



2008 Human Rights Report: Nepal

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Nepal, a country of approximately 29 million, is in the process of transitioning to a federal democratic republic. On April 10, the Communist Party of Nepal-Maoist (CPN-M or Maoists) won a plurality of seats in constituent assembly (CA) elections. Both domestic and international observers accepted the election results as credible, although there were reports of political violence, intimidation, and voting irregularities. The CA fulfills a dual role of drafting a new constitution and serving as a legislature. Prime Minister Pushpa Kamal Dahal of the CPN-M heads a multiparty coalition government formed August 31 that succeeded a 16-month-old interim coalition government, led by the Nepali Congress Party. Soon after being sworn in on May 27, the CA abolished the monarchy and proclaimed the country a federal democratic republic. Subsequent amendments to the interim constitution provided for a president and vice president. On July 23, Ram Baran Yadav and Pramananda Jha took their oaths of office as president and vice president, respectively. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently.

Members of the security forces committed some human rights abuses during the year, and the Maoists, the Maoist-affiliated Young Communist League (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 (CPA) of 2006. Members of the Nepal Police (NP) and Armed Police Force (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. Numerous armed groups, largely in the Terai region in the lowland area near the Indian border, engaged in attacks against various entities, including civilians, government officials, members of particular ethnic groups, each other, or Maoists. 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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. At year's end a local nongovernmental organization (NGO), Informal Sector Service Center (INSEC), reported 265 persons killed. According to INSEC, security forces killed at least 36 individuals, the Maoist party and its affiliate the YCL was believed to have killed four persons, and more than half of the total number of persons INSEC reported killed could not be linked to a specific group, or the families and reporters were afraid to name the group. The NA was confined to its barracks as a result of the CPA; there were no allegations of human rights abuses filed against the

army during the year.

During recurrent unrest in the Terai region in January and especially the last two weeks of February, authorities often used unwarranted and at times lethal force. According to a report by the UN Office of the High Commissioner for Human Rights (OHCHR), authorities killed six persons during protests in Nepalgunj and the districts of Siraha, Saptari, Nawalparasi, and Sunsari. Five male civilians died as a result of police fire, and one man died from injuries sustained when police hit him with heavy clubs called lathis.

On April 27, according to Human Rights Watch (HRW), the armed wing of the CPN-M abducted, tortured, and killed businessman Ram Hari Shrestha in the Shakti Khor barracks in Chitwan District. The CPN-M wing acknowledged its involvement in the killing, accusing Shrestha of theft. The government did not take any action to investigate the case.

On November 21, an attack in Gaur, Rautahat District, killed nine-year-old Dawal Rai Yadav and seriously injured four others when a socket bomb exploded near the stage set up for a cultural program. No group claimed responsibility for the attack, and no further action had been taken at year's end.

On December 2, activists of Madhesh Rastriya Janatantrik Party (MRJP), an underground Terai group, burned one person to death and injured five others when the group set a bus on fire in Saptari District. A group of approximately a dozen MRJP cadres intercepted the Kathmandu-bound bus at Birendra Bazaar along the East-West Highway, claiming that the bus was defying the MRJP's general strike. According to eyewitnesses and the police, the armed men set the bus on fire without letting passengers get off and looted 500,000 rupees (approximately \$6,500) in cash and valuables from passengers. One passenger burned to death, while 39 others managed to escape.

In September families of the 26 individuals killed in March 2007 during simultaneous but competing political rallies of the CPN-M and the Madhesi People's Rights Forum (MPRF) in Gaur, Rautahat, began to receive promised government compensation.

Authorities arrested and later released two individuals for the June 2007 killings of Binod Pant and Sheshmani Lamichhane.

An independent committee appointed to investigate the September 2007 killing of Moid Khan submitted its report to the government. The report was not made public, and no further action had been taken at year's end.

The government declared Umesh Chandra Thapa, Rishiram Kumal, Bhimsen Dahal, Tulasi Chetri, and Bishnu Pandey, killed in 2006, as martyrs, but no further action was taken.

The NA reported that it formed an army court to investigate the 2005 killing of Devendra Rai. The court found Lieutenant Bhisma Rawal guilty, imprisoned him for 45 days, and demoted him to second lieutenant. The commander of the army post was imprisoned for one month and barred from promotion for five years. The warrant officer was imprisoned for one month and barred from promotion for four years.

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 abandoned or stored by the Maoists continued to kill and injure civilians. In July the United Nations Mission in Nepal (UNMIN) Mine Action Unit concluded the destruction of all IEDs near Maoist Army cantonment sites, in accordance with the CPA. UNMIN destroyed more than 14,000 IEDs across nine different locations and cleared five of the 53 antipersonnel minefields and 25 of the 312 IED fields laid by the NA. The CPA and the 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. At year's end 67 casualties, including 41 children, were reported (63 of which were severely injured and four were killed). IEDs accounted for 63 casualties, and landmines were the source of four casualties.

b. Disappearance

The fate of many of those who disappeared during the 10-year Maoist insurgency was unknown. According to National Human Rights Commission (NHRC) estimates, there were 970 unresolved cases of disappearances at year's end (671 by the state and 299 by the Maoists). INSEC reported 933 unresolved cases (828 by the state and 105 by the Maoists). At year's end the government had not prosecuted any government officials or Maoists for their involvement in disappearances or revealed the whereabouts of the 671 persons identified by the NHRC in 2008 as disappeared by the state.

The government did not take steps to respond to the 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. In 2007 an NA Investigation Task Force forwarded information on 12 of the disappeared to the Ministry of Defense and the Interim Parliament, and according to the Ministry of Defense, the information was made public. The NA reported it received no further instructions from the government regarding the issue.

On December 17, the NHRC released a report announcing that the laboratory tests of DNA samples collected in December 2007 from a suspected mass grave site of victims disappeared by the Bhairabnath Battalion confirmed the remains of one male human. The investigation to identify these remains was ongoing at year's end.

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

Although torture is prohibited in the Interim Constitution of 2007, the law does not clearly criminalize torture. The Torture Compensation Act (TCA) provides for compensation to victims of torture; however, the victim must file a complaint and pursue the case through the courts, while alleged perpetrators are defended by the Attorney General's Department.

The Center for Victims of Torture, Advocacy Forum-Nepal (AF), and OHCHR reported that security forces commonly blindfolded detainees and beat the soles of their feet, as well as kicked and beat detainees with plastic poles or bamboo sticks. Detainees tortured during the armed conflict also reported that perpetrators walked on their chest and abdomen, cut their skin with razor blades, kicked them in the groin, poured water into their nostrils, whipped and beat them, threatened that their family members would be raped and killed, slapped them on the head and face, made them jump up and down repeatedly, required them to eat food mixed with grains of glass, and forced them to drink human urine. Of the 3,731 detainees interviewed during the year by AF in 15 districts around the country, 1,228 claimed they were tortured. Citizens were afraid to bring cases against the police for fear of reprisals.

According to a November HRW report, there were more than 200 cases during the year of torture or abuse in police custody of boys and girls as young as 13 years, mostly during interrogations. HRW reported that children were allegedly kicked, hit in the body with fists, had metal nails inserted under their toenails, and were hit on the soles of the feet, thighs, upper arms, backs of hands, and the back with bamboo sticks and plastic pipes. A local child rights NGO, Child Workers in Nepal, registered 37 cases of abuse of children in police custody during the year.

On September 9, according to Amnesty International, police detained and allegedly tortured Sumitra Khaws at

Belbari Police Station in Morang District. Police allegedly tortured Khaws for at least two hours on September 10 and tried to make her sign a confession to the murder of her husband, a charge she denied. During the interrogation the officer in charge of the station, along with a female and a male officer, allegedly beat Khaws repeatedly with the inner tube from a car tire and punched her. The officer in charge threatened to give her electric shocks and put poisonous lizards inside her clothes, and ordered her to strip naked. Police initially allowed AF to visit Khaws at the police station but refused to allow further visits.

On October 14, police arrested Chandra Kumar Yadav of Siraha District for the murder of Communist Party of Nepal-United Marxist Leninist (CPN-UML) cadre Utim Lal Mahato. Police claimed that they brought Yadav to the district hospital for treatment. When Yadav failed to receive sufficient treatment there, police attempted to bring him to Janakpur for further treatment, but he died on the way. Yadav's family members alleged that Yadav died after being severely tortured while in custody inside the district police office at Siraha. The MPRF and other organizations staged demonstrations in Siraha to protest the killing. On October 23, police arrested Sub-Inspector Ram Bahadur Dhakal, Head Constable Hari Shankar Yadav, and Police Constable Surendra Prasad Chaudhari. At year's end the case was under investigation.

On January 13, an APF constable allegedly raped a 16-year-old girl from Nawalparasi District. The accused claimed that he and the victim had a consensual affair, but the family did not approve of the relationship; due to the girl's age authorities filed charges. The Home Ministry approved a compensation payment of approximately 490,000 rupees (approximately \$7,000).

The NA appointed two officers to investigate the 2007 rape allegation by a sixth-grade student in Siraha District against army personnel at Ranasingh Barracks in Lahan. After visiting the barracks and meeting with local officials, the officers concluded that no rape had taken place.

According to the AF, district court authorities investigated the case against three policemen and one civilian for allegedly raping a 14-year-old girl in Kanchanpur District in 2007. At year's end the three policemen were in custody, but the civilian was at large. After receiving medical treatment in Kathmandu, the girl returned home to Kanchanpur but continued psychological counseling.

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

During the year Maoists committed 141 acts of torture, according to AF. 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.

In August the OHCHR confirmed that the YCL had operated for several months so-called rehabilitation centers where YCL cadres detained, tortured, and forced alleged current and recovering drug users to donate to the YCL. The YCL abuse, meant to cure victims of their drug habits, included severe beatings, inserting syringes under fingernails, binding limbs, hanging victims upside down, and shaming with nudity and verbal assaults. The OHCHR received no further reports about the centers.

There were no further developments regarding the January 2007 case in which authorities arrested Puradi Prasad Pandey, a resident of Kalikot District, for speaking publicly about being tortured by police during his previous two arrests in 2006 and receiving numerous official death threats.

There were no developments regarding the June 2007 case in which a bus driver detained Saroj Kumar Chaudhary, a 15-year-old student, after other local children threw stones at the bus. The boy was released the next day without charge.

There were no developments regarding the 2006 case in which the NA arrested, abused, and killed six individuals, including Berendra Thapa and Wakil Shahi, two suspected Maoists.

During the year the NHRC made recommendations to the government on 73 complaints of human rights abuses, including killings, compared with 147 complaints in 2007. Between September 2007 and April the NHRC recommended punishment for alleged perpetrators of human rights abuses in 30 cases and compensation be paid to victims in 32 cases. At year's end none of these recommendations had been implemented.

During the year AF filed five new cases, covering six individuals, under the TCA. At year's end AF reported compensation awarded in 11 cases, four were withdrawn, 24 were ongoing, and 25 cases were dismissed.

According to an OHCHR report, the NP and APF occasionally responded to provocations and protests with excessive and lethal force. For example, on February 17, during a violent rally in Nepalgunj, Banke District, the APF entered side streets, systematically forced their way into residences, and indiscriminately attacked men, women, and young children. The OHCHR observed three residents with serious head injuries and five persons with signs of lathi injuries, including bruises on the back and hip.

On February 20, in Jaispur, Banke District, following violence at a rally, a group of approximately 25 APF personnel reportedly fired at least five rounds of tear gas, as well as live ammunition. According to the OHCHR, the APF entered houses, damaged household goods, and stole some items, including money. The APF shot a 60-year-old woman in the hip after she tried to stop the officers from looting money. Her husband sustained a head injury, and several other locals reportedly were injured from being hit with lathis.

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, 8,401 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. However, in some instances the police tried to hide detainees or kept NHRC and OHCHR staff waiting for hours before permitting them access. In September authorities denied the OHCHR and AF access to a woman who was allegedly beaten severely in police custody in Belbari, Morang District. The police refused to transfer the woman to the district police office, where there was a cell for women.

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 CPA called on the NP and the APF to enforce law and order across the country. However, police stood aside during most incidents of violence, particularly events involving Maoists and occasionally armed groups in the Terai. According to police accounts, government officials instructed police not to intervene in the case of Maoist and

Madhesi violence for fear of endangering the peace process and elections. There were multiple events during the year in which police detained Maoist and YCL cadres for illegal acts, only to have 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 investigate cases of abuse; however, corruption and impunity remained problems. Police generally were unarmed and had the role of preventing and investigating nonterrorist criminal behavior.

At the district level, police often operated without significant guidance from superiors, allowing vast discretion in the enforcement of laws. As in 2007, there were many reports of police abuse and bribery.

On June 21, APF personnel in Banke District and on July 12 NP personnel, also in Banke District, mutinied over corruption and poor living conditions. Authorities arrested the leaders of the mutinies.

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.

Under the Public Security Act (PSA), 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.

In June authorities arrested under the PSA three Tibetan community leaders, two of whom were naturalized citizens. Three weeks later the Supreme Court ruled that the detention order failed to demonstrate an "immediate threat" to sovereignty, territorial integrity, or public order, as is constitutionally required for the use of preventive detention. The Supreme Court also found that the detention order cited the incorrect section of the PSA. This ruling resulted in the Tibetans' immediate release.

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 chief district officer (CDO). Police arrested many citizens involved in public disturbances, rioting, and vandalism and detained them for short periods without charge.

According to AF, in some cases detainees were brought before judicial authorities well after the legally mandated

24-hour timeline, allegedly to allow injuries from abuse to heal.

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 president 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 July 15, the Supreme Court reported a backlog of 12,956 cases, the appellate courts had 9,722, and district courts had 34,317. 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 in January 2007, 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 the 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 held by the government. However, in January INSEC reported that the CPN-M operated labor camps in Pyuthan, Salyan, and Jajarkot districts, as well as a People's Justice Committee in Kailali District. The NGO reportedly documented a total of 41 persons in captivity in CPN-M labor camps: 22 in Rukum District, seven in Pyuthan District, and six each in Salyan and Jajarkot districts. The CPN-M in Salyan and Pyuthan districts expressed its concern that releasing the detainees would risk double punishment. The detainees were reportedly in CPN-M captivity for several years, convicted of serious crimes including murder, and some were nearing the end of their sentences. The OHCHR also monitored the "People's Justice Committee" in Kailali District.

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 occasionally conducted forced searches of businesses, civilian homes, and property.

At year's end four suspects remained in custody facing charges of murder and illegal use of explosives after allegedly conducting three bombings in September 2007. According to INSEC, the individuals had been arrested following illegal searches.

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 ethnically based splinter groups in the Terai frequently committed acts of violence, extortion, and intimidation throughout the year.

Killings

INSEC reported that during the year armed groups killed 265 civilians, whereas the OHCHR received reports of more than 40 killings by state actors during the year.

There were no developments in the October 2007 case in which 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 CPA 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 2,976 combatants verified by UNMIN to be under age 18 as of May 2006 had not been released from the cantonments.

Other Conflict-related Abuses

Despite being a signatory to the CPA that ended the decade-long insurgency, Maoists continued to commit abuses during the year.

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.

On January 27, CPN-M affiliated trade union workers in Sankhuwasabha began "taxing" passenger buses, trucks, and other vehicles. Maoists reportedly threatened to beat drivers who did not comply. The government did not take any corrective action to investigate.

According to the OHCHR, abuses by the YCL were conducted in a manner similar to those carried out earlier by other CPN-M cadres. They included abductions and ill-treatment in captivity, attacks on physical and mental integrity, and the violent disruption of political activities. They also included threats and violence against several government officials and property. Although the media reported that the YCL continued to commit tax extortion, at year's end the OHCHR had not received reports of such activities.

On January 1, a group of five persons who identified themselves as members of the YCL forced their way into the house of journalist Devendra Gautam and stole cash and valuables worth an estimated 60,000 rupees (approximately \$860).

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 political parties, in the fall of 2007 the Election Commission agreed upon an Election Code of Conduct for political parties and the media for the CA election. The code, which applied to both government and private media, was enforced beginning March 9 and stipulated that all media should report on the election in a professional manner. A media monitoring program, carried out by the Press Council Nepal, found that coverage remained largely compliant, with isolated instances of violation related to bias, prejudice, and balance.

The independent media were active and expressed a wide variety of views. Hundreds of independent vernacular and English-language newspapers were available, representing various political viewpoints.

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 150 independent radio stations that reached more than 90 percent of the population. Radio remained the primary source of information for a majority of the population.

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

Press offices and journalists were subjected to deliberate and organized assaults primarily from agitating armed groups in the Terai, youth wings of political parties, security personnel, and others. The government rarely took action to investigate the cases of violence against journalists. During the year two journalists were killed and police reportedly arrested nine.

The Maoists opposed freedom of expression, and through intimidation and job actions by affiliated unions, attempted to restrict print and broadcast media. For example, in late May local CPN-M cadres attacked journalist Lucky Chaudhari over his reports about irregularities in a temple fund. According to the Federation of Nepalese Journalists (FNJ), local Maoists again attacked Chaudhari and another journalist accompanying him the following day when they tried to lodge a complaint at the Kailali District Administration Office (DAO) about the first attack. On May 28, local journalists staged a sit-in in front of the DAO demanding action against the offenders. During a confrontation with large numbers of Maoists staging a counter demonstration, the NP killed three villagers. Authorities imposed a curfew for three days after the incident, and journalists stopped going to their offices to avoid further confrontation with local Maoists and their supporters, resulting in the closing of nearly a dozen newspapers for more than a week.

On June 13, Maoist cadres attacked a reporter and district chairman of FNJ in Kalikot District during a scuffle with representatives of other political parties. The journalist sustained injuries, and his camera was damaged. Maoist cadres threatened him if he reported the incident.

On November 28, the remains of Jagat Prasad Joshi were found in a forest near Kailali District. Joshi, missing since October 8, was a journalist with the Maoist-affiliated daily Janadisha and president of the local chapter of the (Maoist) Revolutionary Journalists Association. At year's end the case was under investigation, but preliminary results indicated that Joshi was killed as a result of an internal Maoist-party dispute.

On December 21, a group of 40 to 50 persons, led by the president of the Maoist affiliated All Nepal Hotel and Restaurant Workers' Union Ramesh Panta and the vice chairman of the Maoist affiliated All Nepal Communications, Printing, and Publication Workers' Union Ramesh KC, attacked the editors and staff of Himalmedia. The group injured at least 12 editors and employees and damaged their offices. The unions justified the attacks as part of a labor-management dispute rather than an attack on press freedom. However, the media community, lawmakers, civil society, various other professionals, and the international diplomatic community condemned the incident as an attack on press freedom.

Subsequently, there was a series of incidents between the management and workers at other media houses. On December 24, members of a Maoist trade union staged a sit-in at the regional office of Kantipur Publications in Biratnagar in an effort to pressure the publication house to meet their labor-related demands. The sit-in stopped the printing of the publication's dailies Kantipur and The Kathmandu Post from its regional press in Biratnagar, and the newspapers were not delivered in most of the eastern part of the country until the union ended the protest on December 29. Maoist-affiliated union members also threatened to shut down Kantipur's western regional office in Pokhara. Union leaders put up a sign board and flags, closing the reception area of The Himalayan Times offices in Kathmandu.

Maoists threatened private FM radio stations to force them to broadcast Maoist propaganda, and the Maoists themselves operated both fixed site (in Kathmandu and Pokhara) and small, mobile FM radio stations.

On May 30, while addressing an election victory celebration in Kathmandu, CPN-M leader Pushpa Kamal Dahal

warned Kantipur Publications of "serious consequences" if it continued to criticize his party. In his statement Dahal said that the party would "no longer tolerate criticism," given that it had been elected by the people.

In late August an FM radio station in Bajura District closed down a news-based program and expelled its anchor due to CPN-M pressure. The local CPN-M leader reportedly was unhappy over news reported by the station about Prime Minister Dahal. However, the radio management cited internal reasons as the cause of the termination of the program and dismissal of the program host.

The 49 journalists fired by government-owned Gorkhapatra Corporation in July 2007, reportedly on the basis of their political views, were not reinstated during the year.

The Maoist-affiliated YCL inhibited freedom of the press through intimidation. For example, on August 2, a local YCL leader issued a death threat to Rajesh Jha, a correspondent of state-owned wire service Rastriya Samachar Samiti (National News Agency) and central member of Nepal Press Union, in Saptari District (eastern Terai). The threat followed a news report filed by Jha regarding misbehavior of YCL cadres that caused the death of Saptari District Education Officer Mohammed Hasad Ali. The YCL leader later apologized for the threat.

On August 30, a YCL cadre beat Siddharaj Rai, a journalist and member of Press Chautari Nepal, in Dhankuta District. Rai's head and hand were seriously injured.

Members of Youth Force (YF), the youth wing of the CPN-UML, also at times engaged in attempts to control the media. On December 23, a group of YF members burned copies of a local daily newspaper (Ankush) in Birgunj, Parsa District. YF cadres, led by the district-in-charge, reportedly seized hundreds of copies of the daily from its office and set them on fire, complaining that a report in the daily falsely linked them to a fake currency racket.

Members of other small ethnically based groups committed numerous acts of violence against journalists throughout the year. For example, on January 12, a man who identified himself as the local representative of the Janatantrik Tarai Mukti Morcha militia shot and killed Pushkar Bahadur Shrestha, editor of the local newspaper Highway Weekly, published in Birgunj. The man claimed that Shrestha was killed because he was a "pahade" journalist, meaning from the hill region and not the southern plains population.

On August 7, activists of the MPRF (Bhagyanath Gupta faction) vandalized the office of Prateek daily in Birgunj, in southern Parsa District, claiming that the newspaper did not cover their activities. They smashed windows, broke furniture and a motorcycle, and damaged files and records.

On August 14, Baba Khan of the armed group Tarai National Liberation Front (TNLF) in Dhanusha District threatened Madesh-based journalist and central member of the FNJ, Shital Sah, with physical violence. Sah had been working for the freedom of journalists and media houses in the Tarai. The TNLF cadres warned journalists to stop publishing and broadcasting news in the Nepali language. In response to the repeated threats over the telephone, the FNJ district chapter decided to boycott any news related to TNLF.

Authorities and media representatives identified the alleged perpetrators of the October 2007 killing of journalist Birendra Shah, and the Maoist party admitted their cadres committed the act. However, the perpetrators were neither arrested by police nor publicly identified and disciplined by the Maoist party.

At year's end the government had not taken further corrective action to investigate the 2007 abductions of Prakash Singh Thakuri or Pappu Gurung.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

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

The country's media continued to report instances of abduction, extortion, and intimidation of school officials by Maoists outside the Kathmandu valley, although at a much lower level than in 2007.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of peaceful assembly and association; however, the government sometimes restricted freedom of assembly.

Freedom of Assembly

The law provides for freedom of assembly, and it was generally respected for citizens and legal residents of the country. By 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 Tibetan community faced increased restrictions on holding public celebrations and demonstrations during the year, although the government permitted some religious gatherings.

The government responded to numerous Tibetan political demonstrations held in locations where such protests were restricted by police order with mass arrests, specifically in front of Chinese diplomatic facilities. According to HRW and other NGOs, at near-daily illegal protests from March through September, the police beat protesters with lathis and used excessive force against protesters. According to HRW, police arrested approximately 8,350 Tibetans at demonstrations between March and July. In August a largely peaceful Tibetan demonstration in Boudha ended in numerous arrests. Generally, the protesters were detained for several hours and released without charge. In mid-September, however, authorities held overnight more than 100 demonstrators whose legal presence in the country the government challenged. The detained were later released into the custody of the Office of the UN High Commissioner for Refugees (UNHCR).

On February 21, approximately 60 persons were injured in six Terai districts on the ninth day of the indefinite strike called by the United Democratic Madhesh Front. Authorities arrested more than 100 persons, and 30 buses were vandalized during the strike. Authorities imposed curfews in several districts throughout the Terai region.

On September 3, local officials imposed a curfew after three days of clashes between YCL cadres and the YF injured 14 persons in Dhankuta. The following day the two groups reached an understanding at a meeting held at the DAO.

On September 15, local officials imposed a curfew along the East-West highway in Siraha District to stop the clash between the MPRF cadres and Maoist cadres after then Land Reforms Minister Matrika Yadav seized a house belonging to Birendra Shah and land belonging to 75 persons in Siraha District. The previous day the police evicted the Maoists from the property on the direction of Home Minister and Deputy Prime Minister Bamdev Gautam.

On December 10, the NP detained members of the Maoist Victims Association who had planned to stage a protest in front of the NHRC to pressure the government to facilitate the return of land and assets seized by the Maoists.

Those detained were released the same day.

Freedom of Association

The law provides for freedom of association, and it was generally respected. In January, however, the long-running Bhota Welfare Society case concluded with a Supreme Court decision that upheld the revocation of the registration of the Bhota Welfare Society.

c. Freedom of Religion

The interim constitution declares the country a secular state, and the law provides for freedom to practice one's own religion; however, the law 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, but there were no incidents of arrest for conversion or proselytizing during the year.

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.

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

At year's end there were no arrests in the March 29 bombing of a mosque in Biratnagar, Morang District, in which at least two persons were killed and two others were injured.

On July 19, a bomb exploded in Jyoti Church, a Protestant church affiliated with the Assembly of God, in Nepalgunj. The Terai Defense Army claimed responsibility and alleged the church was in favor of a secular state. There were no casualties.

On October 4, an explosion injured at least six persons at a mosque during evening prayers in Hattimuda village in Morang District. Unidentified assailants threw a bomb into the mosque and fled. Most of the wounded individuals sustained shrapnel injuries. There were no immediate claims of responsibility for the attack. However, Muslim groups claimed the attack was an attempt to disturb communal and religious harmony. Nazrul Hassan, the president of Muslim Association of Nepal, stated, "This is a deliberate attempt to disturb religious harmony." The association also condemned the attack and called on Muslims to exercise restraint.

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.

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 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The law provides for freedom of movement, except for most refugees, whose freedom of movement within the country is legally limited. However, these constraints were sometimes not enforced. The government generally cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to

internally displaced persons, refugees, returning refugees, stateless persons, and other persons of concern.

The government eased restrictions on some refugees' right to travel outside of the country. More than 8,000 Bhutanese refugees from among approximately 108,000 living in seven camps in the eastern portion of the country received government exit permits and resettled in third countries. Tibetan refugees continued to experience barriers to movement within the country as well as difficulty obtaining documentation for foreign travel. Those Tibetans registered as refugees prior to 1990 were able to obtain travel documents with difficulty and substantial expense. Approximately 5,000 Tibetans who reached the age of 18 after 1989, however, had not been issued refugee identification cards and continued to be unable to obtain any form of personal identity documentation.

Numerous political groups restricted freedom of movement within the country, including forcing transportation strikes, known locally as "bandhs," to bring attention to political issues. Maoist and YCL cadres called two bandhs, both prior to the election. Most bandhs were called by ethnic groups in the Terai.

Bandhs were also called on February 13 by the Federal Democratic National Forum in the Limbuwan region and by the Federal Republican National Front, particularly its member organization, United Tharu National Front, in Bardiya, Dang, and Kailali districts in the western Terai. The bandhs caused an almost complete paralysis of the Terai region and the eastern hills, resulting in the burning of vehicles that were defying the bandh, as well as clashes between protesters and police.

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 UNHCR, OHCHR, and UN Development Program, continued working with the government to develop an IDP policy that was consistent with international principles. The UNHCR estimated a population of between 50,000 and 70,000 IDPs in the country; however, Caritas estimated a population of approximately 200,000 IDPs in the country. The government allowed several international organizations, such as the International Committee of the Red Cross, Caritas, and Action Aid Nepal, to initiate programs to assist IDPs. According to UN agencies and international NGOs, the main obstacles preventing most IDPs from returning continued to be fear of Maoist reprisal, refusal by local Maoist commanders to allow IDPs to return home, and conflict with those occupying the houses and lands of IDPs.

Protection of Refugees

The government is not a signatory to the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and the laws do not provide for the granting of asylum or refugee status. The government, however, has in place ad hoc administrative policies that provide some protection for Bhutanese and Tibetan refugees.

Since 1991 the government has provided asylum to approximately 108,000 persons who claimed Bhutanese citizenship. Almost all of these refugees lived in camps in the southeastern part of the country. The UNHCR administered the camps and monitored the condition of the refugees, and international organizations and NGOs provided for their basic needs, including education and healthcare. The government continued to accept the refugees' presence on humanitarian grounds. Lutheran World Federation provided the infrastructure for the camps, and the World Food Program provided food assistance; the Association of Medical Doctors of Asia provided medical care, and Caritas provided education assistance and coordination. The government officially restricted the refugees' freedom of movement and work, but those restrictions were largely unenforced.

Security was a problem in the camps through most of the year, both due to criminal elements in the camps and residual, although gradually fading political disputes among the refugees over third-country resettlement. The security situation improved during the year, principally as a result of increased government attention to security in the camps. At year's end more than 8,000 Bhutanese refugees had been resettled to third countries.

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

Following the March 10 protests and subsequent riots in the Tibet Autonomous Region and other Tibetan areas of China, the People's Republic of China closed the border with Nepal. From March to July almost no Tibetans were able to enter the country. By year's end, however, the situation appeared to ease slightly. Small but gradually increasing numbers of Tibetans began to arrive from Tibet beginning in August. There were credible reports by Tibetan refugees and international observers of increased harassment by Chinese border guards, and various reports indicated Chinese authorities often operated on the Nepali side of the border, with the knowledge and consent of Nepali border officials.

Many of the Tibetans who lived in the country had irregular status. Those who arrived subsequent to 1990 had neither status nor documentation. Even those with acknowledged refugee status had no legal rights beyond the ability to remain in the country. Business ownership, licenses, and most legal transactions, including documentation of births, marriages, and deaths, must be accomplished through the auspices of an intermediary for a price. This made Tibetans especially vulnerable to those, primarily Maoists and YCL, who extorted money from business owners. Tibetans also reported abductions for extortion, violent attacks, and threats of violence.

In practice the government usually provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, there were numerous unconfirmed reports of Tibetans captured in the border area by Chinese border authorities and several unconfirmed reports of border officials handing over Tibetans to Chinese border authorities.

On January 15, authorities arrested 19 Tibetan refugees near Namche. According to the UNHCR, officials threatened the refugees with forced repatriation but eventually released them near the Tibetan border and in close proximity to Chinese border officials. Although the individuals arrived safely at the Tibetan Refugee Reception Center, several of the refugees exhibited injuries consistent with being beaten and reported that the NP told them they would be shot if they made a subsequent attempt to reach Kathmandu.

In mid-November authorities arrested three Pakistani refugees for illegal residency. The arrests violated the agreement between the UNHCR and the government that no asylum seekers would be arrested or deported until the UNHCR and the government had agreed on procedures to restart refugee determinations. After the UNHCR intervened on the refugees' behalf, two were released and the third was summarily sentenced to 10 years in prison.

The government also allowed the UNHCR to provide limited services for the so-called urban refugees, asylum seekers from countries such as Somalia, Pakistan and Iraq, but objected to the UNHCR's mandated practice of making refugee status determinations. In March 2007, at the request of the government, the UNHCR suspended refugee status determinations pending further discussions with the government; the UNHCR was not permitted by the government to resume refugee status determinations. Urban refugees were denied refugee status determinations and were assessed heavy fines for illegal residence in the country. Failure to pay these fines may result in prison sentences or detentions.

Stateless Persons

In 1995 the government-established Dhanapati Commission estimated that 3.4 million individuals in the country were de facto stateless. While the government acknowledged that they were Nepalis, they were not holders of the citizenship certificate (issued to citizens at the age of 16) without which a considerable number of rights of citizenship cannot be enjoyed. As a result of the 2006 Citizenship Act, between January and April 2007 the Ministry of Home Affairs distributed citizenship certificates to 2.6 million persons, but by the end of 2007 NGOs estimated that approximately 800,000 de facto stateless persons remained in the country.

The lack of a governmental office on statelessness issues limited progress in providing citizenship certification to the remaining population of stateless persons.

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.

Elections and Political Participation

On April 10, citizens elected members for a CA to serve as both a legislature and constitution drafting body. Domestic and international observers accepted the election results as credible, although there were reports of political violence, intimidation, and voting irregularities. The most recent local elections, held in 2006, were not considered free and fair.

The CA consists of 601 members, with 240 elected by a first-past-the-post system, 335 by proportional representation, quotas for Dalits, oppressed caste/indigenous ethnic groups, Madhesis, women, and other underrepresented groups, and 26 nominated by the cabinet. CA members classified as oppressed or members of minority ethnic groups constituted 35 percent of the total, and 33 percent were women. The president and vice president belong to the historically disadvantaged Madhesi ethnic community.

A domestic NGO, Democracy and Election Alliance Nepal (DEAN), reported 241 incidents of preelection violence, including the killing of two candidates during the campaign. According to DEAN, Maoists committed most, but not all, of the 30 killings and 81 abductions prior to the April elections. DEAN reported four persons killed, including one candidate, eight abducted, and 112 injured on election day. Numerous party cadres were injured in clashes, including seven Maoists killed and 16 injured in a clash with police in Dang on April 8. Most political parties also reported that their party workers were not able to campaign freely in particular districts. Although the Election Commission decided to conduct repolling at more than 100 polling sites due to violence, booth capture, and other irregularities conducted primarily by the Maoists/YCL, domestic and international observer groups accepted the election results.

There are no specific laws that restrict women, indigenous people, or minorities from voting or participating in government or in political parties, but tradition limited the roles of women and some castes and ethnicities in the political process. Members of certain castes traditionally held more power than others. Of the 23-member cabinet, eight members were from ethnic minority communities. There were four women in the cabinet serving with the rank of minister. Most of the larger political parties had associated youth wings, trade unions, and social organizations.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively. The Commission for the Investigation of the Abuse of Authority, mandated to investigate official acts of corruption, claimed a 75 percent success rate concerning corruption cases it filed, but some cases involving

politicians were not filed or were defeated in court.

In July 2007 the interim parliament passed the Right to Information Bill, which mandated that public organizations provide citizens with information as quickly as possible and that inquiries should be met within 15 days following the request. If authorities deny individuals access to information, the officials must provide a valid explanation. The bill provides five exemptions for withholding information: to facilitate the investigation and filing of criminal cases, to protect the economic and commercial interests of the country, to preserve banking and commercial secrecy, to prevent a disruption of communal harmony, or to prevent a disruption to personal life or security.

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

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 were somewhat cooperative and responsive to their views.

There were approximately 13 independent, domestic human rights NGOs, including AF, the Human Rights Organization of Nepal, INSEC, Inhured, the Human Rights and Peace Society, and Him Rights. 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 interfered with the operations of international NGOs.

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

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

During the year the OHCHR issued 54 press releases and eight reports. The reports dealt with the elections, the February Terai protests, the September 2007 killings in Kapilvastu, and disappearances in Bardiya District between 2001 and 2003, among other subjects. The media covered all reports freely.

After the commissioners of the NHRC were sworn in September 2007, the NHRC began to investigate past and current allegations of abuses. 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 674 complaints of human rights violations during the year. 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 the civil code, sentencing provisions for rape depend on the age of the female victim, with the maximum possible jail sentence of 10 to 15 years if the victim is under the age of 10, and the minimum possible jail sentence of five to eight years if the victim is over the age of 20. The victim's compensation is dependent on the degree of mental and physical torture suffered. Under the Gender Equality Amendment Act of 2006, the definition of rape includes marital rape, and the husband can be jailed for three to six months.

Incidents of rape continued to be a problem and went unreported in most cases. Between July 2007 and June, 309 cases of rape and 73 cases of attempted rape were filed in the court, according to the women's police cell. A 2003 survey by the domestic NGO Saathi 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.

Domestic violence against women remained 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 881 reports of domestic violence between July 2007 and June. However, in the absence of a domestic violence law, police were unable, or unwilling, to file cases against the accused.

Police had women's cells in 41 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. Police officials reported that 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.

On June 6, the husband and mother-in-law of Laxmi Bohara, of Kanchanpur District, forced her to swallow poison because they were upset with her activities as a women's and health rights activist. Authorities initially reported her death as a suicide. A public campaign demanding an investigation of the killing drew the attention of the general public, the government, and CA members. In August, as a result of the campaign and protests, the government formed a seven-member task force, coordinated by the Secretary from the office of the Prime Minister, to address the issue of violence against women. At year's end the high-level task force investigative report was submitted to the government, but it was not made public.

The dowry tradition was strong in the Terai districts bordering India, but the killing of brides over dowry disputes 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.

At year's end the husband and in-laws of Hasrun Idris remained in custody awaiting the outcome of their trial for allegedly burning Hasrun in November 2007 because they were dissatisfied with the dowry her family had paid.

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 and NGOs reported numerous cases of this superstition-related violence during the year. For example, Makhari Khatun, an elderly woman from Birgunj, was fed human excrement due to claims that she was a witch. Khatun lodged a report with the police, but in the absence of a law prohibiting such actions, the perpetrators were set free on bail. Similar incidents were seen in other parts of the country. There was no government

mechanism to prevent such abuses or provide compensation to the abused.

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 and increasingly within the country. Forced prostitution is illegal, but there are no laws banning prostitution by choice. Kathmandu police estimated there were approximately 32,000 female sex workers in the Kathmandu valley and approximately 150,000 throughout the country. However, on November 30, the media reported 30,000 female sex workers in the country.

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. The Gender Equality Bill of 2006 contains a provision against sexual harassment. The bill provides penalties of up to a one-year jail sentence and a fine of up to 10,000 rupees (\$126). However, the bill was not properly implemented, and government enforcement was weak.

In August the Supreme Court publicized its decision upholding the right of women to equal wages for work of equal value. In its decision, the Court referred to the Convention on the Elimination of all Forms of Discrimination against Women regarding the right of women to parity in remuneration, as well as constitutional protections.

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.

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. Unmarried, widowed, and divorced women were able to inherit parental property. 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 2006 Gender Equality Act 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. 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 3,500 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 rarely was prosecuted, and abuse primarily manifested itself in trafficking of children. Commercial sexual exploitation of young girls remained a serious problem. Community Action Center (CAC), an NGO working with female sex workers, identified 3,648 working in Kathmandu valley since 2006. CAC did not report underage minors to be engaged in prostitution.

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, and boys' average age was 18. An age difference in marriage often was cited as one cause of domestic violence.

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 Caritas report, approximately 40,000 children had been displaced. As IDPs children faced inadequate access to food, shelter, and health care and had limited access to education.

Reports of missing children increased from 2007. Between July 2007 and June, a total of 800 children (435 boys and 365 girls) were reported missing. Many of the missing children were presumed to have been trafficked. Of the 800 missing children, police records indicate that 14 boys and 63 girls were later found.

Trafficking In Persons

The law prohibits all forms of trafficking in persons; however, trafficking in women and children remained a serious problem.

The country was a source country for trafficking. Young women were the most common targets. Trafficking of boys 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 also 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 the 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.

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.

Internal trafficking for forced labor and sexual exploitation also occurred and appeared to have increased during the year. According to studies conducted by Save the Children and Action Aid, 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. A 2007 NHRC Report estimated that approximately 40,000 female workers between the age of 12 and 30 years worked in 1,200 cabin and dance restaurants and massage parlors in the Kathmandu valley. The girls reported having been assured jobs, primarily in the Middle East or Gulf countries.

Traffickers were usually domestic or from 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 initially 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.

During the year enforcement of antitrafficking statutes improved but remained sporadic. The law prohibits the selling of persons in the country or abroad and prescribes imprisonment of up to 20 years for infractions. However, implementation of the 2007 Trafficking in Persons and Transportation Control Bill was poor, reportedly due to lack of knowledge regarding provisions and the weak rule of law situation in the country.

Police records of trafficking cases and cases registered by NGOs did not match. Maiti Nepal, the country's largest antitrafficking NGO, registered 27 cases of trafficking in the Kathmandu district court. 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 2007. By July 14, of the 183 cases, 37 resulted in full or partial convictions, 22 in acquittal, and 124 remained under investigation.

On September 6, the district court of Bardiya convicted two women, Jamuna Pariyar and Khimi Pariyar, to 20 years of imprisonment for selling two girls to a brothel in India in 2004 for 40,000 rupees (\$571).

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.

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

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 National Task Force at the Ministry of Women, Children, and Social Welfare (MWCSW) continued to coordinate the response to trafficking cases. 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 41 districts worked with NGOs to provide referral services to victims of trafficking and domestic violence.

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 provide adequate police training and resources or prompt adjudication. Government welfare agencies worked with NGOs to deliver public outreach programs and assistance to trafficking victims. Maiti Nepal stationed rehabilitated trafficking victims as guards with government officials to intercept trafficking victims at border crossings.

Maiti Nepal provided transit homes for girls rescued from trafficking. Transit homes were located in border towns of eight districts through which many girls were trafficked into India. During the year 2,351 children and women stayed at the transit homes after authorities intercepted them while they were in the process of being trafficked. At the Maiti Nepal Rehabilitation and Protection Home, children and women could stay up to six months and learn income-generating skills. At year's end 341 children and women were residing in Maiti Nepal's rehabilitation home in Kathmandu. Other NGOs also provided transit homes.

During the year Maiti Nepal's head office rescued and repatriated 71 children and women from India and the Gulf countries. Many had been expelled from their brothels after contracting sexually transmitted diseases or tuberculosis. Most were destitute, and according to estimates by Maiti Nepal and ABC Nepal, 50 percent were HIV-positive. Maiti Nepal operated a hospice for HIV-positive trafficking victims and their children. Another NGO, Shakti Samuha, rehabilitated 38 girls and women during 2007.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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. The government did not implement effectively or 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 control a disproportionate share of natural resources.

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

Resistance to inter-caste marriage (upper and lower caste) remained high. In June, 12 Dalit families residing in

Surkhet District were forced to leave the community when a Dalit man married a non-Dalit woman. The village divided into Dalit and non-Dalit factions. The non-Dalit families held the Dalit boy's sisters captive, and villagers severely beat the bride and the groom.

On July 29, a Dalit Chamar family in Rupandehi District received death threats from members of an upper-caste family because the Dalit family's pig had touched the upper-caste family's pots.

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, harassment of homosexuals continued.

On June 11, police arrested two transgender individuals in Kathmandu but released them after three hours.

On June 30, the Nepal Army Court upheld the NA's 2007 decision to fire Bhakti Shat for being a lesbian. On September 26, Shat filed an appeal at the Supreme Court. The case was pending at year's end.

As a result of the December 2007 Supreme Court decision that sexual minorities are natural persons, transgender individuals may be issued third-gender identification cards. On September 17, the first transgender individual received a citizenship certificate. On November 17, the Court confirmed its summary decision and issued a directive order to the government to form a seven-member committee to study other countries' laws on same-sex marriage and provide a recommendation for a same-sex marriage bill. The budget, adopted in September, also reportedly included line items for transgender treatment and homes.

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 unevenly in practice. The law permits the restriction of unions only in cases of subversion, sedition, or similar conditions. However, members of the armed forces and the police are not permitted to form a union, and members of the management of private or public enterprises are not permitted to take part in union activities. Trade unions developed administrative structures to organize workers, bargain collectively, and conduct worker education programs. The three largest trade unions were affiliated with political parties.

Only 10 percent of the total workforce was in the formal sector, the remaining 90 percent worked in the informal sector. Out of the formal sector workforce, 75 percent participated in unions. The law contains enabling regulations; however, the government did not fully implement these acts. The law 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 enforced some barriers to the participation in union federations through minimum required thresholds for the formation of trade union federations and confederations. The government did not restrict unions from joining international labor bodies. Several trade federations and union organizations maintained a variety of international affiliations.

The law provides the right to strike except by employees in essential services, and workers exercised this right in

practice. The government at times used the legislation to ban strikes in many sectors, including banking, telecommunications, electricity, water supply, road, air and sea transport, the print industry, the government, press, and hotels and restaurants. 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 law 60 percent of a union's membership must vote in favor of a strike in a secret ballot for the strike to be legal, and the union is required to give notice 30 days before a strike.

The Maoist trade union organized workers and intimidated businesses extensively after the 2006 cease-fire. Maoist-inspired work stoppages, enforced through violence and intimidation, caused particular hardship to workers in many economic sectors.

On January 10, the CPN-M affiliated All Nepal Tailoring Workers Union allegedly closed a tailoring shop in Kathmandu demanding letters of appointment for workers in the shop. The shop reportedly remained closed, and the owner continued to receive calls from the trade union but no threats.

In early September the Maoist-affiliated All Nepal National Trade Union Federation shut down Dabur Nepal, Narayani Rolling Mills, Birgunj Food Industry, Triveni Impex and Pashupati Industries in Bara District. After three weeks Dabur Nepal was able to reopen.

In mid-September labor agitations disrupted the operations of the Coca Cola Company. On September 18, labor union members barred the factory gate of Bottlers Nepal (Terai) Limited, resulting in a three-day illegal blockade, and management was unable to enter the premises. On September 21, an illegal labor agitation shut down Bottlers Nepal Limited in Kathmandu for three days.

b. The Right to Organize and Bargain Collectively

The law 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. According to the General Federation of Nepalese Trade Unions, collective bargaining was not effective in newly established factories and industries, but it was successful in some of the well established factories and industries. Many workers also faced threats or dismissal for attempting to organize a union.

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 Ministry of Labor enforced laws against forced labor only in the small formal sector.

Enforcement of the Kamaiya Prohibition Act of 2002 by the government was uneven, and social integration of the Kamaiyas-former bonded laborers- was difficult. During the year the government rehabilitated an additional 2,658 Kamaiyas, bringing the total rehabilitated to 14,677 out of a total 18,400, mostly living in Dang, Banke, and Kanchanpur districts. Most Kamaiyas not rehabilitated lived in Bardiya and Kailali districts.

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 of 2000 applies only to formal sectors of the economy, such as tourism, cigarette or carpet factories, and mines.

Child labor was 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 establishes specific penalties for those who unlawfully employ children. However, the necessary regulations have not been fully implemented. An estimated 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. The Ministry of Labor reported that it carried out 851 labor inspections across the country during the 12-month period ending in July. The inspectors found no children working, and no legal action was taken.

e. Acceptable Conditions of Work

Effective September 17, the minimum wage for unskilled laborers was approximately 4,600 rupees (approximately \$65) -- 3,050 rupees (\$43) as a basic salary, and 1,550 rupees (\$22) as an allowance. Wages for semiskilled workers was set at 4,650 rupees (\$66), for skilled workers at 4,760 rupees (\$67), and for highly skilled workers at 4,950 rupees (\$70). It is possible to increase this wage through a tripartite mechanism comprised of representatives of the government, the employer, and the employee. Wages in the informal 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 one half-hour rest per eight hours worked, and it limits overtime to 20 hours per week with 50 percent overtime pay per hour. None of these minimum wages were sufficient to provide a decent standard of living for a worker and family. Labor regulations also apply to foreign and migrant workers.

The government sets occupational health and safety standards, and the law establishes other benefits such as a provident fund and maternity benefits. Implementation of the law was slow, as the government did not create 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.