



Nepal

Country Reports on Human Rights Practices - [2007](#)

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Nepal, a country of approximately 28 million, is in a state of political transition. It is operating under an interim political system: a parliamentary democracy with a powerless constitutional monarchy. Prime Minister Girija Prasad Koirala heads a multiparty coalition government, which includes members of the Communist Party of Nepal–Maoist (CPN-M). The interim parliament of 329 members was sworn in January 15, the same day the interim constitution was promulgated. The interim constitution provides for the election of a Constituent Assembly; commits Nepal to become a federal republic after the Constituent Assembly meets; strips the king of all formal powers; and makes the prime minister both head of government and head of state. The interim government twice postponed elections for the Constituent Assembly. The November 2006 peace agreement between the then-Seven-Party alliance and the Maoists ended the decade-long insurgency and called for the Nepal Police (NP) and the Armed Police Force (APF) to enforce law and order across the country. Authorities reestablished many police posts, but Maoists, or their subsidiary organization, the Young Communist League (YCL), prevented some from being reestablished and subsequently forced others to close. Numerous armed groups, largely in the Terai region in the lowland area near the Indian border, formed and engaged in attacks against civilians, government officials, members of particular ethnic groups, each other, or against the Maoists. Lacking political backing, police were often reluctant to intervene, particularly against the Maoists or YCL members.

Members of the security forces committed some human rights abuses during the year, and the Maoists/YCL and members of other small, often ethnically based armed groups committed numerous grave human rights abuses. Members of the Nepal Army (NA) were confined to their barracks in accordance with the Comprehensive Peace Agreement of 2006. A local nongovernmental organization (NGO) filed one rape allegation against soldiers from Siraha District and another against police in Kanchanpur District. Other sources did not present any additional allegations of violations. Members of the NP and APF occasionally used excessive and lethal force in response to continued demonstrations throughout the country. Maoists frequently employed arbitrary and unlawful use of lethal force, including torture and abduction. Violence, extortion, and intimidation continued throughout the year. Impunity for human rights violators, threats against the media, arbitrary arrest, and lengthy pretrial detention were serious problems. The government also compromised the independence of the judiciary, and society continued to discriminate against persons with disabilities and lower castes. Violence against women and trafficking in persons, mainly women and girls, continued.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

According to a local NGO, Informal Sector Service Center (INSEC), security forces killed at least 28 individuals, and the Maoists/YCL killed approximately 23 persons. The Terai was the site of much unrest throughout the year. According to INSEC, the Madhesi People's Rights Forum (MPRF) killed 33 people, the Janatantrik Terai Mukti Morcha (Goit) 18, the Janatantrik Mukti Morcha (Jwala Singh) 27, the Madhesi Mukti Tigers two, Terai Cobra two, Terai Bhagi one, and unknown groups killed 95 persons. The NA was confined to its barracks as a result of the November 2006 peace accord; there were no new allegations of human rights abuses filed against the army during the year. Investigations of previously filed complaints continued; from July 2006 through June the NA sent the Home Ministry 258 so-called clarifications, amounting to explanations of the status of the cases.

During recurrent unrest in the Terai region in January and February, authorities often used unwarranted and at times lethal force. According to the UN Office of the High Commissioner for Human Rights (OHCHR) the unrest was sparked on January 16 when authorities arrested a group of Madhesi protestors, including the chairman of the MPRF, because the protestors allegedly had burned parts of the Interim constitution. In response to the arrests, the MPRF called a Terai-wide strike. On January 19, a member of the CPN-M killed a protestor who was among a group trying to enforce the strike in Lahan, Siraha District.

Large demonstrations quickly spread among the Terai areas of the eastern and central regions. Members of the MPRF frequently threatened journalists and human rights defenders. According to the OHCHR report, at times the NP and APF responded to the protests with excessive and lethal force. OHCHR documented at least 24 deaths in January and February, at least 18 of which were the result of the use of live bullets and baton charges against demonstrators. One police officer was also killed and others injured in the violence.

On March 21, 26 individuals linked to the CPN-M and one unidentified individual were killed following violence that broke out when the MPRF and CPN-M organized simultaneous rallies at the same location in Gaur, Rautahat District.

On June 2, members of the MPRF abducted and killed two members of the Maoist-affiliated YCL, Binod Pant and Sheshmani Lamichhane. The MPRF members responsible used a homemade weapon to kill Pant, and they hanged Lamichhane.

On September 16, after the killing by unknown gunmen in Kapilvastu of Moid Khan, a well-known Muslim and anti-Maoist activist, widespread rioting broke out in the region. During violence that lasted six days, rioters killed approximately 14 persons.

There were no developments in the 2006 killings of Umesh Chandra Thapa, Rishiram Kumal, Bhimsen Dahal, Tulasi Chetri or Bishnu Pandey.

On March 29, the chief district officer (CDO) of Morang distributed approximately \$4,220 (300,000 rupees) as compensation to each of the families of those killed in the 2006 Belbari incidents, including the Gurung family.

On July 4, the National Human Rights Commission (NHRC) recommended the government take action against NA soldiers who were involved in the extrajudicial killing of Devendra Rai and Manihang Rai. The NHRC also urged the government to provide compensation to the victims' families after the family filed a complaint. Due to the absence of NHRC commissioners prior to September 18, the case remained pending and the family did not receive compensation.

At year's end there had been no action taken to investigate the July 2005 deaths in custody of Laxmi Yadab, Hari Prasad Yadab, Kari Kapar, and Kari Saha.

During the year there were reports of five injuries from NA-planted landmines protecting military installations and infrastructure. Improvised explosive devices (IEDs) and explosive remnants of war (ERWs) abandoned or stored by the Maoists continued to kill and injure civilians. There were more than 76 civilian casualties, with 13 resulting in death, from accidental explosions of landmines, IEDs, or ERWs during the year. The November 2006 peace agreement and December 2006 agreement on Monitoring of the Management of Arms and Armies called for all landmines to be identified and located within 30 days and removed completely within 60 days. All available minefield records were provided to the UN Mine Action Unit. An assessment and safety classification of IEDs and ERWs was completed, but at year's end authorities had not destroyed unsafe items.

b. Disappearance

The fate of many of those who disappeared during the 10-year Maoist insurgency was unknown. According to NHRC estimates, there were 646 unresolved cases of disappearances at year's end. INSEC reported 828 unresolved cases while the Nepal Supreme Court listed 1,024. At year's end the government had not prosecuted any government officials or Maoists for their involvement in disappearances. In June the government named a three-member commission to probe disappearances in that period, but at year's end, the commission had not started its work.

At year's end the government had not revealed the whereabouts of 646 persons identified by the NHRC in 2006 as disappeared. According to the 2006 NHRC report, the government was responsible for the disappearances of 2,032 persons from 2000 until 2006 and had made public the whereabouts of all but 646 by year's end 2006.

The government did not take steps to respond to the May 2006 report by OHCHR on the status of 49 disappeared persons whom the NA's Bhairabnath Battalion arrested and detained at the Maharajgunj barracks in Kathmandu in 2003 on suspicion of being linked to the Maoists. The government denied knowledge of their whereabouts. While members of the Bhairabnath Battalion acknowledged arresting 137 persons between September and December 2003, battalion officials claimed that prisoners were released or transferred after short periods of detention. A high-level NA Investigation Task Force forwarded information on 12 of the disappeared to the Ministry of Defense. At year's end authorities were investigating allegations that the disappeared were cremated and their ashes buried in Shivapuri Heights north of Kathmandu.

On November 28, the Interim Parliament adopted a law, "Regarding Abduction or Taking Hostage," which for the first time criminalizes abduction or hostage taking, acts that had previously been treated as civil offenses (similar to a misdemeanor) with minimal punishment. The law deems any capture or abduction carried out with intention to murder, assault, rape,

sodomize, sell, enslave, torture, sell into forced labor or prostitution a serious crime, subject to seven to 15 years' imprisonment and a \$800-\$3,200 (50,000-200,000 rupees) fine. Other cases of abduction or holding individuals hostage result in four to eight years' imprisonment and a fine of approximately \$400-\$1,600 (25,000-100,000 rupees). An additional two-year sentence would be imposed for any violation of the act involving a minor or woman. These crimes are not bailable.

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

The law prohibits torture, beating, and mutilation; however, security forces engaged in such activities to punish suspects or to extract confessions. The law provides for compensation to victims of torture. The Center for Victims of Torture and Advocacy Forum-Nepal (AF), local NGOs, reported that blindfolding and beating the soles of feet were commonly used methods. Abuse of those in custody also included beatings with plastic pipes, submersion in water, sexual humiliation, restricted movement, and prolonged sensory deprivation. Prisoners were forced to remain day and night in a prone position on a thin mat on the floor with their hands cuffed and shared one bathroom. Prisoners were also threatened with sexual abuse, rape, death, or indefinite detention. Of the 3,908 detainees interviewed by AF since April 2006, AF reported that 28 percent claimed to have been tortured.

NA soldiers from Siraha District allegedly committed one rape during the year. On October 24, according to AF, army personnel abducted a sixth-grade student returning home from a fair and took her to Ranasingh army barracks in Lahan. She alleged that she was kept there for the night, raped by approximately 16 army personnel present in the barracks, and threatened with death if she spoke about the incident. She alleged that army personnel, police, and others raped her again after they took her to her hotel. Allegedly due to the fact that authorities and Maoists threatened the girl not to pursue corrective action, she did not file a first information report (FIR) against the officers. At year's end, neither the NHRC nor other NGOs had confirmed the allegations and the case remained under investigation.

Police constables were alleged to have committed one rape and no acts of illegal detention throughout the year. On June 4, according to AF, a group of four men, including three policemen and a civilian who was a nephew of police constable Janak Mahatara, allegedly raped a 14-year-old mentally ill girl in Kanchanpur district. The girl's family filed a FIR in the District Police Office and at year's end, the case was pending.

The UN OHCHR presented no cases of alleged torture or other human rights violations against the NA.

According to AF, the Maoists committed 67 acts of torture, one case of rape, and 96 cases of abduction since the People's Movement of April 2006. The government failed to conduct thorough and independent investigations of reports of security force or Maoist/YCL brutality and generally did not take significant disciplinary action against those involved. Citizens were afraid to bring cases against the police for fear of reprisals.

On January 21, authorities arrested Puradi Prasad Pandey, a resident of Kalikot District, for the third time in connection with a murder. Police allegedly arrested Pandey because he had been speaking publicly about the fact that they had tortured him during his previous two arrests in December 2006. Police beat Pandey at the time of his arrest with a bamboo stick. With AF's assistance, Pandey filed a claim under the Torture Compensation Act (TCA) in Kalikot District Court. After the court issued a summons, Pandey received death threats from the Assistant Sub-Police Inspector and Superintendent of Police. Four Maoists also threatened Pandey with death unless he withdrew his case, which he did on February 28. At year's end authorities had not taken any corrective action.

On June 19, a bus driver detained Saroj Kumar Chaudhary, a 15-year-old student, after other local children threw stones at the bus. Although Chaudhary was only a bystander to the incident, the bus driver detained Chaudhary and transported him to the Ranashingdal Gulm Rupani Joint Security Base Camp in Saptari District. At the camp, four plain clothed security officers beat Saroj with their fists and plastic pipes and threatened to shoot him. According to INSEC, Chaudhary was released after a few days. The government had not taken corrective action to resolve this case at year's end.

The NHRC recommended compensation for 35 victims of killings, disappearances, and torture, but at year's end only two victims had informed NHRC of payment. Most of the NHRC recommendations were not acted upon due to the absence of commissioners prior to September 18. By September 9, AF had filed 50 cases on behalf of victims of torture under the TCA. Authorities dismissed nine cases for lack of evidence. In one case, the court granted compensation to Karna Bahadur Thapa, a lawyer who was tortured by police outside of a government facility after he had participated in a peaceful demonstration. The April 2 decision widened the limited jurisdiction for torture under the TCA because Thapa was granted compensation even though he was not detained inside a government facility.

There were no further developments regarding the April 2006 case in which the NA arrested, abused, and killed six individuals, including Berendra Thapa and Wakil Shahi, two suspected Maoists. According to INSEC, the NA beat Thapa and Shahi before shooting Thapa in the waist, chest, and back and Shahi in the chest and mouth. The NA also took Keshab Singh and Ramebak Chaudhari from a house, tied their hands behind their backs, and assaulted them. On the same day, the NA took suspected Maoists Bibek and Rajendra to an artillery battalion, where they were abused. The NA released Rajendra on May 10. According to INSEC, authorities released Bibek afterwards.

After NHRC intervention the 2005 Sunsari rape case by NA soldiers was pending in the Sunsari district court at year's end. The three accused NA soldiers remained in jail at year's end.

There were no developments in the 2005 case of Shiv Bohara.

Prison and Detention Center Conditions

Prison conditions were extremely poor and did not meet international standards. According to the Director General of the Department of Prisons, 6,952 prisoners remained in jail at year's end.

Due to a lack of adequate juvenile detention facilities, children sometimes were incarcerated with adults or were allowed to remain in jails with their incarcerated parents due to lack of other available options.

The government generally permitted the NHRC and OHCHR to make unannounced visits to prisons and detainees in army and police custody. Although the NHRC is authorized to request government action, including the provision of compensation, the government often denied the NHRC the right to intervene.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but arbitrary arrest occurred during the year.

Role of the Police and Security Apparatus

The November 2006 peace agreement called on the NP and the APF to enforce law and order across the country. Authorities reestablished several police posts, but the Maoists forced some of the reestablished posts to close. The police stood aside during most incidents of violence, particularly events involving Maoists. According to police accounts, government officials instructed police not to intervene in the case of Maoist violence for fear of endangering the peace process. There were multiple events during the year in which police detained Maoist and YCL cadres for illegal acts, only to see them freed by political leadership within the Home Ministry or after intervention by other political leaders.

Both the police and NA have human rights cells to promote human rights and to investigate cases of abuse; however, corruption and impunity remained problems. Police were generally unarmed and had the role of preventing and investigating non terrorist related criminal behavior.

During the year no new complaints were filed against the NA, but the NA continued to investigate previously filed cases and issued clarifications. As of late September, the NA had issued clarifications for 3,054 of the total 3,837 allegations forwarded from the NHRC, OHCHR, International Committee of the Red Cross (ICRC), and other organizations.

Corruption and impunity remained a problem in the police force. Although the authorities removed a few police officials from their posts because of human rights violations, human rights groups reported that these individuals were promoted or reassigned as advisors at the Home Ministry. According to human rights groups, a culture of impunity continued to exist within the police. At the district level, police often operated without significant guidance from superiors, allowing vast discretion in the enforcement of laws. As in the previous year, there were many reports of police abuse and bribery.

Arrest and Detention

The law stipulates that, except in cases involving suspected security and narcotics violations, the authorities must obtain a warrant for arrest, arraign or release a suspect within 24 hours of arrest, and file a case in court within seven days of arrest; however, security forces regularly violated these provisions.

If the court upholds a detention, the law authorizes the police to hold the suspect for 25 days to complete an investigation, with a possible extension of seven days. However, security forces occasionally held prisoners longer. In some cases the Supreme Court ordered the release of detainees held longer than 24 hours without a court appearance. Some foreigners, including refugees, reported difficulty in obtaining bail.

Detainees have the legal right to receive visits by family members, and they are permitted access to lawyers once authorities file charges. In practice the police granted access to prisoners on a basis that varied from prison to prison. There is a system of bail, but bonds were too expensive for most citizens. Pretrial detention often exceeded the period to which persons subsequently were sentenced after a trial and conviction. Of the 3,908 detainees AF interviewed since April 2006, only 5 percent received a notice of arrest, and only 13 percent were permitted to read the statement they provided to the police.

Under the Public Security Act, security forces may detain persons who allegedly threatened domestic security and tranquility, amicable relations with other countries, or relations between citizens of different classes or religions. The government may detain persons in preventive detention for up to six months without charging them with a crime. The detention period can be extended after submitting written notice to the Home Ministry. The security forces must notify the district court of the detention within 24 hours. The court may order an additional six months of detention before the government must file official charges.

Other laws, including the Public Offenses Act, permit detention without charge. This act, and its many amendments, covers crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors expressed concern that the act vests too much discretionary power in the CDO. Police arrested many citizens involved in public disturbances, rioting, and vandalism and detained them for short periods without charge.

According to AF, incommunicado detention remained a problem throughout the country.

Amnesty

On April 25, in celebration of Democracy Day, the cabinet freed 98 prisoners by commuting their remaining prison terms.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but courts remained vulnerable to political pressure, bribery, and intimidation.

The Supreme Court has the right to review the constitutionality of legislation passed by parliament. Appellate and district courts were increasingly independent, although occasionally they remained susceptible to political pressures.

The judicial system consists of three levels: district courts, appellate courts, and the Supreme Court. The Constitutional Council, chaired by the prime minister, nominates the chief justice of the Supreme Court. After an advisory hearing before the Parliamentary Special Hearing Committee, the Constitutional Council may then appoint the new chief justice. After advisory hearings the chief justice, on recommendation of the Judicial Council, appoints other Supreme Court justices. The Council also is responsible for the assignment of judges, disciplinary action, and other administrative matters. A special court hears cases related to narcotics trafficking, trafficking in persons, mainly women and girls, crimes against the state, corruption, and crimes related to foreign currency.

Delays in the administration of justice were a severe problem. As of December 18, the Supreme Court reported a backlog of 13,489 cases, the appellate courts had 7,803, and district courts had 30,819. There was no indication that this backlog improved during the year.

Trial Procedures

While the law provides for the right to counsel, equal protection under the law, protection from double jeopardy, protection from retroactive application of the law, and public trials, these rights were not equally applied except in a few security and customs cases. Judges decide cases; there is no jury system. All lower court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last resort.

The law provides detainees with the right to legal representation and a court-appointed lawyer, a government lawyer, or access to private attorneys; however, the government provided legal counsel only upon request. Consequently, those persons unaware of their rights may be deprived of legal representation.

Military courts adjudicate cases concerning military personnel under the military code, which provides military personnel the same basic rights as civilians. Military personnel are immune from prosecution in civilian courts, except in cases of homicide or rape involving a civilian. Military courts cannot try civilians for crimes, even crimes involving the military services; these cases are handled in civilian courts.

The authorities may prosecute terrorism or treason cases under the Treason Act. Specially constituted tribunals hear these trials in closed sessions, but no such trials have occurred since 1991.

Although the Maoists announced the dissolution of their parallel government structures and courts on January 18, according to police and NGO reporting, they continued to function in some districts, particularly in rural areas. Even in areas where they no longer functioned, the Maoists often expected previous decisions and sentences to be carried out. These courts had no due process, and handled both criminal and civil cases. According to OHCHR, the people's courts did not provide minimum guarantees of due process and fair trial.

Political Prisoners and Detainees

There were no reported political prisoners or detainees at year's end.

Civil Judicial Procedures and Remedies

During the year there were no reported government abuses of civil procedures.

Property Restitution

The Maoists returned some previously seized property but kept most illegally seized lands and properties in their possession; they also seized additional properties.

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

Security forces could enter and search houses without warrants. Although illegal, the YCL in practice frequently conducted forced searches of civilian homes and property.

According to INSEC, following three bombings in Kathmandu on September 2, the NP carried out illegal searches and arrested approximately 12 persons. Eight persons were released after the investigation, while four suspects remained in custody facing murder charges at year's end.

Security personnel frequently conducted vehicle and body searches at roadblocks in many areas of the country.

There were no reports of the government forcing civilians to resettle. Some persons who had resettled to escape Maoist extortion, recruitment, or retaliation could not return home.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

There was significant internal conflict in the Terai. Numerous armed groups, many ethnically based, clashed with each other and with the local population. Police were given a limited mandate and were not actively encouraged to promote law and order throughout the country. Members of the Maoists, the Maoist-affiliated YCL, and various other splinter groups in the Terai frequently committed acts of violence, extortion, and intimidation throughout the year.

Killings

INSEC reported that, through December 10, Maoists and members of other armed groups killed between 229 and 234 civilians. OHCHR received reports of more than 130 killings of civilians during the year.

On October 8, cadres of the Janatantrik Terai Mukti Morcha-Goit faction (JTMM-G) shot and killed Ram Babu Sharma Neupane, Secretary of Khutawa Parsauni Village Development Committee. Bara District coordinator of the JTMM-G, Birat claimed responsibility for the killing.

Child Soldiers

The November 2006 peace agreement forbade the use of children under the age of 18 as soldiers in the armies of either side; however, the Maoists continued to recruit large numbers of children after signing this agreement. At year's end the United Nations Mission in Nepal (UNMIN) was in the process of verifying the status of People's Liberation Army combatants in the cantonments and disqualifying those under 18. On December 22, UNMIN completed the second stage of verification. According to UNMIN's press release on December 27, 2,973 combatants were judged to be under age 18 on May 25, 2006, and 8,640 combatants did not appear for the second round of verification.

Other Conflict-Related Abuses

In some areas Maoists demanded that schools follow a calendar devoid of religious holidays. Maoist extortion and pressure forced private schools, orphanages, and other institutions to close or alter schedules in some districts.

Abuses by the YCL continued relatively unabated throughout the year. According to OHCHR, abuses by the YCL were conducted in a manner similar to those carried out earlier by other CPN-M cadres. They include abductions and ill-treatment in captivity, attacks on physical and mental integrity, and the violent disruption of political activities. They also included threats against newly established police posts and violence against several government officials and property.

OHCHR also received reports of "donations" ranging from \$281 (20,000 rupees) per month to \$5,627 (400,000 rupees) representing one-time payments requested in the name of the YCL from business representatives. The businesses often asked OHCHR not to raise the cases for fear of reprisals.

Maoists regularly extorted money from businesses, workers, private citizens, and NGOs. When individuals or companies refused or were unable to pay, Maoist recrimination frequently was violent, or implied the threat of violence.

Maoist-inspired work stoppages, enforced through violence and intimidation, caused particular hardship to workers in many economic sectors.

On August 9, a group led by Maoist cadre members attacked a police post in Nuwakot District, stealing two guns and approximately 100 rounds of bullets from three police officers who were at the post.

On November 1, YCL cadre members beat two persons whom they forcefully captured from the premises of the Ministry of Local Development in Lalitpur District.

On November 18, members of the YCL abducted six persons, including doctors and directors of Nobel Medical College, based in Biratnagar, Kathmandu, and tortured them for 14 hours at an unidentified location near Kamidanda in Kavre District.

On December 5, Maoist cadres beat a foreign tourist at Birethani in Kaski District who did not pay the "donation" that the cadre demanded.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press.

After consultation with the parties, the Election Commission agreed upon an Election Code of Conduct for parties and the media for the Constituent Assembly election. The code was enforced as of September 18, but the government suspended it on October 5 after postponing the election.

On November 16, government officials briefly detained 39 journalists who were staging a sit-in protest in front of the southern gate of Singha Durbar, the main government compound in the capital. The journalists were protesting the failure of the government to take action against the Maoist cadres who were involved in the killing of journalist Birendra Shah.

The Maoists imposed restrictions on free press through intimidation and labor disputes involving affiliated unions. On July 20, the Maoist trade union federation, headed by Shalikram Jamakattel, threatened and attacked press and distribution staff of *The Himalayan Times* and *Annapurna Post*. Unable to stop the printing, they commandeered vehicles leaving the printing office and prevented distribution of the papers. After a few days of growing public pressure and discontent, the Maoist union relented.

The independent media was active and expressed a wide variety of views. Hundreds of independent vernacular and English-language newspapers were available, representing various political viewpoints. *Kantipur* and *The Kathmandu Post* (Nepali and English language versions of the same paper) reported independently. Both *Gorkhapatra*, the government-owned Nepali-language daily, and *The Rising Nepal*, the third largest English-language daily, reflected government policy that included Maoist views since the April 1 appointment of a Maoist as Minister of Information and Communication. *Janadesh*, the Maoist-published newspaper, remained a source of Maoist propaganda.

On July 26, authorities fired 49 journalists working for the government-owned Gorkhapatra Corporation, reportedly on the basis of their political views. On August 9, the YCL attacked journalists staging a sit-in demanding their reinstatement.

Foreign publications were widely available, and none were banned or censored during the year. Foreign print media operating in and reporting on the country were allowed to operate freely.

The Broadcast Act allows private television and FM radio broadcasts. The government owned two television stations, Nepal TV and Nepal TV Metro, and controlled one radio station that broadcast both shortwave AM and FM signals. There were more than 60 independent radio stations that reached over 90 percent of the population. Radio remained the primary source of information for a majority of the population.

The Maoists opposed freedom of expression, and through intimidation and job actions by affiliated unions, attempted to

restrict print and broadcast media. Maoists threatened private FM radio stations to force them to broadcast Maoist propaganda, and the Maoists themselves operated both fixed site and small, mobile FM radio stations that broadcast propaganda. Maoist radio stations broadcast widely.

During the first week of August pro-Maoist workers presented the management of Radio HBC FM with a list of demands related to pay and job conditions and padlocked part of the facility. In reaction, the FM management stopped broadcasting. On August 29, two days after management advisor Birendra Dahal ended his fast-until-death in support of press freedom, he posted a notice that all journalists and employees were fired. The move drew widespread criticism and staffers protested. In September management conceded the major demands of the protesting employees, and the radio resumed transmission.

On September 26, the Maoist-aligned All Nepal Communication, Press and Publications Trade Union prevented work in the marketing department of Kantipur Publications. As a result, on September 27 *Kantipur* and *The Kathmandu Post* appeared without advertising.

According to the Federation of Nepalese Journalists, from January through November 30, Maoists killed one journalist and abducted another, while police officials arrested 39 journalists.

On July 5, a group of Maoists allegedly abducted journalist Prakash Singh Thakuri from Kanchanpur. A team of human rights organizations, including representatives from the International Institute for Human Rights, Environment, and Development (INHURED), INSEC, the Institute of Human Rights Communication Nepal(IHRICON), and AF, initiated a probe on a request by Janaki Thakuri, Prakash's wife. According to the report by the team, Maoists were responsible for the abduction. On July 8, police arrested a local Maoist leader, Pom Lal Sharma, for his alleged involvement in the abduction. He was released after he told police he had only shown the house of Thakuri to some YCL cadres. The YCL denied its involvement.

On October 3, an unknown group abducted Pappu Gurung from Dodhara district. On October 5, Maoists abducted Birendra Shah, a central member of Press Chautari Nepal and correspondent of Kathmandu-based Nepal FM, in Bara district. The International Federation condemned the disappearances. Shah's body was recovered on November 8, and Maoists took responsibility for the killing. The interim government appointed a parliamentary panel headed by Urmila Aryal to investigate the incident in Bara. The panel concluded that local Maoists had been responsible for the attack. At year's end the government had not taken further corrective action to investigate these cases.

Members of other small ethnically based groups committed numerous acts of violence against journalists throughout the year. For example, on January 28, MPRF activists beat several local journalists, including photojournalist Ram Sarraf, Dhruva Shah of *Birgunj Post* and Bhuvan Jha. Several journalists left Birgunj after the MPRF cadres announced a list of journalists against whom action would be taken. Shyam Banjara of *Narayani Today*, Govinda Devkota of Narayni FM radio and Gopal Devkota of Nepal Television were among those who received threats. As a protest, the journalists in Birgunj temporarily stopped publishing their daily newspapers.

On January 30 in Inaruwa, MPRF cadres threatened *Kantipur* correspondent Bedraj Poudel with death because he had not published a story about the forum's ongoing activities. Following the threats, Poudel abandoned his work, citing security concerns.

On February 4, MPRF cadres in Nawalparasi threatened *Kathmandu Post* correspondent Chetan Adhikari and two other journalists. They ordered Adhikari, Hari Sharma of the Federation of Nepali Journalists (FNJ), and Tikaram Gaire, chairman of Nepal Press Union (NPU) in the district, to publish news of the MPRF agitation campaign on the front page or to face retaliation. Following the threat, an FNJ team in the district called on the CDO to demand safety for journalists.

On May 18 in Rautahat, a military commander of the Janatantrik Terai Mukti Morcha (JTMM-J) threatened to kill *Kathmandu Post* correspondent Shiva Puri and five other local journalists, Sanjay Karki, Ashok Pahari, Fani Mahat, Ratna Adhikari and Bipin Gautam because the journalists allegedly had written "reports against JTMM men." JTMM-J military commander "Prabhu" phoned Puri and threatened to kill him for allegedly broadcasting a news item on Radio Birgunj FM against JTMM-J commander Khaheru Dewan.

On June 16, MPRF cadres in Itahari burned 7,500 copies of *Nepal Samacharpatra* and 2,500 copies of *Jana Bidroha* because the newspapers had allegedly not printed MPRF-related news items.

Internet Freedom

There was no reported monitoring or blocking of Internet sites.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

Maoist groups curtailed academic freedom, regularly extorted money from private schools and teachers, and inflicted punishment on school officials. Despite the Comprehensive Peace Agreement, the country's media continued to report instances of abduction, extortion, and intimidation by Maoists outside the Kathmandu valley, although at a much lower level than in 2006.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of peaceful assembly and association; however, the interim government sometimes restricted freedom of assembly. Authorities arrested Badi activists in August after a peaceful protest for housing and jobs outside Singha Durbar.

Freedom of Assembly

The law provides for freedom of assembly, and it was generally respected. Under domestic law, CDOs are authorized to impose curfews if there is a possibility that peace may be disturbed as a result of demonstrations or riots. The curfews imposed during the September unrest in Kapilvastu were not criticized by the OHCHR or other domestic groups.

The Tibetan community reported it faced fewer restrictions on holding public celebrations during the year.

Freedom of Association

The law provides for freedom of association, and it was respected. Government officials no longer refused to register any organizations whose titles contained the words, "Jesus, Bible, Christian, or church." There was no change in the status of the Bhota Welfare Society; a Supreme Court hearing was repeatedly postponed.

c. Freedom of Religion

The law provides for freedom to practice one's own religion and permits the practice of all religions, but prohibits converting others and proselytizing. A conviction for conversion or proselytizing can result in fines or imprisonment, or in the case of foreigners, expulsion from the country; however, there were no incidents of arrest for conversion or proselytizing during the year. Some Christian and Muslim groups were concerned that the ban on proselytizing limited the expression of non-Hindu religious beliefs.

On January 15, the expanded interim parliament promulgated the Interim constitution, in which Part 1, Article 4 declares the country a secular state.

Members of minority religions occasionally complained of police harassment. Authorities limited the location of and otherwise restricted many public celebrations by the Tibetan community, especially those with political overtones.

There were some reports that Maoist cadres restricted religious freedom in parts of the country by demanding the use of religious organization facilities for their activities, attacking places of worship, and harassing religious workers.

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

A conviction for conversion or proselytizing can result in fines or imprisonment, or in the case of foreigners, expulsion from the country; however, there were no incidents of arrest for conversion or proselytizing during the year.

Societal Abuses and Discrimination

Although prohibited by law, citizens practiced caste discrimination in a wide variety of religious, professional, government, and social environments, and such discrimination strongly influenced society.

On March 25, teachers prevented Dalit students of Fadke Dhunga Primary School, Parvat, to participate in the practical examination for a cooking class. After they were urged to do so by the District Education Office and the court, the teachers and school administration issued a public apology, paid compensation of \$550 (35,000 rupees) to all of the students and permitted the Dalit students to take the exam.

On October 24, 13 Dalits of rural Tallosworad (Baitadi) were beaten allegedly by local villagers because they had refused to eat buffaloes slaughtered during a Hindu religious festival. Local villagers also looted goods worth approximately \$7,900

(500,000 rupees) from Dalit-owned shops. Local mediation to resolve the case was eventually successful.

Also in Baitadi, following advocacy by OHCHR and Dalit organizations, for the first time the NP registered a FIR under discrimination charges against higher caste individuals for allegedly assaulting 12 Dalits after they refused to participate in traditional discriminatory practices during the Dashain festival.

After the interim government declared the country a secular state, the Maoists no longer forced schools to follow a calendar that did not allow for religious holidays. Instead, they strongly encouraged local authorities and schools to make their holiday schedule based on all religions, not only Hinduism. Maoists forced some Christian churches to close after the churches refused to meet their demands for extortion and support.

There are no known Jewish adherents in the country and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement.

The government regularly restricted refugees' right to travel freely inside and outside of the country. Bhutanese refugees, numbering approximately 107,000, were required to live in seven camps in the eastern portion of the country. Tibetan refugees were allowed to travel freely within the country but had difficulty obtaining documentation for foreign travel. Those Tibetans registered as refugees prior to 1989 were able to obtain travel documents with difficulty. Approximately 5,000 Tibetans who reached the age of 18 after 1989, however, had not been issued refugee ID cards and were thus unable to obtain documents for foreign travel.

Numerous politically agitating groups restricted freedom of movement within the country, including forcing transportation strikes, known locally as "bandhs." Maoist and YCL cadres called multiple bandhs throughout the year to force attention to political issues, even after joining the government. On January 24, to pressure the government to amend the Interim constitution, adopt proportional representation, and guarantee a separate "Kirant Republic," the Kirant Workers' Party called for a one day strike of shops, schools, factories, and traffic in eastern areas of the country. On July 18, to promote their demand for autonomous states for Limbuwan and Khumbuwan areas, the Aanyukta Limbuwan Rajya Parishad and Khumbuwan Rastriya Morcha shut down schools, businesses, and transportation for one day.

The law prohibits forced exile, and it was not used during the year. The government allowed citizens to emigrate and those abroad to return and was not known to revoke citizenship for political reasons.

Internally Displaced Persons (IDPs)

Although the government and Maoists agreed to support the safe and dignified return of IDPs to their homes, the agreement was not implemented. Several UN agencies, including the UN High Commissioner for Refugees (UNHCR), OHCHR, and the UN Development Program, continued working with the government to develop an IDP policy that was consistent with international principles. The UNHCR estimated a current population of between 50,000 and 70,000 IDPs in Nepal. The government allowed several international organizations, such as the ICRC, Caritas and Action Aid Nepal, to initiate programs to assist IDPs. According to UN agencies, the main obstacle preventing most IDPs from returning was fear of Maoist reprisal and refusal by local Maoist commanders to allow IDPs to return home.

On December 30, 244 persons from 46 internally displaced families returned to their home villages in Dailekh and Jajarkot districts.

Protection of Refugees

The government has no national legislation to provide for the granting of asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The government, however, has had ad hoc administrative discussions, which have been used to develop policies that provide protection for Bhutanese and Tibetan refugees.

Since 1991 the government has provided asylum to approximately 107,000 persons who claimed Bhutanese citizenship. Almost all of these refugees lived in camps in the southeastern part of the country. The UNHCR monitored the condition of the refugees, and international organizations and NGOs provided for their basic needs, including education and healthcare. The government accepted the refugees' presence on humanitarian grounds. Lutheran World Federation administered the camps and the World Food Program provided food assistance; the Association of Medical Doctors of Asia provided medical care and Caritas and others also provided organized assistance to the refugees in the camps. The

government officially restricted the refugees' freedom of movement and work, but those restrictions were not strictly enforced.

During the year the UNHCR completed a census begun in 2006 of the Bhutanese refugee population. In October the government granted permission to the population defined in the census to seek resettlement to a third country. Security was a problem in the camps throughout the year due to criminal elements in the camps and political disputes over third-country resettlement. The security situation delayed government approval for resettlement. In response, in October, the UNHCR completed construction of facilities to house an APF presence in all seven camps, easing the way for government to announce its approval of third-country resettlement. While the government approved resettlement, it had not, by year's end, implemented a practical system to allow the refugees to obtain the exit permits necessary for their departure.

Between 1959 and 1989, the government accepted approximately 20,000 Tibetan refugees as residents. Since that time, most Tibetans arriving in the country have simply transited on their way to India. However, some remained or returned, although the exact number was not known.

Tibetans continued to transit through the country on their way to India in significant numbers and, generally, the government continued tacitly to sanction that practice. During the year 2,156 Tibetans transited the country. There were credible reports by Tibetan refugees of increased harassment by Chinese border guards. Refugees also reported that border officials frequently tolerated incursions into the country by Chinese border officials pursuing refugees. According to refugee reports, Maoists regularly robbed Tibetan refugees traveling from border areas to Kathmandu.

Many of the Tibetans who live in the country have irregular status. Business ownership, licenses, and most legal transactions must be accomplished with the assistance of local friends or associates. This has made them especially vulnerable to those, primarily Maoists, who extort money from business owners, even very small business owners, and others. Tibetans also reported numerous cases of abduction for the purpose of extortion.

In practice the government generally provided protection against refoulement, the return of persons to a country where they feared persecution. On July 16, however, the Immigration Office deported a Tibetan refugee accused of crimes in the country to Tibet. The government responded to protests against the deportation by claiming the refoulement was the result of confusion over the government's policy and miscommunication.

The government allowed the UNHCR to provide limited services for the so-called urban refugees, asylum seekers from countries such as Somalia, Nigeria and Iraq, but objected to the UNHCR's mandated practice of making refugee status determinations. In March at the request of the government, the UNHCR suspended refugee status determinations pending further discussions with the government.

Stateless Persons

In 1995 the government estimated that 3.4 million individuals in the country were de facto stateless in the sense that their nationality had not been documented. Acquisition of citizenship in the country was not automatic. Individuals must register formally and apply for nationality at the age of 18, and many individuals did not take the initiative to do so. During the year the government attempted to register and formally recognize the nationality of these stateless persons. Between January and April "citizenship distribution teams," dispatched to local areas throughout the country by the Ministry of Home Affairs Citizenship Cell, distributed citizenship certificates to 2.6 million persons. By year's end the approximately 800,000 persons who remained stateless were still able to register their citizenship, but the citizenship distribution teams were no longer traveling throughout the country.

All of the refugees in the country, Tibetans, Bhutanese, and urban, are stateless persons. The 20,000 Tibetan refugees who arrived in the country prior to 1989 have Refugee Identity Cards which provide minimal rights and protections, but the government would not issue cards to the estimated 5,000 Tibetans born in the country after 1989 or to any of the other Tibetans who arrived after that time.

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

The law provides citizens with the right to change their government peacefully; however, citizens were not afforded this right in practice. The parliament elected in 1999, which had been dissolved in 2002 and whose term should have expired in 2004, was reinstated in April 2006, and additional, unelected, members were added in January. The interim government twice postponed elections to a Constituent Assembly.

Elections and Political Participation

National elections were held three times throughout the country during the 1990s. International observers considered the 1999 elections, the most recent national elections, to be generally free and fair. The most recent local elections, held in 2006, were not considered free and fair.

At year's end the interim constitution provided that the CA would consist of 601 members, with 240 elected by a first-past-the-post system, 335 by proportional representation, with quotas for Dalits, oppressed caste/indigenous ethnic groups, Madhesis, women, and other underrepresented groups, and 26 nominated by the cabinet.

There are no specific laws that restrict women, indigenous people, or minorities from participating in government or in political parties, but tradition limited the roles of women and some castes and ethnicities in the political process. Most of the larger political parties had associated youth wings, trade unions, and social organizations. Three women serve in the current cabinet as ministers.

No specific laws prevented minorities from voting or restricted their participation in government or political parties on the same basis as other citizens. Members of certain castes traditionally held more power than others. Of the 23-member cabinet, seven members were from ethnic minority communities.

Government Corruption and Transparency

The law provides for an anticorruption authority, the Commission for the Investigation of the Abuse of Authority (CIAA), which is mandated to investigate official acts of corruption. The CIAA claimed it had an 80 percent success rate concerning corruption cases it filed, but some cases involving politicians were not filed or were defeated in court. The World Bank's worldwide governance indicators suggested that corruption was a severe problem in the country.

On July 18, the interim parliament passed the Right to Information Bill, which mandated that public organizations provide citizens with information as quickly as possible and inquiries should be met within 15 days following the request. If authorities deny individuals access to information, they must provide a valid explanation. The bill provides five exemptions for withholding information. Authorities are permitted to withhold information in the following cases: if doing so would hamper the investigation and filing of criminal cases, to protect the economic and commercial interest of the country, to preserve banking and commercial secrecy, or to prevent a disruption of communal harmony or a disruption to personal life or security.

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

A number of domestic and international human rights groups generally operated without government restriction and were able to investigate and publish their findings on human rights cases. Government officials sometimes were cooperative and responsive to their views.

There were approximately 10 independent, domestic human rights NGOs, including the Human Rights Organization of Nepal, INSEC, the INHURED, and the Human Rights and Peace Society. The Nepal Law Society also monitored human rights abuses, and a number of other NGOs focused on specific areas such as torture, child labor, women's rights, or ethnic minorities.

According to the UN Office for the Coordination of Humanitarian Affairs, there were occasional credible claims that Maoists refused to allow human rights NGOs (and journalists) to enter certain districts without party permission.

The government welcomed and regularly granted visas to international NGOs and other human rights monitors, including members of Amnesty International and Human Rights Watch. Authorities generally gave international observers access to barracks and places of detention. International observers had not been granted access to courts martial and military investigations.

As set out in the November 2006 peace agreement, the OHCHR worked with the interim government to formulate and implement policies and programs for the promotion and protection of human rights.

The OHCHR released 37 press releases and three reports during the year. The first report presented findings of the OHCHR's investigation into the killings in Gaur and surrounding villages; the second covered allegations of human rights abuses by the YCL; the third assessed human rights one year after the signing of the November 2006 peace agreement. The media covered all reports freely.

Until a new set of commissioners was sworn in on September 18, the NHRC had limited capacity to implement recommendations. After the commissioners were sworn in, the NHRC began to investigate past and current allegations of abuses. While the commission continued to operate independently, it was unable to move investigations forward without effective leadership. Resource constraints and insufficient manpower restricted the number of cases the commission investigated. Once the NHRC completes an investigation and makes a recommendation, the government has three months to respond. The commission received 923 complaints of human rights violations from January to July. The NHRC identified 646 persons who disappeared in government custody and who remained unaccounted for at year's end. The NHRC also investigated illegal detention and arrest of acquitted persons. The NHRC reported open access to government

detainees across the country.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law specifies that the government shall not discriminate against citizens on grounds of race, sex, caste, or ideology; however, a rigid caste system continued to operate throughout the country in many areas of religious, professional, and daily life. Societal discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas.

Women

Under Nepali Civil Code, sentencing provisions for rape depend upon the age of the female victim. If a person is convicted of raping a girl under the age of 10, the possible jail sentence ranges from 10 to 15 years; if the girl is above 10 and below 14 years, the jail sentence ranges from eight to 12 years; if the girl is above 14 and below 16 years, the jail sentence ranges from six to 10 years; if the girl is above 16 and below 20 years, the jail sentence ranges from five to eight years; and, if the girl is over 20 years, the jail sentence ranges from five to seven years. The victim's compensation is dependent on the degree of mental and physical torture suffered. Discrimination in legal provisions for rape of a prostitute is considered ultra virus; the victim receives the same legal benefits as other women and the rapist receives the same punishment. The Gender Equality Amendment Act of 2006 broadened the definition of rape to include marital rape, and under this act the husband can be jailed for three to six months.

Domestic violence against women was a serious problem that received limited public attention. There was a general unwillingness among police, politicians, citizens, and government authorities to recognize violence against women as a problem. Sensitizing programs by NGOs for police, politicians, and the general public continued to lead to a greater awareness of the problem. The women's cell of the police received 1,100 reports of domestic violence between July 2006 and June. However, in the absence of a domestic violence law, police were unable, or unwilling, to file cases against the accused.

Police had 24 women's cells in 20 of the country's 75 districts. The female officers in the cells received special training in handling victims of domestic violence and trafficking. Police also issued directives instructing all officers to treat domestic violence as a criminal offense that should be prosecuted. Nevertheless, according to police officials, this type of directive was difficult to enforce because of entrenched discriminatory attitudes among police. Even if police made arrests, often neither the victim nor the government pursued prosecution.

More than 20 NGOs in Kathmandu worked on the problem of violence against women and on women's issues in general and provided shelter, medical attention, counseling, and legal advocacy for the victims of violence. Some of these NGOs had branch offices providing similar services in other districts.

Between July 2006 and June, 317 cases of rape and 70 cases of attempted rape were filed in the court, according to the women's police cell. A survey conducted by Saathi in 2003, an NGO addressing the issue of gender based violence, found that 39 percent of rape victims who reported the crime to police were under the age of 19. Of those victims who reported the crime to the authorities, 25 percent said the government arrested and convicted the perpetrator. According to SAATHI, police and the courts were quick to respond to rape cases.

A study conducted by SAATHI and SNV Nepal in 2001 indicated that the victims of rape endure major physical, psychological, economic, and social impacts. Victims of rape often reported being treated as a social outcast, and endured severe feelings of shame. A few reported having to leave temporarily their homes and community once a rape incident was made public.

Incidents of rape continued to be a problem and went unreported in most cases.

The dowry tradition was strong in the Terai districts bordering India; however, the killing of brides because of defaults on or inadequacy of dowry payments was rare. More often, husbands or in-laws seeking additional dowry physically abused wives, or forced the woman to leave so that the man could remarry.

On November 6, Hasrun Idris, 22, of Nepalgunj was severely burned by her husband and in-laws who were dissatisfied with the dowry her family had paid. Police arrested the husband and in-laws and at year's end, the case was under review.

Traditional beliefs about witchcraft generally involved elderly rural women and widows. Shamans or other local authority figures sometimes publicly beat and physically abused suspected witches as part of an exorcism ceremony. The media or NGOs reported numerous cases of this superstition-related violence during the year, including a case on April 14 in which authorities evicted Kopila Bishwokarma and her two young children from their house at Begnas Lake in the western part of the country after locals threatened to demolish their dwelling. Neighbors had repeatedly accused Bishwokarma of practicing witchcraft and had prevented her from going to the police. Local officials took no action against the neighbors. In

2003 the NHRC asked the government to develop a mechanism to prevent such abuses and to provide compensation to the abused. The district administration office in the district where the violence occurred handled all cases of witchcraft violence. At year's end the government had not taken action on the 2003 NHRC recommendation.

Trafficking in persons, mainly women and girls, remained a serious problem throughout the country, and large numbers of women were forced into commercial sexual exploitation in other countries. Forced prostitution was illegal, but there were no laws banning prostitution by choice.

Although the law provides protections for women, including equal pay for equal work, the government did not take significant action to implement those provisions, even in many state industries. Women faced systematic discrimination, particularly in rural areas, where religious and cultural traditions, lack of education, and ignorance of the law remained severe impediments to the exercise of basic rights, such as the right to vote or to hold property in their own names. Unmarried, widowed, and divorced women were able to inherit parental property. Since November 2006, citizenship may pass through the mother, and the children of female citizens married to foreign spouses can claim citizenship.

Women may register birth and death information. Women did not need permission from their husband or parents to get a passport. Women did not need the permission of their husband, son, or parents if they wished to sell or hand over ownership of property.

Many discriminatory laws remain even after the Gender Equality Act, passed in September 2006, amended 56 out of 173 discriminatory provisions in various laws. For example, the law on property rights favors men in its provisions for land tenancy and the division of family property. The Foreign Employment Act requires women to get permission from the government and their guardian before seeking work through a foreign employment agency. The law encourages bigamy by allowing men to remarry without divorcing their first wife if she becomes incapacitated or infertile.

According to the 2001 census, the most recent statistics available, the female literacy rate was 43 percent, compared with 65 percent for men. NGOs focused on integrating women into active civil society and the economy. Most political parties had women's groups that advocated for women's rights and brought women's issues before the party leadership.

Children

Although the law provides for the welfare and education of children, its implementation was uneven. Education was not compulsory. However, government policy provided free primary education for all children between the ages of six and 12 years. The quality of education was often inadequate, and many families could not afford school supplies and clothing. Schools did not exist in all areas of the country. Approximately 60 percent of the children who worked also attended school. However, approximately 70 to 75 percent of boys who worked went to school, compared with only 50 to 60 percent of the girls who worked. Human rights groups reported that girls attended secondary schools at a rate half that of boys. In 2003 the Department of Education issued a report that one-quarter of elementary school-age girls were deprived of basic education. The government claimed that 86 percent of school-age children were attending public schools. There were a reported 2,500 madrassas functioning throughout the country.

The government provided basic health care free to children and adults, but government clinics were poorly equipped and few in number, and serious deficiencies remained. Some health clinics in rural areas were forced to close due to Maoist intimidation.

Violence against children was rarely prosecuted, and abuse primarily manifested itself in trafficking of children. Commercial sexual exploitation of young girls remained a serious problem.

Societal attitudes in parts of the country viewed a female child as a commodity to be bartered in marriage, or as a burden. Some persons considered marrying a girl before menarche an honorable, sacred act that increased one's chances of a better afterlife. As a result, although the law prohibits marriage for girls before the age of 18, child brides were common. Social, economic, and religious values promoted the practice of child brides. According to the Ministry of Health, girls' average age of marriage was 16 years of age, and boys' average age was 18. An age difference in marriage often was cited as one cause of domestic violence.

Maoists abducted teenagers and some younger children to serve as porters, runners, cooks, and armed cadres. Most children abducted from their schools for political education sessions were returned within a few days, but some remained with the Maoists, either voluntarily or under compulsion. The NA estimated that 30 percent of Maoist guerillas were under the age of 18, and some were as young as 10. The November 2006 peace agreement expressly forbade the recruitment of children into the armed forces of either side, but the Maoists continued to recruit children in large numbers.

There were three cases of female infanticide reported to the police women's cell between July 2006 and June.

Internal displacement due to the decade-long Maoist conflict, including of children, continued to be a problem, with

estimates of the number displaced ranging widely. According to a 2005 report by Caritas, approximately 40,000 children had been displaced due to the armed conflict in the last 10 years. As IDPs, children faced inadequate access to food, shelter, and health care, and had limited access to education.

Trafficking In Persons

The law prohibits trafficking in persons and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and children remained a serious problem. On July 18, the interim parliament passed the Trafficking in Persons and Transportation Control Bill. For the first time the government celebrated September 6 as National Anti-Trafficking Day. During the year enforcement of antitrafficking statutes improved but remained sporadic. The law prohibits selling persons in the country or abroad.

The country was a source country for trafficking. Young women were the most common targets. Trafficking of boys for commercial sexual exploitation rarely was reported, but girls as young as nine years of age were trafficked, primarily to neighboring countries, including India. While the vast majority of trafficking was of women and girls for sexual exploitation, men, women, and children were trafficked for domestic service, manual or semiskilled bonded labor, work in circuses, or other purposes. Men were also trafficked for involuntary servitude in Iraq by labor recruiting agencies; they generally were promised jobs in other Gulf countries, but were subsequently transferred to Iraq under threat or deception. There were more reports than in previous years that men were trafficked for labor exploitation to Gulf countries. Pourakhi, a NGO working with returnee migrant workers, estimated 3 percent of more than 5,000 migrant workers per year who departed for destinations other than India were trafficked. Most women and girls trafficked from the country went to India, lured by promises of good jobs or marriage. Internal trafficking for forced labor and sexual exploitation also occurred. Save the Children and Action Aid conducted research linking conflict, migration, and employment. The studies indicated that internal trafficking likely was on the rise due to the lingering effects of the insurgency, as rural women and children left their homes to seek employment and security in urban centers. Despite the cease-fire, many women and children were afraid to return home due to continuing political instability. Persons rescued from trafficking and their families often faced social stigmatism. Maiti Nepal, a domestic NGO, provides transit homes for girls rescued from trafficking. At the shelters in Kathmandu and Ilam, girls can stay up to six months and learn income generating skills. In December there were 60 girls in Maiti Nepal's shelter homes in Kathmandu. Other NGOs also provided transit homes.

The government has a national plan to combat trafficking and a National Rapporteur on Trafficking. However, political instability and security problems hindered the government's antitrafficking efforts.

According to the Attorney General's office, the government filed 183 trafficking cases in the district attorneys' offices across the country for one year following July 2006. By July 14, of the 183 cases, 37 resulted in full or partial convictions, 22 in acquittal, and 124 remained under investigation.

An estimated 12,000 women and children were trafficked into sexual exploitation in Indian brothels, and an unspecified number were victims of internal sex trafficking. Traffickers posing as labor recruiting agencies sent women to Saudi Arabia, Malaysia, Hong Kong, the United Arab Emirates, and other gulf states for sexual exploitation and domestic servitude.

In 2003 the government lifted a ban on female domestic labor leaving the country to work in Saudi Arabia and other countries in the gulf. The government did not monitor adequately labor recruiting agencies to ensure that workers going abroad attended premigration orientation sessions, or that labor contracts were honored after worker arrival in receiving countries. Recruiters in the country who used deception to trick workers into forced labor in Iraq despite a government ban remained largely unmonitored and unpunished. On July 3 and July 23 respectively, the government signed Memoranda of Understanding (MOU) with the governments of the United Arab Emirates and the Republic of Korea. These MOU are intended to reduce vulnerability to trafficking via labor migration. On August 12, the interim parliament passed the Foreign Employment Bill to license and regulate labor recruiting agencies.

Hundreds of women and girls returned voluntarily or were rescued and repatriated to the country after having worked as commercial sex workers in India. Many had been expelled from their brothels after contracting sexually transmitted diseases or tuberculosis. Most were destitute and, according to estimates by local NGOs Maiti Nepal and ABC Nepal, 50 percent were HIV-positive when they returned. Maiti Nepal, the country's largest antitrafficking NGO, operated a hospice for HIV-positive trafficking victims and their children.

Traffickers were usually from the country or India, and had links to brothels in India, but recruiters who sought girls in villages were primarily citizens. In many cases, parents or relatives sold women and young girls into sexual slavery. Corruption was also believed to facilitate trafficking, but there were few reported investigations or prosecutions of complicit government officials. The government identified 26 high-priority districts as source areas of trafficking and established antitrafficking task forces in each of those districts. Women and youth displaced from homes as a result of the insurgency were especially vulnerable to being trafficked.

While the government lacked the resources and institutional capability to address effectively its trafficking problem, the National Task Force at the Ministry of Women, Children and Social Welfare (MWCSW), established in 2001, continued to

work to coordinate the response to cases of trafficking. From October 2006 to September MWCSW conducted pilot projects at two border crossings, Jhapa in the east and Rupandehi in the west, to combat trafficking. There were programs in place to train police, and the MWCSW worked closely with local NGOs to rehabilitate and otherwise assist victims. Police women's cells in 20 districts worked with NGOs to provide referral services to victims of trafficking and domestic violence. Official corruption related to identity documentation and at ports of entry continued to facilitate the illicit movement of persons across the country's borders.

The government provided limited funding to NGOs to give assistance to victims with rehabilitation, medical care, and legal services. The MWCSW sponsored job and skill training programs in several poor districts with high rates of commercial sex workers who were sent to India. The government protected the rights of victims and did not detain, jail, or prosecute them for violations of other laws.

The government, together with NGOs and international organizations, implemented local, regional, and national public awareness campaigns on trafficking in persons; however, the government failed to budget for adequate police training and resources, and the courts were overburdened. Government welfare agencies worked with NGOs to deliver public outreach programs and assistance to trafficking victims.

Cultural attitudes toward returned victims of trafficking were often negative. There were more than 50 NGOs combating trafficking, several of which provided rehabilitation and skills training programs for trafficking victims. With the government's endorsement, many NGOs created outreach campaigns using leaflets, comic books, films, speaker programs, and skits to convey antitrafficking messages and education in urban, cross-border, and rural areas. Maiti Nepal stationed rehabilitated trafficking victims as guards with government officials to intercept trafficking victims at border crossings.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical and mental disabilities, and there was discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services. The law mandates access to buildings, transportation, employment, education, and other state services, but these provisions generally were not enforced. Despite government funding for special education programs, the government did not implement effectively nor enforce laws regarding persons with disabilities. The MWCSW was responsible for the protection of persons with disabilities. Some NGOs working with persons with disabilities received funding from the government; however, most persons with physical or mental disabilities relied almost exclusively on family members for assistance.

National/Racial/Ethnic Minorities

The law provides that each community shall have the right "to preserve and promote its language, script, and culture" and that each community has the right to operate schools at the primary level in its native language. In practice the government generally upheld these provisions.

There were more than 75 ethnic groups that spoke 50 different languages. In remote areas school lessons and radio broadcasts often were in the local language. In urban areas, education was almost exclusively offered in Nepali or English.

Discrimination against lower castes and some ethnic groups, particularly Madhesis and Janajatis, was especially common in the Terai and in rural areas in the western part of the country, even though the government outlawed the public shunning of Dalits and made an effort to protect the rights of the disadvantaged castes. Economic, social, and educational advancement tended to be a function of historical patterns, geographic location, and caste. Better education and higher levels of prosperity, especially in the Kathmandu valley, were slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes continued to dominate politics and senior administrative and military positions, and to control a disproportionate share of natural resources.

Caste-based discrimination, including barring access to temples, is illegal; however, Dalits were occasionally barred from entering temples. Progress in reducing discrimination was more successful in urban areas.

Other Societal Abuses and Discrimination

The country has no laws that specifically criminalize homosexuality; however, government authorities, especially police, sometimes harassed and abused homosexuals. According to Blue Diamond Society, an indigenous NGO that worked to protect against discrimination against the lesbian, gay, bisexual, and transgender communities, harassment of homosexuals continued.

Between July and September, authorities arrested five transgender persons in Kathmandu. All were released on the same or next day.

On July 2, the NA fired a trainee after keeping her in solitary confinement for 49 days because she was a lesbian. On July 20, the NA fired Bhakti Shat after keeping her for 60 days in solitary confinement for the same offense. Bhakti Shat had served in the NA for four years prior to her dismissal. At year's end, her case was pending.

On December 21, the Supreme Court ruled that sexual minorities (lesbian, gay, bisexual, transsexual, and intersex) are "natural persons" and should be allowed to enjoy all the rights defined by national and international human rights law and instruments.

Section 6 Worker Rights

a. The Right of Association

The law provides for the freedom to establish and join unions and associations, and these rights were protected in practice. The law permitted the restriction of unions only in cases of subversion, sedition, or similar conditions. Trade unions developed administrative structures to organize workers, to bargain collectively, and to conduct worker education programs. The three largest trade unions were affiliated with political parties.

Union participation in the formal sector accounted for approximately 10 percent of the formal work force. The Labor Act of 1992 and the Trade Union Act of 1992 formulated enabling regulations; however, the government had not fully implemented these acts. 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.

The government did not restrict unions from joining international labor bodies. Several trade federations and union organizations maintained a variety of international affiliations.

The Maoist trade union organized workers and intimidated businesses extensively after the May 2006 announcement of the cease-fire.

b. The Right to Organize and Bargain Collectively

The Labor Act provides for collective bargaining, but the organizational structures to implement the act's provisions were not established. The government allowed unions to operate freely and without interference. Collective bargaining agreements covered an estimated 10 percent of wage earners in the organized sector; however, in general, labor remained widely unable to use collective bargaining effectively due to legal obstacles to striking and inexperience on the part of labor leaders.

The law provides the right to strike except by employees in essential services, and workers exercised this right in practice. The law empowers the government to halt a strike or to suspend a union's activities if the union disturbed the peace or if it adversely affected 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.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. The Department of Labor enforced laws against forced labor in the small formal sector but remained unable to enforce the law outside that sector.

Enforcement of the Kamaiya Prohibition Act by the government was uneven, and social integration of the Kamaiyas--former bonded laborers--was difficult. By 2004, 12,019 Kamaiyas reportedly had received land, 7,149 families had received approximately \$143 (10,000 rupees) for building homes, and approximately 3,000 had received timber to build houses. The government set up temporary camps for approximately 14,000 other Kamaiyas awaiting settlement.

d. Prohibition of Child Labor and Minimum Age for Employment

The law stipulates that children shall not be employed in factories, mines, or 60 other categories of hazardous work and limits children between the ages of 14 and 16 years to a 36-hour workweek (six hours a day and six days a week, between 6 a.m. and 6 p.m.). The Child Labor Act applies only to formal sectors of the economy, such as tourism, cigarette or carpet factories, and mines.

Child labor is a significant problem, particularly in the large informal sector, which included such businesses as portering, rag picking, and rock breaking. Resources devoted to enforcement were limited, and NGOs estimated that 2.6 million children, most of them girls, participated in the labor force. Of that number, 1.7 million children worked full time. The agricultural sector accounted for an estimated 95 percent of child laborers.

The law establishes a minimum age for employment of minors at 16 years in industry and 14 years in agriculture, and it mandates acceptable working conditions for children. Employers must maintain records of all laborers between the ages of 14 and 16. The law also established specific penalties for those who unlawfully employ children. However, the necessary implementing regulations have not been passed. In 2006 the government established the minimum wage for children ages 14 to 16 at approximately \$22 (1,560 rupees) per month, with additional allowances of roughly \$5 (355 rupees) per month for food and other benefits. Roughly 60 percent of children who worked also attended school.

The Ministry of Labor, responsible for enforcing child labor laws and practices, had a mixed enforcement record. According to the ministry, there were 10 labor inspectors employed during the year.

e. Acceptable Conditions of Work

The minimum monthly wage for unskilled labor has not increased since 2006, when the government raised it to approximately \$34 (2,200 rupees). The law also set monthly minimum wages for semiskilled labor at approximately \$36 (2,250 rupees), skilled labor at approximately \$37 (2,360 rupees), and highly skilled labor at approximately \$40 (2,550 rupees). Additional allowances for food and other benefits totaled just over \$17 (1,100 rupees) per month. Wages in the unorganized service sector and in agriculture often were as much as 50 percent lower. The law calls for a 48-hour workweek, with one day off per week, and limits overtime to 20 hours per week. None of these minimum wages were sufficient to provide a decent standard of living for a worker and family.

The government set occupational health and safety standards, and the law established other benefits such as a provident fund and maternity benefits. Implementation of the Labor Act was slow, as the government had not created the necessary regulatory or administrative structures to enforce its provisions. Workers did not have the right to remove themselves from dangerous work situations without fear of losing their jobs. Although the law authorizes labor officers to order employers to rectify unsafe conditions, enforcement of safety standards remained minimal.

