

Situation of  
Human Rights in 2010 :  
Overall Evaluation

**Chapter**

**1**

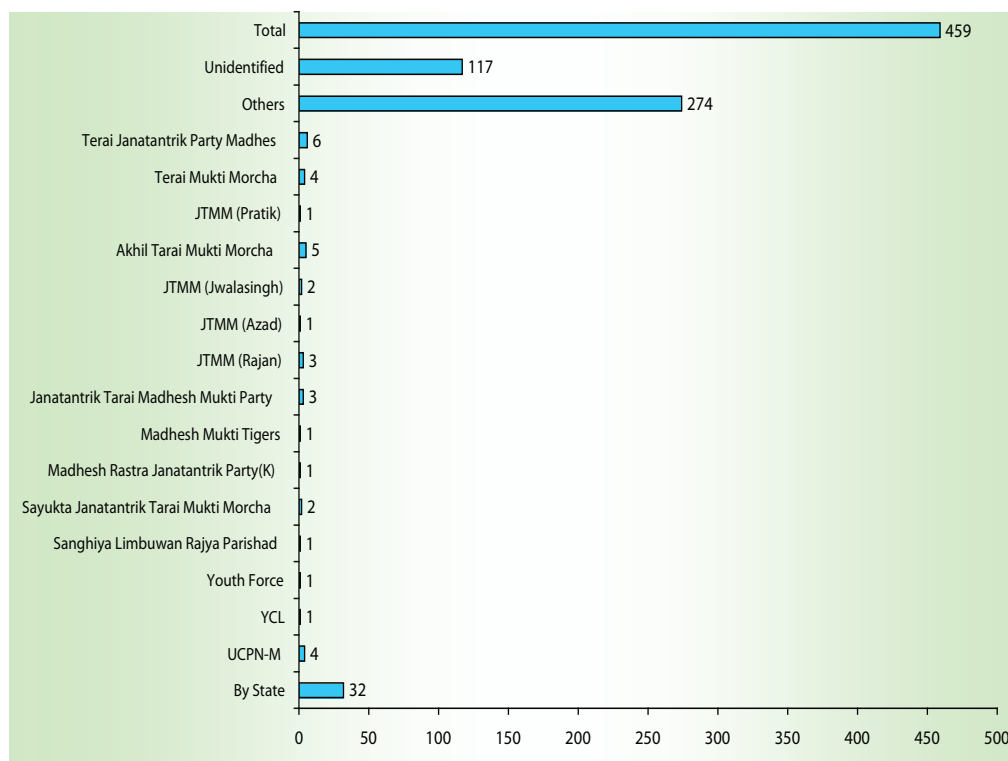
Nepal's peace process, guided by the Comprehensive Peace Agreement (2006), was stunted by the political parties' own interests and power lust towards the end of 2010. The common people did not feel any sense of the commencement of an era of radical change in the field of human rights and social justice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

The Constituent Assembly (CA), which has a dual role, was overshadowed

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

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

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



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

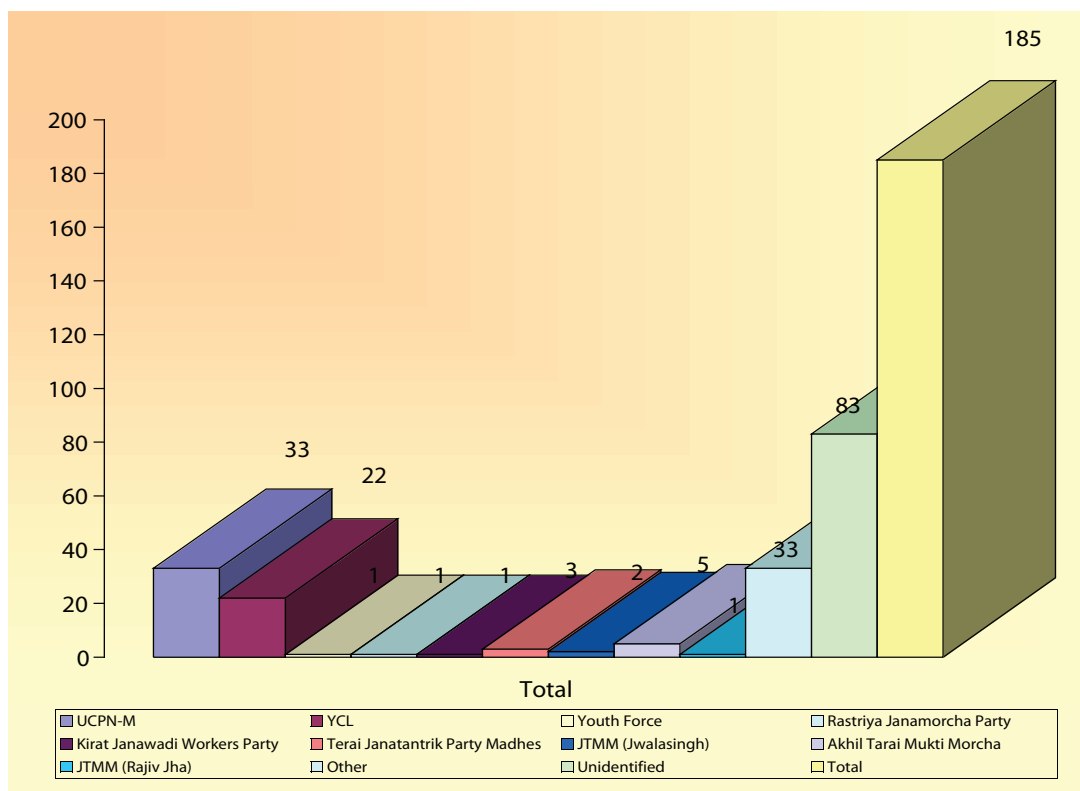
The UCPN-M, which had been protesting against the Government since they had resigned from Government,

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

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

Figure : 2

Number of Abduction



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

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

Analyzing the role played by the UCPN-M, which emerged as the biggest party following the election of the Constituent Assembly, in the constitution writing and peace process; it seems that its roles are against the commitments expressed in different agreements. The incident of manhandling the Minister for Finance by the UCPN-M CA members while he was due to deliver the budget speech made everyone worry about the overall political situation of the country. Later, the advocacy of the incident by the party also showed that the UCPN-M was not ready to acknowledge the existence of other political parties and competitive politics. If the UCPN-M was seriously concerned about the ongoing peace process and was able to muster all the other parties

**Table : 1**

**Number of Threats  
By State & Non-State Actors**

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

together, acknowledging their responsibility as the biggest party, the overall situation of the country, though at a slow pace, would probably be different today. However, the events of the year 2010 were contrary to this possibility.

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

**Table : 2****Number of Beatings by State & Non-State Actors**

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

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

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

**Culture of Impunity**

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

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

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

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

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

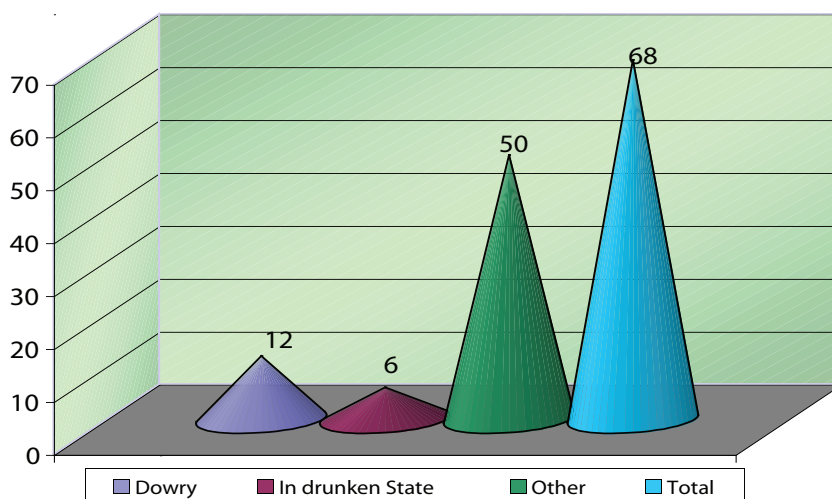
The guarantee of human rights and the establishment of the rule of law

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

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

Figure : 3

Number & Cause of Domestic Violence



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

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

### Farewell to the Disqualified Maoist Combatants

The discharge of the disqualified combatants of the Maoists as signed by the Government and the UCPN-M in the previous year and initiated at the beginning of this year remained one of the important achievements of the year. Of the 4,008 combatants disqualified by UNMIN, 2,385 were present at the farewell ceremony. Of the disqualified, 2,415 were not present at the ceremony. Neither the Government, the UCPN-M nor UNMIN felt the need to comment on the absent combatants. The rehabilitation of the disqualified combatants, who had been expressing their dissatisfaction at the discharge process from

the beginning, posed a serious question; how would they be rehabilitated into society? It was revealed later that some of the discharged joined other groups.

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

### Year against Gender based Violence, 2010

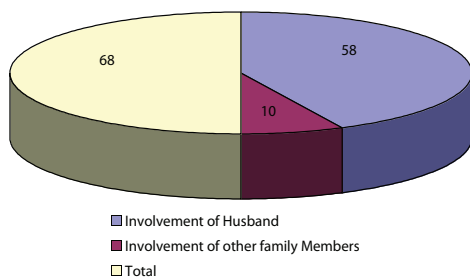
The Government of Nepal observed the year 2010 as a year against gender based violence with special programs. A hotline telephone service was provided by the Office of the Prime Minister to register complaints against domestic violence however, the effectiveness of the service was later questioned. Different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

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

Many of the incidents of domestic

Figure : 4

### Number of Perpetrators of Domestic Violence



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

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

#### Economic and Cultural Rights

A close look at the incidents made public this year show that people's lives are deteriorating in the absence of good health facilities and a lack of food. Incidents in some of the districts of Mid Western

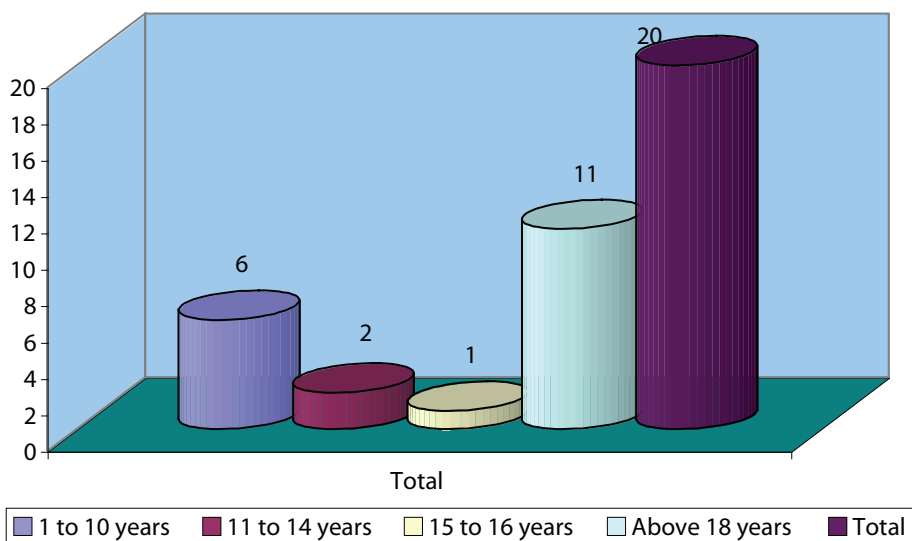
Region show that poverty, price hikes and a lack of access to service providing agencies meant that the people living there were subjected to desperate conditions. These people are only a margin of the many people living in a dire situation.

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

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

Figure : 5

Killing After Rape by Age Group





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

#### Capture of Land and Property

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

Similarly, the sister organization of the Manch affiliated Limbuwan Rajyaparishad, the Limbuwan Volunteers declared that they captured a three-storied building located at Mangalbare in Urlabari VDC-3 belonging to Mamata Limbu. The building was captured by cadres of the Volunteers led by the District Coordination, Milan Nalwo. Likewise, reports of land capture by the UCPN-M in Banke and Bardiya districts, among others, were made public. Similarly, cadres of the UCPN-M took away produce, in the eastern hill and some other districts, from land which was declared earlier

**Table : 3**

#### Number of Abduction in 20 Districts of Tarai

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

to have been returned to the rightful owners. This deprived people of their right to property. Although the then PM and Chairman of the UCPN-M, on behalf of the Government, said that the captured properties would be returned within 60 days, his cadres did not abide by their leader's commitment.

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

#### Active Judiciary

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

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

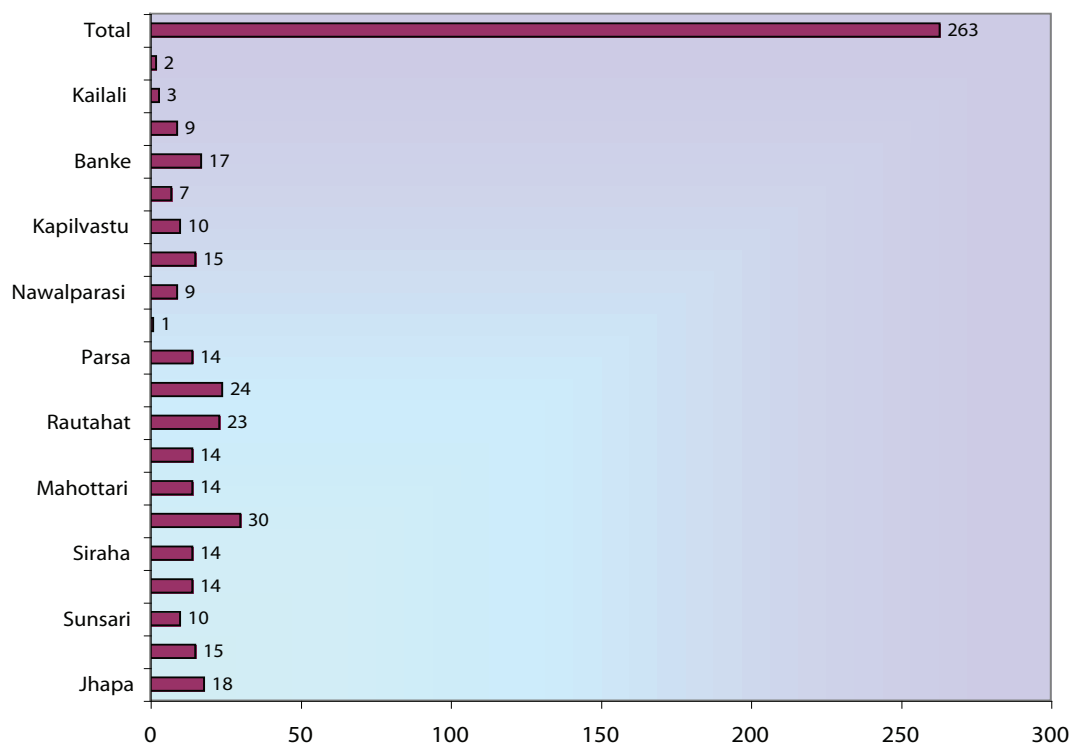
The Supreme Court, by conducting the final hearing within 25 days of the writ petition of Nepal Mahendra Sanskrit Biwsobidhyala, demonstrated that fast and fair court proceedings are possible. Two decisions made by the Supreme Court regarding DNA tests created a huge debate as to whether law or science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

In 2010 there were instances where the Government was seen as being

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

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

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



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

### Legislature

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

not implemented. The bills proposed in the parliament for the establishment of the Truth and Reconciliation Commission and the Commission on the Disappearances remained pending.

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

**Table : 4**  
**Number of Victims of Domestic Violence by Districts**

District	Total
Surkhet	83
Dhanusha	36
Sindhuli	20
Salyan	10
Syangja	8
<b>Total</b>	<b>157</b>

### The Issue of the Human Rights Defenders

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

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

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

### **Government Apathy towards Victims of Enforced Disappearance**

The history of disappearances carried out by state agencies in Nepal can be traced back to 1951. The whereabouts of Ram Prasad Rai, who was actively involved in the protests of the Delhi Agreement signed in 1951, are still unknown. Similarly, the status of Sukdev Singh of Hanumannagar in Saptari, who was arrested from Inaruwa in Saptari in 1956, is still not known. This trend of arbitrary arrest and the disappearance of people increased in the authoritarian Panchayat era of 1961 - 1989. Such acts even continued after the restoration of democracy in 1990. The number of cases of alleged disappearances by the state significantly increased after the CPN-M launched a 'people's war' on February 13, 1996. The figure of enforced disappearance again soared once a State of Emergency was declared on November 26, 2001 and with the subsequent issuance of

the Terrorist and Destructive Act (Control and Punishment) Ordinance. The CPN-M was also responsible for the forceful abductions and disappearances of people after they adopted abduction as part of their war strategy. One of the major causes of pain to the Nepalese in the context of the prevailing state of impunity are enforced disappearances and the unanswered questions that the victim's families have regarding the act. Although the existing legal provisions do not criminalize the act of enforced disappearance, international law does protect individuals from enforced disappearances. The act of enforced disappearance was carried out in a widespread and organized manner during the armed conflict.

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

### **Incidents of Rape and Immunity**

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

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

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

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

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

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

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

#### Threats of Explosive Devices

Point 5.1.4 of the Comprehensive Peace Agreement (CPA) signed by the CPN-Maoist and the Government of Nepal states that "both sides shall assist each other to mark landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and defuse and excavate them within 60 days." The point was included in the CPA to exterminate the threat of the explosive remnants of war by trying to limit the effects of victim-activated explosions

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

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

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

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

### **Trend of Human Rights Violations in 2010**

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

The situation of child abuse was similar to that of the previous year but rape cases have increased this year. Children continued to be victims of crimes connected

with ransom and inter-familial reasons. A total of 41 children were abducted this year, of them 33 were boys and eight were girls. Most of the incidents of abduction took place in the Tarai for reasons of ransom. Due to the insecurity they felt, the families of the victim did not want confirm the amount that they had paid in ransom. Two teenagers were killed in the Banke district after abduction. (*See the facts on the HR violation & abuses of Banke district*)

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

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

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

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

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

- Initiate legal action against those who have been accused of grave human rights violations in the past to end impunity
- Establish mechanisms for transitional justice such as the Commission on

Disappearances, and the Truth and Reconciliation Commission without delay

- Pass the bills relating to women and child rights
- Accede to the Rome Statute of the International Criminal Court
- Allocate sufficient budget for the transportation of food in the districts which suffer from food crisis and ensure that food will be stored in these districts before the rainy season starts
- Annul domestic laws which contradict International Human Rights laws and amend them accordingly

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