

A Precise Report on the Recommendations and
State of Implementation in the

20 Years of NHRCN

(May 2000- June 2020)



National Human Rights Commission of Nepal
Harihar Bhawan, Lalitpur, Nepal

September 2020



**A Precise Report on the Recommendations and
State of Implementation in the**

20 **Years**
of NHRCN

(May 2000- June 2020)



National Human Rights Commission of Nepal

Harihar Bhawan, Lalitpur, Nepal

September 2020

(Published as per the decision of January 02, 2020)

NHRCN Office-Bearers

Chairperson

Hon Anup Raj Sharma

Members

Hon. Prakash Osti

Hon. Sudip Pathak

Hon. Mohna Ansari

Hon. Govinda Sharma Paudyal

Secretary

Bed Bhattarai

Recommendation Implementation Status Study and Reporting Task Force

| | |
|--|---------------|
| Murari Prasad Kharel, Joint-secretary | - Coordinator |
| Loknath Bastola, Under-secretary | - Member |
| Shyam Babu Kafle, Under-secretary | - Member |
| Khimananda Basyal, Human Rights Officer | - Member |
| Lok Kumar Shrestha, Human Rights Officer | - Member |

Date of Publication: June 2020

Layout: NK Saswat

Edition: Fifth

Publication No. : 273

Publication supported by: United Nations Development Programme, Nepal (UNDP, Nepal)

Copyright

All Rights reserved : No part of this publication may be reproduced or printed to be stored or used in any form without the permission of the National Human Rights Commission. Only essential contents may be brought to use for intellectual and academic purpose, with due citation.

Foreword

The National Human Rights Commission of Nepal (NHRCN) has recently completed 20 years of its establishment. Since its establishment, it has been working to ensure human rights by formulating strategic plan for protection of human rights under the main theme of 'human rights in every household, foundation of peace and development.

Even before the establishment of human rights, incidents of violation of human rights are found to have expedited especially following the beginning of an armed conflict by the then CPN (Maoist) since 1996. As the armed conflict reached its peak, the NHRCN began accepting complaints and initiating the process of action as per its mandate in relation to the violation of human rights. On many issues related to human rights, it has also been making policy recommendations.

Of the around 13,000 complaints received by the NHRCN in the past two decades, more than 50 per cent of the complaints have been implemented and recommendations made for legal action against those found guilty following probe and investigation, and compensation to the survivors. The matter of implementation of the NHRCN recommendations is not optimal. Even the Supreme Court orders have interpreted that the recommendations by the NHRCN must be implemented compulsorily. Undeniable jurisprudence has been established by the Supreme Court in guaranteeing human rights, requiring the Government of Nepal to implement without any hesitation the order, directives, recommendations or suggestion issued by the NHRCN on matters of ensuring human rights. But the state of implementation of the NHRCN recommendations is still not satisfactory. And it is unfortunate that expected improvement has not been made in the implementation level, despite mandatory measures from all sides.

The NHRCN began publishing periodic reports on the state of implementation of the recommendations since 2009, in order to inform the public about the existing status of implementation of the recommendations made by the NHRCN to the Government of Nepal on various issues of human rights concern, since its inception. Considering the state of implementation of the recommendations, the NHRCN has also been holding discussion, meetings, collaboration and advocacy with the agencies responsible for implementing the recommendation on various points of time. Furthermore, this report has been published by highlighting the state of implementation of the recommendations made by the NHRCN with the purpose of providing further support to the recommendations implementing agencies, to make the stakeholder agencies more sensitive towards implementing the NHRCN recommendations, and to help ease the obstacles before the implementation. I am confident that this report would help the implementation by providing integrated information to the government of Nepal in relation to implementation of the recommendations. I also hope that this report would further support the task of guaranteeing right to justice of the survivors by disseminating information to all the stakeholder agencies.

Finally, I would like to extend my special thanks to the Commission Secretary Bed Bhattarai, Recommendations Implementation Status Study and Reporting Task Force's Joint Secretary Murari Prasad Kharel, task force members Under Secretaries Loknath Bastola and Shyam Babu Kafle, Human Rights Officers Khimananda Basyal and Lok Kumar Shrestha for playing a leading role in publishing an integrated report on a sensitive matter like the NHRCN recommendations.

Anup Raj Sharma
Chairperson

With regard to this report

Management of the Complaints is one of the various functions accomplished by the NHRCN in the twenty years of its establishment. During this period, of the 12,825 complaints registered, decisions have been made upon 6,617 complaints. Of them, 1,195 recommendations were made to dispense justice to the victims. But their state of implementation is not satisfactory. The state of full implementation of the recommendations is 13.64 per cent and partial implementation is 37.23 per cent. Around 50 per cent of the recommendations have not been implemented. This state of implementation shows that the state of impunity in the country is still alarming.

One of the indicators of situation of human rights is also the state of implementation of the NHRCN recommendations. The NHRCN has been making commitments time and again to improve the state of implementation of the recommendations and documenting the individuals, agencies or office-bearers not implementing the recommendations as human rights violators and making them public. Accordingly, "this edition on "20 years of establishment of NHRCN: NHRCN recommendations and their status of implementation" have been published along with the name of the human rights violators. I am confident that this would provide sufficient information to the stakeholders.

Through this report, the names of at least 286 human rights violators have been made public. This is only the beginning, and I am confident that it will get continuity. However, the mandate given by the Constitution around 15 years ago to document the name of the office-bearers, individual or agencies not implementing the NHRCN recommendations, decisions or orders as human rights violators and make them public has not been realized during this period. However, I am confident that this report would help realize the mandate in the days to come. Around 640 complaints are registered at the NHRCN annually, of which only around 305 are decided, and this data is not satisfactory. In order to improve this situation, I see the necessity of enriching and equipping the NHRCN Investigation Division and the recommendation implementation mechanism within it with additional resources.

Finally, I hope that this report prepared with detail information about the activities carried out in response to the complaints, the recommendations and the status of implementation of the recommendations, along with disaggregated data would be helpful to all stakeholders including the Government of Nepal to put an end to impunity by ensuring justice to the victims. In the context where the name of the violators has now been made public, I expect that it would discourage the moral of the individuals or office-bearers involved in such acts, leading to notable contribution to the development of a human rights culture in the days to come. I would like to thank the NHRCN staffs involved in preparing this report including Joint Secretary Murari Prasad Kharel, Under-Secretaries Loknath Bastola and Shyam Babu Kafle, Human Rights Officers Khimananda Basyal and Lok Kumar Shrestha, as well as Sujata Lohani, Mukti Ram Subedi, Maniram Thapa and Kiran Ghimire.

Govinda Sharma Paudyal

Member

Table of Content

Chapter I

| | |
|---------------------|---|
| Introduction | 1 |
| 1. Background | 1 |
| 2. Scope | 1 |
| 3. Objective | 2 |
| 4. Methodology | 2 |
| 5. Limitations | 2 |

Chapter II

| | |
|---|----|
| Legal Provisions related to Recommendations and NHRCN Recommendations | 3 |
| 1.1 Legal provisions related to recommendations | 3 |
| 1.2 Themewise recommendations | 6 |
| 2.3 Nature of the complainants recommended and nature of recommendations made in the complaint | 7 |
| 2.4 Violating bodies as per the NHRCN decision/recommendations | 11 |
| 2.5 Agencies communicated to in course of implementation of recommendations | 13 |
| 2.6 Victims recommended for compensation/relief as per the NHRCN decision on the basis of Diversity | 14 |
| 2.7 Recommended compensation amount | 17 |
| 2.8 Policy recommendation in regard to the complaints | 18 |

Chapter III

| | |
|---|----|
| Efforts Made for Implementation of Recommendations | 22 |
| Efforts and Assessment | 22 |
| 1. The Government of Nepal | 22 |
| 2. The Judiciary | 24 |
| 3. The Parliament | 25 |
| 4. The Civil Society | 26 |
| 5. The United Nations Mechanism | 27 |
| 6. National Human Rights Commission of Nepal | 27 |

Chapter IV

| | |
|--|----|
| Status of Implementation of Recommendations | 30 |
|--|----|

| | |
|---|----|
| 1. Status of implementation | 30 |
| 2. Status of implementation of the recommendations for action against violators | 33 |
| Chapter V | |
| Achievements and Challenges | 71 |
| 1. Achievements | 71 |
| 2. Challenges | 71 |
| Chapter VI | |
| Conclusion and Recommendations | 74 |
| Conclusion | 74 |
| Recommendations | 74 |

Introduction

1. Background

The National Human Rights Commission of Nepal (NHRCN) established to effectively enforce and protect and promote the human rights¹ guaranteed by the Constitution and other prevalent laws has completed 20 years of its establishment. During this period, it was elevated from a statutory body into a constitutional body. In course of protecting human rights, the NHRCN has accepted 12,824 complaints while 6,016 of those complaints were resolved. Of the complaints that were resolved, 1,195 decisions were taken to make recommendations for legal action against individual/office-bearers found guilty in inquiry and investigation, and for compensation to the victims. It has also been taking various initiatives internally and externally to improve the state of implementation of the recommendations. Sending communiqué, holding discussion and meetings with agencies responsible for implementation, studying the state of implementation and collaborating are some of the activities being carried out for implementation of the recommendations. It has also developed and published integrated reports highlighting the state of implementation with the objective of supporting the implementation bodies externally and informing the stakeholders. Since 2009, the NHRCN has published four such reports.² After the NHRCN published integrated data highlighting the status of implementation of the recommendations, the Government of Nepal also made public an integrated publication³ about the initiatives taken to implement the NHRCN recommendations in June-July 2014.

However, the status of implementation of the NHRCN recommendations is not satisfactory. There is no sense of any improvement taking place in the state of implementation. Considering this situation, this study report has been published with the expectation to help the Government of Nepal move ahead in the task of implementing the NHRCN recommendations in the days ahead by receiving information in an integrated manner, increasing the access to information of the stakeholders by informing them about the latest state of implementation of the recommendations and helping the victims achieve their right to justice.

2. Scope

The NHRCN has mandated to take decisions over the complaints filed before the Commission and make recommendations even by the Human Rights Commission Act, 1997.⁴ Presently, the NHRCN gets this mandate from various clauses of Article 249 of the Constitution of Nepal. The then Human Rights Commission Act, 1997, clause 11 (2), section (k) provides the NHRCN the scope to reach to the public information related to the status of implementation of the decisions and recommendations made as per the aforementioned mandate. Currently, this mandate is drawn from Section (f) of Clause 4 (1) of the Human Rights Commission Act, 2012. This report has been prepared based on a study of the recommendations made by the NHRCN as per the mandate and the state of implementation of those recommendations.

1 Preamble of Human Rights Commission Act, (1997)

2 The NHRCN had published reports related to it on (May-June 2008), (May-June 2009), (May-June 2010) and (Aug.-Sept.2013)

3 The status of the recommendations made by the National Human Rights Commission before the Government of Nepal, Asar 2071 (June-July 2014). Office of the Prime Minister and Council of Ministers, Singha Durbar, Kathmandu

4 Human Rights Commission Act, (1997), Clause 11(2), Section (f)

3. Objective

The major objective of this publication is to help fulfill the obligation as per Clause 17 of the National Human Rights Commission Act, 2012 by providing integrated information in an easy manner, especially to the Government of Nepal and associated agencies in the context of implementation of the recommendations made by the NHRCN. The objective of the report is also to help the victims and survivors get justice through implementation of the NHRCN recommendations by disseminating related information to the victims, general public, other stakeholders and all those concerned with the implementation of the NHRCN recommendations.

4. Methodology

For the preparation of this report the NHRCN April 21, 2019 decision constituted a task force with Commission Joint Secretary Murari Prasad Kharel as its Convener and Under-Secretaries Loknath Bastola and Shyam Babu Kafle, and Human Rights Officers Khimananda Basyal and Lok Kumar Shrestha as its members. The task force carried out a study of the decisions and recommendations based on the decisions taken by the NHRCN in response to the complaints registered at the Commission since its establishment to fiscal year 2019/20, the reports published by the NHRCN and Government of Nepal in this regard, and the several communications exchanged between the NHRCN and Government of Nepal and implementing agencies. The study draft was finalized before being presented at a meeting of the NHRCN, where it was extensively discussed. A decision was taken on January 2, 2020 to publish the report by bringing further improvements in the discussion report, as a result of which the task force made improvements in the draft and developed this study report. This report has been developed by specially using primary sources.

5. Limitations

This study report has been developed with a limitation to the NHRCN decisions over complaints and the recommendations made to the decisions. Other policy recommendations or recommendations made in regard to other dimensions except the decisions in response to the complaints have not been included in this report. This study report has been prepared with a focus on the recommendations made by the NHRCN, communication exchanged in that regard with the Government of Nepal and other concerned agencies and sides, the publications of the NHRCN and Government of Nepal on this issue, and the materials published in relation to the implementation of the NHRCN recommendations. Essential interaction, discussion and dialogue could not be held with the Government of Nepal and other stakeholder agencies in relation to the preparation of this report due reasons like the alarming situation of the Corona Virus infection that happened unprecedentedly in majority of the countries around the world including Nepal.

Legal Provisions related to Recommendations and NHRCN Recommendations

1. Legal provisions related to recommendations

It is the constitutional mandate of the NHRCN to make recommendation for the justice of the victims following inquiry and investigation into the complaints of human rights violation. In this connection, the Constitution of Nepal provides the clear provisions in various Articles including in the Article 249 (2). Sub-article (2) states that it shall be the duty of the NHRCN to make recommendations for action against the guilty (section a), for departmental action (section (b), file case in the Court as per the need (section c), and recommend for departmental action and punishment (section e). Likewise, section (d) of Sub-article (3) also gives NHRCN the authority to issue an order to provide compensation as per the law to the victim of human rights violation. In addition to this, Section 16 of National Human Rights Commission Act, 2012 provides that it can decide to give compensation to the victim.

In addition to this, the then Human Rights Act, 1997, Section 14 (3) has also provided for implementation of the recommendations, decision or order of the NHRCN.¹ The existing National Human Rights Commission Act, 2012 Section 17 provides detailed provisions in this regard. Sub-section (1) of the Section states that a communication should be made in writing to the concerned office-bearer, individual or agency for implementation of the NHRCN recommendations, decision or order, Sub-section (2) states that the concerned office-bearer, individual or agency should implement the recommendations, decision or order made in writing within three months, and report back to the NHRCN on the same, Sub-section (3) states that if there is any problem in the implementation then it should be returned to the NHRCN for a review within two months, Sub-section (4) states that if a letter as per Sub-section (3) is received then a decision should be taken following a review on the same, and the NHRCN to take a decision to continue with the same or make amendments, and recommend back for implementation, while Sub-section (5) states that if the recommendation as per Sub-section (4) is received again for implementation then it must be enforced immediately and the NHRCN informed about it as a mandatory legal provision. Likewise, Sub-section (6) also notes about a mandatory provision to provide compensation to the victim within three months. In addition to this, Sub-section 7 to 13 of the Act also includes one or the other provisions related to implementation of the decisions of the NHRCN. In relation to the implementation of the decision or recommendations of the NHRCN, the National Human Rights Commission (determination of complaint, action and compensation) Regulations, 2013, Rule 18 has also made some provisions.

Likewise, it has been interpreted that implementation of the NHRCN recommendations should be mandatory even in the Supreme Court order which must be implemented as per Article 126 (2) of the Constitution of Nepal. In the Advocate Bhojraj Aire Vs Office of the Prime Minister and Council of Minister et al case, the Court has ordered that "... the government should not argue of any 'If & But' in the implementation of the order or directive of the NHRCN for protection of human rights or in implementation of recommendations or suggestions of the NHRCN.² Likewise, in the Om Prakash Aryal Vs National Human Rights Commission et al case, the order states that "the Commission will not recommend prosecuting a case against anyone haphazardly,

1 ... In case of a communiqué for action then the concern agency or official should take action as communicated or if not possible then the concerned agency or official should report to the NHRCN along with the reasons for the same within three months of receiving the communiqué from the NHRCN.

2 Writ no. 3081 of year 2062 (2005), date of order Dec. 17 2007

without any basis or reason. Hence, it cannot be regarded that the agency or office-bearer receiving such recommendation holds a conscience to decide whether or not to implement the recommendations of the NHRCN. It cannot be interpreted that the legal provisions providing such conscience are according to the provisions of the Constitution and its intention.³ As per constitutional and legal provisions, also based on the order issued by the Supreme Court, the office-bearer, individual or agency cannot flee or escape from the responsibility of implementing the decision or recommendations of the NHRCN in any pretext and wish.

Complaints registered at the Commission, decision/recommendations and resolved

2.1 Status of complaint registration, decision/recommendations and resolved

In the 20 years history since the establishment of the NHRCN, a total of 12,826 complaints of human rights violation and incitement under various headings have been registered. Of them, in 1,195 complaints, the NHRCN made recommendation for justice to the victim, while the remaining 5,497 complaints have kept in pending, dissolving or resolved. Accordingly, in 20 years' time, 6,616 complaints were decided while the number of complaints yet to be decided is 4,627. Likewise, among the complaints that led to recommendations, the highest are related to right to life while the lowest is on right of refugees. In the fiscal year 2076/77 BS, the highest i.e. 138 complaints were resolved while the lowest was two each in fiscal year 2057/58 and 2070/71 BS. As the NHRCN was without any office-bearers in fiscal year 2064/64 BS, no decision could be made. Fiscal year 2057/58 BS was the first term of the NHRCN after its formation on May 02, 2000 and the number of complaints resolved was only two each as office-bearers were present in the NHRCN for only three months in fiscal year 2070/71. The details have been included in Table no. 1.

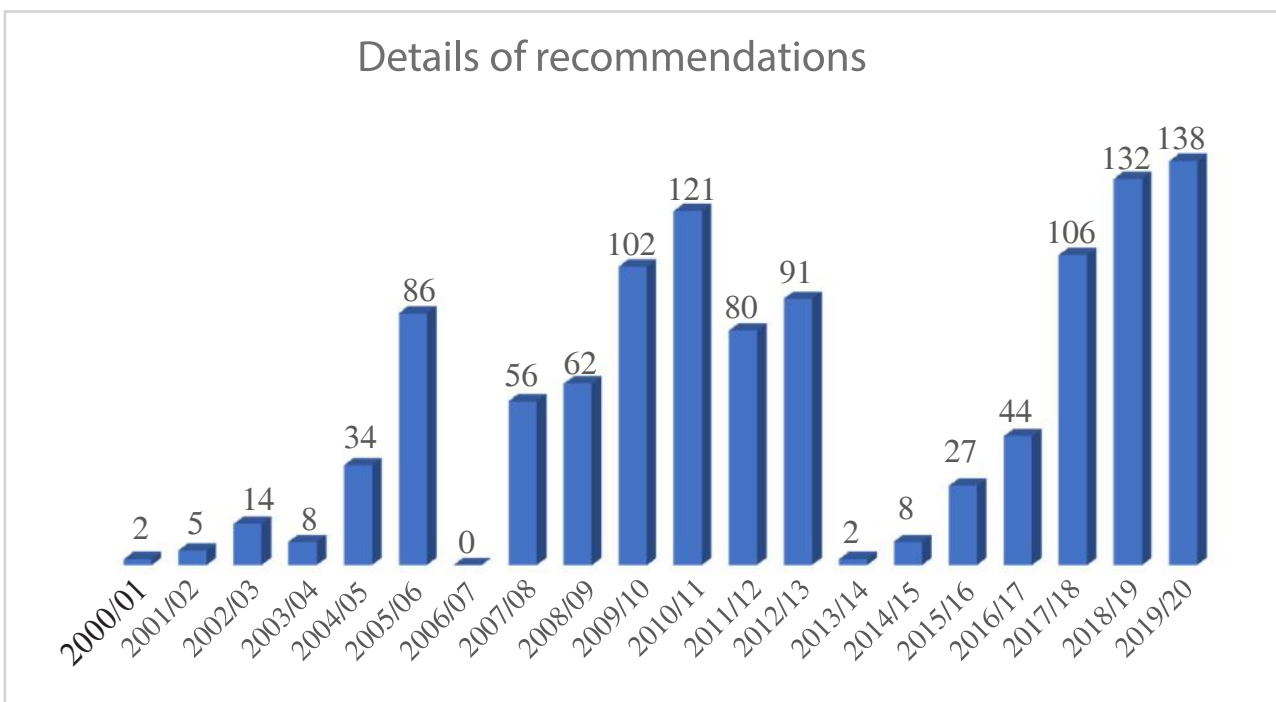
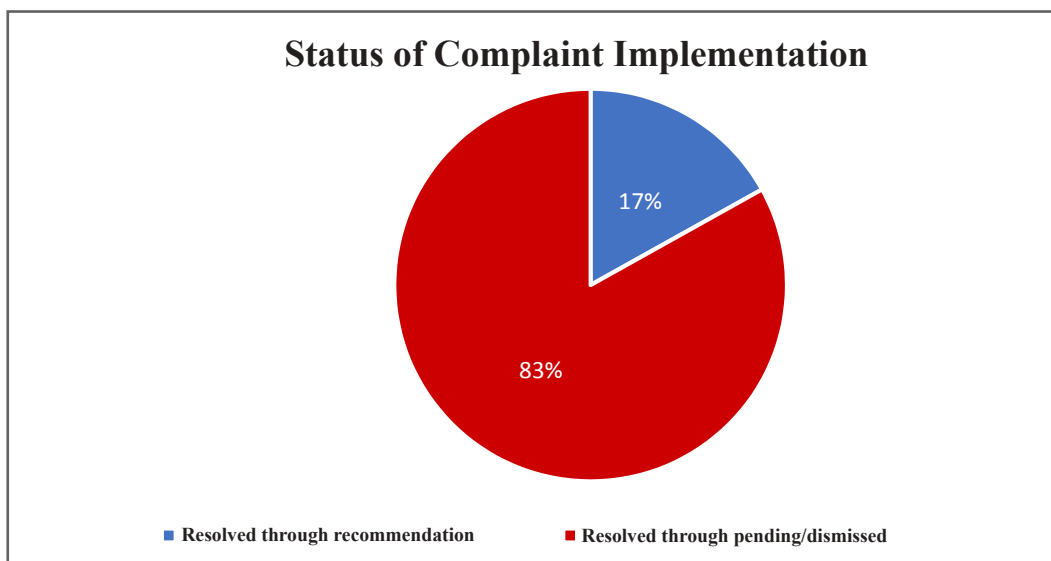
In the first 5-year term of the NHRCN led by Mr Nayan Bahadur Khatri, 524 complaints files were resolved along with 118 recommendations. The second term of office of the NHRCN was also chaired by Mr Nayan Bahadur Khatri. But the NHRCN office-bearers resigned after around 1 year in office, as a result of which 707 files were resolved with 86 recommendations. In the third 6-year term of the NHRCN led by Mr Kedarnath Upadhyaya, 3272 cases were resolved with 588 recommendations. In the fourth term between 2071/72 BS. to 2076/77 BS., the 6-year term led by Mr Anup Raj Sharma resolved 2,115 cases with 457 recommendations.

Table no. 1 Details of complaint registred and decided/recommended and resolved

| S. No. | F/Y | No of complaints received | Total no of recommendations | No of interim recommendations | No of cases executed | | |
|--------|---------|---------------------------|-----------------------------|-------------------------------|----------------------|----------------------------|-------|
| | | | | | From recommendation | Pending, quashed, resolved | Total |
| 1 | 2000/01 | 385 | 2 | | 2 | 7 | 9 |
| 2 | 2001/02 | 302 | 5 | | 5 | 71 | 76 |
| 3 | 2002/03 | 483 | 14 | | 14 | 89 | 103 |
| 4 | 2003/04 | 1083 | 8 | | 8 | 54 | 62 |
| 5 | 2004/05 | 1782 | 35 | 1 | 34 | 240 | 274 |
| 6 | 2005/06 | 2331 | 86 | | 86 | 621 | 707 |
| 7 | 2006/07 | 1948 | 0 | | 0 | 0 | 0 |
| 8 | 2007/08 | 1173 | 65 | 9 | 56 | 465 | 522 |
| 9 | 2008/09 | 677 | 80 | 18 | 62 | 558 | 620 |
| 10 | 2009/10 | 403 | 111 | 9 | 102 | 381 | 483 |
| 11 | 2010/11 | 345 | 131 | 10 | 121 | 579 | 701 |
| 12 | 2011/12 | 276 | 100 | 20 | 80 | 379 | 459 |

³ Nepal Kanoon Patrika, 2070 (2013), volume 7, page 743

| S. No. | F/Y | No of complaints received | Total no of recommendations | No of interim recommendations | No of cases executed | | |
|--------|--------------|---------------------------|-----------------------------|-------------------------------|----------------------|----------------------------|--------------|
| | | | | | From recommendation | Pending, quashed, resolved | Total |
| 13 | 2012/13 | 219 | 99 | 8 | 91 | 396 | 487 |
| 14 | 2013/14 | 240 | 2 | | 2 | 0 | 2 |
| 15 | 2014/15 | 160 | 8 | | 8 | 120 | 128 |
| 16 | 2015/16 | 219 | 27 | | 27 | 109 | 136 |
| 17 | 2016/17 | 210 | 44 | | 44 | 156 | 200 |
| 18 | 2017/18 | 152 | 106 | | 106 | 197 | 304 |
| 19 | 2018/19 | 232 | 134 | 2 | 132 | 649 | 781 |
| 20 | 2019/20 | 206 | 138 | | 138 | 426 | 564 |
| | Total | 12,826 | 1,195 | 77 | 1,118 | 5497 | 6,615 |

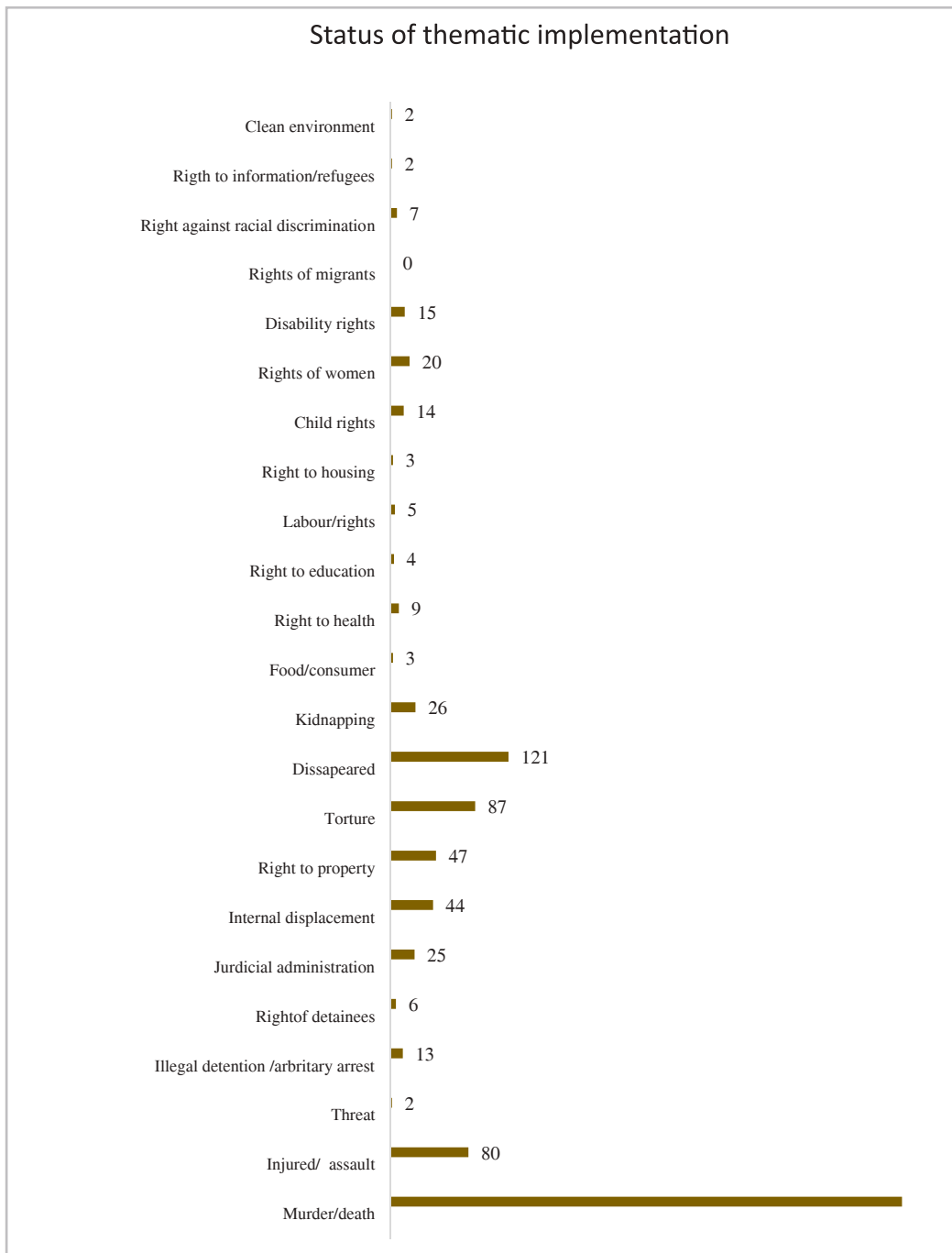


1.2 Thewise recommendations

Of the total 1,195 recommendations made in the 20 years of the NHRCN, the highest are related to the subject of right to life. Likewise, the lowest is related with refugees/right to information, right to clean environment, and right against threat. Under the issues related to right to life, 660 recommendations have been made under the issue of murder while the lowest is 2 each under refugees/right to information and right to clean environment. During this period, the NHRCN made recommendations to the government and other agencies on 23 themes including murder, disappearance, kidnapping, women's rights, child rights, racial discrimination etc. The details of this are given below in Table no. 2

Table 2: Details of themewise recommendations made by the NHRCN

| Recommended F/Y | Murder/death | Injured/ assault | Threat | Illegal detention / arbitrary arrest | Rightof detainees | Judicial administration | Internal displacement | Right to property | Torture | Disappeared | Kidnapping | Food/consumer | Right to health | Right to education | Labour/rights | Right to housing | Child rights | Rights of women | Disability rights | Rights of migrants | Right against racial discrimination | Right to information/ refugees | Clean environment | Total |
|-----------------|--------------|------------------|----------|--------------------------------------|-------------------|-------------------------|-----------------------|-------------------|-----------|-------------|------------|---------------|-----------------|--------------------|---------------|------------------|--------------|-----------------|-------------------|--------------------|-------------------------------------|--------------------------------|-------------------|-------------|
| 2000/01 | 1 | | | 1 | | | | | | | | | | | | | | | | | | | | 2 |
| 2001/02 | 2 | | | 1 | | | | | | | | | | | 1 | 1 | | | | | | | | 5 |
| 2002/03 | 0 | | | | | | | | 1 | | | | | | | | 13 | | | | | | | 14 |
| 2003/04 | 6 | 1 | 1 | | | | | 0 | | | | | | | | | | | | | | | | 8 |
| 2004/05 | 31 | 0 | | | | 1 | 1 | 2 | 1 | | | | | | | | | | | | | | | 35 |
| 2005/06 | 66 | 0 | | | 1 | 1 | 1 | 6 | 7 | | | | 1 | | | | 2 | | | | | 1 | | 86 |
| 2006/07 | 0 | 0 | | | | 0 | 0 | 0 | 0 | | | | | | | | | | | | | | | 0 |
| 2007/08 | 42 | 1 | | | | 1 | 8 | 2 | 6 | 5 | | | | | | | | | | | | | | 65 |
| 2008/09 | 40 | 0 | | | 2 | | 11 | 2 | 4 | 15 | 4 | | | | | | 2 | | | | | | | 80 |
| 2009/10 | 53 | 8 | | | | 1 | 7 | 1 | 10 | 28 | 1 | | 1 | | | | 1 | | | | | | | 111 |
| 2010/11 | 85 | 2 | | | | 4 | 4 | 4 | 8 | 15 | 3 | | 2 | | | | 3 | 1 | | | | | | 131 |
| 2011/12 | 63 | 4 | | | | | 0 | 0 | 8 | 20 | 3 | | 1 | | 1 | | | | | | | | | 100 |
| 2012/13 | 50 | 14 | | 4 | 2 | 2 | 6 | 2 | 7 | 5 | 3 | | 1 | 1 | | | 1 | | 1 | | | | | 99 |
| 2013/14 | 2 | 0 | | | | | 0 | 0 | 0 | 0 | | | | | | | | | | | | | | 2 |
| 2014/15 | 7 | 0 | | | | | 0 | 0 | 0 | 0 | | | | | | | | | | | | 1 | | 8 |
| 2015/16 | 16 | 3 | | | | 2 | 1 | 0 | 4 | 1 | | | | | | | | | | | | | | 27 |
| 2016/17 | 17 | 4 | | | 1 | | 0 | 1 | 4 | 1 | | | | | | | 2 | 14 | | | | | | 44 |
| 2017/18 | 41 | 11 | | 4 | | 4 | 2 | 10 | 6 | 18 | 2 | | | 1 | 1 | | 3 | 1 | | 2 | | | | 106 |
| 2018/19 | 58 | 16 | 1 | 3 | | 5 | 2 | 21 | 9 | 1 | 2 | | 4 | | 3 | 1 | 2 | 1 | | 3 | | 2 | | 134 |
| 2019/20 | 80 | 16 | | | | 5 | 1 | 6 | 16 | 3 | 3 | | 1 | | | | 1 | 1 | | 2 | | | | 138 |
| Total | 660 | 80 | 2 | 13 | 6 | 25 | 44 | 47 | 87 | 121 | 26 | 3 | 9 | 4 | 5 | 3 | 14 | 20 | 15 | 0 | 7 | 2 | 2 | 1195 |



2.3 Nature of the complainants recommended and nature of recommendations made in the complaint

In the 1,195 recommendations made by the NHRCN in twenty years, 940 are related to recommendations made on complaints related to conflict while 255 of them are recommendations made on complaints not related to conflict. The highest recommendations in complaints related to conflict were made in fiscal year 2067/68 BS. and 2076/077 BS. at 110 each respectively. And the lowest was one recommendation made in the fiscal year 2057/58 BS. The highest recommendation in complaints not related to conflict were 45 in the fiscal year 2075/76 BS. and the lowest only one in the fiscal year 2057/58 BS. Of the recommendations made so far, 78.66 per cent are related to the conflict and 21.34 per cent are not related to the conflict. The details have been given in the table below:

Table no. 3 Nature of complaints that were recommended

| F/Y | Related to conflict | Not Related to conflict | Total |
|--------------|---------------------|-------------------------|-------------|
| 2000/01 | 1 | 1 | 2 |
| 2001/02 | 0 | 5 | 5 |
| 2002/03 | 0 | 14 | 14 |
| 2003/04 | 7 | 1 | 8 |
| 2004/05 | 35 | 2 | 37 |
| 2005/06 | 72 | 14 | 86 |
| 2006/07 | 0 | 0 | 0 |
| 2007/08 | 57 | 8 | 65 |
| 2008/09 | 71 | 9 | 80 |
| 2009/10 | 97 | 14 | 111 |
| 2010/11 | 110 | 21 | 131 |
| 2011/12 | 85 | 15 | 100 |
| 2012/13 | 79 | 19 | 98 |
| 2013/14 | 0 | 2 | 2 |
| 2014/15 | 6 | 2 | 8 |
| 2015/16 | 18 | 9 | 27 |
| 2016/17 | 22 | 22 | 44 |
| 2017/18 | 81 | 25 | 106 |
| 2018/19 | 89 | 45 | 134 |
| 2019/20 | 110 | 28 | 138 |
| Total | 940 | 255 | 1195 |

Likewise, looking at the nature of the recommendations made by the NHRCN, there are 34 nature of recommendations made. This includes providing compensation and relief, identifying the guilty and taking action as per the law, prosecuting a case of criminal offense, taking departmental action, arranging for free education, arranging for free medical treatment, rehabilitation, and arranging employment, among others. Of them, the highest is for recommendation, which is 734 recommendations for providing compensation while the lowest is one each related to right to housing and for psychosocial support. Looking at the total recommendations, many kinds of recommendations have been made on the same complaint. The same recommendation includes recommendation for taking action after identifying the guilty, providing compensation, free education and free health services. While making recommendations over some complaints, the NHRCN has also included the issues that the state and concerned agencies need to reform in the days to come for protection of human rights, which have been included under policy recommendations. The details of which have been given in Table no. 4 below.

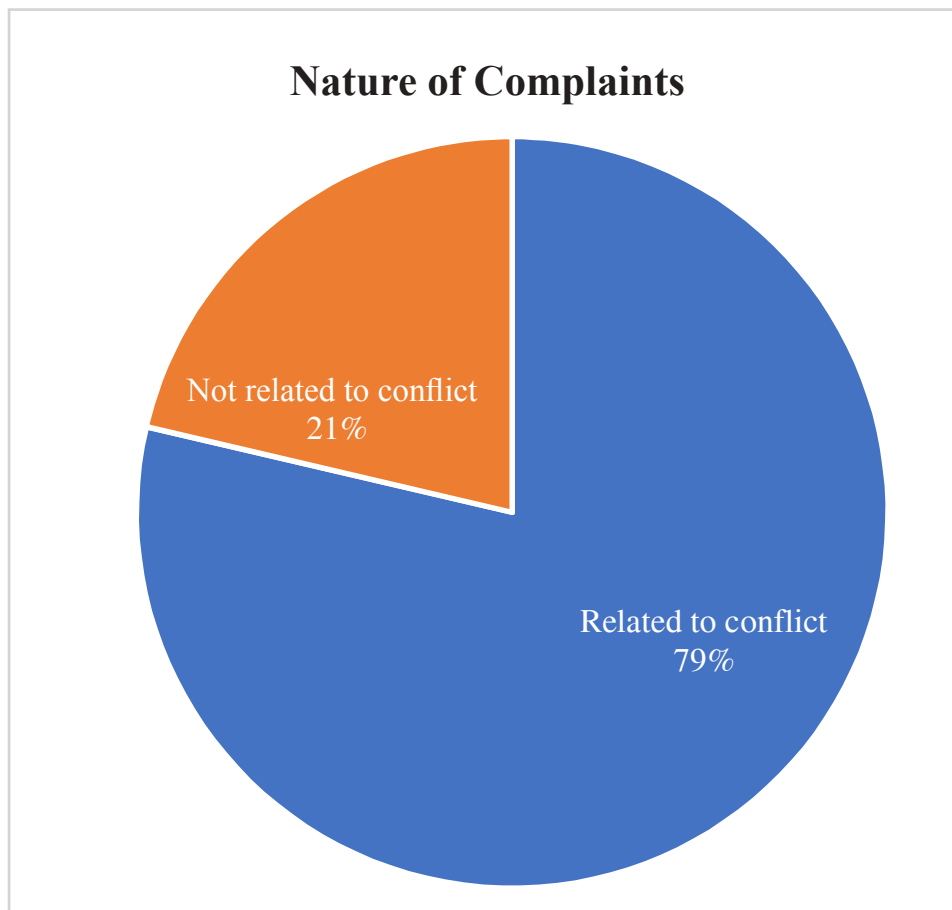
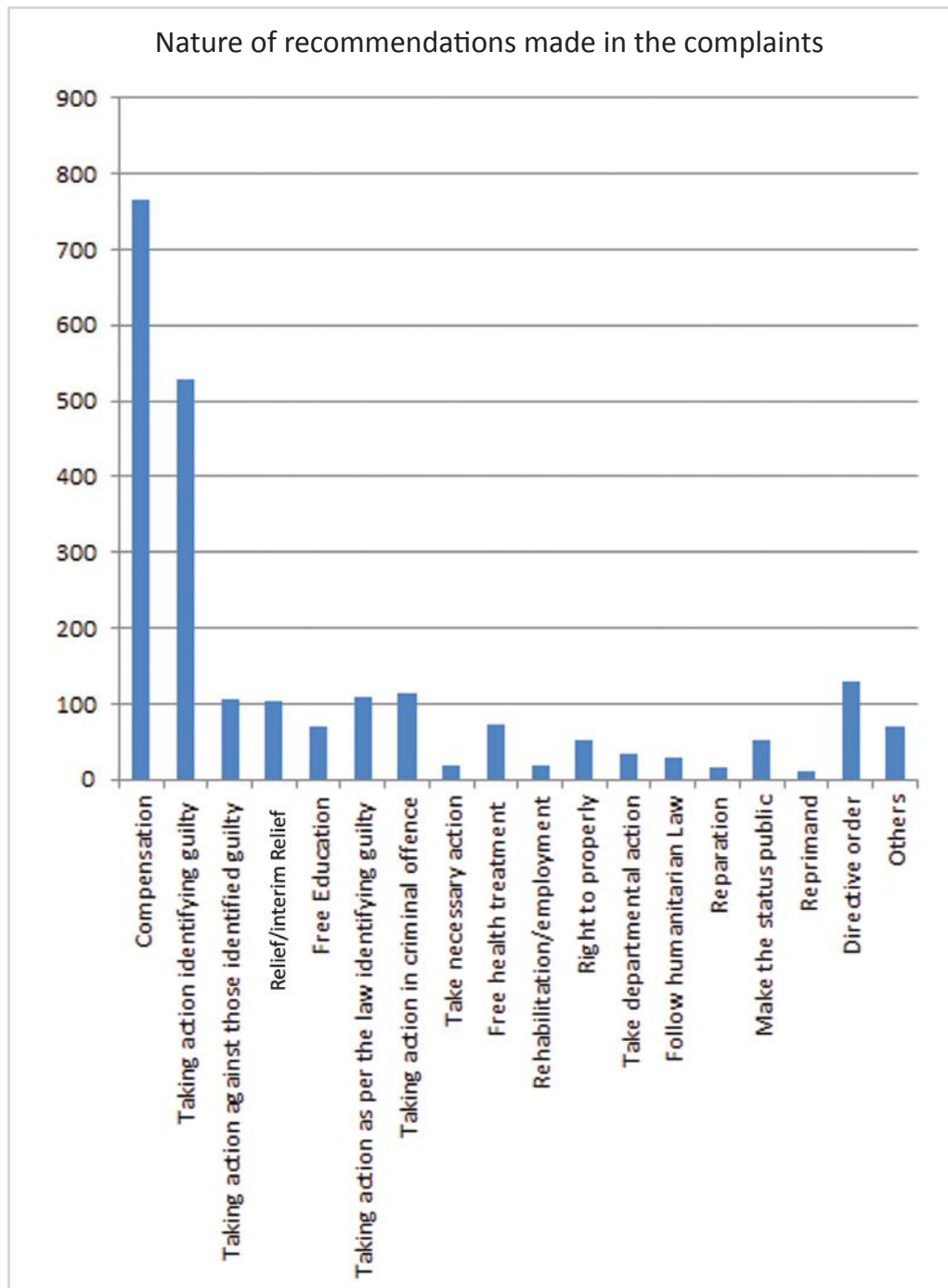


Table no. 4 Nature of recommendations made in the complaints

| Subject | 2000/01 | 2001/02 | 2002/03 | 2003/04 | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 | 2009/10 | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | Total |
|---|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|
| Compensation | 1 | 1 | 14 | 4 | 30 | 67 | | 38 | 41 | 68 | 92 | 73 | 83 | 2 | 7 | 21 | 16 | 73 | 80 | 54 | 765 |
| Identifying guilty and taking action | 0 | 1 | | 4 | 7 | 50 | | 11 | 18 | 47 | 62 | 41 | 31 | 1 | 7 | 15 | 14 | 60 | 67 | 92 | 528 |
| Action against those identified guilty | 0 | 0 | 0 | 0 | 0 | 1 | | 6 | 3 | 22 | 8 | 19 | 5 | 1 | 0 | 3 | 7 | 4 | 15 | 12 | 106 |
| Relief/Interim Relief | 0 | 0 | | 1 | 3 | 0 | | 9 | 29 | 28 | 17 | 13 | 7 | 0 | 0 | 1 | 0 | 3 | 0 | 1 | 103 |
| Free education | 0 | 0 | | 0 | 0 | 2 | | 8 | 3 | 13 | 10 | 2 | 7 | 1 | 1 | 1 | 5 | 11 | 5 | 2 | 71 |
| Identification of guilty and taking action as per the law | 0 | 0 | | 1 | 15 | 2 | | 7 | 3 | 3 | 1 | 5 | 0 | 0 | 0 | 0 | 22 | 48 | 0 | 1 | 108 |
| To take action in criminal offense | 0 | 0 | | 0 | 0 | 1 | | 13 | 15 | 4 | 21 | 27 | 29 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 113 |
| Take necessary action | 0 | 0 | | 0 | 2 | 9 | | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 19 |
| Free health treatment | 0 | 0 | | 0 | 2 | 10 | | 2 | 3 | 2 | 5 | 2 | 1 | 0 | 1 | 5 | 16 | 9 | 10 | 5 | 73 |
| Investigation and take action against guilty | 0 | 1 | 1 | 1 | 1 | 0 | | 1 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 8 |

| Subject | 2000/01 | 2001/02 | 2002/03 | 2003/04 | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 | 2009/10 | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | Total |
|---|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|
| File case as per the law | 0 | 0 | | 0 | 0 | 0 | | 0 | 0 | 0 | 3 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 6 |
| Rehabilitation/employment | 0 | 0 | | 0 | 2 | 0 | | 0 | 7 | 6 | 1 | 1 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 19 |
| Right to property | 0 | 0 | | 0 | 3 | 7 | | 7 | 9 | 6 | 4 | 0 | 1 | 0 | 1 | 0 | 4 | 0 | 8 | 2 | 52 |
| Carry out necessary investigation | 0 | 0 | | 0 | 0 | 2 | | 1 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Take departmental action | 0 | 0 | | 0 | 0 | 0 | | 0 | 0 | 0 | 6 | 8 | 4 | 3 | 3 | 3 | 6 | 1 | 0 | 0 | 34 |
| Ensure right to housing | 0 | 1 | | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Follow humanitarian law | 0 | 0 | | 2 | 1 | 17 | | 2 | 0 | 3 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 29 |
| Providing remuneration/right to labour | 0 | 1 | | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 |
| Reparation | 0 | 0 | | 0 | 0 | 0 | | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 11 | 0 | 0 | 17 |
| Non-cooperation to NHRCN work | 0 | 1 | | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| To investigate effectively | 0 | 0 | | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 3 |
| Not encouraging the retaliation group | 0 | 0 | | 1 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Effective encouragement to acts/laws | 0 | 0 | | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 4 |
| Monitoring/awareness/peace security/refugee | 0 | 0 | | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Making perpetrator pay compensation | 1 | 0 | | 0 | 0 | 3 | | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 8 |
| Livelihood, food, shelter and clothing | 0 | 0 | | 0 | 0 | 0 | | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 5 |
| Making status public | 0 | 0 | | 0 | 0 | 0 | | 0 | 0 | 28 | 5 | 0 | 1 | 0 | 0 | 0 | 0 | 17 | 0 | 0 | 51 |
| Reprimand/cause to reprimand | 0 | 0 | | 0 | 0 | 0 | | 0 | 0 | 0 | 3 | 6 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 11 |
| Draw attention | | 0 | | 0 | 0 | 0 | | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 3 | 2 | 0 | 0 | 6 |
| Maintain records | 0 | 0 | | 0 | 0 | 0 | | 0 | 0 | 0 | 1 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 |
| Degrading human rights/arbitrary arrest | 1 | 0 | | 0 | 2 | 0 | | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Directive order | 0 | 1 | | 0 | 0 | 14 | | 15 | 11 | 4 | 9 | 1 | 4 | 7 | 1 | 1 | 24 | 16 | 20 | 1 | 129 |
| Awareness/regular monitoring | 1 | 0 | | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 4 |
| Psychosocial support | 0 | 0 | | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |



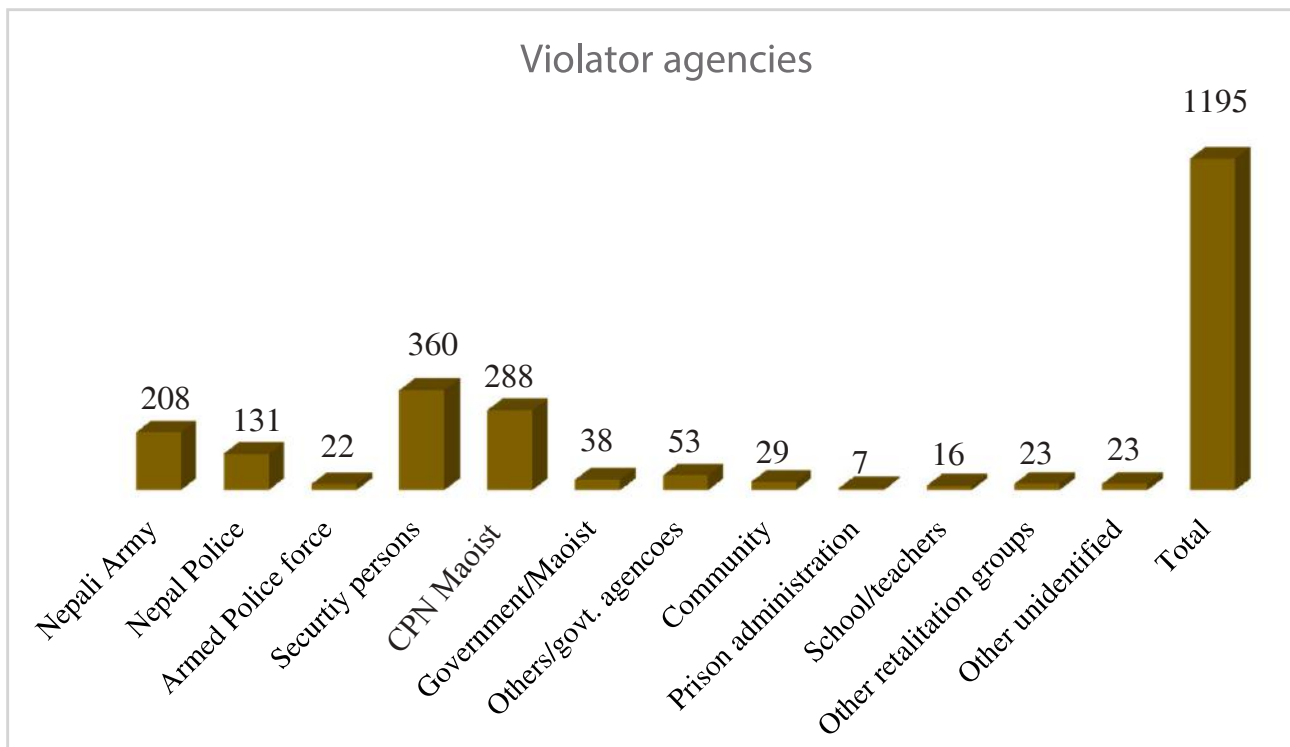
2.4 Violating bodies as per the NHRCN decision/recommendations

Among the major powers received to the National Human Rights Commission, one is to recommend for action to those guilty of human rights violation and to recommend for compensation to the victim. Accordingly, before taking the decision for recommendation, a recommendation is also made for identification of the violating individual or agency, and for action if found guilty. In the recommendations made so far by the Commission since its establishment, the name of 11 agencies have been spelled out and identified as violating bodies, and recommendation made for action against those involved in it, and incase the agency or individual is not clearly known, then it is written down as other unidentified. These agencies include the security personnel, army, police, government agencies, community etc. During the armed conflict, the joint security force combining the then Royal Nepal Army, Armed Police Force and Civil Police have been mentioned as security personnel. The highest number of violators in the recommendations made by the NHRCN is the security persons. The

security persons have been mentioned as violators in a total of 360 recommendations. Likewise, the second in order is the then Royal Nepal Army, present Nepal Army. The army has been mentioned as violator in a total of 208 recommendations. The prison administration remains as the lowest number of violators, where it has been mentioned as violator only in 7 recommendations. Likewise, the state security bodies, the then Royal Nepali Army, the current Nepal Army, Nepal Police and Armed Police Force's involvement has been identified as guilty in 208, 131 and 22 recommendations respectively. There are a total of 287 recommendations of human rights atrocities with direct involvement of the then CPN (Maoist). The details of it have been given in Table no. 5 below.

Table no. 5 Violating Bodies as per the decision/recommendation of the NHRCN

| F/Y | Nepal Army | Nepal Police | Armed Police force | Security persons | CPN Maoist | Government/Maoist | Others/govt. agencies | Community | Prison administration | School/teachers | Other retaliation groups | Other unidentified | Total |
|--------------|------------|--------------|--------------------|------------------|------------|-------------------|-----------------------|-----------|-----------------------|-----------------|--------------------------|--------------------|-------------|
| 2000/01 | | 2 | | | | | | | | | | | 2 |
| 2001/02 | | 4 | | | | | 1 | | | | | | 5 |
| 2002/03 | | 1 | | | | | | 13 | | | | | 14 |
| 2003/04 | 2 | 1 | | | 3 | 1 | | | | | | 1 | 8 |
| 2004/05 | 5 | 1 | | 22 | 6 | | | | | | 1 | | 35 |
| 2005/06 | 10 | 7 | 1 | 45 | 11 | 6 | | 3 | | | 2 | 1 | 86 |
| 2006/07 | | | | | | | | | | | | | 0 |
| 2007/08 | 9 | 2 | | 27 | 22 | | | 1 | 2 | | | 2 | 65 |
| 2008/09 | 10 | 5 | | 32 | 27 | | 3 | | 1 | | | 2 | 80 |
| 2009/10 | 29 | 16 | 1 | 31 | 23 | 6 | 3 | | | | | 2 | 111 |
| 2010/11 | 33 | 10 | 2 | 46 | 25 | | 3 | 3 | 1 | 3 | | 5 | 131 |
| 2011/12 | 22 | 23 | 1 | 28 | 19 | 1 | 3 | | 2 | 1 | | | 100 |
| 2012/13 | 17 | 12 | | 20 | 33 | 8 | 7 | | | | | 2 | 99 |
| 2013/14 | 1 | | | | | | | 1 | | | | | 2 |
| 2014/15 | 1 | | 1 | 3 | 1 | 1 | 1 | | | | | | 8 |
| 2015/16 | 7 | 7 | | 7 | 4 | 1 | | 1 | | | | | 27 |
| 2016/17 | 7 | 1 | | 9 | 7 | 4 | 13 | 2 | | 1 | | | 44 |
| 2017/18 | 21 | 9 | 3 | 34 | 23 | 1 | 5 | 3 | | 6 | | 3 | 106 |
| 2018/19 | 13 | 12 | 4 | 22 | 40 | 6 | 9 | 1 | | 5 | 20 | 2 | 134 |
| 2019/20 | 21 | 18 | 9 | 34 | 43 | 3 | 5 | 1 | 1 | | | 3 | 138 |
| Total | 208 | 131 | 22 | 360 | 288 | 38 | 53 | 29 | 7 | 16 | 23 | 23 | 1195 |



2.5 Agencies communicated to in course of implementation of recommendations

The NHRCN usually writes to the Office of the Prime Minister and Council of Ministers for the implementation of the recommendations, after a decision is taken to make the recommendation. The National Human Rights Commission Act, 2012, Section 31 provides that the NHRCN should contact the Government of Nepal through the Office of the Prime Minister and Council of Ministers, and hence the communication is made accordingly. In some circumstances, a direct communication is made with the implementing agency as per Section 17 (1) of the Act. In the 1,195 recommendations made by the NHRCN since its establishment, a preliminary communication is found to have taken place for 1184 times with the Office of the Prime Minister and Council of Ministers for implementation of the recommendations. Similarly, 30 primary communication has been reached with other agencies. After the communication to the Office of the Prime Minister and Council of Ministers for implementation of the recommendations, the Office then send a communiqué to the agencies primarily responsible for implementation of the recommendations. However, majority of them are found to get stopped at the Home Ministry. Among the letters send for the implementation of the recommendations, the highest number of them remain stuck at the Home Ministry without proceeding with the due process, which includes 537 of them, followed by 305 at the Office of the Prime Minister and Council of Ministers. The lowest is 6 at the Ministry of Women, Children and Senior Citizens. The details of which are listed in the table no. 6 below:

Table no. 6 Agencies communicated to for implementation of recommendations

| F/Y | Agency doing the first communication | | Ministry where action remains stalled | | | | | | | | Other offices | | | CPN Maoist | Others |
|---------|--------------------------------------|-------|---------------------------------------|------|---------|-------|---------|-----------|--------|---------|---------------|------------|--------------|------------|--------|
| | PMO | Other | PMO | Home | Defense | Peace | Finance | Education | Health | MoW CSC | Nepal Police | Nepal Army | Armed Police | | |
| 2000/01 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | | 0 | | | 0 | 0 |
| 2001/02 | 2 | 3 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | | 0 | | | 0 | 1 |

| F/Y | Agency doing the first communication | | Ministry where action remains stalled | | | | | | | | Other offices | | | CPN Maoist | Others |
|--------------|--------------------------------------|-----------|---------------------------------------|------------|------------|-----------|-----------|-----------|-----------|----------|---------------|------------|--------------|------------|----------|
| | PMO | Other | PMO | Home | Defense | Peace | Finance | Education | Health | MoW CSC | Nepal Police | Nepal Army | Armed Police | | |
| 2002/03 | 14 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | | | 0 | 0 |
| 2003/04 | 8 | | 0 | 3 | 0 | 0 | 0 | 0 | 0 | | 1 | | | 0 | 0 |
| 2004/05 | 35 | | 0 | 22 | 5 | 0 | 0 | 0 | 0 | | | 5 | | 1 | 0 |
| 2005/06 | 86 | 0 | 10 | 55 | 30 | 3 | 0 | 0 | 5 | 0 | | 12 | 1 | 8 | 0 |
| 2006/07 | | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | | | 0 | 0 |
| 2007/08 | 65 | 13 | 4 | 39 | 12 | 0 | 0 | 0 | 0 | | 11 | 3 | 1 | 1 | 0 |
| 2008/09 | 76 | 4 | 18 | 24 | 1 | 1 | 0 | 0 | 0 | | 0 | | | 1 | 0 |
| 2009/10 | 110 | 1 | 63 | 14 | 0 | 4 | 0 | 0 | 0 | | 0 | 5 | 0 | 0 | 0 |
| 2010/11 | 131 | 1 | 50 | 47 | 23 | 18 | 0 | 3 | 0 | 1 | 20 | 0 | 1 | 0 | 0 |
| 2011/12 | 100 | | 42 | 23 | 3 | 3 | 2 | 0 | 0 | | 18 | | | 0 | 0 |
| 2012/13 | 98 | 1 | 44 | 23 | 3 | 14 | 0 | 2 | 2 | 1 | 16 | 4 | 0 | 0 | 0 |
| 2013/14 | 2 | 0 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2014/15 | 8 | 5 | 7 | 3 | 0 | 4 | 0 | 0 | 3 | | 0 | | | 0 | 0 |
| 2015/16 | 27 | 0 | 4 | 22 | 5 | 14 | 1 | 0 | 3 | | 3 | | | 0 | 0 |
| 2016/17 | 44 | | 20 | 24 | 6 | 0 | 1 | 2 | 10 | 2 | 3 | 0 | 1 | 0 | 0 |
| 2017/18 | 106 | 0 | 24 | 73 | 25 | 0 | 13 | 7 | 4 | 2 | 7 | 0 | 1 | 0 | 1 |
| 2018/19 | 133 | 1 | 1 | 94 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | | 0 | 4 |
| 2019/20 | 138 | 0 | 15 | 66 | 42 | 0 | 10 | 1 | 4 | | 48 | 0 | 6 | 0 | 2 |
| Total | 1184 | 30 | 305 | 537 | 156 | 60 | 28 | 15 | 26 | 6 | 126 | 30 | 11 | 11 | 8 |

Note: Others include Ministry of Home Affairs, Ministry of Defense, Ministry of Finance, Ministry of Health and Population, Ministry of Foreign Affairs, Ministry of Peace and Reconstruction, Supreme Court, Department of Prison Management, Lalitpur Metropolitan City and Armed Police Force Nepal.

2.6 Victims recommended for compensation/relief as per the NHRCN decision on the basis of diversity

During the twenty years, significant incidents of violation of human rights and abetment took place against the children, women, Dalit, indigenous nationalities, persons with disabilities, senior citizens and other people and communities. Of the total 1,195 recommendations made in the twenty years, the total number of victims

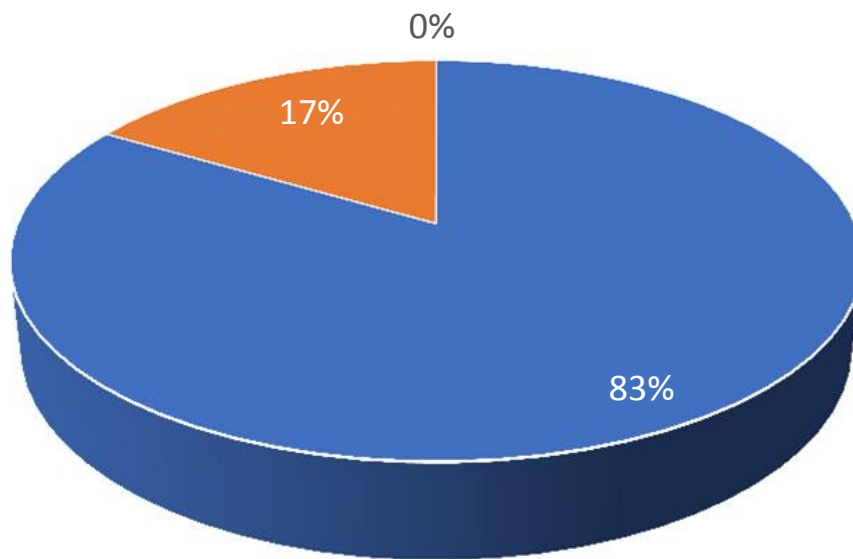
is 2,435, of which 403 are female and 2,032 males. In addition to the individuals mentioned in the complaints, the human rights of 35 communities were also violated, as a result, the NHRCN made recommendations for the protection of human rights of the individual victim as well as of the community. The classification of the victims includes 931 Khas Arya, 592 indigenous nationalities, 250 Dalit, 212 Madhesi, 322 Tharu, 57 Muslim and 209 children. On the basis ethnic diversity, the highest number of victims is Khas Arya as 931 and the lowest is Muslims as 57. The details of which has been given in Table No. 7 below:

Table No. 7: Victims recommended for compensation/relief as per the decision of the NHRCN on the basis of diversity

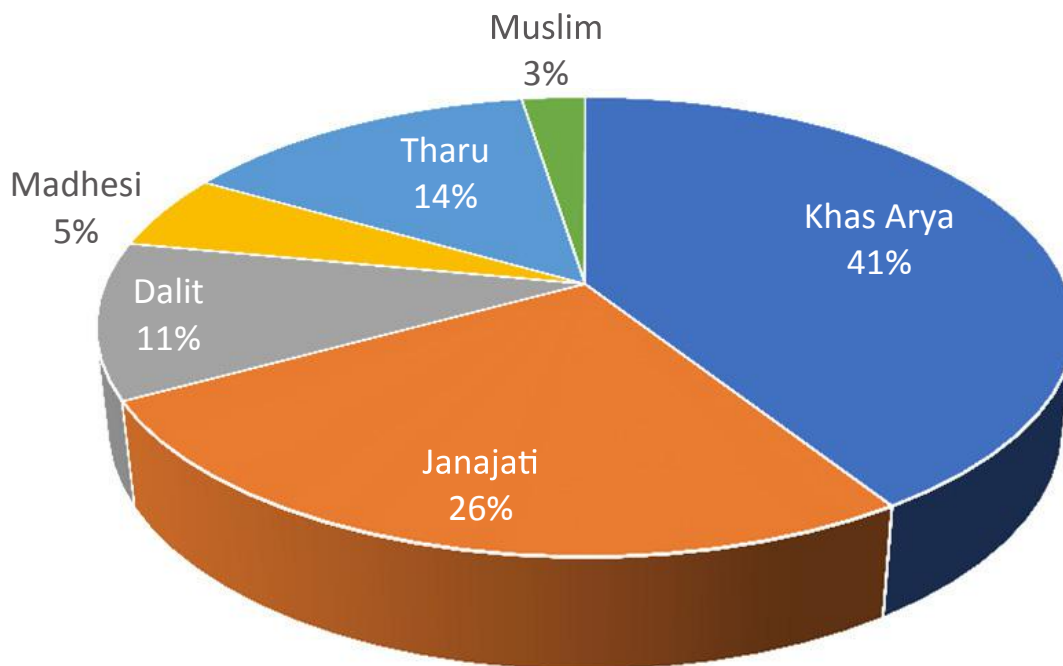
| F/Y | Women | Men | Total victims | Children | Khas Arya | Janajati | Dalit | Madhesi | Tharu | Muslim | Community victim |
|--------------|------------|-------------|---------------|------------|------------|------------|------------|------------|------------|-----------|------------------|
| 2000/01 | 0 | 3 | 3 | 0 | 2 | 0 | 0 | 0 | 1 | 0 | |
| 2001/02 | 4 | 9 | 13 | 0 | 7 | 1 | 1 | 3 | 1 | 0 | |
| 2002/03 | 14 | 3 | 17 | 0 | 2 | 3 | 6 | 11 | 0 | 0 | |
| 2003/04 | 12 | 53 | 65 | 4 | 31 | 23 | 4 | 7 | 0 | 0 | 1 |
| 2004/05 | 24 | 163 | 187 | 10 | 42 | 22 | 25 | 21 | 27 | 0 | 1 |
| 2005/06 | 51 | 286 | 337 | 14 | 139 | 162 | 28 | 11 | 6 | 2 | 6 |
| 2006/07 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 2007/08 | 16 | 140 | 156 | 10 | 59 | 40 | 20 | 16 | 9 | 2 | 1 |
| 2008/09 | 11 | 92 | 103 | 15 | 48 | 36 | 6 | 6 | 5 | 1 | 1 |
| 2009/10 | 27 | 241 | 268 | 16 | 90 | 50 | 25 | 11 | 45 | 7 | 2 |
| 2010/11 | 41 | 213 | 254 | 35 | 135 | 55 | 35 | 2 | 24 | 1 | |
| 2011/12 | 34 | 144 | 178 | 30 | 67 | 59 | 13 | 20 | 21 | 0 | 1 |
| 2012/13 | 26 | 102 | 128 | 19 | 56 | 27 | 19 | 15 | 4 | 2 | 0 |
| 2013/14 | 1 | 1 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 1 |
| 2014/15 | 2 | 28 | 30 | 10 | 11 | 6 | 8 | 2 | 0 | 0 | 1 |
| 2015/16 | 4 | 23 | 27 | 0 | 11 | 9 | 5 | 2 | 4 | 0 | 1 |
| 2016/17 | 22 | 85 | 107 | 14 | 47 | 14 | 10 | 10 | 27 | 0 | 2 |
| 2017/18 | 21 | 105 | 126 | 11 | 42 | 17 | 8 | 19 | 37 | 2 | 7 |
| 2018/19 | 64 | 201 | 264 | 6 | 71 | 39 | 18 | 34 | 90 | 24 | 7 |
| 2019/20 | 29 | 140 | 169 | 15 | 69 | 27 | 19 | 22 | 21 | 9 | 3 |
| Total | 403 | 2032 | 2435 | 209 | 931 | 592 | 250 | 212 | 322 | 57 | 35 |

Details of victims on the basis of gender

■ Men ■ Women ■ Others



Details of victims on the basis of Ethnicity

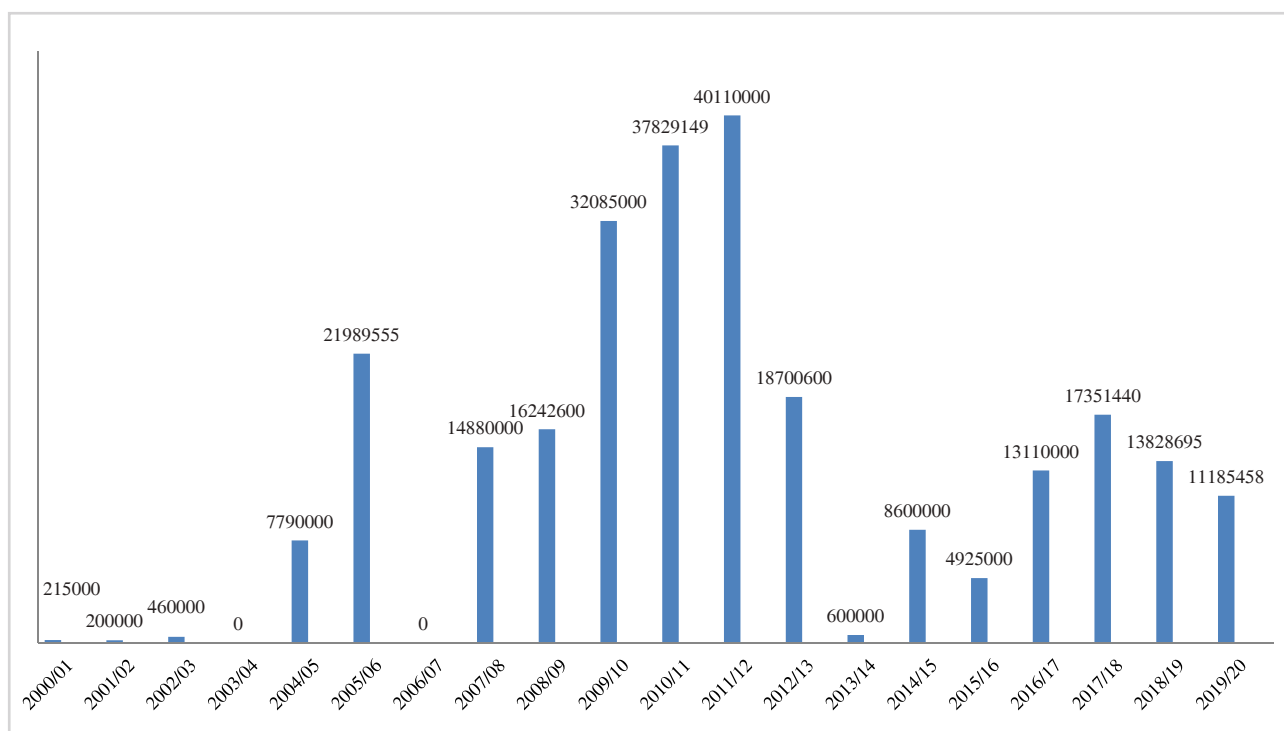


2.7 Recommended compensation amount

Looking at the recommendations made by the Commission in terms of its number, it shows that the highest is 765 recommendations where the recommendation has been made for compensation by specifying the amount in it. The compensation amount is recommended considering the as standard the assessment carried out by the official agencies of the State. In some recommendations, the order is also to recover the compensation from the perpetrator. Under this title, in the recommendation made by the Commission mentioned in the amount, only the mentioned amount is regarded as the compensation amount. Since its establishment, the NHRCN has made a recommendation for compensation worth 260 million 402,497 rupees. Of this the highest amount of recommendation for compensation was Rs. 37,829,149 in fiscal year 2067/68 and the lowest in fiscal year 2058/59 at Rs. 200,000. The details of this are given in the table no. 8 below:

Table No. 8 Recommended Compensation amount

| F/Y | Amount (NRs.) |
|--------------|---------------------|
| 2000/01 | 215000 |
| 2001/02 | 200000 |
| 2002/03 | 460000 |
| 2003/04 | 0 |
| 2004/05 | 7790000 |
| 2005/06 | 21989555 |
| 2006/07 | 0 |
| 2007/08 | 14880000 |
| 2008/09 | 16242600 |
| 2009/10 | 32085000 |
| 2010/11 | 37829149 |
| 2011/12 | 40110000 |
| 2012/13 | 18700600 |
| 2013/14 | 600000 |
| 2014/15 | 8600000 |
| 2015/16 | 4925000 |
| 2016/17 | 13110000 |
| 2017/18 | 17351440 |
| 2018/19 | 13828695 |
| 2019/20 | 11185458 |
| Total | 26,01,02,497 |



2.8 Policy recommendation in regard to the complaints

While deciding upon any complaint, the NHRCN recommends for action against the guilty and compensation for the victims, as well as the areas to be improved by the concerned agencies in future for protection and promotion of human rights. Such recommendations have been included under policy recommendations. The NHRCN does not only make policy recommendations only upon decision on the complaints but also through the reports developed on the basis of monitoring, study and research. However, this section includes only the recommendation made during the decision taken on the complaints. Since the establishment of the NHRCN, policy recommendations have been made on a total of 115 complaints so far, with the highest recommendations made in 22 complaints in the fiscal year 2073/74 BS. Greater number of policy recommendations is found to have been made for physical infrastructure reforms of prison and detention centres, rights of persons with disabilities, child rights, right to education, right to health, consumer rights etc. On the thematic basis, many recommendations have been repeated. In the policy recommendations, especially issues of capacity building of any agency, institutional reforms, formulation of new Act, rules and policies, and structural reforms have been included. The details of the policy recommendations made on the complaints by the NHRCN on the basis of fiscal year is given in Table No. 9 below:

| F/Y | No. | Subject |
|---------|-----|--|
| 2006/07 | 1 | <ul style="list-style-type: none"> ● Not to neglect human rights, |
| 2007/08 | 3 | <ul style="list-style-type: none"> ● Not to carry out, cause to carry out any work that invites risk to the life and body of the general public in the places like the public transport used by the general public, the public locations where the ordinary people gather such as academic institutions, community buildings, health centres, religious sites, fairs and weekly markets etc., ● Not to make security intervention in the academic institutions, ● To support the internally displaced persons |
| 2008/09 | 2 | <ul style="list-style-type: none"> ● To make necessary arrangement from the local administration for maintaining law and order in the areas where people gather like various fairs, festivals, procession that are held at the local level regularly, ● Not to use civilians and children in the conflict, carry out human treatment against the army personnel taken into control during the conflict, |

| F/Y | No. | Subject |
|---------|-----|--|
| 2009/10 | 5 | <ul style="list-style-type: none"> ● To arrest and hand over the accused who are facing a trial in the court, and initiate action as per the law, ● To mobilize political parties, social workers and religious gurus to maintain ethnic, social and religious goodwill and harmony, ● To make physical reforms in the prison/detention centres, ● To protect press freedom and journalists, ● Make necessary arrangement to give immediate priority and resolve the cases of the detainees, prisoners as lack of hearing over the case relating to the detainees for a long time delays the right to speedy justice, and is thereby against the norms and values of human rights. |
| 2010/11 | 3 | <ul style="list-style-type: none"> ● To make special arrangement for guaranteeing the law and order for the ordinary citizens and human rights defenders, ● To collect the data of the internally displaced persons by natural disaster like floods and landslides, search for the people who are out of contact with their families, and then rehabilitate them back to the family, ● As regular teaching and learning activities have been hampered with the displaced persons taking shelter in schools, the schools should be resumed by making arrangement for a secured place in another location immediately. |
| 2011/12 | 13 | <ul style="list-style-type: none"> ● To run appropriate programmes in coordination with the stakeholder agencies by the Government of Nepal to improve the socio-economic statuses of the dalit community and other local residents. ● To manage the ambush, land mine and others left unattended bombs planted during the conflict, ● Make special arrangement for controlling the diarrhea that has been spread in Dailekh, Jajarkot and Rukum, examine the quality of food supplies, ● Internalizing the notion that 'justice delayed justice denied', in the case of people who have been taken into custody for allegedly carrying out an act against the prevalent law, and the prosecution has been initiated, their right to judicial remand should be respected as per the recognized principles of justice, and execute their case as soon as possible, ● Not to leave explosive materials negligently, and manage it ● To secure the right to education of the children, ● To keep children in correction home, not in prison, ● To enforce child protection policy, ● To make the media sector responsible, ● To make arrangement for security of media sector and journalists, ● To enforce the child rights and child protection policies, ● To achieve universal primary education, minimize child mortality rate in the millennium development goals, among others. As a result, to minimize child malnutrition as it is the duty of the state to protect the rights of the children through effective implementation of national policy and programmes. ● To adopt alternative measures while evicting from the place of residence |

| F/Y | No. | Subject |
|---------|-----|---|
| 2012/13 | 9 | <ul style="list-style-type: none"> ● As the possibility of finding unattended bombs in various schools and their premises still exists, and as the possible danger from such bombs cannot be denied, the concerned location should be secured through a boundary wall, and keeping children away from it, and defuse them to make the area IED and landmine free zone, ● To make arrangement for law and order to the internally displaced persons, ● In relation to the physical reform of the prisons, ● To make arrangement for ensuring the access to blood to the ordinary people in an easy and efficient manner, ● To provide the social security allowance to the senior citizens on time, ● To develop child-friendly atmosphere in schools, ● To stop mental and physical torture against children in schools, ● To provide special support to persons with disabilities. |
| 2013/14 | 1 | <ul style="list-style-type: none"> ● To improve the physical infrastructure of detention, |
| 2014/15 | 3 | <ul style="list-style-type: none"> ● To ensure right to development, and not inflicting any loss to the citizens while carrying out the development ● Non refolement of the refugees against their wish, ● Improve the physical structure as well as conduct in the prison/detention |
| 2015/16 | 7 | <ul style="list-style-type: none"> ● To stop the illegal activities taking place inside the prison ● To develop a proper mechanism, security and necessary policies to stop operation of the Dhukuti game, ● To enforce the prison reforms policy, ● To ensure mandatory medical check-up at the time of arrest ● To enforce the principle of use of force |
| 2016/17 | 22 | <ul style="list-style-type: none"> ● Office-bearers of the NHRCN not to go for investigation of serious violation of human rights, and if have to go then only go after forming a committee, ● To build a disability-friendly atmosphere ● To manage teaching learning for children in a fearless atmosphere ● To ensure the environment of not having the racial discrimination (untouchability issue in Nepal) |
| 2017/18 | 17 | <ul style="list-style-type: none"> ● To make a micro analysis on the reasons of suicide and carry out and cause to carry out an effective investigation ● Stop child sexual abuse, and build a fearless atmosphere for education, ● Not to discriminate security persons while providing compensation/relief ● To run awareness programmes to eliminate the racial discrimination (untouchability issue in Nepal) ● To take special measures to prevent suicide ● Not to use, cause not to use children in activities other than educational activities, ● To maintain records of unidentified dead bodies, and bury them temporarily, ● To make arrangement to keep children in correction centres, ● Not to discriminate in the wage of sweepers, and ensure them for livelihood, ● Stop abuse of women, and give attention to the security of distinguished personalities, ● Political parties to organize, cause to organize gatherings peacefully, ● Adopt security standard in firing training ● Adopt essential measures to stop suicide, ● To enforce laws and policy relating to the freed Kamlari (female bonded labourers) |

| F/Y | No. | Subject |
|--------------|------------|--|
| 2018/19 | 18 | <ul style="list-style-type: none"> • To ensure right to movement/mobility • To ensure the right to life of the people who are released following life imprisonment along with confiscation of all property, • To make necessary amendments to ensure easy access to citizenship, • To use human rights friendly language in the security bodies, • To run awareness programmes to stop racial discrimination, and enforce, cause to enforce the prevalent laws effectively, • To take diplomatic measures to manage border security, • To use readable language in drug prescription, • To build child-friendly structures, and enforce them, • To arrange security in detention room, • Not to use excessive force, and implement and cause to implement the principle of use of force, • To manage health workers as per the sanctioned position and essential drugs, • For agencies issuing permission for running of animal farm to develop and enforce a clear standard, • To develop and enforce laws and policies for protection of environment, • To inform the NHRCN within 24 hours in case of a death in prison, • To use human rights friendly language in security agencies, • To adopt human rights-based approach while carrying out development works, • To stop illegal activities inside the prisons, • To reform medico-legal |
| 2019/20 | 11 | <ul style="list-style-type: none"> • To constitute separate teams at all levels of police organisation for investigation in incidents of crime, to follow the standard in post-mortem, and properly address the serious challenges faced by law and order and other human rights issues as a result of the violent activities, • To increase security provision inside the prison, and make sufficient arrangement to ensure that such incidents are not repeated in future, • As illegal cannabis is found to have been used inside prison, inmates physically assaulted in different prisons at different point of time, communicate to all the prisons in the country through the department of prison management to take measures to stop such activities, • As racial discrimination is against the Constitution, and laws of Nepal, ensure effective implementation of the prevalent laws, and adopt zero tolerance to the acts of racial discrimination, • To fully stop the physical and mental torture in schools, • Ensure immediate arrangement of food and shelter, respecting the constitutional right of the citizens to live with dignity, • To make arrangement to ensure that all expecting mothers who come to government hospitals for delivery are provided with their entitlements in a transparent manner, • Ensure effective implementation of the provisions related to consumer rights in the Constitution of Nepal, consumer protection act, 2018 and other laws, and report to the NHRCN on the same, |
| Total | 115 | |

Note: Policy recommendation stated in the table are based on the thematic areas mentioned there with the specified number included in that particular column.

Efforts Made for Implementation of Recommendations

Efforts and assessment

The major responsibility of implementing the recommendations from the NHRCN lies with the Government of Nepal. But the efforts of the federal parliament, judiciary, civil society and the UN agencies are regarded as equally important in course of increasing the access of the victims to justice. Considering this matter, the efforts made by the Government of Nepal and other agencies for implementation of the NHRCN decisions and subsequent recommendations have been mentioned in brief and analyzed in this chapter.

1. The Government of Nepal

The State has the obligation to respect, protect and fulfill for the implementation of human rights.¹ To fulfill these obligations the State should determine policies, draft laws and regulations as per its set policies, enforce the laws and regulations drafted accordingly, monitor its implementation, and develop a system to evaluate on the basis of it. If this happens, then it will facilitate the fulfillment of the human rights obligations of the state. On the basis of this principle, the government has been implementing the recommendations of the NHRCN and should do so. This principle has been endorsed from the Human Rights Commission Act, 1997 and to the Constitution of Nepal. As per the provisions, the government has taken some positive measures for implementation of the NHRCN recommendations. There have been continuous commitments from every Prime Minister for implementation of NHRCN recommendations.² The various ministries and agencies concerned with the implementation of recommendations has been identified, and the concerned ministry and agencies are initiating measures for implementation. Specially, as of late, the Office of the Prime Minister and Council of Ministers has been immediately sending letters relating to the implementation of the NHRCN recommendations to its subordinate bodies. The compensation and relief amount to victims and victim families are being provided as mentioned in majority of the recommendations.

After the NHRCN began publishing an integrated report on the status of implementation, the government has made a decision since August 2, 2009 'in case of a recommendation for compensation from the NHRCN, and a communication from the Office of the Prime Minister to enforce such recommendation, then such amount shall be immediately released by the Ministry of Finance'.³ Another meeting held under the Chairpersonship of the Secretary of the Office of the Prime Minister on October 27, 2009 took a decision to provide the remaining compensation amount from among the recommendation made for 65,424,689 rupees by the NHRCN as of November 20, 2006 through the Ministry of Peace and Reconstruction. A meeting chaired by the Chief Secretary on April 11, 2011 took another decision stating that the recommendations of the NHRCN shall be given due priority by the concerned agency and implement it, and report it to the Office of the Prime Minister, and the required funds would be immediately released from the Ministry of Finance.⁴ Following

1 <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

2 These commitments are expressed especially during International Human Rights Day, NHRCN founding day and before the UN human rights mechanism.

3 The status of implementation of the recommendation from NHRCN to the Government of Nepal (2001-2014), Government of Nepal, Office of the Prime Minister and Council of Ministers, Singha Durbar, Kathmandu, July 2014, page 13

4 Ibid, page 14

these decisions, the Government is found to have begun distributing compensation amount through a decision of the Council of Ministers.

As per the recommendation of the NHRCN, the meeting of the Council of Ministers on December 1, 2009 took a decision to release a lump sum of Rs. 65,424,689 to provide compensation as per the recommendations made until August 4, 2009.⁵ The Council of Ministers took another decision on April 22, 2011 to investigate if anyone has not received compensation or received only partial compensation in the incidents prior to November 21, 2006, and provide the compensation amount, and to provide too the victim side the amount as prescribed by the Government of Nepal on issues related to the education, health and care of the children or families of the victims. In course of implementing the recommendations, the Council of Ministers took a decision on September 27, 2011 to February 15, 2013 to provide up to three hundred thousand rupees to the members of the family of the disappeared who have not received the total relief amount of three hundred thousand rupees, and to invest 50 per cent of the additional relief amount to be given to the next to kin of those killed and disappeared in the armed conflict as shares in hydropower projects.⁶ A status paper was released in 2014 in relation to the implementation of the NHRCN recommendations. Lately, the Council of Ministers has also decided to release 1.2 million rupees.⁷

The status paper on implementation of NHRCN recommendations released by the Government of Nepal states that relief is being provided to the victims in 18 different headings, and that under heading no. 16, a total of 99 million 3 thousand rupees was provided to 71 persons.⁸ It also states that departmental action was taken against 855 persons found guilty in various incidents of human rights violation.⁹

The Office of the Attorney General formed a task force to study complexities in the implementation of the recommendations made by the NHRCN to prosecute a case on incidents of violation of human rights, which also asked to submit a report with recommendations, and the report has been received.¹⁰ The status paper states that in the 776 recommendations made in 13 years, the percentage of full implementation is 15.21 per cent, implemented but yet to be removed from the list by NHRCN is 16.88 per cent, partial implementation is 60.44 per cent and in the process of implementation of the recommendations is 4.47 per cent. These measures were taken after the NHRCN wrote to the Government of Nepal stating that majority of recommendations from F/Y 2057/058 BS. to 2065/66 BS. were not implemented. The NHRCN has also thanked the Government of Nepal for such positive initiatives of the government.¹¹

The Government of Nepal has been making repeated commitments before the United Nation Human Rights Council and in other international forum to strengthen the NHRCN and to implement its recommendations. Commitments on this matter were also expressed during the address made at the human rights council meeting

5 The status of implementation of the recommendation from NHRCN to the Government of Nepal (2001-2014), Government of Nepal, Office of the Prime Minister and Council of Ministers, Singha Durbar, Kathmandu, July 2014, page 15

6 The status of implementation of the recommendation from NHRCN to the Government of Nepal (2001-2014), Government of Nepal, Office of the Prime Minister and Council of Ministers, Singha Durbar, Kathmandu, July 2014, page 16

7 Letters received by the NHRCN from the Office of the Prime Minister

8 Ibid, page 18

9 Ibid, page 23 & 23

10 The task force was constituted on May 22, 2016 at the initiative of then Attorney General Hari Phuyal with representatives from the Office of the Prime Minister, Attorney General and National Human Rights Commission.

11 NHRCN recommendations on one decade of complaints at NHRCN (2000-2010), National Human Rights Commission, May 27, 2010, p. 23

by Minister for Foreign Affairs Pradeep Gyawali in 2018 and 2019.

In spite of the aforementioned positive steps, the state of implementation of the recommendations is not satisfactory. This situation continues to exist as the government continues to pose arguments of 'If & But' against the Supreme Court order in relation to implementation of recommendations. The recommendations made by the NHRCN should have been implemented naturally but probes are found to have been carried out to decide whether to provide compensation on such recommendations. The ignorance on part of the government to implement the recommendations made based on the facts and trust established by investigations carried out on the basis of national and international human rights legislations, has not helped ease the victims access to justice. A micro analysis of the implementation of the recommendations shows that the government is focused on compensation and relief. Though some data have been released of some human rights violators being punished, it does not mention that they were punished as per the recommendation of the NHRCN. The initiative of the government to enforce recommendations for action against the guilty is minimal.

The aforementioned situation is against norms, values and prevalent laws of human rights. This will not enforce a rule of law, end impunity and not hold the guilty individually accountable. The full implementation of the NHRCN recommendations can happen only by respecting rule of law, ending impunity and adhering to accountability. In this situation, even in the recommendations that the government has claimed to have been fully implemented, as such situation is not seen it cannot be regarded as too have been fully implemented. The status of the implementation of the NHRCN recommendations has not been able to decrease the morale of the violators, has not helped build a culture of human rights, and has not discouraged the tendency of impunity, which is not satisfactory. In addition, the acts of the government to instead appoint individuals recommended for prosecution as head of security agency, awarding them, decorating them with medals shows that the government is not honest in full implementation of the NHRCN recommendations. Until the tendency to link victim's justice to monetary compensation is put to an end, one cannot expect that the government would implement the NHRCN recommendations completely. Hence, the government needs to take this seriously.

2. The Judiciary

Though the then parliament introduced the Human Rights Commission Act relating to the formation of the Commission in 1997, the establishment of the National Human Rights Commission was made possible only after a Supreme Court order. The Supreme Court issued an order for establishment of the NHRCN has also given important verdicts in relation to the implementation of the NHRCN recommendations as of late. In the writ petition relating to implementation of recommendations (Advocate Bhoj Raj Aiyer Vs Office of the Prime Minister)¹², the apex court issued an order in the name of the government with clear directives as follows:

- It is the duty of the government to follow the recommendations, comments and directives given in relation to human rights. The way it has to follow the orders and directives of the Court, the government should follow the recommendations, comments and directives issued by the NHRCN in course of effective protection and fulfillment of human rights.
- The government cannot make any arguments of 'Ifs and Buts' in implementing the order or directives issued by the NHRCN or the recommendations or suggestions received from the NHRCN for the

¹² Writ no. 3081 of the year 2005, date of order Dec. 17, 2007

protection of human rights.

- The Court has also issued another order in relation to the implementation of the NHRCN recommendations. In another writ petition (Advocate Om Prakash Aryal et al Vs National Human Rights Commission et al)¹³, the orders issued by the Supreme Court are landmark judgments in relation to the implementation of NHRCN recommendations. Explaining in detail, the Court has said that the NHRCN recommendations must be implemented, and basically the follow orders as the order of the Court continue to exist.
- The final right to decide whether a case is to be prosecuted on behalf of the government of Nepal rests with the Attorney General. But if a case has to be filed against any individual for violation or abetment of human rights, and a recommendation has been received from the NHRCN for filing of the case, then the Attorney General cannot decide whether to prosecute the case. If the right to decide whether to prosecute a case granted to the Attorney General by Article 135 (2) of the Constitution is interpreted to neutralize the right of the NHRCN to recommendation for prosecution of a case as per Article 132 (2) (c), then the powers granted to the NHRCN under Article 132 (2) (c) does not hold any significance. (case no. 10 of the order).
- After the NHRCN makes a recommendation for prosecuting a case after finding it necessary to file a case as per the prevalent law against the person who is guilty of violation or abetment of human rights, the attorney general or any public prosecutor's officer under the attorney general cannot question as in other crimes constitutionally whether it is necessary to pursue a case, and question over the rationale of the NHRCN recommendation (case no. 13 of the order).
- The NHRCN would not be making recommendation to pursue a case against any haphazardly, without any basis and reason. One cannot think that the agency or office-bearer receiving the recommendation from the NHRCN has the conscience to decide whether to implement the recommendation. One cannot also interpret that the legal provisions providing such conscience would be pursuant to the Constitution and its intention. (case no. 15).

As such an order has already been issued from the Supreme Court that remains as a court of record and the mandatory provision in Article 126 (2) of Constitutional of Nepal whereby the order or decision of the Supreme Court in case of any case must be followed by all. However, the government has not taken this matter serious in regards to implementation of the NHRCN recommendations. This report itself makes it clear that the Government is not arguing with 'If and But's'.

3. The Parliament

The role of the then and present parliaments have remained important in relation to implementation of the NHRCN recommendations. The then Human Rights Commission Act, 1997, Clause 14, the Interim Constitution of Nepal, the National Human Rights Commission Act, 2012, and article 294 of the Constitution of Nepal provide that the NHRCN submit annual report on the activities carried out every one to the Head of the State, who in turn tables it before the Parliament through the Prime Minister. As this report would also include the NHRCN recommendations, the parliament could play an important role by holding discussion on the report, and in regards to implementation of the NHRCN recommendations. However, this task has not been

13 Writ no. 068-WS-0063, date of order Marc 6, 2013

realized since the establishment of the NHRCN to date. However, the parliamentary human rights concerning committee organized a discussion on the annual report of 2072/73 BS., and directed the government of Nepal to implement the NHRCN recommendations. The Committee has also directed the Government of Nepal to make necessary arrangement as per Article 249 (2) section (b) and for effective implementation with priority the NHRCN recommendations. It has also directed the concerned not to give promotion, medals/decorations etc. to the individuals who have been recommended as human rights violators, and respect the NHRCN recommendations. The Committee also suggested the NHRCN to move ahead with the process of making the name public of the individuals, office-bearers or agencies not implementing the NHRCN recommendations as per the Section 7, of the National Human Rights Commission Act, 2012 and Article 249 (2) section (h) of the Constitution, and take forward necessary legal and policy procedures to punish and discourage those providing protection to the human rights violators.

Lately, various programme are being organized on the role of the Parliament and National Human Rights Commission in the implementation of human rights in collaboration between the Federal Parliament, Law, Justice and Human Rights Committee and the NHRCN. These programmes are expected to make the role of the parliament more effective in the implementation of the NHRCN recommendations.

4. The Civil Society

In the context of implementation of the NHRCN recommendations, the civil society has also taken various initiatives. The civil society members filed writ petition in the Supreme Court, concerning implementation of recommendations.¹⁴ The Nepal Bar Association, Advocacy Forum, LANCAU, ICJ, Human rights organisation of Nepal, disappeared family society, then Maoist Victim Association, and other organisations, victims and legal practitioners individually registered cases at the court, and advocated for implementation of the NHRCN recommendations. The court decision on these petitions have created an atmosphere where the government needs to be more responsible in implementing the recommendations.¹⁵ The civil and dalit movement leaders have taken the initiative for implementing the NHRCN recommendations.¹⁶ The citizens' task force against impunity had announced a month-long programme in 2064 B.S. for the implementation of the NHRCN recommendations.¹⁷ There has been repeated commitments expressed by human rights workers/civil society for the implementation of the recommendations. The Forum for Human Rights and Development in joint collaboration with the NHRCN concluded a programme linking impunity to the implementation of the NHRCN recommendations. The programme had concluded that further pressure-exerting should be done to get the recommendations implemented.¹⁸ Likewise, JURI Nepal organized a programme on monitoring of the implementation of the NHRCN recommendations. Lately, the Informal Sector Service Centres (INSEC) has suggested that a mechanism should be formed for effective endorsement of the NHRCN recommendations, as questions were being raised over the accountability of the State at the national and international level.¹⁹

14 In the writ filed by Advocate Bhojraj Aiyer and LANCAU demanding implementation of the NHRCN recommendations at the Supreme Court, a mandamus order was issued in the name of the government on Jan. 27, 2006 and June 8, 2007 respectively

15 The status of the implementation of NHRCN recommendations, National Human Rights Commission, 2009, page 19

16 In the incident that took place in Banspani of Bardia on February 24, 2010 where three women were killed, they came to the NHRCN on March 25, 2010 to take the initiative to implement the recommendations.

17 NHRCN recommendations on one decade of complaints at NHRCN (2000-2010), National Human Rights Commission, May 27, 2010, p. 20

18 A programme on this was held on April 19, 2007 under the joint auspices of NHRCN and FORID

19 Nepal Human Rights Year Book, 2020, Informal Sector Services Centre (INSEC), p. 73

As the aforementioned measures are being taken on behalf of the Civil Society in relation to implementation of the NHRCN recommendations, one can expect that the state of implementation would see more improvements if the programmes are given continuity. Likewise, if these programmes organized by the civil society continued in an integrated manner, then it's definite that a positive result would be achieved.

5. The United Nations Mechanism

Even though established by the national law, the National Human Rights Commission is the only constitutional body that should be accountable to the international forum. In every five years, the Sub Committee on Accreditation GANHRI determines the status after the assessment. Hence, the UN system would be adding importance to the NHRCN activities in one way or the other. In this context, the recommendations made by the NHRCN are also a matter of concern for the UN. Lately, it expressed its concern in this regard in its concluding observation in the periodic reports of the International Covenant on Civil and Political Rights, 1966²⁰ and International Covenant on Economic, Social and Cultural Rights, 1966²¹. The Committees have expressed concern over the failure to implement the recommendations of the National Human Rights Commission of Nepal.

This issue has also been raised simultaneously in the recommendations on the Universal Periodic Review of Human Rights.²² Many victims have gone with their complaints to the UN mechanism, after the government failed to implement some of the NHRCN recommendations in the prescribed time frame. In this regard, among the 21 victims who had gone to the UN mechanism between 2006 April 26 to 2017 July 19, the Human Rights Committee has already taken its decision while responding to the complaints of 17 victims.²³ In the context of implementation of the NHRCN recommendations, the UN agencies are playing a direct and indirect role. In addition to this, under the special procedures, visits by the special rapporteurs, task forces' and their recommendations to the Government of Nepal have also included expressing their concern over this matter.

6. National Human Rights Commission of Nepal

The NHRCN is continuously working for ensuring justice to the victims. For this, it has been carrying out various activities for protection and promotion of human rights. Among such activities, one is handling of the complaints related to human rights violation and abetment. In course of managing the complaints, it has taken decisions to provide justice to the victims, and is making recommendations especially to the Government of Nepal, and working continuously to get such recommendations implemented.

As per the mandate given by the law for implementation of the recommendations made based on the decisions

20 Human Rights Committee, 15 April 2014, concluding observations on the second periodic report of Nepal, available at; http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fCO%2f2&Lang=en

21 Committee on Economic, Social and Cultural Rights, 12 December 2014, Concluding observations on the third periodic report of Nepal, available at; http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNPL%2fCO%2f3&Lang=en

22 Human Rights Council Thirty-first session Agenda item 6, Universal periodic review Report of the Working Group on the Universal Periodic Review, Nepal, United Nations A/HRC/31/9, General Assembly, Distr.: General 23 December 2015, available at; <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/290/92/PDF/G1529092.pdf?OpenElement>

23 The committee has made recommendations also on the complaints of victims Jitman Basnet, Gyanendra Tripathi, Tej Bahadur Bhandari, Dev Bahadur Maharajan, Mukunda Sedain, Yubaraj Giri, Subhadra Chaulagain, Surya Prasad Sharma, Ang Dorje Sherpa, Chakra Bahadur Katwal, Top Bahadur Basnet, Milan Nepali, Padma Narayan Nakarmi, Chedu Lal Tharu, A.S., Shanta Neupane, Rajendra Dhakal and Sarita Sharma.

on the complaints, the NHRCN has been communicating and recommunicating with the Government of Nepal, bringing out annual reports on the state of implementation of the recommendations and submitting it to the President, making it a matter of discussion in the parliament, and developing and publishing special reports highlighting the state of implementation for the information of the public. As per the statute, the annual report submitted by the NHRCN to the President should be discussed in the parliament through the Prime Minister. But this act began for the first time in the history of the NHRCN only in the F/Y 2073/74 at the initiative of the NHRCN and the activeness of the then parliamentary Social Justice and Human Rights Committee, the government was issued directives accordingly.

The NHRCN has been reminding the Prime Ministers repeatedly about implementation of the recommendations. Regular initiatives have been taken for implementation of the recommendations with all the Prime Ministers since the formation of the NHRCN. This request has also been made in meetings with the leaders of the major political parties. But instead of implementing the recommendations, the Government began awarding and giving medals and titles, which led the NHRCN to draw the attention of the government to take decision on career growth only after carrying out necessary investigation in relation to the individuals accused of violation of human rights.²⁴ It has also reminded that the incidents of criminal nature should not be prosecuted through military or people's court but through authorized courts.²⁵ The NHRCN has also been bringing out press statements and press notes for implementation of its recommendations, and alerting and drawing the attention of the Government of Nepal and concerned office-bearers. However, as per the recommendations of a task force²⁶ formed to study the complexities in pursuing the recommendations made by for prosecution of court case on incidents of human rights violation and make recommendations for alternatives and solution, a draft on amendment to the National Human Rights Commission Act, 2012 has been developed and presented to the Government of Nepal. Prior to formation of this task force, the NHRCN had also been drawing the government's attention in relation to amendment of the Act.

The NHRCN has also been holding discussion with other stakeholder agencies. After the government failed to show any eagerness in implementing the recommendations, the NHRCN began a high-level initiative since 2061 B.S. In this regard on January 16, 2005, a one-day programme was held between the NHRCN office-bearers and official-level staffers and the Secretary of the Office of the Prime Minister, and high-level officers of then human rights unit of Nepal Army, Nepal Police and other agencies. At the programme, the Secretary of the Office of the Prime Minister had directed all agencies to implement the NHRCN recommendations in pursuant to Clause 13 (4) of the Human Rights Commission Act, 1997.²⁷ A discussion was held in course of implementing the recommendations to make the state of the enforced disappeared people public with the Coordinator of the Committee formed to find the individuals disappeared by the State on February 12, 2006, with the Nepal Army on implementation of the concerned recommendations on January 10, 2007, with the Home Secretary and with the Inspector Generals of Nepal Police and Armed Police Force on September 27, 2007 as an initiative for the implementation of the recommendations.²⁸ In addition to this, a similar initiative took place between the victims and the stakeholders on January 26, 2008, and such initiatives continues as of

24 Such attention was drawn for the first time on July 5, 2009

25 One decade of NHRCN: NHRCN recommendation on complaints (2000-2010), National Human Rights Commission, May 27, 2010, p. 15- 22

26 The task force was constituted on May 22, 2016 at the initiative of then Attorney General Hari Phuyal with representatives from the Office of the Prime Minister, Attorney General and National Human Rights Commission.

27 NHRCN recommendations and status of implementation, National Human Rights Commission, 2009, p.16

28 Ibid

today.

After the government failed to implement majority of the recommendations from the NHRCN, the NHRCN followed up with the government on August 4, 2009 stating that majority of the recommendations from fiscal year 2057/58 BS. to 2065/066 BS. were not implemented. Lately, another discussion was held in the presence of the Law Minister in relation to removing legal obstacles concerning the implementation of the NHRCN recommendations. The NHRCN has also been hold discussion and collecting feedback from the victims, human rights workers/civil society in course of implementing the recommendations. A programme was held on December 22, 2017 at the joint initiative of the Supreme Court, the National Human Rights Commission of Nepal and the Office of the Prime Minister and Council of Ministers with the objective of improving the state of implementation of the human rights related recommendation and judgments/orders. Hon. Chief Justice of Nepal was the chief guest of the programme attended by Hon. Justices, the Chief Secretary of the Government of Nepal and Secretaries/Joint-secretaries of majority of the ministries.

In relation to the implementation of the NHRCN recommendations, discussions have been held with the office-bearers within the UN human rights mechanism and informed through related reports. Exchange of experience and seeking of ways for implementation have also taken place during the conference and meetings held among the National Human Rights Institutions of the Asia Pacific region.

The NHRCN has already published four reports related to the state of implementation of its recommendations. Comparatively, there has been an increase by only 6 per cent in the percentage of implementation between the first and third publication. There has been no significant difference between the third and this report. Among the NHRCN recommendations an onsite study was also carried out in the state of implementation of some model recommendations. The study report on 14 selected recommendations states that only 2 persons said that they had received compensation as recommendation by the NHRCN. In others, there was an understanding that the compensation amount was received from the government naturally.²⁹

29 For detail information, see, Implementation of some recommendation of NHRCN and condition of victims, study report, National Human Rights Commission, Harihar Bhawan, Lalitpur, June-July, 2016

Status of Implementation of Recommendations

1. Status of implementation

The Government of Nepal, the Supreme Court, Parliament, Civil Society, the UN mechanism and the National Human Rights Commission of Nepal itself has taken the aforementioned initiatives for the implementation of the NHRCN recommendations. The indicator of the implementation of the recommendations made for compensation/ relief is positive. The government's national and international commitment is also positive. Some perpetrators who had been named are taken legal action. The Office of the Prime Minister and Council of Ministers, prescribed as the liaison of contact of the NHRCN by the government, has made immediate communication to its subordinate bodies for implementation of the NHRCN recommendations. Until the fourth National Human Rights Action Plan of the government of Nepal, the implementation of the NHRCN recommendations have been included in the form of a programme. Some positive steps have also been taken like identifying the subordinate ministry/agencies and constituting recommendation implementation mechanism. If the results of these positive initiatives could be achieved accordingly, then the human rights situation could be strengthened.

Despite these positive initiatives, the state of implementation of the recommendations is not satisfactory. Looking at the situation of implementation of the recommendations, it seems that only the NHRCN only have to show concern about it. But the major concern of implementing the NHRCN recommendations is and should be of the Government of Nepal. The government should also take the responsibility of credit and blame for it. But in reality, it looks like the implementation of the NHRCN recommendations is being taken as a burden than as a duty. The tendency to associate the victim's life, freedom, equality and dignity with monetary compensation is on the rise. This has limited the right of the victims to full justice on the one hand while encouraging impunity in the country on the other.

Among the recommendations made by the NHRCN to the Government of Nepal, the government has been claiming that 32.09 per cent of the recommendations including those fully implemented and those implemented but yet to be removed from the record list by the NHRCN have been implemented, 60.44 per cent partially implemented and 7.47 per cent in the process of being implementation.¹ But there is no ground that the NHRCN has received to independently substantiate the aforementioned data. For example, against the recommendation made by the NHRCN to hold individual accountable by naming the human rights violator, the government paid the compensation amount to be paid on its own, and described that recommendation as fully implemented² while the recommendation including also to find and punish the guilty has been mentioned as fully implemented just on the basis of giving relief support to the victims' family.³ In the recommendation made to take legal action against security persons who detained people arbitrarily, it has been described as fully implemented only on the basis of releasing the victim.⁴ Based on the aforementioned facts, one cannot fully agree with the status of implementation of the recommendations as mentioned in the status paper released by the Government. This shows that the government is focused on monetary compensation and not positive towards giving the victims full justice, which has encouraged the tendency of impunity. A study of the recommendations made to the Government of Nepal and concerned agencies in relation to the implementation of the recommendations,

1 Status of implementation of NHRCN recommendations to the Government of Nepal, GoN, Office of the Prime Minister and Council of Ministers, Singha Durbar, Kathmandu, 2014, p.13

2 Ibid, p.24. S.No. 1

3 Ibid, p.29. S.No. 13, p.37 S.No. 48, p.38.S.No. 49 included.

4 Ibid, p.26. S.No.45

the reaction and comments received from the agencies, publications by the government in this regard and the records of the NHRCN shows that only the recommendations as per the decision taken in F/Y 2059/60 BS. have been fully implemented. The reason behind this is that the recommendations included only for compensation and there was no direct involvement of government employees. But in the recommendations made in other fiscal year, they are either implemented partially or have not been implemented at all.

Looking at the number of recommendations made in the twenty years of establishment of the NHRCN, the highest recommendations were made in F/Y 2076/77 BS. while the lowest in 2070/71 BS. and 2057/058 BS. at two each. Overall, the number of decisions made for recommendations to the government is 1,195 from F/Y 2057 BS. to F/Y 2076/77 BS. Of the 1,195 recommendations, 23 are issues related to violation of human rights where more than 661 recommendations have been made on incidents of murder while the lowest i.e. two recommendations reach on incidents of threatening, right to information, right of refugees and right to clean environment. But state of implementation of both are not satisfactory. Of the 1,195 recommendations made based on decisions taken thematically, only 163 recommendations have been fully implemented. In this number, 445 recommendations have been partially implemented while the remaining 587 recommendations have not been implemented. On a percentage wise, the fully implemented is 13.64 %, partially implemented is 37.24 % and not implemented is 49.5 %. This data shows that the implementation of the NHRCN recommendations is less than 50 per cent, and the implementation of the recommendations remaining below 50 per cent means that the human rights situation of the country is not satisfactory. It is very challenging and a matter of concern for a country, which is the member of the UN human rights council.

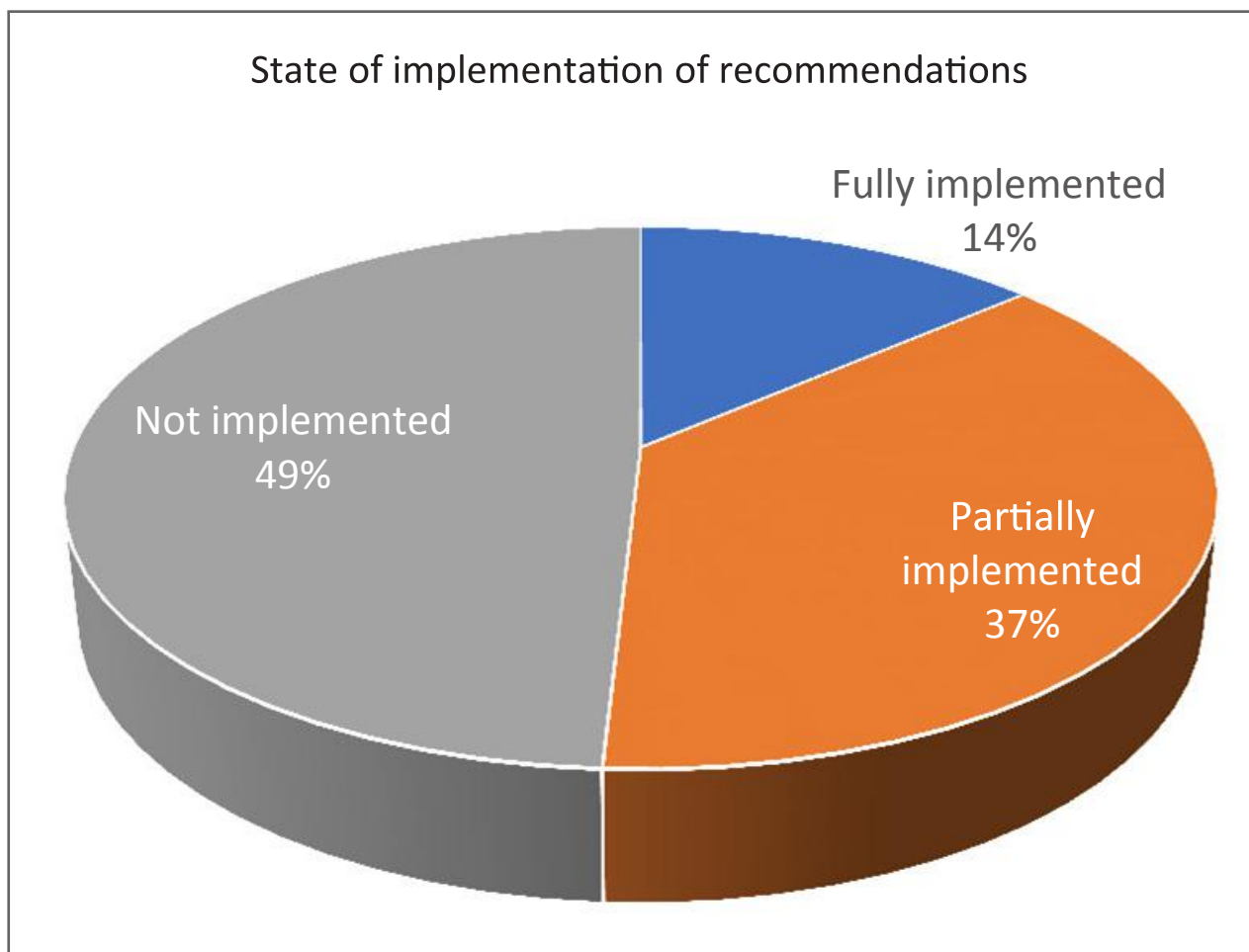
On a professional basis and affiliation, the people named as human rights violators by the NHRCN include civil servants, Nepal Police, Nepal Army, Armed Police Force Nepal members, then CPN Maoist, teachers, doctors, human rights workers, spies, members of retaliation groups, service home operators, prisoners and Indian security persons. The total number is 286. But among those named as human rights violators, only 30 people have faced action while no action has been taken against the remaining 256 persons. Among the violators who have been named, only 10.41 % have faced action.

In the recommendations made accordingly, the violators are found to have been involved in 23 areas of human rights violation/abetment, to whom the NHRCN has made 34 kinds of recommendations. Among them, the recommendations related to relief and compensation included by the government under fully implemented and partially implemented category can be taken as efforts being made to achieve satisfactory progress. But, the status of the recommendations made for action against the guilty is very worrying and disappointing. Based on the fiscal year, the data has been mentioned in Table no. 9 as follows:

Table 9: Status of implementation of recommendations

| S.No. | Fiscal Year | State of implementation | | | Total |
|-------|-------------|-------------------------|---------|-----------------|-------|
| | | Full | Partial | Not implemented | |
| 1. | 2000/01 | 1 | 1 | 0 | 2 |
| 2 | 2001/02 | 3 | 0 | 2 | 5 |
| 3 | 2002/03 | 14 | 0 | 0 | 14 |
| 4 | 2003/04 | 4 | 3 | 1 | 8 |
| 5 | 2004/05 | 5 | 29 | 1 | 35 |
| 6 | 2005/06 | 7 | 47 | 32 | 86 |
| 7 | 2006/07 | 0 | 0 | 0 | 0 |
| 8 | 2007/08 | 9 | 43 | 13 | 65 |

| S.No. | Fiscal Year | State of implementation | | | Total |
|----------------------------------|-------------|-------------------------|---------------|-----------------|-------------|
| | | Full | Partial | Not implemented | |
| 9 | 2008/09 | 25 | 41 | 14 | 80 |
| 10 | 2009/10 | 19 | 75 | 17 | 111 |
| 11 | 2010/11 | 25 | 57 | 49 | 131 |
| 12 | 2011/12 | 28 | 50 | 22 | 100 |
| 13 | 2012/13 | 3 | 10 | 86 | 99 |
| 14 | 2013/14 | 0 | 1 | 1 | 2 |
| 15 | 2014/15 | 0 | 0 | 8 | 8 |
| 16 | 2015/16 | 1 | 4 | 22 | 27 |
| 17 | 2016/17 | 2 | 1 | 41 | 44 |
| 18 | 2017/18 | 1 | 19 | 86 | 106 |
| 19 | 2018/19 | 9 | 44 | 81 | 134 |
| 20 | 2019/20 | 7 | 20 | 111 | 138 |
| Total | | 163 | 445 | 587 | 1195 |
| Implementation percentage | | 13.64% | 37.24% | 49.12% | 100% |



The aforementioned data shows that the situation of the implementation of the NHRCN recommendations has been declining. Comparing the date of the NHRCN from 2057 B.S. to 2070 B.S., the percentage of full implementation has decreased by 0.43 per cent in the past seven years while that of partial implementation has decreased by 10.81 per cent. But the percentage of not implemented has increased by 11.29 per cent. This data says that the situation of impunity in the country has been increasing in the past seven years, which is a matter of concern of the government, a challenge for the NHRCN and endless wait for the victims to get justice. This situation is a result of the government making arguments of 'Ifs and Buts' in the implementation of the recommendations made⁵ by the constitutional bodies of the state, and ignorance of the Supreme Court's order related to recommendations of the NHRCN and the recommendations from the UN mechanism, and violation of the rule of law. This situation is also a result of the 'IF and Buts' arguments made by the government in implementing the NHRCN recommendations since its inception. Hence, the government must be serious in improving this.

2. Status of implementation of the recommendations for action against violators

In the 1,194 decisions that the NHRCN made in course of implementing its mandate until F/Y 2076/77, 843 recommendations have been made for action as per the crime against the guilty. Of them, the NHRCN has been successful in making recommendations by naming the guilty in 146 recommendations. The government representatives are usually found stating during meetings that it is difficult to initiate action when the guilty have not been named. But the data of action taken against the individuals and office-bearers recommendation for action after finding them guilty does not validate such statements. Because even when the NHRCN has named 286 people/office-bearers for action in the 146 recommendations, only 30 have faced action while no reports have been received of action taken against 256 persons, which does not leave any reliable ground to believe that the government is serious towards taking legal action. In terms of number of 843 recommendations for action, the action taken against individual or office-bearers is only 3 per cent while it is only around 10.5 per cent in the 286 named for action. In total those recommended for action, but did not face action is 97 per cent while no action in the recommendation made by naming the individuals is 89.5 per cent. This data cannot be regarded as satisfactory.

On the basis of affiliation of the individuals or office-bearers named and recommended for action as human rights violators, they include institutionally the civil servants, Nepal Army, Nepal Police, Armed Police Force, teachers and doctors, while on the basis of affiliation they included the then CPN Maoist, the retaliation and other groups, and human workers too involved in human rights violation. This data also included Indian security persons. Among the human rights violators, the NHRCN has named for action individuals and office-bearers of nine sectors. A study of the recommendations shows that the highest number in terms of affiliation of institution includes 98 of Nepal Police i.e. 34.27 per cent, 85 of Nepali Army i.e. 29.73 per cent, 65 of the then CPN (Maoist) i.e. 22.73 per cent, 16 civil servants i.e. 5.60 per cent and 8 of Armed Police Force Nepal i.e. 2.80 per cent. In addition to this, four are teachers i.e. 1.40 per cent, two doctors i.e. 0.69 per cent and 1 human rights worker i.e. 0.34 per cent. There are additional 7 including spies/accomplice, retaliation group member, safe home proprietor, prisoner (guard) and Indian security person (SSB), i.e. 2.44 per cent.

This data includes civil servants as human rights violators from Secretary of the Government of Nepal to Chief District Officer and office assistants while in Nepal Police they included from Senior Superintendent of Police to Police Constable. In the Armed Police Force, action has been recommended against as high as Armed Police Deputy Inspector General. In Nepal Army, action has been recommended against then Chief of

⁵ The government is not found to make an argument of 'If and Buts' in rejecting the candidates recommended by the Election Commission, not appointing employees on the recommendation of the Public Service Commission, and not prosecuting a case as per the recommendation of the Commission for Investigation of Abuse of Authority. But it is making an argument of If and Buts in the recommendations of the NHRCN, which is of the equal status.

Staff to soldier. But the name of the then Chief of Army Staff Pyar Jung Thapa who was in service during the incident is not found to have been named. However, the recommendation by the NHRCN paves the way for action in the effort to establish rule of law and end impunity. In regards to the then CPN Maoist cadres, though the position could not be public on the basis of individual accountability, the name of district level leaders has been mentioned.

The involvement in human rights violation by the 286 individuals/office-bearers named in the 146 recommendations shows that they have been involved at least once to ten times. Majority of them have been found to have been involved in human rights violation only once, but a Nepali Army officer has been found to be involved for ten times. But the status of action is alarming as mentioned earlier. In terms of number, with only 30 facing action, among the 146 recommendations only 17 recommendations have been addressed. In terms of number, 129 recommendations for action have not been implemented. On the basis of violators, 256 who have been named have not faced any action, which means only 11.64 % of the number of recommendations and 10.48 % of the violators have been prosecuted. The data of the individuals/office-bearers involved in different agencies and recommended as human rights violators by the NHRCN on the basis of institution or affiliation is given in Table no. 10 as follows:

Table no. 10 : Violators on the basis of institutional affiliation

| S.No. | Name of institution | No | Percentage |
|-------|---------------------|-----|------------|
| 1 | Civil Servant | 16 | 5.60 |
| 2 | Nepal Police | 98 | 34.27 |
| 3 | Nepal Army | 85 | 29.73 |
| 4 | Armed Police Force | 8 | 2.80 |
| 5 | The then CPN Maoist | 65 | 22.73 |
| 6 | Teacher | 4 | 1.40 |
| 7 | Doctor | 2 | 0.69 |
| 8 | Human Rights worker | 1 | 0.34 |
| 9 | Others | 7 | 2.44 |
| Total | | 286 | 100 |

In the table above only the institutional number and percentage on the basis of the people named as human rights violators have been listed.

As per the NHRCN recommendation and in the 1,195 recommendations made on the basis of institution and affiliation as mentioned in Table no. 5, the highest number of human rights violators include 360 security persons (Joint force of Nepal Army, Nepal Police and Armed Police Force). The number of involvements among the security bodies including 208 of Nepal Army, 129 of Nepal Police and only 22 of Armed Police Force Nepal. The number of other incidents held with the involvement of the state side is 59. Integrating all these data shows that the involvement of the state side in incidents of violation of human rights is 778. The involvement of the then CPN Maoist in such incidents is 287 while the number of both the state side and the then CPN Maoist side becoming human rights violator is 38. In addition to the government and Maoist, the number of violations by the community includes 29, 23 by the retaliation group and 23 by unknown person. An analysis of the 1,195 decision for recommendations registered at the NHRCN shows the state of involvement in human rights violation as mentioned in Table no. 11 below:

Table no. 11 Number of violators

| | State party | CPN Maoist | Govt. & Maoist | Retaliation Group | Teacher | Other | Total |
|-------------------|-------------|------------|----------------|-------------------|---------|-------|-------------|
| Number | 779 | 287 | 38 | 23 | 16 | 52 | 1195 |
| Percentage | 265.16 | 24.04 | 3.19 | 1.92 | 1.34 | 4.36 | 100% |

Based on the aforementioned data, on the basis of the recommendations, in human rights violation, the state party comes first with 65.16 per cent, then then CPN Maoist in second position with 24.03 per cent while 3.19 per cent shows involvement of both parties. Similarly,, the involvement of the retaliation group is 1.92 per cent, 1.34 of teacher, and 4.36 per cent involvement of others. Based on the decision of the NHRCN, the details of the office-bearers/individuals recommended for action as human rights violators is given in Table no. 12 below.

Table no. 12 : Details of individuals/office-bearers recommendation for action as human rights violators

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--|-------------------------------|---|----------------------|--|-------------------|-------------------------|----------------------|---------------------------|----------------------|--|
| F/Y 2005/06 | | | | | | | | | | |
| 1 | CDO Shyam Prasad Mainali | District Administration Office, Banke | Murder | Two prisoners killed during a shooting against the prisoners in the prison | | To pay the Compensation | 1 | Not taken | 1 | Not paid the compensation individually |
| 2 | SP Arun Kumar Singh | (2) District Police Office, Banke | | | | | | | | |
| F/Y 2006/07 | | | | | | | | | | |
| 3 | DSP Jasadwaj Gurung | District Police Office, Chitwan | Murder | Gauri Sapkota killed when shots were fired at a demonstration held in Bharatpur municipality, ward no. 3 in Chitwan | November 19, 2000 | To be warned | 1 | taken | 3 | |
| 4 | CDO Bal Krishna Prasain | District Administration Office, Saptari | Unlawful murder | Khushi Lal Yadav killed and Mahendra Chaudhary, Umesh Shah and Balram Yadav injured when shots were fired at an assembly held in Rajbiraj of Saptari | December 31, 2000 | To be warned | 1 | taken | 4 | |
| 5 | SP Bharat Bahadur GC | District Police Office, Saptari | | | | | | | | |
| F/Y 2007/08 | | | | | | | | | | |
| F/Y 2006/07 | | | | | | | | | | |
| F/Y 2007/08 | | | | | | | | | | |
| Recommendation not made by naming the guilty | | | | | | | | | | |
| F/Y 2007/08 | | | | | | | | | | |
| 6 | Hasta Bahadur Kumal | Nepal Army, Gaighat, Udayapur | Murder | Hari Kumar Bhattarai, Durga Prasad Koirala and Dakmani Koirala of Dammakharaku Shivalaya, Khotang murdered | December 6, 2003 | Action taken | 1 | Taken | 34 | |
| 7 | Tej Bahadur Roila | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------------|---------------------------------------|--|------------------------|---|---------------------------------------|---|----------------------|---------------------------|----------------------|---------|
| 8 | Inspector Prakash Raj Sharma | District Police Office, Dhanusa | Murder | Cadre Ram Chandra Yadav and National Human Rights Commission's human rights assistant Dayaram Pariyar killed in the shots fired by police at Janak Chowk of Janakpur | March 24, 2006 | Including the need to take action on criminal charges | 1 | Not Taken | 81 | |
| 9 | Police Constable Suresh Thapa | District Prison Unit, Kanchanpur | Murder | Prisoner killed in indiscriminate firing during a fighting among the prisoners | December 10, 2004 | | 1 | Not Taken | 98 | |
| F/Y 2062/63 | | | | | | | | | | |
| 10 | Sub-inspector of police Bharat Khadka | Valley Police Office, Rani Pokhari | Torture | Given physical and mental torture by summoning to the Ward Police Office, Singha Durbar | October 12, 2003 | Compensation to be paid | 1 | Not Taken | 140 | |
| 11 | Armed Police SP Madhav Bahadur Thapa | Valley Armed Police Force Headquarters, Sano Gaucharan | Excessive use of force | Use of excessive force against demonstrators during general strike | From March 15, 2006 to April 15, 2006 | To take stern action as per Armed Police Act, 2058 | 1 | Not Taken | 147 | |
| F/Y 2063/064 | | | | | | | | | | |
| F/Y 2008/09 | | | | | | | | | | |
| 12 | SSP Chuda Bahadur Shrestha | Regional Police Unit Office, Janakpur | | | | | | | | |
| 13 | SP Kuber Singh Rana | District Police Office, Dhanusa | | | | | | | | |
| 14 | Major Anup Adhikari | Army Sri No. 9 Battalion Field Barrack based in Dharapani, Dhanusa | Enforced disappearance | Sanjib Kumar Karna known as Dipu, Durgen Laabh, Pramod Narayan Mandal, Sailendra Yadav and Jitendra Jha were arrested from Janakpur municipality, ward no. 4, Dhanusa and made to disappear | October 8, 2003 | Action as per the law | 1 | Not Taken | 161 | |
| 15 | CDO Rewati Raman Kafley | District Administration Office, Dhanusa | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|--|----------------------------------|----------------------------|--|-------------------|---|----------------------|---------------------------|----------------------|---------|
| 16 | Major Niranjana Basnet | Nepali Army | Murder after disappearance | Maina Sunuwar, a Grade 9 student in Shree Bhagwati Secondary School of Kharelthok, Kavre was made to disappear after arrest, and murdered. | February 17, 2004 | To be present before court by respecting the warrant issued by the Court in Kavre | 1 | Not Taken | 162 | |
| 17 | Head Constable Khadga Raj Lama | District Police Office, Kavre | Murder after disappearance | Hari Prasad Bolakhe was arrested, made to disappear after being included in the mission, and murdered | December 27, 2003 | To take action as per the law on criminal charges | 1 | Not Taken | 166 | |
| 18 | Major Krishna Dwaj Thapa | Nepal Army | | | | | | | | |
| 19 | Captain Baburam Thapa | | | | | | | | | |
| 20 | Police Inspector Krishna Prasad Sharma | District Police Office, Parsa | Murder | Killing Sanjaya Patel, Manoj Kumar Kurmi and Bam Bahadur Chaudhary in Pragatinagar, Birgunj sub-metropolitan city, ward no. 3, Parsa | February 1, 2008 | To file a case of criminal offense | 1 | Not Taken | 169 | |
| 21 | Shanker Lama, known as Bhente | The then CPN (Maoist), Dolakha | Murder after kidnapping | Binod Kumar Khadka based at the Shree Sher Battalion (a) brigade, Dolakha was kidnapped from Doramba of Ramechhap, and murdered | June 7, 2003 | Action in Criminal Offense | 1 | Not Taken | 180 | |
| 22 | Nawal Singh Rokaya | The then CPN (Maoist), Ramechhap | Murder after kidnapping | Dabal Bahadur Saud of Ramroshan, ward no. 2, Accham was kidnapped and killed | September 7, 2004 | Legal action in Criminal charges | 1 | Not Taken | 183 | |
| 23 | Min Bahadur Rokaya | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|-------------|---------------------------------|---|----------------------------------|---|---------------------------------------|---|----------------------|---------------------------|----------------------|---------|
| 24 | CDO Narendra Dahal | District Administration Office, Kapilvastu | Failed to maintain law and order | 31 people were killed, 582 household displaced, more than 150 vehicles set on fire and vandalized, and more than 300 houses set on fire and looted in the violence that broke out after people who had come on motorcycles shot dead Abdul Mohit Khan of Birpur ward no. 3 Kapilvastu in Balapur of Shivapur ward no. 6 | September 16, 2007 | Necessary investigation and action as per the section (a) and (b) of Article 132 (2) of the Interim Constitution of Nepal, 200 and other laws | 1 | Not Taken | 188 | |
| 25 | Armed Police SP Bikash Shrestha | Armed Police Force, Bindhyabasini Battalion, Chandrauta, Kapilvastu | | | | | | Not Taken | | |
| 26 | Sergeant Om Bahadur Karki | Nepal Army, Singha Durbar Battalion | Death in military custody | Suicide in custody of Dorje Sherpa of Siddhakali ward no. 5, Sankhuwasabha | May 27, 2005 | Necessary action | 1 | Not Taken | 189 | |
| 27 | Soldier Yubaraj Bogati | | | | | | | | | |
| 28 | Cleaner Krishna Bahadur BK | | | | | | | | | |
| 29 | Army soldier Binod Shah | | | | | | | | | |
| 30 | Army soldier Jeevan Shahi | Nepal Army, Ranjha Military Barrack, Banke | Torture | Surat Bahadur Rawat of Pashupatinagar ward no.2 Bardia was arrested and tortured | October 21, 2002 | Action as per the prevalent law | 1 | Not Taken | 205 | |
| 31 | Army soldier Milan Shah | | | | | | | | | |
| F/Y 2009/10 | | | | | | | | | | |
| 32 | Army soldier Parshuram Kumal | Nepal Army, Barakhdal Battalion, Thakurdwara, Bardia | (1) Murder (2) Torture | (1) Bhauna Chaudhary of Neulapur VDC ward no. 4, Bardia was shot dead as he was eating at his home. (2) Amrit Tharu, Basanti Tharu and Lotan Tharu of ward no. 4 Neulapur VDC, Bardia district were arrested and tortured by Nepal Army personnel | (1) May 30, 2002 (2) June 30, 2001 | (i) Take action (2) To take departmental action | 2 | Not Taken | 218 796 797 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|-------------|---------------------------------|---|---------------------------|---|---|--|----------------------|---------------------------|----------------------|---------|
| 33 | Commander Subash KC | Nepal Army Shree Bhawani Battalion Brigade, Khotang | Murder | Dev Bahadur Rai, Kailash Karki, Thir Bahadur Karki and Dipak Bista of Chisapani VDC ward no. 4 were taken into control and murdered | August 18, 2003 | Action on case of murder as per prevalent law | 1 | Not Taken | 222 | |
| 34 | Sub-inspection of Police | District Police Office, Khotang | | | | | | | | |
| 35 | Secretary Ranajit | Then CPN (Maoist), Dailekh | Murder after kidnapping | Radio Nepal journalist Dekendra Raj Thapa was taken under control and killed | June 26, 2004 | Action on criminal charges | 1 | Taken | 243 | |
| 36 | SP Ramesh Shekhar Bajracharya | District Police Office, Kailali | Kidnapping | Not paying attention to protection of human rights, and giving an irresponsible response to the NHRCN | | To take action as per Human Rights Commission (complaint, action and compensation) determination regulations 2057, Rule 13 (2) | 1 | Not Taken | 249 | |
| 37 | Lieutenant Jayaram Thapa | | Disappearance/ torture | Uddav Kumar Gautam of Pakharichauri VDC, ward no. 7, Kavre was arrested from Nardevi, Kathmandu and tortured in Nepali army custody | November 20, 2003 to September 14, 2004 | 10% of the compensation amount to be paid | 1 | Not Taken | 278 | |
| 38 | xd] Hari Bahadur Pandey | Nepal Army, Srijung Battalion | | | | | | | | |
| F/Y 2010/11 | | | | | | | | | | |
| 39 | Police Constable Ram Singh Bhat | Armed Police Force | Murder | Surendra Mahato of Bharatpur ward no. 9, Mahottari killed when armed police fired at him at the Mardhar road of Hariharpur | June 7, 2009 | Action as per Civil Code, murder section | 1 | Not Taken | 298 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|-------------------------------|--|--|--|---|---|----------------------|---------------------------|----------------------|---------|
| 40 | Captain Biswas Bikram Shah | Nepal Army, Bhimgithhe Security Camp, Baglung | (1) Murder (2) Murder (3) Disappearance | (1) 6 persons including Ganga Bahadur Pun of Bongadobhan VDC, Baglung murdered. (2) Mithun Mahat (Bhanu) and Hikmat Mahat of Burtibang VDC-2, Baglung taken into control and murdered. (3) Lopchan of Rajkut VDC ward no. 7, Baglung was arrested from Burtibang-1 and not even given the body to the relatives by stating that he jumped into the Badighat river on the way to Bhimgithhe | (1) and (2) February 28, 2002 and (3) July 3, 2002 | Action in criminal charges | 3 | Not Taken | 307 308 309 | |
| 41 | Lieutenant Subodh Kunwar | Nepal Army Jwaladal Battalion, Thakurdwara, Bardia | Murder | Chandrakala BK, Devisara BK and Amrita BK of Hariharpur VDC, ward no. 2, Surkhet were killed in shots fired by army patrol in Banspani area of Bardia National Park | March 10, 2010 | To prosecute criminal case in regular court | 1 | Not Taken | 320 | |
| 42 | Chief Yagya Bahadur Rajaure | Nepal Army, then Mid- western Regional Headquarters | Murder | Dayanidhi Verma of Karkando ward no. 1, Banke murdered after arrest | | Action as per the law | 1 | Not Taken | 324 | |
| 43 | Nakku Godiya 1 | | | | | | | | | |
| 44 | Nakku Godiya 2 | | | | | | | | | |
| 45 | Pramod Khadka | The then CPN (Maoist), Bardia | Murder | Rajendra Banjara of Gulariya municipality, ward no. 4 Bardia beaten to death | | To file a case of murder | 1 | Not Taken | 336 | |
| 46 | Bansawali | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|---|--|-------------------------|---|--|---|----------------------|---------------------------|----------------------|---------|
| 47 | Gopi Jaisi | The then CPN (Maoist), Achham | Murder after kidnapping | Udayaram Jaisi of Kalekanda VDC, ward no. 2, Achham was murdered after kidnapping | | To take action as per Civil Code, section on murder | 1 | Not Taken | 337 | |
| 48 | Tahal Bahadur Dahal called Kiran Dahal | The then CPN (Maoist), Dolakha | Murder | (1) Nepal Army Corporal Bed Bahadur Thapa, Lance Corporal Dhan Prasad Acharya and Soldier Krishna Khadka travelling on a bus to Kathmandu from Khimti of Ramechap were kidnapped from Dunde area of Dolakha and murdered in Okharbot area (2) Raj Kumar Upreti of Namdu ward no. 1 Dolakha district was murdered | (1) March 16, 2005 (2) September 14, 2004 | (1) Action on criminal charges (2) To take legal action as per Civil Code, section on murder | 2 | Not Taken | 339 593 | |
| 49 | Police Inspector Shyam Krishna KC | Area Police Office, Dhalkebar, Dhanusa | Murder in custody | 25-year-old Binod Yadav of Dhalkebar VDC, ward no. 3, Dhanusa dies during custody at the Area Police Office, Dhalkebar | | Departmental action | 1 | Not Taken | 347 | |
| 50 | Police constable Durga Ghimire | | | | | | | | | |
| 51 | DSP Bhola Rawal | Metropolitan Police Circle, Kalimati | | | | (1) Take departmental action against SP Bhola Rawal and staffers of the case department (2) Police officers and constables involved in torture after arrest should be identified and necessary legal action taken against them | | | | |
| 52 | Assistant Sub-Inspector Madhu Sudan Bista | Metropolitan Police Range, Syuchatar | | Sanu Kumar of Godavari VDC, ward no. 9, Lalitpur was arrested by the Metropolitan Police Beat, Khasibazar, Kalanki, and handed over to the Kalimati range, where he died in course of treatment in custody of the range | May 23, 2010 | | | | | |
| 53 | Police Constable Roshan Bista | Office of the Metropolitan Police Commissioner | Death in custody | | | | | | | |
| 54 | Police Constable Krishna Prasad Khatiwada | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|--------------------------------|--|------------------------|---|----------------------------------|---|----------------------|---------------------------|----------------------|---------|
| 55 | Colonel Raju Basnet | | | | | | | | | |
| 56 | Major Padam Singh Khatri | | | | | | | | | |
| 57 | Major Rajaram KC | | | | | | | | | |
| 58 | Major Bibek Bista | | | | | | | | | |
| 59 | Major Harendra Bahadur Singh | | | | | | | | | |
| 60 | Captain Indibar Rana | | | | | | | | | |
| 61 | Captain Sagar KC | | | | | | | | | |
| 62 | Lieutenant Jagannath Khadka | (1) Nepal Army, Bhairav Nath Battalion | Enforced disappearance | During the armed conflict period, security personnel arrested individuals and kept them in custody at the Bhairavnath Battalion and Yuddha Bhairav Battalion under the Nepali Army 10. No. Brigade in Maharajgunj, Kathmandu, and enforced disappeared at least 43 persons. | From April 2003 to February 2005 | To take immediate action as per the prevalent law | 1 | Not Taken | 356 | |
| 63 | Lieutenant Rajendra Bogati | | | | | | | | | |
| 64 | Lieutenant Haribol KC | | | | | | | | | |
| 65 | Lieutenant Ramhari Bista | | | | | | | | | |
| 66 | Hawaladar Khadga Bahadur Mahat | | | | | | | | | |
| 67 | Hawaladar Minnath Pant | | | | | | | | | |
| 68 | Hawaladar Dinesh Poudel | | | | | | | | | |
| 69 | Hawaladar Keshav Dhakal | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|--|--|------------------------|---|----------------------------------|---|----------------------|---------------------------|----------------------|---------|
| 70 | Jamdar (warrant officer second class) Dhanbir Khatri | | | | | | | | | |
| 71 | Jamdar Benu Gopal Shrestha | | | | | | | | | |
| 72 | Jamdar Lal Bahadur Chand | | | | | | | | | |
| 73 | Jamdar Rana Bahadur Budhathoki | | | | | | | | | |
| 74 | Jamdar Shanker Basnet | | | | | | | | | |
| 75 | Nayak Surya KC | | | | | | | | | |
| 76 | Nayak Giriraj Ghimire | | | | | | | | | |
| 77 | Soldier Shiva Kiran KC | (1) Nepal Army, Bhairav Nath Battalion | Enforced disappearance | During the armed conflict period, security personnel arrested individuals and kept them in custody at the Bhairavnath Battalion and Yuddha Bhairav Battalion under the Nepali Army 10. No. Brigade in Maharajgunj, Kathmandu, and enforced disappeared at least 43 persons. | From April 2003 to February 2005 | To take immediate action as per the prevalent law | | Not Taken | | |
| 78 | Soldier Binod Thapa | | | | | | | | | |
| 79 | Soldier Arjun Sapkota | | | | | | | | | |
| 80 | Soldier Harisharan Khadka | | | | | | | | | |
| 81 | Soldier Kul Prasad Banjara | | | | | | | | | |
| 82 | Soldier Baburam Pariyar | | | | | | | | | |
| 83 | Then Chief of Army Staff | | | | | | | | | |
| 84 | Then Brigade Chief of Nepal Army 10 no. Brigade | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|-------------------------------|---|---------------------------|--|--|--|----------------------|---------------------------|--|---------|
| 85 | Major Ajit Thapa | Nepal Army, Bhimkali Battalion, Chisapani Barrack, Bardia | Enforced disappearance | (1) Dhan Kumari Chaudhari of Naubasta VDC, ward no. 7, Banke was made to disappear from the Chisapani Barrack of Nepali Army (2) Rajan Kumar Chaudhary, Sita Janaki Chaudhary and Chite Lal Chaudhary of Dhadhawar VDC, ward no. 8, Bardia were arrested and made to disappear. (3) Ram Prasad Tharu of Bankatuwa VDC, ward no. 8, Banke was arrested and made to disappear. (4) Ram Prasad Pokharel of Kohalpur ward no. 3, Banke was arrested and made to disappear. (5) Ananda Pariyar, Palta Tharu, Sarju Tharu and Rohit (Roina) Tharu of Belawa, ward no. 7, Bardia were arrested and made to disappear. (6) Kamal Dahal of Bankatwa VDC, ward no. 4 Banke was arrested and murdered. | (1) January 12, 2002 (2) December 20, 2001 (3) February 21, 2002 (4) January 24, 2002 (5) December 29, 2001 (6) January 1, 2002 | To take action as per the law from 1 to 4 and 6 Investigation in number 5 | 6 | Not Taken | 363 368 371 372 508 925 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|-------------------------------|---------------------|------------------------|---|---|---|----------------------|---------------------------|--|---------|
| 86 | Captain Ramesh Swarn | | Enforced disappearance | <p>(1) Dhan Kumari Chaudhary of Naubasta VDC, ward no. 7, Banke was made to disappear from the Chisapani Barrack of Nepal Army.</p> <p>(2) Rajan Kumar Chaudhary, Sita Janaki Chaudhary and Chite Lal Chaudhary of Dhadhwar VDC, ward no. 8, Bardia were arrested and made to disappear.</p> <p>(3) Ram Prasad Tharu of Bankatuwa VDC, ward no. 8, Banke was arrested and made to disappear.</p> <p>(4) Ram Prasad Pokharel of Kohalpur ward no. 3, Banke was arrested and made to disappear.</p> <p>(5) Likharam Tharu of Mohammadpur VDC, ward no. 8, Bardia was arrested and made to disappear.</p> <p>(6) Ananda Pariyar, Palta Tharu, Sarju Tharu and Rohit (Roina) Tharu of Belawa, ward no. 7, Bardia were arrested and made to disappear.</p> <p>(7) A team of security persons along with Captain Ramesh Swarn who had come from Chisapani Barrack arrested Karna Bahadur Tharu of Naubasta VDC, ward no. 8 Banke from his home and took him to the Chisapani Barrack and made him disappear from there todate.</p> <p>(8) Sagun Lal Chaudhary of Dhadhwar VDC, ward no. 8, Bardia was arrested and made to disappear.</p> <p>(9) Kesar Bahadur Basnet of Neulapur VDC, ward no. 4, Bardia and Salikram Aryal of Motipur VDC, ward no. 8, Rupandehi were arrested and made to disappear.</p> <p>(10) Kamal Dahal of Bankatuwa ward no. 4, Banke was arrested and murdered.</p> | <p>(1) January 12, 2002</p> <p>(2) December 20, 2001</p> <p>(3) February 21, 2002</p> <p>(4) January 24, 2002</p> <p>(5) July 12, 2002</p> <p>(6) December 29, 2001</p> <p>(7) January 1, 2002</p> <p>(8) December 27, 2001</p> <p>(9) March 11, 2002</p> <p>(10) January 1, 2002</p> | To take action as per the law from 1 to 5 and 9 | 10 | Not Taken | 363 368 371 372 373 508 608 614 619 925 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|---|---|------------------------|--|---------------------|--|----------------------|---------------------------|----------------------|---------|
| 87 | Jamdar Mahendrajung Thapa | Nepal Army, Rambhampur Barrack, Bardia | Enforced disappearance | Tirtha Bahadur Thapa, Sriram Chaudhary, Bam Bahadur Shahi, Hira Singh Bathamagar and Ram Chaudhary of ward no. 5, Deudakala VDC, Bardia were arrested and made to disappear | May 23, 2002 | To take action as per the law | 1 | Not Taken | 366 | |
| 88 | Police Inspector Ganesh Bikram Shah | (1) District Police Office, Bardia | Torture | (1) Moti Lal Adhikari of Taratal VDC, ward no. 2, Bardia tortured. | (2) January 9, 2003 | (1) To pay compensation (2) To take action as per the law | 2 | Not Taken | 385 1151 | |
| 89 | Sub-Inspection of police Rajendra Prasad Shrestha | (i) Area Police Office, Sanoshree, Bardia | | (2) Sitaram Tharu of Sanoshree VDC, ward no. 8, Bardia was arrested, and taken to the Area Police Office, Sanoshree and District Police Office, Bardia and beaten up and tortured. | | | | | | |
| 90 | Assistant Sub-Inspector Jung Bahadur KC | | | | | | | | | |
| 91 | Major Ram Bahadur Karki | Nepal Army deputed for the security of the Bhajani repeated tower, Lalbhaji | Torture | Krishna Prasad Kafley of Magaragadi VDC, ward no. 5, Bardia was arrested and beaten up, and locked up in the barrack and tortured | February 22, 2005 | action as per the law | 1 | Not Taken | 388 | |
| 92 | Battalion Chief Narayan Raj Dahal | Nepal Army, Bhawani Baks Battalion | Torture | (1) Ratna Regmi of ward no. 3, Narayan Municipality, Dailekh was arrested and tortured in the battalion | November 20, 2004 | (1) To take action as per the law | 3 | Not Taken | 390 | |
| 93 | | | Murder | (2) Udaya Regmi and Sukul Singh of Narayan municipality, ward no. 3 was arrested and murdered. | September 5, 2005 | (2) To take legal action as per the murder section of Civil Code | | | 136 | |
| 94 | | | | (3) Amar Hamal of Dandaprajul VDC, Dailekh was murdered by the Royal Nepali Army and vigilante appointed by the Army | January 21, 2006 | | | | | 137 |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|------------------|--|---|----------------------------|--|-------------------|--|----------------------|---------------------------|----------------------|--------------------|
| 95 | Soldier Jaya Bahadur Bhat | Nepal Army, Jawaladal Battalion, Bajura | Torture | Journalist Ram Bahadur Rawal of Martadi VDC, ward no. 5, Bajura was beaten up and tortured | | To take legal action as per the law | 1 | Not Taken | 391 | |
| 96 | DSP Dev Bahadur Bohara | District Police Office, Bajura | Torture | Teachers Ganesh Bahadur Singh, Lal Bahadur Bam and Prem Bahadur Rokaya of Bajura Satya Secondary School were tortured | May 28, 2002 | To pay compensation | 1 | Not Taken | 393 | |
| F/Y 2067/068 BS. | | | | | | | | | | |
| 97 | Captain Suraj Thapa | Nepal Army, | Murder | Nabin Singh Poudel of Pidariguthi VDC, ward no. 9, Parsa and Din Dayal Chaudhary of Mahadevpatti, ward no. 2 were arrested and murdered. | February 12, 2005 | To take action as per the law | 1 | Not Taken | 407 | |
| 98 | Police Inspector Ramesh Pandit | Nepal Police | | | | | | | | |
| 99 | Assistant Sub-Inspector Dhan Bahadur Singh | Armed Police Force, Nepal | Murder | Top Bahadur Karki and Bhoj Bahadur Karki of Manpurapara VDC, ward no. 3, Bardia were murdered | January 14, 2003 | To prosecute a case of criminal offense | 1 | (1) Not Taken | 409 | |
| 100 | CDO Shiva Prasad Nepal | District Administration Office, Lamjung | Murder after disappearance | Tej Bahadur Bhandari of Simpani VDC, ward no. 3, Lamjung was arrested, made to disappear and murdered | December 31, 2001 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 429 | |
| 101 | DSP Pitamber Adhikari | District Police Office, Lamjung | | | | | | | | |
| 102 | Major Santosh Singh Thakuri | Nepal Army, | Murder | Helping Nepal Army's Khadgadal Battalion Unified Command to kill Dhalindra Basnet of Tara VDC, ward no. 4, Baglung | | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 464 | Spying/ accomplice |
| 103 | Nanda Ram Dhungel | Tara VDC, ward no. 5, Baglung | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|---|--|-------------------------|---|------------------|--|----------------------|---------------------------|----------------------|---------|
| 104 | Major Shanker Kumar Shrestha | Nepal Army, Western Regional Headquarters, Fulbari Barrack | Murder | Landlord Bir Subba Gurung, Tanka Bahadur Gharti known as Bigyan of Rukum, Bhawana Sunuwar of Sarlahi and Min Kumari known as Asmita of Gorkha killed when security persons fired at the house of Purna Bahadur Gurung in Lumle VDC, ward no. 9, Kaski | March 25, 2004 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 459 | |
| 105 | Captain Shiva Poudel | Nepal Army, Khadgadal Battalion | Murder | Dilli Prasad Sapkota of Baglung VDC, ward no. 2, Baglung was arrested and murdered | February 8, 2005 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 466 | |
| 106 | Police Inspector Kisan Singh Badal | Area Police Office, Jogbudha, Dadelhdhura | Murder | Dil Bahadur Dharmi of Jogbuda VDC, ward no. 6 and Dil Bahadur Jagri of ward no. 5 in Dadelhdhura were arrested as they were returning home after paying land tax, and made to disappear and murdered. | January 28, 2002 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 467 | |
| 107 | Assistant Sub-inspection Aan Singh Bhandari | | | | | | | | | |
| 108 | Ujjwal known as Tamoka Atmaram | The then CPN (Maoist), Baglung | Murder | Khal Bahadur Mallia of Devisthan VDC, ward no. 9, Baglung was kidnapped and murdered. | August 27, 2003 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 482 | |
| 109 | Chairperson, Santosh Srivastav | Retaliation Committee | Murder after kidnapping | Brahmananda Barun of Rampur VDC, ward no. 8, Rupandehi was abducted and murdered by the CPN Maoist Retaliation Committee members | October 17, 2003 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 489 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|-------------|----------------------------------|---|----------------------|---|-------------------------------|--|----------------------|---------------------------|----------------------|---------|
| 110 | Hari Gurung | Royal Nepal Army, Bayis Jangar Security Base Camp | Torture | Indranidhi Pandey of Purkot VDC, ward no. 3, Tanahu was beaten and tortured at the Bayis Jangar Security Base Camp | December 19, 2001 | To take action as per the law | 1 | Not Taken | 517 | |
| 111 | CDO Bhola Prasad Shrivakoti | District Administration Office, Kathmandu | Right to Housing | The house of Rajendra Shrestha in Kathmandu Metropolitan City, ward no. 12, Kathmandu was dismantled despite the Supreme Court order to not dismantle it. | September 20, 2009 | To take departmental action | 1 | Taken | 562 | |
| F/Y 2011/12 | | | | | | | | | | |
| 112 | Captain Ajit Pratap Singh | Nepal Army, | Murder | Parbati Poudel of Kumari VDC, ward no. 6 Nuwakot was chased and murdered upon reaching Dhungeni in Belkot VDC | February 28, 2006 | To prosecute and take legal action as per the murder section of Civil Code | 1 | Not Taken | 540 | |
| 113 | Sub-inspector Min Bahadur Tamang | Nepal Police | | | | | | | | |
| 114 | Police inspector Dharmaraj Sunar | Area Police Office, Kohalpur, Banke | Murder | (1) Nandaram Gharti of Kohalpur ward no. 6, Banke murdered after arrest. (2) Jit Bahadur Pun and Chandra Bahadur BK of Kohalpur ward no. 4 arrested and made to disappear to date. | June 10, 2002 May 12, 2002 | (1) To take legal action as per the murder section of Civil Code (2) Research | 2 | Not Taken | 558 609 | |
| 115 | Captain Pradip Kumar Shrestha | Joint Security Force, Garuda, Rautahat | | | | | | | | |
| | | | Murder | Surendra Thakur Hajam of Matiaun VDC, ward no. 2 Rautahat and Maoist Cadres Kamal Dev Mahato, Dipendra Shah and Bhola Yadav were murdered. | March 9, 2006 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 559 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks | | | | | | | | | |
|--------|--|--------------------------------|----------------------|--|-------------------|--|----------------------|---------------------------|----------------------|---------|---|------------------|--|--------------------------------|--|---|-----------|-------------|--|
| 116 | Battalion Chief Kamendra Limbu | Nepal Army, Sher Dal Battalion | Murder | Tasi Lama of Madankundari VDC, ward no. 6 Kavre was murdered | February 13, 2004 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 565 | | | | | | | | | | |
| 117 | Assistant Battalion Chief Sher Singh Bista | | | | | | | | | | | | | | | | | | |
| 118 | Captain Saroj Basnet | | | | | | | | | | | | | | | | | | |
| 119 | Jamdar Dewan Thapamagar | | | | | | | | | | | | | | | | | | |
| 120 | Sergeant Sher Bahadur Ranabhat | | | | | | | | | | | | | | | | | | |
| 121 | Corporal Kaji Bahadur Karki | | | | | | | | | | | | | | | | | | |
| 122 | Bal Bahadur Shrestha | | | | | | | | | | | | | | | | | | |
| 123 | Lance Corporal Jagendra Pyakurel | | | | | | | | | | | | | | | | | | |
| 124 | Soldier Khetraj Tamang | | | | | | | | | | | | | | | | | | |
| 125 | Soldier Dipak Nepali | | | | | | | | | | | | | | | | | | |
| 126 | Soldier Lila Prasad BK | | | | | | | | | | | | | | | | | | |
| 127 | Police Inspector Ramesh Bahadur Singh (including as DSP) | | | | | | | | | | Area Police Office, Sabela, Dhanusa District Police Office, Banke | Murder/Re-arrest | Madan Yadav of Makhanaha-8, Dhanusa arrested and murdered. The NHRCN office was ghearored in course of re-arresting Dan Bahadur Fadera | July 4, 2010 April 21, 2010 | To take legal action as per the murder section of Civil Code, take departmental action | 2 | Not Taken | 567 1010 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|--|---------------------------------------|----------------------|--|------------------|--|----------------------|---------------------------|----------------------|---------|
| 128 | Sub-Inspector of Police Kumar Raj Poudel | Area Police Office, Sabela, Dhanusa | Murder | Madan Yadav of Makhana VDC, ward no. 8, Dhanusa was arrested and murdered | July 4, 2010 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 567 | |
| 129 | Assistant Sub-Inspector Jaya Narayan Yadav | (1) District Police Office, Dhanusa | Murder | Fuljhari Mukhiya of Mukhiyapatti Musaharaniya, ward no. 2 was murdered | October 6, 2011 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 568 | |
| 130 | DSP Tek Bahadur Gurung | (1) Musaharaniya Police post, Dhanusa | | Support the investigation by the NHRCN | | | | | | |
| 131 | Police Constable Upendra Yadav | District Police Office, Bara | Murder | Jamuna Singh of Hardiya VDC, ward no. 8, Bara was arrested from as she was asleep and murdered | August 30, 2007 | To take departmental action | 1 | Not Taken | 569 | |
| 132 | Police Constable Ram Dinesh Yadav | | | | | To take departmental action | | | | |
| 133 | Police Constable Dinesh Shah | | | | | To be warned | | | | |
| 134 | Dilip Safi | | | | | To be warned | | | | |
| 135 | SP Shyam Bahadur Khatri | District Police Office, Bara | Murder | Jamuna Singh of Hardiya VDC, ward no. 8, Bara was arrested from as she was asleep and murdered | August 30, 2007 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 569 | |
| 136 | DSP Rana Bahadur Rayamajhi | | | | | | | | | |
| 137 | Armed Police Inspector Shyam Bahadur Karki | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|---------------------------------|--|----------------------|--|-------------------|--|----------------------|---------------------------|----------------------|--|
| 138 | Bhuvan Singh Thapa | Tiger Group | Murder | Udaya Regmi and Sukul Singh of Narayan municipality, ward no. 3, Dailekh were arrested and murdered | September 5, 2005 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 574 | Battalion Chief Nayan Raj was involved in these incidents, and his name has already been included in S.No. 12. |
| 139 | Hari Bahadur Chand | Nepal Army, Bhawani Bax Battalion, Dailekh | Murder | Amar Hamal of Dadaparajul VDC, ward no. 5, Dailekh was shot dead by Nepali Army and army-appointed Vigilante | January 21, 2006 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 576 | |
| 140 | Yam Bahadur Shahi | Nepal Army, Bhawani Bax Battalion, Dailekh | Murder | | | | | | | |
| 141 | CDO Chandeswar Acharya | District Administration Office, Dolakha | Murder | Not showing urgency in the investigation of the incident of murder of Hari Shanker Bhandari of Melung VDC, ward no. 7, Dolakha | November 18, 2005 | To reprimand | 1 | Not Taken | 578 | |
| 142 | Police inspector Tej Bahadur KC | Area Police Office, Kattikedeurali, Kavre | Murder | (1) Murdered Sarala Adhikari of Sungure VDC, ward no. 8, Kavre (2) Kumar Chaulagain of Bhumulusalle VDC, ward no. 9, Kavre was arrested and murdered. | November 5, 1998 | To take legal action as per the murder section of Civil Code | 2 | Not Taken | 579 580 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|-------------------------------|--|----------------------|--|--------------------|--|----------------------|---------------------------|----------------------|---------|
| 143 | Prem Tamang | CPN (Maoist) cadres, Bhorle ward no. 5, Thulo Bhorle, Rasuwa | Murder | Kaman Singh Moktan of Bhorle ward no. 5, Thulo Bhorle, Rasuwa was beaten and murdered | April 7, 2004 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 583 | |
| 144 | Damai Singh Tamang | | | | | | | | | |
| 145 | Hira Lama | | | | | | | | | |
| 146 | Harke Tamang (Laldul) | | | | | | | | | |
| 147 | Kale Tamang | | | | | | | | | |
| 148 | Bahidar Tamang | | | | | | | | | |
| 149 | Renuka Magar | | | | | | | | | |
| 150 | Ganesh Gautam called Himal | The then CPN (Maoist), Jumla | Murder | Saraswati Pandey, known as Jaya Laxmi of Hanku VDC, ward no. 7, Jumla was beaten up, and pandey died of the same reason. | September 14, 2002 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 584 | |
| 151 | Manikesh Gautam | | | | | | | | | |
| 152 | Area In-charge Prabin | The then CPN (Maoist), Jumla | Murder | Man Prasad Upadhyaya of Talium VDC, ward no. 1, Jumla was kidnapped and murdered | March 2, 2004 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 585 | |
| 153 | Dhan Bahadur Malla | The then CPN (Maoist), Bajhang | Murder | Head Constable Min Bahadur Singh of Siratadi VDC, ward no. 7, Bajhang was murdered | June 27, 2002 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 586 | |
| 154 | Dipak KC | | | | | | | | | |
| 155 | Prakash Syada | | | | | | | | | |
| 156 | Hari Kunwar | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|--------------------------------------|-------------------------------------|------------------------|---|--------------------|--|----------------------|---------------------------|----------------------|---------|
| 157 | Narendra Faujdar called Kundan | The then CPN (Maoist), Bara | Murder after kidnap | A resident of Bara, Press Chautari Nepal central member and journalist Birendra Kumar Shah was kidnapped and murdered | October 5, 2007 | To take legal action as per the murder section of Civil Code | 1 | Taken | 590 | |
| 158 | Lal Bahadur Chaudhary | | | | | | | | | |
| 159 | Manoj Giri | | | | | | | | | |
| 160 | Ram Ekbal Sahani | Then CPN (Maoist), Dhawal 8, Rolpa | Murder after kidnap | Dor Bahadur Wali of Dhawal VDC, ward no. 8, Rolpa was kidnapped and murdered | September 25, 2003 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 591 | |
| 161 | Hareram Patel | | | | | | | | | |
| 162 | Kaile Rokka known as Prajijwal | Area Police Office, Kohalpur, Banke | Enforced disappearance | Jit Bahadur Pun and Chandra Bahadur BK of Kohalpur ward no.4, Musurikhet, Banke were arrested and made to disappear | May 12, 2002 | Investigation | 2 | Not Taken | 609 | |
| 163 | Dhan Bahadur Thapa called Bisleshan | | | | | | | | | |
| 164 | Govinda Thapaliya | District Police Office, Bardia | Enforced disappearance | Suresh Kumar Oli of Baniyabhar VDC ward no. 1, Bardia was arrested and made to disappear | December 22, 2002 | Investigation | 1+1 | Not Taken | 618 | |
| 165 | SP Rabi Pratap Rana | | | | | | | | | |
| 166 | DSP Rana Bahadur Gautam | | | | | | | | | |
| 167 | Police inspector Kedar Koirala | Thakurdwara Barrack, Bardia | Enforced disappearance | Keshar Bahadur Basnet of Neulapur VDC, ward no. 4, Bardia and Shalik Ram Aryal of Motipur ward no. 8, Rupandehi were arrested and made to disappear | March 11, 2002 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 619 | |
| 168 | The then Chief, Laba Kumar Rayamajhi | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|---|---------------------------------|----------------------|--|------------------|-----------------------------|----------------------|---------------------------|----------------------|---------|
| 169 | Head of people's Court Ram Bahadur Thapa (Sundar) | The then CPN (Maoist), Dang | Kidnapping | Yubaraj Sharma of Hekuli VDC, ward no. 4, Dang was kidnapped and made to disappear | January 28, 2002 | Investigation | 1 | | 621 | |
| 170 | Lawyer Bhim Bahadur Chaudhary (Bhim) | | | | | | | | | |
| 171 | Jehendar | | | | | | | | | |
| 172 | The then Maoist's Laxmiram Yadav | | | | | | | | | |
| 173 | Pramod Khadka | Then CPN (Maoist), Bardia | Kidnapping | Ramesh Yadav called Niraj Yadav of Gulariya municipality, ward no. 2, Bardia was kidnapped and made to disappear | October 28, 2004 | Investigation | 1 | | 622 | |
| 174 | Pratibha ... | | | | | | | | | |
| 175 | ... Gurung | | | | | | | | | |
| 176 | Jivan ... | | | | | | | | | |
| 177 | DSP Haribol KC | | | | | | | | | |
| 178 | DSP Sobhan Rana | District Police Office, Dailekh | | Assaulting Federation of Nepali Journalists Federation, Dailekh Chair Puskar Thapa, Avenue TV correspondent Bhupendra Shahi, Himalayan TV correspondent Ratna Shahi and District Development Committee Dailekh Nayab Subba Khagendra Thapa | October 18, 2011 | To take departmental action | 1 | Not Taken | 625 | |
| 179 | Sub-Inspector of police Indra Bahadur Malla | | | | | | | | | |
| 180 | Head Constable Hari Lal Thapamagar | | | | | | | | | |
| 181 | Constable Ranjit Khadka | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|---|--|----------------------|--|-------------------|---|----------------------|---------------------------|----------------------|---------|
| 182 | Police Constable Hira Kumari Chaudhary | District Police Office, Mahottari Prison Office, Mahottari | Beating/ torture | Mahottari prison inmates Saroji Singh, Sriwati Mandal, Nirmala Jha, Lalita Singh, Usha Devi Jha, Amrika Paswan were assaulted and tortured | March 23, 2012 | To recover compensation amount | 1 | Not Taken | 626 | |
| 183 | Bhagwati Ranamagar | | | | | departmental action | | | | |
| 184 | Head of Prison Administration, Sobhendra Thakur | | | | | departmental action | | Not Taken | | |
| 185 | Sub-Inspector Satya Narayan Yadav | District Police Office, | | | | | | Not Taken | | |
| 186 | Office assistant, Nunu Pandey | Prison Office, Mahottari | | | | To take departmental action | | Not Taken | | |
| 187 | Guard Biku Mijar | | | | | To reprimand | | Not Taken | | |
| 188 | Assistant Sub-inspector Govinda Mahato Koiriba | Mahuban Police Post, Parsa | Beating/ torture | Amrika Prasad Yadav of Gambhariya VDC, ward no. 3, Parsa was assaulted and tortured | July 8, 2011 | To recover compensation amount | 1 | Not Taken | 627 | |
| 189 | In-charge Nawaraj Kharel | Shanti Sewa Griha, Gaushala, Kathmandu | Beating | Shobhit Budhathoki living at the Shanti Sewa Griha, Gaushala, Kathmandu was beaten until unconscious | August 10, 2006 | To reprimand | 1 | Not Taken | 628 | |
| 190 | SP Rabi Pratap Rana | District Police Office, Bardia | Torture | Tortured Padam Bahadur Oli of Baniyabhar VDC, ward no. 1, Bardia | December 22, 2002 | To recover compensation and take action | 2 | Not Taken | 630 | |
| 191 | DSP Rana Bahadur Gautam | | | | | | 2 | | | |
| 192 | Police Inspector Kedar Koirala | | | | | | 2 | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|-------------|--|---|----------------------|---|------------------|--|----------------------|---------------------------|----------------------|---------|
| 193 | Sub-Inspector Raj Bahadur Thapa | Area Police Office, Dhanaul, Banke | Torture | Pitamber Lamichhane of Bageswari VDC, ward no. 2 Banke was arrested, detained and tortured | April 2, 2009 | To take departmental action | 1 | Not Taken | 631 | |
| F/Y 2012/13 | | | | | | | | | | |
| 194 | Assistant Sub-Inspector Ram Bahadur Dhakal | District Police Office, Siraha | Murder | Chandra Kumar Yadav of Arnama Pa.Pi. VDC, ward no. 2, Siraha was arrested and tortured, and died in custody. | October 14, 2008 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 638 | |
| 195 | Head Construction Hari Shanker Yadav | | | | | | | | | |
| 196 | Constable Surendra Chaudhary | | | | | | | | | |
| 197 | Major Rupendra Budhathoki | Nepali Army, Indradal Battalion, Taplejung | Murder | Arjun Subba (Meyangbo) of Thechambu VDC, ward no. 6, Taplejung was arrested and shot dead | October 19, 2005 | Take action as per the Law | 1 | Not Taken | 641 | |
| 198 | Police Dan Bahadur Ghimire | District Police Office, Sunsari (Devangunj) | Murder | Sanu Yadav was killed when shots were fired at Devangunj VDC, ward no. 2, Sunsari | July 29, 2011 | Take action as per the Law | 1 | Not Taken | 643 | |
| 199 | Jagannath Tamang | The then CPN (Maoist), Dhanusa | Murder | Dip Narayan Yadav was handcuffed with hands ties at the behind, beaten up, and murdered by drowning in the Kamala river | August 6, 2006 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 667 | |
| 200 | Daya Ram Thakahar | | | | | | | | | |
| 201 | Head Constable Shyam Gurung | District Police Office, Morang | Torture | Rahamat Ali of Biratnagar Sub-metropolitan city, ward no. 8, Morang was arrested and tortured in custody at the District Police Office, Morang detention centre | April 24, 2011 | To be warned as per the Law | 1 | Not Taken | 713 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|--|--|----------------------|---|--------------------------------------|----------------------------|----------------------|---------------------------|----------------------|---------|
| 202 | CDO Chudamani Sharma | District Administration Office, Lalitpur Metropolitan Police Range, Lalitpur | Illegal detention | Globa Manav of Dharan municipality, ward no. 17, Sunsari was kept under illegal detention | From March 14, 2012 to April 3, 2012 | Take action as per the Law | 1 | Not Taken | 718 | |
| 203 | SP Bhog Bahadur Thapa | | | | | | | | | |
| 204 | Police Inspector Abadesh Bista | | | | | | | | | |
| 205 | Assistant Sub-Inspector Dipak Acharya | | | | | | | | | |
| 206 | Sub-inspector Bal Bahadur Bista | | | | | | | | | |
| 207 | Assistant Sub-Inspector Naresh Bahadur Shahi | | | | | | | | | |
| 208 | Teacher Nakul Prasad Shah | | | | | | | | | |

F/Y 2013/14

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|-------------------------------------|--------------------------------|----------------------|---|------------------|--|----------------------|---------------------------|----------------------|---------|
| 209 | Sub-Inspector Mahendra Khatri | District Police Office Khotang | Death due to torture | Kiran Rai known as Bhudeu of Patheka VDC, ward no. 2, Khotang district was arrested the same day on the charge of escaping from custody and tortured leading to his death | July 5, 2013 | To take legal action as per the murder section of Civil Code | 1 | Not Taken | 737 | |
| 210 | Sub-Inspector Mukunda Prasad Bidari | | | | | | | | | |
| 211 | Head Constable Suresh Prasad Yadav | | | | | | | | | |
| 212 | Police Constable Nakul Rai | | | | | | | | | |
| 213 | Police Constable Ram Kumar Bogati | | | | | | | | | |
| 214 | Police Constable Kailash Khatri | | | | | | | | | |
| 215 | Police Constable Chandra Khadka | | | | | | | | | |
| 216 | Police Constable Devraj Majhi | | | | | | | | | |
| 217 | Police Constable Narayan Khadka | | | | | | | | | |
| 218 | SP Rajvi Bahadur Basnet | | | | | | | | | |
| 219 | Police Inspector Ramesh Kumar Dev | | | | | | | | | |
| 220 | Dr Nabal Kishore Jha | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|-------------|---------------------------------------|---|-------------------------|--|------------------|-----------------------------|----------------------|---------------------------|----------------------|---------|
| F/Y 2014/15 | | | | | | | | | | |
| 221 | DSP Shree Arjun Prasad Sapkota | Armed Police Force | Use of excessive force | Jaya Narayan Patel died on the spot in a firing by armed police at a demonstration taken out by students in Simrangadh of Bara | October 11, 2014 | To take departmental action | 1 | Not Taken | 740 | |
| F/Y 2015/16 | | | | | | | | | | |
| 222 | Jhamkanath GHimire known as Arjun | The then CPN (Maoist), Pyutar ward no. 1, Lalitpur | Murder by beating | Murdered Fulmaya Syaltan of Ghusel VDC, ward no. 3, Lalitpur | October 7, 2003 | Take action as per the Law | 1 | Not Taken | 753 | Minor |
| 223 | Dipak Pulamimagar | The then CPN (Maoist), Malta Ward no. 7, Lalitpur | | | | | | | | |
| 224 | Renu Magar | Malta Ward no. 8, Lalitpur | | | | | | | | |
| 225 | Goma Ghartimagar | Malta Ward no. 9, Lalitpur | | | | | | | | |
| 226 | In charge Ram Shsharan called Diwakar | The then CPN (Maoist), Dui Pipal, ward no. 7, Nuwakot | Murder after kidnapping | Saroj Tamang working at Taradal Battalion, Devighat, Nuwakot was kidnapped and murdered | August 9, 2003 | Take action as per the Law | 1 | Not Taken | 758 | |
| 227 | Office Chief Baburam Pokharel | Area Police Office, Sijuwa, Morang | Death in custody | Madhu Tajpuriya of Sijuwa VDC, ward no. 3 Morang, was arrested on the charge of creating commotion, and detained, and he died while taking to Koshi Zonal Hospital for treatment | October 24, 2014 | To reprimand | 1 | Taken | 759 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|-------------|-------------------------------|------------------------------------|--|---|---|---|----------------------|---------------------------|---------------------------------|---------|
| 228 | DSP Sanjib Sharma Das | District Police Office, Ramechhap | Not investigating on time | Denying to register FIR and carry out investigation repeatedly when a FIR by naming the accused was tried in the incident of murder of Sunitali Tamang of Sainpur VDC, ward no. 1, Ramechhap | | To reprimand | 1 | Taken | 772 | |
| F/Y 2016/17 | | | | | | | | | | |
| 229 | Lieutenant Ram Singh Bohara | Bhajani Security Basecamp, Kailali | (1) and (2) Murder (3) Enforced Disappearance | (1) Shyam Devi Dagaoura of Lalbojhi VDC, ward no. 6, Kailali was murdered (2) Bhagiram Chaudhary of Ratanpur VDC, ward no. 4, Kailali was murdered (3) Ramcharan Chaudhary of Lalbojhi VDC, ward no. 5, Kailali was arrested and made to disappear (4) Jagannath Dagaoura and Ram Shanker Dagaoura living in Kanhaiyapur in Bhajani VDC, ward no. 9, Kailali were arrested from their home and made to disappear | (1) Not clear (2) And (4) January 2, 2003 (3) February 13, 2003 | Take necessary action Take action as per the Law | 4 | Not Taken | 774 777 885 886 887 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------|--|---|--|--|------------------|-----------------------------|----------------------|---------------------------|----------------------|------------------------|---|--|--|--|--------------|--|--|--|--|-----|-------------------------------------|---|--|-----|--------------------------------|---------------|------------------------|--|----------------|--------------|---|-----------|-----|--|-----|---------------------|--|--|-----|-------------------------|--------------------------------|--|-----|--------------------|---------------------------------|---------|--|---------------|-----------------------------|
| 230 | Armed Police DIG Khadananda Chaudhary | Armed Police Force, Nepalugratarata Battalion | Murder, vandalism and damage | Made weak security plan in the Tikapur, Kailali incident, and indulged in negligence, not making appropriate efforts to stop damage to life and property | August 24, 2015 | To take departmental action | 1 | Not Taken | 789 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 231 | SP Laxman Bahadur Singh | Nepal Police | | To take departmental action | | To take departmental action | | 232 | | CDO Ram Kumar Shrestha | District Administration Office, Kailali | Act of Omission in stopping violation of human rights in the aforementioned incident | Act of Omission in stopping violation of human rights in the aforementioned incident | | To reprimand | | | | | 233 | Administrative Officer Suman Dhital | Area Administration Office, Tikarpur, Kailali | | 234 | Secretary Narayan Gopal Molego | Home Ministry | Excessive use of force | 3 people including demonstrators were killed, police and some people were injured and property damaged when a clash took place between police and the United Democratic Madhesi Morcha cadres as the Moracha and CPN-UML sister organization Youth Association Nepal tried to hold their respective programme in the Tarai Madhesh | April 20, 2015 | To reprimand | 1 | Not Taken | 790 | | 235 | CDO Toyam Rayamajhi | District Administration Office, Morang | | 236 | SP Tarani Prasad Lamsal | District Police Office, Morang | | 237 | Lumakanta Bhandari | Nepal Army, Barakhdal Battalion | Torture | Amrit Tharu, Basanti Tharu and Loten Tharu of Neulapura VDC, ward no. 4, Bardia were arrested and tortured | June 30, 2001 | To take departmental action |
| 232 | CDO Ram Kumar Shrestha | District Administration Office, Kailali | Act of Omission in stopping violation of human rights in the aforementioned incident | Act of Omission in stopping violation of human rights in the aforementioned incident | | To reprimand | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 233 | Administrative Officer Suman Dhital | Area Administration Office, Tikarpur, Kailali | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 234 | Secretary Narayan Gopal Molego | Home Ministry | Excessive use of force | 3 people including demonstrators were killed, police and some people were injured and property damaged when a clash took place between police and the United Democratic Madhesi Morcha cadres as the Moracha and CPN-UML sister organization Youth Association Nepal tried to hold their respective programme in the Tarai Madhesh | April 20, 2015 | To reprimand | 1 | Not Taken | 790 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 235 | CDO Toyam Rayamajhi | District Administration Office, Morang | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 236 | SP Tarani Prasad Lamsal | District Police Office, Morang | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 237 | Lumakanta Bhandari | Nepal Army, Barakhdal Battalion | Torture | Amrit Tharu, Basanti Tharu and Loten Tharu of Neulapura VDC, ward no. 4, Bardia were arrested and tortured | June 30, 2001 | To take departmental action | 1 | Not Taken | 796 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|-------------|--|--|--|---|----------------------------------|----------------------------|----------------------|---------------------------|----------------------|---------|
| F/Y 2017/18 | | | | | | | | | | |
| 238 | Major Subash Thapa | Royal Nepal Army | Murder | Prakash Kandel of Chatre Deurali VDC, ward no. 8, Dhading was killed as he was working in his fields | November 1, 2003 | Take action as per the Law | 1 | Not Taken | 821 | |
| 239 | Tualsi Thapa | Human rights worker | Not informing police with a good intention | Human rights worker Tualsi Thapa was found to have been involved in activities that was beyond the scope of the organisation she was working for, and she was not found to have informed police about Tek Bahadur Rai of Khotang with a good intention. Also influenced by her statement, police arrested him without sufficient ground and reason, and detained him, where he died in detention. | May 9, 20016 | To reprimand | 1 | Not Taken | 855 | |
| 240 | Head teacher Lekhnath Bhattarai | Shree Public Higher Secondary School, Dharan | Right to Education | Though passed in annual examinations, the head teacher had marked them fail in examinations | Annual examinations of 2065 B.S. | To reprimand | 1 | Taken | 905 | |
| F/Y 2018/19 | | | | | | | | | | |
| 241 | DSP Surendra KC | District Police Office, Bara | Murder | Ram Babu Sahani of Srinagar Bairyia VDC, ward no. 8, Bara was taken into custody and murdered | March 6, 2010 | Take action as per the Law | 1 | Not Taken | 932 | |
| 242 | Assistant Sub-inspector Dharmendra Singh | | | | | | | | | |
| 243 | Armed Police head constable Mohan Lama | Armed Police Force | Murder | Nawaraj Pathak of Namobuddha municipality, ward no. 4, Kavre was murdered | May 13, 2017 | Take action as per the Law | 1 | Not Taken | 937 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|--|---|----------------------|--|------------------|----------------------------|----------------------|---------------------------|----------------------|---------|
| 244 | Devaki Jirel known as Suntali of then Maoist | The then CPN (Maoist), Dolakha | Murder | Devaki Jirel known as Suntali enticed Bhim Kumari Jirel, Rupa Jirel and others of Jugu VDC, ward no. 7, Dolakha into the Maoist party, and due to that reason, they were killed by the security forces | April 4, 2004 | Take action as per the Law | 1 | Not Taken | 939 | |
| 245 | Police inspector Madan Prasad Kesari | Ratamata Police Office, Sindhuli under the District Police Office, Sindhuli | Torture | Five persons including Pawan Dahal of Purano Jhangajholi VDC, ward no. 6, Sindhuli were murdered and three others were tortured. | November 3, 1998 | Take action as per the Law | 1 | Not Taken | 947 | |
| 246 | Ram Kumar Syangtan of then Maoist | Kaleswar ward no. 7, Lalitpur | Murder | Manik Lal Waiba of Kaleswar VDC, ward no. 7, Lalitpur was kidnapped from his home, and murdered at Ghattekhola, some 10 minutes away from his home | October 27, 2002 | Take action as per the Law | 1 | Not Taken | 952 | |
| 247 | Ram Hari Timilsena of then Maoist | Kaleswar ward no. 3, Lalitpur | | | | | | | | |
| 248 | Rajan Timilsena of then Maoist | Kaleswar ward no. 3, Lalitpur | Murder | Manik Lal Waiba of Kaleswar VDC, ward no. 7, Lalitpur was kidnapped from his home, and murdered at Ghattekhola, some 10 minutes away from his home | October 27, 2002 | Take action as per the Law | 1 | Not Taken | 952 | |
| 249 | Juman Singh Syangtan of then Maoist | Kaleswar ward no. 7, Lalitpur | | | | | | | | |
| 250 | Kumari Moktan of then Maoist | The then CPN (Maoist), Lalitpur | Murder | Manik Lal Waiba of Kaleswar VDC, ward no. 7, Lalitpur was kidnapped from his home, and murdered at Ghattekhola, some 10 minutes away from his home | October 27, 2002 | Take action as per the Law | 1 | Not Taken | 952 | |
| 251 | Fanindra Devkota called Nabin of then Maoist | The then CPN (Maoist), Lalitpur | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|--|--|----------------------|--|-------------------|--|----------------------|---------------------------|----------------------|---------------------------|
| 252 | Bimal Raj Giri called Abiral of then Maoist | The then CPN (Maoist), Sindhupalchowk | Murder | Krishna Bahadur Basnet of Pipaldanga VDC, ward no. 2 Sindhupalchowk was abducted and murdered | February 24, 2005 | Take action as per the Law | 1 | Not Taken | 956 | |
| 253 | Ramsharan Subedi called Diwakar of then Maoist | The then CPN (Maoist), Dhading | Murder | Goma Koirala of Kewalpur VDC, ward no. 2, Dhading was abducted and murdered | January 12, 2004 | Take act by bringing under the ambit of investigation | 1 | Not Taken | 958 | |
| 254 | Bhakti Pathak of then Maoist | The then CPN (Maoist), Jhapa | Murder | Maoist cadres who were raising donations at Jhapa bazaar shot dead Chudamani Mainali of Kumarkhod VDC, ward no. 7, Jhapa | November 7, 2005 | Take action as per the Law | 1 | Not Taken | 961 | |
| 255 | Indian SSB Inspector Jitendra Singh | Indian SSB | Murder | Security personnel of the Indian Border Security Force (SSB) entered Nepali territory in Morang, Amahibariyati, ward no. 7, Khayarbana near the no-mans-land on the Indo-Nepal border and murdered Basudev Shah of Morang, Amahibariyati, ward no. 7 | May 25, 2010 | Recommendation made for action | | | 980 | Indian security personnel |
| 256 | Constable Madan Singh Sodar | | | | | | | | | |
| 257 | Sergeant Mitra Raj Giri | Nepal Army, Singhanath Battalion, Surya Binayak, Bhaktapur | Torture | Keshav Thapa living in Tathali-3, Bhaktapur was summoned to the Singha Nath Battalion, Surya Binayak and tortured by beating. | April 6, 2005 | As action has already been taken, so NHRCN has not spoken about it | 1 | Taken | 988 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|--|--|----------------------|--|------------------|---|----------------------|---------------------------|----------------------|---------|
| 258 | Police Constable Birendra Yadav | District Police Office, Sunsari | Assault/abuse | Dil Kumar Tamang of Mechi municipality, ward no. 11, Jhapa was assaulted and abused while working inside the premises of the District Police Office, Sunsari | | Action taken by District Police Office, Sunsari as per police regulations | 1 | Taken | 993 | |
| 259 | Police Constable Sanjaya Yadav | | | | | | | | | |
| 260 | Police Constable Ajit Kumar Shaha | | | | | | | | | |
| 261 | Armed police Inspector Tejram Sharma | Armed Police Force, Bara | Assault/abuse | Armed police force personnel entered the house of Loknath Yadav and others in Beldari VDC, ward no. 7, Bara and beat them and abused them indiscriminately | August 22, 2009 | Departmental action taken | 1 | Taken | 996 | |
| 262 | Captain Ganesh Rawal | Nepal Army, Naya Gorakh Battalion Barrack, Libang, Rolpa | Sexual assault | The Nepal Army captain in Libang-6, Rolpa summoned(woman) of Libang ward no.6, Rolpa to Kathmandu, kept her at a hotel, sexually assaulted her and tortured her, and threatened her when she asked him to marry her | October 11, 2005 | Necessary action | 1 | Not Taken | 997 | |
| 263 | Suresh Thapa called as Itihas of then Maoist | Okhaldhunga | Kidnapping/ assault | Durga Bahadur Khatri of Mulakharka ward no. 2, Okhaldhunga was abducted, beaten up and tortured | March 16, 2007 | Take action as per the Law | 1 | Not Taken | 1005 | |
| 264 | Chwanche Bogati known as Chandra Prakash | | | | | | | | | |
| 265 | Sub-Inspector of police Hari Kumar Prasain | Police Post, Prithivinagar, Jhapa | Law and order | Police was non-cooperative when the incident of theft from the house was reported at the police post | | Action taken | 1 | Taken | 1019 | |
| 266 | Principal Gyanendra Thapa | National Creation Academy, Pokhara, Kaski, | Abuse | Six-year-old Bibek BK of Nagdhunga in Pokhara municipality-8, Kaski was abused by tanning his face black for not doing homework | May 31, 2016 | To reprimand | 1 | Not Taken | 1020 | |
| 267 | Teacher Asmita Thapa | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|---------------------------|--|------------------------------------|---|---|------------------|---|----------------------|---------------------------|----------------------|---------|
| 268 | Factory Inspector Maniram Gopka | Labour Office, Biratnagar, Morang | Not treated in a human rights-friendly manner | Anup Regmi, working as security guard at the Arbin Pulp and Paper Mills Pvt. Limited in Narsingh VDC, ward no. 1 Sunasri had his left leg fractured while working on a machine in the company, and the compensation about that he was entitled to from the company should have been received from the Labour Office, but that amount was deposited in the bank account of Labour Office, and he was not paid on time. | June 03, 2016 | To reprimand | 1 | Not Taken | 1031 | |
| F/Y 2076/77 (F/Y 2019/20) | | | | | | | | | | |
| 269 | Police In-charge Arjundwaj Adhikari | Singa Tatopani Police Post, Myagdi | Murder | Murdered Binod KC of Babiyachaur VDC, ward no. 8, Myagdi | July 7, 2000 | Take action as per the Law | 1 | Not Taken | 1061 | |
| 270 | Police personnel Som Prasad Lamichhane | | | | | | 1 | | | |
| 271 | Police Inspector Krishna Dev Prasad Shah | | | Kumar Poudel of Sarlahi district, Bagmati municipality ward no. 2 was killed in police action near the Lakhandehi jungle in ward no. 1 of Lakhandehi municipality in the district. | July 7, 2000 | Immediately suspend and prosecute on criminal charges | | | | |
| 272 | Head Constable Binod Shah | | | | | | | | | |
| 273 | Head Constable Satya Narayan Mishra | | | | | | | | | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|---|--|----------------------|---|-------------------|----------------------------|----------------------|---------------------------|----------------------|---------|
| 274 | Police Inspector Kiran Prasad Neupane | | | The details of the incident was written down in wrong way | July 7, 2000 | To reprimand | 1 | Not Taken | | |
| 275 | Sub-Inspector of police Surya Kumar Karki | | | | | | | | | |
| 276 | Dr Birendra Kumar Mandal | District Hospital, Sarlahi, Malangwa | Murder | Minimum standards were not met while doing the post-mortem | July 7, 2000 | | | | | |
| 277 | Battalion Chief Arjun Basnet | Nepal Army, Brabal Barrack, Dhunche | Murder | Chiring Ghale of Goljung, ward no. 4 was murdered as he was being taken from the Brabal barrack in Dhunche to Manchhet Barrack. | January 02, 2002 | Take action as per the Law | 1 | Not Taken | 1097 | |
| 278 | Police personnel Raya Awatar Yadav | Area Police Office, Rupani, Saptari | Murder | Baccharam Chaudhary of Rayapur, ward no. 9, Saptari was murdered | October 07, 2006 | Take action as per the Law | 1 | Not Taken | 1098 | |
| 279 | CDO Mohan Prasad Pokharel | District Administration Office, Rasuwa | Murder | Giving permission to allow army to take individuals from the prison illegally and not responding to the closed questions sent by the NHRCN | December 29, 2001 | To reprimand | 1 | Taken | 1102 | |
| 280 | Battalion Chief, Anuj Bahadur Basnet | Nepal Army, Shumsher Dal Battalion, Rasuwa | Murder | Bir Bahadur Moktan of Syafu VDC, ward no. 1, Rasuwa district was arrested by police and detained at District Police Office, Rasuwa, and later taken away by the army from the prison and murdered | | Take action as per the Law | | Not Taken | 1102 | |

| S. No. | Name and position of violator | Office/ affiliation | Subject of violation | Incident | Date of Incident | Nature of action | Times of involvement | Action taken or not taken | Recommendation S.No. | Remarks |
|--------|--|---|----------------------|---|------------------|----------------------------|----------------------|---------------------------|----------------------|---------|
| 281 | Armed police Sub-inspector Rabintra Pratap Yadav | Armed Police Force, Peace Security Post, Chinnamasta, Saptari | Murder | Akhilendra Yadav was killed and two others were injured when excessive force was used, and shots were fired in a clash that took place between local farmers of Itahari Bishnupur VDC, ward no. 4, Saptari and armed police patrol team over the matter of chemical fertilizer that the local farmers had brought from India for domestic use | July 17, 2009 | Take action as per the Law | 1 | Not Taken | 1106 | |
| 282 | Rajman Tamang known as Kattu of then Maoist | Darne, Ganeshtan, Nuwakot | Murder | (1) Bishnu Prasad Adhikari of Bageswari VDC, ward no. 3, Nuwakot was kidnapped and murdered after being taken to the Betani jungle in Nuwakot | May 3, 2004 | Take action as per the Law | 1+1 | Not Taken | 1123 | |
| 283 | Man Singh Tamang | | | (2) Nawaraj Dhakal of Chogate in ward no. 4 of Bageswari, Nuwakot was abducted and murdered | | | | | | |
| 284 | Risheswar Bhatarai | | | | | | | | | |
| 285 | Jayaram Adhikari | | | | | | | | | |
| 286 | Karna Rai of then Maoist | Sisnepani, Jhapa | Murder | Dinanath Rajbansi of Dangibari VDC, ward no. 4, Jhapa was abducted from his home and murdered | June 03, 2006 | Take action as per the Law | 1 | Not Taken | 1125 | |
| 287 | Madan Shiwakoti of then Maoist | Damak, Jhapa | | | | | | | | |
| 288 | DSP Ram Bilas Das | Armed Police Force, Barmajhiya, Saptari | Torture | Kapaleswar Sardar of Goidhi VDC, ward no. 3, Saptari was arrested and beaten up, and detailed at the Armed Police Base Camp, Barmajhiya, where even the DSP tortured him. | May 5, 2003 | Take action as per the Law | 1 | Not Taken | 1157 | |

Achievements and Challenges

1. Achievements

There are some achievements in terms of implementation of the NHRCN recommendations. However, since the state of implementation of the recommendations is minimal, there are challenges also in its implementation. Achievement is especially a matter concerning satisfaction of the victim of getting justice while the challenge is also an opportunity to attain the achievements. So far, the NHRCN has made a total of 1,195 recommendations for justice of the victims including 940 for victims related to the armed conflict and 225 for other victims. Among the recommendations, the state of implementation of the NHRCN recommendations stand as 13.64 per cent fully implemented and 37.24 partially implemented as the entry point of attaining justice. The Government of Nepal has been recommended to provide compensation amount worth more than 260 million rupees for around 2500 victims. Along with compensation/relief/interim support, recommendation has also been made for action by naming 286 individuals as perpetrators.

Recommendations have also been proposed by making important policy decision in relating to protection and promotion of human rights. The decisions made by the NHRCN have been made public, and assessments made on it with the stakeholders. The involvement of at least 11 agencies in the acts of violation have been evident. The state of the victims has been made public on the basis of diversity. The popular elected parliament has directed the government to implemented the NHRCN recommendations. Nepal has been elected member of the UN Human Right's Council, also based on the assessment of the activities executed by the NHRCN. The verdict by the Judiciary in relation to implementation of the recommendations have provided milestones in favour of the victims. The expectation and trust of the civil society and the victims towards the NHRCN is increasing. The UN mechanism has also notified the government to implement the NHRCN recommendations. In the recommendations made for compensation, majority of the victims have received relief and compensation. Voices are being raised at national and international forums to implement the NHRCN recommendations for ending impunity. The government has begun mentioned the task of implementing the NHRCN recommendations in its national action plan.

2. Challenges

Though achievements and results as mentioned above have been made in relation to the implementation of the NHRCN recommendations, there are many challenges to the implementation of the recommendations. Many of the challenges are internal while some are external, which have been outlined in brief below.

(a) Internal challenges

The failure to follow up in a systematic manner on the recommendations communicated in writing for implementation following decision by the NHRCN, absence of a specialized unit/division within the NHRCN for implementation of the recommendations, not fully organized documentation system, and failure of regular monitoring on the assigned responsibilities have led also to challenges in the implementation of the recommendations. The NHRCN has been striving to improve this situation and there is need to make it more effective ahead. The Constitution of Nepal Article 249 (2) section (f) and National Human Rights Commission Act, 2012, Section 7 gives the NHRCN the authority to document and name the human rights violators in public, but failure to do so as of yet can be regarded as the major challenge. The implementing agency not reporting to the NHRCN about the implementation according to the then Human Rights Commission Act,

1997, Section 13 (4) and the National Human Rights Commission Act, 2012, Section 17 (3), and committing continuously serious negligence, but the inability of the NHRCN to take any action against it is also another challenge. Hence, the wiping out such illusions the NHRCN should exercise its constitutional and legal authority, and also implement the suggestion of the parliament to document and publicly name the human rights violators. As a result, the failure of the NHRCN to implement programmes focused on implementation of the recommendations, and to run meaningful programmes in coordination and collaboration with the victims, civil society and implementing agencies also stands as a challenge.

(b) External challenges

The twenty years of experience of the implementation of the NHRCN recommendations shows that the major challenge to implementation is the irresponsibility on part of the office-bearers in the leadership with responsibility of this task, and lack of seriousness in the fulfillment of human rights. The political leadership is responsible for this policywise, while the bureaucracy that stands as the permanent governance is equally responsible from the perspective of practical aspects and functioning. Lack of will power in the office-bearers serving the implementing agencies, ignorance of prevalent laws and failure to abide by the rule of law is another challenge. The then Human Rights Commission Act, 1997 and the existing National Human Rights Commission Act, 2012 make clear provisions for the implementation of the NHRCN recommendations but continuous ignorance on part of the implementing agencies poses a challenge to the implementation of the recommendations. Ignoring the clear provisions that allow the NHRCN to receive complaints on incidents of human rights violation that have taken place at any point of time, investigate the incident and subsequently make recommendations, there is a tendency to link many recommendations to the transitional period. Such tendency is another challenge that stands before the implementation of the recommendations.

In incidents of human rights violation or abatement, the NHRCN makes a recommendation by ascertaining whether the incident has taken place on the basis of the definition by the National Human Rights Commission Act, 2012, Section 2 (f). But the tendency of the implementing agencies to look at incidents of human rights violation and incident of crime by putting them in the same basket shows a lack of conceptual clarity in the agencies. This also adds to the challenge in implementation of the recommendations. The concept that the inhumane acts and crimes committed in the context of fulfilling political demands should be addressed politically rather than as per the existing law also creates obstacles to implementation of the recommendations.

The failure to implement the recommendations is also due to the absence of domestic legal provisions to some extent. But the concerned agency has not been able to give due attention towards that end. Though the NHRCN made many recommendations for action in incident of enforced disappearance, there seems to be lack of sufficient legal provision of it. The Criminal Code came into effect from August 17, 2018 and it mentions that legal remedy would also be provided in incidents of disappearance and torture. But such laws do not address the incident that took place during the armed conflict. The government does not seem positive about addressing such incidents. The Transitional Justice Act proposed by the government and passed also does not address such incidents. Hence, ignorance on part of the government in the name of lack of law is another challenge for implementing the recommendations. However, even though the incident of disappearance and torture have not been prosecuting citing lack of law, the highest number of recommendations on incident of murder too have not been pursued even through there is no problem of a lack of law, which is the major challenge for the implementation of the recommendations.

Not formulating legal provisions on matters that warrant prosecution of a case as per the recommendation of legal action, and not making any honest effort either is another challenge because even at around 15 years since constitutional provision in this regard was established the government has made no effort to address the absence of clear procedures to prosecute the case. The continuous ignorance on part of the government to follow the Supreme Court orders for implementation of the NHRCN recommendation and failure of the

Commission to take any steps against such ignorance adds another challenge to the implementation of the recommendations. The annual report of the NHRCN is not yet regularly discussed in the federal parliament. Likewise, the coordination and collaboration that began between the Federal Parliament, Law, Justice and Human Rights Committee and the Commission are also not being held regularly.

Though the steps taken by the human rights organisations and civil society are positive but the matter of implementation of the NHRCN recommendation not getting continuous attention and the government's economic-centered policy also remain as challenges. This situation is also a result of the latest policy of not taking action against the perpetrator but paying compensation. The initiative of the government in implementing the recommendation for action against the guilty is almost nil.

It can be concluded that the ignorance on part of the government to establishing a rule of law, ending impunity and holding the guilty accountable individually is the major challenge in implementation of the recommendations. As a result, the violators are encouraged, building a human right culture is not possible and impunity is getting encouragement. Acts like appointing individuals' recommendation for prosecution after being identified as guilty but the NHRCN, and promoting and rewarding them with position and decorations are promoting impunity rather than protecting human rights in the society. The trend to associate the victims' justice to monetary compensation has not witnessed any decline. The culture of impunity seems to be the main challenge for the implementation of the NHRCN recommendations.

Conclusion and Recommendations

Conclusion

Based on the aforementioned facts in the paragraphs above, it has to be concluded that the state of implementation of the recommendations made by the NHRCN is not satisfactory despite positive steps taken in relation to implementation of the recommendations. If the percentage of recommendations that have been fully implemented are to be considered, then the situation has to be regarded as alarming. The overall situation gives an indication that the government is trying to limit the issue of justice to monetary compensation. Even though justice entails both prosecution and compensation, limiting it to only the monetary aspect leads to a situation where the victims have to continuously wait for getting justice. Even though the report and recommendations of the NHRCN have got entry into the parliament, failure of it to receive continuous priority in discussions has led to problems in implementation of the recommendations. Hence, one can reach to a conclusion that for implementation of the recommendations in the days to come the NHRCN needs to make proper use of its constitutional and legal mandate and move ahead on the basis of coordination and collaboration.

Recommendations

To the Government of Nepal

1. As the implementation of the NHRCN recommendations is found to be very less, an inter-ministry implementation task force should be formed for coordination and implementation among the various agencies of the government. It would be appropriate for the Office of the Prime Minister and Council of Ministers, Human Rights Division to carry out such coordination in an effective manner.
2. In relation to the compensation in the incidents of murder, disappearance/kidnapping recommended by the NHRCN, majority of the victims recommended by the NHRCN have received more than three hundred thousand rupees as relief under the GoN's policy and programmes but it not clears the responses received to the NHRCN that the compensation was provided as per the compensation recommended by the NHRCN. Hence, a communiqué should be sent to the NHRCN by clarifying it.
3. A mechanism should be established and focal person assigned in various ministries and agencies of the Government of Nepal for implementation of the NHRCN recommendations and the implementation should be made effective.
4. The Government of Nepal should adopt necessary measures to make the individuals or agencies not implementing the NHRCN recommendations to implement or cause to implement them.
5. Immediate steps should be taken in response to the recommendations made by the NHRCN for action against individuals and the NHRCN should be updated about it regularly.
6. The Government of Nepal should establish provision for reward and punishment for the individuals implementing/not implementing the NHRCN recommendations.
7. If action has been taken against the individuals recommended for action by the NHRCN, then details about the kind of action taken should be sent (to the NHRCN). Upon receiving such details, the NHRCN should update the records of action taken against the violators.
8. Regular discussion/interaction programmes should be carried out with the stakeholders including the

NHRCN on the initiatives taken for and the challenges facing effective implementation of the NHRCN recommendations.

Recommendations to the Federal parliament/provincial Assembly

9. The annual reports of the NHRCN should be widely discussed in the parliamentary committees and the Federal Parliament, National Assembly. The discussion should provide essential directive, feedback and continuous follow-up to the government to implement the NHRCN recommendations.
10. The government and Federal Parliament should take the initiative to amend the laws to take forward, without any legal ambiguity, the NHRCN recommendation to prosecute cases on criminal charges.
11. The thematic committees of the Parliament should hold continuous discussion with the government ministries and agencies to implement the NHRCN recommendations.
12. The Provincial Assembly should also give continuous directive and feedback to the provincial government to implement the NHRCN recommendations.

Recommendations to the political parties

13. In the context where commitment towards human rights has been expressed in the manifestoes of all the political parties, and all political parties committed to human rights, rule of law, inclusion and other human rights, they have an important role in holding the government accountable for guaranteeing human rights and implementing the NHRCN recommendations, the parties should also exert more pressure on the government and do the necessary coordination work as well.

Recommendation to the Civil Society

14. The human rights organizations and the civil society would continuously advocate for the implementation of the NHRCN recommendations.
15. The government should be continuously pressurized through the media for implementation of the decisions and recommendations made by the National Human Rights Commission of Nepal on the basis of research-based facts.

NHRC Nepal's Offices

Central Office :

Hariharbhawan, Lalitpur
POB. No. : 9182
Tel. : 01-5010015/16/17/18
Website : www.nhrcnepal.org
Fax : 01-5547973
Hotline : 01-5010000
Email : nhrc@nhrcnepal.org

Province Offices :

Province No. 1 Office, Biratnagar
Tel. : 021-461931, 461093
Fax : 021-461100
Email : nhrcbrt@nhrcnepal.org

Province No. 2 Office, Janakpur
Tel. : 041-590313, 590314
Fax : 041-590315
Email : nhrcjnk@nhrcnepal.org

Bagmati Province Office, Sanepa, Lalitpur
Tel. : 01-5530362, 5529172
Fax : 01-5530362
Email : nhrcsnp@nhrcnepal.org

Gandaki Province Office, Pokhara
Tel. : 061-462811, 463822
Fax : 061-465042
Email : nhrcpkr@nhrcnepal.org

Lumbini Province Office, Butwal
Tel. : 071-410175
Fax : 071-410176
Email : nhrcbtl@nhrcnepal.org

Sudurpashchim Province Office, Dhangadi
Tel. : 091-525621, 525622
Fax : 091-525623
Email : nhrcdhn@nhrcnepal.org

Province Branch Offices:

| | |
|---|-------------------|
| Province No. 1 Branch Office, Diktel | Tel.: 036-420284 |
| Lumbini Province Branch Office, Nepalgunj | Tel. : 081-526707 |
| Karnali Province Branch Office, Jumla | Tel.: 087-520222 |