

# AMNESTY INTERNATIONAL REPORT 2013

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## NEPAL

### FEDERAL DEMOCRATIC REPUBLIC OF NEPAL

**Head of state:** Ram Baran Yadav

**Head of government:** Babu Ram Bhattarai

Impunity was further entrenched as the government promoted alleged perpetrators of human rights violations to senior public positions, withdrew criminal cases against them and attempted to establish a transitional justice mechanism with the power to recommend amnesties for crimes under international law. Debates on federalism led to political violence in several parts of the country. Arbitrary detention, torture and extrajudicial executions were reported throughout the year.

### Background

The Constituent Assembly was dissolved on 27 May before completing a new Constitution, as political parties failed to reach a consensus on several key issues despite four years of negotiations. Confrontational political rhetoric around the model of federalism to be adopted and demands for greater autonomy for ethnic minorities and Indigenous Peoples increased, leading to violent clashes and divisions between and within political parties. In October, the government announced that it had completed the process of integrating former Maoist combatants into the Nepal Army as agreed under the Comprehensive Peace Agreement and Interim Constitution of 2007. The government passed a law in January increasing state control over the work of the National Human Rights Commission.

### Transitional justice

On 28 August, the Council of Ministers proposed an ordinance to establish a Commission of Inquiry on Disappeared Persons, Truth and Reconciliation, sidelining plans for two separate commissions to cover these issues. The new Commission would have power to recommend amnesties for serious human rights violations but no mandate to recommend prosecutions for alleged crimes, ignoring Nepal's legal obligations to prosecute crimes under international law. The UN Office of the High Commissioner for Human Rights released a report in October on violations of international human rights law and humanitarian law committed during Nepal's armed conflict, together with an archive of approximately 30,000 supporting documents and cases.

## Impunity

Efforts to ensure accountability for human rights violations and victims' rights to justice, truth and reparation were seriously undermined by the government's promotion of individuals alleged to have committed human rights violations to senior public positions.

Kuber Singh Rana, the subject of ongoing criminal investigations into the 2003 enforced disappearance and extrajudicial execution of five students in Dhanusha district, was promoted to the rank of Inspector General of Police in September.

The promotion of Raju Basnet, a colonel suspected of involvement in war crimes, to the rank of Brigadier General in October was widely condemned by human rights activists and put on hold following a stay order issued by the Supreme Court in the same month.

The government continued to request the withdrawal of criminal cases against individuals affiliated with political parties, as part of a commitment under the Comprehensive Peace Agreement and subsequent agreements to withdraw cases of a "political" nature. No clear definition of a "political case" was provided, and many cases recommended for withdrawal involved murder, abduction and other serious crimes.

## Migrant workers' rights

Recruitment agencies continued to traffic migrant workers for exploitation and forced labour and to charge fees above government-imposed limits, compelling workers to take large loans at high interest rates. Recruiters deceived many migrants on terms and conditions of work. Recruitment agencies that violated Nepalese law were rarely punished. Redress and compensation mechanisms were poorly promoted, centralized and difficult to access.

In August, the government banned women under the age of 30 from migrating for domestic work to Kuwait, Qatar, Saudi Arabia and the United Arab Emirates due to complaints of sexual and other physical abuse in those countries. The bans potentially increased risks to women now forced to seek work through informal routes. Two successive Labour Ministers were forced out of office by the Prime Minister for alleged corruption. Despite this, recruitment agencies remained above the law with few losing their licences for illegal practices.

## Torture and other ill-treatment

Despite acceding to the UN Convention against Torture in 1991, Nepal had not defined torture as a crime under national law. In April, the Council of Ministers announced plans for a bill to criminalize torture, but this had not been completed by the time the Constituent Assembly was dissolved. In July, the UN Human Rights Committee reminded Nepal of its obligation to enact a law defining and criminalizing torture, and to repeal all laws granting impunity to alleged perpetrators of torture and enforced disappearance. Torture and other ill-treatment of men, women and children in police custody remained widespread. The UN Committee against Torture concluded in its annual report that torture in Nepal was habitual, widespread and deliberate, and was ultimately practised systematically.

## Abuses in the Terai region

Lack of accountability for past violations and a long-standing culture of impunity meant that, although the activities of armed groups operating in the Terai region were reportedly on the decline, violations and abuses by the Nepal Armed Police Force, Nepal Police and armed groups continued to be reported.

Abuses included arbitrary detention, torture and extrajudicial executions. High levels of insecurity and fear of reprisals represented a significant obstacle to access to justice for victims and human rights defenders in the region.

## **Discrimination**

Discrimination on the basis of caste, ethnicity, religion, gender, economic situation and disability persisted. In October, Bhim Bahadur, a Dalit from Dailekh district, was reportedly hospitalized with serious injuries after he was attacked with a sickle for touching the main door of a house belonging to a member of a dominant caste. Dalit and poor women and girls from rural areas faced discrimination in accessing justice, education and health care.

## **Maternal health**

Poverty, gender discrimination, malnutrition, lack of skilled birth attendants and emergency obstetric care, and workload during pregnancy and the postnatal period all contributed to Nepal's high incidence of uterine prolapse. An estimated 600,000 women in Nepal were suffering from the condition, of which 200,000 needed immediate surgery. The government organized surgical camps to treat uterine prolapse, but many women remained unaware of them. Nepal had not invested sufficiently in preventive interventions, alternatives to surgery or follow-up care. According to reports, 24,498 women underwent surgery for prolapse between 2008 and 2011; however, the health condition of these women was largely unknown.

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