

NEPAL 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Nepal is a federal democratic republic. The political system is based on the constitution, which was promulgated September 20, replacing the Interim Constitution of Nepal 2063 (2007). The new constitution establishes a framework for a prime minister as the chief executive, a bicameral parliament, and seven provinces. The Constituent Assembly, which had been charged under the interim constitution with bringing Nepal a constitution, transformed into the country's parliament the moment the constitution was promulgated. National elections for the Constituent Assembly, which domestic and international observers characterized as credible, free, and fair, were held in November 2013. Civilian authorities maintained effective control of security forces.

The most significant human rights problems included the alleged use of excessive force by security personnel in controlling protests related to the finalization of the new constitution, especially in the Terai region. The continued absence for much of the year of a permanent constitution and the further delay of functioning transitional justice mechanisms exacerbated the lack of accountability for human rights and humanitarian law violations during the country's 10-year insurgency. Discrimination against women was a persistent problem, and the new constitution contains provisions that discriminate by gender.

Other human rights problems included poor prison and detention center conditions and police mistreatment of detainees. The courts remained vulnerable to political pressure, bribery, and intimidation. There were problems of harassment of media and press self-censorship. The government sometimes restricted freedom of assembly, notably in areas where violent protests against the constitutional process were taking place from August through the end of the year. The government limited freedoms for refugees, particularly for resident Tibetans. Corruption remained a problem at all levels of government. Citizenship laws and regulations that discriminate by gender contributed to statelessness. Early and forced marriage, and rape and domestic violence against women, including dowry-related deaths, remained serious problems. Violence against children, including reported abuse at orphanages, continued and was rarely prosecuted. Sex trafficking of adults and minors remained a significant problem. Discrimination against persons with disabilities, lower-caste individuals, and some ethnic groups continued, as did some harassment against gender and sexual minorities. There were some restrictions on worker rights. The government made little progress in combatting

forced and bonded labor, which persisted despite laws banning the practice, and there was moderate progress in efforts to eliminate child labor.

Throughout most of the year, the government routinely investigated and held officials and security forces accused of committing ongoing violations of the law accountable. The government, however, had not done so in connection with allegations of excessive force during sometimes-violent demonstrations objecting to some of the terms of the new constitution from August through the end of the year.

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

a. Arbitrary or Unlawful Deprivation of Life

There were several reports that the government or its agents committed arbitrary or unlawful killings. There was civil unrest related to the promulgation of the constitution, including protests, vandalism, and forced general strikes, in the mid-western hills and the Terai region from August through the end of the year. According to Amnesty International, more than 40 individuals, the majority of them protesters, were killed in clashes with the Nepal Police and Armed Police Force (APF). Investigations by the National Human Rights Commission (NHRC), an independent constitutional body, and civil society, including Amnesty International, found the force used by security forces was excessive, disproportionate, or unnecessary. Some human rights groups and the NHRC claimed that police personnel carrying out crowd control activities failed to follow guidelines for escalating use of force set out in the Local Administration Act. According to the act, security forces must aim below the knee when shooting at suspected criminals, unless there is an imminent threat to human life. Police and some government officials claimed that the killings were justified because a large number of protesters presented an imminent threat to human life when they wielded sharp weapons, threw objects, set police vehicles and posts on fire, or otherwise directly attacked security personnel.

Media reported that police in Bethari, Rupandehi district killed three protesters and a four-year-old on September 15. The Terai Human Rights Defenders Alliance (THRDA) and other rights groups alleged that the killings occurred when police fired shots from a bridge toward a market below, where the victims were carrying out everyday business, not taking part in demonstrations or violence. According to THRDA, police fired tear gas at 30 to 40 protesters who were throwing stones at police vehicles, causing the protesters to scatter. THRDA cited eyewitness

accounts claiming that police then fired live ammunition indiscriminately towards the market below.

In addition to cases related to the constitutional protests and subsequent unrest in the Terai region, the NHRC, THRDA and other human rights nongovernmental organizations (NGOs) such as the Advocacy Forum (AF) and Informal Sector Service Center (INSEC), each reported one killing by Nepal Police in an unlawful manner. The Nepal Police Human Rights Cell (HRC) and the Nepal Army HRC claimed to have received no reports of arbitrary or unlawful deprivation of life.

The cases of two 2014 killings that activists claimed were unlawful continued. In March an appellate court ordered the district police to register a criminal complaint for involuntary manslaughter in the police killing of Jaka Ulla, a local Muslim leader, who had been wanted for his alleged involvement in abduction, extortion, and murder. As of late September, the police had failed to register the complaint. A Supreme Court petition to order police to investigate, prosecute, and punish police officers involved in the death of fugitive gangster Dinesh Adhikari (“Chari”) during an alleged shootout was also pending as of late September.

In December 2014 the Dailekh district court convicted five Maoist cadres of second-degree murder in connection with the 2004 killing of Radio Nepal journalist Dekendra Thapa and imposed prison sentences ranging from one to two years, with credit for time served. On February 15, the government filed an appeal asking that the defendants be recharged with first-degree murder, arguing that the case had been weakened when key witnesses for the prosecution retracted their testimony in response to threats from Maoist political leaders, according to human rights defenders. On February 25, the defense filed an appeal as well, in part arguing that the case should fall under the jurisdiction of the newly established Truth and Reconciliation Commission (TRC). On September 17, an appellate court upheld the second-degree murder sentence for each of the five accused. In previous years a Maoist-led government reportedly attempted to block investigation into this case, claiming that only a truth and reconciliation commission could investigate conflict-era cases due to their sensitive political nature.

There was progress in a few other emblematic conflict-era cases. As an example, on April 21, the appellate court in Janakpur ordered police to complete, within six months, an investigation into the 2002 killing of Ganesh Kumar Shrestha, allegedly by Maoist cadres. Shrestha’s family filed a criminal complaint with the police in 2002, but the police never investigated. On February 18, the family appealed,

demanding an investigation. The court ruled in the family's favor, rejecting the government's argument that the newly established TRC had sole jurisdiction over the case.

b. Disappearance

There were no reports that government forces were responsible for disappearances during the year.

The fate of most of those who disappeared during the 10-year civil conflict (1996-2006) remained unknown. According to the NHRC, there were approximately 842 unresolved cases of disappearances, 594 of which may have involved state actors. As of October the government did not prosecute any government officials, current or former, for involvement in conflict-era disappearances, nor had it released information on the whereabouts of the 606 persons the NHRC identified as having been disappeared by state actors. The NHRC reported that Maoists were believed to be involved in 149 unresolved disappearances during the conflict. As of November the government had not prosecuted any Maoists for involvement in disappearances. On February 11, all of the members of the Commission on the Investigation of Disappeared Persons (CIDP) assumed office, marking the commencement of the commission's two-year term. The CIDP and the TRC were established in accordance with a law adopted in May 2014 and were in fulfillment of a key component of the 2006 Comprehensive Peace Agreement.

The overall number of conflict-era missing persons generally remained stable. As of September the International Committee of the Red Cross (ICRC) listed 1,343 names of missing persons, compared with 1,347 the previous year. The ICRC reported that from January to September, 14 new cases were filed and 16 were closed.

The NHRC reiterated its previous calls for the government to take action against Nepal Army and Nepal Police officials implicated in the disappearance and deaths of five youths in Janakpur in 2003. In July 2014 the NHRC released its final report, based on DNA and forensic analysis, confirming that five bodies buried in Dhanusha district were those of the five youths and calling on the government to arrest those responsible.

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

Contrary to requirements in both the Interim Constitution of 2007 and the new constitution adopted in September, torture is not explicitly criminalized, and the law does not have clear guidelines for punishing offenders. The Torture Compensation Act provides for compensation for victims of torture; the victim must file a complaint and pursue the case through the courts.

According to human rights activists and legal experts, police resorted to torture, primarily beatings, to force confessions. The AF reported a slight decrease in the incidence of torture in the country, although complaints of torture remained relatively high in the Terai region. THRDA stated that there had been no change to police abuse in rural parts of the Terai region and accused police of mistreating some individuals arrested in connection with constitution-related civil unrest in the Terai region in August and September.

THRDA stated that torture victims often were hesitant to file complaints due to police or other official intimidation and fear of retribution. According to THRDA, 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 the police, the decisions were rarely implemented, according to THRDA and other NGOs.

THRDA reported that as of September, it had lodged several complaints of police abuse with the district courts, each of which remained pending. Separately, the AF reported filing four abuse cases with the Nepal Police HRC as of September, adding to 152 cases filed since 2007, 59 of which had not been resolved. As of September the AF had not filed any torture compensation claims with the district courts. Of the cases pending from previous years, the district courts awarded compensation in three cases and dismissed seven others. As of September the Nepal Police HRC reported receiving eight complaints of torture and three complaints of other cruel, inhuman, or degrading treatment. In four cases alleging torture and two cases alleging cruel treatment, officials cleared the accused officers of wrongdoing after conducting an investigation. As of late September, the other cases were pending.

The AF stated that 16 percent of the 763 detainees it had interviewed in the first half of the year reported some form of physical abuse, compared with 16.2 percent in 2014. According to the Nepal Police HRC, the vast majority of the alleged incidents were not formally reported nor investigated.

There have been no cases brought to the criminal justice system for torture committed during the civil conflict.

Prison and Detention Center Conditions

Prison conditions, especially those in pretrial detention centers, were poor and did not meet international standards, according to human rights groups.

Physical Conditions: There was overcrowding in the prison system, with 17,486 convicted prisoners in 74 prisons designed to hold 10,298 individuals. THRDA stated that overcrowding remained a serious problem in detention centers but noted that there was some improvement as police opened new ones. As of May overcrowding in prisons was most severe in Banke District Prison, which incarcerated 566 inmates (an increase of 80 inmates compared with last year) in a facility designed to hold 150 individuals. A 2015 monitoring report by the Office of the Attorney General (OAG) indicated that eight prisons had more than twice as many inmates as their respective capacities. Due to overcrowding, according to the OAG report, there was not enough daylight or air due to an insufficient number of windows in four detention centers and in one prison.

Authorities generally held pretrial detainees separately from convicted prisoners. All convicted minors served their sentences in one of three government-run juvenile reform homes in Bhaktapur, Kaski, and Morang districts. Due to a lack of adequate juvenile detention facilities, authorities sometimes incarcerated pretrial detainee children with adults or allowed children to remain in jails with their incarcerated parents.

The OAG report indicated that the 27 detention centers the OAG monitored lacked separate facilities for women, while the 12 prisons the OAG monitored had separate rooms for women.

According to the OAG report, sanitation and physical conditions in prisons and detention centers were generally normal, but six detention centers had no windows and four had no attached toilets or bathrooms. The report noted that, in accordance with relevant law, detainees received a medical examination before being taken into custody, but no follow-up exams took place prior to their release. The report added that detention centers provided general medical treatment as needed and brought detainees to the nearest hospital in cases of serious illness. According to the AF and THRDA, which monitor detention center conditions, medical examinations generally were perfunctory. The AF also reported medical care was

poor for detainees with serious conditions. The OAG report stated that kitchen facilities were either insufficient or lacking in three prisons. The OAG also reported that in one prison in Gulmi district and another in Mahottari district, some inmates slept on the floor due to lack of beds. According to the AF, some detainees had access only to unfiltered and dirty water and inadequate food, and many detention centers had poor ventilation, lighting, and bedding.

According to the NGO Child Workers in Nepal, minors housed in adult facilities often faced bullying from adult detainees and received poor treatment by police. Hygiene was poor, and police and adult detainees often made minors clean the toilets.

Administration: Recordkeeping in detention centers was poor, and falsification of arrest records was common, according to the AF and THRDA. There were no alternatives to imprisonment or fines, or both, for nonviolent offenders.

A NHRC monitoring report stated that prisoner and detention facilities allowed prisoners to submit complaints through established procedures. The AF, however, stated that detainees rarely made complaints due to threats and intimidation. Authorities were quicker to respond to allegations brought to their attention by NGOs or international organizations. There were no prison ombudsmen to handle prisoner complaints.

Independent Monitoring: The government generally allowed pretrial detention center visits by independent human rights observers, although sometimes detention center authorities did not permit them to interview detainees. It was difficult, however, for international observers to obtain permission to visit prisons. The government generally permitted the attorney general and the NHRC to make unannounced visits to prisons and detainees in army and police custody. The NHRC could request government action, but such requests were often denied.

Improvements: In some districts the government constructed separate detention center buildings for women and children, whereas previously women and children detainees merely had separate rooms. To address overcrowding in prisons, the government completed construction of new prisons in Dang, Kapilvastu, and Sarlahi districts, but as of early October these three facilities were not yet in operation.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but there were reports that security forces arbitrarily arrested persons during the year, particularly in August and September, when there were widespread protests and political unrest in the Terai region. Apart from the arbitrary arrests reported in August and September, INSEC, a leading human rights monitoring organization, stated that arbitrary arrests declined during the year. The law gives chief district officers wide latitude to make arrests, and human rights groups contended that police abused their 24-hour detention authority by holding persons unlawfully, in some cases without proper access to counsel, food, and medicine or in inadequate facilities.

As of November the Nepal Police HRC reported receiving three complaints of arbitrary arrest or detention. As of early November, all these cases were pending.

Role of the Police and Security Apparatus

The Nepal Police is responsible for enforcing law and order across the country, while the APF is responsible for combating terrorism, providing security during riots and public disturbances, assisting in natural disasters, and protecting vital infrastructure, public officials, and the borders. In July the government gave the APF the authority to issue warrants to suspects they detain before turning them over to the Nepal Police.

The Nepal Police, APF, and Nepal Army have human rights commissions. The Nepal Army and Nepal Police HRCs have independent investigative powers. The Nepal Army's investigations were not fully transparent, according to human rights NGOs. Nepal Army HRC representatives stated that nearly all of its cases derived from the Maoist insurgency, and that full transparency could come only in the context of a functioning TRC. The Nepal Police stated that conflict-era allegations of abuse should be handled in the context of a functioning TRC. From July 2014 to July 2015, the Nepal Police HRC reported 20 complaints, which resulted in the punishment of three police officers. The Nepal Army HRC stated that it had investigated and punished 177 Nepal Army personnel for human rights violations. All security forces provided human rights training prior to deployments on UN peacekeeping operations. The Nepal Police, APF, and Nepal Army HRCs provided human rights training to each individual in their respective organization. The APF and Nepal Police HRCs issued booklets outlining human rights best practices to nearly every police officer. The Nepal Army designates one officer in each brigade as a human rights officer.

Police corruption, especially among low-level and underpaid police officers, and lack of punishment for police abuses remained problems.

Arrest Procedures and Treatment of Detainees

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

If the court upholds a detention, the law generally authorizes police to hold the suspect for up to 25 days to complete an investigation. In special cases (such as for suspected acts of terrorism), a suspect can be held for up to six months. Both the 2007 Interim Constitution and the constitution adopted in September provide for access to a state-appointed lawyer or one of the detainee's choice, even if charges have not been filed. Few detainees could afford their own lawyer.

Detainees have the legal right to receive visits by family members, but family access to prisoners varied from prison to prison. There is a system of bail, but bonds were too expensive for most citizens.

Pretrial Detention: Time served is credited to a prisoner's sentence, but pretrial detention occasionally exceeded the length of the ultimate sentence following trial and conviction.

Under the Public Security Act, security forces may detain persons who allegedly threaten domestic security and tranquility, amicable relations with other countries, or relations between citizens of different castes or religious groups. The government may detain persons in preventive detention for as long as 12 months without charging them with a crime, as long as the detention complies with the act's requirements. The court does not have any substantive legal role in preventive detentions under the act.

Other laws, including the Public Offenses Act, permit detention without charge for as long as 25 days with extensions. This act 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.

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. The AF reported that 32 percent of the 763 detainees it interviewed in the first half of the year did not appear before judicial authorities within 24 hours of their arrests. THRDA stated police frequently circumvented the 24-hour requirement by registering the detainee's name only when they were ready to produce the detainee before the court.

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 laws. Appellate and district courts showed independence and impartiality in most cases, although they remained susceptible to political pressure, including on conflict-era cases. In August and September, some human rights lawyers received reports of protesting political groups threatening to attack judges and their courthouses.

Authorities did not consistently respect and implement court orders, including Supreme Court decisions, particularly decisions referring to conflict-era cases as discussed above.

Trial Procedures

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, but these rights were not always applied. Defendants enjoy the presumption of innocence, except in some cases, such as human trafficking and drug trafficking, where the burden of proof is on the defendant. Judges decide cases; there is no jury system. The law provides detainees the right to legal representation and a court-appointed lawyer, a government lawyer, or access to private attorneys. The government provided legal counsel to indigent detainees only upon request. Persons who are unaware of their rights, in particular lower-caste individuals and members of some ethnic groups, may thus be deprived of legal representation. Defense lawyers may cross-examine accusers. By law defense lawyers are entitled to access to government-held evidence, but such access can be difficult to obtain. All lower-court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last resort.

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. The Nepal Army asserted that military personnel are immune from prosecution in civilian courts for conflict-era violations, based on their interpretation of laws in effect at the time, which they argue gave the Nepal Army legal jurisdiction over such cases. The human rights community considered this interpretation to be inconsistent with Supreme Court decisions. Military courts cannot try civilians for crimes, even if the crimes involve the military services; civilian courts handle these cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations could seek remedies for human rights violations in national courts.

Property Restitution

The Maoists and their affiliate organizations returned some previously seized property, as required by the 2006 Comprehensive Peace Agreement (CPA) that ended the civil conflict but kept other illegally seized lands and properties. According to a report published in August 2014 by the Carter Center, a significant number of conflict-era land disputes remained outstanding.

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

The law allows police to conduct searches and seizures without a warrant if there is probable cause to believe that a crime has been committed, in which case a search may be conducted as long as two or more persons of “good character” are present. If a police officer has reasonable cause to believe that a suspect may possess material evidence, the officer must submit a written request to another officer to conduct a search, and there must be another official present who holds at least the rank of assistant sub-inspector.

The law prohibits arbitrary interference with privacy, family, home, and correspondence. The government generally respected these prohibitions; however, during the protests, there were allegations that on September 20 police entered homes and beat residents in Biratnagar, Parsa district.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The new constitution adopted in September and the law provide for freedom of speech and press, and the government generally respected these rights. In some cases the government failed to enforce the law effectively. Human rights lawyers and some journalists stated that the new constitution expands the ability of the government to restrict freedom of speech and press in ways they considered vague and open to abuse. The government had the authority under the 2007 interim constitution to “reasonably” restrict acts undermining the country’s sovereignty, territorial integrity, or public order; acts jeopardizing the “harmonious relations” among various communities; and acts of defamation and contempt of court. The new constitution provides more circumstances under which laws curtailing freedom of speech and press could be formulated. These include acts that “jeopardize harmonious relations between federal units” and acts that assist a foreign state or organization to jeopardize national security. The new constitution prohibits any acts that are “contrary to public health, decency, and morality” or that “disturb the public law and order situation.” The same provision of the constitution also prohibits persons from converting other persons from one religion to another or disturbing the religion of others.

Freedom of Speech and Expression: Citizens generally believed they could voice their opinions freely and often voiced critical opinions in print and electronic media without restrictions. In March the government limited freedom of expression for the Tibetan community by denying permission to organize an event to mark Tibetan Uprising Day; however, the government allowed Tibetans to celebrate other important events throughout the year.

Press and Media Freedoms: The independent media were active and expressed a wide variety of views without restriction, with a few exceptions. *Kantipur*, a daily newspaper, faced a contempt of court charge over a June 2014 publication of two unrelated newspaper articles the government claimed defamed judges and eroded the dignity and integrity of the court system. As of the end of this year, the case was still pending.

Violence and Harassment: During a period of widespread political unrest and extended general strikes in the Terai region from August through the end of the year, there were several instances of violence and harassment against journalists and media workers. For example on September 1 in Jhapa district, a group of

strike enforcers attacked Krishna Humagain, editor of the local daily newspaper *Arundhara*. Police at the scene reportedly did not attempt to protect him.

According to the Federation of Nepali Journalists (FNJ), the government did not make sufficient efforts to preserve the safety and independence of the media and rarely prosecuted individuals who attacked journalists, in particular those who were reporting on the August through the end of the year political unrest. The FNJ also stated that some members of the security forces attempted to prevent the press from freely covering protests.

Censorship or Content Restrictions: Both the 2007 interim constitution and the new constitution prohibit prior censorship of material for printing, publication or broadcasting, including electronically. The new constitution, like the interim constitution, also provides that the government cannot revoke media licenses, close media houses, or seize material based on the content of what is printed, published, or broadcast. Media professionals expressed concern about an additional provision in the new constitution allowing the government to formulate laws to regulate media. Such laws could be used to close down media houses or cancel their registration. The new constitution also includes publication and dissemination of false materials as additional grounds for imposing legal restrictions on press freedom.

Although by law all media outlets, including government-owned stations, operated independently from direct government control, indirect political influence often led to heightened self-censorship. The FNJ stated that journalists working for Terai-based media or for major national media in the Terai region exercised self-censorship as protests over the new constitution escalated.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. In one case, authorities took action under the Electronic Transaction Act in an incident relating to comments posted to social media. On September 2, police arrested Ang Kaji Sherpa, former general secretary of the Nepal Federation of Indigenous Nationalities, after he made numerous Facebook posts criticizing the government, ministers, and politicians. In one post, alongside photos of a clash between protesters and police in Birgunj that led to the deaths of four civilians, Sherpa called the home minister a “murderer.” Police stated that the posts were liable to

“jeopardize social harmony, incite regional and ethnic conflict, and create division among the security forces.” As of the end of the year, the case was pending, following the release of Sherpa on bail.

Academic Freedom and Cultural Events

The law provides for the freedom to hold cultural events. Government permits were required to hold large public events. During the year the Tibetan community did not request permission for a number of small events confined to their settlements or within monasteries; they did not face repercussions, although they faced restrictions (see section 2.b.). Authorities generally granted approval to the Tibetan community to organize ceremonies for the third day of the Tibetan New Year on February 21 and the Dalai Lama’s 80th birthday on July 6. Tibetans throughout the Kathmandu valley attended these events with minimal reports of restrictions of movement.

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

Freedom of assembly was generally respected for citizens and legal residents of the country, but during a period of widespread civil unrest, protests, and general strikes in the mid-western hills and Terai region, local administration officials imposed curfews and bans on gatherings in numerous districts and localities where violence had occurred. The law authorizes chief district officers to impose curfews when there is a possibility that demonstrations or riots could disturb the peace. The district administration offices in many Terai districts also declared certain zones to be “riot-affected areas.” In such zones gatherings of five or more persons were prohibited (so-called “prohibitory orders”) and police could arrest and search individuals without warrants. Such declarations also empowered chief district officers to call in the Nepal Army to assist civilian security forces, which occurred in several districts. Human rights organizations accused police of using excessive force, including firing rubber bullets and live ammunition, to enforce curfews and prohibitory orders, in some cases leading to deaths and injuries.

Human rights groups and the NHRC stated that police also used excessive force while engaging in crowd control during large protests. In two Terai districts (Bara

in February and Rautahat in April), protests over government decisions to open branch administrative offices in the northern parts of these districts sparked clashes with police that led to numerous injuries of both civilians and police. In both instances demonstrators reached a settlement with the government after several days. As part of these settlements, the government agreed to conduct high-level investigations into the incidents of violence. On August 4, during a demonstration in Kathmandu by the Dalit community demanding more inclusive provisions in the draft constitution, numerous Dalit leaders--including several Constituent Assembly (CA) members--were injured in clashes with the police. Participants alleged that some police officers attacked them without provocation. The government defended the use of force, stating that police had come under attack by protesters throwing stones but agreed to the demands of CA members to investigate the incident.

The government continued to limit freedom of assembly for the Tibetan community, particularly in Kathmandu. As in previous years, police were present in Tibetan neighborhoods in the days surrounding the March 10 Tibetan Uprising Day and during other special events such as Tibetan New Year on February 21, the Dalai Lama's birthday, and Tibetan Democracy Day on September 2.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right.

c. Freedom of Religion

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

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, except for most refugees, whose freedom of movement within the country is legally limited. Constraints on refugee movements were enforced unevenly. While the government did not always fully cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) in providing protection and assistance, authorities generally implemented established procedures for handling newly arrived Tibetans entering the country without documents, and coordination

among police, immigration officials, and UNHCR officials was generally conducted in a timely, standardized fashion. The government does not allow UNHCR to assist Tibetan refugees who reside in Nepal.

Some political groups attempted to restrict freedom of movement, including by forced general strikes known locally as “bandhs,” to pressure the government and civil society. General strikes in August through the end of the year enforced by Madhesi parties, the National Federation of Indigenous Nationalities, the Rastriya Prajatantra Party-Nepal, and other groups severely restricted mobility, supply of fuel, daily goods, and access to services for an extended period. In some instances protesters and alleged criminal operatives attacked civilians believed to be defying the general strike or opposing their cause, leading to at least two civilian deaths.

Internally Displaced Persons

The April 25 earthquake and its aftershocks caused widespread devastation and displaced tens of thousands, particularly in the 14 most-affected districts. According to the International Organization for Migration, as of August, 104 active sites were hosting 59,481 individuals in 13 districts. Of this total, 49 percent were men and 51 percent women, with 8,376 children under age five.

Common challenges facing internally displaced persons (IDPs) included insufficient protection from the weather, limited access to toilets, water, and food, and emotional stress. Women faced additional privacy and security problems, including access to safe toilets, bathing and changing areas, family sleeping arrangements, and difficulties dealing with menstruation and pregnancy, as well as elevated vulnerability to trafficking.

The government sanctioned the UN and NGOs to provide relief to IDPs. Equity of aid distribution remained a concern for displaced populations. According to Amnesty International, groups who were often the target of discriminatory treatment, including women who headed households, Dalits, indigenous people, and persons with disabilities, faced increased challenges when trying to access urgently needed relief. In some instances supporters of certain political parties or family and friends of those organizing distributions were favored over others. Location was also a factor, with more aid provided to those closer to shelter entrances and to households in official camps as opposed to impromptu sites.

IDPs sheltered on privately owned land, public land, and official public sites. A few months after the earthquake, the government began issuing eviction notices to

IDPs staying at impromptu sites in open spaces. IDPs residing on private land, particularly those who had not received permission from the landowner, remained at risk of eviction. The government planned to move IDPs deemed to be staying in unsafe locations to other locations and reportedly sought their consent. There were no reports of specific ethnic or caste groups being targeted for relocation.

With the decline in aftershocks a couple of months after the first earthquake, as well as the end of the monsoon season (July-September), many IDPs left or were planning to leave camps and build temporary shelters next to their damaged homes. Many others were unable to return, particularly the most vulnerable populations with limited means, as well as IDPs whose homes and property were destroyed by landslides or who could not return home due to high risk of landslides. The International Commission for Dalit Rights, an international NGO, reported that many Dalits faced restricted access to post-earthquake aid resources in their home communities due to caste discrimination, and were forced to relocate to substandard living conditions in urban areas.

Due to delays in the establishment of the National Reconstruction Authority (the governmental body charged with overseeing earthquake reconstruction), as of late September, the government had not developed a comprehensive earthquake reconstruction plan or policies governing reconstruction and relocation.

Although the government and Maoists agreed to support the voluntary return in safety and dignity of IDPs to their homes following the 10-year civil war, the agreement was not fully implemented. The Ministry of Peace and Reconstruction estimated that 78,700 persons were displaced from 1996 to 2006, but an estimated 50,000 were unwilling or unable to return home. The reasons included unresolved land and property issues, lack of citizenship or ownership documentation, and security concerns, since the land taken from IDPs by Maoists during the conflict was often sold or given to landless or tenant farmers.

The government provided relief packages for the rehabilitation and voluntary return of conflict-era IDPs. Many of those still displaced preferred to integrate locally and live in urban areas, mostly as illegal occupants of government land along riversides or together with the landless population. The absence of public services and lack of livelihood assistance also impeded the return of IDPs.

Protection of Refugees

Access to Asylum: The laws do not provide for the determination of individual refugee or asylum claims or a comprehensive legal framework for refugee protection. The government recognized large numbers of Bhutanese and Tibetans as refugees and supported resettlement of Bhutanese refugees to foreign countries. The government does not provide for local integration as a durable solution.

The government officially restricted freedom of movement and work for the approximately 20,000 Bhutanese refugees residing in the two remaining refugee camps in the eastern part of the country, but those restrictions were largely unenforced for this population. The government officially does not allow Bhutanese refugees to work or have access to public education or public health clinics, but it allows UNHCR to provide parallel free education and health services to refugees in the camps. In 2007 the government agreed to permit third-country resettlement for Bhutanese refugees. Since resettlement began, more than 100,000 Bhutanese refugees have been resettled in foreign countries.

The government does not recognize Tibetans who arrived in the country after 1989 as refugees. Most Tibetans who arrived since then transited to India, although an unknown number remained in Nepal. The government has not issued refugee cards to Tibetan refugees since 1995. UNHCR estimated more than half of the 15,000 to 20,000 resident Tibetan refugees remained undocumented. After China heightened security along its border and increased restrictions on internal freedom of movement in 2008, the number of Tibetans who transited the country dropped significantly. UNHCR reported that 80 Tibetans transited the country in 2014, and 55 from January through August this year. The government issued UNHCR-facilitated exit permits for recent arrivals from Tibet who were transiting en route to India.

Refugee Abuse: There were reports that police and other local officials harassed Tibetans engaged in daily activities. Police reportedly conducted random checks of identity documents of Tibetans, including monks.

Access to Basic Services: Most Tibetan refugees who lived in the country, particularly those who arrived after 1990 or were born after 1995, did not have documentation, nor did their Nepal-born children. Even those with acknowledged refugee status had no legal rights beyond the ability to remain in the country. The Nepal-born children of Tibetans with legal status often lacked documentation. The government allowed NGOs to provide primary- and secondary-level schooling to Tibetans living in the country. Tibetan refugees had no entitlement to higher education in public or private institutions; were denied the right to work officially;

and were unable legally to obtain business licenses, driving licenses, or bank accounts or to document properly births, marriages, and deaths. Some in the Tibetan community resorted to bribery to obtain these services. While Nepal-based Tibetans with refugee certificates were eligible to apply for travel documents to leave the country, the legal process was often arduous, expensive, and opaque. New regulations introduced in March made the process even more difficult and time consuming. These regulations include the requirement to bring five to seven witnesses to the local police station to verify the applicant's identity, additional document verification steps, and the stipulation that local officials must transmit their letters of recommendation to the Ministry of Home Affairs via the local postal system, which was considered unreliable.

More than 500 refugees and asylum seekers from other countries, including Pakistan, Burma, Afghanistan, Sri Lanka, Somalia, Iran, Bangladesh, Iraq, and Congo, lived in the country. The government continued to deny these groups recognition as refugees, even when recognized as such by UNHCR, and required prohibitive fines--500 rupees (\$5.00) for each day out of status--to obtain permission to exit the country. The government waived the fines for a group of 73 individuals approved for third-country resettlement in March but did not change its policy to enable other registered refugees destined for resettlement to obtain exit permits without first paying exorbitant fines. The government allowed UNHCR to provide some education, health, and livelihood services to these refugees, but the refugees lacked legal access to public education and public hospitals and the right to work.

Stateless Persons

According to estimates, as of 2014 as many as 4.6 million Nepalis, 23 percent of the population age 16 and over, lacked citizenship documentation. Prior to the 2013 elections, the government deployed citizenship/voter registration mobile teams to remote areas to issue citizenship cards and register new voters. The Home Ministry reported issuing more than 600,000 new citizenship cards during the exercise.

Constitutional provisions, laws, and regulations governing citizenship discriminated by gender, contributing to statelessness. The new constitution states that citizenship is derived from one Nepali parent, but it also stipulates that a child born to a Nepali woman who is married to a foreign citizen may obtain citizenship only through naturalization. Securing citizenship papers for the child of Nepali parents, even when the mother possessed Nepali citizenship documents, was

extremely difficult, except in cases where the child's father supported the application. These difficulties persisted despite a 2011 Supreme Court decision granting a child Nepali citizenship through the mother if the father was unknown or absent.

The new constitution states that the children of unidentified fathers may obtain citizenship through their mothers, but if it is later determined that the father is a foreign citizen, the child will lose citizenship by descent and be eligible for naturalization. According to human rights lawyers, this provision could apply to the children of single mothers, including rape and trafficking victims, but it would not address situations in which the father was known but refused to acknowledge paternity. The legal and practical restrictions on transferring citizenship imposed particular hardships on children whose fathers were deceased, had abandoned the family, or (as was increasingly common) departed the country to work abroad. Although naturalization could be an option for those not eligible for citizenship by descent, since it is not a fundamental right under the constitution, it is subject to state discretion. Human Rights lawyers stated that the government has not processed any such applications for naturalization of children in recent years.

For women to obtain citizenship by descent for themselves, regulations require a married woman to submit a formal attestation from her husband, father, or her husband's family (if widowed) that she qualifies for citizenship and has his or their permission to receive it, thereby making 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 precludes their access to the courts and thus their ability to make legal claims to land and other property, leaving the husband or male relatives free to stake their own claims.

While stateless persons did not experience violence, they experienced discrimination in employment, education, housing, health services, marriage, birth registration, identity documentation, access to courts and judicial procedures, migration opportunities, land and property ownership, and access to earthquake relief and reconstruction programs.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to change their government in free and fair periodic elections based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In November 2013 citizens participated in the country's second Constituent Assembly elections, which international and domestic observers deemed essentially credible, free, and fair. In an effort to obstruct the 2013 elections, a breakaway Maoist faction, the Communist Party of Nepal-Maoist (CPN-M) committed acts of political violence and intimidation and attempted to enforce a 10-day transportation ban. Despite such efforts, the Election Commission reported that more than 74 percent of registered voters participated, the highest figure in the country's history. According to domestic and international observers, including the Carter Center and the EU, the elections themselves were conducted well and generally were free of major irregularities.

There have not been local elections since 1997. The government has stated that local elections would be a priority once the new constitution was adopted. Elected local councils were dissolved in 2002, and in their absence senior civil servants conducted local administration in consultation with local political party representatives.

Participation of Women and Minorities: No specific laws restrict women or minorities from voting, running for office, serving as electoral monitors, or otherwise participating in government or political parties. The new constitution mandates that at least one third of all members of the lower house of the federal parliament must be women and requires inclusion of various minority groups in the list of candidates in the 40 percent of seats chosen by a proportional representation system. The new constitution also stipulates that in the upper house of the federal parliament, for the 56 members chosen by an electoral college, the eight members from each province must include at least three women, one Dalit, and one person with a disability or member of a minority groups. Additionally, of the remaining three members of the upper house chosen by the president, at least one must be a woman.

Tradition and relative socioeconomic disadvantage limited the participation of women, some castes, and some ethnic groups in the political process, including as elected officials. The larger political parties had associated women's wings, youth wings, trade unions, and social organizations. Women, youth, and minorities complained that party leaders, mostly upper-caste men from the central hills, prohibited meaningful political participation, despite the existence of certain quotas for participation.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, there continued to be reports that officials engaged in corrupt practices with impunity.

Corruption: The Commission for the Investigation of the Abuse of Authority (CIAA), which is mandated to investigate official acts of corruption, requested the government to take action against the minister of energy and the minister of youth and sports for alleged corrupt acts. In response the minister of youth and sports resigned on October 1, and the Office of the Prime Minister terminated the minister of energy the following day. The CIAA also took high-profile action against officials of the Ministry of Urban Development for fraud in purchasing tarpaulins for the victims of the earthquake, and against licensed teachers accused of registering fake public schools to siphon off budgets and salaries.

The CIAA continued to investigate fraud in foreign labor migration. In June the CIAA arrested 12 Department of Foreign Employment (DFE) officials accused of issuing work permits based on fake documents in exchange for bribes from recruitment agencies. This followed the arrest in March 2014 of six DFE officials accused of accepting 3.27 million rupees (\$32,700) to allow 109 migrants with fraudulent documents to travel to Qatar, and another 1.89 million rupees (\$18,900) to allow 63 migrants with fraudulent documents to travel to Dubai. As of early October, both cases were pending.

There were numerous reports of corrupt actions by government officials, political parties, and party-affiliated organizations. As in previous years, student and labor groups associated with political parties demanded contributions from schools and businesses. Corruption and impunity remained general problems within the Nepal Police and Armed Police Force.

Financial Disclosure: Public officials are subject to financial disclosure laws. According to the National Vigilance Center, the body mandated to monitor financial disclosures and make them available to the public, in fiscal year 2013-14 23,859 civil servants had not submitted their annual financial statements as required by law, according to the latest data available. They may face a fine of up to 5,000 rupees (\$50). The CIAA publicly demanded that officials be more diligent in submitting financial disclosure reports. Ministers are required to submit their property details within two months of assuming office, and all 23 ministers did so.

Public Access to Information: Both the 2007 Interim Constitution and the new constitution adopted in September provide for the right to information on any matters of concern to oneself or the public, but they do not compel the government to provide information protected by law. In January the government formed the National Information Commission pursuant to the 2007 Right to Information Act. The commission is charged with adjudicating cases in which petitioners allege that they have been wrongly denied access to information, that information has been improperly classified, or that individuals were punished for whistle-blowing. The act also provides for punitive measures in cases of defiance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While domestic and international human rights groups generally were free to operate, investigate, and publish their findings on human rights cases, the government placed administrative burdens on some international NGOs by complicating procedures for obtaining visas and compelling them to sign asset control documents.

The United Nations or Other International Bodies: The government generally allowed the UN and other international bodies to operate and did not refuse visa applications for staff or representatives from any such bodies. It did not, however, extend invitations for visits by representatives from a number of special UN bodies, including the special rapporteur on the situation of human rights defenders, the Working Group on Enforced or Involuntary Disappearances, and the special rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence.

Government Human Rights Bodies: The NHRC investigated allegations of abuses, but resource constraints, insufficient manpower (234 out of 309 staff positions were vacant as of November), 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. The NHRC stated that since its establishment in 2000, it had made recommendations for prosecution and reparations in 737 cases regarding approximately 2,000 victims. More than three-quarters of these involved conflict-era incidents. The NHRC noted the government had fully implemented 14 percent of these recommendations by carrying out prosecution and awarding reparations and partially implemented 48 percent through reparations alone. In the remaining

cases, the government did not implement the NHRC's recommendations for prosecution or reparations.

The government and judiciary had not completely addressed conflict-era human rights and humanitarian law violations committed by the Nepal Army, Nepal Police, APF, and Maoist parties. Two criminal trials have been completed, and there were five active or pending criminal investigations for conflict-related abuses by some of these actors.

On February 26, the Supreme Court ruled on multiple legal challenges to the May 2014 law establishing a separate Truth and Reconciliation Commission (TRC) and Commission on the Investigation of Disappeared Persons (CIDP), both of which were promised in the 2006 CPA. In its February 26 ruling, largely supporting the arguments of a group of 234 conflict-era victims who filed a petition in June 2014, the court nullified provisions that would have granted the two commissions discretionary power to recommend amnesty for serious crimes, stating that amnesty would violate the interim constitution and international obligations. The court also nullified provisions that could have required reconciliation between victims and perpetrators without the victims' consent. Additionally, the court struck down a provision that would have given the Ministry of Peace and Reconstruction the authority to vet TRC and CIDP recommendations for prosecution, and ruled the two commissions could not supplant the normal justice system in prosecuting conflict-era crimes.

Human rights and victims' groups hailed the February 26 ruling, and the commissioners, government, and Nepal Army made public statements in which they committed to respect the decision. But the Unified Communist Part of Nepal (Maoist) and a breakaway Maoist faction, the CPN-M, objected to the ruling, claiming that it violated the CPA. On May 24, the Supreme Court accepted jurisdiction over a government petition requesting that the court review its own February 26 decision. As of late September, the court had not registered the case, the first step towards scheduling hearings.

On February 11, the TRC and CIDP commissioners assumed office, and the two-year terms of both bodies (extendable by one year) commenced. Since then, the TRC and CIDP have been occupied with a series of preparatory tasks, including drafting regulations for Cabinet approval, as well as codes of conduct and operating procedures; hiring staff and procuring equipment and facilities; and conducting consultations with victims and other stakeholders. As of the end of the

year, the two commissions had not begun core operations related to their substantive mandates.

Human rights activists and some representatives of victims' groups have expressed concern at the slow pace of preparations by the TRC and CIDP and their lack of capacity, especially in light of the short terms of the commissioners and the wide scope of the commissions' mandates. Human rights and victims' groups also expressed doubts that the bodies will work in a victim-centric, inclusive manner. The 35-day statute of limitation on rape and the fact that neither torture nor forced disappearance has been criminalized posed additional challenges to the criminal justice component of the transitional justice process, according to human rights lawyers.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Both the 2007 interim constitution and the new constitution prohibit discrimination based on race, caste, gender, religion, ideological conviction, language, and social origin, and there is also a legal prohibition against discrimination based on disability, but the government did not effectively enforce these prohibitions. The new constitution added disability to the list of categories for which there are nondiscrimination guarantees, as well as health condition, pregnancy, marital status, and economic condition. Additionally, the new constitution includes gender and sexual minorities among disadvantaged groups eligible for protection, empowerment, or advancement through special legal provisions. Despite passage of the Caste Discrimination and Untouchability Act in 2011, a rigid caste system continued to operate throughout the country in many areas of religious, professional, and daily life. Members of the Dalit caste faced severely restricted access to post-earthquake relief and reconstruction resources due to caste discrimination. Societal discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas. Human trafficking persisted.

Women

Rape and Domestic Violence: Violence against women remained a problem. Under the civil code, prison sentences for rape vary between five and 15 years, depending on the victim's age. The law also mandates five years' additional imprisonment in the case of gang rape, rape of pregnant women, or rape of a woman with disabilities. The victim's compensation depends on the degree of mental and physical abuse. In October the president signed into law the Bill to

Amend Some Nepal Acts to Maintain Gender Equality and End Gender-Based Violence, which increased the sentence for marital rape from three to six months' imprisonment to three to five years' imprisonment. The bill also extends the statute of limitations for filing rape charges from 35 days to 180 days. Human rights groups highlighted concerns with the statute, despite its extension, and its implications for addressing sexual violence committed during the country's 10-year conflict. In March, after a six-year old girl from Bara district died as a result of being raped, women's rights activists called on the government to toughen penalties for sexual assault and better address insecurity faced by women and girls throughout the country.

Reporting of rape increased, in part due to improved awareness, according to NGOs. For rape cases that were reported, police and the courts were responsive, and the government instituted a fast-track court system for hearing cases of rape, human trafficking, and other violent crimes. Between July 2014 and July 2015, 981 cases of rape and 562 cases of attempted rape were filed with police, compared with 912 cases of rape and 414 cases of attempted rape in the previous year, according to the Women and Children Service Directorate (WCSD) of the Nepal Police.

Rape, sexual violence, and other significant harms and forms of victimization suffered disproportionately by women during the country's 10-year conflict remained unresolved and unaddressed. Men and boys also were victims of rape and sexual assault during the conflict.

Domestic violence against women and girls remained a serious problem. There was much anecdotal evidence that physical and verbal abuse was common. Violence against women and girls was believed to be one of the major factors responsible for women's relative poor health, livelihood insecurity, and inadequate social mobilization. The Domestic Violence (Crime and Punishment) Act of 2009 allows for settling complaints of domestic violence through mediation, with an emphasis on reconciliation. Legal prosecution under the Act was usually only pursued when mediation failed. The act's criminal provisions stipulate a fine of 3,000 to 25,000 rupees (\$30 to \$250), six months' imprisonment, or both, for violators. Repeat offenders receive double punishment. Any person holding a position of public responsibility is subject to 10 percent greater punishment than a person who does not hold such a position. Anyone who does not follow a court order is subject to a fine of 2,000 to 15,000 rupees (\$20 to \$150), four months' imprisonment, or both.

Reports from women's rights defenders suggested that the majority of incidents of domestic violence against women were unreported. According to the NGO INSEC, although police conducted training on enforcement of the Domestic Violence Act, most reported incidents were resolved through mediation and repeat violations after reconciliation by the same perpetrators were not uncommon. Nonetheless, the Women's Rehabilitation Center (WOREC) stated that domestic violence cases were increasingly handled by women and children service centers (commonly known as women's cells) of the Nepal Police and that in these instances the police were more responsive and treated the victims well. District women and children offices offered public education and psychosocial services, and operated hotlines and shelters in 35 districts to address all forms of gender-based violence.

NGOs offered educational programs for police, politicians, and the general public to promote greater awareness of domestic violence. The Nepal Police had women's cells in each of the country's 75 districts. The number of women's cells and officers assigned to them increased substantially during the last two years. According to the WCSSD, many women's cells, especially those established during the year, were not fully operational, but the Nepal Police, with outside assistance, endeavored to build and improve their infrastructure and capacity. NGOs stated that despite improvements, resources and training to deal with victims of domestic violence and trafficking were insufficient. Although police guidelines call on officers to treat domestic violence as a criminal offense, this was difficult to implement outside of the women's cells due to entrenched discriminatory attitudes.

The government took action to prevent and respond to gender-based violence in areas impacted by the April 25 earthquake. Women's cell officers monitored displaced person camps, and authorities in cooperation with NGOs set up "safe spaces" for women in the camps. Civil society remained concerned about increased vulnerability of women and girls in the affected communities. WOREC reported an increase in incidents of violence against women and girls as displaced individuals moved from open spaces under tents to enclosed sheds, huts, and other private shelters.

Although the law generally prohibits polygamy, there are exceptions if the wife is infertile, sick, or crippled. According to the latest Nepal Demographic Health Survey in 2011, 4 percent of women and 2 percent of men lived in polygamous unions. Polygamists not covered under the above exceptions are subject to a one-to-two-year prison term and a fine, but the second marriage is not invalidated.

Other Harmful Traditional Practices: The constitution adopted in September criminalizes violence against or oppression of women based on religious, social, or cultural traditions and gives victims the right to compensation. According to traditional practice, a bride's family must pay the husband's family a predetermined amount, or dowry, based on the husband's training and education. The practice of paying dowries is illegal, with penalties of up to 10,000 rupees (\$100) and prison sentences of up to three years. Additionally, the Bill to Amend Some Nepal Acts to Maintain Gender Equality and End Gender-Based Violence, signed into law in October, stipulates that any psychological torture of women including asking for dowry, humiliation, physical torture, and shunning women for not providing a dowry is punishable. Nevertheless, dowries remained common, especially in the Terai region. Government agencies documented incidents of dowry-related violence, made recommendations for interventions, and occasionally rescued victims and offered them rehabilitation services.

The law does not allow mediation of dowry-related violence. NGOs nevertheless stated that local communities often pressure victims not to file criminal complaints of dowry-related violence, or to withdraw complaints, and then facilitate mediation between the victim and perpetrator. Women's rights activists stated that the high cost of dowries significantly contributed to gender-based violence in much of the Terai region, where there were sporadic incidents of killing (or attempted killing) of brides over dowry disputes, despite efforts to eradicate the practice. Activists claimed that in Dhanusa district, for example, the cost of a dowry had increased over the past several years from the cost of a cow (25,000 rupees or \$250) to 400,000 to one million rupees (\$4,000 to \$10,000), demanded in cash. Activists reported that many men left the country to work abroad to earn money to pay for family members' dowries, which left the men's wives more vulnerable to abuse.

Traditional beliefs about witchcraft negatively affected rural women, especially widows, the elderly, persons of low economic status, or members of the Dalit caste. Shamans or family members publicly beat and otherwise physically abused alleged witches as part of exorcism ceremonies. Media and NGOs reported numerous cases of such violence, and civil society organizations raised public awareness of the problem. Women and in some instances men accused of witchcraft were severely traumatized and suffered physical and mental abuse, including being fed human excreta, being hit with hot spoons in different parts of the body, being forced to touch hot irons or breathe in chili smoke, having their genitals perforated, or being banished from their community. According to reports compiled by INSEC, 89 women accused of witchcraft were victims of violence in 2014, compared with 69 in 2013, with at least 14 victims in the first half of 2015.

Government agencies recorded incidents of violence related to witchcraft allegations, recommended interventions, and occasionally rescued victims and offered them rehabilitation services; however, as with dowry-related violence, communities often forced victims into mediation with perpetrators in violation of the law.

In August the president signed into law the Anti-Witchcraft (Crime and Punishment) Act, the first legal mechanism to address directly such abuse. The law imposes prison sentences of five to 10 years and fines of up to 100,000 rupees (\$1,000) for those who physically or mentally abuse women accused of being witches or men accused of sorcery. It also imposes prison sentences of up to five years for those who evict supposed witches or banish them from their communities. The first reported application of the new law occurred on September 9, when police arrested three individuals for beating and force-feeding human excreta to a 50-year-old man in Siraha district who was believed to have cast a “death spell” on his neighbor’s son. As of late September, the criminal case was pending, with three other suspects at large.

Acid attacks were not common, although one high-profile case sparked public concern that such incidents could become more prevalent. On February 22, Jiwan BK splashed acid on two adolescent girls at a tuition center in Kathmandu, reportedly as revenge over a family dispute. Police arrested BK on March 19 and charged him with attempted murder. As of late September, the case was pending.

The practice of chhaupadi (expelling women from their homes during menstruation and sometimes following childbirth, including forcing women to reside in cattle sheds) continued to be a serious problem. The practice puts adolescent girls, women, and infants who are expelled with their mothers at risk of exposure to extreme elements, predators, and infection. The most recent Nepal Multi-Index Survey in 2010 reported that while 19 percent of women between the ages of 15 and 49 nationwide practiced chhaupadi, the problem was particularly acute in the hilly regions in the country’s mid- and far-west, where approximately 50 percent of women followed the practice. Women in Kathmandu also reported being forced to practice a less extreme form of chhaupadi and generally were not allowed in the kitchen or any place where religious rituals were being practiced. Chhaupadi directly limited many girls’ access to education for a large portion of the academic year.

Sexual Harassment: The 2014 Sexual Harassment at the Workplace (Elimination) Act came into force in February. The law allows the top administrative official in

a district to impose up to six months' imprisonment, a maximum fine of 50,000 rupees (\$500), or both, against a perpetrator, once a series of internal workplace processes to address a complaint have been exhausted. According to women's rights activists, the new law provided adequate protective measures and compensation for victims, but the penalties were insufficiently severe and the law did not cover the informal sector, where sexual harassment was most common. NGOs and government officials stated it was too early to assess implementation. Prior to the law's coming into effect, government enforcement of existing legal provisions against sexual harassment was weak. Lack of awareness about what constitutes sexual harassment led victims not to report many incidents. The private sector developed limited proactive policies to address the practice.

Reproductive Rights: Couples and individuals generally could decide freely the number, spacing, and timing of their children and were not subject to discrimination, coercion, or violence regarding these choices. Contraception was available to both men and women. According to the latest UN Children's Fund (UNICEF)-sponsored Multiple Indicator Cluster Survey conducted in 2014, 47 percent of married women used a modern contraceptive method and 2.5 percent used a traditional method. The 2014 survey indicated that 25 percent of married women had an unmet need for family planning.

According to the World Health Organization, the maternal mortality rate in 2013 was 190 deaths per 1,000 live births, down from 310 deaths in 2005. With more than 75 percent of the national health budget directed towards maternal and childcare, the Ministry of Health endeavored to decrease maternal mortality by providing financial assistance to women seeking skilled delivery care in a health facility and to family planning services. Skilled birth attendants assisted in 56 percent of deliveries, according to the 2014 UNICEF-sponsored survey, a 20 percent increase from 2011.

Discrimination: Although the law provides protections, women faced systemic discrimination, including in employment (see section 7.d.). Discrimination was most common 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 a woman's name. Dalit women in particular faced discrimination by virtue of their gender and caste status. The law grants 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 grants widows complete access and authority to the estate of their deceased

husbands; however, traditional attitudes stigmatizing and shunning widows persisted, and communities often ignored the law, while the government did not take sufficient measures to enforce it.

Although the Gender Equality Act was adopted in 2006, discriminatory provisions remain in the law and in more than 60 other laws. For example, the law on property rights favors men in land tenancy and the division of family property. The law encourages bigamy by allowing men to remarry without divorcing if the first wife is incapacitated or infertile. The new constitution, however, confers 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.

The new constitution does not allow Nepali women married to foreign men to convey citizenship to their children independently (see section 2.d.) and has no specific provision for naturalization of foreign husbands married to Nepali wives.

In an attempt to protect women from trafficking and abuse, the government maintained a minimum age for women traveling overseas for domestic employment, although the government lowered the minimum age from 30 to 24 in April. NGOs viewed the age ban as discriminatory. In May 2014 the government also suspended the issuance of exit permits for all domestic workers, the vast majority of whom were women, but it was in the process of lifting this suspension as of late September. Although reliable data was not available, local migrant worker rights organizations asserted that these two restrictions did not prevent trafficking or abuse but forced women to seek irregular channels to major destination countries in the Persian Gulf, putting them at greater risk of exploitation.

Children

Birth Registration: According to the new constitution, citizenship is derived from one Nepali parent, but a child born to a Nepali woman who is married to a foreign citizen may obtain citizenship only through naturalization. The new constitution also states that children of unknown fathers may obtain citizenship through their mothers. Despite a 2011 Supreme Court decision that permitted applicants to seek citizenship through either their father or mother, in practice many were denied citizenship due to lack of access to local authorities, or lack of awareness of the law by applicants or government officials. This led to difficulty in school admissions. Children within the country whose parents were not known were

considered citizens until their parents were identified. In practice children without parents, such as street children, faced many bureaucratic hurdles, since local authorities often required birth certificates. Those in institutional care could attain citizenship through the guardianship of their respective institutions, but such children sometimes encountered similar obstacles.

Education: For the first time, the new constitution makes primary education compulsory nationwide. Before the new constitution was adopted, compulsory education was being implemented in 13 pilot districts. Government policy provides free primary education for all children between the ages of five and 12, although the families of most students bore some costs for examinations and had to buy uniforms. The government reported that more than 95 percent of school-age children attended primary schools. A gender gap in education persisted with a reported two-thirds of adolescent girls in rural areas not attending school. The literacy rate for women was approximately 57 percent versus 75 percent for men, according to the 2011 census. Some school-age girls did not attend public school due to the absence of separate or proper toilets for girls, reports of violence against girls, and early and forced marriage. The Department of Education stated that 32 percent of public schools did not have separate toilets for girls. The government continued the process of establishing separate washroom facilities for girls and boys in public schools, according to NGOs.

Medical Care: The government provided basic health care free to children and adults, although parental discrimination against girls often resulted in impoverished parents giving priority to their sons when seeking medical services.

Child Abuse: Violence against children, including sexual abuse, was reportedly widespread. NGOs stated that in part due to increased awareness, there were more reports of such violence, but there were no reliable estimates on the level of abuse. The government has some mechanisms to respond to child abuse and violence against children, such as special hotlines and the Central Child Welfare Board (CCWB), which has chapters in all 75 districts of the country. In some locations these agencies did not provide adequate support to the NGOs that operated the helplines. According to the NGO Children and Women in Social Service and Human Rights (CWISH), with the exception of allegations of sexual abuse of children, police were insufficiently responsive to reports of child abuse, often mediating the cases instead of pursuing criminal investigations.

The government took action against abuse of children in areas impacted by the April 25 earthquake, but according to NGOs the government's measures were

insufficient. The police monitored displaced persons camps and the government, in cooperation with NGOs, set up child-friendly spaces in these camps. Child rights activists stated that in informal settlements for displaced persons outside of these camps, large numbers of children not in school were at risk of sexual abuse.

Early and Forced Marriage: The law prohibits marriage for girls before the age of 18. While families in many areas sometimes forced their young children to marry, the rate of early and forced marriage decreased since 2002. According to a UNICEF survey published in January, the prevalence of early and forced marriage remained high. Nearly 49 percent of women ages 20 to 49 were married or in a union before age 18, while 15.5 percent of women ages 15 to 49 were married or in a union before age 15. According to the same study, 24.5 percent of women ages 15 to 19 were married or in a union.

Social, economic, and cultural values promoted the practice of early and forced marriages, especially common in the Dalit and Madhesi communities. The law sets penalties for violations according to the age of the girls involved in child marriage. The penalty includes both a prison sentence and fine, with the fees collected going to the girl involved. The civil code provides that the government must take action whenever a case of child marriage is filed with authorities.

The government worked with local child rights groups and international donors on the problem of early and forced marriage though cases often were unreported. A number of government child protection and welfare programs, such as scholarship programs targeting girls, attempted to encourage girls to stay in school.

Sexual Exploitation of Children: Commercial sexual exploitation of children remained a serious problem, according to NGOs. There were reports of boys and girls surviving on the streets in prostitution and of underage girls employed in dance bars, massage parlors, and cabin restaurants (a type of brothel). The minimum age for consensual sex is 16. The penalties for rape vary according to the age of the victim and the relationship. Conviction for rape can result in six to 10 years' imprisonment if the victim is under 14 years of age or three to five years' imprisonment if she is 14 or older. Conviction for attempted rape may be punished by half the penalty provided for rape.

Child pornography is against the law, with fines of up to 100,000 rupees (\$1,000) and sentences of up to five years in prison, or both. NGOs stated that there was an increase in child pornography this year, at least in part due to increasing access to the internet and mobile technologies.

Displaced Children: A large number of children remained displaced as a result of the April 25 earthquake and its aftershocks (see section 2.d.). The government did not have comprehensive data on children affected by the decade-long Maoist conflict, including the original number of internally displaced and the number who remained displaced. In a 2009 report based on information from 53 districts, the CCWB recorded 9,691 children displaced with both of their parents, 3,930 children who lost one parent and 1,657 children who lost both parents. Estimates of the number of children who remained displaced ranged widely.

Institutionalized Children: Abuse and mistreatment in orphanages and children's homes reportedly was common. An NGO working in this field estimated that approximately 10 percent of registered children's homes met the minimum legal standards of operation. A 2013 study by CWISH similarly showed that few such homes in the Kathmandu Valley met CCWB standards, although they provided some basic services. NGOs reported that although the CCWB and district child welfare boards played an active role in rescuing victims of abuse from children's homes, inspections were not systematic and did not cover the estimated 50 percent of homes that were unregistered.

An NGO estimated that at least two-thirds of the children in registered homes were not orphans, and the figure for unregistered homes was probably comparable. The CCWB stated that many children in institutions were inaccurately presented as orphans or destitute to attract the sympathy of fee-paying foreign volunteers and donors. According to the same NGO, staff sometimes threatened children if they revealed the truth of their parentage, or they abused, starved, or otherwise mistreated the children to attract sympathy and financial support. In cases where the CCWB participated in rescue raids, some homes reportedly lost their operating licenses and were prohibited from reopening for five years.

The government took action to prevent and detect institutional abuse of children after the April 25 earthquake, especially following numerous reports of cases in which desperate parents turned over their children to strangers who promised them education and safety in Kathmandu. In response the government banned the transport of children unaccompanied by a legal guardian to another district without the approval of the District Child Welfare Board (DCWB), increased monitoring of child-welfare homes, and temporarily suspended the registration of new homes. According to the CCWB, these efforts led to the interception of 183 children by the end of June. Additionally, the police patrolled displaced persons camps and enhanced monitoring of transportation hubs. Children's rights and antitrafficking

organizations said that the initiatives were largely successful but that loopholes existed and the initiatives did not go far enough.

In March the CCWB raided the children's home Hamro Ghar (Our Home) in Kathmandu, rescuing 14 children permanently residing in the facility. According to an NGO and government officials, sanitary conditions in the home were extremely poor, there was little adult supervision, and there were no physical security measures in place. The DCWB confiscated Hamro Ghar's registration certificate, tax certificate, and audit report, and the facility has been temporarily shut down.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/en/country/Nepal.html.

Anti-Semitism

There was a small Jewish community in the country, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The new constitution prohibits discrimination based on disability or physical condition and contains additional rights for persons with disabilities that did not appear in the 2007 interim constitution. These include the right to free higher education for all physically disabled citizens who are "financially poor" and the provision of special instructional materials and curricula for the visually impaired.

Although government efforts to enforce laws and regulations to improve rights and benefits for persons with disabilities were gradually improving, they still were not effective. In 2012 the Supreme Court ordered the government to do more for persons with physical and mental disabilities, including providing a monthly

stipend, building shelters, and appointing one social welfare worker in each district. NGOs reported that, although the government had attempted to implement the court's order by making budget allocations to empowerment and development programs, little progress had been made. Despite government efforts, persons with disabilities continued to face discrimination in employment (see section 7.d.).

The Ministry of Women, Children, and Social Welfare was responsible for the protection of persons with disabilities. Additionally, the Ministry of Education provided scholarships to help approximately 85,000 children with disabilities attend public or private schools at the primary level. An estimated 60 percent of children with disabilities, particularly those with intellectual or mental disabilities and the visually or hearing impaired, did not attend school. Compared with primary school attendance, relatively few children with disabilities attended higher levels of education, largely due to accessibility problems, school locations, and financial burdens on parents. Although incidents of abuse of children with disabilities reportedly occurred in schools, no incidents were filed in the courts or with the relevant agencies during the year.

The Ministry of Local Development allocated an estimated 1 to 2 percent of the budget of local development agencies for disability programs. Some NGOs working with persons with disabilities received funding from the government, but most individuals with physical or mental disabilities relied almost exclusively on family members for assistance.

There are no restrictions in law on the rights of persons with disabilities to vote and participate in civic affairs. According to the Ministry of Women, Children, and Social Welfare, however, there were obstacles to exercising these rights, especially the lack of accessibility to public facilities.

Access to mental health services was available in larger cities, and the Ministry of Women, Children, and Social Welfare increased its allocation for mental health organizations during the year from 1.0 to 1.5 million rupees (\$10,000 to \$15,000).

National/Racial/Ethnic Minorities

The law provides 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. There are more than 125 caste and ethnic groups, some of which are considered indigenous nationalities, speaking more than 120 different languages.

Discrimination against lower castes and some ethnic groups, including in employment (see section 7.d.) was widespread and especially common in the Terai region and in rural areas.

Caste-based discrimination is illegal, and the government outlawed the public shunning of Dalits and made an effort to protect the rights of other disadvantaged castes. The new constitution expands the prohibition of the practice of untouchability contained in the 2007 interim constitution to cover private spaces and stipulates special legal protections for Dalits in education, health care, and housing.

According to the Nepal National Dalit Social Welfare Organization, government progress in reducing discrimination remained limited in rural areas, and police were reluctant to investigate incidents of alleged discrimination, often preferring to mediate such cases. NGOs reported that, following the April 25 earthquake, Dalits in affected areas were disadvantaged in receiving aid compared with upper-caste communities nearby, although the International Commission for Dalit Rights alleged that Dalit communities in affected areas suffered more structural damage than their nearby upper-caste communities. Resistance to intercaste marriage sometimes resulted in ostracism or forced expulsion from the community, according to media reports and NGOs advocating for Dalit rights. Media reports also covered incidents in which Dalits were barred from entering temples and teashops and sharing water sources, and they occasionally suffered violence in such situations. NGOs said that the frequency of such incidents continued to decline slightly, possibly due to improved awareness of antidiscrimination law, but persisted. According to NGO reports, members of an upper-caste family in Phulbari, Kailali district, assaulted the father of Lal Bahadur Sharki, a member of the local Dalit community, after their daughter eloped with Sharki. The upper-caste family filed a criminal kidnapping complaint against Sharki, for which Sharki was arrested and tried. In February the district court ruled that the charges were false and that the married couple had the right to live together.

In urban areas particularly in the Kathmandu Valley, better education and higher levels of prosperity slowly reduced caste distinctions and increased opportunities for lower socioeconomic groups. Members of better-educated, urban-oriented castes continued to dominate politics and senior administrative and military ranks and control a disproportionate share of natural resources, and Dalits continued to report exclusion from local and national politics.

Indigenous People

The government recognized 59 ethnic/caste groups as indigenous nationalities, comprising approximately 36 percent of the population. Although some communities were comparatively privileged, many faced unequal access to government resources and political institutions, as well as linguistic, religious, and cultural discrimination. NGOs stated that indigenous people, whose settlements were disproportionately damaged by the April 25 earthquake, were discriminated against in the quality and quantity of aid they received.

Conflicts between indigenous groups and government authorities over control of local resources and the distribution of benefits from development projects sometimes occurred. Some disputes arose over interpretation of the country's obligations under International Labor Organization Convention 169, which indigenous groups maintained granted them exclusive rights over natural resources.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws criminalize same-sex sexual activity, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons actively advocated for their rights. The new constitution contains provisions outlining protections for LGBTI persons, but LGBTI activists continued to press for further legislation increasing protections for gender and sexual minorities.

In 2007 the Supreme Court directed the government to enact laws to protect LGBTI persons' fundamental rights, enable third-gender citizenship, and amend laws that were sexually discriminatory. Implementation of the 2007 decision was initially slow, but in 2013 the Home Ministry started issuing citizenship certificates with an "other" gender category for those applying for citizenship. During the year the Home Ministry started issuing passports with the "other" designation. The new constitution enshrines the right of citizens to choose their gender identity on citizenship documents, according to human rights lawyers. For the first time, the Ministry of Women, Children, and Social Welfare allocated a budget, 300,000 rupees (\$3,000), for LGBTI-focused programs, in particular for raising awareness. According to local LGBTI advocacy groups, the government did not provide equal opportunity to LGBTI persons in education, health care, or employment (see section 7.d.).

According to local LGBTI rights NGOs, harassment and abuse of LGBTI persons by private citizens and government officials declined during the year, especially in urban areas, although incidents still occurred. Transgender individuals reportedly faced stigma in displaced persons camps following the April 25 earthquake.

LGBTI rights groups had divergent assessments of whether police harassment of gender and sexual minorities increased during the year. According to the local NGO Blue Diamond Society, police targeted transgender sex workers more than in 2014, subjecting them to as much as 25 days' detention without charge under the Public Offense Act. The Nepal Police HRC documented one allegation of harassment of LGBTI persons by police, a decline from 2014. The HRC confirmed that some low-level harassment occurred because many citizens held negative views of LGBTI persons, and the Nepal Police were not immune to such social prejudices. The HRC continued to conduct LGBTI rights training and worked with LGBTI NGOs to minimize and prevent harassment.

HIV and AIDS Social Stigma

There was no official discrimination against persons who provided HIV-prevention services or against high-risk groups that could spread HIV/AIDS.

Societal discrimination and stigma against persons with HIV, including self-stigma, decreased but remained common, according to NGOs. In the most recent demographic and health survey for the country, 30.7 percent of women and 24.9 percent of men reported discriminatory attitudes towards those with HIV.

According to NGOs, social acceptance of people with HIV increased, largely due to government-sponsored awareness programs for health-care workers and volunteers, media, police, teachers and students, local leaders, and community members.

Most health-care facilities that provided HIV-related services did so without significant stigma or discrimination, but there were reported incidents of hampered access for persons with HIV to education and health care, especially surgical and dental care, and treatment for pregnant women. In Dang district, education officials refused school admittance to a child with HIV. The coordinated intervention of NGOs and district health and education officials, including training on reducing stigma and discrimination, ultimately led the school to admit the student. There were also reported incidents of employment discrimination against people with HIV (see section 7.d.).

Other Societal Violence or Discrimination

During the widespread civil unrest, protests, and general strikes in the mid-western hills and Terai region in August-October, there were reports of demonstrators attacking those who opposed ethnic Madhesi and Tharu political movements. There were allegations that some of the violent “demonstrators” were criminals paid by those with a political agenda. There were reports of communal violence in Tikapur, Kailali district, in the aftermath of the August 24 killing of eight police officers and the 18-month-old child of a police officer during clashes between protesters and police. Tharu politicians and some human rights groups alleged that, in retaliation for these killings, members of the communities from the central hills vandalized and set fire to homes and other property belonging to leaders of the Tharu movement. They further alleged that police allowed these retaliatory acts to take place by selectively enforcing the curfew with the Tharu community, but not with the hill-origin community.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions of their choice, except those deemed by the government to be subversive or seditious organizations. Freedom of association extends to workers in both the formal and informal sectors. Noncitizens cannot be elected as trade union officials and do not have the right to form unions. Local workers have the right to strike and bargain collectively, except for employees in 16 essential services, including public transportation, banking, security, and health care. Members of the armed forces, police, and government officials at the undersecretary level or higher are also prohibited from taking part in union activities. In the private sector, employees in managerial positions are not permitted to join unions.

The law stipulates that unions must represent at least 25 percent of workers in a given workplace to be considered representative. The minimum requirement does not prohibit the formation of unofficial union groups, which may call strikes and enter into direct negotiation with the government. Workers in the informal sector may also form unions, but many workers were not aware of these rights.

The law also protects union representatives from adverse legal action arising from their official union duties, including collective bargaining, and prohibits antiunion

discrimination. Workers dismissed for engaging in union activities can seek reinstatement by filing a complaint in labor court or with the Department of Labor, which has semi judicial and mediation authority. Most cases are settled through mediation. By law employers can fire workers only under limited conditions and only after three counts of misconduct. The law stipulates that participation in a strike that does not meet legal requirements constitutes misconduct, for which the consequences are suspension or termination of employment.

To conduct a legal strike, 51 percent of a union's membership must vote in favor in a secret ballot, and unions are required to give 30 days' notice before striking. If the union is unregistered, does not have majority support, or calls a strike prior to issuing 30 days' notice, the strike is considered illegal.

The government was unable to enforce applicable laws fully, since resources, inspections, and remediations were inadequate and penalties for violations were insufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals.

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 called numerous strikes during the year and did not face any legal penalties. Many unions had links to political parties and did not operate independently from them.

The government did not interfere in the functioning of workers' organizations or threaten union leaders. There were fewer reports of major violence in labor disputes than in 2014. Strikes in essential service sectors such as hospitals, despite being prohibited, increased. Many doctors and medical professionals at Tribhuvan University Teaching Hospital (TUTH), the country's premier medical education institution, went on strike in April for the fifth time in recent years, demanding action against officials allegedly involved in irregularities in granting affiliation to private medical colleges and compromising on quality of medical education. Some TUTH staff went on strike again in August, accusing the government of not implementing regulatory measures that it had agreed upon to end the previous strike. This strike ended on September 6 with a deal between the government and the leader of the movement, Dr. Govinda KC, but on September 19, with support of some staff, Dr. KC launched another strike, alleging that the government had failed to implement the deal. Dr. KC's method of protest is to stage hunger strikes; the protest he started September 19, which lasted 11 days, was his seventh.

A 19-day strike by the Nepal Association of Foreign Employment Agencies (NAFEA), an alliance of companies licensed to recruit workers for overseas employment, ended July 25, when NAFEA and the Ministry of Labor and Employment signed a 31-point agreement to implement the ministry's new free visa, free airfare, low-cost recruitment policy for Nepalis seeking work overseas.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and provides penalties ranging from one to 20 years in prison and fines of up to 200,000 rupees (\$2,000). The law does not criminalize the recruitment, transportation, harboring, or receipt of persons by force, fraud, or coercion for the purpose of forced labor. The government made significant efforts to comply with minimum standards for the elimination of trafficking despite limited resources, but the country continued to be a source, transit, and destination for men, women, and children who were subjected to forced labor.

Government enforcement of the laws against bonded labor was uneven, and social reintegration of victims remained difficult. Resources, inspections, and remediation were inadequate, and penalties for violations were insufficient to deter violations. Out of a total of 27,570 Kamaiyas (bonded agricultural laborers of Tharu ethnicity who were freed in 2000), the government rehabilitated more than 26,000, including 900 during the year, by providing financial, material, and other social welfare benefits. This included 10,000 rupees (\$100) per family to purchase materials for the construction of homes. Many former Kamaiya families nevertheless continued to reside on riverbanks and barren plots of land under poor living conditions, with limited employment opportunities and access to education.

In 2013 the government recommitted to abolishing the already illegal practice of Kamlaris, girls of Tharu ethnicity in bonded domestic labor. The government allocated 120 million rupees (\$1.2 million) for the education of former Kamlaris, but authorities did not spend the full amount.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law establishes 14 as the minimum age for work and 16 as the minimum age for hazardous work, and it mandates acceptable working conditions for children.

Employers must maintain separate records of laborers between the ages of 14 and 16. The law prohibits employment of children in factories, mines, and 60 other categories of hazardous work and limits children between the ages of 16 and 18 to a 36-hour workweek (six hours a day between 6 a.m. and 6 p.m. and six days a week). The law also establishes penalties of up to two years in prison and a fine up to 100,000 rupees (\$1,000) for those who unlawfully employ children, but the law was not fully implemented.

The Department of Labor, which is responsible for enforcing child labor laws and practices, had a weak enforcement record. The labor department conducted most of its labor inspections in the formal sector, while nearly all child labor occurred in the informal sector. As of January the department reported that it had 15 factory inspector positions responsible for regular monitoring. Some of these positions were vacant due to regular rotation of civil servants, and resources devoted to enforcement were limited. According to NGOs, as of September there were 24 labor-inspector positions, 12 of which were filled, and most inspectors did not have strong qualifications in the area of child labor. There are a broad range of laws and policies designed to combat and eventually eliminate child labor. Penalties range from a 10,000 rupees (\$100) fine and one year in prison to a 200,000 rupees (\$2,000) fine and 20 years' imprisonment.

The incidence of child labor occurring in agriculture, domestic service, portering, recycling, and transportation; the worst abuses were reported in brick kilns, the stone-breaking industry, the carpet sector, embroidery factories, and the entertainment sector was significant. In the informal sector children worked long hours in unhealthy environments, carried heavy loads, were at risk of sexual exploitation, and at times suffered from numerous health problems (see section 6, Children). Government officials stated they were concerned that the economic impact of the April 25 earthquake would spark an increased risk of child labor, but there was no data available by year's end.

According to the 2008 Nepal Labor Force Survey, the most recent data available, the labor-force participation rate was 13.4 percent for children between the ages of five and nine and 52.7 percent for children between 10 and 14.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The 2007 interim constitution prohibited discrimination on the basis of religion, race, sex, caste, tribe, social origin, language, or ideological conviction. The interim constitution also stipulated that the government may make special provisions for the protection, empowerment or advancement of women, Dalits, indigenous peoples, persons with disabilities, and those “who belong to a class which is economically, socially or culturally backward.” The new constitution added a general prohibition on discrimination on the basis of disability and physical and health conditions. It also added gender and sexual minorities to the categories eligible for special measures on protection, empowerment, and advancement. On employment specifically, the new constitution gives women the right to special opportunities and gives ethnic minorities, persons with disabilities, Muslims, and gender and sexual minorities the right to serve in state bodies through a principle of inclusion. It also states that there will be special legal provisions for Dalits in employment, including in public service. Labor regulations prohibit discrimination in payment or remuneration based on gender.

There are no provisions in the new constitution, law, or regulations prohibiting discrimination, including labor discrimination, regarding color, age, national origin or citizenship, HIV-positive status, and other communicable disease.

Discrimination in employment and occupation occurred, despite some constitutional and legal protections, with respect to gender, caste, ethnicity, national origin, citizenship, disability, sexual orientation and gender identity, and HIV-positive status. Such discrimination was most common in the informal sector, where monitoring by the government and human rights organizations was weak or absent, and those in disadvantaged categories had little leverage or recourse. In the formal sector, labor discrimination generally took the form of upper-caste men without disabilities being favored in hiring, promotions, and transfers. In the public sector, such discrimination was also based on personal affiliation and reportedly occurred in many instances with the tacit understanding of political leaders.

Although the law requires equal pay for equal work for men and women, the government did not implement those provisions, in particular in many state industries. To be eligible for government jobs, Nepali national origin or citizenship is mandatory, and dual nationals are excluded. A fixed-term employment of a foreign national under contractual arrangements or as a consultant, however, is permitted. Labor laws limit hiring foreign nationals in fully owned or joint-venture foreign enterprises.

The government used a mandatory 5 percent public employment quota to hire 200 persons with disabilities during the year, primarily as teachers, an increase from 175 hires in 2014. The government also attempted to implement this quota system on a voluntary basis in the private sector and during the year began conducting free classes to help persons with disabilities prepare for public-service exams. Nevertheless, according to government officials and disability rights advocates, the overall rate of employment of persons with disabilities has not increased significantly. 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.

According to the Nepal National Dalit Social Welfare Organization, the government made little progress in implementing antidiscrimination legal provisions to ensure employment opportunities for lower-caste individuals in both the public and private sectors. There was no comprehensive data on this.

The government committed to take action for the economic empowerment of gender and sexual minorities, as well as other marginalized groups, in its fourth five-year National Plan of Action on Human Rights (2014-19), but local LGBTI advocacy organizations stated there was a lack of implementation. There was no reliable data on discrimination against LGBTI persons in various sectors, but activists reported it was common for gender and sexual minorities to be denied promotions and competitive opportunities within the security services and athletics. There were some reports of individuals losing their jobs when their employers or coworkers discovered their HIV-positive status. According to a development NGO working in the area of HIV/AIDS, there was evidence that a longstanding government policy to foster acceptance of persons with HIV and respect for their rights in the workplace had not been implemented effectively.

e. Acceptable Conditions of Work

The government last increased the minimum wage for unskilled laborers in 2013 from 6,200 rupees to 8,000 rupees (\$62 to \$80) per month. The minimum wage exceeded the official poverty line of 125 rupees (\$1.25) per day but was barely sufficient to meet subsistence needs. Minimum-wage laws apply to both the formal sector (which accounted for approximately 10 percent of the workforce) and the informal sector, but implementation was stronger in the formal sector. As per an understanding reached between the Joint Trade Union Coordination Center (a common forum of 11 trade unions), the Federation of Nepalese Chambers of

Commerce and Industry, and the Ministry of Labor and Employment, the minimum wage should be revised every two years. As of September the ministry was holding discussions on the next wage hike.

The law stipulates a 48-hour workweek, with one day off per week and one-half hour of rest per five hours worked. The law limits overtime to no more than four hours in a day and 20 hours per week, with a 50 percent overtime premium per hour. Excessive compulsory overtime is prohibited. Employees are also entitled to paid public holiday leave, sick leave, annual leave, maternity leave, bereavement leave, and other special leave. The law provides adequate occupational health and safety standards and establishes other benefits, such as a provident fund, housing facilities, day-care arrangements for establishments with more than 50 female workers, and maternity benefits.

The Ministry of Labor and Employment reported that most factories in the formal sector complied with laws on minimum wage and hours of work, but implementation varied in the informal sector, including in agriculture and domestic servitude. The ministry employed up to 10 factory inspectors for the entire country, who also acted as labor and occupational health and safety inspectors.

Implementation and enforcement of occupational health and safety standards were minimal, and the Ministry of Labor and Employment considered it the most neglected area of labor law enforcement. The ministry found violations across sectors, including in construction, mining, transportation, agriculture, and factory work.

The government had not created the necessary regulatory or administrative structures to enforce occupational safety and health provisions. The Ministry of Labor and Employment did not have a specific office dedicated to occupational safety and health, nor did it have inspectors specifically trained in this area. Penalties were insufficient to deter violations. Although the law authorizes 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 were not collected on a regular basis. Labor law and regulations do not specify if workers can remove themselves from situations that endanger health or safety without jeopardy to their employment.

The government regulated labor contracting, or “manpower,” agencies recruiting workers for overseas jobs, and penalized fraudulent recruitment practices. Some government officials were complicit in falsifying travel documents and

overlooking recruiting violations by labor contractors. The myriad unregistered and unregulated labor “brokers” and intermediaries, who were often trusted members of the community, complicated effective monitoring of recruitment practices. Workers were also encouraged to register and pay a fee to the Foreign Employment Promotion Board, which tracked migrant workers and provided some compensation for workers whose rights were violated.

The government required contracts for workers going abroad to be translated into Nepali and instituted provisions whereby workers must attend a predeparture orientation program. During the orientation workers are made aware of their rights and legal recourse, should their rights be violated. The effectiveness of the initiatives remained questionable, since workers who went overseas often skipped the mandatory training, and many companies issued predeparture orientation certificates for a small fee and failed to deliver the training. Nepali migrant workers abroad often continued to face exploitive conditions.

There were large numbers of workers in the informal sector, although no data were available to confirm the size of the informal economy with precision. According to the Nepal Labor Force Survey, in 2008 an estimated 2.15 million persons ages 15 and over were employed in the nonagricultural informal sector (70 percent of total nonagricultural employment at that time).

The law provides for protection of workers from work situations that endanger their health and safety, but in small and cottage industries located in small towns and village, employers sometimes forced workers to work in such situations or risk losing their jobs.