

THE NEPAL PEACE MONITOR
ANNUAL REVIEW
2019





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FOREWORD

Dear Readers,

It gives me great pleasure to introduce you to The Nepal Peace Monitor: Annual Review 2019- the third annual report of COCAP's Peace Monitoring Project [PMP].

The Annual Review 2019 presents data collected by the Nepal Peace Monitoring Project [PMP]. It provides a comprehensive overview of incidents documented throughout 2019 and analyzes major trends to improve 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, to safeguard human rights, and to maintain 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.

The report also contains analysis of trends in the data and of key thematic issues in areas such as governance, politics, and restraint on freedom of expression. We refer to bills which were introduced or advanced in the legislative process in 2019, including the media council bill, IT management bill, Guthi bill, and a bill to amend the NHRC Act. The annual review also sheds light upon some high-profile cases that took place in 2019, for instance; the arrest of the former Speaker of Parliament, Krishna Bahadur Mahara on rape charges; the arrest of former minister and member of federal parliament, Mohammed Aftaab Aalam, accused of 2008 bomb blast incident; and the arrest of journalist Rabi Lamichhane. Similarly, the report also displays evidence-based data and figures on harmful social practices like caste-based discrimination, dowry and Chhaupadi, which contribute to the total incidents of violence against women in Nepal.

This is the third consecutive year that the PMP has produced its annual review and I am hopeful that this will be of immense value to all of its readers; especially the Human Rights workers, peace-makers, policymakers, development sector workers and media as well as academics and researchers of the country, region and beyond. Our previous reports have been well acknowledged and appreciated by the readers and I hope that they will find this report equally informative, relevant and useful. I would like to thank the entire team of the Nepal Peace Monitoring Project and other colleagues of COCAP who have contributed to developing this annual report. Moreover, I would also like to express my gratitude to the District Focal Persons [DFPs] from the project working districts who have immensely contributed to data collection and evaluation, without their support this would not have been possible. COCAP is indebted and would like to extend its sincere gratitude to the Asia Foundation for its continuous support to the project. In the end, I would like to thank all the readers for encouraging us to continue the work as well as acknowledging and using our reports, data, and facts in their respective work.

Roshna Khadka,

Chairperson, Collective Campaign for Peace [COCAP]
Kathmandu, Nepal.

1. INTRODUCTION

In 2019, Nepal witnessed several notable incidents of human rights violations, a surge in both violent and non-violent political incidents, outrage against legislations tabled by the government, and several governance related contestations in public service institutions. Politically, the PMP data reflects these turbulent times. The number of political incidents dropped in 2018 after all three tiers of the election were held successfully. However, both violent and non-violent incidents surged this year. Early 2019 saw an escalation of activities of CPN-Chand group in the form of symbolic and remote violence and arson. As in the past, the involvement of cadres of the Biplav led CPN-Chand in violent activities and public protest was observed as their activities aimed to disrupt the government sector and destroy private infrastructures. Similarly, India's updated political map sparked controversy and agitation in Nepal, with Kathmandu and New Delhi claiming disputed region of Kalapani to be part of their territory. There were a series of protests in Nepal by the youth wings as well as the members of the opposition parties against the government of India for occupying Nepal's land.

In 2019, the government also grasped attention for taking some controversial moves to constrain the fundamental democratic principles by proposing various contentious bills to shrink civic space. The government suggested a series of legislative bills in the parliament with provisions to criminalize acts which should be protected under the right to freedom of expression. Despite the new republican federal constitution that has envisaged a stronger foundation of rights, the unconstitutional move from the supra-majority government by proposing various controversial bills not only limits the social, political and cultural rights of the citizens but also shrinks the space of civil society.

This report compiles all the violent and non-violent incidents that occurred throughout the year in 2019. The PMP uses a broad range of information sources, including national and district-level newspapers (from 20 districts), and reporting from Nepal police, human rights organizations, UN Sitreps, international agencies, civil society organizations, and citizens directly. The report indicates that, as in 2018, Violence Against Women (VAW) remained the leading cause of violence in Nepal through 2019. The government of Nepal has passed several noteworthy laws and policies with a special focus on prevention and the protection of women and girls. However, in spite of this ostensible progress, factual data regarding the implementation of these laws and policies presents a different picture. Effective implementation is a concern which has long plagued the country across a diversity of sectors, and particularly in relation to women's rights, empowerment and protection.

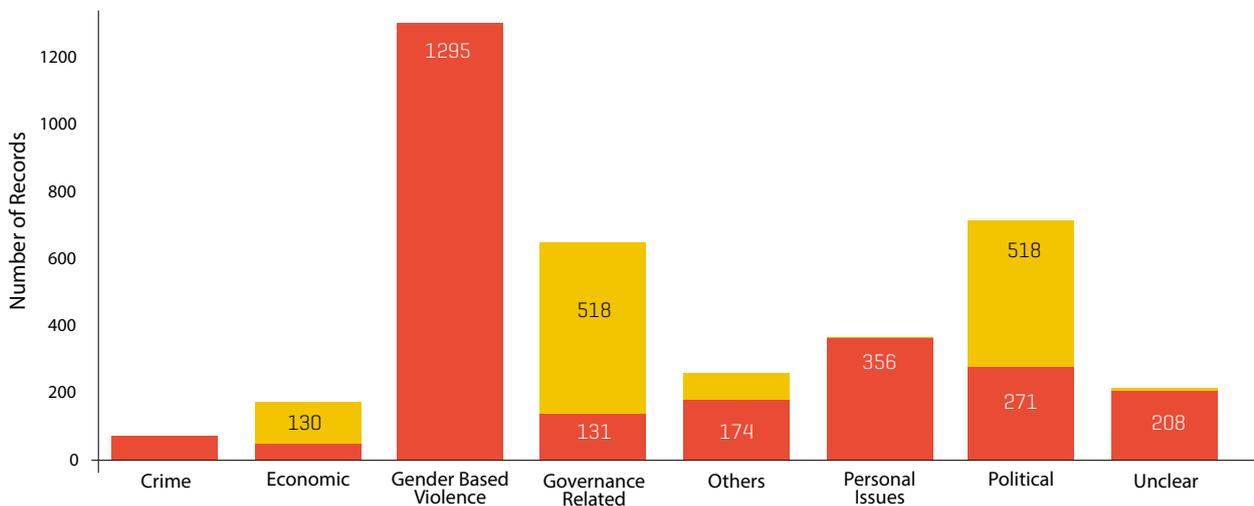
2019 witnessed higher numbers of violent as well as non violent incidents compared to previous years (See: Fig 1). There was also an increase in both non-violent and violent political related incidents with 425 and 271 incidents respectively compared to 2018 (186 non-violent incidents and 138 violent incidents). In 2019, violent political incidents increased by 96 percent whereas non violent political incidents increased by 134 percent (See Fig 2). In 2019, the PMP recorded 3720 incidents of which, 2538 were violent and 1182 were non-violent incidents. A total of 447 people were killed and 2538 injured. Similar to the past two years, violence against women was on peak in 2019 with 1300 incidents which killed 193 people and injured 125. Incidents recorded in 2019 are higher than in 2018, with a total of 579 more incidents being recorded. The recorded facts and figures are based on multiple sources including extensive media monitoring. However, we anticipate that all the incidents might not have been reported and the actual number is likely to be higher in reality.

2. OVERVIEW: TRENDS OF INCIDENTS IN 2019

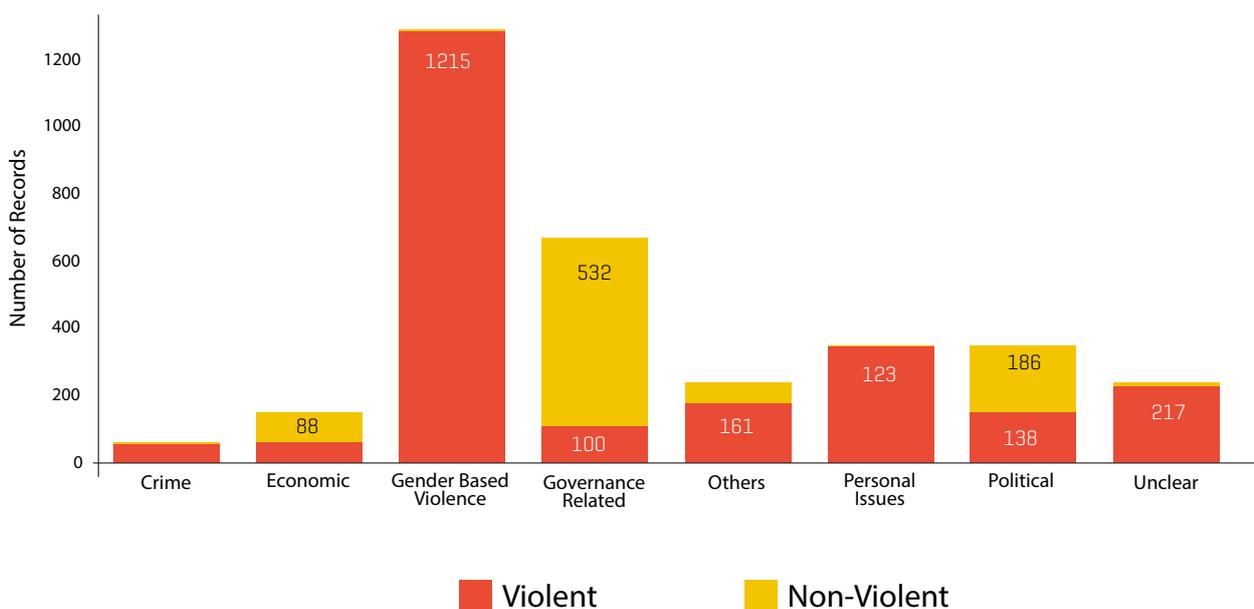
In 2019, the PMP recorded 3720 incidents of which 2538 were violent and 1182 were non-violent incidents which killed 447 people and injured 2538. Gender Based Violence (GBV) was the leading cause of fatalities followed by disputes of personal nature (See: Fig 1). Violence and fatalities due to crimes, such as robbery, drug trafficking or arms trade (indicated as “crime”), were low and there were no recorded incidents related to armed conflict or international terrorism. Political related incidents were the primary driver of non-violent incidents such as public protests, threats and arrests of cadres of CPN-Chand. This was followed by protests triggered by governance related issues [See: Fig 1].

FIG 1

Trigger of Violent and Non-Violent Contestation in 2019

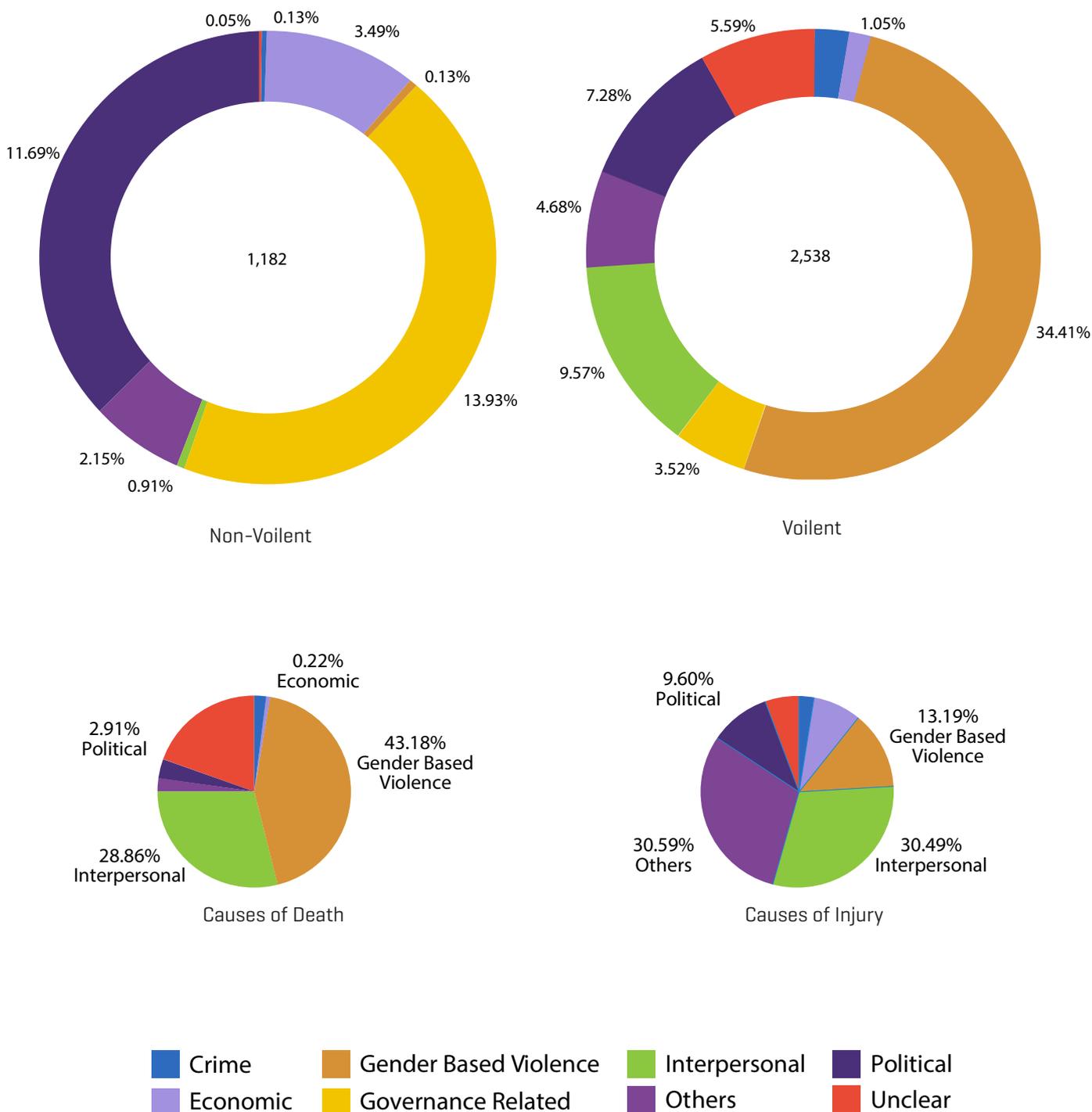


Trigger of Violent and Non-Violent Contestation in 2018



As similar to the previous years, GBV was the main reason behind violent deaths in 2019 which killed 193 people and injured 125 [See Fig 2]. This was followed by disputes of personal nature which killed 129 people and injured 289.

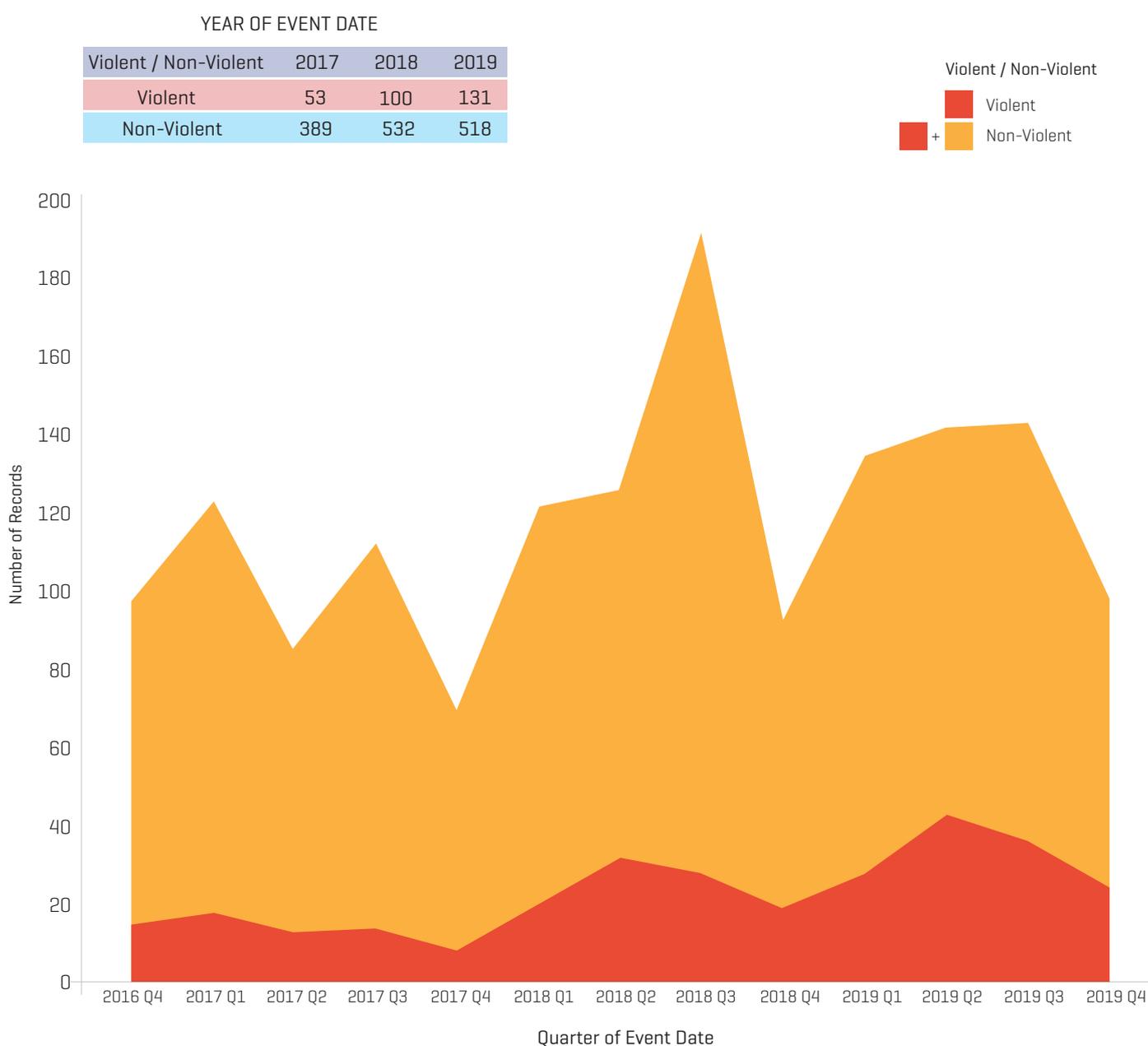
FIG 2 CAUSES OF VIOLENT AND NON-VIOLENT INCIDENTS, DEATHS AND INJURY IN 2019



2.A. GOVERNANCE RELATED INCIDENTS ON RISE

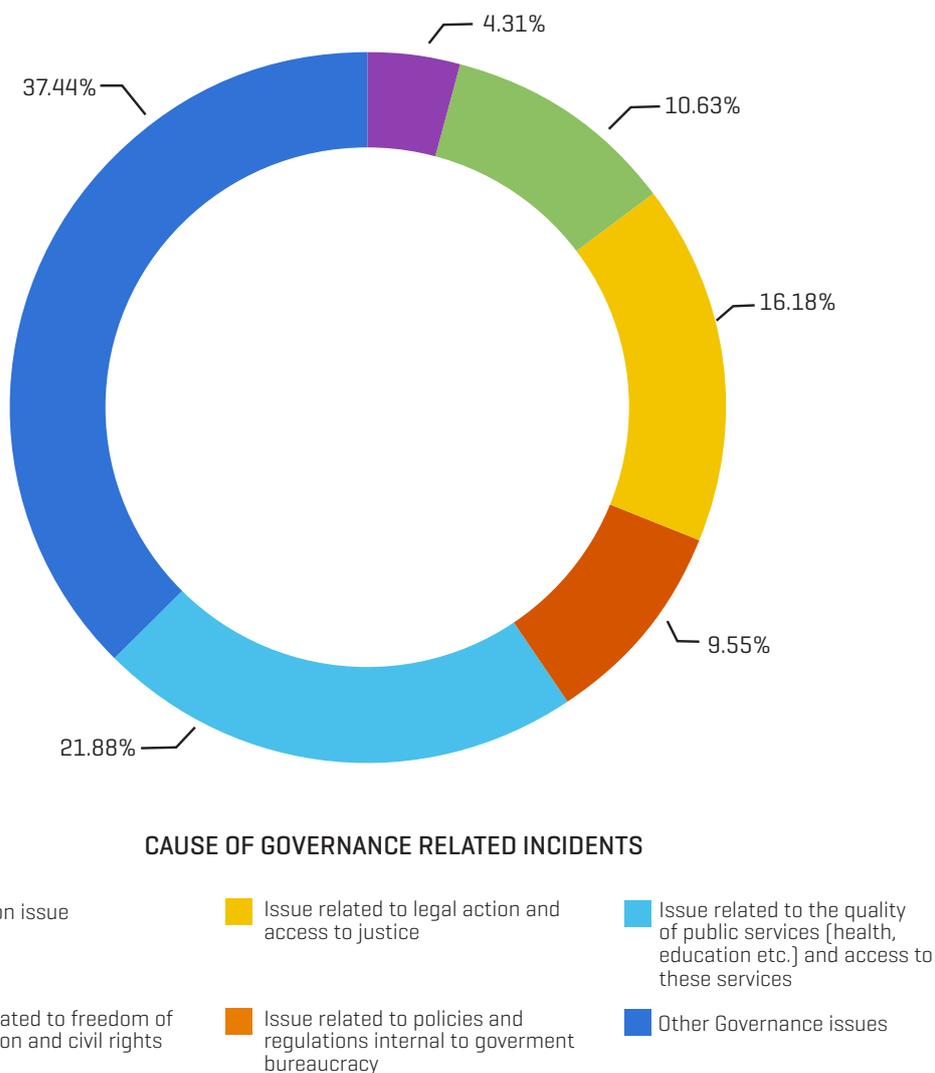
As Nepal continues its transition to a federal system of governance and administration, the central government has introduced processes of democratic reform and new policies with an aim to strengthen the rule of law. Despite the continuous effort to achieve political participation and representation, transparent social and economic decision making process and improved service delivery, incidents related to issues of governance rose in 2019 with a total of 289 incidents recorded of which 158 were non violent [See Fig 3]. The incidents were triggered by a range of factors including the inefficient and low quality of public services and difficulty in accessing services, lack of legal action against perpetrators of various crimes and access to justice and restrictions on freedom of expression.

FIG 3 TRENDS OF GOVERNANCE INCIDENT OVER TIME (OCTOBER 2016 - DECEMBER 2019)



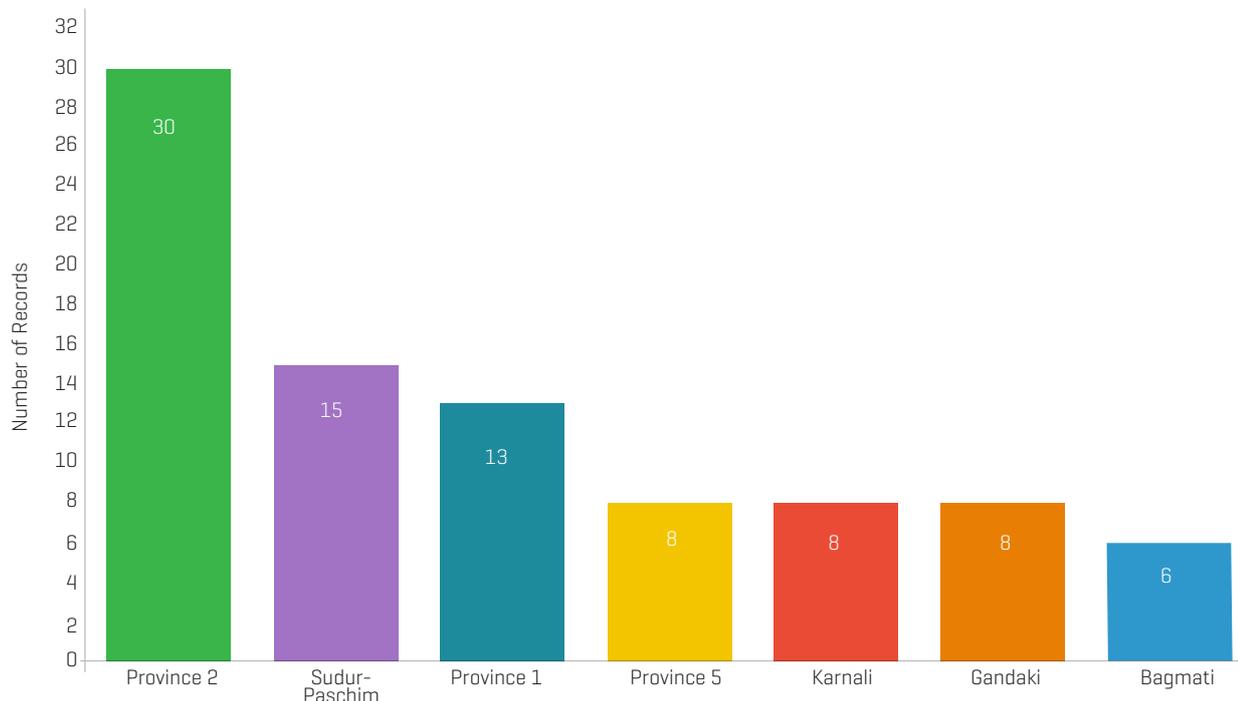
As shown in the above graph, governance related violent incidents was the highest this year with 131 incidents recorded with comparison to 53 in 2017 and 100 in 2018. The number of both violent and non-violent incidents related to governance peaked during the second quarter of 2019 with the protest against issues related to government’s effort to limit freedom of speech by making various arrests against journalists and artists along with protests against delivery of government aid, issues of corruption and lack of strong institutions or access to justice.

FIG 4 GOVERNANCE RELATED ISSUES IN 2019



The PMP recorded 29 incidents related to corruption of which seven were violent and 21 were non violent protests and rallies. As the government registered various bills to limit freedom of speech, it faced several backlash from the public with 69 recorded incidents which include 23 violent and 45 non violent incidents against the government’s decisions. Similarly, lack of legal action against perpetrators of certain crimes and slow or no delivery of justice gave way to 98 non violent incidents and seven violent incidents. Lack of efficient and poor quality of basic services such as health and education triggered 113 non-violent protests which included padlocking of institutions and sit-ins and 29 violent incidents across Nepal.

FIG 5 PADLOCKING/PICKETTING AT LOCAL ADMINISTRATION 2019



The PMP recorded 88 incidents of padlocking of government offices especially due to issues related to policies and regulations and lack of quality services [See: Fig 5]. For instance, on March 10, mayor of Balara municipality, Sarlahi staged a sit-in demanding that the padlock at the municipality office should be opened.² According to the mayor, the office had been padlocked for two months after the deputy mayor and ward chairpersons accused him unnecessarily. Similarly, the Birgunj municipality office was closed after 500 employees working under all sections of the local level protested since March 3.³ The employees demanded that the permanent staff at the local level should be treated as civil servants in regards to promotion and that the staffs under contract and wage employment should be guaranteed employment.



**STRICTER
RULES
AGAINST
FREEDOM OF
EXPRESSION**

2.A.I. STRICTER RULES AGAINST FREEDOM OF EXPRESSION

Arrest of Artists

In 2019, freedom of expression came under attack in Nepal in a range of ways, perhaps most markedly in the case of arrests made under the controversial Electronic Transactions Act (ETA) law. There were several arrests of journalists for publishing news, an arrest of a standup comedian for a satirical review of a movie, arrests of singers for the content of their songs and arrests of other individuals for posting their opinions on social media.

On April 15, Arjun Giri, an editor of Tandav Weekly and member of Nepal Journalists Forum, Kaski was arrested under the cyber crime law in Pokhara.⁴ A local businessman filed a defamation case against Giri, after the news was published in Tandav Weekly regarding the businessman's involvement in a land fraud case on April 5. The Nepal Journalist Forum condemned the arrest of the journalist. Similarly, on June 7, comedian Pranesh Gautam was arrested under the ETA following a complaint from director of Nepali movie Bir Blkram 2.⁵ According to the director Milan Chamling Rai, a video review of the film that Gautam published online harmed both his business prospects and the wellbeing of the Nepali film industry as a whole.

Satire in the arts has long been a tool for describing and critiquing political and social issues and limiting this undermines the right to speak or give one's opinion freely on important issues in the society. But in 2019, three singers were accused and arrested for promoting anti-social values and criticizing the government through their songs. Singers who faced charges for their songs were Pashupati Sharma for his song "lootna sake loot kancha", Rapper Samir Ghising aka VTEN for his song "Hami Yeastai ta honi Bro" and Durgesh Thapa for his song 'Happy Tihara Chiso Beer'.

In February, singer Pashupati Sharma was forced to remove his wildly popular satirical song "lootna sake loot kancha" from youtube, less than 48 hours after releasing it. The song touches on corruption, malpractices and social anomalies in Nepal's public and government sector.⁶ The chorus translates to "if you can rob you should rob, you can't do it anywhere else in the world except in Nepal". The Nepal Communist Party youth wing issued a statement on its facebook page accusing the singer, who has a track record of including social messages in his work, of defaming the ruling party in his song. The step prompted widespread criticism from people who saw it as an attack on freedom of expression and the creative rights of artists. People took to social media to share their indignation at what they saw as an effort to censor public opinions and freedom of expression.

On October 22 singer Durgesh Thapa was arrested by the Metropolitan Police Crime Division, Teku on charges of "spreading the wrong messages in society" through his song titled 'Happy Tihara Chiso Beer'. The Kathmandu District Administration had complained to the police, accusing Thapa of promoting the consumption of alcohol, drugs and marijuana.⁷ He was released after he agreed to take down the song from his YouTube channel. Thapa subsequently apologized for the content of the song and agreed to edit the content before any future re-release on October 24.⁸ Similarly, the District Administration Office remanded 22 year old rapper Samir Ghising aka VTEN to custody on charges of "spreading wrong messages" in his hit song 'Hami Yestai Ta Ho Ni Bro' which had, at that point been viewed 19 million times on YouTube. According to the Metropolitan Crime Division, he promoted using marijuana and furthermore was responsible for impersonating a police officer due to an image he posted online of himself dressed in police uniform.

Activists believe that these cases indicate how the Nepali government is focusing on shrinking the constitutionally guaranteed right to expression.⁹ However, the police contend that anyone who encourages others to commit illegal activities such as those mentioned in such songs can be arrested.

New Legislation Tabled by the Government

In 2019, the government of Nepal drafted and registered several controversial bills which the civil society and human rights advocates believe are unconstitutional. The bills tabled by the government restricts constitutionally guaranteed freedom of press and expression and right to criticize the government. The bills are aimed to obstruct human rights and to narrow civil liberties by disrupting the autonomy of constitutional bodies like the National Human Rights Commission (NHRC).

In 2019, the government of Nepal proposed a series of bills in the parliament with provisions to criminalize any act against the government and limit the right to freedom of speech. The bills give authorities unwarranted powers to enforce harsh punishments for the offence. These bills include a media council and information management bill which limits the freedom of expression of the general public, media personnel and media houses.

IT Management Bill with Provisions to Block Social Media Platforms

On February 13, Prime Minister Oli's government tabled the Information Technology (IT) Management Bill. The IT management bill supersedes the existing Electronic Transaction Act (ETA), and, according to the government, is the most comprehensive and clear bill to address the concerns around IT management.¹⁰

According to activists, the bill limits online freedom of speech and increases the scope of surveillance activity online, including platforms used to share content such as Facebook, Twitter, Instagram and Viber, and personal data generated by users through this activity.¹¹ Among other provisions the bill gives power to the authorities to block social media platforms which are not registered in Nepal.¹² On December 29, the Development and Technology Committee of the House passed the Information Technology Bill.¹³ Even though 100 amendments were submitted by law makers, including the proposed removal of clauses which criminalizes people's interaction on the internet, it was passed without making major amendments. Despite public protest the house committee, chair Kalyan Kumari Khadka defended the bill saying that "it's intention was only to regulate the online space for the greater good of the society at large".

Media Council Bill Puts Limit to Press Freedom

On August 29, the Minister of Communications and Information Technology presented the controversial Media Council Bill in the National Assembly, the Upper House of the Nepali parliament.¹⁴ The government had previously faced several criticisms after it registered the bill in the Parliament on May 10, as the bill would curtail press freedom.¹⁵ Before the bill was eventually taken forward, the government consulted with the Federation of Nepali Journalists and opposition parties including the Nepali Congress.¹⁶ As per the media bill, a fine of up to NPR 1 million can be imposed on media outlets, editors, publishers and journalists if they are found guilty of damaging someone's reputation.¹⁷ Furthermore, the bill proposes to suspend the press pass of media persons if they violate a state defined "code of conduct" for journalists and media houses.

2.A.II. OTHER LEGISLATIONS

Public Backlash Against Guthi Bill

Guthis are socio-economic institutions, predominant in Newari society which hold communal land and assets in trust. Guthis also conduct cultural and religious public services and social functions for members of a common lineage, with responsibility for their management passed down through the generations.. There are approximately 2000 Guthis in Nepal. In total these institutions collectively own about 150,000 hectares of real estate around the country. They have not traditionally been subjected to state management or taxation.

On April 29, the Minister of Land Management, Cooperatives and Poverty Alleviation proposed the 'Guthi bill' at the upper house. The proposed bill made provision for a central government authority which would manage the Guthi owned property across Nepal. This move prompted a swift and substantial backlash by a large number of Nepali citizens, specially by the Newari community in Kathmandu Valley.

Some activists believe that the bill was intended to facilitate expropriation of community owned property by certain state and private sector interests. In the month of June, PMP recorded 12 non-violent incidents demanding the withdrawal of the Guthi Bill. On June 19 alone, thousands of people, predominantly drawn from communities in Kathmandu, Bhaktapur and Lalitpur, took to the streets in protests, demanding the termination of the bill. Bowing to his large-scale pressure on the government formally withdrew the Guthi Bill from the national assembly on July 25.

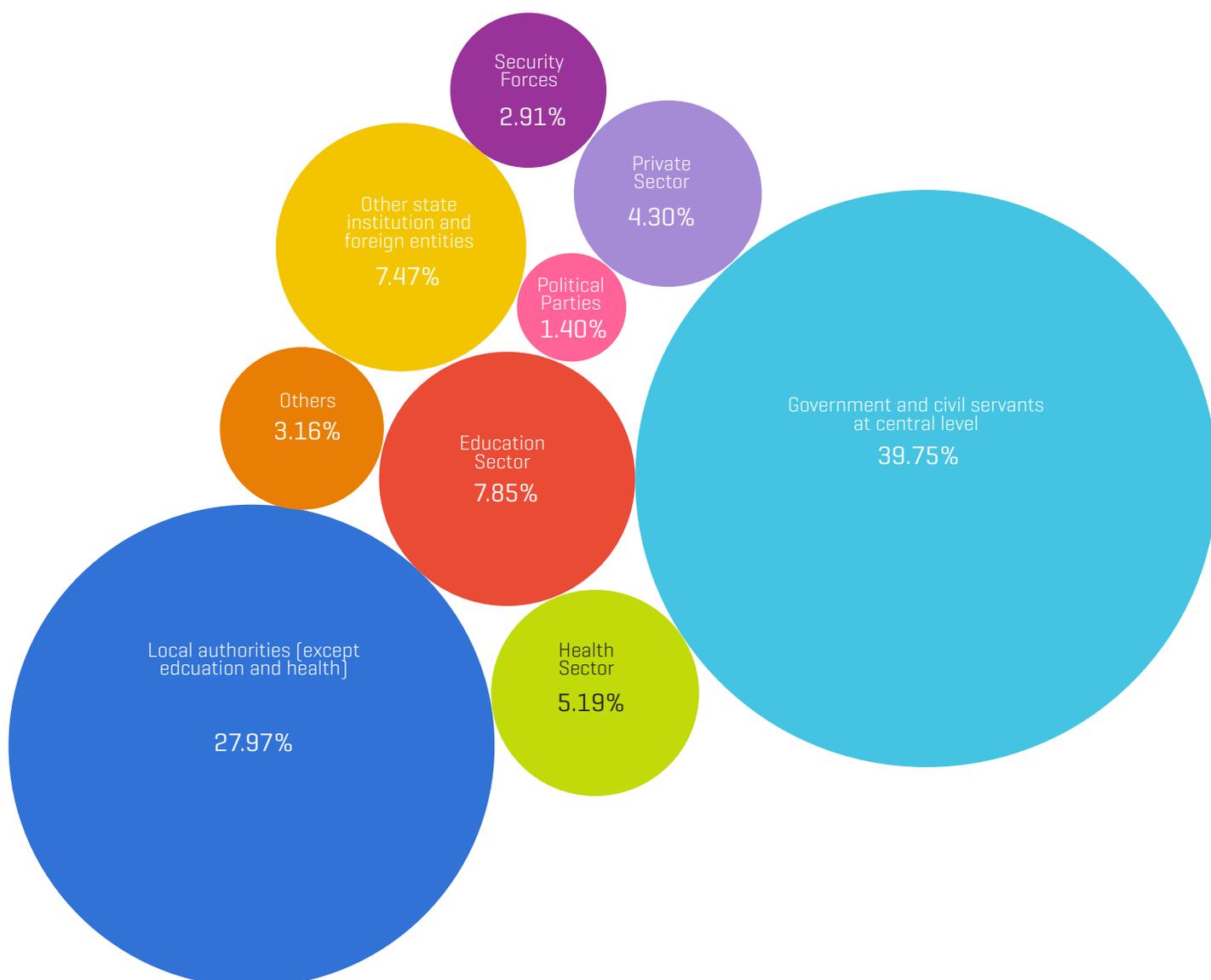


National Human Rights Commission Bill With the Provision to Refer Cases to the Attorney General

The government of Nepal prepared a draft bill to amend the National Human Rights Commission (NHRC) Act 2012 which would oblige the NHRC to refer cases which it seeks to recommend for investigation to the office of the Attorney General for their approval.¹⁸ However, according to the member of NHRC Mohna Ansari, even though the office of attorney general would have the power not to file certain cases in the court, the office could not exercise such power in those cases in which the NHRC has completed full investigation, named the perpetrators and sought action against them. According to the NHRC, the government ignored a 17 point recommendation to the government while drafting the amendment bill.²⁹ Similarly, according to advocate Om Prakash Aryal, "since the government authorities also violate human rights the attorney general who is the government's legal counsel may not prosecute the case".²⁰

In light of the above testaments, it can be stated that the proposed amendment undermines the independence and effectiveness of the National Human Rights Commission (NHRC) of Nepal to implement its mandate in the promotion and protection of human rights.

FIG 6 TARGET OF NON-VIOLENT FORMS OF PROTESTS IN 2019



2.A.III. PUBLIC PROTEST AGAINST FEDERAL PUBLIC SERVICE COMMISSIONS (FPSC) JOB NOTICE

According to Article 227 of the constitution, matters related to employees of local bodies, village councils and municipalities should be governed by provincial laws.²¹ However, on May 29, the Federal Public Service Commission published a job advertisement on the basis of the Employees Adjustment Act, which gives it the authority to recruit employees until the provincial public service commissions are formed.²² This precipitated a concerted series of demonstrations in protest at a perceived violation of the constitutional provision of proportional inclusion.

On July 16, a demonstration was staged at Maitighar Mandala protesting a public notice to hire 9,161 employees, on the grounds that it did not follow the constitutional provision of proportional inclusion.²³ The demonstration was led by women, people from indigenous, Madhesi, Dalit and marginalized communities, along with people with disabilities, mobilising under the banner of the “Save Reservation” Campaign; an alliance of organizations including Terai Madhes National Council and the Nepal Federation of Indigenous Nationalities [NEFIN].²⁴

Likewise on August 9, the NEFIN organized a rally in Kathmandu to protest against FPSC’s decision to recruit local government employees.²⁵

2.A.IV. ARREST OF RABI LAMICHHANE SPARKS PROTESTS

On August 14, police arrested celebrated TV journalist Rabi Lamichhane, journalist Yuvaraj Kandel and nurse Asmita Karki on suspicion of their involvement in the death of journalist Shalikram Pudasaini, who had been associated with Mountain television and worked closely with Lamichhane.²⁶ Shalikram was found hanging inside a hotel room in Chitwan. In coordination with Chitwan District Police, Teku based Metropolitan Police Range arrested Lamichhane and two other people.

Lamichhane was arrested under section 185²⁷ of the new criminal code, which criminalizes abetment to suicide.²⁸ All three of them were held under police custody for five days according to the decision made by the Chitwan district court.²⁹ Video footage of Pudasaini which he recorded on his mobile phone was made public by an online news agency. In the video Pudasaini accuses Lamichhane, Kandel and Karki of responsibility for his death³⁰ and specifically blames Lamichhane for mistreatment which drove him to suicide.³¹

Thousands of supporters of Lamichhane organized major protests in Kathmandu and other cities and Nepali Twitter and Facebook were full of supportive posts for Lamichhane.³² He is well loved among the Nepali public for his TV show, Sidha Kura Janata Sanga [‘straight talk with the public’], which focuses on issues including cases of corruption, abuse of power, bad governance, bureaucracy and human rights abuses. The show also helps in reporting crimes and conducts follow up advocacy for victims of crime or fraud where the civil society and justice system failed to help. Many youths and working class groups consider Lamichhane as an integrity icon.

2.A.V. PROTEST AGAINST HEAVY TAX

On November 17, entrepreneurs and industrialists criticised the government for imposing heavy taxes in the name of collecting revenues.³³ On National Tax Day, speakers from the Federation of Nepalese Chambers of Commerce [FNCCI] and Industry and Nepal Chamber of Commerce stated that the government is creating a burden on the private sector by collecting heavy taxes from them.³⁴ According to the senior vice president of FNCCI, heavy taxes imposed by the government has made it difficult for private sectors to meet their expenditures.

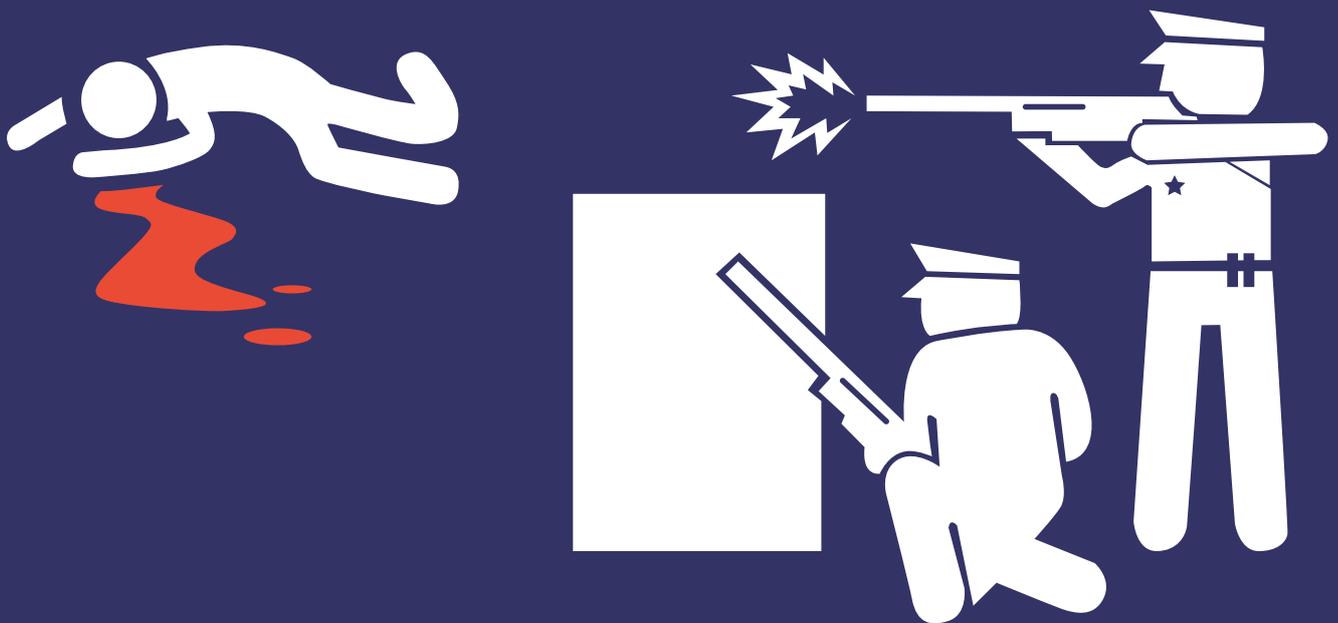
2.B. CIVILIANS SHOT BY POLICE DURING PROTESTS

On June 30, police opened fire at a crowd of protestors in Sarlahi, killing a 27 year old man and injuring a dozen people including the policemen. The protestors had mobilised in response to the death of a 12 year old boy who fell 30 feet into a uncovered sand pit on the East-West Highway in Sarlahi a day before.³⁵ According to the residents, the sand mine was being operated illegally, under the protection of local leaders and police personnel. The demonstrators shut down the highway at 12 noon. Tensions escalated as the police tried to clear the blockade and as the crowd started throwing stones at the police. Police responded by firing 13 rounds of tear gas into the crowd.³⁶

On December 8, a similar confrontation took place in Kohalpur; precipitated by a truck hitting a school girl. A large crowd gathered, set fire to the truck, damaged other vehicles and ultimately clashed with police. Two students were shot on their legs and around 40 people including the Deputy Superintendent of Police [DSP] of the area police were injured.³⁷ The two injured students were airlifted to Kathmandu for further treatment.

Killing of CPN Cadre: Kumar Poudel

On June 20, Kumar Poudel, the Sarlahi District head of CPN-Chand, was shot dead by the police in Lalbandi, Sarlahi in an alleged 'false encounter', being hit with nine bullets.³⁸ According to the police, three others fired upon a police patrol, which returned fire. However an investigation by the NHRC, which was undertaken after complaints from family members, found that he died under suspicious circumstances and concluded he had been killed extrajudicially after he was taken into custody.³⁹

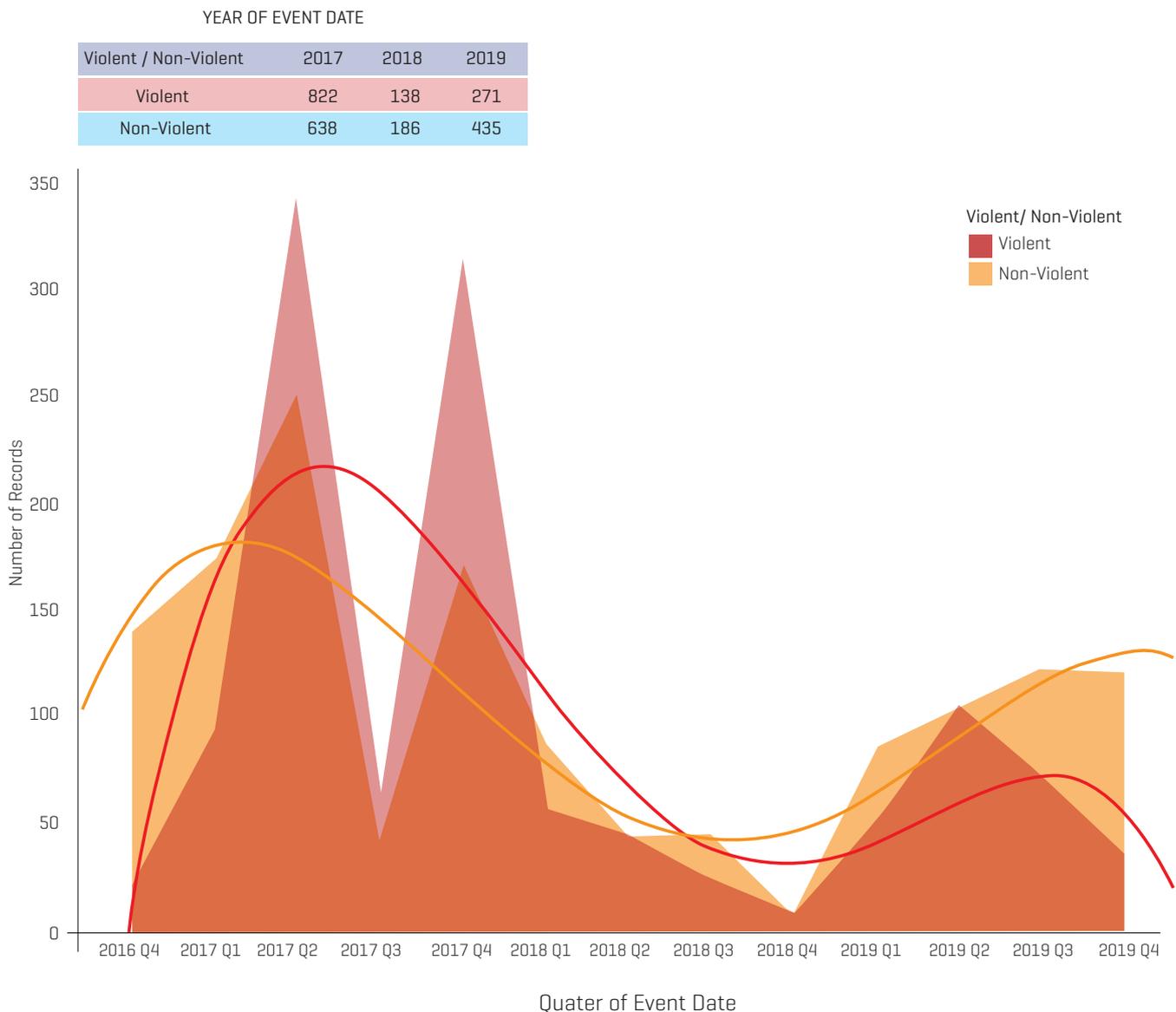


2.C. POLITICAL INCIDENTS IN 2019

The year 2019 was filled with political events raging from the government’s attempt to limit the freedom of expression to major scandals involving political leaders, and from inter party political conflicts to protests surrounding the updated political map of India which included a disputed territory of Kalapani.

The PMP recorded 706 incidents related to political issues of which 435 were non violent and 271 were violent incidents which injured 91 people and killed 13. The number of violent and non-violent political incidents increased in 2019 after a massive dip in 2018. However, the numbers of incidents are not as high as those in election year of 2017. [See Fig.7]

FIG 7 TRENDS OF POLITICAL INCIDENTS OVER TIME [OCTOBER 2016 - DECEMBER 2019]

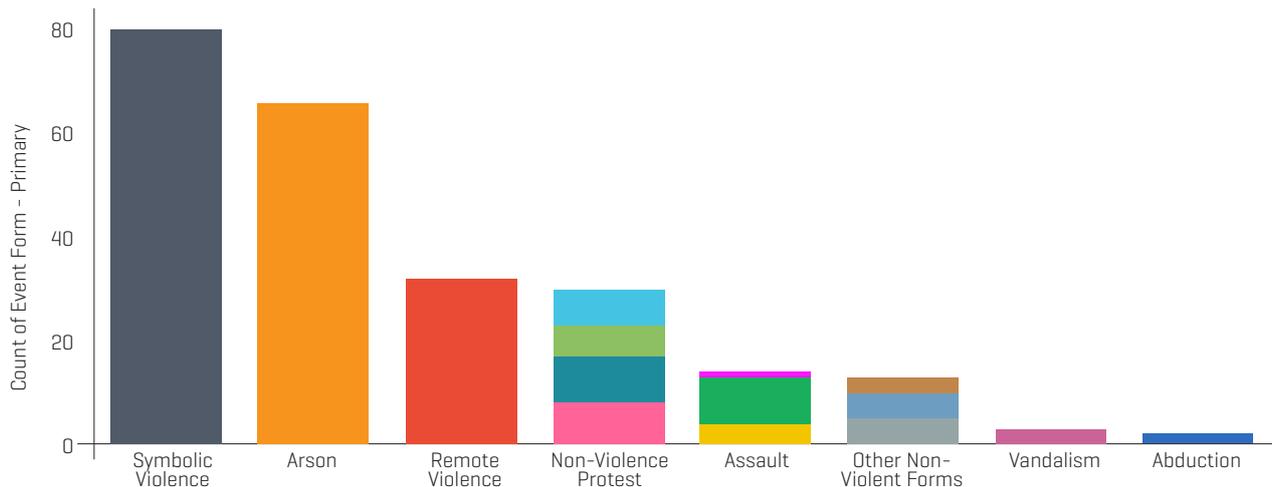


A polynomial trend model of degree 4 is computed for sum of number of records given event date [Quarter]

2.C.I. CHAND GROUP: USING VIOLENCE AS A POLITICAL TOOL

In recent years Netra Bikram Chand (Biplov) and his Communist Party of Nepal (CPN) Chand party have been highly criticized for a series of arson, attacks and bombings using IEDs (Improvised Explosive Devices). In 2019, the PMP recorded 489 incidents which also includes arrests of CPN-Chands cadres and of the total incidents 192 were incidents of violence which killed 11 people and injured 33 people. In 240 recorded incidents, the involvement of CPN-Chand has been suspected. On February 21, three people were injured after an improvised explosive device (IED) exploded outside the Ncell head office in Nakhu, Lalitpur. On March 8, an IED explosion occurred at the residence of the chairman of Nepal Association of Foreign Employment Agencies in Basundhara, Kathmandu, injuring two people. After these two very high profile incidents, the government of Nepal decided to criminalise CPN-Chand and ban their activities and made several arrests of CPN cadres and leaders. The ban came into effect on March 13, 2019. In response the party announced a series of protests from March 27 to April 7 and a nation-wide strike on March 30.⁴⁰

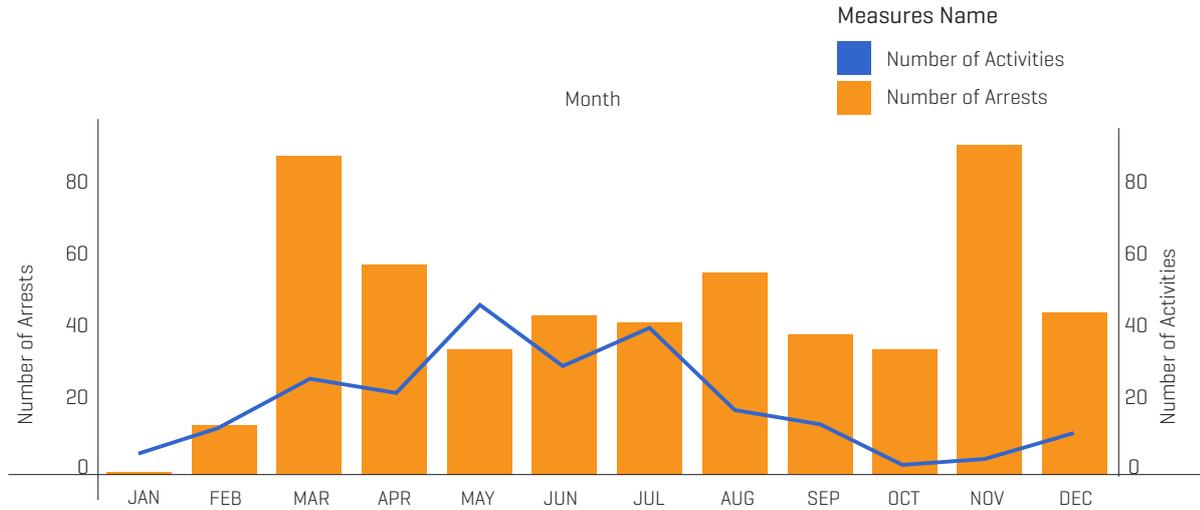
FIG 8a FORMS OF BIPLOV ACTIVITIES IN 2019



FORM OF EVENT

- | | | |
|---|---|---|
| ■ Abduction | ■ Demonstration | ■ Remote Violence |
| ■ Gherau/ Sit-in/Padlocking | ■ Extortion | ■ Strike/Bandh |
| ■ Arson | ■ Group Clash | ■ Symbolic Violence |
| ■ Assault [large group] | ■ Other Non-Violent Pol | ■ Threat / Intimidation |
| ■ Assault [small group] | ■ Public humiliation | ■ Vandalism |

FIG 8b ACTIVITY AND ARREST OF NETRA BIKRAM CHAND (BIPLOV) GROUP IN 2019

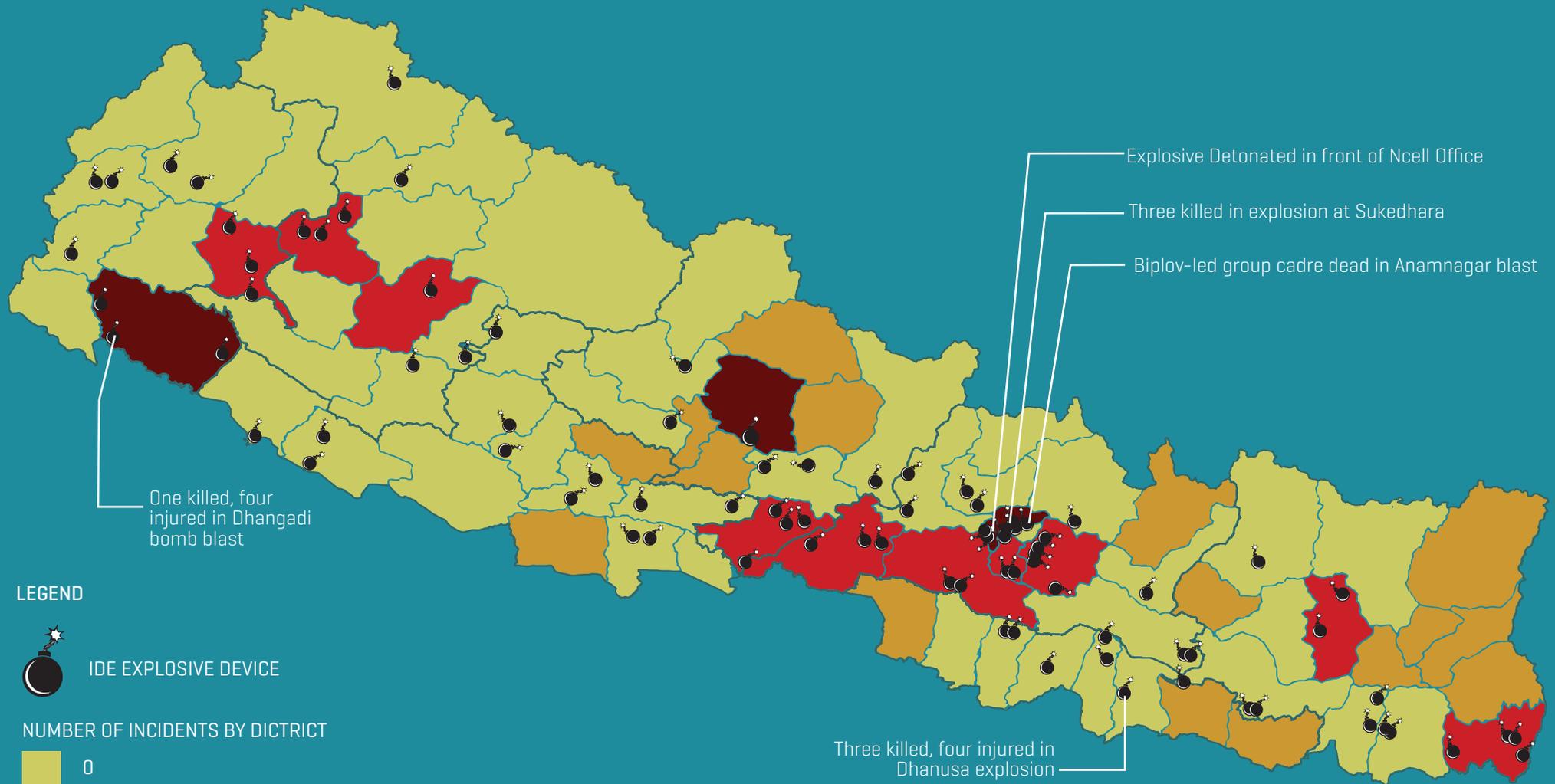


According to a senior Minister, the government concluded that CPN-Chand has been engaging in criminal activities by detonating bombs and disrupting peace in the country. In contrast, Gopal Kirati, the chairperson of Nepal Communist Party-Maoist Center, said that the government should withdraw its decision and that CPN-Chand should agree to hold talks with the government. The PMP recorded 548 arrests of the cadres of Biplov by the government in order to restrain the violent activities being carried out by the group. This could be the reason for the decrease in their activity in beginning month of July after maximum incidents in the period of May-July.

On May 26, two Biplov cadres were killed and seven people were injured in two separate explosions in Kathmandu, in a private house in Ghattekulo and in a barber shop in Sokedhara. On May 27, while addressing the 19th anniversary of the National Human Rights Commission, Nepal's PM Oli called the perpetrators of the bombing "terrorists". He further added that the government should take steps to stop such activities, arguing that the main motive of CPN-Chand is to extort money from the general public.

Despite government proclamations regarding their crackdown on the group their violent activities continued through 2019. For instance, on December 13, a father and son and policeman, died in Dhanusha, Province 2, after an IED exploded outside their house.⁴¹ The involvement of CPN-Chand in the explosion is suspected.

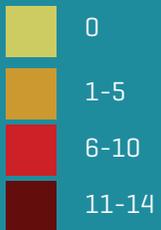
INCIDENT INVOLVING OUTLAWED CHAND-LED CPN, 2019



LEGEND



NUMBER OF INCIDENTS BY DISTRICT



*Incidents of arrest of Chand-led group cadres are not included

2.C.II. SEXUAL ASSAULT CASE AGAINST KRISHNA BAHADUR MAHARA

On September 30, speaker of the house of representative Krishna Bahadur Mahara was accused of rape by a women employee at the Federal Parliament Secretariat. Mahara allegedly sexually assaulted her in a rented room at Tinkune on September 29.⁴² On October 1 Mahara resigned from his post until the conclusion of the investigation.⁴³ He was arrested on October 6 and remanded whilst the investigation into his alleged crime continued.⁴⁴

2.C.III. POLITICIAN AFTAB AALAM ARRESTED UNDER MURDER CHARGE

On November 4, the Rautahat District Attorney's Office filed a case against member of parliament Mohammad Aftab Alam for his alleged involvement in committing several murders in April 2008.⁴⁵ The day before the first Constituent Assembly election in 2008 several people were allegedly making IEDs at a farm house in Rautahat, Farhadwa - 4 which belonged to Alam's relative.⁴⁶ The IEDs were allegedly intended to be placed in election booths in various locations to terrorize the voters and capture the booths.⁴⁷ After a blast occurred while the men were making the bombs, 14 people died and eight were injured.⁴⁸ The injured and the dead people were taken to a nearby brick kiln and thrown into the furnace to destroy any evidence of the incident. It is alleged that Alam, who is suspended from his parliamentary position whilst the investigation continues, had commissioned the bomb making and, after the accident, orchestrated the cover-up efforts.

2.C.IV. INCIDENTS DURING THE BY-ELECTION 2019

On November 30, the government of Nepal conducted by-elections, with about 337 candidates contesting 52 vacant seats.⁴⁹ The PMP recorded 16 incidents related to the by-elections 2019 of which 14 were violent, with a total of four people being injured in clashes⁵⁰ between the cadres of different political parties. IEDs were placed in several districts including Dang, Doti, Kaski, Mahotari, Kanchanpur and Siraha, during the election period. For instance, on November 30, an unidentified group detonated a bomb in BahunDanda of Ghori Municipality 16 in Dang district while the provincial election for the member of the provincial parliament from Dang 3 and the local level election for the ward was being held.⁵¹ Similarly, on November 7, an IED went off near the office of the chief election officer in Kaski district.⁵² The incident took place while the Nepal Communist Party Kaski Constituency-2 candidate was at the election office to register her candidacy for the by-election for the house of representatives. The final results of the by-elections were made public on December 2, 2019.⁵³

2.C.V. PROTEST AGAINST BORDER ENCROACHMENT BY INDIA

The Indo-Nepal border dispute has been a sensitive issue for a long time and in 2019 a fresh dispute erupted which had immediate impacts and could disturb the diplomatic and political relationships between countries. The PMP recorded 44 incidents against the issues of border encroachment of which two were violent incidents.

An updated 2019 political map in use by the Indian government continues to show a 35 square kilometer area in Kalapani in northwest Nepal as a part of India; a demarcation that has been in dispute by Nepal for almost 40 years.⁵⁴ According to the article 5 of the 1816 treaty of Sugauli and 1950 Treaty of Peace and Friendship Lupulek, Kalapani and Limpiyadhura is a territory of Nepal. A joint committee gave a report on the issue in 1981 which was scheduled for ratification in 2007, but the Nepali government has refused to ratify the boundaries until the status of several areas, including Kapalapani, are fully resolved. In this context the official use of maps indicating Indian sovereignty over these territories has been considered to be a provocation.

As a result of this latest development in the border dispute protests along the Nepali-Indian border escalated in 2019. On November 6, the Nepali Workers and Peasant Party (NWPP) organized a protest against the updated map of India which claims the territory of Nepal.⁵⁵ Similarly on November 16, Nepali Congress Thori organized a motorcycle rally from Thori rural municipality 5 till Raidhara ward number 2 in Parsa district against the encroachment.⁵⁶



**GENDER
BASED
VIOLENCE**

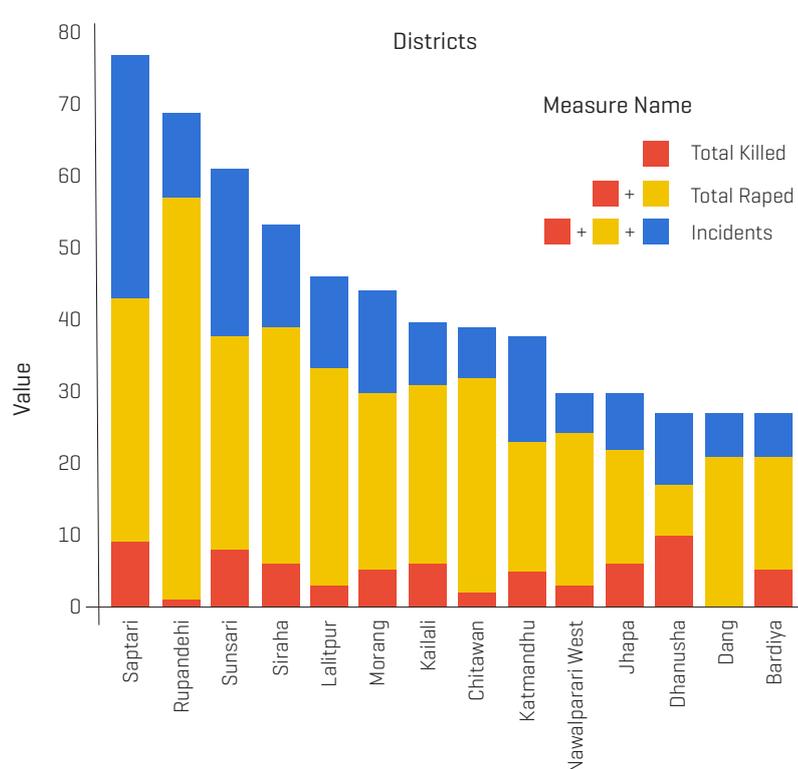
2.D GENDER BASED VIOLENCE

2.D.I. TRENDS OF GENDER BASED VIOLENCE (GBV)

GBV against women remains very prevalent in Nepal. According to the National Demographic Health Survey 2016, 26 percent of married women have experienced spousal violence either physical, sexual or emotional.⁵⁷ More than 22 percent of women who have experienced sexual or physical violence have sought help to end it but two thirds of women never did. In Nepal, social stigma associated with GBV and the fear of backlash from the community prevents the victims from seeking help. It is in this context that 2019 data should be read and understood.⁵⁸

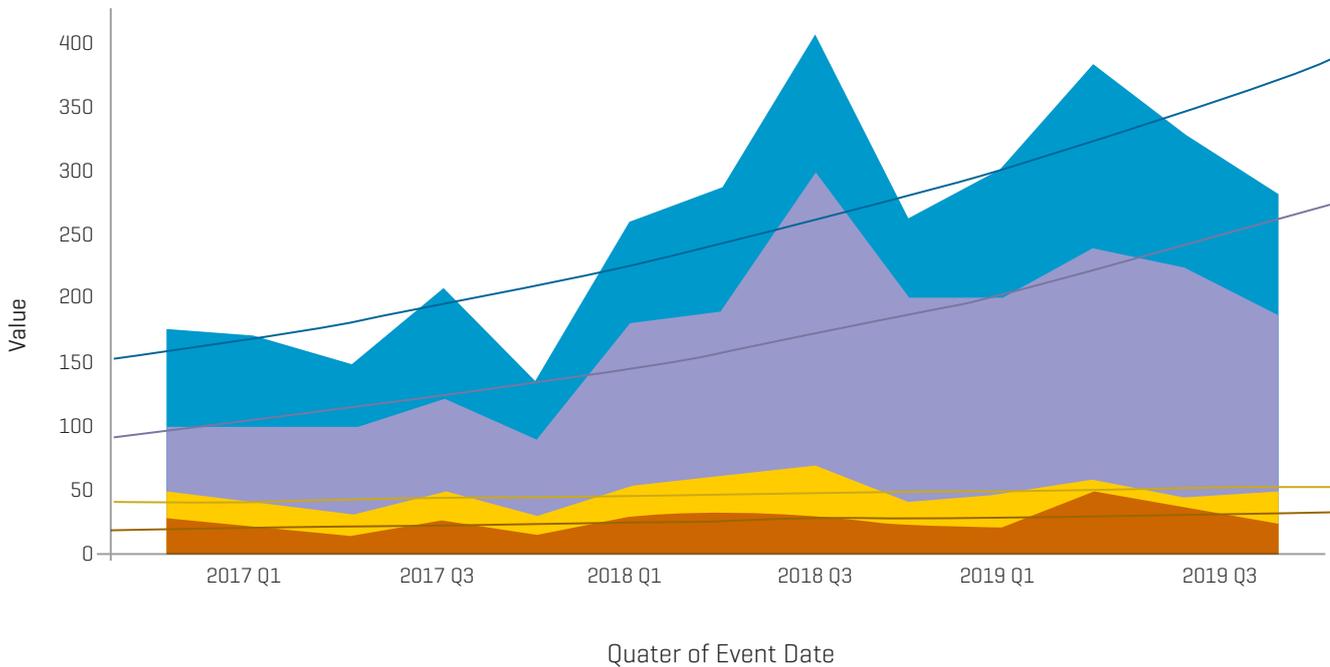
In 2019, the PMP recorded 1300 incidents of GBV across Nepal, although actual numbers are likely to be much higher.⁵⁹ GBV took the lives of 193 people and injured 125. The incidents of GBV recorded included 980 incidents of sexual assault including rape and attempted rape, 269 incidents of domestic violence and 24 incidents of violence over dowry demand. In 385 cases of GBV, a family member or relative was the main perpetrator of the crime. Of the 980 cases of sexual assault, 842 cases were of rape in which 664 victims were women and girls below the age of 26 years. The youngest victims of this heinous crime was a two year old girl.

IMPACT OF GBV BY DISTRICT IN 2019



| District | Total Killed | Total Injured | Total Raped | Incidents |
|------------------|--------------|---------------|-------------|-----------|
| Bardiya | 5 | 1 | 21 | 27 |
| Chitawan | 2 | 3 | 32 | 39 |
| Dang | 0 | 0 | 21 | 27 |
| Dhanusha | 10 | 3 | 17 | 27 |
| Jhapa | 6 | 2 | 22 | 30 |
| Kailali | 6 | 3 | 31 | 40 |
| Kathmandu | 5 | 5 | 23 | 38 |
| Lalitpur | 3 | 0 | 33 | 46 |
| Morang | 5 | 4 | 30 | 44 |
| Nawalparasi West | 3 | 2 | 24 | 30 |
| Rupandehi | 1 | 2 | 57 | 69 |
| Saptari | 9 | 19 | 43 | 77 |
| Siraha | 6 | 0 | 39 | 53 |
| Sunsari | 8 | 8 | 38 | 61 |

IMPACT OF GENDER BASED VIOLENCE OVER TIME (OCTOBER 2016 - DECEMBER 2019)



Measure Name

- Total Injured
- + ■ Total Killed
- + ■ + ■ Total Raped
- + ■ + ■ + ■ Number of Incidents

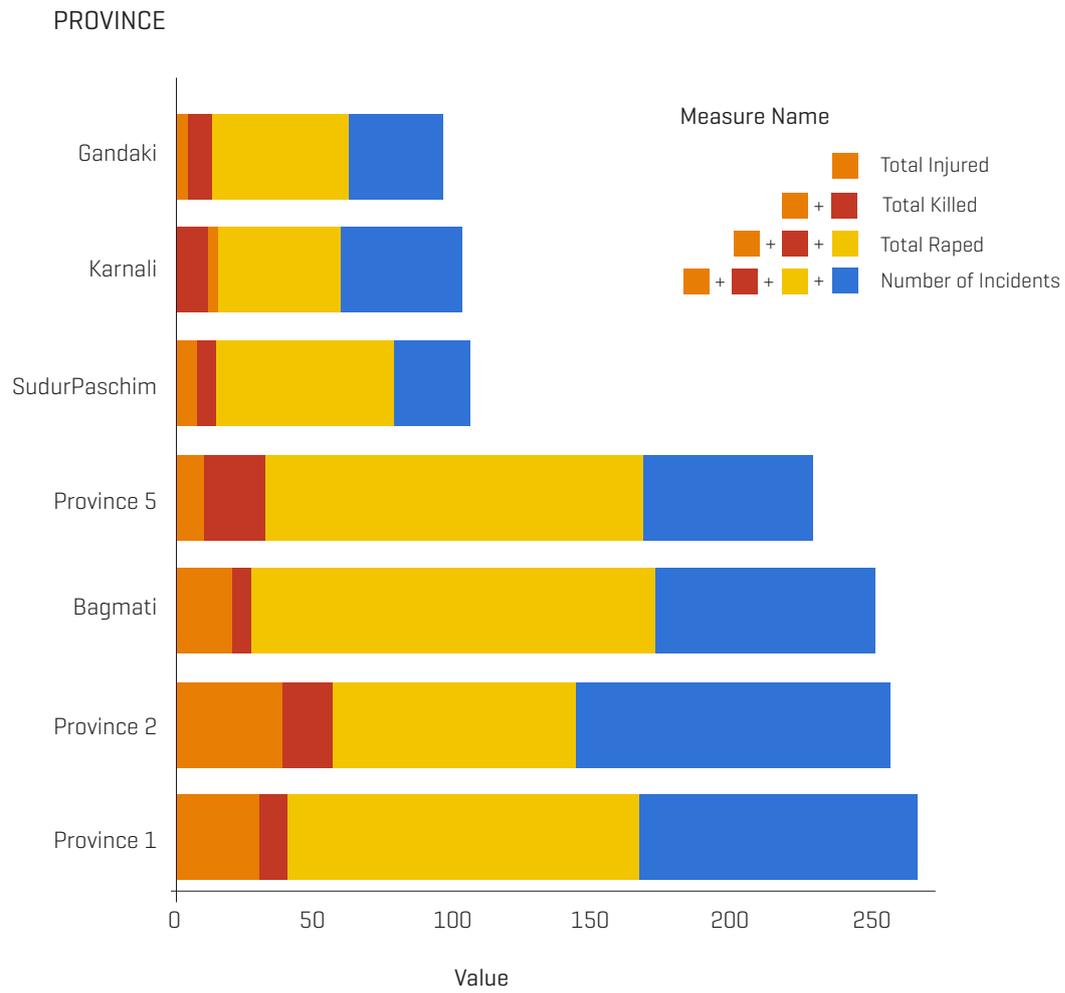
EVENT DATE

| | 2017 | 2018 | 2019 |
|---------------------|------|------|------|
| Total Injured | 71 | 109 | 125 |
| Total Killed | 142 | 219 | 193 |
| Total Raped | 404 | 868 | 846 |
| Number of Incidents | 656 | 1215 | 1295 |

A linear trend model is computed for natural log of Measure Values given Dates.
The factor 'Total Raped' and "Number of Incidents" significant at $P \leq 0.001$

On January 20, the Central Investigation Bureau of Nepal Police arrested a 50 year old British citizen on charges of pedophilia and rescued three boys from his apartment in Kalimati, Kathmandu Metropolitan City-13.⁶⁰ The criminal was caught in the act of molesting the three boys when the police raided the apartment.

IMPACT OF GBV BY PROVINCE IN 2019



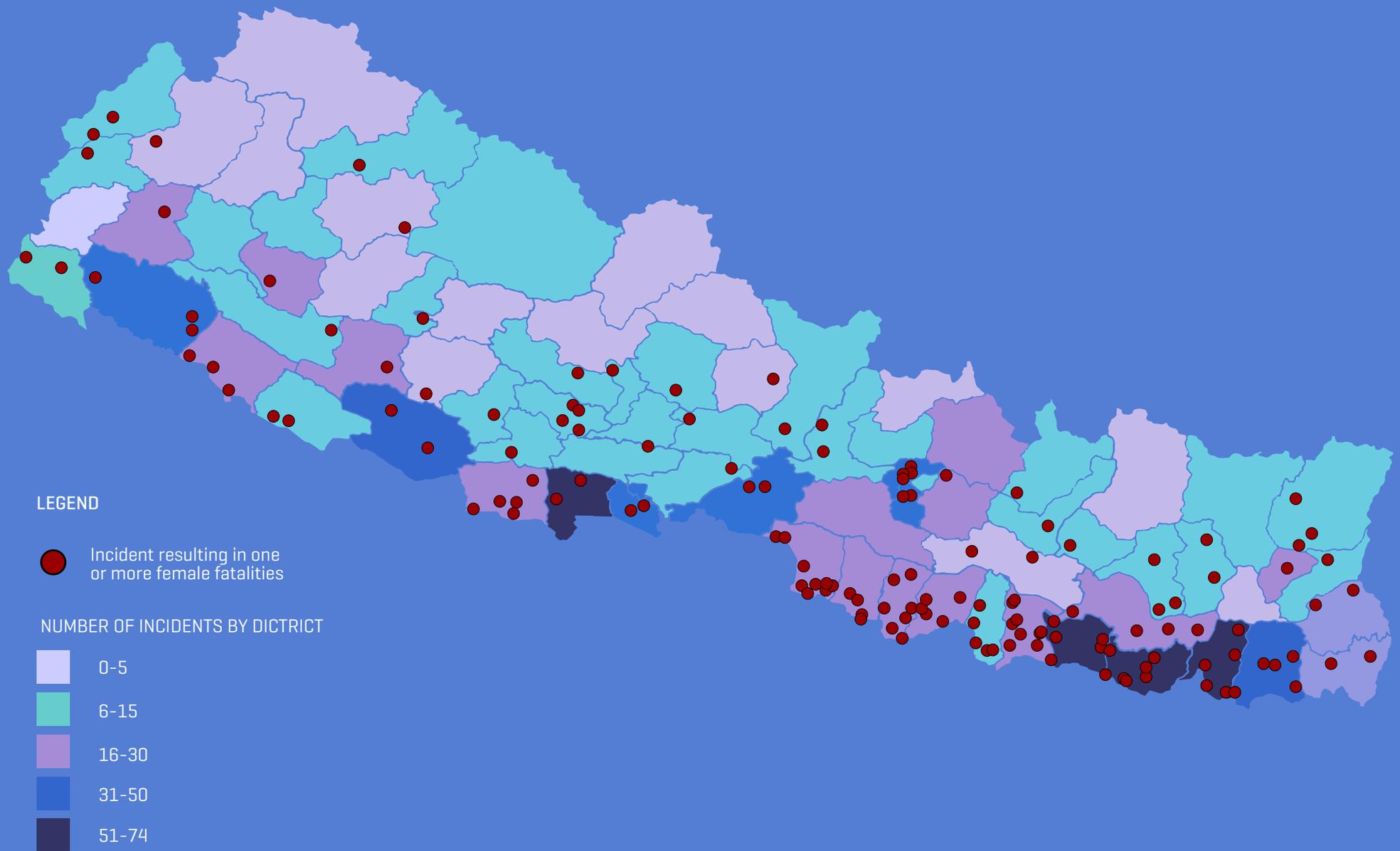
| PROVINCE | TOTAL INJURED | TOTAL KILLED | TOTAL RAPED | INCIDENTS |
|--------------|---------------|--------------|-------------|-----------|
| Province 1 | 30 | 40 | 166 | 265 |
| Province 2 | 38 | 56 | 143 | 255 |
| Bagmati | 20 | 27 | 171 | 250 |
| Gandaki | 4 | 13 | 62 | 96 |
| Province 5 | 10 | 32 | 167 | 227 |
| Karnali | 15 | 11 | 59 | 102 |
| SudurPaschim | 8 | 4 | 78 | 105 |

A weak justice system has forced many victims to reconcile with the perpetrators of offences against them, often with complicity or active involvement of the police or someone in power. An example of this is a case of rape of a 15 year old girl in Mithila Municipality-2, Dhanusha, district which was settled after the perpetrator's family threatened the victim's family.⁶¹ The victim's family was given Rs. 11000 in the presence of political party representatives.

Similarly, the demand for dowry has led to domestic violence and in many cases caused the death of women. The PMP recorded 24 dowry related violent incidents in 2019, resulting in the deaths of 15 women and injuries to a further seven. Reported cases included incidents of women tortured for not bringing a bike⁶² or a fridge to the family⁶³ as dowry on demand. On March 29, a doctor, Narayani Hospital in Parsa district was arrested for beating his wife to death, supposedly.⁶⁴ Sources indicate that the victim Sunita Yadav, 45, had suffered abuse from her husband and his family for 16 years before he finally murdered her.



INCIDENTS OF GENDER BASED VIOLENCE IN NEPAL, 2019



2.D.II. CHHAUPADI PRATHA STILL TAKING THE LIVES OF WOMEN

Despite its 2017 criminalization, the practice of Chhaupadi is still widespread in the mid and far western regions of Nepal, as several incidents logged by PMP during 2019, including some resulting in deaths, indicate. For example, Amba Bohora, 35 of Pandusen, Budhinanda Municipality- 9 slept in a hut along with her two sons, aged 12 and 9 years old on January 8th while she was on periods. The next day all three were found dead due to suffocation from the fire she lit to keep them warm inside the hut. The hut had no windows or any form of ventilation. Similarly, on January 30, a 21 year old woman Parwati Bogati of Purichauki Rural Municipality 5 died of suffocation while being banished to a hut during her period. She had lit a fire to keep her warm.⁶⁵

On December 2, Parbati Budha Raut of Sanfebagar Municipality in Achham district died in a hut while under menstrual banishment.⁶⁶ On December 5, her brother-in-law was arrested on suspicion of causing her death by forcing her to live in the hut. This was the first ever arrest made in response to a death in Nepal under anti-Chhaupadi legislation.



2.D.III. STILL AWAITING JUSTICE FOR NIRMALA PANT

On January 27, a committee formed by the National Human Rights Commission to investigate the rape and murder of Nirmala Panta submitted their report, including a four point recommendation and 25 directives to the government.⁶⁷ It has been more than a year since the rape and murder of 13 year old Nirmala Panta, yet the perpetrator/s remain unidentified. Even the United Nations rapporteur on Human Rights has raised the question and pressured the government to deliver justice to the victims family.⁶⁸ According to police officials investigations remain ongoing.

2.E. NO END TO DISCRIMINATION AGAINST DALITS IN NEPAL

The constitution of Nepal prohibits untouchability and discrimination on the basis of caste and such practice is an offence punishable by the law. Despite these provisions, discrimination still prevails against Dalit people and even between upper Dalit and lower Dalit.⁶⁹ They continue to face discrimination and violence for something as simple as getting drinking water from a public tap, entering a temple or touching a non-Dalit person. The PMP recorded 44 incidents of discrimination against Dalit of which 18 were violent incidents which injured 21 people.

On January 21, Chan Bista and his brother from Kotbada in Naraharinath Rural Municipality, Kalikot attacked Dilli Kami, a 57 year old Dalit man for being unable to come to their house for work. They hit him and knocked his tooth out.⁷⁰ The police arrested the perpetrators but Dilli was pressured by the villagers to withdraw the charge. According to Dilli, “the so-called upper caste people treat us like animals. People from the higher class often beat us even when we have not made any mistake. We cannot argue with them.”

Similarly, on February 15, police in Siraha was accused of hiding an incident of abuse on a Dalit woman and her daughter.⁷¹ The woman and her daughter were beaten by their neighbours in Lahan municipality - 18 after her eight year old son touched a boy from the upper caste. According to the victim the police forced her to reconcile with the perpetrator even after they had filed a complaint.



3. CONCLUSION

In 2019, the party in government remained consistent for the second successive year and there were no suitable upsurges in communal violence. Almost half a decade on from the promulgation of the constitution and the major earthquake which devastated large swathes of the country, a year of relative stability should be cause for some celebration.

Nonetheless the absence of extreme or dramatic changes in patterns of violence and political contestation should not obscure our perspective when analysing the data within this report. 2019 saw the continuation of several concerning trends, as well as several high profile incidents which signal the ways in which several intersecting structural inequalities and injustices continue to underpin dynamics of exploitation, oppression and violence in Nepal.

Such a slowing in the pace of visible change demands close attention to patterns of change over a longer time period from those wishing to analyse phenomena such as violence. With several years of accumulated data consolidated within our system, COCAP believe that the PMP, now more than ever, is a powerful tool to support such analysis. In 2020 we intend to undertake and share some bigger picture analysis of data from the lifespan of our project.

We also believe that we should adapt our approach to presenting and communicating our data and look forward in the years ahead to producing more regular and diverse reports and visualizations. We value your feedback on these reports and how you have used them in your own work.

4. ENDNOTES

1. See: Government Directed Medical Colleges to Refund MBBS Fees of Students
2. See: Sit-in Staged by Mayor to Open Municipality Office Padlocked by Deputy Mayor
3. See: Birgunj municipality Office Closed Since Seven days Due to Employee's Strike
4. See: Pokhara Journalist Detained, Charged Under Cyber Crime
5. See: The Case Against Pranesh Gautam and Meme Nepal is Ridiculous
6. See: Popular Folk Artist Removed a Song from Youtube After Threats from Ruling Party's Youth Wing
7. See: Police Act Against Durgesh Thapa for his Controversial Tihar Song
8. See: Rapper Vten Jailed for Song Content
9. See: Rappers Arrest is Latest in Governments Attempt to crack Down on Free expression
10. See: Everything You Need to Know About the Government's New IT Bill
11. See: House Panel Passes Controversial IT Bill Disregarding Dozens Amendment Proposals
12. See: Nepal Governments New Information Technology Bill Draws Battle Lines Against Free Speech
13. See: House of Panel Paases Controversial IT Bill Disregarding Dozens of Amendment Proposals
14. See: Media Council Bi;; Presented in National Assembly
15. Ibid
16. See: Media Council Bill Tabled in HOR
17. Ibid
18. See: House Panel Passes Controversial IT Bill Disregarding Dozens of Amendment Proposals
19. See: National Rights Body Objects to bill to Amend National Human Rights Act
20. See: Bill to Amend National Human Rights Commission Act Alarms Experts
21. See: Hundreds Protest Against FPSCS Job Notice
22. Ibid
23. See: Hundreds Protest Against FPSCS Job Notice
24. See: Save Reservation Campaign Continues Protest Against Federal Public Service Commission
25. See: NEFIN Holds Rally to Protest FPSC
26. See: Three Persons Including Ravi Lamichhane Arrested
27. See: According to section 185, no one can provoke or generate a situation for anyone that may lead then to commit suicide. Anyone found guilty under this clause is liable to a five year jail sentence and Rs. 50,000 fine.
28. See: Everyone is talking About Rabi Lamichhane Heres What You Need to Know About the Law that had him Detained
29. See: Journalist Lamichhane Two Others to be Presented Before Court
30. Ibid
31. See: Why Nepal Loves Rabi Lamichhane and Why Some Revile Him
32. Ibid
33. See: Business Private Sector Criticises Heavy taxes
34. Ibid
35. See: One Killed, Several Hurt as Police Open Fire at Protesters in Sarlahi
36. See: One Shot Dead as Police Open Fire on Agitating Mob in Sarlahi
37. See: Two Students Shot on Leg in Kohalpur, to be Airlifted to Kathmandu
38. See: Police Killed CPN Leader Poudel in Cold Blood: NHRC
39. Ibid
40. See: Communist party of Nepal Announces Stir Against Crackdown
41. See: Three Killed, Four Injured In Danusha Explosion
42. See: Nepal's Parliament Speaker Mahara Accused of Rape

43. See: Speaker Mahara Resigns Following Rape Allegations
44. See: Police Arrest Krishna Bahadur Mahara Over Rape Allegations
45. See: Case Filed Against Alam
46. See: Getting Away With Murder
47. Ibid
48. See: No Blast Occurred, State is Plotting Against Me
49. See: 337 Candidates Contesting For 52 Seats
50. See: ANNFSU Leader Attacked Immediately After Election in Achham, Clash in Bajura Over Election Vote, Fight Between Cadres of Congress and Nepali Communist Party, Tarul Dal Cadres Accused of Beating Youth
51. See: Bomb Detonates Amidst Elections in Dang
52. See: Improvised Explosive Device Goes Off outside the Office of the chief Election Officer in Kaski
53. See: By-Elections 2019: The Final Results
54. See: Approach to Border Encroachment
55. See: NWPP Demonstrates Against Border Encroachment
56. See: Protest Rally Against Border Encroachment Organized in Parsa
57. See: 2016 Demographic and Health Survey, Key Findings
58. See: It is important to note that, anyone can suffer from GBV regardless of their gender but women remain by and large the main victim as per our data.
59. See: Using Numbers to Fight Gender Based Violence
60. See: CIB Arrests British National on Charge of Paedophilia
61. See: Rape Case Reconciled in 11 Thousand Rupees
62. See: A Man Kills Wife After She Declined to Transfer Ownership of the Bike and Woman Attacked with Sickle for not Bringing Motorbike in Dowry
63. See: Woman Found Dead, Murder Suspected for Not Brining Fridge in Dowry
64. See: Doctor Beats Wife to Death, Arrested
65. See: Woman Dies of Suffocation After She was banished to Secluded Home During Menstruation
66. See: Police Arrest Brother in Law of Parbati budha who dies in a Menstruation Hut in Achham
67. See: National Human Rights Commission Submits it Report on the Nirmala Rape and Murder Case to the Government
68. See: A Year After Nirmala Panta's Rape And Murder
69. See: Upper Dalit Beats Dalit for Drinking Water From Well
70. See: Dalit Communities in Kalikot Still face Discrimination. Torture in the Name of Caste System
71. See: Dalit Woman and Daughter Beaten After Son Touches Body of "Upper Caste" Boy

THE NEPAL PEACE MONITORING PROJECT

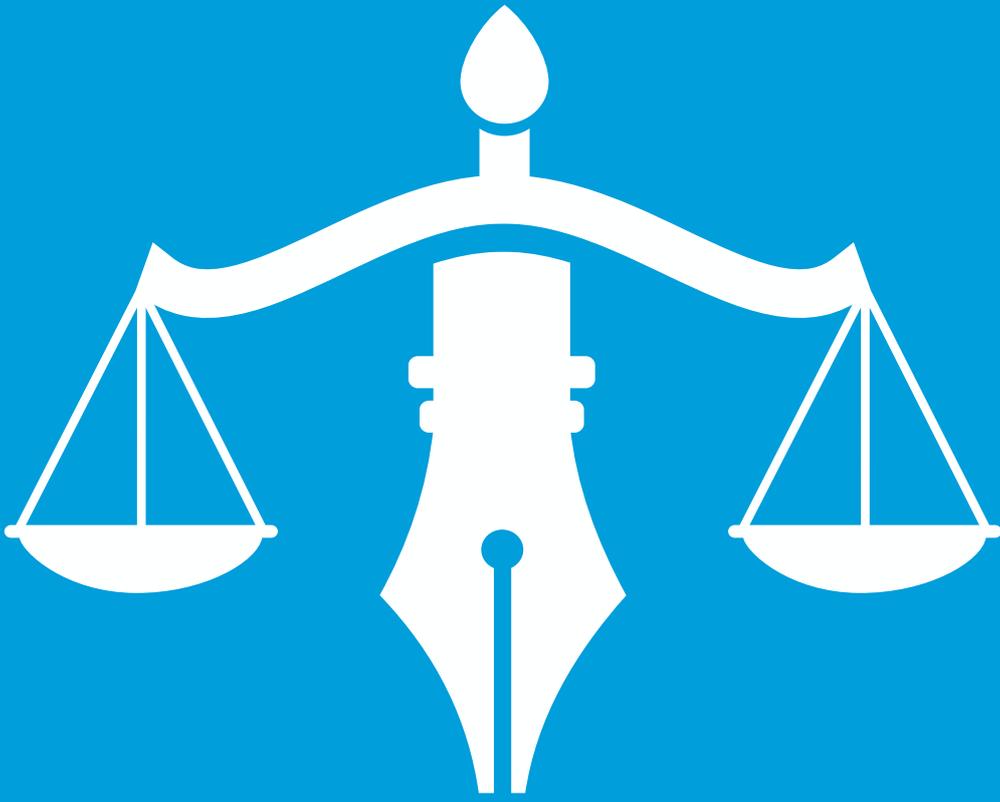
The Nepal Peace Monitoring Project (PMP) is a joint initiative by Collective Campaign for Peace (COCAP) | NepalMonitor.org. Building on the NepalMonitor.org platform, the PMP focuses on violence and contestation, with a view toward improving our understanding of, and response to, violence and conflict 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 to 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 districtlevel newspapers, 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..





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