

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

Chapter

1



1. Introduction

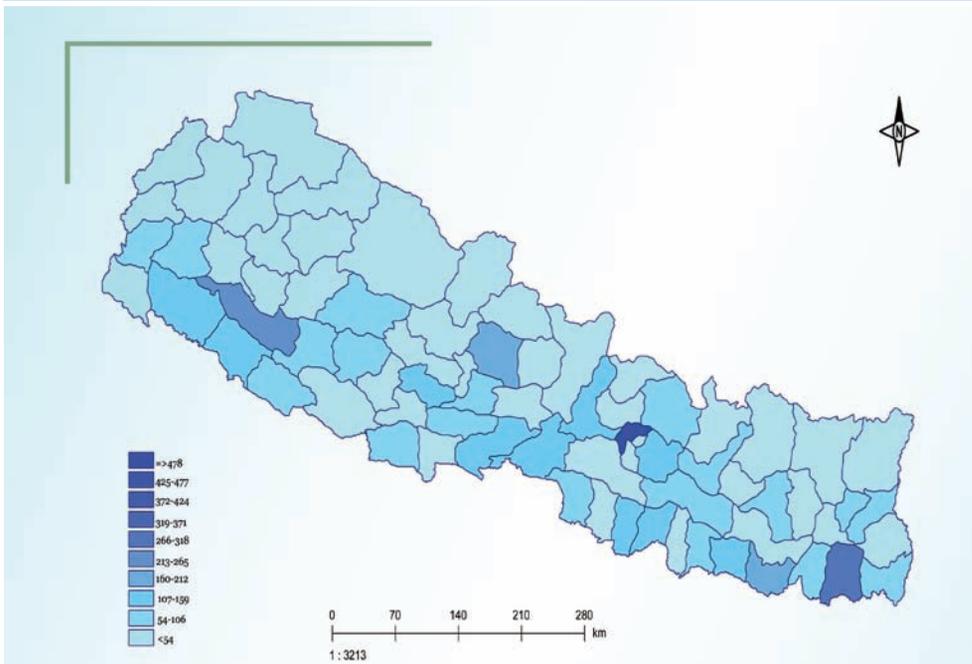
Year 2013 with its uncertain first half, bid farewell showing positive rays in its latter half. Some complicated issues related to peace process, which were pending for years, were resolved this reporting year. Since the government announced as a caretaker by President in 2012 did not have significance 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.

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

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

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-

iculties 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.

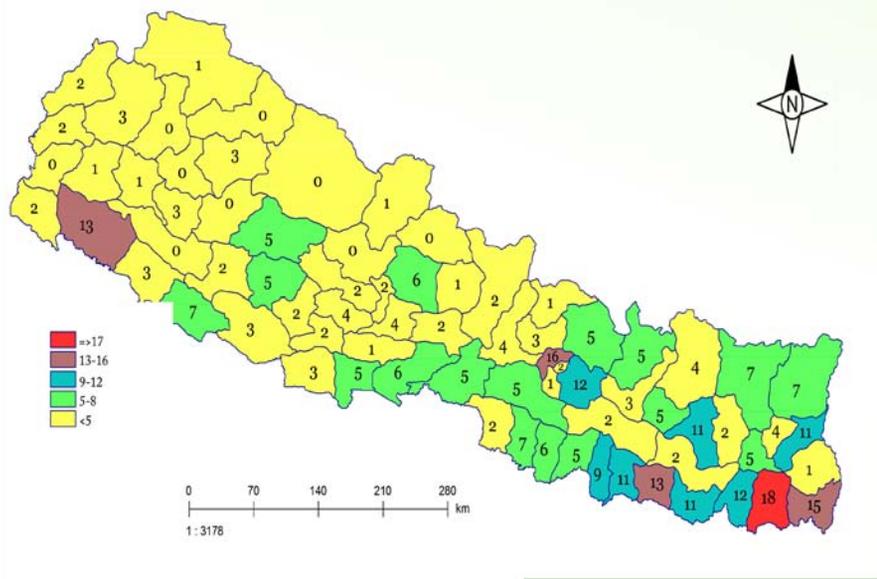
The government had forwarded to the President an Ordinance that proposed a Commission of enquiry into disappearance, on truth and reconciliation. Proposed Ordinance included a provision that could grant amnesty even to those who involved in grave violation of human rights. The Ordinance drew national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

Figure 2: Distribution of Killed Victims by District (2013)



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.

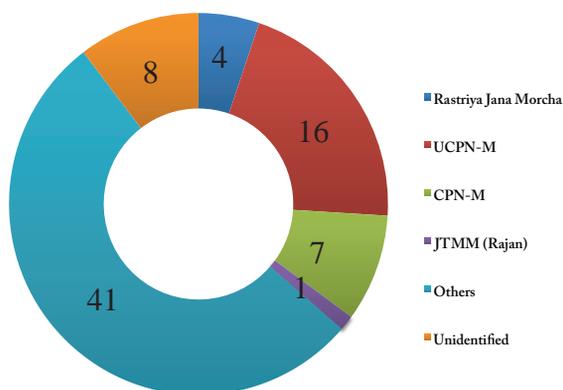
In absence of Legislature-Parliament, peoples' concerns did not find any space to be addressed as no committees were there to draw government's attention towards human rights related issues. Several laws which should have passed through the parliament facing intense scrutiny were issued as Ordinances.

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 Jaisidewal 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' 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-

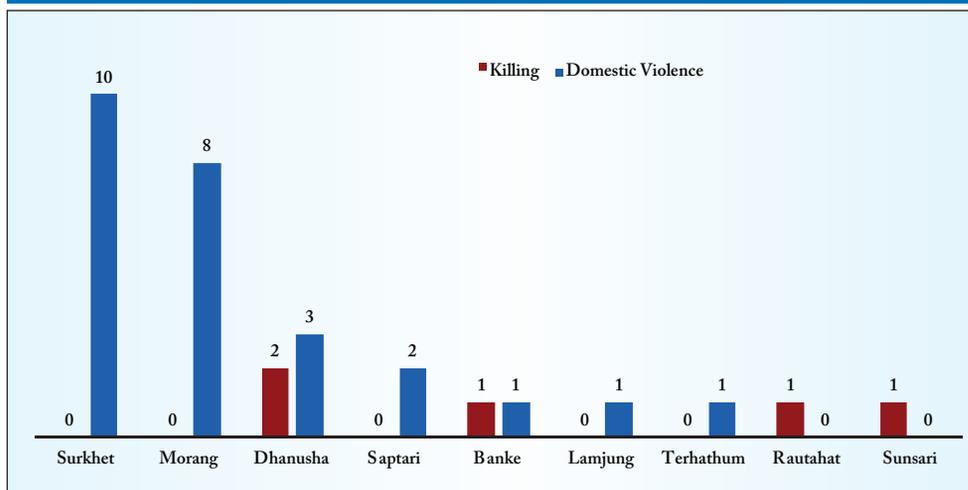
munity are forced to till the land of the upper caste landlords as interest for the loan that they have taken from them or for the land they have used for their temporary shelter. Hence the particular worker is not freed of the bonded life until and unless he pays back the principal amount.

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-

Table 6: No. of Women Victims of Dowry Violence (2013)



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-

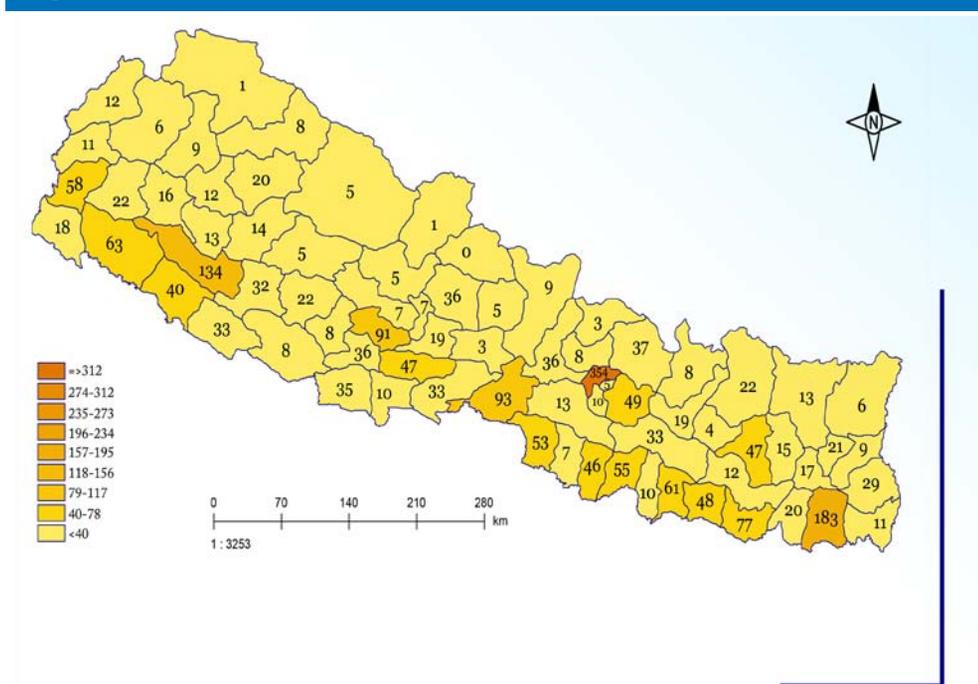
tutions. Lack of proper counseling during pregnancy and unavailability of iron capsules in the health posts are major problem when it comes to maternity and neonates' protection and care.

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 extrajudicial 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

