



FREEDOM IN THE WORLD 2020

Nepal

PARTLY FREE

56

/100

<u>Political Rights</u>	25/40
<u>Civil Liberties</u>	31/60

LAST YEAR'S SCORE & STATUS

54/100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Since the end of a decade-long civil war in 2006, Nepal has held a series of competitive elections and adopted a permanent constitution. As politics have stabilized, pressure on journalists has decreased, and authorities have been more tolerant of peaceful assembly. However, political protests are still occasionally marred by violence, and corruption remains endemic in politics, government, and the judicial system. Other problems include gender-based violence, underage marriage, and bonded labor. Transitional justice bodies have struggled to fulfill their mandates.

Key Developments in 2019

- CK Raut, the leader of the Alliance for Independent Madhesh (AIM), agreed to refrain from supporting an independent state in the Tarāi region after he was released from detention in March. The AIM, renamed Janamat (Mandate), endorsed his agreement in May.
- In February, anticorruption agency commissioner Raj Narayan Pathak resigned after a video of him accepting a bribe was publicized; he then became the subject of a corruption case in March and a money laundering investigation in May. Both matters were ongoing at year's end.
- In October, lower-house speaker Krishna Bahadur Mahara resigned from his post after a parliamentary employee accused him of rape. Authorities arrested Mahara in November, and his case remained pending at year's end.
- Parliament considered draft legislation that would create new media regulators and replace an existing cybercrime law through much of the year, despite concerns from nongovernmental organizations (NGOs) that they would restrict speech. The bills remained under consideration at year's end.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	3/4
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The president is the head of state and is elected to up to two five-year terms by a parliamentary electoral college and state assemblies. The prime minister is elected by Parliament. The legitimacy of executive office holders is largely determined by the conduct of legislative and provincial elections.

Khadga Prasad Sharma Oli was sworn in as prime minister in February 2018 after his party, the Communist Party of Nepal–Unified Marxist-Leninist (CPN-UML), won majorities in the upper and lower houses of Parliament in late 2017. A European Union (EU) election observation mission declared the 2017 polls largely credible, despite incidents of pre-electoral violence at some campaign events.

The current president, Bidhya Devi Bhandari, was reelected in March 2018.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	4/4
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Members of the 275-seat House of Representatives are elected to five-year terms; 165 are directly elected in single-seat constituencies, while 110 are elected by proportional representation. The National Assembly has 59 members; 56 are indirectly elected to six-year terms by an electoral college comprised of provincial and local leaders, while 3 are nominated by the president.

Local elections—the first since 1997—were held in several stages in 2017. National and provincial elections were held late in 2017. The polls were generally well conducted and saw healthy turnout, and the results were accepted by participating parties. However, the Rastriya Janata Party–Nepal (RJP-N), an umbrella group representing ethnic Madhesis, boycotted several rounds of local polls due to grievances related to provisions in the 2015 constitution.

While more peaceful than the 2013 election period, election-related violence did occur in 2017. Police killed three people during a CPN-UML campaign rally. There was sporadic violence in the lead-up to the national elections, in which one temporary police officer was killed. There was a significant uptick in violent incidents before elections held in the south, which were related to interparty tensions and separatist opposition.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	3/4
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The legal framework for elections is largely sound and facilitates the conduct of credible polls. However, Parliament has yet to address the grievances that many have with the 2015 constitution, including province demarcation, proportional representation based on population, and provisions in the citizenship law.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?	3/4
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Political parties are generally free to form and operate. Opposition figures do sometimes face arrest. AIM leader CK Raut was arrested in 2018 on charges of disturbing law and order and voicing views against the state and nationality over his remarks at a demonstration. Raut was released in March 2019 after agreeing to refrain from supporting an independent Madhesi state. In May, the AIM was renamed

the Janamat (Mandate) Party and endorsed Raut's agreement with the government; it then competed in a local by-election in late November.

In 2018, the Communist Party of Nepal–Maoist (UCPN-M) and the CPN-UML, which formed an alliance to contest the 2017 parliamentary election, merged to form the Nepal Communist Party (NCP).

B2 0-4 pts

<p>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</p>	<p>3/4</p>
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Opposition parties have a realistic chance of gaining power through elections. The CPN-UML won control of the government as an opposition party following the 2017 elections. Smaller opposition parties have difficulty gaining power at the national level, partly due to a 3 percent threshold parties must reach to win proportional-representation seats in the lower house. However, smaller parties perform better at the local level.

B3 0-4 pts

<p>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</p>	<p>2/4</p>
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People's ability to freely exercise their political choices is limited by sporadic outbursts of political violence, as well as by heavy-handed security agents who at times have cracked down on political demonstrations. There were reports of vote buying during the 2017 campaign period.

B4 0-4 pts

<p>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</p>	<p>2/4</p>
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Though the constitution has requirements for the participation of women and minorities in the legislature, social discrimination continues to hinder the political involvement of these groups. A limited definition of citizenship has resulted in the disenfranchisement of stateless people. Bhandari is Nepal's first female president, and 32.7 percent of lower-house lawmakers are female; however, few women hold senior political positions.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?	3/4
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Nepal ratified a new constitution in 2015, an important step in its democratic transition. Successful legislative elections were held in 2017, with new lawmakers seated in 2018. However, despite democratic improvements and political stabilization, representative rule is not fully consolidated.

C2 0-4 pts

Are safeguards against official corruption strong and effective?	1/4
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Corruption is endemic in Nepali politics and government and often goes unpunished. Corruption by officials obstructed the delivery of foreign aid provided to Nepal after a 2015 earthquake, though aid is slowly being distributed to survivors.

Nepal's top anticorruption agency, the Commission for Investigation of Abuse of Authority (CIAA) has been more active in recent years. In 2017, it accused Chudamani Sharma, former director of the Tax Settlement Commission's Inland Revenue Department, of embezzlement and granting improper tax exemptions; the case was still ongoing at the end of 2019.

The CIAA has been affected by corruption within its ranks, however. In February 2019, commissioner Raj Narayan Pathak resigned after a film of him accepting a bribe was made public. The CIAA filed a corruption case against him in March, while a money laundering investigation was launched in May; those cases were pending at year's end. In March, the CIAA accused one of its inspectors of corruption, after he was discovered accepting a bribe to settle a complaint.

C3 0-4 pts

Does the government operate with openness and transparency?	1/4
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The government generally operates with opacity. The Election Commission, the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP), among others, have been criticized for lack of transparency. Mechanisms for utilizing the 2007 Right to Information Act are poorly defined, and the law is inconsistently enforced.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	2/4
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Nepal's 2015 constitution guarantees freedom of expression and prohibited prior restraints on press freedom, though these rules can be suspended in a national emergency. The constitution does not prohibit future press restraints for national

security reasons. In addition, high-level government officials attempt to muzzle media criticism through pressure, intimidation, and legal maneuvers.

A 2018 criminal code revision criminalizes publicizing private information about a person without consent, photographing an individual without consent, and “disrespectful” satire. Press freedom advocates argued that the code could be used to prosecute journalists engaged in newsgathering, though no major examples of this surfaced in 2019.

However, authorities have used the National Transaction Act (NTA), which is meant to fight cybercrime, to target journalists. In April 2019, Arjun Giri, an editor at weekly newspaper *Tandav News*, was arrested under the NTA after writing an article detailing fraud at a private company; the Kathmandu District Court ordered his release later that month.

In May 2019, national news agency Rastriya Samachar Samiti (RSS) probed three of its journalists for translating a report on the Dalai Lama’s hospital visit. RSS does not report on subjects that interfere with Nepali foreign policy; China, which funds Nepali development projects, restricts Tibetan Buddhist practices, including devotion to the Dalai Lama.

Nepali artists were also targeted by the government during 2019. In June, comedian Pranesh Gautam was arrested for violating the NTA after posting a critical review of a feature film on his YouTube channel. Gautam was released later that month. In October, police arrested musician Samir Ghising for antisocial behavior after he was depicted using marijuana in a music video. Ghising was released later that month.

Parliament considered legislation that could further restrict press freedom during 2019. In February, the Information Technology Bill, which would replace the NTA, was introduced. The Media Council Bill, introduced in May, would, along with the Mass Communications Bill, create new government-controlled media regulators. Human Rights Watch (HRW) and the Committee to Protect Journalists (CPJ) voiced opposition to the bills, which remained under consideration at year’s end.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

2/4

Like the interim constitution before it, the 2015 constitution identifies Nepal as secular, signaling a break with the Hindu monarchy that was toppled after the 1996–2006 civil war and formally abolished in 2008. Religious freedom is protected under the constitution, and tolerance is broadly practiced, though some religious minorities occasionally report harassment. Muslims in Nepal are particularly impoverished, occupying a marginalized space. Proselytizing is prohibited under a 2017 law, and some Christians have been prosecuted under this law.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

3/4

The government does not restrict academic freedom, and much scholarly activity takes place freely, including on political topics. Authorities exercise some control over the primary education curriculum, but have relatively little over universities. Neither professors nor students face repercussions for political speech, and peaceful campus protests are tolerated. However, student unions affiliated with major political parties sometimes clash violently, and police occasionally use force to disperse them. In February 2019, student groups affiliated with the Nepali Congress party attacked each other over a dispute on age limits for student leaders during demonstrations in Sānepā; police used force to disperse them. Despite this, student clashes have become less common in recent years.

Minorities, including Hindi- and Urdu-speaking Madhesi groups, have complained that Nepali is enforced as the language of education in government schools.

Score Change: The score improved from 2 to 3 because campus violence involving partisan student unions and police has grown less common in recent years.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

3/4

The freedom to engage in private discussions on sensitive topics has expanded somewhat with Nepal's political stabilization. However, authorities have occasionally cracked down on individuals who criticize the government on social media.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

3/4

Although the constitution guarantees freedom of assembly, security forces have violently dispersed protests and demonstrations, particularly in the south, where a large Madhesi population and related secessionist movement exist. Previous Madhesi demonstrations have been met with violent reprisals from security forces, but no major incidents were recorded in 2019; Janamat held a peaceful rally in Kathmandu in November.

Score Change: The score improved from 2 to 3 due to reductions in protest-related violence and police repression compared to the previous year.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?

2/4

Although the constitution allows NGOs to form and operate in Nepal, legal restrictions make this difficult in practice. The District Administration Office (DAO), which is responsible for registering NGOs, is often understaffed and lacks essential

resources. Foreign NGOs must enter project-specific agreements with the Nepali government. There is a widespread view that NGOs should not be overly political, which hinders some groups from engaging in certain forms of public advocacy.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	2/4
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The 2015 constitution provides for the right to form trade unions. Labor laws protect the freedom to bargain collectively, and unions generally operate without state interference. Workers in a broad range of “essential” industries cannot stage strikes.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	2/4
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The 2015 constitution provides for an independent judiciary. However, judicial independence is compromised by endemic corruption in many courts.

The state has generally ignored local court verdicts, Supreme Court decisions, and National Human Rights Commission (NHRC) recommendations addressing crimes committed during the 1996–2006 civil war. The government also sought to weaken the NHRC with a proposed amendment to human rights law; the May 2019 amendment would give the attorney general the power to bring human rights cases and would prohibit the NHRC from opening regional and local offices. The amendment remained under consideration at year’s end.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	1/4
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Constitutional due process guarantees are poorly upheld in practice. Arbitrary arrests do occur. Heavy case backlogs and a slow appeals process result in long pretrial detentions. The government provides legal counsel to those who cannot afford their own, but only at a defendant's request. Those unaware of this right often end up representing themselves.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	2/4
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Rights advocates continue to criticize Nepal for failing to punish abuses and war crimes committed during the 1996–2006 civil war.

Due to a lack of will on the part of the security forces and political parties, neither the TRC nor the CIEDP, key transitional justice bodies, have implemented reforms demanded by the UN or the Supreme Court. The mandates of both transitional bodies were extended by one year in February 2019, though the terms of its members expired in the spring. Although the TRC and CIEDP have received thousands of reports of human rights violations and enforced disappearances, no alleged perpetrators have been prosecuted.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	1/4
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The 2015 constitution includes rights for sexual minorities. The first passport on which the holder was permitted to select a third gender was issued in 2015. However, LGBT+ people reportedly face continued harassment by the authorities and other citizens, particularly in rural areas.

The constitution frames the protection of fundamental human rights for Nepali citizens only. This potentially leaves equal rights of noncitizens, including migrants and people who cannot prove citizenship, unprotected.

Tibetans in Nepal face difficulty achieving formal refugee status due to Chinese pressure on Nepal's government. Women often do not receive the same educational and employment opportunities as men.

Children living with disabilities are sometimes excluded from the education system, or face segregation in the classroom.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	3/4
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Freedom of movement is generally respected in Nepal. There are legal limits on the rights of refugees to move freely, but restrictions are rarely enforced. Citizens generally enjoy choice of residence, though bribery is common in the housing market as well as the university admittance process.

In rural areas, women remain subject to *chaupadi*, a traditional practice in which menstruating women are physically separated from their families and communities; the practice was criminalized under a 2018 law. The first arrest under this law took place in December 2019; a Nepali man was arrested after his sister-in-law died of smoke inhalation in a *chaupadi* hut. Later that month, authorities demolished several hundred huts.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	2/4
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Although citizens have the right to own private businesses, starting a business in Nepal often requires bribes to a wide range of officials. Licensing and other red tape can be extremely onerous. Women face widespread discrimination when starting businesses, and customs and border police are notoriously corrupt in dealing with cross-border trade. Foreigners generally cannot own land.

G3 0-4 pts

<p>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</p>	<p>2/4</p>
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Gender-based violence against women remains a major problem. In June 2019, the national police reported an 18 percent increase in rape during the first 8 months of its 2018–19 reporting period over the previous year. In October 2019, lower-house speaker Krishna Bahadur Mahara resigned his post after an employee of Parliament accused him of rape in September. Authorities detained him in November, and his case remained pending at year’s end.

The 2009 Domestic Violence Act provides for monetary compensation and psychological treatment for victims, but authorities rarely prosecute domestic violence cases and these are sometimes handled informally.

Underage marriage of girls is widespread. In June 2019, the UN Children’s Fund (UNICEF) reported that Nepal had one of the world’s highest child marriage rates.

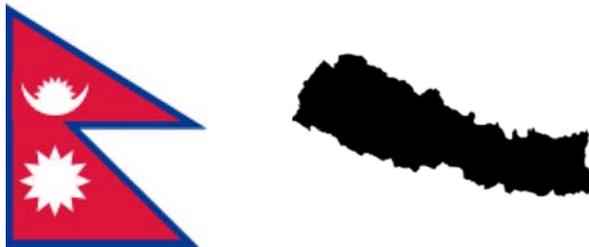
Foreign men married to Nepali women must wait 15 years to obtain naturalized citizenship, while foreign women married to Nepali men can immediately become citizens. Children of foreign-born fathers and Nepali mothers must apply for naturalized citizenship, while children of foreign-born mothers and Nepali fathers are automatically granted citizenship.

G4 0-4 pts

<p>Do individuals enjoy equality of opportunity and freedom from economic exploitation?</p>	<p>1/4</p>
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Trafficking of children and women from Nepal for prostitution in India is common, and police rarely intervene. Bonded labor is illegal but remains a serious problem. Child labor also remains a problem; children can be found working in the brickmaking, service, and other industries, as well as in forced begging and sex work.

The 2015 earthquake left millions of people homeless. Many of those affected lack opportunities for social mobility, as they struggle to recover from the disaster.



On Nepal

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Country Facts

Global Freedom Score

56/100 Partly Free

Other Years

2019

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