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Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT NEPAL

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MAP



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ACRONYMS

CDO	Chief District Officer
CIEDP	Commission for the Investigation of Enforced Disappeared Persons
CPN-UML	Communist Party of Nepal (Unified Marxist-Leninist)
ICRC	International Committee of the Red Cross
LGBTI	Lesbian, gay, bisexual, transgender, intersex
RJP-N	Rastriya Janata Party – Nepal
RPP-N	Rastriya Prajatantra Party – Nepal
UNDP	United Nations Development Programme
UNICEF	United Nations Children’s Fund

GLOSSARY

<i>bandh</i>	a strike designed to shut down infrastructure and business, often violent
Constituent Assembly	Nepali parliament (up to early 2018). Now known as Nepal Federal Parliament
<i>haliya</i>	a system whereby agricultural tillers in the western hills are indebted to their landlords
<i>kamaiya</i>	a system of bonded agricultural labour outlawed in 2002
<i>kamlari</i>	domestic work undertaken by the unmarried girls of <i>kamaiya</i> families
<i>panchayat</i>	See Recent History
Madhesi	Ethnic group of Indian ancestry mostly living in the Terai
<i>madrassah</i>	An Islamic school
(the) Terai	Lowland region in Nepal's south

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 The Department of Foreign Affairs and Trade (DFAT) has prepared this Country Information Report for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian government policy with respect to Nepal.

1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia, without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that: Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report draws on DFAT's on-the-ground knowledge and discussions with a range of sources in Nepal. It takes into account relevant and credible open source reports, including those produced by United Nations departments, US Department of State, UK Border Agency, the World Bank and the International Organization for Migration. DFAT consulted recognised human rights organisations such as Amnesty International, Human Rights Watch, and international non-governmental organisations such as Transparency International and the International Committee for the Red Cross, as well as Nepal governmental and non-governmental organisations and reputable news organisations. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report released on Nepal published on 21 April 2016 and the 22 December 2016 DFAT Thematic Report on the India-Nepal Treaty of Peace and Friendship.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 Nepal was established as an independent monarchy in 1769 when Prithvi Narayan Shah, the ruler of the small principality of Gorkha, united 46 independent states to form the Gorkha Kingdom. Hereditary monarchs have ruled Nepal for most of its history.

2.2 Between 1960 and 1990 a system of local governance known as *panchayat* was used throughout the country. A *panchayat* is a council of elders at the village level historically common across South Asia. In the Nepali system, representatives from local councils would be sent to increasingly larger *panchayat* up to the national level.

2.3 In 1996 the Unified Communist Party of Nepal (Maoist) (UCPN-M) began a nationwide violent insurgency against the government leading to a ten-year civil war. Almost 18,000 people were killed and over 1,300 disappeared before a peace accord was struck in 2006 following an agreement between the Maoists and an alliance of seven Nepali political parties.

2.4 In February 2005 the then-king assumed absolute power in a coup supported by the army. A people's movement in April 2006 and a joint alliance of democratic parties and the Maoists forced the king to relinquish direct rule. Parliament subsequently agreed to abolish monarchical rule, and Nepal became a republic in 2008 with the election of the first Constituent Assembly. The Maoists formed the first government, which proved to be short-lived, resigning in May 2009. A coalition government was then formed until it, too, resigned in July 2010. In September 2011, Dr Baburam Bhattaerai of the UCPN-M party formed government with the Madhesi alliance from the Terai. Political stalemate and questions concerning Nepal's federalist structure and how to accommodate ethnic and linguistic minorities led to the dissolution of the first Assembly in 2012.

2.5 After repeated delays, elections for the second Constituent Assembly were held in November 2013. International observers described the elections as free and fair, with a voter turnout of 78 per cent despite threats of violence by a break-away Maoist group. The Nepali Congress (NC) and the Communist Party of Nepal (Unified Marxist-Leninist) or CPN (UML) were elected to govern Nepal under a coalition agreement that gave them an almost two-thirds majority in the Assembly. The UCPN-M, which had led the insurgency and had dominated the 2008 election, managed to secure only 80 of the 575 directly elected seats.

2.6 An 85 per cent majority vote by Constituent Assembly lawmakers on 16 September 2015 approved a new Constitution which was subsequently promulgated on 20 September 2015. The new Constitution was agreed upon after considerable negotiation and delays. The political stalemate surrounding the development of a new constitution had ended in June 2015 when the four major political parties agreed to proceed with negotiations, focusing on the key points of federalism, the form of government and elections, and the judiciary. Under the new Constitution, Khadga Prasad Oli of the CPN-UML was elected Prime Minister in October 2015.

2.7 On 25 April 2015 a 7.9 magnitude earthquake struck Nepal. The earthquake and its subsequent aftershocks killed an estimated 8,891 people and injured tens of thousands of people. Significant damage

was incurred to national infrastructure, buildings and homes and reconstruction efforts continue several years after the disaster.

2.8 A border blockade was imposed, notionally implemented by Madhesi communities but unofficially blamed on India, from September 2015 to February 2016. The blockade caused shortages of fuel and other commodities throughout Nepal, severely affecting its economy.

2.9 Several changes of government, including realignment of coalitions, resulted in two further changes of Prime Minister before national elections were held over two phases in November and December 2017. These saw landslide results in favour of the Left Alliance comprised of the CPN-UML and the CPN-Maoist Centre parties. The two parties merged in early 2018 to form the Nepal Communist Party (NCP), which now holds a close to two-thirds majority in the Federal Parliament, led by Prime Minister KP Oli for his second term. The coming years will see Nepal's complex transition to a new federalist system.

DEMOGRAPHY

2.10 According to the CIA World Factbook's July 2017 estimate, Nepal's population is 29.3 million. Approximately 125 caste and ethnic groups are reported in the 2011 census. Nepali (a language of Sanskrit origin written in the Devanagari script) is the national language spoken by approximately 47 per cent of the population. Around 123 languages or dialects—including Maithili (spoken by 12 per cent), Bhojpur (six per cent), Tharu (six per cent), Tamang (five per cent), Newari (three per cent), Magar (three per cent) and Bajjika (three per cent)—are also in use. English is widely spoken in the government and business sectors.

2.11 Nepal is divided into three natural east-west geographical zones. Along its southern border is a strip of flat, fertile land known as the Terai, an extension of the vast north Indian plain. The central strip comprises the Middle Hills, rising to 3,400 metres and interspersed with fertile valleys, of which the Kathmandu Valley is the largest. Most of the population is divided almost equally between the southern plains of the Terai region and the central hilly region. The northern strip is formed by the Himalayas, an unbroken mountain range containing eight peaks higher than 8,000 metres, where a much smaller number of people live.

2.12 Kathmandu, the capital, has an estimated population of 1.33 million people. Approximately 20 per cent of the population live in urban areas, a number which has grown rapidly in recent years. Inequalities exist across geographic regions and ecological zones, and between urban and rural areas. Ethnic and caste distinctions remain influential in Nepali society and the civil war period was characterised in part by a rise in identity-based politics and increased polarisation.

ECONOMIC OVERVIEW

2.13 Nepal's economic growth has been adversely affected by political uncertainty, conflict and natural disasters. The focus on political transition and the attainment of peace has disrupted efforts to attain economic and other reforms that would improve the investment climate, stimulate growth and create more private sector jobs. The earthquake of April 2015 and the subsequent aftershocks continue to create challenges for the economy, particularly in the agriculture sector.

2.14 Nepal is among the poorest and least developed countries in the world. The UNDP's Human Development Report 2018 update, Nepal, ranked 149th out of 189 countries, falling several ranks since the last update in 2016. An estimated 25 per cent of Nepalis live below a poverty line of USD\$1.25 a day.

2.15 According to the Food and Agriculture Organization of the United Nations, more than half of the population of working age is reported to be economically active and among them 81 per cent are engaged in

agricultural activities. Industrial activity mainly involves the processing of agricultural products, including pulses, jute, sugarcane, tobacco, and grain and many farmers produce diversified crops to hedge against risks such as weather and other harvest conditions. The contribution of non-agricultural activities is gradually increasing as a proportion of GDP. The services sector, accounting for approximately 55 per cent of GDP, has been the primary source of growth since the 2000s.

2.16 Nepal was struck by a major earthquake and associated aftershocks in 2015. Monsoonal flooding affected the Terai region in 2017. Many thousands of people remain displaced. The government has provided assistance schemes for displaced persons, however these often rely on the displaced person being able to prove that they owned land at the time of the disaster, which many cannot as they did not have documents or were occupying land illegally. Dalits, women and religious minorities are among the more likely groups to be unable to demonstrate previous land ownership.

2.17 Nepal ranks 122nd out of 180 countries in Transparency International's 2017 Corruption Perception Index. Nepal's position on the ranking has improved from the previous years, possibly due to the relatively well-conducted elections under the new constitution in recent years. Patronage and obligations to social, political and economic networks are prevalent, due in part to weak rule of law and political uncertainty. Low and middle-ranking officials often engage in political corruption to facilitate better access to government services. The 2015 Constitution established a Commission for Investigation of Abuse of Authority to investigate corruption allegations against public officials.

Health

2.18 Article 35 of Nepal's 2015 Constitution guarantees access to basic health services as a fundamental right. The country has a variety of public and private health-care facilities. Public health facilities include primary health-care centres and district hospitals. Private health facilities include formal hospitals, nursing homes, private practitioners (especially at clinics or private pharmacies), private medical colleges and non-governmental organisations or community-run hospitals and traditional healers, such as Ayurvedic practitioners.

2.19 Health expenditure was 5.8 per cent of GDP in 2014 (the most recent available reliable data). The private share of total health expenditure was about 60 percent in 2016, most of which was derived from out-of-pocket payments from patients and their families. Free essential health services are available via primary health care centres and district hospitals. Under this system, no charges are levied for registration, outpatient, emergency and inpatient services, or for essential drugs. Use of public health facilities by lower-caste, illiterate and marginalised people has increased since the introduction of the free essential services policy.

2.20 Nepal's health sector is challenged by the country's widespread poverty, limited government funding and its remote and mountainous geography which hinders the development of appropriate health infrastructure and access to health services outside of the densely populated southern plains region. Health care services are generally considered inadequate by international standards; many hospitals do not have toilets, running water, soap or reliable electricity. Hospitals in Nepal tend to be located in urban areas and provide a much wider range of medical services than rural health centres, although the quality of health care provided in large urban centres such as Kathmandu is still variable. Patients may rely on family support to access medicines and nursing care. Specialist doctors are available, including in smaller local hospitals, however those requiring specialist treatment may need to travel to access that treatment and services are constrained in the context of limited facilities across the sector.

2.21 According to the UNDP, average life expectancy at birth for is 69 years for males and 72.2 years for females. Disease prevalence tends to be higher in Nepal than in other South Asian countries, especially in

rural areas. Malnutrition and poor sanitation are widespread, however access to improved water sources and sanitation have improved over the last two decades, including during the conflict period. The burden of infectious diseases, including bacterial diarrhoea, hepatitis A and E, typhoid fever, Japanese encephalitis, malaria, and dengue fever is high.

2.22 Among infants, 19 per cent of deaths of children under 5 were related to premature birth and neonatal and maternal health problems in 2012, the most recent statistics available from the World Health Organisation. Access to health facilities for childbirth are limited and women may be isolated from homes and families during childbirth due to traditional beliefs (see [Women](#)).

2.23 Violence against health care providers has increased throughout Nepal in recent years. Violence has included physical assault against doctors and health care providers and vandalism and property damage in hospitals. Many of these incidents have been attributed to the death of a patient, accusations of negligence, mismanagement and poor service quality on the part of health care professionals or providers.

Mental Health

2.24 Mental health facilities are poor and availability throughout the country is not consistent. Decades of conflict and natural disasters have left many Nepali people vulnerable to mental health disorders. Stigma about mental health conditions prevents identification of conditions and access to treatment. Stigma is particularly associated with mental health disorders that involve psychosis, such as schizophrenia.

2.25 Victims of torture and conflict may have access to government provided facilities which are supposed to be free, but in practice charge money. Drugs that are used to treat people with mental health problems may not be in line with current international medical practice, or not available at all.

Education

2.26 Article 31 of the 2015 Constitution guarantees every citizen the right to free education up to secondary level. Adults aged 25 years or older have attended an average of 4.9 years of school, with girls having an average of 3.6 years of schooling and boys 6.4 years of schooling. Average years of schooling have increased slightly in recent years, mostly due to an increase in the number of boys attending school for longer. The adult literacy rate for people aged 15 years or older is 59.6 per cent, a decline of approximately five per cent from 2016 figures.

2.27 Education outcomes are highly variable in rural areas, with poverty, remoteness, unrepaired earthquake damage, and poorly-funded facilities creating on-going barriers to education access, most notably for girls and children from Dalit communities. These factors are exacerbated by practices such as child labour, early marriage and caste discrimination, which may disrupt children's, especially girls', education (see [Children](#)).

2.28 While primary education has been free and compulsory since the early 1990s, implementation has been variable due to geographic isolation and challenges associated with conflict. Parents are often required to pay fees or other costs associated with textbooks, uniforms, meals and other educational materials. These fees can be difficult to pay for parents from disadvantaged backgrounds, particularly those with multiple children.

Employment

2.29 The 2015 Constitution provides for the freedom to practice any occupation and a right to be employed. Following years of conflict, the labour market is underdeveloped. This, combined with limited foreign investment in the country, means that young graduates may have difficulty finding employment. Migrant workers may work in countries like Qatar or Malaysia in unskilled work. Some skilled workers find work in unskilled jobs overseas. Remittances from overseas Nepalis are a significant contributor to national income. One quarter of Nepali households, especially those in higher income brackets, receive remittances, according to a recent survey by the Asia Foundation.

2.30 While precise numbers are impossible to gauge because of the open border with India, every year more than 4 million Nepalis travel abroad (mostly to India, but also to countries in the Persian Gulf and south-east and north-east Asia) to engage in low or no-skill and low-wage employment. Labour migration and remittances accounted for nearly 30 per cent of GDP in 2014, representing a 30 per cent increase in the share of remittances in 2011. Young men, particularly from rural areas including Terai, are more likely to leave Nepal to seek employment than young women, who are more likely to seek employment in other parts of Nepal.

2.31 Migration acts as a significant driver for many millions of Nepalis to leave the country every year seeking economic opportunity. Hundreds of thousands of Nepalis internally migrate each year to engage in seasonal fruit picking. This is particularly prevalent among the poor from villages in the far west of the country who move east to engage in fruit picking.

2.32 Labour laws provide for the freedom to bargain collectively, and unions generally operate without state interference. Workers in a broad range of 'essential' industries, which include financial, security and healthcare industries, are not permitted to stage strikes. Nepal's legal minimum age for employment is 14 years. Child labour remains a common problem, some estimates place the number of children engaged in work at 37 per cent of all children.

POLITICAL SYSTEM

2.33 Nepal transitioned from a constitutional monarchy to a federal democratic republic in 2008 and operated under an interim constitution until the new Constitution came into force on 20 September 2015 (See [Recent history](#)). The constitution federated seven provinces based on ethno-linguistic identity and economic viability. The Constitution establishes a bicameral federal parliament consisting of a House of Representatives and a National Assembly, as well as unicameral provincial parliaments. Representation of disadvantaged and or minority groups, including women, Dalits, Madhesi and Muslims, is required in both houses of the national parliament.

2.34 The President is the head of state, and has largely ceremonial powers. The President is elected by members of the Federal Parliament and the state assemblies. Nepal's first female Head of State, President Bidhya Devi Bhandari, assumed office in October 2015. The leader of the CPN-UML, Khadga Prasad Oli, was elected Prime Minister in October 2015, becoming Nepal's seventh head of government since 2008 and the first under the new constitutional arrangements. Nepal's cabinet is chosen by the Prime Minister in consultation with their party and any coalition partners.

HUMAN RIGHTS FRAMEWORK

2.35 Nepal is party to: the Convention of the Elimination of all forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the

International Covenant on Civil and Political Rights and its Optional Protocols; the Convention of the Elimination of all forms of Discrimination Against Women; and the Convention on the Rights of the Child. Nepal is not a party to the 1951 Refugee Convention or its 1967 Protocol.

2.36 Many basic human rights are enshrined in the constitution and are covered in the relevant sections of this report. Although the constitution is quite comprehensive in guaranteeing many rights, implementation of these protections is often lacking. In practice, many of these rights are enforceable in court, but access to the courts may be difficult, especially for the poor.

National Human Rights Institution

2.37 Nepal established a National Human Rights Commission (NHRC) in 2000. According to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, the institution complies with the minimum standards as set out in the Paris Principles, such as independence guaranteed by statute or the constitution, autonomy from the executive, pluralism, a broad mandate based on universal human rights standards and adequate powers of investigation. The Commission is established under the 2015 constitution.

2.38 The NHRC has the power to conduct inquiries and investigations on its own or upon a petition or complaint into any government institution and can make recommendations to government about human rights matters. The Commission also has a role in research and training on human rights matters.

2.39 The United Nations Human Rights Council and international human rights NGOs have expressed concern about the independence of the NHRC, noting the difficulty in the NHRC implementing its recommendations. Most of the Commission's recommendations to government relate to conflict-era abuses.

2.40 Nepal's Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act was passed in 2014. On 10 February 2015, the Nepali government announced that it had formed the Truth and Reconciliation Commission and the Commission for Investigation of Disappeared Persons. The government's interim relief program provides financial compensation and other in-kind benefits to the family members of people killed or disappeared during the conflict. However, victims of torture or sexual assault have not received compensation from the state. Despite repeated extensions of the Truth and Reconciliation Commission and the Commission on Investigation of Enforced Disappeared Persons, both established under the Act, there has been little progress on transitional justice in Nepal.

SECURITY SITUATION

2.41 The overall security situation throughout Nepal has dramatically improved since the end of the conflict. However, poverty, unemployment, weak rule of law and a culture of impunity are causes of insecurity in Nepal. Recent elections including in November 2017 were affected by violence including political candidates being shot at, improvised explosive devices and landmines being planted and violent protests. Political protests and demonstrations occur regularly and can turn violent without warning. Political parties have been known to enforce strikes (*bandhs* see [Private Sector/Business Community](#)), which can close down transport and business operations for extended periods, although these have occurred less frequently in recent years.

2.42 In September 2015 protests began in the Terai and continued until early 2016. Led primarily by the Madhesi and Tharu groups, (see ['Ethnicity'](#) below), these protests arose in part because of concerns about the demarcation of provincial boundaries under the 2015 Constitution.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 Article 18 of the 2015 Constitution prohibits discrimination on the grounds of race, religion, caste, tribe, region and other grounds.

3.2 Nepal has at least 125 caste and ethnic groups; amongst the earliest inhabitants of the country were the Newar of the Kathmandu Valley (approximately 5 per cent of the population) and Tharu in the southern Terai region (approximately 6.6 per cent). The ancestors of the Brahmin (the Hindu priestly caste - approximately 12.2 per cent) and Chhetri (descendants of the warrior-ruler caste – approximately 16.6 per cent) came from India and represent Nepal's largest ethnic groups. Other groups trace their origins to Central Asia and Tibet, including the Gurung (2 per cent) and Magar (7.1 per cent) in the west, Rai and Limbu in the east (2.3 and 1.5 per cent respectively), and Sherpas and Bhotia in the north. Other significant ethnic/caste groups include the Tamang (5.8 per cent); Kami (4.8 per cent); Yadav (4 per cent); Rai (2.3 per cent); Damai/Dholii (1.8 per cent); Thakuri (1.6 per cent); Sarki (1.4 per cent); Teli (1.4 per cent); Koiri/Kushwaha (1.2 per cent); and others accounting for approximately 20 per cent of the population.

Tibetans

3.3 UNHCR estimates that there are currently around 12,000 Tibetans in Nepal, about 75 per cent of whom are undocumented. DFAT understands that some Tibetans may be provided with an exit permit by the Nepalese government and that they may be permitted to seek asylum and permanent resettlement in India. Most Tibetans transit through the country to India.

3.4 Following the Dalai Lama's exile to India in 1959, the Nepali government recognised and registered Tibetans as refugees through the provision of Refugee Certificates (RCs). An RC serves as an official identity document which permits the holder to reside and travel in Nepal (but not to own property, seek employment, access higher education or travel abroad). Police generally accept RCs as valid proof of identity and residence.

3.5 Nepal ceased issuing RCs in the mid-1990s. The Government permits the 'safe passage' of Tibetans from Tibet to India under the conditions of an informal 'Gentleman's Agreement' agreed with the UNHCR. Nepal does not have asylum legislation. The government usually declines to issue identity documents to Tibetan refugees and asylum seekers causing difficulties at police checkpoints.

3.6 According to Human Rights Watch, increased cooperation between Nepal and China has led to increased border security cooperation; a partially enforced ban on Tibetan public demonstrations; closer monitoring of the Tibetan community and Buddhist religious sites and monasteries, its leaders, and real or perceived activists; and increases to the number of Nepali armed police deployed in Tibetan neighbourhoods around dates perceived by the government to be politically sensitive, such as the Dalai Lama's birthday or the Tibetan new year.

3.7 Celebrations of Tibetan identity, including festivals to mark the Dalai Lama's birthday have been suppressed by police. Public celebrations of that event were banned in 2017 and they were instead held in private homes and monasteries. After initially being denied permission to publicly celebrate the Dalai Lama's birthday in 2018 in Kathmandu, the event was eventually permitted under close scrutiny of Nepal security services.

Limbus

3.8 Limbus are the descendants of Tibetan migrants who came to Nepal centuries ago. Limbus mainly reside in the regions of Taplejung, Khotang and the Arun Valley, located in the east of Nepal. Limbus speak a distinct language based on a mixture of Devanagari and Tibetan alphabets. A Limbuwan movement exists, which advocates for autonomy for the region. It has reportedly experienced violence but has also been accused of violence against other groups.

3.9 DFAT assesses that Limbus face a low risk of societal or official discrimination or violence.

Indians

3.10 India and Nepal have encouraged the free movement of people and goods and close cooperation on matters of defence and foreign affairs since the [Treaty of Peace and Friendship](#) was signed between the two countries in 1950.

3.11 The overwhelming size of India comparative to Nepal can give rise to concerns about unchecked movement of Indians into Nepal, especially in the southern section of Nepal (the Terai) that is geographically contiguous with the Indian plains and where there are deep cultural links between Nepalis and Indians. Historical concerns about India's political and economic interference in Nepal and instances of poor treatment of Nepalis in India have also given rise to anti-Indian sentiment amongst some Nepalis. The Indian state of Bihar has long been used by criminal organisations, political parties and separatist groups as a safe haven, adding to perceptions by some Nepalis about India's interference in Nepal's domestic affairs.

Madhesi

3.12 The Madhesi are a group of people of Indian origin that live in the Terai. Many have continuing strong socio-cultural and ethnic links across the border with India. The term 'Madhesi' refers specifically to non-tribal, caste Hindus of Indian origin that live in the Terai. Many Madhesi consider those living in the Terai who do not fit this definition (including Muslims, Tharus, Pahadis, and indigenous groups who predated Madhesi immigration) to be 'foreigners'. Less than 50 per cent of the Terai population are Madhesi, and many people from other parts of Nepal have moved to the region seeking jobs.

3.13 Madhesi comprise around 20 per cent of Nepal's population but are underrepresented in politics, public service jobs, and the military. Hindi-speaking Indian Madhesi were historically denied citizenship certificates (and therefore also land and access to government benefits) under the Citizenship Act of 1964 and the 1990 Constitution owing to Nepali language requirements. The citizenship law was amended in 2006 to allow people born in Nepal before 1990 and those residing there permanently to acquire Nepali citizenship, but this law contained a short window period for Madhesi to claim citizenship that closed in November 2008.

3.14 Efforts by the government to introduce compulsory Nepali language in the region have been seen by some Madhesi as a further attempt to discriminate against them. Economic and political favouritism (by

way of land allocations) towards the upper caste Pahadis (hill-dwelling Hindus) was introduced under the 'Panchayat' system (1962 – 1990, see [Recent History](#)). This, as well as allegations of economic exploitation of the resource-rich Madhes region, have exacerbated feelings of discrimination by the Madhesis resulting in decades of political activism and tension between Madhesis and members of other ethnic minorities living in the Terai region. The extent to which such sentiments are shared throughout the entire community is unclear.

3.15 A pro-Madhes autonomy group (the United Democratic Madhesi Front – UDMF) was formed in 2007. The group has signed two peace agreements with the Nepali government with the principal demand being the 'liberation' of the Terai region and the creation of a single autonomous unit called Madhes in a new federal system for Nepal. The group has also demanded greater representation in political, military and economic affairs, often at the exclusion of other ethnic groups such as the Tharu in the western regions of the Terai. Following a period of negotiations, some Madhesi aligned to political parties and participated in the 2017 election. .

3.16 DFAT assesses that Madhesis in the Terai experience moderate official discrimination because of on-going difficulties in obtaining citizenship, which impacts on their ability to access government services. The 2015 Constitution was amended in early 2016 partly in response to Madhesi demands around political representation. Violence in the region remains sporadic, as is evidenced by the protests of late 2015 and early 2016, when upwards of 40 people are reported to have been killed.

Bhutanese

3.17 Around 120,000 Nepali-speaking Bhutanese people fled to Nepal in the 1990s and registered in refugee camps after alleged ethnic cleansing in Bhutan. Most of these refugees have been resettled in Western countries, mostly the United States but also Australia and Canada, among other countries.

3.18 As of July 2018, two refugee camps remain in Damak, down from seven in 2007, with further plans to combine into one remaining camp. The population of around 7000 persons remaining either wish to be resettled, remain within Nepal or return to Bhutan. Over the last few years, large campaigns were advising inhabitants of camp closures and promoting resettlement opportunities. As a result, UNHCR are no longer referring clients for resettlement. Infrastructure supporting the camps, such as dedicated health services and schools, continues to be rationalised as inhabitants are expected to be assimilated into local life. Some of those remaining have married into Nepalese families.

3.19 Alcoholism and domestic violence are problems amongst the remaining population. Linked to this, anecdotally, is the prevalence of domestic violence amongst the remaining community. Officially, Bhutanese refugees are restricted in their movement within Nepal, but DFAT understands that these regulations are not strictly enforced. The camps are located in the seat of the current Prime Minister and given his affiliation with the area, treatment of Bhutanese refugees is of interest to the PM. Bhutan has made no progress on offers of repatriation.

3.20 DFAT assesses that Bhutanese in Nepal face a moderate level of official discrimination, that may not be enforced in practice and a low level of societal discrimination and violence.

RELIGION

3.21 The 2015 Constitution states Nepal is a secular state, signalling a major departure from the Hindu monarchy. It guarantees freedom of religion. Religious tolerance is broadly practiced and there are no restrictions on the sale or distribution of religious material. Nepal celebrates public holidays for numerous

religious faiths in addition to secular and political anniversaries. Nepal's 2015 Constitution prohibits one person from converting another. Religious schools requesting government funding are required to register with local district administration offices and curricula for the schools is provided by the Department of Education. Hindu, Buddhist and Muslim communities report that they are able to establish religious schools, but Christian groups say that they are not supported by the government, at least in terms of funding, to do so.

3.22 According to the 2011 Population Census, the most recent available, approximately 81 per cent of Nepalis are Hindu, nine per cent are Buddhist, four per cent are Muslim and 1.4 per cent are Christian. Syncretic faiths encompassing elements of Hinduism, Buddhism and traditional folk practices are widespread.

3.23 According to a nationwide survey conducted in 2017 by the Asia Foundation, 7.4 per cent of Nepalis feel disadvantaged by their caste, ethnicity or religion in the workplace (7.4 per cent), when applying for a citizenship card (5.8 per cent), in education (4.1 per cent), in interactions with the police (4.8 per cent) and in healthcare (5.1 per cent). The proportion of those who feel disadvantaged is higher among Dalits, Muslims and Christians.

3.24 Inter-religious marriage is reportedly increasing in popularity among young people. Such a marriage would commonly involve running away from disapproving families. There are no legal barriers to inter-religious marriage.

3.25 Overall, DFAT assesses that people of different religions generally live side-by-side without incident in a richly multi-ethnic and multi-religious society. Incidents of tensions between groups, and discrimination against them, has been reported, mostly in localised events. These are described in the relevant section below. DFAT assesses that people involved in multi-ethnic marriages may be at risk from disapproving families, but this depends on the attitudes of individual parents.

Buddhists

3.26 Buddhists officially account for only nine per cent of Nepal's total population. However, many Nepalis consider themselves both Hindu and Buddhist, often sharing temples and rituals of worship. The largest concentration of Nepal's Buddhists are found in the eastern hills, the Kathmandu Valley, and the central Terai. Buddha's birthplace in Lumbini (in southern Nepal) is a significant pilgrimage site for Nepalis.

3.27 DFAT assesses that the long-standing place of Buddhism in Nepali society, along with the close links between Buddhists and Hindus, means Buddhists are rarely if ever at risk of societal discrimination or violence.

Christians

3.28 Christianity was introduced into Nepal in the 18th century, but Christian missions to Nepal were not common until the 1950s. The US Department of State estimated that 1.4 per cent of the population is Christian, the vast majority of whom are Protestant. Nepal has dozens of Christian missionary hospitals, welfare organisations, and schools and, in general, Christians report that they do not face government interference in operating these institutions. However, a number of Christian groups report that they keep their activities discreet. In particular, Christian groups that are not well-established can face difficulty registering as religious organisations and, as a result, can find it difficult to own land. Christians also complain that they have been unable to acquire land for cemeteries.

3.29 Proselytising is banned in Nepal. Eight Christians were charged with this offence after giving out a pamphlet about Jesus Christ in a Christian school. Christian leaders reported that foreign missionaries involved in proselytising are generally not expelled from the country, but that nonetheless they attempt to keep their activities, and their ties to foreign Christian churches and charities, discreet.

3.30 Small scale terrorist events have affected Christians in Nepal, including improvised explosive devices being detonated on the grounds of three churches in Jhapa district at the same time that protests against the new constitution were occurring in 2015. An arson attack on a Catholic cathedral occurred in 2017, causing significant damage to the building but not causing injuries to the priests living there. The attacks were claimed by Hindu nationalists.

3.31 Conversion to Christianity has increased since the 1950s. More than 90 per cent of Nepal's Christians are from marginalised groups such as indigenous communities (such as Chepangs and Santal) or Dalits, for whom Christianity provides an escape from the caste system. There are also anecdotal reports of occasional social tension because activities of (particularly foreign) missionaries to induce conversion through the provision of health, education, housing or employment opportunities to converts, which are perceived by some to be over-zealous.

3.32 DFAT assesses that Hindu citizens who convert to Christianity are publicly and safely able to do so, although they may experience low-level societal or family discrimination which may vary according to their personal and family circumstances.

Muslims

3.33 According to US State Department estimates, Muslims are 4.4 per cent of the Nepali population. Most Muslims in Nepal are Sunni but a small minority are Shia. Although Muslims are found in all districts of Nepal, they are concentrated in the Terai. According to official figures, 879 madrassahs were registered with district education offices, an increase from 765 from the previous year, however Muslim leaders report that thousands more unregistered madrassahs are found throughout the country. The government recognises madrassas as equivalent to primary schools and Muslims in Nepal are permitted to participate in the Hajj without restriction.

3.34 Violent clashes between Hindu and Muslim groups are reported with some frequency. In October 2017 dozens were injured in Banke and Bardiya districts on the Indian border. Charges were brought against 28 individuals involved in similar clashes in December 2016 in which two Muslims were killed and dozens were injured. . Other violence between Hindus and Muslims has been reported, but it is localised and infrequent.

3.35 As in India, DFAT is aware of reports of cow vigilantism in Nepal. The slaughter of cows is illegal in Nepal, a Hindu majority state. Gangs of youths may form to protect cows from slaughter and these generally target Muslims. These gangs are not as common as in neighbouring India.

3.36 DFAT is aware of anecdotal concerns in Nepal about the impact of increases in the number and influence of Wahhabi-influenced madrassas – although such madrassas remain relatively few in absolute numbers. These concerns can be seen, in part, as a subset of wider fears of the influence of India; there is a belief among some that fundamentalist Muslims are crossing the border. To date, DFAT is not aware of credible reports that the practice of fundamentalist strands of Islam in Nepal has caused societal discrimination or violence.

3.37 DFAT assesses that incidents of violence against Muslims in interreligious clashes are isolated and that authorities do respond to prevent and prosecute violent actors, both Muslim and Hindu. DFAT assesses

that Hindu citizens who convert to Islam are publicly and safely able to do so, although they may experience low level societal or family discrimination, depending on their personal family and social circumstances.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.38 All Nepali citizens 18 years and older are eligible to vote. Under the 2015 Constitution seats in the Federal Parliament are reserved for women through quotas, and substantial, proportional allocations made for Madhesis, Dalits, and other minority groups.

3.39 Political affiliation, both at an organisational and individual level, is an important aspect of identity. This was a cause of instability during the conflict and in the years immediately following. Political youth wings, bandhs (strikes, see [Private Sector/Business Community](#)), demands for donations from local authorities and the private sector, and the obstruction of tender-bidding processes in line with political interests all contributed to this instability.

3.40 A diverse and competitive array of political parties operates in Nepal, though the system has faced considerable instability in recent years. Unlike the 1990 constitution, the 2015 Constitution has no limitation on parties formed along ethnic lines leading to many ethnic groups to participate formally in political processes, motivated by a belief that they have been excluded from a society that has historically been ruled by dominant ethnic and caste groups.

3.41 Nepal has enjoyed several years of political stability. A lively political environment provides an opportunity for diverse political parties and views, and an individual's membership of a political party, along with their ability to be identified as a member and to be politically active, is generally respected. DFAT assesses the risk of a return to widespread violence is low.

Fear of Maoists

3.42 Communist parties won the 2017 elections in both the parliament and the provincial assembly. The main far left parties, Communist Party Nepal (Unified Marxist-Leninist) CPN-UML and Communist Party Nepal (Maoist Center) merged in 2018. Before political groups were allowed to politically organise in 2015, Maoists recruited from among ethnic minorities who participated in their insurgency.

3.43 Tens of thousands of people displaced by the long period of conflict in Nepal (see [Recent History](#)) remain displaced. As part of the peace process, Maoists and the government agreed on a programme to allow displaced people to return to their homes. The land once belonging to many displaced people had since become occupied illegally or been given away or sold by the Maoists during the civil war. Some displaced people lack documentation, preventing them from reclaiming their property.

3.44 While the two main Maoist parties have merged, the movement has a history of internal splits and the ideology of the two main groups, while merged, is inconsistent. Historical claims of abuses during the insurgency remain unresolved.

3.45 Maoists have the potential to control the national agenda without resorting to violence. In general, DFAT assesses that political opponents of Maoists do not face violence, unless they participate in violent political demonstrations, in which case they face no greater threat of violence than other participants.

Rastriya Janata Party – Nepal (RJP-N)

3.46 Activists from the RJP-N claimed that hundreds of party members in various districts were arrested in the lead up to regional elections in June 2017. According to the Terai Human Rights Defenders Alliance, an NGO, those arrested were released after some days in custody.

3.47 Along with other political groups, the RJP-N uses strikes and violent protests to shut down government and public infrastructure, such as roads, businesses and schools and preventing freedom of movement. In June 2017 the party engaged in violent protests, including rock throwing, with the intention of preventing free movement.

3.48 DFAT assesses that protestors within the RJP-N may face retaliatory violence or police suppression of their activities, whether they individually engage in violence or not. DFAT assesses that members of the party face a level of discrimination and violence consistent with other [Madhesis](#), but the risk of violence increases if they participate in violent protests.

GROUPS OF INTEREST

Dalits and the Caste System

3.49 Nepal's caste-based system of social organisation is guided by the Hindu Varna system – a hierarchical allocation of rights, duties and obligations based on a person's inherited position in society. Caste is seen through the lens of 'purity' and is traditionally associated with particular occupations. Caste has a direct and significant impact on a person's access to education, employment, residence and similar life opportunities.

3.50 Members of the upper castes continue to dominate in government and business, owing to historical practices that prioritised the rights and interests of upper-class elites. Discrimination on the grounds of caste is still widespread, in spite of being outlawed since 1962. The main caste groupings include the priestly Brahmins, who are at the top of the caste hierarchy with the Kshatriya, kings and warriors, beneath them; followed by the Vaishya, merchants, and the Sudra, peasants and labourers. Various groups based on occupational groups traditionally thought to be impure were known as 'Acchut', but now call themselves 'Dalit', similarly to India. Higher castes are associated with the Hills, however 'Hill Dalits' also continue to live in that region.

3.51 Dalits make up over 13 per cent of the total population according to the 2011 census, but Dalit groups maintain that the number is closer to 20 per cent. Considered to exist outside the Hindu caste system, Dalits are affected by 'untouchability', a type of shunning, and as a result have been limited to socially-sanctioned roles considered demeaning to other, higher, castes.

3.52 Constitutional protections and the 2012 Caste-Based Discrimination and Untouchability (Offence and Punishment) Act criminalise any discriminatory acts on the basis of caste, as well as customs, tradition, religion or culture, including through the media. Despite these protections, Dalits continue to face exploitation, violence and social exclusion. For example, local villagers and Hindu priests often prevent Dalits from entering temples, performing religious rites or participating in cultural and religious festivals.

3.53 Dalit groups allege that their access to aid and assistance in the wake of the 2015 earthquakes was unequal. Dalits were more likely to be living in poorly constructed dwellings on unstable land and say that reconstruction efforts have discriminated against them, providing poor quality materials and land on the outskirts of settlements.

3.54 There are no legal barriers to inter-caste marriage. The government has even provided monetary incentives of 100,000 rupees (about 1,200 Australian dollars) to each inter-caste couple married since 2009. The risk of family disapproval and associated violence depends on individual circumstances, however disapproval of such unions, which may include acts of violence, remains a possible outcome.

3.55 DFAT assesses that Dalits with some wealth and living in urban areas face a low risk of official or societal discrimination and violence. Traditionally discriminatory attitudes persist, particularly in Nepal's rural areas where Dalits experience a high risk of societal discrimination and a moderate risk of official discrimination. Violent incidents do occur but generally less frequently than in the past.

Non-governmental Organisations

3.56 NGOs play an active role in the political landscape, having been particularly engaged in the democracy movement of the 1990s and the mid-2000s. They played a significant role in disaster response to the 25 April earthquake. Over 30,000 local and international NGO and civil society organisations are currently registered with the Social Welfare Council (a public body formally responsible for broadly coordinating the activities of 'social organisations'). International NGOs are required to be registered with the Council and to submit project plans before they can operate in Nepal. Local NGOs seeking assistance from the Nepali Government, foreign governments or international organisations are required to submit project proposals for approval from the Council. The Council can reject such approvals on national interest grounds. Further approval may need to be sought from district authorities in which NGOs operate. The formal requirements to establish and operate NGOs are onerous, however NGOs continue to be established and to operate in spite of those bureaucratic difficulties.

3.57 People working with NGOs are generally able to do so free from harassment and intimidation, even when they are active in potentially sensitive areas – such as supporting Tibetans, Madhesi or Dalits. However, they do face practical challenges such as accessing adequate funding and people who work with NGOs that scrutinise state actors or examine on-going, unresolved issues from the conflict years can be at a low risk of harassment and intimidation.

Media

3.58 Nepal ranks 106th out of 180 countries in the 2018 World Press Freedom Index Report from international NGO, Reporters without Borders. Freedom House rated Nepal's media as 'partly free' Article 19 of the 2015 Constitution provides a right to communicate without legal restriction and prohibits censorship. A wide variety of independent radio and print outlets operate in Nepal and generally show a bias towards particular political parties. At times, this bias can be partly due to intimidation, but general political alignment similar to media in most countries may also play a role.

3.59 Several international organisations including Reporters Without Borders and Freedom House claim that journalists in Nepal are subject to death threats and physical attacks in the course of their work. These threats can relate to political parties, including relating to Mahesi protests against the Constitution and armed Maoist groups. Violence by police at protests has also been claimed.

3.60 The US State Department reported that media freedom in Nepal is generally strong with a few exceptions. Some journalists reported threats and intimidation in relation to reporting on corruption and the 2017 elections.

Women

3.61 The 2015 Constitution prohibits discrimination on the basis of gender in relation to inheritance and government employment and allows for 'positive discrimination' to establish special opportunities in relation to education, health, employment and social security. The constitution also prohibits physical, mental, sexual and psychological violence against women and establishes the right to compensation for such violence.

3.62 The World Economic Forum's Global Gender Gap Report 2017, an index that measures gender-based gaps in accessing resources and opportunities ranked Nepal 111 out of 144 countries.

3.63 The practice of '*chaupadi*', in which women are expelled from their homes during menstruation and sometimes after childbirth, persists, despite being outlawed in 2005 and prohibited in the 2017 criminal code. The practice sees menstruating women, particularly in rural western parts of the country, affected by 'untouchability'. These women will live in sheds that are otherwise used by cattle or specially designed for this purpose as 'menstruation sheds' where they may be exposed to extreme temperatures and wild animals including venomous snakes. During this time they are not allowed to access green vegetables, fruit, other plants or milk and have limited access to water. Women are expected to engage in outdoor manual labour during this time. These conditions may be life threatening. *Chaupadi* may be known by different names including *chhue*, *bahirhunu*, *chaukulla* or *chaukudi*, depending on the district. While mostly associated with rural areas, particularly in the west of the country, taboos about menstruation can be found across the country, including in urban areas and among women who remain displaced by the 2015 earthquake and living in temporary shelters.

3.64 Nepali women and girls across society, regardless of their economic, caste or ethnic status, are vulnerable to violence in many forms, including rape, sexual abuse and human trafficking. Nepal's laws contain a narrow definition of rape and have a 180-day limitation period for filing complaints. Penalties for marital rape are low and the crime is rarely reported. The 2017 criminal code set new, higher gaol sentences for rape, however DFAT is not aware of whether this provides an effective deterrent. Police frequently fail to register complaints or investigate and prosecute rape cases, and often divert cases to settlement through informal justice mechanisms, particularly in rural areas.

3.65 Reports of sexual assault to police are increasing as awareness of the criminal nature of that act and the police response increases. Most rapists are close family members and women from low socio-economic communities are particularly vulnerable.

3.66 According to the 2018 statistical update to the United Nation's Development Fund's Human Development Report, 25 per cent of women have experienced intimate partner violence in Nepal. Domestic violence shelters do exist in small numbers in some districts. They do not provide long-term solutions, often limited to 45 days of residence, and women who temporarily live in shelters are often forced to return back to their violent domestic situation due to a lack of alternative options. Many women lack financial independence and are reluctant to seek help in situations of violence because of the risk to their security and livelihood.

3.67 The 2009 Domestic Violence Act provides for monetary compensation and psychological treatment for victims, but authorities generally do not prosecute domestic violence cases. The legislation has a reconciliation and mediation approach and compensation must be pursued through the courts.

3.68 Sexual harassment is a commonly reported problem. The practice is banned, but women's groups report that penalties are not severe enough to act as a deterrent. Women who work in the informal sector are particularly vulnerable to sexual harassment.

3.69 The mistreatment and killing of women for allegedly practising witchcraft is still prevalent in Nepal. Allegations of witchcraft most often relate to the onset of sickness or death amongst people and animals.

Diseases spread through epidemics are also believed to be related to black magic. Victims are often beaten and forced to consume human excrement. Victims are usually poorly educated, economically vulnerable, from low-castes with little support around them. Widows are particularly vulnerable. Women do not often report cases because of a fear of being abandoned by their families and ostracised from their communities. The Anti-Witchcraft Act 2015 provides for jail sentences of 5 to 10 years and fines of up to AUD\$1,400 for those convicted of maltreatment of anyone on accusations of witchery.

3.70 Nepali police have set up special women's cells in police stations that are staffed by female police officers to facilitate the reporting of crime by women in all districts. NGOs report that many of these cells are not fully operational, but that the situation is improving and that the police have continued to resource and improve these services.

3.71 Nepali women rarely receive the same educational, employment and economic opportunities as men. Girls in particular are vulnerable to early marriage which disrupts or ends their formal education. Single women and widows are particularly vulnerable. While a widowed woman is legally entitled to her late husband's estate, many widows are unaware of their rights or unable to enforce them due to traditional attitudes and weak legal protections.

3.72 Part 2 of the 2015 Constitution has introduced positive changes to the citizenship rights of women. Children's citizenship can now be conferred through a mother or father, whereas in the past citizenship had to be attested to by a husband or father.

3.73 Current laws allow foreign women married to Nepali men to immediately obtain Nepali citizenship while foreign men married to Nepali women can only become a naturalised Nepali after domiciling permanently in Nepal for fifteen years. These men also face other restrictions including restrictions on employment and restrictions on the length of visas that they are able to obtain. Legislation stemming from the constitutional changes has not been finalised. The United States 2015 Human Rights Report for Nepal noted the ongoing difficulties faced by people whose citizenship was based on naturalization (rather than descent). However, endorsement from a husband is required for citizenship by descent for women, which this has been known to be refused by husbands (or their families, in the case of widowed women), for example in property disputes; a non-citizen cannot own property.

3.74 Women's NGOs report that it is difficult to obtain a divorce in Nepal. Legal changes have made it possible for a woman to divorce her husband and still keep some of the property, and even to gain child custody rights. However, such court cases can be lengthy and expensive and it can take many months to obtain a divorce if the woman makes any kind of property or custody claims.

3.75 DFAT assesses that women in Nepal face high levels of societal and official discrimination and a moderate risk of violence. However, the experience of individual women varies. Women from poorer or lower-caste backgrounds experience a higher risk of discrimination and violence.

LGBTI

3.76 The new constitution has granted sexual and gender minorities a number of rights and allows the state to pass laws to protect, empower and advance their interests. Nepal is one of the few countries in the world to have such constitutional provisions. Practically speaking, local LGBTI NGOs report that LGBTI people face discrimination in accessing government services, including accessing citizenship documents and in accessing police protection from violence and harassment.

3.77 The Government has yet to implement Supreme Court orders from 2007 and 2008 abolishing all laws that discriminate against LGBTI people. Citizens can now obtain third-gender identity documents. Pride parades and transgender beauty contests have taken place in Kathmandu and LGBTI NGOs operate openly.

In April 2014 the Ministry of Women, Children and Social Welfare assigned a focal person for sexual and gender minorities and funding for LGBTI advocacy groups has decreased in recent years.

3.78 According to a 2007 court ruling, genders other than 'male' or 'female' should be able to listed on identity documents, including citizenship certificates and passports. A further court ruling in 2017 re-emphasised the government's responsibility to issue such documents. These reforms have been introduced gradually. According to Freedom House, the first time a third-gender passport was issued was in 2015.

3.79 DFAT assesses that LGBTI people face a low risk of official discrimination and harassment and a moderate risk of societal discrimination. LGBTI people face a low risk of violence. While the risk of discrimination, harassment and violence is declining overall, the risk is lower in general in urban areas. General community attitudes towards same sex relationships remain negative. LGBTI people from lower castes or from lower socio-economic backgrounds face a higher risk of harassment, discrimination and violence.

Children

3.80 The 2015 Constitution establishes the rights of children to obtain birth registration, education, health, 'proper care' (including the right to sports and entertainment) and 'personality development'. Child torture, child labour, child military service and child marriage are banned. Children with disabilities or who are orphaned or displaced from conflict are constitutionally entitled to state protection.

3.81 In Nepal, children born to Nepalese fathers acquire Nepalese citizenship in all circumstances. Children born in Nepal to Nepali mothers and foreign citizen fathers can apply to acquire citizenship through naturalization, provided they have permanent domicile in Nepal and have not acquired the foreign citizenship of their fathers. There are no known cases of children acquiring citizenship through this naturalization process to date.

3.82 Nepal's Civil Code prevents forced marriage and requires parental consent for marriage between 18 and 20 years of age. Marriage from 21 years of age is legal without parental consent. The marriage age for both boys and girls is the same under the new Criminal Code. Despite these provisions, early or forced marriage has continued due to a combination of lax law enforcement, religious beliefs, poverty and illiteracy. The practice is extensive in rural areas (such as the Terai region) and particularly high among minority, including Madhesi and Dalit, communities. NGOs and international organisations estimate that 37 per cent of girls are married before the age of 18 and ten per cent are married before the age of 15 years.

3.83 Customarily, girls in Nepal are discriminated against by their family members in most aspects of life including education, food and health care. The general attitude of rural and ethnic Nepalis is that since girls will have to one day leave the family and settle in their husbands' homes, investment in their education, food, health and other development is a low priority.

3.84 Child labour and trafficking continues despite constitutional protections banning the practice. The United Nations Development Fund estimates that approximately 22 per cent of children aged five to 17 are working. Children may work in factories, brickworks or restaurants or be trafficked to India where they are forced to work as beggars. Labour inspectors are active, but some international observers have noted that inspections tend to take place in workplaces in the formal sector and not in the informal sector where child labour is more prevalent.

People with Albinism

3.85 Albinism is a rare condition that affects skin pigmentation and eyesight. People with albinism have special medical needs, which NGOs claim are not able to be treated in specialist medical facilities. Some NGOs provide welfare services to people with albinism. In general, people living with albinism face social stigma and are discriminated against on various levels. Such people can find it difficult to be accepted in society or to marry. Owing to the stigma associated with albinism, people with the condition may have difficulty receiving special care or support from their families.

3.86 DFAT is not aware of threats of violence against people with albinism, but assesses that people with albinism, particularly outside major cities, may experience low levels of societal discrimination and likely difficulty in accessing appropriate healthcare.

Private Sector/Business Community

3.87 There are widespread reports of threats against businesses throughout Nepal. Threats such as coercion, extortion and forced donations, as well as kidnappings or coercion to join political parties, have been identified as the most common forms of mistreatment. However, credible sources told DFAT that the most common occurrence, forced donation, was generally seen as part of 'doing business' in Nepal and was regularly encountered. The practice reflects the intensely political nature of Nepali society and the inability of Nepali political parties to formally and directly raise funds to support their activities.

3.88 Businesses may be targeted in *bandhs*, political strikes intended to shut down business, government or transport services. These have occasionally been violent. However, these attacks affect communities generally and not specifically against particular businesses. While *bandhs* had been prevalent over several years, since 2016 these have significantly abated. Despite occasional calls for a *bandh* by disaffected business or political groups, they rarely take hold beyond a specific area, and do not affect wide areas to the extent they have in the past.

3.89 Consistent with high rates of corruption generally, people in business may be required to pay bribes to officials to gain registration and operate in a highly bureaucratic environment. Women in business may be particularly subject to such practices. DFAT further assesses that people involved in business, including small businesses, are subject to corrupt practices that are consistent with other areas of life in Nepal, including by citizens not engaged in small business.

Victims of Human Trafficking

3.90 The US Department of State gave Nepal a 'Tier 2' (out of 4) rating for trafficking in persons in its 2018 report, noting that the government does not fully meet US-legislated standards to end human trafficking but that it is making significant efforts to do so, including increasing numbers of investigations, NGO activities including shelters for victims and new regulations on recruitment agencies.

3.91 Child labour and traditional practices of bonded labour such as *haliya* (the system whereby agricultural tillers in the western hills of Nepal are indebted to their landlords), *kamaiya* (a system of bonded agricultural labour outlawed in 2002) and *kamlari* (domestic work undertaken by the unmarried girls of *kamaiya* families) are still prevalent in some remote regions of Nepal. In June 2013, the government officially abolished the *kamlari* system of bonded domestic slave labourers and in July 2018 the Supreme Court ordered the government to provide rehabilitation services to victims within three years. Under the 2015 Constitution every citizen has a right to choose their own employment and a right to fair remuneration.

3.92 Overseas worker remittances form an important part of Nepal's economy. Bonded labour may result from debts incurred to recruiters, who may misrepresent the services that they provide and demand payment for overseas placement. Women under the age of 24 are banned from overseas travel for the purposes of domestic employment, in an attempt to prevent human trafficking. This has allegedly led to women choosing to go to India via informal channels. Trafficking of young women from Nepal for prostitution in India is common and trafficking via India to the Middle East and Africa is also reported to occur. Women may also be trafficked into domestic service and men may be trafficked into the construction business.

Victims of Loan Sharks

3.93 It is estimated that 45 per cent of adults (over 15 years of age) have access to a bank account, the rate of financial inclusion is far lower in rural areas and among women. Access to banking services has increased in recent with increased uptake of mobile technology. In general, banks, like other parts of the Nepali economy, have suffered capacity constraints following conflict and instability and this may affect the ability of medium to large businesses owners to access finance.

3.94 Usury is illegal, and the maximum interest rate that can be charged is ten per cent, except by licenced banks and financial institutions, who may charge more. The extent of loan shark activity outside of the formal banking sector is difficult to assess. No official statistics on the prevalence of this crime are available. There are few recent reports of this activity, however it is understood to occur from time to time.

3.95 According to research by the Asia Foundation, Dalits are particularly vulnerable to predatory lending. Dalits are twice as likely to borrow money in this way as non-Dalits, according to the research. Dalits are also charged higher interest rates by moneylenders. Dalits report that they are left with no choice but to borrow money at high interest rates which they fear they cannot pay back.

3.96 DFAT assesses that the very poor, especially Dalits, are vulnerable to usury. The likelihood of violence is difficult to gauge due to a lack of official figures, however DFAT assesses that people living in remote and impoverished communities are at higher risk of this crime.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

4.1 Extrajudicial killings, enforced disappearance, torture, sexual violence and arbitrary detention occurred during the ten-year conflict from 1996 to 2006. Civil society organisations are vocal in calling for investigation of these human rights abuses, however action has been slow and international observers have accused the government of allowing impunity for alleged offenders.

Extra-Judicial Killings

4.2 In August 2016, the government established the 'High Level Enquiry Commission' to investigate allegations of excessive use of force that resulted in deaths and injuries in response to the unrest that followed the promulgation of the 2015 constitution in the Terai. That Commission received over 3000 complaints in its first eight months of operation.

4.3 International human rights NGOs allege that security forces continue to use excessive force in response to Terai protests. In March 2017 police allegedly fired indiscriminately into protestors in the Saptari District in the southeast of the country. The protests were a violent demonstration related to the then forthcoming elections. The government paid compensation to the families of victims, who the government described as martyrs.

4.4 Political protests in Nepal occur spontaneously and can quickly become violent. The risk of injury or death is present from both security forces and protestors themselves. Participation in these events carries a high risk of violence.

Enforced or Involuntary Disappearances

4.5 The US Department of State reports that there were no allegations of enforced disappearance in 2017. Between 1996 and 2006, 840 cases of alleged enforced disappearance remain unresolved, according to the National Human Rights Commission (NHRC). The NHRC alleges that Maoists were involved in 149 cases and government actors in over 600 cases.

4.6 The government has set up a body, known as the Commission of Investigation on Enforced Disappeared Persons (CIEDP) to investigate alleged cases. That body has 2,769 cases before it. Estimates of numbers vary: the International Committee of the Red Cross lists 1,335 names.

4.7 DFAT is not aware of enforced disappearances occurring in 2017 or 2018. One case of alleged disappearance occurred in March 2016. Relatives of a labourer in Sindhupalchowk district held a protest demanding a police investigation, which police initiated the same month.

DEATH PENALTY

4.8 Nepal abolished the use of the death penalty for all crimes in 1991. The death penalty is prohibited under the 2015 constitution. The last execution took place in 1979.

TORTURE

4.9 Torture is reported to occur in Nepal. The 2015 Constitution prohibits torture but the practice is not criminalised in legislation and there are no clear guidelines on the punishment of offenders. However, legislation does provide compensation for victims of torture, requiring victims to pursue the matter through the courts. Local NGOs allege that victims are reluctant to report incidences of torture for fear of retribution.

4.10 The use of torture by police to extract confessions is reportedly common. Human rights groups allege that detainees are not brought before courts within the 24 hours required under legislation in order to allow injuries from police abuse to heal.

4.11 Advocacy Forum, a local NGO specialising in torture among other matters, alleges that torture of children occurs in custody. This torture allegedly includes beatings by police and unnecessary use of restraint against children.

Arbitrary Arrest and Detention

4.12 Nepali law prohibits arbitrary arrest or detention, however recent reports of the practice continue. The law requires authorities to obtain an arrest warrant and present the suspect to a court (or the Chief District Officer (CDO) - the highest civil servant in each of the country's 75 districts – see [Police](#)) within 24 hours of arrest. However, CDOs have wide latitude to hold suspects for longer than 24 hours and human rights groups report that this power may be abused, without regard to the time limit. Some prisoners report that they have been improperly denied legal advice, food or medicine.

4.13 Human rights groups have reported that protestors advocating for victims of conflict-era human rights abuses have been arbitrarily arrested by Nepali police. Twelve protestors were arrested in 2016 and released four hours later. The protestors were not given a reason for their arrest.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 Human rights groups have argued that no one has been punished for abuses during the decade-long civil war, in part because of the weakness of the judiciary and a prevailing climate of impunity. The International Commission of Jurists reports that senior government officials and members of the military have the potential to shield security forces and leaders of major political parties from investigation and prosecution of human rights abuses.

Military

5.2 The President of Nepal is the Supreme Commander in Chief of the Nepal Army. The Army is composed of six Combat Divisions, located throughout Nepal. Service in the military is voluntary and the minimum age for enlistment is 18 years. In general, the military is under the control of civilian authorities.

5.3 The former Maoist army was dissolved following the peace process. While the majority of cadres received 'retirement' payments, some were integrated into the national army, according to the national peace plan that led to the end of the conflict era.

5.4 According to the Nepal Army's website, 'some incidents of human rights violations did occur' during the counter-insurgency operations following the declaration of a state of emergency in November 2001. The website states that such acts were 'either unintentional mistakes in the fog of battle or [were] the criminal violations of individuals'.

5.5 A Human Rights Organisation was established within the Army following the civil war and training in human rights is provided to all individuals in the Army. Section 22 of the *Army Act* (2006) provides that no action should be taken against a member of the military if a person dies or suffers loss if the member of the military was acting in good faith. Complaints of human rights abuses are handled internally.

Police

5.6 Nepal Police are responsible for enforcing law and order across the country. The separate Armed Police Force is responsible for combating terrorism, providing security during riots and public disturbances, assisting in natural disasters, and protecting vital infrastructure, public officials, and borders.

5.7 Police effectiveness is limited by a lack of resources, corruption, nepotism and a culture of impunity, particularly among low-level officers. Nepali police agencies are hindered by a lack of adequate transportation, training, and equipment. Many crimes in rural areas occur with inadequate police intervention or follow-up.

5.8 Chief District Officers (CDOs) hold wide discretionary powers. CDOs have authority over all government offices in their districts, with the exception of courts and defence-related matters. CDOs

supervise and issue orders to the police to maintain law and order and ‘tranquillity’ in districts. As such, they are empowered to prevent and disperse gatherings, and to approve police detention of suspects, without judicial review.

5.9 CDOs have a role in preventive detentions where a person is deemed to pose a threat to the sovereignty, integrity, or law and order of the country. The Public Security Act 1989 allows preventive detention of up to 90 days to prevent someone from carrying out a certain act or acts that may affect ‘sovereignty, territorial integrity or public tranquillity (peace) and order’. The period can be extended to up to 90 days on approval by the Home Ministry and by a further 12 months by the Home Ministry upon recommendation of an advisory committee. The Act requires prompt notification to the detainee’s next of kin.

5.10 Nepal’s security forces (mainly police) were heavily involved in responding to the Terai protests in late 2017 and police reportedly opened fire on civilians in some instances. At least 45 deaths, both civilians and police, have been reported. .

Judiciary

5.11 Nepal’s Constitution provides for an independent judiciary. Nepal’s Supreme Court sits above the High Court and District Courts and has original and appellate jurisdiction.

5.12 Despite constitutional guarantees, many courts suffer from endemic corruption, and many Nepalis have only limited access to justice. According to Freedom House, frequently suspects can be kept in pre-trial detention for periods longer than any sentences they would face if tried and convicted owing to heavy case backlogs and a slow appeals process. DFAT assesses that vulnerability of courts to political pressure, bribery and intimidation is more pronounced in lower level courts.

5.13 Supreme Court rulings, including in relation to human rights which are critical of the government, are not always adhered to by the government. Local NGOs claim that a 2016 ruling requiring prisoners to be given a particular standard of food has not been implemented by the government. Additionally, the government may not adhere to Supreme Court rulings that relate to conflict era abuses.

5.14 In May 2017 Nepal’s first female Supreme Court Chief Justice, Sushila Karki was removed from office. Karki was known for her strong stand against corruption. A motion against her was introduced into parliament that was supported by both Maoist parties and the Nepali congress. Public support for the jurist led to the motion being withdrawn, however she did not return to her post as she was reaching retirement age.

Detention and Prison

5.15 Nepal’s laws provide for medical examinations of inmates after arrest, the separation of serious offenders from moderate offenders and the separation of juveniles and adult prisoners (the minimum age for criminal liability is ten years). Prisoners and detainees have reasonable access to visitors and are able to observe their religious practices. Procedures exist for complaints to be made against prison authorities. Independent monitoring visits by human rights organisations as well as the Attorney-General and the NHRC are permitted by the government and do occur. According to the law, female inmates, inmates who are ill and inmates below 21 years of age should be held separately from the main prison population, to the extent possible.

5.16 In practice, implementation of these provisions can vary. DFAT is not aware of prisoners being routinely denied rights such as access to health or legal services. However, Nepal’s detention and prison

facilities can be overcrowded and unsanitary and inmates generally experience poor conditions including deprivation of natural light, ventilation, food and hygiene facilities.

INTERNAL RELOCATION AND RELOCATION TO INDIA

5.17 The 2015 Constitution guarantees the freedom for Nepalis to move and reside in any part of Nepal. However, laws can be passed to curtail this freedom in the public interest or to maintain harmonious relations between castes, tribes, religions or communities.

5.18 Relocation is a common experience for Nepalis. Millions travel each year to other countries seeking employment and other opportunities and to seek economic opportunity. Over half of all Nepali households have at least one family member currently overseas as a migrant worker or living in Nepal as a returnee and therefore relocation is a normal, expected circumstance of life. The open border arrangement with India, as per the 1950 India-Nepal Treaty of Peace and Friendship, allows large numbers of Nepalis to travel to and from India each year or reside in India on a long-term basis. Large numbers of Nepalis also move within the country. The populations of major urban centres such as Kathmandu have increased substantially in recent decades. While Nepal is currently one of the least urbanised countries in the world, it has one of the world's fastest rates of urbanisation, demonstrating significant internal movement.

5.19 Kathmandu in particular, but also other large urban centres such as Biratnagar and Pokhara, today reflect the significant ethnic, religious and caste diversity of Nepal and as such provide accessible opportunities for relocation within Nepal.

India-Nepal Treaty of Peace and Friendship: Rights of Nepalis in India

5.20 There is a long history of free and unregulated movement of people between India and Nepal. The Anglo-Nepal War of 1814 and the subsequent treaty of peace signed between the British East India Company and Nepal in 1816 resulted in the first delineation of the border. The British maintained an open border to facilitate the free movement of people and goods between the two countries and a number of colonial era agreements were made to this effect.

5.21 India and Nepal agreed their Treaty of Peace and Friendship in 1950 (the Treaty). At the time, the Treaty was intended to maintain the special ties between Nepal and India that had existed in the British colonial era. Nepal also had security concerns following the Communist Revolution in China in 1949.

5.22 Article 7 of the Treaty provides for each country 'to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature'. The Treaty therefore provides for freedom of movement across borders between the two countries and equal rights in the participation in the economy and legal system. India has waived its right to reciprocity under the Treaty. Close collaboration between the two countries on foreign affairs and defence policy also occurs under the Treaty.

5.23 According to the Bureau of Immigration in the Indian Ministry of Home Affairs, Nepali citizens entering India by land do not require a passport or visa to enter India. Nepali citizens entering India directly by air do not require a passport or visa but are required to establish their Nepali citizenship through the production of a: Nepali passport; Nepali citizenship certificate; voter's identification card issued by the Election Commission of Nepal; or photo identity document issued by a Nepali mission in India. Children below the age of 10 are not required to produce Nepali identity documents, however children aged 10 to 18 must do so but if the aforementioned documents are not available, may elect to produce a photo identity

document issued by a school principal. Nepalis travelling to a third country from India would require a passport.

5.24 Large numbers of Nepalis travel to India every day. Many Nepalis enter India by air; there are regular daily flights between Kathmandu and major Indian cities. The land border between India and Nepal is long and readily accessible and many people cross it every day. Many people use formal border crossings, however these are not always staffed by immigration officers. The infrastructure at border crossings can be very poor; some border posts are little more than tents. Others simply walk across the large unguarded sections of the border and such undocumented border crossings are common. .

5.25 A large number of Nepalis live and work in both the formal and informal sectors in India, including a substantial community in New Delhi. It is impossible to calculate overall numbers because of the large and regular movement of Nepalis into India. Nepali citizens in India are not required to register their presence in India with the Government of India. According to the Foreigners Division in the Indian Ministry of Home Affairs, only those foreigners visiting India on long-term visas (this does not include Nepalis) are required to complete this formality with the Foreigners Regional Registration Office.

5.26 In order to participate formally in Indian society (e.g. gain formal employment, access formal health and education services, purchase property, etc) Nepalis must, like Indian citizens and other nationalities resident in India, obtain an identification card, known as a 'PAN card' (PAN stands for 'Permanent Account Number'). This card, issued by the Indian Income Tax Department, acts as an informal type of identification, but also allows the card-holder to open a bank account, receive a salary and conduct high-value transactions such as asset sales. In order to obtain a PAN card, an applicant must provide: a completed application form; recent colour photographs of themselves; proof of identity and address; and payment of INR 107 (approximately AUD 2.20). It is not mandatory to have a PAN, however over 170 million have been issued notwithstanding that there are only approximately 30 million income tax-payers in India; this demonstrates the widespread use and accessibility of the PAN cards.

5.27 People travelling to India for formal employment often receive assistance from their employer in obtaining a PAN card before entering India, but PAN cards can also be applied for individually after entry into India. DFAT assesses that so long as Nepalis are able to produce the relevant information, they would be able to obtain a PAN in the same way as Indian citizens do.

5.28 Credible sources in India advised DFAT that, in practice, most Nepalis choose to remain in the informal sector and do not obtain formal identification documents, including the PAN card, while in India. While this limits the ability of these people to gain employment in the formal sector, buy property or open a bank account, DFAT observes that this makes their position no different to Indians who work in the informal sector who do not have a PAN.

5.29 Aadhaar is a 12 digit unique number issued by the Unique Identification Authority of India (UIDAI). Aadhaar, meaning 'foundation', is intended to serve as proof of identity rather than citizenship or nationality. While Aadhaar is not mandatory, it can be used to facilitate access to Government services and welfare. Increasingly, an Aadhaar is required to access services such as bank accounts, school enrolment, obtaining a SIM card and online transactions such as ride-sharing services. Holding an Aadhaar is not a guarantee of rights, benefits or entitlements.

5.30 To obtain an Aadhaar, a person must provide their name, date of birth or age, gender and address. A system of introducer-based enrolment also exists in the absence of valid proof of identity and address documentation. The introducer is appointed by a Registrar. The applicant must also submit to biometric collection in the form of ten fingerprints, an iris scan and a facial photograph. Aadhaar is not proof of citizenship or residence. Any person residing in India can obtain an Aadhaar card after 182 days of residence.

Illegal entrants are ineligible to obtain an Aadhaar, however in practice there is no verification against entry records.

5.31 The Aadhaar scheme commenced in 2009; by early 2016 it was reported that almost 93 percent of India's adult (over eighteen) population had an Aadhaar. DFAT assesses that Nepalis in India would, so long as they were able to provide the necessary information and biometric data, enjoy the same access to Aadhaar as Indian citizens and other residents of India.

5.32 There is no associated algorithm connected to the issuance of Aadhaar to identify details such as age, sex, location of birth or caste of the card-holder. This is a deliberate act by the UIADAI authorities to avoid discrimination.

5.33 DFAT is aware of only one confirmed instance of a Nepali in India being deported. In 2002 during the time of the Nepal civil war, Bam Dev Chhetri, a Nepali resident in India who was active in Abnes (an organisation advocating for the rights of Nepalis in India and who was alleged to have links with the Maoists), was deported (along with five others active in Abnes). The deportation occurred just prior to a visit to India by the then King of Nepal and followed shortly after a visit to India by the then Nepali Prime Minister during which India was requested to curb the activities of Abnes. A subsequent High Court of Delhi case found the deportation of Chhetri to be lawful. This decision has been criticised by Indian civil society on the grounds that it disregarded India's obligations under the Treaty and for a failure to follow previous Indian court decisions which said that the Government did not have an unfettered right to deport people from India.

5.34 Deportations of Nepali citizens from India to Nepal are not impossible, but very uncommon. One incident occurred in 2010, when police in Pune issued a deportation order against the estranged wife of a Nepali politician. The Maharashtra Government suspended the deportation order. On the basis of these two cases, and given the significant numbers of Nepalis living in India who otherwise have not experienced deportation or the threat of deportation, DFAT assesses that there is an extremely low risk that any Nepali would be deported from India and that in the event that such an order was issued, the Nepali would have access to the Indian legal system on the same terms as Indian citizens do for judicial review of the decision.

5.35 Indians living in Nepal are able to participate in Nepali society and enjoy the same rights as Nepalis, with the exception of being able to join the Nepali public service. The border is open and Indians may freely come and go from Nepal. DFAT is not aware of any patterns of systemic discrimination against Indians in Nepal.

TREATMENT OF RETURNEES

5.36 DFAT is not aware of credible evidence of mistreatment of returnees. There is a large, generally efficient movement of people in and out of Nepal each year. On this basis, DFAT assesses that returnees are unlikely to suffer any social stigma upon their return to Nepal or to suffer adverse treatment by their Government.

5.37 A large number of failed asylum seekers have returned to Nepal from various countries with host-government or international organisation assistance. DFAT is not aware of any difficulties being experienced by these failed asylum seekers on the basis of their asylum seeking history or otherwise.

Exit and Entry Procedures

5.38 The Nepal Ministry of Home Affairs Department of Immigration is responsible for conducting entry and exit checks. There are ten formal entry and exit points, of which Kathmandu airport is the only international airport. Non-Nepali citizens (not including Indians) are required to use one of these points and

must present valid passports and required visas. Nepal and India have an open border that, apart from the aforementioned points, is largely unmanned, meaning Nepalis and Indians are able to cross it at any point and without a passport. The movement of Nepalis into and out of the country is thus largely undocumented. Movement through Kathmandu airport, for Nepalis and foreigners alike, is slow and cumbersome. Significant physical security checks occur.

DOCUMENTATION

5.39 An estimated five to six million Nepali are undocumented. This may leave them unable to access government services. The majority of these would be able to prove their Nepali nationality, however would need help with bureaucracy. Class, gender and caste issues may be relevant and may further prevent access to documentation.

Birth and Death Certificates

5.40 Birth registration is governed by the Birth, Death and Other Vital Events Registration Act 1977. A provision in the Act requiring children to be registered by male family members in 2005 was struck down by the Nepali Supreme Court but the decision has yet to be fully implemented in practice. UNICEF estimates 35 per cent of children are registered at birth. Nepal's Population Registrar estimates this figure to be only 15 per cent. Children of unmarried mothers, unknown fathers, abandoned children, and children whose paternity is denied by their father can face greater difficulty accessing birth registration which later extends to difficulties in obtaining citizenship certificates.

Citizenship Certificates

5.41 Citizenship certificates are required by Nepalis to purchase or transfer land; register births, marriages, and deaths; open bank accounts, obtain micro credit loans, and register businesses; attend higher education institutions; acquire travel documents; receive state benefits for the disabled, widowed, or elderly; run for public office; and to enlist in the army, the armed police, and the civil police force. Certificates are also required in order to access formal sector employment opportunities, such as full-time permanent jobs that provide sick leave and pensions. Dual citizenship is not permitted in Nepal.

5.42 Lack of citizenship identification is a widespread problem in Nepal. While accurate statistics are difficult to come by, the Forum for Women, Law and Development found over 4.3 million people were without citizenship identification in Nepal in April 2013, while Human Rights Watch estimates 2.1 million people are without official status and are at risk of statelessness.

Passports

5.43 Nepal's Department of Passports within the Ministry of Foreign Affairs in Kathmandu is responsible for issuing passports to Nepali citizens. Passports can take 12 to 16 weeks to be processed and are generally accessible to those who require them. Passports contain additional information such as parent's names, residential address and citizenship number. In August 2015 the government started to issue passports with a third gender category, to bring them into line with the 2007 Supreme Court ruling regarding the recognition of minority gender identities on official documentation. To date only a small number of third-gender have been issued.

5.44 Nepal started issuing Machine Readable Passports from 26 December 2010. All non-machine readable (hand-written) passports issued before that date expired by 24 November 2015.

PREVALENCE OF FRAUD

5.45 A black market exists for citizenship certificates and other official documents in Nepal and fake documents and fraudulently obtained genuine documents can be obtained with the appropriate contacts and financial resources. Government officials may 'sell' citizenship certificates and Nepalis with citizenship certificates may also provide misleading or false information in support of other people's applications. The Prevention of Corruption Act (2003) established the Committee for the Investigation of the Abuse of Authority, which has jurisdiction over cases of fraudulent identity documents involving corruption among public officials.

5.46 While fraudulently obtained genuine documentation can be obtained through internal corruption, the lack of centralised record-keeping for civil documentation does not assist in the accurate production of documents. Manual records are still heavily relied upon, particularly in rural areas. A system of Village Head identification also allows for exploitation of this system. Biometrics are not often captured as part of processing of documents and documents often contain minimal security features, if any exist at all.