

RIGHT TO EDUCATION

On 13 February, Children's Day, an artillery shell landed on the Basic Education Post-Primary School in Kha Mhwe Chaung village, of San Hnyin Wai Village Tract in Buthidaung Township, injuring at least 17 students.

The military occupied school buildings in Rakhine State, using them as temporary bases. Appropriation of educational facilities not only denied children their right to education, but potentially turned schools into military targets, placing the lives and safety of civilians at risk.

VIOLENCE AGAINST WOMEN AND GIRLS

Progress towards a Prevention of and Protection from Violence Against Women (PoVAW) law was stalled. Members of parliament continued to debate crucial provisions of the draft law, including on the definitions of rape. Under the Penal Code, marital rape was not considered a crime. Although the latest version of the PoVAW criminalized marital rape, its penalties were lighter than for rape outside of marriage.

On 21 January, Myanmar's Independent Commission of Enquiry (ICOE), a domestic body charged with investigating atrocities against the Rohingya in Rakhine State during 2016 and 2017, released an executive summary of its findings in which it claimed that there was "no evidence of gang rape committed by Myanmar's security forces". The ICOE conceded, however, that it had not carried out interviews with Muslim Rohingya survivors who had fled to Bangladesh. The ICOE's claim directly contradicted the findings of human rights groups, attending medical practitioners and the UN Independent International Fact-Finding Mission on Myanmar, which documented widespread and systematic rape against Rohingya women and girls.

On 11 September, the military admitted that three of its soldiers raped an ethnic Rakhine woman during operations in Rathedaung Township on 30 June, despite their previous denials when the allegations were first raised by local media after rape

charges had been filed by the survivor in July. In its statement, the military publicly named the survivor but not the perpetrators. In late December, the three soldiers were each sentenced to 20 years' imprisonment with hard labour.

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1. [World court orders Myanmar to protect the Rohingya](#) (Press release, 23 January)
 2. [Myanmar: Indiscriminate airstrikes kill civilians as Rakhine conflict worsens](#) (Press release, 8 July)
 3. [Myanmar: Villages burned, civilians injured and killed as Rakhine State conflict escalates](#) (Press release, 12 October)
 4. ["I will not surrender": The criminalization of human rights defenders and activists in Myanmar](#) (ASA 16/2041/2020)
 5. [Myanmar: Leaked documents reveal global business ties to military crimes](#) (Press release, 10 September)

NEPAL

Federal Democratic Republic of Nepal

Head of state: **Bidya Devi Bhandari**

Head of government: **Khadga Prasad Sharma Oli**

Legislation limiting the rights to freedom of expression and privacy remained pending. Security forces detained individuals for "spreading misinformation" and criticizing the government during the COVID-19 pandemic. Protesters were detained and security forces continued to use excessive force to disperse protesters and enforce lockdowns. Efforts toward securing justice, truth and reparation for crimes under international law and human rights violations committed during the 1996-2006 conflict remained grossly inadequate. Indigenous families were forcibly evicted and their homes destroyed. Sexual and gender-based violence continued with impunity. Gender-based discrimination continued in both law and practice. Dozens of abuses against Dalits were reported and abuses were often carried out with impunity. The government did not take adequate measures to protect Nepali migrant workers stranded and otherwise affected by the pandemic abroad.

BACKGROUND

Amid disputes within the ruling party, in December President Bhandari dissolved the lower house of Parliament on the recommendation of the Cabinet led by Prime Minister Oli. At the end of the year, several challenges against the decision were pending before the Supreme Court.

RIGHT TO PRIVACY

The Nepal Special Service Bill, which included broad and vague provisions allowing intrusion on the right to privacy without judicial authorization, remained pending in the Parliament's lower house after being endorsed by the upper house in May. The Ministry of Information and Communication drafted a Bill on Telecommunications giving authorities sweeping powers to conduct surveillance and collect and record information on individuals and organizations without adequate legal safeguards.

FREEDOMS OF EXPRESSION AND ASSEMBLY

A series of bills threatening to severely restrict freedom of expression remained pending in Parliament, including the Media Council Bill, the Mass Communication Bill and the Information Technology Bill. Dozens of individuals, including journalists, were detained for "spreading misinformation" or criticizing the government in the context of the COVID-19 pandemic. The Nepal Press Council shut down more than 30 news websites for "publishing false and fabricated news".

The security forces continued to detain activists and frequently resorted to excessive force to disperse peaceful protesters. In January, police detained human rights activists peacefully demonstrating for justice for conflict-era crimes. In July, security forces tear gassed protesters demanding investigations and accountability for the deaths of Dalits in Dhanusha. In November, a man died and two others were critically injured by bullets after security forces opened fire at protesters in Mahottari district

protesting the rape and murder of a six-year-old girl. The security forces often used excessive force to enforce the lockdown imposed amid the pandemic.

RIGHT TO TRUTH, JUSTICE AND REPARATION

The government failed to deliver truth, justice and reparation for thousands of victims of crimes under international law and human rights violations committed during the 1996-2006 armed conflict. The Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons, which together had collected more than 63,000 complaints of crimes committed by state security forces and armed opposition groups, failed to carry out effective and independent investigations. The government failed to amend the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act 2014 to bring it in line with international human rights law and standards, as repeatedly ordered by the Supreme Court. In January, the government finalized the appointment of new commissioners to the two commissions without adequate consultations with conflict victims and without amending the law allowing amnesties for serious crimes under international law.

The ruling party also continued to appoint people implicated in conflict-era crimes to positions of power without thorough and independent investigations. In October, the National Human Rights Commission named 286 alleged individual perpetrators and highlighted the government's failure to implement the Commission's recommendations and hold perpetrators to account.

MIGRANT WORKERS' RIGHTS

The government failed to protect the rights of hundreds of thousands of Nepali migrant workers stranded abroad as COVID-19 lockdowns came into force. They failed to ensure the protection and affordable repatriation of migrant workers through the Foreign Employment Welfare Fund. The

authorities also failed to ensure adequate standards of living and protect the health and safety of several returnee migrant workers in COVID-19 quarantine facilities. In June, a migrant woman was raped in a quarantine facility in Kailali district.

FORCED EVICTIONS

In July, without prior notice the Chitwan National Park authorities forcibly evicted 10 Indigenous Chepang families, setting two houses on fire and destroying eight other homes with the use of elephants. Others living in informal settlements across the country remained at risk of forced evictions.

DISCRIMINATION

The government failed to ensure timely appointments of commissioners to various constitutional commissions, severely impacting their ability to protect and promote women's rights and the rights of marginalized groups including Indigenous Peoples, Dalits, Madheshis, Tharus and Muslims.

Gender-based discrimination continued and the government did not address constitutional flaws which denied women equal citizenship rights. More than 2,100 incidents of rape and sexual violence were reported to the police. Victims included children and Dalits. Rigid statutory limitations for rape in the Criminal Code continued to allow impunity for perpetrators.

In September, the government passed two ordinances aimed at ending acid attacks against women and girls.

Despite provisions in law and policy to address discrimination based on caste, numerous incidents of discrimination, ostracization, killings and sexual violence against members of the Dalit community were reported. In May, opponents of an inter-caste relationship killed six men including four Dalits in Western Rukum district. Also in May, a 12-year-old Dalit girl was allegedly raped and killed in Rupandehi district after being forcibly married to her alleged rapist, who belonged to a dominant caste. In September, another 12-year-old Dalit girl was raped and killed in Bajhang district, allegedly

by a man who was not prosecuted after raping a 14-year-old a month earlier.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment were widespread in pre-trial detention to extract "confessions" and intimidate detainees. Although the 2017 Criminal Code criminalized torture and other ill-treatment, no one had been convicted under it by the end of 2020.

Several allegations of deaths due to torture were reported, particularly of Dalits and Indigenous people. In July, Indigenous man Raj Kumar Chepang died allegedly after being tortured by Nepal Army personnel stationed at the Chitwan National Park. An army officer was remanded on charges of murder.

The authorities failed to carry out independent and credible investigations into several deaths in custody suspected to have resulted from torture, especially of young Dalit men. In August, Bijay Mahara died in police custody, allegedly from torture during interrogation. Three police officers were suspended for six months, but were not charged with torture or murder. Shambhu Sada died in police custody in Dhanusha in June and Roshan BK in Kailali district in September. The police claimed that both men had committed suicide, while their families alleged that they were tortured to death.

NETHERLANDS

Kingdom of the Netherlands

Head of state: **Willem-Alexander**

Head of government: **Mark Rutte**

Prison-like migration detention remained a concern. The Minister of Justice and Security announced changes to rape legislation to bring it more in line with human right standards. Ethnic profiling by police continued to be a concern. Predictive policing methods used artificial intelligence