

# Annual Report (Synopsis)

(Fiscal Year 2079/2080)



**National Human Rights Commission**

Harihar Bhawan, Lalitpur, Nepal



Unofficial translation

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(Fiscal Year 2079/2080)



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## **NHRC Officials**

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Top Bahadur Magar

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# Foreword

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The National Human Rights Commission of Nepal is a constitutional body established for the protection, promotion and effective implementation of human rights as mandated by Article 249 of the present Constitution of Nepal. Article 294 (1) of the Constitution stipulates that the constitutional body must submit its annual report before the President. As per the provision, the Commission has been submitting such report every year. This report of Fiscal Year 2079-2080 incorporates the status of human rights situation in the country and the work executed by the Commission. Complaints filed at the Commission throughout the year, investigations carried out on those complaints, details pertaining to investigation and monitoring, recommendations made to the Government of Nepal and other contents are included in the report. In addition to the achievements made and challenges faced during the reporting period, priorities for consideration for the future by the Commission are also incorporated in the report with respect to the protection and promotion of human rights.

A total of 100 complaints related to human rights violations have been registered at the Commission over the reporting period. A total of 220 monitoring missions have been conducted on human rights issues. The Commission has completed investigation on 354 old and new complaints and has provided its decisions on 404 complaints this year. These include 13 policy-related and 102 complaint-related recommendations. A total of 2,310 programmes related to the promotion of human rights have been completed. During this period, the Commission has issued 44 press releases on contemporary human rights aspects. These press releases are related to civil and political rights, economic, social and cultural rights, women, children, caste discrimination, rights of migrant workers, transitional justice, and other issues. Similarly, the Commission organized a programme with the Chief Secretary of the Government of Nepal and Secretaries from the other Ministries to develop a robust action plan for the effective implementation of recommendations made by the Commission. A consultation programme was also held with the Honorable Speaker of the House of Representatives, chief whips of major political parties and parliamentarians on Business and Human Rights, and the Commission provided its advice/opinion to the Government of Nepal to formulate a national action plan on Business and Human Rights.

The Commission has formulated and implemented the Sixth Strategic Plan (2021-2026) to fulfill the responsibilities set out in the constitution and other laws. The slogan of this Sixth Strategic Plan is, "Right to life, dignity, equality and freedom: foundation for sustainable peace and prosperity." Likewise, the Commission has

been steadfast in coordination and collaboration with the three tiers of government at the Federal, Provincial and Local level, Constitutional Commissions working on rights issues, human rights defenders, non-governmental organizations, civil society, professional organizations and the international community to protect and promote human rights, being mindful that its main objective is to promote a culture of human rights. Since its establishment, the Commission has maintained its 'A' status accreditation as a result of the cooperation, collaboration and support received from the Government of Nepal, the international community, civil society rights activists and donor agencies.

Despite the key achievements outlined, there are also some persisting challenges in the protection and promotion of human rights. Even this year Commission has faced challenges like the inadequacy of sufficient resources, human resource, challenge of maintaining the Commission's 'A' status accreditation, lack of its own office building, low implementation of recommendations and conventional mindset relating to human rights, among many others. Despite these challenges, the Commission is fully committed to fulfilling its constitutional responsibilities in the protection and promotion of human rights.

Implementation of recommendations made to the Government of Nepal by the Commission is not encouraging this year either. It is equally important to introduce a new National Human Rights Commission Act in order to ensure fiscal autonomy of the Commission and also to increase the morale amongst its staff and improve the delivery of services in compliance with the Paris Principles. Mobilization of all state apparatus is essential to ensure that human rights of the targeted and marginalized groups are achieved and tangible progress is made on the basis of inclusive and participatory principles towards creating an egalitarian society envisaged by the Constitution of Nepal.

Finally, I would like to express my gratitude to the Office of the President, Office of the Prime Minister and Council of Ministers, Parliament, the Government of Nepal, political parties, human rights community, civil society, the private sector and the media for extending the goodwill, cooperation and support to the Commission in executing its functions. I would like to express my special thanks to Joint Secretary Samjhana Sharma, Under Secretary Chandrakanta Chapagain and Human Rights Officers Kailash Kumar Siwakoti, Netra Bahadur Gautam and Pawan Bhandari for their role in bringing the synopsis of the original annual report. Likewise, honorable members of the Commission, the Secretary and all the staff deserve special appreciation for their good work. It is my conviction that all parties concerned will continue to extend their cooperation to the Commission in the future.

Thank you!

Top Bahadur Magar  
Chairperson

# Table of Content

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<b>Brief Snapshot of Annual Activities</b>	<b>1</b>
<b>Chapter One</b>	
<b>Introduction of the Commission, Organizational Structure, Work, Function and Authority</b>	<b>3</b>
<b>Chapter Two</b>	
<b>Protection Work Executed by the Commission</b>	<b>6</b>
<b>Chapter-Three</b>	
<b>Promotional Work Executed by the Commission</b>	<b>10</b>
<b>Chapter-Four</b>	
<b>Review of Law and Treaty related Works</b>	<b>13</b>
<b>Chapter- Five</b>	
<b>Implementation of recommendations, decisions or orders</b>	<b>14</b>
<b>Chapter-Six</b>	
<b>Summary of decisions and recommendations over complaints received by the Commission in FY 2079/2080</b>	<b>16</b>
<b>Chapter Seven</b>	
<b>Achievements, challenges, possible solutions and future course of action</b>	<b>48</b>





# Brief Snapshot of Annual Activities

SN	Nature of work	Number	Subject
<b>1. Human Rights Protection</b>			
1.1	Complaints registered	100	<ul style="list-style-type: none"> <li>– Political and civil rights,</li> <li>– Economic, social and cultural rights,</li> <li>– Rights against torture,</li> <li>– Women’s rights,</li> <li>– Child rights,</li> <li>– Rights against caste-based discrimination,</li> <li>– Rights of persons with disabilities,</li> <li>– Rights against enforced disappearance,</li> <li>– Rights of migrants and their families etc.</li> </ul>
1.2	Monitoring	220	<ul style="list-style-type: none"> <li>– Political and civil rights (overall human rights situation, rights of inmates, administration of justice, etc.)</li> <li>– Economic, social and cultural rights (right to health, education, employment, environment, rights of consumers, rights of people displaced by natural disasters, etc.)</li> <li>– Rights of senior citizens, women, children, caste-discriminated/marginalized communities, persons with disabilities, rights of migrant workers, human rights, national and other action plan, development and human rights mechanisms, etc.</li> <li>– Human rights of indigenous nationalities/people etc.</li> </ul>
1.3	Investigation into complaints completed	354	<ul style="list-style-type: none"> <li>– Civil and political rights: right to life, rights against torture, enforced disappearance, judicial administration, etc.,</li> <li>– Economic, social and cultural rights: displaced, rehabilitation, lootings, compensation etc.,</li> <li>– Women’s rights, child rights, rights against caste-based discrimination, etc.,</li> </ul>

SN	Nature of work	Number	Subject
1.4	Decisions made over complaints	404	– Political and civil rights, judicial administration, enforced disappearance, abduction, social and cultural rights, torture, caste-based discrimination, women’s rights, child rights.
1.5	Recommendations	115	– Recommendations on 102 complaint-related and 13 policy-based subjects.
<b>Human Rights Promotion</b>			
2.1	Orientation, Interaction, Discussion, Workshop, Training, Awareness, Morning Procession, Exhibition, etc.	2310	– Human rights situation, peace and security, rights of enforced disappearance persons, transitional justice, right to food, dispute resolution at the local level, civil and political rights, economic, social and cultural rights, child rights, women’s rights, rights of persons with disabilities, right to health, rights of senior citizens, rights of minorities, consumer rights, rights of migrant workers, collective rights, workshop on multiple subjects, interaction, training, consultation, etc.
3	<b>Publication</b>	11	– Report, human rights newsletter, journal, etc.
4	– <b>Press Release and Press Note</b> – <b>Press Conference</b>	44 times 3 times	– Multiple subjects of human rights
<b>5 Human Resources</b>			
5.1	Chairperson/ Members	5	One Chairperson and four members
5.2	Staff	216	Employed as of the day
6	Office	11	One Central Office, seven Province Offices and three Province Branch Office

## Chapter One

# Introduction of the Commission, Organizational Structure, Work, Function and Authority

## 1.1 Background

With the evolution of human civilization, human rights and duties have been categorically mentioned in ancient texts like the Vedas, Upanishads, Tripitakas, and Mundhum and they have been further advanced on a global scale following World War II. People have struggled to protect their rights and existence in different times of human history. There have been wars, world wars and conflicts between the rulers and the ruled, lords and the workers between countries. The world has come this far, building on the strength of treaties and agreements for peaceful resolution of conflicts and wars. Human rights became a global issue mainly after a huge loss of lives and property in World War II and following the establishment of the United Nations in 1945, the Universal Declaration of Human Rights was realized in 1948 to maintain world peace. The United Nations created a mechanism through which the process of formulating conventions, declarations, commitments and resolutions, among others related to human rights gained momentum. The process of UN member states becoming a state party to Conventions increased steadily which continues to this day.

In Nepal's context, deliberations on human rights started after the 1990 constitution used 'human rights' for the first time in its preamble. In the international arena, Nepal became party to the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights in 1991 (2048 BS) introduced by the United Nations in 1966. Similarly, the United Nations meeting held in Paris endorsed the Paris Principles in 1991, related to the accreditation of national institutions on the basis of independence, autonomy, competency and pluralism. The United Nations General Assembly approved it in 1993 and called on all member states to establish a National Human Rights Institution. Though the call for establishing a national human rights organization was largely raised by the civil society, the state did not prioritize the issue.

An Honorable Member of the House of Representatives then tabled a Non-Governmental (Private) Bill following rigorous national debate and emerging dimensions of human rights in the international arena which consequently resulted in the endorsement of a Human Rights Commission Act, 2053. The Commission

was not formed for nearly four years despite the Act in place. Peaceful protests of human rights activists, advocacy by media, concern by the international community and pressure from interest groups continued. Despite these efforts, the Commission could not be established, and a writ was finally lodged at the Supreme Court. Upon hearing the writ petition of public interest, the court mandated the establishment of the Commission. The National Human Rights Commission was finally established on 13 Jestha 2057 (26 May 2000).

The Interim Constitution of Nepal, 2063 stipulated the establishment of the Commission as a constitutional body in accordance with the Act. The present constitution of Nepal has also given continuity to this status. Though a new act is essential to implement the rights of the Commission as mandated by the constitution, it is currently operational in line with the National Human Rights Commission Act, 2068. Even though the Commission has already prepared a draft, incorporated feedback, and submitted the draft to the Office of the Prime Minister and Council of Ministers and Federal Parliament for timely amendment as per the jurisdiction of the present constitution, the Bill has not yet been endorsed.

## **1.2 Organizational Structure and Human Resource Management**

“There shall be a National Human Rights Commission of Nepal, consisting of a Chairperson and four other members.”<sup>1</sup> On the staff part, there is a provision to have one Secretary (Special Class). The Central Office of the Commission is currently located at Harihar Bhawan, Lalitpur.

The seven provincial offices include Koshi Provincial Office, Biratnagar; Madhesh Provincial Office, Janakpur; Bagmati Provincial Office, Hetauda; Gandaki Provincial Office, Pokhara; Lumbini Provincial Office, Butwal; Karnali Provincial Office, Surkhet; and Sudurpaschim Provincial Office, Dhangadhi. Similarly, branch offices are located at Khotang in Koshi Province, Nepalgunj in Lumbini Province and Jumla in Karnali Province. Four departments and 13 divisions have been set up at the central level for the smooth operation of the Commission’s work.

The Government of Nepal has approved 309 permanent positions for the Commission and as of F.Y. 2079/2080 a total of 216 staff are working currently. The Public Service Commission has been taking care of the advertisement and selection of staff in according with the regulations relating to service, terms and conditions and benefits. As the Government of Nepal has not yet endorsed the organizational structure prepared and submitted by the Commission in line with the Federal model, it has had its impact on the functioning of the Commission.

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1 Constitution of Nepal, Article 248

### **1.3 Function, Duty and Authority of the Commission**

According to Part 25, Article 249 of the Constitution of Nepal, the duty of the Commission is to ensure respect, protect and promote human rights and ensure its effective enforcement. Under this provision, it can inquire and investigate into human rights violation cases or cases of incitement and recommend compensation to victims and prosecution against human rights violators (perpetrators). In case an official, responsible for preventing the violation of human rights, fails to fulfil or perform one's duty, the Commission has the authority to make recommendation for departmental action or institute a case against such person for rights violation and file a case in the court in accordance with the law. It can as well publish the names of human rights violators and maintain the record. Similarly, it can recommend to the Government of Nepal, whether Nepal should become a party to international treaties or agreements related to human rights, increase awareness on human rights and amend laws related to human rights in coordination and cooperation with the civil society as necessary.

As per Article 249 (3) of the Constitution, the Commission has the authority to exercise all such powers as of a court in respect of summoning and requiring the presence of any person before the Commission and seek and record their information or statements or depositions, examine evidence and produce exhibits and proofs. On receiving information in any manner that a serious violation of human rights has already been committed or is going to be committed, the Commission has the authority to examine any person or into his or her residence or office, enter such residence or office without notice, and, in the course of making such examination, take possession of any document, evidence or proofs related with the violation of human rights and issue order for the provision of compensation in accordance with the law to any person who is victim of human rights violation.

## Chapter Two

# Protection Work Executed by the Commission

## 2.1 Complaint/Information

The Commission so far has received over 13 thousand complaints. A Complaint Management and Reporting System (CMRS) is implemented for the efficient management of complaints received. When there is a violation/abuse of human rights, there is a provision whereby a victim can register a complaint before the Commission either by oneself or through a representative using any means of communication channel. Complaint registration is free and not subjected to time deadline. Complaint can also be reported electronically (website, mobile, app, email).

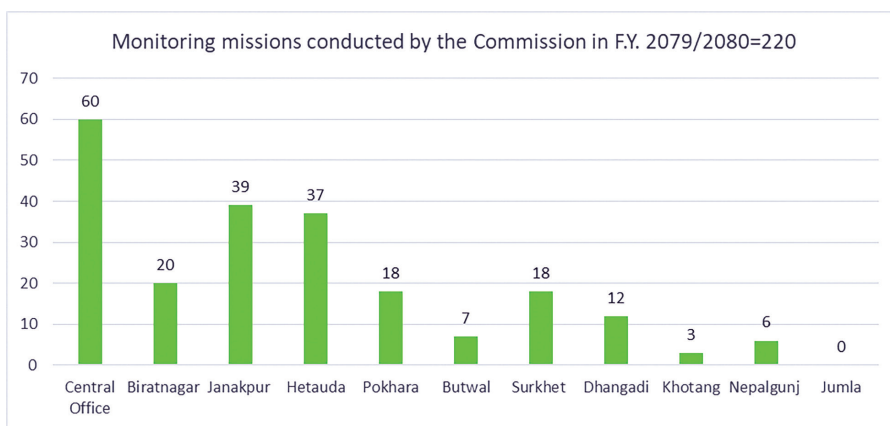
There has been a slight decrease in complaints this F.Y. year compared to the previous year. A total of 100 complaints have been registered in the Commission in F.Y. 2079-2080. Among them, 45 complaints are related to violation of civil and political rights and 9 complaints are related to the violation of economic and social rights. Similarly, 12 complaints are against torture, 11 related to violations of children's rights and 9 complaints are against violation of women's rights. Likewise, 4 are related to violation of rights of persons with disabilities, 2 are against rights against caste discrimination and 1 each complaint is related to rights against disappearance of persons, rights to environment and rights of senior citizens. Complaints of such nature have been sent to relevant bodies for action, in addition to advising them to seek remedial action through other relevant agencies. Concerning complaints that are beyond the jurisdiction of this Commission, it has been consulting the authorities concerned and providing consultation to the complainant for seeking legal remedy and complaints of such nature recommended to the authorities concerned for action.

## 2.2 Monitoring

The Commission conducted 220 monitoring missions on various human rights issues in F.Y. (2079/2080). The subjects monitored included prison and detention centres, status of juvenile correctional homes, natural disasters and pandemics, airport, right to education and health. Similarly, monitoring has been conducted on the rights of workers, right to development and environment and rights against caste discrimination. Monitoring was also conducted on the rights of women and children, people living with HIV, people living around buffer zones, people living with disabilities and human rights situation of indigenous nationalities and minorities. Following the monitoring of human rights situation during elections to the House of Representatives and Provincial

Assembly held this year a report has been made public. Based on the findings from its monitoring missions, the Commission has been providing necessary feedback, instructions and recommendations to relevant agencies and organizations regarding the immediate and long-term steps to be undertaken for the implementation of the Government’s Human Rights National Action Plan (HRNAP).

**Table-1**

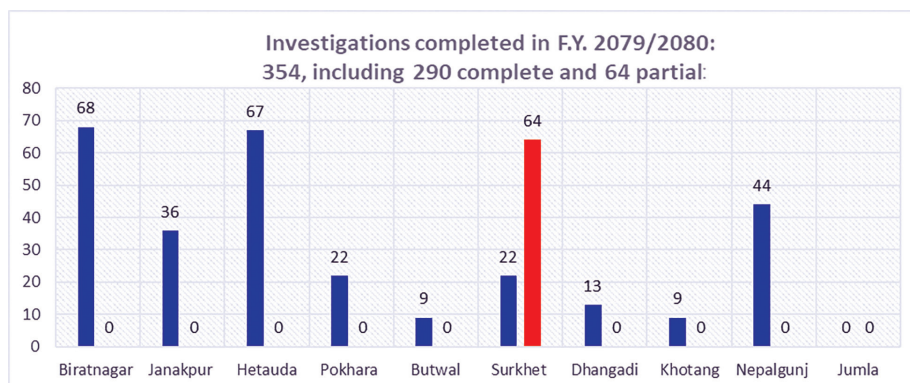


### 2.3 Investigations by the Commission

The Commission has been advancing investigation over incidents of human rights violation and incitement, remaining within the purview of the Constitution, Act and regulations with priority.

During this period, investigations over 354 complaints registered with the offices of Commission were completed this year. These included complaints of extrajudicial detention, killing, abduction, torture, violence against women, violation of child rights, education and election. The number of complaints that have been investigated but decisions to be made is 1402.

**Table-2**





## 2.4 Decisions and Recommendations made on Complaints

The Commission held 42 meetings this year and made decisions and recommendations on 404 complaints investigated. These included 115 (prosecution and compensation) and 13 policy recommendations. Similarly, 278 complaints are on hold and 11 complaints have been dismissed. Legal action has been recommended against 66 people as human rights violators.

**Table-3**

Decisions made on complaints as per their thematic areas (Fiscal Year 2079/2080)						
S. N.	Thematic Areas	Recommendation Number		On hold	Dismissed/ Nullified	Total
		Policy-wise	Complaint-wise			
1.	The International Covenant on Civil and Political Rights (ICCPR) -civil rights, justice-administration, political rights, status of prison/custody, election, general stroke, market shut down, extra judicial arrests/detention, threats, etc.	6	35	123	8	172
2.	The International Covenant on Economic, Social and Cultural Rights (ICESCR) -displaced, economic/social rights, right to education, right to health, cultural rights, food security rights, agriculture, consumer rights, labour/employment rights, right to housing, social security etc.	2	8	64	1	75
3	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)		22	51	2	75
4.	Convention on the rights of the child (CRC) -Violence against children, child marriage, status of child safe homes, education, social security, trafficking, drugs addition etc.	1	-	5	-	5

Decisions made on complaints as per their thematic areas (Fiscal Year 2079/2080)						
S. N.	Thematic Areas	Recommendation Number		On hold	Dismissed/ Nullified	Total
		Policy-wise	Complaint-wise			
5	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) -violence against women, trafficking, sexual exploitation, women education, etc.	2	5	6	-	13
6	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) - Rights of Dalit communities, social discrimination	1	1	6	-	8
7	Convention on the rights of persons with disabilities (CRPD) -status of the overall rights of persons with disabilities	-	1	3	-	4
8	International Convention for the Protection of All Persons from Enforced Disappearance (ICED)	-	29	16	-	45
9	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)	-	-	2	-	2
10	Collective rights - LGBTIQ indigenous, environment etc.	1	1	2	--	4
<b>Total</b>		<b>13</b>	<b>102</b>	<b>278</b>	<b>11</b>	<b>404</b>

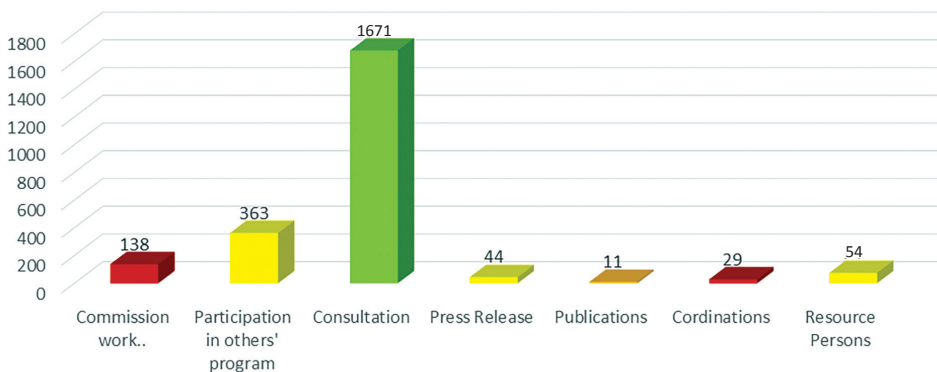
# Promotional Work Executed by the Commission

## 3.1 Work executed

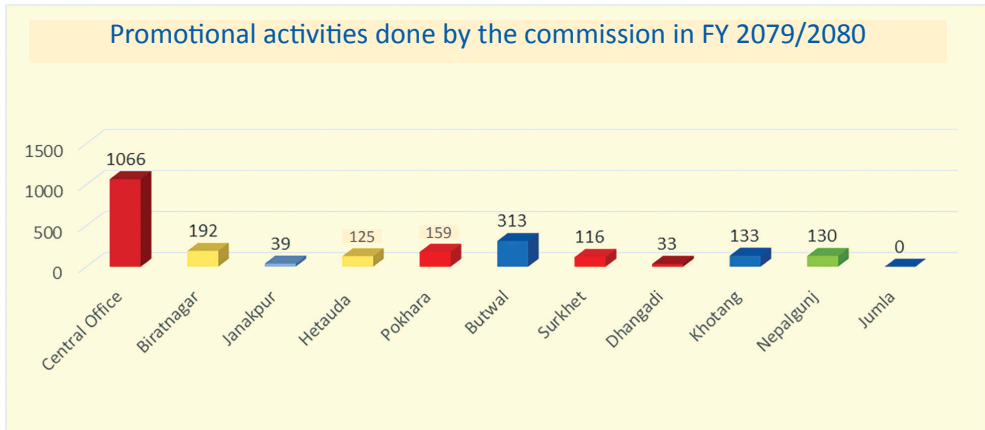
Various promotion-related programmes have been completed on the basis of Sixth Strategic Plan and the annual plan of action as per the Constitution and the Act. As deemed necessary and appropriate, numerous human rights promotion activities have been implemented, independently, as well as in coordination and collaboration with other institutions. The Commission has undertaken promotion activities in coordination and cooperation with all three tiers of the government at the Federal, Provincial and Local level, as well as with governmental, non-governmental organizations, civil society, professional organizations, and international community. Likewise, training, seminar and human rights education programmes have been conducted. The Commission has facilitated different programmes of organizations as resource person, chief guest, guest, thematic area expert and provided its institutional point of view. Promotional activities have been conducted through publication of reports, press releases, print, radio and online media. Workshop, seminar, training and interactions have been organized with national and international stakeholders on the basis of the gravity of themes. The Commission has conducted 2310 promotion related works within this Fiscal Year.

Table 4

Promotion related work undertaken by the commission in FY 2079/2080



**Table 5**



### **A) Publication and Distribution**

The Commission has been publishing a human rights journal, *Sambahak* for the past eight years in row, incorporating good feature stories and research articles on human rights issues with the objective of promoting human rights education. The offices of the Commission have been publishing annual activities booklet with a critical analysis of the human rights situation in the region. Similarly, a human rights report has been made public through a website, comprising activities of the Commission.

### **B) Establishment of Human Rights Documentation Centre**

The process of institutionalizing a human rights documentation centre is underway which enables the exhibition/ archiving of human rights interventions, showcasing the background to the establishment of the Commission and its work. Pictorial items related to the establishment of the Commission, armed conflict, the nature of complaints on human rights violation (killing, violence, enforced disappearance, abduction, internal displacement, etc.) and efforts made to protect and promote human rights are on display. Incidents of gross human rights violations by the then rebel force (CPN Maoist) and then security forces are archived with intro and pictures- (Doramba killings, Maina Sunuwar killing, Sarla Sapkota killing, etc.).

Similarly, interventions of the Commission during the armed conflict are also archived, including the measures undertaken by the Commission on an international arena for the efforts made to promote gender and social inclusion are also archived.

### **C) Training and orientation**

The Commission has organized different training programmes in this fiscal year. Students studying human rights in colleges and universities have been provided training and orientation at the Federal, Provincial and Branch Offices. It has

been implementing various programmes in partnership and coordination with other Constitutional Commissions, various governmental and non-governmental organizations, security agencies and other professional institutions for the promotion of human rights awareness and education. The Commission has been participating in various programmes by availing resource persons to such events and thereby contributing to harness a culture of human rights practice.

# Review of Law and Treaty Related Work

## 4.1 Law Review Related Work

Section 6 of National Human Rights Commission Act, 2068 has a provision that the Commission can provide its opinion to the Government of Nepal whether there is a need to formulate and amend particular laws related to human rights. The Commission has been providing its opinion and suggestion accordingly. The opinion and suggestion provided to the Government by the Commission are as per the following:

- a) Make a policy level arrangement for the protection and promotion of human rights defenders.
- b) Adopt a 12-point recommendation provided by the Commission while amending the Truth and Reconciliation Commission-2071 and
- c) Endorse an amended proposal submitted by the Commission in line with the federal structure of the country's present constitution.

## 4.2 Treaty-related work

- Draft of the seventh report to be presented to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee prepared.
- Monitoring draft report on the Implementation status of the rights at the person with disabilities prepared.

## 4.3 Memorandum of Understanding on Migrant Rights Signed

A bilateral agreement was concluded between the National Human Rights Commission, Nepal and National Human Rights Committee, Qatar on May 25, 2080 (viz-a-viz June 8, 2023) for the protection of human rights of Nepali workers. The MoU mentions that complaint and grievance hearing will be supported for the protection of migrant workers. It also states that both countries will exchange mutual information and cooperate on issues of human rights violation and freedom of their citizens. Topics also include conducting training for workers, employers and managers, labour unions and diplomatic missions on migrant workers' rights, existing laws, international treaties and ILO labour conventions as well as providing legal assistance to migrant workers.

## Chapter- Five

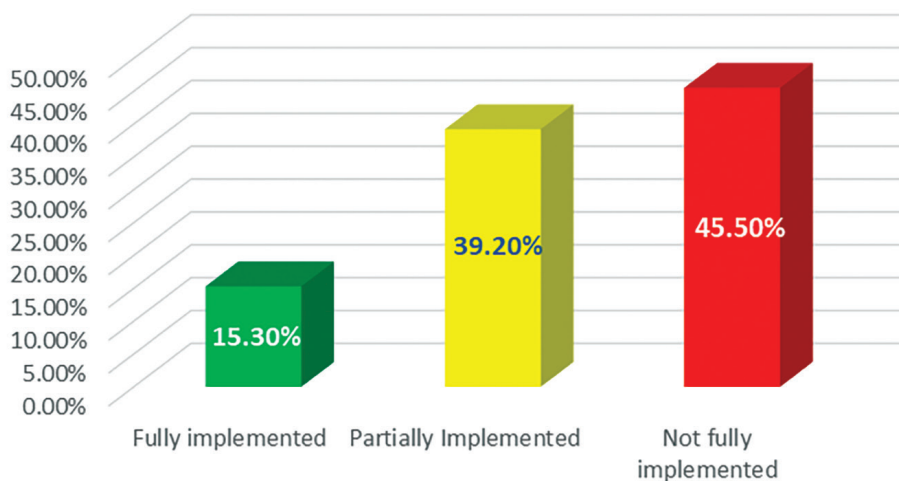
# Implementation of Recommendations, Decisions or Orders

According to Article 249 of the Constitution of Nepal and Section 17 of the National Human Rights Commission Act, 2068, the provision of investigating and monitoring cases of human rights violations and making recommendations to the Government of Nepal for the protection of human rights rests with the Commission.

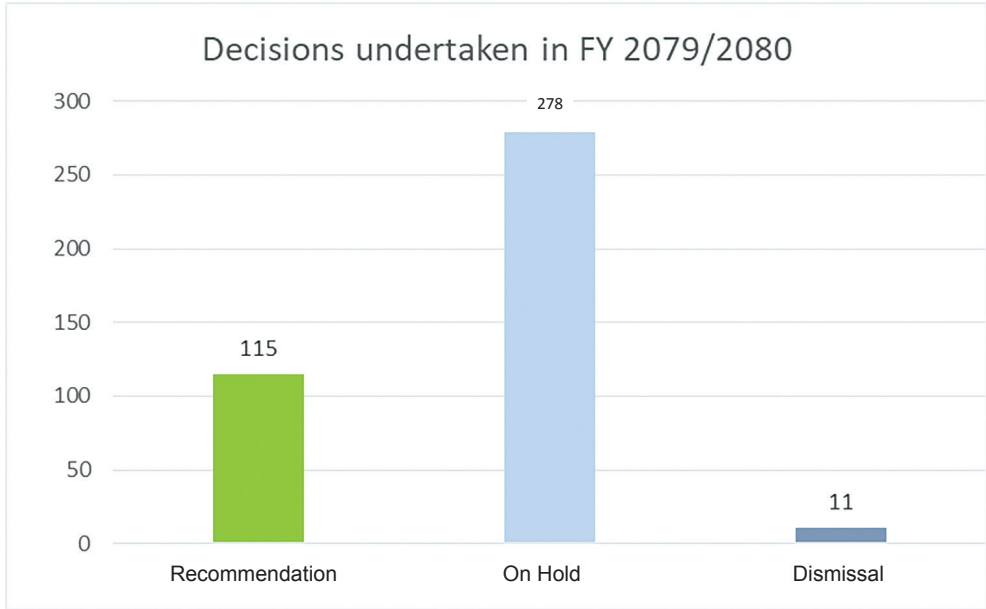
The Commission has investigated into complaints and recommended the Government of Nepal to provide compensation amounting to Rs 281,301,197 (281.301197 million) to the victims. The Commission has received the information that victims have received only about 70,000,000 rupees (seventy million rupees) of the recommended amount.

**Table-6**

Status of recommendation implementation FY 2079/2080  
Total recommendations: 1407



**Table 7**



Similarly, 189 people have been found guilty of violating human rights this year. Of the 358 people recommended for prosecution, action has been taken against 37 only. A total of 1407 recommendations have so far been made by the Commission and the implementation status is low.

Through its 42 meetings, the Commission deliberated on investigation reports of 404 complaints and made 115 recommendations, 76 for prosecution, 59 for compensation and 13 for policy actions. Similarly, 278 complaints were put on hold and 11 were dismissed. Recommendation for prosecution has on 66 cases only for human rights violations this Fiscal Year.



## Chapter-Six

# Summary of decisions and recommendations over complaints received by the Commission in FY 2079/2080

- 1. Complaint No:505** Loss and Damage of Property/ torture (By Maoists), Sudur Paschim Province Office, Dhangadhi

**Victim:** Lal Bahadur Bam, Malladevi VDC Ward 4, Now Puchaudi Municipality Ward No 8 Baitadi

**Decision and Recommendation of the Commission:** Investigation has shown that teacher of Shree Satya High School, Pandusen, Bajura, Lal Bahadur Bam was arrested by the Security personnel on 2059/2/15, beaten and tortured whereas his wife was beaten by CPN (Maoist) cadres on 2060/6/4 and looted the property, therefore both victims be paid Rs. 25000 (twenty-five thousand rupees) each as compensation as per Section 16 of National Human Rights Commission Act 2068.
- 2. Complaint No: 836**, Economic, Social and Cultural Rights, Sudur Paschim Pradesh Office, Dhangadhi.

**Victim:** Manbir Lowaar and 48 families

**Decision and Recommendation of the Commission:** Evidence has shown that only 28 families have been registered and provided their Identity card amongst the Haliya community while the remaining families have been deprived of registration and hence the government take due measures to register the remaining families, following due process, and implement a special policy and programme for the upliftment of their living standards and enact the 5-point agreement reached between Freed Haliya and the Government of Nepal on 2065/4/20.
- 3. Complaint No: 704**, Killing (By Maoists) Sudur Paschim Province Office, Dhangadhi

**Victim:** Shankar Thapa, Siudi VDC, Ward No 8, Achham

**Decision and Recommendation of the Commission:** Evidence has shown that Thapa was killed by then CPN (Maoist) cadre, Khante Kami on 2061/2/19 and since the First Information Report has already been registered against Khante Kami, initiate the investigation process against the implicated and provide Rs 300,000s (three hundred thousand rupees) as compensation to the

rightful family in according with the law.

4. **Complaint No.** 1995, Beating/torture by security personnel, Bagmati Province Office, Sanepa, Lalitpur

**Victim:** Sudarshan Regmi, then Naubise VDC, Ward 2, Dhading

**Decision and Recommendation of the Commission:** Since investigation has shown that Sudarshan Regmi was arrested on 2060/7/12 and tortured by the army personnel on 2060/7/12, identify and prosecute the security personnel involved and pay Rs. 200000 (two hundred thousand rupees) as compensation to Sudarshan Regmi.

5. **Complaint No.** 1701: Loss and Damage of Property (By Maoists), Province Office, Sanepa, Lalitpur

**Victim:** Tej Bahadur Dotel, Dotel, Deupur Gauribisauna VDC, Ward 3, Kavre

**Decision and Recommendation of the Commission:** Since evidence has shown that then CPN (Maoist) carders bombed and destroyed the house of the victim on 2060/12/23, and now that the victim has been found to have died, pay Rs. 300000 (three hundred thousand only) as compensation to the right holder family.

6. **Complaint No.** 4733, killing by CPN (Maoists), Bagmati Province Office, Sanepa, Lalitpur.

**Victim:** Raj Kumar Thing alias Raju Thing, Dandagaon VDC Ward 7, (Now Ward No 3, Khanikhola, Kavre)

**Decision and Recommendation of the Commission:** Since evidence has shown that CPN (Maoist) carders had taken the victim under control and killed him, identify the perpetrators responsible in the incident and prosecute them in accordance with the law and pay Rs. 300,000 (three hundred thousand only) as compensation to the right holder of the victim.

7. **Complaint No:** 233, killing (by the army), Bagmati Province Office, Sanepa, Lalitpur

**Victim:** Hari Bahadur Karki, Sijuwa VDC, Ward 5, Morang

**Decision and Recommendation of the Commission:** Since evidence has shown that the army took Hari Bahadur Karki under control on the night of 2059/5/10 and killed him, identify the guilty army personnel involved and prosecute them in accordance with the law.

8. **Complaint No.** 899: Killing: (by the army) Bagmati Province Office, Sanepa, Lalitpur

**Victim:** Mukund Sen alias Sandesh, Sunaula Bazaar VDC, Ward 5, Dhading

**Decision and Recommendation of the Commission:** Since evidence has shown that the then Royal Nepali Army personnel had taken the victim under control on 2059/5/10 and shot him dead, identify the guilty army personnel responsible and prosecute them in accordance with the law and pay Rs. 300000 (three hundred thousand only) as compensation to the right holder of the victim.

9. **Complaint No.** 900, Killing (By Maoists), Bagmati Province Office, Sanepa, Lalitpur

**Victim:** Ramchandra Shrestha, Katunje VDC, Ward 3, Dhading

**Decision and Recommendation of the Commission:** Since evidence has shown that then CPN (Maoist) cadres took the victim under control on 2059/5/10 and killed him, identify the guilty into the incident and prosecute them in accordance with the law and pay Rs. 300,000 (three hundred thousand only) as the compensation to right holder of the victim.

10. **Complaint No.:** 467, wounded by bomb shrapnel, Bagmati Province Office, Sanepa Lalitpur

**Victim:** Lekhnath Adhikari, Ayodhyapuri VDC, Ward 2, Chitwan

**Decision and Recommendation of the Commission:** Since evidence has shown that CPN (Maoist) cadres set up a landmine and destroyed a passenger bus on 2062/2/23 and wounded and dismembered the victim to disability, prosecute the guilty and pay additional compensation of Rs 100,000 (One hundred thousand) to the victim.

11. **Complaint No:** 243, Wounded in bomb explosion, Bagmati Province Office, Sanepa Lalitpur

**Victim:** Pawan Khadka, Kalyanpur VDC, Ward 8, Madi, Chitwan

**Decision and Recommendation of the Commission:** Since evidence has shown that CPN (Maoist) cadres set up a landmine and destroyed a passenger bus on 2062/2/23 and wounded/crippled the victim, prosecute the guilty responsible for the incident and pay compensation amounting to Rs 100,000 (One hundred thousand) to the victim.

12. **Complaint No:** 193 Right to Education, Karnali Province Branch Office, Jumla

**Victim:** 8 Children, including Samita Kumal, Ramita Kumal, Soru Rural Municipality-3, Mugu

**Decision and Recommendation of the Commission:** Since evidence suggests that 8 children who appeared to have been deprived of the right to education

are now studying at a school run by Maiti Nepal, recommend to the Federal, Provincial and Local Governments to ensure no children are deprived of the right to education in different rural parts and guarantee right to education across the country.

13. **Complaint No:** 84, Extra-judicial killing (Nepal Army), Bagmati Province Office, Sanepa, Lalitpur.

**Victim:** Meghraj B.K. Ranichuri VDC, Ward No. 5, Sindhuli

**Decision and Recommendation of the Commission:** Since evidence has shown that Meghraj B.K. was arrested by the joint patrolling team of security forces from his home on 2055/6/17 and shot him dead, identify the accused involved and prosecute in accordance with the law.

14. **Complaint No:** 652, Extra-judicial Killing (By Nepali Army), Gandaki Province Office, Pokhara

**Victim:** Yam Bahadur Chhantyal, Burtibang VDC, Ward No. 9, Baglung

**Decision and Recommendation of the Commission:** Since evidence has shown that victim Yam Bahadur Chhantyal was arrested and shot dead by the joint patrolling unit of security forces on 2059/1/1, identify the accused and prosecute in accordance with the law.

15. **Complaint No:** 336, Torture (By Nepali Army), Gandaki Province office, Pokhara

**Victim:** Amrit Darjee, Argal VDC, Ward 9, Baglung

**Decision and Recommendation of the Commission:** Since evidence has shown that victim Amrit Darjee was arrested and heavily tortured by the Nepali Army personnel, leaving serious impact on his mental health, identify the accused in the incident and prosecute in accordance with the law and pay Rs. 250,000 (two hundred fifty thousand) as compensation.

16. **Complaint No:** 399, Killing following enforced disappearance, Madhesh Province Office, Janakpur.

**Victim:** Goliyadevi Paswan, then Kharihani VDC, Ward 6, Dhanusha

**Decision and Recommendation of the Commission:** Since the investigation has corroborated that victim Goliyadevi Paswan was arrested on 2059/9/23 and killed, identify the accused and prosecute in accordance with the law and pay Rs. 300,000 (three hundred thousand) as compensation to the right holder of the victim.

17. **Complaint No:** 126, enforced disappearance by security personnel, Madhesh Province Office, Janakpur

**Victim:** Ram Bhagat Sada, then Rajpur VDC, Ward 6, Siraha District

**Decision and Recommendation of the Commission:** Since the evidence has shown that the victim was arrested by the joint security team on 2060/5/9 from his home and his whereabouts unknown so far, make public the whereabouts of Ram Bhagat Sada, identify the accused security personnel responsible and prosecute in accordance with the law.

18. **Complaint No:** 130, enforced disappearance by security personnel, Madhesh Province Office, Janakpur

**Victim:** Shuva Narayan Yadav, then Hakapada VDC, Ward 1, Sagarpur, Siraha District

**Decision and Recommendation of the Commission:** Since evidence has shown that the person is victim of enforced disappearance, make public his whereabouts, identify the accused security personnel and prosecute in accordance with the law.

19. **Complaint No.:** 136, Enforced disappearance (By security personnel), Madhesh Province Office, Janakpur

**Victim:** Gagawa Mahara, then Madaan VDC (Ward not identified), Dhanusha

**Decision and Recommendation of the Commission:** Since evidence has shown that Gagawa Mahara was arrested and led to enforced disappearance by security personnel, make public his whereabouts immediately, identify the accused security personnel and pay compensation amount Rs. 300,000 (three hundred thousand) to his right holder.

20. **Complaint No.:** 142 Enforced disappearance, Madhesh Province Office, Janakpur

**Victim:** Bauyelal Mahara, then Bishnupur VDC, Ward 4, Siraha District.

**Decision and Recommendation of the Commission:** Since evidence has shown that Gagawa Mahara was arrested by security personnel from his home in the month of Shrawan in 2061 BS, and led to enforced disappearance, make public his whereabouts, immediately, identify the accused and prosecute in accordance with the law.

21. **Victim no:** 41, enforced disappearance (By security personnel), Madhesh Province Office, Janakpur

**Victim:** Kusheshwor Mahara alias Bauka, then Sitapur VDC, Ward 4, Siraha District

**Decision and Recommendation of the Commission:** Since evidence has shown that security personnel arrested Kusheshwor Mahara on 2060/11/15

and resulted in his enforced disappearance, make public his whereabouts immediately, identify the accused and prosecute in accordance with the law.

22. **Complaint No:** 241, Enforced disappearance by Maoist cadres, Madhesh Province Office, Janakpur

**Victim:** Sanjay Yadav, then Radhopur VDC, Ward No 5, Balwatol, Siraha

**Decision and Recommendation of the Commission:** Since evidence has shown that Sanjay Yadav was kidnapped by Maoist cadres on 2065/2/7 and led to his enforced disappearance, make public his whereabouts immediately, prosecute the accused Maoist cadres responsible and pay the right holder Rs. 250,000 (two hundred fifty thousand)

23. **Complaint No. :**127, Enforced disappearance by security personnel, Madhesh Province Office, Janakpur

**Victim:** Shreeram Sada, Jageswor Sada and Ganeshi Sada, then Rajpur VDC, Ward6, Siraha District

**Decision and Recommendation of the Commission:** Since evidence has shown that joint security forces arrested and led to enforced disappearance of the three individuals stated above, make public their whereabouts, identify the accused and prosecute in accordance with the law.

24. **Complaint No.** 139, Enforced disappearance by security forces, Madhesh Province Office, Janakpur

**Victim:** Binod Mahato, then Arnama VDC, Ward 2, Bhahmapuri, Siraha

**Decision and Recommendation of the Commission:** Since evidence has shown that security forces arrested Binod Mahato from his home on 2060/6/3 and led to his enforced disappearance, make public his whereabouts, identify the accused security personnel and prosecute in accordance with the law.

25. **Complaint No.** 129, Enforced disappearance by security personnel, Madhesh Province Office, Janakpur

**Victim:** Shreenarayan Yadav, then Laxminiya VDC, Ward 8, Tarapatti, Siraha District

**Decision and Recommendation of the Commission:** Since evidence has shown that security force arrested Shreenarayan Yadav from his home and led to his enforced disappearance on 2060/6/28, make public his whereabouts immediately, identify the accused security personnel and prosecute in accordance with the law.

26. **Complaint No. :**140 Enforced disappearance by security forces, Madhesh Province Office, Janakpur

**Victim:** Sawari Yadav, then Sanaitha VDC, Ward 1, Siraha District

**Decision and Recommendation of the Commission:** Since evidence has shown that security forces arrested Sawari Yadav from his home and led to his enforced disappearance on 2060/6/28, immediately make public his whereabouts, identify the accused security personnel and prosecute in accordance with the law.

27. **Complaint No.** 143, Enforced disappearance by security forces, Madhesh Province Office, Janakpur

**Victim:** Fulgen Paswan, then Kalyanpur Jabdi VDC, Ward 5, Siraha

**Decision and Recommendation of the Commission:** Since evidence has established that Fulgen Paswan was kidnapped from his home on 2060/9/11 and led to his enforced disappearance, make public his whereabouts immediately, identify the accused security personnel responsible and prosecute in accordance with the law.

28. **Complaint No.** 131, Enforced disappearance by security forces, Madhesh Province, Janakpur

**Victim:** RamKhelawan Sah, then Mirchaiya VDC, Ward 2, Siraha District

**Decision and Recommendation of the Commission:** Since evidence has shown that RamKhelawan Sah was arrested on 2058/2/28 and led to enforced disappearance, make public his whereabouts, identify the accused police personnel and prosecute in accordance with the law.

29. **Complaint No.** 788 (a), Economic and social rights, Sudurpaschhim Province Office, Dhangadhi.

**Victim:** Karan Rana and his spouse Raju Rana (Damai), Shivanath Rural Municipality-6, Baitadi.

**Decision and Recommendation of the Commission:** Since evidence has shown that local people torched the house of victims and led to their displacement, arrange to rehabilitate them, allowing them to return home to live in peace and security.

30. **Complaint No.** 401, torture, Sudurpaschhim Pradesh, Dhangadhi

**Victim:** Laxmi Prasad Jaisee (Neupane), Bhajani VDC, Ward 3, Kailali

**Decision and Recommendation of the Commission:** Since evidence has shown that Maoists took Laxmi Prasad Jaisee under control and inflicted torture, identify the accused Maoist activists involved and prosecute them and pay Rs. 50,000 (fifty thousand) as compensation to the victim.

31. **Complaint No:** 569, Killing, Sudurpaschhim Province Office, Dhangadhi

**Victim:** Shital Kathariya (Tharu), Ghodaghodi Municipality (then Pahalmanpur-6) Kailali

**Decision and Recommendation of the Commission:** Since evidence has shown that Maoist cadres severely beat Shital Kathariya Tharu who died in the course of treatment at Bheri Hospital in Nepalgunj, the victim's family has received Rs. 650,000 (six hundred fifty thousand) from the state but those accused need to be identified and prosecuted.

32. Complaint No. 569, Abduction, Sudurpaschhim Province Office, Dhangadhi, Kailali

**Victim:** Man Bahadur Saud, Gadariya VDC, Ward 6, Kailali

**Decision and Recommendation of the Commission:** Since the individual mentioned has been missing since 2062/9/26 and the whereabouts not known publicly, intensify the search to identify the whereabouts and provide information to the Commission as well about the status.

33. **Complaint No. 349**, torture, Sudurpaschhim Province Office, Dhangadhi, Kailali

**Victim:** Dambar Adhikari, Masuriya VDC Ward 4, Kailali

**Decision and Recommendation of the Commission:** Since evidence has established that Adhikari mentioned was arrested and inflicted physical and mental torture, provide compensation worth 100,000 (one hundred thousand), identify the accused security personnel and prosecute in accordance with the law.

34. **Complaint No.:** 1669, Enforced disappearance (By joint security forces), Lumbini Province Branch Office, Nepalgunj

**Victim:** Shovaram Tharu, Madhuban Municipality, Ward 4 (then Dhodari VDC Ward 8) Bardia

**Decision and Recommendation of the Commission:** Since evidence has established that that Shovaram Tharu was arrested by joint security forces team and led to enforced disappearance, make public the whereabouts of the victim, identify the accused security personnel involved and prosecute in accordance with the law.

35. **Complaint No.:** 970, Enforced disappearance (By Royal Nepal Army), Lumbini Province Branch Office, Nepalgunj

**Victim:** Nar Bahadur Rana, then Magaragadhi VDC, Ward 2, Bardia

**Decision and Recommendation of the Commission:** Since evidence has established that victim Nar Bahadur Rana was arrested by joint security forces team on 14 Shrawan 2059 B.S. and led to his enforced disappearance, make



public the whereabouts of the victim, identify the security personnel involved and prosecute in accordance with the law.

36. **Complaint No.:** 1373, torture by CPN Maoist cadres, Lumbini Province Branch Office, Nepalgunj

**Victim:** Ram Kumar Yadav, then Sumshergunj-2, Now Kohalpur Municipality-15, Banke

**Decision and Recommendation of the Commission:** Since evidence has established that Ram Kumar Yadav was beaten and tortured on 2059/2/25, identify the Maoist cadres responsible and prosecute in accordance with the law and pay Rs 50,000 (fifty thousand) as compensation to the victim.

37. **Complaint No.:** 161, enforced disappearance (By Royal Nepal Army), Lumbini Province Office Nepalgunj.

**Victim:** Dilraj Yogi, then Surya Patuwa VDC-Ward 4, now Thakurdwara Municipality, Ward 1, Bardia

**Decision and Recommendation of the Commission:** Since evidence has established that Dilraj Yogi was arrested by the army on 2058/8/27 and led to his enforced disappearance, make public his whereabouts, identify the security personnel involved and prosecute in accordance with the law.

38. **Complaint No.:** 1682, Enforced disappearance (by security forces, Lumbini Province Branch Office, Nepalgunj

**Victim:** Chainram Tharu (Bhante), then Manau VDC, Ward-1, Now Geruwa Rural Municipality, Ward-4, Bardia

**Decision and Recommendation of the Commission:** Since evidence has established that security personnel arrested Chainram Tharu (Bhante) and led to his enforced disappearance on 2060, make public the whereabouts of the missing, identify the security personnel involved and prosecute in accordance with the law.

39. **Complaint No.:** 1430, enforced disappearance (by security forces), Lumbini Province Branch Office, Nepalgunj

**Victim:** Chhunilal Chaudhary (Chunuwa Tharu), then Khairichandanpur VDC, Ward 8, now Rajapur Municipality, ward-10, Bardia

**Decision and Recommendation of the Commission:** Since evidence has established that security forces arrested Chhunilal Chaudhary on 2059/7/3 and led to his enforced disappearance, make public the whereabouts of the victim immediately, identify the accused security personnel and prosecute in accordance with the law.

- 40. Complaint No.:** 339, enforced disappearance (By Royal Nepal Army), Lumbini Province Branch Office, Nepalgunj  
**Victim:** Dilaram Ban (Giri) then Patabhar VDC, Ward-6, now Geruwa Rural Municipality, Ward-1, Bardia  
**Decision and Recommendation of the Commission:** Since evidence has established that security forces arrested victim Dilaram Ban (Giri) on 2058/12/23 and led to his enforced disappearance, make public the whereabouts of the victim immediately, identify the accused security personnel and prosecute in accordance with the law.
- 41. Complaint No.:** 134, torture and property seizure (By army), Lumbini Province Branch Office, Nepalgunj.  
**Victim:** Seshkanta Sharma, then Kohalpur VDC, Ward-3, now Kohalpur Municipality, Ward-11, Banke  
**Decision and Recommendation of the Commission:** Since evidence has established that Seshkanta Sharma was arrested by the army on 2058/8/14, tortured and looted his property, identify the security personnel involved and prosecute in accordance with the law and pay Rs. 250,000 (two hundred fifty thousand) as compensation to the victim.
- 42. Complaint No.:** 4068/746, torture, Bagmati Province Office, Sanepa  
**Victim:** Bishnu Prasad Acharya, Bhorle VDC, Ward-7, Rasuwa  
**Decision and Recommendation of the Commission:** Since evidence has established that CPN (Maoist) cadres severely beat Bishnu Prasad Acharya and snapped his left leg and right hand and left him unattended, assuming him dead, Acharya has recovered after long recovery and walking with the help of artificial limb, identify the accused and prosecute in accordance with the law.
- 43. Complaint No.:** 61, death in custody (torture), Lumbini Province Branch Office, Nepalgunj.  
**Victim:** Bhakta Bahadur Sunar, Thakurdwara Municipality, Ward-9, Betini, Bardia  
**Decision and Recommendation of the Commission:** Since evidence has established that Bhakta Bahadur Sunuwar, while incarcerated in Nakkhu Jail in Lalitpur District, suddenly fell ill on 2075/1/21 and died on 2075/1/22 and from the study of medical documents, died of a chemical substance given to him and hence the shortcomings and negligence of the prison administration and security apparatus looks apparent, implement the recommendations of the 2075 Committee formed to investigate into the cause of death of Sunuwar, improve the security system of the prison, hold the prison staff responsible for

their criminal act and formulate or amend the necessary Act, Regulations or Guidelines.

**44. Complaint No. 4042/ Gaur incident**

**Victims:** 27 killed, including Pratima Khatun and 115 others injured

**Decision and Recommendation of the Commission:** Since political confrontation, animosity and vengeance between the then CPN (Maoist) and the then Madhesi Janadhikar Forum, resulted in the killing of 27 people and inflicted injuries to 115 others in Gaur of Rautahat district on 2063/12/7, pay each rights holder of the deceased Rs. 300,000 (three hundred thousand) as compensation, ensure free treatment to the injured and warn the political parties involved.

**45. Complaint No.: 244, torture at army detention, Bagmati Province Office.**

**Victim:** Pramila Silwal (Khatri), Tikathali VDC, Ward-9, Lalitpur.

**Decision and Recommendation of the Commission:** Since evidence has established that Pramila Silwal (Khatri) was unlawfully detained by the army for 21 days, pay compensation of Rs. 10,000 (ten thousand rupees or (Rs. 500 per day) as per National Human Rights Commission's (Complaint, investigation and determination of compensation) Regulations, 2069, Rule 25 (2).

**46. Complaint No. 3201, torture (use of force), Bagmati Province Office**

**Victim:** Shiva Bohara and Gokul Lamichhane, Mahendra Ratna Campus, Tahachal, Kathmandu

**Decision and Recommendation of the Commission:** Since evidence has established that police arrested the two and beat them brutally to the point of dismemberment, pay each individual Rs 25,000 (twenty-five thousand) as compensation.

**47. Complaint No.: 4666, torture, Bagmati Province Office.**

**Victims:** Devraj Baral, Bhimeswor Municipality-10, Dolakha, Bishnu Baral, Bhimeswor Mun10, Ramchandra Khatri, Bhimeswor Mun-9, Dolakha

**Decision and Recommendation of the Commission:** Since evidence has established that police arrested the three individuals and subjected them to physical and mental torture, pay each of the three victims Rs. 25,000 (twenty-five thousand rupees) as compensation.

**48. Complaint No.: 778, torture, Bagmati Province Office, Hetauda, Makwanpur**

**Victim:** Bharat Prasad Bhatta, Resident of Kathmandu Metropolitan City, Ward 10 and residing in Silgadhi Municipality, Ward-1, Doti

**Decision and Recommendation of the Commission:** Since it has been identified that the army took Bharat Prasad Bhatta under control on 2062/10/3 and tortured him, causing severe impact on his mental health, identify the security personnel involved from then Rarasardul Batallion, prosecute the perpetrator and pay Rs 300,000 (three hundred thousand rupees) as compensation to the victim.

49. **Complaint No.:** 312, Abduction/enforced disappearance, Lumbini Province Branch Office, Nepalgunj

**Victim:** Khadku Chand, Duduwa Rural Municipality, Ward-5, Banke

**Decision and Recommendation of the Commission:** Since it has been identified that CPN (Maoist) cadres abducted Khadku Chand, on 2061/1/18 and led to enforced disappearance for 18 days and the latest information shows that the person has died, pay the compensation amount of Rs. 9,000 (nine thousand rupees) for 18 days for the missing period at the rate of Rs. 500 per day.

50. **Complaint No.** 4230, Disability, Bagmati Province Office

**Victim:** Dina Karki, then Kalleri VDC, Ward2, Dhading

51. **Complaint No.:** 231, Disability, Bagmati Province Office

**Victim:** Sundar Karki, Kalleri VDC-Ward2, Dhading

**Decision and Recommendation of the Commission:** Since both became victims as a result of stray bomb explosion lefty haphazardly by the warring parties during armed conflict, pay each Dina Karki and Sundar Kari Rs. 100,000 (one hundred thousand rupees) as compensation.

52. **Complaint No.:** 782/327, Enforced disappearance/missing, Gandaki Province Office, Pokhara

**Victim:** Binod Poudyal, then Hansapur VDC, Ward-1, Kaski

**Decision and Recommendation of the Commission:** Since evidence has established that Binod Poudyal is still missing from the day, he was enroute to administer Vitamin A capsules from Public Health Office, Lulang in Falgun 2058, continue the search operation to identify his whereabouts.

53. **Complaint No. 388,** Killing, Gandaki Province Office, Pokhara

**Victim:** Rana Bahadur Purja, then Lulang VDC, Ward-6, Myagdi

**Decision and Recommendation of the Commission:** Since investigation has established that Rana Bahadur Purja was arrested on 2060/12/10 by security personnel from Kali Prasad Battalion (D) and tortured that resulted in the death of the victim, and further that the body was not handed over

to the victim's family that violated the cultural rights of the family, identify the accused security personnel involved into the incident and prosecute in accordance with the law.

- 54. Complaint No. :3535**, Killing after enforced disappearance, Gandaki Province Office, Pokhara

**Victim:** Devraj Paudel, then Jeeta VDC, Ward-9, Lamjung and Krishna Bahadur Basnet, then Suryapaal VDC, Ward-5, Lamjung.

**Decision and Recommendation of the Commission:** Since evidence has established that the two were arrested by Nepal Police personnel on 2056/3/3 and led to enforced disappearance, inquire into the involvement of police personnel in the incident and prosecute them.

- 55. Complaint No. 382**, sexual violence, Madhesh Province Office, Janakpur

**Victim:** ..... Bardibas VDC, Ward-5, Mahottari

**Decision and Recommendation of the Commission:** Since evidence has established that five police personnel of Armed Police Force from Chhinnamasta Battalion sexually assaulted the victim on the night of 2059/3/32 and abandoned the person in dying condition in the jungle, provide due compensation, ensure lifelong free treatment to the victim, provide citizenship card at the earliest and prosecute the perpetrators whose names are spelled out in the First Information Report (FIR).

- 56. Complaint No. ....** Sexual violence, Sudurpaschhim Province, Dhangadhi, Kailali

**Victim:** ....., Achham

**Decision and Recommendation of the Commission:** In this case involving seven women, including a 17-year-old... of Achham who were arrested by a team of security personnel and subjected to rape on 2060/4/29, provide immediate compensation of Rs. 250,000 (two hundred fifty thousand) as interim relief.

- 57. Complaint No. :249**, sexual violence, Sudurpaschhim Province, Dhangadhi, Kailali

**Victim:** ....., .....,.... And ....., Kanchanpur

**Decision and Recommendation of the Commission:** Since it has been found that a joint security force team on the night of 2060/8/20 resorted to rape and ....., and attempted rape to .....,) pay Rs. 300,000 (three hundred thousand) to... and Rs. 50,000 (fifty thousand rupees) as compensation to ..., identify the guilty security personnel involved and prosecute.

- 58. Complaint No. 576, Killing, Province Branch Office, Nepalgunj**  
**Victim:** Nabina Chaudhary, Madhuban Municipality, Ward2, Bardia  
**Decision and Recommendation of the Commission:** Since evidence has established that confirmation of the death of local Nabina Chaudhary was due to the gunshot wounds fired by security personnel during local people's protest citing no protection measures been undertaken by the government over incidents of wild animal attacks and killing in the region, identify accused security personnel responsible in the incident, and prosecute, as well as make necessary arrangements for the protection of the people's right to live a dignified life in that area.
- 59. Complaint No.: 1598, Abduction, Sudurpaschhim Province Office, Dhangadhi**  
**Victim:** Jaharsingh Bogati, then Doti VDC, Ward-2, Doti  
**Decision and Recommendation of the Commission:** Since evidence has established that Jaharsingh Bogati was abducted by then CPN (Maoist) on 2060/11/15 and subjected to various forms of physical and mental torture, including the looting of his shop, provide Rs. 300,000 (three hundred thousand) as compensation, identify the accused Maoist cadres involved and prosecute them.
- 60. Complaint No.: 749, Justice-administration (suicide), Sudurpaschhim Province Office, Dhangadhi.**  
**Victim:** Sagar Lama, Bhajani VDC, Ward-3, Kailali  
**Decision and Recommendation of the Commission:** Since it has been observed that Sagar Lama who was serving a prison sentence in Kailali District resorted to suicide due to his own reasons, take measures to ensure such incidents don't recur, that children of the victim are provided scholarship and prisoners and detainees provided psychosocial counselling,
- 61. Complaint No. 1814, enforced disappearance, Lumbini Province Branch Office, Nepalgunj**  
**Victim:** Phaklu Tharu, then Manpurtapara VDC, Ward-2, Bardia  
**Decision and Recommendation of the Commission:** Since evidence has established that Phaklu Tharu was arrested by the state party on 2059/7/7 and led to enforced disappearance, make public the whereabouts of the missing, identify the accused security personnel and take legal action.
- 62. Complaint No. 1925, death, Lumbini Province Branch Office, Nepalgunj**  
**Victim:** Yam Bahadur Malla, now at f VDC, Ward-7, Dailekh, then Rajena VDC, Ward-8, Banke

**Decision and Recommendation of the Commission:** Since evidence has established that Malla was abducted by CPN (Maoist) on 2064/11/15 and subjected to torture who died in the course of treatment, identify the accused and prosecute and provide Rs. 300,000 (three hundred thousand rupees) as compensation.

**63. Complaint No.:** 1337, torture, Lumbini Province Branch Office, Nepalgunj

**Victim:** Mukundasingh Oli, then Naubasta VDC, Ward-9, Tilapur, Banke

**Decision and Recommendation of the Commission:** Since evidence has established that Mukundasingh Oli was arrested by the police on 2059/6/13 and detained and tortured at Bhaumkali Dal Battalion Chisapani Barrack, identify the accused security personnel involved and prosecute and pay the victim Rs. 250,000 (two hundred fifty thousand) compensation.

**64. Complaint No.:** 104, death/wounded, Lumbini Province Office, Butwal

**Victim:** Pawan Gautam, Khidim VDC, Ward-8, Sapaudi, Arghakhanchi, Thakur Gautam, (same address), Bhumika Gautam (Marasini), (same address) Puskar Marasini, (same address) and Pushpa Marasini (same address)

**Decision and Recommendation of the Commission:** Evidence has established clashes had broken out between the then CPN (Maoist) and the Nepalese army on 2062/11/16, and when the army fired gunshots and bomb, eighth grade students mentioned above from Harihar Sanskrit Higher Secondary School were hit which consequently killed Pawan Gautam and injured others. Amongst the injured, Bhumika Gautam (Marasini) who has not yet received compensation be paid Rs. 200,000 (two hundred thousand).

**65. Complaint No.:** 612, Killing, Koshi Province Office, Biratnagar

**Victim:** Narad Niroula, Fungling VDC, Ward-2, Taplejung

**Decision and Recommendation of the Commission:** Since evidence has established that Narad Niroula was abducted by the CPN (Maoist) cadres, including District Faction In-charge S.P Kirati on 2059/9/18 while he was teaching in the class and killed, prosecute the perpetrators and pay the rights holders of the victim, Rs. 150,000 (one hundred fifty thousand rupees) as compensation.

**66. Complaint No. 1444,** Violence against women, Biratnagar

**Victim:** ... (woman with disability) ..., Morang

**Decision and Recommendation of the Commission:** Since the woman with disability was raped and impregnated by ... in the name of practicing shamanism, though the perpetrator has been acquitted by the Court, pay

Rs. 250,000 (two hundred thousand rupees) as compensation to the victim, considering the child's future.

67. **Complaint No.:** 178, right to property, Province No. 1, Branch Office, Khotang

**Victim:** Arjung Kumar Roka, Dandagaon VDC, Ward-8, Khotang

**Decision and Recommendation of the Commission:** Evidence has shown that CPN (Maoist) seized the victim's house and looted the movable items on 2062/2/21 and pertaining to the loss incurred, the meeting of the Committee formed to Identify Conflict Victims and Collect Data verified the loss amounting to Rupees 3,975,000 (3.975 million). Since the victim has only received Rs. 134,700 (one hundred thirty-four thousand seven hundred) as compensation so far, provide the compensation in line with the Civil Relief, Compensation and Economic Assistance (First Amendment, 2068) Regulations, 2066

68. **Complaint No.:** 1054, Child Rights, Koshi Province Office, Biratnagar

**Victim:** Saptakoshi Boarding School, including Sushmita Acharya, Urlabari, Morang

**Decision and Recommendation of the Commission:** Since mediation between the two sides has taken place and terms and conditions outlined fully followed, caution the two schools through correspondence in writing not to repeat corporal punishment against children in the future.

69. **Complaint No.** 257, Sudurpaschhim Province Office, Dhangadhi

**Victim:** Jayasur Karki, then Saadepani VDC, Ward-5, Kailali

**Decision and Recommendation of the Commission:** Nepal army firing that ensued clashes between the army and the Maoist group on 2061/11/17 resulted in the damage to Karki's leg which is still abnormal and hence identify the security personnel involved from Security Basecamp, Sukhad and prosecute and pay Rs. 260,000 (two hundred sixty thousand rupees) to the victim as compensation.

70. **Complaint No.** 3620, Enforced disappearance/compensation, Bagmati Province Office, Hetauda

**Victim:** Sujendra Maharjan, Kirtipur Municipality, Ward-14, Kathmandu and Panchalal Maharjan, Kirtipur Municipality, Ward-14, Kathmandu

**Decision and Recommendation of the Commission:** Since investigation has established that then Royal Nepal Army arrested and detained Sujindra Maharjan on 2060/7/29 and released him after 13 months on 2061/8/17 while Panchalal Maharjan was not arrested at all, in addition, their property was also



found damaged, and hence pay victim Sujindra Maharjan Rs. 300,000 (three hundred thousand rupees) as compensation.

**71. Complaint No.:** 943, torture, Bagmati Province Office, Hetauda

**Victim:** Thulokanchha Basnet, Chitlang-2, Makawanpur

**Decision and Recommendation of the Commission:** Since it has been observed that police constable Binod Thakur got provoked and beat Thulokanchha Basnet in the course of making an arrest which resulted in damage to latter's ear, caution police constable Binod Thakur involved in the incident and pay Rs 100,000 (one hundred thousand rupees) as compensation to the victim.

**72. Complaint No. 4741,** torture, Bagmati Province Office, Hetauda

**Victim:** Kaaluman Tamang, then Fulaasi VDC-7, Pokharibazaar, Ramechhap

**Decision and Recommendation of the Commission:** Since Kaaluman Tamang was detained for six months in the army detention camp and treated inhumanly, prosecute the then Battalion commander of Nepal Army Maharajgunj, pay Rs. 150,000 (one hundred fifty thousand rupees) as compensation to the victim.

**73. Complaint No.:** 341, torture, Lumbini Province Office, Butwal, Rupandehi

**Victim:** Chudamani Dhakal, then Rudrapur VDC, Ward-4, Rupandehi

**Decision and Recommendation of the Commission:** Since Dhakal was arrested by the Nepal Police on 2059/4/24 and taken to Nepali Army barrack where he was given physical and mental torture, pay the victim Rs. 300,000 (three hundred rupees) as compensation, identify the army personnel, including the commander, involved from Ramnagar Barracks into the incident and prosecute.

**74. Complaint No.:** 342, torture, Lumbini Province Office, Butwal, Rupandehi

**Victim:** Bishwonath Dhakal, then Rudrapur VDC, Ward 4, Garegare, Rupandehi

**75. Complaint No:** 343, torture, Lumbini Province Office, Butwal, Rupandehi

**Victim:** Bidhur Dhakal, then Rudrapur DC, Ward-4 Garegare, Rupandehi

**Decision and Recommendation of the Commission:** Since both were arrested and tortured by then Royal Nepali Army, pay Rs. 150,000 (one hundred thousand rupees) as compensation to the victims and prosecute the security personnel involved in the incident from Saljhandi Security Basecamp.

**76. Complaint No:** 38, Lumbini Province Office, Butwal, Rupandehi

**Victim:** Chhabilal Pandey, then Arghale VDC, Ward-9, Gulmi

**Decision and Recommendation of the Commission:** Since Chhabilal Pandey got wounded from the gun-shot from the army and continues to suffer physically and mentally, provide additional Rs. 100,000 (one hundred thousand rupees) as compensation, identify the security person involved deputed then at Shiva Dal Company and prosecute.

**77. Complaint No.: 383, abuse**

**Victim:** Dev Kumar Bharati, Lalitpur, now Shivaraj Municipality, Ward-10, Kapilvastu

**Decision and Recommendation of the Commission:** Since it has been identified that Bharati was indecently behaved and abused by Niraj Pyakurael, District Forest Officer of Kapilvastu, issue directives to all staff of all divisions to ensure that customers are treated with decency.

**78. Complaint No.: 122, Death (by bomb), Lumbini Province Office, Butwal, Rupandehi**

**Victim:** Indra Bahadur Thapa, Butwal Municipality, Ward-3, Deepnagar (F) Line, Rupandehi.

**Decision and Recommendation of the Commission:** Since Indra Bahadur Thapa (aged 12)'s death was caused by a stray bomb near his house on 2063/2/23, draw the attention of the Government of Nepal and then CPN (Maoist) Party, now named as CPN (Maoist Centre) to ensure such incident does not recur.

**79. Complaint No.: 304, Displaced, Lumbini Province Office, Butwal, Rupandehi**

**Victim:** Sub. Inspector of Police Gir Bahadur Sen Oli, then Myalpokhari VDC, Ward-8, Gulmi

**Decision and Recommendation of the Commission:** Since Oli was killed by the landmine planted by then CPN (Maoist) on 2062/5/6, identify the accused cadres of then CPN (Maoist) into the incident and prosecute them.

**80. Complaint No.: 473, Extra judicial detention/ torture, Lumbini Province Office, Butwal, Rupandehi**

**Victim:** Raghu Prasad Tharu, then Shivapur VDC, Ward-4, Kapilvastu

**Decision and Recommendation of the Commission:** Since evidence has established that Raghu Prasad Tharu was arrested by Nepal Police on 2056/10/13 and tortured both physically and mentally and subsequently detained in prison after being charged with the killing and dacoity after 31 days of torture, provide Rs. 300,000 (three hundred rupees) as compensation to the right holder.

- 81. Complaint No.:** 235 and 1236, Killing, Lumbini Province Office, Butwal, Rupandehi

**Victim:** Jagat Bahadur Thapa and Upendra Thapa, then Dobhan VDC, Ward-6, Palpa

**Decision and Recommendation of the Commission:** Since evidence has established that the two got killed on the spot as a result of firing by then security personnel from Shivalaya Company of Royal Nepal Army on 2058/11/16, identify the accused security personnel involved and prosecute.

- 82. Complaint No. 4054,** torture, Bagmati Province Office, Hetauda

**Victim:** Teknath Gautam, Gunshi-1, Ramechhap

**Decision and Recommendation of the Commission:** Since evidence has established that Teknath Gautam was abducted from his home by then CPN (Maoist) cadres on 2059/4/26 and subjected to physical and mental torture, the victim has been compensated for displacement and disability but not for torture and hence, pay additional Rs. 150,000 (one hundred and fifty thousand rupees) to the victim as compensation and prosecute Hari Prasad Dahal, Lalitpur In-Charge of present CPN (Maoist Centre) and Central Committee member, and others accused in the incident in accordance with the law.

- 83. Complaint No. 4055,** torture, Bagmati Province Office, Hetauda

**Victim:** Jibanath Gautam, Gunsi-1, Ramechhap

**Decision and Recommendation of the Commission:** Since evidence has established that Jibanath Gautam was abducted from his home and tortured by Maoist cadres led by Man Prasad Gautam alias Archan on 2059/4/26, pay Rs. 150,000 (One hundred fifty thousand rupees) as compensation to the victim and make CPN (Maoist) cadre Man Prasad Gautam alias Archan spell out other perpetrators involved and prosecute in accordance with the law.

- 84. Complaint No.:** 2253, death in custody, Lumbini Province Branch Office, Nepalgunj

**Victim:** Sundar Harijan, Nepalgunj Municipality, Ward No-2, Banke

**Decision and Recommendation of the Commission:** Since there was a technical error in the investigation, prosecution and recommendation of 17-year-old Sundar Harijan (Chamaar) that the victim was a juvenile, which resulted in the suicide of the victim, prosecute those guilty in the incident, pay the victim's rights holders Rs. 100,000 (one hundred thousand rupees) as compensation, mandatorily implement the Prison Act, Regulation, Procedures and Directives and pay attention to the victim's age during prosecution and Court ruling.

- 85. Complaint No.:** Enforced disappearance, Lumbini Province Office, Nepalgunj  
**Victim:** Rampura Gharti, Tribhuvan Municipality, Ward 8, now living at Ghorahi Sub Metropolitan City, Ward-13, Dang  
**Decision and Recommendation of the Commission:** Since evidence has established that Rampura Gharti was arrested by the Royal Nepali Army from his home on 2059/8/14 and led to his enforced disappearance, identify the security personnel involved in the incident and prosecute in accordance with the law and continue the search until the status of the person is identified.
- 86. Complaint No.:** 885, enforced disappearance, Lumbini Province Office, Nepalgunj  
**Victim:** Buddhiram Chaudhary and Khopiram Chaudhary, Urahari-3, Dang  
**Decision and Recommendation of the Commission:** Since evidence has established that the two were arrested by the Royal Nepali Army personnel on 2059/2/18 and 2059/1/1 and led to enforced disappearance, identify those accused in the incident and prosecute in accordance with the law and make public the whereabouts of the victims.
- 87. Complaint No:** 2198, death during protest, Lumbini Province Branch Office, Nepalgunj  
**Victim:** Dev Bahadur Pandey, Pyuthan Dharmawati-4, working then at Bardia Ilaka Polic Office, Bardia  
**Decision and Recommendation of the Commission:** Since evidence has established that Dev Bahadur Pandey died of bullet shot by unidentified group during the Tharuhat general strike and protests, speedily investigate into the complaint filed at District Police Office, Bardia on 2072/5/31 and complete the inquiry process.
- 88. Complaint No:** 1366, Lumbini Province Branch Office, Nepalgunj  
**Victim:** Mewalal Gautam, Sanoshree-5, Bardia  
**Decision and Recommendation of the Commission:** Evidence has established that Mewalal Gautam was arrested by security personnel several times and as a result of the torture, he still reported poor health till Paush 2078 when the investigation was done and hence, investigate into the involvement of then Royal Nepal Army Siddhibox Company commander and others involved and prosecute them and pay additional Rs. 150,000 (one hundred fifty thousand rupees) as compensation to the victim.
- 89. Complaint No:** 66, wounded from bomb shrapnel, Koshi Province Branch Office, Khotang

**Victim:** Shanta Banjara, Suntale VDC, Ward-2, Khotang

**Decision and Recommendation of the Commission:** Since evidence has established that the victim had to be amputated following the landmine explosion planted by then Royal Nepal Army during armed conflict on 2064/12/10 leading to the victim's disability, pay Rs. 300,000 (three hundred thousand rupees) as compensation to the victim, provide free treatment, and ensure victims who sustained injuries from explosive devices from the conflict period are incorporated by the definition of "victims of armed conflict," undertaking urgent amendment to the Procedures, Directives or whatever is required thereof and address the challenges of such victims.

90. **Complaint No: 21**, right to environment and development, Koshi Province Branch Office, Khotang.

**Victim:** 45 households including Banchha Kumar Shrestha, Solu Dudhkunda Municipality, Ward No 7, Solukhumbu and

91. **Complaint No.: 212**, right to environment and development, Koshi Province Branch Office, Khotang

**Victim:** Premkumar Shrestha including, Solu Dudhkunda Municipality, Ward-7, Solukhumbu

**Decision and Recommendation of the Commission:** Evidence has established that pipes at the project site were placed in line with the standard norm and do not appear to pose a threat of explosion and damage as claimed and local people's participation was ensured, compensation paid for the acquisition of houses and land. However, it deems necessary to proceed development works by formulating suitable procedures that respect and promote human rights and provide remedy to the affected in line with the implementation of International Labour Organization's Convention 169, UN Declaration on the Rights of Indigenous People, 2007, Guiding Principles on Business and Human Rights, 2011 and UN Declaration on Right to Development, 1986.

92. **Complaint No. 1040**, enforced disappearance, Province Branch Office, Khotang (Registered at Central Office)

**Victim:** Chakra Bahadur Katwal, Kuibhir-5, Okhaldhunga

**Decision and Recommendation of the Commission:** Since the evidence has established that Katawal was arrested on 2058/8/28 on the directives of Chief District Officer as per the decision of District Security Committee, Okhaldhunga and tortured by then Royal Nepali Army, prosecute those perpetrator who have been charge-sheeted at District Police Office, Okhaldhunga and take the case to a logical end.

93. **Complaint No.:** 15, ostracism/caste discrimination, Koshi Province Branch Office, Khotang  
**Victim:** Tanka Prasad Acharya, Diktel Rupakot, Majhuwagadhi Municipality, Ward-1, Kolebari, Khotang  
**Decision and Recommendation of the Commission:** Since evidence has established that Acharya was socially and culturally boycotted as a result of consuming yogurt during a joint-feast programme on 2075/2/18, pay Rs. 100,000 (One hundred thousand rupees) as compensation to the victim.
94. **Complaint No:** 115, right to property, Karnali Province Branch Office, Jumla  
**Victim:** Bishnu Bahadur Bista, Khumananda Acharya, Dhaniram Gautam, Bed Prasad Sharma, Kotbada-3, Kalikot.  
**Decision and Recommendation of the Commission:** Since evidence has established that then Royal Nepali Army seized the victim's house and destroyed it and damaged goods amounting to Rs. 67,500, pay Rs. 67,500 (sixty-seven thousand five hundred rupees) as compensation to the victim.
95. **Complaint No.:** 1256, enforced disappearance, Central Jail, Lalitpur  
**Victim:** Gopal Dangal, Gobindapur-1, Morang  
**Decision and Recommendation of the Commission:** Since evidence has established that Dangal was arrested by security personnel on 2060/7/10 and led to his enforced disappearance whose status is still not known today, immediately make public the whereabouts of the missing, identify those accused for abduction and prosecute the perpetrators.
96. **Complaint No.:** 51, illegal detention, Koshi Province Branch Office, Khotang  
**Victim:** Chakra Bahadur Khatri alias Sudip Sharma, Halesi Tuwachandra Municipality-2, Dikuwa, Khotang  
**Decision and Recommendation of the Commission:** Since evidence has established that Chakra Bahadur Khatri alias Sudip Sharma was repeatedly arrested and rearrested by Nepal Police and detained at District Police Offices: Khotang, Udayapur, again Khotang, Solukhumbu and Siraha (as stated in the full report of NHRC Nepal), take departmental action against the human rights violators and pay Rs. 100,000 (one hundred thousand rupees) as compensation to the victim.
97. **Complaint No:** 4, abuse/beating, Koshi Province Branch Office, Khotang  
**Victims:** Bal Kumar Bhattarai, Necha Salyan Rural Municipality-3, Solukhumbu, Padam Bahadur Rana, Khumbu Pasang Lhamu Rural Municipality-1, Solukhumbu, Prem Bahadur Thapa Magar, same address and

Man Keshar Rana Magar, same address

**Decision and Recommendation of the Commission:** Since evidence has established that the four were abducted and tortured by then CPN (Maoist) cadres, identify the immediate members of then CPN (Maoist) involved and prosecute them in accordance with the law and pay Rs. 150,000 (one hundred fifty thousand rupees) to Bal Kumar Bhattarai, Rs. 50,000 (fifty thousand rupees) to Padam Bahadur Rana Magar, Rs. 50,000 (fifty thousand rupees) to Man Keshab Rana Magar and Rs. 150,000 (one hundred fifty thousand) to Prem Bahadur Thapa Magar as compensation to the victims.

**98. Complaint No:** 34, killing, Madhesh Province Office, Janakpur

**Victim:** Umesh Yadav (Abhisekh), then Nemda VDC, Saptari

**Decision and Recommendation of the Commission:** Since evidence has established that security personnel took Umesh Yadav under control and killed him, identify the accused from the security battalion based in Rajbiraj, Saptari District on 2060/9/1 and prosecute in accordance with the law.

**99. Complaint No.:** 34, torture, Madhesh Province Office, Janakpur

**Victim:** Rajit Kumar Mukhiya, Nagarain Municipality, Ward-3, Fulgama, Dhanusha

**Decision and Recommendation of the Commission:** Since evidence has established that Raj Kumar Mukhiya was physically abused and assaulted on 2074/3/9 by Sub Inspector Dharmendra Kumar Singh serving at Ilaka Police Office, Fulgama in Dhanusha, pursue departmental action against Sub Inspector Dharmendra Kumar Singh and pay Rs. 30,000 (thirty thousand rupees) as compensation to the victim.

**100. Complaint No.:** 1224, Violence against women, Madhesh Province Office, Janakpur

**Victim:** Taradevi Das, then Deurikachan VC-2, Saptari

**Decision and Recommendation of the Commission:** Since evidence has established that victim Taradevi Das was abused and inhumanely behaved such as being forced human excreta into her mouth, justice was not meted out to the victim nor the issue addressed by the state despite the complaint being registered implicating Yogendra Yadav and others involved in the incident at Basain Police Post, hence pay Rs. 50,000 (fifty thousand rupees) as compensation to the victim.

**101. Complaint No.:** 612, wounded by bomb explosion, Sudur Paschim Province Office, Dhangadhi, Kailali

**Victims:** (1) Ratna Bahadur Bishwokarma alias Ratan B.K. and 15 others, then Sugarkhal VDC, Ward-7, Kailali

**Decision and Recommendation of the Commission:** Evidence has established that a bomb explosion at the house of Man Bahadur Shashi on 2065/2/20 wounded nine people, including three minors and destroyed the houses of the locals, including that of Man Bahadur Shahi, compensation was paid for the loss of houses and property, but the victims wounded in the bomb explosion have not yet received any compensation and so they be paid compensation (details included in Annex B of the full report), identify the accused and prosecute in accordance with the law.

- 102. Complaint No.:** 361, enforced disappearance, Koshi Province Office, Biratnagar, Morang

**Victim:** Chhabilal Acharya (Jeevan), Budhabare-6, Jhapa

**Decision and Recommendation of the Commission:** Since investigation has established that the victim was arrested by the mobile team of then Royal Nepali Army's Singhanath Battalion on 2059/4/13 and killed, Major of the Battalion, Surath Rawal (Combat Officer) and Captain Chakra Bahadur Karki of the same Battalion's involvement was identified, and hence investigate into the role of the two and prosecute in accordance with the law.

- 103. Complaint No.** 4526, Right to health, Central Office, Lalitpur

**Victim:** Kishor Mijar, Gajuri-8, Dhading

**Decision and Recommendation of the Commission:** Since evidence has established that victim Kishor Mijar sustained disability as a result of bullet injury during the cross firing on 2062/5/24, correspond with the Nepal Army to live by the humanitarian law in letter and spirit in the future.

- 104. Complaint No.:** 572, enforced disappearance, Lumbini Province Branch Office, Nepalgunj

**Victim:** Bhupendra K.C., then Thakurdwara VDC, Ward-4, Sutaiya, Bardia

**Decision and Recommendation of the Commission:** Since evidence has established that victim Bhupendra KC was arrested by army personnel of Barakhdal Battalion, Bardia on 2058/12/25 and led to enforced disappearance, identify the accused security personnel involved in the incident and prosecute, and make public the whereabouts of the missing.

- 105. Complaint No.:** 52, torture, Sudur Paschim Province Office, Dhangadhi, Kailali

**Victims:** Gangaram Sapkota, Gauriganga Municipality, Ward-9, Kailali and



Ram Bahadur Chaudhary, same address

**Decision and Recommendation of the Commission:** Since evidence has established that the two victims were arrested by security personnel of No-5 Baahini Adda, Teghari Barrack, Kailalai, rounded up in different army barracks and tortured, identify the security personnel involved in the incident and prosecute them, and pay Rs. 100,000 (one hundred thousand rupees) and Rs. 125,000 (one hundred twenty-five thousand rupees) as compensation to the victims, respectively.

- 106. Complaint No.:** 431, Killing, Sudur Paschhim Province Office, Dhangadhi, Kailali

**Victim:** Surendra Giri, then Baliya VDC, Ward-6, Tilakpur, Kailali

**Decision and Recommendation of the Commission:** Since evidence has established that victim Surendra Giri was abducted and killed by CPN (Maoist) cadres, identify the accused and prosecute in accordance with the law.

- 107. Complaint No.** 519, killing, Sudur Paschhim Province Office, Dhangadhi, Kailali

**Victim:** Prem Bahadur Dagaura, then Thapapur VDC, Ward No-Tingharuwa, Kailali

**Decision and Recommendation of the Commission:** Since evidence has shown that victim Prem Bahadur Dagaura was shot dead by the mobile team of security personnel, identify the accused security personnel and prosecute them.

- 108. Complaint No.** 791, death, Sudur Paschhim Province Office, Dhangadhi, Kailali

**Victim:** Gauri Budha, Turmakhad Rural Municipality, Ward-3, Accham

- 109. Complaint No.** 794, death, Sudur Paschhim Province Office, Dhangadhi, Kailali

**Victim:** Parbati Budha, Turmakhad Rural Municipality, Ward-4, Accham

**Decision and Recommendation of the Commission:** Since the two died while they were living at a menstrual hut, in light of the fact that 15 had already lost their lives in Accham District and three in Bajura earlier in similar incidents, ensure that provisions of the Constitution of Nepal and other customary laws are implemented for the effective abolition of *Chhaupadi* tradition and amend Section 168 of Penal Code Act, 2074 to ensure provisions for victims' security, compensation, protection of complainant, psycho-social counselling, rehabilitation and other conditions for victim justice mechanisms, incorporate

in the school curriculum that *Chhaupadi* tradition is a form of violence against women and punishable by law and conduct/organize awareness raising programmes in *Chhaupadi* affected districts

**110. Complaint No.:** 721, Killing, Lumbini Province Branch Office, Nepalgunj, Banke

**Victim:** Koili Kurmi, then Hirminiya VDC, Ward-1, Ghanghotana, Banke

**Decision and Recommendation of the Commission:** Since evidence has established that then CPN (Maoist) cadres abducted Koili Kurmi on 2062/1020 and tortured and killed him, pay Rs. 300,000 (three hundred thousand rupees) as compensation and provide relief support as other conflict victims are provided, identify additional accused CPN (Maoist) cadres involved in the incident through interrogation with Nanku Behana, implicated in the incident, and prosecute.

**Summary of the NHRC recommendations over individuals who are found guilty for human rights violations in the Fiscal Year 2079-2080**

S. N.	Complainant	Rights violating Office/Individual	Subject of violation	Recommendation
1	Khante Kami, CPN Maoist cadre	Then CPN (Maoist)	Shankar Thapa, resident of Siudi VDC, Ward-8, Achham was taken to Chitrepati jungle on 2061/2/19 and killed	Prosecute over complaint registered at District Police Office, Accham
2	Shrawan Kumar Yadav, then CPN (Maoist) cadre	Shrawan Kumar Yadav, Ramnagar Mirchaiya VDC, Ward-7, Siraha	Sanjaya Yadav was abducted on the night of 2065/2/7 and led to enforced disappearance	Investigate into the cadres and prosecute in accordance with the law
3	Ram Awatar Mahato, CPN (Maoist) cadre	Ram Awatar Mahato, Ramnagar, Mirchaiya VDC, Ward-7, Siraha	Same as above	Same as above
4	Ram Bilas Yadav, CPN (Maoist) cadre	Radhepur VDC, Ward-3	Same as above	Same as above
5	Hridaya Yadav, CPN (Maoist) cadre	Radhepur VDC, Ward-7	Same as above	Same as above

S. N.	Complainant	Rights violating Office/Individual	Subject of violation	Recommendation
6	Deputy Superintendent of Police Yogeshwor Romkhani	District Police Office, Rautahat	No legal action has been taken over the complaint, implicating those involved, registered on 2064/1/28 over death of 27 and 115 wounded in Gaur, Rautahat on 2063/12/7	Disciplinary action
7	Then DSP Ram Kumar Khanal	Same as above	Same as above	Same as above
8	Name not mentioned because the recommendation has been implemented			
9	DSP Kamakhya Narayan Singh	National Investigation Bureau, Rautahat	Responsibility undertaking not effective during Gaur incident	Disciplinary action
10	Then CDO Madhav Prasad Ojha	District Administration Office, Rautahat	Not playing an effective role to avert Gaur incident	Same as above
11	Name not mentioned because the recommendation has been implemented			
12	Prabhu Sah, General Secretary, Madhesi Mukti Morcha	Then Madhesi Mukti Morcha, CPN (Maoist)'s sister wing	Taking no intentional measures to prevent Gaur incident	Cautioned
13	Name not mentioned because the recommendation has been implemented			
14	Name not mentioned because the recommendation has been implemented			
15	Then DSP of Armed Police Force Prakash Ojha	Armed Police Force, Chinnamasta Battalion, Bardibas, Mahottari	Not prosecuting five police personnel of Armed Police Force of Chhinamasta Battalion who took under control . . . ., resident of	Exclude any government bodies, including Nepal Police and Armed Police Force from providing expert service in the future.
16	Narayan Kumar Acharya, Then Head	District Police Office, Mahottari	then Bardibas VDC, Ward 5 of Mahottari, operating a small hotel nearby a bazaar and sexually assaulted her.	

S. N.	Complainant	Rights violating Office/Individual	Subject of violation	Recommendation
17	S. P. Kiranti, then District Faction In charge	Then CPN (Maoist), Taplejung	Abduction of Narad Niroula, resident of then Fungling VDC, Ward2, Taplejung while he was teaching at Saraswoti High School at Sirkaicha in Taplejung and killing	Investigate into the criminal offence case that is already filed against the person at District Police Office
18	Binod Thakur, Police Jawan	Metropolitan Police Office, Kathmandu	Torture following arrest of Thulokanchha Basnet of Chitlang-2, Makwanpur on 2069/6/28	Caution
19	Hari Prasad Dahal, Lalitpur In-charge and Central Committee Member	Then CPN (Maoist)	Teknath Gautam of Gunsu-1, Ramechhap taken under control from his home on 2059/4/46 and inflicted physical and mental torture following beating on charges of espionage	Prosecute in accordance with the law
20	Man Prasad Gautam alias Archan	The CPN (Maoist)	Tortured Jibnath Gautam of Shatalingeswor High School, Gunsu, Ramechhap for his abduction on 2059/4/26	Prosecute in accordance with the law
21	Devendra Prasad Shrestha, the Chief	Banke Prison Office, Banke	Sundar Harijan of Nepalgunj, while being transferred from Banke jail to Rolpa, freed Bijaya Bikram Shah from Rolpa prison, leading to consequences of suicide	Departmental action
22	Dipendra Prasad Paudel, senior clerk	Same as above	Same as above	Same as above

S. N.	Complainant	Rights violating Office/Individual	Subject of violation	Recommendation
23	Drona Pokhrel, Head of Department	Department of Prison Management	Same as above	Same as above
24	Kamala Ghimire, then Chief	Rolpa Prison Office, Rolpa	Same as above	Same as above
25	Yam Lal Oli, Acting head	Same as above	Same as above	Same as above
26	Name not mentioned because the recommendation has been implemented			
27	Name not mentioned because the recommendation has been implemented			
28	Shalikram Sharma Paudyal, then Chief District Officer	District Administration Office, Khotang	Chakra Bahadur Khatri, alias Sudip Sharma of Halesi Chuwachung Municipality, Ward2, Khotang was repeatedly arrested and illegally detained, violating his rights	Departmental action
29	Dipak Kumar Pahadi, then Chief District Officer	District Administration office, Udayapur	Same as above	Same as above
30	Saroj Prasad Guragain, the CDO	District Administration Office, Siraha	Same as above	Same as above
31	Rama Acharya, Then CDO	District Admin Office, Solukhumbu	Same as above	Same as above
32	Uma Prasad Chaturbedi, then police SP	District Police Office, Siraha	Same as above	Same as above
33	Narayan Prasad Chimaurya, then police DSP	District Police Office. Khotang	Same as above	Same as above
34	Tekunanda Ewa Limbu, Police DSP	District Police Office, Solukhumbu	Same as above	Same as above
35	Govinda Prasad Sah, Police Inspector	District Police Office. Khotang	Same as above	Same as above
36	Mahendra Darnal Inspector	District Police Office. Solukhumbu	Same as above	Same as above

S. N.	Complainant	Rights violating Office/Individual	Subject of violation	Recommendation
37	Dipendra Shrestha Inspector	District Police Office. Siraha	Same as above	Same as above
38	Nawaraj Dahal Assistant Sub-Inspector	District Police Office. Solukhumbu	Same as above	Same as above
39	Rishi Khanal Assistant Sub Inspector	District Police Office. Udayapur	Same as above	Same as above
40	Rajan Prasad Nepal, Assistant Sub Inspector	Bhandare Police Post, Khotang	Same as above	Same as above
41	Ram Kumar Yadav Sub Inspector	District Police Office, Siraha	Same as above	Same as above
42	Shyam Raut, Sub Inspector	District Police Office. Udayapur	Same as above	Same as above
43	Bhuwan Singh Karki, Police Constable	District Police Office. Udayapur	Same as above	Same as above
44	Dharmendra Kumar Singh, Sub Inspector	Ilaka Police Office, Fulgama, Dhanusha	Ranjit Kumar Mukhiya of Nagarain Municipality-3 was beaten and abused on 2074/3/9	Departmental action
45	Surat Rawal, Major (Combat Officer)	Singhanath Battalion, Jhapa, Nepal Army	Chhabilal Acharya of Budhabare-6, Jhapa was arrested from Duinge on 2059/4/9 and killed	Investigate into the complaint and prosecute
46	Chakra Bahadur Karki, Captain	Singhanath Battalion, Jhapa, Nepal Army	Same as above	Same as above
47	Nanku Behana, Maoist cadre	Then CPN (Maoist), Banke	Koili Kurmi of Hirminiya-1, Ghatghotana, Banke was abused on 2062/10/25 and killed by CPN (Maoist) Cadres, including Nanku Behana.	Prosecute

S. N.	Complainant	Rights violating Office/Individual	Subject of violation	Recommendation
48	Shiva Prasad Nepal Then Chief District Officer	District Administration Office, Okhaldhunga	Teacher Chakra Bahadur Katwal was abducted on 2058/8/28, led to enforced disappearance, killed and body concealed	Prosecute on charges of killing
49	Krisna Murari Neupane Major (commander)	Then Royal Nepal army Ranasingh Battalion, Okhaldhungana	Same as above	Same as above
50	Dinesh Thapa, Captain	Then Royal Nepal Army Ranasingh Battalion, Okhaldhungana	Same as above	Same as above
51	Hanuman Sah, Police DSP	District Police Office, Okhaldhunga	Same as above	Same as above
52	Leeladhar Paudel, then Inspector	National Investigation Bureau Office, Okhaldhunga	Same as above	Same as above
53	Purusottam Adhikari, Assistant CDO	District Police Office, Okhaldhunga	Same as above	Same as above
54	Durga Lal Chaudhary, Inspector	District Police Office, Okhaldhunga	Same as above	Same as above
55	Kamal Prasad Giri, Police Inspector	District Police Office, Okhaldhunga	Same as above	Same as above
56	Chakra Basnet, Sub Inspector	District Police Office, Okhaldhunga	Same as above	Same as above
57	Khadga Bahadur Karki, Assistant Sub Inspector	District Police Office, Okhaldhunga	Same as above	Same as above
58	Dinesh Adhikari, Assistant Sub Inspector	District Police Office, Okhaldhunga	Same as above	Same as above

<b>S. N.</b>	<b>Complainant</b>	<b>Rights violating Office/Individual</b>	<b>Subject of violation</b>	<b>Recommendation</b>
59	Mahabir Raj Dhabe, Assistant Sub Inspector	District Police Office, Okhaldhunga	Same as above	Same as above
60	Basudev Chaudhary, Assistant Sub Inspector	District Police Office, Okhaldhunga	Same as above	Same as above
61	Yubaraj Basnet, Police Constable	District Police Office, Okhaldhunga	Same as above	Same as above
62	Harka Bahadur Thapa, Constable	District Police Office, Okhaldhunga	Same as above	Same as above
63	Kedar Adhikari, Constable	District Police Office, Okhaldhunga	Same as above	Same as above
64	Dal Bahadur Karki, Constable	District Police Office, Okhaldhunga	Same as above	Same as above
65	Tarjan Gurung, Police Jawan	District Police Office, Okhaldhunga	Same as above	Same as above
66	Nilam Sangraula, Police Jawan	District Police Office, Okhaldhunga	Same as above	Same as above



## Chapter Seven

# Achievements, challenges, possible solutions and future course of action

Ever since the Commission was established, it has been active in the field of protection and promotion of human rights. The Commission - set up at the height of the armed conflict - had to naturally focus more on civil and political issues in that context. After the country entered the peace process, the Commission has been working on economic, social, cultural, developmental, and environmental issues, and issues of women, children, persons with disabilities, senior citizens, and climate change with priority.

### **Achievements**

As in the previous years, the Commission has completed works related to the protection and promotion of human rights in this fiscal year, too. Complaints related to human rights violations have been received, monitored, investigated and recommended. Some discussions or interactions have been performed through physical presence as well as through online technology. In general, human rights protection, promotion, publication of reports or journals, issuance of press releases, review of laws and collaboration with international agencies have been completed.

### **Complaint receiving, monitoring, investigation and recommendation**

Under the protection of human rights, the Commission has concluded the work related to receiving complaints, monitoring, investigation and recommendation. During this period, a total of 100 complaints have been filed in all the offices of the Commission with allegations of violation of human rights. Correspondence and counselling services have been provided to the applicants of 1,030 petitions registered at the bodies concerned with a request to initiate judicial process. Human rights related issues have been monitored 220 times. The overall human rights situation, election of members of the House of Representatives and Provincial Assemblies from the perspective of human rights, human rights situation in disasters, human rights of workers, business and human rights, rights of HIV/AIDS infected people etc. have been monitored.

The Commission has completed investigation on 354 complaints, including the old and the new. In the investigation, 102 complaints have been decided for referral and 13 policy recommendations have been made. A total of 278 complaints have been kept on hold and 11 complaints have been dismissed.

The Government of Nepal has been recommended to take necessary action on the gruesome Gaur incident that took place in 2008 AD, based on investigation within this fiscal year. It has recommended the government to investigate incidents of gang rapes during the armed conflict and take legal action against the perpetrators and provide compensations to victims. Similarly, legal action has been recommended against those responsible for forcing child prisoner Sundar Harijan to commit suicide by taking him from Banke Jail to Rolpa Jail, and recommendation has been made to pay compensation to the family of the deceased. The Commission has recommended for respecting human rights of the businessmen on the the complaint filed against Upper Solu Hydro Electric Company. It also released an additional list of people convicted of human rights violators.

### **Promotion**

Towards the promotion of human rights, works have been carried out in collaboration or coordination on the basis of need and justification. The commission has carried out works in coordination and collaboration with all three tiers of government, non-governmental organizations, civil society, business organizations and the international community. Training, seminars and programs related to human rights education have been organized.

In this fiscal year, the Commission has organized a program related to orientation of representatives of concerned bodies of the Government of Nepal, civil society and non-governmental organizations on the subject of business and human rights. In addition, consultations and discussion meetings were held with experts and stakeholders in the field with the objective of providing support to the National Action Plan on Business and Human Rights prepared by the Government of Nepal.

Towards the the programs organized by various organizations, Commission representatives participated as resource persons, chief guests, guests, subject experts and presented institutional views on relevant topic. Promotion works are being carried out through publication of reports, press releases on print and electronic media. Discussions, interactions, seminars, training, exchange of experiences etc. have been organized with stakeholders at national and international level, considering the need and seriousness of the subject matter. In this fiscal year, the Commission has completed 2310 promotion related works.

### **Publication**

During this period, the Commission's Annual Report (full and abridged versions in both Nepali and English languages) has been published. The report highlights the annual activities of the Commission and also reflects the state of human rights at

the national and provincial levels. Similarly, an activity booklet has been published depicting the activities and human rights situation carried out by the Commission's state and provincial branch offices. A journal has been published covering various topics related to disaster management and human rights (*Manab Adhikar Sambahak*). Human Rights Bimonthly Newsletter has been prepared and uploaded in the website for dissemination.

### **Press Release**

A total of 44 press releases have been issued this fiscal year on contemporary issues of human rights. The press releases issued in this way focus on civil and political rights, economic, social and cultural rights. Similarly, a press release has also been issued on the issues of women, children, racial discrimination, rights of migrant workers and transitional justice.

### **Law Review and Recommendations**

The Commission has also reviewed laws and provided necessary recommendations to the government in this fiscal year. Work is underway to review laws to study the implementation status of the Parlema Article approved by the Government of Nepal.

## **Cooperation and Coordination**

### **A. At the National Level**

In this fiscal year too, the Commission has completed various promotion related works alone, and in cooperation and coordination with other agencies. Works on human rights have been carried out in coordination and collaboration with state and state bodies, the different three tiers of government, and thematic Constitutional Commissions. Recommendations Execution Committee was formed under the coordination of the Office of the Prime Minister and Council of Ministers to execute the recommendations made by the Commission. Various activities were successfully completed, also with the participation of the Commission to realize the implementation of Commission's recommendations. These developments have provided hope that the government will continue and remain active in the implementation of the recommendations that have been made.

As it was necessary to further strengthen the coordination with the Commission and the media and to increase the accountability of the government in the protection and promotion of human rights, the Commission team held separate meetings with 10 different media houses from June 15, 2023 to July 5, 2023 and discussed the issues of coordination and cooperation. In this fiscal year, works have been completed in collaboration and coordination with 15 organizations working in the field of human

rights. The topics coordinated and collaborated in this way include human rights education, the rights of persons with disabilities, the rights of senior citizens and the rights of people living with HIV/AIDS. Memorandum of Understandings (MoU) have been signed with four organizations including UN organizations – UNFPA and UNWomen - and The Asia Foundation and Qatar's Human Rights Committee.

## **B. At the International Level**

The Commission has also been working in collaboration and coordination with international agencies. Such institutions, in particular, include the Global Network of Human Rights, national institutions, and the Asia Pacific Forum of Human Rights National Institutions. Similarly, collaborations were also done with national level human rights related institutions of the respective countries and international organizations and diplomatic missions and United Nations organizations. In addition, cooperation and coordination is being done with national human rights organizations, international non-governmental organizations, donor agencies and foreign embassies at the international level on the basis of need and justification. In this fiscal year, Honorable Chairman, members and staff of the Committee have had travels, too. A Memorandum of Understanding (MoU) has been signed between the Human Rights Commission of Nepal and the Human Rights Committee of Qatar to protect and promote the rights of migrant workers and their families. Similarly, discussions were done and Memorandums of Understanding (MoU) were signed on the development and cooperation of human rights with international bodies including UNFPA, EU and UNDP.

## **Challenges**

The establishment of an organization, and successful achievement of its objectives and goals is a matter of challenge in itself. The Commission is facing various challenges along with those in the institutional development itself. The Commission has gone through internal and external challenges in the past, some of which still exist in the same or separate forms. Some have been partially and fully addressed, while some new challenges have also been added.

### **Internal Challenges**

The Commission has been fulfilling the task of protecting and promoting human rights and implementing them effectively through the Constitution and Acts. In addition, the internal challenges of the Commission are mentioned as follows:

- a. Further work should be done for the development of human rights culture by monitoring and researching human rights and implementing them effectively.

- b. The investigation of the old cases of conflict pending in the Commission should be concluded.
- c. The Commission should create an environment in which the staff can survive by making it more service-equipped and resourceful as there is a direct or indirect hindrance to the functioning of the skilled manpower in the commission.
- d. Develop an electronic system to keep the complaints and information and data of human rights violations in an integrated manner.
- e. Keeping in mind the reality of working on the latest issues related of human rights, the human resource at the Commission should be trained at the national and international level and skilled human resource should be developed.
- f. Develop an integrated human rights data collection system.
- g. To lay special emphasis on research methodology and system to implement and recommend to the government and the concerned agencies by depicting the confirmed state of human rights.
- h. Programmes of a specific nature should be conducted with the stakeholders (political parties, human rights activists, civil society, media, schools or universities, religious organizations etc) to establish the concept of human rights and concerns of all at the national and rural levels.

## **External Challenges**

### **a. The challenge of maintaining the standards**

Activities of the Commission are a matter of priority, well deliberated and reviewed both nationally and internationally. In particular, the functioning of the Commission is directly linked to the prestige of its umbrella organizations International Coordination Committee of NHRIs and Global Alliance of National Human Rights Institutions–GANHRI. Among the various functions of the network, one is the work related to the ranking of organizations operating in the respective countries through its sub-committee. Generally, the committee looks at the the appointment process, and functional and financial autonomy, and functioning of the officials in the respective countries in its ranking process. Questions have been raised from time to time regarding the functioning of the Human Rights Commission of Nepal. Despite these various adversities, the Commission has so far managed to be accredited under 'A' category. This time too, the sub-committee has recommended to place the appointment process and functioning of the office-bearers of the Commission in 'B' category. In such a situation, the challenge is to keep the Commission, which has been in the 'A' category accreditation status since its inception, in the same category. This can be seen as both an internal and external challenge of the Commission.

## **b. Inadequacy of Physical Infrastructure**

Since its inception, the Commission has been passing through a difficult situation in terms of physical resources. Despite repeated attempts, the situation has not improved as expected. Even in this fiscal year, the Commission is forced to carry out its activities in a difficult manner due to lack of necessary and adequate physical resources. Proper and essential infrastructure and resources are not sufficient in proportion to the existing human resource. Managing the new staff is going to be another challenge.

The construction work of the central office building, which was damaged in the April 2015 earthquake, has not started even in this fiscal year. At present, the central office building of the Commission is on rent in the office of the Employees' Provident Fund, but is not completely accessible to the People With Disabilities. Some of the workplaces prepared for staff are not air-conditioned. The Commission's provincial offices and other sub-ordinate offices are still on rented buildings. Although land has been acquired for the Province Branch Office, Khotang and Province Branch Office Dhangadhi and Biratnagar, the necessary initiatives and addresses have not been taken for the construction of the buildings. In absence of its own building, the structure has not been built as per the needs of the organization. In the absence of separate rooms and skilled human resource (such as psychological counseling experts) for complaints, psycho-social counseling, and records-keeping it has had a direct impact on the victims and their families. For this, the Commission has informed the authorities concerned in writing and verbally, but positive results have not been received. At the same time, there is insufficient resources required for the Commission.

## **c. Lack of expected support from the government**

The government is the main custodian and implementer of human rights. The role of the government in respecting, protecting, fulfilling and developing culture of human rights is considered special and important. It is the responsibility of the state to provide necessary support to the national institutions of human rights. According to the federal structure, the organizational structure sent by the Commission to the government could not be approved even in this fiscal year. The National Human Rights Commission Act, 2068 (BA) has not been amended in the changed context. This has directly and indirectly affected the functioning of the Commission.

## **d. Minimal implementation of Commission's recommendations**

Under the Protection of Human Rights, the Commission investigates complaints of violations of human rights. Looking at the data till this fiscal year, more than

13,000 complaints have been received in the Commission, out of which 1407 recommendations have been made. The recommendations made in this way have been sent to the Government of Nepal and its related bodies for implementation, but the implementation status is low. According to the Commission's data, 15.3 percent of the recommendations have been wholly implemented and 39.2 percent of the recommendations have been partially implemented. The remaining 45.5 percent of the recommendations have not been implemented at all. The recommendations implemented are often in the nature of providing compensation. The recommendations to take legal action against those involved in human rights violations and investigate the incident and take legal action have not been implemented. Similarly, some government officials recommended for action have been promoted instead of being punished.

#### **e. Legal cases related to the time of the armed conflict**

The armed war started by then CPN (Maoist) on 13 February, 1996 finally ended on 21 November 2006 formally. The government and the Maoist leadership had agreed to resolve the issues related to the armed conflict by forming a transitional justice mechanism. Nearly eight years after the agreement was signed, the Truth And Reconciliation Commission and the Commission for Enforced Disappearances were formed to address the issues of transitional justice. But the Act could not be amended in line with the Supreme Court's order and the Commission's recommendation and as per the voice of the victims. At present, the commission is without office-bearers. Although it was said that the Act would be amended as per the orders of the Supreme Court and the recommendation of the Commission by adopting the spirit of transitional justice, it has not been implemented. The practice of keeping the commission convenient to those in power and appointing office-bearers close to the party leaders has not yet improved. Except for the payment of compensation made by the Commission related to armed conflict, the recommendations related to legal action have not been implemented. On the one hand, the transitional justice mechanism has not been able to address the issues and on the other hand, the recommendations of the Commission are not implemented; the victims are forced to suffer more.

#### **f. Lack of mutual coordination among state agencies**

The lack of coordination and cooperation among the state agencies in the course of functioning has become a disease. There is still a lack of coordination and cooperation among the stakeholders on issues related to the protection and promotion of human rights. This problem is more common in cooperations between one government body and another government body, government body and non-governmental agency,

and between one non-governmental organization and another non-governmental organization. As a result, there is less work, but more reporting and the trend of repeating the same work still exists. There are no signs of a decrease or an end in the attitude of taking the credit if the results are positive, and the attitude of avoiding or blaming others if the results are negative. There are still problems even in areas where dozens of organizations are working to improve the situations. A large part of Nepali society still suffers from conservative mentality.

No matter how many issues of rights, justice, freedom and equality are raised, in practice, the society has not been able to get rid of the evil practices of caste discrimination, accusation of witchcraft, *Chhaupadi* (menstrual untouchability), child marriage and dowry. Dalits, women, children and economically disadvantaged communities seem to be the worst hit. On the basis of caste, big and small, there is a situation where certain castes are not touched, and others are touched [a practice where the people of so-called higher castes consider themselves to have become impure if and when they touch a person from the so called lower caste, and their impurity is cleansed after sprinkling auspicious water droplets to them. Discrimination between people continues in the name of untouchability. The heinous acts of charging someone of practicing witchcraft and forcing human excreta into their mouth, shame-shaving their head and taking them around the village/town, beating and killing them in the name of punishment have not yet been eradicated. Women are also beaten and killed for not bringing dowry or bringing less dowry. Women are losing their lives due to the compulsion to stay in the cowshed-type outhouse when *Chhaupadi* (menstruation) is practiced. Political leadership is also involved in some way in activities such as premature and child marriage. In cases of heinous crimes like rape, the situation is remarkable given the tendency of reconciliation and panchayati[a traditional system of justice delivery through a group of five-or-more selected village men]. As a result, it has a direct impact on the protection and promotion of human rights.

### **Possible ways to address the challenges**

The stakeholders need to act as follows to address the above-mentioned challenges:

#### **For the Government of Nepal**

- (a) To develop and implement an appropriate environment for the effective implementation of the Constitution, Acts and Rules,
- (b) To create the necessary environment for the formulation of the laws relating to the federal, provincial and local governments from a human rights-friendly angle,



- (c) To imbibe the values of human rights while formulating or amending acts and rules,
- (d) To make the steps taken against impunity more effective while respecting the rule of law and human rights,
- (e) To make effective the functioning of the Transitional Mechanism (Commission for Investigation of Disappeared Persons and Truth and Reconciliation Commission); to create standards-based acts, environment to work independently, availability of necessary resources and skilled human resources, etc.,
- (f) To implement the recommendations of the Commission effectively without delay,
- (g) To provide necessary financial and physical resources, including buildings to the Commission,
- (h) To present the annual report of the Commission to the Legislature-Parliament and to create an environment for continuation of discussions;
- (i) To make arrangements for the passage of a bill related to the Human Rights Commission in accordance with the Paris Principles, including matters related to the management of staff, so that the Commission has functional and economic independence and autonomy;
- (j) To grant immediate approval to the organizational structure proposed by the Commission,
- (k) To effectively implement the ongoing National Action Plan on Human Rights,
- (l) To move forward in coordination and cooperation on issues related to capacity building of human rights defenders or related to the Commission,
- (m) To end impunity by bringing to justice the people who have been recommended as culprit by the Commission and those who have been convicted by the Court, but have not been punished yet,
- (n) To take effective initiatives for the continuation of the 'A' category status of the Commission,
- (i) To give priority to the implementation of the Sustainable Development Goals and to prioritize the implementation of international commitments made in global periodic reviews,
- (t) To adopt human rights-oriented methods of development by the local level, state and federal governments.

### **For the Legislature-parliament**

- (a) To formulate a new Act on the basis of the Paris Principles and the recommendations of the Sub-Committee on Determining the Standards under the Global Network of National Human Rights Institutions while still embracing the independence and autonomy of the Commission.
- (b) To make laws with respect to common rights related to making human rights friendly laws among the three tiers of government, and
- (c) To amend the existing Act in accordance with international standards to address transitional justice.

### **For the Political Parties**

- (a) To take necessary initiatives from its place to take the level of full implementation of the Constitution,
- (b) To provide special support to the government in respecting, protecting, and building development of human rights,
- (c) To create an environment for the amendment of existing Acts according to international standards to address transitional justice,
- (d) To move forward in coordination and cooperation on issues related to human rights and the Commission,
- (e) To take necessary initiatives to continue the tenure of the Commission in category 'A'.

### **For the civil society, media and stakeholders**

- (a) To cooperate and coordinate with the Government (and caution it) and the Commission on human rights issues from civil society, organizations working in the field of human rights (professional organizations, media persons, civil activists, etc.).

### **Way forward**

As a national institution, the Commission has been carrying forward the functions of protection, promotion, monitoring and cultural development. In particular, the Commission has been carrying out its functions on the basis of constitution, acts, regulations and strategic plans.

It is necessary to implement the provisions related to human rights included in the Constitution and Act as well as to make necessary amendments in a timely manner. At the same time, there is a need to move forward by further discussions on aspects, opportunities and challenges that need institutional reform. The strategic plan should

be implemented after discussing whether the expected results can be achieved or not in cooperation and coordination between commission and the victims; Commission and non-governmental organizations, civil society, professional organizations; Commission and government bodies; and commission and international organizations related to human rights, donor agencies, etc.

At present, the activities are being carried out within the federal structure among the three tiers (federal, provincial and local) of governments in the country. Human rights is a matter of experience, and the perception of whether it exists or not depends on the Commission's activity and the government's commitment and implementation. For this, it seems that the local, provincial and federal governments should move forward in collaboration and coordination. Collaboration and coordination with parliament, government, constitutional bodies, political parties, civil society, non-governmental organizations and stakeholders should be made more effective and productive. In addition, relations with national, regional and international organizations, and donor bodies related to human rights should also be strengthened according to the changed context.

Finally, it is the Commission's responsibility to create an environment for the implementation of the provisions contained in the constitution, act and strategic plan. The Commission's call for "Right to Life, Dignity, Equality and Freedom: The Basis for Sustainable Peace and Prosperity" included in the strategic plan is the basis for this. In particular, the Commission should take further steps to ensure the issues of economic, social and cultural rights and the rights of the marginalized groups, marginalized classes and minorities in the coming days. There is also a need to focus on setting an environment for the implementation of the commission's recommendations. There is a need to move forward keeping in mind the fact that expanding the reach and institutional strengthening of the Commission and the highest use of information technology are also priority issues.

Note: If the full text of the report is required, it can be accessed, viewed and downloaded from [https://www.nhrcnepal.org/uploads/publication/Annual\\_Report\\_Manab\\_Inner\\_2080.pdf](https://www.nhrcnepal.org/uploads/publication/Annual_Report_Manab_Inner_2080.pdf)

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