid-Western region of Nepal. The system is believed to have begun with the superstition that the so-called upper caste members of the society (the Brahmin, Chettri and Thakuri) should not till the land. Under this system, the laborers who are mostly the members of the Dalit com-

munity are forced to till the land of the upper caste landlords as interest for the loan that they have taken from them or for the land they have used for their temporary shelter. Hence the particular worker is not freed of the bonded life until and unless he pays back the principal amount.

Presently the number of people under the Haliya system is believed to be around 20,000. Following a nationwide campaign against this remnant of the slavery system, Government of Nepal formally declared emancipation of the Haliya system on September 6, 2008.

As per the 5-point agreement between the government and the Haliyas, the Haliyas' loan was exempted. However, the landlords have been pestering the freed Haliyas for their lent money forcing the Haliyas to go to work in India just to pay back the loan.

The only livelihood skill of the Haliyas was to work in the fields of the landlords. The number of Haliyas, expelled from work by their landlords is increasing by the day since the declaration of liberation of the Haliyas. In some places the house and land that the Haliyas have been using for gen-



erations have been legally registered in the name of the landlords and since the emancipation, the landlords are exerting pressure on such workers to vacate the house and land.

10.2 Health Rights in Kalikot District

District's maternity mortality is 192 per 100,000 (based on reported cases) mothers as per the data collected during F/Y 2012/13 whereas such data for neonatal is 10 per 100,000 live births. Only 85% of people have been provided with measles vaccination services. Malnutrition percentage of the children below 5 years is 8 %. HIV infected persons are increasing over the years. According to the District Public Health Office, a total of 28 HIV infected persons, including 11 women were living in the district.

Similarly, data from District Public Health Office shows that only 37% of delivery cases are brought to health insti-

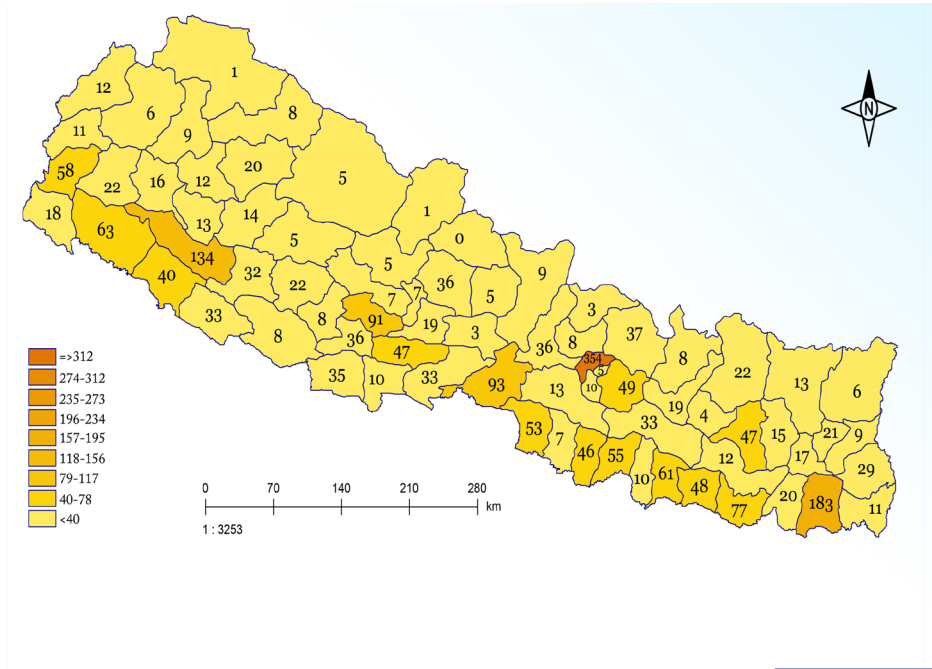
tutions. Lack of proper counseling during pregnancy and unavailability of iron capsules in the health posts are major problem when it comes to maternity and neonates' protection and care.

10.3 Landless and Squatters in Rupan-dehi District

Landless Squatters in the District Settlements have been evolving in the district since the 18th century. The settlements located towards northern part of the district are older than the Southern ones. According to Census 2011, total population of the district is 880,196 (448,003 female) from a total of 166,835 households. Of these households, 8,614 families are landless.

Tendency of people claiming themselves as landless and settling on unregistered land, on the banks of river and streams or on the lands owned by trusts is on the rise in the district. Landless squatters' settlements are found on the bank of rivers such

Figure 3: No. of Victims of Domestic Violence (2013)



as Tinau, Ghaghara and Rohini. Squatters' settlements are common in all 69 VDCs of the district, including two Municipalities i.e. Butwal and Siddharthanagar. Most concentrated settlements are found on the bank of the Tinau River. It is estimated that about 1,000 temporary buildings are constructed here alone. A total of eight settlements- Tap Majhuwa, Siran Gaun Majuwa, Durganagar, New Durganagar, Buddha Nagar, Tilottama Nagar, Srijana Nagar, New Sirjana Nagar- are established on the bank of the Tinau River.

According to District Land Revenue Office, a total of 3,320 households have been living in these settlements which were landless squatters' settlement before they were provided with land ownership certificate. Of the problems related with landlessness, Ukhada, Gaunblock and Bedarta and Jhaoda are the primary ones here, the first one being most problematic one.

10.4 Human Trafficking Situation in Sindhupalchok

Women Trafficking is a heinous crime existing in our society. The trend of women trafficking is increasing in the coun-

try. The women used to be sold through marriage earlier. Now, they are being sold to gulf countries in the name of foreign employment. Women in vulnerable condition like illiteracy, poor economic conditions and domestic violence and who are seeking for better life have been attracted towards foreign employment. Human trafficking in the district is taking place in an organized way. The traffickers have started to use formal process in trafficking. Either by changing age while obtaining citizenship and passport or by taking via Indian routes, trafficking is taking place by disregarding legal provisions.

During the course of investigation and prosecution victims' families and relatives are also found involved in the crimes due to which victims turn hostile before court. Such tendency of the victims makes the cases further complicated and hostile. Ministry of Women, Children Social Welfare recently organized a program to uncover the number of women and children rescued in the F/Y 2012/13. The ministry came up with the data that 158 women and children were rescued in 2012/13.

Table 7: No. of Victims of Women's Rights Violation by Region (2013)

Types of Events	Eastern Region	Mid Region	Western Region	Mid Western Region	Far Western	Total
Abortion		1				1
Attempt to Trafficking		4	7		2	13
Domestic Violence	303	651	206	253	156	1569
For Practicing Witchcraft	15	28	13	8	5	69
Jari (Compensation to elope with other's wife)					1	1
Polygamy	88	102	57	23	13	283
Pre and post natal Services	1		1	1	1	4
Rape	68	69	41	31	6	215
Rape Attempt	41	19	6	13	10	89
Sexual Abuse	8	7	3	19	15	52
Women Trafficking	10	19	10	7	6	52
Total	534	900	344	355	215	2348

10.5 Dalits of Tarai and Janata Awas' Program

Through its annual budget (F/Y 2009/10) declaration, the Government of Nepal declared that Janata Awas program would be launched in Saptari, Siraha and Kapilvastu districts. This program was introduced by CPN (UML) led government with the aim to provide with housing for Dalits, poor and Muslim families. Although the program was planned to be started immediately following the declaration of budget, survey on the program started only in February of the year due to delay on the part of the Ministry for Finance in disbursing budget. It was projected that a total of 3,000 modern houses would be built in these three districts (these districts are with high number of ultra-poor, Dalits and Muslims people) and be handed over to the target communities.

This program was given continuity in the government annual budget of F/Y 2010/11 but extended this time to the Chepang, Raute and Kusunda communities. Similarly, Badi, Bankariya, Surel and Gandharva communities were encompassed under this program in the government's annual budget in F/Y 2011/12. However, no additional communities were added to the program in the next fiscal year. With the aim to construct a total of 856 buildings under Janata Awas, Rs 170 million was allocated in the current fiscal year. Such budget was only about 100 million for the F/Y 2012/13. Of the allocated amount, according to the Department of Urban Development and Building Construction (DUDBC), only 80.4 million was spent.

It is projected that by the end of the current fiscal year, a total of 5,871 buildings will have been constructed. During the last five years, the Government of Nepal allocated a total of Rs 1 billion and Rs 260 million for Janata Awas Program. Of the allocated budget, the DUDBC informed, a

total of 4,850 households have been provided with buildings and for this Rs 886 million and Rs 900,000 have been spent. The DUDBC estimates that a total of 40,000 households will be provided with housing facilities under this program by 2020.

11. Conclusion

The situation of uncertainty hovering over the country since last year was resolved once the CA election was held. It has paved the way towards a new beginning. The people now have their representatives and hope that the seven years long transition phase would come to the logical end. There has been a ground for such a hope as the then Maoist militia structure was disbanded and the integration process was completed this year. The election was freer and fairer than the past elections. The turnout also was quite emphatic as expected.

Victims of Violence against Women increased this year. INSEC concludes that in absence of rule of law and culture of impunity, Human Rights abuse and criminal acts against vulnerable groups are going up.

Generally, anybody not happy with the court decision expresses their dissatisfaction in writing even if it is in public. But, some unprecedented events occurred in Nepal's judiciary in the year 2013 making all concerned stakeholders clamoring. Chief Justice Khil Raj Regmi assumed the position of the Chairperson of Interim Election Government. When Chief Justice Khil Raj Regmi took oath for the position of the Chairperson of Council of Ministers without resigning as the chief of Judiciary, he was censured for going against the spirit of the Interim Constitution 2007 where it clearly separates the three organs of the state. And the Constitution also does not allow the CJ to assume any post of profit, except for heading the government-formed panels or heading the NHRC.

Back in 2008, an election for the CA

was held with the mandate to write a new constitution in two years' time. However, the CA was dissolved on May 28, 2012, after its original and extended tenure of four years. The first meeting of the CA was not called even though all the results were out by the end of November. This year, the CA members want to draft the constitution within one year, either on consensus or by opting for rule and procedure.

The second CA turned out to be an indicator to some controversial topics like federalism. The public rejected the agenda of single identity state. The public mandate directed the agendas put forward by the political parties through their manifestos which in turn were based on the issues discussed over four years in the CA.

Many of the topics, the legacy of the first CA, can be used as reference materials. The CA has compilations of suggestions gathered from nooks and corners of the country. The CA can take up some positive useful issues from there. The CA did have some positive contribution on the basis of thoughts and topics, but the issue is whether the all mixed issues should be owned by new CA or not. The reports prepared by the CA thematic committees had not been tabled at the meetings of the CA. Instead, the meetings behind the closed doors by the High Level Political Committee were reportedly to have sorted out the difference of opinion.

There are discussion on whether it is relevant to own up the issues, agreed outside of the CA. The new generation in Nepal is guided by democratic tendency and sense of justice. Since 2008, like in the world, Nepal also has seen an increase in the number of users of telecommunication tools. The youths returning after work in foreign land have brought new consciousness. They are more aware now. This generation wants progression, peace and prosperity. The youths, who have witnessed the de-

velopment and progress in other countries, want that progress being emulated in their own country. Newly elected CA should be able to encompass these kinds of sentiments. The CA should be able to realize the public integrity and personal responsibility; this is the need of the hour.

The new CA should lead the country towards the progression by promulgating democratic constitution within one year and complete remaining tasks to conclude the peace process. Holding local elections to fill the local government positions, which have remained empty for nearly two decades, within the stipulated time as pledged by the political parties is their another responsibility. The EC has already said that it is ready to hold local election by Mid-May.

A democratic country cannot even be imagined without doing away with state of impunity. Impunity is fuelling a culture of crime in the society. Following the end of armed conflict, the criminalization of politics and politicization of the crime has been expanding in the last six years. Democracy has no place for impunity. Commitments from all political parties and adherence to rule of law are required to uproot the culture of impunity.

In 2013, there are a less number of violations from the state actors. But, the state has failed to reduce the human rights violation flared between individual relations, to punish the offenders and to provide justice to the victims. There has been no investigation into the claim of extra-judicial killing in Tarai. NHRC is believed to have remained docile to investigate such claims. Overall, the situation of human rights in Nepal was a mixed one.

12. Recommendation

No matter how many human rights-friendly verdict the court issues, the government is the agency to implement it. Getting justice only in paper with unjust situation

persisting aggravates the pain of the victim and creates distrust on the state organs and Judiciary, which is not beneficial to development and peace-loving people. Therefore, respecting the court, attention should be given to implement its verdicts.

- ❑ The government has not shown interest to ratify the Rome Statute despite the directive of the Reinstated Parliament seven years ago. Not only does the ratification of the Rome Statute send positive image of the country in international arena, it also acts as a warning to the future violators of human rights. It should be ratified immediately.
- ❑ Monitoring of the Human Rights situation of Migrant Nepali Workers should be made regular and effective by collaborating with International Human Rights Organizations and mechanisms, and it should be properly documented.
- ❑ The government decided to provide compensation to the victims in recommendations made by National Human Rights Commission after August 4, 2009. At present, only 28 percent of the NHRC recommendations have been fully implemented. All recommendations of NHRC should be implemented without setting any time limit.
- ❑ The differences between the political parties should be minimized in order to complete the main responsibility of drafting constitution. Peace and constitution should be kept above political interest.
- ❑ Honest implementation of past agree-

ments is the need of the hour. Formation of different commissions as mentioned in the CPA should not be delayed.

- ❑ To fill the posts of commissioners in NHRC, they should be appointed according to the Paris Principles in a transparent manner based on consensus.
- ❑ Commission of Investigation into Disappearance and Commission on Truth and Reconciliation should be constituted separately.
- ❑ People have been deprived of quick service delivery at local level owing to lack of representatives in local bodies. Corruption and irregularities which have flourished due to the lack of representatives in local bodies have cast a shadow over people's day-to-day issues. Hence, as promised by the political parties, local elections should be held to fill this vacuum in the beginning of next year.
- ❑ Life of Adhikari couple who have been on fast-unto-death demanding justice should be protected and the government commitment to address their demand of justice should be implemented.
- ❑ Four years of Constituent Assembly saw four governments. Legislative-Parliament spent most of its time in forming governments. This Constituent Assembly should not waste its time in forming governments like the previous one.

Bijay Raj Gautam
Executive Director



Reflection of Human Rights

2013

Compiled by: Bimal Chandra Sharma



Siraha



Runa Devi Ram, 45, of Bastipur VDC-8 was axed to death by her husband Ram Bilas Ram, 55, on June 23. The locals caught him as he was fleeing the murder scene and handed him over to the police. He was remanded in prison on July 30. The year saw an increase in the number of victims of violence against women (VAW). INSEC documented 910 cases of VAW in 2012 while in 2013, the number was 2,344. Many women were killed for not bringing large dowry, not bearing a son and for having verbal spats with the perpetrators. A total of 108 women were killed at the hands of the family members including seven in Siraha.

Photo: Durga Pariyar

Saptari

CRC convention has given responsibility to the State to protect the Child Rights. Although political parties expressed solidarity to the State initiatives of declaring 'School as a Zone of Peace', school premises are used to conduct political parties meetings and conference.

Photo: Manohar Kumar Pokhrel

Danusha



*(Baiju Sah of Janakpur Municipality-7 who was injured in police baton charge)
Police charged baton on the MJF-D cadres on March 3, leaving 13 of them injured, after they began sloganeering in the DDC council meeting. The cadres were miffed at the payment of salary to the District Development Committee's employees who were under suspension. Local Development Officer, Taranath Adhikari, 38, of Pokhara, Kaski was manhandled by the MJF-cadres.*

Photo: Binod Kumar Rabidas

Bara



Mohammad Alam, 50, of Lipnimal VDC-1, candidate of Constituent Assembly election candidate from Bara constituency no.4 was shot dead by two people on while he was talking in the telephone in front of Chabsoti Food Factory in Lipnimal VDC-8.

Alam, who was shot in the head, was taken to Birjung Medical College and then airlifted to T.U. Teaching Hospital, Kathmandu due to his critical condition. He was declared dead by T.U. Teaching Hospital on October 10.

Photo: Laxmi Sah

Rautahat



(Gurudayal Mahar, 32, who was injured in an attack by non-Dalits)

The clash took place at Bhagwati Brahmasthan temple of Pipriya Dostiya VDC-5 when Umesh Ram Chamara of VDC-8 tried to enter the temple to worship after his marriage. Non-dalits barred Umesh saying Dalits were not allowed inside the temple. Non-dalits attacked the Dalits when they disobeyed.

This year INSEC documented 108 incidents of caste based discrimination. No actions were taken against the perpetrators in most of the cases. Although Nepal has Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011, incidents related to the caste discrimination haven't stopped. Most of the cases that were registered in the police were resolved with mutual consent.

Photo: Bipeen Gautam

Sarlahi



Raj Kishor Ram, 23, who was injured when a bomb exploded in front of the main gate of the Survey Office of Malangawa Municipality- 8 on September 13. Akhil Tarai Mukti Morcha-Goit owned up the responsibility of the incident. Janatantrik Terai Mukti Morcha (JTMM) was formed by Jay Krishna Goit after splitting from the CPN-M. He later named Akhil Tarai Mukti Morcha-Goit after JTMM was divided into different groups.

Photo: Bidur Kumar Pyakurel

Kavre



The CPN-M cadres torched the bus (Ba 2 Kha 5672), heading from Dhulikhel to Melamchi, for defying the bandh it had called. The cadres hurled a petrol bomb in the bus with passengers without even allowing them to get off the bus. They managed to escape from burning bus by shattering window glass.

The party continued its protest against the state throughout the year either protesting against CJ Khil Raj Regmi as the Chairperson of the Council of Ministers and later as a part of their boycott to election, causing death of two bus passengers in election protest in Bara. On December 16, 2013, the party chairperson Mohan Baidhya took responsibility of the attacks.

Photo: Bhoj Raj Timalisina

Kavre



Muluk Singh Tamang, 45, of Mukpatar in Mechchhe VDC-8 who was injured on February 27 as he tried to break a unexploded explosive device from conflict era. Nepal was declared minefield free country in 2011 but the explosive remnants of war continue to pose threats.

Photo: Bhoj Raj Timalaina

Kathmandu



The sit-in protests outside the Prime Minister's residence demanding stern action in the cases of Violence against Women which began in December 2013. It took more than 100 days for the government to address the issues. The sit-in protest was named as 'Occupy Baluwatar'

The then government led by Dr Baburam Bhattarai didn't address the demand and only after the formation of Interim Election Government led by Chief Justice Khil Raj Regmi that they were called for dialogue. Regmi met the 'Occupy Baluwatar' delegation and promised to address their demand and the protest is an attempt to deliver justice to the victims.

Photo: Bimal Chandra Sharma

Kathmandu



Samir Khadgi, 8, who was injured when a bomb exploded near the polling center in Arniko Boarding School, Bhotebahal in Kathmandu.

During the day of election on November 19, Samir was playing with the bomb lying nearby thinking it as a plaything. Sameer's fingers were severely injured in the blast. He was treated at Bir Hospital and was discharged from the Hospital on December 14. In the same incident, other two children were also injured.

Government claimed that the activities of CPN-M, leading poll-opposing party was involved in terrorist activities to interrupt the CA election process.

Photo:Vivek Dhungana

Kathmandu



Nanda Prasad Adhikari and his wife Ganga Maya Adhikari, of Phujel VDC, Gorkha who are demanding justice since last six years for the murder of their son Krishna Prasad Adhikari.

Krishna Prasad Adhikari was allegedly murdered by the cadres of UCPN-M on May 20, 2004 when he had gone from home to meet his grandmother in Chitwan.

State didn't address their demands of bringing their sons' murders to justice. In spite, State admitted them to Mental Hospital and Bir Hospital. UCPN-M organized a press conference where Chairperson of UCPN-M, Puspa Kamal Dahal, and Vice-Chairperson Dr Baburam Bhattarai, asked to arrest the couple and warned State not to take action against the perpetrators involved in it.

Adhikaris year on hungry strike until the end of the year, is admitted to Bir Hospital by State.

Photo:Vivek Dhungana

Kathmandu



(Mina Chaudhary, 14, of Tikapur, Kailali who was injured in police intervention during a protest organized by The Freed Kamlari Development Forum (FKDF) on June 1)

Ex-Kamlaris were staging a protest in front of Singha Durbar by putting forth different demands on June 1. Urmila Chaudhary of Dang, Sujata Chaudhary, Sita Chaudhary, Kamal Chaudhary, Rita Chaudhary, Nirmala Chaduhary, Deepika Chaudhary, Ridika Chaudhary, Alisa Chaudhary, Raj Kumari Chaudhari and Sukh-daiya Chaudhari of Kailali were injured in police intervention during the protest. All injured were treated at Annapurna Hospital.

Photo: Bimal Chandra Sharma

Doti



Mohan Bam, UCPN-M's CA election candidate from constituency no. 1 of Silgadi Municipality- 1, Dipayal

The vehicle (Se 1 Ja 606) used by Bam was attacked by youth group on November 10 night while returning from election campaign at Tikha of Dipayal Silgadi Municipality-11. He along with 14 other members were injured in the attack.

Photo: Lav Dev Bhatta

Surkhet



(Manisha Thapa of Gadhi VDC-4 injured in police beating)

Thapa said that she was beaten with pipe and stick in the custody of District Police Office, Surkhet on February 18 after being arrested in Birendranagar Municipality-11. She received preliminary treatment at Regional Hospital. The hospital referred her to Kohalpur Teaching Hospital but police did not allow that.

INSEC documentation showed that torture still exists in Nepal, though in lesser extent. One was beaten to death while four died in police custody. The police custody rooms are congested, poorly ventilated and lack basic facilities as toilets.

Photo: Durga Thapa

Okhaldhunga



The then Prime Minister, Dr. Baburam Bhattarai along his party comrade, then CA Member Bal Krishna Dhungel.

Bal Krishna Dhungel was sentenced to life imprisonment by the Supreme Court in January 2010 for killing Ujjan Shrestha of Okhaldhunga on June 24, 1998.

Dhungel, who is in the absconding list of Nepal Police, was seen with the then Prime Minister, Dr. Baburam Bhattarai, in the Golden Jubilee celebration of Gramodaya Yubakabi Shiddicharan Higher Secondary School on March 3, 2013.

Photo: Annapurna Post

Chapter 2



Highlight of the Year

Constituent Assembly:
An Entry Point of Progression

1. Introduction

Amid confusion and cynicism, ultimately Nepal held election for a new Constituent Assembly (CA) in November 2013. The election opened up avenues for writing a new constitution in line with popular will and for forming a political party-led government again. Due to absence of elected representatives and also due to the differences among the stakeholders of the peace process, a non-political government was formed in the country which left an impression among the people that the peace process that started some seven years back was going to be stalled.

Back in 2008, for the first time in the Nepali history, an election for the CA was held with the mandate to write a new constitution in two years' time. However, the CA was dissolved on May 28, 2012, after its original and extended tenure of four years. The dissolution, on the one hand, aborted the constitution writing process and also led to a number of constitutional complications, on the other.

The Government led by Maoist leader Dr. Baburam Bhattarai announced fresh election to be held on November 22, 2012 to elect a new CA. However, the election could not be held on the announced date due to the fact that the prevailing constitution of the country was not amended as required and also because political parties failed to converge on a number of constitutional and political issues. Dr Bhattarai then proposed new election for the CA in April but it could not materialize as well. Rather, parties reached an agreement to allow Khil Raj Regmi, Chief Justice of the Supreme Court, to lead a new government to hold the election. Accordingly, a Council of Ministers headed by Regmi was formed on March 13, 2013 with the prime mandate to hold the CA election. However, uncertainties loomed large even after his

appointment as the premier. Among other factors, threats from one of the factions of past rebel party to boycott, resort to violence and thereby disturb election added to the uncertainties. However, a Cabinet meeting held on July 14, 2013 fixed November 19 as the new date for CA election, which was held successfully.

When it comes to the analysis of Nepal's human rights situation, serious incidents of human rights violations committed during the armed conflict in the past cannot be disregarded. Since justice to conflict victims is embedded with the decisions from an elected and sovereign parliament or with the constitutional provisions, the election to the CA was indispensable from human rights and liberal democratic point of view as well. The elected CA has given people an opportunity to be governed by their elected representatives and they also receive another occasion to end protracted transition and peace process. However, it is not prudent to conclude right now that the CA will resolve all complications so easily. There are a number of factors at present to back such cynicism. Those who took to the streets in protest against the decisions of the CA in the past have comparatively stronger representation in the CA this time and election result has fueled political polarization. This article attempts to analyze 2013 in terms of power handover, election for the CA and the subsequent state of affairs of the country.

2. Exit of Caretaker Government

Once the Supreme Court, in December 2011, ordered not to extend the tenure of the CA, people were optimistic that constitution could be written within the remaining six months. They were further enthusiastic due to the statements from political leaders that 80 per cent of the constitution writing task had already been

completed. However, to their great dismay, the CA was dissolved unpredictably. Inability on the part of political parties to reach a consensus in finalizing the forms of governance and federal structure of the State were believed to be the main cause of the unexpected demise of the CA.

Two days following the dissolution of the CA, President Dr. Ram Baran Yadav announced Bhattarai-led government as a caretaker one and called on political parties to form a consensus-based government. However, PM Bhattarai remained reluctant to resign claiming that his government was constitutional. Political parties other than UCPN-M requested the latter to clear way for the formation of a government led by Nepali Congress Chair Sushil Koirala, but Maoists denied the request outright. In absence of parliament, there was no possibility to adopt a vote of non-confidence against the government neither were there any constitutional measures to bring the government down.

Finally, an 11-point written agreement was reached on March 3, 2013 between UCPN-M Chairman Pushpa Kamal Dahal, NC Chair Sushil Koirala, CPN-UML Chairman Jhala Nath Khanal and Bijaya Kumar Gachhadar from the United Democratic Madhesi Front. One of the agreements was forming a new government chaired by Chief Justice Khil Raj Regmi. He was mandated to hold the second CA election within June 2013. Accordingly, Regmi, who was the one to issue the apex court order to extend the CA tenure only once for the last time, was all set to become the executive head of the country.

3. Non-Political Stakeholders Form Government

Formation of a government of non-political nature, not envisaged by the Interim Constitution of the country, under the chairmanship of a sitting Chief Justice came under fire inside the country. However, such concept had garnered international support¹. Leaders from some political parties took the development as a positive one saying that the new government would displace Dr. Bhattarai-led government which was in rule despite the President's announcement that it was only a caretaker one. Political parties reached an agreement that former secretaries of the government, who would not contest the CA election, would be appointed as ministers. The criticisms that formation of a government chaired by the Chief Justice of the Supreme Court would keep Judiciary under the shadow of the Executive were on the rise initially. However, such voices started to fade away gradually with the reliable preparations of the government towards holding the CA election.

Democratic polity does not envisage non-party government. Critiques took this aspect seriously. Even the civil society criticized the move saying that undemocratic moves were looming large² in the country. Nepal Bar Association critiqued the appointment of the Chief Justice as the Chair of Council of Ministers describing it as anti-democratic³.

It was not unusual for the proponents of democracy to be wary that democratic order obtained following armed conflict could be undone. Parties, amid their tug of war for power were not likely to

1. Sharma, Sudhir, *Prayogshala*. Fineprint, pp 352-360

2. *LoktantramathikoPratigamanRoknaSheetalNiwasAgadiDbarna*(Sit-in Staged in front of President's Office for Stopping anti-democratic move)<http://inseconline.org/index.php?type=news&lang=np&id=39780>

3. <http://inseconline.org/index.php?type=news&lang=np&id=39782> accessed on January 22, 2014

converge. Internal problems and factionism among the parties and also international interests and lack of political will power to unite were some of the constraints in this regard.

The Regmi administration successfully accomplished its mandate to hold election for the CA. He even received national and international applause for making election fairer than previous ones. Consolidated situation of peace and order, people's heightened interest to cast vote, a biometric electoral roll were believed to have contributed to bringing unprecedented success to the election. However, until a day before the election, a number of views were expressed that the election for the CA could be boycotted and that low voter turnout was likely. Such analyses proved groundless when an unprecedented percentage of people participated in the election enthusiastically on the day of election. People gave a testimony of their deep rooted belief in the democratic process of the country. .

4. Election for the Constituent Assembly

An agreement signed between the major parties and Madhesi joint front stipulated that election for a new CA would be held within June 2013. However, debate over the size of the new CA could not be sorted out easily. Amid debates within political parties as to the size of the CA, Election Commission of Nepal opined it would not be possible for it to hold election in a short period of time. As a result, second election for the CA could not be held in the month of June too. So the government of Nepal slated November 19 as another election date. It was during this period that Election Commission had the required electoral laws amended, completed a reliable security arrangement and prepared biometric electoral rolls besides authoriz-

ing a number of national and international election observers. For the security purpose, the Government deployed Nepal Police, Armed Police Force as well as the Nepalese Army strategically. It was also due to the reliable security arrangement in place that popular participation in casting vote increased despite election boycotting groups' terror and threats.

According to the data released by Election Commission of Nepal, 80 per cent of voters cast their votes in the election. Election result made the NC the biggest party followed by CPN-UML and then by UCPN-M. The Rastriya Prajatantra Party emerged as the fourth political force in the CA. A total of 34 Madhes-based parties contested the election this time against only two in the first election for the CA in 2008. Among the 34 parties from the Tarai Madhes, only five parties could ensure their representation in the new CA. Statistically, Madhes-based parties got only 11 per cent of total votes cast.

In the first CA, women's representation was 33 per cent; however, the threshold could not be reached this time. Under the First-Past-the-Post system, only 10 women got elected. This reality also played a role in less representation of women in the new CA. Similarly, only two leaders from Dalit community emerged victorious from across all electoral constituencies under the FPTP system.

The Election Commission of Nepal informed that out of total votes cast, 4.59 per cent of votes were invalid. This percentage was higher than the percentage of invalid votes in the 2008 CA election. Comparatively longer ballot paper due to inclusion of a large number of parties and the ineffectiveness of voter education programmes were believed to have played a role for the high percentage of invalidity.

This data calls for the stakeholders' effectiveness in running the electoral education programmes in future elections.

4.1 Election Ends Representative lessness

When the first CA was dissolved on 28 May 2012, the country faced people's representativelessness. Bhattarai-led majority government turned out to be a caretaker one. In absence of the Legislature Parliament, a number of bills were left pending or could not be tabled. Constitutional Commissions turned vacant gradually as vacancies could not be filled. Similarly, a number of laws related to the peace process could not be formed. Above all, periodic election, backbone of a democratic polity, could not be held for long. However, with the successful holding of the election for the new CA, people got their representatives again.

4.2 People's Mandate to Political Parties through Election

No political party in the country has obtained a clear majority of seats since the general election held in 1991. The CA election in 2008 was no exception either. The second election for the CA, too clearly mandated political parties to go for consensus based government. However, the election result relegated the UCPN-M to third position from first position with only 15 per cent of total votes cast against the 29 percentage of total votes in 2008. Similarly, the NC and CPN-UML which obtained 21 and 20 percentage of total votes cast in 2008 CA election got 26 and 24 per cent of votes this time respectively.

A number of issues are standing tall before this CA as obstacles. The issues, which allegedly became the cause of dissolution of the first CA, pose a threat to the newly elected CA as well. Parties are

divided over important issues such as form of governance, restructuring of the state under federal structure and electoral system. UCPN-M and CPN-UML are for the directly elected form of governance; however, they too are with different positions as to whether the country has to go for Presidential form of governance or Primeministerial. Likewise, NC and the parties from Tarai Madhes converge on the form of governance. Both parties are for a parliament-elected Prime Minister and constitutional President. The previous CA resolved a number of issues related to the new constitution. But how the resolved and agreed issues are acknowledged and adopted by the new CA has emerged as an important question now. The more the parties delay in taking ownership of the agreements reached in the previous CA, the longer it shall take for the present CA to complete the new constitution.

Since present CA is in place in the country as supplementary to the previous CA, it has to be acknowledged that the current CA too stands on the foundation of the 12-point agreement, the 2006 People's Movement and the Madhes movement. Hence, it is likely that decisions of the previous CA will be approved by the current CA in which, basically, there is representation of seven parties and Maoists – signatories of the Comprehensive Peace Agreement. However, given the negative precedents of the parties as to reaching consensus, it is deducible that reaching consensus won't be that easy for the parties this time as well.

4.3 Allegation of Election Rigging

The UCPN-M thanked the Election Commission of Nepal, the Government of Nepal and voters immediately following

the completion of voting to the new CA⁴. However, with the beginning of counting of votes, they changed their stand and tone. Two days following the election, UCPN-M declared that it would not accept the election result. Alleging election rigging, it even declared that it would not participate in the remaining election processes. After realizing that the election result was not going in their favor, UCPN-M convened a meeting at Pushpa Kamal Dahal's Lazimpat residence on November 20, 2013. The meeting formally alleged that election was rigged in an organized way and that government of Nepal, the Nepalese Army and Election Commission were involved in rigging in a planned way. Following the meeting, the party issued a circular directing its leaders and cadres deployed at vote counting centres not to be part of the counting processes⁵. Upon receiving the circular, party cadres left the counting venues.

Immediately following the decision of the UCPN-M, Chief Election Commissioner Nil Kantha Upreti organized a press meet early in the morning and claimed that election was carried out peacefully and without rigging. He also urged the UCPN-M to accept election result. Madhesi Janadthikar Forum (Democratic) too, following UCPN-M's move, decided not to accept the election result.

Political analysts asserted the view of the Election Commission that there was very low chance for election rigging due to reforms made in the electoral processes. A team of Maoist leaders formed to probe the alleged election rigging submitted a 63-page report to the party. The

report, however, was silent as to how and where election was rigged⁶. Speaking to *Sajha Sawal* Programme of Nepali BBC Service, spokesperson of the UCPN-M Agni Sapkota claimed that an invisible force was involved in rigging the election. Saying that the allegations lacked evidence, the people as well as national and international election observers did not believe in his allegation⁷.

Issuing a statement, the Nepalese Army requested the UCPN-M party not to question professionalism of the army and not to come up with wrong allegations. The statement read that Nepalese Army was deployed in the election processes as per the legal decision of the government and per the constitutional provision of Nepal and that it accomplished the provided mandate quite honestly, perfectly and professionally. Although the Army accomplished its mandate honestly and dutifully, some media attempted to mar apolitical and professional nature of the Army by dragging it into unnecessary disputes through baseless, evidenceless and illusionary propaganda over alleged election rigging, the statement read⁸.

4.4 Soaring Election Expenses

Candidates who ran election under the FPTP system started to express that election expenses have tended to increase rapidly over the years. Expressions of the responsible leaders from the NC and CPN-UML that emerged following election via media backed the general impression how big an amount of money has to be spent to run election⁹. A total of 2.81 billion was

4. <https://www.facebook.com/DrBaburamBhattarai> accessed on January 3, 2014

5. http://www.bbc.co.uk/nepali/news/2013/12/131204_investigation_committee.shtml accessed on January 9, 2014

6. <http://setopati.com/chapa-bata/6251/> accessed on January 12, 2014

7. <http://www.inseconline.org/index.php?type=news&id=43416&clang=np> accessed on January 12, 2014

8. Nepalese Army, *SipahiPacchik*, Year 9, issue 8, p 7

9. See HimalKhabarpatrika, Kartik 7, p 13 for details

spent for the CA election in 2008. Considering the total votes cast at that time, the State spent a total of NPR 262 for a vote. However, despite the comparatively low number of voters, it has been believed that more than NPR 2000 has been spent for a vote in the CA election II. Expenditure of political parties during election propagation was more than that of the government. According to Election Commission's rule, a candidate under FPTP can spend a total of 1 m and the one running election under PR system can spend upto NPR 75 thousand only. However, due to increasing election cost, the election activities and propagation could not be accomplished within the ceiling¹⁰.

None of the political parties and their cadres remained within the ceiling in carrying out their election activities. Interestingly, among the total candidates running election in 2008, more than 200 candidates had not submitted their election expenditure details to the Election Commission.

4.5 Relevance of and Dispute over Selecting CA Member under PR

In Panchayat regime, king used to nominate members to represent in the Rastriya Panchayat. This trend continued even after the restoration of democracy. Members were nominated to the National Assembly. The Interim Constitution of Nepal promulgated immediately after establishment of Loktantra in 2006 did not have provision of proportional representation. However, Nepal went for the first CA election with the provision of Proportional Representation. The first Constituent Assembly had a total of 601 members. Out of

which, 240 members were elected directly while 335 members came from Proportional Representation and 26 were nominated by the government of Nepal.

Political parties that agreed to form a non-political government led by Chief Justice of the Supreme Court Khil Raj Regmi agreed to reduce the total member of the CA from 601 to 490. Some of the political parties were against such move probably due to their timidity to face the FPTP system. They feared that it would be really difficult for them to get elected under the FPTP. They even threatened to boycott the CA election if the agreement was not nullified. With the view to ensure participation of all political parties in the election, the government made an agreement with political parties to continue the same number of representation under the PR thereby making the CA a 601-member assembly.

PR was designed to ensure proper representation of disadvantaged, dalits, indigenous nationalities and women in the CA. However, parties started to forget the essence of the PR. This became a ladder for political leaders to become CA member without facing the people. In the current CA 58 per cent of members represent under Proportional System and 42 per cent under FPTP. Such a structure of the CA, analysts view, is unjust¹¹.

4.6 Taking Ownership of the Works Accomplished by the first CA

The first CA has left behind a number of documents for the new CA to study and consult. Thematic Committees had prepared drafts on various issues based on the public opinion, information and data collected from every nook and corner of the

10. ibid

11. http://en.wikipedia.org/wiki/Proportional_representation accessed on January 29, 2014

country¹². There was a consensus regarding constitutional bodies such as National Human Rights Commission, Public Service Commission, Election Commission, etc. Similarly, an agreement had already been reached on the Guiding Principles of State. CA members had studied the constitutions of countries undergoing post-conflict phase. The framework of constitution is almost ready. The main concern here is whether the newly elected CA takes ownership of the assets of the previous constituent assembly or not. If political parties move ahead by taking ownership, constitution writing will be easy, efficient and less time consuming.

If the current CA takes ownership of the decision of the past CA on federalism, the debate on the issues supposed to be complicated won't be as such. Voices such as single identity-based federalism and One-Madhes-One-State raised by different political parties will no more disturb the CA. As almost two-third of the members favoring multiple identity-based federalism are in the new CA, sorting out the problem related with federalism won't be a complex issue but will power of the political parties to go for multiple identity-based federalism is indispensable.

The current CA, however, does have some challenges to deal with. Since the CA is supposed to double as the Legislature Parliament, it will have to address and work on various unresolved issues such as Peace and Reconstruction and formation of Commissions on Truth and Reconciliation and Commission on the Persons Subjected to Enforced Disappearances, among others. However, it is likely that attempts will be made to change government time and again. Hence, political parties might waste their valuable time in forming and

dissolving governments rather than writing constitution. Likewise, debate over federalism, form of governance and other serious issues may resurface. Since there is strong presence of political parties demanding for a Hindu State and establishment of ethnic agendas, the CA will face problems in writing and promulgating constitution in time.

4.7 Parties Outside of the CA

CPN-Maoist and the 33-Party Alliance that boycotted the CA election started to put forth their demands for holding Round Table Conference, resignation of Chairman of the Council of Ministers Khil Raj Regmi and also for withholding CA election slated for November 19. They viewed that they could participate in the CA election if their demands were addressed. Once their demands were not heeded by the Government of Nepal, the NC, CPN-UML and Madhes based parties; the CPN-Maoist and its allies did not take part in the election. Rather, they tried their best to disturb election activities.

If a big portion of political stakeholders that contributed to political changes in the country remain outside of the CA, changes cannot be institutionalized. This also poses problems in addressing people's agendas. Likewise, people may not acknowledge ownership of the CA-written constitution if political parties do not converge on common agendas of constitution writing. After talks with the 33-party front failed, the UCPN-M Chair viewed that 26 seats to be nominated by the government could be provided to the CPN-Maoist. However, the latter rejected his proposal outright.

Once election result was out, CPN-Maoist reiterated its demand to dissolve the

12. Based on view of former undersecretary of CA Secretariat Tek Prasad Dhungana aired by Kantipur FM in its programme called the Headliner on January 21, 2014

CA. The party claimed the rationale of the CA was over for the change-loving people and viewed that it would now prepare for another revolt. The party even claimed that the country, following the CA election, returned to the state of 1990. Saying that the nation, with intrigue, was handed over to those who preferred status quo by completely ruining the achievement of the 10-year-long “people’s war”; it claimed the CA consisting of two-third majority of the Nepali Congress and CPN-UML combined would not write a constitution as desired by people¹³.

4.8 Major Three Party’s Manifestos on Constitution

Political Parties failed to give people a new constitution through the first CA. However, while propagating election campaigns of the second CA, the parties committed that they would write a new constitution within one year following the formation of the CA. Surprisingly, however, they were unable to finalize the leaders to represent in the CA under PR system by the end of this reporting year. The debates over whether the President or the PM would summon the first meeting of the CA and also the issue whether to go for a new election for the President or not wasted a lot of time. Which party would lead the government and who would be the PM also became a matter of debate among people. Meetings of the CA were not held during this reporting period. However, it is highly likely that a number of debates will ensue in the CA even after it begins to hold its meetings. The issues such as who will be the Chair of the CA or the Constitutional Committees will appear as a matter of dispute among the parties. Parties, through

their manifestos, had pledged to hold election for the local bodies in order to speed up local developmental activities while also working on the promulgation of the new constitution. However, people had already started to doubt their commitments as the political parties were unable to hold the first meeting of the CA even after one and half months following the CA election.

5. Role and Rationale of High Level Political Committee (HLPC)

The concept and practice of High Level Political Committee (HLPC) started in Nepal as proposed by former Prime Minister Late Girija Prasad Koirala in 2009 when Madhav Kumar Nepal was the Premier. Such a Committee played significant role in sorting out a number of problems at that time. However, formation of such a Committee was also criticized saying that it was not stipulated or envisaged by the Interim Constitution - therefore was unconstitutional one. It was suspected that the Committee could act as a parallel power center in state administration. The practice of forming HLPC was not satisfactory in the past. The Committee did become a meeting point for the parties with opposite ideology and principles. However it could not resolve the national level political and constitutional differences. The Committee could not stop the CA from being dissolved dramatically neither could it sort out the problems. Rather, the CA became helpless due to the presence of the Committee.

A four-point agreement signed by eight political parties of the country following the CA election provides for a HLPC as in the past. However, the Committee is recognized neither by Constitution nor by the CA¹⁴. Like the one in the past, this

13. <http://www.himalkhabar.com/?p=50518> accessed on February 1, 2014

14. Bhattarai, Tikaram. Prachi, issue 83 <http://inseconline.org/index.php?type=interview&lang=np>

The full text of the 11-point agreement

Agreement reached among Unified CPN (Maoist), Nepali Congress, CPN-UML and United Democratic Madhesi Front

As the term of the Constituent Assembly expired before the task of constitution making was completed and also in consideration of the Supreme Court's verdict, to institutionalize federal democratic republic in the country by guaranteeing the rights of the Nepali people to draft a constitution on their own,

Also considering that the Constituent Assembly does not exist after May 27, 2012 and the subsequent political consensus reached for holding fresh elections to the new Constituent Assembly and the principle of necessity to constitute a national consensus government for the same, and the need to form a Constituent Assembly through fresh elections to the Constituent Assembly by a government formed under the leadership of the Chief Justice on a political consensus and,

To form a government of national consensus by removing the existing constitutional and legal difficulties and thereby pave the way for a democratic political way out by holding elections to the Constituent Assembly in a fair, free and fearless atmosphere, we have agreed as follows:

1. Structure, function-duties and term of election government
 - 1.1 The election to the Constituent Assembly shall be held within June 21, 2013. For this an Interim Election Council of Ministers would be formed comprising of a Chairperson and Ministers.
 - 1.2 The Chairperson of the Interim Election Council shall carry out all the functions and task of the Prime Minister as mentioned in the Constitution. The allocation of portfolios of the Ministers shall be carried out as per the Constitution by the Chair of the Council of Ministers.
 - 1.3 The ministers to the Interim Election Council shall be appointed from among the former distinguished class civil service officers of the Government of Nepal.
 - 1.4.1 The Chief Justice of the Supreme Court shall chair the Interim Election Council.
 - 1.4.2 The major task of the Head of the Interim Election Government shall be to hold the election to the Constituent Assembly Legislature-Parliament within the stipulated timeframe.
 - 1.4.3 The Interim Election Council of Ministers shall perform all other tasks to be carried out by the Council of Ministers. But, the interim election council shall not carried out any task of long-term nature.
 - 1.4.4 All the tasks of the Chief Justice will be carried out by the Acting Chief Justice.
 - 1.4.5 The task of the Executive and the Judiciary will be executed as per democratic norms and values and the principles of independent judiciary, separation of powers, checks and balance.
 - 1.5. The maximum number of members of Council of Minister shall be 11. The Chairman of Council of Ministers shall elect the ministers and the principle of inclusion shall be considered while doing so.
 - 1.6. The tenure of the Interim Election Council of Ministers shall automatically come to an end with the new prime minister, to be elected from the Legislature Parliament following election to the Constituent Assembly-Legislature Parliament, takes charge.
 - 1.7. If CA-Parliament election cannot take place within June 21, 2013 due to technical causes or intractable situation, the Council of Ministers shall fix the date for holding the election within December 15 based on a consensus of the high-level political mechanism.
 1. The Chairman of the Interim Election Council of Ministers shall return to his previous post following the nomination of the next Prime Minister.
2. Formation of a high-level political mechanism and jurisdiction

- 2.1. A high-level political mechanism with the representation of major parties shall be formed to assist the government run its activities as per the spirit of joint people's movement, political consensus and cooperation and to resolve possible problems in the political sector.
- 2.2 Its jurisdiction shall be as follows:
 - 2.2.1. To create atmosphere conducive to holding the election within the scheduled date and to recommend to the Council of Ministers the next date for fresh elections if the election cannot be held within the scheduled date due to intractable situation.
 - 2.2.2. To work towards maintaining atmosphere of consensus among the political parties.
 - 2.2.3. To provide necessary consent, feedback and consultation to the interim election government. The Committee shall itself determine working procedures to that end.
3. The number of Constituent Assembly members and tenure
 - 3.1. There shall be 491 members in the CA with the proportional representations of all castes and communities including women, dalits suppressed caste and community, indigenous and nationalities, backward community, Madhesi, peasants and workers. Of them, 240 shall be nominated from the first-past-the-post electoral system, 240 shall be nominated from the proportional representation system and remaining 11 shall be nominated by the Council of Ministers on the basis of political consensus. The number of electoral constituencies shall remain as it is.
 - 3.2. The CA shall function as the CA and Legislature Parliament until the completion of the constitution-drafting. A new constitution shall determine the post-constitution matters.
4. Voter's List
 - 4.1. The Nepali citizens who have attained 18 years of age within the date fixed by the Election Commission (EC) shall be the voters.
 - 4.2. For the purpose of the next election to the Constituent Assembly (CA), a special campaign would be launched in coordination with the Home Ministry, EC and other bodies to a) update the voters' list based on the citizenship certificate and to provide citizenship certificates to the Nepali citizens who have the right to get it; b) to update the voter list of those having their names missed despite the provision (a) as per the clause 11 of the Voter Registration Act 2063 BS based on the voter's registration of the 2064 and thereafter. While doing so, the biometric voters' list prepared by the Election Commission based on the voters' roll for the 2064BS CA elections.
 - 4.3. After the next CA election, all eligible Nepali citizens would be provided the national identity cards based on their citizenship certificates thereby making the national identity card the basis for the preparation of next voter's list.
5. Process to remove difficulties and issues
 - 5.1. Consensus shall be forged among the political parties, and the issues to be included in the ordinance on removing difficulties shall be determined accordingly.
 - 5.2. Regarding the removal of the difficulties, the Council of Ministers shall prepare a proposal and recommend it to the President. Accordingly, the President shall administer the oath of office to the Chief Justice as the Chairperson of the election government. All these activities shall be carried out simultaneously.
6. The arrangements made with the implementation of the removing of the difficulties as per the recommendation shall automatically cease to exist after their purpose have been fulfilled. Necessary arrangements regarding election As per this agreement, the EC shall make necessary legal and other arrangements for fresh election in consultation with the political parties.
7. Appointments in the Supreme Court and Constitutional Bodies
 - 7.1. Necessary constitutional arrangements shall be made for the appointments in the vacant posts for justices in the Supreme Court as quickly as possible.
 - 7.2. The appointments in vacant posts in the constitutional bodies shall be made as quickly as possible as per the agreement at the high-level political mechanism.

- 7.3. The ambassadors to be appointed except from the Foreign Affairs service shall be selected as per the agreement at the high-level political mechanism.
8. About the ownership of the works of the dissolved CA The agreements made among the political parties in the dissolved CA shall be owned.
9. Remaining task of the Peace Process
- 9.1. The remaining task of the peace process shall be completed as quickly as possible. In this regard, decision on allotment of ranks to former Maoist fighters, who are now in Nepal Army training, shall be taken through the army integration special committee as per the past agreements, and based on necessary training, practice and procedures.
- 9.2. Necessary laws shall be formulated immediately for the formation of the commission on truth and reconciliation, and forced disappearance.
- 9.3. The UCPN-Maoist shall fully cooperate in the process to immediately return the property including land and houses seized during the insurgency.
10. On Citizenship The children of the Nepali citizens who have acquired citizenship by birth shall be provided certificates of Nepali citizenship by descent. As it was immediately necessary for the election purpose, such citizenship would be provided by removing difficulty in the constitution.
11. On local body elections The government to be formed following the next CA election would fix the date of election in the local bodies within 2070BS.

Signed by:

Pushpa Kamal Dahal 'Prachanda'

Chairman

UCPN-Maoist

Jhala Nath Khanal

Chairman

CPN-UML

Sushil Koirala

President

Nepali Congress

Bijay Kumar Gachhadar

United Madhesi Democratic Front

2013 March 13

Source: <http://www.titanherald.com/2013/03/13/nepalese-parties-reach-to-consensus-to-pave-way-for-cj-led-government/>

Committee should not be a mechanism that seeks consensus on constitution writing outside of the CA. The role and rationale of the Committee won't be acknowledged until and unless it seeks for answers to the questions related to constitution writing process from inside the CA.

6. Prolonged Transition

Integration of the former Maoist combatants was accomplished this reporting year. It was about two years ago that former Maoist combatants were verified as per the agreement reached between major three parties and Madhesi front. According to the agreement, a total of 6,500 combatants were to be integrated into the Nepalese Army. Among a total of 19,000 Maoist combatants verified by the United Nations

Mission to Nepal (UNMIN), 15,630 chose voluntarily retirement and 1,421 opted for integration. Combatant integration into the national army was believed to be the most knotty issue of the ongoing peace process. However, Nepal could carry out this task successfully. But other than this, 2013 did not make headway on a number of issues related with the peace process and interim constitution.

The points of agreements stipulated in the Comprehensive Peace Agreement have not been completely implemented even after six years since the signing of the agreement. This has prolonged Nepal's transition by inviting further degree of impunity and shattering optimism of thousands of conflict victims. The provisions stipulated in point 5.2.5 of the CPA reads that both

parties agree to form a high level Truth and Reconciliation Commission on mutual understanding to conduct investigation about those who were involved in gross violation of human rights at the time of the conflict and those who committed crime against humanity and to create the situation of reconciliation in the society. But its implementation status is not satisfactory.

As per the agreement signed between the so-called major parties on March 13, 2013, an Ordinance on the formation of Truth and Reconciliation Commission and Commission on Disappearance was approved by the President. However, when a writ was filed against the move of the Government and President at the Supreme Court saying that the ordinance was against the CPA, the process to form such a commission was postponed. Human rights activists were also against the ordinance for it was not in line with the Comprehensive Peace Agreement, which stipulated formation of two separate commissions on truth and reconciliation and on disappearances. However, the government attempted to form a single commission encompassing both issues at least by name. The proposed Commission had emphasized amnesty by disregarding the truth.

Given that a number of concerns raised by the CPA were not addressed; conflict victims were unable to feel justice was done. If Nepal fails to address the human rights related issues included in the CPA, it is, for sure, national and international stakeholders will raise questions on the situation of human rights in the country. According to Yasmin Suka, member of Truth and Reconciliation Commission of South Africa, conflict victims have the right to know what actually happened in the course of conflict,

why their beloved were killed or subjected to enforced disappearance. Reconciliation and general forgiveness should not be a matter of decision of the government or political parties, rather, these concerns depend on the victims. Whether or not to forgive should come out of the victims when they are face to face with the perpetrators.

As the State was not serious towards addressing grave incidents of human rights violations committed during the conflict, victims started to adopt their own ways for justice. State did not pay attention towards addressing the demands of the Adhikari couple, parents of Krishna Prasad Adhikari from Gorkha district who was killed in 2004 in Chitwan district. The Adhikari couple were undergoing fast-unto-death for long. Rather than addressing their demands, the State admitted them sometimes to a mental hospital and to the Bir Hospital at other times. Although police arrested two alleged perpetrators on the murder case, they were released saying there were not sufficient evidences. Putting pressure on the administration not to arrest those involved in the murder of Adhikari, UCPN-M leaders Puspa Kamal Dahal and Dr. Baburam Bhattarai organized a press meet and challenged the State to arrest them instead of those allegedly involved in the case¹⁵. They saw Chairman of the Council of Ministers and requested him not to arrest those alleged in the incident. They even threatened that everyone could be dragged into punitive actions if individual incidents that occurred during the conflict period were selected for action. It was also due to similar pressure from the UCPN-M party that truth and reconciliation commission could not be formed this reporting year as well.

15. <http://nepaliheadlines.com/ucpn-maoist-pressurizes-gvt-to-withdraw-adhikari-case/> accessed on January 23, 2014

Agreement reached between High-level Political Committee and The Sanghiya Samajbadi Party, Nepal

By ensuring the second Constituent Assembly election announced by the Government of Nepal, the following agreement has been reached between the High-level Political Committee and The Sanghiya Samajbadi Party, Nepal:

1. Notwithstanding the provisions mentioned in the 11-point political agreement reached on March 13, 2013 and in the Order to remove difficulties issued as per the Interim Constitution of Nepal-2007 and on the recommendation of the Government of Nepal, a request shall be made to the President, the Council of Ministers, Government of Nepal to give continuity to the number, proportion and representation of the members of the Constituent Assembly in the second Constituent Assembly election as it was in the 2008 CA election, in pursuance to Article 63(3) of the Constitution.
2. A request shall be made to the Government of Nepal to organize an all-party meeting of all the political parties represented in the dissolved Constituent Assembly so as to guarantee the election announced for the Constituent Assembly.
3. Maximum efforts shall be made to forge necessary agreement on various aspects of the fundamental principles of the future constitution by holding discussion, also on the basis of agreements reached in the erstwhile Constituent Assembly.
4. A process shall be initiated by establishing legal provisions at the earliest to ensure the Nepali citizens living abroad their right to vote.
5. On the basis of the agreement above, the The Sanghiya Samajbadi Party, Nepal shall withdraw its announced programs of protest and shall take part in the election scheduled to be held on November 19, 2013.

8. Conclusion

The CA elected in 2008 got dissolved even after two years of extension following the expiry of its original two-year tenure. Another election for the CA took place in 2013; however, it could not hold its first meeting towards the end of this reporting year. Political parties, following the election of the CA, viewed that they would try their best to write a consensus-based constitution and if doing so was not possible they would adopt procedure and processes of the CA to write constitution this time.

The result of the second CA has provided a clear direction regarding a number of issues which were matters of dispute during the first CA. For example, it has been apparent following the CA election that the notion of delineating federal units on the basis of single-identity was disliked by the people.

A number of decisions made by the previous CA can be an asset for this CA. Some issues were decided based also on the views of ordinary citizens from across the country. Appropriate decisions from the past can be adopted by this CA. However, it is still debatable whether or not the current CA takes ownership of all the decisions of the past in general. The problem in the past was that the reports prepared by various Thematic Committees were not presented to the CA plenary. Rather such reports became a matter of discussion in the meetings of the HLPC. And hence there are views being expressed to say that those decisions of the past which were not decided through deliberations in the CA should not be owned by the current CA.

In terms of writing constitution through CA, Nepal is the youngest State in the world. The present generation of the country is guided by democratic norms and

consciousness. Following 2006, use of communication and information has increased remarkably not only in the world but also in Nepal. Those youths who have returned to their homeland from abroad have brought new level of consciousness with them. They seem enthusiastic to do something for the progress, peace and prosperity of the country. They have witnessed, while in the foreign lands, what development is and how it has to be supported by peaceful environment along with law and order. The new CA should be able to address views of such generation as well. The CA should be able to comprehend as well as promoting a sense of public morality and individual responsibility. This is the present need of the country.

This CA must accomplish the remaining tasks related to peace process and the promulgation of a new democratic constitution within one year's time. This only will lead the country towards progress. Given the readiness of the Election Commission of Nepal to hold election for the local bodies, political parties, as promised, should work towards this end seriously.

Envisaging a well-functioning democratic society is futile if the prevalent environment of impunity continues to exist. Culture of criminality is on the rise in the country due to impunity. A tendency to back criminal deeds by political establishments and to commit crimes under political cover has increased since the six years of the end of the armed conflict. This tendency should end now and people should be able to feel that rule of law is functional in the land.

9. Recommendations

- ❑ People have expected a new democratic constitution through the current CA. The CA has to carry out its mandate. It

is of utmost importance to pinpoint the causes of failure of the previous CA and act accordingly to provide people with a new constitution as promised

- ❑ Take ownership of the good decisions made by the previous CA relating to constitution writing
- ❑ Hold election to the local bodies as soon as possible. In absence of elected local bodies, people's daily problems have remained unaddressed and corruption is on the rise at local level.
- ❑ During last four years, a total of four governments were formed in the country. It seemed as though the role of Legislature Parliament was to form and dissolve governments. Current CA should not waste its time repeating the past mistake
- ❑ The CA in the past was dissolved due to differences over federalism and form of governance. The current CA has to be able to overcome possible obstacles that might arise due to these issues again
- ❑ Those in favor of multiple-identity based federal units are almost with two-third majority in the CA; therefore, disputable issues have to be decided through voting process in the CA. This only will clear way for writing constitution in time
- ❑ One of the main objectives of the CPA was to form required mechanisms for the establishment of peace in the country. Furthermore, a number of socio-economic agendas were also embedded with the Agreement. People want to get rid of poverty and mismanagement. Views of some of the political parties that they will concentrate on economic agendas only after writing constitution are not logical. Parties and the government should move ahead by paying equal attention to both of these issues

Chapter 3



3.1 State and Human Rights

Judiciary and Human Rights

Chronology

January 1- December 31, 2012

January 1

Supreme Court decides to provide continuity to its previous stay order against the Cabinet decision to withdraw a case against the attackers of UCPN (Maoist)-aligned trade union leader Shaligram Jarmakattel.

January 15

Supreme Court orders the Office of Attorney General not to obstruct the ongoing investigations into the murder of journalist Dekendra Thapa

January 16

Office of the President, in a response to writ petition, tells the SC that to issue an Ordinance or not was the special power of the President and that the SC should not interfere

January 23

SC seeks photocopy of the Cabinet decision on approval of former SC justice Awadesh Kumar Yadav as the chairperson of Press Council

February 3

PM Dr Baburam Bhattarai says in his written reply in a writ to the SC that its instruction to proceed with the case of investigation of Dekendra Thapa was illegal

February 10

AIG Kuber Singh Rana files a writ petition in the SC after learning that National Information Commission was initiating action against him on charge of violating the rights to information of his subordinates

February 24

SC set the date to hear the writ petition filed against the appointment of CJ Khil Raj Regmi to the position of Government head on March 7

February 26

CJ Khil Raj Regmi issue a press statement through SC's deputy spokesperson Hemanta Rawal saying that he was ready to take up the responsibility proposed by the parties for the sake of the country

February 28

SC rejects the contempt of court case filed against the CJ

March 4

Office of the President replies to SC in the writ filed against the issue of CJ Regmi as government saying it was a political matter and that the SC should not take up such cases

March 6

SC upheld the rejection to register the contempt of court allegation against the CJ by the SC administration.

SC set the date to hear the writ petition filed against the appointment of CJ Khil Raj Regmi to the position of Government head on March 14

March 14

CJ Khil Raj Regmi sworn in as the Chairperson of Interim Council of Ministers hours before the SC was to decide on legality of his appointment to the post

Damodar Sharma who assumed the post of Acting CJ following Regmi's appointment to new position, pledges for the independent and impartial judiciary

March 24

Representatives of the eight organizations file a joint writ in the SC against the amnesty provisions of the TRC Ordinance

April 1

SC upholds the NHRC discretionary power to power the case while ruling against the provision in the NHRC Act 2012 which allowed Office of the Attorney

General to decide whether to file the case on the NHRC recommendation or not

April 8

The SC issues Interim Order asking government not to implement some provisions of the Organized Crime Control Ordinance, 2013

April 20

The SC issues Interim Order in the name of government not to implement the Ordinance on Disappeared People and Truth and Reconciliation Commission

April 11

The SC orders the government to issue driving licence to hearing impaired people

Judicial Council recommends five names for the post of temporary judges including Prakash Osti, Baidhyanath Upadhyaya, Tarkaraj Bhatta, Gyanendra Bahadur Karki and Dr. Bharat Bahadur Karki.

April 16

Following the declaration of the CA election date, Government instructed to delineate election constituencies

June 28

Writ petition filed in the SC demanding annulment of the CA election Ordinance saying its Section 19 conflicts with the Preamble of the Interim Constitution

June 30

Show cause notice issued by th SC on the writ filed against CA election Ordinance

August 12

The SC stops Guidelines on Distribution of Identity Cards to People and Families of those Killed or Subjects of Enforced Disappearance in Political Conflicts 2013 issued by the then PM Baburam Bhattarai

September 3

The Supreme Court ordered the government to force-feed Nanda Prasad and Ganga Maya Adhikari if the couple, who are on a fast-unto-death, refuse to eat on request

September 5

The Supreme Court quashed 17 writ petitions — out of 24 — filed challenging the presidential order to remove constitutional difficulties to appoint Chief Justice Khil Raj Regmi as the government head.

September 8

The investigation team of tax office raided the law firm of Senior Advocate Shambhu Thapa and took his belongings like VAT bill and computer

September 25

A writ petition filed demanding for the provisons to ensure election participation of Nepalis abroad

September 26

The SC rules that the convicts cannot contest election, the ruling came in response to a writ petition asking for the maintenance of the CA Member Election Ordinance 2008 which was silent on such issues as candidacy of the criminally charged or convicted

October 3

Kavre District Attorney's Office files the briefing updating the investigation status of the killing of Arjun Lama in which UCPN-M leader Agni Sapkota is accused as the mastermind. Police report on which the briefing is based has statements which accept that Sapkota was involved in the killing.

November 14

The SC issues Interim Order asking the 33-party front led by CPN-M, boycotting the election, to withdraw bandh

1. Background

Some unprecedented events occurred in Nepal's judiciary in the year 2013. Chief Justice Khil Raj Regmi assumed the position of the Chairperson of Interim Election Government. Human rights defenders and the lawyers vehemently rejected the idea. The points of disagreement were that the same person heading two state organs would compromise justice and would go against the principle of separation of power. Even then there was public favor for the judiciary due to some of the human rights friendly verdicts. There were some new issues in the context of the country which also stirred heated debates.

Though directly not related to the performance of the Judiciary, assumption of the post of head of Executive by the head of Judiciary could not be taken without apprehension. Despite calls from different spheres to reject the idea, President Ram Baran Yadav endorsed recommendation of the four political parties to amend the Constitution as per Article 158 of the Interim Constitution, an ordinance on removal of constitutional hurdles. Finally, Chief Justice Khil Raj Regmi became the Prime Minister. Yet, some opined that in absence of better alternatives, this decision looked appropriate to end the stalemate and also since it was just an election government, which would end after the objective had been met.

2. New Responsibility of Chief Justice: Threat to Principle of Separation of Power

After Prime Minister Dr. Baburam Bhattarai submitted his resignation, the political parties failed to reach a consensus on the new Prime Ministerial candidate. So, following the proposal of UCPN-M's Chairperson Prachanda, Chief Justice Khil Raj Regmi was proposed as suitable can-

didate for the post. Regmi was mentioned in the convention of UCPN-M held at Hetauda. Regmi agreed to the proposal of political parties despite opposition from the civil society, HRDs and lawyers. With the agreement of the four political parties, the Bhattarai government recommended the President to promulgate the order on removal of constitutional hurdles of Article 158 of the Interim Constitution. In a situation unforeseen by the constitution, the request of the political parties to amend it by the ordinance on removal of constitutional hurdles was definitely a divisive subject for the nation.

Even though the order on removal of constitutional hurdles came as a way out to form the Electoral Government as the Constitutional Assembly remained dissolved along with the parliament and most of the major bodies of the State were without office-bearers, assumption of the position of the head of both the organs of the State was against the principle of Separation of Power. Regmi was blamed for harboring power lust after he did not resign from the post of CJ paying due respect to the principle and as requested by different sectors.

The main reason for the creation of three state organs and separating the mandate of these organs in any democratic nation is to make sure that the power is not centered in one and there is necessary checks and balance. The disregard to this fact by a person like a CJ was preposterous. Even when the cases filed at Supreme Court against his appointment was sub-judice, Regmi was sworn in early in the morning, prior to the Court opened for regular proceedings. This was itself an attack to the independence of the the Supreme Court that he was also heading.¹

1. Commentary: Has Nepal's judiciary come to a sorry pass?, Two Chairs for Regmi, Spotlight. <http://www.spotlightnepal.com/News/Article/Two-chairs-for-Regmi>

Furthermore, on the day when the final verdict was to be given whether or not the government could be formed under the leadership of a Chief Justice, the oath of office for the chairperson of the government was administered without waiting for the verdict of the pending case and detouring the Supreme Court itself. Chief Justice himself doing something that affects independence of the judiciary and acting as per his wish started an unscrupulous tradition. The umbrella group of the lawyers—the Nepal Bar Association declared March 14, 2013 as a black day, the day when the government was formed under the leadership of the Chief Justice. There was some apprehensions that the verdicts from the justices regarding the cases filed against him being the head of the executive would be affected.²

Only Supreme Court could stop the dual role for him as Chairperson of the Council of Ministers and Chief Justice. 17 writs on constitutional issues and against the decision of appointing CJ Regmi as the Chairperson of Council of Ministers were quashed by the special bench led by acting CJ Damodar Prasad Sharma which could have been an influence of Executive in the decision. Nepal Bar Association had strong reservations against this decision. Hearing of the cases filed against the Ordinance on removal of constitutional hurdles was delayed and no verdict was delivered even at the end of 2013 which shows that the judiciary has not been able to work freely. Prime goal of the government was holding election to the Constituent Assembly but even after its completion new government

was not formed by the end of the year. It is assumed that Regmi who left CJ post temporarily to head the government might resume work as CJ chief. Discussions on the issue kept coming in the limelight.³ Some said that he could come back to the Supreme Court and resume work while some argued that his resignation would be the best decision.

3. Political Cases in Supreme Court

Supreme Court had already faced the burden of blame when it accepted to look into the issue of extension of the CA term. It became a subject of argument again over a political issue when the court accepted a case relating to the calling of the first meeting of Constituent Assembly after the election. Political party leaders have begun giving indirect warning to the court to not take any such case.⁴ Even though the court had become the only hope for the citizens, giving verdicts on every subject encroached the jurisdiction of other two state organs. At a time when every important decision was being made according to the ordinance on removal of constitutional hurdles, the Supreme Court can be embroiled in unnecessary dispute if the cases which can be resolved through discussion among the political parties are taken up. Thus the Court needs to be cautious towards that end.

4. Declaration of the Reform of the Judiciary just Rhetoric

Supreme Court has made several declarations to improve the performance of the judiciary. But those declarations take long time to get realized. Some of the dec-

2. <http://thehimalayantimes.com/fullTodays.php?headline=Commentary%3A+Has+Nepal's+judiciary+come+to+a+sorry+pass%3F&NewsID=386112>

3. Regmi's SC return 'highly' likely; <http://www.ekantipur.com/2013/12/11/top-story/regmis-sc-return-highly-likely/382164.html>

4. Rajnitik Mudda Dhamadham Adalat Prabesh, Dalka Neta Rustha, <http://khasokhas.com/n/1947#sthash.PuDmR37u.dpuf>

larations were relating to corruption control, evening court, mobile court, fast track court etc.

4.1 Clean Judiciary

Corruption is a serious and old problem for Nepal. Most of the organizations in the nation are facing this problem. The court is no exception. Soon after they are sworn-in, the CJs promise corruption free judiciary. The chiefs of the judiciary themselves have conceded that the problem of corruption exists in their institution. The general people also have the perception that corruption is a problem in the judiciary which has been endorsed by the report of Transparency International⁵. According to the TI report, after the political parties and administration, judiciary is the most corrupt organization in Nepal.

As per the report, 51% of those who participated in the survey said that judiciary was the most corrupt. It is sad that the organization which is regarded as the last resort for justice and that had previously been controlling the government's wanton steps is so corrupt.

4.2 Evening Court

On August 2011, the court announced that it was mulling on the concept of evening court according to which from July 2012 the evening court would start after office hours from 5:30 pm to 8:00 pm in Kathmandu District court.⁶ The Supreme Court decided so to provide alternate services to those who are not able to be present in the usual office hours, to make justice accessible to all and to manage the workload in the court with modern and supporting technologies. The court also planned to observe the result to expand the idea in the

district courts in Morang, Saptari, Dhanku, Parsa, Rupandehi and Banke. The committee formed under the then justice of Supreme Court Tahir Ali Ansari presented the report which suggested that the evening court could be established by amending the District Court Regulations.

4.3 Family Court

The demand to establish a family court has been coming up from different sectors and decision to form such a court has also been made by the CJs. In Nepal's context, family law related cases are second highest in the judiciary. Internationally family courts are formed to decide the cases regarding family laws and custody of children and other related subjects. Discussion regarding this issue also takes place in the judiciary of Nepal. At the start of his tenure, CJ Regmi talked about forming family court which has not come to practice yet.

4.4 Mobile Court

Along with family court, the demand for mobile court has also been coming up. A task force formed by the government has proposed the concept of a mobile court. Following the task force's recommendation, if this concept is applied then the regular court will not have to go through minor cases. The Criminal Law Amendment and Reform Task Force was of the view that people are not getting justice because of the traditional legal system, court structure and practice. In the drafts of Penal Code, Criminal Procedure Code and Criminal Offence (Sentencing and Implementation) Act, the provision of mobile court has been emphasized. For people who are outside of the mainstream criminal justice administration the task force has suggested sending judges

5. Transparency International, Global Corruption Barometer. <http://www.transparency.org/gcb2013/report>

6. http://www.ekantipur.com/np/2068/5/20/full-news/335315/?utm_source=twitterfeed&utm_medium=twitter

beyond the district headquarters and using the brief procedures to settle the cases.

5. Judges' Appointment in Courts

5.1 Appointment of Judges in Supreme Court

The justice delivery was affected when the positions of judges in Supreme, Appellate and District Courts remained vacant. The rate of conclusion of the cases declined by one third. When the Supreme Court was mostly empty, the rate of clearance of the cases was less in the decade. The clearance rate of fiscal year 061/062 was 31.43% while in 069/070, it was 21%, 12% lower than 068/69. It was reported that 16,000 cases had been pending in the Supreme Court.

Chief Justice Khil Raj Regmi didn't show much interest in the appointment of judges in the Supreme and lower courts. After he took the position of Chairperson of the Council of Ministers this responsibility passed on to the acting Chief Justice Damodar Prasad Sharma. At the end of 2012, the court had only five judges and a chief justice, after the Judicial Council of the Supreme Court could not come to a consensus regarding the appointment of judges. In March, among the temporary judges whose tenure had ended, five judges were appointed as temporary judges this year after a long discussion. Prakash Osti, Baidhyanath Upadhyaya, Gyanendra Bahadur Karki, Tarkaraj Bhatta and Prof. Dr. Bharat Bahadur Karki were the ones appointed. After the parliament was dissolved along with Constituent Assembly, the parliamentary hearing could not take place for new appointments. Due to less number of

judges, the cases started piling up so the Judicial Council which has the rights to recommend for the appointment of permanent and temporary judges recommended for the re-appointment of previous judges among which five of them were appointed again as per the Order to remove constitutional hurdles.

The insufficiency of permanent judges brought some disputes in some complex cases.⁷ Some experts suggested that since the judges were appointed according to the Order to remove the hurdles, they should not sit in the bench to decide the writ against the same order that also formed the basis for Regmi's appointment as Executive Head. Some others presented the view that the judges should be able to look after any cases they want. Due to these kinds of disputes the decisions for these cases were not made on time. Assumption were made that the temporary judges would give more priority to their jobs and would not be able to solve cases like these. In this way, if the work of the judges is affected then the freedom of the judiciary and its effectiveness will also be questioned.

Constitution provides that there could be up to 14 permanent justices except for Chief Justice while temporary justices can be appointed as per need but since this requirement has not been fulfilled, the question arises whether there is any ulterior motive. The Judicial Council is blamed to have suffered from political influence like any other organizations in the country⁸. So we cannot be sure that such situation will not be repeated in the future. It is necessary to appoint permanent judges as per the constitutional provision and to show ur-

7. Lawyers divided over temp judges hearing Regmi case, <http://www.ekantipur.com/the-kathmandu-post/2013/07/04/top-story/lawyers-divided-over-temp-judges-hearing-regmi-case/250774.html>

8. Yogya Nyayadhish Dhamadham Abakash, <http://nagariknews.com/politics/law-custody/story/4363#sthash.Nmn6o6uO.dpuf>

gency to table the Judicial Council Act for amendment in the parliament.

5.2 Appointment of Judges for the Appellate and District Court

The Judicial Council recommended appointment of judges in the Appellate and District Court after almost five years. According to the decision, 80 were appointed as Appellate Court judge and 89 were for the district court. Maybe because of the scarcity of judges which was affecting the realization of justice, there was request for open application for appointment process from last year. Even so, this decision of the council was also not free of controversy. Knowledge on law, commitment towards the court and justice, practical experience, high moral character and honesty were the criteria for their selection.⁹ The judges were selected on the basis of written test and interview. The lawyers who had the licence but were almost out of sync with the sector were selected for allegedly having close ties with political parties.¹⁰

The judges in the district court also had not been appointed for a long time. The citizens were greatly affected by the shortage of judges in the district level courts. Similar problems were seen in the Udaypur District Court which remained without judge for some time¹¹. Many problems came up when the district judge Narayan Prasad Dhital was on sick leave. The prisoners who were in the district prison and whose cases were to be decided had to re-

main in the prison. Many cases were left for a verdict. There were no temporary judge sent to the district court which generally registers 70 to 80 cases a month.

The courts are not only facing lack of human resources but also of sufficient infrastructure¹². In Appellate Court, Patan even though 11 judges were added to the 18 existing ones making it a total of 29, lack of other necessary human resources and infrastructure made daily work difficult. This Appellate Court handles around 11,000 cases every year, including those that are filed directly and the appeal over the verdicts of the district courts of Kathmandu, Lalitpur, Bhaktapur, Kavre, Sindhupalchok, Dolakha, Nuwakot, Rasuwa and Dhading.

Soon after the appointment of the judges, JC accepted that 11 Appellate Court judges were under supervision.¹³ Among them, some were opposed at the district and some were blamed for financial irregularities. The Court's trade union opposed the ordinance related to the appointments in the district court.¹⁴ Their protest was related to the failure to appoint judges even after the criteria for the appointment of the district judge was made a year ago.

6. Strict rules to file PIL

Writ application regarding public interest is theoretically a great practice. The system is well appreciated in neighboring India and is also being practiced in Nepal. The people who wanted to file case against any kind of malpractice could not do so for

9. JC recommends 169 names, <http://ekantipur.com/2013/06/10/editors-pick/jc-recommends-169-names/373010.html>

10. Netalai Aba Nyayapalika, <http://nagariknews.com/politics/law-custody/story/2630>

11. Jilla Adalat Nyayadhisbihin, <http://www.souryadaily.com/2013/03/62569.html>

12. Punarabedan Adalat: Janshakti Ra Bhautik Samrachana Abhav, <http://www.freenepal.com.np/?p=38566#sthash.2kEM933b.dpuf>

13. 11 new judges in JC's 'watch list', <http://ekantipur.com/2013/06/11/capital/11-new-judges-in-jcs-watch-list/373085.html>

14. Sarbochha Adalat Dui Ghanta Banda, <http://nagariknews.com/politics/law-custody/story/2566#sthash.RY5E64Fg.dpuf>

not being directly related to the case, but now this kind of system has come as a great relief for ordinary people. So now any decision that is against the general people or against good governance can be challenged through such a provision. The constitution has the provision of applying writ against the subjects that are of public concern.

The Supreme Court Administration rejected the PIL against the former chief secretary of Government of Nepal Lokman Singh Karki who was accused as being an oppressor of the April Movement of 2007 by the High Level Rayamajhi Commission. He was also charged of corruption by the CIAA, to which he was being nominated as the Chief Commissioner. For the rejection, the Court cited precedent set in a PIL against Drinking Water Corporation on December 20, 2012. That decision clearly shows the inability to understand the real essence of the cases related to public matters.

The PIL is regarded as a way to ensure justice to the very poor and deprived people and to stop the decisions that affect the citizens' interest¹⁵. The need to stop the PIL for trifles and different people filing PIL for the same case was understandable but using it as a precedent on the case of appointment of a controversial figure like Lokman Singh was quite surprising.

There might be some people who register writ application because of personal grudge they hold or as publicity stunt or just to fulfill the requirement of the organizational projects which should be stopped. But in this case, it was more than a coincidence especially when the decision is made without making effective regulation in this

regard to make it more like favouring a certain individual.

7. Sluggish Special Court

Special Court was formed in June 23, 2002 as per Special Court Act, 2002. It was established to decide on the special type of cases faster, efficiently and effectively and within timely legal procedure. In the past few years, the Special Court excited the people when it awarded punishment to known politicians and former ministers convicting them on corruption charges. This year, however, nothing notable happened. It seemed like the organization was running with the personal effort of some judges. A national institution should not rely on some individuals only. There would be no need to wait for committed and honest person if a body like the court would work within rules and discipline.

The CIAA proposed the government to form five special courts to deal with the corruption cases of people holding public posts in all the five development regions.¹⁶ Since, it is difficult for the clearance of the cases of corruption and abuse of authority of the entire nation from the only special court in Kathmandu the CIAA proposed for the addition of the courts in the regional-level. The CIAA has already established five regional offices in Dhankuta, Hetauda, Pokhara, Surkhet and Dipayal and is trying to open five more contact offices. The CIAA has requested the government to allow the Appellate Court in the regions, where regional offices are established, to determine the special court or to form a new special court.

15. http://www.academia.edu/3349357/Public_Interest_Litigation_PIL_in_India

16. Panchai Bikas Chhetra Bishesh Adalat Gathan Prastab, <http://www.ekantipur.com/np/2070/8/25/full-story/380521.html#sthash.PRusk9ia.dpuf>

8. Some Important Decisions

8.1 Driving License for hearing-impaired people: Guarantee of equal rights

The Supreme Court decided on one of the writ application that as practiced in different countries, driving license will be given to those with no hearing power or those with partial impairment. In its order, it is mentioned that since the road and transportation provided by the nation is for all, the deaf or any other section of people should not be deprived from the facility¹⁷. Even though Nepal has already signed CRPD, no special or enough action has been taken for the betterment of the group. The handicapped people had to start a campaign for their rights to be able to walk without any fear. The decision was given saying that there is no scientific proof that hearing impaired people are unqualified for the driving license even when they are mentally stable and can see properly.

The court ordered the government to take measures by constructing disabled-friendly infrastructures, upgrading the condition of road, changing and improving the criteria of road management, developing necessary signs for vehicles, devising training and testing system and promoting better relationship between the driver and the general people and to work towards ensuring that the hearing impaired people can start acquiring their driving license within the next one year. Even though the court respected the rights of the handicapped people there is nothing more the court can do if the government does not act towards it.

8.2. Verdict in favor of Lokman Singh Karki: Impunity to HR Perpetrator

The single bench of SC justice Shishila Karki deciding on the writ application

to stop appointment of former Chief Secretary Lokman Singh Karki, who was identified as one of the oppressors in the April Movement 2006, as the Chief Commissioner of CIAA issued an Interim Order on March 22 to stop the appointment process. However, on April 29, division bench of judges Girish Chandra Lal and Tarkaraj Bhatta quashed the order and paved the way for his appointment.

Even though the interim order was quashed, the verdict reminded that according to the prevalent legal system, qualified and person with high moral values could be recommended as the Chief Commissioner. The Constitutional Council headed by the Chairperson of Council of Ministers Khil Raj Regmi recommended Lokman Singh Karki for the position of Chief Commissioner without properly measuring his qualification and appropriateness and did not bother about the protest of the human rights defenders. After this decision, the newly formed Council of Ministers headed by the Chief Justice was criticized and came to be known as opposition of human rights.

The court did not show any urgency to hear the writ petitions filed against Lokman Singh Karki prior to and following his appointment. The court and the government were blamed of aiding one another in this regard. Taking the opportunity when there was no parliament and no possibility of parliamentary hearing and using the excuse of the ordinance of the removal of constitutional hurdles for his appointment and even Supreme Court's act of delaying the cases against his appointment have to be taken seriously.

Ordinary people had lot of complaints against the government under leadership of KhilRaj Regmi, the leaders of the major political parties and the judiciary

17. Nepal Kanoon Patrika, Decision8939

itself. One thing beyond the understanding of the human rights defenders was that the Supreme Court which reminded that for the position of Chief Commissioner, the recommendation for the qualified and person with high moral values is necessary was not able to speak about the inappropriateness of the nominee to a constitutional body chief who is accused of suppressing the April Movement, misusing the national treasure, position and power, violating human rights and accused of being involved in gold smuggling in 1994.

On September 13, 2013, the investigation team of tax office raided the law firm of Senior Advocate Shambhu Thapa and took his belongings like VAT bill and computer. Thapa filed a writ petition in the Supreme Court against this action which instructed tax office to halt the proceedings until September 16. Thapa was involved in the April Movement in 2006 leading the professionals in the capacity of NBA chairperson while Karki was the Chief Secretary of the Royal government misusing the state coffers to suppress it. It cannot be a mere coincidence that Thapa's firm was raided soon after Karki assumed the position of CIAA chief.

8.3 Protection of Sovereignty of Human Rights Commission¹⁸

The decision of the Supreme Court related to some provisions of the Human Rights Commission Act 2012 was positive for the human rights community. There were some criticisms on some of the provisions of the Human Rights Commission Act 2012. A writ was filed pointing out the consequences of those provisions. Among

those provisions, the Attorney General was given discretionary powers to decide on the NHRC recommendation for legal actions. And another provision of statute limitation of six months had been given in case of any human rights violation.

While deciding this case, the court said that though the final decision whether or not to prosecute the case on behalf of the government sits with Office of the Attorney General, in case of NHRC recommendation, the Office is obliged to proceed with the recommendation. The Supreme Court annulled section 17 (10) of the National Human Rights Commission Act saying that it infringed with the provision of the Interim Constitution. It also annulled section 17 (10) (5) which fixed the statute limitation of six months for complaint. The Court further heightened the stature of the constitutional body by saying that it would not make its recommendations on the filing of the cases without proper investigation and case details, and hence they could not be reviewed by the Attorney General.

But, the Supreme Court refused to annul the demand of the petitioner to quash the requirement for INGOs to seek permission of the Commission to run any project. The Court did not buy the argument that it would curtail the human rights work in the country but rather expand and regulate the work.

According to NHRC investigation, there are more than 1,500 perpetrators of human rights and almost 4,000 victims¹⁹. Since there is no limitation now to file the complaint on the incident of the human rights, the NHRC can investigate and can file the case. In last 10 years, it has recommended 600 cases but not even one case has

18. Nepal Kanoon Patrika, Decision No. 9029- Om Prakash Aryal vs National Human Rights Commission, Harihar Bhawan

19. <http://ekantipur.com/nep/2069/11/24/full-story/363909.html>

been taken to court by the government²⁰. At a time when the perpetrators of the human rights of the decade-long war and different other situations are getting away the recommendations made by the NHRC can act as a moral pressure against them and on the the legal bodies.

8.4 Priority to Serious Cases, Specially Related to Women

Courts in Nepal have some provisions in the legal system of continuous hearing. Even though there is a system of continuous hearing for some cases in the District Court Regulations²¹, the provision is not applied at the District Court.

Uma Tamang of Maiti Nepal, Sunita Dunuwar of Shakti Smuha and FWLD requested for the issuance of manadamus to the Police Headquarters and Home Ministry for continuous hearing pleading that in some cases when continuous hearing are not conducted, the victim can turn hostile, the public witness might be influenced with money or other things and the evidence might be destroyed or endanger the witness. Along with this, the mandamus was also issued to the Attorney General's Office to circulate it its district offices to proceed according to the District Court Regulation 2052, 24 (C). The Supreme Court decided that the court should also be pro-active to issue orders for regular hearing and even when such orders are not issued, the investigating officers and Government District Attorney's should ask for continuous hearing.

The Supreme Court in its decision said that the provision was not optional and thus the practice should be implemented

for speedy justice to the victims. The court has instructed the Office of the Prime Minister, Nepal Police, Attorney General's Office and its subordinate offices to manage the trial accordingly for cases like rape, kidnapping and human trafficking.

The HRDs had also asked for the formation of fast track court to give justice to the women who are the victims of violence. They have been demanding that the known perpetrators of human rights violation should be immediately punished.

8.5 Justice-Denying Ordinance Quashed

The Supreme Court issued an interim order on April 1 to stop the implementation of Ordinance on Disappeared People and Truth and Reconciliation Commission saying some of its provisions were against the constitution. The Supreme Court decided that the five provisions of the Act were in contradiction with the Interim Constitution. The Supreme Court decided to quash Articles 3, 13, 23, 25, and 29 of the ordinance which it concluded contravened the Interim Constitution.

Among the provisions that has been quashed is Section 13 which is about Truth and Reconciliation Commission's functions, duties and powers where it is not clearly mentioned that there would not be amnesty to any perpetrators of grave human rights violation including crime against humanity and war crimes. In 13 (d), the subsection 4 of this section it is mentioned that advice of the commission can be considered. In section 23 (2) it is stated that serious crimes which lack sufficient reasons and grounds for granting amnesty following the investigation of the Commission, including rape,

20. <http://ekantipur.com/nep/2069/11/24/full-story/363909.html>

21. District Court Regulation 1996 Section 24 (c) requires 10 types of cases including abduction and hostage taking, arson, Domestic Violence, rape, prostitution, and human trafficking and transportation should be conducted in continued hearing if the district court directs so when all the defendants are present.

shall not be recommended for amnesty by the Commission. Section 25 (1) mentions the Commission may recommend for action, as per the existing laws, to perpetrators not designated for amnesty pursuant to Section 23, (2). While recommending for action pursuant to Sub-section (1), the Commission shall do so through the report to be submitted to Government, section (3) the Commission may correspond to the Office of the Attorney General to prosecute perpetrators not designated for amnesty prior to submission of the report pursuant to Section 27 (1).

The HRDs had strong reservations regarding matters like amnesty to the perpetrators of serious human rights violation against the international law, disappearance not being criminalized, merging of the Commission on Disappeared People and Truth and Reconciliation Commission, more attention given towards providing financial help to the victims and not towards reparation. The international standard does not allow for amnesty for crimes like murder, rape, abduction and torture. There was objection by the human rights defenders on

the provision of amnesty without consulting the victims²². According to them, as the serious crimes are not named, there is possibility that the Commission itself will serve as liaison for impunity of the perpetrators. Accepting the arguments of the writ petitioner, the Supreme Court issued an Interim Order on the writ application that was applied taking this possibility in mind.

While giving the verdict, the Court also raised the issue of illegality of armed conflict. The court said that being a part of the conflict while agreeing to the principles of the said conflict is one thing but criminal and untoward activities performed in the name of bringing changes through arms or trying to suppress the control or resolve it is completely unacceptable. In a situation where the war is treated as illegal internationally, the Supreme Court also regarded the violence at the time of war as crime.

In the final verdict of the Supreme Court on January 2, 2014 it quashed some provisions of the Ordinance while issuing a mandamus to make different other provisions according to the international standards. The human rights defenders ap-

22. 23. Provision regarding amnesty:

- 1) While carrying out investigation pursuant to the ordinance, the Commission may, if deemed reasonable for amnesty to perpetrator, make recommendation to the Government of Nepal explaining sufficient grounds and reasons thereof.
- 2) Notwithstanding anything contained in Sub Section (1), serious crimes which lack sufficient reasons and grounds for granting amnesty following the investigation of the Commission, including rape, shall not be recommended for amnesty by the Commission.
- 3) Prior to making recommendation by the Commission pursuant to Sub-section (1), such person shall be required to submit an application in writing for amnesty to the Commission by repenting for the misdeeds carried out by oneself during the armed conflict to the satisfaction of the victim within a time period as prescribed by the Commission.
- 4) In case of application for amnesty pursuant to Sub-section (2), the Commission may, prior to decide in relation to make recommendation or not for amnesty to such person, consult the victim as per need in such matter.
- 5) Prior to submit an application for amnesty pursuant to Sub-section (2), the applicant shall have to express the details of the truth and facts to the full extent of his/her knowledge in relation to activities conducted by him/her during the course of armed conflict and also the Commission shall have to document such details.
- 6) The bases and criteria to be adopted while making recommendation pursuant to Subsection (1) shall be as prescribed.
- 7) The name of such person, who is granted amnesty by the Government of Nepal upon the recommendation of the Commission pursuant to Sub-section (1), shall be published in the Nepal Gazette.

preciated this decision²³. The verdict mentioned that the right to dignified life as mentioned by the Constitution (Article 12), Rights to Equality (Article 13) along with Rights against Torture (Article 26), Rights to Constitutional Remedy (Article 32) remain applicable simultaneously even during conflict and state of emergency, so all these conflictings provisions should be improved and the Truth and Reconciliation Commission and Commission on Disappearance should be formed separately.

8.6 Importance of Existing Legal System Reenforced

The Supreme Court repeated its precedent that just because the Truth and Reconciliation Commission is not established, it does not mean that judicial procedure will stop. This was decision against the circular issued by Attorney General stopping the police proceedings of the reopened case of journalist Dekendra Thapa of Dailikh who was killed by the Maoist cadres.

Bhattarai and his government's legal advisor Attorney General Mukti Narayan Pradhan wrote to the District Government Attorney's Office and Chief Police Office demanding to stop the investigation arguing that until the establishment of Truth and Reconciliation Commission (TRC) as per the Interim Constitution and the Comprehensive Peace Agreement (CPA) the investigation against the suspects for the murder of journalist Dekendra Thapa should not be proceeded.

Article 33 "s" of the constitution mentions that Truth and Reconciliation Commission (TRC) must be formed to investigate any kind of human rights violation and against those who perpetrated

violations during the armed conflict and to establish the environment of reconciliation. Likewise, in the Comprehensive Peace Agreement 5.2.5, it is stated that both parties to the conflict should come to consensus to form Truth and Reconciliation Commission (TRC) and investigate any kind of human rights violation and anyone involved in the criminal activities during the armed war and to establish the environment of reconciliation.

Then Prime Minister Bhattarai said that the events occurring in the conflict period must be investigated first to find out the truth and only then Truth and Reconciliation Commission (TRC) should be formed. He claimed that since those incidents will be under the jurisdiction of the TRC and that the Constitution does not envision regular criminal justice system dealing with conflict era cases. Bhattarai maintained that the Interim Order directing the investigation of the killing of Dekendra Thapa that occurred during the conflict as per the provisions of the Government Cases Act, 1992 should be invalidated. Bhattarai argued that if the regular court could decide on such cases then there would be no need to form another mechanism. Commenting on this subject, the officer from the Attorney General's Office said that the criminal justice system would be destroyed by such stubbornness from the force of Prime Minister and Attorney General.²⁴

The court not only put a stop to this kind of interference but asked for written answers and to be present in the court and give statement for going against the court's order to punish the suspects of Thapa's murder and trying to interfere with the investigation. Along with this, the verdict also

23. 069-WS-0057_ <http://www.supremecourt.gov.np/download/069-WS-0057-0058.pdf>

24. Aviyukta Chhutauna Pradhanmantri Sarbochchhama, http://www.ekantipur.com/kantipur/news/news-detail.php?news_id=288903

set the jurisdiction of the Office saying that the Office of the Attorney General cannot interfere at the lower courts.

The political parties are trying to evade the issue of investigation of Thapa's killing and the likes in the name of transitional justice mechanism. The Supreme Court decision can be taken as a reprimand to the political parties for their unwillingness to deal with conflict-time violations.

TRC does not decide on the cases but recommends for action against anyone it finds guilty and the cases are dealt by the nation's able court. Besides, the patience of the conflict victims awaiting justice for over seven years is being tested in want of the TRC. If it keeps getting prolonged, the witness and evidence will begin to vanish, the perpetrators go to oblivion so does the justice. The Supreme Court's verdict apparently is an answer to that concern.

8.7 Issues of Gender Justice Favored

It can be said that Judiciary in Nepal has been liberal in case of gender justice. The court's verdicts have established Nepal as ahead of many countries of the world in ensuring the rights to identity to the third gender. In 2007, the Supreme Court gave the order to provide citizenship with the identification as third gender. Likewise, in 2012 it validated the same sex partnership by saying that two people who are old enough can live however and wherever they want and that it would be their personal matter. The court has issued human rights friendly decisions but this will not be applied easily and this is also a concern for the third gender. Every time the court made a decision in their favor, they have to go to the court for its implementation whether it

is establishing their identity or to get a citizenship certificate.

Deciding on one such case, the court asked the government to amend the regulations for passport and provide passport to the third gender with their identification mentioned. This decision was made in response to a writ application²⁵ filed for not getting passport even when the person had the citizenship as third gender. This was a welcoming decision for the community which is trying to establish its distinct identity.

8.8 Direction to force feeding: Protecting Life or Encroachment in the Rights to Protest

Among the highlighted events of 2013, one is that of hunger strike by a couple seeking justice for their son killed by the Maoist during the conflict. Nanda Prasad Adhikari and Ganga Maya Adhikari of Phujel VDC-7 in Gorkha District staged hunger strike on different dates demanding action against the killers of their youngest son Krishna Prasad Adhikari. Their hunger strike was not called off even when the government appealed and civil society members requested them. Deciding on the writ petition to end their hunger strike, the Supreme Court ordered that if necessary, the couple should be forced fed to protect their lives²⁶. Along with this, the defendants in the petition, the Office of the Prime Minister was told that necessary action should be taken to fulfill the demands of Nanda Prasad and Ganga Maya and directed it to brief the court about the government efforts.

According to the Article 12 (1) of Interim Constitution of Nepal, 2007 and

25. Issue Passport to LGBTs : SC to govt, <http://ekantipur.com/2013/06/11/top-story/issue-passports-to-lgbts-sc-to-govt/373073.html>

26. Supreme Court Bulletin, Bhadra 2, pg. 21, Ramraj Shiwakoti vs. National Human Rights Commission Central Office, Pulchok

right to dignified life as mentioned in Article 6 of ICCPR 1966 to which Nepal is a state party, It is the state duty to protect every person's right to live. The court also clarified that it was the direct concern of the government to encourage rule of law in the country.

The Supreme Court issued the Interim Order asking for briefing from the Office of the Prime Minister on the situation of investigation on the killing of Krishna Prasad Adhikari which should have been taken place on the basis of the FIR filed in Chitwan. Along with that, it instructed for forced feeding the Adhikari couple if the measures to persuade them failed to end their hunger strike.

Even though the order given by the court to address the demands of the hunger strikers is positive, the instruction to feed them forcefully is a controversial subject. It would be regrettable if the person staging hunger strike dies because of it but to violate anybody's demand put forward in a peaceful manner by a person in a right state of mind is a forceful behavior by the state.

It is obviously regrettable when a conflict victim has to stage hunger strike to get justice, to identify and punish their son's killers. But rather than fulfilling the demand, the effort of government trying to protect their lives is merely a hypocritical act. If a situation like that of Irom Sharmila of Manipur in India²⁷ arise where the state has to feed a person forcefully and accuse that person of suicide attempt, it would be a mockery of the state's human rights pledge.

Probably after a careful review of the situation arising in case of implementation of the Court order, the government arrested the suspected killers of Krishna Prasad Adhikari leading to call off of hunger strike by Nanda Prasad and Ganga Maya. This could be taken as the positive aspect of court's order even though those arrested were later released by the police saying that there were no proof. Nanda Prasad and Ganga Maya have resumed their hunger strike.

Now it depends on the commitment of the government towards human rights whether the government will apply the court's order of forced feeding for the protection of life or not.

8.9 Relief of Brick factory workers: Joint example of irrationality of labor sector and active justice

In a country like Nepal where consumers are unaware and large number of population cannot put forward their issues due to lack of education and opportunity, someone has to take steps in their favour. When the sector like court at which the people have great faith acts on behalf of them, their chance of getting justice gets realistic.

In the brick factory at Belahankat of Siraha, 64 Indian nationals were kept as a slave labours. The relative of one of the victims filed a writ of habeus corpus at the Supreme Court on November 22, 2013 (Mangsir 7, 2070) to which the Court ordered Attorney General's Office to investi-

27. Irom Sharmila started hunger strike on November 5, 2000 asking for the removal of Armed Forces Special Powers Act (AFSPA) that was applied by the Indian Central Government in Manipur State of North India. AFSPA gives right to the guards to kill any suspicious rebellion with gun and to arrest anyone suspicious without warrant so that they are not guilty of any crimes in the war prone area. In November 2, 2000 the guards killed 10 people at the capital Imfal of Manipur on the basis of this law after which she started her hunger strike to take back AFSA. She was arrested on the basis of trying to commit suicide which is a crime in India and was forcefully fed food from nose.

Legal Assistance/Representation

According to Article 24 (10) of Interim Constitution of Nepal 2007, any indigent person shall have the right to free legal aid in accordance with law. In most of the cases, party appoints its legal advisor. According to the principle of rule of law, everybody should get equal legal representation, in the condition where some incapable party cannot appoint a lawyer or cannot protect its rights because of the financial or social constraints, a salaried lawyer is appointed by the Supreme Court since 1959. At present there are two salaried lawyers in the Supreme Court and one each in the District and Appellate courts. In the fiscal year 2068/2069, there was free legal aid for 2,294 cases provided including 322 in the Supreme Court, 330 cases in the Appellate Court and 1,642 cases in the District Court. There is a provision of recommendation of Legal Support Committee for free legal aid if people do not have enough yearly income as per Legal Support Act, 2054 and is incapable to protect their legal rights. There has been a formation of a District Legal Support Committee under the leadership of Minister of Law and Justice with Central Legal Support Committee and joint attorney or district attorney for this provision.

Source: Annual Report of Supreme Court (Fiscal Year 2011/12)

gate into the matter²⁸. After this order, the District Court staffs and police were able to liberate the labours. Though the writ was quashed at the final hearing as all the labourers had been freed and returned home, the Supreme Court issued some directional orders²⁹ for the management of this sector. So, to complete the responsibility of the government according to the Labour Act 1992, the court appointed a factory supervisor to inspect whether the labours in the different factories, including brick factory are abiding by the provisions of labour laws and if they are not, then to start legal procedure against them immediately so that the illegal activities like this one would be checked.

The Court has issued directional order to the Government of Nepal and Labour and Employment Ministry to regularly inspect and investigate whether the supervisors of the factory has been appointed according to the Section 66 of Labour

Act 1992 or not and if not then to appoint one immediately and the person who is already appointed should be monitored about his work and to check whether the factories like the brick factories are adhering to the laws as per Section 67³⁰ of Labour Law 1992 and rule no. 54³¹ of Labour Regulation 1992 and initiate action immediately if they are not.

According to the Act 2 A of Forceful Labour Convention, 1930 i.e. no. 29 of International Labour Organization, Forceful labour means any person working or giving any service by the fear of punishment or working without ones consent. Nepal's bonded labour abolition law and other legal system has banned bonded labour.

It gave a hope that giving orders like this to effectively implement the laws made for the benefit of the labourers when it was not being implemented might increase justice in different other groups.

28. 64 Indian workers rescued from brick kiln, <http://www.thehimalayantimes.com/fullNews.php?headline=64+Indian+workers+rescued+from+brick+kiln&NewsID=362185>

29. Karki, 069-WH-0044, Habeus Corpus writ, Sewaraj vs. Eastern Regional Administration Office et.al

30. Labor Act, 1992, Act 67

31. Ibid.

8.10 Decision to Extend Statute Limitation Appreciated

The Supreme Court, regarding the sexual abuse of a 5-year-old girl, instructed to extend the statute limitation to begin police investigation. A woman filed a writ petition on behalf of her adopted daughter who had to move the Apex Court when the police refused to file the case of the sexual abuse of the child, placed in Bal Mandir (orphanage) saying that it had crossed the 35 days limitation.³² The mother noticed something suspicious occurring to the child and a health check-up conducted at the forensic lab revealed strong possibility that the child might have been raped. Even then orphanage chose to remain silent about the incident, the mother said in her petition. She filed a case at Supreme Court on January 8 for the investigation of the incident when the police refused to file the complaint against the heinous crime saying that 35 days limitation had already expired. This case is still stuck in the court.

Generally, there is a provision for deadline to file a case at the police station but for some cases, it needs to be reviewed. In the international scenario, in case of crimes like rape, the statute limitation does not exist, or if it exists, it is for a considerably long period. From the human rights perspective, too, there is a demand to remove this type of limitation or extend it. The police had to follow the legal system and could not file the case breaching the law but Court can consider the existing law and weigh its practicality. The verdict instructing the police to register the case for investigation is a positive step. If we look from the Nepal's social scenario, if an incident of sexual abuse is known in the community, the members try to settle the case within the village or the community and

pressurize the victim and or the family not to go to police. The perpetrator can escape the law of the land by paying some amount of money or the victims are threatened. So if any victim is not able to file the case in stipulated time due to several reasons including, social pressure, medical condition, it would be of great support to the victim if the precedent is adopted as law. This can have further impact on addressing the conflict era sexual violence too as it is widely accepted that such activities have remained ignored.

8.11 Upsetting Parties' Appellate: Candidacy of Criminals Banned

Many people accused of being involved in crimes were seen active in political platform due to their allegiance with some political parties. Balkrishna Dhungel was convicted of murder when he was still serving as the CA member. In the police version, he remains absconding even when he was sharing the same stage with the Prime Minister and the IGP. The court verdicts against Agni Sapkota who was guilty for many conflict related crimes, limited to the papers and Babban Singh remained a CA member despite similar allegations. The political parties were again repeating this situation. Bal Krishna Dhungel who was convicted of murder by the Supreme Court was listed as proportional system candidate by UCPN-M. At a time he should have been serving life in prison, he was gearing up for his election campaign. A writ petition was filed at the Supreme Court in his support after suitability of his candidacy was questioned by some. The writ petition asked for continuation of the Constituent Assembly Member Ordinance of 2008 which was silent about a murderer from contesting the election.

32. Balika Balatkarko Mudda Pani Darta Gardaina Sarkar, <http://www.ekantipur.com/np/2069/10/3/full-news/360950/>

The Supreme Court, which turned down the PIL being filed against the appointment of Lokman Karki as the CIAA chief saying that not everybody was qualified to file PIL, did not turn down such irresponsible plea of allowing a convict to be a candidate. However, it salvaged its image by ruling that no convict could contest the election, thus avoiding a disastrous situation of having a murder convict as a serving parliamentarian. The court cited Section 19 of the Ordinance of Election of Constituent Assembly Member, 2013 for the disqualification. At a time when the country is yet to become normal even after seven years of formal end of the conflict and the political parties playing bigger role than the state, the Court managed to check the irresponsible, undemocratic decisions and upset the apple cart of the political parties thus maintaining a flickering hope of the people on the state mechanism.

8.12 Identity Cards to Conflict Victims Stopped

The Supreme Court gave Interim Order to stop distributing identity cards to the people killed in the conflict while ruling on a writ petition. The cards were being distributed as per 'The Guidelines on Distribution of Identity Cards to People and Families of those Killed or Subjects of Enforced Disappearance in Political Conflicts 2013'. A petition filed by Suman Adhikari, the son of a teacher, Muktinath Adhikari of Lamjung who was killed by the Mao-

ists in the armed conflict along with others protesting the use of the term for conflict deceased as 'the people dying in political conflicts'. The petitioners argued that such term was not effective to those who died at the hands of the rebels and that the plan of distributing ID cards under such category would not encompass victims like them.

Division bench of SC justices, Kalyan Shrestha and Baidhyanath Upadhyaya, issued an Interim Order to stop the execution of the Guidelines. The government led by Dr. Baburam Bhattarai had prepared the Guidelines, before his government was disbanded, intending to distributing relief and compensation to conflict victims.

The Court agreed to the petition that some of the words mentioned in the Guidelines are not included in Article 33 of the Interim Constitution and that the words excluded those victimized and that the provisions of relief distribution were unclear. Along with the Maoist conflict, Madhes Movement, Janajati Movement and Tharuhat Movement are defined as Political Movements. The Guidelines labels the people killed either by UCPN-M and State also as 'attaining martyrdom during political conflict'. The plaintiffs Suman Adhikari et al. claimed that such terms might deprive the victims like them from getting relief and reparation and demanded for the removal of the word political conflict as they feared it might be used as a pretext of amnesty to the perpetrators.

Case Load in Courts in five Years									
Fiscal Year	Supreme Court			Appellate Court			District Court		
	Filed	Decided	Pending	Total	Redeemed	Left	Total	Redeemed	Left
2007/08	18564	5608	12953	18342	8620	9722	63721	29404	34317
2008/09	17961	6985	10288	20288	9867	10241	75048	38317	36731
2009/10	17354	7765	9589	24024	15273	8751	82631	46271	36374
2010/11	17892	7470	10422	24626	15648	7978	87795	489772	38818
2011/12	19053	6339	12714	27961	1681	11100	96424	56074	40350
Source: Annual Report of Supreme Court 2011/12									

8.13 Attempt to Ensure Clean Election

The Supreme Court issued an Interim Order on July 15, 2013 against the decision of Election Commission to give voter's ID to those who don't have citizenship certificate. On July 7, 2013, the Election Commission had declared that the electoral roll would be collected until August 16 and called even those who don't have citizenship certificate to obtain voter's ID. It said that those who did not have citizenship certificate but who were in the voter's list for 2008 CA elections can apply for voter's ID as per Schedule 12 of Voter's List Regulation (First Amendment) 2013. The writ petitioner argued that only the citizens can vote in his/her country and that the citizens automatically possess the citizenship certificates, the certificates should be made mandatory to obtain voter's ID. The Supreme Court had already spoken in this matter before. The Court had given directional order to the government on February 7, 2011 to provide voter's ID to only those with citizenship. Along with that, the Supreme Court also instructed the government to ensure easy and speedy distribution of citizenship certificates to the people. The order was issued by the Special Court of Balaram KC, Bharat Raj Upreti and Bharat Bahadur Karki.

The SC has been giving similar decisions on this issue while the Madhes-based parties also had similar responses. They have regarded the decision of disallowing non-citizens to vote as being against Madhesi cause but they have failed to explain why it is difficult for people in Tarai to obtain citizenship certificate and they are also not known to have offered any suggestions on how that process be made people-friendly. Thus, the Madhesi parties should remember while their stand to ensure that no citizen is disenfranchised is laudable, politicization of such serious issues rather than coming up

Status of case in the fiscal year 2011/2012

There was less numbers of cases registered as writ petitions related to the protection of fundamental and legal rights and review than expected. There were 104 cases filed under PIL when 93 cases were expected.

Regarding the finalization of cases, it was expected that 8,568 cases would be decided but only 6,317 were actually concluded. In the writ petition on fundamental and legal rights, the number of cases decided was 521 less than expected, in civil and criminal cases 1,439 and under review application, 308 lesser case were decided. The Supreme Court has decided 23.4 cases per day in the fiscal year.

Source: Annual Report of Supreme Court (Fiscal Year 2011/12)

with solutions can only backfire for them and for the Madhesi people.

On the same issue, the Court and the Government must pay attention to the one issue that has come up during the run up to the CA elections. Many citizens of Nepal are abroad mainly for foreign employment, including in India, Middle East, NorthEast Asia. Until now, such population has been deprived of their voting rights. This year, the voice was raised for overseas voting. In this context, a Nepali currently living in America filed a writ petition in the Supreme Court asking for the mandamus to include the Nepalis living abroad in the voting process for CA election. The petitioner argued that the Election Commission is preparing for the election without including nationals like them. In the writ, the petitioner maintained that like in 115 countries, Nepal should adopt the system of casting votes at the embassy. If the court could have been a little active and pushed the government to take some steps regarding this matter, then

Some of the Cases and Writ Application in Court in Percentage			
Sn	Cases	Number	Percentage
1	Rape Attempt	2394	1.78
2	Killed	8528	6.33
3	Trafficking	748	0.56
4	Family Member	31,830	23.63
5	Corruption	550	0.41
6	Abduction	915	0.68
7	Domestic Violence	118	0.09
8	Nationality	213	0.16
9	Compensation Torture	83	0.2
10	Weapons	270	3.7

those people would not have been deprived of their rights.

8.14 Interim Order against Anti-Election Bandhs

The Supreme Court issued an Interim Order on November 14, 2013 to call off the bandh called under the leadership of 33-party Front. Single bench led by justice Ram Kumar Sah issued the order to call off the bandh saying that no party, whether registered with the Election Commission or not, can usurp the people's rights to vote. Deciding on the writ petition, the Court reminded that the Interim Constitution had ensured people's rights to work, do their business, travel and to cast their votes freely. As the bandhs intended to disrupt the people from travelling to their home districts to cast vote, the bandh would violate the people's right to choose their representatives. Act 25 (B) of ICCPR says that every citizen has the right to cast the vote with full secrecy and choose the candidate they want. It can be said that the Supreme Court's decision upheld the people's right to vote, however, in a country where apparently the most responsible agencies tend to belittle or ignore the verdicts, Court decrees against a political front agitating against

the democratic norms without finding out any amicable solution is less likely to be implemented.

9. Judiciary under Pressure

The non-execution of the verdicts is a serious problem for the court. The need to file petitions at the court only to ask for implementation of court order is really regrettable for the justice-loving people. After CJ Khil Raj Regmi took over the Office of Council of Ministers, the Acting Chief Justice, Damodar Sharma said that he will not let even the shadow of the PM's Office in the judiciary until he is in the power. But some verdicts revealed that Judiciary might be falling for same kind of pressure.

The special bench led by acting Chief Justice Sharma and two temporary judges rejected 17 writs about constitutional issues and against the decision of appointing Regmi as the Chairperson of Council of Ministers. The hearing on writ petition that was filed in mid February was kept being postponed for hearing and on September 5, the Court quashed the petitions.³³ The umbrella group of the lawyers, Nepal Bar Association protested saying that the decision was a mockery of an independent judiciary. A three-point agreement between the bar and bench brought the things back to normal.

Killing of the then judge of Supreme Court, Rana Bahadur Bam on May 31, 2012 is said to have been carried out by someone trying to pressurize the court³⁴. There was not much progress in the investigation of his killing. Even though the panel formed under retired judge Prem Sharma submitted its report, no other steps were taken to resolve the issue. The court could have taken *suo moto* notice for the trial. But the court did nothing else other than

33. Karyakari ko Chhayama Nyayalaya, Himalkhabar, <http://www.himalkhabar.com/?p=39888>

34. The assassin creed, <http://nepalitimes.com/issue/2012/06/15/Editorial/19383>

receiving the report from the investigating committee.

10. Follow up

Even though the Supreme Court gave an Interim Order³⁵ to investigate the case against the spokesperson of UCPN-M and former Minister Agni Prasad Sapkota on November 25, 2012, there has been no progress in this subject. He was not barred from contesting the election saying that he was just an accused of human rights violation and not the convict. The Court, in its verdict, said that it expected high moral character from a person in the post of Minister referring to Sapkota, he did not resign from the post nor responded to the police investigation. On July 3, the police submitted the briefing on the progress in investigation of case of Arjun Lama of Sindhupalchok in which Sapkota is an accused. The briefing was submitted to the court through the Kavre Office of the District Government Attorney.

Similarly, the Supreme Court, in 2012, instructed the Rautahat Police to arrest the NC former Minister and politician Aftab Alam for burning 23 people alive who had been injured in the bomb explosion. The order was given after mother Soksana Khati of one of the victim, Kausi afttar Miya of Rautahat Rajpur, VDC-4 filed the writ. After the writ was applied, Soksana Khati, who had filed the case against Alam also raised suspicion towards Alam but the police did not proceed saying that they could not gather enough evidence. The Supreme Court's orders to implement its verdict remained in the Rautahat District Police Office is gathering dust while Alam contested CA election from constituency no. 2 of the district.

Status of writ in different level of court

The Act to Amend Some Nepali Acts on Judicial Administration 2010 has delegated the jurisdiction of habeas corpus writ and injunction petitions, according to which in this fiscal year, all district courts had a total of 843 petitions out of which 580 were decided and 263 cases were transferred to fiscal year 2012/13.

The Appellate Courts had a total of 4,152 petitions out of which 3,155 petitions were decided and 997 cases were transferred to fiscal year 2012/13.

The Supreme Court had a total of 3,859 writ petitions out of which 1,323 petitions were decided and 2,536 cases were transferred to fiscal year 2012/13.

11. Conclusion and Recommendation

For judiciary in Nepal, this year became a year of controversy. Generally, those who do not get favorable ruling do raise voices publicly and in writing but this year, the judiciary went through a situation that that was never ever imagined. When Chief Justice Khil Raj Regmi took oath for the position of the Chairperson of Council of Ministers without resigning as the chief of Judiciary, he was censured for going against the spirit of the Interim Constitution 2007 where it clearly separates the three organs of the state. And the Constitution also does not allow the CJ to assume any post of profit except for heading the government-formed panels or heading the NHRC. Though he never clearly made his intentions public, it was assumed that he intended to go back to his original office after completing the mission of his Interim Government. The 17 writ petitions related to his assumption of dual role were quashed

35. Order from Supreme Court to file the case against Sapkota, <http://www.inseconline.org/index.php?type=news&lang=np&cid=38875>

Most Victims Fail to Receive Compensation

Makwanpur, December 10, 2012 The victims of human trafficking and rape survivors have rarely received compensation from the convicts which the court orders leaving most of the verdicts to the papers only.

The District Court of Makwanpur sentenced Shukraraj Negi of Bhaise VDC to 18 years in jail and ordered a girl whom he raped to pay Rs 200,000 as compensation in February 2013. The girl has not yet received the amount.

The court sentenced Man Bahadur Thokar of Tistung VDC to 20 years in prison and the woman whom he sold in a brothel in Mumbai, India, was awarded Rs 300,000 as compensation. The woman, who managed to return home is having serious financial problems. She even borrowed some money to open a shop in the hope of that compensation but she is still waiting for months.

The court has been awarding financial compensation to the victims from the perpetrators for the last three years but most of the victims have not received the money.

According to one of the officials of District Court Makwanpur, the decision of compensation is difficult to execute until the statute limitation in the Appellate court expired or until it is upheld there. He said that since most of the convicts are in prison, it is difficult for the victims to receive the compensation.

Pratap Bista

without even a hearing leaving the people questioning about the pledges Regmi and Acting Chief Justice Sharma made about independent judiciary. Even though some good decisions were issued which will have long-term influence in the human rights sector, its image was tarnished by Regmi's step. The decision to break the hunger strike of Adhikari couple forcibly infringed the personal liberty of a civilian, though, luckily that situation was not averted by the government with the arrest of some accused. Hopefully, this precedent would not be adopted in similar cases in the future. It has been felt for sometimes that the novel idea of PIL's lusture has been lost due to

the publicity stunts by individuals and lawyers, the Court should not view all the PILs through the same lens and the decision to reject the appeal should not be influenced. This year, hurried implementation of the precedent taking only the favorable bits did not go down well with the human rights community, legal fraternity and public. The verdict quashing the much criticized Ordinance on Investigation of Disappeared People and Truth and Reconciliation Commission and establishing the standing of the NHRC were crucial decisions for the human rights community in Nepal. The Court, which the people still perceive as the last resort of hope for justice and to protect the national sovereignty, should maintain its autonomy and independence.

Many verdicts of the court are progressive, liberal, exemplary for neighboring states too; however, sad part is that the verdicts are very often limited to the papers. Some plans recommended by the panels led by justices, including family court and evening court might serve the public well therefore these ideas should be implemented as soon as possible.

Corruption in the judiciary has been a serious allegation that needs to be dealt with. While some of the laws of the land have not been bad in letters, their execution remains a problem. Political influence in the judiciary like in many state mechanisms have been decried. Structural corruption like weakening of the case filed by District Government Attorney in connivance with the police have also been raised. INSEC documentation has also revealed that in many districts, majority of the cases filed by government attorneys have been defeated, while in one district, all of them have been defeated. The people planning of better performance of the judiciary need to review such facts and figures and be made public.

Chapter 3



3.2 State and Human Rights

Executive and Human Rights

Chronology

January 1- December 31, 2013

March 13

Four political parties recommend for the formation of a Council of Ministers chaired by Chief Justice of the Supreme Court Khil Raj Regmi

March 14

Chief Justice Khil Raj Regmi sworn in as PM by President Ram Baran Yadav

Government issues Ordinance on Commission on Inquiry of Disappearances and Truth and Reconciliation

March 24

President Ram Baran Yadav appoints Nil Kantha Upreti as the Chief Election Commissioner, Dolakh Bahadur Gurung, Ayodhi Prasad Yadav, Rambhakta PB Thakur and Ila Sharma as Commissioners

May 5

Amid protest from some political parties and various spheres of national life, Constitutional Council recommends President Yadav to appoint Lok Man Singh Karki, former Chief Secretary of the government of Nepal as the Chief of CIAA

May 8

Former Secretary of the Government of Nepal appointed as the Chief of CIAA

May 13

Council of Ministers urges the 33-parties Front led by CPN-M to sit for a dialogue

May 30

Dr. Bhogendra Sharma nominated as a member of UN Committee against Torture on behalf of Nepal

June 13

Council of Ministers slates November 19 as the date for CA election. Commission on delineation of election constituencies Formed

August 8

Election Constituency Delimiting Commission submits its report to the Council of Ministers but gives continuity to 140 constituencies of the CA election 2008

September 26

Chair of the Council of Ministers leaves for America to participate in 68th UNGA

1. Background

Two governments ruled over the country in 2013. In the beginning months of the year, Baburam Bhattarai government, which was announced as a caretaker one by the President in 2012, ruled the country but failed to hold election for CA on the date he had slated. However, his government was replaced by Chief Justice Khil Raj Regmi's government. His government succeeded in holding election for the CA peacefully. Bhattarai government integrated former Maoist combatants into Nepal Army – an important task from the point of view of ongoing peace process of the country.

From the human rights vantage point, both the governments were not free from controversies. Bhattarai-led government was striving to hold CA election in the country despite the fact that it was in a caretaker position. During his tenure, he announced dates for the election two times. However, his attempt got abortive when other political parties did not converge on his proposal disputing over his government's constitutionality.

Later on, UCPN-M, in its convention held at Hetauda, passed an internal proposal to form a government led by Chief Justice of the Supreme Court. The proposal triggered a new debate over formation of the government. Ultimately three big parties and Madhesi front reached an 11-point agreement on March 14 on forming a new government chaired by the incumbent Chief Justice of the Supreme Court. Hence, now, a new non-political government came into being in the country. Chief Justice Khil Raj Regmi became the Chairperson of the government, which was criticized heavily saying that a single person was assuming the top position of two organs of the state. Even legal remedies were sought against this move.

Following the integration of former Maoist combatants into Nepal Army, one of the important facets of peace process was

completed. However, transitional justice related commissions could not be formed. An ordinance on the formation of such commissions was issued but did not get implemented due to an order from the Supreme Court that the ordinance was inconsistent with the international standards.

No steps were taken against the consolidating situation of impunity. Contrary to the popular expectations, human rights perpetrators enjoyed impunity due to inaction of the State. The main mandate of Regmi administration was to hold an election for CA, therefore, its total concentration was on the election. Ensuring justice of and reliefs to conflict victims did not seem to be its priority. This write-up discusses these and similar issues in depth from the rights perspectives.

2. Replacement of Caretaker Government

Constitutionally, the term of the CA elected in 2008 was of two years. However, its tenure was extended by two years. Despite this, the CA failed to write a new constitution. Unfortunately, the CA was dramatically dissolved by Dr. Baburam Bhattarai led government on May 27, 2012. With its dissolution, a number of constitutional and political complications arose in the country. Since the PM himself was no longer a member of CA and Legislature-Parliament, President announced¹ that the PM was automatically out of office and his government turned out to be a caretaker one as per Article 38 (7) of the Interim Constitution of Nepal 2007.

Seeking for an alternative to a caretaker government, the President kept reiterating that political parties should form consensus-based government and even extended deadlines for nine times. However, political parties failed to form such a government within the deadlines therefore President on January 15, summoned the parties again but without deadline now.

1. Nepal Human Rights Yearbook 2013. Informal Sector Service Center (INSEC). 2013, P. 102

Since the Constitution did not provide for the second CA, formation of consensus-based government was only one option to end political standstill. PM Bhattarai had been repeating that he would hold election in November 23, 2012, but in vain. Again he wanted to hold such an election in April 2013 but no preparation was made towards this end. Saying that Commissioners' posts in the Election Commission would go vacant following January 10, the Commission stated that it was not possible to hold election for CA in April if required acts and regulations were not amended within December².

Although political parties converged that another CA was the best alternative to the CA, there was a heated dispute among political parties as to which party would lead the government. Finally, they reached an agreement to form an election government chaired by the incumbent Chief Justice of the Supreme Court. Accordingly, Khil Raj Regmi, Chief Justice of the Supreme Court became the Chairperson of the Council of Ministers.

2.1 Dispute over the Separation of Power

Arguing that appointment of a single person as the head of two organs of the State was against the principle of separation of power, some organizations and political parties launched their moves in protest of the formation of Chief Justice's government. CPN-M even demanded the Regmi-led government be dissolved and a political government be formed. The party even declared agitation against the government and boycotted the election for the CA.

Nepal Bar Association, immediately after the formation of Chief Justice-led government, held a meeting and declared the day on which such a government was formed as Black Day and demanded for resignation of Regmi from the position of Chief Justice. With the increase of anti-government voices; Regmi declared that, he, by acknowledg-

ing the spirit of the principles of separation of power, was detached from his role in the Judiciary³.

A total of 24 writs were filed at the Supreme Court related to presidential order on removing difficulties which led to the formation of Chief Justice led government other ordinances issued following the formation of such a government and also on the process adopted while forming interim government. Among them, the Supreme Court decided to have seven of the writs in same hearing and the remaining 17 were rejected. (*See chapter Judiciary in this book*).

However, anti-government voices faded away gradually. It was primarily because only the election for a new CA could be an outlet in relation to resolving country's overall problem. Similarly, Regmi government's preparation towards fair and credible election ensuring participation of all political stakeholders began calming the protests against his government.

Once they converged on the formation a non-political government, political parties also reached an agreement to form a High Level Political Committee (HLPC). UCPN-M chairperson became the first chair of the Committee and he held its first meeting. The Committee, as per the agreement, was chaired by NC, UML and Madhesi Front on the rotational basis. However, the Committee that did not have any constitutional validity, interfered with the state administration.

3. Election for CA

Regmi-led government accomplished its mandate by holding election for CA fairly and in a peaceful environment. Since election is the foundation of democracy, CA election was perceived as a significant achievement. The election was held amid cynicisms that it would be an uphill task for the government given some political groups had been launching their anti-election activities across the

2. *ibid*

3. <http://epaper.ekantipur.com/showtext.aspx?boxid=15222765&parentid=28935&issuedate=1732013>

country.

People express their votes through election under democratic system. Therefore, elections should be fair, peaceful and valid. Article 21 of the Universal Declaration of Human Rights 1948 does have provision for fair, independent and secret voting process. Similarly, Article 25 of the International Covenant on Civil and Political Rights 1966 also provides for people's rights to be ruled by elected representatives, universal and equal voting rights and participation in periodic elections⁴. Since the CA election would end a situation without elected representatives, besides providing an institution for the formation of government, election was indispensable.

3.1 Preparation for the CA Election

As recommended by the Council of Ministers, President Dr. Ram Baran Yadav appointed Nil Kantha Upreti as the Chief Election Commissioner along with other Commissioners. Dolakh Bahadur Gurung, Ayodhi Prasad Yadav, Ram Bhakta PB Thakur and Eela Sharma were appointed as the Commissioners. However, there emerged disputes over the appointment as well. The President himself raised constitutional concern over the appointment of Commissioners Gurung and Yadav. Constitutional Council replied the Office of the President that their recommendation was constitutional⁵.

The appointments worked as a prerequisite for election. Election Commission came up with an arrangement that Citizenship Identity Card was to be produced necessarily in updating electoral rolls. However, grievances were expressed from the concerned that such a provision excluded some voters. This compelled the Commission to amend citizenship obtaining regulation. Now, the Commission arranged electoral rolls with voters' photos. Subsequently, mobile teams were

mobilized across localities both to provide people with Citizenship Identity Cards and to update electoral rolls.

Similarly, an Election Constituency Delimitation Commission was formed under the chairmanship of former Justice Tahir Ali Ansari. Netra Prasad Dhital, Dambar Chemjong, Madhunidhi Tiwari were the member of the Commission whereas Rajuman Singh Malla, secretary from the Office of the Prime Minister and Council of Ministers was appointed as member-secretary. The Commission was mandated to accomplish tasks within one month; however, the Commission's tenure was extended two times. The Commission after one and half months following its formation submitted a report in which it 240 constituencies some as that in CA election 2008.

While the government was preparing for the CA election, a political front led by UCPN-M attempted not only to boycott election but also to foil it. Government held two rounds of dialogues with the Front led by CPN-M. However, it denied partaking in the election saying that its demands were not fulfilled. The Front, rather, demanded for the dissolution of the government chaired by Regmi, for a Round Table Conference and postponement of the slated election date.

Government and the HLPC called on the Front frequently to participate in the CA election. Once an agreement was reached between government and Sanghiya Prajatantra Party and Sanghiya Samajbadi Party, Election Commission was requested by the government and the HLPC to postpone candidacy nomination date and also the date slated for the political parties to submit their list of candidates under the Proportional System. Such request was made with the view to ensure that election boycotting groups and parties too could be engaged in the CA election.

When the groups did not agree to

4. Nepal Manabadhikar Barshapustak 2013, INSEC, Kathmandu, 2012. P 102

5. <http://epaper.ekantipur.com/showtext.aspx?boxid=12113734&parentid=29097&issuedate=2432013>

participate in the election, government urged them to respect people's rights to movement from one place to another, to pursue profession and occupation, to peacefully participate in election processes and also to the right to cast vote while conducting their election boycotting activities.

A 5-point agreement was reached between Kirant Janabadi Workers Party and government on July 1 in Dhulikhel. Minister for Peace and Reconstruction Ram Kumar Shrestha and a team of the party led by Mahes Rai, joint-coordinator of the party, reached such an agreement. According to the agreement, government was to fulfill the party's genuine demands and the party, in return, would renounce and hand over the weapons it possessed. Also, it was agreed that the party would immediately submit a name list of its cadres who were charged with various offences and the concerned authorities, as per legal proceedings and provisions, would withdraw the offences charged against its cadres⁶.

Similarly, other agreements were reached between HLPC and Sanghiya Loktantrik Morcha on August 15 and also between HLPC and Sanghiya samajbadi Party on October 7. With the signing of the agreements, the parties were ready to participate in CA election. Ministry for Peace and Reconstruction held a number of dialogues with Janatantrik Tarai Mukti Morcha (Prithvi group). Finally there reached a 5-point agreement between them.

3.2 Violence during Election

Mahammad Alam, a UML candidate under the FPTP system from Constituency no. 4 in Bara district was shot injured by his own party cadre a day after he filed for candidacy. He died on October 10 while undergoing treatment. In the violence targeted to election campaigns and voters, two people were killed. Similarly, women and children were injured in several incidents of bomb explosions targeted

to passenger buses in Kathmandu, Chitwan, Makawapur and Bara districts.

4. Human Rights Action Plan Remains Unimplemented

The government of Nepal had been implementing three-year Human Rights Action Plan. However, since this reporting year the Plan was made five-yearly. It was believed that with the implementation of the Action Plan, rule of law and fundamental rights would be ensured and it would be easy in promoting human rights culture in the country. Similarly, government, by amending the national action plan against gender violence; introduced a national action plan and strategy on ending gender violence and gender empowerment.

Government also informed it circulated order to its related bodies to implement the recommendations made by the NHRC on the incidents of human rights violations. Similarly, it also informed of decisions it made as to effective monitoring of the implementation status of the recommendations and to the compensation and reliefs to the victims or victims' families. It was also informed that such compensations and reliefs were provided through the Ministry of Peace and Reconstruction and the Ministry of Home Affairs.

Human rights being a matter interrelated with a number of issues, sectors and institutions; Human Rights Action Plan of the government selected a total of 12 areas for the coordination and participation. Education; health and population; law; management reform and judicial administration; indigenous nationalities; dalits; labour and employment; peace promotion; protection and promotion of cultural rights; environment and sustainable development; protection and promotion of human rights within Nepal Army; disabilities; senior citizens; women's rights and social justice; child rights and development; sexual and gender minorities; peace and security; law

6. Based on the agreement signed between Kirat Janabadi Workers Party and the Government of Nepal <http://setopati.com/raajneeti/2079/> accessed December 24

implementation and human rights protection and promotion were the selected sectors. It has also been arranged that progress report of the action plan would be regularly sent to the Office of the Prime Minister and Council of Ministers and the Office would monitor and have them monitored.

5. National Human Rights Mechanisms

5.1 NHRC sans Commissioners

The NHRC became commissioners-less when the six-year tenure of the Chief Commissioner and other Commissioners expired on September 15. Although the second election for the CA was held in the country, it did not end the transitional phase. Therefore, it is highly likely that the incidents of human rights violations might take place by taking advantage of transition. Constitutional body having responsibility and duty to protect, promote and respect human rights remained without commissioners. This situation hampered the investigation of the incidents of human rights as well as in the recommendations for actions.

5.2 National Women Commission

The National Women Commission, which was established with an aim to maintain gender justice by mainstreaming women in the developmental sector and by protecting and promoting their rights, actively engaged in achieving its mission. The Commission formulates national policies and programs that concern the protection and promotion of women's rights and entitlements. Similarly, it recommends for the implementation of the formulated policies and programs, besides monitoring various conventions, treaties and agreements related with women to which Nepal is a State party.

A total of 392 incidents related with women were registered in the Commission this reporting year. Among the incidents, 252 were related to domestic violence and a total

of 139 incidents were other forms of violence against them. The Commission informed that among the registered incidents, some incidents were reconciled, in some incidents psycho-social counseling were provided whereas a number of cases were referred to the concerned institutions/bodies for the necessary assistance.

5.3 National Dalit Commission

The National Dalit Commission has been working in Nepal with the identification of social, economic, educational and cultural areas of its works. Caste-based Discrimination and Untouchability (Offence and Punishment) Act 2011 is in place in the country. Also, the incidents that take place over caste related issues have been criminalized. However, caste-based discriminations are prevalent in the country. Although, complaints related with Dalits can be legally registered at the Commission, very few complaints are reported to have been filed at the commission. The Commission has been referring the filed complaints to the concerned authorities with necessary follow-ups.

6. Issues of Public Concerns

6.1 Price Hike Trends

Uncontrolled price hike remained a problem during Regmi administration too. Last reporting year, the percentage of price hike was 11.9, however, such a percentage reached to 13.1 this reporting year. Although Nepal Rastra Bank had been viewing that it would work so as not to allow the increment reach double digits, people ultimately had to face double digits hike. According to a monthly report published by the Bank, price of foodstuffs and beverage increased in Mid-July by 13.4 per cent and such a hike for non-food items and service group was 12.7 per cent⁷.

The tradition to increase prices of commodities following election continued. Since

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

government did not come up with a reliable mechanism on controlling price hike, people faced extra burden in running their families. Government took some steps towards monitoring black marketing and food adulteration but it was not effective as expected.

6.2 Right to Food

The Interim Constitution of Nepal provides for the right to food. Article 18(3) has accepted it as one of the fundamental rights. However, food crises were reported as serious problems in the western parts of Nepal this reporting year. Due to intermittent supply of foodstuffs, people were compelled to face hunger, which left negative impact on children's health conditions. 50 per cent of children from the Far-western region are underweight. A governmental data shows that, out of 75 districts of Nepal, 27 of them are not self-sufficient when it comes to production of foodstuffs. Among those 27 districts, 17 are from the Mid-Western and Far-Western regions⁸.

7. Social Security

Government of Nepal has tried to address the concern related with social security into its budget. A total of 1.01 billion was allocated for senior citizens, single women, the persons with disability and endangered communities. Similarly, Dalit children, and the children from Karnali zone, Bajhang and Bajura are included under social security program. Similarly, scholarship programs are allocated targeting the children from janajatis, marginalized community, freed bonded labor, badi and haruwa charuwa. Under education sector, government allocated a total of 1.085 billion as scholarship for the target groups from Karnali zone and to the persons with disabilities.

7.1 Health Service

Due to ineffective monitoring system adopted by the government, medicines and health services could not reach rural areas in time. People from Jajarkot district were deprived from receiving medicine. Date expired medicines were supplied to the health posts there. A total of 29 boxes of medicines worth RS 1.8 million dispatched to Jajarkot District Hospital from Nepalganj remained stranded in Surkhet district. However, by the time those packets reached Jajarkot district, most of the medicines' dates were expired while in the remaining medicines' case, date was due to expire within two months⁹.

Government decided to provide up to Rs 200,000 for the kidney transplantation and poor people were targeted under such facility. Similarly, a total of 478 Sub-health Posts were upgraded to Health Posts. However, governmental commitment to provide with 40 types of medicines free of cost was not included this reporting year too. Although policy has it that government has to dispense (free of cost) a total of 40 types of medicines from District Hospitals, 32 types from Health Posts and 25 types from Sub-health posts, beneficiaries expressed their grievances that they did not receive such services from most of the health institutions¹⁰. Government also decided to provide free of cost treatment of heart problems targeting the people above 75 and below 15 years of age.

Problems such as not deploying health workers as per the allocated quotas and reluctance of health workers to be deployed in remote areas continued as problem this year too. According to monitoring report of INSEC, a total of 4,616 posts of health workers from across the country were vacant towards the end of 2013. (*See district wise details on situation of health services in this book*)

8. Prachi, INSEC. 2070, P 23

9. <http://www.inseconline.org/index.php?type=news&lang=np&cid=42141>

10. <http://www.inseconline.org/index.php?type=news&cid=38159&lang=np>.

7.2 On Endangered Groups of People

The Government of Nepal formed a task force on February 15 with the view to ensure a special arrangement on health service, education, drinking water, and sustenance, accommodations of the endangered groups of the country such as the Chepangs, Kusundas, Rautes and Bankariyas. The task force was led by the secretary from the Ministry of Forest and Land Conservation. Joint secretaries from Ministries such as Finance, Home Affairs, Urban Development, Federal Affairs and Local Development, Land Reform, Women, Children and Social Welfare and also the secretary from the National Planning Commission were the members of the Task Force. It submitted its report within three months, however; the report was not implemented by the end of this reporting year.

7.3 Kamalari

Government decided on June 27 that programs would be launched as a campaign to end Kamalari system. Similarly, it was also decided that any amount provided by landlords to the Kamalari labors or to their families in exchange of labors was not required to return by the families. Such a decision was circulated to the District Administration Offices and a committee for the rescue of Kamalaris was established under the coordination of Assistant Chief District Officers in each district. The committee was supposed to maintain data of the persons working as Kamalari in the district and carry out necessary arrangements towards declaring Kamalari free districts.

Death of a Kamalari labour in Lalitpur district took a form of movement. Kamalari people and concerned organizations picketed Singhadurbar on May 27 in protest of a suspicious death of the Kamalari. They demanded for an independent investigation over the incident. They also demanded freed Kamalaris be issued identity cards and manage their problems properly. The picketing program

escalated when police interfered with their program. They ended their movement after reaching a 10-point agreement with government on June 7.

7.4 Senior Citizens

Under social security program, government has been providing monthly allowance to senior citizens. However, senior citizens launched their peaceful movement since the beginning of 2013 demanding that their rights, at least as per the decision from the Supreme Court, be addressed. They even formed a joint struggle committee of senior citizens. However, government did not pay attention towards their demands even within one year following their movement. They were with the demands that they be provided with 50 per cent concessions in using public vehicles, citizens above 60 be provided with 3000 monthly allowance and they be provided with health services free of cost. Government also implemented Senior Citizen Act 2007. The Act provides for almost all the demands they have been raising for long. Policy has it that senior citizens have to be provided with free health service in 12 hospitals of the country on certain diseases.

7.5 Disaster Management

For the management of flood induced loss in Darchula district, government declared a relief package of Rs 500 million. The amount was spent for building embankment, construction of road, drinking water supply and on long term master plan on preventing flood induced disasters. However, the flood victims of the district were not provided proper relief supports by the end of this reporting year.

7.6 Problem of Landless Squatters

Long standing problem of landless squatters was not addressed by the governments formed in this reporting year. Numbers of landless people were removed from

Thapathali, Kathmandu by Bhattarai administration and they were supposed to be provided with settlement at Sundharighat in Lalitpur. However, they could not be settled there due to disagreement of local people. Similarly, problems of landless squatters living in different parts of the country were not addressed.

7.7 Rights of the Persons with Disabilities

Government became a signatory to a Convention on the Rights of Persons with Disabilities. This increased optimism among the persons with disabilities that government was getting more caring towards them. However, persons with disabilities came up with grievances that existing infrastructures of the country was not friendly form them and that their representation in the newly elected CA was not ensured. Government amended the mechanism developed in 2011 on the rights and development of the persons with disabilities and made the mechanism further effective in order to implement it from the central to grassroots level. With the amendment, at least in terms of language, the works to be carried out for the persons with disabilities has been mandatory. Steps such as initiation to construct disability-friendly infrastructures and office buildings, the issuance of identity cards to such persons, and 50 per cent off for the disabled persons in the use of public vehicles are some of the achievements of the amended mechanism.

8. Women's Rights

The incidents of violence against women increased this reporting year. According to INSEC record, a total of 910 women and girls became victim of such violence in 2012 but in 2013, a total of 2348 women were victimized. Although hundreds of complaints were filed in the women and children centers at District Police Office from 75 districts, due to the provision of Domestic Violence (control and Punishment) Act 2008, most of the complaints were settled through conciliation. The Act also provides for conciliation.

In order to promote gender equality, government, in the F/Y 2013/14 increased its budget allocated under direct gender responsibility. Such a budget was increased to 21.75 per cent. Gender Violence Alleviation Fund and Women Rehabilitation Fund were provided with Rs 100,000. Similarly, a total of 300 million was provided for Single Women Security fund. Additional eight Child Benches were arranged in courts. With the increase, the number of districts having Child Benches reached 48. Similarly, a total of Rs 200 million was allocated to the central level emergency child fund. These initiatives were exemplary ones.

Government operated shelter houses in 15 districts from all five development regions targeting women victims. Since such women cannot stay in these shelters for more than three months; it is difficult for them as to what to do afterwards. Youths, in the beginning of the year, organized sit-ins in front of the Prime Minister's official residence demanding action against perpetrators of violence against women. However, government just turned deaf ear towards their problems. It took more than hundred days for the government to pay its attention towards their voice.

As the sits-in continued in front of the residence of the PM under the slogan - Occupy Baluwatar, government formed a committee led by Rajuman Singh, Secretary of the government of Nepal. Mohana Ansari, member of Woman Commission, advocate Sapana Malla, human rights activist Dr. Renu Rajbhandari were the members of the Committee. The committee was mandated to submit a report within 15 days by studying the incidents related with Sita Rai from Bhojpur district who was victimized by the personnel from Immigration Department, Shiwa Hasmi from Bardiya, who was killed by her own family members; Chhori Maya Maharjan and Saraswati Subedi, who was found dead in a house at Anamnagar. The committee submitted its report within deadline. The report had requested the government of Nepal to bring

those involved the incident to justice¹¹.

Bhattarai government stepped down without addressing the demands of the campaigners of Occupy Baluwatar. However, Regmi government agreed to sit in a dialogue with the campaigners after hundred days since the campaign started. He, earlier, had been informing that the campaigners' demands were being addressed gradually and that their campaign was contributing to ensure justice to victims.

9. Impunity Continues

Contrary to the international commitment of the government of Nepal made regarding protection, promotion and respect of human rights and to the obligations arising out of these commitments, impunity continued in the country unabated, which was criticized nationally and internationally. During a decade long armed conflict, a number of people, including ordinary citizenry, were killed extra-judicially, abducted, inflicted torture and subjected to sexual violence or maimed. Keeping these incidents into consideration, the CPA had stipulated a provision that both sides of the conflict would agree to set up a High-level Truth and Reconciliation Commission as per the mutual consensus in order to probe about those involved in serious violation of human rights and crime against humanity in course of the armed conflict and develop an atmosphere for reconciliation in the society.

Following the signing of the Agreement, a total of five governments were formed in the country. However, neither the types of commissions stipulated in the CPA were formed nor perpetrators were brought to justice. Rather, government strived to withdraw the cases of those convicted by courts, to promote those persons politically and administratively or to harbor them otherwise. A UCPN-M leader from Okhaldhunga, who was sentenced to life imprisonment along

with confiscation of his entire property, was seen participating along with the PM Bhattarai in a program organized in Okhaldhunga district. He, as per the police record, had been absconding.

Bhattarai government directed the Office of the District Attorney and District Police Office to immediately postpone prosecution of the convict involved in killing Dekendra Thapa, a Dailekh-based journalist. Directing the district attorney of the district to postpone investigation over the incident on January 10, Attorney General Mukti Pradhan circulated letters. He had also sent the circular to the office of the District Attorney in Sukhet district and also to the Police Headquarters.

The move of the Attorney General, which had disrespected the spirit of the criminal justice system, was criticized by governmental lawyers themselves. Police had resumed prosecution on the case as per the Government Cases Act 1992. However, the letter circulated by the Attorney General on January 11 claimed that it was not possible to prosecute the case under the Act. Claiming that the incidents committed during conflict era would fall under the scope of Truth and Reconciliation Commission, he had directed not to prosecute and investigate the case.

Similarly, PM Bhattarai made his view public on the case. His view came under intense fire. Given the alleged had confessed their crimes in the case; PM's view constrained the justice system of the country. During PM Bhattarai's rule, more than 300 grave criminal incidents of killing, abduction and rape were withdrawn within 16 months. Those cases were withdrawn as per the recommendations and consent of the Attorney General.

UCPN-M leaders were of the view that the incidents that occurred during armed conflict had to be looked into by the Truth and Reconciliation Commission. Such a view

11. <http://www.inseconline.org/index.php?type=news&lang=en&id=11241> accessed December 28

was made public by senior leaders of the party Pushpakamal Dahal, Dr. Baburam Bhattarai and Narayan Kaji Shrestha in a meeting with the Chair of the Council of Ministers Khil Raj Regmi in a context when investigation on and prosecution of the alleged killers of Krishna Prasad Adhikari from Phujel in Gorkha district was initiated¹².

Neither the Commission on Truth and Reconciliation nor any other commissions can replace criminal justice related mechanisms. Such commissions merely recommend for the action; however, it is the judicial bodies that take action against convicts. TRC digs up truth and but cannot reconcile victims and perpetrators in the case of the incidents of grave human rights violations. Reconciliation or pardon might be possible if only victims' side desires so; such decisions cannot be reached as desired by one particular party or person. However, the Ordinance recommended by Bhattarai government had a provision that TRC could recommend for amnesty if the Commission so desired. However, a writ was filed in the Supreme Court against the provision of the Ordinance.

The Government of Nepal on March 14 presented an ordinance to the President. However, two commissions i.e. commission of the TRC and on enforced disappearances were merged. Moreover, the provisions of the commission that would be formed as per the ordinance was likely to pardon even those involved in grave human rights violations. Supreme Court issued a stay order; therefore, proposed commission could not be formed under the Ordinance. Also, the phrases used in the proposed commission would sound as though the commission was required to be formed to investigate the incidents of voluntarily disappeared persons rather than the ones who were subjected to enforced disappearances.

The Ordinance was a mockery of

the CPA, the Interim Constitution of Nepal 2007 and also of the directives of the Supreme Court issued on different occasions. Similarly, the Ordinance was with a number of loopholes. For instance, Article 2 and 3 of the ordinance had defined grave violation of human rights differently, Article 21 provided that cases could be pended even without sufficient bases to do so, Article 22 provided that the commission could reach reconciliation on the basis of apology from the perpetrators. Similarly, Article 27, 27, and 28, among others, were more oriented towards granting pardon and amnesty to perpetrators rather than ensuring justice to victims. However, the decision from the Court ordered the government to form such commissions in line with international standards.

Nanda Prasad Adhikari, 56, and Gan-ga Maya Adhikari 55, from Phujel in Gorkha district, who had been in a fast-unto death for long demanding that their son- Krishna Prasad Adhikari's killers be punished, were not provided with justice. On the 47th day since Adhikari couple staged fast-unto-death, the government arrested Ram Prasad Adhikari, one of the suspects of the incident, and initiated an investigation. They quit their fast-unto-death after signing a three-point agreement with the secretary of the government of Nepal. However, Ram Prasad was released by police 25 days after his release as per the order of the Government Attorney.

The Adhikari couple again went for the fast-unto-death since October 24 saying that they were not provided with justice as agreed. They did so at Bir Hospital in Kathmandu while undergoing treatment.

On December 6, police arrested Parashu Ram Paudel aka Ajib, one of the alleged. However, he was also released after 25 days of his arrest. Earlier, the government of Nepal had prepared a commitment paper on September 7 with the view to terminate Ad-

12. UCPN-Maoist pressurizes govt to withdraw 'Adhikari Case' <http://nepaliheadlines.com/ucpn-maoist-pressurizes-gvt-to-withdraw-adhikari-case/>

hikari couple's fast-unto-death. Government decided to provide with Rs one million to the family of Krishna Prasad Adhikari. However, Adhikari couple denied receiving the amount saying that their all problems and demands be resolved together.

Government did not attempt to bring the perpetrators of Human Rights abuses and violations committed during armed conflict to justice. Under unexplained pretexts, government continued to postpone its responsibility to forming TRC and other related commissions. Due to which, victims were compelled to go for various ways for justice.

Appointment of Lokman Singh Karki, former Chief Secretary of the government of Nepal, to the post of Chief of CIAA is an unusual phenomenon when it comes to the debate over impunity in the country. He was appointed as the Chief on June 8. Similarly, Kayo Devi Regmi was appointed as one of the Commissioners. Their appointment was disputed ever since the HLPC recommended on March 17 for their appointment. Karki was the person to play role in quelling people's movement in 2006 and he was even disqualified by the CIAA itself in the past for any governmental jobs in future. Surprisingly, Karki was made Chief of the same commission, which, in the past, disqualified him. His appointment was against the spirit of the rule of law and ill-intention of political parties was exposed through this.

10. Relief for Conflict Victims

Dr Baburam Bhattarai directed the concerned Ministry to invest 50 per cent of additional relief budget supposed to be provided to the families of those who were killed during armed conflict as share in the Upper Tamakoshi Hydroelectric Project. Government had been providing with Rs 100,000 to 300,000 to such families. However, it was planned to increase such amount to Rs 500,000 and to which additional 500,000 would be added as the shares ultimately

reaching one million. However, such plan could not succeed.

On March 2013, government prepared a guideline in order to provide with Identity Cards to conflict victims. The cards were planned to be distributed since Mid-July but got postponed due to an order from the Supreme Court. On August 12, an interim order of the court stayed the distribution process directing not to go ahead with the plan until final decision of the court. Earlier, on July 24, conflict victims had filed a writ saying that phrases used in the guideline were different than the phrases used in article 33 of the Interim Constitution of Nepal 2007.

11. Internalization of the Cases of Crimes against Humanity

Arguing that Himel Sharma was kept in custody illegally, subjected to enforced disappearances and inflicted torture during armed conflict, TRIAL, a Swiss organization, filed a complaint at the Human Rights Committee of the UN. Similarly, the organization also filed another complaint about Sarita Sharma, who was arrested by security forces and kept into custody during armed conflict before subjecting to enforced disappearances from Maharajganj Barrack of the Nepalese Army. Himel Sharma's representative Philip Grant stated that no reliable and effective investigations were carried out on the incidents of Sharma's arbitrary custody, enforced disappearances and infliction of torture rather, he further added, steps were being taken towards not bringing perpetrators to justice and to further consolidate an ambience of impunity in the country¹³.

Colonel Kumar Lama who was deployed in a UN mission in Sudan on behalf of the Nepalese Army was arrested by British Police while he was in a familial visit in the UK. He was arrested on charge of committing crime against humanity. When the State failed to take action against those committing crimes against humanity, a writ application

13. <http://www.inseconline.org/index.php?type=news&cid=40117&clang=np>

was field at a British Court by second party. Lama was alleged to have inflicted torture on ordinary citizens while working as the chief of Gorusinge Battalion in Kapilvastu district.

Confirming that he inflicted torture, Kapilvastu District Court had ordered to compensate the victim and take departmental action against Colonel Lama. However, government neither provided compensation to the victim nor took any departmental action. British government had initiated prosecution as per article 134 of Criminal Justice Act 1998 of Britain. The article provides that anyone involved in crimes against humanity in any country, not necessary to be a Briton, would be punished by taking such a person as equivalent to a Briton¹⁴.

Following his arrest, the government of Nepal raised voice against the arrest arguing that sovereignty of Nepal was encroached. Foreign Minister of Nepal Narayan Kaji Shrestha submitted a protest letter to British Ambassador John Duncon¹⁵.

The Geneva Convention has internationalized genocide, terrorism, crimes against humanity, war crimes and the crimes related with disappearances and torture. Nepal is a state party to the Convention since 1949. Nepal doesn't have any domestic laws to punish individuals involved in internationalized laws however, if an individual whose crime is internalized, goes to the country having domestic laws on internationalized crimes can be arrested at any time.

Article 2(1,2) of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states that each State Party should take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. Similarly, it also states no exceptional circumstances whatsoever, whether a state of war or a threat or war, in-

ternal political instability or any other public emergency, may be invoked as a justification of torture. Similarly, Article 5(2) of the same Convention says each State Party should take measures as may be necessary to establish its jurisdiction over the offences of torture. Likewise, Article 7 of the same Convention provides for extradition to concerned country or to submit the case to its competent authorities for the purpose of prosecution.

12. Nepal's Representation in UNGA

Decision of the Chairperson of the Council of Ministers to take part in the 68th UNGA was not free from criticism. He decide to lead a 15-member team by himself between September 20 and 30. Raising security issue of the country on the eve of election for CA, he was criticized for including Minister for Home affairs in his team. Following the criticism Minister of Home Affairs Madhav Prasad Ghimire decided not to participate in the Assembly. Finally, Chairperson Regmi left for America leading a 10-member delegate on September 26.

13. Peace and Security

Regmi administration succeeded to maintain peace and order of the country to some extent. It was felt that peace and security was one of the priorities of the government. During his tenure, the activities of armed groups from eastern hills and Tarai were ineffective. Government was able to bring leaders of armed groups involved in extortion, abduction and killings to justice. Shyam Yadav, aka Prithvi Singh, politburo member of Akhil Tarai Mukti Morcha led by Jai Krishna Goit was arrested by police on September 21. Police claimed that he was a mastermind in the murder of Mathwar Mukhiya, a UML cadre from Janakpur. He was claimed to have involved in a number of criminal activities in

14. Phuyal, Hari in an Interview, Prachi. INSEC. Issue 80 2069 p .44

15. <http://www.ekantipur.com/2013/01/04/top-story/nepal-govt-objects-to-col-lamas-arrest-in-uk/365148.html> accessed January 10, 2014

Tarai region¹⁶.

Ranjit Kumar Jha, aka Rajan Mukti, Chairperson of Janatantrik Tarai Mukti Morcha was arrested by police on November 17. Similarly, Bhagat Singh Sardar, Chairperson of Tarai Mukti Party was arrested on November 29. He was engaged in a number of criminal activities committed in the Mid-Western region. He was arrested for resuming violent activities despite the fact that he had held a dialogue with the government one and half year ago. Activeness of police administration left a positive impact on peace and order in the country.

However, the State could not protect the right to life of those kept in custody. A detainee was killed in prison in a clash. Similarly, an individual died in a beating case while in police custody. These incidents portray that police custodies are still look like a torture center.

Similarly, police from Chapakot Police post in Syangja district opened fire at a group of locals who were staging demonstration demanding for investigation over a death of a woman killed under domestic violence. The firing killed two and injured 31 ordinary citizens.

14. Conclusions

Regmi-led Council of Ministers accomplished its mandate to some extent. He was able to hold election successfully and peacefully. However, it failed to ensure participation of all political parties in the election for CA. Since state's role in providing people with basic human rights such as education, health, accommodation, foodstuffs and employment was shrunk, Regmi government could not contribute to these areas as expected.

Current CA has to end transition of the country by promulgating a new constitution. However, addressing people's basic needs such as education, health, employment is equally important. The issue of ensuring

justice to conflict victims cannot be swept aside. For lasting peace, victims should be able to feel that they have been justly dealt by the State. It is too essential to ensure an effective implementation of available legal provisions in order to maintain peace and order.

Some remarkable achievements have been made during this reporting period. Formation of a new CA through election is an achievement in itself. It is, therefore, indispensable to encompass all possible political stakeholders while promulgating new constitution.

Some political parties and armed as well as ethnic groups are still active in the eastern hills and Tarai Madhes. It would be a wise decision and step of the government to bring them to peaceful political course before promulgation of a new constitution.

Formation of commissions envisaged by the Interim Constitution of Nepal 2007 is indispensable from the point of view of providing justice to conflict victims and implementation of the CPA. Hence, all concerned stakeholders such as political parties in rule, the parties in opposition, and the parties having or not having representation in the CA, civil society and media sector, among other stakeholders, have to shoulder responsibilities equally towards this end.

15. Recommendations

- ❑ Since the NHRC has been remaining Commissioners less for long, appoint Commissioners in the Commission transparently and in line with Paris Principles
- ❑ Establish two separate commissions on TRC and Disappearances
- ❑ Hold local elections as soon as possible. Local Election will ensure people's right to be serviced efficiently and without delay
- ❑ Implement the commitments made in regard to save life and ensure justice of Adhikari couple who have been staging fast-unto-death for justice

16. <http://www.inseconline.org/index.php?type=news&cid=41958&clang=np> accessed on January 25, 2014

Chapter 3



3.3 State and Human Rights

Legislature and Human Rights

Chronology

January 1- December 31, 2013

March 13

Major four parties sign an 11-point agreement to form a government chaired by Chief Justice of the Supreme Court

March 14

A three-member Council of Ministers formed under the Chairmanship of Chief Justice Khil Raj Regmi.

The President issues a 25-point order to remove difficulties. President also issues Ordinance on Commission of Inquiry on Disappearance, Truth and Reconciliation

March 21

Constitutional Council recommends the appointment of Chief Election Commissioner and other four Commissioners

March 24

Conflict victims' organizations jointly file a writ at the Supreme Court saying that the Ordinance on Commission of Inquiry on Disappearance, Truth and Reconciliation issued by the President included a provision that could grant amnesty to the perpetrators of serious human rights violations

April 1

Supreme Court issues an interim order not to implement the Ordinance on Commission of Inquiry on Disappearance, Truth and Reconciliation

May 8

President, as per the recommendation of the Constitutional Council, appoints Lokman Singh Karki as the Chief of Commission for the Investigation of Abuse of Authority

June 14

President issues an Ordinance on election for the Constituent Assembly

September 15

National Human Rights Commission becomes commissioners-less as the tenures of the Chief Commissioner Kedar-nath Upadhaya and other four Commissioners come to an end

November 6

Election Commission invalidates the election candidacies of Balkrishna Dhungel and Usha Sah Phakir – Maoist candidates under Proportional Representation system

November 19

Nepal holds election for the second CA

1. Background

After nine months following the dissolution of the Constituent Assembly (CA) in 2012, political parties agreed to form a Chief Justice-led government mandating it to hold election for a new CA. Going for such a government was possible due to 11-point agreement reached among political parties and a 25-point order to remove difficulties for holding the election. Parties agreed to provide the would-be elected CA with dual roles - as the CA and as Legislature-Parliament.

Constitutional disputes emerged over appointing incumbent Chief Justice of the Supreme Court as the Chair of Council of Ministers. Legislature-Parliament checks and balances the Executive. However, the agreement to appoint Chief Justice as the head of the Council of Ministers at a time when legislature was not in place came under intense fire. Stakeholders claimed that such a move would have negative effect on the principle of separation of power. Even judicial remedies were sought for against such a decision of political parties.

As per the agreement reached between political parties, commissioners were appointed in the constitutional bodies such as Election Commission and Commission for the Investigation of Abuse of Authority. A total of five temporary Justices were appointed in the Supreme Court and the President issued some important ordinances such as an ordinance on election for CA as recommended by the Council of Ministers. The Ordinance on Commission of Inquiry on Disappearance, Truth and Reconciliation recommended by Dr. Baburam Bhattarai-led government was approved but a writ petition was filed against it.

In absence of Legislature-Parliament, peoples' concerns did not find any space to be addressed as no committees were there to draw government's atten-

tion towards human rights related issues. Although the concerns raised, intervention made and activeness of such committees in relation to human rights issues used to be discussed in this chapter of Human Rights Yearbook, the tradition has been broken this reporting year. This chapter thus aims to discuss the implications of not having a legislative body in the country. Similarly, some of the legislations were approved through Ordinances during this reporting period. These Ordinances are also discussed in this Chapter.

2. Fresh Election for a New CA

Political parties could not fulfill their historical responsibility of writing a new constitution. The first CA elected in 2008 got dissolved dramatically in 2012. Since the CA was dissolved without promulgating a constitution, going for fresh election for a new CA was indispensable. Before going to the election, political parties did not show the courage of explaining to the people why the constitution drafting process failed. Rather, the four major political parties reached an agreement to form an interim government to hold election for the CA. Accordingly Khil Raj Regmi, Chief Justice of the Supreme Court was appointed as the Chairperson of the Council of Ministers and was mandated, primarily, to hold election for the new CA. Regmi Government slated November 19 as the date for CA election.

Going for an election was not easy especially following the dissolution of the CA. It was mainly because there were constitutional complications and commissioners were not appointed in constitutional bodies including in the Election Commission. However, when Nilkantha Upreti, was appointed as the Chief Election Commissioner and Dolakh Bahadur Gurung, Ayodhi Prasad Yadav, Ram Bhakta PB Thakur

and Ila Sharma as commissioners as per the recommendation of the Constitutional Council, the way towards holding election was cleared. Election Commission issued a code of conduct relating to election, which came into effect 120 days before the election date. Once all preparations were made, election was held successfully on the slated date amid anti-election move and activities of the CPN-M.

A total of 25 political parties had secured their representation in the CA in 2008. However, the number of political parties to be represented in the new CA reached 30 (*See box for detailed information*). Election this time was believed to have been carried out more fairly and efficiently due to arrangement of biometric electoral roll and voters' election identity cards.

However, grievances surfaced this time from the ordinary citizens, governmental authorities as well as from the candidates running for election that election expenses soared unprecedentedly. Political parties propagated their election campaign going beyond the ceiling fixed by the Election Commission on election expenditure. A number of other instances of breaching election code of conduct were reported from across the country; however, very few candidates faced action from the Election Commission (*See Chapter Constituent Assembly: An Entry Point of Progression*)

2.1 Dispute over the Qualification for CA Election Candidacy

Only the capable, morally sound and untarnished individuals are expected can represent people in the truest sense. With the view to ensure such personalities to run election, section 19 of the Ordinance issued by the President on June 13 determined qualifications for the candidates running election. The provision banned individuals

convicted on certain offences and crimes from running election. The individuals convicted as per the decision from the final courts under the crimes and offences such as corruption, rape, human trafficking and transportation, sale, drugs smuggling and money laundering or misuse of passports were banned from contesting election. Similarly, those individuals who were sentenced to life imprisonment with or without confiscation of entire properties as the final decision from the court on murder cases were also debarred from running election.

However, a writ was filed at the Supreme Court against such provisions. The court issued an interim stay order over the writ. The Apex Court however, later issued its final order on qualification for the candidates running CA election in line with the ordinance. Such a decision of the Court directly affected some of the candidates. Candidacy under Proportional Representation system of UCPN-M's candidate Bal Krishna Dhungel and Usha Sah, also a member of Muslim Commission, was cancelled. However, parties did not heed the request of human rights activists not to select leaders and cadres implicated in serious human rights violations for contesting election.

Given that the demands of the victims of grave human rights violations had not been addressed for long, the conflict victims' community drew political parties' attention not to allow the individuals allegedly involved in grave human rights violations to contest the election. However, the provision that only those convicted under certain offences by the Courts could not run election did not debar the individuals allegedly involved in human rights violations. By allowing those involved in killing unarmed individuals, subjecting to enforced disappearances, rape and torture, among others, the state undermined the norms and

values of human rights besides harboring criminalization of politics. Such a provision is likely to promote impunity and rule out the rule of law¹.

2.2 Size of CA

When the President issued an order to remove difficulties for the second time, the number of members to represent CA ultimately, as in the past, reached 601. Among them, 335 were to represent under PR system, 240 to be elected under FPTP and a total of 26 under nomination by the government. It was criticized that the size of the CA was too big for a small country like Nepal. The April 13 President's order to remove difficulties had it that there would be election for a 491-member CA. However, the number of members in the CA reached 601 due to protest from Indigenous groups and Madhes based parties, among others.

When the number of members under PR was more than the ones under the FPTP system, political parties got a "ground to play". Parties should not have forgotten the efforts initiated with good intention towards ensuring inclusiveness of the CA. Inability to assess the capacity of those who represented under the PR in the past CA was unfortunate. Inclusiveness of the CA could be possible even under a small sized CA².

2.3 Poor Representation of Women and Dalits

The first CA, which was inclusive in terms of various ethnic groups, women, dalits and the individuals from all walks of life; was an exemplary one. However,

among 575 CA members, only 172 (30%) women represent in the current CA. Under the FPTP only 10 were elected which is only four per cent of the total members in the CA. Dalit communities, which occupy 13 per cent of the total population of the country, have 7 per cent of total members in the CA³. Their low representation is also due to the stinginess on the part of political parties to select candidates from their communities. It was unfortunate that the NC did not select even one Dalit candidate under the FPTP system.

If the wrong deeds practiced by political parties in regards to selecting candidates under the PR system get established as a precedent then the system won't be worth adopting in the future elections. This system was meant to genuinely mainstream politically, culturally and economically backward, deprived and disadvantaged groups into the state administration. However, political parties' malpractices relating to the selection of individuals to represent under the PR fermented a negative impression among the people. It was reported during the selection process that 'money' was involved, a person included in the PR list of one political party was also included in the list of other parties, and that party position holders preferred to choose their wives over other cadres to represent in the CA.

No person with disabilities and sexual minorities has representation in the new CA. If these groups of people are included in the CA under the 26 seats to be nominated by the government, it can be expected that their concerns would also be raised and heard in the CA.

1. Adhikari, Suman. *Nirbachanma Dwandapidit Ka Sarwal*, Kantipur September 25, 2013

2. Thapa, Hari Bahadur. *Sambidhansabha Tamsuke Prabriti* Kantipur September 26, 2013

3. <http://setopati.com/raajneeti/7562/> accessed on December 25, 2013

3. Compulsion to go for Ordinance

Since Legislature-Parliament was not in place, the President issued ordinances related to election, CA membership and two ordinances on CA (amended). These ordinances established legal foundations for holding election in the country. Similarly, the President issued ordinances on anti-money laundering, extradition, security and privileges of former key position holders of the government of Nepal, alleviation of organized crimes and Nepal Citizenship (first amendment). A writ was filed at the Supreme Court against the ordinance on control of organized crimes. The court issued a stay order on the case.

Advocate Kamal Prasad Itani filed the writ arguing that it was inconsistent with the constitutional provision that allows an accused to present himself and put his case before the court. He, therefore, demanded in the writ that the ordinance be annulled. It was argued in the writ that Constitution being the main law of the country, any other laws and acts that are inconsistent with the Constitution would be invalid; therefore, the writ claimed that some of the provisions of the Ordinance should be annulled. Specially, the provision under article 34 of the ordinance that if any accused involved in an organized crime was not able to be present before the court due to security reasons such presentation could be done via video conference could be misused in the future thereby developing a tradition gradually not

CA Election 2013 Final Election Result under PR		
S.N	Name of Political Party	Total Seats Elected
1	Nepali Congress	91
2	CPN-UML	84
3	UCPN-M	54
4	Rastriya Prajatantra Party Nepal	24
5	Madhesi Janadhikar Forum Nepal(Democratic)	10
6	Rastriya Prajatantra Party	10
7	Madhesi Janadhikar Forum Nepal	8
8	Tarai Madhes Loktantrik Party	7
9	Sadbhavana Party	5
10	CPN(ML)	5
11	Sanghiya Samajbadi Party, Nepal	5
12	Rastriya Janamorchha	3
13	Nepal Communist Party(Samyukta)	3
14	Rastriya Madhes Samajbadi Party	3
15	Nepal Majdoor Kisan Party	3
16	Rastriya Janamukti Party	2
17	Tarai Madhes Sadbhavana Party Nepal	2
18	Tharuhat Tarai Party Nepal	2
19	Nepal Pariwar Dal	2
20	Dalit Janajati Party	2
21	Akhanda Nepal Party	1
22	Madhesi Janadhikar Forum (Ganatantrik)	1
23	Nepali Janata Dal	1
24	Khumbuwan Rastriya Morcha, Nepal	1
25	Nepa Rastriya Party	1
26	Janajagaran Party Nepal	1
27	Sanghiya Sadbhawana Party	1
28	Madhes Samata Party Nepal	1
29	Samajbadi Janata Party	1
30	Sanghiya Loktantrik Rastriya Manch(Tharuhat)	1

**Unofficial translation of the part of
the Mandamus**

**(writ application no. 069-WS-0057,
069-WS-0058) is presented in the box
below:**

The provision in Article 23(3) of the ordinance, which encompasses the definition of the acts of grave violations of human rights defined in article 2(10) of the same ordinance such as killing and the acts of subjecting people to enforced disappearances, that if perpetrators regret before victims the commission could grant amnesty even in the incidents of grave violations of human rights was found inconsistent with the national and international laws. In fact, those involved in crimes of grave nature cannot enjoy immunity only due to consent from the victims. It is an obligation of the state to search for and prosecute the alleged as per law. Linking the grave types of crimes and violations of human rights with political conflict forcefully and thereby granting amnesty would not only harbor impunity but also violate the rule of law. Given article 33(17) of Interim Constitution envisages formation of two separate commissions and also given point 5.2.5 of the Comprehensive Peace Agreement has provided for formation of commission on truth and reconciliation, forming both of these commissions through a single ordinance and determining the functions, rights and responsibilities of the commissions as per only one ordinance is against the comprehensive peace agreement.

to present such accused before courts.

The Interim Constitution of Nepal 2007 provides that anyone can contact and consult legal practitioners immediately after their arrest and that no one would be

denied their right to remand a case. However, such provisions were removed in the ordinance. Implementation of the Ordinance would go against criminal justice system, therefore the writ had demanded those provisions be annulled through a certiorari order⁴. Similarly, a writ was filed against the Ordinance on Truth and Reconciliation and Disappeared persons.

3.1 Ordinance on Formation of Transitional Mechanism

Last year, Dr. Baburam Bhattarai-led government had sent Ordinances on formation of Commission of Inquiry into Disappearance, Truth and Reconciliation to the President for approval. Those ordinances were tabled separately after consultation with various concerned stakeholders in the dissolved Legislature-Parliament. President issued the ordinance this reporting year which disregarded the concerns of human rights activists and conflict victims among other stakeholders. A writ was filed at the Supreme Court by conflict victims arguing that the Ordinance had a provision which could be used to grant amnesty to the perpetrators. A single bench of Justice Sushila Karki issued an interim order not to implement the provisions of the ordinance. Later, a special bench of Justices Sushila Karki, Kalyan Shrestha and Girish Chandra Lal issued a mandamus order in the government's name ordering not to grant amnesty in the incidents of grave human rights violations such as killing, abduction, enforced disappearances and rape.

The mandamus of the Supreme Court also ordered to form two separate commissions, truth and reconciliation and investigation on enforced disappearances being two separate issues. With such a de-

4. www.karobardaily.com/nepali/news/2013/04/ *Sangathit Aparadh Nirwaran Adhyadesh Karyanwayan Nagarna Adesh* (Court issues stay order against ordinance on organized crime alleviation). assessed on February 13, 2014

cision of the court, now, it is the obligation of the Government of Nepal to form those commissions in line with the court decision.

4. Lack of Parliamentary Hearing

The Interim Constitution of Nepal 2007 provides for parliamentary hearing prior to the appointment of persons to represent in the constitutional bodies, justices of the Supreme Court and ambassadors as per the recommendations of the Constitutional Council. In absence of Legislature-Parliament, posts in the constitutional bodies were filled by the Council of Ministers based on the order to remove difficulties.

Although it was essential to appoint Commissioners in the Election Commission, such appointment was not urgent in other constitutional bodies. Following the election for the CA, the would-be formed Legislature Parliament could appoint capable and clean personalities in such bodies. And, the personalities so appointed could be made further accountable towards the people as well. However, it was unfortunate that through the order to remove difficulties, a former bureaucrat such as Lokman Singh Karki, who had played role in suppressing the People's Movement II in 2006, was appointed as the Chief of the Commission for Investigation of Abuse of Authority (CIAA). Tellingly, he was disqualified by the CIAA itself for any future governmental service. His appointment came under intense fire from every spheres of national life.

4.1 Appointment of Justices

Immediately following the formation of Chief Justice Khil Raj Regmi-led Council of Ministers, a total of five Justices were appointed in the Supreme Court as

per the order to remove difficulties of the President. By the end of this reporting year a total of 10 Justices were at work. Given that almost 17,000 cases were under consideration in the Supreme Court, lack of required number of Justices affected justice delivery. A total of 15 permanent Justices, including Chief Justice, and additional Justices as per the requirement should be in place in the Supreme Court. There was a dispute among the stakeholders on whether to appoint Justices through the order to remove difficulties of the President or wait for the Parliament to take shape for such an appointment. However, Judicial Council, which recommends the appointment of judges for all types of court, was of the view that it would not recommend Justices for the Supreme Court until formation of Legislature Parliament⁵. Parliamentary hearing for the appointments in courts is in practice in democratic countries.

4.2 National Human Rights Commission Sans Members

The tenure of all five Commissioners, including of the Chief Commissioner, of the National Human Rights Commission, expired this reporting year. In this phase of transition, the Commission was required to be further strengthened. However, the Commission went vacant due to indecision on the part of the government. The government, which strived to appoint a Chief in the CIAA, was not interested to fill up posts in the National Human Rights Commission. This left a negative message among the national and international stakeholders that promoting and protecting human rights was not a priority of the government.

5. http://www.bbc.co.uk/nepali/news/2013/12/131220_judgeappointment.shtml) accessed on February 15, 2014

CA Election 2013 Final Election Result under FPTP		
NS	Political Parties/ Independent Candidates	No. of Seats Elected
1	Nepali Congress	105
2	CPN-UML	91
3	UCPN-M	26
4	Madhesi Janadhikar Forum (Democratic)	4
5	Tarai Madhes Loktantrik Party	4
6	Rastriya Prajatantra Party	3
7	Madhesi Janadhikar Forum (Nepal)	2
8	Independent	2
9	Nepal Majdoor Kisan Party	1
10	Sadbhavana Party	1
11	Tarai Madhes Sadbhavana Party Nepal	1

Appointing Commissioners in the National Human Rights Commission was essential also from the point of view of investigating and monitoring the incidents that could take place during CA election as well. People's rights are likely to be violated at a time when people's representatives are not in place in the country; therefore, commissioners could play the role of watchdogs in protecting human rights. The Commissioners, whose tenure was coming to an end, could have been mandated to continue their work. However, government did not show any interest towards this alternative.

The Commissioners, including the Chief Commissioner, suggested the President and the Government of Nepal two months earlier than the expiration of their tenure to appoint Commissioners in the Commission, but in vain. The Commission was without Secretary for four months by the end of this reporting year. The meeting on the last day of the tenure of the commis-

sioners had delegated the acting secretary to conduct day-to-day task, monitoring, investigation of human rights and administrative work. However, the Human Rights Commissions Act does not have provision to delegate decision-making and recommending authority due to which there is no space for the NHRC to be active when it is without commissioners.⁶

5. New Mandate but Old Modus Operandi

The election for CA clearly mandated political parties to write a new constitution through consensus and collaboration. However, immediately following the election result, UCPN-M reacted that it would not move ahead in such a way. Although national and international election observers were of the view that the election this time was held fairly, the party, probably due to the fact that it was relegated to the position of third largest party of the country after election result, claimed that the CA election was rigged.

Election for the CA was held on November 19; however, no attempts were made towards formation of government by the end of this reporting year. There were heated debates as to whether the President or the Prime Minister should summon the first meeting of the CA. Similarly, parties, especially CPN-UML and NC disputed over the election of the President and Vice-president. These tendencies led to a prediction that political stakeholders of the country would not be able to write a new constitution as promised.

Major political parties, which promised to write a new constitution within one year, started to polarize following the CA election. Such polarization is likely to in-

6. "Chunavko Mukhma Manabadhikar Aayog Ritto (NHRC without commissioners with impending elections". Annapurna Post September 19, 2013 : Page 1

vite an unwanted and unhealthy competition in the Legislature-Parliament besides negatively affecting the CA performance in general⁷.

6. Conclusion

In absence of the Legislature-Parliament, the issues related with public concerns and interests could not be deliberated. Also due to the fact that Justices were not appointed in the Supreme Court, people's compulsion to wait for long for justice remained unaddressed. Similarly, in absence of Commissioners in the National Human Rights Commission, no constitutional body was functional in the country to put pressure on the government for justice of the victims. This even created a situation whereby the convicts of grave human rights violations could also enjoy immunity.

The President, for the purpose of clearing stalled constitutional process, issued three orders to remove difficulties— for election to the CA and for the formation of Interim Council of Ministers chaired by Chief Justice Khil Raj Regmi. If the tendency to issue ordinances by the President as recommended by the executive head of the country gets established as a precedent in the country, it is likely that the role of Legislature- Parliament will be weakened. The government formed and mandated for the accomplishment of second election for the CA had a number of ordinances issued which were likely to have implications. These Ordinances were likely to face a number of challenges at various stages after the formation of Legislature Parliament. Moreover, the intention of the government to issue such Ordinances was criticized. However, government did not feel it neces-

sary to clarify to the people on the need of issuing the Ordinances.

People participated on the day of election optimistically. They were optimistic that with a new CA in place in the country, a new constitution would be promulgated by ensuring the rights of women, dalits, indigenous nationalities, persons with disabilities, marinalized people, among others. It was also hoped that a new Constitution would end the prolonging transition. If a people-friendly constitution is promulgated, of course, it will ensure political stability which is the backbone of country's economic and social advancement.

Therefore, CA members have to pay their full attention towards constitution drafting in time and political parties should not turn popular optimism into despair. They should take ownership of the achievement or the assets of the CA formed in 2008 and should strive for promulgating a new constitution within one year's time, as promised. The tendencies of the past such as misusing CA for political interest and using it as a place only for forming and dissolving governments should be discontinued. Low presence rate of the CA members, especially of the senior leaders of big parties, in the CA proceedings and deliberations had undermined the dignity of the sovereign CA in the past. This weakness should end now. Leadership of all political parties having representation in the CA should acknowledge that adopting a democratic process to reach decisions on constitutional agendas rather than imposing decisions of the senior leaders from several parties would make people more willing to take ownership of the CA.



7. Dhruvi Karan Nabadhau. Himal, Saptahik Khabarpatrika, p, 4 accessed February 16, 2014

Chapter

Nepal's Human Rights Defenders at Risk

4

1. Background

Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universality Recognized Human Rights and Fundamental Freedoms of also known, in short, as Declaration on Human Rights Defenders (HRDs) 1998 has defined HRDs comprehensively. By HRDs, the Declaration refers to those who individually and in association with others, work to promote and to strive for the protection and realization of human rights and fundamental freedoms.

Human Rights Defenders refers to the individuals who are involved in promotion, protection and respect of human rights personally, in group or organizationally. The phrase also encompasses those who are involved in such task full-fledgedly or partially paid or without pay¹.

The Guidelines has incorporated a number of professionals within the definitional compass of HRDs. Hence, HRDs from various fields' refers to the Defenders who are active on the issues of children, women, Dalit, indigenous nationalities, senior citizens, handicapped persons or on environment or civil, political, economic, social and cultural sectors².

Definition of HRDs in the Draft Bill on HRDs prepared by INSEC is similar to the definition included in the Guidelines prepared by the National Human Rights Commission (NHRC). However, INSEC has tried to be more specific in defining the term. It has incorporated some of the professionals such as human rights activists, law practitioners, journalists and similar other categories of persons and their groups into the definition³.

Nepali HRDs, ever since the introduction of democracy, have played an active role in promotion and promotion of Human Rights. However, especially with the launch of armed conflict in 1996, a number of HRDs were killed, abducted and their rights abused and violated. Armed conflict came to an end in 2006 with the signing of Comprehensive Peace Agreement (CPA) between the then rebel group and the Government of Nepal. The CPA had reiterated commitment to international humanitarian laws and basic principles and norms of human rights. However, in these seven years, HRDs have faced different forms of abuses and violations, just for pursuing their professions.

This chapter attempts to analyze the problems faced by Nepal's HRDs and the mode of abuse and violations on the basis of INSEC data recorded during 2013.

2. Situation of Human Rights Defenders (HRDs) in 2013

Declaration on Human Rights Defenders 1998 mentions that HRDs have rights to conduct human rights works individually and in association with other, to seek, obtain, receive and hold information relating to human rights and also to pursue lawful exercise of the occupation or professions. The Declaration has broadly defined HRDs by encompassing a number of professionals. However, this report has encompassed only five professionals i.e. teachers, journalists, law practitioners, health workers and human rights activists.

Interim Constitution of Nepal provides for right to dignified life. Similarly, the Universal Declaration of Human Rights, 1948 also states that everyone has the right

1. Guidelines on HRDs 2069, National Human Rights Commission: p 2

2. Ibid

3. 'Manabadhikar Rakshyakharuko Sambandham Byabastha Garna Baneko Namuna Bidhayek 2066 (A model bill on HRDs)', INSEC

Table 1: Number of HRD in 2013							
Type of Incident	Journalists	Teachers	HRDs	Health Workers	Social Activists	Law Practitioners	Total
Killing		1					1
Beating	36	16	4	2	2		60
Threat	37	6	1	1	2		47
Arrest/Torture	1						1
Mistreatment	3	5				1	9
Injured		3		1			4
Abduction	1	1		1		1	4
Total	78	32	5	5	4	2	126

to life. Against these provisions, a total of 126 incidents of violations and abuse of human rights against HRDs were reported during this reporting year.

This year, a total of 53 HRDs were beaten up whereas one HRD was killed. Similarly, four HRDs were abducted. 47 HRDs were threatened of life, one was arrested, eight were mistreated and five were injured in different incidents.

3. Challenges Faced by HRDs

Due to prolonged transitional phase and culture of impunity in the country, HRDs were victimized by state, by cadres of various political parties, armed groups and unidentified groups as well as individu-

als. They are subjected to killing, abduction, beating and life threat for being continuously active in their profession. In 2013, a total of 17 HRDs were victimized by the State while 109 were by the non-state actors. Of the total victims, male HRDs were 114 and such number for female HRD was 12.

The Interim Constitution of Nepal 2007 ensures that each citizen of the country is free to pursue profession, employment or business of their choice. Similarly, they are free to express their views. Article 15 (1) of the Constitution stipulates that no publication, broadcasting or printing of any news item, editorial, feature, article or other reading and audio-visual material through any means, whatsoever, including electronic publication, broadcasting and printing shall be censored. However, professionals, including teachers, journalists, health workers, law practitioners and human rights activists were victimized by various sides this reporting year as well. Rights of a total of 78 journalists, including two female journalists, 31 teachers, including six female teachers, a total of five human rights activists including two women rights activists were violated this reporting year. Similarly, five health workers, four social workers and two law practitioners were victims of rights violation.

State, non-state and unidentified groups were the major violators of HRDs' rights. A total of 17 human rights activists including three women HRDs were victimized by the State whereas a total of 99 HRDs, including nine women were victimized by non-state actors. The State violated rights of a total of 13 journalists, one teacher, and three human rights worker while non-state actors were responsible for the violation and abuse of a total of 65 journalists, 30 teachers, two human rights workers, five health workers, four social workers and

Table 2: Number of Victims by Profession in 2013						
Profession	By Non-state			By State		
	Female	Male	Total	Female	Male	Total
Journalist	1	64	65	1	12	13
Teacher	6	25	31		1	1
Human Rights Activist		2	2	2	1	3
Health Worker	2	3	5			
Social Worker		4	4			
Law Practitioner		2	2			
Total	9	100	109	3	14	17

two law practitioners.

Uttam Sanjel, 40, of Jorpati VDC-2 in Kathmandu district was beaten up and injured by Sushil Mukhiya Sunuwar, 25, originally from Dhulopatal VDC-7 in Dolakaha district and current resident of Dillibazar in Kathmandu Metropolis-32 and Satya Man Lama, 28, of Bouddha Kathmandu Metropolis-6 on July 14. He was beaten up inside a medical shop located in his school premises over his past dispute with school contractor Ram Bahadur Bhujel. Both of the alleged people were arrested by police and a case was filed against them. However, they were released, as per the decision of district court, paying bail of Rs 50,000 each. Sanjel is founder of Samata Schools and honorary member of INSEC.

3.1 Killings

One teacher was killed by an unidentified group this reporting year. Assistant Professor Satya Narayan Gareri, 42, of Arnama VDC-5 in Siraha district was killed in Kurtha VDC-6 as he was on his way to Kurtha from Janakpur. He was residing temporarily in Janakpur Municipality-8. According to District Police Office, his dead body was found on September 27. He was found shot in right chest and his neck was hacked with a sharp weapon. According to Associate Professor Rudra Kumar Jha, he was missing since the evening of September 26 after he went to bring his child back from Ere International School located at Ramananda Chok. The deceased was Associate Professor of Nepali Language in Janak Hajari Vidhyapith Campus. A postmortem examination of the dead body was carried out at Janakpur Zonal Hospital on September 26.

Victim's brother, Dev Narayan Gareri said that they filed a case at District Police Office on September 28. Immediately after the incident, police apprehended

Laxmeshwar Raut, 32, of Baurahwa VDC-6, and Nanda Kumar Paswan, 24, and Lalan Paswan, 31, Devhida VDC-3 on September 29.

3.2 Beatings

The incidents of physical assault have increased over time. Data shows that state, non-state and unidentified groups were involved in such incidents. A total of 60 HRDs were beaten up this year. Likewise, 36 journalists, 16 teachers, four human rights activists, two health workers and two social workers were beaten up.

In Bajura district, police fired tear gas shells and resorted to baton charge against the people who were organizing a sit-in demanding for the construction of road and a bailey bridge over Budhiganga River on May 7. Before being beaten up, the protesters had padlocked District Administration Office which triggered police to resort to the use of force, including firing of tear gas. Two protestors Tilak Shah, 23, of Kuldevmunda VDC-6 and Dabal Bahadur Bista, 44, from Jagannath VDC were severely injured. Police mistreated Binita BK, 30, of Gotri VDC-6. A media person, Gagan Aidi of Kailashmandau VDC-3 who was taking photos of the incident was also charged with baton and his camera was smashed inside the District Administration Office. Aidi who is also the vice-chairperson of FNJ said that police manhandled him while he was taking photograph of

Table 3: Number of HRD's Beaten

HRD Type	Beaten
Journalist	36
Teacher	16
Human Rights Activist	4
Health Worker	2
Social worker	2
Total	60

the clash. Bhaweshwar Pandey, CDO and DSP Janak Raj Pandey during a meeting organized on May 8 acknowledged that the incident was a mistake on the part of police. The journalist demanded compensation for his broken camera, however, it went unheeded.

Co-editor of Nayakorsh Daily and reporter of News 24 television channel, Hemant Chaudhary, 24, of Baijapur VDC-6 in Banke was mistreated and beaten up by on-duty police personnel, Gandhi Raj Gurung from Riot Control Police Battalion, Kohalpur. This happened while Chaudhary was going to his press via Puspallal Chok at midnight on August 6. To investigate the incident, a committee led by Inspector Shiva Singh was formed on August 7, District Police Office stated. On August 7, different organizations including INSEC issued statements expressing concern. District Police Office, on August 11 issued a statement saying that ‘internal action’ was taken against Gurung.

3.3 Threat

A total of 47 HRDs were issued threats this year despite the fact that right to live in a fearless environment is one of the basic human rights. Even death threats were issued against the HRDs. Most of such threats were directed at journalists. A total of 37 journalists were threatened.

Samrat Bahadur Singh, 26, of Chainpur VDC-1 in Bajhang district and correspondent of Naya Patrika Daily received death threat from Ramesh Bohara, 35, on May 25. Speaking over cell phone Bohara threatened Singh over the news article written by Singh titled “Ek Din Vidhayalaya Nagayera Chha Mahinako Hajir” (signing attendance of six months without attending school even a single day), published on May 23. The victim said that Bo-

Table 4: Number of HRD’s Threats in 2013

Type of HRDs	Number of Threats Issued
Journalist	37
Teacher	6
Human Right Activist	1
Health Worker	1
Social Worker	2
Total	47

hora, gave threat when he was out of Chainpur. He filed applications at District Police Office, District Administration Office, and human rights organizations and also at FNJ seeking security on May 26. Since the accused was at large, the District Police Office informed that no progress was taking place regarding action against the accused.

3.4 Mistreatment

Incidents of mistreatment against occurred this reporting year as well. A total of eight HRDs – three journalists, four teachers and one law practitioner were mistreated this year. Such deeds of the perpetrators were in contrast to the rights of the HRDs stipulated in international instruments and national provisions. Indra Lal Adhikari, 45, from Muchhok VDC-3 in Gorkha district and Principal of Muchhoktar Lower Secondary School was smeared with shoot in his school premises by CPN-M cadres August 27. He was mistreated and even manhandled by CPN-Maoist district member Sunil Pariyar, among others, who reached the school. Gorkha District In-charge of CPN-Maoist, Parashuram Ramtel stated that Principal Adhikari was smeared shoot as a warning for his denial to appoint Leela Maya Thapa as a sweeper in the school, for his involvement in embezzling school’s budget and for mistreating women. However, the case was compromised when CPN-Maoist apologized for the incident on August 31, 2013.

Table 5: Number of HRD's Facing Mistreatment	
Type of HRD	No of Victims
Journalist	3
Teacher	5
Law Practitioner	1
Total	9

4. Victims by Region

Regionally, HRDs from Central region were the most affected during this reporting year. In the Eastern region, a total of 36 HRDs, including six women were victimized. Such data for the Central region was 41, including two women HRDs. INSEC data show that a total of 14 persons, one female and 13 females were made victim by various groups and actors. Number of HRD victims from Mid-Western region is 30 (including three women) and the number from the Far-Western region is five. Data reveals that journalists followed by teachers are the HRDs affected the most in all regions.

Senior advocate, Shambhu Thapa, originally of Triveni VDC in Udayapur district and currently a resident of Kathmandu Metropolis, human rights activist, Charan Prasai, 60, of Kupondole in Lalitpur Sub-Metropolis-1, and senior journalist Kanak Mani Dixit of Patandhoka in Lalitpur Sub-metropolis were arrested by police and released from Metropolitan Police Circle, Maharajganj on the same day. They were arrested in course of organizing a sit-in near Shital Niwas, residence of the President, in protest of government's move to appoint former Chief Secretary of the government to the post of Chief of Commission for the Investigation of Abuse of Authority.

Among a total of 36 victims from the Eastern region, 15 HRDs were beaten up, 13 received threats, one was abducted

and five were mistreated rudely. Similarly, 40 incidents of HRDs' rights violation of HRDs were recorded from the districts in the Central region. Among them, one HRD was killed while 19 HRDs were beaten up. Similarly, 15 HRDs were threatened, one was mistreated, one was wounded and one was abducted. In the Western region, 14 HRDs were made victims. Five were beaten up, eight of the victims were issued threats and one was mistreated. A total of 30 HRDs were victimized from the Mid-western region. Among the HRD victims from the region, 19 defenders were beaten up, seven were issued threats, two were mistreated, one was wounded and one more was abducted. From the Far-western region, a total of five HRDs were victimized. Among them, one was beaten up and remaining four persons were issued threats.

Udhghos Daily correspondent Hari Adhikari, 20, of Bayarban VDC-8 in Morang district was issued death threat by Kumar Phuyal, 30, of the same VDC-8 on May 9, 2013. Phuyal who owns a hospital – Ramailo Hospital, threatened Adhikari via telephone saying that the latter “would meet the same fate as late Dekendra Thapa”. He issued the threat over the news article titled “Aspatalma Madira Pasal”(Liquor Shop inside Hospital) published by Adhikari. The victim filed a complaint at District Police Office about the incident on May 14, 2013. Through a press release, FNJ and Press Chautari condemned the incident which

Table 6: Number of HRD's by Gender			
Region	Male	Female	Total
Eastern	6	30	36
Central	2	39	41
Western	1	13	14
Mid Western	3	27	30
Far Western		5	5
Total	12	114	126

Table 7: Number of HRD Victims by Region						
Incident	Eastern Region	Central Region	Western Region	Mid-Western Region	Far Western Region	Total
Killing		1				1
Beating	15	20	5	19	1	60
Threat	13	15	8	7	4	47
Arrest/Torture	1					1
Mistreatment	5	1	1	2		9
Wounded		3		1		4
Abduction	2	1		1		4
Total	36	41	14	30	5	126

reached compromised on May 19 after the alleged wrote an apology at District Police Office.

5. Women Human Rights Defenders (WHRDs)

Risks that male HRDs face are faced by the women HRDs as well. However, certain types of risks are typical to WHRDs. They have to face various forms of mistreatments and abuses. Verbal abuses, physical attacks, sexual misbehavior, including rapes are generally typical incidents faced by WHRDs.

Hence, women HRDs are more at risk than male HRDs. INSEC data shows that a total of 12 women HRDs were made victim this reporting year. Among them, two were journalists, six teachers, two human rights activists and two were health workers.

A total of eight PCF teachers and the Correspondent of Suchana Digdarshan Weekly Rakshya Chaudhari, 24, of Rajbiraj Municipality-8 were beaten and mistreated rudely by police on June 9, 2013. The teachers were in a sit-in protest after padlocking District Education Office demanding for posts, provision of insurance and facilities on a par with other categories of teachers

whereas Chaudhary was there for reporting. The teachers were wounded and Chaudhary was misbehaved in the incident.

6. Legal Provisions on HRDs in Nepal

No separate legal or organizational mechanism is in place in Nepal on HRDs. Hence, they have to enjoy their rights on an equal footing with ordinary people. Citizens' such rights are stipulated in laws and acts such as the Interim Constitution 2007, Civil Rights Act, Social Welfare Council Act, Company Registration Act, Trade Union Act, Labor Act, among other related acts. Guidelines on Human Rights Defenders 2012 prepared by the NHRC and the law of the NHRC are also important from the point of view of protecting the rights of HRDs. Similarly, laws on different professional communities are also useful in this connection.

7. Interim Constitution of Nepal 2007

Among the rights guaranteed by the Interim Constitution of Nepal 2007, the right to freedom, right to equality and press and publication related rights can also be invoked for the rights of HRDs. Similarly, the provisions in the Constitution that country would maintain good governance by ending corruption and impunity and by fully adopting a political system that would

Table 8: Number of WHRDs by Profession in 2013					
Profession	Type of Violation				
	Beating	Threat	Misbehavior	Wounded	Total
Journalist	2				2
Teachers	3	1	1	1	6
Human Rights Activist	2				2
Health Worker	1	1			2
Total	8	2	1	1	12

abide by the concepts such as universally accepted basic human rights, multiparty competitive democratic system, sovereignty inherent in people and supremacy of people, constitutional control and balance, rule of law, social equality and justice, independent judiciary, periodic election, monitoring by civil society, unhindered press freedom, people's rights to information, impartial, fair and capable bureaucracy, transparency and accountability of political parties are important when it comes to the protection of HRDs.

8. Acts and Regulations

Various existing laws and legislations of Nepal support HRDs in working in that capacity. That no citizen shall be denied equality before the law, all will be provided with equal protection of law subject to the provisions of prevailing laws, all citizens shall have freedom of expression and publication, assemble peacefully and without arms and ammunitions, run organizations and associations, move all over Nepal without any obstacle, reside and maintain household in any part of Nepal, acquire, possess and sell property, choose any profession, employment, industry or trade are useful provisions stipulated under Civil Rights Act 1955. Article 3 of the Government Cases Act, protects the rights of defenders to communicate crimes or abuses related information to the government authority on behalf of victims and provides that any person who knows about a crime committed, being committed or going to be committed shall verbally or in writing inform about such crime to nearby Police Office with necessary information or evidence s/he possesses relating to the crime.

9. Guidelines on HRDs 2012

With the view to support HRDs in

monitoring State's human rights promoting, protecting, respecting and implementing role from the point of view of sufficiency, effectiveness and quality and make the HRDs enabled, responsible and transparent, the NHRC prepared guidelines on HRDs in 2012 or 2013. The guideline was prepared also to clarify the role, duty and responsibility of the HRDs, to make their works well-managed as well as to provide with guidelines on their security.

9.1. HRDs' Security Concern and Obligation of the State under the Guidelines:

A number of articles in the Guidelines discuss HRDs' security and obligation of the State. It has been stipulated that the primary obligation of the state is to promote, protect and respect human rights and freedom and also to create an enabling environment towards this end. To materialize this, the State has to adopt legal, judicial and administrative measures. It has also been emphasized in the Guideline that to provide HRDs with required information as per the law is duty of the State and its organs. Likewise, immediate rescue of those HRDs who are at risk and danger is the primary duty of security bodies, among concerned all.

9.2 Human Rights Commission on Protection of HRDs' Rights

It is stipulated in the Guidelines that NHRC, with an aim to make the role of HRDs, who work for the promotion and protection of human rights in the society; effective, accountable and transparent, would take required initiation. Similarly, the Commission's role in coordinating various organizations involved in human rights works is also stipulated. If found that any law and policy imposes limitations against personal freedom and human rights,

NHRC would coordinate with the organizations working on human rights for the purpose of preventing such laws and policies immediately. Similarly, it is mentioned in the Guidelines that the Commission would, without delay, initiate rescue of the HRDs, among others, who are wounded, taken hostage or at risk. Also, its role that it would try its best to save HRDs from all forms of risks that they face during emergencies is also discussed.

10. INSEC's Model Draft Bill on HRDs

With an aim to put pressure on the State to come up with a separate law for the protection of HRDs, INSEC prepared a model bill and submitted to NHRC after sharing it among various human rights organizations of the country.

By considering the fact that Nepal is a state party to various international covenants, conventions and agreements on the promotion, protection and implementation of human rights, that Nepali HRDs played significant role in establishing and restoring democratic polity in the country and also that a number of state obligations have arisen due to Nepal's ratification of various human rights related instruments, this bill was drafted. The bill, which demanded for a separate commission for the HRDs, contained rights and duties of the HRDs and their security related provisions as well as legal remedy of those whose rights are violated.

11. International Provisions on HRDs

11.1 Declaration on HRDs

Universal Declaration on Human Rights 1948 is the first instrument of its kind drafted for protection of human rights. Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect

Universally Recognized Human Rights and Fundamental Freedoms, also abbreviated to Declaration on Human Rights Defenders, is the first instrument on HRDs. This instrument was adopted by UN General Assembly's Resolution no. 53/144 in December 1998.

Similarly, various conventions and covenants passed by the UN directly protect HRDs. However, Declaration on HRDs 1998 is an instrument that identifies and defines HRDs formally and stipulates the state obligation towards HRDs' rights and its efforts towards protecting those rights. The Declaration was promulgated on the occasion of the Golden Jubilee of the Universal Declaration of Human Rights 1998. Articles 1, 5, 6, 7, 8, 9, 11, 12 and 13 of the Declaration provide specific protection to Human Right Defenders. The points below are some of the protections and rights stipulated in the above mentioned articles:

- ❑ To seek the protection and realization of human rights at the national and international levels;
- ❑ To conduct human rights work individually and in association with others;
- ❑ To form associations and non-governmental organizations;
- ❑ To meet or assemble peacefully;
- ❑ To seek, obtain, receive and hold information relating to human rights;
- ❑ To develop and discuss new human rights ideas and principles and to advocate their acceptance
- ❑ To submit to government bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights;
- ❑ To make complaints about official policies and acts relating to human rights

- and to have such complaints reviewed;
- ❑ To offer and provide professionally qualified legal assistance or other advice and assistance in defense of human rights;
- ❑ To attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
- ❑ To access without any hindrance to and communication with non-government and inter-government organizations;
- ❑ To benefit from an effective remedy;
- ❑ To the lawful exercise of the occupation or profession of human rights defender.

11.2 Resolution on Women HRDs

The UN General Assembly Committee adopted a resolution on WHRDs on November 27, 2013. The resolution directs States to develop appropriate legal mechanisms for the protection of WHRDs. Also, it directs States to adopt various measures towards ending structural discrimination and violence against women.

11.3 European Union Guidelines on HRDs

The European Union Guidelines on HRDs is another international instrument on HRDs. With the aim to provide practical guidelines to EU member states on how to support and protect HRDs from outside of EU member states, the EU Council had approved the Guideline on June 14, 2004.

Although these instruments are not legally binding, they put moral pressure on States to respect HRDs. The provisions of these instruments are not being imple-

mented. Since there is lack domestic laws regarding HRDs, Nepal has not been able to protect HRDs as expected.

12. Conclusion and Recommendations

HRDs from Nepal who have been contributing to human rights and liberal democratic system of the country incessantly remain at risk. INSEC data backs this statement. The data reveals that a total of 125 HRDs were made victims of various abuses and violations in 2013. Based on these facts following recommendations have been made:

- ❑ Establish a separate body to look into the abuse and violations related incidents and cases faced by HRDs in line with the UN Declaration on HRDs
- ❑ Familiarize HRDs on the guidelines on HRDs prepared by the NHRC
- ❑ Take initiative towards forming an effective mechanism for protection of the rights of HRDs
- ❑ State as well as all concerned stakeholders should be mindful and sensitive towards the situations typical to WHRDs and should arrange proper legal and psychological measures for addressing their problems
- ❑ Create an environment in which HRDs will be able to enjoy their rights such as right to life, right to self-dignity, right to freedom of expression, right involve in profession and occupation in line with constitutional and legal provisions of the country
- ❑ Invite the Special Rapporteur on HRDs to Nepal and allow him/her to monitor the rights situation of HRDs



Nepali Migrant Workers and Human Rights

Chapter

5

1. Introduction

Leaving the place of origin to newer places in search for better opportunities and due to scarcity and to realize their ambitions is a very old practice for human. Migration has a part of evolution of human beings, prehistoric period of Paleolithic, Mesolithic to nomadic era and even during agricultural era. This trend of migration has been intensified in present day. Globalization has transformed the world into a small village. Modern technological advancements have made travelling from one country to another in search for work and opportunities easy. National boundaries are less important now for those seeking better opportunities. And, many people from under-developed and developing countries like Nepal are moving to countries with better opportunities. The workers crossing the home boundaries to work in another country have been termed as migrant workers by the United Nations. The UN has also introduced International Convention on the Protection of the Rights of all Migrants Workers and members of their families, 1990 to address increasing risks being faced by the migrant workers and to guarantee their Human Rights.

It is estimated that there are 2.14 billion international migrant workers in the world and of them between 10 and 15% are believed to be undocumented.¹ As per the government records, number of Nepalis going for foreign employment has reached 2.89 million starting from 1993/94 to Mid-June 2013. In year 2012/13, 415,818 Nepalis left their country for foreign employment in comparison to 3,605 in 2094/95.²

Normally, humans do not prefer to venture into a new place leaving behind

their home, family, language, religion, culture, costume, friends, nation and identity. Migration is more of a compulsion than a choice. This compulsive situation of a person sometimes threatens his/her self-respect and Human Rights. The slogan, 'All Human Rights for all', is yet to be realized for the migrant workers. Management of migrant workers and guaranteeing their Human Rights and justice are international challenge as well as liability. Though the sender country has greater responsibility morally and legally to ensure the Human Rights of its citizens, the host country also needs to be equally responsible for the protection of migrant workers and their Human Rights. No State, at any pretext, can distant itself from the fundamental accountability of respecting, protecting and guaranteeing the Human Rights of its citizens, irrespective of their locations. The state must give special attention towards the migrant workers who are away from direct protection and toiling in a different country but contributing significantly to the national economy.

The Government of Nepal has been proved feeble regarding guaranteeing the Human Rights of Nepali migrant workers. Remittance comes second to agriculture as far as the highest contributor to the national economy but this sector is low in government priority. Weak regulation of the recruiting agencies, irregularities and corruption, highhandedness of the agents, ineffective enforcement of the existing laws, lack of public awareness, lack of relevant reforms to rules and regulations, insufficient skilled human resource, failure to follow international practices and delay in ratification of the concerned treaties and conventions among others are the reasons

1. Status of the enforcement of the major conventions of human rights, study report, 2070: p 316

2. Nepal Government, Ministry of Labor and Employment, Department of Foreign Employment Report, http://www.dofe.gov.np/uploads/document/50_68-69data%20with%20chart_20120725092530.pdf

which are leading to more and more Nepali migrant workers being duped. The risk and sufferings faced by Nepali workers abroad, villages being devoid of youths, queue of 1,500 youths on an average leaving to work abroad and an average three of them returning dead every day, the youths in queue outside the Foreign Ministry to get their passports, imbalance seen in the population and disturbances in social fabric etc. show that foreign employment is certain to become a serious concern for the Government. This chapter sheds light on Nepali migrant workers and their situation of Human Rights, provisions concerning migrant workers in conventions, international laws and domestic legislations, existing policies and regulations, and their enforcement, problems and challenges of migration, advantages and disadvantages, analysis of some representative incidents of 2013 and recommendations to the Government of Nepal.

2. Definition

Generally translocation from one's place of permanent habitation to another is migration. In principle, the process of shifting locations from one's permanent residence to another location for more than six months is called migration. Likewise, leaving one country to go and work in another country as per the existing regulations and wage rate is foreign employment.³ According to Article 2.1 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990 (CMW) the term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which

he or she is not a national.

According to Section 2 (a) of Foreign Employment Act 2064 (2007), foreign employment means employment which a worker gets abroad. Article 2 (b) of the same Act defines a "Worker" as the citizen of Nepal who gets in foreign employment.⁴ All Nepalis going abroad to work are regarded as migrant workers.

Convention on Migrant Workers (CMW) has categorized migrant workers as documented and undocumented workers. Workers living in the destination country legally are documented. Migrant workers, who are not permitted to enter, remain and be part of a remunerated activity in the country of employment, are undocumented workers. They are also known as regular and irregular workers. According to ILO, those entering or working in the destination country without legal permit are called illegal, clandestine and undocumented or irregular. The word 'irregular worker' denotes the worker as unauthorized and in criminal terms. As a result, the International Conference on Development and Population held in 1994 suggested to call the irregular worker as undocumented worker. But point out that the term did not cover those entering the destination country legally on a tourist visa but overstaying as worker and the workers who were smuggled into the host country through fake documents, an international seminar held in Bangkok, Thailand in 1999 recommended continuing with irregular worker.⁵ (In this chapter, the word undocumented worker has been used.)

Article 67, 68 and 69 of the Convention mention that every right of the migrant workers, whether undocumented

3. Adv. Khatri, Bishnu Bahadur. "Adhikarko Khojima Nepali Aaprabasi Kamdarharu". *Prachi Sachetana* Bimonthly, July/August 2013, year 19, ed. 78: p34

4. Foreign Employment Act, 2064 B.S. (2007)

5. Grant Stefanie, Solicitors Grant Harrison, International Migration and Human Rights, September 2005: p2

or in an irregular situation, will be guaranteed as per the policy of non-discrimination from Human Rights perspective. However, it has been noted in Article 35 that nothing in the Convention shall be interpreted as implying the regularization of the situation of migrant workers or members of their families who are undocumented or in an irregular situation or any right to such regularization of their situation.

Furthermore, Articles 68 and 69 note that appropriate measures shall be taken to provide protection to the workers in an irregular situation and to eliminate employment of migrant workers in an irregular situation, including sanctions on employers of such workers. According to international and regional treaties and conventions on Human Rights and migration, no matter whether a worker is documented or undocumented she/he cannot be deprived of fundamental Human Rights. Discrimination or prohibition cannot be made in the guaranteeing of the individual's basic Human Rights on the basis of non-documentation.⁶ Nepal's legislation does not clearly mention undocumented workers.

3. International Provisions

Various international Human Rights conventions, covenants, laws and mechanisms have been introduced for the protection of the rights of the migrant workers. Of them, the major provisions are as below:

3.1 Human Rights Treaties

General principle of Human Rights recognizes that an individual's basic human right must be respected and protected in any given situation. Human Rights principles apply the world over to all, without any discrimination. Article 1 of the Universal

Declaration of Human Rights states that all human beings are born free and equal in dignity and rights while Article 2 states that nobody shall be discriminated against, and Article 13 establishes everyone's right to freedom of movement and residence within the borders of each state, as well as to leave any country, including his own, and to return to his country.

International Covenant on Civil and Political Rights guarantees every individual's right against extra-judicial killings, inhuman treatment, slavery, bonded labor, arbitrary arrest, etc. It also ensures every individual the right to a fair trial, peaceful assembly, religious freedom, confidentiality and marriage.

The International Covenant on Economic, Social and Cultural Rights states that the State parties should work for the progressive realization of economic, social and cultural rights, including education, health and residence while it also guarantees workers right to the enjoyment of just and favourable conditions of work which ensures equal remuneration for work of equal value, leave, safe and healthy working conditions, collective bargaining and social security, and access of all to health education.

The Convention against Torture (CAT) prohibits torture and states that individuals must be ensured a situation where they are free of the danger of being subjected to torture, the Convention on the Elimination of All forms of Racial Discrimination (CERD) prohibits discrimination based on race or colour while the Convention on Elimination of All forms of Discrimination against Women (CEDAW) guarantees equal right to employment and rights in par with men over family benefits. Likewise, the Convention on the Rights of

6. Ibid 1: p324

the Child (CRC) guarantees the security, protection, development and participation of children while ensuring their civil, political, economic, social and religious rights. Likewise, international humanitarian law (the Geneva Conventions) guarantees the protection of all civilians during armed conflict. All of these provisions of Human Rights apply equally to the migrant workers.

3.2 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The CMW is the one of the nine major conventions of Human Rights introduced by the United Nations. This Convention approved by the UNGA Resolution 45/158 of December 18, 1990 is divided into nine parts and 93 articles. It achieved legal status following ratification by El Salvador and Guatemala on March 14, 2003. As of September 2013, 47 States have ratified the convention while 16 States have signed it.⁷ However, Nepal is yet to ratify the Convention.

The CMW lays importance on migrant workers and their Human Rights issues, and aims to protect the rights of the migrant workers and the members of their family. Considering the fact that migrants are not just workers but also humans, this Convention does not generate any new rights of migrant workers but guarantees their right to equal legal remedy, protection and a working atmosphere in par with the workers of the country that they are working in. Emphasizing access to protection mechanism of all migrant workers, the Convention emphasizes that the fundamental rights of the undocumented workers too need to be respected in par with any

other individual, while also recognizing the fact that the documented workers however can officially claim comparatively more rights.⁸

Article 1 (1) of the CMW provides that it is applicable to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

CMW also guarantees the right of the migrant workers to equality of treatment with the nationals of the State concerned including minimum age. Part III of the CMW mentions the rights of all migrant workers and members of their families from Article 8 to 34, of which some are as below:

Article 8: Migrant workers and members of their families shall be free to leave any State, including their State of origin and to enter and remain in their State of origin.

Article 11: No migrant worker or member of his or her family shall be required to perform forced or compulsory labor.

Article 13: Migrant workers and members of their families shall have the right to hold opinions without interference.

Article 14: No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, correspondence or other communications, or to unlawful attacks on his or her honor and reputation. Each migrant worker and member of his or her family shall have the right to the protection of the law against such interference or attacks.

7. <http://www2.ohchr.org/english/bodies/cmw/cmw.htm>

8. Ibid

Article 20: No migrant worker or member of his or her family shall be deprived of his or her authorization of residence or work permit or expelled merely on the ground of failure to fulfil an obligation arising out of a work contract unless fulfilment of that obligation constitutes a condition for such authorization or permit.

Article 22: Expulsion from the State of employment shall not in itself prejudice any rights of a migrant worker or a member of his or her family acquired in accordance with the law of that State, including the right to receive wages and other entitlements due to him or her.

Article 23: Migrant workers and members of their families shall have the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin or of a State representing the interests of that State whenever the rights recognized in the present Convention are impaired.

Article 24: Every migrant worker and every member of his or her family shall have the right to recognition everywhere as a person before the law.

Article 28: Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment.

Part III of the convention outlines the provision for Other Rights of Migrant Workers and Members of their Families

who are documented or in a Regular Situation while Part IV mentions about the establishment of a Committee for the purpose of reviewing the application of the Convention. This Committee shall receive reports from the State parties and includes a provision whereby complaints can be filed against the States not adhering to the provisions of the Convention. Part VII of the Convention carries provisions that promote sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families.⁹

3.3 International Labor Organization (ILO) Conventions

ILO has set international standards for laborers and ensured the rights of the laborers of all member states. ILO raises with importance the matters relating to, among others, the wage, rights, social security, tax, access to trade union. Special provisions have also been made under the ILO Conventions for security and rights of migrant workers. ILO Convention 1975 (Convention No. 143) relating to the opportunities of migrants and migrant workers in a vulnerable situation and promotion of their treatment also provides for rights of the migrant workers who are not documented due to various reasons. Likewise, ILO Convention no. 189 has ensured rights of domestic workers. Recognizing domestic workers in par with other workers, this Convention outlines minimum age of a domestic worker, remuneration, working hours, leave and right to collective bargaining and being organized. Likewise, protection of the workers from all kinds of abuse and violence, respect of confidentiality, mandatory labor agreement, healthy working atmos-

9. Ibid 1: p324

phere, complaint mechanism, prohibition in night-time work, not compelled to stay at home during holiday etc. are other provisions guaranteed by the convention. Emphasizing on domestic workers as not being servants, members of the family and second class citizens, this convention prohibits the discrimination against domestic workers. This convention had received 396 votes in favour and 16 votes against when it was put for a vote at the ILO Conference held in Geneva in 2011. The convention received legal recognition on September 5, 2013 as per the ILO norm of any convention getting legal recognition only one year after two states have ratified it. Uruguay and the Philippines ratified the Convention on April 26 and September 5, 2012. Nepal is yet to ratify ILO Convention 189.

4. Domestic Laws, Rules and Regulation

Though not named as migrant workers, Nepalis going for work in a foreign land is a very old practice. The trend of citizens going abroad for work in an official and documented way in Modern Nepal is believed to have begun following the signing of the Sugauli Treaty between Nepal and the East India Company on December 2, 1815. Some Nepali army personnel were recruited by the British after Nepal's defeat. And the tri-partite agreement reached among Nepal, Britain and India on November 9, 1947 opened the door to Nepali citizens to join the Indian and British Army in the name of Gurkhas.¹⁰ Nepali nationals began migrating to work in tea plantations in Darjeeling and the jungle of Assam in the middle of the 19th century and to work in the oil countries in the Gulf.¹¹ Bhimsen Thapa introduced the system of passport

in Nepal in 1805. Though it was intended to stop the entry of the British to Nepal, it gave continuity to the practices of modern passport. Nepal Government has introduced the machine readable passport or MRP from December 26, 2010.

Nepalis were going to India for centuries for studies, pilgrimage and to work as priests and cooks, the travel to India for work expedited after Indian independence. Nepali workers going to India as seasonal workers increased sharply, and the trend continues even today. Systematic departure of Nepalis to work in the countries besides India began in the 80s. It was during the same decade that the then Government of Nepal introduced the Foreign Employment Act, 1985 with the objective of regulating foreign employment. Though this Act institutionalized foreign employment, it was more for control than protection. Following the restoration of democracy in 1990, the number of Nepalis leaving for work picked up. Since then, Nepal Government has since been introducing various acts, laws, policy, directives and programmes to manage the sector. Some of the measures are:

4.1 Foreign Employment Act, 2043 (1985)

This is the first Act in Nepal concerning foreign employment. This has been replaced by Foreign Employment Act, 2007. Any work or action held under the Foreign Employment Act 1985 will be regarded as done under the Foreign Employment Act 2064 (2007).¹²

4.2 Foreign Employment Act, 2064 (2007)

This Act was drafted after amendment to and integrating the Foreign Employment Act, 1985 came into force following certification on September 5, 2007.

10. Pandit, Manoj, 'The Greater Nepal, documentary'. http://www.youtube.com/watch?v=Q_RbR3Naaqc

11. Ibid 1: p316

12. Foreign Employment Act, 2064, Section 86

Protecting and promoting the rights and interest of Nepali workers going for foreign employment is the objective of the Act. Defining foreign employment and worker, this Act prohibits children below 18 years of age from going for foreign employment. The Act also includes crucial provisions like prohibition of discrimination based on gender while sending workers for foreign employment, possible special government support to women, dalit, indigenous nationalities, the oppressed, natural disaster victims and people from the rural parts of the country, reservation as determined by Government to be given to women, dalit, indigenous nationalities, the oppressed, natural disaster victims and people from rural parts of the country, if the licensee company fails to send workers abroad then the amount paid by the worker should be refunded along with 20% interest, use of domestic airport to send off workers and if not possible then to obtain permission of the Department of Labor and Employment Promotion.

Receipts of the service charge paid by the workers, ceiling on the service charge and certified translated copy contract of employment from the Department of Labor and Employment Promotion are made compulsory. The Act also sets for a foreign employment welfare fund for the social security and welfare of the workers going for foreign employment and those who have returned from foreign employment and their families.

The licensee company has to pay for the remaining amount of money if the worker is made to work against the contract, labor attaché in a country with 5,000 or more workers is mandatory, the health institution providing medical report is obligated to pay the two-way travel expenses if a worker fails similar test in host country, multi-jurisdiction to enforce the Act, estab-

lishment of a 3-member Foreign Employment Tribunal chaired by Appellate Court Judge, an insurance of at least Rs 500,000 for every worker effective during the contract period and compensation for death or dismembering of limbs of the migrant workers are also provisioned in the Act.

Setting up of a Foreign Employment Promotion Board to protect the rights and interests of the Nepali migrant workers and to make foreign employment business safe, managed and respected, provision of penalty and punishment to stop fraud, exploitation and other illegal activities in the foreign employment business, free orientation training for women workers, baby care centres for the proper upbringing of the children of the women in foreign employment, appointment of a women labor attaché in a country where there are 1,000 or more women workers and safe houses for women workers in foreign employment are other notable provisions in the Act.

4.3 Foreign Employment Rules, 2064 (2008)

This was developed exercising the powers entrusted by Clause 85 of the Foreign Employment Act, 2064 (2007). It has made various important provisions including the basis and procedure of selecting companies to send workers on foreign employment, the standard and process to be followed while sending workers through a treaty or agreement, license, bank guarantee, license renewal, details to be made public while announcing advertisements for workers, basis of selecting workers, insurance, training, fund etc.

Government has also developed and enforced the foreign employment policy 2068, foreign employment department operation directives, 2066, Directives to send Nepal technical trainee workers to Japan, 2066 (JITCO), Foreign Employment

Promotion Board Operation Guidelines, 2068, Domestic Workers Management Procedures, 2067, Procedures to send Nepali caregivers to Israel, 2068, Directives on Individual Labor Permit, 2069, etc. in order to make foreign employment sector organized, effective and free of risks. In order to manage and regulate foreign employment, the Government has established the Department of Foreign Employment, Foreign Employment Promotion Board and the Foreign Employment Tribunal.

Even though Interim Constitution of Nepal, 2064 (2007) has not made any provisions concerning migrant workers all 21 fundamental rights outlined under Part 3 of the Constitution are also the rights of migrant workers. As the Constitution has provided that every citizen is equal before the law, it is the duty of the Government to guarantee the fundamental Human Rights of Nepali citizens in foreign employment. As non-discrimination, employment, labor rights are guaranteed in the constitution one can conclude that the constitution has guaranteed the right to work and the right against exploitation, slavery and forced labor.

5. Situation of Nepali workers

According to Labor Survey Report 2008, every year 400,000 youths enter the Nepali labor market. And large proportion of the human resource entering the labor market includes unskilled laborers. Such laborers carry weak competitive ability in the international labor market. 75% of Nepali workers are unskilled while 25% are semi-skilled. Of them, 80% are between 20 and 30 years of age and of them 75% have not even completed school education. Like-

The country-wise data of Nepali workers in foreign employment between fiscal year 1993/94 and 2012/13

Country	
Malaysia	930,710
Qatar	781,330
Saudi Arabia	579,172
UAE	365,756
Kuwait	78,620
Bahrain	36,466
Oman	20,197
South Korea	20,006
Lebanon	10,315
Israel	7,263
Afghanistan	5,969
Japan	6,344
Others	38,669
Total	2,881,517

Source: Department of Foreign Employment Nepal (Does not include the number of those going with official labor permit) http://www.dofe.gov.np/uploads/document/50_68-69data%20with%20chart_20120725092530.pdf

wise, 20% of Nepalis are away from their homes. At least one member of the 53% household is not with the family, with 25% out of that abroad. Similarly, 56% of Nepali households are receiving remittance. On an average, every family is receiving remittance worth Rs 80,436.¹³

Department of Foreign Employment data shows that a total of 2,881,519 Nepalis left for foreign employment between FY 1993/94 to 2012/13. In the first four months of the current FY 2013/14, 41,634 Nepalis (including 39,056 men and 2,578 women) left home for foreign employment.¹⁴ This statistics is only of those who left the country through official channels. It does not cover the undocumented and those working in the Indian labor market.

As per the national census of 2011,

13. Foreign Employment Policy, 2068 B.S. <http://www.dofe.gov.np/uploads/pdf/ForeignEmploymentPolicy2068eng.pdf>

14. Department of Foreign Employment, <http://www.dofe.gov.np/>

Country-wise details of Nepali workers who died in course of foreign employment in F/Y 2012/13 and their reasons

SN	Country	Reason for death								Total		Total
		Cardiac Arrest	Road accident	Natural	Suicide	Heart attack	Accident in workplace	Murder	Others	Men	Women	
1	Malaysia	14	11	4	34	12	2	0	176	251	2	253
2	Saudi Arabia	4	70	80	17	3	17	0	14	205	0	205
3	Qatar	81	5	0	15	4	4	2	40	151	0	151
4	UAE	13	6	7	3	4	2	0	12	46	1	47
5	Kuwait	0	5	0	3	7	0	0	7	17	5	22
6	South Korea	2	1	1	3	1	0	0	6	14	0	14
7	Bahrain	0	3	7	1	0	2	0	1	14	0	14
8	Oman	0	1	4	1	0	0	0	1	7	0	7
9	Lebanon	1	0	1	1	0	0	0	0	1	2	3
10	Japan	0	1	0	1	0	0	0	0	2	0	2
11	Israel	0	0	1	1	1	0	0	0	2	1	3
12	Russia	0	0	0	1	0	0	0	1	2	0	2
13	Sri Lanka	1	0	0	0	0	0	0	0	1	0	1
14	Italy	0	0	1	0	0	0	0	0	1	0	1
15	Afghanistan	0	0	0	0	0	0	0	1	1	0	1
Total		116	103	106	81	32	27	2	259	715	11	726

Source: Foreign Employment Promotion Board
http://fepb.gov.np/downloadfile/progress-Report%20069-70%20_Autosaved__1387429578.pdf

of the population of 26.62 million, a total of 1.92 million Nepalis are outside the country. Of them, 1663,237 (86.7%) are men and 254,666 (13.3%) are women. Region-wise, 811,880 Nepalis from the Terai, 998,087 from the hills and 107,936 from the mountains are outside the country. This shows that 7.20% Nepalis are out of the country.¹⁵ Government permitted foreign employment in 108 countries of which Malaysia, Qatar, Saudi Arabia, Kuwait, the UAE, Bahrain, Oman, South Korea etc. are the major destinations for Nepali workers.

According to the Foreign Employment Promotion Board, currently the country receives on average everyday dead bodies of three Nepalis in foreign employment. In the FY 2012/13, 726 Nepalis died

in course of foreign employment, of which 715 were men and 11 women. The number of deaths is an increase by 13% compared to the previous fiscal year. The number of deaths last year was 643. On a country-wise basis, the highest number of deaths was recorded in Malaysia with 253 followed by Saudi Arabia with 205 deaths. This number covers only those who have gone abroad through official channel and those who have claimed compensation and insurance.

6. Migrant Workers at Risk

Migrant workers are not the citizens of the country where they live and work. As the physical presence of a worker is in a country is different to his/her nationality, they are less familiar with the language, re-

15. Ibid

ligion, society, culture, politics, law, etc. of the country they are working in. They are not sufficiently aware of their rights. They face discrimination and unequal treatment in course of their daily life and work. Such discrimination could be based on race and religion. Such risk is higher for undocumented and women workers.

In comparison to men, women workers face dual risk. Women are vulnerable to sexual exploitation, trafficking and physical violence. There is lack of independent access to judicial mechanism. The access of the undocumented workers is limited to the judicial process. Many countries lack laws addressing the rights of the migrant workers while labor acts are discriminatory against migrants. As a result cheap wage in equal kind of work is another pain of the migrants. An activity that is regarded as normal in one's country origin may fall under serious crime in the destination country. Such minor mistakes committed by the workers due to lack of information could result in stringent penalty.

There are also many examples whereby the migrant workers have faced trouble just for being unable to respond to a simple police query or for giving a wrong answer due to language deficiency. Migrants are always marginalized and discriminated against, and they are unable to exercise their Human Rights to the maximum. The risk faced by migrant workers also depends on their work efficiency. Unskilled and illiterate workers face comparatively higher risk. Women migrant workers employed as domestic workers around the world face the highest risk. Even though they are treated as a family member in some families, they are mostly treated as slaves and bonded laborers. Likewise, those following illegal process and the wrong path to reach the destination country have to face the highest risk and danger. The level of vulnerabil-

ity depends also on the democracy, Human Rights, law and political system of the destination country.

6.1 Women Worker

Women are vulnerable in all kinds of complex situation that take place in the world like natural calamity, war, epidemic and hunger. In course of foreign employment too, women workers face dual risks. The risk faced by the men workers are the common problem of women. Just because of their gender, the women workers have to face additional risks like sexual exploitation, physical and mental violence, trafficking etc. Apart from this, as our society is a patriarchal society, even talking about a woman going abroad invites various accusations against her. On the other hand as the work to be done by women in the destination country is informal and domestic, there is a high risk of exploitation. According to UNICEF, of the 214 million migrants around the world half are women. The National Census 2011 shows that 254,666 women left for foreign employment. As per the Department of Foreign Employment data, in the fiscal year 2012/13, the number of women going for foreign employment was 24,549 while the number is 2,578 in the first five months of the current fiscal year 2013/14. This is the data of documented women workers. Of the total remittance that enters Nepal, women workers contribute 11%.

Various studies have shown that the number of undocumented Nepali women workers is higher than documented women workers. Reasons like having to work in the informal sector especially as domestic workers, with low wage, and as domestic work is usually not covered by the labor laws of the concerned countries and the risk of various kinds of violence from the employer have put not only Nepali migrant women work-

ers but all women workers worldwide at greater risk. A study carried out by Nepali women rights organizations WOREC on the situation of migrant women workers in Sunsari district in 2010 showed that more than 90% of the women travel for foreign employment as undocumented workers via India. As women have to work more in the informal sector and as they have gone without fulfilling the necessary procedure or have done so clandestinely, their social security is not covered. The number of women committing suicide and becoming mentally ill is on the rise because of long separation with their children and inability to return at will.

According to latest data provided by Department of Labor Employment, 150 of around 2,000 women acquired labor permit. A study by UNWomen showed that there are currently 111 Nepali women in jails in Kuwait, Saudi Arabia and Lebanon. 82 women committed suicide in the destination countries 31 are reported missing and there is a need to find how many more are missing but not reported. Of the 2,820 women rescued and repatriated by Embassies, Nepali organizations and Government, 415 returned with mentally unstable condition, 86 with unwanted pregnancy and 32 with children fathered by their employers.¹⁶ And women returning after falling victim to violence abroad are facing problems in family integration due to social stigma. There are 200 Nepali women workers at the shelter home of the Embassy in Kuwait at present.¹⁷ After the brutal incident of the death of Nepali woman worker Kami Sherpa in Kuwait came to light, the then government banned Nepali women work-

ers from travelling to the Gulf countries effective from May 16, 1997. The number of women going to the Gulf countries through unofficial route increased and that led to withdrawal of the ban in 2000 and permitted women to work in the organized sector (except domestic work) in the Gulf region. This too did not solve the problem. After the incidents of sexual violence against Nepali women workers increased in the Gulf, Nepal again on August 8, 2010 banned women below 30 years of age from going to the Gulf for work. This rule, too, has been criticized for its impracticality and for being discriminatory based on gender. This limitation of age of women has not resolved the problem but increased it as the number of women travelling to Gulf countries via India is on the rise.

6.2 Undocumented Workers

Of the total migrant workers around the globe, 10 to 15% are estimated to be undocumented workers. The percentage of Nepali undocumented workers is believed to be higher. A study by the Department of Labor and Transport Management and the International Organization of Migration (IOM) in 2010 showed that of the total migrant workers 40 to 50% used unofficial channels to leave the country.¹⁸ According to Nepal Institute of Development Studies (NIDS), more than 225,000 Nepali women workers are in the Gulf countries of which only 60,000 have officially documented themselves since 2007. There are 28,000 undocumented Nepali women workers in Kuwait alone. The Nepali Embassy in Riyadh receives an average 30 complaints of exploitation and abuse of Nepali women

16. http://febp.gov.np/downloadfile/progress-Report%20069-70%20_Autosaved_1387429578.pdf: P36-37

17. Bhattarai Devendra. 'Da Guardianle Nabujheko Yathartha'. *Kantipur daily* <http://epaper.ekantipur.com/showtext.aspx?boxid=3445546&parentid=341328&issuedate=2102013>

18. <http://www.insec.org.np/pics/1386578345.pdf>

workers every week.¹⁹ According to UN-women, some 63,000 Nepali women workers are working in Saudi Arabia of which 90% are undocumented. As they are working as domestic workers, it is very difficult to reach any kind of information to them. The Nepali Embassy in Saudi Arabia rescued 635 domestic workers between August 2011 and June 2013. Of them majority had reached there illegally via India.²⁰

Of the estimated 2.7 million Nepali workers in the Gulf countries, 700,000 workers are undocumented and of them, 200,000 are women workers. In the past two years alone, the Nepali Embassy has rescued 13,000 Nepalis in Saudi Arabia.²¹ The Saudi government arrested more than 50,000 migrant workers last November for allegedly crossing the deadline for undocumented migrant workers to join the due legal process. Of them, 150 were verified as Nepalis by the Nepali Embassy. Likewise, exercising the amnesty given by the Malaysian government two years ago for undocumented workers to either return home or document themselves, 34,000 Nepali workers entered documentation process in the biometric system. Similarly, more than 30,000 Nepalis returned home in the amnesty announced by the Saudi government in 2013. These representative incidents show the situation of undocumented Nepali migrant workers. Normally a worker becomes undocumented due to compulsion, enticement and unintentionally. The major reasons of not being documented are going abroad with a VISA or document different to that of a worker, overstaying (beyond the labor agreement), running away from the employer company or house

and absence of a passport or other related papers. People also become undocumented as a result of the assurances of the agents, to free oneself from exploitation and lack of legal knowledge about the destination country. The CMW also explains the reasons for migrant workers becoming undocumented as the worker's economic status or circumstances inciting the worker, internal conflict, unemployment, multiple agents, labor exploitation and human trafficking. Undocumented workers are under mental duress all the time, they could be arrested by local police at any point of time, it is difficult for them to access health service and to move freely, cannot return home on will, face discrimination in remuneration for the same work, employer or companies exploit their labor and threaten them.

6.3 Domestic Worker

Among those going for foreign employment, domestic workers are the most vulnerable. Majority of such workers are undocumented. A report released by ILO in mid-2013 sheds light on the pitiable situation of those working in this sector. The reported titled 'Tricked and Trapped: Human Trafficking in the Middle East' mentions that many women workers in the Middle East are forced into work. The study, carried out over a period of 17 months, comprised of interviews with 653 workers, including 354 migrants. Of those interviewed, 266 said they were forced into work, 103 complained of limited freedom, 149 said they were not paid on time (pay stopped), 196 told they were forced to work overtime while 168 said they were harassed while acquiring identity cards. Accord-

19. Kafley, Anup. *The Washington Post* <http://www.washingtonpost.com/blogs/worldviews/wp/2014/01/06/a-nepali-woman-went-to-kuwait-with-dreams-but-came-home-in-a-coffin/>

20. *The Himalayan Times* <http://www.thehimalayantimes.com/fullNews.php?headline=%27Rescuing+housemaids+a+tough+task%27&NewsID=376591>

21. http://www.thehimalayantimes.com/fullNews.php?headline=Labour+diplomacy+must+in+GCC+countries%3A+Envoys+&NewsID=375940&utm_source=feedly

ing to the report, 600,000 migrant workers in the Middle East are forced to work. Male workers are more victimized in the construction, production and agriculture industry and women in the entertainment industry. Sexual violence is high against those working as domestic worker and in the entertainment industry. There are an estimated above 2 million domestic workers in the Middle East countries.

In course of the study, a total of 143 migrant women, including Nepalis working as domestic workers were interviewed. They were between 19 to 55 years of age. Nepali domestic women workers who had reached Middle East on a fake contract paper following a 'setting' at the Tribhuvan International Airport shared that they had to pay separately for the 'setting', including a bribe of 100 to 700 US dollars to immigration officials at the airport. The reports states that domestic workers are traded. The rate for African and Asian domestic women workers is between 3000 to 4000 US dollars and as high as 5000 to 7000 dollars for the same in Jordan.

Domestic workers' passport are seized, they are usually given a tiny place to sleep, forced to work for 15 hours a day against the 8 hours written in the contract, are forced to work from 6:00 in the morning to 2:00 am next day, are not allowed to carry mobile phones and have limited communication and movement freedom. Domestic workers in the Middle East face three kinds of violence—psychological, physical and sexual. The interviewee women complained of having their hair cut forcefully, to wear clothes as wished by the employer, forced to see pornographic photos and video in iphone, and forced to come naked inside the room during the night. Many also said

they were raped.

According to the report, domestic workers who had reached Kuwait were taken and sold in Saudi Arabia. More than 50 such workers were rescued by the Nepali Embassy in Kuwait. Though promised to get them domestic work in Kuwait, they ended up looking after sheep and camels in Saudi Arabia. After reports of many women falling victims to sexual violence, the government last year decided to ban women below 30 years of age from going to work as domestic worker in the Middle East.²²

7. Rights and Duties of Migrant Workers

The Human Rights of migrant workers need to be respected. Their basic Human Rights must be guaranteed whether they are documented or not. The UN propounded civil and political rights, economic, social and cultural rights, rights against torture, rights against all kinds of discrimination, women's rights, child rights and all other rights are also the rights of the migrant workers. No prohibition can be made in their free enjoyment. On the other hand, however, it is the duty of the worker to respect the local language, culture and norms and values. One need to respect other's Human Rights while claiming one's own. As ignorance to law is unforgivable, the workers need to have a basic understanding of the local legislation.

8. Migration Cycle and Forgery

Migration cycle is the process of a worker going for foreign employment outside his/her country of origin and coming back home following income generation. In course of the migration cycle, the migrant worker faces fraud at various stages since leaving home for foreign employ-

22. 'Tricked and trapped : Human trafficking in the Middle East', *ILO Report*. http://www.ilo.org/beirut/publications/WCMS_211214/lang--en/index.htm

ment to coming back home. According to a study carried out by Third Alliance, a Human Rights organization, a migrant Nepali worker falls to forgery at 16 different points in course of foreign employment. Starting from the local agent, to Manpower Company, hotel, transportation and department of foreign employment, the 16 points also includes the airport and immigration.²³ The degree of forgery faced by an undocumented worker is much higher. As it would be difficult for such workers to legally claim their rights, they are forced to hide the information of fraud and forgery. An undocumented worker faces the likelihood of being cheated at every step from sending money home to renting a room.

Sacking of Labor Minister on suspicion of irregularities and calling back of two ministers within 12 months by the Prime Minister show the level of institutional irregularities and fraud in this sector. Department of Foreign Employment falling under the top priority of civil servants is another indication of financial irregularities rampant in this sector. Frauds, including the use of forged papers, fake contract, fake medical report and unofficial channels to go to the third countries, including via India and human trafficking in the name of tourist visa are taking place. The workers are compelled to pay the agencies more than set by government and to work for remuneration lower than fixed by the employer company. Incidents of fraud flourish due to poor regulation, institutional fraud, lack of orientation and lack of knowledge.

8.1 Problem of workers designated as 'illegal'

Undocumented workers face harassment not only abroad but also in Nepal. As

per the law, a Nepali worker going abroad on a fake passport and document, those arrested abroad and the returnees who have stayed abroad illegally can be held under custody for 25 days and on the basis of this law, immigration officials harass the workers and extort them. Though the officials seem hesitant since the incident of a young girl of Bhojpur robbed and raped by immigration and airport officials came to light last year, the trend of collecting bribes through middlemen continues. Legally, the Department of Immigration can hold an individual for a maximum of 25 days, and then present him/her before the court. Those who have returned after overstaying undergo normal questioning. The DoI collects arrival fee from those who returned after being denied immigration by the concerned country. Those who used fake passports are presented before the court. And the court can decide up to five years imprisonment and fine of up to Rs 50,000. These provisions have become pretexts for the immigration officials to collect bribe.²⁴

8.2 Foreign Employment Entrepreneurs

Only the foreign employment entrepreneurs, commonly called manpower companies, with license from Government are allowed to send workers on foreign employment. As a result, on the basis of this provision, manpower agencies have become a strong medium of duping the workers going on foreign employment. The number of such companies now operating with license from the Department is 761. The number was 1032 at the end of fiscal year 2012/13 but 271 companies' license was scrapped. Any company not renewing by deadline face automatic dissolution. Not a single manpower company has been dissolved so

23. Khatri, Bishnu Bahadur. 'Jokhim ra Thagiko Marma Aprabasi Kamdarharu'. *Prachi Sanchetana* Bimonthly, February/March 2013, ed. 80: p37

24. 'Karbahisangai Jabarjasti Ghus Linchhan Adhyagaman Karmachari'. *Karobar daily* January 9, 2013

far on charge of indulging in illegal activities or irregularities and fraud. Those dissolved have faced automatic annulment for failing to renew their license on time. Manpower companies are involved in fraudulent activities due to failure of monitoring by the Department as required by law after issuing the license. Barring a few companies most of the companies have been charged of not being able to rise from the level of human trafficking. Fraudulent activities of the manpower companies start right from the appointment of the agents. The companies are required to appoint registered agents but fail to do so. These agents go from village to village inciting people into foreign employment and thereby charging them unnecessarily and leaving them stranded. The number of registered agents is only 600 whereas some 100,000 agents are believed to be working. Legal registration of an agent requires a deposit of Rs 200,000 at the Department. This deposit amount is meant to be used to compensate the workers in case of a complaint of fraud by the agent concerned. However, this has not been put into practice due to lack of monitoring by the Department. On the other hand, the first step of deception starts right from the agents itself. Another fraud committed by manpower companies is the fact that they are charging more than the maximum ceiling fixed by the government for every destination country for sending workers for foreign employment. Even though the Department is aware of this, it has not been able to initiate any action. For the Gulf countries, the government has fixed the total cost expenditure at Rs 70,000 but the manpower companies are charging as high as Rs 400,000. Likewise, the workers are forced to pay Rs 120,000 to go to Malaysia even though the maximum ceiling for it is only Rs 80,000.

As the Gulf countries are more at-

tractive destination to work as security guards and drivers, those going for such positions are charged higher than the set rate. Likewise, many manpower companies are also involved in sending workers to a company different than the one mentioned in the labor contract, not giving the agreed remuneration and the agreed work and leaving workers stranded in a foreign land. Meanwhile, the Department has stopped the registration of new manpower companies since Mid-November, 2012 after it failed to monitor the increased deception and fraud by the manpower companies.

9. Problem and Challenge

9.1 Network of Agents

The network of agents that has penetrated to the village level in the name of foreign employment has become the primary reason for fraud and deception. These agents, who usually have access from village to center and from government offices to the destination countries, are involved in fraud and deception by sharing big but false dreams to the innocent youths in the villages. Irrespective of their legal status, the manpower entrepreneurs, their agents and sub-agents and the middlemen give false promises to the workers and charge money exceeding government criteria, making fake contract papers, promising higher wage but making them sign on lower wage, sending workers to the third country using illegal routes, seizing workers' passport and smuggling them via India. Majority of those duped in course of foreign employment are such agents active in the country of origin itself. Nepali agents are also responsible for making them work without VISA, insurance, contract and orientation. Those who lack basic knowledge about foreign employment have also been mobilized as agents and mediators. There are also some agents who work on behalf of many manpower

companies. Legally, any individual who works as a local agent must be registered at the Department of Foreign Employment and one agent can work only for one manpower company. One cannot take away the passport of others within Nepal without the approval of the person concerned and outside the country without permission of the Department of Foreign Employment. The agent working in foreign employment sector must also take permission in the name of a manpower company but so far only six have taken such an approval. The agents active in the village without taking approval to work in the field of foreign employment are all illegal so is their work. They are liable to face legal action as per Human Trafficking and Smuggling Activities (Control) Act 2008 and Foreign Employment Act 2064 (2007)²⁵. The network of such gangs, involved in human smuggling in the name of foreign employment, has expanded to the US, Europe and other countries. News about some gangs involved in taking Nepali youths to the US through unofficial routes by charging them Rs 3 million per person have also been reported in the media. This gang takes the youth through 14 countries, including Qatar, Brazil, Bolivia, Peru, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala and Mexico to reach them to the US. Life security is not guaranteed in this journey which involves travel by ship, bus, jeep, boat and foot before landing in the destination. This gang will have arranged 'setting' right from Nepal's airport to the countries that fall in the way. This journey usually takes one to seven months, and some even die before they reach their intended destination.²⁶ Ac-

cording to the victims, the Nepali Embassy in Saudi Arabia has also communicated to the Department of Foreign Employment, Ministries of Home and Foreign Affairs recommending action against the agents sending workers to Saudi and other Arab countries. The communiqué from the Embassy includes the name and address of 144 agents.²⁷

9.2 Kafala System

Arab region is the major destination of Nepali workers for foreign employment. The risk to migrant workers in the Arab States, however, is higher as many existing legal provision and practices are not Human Rights friendly. One of them is the Kafala system. Though not mentioned clearly in any law, the Kafala system has been put into practice. This is also known as the sponsorship system. According to this system, the contract is for two years, the financial and legal responsibility of the worker is fully on the sponsor, who also has full control over the mobility of the worker. This is a kind of a slavery system. In fact, in the Kafala system, the Kafil or the sponsor demands workers from various countries and sells them as required to various companies and employers. And for that the sponsor gets a lump sum or regular payment from the employer. Some also charge commission over the monthly remuneration. As of yet even the United Nations, the Geneva headquarters of Human Rights, the European Commission and the international agencies have not openly talked about this system.²⁸ The 2011 report of Human Rights Watch terms the Kafala system as modern slavery.

This system is applied in Gulf countries, including Bahrain, Kuwait, Qatar,

25. Ibid 17

26. Poudel, Surendra. 'Dalar Pachhyaundai Sat Mahina America'. *Nagarik Daily* <http://nagariknews.com/feature-article/story/1382>

27. Poudel, Surendra. 'Dalal Suci Sahit Dutawasko Chithhi'. *Nagarik Daily* October 9, 2013

28. Ibid 19

Saudi Arabia, the UAE and Oman where even the dead body of the worker cannot be returned to the State of Origin without the employer or landlord's permission or the exit visa. As per the Kafala system, as soon as the migrant worker enters the country concerned, all economic and legal rights and responsibilities of the worker comes under the employer. The status of visa of the worker is linked with the employer. The work, living conditions and mobility are all under the full control of the employer. A worker cannot change the work or company as per his/her wish. And he/she cannot leave the country without the exit visa from the employer. The employer can even hold the workers passport with himself. Unless the employer wants, the worker cannot leave the work, change it or leave the country before the contract period comes to an end.

9.3 Human Smuggling in the Name of Marriage

Nepali youths' increasing attraction to foreign countries and the ambition to make quick money are being exploited in different ways by the agents. Lately, the trend of getting Nepali girls married to foreigners to reach them to the destination country is on the rise. The number of Nepali girls getting married to Korean citizens to enter South Korea is increasing and so are their problems. It is the Nepali agents who are active in this kind of human smuggling. There are many Nepali girls who have been caught up in such a trap due to their desire for a modern lifestyle and economic prosperity as well as while trying to emulate others.

Studies have shown that Nepali girls entering Korea in this manner have suffered

domestic violence. Due to difference in age, language and culture these relations are limited to the paper only. Girls and women entering Korea in this manner are facing physical, economic as well as labor exploitation. And most of the women who have gone to Korea like this have not been given the status of a wife but that of a domestic worker. As some have already become mothers, they are compelled to endure the violence and exploitation out of love for their children. The number of such Nepali women in Korea is 1,100 of which 700 have made the basis of their marriage in paper only. Four hundred women are living as Korean spouse.²⁹

9.4 Increasing Number of Deaths of Nepali Workers

The number of Nepali workers coming back in coffin from foreign employment has increased by 33% in the first five months of the current fiscal year, compared to the same period of the previous fiscal year, according to the Foreign Employment Promotion Board. A total of 352 dead bodies of Nepali workers landed in Kathmandu this year compared to 264 in the same period the previous year. In the month of Mangsir (November/December) 99 bodies of workers arrived to Nepal, the highest so far. This is an increase by 65% compared to the previous month of Kartik (October/November). Looking at the numbers so far, on an average, Nepal is receiving three dead bodies daily. This data does not include bodies of the undocumented workers. In five months of the current FY, 31 workers returned with as disabled. Suicide after failing to withstand the exploitation, adverse weather and climate conditions, extreme labor, lack of proper health care are

29. Upreti, Minprakash. 'Korealisang Bibah Garne Nepaliko Bedana'. *Onlinekhabar*. January 17, 2014

regarded as the major reasons behind the death of Nepali workers. In South Korea, 2013 alone saw the death of 18 workers. Since 2007, 57 Nepali workers have died in Korea. Among those who died in Korea, 23 died during sleep, 19 workers committed suicide and nine faced normal death. Between 2010 and 2013, a total of 238 Nepalis lost their lives in Dubai, of which 33 workers committed suicide by jumping into the sea, stabbing oneself or by hanging. Since 2000, 3,500 Nepali workers have died in Saudi Arabia, 1,700 in Qatar and 2,300 in Malaysia. In 2013, 341 lost their lives in Malaysia. This is an increase by 89% compared to 2012. Majority of such deaths are termed natural and deprived of relief to the affected family. Families of only 20 of those killed in Malaysia have got some assistance relief assistance. Only those who die in road accidents are entitled to financial relief. The Malaysian law does not provide relief to the affected family in case of death due to suicide and natural causes. The Worker Compensation Act of Malaysia is discriminatory towards migrant workers.³⁰ Though considering the mortality rate of the country, the presence and mortality of the Nepalis in foreign countries looks normal, the age group of people losing their lives and the reasons behind their deaths are very abnormal and unfortunate.

9.5 Corruption and Irregularities

Commission for Investigation of Abuse of Authority (CIAA) arrested 35 officials, including 19 officers of the Foreign Employment Promotion Department and Department of Immigration on charge of corruption on August 23, 2013. Those arrested comprised of 19 staff of the Depart-

ment of Foreign Employment and 18 of the DoI. They were arrested on charge of issuing labor permits to 77 Nepali workers on forged documents and making financial gains. The CIAA concluded that Foreign Employment and Immigration Department officials are hand in glove in the corruption taking place in the sector.³¹ On August 20, 2013 the CIAA arrested six others including the Director of the Department of Foreign Employment Ramesh Mainali. The Foreign Employment Department alone saw its 23 staff being arrested. The CIAA concluded that the staff involved in passing a forged document as original, the staff computerizing it, and those endorsing the file and presenting it for further action and those making the final approval are all part of the irregularities. CIAA also claimed that the file containing the decision to validate a fake document was hidden by the officials. Prior to this also, news reports of financial dealings and corruption inside the Department of Foreign Employment and Immigration offices have been published. Taking over the issue of dealings, irregularities and controversies related to the Department of Foreign Employment, then Prime Minister Dr. Baburam Bhattarai-led government had to sack the then Labor Ministers Sarita Giri and Kumar Belbase. A sting operation carried out by Campaign against Corruption Nepal made a video footage public where Minister Belbase is asking for bribe.³² After it became public that the Minister had asked for Rs. 200,000 from those saying they wanted to register a manpower company in return for support to his party, he resigned as per the directive of the Prime Minister.

30. Giri, Ramchandra, Roshan Sedai. 'Discriminatory' law denies migrants compensation'. *ekantipur.com*

31. Statement issued by CIAA on August 20, 2013

32. <http://new1.onlinekhabar.com/2012/10/6230/>

9.5.1 Bribe to get justice

A woman from Nuwakot, who had returned to Nepal after suffering sexual exploitation in Oman, tried to register a complaint at the Department of Foreign Employment for justice but her complaint was not registered for three days. Her complaint was finally registered but only after a bribe of Rs 7,000 was paid through a middleman. She had filed the complaint against the manpower company that sent her abroad.³³

9.6 Diplomatic Shortcomings

Among the Gulf states with high concentration of Nepali workers, only four countries—Qatar, Kuwait, Saudi Arabia and the United Arab Emirates have a Nepali Embassy. Absence of a Nepali Embassy makes it difficult for the workers to file their complaints. Politicization of the post of Ambassadors has exacerbated the problem. Last year, Nepali Ambassador to Qatar, Maya Kumari Sharma was called back by the Government after it concluded that she acted against the diplomatic norms by calling Qatar as an ‘open jail’ for Nepali workers in a television interview, inviting ire of the Qatari Foreign Ministry. Sharma, who had been appointed Ambassador under UCPN-M quota, was urged by the party Chairman Prachanda himself to return but she declined and even refused a request of the Ministry of Foreign Affairs to return voluntarily. She was later sacked following a cabinet meeting on September 26. Qatari Foreign Ministry had sought a clarification from Sharma for her alleged statement. Concluding that her clarification was not satisfactory, the Qatari Foreign Ministry demand the Nepal Government to take action against her. Prior to this, the Nepali Ambassador to Saudi Arabia Hamid

Ansari too was relieved from his post after a controversy concerning compensation money of migrant workers. He also had to be relieved from his post by the Government after he rejected a call by the CPN-UML (the party’s quota that got him the post) to return home. He was later expelled from general membership of the party too. Likewise, Murari Prasad Sharma, who was appointed in 2008 the ambassador of Nepal to Britain by then government led by Girija Prasad Koirala was sacked in January 2009 for acting against diplomatic norms. Surprisingly, after being relieved of his post, Ambassador Sharma applied for political asylum in Britain and reportedly acquired a British passport.³⁴

9.7 Problem due to Lack Labor Agreement

Government has to sign bilateral labor agreements with destination countries for the protection of Nepali migrant workers. But Nepal is yet to reach a labor agreement with countries like Saudi Arabia and Malaysia, where the flow of Nepali workers is very high. As a result, those countries are not accountable towards the problems facing the Nepali workers. Nepal has not signed any new labor agreement with any country since its agreement in 2007 with South Korea to send Nepali workers through the Employment Permit System (EPS). Nepal has so far reached labor agreements only with Qatar, Bahrain, the UAE, South Korea and Japan. However, these agreements too need to be reviewed. ILO standard says that a worker cannot be asked to work for more than eight hours in a day and if so they need to be paid for overtime. But, in absence of a labor agreement, Nepali workers are not even getting

33. ‘Ujuri Darta Garna Sat Hajar Ghus’. *Annapurna Post daily* June 16, 2013

34. Pandey, Lekhnath, *The Himalayan Times* August 22, 2013 <http://www.thehimalayantimes.com/fullNews.php?headline=THT+EXCLUSIVE%3A+Former+envoy+seeks+asylum+in+UK&NewsID=388321>

the designated remunerated and are forced to work overtime without pay. Malaysia and Saudi Arabia are the two countries that have recorded the highest number of death of Nepali workers every year but it has become difficult to bring back the dead bodies in absence of a labor agreement with those countries. A draft of a bilateral labor agreement sent through the Ministry of Foreign Affairs to Saudi Arabia, Kuwait, Malays, Jordan, Oman and Lebanon has not received any response in absence of effective diplomatic initiative by the Government. In countries with labor agreement, the eight-hour work and overtime provision, minimum remuneration, accommodation and entertainment for the Nepali workers are guaranteed.³⁵

10. Efforts to Regulate Foreign Employment

The Foreign Employment Act, 2064 (2007) provides that in case a worker is left stranded for not getting the privileges as per the contract and has to return home, the concerned licensee need to get such worker back home while Government will arrange for return of the workers through its diplomatic missions or labor attaché in case they are to be returned in the event of war, epidemic or natural calamity in the destination country. It would also be the responsibility of the licensee to return (with Department's support) the workers who are overstaying their work visa in the concerned country. Such workers can be banned from leaving the country for a maximum of three years once they try to leave the country again. Likewise, the Act also states that a labor attaché must be appointed in the country with 5,000 or more Nepali workers in foreign employment, the foreign employ-

ment entrepreneurs must give a receipt for the service fee charged while sending the workers, which should be as determined by the government. Similarly, the procedures outlined for labor permit must be fulfilled and the national airport must be used following approval for foreign employment. The incidents of fraud and forgery in foreign employment has been categorized as a criminal offense and the Department of Foreign Employment authorized to prosecute such cases while a case of fraud in foreign employment also become a criminal case with government as the petitioner. The Act also provides that a foreign employment tribunal to oversee cases related to foreign employment would be formed with the Supreme Court serving as the appellate court. Accordingly some positive steps have been initiated by Government.

Government aims to make foreign employment safe, organized, dignified and credible through the Foreign Employment Policy, 2010. The policy states that the process of foreign employment would be made easy, transparent, credible, organized and safe. The policy also adopts a strategy to reach bilateral labor agreement with destination countries and develop a mechanism to monitor such an agreement, set up Nepali missions and provide for a labor attaché and welfare officers in countries where Nepali workers are based. The policy also includes provisions to document the undocumented workers in the destination country itself, develop a system of renewal of labor agreements, set up a mechanism for emergency rescue of the workers, and take diplomatic initiative to set up labor desks in the airports of the destination countries for the security of the workers and rescue workers in a dire situation by utilizing the

35. Gurung, Mohan, 7 Barshama Shunya Shram Samjhauta (Zero Labor Agreement in 7 Years), Karobar, Daily. <http://www.karobardaily.com/nepali/news/2014/01/1390099603>

Sufferings in Qatar

Qatar, World Cup and Nepali workers: The year 2013 alone saw the death of 185 Nepali workers in Qatar. According to British newspaper The Guardian, the workers died in the course of development of infrastructure taking place for the FIFA World Cup Football Tournament to be hosted by Qatar in 2022. As per the research of The Guardian, 44 Nepali workers died of cardiac arrest and accident in the workplace from June 4 to August 8, 2013 (36 Nepali workers died in last four months of the year). According to The Guardian, more than half of the number of deaths of Nepali workers was due to cardiac arrest, heart-related ailment or accident in the workplace. More than 65 workers died all of a sudden, with more than half of them due to heart-related complications. A report released by Amnesty International in November stated that deaths were also a result of the 12 hours of work daily in scorching heat, unhygienic living conditions and overcrowded quarters. In two years, 382 Nepali workers died in Qatar, the major labor destination. The Guardian released a report stating that 127 Nepalis died between January and September of 2012. Seventy workers died in the final three months of the same year. According to Guardian, the Labor Ministry of Qatar failed to give a satisfactory response to a question of how did the Nepali youth workers die of cardiac arrest. Qatar has been building mega infrastructures for the World Cup at an investment of around USD 137 billion. The International Trade Union Congress has also claimed that if working condition are not improved 4,000 workers will lose their lives by the time the construction project is completed. Meanwhile, fearing negative impact on its organizing of the FIFA World Cup 2022, the government of Qatar, according to The Guardian, concealed the real number of deaths of Nepali workers. It also says that the number of deaths could possibly be higher than the data provided by the Qatari Government.¹ The Guardian had released its first report about the exploitation of Nepali workers in Qatar in September 2013, drawing widespread international attention to it. The first study report had described that the Nepali workers in Qatar were experiencing modern day slavery. Following The Guardian report, the National Human Rights Commission of Qatar also expressed the commitment to carry out a detail study of the incident. In a video released by The Guardian, Nepali workers were seen complaining about the lack of drinking water and toilets, of having of share a room among 14 persons, having deprived of the designated remuneration, of infection spreading due to poorly sanitized kitchen, of forcing a fake contract and not getting salary etc. Likewise, the workers at the shelter home of the Embassy had expressed their wish to return home at any cost.²

1. 'Peter Pattison and Gibson Ben, The Guardian'. Qatar World Cup: 185 Nepalese died in 2013 – official records . <http://www.theguardian.com/world/2014/jan/24/qatar-2022-world-cup-185-nepalese-workers-died-2013>
2. <http://www.theguardian.com/world/2013/sep/25/revealed-qatars-world-cup-slaves>

foreign employment welfare fund. It also provides for timely reforms to the acts, rules and regulations and programs relating to foreign employment.

A separate Ministry of Labor and Employment, the Department of Foreign Employment, the Foreign Employment Tribunal, the Foreign Employment Promotion Board and various other bodies have

been established to manage the labor market that is expanding every year. The Board established in 2008 as per the Foreign Employment Act 2064 (2007) has set up a Secretariat and since F/Y 2007/08 working to rescue the Nepali workers stranded in foreign land, providing financial assistance to the families of the deceased workers and to workers who have been left disabled in

course of foreign employment and running public awareness programs for safe foreign employment. Government has so far opened 108 foreign countries for Nepali workers. Likewise, of the 1,032 licensee manpower companies, 271 have been dissolved and 761 are operational.³⁶ Likewise, 205 health institutions have been recognized for medical examination of workers going for foreign employment. Bilateral agreement has been reached with four countries. Government has also developed and enforced a country-specific directive principle to consider while sending domestic workers to six countries. A directive on women caregivers to be sent to Israel has been developed while workers are being sent to Korea under EPS and trainee workers under JITCO to Japan.

As per the Working Procedure to Manage Domestic Workers (2009), minimum remunerations of 1,000 Riyal for domestic workers in Qatar, 60 QD for Kuwait, 700 Saudi Riyal for Saudi Arabia and 900 Dirham for the UAE are fixed. The concerned Embassy certifies the contract only after fulfilling the standard set for domestic workers. As per the provision, the contract is certified only after minimum wage, insurance, standard of the employer, safe accommodation for the worker, social status of the individual demanding for workers, provision of regular contact with Embassy or family, permit of employing domestic worker given by concerned authority and security is guaranteed.³⁷ Efforts have been made to wipe out the institutional corruption and irregularities through the enforcement of a 10-point decision presented to the Department by then Prime Minister Dr Baburam Bhattarai, the 23-point directive

of the National Vigilance Centre and the 30-point action plan developed by Foreign Employment Advisory Reform Task Force.

10.1 Foreign Employment Tribunal

The government formed the foreign employment tribunal in 2010 in order to adjudicate the cases that the Department of Foreign Employment could not settle. This tribunal formed as per Foreign Employment Act 2007 has already adjudicated 333 cases. Of the 370 cases filed in fiscal year 2011/12, 124 were decided in the same year. Of the 424 cases in 2012/13, a total of 163 have been resolved. In the current fiscal year, 46 of the 63 cases registered so far have been decided. The tribunal however still has a case log of 278 cases to deal with.

Prior to the formation of the tribunal, the cases were overseen by the District Court. As per the Act, if the party concerned is not satisfied with the verdict of the tribunal then an appeal can be filed at the Supreme Court within 35 days. Department of Foreign Employment also refers cases to the tribunal, especially in cases where it cannot compensate the worker from the deposit that it has taken from the company concerned. During registration at Department, a manpower company needs to make a deposit of Rs. 700,000 including a bank guarantee of Rs. 2.3 million. If any victim worker files a case demanding compensation above both the amount, then it is referred to the tribunal.

12. Protection Mechanism

12.1 Diplomatic Protection

Diplomatic protection is the oldest and traditional system of protection of migrant workers. When any migrant worker is

36. Department of Foreign Employment Nepal, http://www.dofe.gov.np/uploads/cmsfiles/file/kharej%20manpower%20list_20120626011300_20130509112103.pdf

37. Bhattarai, Devendra, 'Bichar Garera Boldnus Prawaktajyu'. *Kantipur Daily* August 12, 2012

arrested in a country, the information about it must be reported first to the consular of the worker's country. It is the diplomatic right as well as duty of the consular officials to get information about the arrest of its fellow citizens, to be able to meet him/her and to provide necessary legal aid. This practice for the security of one's citizens in a foreign land is applied all over the world. It applies to both documented and undocumented workers.³⁸ But in reality, in case of Nepali migrant workers the Nepali consular and embassy usually come to know about the arrest of its citizens only after they are reported in the media.

12.2 Human Rights-Related Protection

The system of protection through Human Rights mechanism is being practiced off late. Every individual, no matter where they are or live in the world, must be free to enjoy the international provisions of Human Rights. Human Rights should be protected whether in or out of the country. Equality and non-discrimination are the fundamental principles of Human Rights and recognized by all international Human Rights mechanisms. In countries party to major Human Rights conventions, the provisions of the concerned conventions apply to both nationals and foreigners. In case provisions of the conventions are not enforced then a complaint can be registered under the treaty body mechanism of UN. As a result, for the protection of the Human Rights of the Migrants, the Human Rights-related system can be effective.³⁹ The role of special rapporteur under the special mechanism of the UN could also be significant in the protection of the migrants' rights.

12.3 Regional Mechanism

Various regional mechanisms have been set up at the international level for advocacy and promotion of Human Rights like the ASEAN Inter-governmental Commission on Human Rights. Similar regional mechanisms have been set up in America, Africa and Europe. But no such South Asian Human Rights body has been set up, though deliberations on it have been initiated. The SAARC was formed but it lays stress on issues of mutual interest rather than Human Rights. If a SAARC Human Rights mechanism is formed then the mechanism could be utilized to raise collective voice against violation of the Human Rights of the citizens in the region. A SAARC-level mechanism could be more effective in safeguarding the Human Rights of migrant workers, as India, Bangladesh, Pakistan and Nepal are among the countries getting highest amount of remittance. And since the migrant workers of these countries face similar kinds of problem, it would be easier to involve in collective bargaining with the destination countries through such a regional mechanism.

12.4 National Mechanism

A victim can approach international mechanism of Human Rights for justice only after the national remedies have been exhausted. As a result, national mechanism is the primary mechanism for the protection of the rights of the victim. Foreign Employment Act 2007 and other rules and regulations are in practice depending on the nature of cases for providing justice to the victims, and organizing the foreign employment sector. Likewise, the foreign

38. Ibid 5: p24

39. Ibid 5: p25

employment tribunal is under operation to deal with the cases related to foreign employment. The Foreign Employment Act, 2007 and its regulations, 2008 give the tribunal right to hear the case while the right to hear the appeal over it, is with the Supreme Court. As the case has only one level of appeal, it has, to an extent, made it easy to provide justice to the victims as soon as possible. Police, administration, department of foreign employment, foreign employment tribunal and the courts are national protection mechanisms.

13. Conclusion

Foreign employment has become a realistic option in Nepal to resolve its problem of unemployment and earn foreign exchange while it remains a lucrative sector for the hundreds of youth that enter the labor market every year. The earning of average 1,500 youths that are leaving the country every day has been significantly contributing to the national economy. The incidence of poverty that stood at 42% in 1997 has come down to 25.16% in 2013, despite the 10-year-old armed conflict, political transition and stagnated industrial expansion. Remittance (23%) is the second largest contributor after agriculture to the national gross domestic production. Nepal stands in the 6th position among the highest remittance earning countries in the world. The expected progress made by Nepal in education and health in the MDGs is also a result of the remittance through foreign employment. The guardians in foreign employment are investing a significant part of their income in upbringing, education and health of their children. As a result, the access to education and health of people living in the remote parts of the country has also increased. Now thatched roof in the villages are being replaced with corrugated roof. Access of the ordinary people to modern

basic technology like television, computer and mobile phone is also on the rise. Those going to work abroad are not only bringing in cash but also skills and technology. Those who were unskilled or semi-skilled before have returned with a skill in one sector or the other. Nepali youths in foreign employment have better understood the importance of work.

Despite the bright side as discussed above, foreign employment also has similar dark sides. Increasing risk, insecurity and incidents of fraud in foreign employment have raised a question mark over the enjoyment of the workers' Human Rights. While some have improved their living standard through foreign employment, the number of the workers who have lost everything due to fraud is not less. The villages have turned into old age homes with the outflow of youths. The number of people who spend their productive years in foreign land and choose their homeland at the debilitating point of their lives is on the rise. The number of those returning home with maimed limbs and incurable disease is also adding up. Arrival of three dead bodies of Nepali workers at TIA everyday also confirms the devastating situation of the sector. The culture of yesteryears of youth queuing up to have their chest size taken to join army ranks in India and Britain has now transformed into youths carrying their passports to sweat in Gulf and Arab states. For the new generation, going on foreign employment is becoming undisputed choice rather than being involved in any creative work. The number of people being duped in the name of foreign employment due to various reasons including weak regulation, ineffective enforcement of the law, lack of orientation, ignorance, lack of information, irregularities and corruption. Furthermore, the increasing trend of foreign employment is also bringing changes to the traditional

Incident Special

Amid the urgent bustle of Kathmandu airport, you can see one of globalization's most bitter sights. At the departure gate, hopeful parents bid tearful farewells to their garlanded sons as they join the hundreds of thousands of Nepalese heading overseas for work. At the other end of the terminal, among the stream of passengers emerging through arrivals, the coffins of migrant workers are wheeled out on luggage trolleys to be collected by families. Some relatives are stoic; others wail and writhe on the floor. On average, three or four bodies arrive home every day.

These are the big losers of scandalous abuse and exploitation of some of the poorest, most disenfranchised people on the planet: the workers who leave Nepal for the Middle East every year.

Ganesh Bishwakarma was one such worker. For Ganesh, Qatar was an oasis in the desert, a promised land where he could work his way out of the acute poverty that had trapped his family in Nepal's rural Dang district for generations. Like many others in his village he had met the recruitment agents who promised well paid work and the opportunity to provide for his family. He left pledging to come back and build his mother a beautiful house.

He did return – after only two months and in a coffin. He was 16.

"We didn't think he would die like this," said his grandmother, Motikala. "We didn't think we would be crying like this."

It was late at night when the ambulance carrying Ganesh's body pulled up outside his family's small mud house. The wailing of his friends and neighbours started long before his coffin was unloaded and carried back home by his shocked and grieving family. All night his family crouched around the child's coffin. As dawn broke, they said their final farewells and lit his funeral pyre.

At 16, Ganesh was too young to have legally migrated for work, but that did not stop a local recruitment broker arranging a fake passport stating he was 20. The broker charged an extortionate fee for a cleaning job in Qatar – far in excess of the legal limit set by the Nepalese government – leaving the boy and his family with a 150,000-rupee (£940) recruitment debt that he promised to pay back at an interest rate of 36%.

<http://www.theguardian.com/global-development/2013/sep/25/qatar-nepalese-workers-poverty-camps>

social structure of Nepal. Many norms have been broken with the beginning of women also leaving the society which traditionally considers only the men as earners. The instances of family breaking up because of distant relation of husband and wives and preference of foreign culture are also becoming common. The divorce rate has jumped and the social duty of children in taking care of their elderly parents has been relegated down the list. The situation where the people are unable to return home even for the post-death rituals of their parents is turning them insensitive. Empty villages and locality mean there are no people even to join a marriage or the mourning of the deceased. Social insecurity has also

increased due to low presence of youths in villages across the country. The burden on women has increased in the absence of head of the household. Though, home is regarded as the first school and parents the first teachers of the young ones, the new generation is being deprived of parental care. Experts also believe that the out flux of youths is also one crucial reason for the unprecedented decline in Nepal's population growth rate recorded in the 2011 census. If this trend keeps on, then there is a risk of social imbalance. The skilled and young human resource of the country leaving to work in a foreign land is another serious problem in the offing.

Nepal has already been listed as one

of the highest remittance earner country but the failure of the State to ratify the CMW, 1990 is a disregard towards the migrant workers. The Foreign Employment Act, 2007 and other domestic provisions too have been enforced poorly. The international diplomatic efforts of Nepal extended to ensure the rights of its citizens in foreign land are also off the target. The government also has failed to check the institutional irregularities taking place in Department of Foreign Employment, Immigration and other related bodies. Though the government's policy and programs are positive, they are limited on papers only. Illegal workers and human smuggling have flourished in the name of foreign employment because government monitoring is weak. The trend of sending workers to third countries via India is also increasing and thus the number of undocumented workers is rising.

Though Nepal has not ratified the CMW, it is a moral responsibility of State to guarantee rights of the 5 million Nepalis who have been supporting the country's economy through remittance. Treaty Act, 1991 provides that the international treaties and conventions that Nepal is party to will apply as the law of the country and the conventions will override if they contradict with domestic laws. Nepal has ratified some 22 international treaties including eight major conventions, it is the obligation of Nepal Government to respect and protect the fundamental rights of its citizens by enforcing the provisions of the treaties and conventions.

Finally, as it is less likely that the government can provide a better alternative to foreign employment inside the country in present circumstances, option for the government is to make foreign employment safe and less risky. The government, man-power agencies, civil society, NGOs, political parties, media and those going for for-

eign employment themselves need to be responsible and alert for safe foreign employment. For this, the effective enforcement of existing laws, effective regulation to stop irregularities and fraud taking place at the government, quasi-government and private sectors and meaningful public awareness and orientation in the general public is essential. It is also essential that the Government immediately ratifies the CMW, 1990 and commits itself to guaranteeing the Human Rights of migrant workers. Since the nation is presently engrossed in the process of constitution drafting, foreign employment must be codified in the constitution.

14. Suggestions and Recommendations

- ❑ In order to become sensitive in favor of the rights of the migrant workers and to assume international accountability, the CMW (1990) and the ILO Convention (no.189) on the rights of domestic workers should be acceded and national legislation amended accordingly.
- ❑ The new constitution should enshrine the issue foreign employment.
- ❑ The provision to bar women below 30 years of age from going to work in the Gulf countries is against the Convention on Elimination of All kinds of discrimination against women (CEDAW), 1979, the Foreign Employment Act and right to equality of the Interim Constitution of Nepal, 2007, and since this provision has increased the number of Nepali women workers going to the Gulf countries through India and Bangladesh and thereby inviting more risk and vulnerability it should be dissolved, and new and effective measures should be adopted for the safety of women workers.
- ❑ As the existing acts and regulations of Nepal do not clearly mention undocumented migrant workers, necessary re-

forms should be made to ensure legal protection to such workers as well.

- ❑ Of the Arab States with high concentration of Nepali workers, only four countries have Embassies so they should be set up in other countries as well and a post of an Ambassador that is associated with the country's pride and diplomacy at the international level should not be made a subject of political sharing.
- ❑ As per the existing legal standard of Nepal, labor attaché must be appointed in all the countries.
- ❑ The jurisdiction of the Foreign Employment Tribunal must be widened.
- ❑ The political parties' manifesto and policy and programs must also address with importance the foreign employment sector.
- ❑ Effective monitoring mechanism should be developed against the irregularities and financial dealings that take place in government bodies, including the Department of Foreign Employment and Immigration.
- ❑ As there is lack of systematic data of Nepali migrant workers, necessary studies and research should be carried out and the documentation system be made efficient and updated.
- ❑ Provision should be made for free legal consultation, psychosocial counseling, shelter homes etc. for the workers who return as a result of violence and exploitation.
- ❑ The budget and human resource of the Ministry of Labor and Employment should be enhanced to increase the interest and access of the workers, and at least decentralize the services at the regional level. And mechanisms, including the Department of Foreign

Employment, Foreign Employment Promotion Board and Foreign Employment Tribunal should be decentralized to the maximum.

- ❑ The branches of manpower companies under operation in various places without approval and the agents spread across the villages should be brought under the ambit of law through effective monitoring and regulation of the manpower entrepreneurs.
- ❑ Necessary diplomatic initiatives should be taken for the protection and promotion of Human Rights of undocumented workers in the destination countries.
- ❑ Monitoring of the Human Rights situation of Nepali migrant workers should be made regular and effective in coordination with international Human Rights organizations and mechanisms, and it should be documented in an organized way.
- ❑ Crimes relating to human trafficking and smuggling and of forgery in the name of foreign employment should be brought under the purview of the law as per the related acts and regulations.
- ❑ As the tendency of Nepali students, sent abroad by institutions run under the name of educational consultancy, being cheated is on the rise, such institutions should also be monitored and regulated.
- ❑ Special units should be set up at both the Ministries of Labor and Foreign Affairs in order to address the complaints to be registered concerning the problems and concerns of the workers who have faced any problem in course of foreign employment and that of their family members.
- ❑ A provision should be made for special economic fund for the emergency rescue operation of Nepali migrant workers.

- ❑ The passport distribution process should be made organized, easy and efficient, and decentralized.
- ❑ As bilateral labor agreement has not been reached with any new country since 2007, effective steps should be taken for reaching bilateral labor agreement with new countries.
- ❑ International forums should be utilized diplomatically to raise the agenda of the Kafala system up and running in the Gulf states.
- ❑ Provision should be made for toll-free hotline telephone service for the emergency support and security of the workers based in country with high concentration of Nepali workers and high risk as well.
- ❑ A separate and special information resource center should be established to help women who are willing to go for foreign employment.
- ❑ Provision should be made for easy and accessible loan at the government's level for those willing to go for foreign employment, and the high-interest loan provided at the individual level should be discouraged and exorbitant interest against the set criteria should be punished.
- ❑ Effective programs must be introduced for uplifting skill of potential migrant workers as per the demand of the international labor market. And a long-term policy and programs should be developed and enforced for the production of technical human resource.
- ❑ Access of the marginalized region, ethnic group, gender and community should be guaranteed in the services and opportunities provided by the state for foreign employment.
- ❑ The workers should be provided with basic orientation on law, culture, norms and values, language, risk, etc. of the destination country.
- ❑ In order to make foreign employment safe and organized, there should be an effective coordination among all national and international NGOs active in this sector. Also to safeguard Human Rights of the workers, coordination should be established with Human Rights defenders, NGOs, international networks, Non-resident Nepalese Association, Migrant Nepali Associations and the media.
- ❑ Basic information concerning foreign employment, acts and regulations and its advantages and disadvantages should be included in the school-level curriculum.
- ❑ Extensive publicity should be made through radio, television, newspapers, online portals, etc, to aware the people about the advantages and disadvantages of foreign employment, the safety measures and legal proceedings.



Chapter

6

6.1 Study Report

Janata Awas (People's Housing) Programme:

Dalit from Saptari and Siraha

1. Background

Traditions and laws that degrade human beings as untouchables and that treat them with hatred started in Northern India and Southern plain in Nepal since 600 BC. Such practice and tradition were introduced in the hilly parts and valleys of Nepal since first century AD, being embedded with Lichhavi and Malla rulers. Untouchability was systematically practiced since the times of Malla king Shankardev. Extreme form of untouchability was consolidated in Kathmandu valley with the introduction of New System by king Jayasthiti Malla. Hence, those who were suppressed through religion, law and administration for thousands of years have been termed as Dalit-suppressed community these days¹.

The Muliki Ain (General Code) 1963 replaced the provisions of the Muluki Ain 1854 that were caste discriminatory. The Code provided for an equal treatment for equal offences. However, Number 10 of the Miscellaneous Chapter of the very Code (reference) had been indirectly nurturing untouchability and casteism - against the provisions of the Constitution of Nepal 1991.

Dalits have been fighting for their self-respect for long. Starting with *Janaiaabhiyan* launched against untouchability in 1940/41, their movement for rights and respect is ongoing. A decade-long armed conflict exposed Dalits' issues and their issues were part of Democratic Movement of 2006 as well. Dalit communities have been expressing their encouraged participation in each political movement of the country. This is an achievement of Dalit movement. Complete seven decades have passed by since the beginning of an organized Dalit movement in Nepal. However, Dalit movement between 1946/47 and 1966/67 was

focused against untouchability. Of late, Dalit movement has expanded holistically. Therefore, their movement has called for all forms of equality and protection of achievements.

Nepal ratified International Convention on the Elimination of All forms of Racial Discrimination on January 30, 1971. Article 14 of the Convention provides for special protection of discriminated people by the State. Interim Constitution of Nepal 2007 does have provisions on Dalits. Based on these and other internal policies and provisions, the Government of Nepal came up with a special housing plan called *Janata Awas* targeting Dalit and Muslim communities of Saptari, Siraha and Kapilvastu districts.

2. Methodology of the Study

A study team was commissioned and dispatched by INSEC with an aim to carry out this study in Saptari and Siraha districts from central Tarai. In the course of study, the team made visits and held discussions with local stakeholders such as beneficiaries, rights activists, representatives from NGOs and concerned local governmental authorities. Similarly, literature review was another methodology adopted for this study.

3. Limitations of this Study

Only four VDCs from Saptari and Siraha were selected as study area. From Warahi Birpur VDC of Saptari district, two communities Hattiban and Musari were selected whereas from Babhargamakatti VDC, Topa and Munsasur neighborhood were in the selection. Despite the fact that many other Village Development Committees and local communities are in dire need to be provided with housing assistance and

1. Prashrit, Modnath. 'Manabatako Kalanka: Jatpat Ra Chhuwachhut Pratha': p 84

study, the government of Nepal launched housing program in these localities. Hence, this study was carried out in relation to the effectiveness of the program. Due to resource constraints and also to the fact that ours was not an objective to give the study an academic fervor, this report might not meet the expectations of some.

4. Significance of the Study

This study has aimed to monitor and reveal actual implementation status of Janata Awas program. Hence it is believed that publishing the outcome report of the study in Nepal Human Rights Yearbook will disseminate the program implementation status among a wide range of audience. Also, it is believed that this will draw attention of the concerned stakeholders besides assessing Janata Awas program's effectiveness. It is believed this study will work as a guideline for the government and concerned stakeholders in regard to continuation, revision, extension and replication of such programs.

5. Economic, Social and Cultural Situation of Dalits

Despite the fact that Nepal, rhetorically, is undergoing a transition to New Nepal now, Dalits' issues stand as a serious problem in this phase as well. Dalits have not been allowed space in the mainstream of socio-political and economic life even today. As a result, they are compelled to live a downtrodden, backward and vulnerable life standard. Unemployment, landlessness and crisis of traditionally adopted occupations are their economic problems.² Politically, lack of meaningful representation in the state mechanism and machinery, denial of access, control and participation are ma-

for problems. Dalits face chronic food crisis due to poverty and to the state of landlessness. Generally, discriminations against them are still non-Dalits' practice. They still cannot enter into temples; have to wash the utensils used by them in public places including in hotels by themselves.

Government data has it that 20.9 per cent of the population in Saptari district represents Dalit community. However, another data provided by Nepal Rastriya Dalit Samaj Kalyan Sangh based on their model census shows that 28.14 per cent population in the district is from Dalit communities³. Of various Dalit communities from the district, Dom, Marik, Halkhor, Musahar, Sarbhanga, Sada, Mochi, Harijan, Ram, Chamar are extremely backward in terms of educational, social, political and economic status. There is a big disparity between the overall life standard of Dalits and socio-political, educational and economic standard of Dom and Musahar communities in particular. These two Dalit groups are the most disadvantaged and backward groups. The Doms who have been adopting bamboo works for sustenance for centuries, divide their villages for the purpose of selling their bamboo materials. It is still a tradition in Tarai area that fire has to be bought from Dom communities for cremation⁴.

Although Dalits from the district seem to be putting their efforts in regard to continuing traditionally adopted occupations, they are unable to modernize their occupations/professions due to which their access to contemporary employment is getting difficult and they are almost on the verge of being displaced from their traditional occupations. Going for an alternative occupation and profession is not easy

2. Bhattarai, Ramesh. 'Dalit Pariprechhye: Pragatiwadi Aakhyaanka Sandarvama, Dalit Saundarya Bodh': p 181

3. 'Dalit Jatiko Bristrit Parichaya', Nepal Rastriya Dalit Samaj Kalyan Sangh

4. Paswan, Bhola. 'Nepalko Dom Samudaya: Pahichhan, Pratinidhittwa Ebam Samajik Arthik Awastha' (Dom Community of Nepal: Identity, Representation and Socio-Economic Situation)

Carrion Boycott Movement of Saptari District

The Chamars, as per the so called caste based order, had been clearing and managing carrions for long in the district. However, there emerged heated debate when they launched a campaign against carrion collection. This move of the Chamars even ultimately reached a situation of imposition of blockade against them by so called higher castes. Mohan Ram, a resident of Manraja VDC- 9 was beaten up, barred from entering shops, fetching water from public taps and even prohibited to pursue labor works on July 13, 2001. He was beaten up alleging that he refused to clear carrion and did not beat Dholak (two-headed hand-drum common in South Asia) in the village.

A village level meeting was held on July 22, 2001 to discuss the beating related issue. Even the representatives from Dalit communities were present in the meeting. However, the representatives of the Dalit communities were manhandled and insulted by so called upper class groups. Ramesh Ram of Banoula VDC-6, Mohan Ram and Dashain Ram of Manraja VDC-9 and Ganesh Prasad Ram from Madhupatti VDC-5, among others, were the ones to face such manhandling. Dalit representatives' camera and diaries were even seized. The Chamars from Harirawa area of Nakati Rayapur VDC were blockaded by Chaudhari communities on September 10, 2001 alleging that the former did not clear carrions in the village. The Chamars organized a sit-in at District Administration Office in protest of the incident on September, 23, 2001. Such incidents occurred repeatedly in Pakari, Arnaha, Prasawani, and Shambhunath VDCs of the district.

for them due to economic problems. Of the Dalit communities, Dhobi and Khatwe communities, though nominally, have started to be absorbed into government and foreign employments due to their increasing educational level and attraction towards it⁵.

In the hilly context, those hired for plowing field are called *Hali* and cattle herders are called *Gothala*. In the same manner, in Tarai, those hired for plowing fields are *Haruwa* and cattle herds are called as *Charuwa*. These *Haruwa* and *Charuwa* are mostly from the Dalit communities. The Government of Nepal declared an end to *Kamaiya*, *Haliya*, *Kamalar* systems however, the problems related with *Haruwa* and *Charuwa* still remain unaddressed. They are still unable to set themselves free from loans borrowed from their landlords and money lenders, neither have they been

able to receive any support from the Government. The *Haruwas* and *Charuwas*, who generally settle on unregistered land, village block, on the lands owned by Trusts or along the roadsides, generally hail from Musahar, Ram, Khatwe and Paswan communities. The districts of Saptari and Siraha, where Dalits' settlement is comparatively high, are with concentrated settlements of the *Haruwas* and *Charuwas*. Data shows that more than 76 per cent of *Haruwa Charuwa* represent Dalit communities.

According to a survey carried out by ILO and CSRC in 2006 in three VDCs each of Saptari and Siraha districts, there live a total of 708 *Haruwa Charuwa* in Saptari district and such data for Siraha district is 554. According to another study conducted by Bal Kumar KC in the eastern Tarai and some hilly districts, a total of

5. Yadav, Murali Prasad. 'Saptari ra Siraha Madhesi Dalitharuko Samajik, Aarthik Awam Rajnitik Awastha ra Samabesikaran Yek Anusandhan', Karyapatra. Binod Bisunke. Dalit Janakalyan Yuwa Club, Siraha

143,000 out of 1.6 million adult males are working as bonded labor in the country⁶.

5.1 Current Situation of Discrimination

Policies and regulations introduced in the country to eliminate all forms of discrimination are not implemented effectively. However, with the increasing awareness among the stakeholders, tendencies are perceived that punitive aspects are feared. With the political changes in the country, Dalits' issues and discriminations are receiving spaces in public debates and discussions. Those living under repressive discriminations have not felt they are

dealt justly. However, popular perception and psychology is changing gradually for the good. Dalits have been living with caste based hierarchy within them. Over years, Dalits have initiated discussions about this aspect as well. Dalits were denied access and entry into Hindu temples. However, once Doms entered collectively into Chh-innamasta Bhagawati Temple located at Sakhada on February 26, 2001 and Kankalini temple located at Bhardaha on May 8, 2002, trend to prohibit Dalits to enter temple has decreased⁷.

Although untouchability related issues in public temples is no longer a big

Case Study

Carrion Boycott Movement of Siraha District

A total of 18 Dalit households from Kachanari VDC in Siraha district were imposed with economic and social blockade by non-Dalit groups of the VDC on September 17, 2001. The victims were not allowed to buy commodities from non-Dalits' shops, to move towards and entry into public taps, mills etc. Saying that District Administration did not take any action against the perpetrators even after the completion of one year following the incident of blockade, the victims from the VDC organized a sit-in blocking highways in protest of the Administration on February 22, 2002. Rastriya Dalit Morcha, demanding that the perpetrators be brought to justice, observed the date as Black Day. Similarly, in a separate incident, Laxman Sah, hotelier from Lahan Municipality Ward no.7 did not allow the Doms and Mestars from the same ward to drink tea in his hotel saying that they represented the individuals from so called low caste.

Similarly, so called upper caste groups of Chandralapur VDC-6 stopped Rajgir Marik Dom from the same ward to fetch water from public well on July 15, 2003. Mukhidas Tatma from Dhodhana VDC-7, Birnagar was prohibited by Chaudhari communities from entering into Dihibar temple on August 17, 2003. In both incidents, the victims were victimized saying that they belonged to so called low caste. In the second case the victim was even imposed social punishment. Saying that a total of 10 Chamar households, among other Dalits from the same locality, refuse to pay the said fine, they were also imposed with social and economic blockade on August 19, 2009. Similarly, Bhola Das, 16, from the same place was demeaned and beaten up by Chaudhary communities saying that he was a Dalit. An agreement was reached at Area Police Office, Lahan, on August 25, 2003 against discrimination and repression against Dalits. It was agreed that no untouchability related discrimination would be practiced, no Dalit would be stopped from involving in their traditionally adopted works, entry into temples would be allowed, would be paid for their labor and that no mental and physical torture would be inflicted against Dalits.

Source: Based on different issues of Human Rights Yearbooks published by INSEC and Newspapers

6. Based on different issues of Human Rights Yearbooks published by INSEC and Newspapers

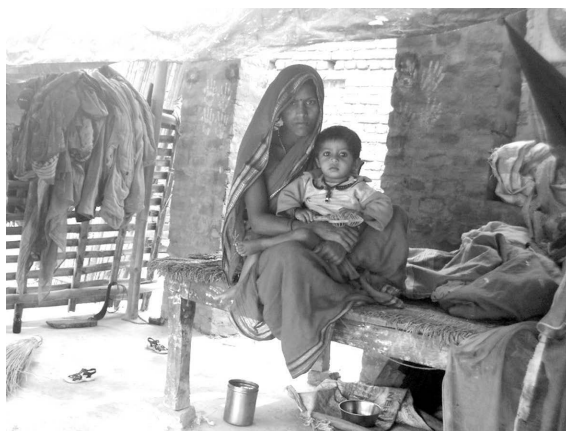
7. Based on interaction with Yukti Lal Marik, the Chair of Dom Utthan Samaj, Saptari

problem for Dalits, it continues as a practice among so called upper caste groups especially in their shops and homes. A case filed in the Saptari District Court on May 28, 2012 on untouchability was decided in favor of the Dalits. The Court even fined three shops with Rs 51 each. Gradually, engagement of Dalits in their interest-organizations is increasing in the district besides their increasing participation in political programs and affiliation to various political parties in the district.

6. Janata Awas (People's Housing) Program

Through its annual budget (F/Y 2009/10) declaration, the Government of Nepal declared that Janata Awas program would be launched in Saptari, Siraha and Kapilvastu districts. This program was introduced by CPN (UML) led government with the aim to provide with housing for Dalits, poor and Muslim families. Although the program was planned to be started immediately following the declaration of budget, survey on the program started only in February of the year due to delay on the part of the Ministry for Finance in disbursing budget. It was projected that a total of 3 thousand modern houses would be built in these three districts(these districts are with high number of ultra poor, Dalits and Muslims people) and be handed over to the target communities⁸.

This program was given continuity in the government annual budget of F/Y 2010/11 but extended this time to the Chepang, Raute and Kusunda communities. Similarly, Badi, Bankariya, Sural and Gandharva communities were encompassed under this program in the govern-



House of Dayawati Ram which is yet to be roofed, constructed by Janata Awas in Padariya VDC-9

ment's annual budget in 2011/2012. However, no additional communities were added to the program in the next fiscal year. With the aim to construct a total of 856 buildings under Janata Awas, Rs 170 million was allocated in the current fiscal year. Such budget was only about 100 million for the F/Y 2012/13. Of the allocated amount, according to the Department of Urban Development and Building Construction (DUDBC), only 80.4 million was spent⁹

It is projected that by the end of the current fiscal year, a total of 5,871 buildings will have been constructed. During the last five years, the Government of Nepal allocated a total of Rs 1 billion and Rs 260 million for Janata Awas Program. Of the allocated budget, the DUDBC informed, a total of 4,850 households have been provided with buildings and for this Rs 886 million and Rs 900,000 have been spent. The DUDBC estimates that a total of 40,000 households will be provided with housing facilities under this programme by 2020 by spending an estimated Rs 6 billion and 500 million. This program is under implemen-

8. Government of Nepal, Budget programme F/Y 2009/10

9. Government of Nepal Budget Programme F/Yrs 2010/11, 2011/2012, 2011/12, 2012/13

tation now in 23 districts- Saptari, Siraha, Kapilvastu, Arghakhanchhi, Chitwan, Makwanpur, Dhading, Gorkha, Tanahun, Pyuthan, Rolpa, Rukum, Dang, Dadheldhura, Kaski, Gulmi, Banke, Bardiya, Kailali, Surkhet, Jajarkot, Dailekh and Dolakha. It aims to provide direct housing facilities to individual families and to make unmanaged settlements managed¹⁰.

6.1 Policy Based Relevance of Janata Awas Program

Nepal became a State party to the International Covenant on Economic, Social and Cultural Rights of the UN in 1991. Article 11(1) of the Covenant has a provision on States' obligation to ensure clothing and accommodation to their people. Similarly, Article 33 (h and i) of the Interim Constitution of Nepal 2007 does have a provision to pursue a policy of establishing the rights of all citizens to education, health housing, employment and food sovereignty and also to pursue a policy of providing socio-economic security including the land to the economically and socially backward classes¹¹.

It was in line with this obligation and to manage housing for the target groups that the government of Nepal approved a Janata Awas Program Implementation Procedure prepared by the Department of Urban Development and Building Construction on February 17, 2010. For the implementation of the program, a central direction committee is in place and, at district level, coordination committees headed by elected representatives of the CA repre-

sending program districts and assigned by the ministry as the coordinators whereas Chief District Officers of the program districts are sub-coordinators for program implementation. Houses are constructed based on the recommendations of the committees. The implementation procedure was approved by the government of Nepal on June 10, 2011 with required amendment¹².

6.2 Beneficiary Ethnic Communities of Janata Awas Program

A number of ethnic groups and castes have been living at the program implementation areas. Among them, Dom, Musahar, Chamar, Dusadh, Khatwe, Chepang, Raute, Kusunda, Badi, Bankariya, Surel, Gandharva and other Dalits and poor Muslim families are major ones. Other Dalits include Gandharva, Pariyar, Bishwakarma, Sarki, Kalar, Kakhiya, Malang, Kori and Khatik. Similarly, Chidimar, Tatma, Dhobi, Pattharkatta, Pasi, Bantar, Metar, Sarbhanga clan names are also included under the program¹³.

6.3 Construction of Houses under the program

Any house built under the program is with two rooms, a kitchen and veranda – as per the standard stipulated in National housing policy. The Government of Nepal had been providing with a total of Rs 139,280 for the construction of a house and separate Rs 10,000 for latrine construction. However, since the fiscal year 2013/14 total of Rs 30,000 has been added to the total amount being given for the construction.

10. Based on discussion with Engineer Ram Ashish Das from Urban Development and Building Construction, Division Office, Saptari

11. Nepalko Antarim Sambidhan, 2063

12. Implementation procedure of Janata Awas Programme 2066 BS and its amended version of 2068 B.S

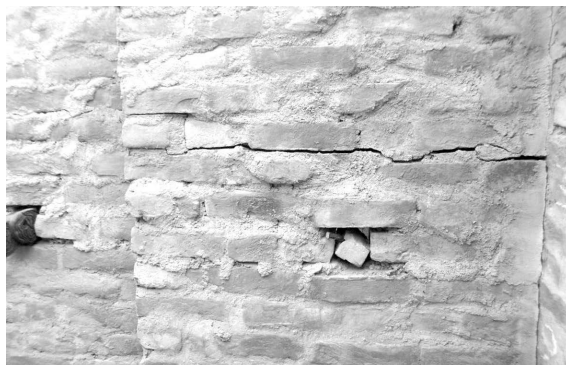
13. As defined in Implementation procedure of Janata Awas Programme, first amendment version of 2068 B.S

Government provides such amount under four installments. However, the beneficiaries have to incur 10 per cent of total cost as cost participation¹⁴.

6.4 Janata Awas Program in Saptari District

In Saptari district, a total of 100,000 houses were constructed under this program in the fiscal year 2009/10 whereas additional 347 buildings were constructed in F/Y 2011/12. In the F/Y 2009/2010 a total of six election constituencies were covered. A total of 170 houses were built in Ghoghapur VDC and a total of 166 houses were constructed in Bathanaha, Barhibipur, Aurahi, Kalyanpur and Manraja VDCs each. Similarly, in the F/Y 2011/12 additional buildings were constructed— 86 in Ghoghapur VDC, 20 in Bathanaha, 30 in Barhibirpur, 97 in Aurahi, 49 in Kalyanpur and 65 in Manraja VDC.

A total of 17 Dom families out of the same number of applicants representing Dom families were provided with houses. A total of 306 applicant families representing Musahar families, 289 families were provided with the facility and out of 315 applicants representing Chamar families, 302 families were given houses. Likewise, a total of 50 Dusadh families applied for the house but only 40 applicants got this facility. A total of 206 Khatwe families applied for the house but only 170 of them received this facility. A total of 25 Bishwakarma families got houses whereas a total of 17 families representing Bishwakarma had applied for the facility. A total of 50 Tatma families applied for it and only 42 of the applicants were provided with the support. Similarly, a total of 20 families representing Dhobi got this facility while total applicants rep-



House of Gobardhan Sada in Govindpur VDC-3 in Siraha has shown cracks in walls

resenting this community were 33. A total of 161 Bantar communities applied for the facility whereas only 133 of them received the support and 415 poor Muslim families applied for the house facility but only 308 of them were provided. VDC wise, a total of 322 target families from Ghoghapur VDC, 192 families from Bathanaha, 219 from Barahibirpur, 349 from Aurahi, 255 families from Kalyanpur and a total of 231 families from Manaraja VDC applied for the housing facility.

During the F/Y 2012/13, construction of a total of 50 houses started and progressed up to DPC level in Banniya VDC. However, 12 houses were surveyed and are awaiting finalization. “As per the order from District Court, construction work was postponed there. A case was filed in the court after debates ensued between two groups from the VDC. A total of 299 families from the VDC had applied for the house. In the F/Y, a total of 49 houses, out of 50 selected, were constructed (however they have not been roofed yet) while survey has been carried out for 19 houses but final selection process is underway. A total of 504 families from the VDC had applied for housing facility. Construction process

14. Based on discussion with Engineer Ram Ashish Das from Urban Development and Building Construction, Division Office, Saptari

was supposed to be complete within one month since the start of construction work; however, the constructed houses were not roofed even after six months since the start of construction work. This delay has compelled the Dalits from Babhangamakatti VDC to undergo harsh winter chill in their cold huts¹⁵.

6.5 Janata Awas Program in Siraha District

In the F/Y 2009/10, a total of 848 and in the F/Y 2011/12, additional 424 houses were constructed under the program in Siraha district. During the F/Y 2009/10 such houses were constructed in six election constituencies. A total of 130 buildings were constructed in Govindapur and Malhan VDC each whereas such data for the Bhagawatipur Tamsuiya and Sarswor VDCs was 138 and 133 respectively. Likewise, a total of 164 houses were constructed in Durgapur VDC and 150 were built in Betauna VDC. A total of 133 buildings were constructed in Arna VDC. However, in the F/Y 2011/12 a total of 148 houses were constructed in Govindapur and Malhan VDCs but such data for Bhagwatipur Tamsuiya, Sarswar, Durgapur, Betauna and Arna VDCs were 46, 67, 21, 7 and 131 respectively. Although selected for the construction, a total of seven houses could not be built and when details provided while application were found as fake, four selected houses in Tamsuiya, eight in Sarswor and one in Arna VDC were not constructed.

Out of the total applicants, 23 Dom, 297 Musahar, 300 Chamar, 193 Dusadh,

108 Khatwe, six Biswakarma, 164 Tatma, 23 Dhobi, 14 Damai, 14 Sarki, and 130 poor Muslim families were provided with housing facility. VDC wise data shows that a total of 358 families applied for the facility from Govindapur Malhanma VDC and such data for Bhagawatipur Tamsuiya, Sarswor, Durgapur, Betauna and Arna were 201, 237, 196, 157 and 329 respectively¹⁶.

6.6 Following Issues are Considered while Constructing Housings¹⁷

- ❑ Maximum use of locally available construction materials and use of locally available skilled, semi-skilled and unskilled workforce
- ❑ Engage the beneficiaries in the course of construction in order to enhance opportunities of employment and transfer of knowledge and skills
- ❑ Construction of houses should give continuity to the tradition of building one's own house oneself besides promoting social congeniality
- ❑ House should be constructed on a total of 324 square feet of land and its length should be 21 feet and 9 inch, width should be 15 feet and height should be between 7 feet 6 inch to 9 feet. It should contain two slanted roofs with two rooms and a kitchen (5 feet wide) besides veranda.
- ❑ Bamboo partition wall plastered with mud
- ❑ Construction of doors and windows by attaching plain zinc sheet on bamboo frames

15. Janata Awas Programme Implementation Unit, Saptari

16. Janata Awas Programme Implementation Unit, Siraha

17. Based on discussion with Er. Sadare Alam, Urban Development and Building Construction, Division Office, Saptari

- ❑ Use of 26 gauge medium zinc sheet on bamboo framework and formation of a committee for the purpose in which beneficiaries are also the members
- ❑ Providing NPR 10 thousand for each family for the construction of latrine collectively

6.7 Views of the Beneficiaries

Dalits and poor families who had been living a painful life in their low quality and damaged huts for long are happy that government has fulfilled their dream to live under safe houses. “My joys know no bound” Sunita Devi Khang from Bhabangamakatti VDC-2 said. She added, “I had never thought that I could live in such a house, government built it for us”. Rasul Miya from Bhabangamakatti VDC said, “We no longer have to live in a poor hut, we got a new permanent building from the government”. Chulo Devi Rajak from Barahibirpur VDC-2 said, “Looking at the brick-made permanent houses in our localities, we used to come to a conclusion that those buildings belonged to rich people but now, we have been provided with permanent brick-made houses. We feel now as if we too are rich”. Yuktilal Marik, district chair of Dalit Network and leading figure among the Dalit communities in the district said that poverty is the main cause of racial and caste-based discriminations and that governmental efforts to construct houses could contribute to some extent to alleviate poverty and minimize caste-based discriminations.

Asarphi Marik of Babhanamakatti VDC-8 said, “With the construction of these houses, we have been provided with foundation to be capable economically. We have permanently got rid of the prob-



A dalit family of Govindapur VDC-3 in Siraha compelled to stay in a thatch hut as their house has not been constructed despite their name in the list

lems of constructing and repairing houses”. Similarly, Bindilal Khang of the same VDC also opined, “Of the three basics such as food, accommodation and clothing, the second one has been fulfilled by the government, now we can manage the remaining two basic needs ourselves”. Ramesh Sada from Ghoghanpur VDC-4 also viewed that their main problem was constructing house but this problem was solved as supported by the government. Khatar Ram of Babhanamakatti VDC-5 also expressed satisfaction over the support provided by the government and said that their hard earned money would be hardly sufficient for running family and educating children, therefore, he had not been able to construct a house for his family. According to him he was free from housing problem now¹⁸.

6.8 People’s Grievances on Janata Awas Program

A number of grievances were reported during this study visits. Beneficiaries came up with the voices of monetary irregularities, failure to abide by the minimum

18. Based on group interaction with Dalits from Barahibirpur and Bamangamakatti VDCs, among others, in Saptari District

standard, bribing to select beneficiaries, disputes between beneficiaries and construction committees, and the unavailability of required construction materials were major grievances. Some even stated that government allowed forest land encroachers to construct house on the encroached lands. Similarly, some expressed their dissatisfaction that only 25-30 sacks of cements were used while, according to them, 32 sacks of cement were required as per the standard. They also informed that cracks have started to appear on the walls, quality and required numbers of bricks were not used and that beneficiaries were engaged in the work but their wages were stolen by the government staffs. Likewise, some even complained of delay in construction process claiming that such delay was due to intention of the personnel to just use up budgets. Additional Rs 10,000 provided to them for the construction of latrine was not used for the said purpose; there was very poor coordination between district level coordination committee members. Prerequisites such as road, drinking water and latrine which had to be given priority before the start of construction works were not paid attention, beneficiaries complained¹⁹.

6.9 Problem and Solution

Before completing construction of the selected houses, government has tended to select additional districts and beneficiary groups with decreased number of houses and VDCs. It is due to such policy of the government that construction work has not been complete in any target districts and in any areas of target beneficiaries. It would be practical not to go for additional group

of beneficiaries and district before completion of construction in the already selected houses. Government has not considered price hikes that take place every year in determining the total budget for the construction. As a result of this, beneficiaries are compelled to use sub-standard construction materials in order to complete construction under the allocated amount. Also this problem has promoted a tendency to construct houses by disregarding set standard.

Tempted to get more than one house, members from the same family applied for housing facility separately. This unexpectedly resulted in a situation in which the number of applicants was much more than the fixed quota. This tendency is likely to create circumstances in which some families might be denied houses whereas in some cases members from the same family could enjoy more than one house. Therefore, micro level survey, field visits and monitoring are indispensable so as not to allow unwanted situation creep into.

Since beneficiaries are not fully aware of the area, floor, wall, roofs and selection process, disputes have emerged on many occasions. Many beneficiaries have not constructed latrines and some even have not used the constructed latrines due to various reasons. Making beneficiaries aware of the selection process and sensitizing them about the importance of use of latrine is necessary now. This program should be free from political influence and pressures²⁰.

7. Positive Changes

It has been realized that access of the beneficiaries to education, health and com-

19. Based on observation of the houses constructed in Barahibirpur, Bhavangamakatti VDCs in Saptari district and also on the interactions with the stakeholders there

20. Based on interaction with personnel from Implementation Unit, Janata Awas Programme, on interview with beneficiaries and observation of constructed buildings

munication is increasing over years. The target groups, once provided with housing, have started to be conscious about other basic needs. They are adopting more hygienic behavior and have become safe from scorching heat, harsh chill and snake bites. Uniform housing models have developed a sense of equality among the beneficiaries besides playing role to narrow down disparity existing for long between Dalit and non-Dalit groups.

8. Conclusion

Dalit communities were not given space and protection in political activities properly even six decades after the introduction of democracy in the country. Looking at the 67-year long Dalit movement, Dalits are undergoing most weakened situation currently especially since the success of democratic movement of 2006. Dozens of ethnic groups as well as interest groups have been raising their voice for the protection of their interest. Movement and activism of Indigenous communities and Madhes movement can be some examples in this connection. However, Dalit communities have not been able to get united for their communities' interest and good. It seems that their movement has not risen above political and personal interests. Madhesi communities accomplished their mission and succeeded their movement synergistically rather than being guided by political flags and interests. However, leadership of the Dalit movement either subsumed within particular political parties or quit the movement for personal interests.

Those who commenced Dalit movement in the past had also sought for equality and end of discriminations. More than six decades have elapsed since the Dalit movement started however; their agenda

are still the same. Those who started Dalit movement in the past disappeared from the frontline being satisfied with the limited political changes. Dalit communities claim that their movement failed in the past due to the role of those who tended to put a dent in their movement for personal life before achieving concrete result. Hence, the movement now awaits a leadership who can stick to their agendas for drastic changes in socio-economic life and concrete solution of the problem. Dalits, on the one hand, are not enabled socially and economically and, on the other hand, politically, they have been used. The long struggle for Dalit emancipation did ensure them some quotas in state administration; some institutional and organizational structures were made inclusive by absorbing them as well and some rules and regulations were formulated. However, their demand to be treated equally is still unaddressed.

9. Recommendations

Dalits' problems are different from the problems of other ethnic groups of Nepal. Hence, their solution too should be sought for differently. For their development and promotion, their traditional skills have to be modernized, means of production should be increased and special provisions should be ensured for their education. Society should be able to realize that all are born equal and that mainstreaming them socially could alleviate their problems. Governmental and non-governmental support for the positive changes in their social, economic, political and educational situation is indispensable. Hierarchy is being practiced within Dalit communities as well. Therefore, prioritizing those Dalits who are marginalized within their communities could be a starting point to achieve result. Those

Dalits who are gradually mainstreaming should be able to raise backward Dalits' agendas. For this to happen, interaction is needed. Dalits desire society of the 21st century should not discriminate individuals from other groups. Although promulgation and implementation of law is also equally important, Dalit movement has envisaged a society, where no caste-based discriminations take place rather than a society where

legal fight against discriminations is allowed. Until and unless Dalits are enabled socially and economically on an equal footing with other non-Dalit groups, they cannot be economically sound. Similarly, they cannot break free from exploitation and repression until and unless they become economically self-reliant. Therefore ending the caste based discrimination is indispensable.



Chapter

6

6.2 Study Report **Situation of Human Trafficking in** **Sindhupalchok**

1. Background

The phrase “trafficking and transportation” was used for the first time in 1904 in the International Convention for the Suppression of the White Slave Traffic. History has it that between 17th and 18th century, rulers from colonized countries used especially black women and also the women from poor background for quenching their sexual desires. The rulers had the victims transported through their courtiers and brokers. As time passed by, numbers of young women and girls from Europe were trafficked to Arabian and other eastern countries or were trafficked and transported to military areas for the purpose of sexual need fulfillment.

As the victims, later on, started to raise voice in protest against the exploitation inflicted on them, human trafficking and transportation, emerged as a matter of concern for the middle class women from Europe and other stakeholders. As a result, a convention was agreed in 1994 with the view to suppress trafficking and transportation. At that time, trafficking and transportation would not denote more than prostitution and it was also believed that trafficking and transportation could take place internationally only. However, towards the first decade of the 20th century, it was established that trafficking can take place within boundary of a particular country as well.

Taking women, children and girls from one place to another was religious and traditional practice under many culture and religion in the past. They were even proffered to the Gods. In the context of Nepal, historical documents show that king Prithvi Narayan Shah had issued a decree that prohibited the people from a total of seven villages including Banepa and Dhulikhel

to keeping slaves at their home. The decree was given continuity even by Rajendra Birkram Shah. Similarly, Rana Bahadur Shah, Girbanyuddha Birkram Shah, Rajendra Birkram Shah and Premiers Bhimsen Thapa and Dev Samsher too tried to end slavery.

Similarly, Rana Prime Minister Chandra Samsher declared to have ended slavery in 1929. He even promulgated a law that banned slave keeping and selling tradition in 1938. Hence, it is deducible that Nepal had been trying for long against human trafficking. However, it is basically due to weak implementation status of the existing laws and regulations that human trafficking remains a serious problem of and threat to the Nepali society.

Experts on Nepal's history converge that Nepalese women and girls started to be trafficked to outside of Nepal for prostitution especially following the signing of Sugauli treaty of 1816 when British Raj was in place in India. Military bastions were established in the Indian cities such as Mumbai, Calcutta and Delhi. Red light areas were evolving around the barracks. Following the Treaty, British started to recruit Nepalese youths into their army. Gradually, Nepalese women in various forms and means started to be transported to different places in India¹.

Generally, human trafficking refers to selling and buying, coercing one into prostitution and purchasing sex, taking persons to other places (inside or outside of a country) for the purpose of selling or exploitation, illegal removal of human organs except otherwise determined by law and also to make individuals slave and engage them in wrong deeds. However, according to UN, trafficking in persons shall mean the recruitment, transportation, transfer,

1. Historical Report against Human Trafficking, 1992, Women Self Reliance Centre

harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving and receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

According to Article 4 (1) of the Human Trafficking and Transportation (Control) Act, 2007, selling or purchasing of person for any purpose, using someone into prostitution, with or without any benefit, extracting human organ except otherwise determined by law and going for in prostitution is human trafficking.

Transportation has been defined in the Act as taking a person out of the country for the purpose of buying and selling, taking anyone from his /her home, place of residence or from a person by any means such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostage, allurements, influence, threat, abuse of power and by means of inducement, fear, threat or coercion to the guardian or custodian and keep him/her into ones custody or take to any place within Nepal or abroad or handover him/her to somebody else for the purpose of prostitution and exploitation.

Rana families and their courtiers who left for India following the downfall of their oligarchy in Nepal in 1951 played key role in promoting human trafficking and transportation. While leaving Nepal, they brought, as per their tradition, some Mongolian women from Himalayan parts especially from Sindhupalchok district with them. Literature shows, while in India, they gifted beautiful girls as *Himalayan Lass* to their contemporary kings and emperors from India. Over years, there was increased

demand for Nepali women in India. Those men and women who worked in Indian palaces of Ranas and rulers of other principalities started to transport Nepali women under allurements and duress to work in Indian brothels as prostitution.

However, human trafficking is not a problem of one particular district and community. Women and girls from almost all ethnic groups and castes have been badly affected in Nepal now. In addition to this, “the tradition of Kings to keep girls and caretakers in their palaces is believed to be related with trafficking. At that time girls were transported from Sindhupalchok district, so, it is believed, trafficking started from the district².

Comparatively, data reveal that human trafficking takes place from Sindhupalchok district more than from other districts of Nepal. Under the incidents of human trafficking, women and children have been victimized more. INSEC data shows that situation of girls and women affected by criminal activities such as human trafficking is staggering. Hence, this study was conducted in Sindhupalchok district.

2. Objectives of the Study

Identifying the form and situation of human trafficking in Sindhupalchok district, collecting information about the access of trafficking affected persons to justice and assessing the level of activeness of district level stakeholders on human trafficking related problems of the district were the major objectives of this study.

3. Rationale of the Study

The Universal Declaration of Human Rights 1948 has ensured rights that no person should be discriminated based on their race, religion, color and sex. Similarly,

2. Kara, Siddhartha, *Sex Trafficking inside the Business of Modern Slavery*, Columbia University Press

the International Convention on Elimination of All forms of Discrimination against Women 1979 ensures that States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women. Since Nepal is also a State party to this Convention, it has to adopt legal as well as other appropriate measures. Article 35 of Convention on the Rights of the Child mentions that States parties should take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. Once Nepal became a State party to the Convention in 1991, Children Act 1992 was introduced in the country. Similarly, Article 16 of the Act states that no person should involve or use a child in immoral profession.

Nepal has expressed its commitment to the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in 1995. Article 1 of the Convention states the Parties to the Convention agree to punish any person who, to gratify the passions of another procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person. Likewise, Article 17 of the same Convention states that parties take appropriate measures to ensure supervision of railway stations, airports, seaports and en route, and of other public places, in order to prevent international traffic in persons for the purpose of prostitution.

Regionally, Convention on Prevention and Combating Trafficking in Women and Children for Prostitution was passed during 11th SAARC Summit held in Kathmandu on January 2-6, 2002. This instrument is first of its kind on combating trafficking at regional level. Nepal has signed it but has not ratified. Nepal became a State

party to Beijing Declaration and Platform for Action adopted in 1995 during Fourth World Conference on Women in 1995. Article 4 of the Declaration has taken trafficking in women as one of the major violence inflicted against women and has committed to eradicate trafficking in women as well as helping female victim of trafficking. In line with this commitment, Nepal has prepared a national action plan against trafficking in women.

Similarly, During Beijing+ in 2000, Nepali representatives reiterated Nepal's commitment to the Declaration and Platform for Action. Article 22 of the Beijing+ declaration states that with the view to stop the acts such as forcing children to prostitution, compelling them for marriage and making them work forcefully, States would initiate effective steps towards promulgation and amendment of laws or adopt other effective measures.

Article 29 of the Interim Constitution of Nepal 2007 has ensured rights against exploitation whereas article 4 of the Constitution has provision that no one should enslave others and involve in trafficking in person. Human Trafficking and Transportation (Control) Act 2007 has been introduced which provides a comprehensive definition of human trafficking. However, such international commitments, national provisions and legal instruments too have not been able to control trafficking. Taking advantage of the provision of open border between Nepal and India, brokers are taking Nepali women and children to different parts of India and other countries for trafficking. So much so that brokers have started to use formal process in trafficking. Either by changing age while obtaining citizenship and passport or by taking via Indian routes, trafficking is taking place by disregarding legal provisions.

Looking at the history of human trafficking, Sindhupalchok is the most affected district. Hence, in order to identify the form and situation of human trafficking in Sindhupalchok district, to collect information about the trafficking affected persons' access to justice and also to assess the level of activeness of district level stakeholders against human trafficking related problems of the district, this study was conducted.

4. Methodology

In conducting this study, meetings and interactions were organized in order to discuss human trafficking incidents and their minimization with affected families, government representatives, key position holders of the political parties and women rights activists from the district. Literature review was also one of the methods adopted for this study. Similarly, current and past human trafficking situation of the district was analyzed in the course of the study.

5. Limitations of the Study

This study is an analysis of human trafficking and its present situation conducted in line with different national and international legal instruments on human trafficking. Sindhupalchok district being the study area, this report incorporates statistics, representative incidents and views of the stakeholders from the study district only. This report does not include other violence and criminal activities except human trafficking. Since study was conducted as an endeavor to make public the situation of trafficking and ultimately make stakeholders responsible, this report might not meet the expectations of many, especially from the academic standpoints.

6. Human Trafficking and its Effects

Human trafficking and transportation is not confined within one or two countries, rather, it is a ubiquitous phenomenon. Over the years, it has emerged as an international problem. Worldwide, a total of 24 million people become victim of human trafficking every year, UN data reveals. 80 per cent of the victims undergo infliction as sex slaves while 17 per cent of them are child labors. Two out of three women are victimized but, surprisingly, only one person out of 100 victims is rescued.³

ILO-IPEC data shows that 12,000 children are trafficked from Nepal to neighboring India for the purpose of sex exploitation. Trafficked women and children are coerced into prostitution, made to work in circus, exploited as bonded labor, among other forms of exploitation, and subjected to violence. Unemployment, illiteracy, ignorance and extreme poverty are the main casual factors that victimize people under human trafficking. This problem has affected all class and categories of people from all communities of Nepal. Although it is perceived that human trafficking and transportation in Nepal has continued for long unabated, no available data are comprehensive and authentic in this regard.

Trafficking and transportation ultimately leads victims into dungeon of human disgrace. The victims become means for fulfilling sexual desires or are made domestic labors. Also they work under duress in hotels, dance bars, restaurants or are used for the purpose of drug trafficking as well as trafficking in human organs.

Since those women and girls leaving the country for foreign lands cannot be put in the category of trafficking victims outright and also since the consequence of

3. Introducing Situation on Trafficking in Persons (TIP)-National Coordination Meeting with Agencies in Combating TIP Saath-Saath Project, July 26, 2012.

trafficking is known quite late, it is difficult to find official data on human trafficking. Data shows that women used to be trafficked to India under fake marriage. However, women leave country for foreign land being lured by employment there and ultimately become victims of trafficking.

Cities of Mumbai, Kolkata, Siligudi, Gorakhpur, Surat and Pune are the main places for human trafficking in India. Facts that Nepalese women and children trafficked and transported to Hong Kong, Thailand, Malaysia, Kuwait, Qatar, Saudi Arab, among other countries of the world are surfacing gradually. Even though women and children leave for South Asian countries for employment, they usually do not get the agreed and promised jobs. This shows that human trafficking in Nepal is being practiced in an organized way.

National and international legal instruments are in place in regards to stopping and alleviating human trafficking and transportation. Despite their existence, forms of trafficking have altered for evading the legal instruments and, trafficking has even expanded, in terms of volume of incidents as well as destinations.

8. Current Situation of Human Trafficking

Human trafficking is a serious crime. The incidents of human trafficking have been increasing lately in Nepal. Sindhupalchok district is one of the affected districts. Stakeholders state that Echok, a VDC in Sindhupalchok, is a place from where a large number of women have been sold to India and gulf countries. Majority of people in the VDC are from Tamang community who believe that their households are likely to face famine if at least one member from

their family doesn't go abroad⁴. Stakeholders also viewed that modes of human trafficking have undergone changes over times. People involved are adopting new techniques for the purpose of making the trafficking issue further complicated. Women and girls are being trafficked in more systematic and organized manner. A number of women are sent to Arabian countries via India. Besides traffickers, victims' neighbors and relatives are also found to have been involved in trafficking. Women between 15 to 40 years of age are usually trafficked and transported from the district.

District court has punished people for selling their own daughters, daughters-in-law and wife in Sindhupalchok. Statistics has it that after promulgation of Human Trafficking and Transportation (Control) Act, 2007 a total of 20 cases were filed in the district court and all of them were decided. In some cases, the victims and perpetrators are relatives. Because of which, it becomes difficult to solve the case as they do not come to the court. All convicts threaten victims due to which the victims change their views before the court. A total of 12 people including victims' relatives (two friends, three uncles, two maternal uncles, two fathers, two brothers, one step-mother, among other unknown persons) were involved in these incidents. Women and children are the main victims of human trafficking and transportation. Even if they return to Nepal, their society does not accept them easily and they feel very insecure when it comes to the rehabilitation in their local places.

Ministry of Women, Children Social Welfare recently organized a program to uncover the number of women and children rescued in the F/Y 2012/13. The min-

4. Hasta Pandit, Ex. District President (CPN-UML)

istry came up with the data that 158 women and children were rescued in 2012/13⁵.

8. Existing Laws and their Effectiveness

Since Nepal is a state party to various international instruments and treaties related to human trafficking, different laws and regulations are promulgated on the issue. However, lapses and weaknesses in the implementation of these rules are ultimately responsible for the state's inability to control trafficking and transportation of women and children.

In Nepal, General Code for the first time stipulated provisions for the control of human trafficking. General Code 1963 has put human trafficking related issue under the Enslavement and Traffic in Human Beings part with the view to fully control trafficking related crimes. However, this attempt too could not control trafficking. Later, in 1986, separate act (Human Trafficking (Control) Act) was introduced.

As the forms and techniques of human trafficking changed over the period, stakeholders felt that even this provision was not enough to address human trafficking related crimes. As a result, for the control of trafficking, protection of the victims and their rehabilitation, a new act known as Human Trafficking and Transportation (Control) Act, 2007 came into effect. This act has expanded the definition of human trafficking and transportation and has ensured protection and rehabilitation of the victims. However, this act too has not been able to control human trafficking as expected.

Human Trafficking and Transportation (Control) Act, 2007 and Punishment

Any person who is involved in buying or selling human being will be charged

Human Trafficker Sentenced to 170 Years in Jail

Bajir Singh Tamang, 37, from Shikharpur VDC-9 in Sindhupalchok district and a notorious Human trafficker, was sentenced to 170 years in imprisonment by a single bench of district judge, Ananta Raj Dumre on July 11, 2013. He was imprisoned for selling six girls in a brothel in Agra, a city in India.

Six different cases were filed against him and decision was made by the court as part of his punishment for each trafficking case. However, since 44 years was the longest period decided against one of the cases, he was to serve only 44 years jail term. There is a provision in the law that if a person is sentenced to prison for different periods as punishment of his/her different crimes, h/she shall serve the longest term among the decided periods. He was also fined Rs 1.3 million whereas each victim was to receive Rs 150 as compensation.

The convict has started to realize his crime that he committed. He confessed that because of his hardship for running his daily life and being swayed by others, he committed such crimes. Dawa Tamang, from Nawalpur VDC, incited him to involve in this crime, he says. In most of the complaints filed against Bajir Singh, Dawa was mentioned as an accomplice; however, he was still at large by the time of preparing this report. He acknowledges he is not getting out of prison in this life time and argues that a person, who instigated him to involve in trafficking, should also be brought to justice and sentenced to life imprisonment.

Upon listening to the decision of the court, victims of Bajir Singh's crimes expressed happiness. They even celebrated the moment by sharing chocolates and fruits with each other. However, one of them worried that the Appellate and Supreme courts might overturn the decision.

5. Arghakanchi.com, August 19, 2013

with 20 years imprisonment and a fine of Rs 200,000; for forcing into prostitution one will be charged with 10 years to 15 years imprisonment and a fine of Rs 50,000 to Rs 100,000; for harvesting human organ, one will be charged 10 years imprisonment and a fine of Rs 200,000 to Rs 500,000.

Similarly, for taking the person across the border with a purpose of buying, selling and engaging someone in prostitution one will be charged 10 to 15 years of imprisonment and a fine of Rs 50,000 to Rs 100,000; or a person who is involved in taking the children across the border with a purpose of buying, selling and forcing children into prostitution will be charged 15 to 20 years of imprisonment and a fine of Rs 200,000 and a person who purchases sex will be charged one month to three months imprisonment and a fine of Rs 2,000 to 5,000 and for any one abetting, conspiring, attempting and being an accomplice to human rights trafficking will be liable to half of the punishment.

9. Views of the Stakeholders on Human Trafficking

Bhagwati Nepal, Chair of Sindhupalchok based Women Self Reliance Center explained that Sindhupalchok being a Himalayan district experiences a high rate of human trafficking. However, due to collective efforts of the stakeholders on raising awareness, trafficking has been controlled and prevented to some extent. Harka Tamang, Officer from Rural Women Creative Group, emphatically stated that formation of a network for raising awareness against human trafficking was essential.

According to Tanka Prasad Dhungel, UCPN-M Tamsaling State Committee member, women used to be sold through marriage earlier. However now they are being sold to gulf countries in the name of foreign employment. He also underscored

the need to effectively implement programs that sensitizes people towards alleviating human trafficking. Inspector Kamal Bahadur Bista, District Police Office said that numbers of cases related to human trafficking were filed in the fiscal year 1987/88. Illiteracy, weak economic conditions and unfair competition for better life have attracted women and children toward foreign employment. He further added that victims become passive and stop their attempts for justice if not supported by related organizations.

Similarly, Sudip Pathak, Inspector from Area Police Office, Melamchi also acknowledges that human trafficking in the district is taking place in an organized way. According to him, during the course of investigation and prosecution victims' families and relatives are also found involved in the crimes due to which victims change their views before court. Such tendency of the victims makes the cases further complicated and hostile.

Hasta Pandit, former District Chairperson of UML viewed that despite the launch of a campaign against human trafficking in 1993, the Tamang communities of Echok are the communities most affected from human trafficking. He believes awareness, education and employment opportunity are indispensable for the prevention of trafficking. According to Hari Kala Bhatta, warden of a Chautara-based rehabilitation center, her center has provided shelter to a total of 11 persons, including six children from three different VDCs namely Pangretar, Golche and Chokati. She says victims do not want to go to their homes because of insecurity and fear. She also viewed that the victims want to complete their study before returning their homes.

Dilli Raj Pokhrel, Chief District Officer of Sindhupalchok, claimed that human trafficking has decreased remarkably in

the district. However, he added, in the case of remote areas of the district, situation remains unchanged. Anju Dhungana, Chief of Women and Children Office shared a story of a woman from Sindhupalchok district, who was sold to a brothel in India but managed to escape. Following her escape she got married in India. However, back in Nepal, she filed a complaint against her perpetrator who was later punished. Dhungana also pinpointed the weak part of the law that the provision to compensate victims by the convicts has further victimized the victims and made the latter feel they are not justly dealt.

10. Findings

District Court in Sindhupalchok sentenced Bajir Singh Tamang from Shikharpur VDC to 170 years in jail for selling six women in various cities in India⁶. Similarly, the Court sentenced Lok Bahadur Ghale from Duwachour VDC-6 to 11 years in jail for trafficking his own daughter. These are some of the representative incidents from the district on the decisions of court over the cases of human trafficking.

A total of 10 persons have been behind the bars for their involvement in human trafficking whereas 15 convicts of human trafficking are at large. Although legal prosecutions against alleged human traffickers are become more effective lately, it is premature to conclude that the incidents of human trafficking have decreased. District stakeholders opine that the form of trafficking has undergone changes over the years.

Although the cases related to trafficking in women started to be filed since 1946 in the district, District Police Office

said that it archived the trafficking related records only since the F/Y 1986/87. According the records from the Office, a total of 94 women from the district were trafficked and 194 individuals were involved in trafficking.

It has been revealed during police investigation that family members of the trafficked persons were involved in trafficking directly or indirectly. In the past, women used to leave for cities and abroad under familial involvement and now too they leave their places but not for pursuing prostitution, however, they have tended to be the victim of prostitution⁷. Rights activists state that those girls and women who return to their places after being trafficked are taken as whores and disgraced by villagers. However, some of the victims from the district have been struggling for their rehabilitation. Two women, aged 21 and 23, from Kiul and Ichok VDCs have entered into conjugal life and are living normally in their village after staying in a rehabilitation centre in Kathmandu for some times immediately following rescue.

District Police Office, Sindhupalchok, informed that a total of 55 cases related to human trafficking were filed in the district between 1986 and 2013. The table below details the data:

In the F/Y 2009/10 a total of 12 women filed complaints related to domestic violence and violence against women in the Women and Children Office in the district whereas such data for the fiscal years 2010/11 and 2011/12 were 44 and 55 respectively. This fact reveals an increasing trend of violence against women in the district every year.

6. Based on the dialogue with an Inspector posted at Area Police Office, Melamchi

7. Ibid.6

S.N	F/Y(BS)	Number of Cases Filed	Number of Punishments	Crime Alleged	Number of Convicts who are still at large	Revoked Cases
1	1986/87	1	1	4	4	
2	1987/88	2	2	7	7	
3	1988/89	9	5	16	16	
4	1989/90	5	15	6	6	
5	1990/91	4	11	3	3	
6	1991/92	0				
7	1992/93	0				
8	1993/94	0				
9	1994/95	0				
10	19895/96	2	1	1		
11	1996/96	3	2	1	1	
12	1997/98	3	3			
13	1998/99	2	2	2	2	
14	1999/2000	4	14			
15	2000/2001	0				
16	2001/02	2	3	3	3	
17	2002/03	0				
18	2003/04	4	4	6	6	
19	2004/05	0				
20	2005/06	0				
21	2006/07	0				
22	2007/08	1	1			
23	2008/09	1	1			
24	2009/10	1	1	4	4	
25	2010/11	2	6	6	6	
26	2011/12	2	1			1
27	2012/13	4	7			
28	2013/14	3	7			
Total		55	87	59	58	1
<i>Source: District Court and District Police Office, Sindhupalchok</i>						

11. Major Causes of Human Trafficking

Poverty, lack of basic education and unemployment have emerged as major factors that play role in promoting human trafficking. Similarly, open border between India and Nepal, lack of awareness, domestic violence, dowry custom, discrimination and violence against women and increasing tendency to live better and luxurious life

among people are also equally responsible for the increase of human trafficking. Due to geographical remoteness, life in hills and Himalayas is really painful. People there are deprived of income generating opportunities therefore women and girls are easily swayed and enticed by the proposals of living comfortable life. However, they ultimately are trafficked for sexual exploitation⁸. Lack of political will power among political parties, protection of brokers by persons in power, lack of effective legal mechanism to look into trafficking are also some other factors to encourage traffickers and incidents of human trafficking. Violence against women continues in the country due to patriarchal and traditional mindsets of the stakeholders. Under patriarchy, women are regarded as a means of recreation.

12. Campaign against Human Trafficking

A number of national and international non-governmental organizations are active in Nepal against human trafficking. Of these organizations, some are engaged in policy intervention with due focus to preventive aspects while others have been sensitizing those who are vulnerable and at risk of being victimized. Workshops, interactions and rallies have been organized and income generating programs are ongoing. Organizations have put up notice boards containing precautions

8. Summary of national report on Human trafficking, women and children, 2062

Charimaya:

Hero Campaigning to End Modern-Day Slavery

Charimaya was born to a poor family from Sindhupalchok district. She was trafficked to India at the age of 16 following her father's death. She was one of those 200 Nepali girls who were rescued from hellish life by Indian government in 1996. She spent time in a brothel for 22 months before she was rescued.

Once rescued and returned to Nepal, Charimaya, who was abhorred and rejected, filed a case against Uttam Lama, who according to her filed report, was the one of the groups to take her to India and sell there. When her case was prosecuted, Lama, along with other seven alleged, was sentenced imprisonment in 1997.

Charimaya is the first courageous Nepali woman to file First Information Report at District Police Office against her perpetrator after returning to Nepal. Realizing that other girls and women should no longer face the situation she underwent while in Indian brothel, she, with the help of other girls and women who had also managed to escape the horrible life along with her, established an organization called Shakti Samuha in 2000 and undauntedly engaged in anti-human trafficking campaign. Recognizing her contribution, the USA awarded her with 2011 Hero Acting to End Modern-Day Slavery Award and also her group was also awarded Roman Magsaysay Award, also called Asian Nobel Prize in 2013.

and targeted to possible migrant labors. Similarly, bus parks, highways, public passenger vehicles and entry points bordering

Nepal and India and Nepal and China are being monitored. Similarly, some organizations have set up information desks at concerned government offices.

In addition to this, some organizations have oriented teachers and students on human trafficking. Adolescent girls and women have been provided with trainings and concerned local government bodies and their representatives have been sensitized so as to ensuring safe migration⁹. Such initiatives of I/NGOs have been yielding positive result against human trafficking. Organizations such as Shakti Samuha, Maiti Nepal, Saathi, among others, have launched a number of initiatives against human trafficking. Monitoring the international borders and entry points, conducting preventive activities, engaging in rescue, and working for the victims' rehabilitation are some of the works these organizations have been doing.

10. Conclusion

Human trafficking and transportation is one of the forms of violence. This is against humanity and human rights therefore; it affects all – women, men, children and other groups. Human trafficking has emerged as a confounding challenge. Especially since 1970, human trafficking has become an illegal international business. After the above mentioned decade, socio-political changes have taken place in almost all countries in South Asia. However, this social crime has continued unabated.

By alluring mostly Dalits, Janajatis, poor, helpless, and uneducated women and adolescents with economic benefits, brokers have sold them in India and other Arabian countries. They have been taken to such destinations under false assurance, fake marriage, under coercion or persuasion or

9. Summary of national report on Human trafficking, women and children related, F/Y 2064/2065-2065-2066BS

in the pretext of foreign employment.

Sindhupalchok is one of the districts of Nepal that suffers most in terms of human trafficking. Controlling and minimizing this crime in the district should be the responsibility of all concerned. Likewise, even the ordinary people should show interest and concern towards minimizing the incidents of human trafficking in the district. They should be able to realize that it is a disgrace against humanity.

Since human trafficking is related closely with issues such as origin, destination and return; law of the land should be able to address this problem through prevention, protection, rescue and rehabilitation of the victims. Government and other concerned national and international organizations should work collaboratively. Risky groups should be made aware against human trafficking. For this to materialize mass media and other effective means of communication should be mobilized.

12. Recommendations

Governmental and non-governmental stakeholders should work together in identifying trafficking related problems and they should work in coordination with national and international agencies/offices in formulating and implementing the programs launched against human trafficking.

Similarly, formulating effective domestic legal instruments in line with the international instruments and provisions related with trafficking is equally important.

Since Tamang community is the most affected communities in the district, it is high time stakeholders scale up and speed up the awareness raising programs targeted to the community. Encompassing and engaging possible and related all local organizations in this connection could support in achieving results successfully. It is also recommended that there is increased cooperation and coordination between organizations, locals and local police administration. Similarly, using school students and teachers could add to the efficacy of the launched programs. Civil society, journalist and women's groups should play role in raising voice against trafficking – a social crime. Their roles could be in regards to boycotting and putting pressure to the administration not to harbor culprits.

Including human trafficking related topics into the curriculum of different grades of school education system is important. Political commitment against this evil is a key element in resolving this problem. Political parties and their sister organizations should be encouraged to launch their programs against human trafficking.



Chapter

6.3 Study Report
Landless Squatters in
Rupandehi

6

1. Background

When Prithvi Narayan Shah began his rule in Kathmandu valley in 1769, Khas clans as well as other ethnic groups began to migrate into the valley. Migration and temporary movement started since then to other parts as well. History has it that those who migrated as per the rulers' interest and necessity were provided with land. During the Rana regime it was solely the bureaucrats of the Rana administration who entered into Kathmandu valley for temporary settlement. Those who entered into the valley in connection with business and/ or as pilgrims used to stay for a certain period of time in inns and other religious shelters until return to their place of origin. With the downfall of Ranacracy and introduction of a democratic set up in the country, people's representatives from across the country started to live in rented quarters in Kathmandu.

Since feudal system pervaded during Ranacracy and after as well, landlords used to keep slaves in the form of *Kamaiya* and *haruwa charuwa* with them. They were the ones to assist landlords in agricultural works. In return, slaves and other labors were provided with cash and kind as per the agreement forged with their landlords. Despite the fact that the landlords used bonded and other forms of labor, those labors were not sufficient enough for the landlords to till their entire lands. They could cultivate only the *Abbal* (grade A quality of land) and *Doyam* (grade B) category of lands. Landlords used to give *Sim* and *Chahar* (grade C and D respectively) categories of lands to ordinary people who had to pay certain amount of taxes in return. The practice in which landlords allow ordinary people to cultivate the former's redundant

land is called *Ukhada*.

According to Nepali Dictionary written by Basanta Kumar Sharma, *Sukumbas* has been defined as a state of not having any properties for livelihood. Hence, according to the dictionary, any person not having any form of properties is called *Sukumbaasee* (Landless squatters). Sikkim in India used to be called as Sukhim in the past. Those people from Sukhim who migrated to the eastern part of Nepal as refugees were called *Sukhimbasee*. It is believed that the very word *Sukhimbasee* started to be called as *Sukumbasee* as morphological variant in due course of time. Over time, even those not having houses or land and settling on public or governmental land started to be termed as *Sukumbasees*¹.

Since a number of problems started to emerge due to lack of authorized definition of landless squatters, the Council of Ministers of Nepal defined landless squatters as those who are without particular alternative to sustenance, who do not hold any land or house in their ownership or under their *amsiyar* (the one who is entitled to the property after partition), and landless and helpless (such as agricultural labors, *Kamaiya*, *Haliya*, *Haruwa Charuwa*) who do not possess any means and sources of owning a land or a house. The definition also encompasses the persons and their dependents who are rendered landless due to natural disasters.

Politics over forest and land started in Nepal especially since the Rana regime. In the pretext of abolition of slavery, the forest spread over hundreds of hectares of land in Amlekhgunj- a part in Southern plains of Nepal was cleared and the land provided to slaves. As Ranas were working in association with the East India Company, it

1. *Sukumbasee Samasya Kabilyai Suljibena* (Landless Squatters' Problem Remain Unresolved), Dambar Krishna Shrestha. Himal Khabar Patrika Year 19 Issue 16, 19 November 16, December 16-31, 2009

is believed that railway tracks were laid in Germany at that time by using the timbers from Nepal. With the increasing deforestation, tracts of land were encroached in the southern plain. However, taking advantage of the state of having low population of the country, the encroached areas were surveyed and gradually registered as personal property.

“In course of establishing settlements, the forests teeming with timbers and ranged in hundreds of hectares of land were completely deforested by the then King Mahendra in the district of Chitwan in 1957/58 following the downfall of Rana Regime. Immediately following this, a Resettlement Company was established for distributing land to the landless squatters. In the pretext of resettlement, hundreds of hectares of land from Gaidakot, Bardghat in Makar VDC of Nawalparasi district and forest areas around these places and some of the parts from Rudrapur and Paklihawa in Kapilvastu district, including some tracts of land from Bardiya and Kailali were distributed as per the decree of King Mahendra²”.

When it comes to the problems of landless squatters, they are perceived as the problem solely arisen out of urbanization. However, in the context of Nepal, squatters’ problems are prevalent in the rural settings as well. The land reform programme, especially in the western Tarai, in 1964/65 gave birth to newer issues associated with land such as *Ukhada*, *Gaun block* (village block) *Panch Nambari*, *Ath Nambari*. The problems of the farmers who were victimized by the issues are still unresolved. In addition to this, the number of individuals not possessing any tract of land also increased over time. Land related issues of the *haruwa*, *charuwa* still stand as a serious problem. On the other hand, flood and fire victims, the poor

households settling on unregistered lands and those groups of native Nepalese who returned to the country from north-eastern parts of India such as Assam, Meghalaya and Burma after being expelled from the places they had been living for long have also been claiming themselves as landless. Similarly, numerically, those who migrated towards Tarai from hilly and Himalayan regions after turning out to be insolvents and who have been struggling for their sustenance in the Tarai are more than the landless squatters with other backgrounds. Similarly, those groups of people which were brought to Nepal under governmental initiation from India for the purpose of expanding settlements before eradication of Malaria, those helpless migrants from hilly regions and the Tharus, Musahars, Mallahs, among others, who have been living in the southern plains of Nepal for hundreds of years are still landless.

2. Significance of the Study

According to Article 11 of the International Covenant on Economic, Social and Cultural Rights, a State Party to the Covenant should recognize the right of everyone to adequate food, clothing and housing and to the continuous improvement of living conditions. This provisions guarantees people’s right to settlement and housing. Since Nepal is a State Party to this Covenant, Nepal too should take steps to ensure the realization of this right.

The problems related to landless squatters have emerged as a national problem gradually. Almost all cities of the country are engulfed by this problem. Migrating to urban areas from rural and hilly parts of the country in search of jobs and facilities and then constructing makeshifts along the roadsides or on the bank of riv-

ers for settlements is in practice in Nepal for long. Thinking that settlements at that part were unsafe, in 1977/78, king Birendra transferred some of the settlements located at the lap of Chure ranges to the Hardiya, Kirtipur, Bhata areas in Nawalparasi district. Efforts to properly manage the settlement areas started since then. However, the acts and tendencies to occupy land continued unabated. Back in king Mahendra's rule, the king had established settlements in Rudrapur and Paklihawa in the district of Rupandehi. Most of the spaces occupied by major cities and towns of the district now were unoccupied then.

No authorized data is available on how many individuals are landless squatters in Rupandehi district. District Development Committee estimates real landless squatters in the district range between 4,000 and 5,000. However, surprisingly, political parties are of the view that their number could reach more than 20,000. This study was conducted in the district with the view to seek answers to the questions related to the number and situation of landless squatters in the district, their economic, social and cultural situation, areas and concentration of their settlements. It was also believed that such a study could contribute to the efforts of the concerned stakeholders in resolving the problem.

3. Methodology Used in this Study

This report is based on the field visits made to landless squatters' areas and households, including interaction with their family members, interview with concerned stakeholders as well as with government bodies, NGOs, political parties. Similarly, literature review especially based on newspapers, experts' writes-up and related websites, was adopted as methodology in carrying out this study.

4. Limitations of the Study

Due to time constraint and also due to the fact that this study was not meant to very intensive, the report might not meet the expectations of many. However, efforts have been put honestly to expose landless squatters' problems. This study has aimed at highlighting the problem so that concerned stakeholders become more serious to resolve this problem. Primarily, this study discusses *Ukhada* related problem and unmanaged settlement.

5. Landless Squatters in Rupandehi

Landless Squatters in the District Settlements have been evolving in the district since the 18th century. The settlements located towards northern part of the district are older than the Southern ones. According to Census 2011, total population of the district is 880,196 (448,003 female) from a total of 166,835 households. Of these households, 8,614 families are landless.

Tendency of people claiming themselves as landless and settling on unregistered land, on the banks of river and streams or on the lands owned by trusts is on the rise in the district. Landless squatters' settlements are found on the bank of rivers such as Tinau, Ghaghara and Rohini. Squatters' settlements are common in all 69 VDCs of the district, including two Municipalities, i.e. Butwal and Siddharthanagar. Most concentrated settlements are found on the bank of the Tinau River. It is estimated that about 1,000 temporary buildings are constructed here alone. A total of eight settlements- Tap Majhuwa, Siran Gaun Majuwa, Durganagar, New Durganagar, Buddha Nagar, Tilottama Nagar, Srijana Nagar, New Sirjana Nagar- are established on the bank of the Tinau River. According to District Land Revenue Office, a total of 3,320 households have been living in these

settlements which were landless squatters' settlement before they were provided with land ownership certificate. Of the problems related with landlessness, *Ukhada*, *Gaunblock* and *Bedarta* and *Jhaoda* are the primary ones here, the first one being most problematic one.

Prof. Dr GITU Giri, who has been studying *Ukhada* problem for long, more than 2,000 families are facing *Ukhada* problem. They have been tilling their land for long and their land has been surveyed too but they have not granted legal ownership over their land. Likewise, more than 6,000 families have been living in their current land but without enjoying ownership. This problem is called *Jhoda*. The size of the settlements located on the banks of River Tinau, Ghara, Danab, Rohini and Marchabar area is increasing by the day. And they are living in unsafe and vulnerable environment. The community people from these settlements have managed drinking water and electricity on their own. Under community electrification, they have registered in one of the community member's name and rest of the households get electricity from the member's house.

Rupandehi district is also perceived as a district where majority of landless squatters and unmanaged settlers live. Similarly, those farmers with nominal tracts of land are also many here. Lately, hundreds of houses of squatters have been constructed on the bank of Tinau River. Thousands of individuals have made makeshifts on the dried up streambeds. They put forth their demands again and again that real landless squatters be identified for resolving their problem, but to no avail.

According to Tulsi Ram Gnyawali, chief of the office of the District Election Commission, more than 10,000 voters are from the landless squatters' settlements. And so leaders listened to the concerns and

paid lip service during the CA election held on November 19, 2013. As vote banks, they were even assured of having their problems resolved.

5.1 *Ukhada* Induced Problem

Ukhada system is believed to have been introduced as a result of the obligation on the part of the farmers to pay to landlords for tilling latter's land. Since paying land tax for the uncultivated lands to the government was not usual, landlords started to allow the farmers brought from outside of their locality to till land on condition of paying certain amount to the former. Such mode of land tilling continued for long, thereby increasing the number of farmers. Hence, land administration was compelled to manage this problem. It was in that context that *Ukhada* system started in the districts from western Tarai such as Nawalparasi, Rupandehi and Kapilvastu. Almost 2,000 families from these districts still face this problem.

Data reveals that a total of 2,000 families from Rupandehi district applied in relation to *Ukhada* in 2004/5 BS. Tellingly, an *Ukhada* Committee was established in the district in line with part A (1), Schedule 1 of government's performance regulation 1991. When the committee started to work in line with its mandate, very few applications were filed. However, it was considered that *Ukhada* problem was still a burning problem. Farmers were agitating and civil society was putting pressure to resolve this problem. Ultimately, since 2013 district Land Revenue Office started to look into the *Ukhada* related problems, however, legal provisions still stand as an obstacle in doing away with this problem.

A number of farmers have been deprived of their rights due to lack of easy access to information. The Government does publish notice in its Gazette about the

formation of committee and appointments made to address the problem; however, ordinary farmers do not have timely access to the information.

5.2 Actual Number of Landless Squatters

Density of population in the urban areas is higher than in the rural places. Based on Census 2011, a total of 1,381 people live in a square kilometer while such data for rural areas is only 153 per square kilometer³. Kathmandu is the district with highest density of population where 4,416 persons live in a square kilometer. According to data from *Basti Basobas Samrachhan Samaj* (society for settlement conservation) there are a total of four million landless squatters in the country. In the capital city Kathmandu alone, there are a total of 70 unmanaged squatters' settlements. Following Kathmandu almost all major cities of the country have been facing squatters' problems.

In 1994, during UML's governance, a commission led by Rishi Raj Lumsali was established for addressing squatters' issues. The commission even distributed a total of 21,974 *Bigaha* of land to a total of 58,340 landless households from 48 districts of the country. However, lands distributed under the commission came under intense fire; therefore, the benefitted households could not receive land ownership certificates⁴.

Later during Baburam Bhattarai's rule, the government formed a commission to solve the problems of landless squatters and even established committees in 25 districts of the country, including two districts from Tarai. A total of 395,456 families ap-

plied for land under the committees. However, a total of only 151,633 applications were approved. The Commission even provided identity cards for the landless squatters from 25 districts such as Kanchanpur, Kailali, Bardiya, Banke, Surkhet, Dang, Kapilvastu, Rupandehi, Nawalparasi, Kaski, Chitwan, Makwanpur, Sindhuli, Rautahat, Udayapur, Dhankuta and Parsa. The Commission provided identity cards to a total of 89,000 landless squatters' families. However, the data from the previous commission mentions that there are a total of 42,200 landless squatters' families in the country.

5.3 Validity of the Landless Squatters' Demands

Self-governance is one of the elements of democratic republicanism. Local Self-governance Act 1999 is in place in Nepal. Article 28(F) of the Act authorizes VDCs to formulate land utilization policies, develop regulations for the management of unregistered land and forest areas in line with the utilization policies before having the regulations approved by Village Council. According to the act, VDCs with a number of landless squatters' families can even establish locally typical land and building management units and to sell, buy and register land⁵.

Since community forests' committees have transformed public and unsettled areas into community forests in line with approved statutes, land encroachment has been controlled to a large extent over the years. On the other hand, local governments have provided people with basic infrastructure such as drinking water, elec-

3. National Census 2011, Central Bureau of Statistics, [http://cbs.gov.np/wp-content/uploads/2014/01/NPHC2011%20\(Tables%20from%20Form-II\).pdf](http://cbs.gov.np/wp-content/uploads/2014/01/NPHC2011%20(Tables%20from%20Form-II).pdf)

4. Bhattarai, Siddhicharan, Laalpurja Deu (Provide us with Land Ownership Certificate), BG Designers, Butwal 2012

5. National Land Utilization Policy 2069 BS http://www.molrm.gov.np/downloadfile/Land_Use_Policy_%20Final%20Version_1336114962.pdf

tricity, telephone and schools. Hence VDCs and DDCs can hand over temporary types of land ownership certificates to the squatters now.

6. Why Landless Squatters' Problems is Still Unresolved?

Political parties acknowledge that landless squatters' problems have remained a problem for long due to over politicization. The parties also converge that an independent high-level commission should be established. However, parties see landless squatters as a vote bank. Similarly, it has become a knotty problem also due to a lack of acceptable data on real identity of landless squatters. It is high time, the state update squatters' data and political parties come up with common stand and commitment relating to squatters' issues. Above all, the state has to formulate clear policy and implement it honestly.

6.1 Landless Squatters' Issues and their Basic Rights

Most of those who claim themselves as landless squatters have tended to settle temporarily on unsafe areas such as bank of a river and dried up streambeds. Their life, therefore, is always unsafe and unmanaged. Squatters and their children are deprived of education, health services, drinking water and other basics. A total of 5,000 children from the squatters' settlements in Rupandehi district are of school-going age. They attend seven government and three private schools in their localities. Nahakul Shahi, chair of local Shrijananagar settlement development and conservation committee, said that no health institutions were located in their localities. In case of health emergency and illness, according to Shahi, locals have to rush to health posts in neighboring VDCs or to the district headquarters or private health institutions located some-

where outside of their settlement area.

Since landless squatters are settled on the bank of river and streambeds, they are prone to be affected by natural disasters. They live under high risk every year especially during the rainy season. Facing with loss of lives and physical properties is a routine for them. They have to struggle themselves for meeting their basics. Of the landless squatters, the ones from the bank of River Tinau have developed community electrification for light, drinking water pumping and other purposes. Despite their efforts, every summer they have to struggle with the swelling river that reaches their makeshifts and poorly constructed houses wreaking havoc. In addition to this, sometimes landless squatters get terrified by the rumors that their settlements might be pulled down under political decisions at any time. Landless squatters prefer to be dealt respectfully and want to see their problems resolved accordingly. However, the State doesn't perceive their problem seriously.

7. The State on Solving Landless Squatters' Problem

Following the downfall of Rana oligarchy, farmers got organized under various banners and organizations. Their affiliation to those institutions was for going against landlords' and feudal exploitation and repressions collectively. There started a number of phases of movements demanding for land ownership of the squatters as led by All Nepal Peasants' Association, among others. Even some of the landless squatters were killed in the course of such movements.

Government started to distribute land to the landless squatters since 1956/57. Several commissions and committees such as regional settlement committee, zonal settlement committee, independent forest sector strengthening commission and forest sector strengthening high level commission

were established in the districts from Tarai and inner Madhes during Panchayat era. Those committees and commissions were even provided with an authority to study landless squatters, identify settlement areas for them and even register land in their names. However, it was blamed that these commissions registered lands in non-landless squatters' names rather than for the real landless. Grievances are still heard related with this problem and squatters' problems still remain unsolved. Rather, the problem is getting more complicated over the years. The provision to probe into the agro based loans under the land related act promulgated in 1964/65 emancipated landless ones such as agriculture slaves and bonded labors. However, the provision of the law that lands seen above ceiling would be given to tillers and landless squatters remained unimplemented⁶.

Data from the Ministry of Land Reform shows that a total of 150,000 households were distributed land by various commissions formed for solving landless squatters' problems after the restoration of democracy in 1990. The Commission established in April 1996 and led by the then Minister for Land Reform Buddhi-man Tamang established committees in 25 districts for resolving squatters' problems. Data from the same Ministry has it that another Commission led by Chiranjibi Wagle established district committees in 68 districts for the collection of landlessness related data. The Commission, as of August 2004, distributed land ownership certificates to a total of 3,081 landless squatters' households and 4,135 unmanaged settlers through the committees established in 42

districts under the coordination of Chief District Officers in February 2003.

7.1 National Laws and Provisions

Part 3 of the Interim Constitution of Nepal provides for right to property as one of the fundamental rights. Similarly, article 33(i) under obligations, directive principles and policies of the state (part 4 of the Constitution), states that a policy of providing socio-economic security including the land to the economically and socially backward classes including the landless, bonded labors, tillers and *Haruwa-Charuwa* will be pursued.

Considering these provisions and other related policies and regulations, it is indispensable that the State has to go for a just distribution of land. Land is a must when one thinks of production. However, it is regrettable that such an element has not been distributed and redistributed justly. In July 2001, when Sher Bahadur Deuba was ruling as the Premier, a 7-point revolutionary program on applying ceiling of land was declared⁷. When a bill on ceiling land ownership was tabled in the parliament, almost all political parties criticized the bill. This proved that land reform for them is part of lip service and political agenda for public consumption. More than six decades have passed by since the restoration of democracy in 1951, however, poverty, diseases, lack of education are deeply rooted in the Nepali society. Similarly, a total of 57 years have elapsed since Nepal initiated planned development, however, 25% of Nepalis are compelled to live under absolute poverty⁸. Major basics for sustenance such as food-stuffs, accommodation, clothing, education,

6. *Bhattarai, Siddhicharan, Laalpurja Deu (Provide us with Land Ownership Certificate)*, BG Designers, Butwal 2012_

7. Report of High Level Land Reform Commission, 2008 BS

8. *Bhattarai, Siddhicharan, Laalpurja Deu (Provide Us with Land Ownership Certificates)*, BG Designers, Butwal 2012_

health, security and opportunities for the citizenry to serve their country have not been managed and ensured by the State as expected⁹.

A number of individuals with Nepali origin were expelled from Myanmar during a revolution in the country. They returned to Nepal as refugees and were provided with settlement areas at Chhapia (it lies to west of Bhairahawa now) in the Rupandehi district.

Ukhada farmers have been living for long in the districts under Lumbini zone such as Rupandehi, Kapilvastu and Nawalparasi. *Ukhada* Court was also set up with the view to register *Ukhada* land after fulfilling required processes such as investigation and payment of tax as per law. When a Judge in charge of *Ukhada* Court was killed in a road accident, the Court remained without any Judge for long. Now, Chief Officer from the Office of the Land Revenue has been deputed to take up the responsibility of the Court. According to Land Revenue Office in the district, only 250 applications seeking for registration of *Ukhada* land were filed. Of the applications registered, 65 were approved and provided with land ownership certificate. The Office informed that rest of the applications would be processed and provided with certificate in a piecemeal fashion. Despite the fact that several Commissions on landless squatters' issues were established and also that tracts of land were distributed among the squatters, a number of landless squatters' problems have remained unaddressed. By the time the latest Commission was dissolved, approximately 23/24,000 applications were filed in Rupandehi district. However, those applications and supporting documents are, literally, wrapped up and left pending¹⁰

8. Views of Local Political Leaders

Local leaders of major political parties converge that landless squatters is a national problem. They also express uniform views that there is a need of a clear national policy in order to address this problem. Bhoj Prasad Shrestha, district level chair of CPN (UML) underscored the need to identify actual landless ones, provide them with certain amount of money as per regulation for certain period by establishing an independent and sovereign commission. He also added that the number of landless squatters and unmanaged settlers in the district are almost 30,000. According to him, landless ones started to settle in the district some 40-50 years ago. However, he viewed even those possessing lands are claiming themselves as landless squatters and living in such settlements for enjoying urban facilities.

Yubaraj Giri, General Convention Member of the Nepali Congress party, however, opined that parties themselves have to present responsibly in regard to resolving landless squatters' problems. He blamed the impractical policy formulated by the State in the name of collecting revenues. According to him the State itself has encouraged those involved in registering public and governmental lands in the name of collecting more revenue. His estimation about the number of landless squatters living in the district differs from that of the CPN (UML) leader. According to him, only four to 5,000 landless squatters live in the district.

Yagya Pokharel, district coordinator of UCPN-M underscored the need on the part of all political parties and stakeholders to converge for resolving landless squatters' problems. He also acknowledged that

9. Ghimire, Tulasi. Mechikali Daily, December 31, 2013. Butwal

10. Ibid.

political parties use squatters as vote banks. Peshal Kumar Pokharel, Local Development Officer of the District, said that the role of political parties in connection with resolving this problem was of paramount importance. According to his estimation, almost 5,000 landless squatters live in Rupandehi district.

Municipalities alone should and cannot shoulder responsibility in addressing their problems, political parties too should engage constructively in resolving them. A clear national policy should be formulated to identify actual landlessness. Making the families of the landless squatter self-reliant and self-employed is a precondition in this connection. The more the State becomes apathetic towards this problem, the more complicated the problem turns.

9. Conclusion

Encroaching public and governmental lands and establishing settlements as landless squatters is being practiced in the district for long. Natural disaster induced state of landlessness is also a serious problem in the district. The problem is more complicated due to the tendency among the political parties/actors to provide tracts of land to their relatives and political affiliates. Rooted tendencies among people of erecting makeshifts on public lands and on the bank of rivers and claiming themselves as landless squatters seems to have been evolving as a profession. Some political leaders, their cadres and land-mafias have tended to engage in this problem making it more complicated. This situation calls for the State to come up with a clear national policy in identifying actual landless squatters and providing them with safe accommodation. Landless squatters' problems can

be resolved if only the State engages in this problem proactively by taking the problems as a concern of people's fundamental rights. Landlessness is getting more complicated in the country also due to the fact that existing laws and regulation related to this problem are either non-implemented or under implemented. Therefore, it is high time State and other concerned stakeholders make special plans and take initiation in resolving this problem collectively.

10. Recommendations

- ❑ Establish an independent all-party panel on landless squatters in each district. Ensure distribution of land by identifying the actual landless squatters, bonded labor, *Haliya*, *Haruwa*, *Charuwa* and provide them with land for building houses and cultivation.(collect certain amount from the target groups that is sufficient enough to compensate landlords and also collect land revenue from the groups).
- ❑ Provide land ownership certificates to real landless squatters.
- ❑ Some permanent buildings have been constructed on both banks of River Tinau, around suspension bridge and Highway Bridge. Investigate how actually it was possible and who actually the settlers there are. If proved actual landless squatters, provide them with land ownership certificates.
- ❑ Never provide land free of cost for constructing buildings and other purposes. There should be an effort from the State to generate revenues from land.
- ❑ Remove unmanaged settlements and ensure managed and safe accommodations for all.



Chapter

6

6.4 Study Report

Situation of Right Relating to Health in
Kalikot

1. Background

Right relating to health is a matter of a citizen's human rights. The Interim Constitution of Nepal 2007 acknowledges the right to health as one of the fundamental rights and provides that every citizen shall have the right to basic health services free of cost from the State, as provided in law. Similarly, Article 25 of the Universal Declaration of Human Rights, Articles 5, 7, 10 and 12 of the International Covenant on Economic, Social and Cultural Rights, Articles 10, 11, 12 and 14 of the International Convention on the Elimination of All forms of Discrimination against Women and Articles 6, 19, 20, 23 and 24 of the Convention on the Rights of the Child also provide for health rights.

Kalikot is a remote mountainous district in Karnali zone of the Mid-Western region of the country. According to Census 2011, a total of 136,948 populations live in 1,741 square kilometers of area in the district.

The District Public Health Office has been catering health services in Kalikot district. Various health institutions and offices under the Public Health Office provide people with a number of facilities such as family planning, safe motherhood, care of infants, child health and nutrition. Their services are promotional, preventive and curative. However, people in the district are still deprived of proper health services. So much so that even the family planning program has not become effective there. There are a number of VDCs such as Khin, Dhaulagoha, Malkot, Lalu, Kotbada, Bharta, Sukatiya, Dahan, Pankha, Chhapre, Sukatiya and Mugraha where the adoption of family planning methods is very low (10 % only).

Although a number of constitutional and legal provisions are in place on the right relating to health, translating these provisions and policies into practice is still a challenge when it comes to health concerns of the remote districts of Nepal such as Kalikot. This study was conducted to find out the situation of the right relating to health in Kalikot district.

2. Significance of the Study

Due to the bitter realities that medicines supplied in the district do not suffice to the demands of the people, that doctors posted to these districts are not attracted to work due to geographical remoteness and that quotas of some of the health workers such as ANM have decreased; people in the district have not received proper health benefits and services. A number of women die in absence of gynecological services and due to labor and delivery complications. Lack of proper information and knowledge about the measures of family planning and birth control, and superstitious or wrong beliefs about family planning have also attributed to poor health situation of the district. Moreover, free-of-cost medicine distribution system announced by the government has not proved effective. Likewise, lack of regular monitoring by the concerned authorities is another problem. Since this monitoring report was prepared by keeping these facts into mind the findings of this report are believed to draw attention of the Government of Nepal.

3. Objective of the Study

- ❑ Preparing a monitoring report on the situation of right relating to health in Kalikot district
- ❑ Informing about the situation to the concerned authorities in Nepal

- ❑ Disseminating the status of health rights to the national and international communities through Nepal Human Rights Yearbook

3. Methodology

In the course of preparing this monitoring report, interviews, focus group discussion and literature review were used as the major methodologies. Views of the concerned stakeholders and health rights related news published in various newspapers were also part of this monitoring report.

5. Limitations of the Study

Since this study was conducted in remote villages of the district against the services and privileges to be delivered by the government, generalizing the findings of this report might be difficult. Hence this report may not be a detailed situation analysis of the district in terms of the right to health.

6. Situation of Right Relating to Health and the Government Policy

Nepal, for centuries, has been using traditional treatment and healing practices. With the entry of foreign missionaries during the Malla period, modern medical and treatment system entered into Nepal. A number of modern medical institutions and experts are in place now. According to the Ministry of Health, Nepal has a total of 83 hospitals, 700 health posts, 10 health centers, 180 primary health centers, 5,415 doctors and 9,146 nurses. Similarly, the number of Health Assistants, Ayurvedic Service Centre, and Health Workers are 5,259, 287 and 3,190 respectively.

The governmental policy and programs has it that health services in the dis-

tricts from Karnali zone will be free-of-cost. However, these programs and policies have not been implemented. Enjoying quality health facilities and services is one of the fundamental rights and the State, therefore, has to take initiatives towards this end. With the view to ensure that health facilities are to the access of all and also to encourage the local health institutions to develop quality services; the government of Nepal, since the F/Y 2003/04 went for an initiative to handover local health posts to the local bodies. As of this reporting period, the government of Nepal, using its own resources or as helped by various organizations/associations, was found to have handed over a total of 1,433 health institutions from 28 districts to the local bodies which are responsible for the management of the institutions.

Altogether 6.5% of the total national budget was allocated for the health sector this F/Y. According to District Development Committee, Kalikot, of the total district budget i.e Rs 182,117,400, a total of Rs 64,314,000 was allocated for the health sector. This shows that an individual was provided with Rs 479 for his/her annual health care. However, allocated amount does not reach the district and disbursed amounts too are not utilized properly.

Kalikot has one District Hospital, one primary health center, 17 health posts and 11 sub-health posts. These health posts have a total of 23 birthing centers whereas, at the community and ward level, a total of 68 village clinics are available. A total of 294 women health volunteers have been running child health, family planning, safe maternity and nutrition related programs at the community level. However, due to lack of sufficient budget and proper means, these programs have not been that effective.

District Hospital has the quota for three doctors while only two doctors were at work during this monitoring visit. A doctor has to provide service to a total of 68,474 people from the district. Similarly, the district has three quotas for Staff Nurses but by the end of this reporting period no nurses were available in the district. A total of 20 Health Assistants are supposed to be in the district as per the quota whereas only 17 were working in the district. One Health Assistant has to serve a total of 8,055 people. Likewise, this district has quota for 61 Assistant Health Workers but only 49 were working in the district. The quotas for ANM were 21 but only 18 ANMs were working in the district. A total of three medical officers have to be at work in the district as per the allocated quotas but only two medical officers were working. The District Public Health Office was found to have appointed a total of 22 ANMs under contract and deployed them at birthing centers.

On average, district's maternity mortality is 192 per 100,000 (based on reported cases) mothers as per the data collected during F/Y 2012/13 whereas such data for neo-natals is 10 per 100,000 live births. Only 85% of people have been provided with measles vaccination services. Malnutrition percentage of the children below 5 years is 8 %. HIV infected persons are increasing over the years. According to the District Public Health Office, a total of 28 HIV infected persons including 11 women were living in the district.

Similarly, data from District Public Health Office shows that only 37% of delivery cases are brought to health institutions. Lack of proper counseling during pregnancy and unavailability of iron cap-

sules in the health posts are major problem when it comes to maternity and neonates' protection and care.

8. Right Relating to Health in the District

In a total of 12 VDCs of the district where the population of Dalits is more than that of other groups of people, use of contraceptives is too low (10%). Since, required amount and types of medicines are not available at health posts in these VDCs, a number of poor women die untimely due to pregnancy and delivery related complications. Although immunization services are available in all VDCs of the district, it seems that special attention should be paid regarding such services especially in the case of VDCs such as Malkot, Rupsa, Gela, Odanak, Pakha, Kotbada, Lalu, Mughraha and Rachuli. People from rural areas are not fully sensitized on the importance of immunization and they, therefore, are indifferent towards immunization of their children. Tendency among people not to provide their children with full doses of BCG and Measles vaccines is apparent. Almost 18% of children from these VDCs were not provided with complete doses of these vaccines.

Similarly, data from the Public Health Office shows that 22 % children from the district were weighed in the F/Y 2011/12. Among the weighed children, 11 % of them were found to have suffered from malnutrition. In the same F/Y, eight % of the total children were found suffering from severe type of pneumonia. Mothers are illiterate and governmental and non-governmental programs do not reach the target groups. These realities have added to the existing health problem of the district. Beneficiaries come up with a number

of grievances. Hatred towards people living with HIV, negligence on sterilization of medical equipments, lack of proper trainings for health workers and women health volunteers are some of the problems.

9. Situation of Right to Food

To get sufficient food to live and be able to live a healthy life is one of the basic rights of human beings. Therefore, to provide quality and nutritious food as per the physical requirements of their people is an obligation of the State. However, people from remote and rural villages in Kalikot district have to struggle a lot to manage even two square meals a day. Lack of foodstuffs is a severe problem for them which even leads many children to malnutrition and death. Right to food refers to the availability of proper nutritious food items as per the human requirement. According to the WHO, a person has to eat three times in 24 hours. According to FAO, those who consume diets less than 1,800 calories daily are under hunger. A total of 27,050 metric tons of foodstuffs are required for the 136,948 populations of Kalikot district annually. However, only 14,479 metric tons of foodstuffs is produced in the district, according to an annual plan prepared by District Development Committee for the F/Y 2013/14. Although the depots and godowns in the district are with white rice, ordinary citizens have not been able to buy white rice as per requirement due to the amount ceiling. Some people have been benefitted from these depots, which store foodstuffs for six months. However, for many, it is not easy to buy white rice. Especially the people from Khin, Dhoulagoha, Thirpu, Nanikot and Ramnakot face food crisis every year.

10. Situation of Immunization and Child Health

Annual Report 2012/13 of the District Public Health Office states that 99 % of infants below 12 months received BCG vaccines in the reporting year. Similarly, such percentage in the case of DPT3 vaccine was 88 %. Immunization trend of the district is increasing, according to the data from the Office. However, it seems quite relevant to launch sensitization programs targeting the parents from Malkot, Rupsa, Gela, Odanak, Pakha, Kotbada, Lalu, Mughraha and Rachuli VDCs. Community people are not fully aware of the importance of immunization so they immunize their children with partial doses of vaccines. For example, the dropout rate in the case of BCG and Measles vaccines is almost 18%.

11. Drinking Water and Sanitation Facilities

A total of 1,555 public water taps provide drinking water to the people in the district. This indicates that one tap has to be used by 88 persons. Altogether 80.4% of people from the district have access to drinking water. Similarly, 98 % of people use latrines, 5% of them being those who use pit latrines and 88 % use modern pan latrines. Kalikot was declared Open Defecation Free in 2013.

12. Necessity to Address Rights Relating to Health

❑ Rural and remote Palata area of the district especially Khin, Dhoulagoha, Thirpur, Ramnakot, Nanikot VDCs have not been receiving proper medical facilities and attention. People from the VDCs have to struggle a lot even for antipyretic medications. People die due

to diarrhea and cholera too. Similarly, even rehydration sachets are not available at local health posts.

- ❑ The overall health situation of the district in terms of immunization coverage seems satisfactory; however, children from Rupsa, Gela, Odanak, Pakha, Kotbada, Lalu, Mugraha and Rachuli do not have access to proper immunization.
- ❑ Due to low level of awareness among community people, providing children with timely immunization is a problem here.
- ❑ There is negligence on the part of the parents especially regarding regularity of immunization and ensuring complete doses of vaccines.
- ❑ There is high dropout rate in the case of BCG and Measles vaccines.
- ❑ 11% of children, out of weighed 22 % of total children in the district, were found suffering from malnutrition.
- ❑ Severe type of pneumonia has been a cause of many children's death.
- ❑ The programs launched by the governmental and non-governmental agencies have not reached the target groups.

13. Delivery of Health Facilities and Medicines

Under free health care policy of the government of Nepal, District Hospital and Primary Health Centers have to provide people with 40 types of medicines free of cost. Similarly, such quotas for the Health Posts and Sub-Health Posts are 35 and 25 respectively. However, due to geographical remoteness, delay in supply and delivery of medicines in the district headquarters is a routine. Delivery of date expired medicines is also not unusual. Medicines stored at District Health Office do not reach subordinate health offices in time.

14. Service Providing Bodies

District Hospital, District Public Health Office, District Ayurvedic Pharmacy, Community Health Centers, Area Health Posts, Sub Health Posts and clinics are the major health service providing bodies and agencies of the district.

15. Stakeholders' View on the Right Relating to Health

Due to shortsightedness on the part of political parties, progress has not been made even in a very sensitive sector such as health. Creating and sustaining an enabling and conducive environment for the NGO/INGOs working genuinely in the health sector could benefit locals. Sick people have been facing problems due to poor infrastructure of the health offices available in the district. There is a lack of required facilities such as water, latrines and sanitation. Concerned stakeholders have to pay due attention towards these problems, says Dr. Surya Prasad Bhusal, Chief of District Public Health Office, Kalikot.

Beneficiaries have to be ensured all sorts of health services including nutrition, reproductive health as well as gynecological care in line with the government policies and provisions on health service. This only will ensure community people's right relating to health. Since only 36% of pregnancy cases reach health institutions, government has to come up with a special program to increase this percentage, says Katak Bahadur Mahat, Chair of Progressive Health Workers' Association.

Similarly, Til Bahadur Bista, Chair of VDC level health institutions management committee and secretary of Pankha VDC, also viewed that government's monitoring system was not strict. He further added that community people were not

aware of the provision of receiving certain types of medicines free of cost. He claimed health workers were not available in the posted institutions due to which community people had to reach district headquarters even for treating minor ailments, which sometimes take the lives of children and elderly people.

16. Future Programs in the District Public Health Office's Action Plan

- ☐ Upgrading all Sub-health Posts into Health Posts and Area Health Posts into Primary Health Centers.
- ☐ Providing immunization service to a total of 22,494 children below 5 and increasing the immunization per cent to percent.
- ☐ Ensuring easy access of all VDCs from remote areas to medicines and managing maternity centers there.
- ☐ With the aim to explore areas for health camps and integrated health programs, conducting interpersonal communication program.
- ☐ Running health related awareness creating programs through mass media.
- ☐ Demanding for more human resources for providing more health facilities and programs in the rural areas and in the places where people's access to health is low.
- ☐ Initiating awareness programs against fatal diseases such as AIDS.

17. Attempts towards Sensitization

The District Public Health Office has been actively engaged in sensitization and awareness promoting programs and initiatives. Its awareness increasing programs have encompassed the health issues and concerns such as maternity mortality rate, neonatal mortality rate, family plan-

ning, HIV, reproductive and sexual health, behavioral changes, among others. Its involvement is also concentrated on promoting the health services of the beneficiaries through media based awareness and sensitization programs. Community level dialogues, meetings and social mobilization are another part of sensitization programs of the Office.

18. Socio-religious Beliefs Constrain Reception of Health Services

To rely on witch doctors during initial phase of sickness and taking sick persons to health institutions at the eleventh hour is a common practice among many community people in the district. Women are required to receive permission from their husbands for receiving health and medical services. Husbands, mothers-in-law and other family members do not encourage women members to attend health institutions even when sick. Male baby is expected in the family. This compels women to become pregnant a number of times against their will. Taking women to health institutions for pregnancy related checkups and for delivering babies is not a practice in the district. False belief that contraceptives are always full of side effects is prevalent among community people.

19. Health Institutions Operation and Management Committee

Receiving quality health service is inherently a matter of right. Therefore, State puts its efforts towards ensuring health facilities to the people. Nepal has also been trying her best towards this end as guided by the constitutional and legal provisions and also by realizing the obligations arisen from the fact that the country is a state party to various international agreements

and commitments. Experience shows that allowing locals to manage their developmental agendas yields better results. Involving community people in identifying their problems, exploring solution for them, mobilizing resources and also in implementing programs reduces costs, increases effectiveness and sustainability besides enhancing a sense of ownership among them. By being guided by such notions, the government of Nepal in 1999 came up with a decentralization act called Local Self-Governance Act. Based on the Act there has been a decision that local health institutions would be handed over to the local communities and their engagement would be increased gradually.

Accordingly, in the F/Y 2011/12, committees were formed for the health institutions operation and management as assisted by Nepal Family Program/USAID. The District Public Health Office also provided a three-day training to the members of the committees. Until one year following the training, the committees held meetings regularly and involved in works such as exploring local resources, discussing health agendas and problems of the localities, among others. However, the committees seem passive afterwards.

20 Conclusion

Nepal has acknowledged the right relating to health as one of the fundamental rights of people. However, such rights have not been provided to the people living in remote districts such as Kalikot. Medicines and health services allocated and provided in the remote districts are just nominal. As a result, people from such places are compelled to die untimely. So much so that normal medicines such as antipyretic tablets and rehydration sachets are not easily avail-

able. This calls for the State to effectively implement the health related existing laws and provisions effectively.

21. General Health Problems of the District

- ☐ No aspect of health issues and problems were addressed in line with the governmental policies.
- ☐ There is a lack of coordination between preventive, curative and rehabilitative aspects of public health concerns.
- ☐ Lack of trained health workers.
- ☐ Available health workers were less than allocated quotas for the district.
- ☐ Services provided by available health institutions were not on par with fixed standards.
- ☐ Lack of concrete strategy and action plans towards introduction, development and expansion of curative methods within traditional medical practices.
- ☐ Lack of coordination between government, NGOs and private sectors in implementing health programs and campaigns

22. Recommendations

- ☐ Since Hospital Management Committee has not been playing active role, the service delivery capacity and initiation of the District Hospital is degrading. Therefore, set the Committee in motion.
- ☐ Ensure that free-of-cost health service being launched in the district under Karnali zone reach every village of Kalikot district.
- ☐ Implement the national constitutional and legal provisions as well as the international obligations arisen from Nepal's agreement and commitment to international covenants and conventions.

- ❑ Evaluate the health workers working in remote areas of the country independently and professionally and then implement the policy of reward and punishment based on performance.
- ❑ Increase coordination between preventive, curative and rehabilitative aspects of health services.
- ❑ Arrange medical equipments, technique and human resource keeping the population of the district in mind.

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Chapter

6.5 Study Report Situation of Free Haliya in **Dadeldhura**

6

1. Background

Nearly 30 million people are still living a slave-like life even in the 21st century world. According to the Global Slavery Index, of them 70% are in Asia. The Index is developed based on a study of the modern slavery system carried out by the Walk Free Foundation of Australia. As per the study, Nepal ranks in the fifth position in terms of the number of population in a slave-like condition. The study shows that some 250,000 people in Nepal are living a life like that of a slave.¹ The International Labour Organization or ILO also states that currently, almost 21 million people in the world are forced into labor.

It is not possible to specify the exact point of time when the slavery system began in the world. But it is found mentioned even in the Indian ancient text of Manusmriti. Slavery is known to have existed in China in the 18-12th century BC while it had spread in Africa in the 15th century. The slavery system was abolished in Britain in 1807 and in 1808 in America. Britain had also announced an end to the slavery system across its empire by 1833.

In the context, the then Prime Minister Chandra Shumsher liberated bonded laborers locally known as *kamara* and *kamari* in Nepal in 1929.

Though many such official attempts have been made around the world, newer forms of slavery have come into being. The International Workers' Association has recognized bonded labor, child marriage and forced marriage, forced labor, hereditary slave, human trafficking and child labor as modern forms of slavery. The Universal Declaration of Human Rights 1948 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and

Institutions and Practices Similar to Slavery 1956 outline provisions to stop modern forms of slavery.

Various forms of bonded labor locally known as *Kamaiya*, *Haliya*, *Haruwa* and *Charuwa* still exist in Nepal as different forms of modern slavery.

Haliya, a form of bonded labor presently, is in practice in some districts of the Far-Western and Mid-Western Nepal. Under this system, a laborer is initially given some loan or land to use, and asked to work for their landlord in return of the interest of the same. They are also paid in cash or kind for their labor but the payment is barely significant and hence the worker will never be able to pay back the loan. The loan then passes on from one generation to another.

The Haliya system exists in 12 districts, including nine in the Far-West and three in the Mid-Western region of Nepal. The system is believed to have begun with the superstition that the so-called upper caste members of the society (the Brahmin, Chettri and Thakuri) should not till the land. Under this system, the laborers who are mostly the members of the Dalit community are forced to till the land of the upper caste landlords as interest for the loan that they have taken from them or for the land they have used for their temporary shelter. Hence the particular worker is not freed of the bonded life until and unless he pays back the principal amount.

With no alternative source of income to pay off the loan, the workers are trapped into the bondage for generations. Presently the number of people under the Haliya system is believed to be around 20,000. Following a nationwide campaign against this remnant of the slavery system,

1. Walk free foundation <http://www.globalslaveryindex.org/>, accessed on December 28, 2013

Government of Nepal formally declared emancipation of the Haliya system on September 6, 2008.

2. Rationale of the Study

Haliya system is a form of the bonded labor system. Laws have been formulated both at the national and international level to put an end to such inhuman practices. The UDHR has clearly spelled out that all are equal before the law and that there should be no discrimination against anyone and for any reason whatsoever. Along with this, the UN has also introduced some binding conventions to put an end to all forms of slavery including the systems of Haliya and Kamaiya. Nepal is party to the Bonded Labor Convention of the International Labor Organization, 1930, and the International Covenant on Civil and Political Rights (ICCPR), 1996, which guarantees the right to equality against racism, the right to dignified life and the right to appropriate wage, while also prohibition on hiring of the slaves. Article 29 (1), (2) and (3) of the Interim Constitution of Nepal, 2007 also provides that no person shall be subjected to slavery or bonded labor or forced labor and makes this act punishable by law. Likewise, the Civil Rights Act, 1955 also provides that no person can be forced to work against their will. Part 3 of the General Code, 1963 on trafficking states that anyone found guilty of subjecting a person to slavery or bonded labor shall face imprisonment between three to 10 years. Section 4 of the Bonded Labor (Prohibition) Act, 2002 prohibits subjecting anyone to bonded labor while Section 16 (a) provides that anyone found guilty of breaching Section 4 shall be imposed a fine of Rs. 15,000 to Rs. 25,000 and asked to compensate the person forced to such a labor double the amount of the minimum wage.

By just mentioning about fine and compensation on the basis of wage and not completely outlawing the practice, the State did not take any concrete steps pro-activeness in eradicating the Haliya system or other forced labor practices which are against its own domestic regulations and which falls under its international legal obligations.

Comprehensive data of the former Haliyas have not been collected and compiled even five years since their emancipation. As a result, this study is important to identify the genuine problems faced by Freed Haliyas and to forward recommendations to resolve them.

3. Objective of the Study

- ❑ To collect information about the present situation of the freed Haliyas in Dadeldhura district and its impact on the Haliya.
- ❑ To acquire information about the status of the enforcement of the acts, regulations and directives introduced by the Government following the emancipation of the Haliyas.
- ❑ To reach out to the freed Haliyas and their former landlords, collect their views and the relation between the former masters and laborers.

4. Methodology

As part of this study, information about the freed Haliyas was collected from the stakeholders including the heads of various government and non-government bodies, political party leaders and human rights activists in Amargadhi Municipality of Dadeldhura district. Discussion, interaction, question answer, interview and other methods were used in the process. Representatives of government and non-government organizations running various campaigns and programs in the sectors were

met and discussion held on their respective programs and its impact. The Freed Haliya Rehabilitation and Monitoring Working Procedures, 2012 was also discussed among the political parties, government bodies, local residents, freed Haliyas, leading women, WHRDs, teachers, intellectuals and the landlords who employed the Haliyas. Information and data about the problems facing the freed Haliyas were collected by meeting 45 individuals in person. And of them, three were teachers, 25 were locals including freed Haliya leaders, five human rights activists, four government officials, three political leaders and four landlords.

5. Limitation of the Study

Owing to limited time and resource, the present study is limited only to the district headquarters of Dadeldhura and adjoining villages.

Following the declaration of the liberation of the Haliya, the Rehabilitation and Monitoring Working Procedure was drafted to collect the real data of the Haliyas. Accordingly, a Task Force on Haliya Rehabilitation and Monitoring was formed in each of 12 districts, including nine districts of the Far Western region and three in the Mid-Western region where the practice exists. The task force coordinated by the CDO of respective district has completed the collection the data of the freed Haliyas and submitted it to the government. But organizations working to promote and protect the rights of the Haliyas expressed their reservation towards the data submitted by the task force. Hence this was an effort to study the real situation of Haliyas in Dadeldhura district.

6. Who are the Haliyas?

When financially weak people could return the money they borrow for their so-

cio-economic and cultural needs, the family had to work in the field of the money lenders as Haliya throughout the year in return of the interest and with two meals a day. Due to lack of other sources of income, exorbitant interest (as high as 120%) and the condition of the landlords to pay the loan amount at once, the Haliya were never able to pay the loan even in their lifetime, and the burden is passed on to their progeny, trapping the next generation too into the chain of bondage. So, with a small amount of loan, the laborers and their family were forced into the Haliya system of bonded labor for generations. Apart from the loan, some farmers or landlords used to give the Haliya some piece of land for them to cultivate temporarily while some gave them cereals for tilling the land for a year.

The Bill designed to provide for Haliya System (Prohibition) Act defines Haliya as 'the person who works in tilling the field or during harvest under different names like *Hali* (tillers), *Gothalo* (herders), *Bause* (agrarian labors working during paddy plantation to level the field), *Khetala* (paddy planters), *Khaliya* (paddy threshers), *Lagi* (helpers of other agrarian labors), *Kamara Kamari* (male and female slaves) among other agrarian labors with very minimal or low wage in order to pay off the loan or interest of the loan taken by him or his family or ancestors, or to pay the loan taken by a person that he had stood as the guarantor or for using the land owned by the landlords before September 5, 2008'.

To put it in one sentence, the feudal system of subjecting workers to till the land, cultivation and to labor without any remuneration by the so-called high caste people in return of a small patch of land, loan or some fixed amount draws them into the Haliya system. Haliya is an unpaid bonded agrarian labor that continued as the rem-

11-Point Charter of Demand of the National Haliya Liberation Society Federation

11-point Charter of Demand of the National Haliya Liberation Society Federation

- 1) Register the ownership of the house and land used by the Haliya in their respective name and provide construction materials to help them build houses. Provide at least 10 kattha of land in the Tarai and 10 ropani in the hills to every Haliya family so as to help them eke out a living until the scientific and revolutionary land reform program is implemented.
- 2) Introduction and enforcement of the Haliya Labor (Prohibition) Act.
- 3) Formation of a high-level 'Freed Haliya Rehabilitation Commission.
- 4) Compensation to every freed Haliya household ranging from a minimum of Rs. 100,000 and maximum calculated on the basis of the time period of their tenure as Haliya.
- 5) Include those left out in the data and thereby classify and certify them, and rehabilitate them first providing them with ID cards.
- 6) Guarantee employment within the country and through foreign employment and in the non-government and private sector to establish 'one house one job' provision.
- 7) Enforcement of the Caste-based Untouchability, Discrimination (Offense and Punishment) Act, 2010 and its regulation and guarantee of the peace and security and social security of the freed Haliyas
- 8) Ensure proportionate representation of the freed Haliyas in every level of the State.
- 9) Government of Nepal establishing a mandatory provision in Local Bodies Operation Directives to allocate 10% of the development budget for the income generation activities and for mainstreaming the Haliyas into the State.
- 10) Provide scholarship to the children of the freed Haliyas for vocational and technical education and on the basis of ID cards, arrange free medical treatment of life-threatening diseases.
- 11) Amend the Freed Haliya Rehabilitation and Monitoring Working Procedure, 2010 to clarify the classification of the freed Haliyas and define terms like house, land etc.

As a result of the pressure exerted by the movement, talks were held between Government of Nepal and the National Haliya Liberation Society Federation, and a 5-point agreement signed on September 5, 2008

nants of feudalism.²

Government of Nepal emancipated all Haliyas in 2008. But this declaration by the government had not come easily. It was a fruition of many years of struggle. As majority of the Haliyas are from the Dalit community, this issue was associated with

the Dalit movement as well. So rights activists were naturally associated with this movement. Informal Sector Services Centre (INSEC) carried out a study of the bonded labor system in Nepal in 1996. The bonded labor practice in Nepal had become a matter of national and international concern.³

2. Shrestha, Shyam. Haliya Mukतिक Durabasta, Gorkhapatra. <http://www.gorkhapatraonline.com.html>, accessed on December 28, 2013

3. *A report following the study of the Haliyas, 'Forced to Plough', published by INSEC with the support of Anti-Slavery International, 1997.*

According to National Dalit Network, it was Puran Singh Dayal, a local Dalit leader and teacher in Melauli VDC of Baitadi who raised his voice against this practice in 1997. He was taken into custody for speaking out against the Haliya system.

Marking the International Human Rights Day in 2002, a regional gathering was held where the Haliya leaders of the districts participated. Member of NHRC Sushil Pyakurel and civil society leaders Damannath Dhungana and Shyam Shrestha were also invited with the aim of highlighting the issue nationwide as well as garnering support.⁴ The summary of this gathering in a form of memorandum was submitted at NHRC in the same year. To get meaningful results, nine ad hoc committees representing as many districts participating in the gathering were formed. And a regional committee with Darchula district representative Daniram Tiruwa as chairperson was also formed by the same regional gathering.⁵

In 2004, the Mahakali to Kathmandu campaign of the Haliya was organized. It was the same year that the District Administration Office ordered the payment of Rs 15,000 as compensation in response to a complaint filed there by Ram Bahadur Parki of Kanchanpur. This encouraged the Haliyas to become more organized. And in 2005, 71 cases of similar nature were filed in different District Administration Offices.

In 2005, a 24-hour relay hunger strike was staged demanding emancipation of the Haliyas. Amidst these organized initiatives and other campaigns, Haliya Liberation Society Federation was formed in 2007. In the same year, the Supreme Court issued a mandamus in favor of the Haliyas but that could not bring progress

5-point Agreement between Government of Nepal and the National Haliya Liberation Society Federation

1. To waive the loan imposed on the Haliyas for generations and make emancipation of the Haliyas official.
2. Form a 9-member task force in order to carry out concrete work in regards to the 11-point charter of demand of the Haliyas.
3. Government of Nepal would take the 11-point demand of the Haliyas positively and would enforce the report of the task force.
4. Government of Nepal shall maintain law and order considering caste-based untouchability and possible insecurity during the movement.
5. The Nepal National Haliya Liberation Society shall withdraw all its programs of protest with effect from today.

regarding the issue of Haliya liberation. A movement then began in seven districts of the Far-West region from July 11, 2008. However, this too failed to bear any meaningful result. This was followed by a sit-in at Maitighar Mandala in Kathmandu with an 11-point charter of demands starting from August 28, 2008 to September 20, 2008.

7. Situation of the Freed Haliyas

It's been more than five years since the Government of Nepal emancipated the Haliyas. However, the Haliyas have yet to experience freedom in their real life. Though it is the duty of the government to take care of them after their emancipation, the dilly dallying in rehabilitating them at the state-level has forced them to continue

4. Study Report on Mukta Haliya, 2009, pg. 19

5. Ibid.

Updated details of the distribution of Freed Haliya ID card and verification

S.N.	District	Total Haliya households	Verified households	Number of households with ID card
1	Darchula	455	427	427
2	Baitedi	4436	1438	1438
3	Dadeldhura	2576	1636	1636
4	Kanchanpur	3732	1405	1405
5	Bajhang	1391	1901	1901
6	Bajura	1634	1393	1393
7	Achham	242	157	157
8	Doti	1826	1000	1000
9	Kailali	220	160	160
10	Surkhet	669	142	142
11	Humla	1423	972	972
12	Jajarkot	455	165	165
	Total	19,059	10,796	1,0796

to live a life, not different from early one. As per the 5-point agreement between the government and the Haliyas, the Haliyas' loan was exempted. However, the landlords have been pestering the freed Haliyas for their lent money forcing the Haliyas to go to work in India just to pay back the loan.

The only livelihood skill of the Haliyas was to work in the fields of the landlords. The number of Haliyas, expelled from work by their landlords is increasing by the day since the declaration of liberation of the Haliyas. Thus, failure of the government to introduce rehabilitation programs has deprived the freed Haliyas from their basic rights including food, shelter and clothing.

Likewise, in some places the house and land that the Haliyas have been using for generations have been legally registered in the name of the landlords and since the emancipation, the landlords are exert-

ing pressure on such workers to vacate the house and land. Following the declaration of emancipation, the government has collected the data of the Haliyas and issued them Identity Cards (ID) after necessary verification. But the present situation is such that the freed Haliyas are finding it difficult just to manage two square meals a day.

6.2 Freed Haliyas Face Caste-based Discrimination

As majority of the freed Haliyas are from the Dalit community, they are the dual victims of caste-based discrimination as well. Caste-based discrimination is declared a violation of human rights as well as a social crime by national and international law but the practice still persists. So even though the Haliyas have been freed of the Haliya system, they have not been able to free themselves from caste-based discrimination including untouchability. They are barred from going near the houses of the non-Dalits and the common way of being served food by the non-dalits is by throwing it from a distance. Of the total 2,426 Haliyas verified in Dadeldhura, only 150 are non-Dalits.

6.3 Deprived of Economical, Social and Cultural Opportunities

The Haliyas, living in the Far-Western and Mid-Western regions of the country, are still socio-economically and culturally deprived section of the population. Though, there are a total of 2,576 freed Haliyas in Dadeldhura district, the Land Revenue Office has distributed goats for rearing only to 20 Haliyas. They do not have any source of livelihood and due to lack of skills, the economic situation of the freed Haliyas remains weak.

As Haliyas are regarded as untouchables, they are not even allowed to join

any social and religious function including marriage, the sacred-thread ceremony and pooja, and are stopped at a distance from the village water sources. They are prohibited from entering any public place, including temples and hotels. Even if the landlords or the masters give them some food, they have to consume it in a secluded place, their verbal and behavioral abuse is pretty common. Treatment of the freed Haliyas by landlords or masters has not changed in the social and cultural area even after their emancipation.

“Of the total freed Haliyas, 98% are Dalit and the remaining two per cent are non-Dalits including Brahmin, Chettri, Magar and Tharu”.⁶

6.4 Exploitation of the Freed Haliyas

Despite the announcement of their liberation, some Haliyas continue to till the land of their masters. Though their labor is not exploited as much as it was like before the liberation, they are still deprived of a respected remuneration. Even though the normal rate for tilling the land is Rs 500 per day, the freed Haliyas are given only 3 to 4 hundred. Likewise, their wives get only Rs 200 instead of the normal rate of Rs 300 a day for carrying organic fertilizers to the fields. The daily wage of an agriculture labor has been fixed at Rs 600 per day, according to the District Development Committee. Though they are deprived of the minimum wage for their labor, the freed Haliyas however do not live the same life of a bonded labor in the district.

6.5 Rehabilitation efforts

Government of Nepal freed the Haliyas after a long struggle and pressure exerted by

the Haliyas. It is a process towards a change. Various initiatives have been taken at the government and non-government level to guarantee their rights since their liberation. After the emancipation of the Haliyas by the Government, a Freed Haliya Rehabilitation and Monitoring Working Procedure was established to guarantee their food, shelter and clothing. Accordingly, district-level mechanism was developed to collect a data of the freed Haliyas. However these mechanisms and activities have proved insufficient for the freed Haliyas. Though various organizations active in the area are organizing them and giving them capacity-building and various skill-oriented trainings to lead them towards self-employment.

The concerned bodies are also showing interest in the field of education, health and employment of the children of the freed Haliyas. Freed Haliyas and their spouses are presently joining various local and district-level networks and associations. Various civil society organizations are providing skill-oriented trainings and tools for their skills and capacity enhancement while the government is supporting them financially in areas such as dairy farming and animal husbandry. However, since they come from Dalit community no buyer is ready to purchase the milk they produce.

The Freed Haliya Rehabilitation and Monitoring Task Force, Dadeldhura has said that of the 2,576 Haliyas in

Class A (who do not own both land and house)	169
Class B (who own a house but not any land)	450
Class C (who own land but no house)	38
Class D (who own both house and land)	549
Total	1206
<i>Note: This classification is as per the Freed Haliya Rehabilitation and Monitoring Working Procedures (3rd amendment) 2013.</i>	

6. Bhattachan, Dr Krishna, Mukti Sandesh, 2013, National Freed Haliya Society Federation Project

Dadeldhura district, 1,612 have been verified, 1,206 have received ID cards while 964 are yet to be verified.

Stakeholders in Dadeldhura said that the data developed by the task force was not complete. They said the data too need to be verified. Many freed Haliyas could not receive their ID cards because they left for India immediately after their emancipation. Apart from this, there is a compulsion to reach to the district headquarters for verification. And as there is a compulsion to work every day for making their ends meet, many freed Haliyas are unable to take part in the verification process. But the government officials have not been empathetic towards their plight.

Chief District Officer (CDO), Dadeldhura Sagarmani Parajuli said the weakness was to declare liberation of the Haliyas without much homework. The official data at present show that there are 2,500 freed Haliyas in the district, but this needs to be clarified as it might not be genuine, he said. He is also of the view that rehabilitation of the freed Haliyas has become difficult due to lack of public unused land. CDO Parajuli also said that many voices are being raised about the Haliya system but nobody is working to resolve the problem, while the Haliya related organizations are project-oriented and just a means to provide employment to a limited number of people.

The study team estimates that more than Rs 500 m has already been spent by government and non-government bodies since the Haliyas were officially liberated. This estimation is based on the expenses made by various organizations and the budget allocated by the government. And, it is likely that the amount spent is higher. So based on it, on an average at least Rs 400,000 per one Haliya has already been spent but the Haliyas and their families are

yet to experience any changes to their lives, neither any plans are in the offing for a better future ahead.

According to the member-secretary of the Freed Haliya Rehabilitation and Monitoring Task Force and Land Revenue Officer Raghunath Awasthi, it is difficult to find the Haliyas even when the verification team goes to the Haliya community while lack of sufficient evidence is making the process difficult even at the community level. He however accepts that the ID cards have not been distributed due to minimum budget allocated by the Ministry and the freed Haliyas career development programs run by the district task force has also not been effective for the same reason.

The data at the district-level does not clearly indicate whether the Haliyas in the list are genuine while data at some areas show that genuine Haliyas have been pushed out by non-Haliyas. The Haliyas categorized under Group A do not own both house and land, their first problem seems to be of shelter rather than any vocational training. Majority of the programs run by CSOs and the government do not seem to be based on the needs of the Haliyas, according to officiating Local Development Officer at the DDC, Yubaraj Aryal.

Even among the Haliyas, women and children are suffering the most. The organizations working for the Haliyas are mostly based in the district headquarters. Due to lack of coordination and collaboration among the institutions in this field, the task force and other CSOs, the issue of the Haliyas has not yet become an issue of concern for all. Even children of the Haliyas with academic qualification are unable to find work and forced to migrate to India for work, said Chairperson of Dalit Women Organization,

Likewise, officiating program coordinator of National Freed Haliya Society

Federation, Hari Singh Bohara is of the view that it is due to the failure of prioritization of the Haliya issue by government bodies under the Free Haliya District Task Force that has deprived them Haliyas of

even certification and ID cards five years after they were declared as free. Despite several efforts made to amend the criteria of classification of the Haliyas, the Task Force and the Ministry have turned a deaf ear to

Case Study

Community Forest Becomes shelter For Freed Haliyas

Three generations of 15 households of now freed Haliyas used to live at Bheta of Asigram VDC-9 in Dadeldhura. They used to till the land for the local non-Dalit farmers. Apart from serving as Haliya, people from this community also used to engage in daily wage labor at the local Bhatkada Bazaar. However, landslides triggered by heavy rainfall on July 19, 2009 swept away all the houses. An elderly woman was buried to death while two others were rescued in the landslide that occurred in the evening. Others had not returned home from work. Dalit settlements in the hills are usually in the slopes, making them vulnerable to possible mudslide. The economically sound population occupied the plain and secured places in the area.

After their houses were swept away, they were forced to take shelter in the nearby Mahadev Community Forest. They are presently living in small huts made of wood and thatched roof. An agreement has been reached between the Community Forest and the District Forest Office to allow the freed Haliyas to live there for five years from 2011 to 2015, according to



chairperson of the Mahadev Community Forest, Prajapati Awasthi. Some 80 members of the 15 families are living there. As the area is in the midst of a forest, it lacks basic amenities. Lately, drinking water has been managed through the Poverty Alleviation Fund. And it was the same fund that has helped run a buffalo rearing programme but it has been difficult for them get market for their milk products at the local market due to caste-based discrimination. There are around 25 children of school going age but the school is located at a two hours walking distance from the village, thereby depriving the kids of education, according to Durga Devi Damai, member of the Peace Freed Haliya Group. She also said that the freed Haliyas living in the area have not been able to purchase the necessary meter box and wires necessary to install power supply into their homes.

As per the agreement with the community forest they can continue living there for another two years. Then nobody knows where their next place of habitation will be.

it, adds Bohara.

The political parties see the Haliyas with a political eye. Though raised informally by a party during the conflict, it was the social organizations that took up the issue of Haliya formally. UCPN-M State Committee member Sonlal Damai said that the party has not organized any activity related to the Haliya at present and that he was not aware of the Task Force said to be formed for the rehabilitation of the freed Haliyas. Likewise, NC district working committee member Jaya Raj Paneru said the State should address the Haliya issue by introducing necessary laws immediately and criticized the state for its failure to do so. He also expressed ignorance over the formation of the Task Force on the Haliyas. UML district chair Dr Tara Joshi is of the view that a discussion should be held with the Haliyas and their employers as the Haliya practice is linked to feudal traditions and unequal labor relations. Dr Joshi also adds that the State should come up with a package of rehabilitation as soon as possible.

Statements from the political party representatives are a proof that this is not their priority.

The freed Haliyas who had hoped that all their worries would end with their liberation are gradually losing hope. The study team had held discussion with Treasurer of the Lateswari Haliya Group in Lower Budali in Amarghadhi Municipality-10, Durga Tamata and other members of the group, including 77-year-old member Hira Sarki. According to them, the village is home to 51 Haliya families whose hope of fulfilling their basic need of two meals a day after emancipation had been smashed. He said that, of them, only few have received their ID cards since emancipation five years ago.

As they have no other means of livelihood, the former Haliyas are now working as daily wage agriculture laborers. And though they are not forced into it like in the past by their landlords, they are denied any loan whenever they need it. And since seasonal agricultural work is available for them, the men are compelled to go to India for work.

7. Positive Change

Since the liberation from the age-old slavery, the level of consciousness in the Haliyas and their families has increased. They are now aware of their freedom to follow their will like any other member of the society. However, they are concerned that nothing has changed in their daily life as they lack other sources of livelihood and alternative skills. And one can easily understand that their begrudging former masters and landlords are not eager to help them out during times of crisis. However, they realise that the Haliya system is not right and that it would not be revived. As a result, the study team felt that there was a need to create mutual understanding between the two communities.

8. Conclusion and Recommendations

Haliya system is not only a remnant of slavery but is also a problem associated with unequal labor relations and social malpractices. This practice is more deep-rooted in the Far-Western region where the belief that the high-caste Brahmin and Thakuris should not till the land still holds a sway.

More than five years have elapsed since the Haliya emancipation declared by the government. But despite the international recognition that the declaration of emancipation should be followed by rehabilitation, the State has failed to take any concrete steps even as per the 5-point agree-

ment reached with the former Haliyas. As a result, the joys of Haliyas on being emancipation have turned into disappointment.

The government's hurried declaration without proper ground work on possible challenges and problems that would follow the emancipation of the Haliyas shows that it was more of a political step than a practical one. The investment from the government and non-government sector has not yielded good returns. In absence of an objective study to identify the real Haliyas and their families and ways to rehabilitate them at the local level, some freed Haliyas are in a dire situation that could force them to go back to mercy of their former landlords.

There is also a need for common understanding and joint ownership of all concerned so as to put a permanent end to the Haliya system and resolve problems facing the freed Haliyas. On the other hand, discussion with the former landlords and masters is also necessary to ensure that the freed

Haliyas and their former masters enjoy cordial relations at the society-level.

As plastic tents and congested thatched huts and houses constructed on unregistered land are also regarded as formal houses and non-arable plots of land is as land owned by the freed Haliyas, the classification carried out by the Government does not do justice to the Haliyas. Hence, the criteria of the classification should be reviewed to make it realistic.

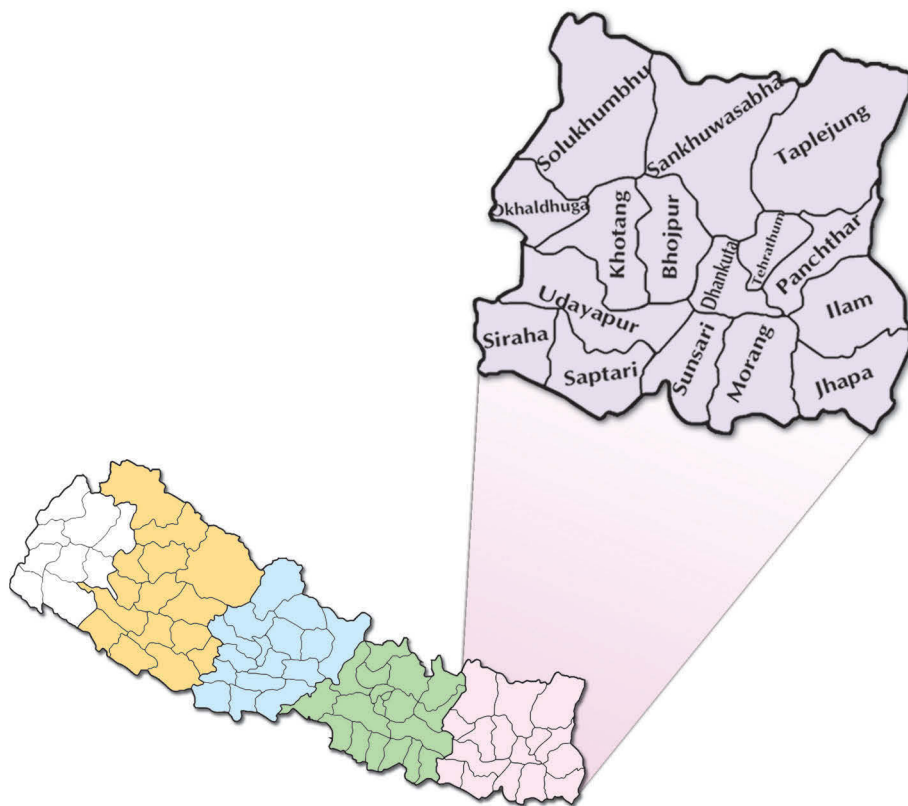
The freed Haliyas have been deprived of basic services and justice due to inactiveness of the Freed Haliya Rehabilitation and Monitoring Task Force formed by the Government. So the monitoring of the task force needs to be stronger. The State and authorities concerned must pay due attention towards ensuring the access of the Haliyas to public services at the local level. Identification of the freed Haliyas must be carried out in some areas while the verification work needs to resume in order resolving the differences seen over the data collected.



**Facts on
Human Rights Violations
and Abuses in 2013**

Annex

1



Human Rights Situation of **Eastern Region**

The Eastern Development Region has 16 districts. The region is comprised of Solukhumbhu, Sankhuwasaba and Taplejung in mountainous region, Okhaldhunga, Bhojpur, Khotang, Terhathum, Ilam, Dhankuta, Udaypur, and Panchthar in hilly region and Siraha, Saptari, Sunsari, Morang, and Jhapa from Tarai region.

The region saw a number of violence in the districts in 2013, mainly violence against women and children. The number of victims of HR violation in the development region increased in comparison to previous year. Last year, INSEC recorded a total of 750 Human Rights violation cases while this year it was 1,256. INSEC recorded an increase of incidents of human rights in all districts except Panchthar and Dhankuta. Of the victims, highest increase of victims of human rights violations was in Morang.

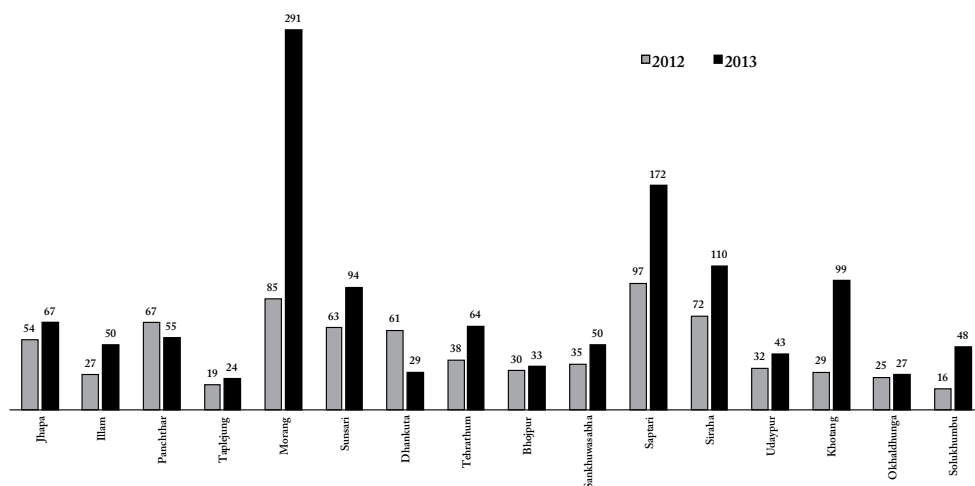
The women's rights violation has significantly increased in the region. In 2012, there were 162 victims while in 2013, 534 were victims of women's rights violence. All districts saw an increase in documented victims of women's rights violations except for Panchthar, Okhaldhunga and Udaypur. The

number of victims in women's rights violation increased from 24 to 183 in Morang and 26 to 77 in Saptari. Most of the documented cases of women's rights violation were domestic violation (303), polygamy (88), rape (68), and rape attempt (41) and practicing witchcraft (15).

Child victims also increased in the district in 2013 i.e. 228 in comparison to 102 in 2012. Out of 228 children, 212 were girls. Saptari saw the highest increase in number of child victims, from five to 28. Number of boy victims was also higher compared to the last year i.e. 16 in comparison to six in 2012. Of the 16 violations recorded, seven were the victims of trafficking, five were related with the killing of new born baby and four were sexually abused.

INSEC has compiled the data of the number of students attending government-run schools. The highest number of school going children enrolled in various levels of schools in 2013 is from the Morang District with total of 167,768 students including 78,609 male and 89,159 female students followed by Saptari with the total of 139,981 students enrolled. The lowest

Fig 1: Human Rights Violence in Eastern Region



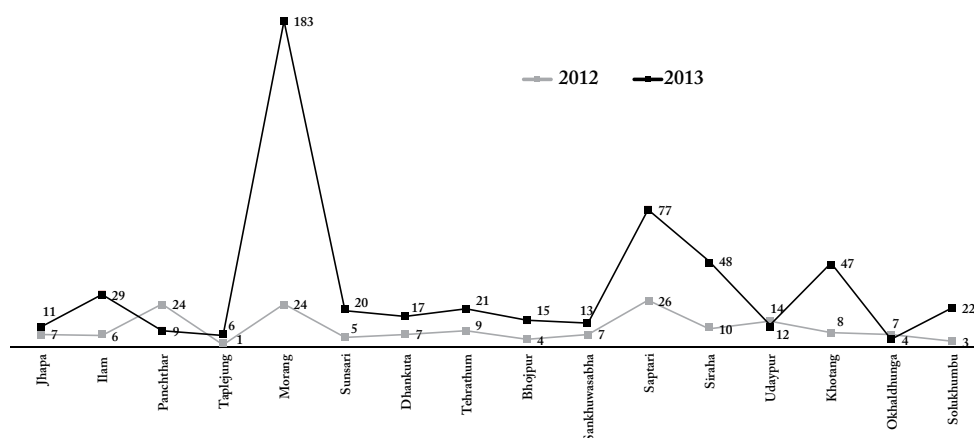
number of male and female students enrolled in various levels of the schools is from Jhapa with total of 12,934. Among them, 6,365 were male and 6,569 were female followed by Solukhumbu with 13,265 male and 11,898 female students enrolled. The highest number of school going children from the dalit community is from Saptari with the total of 43,670 dalit followed by Sunsari with 23,078 students. The highest number of dalit boys, going to school was from Saptari with a total of 21,579 and the lowest number of dalit boy students, going to the school is from Terhathum district with 1,440. Similarly, the highest number of female dalit, going to the school was from Saptari with the total of 22,091 followed by Sunsari with 11,946 and the lowest number of female dalits attending school was from Solukhumbu with the total of 1,505 students.

From fiscal year 2012/13, 51.52% of the criminal cases and 49.19% civil cases were decided in the region. Solukhumbu District Court decided the highest per cent of the criminal cases i.e. 82.22% and Terhathum decided the highest number of civil cases 80.43 %. From July 16 to December 31, 18.61% of the criminal cases and

18.26% civil cases decided in the region. Lowest performing district was Bhojpur where none of the 47 cases registered under criminal cases was decided. There was no civil case registered in Bhojpur.

From fiscal year 2012/13, of the 4,092 cases filed in the region at the office of the district attorney, 1,164 cases were won and 236 cases were lost. Jhapa had highest success with total of 391 cases won out of 1,047 while 66 cases were lost. In Sunsari, there were 1,153 cases lodged and all of them were pending until the end of the year. The least number of cases registered was in Okhaldhunga with the total of 27 cases out of which 10 cases were won and five cases were lost followed by Solukhumbu with 31 cases out of which 13 cases were won and nine were lost. From July 16-December 31, cases filed at the Office of the District Attorney were 2,238. Among them, 857 were won and 182 were lost. During the period of six months in morang, 690 cases were won by the Office and 181 were lost. In Bhojpur, 67 cases were won out of 111 filed. The other cases of Bhojpur district remained pending. In Sunsari, Saptari, Khotang and Okhaldhunga district all cases remained were pending during six months of period.

Fig 2: Women's Rights Violence in Eastern Region



Solukhumbu has the least number of cases registered with just seven, out of which one case was won.

Total capacity of the district prisons is 1,784 however the occupancy at the end of the year was 3,672. Sunsari district has highest number of occupancy i.e. 755 whereas the capacity of the prison is just 500. The inmates do not have proper facilities of toilet and drinking waters. There are 24 dependents of which nine are in Jhapa, five in Morang, three in Bhojpur, two in Ilam and one each in Panchthar, Siraha, Udaypur, Khotang and Okhaldhunga living with either of their parents. Total death in the prison in the region is nine. Among nine, four died in Sunsari, two in Siraha and each one in Morang, Saptari and Solukhumbu. Most of the intimates died as a result of sickness and while undergoing treatment at the hospitals.

Some of the problems documented in the region needing attention of the stakeholders include violence against women and inhuman behavior. Region documented 534 numbers of victims under women rights violation. In about 75% of cases, the perpetrator is not a stranger to the woman but a member of her own family. Of 534 victims, 303 women were victimized as a result of domestic violence. Domestic violence against women, including beatings, dowry-related murders, threats and eviction from home and physical and psychological harassment by families were rampant. In many cases, police and local people had tried to settle the domestic dispute/violence by forcing the women to accept their 'fate' which is an example that the society is still male dominated. In one

case, Pabi Maya Acharya, 39, of Lafyang VDC-5, Khotang filed a complaint against her husband Nabaraj Acharya, 42, accusing him of inflicting physical and mental torture upon her. According to the victim, her husband frequently beat her and she was severely injured in his beating. The incident was discussed by bringing the accused and victim in district police office and accused was released with the promise of not repeating the act in future.

In another case, a 4-month pregnant Sakila Khatun, 24, of Khoksar Prabh VDC- 7 of Saptari was assaulted and beaten for not bearing a son by her husband Tajmul Miya, 40. She already has three daughters. She further claimed she was forced to go for sex determination of her previous pregnancy and forced to take medicine for abortion. She lodged an application for a divorce and District Court gave decision in favor of Sakila.

The region documented 23 victims as a result of inhuman behavior. Among them, 15 were male and eight were female. In one case recorded as inhuman behavior, six people of Belbari VDC-3 of Morang were charged with inhuman treatment of Maya Sarki, 35, and journalist Manoj Bishwarkam, 28. Maya was accused of filing false case of rape on July 21 and the locals smear soot on her and BK's face and garlanded her with shoes. The fact-finding team of National Dalit Commission (NDC) made the report of the incident public in Biratnagar on July 31 stating "Belbari incident is an incident of caste-based discrimination and untouchability and a social crime against Human Rights."



1.1 Jhapa



Headquarters :	Chandragadhi
Area in Sq. Km :	1,606.00
No. of Households :	184,552
No. of Population :	812,650
Male :	385,096
Female :	427,554
No. of PwD :	15,376
No. of VDC(s)/Municipality(ies) :	47/3
Male Literacy :	294,306
Female Literacy :	277,356
Religion Hindu (%) :	79.88
Buddhism (%) :	4.84
Islam (%) :	3.2
Kirat (%) :	8.32
Christianity (%) :	1.94
Prakriti (%) :	1.44
Undefined (%) :	0.03
Average Household Size :	4.40

In Jhapa, 67 people were the victims of Human Rights violation as documented by INSEC in 2013. Among them, 58 were the victims from the hand of non-state actors. The state was involved in Human Rights violation of nine people who were arrested and tortured (1), treated inhumanly (5), injured (2) and killed (1) in 2013. In 2012, the victims at the hand of state were higher which included the category of arrested and tortured (1), injured (2), Right to Assembly (12) and Landless and squatters problems (8). In 2012, non-state actors were involved in Human Rights violation

of 31 people whereas the victims at the hand of state were 23 people.

KILLING BY POLICE

Suresh Rai, 40, of Lakhanpur VDC-1 was shot in left eye when a team of APF Pathibhara Battalion in Padajungi was practicing firing on May 14. Suresh was working as a forest guard in Ratuwa Mai Tree Plantation project. Rai died while undergoing treatment in Neuro Hospital, Birtanagar on May 15. Family of the deceased asked for action against offenders and appropriate compensation for his death. Ekmani Nepal, APF of Jhapa settled the case with the mutual understanding and promising to pay Rs.1m to family of the deceased on May 16. However, they did not receive any compensation until the end of the year.

INHUMAN BEHAVIOR BY POLICE

Bimal Thapa, 21, of Anarmani VDC-6, Rohit Bhandari, 26, Dinesh Poudel, Nirmal Shankar and Netra Khatiwada, 27 of Anarmani VDC-3 were arrested by police of Anarmani VDC-3 on March 16 for recklessly riding a motorbike under the influence of alcohol. They were kept in detention on that night and their heads were shaved forcibly. There was lots of criticism for this act, as they were shaved fully including *Tuppi*, a small portion of hair on the center of their head which has a great religious significance for the Hindus. They were released on March 17. After lots of protest, police apologized with the people they wronged. There was no complaint filed against the police by them.

TORTURE

A 13-year-old girl, Sunita Soren of Prithvinagar VDC-9 was tortured by the police on charge of stealing gold. A fourth grader at Himali Higher Secondary School, Sunita was staying at Chudal's house as

domestic help for the past year. Victim's mother Tukli said that her employer beat her up accusing her of theft and the police deputed at Area Police Office pricked her nails with pins. The employer had lodged a complaint against the victim on December 25 on charge of theft. The girl's mother urged civil society members and journalists on January 17 to take steps to ensure justice to her and her daughter saying that even she was detained by police for five days on the same charge. Commenting on the issue, APO Birtamod's DSP Bhuwaneshwar Tiwari claimed that there was no torture against the girl and her mother and that they were released from detention after investigation into the case of gold theft. He also claimed that the incident was exaggerated. Victim has not filed any complaint against the accused until the end of the year due to threat.

CHILD RIGHTS

In 2013, the child rights violation was against 27 children as recorded by IN-SEC in the district. Out of that, 16 were raped and 10 were victims of sexual abuse and one was killed after birth. Alarming in these cases that even a 9-year-old boy has been accused of raping a girl. Girl as young as 5 years was raped, that too by a minor. An 11-year-old girl became pregnant after rape and later gave birth too. In 2012, four cases of rape and three cases of sexual abuse and one case of new born killed were documented. This shows an increase in the violation of child victims.

Sexual Violence

In one case, a 5-year-old girl was raped by 14-year-old boy on May 2. Medical check up of the victim was done in Mechi Zonal Hospital on May 4. Victim's fam-

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				1	2	3
Arrest & Torture	1		1			
Child Rights				27		27
Inhuman Behaviour		5	5			
Injured		2	2	3		3
Killing		1	1	6	8	14
Women Rights				11		11
Total	1	8	9	48	10	58

ily lodged a complaint against the accused at District Police on May 4. The District Court ordered to remand the accused to Child Reform Center, Bhaktapur on May 16.

A complaint was filed against Suren BK, 32 of Khudunabari VDC-1 on charge of raping an 11-year-old girl on April 19. Victim was raped repeatedly by the accused for the last one year and when her family came to know about it, she was already six months pregnant. Victim was rescued by ABC Nepal and was taken to Protection Center of ABC Nepal, Birtanagar. She gave birth to a child at Koshi Hospital. Whereabouts of the accused was unknown until the end of the year.

A 13-year-old girl was raped by two boys, aged 12 and 9 on July 5. Police arrested the accused on the same day of incident. Medical check up of the victim was done in Mechi Zonal Hospital, Bhadrapur. The District Court released both accused stating them as minors on July 16.

Abduction

A 9-year-old boy of Dhulibari in Mechinagar Municipality-3 was abducted by her neighbor Seema Patel and Menuka Sah on January 10 and was taken to Siligudi, India. Victim was rescued from Pradhan-nagar in Siligudi, India on January 12. She was handed over to her parents on January 12. Victim's parents filed a complaint at the Area Police Office Dhulabari on January

11. Accused were remanded to the custody by the District Court on February 7.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against 11 women as recorded by INSEC. Out of that, five women were raped, five were the victims of attempted rape and one was of domestic violence. In 2012, out of seven victims of women rights violation documented, five were raped and two were victims of attempt to rape.

Killing by Family Members

At least two women were killed by their family members this year. In one such incident, Ganga Rai, 35, of Damak Municipality was hacked to death by her husband Bhupal Rai, 40, on May 30. Bhupal, in inebriated condition, attacked his wife Ganga with a khukuri while she was sleeping. Postmortem of the body was conducted at Mechi Zonal Hospital, Bhadrapur. Deceased's son filed a case against the accused on May 31 at Area Police Office, Damak. Rai remained at large until the end of the year.

Acid Attack

Acid attack, though not that pervasive as in the neighboring states of India and Bangladesh, is being reported. Noticeably, most of the victims of such attack are women. Many a times, refusal of the perpetrators' sexual overtures result in such attack. The attacks are carried out with an intention of disfiguring the target but sometimes, at worse, it results in death. Goma Rimal, 33, and her daughter Uma Rimal, 7, were injured when Sandeep Poudel, 18, and Pasang Dorje, 24, of Sanischari VDC-7 poured acid on them while they were sleeping on February 21. Victims were taken to BPKIHS, Dharan for the treatment. Goma, who was severely injured in the attack, died at home on July 13. Victim's family filed

a complaint against the accused in Police Office, Birtamod on February 24. Accused were arrested by police on February 23 and was remanded to custody by District Court on March 13. They were charged with attempt to rape and after her death, were charged with murder. The accused claimed that they attacked Goma as she was involved in immoral activity. The case remained pending at the end of the year.

Sexual Violence

One APF man was accused of attempting to rape a woman in the district. Constable Baishaku Rajbanshi, 27, who was posted in Jhapa Constituency no.3 during the election tried to rape a 24-year-old woman. A complaint was lodged against Rajbanshi for attempt to rape in District Police Office on November 22. He was arrested at the incident site and was remanded to the custody by the District Court on December 13.

In 2013, a total of 15 incident of domestic violence were registered at WCSC. Among them, seven cases of beatings and expulsion from the house, four cases of depriving of food and clothes, two cases of marriage and citizenship certificate, one cases of polygamy, one case of threat to kill were registered. Among those registered cases, nine incidents reached to an agreement.

ELECTION VIOLENCE

The district had several election related violent incidents where the political cadres of different parties got injured. The political activists were involved in disruption of the programs of other parties. Poll candidate of Limbhuwan State Council from constituency no. 3 Gopal Thebe was abducted by an UCPN-M and was released after two days. UCPN-M had pressurized him not to participate in the election.

1.2 Ilam



Headquarters :	Ilam
Area in Sq. Km :	1,703
No. of Households :	64,502
No. of Population :	2,90,254
	Male : 1,41,126
	Female : 1,49,128
No. of PwD :	7,636
No. of VDC(s)/Municipality(ies) :	48/1
	Male Literacy : 113,048
	Female Literacy : 103,498
Religion Hindu (%) :	44.49
Buddhism (%) :	15.29
Islam (%) :	0.08
Kirat (%) :	35.61
Christianity (%) :	2.5
Prakriti (%) :	1.34
Jain (%) :	0.02
Shikha (%) :	.001
Undefined (%) :	0.668
Average Household Size :	4.50

INSEC documented 50 victims of Human Rights violation in Ilam this year. Of which, 48 were victimized by the non-state actors including mainly victims of women's rights violation (29). The state was involved in Human Rights violation of two people who were beaten. In 2012, non-state actors were involved in Human Rights violation of 25 people whereas the victim at the hand of state were two people.

CHILD RIGHTS

In 2013, the child rights violation was against 17 children as recorded by INSEC in the district. Out of that, 15 girls were raped and one was victim of sexual abuse and one boy was killed after birth. In 2012, one case of rape and two cases of sexual abuse were documented.

Sexual Violence

A case was lodged against Kuber Dhungana, 60, of Aamchok VDC-9 on charge of raping a 6-year-old-girl on April 20. Victim was raped on April 2 and her medical check-up was done in District Hospital on April 20. Accused was remanded in the custody by the District Court on May 5.

Similarly, a 13-year-old-girl was raped by 17-year-old boy of Dhusine VDC-7 on June 16. Victim's parents lodged a complaint against the accused on June 19 and he was arrested by police on the same day. Accused was remanded in the custody by the District Court on July 17.

No decision has been taken in both the above mentioned cases by the District Court until the end of the year.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against 29 women as recorded by INSEC. Out of that, seven women were raped, one was the victim of attempted rape, six were victims of domestic violence and one woman was the victim of trafficking. 14 women were victimized when their husbands took second wives. In 2012, out of six victims of women's rights violation, five were raped, one was charged with witchcraft.

Sexual Violence

A case was lodged against Raju Gurung, 18, of Jhapa residing in Bhutanese refugees on charge of raping a 28-year-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	2	2		1	1
Child Rights			16	1	17
Killing			1		1
Women Rights			29		29
Total	2	2	46	2	48

old-woman on January 28. Accused was arrested by police on February 1. Victim was raped on January 22 and her medical check-up was done in District Hospital on the same day. Accused was sentenced to imprisonment for two and half years by district Court on June 17.

A mentally challenged woman of 36-year-old was raped by Faud Bahadur Magar, 28 of Jitpur VDC-5 on April 23. A complaint was lodged in District Police Office against the accused by Victim's relatives on April 24. Medical check-up of the victim was done in District Hospital on April 24. He was arrested by police on April 24 and was remanded to the custody by the District Court on May 13. No decision has been given by District Court until the end of the year.

Polygamy

A case was lodged against Harindra Limbu, working in District Police Office, Ilam on charge of polygamy on February 6. Harindra married Santoshi Limbu, 23, of Kanyam VDC-7 on February 2. Harindra and Santoshi were arrested by District Police Office on February 6. Accused were

released on after paying a bail of Rs. 10,000 each in District Court on February 21. The District Court sentenced imprisonment of two years and fine of Rs. 20,000 for Harindra whereas Santoshi was sentenced imprisonment of one year and fine of Rs. 10,000 on July 13. Harindra was suspended from District Police Office on the same day when District Court gave the decision.

In 2013, a total of 32 incident of domestic violence were registered at WCSC. Among them, seven cases of beatings and expulsion from the house, seven cases of depriving of food and clothes, eight cases of marriage and citizenship certificate, 10 cases of polygamy, one case of threat to kill and two cases of practicing witchcraft were registered. Among those registered cases, all 32 incidents settled in an agreement.

ELECTION VIOLENCE

The district had several election related violent incidents where the boycotting parties had placed explosive devices in different places. The bomb disposal team of Nepal Army defused two bombs in the morning of November 14 at Sankhejung and Siddhithumka VDC. Most of the explosion devices placed by the opposing parties were defused by Nepal Army. UCPN-M candidate from Ilam constituency no. 2 Ramesh Linden was attacked by a group of about 12 CPN-M cadres while he was returning home after completing election campaign on October 27.



1.3 Panchthar



Headquarters	: Phidim
Area in Sq. Km	: 1,241
No. of Households	: 41,196
No. of Population	: 1,91,817
Male	: 90,186
Female	: 1,01,631
No. of PwD	: 5,049
No. of VDC(s)/Municipality(ies)	: 41/0
Male Literacy	: 68,057
Female Literacy	: 64,155
Religion Hindu (%)	: 34.31
Buddhism (%)	: 11.67
Islam (%)	: 0.03
Kirat (%)	: 52.03
Christianity (%)	: 1.58
Prakriti (%)	: 0.13
Bon (%)	: 0.02
Undefined (%)	: 0.163
Average Household Size	: 4.66

INSEC documented 55 victims of Human Rights violation in Panchthar this year. Of which, 54 were from the non-state actors. The state was involved in Human Rights Violation of one person who was arrested and tortured. In 2012, non-state actor were involved in Human Rights violation of 62 people whereas the victims at the hand of state were three people who was arrested and tortured and two were beaten.

CHILD RIGHTS

In 2013, the child rights violation was against 18 children as recorded by INSEC in the district. Out of that, 12 girls were raped and four girls were victims of sexual abuse. One boy and one girl were killed after birth. In 2012, two cases of rape, three cases of sexual violence and two cases of child marriage were documented.

Sexual Violence

Police arrested a 14-year-old boy on charge of raping a 7-year-old girl on August 18. Victim's medical check-up and treatment was done at District Hospital on August 19. Victim's parents lodged a complaint against the accused on August 19 and the case was filed against the accused on August 22. He was arrested by police on August 19 and was sent to Child Reform Centre, Morang by District Court on September 11.

A 4-year-old girl was raped by Madan BK, 20, of Nagin VDC-4 on October 12. Victim's parents lodged a complaint in District Police Office against the accused on October 22. Accused was arrested by police on October 22 and was remanded to custody by District Court on November 11. Accused in most of the rape case in this district was remanded in custody and no decision has been taken against them until the end of the year.

Infant Killing

Nirmala Sambahamfe, 30, of Rannigaun VDC-6 was arrested by police on May 19 on charge of killing a week old child. The dead body of the infant was found by the neighbor nearby the victim house on May 19. Post Mortem of the deceased was done in District Hospital on May 20. Victim has killed the infant on May 12. A case was filed against the victim

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Beatings			3	6	9
Child Rights			17	1	18
Injured				4	4
Killing			6	5	11
Racial Discrimination				1	1
Right to Assembly				1	1
Threats				1	1
Women Rights			9		9
Total	1	1	35	19	54

in District Court on May 19. The accused was released on general date by the District Court on June 10.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against nine women as recorded by INSEC in the district. Out of that, four women were raped, three were victims of polygamy and two were of domestic violence. In 2012, 24 cases of violence against women were recorded by INSEC. District recorded decrease in number in terms of violence against women this year.

Sexual Violence

A 52-year-old woman was gang raped by Ram Rai, 30, Tyson Tamang, 19, of Ranighat VDC-2 and a 15-year-old boy on January 8. Victim filed a complaint against the accused at District Police Office on January 9. Victim's medical check-up and treatment was done in District Hospital on January 9. Victim was found by local people in the jungle lying unconscious and naked. Police arrested a 15-year-old boy on January 9 on charge of same incident but was released on general date by the order of District Court on February 3. The whereabouts of the accused Ram and Tyson remained unknown until the end of the year.

Killing by Family Members

Renuka Rai, 35, of Sidin VDC-1 was beaten to death by her husband Man Kumar Rai, 44, on January 21. Inebriated Man Kumar beat her to death accusing her of disobeying him. After killing his wife, Man Kumar tried to cover up the incident saying that she died while drinking. When the locals tried to take her body for final rites, he admitted to killing her. Police arrested him after locals reported the incident on January 21. Post Mortem of the body was performed at the y District Hospital on January 22. Deceased's relatives filed a case against the accused on January 22. Accused was remanded in the custody on February 14 by District Court. He was sentenced to life imprisonment by District Court on June 13.

Polygamy

Surendra Thoklihang, 32, of Ektin VDC-4 got married to Sanjuwati Limbu, 36, of Tharpu VDC-5 on September 17. His first wife Gita Thoklihang, 30, filed a case against him on charge of polygamy on September 19. Surendra was arrested by police on September 20 whereas Sanjuwati was arrested on September 29. Both were remanded in custody by the District Court on September 30. Sanjuwati was released by the District Court after depositing a bail of Rs.14,000 on October 2.

In 2013, a total of 100 incident of domestic violence were registered at WCSC. Among them, six cases of beatings and expulsion from the house, four cases of depriving of food and clothes, four cases of marriage and citizenship certificate, one case of polygamy, six cases of threat to kill, one case of witchcraft were registered. Among those registered cases, 84 incidents concluded in agreement.

CASTE-BASED DISCRIMINATION

Man Kumar Lawoti, 25, of Lamphabung VDC-1 was beaten up with polythene pipe by Bir Bahadur Lawoti, 27, and Basanta Lawoti, 28, of the same place on January 26. Man Kumar mediated the return of an inter-caste couple on September 6, 2012. Man Kumar along with other media persons, rights activists and administration had mediated for the rehabilitation of the couple in the village. Bhawindra Thulung Rai, 34, and Bhadrika Shankar, 20, of Lumphabung VDC-1 were displaced after their inter-caste marriage on May 14, 2012. A case was filed against the accused in District Administration Office on January 29. Accused were presented in District Administration Office on February 5 and were released same day by paying a bail of Rs.10,000. District Administration Office ordered the accused to pay a fine of Rs.1,000 each on June 2.

ELECTION VIOLENCE

Sukdal Newang, 52, her daughter Sunmaya Newang, 20 and her neighbor Nar Bahadur Newang, 20, of Lurungpa VDC-7 were beaten by CPN-M on November 18 warning them against voting. They were treated at District Hospital. CPN-M looted of about 40 kgs of cardamom, two mobile phones and their citizenship card. Victims later lodged a complaint in District Police Office on November 25. Later police informed that the complaint could not be processed and investigated, since the complaint was filed very late than it was supposed to be. No action was taken until the end of the year.



1.4 Taplejung



Headquarters	: Phunling
Area in Sq. Km	: 3,646
No. of Households	: 26,509
No. of Population	: 127,461
Male	: 60,552
Female	: 66,909
No. of PwD	: 3,730
No. of VDC(s)/Municipality(ies)	: 50/0
Male Literacy	: 44,414
Female Literacy	: 40,423
Religion Hindu (%)	: 35.9
Buddhism (%)	: 20.52
Kirat (%)	: 41.37
Christianity (%)	: 1.47
Prakriti (%)	: 0.02
Bon (%)	: 0.48
Undefined (%)	: 0.24
Average Household Size	: 4.80

In Taplejung, 24 people were the victims of Human Rights violation as documented by INSEC in 2013. Among them, 23 were the victims from the hand of non-state actors and one person was beaten by the state agency. In 2012, the victims at the hand of state were higher which included arrested and tortured (1), beatings (3) and injured (1). The victims at the hand of non-state were 14.

BEATINGS BY POLICE

Kumar Limbu, 35, of Dokhu VDC-8 was tortured and thrashed by a police



Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1		2	2
Child Rights			4		4
Injured			2	2	4
Killing			4	3	7
Women Rights			6		6
Total	1	1	16	7	23

team of District Office, after taking him under their control in his house on February 13. He was accused of giving sanctuary to Prabesh Palunga who was in the police's 'Wanted List.' The victim filed a case against the police demanding for action for their action. According to the victim's elder sister, Kalpana Thalung, Kumar was badly assaulted with sticks and boots by police until he was unconscious. No action was taken until the end of the year.

CHILD RIGHTS

In 2013, the child rights violation was against four girls as recorded by INSEC in the district. Out of that, one was raped, one was sexually abused and two were the victims of trafficking. In 2012, no case was recorded under child rights violation by INSEC.

Sexual Violence

A 14-year-old girl was raped on February 15 by Nabin Lamgade, 21, of Dummrise VDC-5 and Chandra Sapkota, 19, of Thumbedin VDC-2 while she was on the way to her friend's house. Victim filed a complaint against the accused in District Police Office on February 16. Whereabouts of both the accused remained unknown until the end of the year.

Gopi Rai, 32, of Tapethok VDC-4 now residing in Phungling VDC-4 tried to rape a 12-year-old girl at her home on July 15. Victim filed a complaint against the accused on July 17. Accused ran away from the incident site when she sought for help.

The accused was arrested on July 17. Accused was remanded in custody by District Court on August 31.

Trafficking

Krishna Kumari Sindang of Phulbari VDC-3 was arrested on charge of trafficking a 14-year-old girl from Singapur of Panchthar district. Sindang had promised to get her married to his brother and asked victim to travel with her to Phungling on January 23. But rather than taking the victim to the Phungling, she took a bus to Birtamod. While travelling in bus, the girl overheard the accused's plan and learnt that she was being trafficked. She told about it to the local people travelling in the same bus. Accused Sindang was arrested on January 24 from Mebakha Police check point, Nangkholyang. The District Court sentenced accused to imprisonment for 16 years and a compensation of Rs.15,000 on June 26.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against six women as recorded by INSEC in the district. Out of that, two women were raped, one was the victim of trafficking and three were the victims of domestic violence. In 2012, INSEC recorded one case under violence against women where victim was sexually abused.

Killing by Family Members

Kamala Tumbahamfe Sawa, 38, her 5-year-old son Aman Sawa and 14-day-old infant of Sawa VDC-1 were killed by Amrit Sawa, 42, her brother-in-law and his wife Dhanmati Sawa, 42, and were thrown near their house. Police found the dead bodies of Kamala and her elder son on March 16 while the body of the infant was not found. Kamala's husband had died 14 months ago and was raped by her brother-in-law Amrit and gave birth to his baby. They killed all

three to hide the incident. Police arrested Amrit on March 26 and Dhanmati on April 27. Accused were remanded to custody by District Court on April 25. Case remained pending until the end of the year.

Injured

Anusha Limbu, 26, of Khamlung VDC-3 was injured when her mother-in-law Aitamaya Limbu, 63, attacked her with the stone on November 21. She got medical treatment at District Hospital and BP Koirala Institute of Health Science, Dharan from November 23 to December 2. Victim filed a complaint against the accused on November 24 at Dobhan Police station. Case was resolved by mutual understanding between the victim and the accused. Rabin Samekham Limbu, victim's husband was attacked with sharp weapons around 9 pm on July 18 by the group of John Nalabo and Mahendra Samekham. His treatment was done in Dharan.

Trafficking

Lokendra Kumar Shrestha of Phulbari VDC-5 was arrested on charge of trafficking a 21-year-old woman from Khahare located at Nagkholyang VDC-5 on January 24. Victim and accused eloped and took the bus from Bahanande of Dekhu VDC. Accused has promised to marry the victim. While travelling, victim had suspicion about accused and informed the police when bus stopped at Khahare police

station. The accused was arrested from the bus after the complaint. The District Court sentenced accused to imprisonment for 12 years and six months and a compensation of Rs.12,500 on June 26.

In 2013, a total of 22 incident of domestic violence were registered at the WCSC. Among them, five cases of polygamy were registered. Among those registered cases, 17 incidents reached to an agreement whereas five cases are in legal process.

ELECTION VIOLENCE

The district had several election related violent incidents where the political cadres of different parties got injured. The political activists were involved in disruption of the programs of other parties. Padam Bahadur Magar, 8, of Khokling VDC-2 was injured when bomb exploded at an election assembly of UML in Khokling of constituency no. 2. He was referred to Panchthar Hospital for the treatment and was discharged after two days when his condition became normal. Santosh Patwang, CPN-M district in-charge claimed responsibility for the incident by informing the Human Rights defenders through telephone. In the same incident, Man Bahadur BK, Renu Adhakari and Tulasa Adhikari were injured. Renu and Tulasa were taken to Khikling sub-health post and were discharged on the same day whereas Man Bahadur was admitted in District Hospital and was discharged the other day.



1.5 Morang



Headquarters	: Biratnagar
Area in Sq. Km	: 1,855
No. of Households	: 213,997
No. of Population	: 965,370
Male	: 466,712
Female	: 498,658
No. of PwD	: 8,389
No. of VDC(s)/Municipality(ies)	: 65/1
Male Literacy	: 341,584
Female Literacy	: 297,623
Religion Hindu (%)	: 80.27
Buddhism (%)	: 4.13
Islam (%)	: 4.74
kirat (%)	: 6.55
Christianity (%)	: 1.64
Prakriti (%)	: 2.25
Jain (%)	: 0.1
Shikha (%)	: 0.002
Bon (%)	: 0.01
Bahai (%)	: 0.02
Undefined (%)	: 0.28
Average Household Size	: 4.52

INSEC documented 291 victims of Human Rights violation in Morang this year.

Of which, 274 was from the non-state, mainly victims of women's rights violation (183). The state were involved in Human Rights Violation of 17 people. In 2012, non-state actors were involved in Human Rights violation of 77 people

whereas the victim at the hand of state were eight people.

BEATINGS

Jit Bahadur Limbu, 33, of Myaglung VDC-1, was badly beaten by police patrol team of Area Police Office, Pathari with sticks and boot while he was on his way to meet his relatives in Sanischare VDC on March 5. The incident happened while the victim was having meal in a hotel located in Kechana bus stand in Pathari VDC-1. He was later treated at a local health center. According to SI Gopal Karki claims that Jit Bahadur was drunk and disrupting peace and harmony of the place due to which police patrol team had to use some force to stop Jit Bahadur. But, the victim claims that he was just having meal and not alcohol. So far, the victim hasn't filed any complaint regarding the matter.

CHILD RIGHTS

In 2013, the child rights violation was against 46 children as recorded by INSEC in the district. Out of that, mainly cases were related with rape (26) and sexual abuse (15). Other violation included trafficking where at least two girls were the victims. In 2012, the victims of child rights violation were 27 of which 13 cases were of rape.

Trafficking

Police filed a case against Bishnu Paswan, 22, and his sister Bhajiya Devi Paswan, 38, of Biratnagar Sub-Metropolis-14 on charge of abduction of a 15-year-old girl of Biratnagar Sub-Metropolis-8 on April 4. According to Suma Karki of WCSC, the whereabouts of the girl remain unknown. The accused was arrested on April 2 after an FIR filed by the girl's father Dhundiraj Pokharel at District Police Office on the same day. In the FIR, it is stated that girl was kept in Supreme Hotel from March

30-31 and in Bhajiya's home from April 1-2. Accused were remanded to the custody by District Court on April 29.

Shankar Tamang, 35, of Gauriganj VDC-9, Jhapa was arrested on March 11 on charge of kidnapping Anju Rai, 7 of Dangihat VDC-5. The victim was rescued by police from Topgachi of Jhapa district on March 11. She was handed over to her father, Jivan Rai after her recovery. Tamang was arrested on the same

day. According to the acting in charge of Area Police office of Belbari, SI Cholendra Adhikari, Tamang had kidnapped the girl from Dangihat VDC on March 8 by luring the girl with some chocolates when her parents had gone to attend their neighbor Jamuna Darji's wedding. The kidnapper later claimed that he had kidnapped the girl assuming her as his own daughter. Parents of Anju lodged a complaint on the same day after she was missing in her home vicinity. As per the order of District Court, the accused was released on bail on April 3.

Sexual Violence

Police arrested Assistant Principal of Sagarmatha English School on March 5 on charge of sexually abusing a 16-year-old girl. Ganesh Dulal, 25, of Belbari VDC-1 was arrested following a complaint filed by the victim's family at the Area Police Office Belbari. Acting chief of the APO Belbari, Cholendra Adhikari said that the accused was presented before court on March 6 to extend his judicial remand. Police said that the accused had been sexually exploiting the girl since she was 13. Dulal was remanded to the custody by District Court on April 1.

Bhavilal BK, 20, residing in Bhu-

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				4	2	6
Arrest & Torture		6	6			
Beatings		7	7	4	4	8
Child Rights				44	2	46
Economic, Social and Cultural Rights					2	2
Inhuman Behaviour				4	4	8
Injured					2	2
Killing				6	12	18
Right to Assembly	1	3	4			
Threats					1	1
Women Rights				183		183
Total	1	16	17	245	29	274

tanese Refugee Camp was charged with trying to rape a one-year-old girl. Victim's family lodged a complaint against the accused in Area Police Office on October 19. Medical check-up of the victim was done in Koshi Zonal Hospital. Accused was arrested by Police on October 19. He was remanded to the custody by District Court on November 11.

WOMEN'S RIGHTS

District recorded the highest number of victims of women's rights violence in eastern region. This year, documented women victims were 183 whereas last year, it was 24. Out of 183 victims, 136 had faced some forms of domestic violence and 17 were raped and 10 were victims of attempted rape, three were sexually abused. 11 were victimized when their husband got married with another woman. Three were charged with practicing witchcraft and three were the victims of trafficking. In 2012, out of 24 victims of women rights violation, nine had faced some sort of domestic violence.

Killing by Family Members

Ganga Dahal, 52, of Sijuwa VDC-8 was killed by her husband Tikaram Dahal, 62 on April 28. Post mortem of the body

was performed at Primary Health Post, Ur-labari VDC- 6. Victim's relatives lodged a complaint against the accused in District Police Office in April 28 and were arrested on the same day. He was remanded to the custody by the District Court on May 8.

Sexual Violence

An 18-year-old mentally challenged woman was raped by Puspa Raj Khakda, 30, of Sorabha VDC-5 on January 5. Victim's sister lodged a complaint against Khadka in District Police Office on May 19. In the complaint, she has mentioned that Area Police Office refuse to register the complaint she had filed on May 18. Her medical treatment was done in Koshi Zonal Hospital on May 20 where it was learnt that she is six-months pregnant. Police arrested Khadka on May 19. He was released by police on May 20 in District Court. WCSC advised the victim to file the case to establish relationship. Victim was sent to the rehabilitation centre run by an NGO in Biratnagar with the help of INSEC. The NGO asked the victim to bring the land ownership certificate of the accused so that it will be easy to file the case in the District Court but victim was unable to get it and then, the case was not lodge in the District Court. Victim was living in the accused home as a domestic worker. She gave birth to a girl in Koshi Zonal Hospital in the month of August. The NGO, in its own initiatives, lodged a case demanding for establishment of relationship and the certificate in October. Case remained pending until the end of the year.

Trafficking

Kalpana Rishidev, 25, of Tankisinuwari VDC-3 lodged a complaint in District Police Office against Binod Rishidev, 32, of Tankisinuwari VDC-3 on charge of attempt of trafficking on August 18. Police arrested Kalpana on August 24 and filed a

case on charge of human trafficking against her in District Court on August 25. She was remanded to the custody by District Court on September 20.

Domestic Violence

Sunta Khatun, 20, of Biratnagar sub-metropolis-11 was beaten by her husband Rijman Miya on September 1 on charge of not bringing dowry. Victim lodged a complaint against her husband saying that she was beaten and was threaten to thrown outside home on September 17. WCSC wrote a letter to Ward Police Office on September 18 to call the accused. Discussion was held in District Police Office on September 19 and was called off without any agreement. Case remained pending until the end of the year.

In 2013, a total of 241 complaints of domestic violence were registered at WCSC. Among them were 117 cases of beatings and expulsion from the house, 93 cases of depriving of food and clothes, 13 cases of marriage and citizenship certificate, 14 cases of polygamy, four cases of threat to kill. Among those registered cases, 178 cases concluded in an agreement whereas 63 were moved to court.

CASTE-BASED DISCRIMINATION

Belbari Area Police Office (APO) arrested Jivan, Ambika, Chandrakala, Sabita, Amit and Kamala on July 24 on charge of inhuman treatment of Maya Sarki, 30, and Fight Weekly editor Manoj Bishwakarma, 28, all hailing from Belbari VDC-3. The incident occurred when Maya was accused of filing a false case of rape on July 21 against local Jeevan Bhetwal and the locals smear soot on her and BK's face and garlanded her with shoes. Maya was rescued by police from the incident site. Police released all the accused after an agreement between the accused and the victims in the Area Police Office. Maya was displaced from home to

her sister's place in Indrapur VDC-3 with her two children. Manoj filed a case against the accused at NHRC, Biratnagar on July 23. She filed a complaint at around 8.30 pm at Area Police Office. Police brought her from her sister's home in Indrapur to record the statement. They were charged under Public Offence Act. All six were released by the District Court on August 15 by posting a bail of Rs. 2,500 each. Except Kamala, all were charged with caste-based discrimination and were presented at District Court on August 19. They were released by the District Court the same day after paying a bail of Rs. 3000. Victims further lodged a case in Appellate Court, Biratnagar saying that they were not satisfied with the decision of District Court. Appellate Court asked all accused to pay a bail of Rs. 30,000 each on December 26. They were not present although the Appellate Court has asked for the bail.

HARMFUL PRACTICES

Practicing of witchcraft is generally leveled against the women but sometimes, even men are assaulted on the charge of practicing witchcraft. There were at least two such victims in the district. Both of the villagers were from low economic strata so were the accusers.

Tek Narayan Majhi, 50, of Tetariya VDC-3 was beaten by his neighbors Bajarriya Majhi, 22, Suresh Majhi, 48, Phusanga Majhi, 55, and Pujana Majhi, 45, on September 5 on charge of practicing witchcraft. The victim underwent treatment at Koshi Zonal Hospital in Biratnagar. Wife of the victim, Mukhani Devi Majhi, 46, filed a complaint at the DPO on September 5 seeking action against the accused. Case reached to an agreement when accused accepted their apology and was offered to pay the medical expenses on September 5.

In another case, a group of villagers of Govindapur VDC-1 threatened to kill Kantu Singh 60, on July 7 on charge of being a witch. The villagers had warned him of feeding human excreta, throwing him in the river and killing him if any person or animal in the village dies or falls ill. When the family went to complaint, police said that they could not take action in want of evidence. INSEC asked the victims to file the complaint at higher authority if the local police station did not heed to their plea and then the victims filed a complaint at District Police Office with the support of INSEC. The case reached to an agreement within village by Police.

ELECTION VIOLENCE

Four cylinder bombs went off in different parts of the district on November 17. Similarly, an explosive device was found near Saraswati Higher Secondary School of Pathari VDC-1 the same day. Pressure cooker bombs were planted in three places along the East-West highway by an unidentified group targeting the UCPN-M on November 6. The bombs were planted to obstruct the arrival of UCPN-M Chairperson Pushpa Kamal Dahal and Vice-chairperson Baburam Bhattarai who were scheduled to address the election assembly. The bombs were defused by a bomb disposal team of Nepal Army from Eastern Division based in Itahari.

The cadres of CPN-M torched the election materials after capturing them from two VDCs of the district on October 24. The cadres seized a sack with election materials from Dangihat VDC-1 and Sanishare VDC from the officials of election office and set them on fire. A total of 40 CPN-M cadres from Dangihat and 20 from Sanishare were involved in the incident.



1.6 Sunsari



Headquarters	: Inaruwa
Area in Sq. Km	: 1,257
No. of Households	: 162,407
No. of Population	: 763,487
Male	: 371,229
Female	: 392,258
No. of PwD	: 10,409
No. of VDC(s)/Municipality(ies)	: 49/3
Male Literacy	: 265,461
Female Literacy	: 224,529
Religion Hindu (%)	: 73.28
Buddhism (%)	: 4.12
Islam (%)	: 11.54
Kirat (%)	: 6.88
Christianity (%)	: 1.49
Prakriti (%)	: 1.94
Jain (%)	: 0.05
Shikha (%)	: 0.003
Undefined (%)	: 0.398
Average Household Size	: 4.70

In Sunsari, 94 people were the victims of Human Rights violation as documented by INSEC in 2013. Among them, 66 were the victims at the hand of non-state actors. The state was involved in Human Rights violation of 28 people, mainly related with right to assembly (26) and injured (2). In 2012, the victims at the hand of non-state were 43.

INJURED IN POLICE ACTION

Bijaya Chaudhary, 28, of Duhabi VDC-9 and Mohammed Jalil Miya, 40,

of Duhabi VDC-5 were injured when there was a confrontation between the police and the locals of Duhabi on May 26. Conflict started after the locals staged a 'Duhabi Bandh' demanding an action to be taken for the murder of Radha Kamat. Both the injured were taken to Neuro Hospital, Biratnagar for the treatment. Bijaya was further referred to BPKIHS, Dharan. Protesting for making two of their locals injured, again Duhabi inhabitants staged a protest which further made the situation bad. In order to bring the situation under control, police fired tear gas and use shield and batons in making lots of Duhabi locals injured. To take the situation under control, police fired two rounds of bullet and six rounds of tear gas which made the situation very tensed. To investigate the matter, a panel was formed under chairmanship of the Assistant Chief District officer, Chandeshwar Pokharel. The investigation panel did not publicize the investigation report. For not making the report public, the locals of Duhabi destroyed a number of vehicles.

In the incident APF's Sergeant Bijaya Karki and Nepal Police's one personnel were injured. On April 27, Irfan Miya and Shabnam Khatum were accused of murdering Radha Kamat. Both remained absconding until now. Locals of Duhabi just wanted those culprits to be put behind the bars.

CHILD RIGHTS

A total of eight girls were victims of the violation of their rights. Out of eight, five girls were raped, two were the victims of sexual abuse and one was the victim of trafficking. In 2012, five cases of rape and one case of sexual abuse were recorded by INSEC.

Sexual Violence

A 15-year-old girl was raped by Dilip Chaudhary, 30, of Simariya VDC-1 on April 18. Victim's family lodged a complaint against the accused in the Dis-

trict Police Office on April 22. Medical check up of the victim was done in Koshi Zonal Hospital, Biratnagar on April 19. The whereabouts of the accused remained unknown until the end of the year.

Corporal Punishment

Anupa Rai, 14, of Dharan Municipality-16 was injured when his father Tilak Rai, 42, beat her up her with a stick on December 18. Victim was admitted to BPKIHS, Dharan for the treatment for her head and back injuries. Victim's aunt lodged a complaint against the accused at District Police Office on December 19. He was arrested by police on December 19 and was released after paying a bail of Rs. 5,000 in District Administration Office on December 26.

WOMEN'S RIGHTS

This year, documented women victims were 20 whereas last year, it was five. Out of 20 victims, seven had faced some forms of domestic violence. Three women were raped, four were victims of attempted rape. Three women were victimized when their husbands married other women. Three were abused on charge of being witch. In 2012, out of five victims of women rights violation, three were raped and two were the victims of domestic violence.

Killing

Mangali Chaudhary, 26, of Babi-yabirta VDC-2, Morang was killed by Raj Kumar Chaudhary, 33 of Binagama VDC-4 on March 6. Raj Kumar was a Police Constable at Kakalini Base Camp, Tankisunwari. He killed Mangali in Itahari Municipality-1 at Swagat Lodge for forcing her to marry him. The postmortem of the body was performed at BPKIHS,

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					2	2
Beatings				4	3	7
Child Rights				8		8
Economic, Social and Cultural Rights					1	1
Injured		2	2		3	3
Killing				9	3	12
Right to Assembly	4	22	26		10	10
Threats					3	3
Women Rights				20		20
Total	4	24	28	41	25	66

Dharan. Accused was arrested by Area Police Office on March 7. He was remanded in custody by District Court on April 2.

Sexual Violence

A complaint was lodged against Kamal Subedi, 35, of Indrapur VDC-8, Morang on charge of raping an 18-year-old woman on January 7. Accused took the victim to Itahari Municipality-1 promising to provide the job. He took the victim to the hotel and raped her on January 5. Medical check-up of the victim was done in BPKIHS, Dharan. Whereabouts of the accused remained unknown until the end of the year.

A complaint was lodged against Ram Prasad Tati, 54, of Sonapur VDC-2 on charge of raping a 24-year-old woman on August 11. Accused Tati raped victim on August 4 while she was sleeping at her home. Medical check-up of the victim was done in Koshi Zonal Hospital, Biratnagar. Police arrested the accused on August 11 and was remanded in custody by District Court on September 9.

Domestic Violence

Expelled from Home

Sabila Khatun, 19, of Jalpur VDC-6 was evicted from her home after being beaten by her husband Moha-

mad Umarhusen, 22, and father-in-law Allauchin Miya, 50, accusing her for not bringing dowry on September 23. Medical treatment of the victim was done at District Hospital in September 25. Victim lodged complaint against the accused at District Police office on September 26. According to victim's father, he gave Rs.20,000 as a dowry during marriage. But in-laws were demanding for more money. The whereabouts of the accused remained unknown until the end of the year.

Dowry related Death

Radha Mehata, 20 of Chitiha VDC-9 was killed by her husband Santosh Kumar Mehata, 25, and father-in-Law Shiva Ram Mehata, 55, alleging her of not bringing dowry on February 2. Accused hanged the dead body by the tree after killing. Post mortem of the body was conducted at BP-KIHS, Dharan. A case was filed against the accused at the District Hospital on February 4. Deceased was seven-month pregnant. The duo was released on general date by District Court on March 8.

Polygamy

Amrit Thapa, 26, of Madhuban VDC-1 got married to Manisha Shrestha, 19, on August 26. His first wife Renu Thapa, 26, filed a case against him on charge of polygamy on September 2. Amrit was arrested by police on September 13. He was release by the District Court after depositing a bail of Rs 37,000 on September 29.

Harmful Practices against Women

A 44-year-old woman was treated inhumanly by Sursid Safi, 52, Melim Safi, 52 along with other villagers of Bhutaha VDC-6 on charge of being a witch on July 18. Medical treatment of the victim was done in BPKIHS, Dharan. Victim filed a complaint against the accused in District Police Office on August 26 and was arrested on July 22. The accused were released by

the District Court after paying the bail of Rs 20,000 each with on August 4.

In 2013, a total of 88 cases of domestic violence were registered at WCSC. Among them, 11 cases of marriage and citizenship certificate were registered. Most of the cases registered were related to the beatings. Among those registered cases, 69 incidents reached to an agreement whereas two were in legal process.



1.7 Dhankuta



Headquarters : Dhankuta

Area in Sq. Km : 891

No. of Households : 37,637

No. of Population : 163,412

Male : 76,515

Female : 86,897

No. of PwD : 4,881

No. of VDC(s)/Municipality(ies) : 35/1

Male Literacy : 58,271

Female Literacy : 55,439

Religion Hindu (%) : 49.17

Buddhism (%) : 12.59

Islam (%) : 0.1

Kirat (%) : 34.94

Christianity (%) : 1.78

Prakriti (%) : 0.12

Jain (%) : 0.01

Shikha (%) : 0.001

Undefined (%) : 0.291

Average Household Size : 4.34

In Dhankuta, 29 people were the victims of Human Rights violation as documented by INSEC in 2013. Of them, 28 were the victims at the hand of non-state actors and one was beaten by the state. In 2012, victims of Human Rights violation at the hand of non-state actors were 24 and victims at the hand of state were 37.

INHUMAN BEHAVIOR

Campus Chief of Dhankuta Multiple Campus, Dr Gopal Bahadur Bhattarai, 58, was beaten and then soot was painted on his face by the UML cadres on December 17 while he was on his way to attend a seminar of Campus Chiefs under Tribhuvan University. He had boarded a micro bus from Dhankuta to Butwal to attend the seminar which stopped at Bakhre Khola, Dhankuta Municipality-3 where the incident occurred. His wife, Himadevi Basnet Bhattarai, 40, lodged a complaint on December 18 at District Police Office. Police was able to arrest UML area secretary, Arjun Chara, 31, for being a mastermind behind the plan. Other people held for their alleged involvement in the incident were Jiban Kirati, 27, ANNFSU secretary of Campus student union from Dhankuta Bazar, Shiva Rai, 28, member of District Youth Association and its member Agamsingh Rai, 23, from Belhara. Police on the same day charged them under Public Offence Act. The accused were later released on bail by paying an amount of Rs.15,000 per person as directed by District Administration office on December 29. According to them, all the professors, lecturers and students were unsatisfied with Dr. Gopal's way of work and had even organized a procession to express their dissatisfaction. This conflict was further aggravated by his decision to enroll 14 temporary teachers.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1			
Child Rights			2	1	3
Inhuman Behaviour				1	1
Killing			1	4	5
Threats			2		2
Women Rights			17		17
Total	1	1	22	6	28

CHILD RIGHTS

In 2013, child rights violation was against three children as recorded by INSEC in the district. Out of that, two girls were raped and one boy was killed after birth. In 2012, four cases of rape were documented.

Sexual Violence

Police arrested Puspa Bahadur Kar-ki, 19, of Pakhribas VDC-9 on May 22 alleging that he raped a 7-year-old girl in the jungle nearby her house on May 20. Health check-up of the victim was conducted at District Hospital on May 22. The accused was remanded in custody following an order from District Court on June 14. The District Court sentenced accused to imprisonment for 10 years on August 29.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against 17 women as recorded by INSEC in the district. Out of that, one woman was raped, one was the victim of trafficking and six were of domestic violence and nine women suffered from husband's polygamy. In 2012, out of seven victims of women rights violation, one was raped, five women were victims of domestic violence while one was victimized when her husband married another woman.

Sexual Violence

A 24-year-old woman was raped by Girija Prasad Dahal, 30, of Thankhuwa VDC- on July 23 while she was sleeping at the hotel in Dhankuta Municipality-1. Victim was returning home in motorbike with the accused after finishing her work. They had to stay at the hotel due to heavy rainfall. Victim called the police who rescued her whereas the accused was arrested on the same night. Victim filed a complaint at District Police Office on July 25. Health checkup of the woman was conducted at District Hospital on July 25. Accused was remanded in custody by District Court on August 18.

Domestic Violence

Domestic violence in the form of verbal abuse, mistreatment, beating and deprived from basic needs has been registered this year.

Polygamy

Seven cases related to polygamy were registered this year. Among the seven cases, four cases were resolved with mutual understanding between the victims and the perpetrators, where perpetrators promised to provide the property and support the victims financially. Mina Kumari Khatri, of Belhara VDC-4 filed a complaint in Area Police Office saying that her husband Purna Bahadur Khatri beat her. Purna married Renu Karki, 18, of Sindupalchok district on November 5 filed a complaint at Belbari Area Police Office on December 9. Police arrested the accused on December 10.

There were two cases where the victims were expelled from home by their in-laws after their husband married another woman. Both victims are now living at their maternal home.

Trafficking

A complaint was filed at the District Police Office against Bipin Rai, 24, of Chhintang VDC-5 on charge of trafficking a 21-year-old woman of Chhintang VDC-4 on January 21. According to the victim, Rai came to her house and asked her parents to for her hand. When the victim parents agreed to his proposal, Rai asked victim to elope on the same day saying they were engaged and promising to marry her. Victim had an argument with the accused when he did not travel towards his home but asked him to travel to India. Rai ran away from there saying he will return charging his mobile. Accused remained at large until the end of the year.

In 2013, a total of 86 cases of domestic violence were registered at WCSC. Among them, 23 cases of beatings and expulsion from the house, six cases of depriving of food and clothes were registered. Among those registered cases, 83 incidents reached to an agreement whereas one case was moved to court. Two complainants did not follow-up.

DESTRUCTION OF PROPERTIES

Ten persons of Mahabharat VDC-6 damaged the infrastructure of Rhododendron English School on January 20 due to personal dispute which arose during the marriage ceremony of Kush Rai. School principal filed a complaint against them on the same day. Mohan Rai, 21, was arrested in Dharan on February 19. District Administration Office released him on February 22 after paying a bail of Rs 70,000. District Administration Office asked other accused to pay Rs. 70,000 as compensation. The whereabouts of the accused remained unknown at the end of the year.

CPN-M cadres vandalized three trucks near Saraswati Chok in Dhankuta


Municipality-6 during a bandh called by the Mohan Baidhya led CPN-M on February 19. Truck driver Phurba Sherpa was injured when struck by shards of glass. He didn't file any complaint against the perpetrators. Protesting the decision to form the election government under Chief Justice and bringing the conflict-era case, the CPN-M had called for the strike.

ELECTION VIOLENCE

An unidentified group attacked the RPP poll candidate from constituency no. 2, Sunil Bahadur Thapa at Kajimai of Takhuwa VDC while returning from an election assembly on November 10. The unidentified group attacked the vehicle (Ko 1 Cha 1738) used by poll candidate while he was returning from election assembly held at VDC building of Tauliya. A Public Offence case was filed against four people associated with Limbhuwan and CPN-M on charge of being involved in anti-election activities. District Administration Office filed a case against the regional coordinator of Federal Limbhuwan State Council cadre Narendra Tumba, Limbuwan Volunteer Commander Dilip Yakha, district advisor of CPN-M Khoj Bahadur Khadka and district member Hari Shrestha. They were remanded for seven days' for investigation. They were arrested from their home in Jitpur VDC for campaigning for the strike of November 11.



1.8 Tehrathum



Headquarters	: Myaglung
Area in Sq. Km	: 679
No. of Households	: 22,094
No. of Population	: 101,577
Male	: 47,151
Female	: 54,426
No. of PwD	: 2,626
No. of VDC(s)/Municipality(ies)	: 32/0
Male Literacy	: 36,469
Female Literacy	: 34,523
Religion Hindu (%)	: 52.17
Buddhism (%)	: 12.53
Islam (%)	: 0.03
Kirat (%)	: 33.93
Christianity (%)	: 1.02
Prakriti (%)	: 0.15
Undefined (%)	: 0.161
Average Household Size	: 4.60

In Terhathum, 64 people were victims of Human Rights violation as documented by INSEC in 2013. Among them, 54 were the victims at the hand of non-state actors. The state was involved in Human Rights violation of 10 people who were arrested and tortured (6), beating (1) and right to assembly (3). In 2012, the victims at the hand of state were 11 whereas victims at the hand of non-state actors were 27.

CHILD RIGHTS

In 2013, the child rights violation was against three girls who were sexually

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	6	6			
Beatings	1	1	3	9	12
Child Rights			3		3
ESC Rights				1	1
Inhuman Behaviour				2	2
Injured				1	1
Killing			2	2	4
Racial Discrimination			1	2	3
Right to Assembly	3	3		2	2
Threats				5	5
Women Rights			21		21
Total	10	10	30	24	54

abused as recorded by INSEC in the district. In 2012, two cases of rape were documented.

Sexual Violence

The police arrested Dhurba Gautam, 51, of Chandan Nigapur VDC-6 now living in Orphanage and Old Age Home, Myanglung, working as a priest on charge of sexually abusing a 3-year-old girl on July 6. Complaint was lodged against the accused on July 5. Medical check-up of the victim was done in District Hospital on July 6. The accused was remanded in custody following an order from District Court on July 26.

A complaint was lodged against Prasant Khatri, 16, of Myanglung VDC-9 on charge of sexually abusing a 3-year-old girl on August 18. Medical check up of the victim was done at District Hospital on August 16. Accused was arrested by police on August 18 was remanded in custody following an order from District Court on August 24.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against 21 women as recorded by INSEC in the district. Out of that, two women were raped, two were victims of attempted rape and one was the victim of

sexual abuse. Four women were victimized when their husbands took second wives whereas 12 women had faced some form of domestic violence. In 2012, nine cases of women rights violation were documented by INSEC. Of which, four faced some kind of domestic violence, one was raped, one was subject of attempt to rape, one was sexually abused and two were charged with practicing witchcraft.

Sexual Violence

A 29-year-old woman was raped by Bhim Bahadur Nepali of Myanglung VDC- 9 on May 2. A complaint was filed against the accused by the victim on May 7. Medical check-up of the victim was done in District Hospital on August 5. Accused was arrested by police on May 7. He was remanded in custody following an order from District Court on May 16.

Domestic Violence

Alina BK, 24, of Bhojpur District now living in a rented room in Terhathum District headquarter was forced out of the place along with her 2-years-old daughter by her husband Ranoj Darna, 28, on July 31. She was expelled for not bringing dowry. The victim filed a complaint against the accused on August 13 with the application of divorce. The Court has not decided the case until the end of the year.

Killing by Family Members

A case was filed at the District Police Office on July 12 accusing Nanda Bahadur Limbu, 65, his brother Govinda Limbu, 35, and Man Bahadur Limbu, 19, of Pauthak VDC-7 of killing Kaushila Limbu, 45. Kaushila's brother Rajendra filed the case stating that she was killed by hanging after being beaten. Kaushila was killed on June 8 and postmortem was performed on June 9. Accused were arrested on July 20 and was released on July 22. Accused were re-

manded in custody following an order from District Court on August 27.

Polygamy

Bhoj Kumari BK, 27, of Piple VDC-7 filed a complaint against her husband Ramesh Kumar BK, 31, on charge of polygamy at District Court on March 5. Accused married Nishna BK, 22, of Jiri Khimti VDC-5 on February 22. Victim Bhoj Kumari has two daughters. The District Court sentenced accused to imprisonment for one year with the bail of Rs. 5,000 and fine of Rs.10,000 on June 26.

In 2013, a total of 17 incidents of domestic violence were registered at WCSC. Among them, five cases of beatings and expelling from the house, three cases of depriving of food and clothes, two cases of marriage and citizenship certificate, seven cases of polygamy were registered were registered. Among those registered cases, four incidents reached to an agreement whereas seven are in legal process.

CASTE-BASED DISCRIMINATION

Pravin Kumar Bhandari, 20 of Morahang VDC-2 was restricted to enter his home from his father Dharma Nanda Bhandari, 50 and mother Ambika Bhandari, 47 stating he married woman of another caste on August 4. Victim married Shanti Kumari Rana Magar, 18 of Tamafula VDC-4 on July 27. Victim lodged an application at

Police Station, Women Rights Council on August 6. With the help and coordination of Women Rights Council, Women Network and Police officers, victims were entered into the home.

ELECTION VIOLENCE

The district had several election-related violent incidents where the political activists were involved in disruption of the programs of other parties. Many cadres were injured as a result of clash among parties. Devi Maya Lungeli Magar, 27, of Yasok VDC-1, Panchthar and currently living in Myanglung VDC-4 was beaten up by Bishwa Prakash Tumbahamphe on December 11 for not voting for NC during the CA election. She filed a complaint at District Police Office on December 12 asking for action against Tumbahamphe. No action was yet been initiated against the accused until the end of the year.

Likewise, Hotelier Deepak Khanal, 45, of Jaljale VDC-6 and currently living in Myanglung Bazaar was forced to leave his rented room on November 29 for not following the landlord's preference for NC. His landlord, Dhak Bahadur Adhikari, 50, made him leave the room for not voting for NC. Adhikari, a staunch NC supporter told his tenants to vote for NC cadre Tulas Subba. When Subba was defeated, Adhikari made Khanal leave the house. Khanal left the house on December 16.



1.9 Bhojpur



Headquarters	: Bhojpur
Area in Sq. Km	: 1,507
No. of Households	: 39,419
No. of Population	: 182,459
Male	: 86,053
Female	: 96,406
No. of PwD	: 4,618
No. of VDC(s)/Municipality(ies)	: 62/1
Male Literacy	: 62,924
Female Literacy	: 56,000
Religion Hindu (%)	: 53.33
Buddhism (%)	: 14.17
Islam (%)	: 0.01
Kirat (%)	: 31.51
Christianity (%)	: 0.54
Prakriti (%)	: 0.18
Shikha (%)	: 0.001
Undefined (%)	: 0.246
Average Household Size	: 4.63

In Bhojpur, 33 people were the victims of Human Rights violation by the hand of non-state actors who were mainly the victims of women's rights violation (15) as documented by INSEC in 2013. In 2012, non-state was involved in Human Rights violation of 24 people whereas the victims at the hand of state were six people.

CHILD RIGHTS

Number of violation against child has reduced compared to 2012. In 2013, the child rights violation was against three

children as recorded by INSEC in the district. Out of that, two girls were raped and one girl was sexually abused. In 2012, eight rape cases were recorded under child rights violation.

Sexual Violation

In one case, police arrested Krishna Giri of Mane Bhanjyang VDC-4, on charge of raping a 13-year-old girl on December 6. Victim's father lodged a case against the accused on December 2 saying his daughter was raped on December 1. He was remanded in custody following an order from District Court on December 24.

Another rape case where an 8-year-old mentally challenged girl was raped on December 14 by 17-year-old boy of San-rangra VDC-3. Victim's parents filed a complaint against the accused on the same day and he was arrested on the same day. Medical check-up of the victim was done in District Hospital on December 14. No decision was taken by the District Court until the end of the year.

WOMEN'S RIGHTS

In 2013, women's rights violation was against 15 women as recorded by INSEC in the district. Out of that, three women were raped, three were victims of polygamy and nine were of domestic violence. In 2012, four cases of violence against women were recorded by INSEC. Cases of domestic violence increased from one in 2012 to nine in 2013.

Sexual Violence

A 22-year-old woman was raped by Bal Bahadur Shrestha of Taksar VDC-3 on December 2. Victim's father lodged a complaint against accused on December 2. Medical check-up of the victim was done in District Hospital on December 2. The whereabouts of the accused remained unknown until the end of the year.

Domestic Violence

Sarita Rai, 30, of Dobhan VDC-4 was injured on August 24 when her husband Birbal Rai attacked her with sharp weapons due to domestic disputes related with the extramarital affairs of her husband. Victim was taken to District Hospital for treatment. Accused committed suicide by hanging himself in a tree the same night.

Eviction from House

Sarita Tamang of Bhulke VDC-2 was evicted from the house by her father-in-law, Sukman Tamang on June 14. She is living with her parents after being expelled from house. Victim lodged complaint against the accused on June 21. He was arrested by the police on June 23. Mutual agreement was reached between the accused and the victim to re-enter the house on June 30 at District Police Office. Victim's husband is living abroad for foreign employment.

Polygamy

Tara Khatri of Bokhim VDC-4 filed a case against her husband Tanka Bahadur Khatri, 35 on charge of polygamy on January 24. The accused beat his father, wife and children after marrying Sharmila Tamang of the same VDC. Police arrested Tanka and Sharmila on February 27. They were released with the order from Court after paying a bail of Rs.16,0000 on March 6. The District Court sentenced the accused to the imprisonment for one year and a fine of Rs. 50,000. The whereabouts of the accused remained unknown until the end of the year.

In 2013, a total of 14 incident of domestic violence were registered at WCSC under District Police Office. Among them, five cases of beatings and expelling from the house, five cases of depriving of food

Types of Events	By Non-State			
	Female	Male	M/F N/A	Total
Beatings		2		2
Child Rights	3			3
Economic, Social and Cultural Rights		6	1	7
Killing	1	1		2
Racial	1			1
Discrimination		3		3
Right to Assembly				
Women Rights	15			15
Total	20	12	1	33

and clothes, two cases of marriage and citizenship certificate, nine cases of polygamy, 10 cases of threats to kill and three cases of practicing witchcraft were registered. Among those registered cases, 13 incidents reached to an agreement whereas two are in legal process.

ELECTION VIOLENCE

The district had several election related violent incidents mainly placement of explosive devices during the election assembly targeting the poll candidates. No human casualties were reported due to bomb explosion. In one incident, bomb was detonated targeting the election assembly of UCPN-M at Jarayotar VDC of Bhojpur on November 16. The bomb was targeted at the poll candidate of UCPN-M Khem Raj Nepali of constituency number 1, said Rajesh Khatiwada, district leader of UCPN-M.

The district also recorded the incident of violation of election code of conduct during the election campaign. The major political parties were found violating the code of conduct in the district. Similarly, RPP Nepal used the colorful posters in the district and Madhesi Janadhikar Forum used children to paste the posters of their poll candidate.



1.10 Sankhuwasabha



Headquarters	: Khandbari
Area in Sq. Km	: 3,480
No. of Households	: 34,624
No. of Population	: 158,742
Male	: 75,225
Female	: 83,518
No. of PwD	: 4,054
No. of VDC(s)/Municipality(ies)	: 33/1
Male Literacy	: 54,233
Female Literacy	: 49,347
Religion Hindu (%)	: 42.73
Buddhism (%)	: 15.28
Islam (%)	: 0.03
Kirat (%)	: 28.75
Christianity (%)	: 1.47
Prakriti (%)	: 0.11
Jain (%)	: 0.04
Undefined (%)	: 0.254
Average Household Size	: 4.58

In Sankhuwasabha, 50 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 49 were from the non-state actors and one was the victim at the hand of state where it failed to ensure a woman's rights pre and post natal services. In 2012, non-state was involved in Human Rights violation of 35 people as per INSEC documentation.

CHILD RIGHTS

In 2013, child rights violation was against 15 girls as recorded by INSEC in

the district. Out of that, 10 girls were raped, three were victims of sexual abuse and one was the victim of child marriage and one was the victim of trafficking. In 2012, eight cases of rape and two cases of child marriage were documented.

Sexual Violence

A complaint was lodged against a 16-year-old boy of Sitalpati VDC-6 on charge of raping a 5-year-old girl on April 26. Medical check-up of the victim was done in District Hospital on May 1. The whereabouts of the accused remained unknown until the end of the year.

A complaint was lodged on June 20, against 14-year-old boy of Dhupu VDC-2 on charge of raping a 4-year-old-girl. Medical check-up of the victim was done in Khadbari Hospital on June 19. Accused was arrested by police on June 20. The District Court gave an order to send the accused in Child Reform Centre, Bhaktapur.

Trafficking

Puspa Rai, 25, of Mangtewa VDC-8 was arrested by police on May 2 on charge of selling a 16-year-old girl in Kathmandu for prostitution. Accused was remanded in the custody by District Court on May 27.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against 12 women as recorded by INSEC in the district. Out of that, two women were raped, one was the victim of sexual abuse, four were victims of domestic violence and two women were the victims of trafficking. Three women were victimized when their husbands took second wives. In 2012, out of seven victims of women's rights violation documented, three were raped, one was the victim of sexual abuse, two were the victim of polygamy and one was the victim of domestic violence.

In one case, a woman of 20-year-old of Tamku VDC-7 died while giving birth

due to lack of sufficient facilities in the hospital. Earlier, the deceased was taken to Primary Health Centre, Tamku but was referred to Khadbari Hospital due to unavailability of doctors in the health post. It took two days to reach Khadbari hospital. She died due to excessive bleeding and not getting proper treatment on time.

Killed after Rape

A 32-year-old woman was killed after being raped by Lakpa Wangdi and Phudorchi Sherpa of Makalu VDC-5 on November 17. Postmortem of the body was done in Khadbari Hospital. A case was filed against the accused on November 20. Accused Lakpa was arrested by the police on November 25. He was remanded in custody by the District Court on December 22. Whereabouts of Phudorchi remained unknown until the end of the year.

Killing by Family Members

Phool Kumari Darnal, 42, of Khairang VDC-2 was killed by her husband Bholaman Darnal, 45, and his second wife Chandrakala Darnal, 43, on September 30. Postmortem was done in Primary Health Post, Chainpur on September 30. Deceased relatives filed a complaint against the accused at Area Police Station, Chainpur on September 30 and they were arrested on the same day. Accused were remanded in the custody by District Court on October 4.

Trafficking

Binod Rai, 23, of Shiddhapokhari VDC-3 was arrested by police on May 8 on charge of trafficking a 23-year-old woman. Accused lied to the victim by giving her false name and address and married her. After getting married with Binod, they were travelling to the Binod's house but on the way accused took another route and the victim suspected him and filed complaint against him in Area Police Office, Chain-

Types of Events	By State		By Non-State		
	Female	Total	Female	Male	Total
Beatings				6	6
Child Rights			15		15
Economic, Social and Cultural Rights				2	2
Injured				4	4
Killing			5	2	7
Right to Assembly				3	3
Women Rights	1	1	12		12
Total	1	1	32	17	49

pur on May 7. Accused was remanded to the custody by District Court on May 20.

Polygamy

Yam Bahadur Karki, 38 of Madi-rambeni VDC- 7 got married to Lila Adhakari, 23, on July 30. His first wife Nirmala Karki, 37 filed a case against him on charge of polygamy on August 7. Yam was arrested by police on August 9. He was released by the District Court after depositing a bail of Rs. 20,000 on August 26.

In 2013, a total of 10 incident of domestic violence were registered at WCSC. Among them, one case of beatings and expelling from the house, one case of depriving of food and clothes, seven cases of polygamy were registered. All registered cases are in legal process.

ELECTION VIOLENCE

The district had several election-related violent incidents where the political activists were involved in disruption of the programs of other parties. An unidentified group detonated two sutali bombs in the election assembly of UML organized at Aakharbote Bazar in Madirambeni on November 12. The assembly was disrupted after the bombs went off 100 meter away from the assembly venue while UML poll candidate from constituency no. 2 Rajendra Prasad Gautam was addressing the program. The explosion caused no casualties.

1.11 Saptari



Headquarters :	Rajbiraj
Area in Sq. Km :	1,363
No. of Households :	121,098
No. of Population :	639,284
Male :	313,846
Female :	325,438
No. of PwD :	8,044
No. of VDC(s)/Municipality(ies) :	114/1
Male Literacy :	196,705
Female Literacy :	134,449
Religion Hindu (%) :	85.73
Buddhism (%) :	4.68
Islam (%) :	8.92
Kirat (%) :	0.06
Christianity (%) :	0.05
Prakriti (%) :	0.01
Jain (%) :	0.03
Undefined (%) :	0.521
Average Household Size :	5.28

INSEC documented 172 victims of Human Rights violation in Saptari this year. Of which, 136 were from the non-state actors, mainly victims of women's rights violation (77). The state was involved in Human Rights violation of 36 people. In 2012, non-state actors were involved in Human Rights violation of 70 people whereas the victim at the hand of state were 27 people.

KILLING

Former lawmmaker Sardul Miya Haque was killed by contract killers on the

planning of his second daughter Rubeda Khatoon, 19 and supported by his wife Noorjahan, 50, on May 20. His daughter and wife were arrested by the police on June 7 on charge of being involved in his killing. A team of the Central Investigation Bureau arrested Noorjahan and daughter Rubeda at their home in Kalyanpur VDC-2 while Rauf was arrested from Lahan Municipality-5. A case was filed against the accused in District Court on July 1 and they were remanded in custody by District Court on July 7. Rabeda and Abdul had a close relation from a long time. Noorjahan agreed to her relation with Zamir but Haque did not, following which the daughter got married to him secretly in Rautahat in March. Haque did not recognize the marriage which led to the murder plan. Meanwhile, prime accused, Maulawi Zamir Ul Shekh, 37, of Lahan Municipality-5, Ainul Shekh, 32, of Chatari VDC-2, Siraha remained at large until the end of the year.

CHILD RIGHTS

A total of 22 girls were victims of the violation of their rights. Out of 22 girls, 12 girls were raped, six were the victims of sexual abuse and one was the victim of corporal punishment, two were the victims of trafficking and one was of child marriage. Among six boys, five were victims of trafficking and one was sexually abused. In 2012, two cases of rape, two cases of trafficking and one case of child marriage were documented by INSEC.

Killing

A 15-year-old girl was murdered by contract killers hired by her father Chandra Raut, 40, of Bathanaha VDC-7 on May 21 on charge of having relation with the lower caste boy. Dead body was recovered near the canal at Koiladi Barsain VDC-9 on May 22. Deceased had a relation with a 15-year-old boy of Bathnaha VDC-8 and

they eloped on March 16. With the initiation of parents of both, they returned to their respective homes. After returning, she was adamant on her decision of marrying the boy, which led to her murder. A case was lodged in District Police Office on May 30. Police arrested Chandra and Mohan on charge of the murder on May 31. Accused were remanded to custody by District Court on June 26.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					2	2
Arrest & Torture		1	1			
Beatings	1	2	3	1	13	14
Child Rights				22	6	28
ESC Rights				1		1
Inhuman Behaviour					1	1
Injured		1	1		1	1
Killing				4	7	11
Right to Assembly	3	26	29			
Threats		2	2	1		1
Women Rights				77		77
Total	4	32	36	106	30	136

Sexual Violence

The father of a 14-year-old girl filed a writ petition demanding injunction and mandamus at the Rajbiraj Appellate Court on February 26 accusing Roshan Kumar Mandal, 22, of Prasawani VDC-9 of attempting to rape the girl on January 11. In his petition, the father accused District Police Office, Rajbiraj and Area Police Office, Kanchanpur of protecting the accused. The District Administration Office, Area Police Office, Kanchanpur were the defendants. The petition said that Mandal came inside the home where she was studying and tried to rape her. The girl shouted for help making him flee the place. The father complained that the District Police Office and Area Police Office refuse to register the case. The division bench of Om Prakash Mishra and Tek Raj Nepal, on July 14, issued a mandamus directing the District Administration Office and Area Police Office of registering the case of attempt to rape and begin investigation.

Family of a 4-year-old boy filed a complaint against Jay Kishor Goit, 18, of Jammuni Madhepura VDC-2 at the police office on April 28 accusing him of molesting the boy. Medical check-up of the victim was

conducted at Sagarmatha Zonal Hospital in Rajiraj Municipality-3. The family said that locals found the Goit molesting the boy on April 28 evening. Accused claimed his age as 15 years which was registered at the Shanti Niketan Education Academy, where he is studying in class 9. The District Court on June 16 handover the child to his father stating his as a minor. The District Court also ordered him to be present with the father whenever called. Meanwhile BPKIHS, Dharan issued a report stating the age of the accused to be between 14-15 years on August 14 and police handover the child to the parents on the same day stating him as a minor. Any child below 10 does not have any criminal liability but the boy between 14 and below 16 gets half of the sentence of the punishable crimes.

Trafficking

A 5-year-old girl was sold by her father Gajindra Sardar, 35 of Raipur VDC-4 on September 5. He sold her to Jakari Ansari, 38, and his wife Kesera Khatun, 30, of Rajbiraj Municipality-9 for Rs. 20, 000 so that he can buy alcohol. Police arrested Jakari, Kesera along with the mediator who helped them to buy the child, Mohamad Raien, 30 on September 5. Police released

Sardar after he promised that he would not repeat the act, the child was handed over to him on September 5.

WOMEN'S RIGHTS

In 2013, the women rights violation was against 77 women as recorded by INSEC in the district. Out of that, five women were raped, 10 were subjected to attempted rape. Nine women were victimized when their husbands took second wives and four were charged with practicing witchcraft. 49 women faced some forms of domestic violence.

Sexual Violence

A 21-year-old woman filed a complaint against the brother of her father-in-law, Shreelal Mandal, 53, of Siswabelhi VDC-1 on charge of sexual exploitation and rape from February 27 to September 9. She said in her complaint that he began exploiting her after her husband left home for foreign employment. She was living with her mother-in-law. She added that he had pressurized her to terminate her pregnancy which Mandal fathered. Police arrested him under the charge of incest on September 1. Additional judge of the District Court, Narbaraj Dahal remanded him in custody on October 21.

Domestic Violence

A four-month pregnant Sakila Khatun, 24, of Khoksar Prabha VDC- 7 was assaulted and beaten for not bearing a son by her husband Tajmul Miya, 40 June 6. She already has three daughters. She further claimed she was forced to go for sex determination of her previous pregnancy and forced her to take medicine causing abortion. Victim lodged a complaint against accused in District Police office on June 8. Both sides made the agreement in the presence of Human Rights Defenders that the victim will be provided Sakila share of

property and a favorable environment for at home and local on June 8. Earlier written agreement was signed in front of representatives of political parties and teachers in Village Panchayat to provide 350,000 and jewelries to Sakila as compensation and with a promise to give divorce to Sakila. Sakila filed a case in District Court stating she has not received any compensation and applied for the divorce on July 15. District Court gave decision in favor of Sakila on July 29.

Rakhi Jha 25, of Chanaura Padariya in Rajbiraj Municipality-2 filed a case against her husband Pravin Jha, 30, and Father-in-law, Radha Kanta Jha, 60, along with other family members, at District Court on June 26 demanding alimony. She has asked for justice demanding education, food and medical treatment. She is living in her parental home at Birpur VDC-3 after she was expelled from her house. The victim complained that she was abused by her father-in-law Radha Kanta, including other family members on charge of not bringing dowry. Victim organized a press conference at FNJ office on July 3 and shared her problems after her complaint was not registered by police. Case remained pending until the end of the year.

In 2012, 26 cases of women's rights violation were documented by INSEC. This year, 13 women faced some forms of domestic violence. Six women were raped, one was attempted to rape, and one was sexually abused. Two were charged with practicing witchcraft and three women were victimized when their husband married another woman.

Trafficking

Sabin Kumar Chaudhary, 9, Nabin Kumar Chaudhary, 9 and Kisan Dev Chaudhary, 14, of Mohanpur VDC-5 were trafficked and sold outside Nepal by Durgram Mochi, 25, of the same VDC on

February 4, their family claimed. The boys' parents lodged a complaint against Mochi on April 5. Accused was arrested on the same day and case was filed against him on charge of trafficking. Accused were remanded in custody by the District Court on May 3. Mochi appealed against the District Court verdict at Appellate Court but it also seconded the District Court verdict. The Whereabouts of the children remained unknown until the end of the year.

In 2013, a total of 745 incidents of domestic violence were registered at WCSC. Among them, five cases of beatings and expulsion from the house, 30 cases of depriving of food and clothes, two cases of marriage and citizenship certificate, 10 cases of polygamy, one case of death threat and one case of practicing witchcraft were registered. Among those registered cases, 687 incidents reached to an agreement whereas five are in legal process.

ELECTION VIOLENCE

The district had several election related violent incidents where the political activists were involved in disruption of the programs of other parties. Candidate of CPN (ML) Samajbadi Party from constituency no. 5 of Saptari Singheswor Shah, 37, was seriously injured after cadres of Madhesi Janadhikar Forum-Loktantrik beat him on October 23. Sah, a resident of Ranjitpur in Khojpur VDC-7 was beaten by cadres of MJF-L Shrawan Chaudhary, 37, Jaya Narayan Chaudhary, 40, Bhikhan Chaudhary, 50, and Surendra Chaudhary, 40, of same place while he was returning home after completing election campaign. One of the accused Shrawan Chaudhary was arrested by the Area Police Office on the same day.



1.12 Siraha



Headquarters	: Siraha
Area in Sq. Km	: 1,188
No. of Households	: 117,962
No. of Population	: 637,328
Male	: 310,101
Female	: 327,227
No. of PwD	: 6,665
No. of VDC(s)/Municipality(ies)	: 106/2
Male Literacy	: 177,708
Female Literacy	: 123,100
Religion Hindu (%)	: 90.19
Buddhism (%)	: 1.73
Islam (%)	: 7.46
Kirat (%)	: 0.07
Christianity (%)	: 0.06
Prakriti (%)	: 0.12
Shikha (%)	: 0.001
Undefined (%)	: 0.364
Average Household Size	: 5.40

INSEC documented 110 victims of Human Rights violation in Siraha this year. Of which, 106 were from the non-state actors, mainly victims of Women Rights violation (48). The state were involved in Human Rights violation of beating four people. In 2012, non-state were involved in Human Rights violation of 55 people whereas the victim at the hand of state were 17 people.

INJURED IN EXPLOSION

IEDs, a legacy of Nepal's civil war, continue to affect the people. With the in-



Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				3	3
Beatings	4	4	4	9	13
Child Rights			21	3	24
Inhuman Behaviour				1	1
Injured				2	2
Killing			8	5	13
Racial Discrimination				2	2
Women Rights			48		48
Total	4	4	81	25	106

surgency, the manufacturing of the IEDs became so common with the skilled people dispersed in society. Though Tarai districts were not as much affected as some hilly districts, the Maoist legacy continues in such incidents as explosion of socket bombs. Sarbajit Mukhiya, 13, Santosh Mukhiya, 9, and Kiran Mukhiya, 11, of Badharamal VDC-1 were injured when they tampered with the IED found in the house of Renu Mukhiya on June 5. The children were hurt while playing with the IED kept inside a tin box. The injured were taken to BPKHS, Dharan for treatment. Among the injured, Sarbajit Mukhiya died in Neuro Hospital, Kathmandu during the treatment on June 8.

CHILD RIGHTS

In 2013, the child rights violation was against 21 girl children as recorded by INSEC in the district. Out of that, 13 girls were raped, seven girls were sexually abused. Two boys were the victims of trafficking and one boy was killed after birth. In one case, a girl domestic worker was charged on being theft. In 2012, five cases were recorded by INSEC under child rights violation where two were raped, one was the victim of sexual abuse and one was the victim of child marriage.

Sexual Violence

A 14-year-old girl was raped by

Chandrashwar Yadav, 25, of Bastipur VDC-8 on February 1. Local people informed about the incident to the Temporary Police Office at Pakitole on February 2. Medical treatment of the victim was done in BPKIHS, Dharan on February 5. Police Constable, Rohadi Pokharel took Rs 100,000 from the accused as compensation and settled the incident by brokering agreement between the accused and the victim. Pokharel provided Rs. 90,000 to the victim father on February 3. Gyanendra Yadav, Ram Sundra Yadav and Sigeyshwor Paswan were arrested by Police Office, Lahan on charge of settling the incident on February 5. Pokharel was taken to Zonal Police Officer Rajbiraj for the divisional action.

A complaint was filed against Prameshwar Sah, 22, of Lalpur VDC-1 on charge of raping a 14-year-old girl on July 7. Victim was five-month pregnant when her parents came to know about the incident. Police arrested accused on July 8 and was release by District Court on general date on July 10. The girl's pregnancy was aborted in Jayanagar, India. Agreement was made with the accused after victim was back from India.

Trafficking

A complaint was lodged against Musilam Mansuri, 32 of Janakinagar VDC-7 on charge of trafficking a 10-year-old boy on September 10. Accused promised the victim to provide Rs. 2,000, clothes and mobile. However, he sold the boy in Panjab, India on May 20. According to District Police Office, accused fled to India in the pretext of bringing back the boy but he did not return until the end of the year.

Abduction

Nirmala Rai, 30, Bisheshwor Rai, 40, of Tenuwapatti VDC-6 and Dinesh Kuamar Rai of Bhawanipur VDC-18 were charged on abducting a 5-year-old boy on

April 22. Accused abducted him on April 19 and took him to Kathmandu. Nirmala and Dinesh Kumar were arrested by District Office on April 22 whereas Bisheshwor was arrested on May 16. Accused were remanded in the custody by District Court on May 18. Case remained pending until the end of the year.

Infant Killing

Manju Thakur, 30, of Dhanusa District now living in Lahan Municipality-9, Sita Thakur, 30, Janaki Thakur, 40, and Kailash Thakur, 18, of Lahan Municipality-9 were arrested by Police on charge of killing an infant on November 9. Manju killed the infant at Dhanusa district and came to Lahan. She gave birth to the infant on November 8. Earlier she had given birth to five daughters and this time also she gave birth to the girl. Among the accused, police released Kailash Thakur being innocent. Manju was remanded in the custody by District Court on December 4. Sita Thakur and Janaki Thakur were released by District Court by paying a bail of Rs. 50,000 each.

WOMEN'S RIGHTS

This year, documented women victims were 48 whereas last year it was 10. Out of 48 victims, 21 had faced some forms of domestic violence. Five women were raped, six were victims of attempted rape. 12 women were victimized when their husbands married other women. Four were abused on charge of being witch. In 2012, out of 10 victims of women's rights violation, two were raped and one was the victim of attempted rape. Three women were victims of domestic violence while one was assaulted on charge of being witch. Three women were victimized when their husband married another woman.

Killing by Family Members

Babita Devi Mahato, 32, of Gadha

VDC-9 was shot dead by her husband Shyam Sundar Mahato, 35, on May 18. The postmortem of the body was conducted at Lahan Hospital on May 19. The deceased had two sons and a daughter who were sent to their uncle by the accused after the incident. Father-in-law of the deceased filed an FIR at the police station on May 19. Shyam remained absconding until the end of the year.

Sexual Violence

A complaint was lodged against Jaya Kumar Yadav, 25, Om Sankhar Sah, 33, of Chandra Ayodhyapur VDC-1 on charge of raping a 23-year-old woman on August 20. Medical check-up of the victim was done in District Hospital on August 20. Accused tried to rape her at his home while they were watching television on August 13. Om Sankhar was arrested by police on August 25 was released on general date by an order from District Court on September 18. However, Jay Kumar remained absconding until the end of the year.

Eviction from Home

Ram Sunair Mahara, 35, of Arnama Lalpur VDC-7 was beaten and evicted from home by her mother-in-law, Manki Mahara and Brother-in-law, Lalu Mahara on April 20. Medical treatment of the victim was done in District Hospital with the help of the police and villagers. Victim lodged a complaint against the accused in District Police on April 23. Lalu was arrested by police on April 20. He was released by District Court on April 21. Court has not given any decision until the end of the year.

Polgamy

Sarita Chaudhary, 33, of Sothiyain VDC-9 and living in Lahan Municipality-8 filed a complaint against her husband Sanjiv Chaudhary and Devaki at Lahan Ward Police Office on July 4 saying they

had got married two months ago. Devaki was arrested on July 8 by police. The District Court released Devaki after paying a bail of Rs. 25,000 on July 8. However, Sanjiv remains at large until the end of the year.

Harmful Practices against Women

Hawari Devi Mahato, 65, and Sabitri Devi Mahato, 35, were accused of being witches by local Jagadhi Mahato, 28, Ram Jatan Mahato, 30, and Jibachha Mahato, 21 of Barchhawa VDC-1 on August 31. The men beat the women with bamboo split. They women were assaulted on the allegation that they cast spell on Jagadish's wife causing her illness. Sabitri had broken hand and Hawari sustained eye and head injuries. Victims filed a complaint at the District Police Office on September 1. Police arrested Jagadish on the same day and Ram Jatan on September 9. They were released after paying a bail of Rs.10,000 each in District Court on September 20. The whereabouts of other accused is unknown until the end of the year.

In 2013, a total of 29 incidents of domestic violence were registered at WCSC. Among them, nine cases of beatings and expulsion from the house, four cases of depriving of food and clothes, one case of marriage and citizenship certificate, four cases of polygamy, 11 cases of threats to kill and two cases of practicing witchcraft were registered. Among those registered cases, 27 incidents reached to an agreement whereas two are in legal process.

ELECTION VIOLENCE

The political parties carried out election campaign against the election code of conduct in District. The candidates of major political parties, including the Chairperson of UCPN-M Puspa Kamal Dahal who was contesting CA polls from constituency no. 5 under the First Past The Post system were in frontline for violating the code of

conduct. In constituency no. 5, colorful pamphlets and banners were being used for the election campaign. The youths affiliated to YCL were wearing T-shirt with Dahal's photo. Similarly, the candidate of constituency no-1 Rajdev Yadav who was contesting CA polls from Rastriya Prajatantra Party organized a reception breaching the election code of conduct.



1.13 Udaypur



Headquarters :	Gaighat
Area in Sq. Km :	2,063
No. of Households :	66,557
No. of Population :	317,532
Male :	149,712
Female :	167,820
No. of PwD :	7,781
No. of VDC(s)/Municipality(ies) :	44/1
Male Literacy :	106,591
Female Literacy :	97,535
Religion Hindu (%) :	72.57
Buddhism (%) :	12.12
Islam (%) :	0.68
kirat (%) :	9.89
Christianity (%) :	2.39
Prakriti (%) :	2.11
Bon (%) :	0.01
Undefined (%) :	0.238
Average Household Size :	4.77

INSEC documented 43 victims of Human Rights violation in Udaypur this year.

Of which, 30 were from the non-state, mainly victims of women rights violation (12). The state was involved in Human Rights Violation of 13 people who mainly arrested and tortured (11), beatings (1) and death in detention (1) in 2013. In 2012, the victims at the hand of state were seven which included beatings (6) and death in jail (1). In 2012, non-state was involved in Human Rights violation of 25 people.

CHILD RIGHTS

In 2013, the child rights violation was against 11 girls children as recorded by INSEC in the district. Out of that, eight were raped, three were sexually abused. In 2012, seven cases were recorded by INSEC under child rights violation where four were raped, two were the victims of sexual abuse and one was the victim of trafficking.

In one case, a 6-year-old girl was raped by Dayaram Chaudhary, 35, of Jogidaha VDC-3 on February 20. Victim's parents lodged complaint against the accused on February 22. Medical check-up of the victim was done in District Hospital on February 22. Locals held the accused on the day of incident and submitted him to the Police Station. Case was filed against the accused in the District Court on March 15. The District Court sentenced accused to imprisonment for 12 years on January 6, 2014.

A complaint was lodged against Dig Bahadur Basnet, 55, of Hadiya VDC-8 on charge of raping a 9-year-old girl on February 22. Accused raped the victim at his home on February 21. Medical checkup of the victim was carried out in District Hospital on February 22. The whereabouts of the accused remained unknown until the end of the year.

One 13-year-old girl was held hos-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	11	11			
Beatings	1	1		5	5
Child Rights			11		11
Death in Detention	1	1			
Killing			2		2
Women Rights			12		12
Total	13	13	25	5	30

tage on July 10 by Mikson Karki of Beltar VDC-1, school teacher of Jahada Higher Secondary School for two days pressuring her to marry him. Victim lodged a complaint against the accused in the Police Station of Lalbazar Rampur where the police officer didn't understand the case and the case was referred to District Police Station on July 22. The District Court issued a warrant against the accused on September 22. Accused was released on bail of Rs.20,000 on December 5.

WOMEN'S RIGHTS

There were 12 victims of women rights violation including six victims of rape, one of sexual abuse, two each of women trafficking and polygamy and one was victimized on charge of practicing witchcraft.

Killing by Family Member

Maina (Rai) Bhujel, 23, of Tapeswori VDC-1 was killed by her husband Rim Bahadur Bhujel, 33, over a domestic dispute on April 1. Accused came home after consuming alcohol and killed his wife by hitting her with stone. A complaint was filed against the accused on April 2. Rim Bahadur was arrested the same night by Police Post Tapeswari. Postmortem was done in District Hospital, Gaighat. Accused was remanded in custody by District Court on April 15. The case remained undecided until the end of the year.

Sexual Violence

A 33-year-old woman filed a complaint at District Police Office on February 14, accusing Binod Karki, 27, of Triyuga Municipality-2 on charge of raping her. Medical checkup of the victim was done in District Hospital Gaighat on February 14. Victim went to District Police Station asking for help as the station was just 200 meters far from the incident site. With the help of journalist and INSEC district representative present at the police station, victim lodged a complaint against the accused. The whereabouts of the accused remained unknown until the end of the year.

Trafficking

A complaint was filed on August 4 against Shree Lal Adhikari, 43 and Mina Tamang, 40, of Thoksila VDC-7 on charge of selling a 19-year-old woman in Saudi on April 9, 2010. Police arrested Shree Lal on August 9. Police placed an application in District Court to take action against Ram Jivan Rai, 55, of Thoksila VDC-6 on August 26. The Court issued a warrant against the accused Ram Jivan and Mina on the same day. Accused Shree Lal was kept in the custody on August 26. Ram Jivan was present in the court on January 5, 2014 and was released with the bail of Rs. 50,000 on January 8, 2014. The whereabouts of Mina remained unknown until the end of the year.

Polygamy

Muna Maya Magar, 28 of Rauta VDC- 9 filed a case against her husband Dil Kumar Rana, 35 on charge of polygamy on August 27. Her husband married Uma Saru, 24 of same VDC as a second wife on July 16. Police arrested the accused on August 28. He was released by District Court after posting a bail of Rs. 30000 on

September 16. The whereabouts of Uma remained unknown until the end of the year.

Harmful Practices against Women

A 19-year-old woman was treated inhumanly by Karichan Chaudhary, 65, Rabi Lal Chaudhary, 66, Rabindra Kumar Chaudhary, 20, along with other villagers of Triyuga Municipality-14 on charge of being a witch on August 20. Victim filed a complaint against the accused in District Police Office on August 26 and was arrested on the same day. The accused were released by the District Court after paying the bail of Rs. 15,000 each with on August 20.

In 2013, a total of 25 incident of domestic violence were registered at District Administration Office (11) and District Police Office (14). Among them, seven cases of beatings, five cases of depriving of food and clothes, three cases of marriage and citizenship certificate, four cases of polygamy, two cases of threats to kill and one case of practicing witchcraft were registered.

ELECTION VIOLENCE

The district had several election related violent incidents mainly related with the bomb explosion, arrest of the political cadres of different parties. No human casualties were reported as a result of bomb explosion. In one incident, a bomb went off on the night of November 15 targeting the house of Krishna Thapa, 45, Member of District Committee of UML. No human casualties were reported. Similarly, Baburam Subedi, 42, a cadre of CPN-M was arrested by police on November 20 on charge of attacking a vehicle by petrol bomb. No human casualties were reported. CPN-M issued a statement on the same day stating to release the Subedi.



1.14 Khotang



Headquarters :	Diktel
Area in Sq. Km :	1,591
No. of Households :	42,664
No. of Population :	206,312
Male :	97,092
Female :	109,220
No. of PwD :	1,158
No. of VDC(s)/Municipality(ies) :	76/0
Male Literacy :	70,358
Female Literacy :	63,783
Religion Hindu (%) :	58.78
Buddhism (%) :	7.33
Islam (%) :	0.02
Kirat (%) :	31.38
Christianity (%) :	2.09
Prakriti (%) :	0.06
Bahai (%) :	0.01
Undefined (%) :	0.32
Average Household Size :	4.83

INSEC documented 99 victims of Human Rights violation in Khotang this year.

Of which, 94 were from the non-state actors, mainly the victims of women's rights violation (47). The state was involved in Human Rights violation of five people who were arrested and tortured (1), beating (3) and killed (1). In 2012, non-state actors were involved in Human Rights violation of 28 people whereas the victim at the hand of state was one person who was beaten by the police.

DEATH IN POLICE CUSTODY

Kiran Rai, 18, of Patheka VDC-2 who was in police custody died in Diktel Hospital while undergoing treatment on July 10. The victim's family lodged a complaint at NHRC asking for the investigation of the incident. A team of NHRC concluded that death of Kiran Rai was due to the weakness of the physical structure of police station and negligence. The postmortem team that arrived from Kathmandu gave report which said Rai died of '*acoirenal failure/multiple blunt force muscular injuries*'. NHRC has recommended to Office of the Council of Ministers to provide Rs 300,000 to the family of the deceased as per Section 16 (3) of NHRC Act 2012. It has also suggested the government to improve the condition of the toilet and other physical structure of the District Police Office while it warned Dr Nawal Kishor Jha of District Hospital Khotang of being sensitive towards treatment of any patient and their condition.

CHILD RIGHTS

In 2013, the child rights violation was against nine children as recorded by INSEC in the district. Out of that, six were raped, one was sexually abused and two were killed after birth. In 2012, two cases were recorded by INSEC under child rights violation where one was raped and another was sexually abused.

Sexual Violence

A 5-year-old girl was raped by a 14-year-old boy on September 5. A case was filed against the accused in District Police Office on September 6. Accused was arrested by Police on October 6 and was released by District Court on general date on October 8.

A complaint was filed against 16-year-old boy on charge pornography to 7-year-old girl on December 14. Accused

was arrested by police on December 15. He was released by the District Court after paying a bail of Rs.5,000 on December 31.

Infant Killing

Kavita Biswokarma, 21, of Bakshila VDC-1 was arrested by the police on December 26 on charge of killing a baby. She was arrested by the police after a dead baby was found in the safety tank of her house. The locals informed about the incident to the police. Her husband Kabi Raj Bishwakarma is abroad for foreign employment and the baby was born as a result of relationship between Kabita and Kabin Bishwakarma. Kabin was at large until the year end. The case remained pending until the end of the year.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Beatings	3	3	7	9	16
Child Rights			8	1	9
Economic, Social and Cultural Rights				2	2
Inhuman Behaviour			3	1	4
Injured				3	3
Killing	1	1	3	7	10
Racial Discrimination				1	1
Threats				2	2
Women Rights			47		47
Total	5	5	68	26	94

of the deceased filed a complaint against the accused. He was arrested by the police on March 22. He was remanded to the custody by District Court on April 22.

Expelled from Home

Many women became victims when they are forced out of the house or are compelled to leave the house. They suffer because many are not financial independent and they do not have any income. The other they suffered in situation is the social stigma. A married woman, whose husband does not live with her for any reason, is considered a failure in society and a burden, sometimes even for parents. Her social standing crumbles. Because of this, many women despite being abused by the husband and in-laws, would not move out of home. The district recored at least six such women victims.

One of such women is Gita Hasta, 46, of Lafyang VDC-3 who was beaten and forced out of her home by her husband Talu Hasta, 40, on July 12. Victim lodged a complaint against the accused at District Court on July 13. Accused was taken to District Police Office and agreement was done between the accused and victim. He was released by the District Police Office with

WOMEN'S RIGHTS

In 2013, the women's rights violation was against 47 women as recorded by INSEC in the district. Out of that, two women were raped, two were the victim of attempted rape, two were sexually abused and 29 were victims of domestic violence. 12 women were victimized when their husbands took second wives.

In 2012, out of eight victims of women rights violation, one was raped, one was charged with witchcraft, four were the victims of domestic violence and two were victimized when their husband married another woman.

Killing by Family Members

Matangri Rai, 53, of Patheka VDC-9 was killed by her brother-in-law Sankhar Mani Rai, 58, on March 22 following domestic dispute. She was hit with split wood in the head which impact caused her death. Post mortem of the body was done in District Hospital on September 23. Relatives

the promise of not repeating the incident in future on July 14.

Polygamy

Surendra Babu Thulung, 39, of Jaleshwori VDC-2 got married to Sunita Subba, 30 of Saplakhu VDC-2 of Tapeljung on November 28. His first wife Maya Devi Rai, 36, filed a case against him on charge of polygamy on December 3. Surendra was arrested by police on December 9. He was released on December 10 with the mutual understanding of providing Rs. 600,000 and a share of property to the victim. Victim has withdrawn the case.

In 2013, a total of 30 incidents of domestic violence were registered at WCSC. Among them, 10 cases of beatings and expulsion from the house, seven cases of depriving of food and clothes, four cases of denying marriage and citizenship certificate, four cases of polygamy, three cases of threats to kill and two cases of practicing witchcraft were registered. All 30 cases reached to an agreement.

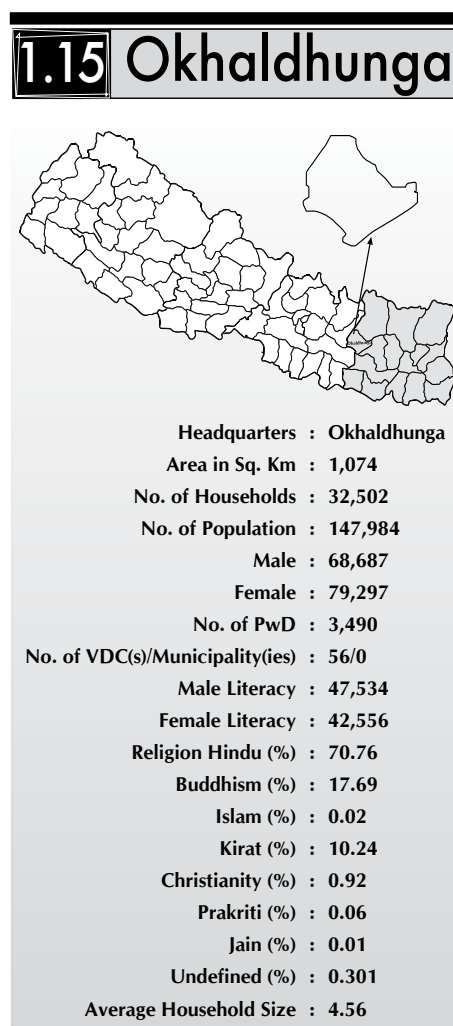
CASTE-BASED DISCRIMINATION

Ramesh Pariyar, 30, of Dadagau VDC-6 was attacked by Rana Bahadur Khadka, 23, Ramesh Khadka, 19, and Rudra Bahadur Khadka, 45, of the same VDC on December 2 on charge of touching the water pipe. Victim filed a complaint against the accused on December 3. Accused were arrested on December 4 and were released on December 5 after promising not to repeat the same act again.

ELECTION VIOLENCE

The district had several election related violent incidents where the political parties were campaigning against the election code of conduct. Chairperson of NC Arkhaule Village Committee, Gyan Bahadur Puri, 34, was beaten up by the cadres of Youth Force on November 17. Five

cadres of Youth Force, including the district coordinator, Pramod Shrestha, 26, attacked Puri. The Sanghiya Samajbadi Party had placed flex banner in Diktel VDC-3 against the election code of conduct which restricts the use of plastic banners, boards. The election code of conduct prohibited the political party to use children and schools for the election campaign. However, NC used Champawati Secondary School of Vijayakharka VDC-3 on November 13 for the election assembly.



INSEC documented 27 victims of Human Rights violation in Okhaldhunga this year. Of which, 25 were from the non-state actors. The state was involved in Human Rights violation of two people who were beaten (1), and arrested and tortured (1). In 2012, non-state actors were involved in Human Rights violation of 25 people.

The cadres of different parties are more likely to evade judicial process than the common people as the parties try everything to shield from them from police investigation. Many times attempts to arrest them become party's matter of pride and they would do everything to disrupt the police action, thus promoting impunity for the political cadres. In one of such cases, the cadres of UCPN-M were threatened the District Education Officer. YCL district in-charge Suresh Thapa aka Itihas has issued life threat to DEO chief Lok Bahadur Lopchan. Lopchan said that he was threatened in relation to the change of principal in Sunkeshari Secondary School, Raniban. Thapa threatened Lopchan of life if he proceeded with the recommendation made by the school management committee that the principal, Rantaraj Shrestha be removed following a charge of irregularities during the school's golden anniversary celebration. The DEO added that the first threat came on December 22 and repeatedly then after. CDO was immediately informed of the threat, Lopchan added. When contacted for comment, Thapa said that though there was minor verbal spat over telephone with Lopchan, no life threat was issued.

CHILD RIGHTS

In 2013, the child rights violation was against six girls children as recorded by INSEC in the district. Out of that, three were raped, two were sexually abused and one was given corporal punishment. In 2012, two cases were recorded by INSEC under child rights violation where one was

raped and one was the victim of sexual abuse.

Sexual Violence

Girls remain more vulnerable to the sexual abusers and predators as INSEC documentation has shown. It is generally the case in sexual violence that the perpetrators are known to the victims whether it is for young girls or adult women. The girls fall prey to the ones who are taken as their protectors. Reporting of incestuous rape has gone up in many parts of the country. In Okhaldhunga, there were two cases reported where the perpetrators are their teachers. An 11-year-old girl was raped on August 24 by school teacher Devender Kumar Yadav, 33 of Arnama VDC-2, Siraha. Victim's family lodged complaint against the accused on the same day of the incident. Medical checkup of the victim was done in Rumjatar Hospital on August 25. Accused was arrested by police on August 24 and was remanded in custody by the District Court on September 14.

Corporal Punishment

There has been little awareness towards stopping corporal punishment. Though, there are legal provisions stopping severe forms of punishment, even the law has allowed some spanking for 'disciplinary' purpose. Nepal has still a long way to go in checking widespread practice of corporal punishment. In a case documented in the district, Ramila Niraula, 14, of Kuibhir VDC-9 studying in class 9 at Saraswati Higher Secondary School was beaten by teacher Govinda Basnet on charge of cheating on the examination on April 2. Victim became mentally ill after the incident and was taken to Community Hospital for the treatment on April 7 and was further treated at Patan Hospital, Kathmandu on April 20. Victim's mother filed a complaint against the accused in school on April 5 but

had to lodge a complaint in District Education Office on August 21 when no action was taken against the accused. District Education Office ordered the accused to provide his one month salary for the treatment of the victim with an agreement between the victim and accused. Although mutual agreement was done to provide the money, victim didn't receive any amount from the accused and no action was taken against the accused until the end of the year.

WOMEN'S RIGHTS

District recorded less number of victims of women rights violence as compared to last year. This year, documented women victims were four whereas last year, it was seven. Out of four victims, three had faced some forms of domestic violence and one was raped. In 2012, out of seven victims of women rights violation, two were raped, one was victim of attempted rape and four were victims of domestic violence.

Killing by Family Members

Gita Rai, 30 of Adhauri VDC-7 was killed by her husband Keshav Rai, 33, due to domestic disputes on October 15. He ran away from home after the incident. Victim's neighbor informed police about the incident. An FIR was filed against the accused at District Police Office on November 14. Whereabouts of the accused remained unknown until the end of the year.

Sexual Violence

A 48-year-old woman was raped by Sukra Bahadur BK, 38, of Sisneri VDC-5 on July 16. Victim lodged a complaint against the accused in District Police Station on July 20. Medical checkup of the

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					2	2
Arrest & Torture		1	1			
Beatings	1		1		3	3
Child Rights				6		6
Inhuman Behaviour				1		1
Killing				3	2	5
Threats					4	4
Women Rights				4		4
Total	1	1	2	14	11	25

victim was done in District Hospital, Rum-jatar on July 21. Police arrested the accused on July 20 and was remanded to the custody by the District Court on August 11.

Expulsion from Home

Kame Sherpa, 26, of Jantarkhani VDC-1 beat his wife Choti Sherpa, 24, after consuming alcohol and expelled her from home on August 4. Victim filed a complaint against the accused in the District Police Station on August 8. Victim was living at her maternal home along with her two children. Victim filed an application for divorce in District Court on August 8. The case remained pending until the end of the year.

ELECTION VIOLENCE

The district had several election related violent incidents where the political cadres of different parties got injured. A group of UML cadres attacked UCPN-M cadres in Tarkerabari VDC-7 on November 17 at around 4.30 pm. Sanjit Tamang, 25 of Pokali VDC-6, UCPN-M cadres was injured in the incident. Similarly, NC cadre Bal Bahadur Bhujel, 35, of Rawadolu VDC-9 was attacked by UCPN-M cadres on November 8. Bhujel was attacked while returning home after soliciting votes in the village. The victim sustained back injuries.

1.16 Solukhumbu



Headquarters	: Salleri
Area in Sq. Km	: 3,312
No. of Households	: 23,785
No. of Population	: 105,886
Male	: 51,200
Female	: 54,686
No. of PwD	: 2,609
No. of VDC(s)/Municipality(ies)	: 34/0
Male Literacy	: 35,445
Female Literacy	: 29,197
Religion Hindu (%)	: 40.21
Buddhism (%)	: 27.15
Islam (%)	: 0.01
Kirat (%)	: 30.16
Christianity (%)	: 2.21
Prakriti (%)	: 0.06
Undefined (%)	: 0.186
Average Household Size	: 4.45

INSEC documented 48 victims of Human Rights violation by the hand of non-state actors in Solukhumbu this year. Among them, 22 were the victims of women's rights violation. In 2012, non-state actors were involved in Human Rights violation of 16 people.

CHILD RIGHTS

In 2013, the child rights violation was against six children as recorded by INSEC in the district. Out of that, four were raped and two were sexually abused. In 2012 too, the victims of child rights viola-

tion were same which included rape (4) and killing of new born baby (2).

Sexual Violence

A 4-year-old girl was raped on January 3 by 15-year-old boy of Gudul VDC-7 in the jungle nearby home. Victim family filed a complaint against the accused on the same day. Medical check-up of the victim was done in District Hospital on January 5. Accused was arrested on January 6 and was remanded to custody by District Court on January 18. The district Court, on February 24, sentenced accused to imprisonment for five years and asked to pay a compensation of Rs.100,000 to the girl.

A complaint was filed against Khem Raj Rai, 27, of Gudul VDC-4 on charge of raping a 15-year-old girl on March 14. Victim was cutting the grass nearby her house when the accused overpowered her and raped her on February 25. Medical check-up of the victim was conducted in District Hospital on March 2. The whereabouts of the victim remained unknown until the end of the year.

WOMEN'S RIGHTS

INSEC recorded increased number of victims of women's rights violence as compared to last year. This year, documented women victims were 22 whereas last year, it was three. Out of 22 victims, 15 had faced some forms of domestic violence and three were raped and one was survivor of attempt to rape. Three women were victimized when their husband got married with another woman. In 2012, out of three victims of women rights violation, two were raped, one was victim of polygamy.

Killing by Family Member

Maya Sherpa, 32, of Beni VDC- 3 was killed by her husband Phurba Sherpa, 40, on August 18. The post mortem of the body was performed at Phaplu Hospital on

August 22. A complaint was lodged against the accused by his son Kamidawa Sherpa on August 20. Accused was arrested on August 20 and was remanded to custody by District Court on September 1.

Sexual Violence

A 21- year-old girl was allegedly raped by Bal Krishna Raj Bhandari, 47, of Salleri VDC-7 on October 13. Victim lodged a complaint against the Bhandari at District Police on October 14. Medical checkup of the victim was done at District Hospital on October 14. Accused was arrested on October 15 and was remanded to custody by District Court on October 30.

A 25-year-old woman lodged a complaint against Bibas Rai, 19, of Panchan VDC-8 at District Police Office on October 19 on charge of raping her. The accused was arrested by police on October 20. Medical check-up of the victim was done in District Hospital on October 18. He was remanded in custody as per the District Court's on October 30.

Domestic Violence

Polygamy

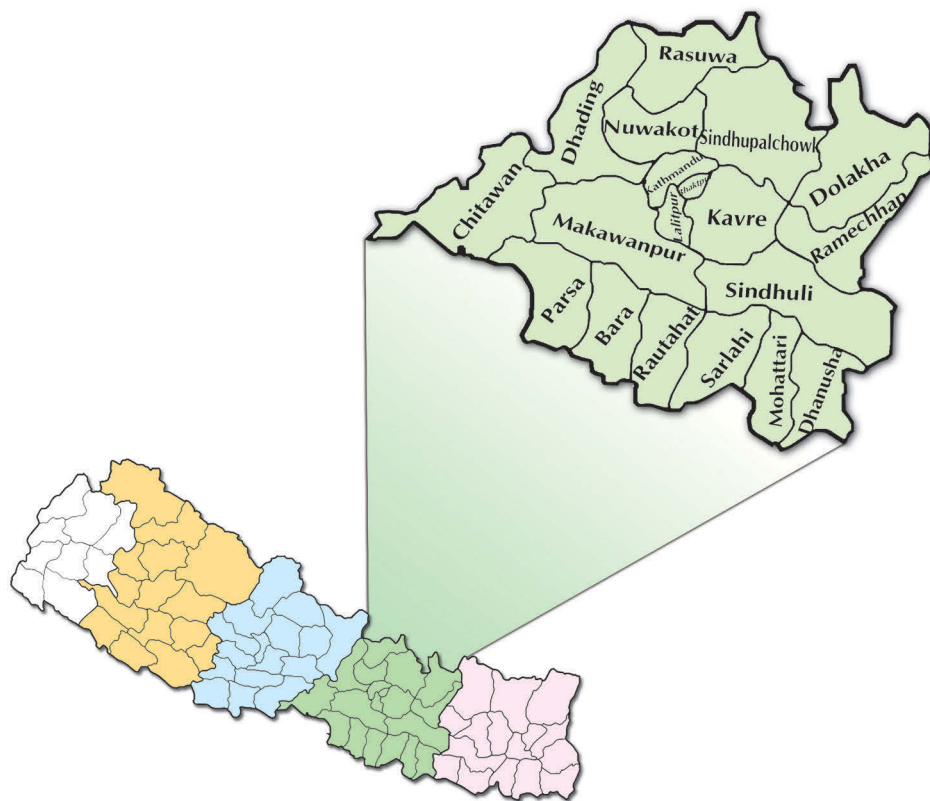
Raj Kumari Rai, 22 of Kaku VDC-2 filed a complaint at District Police Office

Types of Events	By Non-State		
	Female	Male	Total
Beatings	6	3	9
Child Rights	5	1	6
Injured	1	1	2
Killing	4		4
Threats	5		5
Women Rights	22		22
Total	43	5	48

against her husband Tanka Dhan Rai, 22 on charge of polygamy on August 5. Victim is six months pregnant and Tanka beat her saying that the child inside her womb doesn't belongs to him. Accused married Chandrika Rai as a second wife on May 4. The whereabouts of the accused remained unknown until the end of the year.

In 2013, a total of 112 incident of domestic violence were registered at Service Centre. Among them, 76 cases of beatings and expulsion from the house, five cases of depriving of food and clothes, one case citizenship certificate, four cases of polygamy, 13 cases of threats to kill and two cases of practicing witchcraft were registered. Among those registered cases, 28 incidents reached to an agreement whereas 84 are in legal process.





Human Rights Situation of **Mid Region**

The Mid Development Region has 19 districts. The region is comprised of Rasuwa, Sindhupalchok, Dolakha in mountain region, Dhading, Nuwakot, Kathmandu, Lalitpur, Bhaktapur, Ramechhap, Kavre, Sindhuli, Makawanpur in hilly region and Chitwan, Parsa, Bara, Rautahat, Sarlahi, Mohottarai and Dhanusa is Tarai region.

The region saw a number of violence in the districts in 2013, mainly violence against women, children and election violence. In most of the districts of the region, number of victims of HR violation increased in comparison to previous year. INSEC recorded an increase of incidents of Human Rights violation in most of the districts of mid Region. Last year, there were 1,113 victims of Human Rights violence while this year, it 1,814. There was a decreasing trend of HR violation in districts of Makwanpur, Dolakha, Bara and Lalitpur this year as compared to the last. Kathmandu shows the highest number of Human Rights violation in the year 2013.

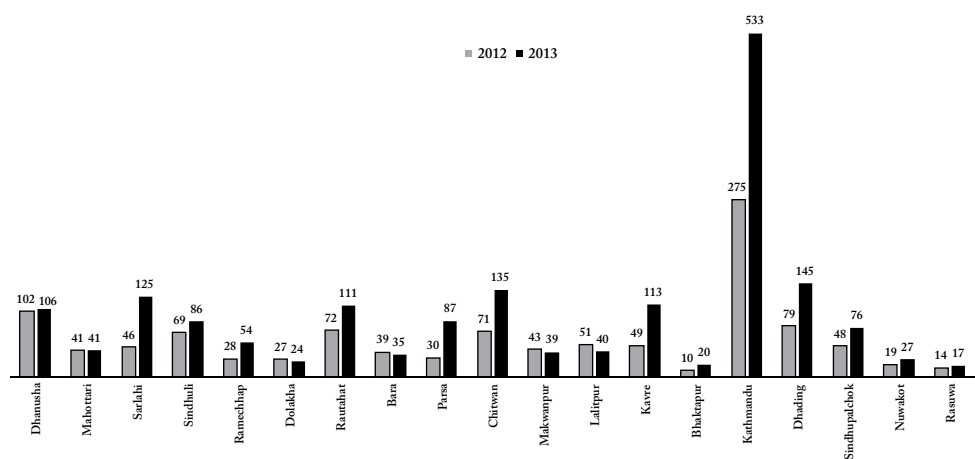
INSEC has documented a significant increase in Human Rights violation in Kathmandu district as compared to

last year. A total of 275 victims of Human Rights violation in Kathmandu were documented last year whereas it is 533 in 2013.

Most of the documented victims of women rights violations in the region were domestic violence including total of 69 rapes victims, 19 victims of attempted rapes, seven of sexual abuse and 651 of domestic violence. Most of the victims were from Kathmandu. Last year, there were a total of 34 victims of women's rights violation in Kathmandu which has increased to 354 this year. INSEC documented one victim of women's rights violation in Bhaktapur district last year and five this year. The other districts like Chitwan, Dhanusha, Rautahat, Parsa, Sarlahi, Kavre and Dhading have a significant increase in women's rights violation this year as compared to the last year. In Rasuwa the INSEC documented three cases of women's rights violations as compared to four last year.

Child victims also increased in the region i.e. 221 in 2013 comparison to 192 in 2012. Most of the child victims were from Kathmandu which included 24 children in 2013. Though, lesser than the victims last year (59). No incident of child rights was

Fig 1: Human Rights Violence in Mid Region



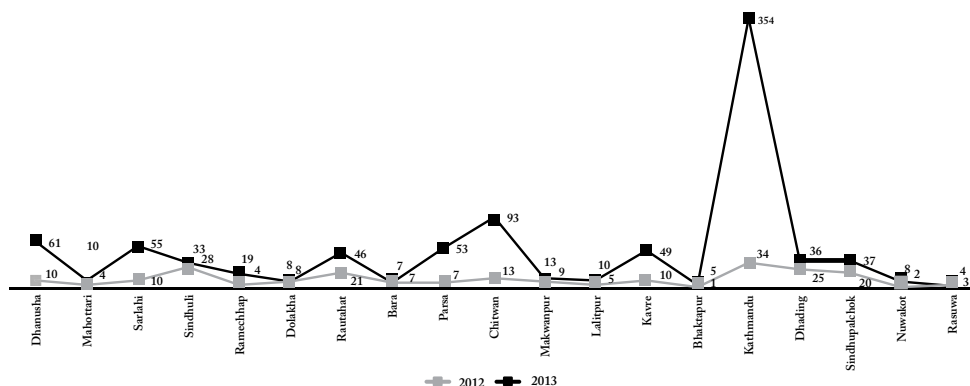
reported in Rasuwa District in this year as compared to 2012, there were two cases of child rape. There were four cases of child trafficking reported in Dhanusha, eight cases in Rautahat, nine cases in Parsa, two cases in Chitwan, four cases in Sindhupalchok in 2013.

The total of 99,675 male and 1,09,991 female was enrolled in the government schools of secondary and lower secondary level in Kathmandu. Among them, 7,979 were from the Dalit community. The number of Dalits in school looks significantly lower in comparison to other districts like Mahottari with dalit 47,425 students and in Dhanusha 46,615. Relative prosperity in the capital district of Kathmandu and access to private schools of different economic bracket can be one reason for lower number of Dalit students. The lowest number of school going female children was in Chitwan with 8,582 students. The highest rate of Dalit students enrolled in secondary and lower secondary level were from Mahottari. The lowest number of students enrolled in secondary and lower secondary level from the Dalit community was from Rasuwa with only 53 Dalit students going to the school followed by 842 in Nuwakot and 1990 in Bhaktapur.

In the region, Kathmandu and Makwanpur has a largest capacity to accommodate the prisoners. Each district has total capacity of 1200 to accommodate the prisoners. Among the districts in the region, Dhanusha and Bara does not have any prison. Sindhupalchok has a prison capacity to accommodate only seven prisoners. The highest number of prisoners is in Kathmandu which includes 1051 inmates. In Parsa there are total of 10 dependent with a prisoners. Dhading and Rasuwa have one each dependent. The physical condition and infrastructure of the district prison in most of the district is not in a good condition. In Kathmandu, most of the inmates complained about over capacity. They complained about lack of sleeping space, toilet and cold room. In region most of the inmates complained about lack of facilities in the prison. Most of the prison buildings are in dilapidated conditions and roofs leak when it rains. The inmates do not have proper facilities of toilet, drinking water.

Total capacity of the district prisons in the mid region is 4,148, however the occupancy at the end of the year were 7,219. All district prisons of the mid region are having a serious problem of overcapacity. In the entire district, most of the inmates

Fig 1: Women's Rights Violence in Mid Region



complained about the over capacity of prison. In the prison of Mahottari 453 inmates were kept where it can accommodate only 135 inmates. Similarly, in the prison of Ramechhap 278 inmates were kept where it has only capacity to accommodate 55 prisoners. In Parsa, 1,314 inmates were kept where it can accommodate only 700. The highest number of inmates was kept in the prison of Kathmandu. It has 2,456 inmates, where it can accommodate 1200. The district of Kathmandu has “A” graded prison. It has Central Prison, Bhadrabandi Prison and Women Prison. There are total of nine dependents. In Dhanusha and Bara, there are no prisons. The lowest number of prisoners in the mid region is in Dolakha.

In the fiscal year 2012/13, 30.81% of the criminal cases and 52.53% civil cases decided in the mid region. Makwanpur district court decided the highest per cent of the cases i.e. 82.67% criminal and 76.74% civil cases, followed by Chitwan with 71.11% criminal and 59.75% of civil cases. The lowest criminal case decided in the district was of Rautahat which is just 4%. The lowest civil cases decided are of Sindhupal-

chok which is of 19.23%.

From July 16-December 31, in most of the district there was no significant decision regarding hearing. Most of the cases remained pending. Just 5% of criminal cases and 7.4% of civil cases were decided in Dolakha during this period. Rasuwa has 40% criminal cases decided and 42% of civil cases decided.

In case of the status of the cases registered at the office of the District attorney in the region in the fiscal year 2012/13, the most cases won was in the Kathmandu. Total registered cases were 4,501 among them 1218 cases were won and 84 were lost. The lowest case registered is in Rasuwa. It has just six cases registered at the office and among them two were won and four were lost.

From July 16-December 31, 2013 Kathmandu has a highest number of registered cases with 1942, among them 1494 were won and 120 were lost. The lowest number of cases registered during the period is in Rasuwa which was 20. Among them 17 cases were won and three were lost.



2.1 Dhanusha



Headquarters	: Janakpur
Area in Sq. Km	: 1,180
No. of Households	: 138,249
No. of Population	: 754,777
Male	: 378,538
Female	: 376,239
No. of PwD	: 8,412
No. of VDC(s)/Municipality(ies)	: 101/1
Male Literacy	: 217,223
Female Literacy	: 148,260
Religion Hindu (%)	: 89.35
Buddhism (%)	: 1.49
Islam (%)	: 8.36
Kirat (%)	: 0.02
Christianity (%)	: 0.09
Prakriti (%)	: 0.08
Shikha (%)	: 0.62
Undefined (%)	: 0.001
Average Household Size	: 5.46

In Dhanusha, 106 people were victims of Human Rights violation as documented by INSEC in 2013. Of which, 94 were from the non-state. The state were involved in Human Rights violation of 12 persons which included arrest and torture (1) and police lathi charge (11). In 2012, non-state were involved in Human Rights violation of 81 people. Human Rights violation at the hands of the state was higher by 21 to 12 compared to 2013.

INJURED IN FIRING

Frequent use of small arms in the Tarai region continues to injure civilians. In one incident, Opendra Ojha, 50, of Mahottari District, Itaharwa-8, living in Janakpur Municipality-4 was seriously injured in a firing by an unidentified group of people on April 15 in the house of Ashok Sinha at Janakpur Municipality-4. The victim, who was shot in the chest, was taken to Tribhuwan University Teaching Hospital, in Kathmandu after he could not be treated at Janakpur Zonal Hospital. According to a family source, Ojha was called by an unidentified group to open the gate of house belonging to Director of Janaki Medical Colleges Ashok Sinha. When he arrived to open the gate, they fired at him. Ojha is a personal secretary of Ashok Sinha. Inspector Govinda Puri said that a group of two armed person fired at Ojha and fled the scene. Media reports claimed that Rajan Mukti Group took the responsibility of the attack. The victim's family lodged a complaint at District Police Office on July 11. Police arrested Ranjit Jha, 27, alias Rajan Mukti of Laxmipur Bagewa-7 and STF commander of the group Deepak Kumar Singh alias Ajaya Mukti, 29, of Mahottari District, Mathnaha-4 on November 17 on charge of their involvement in the incident. The case was registered at District Court on January 3 according to the District Police Office.

TORTURE IN CUSTODY

Family of Ajaya Kumar Yadav, 14, of Aurahi VDC-2 said that he was beaten and tortured by the police whole night on March 7. The victim was arrested by the police from the house of local Ram Ekbal Yadav. He was arrested after a dispute started between Ajaya and his friend Prem who got bruises in his body in an incident. SI Pramod Kumar Yadav of Area Police

Office Aurahi denied beating Yadav. The victim said that he was beaten with boots, batons on his head, leg and arms by the police during his arrest from Ram Ekbal's house. The victim also said that he was severely beaten in the custody by the police from 12 am till 7am. The victim received medical treatment at Janakpur Zonal hospital from March 9 to March 11. The victim's family did not report the incident out of fear.

CHILD RIGHTS

In 2013, 12 victims of child rights violation were recorded by INSEC in the district. Out of that, four girls were raped and four were the victims of sexual abuse. Four girls were rescued while being trafficked. In 2012, four cases of rape and one case of child marriage were documented. This shows increase in the violation of child rights in the district.

Sexual Violence

Police arrested Mohamed Salim Rain, 50, of Dhanushadham-1 on April 5 on charge of attempting to rape a 6-year-old girl on March 24. The victim's family lodged a complaint at District Police Office on April 4. The accused was remanded in custody by a court order on April 28.

Similarly, a 13-year-old girl was rape attempted by Garib Lal Sada, 32, of Dhanusha Govindapur VDC-9, Binod Sada, 25, and Sanjaya Sada, 18 in her house on May 3. The victim's family lodged an FIR at District Police Office on May 9. The accused were arrested by the police on May 10. They were remanded in custody by a court order on June 4. The victim received medical treatment at local health clinic.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		1	1			
Beatings					7	7
Child Rights				12		12
Injured				1	2	3
Killing				10	1	11
Right to Assembly	3	8	11			
Women Rights				61		61
Total	3	9	12	84	10	94

WOMEN'S RIGHTS

In 2013, 61 victims of women rights violation were documented by INSEC. Of which, 46 were victims of domestic violence, three of practicing witchcraft, seven of polygamy, three of rape, one of rape attempt and one of trafficking. There were 10 victims of women's rights violations recorded in 2012. Of which, one was of domestic violence, two of witchcraft accusation, two of rape and five of polygamy. Alarming rise in victims of such violation is seen this year, of which, increase in domestic violence (41) is the most concerning. Incidents of killings and deaths over dowry dispute also occurred this year.

Domestic Violence

Family of Rita Kumari Yadav, 25, of Dhanusha Govindapur-7 accused her husband Ramswagaraths Yadav, 26, father in-law Ram Bali Yadav, 45, and mother in-law Jagatarain Devi Yadav, 40, of murdering her on February 7 by using sharp weapon. The body of the deceased was handed over to the family after postmortem. The final rite of the body was performed on the same day by the family members. The victim's party lodged a complaint at District Police Office on February 8. The police arrested Ram Bali Yadav on March 14. He was remanded in custody on April 9 by a court order. The other accused remained at large at the end of the year.

Punam Devi Raut, 35, of Janakpur municipality-13 was murdered by her brother-in-law Nagendra Raut, 30, on October 3 by hitting with a sharp weapon. The victim who sustained serious head injury in an incident died on the way to the hospital, according to SI Ravi Ghimire. The victim's party lodged a complaint at District Police Office on October 4. The accused was arrested by the police on the same day. The case remained pending at the end of the year.

Dowry Death

The murder cases due to the dowry are still prevailing in the district. Dowry system has become one of the vital issue and cause in increment of domestic violence. The family of the victim Riva Devi Yadav, 20, of Gopalpur-1 complained that she was murdered by her husband Sanjaya Yadav, 24, by giving her poison on July 2 for not bringing enough dowry. The victim died while undergoing treatment on July 3 at Siligudhi of India, according to the victim's brother Sambhu Yadav. The victim's family accused Riva's husband and his in-laws of torturing her mentally and physically. Postmortem of the body of the deceased was performed on July 5 at Janakpur Zonal Hospital. The victim's party lodged a complaint at District Police Office on July 7. The accused Sanjaya was arrested on the same day by the police. He was remanded in custody by the court order on July 10. The case remained pending till the end of this year.

Similarly in another case, family of Amrita Paswan, 18, of Sonigama-6 accused her husband Deepak Paswan, 24, of strangulating her to death on November 24. The victim's family lodged a complaint at District Police Office on the same day. Postmortem of the body was performed at

Janakpur Zonal Hospital on November 25. Search for the accused was underway till the end of the year according to the police.

Trafficking

The District Police Office rescued four girls of Itaharwa VDC-1 while they were being trafficked by Rajiv Thakur alias Rahul, 19, of Mahottari Dhirapur-3 to Kathmandu under the pretext of providing training of Poverty Eradication in Kathmandu. The victims lodged complaint at District Police Office on May 16. Police arrested the accused on May 18. He was remanded in custody by a court order on June 13. The case remained pending till the end of this year.

Harmful Practice against Women

Devaki Shah, 60, of Nauwakhor Prasahi-9 was accused of being witch and fed human excreta on April 20. Her neighbor Rameshor Shah, his son Dinesh Shah beat her and fed human excreta accusing her of practicing witchcraft. The victim's family lodged a complaint at District Police Office on April 26. The victim received medical treatment at Janakpur Zonal Hospital. The accused Rameshor was arrested by the police on the same day. He was released after posting a bail amount of Rs 20,000 by a court order on May 15.

In 2013, there were total of 285 women's victims who registered cases at WCSC under District Police Office. Out of which, there were 103 cases of beatings and expulsion from home, 104 cases of depriving of food and cloths, 43 cases of not attesting marriage registration and citizenship card, 35 cases of polygamy and other two cases of allegation of witchcraft. Among those incidents, 217 cases reached agreement and five cases of divorce were in legal process.

ELECTION VIOLENCE

Political parties' intolerance towards each other also came to the fore as the CA election came closer. In one incident, Nepali Congress cadre Chhedi Raut, 30, of Janakpur Municipality-2 was injured in a clash between the cadres of NC and Sadbhawana Party on October 23 at the constituency number 4 of the district. The victim sustained a head injury. He was treated at Janakpur Zonal Hospital. Nabin Yadav of Janakpur Municipality-1 was arrested by the police after the victim's party lodged a complaint at District Police Office. He was charged under the Public Offence Act. He was released on bail amount of Rs 1500 by the order of District Administration Office on October 31. Likewise, a clash occurred between the cadres of UCPN-M and supporters of independent candidate of the constituency number 1 Shrawan Yadav at Kumkaran of Balabakhar-6 on October 25. The cadres of UCPN-M were injured in the attack. Those injured in a clash were Bharat Yadav, 45, of Balabakhar-6, Jeebach Sahalaita of Harine 1, Mukti Shah of Yadukuhaha, Bhakti Yadav of Patanu, including other 12 cadres. Among those injured, Bharat Yadav received treatment at Janakpur Zonal Hospital. He received 15 stitches on his head. The other injured received treatment in local level according to UCPN-M leader. Police arrested Birendra Yadav Macijhitkaiya-4 in connection with the incident. He was released on bail amount of Rs 3,000 by an order from District Administration Office.



2.2 Mahottari



Headquarters	: Jaleswar
Area in Sq. Km	: 1,002
No. of Households	: 111,316
No. of Population	: 627,580
Male	: 311,016
Female	: 316,564
No. of PwD	: 10,166
No. of VDC(s)/Municipality(ies)	: 76/1
Male Literacy	: 162,390
Female Literacy	: 109,782
Religion Hindu (%)	: 84.24
Buddhism (%)	: 2.02
Islam (%)	: 13.34
Kirat (%)	: 0.01
Christianity (%)	: 0.14
Prakriti (%)	: 0.01
Undefined (%)	: 0.242
Average Household Size	: 5.64

In Mahottari, 41 victims of Human Rights violation were documented by INSEC in 2013. Of which, all 41 people were victimized by the non-state. In 2012, non-state was involved in Human Rights violation of 36 people while five people were victimized by state.

ABDUCTION

Bikram Sahani, 24, a fish entrepreneur of Sarpallo-7 was abducted from the Pokharbhinda Bazar on July 27 by an unidentified group. His body was found near the field in Sahasaula VDC-5 on July 31.

Types of Events	By Non-State		
	Female	Male	Total
Abduction	1	4	5
Child Rights	12		12
Injured	1	4	5
Killing	3	6	9
Women Rights	10		10
Total	27	14	41

The victim's father lodged a complaint at District Police Office on August 1, however, no one was arrested by the police at the end of the year. Postmortem of the deceased's body was done at District Hospital in Jaleswor on July 27.

INJURED

Gun violence caused five casualties in the district this year. In one incident, Abhaya Kumar Singh, 36, and his wife Puja Singh, 28, of Manara VDC-6 were injured in firing by the cadre of Rajan Mukti-led Janatantrik Tarai Mukti Morcha on June 19. The JTMM cadres opened firing at them accusing them of defying the bandh called by them. Both the victim sustained bullet injuries in leg and hand. They received treatment at Jaleshor Hospital.

CHILD RIGHTS

In 2013, 12 victims of child rights violation were recorded by INSEC in the district. Out of them, eight were raped and two were victims of sexual abuse. Two girls were forcefully married. In 2012, six cases of rape and one case of sexual violence against girls were documented. This shows an increase of child victims in the district. The prevalence of child marriage also came to the fore this year.

Sexual Violence

A 12-year-old girl of Banauta VDC-7 was rape attempted by Ram Kai-lash Bhandari, 23, on December 18. The victim's family lodged a complaint at Dis-

trict Police Office on December 30. Police arrested the accused on the same day for investigation.

Child Marriage

Incidents of child marriages were also documented in the district this year. In one incident, Renu Kumari, 13, of Parsapataili VDC-6 got married with Nabin Kapar, 18, on August 15. Father of Renu lodged a complaint at District Police Office on August 25 accusing Sikinder Kapar, father of Nabin, of luring the girl into marrying Nabin. The accused was arrested by the police on September 28. He was released on a bail amount of Rs 2,000 by the court order on October 24. The other accused was at large at the end of the year.

Similarly, Ahilya Kumari, 24, of Gaidabhettapur VDC-9 was married to Jhinkar Mandal, 50, on April 22. The victim's father lodged a complaint at District Police Office on December 6. The accused was arrested by the police on the same day. Legal process was ongoing into the incident at the end of the year.

WOMEN'S RIGHTS

In 2013, 10 victims of women rights violation were recorded by INSEC. Out of them, seven were victims of rape, two were rape attempted and one of polygamy. In 2012, four such incidents – polygamy (2), rape (1) and rape attempt (1) were documented.

Sexual Violence

A 35-year-old woman of Dhamaura VDC-1 lodged a complaint against Sesh Musalman at District Police Office of Jaleswor on February 5 accusing him of raping her at her house on February 4. She received medical treatment at Jaleshor Hospital on the same day. The accused was arrested by the police on the same day the complaint was made. He was released on

bail amount of Rs 30,000 on February 18 by court order.

In 2013, a total of 96 victims of domestic violence registered complaints at WCSC under the District Police Office. Among them, 45 cases were about beatings and expulsion from the house, 32 cases of deprivation of food and cloths, 11 cases of not attesting marriage registration and citizenship certificate and eight cases of polygamy. The WCSC said that all incidents reached agreement.



2.3 Sarlahi



Headquarters :	Malangawa
Area in Sq. Km :	1,259
No. of Households :	132,844
No. of Population :	769,729
	Male : 389,756
	Female : 379,973
No. of PwD :	9,585
No. of VDC(s)/Municipality(ies) :	99/1
	Male Literacy : 202,311
	Female Literacy : 133,070
Religion Hindu (%) :	85.56
	Buddhism (%) : 5.72
	Islam (%) : 7.88
	Kirat (%) : 0.04
	Christianity (%) : 0.23
	Prakriti (%) : 0.25
	Undefined (%) : 0.307
Average Household Size :	5.79

In Sarlahi district, there were total of 125 victims of Human Rights violation in the year 2013. Of which, 109 were victimized by the non-state. The state was involved in Human Rights violation of 16 people which included beating, intimidation. In 2012, non-state were involved in Human Rights violation of 45 out of 46 victims. The rise in such violations this year is mainly due to election-related violence.

INJURED

Criminal activities of Tarai-based armed groups continue to pose threats to civilians. A bomb detonated by cadres of Akhil Tarai Mukti Morcha (Goit) in front of the office of Land Survey injured Nagen-dra Ray Yadav, 40, of Pidari VDC-4, officer of the Land Survey office, Saroj Mahato, 40, Feku Mandal, 60, Saroj Kumar Paswan, 27, of Lewajabdi VDC-5, Hari Chandra Ram, Raj Kishor Ram, Gauri Shankar Mahato and Feku Mahato. Gauri Shankar Mahato who was seriously injured in the incident was referred to Kathmandu for further treatment. He lost part of leg below right ankle while Raj Kishor sustained injuries below his knee. Other injured were treated at Medical College, Bharatpur. Tej Narayan Ray, 38, of Malangwa Municipality-2 was arrested by the police on September 14 on charge of his involvement in the explosion. He was remanded in prison.

ABDUCTION

Shyam Sah, 42, of Brahamhapuri VDC-3 and a brick entrepreneur was abducted by an unidentified group from the Sakhuwa Bhelhi while he was returning home from a brick kiln in Chandranagar VDC on December 23. He was rescued from the area of Sakluhwa-Bhelhi by the police. The people involved in the incident could not be identified till the end of this year according to police.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				2	2
Beatings	1	1		9	9
Child Rights			4		4
Injured			6	28	34
Killing			3	2	5
Right to Assembly	12	12			
Threats	3	3			
Women Rights			55		55
Total	16	16	68	41	109

TORTURE

Police Constable Ganesh Yadav, 30, of Kachorwa VDC-1 of Bara was severely beaten by DSP Uma Shankar Panjiyar, 55, of District Police Office, Sarlahi inside the office quarters on May 13 accusing him of 'unnecessarily questioning' his mother-in-law. He was kept in the court guard for the whole night and his mobile phone was also snatched. He was released later in the next morning. He sustained severe head injury and received medical treatment inside the premises of the police office. The victim did not complain about the incident.

CHILD RIGHTS

In 2013, four victims of child rights violation were recorded by INSEC in the district. Out of them, two girls were raped and one was a victim of sexual abuse. There was one case of corporal punishment. In 2012, three cases of rape and one case of sexual abuse and seven case of trafficking against girls were documented.

Corporal Punishment

Ashika Ghising, 7, of Lord Bright Boarding School in Netra Jung VDC-7 was severely beaten by her teacher Babita Gole, 20, on August 30. The injured received medical treatment at Namuna Hospital on the same day. The victim's family lodged a complaint at Area Police Office in

Nawalpur on August 31. Both the parties reached an agreement after the school agreed to provide free education to the victim till grade 10.

WOMEN'S RIGHTS

55 victims of women's rights violation were documented by INSEC in 2013. Of them, victims of domestic violence were 50, one was charged with practicing witchcraft, one was raped, two were rape attempted and one of polygamy. In 2012, there were only 10 woman victims as recorded by INSEC, of which, six were victims of domestic violence, two were accused of practicing witchcraft, one of polygamy and one of rape. Like other Tarai districts, the increase in domestic violence in Sarlahi is concerning.

Sexual Violence

A 19-year-old woman lodged an FIR at Area Police Office of Haripur on March 4 against Bhakta Bahadur Khadka, 38, of Betali, Hariban VDC-1 accusing him of attempting to rape her on February 25. The accused fled the scene after the woman screamed for help. The accused was absconding at the end of the year according to the police. The victim received medical treatment at Malangwa Hospital of the district.

Killings by Family Members

Kaushila Devi Mahato, 48, of Hajarriya VDC-7 was attacked by her son Ram Kailash Mahato, 29, with a wooden stick in her head on December 27 in an inebriated state. She died on the spot. The accused was arrested by the police on December 28 and was sent to the prison on remand. Postmortem of the body was performed at Malangwa Hospital on December 28. The victim's party lodged a complaint at Area Police Office of Barhathawa on December 29.

Domestic Violence

Rajwati Devi Yadav, 30, of Khoriya VDC-7 was beaten by her brother in-law, Bhiushan Yadav, including other family members on February 18 on charge of having a relation with other man. She lodged a complaint at WCSC on February 22; however, no action was taken against the accused at the end of the year.

In another incident, Lalita Devi Rai, 20, of Bhelhi VDC-5 was beaten by her husband Ram Lakhan Rai, 25, on February 23 in an inebriated state. She lodged a complaint at WCSC on February 27; however, the case remained pending at the end of the year.

Harmful Practices against Women

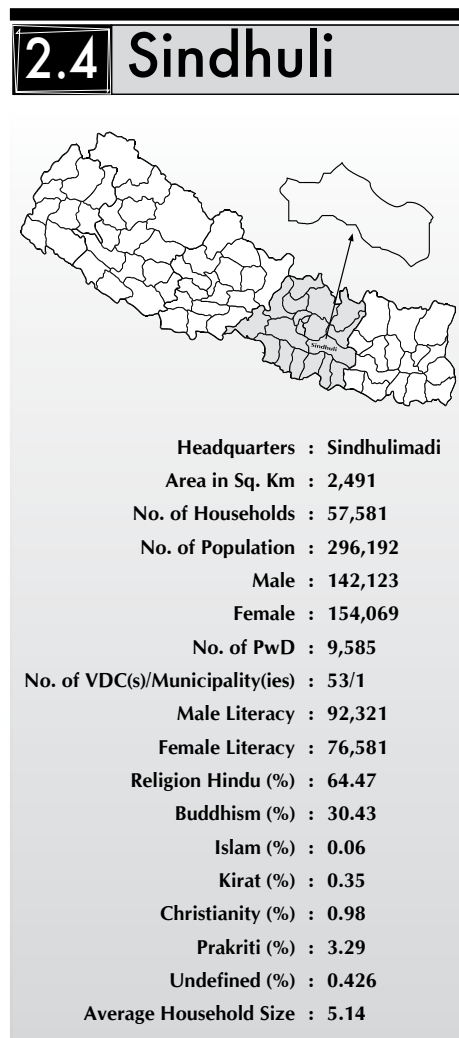
Ram Kumari Pandit, 55, of Bagdaha VDC-4 was severely beaten by Chandaka Thakur, Bhikari Thakur and Rajdevi Thakur of the same place on charge of being a witch on March 11. A complaint was lodged at WCSC; however, the legal process remained stalled as the victim was out of contact.

A total of 45 victims of domestic violence lodged complaints at WCSC in 2013. Among them, 32 cases were about beatings and expulsion from house, 16 cases of deprivation of food and clothes, one case of allegation of witchcraft. Among those incident, three incidents reached agreement and 45 were processed for legal action according to the center.

ELECTION VIOLENCE

Series of clashes occurred in the districts during the election campaigns of political parties. Rajan Khatun, 25, of Ramban VDC-5 Musalman Chok, Suraj Singh, 65, Soshar Khatun, 7, including many others were injured in the clash between Terai Madhesi Loktantrik Party and Terai Sadbhawana Party on October 21. The clash erupted regarding pasting of posters.

Sharp weapons, stones and lathis were used in the clash. Most of the injured sustained injuries in head and bruises on their body. The injured received treatment at Ramban Health post. Cadres of both parties reached agreement on October 22 where TMDP cadres agreed to bear treatment cost to the injured party.



In Sindhuli, 86 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 74 were from the non-state side. The state was involved in Human Rights violation of 12 people. In 2012, non-state were involved in Human Rights violation of 64 people out of 69 victims. This year saw increase in victims from 69 to 74 compared to last year.

Type of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				1		1
Arrest & Torture		1	1			
Beatings		1	1	3	28	31
Child Rights				4	1	5
Inhuman Behaviour				1		1
Killing					2	2
Racial Discrimination					1	1
Right to Assembly	2	8	10			
Women Rights				33		33
Total	2	10	12	42	32	74

some kind of domestic violence. The trend shows continuation of such incidents in the district.

CHILD RIGHTS

In 2013, the five child victims were recorded by INSEC in the district. Out of them, four girls were raped and one killed at birth. In 2012, six cases of rape and one case of sexual abuse against girls were documented.

Sexual Violence

Four girls became victims of rape this year in Sindhuli. A 6-year-old girl was raped allegedly by Arjun Giri, 35, on December 1. Police arrested the accused on December 2. The victim was threatened and raped inside the class room of Janahit Primary School of Nipane VDC-6. She underwent medical checkup at Sindhuli District Hospital on the same day. The accused was remanded in custody by a court order on December 23.

WOMEN'S RIGHTS

INSEC documented 33 victims of women's rights violation in the district this year. Of which, 22 were victims of domestic violence, five of polygamy, three of rape, two of rape attempt and one of sexual abuse. In 2012, 28 victims of such violation were recorded, out of them, 20 were subjected to

Domestic Violence

Renuka Kumari Raut, 50, of Kamalamai Municipality-4, Chisapani was beaten and expelled from house by her husband in an inebriated state on February 5. The victim lodged a complaint at District Court of Sindhuli on February 7, accusing her husband of beating, expelling and depriving her of food and clothes. The case remained pending till the end of this year.

Sexual Violence

Police arrested Yambar Bahadur Tamang, 32, of Kakurthakur VDC-8 on May 30 on charge of raping a 25-year-old girl at knife-point on May 21. She underwent health check-up on the same day at District Hospital. The husband of the victim was abroad for employment when the incident occurred. The accused was remanded in custody by a court order on June 20.

In a similar incident, police arrested Sudeep Ale Magar, 19, of Arunthakur VDC-1 on November 5 on charge of raping 30-year-old woman by entering into her house. The victim's party lodged a complaint at District Police Office on Novem-

ber 14. He was released on bail amount of Rs 20,000 by a court order on November 29.

In 2013, a total of 35 cases of domestic violence were lodged at WCSC under the District Police Office. Out of which, 24 cases reached agreement, one was sent for legal proceeding, two were being investigated and four were forwarded to subordinating agencies while in four incidents, the accused did not turn up.

ELECTION VIOLENCE

Political parties resorted to using violence instead of peaceful means to solicit voters during their election campaigns which led to their scores of their cadres being injured. Cadres of UCPN-M attacked UML poll candidate from constituency-1 Ganesh Pahadi near the jungle of Tandi VDC-6 with stones. Thir Bahadur Khadka, 55, of Ladabhir VDC-6, Purna Khatri of Dudhauri VDC-6, Shyam Majhi, 36, of Udayapur and others were injured in the incident. The UML claimed that eight of their motor bikes were vandalized in the incident.


In another incident, six UCPN-M cadres, including Ram Kumar Thapa, 50, of Ratanchura VDC-6, Tek Bahadur Magar, 42, Megh Bahadur Magar, 45, Sushma Bhujel, 26, were injured in beating by UML cadres at Khaniyakharka of Ratanchura VDC on September 21. The UML had organized an election assembly at that place on the same day. The dispute between the parties erupted after UML cadres tired to take out the banner and hurled stones at the Khaniyakharka based UCPN-M contact office, according to UCPN-M.

Kul Bahadur Shrestha, 30, of Kamalamai municipality-4, Chisapanijhora was beaten by the policemen from Armed Police Force Base camp on March 9. The

victim's father accused police of beating the victim without any reason. The victim sustained bruises over his body with a fractured thigh bone. The victim received treatment at Sindhuli Hospital. The victim did not lodge complaint as Armed Police Force bear the medical cost.



2.5
Ramechhap



Headquarters : Manthali

Area in S q. Km : 1,547

No. of Households : 43,910

No. of Population : 202,646

Male : 93,386

Female : 109,260

No. of PwD : 4,418

No. of VDC(s)/Municipality(ies) : 55/0

Male Literacy : 65,285

Female Literacy : 57,746

Religion Hindu (%) : 71.93

Buddhism (%) : 24.67

Islam (%) : 0.02

Kirat (%) : 0.02

Christianity (%) : 1.57

Prakriti (%) : 1.44

Shikha (%) : 0.03

Undefined (%) : 0.319

Human Development Index : 4.61

In Ramechhap district, 54 victims of Human Rights violation were documented by INSEC in 2013. Of which, 48 were victimized by the non-state actors. The state was involved in Human Rights violation of six people. In 2012, non-state was involved in Human Rights violation of 19 people whereas state were involved in Human Rights violation of nine people according to INSEC documentation.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	4	4			
Beatings	2	2	2	10	12
Child Rights			6	1	7
Injured				4	4
Killing			3		3
Racial Discrimination			1	2	3
Women Rights			19		19
Total	6	6	31	17	48

violence and one was charged with practicing witchcraft.

INTIMIDATION

SI Dipendra Prasad Jaiswal, 35, of Priti VDC-4 was severely beaten by the police post in-charge Ajaya Kumar Jha, 36, on July 29. The victim sustained a fractured skull in the incident. He complained that he was beaten without any reason by the accused, who was in an inebriated state. No information of action being taken against the accused was made public.

CHILD RIGHTS

In 2013, seven victims of child rights violation were recorded by INSEC in the district. Out of that, three girls were raped and one was subjected to corporal punishment. Two were killed at birth. One girl was forcefully married. In 2012, two cases of sexual abuse against girls and two cases of trafficking were documented.

WOMEN'S RIGHTS

19 cases of women's rights violation were recorded in 2013 in the district. Of which, 13 were of domestic violence, one was charged with practicing witchcraft, three were victims of polygamy and one was raped and one was sexually abuse. In 2012, four cases of women's rights violation were documented by INSEC. Of which, two were of sexual abuse, one was of domestic

Harmful Practices against Women

Til Maya BK, 52, of Nagdaha VDC-5 was accused of being a witch by Ram Narayan Shrestha, 50, of the same VDC on May 24. The victim lodged a complaint at Area Police Office on May 25 against the accused. Police directed the locals to sort out the case at local level after which the accused agreed to pay a compensation amount of Rs 1,000 to the victim.

Killing by Family Members

Suntali Budhathoki, 46, of Tilpung VDC-2 was axed to death by her son Bhola Budathoki on September 8. Police inspector and spokesperson Rajendra Thapa said that the accused attacked his mother after she denied giving him money. The accused looted her jewelries and fled the scene after attacking her. He was arrested by the police on September 20 from Mahottari district. The accused was held in district prison Ramechhap at the end of the year.

In 2013, a total of 19 women lodged complaints at WCSC under District Police Office. Among them, one case of polygamy, three cases of inflicting mental and physical torture, six cases of beatings, one of verbal abuse, two cases of expulsion from house and two cases of threatening of life four case of deprived from food and clothing

were registered. All the incidents reached agreement according to the police.

CASTE-BASED DISCRIMINATION

Tanka Ram Mugarati, 29, of Saipu VDC-3, Sirsire was insulted with racist remarks by a teacher Hit Kumar Karki, 48, on charge of touching water during the marriage ceremony in Chhetri Community on March 12. The victim lodged a complaint at District Police Office on May 23. The case remained pending at District Court.

In another incident, Shanti Damai, 40, of Saipu VDC-3 lodged a complaint at District Police Office on June 9 accusing her family of caste-based discrimination. The victim had a love marriage with Chum Bahadur Sarki, 10 years ago in Kathmandu. She continued to be discriminated by her family members even after the death of her husband five years ago. The victim lodged a complaint of caste-based discrimination against her brother-in-law and his son; however, the case remained pending till the end of this year.

ELECTION VIOLENCE

Several clashes occurred as the political parties try to restrict each other for election publicity. In one incident, the area member of CPN-Maoist Ghyamso Lama, 55, of Gunsu VDC-9 was attacked by the cadres of UCPN-M led by its district committee member Bodh Bahadur Ghising, 35 on November 13. The victim sustained a fractured skull in the incident. He was attacked during the dispute between the cadres of CPN-M and UCPN-M. The victim underwent medical check-up at local health post. He sustained 17 stitches to his head. In the same incident, the village committee member of CPN-M Top Ba-

hadur Ghising and Palsang Ghising were also injured according to Ganesh Bahadur Khadgi, District sub-incharge of CPN-Maoist. Similarly, in the same incident, cadre of UCPN-M Purna Bahadur BK was injured when he was attacked with a khukuri, according to Dhawa Lama, District co-ordinator of UCPN-M. The clash ensued during the election campaign according to the party. The injured received treatment in Kathmandu and no action was taken against anyone.

NC cadre Prachanda Sunwar, 22, of Dura Gaun VDC-6 was injured in a beating by the cadres of UCPN-M led by the poll candidate Laxmi Gurung, 37, on November 18. The victim sustained a head injury in the attack. The victim received medical treatment at Tamakoshi Cooperative hospital. No action was taken against the accused at the end of the year.

The observer of National Election Observation Committee, Tanka Gautam, 32, of Lakhanpur VDC-1 was attacked by UCPN-M cadres, including Hira Shrestha on November 16 while he was on the way to Lakhanpur from Manthali for election observation. The cadres had asked the victim to help them in election which he had refused. The victim was threatened not to lodge a complaint at police; however, he lodged a verbal complaint at police station.

In similar incident, UCPN-M cadre Keshav Kandel, 38, of Tokpur VDC-1 was attacked and injured by the UML cadres at Tokpur VDC-3 on November 20. The victim sustained head and facial injuries in the attack. He received medical treatment on the same day at local hospital and was further referred to Kathmandu. The victim did not lodge a complaint regarding the incident.



2.6 Dolakha



Headquarters :	Charikot
Area in Sq. Km :	2,191
No. of Households :	45,688
No. of Population :	186,557
Male :	87,003
Female :	99,554
No. of PwD :	5,587
No. of VDC(s)/Municipality(ies) :	51/1
Male Literacy :	60,618
Female Literacy :	52,599
Religion Hindu (%) :	67.8
Buddhism (%) :	22.3
Islam (%) :	0.02
Kirat (%) :	0.02
Christianity (%) :	1.63
Prakriti (%) :	8.07
Undefined (%) :	0.146
Average Household Size :	4.08

In Dolakha, 24 victims of Human Rights violation were documented by INSEC in 2013 and all of them were perpetrated by non-state actors. In 2012, non-state actors were involved in Human Rights violation of 17 people and state actors were involved in violation of 10 people according to INSEC documentation.

CHILD RIGHTS

In 2013, the nine victims of child rights violation were recorded by INSEC in the district. Out of them, six girls were raped and three were victims of sexual

abuse. In 2012, one case of rape and one case of sexual abuse and two cases of trafficking against girls was documented. This shows an increase in the violation of child rights by four to nine compared to last year.

Sexual Violence

A 13-year-old girl lodged a complaint at District Police Office on July 21 accusing Sanjeev Syangbo, 26, of Ghyang-sukathor VDC-5 of raping her in the corn field on July 18. The accused in an inebriated state, raped the girl while she was on the way to her paternal home. The victim underwent health check-up at primary health center in Charikot on July 21. The accused was absconding at the end of the year according to the police.

WOMEN'S RIGHTS

Eight victims of women rights violation were recorded by INSEC in 2013. One woman was raped, six were victims of polygamy and one was a victim of domestic violence. There were similar number of victims recorded by INSEC in 2012. Of them, three were rape attempted, two were charged with practicing witchcraft, one was victim of polygamy, one was the victim of domestic violence and one was sexually abused.

Killing by Family Members

Sun Maya Sherpa, 45, of Gauri Shankar VDC-3 was murdered by her son Managelji Sherpa, 25, on May 19. She was murdered over a domestic dispute after the accused attacked her with a wooden log. A complaint was lodged against the accused on the same day at District Police Office. He was remanded in custody by a court order on September 10.

In 2013, a total of 129 cases of domestic violence were registered at WCSC. Out of which, 22 cases were regarding depriving of food and clothes, 11 cases of not

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	9		9
Injured		2	2
Killing	2	3	5
Women Rights	8		8
Total	19	5	24

attesting marriage registration and citizenship, 15 cases of polygamy and 14 cases of threatening. Out of those cases, 51 cases reached agreement whereas 16 cases were processed for legal treatment, according to the WCSC.

ELECTION VIOLENCE

The NC District Working Committee released a press statement on October 24 accusing cadres of UCPN-M of obstructing the road by felling trees during its election campaign in Jungu VDC-8. Vehicular movement was obstructed by the cadres of UCPN-M as the NC poll candidate Jeep Chiring Lama, including other NC cadres were on their way to Jungu VDC for an election program. The release issued by Secretary Santosh Rimal of NC District Working Committee accused UCPN-M of violating the code of conduct of CA election. However, the UCPN-M denied involvement in the incident.



2.7 Rautahat



Headquarters :	Gaur
Area in Sq. Km :	1,126
No. of Households :	106,668
No. of Population :	686,722
Male :	351,079
Female :	335,643
No. of PwD :	8,698
No. of VDC(s)/Municipality(ies) :	96/1
Male Literacy :	169,209
Female Literacy :	105,502
Religion Hindu (%) :	77.77
Buddhism (%) :	1.85
Islam (%) :	19.7
Kirat (%) :	0.1
Christianity (%) :	0.15
Prakriti (%) :	0.16
Jain (%) :	0.01
Undefined (%) :	0.258
Average Household Size :	6.44

In Rautahat, 111 victims of Human Rights violation were documented by INSEC in 2013. Of which, 110 were perpetrated by the non-state actors. The state was involved in one incident where police firing claimed a life. Non-state actors involved in incidents of child rights violation, women rights violation and incidents of caste-based discrimination and untouchability led to the rise in such incidents. In 2012, non-state actors were involved in Human Rights violation of 63 people while

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				2	2
Beatings			1	10	11
Child Rights			17	1	18
Injured			1	1	2
Killing	1	1	3	2	5
Racial Discrimination			13	12	25
Threats				1	1
Women Rights			46		46
Total	1	1	81	29	110

nine people were victimized by state side according to INSEC documentation.

KILLING

Harendra Shah Teli, 40, of Telhara Jatauliya, Bihar, died in a crossfire with the patrolling police team from the District Police Office on April 14. The patrolling police team claimed that the group coming from India clashed with them at Banjahara VDC-8 in which the victim died. The police were patrolling in the area following a series of incidents of looting. The armed group opened fire at police after which police retaliated, according to SP Govinda Ram Pariyar. The deceased was identified on April 14. The victim's wife Sona Devi Shah lodged a verbal complaint at National Human Rights Commission demanding proper investigation into the incident on May 7. The NHRC investigated the incident; however, its report was not made public at the end of the year. Postmortem of the body was performed at District Hospital on April 14.

CHILD RIGHTS

In 2013, 18 victims of child rights violation were recorded by INSEC in the district. Among them, four girls were raped and five children were the victims of sexual abuse. One girl was forcefully married while

eight girls were rescued while being trafficked. In 2012, five cases each of rape and 1 case of sexual violence against girl was documented. This shows an increase in the violation of child victims. One incident of child marriage was also recorded this year.

Killings

Police arrested Lalu Devi Yadav, 35, of Karkach Kamaiya VDC-9 and Rajiya Devi Yadav, 40, on February 26 on charge of murdering a 7-year-old Shivaji Rai Yadav of Tikuliya Tol of same VDC by slitting his throat on February 22. The accused confessed the murder and said that it was a revenge regarding the dispute of water with the victim's mother, according to police. The victim was murdered in the sugarcane field. One of the accused Lalo Devi Yadav was sentenced to life whereas other accused was sentenced to six months according to the District Court order on June 4.

Sexual Violence

A 17-year-old girl of Chandranigahapur VDC-7 lodged a complaint at Area Police Office on July 4 accusing Suman Pariyar, 24, of the same VDC of attempting to rape her on July 3. The victim said that she was attempted of rape by the accused while she was alone at home. The accused was absconding at the end of the year.

In another incident, a 14-year-old girl lodged a complaint at Area Police Office on August 25 accusing Santosh Dhami, 30, of Chandranigahapur VDC-3 of raping her near the jungle on August 18. The accused was arrested by the police on August 23. He was remanded in the custody by a court order on September 17. The victim underwent a health check-up at Chandranigahapur Hospital on August 25. The case remained pending at the end of this year.

Trafficking

Police rescued a 14-year-old girl from Malahi Bazar of Bariyapur VDC on April 4. The girl was being trafficked to India. The police arrested Bachhan Beg, 40, of UP, India on the same day on charge of attempting to traffick her. The accused was taking the victim to India on January 22 luring her with the promise of teaching her magic skills. The victim lodged a complaint at District Police Office on April 5. The accused was remanded in custody by a court order on April 29. The case remained pending at the end of the year.

WOMEN'S RIGHTS

46 victims of women's rights violation were documented by INSEC in 2013. Of them, 38 were victims of domestic violence, four were raped, one was charged with practicing witchcraft, one was rape attempted and two were trafficking victims. In 2012, INSEC documented 21 victims of women's rights violation. Of them, 10 were victims of domestic violence, three were charged with practicing witchcraft, five were victims of polygamy, two were raped and one was trafficking victim. The high increase in domestic violence is alarming.

Sexual Abuse

An 18-year-old woman lodged a complaint at Area Police Office on April 25 against Nejamuddhin Mohamed, 18, of Sakhuwa Dhamaura VDC-8 accusing him of attempting to rape her on April 25. The victim accused him of attempting to rape her while she was in a field to get barley. The victim underwent medical check-up at District Hospital of Gaur on April 26. The accused was arrested on the same day by police. He was released on a bail amount of Rs 15,000 by a court order on May 16.

In a similar incident, a 24-year-old woman with intellectual disability was

raped allegedly by Birendra Kumar das, 25, of Chandranigahapur VDC-5 on December 16. The complaint was lodged against him at Area Police Office on December 17 by the family of the victim. The victim underwent medical checkup at Chandranigahapur Hospital on the same day. The accused was arrested by the police on December 17 for investigation.

Dowry Death

Ram Bilas Mahara, father of Sanju Devi Mahara, 25, of Santapur VDC-3 lodged an FIR at Area Police Office of Chandranigahapur on May 2 accusing her husband Sikinder Mahara, 25, and her in-laws of beating and murdering his daughter on April 25 for not bringing dowry. All the accused were arrested by the police on the same day the complaint was lodged. The accused were remanded in custody by a court order on May 28. The case remained pending till the end of this year.

Domestic Violence

Ram Ekbal Baitha, 42, attempted to kill his wife Kunti Devi Baitha, 35, of Gaur Municipality-10 on May 31 by pouring kerosene over her body. The victim lodged a complaint at District Police Office on May 22. The victim complained that the accused inflicted mental and physical torture upon her in many other occasions and attempted to murder her on that day. The victim underwent medical treatment at Gaur Hospital. The case remained pending at the end of this year.

Family of Sunita Gautam, 20, of Rangapur VDC-5 lodged a complaint at Area Police Office of Chandranigahapur on July 23 accusing her husband Ramesh Gautam alias Kedar, 25, of poisoning her on July 18. The accused was arrested by the police on July 24. He was remanded in custody by a court order on August 27.

Abortion

A 30-year-old pregnant woman Chanda Devi Das of Sonarniya VDC-8 was severely beaten by Ram Chandra Das, 50, his wife Shiva Kumari Sarbhangini, Ramprit Rai Yadav, 40 of same VDC-1 and Garbhu Rai Yadav, 35, on March 19. The victim lost her child due to the beatings. The victim lodged a complaint at District Police Office on March 22 against the accused. The victim underwent medical check-up at Gaur Hospital and her medical report stated that the beatings led to her miscarriage. One of the accused Ram Chandra Das was arrested by the police on March 22 and was released on date with a bail amount of Rs 2,000 by the court order on April 13. The other accused are at large according to the police.

Harmful Practices against Women

Lalita Devi Kapad, 36, of Mithuwa VDC-4 lodged a complaint at Area Police Office on July 17 accusing Geeta Devi Kapad, 40, Rajesh Kapad, 17, Ashok Kapad, 25 and Mohan Kapad, 25, of the same VDC of beating her on charge of being a witch. Among those accused, Roshan, Ashok and Rajesh Kapad were arrested by the police on July 17 and released on date with a bail amount of Rs 15,000 by a court order on August 9. The cases remained pending at the end of this year.

CASTE-BASED DISCRIMINATION

25 victims of caste-based discrimination were documented by INSEC in 2013. There was no case of caste-based

discrimination recorded in the district last year. Despite the enactment of Caste-based Discrimination and Untouchability Act 2011, such incidents have continued. Strict implementation, among other measures of this law can only ensure that such malpractice is eliminated from public and private sphere.

Shrimati Devi Chamar, 50, and Anita Devi Chamar, 35, of Pipariya Dostiya VDC-8 lodged a complaint at Area Police Office of Garuda on May 14 accusing Bijaya Shah Baniya, 35, Gorakh Rai Yadav, 45, Dharmendra Thakur Hajam, 30, Sikinder Pandit, 26, Panilal Pandit, 26, Laxmi Rai Yadav, 28, Ram Bilas Shah, 30, and Ramchandra Rai Yadav, 45, of beating while entering into a public temple on May 13. They were hurled racist abuse by the accused and prohibited from entering into the temple. The accused were not arrested at the end of the year.

VANDALISM

Cadres of UCPN-M and YCL vandalized and set fire to the waiting room of District Forest Office on April 5. The cadres entered the office and staged protest demanding action against Nanda Ray Yadav, District Forest Officer. The agitating group also smashed the windows of the office. The protestors accused the Yadav of irregularities and demanded action against him. More than 100 cadres vandalized the property of the office after they were stopped from entering the office premises. The security personnel fired 11 rounds of bullet in air to control the mob. One of the security personnel was injured in an incident.



2.8 Bara



Headquarters :	Kalaiya
Area in Sq. Km :	1,190
No. of Households :	108,635
No. of Population :	687,708
Male :	3,51,244
Female :	336,464
No. of PwD :	11,649
No. of VDC(s)/Municipality(ies) :	89/1
Male Literacy :	204,718
Female Literacy :	130,178
Religion Hindu (%) :	81.73
Buddhism (%) :	4.53
Islam (%) :	13.04
Kirat (%) :	0.19
Christianity (%) :	0.24
Prakriti (%) :	0.08
Shikha (%) :	0.001
Undefined (%) :	0.191
Average Household Size :	6.33

In Bara, 35 victims of Human Rights violation were documented by INSEC in 2013. Of them, 23 victims were perpetrated by the non-state side. State actors were involved in Human Rights violation of 12 people, who were subjected to beating and baton charged during protests. In 2012, non-state actors were involved in Human Rights violation, of 39 people.

KILLING

UML central committee member and the CA poll candidate from constituency number 4 of Bara, Mahmud Alam, 50, of Lipanimal VDC-1 was shot dead by an unidentified group on October 4. Seriously injured Alam was immediately airlifted to TU Teaching Hospital in Kathmandu where he succumbed on October 10 while undergoing treatment. The Central Investigation Bureau of police arrested ex-parliamentarian Ram Chandra Pyasi, 50, of Banjariya VDC-8, Atik Khan, 35, of Aligadh, India, living in Birjung-4 and Raju Shrivastav, 36, of Raxaul-4, India on charge of their involvement in the murder. The accused were remanded in custody by a court order on December 1. Alam was also a central committee member of Muslim It-tehad organization.

ABDUCTION

Health worker (Agrovot) Bhagwan Badal, 35, of Nijgadh VDC-8 was abducted from the border of Bara-Rautahat District on September 16. The condition of the victim remained unknown at the end of the year. The victim's family lodged a complaint at District Police Office on September 18. Search for the abductee was underway, according to the police. A motorbike and a medical kit used by the victim were found in the jungle.

INJURED

Former parliamentarian Pramod Prasad Gupta, 36, of Kaliya municipality-5 was beaten by the police on the evening of May 4. The victim sustained several bruises on his body. He received medical treatment at Kaliya Hospital on the same day. He was injured when police baton charged him following a dispute with the police re-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction			1	1	2
Beatings	1	1	3		3
Child Rights			2		2
Injured				1	1
Killing			2	5	7
Right to Assembly	11	11			
Threats				1	1
Women Rights			7		7
Total	12	12	15	8	23

garding vehicle checking. SP Thakur Prasad Gyawali said that the victim was injured in a baton charge when he abused the police on duty.

CHILD RIGHTS

In 2013, two victims of child rights violation were recorded by INSEC in the district in which two girls were raped. In 2012, five cases of rape and one case of sexual abuse against girls were documented.

Sexual Violence

Mohamed Isak Husain, 59, of Dumarwana VDC-8 was arrested by the police on February 20 on charge of raping a 7-year-old girl. The locals apprehended the accused from the spot and handed him over to the police on February 19. The victim underwent medical check-up at Narayani Sub-Zonal Hospital. The accused was remanded in custody by a court order on March 18.

WOMEN'S RIGHTS

Seven cases of women's rights violation were recorded by INSEC in 2013 in the district. Of them, five were raped, one was a victim of polygamy and one was of

domestic violence. Same number of cases were documented by INSEC last year. Four cases of polygamy, one case of domestic violence, one of rape and one was charged with witchcraft allegation.

Sexual Violence

Dorpali Yadav, 19, of Bahuari VDC-9 and Sunil Patel, 20, was arrested by the police on June 20 on charge of gang-raping a 30-year-old woman on June 19. Yadav was remanded in custody by a court order on July 14 whereas other accused was at large at the end of the year. The victim underwent a medical check-up at Kalaiya Hospital on the same day. The case remained pending at the end of this year.

Killing by Family Members

Mofidun Nesha, 22, of Prastoka VDC-2 was murdered by her husband and mother-in-law after she exerted pressure on them to make citizenship certificate on September 4, according to the police. The victim's father Saifulla Ansari lodged a complaint at District Police Office on September 7. Police arrested the victim's mother-in-law Nurbani Khatun, 45, on October 6. She was remanded in custody by a court order on October 3. Post-mortem of the body was conducted at Kaliya Hospital on September 5.

In 2013, a total of 255 cases of domestic violence were registered at WCSC of the district. Among them, 34 cases were of beatings and expulsion from the house, 98 cases of depriving of food and clothes, four cases of divorce, 37 cases of not attesting citizenship and marriage certificate, two cases of polygamy and 41 cases of threatening of life were registered at the WCSC. Of them, 193 cases reached agreement and two cases were forwarded for legal action.



2.9 Parsa



Headquarters :	Birgunj
Area in Sq. Km :	1,353
No. of Households :	95,536
No. of Population :	601,017
Male :	312,358
Female :	288,659
No. of PwD :	6,215
No. of VDC(s)/Municipality(ies) :	82/1
Male Literacy :	194,000
Female Literacy :	119,450
Religion Hindu :	83.1
Buddhism (%) :	1.68
Islam (%) :	14.48
Kirat (%) :	0.43
Christianity (%) :	0.13
Prakriti (%) :	0.02
Shikha (%) :	0.022
Undefined (%) :	0.147
Average Household Size :	6.29

In Parsa, 87 victims of Human Rights violation were documented by INSEC in 2013. Of them, 79 were victimized by the non-state sides. State actors were involved in Human Rights violation of eight people. In 2012, non-state actors were involved in Human Rights violation of 24 people while state actors were responsible for six victims. The involvement of non-state actors in such violations climbed from 24 to 79 compared to 2013.

INJURED

Bholu Hawari, 18, assistant driver of Shipur-14 was injured in a petrol bomb attack by the cadres of CPN-Maoist on April 8. The truck with a registration number Na 3 Kha 2513 was attacked with a petrol bomb in a by-pass road of Birgunj. The injured sustained head and face injuries. The victim received medical treatment at Narayani Sub-Zonal Hospital. The truck was attacked on charge of defying bandh called on by CPN-M demanding dissolution of the government. Engine of the truck was damaged in the incident.

CHILD RIGHTS

In 2013, 22 child victims were recorded by INSEC in the district. Out of them, 11 girls were raped and two were victims of sexual abuse. Nine cases of child trafficking were recorded this year in the district. In 2012, four cases each of rape and one case of sexual abuse against girl were documented.

Trafficking

A 13-year old boy Raj Kumar Das of Rautahat District, Bhamhapuri, Alauddin Alam, 12 of Shivanagar, Mohamed Tabrej, 13, Bharat Shah, 12, Tapendra Ram, 13 of Sagaiya, Binod Kumar Das, 13, including two other boys were rescued by an organization Development Nepal from Raxaul Railway station on March 3 while they were being trafficked to Mumbai, India. The victims were handed over to their parents on March 4 according to the police. No complaint was lodged about the incident.

Sexual Violence

A 14-year-old girl lodged a complaint at Area Police Office of Thori on May 28 accusing Abinash Shah, 20, Mannu Chaudhari, 20, and Sohan Khawas, 20, of raping her on May 21 at a canal of Thori VDC. The victim said that she was called

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					1	1
Child Rights				14	8	22
Injured					1	1
Killing				1	1	2
Right to Assembly	1	7	8			
Women Rights				53		53
Total	1	7	8	68	11	79

outside of her house and raped. The accused fled the scene after the victim's brother-in-law saw them. The family tried to conceal the incident due to fear of social stigma. The accused were at large at the end of the year according to the police.

Saddam Husain alias Sabaiya, 20, of Birjung sub-metropolis was arrested by the police on July 22 on charge of raping a 13-year-old girl while she was sleeping. Police arrested the victim on July 22. He was remanded in custody by a court order on August 18.

WOMEN'S RIGHTS

53 victims of women's rights violation were documented by INSEC in the district on 2013. Of them, 41 complained of domestic violence, two were raped, two were rape attempted, one was being smuggled, two were victims of polygamy and four of trafficking. Seven victims of women rights violation were recorded in the district last year. The increase in incidents of domestic violence is similar to that of other Tarai districts.

Trafficking

Police registered a case against Prakash BK of Ratna Nagar of Chitwan at District Police Office on June 17 on charge of attempting to traffick two women aged 32 and 28 from Sindhuli and Chitwan District to India. The other accused was at large according to the police. Biswokarma

was remanded in custody by a District Court order on July 12. The case remained pending at court at the end of the year.

Police arrested Binde-shor Kumar Kusawaha, 24 and Jogendra Yadav, 40, of India on January 21 on charge of attempting to traffick a 20-year-old woman of

Birjung sub-metropolis-19 to India. Police registered a case against them at District Court on January 21. They were sentenced to 10 years with Rs 50,000 penalty each by a court order on August 21.

Sexual Violence

Laxmi Mahara Chamar, 50, of Titrauna VDC-5 was arrested by the police on December 28 on charge of raping a 34-year-old woman with physical disability. The victim's party lodged a complaint on the same day at police against the accused. The investigation regarding this case was ongoing at the end of the year.

A complaint against Ganesh Prasad Yadav, 40, of Bageshori Titrauna-2 was lodged at District Police Office on August 6 on charge of attempting to rape a 34-year-old woman. The accused was remanded in custody by a court order on December 15. The victim underwent a medical check-up at Narayani Sub-zonal hospital on August 12.

Harmful Practices against Women

Parbati Devi Chaudhary, 45, of Supauli VDC-9 was beaten to death by the locals on charge of being a witch on August 16. Police arrested six persons, including Paspati Devi, 50, of same place on charge of their involvement in the incident. The locals thrashed her on charge of bewitching Pratima Kumari, 20, daughter of neighbor Jagadish Raut. Police said that preliminary

investigation showed involvement of Bismaram Raut, Nabin Raut and Dhana Raj Raut in the beating. The alleged murderer Paspati Devi Tharu, 45, and Dhurup Mahato and other two were remanded in custody by court order on September 10. The other arrestees were released after investigation. The case remained pending at the end of the year.

In another incident, Saraswoti Devi, 46, of Bistrampur VDC-1 was alleged of being witch and fed with human excreta by the locals on August 6. Police arrested Dev Mati Devi, 43, Lalachani Devi, 42, and Manjaya Prasad, 18, of the same VDC on charge of their involvement in the incident. All the accused were released on a bail amount of Rs 18,000 each by the court order on August 8.

In 2013, there were 104 complaints of domestic violence registered at WCSC. Among them, 19 cases were of beatings and expulsion from house, 61 cases of depriving of food, three cases of polygamy and rest of other forms of domestic violence. Of those cases, 61 reached agreement and 34 cases remained pending, according to the WCSC.



2.10 Chitwan



Headquarters	: Bharatpur
Area in Sq. Km	: 2,218
No. of Households	: 132,462
No. of Population	: 579,984
Male	: 279,087
Female	: 300,897
No. of PwD	: 12,937
No. of VDC(s)/Municipality(ies)	: 38/2
Male Literacy	: 220,228
Female Literacy	: 203,877
Religion Hindu (%)	: 81.4
Buddhism (%)	: 13.02
Islam (%)	: 1.16
Kirat (%)	: 0.04
Christianity (%)	: 3.39
Prakriti (%)	: 0.65
Bon (%)	: 0.01
Shikha (%)	: 0.001
Undefined (%)	: 0.326
Average Household Size	: 4.38

In Chitwan, 135 people were the victim of Human Rights Violation as documented by INSEC in 2013. Non-state actors were involved in all 135 incidents. The incidents of Human Rights violation has almost doubled this year compared to 2012 when 71 such victims were documented. Non-state side was responsible for violating rights of 67 people in 2012.

INJURED

Ashmin Gurung, 30, of Gorkha Tandrang was seriously injured in a petrol



Types of Events	By Non-State		
	Female	Male	Total
Abduction		1	1
Beatings	9	4	13
Child Rights	17		17
Injured	1	5	6
Killing	3	2	5
Women Rights	93		93
Total	123	12	135

bomb attack on a mini truck at Narayan Gadh of Bharatpur Municipality-4 by an unidentified group of people on November 17. The ward police office of Narayan Gadh said that the truck with a registration number Ba 1 Kha 9554 en route to Narayangadh from Barhaghare was attacked with petrol bomb by an unidentified group of two people in motorbike. The truck was completely destroyed in the incident. The injured Gurung was taken to Kathmandu for the further treatment according to the family members. The people involved in the incident were unidentified at the end of the year.

CHILD RIGHTS

In 2013, 17 children were victims of violation of their rights according to IN-SEC record in the district. Of them, ten girls were raped and three were victims of sexual abuse. Two girls were rescued while being trafficked. In 2012, 16 cases rape, nine of sexual abuse and one killing of new born was documented.

Sexual Violence

Family of a 12-year-old girl lodged a complaint at District Police Office on May 8 accusing Suk Bahadur BK, 32, of Kalyanpur VDC-2 of raping her while she was on the way to celebrate her brother's birthday on April 17. The accused was arrested on the same day by the police. The victim underwent medical checkup at Bharatpur Medical College on the same day. By the

District court order on May 19, the accused was remanded in custody. According to the decision of District court on December 18, the accused was sentenced to 4 years in prison and fined Rs 20,000 to be provided to the victim.

Family of a 12-year-old girl lodged a complaint at Area Police Office of Khairhahi on May 15, accusing Indra Mani Kharel, 27, of Bhandara VDC-9 and Kumar Thapa Magar, 29, of Basamadi VDC-5 of raping her on May 14. The girl was lured with promise to drop her home by the accused. Both the accused were arrested on the same day by the police. The accused were remanded in custody by a court order on June 9.

WOMEN'S RIGHTS

This year 93 women victims were documented whereas last year it was 13. Out of 93 victims, 76 faced some forms of domestic violence, eight were victimized when their husbands married second wife, one was accused of being a witch, three were raped, one was rape attempted and two were sexually abused. Two women were victims of trafficking. In 2012, 13 women victims were documented, of whom four faced domestic violence, two were victims of polygamy, three were raped, one was rape attempted, one was victim of trafficking and two were charged with practicing witchcraft.

Trafficking

Family of a 44-year-old woman lodged a complaint at District Police Office on February 25 against Basusab alias Bechan Singh, 50, of UP, India accusing him of trafficking her. The victim's father Sash Bahadur Pariyar complained that Basusab and the woman were married on 2011 and both went to India after which she never returned. The accused was arrested by the police on March 14. He was released following the court order on June 9.

In other case, the victims lodged a complaint against Bhim Bahadur Thing, 36, of Sarikhet VDC-4 of Jhirkini at District Police Office on September 5 accusing him of attempting to traffick 18, 17 and 16-year-old girls from Sindhupalchok. The complaint was lodged against two other accused – Santa Kumar Dhobi, 45, of Pajarkatti VDC-5 and Rudra Bahadur Bamjung, 42, of Bhaktipur VDC-3 in Sarlahi District on September 5. The victims were promised jobs by the accused and were being taken to India. All the girls were rescued by the police from Narayangadh on September 4. Bhim Bahadur was arrested by the police from the spot and the case against human trafficking was lodged against him. Among those accused, Bhim Bahadur was remanded in custody by a court order on September 30 and other two accused were at large at the end of the year.

Killing by Family Members

Juna Praja, 27, of Ayodhyapuri VDC-9 was murdered by her husband Prem Praja, 28, by beating her at the house of the deceased's sister at Piple VDC-5 on February 26. The incident occurred over a minor family dispute between the two. The victim was seriously injured in beating and she succumbed while undergoing medical treatment at Bharatpur Hospital. The victim's family lodged a complaint against the accused demanding action at District Police Office on February 28. The accused was remanded in custody by a court order on March 22. The case remained pending till the end of this year.

Phul Maya Biswokarma, 34, of Bharatpur Municipality-13 died in a beating by her husband Mohan Bahadur Biswokarma, 36, over a minor family dispute on March 3. She died on spot when her husband charged her with baton in her head. The victim's family lodged an FIR on the same day at District Police Office. The police arrested the accused on the same day

from Gaidakot. He was remanded in custody by the court order on March 27. The accused was sentenced for 10 years by court.

Sexual Violence

An 18-year-old girl lodged a complaint at District Police Office on January 20 against Santosh Shrestha, 30, of Barhaghare of Bharatpur Municipality-4 on charge of raping her at her rented room. The victim underwent medical check-up on the same day the complaint was lodged. Police arrested the accused on January 20. He was later released on a bail amount of Rs 50,000 by a court order on February 5.

Similarly, a complaint was lodged against Pankaj Kumar Ranjan Mishra, 31, of Suga VDC-1 of Mahottari at District Police Office on January 27 on charge of raping a 20-year-old woman. The case file was sent to the district court through the office of the District Attorney. The accused was at large at the end of this year.

A total of 279 women victims lodged complaints at WCSC under District Police Office in 2013. Among them, 60 complained of expulsion from the house, 98 of deprivation of food and cloths, 80 of not attesting marriage and citizenship certificate, 28 of neglect after getting second wife, one of allegation of witchcraft, 12 of threatening of life. Among those incident, 250 cases ended in compromise and 29 cases were under legal process.

ELECTION VIOLENCE

UML District committee member Prakash Dhungana, 35, of Geeta Nagar VDC-1 and UML regional committee member Bishesor Neupane, 44, of Mangalpur VDC-1 were injured in an attack by the cadres of CPN-M on November 3. The victims were on the way for election campaign in constituency 4 of Maangalpur. The victim sustained a stab injury and was treated at College of Medical Sciences of Bharatpur. The UML cadres were attacked

by Santosh Biswokarma and Ram Thakuri according to the direction of local CPN-Maoist cadre Madhusudan Neupane. The victims lodged a complaint at District Police Office on November 4; however, no action was taken against the perpetrators.

Officer at the District Election Office Kashi Ram Wagle, 35, of Bharatpur Municipality-10 and security personnel was attacked and voters' registration book was looted by the cadres of CPN-Maoist on March 29 while collecting the voters list in Kabilas VDC-1. The cadres involved in the incident were Saroj Tamang, 17, of Bharatpur Municipality-1, Roshan Gurung, 16, Santosh Shrestha, 23, of Barhakhani VDC-5, Tulsiram Shrestha, 25, and Dhalak Magar, 35 of the same VDC. A complaint was lodged against them at District Police Office on March 30. The accused were released on April 1 on a bail amount of Rs 100 each. The other accused were at large at the end of the year.

Violent activities took place in the district as the date to CA election came closer. An unidentified group of people vandalized the parked vehicle with a registration number Ba9Cha 7636 belonging to the poll candidate Amik Sherchan of UCPN-Maoist at Dibya Nagar VDC-7 on November 6. The vehicle was slightly damaged in the incident. An unidentified group of two people coming in a motorbike set fire to the car, according to the District Police Office.

Series of explosions occurred in the district during the election. The UML District Office at Bharatpur municipality-7 was attacked with a petrol bomb on November 17 by an unidentified group who came in a motorbike. On the same day there were explosions in other two offices of the UML at Bharatpur Municipality, 8, 11 and 12. The furniture of the building was destroyed in an incident. UML accused UCPN-M; however, they denied their involvement.

2.11 Makawanpur



Headquarters : Hetauda

Area in Sq. Km : 2,426

No. of Households : 86,127

No. of Population : 420,477

Male : 206,684

Female : 213,793

No. of PwD : 8,467

No. of VDC(s)/Municipality(ies) : 43/1

Male Literacy : 146,222

Female Literacy : 123,202

Religion Hindu (%) : 48.26

Buddhism (%) : 45.57

Islam (%) : 0.42

Kirat (%) : 0.05

Christianity (%) : 4.84

Prakriti (%) : 0.66

Bon (%) : 0.01

Undefined (%) : 0.192

Average Household Size : 4.88

In Makwanpur, non-state actors were responsible for all 39 victims of Human Rights violation this year. In 2012, non-state actors were involved in Human Rights violation of 33 victims while state actors were involved in violation of rights of 10 people as per INSEC documentation.

KILLING

Rakesh Yadav, 17, of Kaliya Municipality-7 was killed in a petrol bomb attack on November 14. An unidentified group had hurled petrol bomb on a

moving passenger bus at the highway of Makwanpur Basamadi VDC-2. The boy died while undergoing medical treatment at TU Teaching Hospital in Kathmandu. At least 12 people were injured in the incident. The injured were rushed to Kathmandu for treatment.

INJURED

Bishnu Dahal, 50, a district committee member of NC, Pitamber Bastola, 50, NC cadre Bhakta Thing, 35, of Chhatiwan VDC and Shankar Jumba, 33, were injured when an unidentified group attack their vehicle with petrol bomb at Gothkhola of Chatiwan VDC-5 on November 13. The injured were rushed to Hetauda Hospital on the same day for the treatment. They came under attack as they were returning after the election campaign. The vehicle was damaged in the incident.

CHILD RIGHTS

In 2013, 13 child victims were recorded by INSEC in the district. Out of that, five girls were raped and other five were survivors of sexual abuse. One girl was forcefully married and two new born were killed. In 2012, 17 child victims were documented, of which, 12 were raped, three were trafficked, one was forcefully married and one new born was killed.

Child Marriage

The parents of Sunita Moktan, 12, of Rai Gaun VDC-9 forcefully married her to Bala Bahadur Yonjan, 28, of Sindhuli on February 3. The girl was rescued by CWIN Nepal and other NGO's. The accused were not charged.

Sexual Violence

Kazi Sherpa, 33, a taxi driver of Dolakha, living in Kathmandu was arrested by the police on May 3 on charge of sexually abusing 13 and 14- year-old girls on May 2.

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	13		13
Injured	1	6	7
Killing	2	3	5
Racial Discrimination	1		1
Women Rights	13		13
Total	30	9	39

The accused was remanded in custody by a court order on May 31. The victim had lodged a complaint at District Police Office on May 3.

Police arrested Shyam lal Shrestha, 25, of Matshe Gaun VDC-4 on June 22 on charge of raping a 15-year-old girl with intellectual disability on June 20. The complaint was lodged at Area Police Office on June 21. The accused was remanded in custody by a court order on July 27. The victim underwent a medical checkup at Primary Health Center at Palung on June 21.

WOMEN'S RIGHTS

13 women victims were documented this year in the district whereas it was nine in 2012. Among 13, two were victims of domestic violence, three were of polygamy, six were raped and two were victims of rape attempt. In 2012, one women complained of domestic violence, one was accused of being witch, one was victimized when her husband married second wife, five were raped and one was rape attempted.

Sexual Violence

The victim's party lodged a complaint at District Police Office on April 2 accusing Rajesh Pariyar, 22, of Hetauda Municipality-7 of raping a 28-year-old woman with intellectual disability on April 1. Police arrested the accused on April 3. He was sentenced to 10 years in prison and a fine of Rs 100,000 to be provided to the victim's party by a court order on April 23.

The victim underwent medical treatment at Hetauda Hospital on April 2.

In another incident, Sishir Shahi, 40, of Chatiwan VDC-4 was arrested by the police on April 14 on charge of attempting to rape a 28-year-old woman on April 13. The victim lodged a complaint at Chhatiwan Police Post on April 13. The accused was released on bail amount of Rs 25,000 by a court order on May 5.

Acid Attack

A 20-year-old Raj Keshari Shah of India, living in Hetauda Municipality-10 attacked an 18-year-old girl Bindabasini Kansakar of same municipality-3 with acid on her face on May 13. The victim sustained a serious facial injury in the attack. The accused was at large at the end of the year. The victim's party lodged a complaint on the same day at District Police Office.

Killing by Family Members

Tulsi Maya Moktan, 46, of Bharta VDC-4 was murdered by her step son Rajendra Moktan, 18, on April 18, by attacking her with wood stick on to her head. The victim's family lodged a complaint at Area Police Office on the same day. Police arrested the accused on April 19. He was remanded in custody by a court order on May 23. Post-mortem of the body was held at Hetauda Hospital on April 20. The

accused murdered her step mother over a dispute on financial matters.

Domestic Violence

Champa Maya Sunar, 49, of Bhim Fedi VDC-6 was expelled by her husband Ram Chandra Sunar, 55, on August 9 on charge of denying having sex with him. The victim lodged a complaint at District Court on August 10 for justice. The accused did not present himself before court.

Police arrested in-laws of Suvadra Karki, 25, of Palung VDC-7 Sita Ram Thapa, 53, Tulsia Thapa, 54, and her husband Mani Thapa, 21, of Palung VDC-7 on October 11 on charge of beating and murdering her. All the accused were remanded in custody by a court order on November 1. The postmortem of the body was done at Primary health clinic of Palung on November 8.

In 2013, a total of 101 incidents regarding domestic violence were registered at WCSC. Out of them, 55 cases of expulsion from house, 20 cases of deprivation from food and clothing, two cases of not attesting marriage certificate and citizenship, 35 cases of polygamy, five cases of threatening and two cases of allegation of witchcraft were registered according to the center. Out of them, 58 cases reached agreement and one of the case was sent to the court for the legal proceedings.



2.12 Lalitpur



Headquarters :	Lalitpur
Area in Sq. Km :	385
No. of Households :	109,797
No. of Population :	468,132
	Male : 238,082
	Female : 230,050
No. of PwD :	4,934
No. of VDC(s)/Municipality(ies) :	41/1
	Male Literacy : 203,801
	Female Literacy : 165,810
Religion Hindu (%) :	73.53
Buddhism (%) :	19.27
Islam (%) :	0.66
Kirat (%) :	1.24
Christianity (%) :	5.02
Prakriti (%) :	0.05
Bon (%) :	0.02
Jain (%) :	0.01
Shikha (%) :	0.016
Bahai (%) :	0.175
Undefined (%) :	0.191
Average Household Size :	4.26

In Lalitpur, 40 victims of Human Rights violation were documented by INSEC in 2013. Of them, 30 people were victimised from non-state actors. The state was involved in Human Rights violation of 10 people which included arrest and torture of seven persons. In 2012, non-state actors were involved in Human Rights violation of 43 people while state was responsible for violation of eight people.

BEATING

Editor of Daily Nepal News online Narad Bastola, 32, of Udayapur Triveni-9 and living in Minbhawan of Kathmandu was beaten by the cadres of CPN-Maoist while collecting the news during the bandh called on by the group and other parties on March 14. He was attacked while taking picture of the vandalized motor belonging to Health Service Department and Local Infrastructure and Agricultural Road Planning Committee. The bandh enforcers snatched his ID card which he got back from the police. He accused police administration of not taking any action against the accused.

In another incident, the administration chief of Rajdhani daily, Dev Shrestha, 40, of Dhading District and living in Kalimati of Kathmandu was beaten by a group affiliated to labor wing of CPN-M on May 15. Injured Shrestha was treated at local medical shop. The victim lodged a complaint on the same day at police office. Based on his complaint, the Metropolitan Police Range arrested cadre of CPN-M Angat Rai, 34, and Janmadev Jaisi, 34, of Kalikot and living in Kathmandu. Police later released both of them saying that it was a political issue.

TORTURE

Ain Singh Mahar, 30, of Bajhang and central committee member of AN-NISU, Jhapindra Khatri, 27, Sagar Bhatta, 23, Janak Singh, Chhering Sherpa, Prabesh Khatri, Rajubansi and other students were arrested and beaten inside the premises of Metropolitan Police Range, Jawalakhel following a clash in Patan Multiple Campus on June 26. The journalists were not allowed to collect the news about the incident. They were later allowed to enter following initiation by INSEC. A high level committee was formed to investigate the incident; however, the report was not made public until the end of this year.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	7	7			
Beatings				5	5
Child Rights			12	1	13
Injured				1	1
Killing				1	1
Right to Assembly	3	3			
Women Rights			10		10
Total	10	10	22	8	30

CHILD RIGHTS

In 2013, 13 child victims were recorded by INSEC in the district. Out of them, eight girls were raped and four of them were victims of sexual abuse and one boy was killed after birth. In 2012, six cases of rape were documented.

Injured

Abhishek Lama, 4, was injured when an unidentified group of people attacked a microbus (Ba 1 Ja 6288) with petrol bomb on November 12. The injured boy received medical treatment at Alka Hospital, Jawal-akhel.

Sexual Violence

Family of an 11-year-old girl lodged a complaint at District Police Office accusing Rajesh Shrestha, 36, of Sindhuli District Pipalmadi-6, living at Bafal of Lalitpur sub-metropolis-17, of raping her on January 23. The accused was arrested on the same day. He was released on a bail amount of Rs 50,000 by a court order on February 13. The victim received a medical check-up at local clinic.

In another incident, a 15-year-old girl was raped allegedly by Saugat lohani, 20, of Lalitpur sub-metropolis-2, Sanepa on February 21 in his rented room. The victim's family lodged a complaint at District Police Office on the same day. The victim underwent medical check-up at local health post. Police arrested the accused on February 25. He was released on a bail amount of Rs 10,000 by a court order on March 12.

WOMEN'S RIGHTS

In 2013, 10 women were victims of violation of their rights whereas this number was half in 2012. Of the 10 victims, two were raped, five complained of polygamy, one was victim of trafficking and two faced some forms of domestic violence. Two women complained that they were victimized after their husband married second wife in 2012 while three women were raped.

Trafficking

Police arrested Manish Thapa Magar, alias Sabin Kumar KC, 32, of Saibu, Bhaisepati from Gaudadura-7, Jhapa on June 13 on charge of human trafficking. He was accused of trafficking an 18-year-old girl of Chapagaun-6 to India. He was taking the girl to India under the pretext of marrying her. Police also rescued the girl from Jhapa. The accused was remanded in custody by a court order on July 10.

Sexual Violence

A 38-year-old woman lodged a complaint at police office on January 13 against Ram Hari Mahat, 34, of Ganeshsthan-5 of Kavre, living in Lalitpur Metropolis-7 accusing him of raping her. The accused was arrested on the same day by the police and was remanded in custody by a court order on January 29. The victim underwent health check-up at local health center.

A 20-year-old woman lodged a complaint at police office on August 20, accusing Dharma Gole Lama, 26, of LeLe VDC-8 and living in Imadol VDC-6 of raping her. Police arrested the accused on the same day after the complaint was lodged. The victim had a medical checkup at local medical center.

In 2013, a total of 264 women victims lodged complaints at WCSC under District Police Office. Of them, two cases underwent legal proceedings while 262 reached settlement.

2.13 Kavre



Headquarters :	Dhulikhel
Area in Sq. Km :	1,396
No. of Households :	80,720
No. of Population :	381,937
Male :	182,936
Female :	199,001
No. of PwD :	6,670
No. of VDC(s)/Municipality(ies) :	87/3
Male Literacy :	138,584
Female Literacy :	118,130
Religion Hindu (%) :	62.57
Buddhism (%) :	34.62
Islam (%) :	0.08
Kirat (%) :	0.02
Christianity (%) :	1.78
Prakriti (%) :	0.6
Shikha (%) :	0.001
Undefined (%) :	0.322
Average Household Size :	4.73

1 13 people were victims of Human Rights violation in Kavre as documented by INSEC in 2013. Of them, non-state actors were involved in violating rights of 110 persons. The state actors were involved in Human Rights violation of three people. In 2012, 47 persons were victimized by non-state actors whereas state was involved in violating rights of two people.

INJURED

Muluk Singh Tamang, 45, of Mecche VDC-8 was seriously injured in an

explosion on February 28. He was injured while he was trying to break open an explosive device. Wife of Nir Bahadur Rayamajhi of Bhim Khori VDC-5 had found the object three years ago and kept it in her house. The victim received medical treatment at Dhulikhel Hospital. He lost a finger of his right hand and sustained shrapnel injuries in his legs and hands.

BEATINGS

Krishna Neupane, 25, of Balthali VDC-9 and a journalist of Grace FM, including six other media persons were injured in an attack by the YCL cadres on January 30. The journalists were on the way to collect the news of district assembly of UCPN-M. The injured received medical treatment at Dhulikhel Hospital. Most of the victim sustained head injuries. The cadres vandalized the mobile, dairy and other materials of the victim.

CHILD RIGHTS

In 2013, 18 child victims were recorded by INSEC in the district. Out of them, 11 girls were raped and four were victims of sexual abuse. There was one incident of corporal punishment and two case of killing of newborn. In 2012, five cases of rape and three cases of sexual abuse and one case of trafficking against girls were documented.

Sexual Violence

Police arrested Sankhaman Moktan, 53, of Sibalichilaune VDC-3, Pancha Bahadur Syangtyang, 25, of Methinkot VDC-9, Kumar BK, 22, of Shikhar Ambote VDC-8, Ram Bahadur Syangtyang, 18, Akash Tamang, 20, and Krishna BK, 21, of Shikhar Ambote VDC-8 on April 26 on charge of gang raping a 15-year-old girl on March 27. The office of the District Attorney lodged a complaint against them at District Court of Kavre on April 28. The victim underwent a

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings					16	16
Child Rights				18		18
Death in Jail		2	2			
Injured					10	10
Killing				7	5	12
Right to Assembly					3	3
Threats	1		1		2	2
Women Rights				49		49
Total	1	2	3	74	36	110

medical check-up at Teaching Hospital in Kathmandu on March 28.

In another incident, a 12-year-old girl of Kavre VDC-1 was raped allegedly by Santa Bahadur Tamang, 21, of the same VDC on December 31. The victim's father lodged a complaint at District Police Office on the same day. The accused was remanded in custody by the court order on January 30.

WOMEN'S RIGHTS

Victims of women's rights were nearly five times in 2013 in comparison to 2012. This year, documented women victims were 49 whereas last year it was only 10. Out of 49, 27 faced some forms of domestic violence, two were accused of being witch, nine complained of polygamy, six were raped, two were rape attempted and two were victims of trafficking and one was victimised for forceful abortion. In 2012, two women faced domestic violence, one was assaulted on witchcraft allegation, one was raped, one was rape attempted, one faced sexual abuse and four were the victims of polygamy.

Sexual Violence

Family of a 36-year-old differently abled woman lodged a complaint at District Police Office on January 10 accusing Man Bahadur Pulami, 41, of Mangaltar VDC-8 of raping her on January 9. The victim un-

derwent medical checkup at Teaching Hospital in Kathmandu on the same day. The accused was arrested by the police on January 9 and was remanded in custody by the court order on January 24.

A 25-year-old woman of Sanga VDC-4 lodged a complaint at WCSC on July 15 accusing her husband of marital rape. The accused is working as a constable in Bagmati Zonal Office. The victim was kept at a Safe House from July 12. The victim lodged a complaint seeking divorce.

Trafficking

Krishna Bahadur Darji, 38, of Madanpur VDC-1 in Nuwakot and his wife Puna Thakuri Darji, 33, were arrested by the police on May 2 on charge of human smuggling and being involved in the illegal kidney transplant. By the court order on May 26, the accused were remanded in custody.

Harmful Practices against Women

Taisha Tamang, 75, of Mahadevtar VDC-9 was injured when Gopi lal Tamang, 75 and his son Maila Tamang, 50, beat her on charge of being witch on August 9. Based on the complaint filed by a victim's party, the accused were arrested by the police on August 12. The victim received medical treatment at Primary Health Center. She was referred to Dhulikhel Hospital. The incident ended in a compromise.

In 2013, the total of 211 women lodged a complaint of domestic violence at the WCSC. Of them, 103 cases were of torture and beatings, 19 cases were regarding expulsion from the house. Two cases of inflicting mental torture, one case of allegation of witchcraft and five cases of mistreat-

ment were registered at WCSC. There were 26 cases related to sexual abuses, 4 cases of not attesting marriage certificate and citizenship certificate. Among those incidents, 113 incidents reached settlement and 26 were processed for the legal action. 69 cases were not followed up by the victims and in one case, the victim was handed over to the family according to the center.

ELECTION VIOLENCE

Journalist Keshav Raj Paudel, 24, of Rajdhani Daily and Dev Raj KC of Araniko Television were injured when the bandh enforcers affiliated to CPN-M hurled stones at them during the strike called on by CPN-M and 33 parties on September 15. Press Chautari Kavre and FNJ district chapter issued a press statement and condemned the attack on the journalist. The press statement also demanded compensation to the journalist.

Cadres of NC Sagar Lama and Lowang Pakhring, carrying homemade weapons, attacked Ranga Bahadur Darlami and Rajendra Dhalan and other cadres of CPN-M during the election campaign on October 15. The injured received treatment at Health Post on the same day.

Series of petrol bomb attacks occurred in the district. The bus en route to Kathmandu from Okhaldhunga was attacked with a petrol bomb on November 11. The bus incurred minor damage in the incident. On November 11, bomb disposal unit of Nepal army defused explosive devices planted between the border of Dhulikhel Municipality-9 and Panauti-9.



2.14 Bhaktapur



Headquarters : Bhaktapur

Area in Sq. Km : 119

No. of Households : 68,636

No. of Population : 304,651

Male : 154,884

Female : 149,767

No. of PwD : 3,204

No. of VDC(s)/Municipality(ies) : 16/3

Male Literacy : 132,616

Female Literacy : 104,937

Religion Hindu (%) : 87.85

Buddhism (%) : 9.18

Islam (%) : 0.49

Kirat (%) : 0.38

Christianity (%) : 1.97

Prakriti (%) : 0.02

Shikha (%) : 0.002

Undefined (%) : 0.097

Average Household Size : 4.44

20 victims of Human Rights violation were documented by INSEC in Bhaktapur in 2013. Of them, 16 were victimized by non-state actors while victims at the hand of state were four people. In 2012, non-state actors were involved in Human Rights violation of all 10 victims.

CHILD RIGHTS

In 2013, five victims of child rights violation were recorded by INSEC in the



Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				1	1
Beatings			1	2	3
Child Rights			5		5
Killing			1	1	2
Right to Assembly	4	4			
Women Rights			5		5
Total	4	4	12	4	16

district. Out of them, four girls were raped and one was victim of sexual abuse. In 2012, two cases of rape were documented.

Sexual Violence

Police arrested Ram Sigdel, 28, of Jhaukhel VDC-6 on August 25 on charge of raping a 7 and 11-year-old girl, based on a complaint lodged by the victim's family on the same day. The accused was held in police custody by a court order of September 17. The victim received medical check-up at Patan Hospital on August 26.

Police arrested Rajesh Mahato, 35, of Mujafurpur India, living in Madhyapur Thimi-7 on November 16 on charge of raping a 9-year-old girl on October 20 based on a complaint filed by the victims' family on November 16. The accused was remanded in custody by a court order on November 10. The girl underwent a medical check-up at Patan Hospital on October 21.

WOMEN'S RIGHTS

Five victims of women's rights violation were recorded in the district in 2013. Of them, four were raped and one was a victim of polygamy. One woman was raped in 2012.

Sexual Violence

Police arrested Satya Ram Machasi, 22, of Bhaktapur Municipality-7 on February 12 based on a rape complaint filed by

family of a 28-year-old woman on January 26. The accused was remanded in custody by a court order on March 8. The victim underwent a medical checkup at Patan Hospital on February 3.

An 18-year-old girl was raped allegedly by Lila Bahadur Tamang, 28, of Madhyapur Thimi Municipality-16 on January 26. The victim's family lodged a complaint at Metropolitan Police Circle Thimi on January 30. The police arrested the accused on the same day. He was remanded in custody by a court order on February 21. The victim received medical checkup at Patan Hospital on January 30.

In 2013, a total of 81 incidents regarding domestic violence were registered in WCSC. Of them, 40 cases of beatings and expelling from house, two cases of depriving of food, three cases of polygamy and 11 cases of threatening were registered according to the center. 42 incidents reached agreement and two cases were in legal process, according to the center. The center also said that few cases were not followed up by the victims.

ELECTION VIOLENCE

NC General Convention Representative Purna Bisunkhe, 33, of Katunje VDC-6, Durlav Thapa, 47, and others were injured in a clash when police intervened as they tried to prevent UCPN-M leaders from entering the district on January 27. The injured received treatment by the primary health treatment group of Nepal Red Cross Society.

A public bus with a registration number Na 3 Kha 3711, parked at Sand Depot of Madhyapur Thimi-11 was set ablaze by an unidentified people on November 11 during the strike called on by CPN-Maoist group. The bus was completely destroyed in an incident.



2.15 Kathmandu



Headquarters :	Kathmandu
Area in Sq. Km :	395
No. of Households :	436,344
No. of Population :	1,744,240
Male :	913,001
Female :	831,239
No. of PwD :	17,122
No. of VDC(s)/Municipality(ies) :	57/2
Male Literacy :	798,175
Female Literacy :	635,630
Religion Hindu (%) :	80.01
Buddhism (%) :	15.39
Islam (%) :	1.25
Kirat (%) :	0.77
Christianity (%) :	2.33
Prakriti (%) :	0.05
Bon (%) :	0.01
Jain (%) :	0.05
Shikha (%) :	0.004
Undefined (%) :	0.133
Average Household Size :	400.00

Kathmandu had the most number of victims of Human Rights violation this year across the country. Of the total 533 victims, non-state actors were involved in violating rights of 464 people mostly violation of women rights (354). State was responsible in violating rights of 69 people mainly intervening in peaceful protests. In 2012, non-state actors were involved in Human Rights violation of 181 people and state was responsible for such violation of 94 people.

INJURED

Rama Bhattarai alias Anju, 31, of Kathmandu Kadaghari, Pepsi cola and the principal of Kids International School was injured in firing by an unidentified group on April 18 near the Manohara Bridge while she was travelling on a Scooter. The victim received medical treatment at B&B Hospital. Police found 7.45mm cartridge from the incident site. The people involved in the incident were absconding at the end of this year. In another incident, Sameer Khadgi, 8, of Bhotabahal, Kathmandu Municipality-12 was injured in an explosion at the polling center in Araniko Secondary School on November 19. Fingers of the victim's hand were separated by the explosion. Another victim Yamuna Balami, 8, was also injured in the same explosion. The victim received medical treatment at Bir Hospital. The other victims received treatment at local medical shop. Search for the people involved in an incident was underway at the end of the year according to the police.

BEATING

The chief of Samata Education Foundation and the honorary member of INSEC, Uttam Sanjel, 40, of Kathmandu Jorpati, was attacked by a group of people on July 13 while he was in the medical shop inside the school premises. He was attacked by Sushil Mukhiya, 25, of Baudha and Satyaman Lama, 28, of the same place regarding a dispute with a contractor of his school Ram Bahadur Bhujel. Sanjel sustained a fractured nose. Both the accused were arrested on July 16 by the Metropolitan Police Circle Boudha. The victim received medical treatment at Grandi International Hospital in Dhapasi. The victim's family lodged a complaint against the accused at Metropolitan Police Circle Maharajgunj on the same day. Both the accused were released on bail amount of Rs 50,000 each on August 8 according to the District Court order.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				1	5	6
Arrest & Torture		1	1			
Beatings				5	6	11
Child Rights				21	3	24
Inhuman Behaviour					1	1
Injured				7	35	42
Killing				5	11	16
Racial Discrimination				2	2	4
Right to Assembly	28	40	68	1		1
Threats				2	3	5
Women Rights				354		354
Total	28	41	69	398	66	464

INTERVENTION IN PEACEFUL PROTEST

Senior advocate Sambhu Thapa of Kathmandu Municipality, Gauridhara, Human Rights activists Charan Prasai, 60, senior journalist Kanak Mani Dixit and Drona Iammichhane, 24, were arrested by the police while staging a protest in front of the Office of the President at Sital Niwas on May 7 against appointment of Lok Man Singh Karki as a chief of CIAA. All the arrestees were released later in the evening.

Sudha Maharjan, Sushila Maharjan, Ishans Adhikari, Bidushi Dhungel, Jagannath Lamichhane, and others were arrested by the police on April 9 while staging the protest Occupy Balwataar. The protest was organized to pressure the government to end violence against women. The arrestees were arrested on the same day by the police.

The Kamlaris staged a protest in front of Singha Durbar Gate on June 1 to pressure the government to address their demand. The clash between the police and the protestors started after the police intervened in their protest. More than 12 Kamlaris were injured when the police charged the batons on them. The injured received medical treatment at Annapurna Hospital.

The Kamlaris were staging a protest since May 27 from Shanti Batika.

CHILD RIGHTS

2013 saw less than half of the child victims in the capital compared to last year. 24 child victims were recorded by INSEC in the district in 2013. Of them, 17 girls were raped and four were victims of sexual abuse. There were three cases of child labor in the district. In 2012, 48 cases of rape and two cases

of sexual abuse against girls were documented. Four girls were trafficked while five new born were killed.

Sexual Violence

Janga Bahadur Rai, 30, of Gothatar, Kandaghari-8 was accused of raping a 9-year-old girl on January 12. The victim's family lodged an FIR at Metropolitan Police Circle Baneswore on January 17. The victim girl underwent medical checkup at maternity hospital in Thapathali on January 17. The accused was arrested on January 16. He was remanded in custody by a court order on February 13.

Police arrested Raju Dhakal, 32, of Kathmandu Metropolis-30, Asan on February 24 on charge of raping a 12-year-old girl on February 20. Child Rights activists, Sagar Bhandari of CWIN, Child Help line lodged a complaint at WCSC on behalf of the victim girl. The accused was remanded in custody by the court order on March 22.

Child Labor

Rita Karna of Saptari District, living in Kathmandu municipality-34, Naya-baneshor was accused of severely beating a 12-year-old girl Lalita Chaudhary, working

as a domestic help in her house, on May 19. She had brought the girl from Saptari saying that she would provide education food and clothing to her. The case reached an agreement on the same day with the initiation of police.

WOMEN'S RIGHTS

354 women victims, the highest across the country, have been documented in Kathmandu this year. This can be perceived as the increase in awareness to report the incident causing rise in numbers of such victims. Of them, 307 faced some forms of domestic violence, one was charged with witchcraft allegation, 34 complained of polygamy, seven were raped. Two were victims of sexual abuse and three were victims of trafficking. In 2012, of the total 34 women victims, 13 were raped, four faced domestic violence, two were assaulted on charge of being witch, three were victims of polygamy. One was rape attempted, five were victims of sexual abuse and six were victims of trafficking. While the reduction in child victims should be appreciated, such high rate of women victims is of alarming concern.

Sexual Violence

Surendra Tamrakar, 26, of Raikawar Bichhawa-5 of Kanchanpur District, allegedly raped a 33-year-old woman in the Gorkhali Guest House at Maharajgunj, Kathmandu on March 14. The victim lodged an FIR against the accused at Metropolitan Police Circle Maharajgunj on March 16. The accused was arrested by the special team of MPC Maharajgunj from Besi Sahar in Lamjung where he was hiding on March 24. He was released on a bail amount of Rs 27,000 according to the order from the District court.

Killing by Family Members

Police arrested Santan Chaurasiya, 22, on March 30 on charge of murdering his sister-in-law Mamata Chaurasiya, 35, of Bairawa VDC-8 in Saptari, living in Baneshwor of Kathmandu. By a court order of April 22, the accused was sent to the prison. Post-mortem of the body was conducted at Kantipur Hospital of Tinkune on March 28.

Harmful Practice against Women

Metropolitan Police Circle Balaju arrested Biswo Ratna Shakya, 49, Tulasi Prabha Shakya, 48, and Champa Prabha Shakya, 42, of Kathmandu Metropolis-15 of Swayambhu on charge of accusing Pramila Shakya, 40, of being witch and beating her. The accused were arrested based on the complaint lodged by the victim. The victim said that the family members inflicted mental and physical torture upon her alleging her of practicing witchcraft. Bisworatna and Pramila were married 20 years ago. The victim has been living in her parental home after the incident and investigation against the accused was ongoing at the end of the year according to police.

A total of 1567 incidents regarding domestic violence were registered in WCSC under District Police Office in 2013. Of which, 578 incidents from January till the end of July reached agreement. The number of incidents that were registered but not followed up was 454. Similarly, from July till the end of the year, there were a total of 46 incidents of beatings, 25 of violence from inebriation, 268 incidents of deprivation of food and clothing, one allegation of witchcraft.

CASTE-BASED DISCRIMINATION

Damber Bahadur Pariyar, 51, his wife Sita Pariyar and their daughter Rekha Pariyar of Khairani VDC-6 in Chitwan

District and living in Gamcha VDC-8 of Kathmandu were beaten by a group of around 50 cadres of CPN-M on March. One of the victims, Damber sustained a head injury and others sustained bruises on their body due to the beatings. The injured received treatment at Bir Hospital in Kathmandu. The victim's son Prem Pariyar accused CPN-M cadres of beating them because of being Dalit. The victim lodged a complaint against the accused at Kapan Police Sector. An agreement was reached between the two parties according to the police.

VANDALISM

Students affiliated to NSU vandalized motor bikes with registration number Ba1Pa 9853 and Ba2Ba 149 when police intervened in the protest they were staging against the postponing of the FSU election. The students were protesting demanding the election of NSU after TU cancelled the election schedule for June 6. Cadres of CPN-M vandalized vehicle with registration number Ba 4 Pa 4872 belonging to "Nagarik Daily" near the Bhatbheteni Supermarket at Koteshor. Police could not arrest those involved in the incident at the end of the year. A compensation amount of Rs 15,000 was provided to the daily by the District Administration office.



2.16 Dhading



Headquarters : Dhadingbesi

Area in Sq. Km : 1,926

No. of Households : 73,851

No. of Population : 336,067

Male : 157,834

Female : 178,233

No. of PwD : 7,823

No. of VDC(s)/Municipality(ies) : 50/0

Male Literacy : 105,005

Female Literacy : 95,077

Religion Hindu (%) : 72.42

Buddhism (%) : 20.57

Islam (%) : 0.31

Kirat (%) : 0.01

Christianity (%) : 6.32

Prakriti (%) : 0.24

Bahai(%) : 0.01

Undefined (%) : 0.119

Average Household Size : 4.55

In Dhading, 145 victims of Human Rights violation were documented by INSEC in 2013. Of which, non-state actor were involved in violating rights of 111 people. The state actors were involved in Human Rights violation of 34 victims mainly in cases of arrest and torture (8), beating (1), intervention in peaceful protest (24). In 2012, non-state actors were involved in Human Rights violation of 72 people where state was involved in rights violation of seven people.

BEATINGS

Arjun Uprety, 43, of Naubise VDC-9 and a NC district working committee member was injured following a dispute on October 23. The clash started when policemen were attacked by the cadres of NC as police tried to uproot the flag of Nepali congress saying that the size of flag was larger. The injured was treated at Sahid Memorial Hospital in Kalanki. The NC accused police of beating their cadres. They also disrupted the transportation along the highway and vandalized the police post after the incident. The party issued a press statement stating that 12 NC cadres were injured in the clash.

NC district member James Pariyar, 25, of Darkha VDC-9 was attacked and injured by the cadres of UCPM-M on April 7. The victim was beaten while he was returning home from Church. Seriously injured in the attack, he was airlifted to Kathmandu after his treatment was not possible in the District Hospital. No one was arrested in the incident. The victim lodged an FIR against Majja Tamang, Chakre Tamang, Durga Tamang and Ashe Tamang.

INTERVENTION IN PEACEFUL RALLY

At least 15 women rights activists were injured while staging a whistle rally in front of District Administration Office on January 4. The activists were injured after the police intervened in the rally. Radhika Sapkota, 31, Ganga Devi Shrestha, 36, Kamala Karki, 35, and many others were injured. The women rights activists handed over the memorandum to CDO Bed Prasad Kharel after the incident. Police administration apologized about the incident.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					1	1
Arrest & Torture		8	8			
Beatings		1	1	2	30	32
Child Rights	1		1	17	1	18
Economic, Social and Cultural Rights					1	1
Injured				2	6	8
Killing				2	2	4
Right to Assembly	18	6	24		4	4
Threats					7	7
Women Rights				36		36
Total	19	15	34	59	52	111

ARBITRARY ARREST

Seven people from Maidi VDC-1 were beaten and arrested by the police on April 28 by entering into their house on charge of attacking police. Five locals, including Bikram Pulami, 15, Prem Pulami, 35, Kul Bahadur Tumsingh, 26, were beaten and arrested by the police while they were sleeping. The victims complained that they were even beaten in police custody.

CHILD RIGHTS

In 2013, the 18 incidents of child rights violation were recorded by INSEC in the district. Of them, 10 girls were raped and three were victims of sexual abuse. Five girls were forcefully married. In 2012, eight cases each of rape and one case of sexual abuse and one case of child marriage against girls were documented.

Sexual Violence

Family of a 6-year-old girl lodged a complaint at District Police Office on February 5 accusing Subba Mijar, 45, of Gajuri VDC-1 of raping her on February 4. The accused was arrested on February 6. The victim underwent medical check-up at Primary Health Center. The accused was remanded in custody by a court order on February 27 and it remained pending at the

end of the year.

In a similar incident, the family of 6-year-old girl lodged a complaint at District Police Office on February 5 accusing Chandra Bahadur BK Mijar, 60, of Maidi VDC-1 of raping her on February 4. The accused was arrested on February 6. The victim underwent medical check-up at Primary Health Center. The accused was sentenced to 10 years with a fine of Rs 25,000 to be provided to the victim.

WOMEN'S RIGHTS

This year documented women's victims were 36 whereas last year, it was 25. Out of 36, 10 victims faced some form of domestic violence, nine were assaulted on witchcraft allegation, seven complained that their husbands married second wife, five were raped, two were rape attempted and three were victims of trafficking. In 2012, nine victims faced domestic violence, two were assaulted on charge of being witch, six were victims of polygamy, three were raped, three were rape attempted and two were victims of trafficking.

Murder after Rape

Kumari Tamang, 34, of Darkha VDC-8 was strangled to death after rape by Bal Bahadur Tamang, 26, on June 13. The accused admitted that he raped the victim near the jungle and strangled her to death. The incident was due to the personnel dispute between the victim and the accused. The accused was arrested by the police and sent to the prison. The case remained pending till the end of the year.

Domestic Violence

Asmita Tiwari, 33, of Kalleri VDC-1, Kallerighat was injured in beating by her husband Rasindra Tiwari, 40, on February 5. The victim was accused of having affair with another man by her husband. Seriously injured victim was taken to Bir Hospital in Kathmandu. Police arrested the accused

on February 10. The accused was remanded in custody by a court order on March 4.

Pārbati BK, 23, of Jyamrung VDC-6 was beaten by her husband, Raju BK, 35, and expelled her from the house in the mid night of August 12. The victim spent the whole night outside the house. The victim lodged a complaint at District Police Office on August 14; however, no action was taken till the end of the year.

Trafficking

Three women from Ramche VDC-3 in Rasuwa district, were rescued from Baireni VDC-1, Galchhi on July 30 while they were being trafficked to India. Police arrested Hima Dahal, 43 of Urlabari Morang and Kami Tamang, 43 of Ramche VDC-3 of Rasuwa on July 31. The victims were being trafficked under the pretext of getting job in Qatar. The accused also charged Rs 25,000 each from the victim. The women were rescued with the help of one local NGO. The victims are aged between 17 to 20. The accused were sentenced to 7 years with a penalty of Rs 10,000 each by the district court order on December 8.

Harmful Practices against Women

Sita Nepali, 31, of Sankosh VDC-1, Jamune Chaur was beaten and injured by her husband Tanka Bahadur Nepali, 33, and her father in-law Aite Nepali, 67 on charge of being witch on August 12. The victim lodged a complaint at District Police Office on August 13. The victim accused the police of not taking any action regarding the incident.

In 2013, a total of 140 incidents of domestic violence were registered at WCSC. Of which, 132 cases were about beatings and domestic violence, six cases of polygamy and expulsion from the house, two cases of allegation of witchcraft. 78 incidents reached agreement and six were in legal process, according to the center.

2.17 Sindhupalchowk



Headquarters :	Chautara
Area in Sq. Km :	2,542
No. of Households :	66,688
No. of Population :	287,798
Male :	138,351
Female :	149,447
No. of PwD :	6,608
No. of VDC(s)/Municipality(ies) :	79/0
Male Literacy :	89,684
Female Literacy :	75,420
Religion Hindu (%) :	58.98
Buddhism (%) :	37.96
Islam (%) :	0.01
Kirat (%) :	0.01
Christianity (%) :	1.83
Prakriti (%) :	1.08
Undefined (%) :	0.126
Average Household Size :	4.32

In Sindhupalchowk, 76 victims of Human Rights violation were documented by INSEC in 2013. Of which, 74 people were victimized by the non-state side. The state was involved in Human Rights violation of two people. In 2012, non-state actors were involved in Human Rights violation of 45 people and state was responsible in Human Rights violation of three people.

BEATINGS

Ratna Bahadur Shrestha, 50, of Pangtang VDC-1 was severely injured in beat-

ings by the group of Armed Police Force on February 6, who were in inebriated state. The victim received medical treatment on the same day at Jalbire primary health center. The victim's party lodged a complaint on a same day at police post of Temba Thana. The agitated locals protested in front of the police post demanding action against the accused.

Dema Chiring lama, 35, of Golche VDC-5 was seriously injured in an attack by a group of CPN-Chhebadhi cadres on March 26. The group accused him of spying against them. The victim received medical treatment in Kathmandu on March 26. The victim lodged a complaint at District Police Office on March 30. Lama sustained a broken foot, hand and fingers in the incident.

CHILD RIGHTS

In 2013, 16 victims of child right violation were recorded by INSEC in the district. Out of that, six girls were raped and three were victims of sexual abuse. There were four cases of child trafficking. There was a case of corporal punishment, one case of child marriage and one case of killing of newborn. In 2012, five cases of rape and one case of sexual abuse against girls were documented.

Child Marriage

Father of a 14-year-old girl of Gumba VDC-1 Jor Bahadur Tamang lodged a complaint at District Police Office on April 29 accusing Bikash Tamang, 22, of Batase VDC-1, Bhotepilping of marrying her. The victim was forcefully married by the accused on April 24. Saying that the legal process for child marriage was too weak, police did not take legal action against the accused.

Sexual Violence

Hari Bahadur Bisokarma, 24, of Chhiping in Maneshora VDC-1 was ar-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1	1	7	8
Child Rights			15	1	16
Economic, Social and Cultural Rights				1	1
Inhuman Behaviour	1	1			
Injured			1	2	3
Killing			1	4	5
Racial Discrimination				3	3
Threats				1	1
Women Rights			37		37
Total	2	2	55	19	74

rested by the police on charge of raping a 14-year-old girl on September 20. The victim's party lodged a complaint at Area Police Office on September 22. By a district court order, the accused was remanded in custody on October 4. The victim underwent medical check-up at Barhabise Primary Health Center.

Corporal Punishment

Family of Bhisn Magar, 12, lodged a complaint at District Child Welfare Committee on September 29 against teacher Lumani Paudel of Shree Bandevi Secondary School at Chautara VDC-8 accusing him of beating him. Police arrested the accused on the same day after the complaint was made. He was released after he agreed to bear the treatment cost of Rs 25,000 of the child. The victim was severely beaten by the teacher for not doing an assignment on August 6. The victim underwent medical treatment at Om Hospital in Kathmandu. He sustained a ruptured ear drum, according to the family.

Trafficking

Shanta BK of Pangretar VDC-7, Swara was arrested by the police on July 10 on charge of attempting to traffick 15 and 16-year-old girls. The victims lodged a complaint at Police Post of Lamosaghu on

July 10. The accused was remanded in custody by the order from district court.

WOMEN'S RIGHTS

Women victims in the district were almost double this year compared to last year. Out of 37 women victims, two were attempted of trafficking, 15 faced some forms of domestic violence, five were assaulted on charge of being witch, eight complained of polygamy, four were raped while two were rape attempted. There was a case of sexual abuse. In 2012, out of total 20 women victims, six faced domestic violence while four were victimized after their husband married second wife. Five were raped, one was rape attempted and three were victims of trafficking.

Trafficking

Police arrested Nima Chiring, 20, alias Chirken of Golche VDC-5 on September 13 on charge of trafficking a 20-year-old woman. Nima was accused of trafficking a girl under the pretext of providing her job. The victim's condition remained unknown at the end of the year. The victim's family lodged a complaint at police office on September 9. The accused was remanded in custody by a court order on October 4.

Sexual Violence

An 18-year-old woman lodged a complaint at District Police Office on February 4 against Sarki Bahadur Dulal alias Dil Bahadur, 45, of Thulosirubari VDC-5 accusing him of raping her. Police arrested the accused on April 11. He was remanded in custody according to the court order on April 23.

A 19-year-old girl lodged a complaint at Area Police Office of Barhabise

on June 19 accusing Uddav Nepal, 32, of Maneshwora VDC-9 of raping her. The accused was remanded in custody by a court order on December 24. The victim underwent medical treatment at local hospital.

Domestic Violence

Ganga Kumari Shrestha, 32, of Kadambas VDC-9, Ghorsuki lodged a complaint against her husband Kumar Shrestha, 34, at District Police Office on August 5 accusing him of beating her. He is also accused of marrying a second wife. The victim complained that she was beaten by the accused on a daily basis. The accused was at large at the end of the year.

Dhana Maya Shrestha, 24, of Baramchi VDC-2 lodged a complaint at District Police Office on September 15 against her husband Nil Kumar Shrestha, 27, accusing him of beating and expelling her from the house. The accused had married a second wife, three months ago. The accused was arrested by the police on September 20. The victim separated from her husband following a divorce at District court on September 21.

Harmful Practices against Women

Kanchhi Tamang, 27, and Maili Tamang, 45, of Ichok VDC-9 were beaten up and fed with human excreta on July 17 by Man Singh Tamang, 40, of the same VDC, Pratap Tamang, 42, Sunita Tamang, 18 and Suni Tamang, 22, on charge of being witch. All the four accused were arrested by the police on July 19. The victims received medical treatment at Primary health clinic in Melamchi. The accused were sent to the prison after they could not pay the bail amount of Rs 50,000 and 25,000 each by a court order on August 8.

A total of 141 women victim lodged complaints at WCSC in 2013. Among them, 54 cases were about beatings and expulsion from the house, one not attesting

marriage and citizenship certificate, 12 cases of deprivation of food and clothing, 19 cases of polygamy, eight cases of threatening of life and nine cases regarding allegation of witchcraft. Among those cases, 106 reached settlement, seven cases underwent legal proceedings and 28 cases were not reported or followed up, according to WCSC.

CASTE-BASED DISCRIMINATION

Anish Magaranti, 18, of Sipapokhari VDC-8 lodged a complaint at District Police Office on April 23 accusing Sita Nepal of hurling racist remarks at him and discriminating while entering to her room. The accused was released on date by the court order on May 7.

Som Bahadur Bogati, 22, of Dhampaladharp VDC-6 was ostracized by his father Dil Bahadur Bogati and the local villagers on charge of inter-caste marriage. The victim lodged a written complaint at INSEC office seeking initiation for justice on June 3. Som had a inter caste love marriage with Chameli Nepali, 19, of the same VDC on January 8. The victim did not file complain about the incident anywhere.

ELECTION VIOLENCE

UCPN-M cadres were attacked by the cadres of UML at Phulping Kot VDC-6 while campaigning for election on November 8. Ganesh Shrestha, 32, of Hagam VDC-1 was injured in an attack. The victim received medical treatment at Barhabise Hospital. The UCPN-M issued a press statement condemning the attack. The vehicle used by the UCPN-M for the election campaign was vandalized by the UML cadres. Dup Chiring Tamang, 30, of Phulpingkot VDC-6 was arrested by the police on charge of his involvement in the attack on the same day. He was released on a bail amount by a court decision on November 27.

2.18 Nuwakot



Headquarters :	Bidur
Area in Sq. Km :	1,121
No. of Households :	59,215
No. of Population :	277,471
Male :	132,787
Female :	144,684
No. of PwD :	4,690
No. of VDC(s)/Municipality(ies) :	61/1
Male Literacy :	87,237
Female Literacy :	74,813
Religion Hindu (%) :	57.77
Buddhism (%) :	40.01
Islam (%) :	0.13
Kirat (%) :	0.15
Christianity (%) :	1.61
Prakriti (%) :	0.01
Undefined (%) :	0.317
Average Household Size :	4.69

In Nuwakot, non-state actors were recorded violating rights of all 27 people in 2013. In 2012, non-state actors were involved in Human Rights violation of all 19 victims according to INSEC documentation.

BEATINGS

The district member of UCPN-M Rameshor Khadka, 52, of Samari VDC-1 and his son Macchindra Khadka were attacked and injured by the cadres of NC led by its zonal president Jagat Bahadur Tamang on November 11. The group of about

15 people attacked and injured them. The victims were rushed to Kathmandu on the same day for the treatment. The victim had lodged a complaint at District Police Office on November 14; however, no action was taken against the assailants.

Cadre of NC Indra Bahadur Lama, 25 of Lachyang VDC-7 was attacked by a group of 10 people led by the YCL cadre Bir Bahadur Gole, 28, on November 18. Lama was attacked with sharp weapons and wooden stick. He sustained a serious head injury in the attack. The victim received medical treatment at the district headquarters Bidur, according to the district secretary of NC Laxman Shrestha. The victim did not report about the incident.

CHILD RIGHTS

In 2013, five victims of child rights violation were recorded by INSEC in the district. Out of that, five girls were raped. In 2012, there were two cases of sexual abuse against girls.

Sexual Violence

Family of a 12-year-old girl lodged a complaint at District Police Office on May 7 accusing Dharma Jammakattel alias Chitra Bahadur, 55, of Bidur municipality-1 of raping her on April 30. The victim underwent medical checkup on the same day at District Hospital, Trishuli on May 7. The accused was arrested by the police on May 8. He was remanded in custody by a Court Order on May 23.

In another incident, family of a 14-year-old girl lodged a complaint at District Police Office on October 27 accusing Krishna Hari Neupane, 26, of Kumari VDC-5 of raping her. The accused was arrested by the police on the same day the complaint was lodged. He was remanded in custody by a court order on November 21. The victim underwent a medical checkup at Trishuli Hospital of the district on October 27.

WOMEN'S RIGHTS

In 2013, eight women victims were documented by INSEC. Of them, three were assaulted on charge of practicing witchcraft, one complained of polygamy, two were rape victims and two were victims of trafficking. In 2012, one incident of rape and one incident of trafficking were documented.

Trafficking

Police arrested Kancha Tamang, 30, alias Chulbul of Ghyangfedi VDC-2 and Sahila Tamang, 28, alias Mahila and Kanchha Tamang of the same place on June 19 based on the complaint lodged by a 19-year-old girl. The victim accused that she was being trafficked by the Tamang duo. The accused were remanded in custody by a court order on August 5. The case remained pending at the end of the year.

Subash Nepali, 24, of Raut Besi VDC-9, Shankar Nepali, 23 and Amit Damai, 26, were arrested by the Area Police Office of Khaireni Tar on June 12 on charge of attempting to traffick three women, including Apsara Nepali, 36, of Raut Besi VDC-9. The accused were remanded in custody by a court order on July 12. The case remained pending at the end of this year.

Sexual Violence

Police arrested Pushpa Raj Sitaula, 34, of Sundara Devi VDC-3 on February 10 on charge of raping a 43-year-old woman near the victim's house. The victim underwent medical treatment at Trishuli Hospital on February 11. The victim had lodged a complaint at District Police Office on February 11. The accused was remanded in custody by a court order on February 26. The case remained pending at the end of this year.

In another case, a 19-year-old girl lodged a complaint at District Police Office on August 13 accusing Ganesh Thapa,

Types of Events	By Non-State		
	Female	Male	Total
Beatings		4	4
Child Rights	5		5
Inhuman Behaviour		1	1
Injured		3	3
Killing	3		3
Racial Discrimination	1	1	2
Threats		1	1
Women Rights	8		8
Total	17	10	27

26, of Urleni-9 of raping her on August 8. The accused was arrested by the police on August 14. He was remanded in custody by the court order on September 5. The victim underwent medical check-up at District Hospital of Nuwakot on September 6.

Killings by Family Members

Deepa Paudel, 28, of Bidur Municipality-6 was stabbed to death by her husband Aan Prasad Paudel, 36, on February 7. Police arrested the accused on the same day. He was sentenced to 20 years according to the District Court's order.

Bal Kumari Basnet Kapali, 40, of Bidur-3 was murdered by her husband Asta Kumar Kapali, 57, on April 3 and was buried in the ditch, 10m away from the house. The locals informed the incident to the police after which the body was exhumed on April 6. Body of the deceased was sent to Trishuli Hospital for the postmortem. The accused was arrested on April 3. He was remanded in custody by a court order on April 30. The case remained pending at the end of this year.

Harmful Practice against Women

Tika Devi Dhakal, 85 and Tirtha Bahadur Dhakal, 67 of Ganeshtan VDC-5 accused Deepak Dhakal, 35, his wife and other locals of beating them and attempting to feed them human excreta on March 21 on charge of practicing witchcraft. The

incident reached a compromise according to the victim's party. No official complaint was made.

Asha Devi Nepali, 30, of Sundara Devi VDC-7 was severely beaten by her husband Sanu Babu Nepali, 34, sister-in-law Bishnu Maya Nepali and Babu Ram Nepali, 32, on November 8, on charge of practicing witchcraft. The victim lodged a complaint at District Police Office on November 10. All the accused were arrested by the police and sent to prison after they could not provide bail amount of Rs 30,000 as ordered by the court on November 7.

In 2013, 33 victims of domestic violence had lodged a complaint at WCSC. Among them, one case of beating and expulsion from the house, one case of not attesting the marriage and citizenship certificate, three cases of threatening, and one case of allegation of being a witch, one case of polygamy was registered. A total of 30 cases reached compromise while the rest were undergoing legal proceedings, according to the WCSC.



2.19 Rasuwa



Headquarters : Dhunche

Area in Sq. Km : 1,544

No. of Households : 9,778

No. of Population : 43,300

Male : 21,475

Female : 21,825

No. of PwD : 1,016

No. of VDC(s)/Municipality(ies) : 18/0

Male Literacy : 12,492

Female Literacy : 9,861

Religion Hindu (%) : 25.38

Buddhism (%) : 69.95

Islam (%) : 0.02

Kirat (%) : 0.01

Christianity (%) : 4.3

Prakriti (%) : 0.07

Undefined (%) : 0.261

Average Household Size : 4.42

In Rasuwa, 17 victims of Human Rights violation from non-state actors were documented by INSEC in 2013. In 2012, non-state actors were involved in Human Rights violation of all 14 victims.

BEATINGS

Timure District Committee member of UML, Sandu Tamang, 34, was beaten by a local cadre of UCPN-M Bunima Tamang, 32, on November 9. The victim was accused of taking the UCPN-M cadres to join UML party. The victim sustained a head injury in the incident.

Types of Events	By Non-State		
	Female	Male	Total
Beatings	1	9	10
Killing		1	1
Threats		3	3
Women Rights	3		3
Total	4	13	17

WOMEN'S RIGHTS

Three rape victims were documented by INSEC in the district this year. Of four women victims in 2012, there were three rape victims and one victim of polygamy was documented.

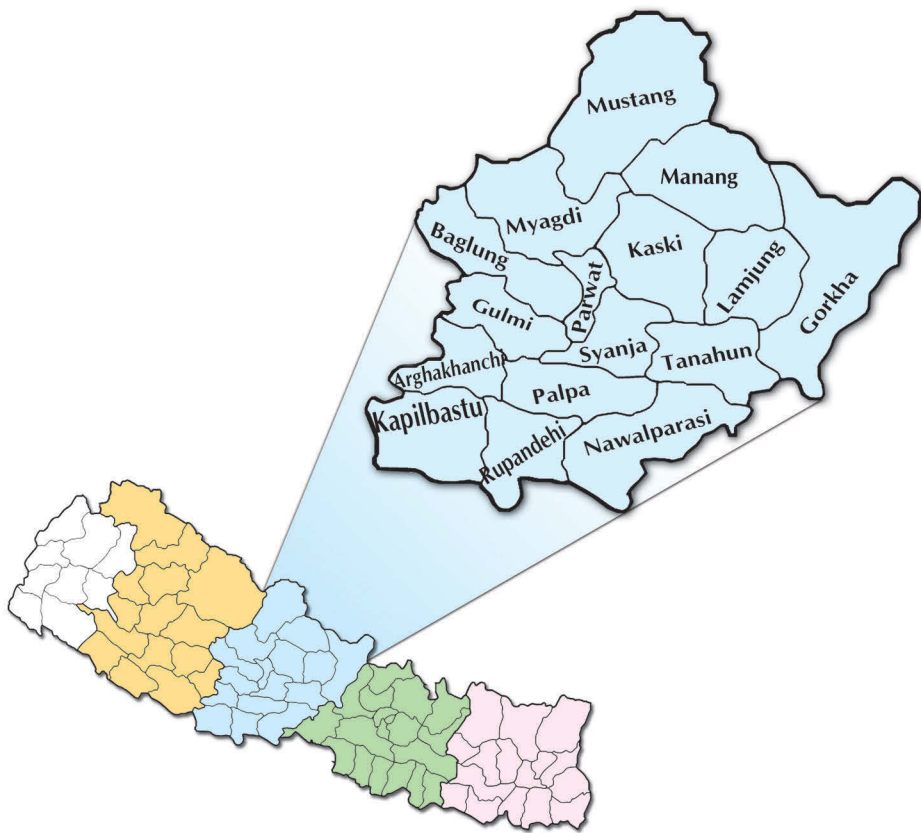
In 2013, one case was registered at WCSC of the district. The case was regarding threatening of life. The case reached an agreement according to the police.



ELECTION VIOLENCE

Laxmi Acharya, 35, of Laharepauwa VDC-3 was injured when the CPN-M cadres were setting fire to the election materials of UCPN-M on October 23. The clothes of the victim caught fire in the incident. The cadres of CPN-M and District Secretary Bhim Bahadur Khadka and Ramesh Tamang were arrested by the police; however, other accused were at large at the end of the year.

Cadres of UML vandalized the vehicles belonging to the cadres of UCPN-M on November 9 at Syphru VDC-9. Irate cadres of UML vandalized the vehicles accusing UCPN-M of beating their cadres at Timure VDC. At least 10 motorbikes and one vehicle were damaged in an incident.



Human Rights Situation of **Western Region**

The Development Region has 16 districts. The region is comprised of Manang, Mustang in the mountainous region, Tanahu, Gorkha, Lamjung, Syangja, Kaski, Palpa, Arghakhanchi, Gulmi, Baglung, Parbat, Myagdi in the hilly region and Nawalparasi, Rupendehi and Kapilvastu in Tarai region.

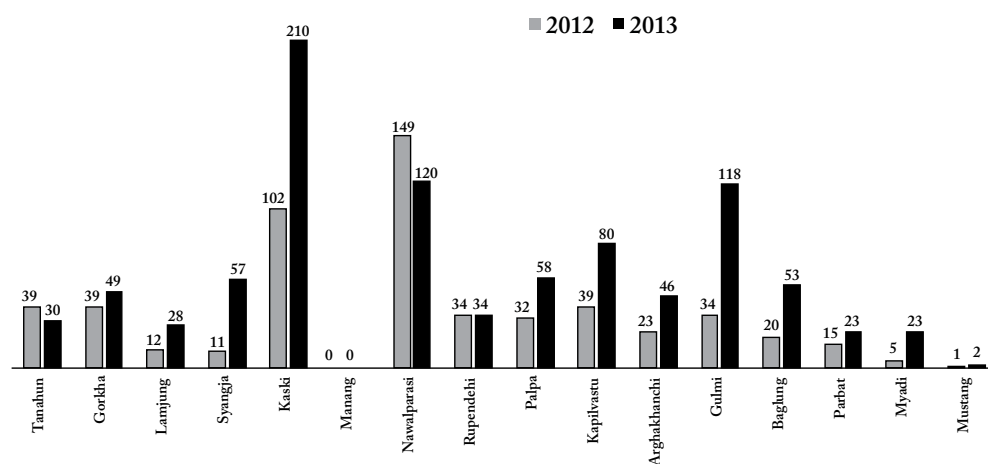
The region saw a number of violence in the districts in 2013, mainly violence against women, children and election violence. The data shows that the number of victims of HR violation in the development region increased in 2013 as comparison to previous year. INSEC recorded an increase no. of victims of Human Rights violations in all district except in Manang. The districts of Manang and Mustang have a less population as compared to the other districts of the region. This might be the reasons that the incident of HR violation is null in Manang and very low in Mustang. Even if some incidents occur in these districts, they are reviewed under traditional practice of Mukhiya system where the village elders take the decision and they hardly come within national legal framework.

Of the victims, highest increase of victims of Human Rights violations is in

Kaski. Last year, there were a total of 102 victims of human rights while this year, it increased up to 210. Except in Nawalparasi and Tanahu, the whole Western Region has a significant rise in Human Rights violation in this year. The INSEC documentation says that there has been a significant decrease in Human Rights violation in Nawalparasi. Last year, there were 149 victims and this year, there were 120. In Tanahu, there were 39 victims of HR violation in 2012 and in 2013 it reduced to 30.

Women's rights violation has significantly increased in the region. In 2012, there were 113 victims while in 2013, 344 were victims of human rights. All districts saw an increase in documented victims of women's rights violation except for Tanahu. Last year, five women were victimized whereas this year, it is three. Gulmi shows the rise in women violence. Last year, the number of women victims was just 12 and it has increased to 91 this year followed by Kaski which has 36 victims of women violence as compared to the last year which had 19 victims. Most of the women in the districts were victimized of allegation of witchcraft, rape, domestic violence and polygamy. There were a total of 41 cases

Fig 1: Human Rights Violence in Western Region



of rape, 10 cases of trafficking, 13 cases of allegation of witchcraft, and 206 cases of domestic violence. The highest number of domestic violence is observed in Gulmi with 80 cases of domestic violence in 2013 as compared just two in 2012.

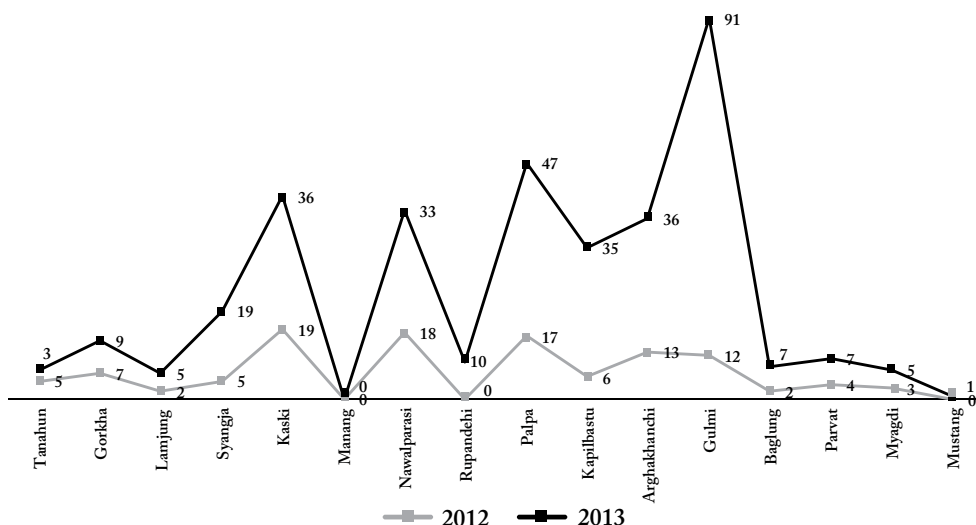
Child victims also increased in the district in 2013 i.e. 74 in 2012 and 188 in 2013 in a region. Kaski shows the highest rate of increase in child rights violation. In 2012, it was 8 and in 2013 it has increased up to 91. Mustang and Manang does not have the victims of child rights violation. Arghakhanchi and Parbat show the decrease in child rights as compared to last year. In Arghakhanchi, child rights violation for this year is three as compared to last year which was six. Similarly in Parbat, there were four victims last year and two victims this year. Sexual violence topped the type of violence with 61 victims of rape in the region. Most of the minor sexual victims knew their abusers.

In 2013, total of 1,331,083 school going students were enrolled in the school. Out of them 51.72% are female students and 48.27% are male students. Total of

277,797 students were Dalits. Out of them, 47.03% of female and 53% of male Dalits were enrolled.

Total capacity of the district prisons is 750 however the occupancy at the end of the year, 2013 it is 2,277. As in the other regions of the country, the prisons in Western Region are also facing a problem of over capacity. Palpa which has a "C" graded prison has a highest capacity of 175 to accommodate the prisoners and its occupancy is 356 i.e. almost the double the capacity. Tanahu, Lamjung, Gulmi and Baglung have a capacity to accommodate 25 prisoners each but each district has double number of prisoners in the prison. In Manang, district there is no prison and the District Education's Office building is being used in a rent to accommodate the prisoners. Similarly, in Arghakhanchi, there is a building to accommodate the inmates however the building is not being used. Instead, the prisoners are sent to Palpa, Gulmi and Kapilvastu. Rupendehi prison has a capacity to accommodate 100 prisoners however 414 prisoners are kept. As in the other prisons of the region, the physical and infrastructure

Fig 2: Women's Rights Violence in Western Region



of the building of the prison is in very bad condition. Most of the inmates complained about over capacity, lack of sleeping space, toilet, drinking water and cold room.

The total number of sentenced prisoners in the region is 1424. The under trial inmates are 853. Palpa has 312 male prisoners sentenced and 44 under trial followed by Kaski with 259 sentenced and 203 under trial. Mustang has just two prisoners sentenced and six are under trial.

In the fiscal year 2012/13, 58% of the criminal cases and 38% of civil cases were decided in the western region. Arghakhanchi District Court decided the highest per cent of the cases i.e. 88.3% of criminal and 45.2% civil cases, followed by Baglung with 76.81% criminal and 62.63% of civil cases. There were no cases in Manang. The lowest criminal cases and civil cases decided in the district were of Tanahu which is just 18% and 20.17% respectively.

During the period of July 16 to December 31, 2013, 72% of the criminal cases

were decided in Tanahun. The lowest rate of criminal cases decided during this period was from Myagdi which is just 2.5% and 27.02% of the civil cases were decided in Tanahun.

In case of the status of the cases registered at the Office of the District Government Attorney in the region in fiscal year 2012/13, the most cases were won in Rupendehi District. The Court here decided 580 cases among them 444 cases were won and 136 were lost. The lowest case registered was on Parbat District. It had just 27 cases registered at and all of them were pending at the end of the year. In 2013, the total of 3,515 cases was decided in the region. In Arghakhanchi, there is no prison. In Manang there are no cases and in Mustang one case was lodged and it was pending at the end of the year.

The overall Human Rights situation of the region is not satisfactory as the data shows that there is a significant increase in Human Rights violation.



3.1 Tanahun



Headquarters	: Damauli
Area in Sq. Km	: 1,546
No. of Households	: 78,309
No. of Population	: 323,288
Male	: 143,410
Female	: 179,878
No. of PwD	: 6,668
No. of VDC(s)/Municipality(ies)	: 46/1
Male Literacy	: 110,702
Female Literacy	: 116,139
Religion Hindu (%)	: 86.51
Buddhism (%)	: 9.44
Islam (%)	: 1.29
Kirat (%)	: 1.01
Christianity (%)	: 1.69
Prakriti (%)	: 0.16
Bon (%)	: 0.49
Undefined (%)	: 0.408
Average Household Size	: 4.13

In Tanahun District, 30 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 19 was from the non-state. The state was involved in Human Rights Violation of 11 people who were arrested and tortured (5), death in detention (1), injured (4) in 2013. In 2012, non-state was involved in Human Rights violation of 23 people and victims of state violence 16 people as per INSEC documentation.

DEATH IN POLICE CUSTODY

The state actors were involved in Human Rights violation including the failure to stop death of a man in custody. One man died while in police captivity leading the relatives to claim that he died due to the police torture. Police also held five political cadres while they were protesting.

Sujan Tamang, 22, of Pokharibhanyang VDC-4 died in police custody on March 29. Sujan was taken into custody by the police from Bhangaun on the night of March 28 on charge of taking drugs. SP Dev Bahadur Bohora of District Police Office said that Sujan was taken to Damauli Hospital for health check-up adding he was seriously injured after falling down from the cliff while trying to escape from the police. He got immediate treatment at Damauli Hospital and was further taken to Western Regional Hospital in Pokhara. He was declared dead while undergoing treatment. His family and relatives claimed that he died due to the torture by the police. They refused the police statement and claimed that he was tortured and later thrown down from the cliff. During protest from the relatives and the locals, four were injured in police shootings. The government provided Rs 500,000 to his wife Priti as part of a promise to provide Rs 1,500,000. ASI Shankar Chidi Magar of District Police Office who led the team that arrested Tamang and three team members were suspended.

CHILD RIGHTS

INSEC documented five cases of minor rape victims and one rape attempt in 2013. In two cases, the accused perpetrators were minors aged between 16 and 17. Of the six cases, only one case was decided by the District Court while five cases remained pending. One case was incestuous rape by the father.

Sexual Violence

One 4-year-old girl was raped by three minors- two aged 17 and one aged 16 on April 18. The accused were arrested on the same day. Of the three, 16-year-old boy was released after depositing Rs 5,000 while other two were remained under trial until the end of the year.

Of the three cases of rape of girls in 2012, one case concluded with acquittal of the accused while the two cases were going on.

Child and Criminal Liability provision of Section 7 of the Children's Act says that a child below the age of 10 years does not have criminal liability and if the age of the Child is between 10 above and below 14 years commits a punishable offence punishable with imprisonment, he shall be punished with imprisonment for a term which may extend to six months depending on the offence. Another provision is that the child who is 14 years or above 14 years and below 16 years commits an offence he shall be punished with half of the penalty to be imposed under law on a person who has attained maturity.

WOMEN'S RIGHTS

Sexual Violence

One case of rape was documented by INSEC in 2013. A 27-year-old woman accused her landlord in Byas Municipality-2 of raping her in her room on June 6. He was arrested the next and remanded in custody on June 28.

Out of four cases of rape of women filed at court in 2012, one concluded in acquittal of the accused, one was going on at the end of 2013 and one was adjourned.

In two cases of killing of women in 2012, the husband of Sharmila Shrestha, 30, was sentenced for life while her father-in-law got three years in prison and mother-in-law was acquitted. In another case of killing of Anjana Dakal, 21, her husband Diwas was acquitted while the case of Mo-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	5	5			
Beatings			3	3	6
Child Rights			6		6
Death in Detention	1	1			
Injured	4	4			
Killing			2		2
Racial Discrimination			1		1
Threats	1	1		1	1
Women Rights			3		3
Total	11	11	15	4	19

han Bahadur Bhujel, accused of killing his wife Yam Maya was going on until the end of 2013.

Harmful Practices against Women

INSEC documented one case of witch-hunting in the district this year. A 67-year-old woman was accused by Shaman Tul Bahadur Rimali of Kahun Shiva-pur VDC-3 on February 8. Rimali made the accusation when he was treating some local people. She filed a complaint at District Police Office on February 12. He was arrested on the same day and released on February 21 after paying Rs 7,000 as fine.

There were 56 women who complained at WCSC saying they were victims of domestic violence. Of those, 53 were settled by the police and three were taken into legal proceedings.

ELECTION VIOLENCE

Local political party cadres were assaulted on the day of election by unidentified groups. NC Bhirkot Village Chairperson Tul Bahadur Nepali was injured in assault by unidentified people on November 17. He was assaulted as he was heading to his village to cast vote. He was rescued by the army. UML district member Bhawani Shankar Lamsal of Arunodaya VDC-6 was injured in an attack by an unidentified group on November 18. The people involved in the assault could not be identified.

CPN-M Tamuwan State Committee member, Binod BK, 26, ANNISU-R district chairperson, Abilash Acharya, 24, and Basant Darai, 21, and CPN-M Kaski district member Ghanshyam Gautam, 34, were arrested by the police at Dangsi Kafaldanda in Bhirkot VDC-9 on November 2. They were detained by the police on charge of instigating people against CA elections. They were released from District Police Office on November 18.



3.2 Gorkha



Headquarters :	Gorkha
Area in Sq. Km :	3,610
No. of Households :	66,506
No. of Population :	271,061
Male :	121,041
Female :	150,020
No. of PwD :	12,937
No. of VDC(s)/Municipality(ies) :	66/1
Male Literacy :	84,676
Female Literacy :	85,741
Religion Hindu (%) :	75.19
Buddhism (%) :	19.1
Islam (%) :	1.13
Kirat (%) :	0.01
Christianity (%) :	3.27
Prakriti (%) :	0.61
Bon (%) :	0.63
Bahai (%) :	0.01
Shikha (%) :	0.001
Undefined (%) :	0.105
Average Household Size :	4.07

In Gorkha, 49 people were the victim of Human Rights violation as documented by INSEC in 2013. Of which, 48 was from the non-state actors. The state was involved in Human Rights violation of one incident which was of arrest and torture. In 2012, non-state was involved in Human Rights violation of 23 and state was 16 people as per INSEC documentation.

CHILD RIGHTS

Trafficking

Two cases of girl trafficking were documented by INSEC in the district this year. Of the two, in one case the father of a 13-year-old girl complained against Dal Bahadur Ranabhat, 35, and Mina Ranabhat, 35, of Bagauda VDC-1 on May 26 of selling the girl in India. According to the father, the girl was taken to India on May 24 in the pretext of marriage. The accused were acquitted by the court on January 9, 2014. In another case, a girl's family filed an FIR against Thag Bahadur Sunar, 38, of Bhumli Chok on August 20 trying to take her to India for trafficking purpose on August 19. Police arrested him on August 21. He was in prison on remand until the end of the year.

Sexual Violence

Three cases sexual violence have been documented in the district. None of the three cases were decided by the court until the end of the year. Of the three victims, one was a 3-year-old girl who was raped by a 17-year-old boy on May 24. The family filed a complaint against him on May 26. The accused was remanded in prison on June 14. It was yet to be decided at the end of the year. In one case, the vulnerability of domestic help came to the fore when the relatives of a 14-year-old girl filed complaint at police against her employer of Gorkha Municipality saying he had repeat-

edly exploited her sexually. The accused remained on remand until the end of the year.

Corporal Punishment

Corporal punishment also remains a fact in Nepal. Section 7 of Children's Act 1992 says that 'no Child shall be subjected to torture or cruel treatment. Provided that, the act of scolding and minor beating to the Child by his father, mother, member of the family, Guardian or teacher for the interests of the child himself shall not be deemed to violate the provisions of this Section'. This section is a loophole which allows the teachers to go without legal punishment. There was an incident document in the district where a 14-year-old boy was injured when caned by the teacher at Old Capital Higher Secondary School, Rani-ban. The boy, a tenth grader, was treated at the district hospital for his bruises. No action was taken against the teacher, even by the school.

WOMEN'S RIGHTS

The practice of the police to settle the case at the police station and avoiding the case to be taken to the court has been promoted even by the Domestic Violence Act. Sometimes, the issues resolved just by discussion but sometimes the husbands or other abusers are asked to apologize and the cases are closed. However, this tendency can result in tragedy too- one such incident was documented in the district.

Domestic Violence

Sita Thakuri, 28, of Baddanda in Palungtar VDC-4 filed a complaint against her husband on March 6 at District Police Office, Gorkha saying that her husband had badly beaten her. The District Hospital treated her freely for her head, eye, facial and limb injuries at the request of the police. The hospital referred her to the hospital with better facility but she could not

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Beatings			2	10	12
Child Rights			5	1	6
Inhuman Behaviour				2	2
Injured				12	12
Killing			2		2
Racial Discrimination			1	1	2
Right to Assembly				3	3
Women Rights			9		9
Total	1	1	19	29	48

afford that. She went home after few days. Within two months of her return, she along with her 3-year-old daughter Karishma was murdered by six her in-laws on May 1. The police suspected the involvement of the in-laws when Sita and her daughter were reported missing. Their bodies were found in the safety tank of the house on May 15. The murder was triggered by her demand for her share of family property. Police arrested father-in-law Tek Bahadur Sen Thakuri, mother-in-law Tika Kumari Thakuri, 50, sisters-in-law Madhu, 20, and Pashupati, 23, and brothers-in-law, Ganesh, 25, and Manoj, 24. The husband remained at large since she filed the complaint of assault in March. They accepted to killing of the duo during police interrogation saying they had strangled Sita and Karishma, decapitated Sita's body and then dumped the bodies in the safety tank of the house. Their post-mortem was conducted at District Hospital on May 2 and the bodies were handed over Sita's natal relatives and neighbors of Baddanda. All six were remanded in prison by the court on June 7. The case was not decided at the end of the year.

Sexual Violence

Three cases of rape and two cases of attempt to rape were documented in the district. All cases were decided within this

year. Accused in three cases of sexual violence were convicted and sentenced to jail from three to five years while in one case, the accused was acquitted.

The family of a 21-year-old intelligently challenged woman accused Som Bahadur Chepang of Butar in Makaising VDC-1 of raping her on January 20. He was arrested on January 26 and filed a case against him the next day. District Court sentenced him to five years in prison and told him to pay Rs 30,000 as compensation to the victim.

In one case of rape filed on January 17, a 48-year-old woman accused a 48-year-old Man Bahadur Pakhrin of raping her December 29, 2012 at her home. The accused claimed that it was a consensual sex. The court released him on general date on January 31 but convicted him of the crime on July 2 and sentenced him to five years in prison and told to pay Rs 15,000 as compensation.

There were 125 complaints on domestic violence filed at WCSC in the district in 2013. Among them, 83 women complained that they were forced out of the house after beatings by their family members and 23 complained of husband's polygamy. Out of 125, 118 cases were settled by the police. Seven complainants did not come back to WCSC.

CASTE-BASED DISCRIMINATION

Inter-caste marriage is not only vexed upon by the society, the couple faces different types of discrimination. In Lapu VDC-8, Jit Bahadur Sunar, 23, and Sunita Gurung, 20, were assaulted after then they had inter-caste marriage. The villagers also made them pay Rs 100,000 as find for their alliance. They were also displaced from the village and came to the district headquarters. Following their police complaint and resulting discussion, the villagers agreed to return the money and to settle in the village. However, they filed complaint against the villagers again on December 13.

ELECTION VIOLENCE

The district remained tensed in days prior to the election. At least 10 major incidents of clash and assault incurred in the district, all of them included UCPN-M. In five incidents, the UCPN-M initiated the attack. In one, the NC cadres attacked a bus for carrying UCPN-M cadres. In remaining other, the UCPN-M cadres clashed with NC and UML cadres, all of that during the election campaign. UCPN-M cadres attacked the cadres of UML at Kharchok of Swanra VDC-4 on October 24. NC Takukot Village Chairperson Bhim Bahadur Thapa along with 13 others were injured. Two were taken to Kathmandu for treatment while others were treated at District Hospital. No action was taken against those involved.



3.3 Lamjung



Headquarters :	Basisahar
Area in Sq. Km :	1,692
No. of Households :	42,079
No. of Population :	167,724
	Male : 75,913
	Female : 91,811
No. of PwD :	4,745
No. of VDC(s)/Municipality(ies) :	61/0
	Male Literacy : 55,994
	Female Literacy : 57,048
Religion Hindu (%) :	63.98
Buddhism (%) :	17.04
Islam (%) :	0.56
Kirat (%) :	0.01
Christianity (%) :	1.79
Prakriti (%) :	0.04
Bon (%) :	0.04
Undefined (%) :	0.435
Average Household Size :	3.99

In Lamjung, 28 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 27 was from the non-state. There was one state violation.

State actor was involved in one incident of torture in custody, taking action in a family dispute. Raju Giri, 45, of Jita VDC-9 was arrested and tortured by police on October 18. He filed a complaint at District Police Office on October 21 demanding action against Police Head Constable Yam Shahi and his team for arresting him following a dispute with his mother Durga

Giri in relation to family property. Giri said he was handed by legs and beaten on his soles and kicked. DSP Sandeep Bhandari said that the accused policeman was transferred as disciplinary action.

The political parties were involved in the clashes throughout the year mainly among the students of Lamjung Agriculture Campus. The topics of the clash ranged from supporting other political parties and student union elections or just political rivalry.

CHILD RIGHTS

Killing of New-born

The children born out of wedlock, legally, do have similar rights as any other child does however, the society does not accept the children and stigmatize the mothers, leading them to take extreme measures. The mothers tend to find ways to dispose the illegitimate children including their murder. INSEC documented murder of such two children. In separate incidents the mothers, both 19, were accused of strangulating the new born babies. Both of them remained under trial until the end of the year.

Sexual Violence

A domestic helper, girl aged 15, filed an FIR against her 69-year-old employer on January 29 accusing him of raping her. Police said that their interrogation with the girl revealed that she had been repeatedly raped by the accused in the past. The accused, who was absconding after the filing of the case, was arrested at Dumre, Tanahun on February 13. The District Court judge Kashinath Upadhyaya remanded the accused to prison on February 14. The case was not decided until the end of the year.

WOMEN'S RIGHTS

Sexual Violence

INSEC documented three cases of rape in 2013. The victims even included a

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1	1	15	16
Child Rights			3	2	5
Killing			1		1
Women Rights			5		5
Total	1	1	10	17	27

69-year-old woman and a disabled woman. None of the cases was decided until the end of the year. All incidents occurred at the victims' home. The family members of a 19-year-old disabled woman filed a complaint at the police station on July 29 alleging Shamsher Lamsal, 45, of Tandrang Taxar VDC-7 of raping her on July 28. Her medical check-up was conducted on July 16. He was arrested on the same day and remanded in custody on August 7.

Domestic Violence

Manmaya Pariyar, 30, of Gaosahar VDC-4 was killed by her husband, Subba Pariyar, 36, at home on January 31. He was arrested on February 1 and remanded in custody on February 22. The case was not decided until the end of the year.

The WCSC registered 13 complaints of Domestic Violence in 2013. Nine out of 13 complained that they were deprived of food and clothing, two complained that the husbands did not sign the documents to register their marriage and to obtain citizenship certificate and husbands of three women took second wife.



3.4 Syanja



Headquarters : Putalibazar

Area in Sq. Km : 1,164

No. of Households : 68,881

No. of Population : 289,148

Male : 125,833

Female : 163,315

No. of PwD : 4,451

No. of VDC(s)/Municipality(ies) : 60/2

Male Literacy : 99,358

Female Literacy : 107,999

Religion Hindu (%) : 90.21

Buddhism (%) : 7.44

Islam (%) : 0.68

Kirat (%) : 0.01

Christianity (%) : 0.2

Prakriti (%) : 0.01

Bon (%) : 1.29

Undefined (%) : 0.159

Average Household Size : 4.20

In Syanja, 57 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 26 was from the non-state. The state was involved in Human Rights Violation of 31 people which included injuries of nine in shooting and injured in a clash (20). There were a total of 11 victims of Human Rights violation in 2012.

Two civilians were killed in police shoot out in Chapakot on October 29 during a clash between police and demonsatratrs demanding action against alleged kill-

ers of Maya BK, 35, of Chapakot VDC-5. BK's dead body was found on October 13 which the neighbors claimed was a murder and not a suicide. Police fired at the mob when they were demonstrating at the police station. Inspector Krishna Bahadur Thapa along with 30 others were injured in the clash. Kamala Shrestha, 28, of Chapakot VDC-3 was taken to TU Teaching Hospital in Kathmandu for treatment.

Home Ministry formed a three-member committee with Police Publication House Director Rudra Prasad Paudel as coordinator and DIG Shyam Bahadur Khadka and National Investigation Bureau's investigation director Arjun Bahadur KC. Council of Ministers formed another high-level investigation committee led by former Appellate Court judge Krishna Prasad Basyal and members as DIG Shaym Bahadur Khadka and Joint Secondary Kiran Paudel after political parties rejected the committee formed by Home Ministry. Both committees are yet to make their reports public.

CHILD RIGHTS

Sexual Violence

INSEC documented five cases of rape of girls, as young as 4-year-old, in 2013. Accused in two cases were in remand at the end of the year. Accused in two cases remained absconding. In one case of rape, three boys, aged between 11, 14 and 15 were accused of raping a 10-year-old girl on September 4. The mother of the girl filed an FIR against the boys on September 21. They were released on date on October 4 after investigation in child-friendly room. The family of a 4-year-old girl filed an FIR at police station on May 21 saying that she was raped by Krishna Bahadur Manandhar, 44, of Chitrebhangjyang VDC-5 on May 20. According to the mother of the girl, Mandandhar entered her home when she was leaving saying that he would teach the

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Child Rights				5		5
Injured	8	21	29			
Killing		2	2	1	1	2
Women Rights				19		19
Total	8	23	31	25	1	26

girl. She added that when she came back, she found the girl semi-conscious. The villagers took the girl to Padam Nursing Home in Pokhara. Manandhar was arrested on May 22 and handed over to District Police Office, Syangja the next day. He was remanded in prison. The case was not concluded until the end of the year.

WOMEN'S RIGHTS

Killing by Family Members

Tara Sarki, 27, of Banethok Deurali VDC-2 was beaten to death by Dhan Bahadur Sarki, 30, on April 20. Police said that her body was found in the room. The post mortem was conducted at the District Hospital on April 22. The accused was remanded in custody on May 13. The husband was sentenced to 20 years in prison on September 5.

Sexual Violence

INSEC documented seven cases of rape in 2013. Of the seven cases of rape, three women were mentally ill. Four of the cases were not decided at the end of the year, while in one case, the accused remained absconding. One case of rape of a 19-year-old woman concluded with release of the 27-year-old accused on bail of Rs 50,000 on June 3.

Harmful Practices against Women

The abuse of women on charge of being a witch is a wide-spread violence against women in Nepal. There was documentation of two victims in the district in 2013. A 72-year-old woman and her

42-year-old daughter-in-law were thrashed on charge of being witches on September 18. The women filed a complaint against Bhaje Kami, 48, and Manju Pariyar, 27, of Putali Bazar Municipality-4 the next day. The accused were arrested on the same day. The case was filed under Public Offence Act at District Administration Office on October 6 and released on October 8 after fining them with Rs 5,000.

Polygamy

Polygamy is one act of violence which is affecting many women in the district. INSEC documented 10 cases of polygamy. In all cases, the first wife filed complaint against their husbands. One couple remained absconding while six couples were released them after fining them from Rs 20,000 to Rs 75,000. Nepalese law prohibits polygamy but does not void it making the man free with maximum of three years jail term.

A total of 55 women filed the complaints of domestic violence at WCSC in 2013. Among them, 24 had complained of forcing them out of home, 19 said they were deprived of food and clothing, 10 of polygamy and two cases of accusation of being witch. Police settled 40 cases while 10 were moved to court while five women did not follow up on their complaints.



3.5 Kaski



Headquarters :	Pokhara
Area in Sq. Km :	2,017
No. of Households :	125,673
No. of Population :	492,098
	Male : 236,385
	Female : 255,713
No. of PwD :	9,219
No. of VDC(s)/Municipality(ies) :	43/2
	Male Literacy : 198,199
	Female Literacy : 183,618
Religion Hindu (%) :	82.33
Buddhism (%) :	13.47
Islam (%) :	0.9
Kirat (%) :	0.09
Christianity (%) :	2.14
Prakriti (%) :	0.13
Bon (%) :	0.59
Bahai (%) :	0.01
Shikha (%) :	0.002
Undefined (%) :	0.34
Average Household Size :	3.92

In Kaski, 210 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 174 was from the non-state actors. The state was involved in Human Rights violation of 36 people who were arrested and tortured (13), and beatings (9). In 2012, non-state actors and state actors were involved in Human Rights violation of 102 people as per INSEC documentation.

BEATING BY POLICE

Bishnu Gurung, 23, of Kolma VDC-5, Syangja and currently living in Pokhara Sub-Metropolis was beaten by plain-clothed policeman on the night of July 8 while the victim was entering a parking lot of Ozone Dance Club located at Lakeside of Pokhara Sub-Metropolitan, after attending a party. Gurung sustained a fractured rib due to the beatings. He received medical treatment at Metrocit Hospital at Srijanachok of Pokhara Sub-Metropolis-8. Inspector Jhabindra Bahadur Bhattarai of Baidam Ward Police Office said that the policemen and Gurung had shoved each other while Gurung tried to resist arrest. The incident settled after the police promised to bear the treatment cost.

TORTURE BY POLICE

Toran Gurung, 27, Deepak Gurung, 25, and Santosh Gurung, 27, of Sardi Khola VDC-9 complained that they were physically tortured in the custody of Ward Police Office in Bagar on November 26. The victims were arrested on November 11 regarding a clash with local contractor and police. They were beaten with pipe and batons. One of the victims, Toran Gurung said that two plain clothed policemen locked them up in a room and started beating them with batons and pipe. The victims sustained leg injuries and several bruises in their body. The incident was revealed after the victim's family met them in custody. DSP Rajesh Nath Banstola of District Police Office said that the incident would be investigated and guilty will be punished.

Sujan Nepali, 12, of Chhinedanda in Pokhara Sub-Metropolis-18 was beaten up by the police of Ward Police Office Ram-

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		13	13			
Beatings	2	7	9	4	12	16
Child Rights				40	51	91
Injured					24	24
Killing				3	3	6
Racial Discrimination				1	1	2
Right to Assembly	1	12	13			
Women Rights	1		1	35		35
Total	4	32	36	83	91	174

bazar. Mother of the victim, Ashmi Nepali said on December 23 that the police apprehended Sujan on December 18 while he was keeping warm with five others at a bonfire at Shivalaya neighborhood. The boy said that police arrested him and beat him on thighs, ear and neck when other boys ran away seeing the police van. Balaram BK said that the police released him the next day. The injured boy was treated at Western Regional Hospital. Inspector Rabindra Gurung of Ward Police Office Rambazaar said that the police had used 'minor force' while apprehending the boys. He denied beating up the victims. The case settled when the police agreed to bear the treatment cost.

CHILD RIGHTS

Sexual Violence

A total of 68 students fourth to seventh graders fled from Bal Mandir School in Lumle on March 4 saying that the physical and mental torture meted out to them by the school principal and teachers became unbearable. After fleeing from the school hostel, the students, 50 girls and 18 boys, spent the night at a guest house of Town Development Training Centre in Nadipur. The incident came to light only after all the 68 children, including 18 girls approached the local administration in Pokhara. They wanted to reach Pokhara a day earlier but could not do so, as they were

prevented by the school management and locals of Lumle from leaving. Guardians of some students from Pokhara and surrounding areas later reached Lumle and brought them to Pokhara. The students of Bal Mandir School in Lumle who were subjected to mental and physical torture by the teachers and locals were over to their parents on March 6. They were handed over to their parents after a team of Human Rights activists, including INSEC met with director of Education Department Tek Narayan Pandey, Western Regional Director Bishnu Bahadur Dware, District Education Officer Chandra Kant Bhusal and the parents on March 6. The students, 71 of 22 districts, were attending the school as part of Government scholarship program. They said that the school management and the Principle Dayaram Subedi taunted them, burn their things as part of systematic torture. The students handed over a memorandum to the Education Minister Madhav Prasad Paudel on April 16 asking to resolve the problem. They were shifted to Janata Secondary School in Tansen, Palpa on April 29. School Principle and Hostel warden Krishna Prasad Tiwari were suspended by District Education Office on March 7.

A total of 18 girls were the victims of sexual violence in the district in as many incidents. In three incidents of rape and one rape attempt, the accused were minors. The accused were at the Child Reform Centre, Kaski at the end of the year. One such accused remained at large. Three of the nine cases, involving teens were decided by the District Court. The family of a 4-year-old girl filed a case against a 16-year-old boy on April 15 accusing him of raping the girl on April 12. He was arrested on the same day. The girl was taken to Western Regional Hospital in Pokhara for medical check up. The boy was remanded at Child Reform Centre since May 3. Even a 19-year-old

man was sent to reform centre. Prison Act has set provision of separate buildings of undertrial and sentenced people under 21.

Trilochan Adhikari, 55, of Prithvi Chok in Pokhara Sub-Metropolis-9, accused of raping a 12-year-old girl, arrested on November 17. Adhikari contested the Constituent Assembly (CA) election from Shivasena Nepal in Kaski constituency 3. Family of the victim had filed a complaint at the District Police Office on November 16 saying that the accused raped her on November 6. The court extended his remand on December 3. Medical check-up of the victim was conducted in the Western Regional Hospital.

Girl Trafficking

INSEC documented a total of three girls being forced into prostitution in the district this year.

Dol Bahadur Thapa, 42, of Bhairabsthan VDC-9 and running a restaurant at Sirjana Chok in Pokhara Sub-Metropolis-8 was arrested on charge of sale of a 13-year-old girl. Inspector Narhari Adhikari of District Police Office informed that a case of human trafficking was filed against him and the time of custody was extended on July 7. Thapa was arrested after a verbal complaint filed by the girl's family at District Police Office, Tanahun on July 4. According to Adhikari, the girl fell asleep in the bus while going to her relative in Lekhnath Municipality from Tanahun on May 2 and got off at Prithvi Chok, Pokhara after waking up. While returning to Lekhnath, a taxi driver offered to help her but dropped her at Thapa's restaurant. Thapa made her do chores for some weeks but then forced her into prostitution. The girl was rescued and handed over to her relatives on July 5. Thapa was remanded in custody following the court order on July 29. The case remained pending at the end of the year.

WOMEN'S RIGHTS

Women Trafficking/Forced Prostitution

A total of five victims of women trafficking and attempted trafficking were documented by INSEC in Kaski. The District Court was yet to give its verdicts in the cases at the end of the year. Of them, one victim of attempted trafficking was being taken to India after marriage by her 'husband' in the pretext of travelling to the US. She managed to escape her impending bad fortune when she told her brother about the travel when the bus was stopped. The woman's brothers and relatives rescued her while the accused fled. In another case, a 23-year-old woman filed a complaint against her employer, hotelier Khemraj Bajgain on May 3 saying that he had forced her into prostitution. The police arrested the accused on the same day and charge sheet under human trafficking laws was filed against him after investigation. Being a major town of the region and tourist hub, Pokhara Sub-Metropolis does face such problems but very few cases were reported.

Two women— one 19 and another 21-year-old, lodged a complaint against Subodh Sakhi of Jagatpur VDC-4, Chitwan and currently running Buddha Khaja Ghar in Simalchaur of Pokhara Sub-Metropolis-8, Krishna Thapa, 27, and Mohan Moktan at the District Police Office on December 3 accusing him of taking financial gain by employing them in prostitution. Police arrested Sakhi, 33, the owner on December 3 and Thapa the next day on charge of human trafficking. DSP Rajesh Nath Bastola of District Police Office said that the case was registered against him under human trafficking on December 5. Moktan remained at large at the end of the year. The women told police that they were hired on November 30 with a promise of good payment but were pressuring to take flesh trade. The case was not decided at the end of the year.

Sexual Violence

A total of seven women were victims of sexual violence as documented by INSEC. Of them, a woman was raped by her father-in-law, a newly widowed woman was raped by her neighbor and a tourist became victim at the hand of her tour guide. In one case, the police filed a case of abduction and hostage taking after she was raped in a room where she thought she was going for a job interview. A 25-year-old woman was raped by her 60-year-old father-in-law after threatening her. He was arrested by the police on January 22. He was arrested on February 5 after she filed a police complaint a day earlier at District Police Office. He was remanded in prison on February 21. She has been living with her natal family in Syangja after the incident. The case remained undecided.

Shiva Pariyar, 26, of Dhital VDC-9 and currently living at Lake Side in Pokhara Sub-Metropolis-6 was accused of raping a 26-year-old American woman in Hemja VDC-2 on November 25 after threatening her while taking her on a tour. The victim filed a complaint on November 26 asking for action against accused Pariyar. He was arrested on the same day and a case of rape was filed on November 27, DSP Rajesh Nath Banstola, the spokesperson of Kaski District Police Office. Banstola informed that a taxi driver by profession, Pariyar was hired by the victim as her tour guide on November 22. On November 25, he took her to Hemja on a scooter on the pretext of sight seeing and raped her. Her medical check up was conducted at Western Regional Hospital. He was remanded in prison by the court on December 18. The case was not decided at the end of the year.

Domestic Violence

A total of six cases of domestic violence were recorded by INSEC in Kaski. Among them, a killing of a woman by the

husband on property related dispute and battery of the women. Santa Kumari BK, 45, of Naya Basti in Chapakot VDC-7 has been killed by her husband Bhawilal BK, 58, on February 3. He hit her with a hammer and then committed suicide by hanging himself with his muffler.

In a case of physical violence, Gomadevi Sharma, 24, of Puranchaur VDC-5 filed a case against her family at the district court on February 12 saying that her husband Devraj Gautam, 27, mother-in-law Parbati Gautam, 55, and father-in-law Bhojraj Gautam, 62, had been beating her frequently for not bringing dowry. She said in her statement that her family inflicted physical and mental torture upon her. The victim, a resident of Dhorfirdi VDC-2 had also filed a case of domestic violence at WCSC three months earlier. An understanding was reached between her and the family on December 9, 2012. The victim said that she was beaten from the very next day following the understanding. She is currently staying at her maternal home. She was living with her natal family at the end of the year.

District Police Office's WCSC registered 420 complaints of domestic violence this year. 230 women complained of expulsion from home without providing food and clothing while 66 cases were against husbands-in-laws for not attesting their application for marriage registration and citizenship certificate. 18 women moved the court for justice.

CASTE-BASED DISCRIMINATION

District Police Office arrested Rama Kumal, 42, of Lekhnath Municipality-2 on charge of beating Sabita BK, 38, of same

place on November 25 for touching her water container. The DPO arrested the accused on November 26 after the victim filed a complaint at the Dandakonak Police Post on the same day. DSP Rajeshnath Bastola said that the accused had been charged under the caste-based discrimination and untouchability law. BK received treatment at the Western Regional Hospital. Kumal was released on the court order on the bond of a fine of Rs 25,000 on December 11.

ELECTION VIOLENCE

The district had several election related violent incidents where the political cadres of different parties got injured. The political activists were involved in disruption of the programs of other parties. A total of seven UML cadres were injured when they clashed with NC cadres in Nirmalpokhari VDC-8 on November 17. Two motorcycles and a mobile phone were also damaged in the clash. Police team of Ward Police Office led by Inspector Jhabindra Bhattarai took the situation under control. CPN-M cadres were found involved in intimidating the cadres of other parties during the election campaign. Police detained CPN-M state committee member, Lal Bahadur Gurung, 28, on October 26 on charge of threatening the participants of a pro-NC rally in Kahun VDC. He was released on date on November 4. In another incident, five members were arrested in the eve of Election from Amar Chok, Pokhara. A vehicle (Ga 1 Cha 5143) used by the UCPN-M candidate for Constituency no. 1 was set on fire around 4 am on October 23. The vehicle was being used for door-to-door election campaign and torched at Nibuwaswanra of Sidhha VDC-6.



3.6 Manang



Headquarters :	Chame
Area in Sq. Km :	2,246
No. of Households :	1,480
No. of Population :	6,538
Male :	3,661
Female :	2,877
No. of PwD :	204
No. of VDC(s)/Municipality(ies) :	13/0
Male Literacy :	2,911
Female Literacy :	1,741
Religion Hindu (%) :	39.19
Buddhism (%) :	55.15
Islam (%) :	0.06
Kirat (%) :	0.02
Christianity (%) :	1.42
Prakriti (%) :	0.21
Bon (%) :	0.47
Shikha (%) :	0.03
Undefined (%) :	34.41
Average Household Size :	4.41

The people in Manang are more guided by the traditional customs and laws than state law. The traditional system of Mukhiya is the one where the village elders decide any kind of dispute. The people tend to trust more Mukhiya system than national law making it difficult to get the information.

JHUMA CUSTOM

Traditionally, the second daughter of a family was to be Jhuma. However, over time, becoming a Jhuma has been a matter of choice rather than obligation. With the passage of time, Jhumas are not forbidden to marry; however, they have to apologize for their marriage to the Lamas of the Monasteries in accordance with their tradition.

MUKHIYA (VILLAGE HEAD) CUSTOM

The Mukhiya custom is a long practice in this district. However, with the introduction of democracy, this tradition was slowly being displaced by elected people's representatives. The process to choose a Mukhiya is consensus based. Given the present situation that there are not people's representatives in the district, almost all the administrative and developmental activities are carried out by Mukhiyas. Ngima Gurung of Ngawal village stated that the administration under the Mukhiya custom is speedy, efficient, transparent and convenient.



3.7 Nawalparasi



Headquarters :	Parasi
Area in Sq. Km :	2,162
No. of Households :	128,793
No. of Population :	643,508
Male :	303,675
Female :	339,833
No. of PwD :	10,873
No. of VDC(s)/Municipality(ies) :	73/1
Male Literacy :	225,119
Female Literacy :	202,926
Religion Hindu (%) :	88.18
Buddhism (%) :	3.06
Islam (%) :	3.75
Kirat (%) :	0.06
Christianity (%) :	1.74
Prakriti (%) :	0.06
Bon (%) :	0.07
Undefined (%) :	0.138
Average Household Size :	5.00

In Nawalparasi, 120 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 73 were from the non-state actors. The state was involved in Human Rights Violation of 47 people who were arrested and tortured (34) and beatings (4) in 2013. In 2012, non-state actors were involved in Human Rights violation of 54 people as per INSEC documentation.

RIGHT TO ASSEMBLY AND FREEDOM OF SPEECH

The police arrested Umesh Chandra Yadav, president of Agricultural Committee, vice-president Khem Narayan Chaudhary, Spokesperson Hamuddin Shesh, members Bismillaha Ansari among other people from Ramrram Municipality-5 on August 25 while presenting the memorandum regarding the cost assessment of sugarcane to the then Prime Minister Dr Baburam Bhattarai. The arrestees were detained for 12 hours and were tortured mentally and physically. They were released later after the discussion with INSEC representative, political parties and representatives from various organizations at District Administration Office with apologies by CDO.

CHILD RIGHTS

Trafficking

The family of 15-year-old girl lodged an FIR at District Police Office on September 4 accusing Rajesh Yadav, 31, of Thulokhairtawa VDC-5, Badu Yadav, 45, of Bhujuhawa VDC-5, Amalesh Yadav, 31 Rajdev Harijan, 32, and Bishnu Raj Bhar, 35, of trafficking her to India on July 12. Based on a complaint, the police arrested Rajesh Yadav and was remanded in custody whereas Amalesh was released on August 15 with a bail amount of Rs 100,000.

Sexual Violence

There were 18 girls who were victims of sexual violence this year. Of them, nine were rape victims and nine were the victims of sexual abuse. A 16-year-old girl lodged a complaint at District Police Office on January 18 accusing Ramnath Chaudhary, 34, of Jamuniya VDC-4, of raping during the tuition class. The accused was arrested on the same day by police and was released on date by a court order on March 4.

Types of Events	By State			By Non-State			
	Female	Male	Total	Female	Male	M/F N/A	Total
Abduction				3	2		5
Arrest & Torture	2	32	34				
Beatings	2	2	4	1	2		3
Child Rights				19	2		21
Economic, Social and Cultural Rights					1	1	2
Inhuman Behaviour					2		2
Killing				5	1		6
Racial Discrimination					1		1
Right to Assembly		9	9				
Women Rights				33			33
Total	4	43	47	61	11	1	73

The family of an 11-year-old girl lodged a complaint at District Police Office on January 29 accusing a 13-year-old boy of attempting to rape her on January 26. The boy was arrested on January 31 by the police and was later released and handed over to the family on February 22 on bail amount of Rs 15,000, being underage.

The victim's family of 5-year-old girl lodged a complaint at District Police Office on April 27 accusing Man Bahadur KC, 43, of Swanthi VDC-9 of raping her on April 27. The victim got the health check-up at Prithvi Chandra Hospital, Parasi on April 28. The accused was arrested on the same day by the police based on the complaint. The accused was remanded in custody by the court order on May 24.

WOMEN'S RIGHTS

Trafficking

INSEC documented four victims of women trafficking. In one of such incidents, the police from Gowaraiya Police Post rescued three women aged 25, 27 and 35 on April 27 as they were being trafficked to India. The police arrested Dhana Bahadur Magar, 36, of Rangkhani VDC-9 and Arjun Sapkota of Damek VDC on the same day. The accused were charged under hu-

man trafficking act. Dhana Bahadur was sent to prison and other two accused were at large at the end of the year.

Sexual Violence

There were four victims of sexual violence including three of rape and one sexual abuse. A 24-year-old victim lodged a complaint at Area Police Office on March 17 accusing Mahendra Mahato, 22, of Pithauli VDC and Min Ram Mahato, 29, of Shivmandir VDC-3 of raping her. The accused are at large.

The family of hearing impaired 42 years old woman lodged a complaint at District Police Office on June 5 against 70-year-old Chandrika Yadav accusing him of raping her near a field. The victim got health check-up at Prithvi Chandra Hospital. The accused was still at large at the end of the year.

Domestic Violence

INSEC documented 12 cases of domestic violence in 2013. Nuresha Nisha, 20, of Devgaun VDC-7 lodged a complaint against her husband Ain ul Haq Ansari, 25, mother-in-law Sarifum Nisha, 45, and father in-law Ibrahim Ansari, 51, on March 22 accusing them of torturing, beating and expelling her from the house. The police

charged the accused under Domestic Violence Act. The case remained pending at the end of the year.

Killing by Family Members

The brother of a 29-year-old Kamala BK of Dumkauli in Divyapuri VDC-7 lodged a complaint at Area Police Office on January 19 accusing her husband Suk Bahadur BK, 32, of beating her to death on January 13. The accused was arrested by police on January 20 and was remanded in custody by a court order on June 11.

Parbati Paudel, 27, of Shivamandir VDC-2 was beaten to death by her husband Biswash Paudel, 38, on May 4 accusing her of having a relationship with other man. The accused surrendered at Area Police Office on May 5. The accused was remanded in custody by a court order on May 23.

In 2013, a total of 144 incidents of domestic violence were registered at WCSC. Among them, 60 cases were of beatings and expulsion from house, 45 were of depriving of food and clothes, 30 were of marriage and citizenship certificates, and nine were the cases of polygamy. Among them 115 incidents settled in agreement and 29 were taken to court.

CAPTURE OF PROPERTY

CPN-M affiliated peasants' associations captured land belonging to local farmers. Land belonging to Ram Laxman Guthi in Agyauli VDC-4 was captured by the cadres of All Nepal Peasants Party wing of CPN-M on June 11 by hoisting their party flag on the land. In a similar case, the land belonging to Laxman Bhattarai, Devi Prasad Bhattarai and Dhruba Bhattarai was captured by Akhil Nepal Peasant Party wing of CPN-M on September 13 led by the district chairperson of the party Yam Lal Dhakal. No action was taken against the encroachers as no complaints were made.

3.8 Rupandehi



Headquarters :	Bhairahawa
Area in Sq. Km :	1,360
No. of Households :	1,63,916
No. of Population :	880,196
Male :	432,193
Female :	448,003
No. of PwD :	9,890
No. of VDC(s)/Municipality(ies) :	69/2
Male Literacy :	318,202
Female Literacy :	258,697
Religion Hindu (%) :	86.24
Buddhism (%) :	4.61
Islam (%) :	8.23
Kirat (%) :	0.03
Christianity (%) :	0.66
Prakriti (%) :	0.02
Bon (%) :	0.08
Undefined (%) :	0.13
Average Household Size :	5.37

In Rupandehi, 34 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 32 were from the non-state actors. The state was involved in one incident of Human Rights violation of in 2013. In 2012, non-state actors were involved in Human Rights violation of 27 people as per INSEC documentation, whereas state was involved in HR violation of seven people.

DEATH IN CUSTODY

Ramsewak Dhobi, 22, of Parsahawa in Asuraina VDC-6 was found dead on the

road near Manjhariya Lake on August 13 morning. He was arrested by the police on August 10. The family claimed that he was beaten to death by the police in custody. Mother of the deceased and some locals were pressurized by the police to cremate the body on the same day as the body was found. The pressure made the family to go against Dobi custom where an unmarried person is buried and not cremated. Father of the deceased, Bahori Dhobi demanded action against the involved policemen saying that the police did not conduct post mortem of the body and that they forced the family to cremate the body, against the community tradition which proved that police were responsible for Ram Sewak's death. SP Bikram Singh Thapa said that the accused policemen had been called back to the District Police Office on August 25 saying that the death was due to their negligence. No other action was taken against the policemen. The family did not file any complaint at any other agency.

CHILD RIGHTS

Sexual Violence

A total of 11 girls' rights were violated this year. Of which five were rape victims and six were the sexual abuse. Manoj Chaudhary, 18, of Rajad in Mankapadi VDC-3 was accused by the family of a 6-year-old girl on April 23. The incident became public after the girl's family filed a complaint in police on May 2. Medical check-up of the girl was conducted at Bhim Hospital, Bhairahawa. Her treatment cost was covered by different women rights organizations and the police. Police said that the accused absconded after the complaint was filed. DSP Posharaj Pokharel said that police initiated action since registering the complaint on May 5.

Two school girls, aged 13 and 14, were gang-raped by three men at a hotel in Intabhatti, Butwal Municipality-11 on July

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction			1		1
Beatings	1	1			
Child Rights			11		11
Death in Detention	1	1			
Injured				2	2
Killing			4	1	5
Racial Discrimination				1	1
Right to Assembly				1	1
Threats				1	1
Women Rights			10		10
Total	2	2	26	6	32

7. The girls told police that Yogesh Banjade, 24, owner of Phewa Cottage Restaurant at Milan Chok and its cook Arjun Gyawali, 28, raped them on the night of July 7. The girls had gone to Butwal for shopping when BK offered them ride on his scooter and took them to the hotel. Police arrested Banjade and BK while Thapa remains absconding. The girls were taken to Lumbini Zonal Hospital for medical check-up.

WOMEN'S RIGHTS

Killing by Family Members

Saraswati Aryal alias Saru, 31, of Belbhariya in Semlar VDC-7 was strangled to death by her husband Janardan Aryal alias Janak, 35, on August 23. Her natal family filed an FIR at Butwal Area Police Office on August 24 leading to his arrest on the same day. Her relatives, from Kodaoli of the same VDC, claiming that she was first strangled and then forcefully poisoned, filed the FIR after the 8-year-old elder son of the deceased told them that his father beat the mother and strangled her. She also had younger son, aged 6. The couple had love marriage 10 years ago. The post mortem of the body was conducted at Lumbini Zonal Hospital and funeral was held on August 24. He has been remand-

ed in prison on September 5. The case remained undecided at the end of the year.

Sexual Violence

Bhim Narayan Tharu, 20, of Harnaiya VDC-6 and principal of proposed Saraswati Lower Secondary School was accused of raping a 19-year-old woman on February 14. Tharu was arrested on February 15 after her father filed a complaint against him at District Police Office. Her family filed an FIR at District Police Office on February 17. SI Khim Bahadur Gharti said that the woman was sent to local clinic for medical test while the accused was sent to District Police Office. The case remained undecided at the end of the year.

Harmful Practices against Women

INSEC documented two incidents with five women who were accused of practicing witchcraft in the district. The women were abused by their neighbors. The incidents occurred in Ranigunj of Motipur VDC-3 and Siktahan VDC-8 where all the perpetrators were of Tharu community. Four women were abused in one case when the locals accused them of being witches on October 13. They filed complaint against the abusers at the local police station on October 24. The accused were arrested on the same day but the case was settled on the same day in the initiation of local political leaders and social activists. NC district chairperson, who later became CA member, Abdul Razzak asked each of the accused to pay Rs 50,000. The money was handed over to the victims.

Police record shows 162 women filed complaints of domestic violence at WCSC, Rupandehi. Among them, 59 were beaten, 23 expelled from home, 48 were deprived of basic needs, five were denied citizenship certificate and marriage registration, 17 suffered because their husband remarried and eight were accused of being witch. Police

settled 137 cases while 10 complainants did not come back. Police forwarded 15 cases to concerned agencies.

CASTE-BASED DISCRIMINATION

Harilal Sunar, 36, of Belbas in Butwal Municipality-15 was assaulted by his neighbor, Kamala Basnet, 40, on July 15. He filed a complaint at Area Police Office, Butwal on July 17. Sunar said that he had gone to her home to pay back the money he had borrowed for his treatment when she abused and assaulted her for entering her house. He demanded action against Basnet as per the Caste-based Discrimination Untouchability (Offence and Punishment) Act. Police settled the case after initiating a discussion between both sides on the same day.

ELECTION VIOLENCE

Krishna Rimal, 30, of Milan Chok in Butwal Municipality-11 was injured in police beating in the evening of November 19. He sustained head injuries and broken ribs for which he had to be treated at Bir Hospital. Police attack on him ensued when there was a clash between the UCPN-M cadres and the police in relation of transfer of the ballot boxes to the district headquarters, Bhairahawa. Rimal had also served as election representative during the voting. The vote counting was disrupted following the clash and resumed only after the administration promised to investigate the incident. In another incident, NC and UML cadres clashed at Chareng of Debdah VDC-9. The clash ensued when the NC and UML cadres returning after completing the last day's door-to-door election campaign met. UML candidate Chhabilal BK said that NC cadres vandalized the vehicle (Ba 9 Cha 5499) used by him. A minor damage occurred in the vehicle and it was sent to District Police Office. UML regional coordinator Dhurba Kharel said

that the NC cadres tried to disrupt the election campaign of UML. UML Office Secretary Ruka Sapkota said that a group of NC cadres led by Jitu BK had vandalized the furniture of UML party office in Debdah VDC-8.



3.9 Palpa



Headquarters :	Tansen
Area in Sq. Km :	1,373
No. of Households :	59,291
No. of Population :	261,180
Male :	115,840
Female :	145,340
No. of PwD :	6,537
No. of VDC(s)/Municipality(ies) :	65/1
Male Literacy :	90,281
Female Literacy :	96,397
Religion Hindu (%) :	90.52
Buddhism (%) :	7.82
Islam (%) :	0.47
Christianity (%) :	0.88
Prakriti (%) :	0.17
Undefined (%) :	0.146
Average Household Size :	4.41

In Palpa, 58 people were the victims of Human Rights violation as documented by INSEC in 2013. Of them, all 58 were from the non-state actors. In 2012, non-state was involved in Human Rights viola-

tion of 32 people as per INSEC documentation.

CHILD RIGHTS

Sexual Violence

A total of four girls were victims of sexual violence in the district. Among them, three were rape victims while one was the victim of sexual abuse. The family of a 14-year-old girl lodged a complaint at District Police Office on June 16 against Top Bahadur Jargha, 23, accusing him of attempting to rape her. The police arrested the accused on the same day the complaint was lodged. The accused was remanded in custody by a court order on July 19. The victim got the medical checkup at District Hospital. The case remains pending till the end of the year.

Sunder Darji, 23, of Madan Pokhara VDC-2 was arrested by the police on September 21 from his house on charge of raping a 16-year-old girl on August 31. The complaint was lodged against the accused on September 1. The accused was remanded in custody by a court order on September 28. The case remains pending till the end of the year.

WOMEN'S RIGHTS

Domestic Violence

Anita Kunwar, 20, of Bhujung VDC-6 was beaten and expelled from the house by her husband Mohan Kunwar, 22, on January 25. The victim lodged a complaint against him at Area Police Office on January 26. The Area Police Office arrested the accused on the same day and was sent to District Police Office. The police released the accused with the agreement of share of the property to the victim in front of the locals on January 27. The accused was later denied to share the property and the victim against lodged another complaint at District Police Office on January 28. The court ordered for the agreement on July 25.

Types of Events	By Non-State		
	Female	Male	Total
Beatings	6		6
Child Rights	4		4
Killing		1	1
Women Rights	47		47
Total	57	1	58

Sexual Violence

Shiva Bahadur Khadka, 27, of Tansen Municipality-6, Basanta Thapa, 27 and Sandeep Rai, 22 of Bhairanathan VDC-4 and a 15-year-old boy of same Municipality-13 was arrested by the police on September 20 from Bus Park of Tansen Municipality-6 on charge of raping a 32-year-old woman of Gulmi District. The woman was rescued from the incident site by the police after hearing her scream. The victim had a medical checkup at District Hospital of Tansen. The accused were remanded in custody by a court order on September 30. One of the accused, a 15-year-old boy was sent to Child Rehab center. The case remains pending.

In 2013, the total of 50 incidents regarding domestic violence was registered at WCSC. Among them 47 cases were about beatings, torture, depriving of food and polygamy. All 47 incidents reached to an agreement and three incidents of polygamy were filed in the court for legal process.



3.10 Kapilbastu



Headquarters : Taulihawa

Area in Sq. Km : 1,738

No. of Households : 91,321

No. of Population : 571,936

Male : 285,599

Female : 286,337

No. of PwD : 7,333

No. of VDC(s)/Municipality(ies) : 77/1

Male Literacy : 173,551

Female Literacy : 124,113

Religion Hindu (%) : 80.62

Buddhism (%) : 0.87

Islam (%) : 18.16

Christianity (%) : 0.19

Prakriti (%) : 0.02

Shikha (%) : 0.004

Undefined (%) : 0.13

Average Household Size : 6.26

In Kapilbastu, 80 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 71 were from the non-state actors. The state was involved in Human Rights violation of 9 people who were arrested and tortured (6), injured (3) in 2013. In 2012, non-state actors were involved in Human Rights violation of 27 people and state was involved in Human Rights violation of 12 people as per INSEC documentation.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					2	2
Arrest & Torture	2	4	6			
Beatings				2	1	3
Child Rights				12	1	13
Economic, Social Rights and Cultural Rights					7	7
Inhuman Behaviour					3	3
Injured		3	3	1		1
Killing				2	1	3
Threats					4	4
Women Rights				35		35
Total	2	7	9	52	19	71

TORTURE BY POLICE

Kamal KC, 40, of Hathausa VDC-8 and district member of CPN-M was arrested by the police on July 25 accusing him of fleeing with the election materials. He was controlled by the police constable JP Shrestha and his group and beaten with boot and batons. The injured accused was rushed to the hospital after the incident. The promotion of the constable was halted and departmental action was taken against him on September 20.

INTIMIDATION AND BEATINGS By CPN-M

Jhalak Kumar Shrestha, 45, secretary of Khuruhuriya VDC and Krishna Sharma, 45, secretary of Gugauli VDC were abducted by the cadres of CPN-M from Hallanagar of Shivapur VDC on January 27. The victims were rescued by the police on the same day. They were abducted while distributing the citizenship certificate in the VDC. The distribution program was postponed due to the incident.

CHILD RIGHTS

Trafficking

Ram Brikchya Yadav lodged a complaint at Area Police Office on November 21 accusing Raj Kumar Kurmi, 24, of

Manpur VDC-8 of trafficking his 15-year-old daughter to India. The victim further lodged a complaint at WCSC but no action was taken against.

Sexual Violence

Khim Bahadur BK, 45, of Tilaurakot VDC-6 was arrested by police on March 20 on charge of sexual abuse of a 13-year-old girl. The victim's party lodged a complaint at District Police Office on March 20 and police arrested the accused on the same day. The accused was released on bail amount of 6,000 by the court order on March 18. In a similar incident, a 16-year old girl was sexually abused on March 17 by Ganesh Pasi while she was returning home after the SLC examination. The victim lodged a complaint at District Police Office on March 18. The police charged him under public crime and arrested on the same day. The accused was later released on bail amount of 5,000 by the court order on October 14. The victim had a health checkup at District Hospital.

WOMEN'S RIGHTS

Trafficking

The police rescued 22-year-old women from the border of Krishna Nagar on May 26. She was being trafficked to India by pretexting her with a good job. The

victim was handed over to the family on the same day they were rescued. The victim lodged a complaint at Area Police Office of Chandrauta on May 26 against Dev Bahadur BK of Birpur VDC-7. The police office of Krishna Nagar said that the accused is at large.

In a similar incident, a 15 and 21-year-old girls were rescued by the police of Krishna Nagar on April 2. The police arrested Nirmala lama, 21, of Chanai VDC-9, and Karabir Shahi, 37, of Pajaru VDC-8 from Chanai VDEC-8, Bankatta. The police charged them under Human Trafficking Act and was remanded in custody by court order on April 7.

Sexual Violence

A 19-year-old girl was raped on the night of January 27 by Yogendra Shriwatav, 25, of Somdihawa VDC-2. The accused gave a lift to the victim on his motorbike and raped her after taking her to the room of Jagadish Pandey and Asarar Khan according to the police. The victim fled the scene and reported the incident to the police. The police arrested all three accused on the same day. The accused Yogendra was remanded in custody where as other two accused were released on a bail amount of 25,000 each by the court order on January 27.

A 30-year-old woman was rescued by the locals on February 9. The victim was raped by an unidentified person and was abandoned. She was handed over to her family after she was rescued. The victim had a medical treatment at Pipara Hospital on February 5 and was referred to Butwal Zonal Hospital for further treatment. The victim was further taken to Kathmandu with the financial aid by various organizations. The person involved in the incident is not identified yet.

22-year-old women lodged a complaint at police accusing Pancha Gulam Kori, 25, of Dohani VDC-8 of attempting to rape her on March 17. The accused was remanded in custody by a court order on April 7. The case remains pending till the end of the year.

Domestic Violence

Jugmati Chaudhary, 30, of Nyaulajung, Gugauli VDC-1 was injured in a bullet fire by her husband Deepak Chaudhary, 35, on March 19. The severely injured victim was rushed to Bhairahawa Medical College and further air lifted to Kathmandu for the treatment. The accused was arrested by the police on the same day and was sent to prison by the court order on April 11. The case remains pending till the end of the year.

In 2013, there were 44 incidents regarding domestic violence were registered at WCSC. Among them, nine cases of expelling from the house, 16 cases of depriving of food and clothes, 12 cases regarding marriage and citizenship certificate, four cases of polygamy, two cases of threatening of life and one case of allegation of witchcraft were registered. Among those incidents, 44 cases reached to an agreement and other cases could not be processed for the legal treatment.

DESTRUCTION OF PROPERTY

An unidentified group set on fire to the vehicle of Rajendra Malla, 35, of Jayanagar-7 with a registration number Ba 22 Pa 8788 at Balhunda Khola of Jaya Nagar VDC. The victim was stopped while in route to Gorusinghe from Butwal and his motorbike was set on fire. The accused are at large according to the police.



3.11 Arghakhanchi



Headquarters :	Sandhikhark
Area in Sq. Km :	1,193
No. of Households :	46,835
No. of Population :	197,632
Male :	86,266
Female :	111,366
No. of PwD :	5,165
No. of VDC(s)/Municipality(ies) :	42/0
Male Literacy :	63,167
Female Literacy :	69,040
Religion Hindu (%) :	97.03
Buddhism (%) :	4.39
Islam (%) :	2.06
Kirat (%) :	0.01
Christianity (%) :	0.26
Undefined (%) :	0.1
Average Household Size :	4.22

In Arghakhanchi, 46 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, all 46 were from the non-state actors. In 2012, non-state actors were involved in Human Rights violation of 23 people as per INSEC documentation.

CHILD RIGHTS

In 2013, child rights violation was against three children who were sexually abuse as recorded by INSEC in the district. In 2012, three cases of rape, two cases of sexual abuse one case of child marriage were documented.

Sexual Violence

The mother of a 13-year-old girl lodged a complaint at District Police Office on November 10 against her husband of attempting to rape her daughter on November 6. The victim rushed to the police post at Gorusinghe after incident and lodged a verbal complaint on November 8. Police arrested the accused on October 30 for the investigation. The victim got the medical checkup at a health post on November 11. The accused was remanded in custody by a court order on October 29.

WOMEN'S RIGHTS

Killing by Family Members

Two women were killed by their family in the district. One of the victim of Meena Regmi, 45, of Chidika VDC-4 whose natal family lodged a complaint at District Police Office on September 28 against her husband Kul Bahadur Regmi, 45, accusing him of murdering and hanging her on September 27. The accused were about to perform the final rites of the victim without informing the victim's natal family. Police arrested the accused on the same day. The accused was remanded in custody by a court order on October 22.

Domestic Violence

INSEC documented 33 victims of domestic violence. Most of them were mistreated by the family members. A 23-year-old woman of Nuwakot VDC-1 lodged a complaint at District Court against her husband Prem Pandey, 26, on April 25 accusing him of beating and mistreating her on April 24. The complaint further stated that she was inhumanely behaved by the accused. The incident remains pending till the end of this year.

Polygamy

Two women were documented as the victims of polygamy. Sarita Kunwar, 20,

Victim Event Type	By Non-State		
	Female	Male	Total
Child Rights	3		3
Injured		1	1
Killing	2		2
Threats		4	4
Women Rights	36		36
Total	41	5	46

of Divarna VDC-1 lodged a complaint at District Police Office on January 28 against her husband Tej Bahadur Kunwar, accusing him of polygamy. The accused married with second women Gyanu Kunwar, 23, of Kalikot VDC-7 on November 26. Based on a complaint, the police arrested the accused on January 29. The accused was sentenced for two years according to the district court order on April 29.

In 2013, the total of 144 incidents of domestic violence was registered at WCSC. Among them, 60 cases of expulsion from the house, 45 cases of depriving of food and clothes, 30 cases of citizenship and marriage certificates and nine cases of polygamy were registered in the center. Among the registered incidents, 115 cases were concluded in agreement and 29 cases were preceded for the legal treatment according to the center.



3.12 Gulmi



Headquarters : Tamghas

Area in Sq. Km : 1,149

No. of Households : 64,921

No. of Population : 28,160

Male : 120,995

Female : 159,165

No. of PwD : 7,671

No. of VDC(s)/Municipality(ies) : 79/0

Male Literacy : 88,888

Female Literacy : 98,749

Religion Hindu (%) : 96.78

Buddhism (%) : 2.78

Islam (%) : 0.15

Christianity (%) : 0.2

Prakriti (%) : 0.01

Undefined (%) : 0.072

Average Household Size : 4.32

In Gulmi, 118 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 116 were from the non-state actors. The state was involved in Human Rights violation of two people which includes one in beating and one in arrest and torture. In 2012, non-state actors were involved in Human Rights violation of 33 people as per INSEC documentation. State was involved in HR violation of one person who was beaten.

RIGHT TO ASSEMBLY AND FREEDOM OF SPEECH

The cadres Rajendra KC, 23, and Himal KV, 19 of YCL of Neta VDC-4 was attacked by the cadres of CPN Mao-

ist Krishna Bahadur Basnet, 35, during the campaign of CA election at Ijarapokhara of Neta VDC-5 on November 14. Among the injured, Rajendra got the medical treatment at Medical college. The victim lodged a verbal complaint at District Police Office on November 15.

CHILD RIGHTS

Trafficking

Two girls of 15-year-old each of Pipaldhara VDC-2 were trafficked in India on April 8 by Saraswoti BK, 44 and Sarita BK, 19, of the same VDC, living in Punjab of India. The victims were rescued by NRN Nepali on May 3. The victims lodged an FIR at District Police Office on May 19 and were arrested by the police on the same day. One of the accused was remanded in custody by a court order on June 9 whereas other accused is at large. The case remains pending till the end of the year.

Sexual Violence

19-year-old father was arrested by the police on July 26 on charge of raping his daughter of 12-year-old on July 25. The father was arrested by the police with the help of locals on the same day after the complaint was lodged. The father confessed his guilt. By the single bench of District judge Rishi Ram Acharya, the accused was remanded in custody on August 18. The case remains pending till the end of the year.

The victim's family of 4-year-old girl lodged a complaint at District Police Office against Babu Ram Nepal, 19, of Bagla VDC-9 on September 11 on charge of attempting to rape her on July 26. The complaint states that the girl was pretexted by an accused before attempting to rape her. The accused was arrested by the police on September 10 and was remanded in custody by a court order on July 1.

In another similar incident, a 10-year-old girl was attempted to rape by

Mani Ram Bhandari, 44, of Digam VDC-3 near the jungle on October 22 by pretexting her for money. The victims' family lodged an FIR at District Police Office on October 26. The accused was arrested on the same day by the police and was remanded in custody by a court order on November 6.

The victim's family lodged a complaint at District Police Office on December 15 against Chandra Bahadur Khadka, 55, of Dohali VDC-5 accusing him of attempting to rape a 6-year-old girl on December 14. The girl was pretexted by the accused with a chocolate before attempting to rape her. The accused was arrested by Isma Police Post and the incident is under investigation.

WOMEN'S RIGHTS

Sexual Violence

A 56-year-old victim lodged a complaint at District Police Office on November 7, accusing Ram Bahadur Mahat, 36, of Tunipata, Amarpur VDC-1, of raping her while she was sleeping on the night of November 6. The police arrested the accused on the same day and was remanded in custody by a court order on November 28.

Domestic Violence

The victim's family of Om Kali Kumal lodged an FIR at District Police Office against her husband Bishnu Bahadur Kumal, 28, on May 2 accusing him of murdering and hanging the victim on May 1. The accused was arrested by the police based on the complaint lodged by the police. The accused was remanded in custody by a court order on June 12.

Polygamy

Ganga Pandey, 34, of Aslewa VDC-5 lodged a complaint at Area Police Office on July 1 accusing her husband Deepak Pandey, 35 of marrying Durga Gyawali, 19, of Limgha VDC-9. The accused were ar-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Beatings	1	1	2	9	11
Child Rights			8		8
Killing			1	3	4
Racial Discrimination			1	1	2
Women Rights			91		91
Total	2	2	103	13	116

rested by the police on August 13 and was released on bail amount of 28,000 each by the court order on August 13.

In 2013, the total of 232 cases of domestic violence were registered at WCSC under District Police Office. Among the cases, 90 beating and expelled from home, 41 cases of depriving of food and clothes, 15 of marriage certificate and citizenship certificate, 12 of polygamy, 71 of threatening, three cases of alleging of witchcraft. Among those cases 217 incident reached to an agreement and 15 cases were processed for legal treatment according to the center.

CASTE-BASED DISCRIMINATION

A 52-year-old victim Gokarna Nepali of Darbar Devasthan VDC-9 lodged a complaint at Police Post on November 30 against Moti Kumar Shrestha, 48, and Ashok Kumar Thapa, 55, of the same place against caste discrimination. The accused deprived the victim of entering into the temple for praying and threatened for life. He further complained that the accused misbehaved him because of being Dalit. The incident reached into an agreement after the discussion between the both parties. Both parties agreed to let the Dalit to enter into the temple for praying.



3.13 Baglung



Headquarters : Kalika (Baglung)

Area in Sq. Km : 1,784

No. of Households : 61,522

No. of Population : 268,613

Male : 117,997

Female : 150,616

No. of PwD : 6,179

No. of VDC(s)/Municipality(ies) : 59/1

Male Literacy : 86,299

Female Literacy : 93,180

Religion Hindu (%) : 89.27

Buddhism (%) : 8.74

Islam (%) : 0.27

Christianity (%) : 0.63

Prakriti (%) : 0.67

Bon (%) : 0.03

Undefined (%) : 0.392

Average Household Size : 4.37

In Baglung, 53 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 48 were from the non-state actors. The state was involved in Human Rights violation of five people which was arrest and torture. In 2012, non-state actors were involved in Human Rights violation of seven people and state were involved in HR violation of 13 people as per INSEC documentation.

RIGHT TO ASSEMBLY AND FREEDOM OF SPEECH

Bal Kumar Pun, 28, and Bhawani

Shankar Pun, 30 of Bongadovan VDC-8 was attacked and injured by the cadres of YCL on October 22. The victims were attacked with a Khukuri in a dispute during the election campaign by CPN-M. The victims got the medical treatment at the local health post and were further referred to Kathmandu. The CPN-M party denied their involvement in an incident.

The poll candidate for proportional representation, Meena Pun, Min Bahadur Pun and Prem Thapa were injured in an attack by the cadres of UCPN-M at Hugdishir VDC during the election rally organized by Rastryia Janamorchha Nepal on November 15. Among the injured, Meena Pun was air lifted to Kathmandu whereas other was treated at Bareng Health Post. The UCPN-M denied of attacking the cadres and said that cadres from the both parties were injured in a clash.

In another incident, the cadres of Nepali congress, Dolendra Thapa, Tek Bahadur Rana, Daya Ram Sapkota, Nanda kishore Padhyaya and Nar Jung Rana Magar was injured in an attack by the cadres of Rastryiya Janamorchha on November 18 during the all party meeting regarding the CA election. The injured sustained head, eye and leg injuries. The victims got the treatment at Dhaulagiri and Manipal Hospital.

CHILD RIGHTS

Sexual Violence

A 14-year-old girl of Sukhaura VDC-3 was raped by Anil Giri, 19, and Suman Giri, 19, near the jungle of same VDC on May 28. The victim's family lodged a complaint at District Police Office on May 29. The police arrested the accused on the same day. The victim got the health checkup on the same day at District Hospital. Among the accused, a 13-year-old boy was released on bail amount of 5,000 whereas other accused were remanded in

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				4	4
Arrest & Torture	5	5			
Beatings			2	9	11
Child Rights			5		5
Injured			2	5	7
Killing			1	1	2
Right to Assembly			1	3	4
Threats				8	8
Women Rights			7		7
Total	5	5	18	30	48

custody by the court order on June 27.

A 14-year-old victim lodged a complaint at District Police Office on November 8 accusing Tara Kunwar, 23, of Rajkut VDC-9 of attempting to rape her on November 9 while returning home from Burtibang.

WOMEN'S RIGHTS

Sexual Violence

23-year-old victim lodged a complaint at police office on March 28 accusing Agun Kunwar, 22, and Kapil Mahat, 21, of Burtiwang VDC-1 accusing them of attempting to rape her on March 20. The woman was rescued from the incident site by the locals after hearing her scream. The police arrested the accused on April 5 and ordered to release on bail amount of 32,000. The accused were released on June 27. The victim got the medical treatment at health center at Burtibang.

A 19-year-woman was raped by Krishna Bahadur Subedi, 22, of Hatiya VDC-8 at the hotel of Baglung municipality-2 on June 3. The victim lodged a complaint at District Police Office against the accused on June 8. The victim got the medical checkup at District Hospital. The accused was remanded in custody by a court order on July 8 and was released on bail amount of 52,000 on October 29 by a court order.

In another incident, the police arrested Sher Bahadur Serchan, 75, of Baglung Municipality-3 on August 9 on charge of attempting to rape 22-year-old women on July 21. The accused was released on bail amount of 32,000 by a court order on August 14. The victim got the medical checkup at Dhaulagiri Zonal hospital.

Domestic Violence

Sun Maya Nepali, 20, of Nisi VDC-8 was murdered by her husband Devi Ram Nepali, 22, by hitting her with stone on May 16. The accused was arrested by the police on May 16. The accused was remanded in custody by a court order on June 14. The case remains pending till the end of this year. The postmortem of the body was done at Primary Health Center of Burti-wang on May 17.

Polygamy

Sita Chhetri Karki, 21, of Batakachaur VDC-3 lodged a complaint at District Police Office on February 22 accusing her husband Raj Sarki, 25, of same VDC for polygamy. The accused married Devi Sarki, 26, of same place. The accused was arrested by the police from Dhullu Bas-kota on February 25 and was released on bail amount of 52,000 on March 20.

In another similar case, Kamala Bohara, 20, of Baglung municipality-8, lodged a complaint against her husband Govinda Bahadur Sarki, 22, at District Police Office on December 11 for polygamy. He was accused of marrying Sangeeta Sarki, 18, of Baglung municipality. The accused was arrested by the police on December 12. The accused was sent to prison and the case against him is pending.

In 2013, the total of 116 incidents regarding domestic violence was registered at Women and Children Service Center. Among them 95 incidents reached to an

agreement. 17 cases were decided where as five cases remained pending according to the center.

DESTRUCTION OF PROPERTY

The cadres of CPN-M vandalized the District Election Office of Baglung on March 29. The group of three cadres suddenly entered the room and vandalized computer, phone, table and printer.



3.14 Parvat



Headquarters :	Kuma
Area in Sq. Km :	494
No. of Households :	35,719
No. of Population :	146,590
Male :	65,301
Female :	81,289
No. of PwD :	3,653
No. of VDC(s)/Municipality(ies) :	55/0
Male Literacy :	50,009
Female Literacy :	51,280
Religion Hindu (%) :	89.48
Buddhism (%) :	9.32
Islam (%) :	0.43
Christianity (%) :	0.45
Prakriti (%) :	0.02
Bon (%) :	0.19
Shikha (%) :	0.001
Undefined (%) :	0.093
Average Household Size :	4.10

In Parbat, 23 people were the victims of Human Rights violation as documented by INSEC in 2013. All 23 victims were from the non-state actors. In 2012, non-state actors were involved in Human Rights violation of nine people as per INSEC documentation. The state was involved in Human Rights violation of six people.

CHILD RIGHTS

Two children, whose rights were violated, were recorded this year. The police arrested Kamal BK, 20, of Shankhapokhari VDC-8, Shiva Sunar, 20, and Surya BK, 23, on March 20 on charge of raping a 14-year-old girl on March 18. Kamal BK and Shiva Sunar were sent to the prison whereas other accused Surya BK was released on date on March 19. The victim got the medical checkup at District Hospital on March 19.

Belu Pariyar, 26, of Dhairing VDC-8 was arrested by the police on November 18 on charge of raping a 15-year old girl on November 17. The accused was remanded in custody by a court order on November 23. Both cases were yet to be decided at the end of the year.

WOMEN'S RIGHTS

Killing by Family Member

Surya Bahadur KC of Kurgha VDC-3 lodged an FIR at District Police Office on March 10 against his father Govinda Bahadur Chhetri, 57, on charge of beating his mother Bishnu Kumari Chhetri, 51, to death on March 9. The accused was arrested by the police on March 10. The accused was remanded in custody by a court order on April 2. The postmortem of the body was carried out at District Hospital on March 11. The case remained pending until the end of the year.

Domestic Violence

INSEC documented four incidents of domestic violence in the district. One woman was forced out of the house

Types of Events	By Non-State		
	Female	Male	Total
Beatings	1	11	12
Child Rights	2		2
Killing	1	1	2
Women Rights	7		7
Total	11	12	23

by her husband and other members of the family while another woman claimed that she was not given enough food and other basis needs. A 30-year-old victim women lodged a complaint at District Police Office on March 17 accusing her husband Sher Bahadur Chetri, 30, including other family members of beating and expelling her from the house. There was no action taken against the accused. The victim is living in Pokhara recently.

35-year-old women of Khaulakuri VDC-4 lodged a complaint at District Administration Office against her husband Bhakta Bahadur Damai, 49, accusing him of depriving her of food and clothes and expelling her from the house. She claimed for the share of the property from the husband with divorce at District Court on October 14.

In 2013, there were total of 18 incident registered at WCSC this year. Among those, seven cases of beatings and expulsion from the house, four cases of marriage certificate and citizenship certificate, five cases of polygamy, two cases of threats and two cases of allegation of practicing witchcraft. Among those cases, nine cases reached to an agreement and nine cases were under legal treatment at the end of the year.

ELECTION VIOLENCE

UML cadres Prem Lamichhane, 19, of Thulipokhari VDC-8, Hom Nath Lamichhane, 52, and Raman Lamichhane, 22, were injured while attempting to stop the UCPN-M cadres of casting forgery vote at Thulipokhari VDC on November 19.

The accused are at large till the end of this year. A 42-year-old Khum Bahadur Nepali and his wife Muna Nepali, 38, UML cadres were injured in an attack by the cadres of Nepali Congress, Som Bahadur Khatri, 40, on November 21. The victims lodged a complaint at police post on November 22 seeking for the justice.



3.15 Myagdi



Headquarters :	Beni
Area in Sq. Km :	2,297
No. of Households :	27,762
No. of Population :	113,641
Male :	51,395
Female :	62,246
No. of PwD :	6,122
No. of VDC(s)/Municipality(ies) :	41/0
Male Literacy :	37,737
Female Literacy :	37,793
Religion Hindu (%) :	87.16
Buddhism (%) :	10.33
Islam (%) :	0.16
Kirat (%) :	0.02
Christianity (%) :	1.33
Prakriti (%) :	0.78
Bon (%) :	0.02
Undefined (%) :	0.209
Average Household Size :	4.09

In Myagdi, 23 people were the victims of Human Rights violation as documented by INSEC in 2013. All 23 incidents were from non-state actors. In 2012, non-state was involved in Human Rights violation of five people as per INSEC documentation.

CHILD RIGHTS

Trafficking

A 17-year-old girl was rescued by the representatives of Shakti Samuha and CWIN Nepal, based on the information given by District Child Welfare Committee of Myagdi, from Pokhara on June 28. The girl was pretexted for a good job in a hotel of Pokhara. The accused Maya Lam-sal and Sher Bahadur were arrested by the police on June 29 and charged for human trafficking under Public Crime. The girl was handed over to her parents on July 4.

Sexual Violence

Six girls were victims of rape and were documented by INSEC this year. One of the cases was a gang rape. At least four accused were minors. The family of a 4-year-old girl lodged a complaint at District Police Office on February 23 accusing a 13-year-old boy of raping her. The police arrested the accused on the same day. The victim was severely injured in a rape. The unconscious victim got the medical treatment at Manipal Teaching Hospital, Pokhara on March 6. The accused was released on date in the protection of his mother.

The victim's family of 17-year-old girl lodged a complaint at District Police Office on February 23 accusing Jhalak Ghimire, 40, of raping her on February 23. The victim got the medical checkup at District Hospital on the same day. The accused was arrested by the police on February 24. The accused was remanded in custody by a court order on March 14. The case remained pending at the end of the year.

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	8		8
Injured		5	5
Right to Assembly	1	4	5
Women Rights	5		5
Total	14	9	23

WOMEN'S RIGHTS

Sexual Violence

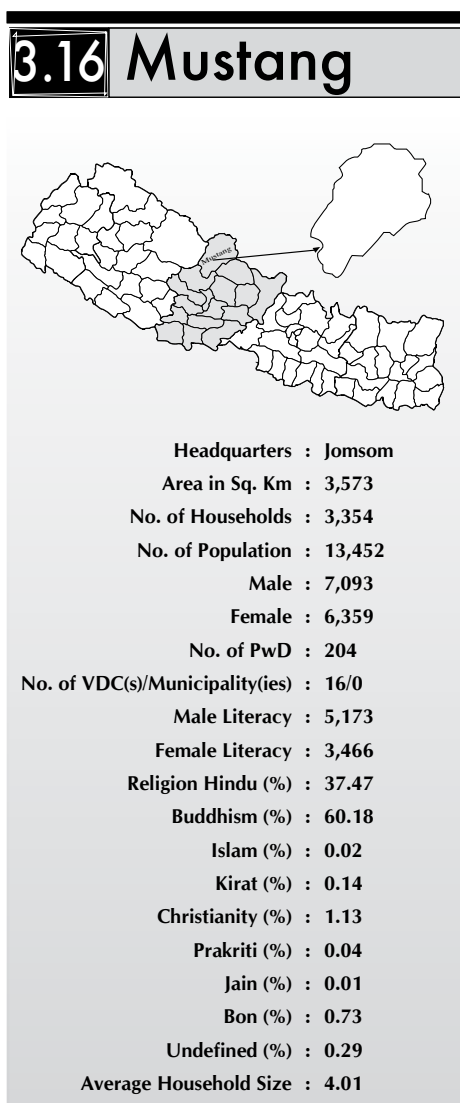
Police arrested 42-year-old Tek Prasad Jugjali of Bim VDC-1 on charge of attempting to rape a 29-year-old intellectually disabled woman. The police, during the investigation, found that she was raped by the accused in the past too. The victim is six months pregnant. The accused was remanded in custody by a court order on September 22. The case remained undecided at the end of the year.

The total of 63 incidents of domestic violence was registered at WCSC. The most of the incidents of domestic violence occurred in Dalit Community. Almost all the incident reached to an agreement without any legal treatment.

ELECTION VIOLENCE

The district member of UCPN-M, Pushkar BK of Kahun VDC-6 and his group were attacked by the cadres of CPN-M while in a process of election campaign at Bim VDC on October 10. Pushkar sustained a head injury in the incident. The district committee of CPN-M, Resham Jugjali, alias Subin 32, of Bim VDC-3 was arrested by the police on October 30 on charge of his involvement in the incident. The cadres of CPN-M vandalized mike and other materials belonging to UML during an election campaign on October 14. The group led by the poll candidate Nawa Raj Sharma was attacked and their materials were vandalized. The cadres of CPN-

M tried to disrupt the election campaign of UML in various places of the district. District member of UCPN-M, Baghbir Paija got injured in an attack with a sharp weapon on November 15. He was attacked by an unidentified group at Sheikh VDC-4 during the election campaign.



Types of Events	By Non-State		
	Female	Male	Total
Killing		1	1
Women Rights	1		1
Total	1	1	2

In Mustang, two people were the victims of Human Rights violation as documented by INSEC in 2013. These two incidents were from non-state actors. In 2012, non-state was involved in Human Rights violation of one person as per INSEC documentation.

CHILD RIGHTS

The children of the district are directly affected by the cultural and religious custom. Due to the polyandry system district, most of the children are facing problems while obtaining a citizenship certificate due to difficulty in confirming paternity. They are deprived of share of the property, education, health and security, and even for the citizenship certificate.

The children are forced to be priest Jhuma and Lama. This kind of activities should not be enforced by the parents in the name of saving a culture. The trend of child labor is still prevailing in the district. There are few remarkable works done in the district such as giving protection to the street children by the NGOs, while the Human Rights activists complained that such protection should be given by the Government

WOMEN'S RIGHTS

Jhuma Custom

Traditionally, the second daughter of a family becomes a Jhuma. However, becoming a Jhuma has become a matter of choice rather than a cultural or social

obligation. Jhumas are not forbidden to marry as were the case in the past but they have to apologize for their marriage to the Lamas of the local Monasteries. Chief of the Monastery, Aani Chhewang, said that Jhumas can study like other Lamas of Dhawas in the Monasteries, can equally participate the worshiping and receive pay from the village on a par with monks. As a couple rarely has more than two children, this tradition is vanishing gradually in the district. For this reason, Aani Dhawa and Aani Dhawa Khando of Jhong VDC said that most of Jhumas in the region are from the places outside the district such as Dolpa, Mugu, Kathmandu and Baudha etc.

Mukhiya (Village Head) Custom

Mukhiya Custom is long practice in the district. Mukhiyas take law making into their own hands. However, most of the locals in the district are satisfied with the custom. Civil society member Chandra Bahadur Thakali and a local Ratne BK stated that the administration under the Mukhiya custom is speedy, efficient, transparent and convenient. They also expressed that the process to choose the Mukhiya is consensus based. All members of the village have a right to be a Mukhiya. In some village it was also deemed that Mukhiyas are selected on a rotation basis. Overall, the custom is not bad but one cannot defy the decision of Mukhiya and women, Dalit cannot attend the village meetings.

In 2013, four cases of domestic violence were registered in WCSC. Among them, three cases were of beatings and expulsion from the house and one case of polygamy. The three incidents of beatings were concluded in agreement and the case of polygamy is processed for the legal treatment according to the center.





Human Rights Situation of **Mid Western Region**

The Mid-Western Development region has 15 districts. The region is comprised of Humla, Jumla, Dolpa, Mugu, Kalikot from mountainous region, Surkhet, Dailekh, Pyuthan, Salyan, Rukum, Jajarkot, Rolpa from hilly region and Dang, Bardiya, Banke from Tarai region. The region saw a number of Human Rights violence in the districts in 2013, mainly violence against women, children and election violence.

The number of victims of HR violation in the development region increased in comparison to previous year. INSEC recorded an increase of incidents of Human Rights violence in all districts of the region except for Banke and Humla. Of the victims, highest increase of Human Rights violations is in Rukum, from 16 to 64. Last year, there were a total of 759 victims of Human Rights in the region while this year, it was 968. The women's rights violation has increased by 8% in the region. In 2012, there were 329 victims while in 2013, 355 were victims of women rights violation. In most of the districts there is an increase in documented victims of women rights violations. Pyuthan, Jajarkot and Kakikot documented the same number of women's rights violation incidents in last two years. The number of victims in women's rights viola-

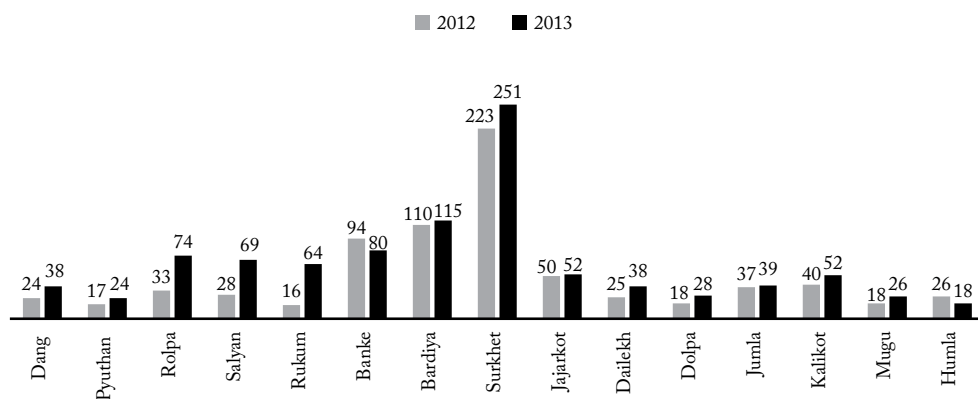
tion increased from eight to 32 in Salyan and nine to 33 in Banke.

Most of the documented cases of women rights violation in the region in 2013 were domestic violence (253), polygamy (23) and sexual violence including rape (31), sexual abuse (19) and attempt to rape (13). Eight were abused on charge of practicing witchcraft and seven were the victims of trafficking.

Child victims also increased in the region in 2013 i.e. 87 in comparison to 63 in 2012. 80 out of 87 child victims were girls. The number of victims in child rights violation increased from one to eight in Jajarkot and eight to 15 in Banke. Sexual violence topped the type of violence. There were 55 girls raped, 16 girls survived sexual abuse and five were victims of corporal punishment.

INSEC has compiled the data of the number of students attending government-run schools. A total of 571,821 students are girls and 533,912 are boys. This is reflected in many districts where the number of girl students is higher than that of boys. In Surkhet, 69,195 students are girls and 51,165 are boys. The ratio of boy: girl enrollment of Dang is 47:53 whereas the enrollment ratio in Banke and Bardiya are same i.e.

Fig 1: Human Rights Violence in Mid Western Region



49:51. All three belongs to Tarai region has higher number of girl enrollment. In case of Mountain region, two districts Humla, Dolpa has higher number of boys attending school whereas Mugu and Jumla have higher number of girl students. Similarly, in hilly region, all districts has higher of number of girl students except Dailekh and Kalikot. The number of Dalit students in the region (excluding Dang) is 204,364.

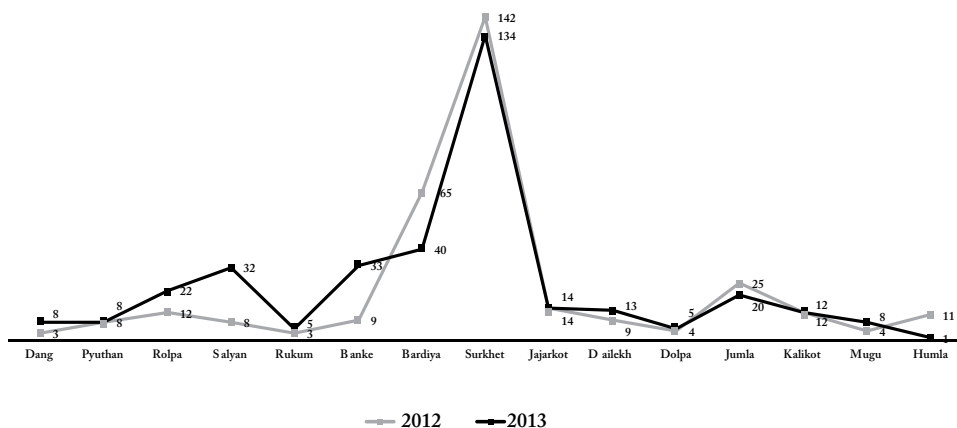
From fiscal year 2012/13, 46.43% of the criminal cases and 37.40% civil cases were decided in the region. Rukum District Court decided the highest per cent of the criminal cases i.e. 74.80% and Rolpa decided the highest number of civil cases 86.66 %. Lowest performing district was Jajarkot where two criminal cases were registered but none of them was decided. Similarly, in civil cases, just three were decided out of 15 cases. From July 16 to December 31, 44.87% of the criminal cases and 44.96% civil cases were decided in the region. Bardiya District Court decided the highest per cent of the criminal cases i.e. 62.17% and Humla decided the highest number of civil cases 60%. There was no civil case in

Jajarkot and 2 (10%) cases out of 20 criminal cases were decided.

From of the 1397 cases filed by the Offices of the District Government Attorney in the region, 504 cases were won and 169 cases were lost. Banke recorded the highest number of cases, 493 filed at the District Court out of which 121 were won and 12 were lost. Similarly, from July 16 to December 31, of the 540 cases filed in the region by the Offices of the District Government Attorney, 94 cases were won and 19 cases were lost. The data for the Dailekh and Kalikot were not available for this analysis.

Total capacity of the 15 district prisons is 811 but the occupancy at the end of the year was 1,537. Banke district has the highest number of occupancy i.e. 463 whereas the capacity of the prison is just 250. The inmates do not have proper facilities of toilet and drinking waters. Due to lack of space in this prison, most of the inmates are living in the room allocated to the female detainees. There are 13 dependents of which three are in Banke, three are in Bardiya, two are in Dang, two in Rolpa

Fig 2: Women's Rights Violence in Mid Western Region



and one each in Rukum, Surkhet and Dailekh living with either of their parents. In Surkhet, although it has been five years that people are working to construct a Reform Center, building was not complete until the end of the year. Mugu district doesn't have proper infrastructure due to which they sent their detainees to Bardiya prison. Similarly, due to lack of proper infrastructure in Humla, they sent their detainees either to District Police Office, Humla or Surkhet prison.

Some of the problems documented in the region needing attention of the stakeholders include violence against children including the corporal punishment and Kamalaris. There was a national protest after the Srijana Chaudhary, 12, from Dang, working as a domestic worker in Lalitpur died under suspicious circumstances. Ex-Kamalaris protested demanding investigation onto the death of Srijana Chaudhary. Kamalaris are bonded domestic helpers and they are usually Tharu girls. This system was in practice a decade back in the region until it was abolished by the government. After

the abolishment, the system remains in practice as a form of domestic worker. Low pay, excessive hours of work and lack of opportunity for alternative income compel the Kamaiya households to send their children for work.

Region documented five cases of corporal punishment against four boys and a girl. In one incident documented by IN-SEC, a boy lost his eyesight when hit by a teacher with a book. Though Nepal has ratified the UN Convention on the Rights of the Child (CRC) in 1990, there is no explicit prohibition of corporal punishment. Recently government has showed commitment against corporal punishment in schools in its School Sector Reform Plan 2009-2015 stating that the teachers shouldn't apply any form of corporal punishment in schools. But merely having laws are not enough until and unless they are properly enforced. Also, in absence of adequate and appropriate policy guidelines, referral system, implementation and monitoring mechanism there is little accountability.



4.1 Dang



Headquarters :	Ghorahi
Area in Sq. Km :	2,955
No. of Households :	116,415
No. of Population :	552,583
Male :	261,059
Female :	291,524
No. of PwD :	12,881
No. of VDC(s)/Municipality(ies) :	38/2
Male Literacy :	188,933
Female Literacy :	171,954
Religion Hindu (%) :	96.46
Buddhism (%) :	1.16
Islam (%) :	0.87
Christianity (%) :	1.34
Prakriti (%) :	0.07
Bon (%) :	0.01
Undefined (%) :	0.079
Average Household Size :	4.75

In Dang, 38 people were the victims of Human Rights violation as documented by INSEC in 2013. of which, 21 was from the non-state actor. the state was involved in Human Rights violation of 17 people who were arrested and tortured (2), death in detention (1), injured (10) and right to assembly (4) . in 2012, non-state actors were involved in human rights violation of 24 people as per INSEC documentation.

INJURED

The government has declared an end to the system of kamalaris in which the girls

are employed as bonded labors, mostly as domestic workers. However, this still remains widely practice. Following the death of one such kamalari in Lalipur, the district saw a series of demonstration demanding investigation in the employer's claim of it being a suicide. Kamalari Srijana Chaudhary died of burn injuries in the house of Yubaraj Paudel in Lalitpur on March 27. Four ex-Kamalaris were injured after police intervened in a sit-in staged by them at the District Administration Office on June 3.

Those injured in police action are Central Chairperson of Freed Kamalaris Development Forum Manjita Chaudhary, Sita Chaudhary, Gyanu Thapa and Anita Chaudhary. Police arrested more than 50 ex-Kamalaris who were staging the sit-in at the main gate of the DAO and were released later. The ex-Kamalaris accused the male police of attacking them. INSEC, Human Rights network, WOREC Nepal, Federation of Nepalese Journalist along with other 17 Human Rights Organization issued an statement opposing the incident on June 4.

CHILD RIGHTS

In 2013, the child rights violation was against seven girls in the district who all were raped as recorded by INSEC. In 2012, one case of rape and one case of killing of new born baby were documented.

Sexual Violence

In one case a 16-year-old girl was raped by Madhav Giri, 18 of Hapur VDC-2, and Devendra Giri, 19 of Narayanpur VDC-1 on January 26 while victim was sleeping at her house. Victim's relatives lodged a complaint against the accused in District Police Office on January 27. They were arrested on January 29 and were remanded to custody by the District Court on February 4. No decision has been given by District Court until the end of the year. In most of the rape cases, accused were either

remanded in custody or released on general date by the District Court.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against eight women as recorded by INSEC in the district. Out of that, seven were victims of domestic violence and one was charged with practicing witchcraft. In 2012, three cases of domestic violence were documented by INSEC.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		2	2			
Beatings					1	1
Child Rights				7		7
Death in Detention		1	1			
Injured		10	10		1	1
Killing				3		3
Right to Assembly	4		4			
Threats					1	1
Women Rights				8		8
Total	4	13	17	18	3	21

Killing

Preeti Jaisawal, 25 of Chaulaha VDC-2 was found dead by Police in her room on July 11. Preeti's tenant informed police when bad smell came out from her room. Her room was locked from outside. Police said that looking at the nature of the incident she might have been murdered. Deceased sustained deep injuries in face and bruises all over her body. Victim's maternal family lodged complaint in Ward Police Office against her husband, Pradip Jaiswal on July 11. Police has not arrested the accused until the end of the year.

Domestic Violence

INSEC documented seven cases of domestic violence. Sushma Ghatri, 36 of Tarigau VDC-1 was killed by her husband Narendra Ghatri, 36 on February 15 due to some domestic disputes. He was arrested by police at his home on February 16. He was remanded in custody by District Court on March 14. The District Court sentenced him to life imprisonment with seizure of his property on April 25.

Harmful Practices against Women

Phiriya Chaudhary, 42, of Urahari VDC-6 filed a complaint against her step-

sons Kulbir Chaudhary, 26, and Reshman Chaudhary, 23 in District Police Office with the help of WOREC, Dang on July 21 on charge of accusing her of witchcraft. Phiriya sustained injuries in right arm and left knee after she was beaten on July 19. Her medical treatment was conducted at Integrated Disaster Management Centre, Ghorahi with the support of WOREC on July 21. Family of Phiriya had been mistreating and giving her mental pressure on charge of being witch in the past too.

In 2013, a total of 129 incident of domestic violence were registered at WCSC under District Police Office. Among them 15 cases of beatings and expelling from the house, five cases of depriving of food and clothes, 10 case of marriage and citizenship certificate, 12 cases of polygamy, 18 cases of death threats and 10 cases of allegation of witchcraft were registered. Among those registered cases, 127 incidents were reached to an agreement whereas two cases proceeded for the legal action.

ELECTION VIOLENCE

The district had several election related violent incidents where the political cadres of different parties were involved. A total of 12 UCPN- M cadres were injured in the clash with the Police during collecting the voter's Identity card. They were

also involved in vandalizing vehicles and detonating bombs. A bomb was hurled at election candidate from constituency no. 3 Krishna Rana from Rastriya Jana Morcha on November 12. The bomb went off 10-15 meter away from Rana and his campaign team which resulted in no human casualties.

A cadre of UCPN-M, Thakur Prasad Chaudhary, 48 of Hekuli VDC-4 was threaten by group of 15-16 people lead by brother of NC poll candidate of Dang Constituency-5, Jwala Giri on October 27. The group entered the house of Chaudhary and threatened to kill him. NC cadres threatened other UCPN-M cadres saying warning against conducting any election related campaign in the village. Chaudhary did not lodge any complaint against the accused until the end of the year.



4.2 Pyuthan



Headquarters : Khalanga

Area in Sq. Km : 1,309

No. of Households : 47,730

No. of Population : 228,102

Male : 100,053

Female : 128,049

No. of PwD : 5,930

No. of VDC(s)/Municipality(ies) : 49/0

Male Literacy : 68,365

Female Literacy : 68,904

Religion Hindu (%) : 96.61

Buddhism (%) : 2.82

Islam (%) : 0.27

Christianity (%) : 0.24

Prakriti (%) : 0.01

Undefined (%) : 0.054

Average Household Size : 4.78

INSEC documented 24 victims of Human Rights violation in Pyuthan this year. Of which, 23 were from the non-state. One person was injured due to firing from the state. In 2012, non-state was involved in Human Rights violation of 17 people as per INSEC documentation.

CLASH

Santosh Buda Magar, 22, of Ghot-hibang VDC-2 was injured in a firing carried out by police during the demonstration at Butwal Power Company on January 7. He was shot in right arm and got treatment

at Bhiranji Primary Health Centre. Inspector Krishna Karki along with other 14 police personnel were also injured when the protester attacked them with stones. Struggle committee initiated the demonstration as the Electricity Authority of Pyuthan was cutting the power by six hours daily. As per the demand of the protesters, power cut was stopped for time being with the decision made during the meeting at Energy Minister, Kathmandu on January 8.

CHILD RIGHTS

In 2013, the child rights violation was against four girls as recorded by INSEC in the district. Out of that, three were raped and one was sexually abused. In 2012, one case of sexual abuse was documented under child rights violation by INSEC.

Sexual Violence

An 8-year-old girl was raped by 13-year-old boy of Lung VDC-8 on February 4 while victim was on her way to home from school. Victim's family informed Area Police Office about the incident on February 6. Accused was arrested by police on February 7. He was released by District Court on general date on February 27.

A 15-year-old girl was mistreated by Sahadev Pariyar, 20, of Bijaynagar VDC-6 while she was walking in a path on December 7. Victim informed about the incident at Police station on December 8. Accused was arrested by police on December 8 and case was filed against him in District Court on December 9. He was remanded to the custody by the District Court. The medical check up of the victim was done in District Hospital.

WOMEN'S RIGHTS

In 2013, women's rights violation was against eight as documented by IN-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings			2	5	7
Child Rights			4		4
Injured	1	1			
Killing			2		2
Right to Assembly				1	1
Threats				1	1
Women Rights			8		8
Total	1	1	16	7	23

SEC. Out of eight, four women faced some forms of domestic violence, two were raped and two were sexually abused. In 2012 too, number of women rights violation were same as of 2013.

Sexual Violence

A 20-year-old woman filed a case on August 1 against her father-in-law of Dharampani VDC-4 on charge of raping her time and again when her husband is out of home. Accused was arrested on the same day and was remanded in custody by the District Court on August 23. Medical check up of the victim was not conducted. No decision has been given by District Court until the end of the year.

Domestic Violence

Killing by Family Members

Bhagawata Bista, 32 of Bangesal VDC-5 was beaten to death by husband Baldev Bista, 42, on May 2. Deceased's relatives filed a complaint against the accused in District Police Office on May 3. He was arrested by police on May 2 and was remanded in custody by District Court on May 18. No decision was given by District Court until the end of the year.

In 2013, a total of six incident of domestic violence were registered at the WCSC. Among them, five cases of beatings and expulsion from the house, one case of marriage and citizenship certificate.

Among those registered cases, five incidents reached to an agreement whereas one case has proceeded for the legal action according to the center.

ELECTION VIOLENCE

A total of one UCPN- Maoist, three UML cadres were injured in the clash. Sebare Roka, 40, of Jumrikandha VDC-7 was beaten by the Rastriya Jana Morcha cadres on November 2 for joining UML party. Jana Morcha cadres had beaten him up while discussing about the tearing of the party's posters used for election campaign. Roka was referred to Nepalgunj Medical College for treatment by the District Hospital. Victim has given an application in District Police Office on November 3 but no decision has been taken until the end of the year.

The vehicle with registration no. Bhe 1 Cha 1405 used by CA election candidate from Constituency no. 1 of Pyuthan, Nawaraj Subedi for election campaign was set ablaze by CPN-M at Bijuli VDC-7. The vehicle was set on fire by CPN-M cadres following a dispute between UCPN-M and CPN-M. The State Committee member of UCPN-M Rajendra Poudel was beaten inside. He was brought for treatment in Bijubar.



4.3 Rolpa



Headquarters : Liwang

Area in Sq. Km : 1,879

No. of Households : 43,757

No. of Population : 224,506

Male : 103,100

Female : 121,406

No. of PwD : 7,458

No. of VDC(s)/Municipality(ies) : 51/0

Male Literacy : 66,091

Female Literacy : 57,585

Religion Hindu (%) : 85.17

Buddhism (%) : 11.74

Islam (%) : 0.1

Christianity (%) : 1.72

Prakriti (%) : 0.66

Undefined (%) : 0.606

Average Household Size : 5.13

INSEC documented 74 victims of Human Rights violation in Rolpa this year. Of which, 73 were from the non-state and one person was victimised from state. In 2012, non-state was involved in Human Rights violation of 30 people whereas the victims at the hand of state was three people, who were arrested and tortured (1), deprived from pre and post natal services (2) as per INSEC documentation.

KILLING

Pun Dadevi Sunar, 42 of Mijhing VDC-4 was found dead at the river on October 8. Post mortem of the body was

conducted in District Hospital on October 9. No one has come to claim about the dead body at the District Police office. The accused remained unidentified until the end of the year.

INJURED

Ashok Rokka, 21, of Kureli VDC-5 was injured in firing when an unidentified group opened fire at around 11 pm on March 27. Rokka, who was in village security committee, was shot while he was in patrol. Rokka sustained injury to his finger. He was brought to District Hospital, Rolpa for the treatment. The accused are still unidentified until the year end.

CHILD RIGHTS

In 2013, the child rights violation was against six girl children as recorded by INSEC in the district. Among them, five were raped and one was sexually abused. In 2012, one case of sexual abuse, one case of child marriage and one case of killing of new born baby were documented.

Sexual Violence

A 32-year-old man was arrested by police on February 25 on charge of raping his 12-year-old daughter. Villagers informed police about the incident on February 24, after girl shared it with her neighbors. Wife of the accused had committed suicide earlier and the accused was raising two children. He was remanded in the custody by District Court.

Harmful Practices against Girl

A 16-year-old girl of Dhawang VDC-1 filed a complaint against father, mother and maternal uncle on July 3 at the District Police Office on charge of beating and accusing her of being witch. The victim said that the accused had been torturing her mentally time and again alleging her of practicing witchcraft. Bir Bahadur Dharti,

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				11	11
Beatings	1	1	4	13	17
Child Rights			6		6
Injured			2	6	8
Killing			2	3	5
Racial Discrimination			1		1
Right to Assembly				1	1
Threats				2	2
Women Rights			22		22
Total	1	1	37	36	73

shamman claimed that girl was learning witchcraft. On July 4, accused and victim had discussion with the representative from District Women and Child Office and Women Human Right Defenders, where her maternal uncle promised to provide Rs1, 500 for her treatment. Case was filed against Bir Bahadur in District Administrative Office on July 17 and was released with a bail of Rs. 4,000 on July 18.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against 22 women as recorded by INSEC in the district. Out of that, 16 were victims of domestic violence, three were raped, two were sexually abused, and one was victimized when her husband married another women. In 2012, six cases of domestic violence, three cases of polygamy and two cases of being deprived of pre and post natal services and one of trafficking were documented by INSEC.

Sexual Violence

A 50-year-old woman of Jinabang VDC was raped by Sunil Pariyar, 21, of Korchabang VDC-9 on November 2. Victim informed police on November 3 and was arrested by police on the same day. He was remanded to the custody by District Court.

Domestic Violence

Junmaya Gharti, 20, of Ghartigaun VDC-2 filed a case against her husband at the District Court on April 30. The victim registered the case after she was severely injured by her husband Ganesh Gharti, 21, on April 27. She received four stitches in the wound she sustained in the beating by Ganesh. Her husband, who is a staff at Nepal Telecom, attacked her with split firewood. The victim sought divorce and property share. Earlier, she had asked District Police Office and village leaders for justice. Though she had reached an agreement with husband some time after filing complaints at police office, he again beat her in inebriated condition. District Court has not given any decision until the end of the year.

Polygamy

Sunai Pun, 48, of Thabang VDC-2 filed a case of polygamy against her husband Hit Bahadur Pun, 52, in the District Court on March 27. Her husband married Cheesa Pun, 48, of same place on April 25, 2012 and she came to know about it only on February 15. Police arrested Hit Bahadur and Cheesa on March 1 following the complaint. The District Court released both after paying a bail of Rs14,000 each on March 28.

In 2013, a total of 39 incident of domestic violence were registered at WCSC under District Police office. Among them five cases of beatings and expulsion from the house, 30 cases of being depriving of food and clothes, two cases of polygamy,

one case of death threat and one case of allegation of witchcraft were registered. Among those registered cases, 37 incidents were reached to an agreement whereas one case has proceeded for the legal action. Similarly, one incident was unable to reach to an agreement until the end of the year.

ELECTION VIOLENCE

INSEC documented a number of clashes, attacks by the political cadres during the election, violating election code of conduct. A total of four UML, five UCPN- M, five NC, one CPN-M cadres were injured in the clash. A clash occurred between UCPN-M and NC on November 13 at Sunwang of Dhawang VDC-3, where UCPN-M cadres were holding a march past and NC cadres were in election campaign.

UML CA election candidate from constituency no. 2 Kumar Dasaudi has filed a complaint against YCL cadres on November 17 accusing them of attacking his cadres. UML cadres Bhuwan Budha, Tilak Pariyar and Givinda Budha of Nuwagaun VDC-2 were injured when a group of YCL cadres hurled stones to them on November 11 at around 11.00 pm. Police has not registered the complaint until the end of the year saying it as a political incident and should be solved politically. Medical treatment of the victims was conducted at Rapti Sub-Regional Hospital. UCPN-M said that incident was initiated after the dispute was raised when Maoist cadre, Parshu Ram Budathoki was mistreated at Nuwagaun.



4.4 Salyan



Headquarters :	Khalanga
Area in Sq. Km :	1,462
No. of Households :	46,556
No. of Population :	242,444
Male :	115,969
Female :	126,475
No. of PwD :	6,233
No. of VDC(s)/Municipality(ies) :	47/0
Male Literacy :	78,719
Female Literacy :	66,265
Religion Hindu (%) :	97.71
Buddhism (%) :	0.82
Islam (%) :	0.11
Christianity (%) :	1.28
Undefined (%) :	0.068
Average Household Size :	5.20

INSEC documented 69 victims of Human Rights violation in Salyan this year. Of which, 64 were victimized by non-state actors. The state was involved in Human Rights violation of five people who were arrested and tortured (2), beatings (2) and injured (1). In 2012, non-state was involved in Human Rights violation of 27 people whereas the victim at the hand of state was one who was arrested and tortured.

BEATING

Samir Raj Singh, 14, and Suman BK, 15, of Khalanga VDC-6 were beaten by Caresingh Chaudhary, Sub-inspector of District Prison, Salyan on charge of teas-

ing while watching a traditional dance on August 11. Medical treatment of Samir was done in Medical College, Nepaljung, while Suman was treated in District Hospital. Mutual agreement was done between the accused and the victims promising of bearing the medical expenses. Similarly, as a departmental action against him, Chaudhary was transferred to District Police Office.

CHILD RIGHTS

In 2013, child rights violation was against four girls as recorded by INSEC in the district. Out of that, two were raped and two were killed at birth.

In 2012, victim of child rights violation was against six girls. Out of which, two were raped, one was sexually abused, two were killed at birth and one was the victim of child marriage as documented by INSEC.

Sexual Violence

A 15-year-old girl was raped by Khum Bahadur Basnet, 28, of Phalawang VDC-4 on August 31. Victim lodged a complaint against the accused in Area Police Office on September 1. Accused was arrested by Ppolice on September 1. The District Court sentenced him imprisonment for five years on December 9.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against 32 women as recorded by INSEC in the district. Out of that, eight women were raped, two were the victims of attempted rape, 19 were victims of domestic violence, two were the victims of polygamy and one was charged with practicing witchcraft.

In 2012, the women's rights violation was against eight women as recorded by INSEC in the district. Of which, four received some forms of domestic violence, one woman was raped, one was attempted

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	2	2			
Beatings	2	2		14	14
Child Rights			4		4
Injured	1	1	1	8	9
Killing			1	1	2
Racial Discrimination			1		1
Threats				2	2
Women Rights			32		32
Total	5	5	39	25	64

to rape, and two were victimized when their husband married another women.

Sexual Violence

A case was filed against Hari Pun Magar, 30, of Majhkada VDC-4 on charge of raping a 25-year-old woman on July 27. Accused was arrested by police on July 27 and was remanded to custody by the District Court on August 20. No decision has been taken by District Court until the end of the year.

Domestic Violence

Killing by Family Members

Harikala Pun, 41, of Kalche VDC-7 was killed by her husband Sashi Pun, 43, on October 2 due to some minor disputes between them. Harikala's son filed a complaint in Area Police Office against the accused on October 2 and he was arrested by Police the same day. He was remanded in custody by the District Court on October 27.

Harmful Practices against Women

Meghi Wali, 42, of Kupidaha VDC-6 filed a case on July 9 against Tek Bahadur Wali, 38, of same VDC on charge mistreating and alleging her as a Witch. Police registered a case against the accused in the District Court and was released after posting a bail of Rs 10,000 on July 24.

In 2013, a total of 37 incident of domestic violence were registered at WCSC under District Police Office. Among them, eight cases were of beatings and expulsion from the house, 20 cases of depriving of food and clothes, four cases of polygamy, four cases of death threat and one case of allegation of witchcraft were registered. Among those registered cases, 17 incidents were reached to an agreement whereas 20 cases have proceeded for the legal action.

CASTE-BASED DISCRIMINATION

Prema BK, wife of Kailash BK of Darmakot VDC-2, living in a rented room at Sahutole VDC- 1 was mistreated on charge of touching a tap water on March 16. Kailash BK said that his wife was beaten at her rented room while he was in the office. Prema lodged a complaint of caste discrimination against Menuka Rana and her husband Dilli Rana of Sejuwaltakura VDC-1 at District Police Office on March 17 accusing them of mistreating her in the pretext of touching water tap. The Rana couple was arrested by the police and remanded in custody as per the District Court order on March 22. Accused were released by the District Court after paying a bail of Rs 25,000 each. District Court ordered each accused to pay Rs 10,000 as a fine and Rs 25,000 to the victim as compensation on May 16.

ELECTION VIOLENCE

The District observed clashes among the political party cadres during election campaign. A total of four UML, two CPN-M and three UCPN-M cadres were injured in the clash. Similarly, attack on the CA election poll candidate was also documented in the district.

Four persons were injured in a clash between the cadres of UML and UCPN-M at Dada Gaun, Kajeri and Siddheshwori VDCs on November 16. The clash started

over a dispute regarding the locals joining in UCPN-M party at Danda Gaun VDC-3. UML accused the UCPN-M of thrashing their cadres at Barala of Kajeri VDC.

Ram Prasad Sharma, 18, of Darmakot VDC-6 while returning home from college was beaten and made to do sit-ups as some kind of punishment by the CPN-M cadres on August 18 for tearing the posters of election boycott. The victim lodged a complaint against those demanding for an action to their indecent behavior at District Police office on August 23. Later, District Student Union's ANNISU-R leader, Ganesman Singh, admitted that they had just carried out normal punishment but there wasn't any activity relating to beating. On September 2, at Tharmore Area Police Office both the parties resolved the problem by an agreement.

UCPN-M leader and some of its cadres, while on their way to register their election candidacy, met with some cadres of UCPN-M on their way who were burning the effigy of main four party leaders had a quarrel over not taking part in the upcoming election, which resulted in a clash between two parties for 20 minutes injuring few members of both the parties at bus park of Khalanga VDC-5 on October 3. Due to stone throwing by CPN-M members, UCPN-M district committee member, Lokman Budhathoki of Kotmaula VDC-3 was injured. Pelting of stones by UCPN-M injured Shyam Bhandari, 42, area member of CPN-M of Phalabang VDC-1. As per the police, investigation is underway and none of them were arrested at the end of the year.

Tek Bahadur BK and Dev Bahadur BK hailing from Mulkhola VDC-6 were severely beaten by Motilal Pun, 28, Budhiman Pun, 32, Lal Bahadur Pun, 21, and Dilli Pun, 51, belonging to the same VDC on the reason of that the two were busy in the election campaign for UCPN-M. They

were beaten in the premises of Bhutkhola Mulkhola on November 8. The victims filed a case against the accused on November 10 at District Police Office. Regarding the incident, investigation is underway and the accused were absconding at the end of the year.



4.5 Rukum



Headquarters :	Khalanga
Area in Sq. Km :	2,877
No. of Households :	41,856
No. of Population :	208,567
Male :	99,159
Female :	109,408
No. of PwD :	5,922
No. of VDC(s)/Municipality(ies) :	43/0
Male Literacy :	64,062
Female Literacy :	55,096
Religion Hindu (%) :	96.51
Buddhism (%) :	1.07
Islam (%) :	0.06
Christianity (%) :	1.59
Prakriti (%) :	0.17
Undefined (%) :	0.59
Average Household Size :	4.99

In Rukum, 64 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 62 were from the non-state. The state was involved in Human Rights violation of two people

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				3	3
Beatings	2	2	2	35	37
Child Rights			3	1	4
Injured			2	5	7
Killing			4	1	5
Right to Assembly				1	1
Women Rights			5		5
Total	2	2	16	46	62

who were beaten. In 2012, non-state actors were involved in Human Rights violation of 16 people as per INSEC documentation.

CLASHES

There was a quarrel between JK Batha, District member of Salyan of Tarun Dal and YCL members at a hotel in Chiwanga VDC-1 while they were about to have supper on October 14, at around 9 pm. To neutralize a situation, a policeman Chetlal Singh Thakuri was sent from Rukum District Police office. He was beaten up, held hostage by the YCL cadres charging him of being the bodyguard of NC cleader. YCL also looted his pistol. Chetlal sustained face injuries and treated at District Hospital. The assailants were identified as YCL members Manoj KC, Karna Bahadur Rokaya, Kamal Khadka and Tej Bahadur Oli. UCPN-M District secretary, Ramsur Budha later returned the looted pistol to the police. The party later issued a notice stating that the incident was based on personal grievances and looted the pistol without recognizing the person. No action has been taken.

CHILD RIGHTS

In 2013, the child rights violation was against four children as recorded by INSEC in the district. Out of that, three girls were raped and one boy was sexually abused. In 2012, three cases of rape were documented by INSEC.

Sexual Violence

A complaint was filed in District Police Office on October 1 against Nare Khatri, 67, of Kholagau VDC-4 on charge of trying to rape a 6-year-old girl. Accused was arrested by police on October 2. He was remanded in custody by the District Court on November 1. No decision has been given by the court at the end of the year.

Police arrested Kali Bahadur Oli, 30 of Pyaughu VDC-8 on charge on raping a 7-year-old girl on August 30. Medical treatment of the victim was done in District Hospital. Police filed a case against the victim in District Court on August 30 and was remanded to the custody by District Court on September 20. Case is still pending until the year end.

WOMEN'S RIGHTS

In 2013, the women rights violation was against five women as recorded by INSEC in the district. Out of that, two women were raped, one was sexually abused, one was the victim of polygamy and one was the victim of domestic violence.

In 2012, the women rights violation was against three women as recorded by INSEC in the district. Of which, two were raped and one was the victim of polygamy.

Sexual Violence

A complaint was filed by a 25-year-old woman against Krishna BK, 21, Sagar Roka, 23, Ramlal Buda, 24, and Bal Bahadur Khattri, 25, of Chhibang VDC-4 on charge of rape on November 29. According to the victim, she was raped by them on November 28 after accused entered her house under the pretext of drinking alcohol and raped her as she was going towards toilet. Police arrested the accused on December 3. Among the accused, Krishna Bahadur BK was remanded to the custody by the District Court and other were released on general data on March 15.

Killing by Family Member

Pabitra Wali, 42 of Nuwakot VDC-9, was killed by her husband Bhim Bahadur Wali, 43 on June 11. Bhim killed his wife with a khukuri while she was sleeping. He further attacked his two sons and daughter leaving them seriously injured. Those injured were 10-year-old Prem, 15-year-old Tulsi and 18-year-old Bimala. The injured were taken to the Kathmandu in helicopter with the support from Government of Nepal. Accused Bhim was found dead in the village on June 17.

Polygamy

Nausari Khatri, 23, of Khara VDC-3 filed a complaint against her husband Surya Prakash Khatri, 28 on charge of polygamy in District Police Office on December 11. Surya Prakash got married with Jharna Oli, 22, of Khara VDC-4 on October 27. Police has not arrested anyone until the end of the year.

ELECTION VIOLENCE

A total of seven UML, 20 NC, one UCPN-M and four RPP cadres were injured in the clashes between parties on different dates. UCPN-M cadre Netra Oli, 22, of Athbiskot VDC-2 died while undergoing treatment at TU Teaching Hospital, Kathmandu on November 29. Oli was injured in a clash with UML cadres in Ghetma VDC on November 17 during the election campaign. He was airlifted to Kathmandu because of his serious nature of injuries. Informing about Oli's death, UCPN-M said that it was declaring him a martyr. A statement issued by district in-charge Sarun Batha Magar also demanded action against those involved in attack on Oli. UML has claimed that though there was a clash with the UCPN-M cadres during election campaign when the latter tried to obstruct the movement, UML cadres had not thrashed anyone. Police has not ar-

rested the accused until the end of the year.

NC cadre Khadga Bahadur Dangi was injured in the attack by the cadres of UCPN-M in the election assembly of NC in Simli on November 13. Another 68-years-old woman was also injured in the attack. She sustained a head injury. The poll candidate of NC Gopal Jung Shah was scheduled to address the assembly. He was held hostage by UCPN-M for whole day. The poll candidate accused the police administration of not taking action against the accused.



4.6 Banke



Headquarters	: Nepalgunj
Area in Sq. Km	: 2,337
No. of Households	: 94,773
No. of Population	: 491,313
Male	: 244,255
Female	: 247,258
No. of PwD	: 7,468
No. of VDC(s)/Municipality(ies)	: 46/1
Male Literacy	: 158,941
Female Literacy	: 128,548
Religion Hindu (%)	: 78.42
Buddhism (%)	: 1.14
Islam (%)	: 18.98
Kirat (%)	: 0.03
Christianity (%)	: 1.32
Prakriti (%)	: 0.01
Jain (%)	: 0.01
Shikha (%)	: 0.008
Undefined (%)	: 0.08
Average Household Size	: 5.18

In Banke, 80 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 69 were from the non-state. The state was involved in Human Rights violation of 11 people, who were arrested and tortured (8), beatings (2) and death in jail (1). Armed outfit, Tarai Jantantrik Madhes Party was active in different criminal activities. In 2012, non-state was involved in Human Rights violation of 30 people. Human Rights violation at the hand of state were 64 people.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					3	3
Arrest & Torture		8	8			
Beatings		2	2	1	3	4
Child Rights				13	2	15
Death in Jail	1		1			
Injured					1	1
Killing				5	2	7
Threats					6	6
Women Rights				33		33
Total	1	10	11	52	17	69

TORTURE BY POLICE

Journalist Hemanta Chaudhary, 24, of New Course Daily and an employee of News 24 was mistreated by the police on duty on August 6. The journalist was maltreated with a foul language by the policeman near the Puspallal Chowk while returning after news editing. He was further beaten with boots and fist by the policeman. District Police Office formed an investigation committee on August 7. Different Human Rights organization including INSEC and Media released separate press statement and condemned about the incident demanding the freedom of journalist. Departmental action and first warning was given to the accused on August 11 by the District Police Office.

KILLING

Dal Bahadur Thapa Magar, 35, of Khajura Khurda VDC-4 was killed when motorcycle-borne group shot him while he was going towards market from home on February 21. Police arrested Indian Nationals Pratap Singh, 32, and Bishal Singh, 24, at the check post in Nepalgunj Municipality- 1 on the same day. They were carrying

arms during the checking. Tarai Janatantrik Party took responsibility of the incident. Accused were remanded in the custody by the District Office on March 20. Case is pending at the end of the year.

INJURED

Gaurav Malla, 28, Nepalgunj Municipality-7 was shot by an unidentified people near Ramlila ground on January 24. A motorcycle-borne group shot him while he was heading home from the bazaar. Policemen took him to Bheri Zonal Hospital after he was shot. Malla sustained bullet injury to his head. The victim has been taken to Lukhnow, India for treatment after the doctors at Nepalgunj Nursing Home referred him to India for further treatment. A local daily had initially quoted Arjun Singh alias Mukesh Chaudhary, chairperson of Tarai Janatantrik Madhes Party as saying that Malla was attacked for spying against his group. The daily said that Chaudhary had called again and apologized for mistakenly shooting a civilian though policemen were his target. Indian Nationals Pratap Singh, 32, and Bishal Singh, 24, who were arrested by police accepted that they have fired a bullet. Accused were remanded in the custody by the District Office on March 20. Case is pending until the end of the year.

KIDNAPPING

Devendra Sharma, 37, of Nepalgunj Municipality- 2 was kidnapped from Brick factory of Hirminiya VDC-5 on September 9. He was released after paying Rs.1m from Nanpara, India on September 15. Police arrested Dhurba Kumar Chaudhary, 37, of Betahani VDC-1, Nur Ahamad Dargi, 28, of Holiya VDC-1, Beda Ram Parsi, 39, of Holiya VDC-7 and Sikandra Kha, 42, of Raniyapur VDC-5 on charge of kidnapping Devendra on November 30. They were made public at a press conference on December 2. Police informed that they were the active member of Tarai Janatantrik Madhes Party. Accused were remanded to custody by the District Court on December 19.

CHILD RIGHTS

In 2013, the child rights violation was against 15 children as recorded by IN-SEC in the district. Out of that, eight girls were raped, four were sexually abused and one was the victim of trafficking. District documented two cases of corporal punishment where two boys were victimized. In 2012, victims of child rights violation was eight girls where five were raped and three were sexually abused as recorded by IN-SEC.

Trafficking

District Police Office arrested Laxmi Kaushal, 50, of Nepalgunj Municipality-8 on February 12 on charge of forcing a 16-year-old girl of Tulasipur Municipality-3, Dang into prostitution. Police said that the girl managed to contact police informing that she was brought to Nepalgunj on the pretext of job on February 2 and was forced to take up the flesh trade. She was remanded in the custody by District Court on April 3. She was sentenced five years of imprisonment and Rs.15,000 as compensation by District Court on July 3. The victim

was handed over to her guardians.

A 32-year-old woman of Surkhet District, who was staying with her husband in Ladakh, India was sold in the red light area of Delhi in Kothi 56 of JB road after she was shown false hopes of getting employed in a lucrative business in Delhi by Maya Tamang, 45, of Tipine VDC-6, Sindupalchowk on July 2 through an agent in Delhi for INR 1,700. Two of the Nepali clients from Makawanpur informed her mother by about her. Victim's mother, with the help of Maiti Nepal in coordination with Maiti India, was able to rescue the victim from the brothel and in due course of time, apprehended. Maya Tamang submitted her to Area Police station in Krishnanagar of Kapilbastu on October 3. As per the order of Banke District Court, Maya Tamang has been sentenced to jail on October 28. The decision on the case has not been finalized until the end of the year.

Sexual Violence

A case was filed against Surya Shrestha, 22, of Basudevpur VDC-1 in District Police Office on March 12 on charge of raping a 14-year-old girl. Medical check-up of the victim was done in Bheri Zonal Hospital, Nepalgunj. He was arrested by police on March 12 and was remanded to custody by the District Court on April 3. Accused was sentenced five years of imprisonment and Rs15,000 as compensation by District Court on July 3.

The Mother of a 14-year-old girl filed case in District Police Office against her husband accusing him of raping her daughter on September 6. Police arrested accused on September 7. Mother claimed, the girl was raped by her father time and again. Further she claimed that her 4-year-old daughter was also raped by him. He was remanded to the custody by the District Court on October 2. Medical check-up of the victim was done in Bheri Zonal Hospital, Nepalgunj.

CORPORAL PUNISHMENT

Ajay Dhobi, 8 of, Hirminiya VDC-1 a student of Nursery at John Woods English Medium School, was hit by a book by teacher Aradhana Rana on June 23. Ajay was taken to Phattewal Eye Hospital, Nepalgunj for the treatment the same day. Victim family initially didn't share the information as school promised to bear the medical expenses of the victim. Family made the incident public on July 2 when Fattewal Eye Hospital, Nepalgunj referred him to Tilganga Hospital, Kathmandu for further treatment. The victim lost his eyesight. Victim's father asked for the justice and gave an application to the CWIN helpline, Nepalgunj on July 3. INSEC, CWIN, Banke UNESCO Club, BASE provided financial help for the medical treatment of the victim. He did not recover his eyesight even after treatment in Tilganga Hospital and was sent back home. Victim filed a case against the accused on July 5. Aradhana was released by the Office of District Government Attorney after promising to be present whenever called by District Court on July 5. She was released with a bail of Rs. 500 on July 24.

WOMEN'S RIGHTS

In 2013, the women rights violation was against 33 women as recorded by INSEC in the district. Out of that, five women were raped, three were the victims of polygamy, six were the victim of trafficking, 18 were victims of domestic violence and one was charged with practicing witchcraft. In 2012, the women rights violation was against nine women as recorded by INSEC in the district. Of which, two were raped and seven received some sort of domestic violence.

Dowry Death

The natal family members of Ganga Jali Dhobi, 21, of Kotharapuri of Gana-

pur VDC-1 lodged a complaint at Area Police Office, Kohalpur on May 9 against her family accusing them of murdering her due to the dowry dispute. The victim party claims that she was tortured since her marriage and was beaten to death and hanged on the night of May 8. They claimed that the death was suspicious because her post-mortem and funeral were performed on May 9 without informing her parents about her death. Ganga's husband Arvinda Dhobi, 26, her father in-law, Hem Raj Dhobi, 55, mother-in-law, Juganti Dhobi, 51, and Junganti's sister, Sundariya Dhobi, 49, were arrested on May 11. They were remanded in custody by District Court on June 11. Case is pending until the end of the year.

Harmful Practices against Women

Amrita Devi Khadka, 66, of Khajurakhurda VDC-5 filed a complaint against her son Tej Jung Khadka, 34, of thrashing her on charge of being a witch at District Police Office on April 18. She said that her son assaulted her on April 14 when she was having dinner accusing her of making his son ill. Police arrested the accused on April 21 and was released on a bail of Rs. 5,000 by District Court on May 11.

In 2013, a total of 139 incidents of domestic violence were registered at WCSC under District Police office. Among them 52 cases of beatings and expulsion from the house, 21 cases of depriving of food and clothes, six cases of marriage and citizenship certificate, five cases of polygamy, 55 of verbal abuse were registered. Among those registered cases, 68 cases reached to an agreement whereas nine cases have proceeded for the legal action.

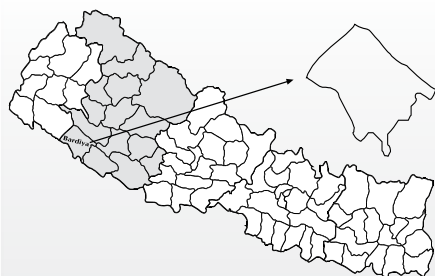
ELECTION VIOLENCE

An unidentified group set fire to a vehicle at Babanagar Street of Kohalpur VDC-8 on November 14. The vehicle belonging to Pintu Siddhique, 56, was set on

fire. The vehicle with registration number Bhe 1 Ja 401 which was coming to Nepalgunj from Kohalpur with passengers was stopped at night and the passengers were made to come out of the bus prior to the arson. The group ran away after torching the bus, according to the eyewitness. The fire was put off with the help of locals. The bus was damaged by in the incident. 33-party poll-opposing alliance led by the CPN-M had called for Nepal Bandh on November 14.



4.7 Bardiya



Headquarters :	Gulariya
Area in Sq. Km :	2,025
No. of Households :	83,176
No. of Population :	426,576
Male :	205,080
Female :	221,496
No. of PwD :	8,197
No. of VDC(s)/Municipality(ies) :	31/1
Male Literacy :	139,412
Female Literacy :	121,340
Religion Hindu (%) :	94.17
Buddhism (%) :	1.01
Islam (%) :	2.6
Kirat (%) :	0.01
Christianity (%) :	2.17
Prakriti (%) :	0.01
Bahai (%) :	0.01
Undefined (%) :	0.034
Average Household Size :	5.13

In Bardiya, 115 people were the victims of Human Rights violation as documented by INSEC in 2013. Victims at the hand of non-state were 89, mainly women rights violation victims (40). The state was involved in Human Rights violation of 26 people. In 2012, victims of Human Rights violation at the hand of non-state were 110 mainly related with women's rights violation (65).

TORTURE IN CUSTODY

Ratna Bahadur Pariyar, 35, of Mamamedpur VDC-8 living in Kusumba of Sanoshree VDC-3 accused a police administration of torturing him on August 4 while in custody. The victim sustained eye, head and leg injuries. The injured victim got the primary treatment at local pharmacy and was taken to Nepalgunj for further treatment. He filed a case against four police personnel in District Court on August 15. District Administrative Office formed an investigation committee on September 7 to identify the truth about the incident. The investigation reported that sub-inspector of Area Police Office, Lokendra Singh was found guilty and divisional action was taken against him. Victim was provided Rs. 5,000 for the medical treatment by INSEC.

INJURED IN POLICE ACTION

At least 20 persons were injured when Flood Victim Struggle Committee of Rajapur clashed with police on July 1. The clash took place when the struggle committee tried to padlock the Area Administration Office in Rajapur VDC-1. The struggle committee had reached Rajapur Area Administration accusing the government of not paying attention to the demands of flood victims of Rajapur.

Dhan Bahadur Sunar, 46 of Taratal VDC-6 was thrashed by a team led by APF Inspector Ram Sharan Yadav of Sanoshree VDC-3 on May 8 with sticks and boots due to which he was injured in his

head and shoulder. He was taken to District Hospital, then Gulariya First aid center and for further treatment was taken to Bheri Zonal Hospital in Nepalgunj. Dhan Bahadur's neighbor Bir Bahadur BK, Krishna Bahadur BK and Biraj BK were interrogated and were beaten by the team after they were accused of possessing illegal items with them. Dhan Bahadur Sunar reached the site pleading for their innocence and in the process, he was also beaten severely. The APF team members are accused to have been drunk in their routine patrol due to which the incident occurred.

CHILD RIGHTS

In 2013, child rights violation was against 20 children as recorded by INSEC in the district. Out of that, 13 were raped. District documented three cases of corporal punishment where two boys and one girl were victimized. Similarly, three girls and one boy were sexually abused. In 2012, victims of child rights violation were same as recorded in 2013 where 12 cases of rape, seven cases of sexual abuse and one case of child marriage were documented by INSEC.

Sexual Violence

A case was filed against a man aged 46 years on charge of raping his 12-year-old daughter on May 26. The victim said that her father had repeatedly raped her before too. Medical check up of the victim was conducted in District Hospital and doctor found out that the victim was three months old pregnant. Police arrested the accused on May 26 and was remanded to the cus-

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				1		1
Arrest & Torture		1	1			
Beatings		1	1	3	1	4
Child Rights				17	3	20
Economic, Social and Cultural Rights				4	1	5
Inhuman Behaviour				1	1	2
Injured					13	13
Killing				3		3
Racial Discrimination				1		1
Right to Assembly	3	21	24			
Women Rights				40		40
Total	3	23	26	70	19	89

tody by District Court on June 17. He was sentenced imprisonment for 22 years with compensation of Rs.200,000 to be provided to the victim on December 18.

A 10-year-old boy was cycling back home on January 13 met a man, Arif Jaga, 35. Arif requested the boy for a lift on his bicycle and requested to take him to take him to his place, farther from the boy's place. On the way there, Arif sexually abused the boy. Victim filed case against the accused in the Area Police Station, on January 30. When a local passerby saw the act of Arif with that boy, Arif managed to escape. Medical check-up of the victim was done at a local medical shop. District Court on December 15 had passed an order to stop the transaction of property of the accused. Accused remained at large until the end of the year. Until the end of this year, people accused in such cases have been absconding and police has not been able to get hold of them.

Abduction

A 14-year-old girl was abducted by Amar Pariyar, 23, and 15-year-old boy of Kohalpur VDC-7 with the help of Shova Pariyar, 30, on January 12. Victim's father found her in the house of accused while

searching for her on January 16. Medical treatment of the victim was done in Kohalpur Hospital. Victim's father filed a case against three accused in Area Police office on January 21. All were arrested by police on January 23. Shova and Amar were remanded to the custody by District Court on February 19 while 15-year-old boy was released with an order to be present before court whenever called. District Court sentenced the accused imprisonment for six years with the compensation of Rs. 50,000 to be provided to the victim whereas 15-year-old boy was sent to Child Reform Centre on June 18.

Deprived of Education Opportunity

Munni Tharu, 18, of Motipur VDC-9, a grade VI student at Adarsha Secondary School, was deprived of sitting in the terminal exams due to lack of disabled-friendly environment in the school. She said that she could not go to the school after the school principle Jag Mohan Jha commented on her situation asking her *"what she would do by studying"*. He had also stopped her from using exercise book as cushion for exam paper demanding she use hard board and sit on the bench like any other student on the first day of the terminal exam on August 29. According to her, she had requested Principal Jha for permission to use exercise book as the hard board would be difficult for her weak hands and she was not comfortable sitting on the bench but her plea was rejected.

When contacted, Jha said despite her physical condition, rules did not allow special treatment to her while the teacher, who demanded that Munni use hardboard, said that Munni swore at him when he stopped her from using exercise book as cushion for the answer sheet. Munni could not sit for four exams when principal Jha told her not to come to the school. She filed an appeal at District Education Office (DEO) on Sep-

tember 26 urging the office to create conducive environment for her studies. Jha was called by Administrative officer of DEO to the office to get explanation where the officer told Jha to ensure friendly environment for Munni. Jha accepted his mistake and pledged to ensure disabled-friendly environment at his school.

WOMEN'S RIGHTS

District recorded less number of incidents on women's rights violation this year as compared to 2012. In 2013, the women rights violation was against 40 women as recorded by INSEC in the district. Out of that, three women were raped, one was the victims of attempted rape, nine were sexually abused, 24 were victim of domestic violence and three were charged with practicing witchcraft. In 2012, the women's rights violation was against 65 women as recorded by INSEC in the district. Of which, 40 received some sort of domestic violence and 10 were victimized when their husband married another women.

Sexual Violence

A complaint was filed in Area Police Office against Khagendra Bhul, 23 of Bhimapur VDC-2 on charge of trying to rape a 40-year-old woman on October 25. Khaendra was arrested by Police on October 26 and was remanded in custody by District Court on November 9. No decision was given by the District Court until the end of the year.

Killing by Family Members

Body of Narayani Ranabhat, 46, of Kalika VDC-7 was found behind her house on July 17. Narayani's beads, bangles and broken sticks were recovered from about 40 meters away from her body. The deceased had bruises all over body and deep head injuries. Police arrested Krishna Bahadur Ranabhat on July 17 on suspicion of wife's

murder. He was remanded in custody by the District Court on August 11. Case is pending until the end of the year.

Domestic Violence

Devi Shrestha Budhachettri, 36 of Nauwasta VDC-2 was injured when her husband, Khadak Bahadur Budhachettri, 35 attacked her due to some domestic dispute between them at one of their maternal sister's home at Belwa VDC-5 on November 1. She was treated at Nepalgunj Medical College. Devi lodged a complaint of an attempt to murder against her husband, Khadak on November 26 at Area Police Office. Khadak was arrested by police on November 26 and case was filed under an attempt to murder in District Court. He was remanded to the custody by District Court on December 24. Till the end of this year the case has not been solved.

Harmful Practices against Women

Maina Sodari, 73, of Sanoshree VDC-3 filed a case in District Police Office on February 22 against Krishna Bahadur Karki, of same VDC on charge of mistreating and alleging her of being a witch. Accused claimed that Maina made his son disable by practicing witchcraft and mistreated her. Police arrested him on February 22 and was released by District Court after posting a bail of Rs. 10,000 on March 14.

In 2013, a total of 32 incident of domestic violence were registered at WCSC. Among them one case of beating and expel-

ling from the house, 28 cases of depriving of food and clothes, three cases of polygamy were registered. Among those registered cases, 29 incidents reached to an agreement whereas three cases have proceeded for the legal action according to the center.

ELECTION VIOLENCE

A total of three UML, eight UCPN-Maoist, and two NC cadres were injured in the clash. NC cadres Jyoti Bikram Tharu and Ganesh Prasad Tharu of Rajapur VDC-3 sustained severe injuries to their head when attacked by sharp weapon when cadres of UCPN-M and NC clashed at Moraiya in Rajapur VDC-3 on October 12. The clash was initiated between the cadres of both parties when they reached the place for election campaigns. An agreement was done between the NC and UCPN-M cadres to avoid such incidents in future during a meeting held at the Area Police Office, Rajapur on October 13.

The cadres of UCPN-M and NC clashed at Tepari of Guleriya Municipality-12 on November 12. Four cadres of UCPN-M and two cadres of NC were injured in the clash. The injured cadre of UCPN-M Dil Bahadur Sunar was taken to District Hospital, Guleriya for the treatment. The dispute started after both party cadres torn the posters and banners of the party. An agreement was done between the NC and UCPN-M cadres to avoid such incidents in future in District Police Office, Bardiya on November 17.



4.8 Surkhet



Headquarters	: Birendranagar
Area in Sq. Km	: 2,451
No. of Households	: 72,863
No. of Population	: 350,804
Male	: 169,421
Female	: 181,383
No. of PwD	: 10,291
No. of VDC(s)/Municipality(ies)	: 50/1
Male Literacy	: 126,044
Female Literacy	: 110,187
Religion Hindu (%)	: 91.86
Buddhism (%)	: 4.11
Islam (%)	: 0.52
Christianity (%)	: 3.43
Prakriti (%)	: 0.01
Undefined (%)	: 0.07
Average Household Size	: 4.82

In Surkhet, 251 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 193 were from the non-state. The state was involved in Human Rights violation of 58 people who were mainly arrested and tortured (22), beatings (25). In 2012, victims at the hand of non-state were 207 whereas victims at the hand of state were 16.

INJURED

Bhupendra BC of Latikoili VDC-9 was injured when two unidentified person shot him while he was returning home on February 18. He sustained injuries in left

arm and was treated at Regional Hospital. Accused remained unidentified until the end of the year.

BEATINGS

Executive Director of Human Rights Alliance, Yadav Bastola, 35, of Bidhapur VDC-5 was attacked by unidentified people in the jungle on February 28. He was attacked with the iron rod and stick in the middle of the jungle by the group of four people. Medical treatment of the victim was done in Dewati Nursing Home. Local Human Rights organization issued a press statement expressing their concern over the attack on March 1. Bastola lodged a complaint against the accused on March 1. Accused remained unidentified until the end of the year.

CHILD RIGHTS

In 2013, the child rights violation was against eight girl children who were raped as recorded by INSEC in the district. In 2012, two cases of child marriage and one case of sexual abuse were documented by INSEC.

Sexual Violence

Police arrested a 62-year-old man on March 11 on charge of raping his 4-year-old grand daughter. Accused gagged and raped the girl on March 10 in a shed near the home. Medical check-up of the victim was done in Regional Hospital in Surkhet. District Court sentenced him imprisonment for 20 years on June 20. A complaint was lodged in District Police Office against Kamal Sunar, 23 of Latikoili VDC-5 on charge of trying to rape a 13-year-old girl on September 11. Medical check-up of the victim was done in Regional Hospital. Accused was arrested by Police on September 11 and was remanded to the custody by the District Court on October 25.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture	1	21	22			
Beatings	5	20	25	2	8	10
Child Rights				8		8
Economic, Social and Cultural Rights				1	3	4
Inhuman Behaviour					1	1
Injured					11	11
Landless and Squatters Problem	2	4	6			
Racial Discrimination				1	3	4
Right to Assembly		3	3			
Threats	1	1	2	1	20	21
Women Rights				134		134
Total	9	49	58	147	46	193

WOMAN'S RIGHTS

District recorded less number of incidents on women's rights violation this year as compared to 2012. In 2013, the women's rights violation was against 134 women as recorded by INSEC in the district. Out of that, three women were raped, one was the victim of attempted rape, one was the victim of trafficking and one was of polygamy. 128 out of 134 were the victim of domestic violence.

In 2012, the women rights violation was against 142 women as recorded by INSEC in the district. Of which, 140 received some form of domestic violence and one was victimized when his husband married another women and one women was raped.

Trafficking

A 22-year-old woman was sold in New Delhi, India on January 15 by Jasmin Badi, 45, Parshu Ram Budathoki, 43, Om Mijar, 40, Bise Badi, 55, Tulasi Badi, 45, Man Bahadur Badi, 55, Nanda Kali Badi, 33, and Mamata Badi, 22, of Maintada VDC-3. Police arrested Jasmin, Parshuram, Om, Bise and Tulasi at Chhinchu VDC on January 17 and filed a case against them in

District Court on charge of human trafficking. Jasmin, Parshuram and Om were remanded to the custody by the District Court whereas Bise and Tulasi were released on a bail on February 15. District Court issued a warrant in the name of Man Bahadur, Nanda Kali and Mamata Badi on February 15. Victim was able to escape from Delhi with the help of an Indian National.

Sexual Violence

A 26-year-old woman lodged a complaint of rape against her father-in-law, 52, in District Police Office on March 13. He was arrested by police on the same day and was remanded to custody by District Court on March 28. Case remained undecided until the end of the year.

Polygamy

Bijay Laxmi Sahi, 29 of Biren-dranagar Municipality-6 lodged a complaint against her husband Keshar Bahadur Shahi on charge of polygamy on February 13. Her father-in-law who is now residing in London called her and threaten to kill her and his father if they she didn't take back the complaint against his son. Victim informed about the threat she received from her father-in law to Police. No action was taken against her father-in-law citing his location.

In 2013, a total of 356 incidents of domestic violence were registered at WCSC. Among those registered cases, 264 incidents were reached to an agreement whereas 92 cases have proceeded for the legal.

CASTE-BASED DISCRIMINATION

Lalita Sunar, 35, of Ramghat VDC-3 was severely beaten by Assistant Sub Inspector, Bhim Bahadur Rawat on March 27. Rawat who had come home on a leave, had beaten her asking her to return his niece who had married her son Shivaraj BK, 22. Lalita's son got married with Anita Shah of Ramghat VDC-4, Rawat niece. Rawat beat Lalita saying her son married an upper caste woman. Victim filed complaint against Rawat in Area Police Office on March 28. An agreement was made between accused and victim promising to bear the medical expenses. Rawat provide Rs. 40,000 to the victim as medical expenses.

ELECTION VIOLENCE

CPN-M cadres looted voter's education materials in the district. CPN-M cadres also threatened the VDC employees involved in collecting the name for the voters' ID. Also its cadres were injured due to clashes with other parties.

Sauri Pun, 28, of Kaprichaur VDC-4 attacked NC cadres Dipak Pun and Ganesh Pun of the same place on charge of casting their vote to UML. Victim got treatment at Local health post. Dipak Pun was beaten by the female cadres of UML immediately after the incident.

A petrol bomb was hurled at the bus with a registration number Bhe 1 Kha 998 coming to Surkhet from Kunathari VDC-9 by an unidentified people on November 15. nine cadres of NC were injured in the attack. The bus was carrying NC cadres after the election assembly at Babiya of constituency-3. The injured received treatment at Regional Hospital. Accused remained unidentified until the end of the year.



4.9 Jajarkot



Headquarters	: Khalanga
Area in Sq. Km	: 2,230
No. of Households	: 30,472
No. of Population	: 171,304
Male	: 85,537
Female	: 85,767
No. of PwD	: 6,848
No. of VDC(s)/Municipality(ies)	: 30/0
Male Literacy	: 50,767
Female Literacy	: 38,715
Religion Hindu (%)	: 98.96
Buddhism (%)	: 0.05
Islam (%)	: 0.01
Christianity (%)	: 0.87
Undefined (%)	: 0.107
Average Household Size	: 5.62

The district saw 52 victims at the hand of non-state actors, mainly related with violation of women's rights (14) and racial discrimination (10). In 2012, victims at the hand of non-state actors were 29 whereas victims at the hand of state were 21.

CHILD RIGHTS

In 2013, the child rights violation was against eight children as recorded by INSEC in the district. Out of that, two were raped, two were sexually abused. INSEC documented four cases of child marriage where three girls and one boy were victimized. In 2012, one rape case was documented by INSEC.

Types of Events	By Non-State		
	Female	Male	Total
Abduction	1		1
Beatings	5	13	18
Child Rights	7	1	8
Racial Discrimination	6	4	10
Threats	1		1
Women Rights	14		14
Total	34	18	52

Sexual Violence

The mother of a 7-year-old girl lodged a complaint of rape at District Police Office on September 19. Medical check-up of the victim was conducted at District Hospital. A 50-year-old step-father of the victim raped her on September 18. The step-father involved in the incident is at large until the end of the year.

WOMAN'S RIGHTS

In 2013, the women's rights violation was against 14 women as recorded by INSEC in the district. Out of that, two women were raped, two were the victims of attempted rape, two were the victims of polygamy, seven were victims of domestic violence and one was charged with practicing witchcraft.

In 2012, the women's rights violation were same as of 2013 as recorded by INSEC. Of which, five received some sort of domestic violence and four were victimized when their husband married another women. Two women were raped, one was attempted to rape and two were charged with practicing witchcraft.

Sexual Violence

A complaint was lodged in Area Police Office against Naune Nepali, 22, of Archhani VDC- 7 on charge of raping 80-year-old women on June 8. Medical check-up of the victim was conducted

at District Hospital. Accused was arrested by police on June 10 and was remanded in custody by District Court on June 17.

Eviction from Home

Kamala Shah, 18, of Khalanga VDC-5 was expelled from her home along with three-month-old child by her husband on September 6. She was married one and half years ago. She said that her husband was not providing her proper food and care. She is now living at her maternal home in Khalanga VDC-6.

Polygamy

Pravin Pun, 30, of Dadagau VDC-1 got married with Kusum Rana, 33, of the same place on October 1 and went to India the same day. His first wife, Prem Kala Rana lodged a complaint against them on November 2. Prem Kala is living with one son and three daughters. The whereabouts of the accused remained unknown until the end of the year.

In 2013, a total of 13 incidents of domestic violence were registered at WCSC under District Police office. Among those registered, all cases reached to an agreement according to the center.

CASTE-BASED DISCRIMINATION

Ganesh Bahadur Nepali, 24, and Nirmala Basnet, 22, of Salma VDC-5 were expelled from the village after they had inter-caste married on April 1. Ganesh and Nirmala got married on March 30. Ganesh's family is living in Dashara VDC-8 at his sister's house. Victim has not complaint anywhere until the end of the year.

ELECTION VIOLATION

A total of five NC, four UCPN-M and one YCL cadres were injured in the clash. UCPN-M cadres attacked NC cadre Birendra Bahadur Shahi, 32, of Majkot

VDC -7 on November 12. Birendra Bahadu Shahi, who is also Secretary of NC constituency no. 2, was stabbed and beaten with lathi by a group of 150 cadres of UCPN-M when he was at his home on November 12. He received injuries in head and body and was airlifted to Teaching Hospital, Kathmandu on November 14 for the treatment. Victim lodged complaint on November 22. Police arrested Prem Bahadur karki, 29, UCPN-M cadres along with other two people from Dailekh district on November 25. Accused were remanded to the custody by the District Court on December 1.

Santosh Pun, 28 of Punama VDC-9 was abducted on March 30 at 11 am by the group of 10 to 15 cadres of CPN-M lead by area in charge Prem Khatri, 37 while he was on the way to collect voters' ID. He was abducted from Bal Higher secondary School of Jhapra VDC-4. He was taken to the jungle nearby and was released at 3 pm.



4.10 Dailekh



Headquarters	: Dailekh
Area in Sq. Km	: 1,402
No. of Households	: 48,919
No. of Population	: 261,770
Male	: 126,990
Female	: 134,780
No. of PwD	: 7,607
No. of VDC(s)/Municipality(ies)	: 55/1
Male Literacy	: 82,846
Female Literacy	: 66,069
Religion Hindu (%)	: 97.4
Buddhism (%)	: 1.95
Islam (%)	: 0.18
Christianity (%)	: 0.46
Undefined (%)	: 0.012
Average Household Size	: 5.35

In Dailekh, 38 people were the victims of Human Rights violation as documented by INSEC in 2013. All 38 people were the victims by the hand of non-state, mainly related with women's rights violation (13). In 2012, non-state actors were involved in Human Rights violation of 25 people as per INSEC documentation.

CHILD RIGHTS

In 2013, the child rights violation was against four girl children as recorded by INSEC in the district. Out of that, two were raped, one was sexually abused and one was killed at birth. In 2012, victim of child rights violation was against five girl

Types of Events	By Non-State		
	Female	Male	Total
Beatings		3	3
Child Rights	4		4
Injured	5		5
Killing	3		3
Racial Discrimination	2	5	7
Right to Assembly		2	2
Threats		1	1
Women Rights	13		13
Total	27	11	38

children where four were raped and one was the victim of trafficking.

A complaint was lodged in District Police Office on May 21 against Keshav Nepali, 21, of Bishala VDC-1 on charge of raping a 17-year-old girl. He was arrested on May 20 after victim party informed police and was remanded to the custody by District Court on June 2. Case remained undecided until the end of the year.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against 13 women as recorded by INSEC in the district. Out of that, five women were raped, one was sexually abused and seven were victim of domestic violence. In 2012, the women's rights violation was against nine women as recorded by INSEC in the district.

Sexual Violence

A 23-year-old woman filed an FIR against Man Bahadur Sarki of Gauri VDC-2 at District Police Office on November 7 accusing him of raping her at home in the night of November 5. Sarki was arrested at his home on November 8 and was remanded in prison on December 1. The case was not decided at the end of the year.

Killing by Family Members

Namsara Kami, 25, of Tolijaisi VDC-4 was killed by her husband, Shire

Kami, 28, on January 19. The inebriated Shire slit throat of his wife following a minor dispute. A complaint was filed by the victim party at the District Police Office on January 21. Police arrested Shire and recorded details of the incident after they were informed by the locals on the same day of incident. Post-mortem of the body was performed in the District Hospital on January 21. Accused was remanded in the custody by the District Court on February 14.

Polygamy

Bhimnath Yogi, 30 of Paduka VDC-2 got married with Purnima Giri, 30, on June 29. His first wife Bimala Giri, 27, filed a case against him on charge of polygamy on August 17. Police conducted investigated and sent the case to District Court. The District Court released Bhim after paying a bail of Rs. 25,000 on November 26 whereas Purnima was released by District Court after paying bail of Rs. 25,000 on December 5.

CASTE-BASED DISCRIMINATION

Ratna BK of Rawatkot VDC-2 was misbehaved and beaten by Mohan Bista and Deepak Bahadur Bista of same place while Ratna was cutting trees on his own land on March 16. Victim lodged complaint against the accused in District Police Office on March 20. Police arrested Deepak on April 10 and was released by court after paying a bail on March 28.

Dekendra Killing Probe Revived

Puskhar Thapa, 30 of Narayan Municipality-2, Chairperson of Federation of Nepalese Journalist, Dailekh along with other 22 journalists was threaten by UCPN-M cadre after the conflict between Maoists and the opposition parties which was escalated over the investigation on the killing of journalist Dekendra Thapa. 22

Dailekh based journalist were displaced on January 24 from their work stations citing unsafe working environment.

They were returned back to Dailekh on January 29 after District Administration Office, Dailekh assured safe security situation to the media people.

The Federation of Nepalese Journalists had initiated for the return of displaced journalists. They had returned to the district after the Regional Administration Office Surkhet expressed written commitment to provide security for the journalists to perform their profession in environment free of fear.

President of the Federation of Nepali Journalists, Shiva Gaunle, FNJ central members Suryamani Gautam and Prabhat Chalaune, Regional Administrator, Sharada Prasad Trital, Regional Officer of the National Human Rights Commission, Hari Gyawali, and Regional Police Chief, DIG Tapendradhwoj Hamal accompanied the returning journalists.

ELECTION VIOLENCE

A total of two UML, one CPN-M and one UCPN-M cadres were injured in the clash. UML cadre and coordinator of election campaign of constituency no. 2 Sher Bahadur Thapa Magar was beaten by NC cadres on November 11 at Kalila Higher Secondary School of Singasaini VDC-7. The UML cadre was beaten all of a sudden by the NC cadres coming in a group of 25-30 people. The victim sustained injury in head and backbone. His medical treatment was done at local health post. Complaint was not lodged against the accused.



4.11 Dolpa



Headquarters :	Dunai
Area in Sq. Km :	7,889
No. of Households :	7,488
No. of Population :	36,700
Male :	18,238
Female :	18,462
No. of PwD :	7,458
No. of VDC(s)/Municipality(ies) :	23/0
Male Literacy :	11,225
Female Literacy :	7,117
Religion Hindu (%) :	70.15
Buddhism (%) :	29.4
Islam (%) :	0.04
Christianity (%) :	0.38
Bon (%) :	0.03
Undefined (%) :	0.003
Average Household Size :	4.90

In Dolpa, 28 people were the victims of Human Rights violation as documented by INSEC in 2013. Of them, 25 people were the victims at the hand of non-state, mainly related with women's rights violation (13). In 2012, non-state actors were involved in Human Rights violation of 18 people as per INSEC documentation.

WOMEN'S RIGHTS

In 2013, the women's rights violation was against five women as recorded by INSEC in the district. Out of that, two were victims of domestic violence and two were attempted to raped and one was sexu-

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	3	3	3	12	15
Child Rights			1		1
Injured				2	2
Right to Assembly				1	1
Threats				1	1
Women Rights			5		5
Total	3	3	9	16	25

ally abused. In 2012, four cases of domestic violence were documented by INSEC.

Two women aged 40 and 35 filed a complaint at District Police Office on January 13 saying that Govinda Gharti, 30, Angat Rana, 27, Paljur Budha and Narayan Rokay from Sahartara VDC-8 attempted to rape them. Police arrested the accused on January 15. They were held in custody for investigation.

In 2013, a total of two cases of domestic violence were registered at WCSC. Among them, one the cases of expulsion from the house and one deprived from food and clothing. Among those cases, one of them concluded in an agreement whereas the other is in legal process.

CASTE-BASED DISCRIMINATION

Bhim Kumari BK, 22, of Dunai VDC-8 was beaten by Nabin Rokaya, 22, on July 20 accusing him of not giving him a way. The victim sustained a breast injury in an attack. She got the treatment at Bheri Zonal Hospital at Nepalgunj. No action

was taken against the accused until the end of the year.

FOOD SECURITY SITUATION

Sarmi, Liku, Pahada, Kaigaun, Rimi, Kalika, Narku, Lhan, Tripurakot, Foksundo, Rah and Jufal among many other VDCs of the District suffered from food crisis as the food cannot be supplied there till the first week of September. The crisis occurred after the contractor said a loss in budgeted 5,000 quintals of rice in the district. The district suffered a crisis for almost six months. The crisis was later solved after the rice was transported from Jumla during the Dashain Festival.

ELECTION VIOLENCE

A total of three UML, one NC, two UCPN-M, one CPN-M and four YCL cadres were injured in the clash.

Three cadres of CPN-M were beaten by security forces at Jufal VDC-5 while bringing the ballot box to the district headquarters on November 19. The cadres of CPN-M, Gorakh Bahadur BK, 40, YCL cadre, Rajendra Rokaya, 35, along with other cadres were beaten by the security personnel SI Dilli Chand, police constable Deepak Bohara and Sujan Khadka of Nepal Army while bringing the ballot box to the headquarter. YCL Cadre Gyanu Rokka Magar, 25, of Rammamaikot VDC-5 was beaten by the cadre of UML led by poll candidate Dhana Bahadur Buda while in an election campaign at Dunai VDC-5 and 6.



4.12 Jumla



Headquarters :	Khalanga
Area in Sq. Km :	2,531
No. of Households :	19,303
No. of Population :	108,921
Male :	54,898
Female :	54,023
No. of PwD :	3,248
No. of VDC(s)/Municipality(ies) :	30/0
Male Literacy :	33,843
Female Literacy :	20,696
Religion Hindu (%) :	97.89
Buddhism (%) :	1.23
Islam (%) :	0.01
Christianity (%) :	0.66
Undefined (%) :	0.121
Average Household Size :	5.64

In Jumla, 39 people were the victims of Human Rights violation as documented by INSEC in 2013. Among them, 38 were the victims from non-state and one was beaten by state. In 2012, non-state was involved in Human Rights violation of 37 people, of which 25 were the victims of women's rights violation as per INSEC documentation.

ABDUCTION

CPN-M cadre, Govinda Kunwar, 25, of Tamti VDC-1 was abducted from his home by the UCPN-M on November 11 on charge of firing gun. Kunwar was held in captivity until November 12. He filed a

complaint at the police station saying that the UCPN-M cadres threatened to kill him while asking for his gun. The UCPN-M cadres involved in the abduction could not be identified until the end of the year.

CHILD RIGHTS

In 2013, one case of rape and one case of sexual abuse against girls were documented by INSEC. In 2012, three cases of sexual abuse were recorded by INSEC.

Killing by Family Members

Mun Bahadur Rawat, 30, of of Chhuchaur VDC-1 was accused of beating his daughter Sun Devi Rawat, 8, on August 15. Sun Devi's maternal uncle Gor Bahadur Rawat filed the complaint at District Police Office on August 18 who informed the police that dead body of the girl was buried in the river in Dillichaur VDC-8 on August 19. Police exhumed the body and handed it over to the relatives after post mortem. Mun Bahadur was arrested at his home on August 20 and was remanded in prison on September 16. Ten villagers who helped to bury the body fled from the village. They remained absconding at the end of the year.

Sexual Violence

The family of a 10-year-old girl filed a complaint against Barga Shahi, 26, of Narakot VDC-7 on June 19 accusing him of raping the girl on June 10. The accused remained absconding since the day of filing of the case. Police said that an arrest warrant was issued in his name. There was no medical check-up of the girl. The case remained pending at the end of the year.

WOMEN'S RIGHTS

District documented decreased number of incidents as compared to 2012 under women rights violation. In 2013, the women rights violation was against 20 as recorded by INSEC in the district. Out of

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				1	1
Beatings	1	1	2	2	4
Child Rights			2		2
Injured				7	7
Killing			3		3
Right to Assembly				1	1
Women Rights			20		20
Total	1	1	27	11	38

that, 14 were victims of domestic violence, two were the victims of polygamy, two were the victims of sexual abuse and one was charged with practicing witchcraft and one case of rape. In 2012, 25 cases of domestic violence were documented by INSEC. Among, 25 cases 16 were the victim of domestic violence.

Killing by Family Members

Sita Kathayat Budha, 34, of Gothichaur VDC-4 died when her husband Ratiman Rokaya, hit her with a spade at home on April 5. They had a dispute over her going to her maternal home. Rokaya was arrested on April 11 and remanded in prison on May 6. The case remained undecided at the end of the year.

Sexual Violence

Gara Tamang, 34, of Mugu VDC-7 and Prem Tamang, 33, of Hepka VDC-1, Humla district were accused by a 36-year-old woman of raping her in Chandannath VDC-6 in the afternoon on April 15. She filed a case of rape at District Police Office with the support of Women's Network on the same day. Police arrested Prem on April 15 and Gara at Bharatiwada of Chandannath VDC-6 on April 16. Both were remanded in prison on May 13. The woman was taken to KIHS on April 16. The case remained undecided at the end of the year.

Domestic Violence

Police informed that 36 women filed complaints of domestic violence this year. Of them, 23 complained that they were forced out of the house, 10 said they were neglected, three complained of husband's polygamy and two were accused of being witches. All the cases settled in compromised.

Ek Maya Neupane, 26, of Birat VDC-9 filed a case at District Court on July 3 asking for confirming her relation with Suresh Kumar Upadhyaya, 28. She said that though she had given birth to his son on April 29, he was ignoring her. She also requested the court order for him to perform Nwaran (Birth ritual conducted on the infant's 11th day, performed by baby's father or paternal male relatives). The case remained undecided at the end of the year.

In 2013, a total of 36 incidents of domestic violence were registered at WCSC under District Police Office. Among them, 23 cases of beatings and expulsion from the house, 10 cases of depriving of food and clothes, and three cases of polygamy were registered. All cases have reached to an agreement according to the center.

ELECTION VIOLENCE


The district had several incidents of political tensions especially in the run up to the CA elections. The division between UCPN-M and CPN-M was quite visible as these two sides were involved in more incidents of violent incidents and the CPN-M tried to use muscle to disrupt the election process. Many incidents were prompted by the enmity between these two groups. One CPN-M cadre, Govinda Kunwar, 25, of Tamti VDC-1 was abducted on November 11 charging him of firing his gun. Kunwar later said that his abductors

asked him about his gun even threatening him if he did not answer correctly. He was released the next day. Kunwar filed an appeal at the Kudari Police Station asking for his security. Individual identity of the abductors could not be until the end of the year. There were many other incidents related to election campaigns. A total of two UML, three NC and one UCPN-M cadres were injured in the clash.

The voting came to a halt around noon at A and B polling centres of Tribhuvan Higher Secondary School, Jharjwala in Depalgaon VDC on November 19 after the cadres of CPN-M, boycotting the election, threw the ballot boxes in the Tila River while the people were casting their votes. They also scattered the ballot papers in the premises of the centre prompting police to blank fire to disperse them. The re-voting has taken place on November 22. In the re-election, 266 women and 225 men out of total of 867 voters cast their votes in booth A and 92 women and 81 men out of 271 voters in booth B in the presence of the representatives of all the political parties in the center.



4.13 Kalikot



Headquarter :	Manma
Area in Sq. Km :	1,741
No. of Households :	23,013
No. of Population :	136,948
Male :	68,833
Female :	68,115
No. of PwD :	5,262
No. of VDC(s)/Municipality(ies) :	30/0
Men Literacy :	41,784
Women Literacy :	28,877
Religion Hindu (%) :	99.79
Buddhism (%) :	0.06
Islam (%) :	0.02
Christianity (%) :	0.1
Undefined (%) :	0.021
Average Household Size :	5.96

In Kalikot, 52 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 31 were from the non-state actors. The state was involved in Human Rights violation of 21 people including those arrested and tortured (11), beatings (9) and one woman was deprived from pre and post natal services. In 2012, non-state actors were involved in Human Rights violation of 38 people whereas state was involved in the Human Rights violation of two people as per INSEC documentation.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		11	11			
Beatings		9	9		9	9
Child Rights				4		4
Inhuman Behaviour					1	1
Racial Discrimination					2	2
Threats				1	3	4
Women Rights	1		1	11		11
Total	1	20	21	16	15	31

THREATS/BEATINGS

Eight people were beaten by the state this year. Some of the people beaten were the political cadres trying to disrupt the election campaign while others were injured by the police in the name of checking their unruly behavior.

A total of nine people were beaten by non-state actors. The political activists affiliated with NC, UML, UCPN-M, CPN-M and NWPP got injured when they clashed with each other in on different political pretext. They were also found threats to political activists of other parties and even locals for defying bandh.

There was one documented incident where the NC cadres attacked UML cadres. The NC cadres also threatened a journalist, Prem Raj Simkhada, of Radio Naya Karnali, a resident of Sipkhana VDC-1 for airing 'false' news. Pradeep Aidi, the VDC president of National Youth Volunteer Service, CPN-M's youth wing, who was attacked with a sharp weapon on the night of January 25 by the group of UCPN-M cadres led by Ain Khadka, District Committee member of the party. Aidi was attacked on charge of corruption.

NWPP attacked Arun Singh, 39, of Siraha and currently a teacher at Janjyoti Higher Secondary School in Bharta VDC was assaulted by NWPP cadres on charge of conducting political activity in the school. He is affiliated with pro-UML teachers' association.

CHILD RIGHTS

In 2013, the child rights violation was against four girls. Among them, three were sexually abused and one was raped as recorded by INSEC in the district.

Child Marriage

In 2012, four cases of rape and one case of sexual abuse were documented. Two cases of child marriage were also documented. However, quite similar in nature, the cases were treated quite differently by the court. In one case, Birendra Khadka, 28, of Badalkot VDC-7 married Laxima Pharsal, 16 as his second wife. When his first wife filed a complaint, Birendra was arrested and later released on the deposit of Rs 75,000. His wife, Laxima was sent to jail as she could not deposit the bail. She remained under trial in jail. In another case, Jeevan BC, 29, got married to a 15-year-old girl. Following the complaint by his first wife, police arrested him. The District Court found him guilty of child marriage and sentenced him to two years in prison while the girl was sent to one year for marrying a man with the living spouse. The cases were treated differently but in both cases, the girls became innocent victims. In the second case, where the judge has acknowledged the relation as child marriage, the question is why not to annul the marriage than to send the girl to prison.

Sexual Violence

The family of a 16-year-old disabled girl lodged a complaint at Police post in Pankha Serawada on August 2 against Santabire BK, 20, of Pankha VDC-6, accusing him of attempting to rape her on August 1. The cases remained pending till the end of this year. The victim got the in-

jury while resisting the rape attempt. In all four cases of sexual violence, the perpetrators were not arrested until the end of the year. A 12-year-old girl lodged a complaint at Area Police Office of Serawada Pankha against Kal Damai, 21, of Chhapre VDC-1 accusing him of attempting to rape her on the night of September 25. The victim sustained a chest and neck injury. The accused was arrested on September 27 by the police. The case was pending till the end of this year.

WOMEN'S RIGHTS

In 2013, the women's rights violation from non-state actors were against 11 women as recorded by INSEC in the district. Out of that, five were victims of domestic violence, three were the victim of polygamy and three were attempted to rape. In 2012, six cases of domestic violence, three cases of rape and one case of polygamy were documented by INSEC.

Sexual Violence

There were three cases of sexual violence where three women became victims of attempted rape. Perpetrator in one case was arrested while in two, they remained absconding. A 27-year-old woman lodged a complaint at District Police Office on January 16 against Chhit Bom, 37, of Mehal-mudi VDC-4 accusing him of attempting to rape her on January 12 at her home. The victim's husband is at foreign employment since one year. The victim sustained a fracture hand while resisting the rape attempt. She got the treatment at District hospital of Kalikot. The accused is at large and the case remains pending till the end of the year.

Domestic Violence

Saraswoti Shah, 23, of Mugraha VDC-7 was displaced to a district head-quarter after she was beaten and expelled from the house by her father-in-law Ghaira

Shahi, 45, and Mother-in-law Buchhi Shahi, 40, on January 2, accusing her of having a relationship with other man. The victim lodged a complaint at WCSC on January 5. The victim returned home on January 12 with the help of Women and Children Service center. The accused were not charged until the end of the year.

In 2013, a total of 11 incidents of domestic violence were registered at WCSC. Among them, four cases of beatings and expulsion from the house, two cases of depriving of food and clothes, one case of marriage and citizenship certificate, one cases of polygamy and two cases of allegation of witchcraft were registered. Among those registered cases, 11 incidents were reached to the agreement.

CASTE-BASED DISCRIMINATION

Rati Tamata, 28, and his brother Par Tamata of Nanikot VDC-4 were beaten by Gyanendra Shahi of the same VDC on September 26 on charge of touching stove at the time of having dinner. The victim sustained eye, head and chest injuries. The victims got the treatment at Health Post of Ramnakot. The victim's family lodged a complaint of caste discrimination against the accused at Area Police Office of Thirpu on September 27. The accused was arrested on the same day by the police and was released on agreement of bearing the treatment cost of the victim. The victim got 3,000 as a compensation for treatment cost.

RIGHT TO HEALTH

The remote districts do face shortage of health workers as they prefer to work in well-connected places and plains. Even if some go to such places due to government's incentives as higher allowances, recognition of the work in remote areas while being considered for promotion etc. the workers tend to take long breaks as home leave or academic leave, depriving the people already

facing hardships. Many a times, this leads to people walking long distance to meet the health workers and making expensive journey to relatively developed towns as Biren-dranagar and Nepalgunj. Those who cannot afford such travel and wait; they have no option but to hope for the best.

Yasodha Shahi, 20, of Syuna VDC-8 died on March 29 due to the excessive bleeding. Shahi gave birth on March 25. The post natal victim died after there were no health assistants in the health post. The victim's relative Jeevan Shahi said that she died because the health post in charge was on leave and she could not get treatment.

ELECTION VIOLENCE

A total of three CPN-M cadres and each one from UML, YCL, NC were injured in the clash. The cadres of UML led by area in charge Til Bahadur Sahi, 42, attacked the cadres of CPN-M with stones during the election assembly of UCPN-M on November 12 at Pankha VDC-5. In another incident, police beat up CPN-M Rupsa Village committee in-charge Changkha Sahakari, and members Dhan Bahadur Bogati, Min Bahadur Bogati, 21 and Chanchal Sahakari, 26, of Rupsa VDC-5 were injured in police baton charge on October 30. Changkha Sahakari was also arrested by the police and released on November 1.



4.14 Mugu



Headquarters :	Gamgadi
Area in Sq. Km :	3,535
No. of Households :	9,619
No. of Population :	55,286
Male :	28,025
Female :	27,261
No. of PwD :	1,917
No. of VDC(s)/Municipality(ies) :	24/0
Male Literacy :	16,500
Female Literacy :	9,588
Religion Hindu (%) :	91.64
Buddhism (%) :	8.08
Islam (%) :	0.01
Christianity (%) :	0.2
Prakriti (%) :	0.01
Undefined (%) :	0.056
Average Household Size :	5.75

In Mugu, 26 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 24 were from the non-state. The state was involved in Human Rights violation of two people who were beaten. In 2012, non-state actors were involved in Human Rights Violation of 10 people whereas state was involved in the Human Rights violation of eight people as per INSEC documentation.

Police were accused of battering two individuals. Both incidents occurred when the persons they were trying to arrest resisted. Janu Devi, 38, of Rowa VDC-8 was assaulted by the police on May 12 when

she tried to stop the policemen arriving to arrest her son, Akal Budha, 17. Janu Devi said she had just tried to ask the police about Akal's fault when the police batoned her. She was treated at local pharmacy.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings	1	1	2		7	7
Injured					8	8
Threats					1	1
Women Rights				8		8
Total	1	1	2	8	16	24

WOMEN'S RIGHTS

In 2013, the women's rights violation was against eight women as recorded by INSEC. Out of that, three were the victims of polygamy, three were sexually abused, one was raped and one escaped rape bit. In 2012, two cases of domestic violence, one case of polygamy and one case of rape were documented by INSEC.

A total of five women were documented by INSEC as sexual violence victims. Except for one case, the cases were settled before the police investigation. In a case, a woman filed an appeal at the Court on April 2 asking for establishment of paternal relationship between her new-born daughter and Rajesh Rawal, 24, of Karkibada VDC-3. She had been in relationship with him for the last two years. The court directed the woman and the plaintiff to go for DNA test. The women abide by the order but Rawal did not go. There was no mechanism to force him to send his DNA samplings to the national laboratory. The woman was staying with her parents at the end of the year.

Polygamy

Srijana Rawat Bhandari, 16, of Karkiwada VDC-6 filed a complaint of polygamy at May 19 against her husband Krishna Raj Karki saying that he got married to Pratibha Bham, 15, of the same VDC after learning that Bham was carrying his child. Srijana had given birth to her son on August 2012. She was made to withdraw the complaint with a promise that Karki would pay Rs 80,000 for child

care. She did not get the money until the end of the year. She is living with her natal family.

Noteworthy issue in the case is that though Karki has been accused of polygamy yet it was legally a rape case because Nepalese law says 16 is the age with consensual sex. Though child marriage is rampant in Nepalese society, this case is an example of failings of the police for not holding Karki responsible for rape of a minor. Had the police been proactive in the case, it might have been taken by the society as unusual and intrusive but would have sent a message too.

In 2013, a total of 17 incidents of domestic violence were registered at WCSC under District Police office. Among them four cases of beatings and expelling from the house, one case of depriving of food and clothes, one case of marriage and citizenship certificate, nine cases of polygamy, were registered. Among those registered cases, 13 incidents reached to an agreement whereas four cases have been registered in the court for legal action.

FOOD SHORTAGE

The district faced acute shortage of food from the third week of January after the grains stocked at Nagma depot of Kallikot and Gothijyula depot of Jumla could not be transferred to the district due to heavy snow. An all-party-meeting at District Administration Office on February 21 decided to ask the concerned agencies to airlift the food to the district. However, that could be done only around the fourth week of March, leaving the people of all

24 districts fendin gfor themselves for one month.

The district was connected to national road network only in December 2012. The construction of the road began in earnest only in March 2008. The road is an open track just enough for tractors and big trucks ply but the locals who need to travel to regional hub, Nepalgunj, prefer walking to district headqauarters of Jumla and taking plane. Even there, waiting for a few days to get the ticket is common which is not sold, sometimes distributed through lottery. The locals have to pay the food at quite high cost in comparison to other districts and airplane fare also adds up to the food cost.

HEALTH SERVICES

Chhiring Lama, 7, of Serog village in Pulu VDC-8 succumbed to diarrhea on June 8 after failing to get treatment at the Pulu health post. Lama was taken to the health post after suffering from diarrhea, he could not get treatment there as the health workers had shut the health post and left for higher terrain to collect the medical fungus Yarshagumba. Final rites of the deceased boy have not been performed owing to the lack of villagers. Only elderly people were left in the village as most of the villagers including parents of the boy have gone to the upper hills to collect Yarshagumba.

ELECTION VIOLENCE

The cadres of political parties were involved in many violent incidents related to CA elections. One UML and five NC were injured in the clashes. NC claims that its cadre Ram Bahadur Budha was thrashed by UML cadres in Rowa VDC on November 16, complaints of which were rejected by the police saying it's a polical incident and happened during the election time.



4.15 Humla



Headquarters : Simikot

Area in Sq. Km : 5,655

No. of Households : 9,479

No. of Population : 50,858

Male : 25,833

Female : 25,025

No. of PwD : 2,411

No. of VDC(s)/Municipality(ies) : 27/0

Male Literacy : 14,379

Female Literacy : 7,592

Religion Hindu (%) : 81.62

Buddhism (%) : 18.12

Islam (%) : 0.02

Christianity (%) : 0.02

Undefined (%) : 0.041

Average Household Size : 5.37

In Humla, 18 people were the victims of Human Rights violation as documented by INSEC in 2013. Of which, 17 were from the non-state. The state was involved in Human Rights violation of one person who was arrested and tortured. In 2012, non-state actors were involved in Human Rights violation of 25 people whereas state was involved in the Human Rights violation of one woman who was deprived from the pre and post natal services as per INSEC documentation.

INJURED IN FIRINGS/EXPLOSIVE

A 36-year-old Lal Bir Rokaya and his 3-year-old son Lava Rokaya of Gothi

VDC-1 were injured in an explosion while touching the socket bomb found near the corner of the house on September 10. The police said that the bomb might have been abandoned during the armed conflict. The victim sustained a leg and eye injuries due to the explosion. Both the victims were treated at health post at Melchham. The locals said that the victim's house was used by the Maoist combatants to store the arms and ammunitions during the armed conflict time.

CHILD RIGHTS

Sexual Violence

A 14-year-old girl of Lali VDC-3 and a student of Malika High School was abused and mistreated by Dawa Rawal, 18, of Rai VDC-8 along with other 8/9 people on December 13 while she was on the way to home after finishing school. The victim was forcefully taken to his house saying he would marry her. The victim sustained bruises and torn clothes. The victim's father and relatives lodged a complaint at District Police Office on December 16. The police arrested Dawa Rawal and Khadga Budha on December 14 and the incident still is under investigation.

WOMEN'S RIGHTS

In 2013, the total of 20 women lodged a complaint at WCSC. Among those were one case of expulsion from the house, two cases of depriving of food and clothes, one case of not registering marriage and citizenship certificate, one case of polygamy and one case of intimidation. Among those incidents 19 reached to an agreement and one is processed for legal treatment.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction			1		1
Arrest & Torture	1	1			
Beatings			1	11	12
Injured				2	2
Killing				1	1
Women Rights			1		1
Total	1	1	3	14	17

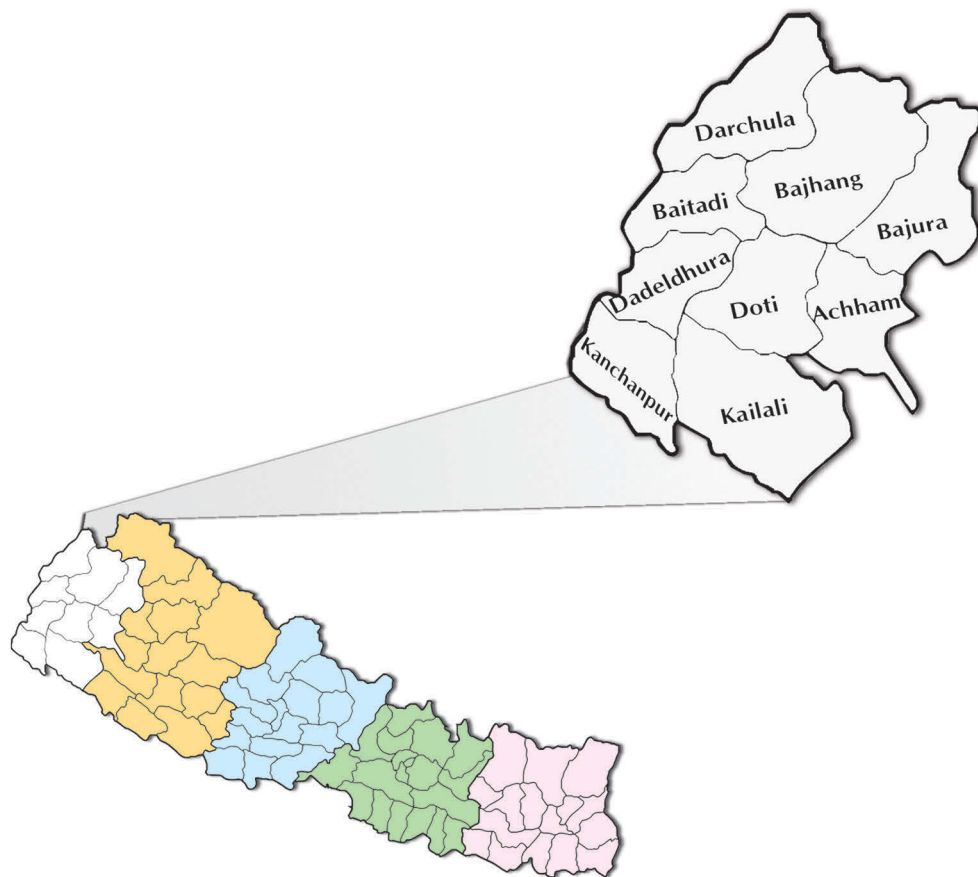
ELECTION VIOLENCE

Bise Nepali alias Gambire, 38, of Sarkideu VDC-1, and cadre of CPN-M was beaten by the NC cadres led by Ram Bohara, 19, on October 27 accusing him of doing a political debate during the election campaign. The victim sustained injuries to his body due to the attack. He got the treatment at Area Police Post. The group also vandalized the victim's house.

45-year-old Chhepe Jethara of Raya VDC-6 was attacked by Nepali congress cadre Bharat Rawal, 19, on October 17 on charge of tearing the flag of NC. The victim sustained head injury and bruises on to his body. He got the treatment at District Hospital. The incident reached to an agreement between the both parties at District Police Office.

Arjun Bohara, 29, of Thehe VDC-2 and working at Radio Karnali was beaten at his working place on October 21 by the cadre Dinesh Rawat, 22, of Simkot VDC-5 of UML accusing him of not broadcasting the news and activities regarding the election campaign of the party. The police arrested the accused on the same day and was released on bail amount of Rs. 1,000 on charge of drinking alcohol.





Human Rights Situation of **Far Western Region**

The Far-Western Development region has nine districts. The region is comprised of Darchula, Bajhang and Bajura from mountainous region, Dadeldhura, Doti, Achham and Baitadi from hilly region and Kailali and Kanchanpur from Tarai region. The region saw a number of Human Rights violence in the districts in 2013, mainly violence against women, children and election violence.

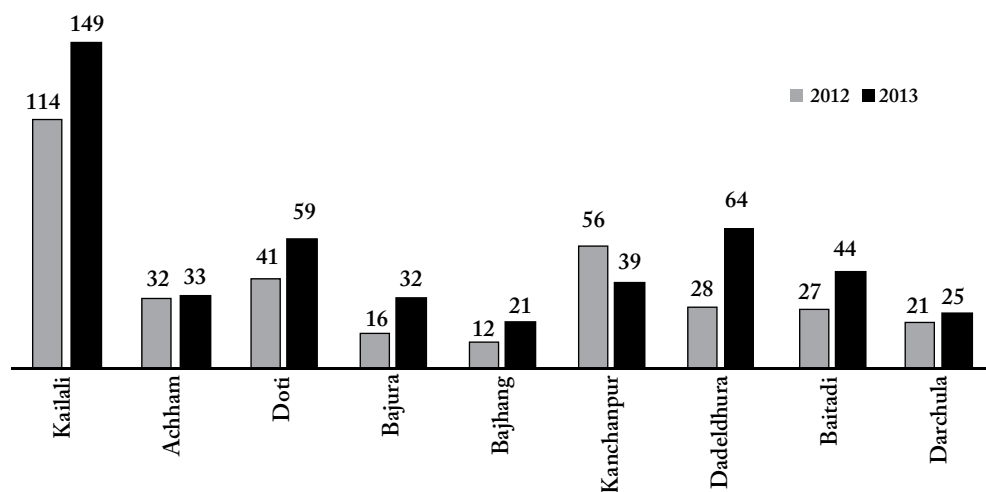
The number of victims of HR violation in the development region increased in comparison to previous year. INSEC recorded an increase in incidents of Human Rights in all districts except Kanchanpur. Of the victims, highest increase of victims of Human Rights violations is in Dadeldhura, from 28 to 64. Last year, there were a total of 347 victims of Human Rights in the region while this year, it was 466. The women's rights violation has significantly increased in the region. In 2012, there were 87 victims while in 2013, 215 were victims of women's rights. All districts saw an increase in documented victims of women rights violations. The number of victims in women rights violation increased from 21 to 63 in Kailali and 15 to 58 in Dadeldhura.

Most of the documented cases of women's rights violation in the region in 2013 were domestic violence (156) and sexual violence, including rape (6), rape attempt (10) and sexual abuse (15). Five women were abused on charge of practicing witchcraft and six were victims of trafficking.

Child victims also increased in the districts in 2013, i.e. 75 in comparison to 45 in 2012. 73 out of 75 child victims were girls. Out of nine districts of the region, only Darchula, Doti has a decrease in number of child victims from six to three and seven to six in Doti. Kailali saw highest increase in number of child victims, from 15 to 31. Sexual violence topped the type of violence. Most of the minor sexual victims knew their abusers. There were 35 girls raped, 19 girls survived sexual abuse and 10 girls were victims of trafficking.

INSEC has compiled the data of the number of students attending government-run schools. A total of 396,425 students are girls and 364,876 are boys. This is reflected in many districts where the number of girl students is higher than that of boys. In Kailali, 90,120 students are girls and 79,558

Fig 1: Human Rights Violence in Far Western Region



are boys. In Kanchanpur, 62,718 students are girls while 48,142 are boys. These two districts are Tarai districts, relatively well off. One reason for this difference is private and English medium schools. The private schools do not share their students' number so it is difficult to say for sure. But, any family which can afford, send their boys to private schools while the girls are sent to government schools where the education standard is considered relatively lower. The number of male and female Dalit students is more or less similar, most probably because the government schools are the ones the dalit family can afford.

In the fiscal year 2012/13, 47.36% of the criminal cases and 45.71% civil cases were decided in the region. Doti district court decided the highest per cent of the cases, i.e. 70.83% criminal and 75% civil cases, followed by Baitadi at 61.82% criminal and 68.75% civil cases. Lowest performing district was Bajhang with 15.79% criminal and 4.55% civil cases decided in a fiscal year. From July 16 to December 31, Bajhang saw an improvement with eight out of nine civil cases (88.89%) decided while criminal cases hovered around same as the fiscal year record at 13.46%. Dadeldhura saw 41.38% of criminal cases and 47.37% civil cases decided. There was no criminal case decided in Achham and no civil case decided in Darchula. In Darchula, only 15% criminal cases were decided.

In the fiscal year 2012/13, of the 1597 cases filed in Kailali, the Office of the District Government Attorney won 252 cases and lost 34 cases whereas in Bajhang none of the cases filed by the District Attorney succeeded. A total of 309 cases were won and 151 cases out of 1988 were lost. The district of Kailali has immense case load. But, the district court had only one judge in 2012/13 and two in the last six months. The district has 19 criminal cases

and 45 civil cases pending for more than two years. Bajhang has 18 criminal cases and 19 civil cases pending for more than two years. Kanchanpur has three criminal cases and nine civil cases pending for more than two years while in Dadeldhura two civil cases are pending for more than two years. Baitadi has one each criminal and civil cases pending for more than two years. The data of the region show that the Judiciary's campaign to sort out the cases older than two years has not been effective. Five out of eight districts have such cases. The data from Bajura is not available for the analysis. The overall performance of judiciary in the far-flung and mountainous Bajhang needs a review by concerned agencies given the overview of concluding the cases and success rate of the district attorney.

Total capacity of the district prisons is 405; however, the occupancy at the end of the year was 790. All district prisons except for Doti had lower number of inmates than the prison capacity. Except in Doti, the inmates complained of lack of space. The prison buildings are in dilapidated conditions and roofs leak when it rains. The inmates do not have proper facilities of toilet and drinking waters. There are two dependents in Kanchanpur Prison and one each in Kailali, Bajura and Dadeldhura, living with either of their parents. The prison administrations have to bear the expenses of the dependents too, as there is no separate provision to support the dependents in the jail. The Child Welfare Offices of respected district have been active in rescuing such children. The Prison Act has mentioned that it is the state responsibility to take care of needs of the children who are forced to live with either of their parents in the jail.

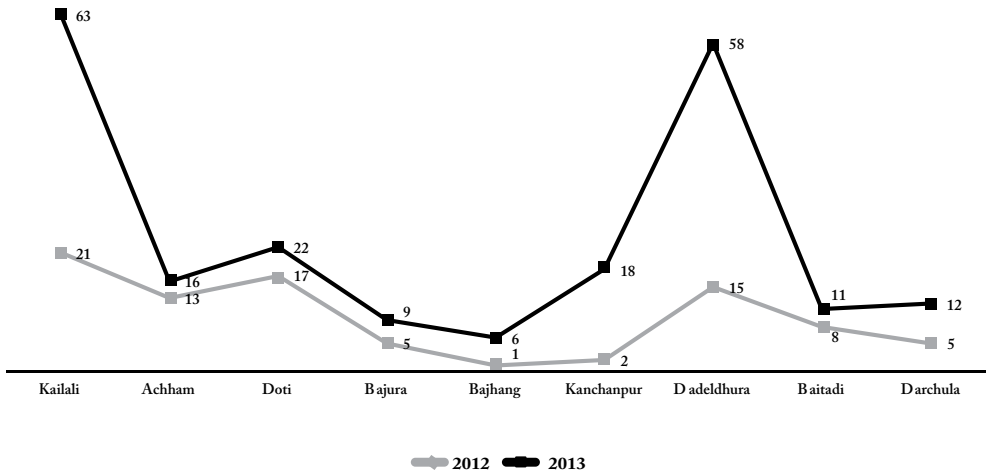
Some of the problems documented in the region needing attention of the stakeholders include violence against women, including bride kidnapping and chhaupadi

and bonded labor system of haliya. Instances of bride kidnapping were documented in the district this year. It is a lesser known but not uncommon way of marriage in the area. (See, *District profile- Achham*). The Chhau-padi practice is about barring menstruating girls and women from many social, cultural and religious activities for the period of seven days because they are considered impure. It is practiced in its severe form in the Far-Western Region where the girls and women avoid the public places, including schools, either due to fear of attracting

gods' wrath or stopped by the elders for the same reason.

The government has declared the haliyas (land tillers), a kind of bonded labors emancipated. It also distributes identity cards to the emancipated haliyas. However, given their extreme poverty, many haliyas are deprived of basic services, including alternative economic opportunities and education. In Bajura, they have not been even able to travel to district headquarters Martadi to claim their identity cards.

Fig 2: Women's Rights Violence in Far Western Region



5.1 Kailali



Headquarters :	Dhangadhi
Area in Sq. Km :	3,235
No. of Households :	142,480
No. of Population :	775,709
Male :	378,417
Female :	397,292
No. of PwD :	15,378
No. of VDC(s)/Municipality(ies) :	42/2
Male Literacy :	267,593
Female Literacy :	216,403
Religion Hindu (%) :	94.91
Buddhism (%) :	2.01
Islam (%) :	0.61
Kirat (%) :	0.01
Christianity (%) :	1.87
Prakriti (%) :	0.22
Shikha (%) :	0.006
Undefined (%) :	0.331
Average Household Size :	5.44

In Kailali, the state was involved in Human Rights violation of 12 people who were mainly arrested and tortured (9) and injured in 2013. In 2012 too, the victims at the hand of state were same which included beatings (11) and issuance of threat (1).

CHILD RIGHTS

A total of 31, all girls were victims of the violation of their rights. Out of 31, 14 girls were raped and seven were the victims of sexual abuse. Seven girls were the

kamlaris, and three were the victims of girl trafficking.

Sexual Violence

In one case, a 14-year-old boy was accused of raping a minor girl, who was handed over to the parents by the Office of the Government District Attorney citing his minor status. Children's Act 1992 says that a child below 10 does not have any criminal liability but after that, action is taken against the minor perpetrator on the basis of the age group. In this case, a 14-year-old boy got reprieve from such heinous crime which does not satisfy the spirit of the legal provisions according to which he should have got half of the sentence provisioned for person aged 16 and above.

One Indian national was arrested on May 1 under the charge of molesting a 6-year-old girl. He was arrested for making the girl involved in unnatural sexual act. This was among the very few cases where the district court managed to conclude promptly, i.e. within six months. It is an indeed a positive thing that the case was resolved this early at a time when similar cases involving Nepali nationals are pending in the court. A concern can be raised that whether the perpetrator's nationality affected the case.

Kamlaris

A total of seven girls were intercepted while being on the way to their potential employers to work as kamlaris. In seven cases, the girls were being taken to urban areas, including Kathmandu by their relatives and acquaintances. The kamlari system has been outlawed by the government but the young Tharu girls are continuously being employed in nearly indentured condition. Age of the girls averaged 12.8 years.

WOMEN'S RIGHTS

Victims of women's rights violation nearly tripled in 2013 in comparison

to 2012. This year, documented women's victims were 63 whereas last year, it was 21. Out of 63 victims, 33 had faced some forms of domestic violence. Five were victims of women trafficking and one was of attempted trafficking. Five women were raped, seven were victims of attempted rape and two suffered sexual abuse. Six women were victimized when their husbands married other women. Four were abused on charge of being witch.

In 2012, out of 21 victims of women's rights violation, seven were raped, one was victim of attempted rape and five faced sexual abuse. Three women were victims of domestic violence while two were assaulted on charge of being witch.

Domestic Violence

Three women died at the hands of their husbands this year. In one case, the husband stabbed his wife to death after she moved the court demanding her share of property. The husband remained at large at the end of the year. Another man attacked his wife with an axe in an inebriated condition following minor dispute on September 26. She died while undergoing treatment at Seti Zonal Hospital.

Harmful Practices against Women

A 60-year-old woman was treated inhumanly by her neighbors Nira Rana, 27, and her brother-in-law Ram Singh Rana along with some other villagers of the same VDC on April 5 on charge of being a witch. The elderly woman was beaten up and her head was shaved and was forcefully fed human excreta accusing her of causing Nira's

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					2	2
Arrest & Torture		9	9			
Beatings				1		1
Child Rights				31		31
Economic, Social and Cultural Rights					3	3
Inhuman Behaviour					1	1
Injured	2	1	3	4	15	19
Killing				6	7	13
Racial Discrimination					1	1
Threats					3	3
Women Rights				63		63
Total	2	10	12	105	32	137

miscarriage. The victim said that they had stripped her of all her clothes, tied her hand and took her behind her home where she was fed human excreta and then beaten. Ram Kumari Chaudhary and Nira also beat up a 59-year-old man in the morning of April 5 making the same blame. He sustained serious head injuries. Both victims were treated at Seti Zonal Hospital. Police arrested Nira and Ram Singh and Chature Rana while others remained absconding. Police filed a case demanding jail term from 5 to 12 years for charge under number 15 of Chapter on Murder of General Code. Nira and Ram Singh were remanded in custody on May 3. The injured were treated at Medical College Teaching Hospital, Kothalpur in Banke.

The case is a miscarriage of justice as the legal provisions clearly criminalize the act of abusing women leveling such charge. Miscellaneous Section 10 (B) of the General Code of Nepal says that anyone involved in mistreating a woman in the allegation of practicing witchcraft will be sentenced to anytime between three months to two years of imprisonment or will be fined a sum ranging from Rs 5,000 to Rs 25,000. Article 2 (e) of CEDAW obliges the state

to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

Acid Attack

Acid was thrown on a 19-year-old woman of Shreepur VDC-9 on December 9. The accused perpetrator Rabindra Thagunna, 23, of Geta VDC-7 was arrested on December 26. Police said Thagunna threw acid on Rupa following a personal dispute. Accused Thagunna was in custody at the end of the year for investigation.

ELECTION VIOLENCE

The district had several election related violent incidents where the political cadres of different parties got injured. The political activists were involved in disruption of the programs of other parties. A total of four UML cadres, one NC cadre and 12 UCPN-M cadres were injured in different clashes. CPN-M cadres looted election materials from the party offices while a vehicle used for election campaign by Madheshi Janadhikar Forum was torched at Campus Road in Dhangadhi Municipality-8. None of the assailants in the cases were arrested. This might have been prompted by the fact that in most of the cases the political parties are involved and police would try to avoid running into trouble with them.



5.2 Achham



Headquarter :	Malangawa
Area in Sq. Km :	1,680
No. of Households :	48,351
No. of Population :	257,477
Male :	120,008
Female :	137,469
No. of PwD :	8,602
No. of VDC(s)/Municipality(ies) :	75/0
Men Literacy :	75,674
Women Literacy :	55,874
Religion Hindu (%) :	99.43
Buddhism (%) :	0.3
Islam (%) :	0.1
Christianity (%) :	0.13
Undefined (%) :	0.036
Average Household Size :	5.36

The district saw all of the Human Rights violence perpetrated by non-state actors. The largest number of victims in the district were women's rights violation and of that domestic violence. Six male and 27 female were the victims this year.

CHILD RIGHTS

In 2013, nine incidents of child rights violation were recorded by INSEC in the district. Out of which, four girls were raped and three were victims of sexual abuse. One girl was forcefully married while another girl was rescued while being trafficked. In 2012, two cases each of rape and sexual violence against girls were

documented. This shows an increase in the violation of child victims. The prevalence of child marriage also came to the fore this year.

Sexual Violence

In one case, a 15-year-old boy accused of raping a 5-year-old girl was released on general date after spending nearly a month in prison without any action. One 15-year-old girl was raped for three days by a 20-year-old man after being held hostage at a cattle-shed on May 25. The family filed a complaint against him on May 29. The District Court sentenced him to prison for six years on October 2. He was charged only with the crime of rape while he should have been charged with hostage taking too.

WOMEN'S RIGHTS

The documented cases of violence against women showed that one woman was raped while five were sexual abused. Two women were victimized when their husbands took second wives. In 2012, five victims of domestic violence were documented and one each of witch-hunting and polygamy. Three women had died due to lack of maternity related services in the district.

Eight women suffered from some form of domestic violence in the district in 2013. Five women went to the WCSC to file their complaints. All five cases were settled by the WCSC.

Instances of forced marriage were also documented in the district this year. It is lesser known but not uncommon way of marriage in the area. The practice of kidnapping of a woman by her admirer with the help of his friends and relatives has been reported from the district. The girls sometimes are ready to follow the plan without the consent of her parents or relatives and plan for elopement but many

Types of Events	By Non-State		
	Female	Male	Total
Beatings		3	3
Child Rights	9		9
Injured		2	2
Killing	1		1
Racial Discrimination	1	1	2
Women Rights	16		16
Total	27	6	33

a times, the girls and the women are forced. They might be rescued within few days of snatching if lucky but after considerable time, the girls or women give up resistance, mainly due to the social sanction of this situation as marriage. If complained, the marriage can be annulled as the provisions in Country but generally the women resigned once the men's claim as they being married is accepted by the society. There are two incidents of sex crime against women in form of attempted forced marriage in the district this year.

An 18-year-old woman of Mangalsain VDC-9 filed a complaint at District Police Office on February 14, accusing Prabin BK of Waligaon VDC-5 of forcing her to marry him. She said that BK forcefully took her to his home with the support of his friends, about 10 in numbers and conducted wedding rituals on February 21. She added that she was snatched from a place near District Education Office as she was returning home from college. Police arrested BK and his accomplices Nabaraj Bohora, Chakra Bohora and Keshav Bohora of Waligaon VDC-5. The accomplices were released on February 10. Prabin was released on June 16 by the District Court on date. The police could have invoked Point no. 3 of Chapter 8 A of Country Code on Kidnapping/ Abduction and Hostage taking that any person kidnapping/abducting or taking hostage of another person with intention to

rape or to have unnatural sexual intercourse along with the intension of killing, selling, enslaving among others person along with other intension is liable to the punishment of imprisonment for a term ranging from seven years to 15 years and a fine from Rs 50,000 to Rs 200,000. But, sadly, it is generally not done.

CASTE-BASED DISCRIMINATION

The country has been declared free of caste-based discrimination but the practice is yet to be eradicated. The people 'labeled' untouchables by the society still face discrimination in different sphere of life in public and in private. It is a reality that the Dalits are not allowed to use public water sources, entry to the temples is barred for them. In Budhakot VDC-6, Ramesh BK, 19, of Budakot VDC-6 was stopped from entering the Nawadurga Temple, situated on the boarder of wards 3 and 4 for being a Dalit on February 10. The temple priest Chetnath Bhatta stopped him from entering. BK said that though a seven-day worshipping was organized labeling it as untouchability-free occasion, the Dalits were offered tika some 10 meters away from the temple. His friend Surat Sunar refused to take tika offered to him by the priest who was oblivion of his identity. The organizers of the worshipping requested them not to disclose the incident of the village and honored them with flower garland to pacify them. They did not file complaint of the incident.



5.3 Doti



Headquarters :	Silgadhi
Area in Sq. Km :	2,025
No. of Households :	41,440
No. of Population :	211,746
Male :	97,252
Female :	114,494
No. of PwD :	7,302
Male Literacy :	62,609
Female Literacy :	45,422
Religion Hindu (%) :	99.04
Buddhism (%) :	0.75
Islam (%) :	0.05
Christianity (%) :	0.13
Bon (%) :	0.01
Undefined (%) :	0.017
Average Household Size :	5.11

All the victims in the district this year faced violence at the hands of non-state actors, mainly family and acquaintances. Victims were domestic violence were 18 while four women faced sexual abuse. 30 victims were male and 29 female. Most of the male were victimized in the incidents of thrashing and getting injured in different incidents including election violence.

CHILD RIGHTS

Sexual Violence

The number of sexual violence against children remained similar in 2013 and 2012. In 2013, six girls were victims of sexual violence, including three rapes and three sexual abuses. In 2012, three girls

were raped and four were sexually abused.

A man filed a complaint at police station accusing Ram Bahadur Kathayat, 30, of Ladagada VDC-7 of attempted sexual harassment of his 15-year-old daughter on April 28. Instead of filing a case of attempted rape, the police charged Kathayat under the Some Public Offence Act and presented him to the quasi-judicial body of District Administration Office (DAO). The chief of DAO, Deepak Kafle released him on date with a fine of Rs 5,000. The case concluded when he was convicted under Section 2 of Public Offence Act 2027 and after signing a document pledging not repeating such incident in the future. It does not seem that the police were doing their work properly because the complaint of sexual harassment would not be filed as public offence as the country has provisions of different kinds for sexual violence, including rape, rape attempts and intentional rape or harassment. The charges of sexual violence are more serious than the charges of Public Offence.

A 12-year-old, who worked at a local restaurant, was raped by a driver and his assistant after giving her a ride under the pretext of taking her to the market. She came to the police station suffering from vaginal bleeding. The police managed to arrest the driver four days after the incident while his assistant remained at large at the end of the year. The girl was placed at Temporary District Women Service Centre, Doti for a month and then to a rehabilitation centre, 'Nayapat' in the initiation of District Child Welfare Committee, Doti and coordination of Central Child Welfare Committee, Kathmandu. She remained at the rehabilitation centre until the end of the year. The accused was in judicial custody.

WOMEN'S RIGHTS

INSEC documented 18 cases of domestic violence and four cases of sexual

Types of Events	By Non-State		
	Female	Male	Total
Beatings	1	13	14
Child Rights	6		6
Injured		14	14
Killing		1	1
Racial Discrimination		2	2
Women Rights	22		22
Total	29	30	59

abuse against women. This is a slight increase in the number of women victims in comparison to 2012.

A total of 55 women filed complaints at WCSC of District Police Office in 2013 saying that they were victims of domestic violence. Out of that 10 were forced out of the house, 25 were deprived of food and clothing, 17 said the husbands did not register their marriage or helped them get citizenship certificates and in three cases, the husbands took second wife. Out of 55, 45 were settled at WCSC while 10 cases were registered at court.

In 2012, INSEC documented 11 cases of domestic violence, one case of rape attempt and three cases of sexual abuse. Two women complained against their husband for bigamy.

CASTE-BASED DISCRIMINATION

Slight improvement is seen in the district in terms of caste-based discrimination. In 2013, two persons were victimized- one was barred from entering temple while other was abused verbally with caste-based insult. In 2012, there were six people facing caste-based discrimination. Three persons had been barred from access to public places, an intercaste couple was abused and one was abused as being untouchable.

Discrimination against Dalits remains deep-rooted. Education and existing legal provisions have done little to stop such practices. Two reports of

discrimination against Dalits were recorded by INSEC. In one case, Shyam Kami of Daud VDC-3 was assaulted on July 25 for entering the shop to buy things and thus 'making the shop impure'. He sustained head injuries and his clothes were torn down in the incident. Kami filed a complaint against locals Mahadev Bogati, Man Bahadur Bogati, Gore Bahadur Bogati, Dhan Bahadur Bogati and Padam Bogati on July 28. Dhan bahadur and Padam remained absconding while other three were released by the District Court on date after depositing bond of Rs 50,000 each. In another incident, a teacher at Bhumiraj Secondary Secondary School, Salena, Tara Singh Nepali, was abused by another teacher Gauri Shankar Joshi on February 15. He was denied tika by Joshi during the celebration of Saraswati Puja saying he was ready to die but would not commit any act against *Sanatan* religion. The school discussed the issue and a compromise was reached in the auspices of Principal Dil Bahadur Balayar after it was promised that any repetition of such incidents would be reported to the police.

ELECTION VIOLENCE

Violence occurred in the district in the run up to the CA elections. The cadres of political parties were involved in the violence. The incidents ensued when the one party's cadres targeted the people for voting for other than their parties. One NC cadre, 10 UML cadres and 14 UCPN-M cadres were injured in different incidents of election violence. Former District Development Committee member and NC cadre, Upendra Bam, 60, of Simchaur VDC-2 was found murdered on Novmeber 10. The police arrested six people on December 11 on charge of their involvement in the killing but were later released in want of evidence. In another incident on November 11, UCPN-M FPTP candidate Mohan Bam came under

attack at Tikah in Dipayal Silgadhi. The vehicle he was in was vandalized and 14 people of his group sustained injuries. Police arrested four people, including NC town chairperson Bijay Khadka, Shivaraj Khadka, Jay Bahadur Khadka and Uttam Singh Khadka of Dipayal Silgadhi Municipality-11 on November 15 and charge of attempted murder was filed against them. On Novmeber 25, Bijay and Shiva were released on bail of Rs 25,000 and Jay and Uttam were released on bail of Rs 100,000.



5.4 Bajura



Headquarters :	Martadi
Area in Sq. Km :	2,188
No. of Households :	24,908
No. of Population :	134,912
Male :	65,806
Female :	69,106
No. of PwD :	5,895
No. of VDC(s)/Municipality(ies) :	27/0
Male Literacy :	39,950
Female Literacy :	27,476
Religion Hindu (%) :	98.68
Buddhism (%) :	1.14
Kirat (%) :	0.01
Islam (%) :	0.01
Christianity (%) :	0.06
Undefined (%) :	0.027
Average Household Size :	5.42

The district saw state responsible for violation of rights of six people while non-state actors were perpetrated on 26 victims. Of them, 11 were male and 15 female. Male victims included those injured in election violence and racial discrimination among others. One woman whose was deprived of post-natal services due to government failure to provide health services in the district.

CHILD RIGHTS

Four cases of child rights violation were documented by INSEC in 2013, which is a increase compared to last year. One case of rape of a girl and two cases of sexual abuse of the girls, and one case of child labor were recorded in 2013.

In 2012, three child victims were documented. Among them, one girl was raped, two girls were sexually abused.

Sexual Violence

There have been some incidents of sexual violence against women and children when the cases are resolved with the consent of police, victims' relatives and perpetrators but the victims have no chance to decide for themselves. In one similar incident, Krishna Budha, 22, of Gotri VDC-4 was accused of attempting to rape a 15-year-old girl at her cattle-shed on June 1. Police arrested the accused on July 3 and mediated a discussion on the same day between the both sides in the presence of the villagers. Budha accepted that it was his mistake to make such an attempt. The case was concluded when the guardians of the girl and villagers agreed to let Budha free following his written apology. There was no voice of the victim recorded. A 15-year-old girl could have refused to pardon him but apparently everybody forgot that it was more than an issue of family honor. One 12-year-old girl was badly injured when she was raped near her village around evening on August 23. Her uncle rescued her and

took her to Kolti Primary Health Centre. The accused was arrested on August 25. He was remanded in custody.

WOMEN'S RIGHTS

Sexual Violence

A total of nine women with their rights violated were documented in 2013. Four victims were documented as victims of domestic violence, one was assaulted on charge of being a witch and two women survived sexual violence. One woman lost her life due to delay in receiving maternity services while one paid money (jari) to her first husband after she decided to marry another man.

In 2012, five women right violation were documented. Of which one was district violance, one of attempted to rape and three died due to lack of pre-natal services.

Harmful Practices against Women Chhaupadi

The Chhaupadi practice is about barring menstruating girls and women from many social, cultural and religious activities for the period of seven days because they are considered impure. The practice in its severe form exists in many of the Far-Western districts. (*See Chapter on Chhaupadi, Nepal Human Rights Yearbook 2013*) In Juku of Jukot VDC-7, over 65 girl students of Shambhusunanda Secondary School are barred from attending school during their menstruation as a temple is built inside the school premises. The girls also don't go to the school as it is believed by the locals, including the students that entry in the area during the period would attract god's fury, school Principal Tularaj Rokaya says.

Another harmful practice affecting women in the district is the abuse of women alleged of being a witch. The belief in the existence of witches is so deep-rooted in society that all the efforts to mitigate the abuses have turned futile. In the case

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings				4	1	5
Child Rights				3	1	4
Injured					1	1
Racial Discrimination					2	2
Right to Assembly	2	3	5		6	6
Women Rights	1		1	8		8
Total	3	3	6	15	11	26

documented in the district, a 38-year-old woman of Luma in Jagannath VDC-5 was abused by her 44-year-old brother-in-law on June 14. Saying that she was tormented by the accused at her home, the victim filed a complaint at police station on July 1. He was detained the next day but was released after the case was settled when he offered a written pledge at the police station that he would not be repeating such act.

CASTE-BASED DISCRIMINATION

Caste-based discrimination is so prevalent in some parts of Nepal that even the police personnel are not spared of the discrimination. Police Janak BK of Bandhu VDC-6 was stopped from entering the Budhinanda Temple by the priest Shreelal Bohora on August 19. The priest of the temple suggested ASI Sher Bahadur Chand that the entry of a Dalit inside the temple would cause calamity. Chand and BK were mobilized to temple to control the crowd that gathered for a special worshipping day. Following the suggestion of the priest, Chand told BK to return to Kolti Airport, where he was originally deputed. BK later said that he had spent the night in a forest cave as he could not reach the station. The Dalit and Human Rights activists raised voice against the incident leading the CDO to summon BK, Chand and Bohora for discussion. The case concluded after Bohora apologized for his action and Chand also apologized publicly saying his instruction to BK was a poor decision.

An agreement were reached between Dalit rights activists and the priest on August 29 allowing unchecked entry of the Dalits to the temple of the district. The agreement came after the condemnation made by the activists regarding the return of a policeman, Janak BK, from half the way to the Budhinanda Temple where he was heading to manage the fair.

HALIYAS

The government has declared the haliyas (land tillers), a kind of bonded labors emancipated. It also distributes identity cards to the emancipated haliyas. However, given their extreme poverty, many haliyas are yet to travel to the district headquarters Martadi to claim their identity cards. The freed haliyas say that it takes at least Rs 1,000 to reach Martadi. There have been 1,374 haliyas verified but only 531 of them have taken the identity cards. The failure to procure identity cards can affect their opportunities. The District Land Revenue Office had planned to provide vocational training to 15 freed haliyas but without the identity cards, the haliyas would not be able to claim place in the training. Similar chances might become out of reach. The government should take note of the situation and make sure that the poverty does not curtail their chances of getting opportunities.

FOOD SHORTAGE

The district, mainly the remote VDCs had shortage of rice several times in a year. 11 VDCs of Pandusen, Kolti, Kotila, Bandhu, Wai, Jukot, Sappata, Gotri, Rugin, Bichchhyan and Jagannath saw depletion of rice stock in Nepal Food Corporation

(NFC) Kolti Depot from third week of March. The shortage led the Depot to sell only 20 kgs of rice per family twice a month.

Similarly, on September 2, it was reported that District Food Security Network had stated that the households close to 70 per cent in the district did not have any storage of food. There are 24,908 households in the district. Network coordinator and District Agriculture Development Office (DADO) chief Ramsharan Yadav said that the shortage is likely to increase as there was no way to supply the food items. The district faces acute food shortage from Mid-June to Mid-September each year. The VDCs lying in the northeast part of the district including Sappata, Rugin, Bichhya, Gotri, Jukot, Bandu, Kotila, Jagannath, Kolti and southern VDCs of Dahakot, Manakot, Dogadi, Jayabageshwari, Kanda and Gudukhati were facing hard time getting two meals a day.

The Network, coordinated by the CDO and the NFC's local office had made several requests to send rice but it remained unheeded, NFC local staff Basudev Bhatta informed. For smooth distribution for the people, the Depot needs 16,000 quintals of rice but the NFC had allocated only 450 quintals for fiscal year 2012/13.

HEALTH SERVICES

The Primary Health Centre in Kolti has remained without a doctor since Mid-

February 2012. People of surrounding 11 VDCs of Bajura along with the people of the districts lying northeast of Bajura, including Humla, Kalikot and Mugu come here for treatment. Senior AHW Ashok Kumar Singh is providing service in the district. Because of lack of doctor in the Centre, the people are forced to go to Nepalgunj for serious ailments, Singh said.

ELECTION VIOLENCE

The district was not free from election violence before and during the CA elections. Seven UCPN-M candidates and two UML cadres were injured in election violence in the district. UCPN-M candidate Sahadev Bogati's wife Radhika Bogati was injured when a group of UML cadres pelted stones at the group in Jukot VDC on November 10. Bogati said that she could not recognize any of the persons as they were in a big group. The incident was verbally informed to the CDO Dhruba Raj Joshi but no written complaint was filed. In another incident, UML supporter, Rajesh Rana, 17, of Martadi VDC-5 was stabbed by NC supporter Dinesh Rawal of Bharhabis VDC-7 as he was heading for Kathmandu on November 6. Rana was treated at Bayalpata Hospital in Achham. Rana's father filed a complaint against Rawal on November 11 but no one was arrested at the end of the year.



5.5 Bajhang



Headquarters	: Chainpur
Area in Sq. Km	: 3,422
No. of Households	: 33,786
No. of Population	: 195,159
Male	: 92,794
Female	: 102,365
No. of PwD	: 4,976
No. of VDC(s)/Municipality(ies)	: 47/0
Male Literacy	: 60,065
Female Literacy	: 38,651
Religion Hindu (%)	: 99.74
Buddhism (%)	: 0.18
Islam (%)	: 0.03
Christianity (%)	: 0.03
Undefined (%)	: 0.037
Average Household Size	: 5.78

There were 21 victims of Human Rights violation documented in 2013. Of them, 12 were male and eight female. Seven male victims were subjected to caste-based discrimination. Six of them were verbally abused because of their so called low caste status. The problem is rampant but most of them go unreported.

THREATS

Human Rights defenders mainly journalists were documented as most at risk HRDs in Nepal. They attract attention for exposing corruption or irregularities. Samrat Bahadur Singh, 26, of Chainpur VDC-1 and Naya Patrika reporter received

death threats from Ramesh Bohora, 35, of Khiratadi VDC-3 on May 25. A teacher of Kedar Namuna Primary School, Bohora threatened Singh for his news article on the school 'Ek Din Bidhyalaya Nagayera 6 Mahinako Hajir (Attendance of Six months in School without Even Teaching for One Day)'. He filed an appeal at District Police Office, District Administration Office, Human Rights Organizations and FNJ. Police said that Bohora remained absconding until the end of the year.

CHILD RIGHTS

Child Labor

Two children suffered from child rights violation in 2013. Of them, one girl survived sexual violence while a boy working as a child labor was deprived of his wage. In 2012, INSEC documented one case of sexual abuse against a girl.

Suresh Dhama, 15, of Lekgaon VDC-6 was beaten up by his employer, hotelier Man Bahadur Dhama when he asked for his wage of three years on December 20. Suresh had been working as dish washer and cleaner in Upendra Guest House in Chainpur VDC-1 for a promised monthly salary of Rs 3,000. He complained against Man Bahadur at District Police Office on the same day of the incident. The police summoned the accused and made him sign a document pledging the clearance of the due leading to case closure. The boy went back to his home.

WOMAN'S RIGHTS

Three women filed cases of domestic violence while one each was victim of polygamy, rape attempt and sexual abuse. One women faced domestic violence in 2012. A total of 34 cases of domestic violence were registered at WCSC in 2013. All of those complaints were settled in compromise.

Safe House in the district is providing refuge to many women. Most of

the times, these women come here as they are left stranded when their husbands forced them out of the houses after taking second women, forcing them out because they don't want the women or because she moves out of the house. The Safe House can provide shelter for only 15 days and after that the women are left to fend for themselves. The treatment of battered women can be covered through a government fund which is running fund of Rs 75,000 but very few are aware of the available money.

Domestic Violence

Karuna Kumari Thapa Khadka, 24, of Patadewal VDC-5 had miscarriage of her three-month pregnancy due to the battering by her husband Deepak Khadka, 28, on charge of having an extra-marital affair. She complained against her husband at District Police Office and took refuge at Women Safe House, operated by Women Rights Forum where she had the miscarriage. She filed an FIR on December 1 asking action against her husband under Domestic Violence Act. She was living at her maternal home after moving out of the Safe House.

The natal family of Kalpana Joshi, 27, of Chainpur VDC-1 filed an FIR at District Police Office on February 16 against her husband Devraj Joshi, 25, brother-in-law Hari Joshi and mother-in-law Nanda Devi Joshi, 54, on charge of murdering her. Her maternal family members who arrived in Chainpur from Mahendranagar claimed that the bruises on her body proved that she was murdered. Police arrested Nanda Devi from her home and the brothers from the ghat. Kalpana and Devraj were married three years ago. Urmila Joshi, the natal sister-in-law of Kalpana said that the family began torturing her two years ago. Kalpana's neighbor Bimala Shahi said that Kalpana had repeatedly told police that she felt threatened for her life but there was no police action. The accused claimed

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings				1	1
Child Rights			1	1	2
Death in Jail	1	1			
Killing			1	2	3
Racial Discrimination				7	7
Threats				1	1
Women Rights			6		6
Total	1	1	8	12	20

that Kalpana had overdose of drug and died while being taken to the hospital. The accused remained in prison until the end of the year.

CASTE-BASED DISCRIMINATION

District recorded many incidents of the caste-based discrimination but very few were reported due to remoteness of the district, difficult geographical terrain and resignation. INSEC documented two cases of caste-based discrimination both of which concluded in compromise mediated by the police. If the case is reported, the state should be the plaintiff however very few cases were taken to the court for legal procedure.

Bhantu Agri, 43, of Kholawada in Rithapatha VDC-6 was verbally abused with caste-based derogatory name by Shyam Bahadur Khadka on November 7 on charge of touching the food he was carrying for the people working his field. Agri filed a complaint at the police station on the same day. Police settled the case after summoning both sides for discussion. During the discussion, Agri said he had not touched Khadka intentionally but it happened because the road they were walking on was too narrow.

ELECTION VIOLENCE

UML supporter, Bishnu Bahadur Khadka, 45, of Pathadewal VDC-4 was physically assaulted by NC cadre Kisan

Khadka, 20, of ward no. 3 of the same VDC on November 18 night. Kisan assaulted Bishnu in a bid to campaign in a dalit neighborhood for November 19 CA elections. Due to the tension, security enforcement was deployed in a helicopter from Dipayal, Doti and the same helicopter airlifted him to Dipayal. Bishnu's family filed a complaint against Kisan on November 19 but the assailant remained at large. Because of the tension of the physical attack, the provision of code of conduct ending campaign 48 hours before the actual voting remained overlooked.



5.6 Kanchanpur



Headquarters :	Mahendranagar
Area in Sq. Km :	1,610
No. of Households :	82,152
No. of Population :	451,248
Male :	216,042
Female :	235,206
No. of PwD :	9,072
No. of VDC(s)/Municipality(ies) :	19/1
Male Literacy :	161,217
Female Literacy :	135,262
Religion Hindu (%) :	95.09
Buddhism (%) :	1.15
Islam (%) :	0.1
Kirat (%) :	0.01
Christianity (%) :	2.65
Prakriti (%) :	0.82
Wahi (%) :	0.1
Undefined (%) :	0.09
Average Household Size :	5.49

The state activities resulted in injuries to four people including one woman. The people were injured in clash with the police. Of the total 39 victims in the district, 26 were female and 13 were male.

CHILD RIGHTS

In 2013, six child victims were documented by INSEC. Of six, four were victims of rape, one sexual abuse and one girl trafficking. In 2012, three girls were raped, one survived sexual abuse, one was married as child and one was kamlari.

Sexual violence against the children is one of the most reported types of child rights violence. In the district, four girls were victims of rape, two of them gang-raped. One minor was also among the accused. One case of sexual abuse of a 4-year-old girl by her father also came to light. The mother caught him in the act and reported against him to the police. The father was arrested and remained under-trial in the prison.

In another case, an 18-year-old and a 14-year-old were accused of raping a girl after taking her to a nearby school on February 13 night. A month later, the District Court remanded the elder boy to prison while the younger one was sent to Child Reform Centre, Pokhara Kaski.

Girl Trafficking

The district borders with India in the west and the south directions so there are high chances of it being used as crossing point to India by the human traffickers. Non-government organizations working to stop women and girl trafficking have also placed their workers to check on the travelers in a bid to stop trafficking. During the similar check on August 2, the workers of Sana Hat stopped a 15-year-old girl from Rukum entering India at Bus Park in Bhim Datta Municipality-4. The bus was heading for Gaddachauki, the bordering Indian settlement. Bipana Batala, 25, Dhan Bahadur

Bata, 31, and Avan Batala, 28, who were accompanying the girl, were arrested. They were taking the young girl to India under the pretext of employment. The trio was remanded in District Prison by the court order of September 1.

WOMEN'S RIGHTS

Domestic Violence

There was an increase in documented cases of domestic violence in the district in 2013. Out of 18 cases of violence against women, 14 were victims of domestic violence, two of rape attempts and one each of polygamy, and trafficking. In 2012, there was one case of domestic violence and one tortured on charge of practicing witchcraft.

Binita Shahi, 30, of IBRD in Kalika VDC-4 was found dead on February 11. The neighbors stopped the family from taking the body for cremation and informed the Tribhuvanbasti Area Police Office about the incident. The police said they could not say for sure whether it was suicide or murder as the dead body had salivated and odor of pesticide on it could be noticed. Police added that the death was suspicious because had it been suicide, the family would have informed the police and taken her to the health facilities. On this suspicion, police arrested Binita's husband Nar Bahadur Shahi, 35, mother-in-law Amrita Shahi, 52, and father-in-law Ain Bahadur Shahi for investigation. All three were remanded in custody by the court on March 13.

Sexual Violence

Namaru Goldar, 35, of Pilibhit, India was arrested by Dodhara Area Police Office on July 17 on charge of attempting to rape a 19-year-old woman. She said that he made the attempt as she had gone to Indo-Nepal border to collect fodder. He

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					2	2
Beatings					1	1
Child Rights				6		6
Inhuman Behaviour					1	1
Injured	1	3	4		4	4
Killing				1	1	2
Racial Discrimination					1	1
Women Rights				18		18
Total	1	3	4	25	10	35

was caught and handed over to the police. District Court sent him to District Prison, Kanchanpur on remand.

CASTE-BASED DISCRIMINATION

Rajram Sarki, 28, of Baitada in Daiji VDC-4 and treasurer of Revolutionary Journalists' Association (RJA), Kanchanpur has been subjected to caste-based discrimination by Bahadru Chanda of Shantipur in Daiji VDC-2 on July 10. According to Sarki, he had tried to stop Chand from felling the tree saplings in forest of Janachetana Hariyali Mahila Samrakshan Samuha in Daiji VDC-2. Enraged at the interference, Chand then hurled racist abuse against him. He also filed a complaint at Suda police station on the same day. RJA issued a statement demanding action against Chand the next day. The accused was sent to District Police Office, Kanchanpur where he apologized to Sarki leading to conclusion of the case.

ELECTION VIOLENCE

A vehicle owned by Arjun Shahi, 57, of Bankhet in Bhim Datta Municipality-4 and used by UCPN-M candidate Mohan Giri for election campaign was vandalized by unidentified group on October 26. The vehicle was parked at Bhim Datta Municipality-9 where arson damaged the seats. Police said that they were searching for the miscreants but no one was arrested until the end of the year.

5.7 Dadeldhura



Headquarters :	Dadeldhura
Area in Sq. Km :	1,538
No. of Households :	27,045
No. of Population :	142,094
Male :	66,556
Female :	75,538
No. of PwD :	5,150
No. of VDC(s)/Municipality(ies) :	20/1
Male Literacy :	47,555
Female Literacy :	37,254
Religion Hindu (%) :	98.88
Buddhism (%) :	0.71
Islam (%) :	0.03
Christianity (%) :	0.33
Prakriti (%) :	0.03
Undefined (%) :	0.016
Average Household Size :	5.25

The victims of Human Rights violation in the district were at the hands of non-state actors. Most of the victims in the districts were of domestic violence. Only one male victim was documented as the victim in the district who was threatened

CHILD RIGHTS

Four girls were victims of rape, two of them incestuous rape by their father.

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	5		5
Threats		1	1
Women Rights	58		58
Total	63	1	64

The victims aged 12, 13, 14, and 15. Both accused fathers were arrested and face charge of incestuous rape. They were at the prison awaiting trial. A 15-year-old girl was raped by a local 40-year-old man at her home on November 20 night when she was alone. The police filed a case of rape on November 23 following the complaint filed by the family. He remained at large until the end of the year. The girl was at a Safe House in Nepalgunj at the end of the year. One girl was a victim of sexual abuse.

WOMEN'S RIGHTS

In 2013, INSEC documented 57 cases of domestic violence and one case of sexual abuse. In 2012, nine cases of domestic violence were documented, five cases of polygamy and one case of sexual abuse.

A total of 72 women filed complaints at WCSC saying they were victims of domestic violence. Out of that, 45 were expelled from home, 14 were deprived of food and clothing. While five women complained that their husband did not attest their marriage certificate or citizenship certificate, two complained of polygamy and five women of life threats. Police settled 71 cases at WCSC while one case was filed at the Court.



5.8 Baitadi



Headquarters :	Baitadi
Area in Sq. Km :	1,519
No. of Households :	45,191
No. of Population :	250,898
Male :	117,407
Female :	133,491
No. of PwD :	7,788
No. of VDC(s)/Municipality(ies) :	62/1
Male Literacy :	82,377
Female Literacy :	61,166
Religion Hindu (%) :	99.93
Buddhism (%) :	0.02
Islam (%) :	0.01
Christianity (%) :	0.02
Undefined (%) :	0.014
Average Household Size :	5.55

State actors were involved in one incident of Human Rights violation where a man was beaten up. Of 44 Human Rights victims in the district, 23 were female and 21 were male. Victims of domestic violence topped the list with 10 victims.

CHILD RIGHTS

In 2013, there were nine documented victims of child rights violence. Of them, four were raped, four were victims of trafficking and one of child labor. In 2012, there were two rape victims, one girl victim of trafficking. Two children were affected by bomb blast. They were injured when the children were playing with detonator brought from India.

There is no question of the trauma a victim of sexual violence goes through. Probably more than psychological trauma, the victims in Nepal suffers from the trauma of loneliness when such tragedy strikes. With no support from family or friends and left to fend for themselves, the victim becomes re-victimized by the society. In one incident, a 17-year-old girl with disability was raped by a 36-year-old man in May. The family learnt about the incident only when the girl was seven-month pregnant. The family tried to file an FIR of rape against the man on October 24 because it was ashamed that the girl was raped and now pregnant. Police refused to register the case citing that the complaint was coming way past the statute limitation for rape, i.e. 35 days. The parents decided to move to India leaving behind the girl at the mercy of the neighbor. The girl whose one hand and one leg paralyzed, is forced to depend on the sympathy of the neighbors for survival. In one case of incestuous rape of a 9-year-old girl at her home on August 16, the father was arrested. The mother of the girl had left her father and was out of contact which left the younger siblings of the victim stranded. Their uncle took the children in. The father remained in prison awaiting trial.

WOMEN'S RIGHTS

In 2013, there were 10 victims of domestic violence and one victim of woman trafficking documented. In 2012, three domestic violence victims, one each was victim of rape, sexual abuse and women trafficking. Two women filed complaints against their husband.

CASTE-BASED DISCRIMINATION

Gajale Bhatta, 65, of Dasharath Chand Municipality-1 was accused of caste-based discrimination on August 17 by brothers Ganeshram Sarki, 22, and Premraj Sarki, 20.. The brothers in their complaint

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1	2	7	9
Child Rights			9		9
Injured				8	8
Killing				2	2
Racial Discrimination			1	3	4
Women Rights			11		11
Total	1	1	23	20	43

at District Police Office said that Bhatta leveled them with caste-based abuse at a public tap. The police summoned both sides on August 4. During the discussion, both sides said that they behaved aggressively during the scuffle and the case concluded when both sides agreed to compromise.

ELECTION VIOLENCE

The parties clashed with each other leaving the cadres on both sides injured. The competition to attract more people in a fair in Hat VDC-9 led to clash between UML and UCPN-M cadres. Two UML cadres were injured in the incident. They filed a complaint against UCPN-M Seti-Mahakali State Committee member, Dipendra Kunwar, and six other cadres under Public Offence Act on November 15. Police claimed until the end of the year that all the accused were absconding. Seven UML cadres were injured in another clash with UCPN-M cadres in Malladehi VDC-8 on November 14. The injured claimed that the UCPN-M cadres also looted cash of Rs 200,000 and 11 mobile phone sets. UCPN-M claimed its two cadres were hurt in the incident.



5.9 Darchula



Headquarters :	Darchula
Area in Sq. Km :	2,322
No. of Households :	24,618
No. of Population :	133,274
Male :	63,605
Female :	69,669
No. of PwD :	3,669
No. of VDC(s)/Municipality(ies) :	41/0
Male Literacy :	45,122
Female Literacy :	34,202
Religion Hindu (%) :	98.88
Buddhism (%) :	0.88
Islam (%) :	0.02
Christianity (%) :	0.06
Prakriti (%) :	0.15
Undefined (%) :	0.012
Average Household Size :	5.41

Darchula district had one of the worst floods as recalled by the residents. The Mahakali flood left hundreds of people homeless as the raging river swept away many houses. The district headquarter remained cut off for days.

The people affected by the floods lives launched a demonstration on September 17 demanding government assistance for their rehabilitation. Man Bahadur Bam, the member of flood victim struggle committee and CPN-Marxist Leninist district coordinator and Thaguwa Thagunna of Dhuligada VDC-9 and Inspector Narendra Bahadur Chand were injured when the flood victims clashed with

the police. The clash occurred when the agitating locals were trying to padlock the District Administration Office, demanding relief. They were demanding immediate distribution of Rs 500 million to the affected people on June 16 as announced by Interim Election Government Chairperson Khil Raj Regmi. The Mahakali flood swept away nearly 150 houses, several government offices and displaced more than 500 people in the district. Some of the displaced are still awaiting rehabilitation while more than 150 houses are reportedly at the risk of flood. The damaged Darchula-Baitadi road is yet to be completely reconstructed, affecting the supply of essentials to the district. A process to distribute relief worth Rs 6 million donated by various organizations was delayed in want of data.

CHILD RIGHTS

In 2013, there were three child victims including one rape victim, trafficking victim and third one the victim of sexual abuse. In 2012, there were six victims documented of which three were rape victims, one was sexual abuse survivor. One victim could not attend the school. Dan Singh Dhimi, 40, of Latinath VDC-8 was charged with trafficking of a 17-year-old girl. The case against him was filed at District Court on July 19. According to Inspector Ganesh Bam, the case was filed after preliminary investigation on the basis of the statement of the girl made on July 14. Dhimi was granted 15 days of custody. Dhimi was accused of taking the girl to Dharchula in India under the pretext of treatment when she reached Dharamghar of Khandeshwari on May 22 to collect *yarsa*. The girl, suffering from illness, was not been able to afford treatment because of her poor financial status. The girl claimed that Dhimi forced her to marry an Indian soldier who paid Dhimi some money for

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1	1	2	3
Child Rights			3		3
Killing			1	1	2
Right to Assembly	2	2			
Threats				2	2
Women Rights			12		12
Total	3	3	17	5	22

bringing the girl. The case remained under investigation at the end of the year.

WOMEN'S RIGHTS

INSEC documented nine victims of domestic violence and three victims of polygamy in 2013. In 2012, five victims were documented of which three were the victims of domestic violence and two were the victims of sexual abuse.

Domestic Violence

A total of 45 women filed complaints of domestic violence at WCSC of District Police Office in 2013. Out of them, 15 complained of being forced out of house, 12 of depriving them of food and clothing, five said their family members, including husband refused to attest their documents to get registration of marriage certificate and citizenship and five complained of neglect by the husbands after they took second women. Out of 45 cases, only three cases were moved to court and others were resolved by convincing both parties to compromise.

Kalawati Giri, 25, of Kharkada VDC-6 filed a complaint against her husband, mother-in-law, father-in-law and brother-in-law on July 12, accusing them of torture and demanding her share of property. Giri was separated from her husband nearly seven years ago. Her husband, who is in India for work, has

taken second wife and two children from her. Though the in-laws offered her some amount of money for compromise at the WCSC on July 13, she went to the District Court Kanchanpur saying her fair share of property. The case remained pending at the end of the year.

ELECTION VIOLENCE

The cadres of UCPN-M and its splinter group CPN-M were involved in many violent activities. CPN-M's Jaymal Ode, 41, and Chakraman BK, 38, of Dethala-6 were injured when they were attacked by UCPN-M cadres, led by former PLA combatant Man Bahadur Dhami aka Santosh on November 1. The UCPN-M's Seti-Mahakali State Committee member Prem Singh Dhami claimed that the issue

should not be politicized as it was a case of election violence. The police said that they could not take any action as only the party filed the complaint and not an individual.

CPN-M cadres were also involved in violent activities mainly as a part of their campaign to boycott the CA elections. The INSEC DR recorded that the cadres physically assaulted consultant of the Chamelia Hydro-Power Project, JV Thakur at his office on August 20. It is learnt that Thakur was assaulted after he offered them Rs 1,500 in a reply for the demand of one month salary of the project staffs to fund their election boycott campaign. Thakur went to Kathmandu the next day citing his insecurity. The work at the construction site resume on August 26 when the administration assured their safety.



**Statistics of
Human Rights Violations
in 2013**

Annex

2

Annex 1.1 Incidents and Number of Victims

Types of Events	By State			By Non-State			
	Female	Male	Total	Female	Male	N/A	Total
Abduction							
Abduction				16	61		77
Arrest & Torture							
Arrest & Torture	6	165	171				
Beatings							
Beatings	12	85	97	118	459		577
Child Rights							
Child Labor				4	3		7
Child Marriage				18	2		20
Child Trafficking				51	15		66
Corporal Punishment				26	58		84
Kamalari				7			7
Killing of Newborn Baby				16	11		27
Rape				406			406
Sexual Abuse	1		1	171	10		181
Total	1		1	699	99		798
Death in Detention							
Death in Detention		4	4				
Death in Jail							
Death in Jail	1	3	4				
Economic, Social and Cultural Rights							
Wages Denied				1	3		4
Expel from the Job					8		8
Others					1		1
Right to Own Property				5	19	2	26
Economic, Social and Cultural Rights Total				6	31	2	39
Inhuman Behavior							
For Practicing Witchcraft					8		8
Head Shaved		5	5	1	1		2
Others		1	1	4	11		15
Rubbing Soot on the Face				4	3		7
Shoes-garlanded				1	1		2
Inhuman Behavior Total		6	6	10	24		34
Injured							
Acid Attack				4			4
Injured By Bomb Blast				8	49		57
Injured By Firing	8	9	17	6	21		27
Injured By Own Bomb Blast					2		2
Injured by using sharp weapons		1	1	15	88		103
Injured in Clash	3	39	42	11	131		142
Injured Total	11	49	60	44	291		335

Types of Events	By State			By Non-State			
	Female	Male	Total	Female	Male	N/A	Total
Killing							
Beaten to Death				58	54		112
By Bomb Blast					4		4
By Poisoning				11	1		12
By Hanging				14	3		17
By Torture		1	1				
By Using Sharp Weapons				48	53		101
Crushing with Stone				5	3		8
Killed After Rape				6			6
Killed by Firing		3	3	1	9		10
Killed in Cross-fire		1	1				
Nature of Killing Unknown				5	6		11
Pushing Down from the Landscape/Hill				1	1		2
Setting Fire				3	2		5
Slitting Throat to Death				1	1		2
Squeezed to Death				11			11
Striking Hammer				2			2
Striking Khukuri				7	6		13
Striking Lathi				5	5		10
Killing Total		5	5	178	148		326
Landless and Squatters Problem							
Landless and Squatters	2	4	6				
Racial Discrimination							
Deprived from Entering Public Places				3	8		11
Intercaste Marriage				11	9		20
Untouchability				24	46		70
Racial Discrimination Total				38	63		101
Right to Assembly							
Lathi Charge	13	81	94				
Right to Assembly	57	122	179	3	50		53
Right to Assembly Total	70	203	273	3	50		53
Threats							
Threats	2	7	9	13	98		111
Women Rights							
Abortion				1			1
Attempt to Trafficking				13			13
Domestic Violence				1569			1569
For Practicing Witchcraft				69			69
Jari (Compensation to elope with other's wife)				1			1
Polygamy				283			283
Lack of Pre and Post Partum Service	4		4				
Rape				215			215
Rape Attempt				89			89
Sexual Abuse				52			52
Women Trafficking				52			52
Women Rights Total	4		4	2344			2344
Grand Total	109	531	640	3469	1324	2	4795

Annex 1.2 By Occupation

Victim Occupation	By State			By Non-State			
	Female	Male	Total	Female	Male	N/A	Total
Agriculture	29	157	186	1472	366		1838
Armed Police		1	1				
Business	2	19	21	50	41		91
Civil/Private Service		22	22	8	47		55
Health Worker				6	3		9
Human Rights Activist	34	27	61		3		3
Journalist	1	18	19	1	65		66
Labour	3	31	34	128	46		174
Law Professional		1	1		2		2
Police		4	4	2	10		12
Political Worker	11	144	155	18	379		397
Social Worker	1		1	2	5		7
Student	6	36	42	449	192		641
Teacher	3	6	9	9	28		37
Unavailable	19	65	84	1324	137	2	1463
Total	109	531	640	3469	1324	2	4795

Annex 1.3 Destruction of Property

Agricultural Sub-Centre	1
Ambulance	2
College	8
Communication Sector	1
District Education Office	1
Government Offices	7
Government Vehicles	4
Health Post	1
Hydro Power Project	1
Police Post	1
Political Party Office	5
Post Office	3
Private Home	8
Private Offices	8
Private Property	4
Private Vehicle	100
Road	2
School	6
University	2
VDC	1
Total	166

Annex 2.1 Eastern: Incidents and Number of Victims

Types of Events	By State			By Non-State			
	Female	Male	Total	Female	Male	N/A	Total
Abduction				5	13		18
Arrest & Torture	1	27	28				
Beatings	2	22	24	32	75		107
Child Rights				212	16		228
Death in Detention		1	1				
Economic, Social and Cultural Rights				1	14	1	16
Inhuman Behaviour		5	5	8	10		18
Injured		5	5	6	23		29
Killing		2	2	66	60		126
Racial Discrimination				2	6		8
Right to Assembly	8	54	62		19		19
Threats		2	2	8	16		24
Women Rights	1		1	533			533
Total	12	118	130	873	252	1	1126

Annex 2.2 Mid: Incidents and Number of Victims

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				4	18	22
Arrest & Torture		22	22			
Beatings		7	7	28	147	175
Child Rights	1		1	203	17	220
Death in Jail		2	2			
Economic, Social and Cultural Rights					2	2
Inhuman Behaviour		1	1	1	2	3
Injured				21	111	132
Killing		1	1	51	52	103
Racial Discrimination				18	21	39
Right to Assembly	52	99	151	1	7	8
Threats	1	3	4	2	19	21
Women Rights				900		900
Total	54	135	189	1229	396	1625

Annex 2.3 Western: Incidents and Number of Victims

Types of Events	By State			By Non-State			
	Female	Male	Total	Female	Male	N/A	Total
Abduction				4	8		12
Arrest & Torture	4	61	65				
Beatings	4	12	16	24	72		96
Child Rights				131	57		188
Death in Detention		2	2				
Economic, Social and Cultural Rights					8	1	9
Inhuman Behaviour					7		7
Injured	8	28	36	3	49		52
Killing		2	2	25	14		39
Racial Discrimination				4	5		9
Right to Assembly	1	21	22	2	11		13
Threats		1	1		18		18
Women Rights	1		1	343			343
Total	18	127	145	536	249	1	786

Annex 2.4 Mid Western: Incidents and Number of Victims

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				3	18	21
Arrest & Torture	1	46	47			
Beatings	6	42	48	25	137	162
Child Rights				80	7	87
Death in Detention		1	1			
Death in Jail	1		1			
Economic, Social and Cultural Rights				5	4	9
Inhuman Behaviour				1	3	4
Injured		12	12	10	64	74
Killing				26	8	34
Landless and Squatters Problem	2	4	6			
Racial Discrimination				12	14	26
Right to Assembly	7	24	31		7	7
Threats	1	1	2	3	38	41
Women Rights	1		1	354		354
Total	19	130	149	519	300	819

Annex 2.5 Far Western: Incidents and Number of Victims

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					4	4
Arrest & Torture		9	9			
Beatings		2	2	9	28	37
Child Rights				73	2	75
Death in Jail		1	1			
Economic, Social and Cultural Rights					3	3
Inhuman Behaviour					2	2
Injured	3	4	7	4	44	48
Killing				10	14	24
Racial Discrimination				2	17	19
Right to Assembly	2	5	7		6	6
Threats					7	7
Women Rights	1		1	214		214
Total	6	21	27	312	127	439

Annex 3 Number of Victims by Type and Month

Event Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Abduction	7	8	6	5	9	5	3	3	2	1	23	5	77
Arrest & Torture	42	1	3	13	8	15	5	1	4	24	50	5	171
Beatings	30	31	50	41	46	38	28	32	43	97	229	9	674
Child Rights	62	86	128	56	74	63	75	96	66	31	25	37	799
Death in Detention			1	1				1				1	4
Death in Jail			2	1	1								4
Economic, Social and Cultural Rights	8		3	17	2	2	1	2	1	2	1		39
Inhuman Behaviour	1	4	11	1		3	8	3	3	3	1	2	40
Injured	25	21	23	7	20	23	10	5	11	85	158	7	395
Killing	27	36	36	28	33	22	21	30	21	27	28	22	331
Landless and Squatters Problem				6									6
Racial Discrimination	7	6	17	8	5	27	6	9	3	4	3	6	101
Right to Assembly	50	6	32	25	72	30	30	6	13	36	26		326
Threats	6	10	14	13	8	3	9	10	11	7	26	3	120
Women Rights	242	207	211	199	194	238	264	268	220	130	86	89	2348
Total	507	416	537	421	472	469	460	466	398	447	656	186	5435

Annex 4 Victims by Caste/Ethnic Group

Victim Caste	By State			By Non-State			
	Female	Male	Total	Female	Male	N/A	Total
Adhibasi	3	4	7	74	20		94
Baniya		3	3	2			2
Brahman	27	103	130	402	283		685
Chhetri	20	107	127	752	333		1085
Dalit	13	63	76	628	167		795
Godiya	1	6	7	5	3		8
Janajati	21	106	127	852	295		1147
Kayastha		1	1	2	3		5
Koiri	1	4	5	25	10		35
Mandal	1	9	10	41	4		45
Muslim	4	31	35	107	52		159
Newar	10	13	23	121	28		149
Sanyasi		2	2	8			8
Telli	1	11	12	59	19		78
Yadav	2	37	39	75	38		113
Unavailable	5	31	36	316	69	2	387
Total	109	531	640	3469	1324	2	4795

Annex 5 No. of Detainees in Jail at the End of 2013

S.No	District	Grade	Capacity	Numbers of Inmates in Jail at the end of 2013					Dependants		Death in jail
				Detainees	Convicts	Female	Male	Total	Male	Female	
1.1	Jhapa	C	225	363	335	45	653	698	5	4	
1.2	Ilam	E	125	86	188	27	247	274	1	1	
1.3	Panchathar	E	25	58	73	11	120	131	1		
1.4	Taplejung	E	25	31	66		97	97			
1.5	Morang	B	300	221	403	52	572	624	1	4	1
1.6	Sunsari	B	500	299	456		755	755			4
1.7	Dhankuta	E	25	17	44	5	56	61			
1.8	Terhathum	D	35	40	12	3	49	52			
1.9	Bhojpur	E	25	33	53	9	77	86	2	1	
1.1	Sankhuwasabha	D	25	30	80	10	100	110			
1.11	Saptari	D	125	152	97	7	242	249			1
1.12	Siraha	D	150	164	41	11	194	205		1	2
1.13	Udaypur	E	50	73	51	11	113	124	1		
1.14	Khotang	E	99	60	36	7	89	96		1	
1.15	Okhaldhunga	E	25	21	33	6	48	54	1		1
1.16	Solukhumbu	D	25	12	44	8	48	56			
2.1	Dhanusha	No Jail									
2.2	Mahottari	B	135	379	74	33	420	453	2	4	
2.3	Sarlahi	C	100	No Detainees							
2.4	Sindhuli	D	35	31	62	10	83	93			1
2.5	Ramechhap	E	55	64	214	22	256	278			
2.6	Dolakha	C	15	27	27		54	54			
2.7	Rautahat	C	75	95	63	6	152	158	1	1	
2.8	Bara	No Jail									
2.9	Parsa	B	700	518	796	99	1215	1314	6	4	

S.No	District	Grade	Capacity	Numbers of Inmates in Jail at the end of 2013					Dependants		Death in jail
				Detainees	Convicts	Female	Male	Total	Male	Female	
2.1	Chitawan	D	150	247	277	53	471	524	2		1
2.11	Makawanpur	B	1200	399	205		604	604			
2.12	Lalitpur	C	175	335	195		530	530			
2.13	Kavre	D	61	50	136		186	186			2
2.14	Bhaktapur	Child Reform Center	100	33	41	5	69	74			
2.15	Kathmandu	A	1200	1405	1051	322	2134	2456	9		
2.16	Dhading	E	35	54	81	13	122	135	1		
2.17	Sindhupalchowk	D	7	76	66	3	139	142			
2.18	Nuwakot	D	80	51	98	18	131	149	1	1	
2.19	Rasuwa	E	25	14	55	1	68	69			
3.1	Tanahu	C	25	65	60		125	125			
3.2	Gorakha	D	45	15	87	12	90	102			
3.3	Lamjung	D	25	24	51	7	68	75		1	
3.4	Syangja	E	35	38	60	10	88	98			
3.5	Kaski	D	60	203	259	43	419	462		1	
3.6	Manang	Non-Graded			11		11	11			
3.7	Nawalparasi	E	35	56	61	15	102	117	2	1	
3.8	Rupandehi	B	100	239	175		414	414			
3.9	Palpa	C	175	44	312	65	291	356	4	1	1
3.1	Kapilvastu	D	85	76	135		211	211			
3.11	Arghakhanchi	E	No Detainees								
3.12	Gulmi	E	25	12	60	9	63	72			
3.13	Baglung	D	25	35	47	8	74	82		1	
3.14	Parvat	D	75	12	54	6	60	66			
3.15	Myagdi	D	32	28	50	7	71	78			
3.16	Mustang	E	8	6	2	1	7	8			
4.1	Dang	C & D	150	125	160	19	266	285	1	1	
4.2	Pyuthan	D	25	18	28	9	37	46			
4.3	Rolpa	E	30	15	8	5	18	23	1	1	

S.No	District	Grade	Capacity	Numbers of Inmates in Jail at the end of 2013					Dependants		Death in jail
				Detainees	Convicts	Female	Male	Total	Male	Female	
4.4	Salyan	D	20	4	63	12	55	67			1
4.5	Rukum	D	20	61	9	6	64	70		1	
4.6	Banke	C	250	263	200	47	416	463		3	
4.7	Bardiya	C	135	74	139	17	196	213	2	1	
4.8	Surkhet	E	25	59	75	13	121	134	1		
4.9	Jajarkot	D	25	19	36	2	53	55			
4.1	Dailekh	D	16	43	23	7	59	66	1		
4.11	Dolpa	E	30	8	15		23	23			
4.12	Jumla	D	20	7	11	1	17	18			
4.13	Kalikot	E	25	19	47	5	61	66			
4.14	Mugu	E	15	No Detainees							
4.15	Humla	E	25	7	1		8	8			
5.1	Kailali	D	100	127	195	29	293	322	1		
5.2	Achham	D	25	4	36	3	37	40			
5.3	Doti	D	45	4	26		30	30			
5.4	Bajura	E	25	3	31	1	33	34	1		
5.5	Bajhang	E	25	31	9		40	40			1
5.6	Kanchanpur	D	95	73	116	13	176	189	2		
5.7	Dadeldhura	D	25	7	30	6	31	37	2		
5.8	Baitadi	D	25	13	36		49	49			
5.9	Darchula	D	40	35	14		49	49			
Total				7310	8185	1175	14320	15495	52	34	16

Annex 6 Regional Health Service Situation

Eastern Region																	
District	Hospital	Health Post	Sub Health Post	Doctor		Staff Nurse		Lab Assistant		AHW		AMW		Health Assistant		Health Worker	
				Quota	Working	Quota	Working	Quota	Working	Quota	Working	Quota	Working	Quota	Working		
Jhapa	1	6	38	24	10	25	21	12	8	77	69	39	34	9	8	42	38
Ilam	1	18	26	7	NA	8	5	7	5	60	48	25	19	19	13	48	19
Pandhar	1	20	20	NA	NA	6	5	3	2	83	55	85	44	25	89	NA	NA
Taplejung	1	8	42	4	2	5	2	3	1	56	24	16	5	13	4	50	23
Morang	2	34	26	7	2	7	7	10	10	102	79	102	79	105	104	43	21
Sunsari	2	11	43	9	4	10	6	10	10	104	99	104	102	25	8	NA	NA
Dhankuta	1	18	26	7	NA	8	5	7	5	60	48	25	19	19	13	48	19
Tehrathum	1	9	20	4	NA	5	3	4	2	55	46	35	30	2	2	NA	NA
Bhojpur	1	9	51	6	2	7	7	4	3	63	59	20	18	15	13	51	28
Sankhuwasabha	1	23	11	3	2	6	2	3	2	80	47	67	30	28	6	NA	NA
Saptari	1	30	82	4	1	4	1	70	70	151	149	143	123	NA	NA	NA	NA
Siraha	1	33	71	5	3	8	3	8	8	256	193	140	89	40	17	71	NA
Udaypur	2	20	25	17	2	15	2	2	2	94	87	70	57	30	19	NA	NA
Kotang	1	24	49	5	3	6	2	3	2	144	80	98	54	20	7	10	4
Okhaldhunga	1	19	33	3	3	7	2	1	NA	106	24	72	18	19	12	NA	NA
Solukhumbu	1	18	14	5	1	7	6	3	2	56	12	56	25	23	5	NA	NA
Total	19	300	577	110	35	134	79	150	132	1547	1119	1097	746	392	320	363	152

Mid Region																	
District	Hospital	Health Post	Sub Health Post	Doctor		Staff Nurse	Lab Assistant		AHW		AMW		Health Assistant		Health Worker		
				Quota	Working		Quota	Working	Quota	Working	Quota	Working	Quota	Working	Quota	Working	
Dhanusha	1	34	69	5	5	5	N/A	8	8	226	208	133	99	36	20	N/A	N/A
Mahottari	2	18	52	21	16	18	13	6	6	110	110	224	194	N/A	N/A	N/A	N/A
Sarlahi	1	16	68	25	8	13	1	8	8	222	210	138	85	34	17	N/A	N/A
Sindhuli	1	25	26	7	5	8	2	5	3	120	80	81	57	32	10	N/A	N/A
Ramechhap	1	17	35	5	3	6	3	5	3	155	111	80	61	23	10	N/A	N/A
Dolakha	1	25	27	2	5	2	1	2	1	117	82	82	50	29	8	N/A	N/A
Rautahat	2	23	70	8	6	8	1	2	2	93	63	N/A	N/A	19	13	48	19
Bara	1	40	45	19	6	15	4	11	9	249	176	159	76	57	16	N/A	N/A
Parsa	1	8	71	6	4	9	4	6	5	34	14	42	16	34	14	83	42
Chitwan	2	24	12	9	9	14	14	7	7	108	99	70	70	32	18	N/A	N/A
Makwanpur	1	26	14	11	8	14	9	6	4	95	51	52	51	23	15	N/A	N/A
Lalitpur	1	22	16	6	2	4	4	3	3	95	95	63	63	14	14	N/A	N/A
Kavre	1	25	64	7	4	10	9	4	4	192	121	129	102	32	13	N/A	N/A
Bhaktapur	1	14	5	2	N/A	3	3	4	3	51	52	34	40	18	12	N/A	N/A
Katmandu	72	26	32	17	17	12	14	10	10	161	161	121	111	36	36	N/A	N/A
Dhading	1	33	16	5	2	6	6	3	2	56	12	56	25	23	5	N/A	N/A
Sindhupalchok	1	10	65	7	1	7	6	4	1	83	48	20	14	16	9	N/A	N/A
Nuwakot	1	11	53	6	6	7	6	6	6	N/A	N/A	21	17	N/A	N/A	119	98
Rasuwa	1	14	3	3	2	8	2	5	3	120	80	81	57	N/A	N/A	92	44
Total	93	411	743	171	109	169	102	105	88	2287	1773	1586	1188	458	230	342	203

Western Region																		
District	Hospital	Health Post	Sub Health Post	Doctor		Staff Nurse		Lab Assistant		AHW		AMW		Health Assistant		Health Worker		
				Quota	Working	Quota	Working	Quota	Working	Quota	Working	Quota	Working	Quota	Working			
Tanahun	2	26	19	7	5	7	5	7	7	5	88	61	62	56	25	12	31	29
Gorkha	2	24	42	4	2	4	1	N/A	N/A	92	N/A	94	N/A	2	N/A	69	50	50
Lamjung	1	13	45	2	1	2	N/A	2	2	67	53	24	18	17	11	5	50	
Syangja	1	26	40	1	1	6	6	4	3	125	79	94	62	32	6	N/A	N/A	N/A
Kaski	25	25	20	3	2	3	3	5	5	96	70	67	56	30	10	43	25	
Manang	1	10	3	2	3	2	N/A	1	N/A	10	4	4	2	12	5	4	5	
Nawalparasi	1	8	53	11	10	10	7	11	10	90	77	32	22	26	19	70	62	
Rupendehi	2	26	38	5	7	5	3	5	N/A	100	96	66	62	2	2	69	45	
Palpa	2	29	33	8	2	10	6	6	5	135	95	95	74	33	8	N/A	N/A	N/A
Kapilvastu	3	27	45	7	4	11	5	2	2	149	117	86	74	6	4	N/A	N/A	N/A
Arghakhanchi	1	19	20	5	3	6	3	4	3	46	35	43	40	NA	NA	22	13	
Gulmi	1	12	64	7	N/A	8	2	N/A	N/A	87	85	26	25	2	2	64	38	
Baglung	1	21	37	3	1	3	2	5	3	111	85	79	60	26	9	1	1	
Parbat	5	12	42	4	2	5	4	2	1	104	88	69	55	24	9	N/A	N/A	N/A
Myagdi	1	16	23	4	1	4	1	1	1	74	41	52	40	20	2	N/A	N/A	N/A
Mustang	1	8	7	3	N/A	3	3	3	N/A	20	7	14	4	9	5	15	2	
Total	50	302	531	76	44	89	51	58	40	1394	993	907	650	266	104	390	320	

Mid Western Region																	
District	Hospital	Health Post	Sub Health Post	Doctor		Staff Nurse		Lab Assistant		AHW		AMW		Health Assistant		Health Worker	
				Quota	Working	Quota	Working	Quota	Working	Quota	Working	Quota	Working	Quota	Working		
Dang	3	15	21	50	38	42	39	9	8	101	99	78	73	27	23	N/A	N/A
Pyuthan	1	23	23	5	3	6	4	3	2	65	49	43	29	28	15	N/A	N/A
Rolpa	1	11	29	4	2	4	3	2	2	107	71	67	42	24	5	NA	NA
Saljan	1	15	30	5	3	6	3	1	1	51	43	16	13	14	11	47	33
Rukum	1	14	27	4	2	5	4	4	4	56	44	24	15	19	12	38	27
Banke	1	20	24	3	2	3	3	7	6	115	94	63	61	12	12	47	35
Bardiya	1	11	19	6	5	7	7	6	5	46	46	21	21	13	13	34	28
Surkhet	3	22	23	30	12	10	4	9	6	72	65	54	40	7	3	40	40
Jajarkot	1	11	21	4	3	5	4	3	1	42	31	19	6	NA	NA	34	14
Datleh	1	16	40	5	3	10	4	3	3	121	82	81	62	22	11	N/A	N/A
Dolpa	1	9	14	2	1	2	1	1	1	3	3	2	N/A	2	NA	28	23
Jumla	1	16	15	1	N/A	1	1	1	1	36	36	38	38	2	2	N/A	N/A
Kalikot	1	17	11	3	2	3	N/A	1	1	61	49	21	18	NA	NA	N/A	N/A
Mugu	1	15	9	3	2	3	2	3	1	53	43	28	16	3	1	N/A	N/A
Humla	1	14	12	2	1	2	2	2	N/A	3	3	3	2	2	N/A	N/A	N/A
Total	19	229	318	127	79	109	81	55	42	932	758	558	436	175	108	268	200

Far Western Region

District	Hospital	Health Post	Sub Health Post	Doctor		Staff Nurse		Lab Assistant		AHW		AMW		Health Assistant		Health Worker	
				Quota	Working	Quota	Working	Quota	Working	Quota	Working	Quota	Working	Quota	Working	Quota	Working
Kailali	3	20	17	29	19	37	25	16	11	117	98	62	56	28	16	12	8
Accham	2	12	60	4	1	5	2	3	1	154	111	85	75	23	22	N/A	N/A
Doti	1	20	29	5	4	6	4	5	4	55	35	50	22	25	5	51	34
Bajura	2	12	15	2	1	3	1	2	1	41	35	22	11	N/A	N/A	27	27
Bajhang	1	20	25	3	N/A	4	N/A	1	1	72	36	72	18	23	13	83	72
Kanchanpur	1	8	11	21	12	22	22	10	10	44	44	22	22	5	5	9	9
Dadeldhura	1	20	4	5	7	4	7	5	5	7	7	4	12	2	4	24	24
Bairahi	1	20	45	5	1	6	3	1	1	76	57	73	57	19	15	67	39
Darchula	1	19	22	3	2	4	3	1	1	44	43	16	15	22	17	41	33
Total	13	151	228	77	47	91	67	44	35	610	466	406	288	144	93	333	267

Regional Situation of Education: No. of School going Children (Government Schools)

Eastern Region				
District	Male	Female	Dalit	Total
Jhapa	6,365	6,569	N/A	12,934
Ilam	24,700	27,736	3,804	52,436
Panchthar	27,032	29,863	3,643	56,895
Taplejung	N/A	64168	22,736	86,904
Morang	78,609	89,159	N/A	167,768
Sunsari	43,756	49472	23,078	93,228
Dhankuta	18827	18891	4,602	37,718
Terathum	15,413	16,388	3,362	31,801
Bhojpur	15,360	14,965	5,183	30,325
Sankhuwasabha	22,749	23,389	4,146	46,138
Saptari	66,763	73,218	43,670	139,981
Siraha	70,640	63,305	N/A	133,945
Udaypur	42,426	46,307	12,219	88,733
Khotang	34,458	37,862	8,690	72,320
Okhadhunga	21,807	23,322	5,319	45,129
Solukhumbu	13,265	11,898	3,525	25,163

Mid Region				
District	Male	Female	Dalit	Total
Dhanusha	87,949	90,416	46,615	178,365
Mahottari	79,861	82,741	47,425	162,602
Sarlahi	92,455	92,245	27,705	184,700
Sindhuli	45,886	47,949	13,441	93,835
Ramechhap	30,977	33,913	6,730	64,890
Dolakha	N/A	N/A	N/A	61,454
Rautahat	N/A	N/A	N/A	N/A
Bara	76,772	78,329	27,500	155,101
Parsa	60,535	60,548	29,017	121,083
Chitwan	18,359	8,582	13,154	26,941
Makwanpur	37,010	37,675	6,928	74,685
Lalitpur	17,992	17,706	2,693	35,698
Kavre	58,042	61,689	6,929	119,731
Bhaktapur	29,240	35,380	1990	64,620
Kathmandu	99,675	109,991	7,979	209,666
Dhading	48,537	51,072	13,728	99,609
Sindhupalchok	40,425	44,007	3,761	84,432
Nuwakot	35,582	39,651	842	75,233
Rasuwa	12,745	25,439	53	38,184

Western Region				
District	Male	Female	Dalit	Total
Tanahun	31,815	35,573	14,176	67,388
Gorkha	31,375	33,466	64,851	64,841
Lamjung	11,773	22,118	10,791	33,891
Syangja	19,962	19,907	9,401	39,869
Kaski	60,101	57,466	23,793	117,567
Manang	401	447	52	848
Nawalparasi	91,741	92,031	27,341	183,772
Rupandehi	117,914	116,668	32,521	234,582
Palpa	49,578	39,892	10,692	89,470
Kapilbastu	74,033	69,437	25,136	143,470
Arghakhanchi	29,103	30,650	14,821	59,753
Gulmi	40,752	83,381	19,104	124,133
Baglung	48,045	50,006	2,315	98,051
Parvat	18,497	20,258	13,482	38,755
Myagdi	16,272	16,089	8,776	32,361
Mustang	1,164	1,168	545	2,332

Mid Western Region				
District	Male	Female	Dalit	Total
Dang	68,240	76,035	7,795	144,275
Pyuthan	34,884	36,480	1,596	71,364
Rolpa	39,128	40,200	1,072	79,328
Salyan	34,919	38,943	4,024	73,862
Rukum	40,812	42,910	2,098	83,722
Banke	40,110	41,693	1,583	81,803
Bardiya	60,253	63,069	2,816	123,322
Surkhet	51,165	69,195	18,030	120,360
Jajarkot	40,767	41,992	1,225	82,759
Dailekh	53,201	51,164	2,037	104,365
Dolpa	4,911	4,471	440	9,382
Jumla	16,526	17,928	1,402	34,454
Kalikot	30,226	29,290	936	59,516
Mugu	8,545	8,976	431	17,521
Humla	10,225	9,475	750	19,700
Total	533,912	571,821		1,105,733

Far Western Region				
Districts	Male	Female	Dalit	Total
Kailali	79558	90120	45993	169678
Achham	48254	50014	31279	98268
Doti	32603	33319	20557	65922
Bajura	24491	25471	14306	49962
Bajhang	39060	38741	14637	77801
Kanchanpur	48142	62718	22894	110860
Dadeldhura	23250	24558	10990	47808
Baitadi	46244	47514	21141	93758
Darchula	23274	23970	5852	47244

**Views of Political
Parties on Human Rights
Situation in 2013**

Annex

3

Nepali Congress

For the last 22 years, INSEC has been publishing Nepal Human Rights Yearbook by compiling the incidents of Human Rights violations committed during a year. This publication is the most useful reading material in regard to protection and promotion of Human Rights. This book has also aimed to inspire and provide effective guidelines for both rights violators as well as for protectors in preventing repetition of rights violations in future.

Nepali Congress would like to heartily appreciate the untiring efforts of INSEC regarding protection and promotion of Human Rights in the country.

Like in 2012, Baburam Bhattarai's tenure as the Premier during the initial months of 2013 drew world's attention as extremely poor situation of Human Rights was reported in the period. Going against various declarations, conventions, agreements, declarations and charters to which Nepal is a State party; his government continued to violate Human Rights. Therefore, this reporting year was the most inauspicious, hurting and sorry from the point of view of Human Rights. In analyzing the Human Rights situation of 2013, issues have to be looked at primarily under three phases such as (i) Human Rights situation of the country as of his tenure in 2013 was as pitiable as that of 2012 (ii) Human Rights situation in the period between formation of Khil Raj Regmi led non-political government and his tenure up to before CA election (iii) Human Rights situation following the start of the election process.

Bhattarai-led government intended to destroy the state structures that were not in line with the policies and norms of the Maoist party. He tried to invite a serious

crisis in the country as he did in 2012. Such moves were adopted by him with the view to rule over country incessantly.

The PM, including Attorney General and the Chief of Police, openly engaged in deactivating legal prosecution of a person convicted of killing Dekendra Raj Thapa, a Dailekh-based journalist. This turned the Human Rights situation too critical. So much so that an anarchic and violent group of Maoist cadres threatened of killing governmental personnel, police officers as well as their family members if they were found involved in the prosecution of Thapa's case. Through such threats Maoists wanted to create an environment of terror in the state administration ultimately turning it worthless. Similarly, Secretaries from the Ministries were transferred three times within a single month and the administrative leadership of the Election Commission was changed.

A number of incidents related with children, adolescent girls and women as well as elderly people were committed this reporting year. Women were beaten up and even killed over dowry related disputes. They were issued witchcraft allegations and were inflicted tortures besides meting out social boycott. Likewise, children working as domestic workers were tortured, exploited, raped and even killed. Enduring prolonged sexual violence, undergoing pregnancy due to rape as well as inflicting tortures to life-long disability were frequently reported. However, rather than punishing the perpetrators of such incidents, state harbored them.

Those Human Rights activists who took themselves to the streets in protest against various types of violence against women and children for a month were misbehaved, beaten up barbarically and then arrested on January 25 by the Bhattarai-led government.

In Bhaktapur district, government mobilized police and charged lathis ruthlessly against Nepali Congress cadres and supporters who were demonstrating peacefully in protest against the PM's visit to the district on January 26. Some of the demonstrators got severely injured in the process. Similarly, on January 29, Maoists cadres along with police attacked NC cadres who were demonstrating at Banepa of Kavrepalanchok district in protest against the PM's visit. A number of NC cadres including General Convention member Kunsang Lama were injured in the incident. Dozens of NC cadres and leaders were injured in Khotang district as well when police intervened a peaceful joint demonstration held in protest against the government on January 30.

The incidents of killings did not abate in 2013. Last year, the then Chair of Nepal Tarun Dal, Chitwan was killed inside prison in Chitwan district. This year too, Niraj Devkota, an active member of Tarun Dal was beaten severely in jail by hiring attackers from outside of prison. He died while undergoing treatment in Kathmandu. Kabiram Khatri, Chair of Duli Village Committee Chairperson in Rukum district was abducted on December 28, 2012 and his dead body was found on the 31 of the same month. Locals were of the view that UCPN-M were involved in the incident. Himlal Basnet, 88, NC leader from Dang and freedom fighter of NC-launched revolution in 1951, was killed at his home located at Hapur Kharibot. He was killed using a sharp weapon while asleep.

Media sector, which is taken as the fourth organ of the state, too could not be safe in the initial months of 2013. When journalists were issued threats by Maoists saying that the former would meet the same fate as Dailekh-based journalist Dekendra Thapa, who was buried alive; a number of

local, regional and national level journalists left the district collectively.

Similarly, in the course of closure strike called on by Nepal Federation of Indigenous Nationalities on May 21, a number of journalists were attacked and misbehaved. Dozens of vehicles belonging to various publication houses were vandalized and set aflame. Leela Ghimire, correspondent of Karobar Daily was attacked by a group of Maoists saying that he rode a motorbike on the day of closure strike called on by them. He was attacked despite the fact that he produced his Press Permit Card. Bhuvan Bhatta, Secretary of Nepal Press Union and journalist affiliated to Image Television was attacked by UCPN-M cadres at Satdobato in Lalitpur district on May 17. His vehicle was also vandalized in the attack.

A number of NC cadres and leaders from across the country were attacked. Rajendra Yadav, Chairperson of Sirsiya VDC Working Committee in Dhanusha District was attacked by a group of people on May 31. Birendra Chaudhari, General Convention member of NC was attacked and seriously injured on October 2. In Sindhuli district, a group of Maoists cadres attacked rallying NC cadres on October 11. NC cadres Nabaraj Shrestha, Kanchha Man Bal and Prakash Karki were even abducted by them. Narayan Thapa and Prabhat Yogi, active Tarun Dal members were severely attacked by Madheshi Janadhikar Forum cadres led by Birendra Chaudhari, the Forum's District member.

With an ill-intention to invite clashing situation between two groups and to repress demonstrations barbarically by using state administration, PM Bhattarai made a visit to Dailekh irresponsibly on January 23. Locals organized demonstrations in protest of his visit but UCPN-M cadres and police attacked them. More than 40 demonstra-

tors, including Krishna Kumar BC, Dailekh District Chairperson of the NC, Bhupendra Shahi, District Secretary of the party, Resham BK, joint secretary were seriously injured. Police opened dozens of blank fire along with use of more than 500 rounds of tear gas shells aimed at the demonstrators and terrorizing ordinary citizens in the district.

Similarly, B.K Shrestha, Managing Director of Raddison Hotel in Kathmandu and member of Federation of Nepalese Chambers of Commerce and Industry, was attacked by UCPN-M cadres at Jawalakhel in the district of Lalitpur. Vice-chair of the Federation Pashupati Maurarka's vehicle was attacked injuring his driver.

UCPN-M cadres attempted to disrupt a mass meeting of the NC held at Garayala Beltapu in the district of Rukum on May 26. In the meeting Gagan Kumar Thapa was the chief guest and a number of UCPN-M defectors were being given NC membership. Stones were hurled at the vehicle carrying Thapa. UCPN-M cadres visited each house of the NC cadres overnight and beat them up seriously. On July 18, a group of CPN-M cadres chopped up various body parts of Ganesh Bahadur Bhandari, regional Chairperson of NC from Constituency no. 2 of Bajhang district and even damaged his eyes.

Prem Prakash Wali and Gopal Jungji Shah, NC District level leaders from Rukum district, were attacked at Chhiwang VDC of the district by UCPN-M cadres and the latter even seized pistol of their security personnel. Similarly, in Rukum district, Janak Kumar Batha, District Member of Nepal Tarun Dal and Dipak Kumar Shahi, Aathbiskot Village Unit Chair were attacked with sharp weapons to inflict severe injury by UCPN-M cadres at Aathbiskot on October 21.

Hundreds of incidents that vio-

lated Human Rights were reported during propagation period of CA election 2013. Attacks, vandalizing of vehicles, seizure of propagation materials and setting aflame, hurling and exploding bombs, issuance of threats against election candidates, damaging physical properties, among others, were reported from across the country.

NC's election campaign were seriously disrupted in districts such as Dadeldhura, Nuwakot, Surkhet, Chitwan, Rukum, Okhaldhunga, Makwanpur, Jumla, Dolpa, Jajarkot, Kathmandu, Dolakha, Kapilvastu, Khotang, Parbat, Sarlahi, Gorkha, Kavre, Banke, Tanahun, Dang, Dhankuta, Sindhuli, Gulmi, Baglung, Dhading, Solukhumbu, among others. Dozens of NC leaders, cadres and supporters were injured because of the attacks of the groups and cadres from the political parties such as UCPN-M, CPN-UML, Madhesi Janadhikar Forum Loktantrik, among other parties. Primarily due to anarchy on the part of UCPN-M and also of CPN-UML on some occasions, people's rights to enjoy voting rights unhampered were violated.

To sum up, the early two months of 2013, when PM Bhattarai was in rule, was very painful from the point of view of Human Rights situation. Due to the fact that Khil Raj Regmi-led Council of Ministers was dilly-dallying to come up with a clear roadmap on running state affairs, the residues of Bhattarai rule continued to influence state administration even after the exit of Bhattarai-led government. Therefore, the incidents of rights violations kept on occurring. Also, Regmi administration was more focused on conducting election in the country, it did not seem to have prioritized Human Rights concerns.

With the end of 2013 and beginning of 2014, people started to be optimistic. They believe that CA-II will promulgate a new democratic constitution thereby

opening up avenues for country's economic prosperity and political stability. Such a national responsibility should be achieved through collective efforts. This only will contribute to promote Nepal's Human Rights situation.

Chin Kaji Shrestha
Chief Secretary

UML

No remarkable progress was experienced in 2013 in regard to the situation of Human Rights. In the election for CA on November 19, a number of people were deprived from their right to cast vote. In informal sector of labor market, child labor remained as a problem. A number of incidents related to abduction of children, trafficking in women and girls and killings were made public through media. People remained uninformed of a number of decisions made by the government and their implementation status. People's access to economic and social rights was not ensured.

Losing life due to hunger, harsh chills and contagious diseases continued as a trend this year as well. Allowances provided by the state to the groups such as elderly citizens, disabled, widows, Dalits, minorities, marginalized and indigenous nationalities were either not received in time or were not provided due to corruption. However, government did not pay proper attention towards this situation. People, especially those living in unmanaged settlement areas, were deprived of basics such basic education, health and drinking water. Labors from formal labor market such as industries and factories were not treated humanely.

Cadres and leaders from several political parties were reported to have engaged

in capturing public and private properties and also in extortions. Due to inability of political parties to manage transitional period well, political instability continued thereby resulting in impunity which kept on engulfing the country badly. Political parties' support to miscreants and dons were made public. Due to such support businessmen and industrialists encountered problems in pursuing their business under a favorable environment. Similarly, the incidents of killings, abduction, trafficking in person, rape, allegation of witchcrafts, defamation, feeding feces and stripping naked continued as a routine.

Election for CA was accomplished peacefully in 2013. The election was unprecedented in terms of popular participation. This added to the optimism among people that peace and stability would gradually be maintained. The country oriented towards promulgating a new constitution with federalism, democracy and republicanism as its inherent features thereby ending transitional period soon. In such a situation, UML, which has been having an unflinching stand that Human Rights and the rule of law should be the backbone of democratic polity, is committed to write a democratic constitution. The party believes in the notion that the separation of power between various organs of the state enables the state in maintaining good governance thereby strengthening democracy. The party also believes that holding election for local administrative bodies before long is indispensable from the point of view of maintaining congenial relation at community level, strengthening social bond and also to promote socio-cultural co-existence.

Given that Nepal is undergoing a post-conflict phase, establishing commissions on truth and reconciliation and on the persons subjected to enforced disappear-

ances is essential from the point of view of protection of Human Rights and development of the country.

Finally, engagement of INSEC on Human Rights, peace and social justice is praiseworthy. It is also hoped and believed that the organization will play more important roles in its sector in the days to come.

Prithvi Subba Gurung
Secretary, Central Office

CPN (ML)

Human Rights basically refer to the right to life. Right to life means that basics such as food, shelter, clothing, education, medicine, employment and the freedom to participate in social activities should be an inherent right.

However, by setting these issues aside, in this transitional political situation of Nepal, some Human Rights organizations, with an aim to deviate from the true meaning of Human Rights have been reiterating hollow slogans of political rights by bringing parochial ethnic, religious, communal and regional ideas and analysis on the surface. Moreover, under capitalistic system, issues such as protecting all peoples' lives, ending unemployment and price hike, ensuring social security, establishing education and health care as inherent rights do not fall under the definition of Human Rights.

From the progressive point of view of present civilized society, primarily following rights refer to Human Rights:

- ❑ Ensuring minimum needs of each individual for the protection of life
- ❑ Guarantee of work and food for all as per their qualifications
- ❑ Ensuring opportunity to all for the continuous enhancement of their capabilities

- ❑ Opportunity for health care and acquiring education
- ❑ Eradication of exploitation meted out by one human on the other
- ❑ Guarantee of the rights to expression, press and publication and assembly including to social security

It was also felt that especially with the launching of armed conflict by the Maoists, voices for ensuring the rights of various religions, faiths, color and ethnic groups got more vociferous in the name of protecting Human Rights. There were also some instances that the killing incidents of the individuals from one's own group would be taken as a violation of Human Rights whereas killing of an individual from other's group would not qualify violations as such. Therefore, we have to have a clear understanding that Human Rights ultimately refers to the right to life.

The Human Rights situation of the country in 2012 was too painful. On average, 65 incidents of Human Rights violations were committed every month in the year. This data is appalling. First, CPN (ML) confirms that the incidents of abduction and killings of people from various classes, strata, professions and occupations of Nepali society and also the abduction and killing of individuals from various professions such as journalism, business and industries are worst examples of grave Human Rights violations.

Second, incidents such as violation of right to pursue professions and occupations as per one's own choice, trafficking in women, rape, the killing of women over domestic violence, the death of people from remote areas due to lack of food or due to harsh weather and also the killing of ordinary citizens by political criminals qualify as Human Rights violations.

Third, due to carelessness on the part of the government and also to vehicle

owners' excessive greed to earn, a number of passengers die daily in road accidents. It is flippancy of the concerned stakeholders. The state is responsible for such deeds and incidents.

Politics is centralized expression of socio-economic faiths. Currently, politics is undergoing transition in Nepal. Impunity, indiscipline and anarchy tend to increase in such a situation. Similarly, the incidents of Human Rights also increase simultaneously. Provided the State maintains peace, good governance and political stability, comparatively; the incidents of Human Rights violations will decrease.

Substantially, Human Rights ultimately refer to the guarantee and protection of everyone's life from womb to old age or until death. Such responsibility can be accomplished under *Janabadi* system in which social ills and digressions are not harbored. Even if such ills start to appear, they are promptly remedied. Security bodies cannot turn corrupt and undisciplined. In case they start to go corrupt, such a situation is corrected soon. All country dwellers get opportunities to work and get paid as per their work. State acknowledges education and health care as inherent rights. Criminals are appropriately punished and they also receive opportunities to be reformed. Incidents of human right violations keep on increasing until and unless such system is not established in the country.

State has to be sensitive in order to prevent the incidents of possible Human Rights violations. State should initiate proper steps towards preventing undisciplined situation and anarchy, in ending increasing unemployment and to maintain peace, order and good governance. However, all political parties especially progressive and people-friendly ones as well as all intellectuals are equally responsible in all these efforts. Human Rights situation of

the country can be improved gradually if only all concerned stakeholders comprehend their responsibility; if only the state formulates proper laws for the protection of people's rights and implements them effectively.

Rastriya Prajatantra Party

Contribution of INSEC to monitoring and protection of Human Rights in Nepal is remarkable. Rastriya Prajatantra Party would like to express its happiness that INSEC is publishing Nepal Human Rights Yearbook 2014 with the view to inform the rights situation of the country to the national as well as international stakeholders.

The concept of Human Rights has not been perceived in Nepal as an absolute notion. Rather, it has been explained, analyzed and practiced relatively in terms of time, circumstances, actors and ideological background. Human Rights do not only address political concerns. The inherent rights and entitlement such as realization of peace, justice and order and enjoyment of food, shelter, clothing, health, education, which are quite sensitive humanitarian facets, are encompassed under the notion. However, such realizations have not been experienced in Nepal. People in the country are still victimized by hunger, diseases, lack of education, backwardness, anarchy, impunity and social, economic and political deprivation or violence.

Ordinary citizens have not been able to feel that they have been provided with their rights by the State. Looking at the Human Rights situation of the country by relating it to the actual situation of people, it sometimes feels as though we perceive the engagement on Human Rights more as profession than as service.

Hopefully, INSEC's efforts on Human Rights will put pressure on the state in protecting and promoting people's rights, and sensitize people on the issues. It is also believed that INSEC will remain committed for ensuring victims' rights.

Surya Bahadur Thapa

Former Prime Minister and Chairperson

Nepal Workers and Peasants Party

The year 2013 ended leaving negative as well as positive effects in the country. In the beginning of the year, the country faced a situation of absence of representatives. Following the dissolution of CA, a long period of time was wasted disputing over the formation of a new government. Given that there was no Legislature Parliament in place, major political parties such as UCPN-M, Nepali Congress and CPN-UML agreed to form a government led by Chief Justice of the Supreme Court.

Accordingly, Khil Raj Regmi, Chief Justice, became the Chairman of Council of Ministers. Such an agreement and move was inconsistent with the Interim Constitution 2007, the accepted principles of law and the separation of power. Political parties such as NC and CPN-UML which have been advocating for democracy accepted UCPN-M's proposal to go for such a government under the guidance of foreigners. However, Nepal Workers and Peasants Party stuck to its stand to resolve country's constitutional and other problems by forming a government of independent individuals under the Presidential administration.

Following the dissolution of the CA, four political parties such as UCPN-M, NC, CPN-UML, Madhesi fronts reached agreements under the principle of proportional-sharing and then appointed ambas-

sadors and the commissioners of constitutional bodies, among others. Amendment of constitution could be possible only through two-third majority of the parliamentarians; however, senior leaders of four ruling political parties amended it time and again as per the Order to remove difficulties -of the President. Four ruling parties were not authorized to act as CA and the Legislature-Parliament therefore their role in the amendment was against democratic norms and values. Lokman Singh Karki, who had played key role in repressing People's Movement 2006 and who was disqualified for appointment in any governmental service by the CIAA, was ultimately appointed as the Chief of the same Commission. His appointment was a matter of disrespect to change-loving people and People's Movement.

Following the promulgation of the Interim Constitution of Nepal 2007, thousands of aliens were provided with citizenship by birth. Keeping into consideration that foreigners could reach the position such as President, Vice-president, PM, Deputy PM, Speaker of the Parliament, Deputy Speaker, chief of constitutional commission, security bodies and regional parliaments, an agreement was reached in the erstwhile CA that these posts could be held by only those who acquire citizenship by virtue of Nepali descent. However, following the dissolution of the CA, four ruling parties, on March 2013, agreed to provide with citizenship under descent to those who acquired it by birth. This deprived real Nepalese their rights. The decision was an act of treason.

Periodic election is part of democracy. It is the duty of any citizen to participate in elections and cast vote for the candidates of their choice. However, no local election has been held in Nepal for 16 years. For eleven years, local administrative bod-

ies are vacant. NC and CPN-UML, who claim themselves as proponent of Loktantra or democracy, are not interested to hold such election without creating a favorable situation for them. Nepal Workers' and Peasants' Party has been raising voice for the election of local bodies. The party was of the view that local election along with CA election should have been held on November 19. However, other parties were not interested towards the party's opinion. Depriving people for long from casting votes is violation of their inherent Human Rights.

Bills on Truth and Reconciliation Commission and on the Commission on investigation disappearances were tabled in the parliament by the past governments. Those bills were already the properties of the Legislative Parliament. Government cannot withdraw any bill deliberated in the parliament without permission from the latter. However, Baburam Bhattarai led government had attempted to withdraw those bills again and again. Ultimately, his government merged both commissions into one and presented as ordinance on February 12 following the dissolution of the CA.

The Ordinance contained a number of provisions that could grant amnesty to the persons involved in the incidents and crimes such as arson, rape, killing and other acts of Human Rights violations. A number of issues which could not be reconciled were also included in the Ordinance as reconcilable. However, later on; the Supreme Court gave a decision to remove provisions of the ordinance which were inconsistent with constitution, law and the legal principles propounded by courts.

Like in the election in the past, the CA election held on November 19 was criticized for irregularities and rigging. Free and fair elections under capitalism are not possible. Election results, under the system,

are determined by give and take of money, by misuse of state administration and with muscles.

Going against election code of conduct, parties such as NC, UCPN-M and UML used very big amount of money, organized feasts, lured people with impossible developmental dreams, issued threats or created a situation of terror. These tactics ultimately compelled people to vote for the parties. With the view to defeat Nepal Workers' and Peasants' Party, these parties even forged alliance with pro-monarchial party such as Rastriya Prajatantra Party Nepal.

UCPN-M, which ran election with the agendas such as right to self-determination and ethnicity-based state restructuring before emerging as the biggest party in the CA election 2008, lost badly in the second CA election. Similarly, Madhesi Front, which faced election in 2008 with its One Madhes, One province agenda guided as by foreigners, also faced unexpected defeat this time. The Second election for the CA proved that people were against ethnic, regional, communal and faith based politics.

Debates that ensued within the big parties of the country over finalization of candidates under Proportional Representation and the alleged use of big amounts of money in this process raised question marks on the PR system itself.

On December 24, 2012, a four-point agreement was reached between eight political parties including UCPN-M, NC and UML to form a HLPC for the purpose of facilitating the remaining tasks of on-going peace process and of providing help in writing constitution. It was continuation of a practice from the past that could keep the sovereign CA under some leaders' control and shadow. The first CA was dissolved due to the tendencies on the part of so-called senior leaders of some big parties

to reach decision as witnessed by foreigners in closed rooms of hotels and resorts. Now, it is indispensable to maintain a tradition to reach decisions following deliberation among people's representatives in the CA.

This year, paddy planted by farmers from Bhaktapur and Kavre in many hectares of land did not give yields due to negligence on the part of high-breed seeds seller companies and of the government. Thousands of farmers were compelled to face hunger this year. Due to spread of avian influenza, hundreds of poultry farmers were in loss. Nepal, which was declared self-sufficient on poultry, was made dependent in poultry, in the pretext of spread of avian influenza. Those who tend to destroy indigenous economy should be punished strictly and affected farmers should be compensated properly.

Market price soared in 2013 as well. Frequent increase in the price of petroleum and Liquefied Petroleum Gases victimized people. Hours for power cut were increased. Water scarcity was unaddressed. The health service situation of the country is pitiable. Hospitals from across the country are not equipped with required equipments. The incidents such as killings, plundering, rape and abduction have not decreased. Most of the industries and factories have been closed. Country is in a situation to import foodstuffs worth billions of rupees. Corruption is on the rise.

Hundreds of youths are compelled to leave for gulf countries, among others, in search of jobs every day. They exchange their toils with low wages. Unemployment has engulfed the youths remaining in the country. Manpower companies are striving to sell youths like slaves and many of those sent to foreign lands are reported to have been languished helplessly. Since manpower companies have become like the

companies to trafficking in human being, new punitive legal mechanism should be introduced against them.

Government does not tend to take steps towards creating jobs in the country, rather, it expresses satisfaction that remittance has played role in maintaining economy. Due to dishonesty and irregularities in contracts, roads, including major ones, are in their worst states. Road accidents kill a number of people every day and passengers are compelled to travel at risks.

Except holding of election for CA, no remarkable achievements were made in 2013. However, there is no guarantee that the CA will write a constitution in the interest of country and its people.

Sunil Prajapati
Secretary

National People's Front

National People's Front would like to express happiness over INSEC's preparation to publish Nepal Human Rights Yearbook 2014. Also, the party would like to hold INSEC in high regard for its contribution to promotion and protection of Human Rights in the country. Hopefully, the organization will play even more significant role in the field in the days to come. We wish for INSEC's success in this endeavor.

To be able to pursue one's own profession and occupations by utilizing the rights guaranteed in a country's constitution and legal provisions falls under the scope of fundamental rights. Since political situation of the country determines a number of issues related with Human Rights of the country, Human Rights situation of a country cannot be assessed without taking the political situation, State, government

and political parties into account. Human Rights agendas get pertinent and embedded when it comes to the situation analysis of a country.

In the beginning of 2013, disputes arose due to formation of Khil Raj Regmi-led Council of Ministers. It is universally proven that political parties form and dissolve government under the democratic polity. However, so-called major political parties of the country formed a Council of Ministers led by Chief Justice Khil Raj Regmi. Such a formation was mockery of democratic norms and values.

Our party, including other parties, Nepal Bar Association and Civil Society, raised voice against such a move of the parties. Even writs were filed at the Supreme Court against the formation. However, the State as well as political parties that allowed for the formation of such a government did not heed our voice. This proved that the move was an attack against the principle of the separation of power and that political parties were the source of state sovereignty. Majority of people were against the non-political government. On the other hand, the writs filed in the Supreme Court against Regmi government were not decided by 2013. This also proved that independent judiciary was also influenced by politics.

Since political influence on judiciary increased this year, this posed a number of questions on the democratic issues, legal mechanisms and independence of judiciaries. Although Khil Raj Regmi-led government succeeded in holding election on the slated date, his government will remain as a wrong precedent in the history of Nepal. Hence, given even unexpected political developments are not unusual in Nepal, the incidents of violation of Human Rights are likely to occur unpredictably.

Since the discourse on federalism allowed entry to ethnic and regional issues,

the proponents of ethnicity-based state restructuring attacked patriotic forces of the country. Such groups, especially during National Propagation Campaign launched by our party between August 26 and September 21, attacked National People Front teams in the eastern part of the country. The campaign was launched peacefully in protest against federalism and for nationalism and republicanism. Our party cadres and leaders were attacked in six program venues. However, government did not intend to punish those groups of people who, against democratic norms and values, had attacked our cadres violating their rights to assemble peacefully. Therefore, it is to confirm that the State was also involved in violating rights.

The incidents related with recently accomplished CA election such as breaching of election code of conduct, mockery of democratic practices, uncontrolled election expenses, monetary give and take and organization of feasts to influence voters were related with Human Rights issues. Although all violators of rules and regulations should have deserved punishment on an equal footing, many leaders who breached election code of conduct were not brought to justice. Since elections expenses are soaring over the years, worries are being expressed that poor people won't be able to run election due to lack of money.

Given there are no proper legal norms and standards in relation to enjoyment of Human Rights equally and also given limitations set for punitive acts are not determined, a big portion of Nepalese populations are deprived from their political rights. Not only breaching of the election code of conduct, a number of incidents committed for influencing election result were protected by the State.

The incident that took place at Hugdishir VDC in the district of Baglung in

course of election propagation campaign in which UCPN-M cadres beat up NPF cadres to injury is an example in this connection. The injured cadres were treated in Kathmandu. However, the State remained apathetic to punish the perpetrators of the incident. Similarly, several NPF cadres were beaten up and injured by UML cadres at Soutamare in Pyuthan district but in this case also government did not take any initiation to punish the perpetrators. Hence, the Human Rights situation of the country worsened especially during election period due to state's irresponsibility.

Since 2012, senior citizens of the country have been demanding for their security and rights in an organized way. However, the state seemed totally unsuccessful to adopt policy towards addressing their demands prudently. It is the state that has to take care of senior citizens by ensuring their rights and entitlements. Government did not heed elderly people's demands despite the fact that the latter were agitating for their right for one year.

Nanda Prasad Adhikari and Ganga Maya Adhikari, from Gorkha, were struggling for one year demanding that the perpetrators who killed their son in Chitwan district be punished. In order to put pressure on the government on bringing the perpetrators to justice, the couple staged fast-unto-death time and again. Government did not heed their demands as well. Adhikari duo's demands were genuine. Similarly, it was indispensable to bring perpetrators involved in similar types of incidents in the past to justice. Unfortunately, however, due to apathy on the part of the government to take punitive actions against such perpetrators, crimes and violations of Human Rights continued this reporting year.

Since the laws/acts introduced

against caste based untouchabilities were not taking practical shape, untouchability related practices did not abate this time. Laws on violence against women could not prove more than paper works. As a result, criminals continued to commit violence and crimes against women. No steps were taken towards eradicating social ills such as dowry system and Chhaupadi tradition, among others.

Government does not seem to be playing roles responsibly in regard to security and protection of the rights of those Nepalese who are working in different countries. Government tends to remain silent over foreigners' tendency to put down Nepalese people. This is irresponsibility of the government, therefore, outright wrong.

To sum up, the situation of Human Rights in the country in 2013 was not satisfactory. Until and unless the State has its laws, procedures and available legal provisions implemented properly, the country cannot make headway on the situation of Human Rights.

Chitra Bahadur KC
Chairperson

Sadbhawana Party

Sadbhawana Party would like to express its happiness that INSEC, as always, is going to publish Human Rights yearbook this year as well. The party also would like to wish for the success of the publication of Nepal Human Rights Yearbook 2014.

Comparatively, Human Rights situation in 2013 was better than that of 2012. Incidents of extrajudicial killings decreased in this reporting year. However, our party is of the opinion that torture and discriminatory practices are ongoing unabated. Extra-judicial arrest, torture and state's

discriminatory behavior towards Madhesi Dalits and poor individuals from the Tarai Madhes did not decrease this reporting year as well.

Given that no concrete investigations were carried out on the extrajudicial killings committed in the past by the State against Madhesi communities, we would like to demand for an independent commission on the investigation of the killings.

A number of incidents of rights violations were committed in 2013. For instance, Ram Narayan Mahato aka Manager, chairperson of Madhes Rastriya Janatantrik Party (Revolutionary) was arrested in Bihar, India and then handed over to Nepal Police. Acknowledging that, Human Rights commission of Bihar has recently decided

to recommend action against Indian police and award INR 100,000 to his family. However, neither the Human Rights organizations of Nepal nor the National Human Rights Commission of the country conducted investigation over the incident. We demand an independent commission be formed in this regard.

Hopefully, INSEC will continue to monitor the incidents of Human Rights violations in the days to come too. I wish for the success of Nepal Human Rights Yearbook 2014.

Rajendra Mahato
National Chairperson



Annex

**Views of Institutions
on Human Rights
Situation in 2013**



National Human Rights Commission

In the field of Human Rights, INSEC, an NGO has been publishing a Yearbook every year dealing with the issue of Human Rights violations, abuses and crimes in the Yearbook known as “Nepal Human Rights Yearbook”. Indeed this is one of the important and recommendable jobs accomplished.

Due to frequent changes in the government and ups and downs in the political scenario, accomplishments have not been institutionalized, which is a sad part. There has not been much improvement in the field of Human Rights and other parts even after Comprehensive Peace Agreement was signed. Neither there has not been much of development in the fields of giving justice to an individual and his family regarding the cases of abduction nor is a Truth and Reconciliation Commission for finding the guilty, punishing them and giving justice to an innocent has been formed even seven years after the CPA. Thus, people who have suffered from internal conflict have been deprived of justice and the accused still have not been put behind the bars. People who have been accused of perpetrating serious Human Rights violations are still roaming freely and no legal action has been initiated so far.

Most of the cases have been politicized due to which it is very hard to take action against the Human Rights perpetrators, mainly due to backing of political parties or their affiliation to that perpetrator. Due to this, there is a situation of criminalisation of politics and politicisation of crimes, extension of this transitional period, political parties' inefficiency and ineffectiveness to formulate a constitution in time,

has been a great challenge to democracy and Human Rights. After the successful election for second Constituent Assembly, it can be hoped that all the things will go in a right track towards drafting a constitution, if there is a will, cooperation, coordination and common interest among the political parties, leaving aside their own vested interest.

From the perspective of Human Rights, this year has not been so good as desired. The government has not been able to fulfil its promises made to the people. Failure in implementing the recommendations made by National Human Rights Commission can be taken as one example.

Like in previous year, the data of Human Rights does not show positive Human Rights situation. This year, there were a total of 219 cases registered in NHRC regarding the issues of killing, abduction, kidnapping, torture, mistreatment, harassment, arbitrary imprisonment or illegal detention, threats, judicial administration issues, seizing of property, economic, social and cultural rights violations, etc. In total, 165 cases relating to Human Rights, women rights, senior citizen rights, child rights, ethnic discrimination rights, political parties, their sister organizations, ethnicity strikes, rally and demonstrations, protest programs were monitored by NHRC and a total of 1,346 registered cases were investigated. Final verdict has been given to 504 complaints registered, in which, legal action/bearing for losses/indemnity/ departmental action or interim relief and other recommendation were made in 102 cases, five policy related recommendations, 376 notices and 21 of termination-related case. Similarly, 307 trainings and seminars have been conducted. Altogether, 13 reports relating to Human Rights directives, national report on the situation of Nepali children and condition of human trafficking in Ne-

pal have been published. One press conference and 45 press statements and press notes have been issued. Last year, the Kathmandu Declaration on Protection and Promotion of Migrant Workers was issued after an international conference, which was attended by Human Rights organizations of Asia and Pacific countries.

Even after tremendous efforts made by the Commission, situation of Human Rights in Nepal has not been satisfactory. Factors like a serious concern for peace and security situation, easy availability of small arms, bomb explosions, murder, abduction, torture, violence against women, social discrimination, child labor, problems in education, health and employment, sorry situation of migrant workers, consumers rights, acts on corruption, etc. has make a mockery of citizens right to dignified life.

At the end, like in previous years Human Rights Yearbook, comprising of the various issues on Human Rights is being published and I wish for the success of this edition and hope for prosperity of the organization which will strive for the effective work in Human Rights protect, promotion and development in the days to come.

Bed Prasad Bhattarai

Acting Secretary

National Human Rights Commission

The Office of Prime Minister (PMO) and Council of Ministers

It is the prime responsibility of the State to respect, protect and promote Human Rights which the government of Nepal is committed to. As Nepal is party to 22 international conventions on human rights (including two SAARC level), Government of Nepal 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 government of Nepal has come up with 3-year National Action Plan to respect, protect and promote human rights. The National Action Plan for Human Rights was drafted in 2004/05 work in close coordination with civil society and private sector. In this course, third 3-year action plans have already been completed the fourth Human

Rights National Action Plan (F/Y 2013/14 - 2017/18) has been drafted and regional-level consultations on this draft has been held. This will come into effect soon following consultations in central level. It is believed that the effective implementation of the current human rights National Action Plan will help in guaranteeing the rule of law, ensuring basic human rights to all citizens and develop a strong culture of human rights in the country.

Similarly, following the review of the National Action Plan against gender based violence, National Strategy and Work Plan on Eradication of Gender Violence and Gender Empowerment, 2012 has been implemented for five years from July 20, 2012. Other ministerial strategies and action plans have also been incorporated in this National Strategy and Work Plan and being implemented. As per the plan, the implementation of other effective programs related on the eradication of caste-based discrimination is underway.

The PMO has been monitoring and updating the recommendations made by NHRC since 2001 concerning incidents of human rights violations. In addition to this, relief/compensation amount has been distributed to the conflict victims as per the recommendation of NHRC, Ministry of Peace and Reconstruction and Ministry of

Home Affairs.

The Office has made information readily available to different international human rights organizations and is involved in drafting human rights reports after consultations with different agencies.

PMO has made necessary preparations to submit various periodic reports in time for being the State Party to various Human Rights instruments. The Office prepared a national report for the Universal Periodic Review (UPR) and submitted to UN Human Rights Council in January 2011. As per the suggestions and recommendations received during the UPR, action plans for all concerned bodies were prepared and they are currently being implemented. Additionally, Government of Nepal is set to form inter-ministerial committee to draft the UPR report which Nepal has to submit for second cycle.

The Government of Nepal is working on the promotion and protection of human rights through the institutional consolidation of the NHRC, National Women Commission, National Dalit Commission and Janajati Utthan Mahasangh and by forming the human rights units in all ministries and Human Rights directorate in all security agencies. Furthermore, the Government of Nepal is carrying out necessary works for the protection and promotion of Human Rights by coordinating with national and international organizations and various other agencies of government.

Prakash Kumar Adhikari

Under Secretary

Ministry of Home Affairs

We are very glad to hear that Informal Sector Service (INSEC), as in previous years, is going to publish 'Nepal Human Rights Yearbook 2014'. I would like

to extend the greetings and hope that the Yearbook will portray the facts on the situation of Human Rights.

Interim Constitution of Nepal, 2007, has assured Human Rights as fundamental rights. National Human Rights Commission Act, 2012 including other legal and justice system has paved a path for promotion and protection of Human Rights and an issues relating to torture and its act are under consideration in the cabinet. Nepal has shown strong commitment to protect Human Rights at International level and is even a state party to CAT, IC-CPR and other treaties.

Government of Nepal has been and is continuously active and dedicated for the protection of Human Rights in Nepal. A policy of "Zero Tolerance" against violation of Human Rights has been adopted in the organizations as Nepal Police and Armed Police Force under Ministry of Home Affairs. Various trainings have been conducted focusing on the security personnel to make them aware and cautious on Human Rights. Various agencies under this Ministry have been made active in investigating, monitoring and promoting Human Rights. In this present political transitional phase, it is crucial to address conflict era violations by establishing transitional law mechanisms, Police has been able to investigate in such matters within the boundary of the present law and mandate. In comparison to the previous years, 2013 can be said as a year where there has been a decrease in Human Rights violation and few perpetrators have already been brought to justice

Police has been responding immediately the matters relating to Human Rights violations and whosoever is found guilty has been punished through departmental action in case of Nepal Police and Armed Police Force. As per the recommendations

of National Human Rights Commission and as per the order of the court, the victim has been provided with conversation. Ministry of Home Affairs and its related agencies and organizations have set up Human Rights units which investigate monitors and reports the issues of Human Rights violation within their organization. Ministry is committed to protect prisoner's Human Rights and efforts have been made for the improvement of the prison. For the welfare of the prisoner's, work on implementing the report of Prison Amendment Commission is being adopted gradually.

In the end, I am quite convinced that the situation of Human Rights in Nepal in the year 2013 was satisfactory. I want to assure that Ministry of Home Affairs is and will always be dedicated for the promotion and protection of Human Rights, by certainly coordinating and cooperating with various NGOs and INGOs in the future. This 'Human Rights Yearbook' will certainly bring out the true facts of Human Rights situation in Nepal and I personally would like to enterd wishes that this book for paves a way for all concerned in future.

Ramdhin Yadav

Joint Secretary, Ministry of Home Affairs

Ministry of Foreign Affairs

Protection, promotion and consolidation of human rights has occupied an important position in various spheres of international relations. A party to 24 international Human Rights and related instruments, including 7 out of 9 core conventions, it has been established that the Government of Nepal is always fully committed towards the promotion and protection of human rights as per the prevailing national laws as well as international commitments and obligations. In accordance

with the provisions of the Interim Constitution of Nepal, 2007 which have accorded topmost priority to the protection and promotion of fundamental human rights and individual freedom to the citizens, the activities of the Government of Nepal have been directed accordingly.

The National Human Rights Commission, established as an independent Constitutional Body, has been working for the promotion and protection of human rights in the country. The Government of Nepal is committed to strengthen the National Human Rights Commission as the lead institution to promote and protect human rights by making it more efficient, strong and resourceful. In this process, the National Human Rights Commission Act, 2012 has been enacted with an objective of making the Commissions able to function more effectively and in line with international standards. The government has always been playing a supportive role towards making the commission more effective, capable and strong in its performance.

Likewise, the government is effortful towards the protection and promotion of human rights of all citizens by enhancing the capacity of national human rights institutions like National Women Commission, National *Dalit* Commission and National Foundation for Development of Indigenous Nationalities which were established for the protection and promotion of human rights of the targeted communities.

As an executive agency, the Law and Human Rights Promotion Division under the Office of the Prime Minister and Council of Ministers has been functioning as the national focal point for handling issues pertaining to human rights. The Division has been coordinating and assisting among various agencies for the cause of promotion and protection of human rights activities effectively. Under the coordination of the

same Division and with active participation of related agencies and stakeholders, an action plan is being implemented to effectively execute the national commitments expressed and relevant recommendations received during the process of Universal Periodic Review of human rights situation in Nepal at the UN Human Rights Council.

As stipulated in the Comprehensive Peace Accord as well as the Interim Constitution of Nepal, 2007, and as per the commitment of the government to enact necessary legislation related to the constitution of Transitional Justice Mechanism on the basis of political consensus, commitment and approval and in line with the international standards, the Commission of Inquiry on Disappeared Person, Truth and Reconciliation (TRC) was drafted and promulgated through an Ordinance on March 15, 2013 to address the grave violations of human rights and international humanitarian laws during the period of conflict. Following a number of writ petitions at the Supreme Court, including the joint writ petition on March 24, 2013 by an alliance of conflict victims against the enacted Ordinance to establish the Commission, the Supreme Court of Nepal on April 1, 2013, issued and interim stay order on the implementation of the Ordinance on the TRC. Since then, the issue had been sub judice at the court. The latest development on the Ordinance is that the respected Supreme Court has issued a directive order to the government on January 2, 2014, in which the provisions including the improvement/amendments to be made in the previous Ordinance are recommended. The Government of Nepal is always positive to include appropriate views and suggestions on the subject in accordance with the directive order of the respected court as well as established national and international norms and standards on

the basis of political consensus, among others.

The Government of Nepal has been implementing Human Rights Action Plans periodically since fiscal year 2004/2005 with an objective of fulfilling the obligations created by various international conventions/covenants to which Nepal is party, as well as the human rights commitments enshrined in the Interim Constitution. In the process, implementation of the third Human Rights National Action Plan, 2010/11-2012/13 (three-year) has completed. The fourth Human Rights National Action Plan 2013/2014-2016/17 (five-year) has been nearly complete and the government is making necessary preparations for its immediate implementation. A number of promotional and reformation activities were carried out during the last fiscal year 2012/13 covering the protection and promotion of rights of the people including those from backward communities indigenous nationalities, *dalits* (downtrodden), senior citizens, women and children and differently-abled persons.

Nepal is party to the *UN Convention Against Corruption* following its ratification in 2011. As per the Treaty obligation, the government has started the implementation of the National Strategy and Action Plan on the Implementation of the Convention, 2012 following its approval. Similarly, National Strategy and Action Plan on the Elimination of Gender-Based Violence and Gender Empowerment, 2012/13-2016/17 is being implemented. A five-year National Action Plan on the implementation of the United Nations Security Council Resolutions 1325 and 1830 has already been in force and Nepal has become the first country from South Asia to implement these resolutions through defined action plans. In addition, Nepal has also be-

come party to the UN Convention Against Transnational Organized Crime Since December 2011.

As an impartial, independent and active constitutional body, the National Human Rights Commission actively performed its duties throughout the year 2013 to monitor, investigate and recommend actions on the incidences of human rights violations. The Ministry of Foreign Affairs has implemented most of the recommendations made by the Commission falling under the purview of the Ministry. The progress of implementation has been communicated to the commission; and the process of execution. Realizing that the recommendations made by the commission are binding, the Government has been putting its best efforts to comply with those recommendations. The Ministry of Foreign Affairs has received information that as per the decision and recommendations of the Commission made on the cases filed against the violation and abuses of human rights, as of November 2013, the Government of Nepal has provided a sum of NRs. 9,50,24,828.00 (*Nepalese Rupees Ninety-five million, twenty-four thousand, eight hundred and twenty-eight*) to the victims in the form of compensation or interim relief.

In its ruling on March 3, 2013 the Supreme Court annulled the legal provision of the National Human Rights Commission (NHRC) Act which required that any complaint against the violation of human rights be made at NHRC within six months, and issued a directive order to the Government of Nepal to make necessary amendments. The Supreme Court verdict has been viewed as a milestone towards the protection and promotion of human rights in Nepal. As of now, the Government of Nepal is preparing to table a bill with suitable amendments on the NHRC Act.

The incidences of human rights violations have gone down following the implementation of the Special Security Plan aimed at strengthening law and order in the run-up to the Constituent Assembly elections held in November 2013, as well as due to the favorable overall impact on peace and security situation subsequent to the successful holding of the elections.

The Government of Nepal has always accorded due importance to individual complaints and issues raised at the UN Human Rights Council and at the UN Human Rights Committee, and stated its clear views on them with all promptness. Through its participation at the high level meeting of the twenty-third and twenty-fourth sessions of the Human Rights Council last year, Nepal reiterated its principled commitment to human rights and updated the world community on the efforts being made towards the protection and promotion of human rights. As a party to various international conventions, covenants and treaties on human rights, Nepal has submitted periodic reports as required by most of such instruments. And those yet to be submitted, such as the one under ILO 169, are being finalized through consultation with stakeholders. Similarly, the Government of Nepal has been regularly briefing concerned treaty bodies and the UN Human Rights Commission on the status of the implementation of the recommendations made by such bodies on the respective periodic reports submitted by Nepal.

The task force formed under the convenorship of Secretary at the Office of the Prime Minister and the Council of Ministers to prepare Nepal's national report for submission during the second periodic review of Nepal's overall human rights status slated for 2015 has already begun its work. In August 2013, the National Human

Rights Commission conducted a midterm review on the status of the implementation of the conclusions and recommendations made during the previous Universal Periodic Review (UPR) on Nepal's human rights status, on which the Ministry of Foreign Affairs provided its comments and recommendations.

Nepal's overall human rights situation has continued to record gradual improvement in recent years. The strenuous efforts made by civil society actively involved in the field of human rights have played a positive and catalytic role in further motivating the Government of Nepal towards the protection and promotion of human rights. It is evident that in the year 2013, the Government of Nepal remained fully committed to protecting and promoting the human rights of its citizens.

The Ministry of Foreign Affairs is involved in executing the obligations arising out of Nepal being party to various international conventions, covenants and treaties on human rights by formulating or amending domestic laws and creating appropriate institutional structures for implementation, reporting on the progress being made to appropriate treaty bodies, and responding to issues raised at the international level about Nepal's human rights. The Ministry is also responsible for co-coordinating with the Office of the High Commissioner for Human Rights (OHCHR) on the visits of rapporteurs, special rapporteurs, and mandate holders, who are tasked with study and analysis of the human rights situation. In addition, the Ministry of Foreign Affairs shoulders the responsibility of enhancing international co-operation in the protection and promotion of human rights, soliciting international support and understanding on the efforts being made by the country in the field of human rights, and apprising the international community of the prog-

ress made so far.

Nepal has received significant assistance from the United Nations and the international community for institutional strengthening and capacity-building in the field of human rights. In particular, significant achievements have been made in building the capacity of national institutions engaged in the protection and promotion of human rights such as the National Human Rights Commission. This was made possible with the partnership of OHCHR, among others, which set up office in Nepal between May 2005 and December 2011. This was also a period during which the human rights situation of Nepal registered significant improvement, particularly after the signing of the Comprehensive Peace Agreement in 2006. As it is advisable to address the issue of protection and promoting human rights in a sustainable manner and in the long-term through continuous national capacity building measures, it is expected that the UN and international community will help Nepal attain such goals by contributing to institutional strengthening and institutional capacity building in this area.

It is vital that we create an atmosphere where human rights are fully guaranteed down to the grassroots level by enhancing the capacity of all government and non-government agencies and institutions working in the field of human rights. Government agencies and civil society organizations complement to each other's efforts, and together they can work in partnership and co-operation toward the protection and promotion of human rights. As always, the Ministry of Foreign Affairs is committed to working toward the protection and promotion of human rights at home and abroad by carrying out various functions involving communication, co-ordination, partnership and facilitation on all issues and in all areas

under its jurisdiction.

Since the values of human rights are universal, indivisible, inter-dependent and mutually-reinforcing they should not be viewed selectively. We believe that all aspects and dimensions of human rights should be accorded equal importance. Nevertheless, in a least developed country like Nepal, the right to development along with civil, political and economic rights should be paid more special attention and accorded due priority.

The international human rights campaign is relentless in its efforts and unwavering in its resolve towards the noble cause of enabling the entire humanity to realize its fullest potentials by guaranteeing the full enjoyment of all human rights freedoms. It is true threat the socio-economic conditions of the country as well as the level of awareness in society play a vital role in realizing human rights for all. Thus, even though it may not be possible to achieve the cherished ideals of human rights in their entirety at once, it is important that best efforts are continued for their progressive realization.

Bishnu Gautam
Under Secretary

Nepal Army

1. Nepal Army is always committed to protect and promote Human Rights as ensured by the State pledges to various Human Rights treaties.

2. Based on the Interim Constitution of Nepal 2007 and Army Act, (2006), the army personnel has been given training regarding International Human Rights (IHR) and International Humanitarian Law (IHL). As per the provision, an IHL Integration order has been implemented into the working system of the NA. Forces

in the army are trained in Human Rights principles and their implementation and in the protection and promotion of IHL, theoretically and practically. The “Nepal Army Hand Book on Law or Armed Conflict and Training documentary regarding Humanitarian Law have been distributed to the army personnel and their units to make them aware and sensitive about the Human Rights issues.

3. With the coordination of UN Women and Nepal Army, training regarding Human Rights and UNSCRs 1325 and 1820 are undergoing in various battalions. The work is in process to use teaching Manual and Training videos to impart training regarding UNSCRs 1325 and 1820. The training regarding gender equality and UNSCRs 1325 and 1820 is in operation based on the national action plan published by Peace Ministry of Nepal. This training is expected to be beneficial to the army personnel to protect and promote Human Rights in the country.

4. Lastly, Nepal Army Human Rights Directorate would like to express its gratitude and good wishes to INSEC for the success of its “Human Rights Yearbook, 2014”.

Lt Colonel Rajeshwor Bhattarai
Acting Director

Nepal Police

Informal Sector Service Centre (INSEC), from its establishment has been actively working in the field of Human Rights and social justice. We are very glad to know that Human Rights Yearbook 2014 is being published comprising of the situation of Human Rights in the year 2013, continuing the trend of publishing Human Rights Yearbook since 1992.

Nepal Police from its establishment has been protecting fundamental Human Rights of the people by providing them with peace and security and through crime investigation. Realizing its responsibility towards the citizens, Nepal Police is protecting and promoting Human Rights by applying standard professional expertise to maintain citizen's security of life, property and freedom, when enforcing the law. In order to maintain social peace and security, Nepal Police has been restructuring and reforming its every activity to protect, and promote citizen's right.

Institutional development of democratic system of governance is impossible without the practical exercise of Human Rights, which acts as the backbone of the constitutionally guaranteed fundamental rights, democracy originating from the sovereignty vested upon the people and of the rule of law. And hence, Nepal Police has been working to protect the citizen's fundamental rights by adhering to the universal and fundamental Human Rights principles. Nepal Police has given departmental priority to protect and promote Human Rights by making a strategic plan to share maximum knowledge possible to every police officer by publishing and distributing the Nepal Police Human Rights book. It is the duty of a nation to ensure respect, protection and fulfillment of Human Rights of its citizens. As a State party to various international Human Rights law, Nepal has made various commitments to respect, protect, and promote Human Rights. And accordingly, various efforts are being made to make the law enforcing police personnel accountable towards Human Rights. And in this regard, Nepal Police in association with National Human Rights Commission has published Human Rights reference book and is conducting Human Rights training from time to time.

By upgrading the Nepal Police Human Rights unit to establish promotion, protection and coordination of Human Rights as its prime working methodology, Nepal Police is planning to establish a Human Rights cell each in regional and zonal offices and Human Rights desk in every district. Human Rights curriculum has been included in every level of training provided to the Nepal police officers. Through the development of a separate and specialized training curriculum, training directory on "Human Rights and democratic policing, Human Rights and law enforcement, crime investigation related to woman and children" more than 7,000 police officers have been trained through the National Police Training Academy, in development regions, zonal and district level.

Development and implementation of programs according to the Government of Nepal's Human Rights plan of action, work in coordination and collaboration with National Human Rights commission and non- governmental organizations to protect and promote Human Rights are some important efforts made by Nepal Police.

On the occasion of the Human Rights Day, Nepal Police, in coordination and collaboration with National Human Rights Commission, conducted seminars and participated as an organizer in the Human Rights magna meet and illustrated the activities carried out in the field of Human Rights. Nepal police has shown commitment and support in order to promote and protect Human Rights by organizing various programs at the local level. Nepal Police has given departmental priority to promote and protect Human Rights; as a result there has been a huge reduction in the complaints and incidents of Human Rights violation. Nepal Police has been conducting follow

up from time to time in police custody and is talking to prisoners in order to improve police activity. Number of incidents regarding Human Rights violation has been declining compared to previous years and also the numbers of police officers found guilty on charge of Human Rights violation are gradually decreasing. Following the policy of zero-tolerance violation of Human Rights, 622 police officers, found guilty on violation of Human Rights are already facing departmental action. As per the departmental policy to give high priority to protect and promote Human Rights and to make every police activity Human Rights friendly, Nepal Police is making a strategic plan for the year 2014/15 by including various work plans to protect and promote Human Rights.

Nepal Police has the responsibility to enforce the law. In the proceedings, Nepal Police is aware, wary and committed towards the citizens, and that their constitutional rights and Human Rights should not be violated. To make our commitment and effort count, to effectively prevent and control crime, to establish secure and lawful society and to make Nepal Police fair, independent and professional from the law enforcing point of view, Nepal Police appeals every concerned group to continue their positive initiation and help it to accomplish the task. Nepal Police wishes the success of Human Rights Yearbook 2014, being published by INSEC.

Dev Bahadur Bohara

Nepal Police Human Rights Unit

Armed Police Force (APF)

1. Like in the past, Informal Sector Service Center (INSEC) is preparing for the publication of "Nepal Human Rights Yearbook 2014" based on factual informa-

tion on the situation of Human Rights. Armed Police Force would like to wish for the success of the publication. Our organization believes that INSEC will be able to contribute to the protection and promotion of Human Rights of citizenry significantly in future as well.

2. With objective to respect, protect and promote Human Rights, the APF has adopted a policy not to harbor the incidents of Human Rights violations and impunity. And accordingly, the Force immediately carries out investigation over the information or complaints received from any medium of Human Rights violations committed by APF personnel. If such alleged members are found involved in the violation, the Force takes departmental action against them. Similarly, APF has been briefing the officers appointed with command responsibility on Human Rights and international humanitarian laws. This practice has made APF personnel always aware of these issues. APF has adopted zero tolerance policy against those involved in Human Rights violations.

3. Apparently, APF is always cautious and committed to protect and have protected the constitutionally ensured rights of the Nepalese people in line with the commitment of the State expressed through various international declarations, conventions and agreements on Human Rights and humanitarian laws. Accordingly, with the view to maintain reliability, a central level Human Rights cell, under the APF Central Office, has been established. Similarly such cells have also been established in APF Metropolitan Office, including in all five development regions.

4. Holding the acts of protecting and promoting Human Rights in high regard, the Force has adopted a policy of zero tolerance against gender based and sexuality related crimes besides paying due attention

to the rights related concerns in maintaining peace, providing security and conducting rescue operations. Similarly, principles of proportionality, validity, professional knowledge and of need have been acknowledged while being mobilized for the management of mobs and riots.

5. With an aim to familiarize APF members on national and international norms and values of Human Rights, reading materials on the subject have been published and disseminated among its members occasionally. The Force has published “Manabadhikar Nirdeshika 2066” (Human Rights Guidelines 2066) and disseminated among each member of the Force. Similarly, in order to ensure that mobilization of the Forces would not affect people’s Human Rights, another manual titled “Sashastra Prahari Bal Parichalan Hatepustika 2068” (Armed Police Force Mobilization Manual 2068 BS) was published and distributed among its personnel.

6. Human freedom and humanitarian norm and values get safe and ensured if only internal security mechanisms are consolidated. Human freedom, ultimately, is included in the human dignity and inherent rights. Obviously, protecting and saving these aspects is the first responsibility of security forces. Therefore, APF is always committed towards preventing any situations in which, due to modus operandi of its personnel, people are deprived of their Human Rights. Similarly, APF has aimed to practically institutionalize the acts of protecting and promoting Human Rights.

7. Gender based violence is not only violation of Human Rights, it constrains productivity in the Force besides directly affecting its expansion. Keeping this reality into consideration, a central level women’s cell has been established within the Force. The cell looks into the complaints filed against violence against women person-

nel, provides rights and incentives for the empowerment and development of women personnel besides protecting their rights. Under the cell, a nodal female officer is arranged. Ranging from the central to local level, in coordination with the Ministry of Home Affairs and other concerned organizations, the Force has been conducting gender orientation related trainings, sensitization programs and interactions. Similarly, the concepts on gender based violence have started to be incorporated into various training curricula of the Force.

8. The three-year National Action Plan F/Y 2013/14 is being effectively implemented by the Force. Under the implementation process of the plan, APF has been organizing various workshops, interactions, sensitizations programs and trainings on Human Rights for a number of units under the Force. And, the fourth Human Rights National Action Plan has been prepared and sent to the Ministry of Home Affairs for approval.

9. Finally, APF would like to state that it is committed to move ahead as per the policy of zero tolerance against the incidents of Human Rights violations. It would like to thank all the national and international institutions or bodies who have been coordinating with APF on Human Rights concerns. We would like to wish for the successful publication of Human Rights yearbook.

Kosh Raj Want
IGP

National Women Commission

National Women Commission, which was established with an aim to maintain gender justice by including women in the mainstream of development and by promotion and protection of their rights,

is striving to achieve its goal. In order to achieve its goal, the Commission carries out a number of activities such as formulating national policies and programs concerning women's benefits and rights and then recommending for their implementation. Maintaining gender justice through reforms in the prevalent laws and acts and monitoring the implementation status of various international treaties and agreements to which Nepal is a state party are other functions of the Commission. Similarly, the Commission investigates and monitors the incidents related to violence against women.

Looking at the complaints filed at the Commission by victims in 2013; murder, rape or attempt to rape of women, girls and women with disabilities; sexual harassment at work; trafficking in women and girls; torture for not bringing or for bringing insufficient dowry to husband's family; abortion following sex identification of fetus, negligence of hospitals to care pregnancy related cases are some of the types of cases registered at the Commission.

Likewise, tarnishing women's and girls' moral fiber via electronic and social media such as facebook, email, telephone; witchcraft allegation; attempt to kill by burning; physical and psychological torture during cohabitation; hostage taking; polygamy; restriction to use public taps; fraud in foreign employment; beating up by police; denial to register FIR and denial of District Administration Office to provide citizenship in one's mother's name were other types of complaints filed at the Commission.

Similarly, looking at the incidents reported via various types of mass media, violence against women committed for long due to social ills and malpractices did not decrease in 2013. The low percentage of women members in the CA also indi-

cated at the fact that political parties were not sensitive towards maintaining gender equality and ending discriminations against women. This also proves that the State is harboring political violence against women.

Statistically, a total of 393 complaints (253 related to domestic violence and 139 other forms of violence against women) were filed in 2013. The Commission, as per the agreement between both sides, reaches cases to conciliation, provides legal assistance and psycho-social counseling and refers to other related offices/ bodies for other types of services. Additionally, the Commission carries out field monitoring on various types of violence against women besides demanding for justice and prosecution of perpetrator. Since a number of Ordinances drafted by the Commission were not approved in absence of Legislature Parliament, victims' access to justice remained as a challenge. Similarly, due to politically unstable situation of the country, impunity continues to be harbored and there have appeared a number of challenges in implementing laws relating to women. These challenges are likely to affect women and children most.

Finally, National Women Commission would like to wish for the success of Nepal Human Rights Yearbook 2014 and would like to thank INSEC for its efforts in compiling the incidents of Human Rights violations committed during 2013.

Sharad Raj Bista
Secretary

National Dalit Commission

We would like to thank INSEC for publishing Nepal Human Rights Yearbook 2014 by compiling the incidents of Human Rights violations committed in 2013.

History shows that the Human

Rights situation of Dalits, who are compelled to live as victims of inhuman behavior such as untouchability and who have been living backward life socially, economically, culturally and in terms of education; has not improved as expected. Under different forms and pretexts, untouchability or racial and gender-based discriminations are being practiced.

Caste-based Discrimination and Untouchability (Offence and Punishment) Act 2011 is in place now in the country. However, depriving Dalits from service and privileges in public and private places; depriving them from basics such as education and health care, not acknowledging inter-caste marriage, which is a means for improving congenial social relations, is still a tendency. Likewise, not recognizing traditionally handed down skills, forcing them into work with nominal pay and continuing *balighare* tradition, making them eat or dispose carrion, debasing with impolite expressions and taking them as inauspicious are still in practice.

Similarly, expelling couples having inter-caste wedlock from village, making them pay compensation or even charging with abduction cases, feeding human feces after allegation of practicing witchcraft and inflicting sexual violence are still prevalent. This reality is a challenge to the proper implementation of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act 2011.

Although improvements have been felt in the situation of Dalits' Human Rights over the years to some extent, monitoring and carrying out investigation on the complaints filed at Dalit Commission is challenging. Due to disregard from the responsible position holders of the State mechanism, Dalits are compelled to undergo an awful behavior and to live by blaming on their own fate.

Legally, since complaints related to untouchability can be filed at Dalit Commission in case other offices do not register them, some complaints are filed at the Commission. Since, the Commission is not legally mandated to look into such cases, the Commission refers such cases to the related offices for legal prosecution, and however, the commission keeps on following up the cases.

We wish for the success of Nepal Human Rights Yearbook 2014 in putting pressure on the national and international stakeholders towards ending untouchability and for the protection and promotion of Dalits' rights.

Government of Nepal
National Dalit Commission

Federation of Nepalese Journalists (FNJ)

The Nepal's Interim Constitution has guaranteed right to information and freedom of Expression. But still the press is not fully free and safe. Even though its a journalist's responsibility and constitutional right to aware people by giving information, they are time and again targeted for the news they report or publish.

FNJ has been condemning the incidents when the journalists are threatened, attacked, harassed or press freedom is threatened when there is an option for legal measures on the any news that might have been offensive to some. Every year the FNJ follows up on the incidents of violation of press freedom and the reports are published only after verification of the incidents.

According to the FNJ record, there was decrease in the violation of press freedom in 2013 in comparison to last year. In 2013, there were 54 incidents of violation

of press freedom. This implies that the situation of press sector in Nepal is improving. The record of 2013 includes a death of the journalist working in radio Janakpur, Satya Narayan Gaderi, VDC-6 in Dhanusha District who was found dead in September 27. There was gunshot wound and slit throat indicating that he was murdered. Likewise, there were 13 attacks, 11 incidents of mistreatment and manhandling, one each of abduction threat and attack at media house, three arrests, seven threats, three stopping of transmission and publication, nine obstacles in the independent journalism, sacking of three journalists from the job and two of vandalizing the vehicles.

According to this report, this year the arrest of the journalists under Electronic Transaction Act has increased. The chairman of FNJ's chapter of Gorkha FM and editor of nepalionlinehead.com, Sushil Pant was arrested for publishing news about Dillibazar Campus online and the editor of Share Bazaar Weekly, Dinesh Acharya was arrested as the industrialist Nirvan Chaudhary complained against him for publishing news on Chaudhary in the newspaper's facebook page.

Giving information is not only an inherent right, it is responsibility of the journalists, but the publication of the news led violations of freedom of press by different sectors. Many of the incidents of violations of freedom of press in 2013 were carried out by the members of political parties while some other were carried out by

the officers of security agencies, owners of media houses and other unknown parties. During the bandh announced by 33 parties boycotting the Constituent Assembly election, almost 11 incidents of violation of freedom of press occurred. Most of those incidents occurred in the Central Development Region.

The most remarkable thing of the year 2013 was the arrest of five suspects for the kidnapping and murder of journalist Dekendra Raj Thapa in 2004. The nationwide protest launched by the journalists when different political parties tried to pressure the accused to change the statement was also remarkable. During the Thapa murder investigation, due to the dispute between the Maoists and other political parties, the Maoist cadres issued threats repeatedly to the journalists of Dailekh raising a concern for their insecurity. Nearly two dozen journalists were displaced from the district because of insecurity. At that time, the FNJ carried out protest activities all over the country and pressured the government FNJ initiation also led to the rehabilitation the displaces journalists in Dailekha.

In sum, due to the decline in the incidents of violation of freedom of press in 2013, it is clear that the situation of Nepal Press has improved, but the situation is not such that journalists can function without facing hurdles and in secure environment.

Shiva Gaule

President, Federation of Nepali Journalist



Annex 5

Name of Contributors in Course of Preparation of Yearbook 2014

Contributors to Chapters

Chapter 2

Constituent Assembly:

An Entry Point of Progression

Writer : Madan Paudel

Reviewer : Bijay Raj Gautam

Chapter 3

State and Human Rights

3.1 Judiciary and Human Rights

Writer : Prashannata Wasti

Reviewer : Om Prakash Aryal

3.2 Executive and Human Rights

Writer : Ganesh Bhandari

Reviewer : Pro. Dr. Ram Kumar Dahal

3.3 Legislature and Human Rights

Writer : Nir Lama

Reviewer : Pro. Dr. Ram Kumar Dahal

Chapter 4 :

Nepal's Human Rights Defenders at Risk

Writer : Samjah Shrestha

Chapter 5 :

Nepali Migrant Workers and Human Rights

Writer : Bal Krishna Basnet

Chapter 6 :

6.1 Janata Awas (People's Housing) Programme and

Dalits from Saptari and Siraha District

Writer : Dipen Neupane/Manohar Pokharel/
Durga Pariyar

6.2 Situation of Human Trafficking in

Sindhupalchok District

Writer : Raju Paswan/Nati Babu Dhital

6.3 Landless Squatters in Rupandehi District

Writer : Tanka Khanal/Amrit Giri

6.4 Situation of Right Relating to Health in Kalikot

Writer : Narayan Subedi/Kali Bahadur Malla

6.5 Situation of Freed Haliya in

Dadeldhura District

Writer : Krishna BK/Rajendra Thagunna

District Representatives

Eastern Region

- | | | |
|------|---------------|---------------------------------------|
| 1.1 | Jhapa | - Arjun Kumar Basnet |
| 1.2 | Ilam | - Kokila Dhakal |
| 1.3 | Panchthar | - Sandip Rai/Mangal Begha |
| 1.4 | Taplejung | - Dev Raj Gurung |
| 1.5 | Morang | - Dipen Neupane/
Sukdev Chaudhary |
| 1.6 | Sunsari | - Sukdev Chaudhary/
Shekhar Dhakal |
| 1.7 | Dhankuta | - Santosh Ruchal |
| 1.8 | Tehrathum | - Chhatra Rimal |
| 1.9 | Bhojpur | - Gyanendra Khadka/
Kiran Rai |
| 1.10 | Sankhuwasabha | - Chhetu Sherpa |
| 1.11 | Saptari | - Manohar Pokharel |
| 1.12 | Siraha | - Durga Pariyar |
| 1.13 | Udaypur | - Kushal Babu Basnet |
| 1.14 | Khotang | - DM Chamling |
| 1.15 | Okhaldhunga | - Shiva Prasad Dhungana |
| 1.16 | Solukhumbu | - Pasang Bamjan Tamang |

Mid Region

- | | | |
|------|----------------|-------------------------|
| 2.1 | Dhanusha | - Binod Kumar Rabidas |
| 2.2 | Mahottari | - Ishwari Kaphle |
| 2.3 | Sarlahi | - Bidur Pyakurel |
| 2.4 | Sindhuli | - Anand Prasad Dahal |
| 2.5 | Ramechhap | - Nava Raj Pathik |
| 2.6 | Dolakha | - Uddhav Pokhrel |
| 2.7 | Rautahat | - Bipeen Gautam |
| 2.8 | Bara | - Laxmi Sah |
| 2.9 | Parsa | - Krishna C. Lamichhane |
| 2.10 | Chitwan | - Sabitri Sapkota |
| 2.11 | Makawanpur | - Pratap Bista |
| 2.12 | Lalitpur | - Ramesh P. Timalsena |
| 2.13 | Kavrepalanchok | - Bhoj Raj Timilsina |
| 2.14 | Bhaktapur | - Roshan Raj Aryal |
| 2.15 | Kathmandu | - Vivek Dhungana |
| 2.16 | Dhading | - Sitaram Adhikari |
| 2.17 | Sindhupalchok | - Natibabu Dhital |
| 2.18 | Nuwakot | - Keshav Mishra |
| 2.19 | Rasuwa | - Hemnath Khatiwada |

Western Region

3.1	Tanahun	- Prakash Chandra Bhattarai
3.2	Gorkha	- Sudeep Kaini
3.3	Lamjung	- Krishna Prasad Adhikari
3.4	Syanja	- Sangeeta Ranabhat
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	- Madhav Basyal
3.10	Kapilbastu	- Nandaram Poudel
3.11	Arghakhanchi	- Narayan Prasad Bhusal
3.12	Gulmi	- Naresh Bhandari
3.13	Baglung	- Ram Bahadur GC
3.14	Parvat	- Madhav Raj Pandey
3.15	Myagdi	- Ghanashyam Khadka
3.16	Mustang	- Sharmila Gurung

Mid-western Region

4.1	Dang	- Shalik Ram Musaphir/ Gaman Sing Khadka
4.2	Pyuthan	- Rabindra Pandey
4.3	Rolpa	- Dharendra Dangi
4.4	Salyan	- Meena Budhathoki
4.5	Rukum	- Adarsh KC
4.6	Banke	- Binod Pandey
4.7	Bardiya	- Man Bahadur Chaudary
4.8	Surkhet	- Durga Thapa
4.9	Jajarkot	- Raju Kumar Shakya
4.10	Dailekh	- Yaggya Raj Thapa
4.11	Dolpa	- Bishnu Prasad Devkota
4.12	Jumla	- Man Datta Rawal

4.13	Kalikot	- Kali Bahadur Malla
4.14	Mugu	- Jivan Sejuwal
4.15	Humla	- Mim Sing Nepali

Far-western Region

5.1	Kailali	- Sur Bahadur Pariyar
5.2	Achham	- Shiva Raj Khatri
5.3	Doti	- Lav Dev Bhatta
5.4	Bajura	- Arjun Shah
5.5	Bajhang	- Prakash BK
5.6	Kanchanpur	- Komal Niranjana Bhat
5.7	Dadeldhura	- Rajendra Thagunna
5.8	Baitadi	- Sher Bahadur Chand
5.9	Darchula	- Narendra Singh Karki

INSEC Regional Offices

Eastern Region	1. Som Raj Thapa
	2. Dipen Neupane

Mid Region	1. Krishna Gautam
	2. Raju Paswan

Western Region	1. Shiva Khakurel
	2. Tanka Khanal

Mid-western Region	1. Bhola Mahat
	2. Narayan Subedi

Far-western Region	1. Khadak Raj Joshi
	2. Krishna Bahadur BK

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District Representatives, INSEC

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

Manohar Pokhrel, Saptari

Best Representatives

Santosh Ruchal, Dhankuta, Eastern Region

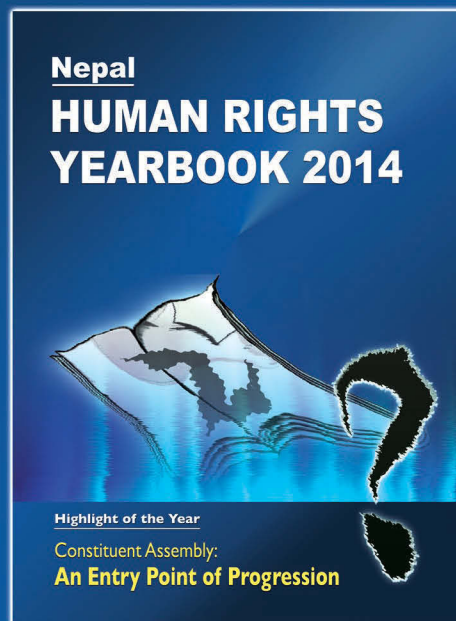
Nava Raj Pathik, Ramechhap, Mid Region

Prakash Chandra Bhattarai, Tanahun, Western Region

Man Bahadur Chaudhari, Bardiya, Mid Western Region

Prakash BK, Bajhang, Far Western Region





Entrusted with the main responsibility of holding election, Khilaraj Regmi-led government successfully accomplished its task. This CA election was considered more successful than the past elections. Robust peace and security, people's strong yearning for election, biometric voter's roll and voter identity cards, albeit distributed at the eleventh hour, were believed to have stopped irregularities. At the same time, a number of commentators had predicted boycott of the CA elections and low turnout on the election day. However, their analysis slumped with the determination of the people excited to participate in voting. People's will to turn up for voting was taken by many as their strong desire to cast vote and institutionalize change and the significance of periodic elections. By casting votes with great zeal, the people manifested their faith in democracy.



For Human Rights & Social Justice

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