



Document #2103228

HRW – Human Rights Watch (Author)

World Report 2024 - Nepal

A new [governing coalition](#) led by Prime Minister Pushpa Kamal Dahal took office following [elections in late 2022](#), but it was affected by instability in its early months.

The government publicly committed to advance the transitional justice process, including to provide reparations to victims and seek accountability for crimes committed during Nepal's 1996-2006 internal armed conflict. Although a draft bill proposed some positive steps, it falls short of meeting Nepal's international legal obligations.

Police officers accused of recent rights violations were not held accountable, while investigations into corruption allegations were met with political interference.

Thousands received official documentation that had previously been denied after amendments to the citizenship law. But the amendments did not address provisions that discriminate against women by limiting their right to pass citizenship to their children.

Although 40 percent of the population is under 18, children receive only a small share of social protection spending. Despite earlier pledges to do so, the successful Child Grant program was not extended in the 2023 budget. Cuts to the health budget threatened services, including for [maternal health](#) and [child malnutrition](#).

In June, in a significant ruling, the Supreme Court ordered the government to immediately begin [registering same-sex marriages](#), but lower courts [refused to implement](#) the ruling.

Transitional Justice

Victims of abuses during the armed conflict and [United Nations human rights experts](#) raised concerns after an amended transitional justice bill was [presented to parliament in March](#). The bill was in response to a 2015 Supreme Court ruling that Nepal's existing legislation is unlawful, particularly because it allows amnesties for serious crimes under international law. In late 2023, a parliamentary committee proposed further amendments.

Some aspects of the bill can be the basis for progress. It guarantees the right to reparation and interim relief for some victims who were left out of earlier relief packages. It also mandates Nepal's Truth and Reconciliation Commission to study the root causes of the conflict and recommend institutional reforms to guarantee the non-recurrence of abuses. Dahal said his [government](#) wants to create enabling circumstances for perpetrators in "revealing the truth, providing reparation to the victim and apologizing for his or her wrongdoing."

However, unless it is appropriately amended, the bill will enable amnesties for murder, sexual violence not amounting to rape, "beating and mutilation," and "any inhuman act[s] that are against international human rights and humanitarian law." The bill fails to establish a special investigation unit to collect evidence of these crimes, and it includes a statute of limitations that severely [limits access to justice](#) for [survivors of sexual violence](#).

Rule of Law

The impunity given to alleged perpetrators of conflict-era violations also extends to members of the police and security forces for violations committed since the 2006 peace agreement. Frequently, the government appoints committees to investigate alleged abuses, such as killings in police custody, and pays compensation to the victim's family. Even when cases are initially registered, alleged perpetrators are not prosecuted.

On August 16, Vinod Tolangi and Akash Balami died, [reportedly as a result of beatings](#) at a prison in Sankhuwasabha district. Police initially refused to accept a complaint, saying [they died in a prison fight](#). However, the government later appointed three committees to investigate, and a case was subsequently registered against 12 people, including 2 police officers.

Advocacy Forum, a Nepali human rights organization, [documented 39 custodial deaths](#) between 2018 and 2022. While the authorities blamed suicide in many instances, activists fear many died after torture in custody.

In 2020, the National Human Rights Commission [published 20 years of data](#), naming 286 people, including military personnel and former Maoist insurgents, as suspects in serious crimes that authorities had failed to

prosecute. No prosecution is known to have occurred in any of these cases since the report was published. On July 16, the government [proposed new legislation](#) that would allow the government to [withdraw criminal cases](#) against political leaders and party activists if they were of a “political nature.”

In May, the police took an unusual step of arresting senior politicians and officials allegedly involved in a [corrupt scheme](#) to help people fraudulently emigrate to the United States. At least 30 people face charges. However, in August, senior police officers leading the investigation were transferred, [reportedly due to political pressure](#).

In March, the government appointed an officer [implicated in a 2009 torture case](#) as the country’s most senior police officer.

Women’s and Girls’ Rights

Nepal’s citizenship law still [discriminates against women](#), even after being [amended in 2023](#) to recognize the citizenship of many who had previously been denied documentation. The children of single Nepali mothers can receive citizenship only if the mother declares that the father cannot be identified. If the declaration is alleged to be false, she can be criminally prosecuted. Children of a Nepali woman and a foreign father can only receive a category of citizenship that excludes them from holding high office. These restrictions do not apply to Nepali fathers.

Although it had fallen steadily before 2020, the [maternal mortality rate](#) in Nepal remains high and [increased](#) because of lockdowns during the Covid-19 pandemic. The government announced health budget cuts that [officials said](#) would impact services, [most affecting](#) women from disadvantaged social groups.

Nepal continues to have a high rate of child marriage, although the law requires both men and women to be at least 20 when they marry. According to UNICEF, 33 percent of girls and 9 percent of boys are [married before the age of 18](#). The rate of child marriage is [believed to have increased](#) during the pandemic.

Although the statute of limitations for prosecuting rape allegations was extended in 2022 to two years (or three years if the victim is a child), it remains too short and an obstacle to justice.

Women from disadvantaged social groups, [particularly Dalits](#), are at heightened risk of sexual violence and face greater barriers to justice.

Children’s Rights

Around 40 percent of Nepal's population is under 18, but children receive only around 4 percent of the government's social protection budget. Nepal has a proven social protection program for children, the Child Grant, but in 2022, it covered just 9.5 percent of all children.

The [absence of social protection](#) further exposes children to the harmful effects of economic and climate-related shocks and unpredictable crises like the Covid-19 pandemic, which drove many [families into poverty](#) and [children into child labor](#). In April 2023, 16 Nepali and international civil society organizations [wrote to Nepal's finance minister](#) urging an expansion of the Child Grant.

[Government officials warned](#) that services for children suffering malnutrition would be harmed due to health budget cuts.

Sexual Orientation and Gender Identity

In a historic ruling, on June 28, the Supreme Court ordered the government to [register same-sex marriages](#). Although Nepal's civil code currently describes marriage as between a man and a woman, Nepal's 2015 constitution [prohibits gender discrimination](#) and upholds the rights of sexual minorities. Lower courts, which register marriages, have refused to do so for same-sex couples; court cases challenging their refusal [remain pending](#).

In principle, transgender people in Nepal can change their legal gender through a self-declaration process, but the gender markers are limited to a third, "other" category, and in the absence of an official protocol, transgender people often face demands for medical verification, which can be rife with abuse.

Key International Actors

Nepal is part of the Chinese government's Belt and Road Initiative, although there have been [delays in implementing](#) any projects. The government restricts free assembly and expression rights of the Tibetan community under pressure from Chinese authorities.

Nepal is a participant in the United States government's [Millennium Challenge Corporation](#), which some see as an attempt to counter the country's ties with China.

Nepal has an Extended Credit Facility with the [International Monetary Fund \(IMF\)](#). Human Rights Watch has called on the IMF to [make the expansion of the Child Grant](#) a "performance criterion" for Nepal's IMF program.

Nepal's donors, including European bilateral donors and UN agencies, have continued to fund programs to support police reform and access to justice, but they have not been able to strengthen accountability.

UN special rapporteurs **warned** that without amendments, the transitional justice bill would "place Nepal in contravention of its international human rights obligation to investigate and punish serious human rights violations."

ecoi.net description:

Annual report on the human rights situation in 2023

Country:

Nepal

Source:

[HRW – Human Rights Watch](#) (Author)

Original link:

<https://www.hrw.org/world-report/2024/country-chapters/nepal>

Document type:

Periodical Report

Language:

English

Published:

11 January 2024

Available on ecoi.net since:

12 January 2024

Document ID:

2103228

Austrian Red Cross
Austrian Centre for
Country of Origin and
Asylum Research and
Documentation
(ACCORD)

Wiedner Hauptstraße
32, 1041 Wien
T +43 1 589 00 583
F +43 1 589 00 589
info@ecoi.net

Contact
Imprint & Disclaimer
F.A.Q.
Data Protection Notice

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

