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Freedom House (Author)

Freedom in the World 2023 - Nepal

PARTLY FREE

58

/ 100

Political Rights 26 / 40

Civil Liberties 32 / 60

LAST YEAR'S SCORE & STATUS

57 / 100 Partly Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

Nepal faced a constitutional crisis in 2021, but since then politics have been relatively stable, with most parties committed to democratic processes. Journalists are rarely targeted by the state and authorities have been more tolerant of peaceful assembly. However, corruption, gender-based violence, underage marriage, and bonded labor remain persistent problems. Transitional justice bodies have still not fulfilled their mandates.

Key Developments in 2022

- After a constitutional crisis that was resolved by the judiciary in 2021, Nepal conducted local elections in May and federal and provincial elections in November. The elections were considered competitive and credible and were not accompanied by widespread political violence.
- The government drew public ire for a number of incidents, including a now-resigned finance minister allegedly allowing unauthorized persons to decide changes to a tax rate, a parliamentary impeachment motion against Supreme Court Chief Justice Rana, and

President Bidhya Bhandari's failure to sign the Citizenship Act into law.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is head of state and elected to up to two five-year terms by a parliamentary electoral college and state assemblies. The prime minister is elected by parliament. The legitimacy of executive office holders is largely determined by the conduct of legislative and provincial elections.

Sher Bahadur Deuba was sworn in as prime minister in July 2021. He was appointed following a Supreme Court decision that reinstated parliament for the second time that year—former prime minister Khadga Prasad Sharma Oli dissolved the body in December 2020 and May 2021, causing a constitutional crisis. There has been no significant threat to the executive since that crisis. The 2022 elections resulted in Pushpa Kamal Dahal, alias Prachanda, the leader of the Communist Party of Nepal--Maoist Center (CPN-MC), becoming prime minister at the head of a coalition that includes the Communist Party of Nepal--Unified Marxist Leninist (CPN-UML) and the new Rastriya Swatantra Party (RSP), among others.

The current president, Bidhya Bhandari, was reelected in March 2018.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 275-seat House of Representatives are elected to five-year terms; 165 are directly elected, while 110 are elected by proportional representation. The National Assembly has 59 members; 56 are indirectly elected to six-year terms by an electoral college comprised of provincial and local leaders, while 3 are appointed by the president following government's recommendation.

In late 2020 and May 2021, former prime minister Oli dissolved parliament in a bid to retain power. In July 2021, the Supreme Court restored the National Assembly and its legitimately elected representatives remained in power. Elections were successfully held in November 2022 to replace both the national legislature and provincial assemblies. A coalition government was formed in late December.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The legal framework for elections is sound and facilitates the conduct of credible polls. Though parliament has not addressed grievances regarding province demarcation and proportional representation, current institutions and provincial boundaries have stabilized, and most stakeholders accepted them ahead of the 2022 election cycle. Nepal's Election Commission generally conducts fair and credible contests.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, 3 / and is the system free of undue obstacles to the rise and fall of 4 these competing parties or groupings?

Political parties are generally free to form and operate. In the past opposition figures have faced arrest, though recent incidents are rare. Despite the elections held in 2022, there were few arrests and incidents of political violence.

Since the 2021 constitutional crisis, party politics have remained relatively stable. Nepal has recently experienced party mergers, party splits and the formation of new parties, including the RSP, all suggesting extensive freedom to organize politically.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its 3 / support or gain power through elections? 4

Opposition parties have a realistic chance of gaining power through elections and won seats during local elections in May 2022. In the past, smaller opposition parties had difficulty gaining power at the national level, partly due to a 3 percent threshold for proportional representation in the House of Representatives. However, the newly created party RSP secured seats in parliament in the November 2022 election and became part of its ruling coalition.

B3 0-4 pts

Are the people's political choices free from domination by forces 3 / that are external to the political sphere, or by political forces that 4 employ extrapolitical means?

In the past, Nepalis' political choices have been limited by sporadic outbursts of political violence and crackdowns on political demonstrations by security agents. However, political violence has declined over the last few years, and the number of peaceful protests has risen. Vote buying has been reported in past elections, but there was little evidence of this behavior during local elections in May 2022. Isolated incidents of violence were reported during the national and provincial elections in November 2022, but were neither organized nor large-scale.

Score Change: The score improved from 2 to 3 because patronage networks and vote buying were less influential in general elections in 2022, and there was less political violence than in previous years.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Though the constitution has requirements for women and minority participation in the legislature, social discrimination continues to hinder their political involvement. A limited definition of citizenship disenfranchises stateless people. Bidhya Bhandari is the first woman to serve as president, and women comprise 32.7 percent of the House of Representatives; however, few hold senior political positions.

Indigenous Nepalis and Dalits are underrepresented in politics and in civil service, despite policies meant to bolster their participation. Members of the Chhettri and Hill Brahmin groups, meanwhile, remain relatively overrepresented.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Nepal ratified a new constitution in 2015, an important step in its democratic transition. Successful elections were held in 2017, 2020, and in 2022. In December 2020 and May 2021, former prime minister Oli twice dismissed parliament and called for new elections. However, in both instances the Supreme Court restored freely elected representatives to office.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1 / 4

Corruption is endemic in Nepal and often goes unpunished. Corruption by officials has obstructed the delivery of foreign aid in the past. However, aid related to the COVID-19 pandemic saw less interference by corrupt actors, even if politically connected elites were able to access vaccines and hospital beds more readily than the general public.

The top Nepali anticorruption agency, the Commission for Investigation of Abuse of Authority (CIAA) has been significantly more active in recent years and has taken on a variety of cases.

C3 0-4 pts

Does the government operate with openness and transparency? 1 / 4

The government generally operates opaquely. The Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP), among others, have been criticized for their lack of transparency. Mechanisms for utilizing the 2007 Right to Information Act are poorly defined, and the law remains inconsistently enforced.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 2 / 4

The 2015 constitution guarantees freedom of expression and prohibits prior restraints on press freedom, though these rules can be suspended in a national emergency and for national security reasons.

In 2022, parliament continued to consider draft laws introduced in 2019, including an Information Technology Bill that would replace the National Transaction Act (NTA), which was intended to fight cybercrime but has been used to target journalists and artists. Parliament also continued to consider Social Media Directive 2021, which is similarly problematic for free speech and media.

Journalists reporting on the COVID-19 pandemic have faced harassment and detention over their work.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The 2015 constitution identifies Nepal as secular, signaling a break with the Hindu monarchy that was formally abolished in 2008. Religious freedom is constitutionally protected, and tolerance is broadly practiced, though some religious minorities occasionally report harassment. Muslims in Nepal are particularly impoverished. Proselytizing is prohibited by a 2017 law, and some Christians have been prosecuted under this law.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

The government does not restrict academic freedom and scholarly activity on political topics takes place freely. Authorities exercise some control over the primary education curriculum but relatively little over universities. Neither professors nor students face repercussions for political speech, and peaceful campus protests are tolerated. Student groups were involved in relatively peaceful protests related to former prime minister Oli's dissolution of the parliament.

Ethnic minorities, including Hindi- and Urdu-speaking Madhesi groups, have complained that Nepali is enforced as the language of education in government schools.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

While the freedom to engage in private discussions on sensitive topics has expanded with Nepal's political stabilization, authorities occasionally crack down on individuals who criticize the government on social media.

In 2022, the parliament also continued to consider legislation, such as the Mass Communications Bill and the Social Media Directive 2021, which would dramatically impact online expression.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 3 / 4

Although the constitution guarantees freedom of assembly, security forces have violently dispersed protests and demonstrations in the past, particularly in the south, where a large Madhesi population and related secessionist movement exist.

In January 2021, nationwide protests were held over former prime minister Oli's dissolution of Parliament. These protests were almost exclusively nonviolent. Large protests on separate issues, including the activities of a United States aid program, the Millennium Challenge Corporation (MCC), occurred after the reinstatement of parliament and continued into early 2022.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

Although the constitution allows nongovernmental organizations (NGOs) to form and operate in Nepal, legal restrictions sometimes make this difficult in practice. The District Administration Office (DAO), which is responsible for registering NGOs, is often understaffed and lacks essential resources. Foreign NGOs must enter project-specific agreements with the Nepali government. There is a widespread view that NGOs should not be overly political, which hinders some groups from engaging in certain forms of public advocacy. While some provinces are more open to NGO activities than others, there is a robust NGO presence, particularly in Kathmandu.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

The 2015 constitution protects trade unions. Labor laws protect collective bargaining and unions generally operate without state interference. Workers in a broad range of “essential” industries cannot stage strikes. Labor unions are not particularly powerful, and the existence of a large informal sector undercuts their effectiveness.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 3 / 4

The 2015 constitution provides for an independent judiciary. However, judicial independence is compromised by endemic corruption in many courts.

The state sometimes ignores local court verdicts, Supreme Court decisions, and National Human Rights Commission (NHRC) recommendations. However, in 2021, the Supreme Court was twice able to serve as an effective check against the executive. In February and July, the court reinstated the parliament after former prime minister Oli attempted to dissolve the body in December 2020 and May 2021, respectively. The court ordered that opposition leader Sher Bahadur Deuba be appointed prime minister.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 1 / 4

Constitutional due process guarantees are poorly upheld in practice. Arbitrary arrests occur but appear to be declining. Heavy case backlogs and a slow appeals process result in long pretrial detentions. The government provides legal counsel to those who cannot afford their own, but only at a defendant’s request. Those unaware of this right often represent themselves.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Rights advocates continue to criticize Nepal for failing to punish abuses and war crimes committed during the 1996–2006 civil war.

Neither the TRC nor the CIEDP, key transitional justice bodies, has implemented reforms demanded by the United Nations and the Supreme Court. Although the two institutions have received thousands of reports of human rights violations and enforced disappearances, no alleged perpetrators have been prosecuted. In July 2022 the Ministry of Law,

Justice and Parliamentary Affairs initiated a process to amend the Transitional Justice Bill.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of 1 / various segments of the population? 4

The 2015 constitution includes rights for sexual minorities. The first passport on which the holder was permitted to select a third gender was issued in 2015. However, LGBT+ people still face harassment by authorities and other citizens, particularly in rural areas.

The constitution only protects the fundamental human rights of Nepali citizens. This potentially leaves the rights of noncitizens, including migrants and people who cannot prove citizenship, unprotected. Tibetans in Nepal face difficulty achieving formal refugee status due to Chinese pressure on the Nepali government.

Women often do not receive the same educational and employment opportunities as men.

Muslims enjoy greater freedom to practice their religion under the 2015 constitution but continue to face discrimination.

Children living with disabilities are sometimes excluded from the education system or face segregation in the classroom.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability 3 / to change their place of residence, employment, or education? 4

Freedom of movement is generally respected in Nepal. There are legal limits on the rights of refugees to move freely, but restrictions are rarely enforced. Citizens generally enjoy choice of residence, though bribery is common in the housing market as well as the university admittance process.

In rural areas, some women remain subject to *chhaupadi*, a traditional practice in which menstruating women are physically separated from their families and communities. The practice was criminalized in 2018, and arrests have occurred inconsistently since then.

G2 0-4 pts

Are individuals able to exercise the right to own property and 2 / establish private businesses without undue interference from 4 state or nonstate actors?

Although citizens have the right to own private businesses, starting a business in Nepal often requires bribes to a wide range of officials.

Women face widespread discrimination when starting businesses, and customs and border police are notoriously corrupt in dealing with cross-border trade. Foreigners generally cannot own land, though in practice individuals, businesses and organizations have found ways around this rule with long term leases of properties technically owned by Nepalis. In 2022, Nepal's finance ministry stated that foreigners will soon be able to buy apartments in buildings that have at least 100 units.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Gender-based violence remains a problem and increased during the COVID-19 pandemic. The 2009 Domestic Violence Act provides for monetary compensation and psychological treatment for victims, but authorities rarely prosecute domestic violence cases, which are sometimes handled informally.

Underage marriage, especially of girls, remains common.

Foreign men married to Nepali women must wait 15 years to obtain naturalized citizenship, while foreign women married to Nepali men can immediately become citizens. Children of foreign-born fathers and Nepali mothers must apply for naturalized citizenship, while children of foreign-born mothers and Nepali fathers are automatically granted citizenship. In June 2020, a parliamentary committee endorsed an amendment to the Citizenship Act that would require foreign-born wives to wait seven years before attaining their own citizenship. In July 2022, a proposed amendment to the Citizenship Act would have granted citizenship to foreign women married to Nepali men once they initiated the process to give up their existing citizenship, but didn't pass.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Trafficking of children and women from Nepal for prostitution in India still happens with some regularity, and police rarely intervene. Bonded labor is illegal but remains a serious problem. Most workers in Nepal remain in the informal sector and lack legal protections.

Child labor also remains a problem; children can be found working in brickmaking, service, and other industries, as well as in forced begging and sex work. The COVID-19 pandemic, which resulted in many children not attending school, has worsened these challenges; many have not returned to the classroom.

Annual report on political rights and civil liberties in 2022

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Austrian Red Cross
Austrian Centre for
Country of Origin and
Asylum Research and
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(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.
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