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1999 Country Reports on Human Rights Practices

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NEPAL

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 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 (UPF) launched a "People's War" in the midwestern region of the country, which has led to violence in 27 of 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 are susceptible to political pressure and corruption.

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

Nepal is an extremely poor country, with an annual per capita gross domestic product of approximately \$210. Over 80 percent of its 21 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 citizen's human rights in many areas; however,

problems remain. The police at times used unwarranted lethal force. One person died in custody due to torture. The police continue to abuse detainees, using torture as punishment or to extract confessions. The police also conducted raids on newspapers suspected of having links to the Maoists. The Government rarely investigates allegations of police brutality or punishes police officers who commit abuses.

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 continues to impose some restrictions on freedom of expression. The Government imposes restrictions on freedom of 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 were reported instances of forced child labor.

In 1996 Parliament unanimously enacted a bill providing for a permanent human rights commission with the authority to investigate human rights abuses. However, the commission still has not been established.

The Maoist insurgents continued to commit numerous abuses, including killings and bombings.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

On a number of occasions, the Government used unwarranted lethal force against persons suspected of involvement in the "People's War" in the central part of the country. Launched in 1996 by UPF leaders Baburam Bhattarai and Pushpa Kamal Dahal, the "People's War" is a self-declared Maoist insurgency.

In 1997 Amnesty International (AI) reported that police "have repeatedly resorted to the use of lethal force in situations where such force was clearly unjustified." AI's statement was based on an investigation of 50 killings committed by police, mostly in 1996.

In August truck driver Ale Tamang died as a result of torture while in police custody; in October 1998, Ganesh Rai died after being tortured by police while in custody (see Section 1.c.).

The Government continued efforts to combat the Maoist insurgency. In May 1998, the police began a sweep in the mid-western districts. According to press reports, 139 UPF insurgents and 8 police officers were killed during the operation, and there were widespread allegations of police abuses in connection with the sweep. According to Amnesty International, 227 persons were killed in the 1998 police sweeps against UPF insurgents. Official sources admitted that more than 3,000 persons were arrested during police operations aimed at locating UPF members. In June 1998, police Inspector General Kharel stated that 20 to 30 police officers had been charged with abuses against the public in connection with their actions during the sweep. At year's end it was not known whether

the officers had been brought to trial.

The insurgents were responsible for numerous abuses. Guerrillas, usually armed with homemade guns, explosives, knives, and sticks, attacked landowners, civilians, government officials, and government facilities in a number of districts. On February 1, Bhotechaur municipality ward chairman Dilli Prasad Chaulagai was attacked by a group of six insurgents. The assailants severed his leg with a khukuri knife (a large, machete-like implement common in rural areas) and shot and killed him. The former chairman of the Ghumkharka municipality, Bhim Prasad Timilsina, was abducted and murdered by three UPF members on February 27. In Rukum in early March, Maoists were suspected of killing Yadu Gautam, a Communist Party of Nepal--United Marxist-Leninist (UML) parliamentary candidate. Gautam reportedly was killed with khukuri knives. Clashes between police and Maoist rebels resulted in a number of deaths, including some during the period prior to and during the elections in May. On March 11, Maoists killed seven police officers in Dang district and on the same day burned to death seven workers of the UML in Rolpa district. Two policemen died and four others were injured in a police-Maoist clash in Baglung on April 10. A policeman died and another two were injured in a May 2 encounter with Maoists in Hajarai. Two more policemen reportedly were killed and several others injured by Maoists in Gaurigoan on May 3. On May 22, Maoists attacked and bombed a police post in Takukot village, Gorkha district. Five police officers and one Maoist reportedly were killed and two persons were wounded in the incident. On June 20, a group of 15 Maoists killed Nepali Congress worker Nara Hahadur Moktan in Kabhre district. On August 4, a police official was killed and a child injured when insurgents attacked a police constable in Siraha district. On August 29, Maoists killed Majhauwa municipality secretary Dhanik Mandal and his son. According to December government figures, since 1996 the insurgency has resulted in the deaths of 1124 persons, including 109 police officers, 174 civilians, and 841 insurgents. The press has reported over 1150 deaths.

b. Disappearance

Amnesty International reported that on January 8, 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. In response to a Supreme Court order later that month to produce Dhakal within 7 days, Gorkha police denied having arrested him. In June the government newspaper reported that families of nine persons missing since police incarceration filed petitions with the Supreme Court, but that no action resulted from the petitions. The newspaper indicated the possibility that the missing persons could have been affiliated with the Maoists. Amnesty International also reported that Bishnu Pukar Shrestha, a secondary school teacher, lawyer, and member of a human rights organization, disappeared after having been forced into a jeep during an arrest in Kathmandu on September 2. In response to a Supreme Court writ of habeas corpus, authorities denied that Shrestha was in custody although he was reportedly being held at the National Police Academy. In December, AI reported that Suresh Ale Magar and Pawan Shrestha were released from the central jail in Kathmandu on December 23 under a Supreme Court order, but were reportedly immediately re-arrested in front of the jail. Amnesty International reported that they were apparently forced into a police van outside of the jail but the police deny having them in custody. At year's end, their whereabouts were

unknown. According to local human rights organizations, approximately 70 persons had disappeared after being in police custody during the year and over 125 persons had disappeared in the last 4 years.

In July 1998, Amnesty International reported that Mohan Prasad Ali, a teacher from Dhakeri village in Banke district, was apprehended by police in June 1998. He has not been seen since. In November 1998 AI reported that government officials told members of a delegation that it sent to Nepal that UPF militants had abducted Mohan Prasad Ali. Two men injured at a June 1998 incident at Sakla village, Lal Bahadur Puma and Hari Narayan Sham, were evacuated by helicopter and are also reported to have disappeared. At year's end, the whereabouts of Lal Bahadur Puma and Hari Narayan Sham were unknown. Two student activists taken into custody in 1993 and 1994 remain missing.

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

The Constitution and criminal law prohibit torture; however, the police often use torture and beatings to punish suspects or to extract confessions. According to Amnesty International, torture methods include boxing of the ears, beating of the feet, and the rolling of weights over the thighs. Amnesty International noted that torture apparently was used to intimidate or punish detainees and to extract information and/or confessions, and that torture often took place while detainees were held incommunicado and unable to contact family, 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 provides for compensation for victims of torture, and the Torture Compensation Act, providing for such compensation, was passed by Parliament in 1996. According to Amnesty International, 12 persons made claims under the act in 1998; 6 later withdrew their complaints, reportedly because of fear for their safety. The Government has begun human rights education for the police force. According to an August 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 custody on the charge of theft. The police allegedly doused the victim's legs with kerosene and set them on fire, dipped them in water, and again burned them. The appointment of the commission came after considerable public criticism. In October 1998, Ganesh Rai died in police custody as a result of torture. Two policemen were suspended in connection with the case.

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, while women in these areas have reported instances of rape and sexual abuse by the police. Representatives of Amnesty International who visited the country after the May 1998 police sweeps against UPF insurgents began reported that they found evidence of "the systematic use of severe torture" by police. AI also raised its concerns over the relative impunity of the police for such actions.

Local and international human rights groups also have documented Maoist violence in areas affected by the "People's War," including the severing of arms and limbs. The Maoists most often have targeted political leaders, local elites, and suspected informers, including representatives of the more moderate Communist Party of Nepal--United

Marxist-Leninist (UML) and of the Nepali Congress Party (NPC). Throughout the year, Maoists looted banks and bombed or set fire to government offices, hospitals, and homes of local political leaders. International nongovernmental organization (NGO) offices also were attacked on several occasions. There also were cases of intimidation, torture, or other degrading treatment. On February 16, insurgents threw a gasoline bomb at a truck in Kathmandu. No one was injured. Maoists were suspected of bombing the home of Padam Prasad Pokhrel, the civilian official who controls the country's police force, on March 2. No one was injured in the bombing. On March 29, the office of an international NGO in Gadhi, Kabhre district was looted by Maoists. On April 7, a hospital run by the Adventist Development and Relief Agency (ADRA) in Makwanpur district was bombed by the Maoists; no one was hurt. On April 15, in Kathmandu, four suspected Maoists entered a tax office during working hours, poured gasoline in the office, and set fire to it. The perpetrators left pamphlets calling for a general strike. On April 18, insurgents stopped Lalitpur land revenue official Tara Nath Subedi, smeared black paint on his face, and told him to stop accepting bribes. They then doused him with gasoline and tried to set him on fire, but Subedi escaped. On May 1, two policemen and three election officials were injured by a Maoist bomb while heading to Sisna village. On June 8, Maoists attacked Govinda Pahadi of Sindhuli with khukuri knives, and seriously wounded him. On June 25, Maoists attacked Yadu Prasad Wasti and Gunjeswor Neupane in Gorkha district. The two reportedly were tied up with ropes and beaten with polythene pipes. In Tanahu district on August 5, Maoists dragged Raj Lohani, a member of the Nepali Congress district committee, out of a truck carrying some 100 passengers and killed him in front of them. The Maoists called for a general strike on October 8; on the night prior to the strike, bombs exploded in Kathmandu, Gorkha, Bhadrapur, Jhapa, Syangja, Chitwan, Birgunj, and Sindhulimadi. At least 10 persons were injured in the bombings. Bombs were defused by the army in Hetauda and Nuwakot.

On September 22, deputy superintendent of police Thule Rai was abducted by Maoist insurgents in Rukum. He was released on December 20.

Prison conditions are poor. Overcrowding is common in prisons and authorities sometimes handcuff or fetter detainees. Women are normally 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 are sometimes 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 no cases of children in jail or custody for offenses they have committed; close to 100 noncriminal dependent children, however, are incarcerated along with their parents (see Section 5). In Rukum district, a 13-year-old boy was arrested in 1997 and accused of being a Maoist. He was held for 6 months with 54 adults in a cell designed for only 15 persons, before a trial date was scheduled.

There has been some improvement in prison conditions. The authorities are more likely to transfer sick prisoners to hospitals than they were in the past. However, due to the inadequacy of medical facilities in the country, 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 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 often 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 often hold prisoners longer. The Supreme Court on occasion has ordered the release of detainees held longer than 24 hours without a court appearance. Amnesty International reported that on November 30, 1998, Bhanu Sharma, a pharmacist, was approached by police at his home in Dang district; the police requested medicine. On the way to his shop, the police forced Sharma into a van and took him to the district police office. On January 5, Sharma reportedly was transferred to a police-training center in Kathmandu. On January 13, a writ of habeas corpus was filed in the Supreme Court, and Sharma was released on February 7.

Detainees do not have the legal right to receive visits by family members, and they are permitted access to lawyers only after the authorities file charges. In practice the police grant access to prisoners on a basis that varies from prison to prison. Persons have a right to legal representation and a court appointed lawyer, but government lawyers or access to private attorneys is provided only on request. Consequently, those unaware of their rights may not have legal representation. There is a system of bail, but bonds are too expensive for most citizens. According to the Department of Prisons, over 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, 5,178 Maoist-related arrests had been made through December. Of those arrested 1,518 had been charged with crimes and were awaiting trial. The remainder 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. In 1997 the police asked the Government to enact legislation that would extend the maximum time of detention under the act to between 2 and 10 years; by year's end, no action was taken on this request.

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. Under this act, the Government detained hundreds of civil servants during a 55-day antigovernment strike in 1991. 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.

Under the Public Offenses Act hundreds of persons were arrested on March 18, 1996 for staging a peaceful protest of the human rights situation in China organized by Amnesty International in Kathmandu. Although most were released the same day, several AI officers and 14 Tibetans were held in jail for up to 7 days, some without being charged. Amnesty International reported that many persons interviewed by AI investigators after the May 1998 sweeps against the UPF reported one or more of the following: That they were detained without having been given arrest warrants at the time of the arrest; that they were not presented before a judicial authority within 24 hours, as required under the Constitution; that they were held for periods longer than the 25 days allowed under the Public Offenses Act; that they were not told of the charges against them; and that they were denied access to an attorney, at least during the initial period of their detention. Authorities detained journalists and their advocates on occasion, on suspicion of having ties to or sympathy for the Maoists (see Section 2.a.).

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. In addition, bribery of lower level judges and court staff is endemic.

The Supreme Court has the right to review the constitutionality of legislation passed by Parliament. 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 they sometimes bend to political pressure. 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 occur 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 is also 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, which it expects to take 4 years to clear. A case appealed to the Supreme Court may take more than 10 years to conclude.

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 can also 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 the Constitution provides for the right to counsel, there were reports of cases in which authorities allegedly penalized attorneys involved in the defense of human rights. Amnesty International reported that on January 8, lawyer and human rights defender Rajendra Dhakal was arrested in Tanahum district; the police had reportedly obtained a warrant for his arrest because of his alleged involvement in Maoist violence. Dhakal, who was chairman of the Gorkha district bar association and a member of the local human rights organization Forum for Protection of Human Rights (FOPHUR), had been arrested repeatedly since the start of the Maoist insurgency. Dhakal reportedly has disappeared since his arrest, as has teacher, lawyer, and human rights organization member Bishnu Pukar Shrestha (see Section 1.b.). Kathmandu newspapers reported that in July four lawyers pleading for a group of detained journalist themselves were ordered detained by district judge Surnedra Bir Sing Basnet as they tried to express their views on the judicial order to detain the three 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 took place during the past 4 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.

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 includes penalties for violating these requirements. The Act also 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. The Act also provides a basis for banning foreign publications. However, foreign publications are now widely available.

There are hundreds of independent vernacular and English newspapers available, representing various political points of view. The Government owns the daily Nepali-language newspaper with the largest circulation. Editors and writers at the Government newspaper practice self-censorship and generally reflect government policy. Ruling political parties have influenced the editorial policy of the government newspaper 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 have all been reported in the local press.

Nevertheless, journalists and their advocates are detained on occasion. On January 5, the Kathmandu offices of the weekly newspaper Janadesh were raided, and 13 persons, including 4 journalists, were arrested. Computers and printing materials were seized. Police reportedly did not have a search warrant; the newspaper was accused of having links with Maoists. On April 1, police reportedly seized computers and printing equipment from the Kathmandu office of the newspaper Jwala. The journalists and the newspaper were suspected of having links with Maoists, and Jwala's facilities had been used by the publication Janadesh since it was closed by police in January. In early April, several journalists and a photographer reportedly were arrested in Kathmandu. On April 20, the offices of Mahima and Jana Ahwan, two small pro-Maoist newspapers, were raided by police. On April 28, Krishna Shen, the editor of Janadesh, and two other employees of Janadesh were arrested in connection with the publication of an interview with Baburam Bhattarai, a leader of the Maoists, in the newspaper. Thousands of copies of the paper allegedly were confiscated. Shen remained in detention at year's end. Kathmandu newspapers reported in July that four lawyers pleading for a group of three detained journalists themselves were ordered detained by district judge Surnedra Bir Sing Basnet as they tried to express their views on the judicial order to detain the journalists. The journalists reportedly were detained for publishing a news item entitled "Allegations of Corruption Against a Judge" and were released after agreeing to publish an apology daily for 2 weeks on the front page of their newspaper.

The Government owns the only television station. The Government also owns and controls one radio station that broadcasts on both AM and FM. Television time on the

government-owned television station is leased regularly to private producers. Radio reaches the greatest number of persons and has the largest influence. Programming currently reflects a broader range of interests and political viewpoints than prior to the political transformation in 1990.

There are two private radio stations and one community-owned radio station that have their own transmitters. Other private or community-run radio stations lease time on a government-owned transmitter. Six private radio stations have been licensed outside of the capital city. Government-owned Radio Nepal broadcasts throughout the country through a series of repeater stations. Although nongovernment radio stations legally are precluded from broadcasting locally developed news, private stations routinely broadcast news without penalty. Private stations are permitted to rebroadcast news from abroad. Private radio stations, like print media, practice self-censorship. In August 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. The Government does not restrict access to foreign radio broadcasts or to the purchase of television satellite dishes that can access international news from the British Broadcasting Corporation (BBC), the Cable News Network (CNN) and Deutsche Welle. A small but growing number of citizens also have access to foreign news through private cable networks. Indian and Pakistani broadcast television is also readily available in many parts of the country.

The Broadcast Act of 1993 allows private television and FM radio broadcasts, but implementation by the Government has been slow. There are two private cable television networks, which have been operating for close to 3 years in the Kathmandu valley. They provide mainly entertainment programming, but commentary critical of government policies occurs occasionally during publicly broadcast discussion programs.

There have been many debates about liberalizing the media and privatizing government-owned media. This debate has put pressure, so far resisted, on successive governments to open the airwaves and divest government-controlled printing operations.

The Government limits academic freedom to the same extent as it limits the media. No overt efforts to enforce these limitations were reported this year.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly, this right may be restricted by law on vague grounds such as undermining the sovereignty and integrity of the State or disturbing law and order. Persons protesting Chinese human rights policy were arrested and detained in 1996 before and during peaceful protests (see Section 1.d.). On March 11, 27 Tibetan demonstrators were arrested 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 describes Nepal as a "Hindu Kingdom" (although it does not establish Hinduism as the state religion), provides for freedom of religion, and permits the practice of all religions; however, although the Government generally has not interfered with the

practice of other 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 large majority of citizens are Hindu. There are smaller numbers of Buddhist, Muslim, and Christian citizens, as well. On April 2, Christian groups in Kathmandu were prevented from holding a planned Good Friday gathering in a public park in the Lalitpur district of the city because the organizers had not obtained the required permit. Similar Christian gatherings celebrating the Easter period have been allowed in the past. An estimated 400 would-be attendees went to the local district administrative office to protest, and three reportedly were injured when police attempted to disperse the group. Two days later, on Easter Sunday (April 4), the authorities allowed Christians to hold a procession through the streets of downtown Kathmandu and the Lalitpur district, which ended at an open air theater. The required permit was obtained prior to this event.

A conviction for conversion or proselytizing can result in fines or imprisonment or, in the case of foreigners, expulsion from the country. However, arrests or detentions for proselytizing are rare, and there have been few incidents of punishment or investigation in connection with conversion or proselytization during the last few years. For approximately 1 month in 1997, a Seventh-Day Adventist aid organization, the Adventist Development and Relief Agency (ADRA), was the subject of slanderous and vituperative attacks in the press by Hindu extremist organizations. These attacks began after a disgruntled former ADRA employee alleged that ADRA had been proselytizing. ADRA denied the allegation. ADRA had links to an Adventist school (established for the children of Adventist workers in the country), which also had been accused of proselytizing. The Government later convened an investigative panel that found the claims baseless and dismissed them. The investigative panel asked ADRA to confine itself to the relief and welfare activities for which it was registered; since ADRA already confined its activities to these areas, the request posed no new limitations. However, to clarify its function and role, ADRA severed all official ties to the school. As of year's end both ADRA and the school were operating normally.

In March a foreign medical doctor who had been operating a missionary-run clinic in Kathmandu visited the Home Ministry to renew his visa but learned that the Ministry had canceled his visa 8 months before. The Home Ministry detained him for 2 nights and then deported him on March 31. The Government never gave an exact reason for canceling the visa or for the deportation; the doctor believes that a former business partner made allegations to the Government that the doctor had proselytized.

For decades dozens of Christian missionary hospitals, welfare organizations, and schools have operated in the country. These organizations have not proselytized and have not faced religious discrimination. 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, among other things, prescribes penalties for the publication of materials that create animosity among persons of different castes or religions. In August 1998, an Internet service provider warned a group of foreigners to stop a religiously oriented electronic discussion group because the content of the discussions violated laws against proselytizing.

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, the Government restricts travel to some areas near the Chinese border for foreign tourists and for foreign residents, such as Tibetans residing in the country. 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 United Nations 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 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 now living in UNHCR-administered camps in the eastern part of the country.

In 1995 the Government reversed a 1960's decision to suspend the issuance of identification cards to Tibetans legally residing in Nepal before 1989, and again began to issue them identification cards. However, later that year the program was suspended yet another time in connection with a change in government, and there remained many Tibetans with no form of identification and no permanent status. Undocumented Tibetan residents faced difficulties in obtaining basic rights and were unable to travel abroad or to access such services as banking. In 1998 the Government reactivated the program and by year's end completed documenting the remaining Tibetans legally residing in 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. Border police often extort money from Tibetans in exchange for passage. With the change from a Communist Party government to a coalition government headed by the Nepali Congress Party in September 1995, the former practice of forcibly returning asylum seekers to China has stopped. There were no reports of forced expulsion of Tibetan asylum seekers during the year.

There are approximately 97,000 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. Living conditions in the camps have improved dramatically since 1992. Adequate clean water is available and health, sanitation, and nutrition standards are acceptable. Violence has sometimes 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 and to determine different categories of refugees in preparation for future repatriation. After a 3-year hiatus, an eighth round of bilateral talks was held in September. Since that time, the foreign ministers of Nepal and Bhutan have met twice for informal talks on the refugee issue. The limited progress in bilateral negotiations has led to increased frustration in the camps and to a recent campaign of "peace marches" in 1998 and 1999 by refugees seeking to return to Bhutan.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens, through their elected representatives, 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.

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. The Constitution grants suffrage to all citizens aged 18 and over.

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 may also 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 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. National elections were held in two rounds in May. The Nepali Congress Party (NCP) won 54 percent of the seats in the lower house and formed the first majority government since 1994. Clashes between police and Maoist rebels in May left several persons dead and many injured (see Sections 1.a. and 1.c). There were sporadic incidents of violence during the voting on May 3 and May 17; the violence occurred mainly between supporters of rival political parties. On May 17, four bombs were defused in Karaiya village in Rupandehi district. However, unlike the 1997 local elections, when Maoist violence and threats forced the postponement of voting in parts of 15 of the 75 electoral districts, for the most part the elections were held throughout the country according to schedule. In polling stations where the voting on May 3 was postponed, the voting took place on May 5 and 6; in polling stations where the voting on May 17 was postponed, the voting was held May 19-21. Maoist efforts to disrupt the elections by intimidating voters and candidates had little effect. Voter turnout was 66 percent, significantly higher than in previous elections. International observers considered the elections to be generally free and fair.

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 of some castes and tribes in the political process. However, the Constitution requires that women constitute 5 percent of each party's candidates for the House of Representatives. A royal ordinance, which since has been ratified by Parliament, also requires that 20 percent of all village and municipal level seats be reserved for female candidates. The spring 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.

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

There are approximately 10 NGO human rights organizations. 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 those reporting on human rights problems, but in June 1998 the police arrested Gopal Siwakoti Chintan, a human rights activist, for alleged collaboration with the UPF. 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 a lack of evidence that he had collaborated with the UPF. There were reports that the Government and UPF militants limited the activities of human rights activists.

In 1996 the Parliament enacted the National Human Rights Commission Act, which called for a government-appointed commission to investigate charges of human rights

violations. However, none of the six governments in office since the passage of the act has convened the commission. In July the Supreme Court ordered the Government to set up the human rights commission immediately. After the July order, editorials and human rights groups were vocal in calling for the new Government to activate the commission. As they blocked traffic in August to demand the implementation of the court order, 29 human rights activists were arrested. In September the Government organized a task force to work on the implementation of the National Human Rights Commission Act, including establishing a budget and providing for an office for the Human Rights Commission. The task force made its recommendations to the Cabinet in late December.

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 is still 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. There is no law against domestic violence, which is widespread. In one study, 50 percent of the respondents said that they know someone who was the victim of domestic violence. In another 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. Little public attention is given to violence against women in the home; the Government makes no special effort to combat it.

Rape and incest are also 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 1-year's imprisonment or a fine for the rape of a prostitute.

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 are made up entirely of 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.

Two conferences were held in 1997 that focused on the problem of violence against women. One was a national conference of NGO's, government officials, and parliamentarians organized by the NGO Saathi. The Government announced new initiatives at the meeting, including the formation of a new National Women's Commission to help guide government policy. The conference participants formulated a common strategy to unite NGO efforts in the field, as well. There was also an international conference organized by the UNICEF regional office for South Asia.

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.

Trafficking in women remains a deeply ingrained 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. Women face 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 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 more than 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. To comply with this order, the Government introduced an amendment to the Civil Code in April 1998 that would have allowed daughters to inherit parental property, but only if they remained unmarried until the age of 35. Moreover, if a woman married after age 35, the amendment stipulated that she would be obliged to return the inherited property. At year's end, this amendment, which would appear to only partially meet the requirements of the Supreme Court, remained 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 now 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 against trafficking in women and girls.

There are a growing number of women's advocacy groups and 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

Although education is not compulsory, the Government provides free primary education for all children between the ages of 6 and 12, but many families cannot afford school supplies or clothing. Schools charge fees for further education. 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. The Children's Act of 1992 provides legal protection for children in the workplace and in criminal proceedings. Although it calls for the establishment of child welfare committees and orphanages, the Government has established few such facilities. The Labor Act of 1992 prohibits the employment of minors less than 14 years of age, but employers, particularly in the informal sector and in agriculture, widely ignore the law.

Children under the age of 16 work in all sectors of the economy. Children's rights groups estimate that up to half of all children work. As recently as early 1994, the carpet industry employed an estimated 23,000 children, or nearly one-third of all workers in that industry. Due to negative publicity in consumer nations, these figures have declined and children now account for less than 2,000 workers (see Section 6.d.). In 1996 a consortium of carpet manufacturers established a certification system for carpets made without child labor. The Ministry of Labor is increasing its efforts to monitor the use of child labor. Children continue to work in the agriculture, pottery, basket weaving, sewing, weaving, and ironsmithing industries. There also were reports that the UPF uses children as messengers and runners. Forced child labor exists, but only limited instances have been reported in recent years (see Section 6.c).

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

Social 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 the UNICEF's Regional Office for South Asia, 40 percent of all marriages are consummated with a girl under 14 years of age. The age difference in marriage is often 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 maintains that there are no persons under the age of 18 that are incarcerated for crimes they have committed. However, according to the press, close to 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

In the past, disputes during local elections have escalated to isolated clashes between Hindu and Muslim supporters. The country's small but significant Muslim enclaves in the districts along the border with India and in Kathmandu are not well integrated with the larger Hindu majority. The lack of integration between these communities has contributed to this problem.

Some Christian groups report that Hindu extremism has increased in recent years. In January the Hindu chauvinist political party Shiv Sena opened an office in Kathmandu; a few Shiv Sena candidates unsuccessfully ran for office in the 1999 general elections. 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.

Hindu citizens who convert to Islam or to Christianity face isolated incidents of hostility or discrimination from Hindu extremist groups, in addition to possible legal penalties (see Section 2.c.). While this prejudice is not systematic, it can be vehement and sometimes violent. Nevertheless, converts generally do not fear to admit in public their Islamic or Christian affiliations.

The caste system strongly influences society, even though it is prohibited by the Constitution. However, traditional religious practices at Hindu temples are an exception to this prohibition.

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 is especially common in the rural areas in the west. 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, are slowly 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 are nearly extinct and that non-Hindu peoples are losing their culture.

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 are still developing their administrative structures to organize workers, to bargain collectively, and to conduct worker education programs. A prior UML government "automatically" registered its own affiliated unions but interfered in the registration of unions associated with the Nepali Congress Party's labor organization.

Union participation in the formal sector is significant, but it accounts for only a small portion of the labor 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.

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. On March 24, the Government banned all strikes in the communications, transportation, and security sectors, pending the completion of the parliamentary elections in May. This, along with the hiring of replacement crews, ended a pilot's strike that had crippled state-controlled Royal Nepal Airlines since March 15. All but one of the airline's employees were later reinstated.

The Trade Union Act prohibits employers from discriminating against trade union members or organizers. There have been few reports of discrimination against union members.

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 Sections 5 and 6.f.). Bonded labor is a continuing problem, especially in agricultural work. Bonded laborers are usually members of lower castes. Bonded labor reportedly occurs among certain ethnic groups in the western Terai region. An estimated 100,000 persons also are forced to work under the "Kamaiya" or bonded labor system in the southern Terai region. These "Kamaiyas" generally are agricultural workers who work for the same landlords their family may have served for many generations. In August the Government announced a program to free about 83,400 bonded laborers by paying off approximately \$330,000 (22,500,000 rupees) in debt, by providing laborers with unspecified alternative employment, and by distributing land to the laborers.

The Nepal Labor Act specifically prohibits forced or bonded child labor, but enforcement of this law has been inadequate. The law prohibits forced or bonded labor by children, but it exists in some sectors. Limited instances of forced child labor have been reported, and an estimated 40,000 children work as bonded laborers. Each year, an estimated 5,000 to 7,000 girls between the ages of 10 and 18 are trafficked to India to work as prostitutes (see Sections 5 and 6.f.). In late 1998, police freed approximately 12 children, some as young as 8 years of age, from forced 18-hour days of labor under harsh conditions in a Kathmandu carpet factory. There was a press report in February that during a raid, police found 14 boys aged 15 to 17 who were employed forcibly in a wool factory in Jorpati (see Section 6.d.).

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. The law also establishes a minimum age for employment of minors at 16 years in industry and 14 years in agriculture. The Constitution limits children between the ages of 14 and 16 years to a 36-hour workweek. The law also mandates acceptable working conditions for children. However, both the resources and the commitment devoted to the enforcement of these provisions are limited and child workers

are found in many sectors of the economy (see Section 5). Although the law prohibits forced or bonded labor by children, it exists in some sectors (see Section 6.c.). Limited instances of forced child labor have been reported, and an estimated 40,000 children work as bonded laborers.

According to a recent ILO study, up to 40 percent of all children work, mostly in agriculture. According to a recent 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 the girls who work. In 1996 a certification system for carpets made without child labor was established. Of the 207 carpet factories that export, approximately 30 have signed on to this or a similar agreement (see Section 5). Over half of all carpet factories now participate in this or a similar agreement. Partially as a result of this initiative, and of consumer pressure, children now reportedly constitute only 5 percent of the work force in the export-oriented carpet industry, and the carpet manufacturers association in August pledged publicly to end child labor in the industry by 2005. However, children's rights activists say that, in the smaller factories, children are still a large part of the work force. There was a press report in February that during a raid, police found 14 boys aged 15 to 17 who were forcibly employed in a wool factory in Jorpati (see Section 6.c.). In December 1998, police freed 12 children from forced labor in a Kathmandu carpet factory (see Section 6.c). The children were taken to a rehabilitation home and the factory owner was tried, convicted, and sentenced to a prison term of less than 1 year; at year's end, he reportedly had served his sentence and been freed. Children continue to work in the agriculture, pottery, basket weaving, sewing, weaving, and ironsmithing industries. Few or no children work in the garment industry.

The Ministry of Labor's enforcement record is improving. In the urban formal sector, it has had some success in enforcing laws relating to tenure, minimum wage, and holidays. Government inspectors are also increasing their monitoring of the use of child labor in carpet factories. The Government has 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.

e. Acceptable Conditions of Work

In 1997 legislation was passed that raised the minimum wage for unskilled labor to \$22 (1,300 rupees) per month from \$19 (1,150 rupees). The law also defined monthly minimum wages for semi-skilled labor at \$23 (1,350 rupees), skilled labor at \$25 (1,460 rupees), and highly skilled labor at \$28 (1,650 rupees). The minimum wage for children ages 14 to 16 was set at \$17 (1,025 rupees). These wages are sufficient only for the most minimal standard of living. Wages in the unorganized service sector and in agriculture are often 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 are also 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

Trafficking in women and girls remains a deeply ingrained social problem in several of the country's poorest areas. Nepal is a primary "sending" country for the South Asia region; most women and girls trafficked from Nepal go to India. Estimates of the number of girls and women working as prostitutes in India range between 100,000 and 200,000. The best available data suggest that approximately 5,000 to 7,000 Nepali girls between the ages of 10 and 18 are lured or abducted into prostitution each year. Prostitution is also 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. In many cases, parents or relatives sell women and young girls into sexual slavery. Every year, it is estimated that hundreds of girls and women return to the country after having worked as prostitutes in India. Most are destitute, and it is estimated that over 65 percent of such women 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. According to press reports, on August 18, five convicted traffickers who had been given 20-year sentences but were released within 3 years attacked a 17-year-old living at the Women's Rehabilitation Center (WOREC). The attackers reportedly attacked her after failing to find another woman who had filed a case against them after she had been rescued from a brothel in Bombay in a 1996 raid. According to WOREC, in spite of the fact that the five had threatened their accuser in an effort to get her to change her story, they were released early from their sentences. WOREC and other organizations involved in the rehabilitation of women who have been trafficked state that their members have been threatened and that their offices have been vandalized because of their activities. However, despite the existence of antitrafficking legislation and recent attempts to increase the imposition of penalties on traffickers, antitrafficking legislation is not well enforced. The fear of the spread of AIDS by returning prostitutes has discouraged the Government from promoting the rehabilitation of 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, the Ministry of Women and Social Welfare opened the Women's Self-Reliance and Rehabilitation Center, a rehabilitation and skills training center for women returned from being trafficked and for women and girls at risk of being trafficked. Several NGO's have similar programs, including rehabilitation and training programs for victims of trafficking.

In June the police hosted a workshop in Kathmandu to provide recommendations for new legislation regarding trafficking and the sexual exploitation of children. The Prime Minister opened the seminar, and the Minister of Law and Justice, the Attorney General, and the Inspector General of Police all gave presentations. A follow-up workshop was held in July.

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