

Caught in the Middle



Caught in the Middle:

Mounting Violations
Against Children in
Nepal's Armed Conflict

January 2005

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INDICATORS

Indicators	NEPAL
Population	24,800,000 total (Ministry of Population and Environment, 2004) 11,504,000 under age 18 (UNICEF, 2002)
Voting Age	18
Gross National Income (GNI) per Capita	US\$240 (World Bank, 2003)
Refugees and Internally Displaced Persons (IDPs)	Estimated tens of thousands of refugees in India (U.S. Committee for Refugees, 2004) 100,000-200,000 IDPs (Global IDP Project, 2004)
Infant Mortality	66/1000 (2002, UNICEF)
HIV/AIDS	0.5% estimated adult prevalence rate (ages 15-49) 1,500 estimated children living with HIV/AIDS (ages 0-14) 13,000 children orphaned by HIV/AIDS (End 2001, UNICEF) Current status considered a concentrated epidemic.
Education	62.7% adult literacy, male 34.9% adult literacy, female (Central Bureau of Statistics, 2003) Note that literacy varies widely by ethnicity and location. 79% primary school attendance, male 66% primary school attendance, female (UNICEF, 2002) 25%-35% average pass rate over the last decade for School Leaving Certificate (SLC) at grade 10 (World Bank, 2001) Hundreds of schools are destroyed or not functioning. Maoists and government forces have attacked schools. Government forces use schools primarily as garrisons. The Maoists use schools for recruitment. Teachers are also intimidated, harassed and targeted for violence. (Various sources, 2004)
Gender-Based Violence (GBV)	Reports of rape and sexual violence against girls by the Maoists and government forces. (Various sources, 2004)
Trafficking	Estimated 5,000 to 12,000 are girls trafficked from Nepal across international borders every year. (ILO, 2002) Vulnerability of children to trafficking is exacerbated by the armed conflict.
Landmines and Unexploded Ordnance (UXO)	Ongoing use by government forces and Maoists. 92 children killed in the first six months of 2004 by landmines and UXO. (Nepal Campaign to Ban Landmines, 2004)

Indicators	NEPAL
Small Arms	Unknown number of weapons in circulation. In 2003 the United States agreed to sell thousands of automatic rifles and machine guns to the government to fight the Maoist insurgency. (Small Arms Survey, 2003)
Child Soldiers	Numbers of child soldiers in Nepal unknown. However, there is significant information of recruitment and use of children in a variety of roles by the Maoists. Both the Maoists and the government armed forces may use children as informers. (Coalition to Stop the Use of Child Soldiers, 2004)

INTERNATIONAL STANDARDS

International Standards	NEPAL
Convention on the Rights of the Child (CRC) <ul style="list-style-type: none"> • Optional Protocol on the Involvement of Children in Armed Conflict • Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography 	Ratified 1990 Signed Signed
Other Treaties Ratified	Geneva Conventions; International Covenant on Civil and Political Rights; International Covenant on Economic, Social, and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; International Labor Organization Statute 182 on worst forms of child labor
United Nations Security Council Resolutions	None

SUMMARY

The Maoist and government forces¹ in Nepal have killed approximately 10,000 people, including 286 children since the outset of the “People’s War” in 1996, according to the Informal Service Sector Centre (INSEC), a leading Nepalese human rights organization. Given the severity of the situation, and the lack of progress in peace talks, it is imperative that the UN Security Council and other high-level members of the international community provide the essential resources and potential remedies necessary to protect Nepali children before any further degradation of their current situation occurs.

Already, in the first six months of 2004, Child Workers in Nepal Concerned Centre (CWIN) collected information from research reports, newspapers and other sources and found 54 deaths of children as a direct result of armed conflict (42 boys, 12 girls). These deaths were caused by bomb blasts, cross fire and other forms of violence. Two suicides of children were directly tied to armed conflict (1 boy, 1 girl), 99 children were injured, 77 children were arrested and 6,689 children were abducted.

Since the end of the cease-fire agreement in 2003, violations against Nepali children have been steadily increasing by both parties to the conflict. The conflict has eroded fragile and tenuous gains in literacy, child mortality and other key indicator areas, as the general standard of living and quality of life for all Nepali children continue to deteriorate.

This report combines information collected from a variety of sources to document violations against children and adolescents in the context of the armed conflict in Nepal.

Snapshot of Violations of Children’s Security and Rights

(Source citations for information below are included in the main text and at the end of the report)

- Children are subjected to killing and maiming committed with impunity by both the Maoists and government forces
- Maoists have targeted schools for attacks and use schools as grounds for abduction and recruitment of children and teachers
- Maoists and government forces have used schools as battlegrounds and have also requisitioned schools for use as barracks and other purposes
- Children are systematically denied their right to education as a result of Maoist *bandhs* (strikes), fear to attend due to violence in schools, destruction of schools, school closures and the overcrowding of schools that are still functioning
- Up to 30 percent of Maoist forces may consist of boys and girls under 18 years
- In the first six months of 2004, 92 children have been killed by mines or unexploded ordnance used by Maoists and government forces; this number is already higher than the total number of children killed in 2003
- Girls are raped and subject to other forms of sexual violence by Maoists and government forces; survivors of gender-based violence often remain silent due to lack of protection for them
- As part of the widespread pattern, children under age 18 have “disappeared” and been arbitrarily detained by government forces, often for suspected involvement with the Maoists
- Children and their families are forcibly displaced due to insecurity, death threats, unreasonable imposition of “donations,” harassment, destruction and looting of homes, food insecurity, lack of

¹ Use of the terms “government forces” and “security forces” pertain to unidentified members of government armed groups, including the Royal Nepalese Army, national police, Armed Police Force and other armed branches mobilized by the government.

- access to education and health services, threat of abduction and/or recruitment by Maoists
- Maoist looting and other activities, as well as blockades set up by government armed forces, restrict children's access to food, medicine and immunizations, as well as to regular activities for daily life
 - Armed conflict, violence and insecurity are likely to exacerbate the potential HIV/AIDS risks in Nepal, particularly among girls who are increasingly vulnerable to rape, sexual exploitation and trafficking, as well as among adolescents who lack information and access to HIV testing centers
 - Trafficking of women and girls into India for domestic servitude or work in carpet factories, circuses, farms, road construction and other purposes, as well as for sexual exploitation, has likely increased due to the armed conflict; displacement of children and their families emulating traditional migration patterns has also significantly increased
 - Children are orphaned or separated from their parents and families due to the armed conflict; they end up in group homes, on the streets, in unsafe labor conditions, including commercial sex work, and in other vulnerable situations
 - Children and their wider communities throughout Nepal are living in fear and insecurity, and under the constant threat of violence, causing mental health problems and psychosocial consequences

This report makes urgent recommendations to the government of Nepal,² the Maoists, the UN Security Council, the UN country team and humanitarian community in Nepal and to donors to take immediate action to protect Nepali children and adolescents from any further abuses. (See Recommendations below.) First and foremost, the government forces and the Maoists must take immediate steps to uphold international humanitarian laws and international human rights, particularly the Convention on the Rights of the Child, by halting all violations against children's security and rights.

² The official reference for the government of Nepal is His Majesty's Government (HMG), but for purposes of consistency in Watchlist terminology this report will refer to the Nepalese government simply as "the government."

CONTEXT

Background

For most of the twentieth century, Nepal was ruled by the *Ranas*, a hereditary family of prime ministers who had displaced the Shah dynasty as the real rulers of the country. Then, in the early 1950s, after India gained its independence, King Tribhuvan, with the support of the new democratic Indian government, overthrew the decadent *Rana* rule and initiated the modern political history of Nepal.

King Tribhuvan and his son, King Mahendra, ruled directly throughout most of the 1950s, except during a brief period of multiparty democracy late in the decade, after which King Mahendra dissolved the elected Congress Party government. In 1962, King Mahendra issued a more royalist constitution establishing a new political structure known as the “Party-less Panchayat” system. This single-party rule banned all political parties and created village, district and national level councils, or *panchayats*, by which the king could rule without significant opposition.

Although effective at limiting dissent and organized political parties, over the decades, the *panchayat* government failed to serve the population. It evidenced little interest in addressing the country’s systemic problems of social inequality and severe economic underdevelopment.

In 1990, yielding to a variety of political pressures, the *panchayat* system collapsed and a new multi-party democracy was established under the aegis of a new constitution. This brief period of political liberalization did not last. The new political system, formally a Constitutional Monarchy, was ill-served by many of the political leaders, who fought over power, leading to a new government almost every year from 1990 to 2002. These democratic governments were generally viewed as being extremely corrupt, self-serving and dominated by the same elites as the previous system.

Although the period of parliamentary democracy was unstable, it fostered a rapid increase in civil society organizations that had been banned under the *panchayat*, including political parties, nongovernmental organizations, human rights agencies, newspapers, magazines and other professional organizations.

In 1994, the United People’s Front, a political alliance of several Nepalese leftist parties, split apart. One of its former leaders, Pushpa Kamal Dahal (commonly known as Comrade Prachanda), founded the Communist Party of Nepal–Maoists (CPN–Maoists, or Maoists), a radical splinter group of the Communist Party of Nepal (CPN). The Maoists claim to be inspired by the revolutionary philosophy of Mao Tsetung. However, China disavows any connection between the Maoists and traditional Maoist doctrines of the modern state of China. The Maoists’ model is ideologically similar to Peru’s Shining Path movement, claiming to be a voice of the poor and to use violence as a means to fight state oppression and police brutality.³

On February 13, 1996, citing the government’s failure to respond to a memorandum outlining its demands—such as the abolition of royal privileges, the creation of a new constitution and renegotiation of the border with India—the Maoists officially launched their insurgency, the “*People’s War*.” The stated intention of the “*People’s War*” is to overthrow the constitutional monarchy and to establish a republic through a constituent assembly.

³ For further information about the Maoist movement in Nepal, see: *The People’s War in Nepal: Left Perspectives* edited by Arjun Karki and David Seddon and *A Kingdom Under Siege: Nepal’s Maoist Insurgency, 1996-2003* by Deepak Thapa with Bandita Sijapati.

Initially the Maoists enjoyed some popular support for their cause. This was particularly true among the lesser-educated rural population, many of whom had had very little contact with the government other than through the police and a very poor health and education system at the village level. Over time, however, the Maoists' increased use of violence, intimidation and brutality has alienated many former supporters.

The Maoist movement began in the mid-western region, targeting so-called "enemies of the people," such as police, landowners, members of the political parties, teachers, local government officials and others. From the outset, the Maoists have targeted the national infrastructure as a means of destabilizing the country. This has included attacks on airports, bridges, power plants and telecommunications systems, as well as forced "donations" from businesses, organizations and individuals to support their cause. They also carry out general strikes, *bandhs*, which disrupt trade and transport and cause shortages in food and other essential items by temporarily shutting down major highways, government buildings and schools. Maoist intimidation and harassment of international development agencies to provide forced "donations" has been ongoing for several years, reaching new heights in 2004. The Maoists are also responsible for a range of other egregious abuses against children, as well as adults, such as torture and unlawful killings. (See details below.)

Today, after over nine years of this tragic conflict, the Royal Nepalese Army (RNA) controls primarily the district centers or areas surrounding crucial infrastructure, while the Maoists have established their de facto control over large parts of the countryside. In a late 2003 *Washington Times* article, Maoist Chairman Prachanda claimed that the Maoists control up to 80 percent of Nepalese territory.

Unfortunately, in most rural areas, outside of the district centers, the system of elected local governments, known as Village Development Committees (VDCs), is no longer functioning due to earlier political decisions made in Kathmandu to dissolve local governments. In some cases the VDCs have been replaced by a parallel Maoist "people's government" (*jan sarkhar*) structure.

The Maoists are generally believed to comprise 3,000 to 4,000 regular troops and an estimated 10,000 to 15,000 local militia members, according to the *Small Arms Survey 2003*. However, one estimate printed in the *New York Times* in 2003, even before the escalation of the situation in 2004, placed these numbers as high as 8,000 regular troops and 40,000 irregular fighters.

On November 26, 2001, the government declared a state of emergency in response to the breakdown of the first cease-fire (see below) and the first Maoist attack on the RNA. At that time, the government officially authorized the RNA to "disarm" the Maoists. With this declaration, the government also suspended several articles of Nepal's constitution, including those relating to rights of freedom of thought and expression; rights of assembly and movement; the right not to be held in preventive detention without sufficient grounds; and the rights to information, property, privacy and judicial remedy, according to Amnesty International (AI). The government allowed the state of emergency to lapse in August 2002.

Over the years, the government's counterinsurgency has taken many forms, including roadblocks, security checks and blockades of food supplies and shipments of essential goods, all of which have had serious ramifications for daily life in Nepal. In this context, the government is also responsible for a range of egregious child rights abuses, such as unlawful killing, torture, forced disappearance and rape. (See details below.)

Political disagreements have also ensued within the government itself, such as a major disagreement over the proposed extension of the state of emergency in 2002. As a result, the government has suffered several major political upheavals in recent years, including dissolution of the Parliament by

Prime Minister Deuba in May of 2002, followed by the dismissal of Prime Minister Deuba by King Gyanendra in October of 2002 on charges of “incompetence” and the indefinite postponement of elections.

Between 2002 and 2004, the king appointed two former *panchayat* politicians as prime minister, but both governments eventually collapsed. Ironically, in June 2004, King Gyanendra re-appointed Prime Minister Deuba to his position, with the support of other political parties and the stated agenda of restarting peace talks with the Maoists and ensuring elections to take place within a year.

Cease-Fires

Two rounds of negotiations were conducted between the government and the Maoists in 2001 and 2003. In both instances, the Maoist demands included the establishment of a constitutional assembly and a new constitution, while the government protected its interest in sustaining the monarchy and argued that it cannot hold parliamentary elections as violence continues.

On January 29, 2003, the government and Maoists announced a cease-fire that required both sides to renounce violence and to allow independent monitoring. However, the cease-fire broke down in August 2003 over ongoing disagreement about the long-term role of the monarchy and as a result of several extra-judicial killings by the RNA. Since that time, the armed conflict and its impact on the civilian population have significantly intensified, including serious and continuing violations against children committed by both government personnel and the Maoist forces.

Most recently, the Maoists declared a cessation of all offensive military actions from October 20 to 28, 2004, during the Hindu Dashain festival. This declaration was made in a press statement circulated by the Maoist Chairman Prachanda, in which he said that he was heeding the request of various human rights organizations, institutions and personalities, civil society and the people of Nepal. This cease-fire has not held and fighting has resumed across the country.

Information Sensitivity

In general, the government has provided extremely limited or no official information about the situation of armed conflict and children. Some groups operating in Nepal report that the Ministry of Defense may censor information about the armed conflict. Reliable local sources explained to Watchlist that whether expressed or unexpressed, restrictions are clearly imposed on conflict-related reporting.

Human rights activists, journalists and others working to disseminate information are operating in a dangerous environment. These groups have been the targets of threats, harassment and violence, which is likely to encourage self-censorship. During the nine years of armed conflict in Nepal, 15 journalists have been killed, including nine by security forces, five by Maoists and one by an unidentified gang, according to the Federation of Nepalese Journalists, *Nepal Situation Report*, September 2004. According to Reporters Without Borders, more journalists were arrested in Nepal in 2003 than in any other country in the world.

Because civilians are used by security forces and the Maoists to obtain information and for other purposes, many individuals are reluctant to provide information to outsiders due to mistrust, fear and lack of confidence. Few individuals are willing to discuss the armed conflict in open forums out of fear that what they say may be reported back to the Maoists, the military or both, according to *Children in Conflict*, a 2002 compilation of studies conducted in the conflict-affected districts of Kailali, Kanchanpur, Siraha and Nuwakot by Save the Children, the Institute of Human Rights Communication (IHRICON) and the Nepal National Social Welfare Association (NNSWA).

As a result of information control, rumors tend to circulate widely and thrive in Nepal and have negative effects on civilians, particularly children. For example, a widespread rumor in Kailali district that Maoists would be forcibly recruiting boys from families that have more than one son has encouraged families to send their younger sons out of the village. One story shared with Watchlist during a field visit in April 2004 indicated that in reaction to a similar rumor in the Nepalgunj area, parents were providing their sons with excessive amounts of alcohol so that they would be unattractive recruits for the Maoists if they should enter their homes.

High-Vulnerability Groups

There have long been many vulnerable groups in Nepal, with this increasing as the conflict has spread throughout the countryside. According to INSEC's *Human Rights Yearbook 2004*, the armed conflict shows patterns of the security forces attacking the lower caste, indigenous *Janajatis* and *Dalit*, among others, and of Maoists attacking the higher caste *Chhetris*, *Brahmins* and *Thakuris*.

Although legally outlawed, the ancient Hindu caste system, which includes systemic policies of discrimination against the lowest castes such as the *Dalits*, is still well rooted in Nepal. While oppression of members of these castes has occurred for centuries, the ongoing armed conflict between the government and the Maoists has led to increased vulnerability and violent attacks against them by both parties.

For example, the government increasingly sees activism by and on behalf of Nepal's 4.5 million *Dalits* as connected to the Maoist insurgency, according to Human Rights Watch (HRW), *Discrimination Against Dalits in Nepal*. As a result, members of this caste, including children, are coming under attack by the security forces for suspected Maoist activity. The following are two examples documented by a reliable source in Nepal:

- A 16-year-old *Dalit* boy of Kohalpur-3 in Banke district was allegedly tortured, arrested and taken from his home by a group of 10 to 12 armed, plainclothes security forces. They allegedly cordoned off his house and entered it around 11 p.m. on April 26, 2002, while he was sleeping. His whereabouts remain unknown.
- A 14-year-old *Dalit* boy of Fathapur-9 in Banke district was allegedly tortured on his sister's field and then arrested and taken away by a group of security forces on the charge of being a Maoist supporter. His whereabouts remain unknown.

Maoists also target *Dalits*. In April 2004, *Kantipur* published a story, "Maoists Force 300 Captives to Joint Military," describing the abduction and forced military training of 300 *Dalit* youth by Maoist forces in Lamikande in Dadeldhura district. The report also indicates that other *Dalit* youth in nearby villages have begun moving to district headquarters to avoid recruitment. In June 2004, the *Nepalnews.com* story, "Maoists Lynch *Dalit* Youth," described the case of Hem Bahadur Nepali, a 17-year-old *Dalit*, who was allegedly abducted by Maoists along with other youths from Syaule village in Salang, Sindhupalchowk district. His severed head was found several days later.

Denigration of Children's Lives

With Nepal already one of the world's poorest countries, the armed conflict has contributed to further degeneration of the low standard of living of many Nepalese children. Access to health and social services, as well as families' basic needs, has been significantly affected and left many households overburdened.

Families often find themselves caught in a tense environment between the two opposing forces. For instance, they are commonly forced to provide assistance to one side or the other. Maoist troops may enter a village and force a particular family to provide them with food and shelter, despite their already limited food supplies. Threatened with violence, the family may have no other choice but to act as directed. This subsequently leaves them vulnerable to attacks by security forces and accused of collaboration with Maoists. This has become a common story for poorer families throughout Nepal.

Similarly, an individual or family may be forced to provide information on alleged Maoist activity or collaborators to the government security forces, leaving them vulnerable to Maoist retribution. This leaves civilians in a constant state of fear, frustration and insecurity. Consequently, at the community level, there tends to be a general absence of trust, parents' roles have been weakened, cultural norms and coping mechanisms are disintegrating and institutions and networks to support children are under attack.

Children too are intimidated, detained and tortured by military and police personnel for suspected Maoist activity, or in an attempt to gain information about Maoist activities or to find the whereabouts of an alleged Maoist parent, according to the *Children in Conflict* studies. In one example, security forces accused the residents of Pandaun VDC in Kailali district of providing food to Maoists and threatened that the village would be bombed within one week if local residents did not evacuate, according to a report in *Himal*, "Dead in Villages, Shelter in the Forests," December 16–31, 2003. At the same time, they may face similar treatment by the Maoists for alleged support of the government.

Many children in Nepal are growing up in an environment shaped by guns, bombs, *bandhs* (strikes), killings, the sight of dead bodies and the fear of war, leading them to be preoccupied with thoughts and fear about violence and other psychosocial consequences. They worry about losing their homes, their families and their education.

Children's access to education in Nepal continues to be threatened by Maoist *bandhs*, particularly those that specifically target school schedules and examinations. There is a high level of fear of attending school as a result of violence in and around schools, destruction of schools and school closures. There is serious overcrowding in schools that are still functioning. Thousands of community schools have been among the local institutions most violated and threatened by the combatants in this civil war. Whole generations of Nepali children, who are often the first in their families to attend school, are losing their rights and opportunities to an education due to this on-going conflict.

Ironically, it is the poorest and most discriminated children, many of who were being permitted and encouraged to attend school for the first time, who are being most severely affected by the school closures. Many have been forced to leave their homes or migrate for work or have been recruited into the Maoist forces. In contrast, children from wealthier families have been able transfer to private schools in the urban areas.

Young people also suffer from restrictions on their movement due to the armed conflict. Restricted by fear of explosions, abductions and arbitrary arrests on their way to and from school, young people are not able to move around freely to play and entertain themselves. As a result, some young people express a loss of hope about finding a better future.

Killing and Maiming of Children

Children have been subjected to killing, maiming and other violations of their rights committed with impunity by both the Maoists and the government personnel, including police and military forces. From the start of the “People’s War” in 1996 through July 2004, 286 children under the age of 17 are reported to have been killed, according to INSEC. This includes:

- 161 children killed by government forces (105 boys and 56 girls)
- 125 children killed by the Maoists (96 boys and 29 girls)

In the case of Kanchi Sherpa, the 16-year-old girl was brutalized by both the Maoists and the security forces. According to her account, reported on April 15, 2004, in the *Samacharpatra*, “Harassment from Maoists and Security Forces,” two masked Maoists approached her while she was caring for cattle near her home in July 2003. They threatened to kill her if she did not join them. When she refused to go with them, they kidnapped her and forced her to carry heavy loads of grain uphill from villages to the Maoists locations during the next several months. This extremely painful situation caused large sores to form on both her feet and severe swelling in her calves.

On November 16, 2003, she and a friend managed to escape from the Maoists, but were caught by the security forces shortly after. According to her account, the security forces then forced her to patrol with them for approximately 20 days. During that time the wounds on her feet worsened and her feet became extremely swollen. She alleged that she was forced to witness and assist the security forces’ killing of 12 Maoists, including her former commander. When she related this story to a journalist in Kathmandu in March 2004, the journalist reported that her wounds had not yet healed and she had no money to obtain medical treatment.

Examples of killings and torture of children by Maoists:

- In August 2004, Maoist rebels allegedly executed a 15-year-old boy, Santosh Biswokarma, of Mudhebas VDC, Dhanktua district in eastern Nepal, after abducting and torturing him. According to news reports, a Maoist leader accused the boy of involvement in robbery and rape (*Nepalnews.com*, August 8, 2004).
- On February 22, 2002, Maoists set fire to a bus filled with passengers bound for Birganj from Kathmandu for celebration of Muslim holidays. Five passengers, including an 8-year-old child, were burned alive in the bus (*Kantipur*, “Attack on Bus: Five Passengers Burn Alive,” February 23, 2002).
- Approximately 300 Maoists dragged all male villagers above age 15 from their homes at Sumshergunj, Banke district, on July 9, 2002. Approximately 25 people were taken to the village and beaten with clubs, rifle butts and spears and accused of handing over two Maoists to the police, who earlier that day had attacked one of the villagers. Two civilians died at the scene and several were wounded (AI, AI Index ASA 31/072/2002, December 2002).

Examples of killings and torture of children by government personnel:

- On September 3, 2004, a group of plainclothes soldiers killed three unarmed schoolgirls in Basikhora village in Bhojpur district, according to the Kathmandu Post. The three girls, aged 15 and 16 years, were reportedly on a home break from a Maoist cultural program in which they were participating, likely by coercion, when the soldiers followed them, shot them without questioning and buried their bodies, according to eye witnesses (Kathmandu Post, “Four Maoists Killed,” September 9, 2004).
- In Kahule VDC of Nuwakot district, five boys aged 15 to 18 were shot and killed by security forces for suspected association with the Maoists. Following public outcry about the killings, the security forces launched an investigation into the case, after which they declared that the killings had been a mistake. According to CWIN, the boys were walking home at night, after returning from a death ritual of a relative in the village. Three of the boys were wearing school uniforms when they were killed (The State of the Rights of the Child in Nepal 2003, CWIN).
- A 12-year-old girl, Rupa Tharu, was killed during the night of July 22, 2002, when a joint patrol of approximately 400 army and police personnel arrived in Jagatia village, Ward No. 2, Sorahawa, Bardiya district. They entered the girl’s home and questioned her father about providing food to the Maoists. When he denied it, armed personnel hit his legs and grabbed Rupa Tharu; they blindfolded her and took her away in the direction of Kuwachowk, where she was shot dead. Three nearby villagers were forced to carry her body to waiting vehicles. The police allegedly buried her body in Gularia municipality in the presence of two local politicians (AI, AI Index ASA 31/072/2002, December 2002).

REFUGEES AND IDPs

No reliable figures exist on the current number of Nepalese people who are refugees or internally displaced, and those numbers that do exist are highly speculative and difficult to verify. An unknown number of Nepalese, possibly in the tens of thousands, were believed to be in India at the end of 2002. The lack of monitoring on India's large and open border with Nepal makes it difficult to accurately assess whether migration is conflict related or economically motivated. However, since 2001, the flow of migrants to India has reportedly significantly increased, suggesting a clear link between migration and the conflict. The number of Nepalese who have been forced to flee to India could be as high as 500,000, according to the Profile of the Displaced in Nepal, compiled by the Norwegian Refugee Council's Global IDP Project. Other Nepalese have fled to the Middle East, Malaysia and elsewhere.

The most realistic estimate of Nepalese people who are internally displaced as a result of the armed conflict is between 100,000 and 200,000, according to the Global IDP Project. The lack of an official definition of IDPs in Nepal further complicates efforts to determine the size of this population. Global estimates indicate that approximately 80 percent of all displaced populations are generally women and children under age 18. However, the Nepali organization Community Study and Welfare Centre (CSWC) estimates that the number of internally displaced children in Nepal may be as high as 100,000 to 120,000.

The Nepalese government has largely ignored the internally displaced population since the outset of the armed conflict. Similarly, even after more than eight years of war, the UN and international community still tend to approach their activities in Nepal from a development perspective, resulting in little or no focus on the displaced population. Watchlist was unable to find information about any targeted assistance programs for this population. In August 2004, the government officially recognized the IDP situation in Nepal and formed a task force to recommend a plan of action for assistance. The task force, led by the vice chair of the National Planning Commission, is a governmental body, without civil society representatives.

The report of the May–June 2004 Mission to Nepal by OCHA/IDP Unit⁴ stated that the situation in Nepal is not yet a humanitarian crisis and that the mission does not believe that the IDPs should be the target of special programs of assistance, at this stage. The explanation given was that the lifting of one vulnerable group out of the overall population could destabilize the situation further, create pull factors and possibly contribute to a breakdown of the fragile national coping mechanism. These are real concerns that need to be addressed and discussed more openly between the Nepalese government and the donor/ international nongovernmental organization (INGO) community.

Patterns of Displacement

The two most typical patterns of displacement in Nepal are from rural, conflict-affected areas to larger towns, especially Kathmandu and Nepalgunj, or across the border to India, according to the OCHA/IDP Unit. *Bandhs*, blockades and other socioeconomic disruption related to the armed conflict have increased population displacement.

In some cases, families and individuals affected by the conflict follow the long-established tradition of migration, which entails moving to other parts of Nepal or to India in search of security and employment and frequently receiving support of accommodation from relatives and friends, according to the OCHA/

⁴ Please note, as of July 1, 2004, the OCHA/IDP Unit was replaced by the Inter-Agency Internal Displacement Unit

IDP Unit. In yet other cases, it is difficult to determine whether economic or conflict-related factors provided the overriding motivation for fleeing one's home, further complicating efforts to monitor and track patterns. The OCHA/IDP Unit reports that in contrast to traditional economic migration patterns, many of those displaced due to the armed conflict stay away for longer periods or indefinitely.

While many of those who flee to India are youth, especially young men who appear to be following the traditional migration patterns of this demographic group, there has been an increase in youth migration across the border with the intensification of armed conflict, according to the Global IDP Project. Some young Nepalese children who follow adults to India end up in group homes after they arrive. During an investigation by *Kantipur*, reporters found over 1,000 Nepalese children in government and nongovernment group homes for children in India, *Kantipur*, "Conflict Victims: Nepali Children in Delhi Orphanage," February 1, 2004. Little detailed information is available about the situation for Nepalese refugees living in India.

IDPs often move in small groups and merge into a social network of family and friends in local communities. In many instances, it remains unknown where or under what conditions families or individuals who have fled their communities are living. There are three distinct profiles of internal displacement in Nepal, according to the Global IDP Project:

- 1) More affluent landowners, government officials, teachers and others who are directly threatened and targeted by the Maoists;
- 2) Generally poorer civilians with a range of social backgrounds who have been direct victims of armed conflict or who have fled generalized violence and insecurity;
- 3) Youth who have fled their villages for fear of forced recruitment and harassment by the Maoists and of intimidation by the security forces.

The alarming consequence of these patterns is the break-up of families: women and children often are left behind in precarious conditions, and with increased pressure to find work, after men and boys have joined parties to armed conflict, have been detained, killed or left for urban centers or India. Other young people are separated from their families and living alone in urban centers or district headquarters, where they may be vulnerable to abduction, exploitation and other abuses. Girls who flee from villages to avoid recruitment or for other reasons are particularly vulnerable to sexual exploitation and insecurity. (See Trafficking and Exploitation: Separated Children below.)

Causes of Displacement

Civilians are fleeing their communities for a variety of reasons, which primarily focus on insecurity, such as death threats, unreasonable imposition of "donations," harassment, homes that are destroyed or looted, land confiscation, lack of access to health services or education, food insecurity, threat of abduction or interrogation and other reasons, according to INSEC's *Human Rights Yearbook 2004*. CSWC published a series of examples of forced displacement of young people from the month of June 2004, compiled from national media and other sources:

- Hundreds of school children fled to India after several incidents of mass abductions and forced recruitment in the far-western region (Doti, Achham, Dadeldhura, Darchula)
- An unknown number of students fled their villages in the mid-western Rukum district and gathered in the district headquarters, after facing Maoist political indoctrination or other "education programs," *Janabadi*, in their schools (see Education below).
- Over 100 young people (male and female) fled their homes in 14 villages in the eastern region, Bhojpur district, after Maoists demanded that each household provide one able-bodied person to join the "People's Army"
- Following the abduction of students and teachers for a "People's March" in Kailali, approximately 36 teachers and 1,000 students fled to Dhangadi

- Facing coercion to join the Maoists militia, thousands of young women and girls fled their homes in Gorkha, Kaski, Tanahun, Baglung, Sindhupalchok, Nuwakot, Dhading, and Kavre districts, seeking employment elsewhere
- Nine children between the ages of 11 and 16 years from Sindhupalchok in the central region were prevented from leaving the country as they were fleeing for fear of abduction and in search of employment in India

Various sources in Nepal indicate that families, frightened that their children will be abducted under a Maoist campaign of “One household – one fighter,” encourage their children to flee from their villages. In some cases, entire families may flee together. A report in the *Kathmandu Post* on October 10, 2004, “Villagers Flee Maoist Abduction,” reported that over 100 families from Nisi, Bobang and Andhikarichaur VDCs in Baglung district had fled to the district headquarters, fearing that Maoists would abduct their children. Sixteen schools in the villages closed after the students and their parents had fled.

In other cases, families are forced even more directly from their homes. In September 2004, more than 110 members of 25 families of Jumla district moved to Surkhet district headquarters, Birendranagar, after the Maoists announced that locals either had to join their ranks or move out, according to the *Himalayan Times*, “Maoist Diktat Triggers Exodus,” September 25, 2004. The article explained that after the difficult journey to Surkhet, the families were camped across the compound of the Nepal Red Cross Society, which provided tents, rice, clothes and necessary items. Local sources reported to Watchlist that approximately 92 people, including 12 children under age 5 and 32 school-age children between ages 6 and 14 (16 boys and 16 girls), were still living in this temporary camp in October 2004.

After Maoists issued a statement that Ilam and Phidim, in Panchthar district, would be attacked and that locals should evacuate to the district headquarters, both cities were deserted, with shops, hospitals and schools closed down after thousands of people evacuated, according to the *Himalayan Times*, “Phidim, Ilam Deserted; Locals Obey Rebel Diktat Despite High Security,” September 8, 2004.

Two boys, 9-year-old Dhan Bahadur and 10-year-old Dilli Bahadur Oli, both left their homes and schools in Khara VDC-6 in Rukum district for India after witnessing a violent clash between Maoists and government security forces. Following the incident, the children were frightened that the Maoists would force them to carry guns and the police or security forces would then attack them as Maoist supporters, according to a report in *Kantipur*, “Children Being Displaced Due to Terrorizing Conflict,” August 1, 2004.

Foreign National Refugees in Nepal

At the end of 2002, Nepal hosted more than 132,000 refugees and asylum seekers, including 112,000 Bhutanese and 20,000 Tibetans, according to the U.S. Committee for Refugees (USCR). The Bhutanese refugees are mostly ethnic Nepalese Hindus from southern Bhutan. They live primarily in seven camps assisted by the United Nations High Commissioner for Refugees (UNHCR) in Jhapa and Morang districts in eastern Nepal. Despite various efforts at repatriation talks between Nepal and Bhutan, this refugee crisis remains unresolved and generally overlooked by the international community.

While the mid-west and far-west regions of Nepal have typically been the most conflict-affected parts of the country, activity by the Maoists and government security forces is also evident in the eastern districts. Anecdotal stories indicate that the Maoists may have a presence among the Bhutanese refugee population, encouraging participation by the disenfranchised refugees in the insurgency, according to the USCR. One unconfirmed report to the Watchlist from a Bhutanese refugee in 2004 indicated that the Maoists may be attempting to recruit Bhutanese refugees, including those under age 18.

HEALTH

Health indicators in Nepal were already among the worst in the world before the outbreak of armed conflict in 1996, with Nepal ranked 124 out of the 137 countries on the United National Development Programme (UNDP) Human Development Index that year. Despite decades of investment into the health system, much of the rural population still lives several days away from functioning health systems, according to information available on the Save the Children Alliance web site (www.savethechildren.net/nepal/key_work/rural_health.html). Primary health care centers are frequently lacking in trained personnel and medical supplies. A large segment of the population relies on traditional healers. Children are particularly vulnerable, because they are less likely to be taken long distances to health centers and they are more vulnerable than adults to disease. Pneumonia and diarrhea are the two leading causes of death among children under five in Nepal, according to Save the Children. According to the most recently available data (1995 to 2001) from the United Nations Children's Fund (UNICEF), 48 percent of children below age five suffer from moderate to severe malnutrition.

The armed conflict has further hampered access to health care, food and social services for many families, particularly in rural communities. For example, the armed conflict has caused cutbacks in local food production, caused by the exodus of merchants from rural areas, lack of access to markets, limited seed supply in markets and the displacement of able members of some households, according to one INGO working in Nepal. The *Children in Conflict* studies found that some children in conflict-affected districts had only rice water with salt for their meals.

Food Security

Maoist looting, government blockades and other activities also restrict the transportation and availability of food and interrupt public life, including access to medical care such as urgent transport of pregnant women and immunizations in the most isolated and remote parts of the country. Security check points also hamper food transportation and transportation of civilians requiring medical attention. According to information compiled by CSWC from media and other sources during June 2004, Rolpa district in the mid-west region continued to suffer from a transport blockade that began in January 2004. Similarly, as of June 2004, four entire villages in Achham district in the far-west region had been under restricted movement for over one year. Food transportation is also severely hampered in Doti district, according to a reliable local source.

In order to prevent food from falling into the hands of Maoists, the security forces have also imposed small weekly quotas on private traders of food in some districts. In some cases, these amounts are so small that it is not worth merchants making dangerous and long journeys to sell their goods. The quotas impact civilians more than the intended Maoist forces, because the Maoists regularly force villagers to provide them with meals, leaving very little food available for families, including growing children, according to the Global IDP Project profile of Nepal.

Additionally, the Maoists have restricted villagers from taking food and other supplies to the district headquarters for selling or for other reasons. In August 2004, Maoists blocked all vehicles entering or leaving Kathmandu. In an open letter to Maoist leader Prachanda, AI raised concern that this could restrict the supply of food and essential medical supplies to civilian populations not only in Kathmandu,

but also in other districts, which rely on access to Kathmandu for the supply of these goods. Information about the impact of food insecurity on malnutrition levels among Nepalese children is not available.

Reliable sources in Nepal reported to Watchlist that the armed conflict is endangering staff of international organizations working to provide health, humanitarian and other assistance in Nepal. For example, in September 2004, the World Food Programme (WFP) expressed concern that the armed conflict was endangering WFP staff and thereby severely hampering WFP's ability to assist thousands of hungry Nepalis. WFP announced that school feeding programs, "take home rations" programs (providing food to take home to girls as incentive for their parents to keep them in school), food-for-work programs for vulnerable families and other programs are threatened by the situation.

In many places, health posts, public communication service centers and suspension bridges have been torched and destroyed by the Maoists, further hampering access to food and essential items. According to the Ministry of Health, three district health offices and 21 sub-health posts in 14 different districts have been at least partially destroyed in the armed conflict, many more at the village level have also been damaged.

In September 2004, the *Nepali Times* reported that Maoists had looted a medical caravan in Okhaldhunga that was carrying equipment and vaccines for the nationwide measles vaccination campaign. The story, "Health Post Bombed, Vaccine Drive Halted," also reported that Maoists bombed a health post in Panchawati VDC in Udaypur district that was carrying out measles inoculations for children. According to a district doctor, the Maoists asked employees to evacuate the building, planted homemade bombs made from pressure cookers and set them off at the Ilaka health post. Prior to the bombing, the National Human Rights Commission (NHRC)⁵ had made pleas that the vaccination campaigns should be carried out without disruption. However, the incident severely hampered the first phase of the measles and polio immunization campaigns. Several humanitarian and human rights organizations condemned the incident.

Also in September 2004, the *Himalayan Times* reported in "Maoists Loot Drugs" that Maoists had looted drugs and medical equipment from the primary health center in Samsi VDC of Mahottari district. It explained that attackers had set fire to a bed in the maternity room and looted antibiotics, equipment to measure blood pressure and other items. Reliable sources in Nepal have reported to Watchlist that the government has ceased shipments of medicines and essential drugs to some districts for fear of looting by Maoist forces.

⁵ The National Human Rights Commission (NHRC) of Nepal is an independent and autonomous statutory body established in the year 2000 under the Human Rights Commission Act 1997 (2053 BS). It has a separate sphere of responsibilities in the constitutional legal system of the country. More information is available at www.nhrc-nepal.org

HIV/AIDS

At the end of 2001, there were an estimated 1,500 children (0-14 years old) living with HIV/AIDS in Nepal and 13,000 children orphaned by AIDS (0-14 years), according to UNICEF's State of the World's Children 2004. In another estimate, the Ministry of Health, National Center for AIDS and STD Control in Kathmandu, indicated that there were 4,164 people living with HIV in Nepal in August 2004. An estimated 10 percent of these cases were children under 10 years old.

In 2002, Nepal entered the stage of "concentrated epidemic" with HIV/AIDS prevalence constantly exceeding 5 percent in one or more high-risk groups, such as sex workers and injecting drug users, particularly among those under 25 years old, according to the World Bank Group, *Nepal/HIV/AIDS Update 2002*.

HIV/AIDS is considered a major development issue in Nepal, with significant attention from various sectors. HIV/AIDS is one of the three priority topics for joint action by the UN country team in Nepal, which focuses on supporting implementation of the National Strategy on HIV/AIDS. In this context, several factors have been identified for putting Nepal in immediate danger of a possible widespread epidemic. These factors are the commercial sex industry, behavior of young people, labor migration and prevalence of injected drug use.

In Nepal, like other situations of armed conflict, several factors directly related to armed conflict, violence and insecurity are likely to exacerbate a potential HIV/AIDS explosion. These include population movements/displacement (especially to and from high HIV prevalence areas, such as parts of India); lack of information; lack of adequate HIV testing centers; sexual violence; increased presence of armed personnel separated from their families for extended periods; increased vulnerability of girls to trafficking for sexual purposes; and breakdown of social norms, stable relationships and family and community life. An increased level of commercial sex work by girls displaced by the armed conflict is also a contributing factor. (See Trafficking and Exploitation: Child Labor and Commercial Sex Work below.)

Young people in Nepal are increasingly vulnerable to HIV/AIDS, according to behavior data collected by UNAIDS, which indicates a widening generational and cultural gap between emerging new values and the norms of the older generation. A 2002 UNAIDS survey among 1,400 young people in seven different districts showed that Nepalese teenagers are highly aware of HIV risk. UNICEF reported in State of the World's Children 2004 that 81 percent of males and 39 percent of females know condoms can prevent HIV.

However, this does not necessarily translate into safe sexual behavior. Condom use among young people is irregular, as only 65 percent of the boys participating in the UNAIDS survey said they had used condoms during sexual intercourse and only 69 percent of boys said they should not have sex with commercial sex workers. Additionally, there are very few accessible HIV test centers in Nepal, with only a dozen testing facilities in Kathmandu's major hospitals, according to *South Asia Monitor*, "Nepal's Nightmare: Saving its Young from AIDS," August, 2003.

Treatment for people living with HIV/AIDS is extremely limited, especially in rural areas of Nepal.

EDUCATION

Even before the armed conflict broke out in 1996, causing major disruptions in the educational system, access to education in Nepal was extremely limited. Traditionally, access to education has been most restricted for girls, *Dalits*, bonded laborers and other disadvantaged groups. Even children who have had the opportunity to begin school are often unprepared for their classes and find schools that are equally unable to meet their needs and rights. Day-to-day attendance has traditionally been low, failure is frequent and repeat and drop-out rates are high, particularly in the first two years, according to Save the Children, Children's Environments Research Group and UNICEF, *What's the Difference? An ECD Impact Study From Nepal, 2003*.

The armed conflict has severely exacerbated this situation, with schools targeted for attacks and used as grounds for child recruitment and abduction, and with teachers targeted for intimidation, taxation and violence. Attendance rates are also dropping as children are displaced from their communities, girls are forced into child marriages (see Gender-Based Violence below) and children stop attending school for fear of violence. Many schools in district headquarters are overcrowded with students displaced from rural areas, while schools in rural areas may be under-attended by students and teachers due to fear, insecurity and displacement.

Fear caused by witnessing or learning about violence and insecurity in the community may leave children and teachers with psychological and emotional challenges, and with less attention and energy for their studies. Children interviewed in 2002 for the *Children in Conflict* studies in rural and conflict-affected areas, such as Bardiya and Nuwakot, reported that they were afraid to walk to and from school for fear of being caught in violence and cross fire. Following attacks on schools, children often cite fear about returning to their classes. Some students are afraid to participate in extracurricular activities, or are prohibited by their parents to do so, further inhibiting their healthy development.

According to the Global IDP Project, since the onset of armed conflict in 1996, several hundred schools have been shut down, affecting at least an estimated 100,000 students.

School Closures and Low Attendance

Efforts by Maoists to disrupt Nepalese infrastructure by holding *bandhs* virtually shut down either the entire nation or a particular region for several days at a time. *Bandhs* disturb both the pace and the quality of education for school children throughout Nepal. For example, in June 2004, schools all over Nepal were closed for over two weeks due to the strike sponsored by the Maoists and the Maoist student association.

These disruptions have also prevented students from taking important examinations held on specific days. On March 24, 2004, the National Coalition for Children as Zones of Peace (CZOP)⁶ issued a media release calling for both parties to the armed conflict to allow the upcoming School Leaving Certificate (SLC) examinations to be held smoothly without disruptions.

⁶ Children as Zones of Peace (CZOP) is a national campaign to protect children from the effects of armed conflict in Nepal. According to CZOP, "the Coalition will advocate to all parties involved in the conflict not to snatch children's right to childhood, to leave the children out of conflict and not recruit them as combatants or for combat-related activities. It will advocate for children to have uninterrupted access to education and basic health care services, water supply and sanitation, to let them grow up as happy, tolerant, peace-loving, non-violent children." More information is available at: <http://www.cwin-nepal.org/resources/issues/cic/coalition4czop.htm>

- On February 25, 2004, 65 students of Birendra Secondary High School, Bafikot, Rukum district, were abducted in the midst of the exams, as Maoists took over the school grounds for parades, drills and political indoctrination, *Kathmandu Post*, “Children in Maoist Ranks,” June 17, 2004.
- On March 26, 2004, approximately 40 students in class 9 at Shree Krishna High School in Chhaimelay in the southern Kathmandu valley left school before completion of their examinations after they became frightened of getting caught in violence when a group of armed Maoists attacked several women in the village, according to *Kantipur*, “Chhaimelay Youths and Students Leave as Fear Psyche Mounts.” Several months after this incident, Maoists abducted over 50 students and teachers from the same school (see below).
- On October 13, 2004, all educational institutions in Kanchanpur district were closed down after the All Nepal National Independent Students’ Union–Revolutionary (ANNISU–R), the Maoists’ student wing, announced an indefinite educational strike demanding that the government meet its demands, including the immediate release of an imprisoned district president, according to the *Kathmandu Post*, “All Schools, Colleges Close in Kanchanpur.”
- Hundreds of students stopped attending school in far-western Dadeldhura district, after an escalation of abductions in the area, *Nepalnews.com*, “Students Desert Schools As Maoists Intensify Abduction,” October 28, 2004. As a result, two dozen schools in the district are on the verge of shutting down because of low attendance. In particular, many students did not return to classes after the Dashain vacation.

Maoists have forced the closure of hundreds of private schools in many districts across the country. For example, the Global IDP Project estimates that 700 private schools, primarily in Gorkha, Baglung, Syangja, Tanahu, Dang and Surkhet have been closed. Children who attended the private schools are forced to attend government schools instead, which compromises educational quality by causing severe overcrowding in already overburdened and under-resourced schools.

In some districts, schools have become so overburdened that children are forced to stand during their lessons. Pupils in government schools often do not have chairs, books and other essential learning materials; sanitation facilities are abysmal; and over-stretched teachers can not provide adequate attention for learning or psychosocial support to individual children. One local organization in Saptari district reported that one hundred newly enrolled children had to sit outside the classroom because there was no space for them inside. Similar situations have been reported to Watchlist in Sunsari and Udayapur districts.

In another example, local police issued a notice for the higher secondary school in Martadi, in Bajura district, to vacate the school facility in early 2002. Subsequently, teachers moved their classes into a dilapidated building belonging to a nearby hospital, which was in jeopardy of collapsing. Children’s health began to suffer during this time, as they were sitting on damp floors during their classes, according to a weekly publication, *Nepal*, “Security Forces in Schools and Students in Hospitals,” August 15, 2004. As of August 2004, the school headmaster reported that the school administration was still waiting for promised support from the Finance Ministry to improve the situation.

Although government schools are desperately in need of funds to handle the dire situation of such schools, neither the government nor the Maoists has been forthcoming. In fact, in some districts, such as Kailali, the Maoists have prohibited the payment of school fees, which are needed in order to pay teachers and keep schools open for students. In the case of Kailali, when the school fee prohibition was instated, over 1,800 teachers were threatened to lose their jobs and hundreds of schools were threatened to shut down, potentially impacting approximately 200,000 students in the district, according to *Samacharpatra*, “Prohibition of Fees May Affect Education of 200,000 Students,” May 11, 2004.

Attacks on Schools

Attacks on schools during armed conflict are prohibited under the Geneva Conventions 1977, Protocol One, Article 52. Yet, both Maoists and government forces have attacked schools in Nepal.

On September 12, 2004, a group of suspected armed Maoists bombed the St. Joseph's School Building in Prithvi Municipality, in Gorkha district, causing damage to the school building and educational materials, including the destruction of over a dozen computers. No one was injured in the incident. According to *Nepalnews.com*, the Maoists also looted a school computer and the school was closed down following the attack, "Maoists Attack Christian School in Ghorka," September 13, 2004.

On June 9, 2004, suspected Maoists attacked a private, Indian-run school, the Modern Indian School, in Kathmandu, after the facility had remained open during a four-day shut-down imposed by the Maoists, according to media sources, including BBC News, "Indian-Run School in Nepal Bombed." Early in the morning, while the school was empty, gunmen pointed pistols at school guards, doused seven school buses with gasoline and blew up the buses with homemade bombs. They also smashed several computers inside the school. No one was injured in the attack.

In April 2004, in a widely covered incident, six people were killed and others seriously injured in a helicopter raid on the premises of Bidhya Mandir Higher Secondary School in Binayak village, Achham district. The government opened fire from pod-mounted guns on a Maoist meeting on the school grounds, killing and injuring several children, and forcing other students to witness horrific violence and killing, according to the *Himalayan News Service*, "Schools Closed After Clashes." Following the incident, various area schools reportedly remained shut for several days, including Bidhya Mandir Higher Secondary School (Binayak), Annapurna Higher Secondary School (Kalagaon), Pashupati Secondary School (Chalsa) and Nana Secondary School (Barala).

On February 18, 2003, two students were killed and another injured at the Prabha Secondary School, in Baglung district, according to the *Kathmandu Post*, "Maoists Apologize for Baglung Incident," February 20, 2003. Local witnesses reported that the incident occurred while the Maoists were instructing students on how to use guns and providing a "firing demonstration." The Maoists later issued an apology to the parents stating that the incident was an accident caused by a faulty trigger on a gun, which they were placing on the school grounds.

In 2002, a gun battle between Maoist and government forces in the Mahabir High School in Chainpur, Siraha district, during school hours caused panic and fear in the school and in the wider community, according to the *Children in Conflict* studies. Subsequently, the school was closed for ten days and many children were afraid to attend after the schools reopened. During and after the incident, some teachers were detained and abducted, which caused irregular class scheduling.

Maoists also use schools as barracks. They may suspend classes and use school furniture, such as tables, benches and desks, for their own purposes and programs. In an interview with *Rajdhani*, a former teacher of a school in Kalikot district reported that there is no meaning left in schooling because children are given only militia training, "School Children in War Exercise," May 10 2004. On October 29, 2004, *Kantipur* reported that Maoists are digging trenches (200 meters long and 3 meters deep) inside many of the district's 58 schools to facilitate retaliation against security forces in the case of attack, "Maoists Dig Trenches in School in Achham." According to the report, Maoists have coerced students, teachers and parents to participate in the digging effort.

The RNA is also known to requisition schools, such as the Tribhuban Public High School in Khalanga, Rukum district, according to reliable local sources. In the remote hill areas, schools are often located along ridge tops and have large rooms and wide, open playgrounds. The army may surround a school with barbed wire and turn the classroom into barracks. Sometimes classes are still held inside. One teacher at Tribhuban School reported to an INGO operating in Nepal that soldiers would walk around with weapons inside the school, despite pleas from teachers, leaving students distracted and scared most of the time.

Doti Incident at Shree Sharada Higher Secondary School

On October 13, 2003, four students were killed and five injured by government security forces during a clash with Maoists at the Shree Sharada Higher Secondary School in the Mudbhara VDC Ward No. 1 in Doti district. Six Maoists were also killed during the incident and others were injured. Following news reports about this incident, CZOP, with support from the NHRC, sent a fact-finding team to Doti. The following is a description of the incident, according to the report of the CZOP team, submitted to the NHRC:

Teachers and school children were forcefully made to participate in the cultural program, organized under the people's resistance campaign of the Maoists, at the Sharada Higher Secondary School on October 13. Neither teachers nor students were allowed to leave the school and those who attempted to escape were brought back to the school and made to stay, even though the Maoists knew that the security forces were aware of the program and might attempt to disrupt it.

As the program got under way, the security forces, dressed both in uniform and in civilian clothes, started firing guns and entered the school. Some of the Maoists attempted to hide in rooms along with the teachers and students, and as shots were fired and people were running for cover, Maoists caught two school children and used them as human shields to protect themselves.

Although the security forces knew that their shots were in the range of unarmed school students and some soldiers shouted "student, student" during the clash, other soldiers shot at children, claiming they were Maoists dressed as school children attempting to escape. After indiscriminate firing for an extended period of time, all the school rooms were cleared and children and teachers were asked by the security forces to raise their hands and assemble all together in one room. After approximately two hours, their names were registered and they were released. Several of the students reported witnessing their classmates and Maoists killed in front of them, and others reported having to walk over dead bodies in order to leave the school.

Several days after the incident occurred, the CZOP team arrived and documented the following information. They found bags containing five muskets and socket bombs that had been placed on the school bench. Eight bullet shells were clearly seen in the office room and four more in another adjoining room. The kettle in the school canteen was destroyed, steel cups in the kitchen had bullet holes in them and a portion of the school building roof was destroyed. Security forces repaired the roof seven days afterward.

Following the incident, the dead bodies were left in the school grounds. Some families of dead school children collected their respective children's corpses the following day. Others were left for several more days, causing a stench and tension in the school area. Five days after the incident, security forces collected corpses and threw them in a nearby field. The owners of the field subsequently threw them back into the schoolyard. On the eighth day following the incident, when the investigating team was scheduled to arrive, the security forces buried the bodies, wherever they were located, including two bodies buried approximately 15 meters from the school, behind the school building, behind a health post inside the school compound and in the nearby field.

Students, teachers, parents and villagers were extremely terrorized by the incident. They were frightened to talk about it, to mention names or to have their photographs taken or their testimonies recorded. A publicized statement from the government that school children were stabbed by Maoists during the incident and that others were killed by bombs thrown by Maoists were not substantiated.

Attacks and Other Stresses on Teachers

Since 1996, more than 160 schoolteachers from all parts of Nepal have been killed in relation to the armed conflict, according to the National Teacher's Association. Another estimated 3,000 teachers have been displaced from districts' schools, fleeing their villages in search of security in district headquarters, according to the Department of Education.

Some teachers have come under pressure by both the Maoists and the government, causing anxiety and stress, and compromising their ability to focus on teaching and to assist students in coping with psychosocial issues. For example, both the the Maoists and government security forces are known to use blacklists to intimidate teachers. When teachers' names are put on such lists, they are likely to be interrogated by the security forces or called to the government security offices of the district for alleged Maoist activity. Ironically, this may cause the Maoists to accuse the same teachers of being government informers because they were seen at the government offices and to put them on their own black lists—and vice versa.

In a gruesome case in Duradara, Lamjung district, the principal of Padini Sanskrit High School, Muktinath Adhikari, was teaching a lesson when armed Maoists entered his classroom, dragged him out and brutally killed him. The armed Maoists beat him, tied his hands and feet, dragged him to a nearby hill, hung him from a tree with a scarf around his neck, stabbed him in the shoulder and abdomen and shot him in the head, according to *Himal*, "Rebel Brutality on Teachers, Political Parties Silent," February 1–15, 2002. After Muktinath Adhikari was dragged from his classroom, students were taken from the school compound and forced to listen to a speech, during which the Maoists accused the principal of being a government informant, failing to collect funds from teachers for the Maoists during the Dashain Festival and maintaining a Sanskrit school despite a Maoist prohibition. According to the news report, the Maoists told the students that their principal was the first of seven people on their list who would be killed.

The *Children in Conflict* studies describe teachers having been tortured during interrogation in the custody of government security forces for suspicion of supporting the Maoists, or in an attempt to get information about Maoist activity. In one case, reported in May 2004 in the *Samay National Weekly*, "Scared for Life," Kamal Dahal, a teacher and father of a 12-year-old school student, was killed in front of his daughter by the government security forces on charges of being associated with the Maoists.

Similarly, Maoists may threaten teachers and force them to make "donations" from their monthly salaries to support Maoist activities, putting strain on teachers and their families who must survive on the salaries. According to local sources, forced "donations" from teachers is occurring throughout the country. A news story reported that the rate of "donations" is approximately 10 percent of teachers' salaries. However, this rate may vary at the discretion of local Maoist leaders, *Kantipur*, "Salaries to Maoists, Family Empty Handed," July 26, 2004.

In another example, a June 2004 article in the *Spacetime Dainik* reports that teachers in Jumla have been forced by Maoists to wear military dress and donate their entire monthly salary to the Maoist party, "Maoists Force Teachers to Wear Combat Dress."

In November 2003, an investigative team coordinated by the NHRC and various child rights agencies visited Bajura and Achham, two of Nepal's remotest and poorest districts. This team was formed at the request of Save the Children–Norway, which had received information from local sources that nearly all of the schools in those two districts had shut down. According to the team's report, more than 70 percent of the schools were closed due to the tense situation created by the armed conflict.

The team further found that both the Maoists and security forces had tortured the teachers and other school staff, both physically and mentally. The Maoists had imposed a "donation" of 10 to 25 percent of

teachers' salaries, which would have to be paid in a lump sum. After the teachers traveled to the district headquarters during the festival of Dasain to collect four months' salary and their Dasain bonus, they were afraid to return to the village. If they turned over the "donation" to the Maoists, the security forces may have accused them of being Maoist supporters, but if they failed to do so, they could have faced threats and attacks by the Maoists. Additionally, they reported that the security forces told them that they would either have to "live with the Maoists or live with the security forces." As a result, the teachers were trapped in the district headquarters and 70 percent of the village schools were forced to remain closed.

Abduction of Students and Teachers

Frequent news reports in Nepal indicate that the Maoists regularly abduct hundreds of school students and their teachers, sometimes on school grounds. Generally, the abductees are released after several days, after they are forced to participate in political indoctrination, "cultural" programs, communist events, training in "revolutionary" education and long marches. However, this is not always the case, as some abductees are suspected to be inducted into Maoist armed activities and do not return home. (See Child Soldiers below.) In April 2004, a rumor circulated that Maoists were using the slogan "one school, and one good militia." According to CZOP, an estimated 4,000 students, a record number, were abducted in September 2004.

News outlets in Nepal cover reports of hundreds of thousands of abductions and releases of students and teachers and other civilians on a daily basis. The following are typical examples:

On October 28, 2004, *Nepalnews.com* reported that 150 youths had been abducted from Baglung district during the Dashain holiday, "Rebels 'Abduct' Hundreds of Youths in Baglung."

On July 26, 2004, *Kantipur* reported that 200 teachers and students had been abducted in one month from Dadeldhura and Doti districts in far western Nepal, "200 Teachers and Students Abducted in a Month."

On July 18, 2004, the *Himalayan Times* reported that 40 students and 14 teachers were abducted from the Shree Krishna Secondary School and the Panch Kanya Primary School, both in Chhaimale VDC in the Kathmandu Valley, "14 Teachers, 40 Pupils Abducted from Valley."

Typical examples from one month in 2004 (*Nepalnews.com*) include:

June 4, 2004: Maoists abduct 500 teachers from 30 villages of Udaypur district, which only has a total of 578 teachers.

June 8, 2004: Maoists abducted 200 teachers from 17 schools in different villages of Sindhuli. Pupils were asked not to return to school until four days later.

June 8, 2004: Maoists abduct approximately 500 teachers and students from 76 schools from villages in Jajarkot district, promising to return them within two weeks.

Similar reports of abduction are reflected by reports to Watchlist from locally based sources in the mid-western region. The following are cases of abduction by Maoists documented by local sources during the first part of 2004:

January 29, 2004: 140 students abducted from Achham district

February 2, 2004: 65 students abducted throughout Achham district

February 11, 2004: 700 people abducted from the Bhaiswale region of Achham district, primarily students and teachers

February 21, 2004: 300 students and 6 teachers abducted from school at Holeree village, in Rolpa district

February 23, 2004: At least 200 people, primarily students and teachers, abducted from five different VDCs including Thanti, Soda, Bindhabasini, Kuskot and Rishidaha in the Achham district

February 24, 2004: 44 teachers abducted from Sugarkhal, Kailali district; 6 girls from Dhigomandu area, Achham district; and 6 other students from Nawalparasi district

February 25, 2004: At least 60 students abducted from Birendranagar, Rukum district

March 10, 2004: 14 students abducted from the Chimkhola VDC, Myagdi district

March 12, 2004: At least 56 people abducted in separate incidents, including 42 teachers, from the Jogbuda area of Dadeldhura district

March 13, 2004: 54 people abducted, including 35 teachers from Dadeldhura district and 19 students from Baglung district

GENDER-BASED VIOLENCE

Very little documented information is available about gender-based violence (GBV) against girls under age 18 in Nepal. “Given the cultural and religious context in which rape victims can face social ostracism and shame, it is likely that many cases of rape are not reported. Moreover, the climate of impunity means victims may believe that little or no action will be taken against the perpetrators if they report the crime,” according to AI, *Nepal: A Spiraling Human Rights Crisis*, 2002. Nepal also lacks legal and social policies for witness and victim protection, without which many survivors of GBV may choose to remain silent.

However, anecdotal reports communicated to Watchlist and local news stories indicate the existence of sexual violence against girls by security forces and by Maoists. Additionally, AI reports that it is receiving an increasing number of cases of violence against women and girls, including cases of females shot dead by security forces, allegedly following rape.

On February 12, 2004, plainclothes army officers raped, shot and killed an unarmed 18-year old girl, Reena Rasaili of Pokhari Chauri Village, in Kavre district, according to documentation by Advocacy Forum, a leading NGO in Nepal. Another girl, Subhadra Chaulagain, and a boy, Tasi Lama, from the same village, were also shot and killed on the same night (*Illegal Arrest, Detention and Disappearance of a 15-Year-Old Girl, of Kharelthok VDC-6, Kavre by Security Forces, Annex I, Extra-Judicial Killings of Two Young Girls in Pokhari Chauri-4, Kavre District, Nepal by Security Forces*, February 19, 2004). (See Arbitrary Detentions below for further information on this case.)

Following this incident, Advocacy Forum visited the scene of the incident with a team of lawyers and human rights experts. According to the team’s report, Reena Rasaili’s body was found near her family’s home. Several bloody clots were evident on her undergarments, which had been displaced from her body. She had suffered bullet wounds to her head, chest and eyes. She had been in captivity for approximately five hours before her death, restrained in a cowshed. Members of her family heard her screams during that time, but were not allowed inside the shed.

In an incident documented in *Samacharpatra*, “Armed Police Rape 16 Year Old,” December 31, 2003, two police officers, Hiramani Khatri and Kinesh K.C. of Khaskushma base camp, dressed in civilian clothes and pretending to be Maoists, tortured and raped a 16-year-old girl of class 8 in Saraswati High School, Baisagoan village of Baijapur VDC, in Banke district. According to the report, the girl was returning to her home after a marriage ceremony when the officers captured her. Eyewitnesses reported that the girl pleaded that she was not a Maoist. However, they took her to the bank of the Rapti River and raped her for two hours. The local residents were threatened that their village would be bombed if they spoke out about the incident and were forbidden to take the girl to the city for medical treatment. She was treated for minor injuries at a small, private clinic.

Two weeks later, the case finally reached public attention, and the NHRC opened an investigation that resulted in court marshalling and termination of the posts of the two perpetrators. According to an interview with the girl’s sister, the girl began suffering from psychosocial and physical disorders after the attack.

In 2002, AI documented the following case of GBV (AI, Index ASA 31/072/2002): The incident began on April 3, 2002, approximately 15 army personnel arrived at the home of the Maniyar family in search of Masgit Maniyar, who had been previously arrested, tortured and then released by the army with the demand that he finish paying a large bribe. Unable to find the money for the bribe, Masgit fled to India. When army officers arrived at his home and found him gone, they asked to take his niece Tarannum Maniyar, age 16, and his daughter Tabssum Maniyar, age 18, in his place. The girls tried to hide but were captured and arrested.

The army personnel took the girls to Chisapani army camp, and repeatedly told the girls that the reason for their arrest was “the escape of Masgit.” The girls were forced to sleep on a building rooftop, and the following day army personnel locked them in a room. Eventually Tarannum was taken to the room of Captain Ramesh Swar where she was reportedly raped. While this was happening, Tabsum was taken to the room of an officer identified as “Sahib,” where she was allegedly raped. Tarannum was repeatedly raped that night by Captain Swar and started to bleed severely. The two girls were told that this was revenge on Masgit, and were threatened not to tell anyone what had happened to them. The following day, the girls were taken to a doctor in Nepalgunj, prescribed medication and released.

According to a subsequent AI Urgent Alert (AI, Index ASA 31/001/2003) on December 24, 2002, four days after the release of an AI report describing this incident, army personnel again visited the Maniyar home and forced the girls to retract their charges of rape in front of television cameras. National television repeatedly broadcast this footage. On December 31, 2003, Tabsum Maniyar, her mother and her uncle were forced to attend a public meeting of local leaders and journalists, where they denied their previous statements about rape and torture by the army personnel. Local media published the denial the following day.

Little documentation about incidents of rape and other forms of sexual violence against women and girls perpetrated by Maoist forces is available, despite the widely held belief in Nepal that Maoists are responsible for GBV against women and girls. One report indicates that Maoist forces regularly rape women and girls in homes where they seek food and shelter, *Nepal*, “Retaliation Against Maoists in Adibashi Village,” May 30, 2004. This article also documents the case of a young woman from Jhada, in Morang district, who reported that Maoists came to her home and asked the family to cook food and mutton. In the evening, they returned and requested that they prepare more food and mutton. When the family refused, the Maoists raped the girl’s mother and sister.

Local sources reported to Watchlist that when women and girls have been abducted and raped (or allegedly raped) by Maoists or security forces, they often face psychosocial problems and discrimination when they return to their villages.

Child Marriage

Reliable local sources have reported to Watchlist that child marriages have become increasingly common in Nepal as a result of the armed conflict. After Maoists abduct a girl for indoctrination, even if is just for a number of days, she is likely to be rejected for marriage proposals, according to sources in Nepal. As a result, some parents are withdrawing their girls from schools and marrying them at increasingly younger ages to prevent this situation, according to *Kantipur*, “Future of Rural Girls: Increasing Child Marriages,” July 17, 2004.

TRAFFICKING AND EXPLOITATION

Human Trafficking

Trafficking of women and girls to India and other countries, including China, Bhutan, Saudi Arabia, Malaysia, the United Arab Emirates and others, is a long-standing problem in Nepal. Anecdotal evidence indicates that this situation has been exacerbated by the armed conflict and political instability. For example, traffickers who previously preyed directly on women and girls in their communities are now able to access these women and girls more easily in urban centers after they have fled their communities due to the armed conflict. Maiti Nepal, a Nepali organization working to prevent trafficking and operating several prevention homes and transit centers, estimates that the number of women and girls crossing the border into India has significantly increased in 2004. This is based on information collected by Maiti at the Bhairahwa crossing point in Rupandehi district.

Estimates about the scale of this problem vary widely and are extremely difficult to verify. A commonly cited statistic in recent years is 5,000 to 12,000 girls trafficked from Nepal across international borders for forced prostitution every year. During a rapid assessment study by the International Labour Organization–International Programme on the Elimination of Child Labour (ILO–IPEC) on the worst forms of child labor, reported in a 2003 inter-agency research paper *Understanding Children's Work*, the majority of girl children interviewed said they were forced into prostitution within one day of their arrival across the border in India. The average duration of a stay in a brothel was 24 months, and on average, girls were forced to service 14 clients per day. Three-fifths of the respondents reported that their clients used condoms sometimes, rarely or not at all, putting the girls at high risk of contracting HIV/AIDS or other STIs. Those who return home face severe social stigma and exclusion.

According to CWIN, girls are also trafficked for domestic servitude or work in carpet factories, circuses, farms, road construction and other purposes; and sexual exploitation is known to be common among trafficked women and girls for these purposes. CWIN also reports that the phenomenon of human trafficking from Nepal affects all parts of the country, and includes men and boys, as well as women and girls.

Separated and Orphaned Children

As in all situations of armed conflict, it is generally known that the armed conflict in Nepal has left children orphaned or separated from their parents and families. According to CWIN *Children and Armed Conflict*, January–June 2004, over 2,000 children have been orphaned due to armed conflict. In a 2003 assessment (based on a sample), Save the Children–UK extrapolated that at least 25,000 to 30,000 children may be separated from their families, explaining that it is difficult to determine what portion of these children have been separated due to the armed conflict or due to other reasons. This number is frequently cited as the most reliable estimate available about separated children. It is unclear whether these children have lost one parent or both parents.

Even when just one parent is killed or severely injured, children are left in vulnerable circumstances. They may have to drop out of school to work; or they are threatened by traffickers or face other vulnerable situations. As a result, families may send their children out of villages to district

headquarters or to India and Kathmandu as a coping measure. Many such anecdotal stories have been communicated to Watchlist. Separated from their families, children find few alternatives to support their survival once they arrive in urban areas, and become even more vulnerable to exploitation and abuse, according to various news reports, such as "Selling Sex to Survive," published by the *Nepali Times* in April 2004.

According to one INGO operating in Nepal, a growing number of children are being separated from their families due to the armed conflict and an increasing number of "orphanages" or group homes for conflict-affected children are being set up. One example is the Sahara Children's Home in Nepalgunj, which houses approximately 60 boys and girls. Children who have lost one parent due to the conflict are generally accepted into the institutions, although in some cases the other parent and siblings may remain at home. No regulations currently exist for the operation of these institutions. UNICEF and ILO-IPEC are supporting the Ministry of Women, Children and Social Welfare and the Central Child Welfare Board in developing Comprehensive Minimum Standards for Care of Children in Need of Special Protection, with a special reference to residential care of children.

Street Children⁷

At least 5,000 children are living and working on the streets in Nepal, primarily in Kathmandu, Pokhara, Dharan, Narayanghat, Butwal and Biratnagar, according to CWIN. CWIN cites many causes for children ending up on the streets, including poverty, intensification of armed conflict and forced displacement due to armed conflict. Once on the streets, these children may take up a variety of odd jobs, such as begging, rag picking, portering and shoe shining. They are faced with hunger, lack of shelter, lack of clothing, vulnerability to trafficking and various forms of exploitation. The use and abuse of alcohol, glue sniffing and drugs are also problems for street children, according to CWIN.

On August 30, 2004, the *Kathmandu Post* reported that the Defense and Home Ministries have proposed a three-year security and development plan, prepared by the RNA, the Armed Police Force (APF) and Nepal police, which includes a proposal to "manage" the estimated 3,500 street children living in the Kathmandu valley, "Security Agencies Demand Additional Rs 11 Billion." According to the news article, management of street children is necessary because intelligence reports indicate that the Maoists are using street children to trace daily movements of high-level politicians and to transport explosives. No details were provided as to what "management" of street children would entail.

Child Labor and Commercial Sex Work

An estimated 2.6 million children are engaged in various forms of child labor in Nepal, according to "Different Forms of Child Labour: The Burning Issue of Child Exploitation in Nepal," which appeared in the October 2003 edition of the *Concern*, a publication of the Kathmandu-based NGO Concern Nepal. Children work in brick, cigarette and other factories; mines and quarries; agriculture; domestic service; restaurants; shoe cleaning; transportation; construction work; portering; commercial sex work; and other areas. Many organizations, such as Concern Nepal, have documented the often-dangerous labor conditions these young people face.

Years of armed conflict and political unrest have increased this problem, such that children who leave their villages for fear of abduction or recruitment, or in search of a functioning school, may end up in situations where they must work in dangerous conditions in order to survive, including commercial sex work.

⁷ For more information on street children in Nepal, see: *A Life Without Basic Service: "Street Children Say,"* by Save the Children-UK, Nepal, 2003.

For example, in 2001, the ILO–IPEC estimated that over 46,000 children were working as porters in Nepal, with the vast majority carrying loads over long distances and a small number carrying loads over small distances, *Nepal: Situation of Child Porters: A Rapid Assessment*. The armed conflict has likely increased the number of child porters working in Nepal and made their working conditions increasingly more dangerous. Child porters are particularly vulnerable to injury and death from landmines and UXO, as well as recruitment by Maoists, loss of educational opportunities and other threats directly related to the armed conflict. The Coalition to Stop the Use of Child Soldiers reports in *Child Soldiers Global Report 2004* that Maoist forces use adolescents as porters. Young people between 12 and 18 years old are working as porters for the Maoists in Hangyang, Phulbari, Nidhuradin, Change, Dhungesanghu, Phakumba, Sanku, Sinam and Thumdin VDCs, in Taplejung district, according to the *Himalayan Times*, “Maoists Using Children as Porters,” November 6, 2004. The majority of these child porters are poor boys from the Rai, Limbu or Sherpa communities.

The increase in the number of girls fleeing armed conflict, together with a lack of jobs and poverty, has contributed to a new surge of prostitution in the Kathmandu Valley, according to the *Nepali Times* article, “Selling Sex to Survive.” Much of this activity has shifted to massage parlors, cabin restaurants and cheap lodges, as police have increased vigilance on the streets. Women and girls in cabin restaurants interviewed by the journalist said they had fled their villages for fear of the Maoists who were trying to force them to join military training. The girls also said that some clients force them not to use condoms, or offer to pay higher prices for unprotected sex.

This combination of displacement, prostitution and unprotected sex increases the threat of HIV/AIDS (see HIV/AIDS above.) A reliable source in Nepal described to Watchlist the case of a young girl from Kanchanpur district who fled from her home due to the armed conflict. She eventually found temporary shelter in a hotel, where she was also forced into commercial sex work. After some time, she tested positive for HIV, but was forced to continue the commercial sex work.

Disappearances and Arbitrary Detention of Children

Since the outset of the armed conflict, there has been a widespread pattern of “disappearances” by security forces, including children under age 18, as part of the government’s counterinsurgency operations, according to AI. Between 1998 and mid-2001, AI recorded 130 “disappearances,” including those of six children. Arbitrary detention of children in relation to the armed conflict is also reported.

According to AI, the most common pattern is for individuals suspected of involvement with the Maoists to be arrested by unidentified security personnel, often dressed in civilian clothes, and to be taken to army barracks or police stations, where they are held incommunicado in unacknowledged detention, *Nepal: Escalating “Disappearances” Amid a Culture of Impunity*, August 2003.

On February 17, 2004, at approximately 6 a.m., an estimated group of 15 security personnel in civilian dress arrested and detained Maina Sunuwar, a 15-year-old schoolgirl of Kharelthok VDC-6, Kavre district, according to Advocacy Forum, *Illegal Arrest, Detention and Disappearance of a 15 Year Old Girl, of Kharelthok VDC-6, Kavre by Security Forces*, February 19, 2004. The girl was arrested in place of her mother, who was an eyewitness to the rape and killing of her niece and two other children in Pokhari Chauri Village of Kavre district on February 12. (See GBV above for details of this case.) When the police arrived at the home of Maina Sunuwar and found her mother to be out of the house, they arrested Maina instead.

In the days and months following Maina’s arrest, her family and others made several attempts to locate her. On May 22, 2004, Advocacy Forum received a call from a diplomatic agency that had received a letter from the RNA stating that Maina had been killed after she attempted to escape from army

custody. According to Advocacy Forum, the International Committee of the Red Cross (ICRC) also received a similar letter. However, the family members have never received a body or directly received any information about the case. They continue to search for their daughter. During an investigation into a related case, a reliable source reported to Advocacy Forum that Maina had been detained in an army barrack prison and during this detention she had been beaten and tortured.

The following three cases were documented by a reliable local source in Nepal:

Nepali Tharu, a 15-year-old boy, permanent resident of Bhimapur-7, Bardiya district, was arrested from his own house by a group of approximately 70 security forces who came from Manpur Barrack on January 7, 2003. At around 1 a.m., while he was sleeping, they surrounded the house on all sides, entered, and arrested him for an unknown reason. His whereabouts remain unknown.

Gopal B.K., a 16-year-old male, permanent resident of Kohalpur-3, Banke district, was arrested at his house by an armed group of approximately 10 to 12 security forces in civilian dress who entered his house after having it cordoned off on April 26, 2002, at around 11 p.m., while he was sleeping. He was allegedly arrested for being a Maoist supporter. Before taking him away, the security forces tortured him. His whereabouts remain unknown.

Rajani Chaudhary, a 16-year-old girl of Suryapatuwa-2, Bardiya district, was arrested by security forces on April 16, 2002, at around midnight, while she was sleeping. A group of approximately five armed security personnel entered and searched the entire house and took her to Thakurdhaur Army Camp. Villagers estimated that 50 to 60 security personnel were present when she was arrested. She has not been seen by anybody since her arrest and her whereabouts remain unknown.

Following release from detention, young people may suffer from severe stress and anxiety. On January 11, 2004, Naresh Maharajan, a 17-year-old boy, committed suicide after learning that the police were planning to arrest him, according to *Radjahn* "Student Suicide," January 11, 2004. The boy had been detained for three months in 2002 under suspicion of being a Maoist. According to his family, the police had blindfolded him during his entire detention and tortured him in order to solicit names of suspected Maoists.

According to AI, torture, rape and death in police and military custody are reported almost daily.

Bonded Labor

As a remnant of the past feudal economic system, approximately 35,000–100,000 bonded laborers from the impoverished *Tharu*⁸ caste, called *Kamaiyas*, existed in five districts of Nepal until the government announced their freedom on July 17, 2000. This announcement was made after years of intense activism and lobbying by NGOs such as Backward Society Education (BASE) and others. After the announcement of their freedom, many of the laborers, including children, were evicted by landlords and were forced to live as squatters in temporary transit camps, in government supported camps or in self-erected thatch structures. They have lived with minimal, often insufficient assistance, and suffer from starvation, illness and lack of shelter, clothing and access to education.

In these vulnerable conditions, the camps of former bonded laborers have come under particularly intense pressure by both the Maoists and government forces in relation to the armed conflict. In 2001, local government officials burned down at least three camps in Kailali district, according to the Global IDP Project database. The same year, a delegation by Global Youth Connect reported that a visit to a camp was co-opted by a group of armed Maoists who gave a three-hour lecture on their ideology and solicited for recruits. In May 2004, *Nepalnews.com* reported that Maoists had abducted over 500 ex-*Kamaiyas* from different parts of Kailali district, primarily from Tikapur municipality and Masuriya VDC.

LANDMINES AND UXO

There have been no surveys or assessments of the mine situation in Nepal. However, the Maoists and the government acknowledge their use of both antipersonnel mines and improvised exploded devices (IEDs). Today, these devices are used in all 75 districts in Nepal, according to the International Campaign to Ban Landmines (ICBL), *Landmine Monitor 2003*, despite a halt in use during the 2003 cease-fire.

The government of Nepal has not acceded to the Mine Ban Treaty, although various representatives consistently pledged theoretical support. In 2002, the government acknowledged its use of landmines for the first time. According to *Landmine Monitor 2003*, an RNA official said that the army used approximately 10,000 antipersonnel mines in 2002, mostly to defend army posts, police stations and government offices. Civilians have also reported the use of mines by security forces in civilian-owned fields that are nearby to government buildings and around vital infrastructure, such as communication towers. The government is known to produce and import explosive devices and is believed to stockpile antipersonnel mines. *Landmine Monitor 2003* reports that an army officer confirmed use of homemade mines (IEDs), victim activated mines (pressure and tripwire), command-detonated mines (remote control) and explosive devices with timers.

In 2002, landmine incidents attributed to Maoists were reported in 72 of Nepal's 75 districts, according to *Landmine Monitor 2003*. Maoists use mines to prevent security forces from entering their areas, to ambush security forces by laying traps and to destroy physical structures. These practices have caused considerable damage to Nepalese infrastructure. Maoists use IEDs, victim-activated mines, command-detonated mines and explosive devices with timers. The Maoists loot devices from the RNA to produce significant quantities of IEDs, especially a particularly crude and unstable device made with the spring of a ballpoint pen, commonly called a "socket bomb" in Nepal. They also make devices out of simple buckets, pressure cookers and other ordinary civilian items.

There are no official records of landmine casualties in Nepal. According to information collected by the Nepal Campaign to Ban Landmines (NCBL), in 2002 there were 720 casualties (202 deaths and 518 injuries) caused by landmines, IEDs and other explosive devices. NCBL estimates that 177 of the total casualties were civilians, and 46 of those killed were children. According to information gathered by CSWC, since 2001, there have been approximately five incidents per month of killing or wounding of children due to mines or UXO. On October 15, 2004, NCBL announced that mines or UXO had killed 92 children during the first half of 2004. This number is already higher than the total number of children killed in 2003.

Anecdotal information communicated to Watchlist by reliable sources in Nepal indicates that children are injured and killed by Maoists' careless use of IEDs. For example, Maoists typically force families in remote areas to provide them with a meal and shelter for the night. When they leave in the morning, they may mistakenly leave behind a socket bomb or other device, which children may later find. On June 14, 2004, *Nepalnews.com* reported in "One Minor Killed in Blast" that a young girl was killed and two other 10-year-old children were severely injured in Bidhi village of VDC Kapilvastu, when they picked up a bomb left behind by Maoists, mistaking it for a toy. On May 20, 2004, a 4-year old boy, Dipendra Thapa, was killed on Kohalpur Highway, in Banke district, around 11:30 a.m. by a socket bomb, allegedly left behind by Maoists according to *Nepalnews.com*, "Two Minors Succumb to Blast

Injuries.” Two humanitarian workers independently reported to Watchlist in August 2004 that they encountered socket bombs wrapped in red cotton rags on the side of roads they were traveling on in rural western districts.

No formal assistance programs specifically designed for landmine survivors or landmine education programs currently exist in Nepal. Hospitals and health posts in the most conflict-affected areas are poorly equipped and often lack adequately trained staff and proper supplies to treat mine injuries. The ICRC, Nepal Red Cross, NCBL and others have initiated some programs for assistance and education. For example, NCBL raised funds for schooling, medical treatment, prosthetics and crutches for six child mine survivors in 2002. UNICEF and several NGOs have organized an informal working group to devise a nationwide educational program.

In one example, three children, ages 15, 9 and 5 years old, of Tulsipur-6, Dang district, were seriously wounded by a mine, allegedly laid by Maoists, when they were collecting animal fodder and cow dung in January 2004. The doctor in the local hospital instructed the parents to take the injured children to Nepalgunj for treatment because the local clinic was insufficiently equipped to treat them. However, the families did not have adequate resources to seek further treatment for their children, according to a report in *Kantipur*, “No Treatment for Wounded Children,” January 23, 2004. According to a follow-up report local police, Women Development Unit (Dang), Human Welfare and Environment Center and other government agencies and NGOs had mobilized financial assistance and clothing to assist the children to receive treatment in Nepalgunj. In an interview with *Ghatana Ra Bichar*, the children’s mother said they would have died without having received the specialized treatment, “Police Became Custodian to Victimized Children,” February 11, 2004.

A 10-year-old girl, Keshari Sara Rana, was severely injured when she picked up an object that appeared to be “a doll,” but which exploded when she opened it. The incident occurred in Khaliwan VDC, in Palpa district, when the girl was returning from collecting firewood along with her siblings and others from her village. Her brother, 8-year-old Ni Bahadur Rana, died from his injuries, according to the *Kathmandu Post*, “Looked Like a Beautiful Doll, Exploded,” February 15, 2004.

On November 8, 2003, two students, ages 10 and 6 years old from Shivalaya Lower Secondary School in Talakhu, Nuwakot district, were killed when they mistook a UXO for a toy. Maoists allegedly planted the bomb along a path frequented by security personnel. The two boys died when they poked the device with the tip of a stick, according to *Himal*, “Bombs and Landmines in the Corn and Paddy Fields,” December 1-15, 2003.

SMALL ARMS

At the start of the armed conflict, Nepal's police and army were armed exclusively with handguns and Second World War–vintage rifles. India has traditionally been the key supplier of arms to Nepal, according to the *Small Arms Survey 2003*, with many of the weapons originating from Russia, Bulgaria and Israel. In an effort to reduce reliance on India, in 2001 the government put out bids to a variety of international governments to purchase 50,000 automatic rifles and machine guns to modernize its counterinsurgency efforts against the Maoists.

As deals with any of the European suppliers were not forthcoming, the government turned to the United States, given the U.S. State Department's decision to include the Maoists on its list of terrorist organizations, whose assets were frozen in the United States as of October 2003. In a deal described by the *Small Arms Survey 2003* as "the most prominent arms deal of 2002," the United States and Nepal agreed to a \$12 million deal, beginning with a transfer to the RNA of 3,000 M16s and 500 Minimi M-249s in January 2003, with additional shipments scheduled for years to come. Belgium also supplied 5,500 light machine guns in a deal that aroused high-level controversy and eventually led to the resignation of the Minister of Health.

As new, modern arms enter Nepal, the old weapons are not simply discarded. They are passed on to the civilian police and the newly created Armed Police Force (APF). As Maoists rely heavily on raids on police stations and other looting to acquire their weapons, today's raids on army posts may now yield modern, automatic weapons rather than the old bolt-action rifles, shotguns and pistols. According to anecdotal information shared with Watchlist, Maoists also obtain small arms through illicit trade across the border with India.

With the increased circulation of small arms in Nepal, teachers and students have reported playgrounds surrounded by men with guns, as security forces requisition school grounds, according to a study on children affected by armed conflict in Nepal by Save the Children–Norway, Save the Children–UK and Save the Children–US in 2003.

The violence facilitated by small arms also has psychological impact on children, who witness violence. CZOP has noted that children as young as five in Nepal have started playing violent games, using words like ambush and attack. The group also reports that the sale of toy guns has increased. Communities express concern about a "culture of violence" that is beginning to develop, feeding off the anger of children whose parents have been humiliated or killed, and the frustration of their hopes for the future. Parents and teachers report their concern about the negative impact of the armed conflict on the mentality and attitudes of children, *Nepal Samacharpatra*, "Rolpa Children Happy With War Games," April 10, 2004.

Village Defense Forces (VDFs)

On November 4, 2003, the Nepalese Prime Minister announced the establishment of local civilian militias, or Rural Volunteer Security Groups and Peace Committees, now called Village Defense Forces (VDFs). Since that time, the government has sent mixed signals about the implementation of its VDF plans. International observers and human rights advocates, including the International Crisis Group

(ICG) and AI, have expressed grave concerns about the potential serious and long-term consequences of this program. If established on a wide scale, these militias are likely to become an untrained, unaccountable and undisciplined, long-term armed force, as in other countries, according to ICG, *Nepal: Dangerous Plans for Village Militias*, February 2004.

According to ICG, by December 2003, RNA weapons had been distributed and brief training provided in Sudama, a village in the eastern Tarai district of Sarlahi, with a population of 5,000, including many retired police personnel and their families. However, villagers reported that the weapons produced fear of increased attacks by the Maoists, as they are known to raid RNA and police outposts to steal weapons. The villagers believed the guns made them vulnerable. Additionally, research on similar programs established in other countries during armed conflicts indicates that arming of civilian populations can lead to the polarization and division of rural communities, when individuals and entire communities are essentially forced to identify with one side or the other.

There is no information available as to whether this program included children under age 18 or whether child-focused issues were incorporated into any trainings provided. Recent queries with donors suggest that the Village Defense Forces project has not been implemented in a systematic way and may no longer be functioning.

CHILD SOLDIERS

It is extremely difficult to assess the extent of child soldiering in Nepal. Both the Maoists and the government have denied the recruitment and use of children. However, reports are widespread of use and recruitment of children by the Maoists, as well as ongoing use of children as informants by the government forces. Such activities by both parties have likely increased since the end of the cease-fire in 2003.

In his November 2003 report on Children and Armed Conflict to the Security Council (S/2003/1053), the UN Secretary-General included the situation in Nepal on the list of parties to armed conflict that recruit or use children in situations of armed conflict that are not on the agenda of the Security Council. On this list, the Secretary-General specifically named the Maoist forces.

Government

There is no provision for conscription in Nepal, even during war or national emergency. There is also no indication of a policy or practice of systematic recruitment of children below age 18 in the RNA, according to the Coalition to Stop the Use of Child Soldiers (the Coalition), *Child Soldiers Global Report 2004*. However, the Coalition reports that children between 12 and 16 years old may be used as spies, couriers and messengers. Children under age 18 may enter the armed forces through irregularities in birth registration and because of the high rate of unemployment in Nepal.

The government denies any use of children under age 18. Government representatives have explained to the Coalition that young Nepalese men can enlist starting from the age of 15 years in order to follow military training, but nobody under age 18 can actually be recruited into the RNA.

Maoists

No precise or confirmed numbers of children associated with the Maoists are available. A report in *South Asia Intelligence Review*, "Nepal: Arming the Children," March 2004, notes that some reports indicate that 30 percent of the Maoist militia and army is comprised of boys and girls under age 18. Reports from reliable sources in Nepal indicate that Maoists use children as cannon fodder, human shields and in direct combat with the government security forces; as messengers, cooks, informers, mine planters and porters; and for other activities.

Since 1996, the Maoists have made contradictory statements about their policies for the recruitment and use of children under age 18. In the early years, the Maoists made statements about an important role for women and girls. A Maoist leader, quoted by the Coalition, explained that the increasing role of women in their cause helped to draw children in as well, and that "large numbers of children in the rural areas are now contributing substantially in the guerrilla war by way of collection and exchange of information." Additionally, the Coalition quoted another Maoist representative as saying, "large-scale rebellion of young girls, mostly high school and college girls from their patrimonial households, to join the 'People's War' have become a common occurrence." However, by 2000, the Maoist leader Prachanda denied the use of children, saying, "We want to make it clear that no child soldier has been recruited in any unit of the People's Army." Some local Maoist commanders have admitted that children are used for carrying guns and menial tasks, but deny that they are deployed as combatants, according to AI.

On February 22, 2004, Kamal Shahi, the leader of All Nepal National Independent Students' Union–Revolutionary (ANNISU–R), the Maoists' student wing, stated that a decision had been taken in their January annual party meeting to create a children's militia of 50,000 children between April and May 2004. This decision was widely reported in Nepali news outlets at the time, such as the *Himalayan News Service*, "Children of Violence," April 22, 2004.

In March 2004, *South Asia Intelligence Review* reported that large numbers of abducted children are being trained in Maoist stronghold areas in the mid-western section of the country. Citing a quotation from a Maoist source, the report explains that secondary and higher secondary students, initially abducted for Maoists political meetings, were receiving military training in secret camps. The report also indicated that the increased spate of abductions of pupils from the mid-western Achham, Rolpa and Rukum districts coincides with the Maoist decision to increase force strength in child soldiers, as well as reports about the secret camps.

Girls Associated with the Maoists

Maoists recruit and use both boys and girls. In one example of recruitment of girls, *Rajdhani* reported in March 2004 that the incidence of Maoists recruiting girls under age 18 in the Karnali region is increasing. The article, "Thousands of Women in Karnali Region Undergoing Military Training," explains that parents are sending girls rather than boys, who are considered more valuable, to the Maoists in order to fulfill their obligation of sending at least one child from each household.

In February 2003, a reporter from the Center for Investigative Journalism (Patan) visited Dailekh, Kalikot and Jumla districts in western Nepal to learn more about girls involved with the Maoists. According to the report, *Girls in the War*, two girls, ages 17 and 15, who were interviewed for the report, explained that they were members of the party's political wing and that their jobs were to be "motivators" for the party, going house to house to encourage support for the Maoists. One girl explained that the party has a military wing and a political wing and that military training is only given to the military wing of the party. Girls who joined the political wing only carry socket bombs or grenades for self-protection, she said.

She also said that she was receiving 150 Nepalese rupees per month for the purchase of soap, but otherwise was required to support herself. She clarified that she ate for free at the homes of villagers. According to this report, the claim of widespread participation of woman and girls in the Maoist ranks seemed exaggerated, as the reporter did not encounter many females during her investigation. The interviewees also confirmed that girls as young as 12 and 13 were involved with the Maoists.

A 16-year-old girl, who was a member of the military, explained to the reporter that she had received physical training, including the use of firearms. She said that she had not been involved in a 2002 attack on Khalanga, Jumla district, but that she would go to battle if instructed by her party. She explained that she felt grateful about being a member for the party, because now she had an automatic rifle, whereas before she only spent her days cutting grass.

Anecdotal stories communicated to Watchlist indicate that girls in the Maoist ranks suffer sexual abuse and exploitation. One reliable source has documented testimony from a 19-year-old woman, in Surkhet district, of the Maoists' All Nepal Women's Organization, a political branch of the Maoists, who spoke about her experience and that of other women and girls associated with the Maoists:

She said: "Not only high-ranking leaders or activists, but sometimes we have to fulfill the sexual desire of our own level's activists and the militia. This is against the party rule and moral duty, but this is the fact of many women like me in this party. Sometimes this happens by chance...but, sometimes the party policy forces us. Most of the women like us are the temporary wives of male militia.

Sometimes...the militia forces us to have sex with them. Sometimes we are forced to satisfy about a dozen per night. When I had gone to another region for party work, I had to have sex with seven militia and this was the worst day of my life.”

Recruitment and Use of Children Associated with the Maoists

Maoists conduct both forcible and “voluntary” recruitment. Maoists are alleged to indoctrinate the children of Maoists who have been killed in the armed conflict in order to avenge the death of their parents. With few other options for survival, these children are often extremely vulnerable to indoctrination and politicization and may end up “voluntarily” joining the Maoist ranks. Desire for revenge of the death of a parent is cited as the primary reason for young people joining the Maoists in a number of news reports on the topic, such as “Kids Dying to Avenge the Killing of Kith and Kin,” by Surendra Kafle in the *Himalayan Times*, January 9, 2004, and “When I Grow Up I Will Kill My Father’s Killers,” *Bimarsha*, February 27, 2004.

Young people can also be lured into the Maoists forces by promises of food, protection or other temptations that prey on their desperation for economic survival. This is especially true for those young people who have been orphaned or separated due to armed conflict. A 14-year-old boy from Panchthar reported to *Nepal Samacharpatra* that he had been lured into Maoist activities in July 2003, when they promised him good food and that his life would be good. Once he agreed, they forced him to walk for many days to Ilam, carrying heavy ammunitions and beat him when he could not walk any further. When he tried to escape, he was tied up and severely beaten. He reports that he was eventually able to surrender to the RNA, “On Hearing the Surrender News,” February 2, 2004. Children may also join because of their parents’ affiliation with the Maoists.

Dalit children and other children from high-vulnerability groups are more susceptible to recruitment or “voluntary” association with the Maoists, according to reliable local sources. In *Nepal: A Spiraling Human Rights Crisis*, AI documented the case of a 15-year-old girl who belonged to a caste whose traditional occupation was dancing, who was enticed to join the Maoists after being forced to attend a “cultural program,” which included dancing that appealed to her. After a few months with the Maoists she wanted to leave. She was told that she would have to leave nude and have her head shaven. When she and her uncle both made pleas for her release, they were threatened with beheading. After she insisted on her release, she was severely beaten and threatened with being killed. She was eventually released, and Amnesty International was able to interview her four months later. However, she was not living at home for fear of retribution or re-recruitment, and she was still suffering from the aftermath of the beating.

In other cases, some students who are abducted in large groups (see Abductions of Students and Teachers above) receive militia training or are inducted into the Special Peoples’ Military Campaign, which is underway in the Maoists “model districts” of Jumla and Jajarkot in the mid-western region. Though most abducted students are allowed to return to their homes after a couple of days or weeks, the trauma of the forced ideological and military training they undergo may continue to haunt them, according to information shared with Watchlist by local sources. Additionally, even after returning home, the students may continue to be “on call” for operational duties when required. Other children may remain in the Maoists ranks for months or years after they are abducted.

A student from Aiselukharka High School of Shipapokharey VDC, in Sindhupalchok district, who escaped abduction by Maoists during the abduction of 200 students and teachers from his school on May 20, 2004, reported that before he escaped he was forced to run and chant slogans and sit in the hot sun all day long while listening to speeches, according to *Samacharpatra*, “Abducted Child Released But Undergoes Mental Tension,” June, 22, 2004. He said the recollection of the Maoists threatening his teachers that they would face “consequences” if they did not chant the slogans still haunted him over a month after the incident.

According to *South Asia Intelligence Review*, Maoists first select a target school in a Maoist stronghold area, encircle the school after the students have gathered in large numbers and then invite “volunteers” to their training camps. Select students, aged between 12 and 15, are initially abducted for political meetings, annual conferences or other special occasions, while students aged 14 to 18 may be required to undergo military drills and arms training under the supervision of Maoist leaders at the training bases. This preliminary training is allegedly sufficient for these children to handle light weapons, including .303 and .22 rifles and country-made socket and pipe bombs. Based on abduction patterns, most children involved with Maoist armed activity are likely to be between the ages of 14 and 18.

Other reports document Maoists using children as young as 10 or 12 years old as porters, spies, informants and bomb planters. For example, a news report explains that young boys have learned how to make bombs from the Maoists, and describes a 12-year-old boy from Baghesal, Pyuthan, who lost his left hand when a powerful bomb that he had made exploded, *Sanghu*, “When a 12-Year-Old Makes a Bomb,” February 23, 2004.

The January/February 2004 newsletter of a national human rights organization in Nepal, IHRICON, included a brief case study of a former child soldier with the Maoists. The case is of a 14-year-old boy who managed to escape from the Maoists and was being held in the Army district headquarters of Ilam. According to the boy, he was in standard class 6 at Yashoka School in Panchthar when the Maoists abducted him. He said he was promised good food and good clothes. After joining, he was renamed and was compelled to carry heavy luggage full of bullets and bombs for several days. He said he was not properly fed and was forced to walk at a fast pace. After trying to escape, he was severely beaten. He later surrendered to the army, according to his account.

An April 2003 news report, “Child Warriors” in *Himal Khabarpatrika*, provided a quick glimpse into the lives of children who are part of the Maoist armed activities. The journalist described meeting 10-year-old Raju Kala Rawat (Samjhana) of Raralihi, Jumla, who was carrying two grenades in her pockets. She was under strict order to keep a vigil on the road leading to the village and to ambush any government security personnel or convey she might see. An 11-year-old girl, Sirina Budha (Sirjana), and six other children were all carrying grenades for that reason.

The same report also described a 14-year-old boy who was acting as the security guard for the chief of the Maoist party in Jumla, after the Maoists forcibly abducted him along with 25 other children who were studying at Raralihi Higher Secondary School. He explained that he did not want to join, but that he did not have another option.

Another news story, “Boys Army: A Chance Encounter with a Group of Young Maoists with Schoolbags Full of Grenades,” published in the *Nepali Times* in June 2004, described a group of a dozen young boys fighting for the Maoists, high up in the mountains, with no shoes or warm clothes. The group’s 13-year-old commander was reportedly wearing a homemade cotton belt full of explosives strapped to his waist and was well versed in Maoist ideology. The report described his forcible recruitment by the Maoists along with other boys and girls in Dailekh.

Child soldiers in Sulichour, Rolpa district, interviewed by *Gorkhapatraa* said that the homemade weapons they were carrying were useless and do nothing more than make loud noises when they are fired. They said that they would prefer to carry grenades, which they could use to protect themselves. These children reported that their responsibilities include spreading information about the “People’s War” and carrying grains and other materials, *Gorkhapatraa*, “Children Forced to Carry Guns and Grenades,” October 9, 2004.

UN SECURITY COUNCIL ACTIONS

Despite the continued deterioration of the armed conflict in Nepal, the overwhelming impact of the armed conflict on young people and the UN Security Council's consistent declaration that the impact of armed conflict on children is a matter of international peace and security, the Security Council has not included the situation in Nepal on its agenda as a matter of international peace and security. In less direct ways, however, the Security Council has addressed the situation as detailed below:

Action on Children and Armed Conflict

Young people in Nepal are severely impacted by the armed conflict, as detailed in this report. Therefore, the UN Security Council's repeated calls for the protection of children in situations of armed conflict relate directly to Nepal. The Security Council has made specific commitments to protect children in these situations in five Security Council Resolutions: 1261, 1314, 1379, 1460 and 1539.

Secretary-General's Report on Children and Armed Conflict

In his November 2003 report on Children and Armed Conflict to the Security Council (S/2003/1053), the UN Secretary-General included the situation in Nepal on the list of parties to armed conflict that recruit or use children in situations of armed conflict that are not on the agenda of the Security Council. On this list, the Secretary-General specifically named the Maoist forces.

URGENT RECOMMENDATIONS

To the Maoists

- Immediately halt all violations against children and adolescents in Nepal, including killing and maiming, abduction of students and forced participation in “cultural” and other related programs; uphold all applicable international humanitarian law and human rights regarding protection of children in armed conflict.
- Endorse the principles in the Convention on the Rights of the Child, including the optional protocols, and take immediate steps to implement these protections.
- Abide by the principles stated in the *Common Minimum Policy and Programme of United Revolutionary People’s Council, Nepal (URPC)* including:
 - Point 52: Education shall be made universal, free and compulsory. Special literacy campaigns shall be conducted and all types of illiteracy including adult illiteracy shall be eliminated, etc.
 - Point 57: Health services shall be made available to all freely and universally. Special attention should be paid to the extension of health services in rural areas, etc.
 - Point 58: Rights of disabled persons, the elderly, destitutes and children shall be protected and special attention shall be given to their care.
 - Point 66: All forms of patriarchal exploitation of women shall be ended and women shall be given all rights equal to men...Traffickers on (sic) women and rapists shall be sternly punished. Nepalese women sold to brothels inside the country and abroad, mainly India, shall be freed and honourably rehabilitated.
- Immediately halt all *bandhs*, particularly those which cause school closures and disruptions in school examinations.
- Immediately cease all attacks on schools or use of these structures for military or support purposes.
- Immediately halt all looting and attacks on health and social infrastructure to support young people; this includes cessation of attacks against hospitals, vaccination campaigns and food transports.
- Immediately halt the abduction of children and adolescents from school grounds or other locations for forced political indoctrination.
- Immediately halt all threats, intimidation, abduction and attacks against teachers and school administrators, and halt any policy of forced “donations” by teachers.
- Immediately halt all policies leading to forced displacement, including policies of recruiting one member of each family and “one school – one militia.”
- Cease all rape and sexual violence against girls and adolescents, including those associated with the Maoist forces.
- Immediately end the recruitment and use of children under age 18 in Maoist forces, and take all appropriate measures to demobilize those already in armed ranks. This should include children engaged in support services, such messengers, cooks, informers, mine planters, porters and others, as well as those directly participating in hostilities.
- Immediately halt the production and use of mines and other explosive devices that maim and kill children and other civilians.

To the Government of Nepal

- Immediately halt all violations against the security and rights of children, improve compliance with all signed agreements and uphold international humanitarian laws and international human rights, particularly the Convention on the Rights of the Child (CRC). This includes ensuring that all vulnerable Nepali children have full and unhindered access to humanitarian assistance.
- End impunity for violations against children by aggressively and promptly conducting independent, impartial, public investigations into atrocities against children, including extrajudicial, summary or arbitrary executions of children, rape and other forms of sexual violence committed in the context of armed conflict.
- Ensure meaningful penalties for violations committed by Maoists and government personnel according to international standards of justice for the perpetrators of all crimes.
- Immediately ratify the Optional Protocols to the CRC, including the Optional Protocol on the Involvement of Children in Armed Conflict, setting age 18 as the minimum age for recruitment into armed groups, and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.
- Harmonize national legislation with the rights prescribed to young people in the CRC and its Optional Protocols.
- Actively engage the international community, UN country team and civil society in Nepal in reducing and remedying human rights violations against children and adolescents as highlighted in this report.
- Ensure adherence to Geneva Conventions 1977, Protocol One, article 52, guaranteeing unconditional respect for schools and school grounds, by ensuring that all government personnel cease the use of these structures for military or police purposes.
- Allocate the necessary funds to ensure that young people have access to adequate educational and vocational opportunities, and to make substantial progress toward the Millennium Development Goals.
- Provide necessary compensation to communities whose schools are closed for security or other reasons to support alternatives for safe and uninterrupted education for all Nepalese young people. This would include repair and rehabilitation of schools and replenishment of educational materials.
- Immediately halt all government personnel harassment, threats, detention and violence against teachers accused of collaboration with the Maoists due to obligatory “donations” of their salaries.
- End all policies that result in blocked, delayed or hampered transportation and availability of food, medicine or other essential items.
- Immediately apply the principles of protection for internally displaced children and all civilians, according to the Guiding Principles on Internal Displacement, and urge the government task force on IDPs to clarify a working definition of IDPs in Nepal.
- Develop and make public a comprehensive plan of action for assistance to IDPs; and ensure that representatives of civil society are substantively included in the task force.
- Immediately reduce the length of preventive detention with no recourse to the judiciary authorized in the Terrorist and Disruptive Activities (Crime and Punishment) Ordinance from 6 months to its original 90-day period.
- Immediately implement Nepal Children’s Act (1992), section 17, regarding the prohibition on any work in the form of labor by children under 14 years and setting regulations on labor conditions for young people over age 14.
- Immediately halt the use of landmines, accompanied by the government’s signing of the Mine Ban Treaty and swift ratification and implementation of all relevant obligations, including the development of a national plan for mine action.
- Increase recruitment of staff from Dalit, Tharu, Terai and Janjati and other marginalized communities for the national civil service and other government positions to better address the situation of these communities in the government’s work.

Government of Nepal: Focus on Security Forces

- Immediately halt any use of children by the RNA as informers, and immediately identify all children held by the RNA.
- Ensure that any irregularities in birth registration do not facilitate use or recruitment of children under 18 years old.
- Ensure that all government personnel, including plainclothes security forces, immediately cease all rape and other forms of sexual violence against girls, and investigate all reports to bring perpetrators to justice. The government must provide all government personnel involved in armed forces and other security forces with training and specific directives on gender-based violence and the penalties associated with such crimes.
- Immediately halt the practice of arbitrary detention of children by which detainees are held without charge or trial, and immediately halt the practice of “disappearance.”

To the UN Security Council

- Implement UN Security Council commitments to protect children affected by armed conflict, as per UNSC Resolutions 1261, 1314, 1379, 1460 and 1539 or other relevant resolutions.
- Include the armed conflict in Nepal on the agenda of the UN Security Council as an urgent matter of international peace and security, based on its severe, life-threatening impact on children and adolescents.
- Impose a moratorium on the Royal Nepalese Army contributing troops to international peacekeeping efforts until there is a demonstrable effort to curb human rights violations by government forces, particularly those against children and adolescents.
- Strongly condemn the recruitment and use of child soldiers, killing and maiming of children, rape and other sexual violence, abduction and forced displacement, attacks against schools and hospitals, trafficking, forced labor and all other violations committed against Nepali children and adolescents (UNSC Res. 1539, para. 1).
- Call on the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG–CAC) to immediately visit Nepal. The primary objective of the visit should be to obtain commitments from the government and the Maoists relating to protection of children in armed conflict. The SRSG–CAC should consistently and publicly monitor these commitments.
- Request a briefing (“Arria Formula”) in the Security Council addressing the impact of armed conflict in Nepal on children and adolescents.
- Endorse and call for UN support of the establishment of a broad-based civil society mechanism with a clear mandate to monitor violations against children in armed conflict in Nepal, which would operate at the local and national level.
- Call on the UN Resident Coordinator in Nepal to engage in dialogue with the government of Nepal and the Maoists regarding the establishment of humanitarian corridors and/or days of tranquility, to ensure unimpeded humanitarian access to vulnerable populations.
- Call on the Office of the High Commissioner for Human Rights (UNHCHR) to establish a mandate for a Special Rapporteur on Nepal, which would include a special focus on the security and rights of children affected by armed conflict.
- Call on the UNHCHR to establish an office in Nepal, with a mandate to support the NHRC and other regular human rights institutions and to provide technical assistance for groups in independently monitoring and reporting violations against children in the context of armed conflict.
- Request the Emergency Relief Coordinator of OCHA to visit Nepal to encourage emergency coordination within the UN country team, with special emphasis on IDP children.

UN Security Council: Focus on Education

- Call on the government forces and the Maoists to immediately halt all attacks on students, teachers and schools buildings and halt all occupation of schools or school grounds.
- Call on the Maoists to immediately halt all abduction of children and teachers from schools and communities, including temporary “cultural” programs which disrupt schooling.
- Call on the UN country team to conduct independent and authorized monitoring of schools.
- Call on the government of Nepal and the Maoists to reiterate commitment to the principles of Children as Zones of Peace.

UN Security Council: Focus on Child Soldiers

- Call on the Maoists to immediately halt all abduction, recruitment and use of boys and girls under the age of 18 and immediately demobilize young people associated with the Maoists who were under age 18 at the time of their recruitment.
- Consider taking action related to UNSC Resolution 1539 (para. 5) in the context of child soldiering in Nepal:
 1. Call upon the Maoists (named in the Secretary-General's 2003 report on Children and Armed Conflict, S/2003/1053) to prepare, within three months, concrete and time-bound action plans to halt recruitment and use of children in violation of the international obligations applicable to them.
 2. Call on the Secretary-General to appoint a focal point in Nepal charged with engaging these parties in dialogue leading to time-bound action plans that are regularly reviewed for compliance.
 3. Consider imposing targeted and graduated measures if the parties fail to meet the commitments included in their action plan.
- Call on the UN country team and the humanitarian community to work with the government and the Maoists to immediately develop an effective disarmament, demobilization, reintegration and rehabilitation program for boys and girls. This should include provisions for the treatment and support for demobilized children, including medical attention, psychosocial support, education and other long-lasting support to ensure a successful transition.

UN Security Council: Focus on Refugees and IDPs

- Call on the government to immediately apply the Guiding Principles on Internal Displacement with special attention to IDP children and adolescents (UNSC Res. 1379, para 8(b)).
- Call on the UNHCR to provide emergency assistance to Nepalese refugee children in India, beginning with a comprehensive assessment of this population, with specific attention to the vulnerability of refugee girls to sexual exploitation and abuse (UNSC Res. 1379, paras. 8(b) and 11).

UN Security Council: Focus on Other Violations

- Call on the government to establish effective legal protections for survivors and witnesses of gender-based violence and take effective action to end impunity for rape and other forms of sexual violence.
- Call on the government to ratify and implement the UN Convention Against Transnational Organized Crime, and especially to sign, ratify and implement the protocols on trafficking in persons and smuggling of migrants.
- Call on the government of Nepal to immediately halt its Village Defense Forces initiative to arm rural, civilian communities.

UN Security Council: Focus on Peace Process

- Ensure that the protection, rights and well-being of children are integrated into any peace process and peace agreements, including provisions related to the disarmament, demobilization, reintegration and rehabilitation of child soldiers (UNSC Res. 1460, para. 11; and UNSC Res. 1379, para. 8(e)).

- Ensure that civil society groups, particularly youth groups, are active participants in any peace negotiations and peace processes, particularly as relates to programs and policies directly impacting their lives (UNSC Res. 1379, para. 8(d)).

To the UN Country Team and Humanitarian Community

- Strengthen coordinated data collection, collation and dissemination on violations against children in the context of armed conflict in Nepal.
- Provide assistance to, or guarantee non-interference with, communities that are maintaining safe and accessible schools or are working to rehabilitate schools.
- Coordinate activities to address the IDP crisis in Nepal, beginning with the designation of a lead agency to focus on monitoring, services and protection for IDPs. This should ensure immediate, community-based provision of basic services in order to prevent further displacement and to provide support for receiving communities.
- Provide appropriate and accessible health and psychological treatment for girls and women survivors of rape and other forms of sexual violence, and for girls involved in commercial sex work. This care should be accessible inside communities and should include reproductive health care, as well as HIV/AIDS testing, treatment and education.
- Prioritize HIV/AIDS education and prevention programs, addressing the special vulnerabilities of girls and adolescents.
- Expand support to local district-based Nepali NGOs to ensure that civil society functions actively in the rural areas and has increased capacity to protect children against violations. In particular, this would require strengthening of the organizational structure and capacity of the most vulnerable and marginalized communities, such as, *Dalit, Tharu, Terai, Janjati* and other ethnic groups.
- Increase staff in UN agencies from *Dalit, Tharu, Terai and Janjati* and other ethnic groups in order to better address the situation of these marginalized communities in the agencies' work.

To Donors

- Support a broad spectrum of programs to improve conditions for children and adolescents in Nepal, including, but not limited to the following areas:
 - Basic medical care and immunizations available at the community level
 - Educational opportunities, with attention to young people who have missed opportunities for school due to displacement or other effects of armed conflict
 - Emergency care for survivors of rape and other forms of violence
 - HIV/AIDS testing, education, prevention and treatment, with attention to vulnerabilities of girls and adolescents
 - Mine-risk education and assistance for mine survivors
 - Family reunification programs geared toward separated and orphaned children, street children and children associated with armed forces and other unaccompanied young people
 - Ensure that the above support is targeted at children and civilians based on humanitarian need, not political affiliation; and ensure that every effort is made to provide support to people in need, in rural as well as urban and peri-urban areas
- Support capacity-strengthening work for civil society organizations in Nepal to provide services and programs to children affected by armed conflict, as well as to monitor and report on violations against young people in the context of armed conflict in Nepal.
- Strengthen local NGOs that represent the most marginalized communities in Nepal, especially ones that are themselves managed by these communities.
- Provide more high school and Bachelors-level scholarships to children, especially girls, from the caste and ethnic communities with the least educational opportunities.
- Recruit staff from the most marginalized and vulnerable communities in Nepal, such as *Dalit, Tharu, Terai and Janjati* and other ethnic groups, in order to ensure greater diversity within donors' organizations.

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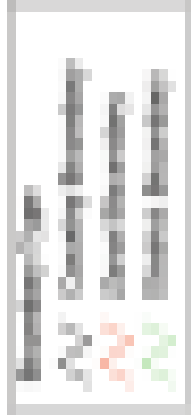
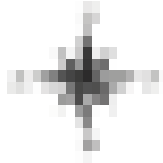
The Watchlist works within the framework of the provisions adopted in Security Council Resolutions 1261, 1314, 1379, 1460 and 1539, the principles of the Convention on the Rights of the Child and its protocols, and other internationally adopted human rights and humanitarian standards.

Information is collected through an extensive network of organizations that work with children around the world. Analysis is provided by a multidisciplinary team of people with expertise and/or experience in the particular context. Information in the public domain may be directly cited in the report. All sources are listed in alphabetical order at the end of report to protect the security of sources.

General supervision of the Watchlist is provided by a Steering Committee of international nongovernmental organizations known for their work with children and human rights. The views presented in this report do not represent the views of any one organization in the network or the Steering Committee.

For further information about the Watchlist or specific reports, or to share information about children in a particular conflict situation, please contact: watchlist@womenscommission.org
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The Watchlist on Children and Armed Conflict is a network of non-governmental organizations working to monitor and report on violations against children in situations of armed conflict.

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