

Nepal 2024 Human Rights Report

Executive Summary

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

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary detention; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists and unjustified arrests of journalists; and trafficking in persons, including forced labor.

The government took credible steps to investigate officials who committed human rights abuses, but did not consistently punish officials convicted of human rights abuses.

Section 1. Life

a. Extrajudicial Killings

There were reports the government or its agents committed arbitrary or unlawful killings during the year. The National Human Rights Commission (NHRC) did not receive any allegations of arbitrary killings by security forces.

There were some civil society reports of alleged arbitrary and unlawful killings by prison authorities, and official investigations into these incidents were underway.

On February 22, the government paid 500,000 rupees (\$3,730) compensation to the family of Padam Limbu, who died from police-inflicted injuries while at a protest in 2023. The government previously paid 1.3 million rupees (\$9,700) to Limbu's family in 2023. The government declared Limbu a martyr for his death and activism.

Regarding cases of alleged custodial deaths and unlawful killings, nongovernmental organizations (NGOs) documented four deaths in prison between January and mid-August allegedly resulting from torture, inadequate medical care, and poor physical conditions. On April 8, Sunil Shahi died in prison in the Kailali District after he was reportedly severely beaten by staff and other inmates following an escape attempt. Shahi's body showed indications of severe physical abuse, including being beaten with an iron rod. An investigation was underway, and a postmortem report was pending.

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Women who became pregnant outside of marriage, especially while working

abroad, faced considerable social stigma. Although illegal, child marriage was prevalent, especially in rural areas, and according to NGOs, many girls faced social pressure to have children before being emotionally ready and before their bodies were able to bear children safely.

Section 2. Liberty

a. Freedom of the Press

The constitution and the law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. Human rights lawyers and some journalists stated that both the constitution and laws were too broad and vague, affording the government latitude to restrict freedom of speech and the press.

The government limited freedom of expression for members of the country's Tibetan community through its attempts to stop Tibetans from celebrating culturally important events. Under the law, any person who made harsh comments on social media or other online sites against a senior government official could be charged with a crime.

According to the Federation of Nepali Journalists (FNJ), on February 19, journalists seeking access to cover National Democracy Day, organized by the Nepali Army, were denied entry to the event space in Tundikhel, Kathmandu. In response, photojournalists staged a protest at the gate of

the Army Pavilion, placing their cameras on the ground to express their discontent. According to the FNJ, the journalists were denied access due to the unexpected requirement of a special entry pass for news gathering purposes. The FNJ and the journalists present considered this unnecessarily restrictive due to the public nature of the event and past precedent for documentation.

Physical Attacks, Imprisonment, and Pressure

There were several cases of threats and attacks on journalists who reported on corruption, including the Center for Investigative Journalism-Nepal's Gopal Dahal, who in December was threatened personally and professionally by Dharan Sub-Metropolitan City Mayor Harka Sampang and his supporters after publishing an investigative report on the mayor's record.

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

Journalists and NGOs stated several laws, including the criminal code, defamation laws, and the Broadcasting Act and the Working Journalist Acts, could selectively criminalize normal media activity, such as reporting on public figures as well as political influence, and therefore sometimes resulted in self-censorship by media.

The government did not make sufficient efforts to preserve the safety and independence of media.

According to the FNJ, on July 28, public transportation operators vandalized property and assaulted journalists reporting at a protest against ride-sharing services. The government reportedly took no action to address the incident. The FNJ also reported death threats against its former general secretary due to his reporting on in-country smuggling cases.

b. Worker Rights

Freedom of Association and Collective Bargaining

The Labor Act of 2017, aligned with fundamental international labor standards, regulated the labor market. Weak regulatory institutions and mechanisms, limited awareness and understanding, an inadequate judiciary system, and the dual role of labor administration as both a service provider and regulatory body, among other factors, limited the effectiveness of the law's implementation.

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

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

The law prohibited workers from forming trade unions and striking in any special economic zone (SEZ). The law stipulated that unions had to represent at least 25 percent of workers in a workplace to be considered representative. The minimum requirement did not prohibit the formation of unofficial union groups, which under certain conditions could call strikes and negotiate with the government. Workers in the informal sector and self-employed could also form unions if at least 500 individuals worked in the same occupation. Due to the strong political affiliation of these unions, many nonaffiliated individuals hesitated to join them. Additionally, due to the limited outreach and organizing capacity of the unions, most workers were unaware of this right. This impaired union organization.

The government effectively enforced applicable labor laws in the public sector, but not in the private sector. In the public sector, penalties were commensurate with those for other laws involving denials of civil rights such as discrimination, but in the private sector, the government often failed to apply laws and regulations, particularly in the informal economy. According

to the International Labor Organization (ILO) and the General Federation of Nepalese Trade Unions, penalties were rarely applied against violators. Enforcement was not effective in the private and informal sectors. A labor court addressed violations of labor laws and other issues related to labor. Labor activists reported the court was not objective or effective and had a backlog of cases.

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

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

Freedom of association and the right to collective bargaining, although not permitted in an SEZ per the Labor Act 2017, were otherwise generally

respected. Although the government restricted strikes in essential services, workers in hospitals, education services, and the transportation sector occasionally called strikes and did not face any legal penalties. Most unions had close links to political parties but worked effectively to advance the rights of workers. The government did not interfere in the functioning of workers' organizations or threaten union leaders.

Forced or Compulsory Labor

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

Acceptable Work Conditions

Wage and Hour Laws

The minimum wage exceeded the official poverty line but was minimally sufficient to meet subsistence needs. The country's minimum was significantly below the World Bank's 2022 international poverty line.

The law stipulated a 48-hour workweek, with one day off per week and one-half hour of rest per five hours worked. The law limited overtime to no more than four hours a day and 20 hours per week, with a 50 percent overtime premium per hour. Excessive compulsory overtime was prohibited. Employees were also entitled to paid public holiday leave, sick leave, annual leave, maternity and paternity leave, bereavement leave, and

other special leave. The law provided benefits such as a provident (retirement) fund, housing facilities, day-care arrangements for establishments with more than 50 women workers, and maternity benefits.

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

ILO reports indicated continued wage violations connected to child labor and among former bonded laborers.

Occupational Safety and Health

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

Wage, Hour, and OSH Enforcement

The government did not effectively enforce minimum wage, overtime, and OSH laws.

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

Penalties for violations of minimum wage and overtime laws were commensurate with those for similar crimes, such as fraud, but the number of worksite inspections was low. According to the Department of Labor, the number of labor inspectors was insufficient for enforcing worker rights, including OSH. Further, the NGO Solidarity Center claimed inspector positions sometimes went unfilled. According to the General Federation of Nepalese Trade Unions and other labor rights activists, most factories in the formal sector complied with laws on minimum wage and hours of work, but implementation varied in the informal sector.

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

The government had no regulatory or administrative structures to enforce OSH provisions. The ministry did not have a specific office dedicated to OSH, nor did it have inspectors specifically trained in this area.

Although the law authorized factory inspectors to order employers to rectify

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

According to the Solidarity Center, the law provided for labor audits; however, the audits were voluntary, the government had limited capacity to execute the audits, and the accuracy of audits conducted was questionable.

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

c. Disappearance and Abduction

Disappearance

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

On August 29, President Ramchandra Poudel authenticated a bill to amend

the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act in accordance with the constitution. The new law was intended to reinvigorate long-stalled transitional justice efforts regarding the 1996-2006 internal conflict during which the UN Office of High Commissioner for Human Rights estimated 13,000 persons were killed and 1,300 disappeared, many of whom remained unaccounted for. As of October, the government had not implemented changes provided for in the amendment.

Prolonged Detention without Charges

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally did not observe these requirements. In particular, legal experts reported law enforcement routinely conducted arrests prior to investigations and then used forced confessions in a substantial portion of cases that ended in conviction. Human rights groups claimed security forces conducted arbitrary arrests and abused their 24-hour detention authority by holding persons unlawfully for longer periods without filing formal charges, in some cases without proper access to counsel, food, and medicine, or in inadequate facilities.

As an illustrative example, the FNJ reported that on May 21, Kantipur Media Group Chairman Kailash Sirohiya was arrested for allegedly using a duplicate national identification number. The FNJ argued his arrest was in retaliation for *Kantipur Daily* newspaper, the largest in the country, covering various

allegations against high-profile politicians.

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

If the court upheld a detention, the law generally authorized police to hold the suspect for up to 25 days to complete an investigation and file a criminal charge sheet. In special cases, that time frame was extended. For narcotics violations, a suspect could be held for up to three months; for suspected acts of organized crime, 60 days; and for suspected acts of corruption, six months.

The constitution provided for detainees' access to a state-appointed lawyer or one of the detainee's choice, even if charges were not filed. Legal aid was also provided for indigent persons in both civil and criminal court through state-paid legal aid lawyers, and their effectiveness was sometimes questioned. Independent organizations provided free legal services to a limited number of detainees accused of criminal violations. A functioning bail system existed. Defendants also had the option to petition for a writ of habeas corpus.

According to human rights groups, in some cases detainees appeared before

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

By law, authorities were permitted, but not required, to arrest suspects prior to investigation. The common practice was to arrest prior to investigation, which then required the suspect to be charged, confess, or be released within 25 days. If police were not able to acquire sufficient evidence of the suspect's guilt before the 25-day deadline, they often subjected the suspect to verbal threats, physical harm, and coercive tactics to compel a confession. Courts dismissed more than 90 percent of police-obtained confessions.

The NGO Informal Sector Service Center documented three incidents of arbitrary arrest (without timely warrant presentation) from January to August. Sources attributed the sharp drop in incidents to a wave of mass arrests in 2023 political protests; no such incidents were reported in the year.

The NGO Advocacy Forum reported police violated the 24-hour detention authority in 8 percent of 1,167 cases (approximately 93 individuals), raising concerns regarding arbitrary arrest, and detention for extended periods without proper legal oversight, which contradicted legal requirements.

Lengthy pretrial detention was a problem. Due to court backlogs and lengthy trial proceedings, individuals were often detained for years prior to conviction. In cases of lengthy pretrial detention, convicted prisoners received credit for time served. Detainees could not be held in detention for a period exceeding the term of imprisonment if they were found guilty of the offense. Individuals acquitted following lengthy pretrial detention received no credit or compensation.

Under the law, security forces could detain persons who allegedly threatened domestic security and tranquility, amicable relations with other countries, or relations between citizens of different castes or religious groups. The government could detain persons in preventive detention for as long as 12 months without charging them with a crime if the detention complied with the law's requirements. If preventive detention exceeded 30 days, security forces had to report to the court. A quasi-judicial committee would review the preventive detention and determine whether to endorse the continued detention. There were reportedly no preventive detention cases during the year.

d. Violations in Religious Freedom

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

e. Trafficking in Persons

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

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

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

According to human rights activists and legal experts, police used severe forms of abuse, primarily beatings but also lengthy pretrial detentions, to force confessions from suspects. The NGO Advocacy Forum documented that police tortured 16 suspects in police pretrial detention facilities through mid-August. As a general trend, individuals from poor or marginalized communities were more likely to experience abuse or poor treatment, particularly due to caste- or ethnicity-based discrimination.

According to human rights advocates, nine complaints of alleged torture by

police were reported from January to June. Impunity was a significant problem in the security forces. In custodial torture and death cases, victims or their family members had to file a report at the nearest police station, which was often the same one where the alleged abuse occurred. Police were reluctant to register and initiate investigation against colleagues or superiors, and victims were often hesitant to file complaints due to intimidation by police or other officials and fear of retribution. In some cases, victims settled out of court under pressure from the perpetrators. NGOs reported courts dismissed many cases of alleged torture due to a lack of credible evidence and courts inconsistently enforced disciplinary decisions against police.

b. Protection of Children

Child Labor

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

Child Marriage

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

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

During the one-year period ending in mid-July, police registered 52 child marriage cases across the country. Experts reported an increasing trend of children and youths marrying at a young age without parental knowledge or consent.

c. Protection to Refugees

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

business and trade with approval from the local level government, and facilitating their ability to open bank accounts with the recommendation of local administration authorities.

On August 16, a memorandum of understanding was signed between NHRC and UNHCR to jointly advocate for refugee rights within their respective mandates. Tibetan and Bhutanese refugees reported the government restricted issuance of birth certificates and other civil registration following a 2023 “false Bhutanese refugee” scam in which criminals attempted to fraudulently document Nepali citizens as Bhutanese refugees.

Provision of First Asylum

The law did not provide for the granting of asylum or refugee status, and the government did not have a system for providing protection to refugees. The government recognized only Tibetans and Bhutanese as refugees and regarded the fewer than 1,000 refugees and asylum seekers of other nationalities as irregular migrants. Nonetheless, UNHCR completed status determinations of these individuals, recognized them as refugees, and provided some assistance.

The government required refugees accepted for third-country resettlement to pay substantial penalties of 1063 rupees (\$8) per day for illegal stay before granting exit permits. The government did not recognize as refugees Tibetans who arrived in the country after 1990. Most Tibetans who arrived

since then transited to India, although an unknown number remained in the country. The government had not issued refugee cards to Tibetan refugees since 1995. UNHCR estimated three-quarters of the approximately 12,000 resident Tibetan refugees were undocumented, including all those who were younger than age 16 in 1995 or who were born since then. As of September, UNHCR reported 695 urban or mandate refugees and 295 asylum seekers from other countries, including Pakistan, Burma, Afghanistan, Sri Lanka, Bangladesh, Somalia, Iran, and Iraq, lived in the country. The government continued to deny these groups recognition as refugees, even when recognized as such by UNHCR.

d. Acts of Antisemitism and Antisemitic Incitement

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