



COCAP

VIOLENCE MONITORING REPORT 2018



CONTENTS



1	FOREWORD	1
2	INTRODUCTION	2
3	PROVINCE PROFILES	4
4	TRENDS OF INCIDENTS IN 2018	6
4.a	<i>Transitional Justice</i>	9
4.b	<i>Trend in Gender Based Violence</i>	12
4.c	<i>Incidents of Discrimination Against LGBTI People</i>	18
4.d	<i>Caste Based Discrimination</i>	18
4.e	<i>Narrowing Civic Space in Nepal</i>	19
4.f	<i>Challenges to Governance in Nepal</i>	24
5	CONCLUSION	27
6	ENDNOTE	28

FOREWORD

It is my pleasure to introduce to you the 2018 annual review of the Nepal Peace Monitor project, the second of our annual reports published with the support of the Asia Foundation.

The Nepal Peace Monitor: Annual Review 2018 presents data collected by the Nepal Peace Monitoring Project (PMP). It provides a comprehensive overview of incidents documented throughout 2018 and analyzes major trends with the objective of improving our understanding of and response to violence and conflict in Nepal. The PMP also continues to provide an instrument to measure progress against SDG Targets 16.1 (reduction of all forms of violence and related death rates) and 5.2 (elimination of violence against women) in Nepal.

COCAP, as a network of 43 organizations in 29 districts working in the field of human rights and peace-building in Nepal, advocates to strengthen democratic principles, safeguard human rights, and re-establish peace in the country. The extension of our monitoring work from 2016 has been an important part of our contribution to long term peace-building in the post-conflict era and is very much an expression of our collective values and work for social change.

This year we expanded the subscriber base for PMP across Nepal and the world whilst also making significant strides in improving the accessibility and usability of our online portal. We want to ensure that our data reaches the biggest possible audience and to provide users with the right tools to explore and interpret it whilst keeping its access free. The data collection for this 2018 review was made possible by 25 district focal points working to collect, review and collate local newspapers, as well as our dedicated team of staff in Kathmandu, not to mention interns and volunteers. As well as national print and online newspaper reports, we collected reports from local newspapers in the target districts nationwide on a daily basis, in addition to drawing from vital reports from other NGOs, the Nepali police website and contributions from individual subscribers.

I commend the quality and professionalism of the work of COCAP staff and volunteers who have made this important report possible. I, on behalf of the COCAP board, would like to express gratitude towards them and the donors who make this work possible on an ongoing basis.



Mr. Badri Prasad Bhusal
Central Chairperson
Collective Campaign for Peace(COCAP)
Kathmandu, Nepal



INTRODUCTION

2018 was a year of significant changes and consolidations of power in Nepal but one that left significant question marks over the progress on key measures of justice and equality. Parliamentary elections in late 2017 led to a comfortable majority for the new 'Left Alliance' platform involving both the CPN-Maoist and CPN-UML parties. With a strong majority government in place under the leadership of Prime Minister KP Oli, expectations were raised going into 2018 for effective and firm governance and progress on key social and economic issues with national prosperity a key declared priority. The bond between the parties constituting the majority was concretized in May 2018 when the two parties officially merged to form the new Communist Party of Nepal.

A wave of legislative change occurred when the Nepalese parliament passed new civic and criminal codes which came into effect in August 2018. These replaced the existing General Code, which was 55 years old. To operationalize these codes, over 100 new laws were passed within the same parliamentary period. A great deal of criticism was levelled at the new codes, with specific concerns raised about the implications for freedom of expression and religion. This concern was raised in the context of a number of restrictions on protest that were implemented earlier in the year, in addition to individual cases of arrest of individuals, journalists and other civilians on grounds of 'character assassination' of prominent public figures.

This surge of legislative activity from a strong central government occurred alongside the ongoing reorganization of local governance following the commitment to federalisation enshrined in the 2015 constitution and furthered by the local elections of 2017. Despite six of the seven provinces having provincial administrations led by the same Nepali Communist Party, thus far coordination between the centre and the provinces has been inconsistent. As the central government seems generally committed to consolidating and strengthening central executive power, this inconsistency may reflect reservations about the implications of the decentralization of responsibility in key policy areas such as security.

Another unresolved issue affecting Nepal is that of transitional justice. There are numerous delays and blocks to an inclusive and just response to crimes committed during the civil conflict in Nepal. This situation continues to affect the relationship between civil society and government and between civil society actors taking different positions on the best path forward. Proposed changes to the status of the Truth and Reconciliation Commission (TRC) and Commission for Investigation on Enforced Disappeared Persons (CIEDP) will have significant implications for their work and ultimately for the situation of survivors of violence and families of disappeared people among other significantly marginalized groups.

At the tail end of June 2018, the government published a Draft Bill to amend the status of the Commission on Investigation of Disappeared Persons, Truth and Reconciliation. Amnesty International, the International Commission of Jurists and Trial International produced a joint statement of comments on the draft which highlighted concerns about a lack of meaningful consultation, ignoring of victims and lack of clear political will toward accountability, even that satisfies the existing rulings of the Nepali Supreme Court.

The case of Nirmala Panta, who was raped and murdered in July 2018, became an emblematic mobilizing point for critics of the existing national level mechanisms for justice and accountability, highlighting the struggles of those affected by violence and the challenges of a culture of impunity for powerful perpetrators of violence. The key recommendations of a National Human Rights Commission (NHRC) report (which at the time of writing has yet to be published in full) highlighted not only serious failings but direct misconduct in the police investigation into this case.

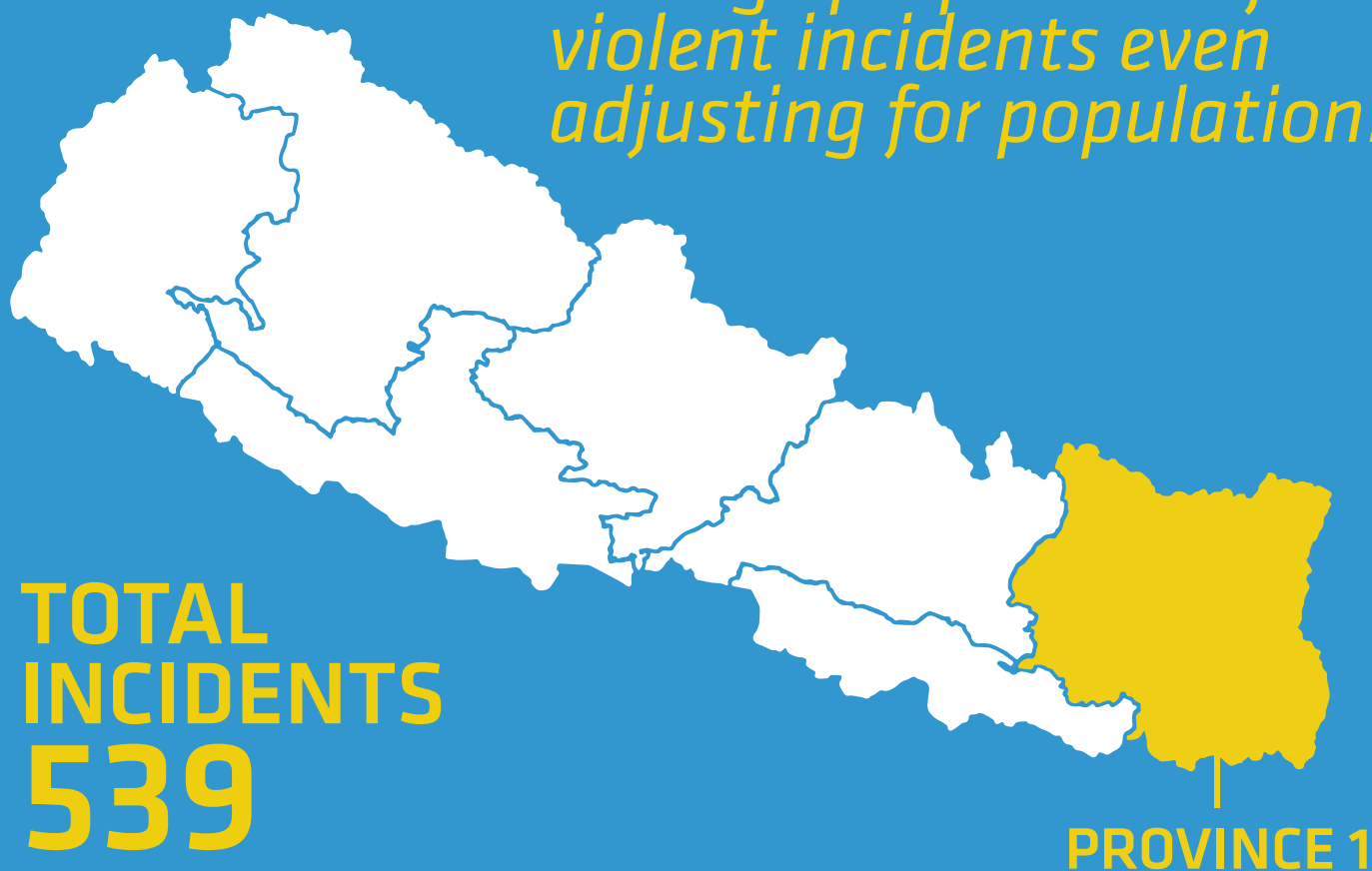


PROVINCE PROFILE

Annual Report 2018 4

PROVINCE 1

“Reports about Province 1 indicate a higher than average proportion of violent incidents even adjusting for population.”



VIOLENT INCIDENTS	441
NON-VIOLENT INCIDENTS	98
CRIME	8
GOVERNANCE RELATED INCIDENTS	65
POLITICAL INCIDENTS	61
INCIDENTS OF GENDER BASED VIOLENCE	253
TOTAL RAPE/ATTEMPTED RAPE	173
YOUTHS RAPED	136

PROVINCE PROFILE

Annual Report 2018

5

PROVINCE 2

Gender-Based Violence (GBV) is the most prevalent form of violence in Province 2. The very high level of referrals of 'domestic' disputes, which can extend to spousal abuse, rape and denial of marital rights amongst other forms of abuse and discrimination, to mediation by the police indicates a low capacity or appetite for taking these cases to a full investigation, despite the fact that the alleged offences would constitute criminal offenses. Social shame attached to victims and rumors and accusations spread by powerful actors linked to perpetrators can undermine the everyday quality of life and make it harder for those affected by violence, especially women, to see their cases through.

TOTAL
INCIDENTS
735



VIOLENT INCIDENTS	449
NON-VIOLENT INCIDENTS	241
CRIME	19
GOVERNANCE RELATED INCIDENTS	168
POLITICAL INCIDENTS	54
INCIDENTS OF GENDER BASED VIOLENCE	227
TOTAL RAPE/ATTEMPTED RAPE	153
YOUTHS RAPED	134

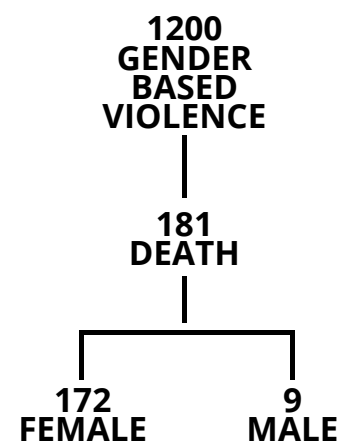
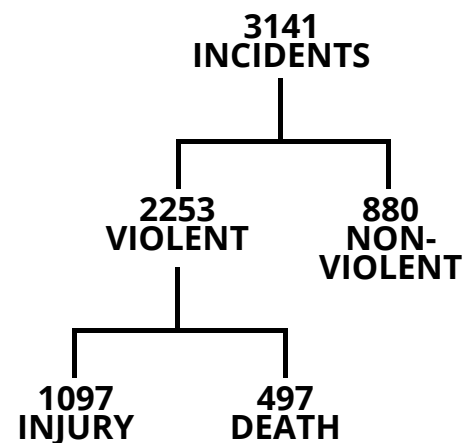
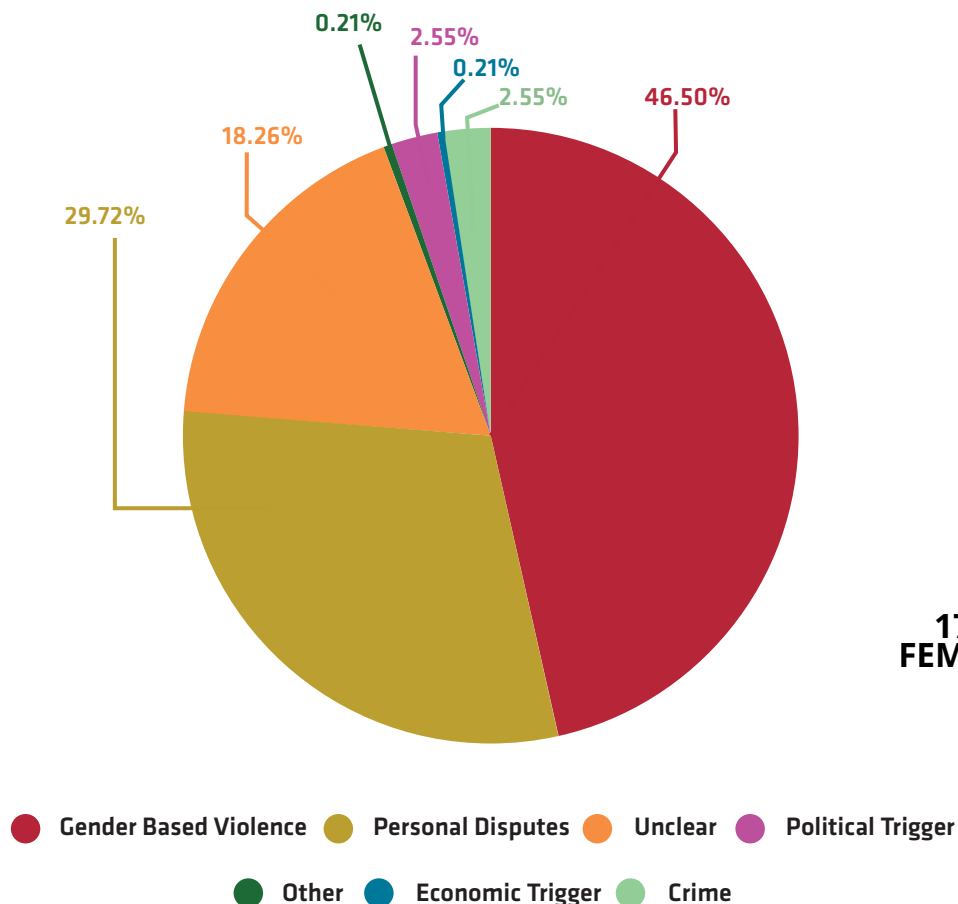
"INCIDENTS OF RAPE INCREASED BY 82% WHEN COMPARED TO 2017'S DATA (FROM 84 TO 153)."

TRENDS OF INCIDENTS IN 2018

In 2018, the PMP recorded 3141 incidents, of which 2253 were violent and 888 were classified as non-violent general contestation including protests, public contestation, threats or intimidation. The violent incidents resulted in the injury of 1097 people and death of 497 people. Violence (GBV) remained the leading cause of fatalities in 2018 with a total of 1200 incidents which took the lives of 181 people of which 172 were female. In comparison to 2017, GBV saw an increase in incidents by 77 percent in 2018. A particular concern regarding incidences of GBV remains the pressure put on victims to reconcile with the perpetrators rather than to seek justice via the judicial system. Such pressure is often exacted with the collusion of police officers and elected officials.

Along with GBV, disputes of personal nature also resulted in 328 incidents and 140 deaths. Violence and fatalities due to crimes, such as robbery, drug trafficking or arms trade (Fig: 1), were low and there were no incidents recorded related to armed conflict or international terrorism in Nepal.

FIG: 1
CAUSE OF DEATH



With the successful completion of the 2017 elections, there was a drop in political incidents by 78 percent in 2018 (Fig 2).

Fig 2 - Triggers of Violent and Non-Violent Incidents of Contestation

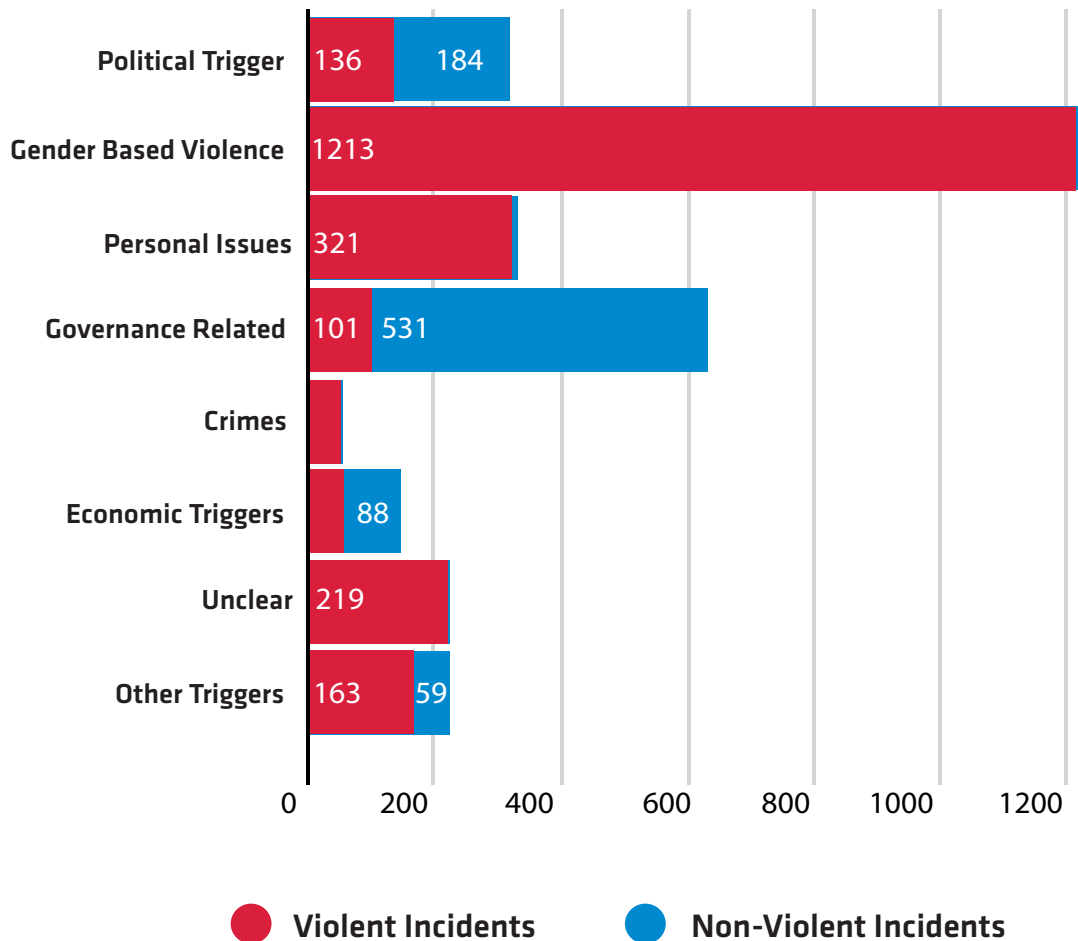
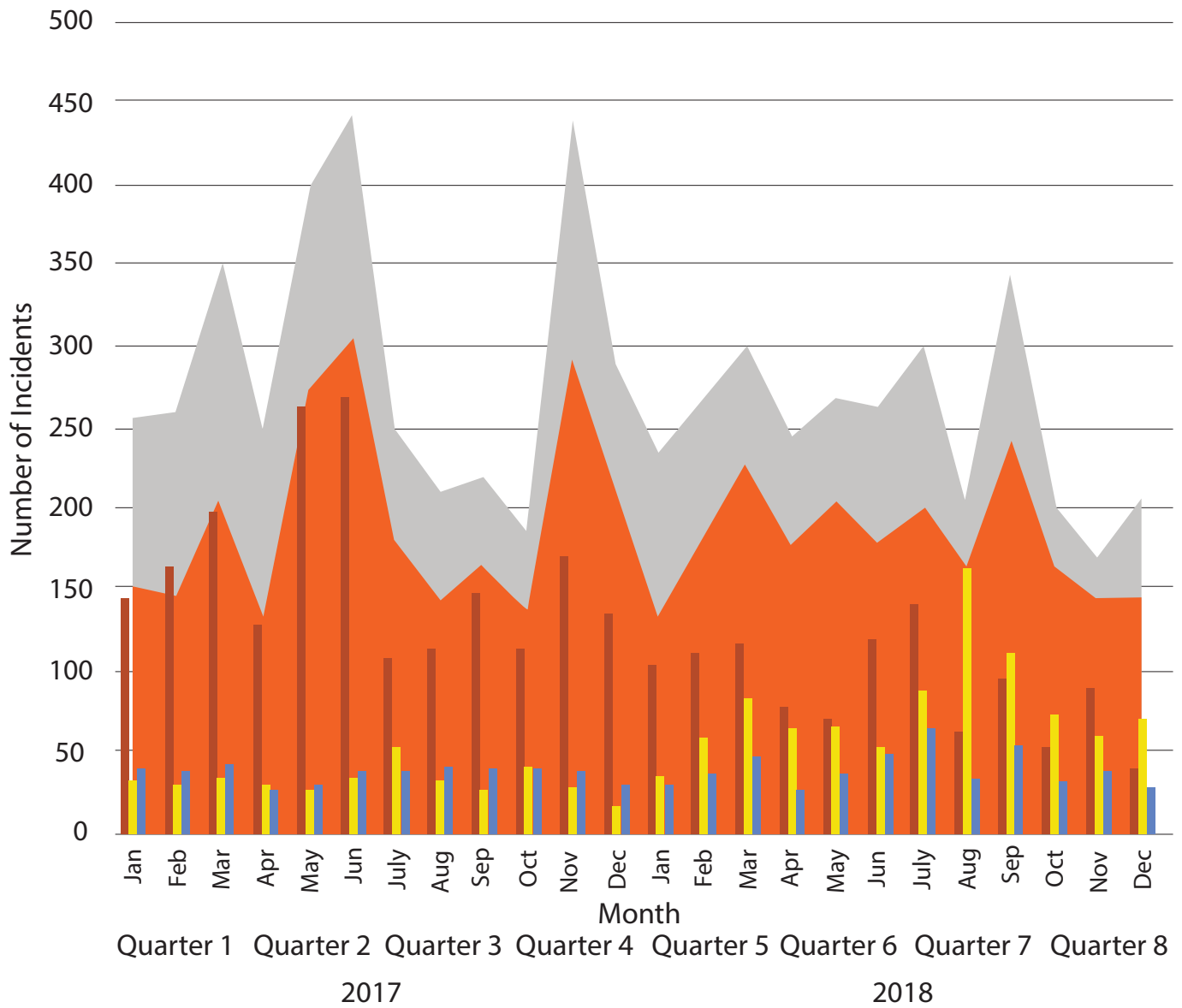


Fig 3-: Incidents and Their Impacts by Months



■ Non-Violent Incidents

■ Violent Incidents

■ People Injured

■ Victims of Rape or Attempted Rape

■ People Killed

TRANSITIONAL JUSTICE

In 2018, the PMP recorded 11 incidents related to transitional justice. Notable amongst these were protests demanding justice for Ganga Maya Adhikari and the same against Bal Krishna Dhungel's early release. The representatives of conflict victims rejected the first amendment bill on Enforced Disappearances Enquiry under the Truth and Reconciliation Act presented on June 29 by the cabinet.² According to the conflict victim's organizations, the draft amendment to the transitional justice act was prepared without their consultation and did not address any of their four major demands, which are: making the status of those disappeared public, honoring those killed, providing guardianship to victims' families, and bringing perpetrators to book.³ Also of particular concern was the fact that, in the current draft, perpetrators of grave human rights violations might get away with merely 'symbolic' sentencing and that 'reconciliation' could be accomplished without full consent of the victims.⁴

PROTESTS AGAINST BAL KRISHNA DHUNGEL'S RELEASE

On May 21, Dillibazar prison office recommended the Kathmandu District Administration office to waive the jail sentence of Bal Krishna Dhungel who was imprisoned for the murder of Ujjan Kumar Shrestha in 1981 by Maoist forces under his command.⁵ On April 13, 2017, the Supreme Court ordered the Inspector General of Nepal Police to arrest Dhungel after a writ for contempt of court was filed on April 12, 2017.⁶

Following the recommendation of an early release, on May 27, conflict victims and human rights activists organized a protest in Maitighar Mandala against it.⁷ According to the demonstrators, Dhungel's release was an injustice to the conflict victims and an encouragement to impunity in the country. Nonetheless, on May 28, 2018, on the Republic day of Nepal, Dhungel was granted amnesty by the president.⁸

GANGA MAYA ADHIKARI'S STRUGGLE FOR JUSTICE

In 2018, the prominent case of litigation regarding the killing of Ganga Maya Adhikari's son by Maoist rebels during the war saw no hope of receiving justice.⁹ From May 29, 2018, Ganga Maya started a hunger strike and decided to fast until death, since she felt that the government did not show any interest in delivering justice to her.¹⁰ On June 8, victims of armed conflict staged sit-ins in front of the office of Human Rights Commission accusing it of easily letting perpetrators escape and putting more mental pressure on victims.¹¹

Ganga Maya Adhikari and her late husband Nanda Prasad Adhiakri have long struggled for justice for the abduction and killing of their son, Krishna Prasad Adhikari of Phujel, Gorkha by Maoist rebels on June 6, 2004, in Chitwan.¹² Despite arrest warrants being issued against 13 accused persons, seven were released on bail, four are on a general date and two remain at large. Even after the death of her husband Ganga Maya continued the fight for justice¹³ and over the past 14 years, she has been protesting through hunger strikes.

On June 17, a sit-in was held near the Prime Minister's Official residence in Baluwatar demanding her life to be saved, an immediate enforcement of the court verdict handed on the case relating to the murder of Krishna Prasad Adhikari and justice to all survivors of the conflict.¹⁴ After much pressure on

the government from national and international human rights organizations, the main suspect of the murder, Chhabilal Poudel, surrendered to the Supreme Court on July 8 and was sent to Dillibazar prison.¹⁵ Despite his surrender, Ganga Maya refused to end her hunger strike as other culprits were still free. On July 13, 2018, after 46 days, Ganga Maya ended her fast unto death after the government pledged in writing to implement the past agreement reached with her.¹⁷

However, on September 9, the Chitwan District Court acquitted 12 out of 13 people including main accused Chhabilal Poudel¹⁸ standing in trial for the murder of Krishna. The court's verdict on Rudra Acharya, the shooter who killed Krishna, remains pending as he currently resides in the UK.¹⁹ A hearing of the case, which was filed at the District Court in April 2014, had been postponed 21 times before the announcement of the verdict on September 9, 2018.²⁰ According to Ganga Maya;

*“in hope of getting justice, I have been on a fast unto death for seven years. But this time also, the government cheated on me. The government tricked me and acquitted the murderers in two months. However, I will fight for justice and appeal at the High Court”*²¹

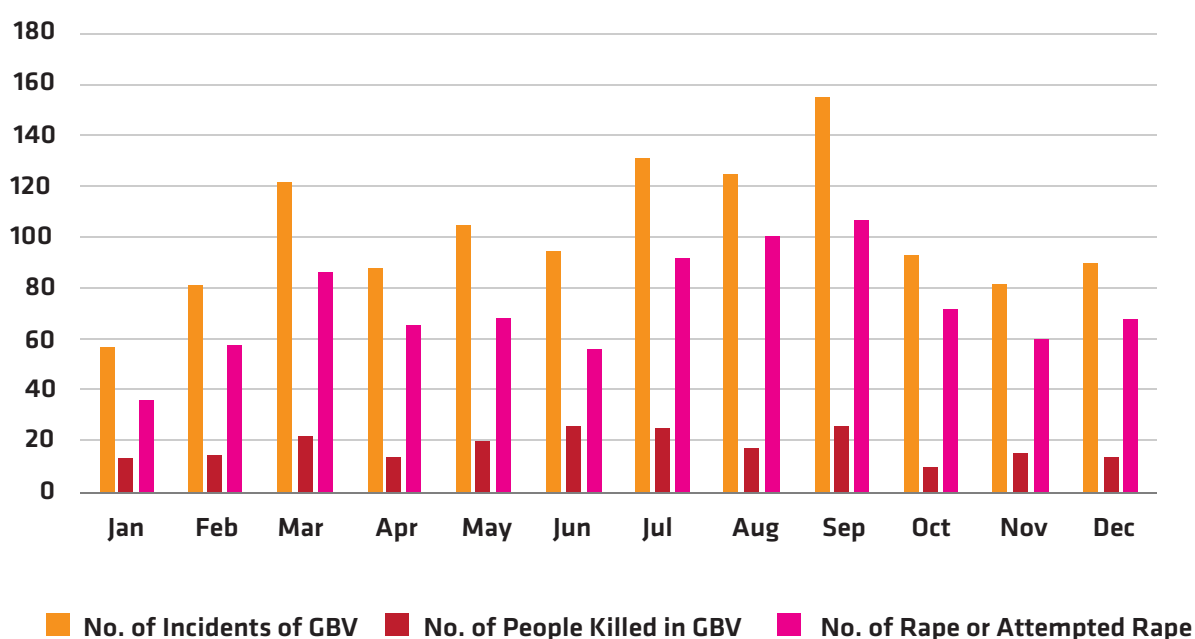
On July 24, Ganga Maya finally agreed to open a bank account under her name and accept the relief amount of Rs.10 million provided by the government.²² According to Ganga Maya's lawyer, the government opened an account in her name at the Agriculture Development Bank and deposited Rs. 10 million.²³ In addition, the government deposited an interest amount of Rs. 19, 63000. Since she kept fighting for justice, the Supreme Court issued an order to move the case which forced the district court to proceed with the cases.²⁴



TREND IN GENDER BASED VIOLENCE

In 2018, gender-based violence was the main driver of violence; with 181 people killed as a result of GBV. Of these 181 victims, an overwhelming majority were women and girls. The most common forms of GBV were sexual assault with 931 incidents followed by domestic violence with 184 incidents. Cases of rape or attempted rape increased by 29 percent compared to the previous year (from 680 incidents in 2017 to 872 incidents in 2018). About 711 victims of rape or attempted rape were women and girls below the age of 26 years. Children as young as eight months old fell victim to GBV.⁵⁸ (Fig 4)

FIG 4: IMPACTS OF GBV IN 2018



Pressure on victims of GBV in Nepal to reconcile with their perpetrators outside the due process of the criminal justice system remains of great concern. This pressure can come from various directions but primarily from perpetrators, their family and friends and even the police themselves. For instance, on December 31, 2017, a 14-year-old girl was gang-raped in Itahari, Sunsari district and was subsequently forced by senior local police to reconcile with perpetrators.⁵⁹ On this occasion, an internal investigation was launched and on February 6, 2018, the Ministry of Home Affairs suspended the Municipality Superintendent and Inspector for mishandling the case.⁶⁰

TABLE 1: DISTRICTS WITH HIGHEST INCIDENTS OF GBV

DISTRICTS	INCIDENTS OF GBV
SAPTARI	71
RUPANDEHI	56
KATHMANDU	50
JHAPA	42
CHITWAN	42
SIRAHA	38
MORANG	36
SUNSARI	35
BANKE	31
NAWALPARASI WEST	29

The rape and murder of 13 year old girl Nirmala Panta of Bhimdutta Municipality on July 26 and perceived lack of effective response prompted nationwide protests demanding justice (See Box: 1).

BOX 1: NIRMALA PANTA'S CASE

The rape and murder of 13-year-old girl Nirmala Panta of Bhimdutta Municipality-2 on July 26 and perceived lack of effective response prompted nationwide protests demanding justice. On July 27, Nirmala's body was found in a sugarcane field in Bhimdutta Municipality- 19 where she was raped and murdered. Following the incident, on July 28, the victim's family, locals and women's rights organizations staged protests demanding arrest of the perpetrator.⁶¹ On July 29, a team from the Central Investigation Bureau (CIB) who investigated the case concluded that Nirmala was murdered before she was brought to the sugarcane fields, which was at a distance from human settlement.⁶²

On August 20, Dilip Singh Bista, a mentally challenged 41 years old man from the same area was arrested on charge of Nirmala's rape and murder and was presented at the Kanchanpur district court.⁶³ According to the DSP, Bista; who had previously served a prison sentence after being convicted of murder, confessed to the crime. The very next day, locals staged a protest accusing the police of arresting the wrong suspect.⁶⁴ After seeing no progress in the police investigation the Ministry of Home Affairs formed a committee on August 23 to investigate Nirmala's case.⁶⁵

On August 24 (as noted in the section above), 17 years old Sunny Khuna of Mahendranagar in Kanchanpur district was killed and 25 injured after the police opened fire on civilians with tear gas and live ammunition during a protest about the state of the investigation.⁶⁶

On August 25, the police arrested Nirmala's friend Babita and Roshani Bam for their suspected involvement in her death. On the same day, the home ministry directed the Nepal police to suspend police Chief SP Dilli Raj Bista for mishandling Nirmala's case.⁶⁷ On August 28, a police team led by Deputy Superintendent of Police (DSP) Krishna Raj Ojha was formed to investigate Nirmala's murder case with an assignment to submit a report to the government and not to carry out investigation into the case itself.⁶⁸

On September 10, the undersecretary Birendra KC, a member of the high-level government probe committee formed to investigate the murder, resigned from the committee after the probe committee's deadline to submit its report was extended by 15 days alleging that the deadline was extended to shield the guilty⁶⁹ and after receiving death threats.⁷⁰ On September 11, Dilip Singh Bista was released after his DNA test report did not match the post mortem DNA profile.⁷¹ The locals claimed that the police arrested a mentally challenged man to shield the real culprits. Locals alleged that police personnel involved in preliminary probe had altered the crime scene and thrown cloth torn from Dilip's shirt at the incident site to prove him guilty. On the same day, the Bam sisters were also released. Roshani Bam was released on the condition to present her before the police when required and Babita Bam was released on Rs 30,000 bail.⁷²

On September 14, blood samples were taken from Superintendent Dilli Raj Bista, his son Kiran Bista, and Aayush Bista; nephew of the mayor of Bhimdutta Municipality, for DNA test in relation to the case.⁷³ Similarly, on September 15, the investigation of the case was deemed weak. MoHA suspended five police officials including two deputy Superintendents, for gross negligence in investigating the case.⁷⁴ On the same day, demanding free and fair investigation in Nirmala's murder case and arrest of the perpetrator, civil society member organized protests accross the country. In a TV interview, Prime Minister Oli dismissed the protests as attempts to undermine his government and expressed support for the Bam sisters.⁷⁵ On September 17, during a meeting with the Prime Minister, Nirmala's parents were assured by the PM that strict action will be taken against the culprits.⁷⁶

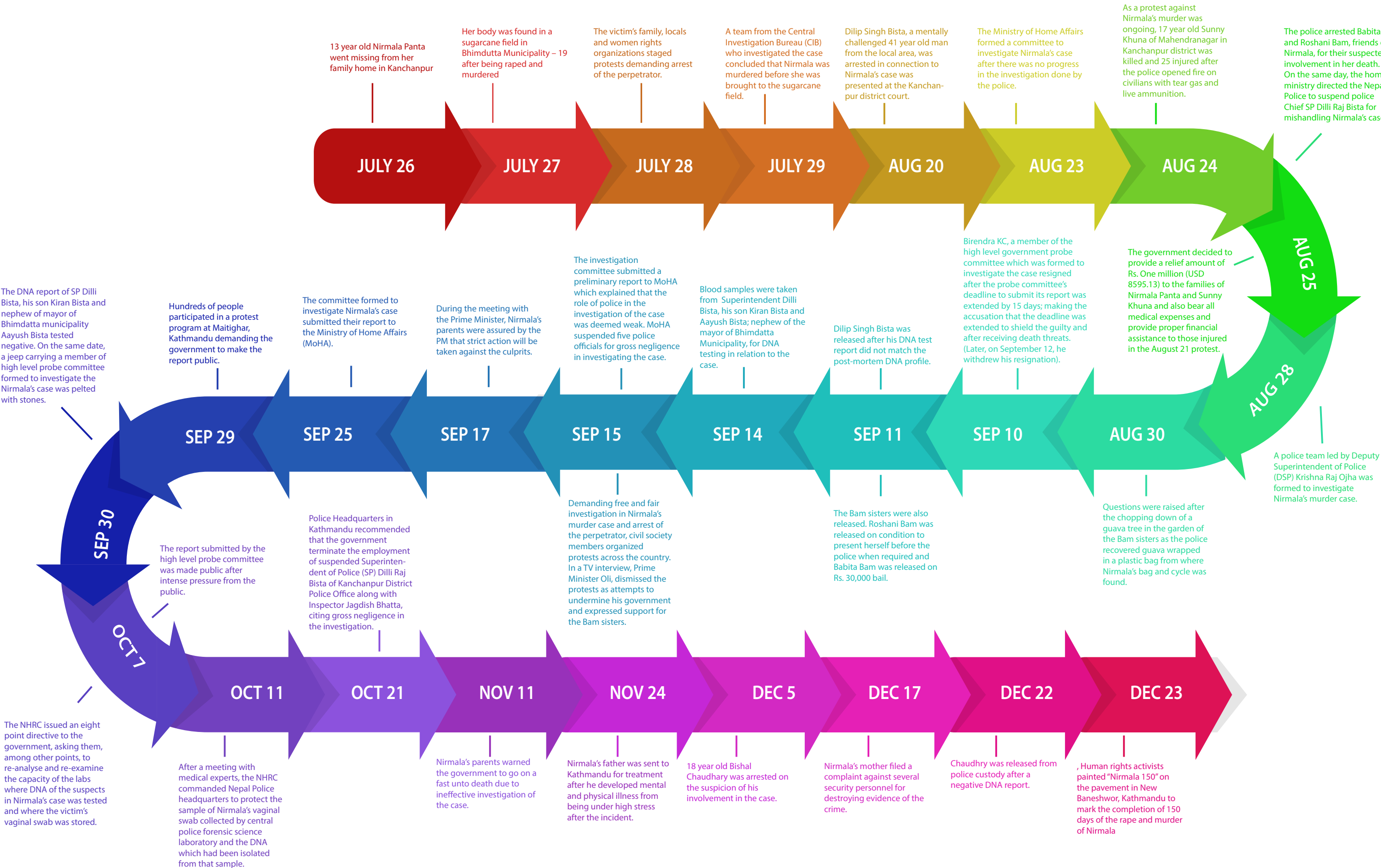
On September 25, the committee formed to investigate Nirmala's case submitted their report to the Ministry of Home Affairs (MoHA).⁷⁷ On September 29, hundreds of people participated in a program at Maitighar, Kathmandu demanding the government to make the report public.⁷⁸ On September 30, the DNA report of SP Dilli Raj Bista and his son Kiran Bista plus that of the nephew of the mayor of Bhimdutta municipality Aayush Bista tested negative. On the same date, a jeep carrying a member of high-level probe committee formed to investigate Nirmala's case and deputy secretary at the Ministry of Internal Affairs and Law of far west province Birendra KC was pelted with stones.⁷⁹

Similarly, on October 21, the Home Ministry suspended Kanchanpur police chief SP Dilli Rajj Bista and Inspector Jagadish Prasad Bhatta from service for mishandling initial investigation of Nirmala's rape and murder case. They were suspended as the clarifications given by Bista and Bhatta were not convincing.⁸⁰ Ineffective investigation and delay in justice forced Nirmala's parents to warn the government to go on a fast unto death if the culprits were not arrested by November 11.⁸¹ On November 24, Nirmala's father was sent to Kathmandu for treatment after he developed mental and physical illness from being under high stress after the rape and murder of his daughter.⁸²

On the suspicion of involvement in Nirmala's rape and murder, 18-year-old Bishal Chaudhary was arrested on December 5. According to Chaudhary, he was handcuffed, blindfolded and beaten by the police on the first day of arrested and forced at gunpoint to confess to the crime.⁸³ On December 17, Nirmala's mother filed a complaint against several security personnel for destroying evidence of the crime during the investigation.⁸⁴ On December 22, Chaudhary was released from police custody after a negative DNA report.⁸⁵ Following these incidents, on December 23, human rights activists painted "Nirmala 150" on the pavement in New Baneshwor, Kathmandu to mark the completion of 150 days of the rape and murder of Nirmala and seeking justice for her.⁸⁶

Pradip Rawal a resident of Bhimdutta Municipality was arrested under the suspicion of involvement in the rape and murder of Nirmala on December 3 and then released on December 26 after spending 24 days in police custody. According to Rawal, he was mentally and physically tortured by the police.⁸⁷

TIMELINE OF KEY INCIDENTS OF NIRMALA PANTA'S RAPE CASE





On March 8, 2018, an 18-year-old woman in Devkaliya village of Ghodaghodi Municipality 5, Kailali who had previously been accused by a local shaman of being a witch was dragged, beaten and tortured in public by a group of vigilantes.⁸⁸ (See Box 2)

BOX 2: 18 YEAR OLD WOMAN ACCUSED OF WITCHCRAFT

On March 8, an 18-year-old woman was accused of practicing witchcraft, then dragged, beaten and tortured for six hours in public in Devkaliya village of Ghodaghodi Municipality- 5, Kailali.⁸⁹ Instead of intervening, a crowd of onlookers watched the woman being tortured and took videos of the incident on their mobile phones. The police suggested the victim's family settle the case within the village and refused to register a case against the perpetrators. Only after pressure from human rights organizations and the NHRC, a complaint was registered at the District Police Office.⁹⁰ On March 15, six persons involved in the assault, including the self-proclaimed shaman, were arrested and their names were made public by the police in Kailali.⁹¹

On March 12, the mayor of Ghodaghodi municipality, who is believed to have been involved in pressuring the family to reconcile with the perpetrators, was attacked by an unidentified group at his house at Sukhkhad Bazar, Kailali. He was attacked with a khukuri and has sustained severe injuries on his head and bullet injuries on his legs and waist.⁹² On the same day, three cadres of the Communist Party of Nepal- Chand were arrested for their involvement in the attack.⁹³

CASES RELATED TO DOWRY SYSTEM

Dowry system is a practice of giving gifts, money or property to the groom as well as his family from the bride's side. Even though the Social Customs and Practices Act of Nepal prohibits asking, taking or giving of dowry and it is a criminal offence to demand dowry.⁹⁴ In some Nepali communities, dowry has become a social challenge, with some women mentally and physically abused for bringing less dowry than expected or no dowry at all upon marriage. In 2018, 14 cases of dowry-related abuse were recorded which took the lives of eight women of which six were below the age of 26. Rupandehi, Rautahat and Parsa district had the highest number of cases with three incidents in each district.

On May 2, 2018, a 20-year-old woman was killed by her in-laws in Parsa district after her family refused to fulfill a dowry demand from the groom's family for a bike.⁹⁵ In a similar case, a 23-year-old woman

was found hanging at her in-laws home in Narakatiya of Brindaban Municipality - 5 in Rautahat district on May 4.⁹⁶ Through investigation, it was found that the woman was mentally and physically abused by her in-laws and her parents claimed that she was ultimately murdered for bringing inadequate dowry.

INCIDENTS OF DISCRIMINATION AGAINST LGBTI PEOPLE

In 2018, the PMP recorded only one incident of violence against a transgender person. On October 13, 2018, a trans woman was killed in Narayanghad, Chitwan.⁹⁷ Her body was found in a damaged truck near Lionchowk, Chitwan. This case is shocking especially in a context where trans people are still struggling to obtain their full rights despite constitutional recognition and protection.⁹⁸ Furthermore, Gender Equality legislation in Nepal excludes trans people.⁹⁹ This means that it does not extend protections against sexual harassment, abuse, and rape towards LGBTI identities.¹⁰⁰ Furthermore discrimination and violence against LGBTI people is one area where there is a significant risk of underreporting by victims, due to societal taboos and the risk of further repercussion, and by the media, due to institutionalized editorial biases. It is very important to consider how to overcome these barriers of identifying and addressing this form of violence.

CASTE BASED DISCRIMINATION

In 2018, PMP recorded 22 incidents of discrimination against Dalits of which 14 incidents involved physical violence which injured 20 people. However, the numbers belie the prevalence of discriminatory practices against Dalits in everyday life which regularly goes unreported as only the grave cases enter the public record. Despite existing laws outlawing such practice, Dalits continue to face discrimination.

Incidents of discrimination include assaults on Dalits for touching a water tap or following physical contact with members of so-called upper caste. On January 20th in Kaski, three people from a higher caste vandalized the area where a Dalit man was performing the death rites of his father.¹⁰¹ Once again, due to political pressure, the victim was persuaded to reconcile with the perpetrators.

Even Dalit members of newly elected local units are not immune to such attacks. For instance, on June 5, a Dalit ward member of Naraharinath Rural Municipality- 9 in Kalikot district was brutally beaten and killed in her house by three women who accused her of having an affair with their father.¹⁰² Following the incident on June 6, Dalit activists in Kalikot protested and demanded action against the accused.¹⁰³

Similarly, on September 26, a Dalit youth was beaten by ward chairperson at Bideha Municipality - 4, Dhanusha when he went to the ward office to take elderly allowance of his parents.¹⁰⁴ The victim accused the ward chairman of beating him on false charges of teasing a girl.

NARROWING CIVIC SPACE IN NEPAL

Civic space is “the political, legislative, social and economic environment which enables citizens to come together, share their interests and concerns and act individually and collectively to influence and shape the policy-making”.²⁵ States have a duty to protect their citizens and to respect and facilitate their fundamental rights to associate, assemble peacefully and freely express views and opinions. These are the three key rights that civil society depends upon.

A number of developments in 2018 indicated an overall increase in restrictions on freedom of association, peaceful assembly, and expression in Nepal,²⁶ three key rights which the state has a responsibility to protect in order to ensure healthy civic space. In addition, the implemented and proposed changes in the regulation of civil society organisations and staff are also in line with this concerning trend.

In April 2018, the Prime Minister’s office drafted the national Integrity Policy (NIP).²⁷ The draft was criticized by various stakeholders for containing repressive measures and mechanisms that appeared to specifically target the activities of I/NGOs and even constitutional bodies and some government entities.²⁸ The NIP and the accompanying Foreign Nationals Monitoring Directive 2018 proposed to strictly monitor and control the activities of Non-governmental organizations (NGO). The directive has a provision of close observation of the activities of foreign nationals residing in Nepal and the power to restrict their work. The stiff opposition to these measures meant that ultimately they were dropped. However, the government was successful in its endeavours to shut down the United Nations Department of Political Affairs (DPA) in Nepal. DPA was established in 2011 as part of the peace process. The office protracted controversy throughout 2018 regarding allegations of partizan and seditious behaviour by staff in DPA field offices. The government and the UNDPA agreed in June 2018 that the office would be phased out, with the government arguing that Nepal’s peace process had been “successfully concluded after the completion of the three-tier elections under the new constitution”.²⁹ The office closed in September 2018.³⁰

Regional Human Rights bodies such as the Asian Human Rights Commission³¹ and the Global Civil Society alliance Civicus³² publicly registered their concerns about proposed restrictions on freedom of the media and of personal expression.

Some examples of cases of violations of civil and political rights in Nepal are presented below:

TRAVEL BAN ON LENIN BISTA

On August 24, a former Maoist child soldier, Lenin Bista was stopped by the immigration officers and restricted him from flying to Thailand “for not seeking permission from any government agency for his travel”.³³ This case raised several questions regarding the freedom of movement for members of civil society and for Nepali citizens in general. On August 28, Prime Minister KP Sharma Oli requested a written clarification from the Ministry of Home Affairs as to the reason for the travel ban.³⁴ On August 31, Bista filed a case in the Supreme Court, claiming that his right to equality and the freedom of expression and association were violated by the government.³⁵ The writ named the Ministry of Home Affairs, home minister, special advisor of the home minister, the Department of Immigration and Tribhuvan International Airport Immigration Office as defendants.³⁶

PROTESTS BY JOURNALISTS DEMANDING AMENDMENT TO ANTI-MEDIA LAW

On September 7, media workers staged a protest in New Baneshwor demanding amendment to anti-media provision stipulated in the new Civil Code Act and Right to Privacy Bill.³⁷ According to the International Federation of Journalists (IFJ), the Criminal Code Act 2018 curtails the freedom of expression and press. IFJ demanded an immediate amendment to ensure that these acts and bills adhered to international standards and principles of freedom of expression and press freedom.³⁸ In addition, IFJ also stated that “such provision will be misused to harass journalists and media and obstruct independent as well as investigative journalism”.

MAN ARRESTED FOR MEME-MAKING UNDER NEW LAWS

On August 21, Homnath Sigdel, 44, was arrested under the Electronic Transaction Act of 2008 for sharing a photoshopped image of PM KP Sharma Oli's head on a monkey's body.³⁹ This arrest came only a few days after Nepal introduced a new criminal code. Several critical voices have argued that laws introduced under this code could be used to silence dissent against the government.

CASES OF FAKE ENCOUNTER AND CUSTODIAL DEATH

The rule of law and promotion of human rights are mutually complementary endeavours. This position has been reinforced on several occasions by the UN General Assembly and Human Rights Council.⁴⁰ Meanwhile, equal and speedy access to justice is a declared priority of the Nepali government⁴¹ and the Nepal police hold a declared Zero Tolerance approach to any abuses or violations of Human Rights.⁴² Despite these strong institutional commitments, incidences of alleged abuses occur on a regular basis, with little by way of demonstrable state accountability. This section notes several such incidents which were reported in 2018. The incidents are explained below:

ALLEGED KILLING OF MURDER SUSPECTS

In August 2018, news of a horrible crime was further compounded by the suspicious deaths of two alleged perpetrators at the hands of the police, raising serious questions about due process and the conduct of armed officers in engaging the public.

On August 5, 11 years old Nishan Khadka residing at Pepsicola, Kathmandu went missing at 4:30 pm.⁴³ After his disappearance, his mother Chameli Khadka received a call by parties claiming responsibility for kidnapping Nishan and demanding Rs. 4 million (USD 34409) in ransom.⁴⁴ At around 12:30 pm the next day, Nishan's body was found buried on a construction site in Madhyapur Thimi.⁴⁵

Later the same day, the alleged kidnappers Gopal Tamang (22) and Ajay Tamang (23) were killed in police encounter.⁴⁶ Ajay and Gopal were construction workers who frequently visited an eatery run by Chameli Khadka. According to the police, several pieces of circumstantial evidence indicated that they may have been responsible for abducting and killing Nishan.

According to eyewitnesses, after the police tracked down the location of Gopal and Ajay, they were beaten in their rented room, arrested, and later taken to Doleshwor forest in Bhaktapur, where the police shot them dead.⁴⁷ The Metropolitan Police Crime Division claimed that the suspects were killed by the police in self-defense after they opened fire at them.⁴⁸ However, the deaths became the subject of great controversy when witness reports claimed that the police had killed the men and then fabricated a 'fake encounter' to cover up the actual nature of the event. The families of the dead men deny the police statement and have accused the police of killing them after arrest.⁴⁹

Among other criticisms; in a statement about the case, the Asian Human Rights Commission (AHRC) stated that "by killing the perpetrators the only evidence for the kidnapping and murder of the boy was destroyed. Despite the police firing 15 rounds but there was no evidence of the kidnappers shooting back. This clearly shows the lack of competence and direction in the security department."⁵⁰

The families of Ajay and Gopal filed a complaint at the National Human Rights Commission (NHRC) on August 8 seeking a fact-finding investigation into the incident.⁵¹ On the same day, the NHRC formed a five-member probe committee which was asked to submit its preliminary report as soon as possible.⁵²

On August 9, in a meeting of the State Affairs and Good Governance Committee of Parliament, Home Minister Ram Bahadur Thapa committed to look into the details of the incident.⁵³ However, he seemingly reneged on this commitment just one day later when he publicly denied accusations against the police.

17-YEAR-OLD KILLED AFTER THE POLICE FIRED ON CIVILIANS

On August 24, during a protest against Nirmala's murder, confrontation between protestors and security personnel broke out and police opened fire on protestors with live ammunition. A 17-year-old, Sunny Khuna of Mahendranagar in Kanchanpur district, who was not a participant in the protest, was shot dead by police. A further 25 other people sustained injuries from tear gas and gunshot wounds.⁵⁴

CUSTODIAL DEATH OF RAM MANOHAR YADAV

Ram Manohar Yadav, a free Madhes activist, was arrested on August 23, for showing a black flag to Deputy Prime Minister Upendra Yadav at a program. He never left custody. He died during the evening of August 31.⁵⁵ Two days after his death, his family demanded an investigation into the incident suspecting torture as the leading cause of his death.

According to the Terai Human Rights Defenders Alliance, Yadav died due to the carelessness of police and delay in treatment.⁵⁶ Yadav died while undergoing treatment at the Teaching Hospital in Kathmandu. On September 5, lawmakers demanded that the government should form judicial and parliamentary investigation committees to investigate the death.⁵⁷



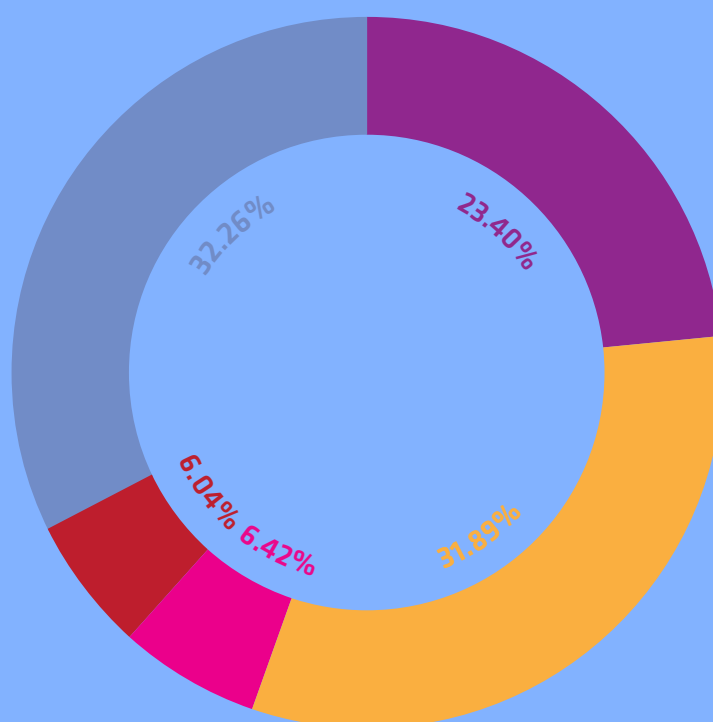


CHALLENGES TO GOVERNANCE IN NEPAL

While there was a drop in political incidents by 78 percent following the completion of the election in 2017, governance related incidents increased by 45 percent in 2018 (Fig 3). The majority of incidents were non-violent protests, including demands for improved local conditions e.g. efforts to reduce air pollution or implement pest control measures, student protests over education quality and fees, demands of salary increases, local protests over legal action on specific crimes and conflict among newly elected local representatives. In addition, there were also protests against the price hike for petroleum products, protests against the government's decision to end syndicate in transportation system, protests against the government's ban on organizing protests or rallies in prohibited zones such as in Maitighar, Kathmandu.

Of the 86 incidents related to the restructuring of provincial and local bodies, majority were related to the choice of provincial capital. For instance, on February 15, 30 people were injured in a protest in Rautahat district against the decision to shift the office of Brindaban Municipality from Bishrampur to Chamanpur.¹

GOVERNANCE RELATED ISSUE



- Issues of Quality and Access to Public services Issues of Legal Action and Justice
- Issues of Policies and Regulations Internal to Government Administration Issues Related to Corruption Other Governance Related Triggers



CONCLUSIONS

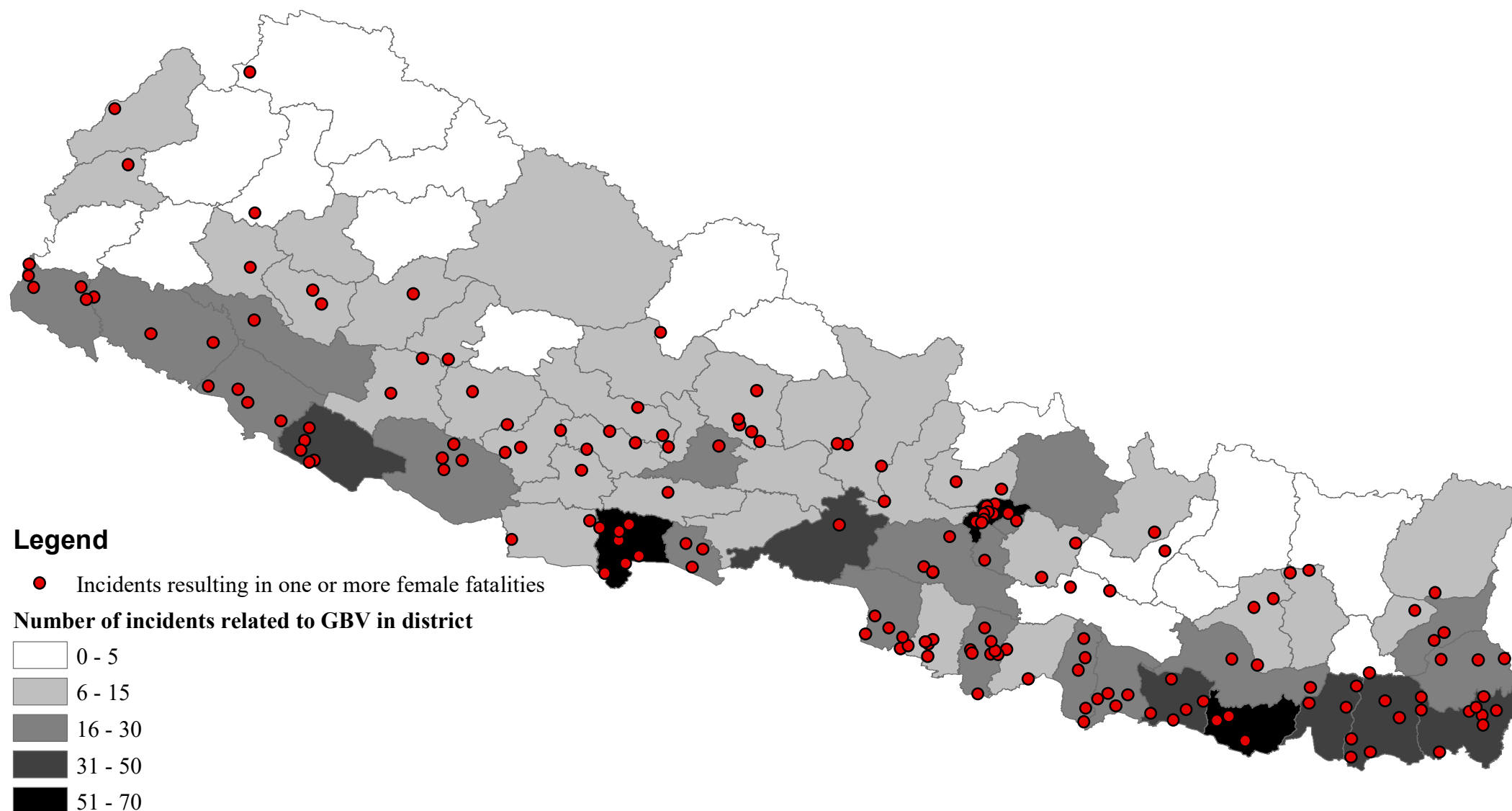
2018 saw a number of advances and achievements in the field of human rights in Nepal. However, there are also a number of trends and events that give cause for concern and demand dedicated attention and action from key stakeholders including the state, civil society and the international community.

Declines in certain types of politically motivated violence can primarily be attributed to the high numbers of incidents in 2017 during the electoral period. Thus, decline in incidents such as IED attacks represents a return to relative normality rather than a significant shift in of itself. At the same time, a significant rise in governance related incidents indicates continued political challenges. The state at different levels retains an obligation to balance the needs and voices of different constituencies; respecting their rights in the implementation of the constitution. There is a lack of clear political will from the government to deliver justice to the conflict victims and action against perpetrators via a robust and objective Transitional Justice Process. It is also important to note that shrinking civic space in Nepal has become a concern; with a negative trend in civil and political rights drawing national and international attention.

Incidents of gender-based violence (GBV) have significantly increased. Whilst anyone could be affected by GBV regardless of gender, young girls and women have remained the main victims especially women or girls with disabilities. It is crucial to increase awareness regarding the existing laws against GBV and the services that are available for the victims as well to formulate initiatives which challenge social and cultural norms that can validate violence against women and girls.

DISCLAIMER : ALL THE STATISTICAL DATAS, FIGURES AND NUMBERS WERE COLLECTED FROM DIFFERENT SOURCES AND PUBLICATION DURING YEAR 2018, THEREFORE UPDATED DATA MAY VARY ACCORDING TO RECENT EVENTS AND REPORTS.

Incidents of Gender Based Violence, 2018



Based on number of cases documented by NepalMonitor.org from sources in the public record. Actual figures likely to be higher.

ENDNOTE

1. See: [More Than 30 Injured in Clash](#)
2. See: [Victims Reject Draft Amendment](#)
3. See: [Conflict Victims Slam 'Symbolic Prosecution'](#)
4. See: Ibid
5. See: [Republic Day Pardon Recommended for Bal Krishna Dhungel Prosecution](#)
6. See: [Court to Govt: Arrest Murder Convict Bal Krishna Dhungel](#)
7. See: [Demonstration Against Recommendation of Pardoning Bal Krishna Dhungel](#)
8. See: [Prez Grants Amnesty to Murder Convict Bal Krishna Dhungel](#)
9. See: [The Nepal Peace Monitoring Annual Report 2017](#)
10. See: [Gangamaya Begins Fast on to Death Strike](#)
11. See: [Sit-in Infront of Human Rights Commission Office](#)
12. See: [Krishna Prasad Adhikari Murder Case: Hearing Put Off for the 15th Time](#)
13. See: [Hearing on 2004 Krishna Prasad Adhikari Murder Case Today](#)
14. See: [Sit in held Calling for Saving Gangamaya's Life](#)
15. See: [Krishna Prasad Murderer Main Suspect Surrenders](#)
16. See: [Ganga Maya Adhikari Ends Indefinite Hunger Strike](#)
17. See: Ibid
18. See: [Krishna Prasad's Murder Case: Chitwan District Court Acquits 12 Accused](#)
19. See: Ibid
20. See: Ibid
21. See: [Ganga Maya Decides to Move to High Court](#)
22. See: [Ganga Maya Agrees to Accept Government Relief](#)
23. See: [Government Gives Rs. 10 Million to Ganga Maya Adhikari](#)
24. See: [Court Records Ganga Maya's Statement](#)
25. See: <https://civicspacewatch.eu/what-is-civic-space/>
26. To look at changes affecting Civic Space in Nepal in the context of global trends visit the Civicus Monitor at this link <https://monitor.civicus.org/>
27. See: [OPMCM Drafts National Integrity Policy](#)
28. See: Ibid
29. See: [UN DPA Says Will Wind Up in Three Months](#)
30. See: [Note to Correspondents: Closing of United Nations Department of Political Affairs Nepal Liaison office](#)
31. See: [Nepal: Government's Only Policy is to Control NGOs and Restrict Press Freedom](#)
32. See: [Nepal Government Must Halt Efforts to Curtail Civil Society Organizations](#)
33. See: Ibid
34. See: [Lenin Bista Filed Case Against MoHA, TIA's Immigration Dept](#)
35. See: [Lenin Bista Moves Court Against Travel Ban](#)
36. See: Ibid
37. See: [Valley Journalists Take to Streets](#)
38. See: Ibid
39. See: [Man in Police Custody for Posting Bad Image of PM on Facebook](#)
40. See: <https://www.un.org/ruleoflaw/rule-of-law-and-human-rights/>
41. See: <http://www.np.undp.org/content/nepal/en/home/presscenter/pressreleases/2018/ministry-of-law-justice-and-parliamentary-affairs-join-hands-to-improve-access-to-justice.html>
42. See: <https://nepalpolice.gov.np/index.php/human-rights-section>
43. See: [Eleven Year Old Kidnapped Boy Found Dead](#)
44. See: [Eleven Year Old Kidnapped Boy Found Dead](#)
45. See: [2 Abductors Killed in Police Encounter, Kidnapped Boy Murdered](#)
46. See: Ibid
47. See: [Punish Cops Involved in Encounter](#)
48. See: [Questions Over Police Encounter Weaken Credibility: Experts](#)
49. See: [Killed Kidnappers Kin Seek NHRC Probe](#)
50. See: [Fake Encounter](#)
51. See: [Killed Kidnappers Kin Seek NHRC Probe](#)
52. See: [NHRC Starts Probe into Monday's Police 'Encounter' Deaths](#)
53. See: [Minister Thapa Backs Out, Says 'Fake Encounter' Allegation is Rumour](#)
54. See: [Kanchanpur Rape, Murder: 1 Dead, 24 Injured in Police Firing](#)
55. See: [NHRC Issues Statement on Ram Manohar Yadav's Death in Custody](#)
56. See: [Situation Update on Ram Manohar Yadav's Custodial Death](#)
57. See: [Lawmakers Seek Probe in Ram Manohar Custodial Death](#)
58. On April 9, a father raped his eight month old daughter in Nawalparasi district. Similarly, on May 31 a three year old girl was raped by a 14 year old boy in Aathbiskot (municipality- 12) in Rukum district. See: [Father Held for raping his 8 Month Old Toddler](#) and [3 Year Old Minor Raped in Aathbiskot Municipality- 3](#)
59. See: [Itahari Gang Rape: Preparations Afoot to Suspend SP, Inspector](#)
60. See: Ibid
61. See: [Teenager Raped and Killed in Kanchanpur](#)

62. See: [The Hunt for Nirmala Panta's Killer](#)
63. See: [Man Who Served Nine Years for Murder Held for Raping, Killing 13 Year Old Girl](#)
64. See: [Kanchanpur Rape, Murder Case: Protests Intensify After Wrong Suspect Paraded](#)
65. See: [Home Ministry to Form Committee to Probe Into Kanchanpur Rape Case](#)
66. See: [Kanchanpur Rape, Murder: 1 Dead, 24 Injured in Police Firing\(update\)](#)
67. See: [Police Told to Suspend SP Bista](#)
68. See: Ibid
69. See: [Man Accused Held for Nirmala's Murder Freed](#)
70. See: Ibid
71. See: [Main Accused for Nirmala's Murder Freed](#)
72. See: Ibid
73. See: [DNA Testing Starts for Suspended SP, Two Others](#)
74. See: [Probe Committee Submits Its Report](#)
75. See: [Victims Parents Condemn PM Oli](#)
76. See: [PM Assures of Justice to Nirmala's Parents](#)
77. See: [Probe Committee Submits Report on Nirmala Panta's Case to MoHA](#)
78. See: [Protesters Demand Probe Be Made Public](#)
79. See: [Probe Panel Member Attacked](#)
80. See: [Panta Rape and Murder: Authorities Seek Expulsion of SP Bista](#)
81. See: [Victim's Parents Warn of Hunger Strike](#)
82. See: [Nirmala's Father Sent to Capital for Treatment](#)
83. See: [Bishal Chaudhary in City for Treatment](#)
84. See: [Nirmala Murder Case: Mother Files Case Against police for Destroying Proof, Yagya Raj Resumes Sit-in](#)
85. See: [Police Set Free Suspects in Nirmala Rape and Murder Case](#)
86. See: [Activists Demand Justice for Nirmala Panta](#)
87. See: [18 Year Old Suspect in Nirmala Case Set Free After 24 Days](#)
88. See: [Girl Beaten on Allegation of Being Witch](#)
89. See: [Girl Beaten on Allegation of Being Witch](#)
90. See: [Govt Team in Kailali to Inquire About Witchcraft Torture Case After a Week](#)
91. See: [6 Made Public in Kailali Witchcraft Torture Case](#)
92. See: [Unidentified Group attacks Ghodaghodi Mayor Mamata Chaudhary](#)
93. See: [3 Chand-Led Maoist Cadres Held for Attacking Mayor Chaudhary](#)
94. See: [Dowry System a Curse](#)
95. See: [Woman Murdered Over Dowry](#)
96. See: [Police Detain Husband and Father-in-Law in Dowry Death](#)
97. See: [Transgender Murdered in Chitwan](#)
98. See: [Is Nepal's Progressive Trans Rights Movement Bracing for a Setback](#)
99. See: [IFJ Says Nepal's New Law Criminalizes Expression, Restricts Press Freedom](#)
100. See: [Discrimination against Transgender](#)
101. See: [Case Filed Against Untouchability](#)
102. See: [Dalit Ward Member Killed, Three Women Held](#)
103. See: [Protest Against "Murder of Dalit Ward Member"](#)
104. See: [Ward Chairperson Beat Dalit Youth](#)

The Nepal Peace Monitoring Project (PMP) is a joint initiative by Collective Campaign for Peace (COCAP) | NepalMonitor.org and The Asia Foundation, with the support of Canada's International Development Research Center (IDRC). Building on the NepalMonitor.org platform, the PMP focuses on violence and contestation, with a view toward improving our understanding of, and response to, violence and conflict in Nepal. The PMP also provides an instrument to measure progress against Sustainable Development Goals (SDG) Targets 16.1 (reduction of all forms of violence and related death rates) and 5.2 (elimination of violence against women) in Nepal.

The PMP monitors:

Violence: any incident involving the intentional use of physical force against another person or group that results or has a high likelihood of resulting in injury, death, or other forms of physical harm to persons or damage to property.

Non-violent contestation: demonstrations, protests or other types of non-violent events that involve collective action and may be of potential significance for violence dynamics in Nepal. This includes strikes (bandh), hunger strikes, padlocking and other forms of political protest. Incidents involving intimidation and threats but no direct physical violence are also tracked.

The PMP uses a broad range of information sources, including national and district-level newspapers (from 25 districts), and reporting from police, human rights organizations, international agencies, civil society organizations, and citizens directly.

For each incident, the PMP collects detailed information on the following variables: time and location of the incident, form of the incident, weapons used, reported cause/motive of the incident (political competition, land dispute, communal tensions, crime etc.), affiliations of perpetrators and victims, human impacts (broken down by gender and age) and damage to property.

Collective Campaign for Peace (COCAP) is a national network of 43 peace and human rights non-governmental organizations from 29 districts across Nepal. It aims to provide a common space for its members and volunteers to collectively engage in pursuit of peace, human rights and justice in Nepal.

Nepalmonitor.org is a COCAP protection and conflict prevention initiative, supported by pbi.

Collective Campaign for Peace (COCAP)
National Secretariat
Anamnagar - 29, Kathmandu, Nepal
G.P.O.Box 1896

PHONE: 977.1.4265143/4260498
FAX: 977-1- 4260498
EMAIL: info@cocap.org.np
URL: www.cocap.org.np