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# **Overall Assessment: Federalism and Human Rights**

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The year 2023 continued the legacy of the implementation of federalism after the completion of the legislative election of the three spheres as provisioned by the Constitution of Nepal 2015.

There was considerable discourse over federalism's overall experience and division of responsibilities among all tiers of government. There were disgruntlements over the federal government withholding authority from province governments, over province governments' lack of rights, and over local levels lacking authority and dealing with legislative intransigence. Although some opined that these arguments amounted to attacks on the federal structure as a whole, such dissatisfactions stood on weak logics.

There was a pertinent complaint on the integrity of the government although the government came in with commitments to fiscal discipline, zero tolerance against corruption, vigor to cut through bureaucratic red tape, good-governance and transparency. The government wasn't effective in removing pre-existing barriers to effectively ensure the proper compliance of development expenditure like contractors fleeing after an advance payment or leaving projects unattended for years and incomplete.

The public discontent with the government's shortcomings one year into its term caused the Prime Minister to be on the defensive and offer public clarifications on several issues. These clarifications concentrated on government ministers being unable to perform per the Prime Minister's aspirations, bureaucratic red tape obstructing effective governance, and the inability of state and local levels to manage bureaucrats efficiently. There was widespread public perception that issues like corruption control and good governance were low on the government's priorities. Although public discontent is common when commitments outlined in

election manifestos and government policy releases are left unfulfilled, the state viewed all the accountability-seeking actions as conspiracies.

## **Key Issues of Human Rights in 2023**

### **Transitional Justice**

The status quo of transitional justice remained a persistent concern this year too. The government registered the Bill for the Amendment of the Investigation of Enforced Disappeared Persons, Truth and Reconciliation Commission Act in parliament on 10 March 2023. However, parliament was unable to pass this bill throughout the end of the year. The United Nations Secretary General, Antonio Guterres addressed a joint session of parliament on 31 October, stressing that although transitional justice is a complicated process, it needs to be victim focused and geared towards concluding Nepal's peace process by preserving victim rights. During his address, Secretary General Guterres sought to draw the government's attention on developing a mechanism to incorporate international standards and the Supreme Court's ruling to draw legislation concentrated on victim rights and conclude the peace process (INSEC, 2023).

Victims of human rights violation should have had justice delivered with truth, justice and reparation immediately after the comprehensive peace accord. However, the combined leadership at the time did not appear to be serious and considerate on this issue. The leadership, which should've centered victims during the peace process, placed itself in the center instead. This has resulted in victims being unable to receive either peace or justice, even after 18 years of the peace accord. There has not been a proactive effort at the mental and societal rehabilitation of the disappeared, the murdered, and victims of sexual and other harassments. This lies in stark contrast with the

principles of justice outlined in the peace accord.

This year's Supreme Court mandamus on the impropriety of extending the transitional justice process drew further discourse and debate into this area. The Maoist party, which had been politically scattered since the peace process, coalesced as soon as the writ petition was registered. They threatened that the country's democracy would be threatened, peace process and constitutional values would be eroded, and the nation might slip back into conflict if conflict-era justice was pursued from the regular court proceeding.

However, issues of transitional justice were merely used to serve as political bargaining chips, highlighting gross inaction on the part of Nepal's political parties. The government has been ordered to make legislation victim centered with a Supreme Court order, along with constant pressure from the United Nations, victim groups, and human rights organizations.

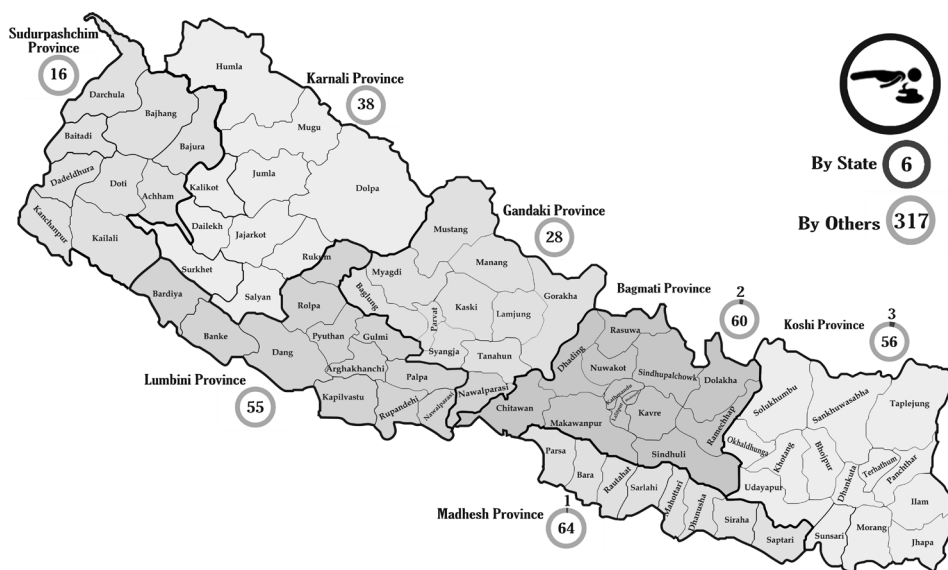
## Implementation of Fundamental Rights

The implementation of fundamental rights remained lackluster, continuing into this year. There were no mandated actions to preserve human rights through constitutional, policy, legal, and institutional provisions.

It is essential to discuss the crisis of the medicine disbursed free in all the health centers by the government when talking about the right to health. The poor implementation of the Article 35 of the constitutionally mandated Right to Health is clearly visible. The government's commitment to disburse free medication was proven moot, as over half of the 98 types of medication provisioned to be freely distributed was found unavailable at health centers.

This year also saw continued violence and misbehavior against health workers accused of careless treatment practices. The resulting protests to prosecute the accused over such incidents

**Table 1.1: Number of Killings by Province**



(Source: INSEC, 2023)

squarily affected patients the most. This year also saw incidents of unavailability of doctors as per health centers, medication shortages, and death due to health practices unawareness in remote regions of the country. These resulted from lack of government preparations, and lack of awareness programs over health hazards which could turn into major problems. The inability of local governments to exercise their constitutional authority resulted in the deaths of over 70 people due to dengue. The precautionary vigor required to combat dengue from local level govern-

ments was found to be sorely missing. Several hospitals disassociated from the national insurance program complaining of denial of payment from the insurance reserves. Public excitement was found to decline for the insurance program due to factors like complicated treatment policy requirements and denial of insurance mandated medication (See – District Reports).

The right to food has been enshrined in Article 36 of the Constitution. Legislation or policy to ensure and protect this right was absent this year too.

**Table 1.2: Districtwise Number of Killings by Family Members**

District	Killing		
	Female	Male	Total
Achham	1		1
Arghakhanchi		1	1
Baglung	4	2	6
Baitadi		2	2
Banke	2		2
Bara	2	1	3
Bardiya	1		1
Bhaktapur	1		1
Bhojpur	3		3
Chitwan	1	2	3
Dailekh	2		2
Dang	4	3	7
Darchula	1		1
Dhading	1		1
Dhankuta	2	2	4
Dolakha	1		1
Gulmi	1		1
Humla	1		1
Ilam	3		3
Jajarkot	1	1	2
Jhapa	5	1	6
Jumla	2		2
Kavrepalanchowk	3		3
Kailali	2	2	4
Kanchanpur	1		1
Kapilbastu	3	3	6
Kaski	1	1	2
Kathmandu	2	1	3
Khotang	1		1

District	Killing		
	Female	Male	Total
Lamjung	1	2	3
Mahottari	1		1
Makawanpur	2	1	3
Morang	3	1	4
Nawalparasi East		1	1
Nawalparasi west	2	1	3
Nuwakot	1	1	2
Panchthar	2		2
Parsa	3	1	4
Pyuthan	2	2	4
Rasuwa	1		1
Rautahat	2	1	3
Rolpa		1	1
Rupandehi	3		3
Salyan	7		7
Sankhuwasabha	1	1	2
Saptari	3	2	5
Sarlahi	3	1	4
Sindhuli		1	1
Siraha	5	1	6
Sunsari	3		3
Syangja	2		2
Tanahu	3		3
Taplejung	2		2
Terhathum	1		1
Udayapur	4		4
<b>Total</b>	<b>109</b>	<b>40</b>	<b>149</b>

(Source: INSEC, 2023)

The status of food dependence further worsened this year due to barren agricultural land, unavailability of fertilizers and insecticides, and allotment of fertile agricultural land for residential purposes. The state failed to take steps to address Karnali's yearly food shortage, equitable access to food, and efficient food management. Although the government had committed to pursue modern measures in agriculture - there was not any effective progress in that regard. The National Human Rights Action Plan outlines the provision of high quality and affordable food to residents of 30 hilly and remote districts. However, there was not relative progress in saving deprived Chepang, Raute, Musahar, Dalit, Badi, Haliya, and Bote communities from starvation.

The conditions of the prisons and prisoners' rights need to be analyzed as envisaged by Article 20 of the Constitution as provisioned for justice. The Prisons Act seeks to reform prisons as a center for rehabilitation. Although this helped enter conceptions of community prisons and open prisons into legal statute, there hasn't been any framework or directives to bring this into effect. Across the country, prisoners were found to face harsh daily conditions due to prison overcrowding as per reporting from representatives of the National Human Rights Commission and INSEC. There were also reports of having to sleep taking turns and prison clashes due to prison overcrowding.

The decrepit status of prison buildings, overcrowding of prisoners, lack of adequate sanitation and drinking water, leaks during monsoon, lack of sports and other entertainment, lack of formal education or informal training, and lack of newspapers or information sources were found to be persistent problems in prisons. 51 prisoners died in prisons this year. The death of two prisoners in Sankhuwasabha due to torture and abuse by police and fellow prisoners raised serious protection

**Table 1.3: Number of Women Violences due to Dowry**

District	Killing		Domestic Violence		Total
	Female	Total	Female	Total	
Banke			1	1	1
Bara	1	1	2	2	3
Chitwan			1	1	1
Dhanusha	1	1	6	6	7
Kapilbastu			6	6	6
Kaski			1	1	1
Kathmandu			1	1	1
Mahottari			1	1	1
Rautahat	1	1			1
Rupandehi			1	1	1
Saptari	1	1	9	9	10
Sarlahi	2	2	13	13	15
Sunsari	1	1			1
Surkhet			2	2	2
Syangja			1	1	1
<b>Total</b>	<b>7</b>	<b>7</b>	<b>45</b>	<b>45</b>	<b>52</b>

(Source: INSEC, 2023)

and security concerns over prisons. The incidents involving the deaths of children in juvenile detention centers highlighted the broken-down and irresponsible system of such institutions. These rehabilitation centers were reported to act more as "torture-centers" during the course of investigation.

Monitoring all forms of discrimination and misbehavior against women under Article 38 of the Constitution, 5903 victims of women rights abuses were documented in 2023. There were 4963 victims of domestic violence, 25 victims of alleged witchcraft, 651 victims of rape, 152 victims of attempted rape, 42 victims of sexual abuse, 30 victims of trafficking, and 25 victims of attempted trafficking.

109 women were killed this year by their family members. 7 women were killed and 45 were subject to violence for not bringing demanded dowry. The number of killings by their own family members remained significant similar to previous years. This year also saw the continu-

ation of violence and societal desertion of women due to arcane superstitions like witchcraft.

A 40-year-old woman in Salyan District Kumakh Rural Municipality-2 was assaulted on 5 March on allegations of witchcraft by 58-year-old Kalu Buda of the same municipality. The police arrested the accused on 9 March. District Judge Giriraj Gautam’s bench sentenced the accused on 12 July to 2 years imprisonment, a fine of NPR 70,000, and a compensation of NPR 150,000 to the victim.

Article 38(3) of the Constitution of Nepal prohibits physical, mental, sexual, or psychological discrimination, violence and abuse against women on the basis of religion, social, traditional, or cultural factors. The Domestic Violence (Offence and Punishment) Act 2009 has been ratified and implemented. However, women are still trapped in a violent cycle resulting out of social and traditional superstitious malpractices. They have been abused by incidents like alleged witchcraft, discrimination during menstruation, physical and psychological abuses with dowry, and forced child marriages. INSEC representatives, during the course of their investigation at District Police Office’s Women, Children, and Senior Citizen Service Center, found that the majority of reports registered were settled by reconciliation.

25-year-old Jaya Kushuwaha’s family registered a complaint against her husband, 32-year-old Sandip Kushuwaha, mother-in-law 50-year-old Bidhya Devi Kushuwaha, and brother-in-law 27-year-old Pravin Kushuwaha in a case of dowry killing on 2 August. Jaya had complained at the District Police Office’s Women, Children, and Senior Citizen Service Center on 27 February after being domestically abused despite having given a motorcycle as dowry. The law enforcement had “reconciled” both parties in a settlement on 31 March, with an agreement to refrain from physical abuse and to give no form of torture.

The use of social media has increased in incidents of violence against women and children. Law enforcement’s inability to bring in victims, and oblivious technology consumers, and perpetrators within legal jurisdiction has led to an increase in cases of cybercrime. INSEC documented 88 children and 131 women as victim to violence from cybercrime and social media in 2023.

Although children have been treasured as the country’s future with Article 39 of the constitution preserving the right of children, their rights are currently in peril. INSEC’s documentation showed that children were victimized by abuses like child labor, child trafficking, sexual

**Table 1.4: Status of Human Rights Defenders**

Type of Incidents	By State			By Others			Total
	Female	Male	Total	Female	Male	Total	
Arrest	4	22	26				26
Beatings	1	3	4	8	43	51	55
Inhuman Behavior	1	1	2	1	7	8	10
Injured					3	3	3
Killing					2	2	2
Caste-based Discrimination				2	1	3	3
Right to Assembly	20	37	57	2	14	16	73
Threats		4	4	2	10	12	16
Women Rights				4		4	4
<b>Total</b>	<b>26</b>	<b>67</b>	<b>93</b>	<b>19</b>	<b>80</b>	<b>99</b>	<b>192</b>

(Source: INSEC, 2023)

violence, and denial of access to education and health. During INSEC representatives' examination of district schools, most school buildings weren't found to be child friendly. There weren't adequate sanitation facilities for girls and a very few schools were found to be disability friendly. The state's provision for free education wasn't found to be implemented as community schools devised workarounds to subjugate students to various fees (See-Right to Education in Districts). Children were also victims of violence from societal non-state actors (*See Table*)

This year, INSEC documented 1565 victims of child rights abuses. This included 1002 victims in cases of rape, 392 victims in cases of sexual abuse, 83 victims in cases of corporal punishment in schools, and 52 victims in cases of trafficking. The accused perpetrators of corporal punishment in schools were rarely found to have been prosecuted.

A 15-year-old girl studying in Bal Uddhar Secondary School, of Kathmandu Budhanilkantha Municipality-10, Kapan, was physically beaten on 5 June by the school's teachers, 29-year-old Uday Raj Karki, 32-year-old Roshan Shrestha, and 27-year-old Saurav Gautam. The victim, who had sustained serious injuries on the neck and thighs was treated at Helping Hands Hospital in Chabahil. A meeting of the school management committee on 8 June suspended all three teachers. The

District Court ordered all the accused to be released on NPR 50 thousand bail. The case had been undecided at the end of the year.

The local law enforcement in Bangad Kupinde Municipality-10, Manjkhada, arrested 28-year-old Dambar Puri on 15 January, accused of murdering 8-year-old Vision Gharti at a local temple with a sharp weapon on allegations of witchcraft. Gharti's body was found buried inside the temple. The bench of District Court Judge Giriraj Gautam sentenced the accused to life imprisonment on 4 April.

A sunk and bare body of a 15-year-old girl was found in Chandrakot Municipality-4 Shantipur, in Hugdikhola Lake, on 3 November near the victim's house. The deceased child was living in a rented facility with her mother in Shantipur's Shrilankatol. She had been missing since the day before, when she had gone to work at a farm nearby her house. Her family had conducted a comprehensive search after she didn't come home until late evening, discovering her body the next day. The local law enforcement accused and arrested 23-year-old Rahis Khan of Banke Khajura Municipality-4 on 4 November. The accused is currently in judicial custody following the District Court's directive.

Although the Constitution has outlawed caste-based discrimination as

**Table1.5: Status of Child Rights Violation and Abuses**

Type of Incidents	By State		By Others			Total
	Female	Total	Female	Male	Total	
Child Marriage			28		28	28
Child Trafficking			43	9	52	52
Corporal Punishment			24	59	83	83
Killing of New born Baby			1	7	8	8
Rape			1,002		1,002	1,002
Sexual Abuse	1	1	372	19	391	392
<b>Total</b>	<b>1</b>	<b>1</b>	<b>1470</b>	<b>94</b>	<b>1564</b>	<b>1565</b>

(Source: INSEC, 2023)

**Table1.6:**  
**Women and Children Victimized by Misuse of Social Media**

Types of Incidents	By Others		
	Female	Male	Total
Child Rights	88	4	92
Women Rights	131		131
<b>Total</b>	<b>219</b>	<b>4</b>	<b>223</b>

(Source: INSEC, 2023)

per Article 40, it is yet to be effectively implemented. Nepal has legally outlawed untouchability since over six decades. Untouchability has been asserted to be a criminal offence as provisioned in the Case-Based Discrimination and Untouchability (Offence and Punishment) Act 2068. Although the Constitution of Nepal has envisioned to further strengthen this provision, implementation remains weak. Nepal's national legislation and international commitments to maintain equality and protection appear hollow from the lens of victims of caste-based discrimination and untouchability. This year recorded 63 victims in cases of caste-based discrimination, with most cases being solved by reconciliation documented. A ward chairman of Pokhara Metropolis, accused of caste-based discrimination, was sentenced to imprisonment and fined by the District Court.

45-year-old ward chairman Bharatbahadur Adhikari was reported at the District Police Office Kaski on 8 January of profanity against 36-year-old ward member Maiya Nepali on 2 January. Police arrested the accused on 10 January. Adhikari was released after posting a bail of NPR 150,000 at the District Court on 23 January. The bench of Justice Avani Mainali sentenced the accused on 23 November to four and a half months imprisonment, a fine of NPR 75,000, and a compensation of NPR 10,000 to the victim. Although provisioned for only three months imprisonment and an NPR 50,000 fine, the perpetrator's status as an elected official incurred an additional 50 percent penalty burden.

### **Nepal Government's International Commitments**

The Nepal government accepted 196 out of the 233 recommendations in the third cycle of the Universal Periodic Review (UPR). In accordance with the acceptance, the council of ministers passed the action plan for the implementation of recommendations received through the Universal Periodic Review (UPR). The active engagement of the Human Rights and International Treaty Division of the Office of the Prime Minister and Council

**Table1.7: Status of Women Violation and Abuses**

Type of Incidents	By State		By Others		Total
	Female	Total	Female	Total	
Attempt to Trafficking			25	25	25
Domestic Violence			4,963	4,963	4,963
Allegation of Witchcraft			25	25	25
Pregnancy Services	2	2	1	1	3
Rape			651	651	651
Rape Attempt			152	152	152
Sexual Abuse	1	1	53	53	54
Women Trafficking			30	30	30
<b>Total</b>	<b>3</b>	<b>3</b>	<b>5,900</b>	<b>5,900</b>	<b>5,903</b>

(Source: INSEC, 2023)



of Ministers regarding the implementation of the 5<sup>th</sup> National Human Rights Action Plan, and UPR recommendations has inspired new hope for effective implementation. However, there will be challenges in presenting measurable and reliable statistical progress of recommendations and ensuring effective implementation from all tiers and bodies of government. There needs to be a concentrated effort made to bolster cooperation with educational institutions and social organizations to localize recommendations and ensure reliable statistical reporting.

The United Nations has asserted a set of sustainable development goals, with 17 goals to be achieved by countries till 2030. The commitment to these goals, just like the millennium development goals, does not carry a legal obligation in itself. The Nepal government has set a series of economic, social, and cultural rights commitments to these goals, which will be critical in achieving in exercising human rights relating to these domains. These goals, endorsed by the United Nations General Assembly as an indicator of development, has incorporated critical factors to ensure that development is comprehensive and sustainable. These goals have been constructed with a core conviction that no one should be denied fundamental human needs.

There has been a lack of timely evaluation and monitoring of the Fifth National Human Rights Action Plan

(2019-2024), as human rights priorities could not be effectively identified with very little time remaining in the current action plan (See Executive).

### National Human Rights Commission

The then government had amended the Constitutional Council Act with an ordinance on 15 December 2020 to nominate members to constitutional bodies. However, after Parliament's prorogation on 20 December, nominated members of the National Human Rights Commission (NHRC) and other constitutional bodies assumed their responsibilities on 3 February without a parliamentary hearing (*Nagarik, 2020*). Immediately, advocate Om Prakash Aryal filed a writ petition at the Supreme Court accusing the government of bringing in an ordinance to force through unaccountable appointments (*Naya Patrika, 2023*). This issue is yet to be resolved by the end of 2023 even after 10 writ petitions.

Although there was speculation that the Global Alliance of National Human Rights Institutions (GANHRI) would downgrade Nepal's National Human Rights Commission's status, it retained the NHRC's "A" status. The NHRC's retention of the "A" status should push the government to replace the National Human Rights Act 2012, preceding Nepal's current constitution, with new legislation on the foundations of the Paris Principles (1993) to empower the NHRC

**Table1.8: Status of Child Victims by Age Group**

Types of Incidents	1 - 5	6 - 11	12 - 17	Total
Child Marriage		1	27	28
Child Trafficking	2	2	48	52
Corporal Punishment		16	67	83
Killing of New born Baby	7			7
Rape	44	155	803	1002
Sexual Abuse	22	97	273	392
<b>Total</b>	<b>75</b>	<b>271</b>	<b>1218</b>	<b>1564</b>

(Source: INSEC, 2023)

to operate with autonomy and authority. The legislature should not delay in pursuing this objective by bringing together all political parties.

As national governments aren't required to implement recommendations made by a grade "B" human rights commission, the downgrading of the NHRC would have further complicated Nepal's human rights situation. There would have also been an adverse effect on international funding for government agencies and the NHRC, which has greater autonomy and freedom of operation in comparison to many other human rights bodies in the world. Nepal's image on the international stage and global forums would have also suffered a major setback. Nepal would have been denied access to major international human rights platforms and a status upgrade would not have been easy. These facts need to be internalized by the Nepal government, Parliament, political parties, and the NHRC, and an honest effort needs to be taken to draft new legislation.

The NHRC needs to increase its effective cooperation with civil society and human rights organizations to efficiently assert its role in preserving and protecting human rights. The NHRC had been

constricted to an ad-hoc mentality before GANHRI's decision and needs to rise up to foster a collaborative environment with civil society and human rights organizations not only at the activity level, but also at the policy level. The NHRC, which has been able to preserve its "A" status due to the concentrated effort and constant monitoring of Nepal's civil society and human rights organizations, needs to strive towards acting as a strong, autonomous, capable, empathetic, efficient, and active preserver and defender of human rights. The ensuring of responsible, capable, and moral values in NHRC office-bearers will be a significant issue to look forward into the year.

### State and Human Rights Judiciary

The judiciary is responsible for interpreting and implementing legislation to protect personal freedom and rights, playing an important role in preserving human rights. The judiciary is also responsible for ensuring Nepal's legal provisions align with international standards for human rights. The public needs to believe that justice will be delivered when their rights have been violated and they have sought judicial remedy, as denial of

**Table 1.9: Status of Women Victims by Age Group**

Types of Incidents	18-23	24-29	30-35	36-41	42-47	48-53	54-59	60-65	66-71	72+	Total
Attempt to Trafficking	17	2	4	2							25
Domestic Violence	818	1520	1418	587	285	147	78	66	23	21	4,963
Allegation of Witchcraft		2	4	2	5	5	3		4		25
Pregnancy Services		2	1								3
Rape	234	173	112	47	30	9	16	13	7	10	651
Rape Attempt	48	21	41	16	6	5	7	5	1	2	152
Sexual Abuse	17	12	12	4	4	5					54
Women Trafficking	18	4	4	3				1			30
<b>Total</b>	<b>1152</b>	<b>1736</b>	<b>1596</b>	<b>661</b>	<b>330</b>	<b>171</b>	<b>104</b>	<b>85</b>	<b>35</b>	<b>33</b>	<b>5903</b>

(Source: INSEC, 2023)

justice will affect the judiciary’s credibility. In democracy, the judiciary has a right to strike down any government policy or legislative directives if they contradict with the Constitution or human rights principles.

There was not alignment on issues concerning human rights, law, and justice delivery. The Supreme Court was able to resolve the Regal case immediately but kept stretching out the Resham Chaudhary case. The Court was unable to deliver justice on important issues concerning freedom of expression and opinion. The writ petition against the ban on TikTok couldn’t yield a decision until the end of the year. There wasn’t a proactive effort by judicial leadership to resolve rising cases and delayed justice for petitioners.

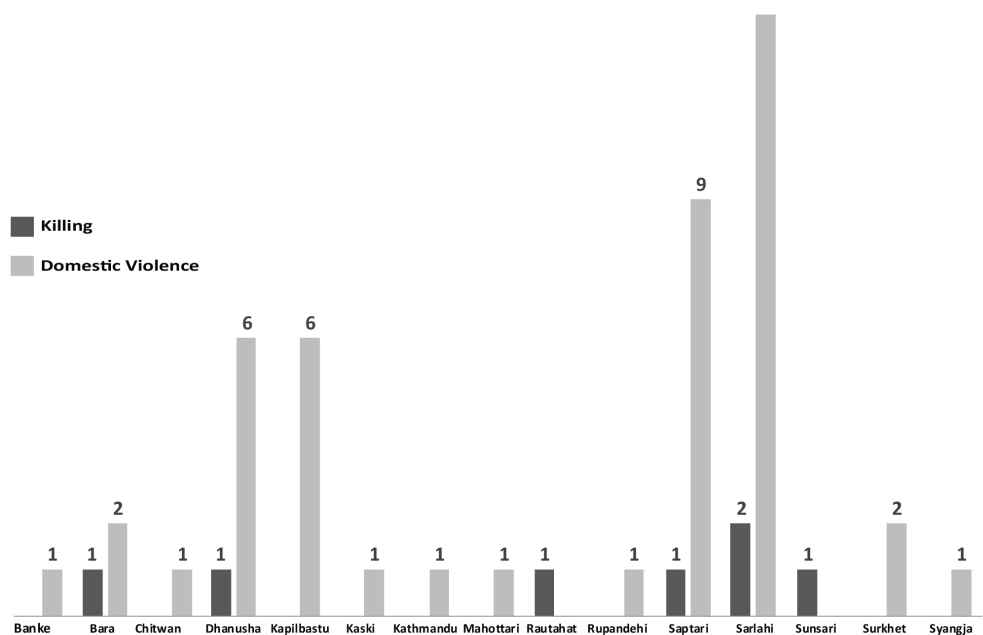
### Executive

The government is responsible to preserve the security of its citizens, as well as protect their human rights. The state is the primary facilitator for reduc-

ing crime and enforcing legislation. The government’s commitment to human rights can also be measured by its fiscal commitment and policy in other areas. The primary goal of a democratic government is to ensure the rights of its citizens to live in freedom. This year, 6 people were killed by the state. There were incidents of police brutality, as law enforcement failed to restrict its use of force.

Documentation showed livelihood struggles of low-income citizens amplified in the public discourse. Public investments in fiscal cooperatives failed to materialize. The lack of government regulation in fiscal cooperatives meant individuals with trapped investments had to face fundamental sustenance problems. The lack of an optimistic labor market in Nepal meant there were cases of illegally traveling to the United States, enlisting in the Russian army, and illegally attempting to settle in other countries. The government could neither facilitate an efficient labor market, nor could it manage a safe

**Table 1.10: Number of Women Victims due to Dowry**



(Source: INSEC, 2023)

labor industry. The government couldn't draft policies to prevent citizens traveling to dangerous regions. The Prime Minister remarked during a program, "How will Russia give back citizens when we ask?". There have been recent proposals to paid labor managements. The inability of the government to manage dissatisfied youth unable to travel to labor destinations is what led to the Balkumari incident.

The low level of minimum wages has caused individuals to struggle with sustenance. The lack of an effective legal framework and digital media literacy programs in the age of rising digital and social media usage has led to criminal enterprises in that realm. The conduct of some independently elected government officials caused street vendors and street businesses to lose their only source of self-employment and sustenance.

There was not effective and independent government prosecution in the

fake refugee case. The major players appeared immune, while cases against others are still pending. There was significant public discourse even during judicial custody decisions. Although pardons, reserved for inmates with good character, sought to be misused, the judiciary's interpretive decision to only allow commutations and pardons with the victim's consent is likely to stand as a strong precedent in Nepal's criminal law. Although the Lalita Niwas case only merited a sentence of around a year, individuals were subjected to long periods of detention, as this was treated as a form of organized crime. There was no uniformity in the prosecution of such cases.

### Legislative

The legislature fell short in its responsibility to implement legislation and policies protecting and preserving human rights and holding the government to ac-

**Table 1.11: Number of Victims by Occupation**

Occupation	By State			By Others			
	Female	Male	Total	Female	Male	Q	Total
Agriculture	36	200	236	2,680	217	1	2,898
Business	1	8	9	70	20		90
Civil/Private Service	1	62	63	73	44		117
Health Worker		1	1	25	15		40
Housewife	30		30	2,998			2,998
Human Rights Activist	17	47	64	3	16		19
Journalist	1	7	8	2	32		34
Labour		18	18	155	25	1	181
Law Professional				2			2
Police	3	32	35	9	89		98
Political Worker	34	263	297	6	33		39
Others	5	76	81		3		3
Social Worker	1	1	2	1	2		3
Student	10	116	126	1,610	150		1,760
Teacher	7	11	18	25	15		40
Underage				51	15		66
N/A				4	5		9
<b>Total</b>	<b>146</b>	<b>842</b>	<b>988</b>	<b>7716</b>	<b>682</b>	<b>2</b>	<b>8400</b>

(Source: INSEC, 2023)

count. The legislature, instead of legislating on citizen concerns and maintaining accountability on government directives, was embroiled in political machinations to hold onto power. Parliamentary committees, convened long after parliament was elected, was unable to express a solid presence.

The passage of only a single law during the whole year highlights the legislature's indolence. The bill to amend transitional justice provisions was merely used as a political bargaining chip. Apart from three pieces of legislation concerning the budget, the legislature could only pass one more bill. The over two-dozen pieces of legislation awaiting parliamentary passage in the House could not be resolved this year. This highlights the country's primary legislature's apathy towards its duty.

The relationship among political parties, which had soured towards the end of the first parliamentary term, did not improve after the election. The parliamentary activities during 2023 that had focused on government formation, forging alliances, and obstruction of sessions are all evidence of the deviation of parliament from its prime responsibility of lawmaking. Parliament's role was limited to frequent votes on confidence motions and endorsing budget related laws, resulting in a lack of effort to enact legislation related to human rights, implementation of fundamental rights, and enhancement of livelihoods. As in previous years, the presence of lawmakers at parliamentary meetings was minimal, and the participation of senior leaders in parliamentary debates was rare. The leaders did not prioritize pending legislative business of parliament.

### **2023: Statistics of Human Rights Violations and Abuses**

There were 146 female and 842 male victims, for a total of 988 victims of human rights violations, and 7716 female

victims, 682 male victims, and two Queer victims of human rights abuses for a total of 9388. In 2022, there were 7376 victims of human rights violations and abuses. Therefore, 2023 had 2012 more victims than the preceding year. This year, 6 people were killed by the state. There were two victims of torture, 62 victims of caste-based discrimination, 414 victims of beatings, 31 victims of inhumane behavior, and 505 victims of infringement on the right to assembly. Likewise, two people were killed in police custody, and 51 lost their lives in prison including two detainees who were killed due to police torture and assault in Sankhuwasabha Prison. It is not normal for people to be died or killed in state custody. One person was disappeared from the state, and two people were disappeared from non-state actors.

### **Conclusion**

The state failed to address the public's fundamental needs and concerns. The questions over the rights to health, education, employment was overshadowed by the state. There wasn't remarkable progress in the approach to construct disability friendly public buildings and streets. Although progress has been made in the civil and political rights of citizens, the government could not rise up to its responsibility to ensuring economic, social, and cultural rights, and security. The government seemed apathetic to implementing its commitment the National Human Rights Action Plan, which had incorporated international human rights treaties to which Nepal is a party, recommendations made from the NHRC, and recommendations made in the Universal Periodic Review (UPR).

A major part of Nepal's comprehensive peace accord is to deliver justice and reparation to conflict-era victims through transitional justice mechanisms. Nepal's transitional justice cannot be successful until justice can be provided to

conflict victims. It is impossible to envision peace without justice. The burden of transitional justice cannot be resolved without political will.

INSEC's documentation shows the rate of violence against women and children to be consistently increasing. The reported cases of violence against women were found to be resolved through reconciliation, and constriction through domestic mediation. Proper enforcement of the legal measures is crucial in this regard.

The effective implementation of the National Human Rights Action Plan, localization of targets set by the Sustainable Development Goals, end of impunity, and the end of criminalization of politics may allow for the development goals targeted by the government to be achieved. The public will only feel the government's presence if the state's plans and policies are able to make a positive impact in their life. The priorities of today's government should be to improve the delivery of human rights and to end longstanding impunity.

### Recommendations

- Government enquiry recommendations to improve the physical and administrative condition of prisons should be implemented

- The Supreme Court's decision to implement a fast-tracked system of justice delivery in cases of violence against women and children should be implemented.
- The transitional justice process should be concluded as per Supreme Court decisions, and requirements of the United Nations, human rights organizations, and victims
- An honest and principled attempt needs to be made to ensure effective implementation and timely revision of the National Human Rights Action Plan. There need to be awareness programs, and capacity strengthening for the fulfilment of human rights and constitutional fundamental rights principles from the local level. There need to be investments in human rights protection mechanisms, authorities to enforce civil rights, and protection services. Therefore, it is the role of all three arms of government, three tiers of government, and human rights organizations to contribute to socio-political rehabilitation, supervision, and reform.

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