

THE NEPAL PEACE MONITOR ANNUAL REVIEW 2017





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FOREWORD



I am delighted to write the foreword for The Nepal Peace Monitor: Annual Review 2017, a report published by Collective Campaign for Peace in its effort to contribute to human rights and peace in Nepal by monitoring conflict and violence dynamics.

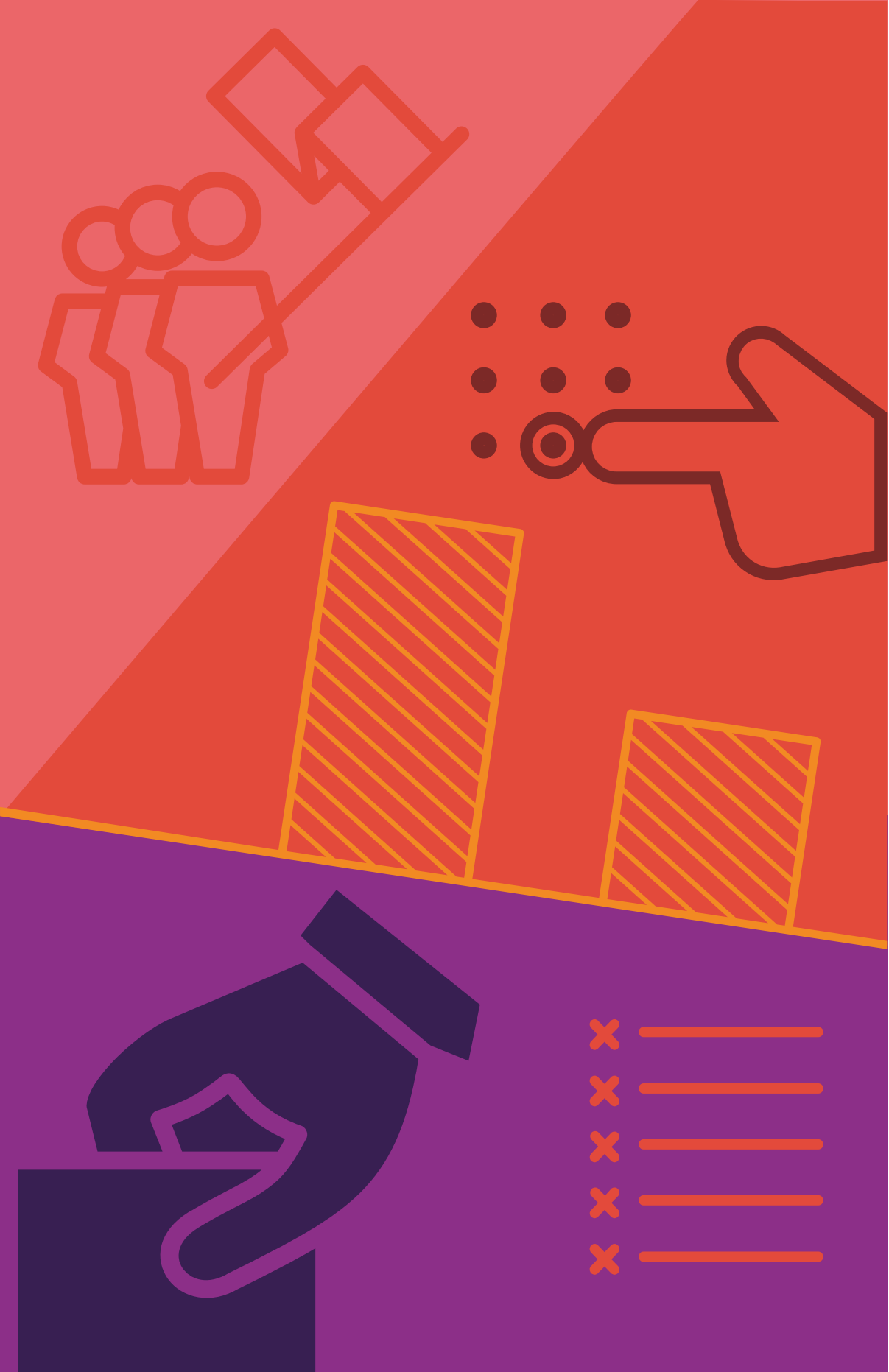
Peace has been identified as one of the five cross-cutting themes of vital importance for humanity in the United Nations 2030 Agenda for Sustainable Development. Sustainable Development Goal (SDG) 16 in particular, promotes peaceful and inclusive societies for sustainable development, access to justice for all, and effective, accountable, and inclusive institutions. While this is central to focusing attention of government leadership and global stakeholders, the sustainability of peace and prevention of conflict and violence requires leveraging targets under other SDGs as well. To do so, accurate and complete data on different forms of violence and conflict in society remains a critical component. Access to such information provides a mechanism by which to measure progress, maintain accountability, and develop sustainable solutions.

The Nepal Peace Monitor: Annual Review 2017 presents data collected by the Nepal Peace Monitoring Project (PMP), an initiative by COCAP|Nepalmonitor.org. It provides a comprehensive overview of incidents documented throughout 2017 and analyzes major trends with the objective of improving our understanding of and response to violence and conflict in Nepal. The PMP also provides 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.

Since its inception in 2002, COCAP, as a network of 43 organizations in 29 districts working in the field of human rights and peace-building in Nepal, has been advocating to strengthen democratic principles, safeguard human rights, and re-establish peace in the country. With the changing federal structure of the state, COCAP has restructured and expanded its regional offices to provincial offices in all the seven provinces in Nepal. This will further support COCAP's PMP to continue its work on monitoring any forms of human rights violence in the country.

I hope that this report will provide an effective learning experience and referenced resource for all human rights activists and peace building professionals working to establish peace and for the protection of human rights in Nepal. I believe this report will be beneficial not only to non-governmental and civil society organizations, but also equally significant for the Government of Nepal and other concerned stakeholders in achieving larger goals of instituting rule of law, establishing peace, and strengthening democracy for Nepal today, and in the future.

Mr. Badri Prasad Bhusal
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INTRODUCTION

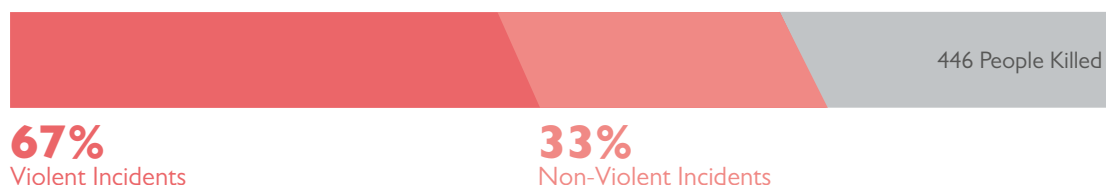
In 2017, Nepal made significant progress towards implementing the new constitution, which included the federal restructuring of the state and conducting three tiers of elections. Trends of incidents this year were characterized by the peaks of violence surrounding the various stages of elections, as the largest share of incidents were related to politics. Apart from political and electoral incidents, gender-based violence (GBV) and personal disputes constituted large shares of violence documented. Sexual assault and domestic violence remained at elevated levels throughout 2017. Political violence resulted in a high number of incidents and increased number of injuries, but disputes of a personal nature and GBV, remained the leading cause for violent deaths. There were no incidents of armed conflict or international terrorism in Nepal, and violence due to crimes such as robbery, drug trafficking, or arms smuggling, was low. This points to positive progress made in the country since the years of internal conflict in Nepal.

The 2017 elections were particularly important because they saw the successful implementation of the 2015 constitution. Local elections were held for the first time in two decades and conducted in three phases on May 14, June 28, and September 18, with voter turnout around 73 percent each. The federal and provincial elections were held together in two phases on November 26 and December 7, with voter turnout of 65 percent and 67 percent respectively. Overall, the elections were considered a success and an important milestone in concluding Nepal's constitutional transition towards a federal democratic republic as envisaged in Nepal's peace process and interim constitution of 2007. They were met with much enthusiasm and voter turnout was relatively high.

However, there were also protests and contestation following the announcement of local elections. These were especially in regard to constitutional disputes, restructuring provincial borders, and boundaries and numbers of the new local units. The protests fueled initial apprehensions of a reoccurrence of the unrest in the Terai around the adoption of the Constitution on September 15, 2015. At the time, Madhesi and Tharu parties protested certain provisions in the constitution which they felt impeded their proportional inclusion. The days of protests led to escalated violence in the Terai and over 50 people were killed in clashes between protesters and police. Subsequently, a crippling blockade was implemented at the Indian border from September 2015 to February 2016, which prevented critical goods such as petrol, cooking gas, and medicines from entering Nepal.³ The blockade, supported by Madhesi leaders, created a serious humanitarian crisis in Nepal.⁴ Despite these initial fears, much of the political violence recorded in 2017 were inter-party clashes, often involving accusations of breaching the Code of Conduct. Also of concern was the number of incidents involving the use of improvised explosive devices (IED) or hoax bombs from groups such as Communist Party of Nepal led by Netra Bikram Chand (CPN-Chand)⁵ attempting to disrupt electoral preparations, as they are opposed to the parliamentary system.

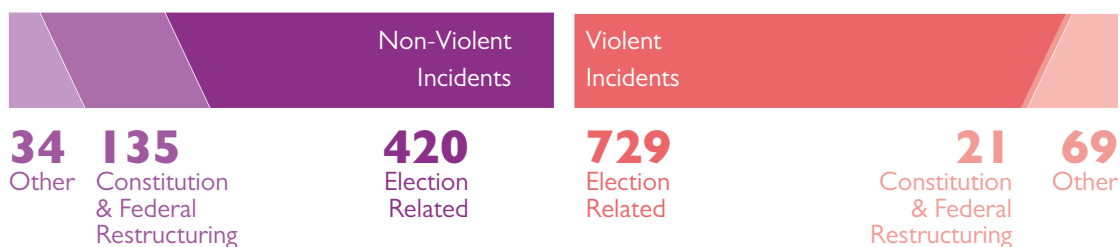
In the following, we provide a brief summary of the different sections of this report:

In 2017, the PMP recorded 3,556 incidents, 67 percent of which were violent incidents which took the lives of 446 people.



GBV and disputes of a personal nature remained the leading causes of violent deaths but political incidents accounted for 35 percent of violent incidents. When normalized by population, the number of violent deaths resulted in an intentional homicide rate of 1.7 per 100,000 residents, a rate towards the middle to lower end of the spectrum when compared internationally. While the prevalence of most types of violence remained relatively constant throughout the year, the incidence of electoral violence fluctuated with changes of the electoral cycle.

Political incidents constituted the major part of the recorded data for the PMP in 2017.



This is primarily due to the staging of elections throughout the year, as 82 percent of political incidents were election related.⁶ There were 819 violent incidents, including 729 that were election related, and 40 that were incidents between rival parties outside of the elections. Of the 633 non-violent political incidents, 420 related to the elections, and 135 related to the constitution and federal restructuring, which mainly involved protests regarding the choice of provincial capitals.

During the course of the local elections, the number of incidents spiked during the campaign and campaign silence period of Phases I and II, mainly due to inter-party clashes. Phase III was relatively peaceful, which may be attributed to the participation of the Rastriya Janata Party Nepal (RJP-N) after contentions over the elections were resolved through dialogue with the Government of Nepal. Incidents also spiked during both phases of the House of Representatives and Provincial Assembly Elections; this was characterized by the widespread use of IEDs to target party leaders or to disrupt the election preparations.

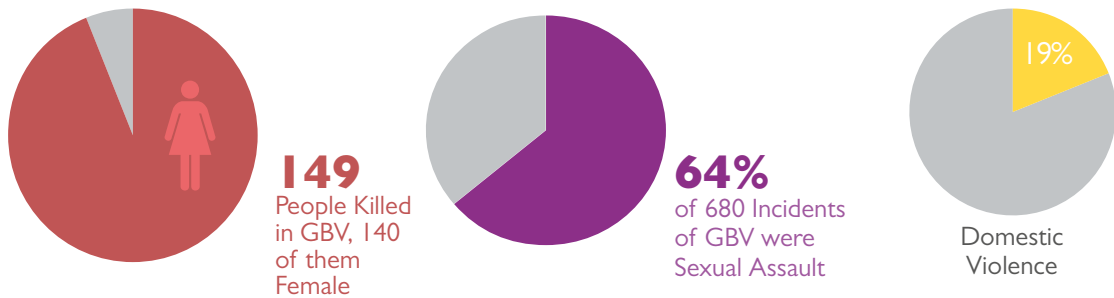
Dissatisfaction with governance-related issues was the second most frequent trigger for non-violent protests and contestation in 2017.

There were 438 incidents recorded, 88 percent of which were non-violent protests, strikes, or bandhs. Issues with the quality of public services were the most common cause of these protests (31 percent), followed by calls for legal action or access to justice issues (30 percent). These included protests of citizens or communities alleging unfair justice decisions, or actions to pressure the administration to deliver justice to victims of alleged crimes including murder and rape.

In 2017, the transitional justice process continued to stagnate and the concerns of conflict victims remained unaddressed.

The Commission of Investigation on Enforced Disappeared Persons (CIEDP) and Truth and Reconciliation Commission (TRC) had their mandates extended for another year. However, the serious shortcomings in the legislation noted by the Supreme Court in 2015 persist. There have been no cases thus far recommended for prosecution, despite thousands of cases being filed.

Rates of GBV in Nepal continued to be concerning throughout 2017.



The PMP recorded a total of 680 incidents, 19 percent of all incidents. The amount of GBV is estimated to be much higher, but many cases go unreported. The PMP recorded a total of 149 people killed as a result of GBV (140 of them female), making it the primary driver of fatalities in 2017. Sexual assault constituted 64 percent of GBV documented (435), including 385 cases of rape or attempted rape (89 percent). Domestic violence counted for 19 percent. The trend of forced reconciliation remains of concern, with government officials or police sometimes found to be involved in coercion of victims to reconcile with the perpetrators of the crime.

Caste-based discrimination continued to be widespread in Nepal in 2017, but like GBV, cases of discrimination are often not reported.

The PMP recorded 24 incidents of caste-based discrimination, mostly including the prohibition of Dalit's doing everyday activities, such as entering temples, or going to schools. Discrimination towards inter-caste marriages was also documented.

If trends of incidents are compared across provinces, Province 2 saw comparatively high levels of incidents of violence, even when normalized by population.



It is also the most densely populated province and has the second highest poverty rate, following Karnali Province (formerly Province 6). Province 2 recorded the highest number of election-related incidents overall, although Phase III of local elections held in Province 2 remained remarkably peaceful. Notably, Province 5 saw a low rate of violence overall, but recorded the highest rate of incidents of GBV per 100,000 residents. For a breakdown of vital socio-demographic statistics and trends of incidents across provinces, see the province profiles at the end of this report.



OVERVIEW

TRENDS OF INCIDENTS IN 2017

In 2017, the PMP recorded 3,556 incidents, two-thirds of which were violent, and one-third non-violent contestation including protests, public contestation, threats, or intimidation.⁷ Approximately 1,958 people were injured and 446 people were killed in violence, 168 of them female.⁸ GBV was a leading cause of the fatalities, constituting 30.4 percent of all deaths together with disputes of personal nature, with 30.49 percent (see Fig 1). Violence and fatalities due to crimes, such as robbery, drug trafficking, or arms trade (indicated as 'crime' in Fig 1), were low and there were no incidents recorded related to armed conflict or international terrorism in Nepal.⁹

Fig 1: Causes of Death



When normalized by population according to the latest census figures of 2011, the PMP data reflects an intentional homicide rate of 1.7 deaths per 100,000 residents in 2017. This places Nepal towards the lower end in terms of fatal violence when compared internationally, and continues a positive downward trend over the last years in the country.¹⁰ For the approximate linear relationship between homicide reports and population by district, see Fig 2.

Fig 2: People Killed in Violence per 100,000 Residents, by District in 2017 (Homicide Rate)

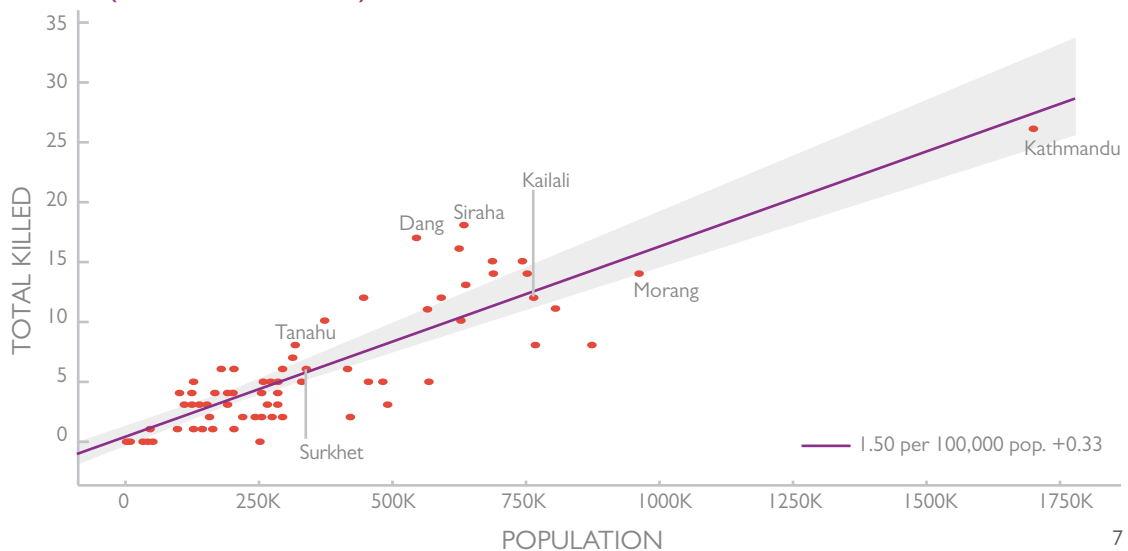
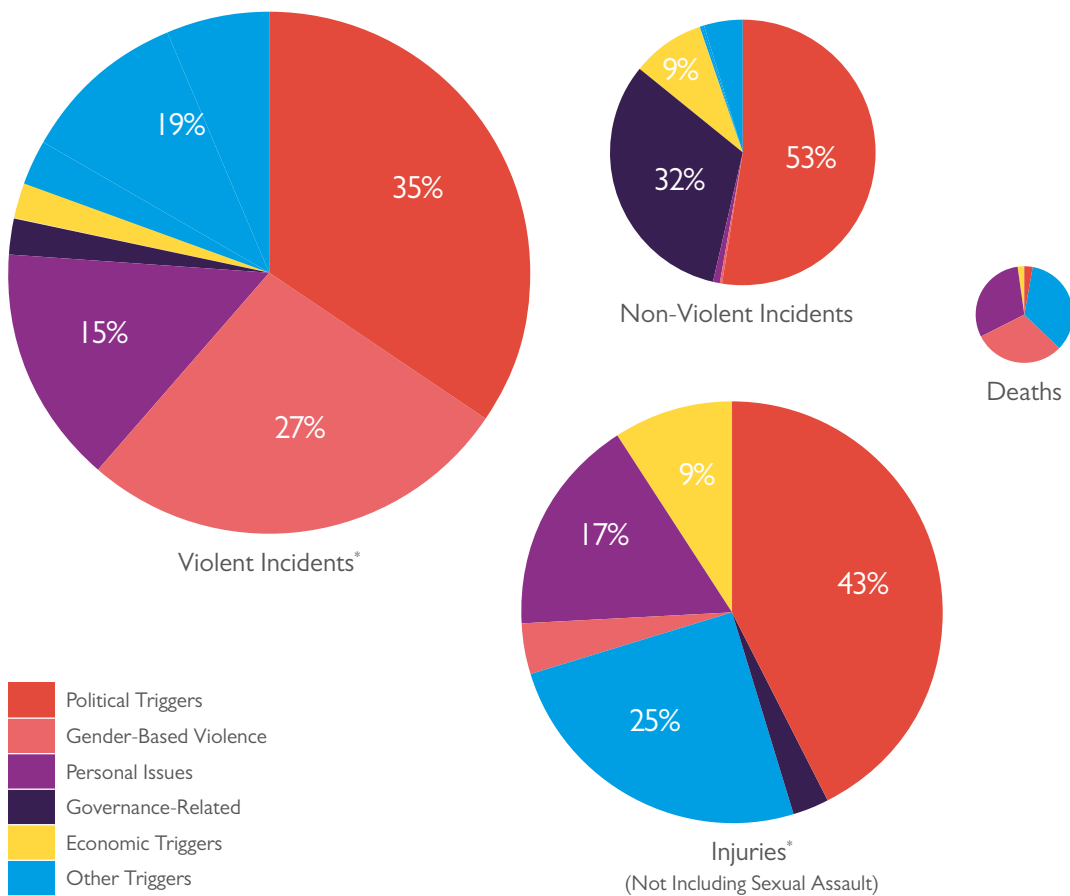


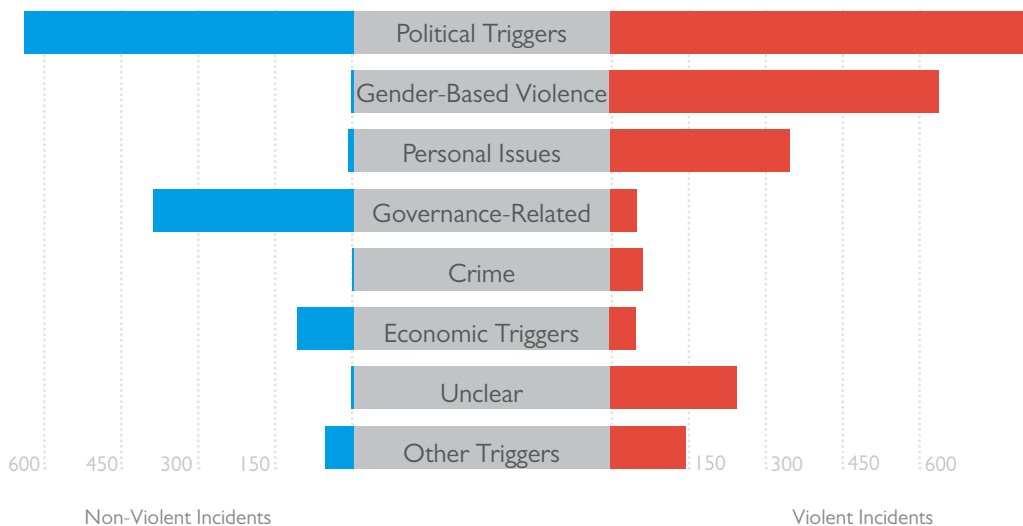
Fig 3: Causes of Violent and Non-Violent Incidents and Their Impacts



*Figures based on publicly documented incidents. Incidents and injuries of GBV tend to be widely underreported.

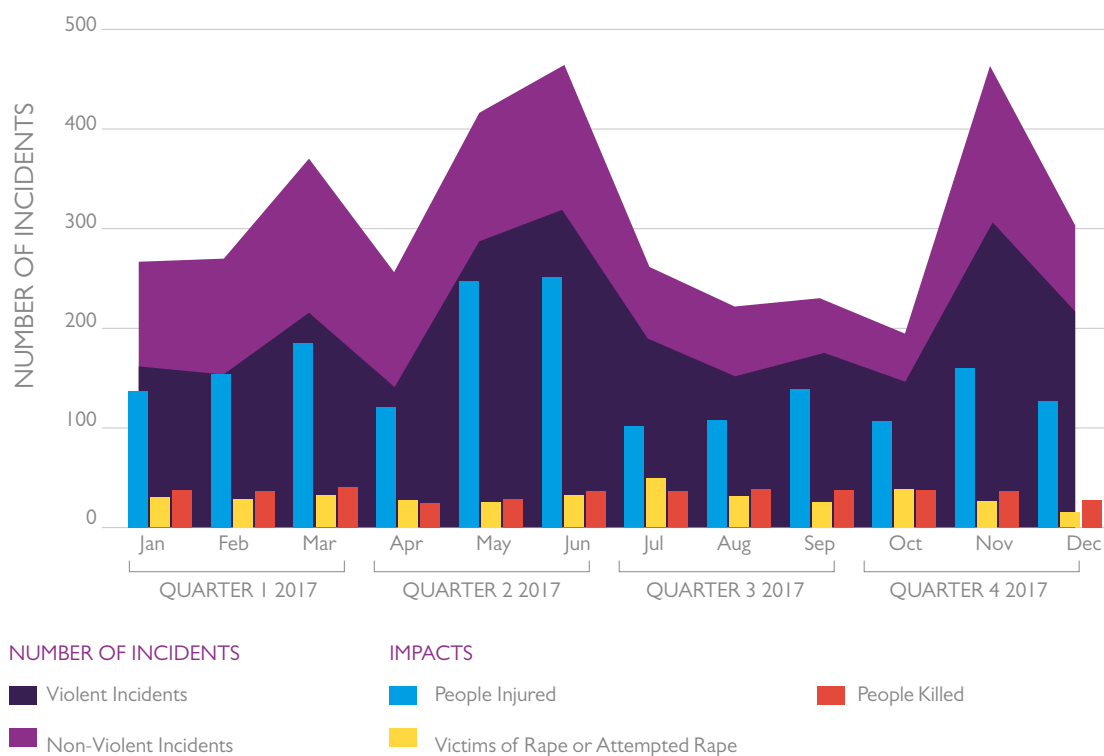
Political incidents were the primary driver of violent incidents recorded with 35 percent - albeit causing only three percent of violent deaths, followed by GBV (27 percent), and disputes of a personal nature (15 percent).¹¹ Political incidents also made up the majority of non-violent incidents recorded - including public protests, threats, intimidation, or politically significant arrests - with 53 percent.¹² This was followed by protests triggered by governance-related issues, with 32 percent (see Fig 3 and 4).¹³

Fig 4: Triggers of Violence and Non-Violent Incidents of Contestation



During Phases I and II of the local elections, and during both phases of the provincial and parliamentary elections, violence and non-violent incidents of protests spiked significantly, with a smaller increase in March following the first announcement of the elections on February 20. The environment during Phase III of local elections in Province 2 remained remarkably peaceful which can be attributed largely to RJP-N's participation in the elections and the negligible presence of CPN-Chand in Province 2 (see Fig 5).

Fig 5: Incidents and their Impact by Months





ELECTORAL INCIDENTS AND INSTANCES OF POLITICAL CONTESTATION

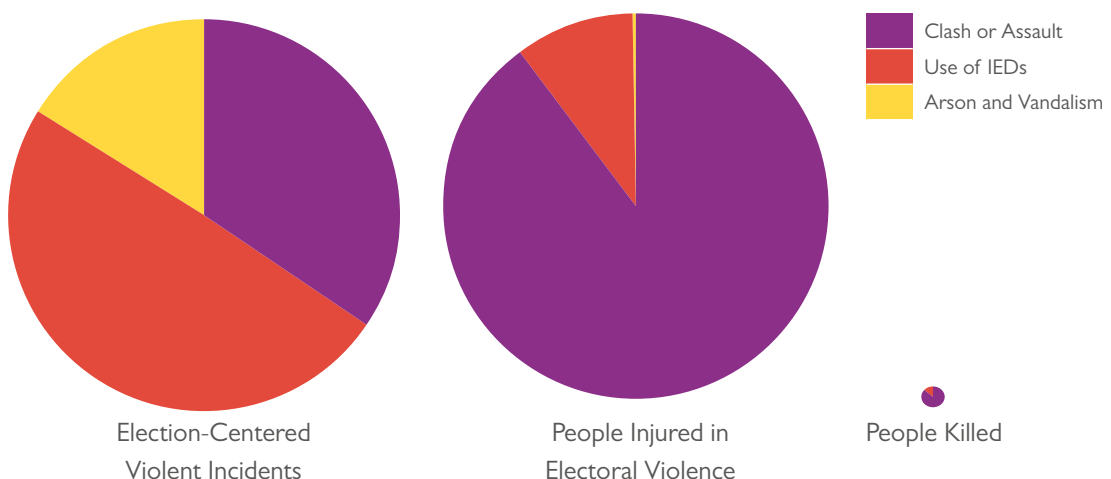
With elections to all three tiers of the newly formed federal units (local, provincial, and national) held in 2017, political contestations made up 41 percent of incidents recorded. A long drawn out electoral cycle meant that political incidents peaked in the months of May and June and again in November and December at the time of elections. This was after a small spike of incidents in March due to protests following the first announcement of local elections (see Timeline).¹⁴

The environment on election day during the different phases remained largely peaceful. Isolated incidents of violence did not seem to impact voter turnout. However, in an attempt to create a conducive environment and respond to initial threats of violence, the government opted to stagger the elections in different phases.

Of the 3,556 incidents recorded by the PMP in 2017, 819 (or 23 percent) were incidents of political violence and 633 (or 18 percent) non-violent political protests or election-related threats or arrests, which comprised a total of 41 percent. With 15 people killed and an estimated 834 injured, political violence was responsible for 3 percent of deaths but 43 percent of injuries recorded in violence. 82 percent of incidents with a political background were directly related to the elections. In addition, there were 40 incidents of violence related to the elections to the Free Student Union (FSU) and 135 incidents of non-violent protests in relation to the federal restructuring, mostly protesting the choice of a particular provincial capital.

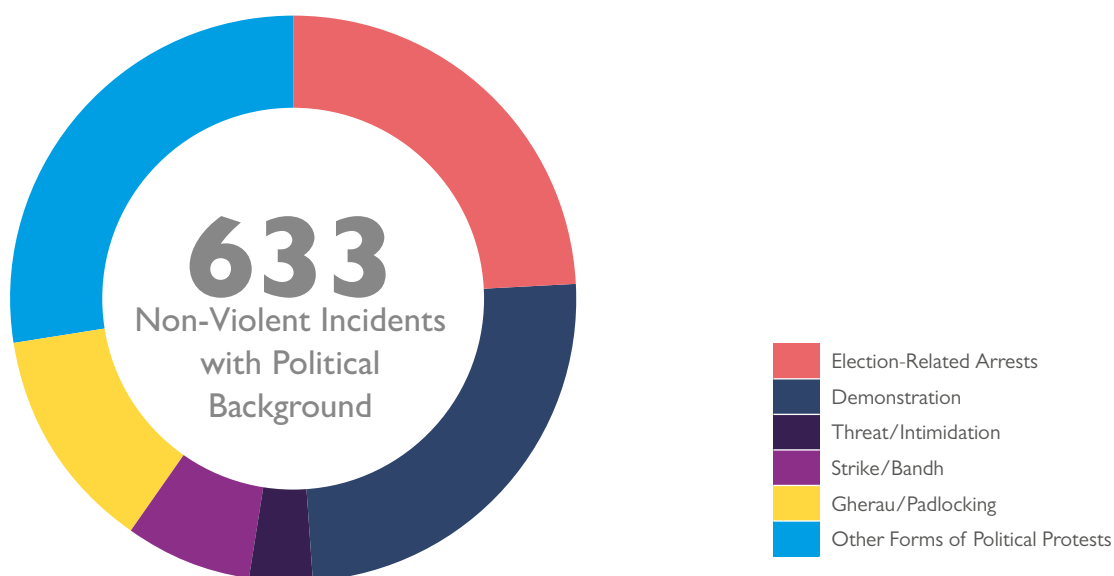
Around the House of Representatives and Provincial Assembly Elections (Oct. 1 to Dec. 31) the PMP recorded 468 incidents (316 violent), including 76 clashes or assaults and 219 incidents involving the use of IEDs or hoax bombs. 2 persons were killed, 247 reportedly injured, and 4 people abducted. This compares to 734 incidents, 437 of them violent including 182 clashes or assaults, 137 incidents involving the use of IEDs, and 118 other incidents (mostly vandalism/arson or protests turning violent) recorded from Feb. 20 to Sept. 30 related to the local elections. In that period, 13 people were killed, 481 injured and 4 people abducted in election-related incidents.¹⁵

Fig 6: Incidents and Impacts of Electoral Violence, by Forms of Violence in 2017



Looking at the impact of distinct types of election-related incidents, most of the injuries and three of the 15 deaths relating to the elections were due to clashes between supporters of rival political parties. Ten people died owing to police intervention in clashes or protests. Widespread use of IEDs or hoax bombs by groups like CPN-Chand was also a concern. In many instances, explosives were defused, and IEDs or hoax bombs seemed to have been planted with the aim of creating terror rather than inflicting human casualties. Nonetheless, 81 people were injured and 2 people killed in incidents involving IEDs, in particular during Phase II of local elections and the federal and provincial elections. In some cases, protests and bandhs led to vandalism and arson, particularly around the protests following the Maleth incident in March and the four-day bandh called by Madhesi parties in June (see Fig 6 and 7).

Fig 7: Forms of Non-Violent Incidents with a Political Background



Notable trends included:

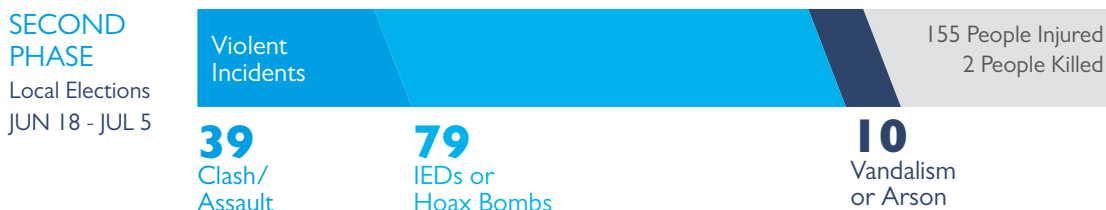
- Incidents between the announcement of local elections and candidate registration of the first phase (Feb. 20 to May 1) related mostly to protests, as the United Democratic Madhesi Front (UDMF) opposed the decision to go to local elections and some smaller parties protested specific electoral provisions.



- The campaign period of the first phase of local elections saw a rise of violent incidents, mostly clashes between supporters of major parties, but also activities of CPN-Chand attempting to disrupt election process.



- The second phase of local elections saw a sharp rise in the use of IEDs and hoax bombs in the run-up to the elections. In order to avoid violence during the elections, police in several districts made use of preventative arrests, mainly of district level leaders of CPN-Chand.



- Despite previous concerns, considerably less incidents were recorded during Phase III of local elections than during the previous two phases. This followed the decision of RJP-N to participate in all upcoming polls. In addition, the support base for CPN-Chand is also relatively weak in Province 2.



- In the run-up to the House of Representatives and Provincial Assembly Elections, the use of IEDs to target senior leaders, campaign events, or election infrastructure, was of particular concern. Security forces responded with increased preventative arrests of people suspected of ties to CPN-Chand or other groups accused of anti-election activities. There were also a number of clashes recorded leading up to the polling day of Phase I and II, often with opponents accusing one another of breaches to the Electoral Code of Conduct.

FEDERAL & PROVINCIAL ELECTION
Oct 22- Dec 14



- After the elections, several districts saw protests from temporary police personnel who had been hired to provide security during the election periods. The retiring temporary police personnel accused the government of irregularities in their pay or provision of their rations. One such protest led to the death of a temporary policeman after being shot by security personnel in a clash in front of the District Police Office (DPO) in Manma, Kalikot district on December 22 (see Timeline).

Box 1. Background: Local Elections

On February 20, 2017, the Government of Nepal announced that local elections would be held on May 14. However, since the Madhesi parties' demands on constitutional amendments had not been fulfilled, the announcement was met with a strong reaction, and threats of election disruptions and boycotts circulated. The commencement of the CPN-Unified Marxist Leninist's (UML) 'Mechi-Mahakali National Campaign' on March 3, polarized the situation further, as they were in direct opposition to the United Democratic Madhesi Front (UDMF)'s demands for a constitutional amendment on federal demarcation and proportional representation.

On March 6, five protesters were killed in a police shooting in Maleth, Saptari at the sidelines of a CPN-UML's campaign event.¹⁶ As a result of the incidents, on March 15, the UDMF withdrew its support for the government, vowing to boycott and disrupt the election process. On April 22, the government announced that local elections would be held in two phases on May 14 and June 28, due to protests from Madhes-based and other dissatisfied parties. The following day, the government negotiated with the Madhes-based parties to ensure their participation, agreeing to pass the long debated constitutional amendment bill, with some revisions.

In order to address one of the Madhesi parties' demands and trying to ensure their participation in Phase II of the elections, the government announced a decision to increase the number of local units in the Terai by 22.¹⁷ However, on May 26, the decision was stayed by the Supreme Court.¹⁸ Six constituents of the UDMF, united under the newly formed Rashtriya Janata Party- Nepal (RJP-N),¹⁹ continued to oppose the elections, based on the inability of the government to increase the local units in the Terai. On June 11, RJP-N again threatened to disrupt and boycott the elections, and announced a four-day general strike in the Terai, starting from June 13.²⁰ The government decided to postpone the local elections in Province 2 to September 18 in order to allow more time to negotiate with dissenting parties on outstanding issues and create a conducive environment for them to participate in the elections.²¹ On August 23, RJP-N decided to participate in the third phase of local elections and any subsequent elections, after the government had tabled the constitutional amendment bill on August 21. However, the bill had failed to muster the necessary two-thirds majority to pass.

Box 2. Elections to the House of Representatives and Provincial Assembly

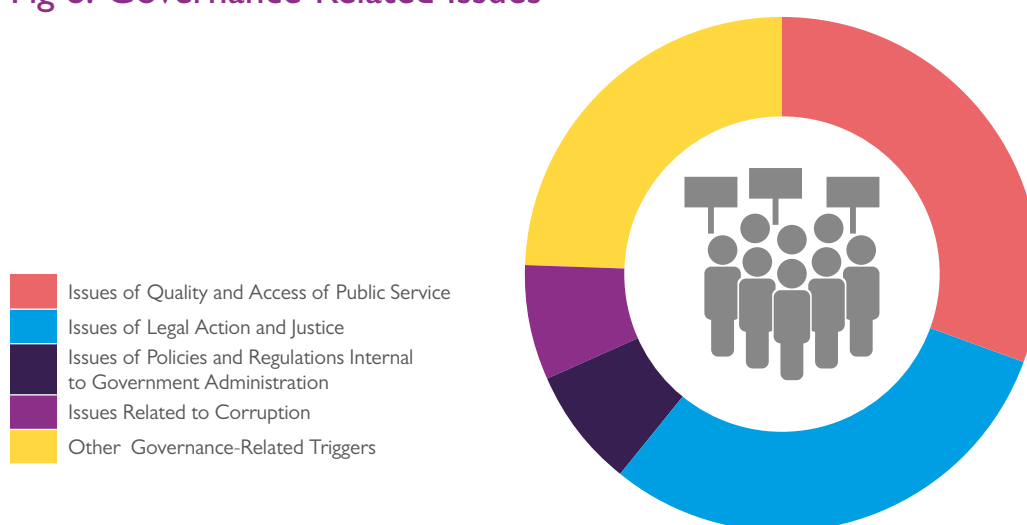
On August 21, the government announced that election to the House of Representatives and Provincial Assembly would be held on November 26. On August 30, the government rescheduled the elections to be held in two phases on November 26 and December 7.²² The announcement of elections led to a further consolidation among Nepal's political parties.

On October 3, former rivals CPN-UML and CPN-Maoist Center announced the formation of a 'Left Alliance' (which after their electoral victory led to the merger of both parties on May 17, 2018 under the name of Nepal Communist Party).²³ In response, Nepali Congress established the 'Democratic Electoral Alliance' including Rastriya Prajatantra Party (RPP) and RPP-Nepal on October 4. The Naya Shakti Party that had previously been part of the Left Alliance joined the Democratic Alliance later. The Madhesi parties, RJP-N and Federal Socialist Forum Nepal (FSFN), fielded common candidates in the direct elections. In the election to the House of Representatives, the Left Alliance won nearly two-thirds of the seats and a clear majority in six of seven provincial assemblies.²⁴

CHALLENGES TO GOVERNANCE IN NEPAL

Governance-related issues, such as perceived inefficiencies of public services and the justice system in Nepal, were the second most frequent trigger for non-violent protests in 2017. There were 438 incidents of violence and contestation recorded, with 88 percent of them being non-violent protests. Issues relating to the quality of or access to public services, such as in health, education, or other sectors, had the highest recorded number, with 135 incidents, followed by protests regarding legal action and access to justice, with 132. Protests by citizens and communities were staged to publicly allege unfair justice decisions and to pressure the administration to deliver justice to victims of alleged crimes, including murder and rape. Other governance-related issues that led to protests included allegations of corruption, disputes regarding availability of commodities, issues relating to employees of the government, and the delivery of non-government aid, such as disaster relief or post-earthquake reconstruction. Most of these incidents were localized protests, although some were part of strikes or more organized protests (see Fig 8).

Fig 8: Governance-Related Issues



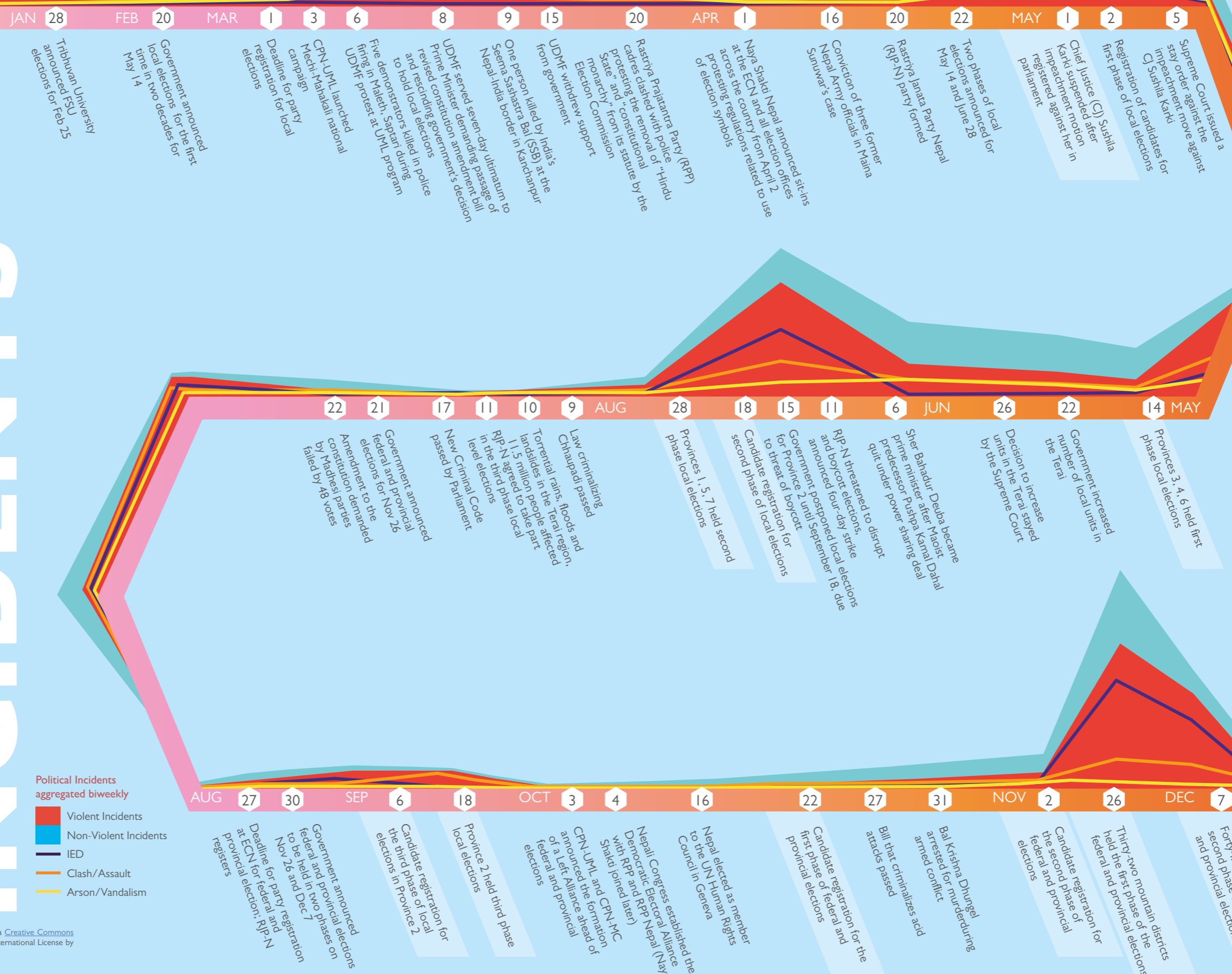
To mention a few prominent incidents that took place in 2017, Dr. Govinda KC continued his series of hunger strikes to demand reforms in medical education and the health service sector, and establishment of good governance. He also questioned the abuse of power by then chief commissioner of the Commission for the Investigation of Abuse of Authority (CIAA) and called for an impeachment motion against him (see Box 3). Conversely, there were protests against the impeachment motion against then Chief Justice Sushila Karki initiated in parliament (see Box 4). A number of protests alleged unfairness or irregularities in the distribution of relief materials for flood victims.²⁵ Other notable incidents included demonstrations by temporary teachers who staged a series of hunger strikes in protest of the government's failure to grant them permanent contracts as per commitments made in the past.

2017

TIMELINE OF INCIDENTS

Political Incidents aggregated biweekly

- Violent Incidents
- Non-Violent Incidents
- IED
- Clash/Assault
- Arson/Vandalism



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Box 3. Dr. Govinda KC's Hunger Strikes Continue

In 2017, Dr. Govinda KC continued his long string of hunger strikes to advocate for health reform. His movement receives continuous support from civil society, human rights organizations, and some political leaders. In 2017, he staged three hunger strikes, and the PMP recorded 15 incidents relating to Dr. Govinda KC's protests. These incidents include his 11th, 12th, and 13th hunger strikes as well as the support and solidarity from civil society groups and some political parties to the cause. Since 2012, Dr. KC has protested corruption within the department of health, privatization of the health sector, and problems with medical education. During his 8th and 9th hunger strikes in 2016, Dr. KC demanded the impeachment of CIAA chief Lok Man Singh Karki whom he accused of misusing his authority to interfere in the medical education sector.²⁶

Another aspect indicating weaknesses in Nepal's governance system were instances of citizens taking the 'law into their own hands'. 93 such instances of mob violence or vigilantism were reported. These included 25 incidents where relatives resorted to violence accusing health care staff of negligence or malpractice after a death of a patient, 14 cases of violence following a traffic accident, and 17 incidents where victims were accused of practicing witchcraft (see also section: Prevalence of GBV Concerning).

Box 4. Impeachment Motion Against Nepal's First Woman Chief Justice Draws Flak

The first woman Chief Justice of Nepal, Sushila Karki, was suspended from the post when an impeachment motion against her was registered in the National Parliament on April 30, 2017. The case was registered by 249 lawmakers from parties of the ruling coalition, Nepali Congress and CPN-Maoist Center.²⁷ However, the Supreme Court issued a stay order against the impeachment move on May 5, 2017, observing that the allegations made against the Chief Justice were not in line with the spirit of Nepal's Constitution. Subsequently, Sushila Karki resumed office.

Judicial and constitutional experts from Nepal criticized the move by the government, claiming it was a politically driven incident.²⁸ The impeachment motion against the Chief Justice not only took law practitioners and civil society in Nepal by surprise, but also sparked international concern.²⁹ The United Nations High Commissioner for Human Rights had expressed serious concern regarding the impeachment process.³⁰

During the time of her suspension, the PMP recorded eight incidents of non-violent protests against the impeachment motion. These included peaceful marches, protest rallies, demonstrations, and torch rallies by law practitioners, student associations, youth groups, and representatives from various political parties in support of Chief Justice Sushila Karki.



A SLOW PATH TOWARDS TRANSITIONAL JUSTICE

In 2017, the initial two year mandates of the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) were extended for another year, without addressing the serious flaws in their legal framework, as pointed out in the Supreme Court decision of 2015.³¹ The legal frameworks of both commissions are also not aligned with international standards, and national and international stakeholders expressed serious objections to the government's decision to extend the mandates of the commissions without amending the TRC law.³² Most importantly, however, is the lack of a victim-centric approach, plan of action, and expertise. The commissions also seemed more preoccupied with internal conflict than providing justice to the victims.³³

Thus far the commissions have received numerous complaints from victims, and a handful of cases are undergoing investigation, but not a single case to date has been recommended for prosecution. As of the end of 2017, 60,298 cases were registered with the TRC, and 3,093 cases registered with the CIEDP.³⁴ Recently the CIEDP closed approximately 400 cases and handed them over to the TRC without proper investigation, pronouncing the missing persons dead on the basis of an administrative procedure.³⁵ Additionally, there were concerns regarding security and confidentiality when victims lodged complaints.³⁶ Women are particularly vulnerable in this process.

There were some important developments in 2017 regarding several high-profile cases from the conflict era. On April 16, there was a conviction in the case of Maina Sunuwar, and on October 31, Bal Krishna Dhungel who had been convicted of murder in 2004 was finally arrested (see Box 5). No progress was made in another prominent case of litigation regarding the killing of Ganga Maya Adhikari's son by Maoist rebels during the war (see Box 5).

In March 2017, the United Nations Human Rights Committee urged the Nepal Government to investigate and prosecute the 2004 rape and torture case of Purna Maya (name changed to protect her privacy).³⁷ This is the first time the Committee has brought a crime of sexual violence to the attention of the Nepalese government, and it has the potential to set legal precedent for other victims of sexual violence during the conflict to seek justice.³⁸

On August 17, 2017, a new Criminal Code was passed by Parliament, coming into effect in August 2018. For the first time, the code defines torture and enforced disappearance as crimes. This has been long overdue to bring Nepali legislation in line with the state's international obligations.³⁹ However, the code still falls short of international standards, particularly regarding the statute of limitations on torture.⁴⁰ The statute was expanded from six months to one year, but according to international law, there should be no statute of limitation on torture, as it might lead to impunity for the crime.

In 2017, Nepal was elected as a member of the Human Rights Council for the first time.⁴¹ Its three year mandate started on January 1, 2018, and the membership could be a turning point for Nepal in holding itself to a higher level of commitment to human rights and justice. Since Nepal's nomination for a seat in the council, human rights advocates have increased demands for effective action on human rights abuses in the country, and are hopeful for the development of a fairer justice system. A member of the National Human Rights Commission, expressed the hope that "[t]his will force the state machinery to act more responsibly to uphold human rights."⁴²

Box 5. Some Progress in the Fight Against Impunity⁴³

Maina Sunuwar's Case:

As one of the woefully few convictions of crimes during the conflict, the Maina Sunuwar case has become emblematic of the search for justice, highlighting its weaknesses, but also offering hope to other victims.⁴⁴

Maina Sunuwar, at the age of 15, was taken from her home, tortured, and killed by the Nepal Army, under suspicion of Maoist connections in 2004.⁴⁵ In 2005, a military tribunal ruled that Maina's death was accidental and charged three army officials with minor offences.⁴⁶ However on April 16, 2017, the Kavre District Court ordered life imprisonment for three former army officials in the case but acquitted one of the accused still serving in the army.⁴⁷ None of the convicted are currently in jail, and they are likely in hiding abroad. Following the Attorney General's refusal to appeal against the District Court's acquittal of one of the culprit, Maina's mother filed a separate writ petition at the High Court.⁴⁸ Since then, a representative of the army has filed for an annulment of the case at the Supreme Court, claiming double jeopardy, and questioning the validity of the verdict and any potential future verdicts regarding war-era crimes.⁴⁹

Bal Krishna Dhungel Arrested:

On October 31, 2017, the Crime Investigation Bureau of Nepal Police arrested Bal Krishna Dhungel for the murder of Ujjan Kumar Shrestha in 1998 by Maoist forces under his command. Dhungel was sentenced to life in prison by the Okhaldhunga District Court in 2004, but later elected to the Constituent Assembly in 2008. He was given amnesty in 2012, which was then stayed by the Supreme Court. However, as a political party leader and former lawmaker, Dhungel moved freely in public.⁵⁰ It was only after a writ for contempt of court was filed against the Inspector General of Police, that he was finally arrested.⁵¹ The arrest represented a significant step forward in the fight against impunity in Nepal, although counteracted by his early release on Republic Day, May 29, 2018 when he was granted amnesty by the President.

Ganga Maya's Case:

Ganga Maya Adhikari and her late husband Nanda Prasad Adhikari struggled for justice for the abduction and killing of their son, Krishna Prasad Adhikari, by Maoist rebels on June 6, 2004 in Chitwan.⁵² The couple began their hunger strike in front of Prime Minister's residence at Baluwatar in January 2013. Despite the court's policy to deliver justice in two years, the case exceeded the limit after the judge filed an appeal on November 2017, stating that he would not be able to attend the discussion of the case on that particular day.⁵³ Arrest warrants were issued against 13 accused persons, of which seven were released on bail, four are on general date, and two remain at large.⁵⁴ Nanda Prasad Adhikari died in September 2014 after an 11-month hunger strike seeking justice for his son's murder and demanding the culprits' arrest. Even after his death, his widow, Ganga Maya, continues the fight for justice.



PROGRESS TOWARDS GENDER EQUALITY

Nepal is party to several human rights conventions that commit the government to gender equality, social justice, and anti-discrimination.⁵⁵ The Government of Nepal is also committed, under SDG Five, to achieve gender equality and empower all women and girls.⁵⁶ In accordance with these goals, 33 gender discriminatory acts were revised or nullified in 2017. The 35-day limit for lodging a complaint against rape was extended to 6 months, but the new Criminal Code extends it further, to one year.⁵⁷ A separate law was adopted to criminalize the practice of Chhaupadi.⁵⁹ On October 27, 2017, the Parliament of Nepal passed a bill for the criminalization of acid attacks.⁶⁰ This bill resulted from community pressure on the government to take legal action against the perpetrators of an acid attack carried out upon two girls in Basantapur in 2015.⁶¹

Box 6. Citizenship Rights through Mothers

In a landmark decision by the Supreme Court, Deepti Gurung's daughters were issued citizenship under their mother's name on May 22, 2017.⁶² Even though the Citizenship Act of 2006 and interim constitution of 2007 gave women the right to pass on citizenship to their children, they continue to face significant administrative hurdles. Without documents that prove the citizenship of a mother or father, claiming citizenship can be extremely tedious.

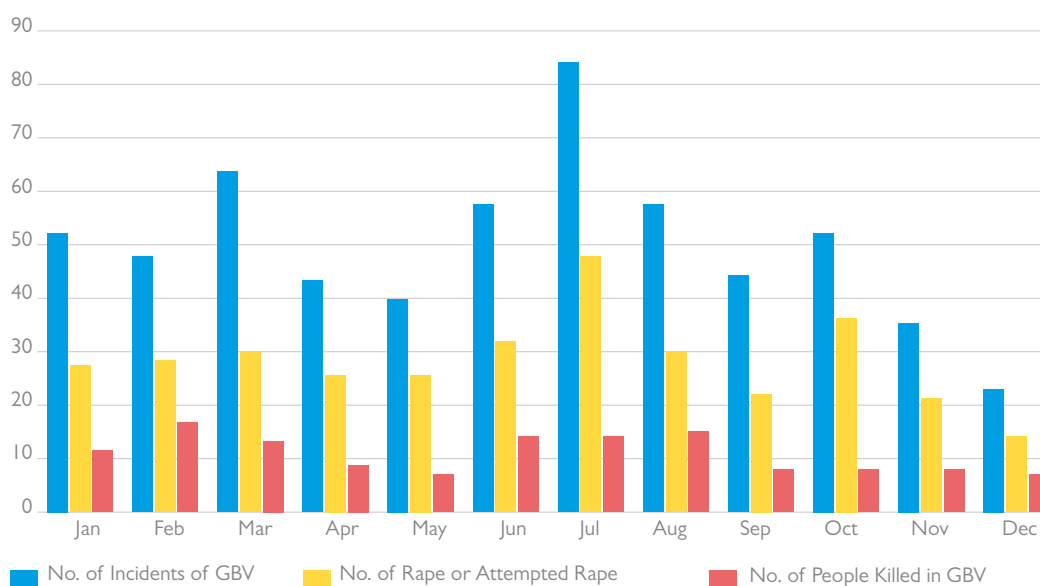
According to the current laws, claiming citizenship under the mother's name should not be more difficult than under the father's. However, the citizenship provision still demands the applicant to prove the nationality of the father as a Nepali citizen. For example, in Banke district, the Chief District Officer denied citizenship to 10 youths, on the basis that proof of their fathers' Nepali citizenship was required.⁶³ Similar cases were also reported from elsewhere.⁶⁴

Prevalence of GBV Concerning

In 2017, the PMP documented 680 incidents of GBV across Nepal, although actual numbers are likely much higher.⁶⁵ Incidents recorded included 430 incidents of sexual assault including rape and attempted rape, and 116 incidents of domestic violence.⁶⁶ Other incidents included infanticide and dowry-related violence, as well as cases of violence reportedly related to accusations of witchcraft. Outside of domestic violence, 44 murders and 53 assaults pertained to GBV. Two incidents recorded involved violence or discrimination against transgender people, including a case where a police officer subjected three transgender people to torture and degrading treatment at a police station in Itahari, Sunsari.⁶⁷

Of the 430 incidents of sexual assault recorded, 385 were cases of rape or attempted rape. Notably, 83 percent of the victims of rape were women or girls of 25 years and below and in more than half of the cases, reports identified the victim as a child of 16 years and below. Nine victims of sexual assault were persons with disabilities.⁶⁸ In addition to these violent incidents, 115 women and girls and four boys were rescued from human trafficking in various parts of India and Nepal, mostly at the Nepal-India border.⁶⁹

Fig 9: Impacts of GBV in 2017



In terms of geographic distribution, Rupandehi and Siraha districts witnessed the highest documented number of incidents of GBV, with 41 and 36 cases respectively (see Table 1). When the size of population is taken into account, Terhathum, Mugu, Bhojpur, Siraha, Sindhupalchowk, Ilam, Udayapur, Makawanpur, Gorkha, and Myagdi districts recorded the highest rates of incidents of GBV per capita.

Table 1: Districts with Highest Incidence of GBV

DISTRICTS	INCIDENTS OF GBV
Rupandehi	41
Siraha	36
Saptari	31
Kathmandu	26
Morang	24
Mahottari	22
Nawalparasi	21
Jhapa	20
Banke	19
Dang	18

Justice in Cases of GBV Often Elusive

Despite some progress in legislation, violence against women is widespread, while the implementation of existing policies remains weak. According to the 2016 Nepal Demographic and Health Survey, seven percent of women aged 15-49 experienced sexual violence and at least one in five women in Nepal experience mental, physical, and other forms of violence during their lifetime.⁷⁰ Twenty-six percent of ever-married women have experienced spousal violence⁷¹ and 66 percent of women who faced violence did not seek assistance.⁷² Fear of social stigma, along with an inaccessible and, at times, uncaring justice system, deters women from reporting cases.⁷³

Recurring problems in addressing these concerns include the conviction rate for sexual violence and abuse. In 2016 and 2017, the rape and attempted rape conviction rate was low in both the Supreme Court and the High Court, as the intent to rape is difficult to prove, particularly with an unclear definition of the law.⁷⁴ In other cases, a major hurdle for a conviction is the pressure on victims of abuse to settle cases outside of court.⁷⁵ In cases of domestic violence, the law allows reconciliation between the victim and perpetrator, if both parties agree. As victims tend to have no support structure outside their home, they can be pressured to reconcile, even in extreme cases of domestic violence.⁷⁶ Such pressure is not limited to cases of domestic abuse. Victims of rape, sexual assault, and other felony crimes are routinely pressured to withdraw their case or come to a settlement with the perpetrator.⁷⁷

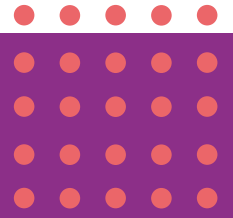


CASTE-BASED DISCRIMINATION CONTINUES

On June 24, 2017, the government issued a Caste Based Discrimination and Untouchability (Offence and Punishment) Regulation, to criminalize untouchability, exclusion, and restriction on the basis of caste.⁷⁸ Nepal has made several other commitments to end discrimination over the years, including the criminalization of all forms of caste-based discrimination in the constitution,⁷⁹ and the adoption of the International Convention on Elimination of all Forms of Racial Discrimination in 1969.⁸⁰ Also in 2006, Nepal was declared 'untouchability-free' by Parliament.⁸¹ Despite these commitments, untouchability remains deeply entrenched in society, largely due to the government's reluctance (or inability) to punish perpetrators.⁸²

In 2017, the PMP recorded 24 incidents of caste-based discrimination against Dalits across Nepal. Of the 24 incidents, 20 involved violence. Perpetrators injured 27 people, and a teenage girl and a couple were killed. However, the numbers belie the prevalence of discriminatory practices against Dalits in everyday life which regularly goes unreported and only grave cases enter the public record. Incidents recorded in 2017 include Dalits being prohibited from entering temples or from buying milk from a particular place, Dalits being beaten for entering homes of non-Dalits, for not cleaning their dishes at a hotel where they had a meal, Dalits fined for touching the cowshed of a non-Dalit, and children being bullied in schools due to their family background.⁸³ In urban areas, Dalits also report frequent discrimination in the housing market, with some landlords refusing to rent out rooms to them because of their caste. In addition, inter-caste marriage involving Dalits and members of a so-called upper caste continues to be frowned upon, with sometimes tragic consequences.⁸⁴ In Surkhet, a Dalit family was assaulted on September 9, as their son had married a so-called upper caste girl⁸⁵, and a couple in Rupandehi was assaulted on July 3 for their inter-caste relationship.⁸⁶

PROVINCE PROFILE



Province 1	Province 2	Province 3	Province 4	Province 5	Province 6 (Karnali)	Province 7	
Population Density (per sq.km)	175.06	559.38	272.39	110.59	227.44	51.99	130.64
Human Development Index	0.5	0.422	0.506	0.513	0.461	0.412	0.416
Literacy Rate (percent)	71.17	49.72	68.46	73.33	67.67	58.49	61.54
Life Expectancy (years)	68.52	70.43	70.31	69.12	67.55	65.67	66.93
Multidimensional Poverty Index	0.085	0.217	0.051	0.061	0.133	0.23	0.146
Per Capita Income	\$1,211	\$922	\$1,367	\$1,384	\$947	\$806	\$685
Total Incidents Recorded	571	916	731	275	523	244	295
GBV-Related Incidents	132	150	125	51	137	41	43
Election-Related Incidents	186	296	210	111	195	104	114
Others	253	470	396	113	191	99	138
Killed	81	111	91	36	59	28	40
Injured	243	468	352	125	301	233	236
Rape/Attempted Rape	84	69	92	28	81	21	18



PROVINCE

1

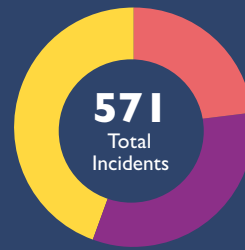


Area	25905 sq.km.
Population	4534943
Population Density	175.06 per sq.km.
Human Development Index	0.5
Literacy Rate	71.17%
Multidimensional Poverty Index	0.085
Average Life Expectancy	68.52 years
Per Capita Income	\$1,211
Interim Capital	Biratnagar

COCAP Member Organizations

Nepal Social Development and People Empowerment Centre (NESPEC), Udayapur
 Panchawati Rural Development Centre, Udayapur
 Community Legal Research Centre (CLRC), Jhapa
 Madheshi Boudhik Samaj, Morang

Ethnicity	%
Chhetri	14.78
Brahmin	12.09
Rai	11.33
Limbu	8.05
Tamang	4.66
Magar	4.17
Tharu	4.16
Muslim	3.59
Newar	3.73
Kami	3.29
Others	30.2



GBV	132
Election-Related	186
Other	253



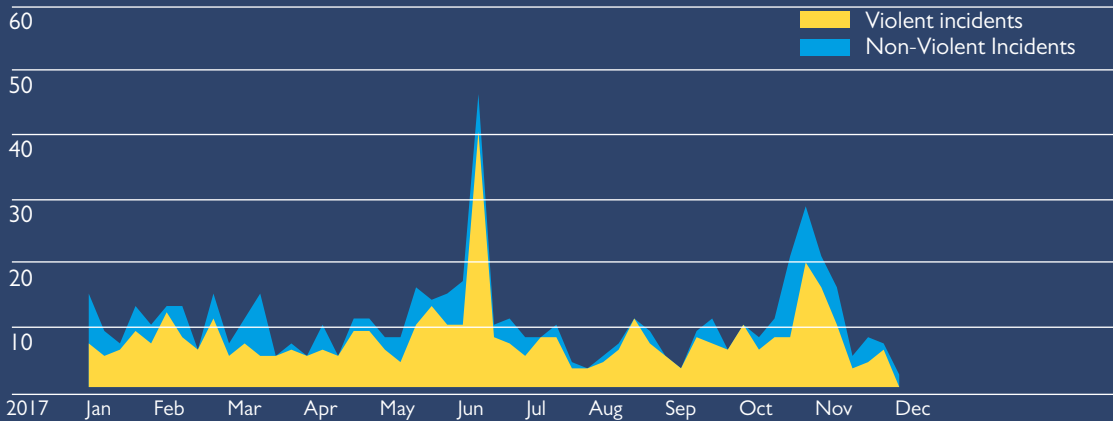
81
People Killed



243
People Injured



84
Number of Rape/
Attempted Rape



*Source for ethnicity, area, population, HDI, literacy rate, average life expectancy, per capita income, number of local units: 'Detail description of all the states and local levels, accompanied by vivid maps'

*Source for Multidimensional Poverty Index: 'Nepal Multidimensional Poverty Index, Analysis towards Action', National Planning Commission

* Data on incidents recorded by NepalMonitor.org



PROVINCE

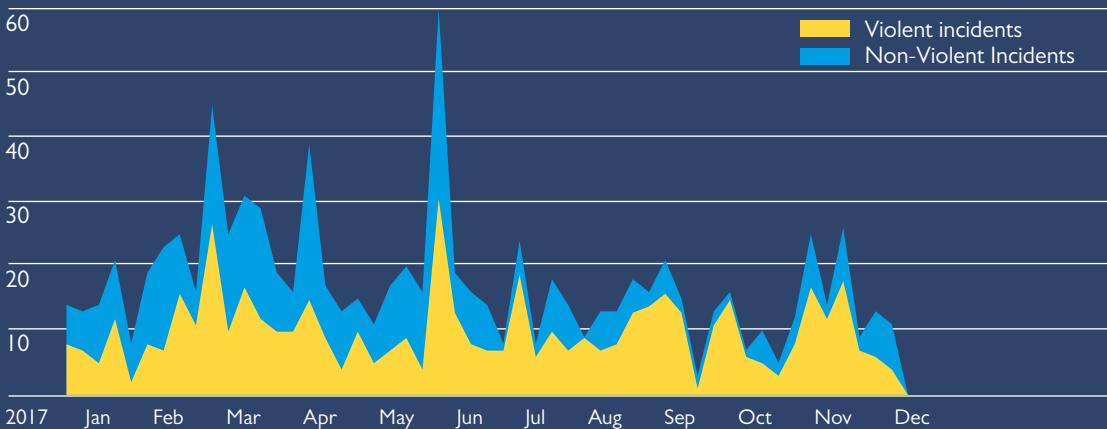
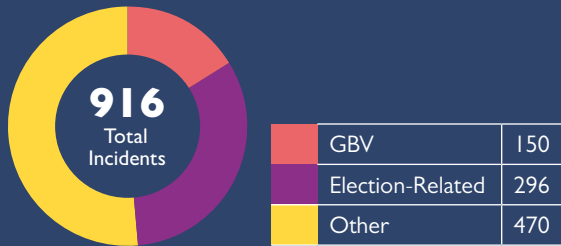
2



Area	9661 sq.km
Population	5404145
Population Density	559.38 per sq.km
Human Development Index	0.422
Literacy Rate	49.72%
Multidimensional Poverty Index	0.217
Average Life Expectancy	70.43 years
Per Capita Income	\$922
Interim Capital	Janakpur

COCAP Member Organizations	
Nepal Rajak Janakalyan Samiti,	Siraha
Setu Samudayik Bikash Manavadhikar Manch,	Saptari
Community Development Forum,	Siraha
Support Nepal,	Dhanusha
Mahila Bikash Nepal,	Sarlahi
New Young Star Club,	Bara

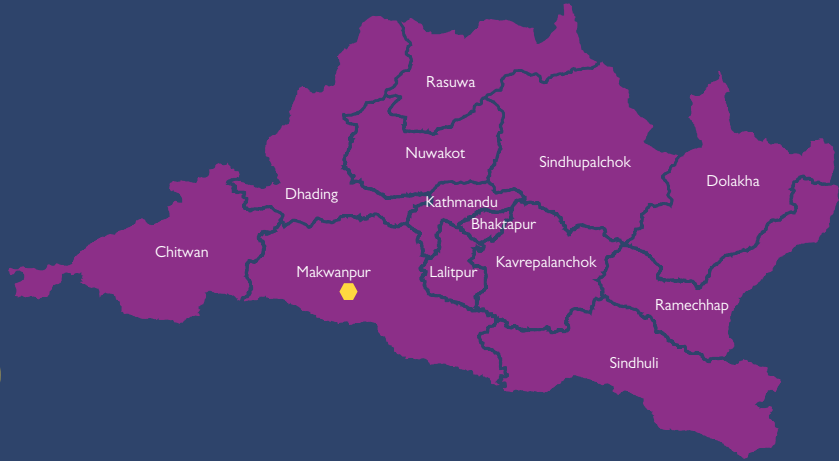
Ethnicity	%
Yadav	14.62
Muslim	11.58
Tharu	5.27
Teli	5.09
Koiri	4.56
Chamar	4.21
Dhanuk	3.48
Musahar	3.01
Kurmi	2.83
Dushadh	2.79
Others	42.57





PROVINCE

3

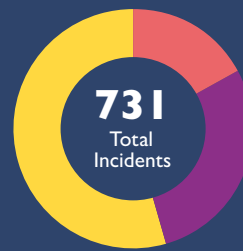


Area	20300 sq.km
Population	5529452
Population Density	272.39 per sq.km
Human Development Index	0.506
Literacy Rate	68.46%
Multidimensional Poverty Index	0.051
Average Life Expectancy	70.31 years
Per Capita Income	\$1,367
Interim Capital	Hetauda

COCAP Member Organizations

- Shanti Samaj Kendra, Makwanpur
- Jagaran Media Centre, Kathmandu
- Advocacy Forum, Kathmandu
- Youth Action Nepal, Kathmandu
- Campaign for Change Nepal, Kathmandu

Ethnicity	%
Tamang	20.42
Brahmin	18.28
Chhetri	17.28
Newar	16.91
Magar	4.89
Kami	2.5
Gurung	2.25
Tharu	1.66
Rai	1.53
Damai	1.35
Others	12.9



GBV	125
Election-Related	210
Other	396



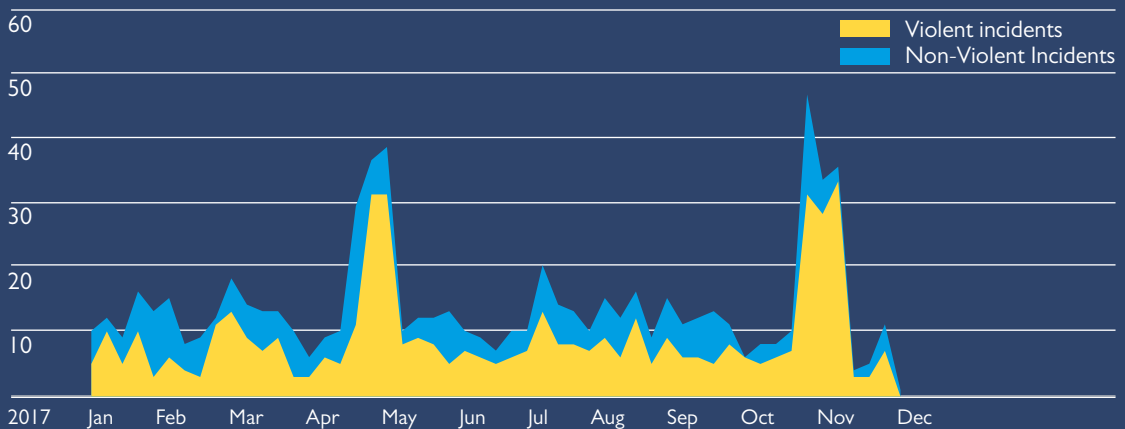
91
People Killed



352
People Injured



92
Number of Rape/
Attempted Rape





PROVINCE

4

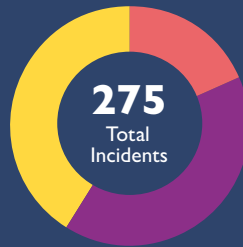


Area	21828 sq.km
Population	2413908
Population Density	110.59 per sq.km
Human Development Index	0.513
Literacy Rate	73.33%
Multidimensional Poverty Index	0.061
Average Life Expectancy	69.12 years
Per Capita Income	\$1,384
Interim Capital	Pokhara

COCAP Member Organizations

- Chartare Youth Club, Baglung
- Nari Sewa Kendra, Kaski
- Dalit Empowerment Centre, Baglung
- Centre for Community Resource & Environment Development (CeCRED), Parbat
- Milan Myagdi, Myagdi

Ethnicity	%
Brahmin	20.55
Magar	17.42
Chhetri	12.98
Gurung	11.08
Kami	8.4
Newar	4.09
Sarki	3.98
Damai	3.7
Tharu	2.53
Tamang	2
Others	13.26



GBV	51
Election-Related	111
Other	113



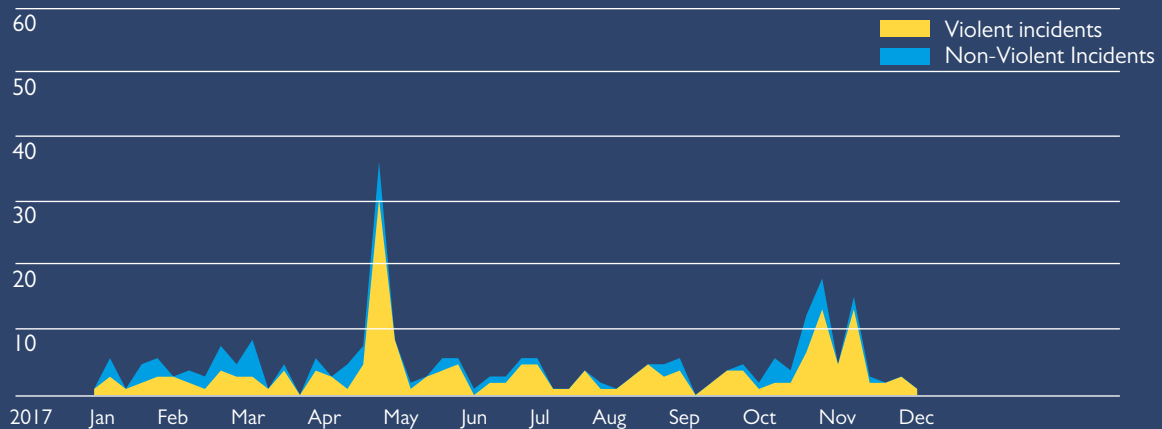
36
People Killed



125
People Injured



28
Number of Rape/
Attempted Rape





PROVINCE

5

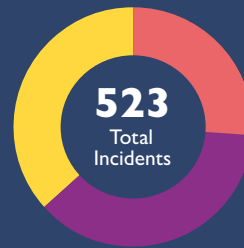


Area	19737 sq.km
Population	4488955
Population Density	227.44 per sq.km
Human Development Index	0.461
Literacy Rate	67.67%
Multidimensional Poverty Index	0.133
Average Life Expectancy	67.55 years
Per Capita Income	\$947
Interim Capital	Rupandehi

COCAP Member Organizations

Creative Society Nepal, Rupandehi
 Indreni Rural Development Centre, Rupandehi
 Environment and Social Concern Centre, Palpa
 Social Awareness Concerned Forum, Banke
 Active Forum for Human Rights Awareness, Banke
 People Centered Development Forum, Bardiya
 Environment and Rural Development Centre, Banke
 Chetana Club, Dang
 Forum for People's Awareness, Arghakhanchi
 Striken Public Service Development Program, Banke

Ethnicity	%
Magar	15.67
Tharu	14.8
Chhetri	14.73
Brahmin	12.74
Muslim	6.69
Kami	6.25
Yadav	3.8
Damai	1.97
Chamar	1.73
Sarki	1.53
Others	20.07



GBV	137
Election-Related	195
Other	191



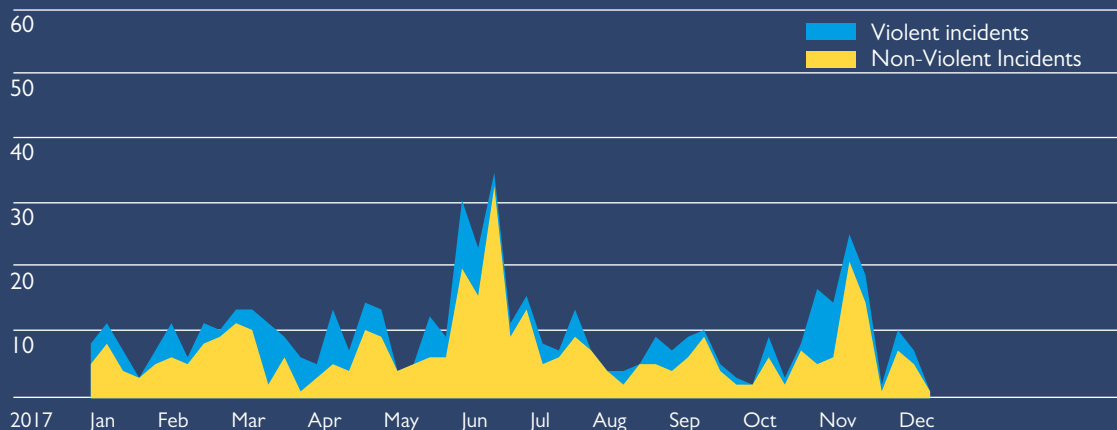
59
People Killed



301
People Injured



81
Number of Rape/
Attempted Rape





PROVINCE
6
KARNALI

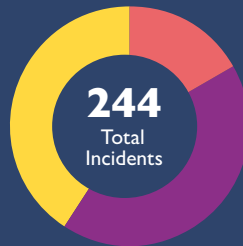


Area	30211 sq.km
Population	1570584
Population Density	51.99 per sq.km
Human Development Index	0.412
Literacy Rate	58.49%
Multidimensional Poverty Index	0.23
Average Life Expectancy	65.67 years
Per Capita Income	\$806
Interim Capital	Surkhet

COCAP Member Organizations

- Sharada Salyan Nepal, Salyan
- Danfe Youth Club, Jajarkot
- Dalit Development Society, Salyan
- Nepal Civil Society, Surkhet
- Human Rights & Environment Development Centre, Kalikot
- Centre for Karnali Rural Promote & Society Development, Mugu
- People Participation for Sustainable Development Nepal, Salyan

Ethnicity	%
Chhetri	40.85
Kami	15.89
Magar	11.38
Thakuri	10.45
Brahmin	8.47
Damai	3.98
Sarki	2.63
Dashnami	1.71
Others	4.62



GBV	41
Election-Related	104
Other	99



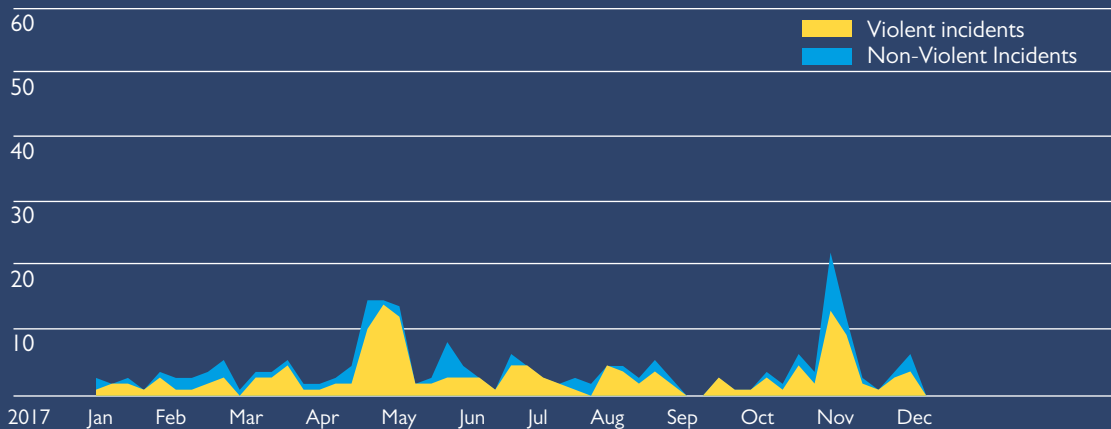
28
People Killed



233
People Injured



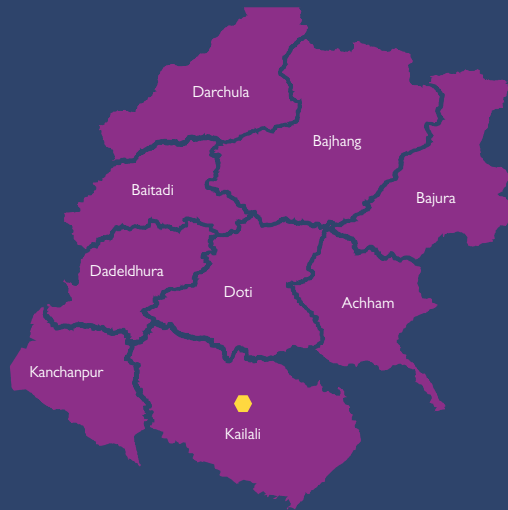
21
Number of Rape/
Attempted Rape





PROVINCE

7

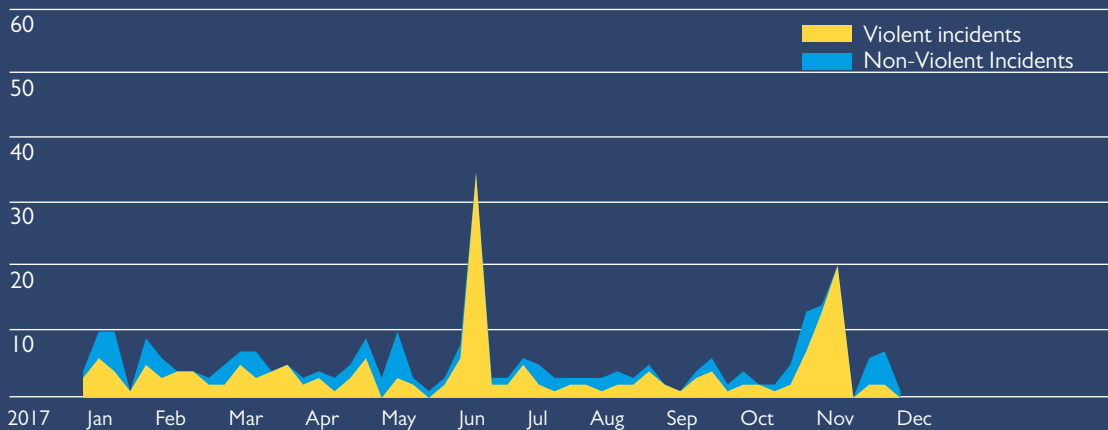
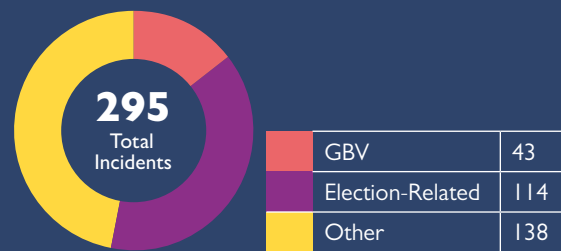


Area	19539 sq.km
Population	2552517
Population Density	130.64 per sq.km
Human Development Index	0.416
Literacy Rate	61.54 %
Multidimensional Poverty Index	0.146
Average Life Expectancy	66.93 years
Per Capita Income	\$685
Interim Capital	Kailali

COCAP Member Organizations

SWEET Nepal, Kanchanpur
 Human Rights Awareness and Social Development Centre, Kailali
 Women Progress Centre, Kanchanpur
 Conscious Society for Social Development, Kailali
 National Dalit Network, Kailali
 Mitra Sangh, Baitadi
 Gramin Sudhar Manch (GSM), Dadeldhura

Ethnicity	%
Chhetri	41.54
Tharu	17.2
Brahmin	13.01
Kami	8.25
Thakuri	4.45
Damai	2.57
Magar	2.22
Sarki	1.68
Lohar	1.18
Other Dalits	4.16
Others	3.7







CONCLUSION LOOKING FORWARD

Several important milestones were reached in 2017 in institutionalizing Nepal's transition to a federal democratic republic. The delimitation of new local units was concluded and three tiers of elections (local, provincial, and federal) were held for the first time under Nepal's constitution of September 2015. Provisions to ensure inclusion of women, Dalits, and other marginalized groups resulted in the most inclusive elected bodies yet in Nepal, with women comprising 41 percent of elected representatives at all levels.⁸⁷ Elections also led to a consolidation of Nepal's political landscape and the new government was formed with a comfortable two-thirds majority. Following a decade-long conflict that ended in 2006 and a protracted transition period, these are important achievements.

As in other parts of the region, Nepal in the past experienced some level of violence during elections. With a prolonged electoral calendar and three tiers of elections held in the same year, it is no surprise that many publicly documented incidents (34 percent) in 2017 were related to elections. Despite apprehensions amid initial calls for boycott and protests by disgruntled parties, elections remained largely peaceful and incidents of violence were scattered. Of the 15 people killed in election-related violence, 10 died as a result of police intervention. Of concern was also the heightened use of IEDs or hoax bombs by groups opposed to the parliamentary system. Despite political violence resulting in a high number of documented incidents and increased number of injuries, disputes of a personal nature and GBV remained the leading causes of violent deaths in 2017.

Looking forward, with formation of elected bodies on all three tiers of the new federal setup, expectations to address past weaknesses in governance and social justice are high. At the same time, there are formidable tasks ahead: The administrative system needs to be restructured to conform to the new federal constitution, new laws must be enacted to solidify institutions at provincial and local level, and competencies between different tiers of government require clarification. With local elections held for the first time in two decades and increased powers of local bodies, newly elected local representatives will need to be capacitated to fulfill their roles meaningfully. Another critical task ahead for the new government is the promulgation of laws which will effectively guarantee citizens' fundamental rights enshrined in the constitution. This must be accomplished within the three-year deadline given in the charter.⁸⁸

As the last outstanding issue of the peace process, the transitional justice process will need to be carried forward to ensure justice for conflict victims and accountability for war-era crimes. This area saw little progress in 2017. Recently the government published its draft amendment to the TRC law. However, victims' groups have criticized the draft for the 'symbolic prosecution' of perpetrators it espoused.⁸⁹ Moreover, recent actions such as the presidential pardon for Bal Krishna Dhungel⁹⁰ and the continued sluggishness of the TRC and CIEDP, suggest there is still a long way to go to achieve a meaningful, victim-centric approach to transitional justice and an end to impunity for war-era crimes.

ENDNOTE

- 1 See: [Key Targets for Peace - Infographic](#), Saferworld
- 2 The PMP defines violence as any intentional use of physical force against another person or group resulting in injury, death, or other forms of physical harm to persons or damage to property. Non-violent public contestation includes demonstrations, protests, bandhs, and other forms of public protest. Incidents of threats and intimidation are also tracked by the PMP. For more information about sources and methodology, see box on the project at the end of this report.
- 3 See: [Madhesis, Tharus Stand Opposed to New Constitution](#), The Himalayan Times
- 4 See: [Crisis on Nepal - India border as Blockade Continues](#), Aljazeera
- 5 Throughout the report, the abbreviation CPN-Chand is used for the Communist Party of Nepal led by Netra Bikram Chand, in order to avoid confusion with the recently formed Nepal Communist Party (NCP) resulting from the merger of CPN-UML and CPN-Maoist Center.
- 6 Of the 1,452 political incidents, 1,149 were election related.
- 7 For more detailed analysis of trends over the year, see our quarterly reports on [Trends of Violence and Contestation in Nepal](#), NepalMonitor.org/blog
- 8 These numbers are aggregated from the publicly available incident reports documented in the Nepalmonitor.org database. For a list of incidents that resulted in one or more deaths, see <https://bit.ly/2yBT86x>
- 9 In 29.37 percent of cases the motive for the violence resulting in deaths remained unknown (indicated in Fig 1 as 'Unknown').
- 10 The official intentional homicide rate (per 100,000 people) in Nepal was 2.16 as of 2016. This compares to an intentional homicide rate of 0.30 for Iceland or 5.35 for the US, for instance. The rate in Nepal dropped from 3.4 in 2008 and 2.8 in 2012. See: [Intentional Homicide Victims](#), UNODC
- 11 Violent incidents totaled 819 political, 671 gender-based, and 345 personal.
- 12 A total of 633 non-violent incidents were political.
- 13 Of the complete recorded data, political activity constituted 41 percent (1452), GBV 19 percent (680), and personal disputes 10 percent (355), however data is likely skewed towards the types of incidents which are publicized.
- 14 Earlier in February and March, elections to the Free Student Unions had triggered some protests and confrontations between different student wings of political parties in campuses across Nepal. See: [Contestation and Violence Related to Free Student Union Election](#), Nepalmonitor.org/blog
- 15 For a list of reports on incidents related to elections and federal restructuring, see: <https://nepalmonitor.org/reports> or see our regular [Analysis Updates and Factsheets on Electoral Incidents](#), Nepalmonitor.org/blog
- 16 See: [Impact of the Saptari Incident on the Electoral Environment](#), Nepalmonitor.org/blog
- 17 See: [Recently Increased 22 Local Units Published in Nepal Gazette](#), The Himalayan Times
- 18 See: [Supreme Court Stays Decision to Add Local Units](#), The Himalayan Times
- 19 Rastriya Janata Party Nepal (RJP-N) was formed on April 20, 2017 which includes six Madhes based parties.
- 20 See: [RJPN to Intensify Protest to Disrupt Election](#), Republica
- 21 See: [Ruling Parties Agree to Postpone Local Polls in Province 2](#), Republica
- 22 Due to concerns about logistical management and weather conditions in mountain districts the schedule for election was revised.
- 23 See: [New Sun Dawns on Nepal: Left Alliance Partners Merge to give Majority to Government to Country After Decades](#), The Himalayan Times
- 24 See: [Left Alliance Commands Two-Thirds Majority in NA](#), The Kathmandu Post
- 25 Thirteen protests relating to the floods were recorded: among them, one incident involved violence. Flood victims blamed administration for being biased and accused officials of distributing relief materials to people who were not affected by the floods while depriving the genuine victims. For a list of reports on flood related issues, see: <https://nepalmonitor.org/reports>
- 26 See: [For Govinda KC's Protest to Succeed, He Must Attack Corny Capitalism](#), The Record Nepal
- 27 According to the constitution of Nepal, if one fourth of lawmakers file an impeachment motion against the chief justice, s/he would be directly suspended from the post.
- 28 See: [Impeachment Motion Against CJ Karki](#), Bipin Adhikari Blog
- 29 Ibid
- 30 See: [Efforts to Impeach Nepalese Chief Justice 'An Assault on Human Rights' UN Rights Chief](#), OHCHR
- 31 See: [TRC, CIEDP Term Extended by One Year](#), Relief Web
- 32 They allow for the possibility of amnesties, even in cases of gross human rights violations, and for broad authority in facilitating reconciliation, even without the consent of the victim or family. See: [TRC, CIEDP Short of International Standards](#), The Himalayan Times and [HRV: World Report 2018- Nepal](#)
- 33 The United Nations has notably long expressed their inability to extend support to the work of the commissions as long as their framework does not meet international standards, see: [Cant Support CIEDP, TRC: Act Faulty: United Nations](#), The Himalayan Times
- 34 See: [TRC, CIEDP short of International Standards](#), The Himalayan Times
- 35 See: [CIEDP Categorises Missing Persons as Dead Without Investigating](#), The Himalayan Times
- 36 Interview with several lawyers at ICJ (November 7, 2017) about the heaps in the TJ process and victims' perspectives.
- 37 See: [UN Body Urges Nepal to Investigate, Prosecute, and Afford Redress to Victim of Rape in Landmark Ruling Regarding Sexual Violence in Conflict](#), Advocacy Forum
- 38 See: [UN Urges Nepal to Investigate Landmark Claims of Gang Rape and Torture by Civil War Soldiers](#), International Business Times
- 39 See: [House Passes Long-Awaited Criminal Code 2074](#), The Kathmandu Post
- 40 See: [ICJ Urges to Revise Draft Criminal Code Bill](#), Republica
- 41 See: [Press Release- Nepal's Election-United Nations Human Rights Council \(HRC\)](#), OHCHR

- 42 See: [As Nepal Joins UN Human Rights Council, Activists Call Out Its Domestic Abuses But Also See Hope](#), The Wire
- 43 For a list of reports on Transitional Justice in 2017, see: <https://nepalmonitor.org/reports>
- 44 See: [3 Ex- NA Officials Convicted of Killing Maina Sunuwar](#), The Kathmandu Post
- 45 See: [How Maina was Killed](#), Nepali Times
- 46 See: [Maina Sunuwar Murder: Nepal Soldiers Convicted of War-Era Killing](#), BBC
- 47 See: [3 Ex- NA Officials Convicted of Killing Maina Sunuwar](#), The Kathmandu Post
- 48 See: [Maina Sunuwar's Case: 14 years of Impunity](#), Advocacy Forum
- 49 See: [Army Petitions SC Over Kavre Court Verdict in Maina](#), Republica and [The Court Can't Try Us, Nepal Army Tells Supreme Court](#), The Record Nepal
- 50 See: [Rights Violations Going Unpunished: ICJ](#), The Himalayan Times
- 51 See: [Murder Convict Leader Bal Krishna Dhungel Arrested, Sent to Dillibazaar Prison](#), The Kathmandu Post
- 52 See: [Krishna Prasad Adhikari Murder Case: Hearing Put Off for 15th Time](#), The Kathmandu Post
- 53 See: [Final Hearing on Krishna Prasad Murder Case Postponed 7th Time](#), The Himalayan Times
- 54 See: [Hearing on 2004, Krishna Prasad Adhikari Murder Case Today](#), The Kathmandu Post
- 55 Including the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1991, the International Covenant on Economic, Social and Cultural Right, 1966, and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.
- 56 Goal Five includes the targets of eliminating wage discrimination, physical and sexual violence and all harmful practices, as well as to increase women' share in public service decision making positions by 2030. See: [Sustainable Development Goals, Status and Roadmap: 2016 - 2030](#), NPC
- 57 See: [Why Does Rape Have a Low Conviction Rate in Nepal?](#), The Record Nepal
- 58 See: [INSEC Nepal Human Rights Yearbook 2018](#) p.10
- 59 Chhaupadi is an ancient practice which considers women and girls as untouchables and impure during menstruation and after child birth and banishes them from their homes to cowsheds. See: [Nepali Teen Dies from Snake Bite in "Menstruation Hut"](#), Aljazeera.com
- 60 "Section 193 of the bill states, "The perpetrator of such crime shall be jailed for five to eight years depending on the gravity of the offence and fined Rs. 100,000 to Rs 300,000." See: [New Laws Criminalises Acid Attack](#), The Himalayan Times
- 61 See: [Two School Girls Injured in Basantapur Acid Attack](#), Nepalmonitor.org. The new Criminal Code Bill that will come into effect in 2018 increased the maximum punishment for certain crimes relating to violence against women. The maximum sentence for the crime of marital rape,[#] as well as inhumane treatment of a man or a woman by accusing him or her of practicing witchcraft, was raised to five years of imprisonment.
- 62 See: [SC Orders Citizenship Through Mother for Gurung Sisters](#), Nepalmonitor.org
- 63 See: <http://cjinepal.org.np/03/>, CIJ
- 64 See: [Nuwakot DAO Denies 3 Siblings Citizenship in Mother's Name](#), Nepalmonitor.org and [Teenager Wins Court case on Citizenship in Mother's Name](#), The Kathmandu Post
- 65 According to Record Nepal, 1131 cases of rape were reported in 2017. See: [Why Does Rape Have a Low Conviction Rate in Nepal?](#)
- 66 For a list of reports on Gender-Based Violence in 2017, see: <https://nepalmonitor.org/reports>. You can also find more analysis on [Women Human Rights Defenders \(WHRD\) and Gender Issues](#) on our [NepalMonitor.org/blog](#).
- 67 See: [On Duty Police Personnel Accused of Torturing Third Gender People](#), Nepalmonitor.org
- 68 For the list of reports on violence against differently abled person, see: <https://www.nepalmonitor.org/reports>
- 69 For the list of reports, see: www.nepalmonitor.org/reports
- 70 See: [Nepal Demographic and Health Survey 2016](#), Ministry of Health, Nepal
- 71 This figure was down from 31 percent during the Nepal Demographic and Health Survey in 2011.
- 72 See: [Domestic Violence in Nepal](#), Nepal in Data
- 73 See: [Intimate Partner Violence in Nepal: Not Just a Women's Issue](#) p.2, NISER
- 74 See: [Why Does Rape Have a Low Conviction Rate in Nepal?](#), The Record Nepal
- 75 According to the Domestic Violence Act of 2008, Section 8, "if there is reason to believe that an act of domestic violence has been committed, and if the aggrieved person so desires, the police officer or local body officer may within 30 days from the date of registration of the complaint, conduct reconciliation between the parties." This act is often used to put pressure on the victim.
- 76 See: [Violence Taking Its Toll On Women, Girls](#), INSEC
- 77 For more details, please see: [Gender Equality and Social Inclusion - Incident Monitoring Report 2017](#), Nepalmonitor.org/blog
- 78 See: [Caste Based Discrimination, Untouchability Punishable](#), The Himalayan Times
- 79 See: [Untouchability Still Entrenched](#), Republica
- 80 See: [United Nations Treaty Collection](#), UN
- 81 See: [Untouchability Still Entrenched](#), Republica
- 82 See: [Untouchable: Modern Nepal's Shame and An Untouchable Woman's Adventurous Journey](#), Huffington Post
- 83 For a list of reports of caste discrimination in 2017, see: <https://nepalmonitor.org/reports>
- 84 For cases of caste-based discrimination, please see: [Gender Equality and Social Inclusion - Incidents Monitoring Report 2017](#) under the heading "Discrimination Against Dalits Still Prevalent but Seldom Enters the Public Record."
- 85 See: [Dalit Family Assaulted for Inter Caste Marriage](#), Nepalmonitor.org
- 86 See: [Assault on Couple Caught on Tape: 4 Booked for Attempted Murder](#), Nepalmonitor.org
- 87 Analysis of the election results, however, indicate that there is much progress to be made and that political parties, rather than embracing the intent of inclusion, in most cases only fulfilled the obligatory legal minimum. (For more details see: [Gender Equality and Social Inclusion - Incident Monitoring Report 2017](#))
- 88 See: [Overlapping Issues Delay Drafting of Laws on Basic Rights](#), The Kathmandu Post
- 89 See: [Conflict Victims Slam Symbolic Prosecution](#), Republica
- 90 See: [Murder Convict Dhungel Gets Presidential Pardon](#), The Kathmandu Post

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.

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