



Nepal

Country Reports on Human Rights Practices - [2000](#)

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Nepal is a constitutional monarchy with a parliamentary form of government. In 1990 the King, formerly an absolute monarch, legalized political parties, after which an interim government promulgated a new Constitution. The King retains important residual powers, but has dissociated himself from direct day-to-day government activities. The democratically elected Parliament consists of the House of Representatives (lower house) and the National Council (upper house). In May 1999, the country's third national parliamentary elections were held, which international observers considered to be generally free and fair. In February 1996, the leaders of the Maoist United People's Front ("Maoists") launched a "People's War" that has led to violence in more than 50 of the country's 75 districts. The insurrection has been waged through torture, killings, and bombings involving civilians and public officials. The Constitution provides for an independent judiciary; however, the courts generally are inefficient and susceptible to political pressure and corruption.

The National Police Force maintains internal security and is subject to civilian control, but local officials have wide discretion in maintaining law and order. Police reaction to the "People's War" insurgency led to incidents of unwarranted force against prisoners and noncombatants. The army, which traditionally is loyal to the King, has sought to limit its domestic-security role in responding to the Maoist insurgency. The police committed numerous human rights abuses.

The country is extremely poor, with an annual per capita gross domestic product of approximately \$242. Over 80 percent of its 23 million persons support themselves through subsistence agriculture. Principal crops include rice, wheat, maize, jute, and potatoes. Tourism and the export of carpets and garments are the major sources of foreign exchange. Foreign aid accounts for more than half of the development budget. The economy is mixed, with approximately 50 public sector firms. Many former government firms have been privatized since 1992.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The police at times used unwarranted lethal force and continue to abuse detainees, using torture as punishment or to extract confessions. The Government rarely investigates allegations of police brutality or punishes police officers who commit abuses. The disappearance of persons in custody is a problem. Prison conditions remain poor. The authorities use arbitrary arrest and detention. Lengthy pretrial detention, judicial susceptibility to political pressure and corruption, and long delays before trial remain problems. The Government generally respects freedom of expression; however, at times it imposes some restrictions. The Government generally allows for freedom of assembly; some restrictions occur but are rare. The Government generally respects freedom of religion, although the Constitution imposes restrictions on proselytizing to spread religion. Women, the disabled, and lower castes suffer from widespread discrimination. Violence against women, trafficking in women and girls for prostitution, forced labor, and child labor also remain serious problems. There have been instances of forced child labor in the past, and there was one reported instance during the year.

The Government established a national human rights commission in May. In July the Government outlawed the feudal "Kamaiya" system, releasing some 200,000 bonded laborers and family members from their debts to their landlords.

During the year, the Maoists increased the scope of their campaign, frequently committing torture, killings, bombings, and other abuses.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killings

The police continued to commit extrajudicial killings. Most extrajudicial killings by police involved the Maoist insurgents, but police at times used unjustifiable lethal force in other situations as well.

On October 27 in Dolakha district, police clashed with a group of 24 Tibetans who had crossed into the country. After the Tibetans began throwing stones, police opened fire, killing one person and injuring five others. Police officers shot and killed six Nepalese citizens during countrywide civil unrest from December 26 to 31. Scores of police and hundreds of civilians were injured during the protests sparked by alleged anti-Nepali remarks from an Indian film star. On December 26 in Kathmandu, police who reportedly were protecting a crowded movie theater were surrounded by a group of persons who were throwing rocks and threatening to burn down the theater. After overhead shots failed to disperse the group, the police fired shots into the crowd, killing two persons. Another death occurred as police attempted to control rioters in Thamel, another area of Kathmandu. On December 27 in Kathmandu, police gunfire against disruptive civilians killed two more persons including an uninvolved adolescent in a neighboring building. On December 31 in Rajbiraj, police shot and killed a 40-year-old male while attempting to control a mob of persons. The Government announced that it would financially compensate the families of those killed and make arrangements for medical treatment for those injured in the December clashes. At year's end, a government commission was investigating the incidents.

On June 18, Ravi Upreti died of injuries reportedly sustained from beatings while in police custody in Jhapa in the eastern part of the country. On July 26, Sudish Rimal died shortly after being taken into police custody in the Sarlahi district. Family members alleged that he was tortured but declined to allow an autopsy, making confirmation of these charges impossible.

Both police and insurgents continued to be killed in the increasingly violent "People's War." Launched in February 1996 by leaders Baburam Bhattarai and Pushpa Kamal Dahal, the "People's War" is a self-declared Maoist insurgency. The Government continued to commit human rights abuses in its efforts to combat the insurgency. The police have killed nearly 1,000 Maoists since 1996. Some of the deaths are believed to have been extrajudicial killings. On January 14, police opened fire on a Maoist "cultural program" at a school in Accham district, killing nine persons and wounding numerous others (see Section 1.c.). Police later admitted that seven of the persons killed were innocent bystanders. Police killed at least 18 Maoists during a "search operation" in Rukum in February. An ensuing fire destroyed hundreds of homes in the area, though there are conflicting claims as to who started the blaze. On December 9, police fired on a meeting of the Maoist-affiliated All Nepal Women's Association in Bharatpur, killing one woman and injuring nine others, according to local media reports. Police claim that they fired on the crowd only after persons threw stones at and charged the police. At year's end, the 20 to 30 police officers charged with abuses against the public in connection with police sweeps in 1998 had not been brought to trial.

The Maoists were responsible for numerous abuses, and clashes between Maoist rebels and police led to a number of deaths during the year. On January 3, Maoists killed nine police officers during a 3-hour gun battle in Jumla. Six police officers were killed and five others were injured seriously in a Maoist ambush in Jajarkot on January 22. On February 19, Maoists killed 15 police officers and injured 20 others in an attack on a police post in Rolpa. A constable died instantly on May 25 when he stepped on a landmine planted by Maoists in Tanahu district. Three other police officers were wounded. A total of 25 persons were killed, including 12 police officers, in a June 8 Maoist attack on a police checkpoint in Jajarkot. On June 14, a group of more than 50 rebels attacked the police post at Junbesi. Three police officers died in the ensuing 2-hour firefight, after which the rebels bombed the post and seized weapons stored there. On July 15, a group of some 300 Maoists ambushed a police post in Thokarpa, killing 4 police officers and injuring 9 others. On September 25, Maoist insurgents attacked the district police headquarters of Dolpa, killing at least 14 persons and wounding 40 others (see Section 1.c.). On November 30, Maoists attacked a police post in Kalikot district, killing 11 police officers. Reportedly, some of the police deaths were executions based on a list that the Maoists consulted at the time.

Although their activities are focused on the police, the Maoists continued to kill, injure, and kidnap civilians as well. On February 14, Maoists pulled two men out of a political procession in Rukum and beheaded them in front of hundreds of onlookers. It is believed that the victims were targeted because they were carrying Nepali Congress Party flags. A bomb planted by Maoists behind a police post in Dolpa killed an 11-year-old boy on February 15. Two other persons were injured in the blast. On February 24 in Sindhupalchowk, a group of rebels attacked a local official, tied him to a tree and hacked him to death with khukuri, large machete-like knives. On February 26, in Okhaldhunga in the eastern part of the country, a group of approximately 15 Maoists hacked to death another local official. On May 3, Maoists kidnaped Chitra Bahadur Thapa, a rival political worker, from his home in Bhotechaur. He was found dead 7 days later. On the night of July 13,

Maoists severed the hands and legs of a resident of Gulmi. He died immediately. According to local press reports, on November 5, Maoists killed a policeman and injured seven other persons in an attack on a police post at a village in Ramechhap district.

According to mid-November government figures, since 1996, the insurgency has resulted in the deaths of 1,483 persons, including 234 police officers, 258 civilians, and 991 insurgents. These figures indicate that 98 police, 69 civilians, and 128 insurgents were killed through mid-November. The press has reported higher figures, and reports have claimed that more police than Maoists were killed during the year, pointing to a marked increase in the firepower and aggressiveness of the insurgency.

b. Disappearance

The disappearance of persons in police custody is a problem. According to the Informal Sector Service Center (INSEC), a local human rights organization, 10 persons disappeared from police custody during the first 9 months of the year; 218 persons have disappeared since 1996. Bishnu Pukar Shrestha, a secondary school teacher, lawyer, and member of a human rights organization, who disappeared after an arrest in Kathmandu in September 1999, was released on July 6 without ever having been charged. There are reports that Shrestha was held incommunicado and tortured during his incarceration (see Sections 1.c. and 4). According to Amnesty International (AI), on September 6, police detained opposition politician Ishwari Dahal; at year's end, he remained missing.

In December 1999, Suresh Ale Magar and Pawan Shrestha were released from jail in Kathmandu under a Supreme Court order, but immediately were re-arrested. At the time, police denied having them in custody, but Magar and Shrestha were released again in February (see Section 2.a.). On November 3, authorities released Maoist leaders Dinesh Sharma and Diananath Gautam, whom police had held in custody for more than 11 months. At a police-arranged press conference, Sharma initially said that he had been treated well; however, after his release he disappeared again. A statement later issued in his name alleges that police tortured him during his captivity.

AI reported that on January 8, 1999, lawyer and human rights defender Rajendra Dhakal disappeared after his arrest in Jamdi in Tanahun district. He reportedly was arrested because of his alleged involvement in Maoist violence. Dhakal, along with two teachers arrested at the same time, was taken to the Bel Chantan police post. The teachers later were released. Dhakal remains missing, and police now deny ever having arrested him (see Section 1.e.). On January 21, 1999, police arrested freelance journalist Milan Nepali. Nepali, who was associated with the left-leaning publication "Janadesh", later disappeared from police custody; as of year's end, Nepali's whereabouts were unknown (see Section 2.a.).

According to AI, Maoists abducted at least 30 children in Jajarkot district in July and August.

AI also expressed concern about other individuals currently held captive. According to AI, Dirgha Bahadur Dashoudi and Narayan Sharma, two teachers and members of the Tarun Dal from Dailekh district were abducted in early May, and the Chief Education Officer of Rolpa district, Rajendra Prasad Yadav was taken from a bus on which he was travelling on June 10. Yadav was released on September 16; the others remain missing.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and criminal law prohibit torture; however, the police at times use torture and beatings to punish suspects or to extract confessions. According to AI, torture methods include boxing of the ears, beating of the feet, and the rolling of weights over the thighs. AI noted that torture apparently was used to intimidate or punish detainees and to extract information and/or confessions, and that torture often occurred while detainees were held incommunicado and unable to contact family members, doctors, or lawyers (see Section 1.d.). The Government has failed to conduct thorough and independent investigations of reports of police brutality and has refused to take significant disciplinary action against officers involved. Police often are unwilling to investigate and to discipline fellow officers, and persons are afraid to bring cases against police for fear of reprisals. The Constitution and the Torture Compensation Act, which was passed by Parliament in 1996, provide for compensation for victims of torture. According to the Center for Victims of Torture (CVICT), 10 persons claimed compensation under the act during the year, all of the cases that were in the courts as of year's end. Another 20 persons made claims during 1999. According to the CVICT, during the year one of the claims made in 1999 resulted in a payment of \$70 (5,000 rupees) to the claimant; none of the cases filed during the year were resolved by year's end. The Government has begun human rights education for the police force. According to an August 1999 government newspaper report, the Government suspended seven police personnel and appointed a high-level commission to probe the death of trucker Ale Tamang following alleged police torture while in police custody (see Section 1.a.).

Bishnu Pukar Shrestha, who disappeared after an arrest in Kathmandu in September 1999, was released on July 6 without ever having been charged (see Sections 1.b. and 4). Shrestha reportedly was tortured early in his incarceration and allegedly was held in solitary confinement throughout most of his stay.

On January 14, police opened fire on a Maoist "cultural program" at a school in Accham district; according to INSEC, police killed nine persons and wounded seven others during the incident (see Section 1.a.). In February police officers allegedly set fire to "Maoist sympathizing" villages in Rukum in retaliation for the killing of 14 police officers in a single Maoist attack (see Section 1.a.).

Human rights groups have reported instances of torture in areas affected by the "People's War." Dozens of male detainees reported having torture inflicted on them by the police; women in these areas have reported instances of rape and sexual abuse by the police. AI, which visited the country in 1998, reported that it found evidence of "the systematic use of severe torture" by the police, and raised concerns over the relative impunity of the police for such actions; however, in contrast to previous years, there only were two reports of torture during the year. AI did not find systematic use of severe torture when it visited the country during the year.

On March 10, in Kathmandu, police charged a group of Tibetans with clubs and sticks, reportedly injuring several persons, including a 12-year-old monk. The Tibetans were chanting anti-Chinese slogans after a ceremony to mark the anniversary of the 1959 anti-Chinese uprising in Tibet. In 1999 in Pokhara police used tear gas and batons to break up a similar demonstration (see Section 2.b.).

Local and international human rights groups also have documented Maoist violence in areas affected by the "People's War," including the severing of limbs. The Maoists most often have targeted political leaders, local elites, and suspected informers. These targets included not only members of the majority Nepali Congress Party (NCP), but also members of the opposition Communist Party of Nepal-United Marxist/Leninist (CPN-UML). Throughout the year, Maoists looted banks and bombed or set fire to government offices and homes of local political leaders. International nongovernmental organization (NGO) offices also were attacked on several occasions, as were foreign companies. There also were cases of intimidation, torture, or other degrading treatment. On February 17, Maoists set fire to the home of Rukum resident Bal Bahadur K.C., a district executive member of the CPN-UML party. The house was destroyed completely. On April 23, Maoists assaulted two teachers of a primary school in Rukum, beating them and smearing black paint on their faces. On April 26, 12 Maoists set fire to the Surhket home of NCP regional chairman Yagya Bahadur B.C. On May 6, Maoists kidnaped school headmaster Dharma Chandra Sharma from his home in Jumla. Sharma was released 2 days later after his captors shaved his head and paraded him around his village with shoes tied around his neck. Maoists were responsible for at least 17 violent incidents involving bombings, arson, and looting, on August 23. On September 25, Maoist insurgents attacked the district police headquarters of Dolpa, in the town of Dunai, killing at least 14 persons and wounding 40 others (see Section 1.a.). On October 23, approximately 30 members of the student wing of the Maoists attacked the Padma Kanya School's principle.

Prison conditions are poor. Overcrowding is common in prisons, and authorities sometimes handcuff or fetter detainees. Women normally are incarcerated separately from men, but in similar conditions. The Government still has not implemented a provision in the 1992 Children's Act calling for the establishment of a juvenile home and juvenile court. Consequently children sometimes are incarcerated with adults--either with an incarcerated parent, or, as one local NGO reports, as criminal offenders. The Department of Prisons states that there are approximately 10 children in jail or custody for offenses that they have committed and approximately 100 noncriminal dependent children housed along with their parents (see Section 5). In April the Government established separate juvenile benches in district courts where youth are tried. As a result, trials of persons under the age of 18 now occur in a separate room in the courthouse, though there are no separate juvenile courts as such. Likewise, there is no provision for separate juvenile detention facilities.

The authorities are more likely to transfer sick prisoners to hospitals than they were in the past. However, due to the inadequacy of appropriate facilities, the authorities sometimes place the mentally ill in jails under inhumane conditions.

The Government permits local human rights groups and the International Committee of the Red Cross (ICRC) to visit prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution stipulates that the authorities must arraign or release a suspect within 24 hours of arrest, but the police at times violate this provision. Under the Public Offenses Act of 1970, the police must obtain warrants for an arrest unless a person is caught in the act of committing a crime. For many offenses, the case must be filed in court within 7 days of arrest. If the court upholds the detention, the law authorizes the police to hold the suspect for 25 days to complete their investigation, with a possible extension of 7 days. However, the

police occasionally hold prisoners longer, though the Supreme Court has, in some cases, ordered the release of detainees held longer than 24 hours without a court appearance.

Detainees do have the legal right to receive visits by family members, and they are permitted access to lawyers only after authorities file charges. In practice the police grant access to prisoners on a basis that varies from prison to prison. There is a system of bail, but bonds are too expensive for most citizens. According to the Department of Prisons, about half of the 6,000 persons imprisoned are awaiting trial. Due to court backlogs, a slow appeals process, and poor access to legal representation, pretrial detention often exceeds the period to which persons subsequently are sentenced after a trial and conviction.

Under the Public Security Act, the authorities may detain persons who allegedly threaten domestic security and tranquillity, amicable relations with other states, and relations between citizens of different classes or religions. Persons whom the Government detains under the act are considered to be in preventive detention and can be held for up to 6 months without being charged with a crime. Human rights groups allege that the police have used arbitrary arrest and detention during the "People's War" to intimidate communities considered sympathetic to the Maoists (see Section 1.b.). Since the insurgents began their terrorist campaigns, police have arrested 5,866 suspected Maoists. Of those persons arrested, 1,654 had been tried and 4,182 had been released.

The 1991 amendments to the Public Security Act allow the authorities to extend periods of detention after submitting written notices to the Home Ministry. The police must notify the district court of the detention within 24 hours, and it may order an additional 6 months of detention before authorities file official charges.

Other laws, including the Public Offenses Act, permit arbitrary detention. This act and its many amendments cover crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors express concern that the act vests too much discretionary power in the Chief District Officer (CDO), the highest-ranking civil servant in each of the country's 75 districts. The act authorizes the CDO to order detentions, to issue search warrants, and to specify fines and other punishments for misdemeanors without judicial review. Few recent instances of the use of the Public Offenses Act have come to light, since it has become more common, particularly with the Maoists, to arrest persons under the Public Security Act. In January local authorities in Biratnagar arrested Laxmi Mudbari, the central member of the Maoist-affiliated All Nepal Women's Association (Revolutionary), under the act; Mudbari remained incarcerated at year's end. Human rights commission officials reported several other cases of arrests or detentions under the act, but were unable to provide details of the cases.

Authorities detained journalists and their advocates on occasion, on suspicion of having ties to or sympathy for the Maoists (see Section 2.a.).

The police have arrested or illegally detained some suspected Maoist insurgents and held them incommunicado. There are no other political detainees.

The Constitution prohibits exile; it is not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary and the Supreme Court has demonstrated independence; however, lower level courts remain vulnerable to political pressure and bribery of judges and court staff is endemic. The Supreme Court has the right to review the constitutionality of legislation passed by Parliament. In the past it has ruled that provisions in the 1992 Labor Act and in the 1991 Nepal Citizenship Act are unconstitutional. In 1995 the Court also decided that the dissolution of the Parliament at the request of a former Prime Minister was unconstitutional, and ordered the body restored.

Appellate and district courts have become increasingly independent, although sometimes they bend to political pressure as well. In Rolpa, one of the districts most affected by the "People's War," human rights groups have accused the district courts of acting in complicity with CDO's in violating detainees' rights. These groups allege that arrest without a warrant, prolonged detention without trial, and police torture occurs in these areas.

The judicial system consists of three levels: District courts, appellate courts, and the Supreme Court. The King appoints judges on the recommendation of the Judicial Council, a constitutional body chaired by the Chief Justice. The Council also is responsible for the assignment of judges, disciplinary action, and other administrative matters. Judges decide cases; there is no jury system.

Delays in the administration of justice are a severe problem. According to the latest statistics, approximately

150,000 cases are active throughout the country. The Supreme Court has a backlog of approximately 15,000 cases. At the Court's current rate, it never will clear this backlog.

The Constitution provides for the right to counsel, equal protection under the law, protection from double jeopardy, protection from retroactive application of the law, and for public trials, except in some security and customs cases. All lower court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last appeal, but the King may grant pardons. The King also can suspend, commute, or remit any sentence. On the recommendation of the Government, the King often pardons up to 12 prisoners--if they have served 75 percent of their sentence and shown good behavior--on national holidays.

Although prisoners have a constitutional right to legal representation and a court appointed lawyer, government lawyers or access to private attorneys is provided only on request. Consequently, those persons unaware of their rights may be deprived of legal representation.

There have been reports of cases in previous years in which authorities allegedly penalized attorneys involved in the defense of human rights. In January 1999, lawyer and human rights defender Rajendra Dhakal was arrested reportedly because of his alleged involvement in Maoist violence. He has not been seen since (see Section 1.b). Kathmandu newspapers reported that in July 1999, four lawyers pleading for a group of three detained journalists were ordered detained themselves by a district judge as they tried to express their views on the judicial order to detain the journalists. After other attorneys came to protest the arrests, the attorneys were released (see Section 2.a.).

Military courts adjudicate cases concerning military personnel, who are immune from prosecution in civilian courts. In 1992 the Supreme Court ruled that military courts could no longer try civilians for crimes involving the military services.

The authorities may prosecute terrorism or treason cases under the Treason Act. Specially constituted tribunals hear these trials in closed sessions. No such trials have occurred during the past 5 years.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, Or Correspondence

The Government generally respected the privacy of the home and family. Search warrants are required before searches and seizures may be carried out, except in cases involving suspected security and narcotics violations. As amended, the Police Act of 1955 empowers the police to issue warrants for searches and seizures in criminal cases upon receipt of information about criminal activities. Within 24 hours of their issuance, warrants in misdemeanor cases must be approved by the CDO. Court judges must approve them in felony cases.

Government provisions permit discrimination in employment on the basis of political opinion; however, such discrimination is not known to occur.

Section 2 Respect For Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution specifies that all citizens shall have freedom of thought and expression and that the Government may not censor any news item or other reading material; however, the Government imposes some restrictions on these rights. The Constitution prohibits speech and writing that would threaten the sovereignty and integrity of the Kingdom; disturb the harmonious relations among persons of different castes or communities; promote sedition, defamation, contempt of court, or crime; or contradict decent public behavior or morality.

The Press and Publications Act provides for the licensing of publications and the granting of credentials to journalists. The Act also includes penalties for violating these requirements. In addition the Act prohibits publication of material that, among other things, promotes disrespect toward the King or the royal family; that undermines security, peace, order, the dignity of the King, or the integrity or sovereignty of the Kingdom; that creates animosity among persons of different castes and religions; or that adversely affects the good conduct or morality of the public. However, throughout August and September, the press and several private FM radio stations produced a number of stories calling for the prosecution of a nephew of the monarch who allegedly killed a popular local singer in a hit-and-run incident. This is the first time the local media has confronted a

member of the royal family. The Press and Publications Act also provides a basis for banning foreign publications. However, foreign publications are widely available.

There are hundreds of independent vernacular and English-language newspapers available, representing various political points of view. The Government owns "Gorkhapatra," the second-largest circulating Nepali daily, and "The Rising Nepal," the second-largest English daily. Editors and writers at the government newspapers practice self-censorship and generally reflect government policy. Ruling political parties have influenced the editorial policy of the government newspapers to their advantage. However, despite the sensitivity of the Government to the "People's War," the press has not faced overt pressure to report on it in a particular way. Views of human rights groups, the statements of the police, and the press releases of Maoist leaders all have been reported in the local press.

Nevertheless, journalists and their advocates have suffered human rights abuses. Shambhu Prasad Patel, vice president of the Rautahat Branch of the Nepal Press Union (NPU), was shot and killed by two unidentified gunmen on January 23 at his residence; as of year's end, no one had been held accountable. On February 13, police arrested and briefly detained Dev Kumar Yadav, a Maoist-leaning newspaper reporter for Janadesh and council member of the Federation of Nepalese Journalists, Siraha (FNJS), and Nagendra Kumar Paswan, a reporter for Mahima and vice chairman of the FNJS. No charges were filed. The 1999 case against Krishna Sen, the editor of Janadesh who was arrested in connection with the publication of an interview with a Maoist leader, continued during the year. On February 18, Sen was charged under the Illegal Weapons Act and subsequently was sent to Rajbiraj jail in Saptari. Also in February police released Suresh Ale Magar, another columnist with Janadesh who had been held without a detention order (see Section 1.b.). On March 12, Jagdish Bhattarai, editor of the local weekly Nava Chetana and correspondent for Kantipur Daily in Palpa, was sentenced to 7 days in jail and fined approximately \$7.20 (500 rupees) for contempt of court. Bhattarai was accused of writing a 1998 editorial that denounced corruption and threatened to publish names of corrupt government officials. On May 8, the publication Gorkhapatra suspended associate editor Ram Prasad Acharya for publishing a Maoist press release. Freelance journalist Milan Nepali remains missing (see Section 1.b.). In contrast to prior years, there were no reported incidents of seizure of either publications or equipment.

In February the censor board of the Ministry of Information and Communications banned public screening of the film "Aago" (Fire), claiming that the film undermined public safety. The film contained references to the Maoist insurgency. In July the board allowed the film to be shown after the references had been deleted.

The Broadcast Act of 1993 allows private television and FM radio broadcasts, but implementation of the Act has been slow. The Government owns the only television station, and controls one radio station that broadcasts both AM and FM signals. Radio, primarily short and medium waves, reaches the greatest number of persons and has the largest influence. Government-owned Radio Nepal broadcasts throughout the country through a series of repeater stations. With privatization of a number of radio bands, there was a marked increase in the range of programming options available. However, only government-owned Radio Nepal may originate its own local news broadcasts, and all stations must rebroadcast its news programs. The Government does not restrict access to foreign radio broadcasts, private cable networks, or to the purchase of television satellite dishes. Indian and Pakistani broadcast television also is readily available in many parts of the country.

Since 1996 two private cable television networks have been operating in the Kathmandu valley. They mainly provide entertainment programming, but commentary critical of government policies occasionally occurs during publicly broadcast discussion programs. Throughout the country, local entrepreneurs also are receiving international stations via satellite for viewing in local bars, and are reselling the signal to local residents. Television time on the government-owned television station also is leased to private producers.

There are four private radio stations and three community-owned radio stations that have their own transmitters, an increase of two and one, respectively, over 1999. During the year, a private company acquired a license to establish a 1,000-watt FM transmitter in the eastern part of the country, which will cover much of the eastern region and portions of India. Five private radio stations so far have been licensed to operate outside of the capital city, although none have begun their broadcasts. Although nongovernment radio stations are precluded legally from broadcasting locally developed news, private stations select which newspaper stories to read, permitting editorial perspective. Private stations also must broadcast the Government station's news program but are permitted to rebroadcast news from abroad. Private radio stations, like print media, practice self-censorship. In August 1999, one private radio station reported that a government official asked the station to stop a live call-in advice show dealing with the topics of HIV/AIDS and teenage problems. Other talk shows on sensitive topics continued without government comment. There have been many debates about liberalizing the media and privatizing government-owned media. This debate has put pressure, which successive governments so far have resisted, to open the airwaves and divest government-controlled printing operations. However, private FM radio and cable and satellite television have overtaken the Government's ability to regulate them.

No government efforts to curtail academic freedom were reported during the year.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, although it may be restricted by law on vague grounds such as undermining the sovereignty and integrity of the State or disturbing law and order. These restrictions rarely were used during the year. Large public demonstrations are common, and police intervention is rare except in cases where crowds become violent or violate the terms of their parade permit. On March 10, the Tibetan community in Kathmandu held its annual ceremony to commemorate the anniversary of the 1959 anti-Chinese uprising in Tibet. Following the conclusion of the official ceremony, a large group of young persons left the event location and went onto a public street chanting anti-Chinese slogans. After attempting to restore order, police charged the crowd, reportedly injuring several persons in the process (see Section 1.c.). In March 1999, police arrested 27 Tibetan demonstrators commemorating the same event in Pokhara; the police used tear gas and batons to break up the demonstration. All of the protesters were released soon after the incident.

c. Freedom of Religion

The Constitution provides for freedom of religion and permits the practice of all religions; however, although the Government generally has not interfered with the practice of religions, conversion and proselytizing are prohibited and punishable with fines or imprisonment, and members of minority religions occasionally complain of police harassment. Some Christian groups are concerned that the ban on proselytizing limits the expression of non-Hindu religious belief. The Constitution describes the country as a "Hindu Kingdom," although it does not establish Hinduism as the state religion.

The large majority of citizens are Hindu. There are smaller numbers of Buddhist, Muslim, and Christian citizens, as well.

April public observances of Easter in a Kathmandu park and a Passover Seder in a major hotel in Kathmandu were uneventful. However, in 1999, Christian groups in Kathmandu were prevented from observing Good Friday in a public park when they failed to obtain the proper permit; 3 members of a group of 400 persons reportedly were injured when police attempted to disperse the group's subsequent protest at a local government office. Easter services that year, which did have the proper permit, took place in a public park without incident.

A conviction for conversion or proselytizing can result in fines or imprisonment or, in the case of foreigners, expulsion from the country. Although arrests or detentions for proselytizing are rare, there have been few incidents of punishment or investigation in connection with conversion or proselytization during the last few years. However, the Government on occasion investigates reports of proselytizing. It investigated a 1997 accusation against the Adventist Development and Relief Agency (ADRA), and cleared ADRA in 1997. Nongovernmental groups or individuals are free to file charges of proselytizing against individuals or organizations. Such a case was filed with the Supreme Court against ADRA and the United Missions to Nepal, an umbrella Protestant group, on December 31, 1999. The case still was pending at year's end.

For decades dozens of Christian missionary hospitals, welfare organizations, and schools have operated in the country. These organizations have not proselytized and have operated freely. Missionary schools are among the most respected institutions of secondary education in the country; most of the country's governing and business elite graduated from Jesuit high schools. Many foreign Christian organizations have direct ties to Nepali churches and sponsor Nepali priests for religious training abroad.

The Constitution prohibits discrimination on the basis of caste, except for traditional religious practices at Hindu temples, where, for example, members of the lowest caste are not permitted.

The Press and Publications Act prohibits the publication of materials that create animosity among persons of different castes or religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement and residence, and the Government generally does not restrict travel abroad. However, for security reasons, the Government restricts travel by foreigners, including Tibetan residents in Nepal, to some areas near the Chinese border. The Government also has imposed restrictions on women's travel to the Gulf states to work as domestic servants, in response to cases of abuse of such women in the past. These restrictions do not apply to women who are traveling to the Gulf states for

other reasons, nor do they apply for travel to other areas. Women's rights groups have protested the ban as discriminatory. The Government allows citizens abroad to return, and is not known to revoke citizenship for political reasons.

The Government has no official refugee policy. However, it does provide asylum for refugees and has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR), and with other humanitarian organizations, in assisting refugees from Bhutan and Tibet (China). The UNHCR has maintained an office in Kathmandu since 1989. Since 1959 the Government has accepted as residents approximately 20,000 Tibetan refugees, many of whom still reside in the country. Since 1991 it also has provided asylum to some 97,000 Bhutanese refugees, the great majority of whom are living in UNHCR administered camps in the eastern part of the country.

China and the Government of Nepal tightened control of movement across their border in 1986, but both sides have enforced these restrictions haphazardly. Police and customs officials occasionally harass Tibetan asylum seekers who cross the border from China. According to the UNHCR, police conduct in this regard has improved in the last 2 years, although border police sometimes extort money from Tibetans in exchange for passage. There were no reports of forced expulsion of Tibetan asylum seekers during the year.

There are approximately 98,000 ethnic Nepali refugees from Bhutan in UNHCR-administered camps in the southeastern region of the country. An additional 15,000 refugees reside outside the camps in either Nepal or India. The total represents approximately one-sixth of Bhutan's estimated pre-1991 population.

The UNHCR monitors the condition of the Bhutanese refugees and provides for their basic needs. The Government accepts the refugee presence as temporary, on humanitarian grounds, but offers little more than a place to stay. The Government officially restricts refugee freedom of movement and work, but does not strictly enforce its policies. Visitors to the camps universally describe conditions as excellent. Violence sometimes has broken out between camp residents and the surrounding local population. The UNHCR and other donors and relief organizations have defused tensions through a refugee-affected areas assistance plan aimed at improving conditions in communities adjacent to the camps.

In 1993 the Governments of Nepal and Bhutan formed a joint committee and began bilateral talks to resolve the refugee problem. No significant breakthroughs were made for several years. However, during the tenth round of bilateral talks December 24-27, Nepal and Bhutan agreed to prepare for verification at the camps in January 2001. Earlier lack of progress in the talks had left refugees frustrated, and both government leaders and international organization officials were concerned that the frustration could lead to unrest. Refugees continued to hold "peace marches" to protest their plight.

Section 3 Respect For Political Rights: The Right Of Citizens To Change Their Government

Citizens have the right to change their government peacefully. Citizens, through their elected representatives, also have the right to amend the Constitution with the exception of certain basic principles that they may not change--sovereignty vested in the people, the multiparty system, fundamental rights, and the constitutional monarchy.

Nepal is a constitutional monarchy with a parliamentary form of government. Parliamentary elections are scheduled at least every 5 years. Midterm elections may be called if the ruling party loses its majority, loses a vote of no confidence, or calls for elections. Under the Constitution all citizens aged 18 and over may vote.

The House of Representatives, or lower house, may send legislation directly to the King by majority vote. The National Council, or upper house, may amend or reject lower house legislation, but the lower house can overrule its objections. The upper house also may introduce legislation and send it to the lower house for consideration.

The King exercises certain powers with the advice and consent of the Council of Ministers. These include exclusive authority to enact, amend, and repeal laws relating to succession to the throne. The King's income and property are tax-exempt and inviolable, and no question may be raised in any court about any act performed by the King. The Constitution also permits the King to exercise emergency powers in the event of war, external aggression, armed revolt, or extreme economic depression. In such an emergency, the King may suspend without judicial review many basic freedoms, including the freedoms of expression and assembly, freedom from censorship, and freedom from preventive detention. However, he may not suspend habeas corpus or the right to form associations. The King's declaration of a state of emergency must be approved by a two-thirds majority of the lower house of the Parliament. If the lower house is not in session, the upper house exercises this power. A state of emergency may be maintained for up to 3 months without

legislative approval and for up to 6 months, renewable only once for an additional 6 months, if the legislature grants approval.

The Constitution bars the registration and participation in elections of any political party that is based on "religion, community, caste, tribe, or region," or that does not operate openly and democratically. During the most recent national elections in May 1999, there were sporadic incidents of violence that mainly occurred between supporters of rival political parties. Maoist efforts to disrupt the elections by intimidating voters and candidates had little effect. The elections generally were held throughout the country according to schedule. International observers considered the elections to be generally free and fair.

Women are underrepresented in government and politics. There are no specific laws that restrict women, indigenous peoples, or minorities from participating in the Government or in political parties. Tradition limits the roles of women and some castes in the political process. However, the Constitution requires that women constitute 5 percent of each party's candidates for the House of Representatives. A 1999 royal ordinance, which Parliament has ratified, also requires that 20 percent of all village and municipal level seats be reserved for female candidates. The 1999 elections resulted in an increase from 7 to 12 in the number of women in the 205-seat lower house and from 5 to 9 in the 60-seat upper house.

No specific laws prevent minorities from voting or restrict them from participating in the Government and political parties on the same basis as other citizens. Hindus and members of certain castes traditionally have wielded more power than others, but members of other religious and social groups have in recent years gained increasing influence in government, including senior leadership positions. There are no special provisions to allocate a set number or percentage of political party positions or parliamentary seats for any minority group.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are approximately 10 human rights NGO's. These include the Human Rights Organization of Nepal (HURON), the Informal Sector Services Center (INSEC), the International Institute for Human Rights, Environment, and Development (INHURED), and the Forum for the Protection of Human Rights (FOPHUR). The Nepal Law Society also monitors human rights abuses and a number of NGO's focus on specific areas such as torture, child labor, women's rights, or ethnic minorities. Groups are free to publish reports on human rights abuses. The Government also has allowed groups to visit prisons and prisoners. The Government rarely arrests or detains persons reporting on human rights problems, but in June 1998, the police arrested Gopal Siwakoti Chintan, a human rights activist, for alleged collaboration with Maoist rebels. The police also confiscated audiotapes and videotapes of interviews with victims of human rights violations from Chintan's office. The police later released Chintan due to insufficient evidence that he had collaborated with the Maoists. There were reports that the Government and Maoists limited the activities of human rights activists.

On July 6, police officers released Bishnu Pukar Shrestha, a secondary school teacher, lawyer, and member of a human rights organization; Shrestha never was charged (see Sections 1.b. and 1.c.).

The insurgency has caused a number of NGO's in the midwestern districts to reduce their activities substantially. Agricultural development projects and community health offices have been frequent targets. Maoists also have targeted aircraft attempting to make humanitarian deliveries of foodstuffs to midwestern districts.

In May the Government formed the Human Rights Commission (HRC), a government-appointed commission with a mandate to investigate human rights violations. Since then the commission has received nearly 400 complaints of human rights violations. Although some cases involve disappearance of detainees, illegal detention, and arrest of acquitted persons, many other cases are relatively trivial. The HRC notes that none of its cases have moved forward. Many do not merit prosecution; for those that do, the HRC lacks the legal resources to pursue them in the courts.

The Government does not refuse visas to international NGO human rights monitors, or otherwise restrict their access when they are in the country. However, some areas along the country's border with China are restricted. An organization monitoring Tibetan refugee flows has been denied access to these border areas.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution specifies that the State shall not discriminate against citizens on grounds of religion, race, sex, caste, or ideology. However, there still is a caste system. Discrimination against lower castes, women, and the disabled remains common, especially in rural areas.

Women

Violence against women is a serious problem, but it receives limited public attention. In a 1996 study, 50 percent of the respondents said that they know someone who was the victim of domestic violence. In another 1996 survey, respondents listed the perpetrators of violence in 77 percent of incidents as family members, and 58 percent reported that it is a daily occurrence. There currently is no law against domestic violence.

Rape and incest also are problems, particularly in rural areas. Laws against rape provide for prison sentences of 6 to 10 years for the rape of a woman under 14 years of age and 3 to 5 years for the rape of a woman over the age of 14. The law prescribes imprisonment for 1 year or a fine for the rape of a prostitute. The law does not forbid spousal rape.

The dowry tradition is strong, with greater prevalence in the Terai region. The killing of brides because of defaults on dowry payments is rare, but does occur. More common is the physical abuse of wives by the husband and the husband's family to obtain additional dowry or to force the woman to leave to enable the son to remarry.

There is a general unwillingness among citizens, and particularly among government figures, to recognize violence against women as a problem. In a survey conducted by Saathi, a local NGO, 42 percent of the respondents said that in their experience medical practitioners were uncooperative or negligent in cases of violence against women and girls. This unwillingness to recognize violence against women and girls as unacceptable in daily life is seen not just in the medical profession, but among the police and politicians as well.

The police department has a "women's cell" in five cities, including Kathmandu. These cells include female officers who receive special training in handling victims of domestic violence. The police also have sent out directives instructing all officers to treat domestic violence as a criminal offense that should be prosecuted. However, according to a police official, this type of directive is difficult to enforce because of entrenched discriminatory attitudes. Even though the police may make an arrest, further prosecution seldom is pursued by the victim or by the Government.

At least six NGO's in Kathmandu work on the problem of violence against women and on women's issues in general. Saathi's assistance program includes a women's shelter and a suicide intervention center. The shelter provides housing, medical attention, counseling, and legal advocacy for the victims of violence.

Trafficking in women remains a serious social problem in several of the country's poorest areas, and large numbers of women still are forced to work against their will as prostitutes in other countries (see Sections 6.c. and 6.f.).

Although the Constitution provides protections for women, including equal pay for equal work, the Government has not taken significant action to implement its provisions, even in many of its own industries. Women face systematic discrimination, particularly in rural areas, where religious and cultural tradition, lack of education, and ignorance of the law remain severe impediments to their exercise of basic rights such as the right to vote or to hold property in their own names.

Women have benefited from some changes in marriage and inheritance laws. In 1994 the Supreme Court struck down provisions of the Citizenship Law that discriminated against foreign spouses of Nepalese women. However, many other discriminatory laws still remain. According to legal experts, there are over 20 laws that discriminate against women. For example, the law grants women the right to divorce, but on narrower grounds than those applicable to men. The law on property rights also favors men in its provisions for inheritance, land tenancy, and the division of family property. In 1995 the Supreme Court also ordered the Council of Ministers to enact legislation within 1 year giving women property rights in regard to inheritance and land tenancy that were equal to those of men. Although legislation to comply with this order has been introduced, it remains stalled in Parliament.

According to the 1991 census, the female literacy rate is 26 percent, compared with 57 percent for men. Human rights groups report that girls attend secondary schools at a rate half that of boys. There are many NGO's focused on integrating women into society and the economy. These NGO's work in the areas of literacy, small business, skills transfer, and prevention of trafficking in women and girls. There also are a growing number of women's advocacy groups.

Most political parties have women's groups. Members of Parliament have begun working for the passage of tougher laws for crimes of sexual assault, but have had little success so far.

Children

Education is not compulsory. Government policy is to provide free primary education for all children between the ages of 6 and 12 years, but the quality of education is sorely inadequate, many families cannot afford school supplies and clothing, and schools do not exist in all areas. Schools charge fees for higher education. Roughly 60 percent of the children who work also attend school. However, approximately 70 to 75 percent of boys who work go to school, compared to only 50 to 60 percent of the girls who work. Free health care is provided through government clinics, but they are poorly equipped and too few in number to meet the demand. Community-based health programs assist in the prevention of childhood diseases and provide primary health care services. Due to poor or nonexistent sanitation in rural areas, many children are at risk from severe and fatal illnesses.

Forced prostitution and trafficking in young girls remain serious problems (see Sections 6.c. and 6.f.).

Societal attitudes view a female child as a commodity, to be bartered off in marriage, or as a burden. Some persons, in fact, consider marrying a girl before menarche an honorable, sacred act that increases one's chances of a better afterlife. As a result, child brides are common. According to UNICEF's Regional Office for South Asia, 40 percent of all marriages involve a girl under 14 years of age. The age difference in marriage often is cited as one cause of domestic violence.

A local NGO reports that approximately 100 children considered delinquents or accused of public offenses are incarcerated with adults because the Government has not established juvenile homes. Some of these delinquent children allegedly are as young as 9 years old, even though, under the law, children under 18 cannot be charged with crimes; the Government reports that about 10 persons under the age of 18 are incarcerated for crimes they have committed. The UNHCR believes that police sometimes have falsified the ages of young detainees in order to avoid challenge on this point. However, according to the press, almost 100 children are in jails as noncriminal dependents of incarcerated adults (see Section 1.c.).

People with Disabilities

The disabled face widespread discrimination. Families often are stigmatized by and ashamed of disabled family members, who may be hidden away or neglected. Economic integration is further hampered by the general view that the disabled are unproductive. The mentally retarded are associated with the mentally ill. Sometimes, mentally ill and retarded persons are placed in prisons due to the lack of facilities or support.

The Government has long been involved in providing for the disabled, but the level of government assistance has not met the needs of the disabled. The 1982 Disabled Persons Protection and Welfare Act and additional 1994 rules mandate accessibility to buildings, to transportation, to employment, to education, and to other state services. However, despite government funding for special education programs, the Government does not implement or enforce laws regarding the disabled. A number of NGO's working with the disabled receive significant funding from the Government, but persons who are physically or mentally disabled rely almost exclusively on family members to assist them.

Religious Minorities

The adherents of the country's many religions generally coexist peacefully and respect all places of worship. Most Hindus respect the many Buddhist shrines located throughout the country; Buddhists accord Hindu shrines the same respect. Buddha's birthplace is an important pilgrimage site, and Buddha's birthday is a national holiday. The country's Muslim minority is not well integrated with the Hindu and Buddhist communities.

Some Christian groups report that Hindu extremism has increased in recent years. In January 1999, the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, opened an office in Kathmandu; a few Shiv Sena candidates unsuccessfully ran for office in the 1999 general elections. Government policy does not support Hindu extremism, although some political figures have made public statements critical of Christian missionary activities. Some citizens are wary of proselytizing and conversion by Christians and, therefore, view the growth of Christianity with alarm.

Those who choose to convert to other religions--in particular Hindu citizens who convert to Islam or Christianity--sometimes are ostracized socially. Some reportedly have been forced to leave their villages. While this prejudice is not systematic, it can be vehement and occasionally violent. Hindus who convert to another religion may face isolated incidents of hostility or discrimination from Hindu extremist groups. Nevertheless, converts generally do not fear to admit in public their new religious affiliations.

The caste system strongly influences society, even though it is prohibited by the Constitution. However, the Government allows caste discrimination at Hindu temples where, for example, members of the lowest caste are not permitted to enter. Otherwise, the Government makes an effort to protect the rights of the disadvantaged castes. In 1998 the Government formed the "Committee for the Upliftment of Depressed Communities," which runs income generation, public education, and scholarship programs for the disadvantaged castes.

National/Racial/Ethnic Minorities

The country has over 75 ethnic groups that speak 50 different languages. The Constitution provides that each community "shall have the right to preserve and promote its language, script, and culture." The Constitution further specifies that each community has the right to operate schools up to the primary level in its mother tongue.

Discrimination against lower castes especially is common in the rural areas in the western part of the country. Although the Government has outlawed the public shunning of "untouchables," an exception was retained for traditional practices at Hindu religious sites. Economic, social, and educational advancement tend to be a function of historical patterns, geographic location, and caste. Better education and higher levels of prosperity, especially in the Kathmandu valley, slowly are reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated urban-oriented castes (Brahmin, Chhetri, and certain elements of the Newar community traditionally dominant in the Kathmandu valley) continue to dominate politics and senior administrative and military positions, and to control a disproportionate share of natural resources in their territories.

In remote areas, school lessons and national radio broadcasts often are conducted in the local language. However, in areas with nearby municipalities, education at the primary, secondary, and university levels is conducted almost exclusively in Nepali, which is constitutionally mandated as the official language of the State. Human rights groups report that the languages of the small Kusunda, Dura, and Meche communities nearly are extinct.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the freedom to establish and to join unions and associations. It permits restriction of unions only in cases of subversion, sedition, or similar conditions. Despite the political transformation in 1990, trade unions still are developing their administrative structures to organize workers, to bargain collectively, and to conduct worker education programs.

Union participation in the formal sector accounts for approximately 10 to 12 percent of the formal work force. In 1992 Parliament passed the Labor Act and the Trade Union Act, and formulated enabling regulations. However, the Government has not yet fully implemented the laws. The Trade Union Act defines procedures for establishing trade unions, associations, and federations. It also protects unions and officials from lawsuits arising from actions taken in the discharge of union duties, including collective bargaining, and prohibits employers from discriminating against trade union members or organizers. There have been few reports of discrimination against union members.

The law permits strikes, except by employees in essential services such as water supply, electricity, and telecommunications. The law empowers the Government to halt a strike or to suspend a union's activities if the union disturbs the peace or if it adversely affects the nation's economic interests. Under the Labor Act, 60 percent of a union's membership must vote in favor of a strike in a secret ballot for the strike to be legal. Workers at a jute mill in Biratnagar struck from June 29 to July 4 to demand tenure, medical benefits, and annual leave. Workers returned to their jobs after management acceded to most of their demands. In August thousands of employees of various government-owned corporations went on strike to protest perceived inequities in their pay scales. The employees later returned to work voluntarily after the Government appointed a committee tasked with reaching an agreement on the issue. Several days later, the Government issued notices in local media stating that in the future, it would enforce the Essential Services Act of 1957 which prohibits strikes by employees of government-owned enterprises.

The Government does not restrict unions from joining international labor bodies. Several trade federations and union organizations maintain a variety of international affiliations.

b. The Right to Organize and Bargain Collectively

The Labor Act provides for collective bargaining, although the organizational structures to implement the Act's provisions have not been established. Collective bargaining agreements cover an estimated 20 percent of wage earners in the organized sector. However, labor remains widely unable to use collective bargaining effectively due to inexperience and employer reluctance to bargain.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits slavery, serfdom, forced labor, or trafficking in human beings in any form; however, forced labor and trafficking in persons remain problems (see Section 6.f.). The Department of Labor enforces laws against forced labor in the small formal sector, but remains unable to enforce the law outside that sector.

Large numbers of women still are forced to work against their will as prostitutes (see Section 6.f.). Bonded labor, especially in agricultural work, was a perennial problem. Bonded laborers usually were members of lower castes. Bonded labor reportedly occurred among certain ethnic groups in the western Terai region. However, the Government in July outlawed bonded labor and released the "Kamaiya" bonded agricultural workers, from their debts. By year's end, the Government had not yet provided land to the Kamaiyas for resettlement nor had it begun programs to prepare the Kamaiyas for economic independence; however, it had announced plans to do so. The Government has set up temporary camps for the Kamaiyas and begun arrangements for distribution of food under a food-for-work program.

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution stipulates that children shall not be employed in factories, mines, or similar hazardous work and limits children between the ages of 14 and 16 years to a 36-hour workweek. The law also mandates acceptable working conditions for children. The law establishes a minimum age for employment of minors at 16 years in industry and 14 years in agriculture and mandates acceptable working conditions for children.

On July 21, the country passed its first comprehensive child labor law. The law, drafted with the assistance of the International Labor Organization (ILO), tightened earlier laws. It is the first national legislation to establish specific penalties for those who unlawfully employ children. It repeats the existing prohibition of the employment of children under the age of 14 years and renews the constitutional provision that children between the ages of 14 and 16 years may work, but no more than 6 hours a day and 6 days a week. The law prohibits child labor in tourism, cigarette or carpet factories, mines, or laboratories. Employers must maintain records of all 14- to 16-year-old laborers.

These legal protections notwithstanding, resources devoted to their enforcement are limited, and children work in many sectors of the economy. According to a 1996 ILO study, up to 40 percent of all children work, mostly in agriculture. Others work in the carpet weaving, pottery, basket weaving, sewing, and ironsmithing industries. NGO's estimate that 2.6 million children are economically active, 1.7 million of which work fulltime. According to a 1996 ILO study, most working children in the country are girls. Roughly 60 percent of the children who work also attend school. However, approximately 70 to 75 percent of boys who work go to school, compared with 50 to 60 percent of girls who work. There also are reports that the Maoists use children, including girls, as soldiers, shields, runners, and messengers.

The Ministry of Labor's enforcement record is improving. In February police rescued five children from a garment factory in Kathmandu. The children claimed that they were forced to work more than 12 hours a day and that some were abused sexually. According to a February 1999 press report, police found 14 boys aged 15 to 17 years who were employed forcibly in a wool factory in Jorpati. The Government introduced a number of programs beginning in 1998 that are designed to reduce child labor. For example, the Ministry of Labor has set up three centers for children of carpet weavers, who might otherwise join their parents at the loom. The centers provide day care or education for the children, depending upon their ages. The Government also conducts public awareness programs to raise public sensitivity to the problem of child labor.

The private sector has made its own efforts to eradicate child labor, especially in the carpet industry. Since 1996, the Rugmark Foundation has certified carpets made without child labor. Over half of all carpet factories now participate in this or a similar certification system. Partially as a result of this initiative, and of consumer pressure, children reportedly now constitute only 5 percent of the work force in the export-oriented carpet industry, and the carpet manufacturers association in August 1999 pledged publicly to end child labor in the industry by 2005. However, children's rights activists still say that, in the smaller factories, children remain a part of the work force. Rugmark, in its self-policing function, reports that it found 20 children working in carpet factories in Kathmandu in April and May.

Trafficking in girls continues to be a serious problem (see Section 6.f.).

e. Acceptable Conditions of Work

In April the Government passed legislation that raised the minimum monthly wage for unskilled labor to \$20 (1,450 rupees). The law also defined monthly minimum wages for semi-skilled labor at about \$21 (1,500 rupees), skilled labor at \$22 (1,610 rupees), and highly skilled labor at \$25 (1,800 rupees). The minimum wage for children ages 14 to 16 was set at \$16 (1,144 rupees). Wages in the unorganized service sector and in agriculture often are as much as 50 percent lower. The Labor Act calls for a 48-hour workweek, with 1 day off per week, and limits overtime to 20 hours per week. Health and safety standards and other benefits such as a provident fund and maternity benefits also are established in the Act. Implementation of the new Labor Act has been slow, as the Government has not created the necessary regulatory or administrative structures to enforce its provisions. Workers do not have the right to remove themselves from dangerous work situations. Although the law authorizes labor officers to order employers to rectify unsafe conditions, enforcement of safety standards remains minimal.

f. Trafficking in Persons

The law prohibits trafficking and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and girls remains a serious social problem in several of the country's poorest areas. Young women are by far the most common targets; trafficking of men and boys is not known to occur. While the vast majority of trafficking is of women and girls for the commercial sex industry, women and girls sometimes are trafficked for domestic service, manual or semi-skilled labor, or other purposes. Nepal is a primary sending country for the South Asia region; most women and girls trafficked from the country go to India. Local NGO's working against trafficking estimate that 5,000 to 7,000 Nepali girls between the ages of 10 and 18 are lured or abducted annually into India and subsequently forced into prostitution. In some cases, parents or relatives sell women and young girls into sexual slavery. Hundreds of girls and women return to the country annually after having worked as prostitutes in India. Most are destitute and, according to some estimates, 65 percent are HIV-positive when they return. There is legislation to protect women from coercive trafficking, including a ban on female domestic labor leaving the country to work in Saudi Arabia and other countries in the Gulf (see Section 2.d.); women's rights groups have protested the ban as discriminatory.

Prostitution also is a problem in the Kathmandu valley. A children's human rights group states that 20 percent of prostitutes in the country are younger than 16 years old.

Since 1996 active special police units have dealt with crimes against women and children.

Despite recent attempts to increase the imposition of penalties on traffickers, enforcement of antitrafficking statutes remains sporadic. The fear of the spread of AIDS by returning prostitutes has discouraged the Government from promoting efforts to rehabilitate prostitutes. Government efforts focus more on preventing prostitution and trafficking in women. The Ministry of Labor and Social Welfare sponsors job and skill training programs in several poor districts known for sending prostitutes to India. In May 1999, the Ministry of Women and Social Welfare opened the Women's Self-Reliance and Rehabilitation Center (WOREC), a rehabilitation and skills training center for women returned from being trafficked and for women and girls at risk of being trafficked. With the Government's endorsement, many NGO's have public information and outreach campaigns in rural areas. These groups commonly use leaflets, comic books, films, speaker programs, and skits to convey antitrafficking messages and education.

There are over 15 NGO's working against trafficking, several of which have rehabilitation and skills training programs for trafficking victims. WOREC and other organizations involved in the rehabilitation of trafficking victims state that their members have been threatened and that their offices have been vandalized because of their activities. According to press reports, on August 18, 1999, five convicted traffickers who had been given 20-year sentences but were released within 3 years attacked a 17-year-old living at a WOREC facility. The director of another prominent anti-trafficking group reported in July that traffickers regularly make threats against her organization.

In October NGO's, the U.N. Development Fund for Women (UNIFEM), and the Home Ministry together hosted a regional workshop with senior police officers to enhance cross border antitrafficking collaboration. NGO's and law enforcement officials discussed ways of improving bilateral and regional cooperation on investigating and prosecuting traffickers and ensuring better protection of victims.

In June 1999, the police hosted a workshop in Kathmandu to provide recommendations for new legislation regarding trafficking and the sexual exploitation of children. A follow-up workshop was held in July 1999. To

date no new legislation has been passed on the subject. There are many social and legal obstacles to successful prosecution, and convictions are rare.

[End.]