



Freedom in the World - Nepal (2010)

Capital:
Kathmandu

Population:
27,504,000

Political Rights Score: 4 *

Civil Liberties Score: 4 *

Status: Partly Free

[Overview](#)

In a blow to Nepal's recovery from a long-running civil conflict, the Maoist party withdrew from the government in May after the president rejected the Maoist prime minister's attempt to fire the army chief. The Maoists physically blockaded the legislature for the remainder of the year and organized mass protests across the country. Despite the political unrest, Nepal maintained the significant improvements in law and order that followed the 2006 peace agreement. However, attacks on journalists remained commonplace, and ethnic violence continued in the south.

King Prithvi Narayan Shah unified the Himalayan state of Nepal in 1769. Following two centuries of palace rule, the left-leaning Nepali Congress (NC) party won Nepal's first elections in 1959. King Mahendra abruptly dissolved Parliament and banned political parties in 1960, and in 1962 he began ruling through a repressive *panchayat* (village council) system. Many parties went underground until early 1990, when the NC and a coalition of Communist parties organized prodemocracy rallies that led King Birendra to lift the ban. An interim government introduced a constitution that vested executive power in a prime minister and cabinet responsible to Parliament, but retained the monarch as head of state.

In Nepal's first multiparty elections in 32 years, Girija Prasad Koirala, a veteran dissident, led the NC to victory and formed a government in 1991. Torn by intraparty conflicts, the NC was forced in 1994 to call early elections, which it lost to the Communist Party of Nepal/United Marxist-Leninist, or CPN-UML. The Communists, however, failed to secure a majority in Parliament. Separately, the more militant Communist Party of Nepal (Maoist) launched a guerrilla insurgency in 1996 that eventually engulfed much of the countryside. Hopes for a more stable government rose after the NC won a majority in 1999 elections.

In June 2001, King Birendra's brother Gyanendra took the throne after a bizarre palace incident in which the crown prince apparently shot and killed Birendra and nine other members of the royal family before killing himself. Gyanendra declared a state of emergency in November, and for the next several years he ruled without Parliament, appointing governments unilaterally. Moreover, he presided over a sharp escalation in the civil conflict, using the army to fight the Maoist rebels. The

fighting, combined with periodic strikes and blockades, crippled the economy.

By 2005, Gyanendra's government was cracking down on political dissent and shutting down numerous media outlets and other means of communication, such as telephone and internet services. Realizing that their attempts to engage the king were unlikely to bear fruit, a seven-party alliance (SPA) of mainstream political factions entered into talks with the Maoists, yielding an agreement in November that called for the restoration of democracy.

In April 2006, thousands of people took part in daily demonstrations across the country, with the general public—led by professionals, civil society and human rights activists, and the civil service—forming the core of most marches. Gyanendra relented on April 24, agreeing to the provisions of the November 2005 SPA-Maoist pact. The restored Parliament quickly removed most of the king's powers, and the SPA announced plans to elect a Constituent Assembly (CA) that would write a new constitution.

After months of tension over Maoist disarmament and the fate of the monarchy, the SPA and Maoists concluded a Comprehensive Peace Agreement (CPA) in November 2006, stipulating that the Maoists would place their weapons under UN monitoring, confine their fighters to camps, disband their parallel government, and join a new interim government alongside members of the existing Parliament. In January 2007, Maoists joined the Parliament, weapons decommissioning was completed, and an interim constitution was promulgated. However, ethnic violence broke out in the Terai plains region along the border with India. Combined with the lack of finalized election laws and ongoing disagreement over the monarchy, this led to a series of postponements of CA elections from their original date in June 2007.

The elections were finally held in April 2008, and international observers deemed them generally free and fair, with few incidents of violence on election day. However, the campaign period was marred by widespread violence, with regular attacks on candidates and campaign workers. Two candidates were killed, and Maoists were responsible for the bulk of the violence. The Maoist party won a conclusive victory, capturing 220 of the 601 seats. Its nearest rival was the NC (110 seats), followed by the CPN-UML (103 seats), the Madhesi People's Rights Forum (52 seats), and a range of smaller parties and independents. The CA quickly voted to replace the monarchy with a republican system, and in July it chose the NC's Ram Baran Yadav as president. However, Maoist leader Prachanda was elected prime minister in August, and the Maoists formed a coalition government.

Faced with a hostile press, a vocal opposition, and deep suspicion from the upper echelons of the increasingly politicized military, the Maoists achieved little during their time in government. Antagonism between the Maoists and the army came to a head in May 2009, when Prachanda, frustrated by the military's resistance to integration with former Maoist fighters, ordered the firing of army chief

Rookmangud Katawal. The order was legally dubious, since the president technically had control over such decisions, and it inspired widespread protest among coalition partners. The firing was ultimately rejected by Yadav. Prachanda resigned, and a new government led by the CPN-UML was formed. The Maoists maintained a physical blockade of the CA after leaving government, and Maoist protests were common throughout the country for the remainder of 2009. The siege was suspended for three days in late November to allow key budgetary legislation to pass.

Political Rights and Civil Liberties

Nepal is not an electoral democracy. The CA elections held in April 2008 were found to be “generally organized in a professional and transparent manner” by a European Union observation team. However, the observers noted that the elections did not fully meet international standards due to restrictions on freedoms of assembly, movement, and expression. Violence was fairly common during the campaign period, though election day was generally peaceful.

The government is operating under a 2007 interim constitution. In addition to its task of writing a permanent constitution, the 601-seat CA serves as the interim legislature. Members were selected through a mixed system of first-past-the-post constituency races (240 seats), proportional representation (335 seats), and appointments by the cabinet (26 seats). Both the president and the prime minister are elected by a majority of the CA, which abolished the monarchy shortly after convening in May 2008.

A wide range of political parties currently hold seats in the CA. Unlike the 1990 constitution, the interim constitution has no limitation on parties formed along ethnic lines. A third of the seats in the CA are reserved for women, and substantial allocations were also made for Madhesis, Dalits, and other minority groups. A 2007 civil service law reserves 45 percent of posts for women, minorities, and Dalits, but their representation in state institutions remains inadequate.

Corruption is perceived to be endemic in politics and government, and enforcement of anticorruption regulations remains weak. While the Commission for the Investigation of Abuse of Authority is active, high-level officials are rarely prosecuted. Many members of the CA have been accused or convicted of corruption in the past. Graft is particularly prevalent in the judiciary, with frequent payoffs to judges for favorable rulings. A 2009 government report suggested that corruption is also endemic in the police force, pointing to widespread acceptance of bribes and extensive police involvement in organized crime. Nepal was ranked 143 out of 180 countries surveyed in Transparency International’s 2009 Corruption Perceptions Index.

The legal environment for the press has improved significantly since the April 2006 uprising, and several restrictive measures were repealed shortly after Parliament was restored that year. The interim constitution provides for press freedom and

specifically prohibits censorship, although these rules can be suspended during an emergency. Authorities are barred from closing or cancelling the registrations of media outlets due to content. The government maintains control of both the influential Radio Nepal, whose political coverage is supportive of official policies, and the country's main television station. However, there is a variety of independent radio and print outlets. Many mainstream media outlets showed a strong anti-Maoist bias during that party's short time in government.

Journalists are subject to serious violence and intimidation from sources including the military, police, Maoists, and a number of groups representing minorities. Harassment is particularly common for journalists reporting on sensitive ethnic issues in southern Nepal. In January 2009, radio journalist Uma Singh was murdered by a group of men in Janakpur. Five people were arrested in connection with the crime, which was thought to have been motivated by Singh's reporting on women's rights and caste issues.

The interim constitution identifies Nepal as a secular state, signaling a break with the Hindu monarchy. While religious tolerance is broadly practiced, proselytizing is prohibited, and members of some religious minorities occasionally complain of official harassment. There was a significant increase in harassment of the Tibetan community in 2009, according to the U.S. State Department's 2009 Report on International Religious Freedom. Tibetan groups have faced restrictions in organizing public events, and Christian groups have considerable difficulty registering as religious organizations, leaving them unable to own land. Two people were killed and at least 12 injured in a bomb blast at a Roman Catholic church in May 2009. While there was no claim of responsibility, police suspected an extremist Hindu group that had carried out similar bombings in the past.

The government does not restrict academic freedom. However, Maoist strikes in 2009 disrupted the school system; a UN report estimated there were 120 instances of school closures and approximately 80 cumulative school days lost during the year.

Freedom of assembly is guaranteed under the interim constitution. While peaceful protests are generally respected by the authorities, both Madhesi and Tibetan protests have been violently suppressed in recent years. Maoists began organizing large-scale, countrywide protests in May 2009 after the sacking of the army chief was blocked and they withdrew from government. The demonstrations, which lasted through year's end, included blockades of roads and government buildings and a call for a nationwide shutdown of schools. Several protests in the capital in May ended in violence by both protesters and police.

Nongovernmental organizations (NGOs) played an active role in the April 2006 protests, and after the king stepped down, the new government repealed a 2005 code of conduct that had barred NGOs from work that would disturb social harmony. Maoist cadres and the affiliated Young Communist League (YCL) at times

threatened, attacked, or disrupted the activities of NGOs in 2009. Several attacks on NGOs aiding victims of sexual and domestic violence have been reported.

Labor laws provide for the freedom to bargain collectively, and unions generally operate without state interference. A draconian labor ordinance put in place by the king's government was repealed in 2006, and restrictions on civil service members forming unions were lifted. Workers in a broad range of "essential" industries cannot stage strikes, and 60 percent of a union's membership must vote in favor of a strike for it to be legal. Although bonded labor was outlawed in 2000, and the law sets the minimum age for employment at 14 years, both bonded and child labor persist in the informal sector. The United Nations reported in 2009 that the Maoist party continues to hold more than 3,000 children in cantonments. The Nepali Ministry for Labor and Transport Management estimates that there are approximately 2.4 million child laborers in Nepal.

The constitution provides for an independent judiciary, but most courts suffer from endemic corruption, and many Nepalese have only limited access to justice. In 2008, the chief justice of the Supreme Court acknowledged that it was often subject to political pressure. Because of heavy case backlogs and a slow appeals process, suspects are often kept in pretrial detention for periods longer than any sentences they would face if tried and convicted. Prison conditions are poor, with widespread overcrowding and detainees sometimes remaining handcuffed or otherwise fettered.

In ordinary criminal cases, police at times commit extrajudicial killings and cause the disappearance of suspects in custody. They also occasionally torture and beat suspects to punish them or extract confessions. The government generally has refused to conduct thorough investigations or take serious disciplinary measures against officers accused of brutality.

Both the state and the Maoists have been accused of committing an array of human rights abuses during the civil conflict, which claimed nearly 13,000 lives between 1996 and 2006. While a truth and reconciliation commission was called for in the 2006 peace agreement, a bill to create such a panel had yet to be enacted at the end of 2009. Under the terms of the peace deal, nearly 20,000 disarmed Maoist fighters are currently living in UN-monitored camps across the country. However, Maoists have been accused of continued human rights abuses. The YCL, established after the peace agreement, has kidnapped, harassed, and beaten political opponents and been accused of meting out vigilante justice in rural areas. Although the group's activities were scaled back somewhat in 2009, several YCL attacks on rival political parties were reported. Maoists repeatedly called for the integration of former Maoist fighters into the security forces during the year, but other parties and the military have blocked the process.

Members of the Hindu upper castes dominate government and business, and low-caste Hindus, ethnic minorities, and Christians face discrimination in the civil

service and courts. Despite constitutional provisions that ban caste-based discrimination, Dalits continue to be subjected to exploitation, violence, and social exclusion. Separately, Nepal has provided asylum to more than 100,000 Bhutanese refugees since the early 1990s.

Madhesis, plains-dwelling people with close connections to groups across the border in India, are often described in contrast to Pahades, or hill-dwelling people. Madhesis are underrepresented in politics, receive comparatively little economic support from the government, and—until an amendment to the citizenship law in 2006—had difficulty acquiring formal citizenship due to Nepali language requirements. Several armed separatist groups claiming to represent Madhesis operate in southern Nepal; security is poor and local governance nearly nonexistent in several southern states.

Women rarely receive the same educational and employment opportunities as men. The government has taken few steps to curb violence against women or to assist victims, and authorities generally do not prosecute domestic violence cases. Amnesty International and others have documented a number of cases of custodial rape of women and girls by security forces. Thousands of women and girls are trafficked annually, many to Indian brothels. Because most prostitutes who return to Nepal are HIV-positive, nearly all returnees are shunned. In December 2007, the Supreme Court ordered the government to abolish all laws that discriminate against homosexuals, and in November 2008 it gave its consent to same-sex marriage. The government has yet to implement these rulings, though citizens can now obtain third-gender identity documents.

** Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click [here](#) for a full explanation of Freedom in the World methodology.*