

Nepal 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Nepal in the past year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; arbitrary detention; serious restrictions on freedom of expression and media, including violence or threats of violence against journalists and unjustified arrests of journalists; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, and operation of nongovernmental organizations and civil society organizations; restrictions on freedom of movement for refugees, notably resident Tibetans; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, workplace violence, child, early, and forced marriage, and other forms of such violence; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government investigated but did not punish officials who may have

committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports by some civil society observers that the government or its agents committed arbitrary or unlawful killings during the year, particularly among members of marginalized communities. Unlike previous years, the National Human Rights Commission (NHRC) did not receive any allegations of arbitrary killings by security forces. The Advocacy Forum, a nongovernmental organization (NGO), documented four custodial deaths as of mid-October. On March 24, a clash between protesters and police in Dharan resulted in the killing of Padam Limbu (Lajehang), who protested to rename Koshi Province “Limbuwan Province.” The government subsequently declared Limbu a martyr and agreed to compensate his family; however, according to the Lawyers’ Association for Human Rights of Nepalese Indigenous Peoples, as of July, Limbu’s family received no compensation.

As of mid-October, a court decision was still pending on the June 2020 death of Shambhu Sada, a member of the Dalit, or “untouchable” caste community, who died in police custody in Dhanusha district.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution prohibited such practices, but there were credible reports that government officials employed them. The law criminalized torture, enumerated punishment for torture, and provided compensation for victims of torture; however, the statute of limitations for torture-related offenses was only six months.

According to human rights activists and legal experts, police resorted to severe abuse, primarily beatings, to force confessions from suspects.

Advocacy Forum documented 19 cases of torture in police pretrial detention facilities through mid-October.

Impunity was a significant problem in the security forces. In custodial torture and death cases, victims or their family members had to file a report in the nearest police station, which was often the same police station where the alleged abuse occurred. Police were reluctant to register and initiate investigation against colleagues or superiors, and victims were often hesitant to file complaints due to intimidation by police or other officials and

fear of retribution. In some cases, victims settled out of court under pressure from the perpetrators. NGOs Advocacy Forum and the Terai Human Rights Defenders Alliance noted the courts ultimately dismissed many cases of alleged torture due to a lack of credible supporting evidence, especially medical documentation. In cases where courts awarded compensation or ordered disciplinary action against police, the decisions were rarely implemented.

Prison and Detention Center Conditions

Prison conditions, especially those in pretrial detention centers, were poor and did not meet national or international standards due to overcrowding, inadequate infrastructure, and inadequate access to food, water, clothing, sanitation, and medical care, according to human rights groups.

Abusive Physical Conditions: The Office of the Attorney General (OAG) reported most of the prisons and pretrial detention centers observed had inadequate space, sanitation, medical care, and infrastructure. Advocacy Forum stated that overcrowding and poor sanitation remained a serious problem in detention centers. In its nationwide assessment of prisons, Advocacy Forum reported in June that facilities held 153.7 percent of the designed capacity of inmates. According to the OAG and Advocacy Forum, prisons and detention centers lacked basic infrastructure like water and electricity. Advocacy Forum reported some detainees slept on the floor due to lack of beds and had access only to unfiltered and dirty water and

inadequate food, and that many detention centers had poor ventilation, lighting, heating, and bedding. The OAG reported that while some prisons had health officials, other detention centers or juvenile reform homes had only weekly visits by medical practitioners. According to Advocacy Forum, medical examinations for detainees generally were perfunctory and medical care was poor for detainees with serious conditions.

Administration: There were no credible allegations of mistreatment at prisons or detention centers.

Independent Monitoring: The government generally allowed prison and pretrial detention center visits by the OAG, NHRC, and NGOs, as well as by lawyers of the accused. Some NGOs reported they were prevented from accessing detention facilities and could only meet detainees at the gate. Some independent human rights observers, including the United Nations and international organizations, were given such access.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally did not observe these requirements. Security forces reportedly conducted arbitrary arrests. Human rights groups contended that police abused their 24-hour detention authority by holding persons unlawfully for longer periods without filing formal charges, in some

cases without proper access to counsel, food, and medicine, or in inadequate facilities.

Arrest Procedures and Treatment of Detainees

The law stipulated that, except in cases involving suspected security and narcotics violations, or when the crime's punishment would be more than three years' imprisonment, authorities had to obtain an arrest warrant and present the suspect to a court within 24 hours of arrest (not including travel time).

If the court upheld a detention, the law generally authorized police to hold the suspect for up to 25 days to complete an investigation and file a criminal charge sheet. In special cases that timeframe was extended. For narcotics violations, a suspect could be held for up to three months; for suspected acts of organized crime, 60 days; and for suspected acts of corruption, six months. The constitution provided for detainees' access to a state-appointed lawyer or one of the detainee's choices, even if charges were not filed. Legal aid was also provided for indigent persons in both civil and criminal court through state paid legal aid lawyers. These lawyers were paid for by the court and their effectiveness was sometimes questioned. Independent organizations, however, provided free legal services to a limited number of detainees accused of criminal violations. A functioning bail system existed after the charge sheet was filed. Defendants also had the option to petition for writ of habeas corpus.

According to human rights groups, in some cases detainees appeared before judicial authorities well after the legally mandated 24-hour limit, allegedly to allow injuries from police mistreatment to heal. NGOs stated police frequently circumvented the 24-hour requirement, registering the detainee's name when they were ready to produce the detainee before the court.

Arbitrary Arrest: The human rights NGO Informal Sector Service Center documented 117 incidents of arbitrary arrest (without timely warrant presentation) from January to mid-July.

According to the Informal Sector Service Center, on April 17, police arrested 17 loan shark victims who were demanding cancellation of the counterfeit bond and withdrawal of the cases filed against the victims in the court. The arrested individuals were detained at Metropolitan Police Office for three hours and were released the same day.

Pretrial Detention: Lengthy pretrial detention was a problem. Time served was credited to a prisoner's sentence and no persons could be held in detention for a period exceeding the term of imprisonment that could be imposed on them if they were found guilty of the offense.

Under the law, security forces could detain persons who allegedly threatened domestic security and tranquility, amicable relations with other countries, or relations between citizens of different castes or religious

groups. The government could detain persons in preventive detention for as long as 12 months without charging them with a crime if the detention complied with the law's requirements. The courts had no substantive legal role in preventive detentions under the law.

e. Denial of Fair Public Trial

The constitution and law provided for an independent judiciary, but the government generally did not respect judicial independence and impartiality. Courts remained vulnerable to political pressure, bribery, and intimidation.

Trial Procedures

The law provided for the right to a fair and public trial, and the judiciary generally enforced this right. The courts occasionally denied defendants the right to counsel and the right to be present at one's own trial. Defendants enjoyed the presumption of innocence except in some cases, such as human trafficking and drug trafficking. The government provided legal counsel to indigent detainees upon request; persons who were unaware of their rights, including marginalized castes such as Dalits and members of some ethnic groups, were thus at risk of being deprived of legal representation. Defense lawyers reported having insufficient time to prepare their defense.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibited such actions and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and the law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a

functioning democratic political system combined to promote freedom of expression, including for media members. Nonetheless, journalists, NGOs, and political activists stated the government restricted media freedom by threatening journalists and news organizations that criticized the government, leading to reports of self-censorship. Human rights lawyers and some journalists stated that both the constitution and law enabled the government to restrict freedom of speech and press in ways they considered vague and open to abuse. For example, the constitution listed several circumstances under which laws curtailing freedom of speech and press might be formulated. These included acts that “jeopardize harmonious relations between federal units” and acts that assist a foreign state or organization to jeopardize national security. The constitution prohibited any acts “contrary to public health, decency, and morality” or that “disturb the public law and order situation.”

Freedom of Expression: The government continued to limit freedom of expression for members of the country’s Tibetan community through its attempts to stop Tibetans from celebrating culturally important events. Under the law any person who made harsh comments on social media or another online site against a senior government official could be charged with a crime.

In March, observers witnessed police covering the mouths of youth protesting Prime Minister Dahal and financial problems in the country.

Video of police personnel doing this was widely shared on social media, attracting criticism from multiple sections of society and reaching the National Assembly.

Violence and Harassment: There were several press freedom abuses including threats and attacks on journalists who reported on corruption, and the government did not make sufficient efforts to preserve the safety and independence of media. According to Federation of Nepali Journalists (FNJ), on March 18, during a meeting with the FNJ, the Speaker of the Federal Parliament, Devraj Ghimire, made a critical remark about the country's media sector, asserting that journalists and the FNJ were for sale. Ghimire's remarks led to a public outcry, and journalists shared stories of abuse and harassment they faced.

According to Asia Democracy Chronicles, on June 27, ABC Television Pokhara reporter and working committee member for FNJ Geeta Rana was verbally abused and briefly detained while recording the officer of the central Bhirkot Municipality for a documentary. The FNJ reported that the municipality's chief administrative officer and police proceeded to confront Rana, allegedly verbally abusing the journalist and deleting all photographs and video from her devices. Rana left after an hour of confinement in the municipality office.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Journalists and NGOs stated that

constitutional provisions and laws that criminalized normal media activity, such as reporting on public figures, as well as political influence, sometimes resulted in self-censorship by media.

Libel/Slander Laws: The penal code defined defamation as a criminal offense.

Internet Freedom

The government did not restrict or disrupt access to the internet but did censor online content. The law prohibited publication in electronic form of material that could be “contrary to the public morality or decent behavior,” could “spread hate or jealousy,” or could “jeopardize harmonious relations.” The online media operation directive required all domestically based online news and opinion websites to be registered. The directive gave the government the authority to block websites based on content if it lacked an “authoritative source,” created “a misconception,” or negatively affected international relationships. The government also had the authority to block content that it decided threatened the country’s sovereignty, territorial integrity, nationality, or harmonious relations. Online sedition, defamation, contempt of court, or indecent and immoral content could also be blocked. The registration, license renewal, and content production provisions for online platforms were complex. The FNJ expressed concern that this regulatory complexity gives the government power to censor online content.

On November 13, the government banned TikTok citing objectionable content as the cause for the ban.

b. Freedom of Peaceful Assembly and Association

Although the law provided for the freedoms of assembly and association, the government restricted these freedoms, especially for minority and marginalized communities.

Freedom of Peaceful Assembly

Freedom of peaceful assembly generally was respected for citizens and legal residents, but there were some restrictions, especially for minority and marginalized communities. Government permits were required to hold large public events. The law authorized chief district officers (CDOs) to impose curfews when there was a possibility that demonstrations or riots could disturb the peace.

The government continued to limit freedom of peaceful assembly for members of the Tibetan community. The government relaxed this posture for certain culturally important events, such as the Dalai Lama's birthday and Tibetan *Losar* (New Year). The government continued to deploy police to Tibetan settlements to monitor politically important events, including Tibetan Uprising Day and Tibetan Democracy Day.

Freedom of Association

The law provided for freedom of association, and the government generally respected this right. NGOs, however, stated the existing legal framework did not adequately recognize the independence of civil society and opened the door to the exercise of excessive discretion by the government. They added that the registration process for NGOs was restrictive and cumbersome, the government had wide discretion to deny registration, and requirements varied among various registration authorities, with some entities requiring documents not mentioned in existing laws on an ad hoc basis.

Additionally, the law empowered the government to give directions to associations and to terminate associations if they refused to follow these directions. To receive foreign or government resources, NGOs sought separate and additional approval from the Social Welfare Council, the government entity responsible for overseeing NGOs. NGOs expressed concern that the approval process was not transparent and that officials had the power to stall the approval process almost indefinitely.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, except for most refugees, whose freedom of movement within the country was limited by law. The government unevenly enforced constraints on refugee movements.

In-country Movement: The government had not issued personal identification documents to Tibetan refugees since 1995, leaving most of this refugee population without the required documents to present at police checkpoints or during police stops. Lack of documentation also inhibited Tibetans' ability to travel abroad. Some refugees reported being harassed or turned back by police at checkpoints.

Foreign Travel: The government maintained strict criteria for women traveling overseas for domestic employment, stating it was to protect women from trafficking or other abuse in overseas employment. NGOs and human rights activists viewed these restrictions and prior bans on women under certain ages from traveling to Gulf countries for work as discriminatory and counterproductive because they impelled some women to migrate through informal channels across the Indian border, rendering them more vulnerable to exploitation.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, except as noted. The National Unit for Coordination of Refugee Affairs – under the Home Ministry – improved access to identification documents for Bhutanese refugees and their children born in the country, enabling them to conduct general business and trade with approval from the local level government, and facilitating their ability to open bank accounts with the recommendation of local administration authorities.

Access to Asylum: The law did not provide for the granting of asylum or refugee status, and the government had not established a system for providing protection to refugees. The government recognized only Tibetans and Bhutanese as refugees and regarded the approximately 900 refugees and asylum seekers of other nationalities as irregular migrants. The government continued to require refugees accepted for third country resettlement to pay substantial penalties of 1,063 rupees (\$8) per day for illegal stay before granting exit permits. The government did not recognize as refugees Tibetans who arrived in the country after 1990. Most Tibetans who arrived since then transited to India, although an unknown number remained in the country. The government had not issued refugee cards to

Tibetan refugees since 1995. UNHCR estimated three-quarters of the approximately 12,000 resident Tibetan refugees remained undocumented, including all those who were younger than the age of 16 in 1995, or who were born since then. UNHCR reported 662 urban or mandate refugees and 238 asylum seekers from other countries, including Pakistan, Burma, Afghanistan, Sri Lanka, Bangladesh, Somalia, Iran, and Iraq, lived in the country. The government continued to deny these groups recognition as refugees, even when recognized as such by UNHCR.

Freedom of Movement: The government officially restricted freedom of movement for the approximately 6,365 refugees with claims to Bhutanese residency or citizenship residing in the two remaining refugee camps in the eastern part of the country, but those restrictions were largely unenforced for this population. UNHCR reported that 40 Tibetans transited the country as of October 16. The government did not issue exit permits to Tibetan new arrivals. While Tibetans based in the country with refugee certificates were eligible to apply for travel documents to leave the country, the legal process was often arduous, expensive, and opaque, and travel documents were typically valid for only a single trip. After high-ranking former officials were implicated in a scam to sell Bhutanese refugee cards to Nepali citizens, the National Unit for the Coordination of Refugee Affairs added additional scrutiny when processing travel documents for Tibetan and Bhutanese refugees, harming genuine refugees. For individuals whom the government did not recognize as refugees, even when recognized by UNHCR, the

government levied fines for each day out of status and a substantial discretionary penalty to obtain an exit permit.

Employment: There were credible reports that the government imposed restrictions on Tibetan refugees' ability to work.

Access to Basic Services: Most Tibetan refugees who lived in the country, particularly those who arrived after 1990 or turned 16 after 1995, did not have documentation, nor did their locally born children. Even those with acknowledged refugee status had no legal rights beyond the ability to remain in the country. The government allowed NGOs to provide primary- and secondary-level schooling and other basic services to Tibetans living in the country. Tibetan refugees had no entitlement to higher education in public or private institutions, nor were they eligible for professional licensing in fields such as medicine, nursing, and engineering. They were also unable to legally obtain business licenses or driver's licenses and could not open bank accounts or own property. Some refugees continued to experience difficulties documenting births, marriages, and deaths. Some in the Tibetan community resorted to bribery to obtain these services.

The government allowed UNHCR to provide some education, health, and livelihood services to urban refugees, but these refugees lacked legal access to public education and the right to work.

f. Status and Treatment of Internally Displaced Persons

(IDPs)

According to the Internal Displacement Monitoring Center, as of October, natural disasters led to more than 2,000 displacements.

g. Stateless Persons

The country contributed to statelessness, including through discrimination against women in nationality laws; discrimination on other grounds such as ethnicity; in nationality laws or in their administration; and because of problems registering births. An estimated 6.7 million individuals lacked citizenship documentation, although the majority of these would be eligible for citizenship under local law. Citizenship documents, issued at age 16, were required to register to vote; register marriages or births; buy, transfer, or sell land and immovable property; access higher education; appear for professional examinations; work in the civil service; open bank accounts or gain access to credit; and receive state social benefits.

Constitutional provisions, laws, and regulations governing citizenship limited women's ability to convey citizenship to their children, which contributed to statelessness. Legal provisions also made it more difficult for marginalized groups including landless individuals and former bonded laborers to obtain citizenship as did lack of knowledge and corruption. NGOs assisting individuals lacking citizenship documentation stated that local authorities maintained patriarchal requirements, such as attestations from a woman's

male relatives that she qualified for citizenship, a measure that impeded attempts by some individuals to obtain citizenship certificates.

Stateless persons experienced discrimination in employment, education, housing, health services, marriage and birth registration, identity documentation, access to courts and judicial procedures, migration opportunities, land and property ownership, and access to earthquake relief and reconstruction programs.

In June, the Supreme Court cleared the way for implementation of the Nepal Citizenship First Amendment Act, which would provide citizenship certificates to approximately 1.2 million people in the country, including members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community. According to NGOs, more than 10,000 individuals received citizenship certificates in the first two months following the act's implementation.

Section 3. Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections held in November 2022 were widely reported to be fair and free of abuses and irregularities.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption.

Corruption: During fiscal year July 2021 – July 2022 (latest report available), the Commission for the Investigations of Abuse of Authority filed 114 cases of bribery against 443 individuals. Corruption remained a problem within police, the Armed Police Force, and local governments.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards

International and Nongovernmental Monitoring and

Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat cooperative and responsive to the views of these groups. The government placed administrative burdens on some international NGOs by complicating procedures for obtaining visas and compelling them to sign asset control documents. Some NGOs, particularly those with a Christian religious element, reported increasing bureaucratic constraints after the devolution of power to local level officials.

Government Human Rights Bodies: The NHRC investigated allegations of abuses, but insufficient staff (97 out of 309 positions were vacant as of August), and limitations on its mandate led some activists to view the body as ineffective and insufficiently independent. The NHRC claimed the government helped promote impunity by failing to implement its recommendations fully. Police and the Armed Police Force each had a human rights cell, and the army had a human rights directorate. The army directorate and police cell had independent investigative powers. The army's investigations were not fully transparent, according to human rights NGOs.

The government and judiciary did not significantly address most conflict-era

human rights and humanitarian law abuses committed by the army, police, Armed Police Force, and Maoist parties.

The country's two transitional justice mechanisms, the Commission of Investigation on Enforced Disappeared Persons and the Truth and Reconciliation Commission, were not fully independent. Human rights experts continued to report that neither had made significant progress on investigations or reporting. In July the government extended the tenure of the two commissions an additional six months.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of women or girls, including marital rape, was illegal, with minimum prison sentences that varied between five and 15 years, depending on the survivor's age. The law also mandated five years' additional imprisonment in the case of gang rape, rape of pregnant women, or rape of women with disabilities. The law prohibited interference with a survivor's ability to file a complaint, including through coercion, threat, or force, and the law also prohibited mediation as an alternative to legal action for rape, with a punishment of up to three year's imprisonment and a fine. If the perpetrator of such coercion or threats was someone holding a public position, he or she was to be imprisoned for an additional six months. The law also imposed a fine for rape, to be provided to the

survivor as compensation. It also mandated recording the testimony of the survivor when the initial charges were filed at the court to prevent the survivor from later refusing to testify due to coercion or social pressure. The country's definition of rape did not include male survivors. Male survivors could file a complaint under the 'unnatural' sexual offense penal code; the highest punishment was up to three years' imprisonment and a fine.

Police and the courts were responsive in most cases when rape was reported, although stigma and societal pressure made it difficult for rape survivors to secure justice.

Human rights activists expressed concern that police outside of Kathmandu frequently refused to register cases of gender-based violence, including occasionally rape cases. These groups reported that police often preferred to use mediation rather than criminal investigation to resolve conflicts.

Domestic violence against women and girls remained a serious problem. NGOs reported that violence against women and girls, including early and forced marriage, was one of the major factors responsible for women's relatively poor health, livelihood insecurity, and inadequate social mobilization and contributed to intergenerational poverty. The law allowed for settling complaints of domestic violence through mediation with an emphasis on reconciliation. Authorities usually pursued prosecution only when mediation failed.

Police stations had 233 women's cells staffed by women officers in each of the country's 77 districts to make it easier for women and girls to report crimes to police. NGOs stated that despite improvements, resources and training to deal with victims of domestic violence and trafficking were insufficient. Although police guidelines called on officers to treat domestic violence as a criminal offense, observers reported this guidance was difficult to implement outside of the women's cells due to entrenched discriminatory attitudes.

The government maintained service centers in 17 districts, rehabilitation centers in eight districts, and hospital-based one-stop crisis management centers in 17 districts to provide treatment, protection, and psychosocial and legal support for survivors of gender-based violence. Gender experts said the service centers improved coordination among police, the NHRC, National Women's Commission, chief district officers, local authorities, community mediation centers, and NGOs working to address violence against women and girls. As of October 11, police registered 1,546 rape cases and another 293 attempted rape cases, and 9,851 domestic violence cases.

Other Forms of Gender-based Violence or Harassment: The constitution criminalized violence against women or oppression of women based on religious, social, or cultural traditions and gave victims the right to compensation. The penal code made the practice of paying dowries illegal

and imposed fines, prison sentences of up to three years, or both. The law also criminalized violence committed against one's spouse in connection to a dowry, imposing fines, prison sentences of up to five years, or both. Additionally, the law stipulated that any psychological abuse of women, including asking for dowry, humiliation, physical torture, and shunning women for not providing a dowry, was punishable with a fine and a prison sentence of up to five years, or both. Nevertheless, according to NGOs, dowries remained common, especially in the Terai region. Police registered three dowry-related physical assault cases that were under investigation as of October. Government agencies documented incidents of dowry-related violence and forced marriage, recommended interventions, and occasionally liberated victims and offered services for survivors.

Traditional beliefs about witchcraft negatively affected rural women, especially widows, the elderly, persons of low economic status, and members of the Dalit caste, despite a law specifically criminalizing discrimination and violence against those accused of witchcraft. Police registered 22 cases of witchcraft accusations and subsequent torture. The law criminalized acid attacks and imposed strong penalties against perpetrators; it also regulated the sale of acids to reduce the likelihood of use in criminal attacks. During the year, police registered one acid attack case, which was under investigation as of October.

The practice of *chhaupadi* (expelling women and girls from their homes

during menstruation and sometimes following childbirth, including forcing women and girls to reside in livestock sheds) continued to be a serious problem. The government had a law against chhaupadi, with punishments of up to three months' imprisonment, a token fine, or both. Some local officials implemented various efforts to eliminate chhaupadi, including education campaigns and physical destruction of sheds, but stigma and tradition maintained the practice, particularly in rural western districts, where women sometimes died from exposure to the elements. According to news reports, after antichhaupadi campaigns destroyed chhaupadi huts, family members, often mothers-in-law, still forced women and girls to remain isolated. Some women and girls in rural areas resorted to sleeping in sheds, animal pens, or caves throughout the winter and the monsoon season.

The law allowed the chief district officer, the top administrative official in a district, to impose up to six months imprisonment, a fine, or both, against a perpetrator of sexual harassment, once a series of internal workplace processes to address a complaint have been exhausted. According to women's rights activists, the law provided adequate protective measures and compensation for victims, but the penalties were inadequate, and the law did not cover the informal sector, where sexual harassment was most common.

Discrimination: The Civil Code contained discriminatory provisions. For

example, the law on property rights favored men in land tenancy and the division of family property. The constitution, however, conferred rights for women that had not previously received legal protection, including rights equal to those of their spouses in property and family affairs, and special opportunities in education, health, and social security.

Due to security concerns, the constitution did not allow women to convey citizenship to their children independent of the citizenship of the child's father and had no specific provision for naturalization of foreign husbands married to citizen wives.

For women and girls to obtain citizenship by descent for themselves, regulations required a married woman to submit a formal attestation from her husband, father, or husband's family (if widowed) that she qualified for citizenship and had their permission to receive it. This requirement made a woman's right to citizenship contingent on her father's or husband's cooperation; in many cases, husbands refused to provide their wives this attestation. Preventing women from obtaining citizenship documentation precluded their access to the courts and thus their ability to make legal claims to land and other property, which permitted the husband or male relatives to exclude women from consideration in property claims.

Although the law provided protection, women faced systemic discrimination, including in employment, especially in rural areas. Dalit women in particular faced gender and caste discrimination. The law granted

women equal shares of their parents' inheritance and the right to keep their property after marriage, but many women were not aware of their rights, and others were afraid to challenge existing practice. The law also granted widows complete access to and authority over the estate of their deceased husbands; the government reportedly did not take sufficient measures to enforce these provisions.

Women faced discrimination in employment and occupation. For every 100 employed men, there were only 59 employed women, and the average monthly income for women was 6,000 rupees (\$50) less than what men earn. Women made up 58 percent of the population earning at least 7,600 rupees (\$65) per month, but only 12 percent of those the total population earning more than 25,000 rupees (\$ 210) or more per month. Patriarchal attitudes and unequal gender division of labor was identified as a factor causing inequality with direct links to lower income, education, and access to finance.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Women who became pregnant outside of marriage, especially while working abroad, faced considerable social stigma. Although illegal, child marriage remained prevalent, especially in rural areas, and according to NGOs, many girls faced social pressure to have children before being emotionally ready and before their bodies were able to bear children safely. Contraception was available,

although cultural norms impeded access for adolescents and single women.

The government provided free access to sexual and reproductive health services for all persons, including sexual violence survivors. Survivors could access sexual and reproductive health services in government hospitals, including emergency contraception, postexposure prophylaxis, and psychosocial counseling, and there were one-stop crisis management centers in each of the 17 districts.

According to the country's 2021 census, the maternal mortality ratio was 151 per 100,000 live births, with higher ratios in Lumbini and Karnali Provinces (207 and 172 per 100,000 live births, respectively) and the lowest ratio in Bagmati Province (98 per 100,000 live births). Of the 12,976 deaths among women of reproductive age (age 15 to 49), 653 were pregnancy-related, compromising 5 percent of the total deaths in this age group.

According to the 2022 *Nepal Demographic and Health Survey* the infant mortality rate was 28 per 1,000 live births and the neonatal mortality rate was 21 per 1,000 live births.

Systemic Racial or Ethnic Violence and Discrimination

Caste-based discrimination was illegal, and the government outlawed the public shunning of or violence against Dalits and tried to protect the rights of other disadvantaged castes. The constitution prohibited the practice of untouchability and stipulated special legal protections for Dalits in

education, health care, and housing. It also established the National Dalit Commission as a constitutional body to strengthen protections for and promote the rights of Dalits. Dalit rights activists maintained that the laws against discrimination were too general and did not explicitly protect Dalits. They said most cases went unreported, and those that were reported rarely result in official action.

The law provided that each community shall have the right “to preserve and promote its language, script, and culture” and to operate schools at the primary level in its native language. The government generally upheld these provisions. More than 125 caste and ethnic groups spoke more than 120 different languages.

Discrimination against lower castes and some ethnic groups, including in employment, was widespread and especially common in the Terai region and in rural areas. According to the Nepal National Dalit Social Welfare Organization, government progress in reducing discrimination remained limited in rural areas.

To be eligible for government jobs, Nepali national origin or citizenship was mandatory. According to the Nepal National Dalit Social Welfare Organization, the government made little progress in implementing antidiscrimination legal provisions to assure employment opportunities for lower-caste individuals in both the public and private sectors. Structural barriers and discrimination forced Dalits to continue low-income and

dehumanizing employment, such as manual scavenging, disposing of dead animals, digging graves, or making leather products.

As of August, 23 persons remained in custody awaiting trial for the killing of six youth, including four Dalit or “untouchable” caste members, in a 2020 incident. The detained individuals were accused of being part of a mob of villagers from Rukum District that reportedly objected to a marriage between a Dalit youth and his higher-caste Chhetri girlfriend. A hearing was scheduled for November; as of November, the 23 individuals remained in police custody.

On June 25, Hikmat Giri was accused of setting on fire the house of a Dalit man that allegedly eloped with Giri’s sister. On July 3, police from Tatopani rural municipality in Jumla District arrested Giri on arson and caste discrimination charges. As of October, the investigation was still in process.

Indigenous Peoples

The government recognized 59 ethnic and caste groups as Indigenous nationalities, comprising approximately 36 percent of the population. Although some communities were comparatively privileged, many individuals faced unequal access to government resources, employment, political, linguistic, religious, and cultural discrimination. Activists reported that Indigenous groups lacked adequate protections and risked losing access to their lands and territories due to encroachment from mining,

hydropower, and real estate companies.

Children

Birth Registration: There was no difference in birth registration policies and procedures based on the sex of the child. The national census in 2021 stated that 74 percent of children of age up to five years had their birth registered, while 26 percent were not registered. Among registered children, 5.8 percent more boys were registered than girls.

The Supreme Court ruled in 2017 that government authorities were not to deny the birth registration for children born to citizen mothers and fathers who could not be traced. According to human rights lawyers, although this provision applied to the children of single mothers, including rape survivors and trafficking victims, it did not address situations in which the identity of a child's father was known but he refuses to acknowledge paternity.

Education: The constitution made basic primary education free and compulsory nationwide. The government reported that during this school year, 95.11 percent of school-age children attended primary schools with gender parity.

Some children, particularly girls, faced barriers to accessing education due to lack of sanitation facilities, child marriage, distance, costs associated with schooling, household chores, and lack of parental support. Countrywide, nearly a third of schools lacked separate toilet facilities for girls, which

deterred some from attending school, especially when they were menstruating. Children with disabilities faced additional barriers to accessing education, including denial of school admission. Children were required to attend school only up to age 13, making children aged 13 and older vulnerable to child labor despite not being legally permitted to work.

Medical Care: The government provided basic health care without cost to children and adults, although quality and accessibility varied. Parental discrimination against girls often resulted in impoverished parents giving priority to their sons when seeking medical services.

Child Abuse: The law criminalized child abuse. Violence against children, including sexual abuse, was reportedly widespread. NGOs stated that such reports increased in part due to greater awareness, but no reliable estimates of its incidence existed. The government had special hotlines and the National Child Rights Council to respond to reports of child abuse and violence against children.

Child, Early, and Forced Marriage: The law prohibited marriage for both boys and girls before the age of 20, but the country had a high rate of child marriage and childbearing among girls. Child marriage was defined as between individuals under 18 years, and early marriage as individuals between 18 and 20 years.

In August, the Supreme Court held that an adult man who married a girl and

engaged in sexual intercourse was not guilty of rape or kidnapping, but only of child marriage. The Supreme Court overturned a high court verdict that imposed an 11-year jail term on the man. Instead, the Supreme Court reduced his prison term to six months with a fine of 10,000 rupees (\$75).

Social, economic, and cultural values promoted the practice of early and forced marriages, which was especially common in the Dalit and Madhesi communities. The law set penalties for violations according to the age of the girls involved in child marriage. The penalty included both a prison sentence and fine, with the fees collected going to the girl involved. The law required the government to act whenever a case of child marriage was filed with authorities. The practice of early and forced marriage limited girls' access to education and increased their susceptibility to domestic violence and sexual abuse, including sex trafficking.

According to Save the Children, in 2022, Surunga Municipality achieved a significant milestone by becoming the first municipality in Madhesh Province to declare itself child marriage-free.

Sexual Exploitation of Children: Commercial sexual exploitation of children remained a serious problem, according to NGOs. There were reports of boys and girls living on the streets being exploited for child sex trafficking, including by tourists, and of girls employed in dance bars, massage parlors, and cabin restaurants (sometimes fronts for brothels). Enforcement was generally weak due to limited police capacity and investigative efforts, and

police sometimes arrested girls in commercial sexual exploitation. The minimum age for consensual sex was 18 years.

There was no specific law against child pornography, but the law stipulated that no person could involve or use a child for an immoral profession, and photographs could not be taken or distributed for the purpose of engaging a child in an immoral profession. Additionally, photographs that tarnished the character of the child could not be published, exhibited, or distributed.

Antisemitism

There was a small Jewish population in the country and no known reports of antisemitic incidents.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Forced Organ Harvesting

The media reported some organ trafficking incidents including trafficking of kidneys and skin to India; however, police and the Anti-Human Trafficking Bureau reported no organ trafficking incidents.

Acts of Violence, Criminalization, and Other Abuses Based

on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: In 2007, LGBTQI+ status and same-sex sexual conduct between adults were decriminalized by the Supreme Court, which affirmed that LGBTQI+ persons were protected under the constitution.

Violence and Harassment: LGBTQI+ rights groups reported that LGBTQI+ persons faced harassment from police. NGOs reported that LGBTQI+ individuals faced discrimination, violence, and intimidation including sexual harassment from police and local authorities. According to LGBTQI+ rights NGOs, there were some instances of harassment and abuse of LGBTQI+ persons by private citizens and government officials, especially in rural areas.

Discrimination: The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. Constitutional and legal frameworks outlined protections for LGBTQI+ persons, but according to LGBTQI+ NGOs like the country's Blue Diamond Society, there were gaps between those frameworks and implementation of existing laws.

On March 22, the Supreme Court issued instructions to the government to recognize and register same-sex marriage documents as legally valid. The verdict also issued instructions to the government to review and amend 23

laws that the court determined were discriminatory to LGBTQI+ persons.

On June 28, the Supreme Court ordered registrations for same-sex marriages begin without waiting for new legislation. Despite that, on July 13, the Kathmandu District Court refused to register the marriage of a same-sex couple. District court Justice Madhav Prasad Mainali refused to register the six-year-old union of Maya Gurung and Surendra Pandey. In his ruling, Justice Mainali stated that Gurung and Pandey were not a heterosexual couple and cited Section 77(1) of the 2017 National Civil Code that provided for marriage registration between a man and woman. LGBTQI+ activist and former member of parliament Sunil Babu Pant called the ruling a “setback” for LGBTQI+ rights in the country and vowed to appeal to the Supreme Court to “find a solution to this injustice.” As of October, the marriage registration was not completed.

LGBTQI+ advocacy groups reported that the government did not provide equal opportunities to LGBTQI+ persons for education, health care, or employment. Additionally, LGBTQI+ advocates reported difficulties for LGBTQI+ persons seeking citizenship documents that reflect gender marker or name changes. Advocacy groups also stated that some LGBTQI+ persons faced difficulties registering for citizenship, particularly in rural areas. Despite some progress, four out of five LGBTQI+ Nepalis reported they experienced one or more forms of discrimination during their lives, according to a 2023 report by UN Women’s Nepal country office, M & C

Saatchi World Services, Blue Diamond Society, and Viamo.

Reliable data on discrimination against LGBTQI+ persons in various sectors was not available, but activists reported it was common for LGBTQI+ persons to be denied promotions and competitive opportunities within security services and athletics. NGOs reported that members of the LGBTQI+ community did not have equal access to employment opportunities in either government or the private sector. Some members of the LGBTQI+ community reported discrimination in pay, and that they faced violence in the workplace. NGOs noted that the government took no action to address employment-based discrimination against the LGBTQI+ community.

Availability of Legal Gender Recognition: Authorities added an “others” category to government identity documents in 2013. In the 2021 census, 2,928 individuals were identified as “other” gender which NGOs claimed were undercounted due to stigma. Despite the 2017 Supreme Court verdict which granted self-determination of any person to acquire legal gender identity, many districts required gender-affirming surgery or an application to the Nepal Medical Council, which required surgical interventions and certification from the hospital that performed the procedure, to change gender markers on identity documents. In April, the Patan High Court issued a landmark verdict ordering police to register a First Information Report, or formal record of criminal complaint, of rape filed by a transgender woman

victim; this was the first time a court ruled in favor of a transgender victim in a rape case.

Involuntary or Coercive Medical or Psychological Practices: The government did not have coercive medical practices targeting LGBTQI+ individuals and there were no reports of so-called conversion therapy being practiced.

Forced marriage was a common practice, and families sometimes pressured children to marry for various reasons, including to suppress a person's nonheterosexual orientation. Maya Gurung, a transgender woman who was fighting for registration of her same-sex marriage, was forced by her family to marry a woman at the age of 15. In 2013, she filed for divorce and married Surendra Pandey in 2017. As of October, the marriage registration was not recognized by the government.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: LGBTQI+ community rights organizations and activists reported little or no restrictions on their ability to advocate, organize, convene meetings, or hold public gathering, and little or no interference from private parties. Some rallies and public gatherings outside Kathmandu had poor attendance due to existing social stigma. High-level government officials including a cabinet member attended Gai Jatra Pride, a LGBTQI+ community parade held every year in August.

Persons with Disabilities

The constitution and law prohibited discrimination based on disability or physical condition and contained additional specific rights for persons with disabilities. These included the right to free higher education for all citizens with physical disabilities and the provision of accessible instructional materials and curricula for persons with vision disabilities. NGOs reported that a few public buildings, roads, and schools were accessible, but most were still inaccessible.

The law provided that persons with disabilities have equal access to education, health, employment, public physical infrastructure, transportation, and information and communication services. Government implementation of laws and regulations to improve rights and benefits for persons with disabilities, although improved, was not fully effective. For example, books printed in braille were not available for students at all grade levels, and free higher education was not uniformly available to all interested persons with disabilities.

According to the Ministry of Women, Children, and Senior Citizens and disability rights advocates, the overall rate of employment of persons with disabilities was lower than for other persons. In the private sector, large numbers of persons with disabilities claimed they were denied work opportunities or dismissed due to their conditions. In all sectors, employees

with disabilities reported other forms of discriminatory treatment.

There were no restrictions on the rights of persons with disabilities to vote and participate in civic affairs or to access the judicial system. According to the Ministry of Women, Children, and Senior Citizens, however, there were obstacles in exercising these rights, especially the lack of accessibility to public facilities.

Institutionalized Children: Abuse, including sexual abuse, and mistreatment in orphanages and children's homes reportedly was common. An NGO working in this field estimated that approximately one-third of registered children's homes met the minimum legal standards of operation, but there was no reliable data on the many unregistered homes. NGOs reported some children in these institutions were forced to beg. The NGO also reported no significant change in the level or degree of abuse of children compared to previous years. Specific information on the status and conditions of children with disabilities who were institutionalized was not available.

Other Societal Violence or Discrimination

Societal discrimination and stigma against persons with HIV and those at high risk of HIV remained common, according to NGOs. There was no official discrimination against persons in high-risk groups that could spread HIV or AIDS. Most health care facilities run by government and NGOs

provided HIV services to HIV-infected and affected populations.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of most workers to form and join unions of their choice, except those organizations deemed by the government to be subversive or seditious. Freedom of association extended to workers in both the formal and informal sectors. Noncitizens could not be elected as trade union officials or form unions.

Certain workers had the right to strike and bargain collectively, except for employees in what the government defines as essential services, including public transportation, banking, security, and health care. Members of the armed forces, police officers, and government officials at the undersecretary level or higher also were prohibited from forming or taking part in union activities.

The law prohibited workers from forming trade unions and striking in any special economic zone (SEZ). The country had two SEZ, located in Bhairahawa and Simara, near the Indian border.

The law stipulated that unions had to represent at least 25 percent of

workers in a workplace to be considered representative. The minimum requirement did not prohibit the formation of unofficial union groups, which under certain conditions could call strikes and negotiate with the government. Workers in the informal sector could also form unions, but due to the strong political affiliation of many of these unions, nonaffiliated individuals often remained excluded or unaware of this right.

The government effectively enforced applicable labor laws in the public sector, and penalties were commensurate with those for other laws involving denials of civil rights such as discrimination. According to the International Labor Organization (ILO) and the General Federation of Nepalese Trade Unions (GEFONT), penalties were rarely applied against violators. Enforcement was not effective in the private and informal sectors. A labor court addressed violations of labor laws and other issues related to labor. Labor activists reported that the court was not objective or effective, and that it had a backlog of cases.

The law protected union representatives from adverse legal action arising from their official union duties, including collective bargaining, and prohibited antiunion discrimination. Workers dismissed for engaging in union activities could seek reinstatement by filing a complaint in labor court or with the Department of Labor, which had semi-judicial and mediation authority. Most cases were settled through mediation. The law stipulated that participation in a strike that did not meet legal requirements

constitutes misconduct, for which the consequences could be suspension or termination of employment.

To conduct a legal strike, more than 60 percent of a registered union's membership had to sign in favor, and unions were required to give 30 days' notice before striking. If the union was unregistered, did not have majority support, or called a strike prior to issuing 30 days' notice, the strike was considered illegal.

Freedom of association and the right to collective bargaining were generally respected. Although the government restricted strikes in essential services, workers in hospitals, education services, and the transportation sector occasionally called strikes and did not face any legal penalties. Many unions had links to political parties and did not operate independently from them but worked effectively to advance the rights of workers. The government did not interfere in the functioning of workers' organizations or threaten union leaders.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for

Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage exceeded the official poverty line but was minimally sufficient to meet subsistence needs.

The law stipulated a 48-hour workweek, with one day off per week and one-half hour of rest per five hours worked. The law limited overtime to no more than four hours a day and 20 hours per week, with a 50 percent overtime premium per hour. Excessive compulsory overtime was prohibited. Employees were also entitled to paid public holiday leave, sick leave, annual leave, maternity and paternity leave, bereavement leave, and other special leave. The law provided benefits such as a provident (retirement) fund, housing facilities, day-care arrangements for establishments with more than 50 woman workers, and maternity benefits.

In the SEZs, wage rates were determined by the SEZ authority, although they could not be set lower than the national minimum wage. Leave time, insurance, bonuses, and social security were set by the individual industries in the SEZs.

Occupational Safety and Health: The law provided adequate occupational safety and health (OSH) standards, and the Ministry of Labor, Employment, and Social Security was responsible for their enforcement. Implementation and enforcement of these standards, however, were minimal, and the ministry considered OSH the most neglected area of labor law enforcement. The ministry found violations across sectors, including in construction, mining, transportation, agriculture, and factory work.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage, overtime, and OSH laws.

The Ministry of Labor, Employment, and Social Security was responsible for enforcement of wage and hour laws. The ministry did not employ enough inspectors to enforce the wage and hour laws or the occupational health and safety laws. Inspectors had the authority to make unannounced inspections and initiate sanctions.

Penalties for violations of minimum wage and overtime laws were commensurate with those for similar crimes, such as fraud, but the number of worksite inspections were low. There were no reports that the labor inspectorate faced a full or partial moratorium on inspections, including on-site inspections. The country did not meet the ILO standard of one inspector per 40,000 workers. According to the Department of Labor, there were only 14 labor inspectors. According to the GEFONT and other labor rights activists, most factories in the formal sector complied with laws on

minimum wage and hours of work, but implementation varied in the informal sectors.

Penalties for OSH violations were not commensurate with those for similar crimes, such as fraud or negligence, and were rarely applied against violators for the entire country.

The government had not created the necessary regulatory or administrative structures to enforce OSH provisions. The ministry did not have a specific office dedicated to OSH, nor did it have inspectors specifically trained in this area.

Although the law authorized factory inspectors to order employers to rectify unsafe conditions, enforcement of safety standards remained minimal, and monitoring was weak. Accurate data on workplace fatalities and accidents was not available. Labor law and regulations provided for protection of workers from work situations that endangered their health and safety, but in small and cottage industries located in towns and villages, employers sometimes forced workers to work in such situations or risk losing their jobs. The number of labor inspectors was insufficient to enforce compliance.

According to the ILO, more than 70 percent of the economically active population was involved in the informal economy, and over 90 percent of women were employed in the informal sector including domestic service. Enforcement of labor laws in the informal sector remained minimal and

monitoring was equally weak.